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## WEST BENGAL ELECTRICITY REGULATORY COMMISSION

## NOTIFICATION

No. 12/WBERC Dated : 12.11.2003

In exercise of the power conferred on it by Section 181 of the Electricity Act, 2003 (No. 36 of 2003) and all powers enabling it in that behalf, West Bengal Electricity Regulatory Commission hereby makes the following regulations:-

CHAPTER – I  
(General)

## Short title, commencement and interpretation

1. (1) These regulations may be called the 'West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2003.

(2) These shall come into force on the date of the publication in the official Gazette.

(3) These extend to the State of West Bengal.

(4) The Bengal General Clauses Act, 1899 (Ben. Act. I of 1899) shall apply to the interpretation of these Regulations unless otherwise indicated in these Regulations or the Act.

## 2. Definitions

(1) In these Regulations, unless the context otherwise requires:-

(a) 'Act' means the Electricity Act, 2003 (No. 36 of 2003);

- (b) 'Chairperson' means the Chairperson of the West Bengal Electricity Regulatory Commission ;
- (c) 'Commission' means the West Bengal Electricity Regulatory Commission and in short also called WBERC ;
- (d) 'Member' means a member of the West Bengal Electricity Regulatory Commission and includes the Chairperson ;
- (e) 'Meeting' shall mean meetings of the Commission that the Commission may hold for exercise of its power under the Act, Rules and Regulations ;
- (f) 'Secretary' means the Secretary of the West Bengal Electricity Regulatory Commission ;
- (g) 'Petition' means and includes all petitions, complaints, appeals, replies, rejoinders, supplemental pleadings, other papers and documents filed before the Commission in proceedings in the manner provided in these Regulations ;
- (h) 'Proceedings' includes proceedings of all nature that the Commission may hold as per these Regulations in the discharge of its function under the Act ;
- (i) 'Officer' means Officers of the West Bengal Electricity Regulatory Commission and includes the 'Secretary' ;
- (j) 'Regulation' means West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2003.
- (k) 'Rules' means the 'Rules' made under the 'Act' by the Govt. of West Bengal (State Government).
- (2) Words or expressions occurring in these Regulations and not defined hereinabove shall bear the same meaning as in the Act.
- Commission's office, office hours and sittings.**
3. Unless otherwise directed, the headquarters and other offices of the Commission shall open daily except on Saturdays, Sundays and holidays notified by the Government of West Bengal. The headquarters and other offices of the Commission shall open at such hours as the Commission may direct from time to time.
4. Where the last day for doing of any act falls on a day on which the office of the Commission is closed and by reason thereof the act can not be done on that day, it may be done on the next day on which the office is open.
5. The Commission may hold sittings for meetings or proceedings at the

headquarters or at any other place in West Bengal on day and time to be decided by the Commission.

#### **Quorum for meetings.**

6. (1) The Quorum for meetings of the Commission shall be two.
- (2) The Chairperson, or if he is unable to attend a meeting of the Commission, any other Member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from amongst themselves, shall preside at the meeting.
- (3) All the questions which come up before any meeting of the Commission shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.
- (4) Save as otherwise provided in sub-section (3), every Member shall have one vote.
- (5) The Chairperson shall call the meeting of the Commission. The Notice of the meeting along with place, time and Agenda items to be considered will be issued by the Secretary in writing to all the members preferably 7 days before the meeting with the approval of the Chairperson. The Members may also request for inclusion

of any item in the meeting which shall also be included. The Commission at its discretion may hold meetings at short notice in appropriate cases.

- (6) All decisions, directions and orders of the Commission taken in the 'Meetings' shall be in writing, recorded in a Minute Book and expressed in terms of the views of the majority of the votes of the member present. The views of the dissenting member, if any, will also be appropriately recorded in the Minutes of Meeting.
- (7) The Secretary shall maintain the Minute Book and paste duly signed Minutes in the Minute Book the pages of which will be numbered serially in a continuous manner.

#### **Language of the Commission**

7. Meetings and also proceedings of the Commission shall be conducted in English, Bengali or Hindi.
8. The petitions, replies, objections, evidence, documents or other matters contained in any language other than English, shall be accepted by the Commission only if the same is accompanied by a translation thereof in English. However, the Commission may relax and accept the same without translation in English in deserving cases at its own discretion. The Commission in appropriate cases may direct translation of any document relevant to the proceedings in English by an

Officer or person designated by the Commission for the purpose.

9. Any translation which is agreed to by the parties to the proceedings or which any of the party may furnish with an authenticity certificate of the person, who had translated to English, may be accepted by the Commission as a true translation.

#### Seal of the Commission.

10. There shall be a separate Seal indicating that it is the seal of the Commission.
11. Every order or communication made, notice issued or certified copy granted by the Commission shall be stamped with the seal of the Commission and shall be certified by the Secretary or an officer designated for the purpose.

#### Secretary of the Commission.

12. The Secretary shall exercise his powers and perform his duties under the control of the Chairperson in particular and the Commission in general. He shall exercise such functions as are assigned to him by these Regulations or otherwise by the Commission or the Chairperson. In particular, or without prejudice to the generality of the above provisions, the Secretary shall have the following duties, viz:-

- (a) He shall have the custody of the Seal, records and Assets of the Commission ;
- (b) He shall receive or cause to receive all petitions ;

- (c) He shall prepare or cause to prepare briefs and summaries of all pleadings presented by various parties in appropriate cases in discharge of its functions in this regard ;

- (d) He shall assist the Commission in the proceedings relating to the powers exercisable by the Commission ;

- (e) He shall ensure compliance of the decisions and orders passed by the Commission ;

- (f) He shall have the right to collect from the State Government or other offices, companies or firms or any other party or the licencees as may be directed by the Commission, such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Act and place the said information before the Commission ;

- (g) He shall authenticate the orders and decisions passed by the Commission ; and

- (h) He shall perform and provide administrative, logistical and other support functions in the Commission and will work within approved organizational chart of the Commission.

13. The Commission may delegate to any of its officers such functions and duties including functions and duties that may be required by these regulations to be exercised by the Secretary on terms and conditions which the Commission may order

for the purpose subject to the Provisions of the Act.

14. The Secretary, with the approval of the Commission, may delegate to any officer of the Commission any function required by these regulations or otherwise, to be exercised by the Secretary.

15. In the absence of the Secretary, such other officer of the Commission, as may be nominated by the Chairperson, may exercise all or any functions of the Secretary.

16. The Commission shall have the authority, either on an application made by any interested or affected party or suo moto, to review, revoke, revise, modify, amend, alter, or otherwise change any order made or action taken by the Secretary or the officers of the Commission.

#### **Advisory Committee.**

17. (1) The Commission may pay to the members of the Advisory Committee except ex-officio members of the Committee such allowances/fees etc. apart from reimbursement of expenses as may be decided by the Commission from time to time.

(2) Members of the Advisory Committee envisaged under Section 87 of the Act shall be nominated by the Commission except the ex-officio members of the Committee.

(3) The criteria of the nomination will be decided by the Commission from time to time

keeping in view the objects of the Advisory Committee.

(4) The meeting of the Advisory Committee will be called by the Secretary of the Commission with the approval of the Chairperson. Notice of the meeting along with place, time and the matters / issues to be considered will be sent to the members of the Advisory Committee at least 7 days in advance.

#### **Consultant.**

18. (1) The Commission may appoint Consultants to assist the Commission in the discharge of its functions.

(2) Method of selection and conditions of consultants :

(a) The Commission may call for application or offer or nomination from such individuals, firms, companies, association of persons, bodies, institutions, etc. in such manner as the Commission may consider appropriate.

(b) The Commission, while calling application / offer / nomination shall keep in view the integrity, experience, capabilities, professional qualifications, knowledge in the relevant field etc. of such persons / bodies.

(c) No person shall be considered for selection if he is a Member of any legislative body / local

authority or holds any post in a political party or its affiliated / attached / linked organizations, etc.

(d) No person shall be considered for selection if he or any one of his relatives holds directly or indirectly any office including an employment, consultancy, advisory or other arrangement or has business / financial interest in any of the licencees / generating companies or their group / associated concerns, for which the Commission has to fix tariff or which comes within the jurisdiction of the Commission for any other function of the Commission.

(e) The period of engagement of a consultant will be such as may be decided by the Commission, but normally it will not exceed one year at a time unless appointment for a longer period is considered absolutely necessary by the Commission.

(f) The consolidated payment for any consultant shall not exceed Rs. 40,000/- p.m. in case of individual or Rs. 10 lakhs in total in case of other bodies.

(g) The Consultant shall have to maintain absolute secrecy on all matters / issues related to the work of the Commission. The consultant shall not reveal

or cause to reveal directly or indirectly any information related to the Commission or gathered by him during the work of the Commission to any person other than those authorized by the Commission.

(h) The Commission shall have full and unrestricted right to appoint a consultant or terminate, curtail or extend the term of any consultant at its sole discretion.

Explanation :

For the purposes of this Regulation,

(a) the term "relative" shall have same meaning as in Section 6 of the Companies Act, 1956 as amended from time to time,

(b) "Person" in case of bodies shall include a Partner in a firm, Director of a company, owner of a body or member of a management team in a body or a shareholder holding 5% or more of the issued capital in the company.

(3) (a) The consultant shall work under the supervision of the Chairperson of the Commission or any of the Members as may be authorized, but shall be liable to give its independent, professional and expert opinion on the matters

referred to him by the Commission.

- (b) The consultant shall submit his / their report / advice to the Commission.
- (c) The consultant shall not be an officer of the Commission in terms of the Act or Rules or Regulations.
- (d) Other terms and conditions of appointment of the consultant not given in this Regulation shall be such as may be decided by the Commission.
- (e) In case of non-compliance of the Regulations and orders of the Commission, the consultant will be liable for suitable action as per the provisions under this Act and Regulations or any other action as may be deemed proper by the Commission.

#### Assistance of Experts.

19. (1) The Commission may, at any time, take the assistance of any experts, Engineers, Chartered Accountants, Advocates, Surveyors and such other technical and professional persons as may be considered necessary and ask them to study, inquire into any matter or issue and submit report or furnish any information. The Commission may determine from time to time the terms and conditions for engagement of such professionals including their remuneration for their services, but same shall be in line with the

monthly remuneration payable to Consultant.

