

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 97/MP/2019**

- Subject : Petition under Section 79(1) of the Electricity Act, 2003 and Section 14 and 15 of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010, challenging the illegal and arbitrary rejection of application of the Petitioner by Respondents, seeking change of name and/or re-accreditation.
- Petitioner : Magadh Sugar & Energy Limited (MSEL)
- Respondents : Power System Operation Corporation Limited and Anr.
- Date of Hearing : 15.10.2019
- Coram : Shri P. K. Pujari, Chairperson  
Dr. M. K. Iyer, Member  
Shri I. S. Jha, Member
- Parties Present : Shri Pankaj Bhagat, Advocate, MSEL  
Shri Shishir Agarwal, Advocate, MSEL  
Shri R. K. Agarwal, Advocate, MSEL  
Shri Arjun Krishnan, Advocate, NLDC  
Shri Ankur Singh, Advocate, NLDC  
Shri Ashok Rajan, NLDC

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter alia* seeking direction to the Respondents to consider the application of the Petitioner and to change the name of the Petitioner in its record, in the accreditation certificate and registration certificate from the date when the scheme of amalgamation became effective, i.e. 23.3.2017. Learned counsel submitted that the Petitioner has set up a bagasse based co-generation plant and has been granted Accreditation Certificate by Bihar Renewable Energy Development Agency and Registration Certificate by NLDC which are valid upto 9.1.2020 and 1.6.2020 respectively. Learned counsel submitted that Registration Certificate is in the name of unit of Hasanpur Sugar Mills, which was earlier a unit of Upper Ganges Sugar and Industries Limited. However, pursuant to order dated 2.3.2017 of the National Company Law Tribunal (NCLT), Allahabad Bench, in respect of application for sanction/approval of composite scheme of arrangement and amalgamation, Bihar Sugar Business Undertaking of Upper Ganges Sugar and Industries Ltd. has been merged with Magadh Sugar and Energy Limited and unit of Hasanpur Sugar Mill has now become 'Unit of Magadh Sugar and Energy Ltd.' Learned counsel submitted that pursuant to order of NCLT all approvals, consents, exemptions, registration, permits and licences, etc. in relation to Bihar Sugar Business Undertaking of Upper



Ganges are transferred to and vested in and/or deemed to have been transferred to and vested in Magadh Sugar and Energy Limited. However, the Respondent, POSOCO vide its letter dated 12.12.2018 rejected the request for change in the name of project on the ground that information regarding the name change was conveyed only on 21.7.2017 i.e. after delay of more than 4 months, and in terms of Para 4.1 (h) of the REC Procedure dated 5.11.2015, the Petitioner was required to intimate the change in a legal status to the State Agency and Central Agency immediately.

2. Learned counsel for the Respondent, POSOCO, submitted that there is not merely change in the name of the Petitioner company but there is change in a legal status and the Petitioner is required to apply afresh for accreditation and registration.

3. After hearing the learned counsel for the Petitioner and the Respondent, the Commission reserved order in the matter.

**By order of the Commission**

**sd/-  
(T.D. Pant)  
Deputy Chief (Law)**

