

# The Kolkata Gazette



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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

## WEST BENGAL ELECTRICITY REGULATORY COMMISSION

### NOTIFICATION

No. 32/WBERC Dated: 05.3.2007 In exercise of the powers conferred by sub-section (1) and clauses (zo) and (zp) of sub-section (2) of section 181 read with clause (g) of sub-section (1) of section 86 and sub-section (1) of section 127 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf and in supersession of regulation 51 and Schedule VII (dealing with Schedule of Fees) of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2003 issued under notification No. 12/WBERC dated 12<sup>th</sup> November 2003 and published in the Kolkata Gazette, Extraordinary on 1<sup>st</sup> March 2004, West Bengal Electricity Regulatory Commission hereby makes the following Regulations: -

#### Short title, commencement and interpretation.

1. (1) These regulations may be called the West Bengal Electricity Regulatory Commission (Fees) Regulations, 2007.
- (2) They shall come into force on the date of their publication in the official Gazette.

- (3) They extend to the State of West Bengal.

#### Definitions.

2. (1) In these regulations, unless the context otherwise requires:
  - (a) 'Act' means the Electricity Act, 2003 (36 of 2003);
  - (b) 'Control period' means the control period as defined in the regulations made under section 61 of the Act;
  - (c) 'Regulations' means the Regulations made under the Act;
  - (d) 'Rules' means the Rules made under the Act;
  - (e) 'Commission' means the West Bengal Electricity Regulatory Commission;
- (2) Words and expressions used and not defined in these regulations but defined in the Act shall have the meanings respectively assigned to them in the Act.

#### Fees on Applications / Petitions:

3. (1) Every application made to the Commission shall be accompanied by such fees as are specified in Schedule-I.

- (2) The fees payable to the Commission under these regulations shall normally be paid by means of Bank Draft, Banker's Cheque or Pay Order, drawn in favour of the West Bengal Electricity Regulatory Commission, payable at Kolkata or may be paid in cash if the amount does not exceed rupees three thousand only. Licensees and generating companies may be permitted to pay fees in cheque, payable at Kolkata.
- (3) No fees under these regulations shall be payable on the applications made by the State Load Despatch Centre.

#### **Fees payable to State Load Despatch Centre:**

4. The fees and charges payable to State Load Despatch Centre by the generating companies and licensees engaged in intra-State transmission of electricity is specified in the regulations made under sub-section (3) of section 32 of the Act.

#### **Power to Amend:**

5. The Commission may, at any time and at its sole discretion, vary, alter, modify, add or amend any provision of these regulations.

#### **Power to remove difficulties:**

6. (1) If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, for reasons to be recorded in writing, pass any order as it may consider necessary for removing the difficulty.

#### **(2) Power to dispense with the requirement of these regulations.**

The Commission may, at its discretion, dispense with the requirements of any of these regulations in specific cases including reduction of fees.

#### **Repeal & Saving:**

7. (1) Regulation 51 and Schedule VII (dealing with schedule of fees) of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2003 issued under notification no. 12/WBERC dated 12.11.2003 and published on March 1, 2004 in the Kolkata Gazette, Extraordinary are hereby repealed.
- (2) Notwithstanding such repeal, anything done or purported to have been done or any action taken or purported to have been taken under the repealed provisions before such repeal, shall be deemed to have been done or purported to have been done or taken or purported to have been taken under these regulations.
8. 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.



**SCHEDULE – 1**  
**[See regulation 3(1)]**

Sl. No.	Nature of Application	Fee
1.	Fee payable for consideration of application seeking exemption from licence under section 13 of the Act and for processing the application thereof.	Rs. 1.00 lakh.
<b>Tariff Determination for generation / transmission / distribution / wheeling.</b>		
2	(a) Application for determination of tariff for supply of electricity, wholesale, bulk or retail, by a distribution licensee as also for determination of tariff / charges of wheeling in respect of such distribution licensee.	Paise 1 for each 30 kWh proposed to be sold and /or wheeled during the control period for which the application is being filed subject to a minimum of Rs. 5.00 lakh.
	(b) Application for determination of tariff for supply of electricity to any distribution licensee by a generating company of following categories:	
	(i) Conventional fuel based plant except captive generating plant.	Rs. 2,000/- per MW of installed capacity or part thereof subject to a minimum of Rs. 10.00 lakh.
	(ii) Conventional fuel based captive generating plant	Rs. 2000/- per MW of installed capacity or part thereof subject to a minimum of Rs. 50,000/-.
	(iii) For generic determination of tariff for a class of projects.	Rs. 2000/- per MW of installed capacity or part thereof subject to a minimum of Rs. 2.00 lakh.
	(iv) Hydro generating station including pumped storage plant other than mini or small hydro generating station and captive hydro generating plant.	Rs. 2000/- per MW of installed capacity or part thereof subject to a minimum of Rs. 10.00 lakh.
	(v) Captive hydro generating station other than mini or small hydro generating station	Rs. 2000/- per MW of installed capacity or part thereof subject to a minimum of Rs. 50,000/-.
	(c) Application for determination of tariff / charges for transmission of electricity by a transmission licensee	Paise 1 for each 100 kWh proposed to be transmitted and / or wheeled during the control period for which the application is being filed subject to a minimum of Rs. 5.00 lakh.

