WEST BENGAL ELECTRICITY REGULATORY COMMISSION

Annual Report 2011-12

(u/s 105 of the Electricity Act, 2003 and Rules framed thereunder)

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ANNUAL REPORT 2011-2012

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WEST BENGAL ELECTRICITY REGULATORY COMMISSION

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Annual Report
For the year 2011–2012 (up to 31st March, 2012)

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FORM III

[See Rule 5 of the West Bengal Electricity Regulatory Commission (Appointment of Chairperson and Members, Budget and Annual Report) Rules, 2003 issued under notification no. 337-Power/III dated 29.12.03]

Annual Report of the West Bengal Electricity Regulatory Commission
For the year 2011-12 (upto 31st March, 2012)
(u/s 105 of the Electricity Act, 2003 and Rules made thereunder)

1. **Introduction** – The Govt. of West Bengal constituted The 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 6.1.1999. The Commission became formally functional with the joining of its first Chairperson on 31.3.1999. The Electricity Regulatory Commissions Act, 1998 was repealed by the Electricity Act, 2003 (36 of 2003). The Electricity Act, 2003 came into force w.e.f. 10.06.03. 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 continued 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. **Organization Chart :–**

   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 for specifying number, nature and categories of the officers and employees and their salaries, allowances etc., and accordingly 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 was duly published in the Kolkata Gazette on 04.05.2006 under Notification No. 29/WBERC dated 04.05.2006 on repealing the previous regulation. Schedule showing the number, nature, and categories of posts in the Commission as specified in the said Regulations is at Annexure I.

Position of manpower during the period under report:

Commission

Chairperson (The Chief Executive)	–	Shri Prasadranjan Ray, I.A.S., (Retd.) took over charge as Chairperson on 01.10.2008 (forenoon), vice Shri S. N. Ghosh who retired on 02.02.2008 (afternoon).
Member	–	Shri Purnendu Gupta relinquished his office as Member on 30.09.2011 (afternoon).
Member	–	Shri Sujit Dasgupta took over charge as Member on 01.02.2011 (afternoon), vice Shri R. P. Samaddar, I.A.S., who retired on 31.12.2010 (afternoon).

Other Officials

Secretary	–	Shri K. L. Biswas took over charge as Secretary on 01.03.2005 (forenoon) on contract.
Advisor (Engg)	–	Shri C.R. Bhaumik with effect from 07.10.2005 (forenoon) on contract.
Joint Advisor (Engineering)	–	Shri D. Mukherjee with effect from 19.05.2006 (forenoon) on contract.
Joint Advisor (Engineering)	–	Shri T. K. Chakrabarty with effect from 30.04.2009 (afternoon) on deputation.
Joint Advisor (Finance)	–	Shri S.C. Dutt on deputation from DVC released on 02.01.2012 (forenoon).
Deputy Director (Engineering)	–	Shri S. Ponda with effect from 02.05.2008 (forenoon) on deputation.
Deputy Director (Finance)	–	Shri K. Adhikary with effect from 05.05.2008 (forenoon) on deputation.
Accounts Officer	–	Shri Prabhat Ganguly took over charge as Accounts Officer with effect from 02.01.2012 (forenoon) on contract,
P.A.	–	7 (on contract)
Sr. Assistant	–	3 (on contract)
Assistant	–	7 (on contract)
Group 'D'	–	8 (on contract)

3. Functions of the Commission:–

Previously i.e., prior to 10.6.2003, the Commission was to discharge only those functions that had been given to it by the State Government under the Electricity Regulatory Commissions Act, 1998 (No. 14 of 1998).

After repeal of the Electricity Regulatory Commissions Act, 1998 and its replacement by the Electricity Act, 2003 with effect from 10.6.2003, the functions of the Commission were widened. Section 86 of the Electricity Act, 2003 outlines the functions of the Commission which 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. State Advisory Committee - Organisation and functions:—

