

WEST BENGAL ELECTRICITY REGULATORY COMMISSION



Annual Report 2012-13

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

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ANNUAL REPORT 2012-2013

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and Rules made thereunder)**



Particulars of Regulations made by the Commission in 2012-13:

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 laying before the State Legislature
			Date of Publication in Kolkata Gazette Extraordinary	
1.	The West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) (Amendment) Regulations, 2012	18.04.2012 03.05.2012* Anandabazar Patrika, Bartaman, Times of India, Sanmarg & Statesman	No. 49/WBERC dated 27.08.2012 Published in Kolkata Gazette, Extraordinary on 27.08.2012	12.12.2012
2.	The West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources) Regulations, 2013	14.08.2012 Anandabazar Patrika, Bartaman, Times of India, Sanmarg & Business Standard	No. 50/WBERC dated 22.03.2013 Published in Kolkata Gazette, Extraordinary on 22.03.2013	

* Last date for submission of objections, suggestions and comments extended with notice dated 30.04.2012.

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
2.	The West Bengal Electricity Regulatory Commission (Procedure for Accreditation of a Renewable Energy Sources) Regulations, 2012.	14.08.2012 Anandabazar Patrika, Bartman, Times of India, Sanmarg & Business Standard



Sl. No.	Name of the Regulations	Date of publication of notice in newspaper inviting objections, comments/ suggestion on draft Regulations
3.	The West Bengal Electricity Regulatory Commission (Miscellaneous Provisions) Regulations, 2012.	01.11.2012 Anandabazar Patrika, Bartman, Times of India, Sanmarg & Statesman
4.	The West Bengal Electricity Regulatory Commission (Recovery of Expenditure for Providing New Connections) Regulations, 2012.	01.11.2012 Anandabazar Patrika, Bartman, 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 2012-2013 vide WBERC/D-8/1/0421 dated 14.6.2012. 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 2012-13:-

Position as on 31.03.2013 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 six cases, Disposed of — Thirty, Pending — Six.

(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 2011-2012	79	48	31
2012-2013	02	—	02
Total	81	48	33

*Disposal up to June 2013 has been reported.

(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 2011-2012	520	290	230
2012-2013	42	02	40
Total	562	292	270

*Disposal up to June 2013 has been reported.

**(h) Other Applications:**

The position of Other Applications filed before the Commission in 2012-13 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)
2012-13	23	22	45	12	13	25	20

(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 2012-13 since inception in June 2004:—

Grievance against	No. of complaints		
	Received	Disposed off	Pending
WBSEDCL	5827	4766	1061
CESC Ltd.	1225	1191	34
DPL	05	05	—
SHRELCOP	36	36	—
DPSC Ltd.	03	03	—
DVC	01	01	—
Total	7097	6002	1095

During 2012-13 Office of Ombudsman received 2055 cases, out of which 1264 cases disposed.

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 complaint was 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 2012-13. 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 31.03.2013

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	758	919	161	722	883	–	36	36
2.	Disconnection without observing procedural formalities	69	202	271	69	180	249	–	22	22
3.	Overcharging for new connection	10	139	149	10	299	139	–	10	10
4.	Non functioning of meters	37	111	148	37	91	128	–	20	20
5.	Delay in providing services	44	391	435	44	380	424	–	11	11
6.	Delay in giving new connection	151	1541	1692	151	1528	1679	–	13	13
7.	Miscellaneous Representations	575	3955	4530	575	2972	3547	–	983	983
8.	Grand Total	*1047	**7097	8144	1047	6172	7049	–	1095	1095

*51 cases transferred to Ombudsman not included.

** 102 cases referred to Commission included herein.

{ Compensation allowed in case of 40 consumers (Commission)
 +
 821 consumer's in Ombudsman Office. Total - 861 Consumers.

