

WEST BENGAL ELECTRICITY REGULATORY COMMISSION



**Annual Report
2014-15**

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

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ANNUAL REPORT 2014-2015

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WEST BENGAL ELECTRICITY REGULATORY COMMISSION

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Annual Report For the year 2014–2015 (up to 31st March, 2015)

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[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 2014-15 (upto 31st March, 2015)
(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 The Electricity Regulatory Commissions Act, 1998 was repealed by the Electricity Act, 2003 (36 of 2003).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 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 Regulations. 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 – Vacant
(The Chief Executive)

Member – Shri Sujit Dasgupta took over charge as Member on 01.02.2011 (afternoon).

Member – Vacant

Other Officials

Secretary – Shri K.P. Bhar took over charge as Secretary on 31.08.2012 (forenoon) on contract.

Advisor (Engg) – Shri T. K. Chakrabarti with effect from 30.04.2009 (afternoon) on deputation.

Director (Finance) – Shri N. Dawn with effect from 02.07.2013 (forenoon) on deputation.

Deputy Director (Engineering) – Shri S. Ponda with effect from 02.05.2008 (forenoon) on deputation and Shri A. K. Ballav, with effect from 11 July, 2014.

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)

Accountant – 1 (on contract)

Head Asstt – 1 (on contract)

Staff on Special Duty – 1 (on contract)
& ex-officio Head Asstt

Sr. Assistant – 2 (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 2014–2015

- 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 2014-15 on voltage wise graded Load factor rebate and load factor surcharge.
- Rebate for industrial consumer having contract demand 1.5 MVA or above has been continuing at the rate specified in the Tariff Order for 2014-15 for load factor range between 65% up to 80% and above 80% respectively during the year 2014-15 (for WBSEDCL consumers).
- 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.
- The Commission is also continuing its special importance in its Tariff Orders issued for the year 2014-15 to Demand Side Management (DSM) with some rebate as was applicable for the year 2013-14 in each slab of power factor range on high power factor(>92%) to reduce effect of reactive power drawal in the system.
- In order to encourage one time payment for three months bill, a special rebate of 10 paise per unit is also continuing for the year 2014-15 (for WBSEDCL consumers) to contain the commercial loss in the system.
- In addition to the other applicable rebates, an additional rebate of 1% of the billed amount is being continued by the Commission to the consumers who pays their energy bills through e-payment facility (through web by using net banking, debit card, credit card, electronic clearing scheme).

- The Commission is also continuing with its special tariff for the metered street lighting with LED.
- Special rebate on energy charge for Cold storage or dairy with chilling plant having contractual load between 50 KVA and 125 KVA is also continuing for the year 2014-15.
- To encourage Time of Day (TOD) tariff mechanism in the DSM perspective, the Commission, in its Tariff Orders issued for the year 2014-15, has continued normal TOD category of consumers and Pre-paid TOD category of consumers under TOD tariff scheme.

(b) Budget

The Revised Budget Estimate for the year 2014 - 2015 and the Budget Estimate for the year 2015 - 2016 were sent to the Department of Power vide this office letter No. WBERC/D-1/Pt-V/0819 dated 24.11.2014. (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 Regulations are also uploaded 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/suggestions/comments received 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.

**Draft of the following Regulation is under consideration:-**

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 (Installation and Operation of Consumers' Meters) Regulations, 2013.	<u>22.05.2013</u> <u>12.06.2013*</u> Anandabazar Patrika, Bartaman, Times of India, Sanmarg & Statesman

* Last date for submission of objections, suggestions and comments extended.

- (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 memberships of the Forum of Indian Regulators and the Forum of Regulators for the year 2014-2015 vide WBERC/D-8/1/0177-0178 dated 19.5.2014. 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 that are active in the field. The Commission renewed membership of the SAFIR vide WBERC/B-68/SAFIR/2/0176 dated 19.05.2014 for the year 2014-15.
- (g) The Commission has become a member of Forum of Regulators For Eastern And North-Eastern States (FORENS) in 2013. The Commission has contributed membership fees for the year 2014-15 vide WBERC/A-14/7/1/0692 dated 13.10.2014.

