

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

Coram:

1. **Shri Ashok Basu, Chairman**
2. **Shri K.N. Sinha, Member**
3. **Shri Bhanu Bhushan, Member**

**Petition No. 71/2004**

**IN THE MATTER OF**

Grant of licence for inter state trading in electricity to North Eastern Electric Power Corporation Limited (NEEPCO)

**AND IN THE MATTER OF**

North Eastern Electric Power Corporation Limited, Shillong ....**Applicant**

**The following were present:**

1. Shri Sudhir Mishra, Advocate, NEEPCO
2. Shri N.J. Medhi, NEEPCO
3. Shri H.M. Sarma, ASEB
4. Shri K. Goswami, ASEB
5. Shri R. Kapoor, ASEB

**ORDER  
(DATE OF HEARING: 20.1.2005)**

The applicant, a company registered under the Companies Act, 1956, has made the present application for grant of licence for inter-state trading in electricity for trading of 200 MUs of electricity in a year. The notices as per sub-section (2) of Section 15 of the Electricity Act, 2003 (the Act) were published by the applicant.

2. On perusal of the net worth details furnished by the applicant, the Commission was satisfied that the applicant met the net worth requirements

specified by the Commission. Accordingly, the Commission proposed to grant licence to the applicant and a notice, as required under Clause (a) of sub-section (5) of Section 15 of the Act was published by the Commission to invite suggestions or objections to the proposal.

3. At the hearing, Shri H.M. Sarma appearing for Assam State Electricity Board (ASEB) submitted that the application has been made by Shri Pradeep Kumar Singha, working as Deputy General Manager in the applicant company based on a Power of Attorney made and executed on 19.7.2004. He submitted that the Power of Attorney did not bear the seal of the applicant company. He further submitted that the name and designation of the executant of power of attorney in favour of Shri Singha was not indicated. According to Shri Sarma, the power of attorney was not properly executed. Shri Sarma further submitted that before coming for hearing he had downloaded the application from the website address given in the public notices, which indicated that the application for grant of licence was made by Shri P.K. Singha and not in the name of the applicant. Therefore, according to Shri Sarma, the application made by Shri P.K. Singha, was not maintainable. Shri Sarma further submitted that in the application, the applicant has not given its registered office address, though as per Clause (4) (a) of Regulation 4 of the Central Electricity Regulatory Commission (Procedure, Terms & Conditions for grant of Trading Licence and other related matters) Regulations, 2004, the registered office address was to be given by the applicant. He brought to our notice that in the public notices issued by the Commission

under Clause (a) of sub-section (5) of Section 15 of the Act, the applicant's Delhi address and not the registered office address has been mentioned.

4. We have considered the objections raised on behalf of ASEB. So far as the registered office is concerned, the application has been made by the applicant in the format specified by the Commission. This format does not mandate the applicant to give its registered office address in the application. Under Clause (4) (a) of Regulation 4, the applicant in the public notice published in the newspaper is required to indicate its registered office address. This requirement has been complied with by the applicant. Therefore, we do not find merit in the objection raised. The Commission in its public notices had shown the address of the applicant as given in the application. So far as the validity of Power of Attorney is concerned, we are of the opinion that the defects pointed on behalf of ASEB are of procedural nature and could be rectified by the applicant by filing an appropriate Power of Attorney after removing the defects.

5. We find another infirmity which goes to the root of the proceedings, on account of which the application is not maintainable. The application has been made by the applicant as "North Eastern Electric Power Corporation Limited". However, in the public notices issued on its behalf it is stated that the applicant is registered "as a private limited company". The applicant has not given any reasons for the variation. On perusal of the documents placed by the applicant on record, it is noticed that the applicant was registered on 2.4.1976 as "North

Eastern Electric Power Corporation Private Limited". However, subsequently on 9.3.1978, the word "Private" was deleted from the name of the applicant. Thus, from that date the applicant was converted into a public limited company with the name "North Eastern Electric Power Corporation Limited". Therefore, the notices published on behalf of the applicant under sub-section (2) of Section 15 of the Act are defective and for this reason, the applicant is required to issue fresh notices. Thereafter the entire proceedings are to be conducted afresh.

6. For the foregoing reasons, we direct that the present application shall be dismissed. Liberty is granted to the applicant to make a fresh application in accordance with law and by complying with the procedural requirements specified by the Commission.

Sd/-  
**BHANU BHUSHAN)**  
**MEMBER**

Sd/-  
**(K.N. SINHA)**  
**MEMBER**

Sd/-  
**(ASHOK BASU)**  
**CHAIRMAN**

New Delhi dated the 2<sup>nd</sup> February, 2005