

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 151/TD/2023

Coram:

Shri Jishnu Barua, Chairperson

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Shri P.K. Singh, Member

Date of Order: 8th June, 2023

In the matter of

Application under Section 14 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

Embassy Classic Private Limited,
No. 1011102, Embassy Chambers, 5, Vittal
Mallya Road Bangalore, Karnataka
India - 560001

.....Petitioner

The following were present:

Shri Tabrez Malawat, Advocate for the Petitioner

Shri Syed Hamza, Advocate, ECPL

Shri Sourajit Sarkar, Advocate, ECPL

ORDER

The Petitioner, Embassy Classic Private Limited, a company registered under the Companies Act, 1956, has made the present application under Section 15 (1) of the Electricity Act, 2003 (hereinafter referred to as “the Act”) read with Regulation 6 (1) of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for



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 ‘V’ trading licence for inter-State trading in electricity in the whole of India.

2. The matter was listed for hearing on 6.6.2023. During the course of the hearing, the learned counsel for the Petitioner submitted that the Petitioner satisfies all the criteria for the grant of a Category ‘V’ trading licence as stipulated in the Trading Licence Regulations. Learned counsel further submitted that the Petitioner had published notice of its application in the newspapers, inviting objections or suggestions thereon in terms of Regulation 6(3) of the Trading Licence Regulations. However, no objections or suggestions have been received in response to the notice published by the Petitioner.

3. The Commission, vide Record of Proceedings for the hearing dated 6.6.2023, directed the Petitioner to file an affidavit clearly indicating the exact roles of each full-time professional, as indicated for compliance with technical qualifications, in the Petitioner Company. The Petitioner vide its affidavit dated 6.6.2023 has submitted that Ms. Padmavathi T.N. is working as Senior Accountant in the Petitioner company and she has experience of two decades in the field of finance, commerce, and accounts. The Petitioner has further submitted that Shri K.G. Vijayvargiya is working as head of the dedicated power systems operations for the power trading business of the Petitioner company and he has 15 years’ experience in system operation, EPC business, and power trading in the energy sector.



4. We have examined the documents available on record. Regulation 6 of the Trading Licence Regulations provides for the procedure for the grant of a trading licence as under:

“6. Procedure for grant of licence

(1) Any person desirous of undertaking inter-State trading in electricity shall make an application to the Commission for grant of licence in the manner specified in Form-I appended to these regulations and such application shall be accompanied by-

(a) Such application fee as prescribed by the Central Government from time to time and shall be paid as per the procedure specified in Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012, as amended from time to time or any statutory re-enactment thereof.

(b) Copies of the annual reports in case of the persons incorporated under the Companies Act, 1956 or Companies Act, 2013 including audited accounts along with the Directors' Report, Auditors' Report, the Schedules and notes to accounts for one Year immediately preceding the Year in which the application has been made and the audited special balance sheet as on any date falling within 30 days immediately preceding the date of filing the application.

(2) The Applicant shall post complete application along with annexures and enclosures on its website so as to facilitate access to the application by any person through internet and shall keep them on the website till the disposal of the application.

(3) The Applicant shall within 7 days after making such application, publish a notice of its application, in two daily newspapers having circulation in each of the five regions in addition to those published from Delhi, including one economic daily newspaper in Form II, with the following particulars, namely:-

(4) The Applicant shall within 7 days from the date of publication of the notice as aforesaid submit to the Commission on affidavit the details of the notice published and shall also file the original complete page of the newspaper in which the notice has been published.



(5) *The Applicant shall allow a period of 30 days to the public to file objections or suggestions to the notice of application published in the newspapers.*

(6) *The Applicant shall file its reply before the Commission within 30 days from the last date of receipt of objections or suggestions from the public.*

(7) *The Commission after consideration of the objections or suggestions received in response to the notice published by the Applicant and its reply may reject the application or may propose to grant licence.*

(8) *When the Commission proposes to grant licence, it shall publish a notice of its proposal in two daily newspapers, as the Commission may consider appropriate, stating the name and address of the person to whom it proposes to issue the licence and with such other details as the Commission considers appropriate, to invite further objections or suggestions to its proposal.”*

5. The Petitioner has submitted the application as per Form-I along with the requisite fees.

6. The Petitioner has uploaded the application for the grant of a trading licence on its website in terms of Clause (3) of Regulation 6 of the Trading Licence Regulations and further placed on record the relevant copies of the newspapers in original in which notice of its application has been published. The Petitioner vide its affidavit dated 10.4.2023 has submitted that notices under Sub-section (2) of Section 15 of the Act read with Clause (4) of Regulation 6 of the Trading Licence Regulations have been published by the Petitioner on 5.4.2023 in ‘The Hindu’ (Delhi, Mumbai, Kolkata, Bengaluru, and Chennai editions), ‘The Business Standard’ (Ahmedabad, Bengaluru, Bhopal, Bhubaneswar Chandigarh, Chennai, Delhi, Hyderabad, Kochi, Lucknow, Mumbai, Pune editions) and ‘The Times of India (Bhopal and Guwahati editions). It has been submitted by the Petitioner that no objection has been received in response to the public notices.