- (2) The same provisions may also be applied for the Advocates and Senior Advocates engaged by the Commission or to be engaged by the Commission from time to time in the various Court cases or in the Electricity tribunal. The fees of such Senior Advocates will be decided from time to time based on the legal standings and prevalent legal fee payable to such Advocates.
- (3) If the report or the information obtained in terms of the above Sub-Regulation (1) or any part thereof is proposed to be relied upon by the Commission in forming its opinion or view in any proceedings, the parties in the proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information.

#### Investigation.

20. (1) Subject to the Provisions of Section 128, the Commission may appoint any person including Institution, Firm, Chartered Accountant, Advocates and Engineers as investigating authority.
- (2) Persons so appointed as investigating authority shall be of repute with specialization in the field which needs to be investigated and which pertains to the affairs of the allegedly offending generating company or Licencee or others.

- (3) The investigating authority shall submit its report to the Commission within such time as may be fixed by the Commission.
  - (4) The investigating authority may with the approval of the Commission employ an auditor or any other person to assist him in the investigation on such terms and conditions as the Commission may direct including those relating to the assisting person, their remuneration and expenses. The scope of assistance to be rendered to the investigating authority will be as directed by the Commission in writing.
  - (5) The investigating authority and employees and officers or other persons appointed for assisting by the investigating authority shall maintain absolute secrecy of the work assigned to them by the Commission and shall not reveal or cause to be revealed directly or indirectly any information related to such investigation or the information gathered by them during such work to any person other than those who has been specifically authorized by the Commission to receive the information and to such extent for which such authorization has been made.
  - (6) The Commission shall have full and unrestricted right to fix the terms and conditions of appointment of the investigating authority including its expenses and other incidental expenses in connection with such investigation and how such expenses shall be met. The investigating authority or its officer or employee or other person of such investigating authority shall not take or accept any amount or other facility or benefit from such licensee or generating company or any other person in connection with such investigation unless the same has been specifically authorized by the Commission and to that extent only to which authorization extends. In case, the work involves visiting any area outside the area of the licensee or outside the State of West Bengal then prior and specific approval of the Commission should be obtained by the investigating authority, or other persons connected with such investigation.
  - (7) The report of the investigating authority as well as investigation report, if any, shall be in writing and given to the Commission in 4 copies within the time period stipulated by the Commission.
  - (8) The Commission shall have full power, after giving reasonable notice to the licensee or the generating company as the case may be to publish the report in full or in part or any extract of the report of the investigating authority as the Commission may consider necessary.
- Consumer Association.**
21. (1) It shall be open to the Commission to permit any association or other bodies corporate or any group of consumers to participate in any proceedings before the



Commission, which remain open for the public hearing on such terms and conditions including in regard to the nature and extent of participation as the Commission may consider appropriate.

(2) The Commission may, appoint any officer or any other person to represent the interest of the consumers in general or any class or classes of consumer as the Commission may consider appropriate.

(3) The Commission may direct payment to the person (other than the officer referred into sub-clause (2) above) appointed to represent the consumer's interest towards such fee and expenses incurred by such persons as the Commission may consider appropriate.

(4) The Commission may direct Secretary or any other Officer to suitably draft, publish and issue literature through different means including display on Website relating to protection of the consumer's interest, consumer rights, obligations, the procedure relating to filing of the consumer's complaint and grievances and other related issues in order to safeguard the interest of the consumer. All or any of such publication normally will be issued to the consumers at nominal cost or free of cost as may be decided by the Commission from time to time.

(5) The Commission may also direct any licensee to suitably advise and issue the booklets / other literature in suitable form

regarding consumer's rights and obligation, protection of consumer interest at its own cost or recovery of nominal cost and such other directions as the Commission may consider necessary to safeguard the interest of the consumer.

**CHAPTER – II**

(General Rules Concerning the Proceedings before the Commission)

**Proceedings before the Commission.**

22. (1) The Commission may, from time to time, hold such proceedings which may or may not involve hearings or inviting objections from the affected person through press notification etc. as it may consider appropriate in the discharge of its functions.
- (2) The Commission may, from time to time, hold such public consultation on broad macro issues to solicit the views, comments, suggestions, critical assessment etc. from the public and other stakeholders etc. as may consider appropriate in discharge of its function. The decision of the Commission to hold or not to hold such consultation on any issue shall be final and binding.
- (3) The proceedings before the Commission shall relate to any of the following matters :-
- determination of tariff ;
  - issue of licence or amendments in the licence or cancellation of licence or any matter relating to thereto ;
  - adjudication or resolution of dispute ;
  - open access, use of surplus transmission facilities, supply of

electricity other than by distribution licensee or any matter relating thereto ;

(e) regulation of purchase and procurement process of electricity or any matter relating thereto ;

(f) investigation of generating company or licensee etc. or any matter relating thereto including market domination ;

(g) complaint against contravention of Act or Rules or Regulations or directions of the decision of the Commission including matters which falls under Section 129 of the Act ;

(h) other miscellaneous matters not covered above in terms of the Act or the Regulations.

**Quorum.**

23. (1) Quorum for the proceedings before the Commission shall be two unless delegation has been made under Section 97 of the Act.

(2) The provisions of Regulation 6 Sub-Regulation 2 to 7 shall apply mutatis mutandis for the proceedings before the Commission.

(3) All decisions / directions and orders of the Commission shall be in writing in terms of the views of the majority of the

Members present. The view of the dissenting member shall also be appropriately recorded.

- (4) In case, the proceeding is done by single member or other authorized person in terms of the delegation made under Section 97 of the Act then the order will be signed by such member or person only.

#### **Initiation of Proceedings.**

24. (1) The Commission may initiate any proceedings suo moto or on a petition filed by any affected person who can file such petition in terms of the provisions of this Regulation and the Act.

- (2) The petition so filed shall become a part of the proceedings only after the petition has been admitted by the Commission in terms of these Regulations.

- (3) When the Commission initiate the proceedings it shall be by a notice issued by the authorized officers of the Commission and the Commission may give such orders and direction as may be deemed necessary, for service of notices to the affected or interested parties, for the filling of replies and rejoinders in opposition or in support of the petition in such form as the Commission may direct. The Commission may, if it considers appropriate, issue orders for advertisement of the petition inviting comments from the public or any class of person on the issue involved in the

proceedings in such form as the Commission may direct.

- (4) The Commission may appoint an officer or any other person whom the Commission considers appropriate to represent the matter as Commission's representative in the proceedings including any officer, person or association to represent the interest of the consumers.

#### **Petition and pleadings before the Commission.**

25. (1) All petitions to be filed before the Commission shall be type written, cyclostyled or printed neatly and legibly on white paper in six copies and every page shall be consecutively numbered. The contents of the petition shall be divided appropriately into separate paragraphs, which shall be numbered serially. The petition shall be accompanied by such documents as the Commission has specified in this Regulation or may direct from time to time.

- (2) The Commission may accept the petition under Regulation 22(3)(g) even if the same does not fulfill the requirements laid down in sub-clause 1 at its discretion.

#### **General headings**

26. (1) The general heading in all petitions before the Commission shall be in Form-1.

- (2) The Commission may accept any petition under Regulation 22(3)(g) even if the same does not fulfill the requirement laid down in Sub-clause 1 at its discretion.

#### **Affidavit in support.**

27. (1) Unless specifically exempted by the Commission, petitions filed shall be verified by an affidavit, and every such affidavit shall be in Form-2. The Commission may relax and accept a petition filed under Regulation 22(3)(g) which does not fulfill this requirement in appropriate cases.

- (2) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorised to take and receive affidavits.

- (3) Every affidavit shall clearly and separately indicate the statements, documents, supporting data etc. which are true to the :

- (a) knowledge of the deponent ;  
 (b) information received by the deponent, and  
 (c) belief of the deponent.

- (4) Where any statement in the affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the

information and a statement that the deponent believes that information reflects true position and he has no information / documents etc. which makes the information false or misleading or incomplete.

- (5) In case affidavit in supporting is exempted for petition filed under Regulation 22(3)(g) the same shall be, unless exempted by the Commission be verified and shall be under self-affidavit stating that information being given in the petition is complete and true to his knowledge and reflects true and correct position and nothing has been suppressed which makes the information false or misleading or incomplete.

#### **Presentation and scrutiny of the pleadings etc.**

28. (1) All petitions shall be presented in person or by any duly authorized agent to an officer designated for the purpose by the Commission (hereinafter called the Receiving Officer) at the headquarters or such other filing centre or centres as may be notified by the Commission from time to time. The petitions may also be sent by registered post with acknowledgement due to the Receiving Officer of the Commission at the places mentioned above within the time, if any, as may be directed by the Commission. The vakalatnama in favour of the Advocate and in the event the petitions are presented by the authorised agent or representative, the document

- authorising the agent or representative shall be filed along with the petition, if not filed on the record of the case.
- (2) The Receiving Officer may decline to accept any petition which is not in conformity with the provisions of the Act or Regulations or directions given by the Commission or is otherwise defective or which is presented otherwise than in accordance with the Regulations or directions of the Commission.
- (3) A party aggrieved by any order of the Receiving Officer in regard to receipt of petition may request in writing stating reasons for the matter to be placed before the Secretary of the Commission for appropriate orders.
- (4) A party dissatisfied by any order of the Secretary may request in writing by giving adequate reasons for placement of the matter before the Commission for appropriate orders.
- (5) The Receiving Officer shall acknowledge the receipt by stamping and endorsing the date on which the petition has been presented and shall issue an acknowledgement with stamp and date to the person filing the petition provided the petition is in accordance with the Regulations. In case the petition is received by registered post the date on which the petition is actually received at the office of the Commission shall be taken as the date of the presentation of the petition provided the petition is in accordance with the Regulations. The receipt of the petition shall accordingly be duly entered in the register maintained for this purpose after the petition is accepted for admittance.
- (6) If on scrutiny, the petition is not refused or any order of refusal is rectified by the Secretary or by the Commission, the petition shall be duly registered and given a number and date which shall be the date of receipt of petition.
- (7) As soon as the petition has been numbered, the petition shall be put up before the Commission for consideration of its admission.
- (8) The Commission after due consideration may admit the petition without requiring the attendance of the party filing the petition. The Commission may, if it considers appropriate, issue notice to such person or persons as it may desire to hear for deciding upon whether the petition is to be admitted.
- (9) A petitioner praying for determination of tariff shall be given a reasonable opportunity of hearing by the Commission before rejecting his application for determination of tariff. The Commission may, before rejecting a petition, give a reasonable opportunity of hearing to a petitioner in case where such hearing is required as per the provisions of the Act. In all other cases hearing, prior to rejection of any petition shall be a matter of sole discretion of the Commission.

