

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.364/TD/2022

Subject : Petition seeking for down-gradation of the inter-state trading licence from Category I to Category V as granted to by the Petitioner and for the change in name of inter-state trading licence of the Petitioner.

Date of Hearing : 14.2.2023

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

Petitioner : Svaryu Energy Limited (formerly, Refex Energy Ltd.)

Parties Present : Shri Anand Ganesan, Advocate, SEL
Shri Amal Nair, Advocate, SEL

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that the instant Petition has been filed for seeking down-gradation of its inter-State trading licence from Category I to Category V and for change in name of the Petitioner company in the inter-State trading licence granted by the Commission. He further submitted that the Petitioner has placed on record the certificate of incorporation pursuant to change in name from Refex Energy Limited (REL) to Svaryu Energy Limited dated 16.3.2022, issued by Office of Registrar of Companies, Chennai.

2. In response to the specific query of the Commission as to whether the Petitioner having already undertaken to surrender the trading licence as per directions in Order dated 17.2.2022 in Petition No. 3/TD/2022, learned counsel for the Petitioner submitted that in the said case, the Petitioner has undertaken to surrender the trading licence issued to REL upon conclusion of the existing obligations under the trading licence granted and as of now, certain obligations are still outstanding. Learned counsel, however, added that down-gradation of the trading licence category would not hamper its existing obligations as the volume of electricity thereunder is less than 500 MUs (Category V ceiling).

3. In response to further query of the Commission with regard to outstanding trading licence fees for the year 2022-23, learned counsel submitted that the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2020 (Trading Licence Regulations, 2020) provides that in case a licence category is revised or downgraded, the licence fee shall be payable on a *pro-rata* basis from the date of such revision till the end of the year and hence, the Petitioner will be required to pay the fee as applicable to Category V on *pro-rata* basis from the date of order granting down-gradation till the end of the year. However, the Petitioner undertakes to pay the

outstanding licence fees for Category I trading licence as per the Trading Licence Regulations, 2020.

4. After hearing the learned counsel for the Petitioner, the Commission observed that HPPC has filed Petition No. 277/MP/2022 before the Commission, *inter-alia*, seeking recovery of penalty for less return of the power under the banking agreement and for revocation of the inter-State trading licence granted to the Petitioner, which is currently pending before the Commission. In response to the aforesaid observation, learned counsel submitted that in the said case, HPPC has also recognized the name of the Petitioner company having been changed to Svaryu Energy Limited and if the pendency of the said case is an issue for not allowing the change in name of the Petitioner's company then the Commission may at least consider the Petitioner's request for down-gradation of licence.

5. After hearing the learned counsel for the Petitioner, the Commission directed the Petitioner to file the following information on affidavit three weeks:

- (a) The Petitioner to deposit requisite outstanding fees as per Category-I.
- (b) Rationale for applying new licence despite holding one under the same management.
- (c) Special Audited Balance Sheet as on 31.1.2023.

6. Considering the submissions made by the learned counsel for the Petitioner, and in view of the subject matter in Petition No. 277/MP/2022, the present matter will be listed along with the Petition No. 277/MP/2022.

7. The Petition shall be listed for hearing 25.4.2023 along with Petition No. 277/MP/2022 and Batch matters

By order of the Commission

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