Registered No. WB/SC-247 **No. WB(Part-I)/2007/SAR-280**

The Kolkata Gazette

सत्यमेव जयते

Extraordinary
Published by Authority

KARTIKA 28] MONDAY, NOVEMBER 19, 2007 [SAKA 1929

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No.37/ WBERC **Dated 19.11.2007**

In exercise of the powers conferred by sub-section (1) and clause (zp) of sub-section (2) of section 181 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it in this behalf, the West Bengal Electricity Regulatory Commission hereby makes the following regulations:—

1. **Short title, extent and commencement.-** (1) These regulations may be called the West Bengal Electricity Regulatory Commission (Balancing and Settlement Code) Regulations, 2007.

   (2) They extend to the whole of West Bengal.

   (3) They shall come into force on the date of their publication in the official Gazette.

2. **Definitions –** (1) In these regulations, unless the context otherwise requires,-

   (a) 'Act' means the Electricity Act, 2003 (36 of 2003);

   (b) 'Commission' means the West Bengal Electricity Regulatory Commission;

   (c) 'DDO' means the Drawing and Disbursing Officer of SLDC;

   (d) 'Regulations' means the regulations made by the Commission under the Act;

   (e) 'SLDC' means the State Load Despatch Centre established by the Government of West Bengal under sub-section *(1)* of section 31 of the Act;

   (f) 'SLDC-UI FUND-WBSETCL' means the fund as specified in regulation 5 of these regulations;

   (g) 'Tariff Regulations' means the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2007;

   (h) 'Week ' means Monday to succeeding Sunday.

(2) Words and expressions used and not defined in these regulations but defined in the Act or any Regulations made by the Commission shall have the meanings respectively assigned to them in the Act or the Regulations made by the Commission.

3. **State Level Accounts For Energy Charge, Capacity Charge and Incentive-** In pursuance to regulation 5.10 of the Tariff Regulations 2007 , the State level accounts for energy charge will be prepared along with actual availability of the generating stations for any month and issued in following manner :

i) The statement of State level accounts on transaction of energy as per schedule shall be prepared by SLDC on monthly basis for charges payable by a concerned entity to a generating station under ABT based on computation against each 15 minutes time block for the finally implemented ex-bus scheduled injection of energy that is entitled for energy charge along with the corresponding declared availability and the necessary correction on the basis of demonstrated availability, if any.

ii) Such monthly statement of accounts shall be computed from the daily statements in the form of Table A showing corresponding figures of the generating station against each 15 minute time block separately. The format of the table for the daily statement related to said monthly statement is given below :

Table-A
STATEMENT OF AMOUNT OF INJECTED ENERGY OF A GENERATING SATION ENTITLED FOR ENERGY CHARGES

Serial no. of the 15 minutes time block	Scheduled energy injection (MWh)	Declared availability (MWh)	Whether the block is under declared capacity demonstration (Yes/ No)	Result of the demonstration*	Resultant penalty in case of capacity Charges in rupees **	Resultant availability (MWh)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1						
2						

96						

Note:
* Result of the demonstration shall be indicated through codification where '0' stands for successful demonstration of declared capacity and any 1 shall represent mis-disclaration for the block concerned and the sum of the column shall represent the number of mis-declarations for the day concerned.

** As per regulation 5.7.2 of Tariff Regulation

Notwithstanding anything to the contrary contained in any other Regulations of the Commission in case of any establishment of any mis-declaration, the availability of each time block of the day will be reduced proportionally in the ratio of the available capacity established during demonstration and declared capacity. In case of more than one mis-declaration, the demonstration which gives the least ratio among the aforesaid ratios, will be considered.

In the daily statement the cumulative total of scheduled injected energy entitled for energy charge, declared availability and resultant availability are to be shown separately for each entity.

iii) On the basis of the daily statements the consolidated monthly statement is to be prepared. Such monthly statement of state level energy account with scheduled injection and resultant availability shall be prepared and issued to all concerned entities within first three working days of the succeeding month.

iv) In case of detection of any mistake or error after issuance of such monthly statement, such mistake or error will be given due effect in the statement of the earliest available month to the concerned entity showing such adjustment separately with due explanation.

v) SLDC shall check the declared capacity through demonstration in pursuance to regulation 5.7 of the Tariff Regulations for each generating station as and when required by SLDC as per regulation 5.7.1 of Tariff Regulations.