(10) If the Commission admits the petition, it may give such orders/directions as may be deemed necessary, for notices to the respondent or affected persons or interested parties for filing of replies and rejoinders in opposition or in support of the petition in such form as the Commission may direct subject to the provisions of the Act or the Regulations.

**Service of notices including notice of proceedings / inviting objections etc..**

29. (1) Any notice or process or summons issued by the Commission may be served by any one or more of the following modes as may be directed by the Commission:-

- (a) service by any of the parties as may be directed by the Commission ;
- (b) by hand delivery through a messenger ;
- (c) by registered post with acknowledgement due ;
- (d) by publication in newspaper(s) in cases where the Commission is satisfied that it is not reasonably practicable to serve the notices, processes etc. in the manner mentioned above ;
- (e) by publication of gist in the Newspaper as per the Provisions of the Act ;

(f) in any other manner as considered appropriate by the Commission.

(2) Every notice or process required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.

(3) In the event any matter is pending before the Commission and the person to be served has authorised an agent or representative to appear for and represent him or her in the matter, such agent or representative shall be deemed to be duly empowered to take service of the notices and process on behalf of the party concerned in all matters and the service on such agent or representative shall be taken as the service on the person to be served.

(4) Where a notice is served by a party to the proceedings either in person or through registered post, an affidavit of service shall be filed by the party with the Commission giving details of the date and manner of service of notices and processes.

(5) Where any petition is required to be published it shall be published in such form in the newspaper(s) to be stipulated, for such duration and such time as the Commission may direct.

(6) The Commission may also effect service or give directions for effecting service in any other manner if considers appropriate. The Commission shall be entitled to decide in each case the person(s) who shall bear the cost of such service and publication.

(7) In default of compliance with the requirements of the Regulations or directions of the Commission as regards the service of notices, summons or process or the advertisement and publication thereof, the Commission may either dismiss the petition or give such other or further directions, as the Commission considers appropriate.

(8) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Commission is satisfied that such service is in other respects sufficient, and no proceedings shall be invalidated by reason of any defect or irregularity in the service or publication unless the Commission, on an objection taken, is of the opinion that substantial injustice has been caused by any such defect or irregularity or there are otherwise sufficient reasons for doing so.

#### **Filing of reply, opposition, objection etc.**

30. (1) (a) Each person to whom the notice of inquiry or process or summons is issued by name, hereinafter called

the respondent, shall file reply and the documents relied upon within such period, as may be directed in six copies. In the reply the respondent shall specifically admit, deny or explain the facts stated in the notice of inquiry or process or summons and may also state such additional facts as he considers necessary for a just decision of the case. The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the petition.

(b) The respondent shall serve a copy of the reply along with the documents duly attested to be true copies on the petitioner or his authorised representative and file proof of such service with the office of the Commission at the time of filing the reply.

(c) Where the respondent states additional facts as may be necessary for a just decision of the case, the Commission may allow the petitioner to file a rejoinder to the reply filed by the respondent. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.

(2) (a) Every person who is affected and who intends to file objections or comments in regard to a matter pending before the Commission, pursuant to the advertisement, publication etc. issued for the purpose hereinafter called the

objector, shall deliver in six copies to the officer designated by the Commission for the purpose the statement of the objection or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose.

(b) The Commission, in case of public hearing, may permit such objectors being person or persons including associations, forums as it may consider appropriate, to participate in the hearing before the Commission, if on the report received from the officer or otherwise, the Commission considers that the participation of such person or persons will facilitate the proceedings and the decision in the matter.

(3) The Commission shall be at liberty to take into account the objections and comments filed within time after giving such opportunity to the petitioner as the Commission considers appropriate to deal with the objections and comments.

#### Hearing of the matter.

31. (1) The Commission may determine the requirement, the extent, the stage, the manner, the place, the date and the time of the hearing of the matter the persons who are permitted or remain in the hearing as the Commission considers appropriate, consistent with such specific requirements as are set

forth in the Act or otherwise as may be considered appropriate by the Commission at its sole discretion.

(2) (a) The Commission may decide the matter on the pleadings of the parties or may call for the parties to produce evidence by way of affidavit or lead oral evidence in the matter. The Commission may provide or direct the party to provide translator for oral evidence, pleadings as may be considered necessary by the Commission.

(b) If the Commission directs evidence of a party to be led by way of affidavit, the Commission may, as and when the Commission considers it to be necessary, grant an opportunity to the other party to give its points / objection provided the other party has filed his objections/ points.

(c) The Commission may, if considered necessary or expedient, direct that the evidence of any of the parties be recorded by an officer or person designated for the purpose by the Commission.

(d) The Commission may direct the parties to file written notes of arguments or submissions in the matter.

(e) A person who is a party to any proceedings before the Commission may appear in person or may authorise any of his employees to appear before the Commission and



to act plead on his behalf. The person may also authorise a member of any statutory professional body holding a certificate of practice as the Commission may from time to time specify to represent him and act and plead on his behalf before the Commission. For the purpose of this Regulation, the Commission specifies the following professional bodies in addition to legal practitioners /advocates.

- (i) Institute of Chartered Accountants of India ;
- (ii) Institute of Cost and Works Accountants of India ;
- (iii) Institute of Company Secretaries of India ;
- (iv) The Institution of Engineers (India).

(f) The vakalatnama or the Authority letter shall be in the form as specified in Form-3. The Memorandum of Appearance for representing the party shall be in the form as given in Form - 4.

**Power of the Commission to call for information, evidence, etc.**

32. (1) The Commission may, at any time before passing order on the matter, require the parties or any one or more of them or any other person whom the Commission considers appropriate, to produce such documentary or other evidence as the Commission may consider necessary for the

purpose of enabling it to pass orders.

- (2) The Commission may direct the summoning of the witness, discovery and production of any document or other material objects producible in evidence, requisitioning any public record from any office, examination by an officer of the Commission or consultant or experts or investigating authority appointed by the Commission, the books, accounts or other documents or information in the custody or control of a person which the Commission considers relevant for the matter.

**Proceedings deemed to be judicial proceedings for some purposes.**

33. (1) All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of Section 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a Civil Court for the purpose of Section 345 and 346 of the Code of Criminal Procedure, 1973.

(2) The Commission shall, for the purpose of any inquiry or proceedings under the Act, shall have the same powers as are vested in a Civil Court under Code of Civil Procedure, 1908 in respect of :-

- (a) summoning and enforcing the attendance of any person and examining him on oath ;

- (b) discovery and production of any document or other material object producible as evidence ;
  - (c) receiving evidence on affidavits ;
  - (d) requisitioning of any public record ;
  - (e) issuing commission for the examination of witnesses ;
  - (f) reviewing its decisions, directions and orders ;
  - (g) any other matter which may be prescribed.
- (3) In accordance with the section 193 of the Indian Penal Code 1860, whoever intentionally gives false evidence in any of the proceedings of the Commission or fabricates false evidence for the purpose of being used in any of the proceedings shall be punishable with imprisonment of either description for a term which may be extended to seven years and shall also be liable to be fined.
- (4) In accordance with the Section 228 of the Indian Penal Code, 1860 whoever intentionally offers any insult or causes any interruption in any of the proceedings of the Commission shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to Rs. 1,000/- or with both.

#### Reference of issues to others

34. (1) At any stage of the proceedings the Commission shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons including, but not limited to the officers, experts, investigating authority and consultants of the Commission whom the Commission considers as qualified to verify the documents, statements, data etc. and to give expert or specialised advice or opinion on such issue or issues.
- (2) The Commission may nominate from time to time any such person to visit any place or places for inspection and report on the matters to be specified by the Commission.
- (3) The Commission, if it thinks fit, may direct the petitioner / respondent / objector to appear before the persons designated in sub-regulations (1) or (2) above to present their respective views on the issues or matters referred to.
- (4) The report of the opinion received from such person(s) shall form a part of the records of the case and the petitioner / respondent / objector can request and obtain a copy of the above report or opinion received, in accordance with the provisions of Regulation. The petitioner / respondent / objector shall be entitled to file their version either in support or in opposition to the report or the opinion.

- (5) The Commission shall duly take into account the report or the opinion given by the person and reply filed by the petitioner / respondent / objector while deciding the matter and if considered necessary, examine the person giving the report or the opinion;  
Provided, however, that the Commission shall not be bound by the report or the opinion given.

**Procedure to be followed where any party does not appear.**

35. (1) When, on the date fixed for hearing or filing information, documents, petition etc. or any other extended date, if any party or his authorised agent or representative does not appear when the matter is called for hearing or the required information or documents, petition etc. is not filed, the Commission may, at its discretion, either dismiss the petition for default or proceed ex parte to decide the petition or any matter by following the procedure as may be deemed appropriate by the Commission
- (2) Where a petition is dismissed in default or decided ex parte, the person aggrieved may file an application within 30 days from the date of such dismissal or being proceeded ex parte, as the case may be, for recall of the order passed, and the Commission may recall the order on such terms as it thinks fit, if the Commission is satisfied that there was sufficient cause for default under sub-clause 1.

**Orders of the Commission**

36. (1) The Commission shall pass orders and the same shall be signed as per Regulations.
- (2) The reasons given by the Commission in support of the orders including those by the dissenting member, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these Regulations.
- (3) All orders and decisions issued or communicated by the Commission shall be certified by the signature of the Secretary or an Officer empowered in this behalf by the Chairperson and shall bear the official seal of the Commission.
- (4) (a) All final orders of the Commission shall be communicated to the concerned Petitioners and Respondents under the signature of the Secretary or an officer empowered in this behalf by Chairperson. The other parties in the proceedings or any other person or any objector shall be entitled to inspection and supply of copy of the order subject to payment of fees and compliance of such other terms and conditions as the Commission may direct from time to time and in accordance with these Regulations.
- (b) The Commission at its sole discretion may direct that the order or gist of the order may

be published in the manner as may be directed.