(h) Court Cases upto 2014-15:—

Position as on 31.03.2015 is:—

- (i) Cases/Appeal/Clarification Application etc. filed by WBERC
Before 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 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 (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 - Fifty (Disposed of - Thirty Nine, Pending - Eleven).
- (v) Cases/Appeal/Clarification Application etc. filed by WBERC:
Before Hon'ble High Court - Seven (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 2013-2014	85	48	37
2014-2015	04	3	01
Total	89	51	38

*Disposal upto June 2015 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 2013-2014	658	431	227
2014-2015	5	03	2
Total	663	434	229

* Disposal upto June 2015 has been reported.

(i) Other Applications:

The position of Other Applications filed before the Commission in 2014-15 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)
2014-15	21	14	35	14	08	22	13

(i) Consumer Complaints
i) Regulations

In order to protect the interest of the consumers, the Commission took appropriate action as per provisions of 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 made in 2006.

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 (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 distribution licensees. 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 centers, 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 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 a consultation with a technical expert and / or a 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 order by which he has disposed of the grievance petition 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 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 had already approached at least one Grievance Redressal Officer seeking redressal of his 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 grievances, or if a consumer is not satisfied with the order from the GRO or the CGRO, as aforesaid, or if he does not receive any order from the GRO or the CGRO to whom he has approached at the first instance seeking redressal of his grievance(s), he may submit a written representation to the Ombudsman for the purpose of settlement of his grievances/complaints. No fee is needed to be paid for approaching the Ombudsman.

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.



So far office of Ombudsman dealt with the following consumer grievances upto 2014-15 since inception in June 2004:—

Grievance against	No. of complaints		
	Received	Disposed off	Pending
WBSEDCL	8755	8187	568
CESC Ltd.	1296	1275	21
DPL	07	06	01
SHRELCOP	36	36	—
DPSC Ltd.	03	03	—
DVC	02	01	01
Total	10099	9508	591

During 2014-15 Office of Ombudsman received 744 cases plus pending 1608 cases (Total - 2352), out of which 1761 cases disposed.

iii) Consumer complaints received by the Commission:

Complaints against the licensees were lodged by the consumers to the Commission alleging wrong security deposit, excess billing, incorrect disconnection, non-receipt of meter, non-compliance of provisions of the Electricity Act, 2003 and Regulations framed thereunder. Some of those complaints were taken up with the utilities for obtaining reports. On receipt of reports, the Commission took view on the allegations. The Commission so far received **1098** complaints. **51** cases were redirected to the Ombudsman. So Commission had dealt with **1047** cases and disposed of all complaints. 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 complaints lodged to the Commission during 2014-15. 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 by the Commission as per procedure.

CATEGORY-WISE COMPLAINTS OF CONSUMERS AS ON 31.03.2015

Sl. No.	Category wise Complaints	No. of complaints received			Disposed of			Pending		
		Commission	Ombudsman	Total	Commission	Ombudsman	Total	Commission	Ombudsman	Total
1.	Incorrect Electricity Bill	161	909	1078	161	849	1010	–	60	60
2.	Disconnection without observing procedural formalities	69	229	298	69	200	269	–	29	29
3.	Overcharging for new connection	10	217	227	10	195	205	–	22	22
4.	Non functioning of meters	37	121	158	37	104	141	–	17	17
5.	Delay in providing services	44	996	1040	44	948	992	–	48	48
6.	Delay in giving new connection	151	1897	2048	151	1659	1810	–	238	238
7.	Miscellaneous Representations	575	5730	6305	575	5553	6128	–	177	177
8.	Grand Total	*1047	**10099	11146	1047	9508	10555	–	591	591

*51 cases transferred to Ombudsman not included.

** 102 cases referred to Commission included herein.

(iv) Details of compensation allowed and Orders in favour of complainants out of total complaints shown in previous Table:

Authority	Compensation allowed in no. of complaints	Orders in favour of complainant
Commission	40	439
Ombudsman	1080	6077
Total	1120	6516



(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
Total	121	—	—	62	09	71	—

Out of **40** pending cases for the year 2013-14, WBSEDCL have filed Writ Petitions challenging the Orders of the Ombudsman(s) in **38** cases before the Hon'ble High Court Calcutta and remaining **02** cases was pending with the Commission.