Sl. No.	Nature of Application	Fee
<b>Application for Annual Performance Review of Multi-Year Tariff of Generating Companies, Transmission Licensees and Distribution Licensees under Multi Year Tariff Framework.</b>		
3	(a) Application for Annual Performance Review of tariff for supply of electricity, wholesale, bulk or retail, as also of tariff / charges for wheeling of a distribution licensee under multi-year tariff framework.	Paise 1 for each 150 kWh sold and / or wheeled during the year under Annual Performance Review subject to a minimum of Rs. 5.00 lakh.
	(b) Application for Annual Performance Review of tariff under multi-year tariff framework for supply of electricity to any distribution licensee by a generating company of following categories.	
	(i) Conventional fuel based plant except captive generating plant.	Rs. 400/- per MW of installed capacity or part thereof subject to a minimum of Rs. 5.00 lakh.
	(ii) Conventional fuel based captive generating plant	Rs. 400/- per MW of installed capacity or part thereof subject to a minimum of Rs. 50,000/-.
	(iii) For generic determination of tariff for a class of project.	Rs. 400/- per MW of installed capacity or part thereof subject to a minimum of Rs. 2.00 lakh.
	(iv) Hydro generating station including pumped storage plant other than mini or small hydro generating station and captive hydro generating plant.	Rs. 400/- per MW of installed capacity or part thereof subject to a minimum of Rs. 5.00 lakh.
	(v) Captive hydro generating station other than mini or small hydro generating station	Rs. 400/- per MW of installed capacity or part thereof subject to a maximum of Rs. 1.00 lakh.
	(c) Application for Annual Performance Review of tariff/ charges for transmission of electricity of a transmission licensee under multi-year tariff framework.	Paise 1 for each 400 kWh transmitted and / or wheeled during the year under Annual Performance Review subject to a minimum of Rs. 5.00 lakh.
<b>Application for approval of Power Purchase Agreement (To be charged from the generating company concerned):</b>		
4	(a) For conventional Fuel Based Plant.	Rs. 2.00 lakh per 100 MW of installed capacity or part thereof subject to a maximum of Rs. 15 lakh.
	(b) For renewable sources of energy or cogeneration.	Rs. 1000/- per MW of installed capacity or part thereof.
<b>Determination of rates / charges relating to Open Access:</b>		
5	Application for adjudication of dispute regarding extent of surplus capacity for intervening transmission	Rs. 5 lakh plus Rs. 50,000/- per outstation visit or inspection or hearing.



Sl. No.	Nature of Application	Fee
6	Application for adjudication of dispute regarding provision of non-discriminatory open access.	<p>(a) For a licensee or a generating company – Rs. 5.00 lakh plus Rs. 50,000/- per outstation visit or inspection or hearing.</p> <p>(b) For a person who has constructed and maintains and operates a captive generating plant – Rs. 1.00 lakh plus Rs. 50,000/- per outstation visit or inspection or hearing.</p> <p>(c) For a person having a captive generating plant for generation of energy from renewable sources or cogeneration – Rs. 20,000/- plus Rs. 5,000/- per outstation visit or inspection or hearing.</p> <p>(d) For a consumer – Rs. 5,000/-</p> <p>(e) For any person, other than a generating company or licensee, who wheels or proposes to wheel electricity – Rs. 3 lakh plus Rs. 30,000/- per outstation visit or inspection or hearing</p>
<b>Review of Tariff Orders / General Orders.</b>		
7	Application for review of tariff order for a control period for any category mentioned in Sl. No. 2 of this Schedule.	25% of applicable fee for filing application for determination of tariff for that category as mentioned in Sl. No. 2 of this Schedule.
8	Application for review of an order of Annual Performance Review of multi-year tariff for any category mentioned in Sl. No. 3 of this Schedule.	Rs. 7.5 lakh
9	Application for review of any order of the Commission other than orders mentioned in Serials No. 7 and 8 of this Schedule	50% of fee as required for the original application.
<b>Other Applications</b>		
10	Application for inspection of documents permitted to be inspected	Rs. 100/- for every one hour of inspection or part thereof.

Sl. No.	Nature of Application	Fee
11	Application for obtaining certified copies as may be permitted	Rs. 2/- per page of copy allowed.
12	Application for rectification of order on ground of typographical or clerical error / mistakes.	Rs. 100/-
13	Appeal preferred to the appellate authority under section 127(1) of the Act.	0.5% of assessed amount under section 126(3) of the Act, rounded off to nearest rupee, but limited to Rs.1 lakh.
14	Adjudication of disputes between licensees and generating companies and between licensees not covered elsewhere.	To be fixed on case-to-case basis.
15	Any complaint under section 142 of the Act.	Rs. 100/-
16	Representation to Ombudsman under sub-section (6) of section 42 of the Act.	Nil
17	Any other Application	As may be decided by the Commission on case-to-case basis.

Place: Kolkata

Date: 05.03.2007

By Order of the Commission

(K. L. Biswas)

Secretary of the Commission