### Inspection of Records and supply of certified copies.

37. (1) Records of every proceeding shall be open to inspection to the interested parties or their authorised representatives at any time after the admission of petition, subject to submission of an application as per Schedule I and payment of fees and compliance with such other terms as the Commission may direct.
- (2) Records of every proceeding except those parts considered by the Commission as confidential or privileged shall be open to inspection to any other person at any time after the admission of petition subject to such person submitting any application as per Schedule I and complying with such terms as the Commission may direct from time to time including in regard to time, place and manner of inspection and payment of fees.
- (3) Any person shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Commission as well as the pleadings and papers and other parts of the records of the Commission to which he is entitled except those parts which are considered by the Commission as confidential or privileged, subject to submission of any application as per Schedule II and payment of fees and compliance with such other

terms as the Commission may direct.

## CHAPTER – III

## Tariff

## Procedure for tariff order.

38. (1) The licensees or generating companies shall provide to the Commission the details of calculation with such other information and particulars as contained in Schedule-III as per specified procedure in these Regulations and duly verified, with specified fees and complete in all respects in connection with filing an application for fixation of tariff.
- (2) The Commission may suo moto ask the Generating Companies/ Licensees to file such application and same shall be filed as per the Regulations in the manner as directed and within time given by the Commission.
- (3) Notwithstanding the above, the Commission shall be entitled to require the generating company/licensee to give such other or further information, particulars and documents as the Commission may consider appropriate.
39. Every applicant shall publish the approved gist of tariff application in such form and manner as may be decided by the Commission from time to time within 7 days of its acceptance.
40. (1) The Commission shall within 120 (one hundred and twenty) days from receipt of an application under sub-regulation (1) of Regulation 38 and after considering all suggestions and objections received from the public :
- (a) issue a tariff order accepting the application with such modifications or such conditions as may be specified in that order; or
- (b) after granting the applicant a reasonable opportunity of being heard, reject the application for reasons to be recorded in writing if such application is not in accordance with the provisions of the Act and Rules & Regulations made thereunder or the provisions of any other law for the time being in force.
- (2) The tariff including calculation of expected revenue from tariff and charges shall be calculated as per Regulations relating to tariff which shall be specified separately.
41. The Commission shall, within 7 (seven) days of making the order, send a copy of the order to the State Government, the Central Electricity Authority, and the concerned applicant.
42. If the State Government requires the grant of any subsidy to any consumer or class of consumers in the tariff determined by the Commission, the State Government shall, notwithstanding any direction which may be given under Section 108 of the Act, pay, in advance by a separate Account Payee cheque in favour of the Licensee or such other person to implement the subsidy, the

## CHAPTER – III

## Tariff

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**CHAPTER-IV****(Miscellaneous)****Appeal under Section 127 of the Act.**

45. (1) The form and the contents in respect of an appeal to be filed before the appellate authority by a person aggrieved by a final order made under Section 126 of the Act is as contained in Form-5.

(2) The appeal shall be verified in the manner provided in Chapter-II of the Regulations and the fees to be paid for preferring the appeal are as contained in Regulation 51 and Schedule-VII.

**Interim Orders**

46. The Commission may pass in any proceedings before it, such interim orders including an interim ex parte order as it may consider appropriate to protect the interest of any of the parties to the proceedings or any other person including the consumers or any class or classes of consumers

**Review of the decisions, directions and orders.**

47. (1) The Commission may, on its motion or on the application of any of the person or parties concerned, within 90 (ninety) days of the making of any decision, directions or order, review such decision, direction or order which are permissible as per the Provisions of the Act and

pass such appropriate orders as the Commission thinks fit.

(2) An application for such review shall be filed in the same manner as a petition under Chapter-II of these Regulations.

**Continuance of proceedings after death, etc.**

48. (1) Where in any proceedings any of the parties to the proceedings dies or is adjudicated as an insolvent or in the case of a Company under liquidation or winding up, the proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the concerned person.

(2) The Commission may, for reasons to be recorded in writing, treat the proceedings as abated in case the Commission so directs and dispense with the need to bring the successors-in-interest to come on record.

**Publication of petition.**

49. (1) Where any application, petition, or other matter is required to be published under the Act or these Regulations or as per the directions of the Commission, it shall unless the Commission otherwise orders or the Act or Regulations otherwise provide, be advertised not less than 7 (seven) days before the date fixed for objections, comments, consultation, hearing etc..

(2) Except as otherwise provided, such advertisement shall give heading describing the subject matter in brief.

(3) Such advertisement to be published shall be approved by the Officer of the Commission designated for the purpose.

#### **Confidentiality.**

50. (1) Records of the Commission, except those parts which for reasons considered by the Commission are confidential or privileged, shall be open to inspection by all, subject to payment of prescribed fees and compliance with such other terms as the Commission may direct.

(2) The Commission may, on such terms and conditions as the Commission considers appropriate, provide for the supply of the certified copies of the documents and papers available with the Commission to any person subject to these Regulations.

(3) The Commission may, by order, direct that any information, documents and other papers and materials produced before the Commission or any of its Officers, consultants, representatives or otherwise which come into their possession or custody, shall be confidential or privileged and shall not be available for inspection or supply of copies, and the Commission may also direct that such documents, papers or materials shall not be used in any

manner except as specially authorised by the Commission.

#### **Specified fees.**

51. (1) Requisite fees and charges are set out in the Schedule-VII.

(2) Every petition / application etc. filed before the Commission shall be accompanied by such fees as has been specified / prescribed, as the case may be.

(3) Fees payable to the Commission shall be paid by means of account payee demand draft / pay order / local cheque payable at Kolkata in favour of 'West Bengal Electricity Regulatory Commission'. Payment of fees in cash may also be accepted up to an amount of Rs. 1000/- by the Commission in each case.

(4) Fees payable to State Load Despatch Centre of the West Bengal shall be paid by means of account payee demand draft / pay order / local cheque payable at Kolkata.

(5) Fees payable to any other authority shall be as directed by the Commission.

#### **Issue of Orders and Practice directions.**

52. Subject to the provisions of the Act and these Regulations, the Commission may from time to time, issue orders and practice directions in regard to the implementation of the Regulations and procedure to be followed on various matters which the Commission has been



empowered by these Regulations to specify or direct.

#### **Saving of inherent power of the Commission.**

53. (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.

(2) Nothing in these Regulations shall bar the Commission from adopting a procedure, which is at variance with any of the provisions of the Regulations, if the Commission, in view of the special circumstances, on matter or class of matters and for reasons to be recorded in writing deems it necessary or expedient.

(3) Nothing in these Regulations shall, expressly or impliedly, bar the Commission to deal with any matter or exercise any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, power and functions in a manner it thinks fit.

(4) The Commission may at any time amend or modify the Regulations or the Schedules thereto at its sole discretion.

#### **General power to amend.**

54. The Commission may at any time amend any defect or error in any proceeding before it.

#### **Power to remove difficulties.**

55. If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

#### **Power to dispense with the requirement of the Regulation.**

56. The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties to dispense with the requirements of any of the Regulations in specific cases subject to such terms and conditions as may be directed.

#### **Extension or abridgement of time prescribed.**

57. Subject to the provisions of the Act, the time prescribed by these Regulations or by order of the Commission for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reasons by order of the Commission.

#### **Effect of non-compliance.**

58. Failure to comply with any requirement of these Regulations shall not invalidate any proceedings merely by reasons of the failure unless the Commission is of the view that

such failure has resulted or will result in miscarriage of justice.

#### Costs.

59. (1) Subject to such conditions and limitations as may be directed by the Commission, the cost of and incidental to all proceedings shall be awarded at the discretion of the Commission and the Commission shall have full power to determine by whom or out of what funds and to what extent costs are to be paid and give all necessary directions for the aforesaid purpose.
- (2) The costs shall be paid within 30 (thirty) days from the date of the order or within such time as the Commission may, by order, direct. The order of the Commission awarding costs shall be executed in the same manner as the decree/order of a Civil Court.

#### Enforcement of orders passed by the Commission.

60. The Secretary shall ensure enforcement and compliance of the orders passed by the Commission, by the persons concerned in accordance with the provisions of the Act and Regulations and if necessary, may seek the orders of the Commission for directions.

Place : Kolkata.

Date : 12.11.2003

#### Repeal of previous regulations.

61. The following regulations issued by the Commission are hereby repealed :
- (a) West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2000;
  - (b) West Bengal Electricity Regulatory Commission (Terms and Conditions of Consultants) Regulations, 2000;
  - (c) West Bengal Electricity Regulatory Commission (Miscellaneous Provisions relating to Petitions) Regulations, 2000;
  - (d) West Bengal Electricity Regulatory Commission (Conduct of Business) First Amendment Regulations, 2000;
  - (e) West Bengal Electricity Regulatory Commission (Miscellaneous Provisions relating to Petitions) First Amendment Regulations, 2001.

By order of the Commission

(Dr. R. N. Das)

Secretary of the Commission

**Schedule I**  
[See Clause 37(1) and 37(2)]

To,  
The .....  
West Bengal Electricity Regulatory Commission

Petition No .....  
.....Petitioner

Vs

.....Respondents

Application for Inspection of Documents

Sir,

I hereby apply for grant of permission to inspect the documents/records in the above case. The details are as follows:

1. Name & Address of the person seeking permission :
2. Whether he is party to the case or he is the authorised representative of any party. If yes, furnish particulars :
3. Whether the case is pending or disposed off :
4. Specific reference of letters/documents sought to be inspected :
5. Purpose of inspection :
6. Date and duration of the inspection sought :

Place:

Signature

Date:

For office use

Permission granted for inspection on ...../Rejected

Amount payable .....

Accounts Officer to receive payment

Secretary/Authorised Officer

Received Rs. .... Vide cash/Draft/Pay Order No.... dated .....

(Receipt No. ....)

Accounts Officer

Inspection allowed on .....between ..... hrs. to .....hrs.

**Schedule II**  
**[See Clause 37(3)]**

To,  
 The .....  
 West Bengal Electricity Regulatory Commission

Petition No  
 .....Petitioner  
 Vs  
 .....Respondents

Application for grant of certified copy

Sir,

I hereby apply for grant of permission to certified copies of the documents/records in the above case. The details are as follows:

1. Name & Address of the applicant:
2. Whether the applicant is a party to the case or he is the authorised representative of any party. If yes, furnish particulars:
3. Whether the case is pending or disposed off:
4. Specific reference of the letters/documents whose copy is required:
5. Purpose of obtaining certified copy:
6. No. of pages:
7. No. of copies required:

Place: \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_

For office use

Permission granted for copies on ...../Rejected

Granted/Rejected

Copying fee payable

Accounts Officer to receive payment

Secretary/Authorised Officer

Received Rs. .... Vide cash/Draft/Pay Order No. .... dated .....

