

CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI

Coram:

1. Dr. Pramod Deo, Chairperson
2. Shri Bhanu Bhushan, Member
3. Shri R Krishnamoorthy, Member
4. Shri S Jayaraman, Member

IA No. 22/2008  
in  
Petition No. 38/2007

In the matter of

Application for grant of permission to Indian Energy Exchange Limited for setting up of Power Exchange

And in the matter of

Indian Energy Exchange Limited	...	...	...	<b>Petitioner</b>
--------------------------------	-----	-----	-----	-------------------

The following were present:

1. Shri M Rajesh, Indian Energy Exchange Ltd.
2. Shri Prasanna Rao, Indian Energy Exchange Ltd.
3. Shri Anand, Indian Energy Exchange Ltd.
4. Shri Jayant Deo, Indian Energy Exchange Ltd.
5. Shri Narayan Lodha
6. Shri S K Soonee, Power Grid Corporation of India Ltd.

ORDER  
(Date of Hearing: 16.9.2008)

The main petition was filed to seek permission for setting up the power exchange, which was granted by the order dated 31.8.2007. Subsequently, the Commission by its order dated 9.6.2008, approved the rules, bye-laws, etc. for the proper conduct of business of the power exchange, for day-ahead contracts (transactions). It was directed that in case the petitioner intended to undertake any other contracts (transactions), it could be done only with the prior approval of the Commission. With this, the main petition did not survive.

2. Through this IA, the petitioner has made the following prayers:
  - (a) To allow the petitioner to start a continuous market segment with daily, weekly and monthly contracts;
  - (b) To approve revised bye-laws and business rules;
  - (c) To change scheduling and operation charges from per day basis to per MWhr basis;
  - (d) Any other order for smooth functioning of the existing day ahead market and also these additional contracts.
3. Heard the representatives of the petitioner.
4. When it was pointed out to the representative of the petitioner that in the light of the fact the main petition already stood disposed of and thus the present IA was not maintainable, he prayed that the IA may be treated as a separate petition, proper filing fee for which would be deposited. When further pointed out that the proposals made in the IA were akin to bilateral trading and were likely to affect the existing trading licensees, the representative of the petitioner sought to distinguish the current proposal on the ground of anonymity of the parties, as compared to face-to-face negotiations in the bilateral trading. He submitted that impleadment of the electricity traders as party in the present proceedings was not necessary.
5. Shri S K Soonee, representative of the RLDCs, submitted that the application was not maintainable in the present form, since, according to him, the prayers made in the IA might involve amendment to Open Access Regulations. He urged that the application should be considered only after notice to the RLDCs.

6. We have carefully considered the submissions made by the parties at the hearing. We are satisfied that the relief claimed by the petitioner cannot form the subject matter of an IA and this has been accepted by the representative of the petitioner. Accordingly the petitioner is granted liberty to file a fresh petition, if so advised, with all the necessary details and on payment of fee as applicable to such a petition. We further direct the petitioner to implead National Load Despatch Centre, who coordinates with RLDCs, and all the trading licensees in the fresh petition and serve copy of the petition on all of them.

7. The office shall process the fresh petition, as and when filed, on completion of the procedural requirements.

8. With this order, the present IA stands disposed of.

Sd/-	Sd/-	Sd/-	Sd/-
[S JAYARAMAN]	[R KRISHNAMOORTHY]	[BHANU BHUSHAN]	[DR. PRAMOD DEO]
MEMBER	MEMBER	MEMBER	CHAIRPERSON

New Delhi, dated 19<sup>th</sup> September, 2008