

Date: 06/10/2015

To,
The Principal Secretary,
Maharashtra Electricity Regulatory Commission,
World Trade Center, Center No. 1, 13th Floor,
Cuffe Parade, Colaba, Mumbai 400 005.

Subject: Submissions on behalf of the Petitioner M/s Global Energy Pvt Ltd, in compliance to your Letter dated 29.09.2015

Reference:

1. Petition of M/s. Global Energy Pvt Limited for grant of intra state trading License in the state of Maharashtra dated 18.09.2015.
2. Your Letter dated 29.09.2015

Dear Sir,

Please find attached herewith our submissions (1+6 copies) in compliance to your Letter dated 29.09.2015.

We would be pleased to provide the Hon'ble Commission with any further assistance as may be required in this regards.

Thanking You,



(Abhijit Dhamdhere)

For Global Energy Pvt Ltd

Kasraal
6/10/15

OFFICE OF THE
MAHARASHTRA ELECTRICITY
REGULATORY COMMISSION
COLABA, MUMBAI - 400 005

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CIN : U40101GA1994PTC001663

BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION, MUMBAI



Filing No. _____
Case No. _____
(To be filled by the Office)

IN THE MATTER OF

Application under Sections 14, 15, 86(1)(d) and (k) of the Electricity Act, 2003 read with MERC (Trading Licence Conditions) Regulation 2004, seeking grant of Intra-State Trading License in the State of Maharashtra

AND IN THE MATTER OF

GLOBAL ENERGY PRIVATE LIMITED
104, 10th Floor, Makers Chambers VI,
Nariman Point, Mumbai-400021

...PETITIONER/APPLICANT

APPLICATION UNDER SECTIONS 14, 15, 86(1)(d) AND (k) OF THE ELECTRICITY ACT, 2003 READ WITH MERC (TRADING LICENCE CONDITIONS) REGULATION 2004, SEEKING GRANT OF INTRA-STATE TRADING LICENSE IN THE STATE OF MAHARASHTRA

MOST RESPECTFULLY SHOWETH:-

1. Global Energy Private Limited, the Petitioner/ Applicant herein, is filing the present application seeking grant of an intra-state trading license for undertaking trading of electricity within the State of Maharashtra. The present application is being filed as per form II of the MERC (Conduct of Business) Regulations 2004. The Applicant has also filed a separate application before this Hon'ble

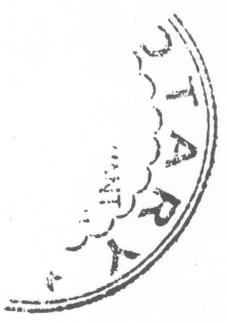


Commission on 18.09.2015 as per the form and manner provided under Regulation 4 of the Maharashtra Electricity Regulatory Commission (Trading Licence Conditions) Regulations, 2004 ("Trading Licence Regulations"), which application is to be considered along with the present petition/ application.

2. The Petitioner/ Applicant is applying for the grant of intra-state trading license in the state of Maharashtra under Section 14 (c) of Electricity Act, 2003 ("Act") read with Section 15 of the Act. The Hon'ble Commission has jurisdiction to grant the said license to the Applicant herein under Sections 86(1)(d) and (k) of the Act. Further the said license is also being sought in terms of the MERC (Trading Licence Condition) Regulations 2004.

FACTS OF THE MATTER

3. The Petitioner/ Applicant is a company engaged in trading of electricity. The Applicant was granted an inter-state trading license by the Hon'ble Central Electricity Regulatory Commission (CERC) on November 28, 2008. It is humbly submitted that as per Rule 9 of the Electricity Rules, 2005 ("Rules"), the Applicant is permitted to undertake intra-state trading activity by using the inter-state license.



It is further stated that the above permission under the delegated legislation does not take away the statutory right of the Applicant, in terms of Sections 14 and 15 read with Sections 86(1)(d) and (k) of the Act to seek a separate intra-state trading license in the State of Maharashtra.

4. It is humbly submitted that the Petitioner/ Applicant presently also holds trading license granted by the following State Electricity Regulatory Commissions under Section 14 of the Act:
- a) Intra-state trading license granted by the Hon'ble Uttar Pradesh Electricity Regulatory Commission (UPERC);
 - b) Intra-state trading license granted by the Andhra Pradesh Electricity Regulatory Commission (APERC);
 - c) Intra-state trading license granted by the Gujarat Electricity Regulatory Commission (GERC); and
 - d) Intra-state trading license granted by the Orissa Electricity Regulatory Commission (OERC).
5. Further, Petitioner/ Applicant's intra-state trading license application for the state of Telangana filed on June 16, 2014 is currently pending before the Hon'ble Telangana State Electricity Regulatory Commission (TSERC) as O.P. No. 13 of 2015.