Section 87 of the Electricity Act, 2003 empowers the State Commission to establish a State Advisory Committee with effect from such date as it may specify in a notification. Accordingly, the WBERC issued a notification no. 9/WBERC dated 08.08.2003, published in the Kolkata Gazette on 05.09.2003 constituting the State Advisory Committee *w.e.f* 01.12.2003. Section 88 of the Electricity Act, 2003 provides Objects of the State Advisory Committee. This section provides that the objects of the State Advisory Committee shall be, to advise the State Commission on major questions of policy matters, matters relating to quality, continuity and extent of service provided by the licensees, compliance by licensees with the conditions and requirements of their licence, protection of consumer interest and electricity supply and overall standards of performance by utilities. In supersession of Order No. 92 issued under Notification No. WBERC/A-22/1/967 dated 17.03.2004, in the matter of composition of the West Bengal State Advisory Committee, the Commission *vide* Order No. 179 issued under Notification No. WBERC/A-22/2/1155 dated 05.11.2007 laid down composition of the Committee afresh comprising the members including ex-officio Chairperson and ex-officio Members, to represent

the interest of Commerce, Industry, Transport, Agriculture, Labour, Consumers, Non-Governmental Organisations and Academic and Research bodies in the Electricity Sector as required under sub-sections (2) & (3) of section 87 of the Electricity Act, 2003.

This Commission takes the advice of Members on policy matters like framing of Regulations etc.

5. Progress of different works of the Commission:–

(a) HIGHLIGHTS OF THE YEAR 2011–2012

- The Commission in its West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011(in short Tariff Regulations), has made provisions for monthly adjustment of fuel cost or power purchase cost or variable cost which are to be termed as Monthly Fuel Cost Adjustment (MFCA) or Monthly Variable Cost Adjustment (MVCA) to a generating company or to the distribution licensee on the basis of fuel surcharge formula as specified in the Tariff Regulation. Provision of MVCA and MFCA has been made in the Tariff Regulation in order to avoid the tariff shock due to bundled impact of finalization of FPPCA on any year after the completion of the year.

- In order to reduce overall system Transmission and Distribution (T&D) Loss as well as to flatten the load curve, the Commission is continuing special emphasis in its Tariff orders issued during the year 2011-12 on voltage wise graded Load factor rebate and load factor surcharge if load factor falls below 50%.

- In order to reduce the distribution loss in the system the Commission is continuing with the additional rebate on energy charge for the high voltage industrial consumers taking supply at 33KV level or more.

- In order to curb commercial loss, pre-paid tariff scheme has been continued by setting the tariff at uniform rate and for easy availability of vendors of the pre-paid meters.

- 5% rebate on full payment of annual amount in addition to existing 2% rebate for timely payment within due date for un-metered agricultural/irrigation consumers in order to curb commercial loss has been continuing in this year also.

- The Commission has already approved Capital expenditure of the state DISCOM for the purpose of establishment of baseline data(AT&C Loss), Information Technology (IT) application for energy accounting/auditing and IT based consumer service

centre(excluding SCADA) in distribution system for 62 towns under its jurisdiction with specific time-limit and appraisal and also for the purpose of a) Construction of three Control Centers and one Data Recovery Centre including infrastructure works b) Implementation of SCADA/DMS including infrastructure works and c) Augmentation of infrastructure including placement of RMU, Auto-Reclosures and Sectionalizers etc under Restructured APDRP Part A scheme of Government of India (GOI) and from WBSEDCL's own fund.

- The Commission has also approved Capital expenditure of the state DISCOM for the purpose of a) Renovation, modernization and strengthening of 11KV level sub-stations b) Transformers/Transformer Centers, c) Re-conditioning of lines at 11 KV level and below d) Load bifurcation e) Feeder separation f) Load balancing g) HVDS(11KV) h) Aerial Bunched Conductoring in dense areas and i) Replacement of electromagnetic energy meters with tamper proof electronic meters taking financial assistance for the project under Restructured APDRP Part B scheme of GOI at 45 towns under its jurisdiction.

- The Commission is also continuing its special importance in its Tariff Orders issued during the year 2011-12 to Demand Side Management (DSM) by providing rebate at higher rate on high power factor(>92%) to reduce effect of reactive power drawal in the system.

- An attractive rebate of 10 paise/kWh in case of short term supply to pandals for community religious ceremonies illuminated with LED has been introduced as a measure of demand side management for the year 2011-12 in the Tariff Order of CESC Limited.

- The Commission is also continuing with its special tariff for the street lighting with LED.

- To encourage Time of Day (TOD) tariff mechanism, in the DSM perspective, the Commission, in its Tariff Orders issued during the year 2011-12, has continued the rebate in power factor at a higher rate for the consumers under TOD tariff scheme especially during peak hours than that for the consumers under non-TOD Tariff scheme.

- Emphasis has also been given by the Commission in its Tariff Orders for the year 2011-12 to CESC Limited for encouraging their all industrial and commercial consumers having connected load 250 KVA and above to conduct Energy Audit by clearly explaining the benefits of such periodic Energy Audit.

