

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 1/Suo-Motu/2015**

**Coram:**

**Shri Gireesh B. Pradhan, Chairperson**

**Shri A.K. Singhal, Member**

**Shri A.S. Bakshi, Member**

**Date of Order: 31.3.2015**

**In the matter of**

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

**And**

**In the matter of**

1. Suryachakra Power Corporation Limited  
Suryachakra House,  
Plot No.- 304-L-III, Road No. – 78,  
Jubilee Hills, Hyderabad- 500033

2. Greenfield Power Services Private Limited  
101, Sri Guru Krupa,  
7-1-54/2/C, D.K. Road,  
Ameerpet, Hyderabad- 500016

3. HMM Infra Limited  
Village-Manadour,  
Ambala-Naraingarh Road,  
Ambala-134 009

**.....Respondents**

**ORDER**

Suryachakra Power Corporation Limited (SPCL), Greenfield Power Services Private Limited (GPSPL) and HMM Infra Limited (HMMIL) (hereinafter referred to as “the licensees”) were granted trading licences vide orders dated 12.1.2006, 8.2.2013 and 11.3.2013 respectively 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 as amended from time to time (Trading Licence Regulations) subject to compliance of terms and conditions specified in said regulations.

2. On account of default in payment of annual licence fee for the year 2014-15, we had directed in our order dated 27.1.2015, as under:

"3. As per Regulation 7 (m) of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009 as amended from time to time (hereinafter referred to as 'Trading Licence Regulations'), the licensee is required to pay the licence fee by the stipulated date specified by the Commission. The SCPL and GPSPL have failed to deposit the licence fee within the stipulated period. HMMIL has defaulted in payment of late payment surcharge. The respondents have also not responded to the letters issued by the staff of the Commission for depositing the licence fee for the year 2014-15 and surcharge thereon. The conduct of the respondents amounts to serious contravention under Regulation 14A (2) (a) and (e) of the Trading Licence Regulations. In our view, the licensees are not entitled to hold the licence when they have failed to pay the licence fee in violation of the regulations. Accordingly, in exercise of power conferred under Regulation 14B (a) of the Trading Licence Regulations, we direct the respondents to file their responses on affidavit, by 16.2.2015 as to why their licences should not be revoked for non-compliance of the Trading Licence Regulations and Payment of Fees Regulations and the outstanding licence fees should not be recovered from them as arrears of land revenue in terms of Section 170 of the Electricity Act, 2003."

3. No response has been received from the licensees to the show cause notice dated 27.1.2015.

4. In accordance with the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012 (Payment of Fee Regulations), the licensees were required to pay the licence fee for the year 2014-15 by 30.4.2014. SPCL and GPSPL have not paid the licence fee for the year 2014-15. HMMIL has paid the licence fee for the year 2014-15 on 30.5.2014 as against the due date of 30.4.2014 without paying the late payment



surcharge. The licensees have failed to deposit the licence fee and surcharge thereon for the year 2014-15 within the stipulated period despite notice.

5. Non-compliance of the orders of the Commission and non-payment of the licence fees and surcharge thereon are classified as serious contravention in terms of sub-clause (c) and (e) of clause (2) of Regulation 14 of the Trading Licence Regulations.

6. The licensees conduct, in not depositing the licence fee and surcharge thereon in time and not responding to the notice of the Commission issued vide order dated 27.1.2015 amount to serious contravention in terms of Regulation 14A (2) (c) and (e) of the Trading Licence Regulations.

7. Under Regulation 14C (d) of the Trading Licence Regulations, the licence of the licensee is liable to be revoked for cases of serious contraventions. In exercise of our power conferred under Section 19 (3) of the Electricity Act, 2003 and Regulation 14B (1) of the Trading Licence Regulations, notice is given to the licensees for revocation of licences for wilful default in depositing the licence fee and non-compliance with the regulations. If no response is received within three months from the date of issue of the order, the licences shall be deemed to have been revoked.

**Sd/-**  
**(A.S.Bakshi)**  
**Member**

**sd/-**  
**(A.K.Singhal)**  
**Member**

**sd/-**  
**(Gireesh B. Pradhan)**  
**Chairperson**

