

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

**1.Dr. Pramod Deo, Chairperson
2.Shri R. Krishnamoorthy, Member
3.Shri S.Jayaraman, Member**

**I.A. No. 4/2009 in
Petition No. 91/2007**

In the matter of

Application for grant of permission for setting up and operation of Power Exchange.

And In the matter of

NTPC Limited

.... Petitioner

And in the matter of

1. National Power Exchange Limited, New Delhi
2. NTPC Limited

... Applicants

The following were present:

1. Shri K.K.Agarwal
2. Shri V.K.Padha
3. Shri D.K.Gupta

**ORDER
(Date of Hearing: 22.1.2009)**

The main petition was filed by NTPC Ltd. seeking permission to set up and operate power exchange through a separate company to be promoted jointly by NTPC, NHPC and NCDEX. The Commission, vide its order dated 6.11.2007 observed that as per the guidelines contained in the order dated 6.2.2007 in Petition No. 155/2006 (suo motu), the application for setting up of power exchange was to be made by a company or a consortium in which case, a copy of the agreement arrived at between the members constituting the consortium was to be filed. As the formal agreement constituting the consortium was not finalized by the parties said to be involved, the Commission vide para 14 of its order dated

6.11.2007 had directed that the petition be kept pending till such time a separate company under the Companies Act, 1956 (1 of 1956) was registered. The said para 14 of the order dated 6.11.2007 is extracted hereunder for ease of reference:

“14. At the hearing it was reiterated on behalf of the applicant that steps were being taken to form a separate company to be responsible for setting up the power exchange. We direct that this application may be kept pending till such time a separate company under the companies Act is registered for setting up and operating the power exchange. The company so registered shall get the application revived as and when established. Such a company shall be substituted as the application in place of the present applicant, NTPC. The concerned company shall publish fresh notices in accordance with the guidelines contained in the order dated 6.2.2007 *ibid*. The documents required under the guidelines shall also be placed on record by the newly formed company.”.

2. The I.A. has been filed jointly by National Power Exchange Limited and NTPC Ltd. It has been prayed that National Power Exchange Limited be substituted as the petitioner in the main petition in place of NTPC Ltd. The I.A. also seeks permission for setting up the operating power exchange in terms of the guidelines and order issued by the Commission. The certificate of incorporation of National Power Exchange Limited, its Memorandum of Association, Articles of Association, and the financial statements of the promoter companies for the year 2007-08 have also been filed along with the I.A.

3. Heard Shri K.K.Agarwal and Shri V.K.Padha for the applicants.

4. As the prayer in the I.A. for substitution of National Power Exchange Limited for NTPC Ltd. is in accordance with the direction of the Commission in its order dated 6.11.2007 *ibid*, we allow the IA to that extent. Therefore, `NTPC Ltd.` the original petitioner in Petition No. 91/2007 shall be substituted with `National Power Exchange Ltd.` and cause title of the petition shall be amended accordingly.

5. We have been informed by the representative of the applicants that the National Power Exchange Ltd. has already on 14.1.2009 published notices in accordance with the guidelines contained in the order dated 6.2.2007.

6. The prayer for grant of permission to set up and operate power exchange cannot be considered at this stage and may have to be considered in the light of the objections, if any, received in response to the notices published.

7. Meanwhile, the original copies of the newspapers wherein the notices have been published shall be placed on record by the National Power Exchange Ltd.

8. With the above, the I.A. stands disposed of.

9. The petition shall be processed by the Office on completion of the procedural requirements.

Sd/-

**(S.JAYARAMAN)
MEMBER**

New Delhi dated the 23rd January 2009

sd/-

**(R.KRISHNAMOORTHY)
MEMBER**

sd/-

**(DR. PRAMOD DEO)
CHAIRPERSON**