- Directives of the Commission to conduct Safety Audit, Environmental Audit as well as Audit on Occupational Health Hazards on all the Generating Companies under the purview of this Commission is still continuing in this year.

- The Commission has also given emphasis on the directives given in earlier Tariff Orders on other important matters viz. (a) installation of meters at the consumer premises now unmetered such as agriculture and street light consumers, (b) installation of power factor controller at the premises of low and medium voltage consumers having connected load of specified limit (c) Distribution transformer and 11KV Feeder metering etc.

(b) Budget

The Revised Budget Estimate for the year 2011 - 2012 and the Budget Estimate for the year 2012 - 2013 were sent to the Department of Power vide this office letter No. *WBERC/ D-1/Pt -IV/ 0770* dated 08.11.2011 (Copy enclosed as Annexure-II).

(c) Regulations

WBERC makes Regulations with previous publication of draft Regulations inviting objections and suggestions from all stakeholders and interested persons. Notice inviting objections and suggestions on the draft regulations is published in some leading dailies - English, Bengali and Hindi. Draft of regulation is also put up in the website of the Commission inviting objections/suggestions/comments from all stakeholders and interested persons. Drafts of the proposed Regulations are also sent to the State Government in the Department of Power & Non-conventional Energy Sources, all distribution licensees and generating companies under the purview of the Commission in the state, all members of the Advisory Committee, Central Electricity Regulatory Commission and State Electricity Regulatory Commissions inviting objections/suggestions /comments. Draft Regulations are kept ready in office for inspection and issue of copies thereof. Commission, after taking into consideration such objections and suggestions, if any, finally approves the Regulations for publication in Kolkata Gazette. The Regulations after publication in Kolkata Gazette, Extraordinary are sent for laying before the West Bengal Legislative Assembly as required under section 182 of the Electricity Act, 2003.

Particulars of Regulations made by the Commission in 2011–12:

Sl. No.	Name of the Regulations	Date of publication of notice in newspaper inviting comments/ suggestion on draft Regulations	Notifications No. and date / Date of Publication in Kolkata Gazette Extraordinary	Date of laying before the State Legislature
1.	The West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011	**25.11.2010 30.12.2010* Anandabazar Patrika, Bartaman, Times of India, Sanmarg & Statesman**	No. 48/WBERC dated 25.04.2011 / Published in Kolkata Gazette, Extraordinary on 29.04.2011	**21.12.2011**

* Last date for submission of objections, suggestions and comments extended with notice dated 30.12.2010.

Drafts of the following Regulations were under considerations:–

Sl. No.	Name of the Regulations	Date of publication of notice in newspaper inviting objections, comments/ suggestion on draft Regulations
1.	The West Bengal Electricity Regulatory Commission (Licensing and Conditions of Licenses) Regulations, 2007.	21.06.2007 Anandabazar Patrika, Times of India, Sanmarg & Statesman

(d) The Commission is presently working in the hired accommodation at FD 415A, Poura Bhavan, 3rd floor, Sector - III, Bidhannagar, Kolkata - 700 106 with effect from April 2001. The office of Ombudsman has been working in a hired accommodation at **"Bikalpa Shakti Bhavan", 3rd Floor, J-1/10, EP & GP Block, Sector-V, Salt Lake, Kolkata - 700 091.**

(e) The Commission renewed the membership of the Forum of Indian Regulators and Forum of Regulators for the year 2011-2012 *vide* WBERC/A-14/5/5/0216 dated 26.5.2011. Chairperson of this Commission is also 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 that are active in the field.

(g) **Court Cases upto 2011–12:–**

Position as on 31.03.2012 is:–

(i) Cases/Appeal/Clarification Application etc. filed by WBERC

Before Hon'ble Supreme Court: Five Cases – 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 Cases – Disposed of – Seventeen & Pending – Three.

(iii) Cases/Appeal/Clarification Application etc. filed by WBERC

Before the Hon'ble Appellate Tribunal for Electricity at Delhi: One Case – 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: Thirty cases, Disposed of – Twenty Nine, Pending – One.

(v) Cases/Appeal/Clarification Application etc. filed by WBERC

Before Hon'ble High Court: Seven Cases – Disposed of – Four & Pending – Three.

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

Year	Number of cases filed	Number of cases disposed of *	Number of cases pending
Upto 2010-2011	80	45@	35
2011-2012	01	—	01
Total	**81**	**45**	**36**

*Disposal up to July 2012 has been reported.
@One case shown as 'Disposed of 'again restored.

