

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 306/MP/2022

Subject : Petition under Section 19 of the Electricity Act, 2003 read with Regulation 20 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2020 *inter-alia* seeking punitive action against and revocation of trading license of M/s Kreate Energy (I) Pvt Ltd.

Date of hearing : 9.2.2023

Coram : Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri P.K. Singh, Member

Petitioner : Uttarakhand Power Corporation Ltd. (UPCL)

Respondent : Kreate Energy (I) Pvt. Ltd. (KEIPL)

Parties present : Shri Amartya A. Sharan, Advocate, UPCL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking (i) revocation of the trading licence granted to the Respondent, KEIPL on account of wilful and prolonged failure on its part to clear the dues of the Petitioner under the various contracts between the parties; and (ii) taking punitive action against KEIPL. Learned counsel submitted that, in the instant case, all the ingredients as required for revocation of trading licence granted to the Respondent are present and such revocation would also serve the public interest as the Respondent is not in position to discharge its obligations under the Trading Licence Regulations. Learned counsel added that the total outstanding dues are approximately Rs. 75 crore (Rs. 25 crore towards principal & Rs. 50 crore towards late payment surcharge) and there had also been instances of the dishonouring of cheques issued by the Respondent.

2. In response to the specific query of the Commission regarding the Petitioner having raised the issues with Respondent only in July, 2020 despite transacting with Respondent since 2016, learned counsel stated that there had been certain delays in noticing the discrepancies.

3. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

(a) The Petitioner to implead IEX as party to the Petition and to file revised memo of parties by within two weeks;

- (b) Admit. Issue notice to the Respondents;
 - (c) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply to the Petition within four weeks after serving copy of the same to the Petitioner who may file its rejoinder within four weeks thereafter; and
 - (d) Parties to comply with the above direction within the specified timelines and no extension of time shall be granted.
4. The Petition shall be listed for hearing on 25.5.2023.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**