CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No. 406/TD/2024

Coram:
Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Date of Order: 3rd December, 2024

In the matter of

Application under Sections 14 and 15 (1) of the Electricity Act, 2003 read with Regulation 6 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading license and other related matters), Regulations, 2020 for the grant of an inter-State Category-I trading licence.

And
In the matter of

ENGIE Energy Marketing India Private Limited,
Unit Nos. 3, 4 & 5, Sixth Floor,
Fountainhead, Tower-2,
Virnan Nagar, Pune-411014, Maharashtra **……Petitioner**

The following were present:

Shri Tabrez Malawat, Advocate for the Petitioner
Shri Siddharth Jain, Advocate for the Petitioner
Shri Syed Hamza, Advocate for the Petitioner
Shri S.Sarkar, Advocate for the Petitioner
Ms. Rupali Jain, Advocate for the Petitioner

ORDER

The Petitioner, **ENGIE Energy Marketing India Private Limited**, has made the present application under Sections 14 and 15 (1) of the Electricity Act, 2003 (hereinafter referred to as "the Act") read with Regulation 6 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for the grant of Trading Licence and other related matters) Regulations, 2020 (hereinafter referred to as "the Trading Licence

Regulations") amended from time to time, for the grant of a Category 'I' trading licence for inter-State trading in electricity across India.

2. In accordance with sub-Section (2) of Section 15 of the Act read with Clause (4) of Regulation 6 of the Trading Licence Regulations, notices were published by the Petitioner on 2.10.2024 in the 'Business Standard' (Ahmedabad, Bengaluru, Bhubaneshwar, Chandigarh, Chennai, Delhi, Hyderabad, Kolkata & Mumbai editions) and Times of India (Bhopal, Chandigarh, Delhi, Hyderabad, Kolkata & Guwahati editions). It has been submitted by the Petitioner that no objection has been received in response to the public notices.

3. In accordance with Regulation 3(3) of the Trading Licence Regulations, a person applying for a Category 'I' trading licence should have a net worth of Rs. fifty crores and should have maintained a minimum current ratio and liquidity ratio of 1:1 as on the date of Audited Special Balance Sheet accompanying the application. As per the Special Balance Sheet submitted by the Petitioner as on 31.8.2024, the Petitioner possesses the required net worth, current ratio, and liquidity ratio for the grant of a Category "I" trading licence. Accordingly, the Commission, vide order dated 11.11.2024, came to the conclusion that the Petitioner is *prima facie* qualified for the grant of a Category "I" licence for inter-State trading in electricity.

4. On the above consideration, the Commission, vide its order dated 11.11.2024, had proposed to grant a Category "I" inter-State trading licence to the Petitioner. The relevant portions of the said order dated 11.11.2024 are extracted as under:

"12. In accordance with Clause (2) of Regulation 3 of the Trading Licence Regulations, the Petitioner should have at least one full-time professional with qualifications and experience in power system operation and commercial aspects of power transfer, finance, commerce, and accounts. With regard to full-time professionals, the Petitioner has submitted that Mr. Aveek Banerjee, Director, Power Trading, is a B.E. (Civil), MBA, having experience of 20 years in Power Trading (at PTC), Energy risk management, business development at PXIL, RE project investment and Mr. Anupum Vadehra, Senior Vice President, Business Development & Commercial is a B.Tech, MBA (Finance), Advance Diploma (Power Distribution Management) having experience of 15 years in Power Trading, Retail solutions for industrial clients, risk monitoring, and setting up of HPX as core team at PTC. The Petitioner has further submitted that Mr. Nicolas A. Defachel, having a Master's Degree in International Business, an MBA from HEC Paris, and a Certificate (Sustainability) from NUS Singapore, will join as a COO (Finance, operation, Legal compliance, and Risk). Accordingly, as per the information submitted by the Petitioner, it fulfils the requirements of Clause (2) of Regulation 3 of the Trading Licence Regulations.

