



WEST BENGAL ELECTRICITY REGULATORY COMMISSION

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Annual Report For the year 2018- 2019 (up to 31st March, 2019)

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[See Rule 5 of West Bengal Electricity Regulatory Commission (Appointment of Chairperson and Members, Budget and Annual Report) Rules, 2003 issued under Notification No. 337-Power/III dated 29.12.2003]



*Annual Report of West Bengal Electricity Regulatory Commission
For the year 2018-19 (upto 31st March, 2019)
(u/s 105 of the Electricity Act, 2003 and Rules made thereunder)*

1. **Preamble —** The Government of West Bengal constituted West Bengal Electricity Regulatory Commission (WBERC) under sub-section (1) of section 17 of the Electricity Regulatory Commissions Act, 1998 (14 of 1998), vide Notification No. 06-Power/III dated 06.01.1999. The Commission became formally functional with the joining of its first Chairperson on 31.03.1999. The Electricity Regulatory Commissions Act, 1998 was repealed by the Electricity Act, 2003 (36 of 2003). The Electricity Act 2003 came into force with effect from 10.06.2003. The WBERC established under section 17(1) of the Electricity Regulatory Commissions Act, 1998 became the State Commission for the purposes of The Electricity Act, 2003 in terms of first proviso to sub-section (1) of section 82 of the said Act.

The State Commission continues as a body corporate by the name aforesaid (WBERC), having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

2. **Commission as an Institution :—**

With the coming into force of the Electricity Act 2003, the responsibilities of the Commission increased manifold and so did the requirement of manpower. The Department of Power, Government of West Bengal in consultation with the Finance Department, Government of West Bengal, accorded approval to a fresh regulation called the West Bengal Electricity Regulatory Commission (Number, Nature and Categories of Other Employees and Salaries, Allowances and Other Conditions of Service of Secretary, Other Officers and Employees) Regulations, 2006. The Regulations duly published in the Kolkata Gazette Extraordinary on 04.05.2006 under Notification No. 29/WBERC dated 04.05.2006 specify the number, nature and categories of the officers and employees and their salaries, allowances etc. The earlier Regulations called the West Bengal Electricity Regulatory Commission (Number, Nature and Categories of Other Employees and Salaries, Allowances and Other Conditions of Service of Secretary, Other Officers and Employees) Regulations, 2004 were repealed. Schedule showing the number, nature, and categories of posts in the Commission as specified in the said Regulations is at Annexure I.

HUMAN RESOURCES STRENGTH

Composition of Commission (Position shown up to 31st December 2019)

Chairperson (The Chief Executive)	—	Shri Sutirtha Bhattacharya, IAS (Retd) took over the charge as Chairperson on 05.03.2019. Shri Rabindra Nath Sen retired on 05.11.2018.
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- Member – Shri Durgadas Goswami, IAS (Retd) took over Charge as Member on 10.10.2017 (AN).
- Member – Shri Pulok Kumar Tewari, WBHJS (Retd) took over the charge as Member on 01.10.2019.
Shri Manojit Mandal also left this Commission on 11.02.2019.
Shri Amitava Biswas retired on 31.10.2018.

EXISTING MANPOWER STRUCTURE

- Secretary – Shri Tarun Kumar Mukherjee with effect from 06.12.2017.
- Advisor (Engg.) – Shri T. K. Chakrabarti with effect from 05.02.2018.
- Advisor (Engg.) – Shri Abhijit Bose with effect from 07.01.2016.
- Advisor (Engg.) – Shri Dhiraj Saha with effect from 26.05.2016 & retired on 25.11.2018 & Shri Saibal Kanti Das joined on 19.06.2019 on deputation from WBPDC.
- Jt. Advisor (Finance) – Shri Ashok Kumar Mukhopadhyay with effect from 09.12.2015 on deputation from DVC.
- Jt. Advisor (Engineering) – Mrs. Sutapa Das with effect from 20.01.2016.
- Jt. Advisor (Engineering) – Shri Kaustav Rajpandit with effect from 20.06.2019 on deputation from WBPDC.
- Director (Finance) – Shri Navonil Datta with effect from 06.02.2018 on deputation from WBSETCL.
- Director (Engineering) – Shri Anup Kumar Dutta with effect from 18.12.2015 on deputation from WBSEDCL.
- Dy. Director (Engineering) – **VACANT.** Shri A K Ballav retired on 31.05.2019.
- Dy. Director (Finance) – **VACANT.** Shri Chandra Sekhar Ghosh retired on 31.07.2019.
- Dy. Director (Administration) – Shri Murari Mohan Baidya with effect from 07.02.2018.
- Accounts Officer – Shri Anindya Pal with effect from 02.01.2017
- Assistant Director (Engg) – Shri Nilanjit Sarkhel with effect from 29.07.2016
- Assistant Director (Engg) – Shri Arnab Dey with effect from 27.11.2017
- P.A. – 7 (on contract) including 03 re-appointed as SSD.
- Accountant – 1 (on contract) - One Senior Assistant on contract looking after the work of Accountant.
- Head Assistant – 1 (On contract). One Senior Assistant on contract looking after the work of Head Assistant.



