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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. 69/WBERC

Dated 26.11.2021

In exercise of the powers conferred and sub-section (1) and clause (zp) of subsection (2) of section 181 of the Electricity Act, 2003 (36 of 2003) with sub-section (2) and (3) of section 32, clause (d) of sub-section (2) of section 39, clause (c) of section 40 and clause (h) of section (1) of section 86 and clause (i) of sub-section (2) section 86 of the Electricity Act, 2003 (36 of 2003) and the Electricity [Removal of Difficulties] Third Order, 2005 and all powers enabling it in this behalf, and in supersession of Notification No. 40/WBERC dated 25.03.2008 published in Kolkata Gazette, Extraordinary on 25.03.2008 and Notification No. 42/WBERC dated 22.05.2009 published in the Kolkata Gazette Extraordinary Part I on 22.05.2009 Dated 22 May, 2009, the West Bengal Electricity Regulatory Commission hereby makes the following Regulations:

1. Short title, extent, scope and commencement

- i) These Regulations may be called the West Bengal Electricity Regulatory Commission (Balancing and Settlement Code) Regulations, 2021 which in short will be referred to as “Balancing and Settlement Code”.
- ii) The Balancing and Settlement Code extends to the whole of West Bengal.
- iii) The Balancing and Settlement Code details the procedures to be followed for computation of Plant Availability Factor (PAF), Scheduled Energy Transacted, Deviation Settlement Charges and Reactive Energy Charges.
- iv) The Regulations shall come into force on the 3rd Day of January, 2022 after publication in the Official Gazette, such date being the effective date of these regulations.

2. Definitions

- (1) In this Balancing and Settlement Code, unless the context otherwise requires:
- (a) 'Act' means the Electricity Act 2003 (36 of 2003);
 - (b) 'ABT' means the same as defined in Tariff Regulations;
 - (c) 'Commission' means the West Bengal Electricity Regulatory Commission;
 - (d) 'Deviation' means the same as defined in DSM Regulations;
 - (e) 'Deviation Settlement Accounts' or "DSA" means State Level Accounts for Deviation Settlement Charges as detailed out in regulation 4 of this Balancing and Settlement Code;
 - (f) 'DDO' means the Drawing and Disbursing Officer of SLDC;
 - (g) 'DSM Regulations' means the West Bengal Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2021 as amended till date or any replacement of such Regulations in future which in short will be called as DSM Regulations;
 - (h) Embedded Generating Stations means that any generating station connected with the distribution system of any Distribution Licensee including any generating stations owned by the Distribution Licensee, as specified in DSM Regulations;
 - (i) 'Grid Code' or 'Indian Electricity Grid Code' or 'IEGC' means the Grid code specified by Central Electricity Regulatory Commission under clause (h) of sub-section (1) of section 79 of the Act;
 - (j) 'Infirm Power' means electricity injected into the grid prior to the date of commercial operation of a unit of the generating station;
 - (k) 'Open Access Regulations' means the same as defined in Tariff Regulations;
 - (l) 'Regulations' means the Regulations made by the Commission under section 181 of the Act;
 - (m) 'Sign Change Charge' means the Additional Charges for Deviation payable by any person for Sign Change Violation in accordance with DSM Regulations;
 - (n) 'SLDC' means the State Load Despatch Centre established by the Government of West Bengal under subsection (1) of section 31 of the Act;
 - (o) 'SLDC-DS-FUND-WBSETCL' means the fund as specified in the DSM Regulations;
 - (p) 'State Grid Code' or 'WBEGC' means the Regulations framed by the Commission under clause (h) of sub-section (1) of Section 86 of the Act and which is in force with reference to the time of occurrence of any issue under consideration under this Balancing and Settlement Code;
 - (q) 'Tariff Regulations' means the Regulations framed under section 61 of the Act by the Commission and which are/were in force with reference to the time of occurrence of any issue under consideration under this Balancing and Settlement Code;
 - (r) 'Time Block' means Time Block as defined in the Grid Code
 - (s) 'Week' means a period of 7 consecutive days from Monday to succeeding Sunday.
- (2) Words and expressions used and not defined in this Balancing and Settlement Code but defined in the Act or any Regulation 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 Incentives

In pursuance of the Tariff Regulations, the State Level Accounts for energy charge shall be prepared along-with actual availability of the generating stations for any month and shall be issued in following manner:

- i) The statement of State Level Accounts on transaction of energy as per final implemented schedule shall be prepared by SLDC on a monthly basis. This statement shall also include corresponding declared availability (*i.e.* Declared Capacity) and the necessary correction on the basis of demonstrated availability (*i.e.*, Demonstrated Capacity), if any. These will be the basis for computation of energy charge including MVCA or MFCA and capacity charge payable by the concerned entity to an ABT-compliant generating station.