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

Year	Number of cases filed	Number of cases disposed of *	Number of cases pending
Upto 2010-2011	460	283	177
2011-2012	57	–	57
Total	**517**	**283**	**234**

*Disposal up to July 2012 has been reported.

(h) **Other Applications:**

The position of Other Applications filed before the Commission in 2011-12 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)
2011-12	28	17	45	15	08	23	22

(i) **Consumer Complaints**

i) Regulation

In order to protect the interest of the consumers, the Commission took action as per 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, 2006 issued under notification No.27/WBERC dated 17.01.2006 and published in Kolkata Gazette Extraordinary Part-I dated 17.01.2006 is in force. This has replaced the previous Regulations made in 2003.

ii) Ombudsman & Redressal of Grievances of Consumers:

In terms of the provisions of the Regulations mentioned above, there shall be as many Grievance Redressal officers as may be necessary at the rate of at least one such GRO at each sub-district/district/region/zone/headquarter level in each organization of each licensee. As per provisions of the above named Regulations, a forum is set up by each distribution licensee to redress 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 grievance(s) to such Grievance Redressal Officers for its/their redressal by submitting a grievance petition in writing in accordance with the provisions of the above mentioned 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 centres, websites etc. of the distribution licensee. **However, no fee is required to be paid by a consumer for submission of a grievance petition to a Grievance Redressal Officer.** On receipt of a grievance petition, the concerned Grievance Redressal Officer is to acknowledge receipt of such a petition by a written communication within 7 (seven) working days from the date of its receipt. If the grievance does not call for consultation with a technical expert or a spot visit, the Grievance Redressal Officer is required to dispose of the grievance petition within a period of 21 (twenty one) working days from the date of sending the acknowledgement after giving a reasonable opportunity of hearing to the aggrieved consumer and others. If on the other hand the redressal of the grievance requires a consultation with a technical expert and / or a spot inspection, the Grievance Redressal Officer is required to dispose of the grievance petition within 45 (forty five) days from the date of sending the acknowledgement after hearing all concerned. The Grievance Redressal Officer is required to give a certified copy of his order by which he has disposed of the grievance petition to the grievance petitioner within 7 (seven) working days from the date of passing of the order. If a consumer still feels aggrieved, he may move the Ombudsman representing his case through a written submission in the format specified for this purpose. The necessary condition for doing the same is that the aggrieved consumer should already have approached at least one Grievance Redressal Officer seeking redressal of his grievance. If the concerned Grievance Redressal Officer has passed any order, a copy of the same is to be submitted to the Ombudsman. If the concerned Grievance Redressal Officer has failed to pass any order even after specified time from the date of lodging of the grievance petition, the aggrieved consumer will be entitled to represent his case before the Ombudsman without any copy of any order of the Grievance Redressal Officer. No fee needs to be paid for approaching the Ombudsman. A distribution licensee is required to comply with the orders of the Ombudsman within 30 (thirty) days from the date of issue of the order and submit a compliance report within 15 (fifteen) days thereafter.

Office of the Ombudsman, 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 and presently the Office of the Ombudsman is functioning in the hired accommodation at **"Bikalpa Shakti Bhavan (WBREDA)", 3rd Floor, J-1/10, EP & GP Block, Sector-V, Salt Lake, Kolkata - 700 091** at the usual office hours on all the working days in a week excepting holidays.

So far office of Ombudsman dealt with the following consumer grievances upto 2011–12 since inception in June 2004:—

Grievance against	No. of complaints		
	Received	Disposed off	Pending
WBSEDCL	3880	3592	288
CESC Ltd.	1117	1101	16
DPL	05	05	–
SHRELCOP	36	36	–
DPSC Ltd.	03	03	–
DVC	01	01	–
Total	**5042**	**4738**	**304**

During 2011-12, Office of Ombudsman received 1688 cases and disposed of 1665 cases and **304** cases are pending as on 31st March, 2012.

iii) Consumer complaints received by the Commission:

Complaints against the licensees were lodged by the consumers alleging wrong security deposit, excess billing, incorrect disconnection, non-receipt of meter, non-compliance of provisions of the Electricity Act, 2003 and regulations framed there– under. Some of those complaints were taken up with the utilities for obtaining reports. On receipt of reports, the Commission took views on the allegations. The Commission so far received **1098** complaints. **51** cases were redirected to Ombudsman. So Commission had dealt with **1047** cases. Out of **1047** complaints **1047** were disposed of and no complaints were pending with the Commission. Since forum for redressal of consumer grievances and the Ombudsman are now fully operational, Commission was not required to take up any hearing of the matters referred to the Commission during 2011-12. Those matters were disposed of on obtaining reports from licensees and advising the applicants suitably. Only the matters referred to the Commission under section 142 of the Electricity Act, 2003 needed to be dealt with at the Commission.

