

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram:**

1. **Shri Ashok Basu, Chairperson**
2. **Shri K.N. Sinha, Member**
3. **Shri Bhanu Bhushan, Member**
4. **Shri A.H. Jung, Member**

**Petition No.15/2006  
alongwith IA No. 10/2006**

**In the matter of**

Seeking direction to Grid Corporation of Orissa Ltd., not to charge trading margin exceeding 4 paise/kWh, notified by the Commission.

**And in the matter of**

<b>Gajendra Haldea</b>	....	<b>Petitioner</b>
<b>Vs</b>		
<b>Grid Corporation of Orissa Ltd.</b>	....	<b>Respondent</b>

**The following were present:**

1. Shri Gajendra Haldea, Petitioner
2. Shri Suresh Mukherjee, Advocate
3. Shri R.K. Mehta, Advocate, GRIDCO
4. Shri L.N. Mohapatra, Advocate, GRIDCO
5. Shri A.C. Mallick, Chief Engineer, GRIDCO
6. Shri P.K. Das, GRIDCO
7. Shri S.R. Sarangi, GRIDCO

**ORDER  
(Date of Hearing: 17.3.2006)**

The application has been made by Shri Gajendra Haldea to seek directions to the respondent, not to charge trading margin exceeding 4 paise/kWh, notified by the Commission. According to Shri Haldea, his reliable sources indicate that the respondent has invited bids for sale of electricity to traders for onward sale to the licensees outside the State of Orissa. He has

stated that the transaction is of the nature of inter-state trading since it involves the transfer of electricity from the territory of one State to the territory of another State by an electricity trader, and such a sale amounts to inter-state trading in electricity. Shri Haldea has in the interlocutory application prayed for an interim injunction restraining the respondent from entering into any agreement for sale of electricity to any electricity trader in case such power is to ultimately be routed to a person outside the State of Orissa, through inter-state transmission system, by violating the trading margin fixed by the Commission, or from giving effect to any such contract entered into for sale of power.

2. Shri Haldea has not paid fee for making the main application and the interlocutory application for interim stay. He has prayed for exemption from payment of fees, stating that the application has been made in public interest and for safeguarding the interest of electricity consumer in the country and he himself does not have any pecuniary benefit incase the relief prayed for is granted.

3. We have heard Shri Haldea on the question of exemption. We have granted exemption to Shri Haldea from payment of fee in the main petition as also the interlocutory application.

4. Shri R.K. Mehta, Advocate appearing for the respondent has contested the petitioner's contention that the respondent is undertaking inter-state trading. However, he sought 10 days' time for filing of reply. Let the reply be filed by 27.3.2006 with a copy to the petitioner who may file its rejoinder by 29.3.2006

with a copy to the respondent. List this petition along with the interlocutory application for further directions on 31.3.2006 at 10.30 AM.

5. We make it clear that any fresh agreement made by the respondent for sale of power to an electricity trader shall be subject to outcome of the present petition.

6. While filing its reply, the respondent shall also place on record a copy of the existing contract entered into by the respondent with an inter-state electricity trader.

Sd/-  
**(A.H. JUNG)**  
**MEMBER**

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

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

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

New Delhi dated the 17<sup>th</sup> March 2006