6. It is submitted that the Petitioner/ Applicant on or around September 5, 2006, sought for grant of an intra-state trading license in the State of Maharashtra before this Hon'ble Commission.
7. That after following the procedure prescribed under Section 15 of the Act and the Trading License Regulations, and upon holding of public hearings, the Hon'ble Commission was pleased to grant an intra-state trading license to the Petitioner/ Applicant *vide* an order dated September 28, 2007. In the said order the following was recorded in Clause 4:

"the license shall come into force from the Twenty Eighth day of September, 2007 and, unless revoked earlier by the Commission in accordance with the provisions of Section 19 of the Act or Licence Conditions, shall remain in force for the period of five years".
8. As per the term of the above license order quoted hereinabove, the Applicant was granted an intra-state trading license in the State of Maharashtra by this Hon'ble Commission for a term of 5 years and the same was valid till September 28, 2012.
9. It is further submitted that since the Petitioner/ Applicant's intra-state trading license granted by this Hon'ble



Commission *vide* order dated September 28, 2007 expired on September 28, 2012, the said Applicant becomes eligible for grant of a fresh intra-state trading license under Regulation 5 of the Trading License Regulations. It is stated that there are no proceedings which are pending regarding the intra-state license granted to the Applicant *vide* order dated September 28, 2007 before any commission/court. As such the Applicant herein has approached this Hon'ble Commission for grant of a fresh intra-state trading license for the State of Maharashtra under 'Category A' for trading 100 million kWh per annum in Maharashtra (proposed to be traded).

In view of the above facts the Petitioner/ Applicant sets out herein below the grounds in support of the present petition.

GROUND

- A. For that as per Section 12 of the Electricity Act, 2003 a person is required to obtain a license for trading in electricity. This Hon'ble Commission has power to grant a trading license under Section 14 of the Act read with Section 86 (1)(d) of the Act. It is humbly submitted that the Petitioner/ Applicant has a statutory right to apply to this Hon'ble Commission for grant of intra-state trading

6

license in the state of Maharashtra in terms of Sections 14 read with Section 86(1)(d) of the Act.

It is further stated that this Hon'ble Commission under Section 15 of the Electricity Act, 2003 read with the provision of the MERC (Trading License Conditions) Regulations 2004 is required to process the application for grant of license being filed along with the present application.

- B. For that the Petitioner/ Applicant has also filed a separate application on 18.09.2015 before this Hon'ble Commission to be considered along with the present application in the form and manner as provided under Regulation 4 of the Trading Licence Regulations. As per the said application the Applicant fulfils the eligibility criteria provided under Regulation 5 of the Trading Licence Regulations and hence, is eligible for grant of intra-state trading licence in the state of Maharashtra.
- C. For that the Petitioner/ Applicant is an existing inter-state trading licensee having been granted the same by the Hon'ble Central Electricity Regulatory Commission. As per Rule 9 of the Electricity Rules, 2005 ("Rules"), and inter-state trading licensee is statutorily permitted to undertake intra-state trading activity on the basis of an existing inter-state trading license. Therefore, on account of the same



the Applicant being an inter-state trading licensee is statutorily permitted to undertake intra-state trading.

It is further stated that the above permission under the delegated legislation does not take away the statutory right of the Applicant, in terms of Sections 14 and 15 read with Sections 86(1)(d) and (k) of the Act to seek a separate intra-state trading license in the State of Maharashtra.

- D. For that upon a perusal of the accompanying application for grant of intra-state trading license, it becomes evident that the Petitioner/ Applicant qualifies as per the requirement criteria. All the relevant documents are being enclosed with the accompanying application. Further, the Applicant already has 8 years years of experience as a trading licensee. The Applicant has already been granted intra-state trading license in various other states. It is also to be noted that the Applicant has been a trader of Electricity within a State of Maharashtra for the past 8 years. Hence, the Applicant's case is a fit one for the grant of an intra-state license for the State of Maharashtra.
- E. For that as per Section 15 (8) of the Electricity Act, 2003, in the event a license is granted to an applicant, the same has to be necessarily for a period of 25 years. As such the



Applicant is seeking an intra-state trading license in the State of Maharashtra for a period of 25 years.

- F. The same will also fulfil the mandate of the Electricity Act, 2003 for promotion of competition. In the event the license is granted then the same would be in consumer interest as there will be competition in the retail supply of power. This will also give a boost to the mandate of Section 42(2) of the Electricity Act 2003, which provides for open access.
10. This Hon'ble Commission is vested with the requisite jurisdiction for the purposes of adjudication of the present petition for grant of license.
11. The Petitioner/ Applicant has a good prima facie case for grant of intra state trading license, and the same ought to be granted. The same will also fulfil the mandate of the Electricity Act, 2003 for promotion of competition.
12. The present petition/ application is bonafide, and made in the interest of justice.

PRAYER

The Applicant humbly prays this Hon'ble Commission to be pleased to:-

- (a) Grant an intra-state trading license in the state of Maharashtra to the Petitioner/ Applicant, as per the details



provided in the application filed as per Schedule I of the MERC (Trading License Conditions) Regulations 2004, for a period of 25 years; and

(b) Pass such other and further order or orders as this Hon'ble Commission may deem fit and proper and in the interest of justice.