- | | |
|---------------|--|
| Sr. Assistant | – 3 (On contract). On completion of 60 years of age 02 retired from service and re-appointed as SSD. |
| Assistant | – 4 (on contract). |
| Group 'D' | – 8 (on contract) including 03 re-appointed as office peon. |

3. Powers vested in and functions assigned to the Commission as per the Electricity Act, 2003 :—

Previously i.e. prior to 10.6.2003, the Commission used to discharge only those functions assigned to it by the State Government in terms of the Electricity Regulatory Commissions Act, 1998 (No. 14 of 1998).

Soon after the repeal of the Electricity Regulatory Commissions Act, 1998 and coming into force of the Electricity Act, 2003 with effect from 10.6.2003, the functions of the Commission have widened. Section 86 of the Electricity Act, 2003 delineates the functions of the Commission. The relevant sections of the Act are reproduced below :—

"86 (1) The State Commission shall discharge the following functions, namely :—

- (1) (a) determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State:

Provided that where open access has been permitted to a category of consumers under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;

- (b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;
- (c) facilitate intra-State transmission and wheeling of electricity;
- (d) issue licenses to persons seeking to act as transmission licensees, distribution licensees and electricity traders with respect to their operations within the State;
- (e) promote cogeneration and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee;



- (f) adjudicate upon the disputes between the licensees and generating companies and to refer any dispute for arbitration;
 - (g) levy fee for the purpose of this Act;
 - (h) specify State Grid Code consistent with the Grid Code specified under clause (h) of sub-section (1) of section 79;
 - (i) specify or enforce standards with respect to quality, continuity and reliability of service by licensees;
 - (j) fix the trading margin in the intra-state trading of electricity, if considered, necessary;
 - (k) discharge such other functions as may be assigned to it under this Act;
- (2) The State Commission shall advise the State Government on all or any of the following matters, namely :—
- (i) promotion of competition, efficiency and economy in activities of the electricity industry;
 - (ii) promotion of investment in electricity industry;
 - (iii) reorganization and restructuring of electricity industry in the State;
 - (iv) matters concerning generation, transmission, distribution and trading of electricity or any other matter referred to the State Commission by that Government;
- (3) The State Commission shall ensure transparency while exercising its powers and discharging its functions.
- (4) In discharge of its functions, the State Commission shall be guided by the National Electricity Policy, National Electricity Plan and Tariff Policy published under section 3."

These apart, the State Commissions are, inter alia, to help development of market, regulate supply, distribution, consumption and use of electricity, as also to protect the interest of the consumers.

4. Composition of State Advisory Committee: Role and Responsibilities:—

Sections 87 and 88 of the Electricity Act, 2003 empower the Commission to constitute a State Advisory Committee with effect from such date as it may notify in a notification. As per provisions of the Act, the objectives of the State Advisory Committee shall be to advise the State Commission on several matters including the major questions of policy, matters relating to quality, continuity and extent of service provided to the consumers, protection of consumer interests, electricity supply and overall standards of performance by the utilities and compliance by the licensees with the conditions and requirements of their licence. The provision of the Act stipulates that the



State Advisory Committee shall consist of not more than twenty one members to represent the interests of commerce, industry, transport, agriculture, labour, consumers etc. The Chairperson of the State Commission shall be the **ex-officio Chairperson** of the Committee and Members of the Commission shall be the **ex-officio members** of the Committee.

The Commission vide Notification No. 9/WBERC dated 08.08.2003 and as amended from time to time constituted the State Advisory Committee with effect from 01.12.2003. It was published in the Kolkata Gazette Extraordinary on 05.09.2003. The State Advisory Committee was reconstituted vide Notifications No. WBERC/A-22/1/967 dated 17.03.2004 and No. WBERC/A-22/2/1155 dated 05.11.2007, No. WBERC/A-22/3/0482 dated 17.07.2015 followed by amendments by Notification No. WBERC/A-22/3/1422 and No 1423 dated 17.12.2015. Again, the State Advisory Commission has reconstituted by Notification No. WBERC/A-22/5/4370 dated 19.07.2019 amendment by Notification No WBERC/A-22/5/4789 dated 17.10.2019. The reconstituted State Advisory Committee held its last meeting on 29.11.2019 and deliberated on major issues pertaining to the development of power sector with an inclusive approach, focus being on Cost of power to the consumers, to deal with single point supply to commercial establishments like shopping malls etc, framing policies for (i) development of renewable energy, (ii) enhancing rooftop solar power & (iii) encouraging infrastructure for electric vehicle (EV).