The same shall be done for an embedded generating station (i.e., any generating station connected with the distribution network of any Distribution Licensee including any generating stations owned by the Distribution Licensee, as specified in DSM Regulations) supplying power to the distribution licensee to whose distribution system such embedded generating station is connected and for whom energy charge and capacity charge based two part tariff is applicable as per PPA or Tariff Regulations, along with determination of the Plant Availability Factor (PAF) of such generating stations. Though embedded generating stations shall not come under Deviation Settlement (DS) mechanism to the extent as detailed in the DSM Regulations, they shall be under obligation to demonstrate their Declared Capacity to establish the PAF.

- ii) The monthly statement of accounts shall be computed from the daily statements in the form of Table A as provided in Annexure-I of this Balancing and Settlement Code, showing corresponding figures of the generating station, irrespective of nature of fuel / generation technology, against each 15-minute Time Block separately. On the basis of this monthly statement, SLDC shall issue an energy certificate to the entities. Notwithstanding anything to the contrary contained in any other Regulation of the Commission, in case of any mis-declaration, the availability of each Time Block of the day will be reduced proportionately 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. This procedure is to be followed for determination of Actual Availability and / or Notional Availability against demonstration of Actual Declared Capacity and / or Notional Declared Capacity respectively.

In the daily statement the cumulative total scheduled energy entitled for energy charge, achievement of Actual Declared Capacity, achievement of Notional Declared Capacity, Resultant Actual Availability and Resultant Notional Availability are to be shown separately for each entity. Such statement shall also show total number of Time Block(s) which achieved the initial schedule of injection as specified in paragraph 2 of Schedule-10 of Tariff Regulations.

For computation of the Resultant Actual Availability and / or Resultant Notional Availability for the period where there is no declared demonstration and the implemented scheduled injection is less than the Actual Declared Capacity or Notional Declared Capacity, the Resultant Actual Availability or Resultant Notional Availability will be the Actual Declared Capacity or Notional Declared Capacity respectively subject to other specific conditions in any Regulation of the Commission in relation to availability determination methodology as specified. For frequency above 50 Hz, the Resultant Actual Availability / Notional Availability shall be the actual Declared Capacity / Notional Declared capacity as the case may be.

- iii) On the basis of the daily statements the consolidated monthly statement is to be prepared. Such monthly statement of state level energy accounts shall be prepared and issued to all concerned entities and shall also be uploaded in the website of SLDC within the first ten working days of the succeeding month mentioning the following items against each entity separately:
- a) Total energy in the month under initial schedule of injection;
 - b) Total energy in the month under implemented schedule of injection and cumulative energy under the implemented schedule of injection upto the month for the financial year;
 - c) Total resultant actual availability and total resultant notional availability in the month and cumulative Resultant Actual Availability, cumulative Resultant Notional Availability upto the month for the financial year;
 - d) Total energy in the month against implemented schedule of injection at in the evening hours as specified in Tariff Regulations;
 - e) Total number of Time Block(s) in the month which achieved the schedule of injection as specified in paragraph 2 of Schedule-10 of Tariff Regulations.
 - f) Total scheduled energy for the purpose of calculation of cross-subsidy surcharge for whom it is applicable;

The cumulative total of those items for the year shall also be provided. In the last month of the year the Reliability Index of Generation Injection Schedule and annual Plant Load Factor of the generating station for the purpose of incentive on overall generation as per paragraph 1 and paragraph-2 of Schedule-10 of Tariff Regulations are to be declared separately.