13. On consideration of the above facts, after a preliminary examination, we find that the Petitioner meets the requirements as specified in the Trading Licence Regulations for the grant of a Category 'I' trading licence. In view thereof, the Commission proposes to grant a Category 'I' trading licence to the Petitioner. We direct that a notice under Clause (a) of Sub-section (5) of Section 15 of the Act be issued inviting further suggestions or objections to the proposal of the Commission."

5. In line with the above mentioned order dated 11.11.2024, notice under Clause (a) of sub-Section (5) of Section 15 of the Act was published in all editions of 'the Indian Express' (English) and 'Amar Ujala' (Hindi). No suggestions or objections have been received in response to the notice issued by the Commission.

6. The case was called out for the hearing on 28.11.2024. The learned counsel for the Petitioner submitted that no objection had been received in response to the public notice published by the Commission under sub-Section (5) of Section 15 of the Act. He further submitted that the Petitioner's company would comply with the requirements specified in the Trading Licence Regulations during the subsistence of the trading licence, i.e., till 25 years, if granted.

7. Clause (9) of Regulation 6 of the Trading Licence Regulations provides as under:

> *"(9) On consideration of further objections or suggestions received and the reply of the applicant thereto, if any, the Commission may grant the licence or reject the application, for reasons to be recorded in writing if the application does not confirm to the provisions of the Act, the rules or regulations or provisions of any other law for the time being in force:*
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> *Provided that no application shall be rejected, unless the applicant has been given an opportunity of being heard.".*

8. On consideration of the materials on record, we are satisfied that the Petitioner company meets the requirements of the Act and the Trading Licence Regulations for the grant of an inter-State trading licence for a Category 'I'. Accordingly, we direct that the Petitioner, ENGlE Energy Marketing India Private Limited, be issued a Category 'I' licence for inter-State trading in electricity across India.

9. The grant of the trading licence to the Petitioner (hereinafter referred to as "the licensee") is subject to the fulfilment of the following conditions throughout the period of subsistence of the licence:

(a) The licensee shall comply with the provisions of the Act, the Rules, and the Regulations, particularly, Trading Licence Regulations, orders and direction issued by the Commission from time to time, and any other law in force;

(b) The licensee shall comply with orders and directions issued by the Commission from time to time;

(c) The licensee shall not engage in the business of transmission of electricity during the period of subsistence of the trading licence i.e. till 25 years;

(d) The licensee shall charge trading margin strictly in accordance with the Trading Licence Regulations as amended from time to time;

(e) The licensee shall continue to be governed by the qualifications and disqualifications specified in Chapter 2 of the Trading Licence Regulations during the subsistence of the licence;

(f) The licensee shall continue to abide by the terms and conditions of the licence specified in Chapter V of the Trading Licence Regulations, as amended from time to time;

(g) The licensee shall regularly pay the annual licence fee in accordance with the provisions of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time or any subsequent enactment thereof;

(h) Non-compliance with the provisions of the Act, Rules, Regulations, and the provisions of the Trading Licence Regulations shall make the licence of the Petitioner liable for revocation;

(i) If the licensee fails to undertake trading in electricity within a year from the date of licence, the licence shall be liable for revocation in accordance with the provisions of the Act and the Trading Licence Regulations; and

(j) The licensee shall submit all such reports or information as may be required under Trading Licence Regulations or any other regulations of the Commission or

as per the directions of the Commission as may be issued from time to time.

10. An extract of a copy of this order be sent to the Central Government in the Ministry of Power and the Central Electricity Authority in terms of sub-Section (7) of Section 15 of the Act for their information and record.

11. Petition No. 406/TD/2024 is allowed in terms of the above.

Sd/-	**sd/-**	**sd/-**
(Harish Dudani)	**(Ramesh Babu V.)**	**(Jishnu Barua)**
Member	**Member**	**Chairperson**