5. WORK PROFILE OF THE COMMISSION

(a) HIGHLIGHTS OF THE YEAR, 2018-2019

(b) Budget

The Revised Budget Estimate for the year 2018-2019 and the Budget Estimate for the year 2019 - 2020 have been sent to the Government in the Department of Power & NES vide Commission's letter No. WBERC/D-1/Pt-VI/Accts/3072 dated 28.11.2018 (Copy enclosed as Annexure-II).

(c) Regulations

WBERC framed the following Regulations :-

- (i) West Bengal Electricity Regulatory Commission (Open Access) (Amendment) Regulations, 2019. (Regulation No 62/WBERC dated 23.10.2019).
 - (ii) West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) (3rd Amendment) Regulations, 2019. (Regulation No 63/WBERC dated 14.11.2019).
- (d) The Office(s) of the Commission is now housed in the hired accommodation at Plot No.: AH/5 (2nd & 4th Floor), Premises No.: MAR 16-1111, Action Area-1A, New Town, Kolkata-700163 with effect from August 2019, Ombudsman of the Commission with effect from December 2019 accordingly.



- (e) The Commission has renewed the memberships of the Forum of Indian Regulators for the year 2017-18 vide PV No. 809 dt 20.03.2018 and the Forum of Regulators for the year 2018-19 vide PV-609 dated 29.11.2018. Chairperson of this Commission is a Member of Forum of Regulators constituted in terms of section 166(2) of the Electricity Act, 2003.
- (f) The Commission has become a Member of South Asia Forum for Infrastructure Regulation (SAFIR) for the year 2011-12. SAFIR was formed in 1999 with the support of the World Bank as a network of infrastructure Regulators of the region (comprising Bangladesh, Bhutan, Nepal, Sri Lanka, India and Pakistan), connected international institutions and individuals working in the relevant area. The Commission has renewed the membership of the SAFIR vide No. PV No - 583 dated 28.11.2018 for the year 2018-19.
- (g) The Commission has become a member of Forum of Regulators for Eastern and North-Eastern States (FORENS) in 2013. It has contributed its membership fees for the year 2018-2019 vide No. PV-352 dated 14.08.2018.

(h) Status of Court Cases upto 2018-19 :-

Position as on 31.03.2019 is :-

- (i) Cases/Appeal/Clarification Application etc. filed by WBERC
Before the Hon'ble Supreme Court - Five (Disposed of - Five, Pending - Nil).
- (ii) Cases/Appeal/Clarification Application etc. against WBERC or WBERC as one of the Respondents :
Before the Hon'ble Supreme Court – Twenty Two Cases (Disposed of - Twenty Two, Pending - Nil).
- (iii) Cases/Appeal/Clarification Application etc. filed by WBERC
Before the Hon'ble Appellate Tribunal for Electricity at Delhi - One (Disposed of – One, Pending - Nil).
- (iv) Cases/Appeal/Clarification Application etc. against WBERC or WBERC as one of the Respondents
Before the Hon'ble Appellate Tribunal for Electricity at Delhi – Seventy Three (Disposed of - Forty Five, Pending - Twenty Eight).
- (v) Cases/Appeal/Clarification Application etc. filed by WBERC:
Before the Hon'ble High Court at Calcutta - Seven (Disposed of - Four, Pending - Three).



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- (vi) Cases filed in the Hon'ble High Court at Calcutta against WBERC as the principal respondent :

Year	Number of cases filed	Number of cases disposed of	Number of cases pending
Upto 2017-2018	64	07	57
2018-2019	02	Nil	02
Total	66	07	59

- (vii) Cases filed (in the Hon'ble High Court) at Calcutta wherein WBERC is one of the respondents :

Year	Number of cases filed	Number of cases disposed of	Number of cases pending
Upto 2017-2018	986	447	539
2018-2019	18	8	10
Total	1004	455	549

(i) Other Applications:

The position of Other Applications filed before the Commission in 2018-19 is shown below:—

Year	Number of new cases filed	Number of old cases pending	Total no. of cases	Number of Cases disposed of (5)			Number of cases pending at the end of the year
				New	Old	Total	
(1)	(2)	(3)	(4)	(a)	(b)	(c)	(6) =4-5(c)
2018-2019	32	31	63	17	13	30	33

(j) Consumer Complaints

(i) Regulations

In order to protect the interest of the consumers, the Commission has taken necessary steps as per provisions of the Electricity Act 2003. At present the West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2013 issued under notification No.56/WBERC dated 26.08.2013 and published in Kolkata Gazette (Extraordinary Part-I) dated 26.08.2013 is in force. This has replaced the previous Regulations framed in 2006.



