



Global Energy
Private Limited

Date: 23/06/2017

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

Subject: -Affidavit for placing on record undertaking in terms of amended Regulation 4A of the MERC (Trading License Conditions) (Second Amendment) Regulations, 2017.

Reference: -

- 1) Application under Sections 14, 15, 86(1)(d) and 86(k) of the Electricity Act, 2003 read with MERC (Trading License Conditions), Regulations, 2004 seeking grant of intra state trading license in State of Maharashtra. (Case No.132 of 2015).
- 2) Your e-mail dated 25/05/2017

Dear Sir,

This is with reference to the aforesaid subject. Please find enclosed herewith our submissions (1+6 copies) on Affidavit alongwith the necessary Annexures.

Thanking You,


(Aparajita Sharma)

www.globalenergy.co.in



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MUMBAI OFFICE:

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CIN No. U40101GA1994PTC001663

BRANCH OFFICES: Pune, Bangalore, Chennai, Hyderabad, Bhubneshwar, Lucknow, Belgundi

**BEFORE THE HON'BLE MAHARASHTRA
ELECTRICITYREGULATORY
COMMISSION, MUMBAI**

FILING NO:_____

CASE NO. 132 OF 2015

IN THE MATTER OF

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

AND IN THE MATTER OF

M/s. Global Energy Private Limited

.....PETITIONER/APPLICANT

I N D E X

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**BEFORE THE HON'BLE MAHARASHTRA
ELECTRICITY REGULATORY**

COMMISSION, MUMBAI

FILING NO: _____

CASE NO. 132 OF 2015

IN THE MATTER OF

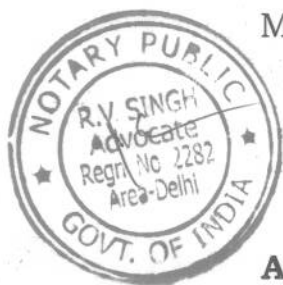
**Application under Sections 14, 15, 86(1)(d) and 86(k) of the
Electricity Act, 2003, read with the Maharashtra Electricity
Regulatory Commission (Trading Licence Conditions)
Regulation, 2004, seeking grant of Intra-State Trading
Licence in the State of Maharashtra**

AND IN THE MATTER OF

M/s. Global Energy Private Limited
having its registered office at:
207, Gera Imperium II,
Patto Plaza, Panjim,
North Goa,
Goa - 403 001

And also at:

104, 10th Floor, Makers Chambers VI,
Nariman Point,
Mumbai - 400 021



.....PETITIONER/APPLICANT

**AFFIDAVIT FOR PLACING ON RECORD UNDERTAKING ON
BEHALF OF THE PETITIONER AS SOUGHT BY THE
HON'BLE COMMISSION**

I, Aparajita Sharma, D/o Subhash Sharma, aged about 27 years, presently working as Assistant Manager Legal with the Petitioner, do solemnly affirm and say as follows:

1. I am the authorised representative of M/s. Global Energy Private Limited, the Petitioner in the present matter. I am fully aware of the facts and circumstances of the present matter, and such I am fully competent to swear this affidavit. Copy of Board Resolution is annexed herewith and marked as **Annexure-A**
2. That the Petitioner is filing the present affidavit in compliance of the directions of this Hon'ble Commission vide email dated 25th May 2017, and without prejudice to any submission made by the Petitioner in any of the affidavits filed before this Hon'ble Commission in the instant matter, and without prejudice to any right or recourse that the Petitioner may have under law or equity. The Hon'ble Commission vide the said email sought an undertaking from the Petitioner in terms of amended Regulation 4A of the MERC (Trading Licence Conditions) (Second Amendment) Regulations, 2017 (hereinafter referred as the "**Amended Regulation**"). A copy of the said email dated 25th May 2017 is annexed herewith and marked as **Annexure - B**.
3. That in exercise of the powers conferred under section 181 of the Electricity Act, 2003 and all other powers, this Hon'ble Commission has amended Regulations 4A with effect from 24th April 2017. The amended Regulation is reproduced herein for the sake of ready reference: -



"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 licence 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.”

A copy of the amended Regulation is annexed herewith and marked as **Annexure – C**.

4. With regard to the above, as per the records available and to the best of its belief, the Petitioner humbly submits the following, without prejudice to any submission made by the Petitioner in any of the affidavits filed before this Hon'ble Commission in the instant matter, and without prejudice to any right or recourse that the Petitioner may have under law or equity:



(a) that there is no order of conviction under any applicable law against any director or promoter of Petitioner as on date.

(b) that there is no 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 against the Petitioner or any director or promoter of the Petitioner as on date.

(c) that there is no existing conditions or circumstances that cast a doubt on the ability of the Petitioner to perform its duties and obligations under the Electricity Act, 2003.

