

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Suo-Motu Petition No. 183/2012**

**Coram**

1. **Dr. Pramod Deo, Chairperson**
2. **Shri S.Jayaraman, Member**
3. **Shri V.S.Verma, Member**
4. **Shri M.Deena Dayalan, Member**

**DATE OF ORDER: 11.09.2012**

**In the matter of**

Non-compliance of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012.

**And in the matter of**

Jain Energy Limited

.....Respondent

**ORDER**

By order dated 14.10.2008, Jain Energy Limited (hereinafter referred to as “the licensee”) was granted trading licence for Category `B` to trade in electricity as an electricity trader within the territory of India except the State of Jammu and Kashmir in terms of Regulation 6 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2004 (hereinafter Trading Licence Regulation). Consequent to the notification of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009 as amended vide notification dated



7.6.2010, the licence stands re-categorized as Category 'III'.

2. Under clause (4) of Regulation 7 of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012 the licensees are required to pay licence fee within thirty days of the date of grant of licence and thereafter, annually by 30<sup>th</sup> April of each year. It has been brought to our notice by the staff of the Commission that the respondent has not paid the licence fee for the year 2012-13, which was payable by 30.04.2012 despite issue of reminders dated 21.05.2012 and 26.06.2012.

3. In accordance with the Section 19 of the Electricity Act, 2003 (hereinafter referred to as "the Act"), where the licensee in the opinion of the Commission, makes willful and prolonged default in doing anything required of him by or under the Act or the Rules or the Regulations, the Commission may revoke the licence after serving a notice of not less than three months. Under the Payment of Fee Regulations, the licensee is for the year 2012-13 required to pay the licence fee for the year 2012-13 by 30.4.2012. The respondent has failed to deposit the licence fee within the stipulated period.

4. As per Regulation 7(a) of the Trading Licence Regulations, the licensee is required to regularly pay the licence fee specified by the Commission from time to time. The respondent has not responded to the letters issued by the staff of the Commission for depositing the licence fee. The conduct of the licensee amounts to non-compliance of the provisions of the Trading Licence Regulations and Payment of Fee Regulations. In our view, the licensee is not entitled to hold the licence when he has failed to pay the licence fee in violation of the regulations. Accordingly, we direct the respondent to file its response

as to why its licence should not be revoked for willful default in depositing the licence fee. This order shall also be treated as notice under sub-section (3) of Section 19 of the Act and unless otherwise directed by the Commission, the licence of the licensee shall stand revoked after expiry of the period of three months from the date of issue of this order.

-Sd-

**(M. DEENA DAYALAN)**  
**MEMBER**

-Sd-

**(V.S. VERMA)**  
**MEMBER**

-Sd-

**(S. JAYARAMAN)**  
**MEMBER**

-Sd-

**(DR. PRAMOD DEO)**  
**CHAIRPERSON**

