

AMENDMENT to
Maharashtra Electricity Regulatory Commission (Trading Licence
Conditions) Regulations, 2004

**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
(TRADING LICENCE CONDITIONS) REGULATIONS, 2006**

ELECTRICITY ACT, 2003

No. MERC/Legal/130/Licence Conditions Distribution/Transmission/Trading (Electricity Act, 2003)/ In exercise of the powers conferred by clause (b) of sub-section (2) of Section 181 read with sub-section (1) of Section 15, clause (c) of sub-section (2) of Section 181 read with sub-section (2) of Section 15, clause (d) of sub-section (2) of Section 181 read with Section 16, clause (e) of sub-section (2) of Section 181 read with clause (a) of sub-section (2) of Section 18 and clause (f) of sub-section (2) of Section 181 read with clause (c) of sub-section (2) of Section 18, clause (z) of sub-section (2) of section 181 read with section 52 and clause (zp) of sub-section (2) of Section 181 of the Electricity Act, 2003 (36 of 2003), the Maharashtra Electricity Regulatory Commission (MERC) hereby makes the following amendments to the Maharashtra Electricity Regulatory Commission (Trading Licence Conditions) Regulations, 2004, namely:-

Regulation 4-A is added under Chapter – II – Procedural Aspects, after Regulation 4.3 of the MERC (Trading Licence Conditions) Regulations, 2004, 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 license 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; pending legal proceedings; 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 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 license shall be rejected unless such applicant has been given an opportunity of being heard.”

Mumbai
Date: 21st December 2006

Sd/-
(Smt Malini Shankar)
Secretary, MERC