

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 29/TDL/2013**

**Coram:**  
**Shri Gireesh B.Pradhan, Chairperson**  
**Shri M. Deena Dayalan, Member**  
**Shri A.K.Singhal, Member**

**Date of Hearing: 15.07.2014**  
**Date of Order: 18.07.2014**

**In the matter of**

Application for grant of inter-State trading licence to Jai International Private Limited.

**And  
In the matter of**

Jai International Private Limited  
75, Mittal Chambers, Nariman Point,  
Mumbai-400 021

**Petitioner**

**The following were present:**

Shri N.K.Rupwani,JIPL  
Shri Suresh Gehani,JIPL

**ORDER**

The petitioner, Jai International Private Limited, a company registered under the Companies Act, 1956 (1 of 1956) has made the present application under sub-section (1) of Section 15 of the Electricity Act, 2003 (36 of 2003) (hereinafter referred to as "the Act") read with Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading licence and other related matters) Regulations, 2009 as amended from time to time (hereinafter referred to as "Trading Licence Regulations"), for grant of

Category 'III' licence for inter-State trading in electricity in whole of India. In accordance with sub-section (2) of Section 15 of the Act read with Clause (4) of Regulation 6 of the Trading Licence Regulations, notices were published by the petitioner on 8/9.3.2013. In response to the said public notice, no objections have been received.

2. In accordance with Regulation 3 (3) of the Trading Licence Regulations, a person applying for Category 'IV' trading licence should have net worth of ₹ 5 crore, and should have maintained minimum current ratio and liquidity ratio of 1:1, as on the date of the audited balance sheet accompanying the application. Based on special balance sheet as on 31.1.2013, it was found that the petitioner possessed the required net worth, current ratio and liquidity ratio for grant of Category 'III' trading licence. Accordingly, the Commission came to the conclusion that the petitioner *prima-facie* qualified for grant of licence for inter-State trading in electricity as a category 'III' electricity trader.

3. On the above considerations, the Commission vide its order dated 13.5.2014 had proposed to grant Category 'III' trading licence to the petitioner. Notice under clause (a) sub-section (5) of Section 15 of the Act was published on 31.5.2014 in all editions of Indian Express and Hindustan (Hindi) inviting suggestions/objections to the above proposal of the Commission. No suggestions or objections have been received in response to the notice issued by the Commission.

4. The Commission in order dated 13.5.2014 had directed the petitioner to incorporate 'trading in electricity' in the Main Objects of the Memorandum of Association of the Company in terms of proviso of Regulation 3 (1) of the Trading Licence Regulations. The petitioner, vide its affidavit dated 5.7.2014, has submitted that 'trading of electricity' has been incorporated in the Main Objects of the Memorandum of Association in terms of proviso of Regulation 3 (1) of the Trading Licence Regulations. The petitioner has placed on record the copy of amended Memorandum of Association, Board Resolution amending the Memorandum of Association and certificate of registration issued by Registrar of Companies, Mumbai regarding special resolution confirming alteration of the objects clauses. After amendment, the Main Object relating to the power trading in the Memorandum of Association is as under:

"2A. To carry on in India or elsewhere the business of trading of electricity generated from hydro, coal, gas, wind, solar or other conventional or unconventional modes."

We are satisfied that the provision of Regulation 3 (1) of the Trading Licence Regulations has been complied with.

5. Clause (9) of Regulation 6 of the Trading Licence Regulations provide as under:

*"(9) On consideration of further objections or suggestions received and the reply of the applicant thereto, if any, the Commission may grant the licence or reject the application, for reasons to be recorded in writing if the application does not confirm to the provisions of the Act, the rules or regulations or provisions of any other law for the time being in force:*

*Provided that no application shall be rejected, unless the applicant has been given an opportunity of being heard."*

6. On consideration of the materials on record, we are satisfied that the petitioner company meets the requirements of the Act and the Trading Licence Regulations for grant of inter-State trading licence for Category 'III'. Accordingly, we direct that Jai International Pvt. Ltd. be issued a Category 'III' licence for inter-State trading in electricity in whole of India.

7. The grant of trading licence to the petitioner is subject to the fulfillment of the following conditions throughout the period of subsistence of the licence:

(a) The petitioner shall comply with the provisions of the Act, the Rules and the Regulations, particularly, Trading Licence Regulations, orders and directions issued by the Commission from time to time and any other law in force;

(b) The petitioner shall not exceed the volume of trading authorized under the licence, but may, in exceptional circumstances, undertake trading in electricity up to the maximum of 120 per cent of the volume of trade authorized under the licence granted to him. Where the licensee exceeds the volume of trading in a year authorized under the licence, it shall pay licence fee applicable to the higher category for that particular year;

(c) The petitioner shall charge the trading margin strictly in accordance with Central Electricity Regulatory Commission (Fixation

of Trading Margin) Regulations, 2009 as amended from time to time;

(d) The petitioner shall continue to be governed by the qualifications and disqualifications specified in Chapter 2 of the Trading Licence Regulations during the subsistence of licence;

(e) The petitioner shall abide by the terms and conditions of licence specified in Chapter 4 of the Trading Licence Regulations;

(f) The petitioner shall have the liability to pay the licence fee in accordance with the provisions of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time or any subsequent enactment thereof; and

(g) Non-compliance of the provisions of the Act, rules, regulations framed by the Commission and the provisions of Trading Licence Regulations shall make the licence of the petitioner liable for revocation.

8. Petition No. 29/TDL/2013 is disposed of in terms of the above.

Sd/-

**(A.K.Singhal)**  
Member

Sd/-

**(M.Deena Dayalan)**  
Member

Sd/-

**(Gireesh B.Pradhan)**  
Chairperson