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

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

(a) Tariff

Fixation of Tariff for the year 2014-15 to 2016-17

Under the Multi Year Tariff (MYT) frame work, 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) ensuing years i.e., 2014-2015, 2015-2016 and 2016-2017 in terms of provisions of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended.



Sl. No.	Name	Year	Date of admission	Status of Tariff Order
1.	DPL	2014-15, 2015-16 and 2016-17	06.03.2014	Issued on 04.03.2015 for the year 2014-15 and 23.06.2015 for the year 2015-16
2.	CESC Ltd.	2014-15, 2015-16 and 2016-17	28.12.2013	Issued on 04.03.2015 for the year 2014-15 and 10.08.2015 for the year 2015-16
3.	DPSC Ltd.	2014-15, 2015-16 and 2016-17	Yet to submit	Under subjudice
4.	WBPDC	2014-15, 2015-16 and 2016-17	13.02.2014	Issued on 04.03.2015 for the year 2014-15 and 19.06.2015 for the year 2015-16
5.	WBSETCL	2014-15, 2015-16 and 2016-17	13.03.2014	Issued on 04.03.2015 for the year 2014-15 and 22.06.2015 for the year 2015-16
6.	WBSEDCL	2014-15, 2015-16 and 2016-17	04.03.2014	Issued on 04.03.2015 for the year 2014-15 and 10.08.2015 for the year 2015-16
7.	DVC	2009-10, 2010-11, 2011-12, 2012-13, and 2013-14	28.04.2014	Issued on 24.08.2015
8.	DVC	2014-15, 2015-16 and 2016-17	15.07.2014	Issued on 25.05.2015 for the years 2014-15 & 2015-16
9.	Haldia Energy Ltd.	Determination of Tariff for the yrs. 2014-15 to 2016-17 for the 400 KV double circuit dedicated line.	07.07.2014	under consideration
10.	Haldia Energy Ltd.	Determination of ARR & Tariff for the yrs. 2014-15 to 2016-17 for the 2x300 MW coal based TPP at Haldia	05.09.2014	under consideration

(b) Wheeling Charges

The Commission passed Orders on Wheeling Charges applicable for 2014-15 in respect of the following distribution licensees on the dates as shown against each:—

Sl. No.	Distribution Licensee	Year	Order dated
1.	CESC Ltd.	2014-15	20.03.2015
2.	WBSEDCL	2014-15	20.03.2015
3.	DPL	2014-15	20.03.2015

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

Position of FPPCA/FCA claims filed before the Commission in 2014-15 is shown below:—

Sl. No.	Name	Date of receipt	Date of admission	Year to which the application relates	Date of order
1.	DPSC Limited	09.09.2014	—	2013-14	Subjudice
2.	CESC Limited	11.09.2014	30.07.2015	2013-14	Under consideration
3.	WBSEDCL	10.09.2014	10.08.2015	2013-14	Under consideration
4.	WBPDCCL	18.09.2014	30.07.2015	2013-14	Under consideration
5.	DPL	16.09.2014	14.08.2015	2013-14	Under consideration

After scrutiny of the petitions, the petitioners were asked to submit further information/data, and on submission of the same the petitions were admitted.

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

Position of applications for APR filed before the Commission in 2014-15 is shown below:—

Sl. No.	Name	Year	Date of receipt	Date of Admission	Date of order
1.	CESC Ltd.	2013-14	02.12.2014	30.07.2015	under consideration
2.	WBSETCL	2013-14	28.11.2014	30.07.2015	under consideration

Sl. No.	Name	Year	Date of receipt	Date of Admission	Date of order
3.	WBSEDCL	2013-14	02.12.2014	10.08.2015	under consideration
4.	WBPDC	2013-14	02.12.2014	30.07.2015	under consideration
5.	DPL	2013-14	28.11.2014	14.08.2015	under consideration
6.	DPSC Ltd.	2013-14	02.01.2015	—	under subjudice