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

+

3342 No of consumer's in Ombudsman Office. Total - 3781 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
2012-13	34	17	51	16	01	17	*34
Total	81	-	-	47	01	48	-

* Out of *34 pending cases, Orders for "Stay of Operation" on order of Ombudsman in 28 cases 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

Fixation of Tariff for the year 2012-13

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 and 2012-13 are detailed below:—

Sl. No.	Name	Year	Date of receipt	Date of Tariff Order for the year 2011-12 & 2012-13
1.	CESC Ltd.	2011-12, 2012-13 & 2013-2014	14.07.2011	06.03.2012 (for the year 2011-12) 01.12.2012 (for the year 2012-13)



Sl. No.	Name	Year	Date of receipt	Date of Tariff Order for the year 2011-12 & 2012-13	
2.	DPL	2011-12, 2012-13 & 2013-2014	14.07.2011	06.03.12 17.12.2012	13-14 807
3.	WBSETCL	2011-12, 2012-13 & 2013-2014	15.07.2011	01.12.2012	17
4.	DPSC Ltd.	2011-12, 2012-13 & 2013-2014	15.07.2011	14.02.2013	1907
5.	WBSEDCL	2011-12, 2012-13 & 2013-2014	30.03.2012	01.12.2012	94
6.	WBPDC	2011-12, 2012-13 & 2013-2014	10.04.2012	01.12.2012	84

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

Sl. No.	Name	Year	Date of receipt	Date of Tariff Order
1.	Damodar Valley Corporation (DVC)	2006-07, 2007-08 & 2008-09	03.11.2009 *	Under consideration
2.	-- do --	2009-10	03.11.2009 *	- do -
3.	-- do --	2011-12, 2012-13 & 2013-14	13.09.2011 *	- 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.

(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
2.	WBSEDCL	2011-12	11.04.2013



The Commission also passed Orders on Wheeling Charges applicable for 2012-13 in respect of the following distribution licensees on the dates as shown against each:—

Sl. No.	Distribution Licensee	Year	Order dated
1.	CESC Ltd.	2012-13	09.04.2013
2.	WBSEDCL	2012-13	11.04.2013

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

Position of FPPCA claims for 2009-10 filed before the Commission in 2010-11 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	02.08.2012
4.	West Bengal Power Development Corporation Ltd.	09.11.2010	2009-10	30.08.2012

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	19.10.2012
2.	West Bengal Power Development Corporation Ltd.	14.10.2011	2010-11	16.10.2012
3.	The Durgapur Projects Ltd.	10.01.2012	2010-11	02.08.2012
4.	West Bengal State Electricity Distribution Company Ltd.	17.02.2012	2010-11	03.10.2012



DPSC Limited submitted application for FPPCA for 2010-11 in the year 2012-13.

Position of FPPCA claims filed before the Commission in 2012-13 is shown below:—

Sl. No.	Name	Date of receipt	Year to which the application relates	Date of order
1.	DPSC Limited	07.09.2012	2011-12	Under process
2.	CESC Limited	10.09.2012	2011-12	Under process
3.	DPSC Limited	19.10.2012	2010-11	17.12.2012
4.	West Bengal Power Development Corporation Ltd.	02.11.2012	2011-12	Under process
5.	The Durgapur Projects Ltd.	28.12.2012	2011-12	Under process
6.	West Bengal State Electricity Distribution Company Ltd.	18.01.2013	2011-12	Under process

(d) FPPCA (Provisional)

5 (five) applications for allowing an adhoc 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 stand as 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.

