

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**License Application No. 02 of 2021**

**In the matter of:**

**Application under Sections 14, 15, 16, 18, 52 and 86 (1)(d) of the Electricity Act, 2003 read with the GERC (Licensing of Electricity Trading) Regulations, 2005 (Notification No. 3 of 2005) for Intra-State Trading of Electricity license within the State of Gujarat.**

Applicant / Petitioner : KPI Global Infrastructure Limited,  
'KP House', Opp. Ishwar Farm BRTS Junction,  
Near Bliss IVF Circle, Canal Road,  
Bhatar, Surat – 395017, Gujarat.

Represented by : Mr. Irfan S. Mombasawala, Mr. Narendra Desai and  
Mr. R. I. Haveliwala

Objector : Mr. Rajeshkumar R. Maniyar

Represented by : Nobody was present.

**CORAM:**

**Mehul M Gandhi, Member  
S. R. Pandey, Member**

**Date: 01/10/2022**

**DAILY ORDER**

1. The matter was heard on 13.09.2022.
2. Heard Mr. Irfan S. Mombasawala, appearing on behalf of the Applicant/Petitioner, KPI Global Infrastructure Limited. It is submitted that the present Application has been filed before the Commission on 09.02.2021 for grant of Intra-State Trading Licence to the Applicant/Petitioner under the provisions of the Electricity Act, 2003 and the GERC (Licensing of Electricity Trading) Regulations, 2005.

- 2.1. It is further submitted that the Applicant/Petitioner received a letter dated 30.07.2021 from the Commission wherein it was directed to the Applicant/Petitioner to publish a public notice in newspapers for inviting comments/suggestions from the stakeholders/objectors on the Application/Petition filed before the Commission. Accordingly, in compliance to the aforesaid directives, the Applicant/Petitioner issued public notice on 04.09.2021 in daily newspapers viz. Sandesh, Gujarat Guardian, Loksatta, Gujarat Today and Weekend Business Standard. Moreover, the Applicant/Petitioner also placed the present Petition along with public notice on its website for inviting comments, objections and suggestions from the stakeholders in this matter and has thereafter also filed compliance affidavit dated 10.09.2021 in this regard before the Commission. It is also submitted that the Applicant/Petitioner has received comments/objections from Mr. Rajeshkumar R. Maniyar only to which the Applicant/Petitioner has already filed its reply to the objections raised by the said Objector.
- 2.2. It is further submitted that the Applicant/Petitioner being public limited company desires to carry out trading activity of electricity in the State of Gujarat for the small generators/investors who set up their own IPPs and desire to sell the energy generated from such projects to third party but find it difficult in selling the same. In order to facilitate them, the Applicant/Petitioner is seeking Intra-State Trading License from this Commission. It is also submitted that the Applicant/Petitioner is also carrying out EPC work for setting up Solar Projects on behalf of the project developers and after commissioning the project, the same is handed over to its owner. The Applicant/Petitioner has also carried out EPC work for small Solar Projects developers in the State. It is further submitted that pursuant to the last Daily Order of the Commission, the Applicant/Petitioner has submitted all the details as sought by the Commission.
- 2.3. It is submitted that the Applicant/Petitioner is having Solar generation capacity of about 100 MW. In response to query of the Commission regarding the staff for the trading activities of the Applicant/Petitioner, it is submitted that the Applicant/Petitioner is having staff of around 120 persons to look after entire work

as the Applicant/Petitioner is already involved in the generation / solar business since long. Moreover, the Applicant/Petitioner has been providing support and service for power requirements to many small units including undertaking EPC contracts on their behalf. It is further submitted that the Applicant/Petitioner has appointed Ms. Venu Birappa (Date of joining 03.08.2021) who is a retired employee of GETCO and Mr. Sharad Chandra Patil (Date of joining 06.10.2021) who has retired from GEDA as Independent Directors on the Board of Directors of the Applicant Company. It is submitted that both these directors are well experienced and having vast exposure in power sector in their respective fields. It is further submitted that the Applicant/Petitioner has employed an experienced Chartered Accountant, Company Secretary and other skilled staff in this regard according to requirement of power trading laws.

