

**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION  
LUCKNOW**

***Petition No. 390/2006***

Petitioner:

Global Energy Limited, 22, Rakhi Mahal, Dinshaw Wachha Road, Mumbai, 400020

**IN THE MATTER OF:**

Application for Grant of Intra-State Trading License

**ORDER**

M/s Global Energy Limited (GEL) had filed an application before the Commission on 12<sup>th</sup> September, 2006 for grant of intra-state trading license. Subsequently, the applicant had submitted a corrected copy of application before the Commission on 1<sup>st</sup> November 2006. Further, the applicant had also filed an interlocutory application, under section 94(2) of Electricity Act, 2003, requesting the Commission to permit the petitioner to undertake intra-state trading in electricity, pending disposal of his application for grant of intra-state trading license.

While deciding the interlocutory application, the Commission directed the petitioner vide its order dated 8<sup>th</sup> November 2006 to publish a notice of his application for grant of Intra-State trading license in accordance with section 15(2) of Electricity Act, 2003 along with the salient portion of the order, as reproduced below, so that the stakeholders become aware about the nature of permission given to the petitioner -

*“The petitioner is allowed to undertake sale and purchase of electricity involving intra state transmission for 60 days, subsequent to the publication of notice under section 15(2) of Electricity Act, 2003, or till disposal of its main application for grant of license, whichever is earlier, at its own risk. This decision on the interlocutory application shall be without prejudice to the outcome of the main application filed by the applicant for grant of license, which will be considered and decided on its own merits in the light of the criteria laid down by the Commission in its regulations”.*

The petitioner duly published aforesaid notices in two newspapers viz The Pioneer and Rashtriya Sahara dated 16/11/2006 in English and Hindi respectively, pursuant to which the interim permission granted by the Commission in aforesaid terms became operative and remained valid till 15<sup>th</sup> January, 2007.

However, while examining the notice, the Commission found that the purpose of license has been incorrectly mentioned as “Inter State Trading” in place of “ Intra State Trading” in English and “ अन्तर राज्य व्यापार “ in place of “ अन्तः राज्य व्यापार “ in Hindi. The Commission taking cognizance of above fact directed the petitioner vide its order dated 24<sup>th</sup> November, 2006 to immediately publish a correct notice in the same news papers so that there is no confusion in the matter. Accordingly the correct notices in full were published by the petitioner in the same newspapers of 29<sup>th</sup> November, 2006 inviting objections on the application within 30 days of the said notice i.e. by 29<sup>th</sup> December, 2006.

Subsequent to it, a public hearing was conducted by the Commission on 8<sup>th</sup> January, 2007 on the main application for grant of Trading License to the petitioner. Based on the objections received in response to the aforesaid notice dated 29<sup>th</sup> November, 2006 and also the objections raised during the public hearing, the Commission vide its letter dated 9<sup>th</sup> January, 2007 sought certain additional information from the petitioner within a week. Response of the letter is still awaited.

Meanwhile, as the interim permission granted to the petitioner to carry out Intra-State trade was expiring on 15<sup>th</sup> January, 2007, the petitioner has again submitted an interlocutory application in the matter requesting the Commission to permit him Intra-State trading in electricity for a further period of 180 days from 15<sup>th</sup> January, 2007

pending the disposal of the petitioner's application for grant of an Intra-State trading license in view of the pressing urgency that the petitioner will lose immediate trading opportunities.

After considering the interlocutory application, the Commission allows the petitioner to undertake sale and purchase of electricity involving Intra-State transmission for a further period of 90 days from 15<sup>th</sup> January, 2007 or till disposal of the main application for grant of license, whichever is earlier, at its own risk. The terms and conditions of this permission remain the same as those prescribed in the Commission's order dated 8<sup>th</sup> November, 2006 i.e. the decision on the interlocutory application shall be without prejudice to the outcome of the main application filed by the applicant for grant a of license, which will be considered and decided on its own merit in the light of the criteria laid down by the Commission in its regulations.

The petitioner is again being directed to publish the operative portion of above order in following format so that the stakeholders are aware about the nature of permission given to the petitioner:-

**In The Matter of Application By Global Energy Limited For Intra State Trading  
License Within Uttar Pradesh.**

**The interim permission, as granted to the petitioner, by UPERC-**

*"The petitioner is allowed to undertake sale and purchase of electricity involving intra state transmission up to 14<sup>th</sup> April 2007, or till disposal of its main application for grant of license, whichever is earlier, at its own risk. This decision on the interlocutory application shall be without prejudice to the outcome of the main application filed by the applicant for grant of license, which will be considered and decided on its own merits in the light of the criteria laid down by the Commission in its regulations".*

(R. D. Gupta)  
Member

(P. N. Pathak)  
Member

(Vijoy Kumar)  
Chairman

Dated : 15<sup>th</sup> January, 2007  
Lucknow