(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	24.08.2012
2.	DPSC Ltd	2009-10	29.11.2010	24.08.2012
3.	WBSEDCL	2009-10	29.11.2010	17.10.2012



Sl.No.	Name	Year	Date of receipt	Date of order
4.	WBSETCL	2009-10	30.11.2010	30.08.2012
5.	WBPDC	2009-10	30.11.2010	21.11.2012
6.	CESC Ltd.	2009-10	30.11.2010	23.02.2012

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	26.03.2013
2.	CESC Ltd.	2010-11	29.11.2011	19.03.2013
3.	WBSETCL	2010-11	30.11.2011	19.10.2012
4.	WBPDC	2010-11	30.12.2011	21.11.2012
5.	DPL	2010-11	10.01.2012	24.08.2012

WBSEDCL submitted the application for the application of APR for the year 2010-11 in the year 2012-13

Position of application for APR filed before the Commission in 2012-13 is shown below :—

Sl.No.	Name	Year	Date of receipt	Date of order
1.	WBSEDCL	2010-11	04.04.2012	19.10.2012
2.	CESC Ltd.	2011-12	29.11.2012	Under process
3.	WBPDC	2011-12	30.11.2012	Under process
4.	WBSETCL	2011-12	30.11.2012	Under process
5.	DPSC Ltd.	2011-12	17.01.2013	Under process
6.	DPL	2011-12	25.02.2013	Under process
7.	WBSEDCL	2011-12	15.03.2013	Under process

(f) Review Petition

Following Review Petitions were filed before the Commission in 2011-12 and 2012-13 are shown below :—

Sl.No.	Name	Subject Matter	Date of receipt	Date of order
1.	WBPDC	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	30.11.2012



Annexure-II (Contd)

FORM I

(See rule 4.)

Revised Estimate for the year 2012-2013 and Budget Estimate for the year 2013-2014 of the West Bengal Electricity Regulatory Commission.

Receipts	Actuals for the year 2011-2012	Budget Estimate for the year 2012-2013	Revised Estimate for the year 2012-2013	Budget Estimate for the year 2013-2014
	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	3,17,93,301	3,29,90,000	3,38,50,000	3,50,00,000
3. Other Fees/Receipts including OB	8,70,18,827	2,40,00,000	5,21,40,000	2,92,25,000
Total Receipts	11,88,12,128	5,70,00,000	8,60,00,000	6,42,35,000

Sd/-

(K. P. Bhar)

Secretary

West Bengal Electricity Regulatory Commission

Dated : 09.11.2012



FORM II

(See rule 4.)

Expenditure	Actuals for the year 2011-2012	Budget Estimate for the year 2012-2013	Revised Estimate for the year 2012-2013	Budget Estimate for the year 2013-2014
	Rs.	Rs.	Rs.	Rs.
Salaries – Pay	1,00,86,159	1,64,90,000	1,70,00,000	1,90,90,000
Dearness Allowance	13,40,483	32,00,000	30,00,000	32,00,000
House Rent and other allowances	26,76,001	44,00,000	45,00,000	50,00,000
Ad hoc Bonus & Ex-gratia	73,300	75,000	90,000	1,10,000
Total Salaries:	1,41,75,943	2,41,65,000	2,45,90,000	2,74,00,000
Wages	35,809	75,000	75,000	85,000
Travel Expenses	1,28,895	5,60,000	4,50,000	5,50,000
Office Expenses	36,11,609	90,00,000	90 00,000	90,00,000
Rent, Rates and Taxes	59,22,500	52,00,000	60,00,000	61,00,000
Maintenance	6,86,984	12,00,000	12,50,000	14,00,000
Major/Minor Works	-----	5,00,000	5,00,000	5,00,000
Payment for Professional and Special Services	20,04,318	60,00,000	70,00,000	80,00,000
Other Charges	20,09,663	52,00,000	55,00,000	60,00,000
Motor Vehicles	-----	-----	-----	-----
Tools and Plants/ Machinery and Equipments	6,07,936	51,00,000	50,00,000	52,00,000
Total Expenditure	2,91,83,657	5,70,00,000	5,93,65,000	6,42,35,000
Surplus (+)	-----		(+) 2,66,35,000*	
G. Total	2,91,83,657	5,70,00,000	8,60,00,000	6,42,35,000



* 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. 447.13 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. P. Bhar)

Secretary

West Bengal Electricity Regulatory Commission

Dated : 09.11.2012