CATEGORY-WISE COMPLAINTS OF CONSUMERS AS ON 31.03.2012

Sl. No.	Category wise Complaints	No. of complaints received			Disposed of			Pending		
		ERC	Om-buds-man	Total	ERC	Om-buds-man	Total	ERC	Om-buds-man	Total
1.	Incorrect Electricity Bill	161	640	**801**	161	583	744	–	57	**57**
2.	Disconnection without observing procedural formalities	69	180	**249**	69	165	234	–	15	**15**
3.	Overcharging for new connection	10	129	**139**	10	124	134	–	05	**05**
4.	Non functioning of meters	37	94	**131**	37	84	121	–	10	**10**
5.	Delay in providing services	44	386	**430**	44	379	423	–	07	**07**
6.	Delay in giving new connection	151	1391	**1542**	151	1380	1531	–	11	**11**
7.	Miscellaneous Representations	575	2222	**2797**	575	2023	2598	–	199	**199**
8.	**Grand Total**	***1047**	****5042**	**6089**	**1047**	**4738**	**5785**	–	**304**	**304**

*51 cases transferred to Ombudsman not included.

** 102 cases referred to Commission included herein.

Compensation allowed in case of 40 consumers (Commission)

+

537 consumer's in Ombudsman Office. Total **577** Consumers.

Order passed in favour of consumer: 439 No. of consumers in Commission

+

2509 No of consumer's in Ombudsman Office. Total **2948** Consumers.

(iv) Matters 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
Total	**47**	–	–	**31**	–	**31**	**16**

* Order for stay of operation in the matter of 16 cases of Orders of Ombudsman have been obtained by WBSEDCL from Hon'ble High Court Calcutta.

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

(a) Tariff

This Commission passed the following orders (Tariff/ FPPCA/ APR/ Other Application etc.) during 2011-12 in respect of matters pending as on 01.04.2011 and applications received during 2011-12:–

TARIFF FOR PREVIOUS YEARS

Sl. No.	Case No.	Name of Utilities	Subject matter	Date of Tariff Order
1.	TP-41/08-09	WBSEDCL	Application for re-determination of Tariff for the FY 2008-09 to 2010-11 as per order of Hon'ble Appellate Tribunal for Electricity (APTEL)	30.12.2011
2.	TP-42/09-10	WBPDCL	Application for determination of Tariff for the FY 2008-09 to 2010-11 i.r.o. Sagardighi TPS	30.12.2011
3.	TP-45/09-10	WBPDCL	Application for determination of Tariff for the FY 2009-10 & 2010-11 i.r.o. Santaldih TPS extension Unit No. 5	30.12.2011

Sl. No.	Case No.	Name of Utilities	Subject matter	Date of Tariff Order
4.	TP-46/09-10	WBPDCL	Application for determination of Tariff for the FY 2009-10 & 2010-11 i.r.o. Bakreswar TPS extension Unit No. 4 & 5	30.12.2011
5.	TP-47/10-11	WBPDCL	Application for adhoc tariff i.r.o. new unit No. VI of 250 MW capacity of Santaldih TPS	23.12.2011

Following tariff applications of Damodar Valley Corporation (DVC) are under consideration:-

Sl. No.	Name	Year	Date of receipt	Date of Tariff Order for the year 2010-11
1.	Damodar Valley Corporation (DVC)	2006-07, 2007-08 & 2008-09	03.11.2009*	Under Consideration
2.	-do-	2009-10	03.11.2009*	-do-

* These applications were not as per requirement of the Regulations. So some information was called for. DVC submitted some informations and the same is under scrutiny.

Fixation of Tariff for the year 2011-12

Under the Multi Year Tariff (MYT) frame work, all the licensees and the generating companies filed applications before the Commission for approval of Aggregate Revenue Requirement (ARR) for the Third Control Period covering 03 (three) ensuing years i.e., 2011-2012, 2012-2013 and 2013-2014 in terms of provisions of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011.

