

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.298/TD/2024

Coram:

Shri Jishnu Barua, Chairperson

Shri Ramesh Babu V., Member

Shri Harish Dudani, Member

Date of Order: 28th October, 2024

In the matter of

Petition for Grant of Category V Licence for inter-state trading in electricity in all the States and Union Territories of India under Regulation 6(1) of the Central Electricity Regulatory Commission (Procedure, Terms & Conditions for grant of trading license and other related matters) Regulations, 2020 and the Electricity Act, 2003.

And

In the matter of

Clean Max Fusion Power LLP,
13A, Floor-13, Plot 400,
Peregrine Apartment,
Kismat Cinema, Prabhadevi,
Mumbai-400 025, Maharashtra

....Petitioner

Parties present:

Ms. Mandakini Ghosh, Advocate, CMFP

Ms. Aradhya Singh, CMFP

ORDER

The Petitioner, Clean Max Fusion Power LLP, a Limited Liability Partnership registered under the Limited Liability Partnership Act, 2008, has made the present Petition under Section 15 of the Electricity Act, 2003 (hereinafter referred to as 'the Act') read with the Central Electricity Regulatory Commission (Procedure, Terms & Conditions for grant of trading license and other related matters) Regulations, 2020 (hereinafter referred to as the "the Trading Licence Regulations, 2020") for the grant of a Category 'V' licence for inter-State trading in electricity for whole of India.

Hearing dated 26.9.2024

2. The Petition was heard on 26.9.2024. During the course of the hearing, the learned counsel for the Petitioner submitted that the Petitioner company had fulfilled the requirements prescribed in the Trading Licence Regulations, 2020.

3. In response to the specific query of the Commission regarding the filing of the audited special balance sheet, learned counsel for the Petitioner submitted that the Petitioner has furnished the Balance Sheet as of 2.7.2024 along with certification by CA. Learned counsel added that there has been certain change in the details of the Professional(s) as furnished and the Petitioner may be permitted to place on record such details by way of an additional affidavit.

4. The Petitioner, vide Record of Proceedings for the hearing 26.9.202, was directed to furnish the details/information on an affidavit regarding (a) Changes in the details of its full-time Professional(s) as per Regulation 3(2) of the Trading Licence Regulations, 2020, and (b) The audited special balance sheet (and not the provisional balance sheet) in terms of Regulation 6 (1) (b) of the Trading Licence Regulations, 2020.

Hearing dated 23.10.2024.

5. During the course of the hearing, the learned counsel for the Petitioner submitted that all the information/details as sought by the Commission vide Record of Proceedings for the hearing dated 26.9.2024 has been furnished by the Petitioner through a compliance affidavit dated

22.10.2024. Learned counsel further submitted that the Petitioner has complied with all the procedural requirements in the matter, and thus, the Category 'V' inter-State trading licence may be granted to the Petitioner. Considering the submissions made by the learned counsel for the Petitioner, the Commission reserved the matter for order.

6. We have considered the submissions of the learned counsel for the Petitioner and perused the documents available on the record. Regulation 6 (1) of the Trading Licence Regulations 2020 provides as under:

“(1) Any person desirous of undertaking inter-State trading in electricity shall make an application to the Commission for grant of licence in the manner specified in Form-I appended to these regulations and such application shall be accompanied by-

(a) Such application fee as prescribed by the Central Government from time to time and shall be paid as per the procedure specified in Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time or any statutory re-enactment thereof.

(b) Copies of the annual reports in case of the persons incorporated under the Companies Act, 1956 or Companies Act, 2013 including audited accounts along with the Directors' Report, Auditors' Report, the Schedules and notes to accounts for one Year immediately preceding the Year in which the application has been made and the audited special balance sheet as on any date falling within 30 days immediately preceding the date of filing the application.”

As per Regulation 6 (1) (b) of the Trading Licence Regulations, 2020, the Petitioner was required to submit the audited special balance sheet on any date falling within 30 days immediately preceding the date of filing the application.

7. The Petitioner, vide Record of Proceedings for the hearing dated 26.9.2024, was directed to submit the audited special balance sheet (and not the provisional balance sheet) in terms of Regulation 6 (1) (b) of the Trading

Licence Regulations 2020. However, the Petitioner, vide its affidavit dated 22.10.2024, has submitted the provisional balance sheet dated 2.7.2024. Despite giving proper opportunity to submit the audited special balance sheet, the Petitioner has failed to comply with Regulation 6 (1) (b) of the Trading Licence Regulations, 2020.

6. Therefore, the Petitioner is not eligible for the grant of a Category 'V' trading licence due to non-fulfillments of the requirement prescribed in the Trading Licence Regulations, 2020.

7. Accordingly, the Petition No. 298/TD/2024 is dismissed.

Sd/-
(Harish Dudani)
Member

sd/-
(Ramesh Babu V.)
Member

sd/-
(Jishnu Barua)
Chairperson