(ii) **Functioning of the Grievance Redressal Mechanism : Ombudsman**

The provisions of the Regulations 3.3 of the West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2013 stipulate that there shall be as many Grievance Redressal Officers (GRO) as may be necessary at the rate of at least one such officer at each sub-district/district/region/zone/headquarter level in each of the distribution licensees. As per provisions of the said Regulations, a forum is set up by each distribution licensee to address the grievances of its consumers. The forum consists of Grievance Redressal Officers at different levels of the organization of each distribution licensee. **Any consumer can take his/her grievance(s) to such Grievance Redressal Officers for its/their redressal in the form of submission of a grievance petition in writing in accordance with the provisions of the said Regulations.** The names, official designations, address etc. of the Grievance Redressal Officers of a distribution licensee should be available in the offices / sub-offices, bill payment centers as well as on the website of the distribution licensee. **No fee is required to be paid by a consumer for submission of a petition for redressal of grievance to a Grievance Redressal Officer.** On receipt of such a petition, the Grievance Redressal Officer concerned is required to acknowledge receipt of the petition by a written communication within 7 (seven) working days from the date of its receipt. If the grievance does not call for any consultation with a technical expert or a spot visit, the Grievance Redressal Officer is required to dispose of the grievance petition after giving a reasonable opportunity of hearing to the aggrieved consumer and others within a period of 40 (forty) working days from the date of sending the acknowledgement. If, on the other hand, the redressal of the grievance requires any consultation with a technical expert and / or any spot inspection, the Grievance Redressal Officer is required to dispose of the grievance petition after hearing all concerned within 60 (sixty) days from the date of sending the acknowledgement. The Grievance Redressal Officer is required to give a certified copy of his/her order whereby the grievance petition has been disposed of to the grievance petitioner and also to the licensee within 7 (seven) working days from the date of passing of the order. If a consumer still feels aggrieved, he/she may move the Ombudsman representing his/her case through a written submission in the format specified for this purpose. While making such representation to the Ombudsman it is required of the aggrieved consumer that he/she had already approached at least one Grievance Redressal Officer seeking redressal of his/her grievance. If the licensee does not comply with the orders of GRO/CGRO within 100 (one hundred) working days from the date of lodging of his/her grievances, or if a consumer is not satisfied with the order of the



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GRO or the CGRO, as the case may be, or if he/she does not receive any order from the GRO or the CGRO to whom he/she has approached at the first instance seeking redressal of his/her grievance(s), he/she may submit a written representation to the Ombudsman for the purpose of settlement of his/her grievances/complaints. **No fee is** needed to be paid for approaching the Ombudsman.

Ombudsmen, West Bengal Electricity Regulatory Commission, for all distribution licensees in the State as required under section 42(6) of the Electricity Act 2003 started functioning from 21.06.2004 within the office of the Commission itself but they have now been functioning in the hired accommodation of the Commission at **Plot No.: AH/5 (2nd & 4th Floor), Premises No.: MAR 16-1111, Action Area-1A, New Town, Kolkata - 700163** with effect from December 2019, at the usual office hours on all the working days in a week.

Since inception in June 2004, the Ombudsmen have dealt with the following consumer grievances upto financial year 2018 -19 :-

Grievance against	No. of complaints		
	Received	Disposed off	Pending
WBSEDCL	9633	9534	99
CESC Ltd.	1452	1426	26
DPL	08	08	—
SHRELCOP	36	36	—
IPCL	06	06	—
DVC	05	05	—
Total	11140	11015	125

During 2018-19 the Ombudsmen received 301 cases. The cumulative number of cases at the end of financial year 2018-19 stood at 393 (92 pending cases and 301 new cases). As on 31.03.2019, 268 cases have been disposed of.