Thereafter, the Commission passed order for revenues to be recovered through tariff orders for 2011-2012 for CESC Ltd. and other cases are under scrutiny as detailed below:

Sl. No.	Name	Year	Date of receipt	Date of Tariff Order for the year 2011-12
1.	CESC Ltd.	2011-12, 2012-13 & 2013-2014	14.07.2011	06.03.2012
2.	DPL	2011-12, 2012-13 & 2013-2014	14.07.2011	Under process

Sl. No.	Name	Year	Date of receipt	Date of Tariff Order for the year 2011-12
3.	WBSETCL	2011-12, 2012-13 & 2013-2014	15.07.2011	- do -
4.	DPSC Ltd.	2011-12, 2012-13 & 2013-2014	15.07.2011	- do -
5.	DVC	2011-12, 2012-13 & 2013-2014	13.09.2011	- do -
6.	WBSEDCL	2011-12, 2012-13 & 2013-2014	30.03.2012	- do -
7.	WBPDCL	2011-12, 2012-13 & 2013-2014	10.04.2012	- do -

(b) Wheeling Charges

The Commission also passed Orders on Wheeling Charges applicable for 2011-12 in respect of the following distribution licensees on the dates as shown against each:-

Sl. No.	Distribution Licensee	Year	Order dated
1.	CESC Ltd.	2011-12	30.04.2012

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

Position of FPPCA claims for 2009-10 filed before the Commission in 2010-11 but was under consideration in 2011-12 is shown below :—

Sl. No.	Name	Date of receipt	Year to which the applications relates	Date of order
1.	DPSC Limited	30.06.2010	2009-10	04.06.2012
2.	CESC Limited	06.09.2010	2009-10	22.02.2012
3.	The Durgapur Projects Ltd.	12.10.2010	2009-10	Under process
4.	West Bengal Power Development Corporation Ltd.	09.11.2010	2009-10	Under process

Order on FPPCA for 2009-10 of WBSEDCL was passed in 2010-11.

Position of FPPCA claims filed before the Commission in 2011-12 is shown below:—

Sl. No.	Name	Date of receipt	Year to which the application relates	Date of order
1.	CESC Limited	12.09.2011	2010-11	Under process
2.	West Bengal Power Development Corporation Ltd.	14.10.2011	2010-11	Under process
3.	The Durgapur Projects Ltd.	10.01.2012	2010-11	Under process
4.	West Bengal State Electricity Distribution Company Ltd.	17.02.2012	2010-11	Under process

DPSC Limited is yet to submit application for FPPCA for 2010-11.

(d) FPPCA (Provisional)

5 (five) applications for allowing an *ad hoc* fuel cost or power purchase cost provisionally were submitted by the licensees / generating company for 2010-11 and one was submitted in 2011-12. Commission has not passed any order in these cases. These cases may be closed since the licensees and generating company are availing the procedure for Monthly Variable Cost Adjustment (MVCA) / Monthly Fuel Cost Adjustment (MFCA) as per provisions of Tariff Regulations :–

Sl. No.	Name	Date of receipt	Year to which the applications relates	Date of order
1.	The Durgapur Projects Ltd.	28.10.2010	2010-11	Decision not yet taken
2.	The Durgapur Projects Ltd.	09.03.2011	2010-11	-do-
3.	CESC Ltd.	15.03.2011	2010-11	-do-
4.	West Bengal Power Development Corporation Ltd.	18.03.2011	2010-11	-do-
5	West Bengal State Electricity Distribution Company Ltd.	30.03.2011	2010-11	-do-
6.	DPSC Limited	18.04.2011	2010-11	-do-

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

Position of application for APR filed before the Commission in 2010-11 is shown below:—

Sl.No.	Name	Year	Date of receipt	Date of order
1.	DPL	2009-10	29.11.2010	Under process
2.	DPSC Ltd.	2009-10	29.11.2010	Under process
3.	WBSEDCL	2009-10	29.11.2010	Under process
4.	WBSETCL	2009-10	30.11.2010	Under process
5.	CESC Ltd.	2009-10	30.11.2010	23.02.2012
6.	WBPDCL	2009-10	30.11.2010	Under process

Position of application for APR filed before the Commission in 2011-12 is shown below :—