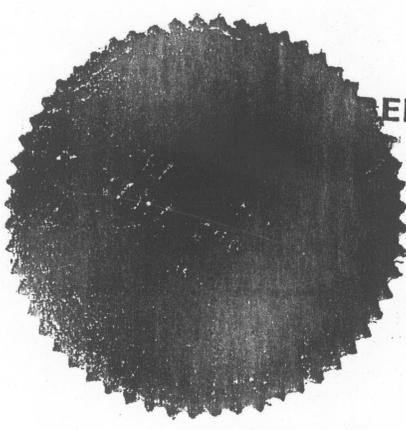
Place: Mumbai

Date: 6/10/2015

Signature of the Petitioner/ Applicant



BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION, MUMBAI



Filing No. _____

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(To be filled by the Office)

IN THE MATTER OF:

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AND IN THE MATTER OF

GLOBAL ENERGY PRIVATE LIMITED
104, 10th Floor, Makers Chambers VI,
Nariman Point, Mumbai-400021

...PETITIONER/APPLICANT

Affidavit verifying the Petition

I, Abhijit Dhamdhere, son of Anant Dhamdhere , aged 45 years, residing at Mumbai, do solemnly affirm and say as follows:

1. I am the authorised representative of Petitioner in the above matter and am duly authorised and competent to make this affidavit.
2. The statements made in paragraphs 1 to 9 of the petition are true to my knowledge and belief and statements made in paragraphs A to 12 are based on information and I believe them to be true.
3. I say that there are no proceedings pending in any court of law/ tribunal or arbitrator or any other authority, wherein

the Petitioners are a party and where issues arising and/or reliefs sought are identical or similar to the issues arising in the matter pending before the Commission.

Solemnly affirm at Mumbai on this the 6th day of October, 2015 that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.


(Signature)

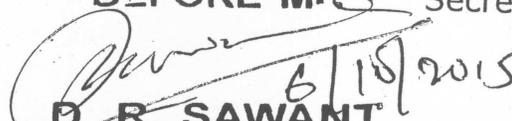
Identified before me

Mumbai

Dated: 6/10/2015

6 OCT 2015

BEFORE ME Secretary

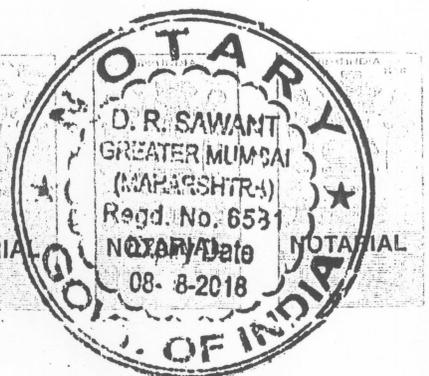
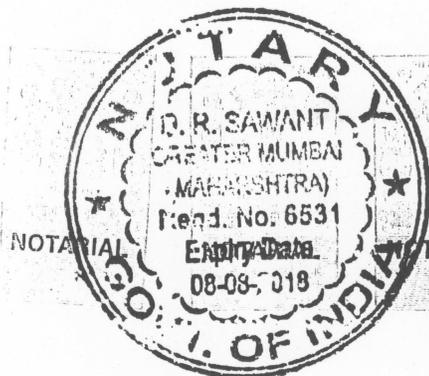

6/10/2015
D. R. SAWANT
M.COM.LLB

ADVOCATE HIGH COURT,
NOTARY GOVT. OF INDIA
4, SHREEJI, SHIRIN APT. BLDG. NO 3
OPP GANGA JAMUNA CINEMA
TARDEO MUMBAI 400007



This document is noted at
Sr. No. 3723/15 in the
Notarial Register

6 OCT 2015



**BEFORE THE MAHARASHTRA ELECTRICITY REGULATORY
COMMISSION, MUMBAI**

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...PETITIONER /APPLICANT

MEMO OF AUTHORISATION

We, Global Energy Private Limited, represented by its authorised signatory, Mr Abhijit Dhamdhere, the Petitioner above named, do hereby nominate, appoint, and constitute Mr. Hemant Singh, Ms. Shikha Ohri, Ms. Matrugupta Mishra, Ms. Meghana Aggarwal, Mr. Tushar Nagar, Mr. Tabrez Malawat, advocates of M/s Praxis Counsel, Advocates & Solicitors, to act, plead and appear on our behalf in the aforesaid matter.

13

In witness whereof, we have set and subscribed our hands to
this writing on this the 5th day of October, 2015.

Place: Mumbai

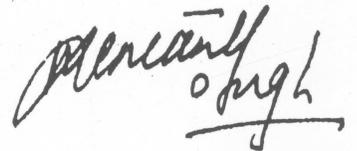
Dated: 5/10/2015



Petitioner

Address for correspondence:

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We accept