

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram:**

- 1. Shri Ashok Basu, Chairman**
- 2. Shri G.S. Rajamani, Member**
- 3. Shri K.N. Sinha, Member**

**Petition No. 106/2002**

**In the matter of**

Approval under Section 13 (c) and (d) of the Electricity Regulatory Commissions Act, 1998

**And in the matter of**

Koyela Energy Resources P. Ltd. (KERPL) ..... **Petitioner**

**Vs**

1. Grid Corporation of Orissa Ltd, Bhubaneshwar (GRIDCO)
2. Wet Bengal Power Dev. Corpn Ltd., Kolkata (WBPDCCL)
3. Punjab State Electricity Board, Patiala (PSEB) ..... **Respondents**

**ORDER**

This petition has been filed by Koyela Energy Resources Pvt. Ltd., a company registered under the Companies Act praying for an appropriate approval/clearance permitting the petitioner to market on behalf of GRIDCO and WBPDCCL available surplus electricity to any buying utility, particularly PSEB and an appropriate approval/clearance permitting the petitioner to undertake power marketing and trading activities.

2. KERPL, the petitioner, is a private limited company registered under the Companies Act, 1956. It has been stated by the petitioner that the Eastern Region is surplus in power by about 2000 MW during peak hours and 3200 MW during off peak hours. GRIDCO and WBPDCCL, two constituents of the Eastern

Region, surplus in power, intend to sell their surplus power comprising of unutilised allocated share from NTPC owned power stations in the Eastern Region to buyers in other regions. The petitioner is stated to have been appointed by GRIDCO as their sole marketing representative for sale of GRIDCO surplus power in Northern Region. The petitioner also proposes as stated in the petition to enter into an arrangement with WBPDC for buying surplus power and arranging its resale. The role of the petitioner in the process as stated in the petition is to identify the buyers, formalise sale agreements, ensure payment security, etc. The petitioner has stated that PSEB has decided to purchase 100/150 MW of power from Eastern Region constituents through KERPL and a Memorandum of Understanding to that effect has already been signed.

3. We have considered the petition.

4. The functions of the Commission are defined under Section 13 of the Electricity Regulatory Commissions Act, 1998 (for short, the Act). The primary functions of Commission as outlined in Section 13 of the Act are to regulate tariff of generating companies owned or controlled by Central Government, to regulate tariff of generating companies other than those owned or controlled by the Central Government, which enter into or otherwise have a composite scheme for generation and sale of electricity in more than one state, to regulate the inter-state transmission of energy including tariff of the transmission utilities and to promote competition, efficiency and economy in the electricity industry.


5. The terms and conditions for inter-state transmission (i.e. trading) have not been notified by the Commission so far. Pending this, the Commission vide its notification No. 7/2(5)/99-CERC dated 24.11.1999 had ordered that till such time, the regulatory framework for sale and purchase transactions involving inter-state transmission of energy is notified by the Commission, no specific approval from the Commission would be required for such transactions, subject to the condition that provisions of Indian Electricity Act, 1910, Electricity (Supply) Act, 1948 or any other laws or government order in force shall be complied with before such transactions involving inter-state transmission of energy are entered into.

6. The petitioner has already deposited filing fee of Rs.10,000/-. The petitioner is directed to deposit the balance fee of Rs.90,000/- immediately.

7. With the above directions, the petition is disposed of.

  
(K.N. SINHA)  
MEMBER

  
(G.S. RAJAMANI)  
MEMBER

  
(ASHOK BASU)  
CHAIRMAN

New Delhi dated the 26<sup>th</sup> November 2002.