(Receipt No. .... dated.....)

Accounts Officer

Copy supplied

**SCHEDULE-III**

(See Sub Regulation (1) of Regulation 38)

**PROCEDURE FOR CALCULATING EXPECTED REVENUE FROM  
TARIFF AND CHARGES**

- (1) Details for calculation are required to be submitted to the Commission as contained in Regulation 38 of the West Bengal Electricity Regulatory Commission (Conduct of Business Regulations), 2003. Additional information / particulars / documents as considered appropriate by the Commission may also be required to be submitted in accordance with the said Regulation.
- (2) Calculations submitted shall include the particulars specified herein, to the extent applicable. Unless otherwise mentioned, calculations submitted shall include specified details in respect of three years, being 'ensuing year' (the year for which applicable tariff and charges would be determined by the Commission), 'current year' (the year immediately prior to ensuing year) and 'previous year' (the year immediately prior to current year). For multi-year tariff, the Commission may require data relating to such other period as it considers appropriate.
- (3) The information to be provided by the licensee or the generating company shall include :
  - (i) Copy of the relevant requirements for the period as contained and applicable in relevant Annex -1 along with its forms and Annex's 2 to 5.
  - (ii) A statement of the current tariff rates and applicable terms and conditions, and the expected revenue for the ensuing year (full financial year) based on the current tariff rates as contained in Annex 2.
  - (iii) A statement of the proposed tariff rates and proposed terms and conditions and expected revenue for the ensuing year (full financial year) based on the proposed tariff rates as contained in Annex 3.
  - (iv) Plans to contain and reduce the energy losses in generation, transmission & distribution both short term and long term. Where any energy audit has been conducted, broad details and results thereof may be submitted. Details of transmission & distribution losses may be given as in Annex 4. The method and system of determining the losses and its bifurcation between technical losses and other than technical losses be suitably explained in detail.
  - (v) Performance measurements details may be given as in Annex 5.
  - (vi) Cash flow statement as per Annex 6.
  - (vii) A statement giving full details of subsidies received and receivable, if any, the consumers to whom it is directed and the way in which such subsidy is proposed to be reflected in the proposed tariffs applicable to these consumers.

- (viii) A cost related note relating to allocation of the R.R. into various categories and sub-categories of consumers, basis and justification of such allocation, determination of cost based tariff for each category including sub-category. The note shall include the details and basis of arriving the cost based tariff for each sub-category and categories of consumers, cross subsidies in the existing and proposed tariff.
- (ix) Copy of the audited accounts of last 3 years under the statute of incorporation along with Auditor's Report and replies of the Management.
- (x) Copy of the Proformas A to F under Cost Accounting Records (Electricity Industry) Rules 2001 to the extent applicable.
- (xi) The operational Results of Trading Activities, if any, may also be shown separately by way of a note.
- (xii) The draft gist of the Tariff Application for publication.
- (4) The Commission may specify additional information requirements and / or amend the requirements given above for furnishing the details or in the procedure for calculating the expected revenue.
- (5) The procedure for receipt of application and its processing and disposal has been given in the WBERC Conduct of Business Regulations 2003. The procedure for calculating expected Revenue from Tariff and charges shall be as per Regulations for Tariff (in short Tariff Regulations) which shall be notified separately.
- (6) In case of 1<sup>st</sup> tariff petition submitted after coming in force of these Regulations, the present applicable terms and conditions, including rebates, incentives, penalties, charges etc. shall also be submitted.
- (7) The Annual Report on operation of the Forum for Redressal of Grievance Procedure in case of distribution licensee.
- (8) All information including statements, reports, notes etc. submitted under these provisions shall be duly verified in the manner as has been prescribed under West Bengal Electricity Regulatory Commission (Conduct of Business Regulations), 2003.
- (9) Failure to submit complete and required information, data, figures, documents etc. in the required manner may entail the rejection of the petition in terms of Section 64 of the Act.

## Annex 1

**REVENUE REQUIREMENT FORM**

Terms used are to be read as per the meanings assigned to the same under the Act and Regulations. All financial figures, unless mentioned otherwise, are to be in rupees lakhs. The figures should be based on audited accounts for previous year, estimated for current year and projected for next year. The figures as allowed by the Commission for previous year and current year may also be given. The figures as are relevant and applicable be provided in the Annex's.

**1.1(A) Original cost of fixed assets available for use and necessary for the purpose of the business**

- (1) Generation Assets (station wise)
- (2) Transmission Assets (voltage class wise)
- (3) Distribution Assets (voltage class wise)
- (4) Other Assets, if any

**Gross Total 1.1(A)****Contribution from consumers including advance from them****Net Total 1.1(A)**

## Notes :

- (1) Generation assets will include assets up to Station Bus bar as per Section 2(72) of the Act. Distribution assets will be assets as per Section 2(19) of the Act.
- (2) Details of capital expenditure proposed to be made during the ensuing year (whether included in fixed assets or capital work-in-progress) is to be submitted for assets individually costing more than 0.1% of overall net fixed assets as standing at the end of the previous year, along with complete details and justifications from the angle of the utility and consumer. All capital expenditure more than Rs. 100 lakhs for any individual item will be supported with DPR or detailed techno-economic analysis unless already approved by the Commission.
- (3) The value of the assets, if any, retired or not available for use is not to be included in revenue requirement. Figures for ensuing year, current year and previous year of the assets so retired / likely to be retired / not available for use are to be submitted.
- (4) Period during which the units of the operational power stations were scheduled to be under planned repairs and maintenance or were under major repairs other than the above, as contained in Form-A may be submitted.
- (5) In case the cost of any assets has been revalued, or purchased on revalued cost basis, the details thereof, along with the year of revaluation are to be submitted.

- (6) Foreign exchange variation charged / adjusted, in capital cost in any period, if any, is to be separately indicated.
- (7) Figures for capital expenditure for projects under construction are to be separately indicated along with the sanctions required, if any and the DPR.

**1.1(B) Cost of intangible assets including expenses on account of new capital issues**

Note :

Details of items included in this item valuing Rs. 5 lakhs & above are to be submitted.

**1.1(C) Original cost of works in progress**

Notes :

- (1) The notes under 1.1(A) are also applicable and relevant details and documents submitted.
- (2) Interest during construction (to be charged and actually charged) may be indicated separately along with basis for calculation.
- (3) The break-up of major capital works in progress at the beginning of the year, proposed expenditure for the year and balance to be incurred. The physical status in brief along with estimated date of completion and capitalization. The variations from the projections of earlier years to be suitably explained.

**1.1(D) Investments**

Note:

Details of investments made along with date and amount, nature, period, income from such investments and the entity in which the investment has been made are to be given. Also give the source of funds for such investments.

**1.1(E) Working capital**

All relevant details including (a) average cost of monthly stores excluding fuel, (b) average cost of monthly fuel, (c) average monthly cash balance.

**Sub-total (1.1) [Sum of 1.1(A) to 1.1(E)]**

**1.2(A) Depreciation**

The amount written off or set aside on account of depreciation on fixed assets and amount written off in respect of intangible assets.

Notes :

- (1) Category-wise details, along with the rates of depreciation charged on assets and total of accumulated depreciation at the beginning and end of the year may be submitted.



- (2) Details of depreciation chargeable to revenue account for the year to be given as in Form-B.
- (3) Withdrawals from depreciation fund, if any, to be separately indicated.
- (4) Details of amount charged / taken in revenue requirements but actually not set aside or written off as depreciation in books and not included in the above are to be indicated.
- (5) The basis and the approval of the Competent Authority for the rates of Depreciation be enclosed.

#### 1.2(B) Loans

Loans borrowed from institutions, organizations and the public.

Notes :

- (1) Statement of loans taken/proposed to be taken along with rates of interest, tenure, repayment schedule and the purpose for which the loans were taken and other relevant details are to be submitted as in Form-C.
- (2) The impact of all foreign exchange variations to be indicated separately along with manner in which the same has been dealt in the accounts and revenue requirements.

#### 1.2(C) Cash Security deposits by consumers

#### 1.2(D) Others

- (i) Consumers Account (amount available for distribution to consumers at the beginning of the year)
- (ii) Tariffs and Dividends Control Reserve (Credit balance at the beginning of the year)
- (iii) Development Reserve (Credit balance at the end of the year)

Note : Please also indicate how the funds under these heads has been deployed and income earned therefrom treated.

#### Sub Total 1.2[1.2(A) to 1.2(D)]

### 2. Reasonable Return

As per Tariff Regulations.

### 3. Expenditure

Notes:

- (1) Expenditure properly, prudently and economically incurred on generation, transmission and distribution are to be submitted. Expenditure to be capitalized are not to be included herein. If any foreign exchange variation is claimable and being claimed under any head, details thereof are to be indicated separately.

#### 3.1(A) Purchase of Energy

Notes:

- (1) Source of energy purchased, purchase rate, quantum of energy purchased, escalation/rebate adjustment clause in the purchase rate, if any, may be given along with all the relevant details. Whether there is any dispute on purchase rate and if yes, the details thereof may be submitted. Also indicate the maximum and minimum power drawn in MW from each source and date and time of such drawal and similar data from own generation.
- (2) Whether any power purchase agreements (PPA), if required, have been entered into which will be in force during the period for which the tariff has been proposed. Copies of PPAs are to be enclosed.
- (3) Whether the Commission has approved the purchase and procurement process as per the Act and if not, details and reasons thereof.
- (4) Whether any procurement is made from co-generation/renewable sources of energy. If yes, details thereof may be submitted. If not, plans for such procurement may be indicated.
- (5) Merit Order Purchase Planning and detailed justification for purchase from each source.

#### (B) Cost of Energy from own Generation

Notes:

- (1) Expenses to be shown under 3.1(A) and 3.1(M) are to be excluded.
- (2) Station wise cost sheets giving information relating to fuel charges, other fuel related costs, repairs & maintenance (separately for buildings and civil works, plant & machinery and electrical installations and others), salary & wages, depreciation, interest, other financing charges, if any, water charges, travel, other management & administrative expenses, bad debts & others, if any.
- (3) Unit wise and plant wise availability factors and plant load factors are to be given.

