

**HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION SHIMLA**

NOTIFICATION

Shimla the 9th August, 2011

No.HPERC/382: - WHEREAS regulation 6 of the Himachal Pradesh Electricity Regulatory Commission (Eligibility Conditions for being a Electricity Trader) Regulations, 2008, corresponds to regulation 6-A of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for Grant of Trading Licence and other related matters) Regulations,2004. The Hon'ble Supreme Court vide its Judgment dated 11.5.2009, rendered in Civil Appeal No.3457-3458 of 2009,-Global Energy Ltd. and Anr.V/s. Central Electricity Regulatory Commission has struck down the provisions of Clause (b) and Clause (f) of regulation 6-A of the said Central Electricity Regulatory Commission Regulations, and it has, therefore, become necessary to amend aforesaid regulation 6 of this Commission's regulations of 2008.

NOW, THEREFORE, the Himachal Pradesh Electricity Regulatory Commission, in exercise of powers conferred under section 52, read with section 181 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling in this behalf, and, after previous publication, the Himachal Pradesh Electricity Regulatory Commission makes the following regulations to amend the Himachal Pradesh Electricity Regulatory Commission (Eligibility Conditions for being a Electricity Trader) Regulations, 2008, published in the Rajpatra, Himachal Pradesh, dated 23rd July, 2008, namely:-

REGULATIONS

1. Short title and commencement- (1) These regulations shall be called the Himachal Pradesh Electricity Regulatory Commission (Eligibility Conditions for being a Electricity Trader) (First Amendment) Regulations, 2011.

(2) These regulations shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.

2. Amendment of Regulation 6. – For the regulation 6 of the Himachal Pradesh Electricity Regulatory Commission (Eligibility Conditions for being a Electricity Trader) Regulations,2008, the following regulation 6 shall be substituted, namely.-

“6. Disqualifications: The applicant shall not be qualified for grant of licence if-

(a) the applicant, or any of his associates, or partners, or promoters, or Directors is an undischarged insolvent; or

(b) the applicant, or any of his associates, or partners, or promoters, or Directors has been convicted of an offence involving moral turpitude, fraud, or any economic offence during the year of making the application or three years

immediately preceding that year and a period of six months has not elapsed since his release from imprisonment, if any, consequent to such conviction; or

(c) an order canceling the licence of the applicant, or any of his associates, or partners, or promoters, or Directors, has been passed by the Commission; or

(d) the applicant holds a licence for transmission of electricity; or

(e) the applicant, or any of his associates, or partners, or promoters, or Directors has in the past been –

(i) refused a licence on the grounds which continue to remain valid, or

(ii) found guilty in any proceedings for non-compliance of any of the provisions of the Act or the rules or the regulations made thereunder or an order made by the Appropriate Commission, during the year of making the application or five years immediately preceding that year”.

By the order of the Commission

Sd/-
Secretary