

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

WEST BENGAL

Petition No. APR(R)-4/13-14

Date of hearing: 21st September, 2022

Time of hearing: 16.30 hours

Quorum:

Dr. Mallela Venkateswara Rao, Chairperson

Shri Pulak Kumar Tewari, Member

In the matter of

Revisiting the Orders both dated 10.06.2014 in cases no. APR(R)-1/12-13 and APR(R)-4/13-14 passed by the Commission against Review Petitions submitted by the West Bengal State Electricity Transmission Company Limited for review of the APR order dated 19.10.2012 in case no. APR-26/11-12 and dated 09.09.2013 in case no. APR-32/12-13 for the years 2010 – 2011 and 2011 – 2012 respectively in terms of Order dated 26.05.2022 passed by the Hon'ble Appellate Tribunal for Electricity at New Delhi in Appeals No. 20/2015 and 21/2015.

And

In the matter of

The West Bengal State Electricity Transmission Company Limited
Vidyut Bhavan (8th Floor 'A')
Block – DJ, Sector – II
Bidhannagar
Kolkata 700 091

..... Petitioner

Representatives attended:

**The West Bengal State Electricity Transmission Company Limited
(WBSETCL) (Petitioner)**

1. Smt. Molshree Bhatnagar, Advocate
2. Sri Goutam Datta, Addl. Chief Engineer,

CASE IN BRIEF

- (1) The West Bengal Electricity Regulatory Commission (In short 'the Commission') issued Annual Performance Review (APR) orders dated 19.10.2012 in case no. APR-26/11-12 for the financial year 2010 – 2011 and dated 09.09.2013 in case no. APR-32/12-13 for the financial year 2011 – 2012 in favour of the West Bengal State Electricity Transmission Company Limited (in short 'WBSETCL'). Upon issuance of the said orders, WBSETCL prayed before the Commission for review of the said APR orders. The Commission, upon review of the APR orders, issued orders dated 10.06.2014 in case no. APR(R)-1/12-13 for the financial year 2010 – 2011 and order dated 10.06.2014 in case no. APR(R)-4/13-14 for the financial year 2011 – 2012.
- (2) Being aggrieved with the orders both dated 10.06.2014, WBSETCL filed two appeal petitions being no. 20 of 2015 and 21 of 2015 before the Hon'ble Appellate Tribunal for Electricity at New Delhi (in short 'APTEL') challenging the decision of the Commission to the following extent:
 - a) Appeal no. 20 of 2015
 - i) Rate of Interest on Working Capital, and
 - ii) Incentive.
 - b) Appeal No. 21 of 2015
 - i) Interest on Normative Loan,
 - ii) Interest on Normative Working Capital, and
 - iii) Advance against Depreciations.

- (3) Upon hearing both the WBSETCL and the Commission and considering the arguments and documents submitted therein, the Hon'ble APTEL passed the following direction vide its judgement and order dated 26th May, 2022.

"For foregoing reasons as stated supra, we are of the considered view that the captioned appeals have merit. The appeals are allowed and the impugned orders dated 10.06.2014 in case no. APR(R)-1/12-13 and order dated 10.06.2014 in case no. APR(R)-4/13-14 passed by the West Bengal Electricity Regulatory Commission (WBERC) are set aside to the extent of our findings in the foregoing paragraphs.

The WBERC is directed to pass fresh and reasonable orders expeditiously, but not later than four months from the date of this Judgement."

- (4) In view of the judgement passed by the Hon'ble APTEL remanding back the order dated 10.06.2014 in case no. APR(R)-1/12-13 and 10.06.2014 in case no. APR(R)-4/13-14, the Commission held an e-hearing on 21st September, 2022 at 16.30 hours to hear WBSETCL before the reasonable order is issued by the Commission. The representatives of WBSETCL were present during the hearing.

SUBMISSION DURING HEARING

During submission, the Ld. Advocate on behalf of WBSETCL prayed before the Commission to allow some time so that a detailed submission with supporting documents can be made by WBSETCL for consideration of the Commission.

OBSERVATIONS OF THE COMMISSION

The Commission observes that before passing the final order on the subject petition, opportunity to WBSETCL for submission of their arguments is considered.

ORDER

In view of above, the Commission hereby directs WBSETCL to file their submission in the form of affidavit sworn in a stamp paper of Rs. 10.00 within 10 working days. Upon receipt of the submission in affidavit, the next date of hearing will be fixed.

Sd/-
**(PULAK KUMAR TEWARI
MEMBER**

Sd/-
**(MALLELA VENKATESWARA RAO)
CHAIRPERSON**

DATE: 11.10.2022

Sd/-
SECRETARY