(iii) Consumer complaints received by the Commission :

The Commission received a number of complaints against the licensees from the consumers as shown in the Table-I below. As will be evident from the Table, the complaints covered issues like inaccurate security deposit, excess billing, improper disconnection, non-receipt of meter, non-compliance of provisions of the Electricity Act 2003 and



Regulations framed there under etc. The Commission, after due scrutiny of the complaints had taken up some of them with the utilities concerned with the direction to submit reports. Out of 1098 complaints received by the Commission, **51** cases were redirected to the Ombudsmen for disposal. Commission had actually dealt with **1047** cases at its own level and disposed of all complaints. Since forum for redressal of consumer grievances and the Ombudsmen are now fully functional, Commission was not required to take up any hearing of the complaints lodged with the Commission during 2018-19. Those matters were disposed of on obtaining reports from licensees and advising the applicants suitably. Only the issues referred to the Commission under section 142 of the Electricity Act, 2003 were dealt with by the Commission as per set procedure.

TABLE - I**CATEGORY-WISE COMPLAINTS OF CONSUMERS AS ON 31.03.2019**

Sl. No.	Category wise Complaints	No. of complaints			Disposed of			Pending		
		Commission	Ombudsman	Total	Commission	Ombudsman	Total	Commission	Ombudsman	Total
1.	Incorrect Electricity Bill	161	1315	1476	161	1275	1436	-	40	40
2.	Disconnection without observing procedural formalities	69	280	349	69	270	339	-	10	10
3.	Overcharging for new connection	10	244	254	10	242	252	-	02	02
4.	Non functioning of meters	37	183	220	37	171	208	-	12	12
5.	Delay in providing services	44	1066	1110	44	1049	1093	-	17	17
6.	Delay in giving new connection	151	2135	2286	151	2114	2265	-	21	21
7.	Miscellaneous Representations	575	6101	6676	575	6078	6653	-	23	23
8.	Grand Total	*1047	**11324	12371	1047	11199	12246	-	125	125

*51 cases transferred to the Ombudsmen not included.

** 102 cases referred to the Commission included herein.



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(iv) Details of compensation allowed and Orders in favour of complainants out of the total number of complaints shown in Table-II :-

TABLE-II

Authority	Total number of complaints where compensation was allowed	Orders in favour of complainant
Commission	40	439
Ombudsmen	1114	7021
Total	1154	7460

TABLE - III

(v) Cases under Section 142 of the Electricity Act, 2003 :

Year	Number of new cases filed	Number of old cases pending	Total no. of cases	Number of cases disposed of (5)			Number of cases pending at the end of the year
				New	Old	Total	
(1)	(2)	(3)	(4)	(a)	(b)	(c)	(6) =4-5(c)
Upto 2008-09	07	Nil	07	07	Nil	07	Nil
2009-10	12	Nil	12	12	Nil	12	Nil
2010-11	02	-	02	01	Nil	01	01
2011-12	26	01	27	11	Nil	11	16
2012-13	34	16	50	16	01	17	33
2013-14	23	33	56	10	06	16	[#] 40
2014-15	17	02	19	05	02	07	*12
2015-16	27	04	31	01	04	05	^{\$} 26
2016-17	10	19	29	10	19	29	-
2017-18	25	25	50	17	19	36	+14
2018-19	27	11	38	18	11	29	**9
Total	210	111	321	108	62	170	151

Out of 40 pending cases for the year 2013-14, WBSEDCL has filed Writ Petitions challenging the Orders of the Ombudsmen in 38 cases before the Hon'ble High Court, Calcutta and the remaining 02 cases were pending with the Commission.



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* Out of **12** pending cases for the year 2014-15, WBSEDCL has filed Writ Petitions challenging the Orders of the Ombudsmen in **08** cases before the Hon'ble High Court, Calcutta and remaining **04** cases were pending with the Commission.

\$ Out of **26** pending cases for the year 2015-16, WBSEDCL has filed Writ Petitions challenging the Orders of the Ombudsmen in **07** cases before the Hon'ble High Court, Calcutta and the remaining **19** cases have been pending with the Commission for disposal.

+ Out of **14** pending cases for the year 2017-18, WBSEDCL has filed Writ Petitions challenging the Orders of the Ld. Ombudsmen in **03** cases before the Hon'ble High Court, Calcutta and remaining **11** cases have been pending with the Commission for disposal.

Out of **09 pending cases for the year 2018-19, WBSEDCL has filed writ petitions challenging the Orders of the Ld. Ombudsmen in **03** cases before the Hon'ble High Court, Calcutta and remaining **06** cases have been pending with the Commission for disposal.