5. The Petitioner states that the present affidavit is bonafide and in the interest of justice, and therefore, the same may be taken on record. The Petitioner further craves leave to file any other affidavit / pleadings in the interest of justice.



Aparajita
DEPONENT

VERIFICATION

Solemnly affirmed at New Delhi on this 22nd day of June, 2017, that the contents of the above affidavit are true to my knowledge (as derived from records), based on information believed to be true and no part of it is false and nothing material has been concealed therefrom.



Aparajita
DEPONENT

solemnly affirmed before me, read
over & explained to the deponent

Notary Public DELHI

12.2 JUN 2017

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ANNEXURE-A



Global Energy
Private Limited

CERTIFIED TRUE COPY OF BOARD RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF GLOBAL ENERGY PRIVATE LIMITED HELD ON 09TH MAY, 2017, AT 6TH FLOOR, LE-MERIDIEN COMMERCIAL TOWER, RAISINA ROAD, NEW DELHI - 110001

"RESOLVED THAT In suppression to earlier resolution, Ms. Aparajita Sharma, Assistant Manager Legal of the company be and is hereby authorized to represent and to act for and on behalf of the Company, in case no. 132 of 2015 for trading licence application in accordance with the "Maharashtra Electricity Regulatory Commission (Trading Licence Conditions) Regulations, 2004" before the Maharashtra Electricity Regulatory Commission (MERC) and to exercise all powers and do necessary acts, deeds or things, which *inter-alia* includes signing and execution of application and any other document(s), as may be required, for filling of aforesaid trading license application."

**Certified True Copy
For Global Energy Private Limited**

For Global Energy Private Limited

Company Secretary

Gyan Sheel

Company Secretary

M. No: F7643



www.globalenergy.co.in



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ANNEXURE-B

6/22/2017

Global Energy Private Limited Mail - Undertaking as per amended Trading Licence Conditions Regulations



Abhijit - <abhijitd@globalenergy.net.in>

Undertaking as per amended Trading Licence Conditions Regulations

Rakesh Guhagarkar <rakesh.guhagarkar@merc.gov.in>
Reply-To: rakesh.guhagarkar@merc.gov.in
To: abhijitd <abhijitd@globalenergy.net.in>
Cc: prafulla.varhade@merc.gov.in

Thu, May 25, 2017 at 12:43 PM

Dear Sir,

This has reference to the Application of Global Energy for grant of Intra-State Trading Licence in Case No. 132 of 2015.

The Commission has amended its Trading Licence Conditions Regulations, 2004. The Copy is attached herewith for reference.

It is requested to submit an undertaking as required in the amended Regulations.

Regards

Rakesh Guhagarkar

 **Gazette copy of Amendment in Trading Regulations.pdf**
105K



ANNEXURE - C

(L-5) Part IV-C Ext. 22

RNI No. MAHBIL /2009/35527



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-क

वर्ष ३, अंक १७]

सोमवार, एप्रिल २४, २०१७/वैशाख ४, शके १९३९

[पृष्ठ ४ किंमत : रुपये ९.००

असाधारण क्रमांक २२

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले

(भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांमधील इतर)

वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हादंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

महाराष्ट्र विद्युत नियामक आयोग

केंद्र क्र. १, १३ वा मजला, जागतिक व्यापार केंद्र, कफ परेड, कुलाबा, मुंबई ४०० ००५.

दूरध्वनी : ०२२-२२१६ ३९६४/६५/६९, फॅक्स : ०२२-२२१६ ३९७६

ई-मेल : mercindia@merc.gov.in वेब-साईट : www.mercindia.org.in / www.merc.gov.in

अधिसूचना

विद्युत अधिनियम, २००३.

क्रमांक मविनिआ/लिगल/वीज व्यापार परवाना अटी/२०१७/०१९००.—विद्युत अधिनियम, २००३ च्या कलम १८१ अन्वये प्रदान करण्यात आलेल्या आणि या संदर्भात त्यास समर्थ करणाऱ्या अन्य सर्व अधिकारांचा वापर करून, महाराष्ट्र विद्युत नियामक आयोग याद्वारे "महाराष्ट्र विद्युत नियामक आयोग (वीज व्यापार परवाना अटी) विनियम, २००४" ('मुख्य विनियम') मध्ये सुधारणा करण्यासाठी खालील विनियम करीत आहे, जसे की :—

१. संक्षिप्त शीर्षक व प्रारंभ.—

(अ) या विनियमांना "महाराष्ट्र विद्युत नियामक आयोग (वीज व्यापार परवाना अटी) (दुसरी सुधारणा) विनियम, २०१७", असे म्हणावे.