7. The Petitioner Company was incorporated under the Companies Act, 1956, on 23.10.1996. Proviso to Clause (1) of Regulation 3 of the Trading Licence Regulations provides that the Petitioner should have been authorized to undertake trading in electricity by its Memorandum of Association. We note that trading in electricity is covered under the Main Objects of the Memorandum of Association of the Petitioner Company. Paragraph [A] (3) of the main Objects of the Memorandum of Association of the Petitioner company reads as under:

"[A] (3) To establish and carry on the business of trading in electricity and act as a trader in sale and purchase of electricity and electrical energy in any form and in any market including Power Exchange and derivatives market, and by any process and in any fuel, derivatives including but not limited to renewable energy certificate, carbon credits, energy conservation certificates, financially traded electricity forwards, or any products connected with or related to the generation and supply of electrical energy, enter into demand side management contracts, energy conservation contracts including energy performance contracts, Megawatt contracts, enter into contracts for banking of electricity in accordance with the provisions of Electricity Act, 2003 or any statutory modifications or re-enactment thereof and rules or regulations made thereunder, to operate as an energy trading company and to get registered with appropriate agency including the Central Electricity Regulatory Commission, Bureau of Energy Efficiency or any other authority under the framework of the Energy Conservation Act, 2001 and do all acts and things necessary or required for doing aforesaid business, including providing advisory and consultancy in issues related to energy and trading of energy."

8. In view of the above, it has been submitted by the Petitioner that it fulfils the requirements specified in Clause (1) of Regulation 3 of the Trading Licence Regulations. The Petitioner has submitted that there is no authorization in the Memorandum of Association regarding the undertaking of the transmission of electricity. However, the Petitioner has submitted that it will not carry out the

transmission business without surrendering the trading licence, if granted by the Commission.

9. In accordance with Clause (3) of Regulation 3 of the Trading Licence Regulations, a person applying for a Category `V` trading licence should have a net worth of Rs. two crore 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. The Petitioner has submitted the Audited Special Balance Sheet as on 1.3.2023.

10. Based on the Audited Special Balance Sheet as on 1.3.2023, net worth, current ratio and liquidity ratio, have been worked out as under:

Net Worth Computation	(Rs. in lakh) As per Special Audited Balance Sheet as on 1.3.2023
Particulars	
A) Paid up equity capital (1)	200.00
B) Reserves and Surplus	
B.1. Capital Reserves	0.00
B.2. Capital Redemption Reserve	0.00
B.3. Debenture Redemption Reserve	0.00
B.4. Revaluation Reserve	0.00
B.5. Share Options Outstanding Account & Reserves otherthan free reserves	0.00
B.6. Securities Premium Reserve	0.00
B.7. Surplus (P and L Account)	1740.01
B.8. Other Free Reserves (i.e. general reserve and cashflow reserve)	0.00
Free Reserves & Surplus considered for net worth (2)(B6+B7+B8)	1740.01
C) Loans and Advances given to associates (3)	0.00

D) Deferred expenditure (including Misc. Expenses) not written off (4)	0.00
Net Worth (1+2-3-4)	1940.01

11. The net worth of the Petitioner is further represented by the following:

(Rs. in lakh)	
Net worth (Asset approach), Current Ratio & Liquidity Ratio computation	As per Special Audited Balance Sheet as on 1.3.2023
A) Non-current Assets	
A.1 Net block of Tangible Asset	1154.14
A.2 Net Block of Intangible Asset	0.00
A.3 Capital work in progress	0.00
A.4 Intangible Assets under development	0.00
A.5 Non-Current investments	199.87
A.6 Deferred Tax Assets	55.62
A.7 Long-term loans and advances	1225.55
A.7.1 Less: Loans & Advances given to Associates included in the above	0.00
A.7.2 Net Long-Term Loans & Advances (A.7 - A.7.1)	1225.55
A.8 Other non-current asset (Right of use assets, capital advances and prepaid expenses, etc.)	0.00
A.9 Deferred expenditure (including miscellaneous expenses) not written off (not considered for net worth computation)	0.00

Total Non-Current Assets	2635.17
Total Non-Current Assets considered for net worth (1)	2635.17
B. Non-Current Liabilities, Preferential Share & Share Application money and Reserves other than free reserves	
B.1 Share application money pending allotment	0.00
B.2 Preference share capital	0.00
B.3 Long term borrowings	1908.00
B.4 Deferred tax liabilities	0.00

B.5 Other Long-Term liabilities	2690.97
B.6 Long Term provisions	39.12
B.7 Reserves other than free reserves	0.00
Total Non-Current liabilities, reserves other than free reserves considered for net worth (2)	4638.10
C. Current Assets	
C.1. Current investments	0.00
C.2. Inventories	3491.05
C.3. Trade receivables	186.62
C.4. Cash and cash equivalents	395.11
C.5 Short Term Loans & Advances	156.86
C.5.1 Less: Loans and Advances given to associates	0.00
C.5.2 Net Short-Term Loan and Advances (C.5 - C.5.1)	156.86
C.6 Other current assets	0.00
C.7 Deferred expenditure	0.00
Total Current Assets	4229.65
Total Current Asset considered for net worth (3)	4229.65
D. Current Liabilities	
D.1. Short-term borrowings	0.00
D.2. Trade payables	68.98
D.3. Other current liabilities	205.58
D.4. Short-term provisions	12.15
Total Current liabilities considered for net worth (4)	286.71
Net worth ((1-2)+(3-4))	1940.01

12. Based on the above, the net worth, current ratio and liquidity ratio work out as under:

Sr. No.	Particulars	As per Special Audited Balance Sheet as on 1.3.2023
1	Net worth (Rs. in lakh)	1940.01
2	Current ratio	14.75
3	Liquidity ratio	2.55

13. 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. As per the information submitted by the Petitioner, it fulfils the requirements of Clause (2) of Regulation 3 of the Trading Licence Regulations.

14. 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 `V` trading licence. In view thereof, the Commission proposes to grant a Category `V` 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.

15. The Petition shall be listed for final hearing on 7.7.2023.

Sd/-
(P.K. Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member

sd/-
(Jishnu Barua)
Chairperson