4. State Level Accounts For UI Charge - In pursuance to regulation 5.10 of the Tariff Regulations, the State level accounts for UI charges will be prepared and issued in the following manner :-

i) The statement of State level accounts for UI charges payable by an entity under UI mechanism shall be prepared on weekly basis by SLDC based on computation against each 15 minutes time block by finding out difference of the actual injection/ drawal of energy in the State Grid and the corresponding scheduled injection/drawal. Such computation shall also take into account different provisions under the Tariff Regulations inclusive of regulation 5.5.2 of the Tariff Regulations while computing UI charges for each time block.

ii) Such statement of accounts shall be as per Table B for each day showing the scheduled injection or drawal of energy (X) by the entity against each 15 minutes time block separately alongwith the corresponding actual average frequency, actual injection or drawal of energy(Y), and the corresponding amount of energy (Z) in deviation to the scheduled energy as a result of gaming, if any. The corresponding resultant UI energy (W) shall be declared to be entitled for UI charge computation for the said time block taking W=Y-X-Z and duly reflected in the Table B.

Table-B
STATEMENT ON ACCOUNT OF UI CHARGES FOR EACH 15 MINUTES TIME BLOCK

No. of 15 minutes time block	Average Frequency in HZ	Scheduled Injection / Drawal (MWh)	Actual Injection/ drawal in (MWh)	Injection/ drawal Energy disallowed vide regulation no 5.5.2 and 5.5.4 in (MWh)	Injected/ Drawal energy entitled for energy charges (MWh) with (+) or (-) sign *	Reasons of disallowance in column 5	Rate of UI Charge In Paisa per Unit	Computed UI Charge in Rs
(1)	(2)	(3)	(4)	(5)	(6=4-3-5)	(7)	(8)	(9=6×8)
1								
2								

96								
*~ (+) represent gain of UI Charge and (-) representing loss of UI								

While applying clause (i) of regulation 5.5.2 of the Tariff Regulations, it is to be noted that in case the average actual injection goes above 101% for the day and if any portion of the excess energy is considered as gaming by SLDC in identified time block(s), then UI energy shall be reduced by that portion of excess energy. Such excess energy shall be adjusted in UI account of beneficiaries in the ratio of their capacity share in the generating station.

While applying the clause (iii) of regulations 5.5.2 of the Tariff Regulations if any lesser drawal than scheduled drawal by any entity is considered as gaming by SLDC in identified time block(s), then UI energy for those corresponding block(s) shall be reduced from the total UI energy of the day for that entity. The reduced energy shall be adjusted in UI account of the injecting entity(ies) in the ratio of scheduled injection of the concerned injecting entity(ies). **[Example :** Say one distribution licensee 'A' is drawing power from two entities 'B' and 'C' within the state. Say the scheduled injection of 'B' is SI_B and that of C is SI_c. If due to less drawal say UI energy is reduced by an amount "P" on the score of gaming then benefit of such "P" will be shared by "B" and "C" in the ratio $SI_B : SI_c$. **]**

Notwithstanding anything in contrary in any other regulations of the Commission, while applying clause (v) of regulation 5.5.4 of the Tariff Regulations it is to be noted that in case the total actual drawal goes below 99% of the scheduled drawal for the day, then the less energy drawal shall be considered as gaming and UI energy shall be reduced by that portion of less drawal below the said 99%. The ratio of reduced UI energy to the total UI energy shall be used to get the disallowance of UI energy in each block. In addition if in any 15 minutes time block the drawal is less than 95% of the scheduled drawal then that drawal in that block shall also be construed as gaming and less drawal below 95% of the scheduled drawal for that block shall be disallowed as UI energy for that block.

In the daily statement the algebraic sum of UI energy as calculated and amount payable or receivable by each entity is to be shown separately. The impact of clause (i) and (iii) of regulation 5.5.2, and clause (v) of regulation 5.5.4 of the Tariff Regulations are also to be shown separately.

In case of any mismatch amount after UI energy accounting is done, such amount shall be distributed on pro-rata basis of actual energy injected or drawn by the entities at a rate that will make the net balance of the accounts of UI charge of that day as zero.

iii) On the basis of daily statement prepared the consolidated weekly statement is to be prepared. Such weekly statement of State level account of UI charge shall be prepared for the week and issued to the all concerned entities within three working days after receipt of UI charge statement from Eastern Regional Power Committee for that week. The date of issuance will be considered as billing date as per regulation 7.2 of the State Grid Code.

iv) In case of detection of any mistake or error after issuance of such weekly statement, such mistake or error will be duly corrected within one month and intimated to the concerned entities showing such adjustment separately with due explanation.

v) The concerned entities shall send the meter reading as found by downloading within Tuesday noon or very next working day in each week, if Tuesday is a holiday.