- 2.4. In response to further query of the Commission as to whether the Applicant/Petitioner has given their reply to the query/objection raised by an Objector Mr. Rajeshkumar R. Maniyar in respect of certain issues in name of the Company, it is submitted that the Applicant/Petitioner has already replied to the objections/query raised by the Objector. It is submitted that the query raised by the Objector Mr. Rajeshkumar R. Maniyar is not relevant to the present Application seeking trading licence of the Applicant/Petitioner since the said query is raised against M/s K. P. Energy Limited, which is a separate legal entity and distinct company other than the Applicant/Petitioner's Company. It is also submitted that the Applicant/Petitioner's Company has been incorporated in the year 2008, whereas; M/s K. P. Energy Limited was incorporated in the year 2010 and thus the Applicant/Petitioner's Company has been incorporated much before the incorporation of M/s K. P. Energy Limited. On a further query of the Commission as to whether the Directors and shareholders of both these companies are same or different, it is submitted that one promoter Director Mr. Faruk Gulam Patel is same in both these companies whereas rest of the Directors are different.
- 2.5. Upon further query by the Commission as to whether Applicant/Petitioner has filed proof of service for providing the reply to the objections raised by the Objector Mr. Rajeshkumar R. Maniyar, it is submitted that the Applicant/Petitioner will file the same for which one week's time may be granted to the Applicant/Petitioner. In

response to the query about status of any pending criminal complaints / cases against the Directors of the Company or the Company itself, it is submitted that one criminal case is pending before Vadodara filed against the Director, Mr. Faruk Gulam Patel for an alleged offence under Section 406, 420, 447, 506 & 114 of the Indian Penal Code (IPC) and there is also SCA filed by Mr. Sangar V. Dhanraj & Ors. before the Hon'ble High Court of Gujarat against the State of Gujarat & Ors., wherein; Managing Director is one of the party of K.P. Energy Limited for seeking demolition and removal of transmissions towers and related infrastructures and the aforesaid details are also filed vide Affidavit dated 30.11.2021 by the Applicant/Petitioner in the present matter.

- 2.6. In response to query of the Commission about any dispute with respect to any dues of any bank/financial institutions, it is submitted that the Applicant/Petitioner is having account with SBI and Power Finance Corporation (PFC). It is submitted that the Applicant/Petitioner has also filed letters dated 15.06.2021 and 28.06.2021 of SBI certifying that the Applicant does not classify as 'Wilful Defaulter' in RBI Defaulter's list available as on 31.12.2019 and 31.03.2021 respectively.
- 2.7. It also submitted that the name of the Applicant/Petitioner Company has now been changed from 'KPI Global Infrastructure Limited' to 'KPI Green Energy Limited'.
3. We have considered the submissions made by the Applicant/Petitioner. When the matter was called out, the Objector Mr. Rajeshkumar R. Maniyar has neither remained present during today's proceedings nor made any written communication about his inability to remain present, despite being served with hearing notice.
  - 3.1. We note that the name of the Applicant/Petitioner Company has now been changed from 'KPI Global Infrastructure Limited' to 'KPI Green Energy Limited'. However, the Applicant/Petitioner has not submitted any documents in this regard. We also note that the Applicant/Petitioner has filed its reply to the objections of Mr. Rajeshkumar R. Maniyar, with a copy to him but no proof of service has been filed by the Applicant/Petitioner before the Commission in the present matter. We also note that the Applicant/Petitioner has filed an Affidavit dated 30.11.2021 wherein

the Applicant/Petitioner has provided details of pending criminal complaints / cases against the Directors / Company. However, current status of said cases is not provided by the Applicant/Petitioner. Hence, the Applicant/Petitioner is directed to file the above details on affidavit, within 10 days' time, from the date of this Order, with a copy to the Objector. We are also of view that as the name of Applicant/Petitioner Company is changed, it is required for the Applicant/Petitioner to change cause title of the Application / Petition including memo of parties filed before the Commission. Accordingly, the Applicant/Petitioner is directed to amend the cause title / memo of parties and provide further details, if any, by filing further submissions on affidavit, within one week's time from the date of this Order.

4. The next date of hearing will be intimated separately.
5. Order accordingly.

**Sd/-**  
**[S. R. Pandey]**  
**Member**

**Sd/-**  
**[Mehul M. Gandhi]**  
**Member**

Place: Gandhinagar  
Date: 01/10/2022