

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI
Record of Proceedings**

PETITION NO.119/2008

Subject: Application for grant of licence for inter-State trading in electricity.

Coram : Dr. Pramod Deo, Chairperson
Shri Bhanu Bhushan, Member
Shri R.Krishnamoorthy, Member
Shri S.Jayaraman, Member

Date of Hearing : 11.12.2008

Petitioner : Mittal Processors Pvt. Ltd, Panipat

Respondents : Nemo

Parties present : Shri Amit Kumar, Advocate, Mittal Processors pvt Ltd.
Shri. R.D. Jain, Mittal Processors pvt Ltd.

Learned counsel for the petitioner submitted that two observations on the application were conveyed, viz. that the public notice under clause (4) of Regulation 4 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence) Regulations, 2004 (hereinafter referred to as "the trading licence regulations") had not been published in all the editions of the Pioneer and that the information relating to the arbitration proceedings had not been disclosed in the public notice.

2. As regards the first observation, learned counsel submitted that the applicant had filed a letter dated 9.12.2008 from the newspaper (the Pioneer) under an affidavit on 10.12.2008 which clarified that the Kochi Edition of the newspaper had not been published since 24.4.2008 because of certain technical reasons. As regards the omission of the details relating to the arbitration proceedings, he clarified that as sub-clause (k) of clause (4) of Regulation 4 of the trading licence regulations *inter alia* required information relating to "the court before whom pending" the applicant inferred that the details of arbitration proceedings did not fall within the ambit of the above provision. He added that if the Commission held that the details of arbitration proceedings were also required to be published, the applicant was ready to issue a suitable corrigendum to the public notice already published.

3. It was clarified to learned counsel for the applicant that notwithstanding the discontinuance of the Kochi edition of the Pioneer after 24.4.2008, the application had not been published in "all" the editions of two national daily newspapers including one economic daily newspaper as required vide clause (4) of Regulation 4 of the trading licence regulations. It was pointed out that leaving aside Kochi edition of the Pioneer, the notice did not appear to have been published in the Chandigarh and Dehradun editions of the Pioneer, as copies thereof were not furnished by the applicant. Similarly, it was pointed out that notices did not appear to have been published in Ahmedabad, Mumbai, Hyderabad and Pune editions of the Financial Express also since copies of these editions too were not supplied. The representative of the applicant clarified that the notices were published in all the editions. He undertook to supply copies of the publications.

4. From the letter dated 9.12.2008 of the Pioneer, it is observed that the Pioneer is published from Varanasi also, but copy of this publication was also not furnished. Copy of this edition shall also be furnished, if already published.

5. As regards the omission to mention the arbitration proceedings in the public notice, a view will be taken after receipt of the copies of the previous publications, as aforesaid.

6. Further, the applicant was directed to submit the following documents/information:

(a) Special balance sheet in support of the net worth as on the date of making application i.e. 11.10.2008,

(b) Clarification, in the light of cash and bank balances of Rs. 19.21 lakh, as to how the applicant proposes to manage liquidity for trading business, and

(c) Details of the qualifications and experience of the professional staff to be engaged in the trading business as per the requirement of Regulation 5 of the trading licence regulations.

7. The office shall process the application after receipt for reply from the applicant to the above observations.

Sd/-
(K.S.Dhingra)
Chief (Legal)