- iv) In case of detection of any mistake or error after issuance of such monthly statement, such mistake or error shall be communicated immediately through a revised statement and 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 of regulation 6.7 of the Tariff Regulations for each generating station as and when required by SLDC as per regulation 6.7.1 of Tariff Regulations.

4. State Level Accounts for Deviation Settlement Charges (DS Charges)

In pursuance of DSM Regulations, the State Level Accounts for DS Charges shall be prepared and issued in the following manner:

- i) The statement of State Level Accounts for DS Charges payable by an entity that is covered under the DS mechanism shall be prepared on a weekly basis by SLDC by computing the difference of the actual injection/drawal of energy in the State Grid and the corresponding scheduled injection/drawal for each Time Block. Such computation shall also take into account different provisions under the Tariff Regulations and DSM Regulations while computing DS charges for each Time Block.
- ii) Such statement of accounts shall be as per Table B of Annexure-II to this Balancing and Settlement Code, which shall show, for each day, the scheduled injection or drawal of energy (X) by the entity against each Time Block separately, along with the corresponding actual average frequency, actual injection or drawal of energy (Y). The corresponding deviated energy (W) shall be declared to be entitled for DS Charges computation for the said Time Block, where $W=Y-X$ and this shall be duly reflected in the Table B.

If in any Time Block due to gaming Commission orders for adjustment of deviated energy in a particular way through any order then such adjustment shall be done against such Time Block and if required, by revision of the said daily statement if by such time the monthly statement has not been published. However, if the monthly statement is already published then a separate statement for such financial adjustment shall be done by SLDC and accordingly issued for treatment of such adjustment separately.

In the daily statement, the algebraic sum of Deviated energy as calculated and amount payable or receivable by each entity is to be shown separately. The impact of gaming as covered above and 3.6.2 of the DSM Regulations in relation to Open Access Customers or any other entity are also to be shown separately. In addition, the statement shall also contain calculation of reactive energy charges for each Time Block. Moreover, the deviated amount considered for sign change charges shall be calculated as per the procedure laid down in DSM Regulations and shall be given in Table B and Table C in Annexure-II and Annexure-III respectively. The daily accounts for payable amount of Reactive Energy charges shall be computed on the basis of Table-D in Annexure-IV. This statement shall capture the amount payable in rupees as reactive energy charge along with total kVARh considered for such payable charge.

- iii) On the basis of daily statement that is prepared above, a consolidated weekly statement shall be prepared capturing the following details for each entity:
 - a) Total amount payable in rupees for deviation;
 - b) Total amount receivable in rupees as receivable;
 - c) Net amount payable / receivable after adjustments of (a) and (b) above;
 - d) Amount payable in rupees as reactive energy charge along with total kVARh considered for such payable charge;

Such weekly statement of State level account of DS Charge shall be prepared for the week and issued to the all concerned entities within three working days of receipt of DS Charge statement from Eastern Regional Power Committee for that week. The date of issuance of such weekly statement 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 in each week by downloading the meter reading within Tuesday noon or the very next working day in case Tuesday is a holiday.

5. SLDC-DS-FUND-WBSETCL

The "SLDC-DS-FUND-WBSETCL" shall be maintained in a scheduled public sector bank / scheduled private sector bank for the purpose of managing DS Charges in pursuance of regulation 5.3 of the DSM Regulations. The SLDC-DS FUND-WBSETCL shall be managed in the following manners:

- i) All deposits for DS Charges payable by any entity shall be made through electronic clearance system. Cost of services shall be payable by the depositor.
- ii) DS Charges receivable by any entity shall be remitted through electronic clearance system and cost of services shall be borne by the entity.
- iii) SLDC shall maintain the accounts of the SLDC-DS FUND-WBSETCL A/c separately and such account shall not be considered as the part of the accounts of the SLDC.
- iv) Accounts of SLDC-DS FUND-WBSETCL shall be audited by a registered Chartered Accountant firm/ Chartered 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.
- v) The entity shall pay the DS Charges within seven (7) days of the billing date in pursuance of regulation 7.2 of the State Electricity Grid Code. The DDO will activate the Letter of Credit (LC) as opened in terms of regulation 6 of these regulations if the amount receivable from any entity is not received fully or partly within seven (7) days from date of issuance of the weekly DS statement.

