



Making a positive difference
for energy consumers

Farouk Alhassan
Tomato Energy Limited
Devonshire Business Centre
Aviary Court
Wade Road
Basingstoke
RG24 8PE

By email to: farouk.alhassan@senapt.co.uk

Email: sam.wood@ofgem.gov.uk

Date: 10 September 2025

Dear Mr Alhassan,

Notice of failure to comply with a confirmed Provisional Order within the meaning of section 25 of the Electricity Act 1989

I refer to the provisional order confirmation dated 09 July 2025, which required compliance with a set-out condition by 31 August 2025. I can confirm that the deadline has passed, and we now intend to initiate the process that may lead to revocation of Tomato Energy Limited's ("Tomato Energy") Electricity Supply Licence.

Schedule 2 to the Electricity Supply Licence held by Tomato Energy makes provision for possible revocation of that Licence. Specifically, the relevant parts to this case provide that:

"1. The Authority [namely the Gas and Electricity Markets Authority] may at any time revoke the licence by giving not less than 30 days' notice...in writing to the licensee: (a)... (b)... (c) if the licensee fails: (i) to comply with a final order (within the meaning of section 25 of the [Electricity] Act [1989] or with a provisional order...which has been confirmed under that section and (in either case) such failure is not rectified to the satisfaction of the Authority within three months after the Authority has given notice in writing of such failure to the licensee – provided that no such notice shall be given by the Authority before the expiration of the period within which an application under section 27 of the Act could be made questioning the validity or effect of the final or provisional order or before the proceedings relating to any such application are finally determined...."

Within the definitions set out in the Electricity Act, a confirmed provisional order and final order are interchangeable.

The circumstances relevant to the case are as follows:

- On 11 July 2025 the Authority published its decision to confirm the Provisional Order dated 10 April 2025, with modifications, issued to Tomato Energy pursuant to section 25 of the Electricity Act 1989 ("the Electricity Act");
- The Provisional Order was confirmed as the Authority was satisfied that Tomato Energy was contravening or likely to contravene Standard Licence Conditions ("SLC"s) 4A, 4B.1 and 4B.8 of the Electricity Supply Licence.
- The 42-day period within which any application could have been made by Tomato Energy, pursuant to section 27 of the Electricity Act, questioning the validity or effect of the Provisional Order published on 11 July 2025 and served on Tomato Energy on 09 July 2025 has now expired without initiation of any such application or of proceedings relating to such;
- For the avoidance of doubt, Ofgem avers that any such application pursuant to section 27 of the Electricity Act would have been entirely without merit.

This letter therefore provides Tomato Energy with written notice by the Authority, pursuant to Schedule 2(1)(c)(i) of the Electricity Supply Licence, of Tomato Energy Limited's failure to comply with the Confirmed Provisional Order dated 9 July 2025, namely a failure to meet condition 1 of the Order.

If this failure is not rectified to the satisfaction of the Authority within three months after the giving of this notice in writing, the Authority may at any time revoke Tomato Energy Limited's Electricity Supply Licence by giving no less than 30 days' notice in writing to the licensee.

We confirm that this written notice will be published on the Authority's website on **24 September 2025**. Should the licensee wish to make representations regarding the proposed date of publication of the notice on the Ofgem website, it is requested to contact James Walker at j.walker@ofgem.gov.uk by **4pm on 22 September 2025**. Any representations received by that date will be duly considered.

Yours sincerely

Sam Wood
Head of Enforcement
Market Oversight and Enforcement
Ofgem