5. SLDC- UI FUND-WBSETCL - SLDC shall open an account preferably with electronic clearing facility with the name and style of "SLDC-UI FUND- WBSETCL" in a nationalized / scheduled commercial bank within 27th November 2007 for the purpose of handling UI charges in pursuance to regulation 5.13 of the Tariff Regulations. Such fund will be managed in the following manner.

i) Such account shall be operated by the DDO with the cheque signing authority for payment upto Rs.5 lacs. For payment above Rs. 5 Lacs such cheque signing authority shall be jointly with the DDO and the Officer in charge of SLDC.

ii) All deposit for UI charges payable by any licensee shall be through bank draft in favour of the said account or through electronic clearance system where such facility is available. Cost of such draft and services shall be payable by the depositor.

iii) UI charges receivable by the any entity shall be through account payee cheque or through electronic clearance system where such facility is available.

iv) SLDC shall maintain the accounts of the said fund separately and such account shall not be considered as the part of the accounts of the SLDC.

v) Accounts of such fund shall be audited by Chartered Accountant / Cost Accountant in full time practice for every financial year within 30th June of the succeeding year and such audited accounts shall be subsequently submitted to the Commission within 31st July of that year for approval.

vi) The entity shall pay the UI charges within 10 days of the billing date in pursuance to regulation 7.2 of the State Grid Code. The DDO will activate the Letter of Credit (LC) if the amount receivable from any entity is not received fully or partly within ten days from date of issuance of the weekly UI statement.

6. **Opening Of Letter Of Credit -** All the entities covered under UI mechanism in pursuance to regulation 5.1.2 of the Tariff Regulations shall initially open the irrevocable, revolving, confirmed, unconditional and non-recourse letter of credit in favour of the said "SLDC-UI FUND-WBSETCL" for an amount of Rs. 10 lacs each within 11th December 2007, with a nationalized / scheduled commercial bank , having Branch Office in Kolkata. Subsequently, after three months of operation from the date of starting of operation of UI, the amount of LC shall be modified within next one month on the basis of entitiy's UI charge payable amounts for two weeks those are the highest in the last three months subject to the condition that such amount shall be at least of Rs. 10 lacs. Thereafter, in the month of April of every year after 2008, the said amount of LC shall be modified by the entity concerned to an amount equal to entity's UI charge payable amounts for two weeks those are the highest in the last financial year subject to the condition that such amount shall be at least Rs. 10 lacs. The cost of LC shall be borne by the concerned entity.

7. **Monthly Energy Balancing** - On the basis of the above accounting daily report sheet is to be prepared by SLDC showing energy balancing of the State Grid and shall be submitted to the Commission each month in a consolidated weekly form for the weeks of the preceeding month (hereinafter referred to as reporting month). In case of any fractional week at the end of the reporting month the report of such week shall be submitted with the report of the subsequent month to the reporting month.

8. **Removal / Settlement of Disputes under the Balancing and Settlement Code -** Initially for removing disputes of UI energy accounting and to derive corresponding charge, SLDC shall form a Committee with representatives from concerned entities and SLDC. The officer-in-charge of SLDC shall be the Chairman of the Committee. For removal of any dispute, if any, on the said accounting for the preparation of the accounts, the Committee shall meet on every Tuesday initially for four weeks of operation of UI mechanism and address the disputed matters by evolving a suitable methodology keeping in line with the objective of adhering to issue of grid discipline and security as the key purposes of UI mechanism. Such methodology shall be got approved by SLDC from the Commission immediately. In case of non-settlement of the disputed issue the matter shall be referred to the Commission. After initial four weeks of UI operation, the Committee shall meet

at least once in a month preferably on Wednesday of the third week of the month. However, the Chairman of the Committee may call any meeting to meet any urgent need as and when required with a notice of two days. Each entity shall nominate a suitable representative to serve in the Committee. After six months of operation such Committee shall meet quarterly preferably on first working week of each quarter of the financial year. Any change in the methodologies evolved by the Committee shall be operative on receipt of approval of the Commission, provided such changes do not call for any amendment of the instant Regulations.

9. The injection from generating stations or any of its unit of any generating company or distribution licensee in initial period between first synchronization and commercial operation date as determined in accordance with Tariff Regulations will be treated as infirm power and during that period the generating company or the licensee who is the owner of that generating station shall submit to the SLDC their daily schedule of injection of such infirm power separately, for operational facility only.

10. Any infirm power as per regulation 9 of these regulations will not be considered under ABT mechanism and will not be subject to UI mechanism. At the end of each day, time block wise actual generation and injection from the concerned generating units injecting infirm power shall be submitted to the SLDC by the concerned generating company or the licensee.

11. The ABT based grid operation including application of UI mechanism shall start from 00:00 hrs of the first day of January, 2008.

12. **Power of the Commission to amend-**(1) The Commission may at any time at its sole discretion vary, alter, modify, add or amend any provision of these regulations.

(2) 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

13. **Power to remove difficulties –** If any difficulty arises in giving effect to any of the provisions of the regulations, the Commission may, for reasons to be recorded in writing, direct the licensee or generating company or SLDC for taking suitable actions , not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

Place: Kolkata

By order of the Commission,

Date: 19.11.2007

K. L. BISWAS,
Secretary of the Commission.

Published by the Controller of Printing and Stationery, West Bengal and printed at Saraswaty Press Ltd.
(Government of West Bengal Enterprise), Kolkata 700 056