

**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
**World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai – 400 005**

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**NOTIFICATION (Draft)**

Electricity Act, 2003

No. MERC/Legal/Trading Licence Conditions/2017/ -- In exercise of the powers conferred under Section 181 of the Electricity Act, 2003 and all other powers enabling it in this behalf, the Maharashtra Electricity Regulatory Commission hereby makes the following Regulations to amend the Maharashtra Electricity Regulatory Commission (Trading Licence Conditions) Regulations, 2004 ('the principal Regulations'), namely:

**1. Short title and commencement:**

- (1) These Regulations may be called the Maharashtra Electricity Regulatory Commission (Trading Licence Conditions) (Second Amendment) Regulations, 2017.
- (2) These Regulations shall come into force from the date of their publication in the Official Gazette.

**2. Amendment of Regulation 4-A of the principal Regulations:**

Regulation 4-A added in the principal Regulations vide amendment dated 21 December, 2006 shall be substituted by the following, namely:-

*“4-A: ELIGIBILITY CONDITIONS/DISQUALIFICATIONS:*

*The Commission may specify eligibility conditions and disqualifications for being entitled to grant of licence under these regulations.*

*Notwithstanding the generality of the foregoing, no applicant shall be qualified for grant of license under these regulations if the Commission is of the opinion that conditions or circumstances exist that cast a doubt on the ability of the applicant to perform its duties and obligations under the Act.*

*Explanation – For the purposes of these regulations, “conditions or circumstances” shall mean and include cases of conviction of the applicant or any of its partners, directors or promoters by a Court of Law or indictment / adverse order by a regulatory authority or which relates to a grave offence of such a nature that it outrages the moral sense of the community; insolvency and bankruptcy of the applicant or any of its partners, directors or promoters; conviction of an offence involving moral turpitude, or any economic offence; fraudulent and unfair trade practices or market manipulation; financial integrity; competence; reputation and character, and any other sufficient reasons.*

*Provided that the Commission may direct the applicant to furnish with its application an undertaking in such form and accompanied by such documents and information as may*

*be stipulated by the Commission from time to time, which shall be available from the office of the Commission and/or its internet website.*

*Provided further that no application for grant of licence shall be rejected unless such applicant has been given an opportunity of being heard.”*

Mumbai

Dated: March, 2017

Secretary,  
Maharashtra Electricity Regulatory Commission.

Note: The Maharashtra Electricity Regulatory Commission (Trading Licence Conditions) Regulations) 2004 were notified in the Official Gazette on 10 June, 2004. These were further amended by the Maharashtra Electricity Regulatory Commission (Trading Licence Conditions) Regulations) 2006 on 21 December, 2006.