

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 281/TD/2024

Coram:

Shri Jishnu Barua, Chairperson

Shri Ramesh Babu V., Member

Shri Harish Dudani, Member

Date of Order: 14th January, 2025

In the matter of

Application under Section 14 and Section 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 licence and other related matters) Regulations, 2020 for grant of an inter-state trading licence.

And

In the matter of

REC Power Development & Consultancy Limited,

Registered office:

Core 4, SCOPE Complex 7,
Lodhi Road,
New Delhi-110003, India.

Address for Correspondence:

Plot Number 1-4, REC World Headquarters,
D-Block, Sector-29,
Gurugram-122001, Haryana.

.....Petitioner

The following were present:

Shri Vipin Gupta, RECPDCL
Shri Neeraj Singh, RECPDCL
Shri Mukul Agrawal, RECPDCL
Shri Paritosh, RECPDCL

ORDER

The Petitioner, REC Power Development & Consultancy Limited (hereinafter referred to as 'the Petitioner/RECPDCL'), was originally registered as REC Power

Distribution Company Limited under the Companies Act, 1956. Subsequently, its name was changed to REC Power Development & Consultancy Limited on 16.7.2021. The Petitioner has made the present application under Sections 14 and 15(1) of the Electricity Act, 2003 (hereinafter referred to as “the Act”) 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 in whole of 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 2.8.2024 in ‘the Financial Express’ (Delhi, Kolkata, Mumbai, Ahmedabad, Bangalore, Chandigarh, Kochi, Hyderabad, Lucknow, Chennai and Pune editions) and ‘the Indian Express’ (Delhi, Ahmedabad, Vadodara, Mumbai, Kolkata, Chandigarh, Jaipur, Lucknow, Nagpur and Pune 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. 50 crores and should have maintained a minimum current ratio and liquidity ratio of 1:1 as on the date of the Audited Special Balance Sheet accompanying the application. As per the Special Balance Sheet submitted by the Petitioner as on 30.6.2024, 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 26.12.2024, 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 26.12.2024, had proposed to grant a Category 'I' inter-State trading licence to the Petitioner. The relevant portions of the said order dated 26.12.2024 are extracted as under:

"16. 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 Shri Vivek Kumar Dewangan, IAS, B.E. in Electronics and P.G. in Optoelectronics & Optical Communication, is a Chairman & Managing Director of REC & Chairman of RECPDCL, Shri V.K. Singh, Bachelor's degree in electrical engineering from IIT, is a Director (Projects), RECPDCL, has more than 34 years' experience in the Indian Power Sector, Shri Harsh Baweja, Chartered Accountant is a Director (Finance), RECPDCL and has 33 years' experience in the steering financial operations across multiple institutions, and Shri TSC Bosh, Bachelor's Degree in Electrical & Electronics, is a CEO (RECPDCL), has 34 years of experience in the Indian power sector. Accordingly, as per the information submitted by the Petitioner, it fulfils the requirements of Clause (2) of Regulation 3 of the Trading Licence Regulations.

17. The Memorandum of Association authorizes the Petitioner company to engage in the transmission of electricity. The Petitioner has submitted an undertaking to the effect that it will not engage in the transmission business without surrendering the trading licence, if granted by the Commission.

18. 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 26.12.2024, 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 Dainik Jagran (Hindi) on 28.12.2024. No suggestions or objections

have been received in response to the notice issued by the Commission.

6. The Petitioner, vide its affidavit dated 18.7.2024, has submitted that the Petitioner company will not apply for a transmission licence (whether inter-State or intra-State) without surrendering its trading licence, if granted by the Commission.

7. The case was called out for the hearing on 7.1.2025. The representative of 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.

8. 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:

Provided that no application shall be rejected, unless the applicant has been given an opportunity of being heard.”.

9. 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, **REC Power Development & Consultancy Limited (RECPDCL)**, be issued a Category 'I' licence for inter-State trading in electricity in the whole of India.

10. 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.

11. 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.

12. Petition No. 281/TD/2024 is allowed in terms of the above.

sd/-
(Harish Dudani)
Member

sd/-
(Ramesh Babu)
Member

sd/-
(Jishnu Barua)
Chairperson