(ब) हे विनियम शासकीय राजपत्रातील त्यांच्या प्रसिद्धीच्या दिनांकापासून अमलात येतील.

२. मुख्य विनियमांच्या विनियम ४-अ मध्ये सुधारणा.—

दिनांक २१ डिसेंबर २००६ च्या सुधारणेद्वारे मुख्य विनियमांमध्ये समाविष्ट करण्यात आलेला विनियम ४-अ खालीलप्रमाणे बदलण्यात येईल, जसे की,—

"४-अ पात्रतेच्या अटी/अपात्रता ;

या विनियमांखाली परवाना मंजुरीकरिता पात्र ठरण्यासाठी पात्रतेच्या अटी/अपात्रता आयोग विनिर्दिष्ट करू शकेल.

भाग चार-क—२२-१



वर नमूद केलेल्या बाबींतील सर्वसाधारणतः काहीही असली तरी, अधिनियमाखालील कर्तव्ये आणि बंधनांचे पालन करण्यासंबंधात सध्याची स्थिती किंवा परिस्थिती अर्जदाराच्या क्षमतेबाबत, आयोगाच्या मते, शंका निर्माण करणारी असेल तर, कोणताही अर्जदार या विनियमांखाली परवाना मंजूरीसाठी पात्र ठरणार नाही.

स्पष्टीकरण.—या विनियमांच्या प्रयोजनार्थ 'स्थिती किंवा परिस्थिती' म्हणजे व त्यामध्ये, अर्जदार किंवा त्याच्या कोणत्याही भागीदार, संचालक किंवा प्रवर्तकाविरुद्ध न्यायालयामध्ये गुन्हा साबित झालेली प्रकरणे, किंवा नियामक प्राधिकरणाने आरोप ठेवलेली/प्रतिकूल आदेश दिलेली प्रकरणे किंवा जी समाजाच्या/जमातीच्या नैतिक श्रद्धेला धक्का लागल्यामुळे संताप निर्माण करणाऱ्या एखाद्या गंभीर स्वरूपाच्या अपराधाशी संबंधित असतील ; अर्जदार किंवा त्याच्या कोणत्याही भागीदार, संचालक किंवा प्रवर्तकाची नादारी किंवा दिवाळखोरी ; नैतिक अधःपतन अंतर्भूत असलेला गुन्हा साबित होणे, किंवा कोणताही आर्थिक गुन्हा ; लबाडीच्या आणि अनुचित व्यापार प्रथा किंवा बाजारातील हातचलाखी ; आर्थिक सचोटी ; सक्षमता ; लौकिक आणि चारित्र्य आणि अन्य कोणतीही पुरेशी कारणे, यांचा समावेश असेल :

परंतु असे की, आयोगाच्या कार्यालयात आणि/किंवा त्याच्या इंटरनेटवरील संकेतस्थळावर उपलब्ध असलेल्या नमुन्यातील हमीपत्राबरोबर आयोगाने वेळोवेळी विनिर्दिष्ट केलेली कागदपत्रे आणि माहिती, अर्जदाराला त्याच्या अर्जासोबत पाठविण्यास आयोग सांगू शकेल :

परंतु आणखी असे की, अर्जदाराला त्याची बाजू मांडण्याची संधी दिल्याशिवाय परवाना मंजूरीसाठीचा कोणताही अर्ज नाकारण्यात येणार नाही."

अश्वनी कुमार सिन्हा,

सचिव,

महाराष्ट्र विद्युत नियामक आयोग.

मुंबई,

दिनांक २४ एप्रिल २०१७.

टीप.—महाराष्ट्र विद्युत नियामक आयोग (वीज व्यापार परवाना अटी) विनियम, २००४ शासकीय राजपत्रात १० जून २००४ रोजी अधिसूचित करण्यात आले होते. या विनियमांमध्ये महाराष्ट्र विद्युत नियामक आयोग (वीज व्यापार परवाना अटी) विनियम, २००६ द्वारे २१ डिसेंबर २००६ रोजी प्रथम सुधारणा करण्यात आली होती.



MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400 005

Email : mercindia@mercindia.org.in, mercindia@merc.gov.in**Website :** www.mercindia.org.in / www.merc.gov.in**NOTIFICATION**

ELECTRICITY ACT, 2003.

No. MERC/Legal/Trading Licence Conditions/2017/01900.—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 :

(a) These Regulations may be called the Maharashtra Electricity Regulatory Commission (Trading Licence Conditions) (Second Amendment) Regulations, 2017.

(b) 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 21st 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 licence 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 :



४

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-क, एप्रिल २४, २०१७/वैशाख ४, शके १९३९

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 24th April 2017.

ASHWANI KUMAR SINHA,
Secretary,
Maharashtra Electricity Regulatory Commission.

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