Sl.No.	Name	Year	Date of receipt	Date of order
1.	DPSC Ltd.	2010-11	29.11.2011	Under process
2.	CESC Ltd.	2010-11	29.11.2011	Under process
3.	WBSETCL	2010-11	30.11.2011	Under process
4.	WBPDCL	2010-11	30.12.2011	Under process
5.	DPL	2010-11	10.01.2012	Under process
6.	WBSEDCL	2010-11	04.04.2012	Under process

REDETERMINATION OF APR FOR PREVIOUS YEARS —

Sl. No.	Case No.	Name of Utilities	Subject matter	Date of Tariff Order
1.	APR-4/07-08	DPSC Ltd	Application for re-determination of APR for the FY 2006-07 as per order of the Hon'ble Appellate Tribunal for Electricity (APTEL)	23.05.2012
2.	APR-6/08-09	DPSC Ltd	Application for re-determination of APR for the FY 2007-08 as per order of the Hon'ble Appellate Tribunal for Electricity (APTEL)	04.06.2012
3.	APR-12/09-10	DPSC Ltd	Application for re-determination of APR for the FY 2008-09 as per order of the Hon'ble Appellate Tribunal for Electricity (APTEL)	23.05.2012

(f) Review Petition

Following Review Petition was filed before the Commission in 2010-11 but order has been passed in 2011-12 :–

Sl.No.	Name	Subject Matter	Date of receipt	Date of order
1.	DPSC Ltd.	Review of FPPCA Order for 2008-09	27.09.2010	20.03.2012

Position of application for Review Petition filed before the Commission in 2011-12 is shown below :–

Sl.No.	Name	Subject Matter	Date of receipt	Date of order
1.	WBPDCL	Review of Tariff Order dated 30.12.2011 in Case No. TP-42/09-10, TP-45/09-10 & TP-46/09-10	29.03.2012	Under process

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

These matters have been discussed in paragraph 6 while dealing with tariff for generation, supply, and transmission of electricity.

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

The position of Power Purchase Agreement (PPA) filed before the Commission in 2011-12 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)
2011-12	11	04	15	09	03	12	03

9. Grant of licence for transmission, distribution and trading in Electricity — Amendment / Revocation of licence:—

No such application was filed during the year 2011-12.

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

No such application was filed during the year 2011-12.

11. Other functions performed by the Commission during the year:—

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 Govt.

of West Bengal and the State Government caused the same to be laid before the State Legislature. The calendar of events in this regard was as under:

	Events	For the year 2010 - 11
i)	Submission of Accounts to the Principal Accountant General (Audit), West Bengal.	28.06.2011
ii)	Issuance of Audit Certificate by the Office of C & A.G.	27.10.2011
iii)	Forwarding the audited and certified accounts before the State Government for laying before the State Legislature.	22.12.2011
iv)	Laying of audited and certified accounts before the State Legislature by the State Government.	23.12.2011

Accounts for the year 2011-12 was prepared and submitted for audit on 28.06.2012. Audit of Annual Statement of Accounts for 2011-12 has been conducted by the office of the Accountant General (Economic & Revenue Sector Audit) West Bengal during the period from 11.07.2012 to 17.07.2012.

Sd/-

(K. L. Biswas)
Secretary

Date: 28th August, 2012

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	18400-500-22400	Group-A
2.	Advisor	3	18400-500-22400	Group-A
3.	Joint Advisor	3	14300-400-18300	Group-A
4.	Director	4	12000-375-18000	Group-A
5.	Deputy Director	4	10000-325-15525	Group-A
6.	Assistant Director including one Accounts Officer	5	8000-275-13500	Group-A
7.	Personal Secretary	3	6000-250-12000	Group-A
8.	Accountant	1	4800-175-5850-200-6650-225-8675-250-10925	Group-B
9.	Head Assistant	1	4500-150-5250-175-7000-200-8800-225-9700	Group-B
10.	Personal Assistant	10	4000-125-4250-150-5300-175-7050-200-8850	Group-B
11.	Senior Assistant	7	4000-125-4250-150-5300-175-7050-200-8850	Group-B
12.	Assistant	8	3350-90-3800-100-4700-125-6325	Group-C
13.	Group D officials	8	2600-55-2985-60-3525-65-4175	Group-D

* This is pre-revised scale of pay before revision by the Fifth Pay Commission w.e.f. 01.09.2009.

