HARYANA ELECTRICITY REGULATORY COMMISSION

Notification

The 8th December 2009

Regulation No. HERC/13 / 2005 / 1st Amendment, 2009: - In exercise of the powers conferred on it by section 181 of the Electricity Act 2003 (Act 36 of 2003), regulation 27 of the Haryana Electricity Regulatory Commission (Licensing of trading, Eligibility Criteria for Grant of Trading Licence, the Duties and the Terms and Conditions of Trading Licence) Regulations, 2005 and all other powers enabling in this behalf, the Haryana Electricity Regulatory Commission, after previous publication, hereby amends regulation 16 of the aforesaid regulations as under:-

CHAPTER – I

GENERAL

1. Short Title, Commencement, and interpretation. – (1) These Regulations may be called the Haryana Electricity Regulatory Commission (Licensing of trading, Eligibility Criteria for Grant of Trading Licence, the Duties and the Terms and Conditions of Trading Licence) (1st Amendment) Regulations, 2009.

(2) These regulations shall come into force on the date of their publication in the Haryana Government Gazette.

(3) These regulations shall extend to the State of Haryana.

(4) The Punjab General Clauses Act 1898 (Act 1 of 1898) as applicable to the State of Haryana shall apply to the interpretation of these regulations.

2. Amendment to regulation 16.

Regulation 16 shall be substituted by the following:-

"The Commission may reject the application for grant of a licence if:

(a) The applicant, or any of his associates, or partners, or promoters, or Directors is an un-discharged 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, 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 five years immediately preceding the date of receipt of application and the period between the receipt of application and grant of licence;

Provided that no such application shall be rejected without giving an opportunity to the applicant of being heard by the Commission.

By order of the Commission

Secretary
Haryana Electricity Regulatory Commission