

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. SM/004/2014

Coram:

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

Date of Order: 19.5.2014

In the matter of

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

**And
In the matter of**

BS TransComm Limited
#504, Trendset Towers, Road No. 2,
Banjara Hills, Hyderabad-500 034

.....**Respondent**

ORDER

By order dated 19.8.2011, BS TransComm Limited (hereinafter referred to as “the licensee”) was granted trading licence for Category `III` to trade in electricity in whole 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, 2009 (hereinafter Trading Licence Regulation) amended from time to time, subject to compliance of terms and conditions specified in the said regulations.

2. In our order dated 14.3.2014, we had directed as under:

"6. 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 Payment of Fee 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."

2. The licensee vide its affidavit dated 28.3.2014 has submitted that he is not interested to hold the licence and sought permission to surrender the same.

3. Section 19 of the Electricity Act, 2003 provides for the revocation of licence as under:

"19. Revocation of licence-(1) If the Appropriate Commission, after making an enquiry, is satisfied that public interest so requires, it may revoke a licence in any of the following cases, namely:

(a) Where the licensee, in the opinion of the Appropriate Commission, makes willful and prolonged default in doing anything required of him by or under this Act, or the rules or regulations made thereunder;

(b) Where the licensee breaks any of the terms or conditions of his licence the reach of which is expressly declared by such licence to render it liable to revocation;

*(c) and (d) * * * * **

(2) No licence shall be revoked under sub-section (1) unless the Appropriate Commission has given to the licensee not less than three months notice in writing, stating the grounds on which it is proposed to revoke the licence, and has considered any cause shown by the licensee within the period of that notice, against the proposed revocation."

4. In our order dated 14.3.2014, the respondent was directed to explain as to why its trading licence should not be revoked for willful default in depositing the licence fee. In response, the respondent has submitted that it has not carried out any inter-State trading in electricity so far and sought permission to withdraw its trading licence.

5. WRLDC, NERLDC and NRLDC have submitted that licensee has not carried out any inter-State trading in electricity. We accept the request of the licensee and revoke the licence granted to the licensee with effect from 1.4.2013. We direct that if it comes to the notice of the Commission that M/s B.S TransComm Ltd has undertaken any trading during the period from 1.4.2013 till the date of issue of this order, the same shall be considered as illegal and unauthorized and appropriate action under the Electricity Act, 2003 shall be taken against M/s B.S TransComm Ltd.

6. Petition No. SM/004/2014 is disposed of in terms of above.

Sd/-

(A.K.Singhal)
Member

sd/-

(M. Deena Dayalan)
Member

sd/-

(Gireesh. B. Pradhan)
Chairperson