6. Determination of tariff for generation, supply, transmission of electricity – wholesale, bulk, grid or retail : -

(a) Tariff

Fixation of Tariff for the year 2018-19 to 2019-20

Under the Multi Year Tariff (MYT) framework, all the licensees and two generating companies filed applications before the Commission for approval of Aggregate Revenue Requirement (ARR) for the Fourth Control Period covering 03 (three) years i.e., 2018-2019 and 2019-2020 in terms of the provisions of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended.

Table- IV

Sl. No.	Name	Year	Date of admission	Status of Tariff Order
1	WBSEDCL	MYT application for the 6 th control period comprising the year 2018-19 & 2019-20	Not yet admitted	Under active consideration
2.	DPL	MYT application for the 6 th control period comprising the year 2018-19 & 2019-20	Not yet admitted	Under active consideration
3.	Haldia Energy Ltd.	MYT application for the 6 th control period comprising the year 2018-19 & 2019-20	Not yet admitted	Under active consideration
4.	WBPDC	MYT application for the 6 th control period comprising the year 2018-19 & 2019-20	Not yet admitted	Under active consideration



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Sl. No.	Name	Description	Date of admission	Status of Tariff Order
5.	WBSETCL	MYT application for 6 th control period comprising the year 2018-19 & 2019-20	Not yet admitted	Under active consideration
6.	DVC	MYT application for the 6 th control period comprising the year 2018-19 & 2019-20	Not yet admitted	Under active consideration
7.	CESC Ltd.	MYT application for the 6 th control period comprising the year 2018-19 & 2019-20	Not yet admitted	Under active consideration
8.	IPCL	MYT application for the 6 th control period comprising the year 2018-19 & 2019-20	Not yet admitted	Under active consideration
9	Hiranmaye Energy Limited	MYT application for the 6 th control period comprising the year 2018-19 & 2019-20	Not yet admitted	Under active consideration

(b) Fuel & Power Purchase Cost Adjustment (FPPCA):

- (i) Present status of FPPCA/FCA claims filed before the Commission in 2016-17 is shown in the Table V below :-

Table-V

Sl. No.	Name	Date of receipt	Date of admission	Year to which the application relates	Date of order
1	CESC	08.09.2016		2015-16	Under active consideration
2	WBSEDCL	12.09.2016		2015-16	Under active consideration
3	HEL	21.09.2016		2014-15 & 2015-16	Under active consideration
4	WBPDCCL	27.10.2016		2015-16	Under active consideration
5	DPL	30.11.2016		2015-16	Under active consideration
6	IPCL	15.12.2016		2015-16	



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- (ii) Present status of FPPCA/FCA claims filed before the Commission in 2017-18 is shown in the Table VI below :-

Table-VI

Sl. No.	Name	Date of receipt	Date of admission	Year to which the application relates	Date of order
1	CESC	25.09.2017		2016-17	Under active consideration
2	WBPDC	16.10.2017		2016-17	Under active consideration
3	WBSEDCL	17.10.2017		2016-17	Under active consideration
4	HEL	18.10.2017		2016-17	Under active consideration
5	DPL	30.11.2017		2016-17	Under active consideration

- (iv) Present status of FPPCA/FCA claims filed before the Commission in 2018-19 is shown in the table VII below :

Table-VII

Sl. No.	Name	Date of receipt	Date of admission	Year to which the application relates	Date of order
1	WBSEDCL	12.11.2018		2017-18	Under active consideration
2	DPL	01.02.2019		2017-18	Under active consideration
3	WBPDC	30.01.2019		2017-18	Under active consideration
4	CESC	05.02.2019		2017-18	Under active consideration
5	HEL	05.02.2019		2017-18	Under active consideration

(d) Annual Performance Review (APR)

A generating company or a licensee is required to file an application for Annual Performance Review (APR) covering annual fixed charges, incentives and effects of gain sharing alongwith



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statutory audited data and a copy of the audited Annual Accounts for the purpose of assessing the reasons and extent of any variation in performance from the approved projection.

- (i) Present status of applications for APR filed before the Commission in 2017-18 is shown in the Table VIII below:-

Table-VIII

Sl. No.	Name	Date of receipt	Date of admission	Year to which the application relates	Date of order
1	WBPDC	29.11.2017		2016-17	Under active consideration
2	WBSEDCL	30.11.2017		2016-17	Under active consideration
3	DPL	30.11.2017		2016-17	Under active consideration
4	CESC	30.11.2017		2016-17	Under active consideration
5	WBSETCL	30.11.2017		2016-17	Under active consideration
6	IPCL	01.02.2018		2015-16	Under active consideration

- (ii) Present status of applications for APR filed before the Commission in 2018-19 is in the Table IX shown below:-