- (4) Plant wise gross energy available at generators terminals, auxiliary consumption and net energy sent out ex-bus (before transmission loss) are to be given. The energy consumed in the offices and also allowed to employee free or concessional rate are to be shown separately.
- (5) Consumption statements of primary fuel and secondary fuel both in physical quantity and financial value and heat value of coal and fuel oil are to be given. Details as required in Form-D may be submitted.
- (6) Main sources of fuel supply and break up of fuel prices to be submitted.
- (7) The normative values of various parameters like station heat rate and secondary fuel consumption etc. adopted, if any, may also be submitted.

**(C) Expenses on Transmission, Distribution & Sale of Energy**

Notes :

- (1) Expenses shown under 3.1(A), 3.1(B) & 3.1(D) to 3.1(M) are to be excluded.
- (2) Relevant details, as applicable, as in Note 2 under 3.1(B) are to be submitted.

**(D) Rent, rates & taxes**

(Other than all taxes on income and profits)

**(E) Interest**

- (1) Interest charges on amounts borrowed/funding facilities from institutions, organizations and the public
- (2) Lease rental
- (3) Interest on security deposits
- (4) Interest on working capital
- (5) Interest on other than loan
- (6) Financing charges.

Note : The broad details and basis of financing charges and its justification.

**(F) Bad debts**

**(G) Legal charges**

**(H) Consultancy Fees, Charges & Expenses**

**(I) Auditors fees**

Separately details for Audit Fee for audit of Accounts, Audit expenses, Fees for certification and other audits, Consultancy / Management services etc.

**(J) Depreciation**

**(K) Effects of variation of exchange rate in case of debts linked to any foreign currency****(L) Other Expenses**

Note:

Expenses as are admissible and / or arising from and / or arising from and ancillary / incidental to the business of electricity generation / supply and not covered under any other specific expenditure head are to be given. If expenditure under any particular head of expenditure is more than ½% of total projected revenue of the year or 5% of the other expenses whichever is less, the same may be shown under a separate head of expense.

**Sub Total-3****4. Special Appropriation, if any**

As per Tariff Regulations.

**Sub Total-4****Sub Total 3 & 4****5. Income**

As per existing tariff and charges, as detailed in Annex 2.

**5.1 Receipts from Sale of Energy****5.2 Other Income derived from :**

- (1) Rental of meters and other apparatus hired out
- (2) Rents
- (3) Income on fixed and call deposits, bank balances and investments
- (4) Charges recovered from consumers under Section 46 of the Act
- (5) Surcharge for late payments
- (6) Other general receipts arising from and ancillary or incidental to the business of generation/supply of electricity. Please give separate details if any individual item is more than ½% of the total income or 5% of the other income.
- (7) Trading Income or Loss with relevant details.

**Sub Total 5.2****Total 5**

**6. Contingencies Reserve**

Note:

Opening balance of Contingencies Reserve, the amount appropriated to the Reserve, the amount drawn from the Reserve to meet charges, amount drawn as advance, purposes for which drawn and the authority who has approved the drawal along with terms and conditions as may have been prescribed by such authority.

In case any advance has been drawn and if the same has been refunded or it has been utilized for financing any project or capital assets, then details thereof may be submitted.

**7. Summary of revenue requirement**

As in enclosed Form – E.

**8. Debtors List**

A list of debtors indicating the total amount outstanding against a consumer and/or party who satisfies both the following criteria

- a) whose debts are outstanding for over six months, and,
- b) such debts exceed Rs. 2 lakhs in individual case.

may be enclosed. Steps taken for realization of such sums may be indicated in details.

**9. Utilisation of assets in other business**

Please indicate whether the licensee has engaged and utilized its assets in any other business. If yes, the details thereof and the income and benefits derived therefrom along with the expenditure, if any and how the same has been treated in Revenue Requirement.

**10. Gist of Tariff Revision Petition**

A gist of tariff revision petition with following minimum details may be submitted:

- (1) Gist of tariff revision petition before the West Bengal Electricity Regulatory Commission for the year.....and admitted on .....(date).
- (2) Name of the licensee/generation company.
- (3) Address of the licensee/generating company.
- (4) Tariff revision proposed to be applicable from .....
- (5) Expected revenue at current tariff – Rs.....crores.
- (6) Expected revenue at proposed tariff – Rs..... crores.
- (7) Range of percentage of increase / decrease sought in Petition.
- (8) Major reasons for increase / decrease in Tariff proposed.
- (9) Major factors not considered in the above increase sought, if any.
- (10) Details of major changes proposed in applicable terms and conditions.
- (11) Amount of Outstanding Debtors along with name of party / consumer against whom consolidated amount of 1% of the sale of last year or Rs. 25 lakhs whichever is lower is outstanding for more than 6 months.

- (12) Any other important issue.
- (13) Petition submitted by the licensee / generating company may be inspected at the office of the Commission and .....(other addresses, if any) by .....(date) and copies obtained from the office of the Commission on by .....(date).
- (14) Objections and comments, if any, may be submitted at the office of the Commission by ..... (date).

**Note :** Dates will be filled by the Commission later on.

As in enclosed Form - E.

Debtor List

A list of debtor indicating the total amount outstanding against a consumer and/or party who satisfies both the following criteria  
 (a) whose debts are outstanding for over six months, and  
 (b) such debts exceed Rs. 5 lakhs in individual case  
 may be enclosed. Steps taken for realization of such sums may be indicated in details.

Utilisation of assets in other business

Please indicate whether the licensee has engaged and utilized its assets in any other business. If yes, the details thereof and the income and benefits derived therefrom along with the expenditure, if any and how the same has been treated in Revenue Requirement.

10. List of Tariff Revision Petition

A list of tariff revision petition with following minimum details may be submitted:

- (1) List of tariff revision petition before the West Bengal Electricity Regulatory Commission for the year ..... and admitted on .....(date)
- (2) Name of the licensee/generating company
- (3) Address of the licensee/generating company
- (4) Tariff revision proposed to be applicable from .....
- (5) Expected revenue at current tariff - Rs. .... crores
- (6) Expected revenue at proposed tariff - Rs. .... crores
- (7) Range of percentage of increase \ decrease sought in Petition.
- (8) Major reasons for increase \ decrease in Tariff proposed.
- (9) Major factors not considered in the above increase sought, if any.
- (10) Details of major change proposed in applicable terms and conditions.
- (11) Amount of Outstanding Debtor along with name of party \ consumer against whom consolidated amount of 1% of the sale of last year or Rs. 25 lakhs whichever is lower is outstanding for more than 6 months.

Form-A

Planned repairs and maintenance / forced outage / major repairs for generation plants (Station-wise)

Unit No.	Outage	Nature (Planned/ Forced)	Duration in Hrs.	Summary Details	Next period as per schedule of planned maintenance	Period of last major maintenance (scheduled)	Period of last major maintenance (actual)	Remarks
----------	--------	--------------------------------	---------------------	--------------------	----------------------------------------------------------	-------------------------------------------------------	----------------------------------------------------	---------

From To

**Form-B**

**Details of Depreciation chargeable to revenue account for the year**

Particulars	Opening Balance of Original Cost of Assets	Assets fully depreciated	Assets to be depreciated during the year	Value of Assets classified into different rates			Total
				Various FH	Land- FH	Rs. Lakhs	
<b>A. Generating Assets</b>				--%	--%	--%	--%
Cost							
Depreciation for the year							
<b>B. Transmission Assets</b>							
Cost							
Depreciation for the year							
<b>C. Distribution Assets</b>							
Cost							
Depreciation for the year							
<b>D. Metering Assets</b>							
Cost							
Depreciation for the year							
<b>E. Other Assets</b>							
Cost							
Depreciation for the year							



**Form-C**

**Statement of Loans And Calculation of Interest Thereon**

**Capital / Revenue Account**

Sl. No.	Sources of Loans	Original Amount of loan	Outstanding Balance at the beginning of the year	Normal rate of interest (%)	Penal rate of interest, if any (%)	Rebate (if any) for prompt payment	Repayment due Amount/ Date	Fresh Drawal if any Amount/ Date	Interest paid / payable			Balance at the close of the year	Purpose of Loan	Remark, if any	
									Normal	Penal	Rebate				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
A.															
B.															
	<b>Grand Total</b>														

Notes: 1) The statement should be consolidated for all the loans taken separately for Capital Accounts & Revenue Accounts.

2) Loans bearing different interest rates and terms should not be clubbed even if from same sources.

3) Loans with variable rate of interest should be clearly identified with the mention of base date rates.

4) In case of foreign currency loans, the exchange rates adopted at opening balance, closing balance and repayments should be mentioned. The base rate of exchange on the date of drawal of capital loan should be indicated.

5) If the loan is taken from a group company or subsidiary etc., the same may be justified.

6) Any rate of interest which is above the Bank PLR should be fully justified along with the necessity of the loan.

7) The details of fresh drawal of loan may be enclosed along with detail justifications purpose and supporting cash flow which necessitated the drawal of loan along with investments made or proposed and average bank balances.

8) Any default in repayment of loan may also be suitably explained along with relevant details.

9) Rebate for prompt payment etc. or penalty for delayed/non-payment to be disclosed separately.

Form - D

Details of Fuel Consumption (Plant Wise)

**A. COAL**

Sl. No.	Source of Supply	Grade of Coal	Qty (MT)	Price (Excluding Transportation charges)	Transportation Charges	Total Cost	Percentage of Total Qty received	Declared Heat Value	Remarks (if any)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Total Average

Average Coal price per Ton  
100%

**B. OIL - For oil all information except column 3 & 8 are to be given**

Notes

Price list and calculation of the price in support of the price claimed may be enclosed.

Source of supply may be shown separately with reference to grade of coal.

Declared heat value shall be based on Minimum Guaranteed Heat Value or actual whichever is higher.

Coal purchased from Dealers shall be marked separately.

