

also not adequately covered power trading. Certification from the bankers that all Borrowal Accounts of the applicant are classified as “Standard” was also wanting. They were asked to rectify the above deficiencies and certain other information were also called for. The Commission heard the petition on 13-9-2011 and it was registered as T.L.A. No. 1 of 2011 and the applicant was directed to adhere to the procedure prescribed in section 15 of Electricity Act, 2003 and TNERC (Licensing) Regulations, 2005 and report compliance to the Commission.

3. Subsequently on 14-9-2011 the applicant filed an affidavit for change of name from M/s. R.S. Yarns (Tirupur) Pvt. Ltd. to M/s. R.S. Yarns and Power Pvt. Ltd. In the hearing conducted on 12-10-2011, the name change was allowed by the Commission.

4. A public notice containing the salient features of the application was made by the applicant in the following newspapers on 19.10.2011 calling for stakeholders objections/comments upto 18.11.2011.

1. The New Indian Express,
2. The Hindu Business Line,
3. Dinamani and
4. Daily Thanthi

5. The Commission in its letter dated 01-11-2011 has pointed out certain discrepancies in the publication and the applicant was directed to rectify the same by issue of a corrigendum in all the above newspapers. Accordingly corrigendum was issued by the applicant in all the above newspapers on 12-11-2011.

6. One Thiru P.Subramaniam of Tirunelveli has filed his views on the above petition and as it was incomplete, he was asked to file an affidavit before 22-12-2011 wherein it was also informed that failing which his objection will be rejected. But, he has not filed any affidavit as directed by the Commission. However, his objection, which was on the adequacy of equity share holding by one of the directors namely M/s.Naveen Cotton Mills Pvt. Ltd., Tirupur which is 18% instead of 26% as per TNERC Order No. 3 dated 15-05-2006 for use of electricity by associated firms, has been examined by the Commission. As this 26% equity holding is required for captive consumption status and not for trading in electricity, his objection was rejected on merits.

7. The issue of licence was examined by the Commission in the light of the details furnished by the applicant and it came to the conclusion that the applicant **prima-facie** qualified for grant of licence for Intra–State trading in electricity as a “C” category electricity trader. Hence, the Commission issued public notice of its intention to grant the licence to M/s.R.S.Yarns and Power (Pvt.) Ltd. in accordance with clause (a) of sub-section (5) of section 15 of the Electricity Act, 2003 (Central Act 36 of 2003) on 19.04.2012 in the following newspapers duly calling for suggestions/objections, if any, by 21-5-2012.

1. The Economic times
2. Dinathanthi

8. Against this, one Thiru Bibek Saha has stated in his e-mail dated 24-4-2012 that the original application is not available in the website of the Commission or of the applicant M/s.R.S.Yarn and Power (Pvt.) Ltd. The Commission in its e-mail dated 9-5-2012 has sent a reply to the above stakeholder that the detailed

publication was done by the applicant on 19-10-2011 inviting comments / objections upto 18-11-2011 under regulation 9 (1) (a) of TNERC Licensing Regulation and the present publication of the proposal to grant licence is issued by the Commission under TNERC Licensing Regulation 13 read with section 15 of Electricity Act, 2003, giving brief details of name and address of the applicant and calling for objections / comments. Thus due process of law contemplated under Electricity Act, 2003 and the TNERC Licensing Regulation, 2005 has been followed by the Commission.

Now, the Commission decides to issue the trading licence for Intra-State Trading in the State of Tamil Nadu, as a category 'C' trader, to M/s.R.S.Yarn and Power (Pvt.) Ltd. with effect from 16-11-2012. The applicant shall receive the Trading Licence from the Secretary of the Commission, immediately. The licensee shall charge trading margin strictly in accordance with the Commission's order No. TNERC/M.0.5/T.M dated 15-10-2012 as amended from time to time.

Accordingly, the petition T.L.A. No.1 of 2012 is disposed of.

Pronounced in the open court today.

(Sd.....)
(S.Nagalsamy)
Member

(Sd.....)
(K.Venugopal)
Member

/ True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission