

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram**

1. Dr. Pramod Deo, Chairperson
2. Shri R. Krishnamoorthy, Member
3. Shri S. Jayaraman, Member
4. Shri V.S.Verma, Member

**Petition No. 7/2005**

**In the matter of**

Non-compliance of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2004.

**And in the matter of**

Subhash Kabini Power Corporation Limited, Bangalore      **Respondent**

**Following were present:**

None was present.

**ORDER  
(DATE OF HEARING: 21.7.2009)**

M/s Subhash Kabini Power Corporation Limited, Bangalore were granted the licence for inter-State trading in electricity for Category `A`, subject to compliance of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading licence) Regulations, 2004 (the trading licence regulations).

2. By order dated 13.2.2009, M/s Subhash Kabini Power Corporation Limited were directed to submit latest by 10.3.2009, their Special Balance Sheet as on

31.12.2008 by virtue of powers under Regulation 11 of the trading licence regulations, which enjoins upon the licensees for inter-State trading in electricity to furnish such information from time to time as may be required by the Commission to monitor the licensees` performance.

3. M/s Subhash Kabini Power Corporation Limited had not submitted the Special Balance Sheet as on 31.12.2008. Nor have they filed any reply to the said order dated 13.2.2009. Therefore, a notice dated 16.6.2009 was issued to M/s Subhash Kabini Power Corporation Limited. In the above notice dated 16.6.2009, M/s Subhash Kabini Power Corporation Limited were directed to show cause as to why penalty under Section 142 of the Act be not imposed for contravention of the directions contained in the said order dated 13.2.2009 for non-supply of the Special Balance Sheet as on 31.12.2008. M/s Subhash Kabini Power Corporation Limited were afforded time up to 17.7.2009 for showing cause. The matter was posted for hearing on 21.7.2009.

4. On the date fixed for hearing, none appeared on behalf of M/s Subhash Kabini Power Corporation Limited. Neither has any reply been filed.

5. Based on facts available on record and narrated hereinabove, which remain uncontroverted in view of failure of M/s Subhash Kabini Power Corporation Limited to show cause, we are satisfied that M/s Subhash Kabini Power Corporation Limited have willfully made defaults in complying with the Commission specific directions contained in the said order dated 13.2.2009. The

allegations of non-compliance of the directions of the Commission are established against M/s Subhash Kabini Power Corporation Limited. Accordingly, we direct that penalty of Rs. 1,00,000/- be imposed on M/s Subhash Kabini Power Corporation Limited for contravention of the directions of the Commission contained in the order dated 13.2.2009. The penalty shall be deposited by 30.9.2009.

6. We further direct M/s Subhash Kabini Power Corporation Limited to show cause as to why the trading licence granted to them be not revoked for non-compliance with the Commission's directions, which are part and parcel of the terms and conditions of the trading licence granted. The reply may be filed by 30.9.2009.

7. List for further directions on 15.10.2009.

**sd/-**                      **sd/-**                      **sd/-**                      **sd/-**  
**(V.S.VERMA)**    **(S. JAYARAMAN)**    **(R. KRISHNAMOORTHY)**    **(Dr. PRAMOD DEO)**  
**MEMBER**            **MEMBER**            **MEMBER**            **CHAIRPERSON**  
**New Delhi, dated the 7<sup>th</sup> September 2009**