**Form - E****Summarised Revenue Requirement**

Particulars		Previous Year	Current Year	Ensuing Year
A.		MU		
1.	Generation			
2.	Auxiliary Consumption			
3.	Energy Sent Out [1 - 2]			
4.	Purchased Energy Input			
5.	Total Energy Input [3 + 4]			
6.	Sales			
7.	Consumed in own premises			
8.	Other Utilisation, if any			
9.	Total Energy Utilisation [6 + 7 + 8]			
10.	Balance units [5 - 9]			
11.	T & D Loss (%) [10 / 5%]			
B.		MU		
Where normative T & D Loss has been allowed (x%) by the Commission :				
1.	Total Energy Utilisation [as from A. above]			
2.	Normative Input requirement at x% T & D Loss [(1 above) / (1-x%)]			
3.	Total Energy Input - Actual [as from A. above]			
4.	Units disallowable at average variable cost [3-2]			
C.		Rs. Lakhs		
1.	Fuel			
2.	Power Purchase			
3.	Employee Cost			
4.	Other Administrative & General Charges			
5.	Coal & Ash Handling			
6.	Rent, Rates & Taxes			
7.	Legal Charges			
8.	Auditors Fees			
9.	Repairs & Maintenance incl. Consumables			
10.	a) Interest			
	b) Foreign Exchange Rate Variation			
	c) Other Finance Charges			
	d) Interest on Consumers Security Deposits			
	e) Lease Rental			
11.	Depreciation			
12.	Total Expenditure			
13.	Reasonable Return			
14.	Special Appropriations			
	a) Intangible Assets written off			
	b) Contingencies Reserve Contribution			
	c) Other Special Appropriations			
	Total Expenditure			
15.	Less : Other Income			
16.	Revenue Required			
17.	Subsidy received / receivable, if any			
18.	Average cost of supply (paise per unit)			

## Annex 2

**CURRENT TARIFF RATES AND EXPECTED REVENUE  
AT CURRENT TARIFF**

**A. A statement of expected revenue at current tariff**

Following details may be submitted –

- (1) Category / sub-category of consumers
- (2) Annual sales volume (million units)
- (3) Gross tariff rate (paise per unit)
- (4) Rebates (paise per unit)
- (5) Net tariff rate (paise per unit)
- (6) Fuel and power purchase adjustment charge, if any (paise per unit)
- (7) Subsidy from external sources, if any (paise per unit)
- (8) Full year revenue on gross basis, separately indicating rebates and surcharges to arrive at net revenue (rupee lakhs)
- (9) Full year revenue on net basis (rupees lakhs)

**Notes :**

- (1) Final total of Items (8) and (9) to be the same
- (2) In case of unmetered supply, the rate charged is to be multiplied with estimated usage and suitably included in the above. A note for the reasons for unmetered supply and basis for various estimations is to be submitted as also plans and estimated timeframe for installing meters for such supplies.
- (3) Meter rental and late payment surcharge are to be included in Item B.
- (4) Duties and taxes, if any, are not to be included herein.

**B. Revenue from other charges**

Items not included under Item A are to be submitted (meter rental, late payment surcharge etc.)

**C. Broad financial terms of supply**

Present terms of supply may be indicated.

## Annex 3

**PROPOSED TARIFF RATES AND EXPECTED REVENUE  
AT PROPOSED TARIFF**

**A. A statement of expected revenue at proposed tariff**

Following details may be submitted –

- (1) Category / sub-category of consumers
- (2) Annual sales volume (million units)
- (3) Gross tariff rate (paise per unit)
- (4) Rebates (paise per unit)
- (5) Net tariff rate (paise per unit)
- (6) Subsidy from external sources, if any (paise per unit)
- (7) Full year revenue on gross basis, separately indicating rebates and surcharges to arrive at net revenue (rupee lakhs)
- (8) Full year revenue on net basis (rupees lakhs)

**Notes :**

- (1) Final total of Items (7) and (8) to be the same
- (2) In case of unmetered supply, the rate charged is to be multiplied with estimated usage and suitably included in the above.
- (3) Meter rental and late payment surcharge are to be included in Item B.
- (4) Duties and taxes, if any, are not to be included herein.
- (5) There will be no fuel and power purchase adjustment charge under the proposed tariff; the same will be merged into gross/net tariff rate.

**B. Revenue from other charges**

Items not included under Item A are to be submitted (meter rental, late payment surcharge etc.)

**C. Broad financial terms of supply**

Present terms of supply may be indicated.

**D. Monthly Tariff change for average consumers**

- (1) Category / sub-category of consumers
- (2) Average monthly consumption (units)
- (3) Gross tariff rate under proposed tariff (paise per unit)
- (4) Rebates under proposed tariff (paise per unit)
- (5) Net tariff rate under proposed tariff (paise per unit)
- (6) Total amount payable on energy charges under proposed tariff (rupees) [(2) x (5)]
- (7) Other charges under proposed tariff, including meter rental (rupees)
- (8) Duties and taxes (as presently applicable) (rupees)
- (9) Total payable under proposed tariff (rupees) [(6)+(7)+(8)]
- (10) Gross tariff rate under current tariff (paise per unit)
- (11) Rebates under current tariff (paise per unit)
- (12) Net tariff rate under current tariff (paise per unit)
- (13) Fuel and power purchase adjustment charge, if any, under current tariff (paise per unit)

- (14) Total payable on energy charges and fuel and power purchase adjustment charges under current tariff (rupees) [(2) x (12 + 13)]
- (15) Other charges under current tariff including meter rental (rupees)
- (16) Duties and taxes (as presently applicable) (rupees)
- (17) Total payable under current tariff (rupees) [(14)+(15)+(16)]
- (18) Total incremental (+) / decremental (-) payment
- (19) Percentage change [(9)/(17)-1]

*(The following table is a mirror image of the one on page 45 of the gazette. It is provided here for reference.)*

Sl. No.	Description
(1)	Category / sub-category of consumers
(2)	Average monthly consumption (units)
(3)	Gross tariff rate under proposed tariff (paise per unit)
(4)	Rebates under proposed tariff (paise per unit)
(5)	Net tariff rate under proposed tariff (paise per unit)
(6)	Total amount payable on energy charges under proposed tariff (rupees) [(3) x (2)]
(7)	Other charges under proposed tariff, including meter rental (rupees)
(8)	Duties and taxes (as presently applicable) (rupees)
(9)	Total payable under proposed tariff (rupees) [(6)+(7)+(8)]
(10)	Gross tariff rate under current tariff (paise per unit)
(11)	Rebates under current tariff (paise per unit)
(12)	Net tariff rate under current tariff (paise per unit)
(13)	Fuel and power purchase adjustment charge, if any, under current tariff (paise per unit)

**A. Statement of current tariff**

Full year revenue on net basis (rupees lakhs) - (1)

to arrive at net revenue (rupees lakhs) - (2)

Full year revenue on gross basis, especially indicating rebates and discounts (rupees lakhs) - (3)

Subsidy from external sources, if any (paise per unit) - (4)

Net tariff rate (paise per unit) - (5)

Rebates (paise per unit) - (6)

Gross tariff rate (paise per unit) - (7)

Actual sales volume (million units) - (8)

Category / sub-category of consumers - (9)

Following details may be furnished -

**B. Revenue from other charges**

Items not included under item A are to be submitted (meter rental, late payment surcharge etc.) - (1)

**C. Broad financial terms of supply**

Present terms of supply may be indicated - (1)

**D. Monthly Tariff change for average consumers**

There will be no fuel and power purchase adjustment charge under the proposed tariff, the same will be merged into gross/net tariff rate - (1)

Duties and taxes, if any, are not to be included herein - (2)

Meter rental and late payment surcharge are to be included in item B - (3)

estimated usage and subsidy included in the above - (4)

In case of domestic supply, the rate charged is to be multiplied with (1) - (5)

Final total of items (1) and (5) to be the same - (6)

**Notes:**

Annex 4 (i)

Input to the EHT System (400 kV, 220 kV, 132 kV and 66 kV)

(a) Own Generating Stations

Sl. No.	Source of Supply	Energy Delivered into the Grid System	MU	MW	
				Max.	Min.
1.	Thermal				
2.	Hydel				
3.	Mini-Hydro				
4.	Wind				
5.	Renewable				
6.	Co-generation				
Etc.					

(b) Energy Purchase – sources within the State

1.	Agency 1		
2.	Agency 2		
3.	Agency 3		
4.	Agency 4		
Etc.			

(c) Energy Purchase – sources outside the State

1.	Agency 1		
2.	Agency 2		
3.	Agency 3		
4.	Agency 4		
Etc.			

(d) Others

1.				
2.				
3.				
4.				
Etc.				
Total				

Annex 4 (ii)

Delivery to 33 & 11 kV Distribution System from EHT System (400 kV, 220 kV, 132 kV and 66 kV)

MU

Sl. No.	Unit Area	Energy Received at all EHT S/Ss (132/33kV) existing in the Unit Area		Total Energy delivered into 33 & 11 kV Distribution System
		Energy delivered into 33 kV Distribution System	Energy delivered into 11 kV Distribution System	
		(a)	(b)	(a) + (b)
1.				
2.				
3.				
4.				
Etc.				
	Total			

Annex 4 (iii)

EHT Sales at 220 kV, 132 kV, 66 kV Voltages

Sl.No.	Supply Voltage	No. of consumers	Total Units Recorded by HT Meters
1.	220 kV		
2.	132 kV		
3.	66 kV		
	Total		







Annex 4 (viii)

Energy Delivered into 11 kV Distribution System at the Inter-connection Points of the EHT System and other sources of Generation										
Sl. No.	Name of the Unit Area	Energy Delivered into 11 kV Distribution System in MU								Total Energy Delivered into the Unit Area (a + b)
		From all EHT S/Ss Existing in the Unit Area (a)			Other Sources of Input in the Unit Area (b)					
		Gross	Export, if any	Net	Own Generation	Purchase	Renewable/ Co-generation	Others	Sub-total	
1.										
2.										
3.										
4.										
Etc.										
	Total									

Annex 4 (ix)

HT Direct Sales at 20 kV, 11 kV, 6 kV & 3.3 kV

Sl. No.	Name of the Unit Area	Number of Consumers	Total Units Recorded by HT Meters in MU
	Total		

Annex 4(x)

Energy Sold in the LT System

Sl. No.	Name of the Unit Area	ENERGY SOLD AMONG DIFFERENT CLASSES OF CONSUMERS IN MU							Total
		Domestic	Commercial	Industrial	Public Lighting	Irrigation & Agriculture	Others to be specified	Others to be specified	
	Total								

Annex 4(xi)