Table-IX

Sl. No.	Name	Date of receipt	Date of admission	Year to which the application relates	Date of order
1	DVC	01.10.2018		2016-17	Under active consideration
2	WBSETCL	11.12.2018		2017-18	Under active consideration
3	WBSEDCL	07.12.2018		2017-18	Under active consideration
4	DPL	01.02.2019		2017-18	Under active consideration
5	WBPDC	05.02.2019		2017-18	Under active consideration
6	CESC	28.02.2019		2017-18	Under active consideration



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(f) Review Petition

Present status of the Review Petitions filed before the Commission in 2018-19 is shown in the Table X below :-

Table-X

Sl. No.	Name	Subject Matter	Date of receipt	Date of order
1.	WBPDC	Review of TP Order dt. 13.09.2018 for the year 2017-18	12.11.2018	02.12.2019
2.	WBSEDCL	Review of TP Order dated 04.03.2015 in Case No.: TP-61/13-14	27.03.2019	Under Consideration
3.	WBSETCL	Review of order dated 04.03.2015 in Case No.: TP-60/13-14	03.04.2019	Under Consideration

7. Determination of tariff for use of transmission facilities :-

The subject has already been discussed in paragraph 6 of the report.

8. Regulation on power purchase and procurement process of the transmission utilities and distribution utilities: -

The present status of Power Purchase Agreement (PPA) filed before the Commission in 2018-19 is shown in the Table XI below: -

Table-XI

Year	Number of new cases filed	Number of old cases pending	Total no. of cases	Number of Cases disposed of (5)			Number of cases pending at the end of the year
				New	Old	Total	
(1)	(2)	(3)	(4)	(a)	(b)	(c)	(6) =4-5(c)
2018-2019	10	09	19	03	01	04	15

9. Grant of licence for transmission, distribution and trading in Electricity —

No such application as per provisions of law has been received by the Commission during the period under report.

Amendment/Revocation of licence—No such issue came up before the Commission during the period under report.



10. Adjudication of disputes between licensees and generating companies:–

No such application was received by the Commission during the period under report.

11. Miscellaneous functions of the Commission during the period under report.
Accounting and Audit:–

After enactment of the Electricity Act, 2003, the State Government notified the West Bengal Electricity Regulatory Commission (Annual Statement of Accounts) Rules, 2004 on April 29, 2004 in exercise of the power conferred by Clause (h) of sub-section (2) of section 180 read with sub-section (1) of section 104 of the Electricity Act, 2003 in supersession of the previous notification under the ERC Act, 1998.

In accordance with the provisions contained in section 104 of the Electricity Act, 2003 and Rules framed thereunder, the Commission forwarded the accounts, as certified by the Comptroller and Auditor General of India, together with the audit report thereon to the Department of Power & NES, Government of West Bengal for causing the same to be laid before the State Legislature. The calendar of events in this regard is shown below in the Table XII:–

Table- XII

	Calendar of Events	For the year
		2017-18
i)	Submission of Accounts to the Principal Accountant General (Audit), West Bengal.	29.06.2018
ii)	Issuance of Audit Certificate by the Office of C & A.G.	03.01.2019
iii)	Forwarding the audited and certified accounts before the State Government for laying before the State Legislature.	25.06.2019
iv)	Laying of the audited and certified accounts before the State Legislature by the State Government.	Intimation not received from WBLA

Accounts for the year 2018-19 were prepared and submitted for audit on 01.07.2019. Audit of Annual Statement of Accounts for 2018-19 has been conducted by the office of the Accountant General (Economic & Revenue Sector Audit) West Bengal during the period from 15.07.2019 to 28.07.2019.

(Tarun Kumar Mukherjee)

Date: 24th February, 2020

Secretary

**Annexure-I**

(See paragraph 2 of this report)

SCHEDULE

A) Name of post, number of post, scale of pay and category of officers and employees of WBERC:

Sl. No.	Name of the Post	No. of Posts	Scale of Pay*	Category
1.	Secretary	1	37400-60000	Group-A
2.	Advisor	3	37400-60000	Group-A
3.	Joint Advisor	3	37400-60000	Group-A
4.	Director	4	9000-40500	Group-A
5.	Deputy Director	4	9000-40500	Group-A
6.	Assistant Director including one Accounts Officer	5	9000-40500	Group-A
7.	Personal Secretary	3	9000-40500	Group-A
8.	Accountant	1	9000-40500	Group-B
9.	Head Assistant	1	7100-37600	Group-B
10.	Personal Assistant	10	7100-37600	Group-B
11.	Senior Assistant	7	7100-37600	Group-B
12.	Assistant	8	5400-25200	Group-C
13.	Group D officials	8	4900-16200	Group-D

* Pay scales prior to introduction of the Pay Scales w.e.f. 01.09.2009 on the recommendation of the Fifth State Pay Commission (FSPC).