Provided that in case of failure to draw any fund by the DDO from the LC account due to any fault of the entity then the entity will have to bear the penalty for default in timely payment of any weekly bill as per regulation 7.2 of the State Grid Code.

- vi) 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.

6. Opening of Letter of Credit (LC)

Each entity under the purview of DS mechanism shall open an irrevocable, revolving, unconditional and non-recourse letter of credit (LC) in favour of the "SLDC-DS-FUND-WBSETCL" for an amount of Rs. 10 Lakhs. Such LC has to be open with a scheduled public sector bank / scheduled private sector bank, having branch office in Kolkata, at initial stage of starting of entity's operation in the State Grid. Post three months of commencement of DS, the amount of LC shall be updated to an amount equivalent to weekly DS Charges for the two weeks in the past three months where such weekly DS Charges were the highest subject to this amount being at least Rs. 10 Lakhs. For the entities under ABT mode who have already opened such LC, the same shall continue. In case of non-compliance by any entity, SLDC shall intimate the same to the Commission for initiation of action under section 142 of the Electricity Act 2003.

7. Monthly Energy Balancing

On the basis of the above accounting, a daily report sheet is to be prepared by SLDC showing energy balancing of the State Grid, which shall be submitted to the Commission every month by consolidating weekly data for the weeks of the preceding 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 month subsequent to the Reporting Month.

Energy Balancing for this purpose will mean the accounting for amount of energy injected in the intra-state transmission system and usage of such energy through drawal by different entities along with actual transmission losses incurred in this process.

8. Removal / Settlement of Disputes under the Balancing and Settlement Code

In case a dispute arises under this Balancing and Settlement Code including a dispute in relation to accounting of deviated energy, then to resolve such dispute and to derive corresponding charges, SLDC shall form a State Power Committee with representatives from the concerned entities and SLDC. The officer-in-charge of SLDC shall be the Chairman of the Committee. The Committee shall preferably meet once in two months. However, the Chairman

of the Committee may schedule any meeting to deal with urgent affairs, as and when required, with a notice of two days. Each entity shall nominate a suitable representative to serve in the Committee. In case of nonsettlement of the disputed issue or any difficulty faced by the Committee to give effect to the provisions of these Regulations, the matter shall be referred to the Commission by the SLDC along with the findings of the Committee.

9. Infirm Power

The treatment of Infirm Power shall be as under:

- i) The generating company or the distribution licensee who is the owner of such generating station which is injecting Infirm Power shall submit to the SLDC their daily schedule of injection of such Infirm Power separately for operational facility; as per existing Regulations of the Commission.
- ii) Any Infirm Power as per this Balancing and Settlement Code will not be considered under ABT mechanism and will not be subject to DS mechanism;
- iii) At the end of each day, the 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 distribution licensee in case of embeded generating stations.

10. Power of the Commission to amend

- i) The Commission may at any time at its sole discretion vary, alter, modify, add or amend any provision of this Balancing and Settlement Code where the same is necessary for ends of justice or to overcome any impasse.
- ii) Nothing in this Balancing and Settlement Code 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.

11. Power to remove difficulties

If any difficulty arises in giving effect to any of the provisions of this Balancing and Settlement Code, the Commission may, for reasons to be recorded in writing, direct the licensee or generating company or SLDC or Open Access Customer for taking suitable actions, not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

12. Issue of Order and Practice Directions:

Subject to the provisions of the Act, the Commission may from time to time issue orders and practice directions with regards to the implementation of this Balancing and Settlement Code. Such orders or practice directions may be issued suo-moto by the Commission or upon an application made by any affected party.

13. Repeal and Savings

The West Bengal Electricity Regulatory Commission (Balancing and Settlement Code) Regulations, 2008 issued under Notification No.40/WBERC dated 25.03.2008 published in the Kolkata Gazette Extraordinary on 25.03.2008 and West Bengal Electricity Regulatory Commission (Balancing and Settlement Code) (Amendment) Regulations, 2009 under Notification No. 42/WBERC dated 22.05.2009 published in the Kolkata Gazette Extraordinary Part I on 22.05.2009 is hereby repealed. Notwithstanding such repeal, anything done or any action already taken under the repealed Regulations, shall in so far as it is not inconsistent with the West Bengal Electricity Regulatory Commission (Balancing and Settlement Code) Regulations, 2021, be deemed to have been done or taken under the corresponding provisions of the West Bengal Electricity Regulatory Commission (Balancing and Settlement Code) Regulations, 2021.