Losses at 33KV and below

Sl. No.	Loss Calculation	Loss in MU
1.	<u>Losses in 33 kV System and Connected Equipment</u>	
	(i) Total Energy delivered into 33KV Distribution System from EHT S/Ss and other Generating Stations-4(v)	A
	(ii) Energy sold by HT direct sales at 33 KV-4(vi)	B
	(iii) Energy Delivered into 11KV and LT System from 33/11 KV S/Ss-4(vii)	C
	Losses	A-(B+C)
	% Losses	$100 \times \{A - (B+C)\} / A$
2.	<u>Losses in 11 KV and LT System and Connected Equipment</u>	
	(i) Energy delivered into 11 KV and LT Distribution System from 33/11 kV S/Ss - 4(vii)	C
	(ii) Energy delivered into 11 KV Distribution System and EHT S/Ss and other Gen. Stn. - 4(viii)	D
	Total Energy delivered into 11 KV and LT Distribution System	C+D
	(iii) Energy sold HT direct sales at 11 kV - 4(ix)	E
	(iv) Energy sold in the LT System - 4 (x)	F
	Total Sales	E+F
	Losses	$\{(C+D) - (E+F)\}$
	% Losses	$\{(C+D) - (E+F)\} \times 100 / (C+D)$











Annex 5 (x)

Statement for Status of Demand

Sl. No.	Category	Contracted Load	In MW	
			Max. Demand with Date and Time	Max. Demand Met
1.	<b>EHV Consumers</b>			
2.	<b>HV Consumers :-</b>			
	(a) 33 KV			
	(b) 11 KV			
3.	<b>LT Consumers :-</b>			
	(a) Domestic			
	(b) Commercial			
	(c) Industrial			
	(d) Public Water Works			
	(e) Street Lights			
4.	Agriculture			
5.	Total			

Note :

1. If it can not be supplied categorywise then system peak demand and system peak demand supplied preferably for each month may be given.
2. If the full demand has not been met, the reasons thereof along with the action taken to meet the shortfall.

**CASH FLOW STATEMENT**

(Rs. in lakhs)

	Previous year (Actual)	Current year (Estimated)	Ensuing year (Projected)
<b>REVENUE ACCOUNT</b>			
1. OPERATING INCOMES			
(a) Sale of Power			
(b) Transmission Charges			
(c) Others (to be specified)			
Total (A)			
2. OPERATING EXPENSES			
(All revenue nature of expenses other than non-cash charges like Depreciation, DRE etc.)			
Total (B)			
3. INCREASE/DECREASE IN CURRENT ASSETS, CURRENT LIABILITIES & PROVISIONS IN REVENUE ACCOUNT			
(a) Sundry Debtors			
(b) Loans & Advances			
(c) Current Liabilities			
(d) Provisions			
(e) Others			
Total (C)			
4. OPERATING CASH SURPLUS/ SHORTFALL (A) – (B) + (C)			
5. UTILISATION OF OPERATING CASH SURPLUS/(SOURCES TO MEET OPERATING CASH SHORTFALL)			
<b>CAPITAL ACCOUNTS</b>			
<b>A. ADDITION IN CAPITAL FUND</b>			
1. Additional own fund brought in			
2. Additional borrowings			
3. Additional Consumers' contribution and security deposits			
4. Use of operating surplus			
5. Increase in liabilities for capital works			
<b>UTILISATION OF CAPITAL FUND</b>			
6. Increase in fixed capital expenses			
7. Loan repayment			
8. Decrease in liabilities			
9. Additional investment			
10. Any other item			

Note : Reconciliation of cash and bank balances (actual/estimated) requires to be presented along with this statement.

**SCHEDULE-VII**

(See Sub-Regulation (2) of Regulation 45 and Sub-Regulation (1) of Regulation 51)

**SCHEDULE OF FEES**

Sl.No.	Nature of petition/application etc.	Fees
1.	Petition for determination of tariff except transmission tariff	Paisa 1 for each 20 Kwh proposed to be sold subject to a minimum of Rs.2 lakhs and maximum of Rs. 15 lakhs in case of licencees and Rs. 20 lakhs in case of Generating Companies.
2.	Petition for determination of transmission tariff	Paisa 1 for each 100 Kwh proposed to be transmitted subject to a minimum of Rs.1 lakh and maximum of Rs. 15 lakhs.
3.	Petition/Application for review of tariff order	50% of above as the case may be.
4.	Petition/Application for approval of Power Purchase or procurement process	Rs. 5 lakhs per 100 MW or part thereof subject to a maximum of Rs.15 lakhs.
5.	Petition/Application for review of order for approval of power purchase or procurement process	Rs. 2 lakhs.
6.	Interlocutory Application	Rs. 1 lakh.
7.	Any other Petition/Application	Rs. 1 lakh.
8.	Request for inspection of documents permitted to be inspected.	Rs. 100/- for every two hrs. of inspection or part thereof. However, the above rate shall be Rs. 50/- in case of consumer associations registered with the Commission.
9.	Request for obtaining certified copies as may be permitted.	Rs. 1.50 per page of copy allowed subject to rounding off to next higher rupee on total amount. However, the above rate shall be Re. 1.00 per page of copy allowed in case of consumer associations registered with the Commission.
10.	Application for rectification or order on ground of clerical error/mistake.	Rs. 1000/-
11.	Appeal preferred to the appellate authority under section 127(1) of the Act	1% of assessed amount, rounded to nearest rupee, but limited to Rs. 1 lakh.

Sl.No.	Nature of petition/application etc.	Fees
12.	Annual Licence Fee. (a) Transmission Licence (b) Distribution Licence (c) Trader	To be decided by the Commission on case to case basis from time to time keeping in view the area of supply, the nature of supply, sale figures and other relevant factors.
13.	Amendment/Cancellation/Renewal of Licence	50% of the application fee.
14.	Complaint against contravention of Act, Rules or Regulations	Rs. 100/- No fee, if the complaint is filed after exhausting the Grievance Redressal System in terms of Section 42(5) of the Act.
15	Other matters not covered above.	As may be decided by the Commission from time to time.

**Form-1**

(See Regulation -26)

**General Headings for proceedings.**

**Before the West Bengal Electricity Regulatory Commission, Kolkata**

File No.

Case No.

(To be filled by the office)

In the matter of :

(Gist of the purpose of the petition or application including relevant type of proceeding under Regulation 22(3))

And

In the matter of :

(Name and full address of the petitioner/applicant and name and full address of the respondent\*)

\* if applicable

Place :

Date :

\* if applicable

**Form - 2**  
(See Regulation-27)

**Before the West Bengal Electricity Regulatory Commission, Kolkata**

File no.

Case no.

(To be filled by the office)

In the matter of :  
(Gist of the purpose of the petition or application including its type as per Regulation 22(3))

And

In the matter of :

(Names and full addresses of the petitioners/applicants and names and full addresses of the respondents\*)

Affidavit verifying the petition/reply/application.

I,....., son of .....aged.....residing at.....do solemnly affirm and say as follows:

1. I am the petitioner/applicant/respondent etc. or I am a Director/Secretary/partner.....of .....Ltd., the petitioner/applicant/respondent in the above matter and am duly authorised by the said petitioner/applicant/respondent to make this affidavit for and on his/her behalf.
2. The statements made in paragraphs ..... of the petition/application/reply herein now shown to me and marked with the letter 'A' are true to my knowledge and the statements made in paragraphs.....and marked with the letter 'B' are based on information received and the statements made in paragraphs ..... and marked with the letter 'C' are true to my belief and nothing material has been concealed from the statements so made or documents or supporting data etc. attached.

Solemnly affirmed at.....on this..... day of .....that the contents of this affidavit are true to my knowledge, no part of it is false or nothing material has been concealed therefrom and misleading material included therein.

Place :

Date :

\* if applicable

Deponent

Form - 3

[See clause (f) of sub-regulation(2) of Regulation 31.]  
General headings for proceedings

Before the West Bengal Electricity Regulatory Commission, Kolkata

File no.

Case no.

(To be filled by the office)

In the matter of :

(Gist of the purpose of the petition or application including its type as per Regulation 22(3))

And

In the matter of :

(Names and full addresses of the petitioners/applicants and names and full addresses of the respondents\*)

I,.....practicing/working as ....., have been authorized by ....., to act as his/its representative/agent in the above matter and to do all or any act on behalf of the above named petitioner/respondent in all matters in the aforesaid case.

Place :

Signature

Date :

Name & Address

Certified that I have given the above authority and I have powers to give such an authority. Change, if any, will be duly registered with the Commission and I will continue to be bound by the act, action and/or other submissions/undertakings etc. made/given by him/it before registration of such change.

Signatur

Name&Address

\* if applicable

Form - 4

[See clause (f) of sub-regulation(2) of Regulation 31.]

General headings for proceedings

Before the West Bengal Electricity Regulatory Commission, Kolkata

File no.

Case no.

(To be filled by the office)

In the matter of :

(Gist of the purpose of the petition or application including its type as per Regulation 22(3))

And

In the matter of :

(Names and full addresses of the petitioners/applicants and names and full addresses of the respondents\*)

Memo of Appearance

I,.....practicing/working as ....., have been authorized by ....., to act as his/its representative/agent in the above matter and to do all or any act on behalf of the above named petitioner/respondent in all matters in the aforesaid case do hereby enter appearance on behalf of.....

Place :

Signature

Date :

Name & Address

\* if applicable



## Form - 5

[See Sub-Regulation(1) of Regulation 45]

Form of Memorandum of Appeal under Section 127(1) of the  
Electricity Act, 2003BEFORE THE APPELLATE AUTHORITY  
UNDER SECTION 127 OF THE ELECTRICITY ACT, 2003

APPEAL NO..... OF 20\_\_

.....  
- APPELLANT

- VS -

.....  
- RESPONDENT

- (1) The name, designation and address of the Assessing Officer passing the order appealed against.
- (2) The date of the order appealed against.
- (3) Date of communication of the order appealed against
- (4) Amount assessed by the final order under Section 126 of the Act.
- (5) Address to which the notices may be sent to the appellant
- (6) Address(es) to which the notices may be sent to the respondents
- (7) Whether copy of the order appealed against is attached herewith
- (8) Whether amount as required to be deposited under Section 127(2) of the Act has been deposited with the licensee; if so, the particulars thereof (documentary evidence to be enclosed)
- (9) Whether the appellant wishes to be heard in person?
- (10) Reliefs claimed in the appeal.

**STATEMENT OF FACTS**

**GROUND OFS OF APPEAL**

Signature of the appellant/  
authorized representative, if any.

**VERIFICATION**

I, ....., the ..... of the appellant do hereby declare that what is stated above is true to the best of my knowledge and belief.

Verified today the..... day of .....

Signature of the appellant/  
authorized representative, if any.