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Annexure-II

(See paragraph 5(b) of this report)

No. WBERC /D-1/Pt-VII/Accts/3072

Dated: 28th November 2018

From : Shri Tarun Kumar Mukherjee
Secretary, WBERC

To : The Addl. Chief Secretary to the Government of West Bengal,
Department of Power & Non-Conventional Energy Sources,
Bidyut Unnayan Bhaban, 5th Floor,
3/C, Block-LA, Sector-III
Bidhannagar, Kolkata - 700 098

Sub : **Revised Estimate for 2018-2019 and Budget Estimate for 2019-2020 of the West Bengal Electricity Regulatory Commission required under rule 4 of the rules called the West Bengal Electricity Regulatory Commission (Appointment of Chairperson & Members, Budget & Annual Report) Rules, 2003 issued under notification No. 337-Power/III dated 29.12.2003**

Sir,

In inviting the reference to the above, I am directed to send herewith the Budget in the Form-I and Form-II showing the Revised Estimate for the financial year **2018-19** and Budget Estimate for the financial year **2019-20** of West Bengal Electricity Regulatory Commission, along with actual expenditure for the year **2017-18** and budget estimate for the year **2018-19** as required.

Yours faithfully,

Sd/- xxxxx

Secretary,

West Bengal Electricity Regulatory Commission

Enclo : as stated above



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FORM I

(See Rule 4.)

Revised Estimate for the year 2017-2018 and Budget Estimate for the year 2018-2019 of the
West Bengal Electricity Regulatory Commission.

Receipts	Actuals for the year 2017-2018	Budget Estimate for the year 2018-2019	Revised Estimate for the year 2018-2019	Budget Estimate for the year 2019-2020
	Rs.	Rs.	Rs.	Rs.
1. Grants-in-aid from the State Government				
(i) Grants-in-aid towards salaries	—	—	—	—
(ii) Other grants-in-aid	—	—	—	—
2. Licence fee	4,69,63,757	4,93,50,000	4,96,00,000	4,97,00,000
3. Other Receipts	8,90,97,153	10,22,50,000	9,57,00,000	10,00,00,000
Grand Total	13,60,60,910	15,16,00,000	14,53,00,000	14,97,00,000

Sd/- xxxxx

Secretary,

West Bengal Electricity Regulatory Commission

Dated: 18th December 2017



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FORM II

(See Rule 4.)

Revised Estimate for 2018-19 and Budget Estimate for 2019-20 of WBERC

Sl. No.	Expenditure	Actuals for the year 2017-2018	Budget Estimate for the year 2018-2019	Revised Estimate for the year 2018-2019	Budget Estimate for the year 2019-2020
1	Salaries				
a.	Pay	1,56,47,578	2,78,86,000	2,40,84,000	2,52,88,000
b.	Dearness Allowance	1,01,85,129	36,93,000	79,30,000	83,27,000
c.	House Rent	25,04,996	42,05,000	39,06,000	41,01,000
d.	Other allowances	57,39,839	65,02,000	47,94,000	50,33,000
e.	Ad-hoc Bonus & Ex-gratia	1,00,200	1,56,000	2,00,000	2,10,000
	Total Salaries:	3,41,77,742	4,24,42,000	4,09,14,000	4,29,59,000
2.	Wages	44,746	50,000	54,000	57,000
3.	Travel Expenses	7,54,415	8,74,000	7,00,000	7,35,000
4.	Office Expenses	17,47,460	25,36,000	24,70,000	25,94,000
5.	Rent, Rates and Taxes	46,65,042	70,04,000	1,10,65,000	54,80,000
6.	Maintenance	3,16,796	8,28,000	6,30,000	6,46,000
7.	Major/Minor Works	1,64,847	6,69,000	4,24,000	3,93,000
8.	Payment for Professional and Special Services	1,10,51,713	1,46,81,000	1,20,50,000	1,65,50,000
9.	Other Charges	80,34,580	75,02,000	55,27,000	58,03,000
10.	Motor Vehicles	28,329	25,20,000	10,00,000	10,10,000
11.	Tools and Plants/ Machinery and Equipment.	7,61,425	60,32,000	38,92,000	1,56,30,000
	Total	6,17,47,095	8,51,38,095	7,87,26,000	9,18,47,000