Annexure -II

(See paragraph 5(b) of this report)

West Bengal Electricity Regulatory Commission
FD-415A, Poura Bhawan, 3rd Floor, Sector-III
Bidhannagar, Kolkata - 700 106
Tel: (033) 2359 3397, 2189
Fax: (033) 2359 3397

No. - WBERC /D-1/Pt -IV/ Dated - 08.11.2011

From : Shri K L Biswas, IAS (Retd)
Secretary, WBERC

To : The Principal Secretary to the Government of West Bengal;
Department of Power & Non-Conventional Energy Sources,
New Secretariat Buildings,
1, K.S. Roy Road, 'A' Block, 7th Floor,
Kolkata - 700 001

Sub: **Revised Estimate for 2011-2012 and Budget Estimate for 2012-2013 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,

I am directed by the Commission to refer to the subject mentioned above and to forward the Budget in Form I and Form II showing the revised estimate for the year 2011-2012 and budget estimate for the year 2012-2013 with actuals for the year 2010-2011 and budget estimate for the year 2011-2012, as required.

Yours faithfully,

Sd/-
(K L Biswas)
Secretary

Enclo : as stated above.

Annexure-II (Contd)

FORM I

(See rule 4.)

Revised Estimate for the year 2011-2012 and Budget Estimate for the year 2012-2013 of the West Bengal Electricity Regulatory Commission.

Receipts	Actuals for the year 2010-2011	Budget Estimate for the year 2011-2012	Revised Estimate for the year 2011-2012	Budget Estimate for the year 2012-2013
	Rs.	Rs.	Rs.	Rs.
1. Grants-in-aid from the State Government				
(i) Grants-in-aid towards salaries	NIL	10,000	10,000	10,000
(ii) Other grants-in-aid	——	——	——	——
2. Licence fee	2,89,88,932	2,90,00,000	3,17,92,754	3,29,90,000
3. Other Fees/Receipts including OB	3,12,73,828	5,67,90,000	5,21,97,246	2,40,00,000
Total Receipts	6,02,62,760	8,58,00,000	8,40,00,000	5,70,00,000

Sd/-

(K. L. Biswas)

Secretary

West Bengal Electricity Regulatory Commission

Dated : 08.11.2011

FORM II

(See rule 4.)

Expenditure	Actuals for the year 2010-2011	Budget Estimate for the year 2011-2012	Revised Estimate for the year 2011-2012	Budget Estimate for the year 2012-2013
	Rs.	Rs.	Rs.	Rs.
Salaries – Pay	1,03,07,625	1,52,00,000	1,60,00,000	1,64,90,000
Dearness Allowance	14,05,221	28,00,000	30,00,000	32,00,000
House Rent and other allowances	26,31,192	36,00,000	42,00,000	44,00,000
Ad hoc Bonus & Ex-gratia	47,000	70,000	70,000	75,000
Total Salaries:	**1,43,91,038**	**2,16,70,000**	**2,32,70,000**	**2,41,65,000**
Wages	34,131	70,000	70,000	75,000
Travel Expenses	2,65,942	6,50,000	6,50,000	5,60,000
Office Expenses	47,99,156	80,00,000	88,50,000	90,00,000
Rent, Rates and Taxes	27,05,000	45,00,000	50,00,000	52,00,000
Maintenance	5,42,595	10,00,000	11,60,000	12,00,000
Major/Minor Works	---------	5,00,000	5,00,000	5,00,000
Payment for Professional and Special Services	18,98,926	60,00,000	60,00,000	60,00,000
Other Charges	17,92,943	45,10,000	50,00,000	52,00,000
Motor Vehicles	--------	---------	---------	---------
Tools and Plants/ Machinery and Equipments	88,819	40,00,000	50,00,000	51,00,000
Total Expenditure	**2,65,18,550**	**5,09,00,000**	**5,55,00,000**	**5,70,00,000**
Surplus (+)	----------	**(+) 3,49,00,000***	**(+) 2,85,00,000***	
G. Total	**2,65,18,550**	**8,58,00,000**	**8,40,00,000**	**5,70,10,000**

* In terms of West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations 2007 as amended, every Generating Company and Licensee shall file application for tariff under Multi years Tariff Framework once in a control period which is normally a period consisting of multiple years. Thus, fee for application for tariff is receivable once in a control period of multiple years. In the control period of 2011-14, such fee has been received for Rs. 355.53 lakh. So the Commission is having an unequal pattern of income and thus surplus arising at the beginning of a control period shall be utilized to meet the shortfall of the remaining years in a control period and thereby the expenditure will be on overall basis during the control period.

Sd/-

(K. L. Biswas)

Secretary

West Bengal Electricity Regulatory Commission

Dated : 08.11.2011