

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram**

- 1. Dr. Pramod Deo, Chairperson**
- 2. Shri Bhanu Bhushan, Member**
- 3. Shri R. Krishnamoorthy, Member**

**Review Petition No. 73/2008  
In Petition No. 15/2008**

**In the matter of**

Review of order dated 28.4.2008 dismissing the application for grant of category 'A' licence for inter-State trading in electricity made by Bala Techno synthetics Ltd

**And in the matter of**

Bala Techno Industries Ltd. Kolkota

... **Review Applicant**

**The following were present:**

Shri Y.P. Mehra, Bala Techno Industries Ltd.

**ORDER**

**(Date of Hearing: 29.7.2008)**

The application has been made by Bala Techno Industries Ltd (hereinafter referred to as "the review applicant") for review of order dated 28.4.2008 in Petition No. 15/2008 vide which the application for grant of category 'A' licence for inter-State trading in electricity made by Bala Techno Synthetics Ltd (hereinafter referred to as "the applicant") was rejected.

2. Briefly, the background of the case is that the applicant made an application (Petition No. 15/2008) dated 30.1.2008 for grant of category 'A' licence for inter-State trading in electricity. The application was dismissed vide the Commission's order dated 28.4.2008 for the following deficiencies in the notices published by the applicant under sub-section (2) of Section 15 of the Electricity Act, 2003.

(a) The applicant did not publish all the necessary details specified under columns 1 (x) to (xii) of Form IA attached to the Central Electricity Regulatory Commission (Procedure Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2004 (hereinafter referred to as "the trading licence regulations").

(b) Besides, the applicant had published details of only one shareholder, with share capital of 8.31%, in the public notice whereas the trading licence regulations require the applicant to publish details of all the shareholders holding 5% or more of share capital.

3. We heard the representative of the review applicant.

4. The present application for review has been made by Bala Techno Industries Ltd, the review applicant, which is stated to be the successor of Bala Techno Synthetics Ltd (the applicant) after change of latter's name. The review applicant has filed a copy of the certificate dated 7.1.2008 from the Registrar of Companies, West Bengal in support of the changed name.

5. The review applicant has sought review on the following grounds:
- (a) The applicant had published all the details under columns 1 (x) to (xii) of Form IA attached to the trading licence regulations.
  - (b) The applicant had published details of all the shareholders with share capital of 5% or more, as required under the trading licence regulations.

6. As regards the first ground, it is to be pointed out that Columns 1 (x) to (xii) of Form 1A attached to the trading licence regulations require publication of information relating to conviction, insolvency, etc. in respect of the applicant, his partners, promoters, Directors and Associates. The applicant in his public notice had mentioned the above details only in respect of itself (the applicant) and not about any of its promoters, Directors and Associates. In fact, in the application for review, the review applicant has sought to publish a corrigendum in the same newspapers regarding the declaration about the Directors of the company, in addition to what was published earlier. Under these circumstances, there is no error whatsoever, in the order dated 28.4.2008 calling for review, as the ground for rejection of the application was valid and as a matter of fact still subsists, even as per the review applicant's own admission. Therefore, no ground for review is made out on this count.

7. So far as the second ground is concerned, it is seen that the applicant in its letter dated 21.2.2008 had stated that there was only one shareholder i.e.

West Bengal Industrial Corporation holding more than 5% of the shares of Bala Techno Synthetics Ltd. The applicant has further expressed its willingness to submit an affidavit to vouch for correctness of the status of shareholding/shareholders as given in the letter dated 21.2.2008. It has been pointed out that the observation in the order dated 28.4.2008 to the effect that the details of only one shareholder were published, does not take this fact into consideration. Accordingly, review of the order has been sought.

8. The above may be a ground for review of the order dated 28.4.2008, but for the reasons already recorded in para 6 above, the other ground for rejection of the application for grant of licence survives and continues to be valid. Therefore, cumulatively, the review on this ground also fails.

9. While on the subject, as noted above, the application dated 30.1.2008 for grant of trading licence was made in the name of Bala Techno Synthetics Ltd. However, as per the certificate dated 7.1.2008 issued by the Registrar of Companies, West Bengal, the name of the company stood changed to Bala Techno Industries Ltd before the application was made in the name of Bala Techno Synthetics Ltd – a non-existent company. The notices were also published in the name of Bala Techno Synthetics Ltd. The certificate of registration and Memorandum/Articles of Association placed on record indicated the original name of Bala Techno Synthetics Ltd. Therefore, the proceedings initiated could be void. These facts have been narrated for the sake of record, even though non-publication of the specified details in respect of promoters,

Directors, etc. of the applicant is considered to be sufficient ground to decide upon the maintainability of the application for review.

10. In view of these circumstances, the application for review is dismissed as not maintainable.

11. With this, the review application stands disposed of.

**Sd/=**  
**(R KRISHNAMOORTHY)**  
**MEMBER**

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

**Sd/=**  
**(Dr. PRAMOD DEO)**  
**CHAIRPERSON**

**New Delhi dated 1<sup>st</sup> August 2008**