

**BEFORE THE APPELLATE TRIBUNAL FOR ELECTRICITY  
Appellate Jurisdiction, New Delhi**

**Appeal Nos. 94 of 2007 & 134 of 2007**

Dated: 21<sup>st</sup> May, 2009

**Coram: Hon'ble Mrs. Justice Manju Goel, Judicial Member  
Hon'ble Mr. H. L. Bajaj, Technical Member**

**IN THE MATTER OF:**

**21<sup>st</sup> Century Infrastructure (India) Pvt. Ltd.**

Corporation Building

Old Motor Stand

Itwari,

Nagpur – 440 008

... Appellant

Versus

**The Secretary**

**Central Electricity Regulatory Commission**

6<sup>th</sup> Floor, Core-3,

SCOPE Complex,

7, Institutional Area,

Lodhi Road,

New Delhi – 110 003

... Respondent

Counsel for the appellant : Mr. Shibashish Misra  
Mr. Sachin Das

Counsel for respondents : Mr. Ankur Chhibber,

## **ORDER**

**Ms. Justice Manju Goel, Judicial Member**

The appellant has challenged the order of the Central Electricity Regulatory Commission dated 16.03.06 in petition No. 153 of 2005. The appellant had prayed for grant of license for trading in electricity which was declined by the CERC vide the impugned judgment. One of the grounds of rejecting the application for trading license was want of proof of credit worthiness of Rs.1.5 Crore. On 16.09.08 the counsel for the appellant Mr. Shibashish Misra said that the appellant wanted to make a fresh application seeking trading license and wanted to prove his credit worthiness by offering a deposit of Rs.1.5 Crore. On his request the hearing of the appeal was deferred. The appellant accordingly filed application with CERC. However, on 19.03.09, it was submitted before us, on behalf of the CERC, that the application filed by the appellant on 10.01.2009 was defective in form and the appellant had been required to cure the defects vide a letter dated 09.02.09. It was also submitted on behalf of the Commission that the appeal had become infructuous. The learned counsel for the appellant sought time to seek instructions from his client.

02) We are informed that the rules regarding creditworthiness have undergone changes in the meanwhile. The value of credit

worthiness required has now been substantially raised. IT is submitted on behalf of the Commission that the application will have to be considered in the light of the amended rules. According to the altered rules for trading license of category III, the net worth of the applicant should be Rs.5 Crores, whereas for Category-II the net worth of the applicant should be Rs.25 Crores and for Category-I, Rs. 50 Crores. Since the appellant has now sought to apply for a license the same has to be considered by the Commission on its own merit.

03) The present appeal has become infructuous and the same is accordingly dismissed.

**( H. L. Bajaj )**  
**Technical Member**

**( Justice Manju Goel )**  
**Judicial Member**