TABLE-A

STATEMENT OF AMOUNT OF INJECTED ENERGY OF A GENERATING STATION ENTITLED FOR ENERGY CHARGES

Serial no. of Time Block	Actual Declared Capacity (****)	Notional Declared Capacity (****)	Initial Scheduled of Injection (MWh)***	Implemented Energy injection (MWh)	Whether the block is under demonstration for		Result of the demonstration *		Resultant Penalty in case of capacity charge in rupees**		Resultant availability (MWh)		Whether actual generation achieved the Initial Schedule of injection ****	Frequency (Hz)	Actual Generation	Unit loading in %
					Actual declared capacity (Yes/No)	Notional declared capacity (Yes/No)	Actual declared capacity	Notional declared capacity	Actual declared capacity	Notional declared capacity	Actual declared	Notional declared capacity				
1																
2																
.																
-																
-																
96																

Coal Stock declared = MT

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-declaration 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

***The injection Schedule allotted by SLDC to the generating stations ahead of the day

****This is required to find out the reliability index of Generation Injection Schedule. If initial schedule of injection is achieved as specified in paragraph 2 of Schedule 10 of the Tariff Regulations then such will be indicated by '1' and in case of failure it will stand as '0'

*****As per regulation 5.7.4 of Tariff Regulation

TABLE-B
STATEMENT ON ACCOUNT OF DEVIATION SETTLEMENT CHARGES FOR EACH TIME BLOCK

Time Block	Scheduled (MWh)	Actual Injection / drawal in (MWh)	Deviated Energy in kWh along with (+)/(-)	Average Frequency in HZ	Rate of DS Charge in paise /kwhr	Applicable DS Charge in Rs (+ means receivable/ - means payable) as per regulation 3.2 of DSM Regulations	Disallowance Amount in Rs on application of regulations 3.4, 3.6 and 3.7.2 of DSM Regulations	Reasons of disallowance in column 8	Additional Charges as per Regulation 3.3 of DSM Regulations (except regulation 3.3.9, 3.3.11 and 3.3.12)	Total Charges Receivables / Payable for deviation	Energy MWh for Sign Change Charge
(1)	(2)	(3)	(4) = {(3) - (2)} * 1000	(5)	(6)	(7) = (4) × (6) × 0.01	(8)	(9)	(10)	(11) = (7) - (8) + (10)	(12)
1											
2											
...											
96											
Total											

* - (+) represent gain of DS Charge and (-) representing loss of DS

Daily Base DSM Charge (DBDC) =

Summation of value of column (7)

- | | |
|---|-------------------|
| (1) Total Actual Energy drawn/injected in all the blocks | = |
| (2) Total Schedule energy drawn/injected in all the blocks | = |
| (3) Total Deviated Energy in all the blocks by taking absolute value without the sign | = |
| (4) The Deviation of actual energy with respect to Scheduled Energy | = (3) × 100 / (2) |
| (5) Additional Charges by the entity as per clause 3.3.9 of DSM Regulations | = 0.2 × DBDC |

TABLE-D							
DAILY STATEMENT OF PAYABLE REACTIVE ENERGY CHARGES AT POINT OF POWER INTERCHANGE							
SI No	Name of the Line	Meter no	MVarH_High [injection (+)/ drawal (-)]	Reactive Charge MVarH_High [Payable (-)/ receivable (+)] (RS.)	MVarH-Low [injection (+) / drawal (-)]	Reactive Charge MVarH_low [Payable (-)/ receivable (+)] (Rs.)	Net Reactive Charge (Rs.)
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
1							
2							
3							
4							
....							
....							
....							
....							
....							
Total							

Net Reactive Energy Charges payable (-) / receivable (+) in Rs = Total of Column (H)

Note: Based on the daily statement weekly statement shall be prepared.

By order of the Commission,

Place: Kolkata

Dated: 26.11.2021

MAUSUMI GUHA ROY, IAS
Secretary of the Commission