

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

- 1. Shri Ashok Basu, Chairperson**
- 2. Shri Bhanu Bhushan, Member**
- 3. Shri A.H. Jung, Member**

**Petition No.142/2006
(Suo Motu)**

In the matter of

Inter-State Trading in electricity.

Present

None.

**ORDER
(DATE OF HEARING: 27.12.2006)**

It came to the notice of the Commission that Global Energy Limited was undertaking trading in electricity as defined under sub-section (71) of Section 2 of the Electricity Act, 2003 (the Act) without obtaining a licence under Section 14 of the Act. The transactions of purchase and sale of electricity by Global Energy Limited were examined by the Commission in the light of the principles laid down by the Appellate Tribunal in its judgment dated 16.11.2006 in Appeal No. 81/2006 (Gajendra Haldea Vs. Grid Corporation of Orissa Limited and others) and it followed that the transactions were of the nature of inter-State trading in electricity. Accordingly, notice was issued to Global Energy Limited directing it to explain as to why penal provisions of the Act be not invoked. Global Energy Limited was also directed to furnish the details of sale and purchase of electricity undertaken since 27.1.2006 so as to be governed by Regulation 2 of the Central Electricity Regulatory Commission (Fixation of Trading Margin) Regulations, 2006.

2. Global Energy Limited has filed an affidavit on 20.12.2006. However, none is present on its behalf.

3. It has been further brought to the notice of the Commission that the operation of the judgment dated 16.11.2006 passed by the Appellate Tribunal in Appeal No. 81/2006 has been stayed by the Hon`ble Supreme Court of India by its order dated 15.12.2006 in Civil Appeal No. 5722/2006 (Grid Corporation of Orissa Limited Vs. Gajendra Haldea & others) and the appeal is presently listed for hearing on 8.1.2007.

4. In view of this, we direct that the present proceedings be held in abeyance till a decision by the Hon`ble Supreme Court in the pending appeal.

Sd/-
(A.H. JUNG)
MEMBER

sd/-
(BHANU BHUSHAN)
MEMBER

sd/-
(ASHOK BASU)
CHAIRPERSON

New Delhi dated the 27th December, 2006