

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

- 1. Shri Ashok Basu, Chairman**
- 2. Shri K.N. Sinha, Member**
- 3. Shri Bhanu Bhushan, Member**

Petition No.21/2004

In the matter of

Grant of licence for inter-state trading in electricity to DLF Power Ltd.

And in the matter of

DLF Power Ltd., New Delhi

.....**Petitioner**

The following were present:

1. Shri Sanjeev Kapoor, Advocate, DLF Power Ltd
2. Shri Arun Anand, Sr. Genl. Manager, DLF Power Ltd.

**ORDER
(DATE OF HEARING: 26.10.2004)**

The applicant, a company registered under the Companies Act, 1956 has made the present application under sub-section (1) of Section 15 of the Electricity Act, 2003 (the Act) for grant of licence for inter-state trading in electricity in whole of India, except the State of J&K for trading of 300 Million Units in a year. The trading is covered by the memorandum of association of the applicant. The notices in accordance with sub-section (2) of Section 15 of the Act read with Clause (4) of Regulation 4 of the CERC (Procedure, Terms and Conditions for grant of Trading licence and other related matters) Regulations, 2004 were published. In response to the public notices, no objections were received.

2. As per Regulation 6, the net worth of the electricity trader at the time of filing of application should not be less than Rs.7.5 Crore in case of the applicant who proposed to trade up to 300 MUs of electricity in a year. Based on the details

furnished by the applicant, it was established that the applicant had required net worth at the time of application. Accordingly, the applicant qualified for grant of licence for inter-state trading in electricity as a category 'C' electricity trader.

3. On the above considerations, the Commission proposed to grant licence to the applicant as category 'C' electricity trader. A notice under sub-section (5) of Section 15 of the Act was published inviting suggestions/objections to the above proposal of the Commission. We received suggestions or objections from Shri Dharmendra Parikh, Advocate, Vadodara, Gujarat. It was stated that the notice in terms of sub-section (2) of Section 15 of the Act was not published in the Economic Times, Ahmedabad Edition and that until a copy of the application made by the applicant was supplied to him, he could not make any suggestions or objections on the Commission's proposal to grant licence to the applicant. On the second issue, the office of the Commission despatched information to Shri Parikh on 14.10.2004 that the judicial records relating to the application could be inspected in the Commission's office or the application could be accessed on the website www.dlfpower.com. No further communication on the subject has been received. Neither Shri Parikh was present at the hearing on 26.10.2004, though he was aware of the date fixed for final disposal through the public notice published by the Commission as also the letter sent to him on 14.10.2004. Now we consider the first objection. In terms of sub-section (2) of Section 15 of the Act, the Commission has specified the manner of publication of notice by an applicant for grant of trading licence. This does not mandate that the notice should necessarily be published in the Economic Times, Ahmedabad Edition. The applicant has published notice in the Ahmedabad Edition of Financial Express,

and this is permissible as per the procedure specified by the Commission. We are satisfied that the applicant has published notice of his application in accordance with the procedure and the manner prescribed by the Commission. Therefore, we do not find any merit in this objection.

4. In view of the above, we direct that the applicant be issued the licence for inter-state trading in electricity as category 'C' electricity trader for trading within the country, except the State of Jammu & Kashmir. We make it clear that the applicant shall comply with all the conditions for grant of licence.

**Sd/-
(BHANU BHUSHAN)
MEMBER**

**Sd/-
(K.N. SINHA)
MEMBER**

**Sd/-
(ASHOK BASU)
CHAIRMAN**

New Delhi dated the 2nd November, 2004