(f) Review Petition

Position of Review Petitions filed before the Commission in 2012-13 and 2013-14 are shown below :—

Sl. No.	Name	Subject Matter	Date of receipt	Date of order
1.	WBPDC	Review of APR Order dt.05.09.2013 for the year 2011-12	04.11.2013	Under consideration
2.	WBPDC	Review of APR Order dated in Case No. APR-39/13-14 for the FY 2012-13	19.09.2014	Under consideration

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 2014-15 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)
2014-15	02	06	08	02	02	04	04

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

No such application as per provisions of law was filed in 2014-15

Amendment / Revocation of licence - No such case.

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

No such application was filed during the year 2014-15.

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 2013-14
i)	Submission of Accounts to the Principal Accountant General (Audit), West Bengal.	27.06.2014
ii)	Issuance of Audit Certificate by the Office of C & A.G.	11.09.2014
iii)	Forwarding the audited and certified accounts before the State Government for laying before the State Legislature.	02.06.2015
iv)	Laying of audited and certified accounts before the State Legislature by the State Government.	04.06.2015

Accounts for the year 2014-15 was prepared and submitted for audit on 26.06.2015. Audit of Annual Statement of Accounts for 2014-15 has been conducted by the office of the Accountant General (Economic & Revenue Sector Audit) West Bengal during the period from 01.07.2015 to 09.07.2015.

Sd/-

(K. P. Bhar)
Secretary

Date: 23rd September, 2015

**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 wef., 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 -V/0819

Dated - 24.11.2014

From : Shri K P Bhar, 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 2014-2015 and Budget Estimate for 2015-2016 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 2014-2015 and budget estimate for the year 2015-2016 with actuals for the year 2013-2014 and budget estimate for the year 2014-2015, as required.

Yours faithfully,

Sd/-

(K P Bhar)
Secretary

Enclo : as stated above (Two).

**FORM I**

(See rule 4.)

**Revised Estimate for the year 2014-2015 and Budget Estimate
for the year 2015-2016 of the West Bengal Electricity Regulatory Commission.**

Receipts	Actuals for the year 2013-2014	Budget Estimate for the year 2014-2015	Revised Estimate for the year 2014-2015	Budget Estimate for the year 2015-2016
	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	3,64,42,785	3,75,00,000	3,65,30,000	3,75,00,000
3. Other Fees/Receipts including OB	11,44,73,081	8,69,90,000	5,70,00,000	3,35,10,000
Total Receipts	15,09,15,866	12,45,00,000	9,35,40,000	7,10,20,000

Sd/-

(K. P. Bhar)
Secretary

West Bengal Electricity Regulatory Commission

Dated : 24th November, 2014



FORM II
(See rule 4.)

Expenditure	Actuals for the year 2013-2014	Budget Estimate for the year 2014-2015	Revised Estimate for the year 2014-2015	Budget Estimate for the year 2015-2016
	Rs.	Rs.	Rs.	Rs.
Salaries –				
Pay	91,62,646	1,95,00,000	1,95,00,000	1,98,00,000
Dearness Allowance	27,19,819	34,00,000	35,00,000	40,00,000
House Rent and other allowances	58,42,011	57,00,000	70,00,000	75,00,000
Ad hoc Bonus & Ex-gratia	86,000	1,20,000	1,20,000	1,30,000
Total Salaries:	1,78,10,476	2,87,20,000	3,01,20,000	3,14,30,000
Wages	40,593	90,000	90,000	90,000
Travel Expenses	3,01,363	6,80,000	6,50,000	7,00,000
Office Expenses	59,53,638	90,10,000	90,10,000	95,00,000
Rent, Rates and Taxes	44,10,000	62,00,000	62,00,000	65,00,000
Maintenance	6,86,704	20,00,000	15,00,000	16,00,000
Major/Minor Works	-----	5,00,000	5,00,000	5,00,000
Payment for Professional and Special Services	35,74,387	82,00,000	85,00,000	85,00,000
Other Charges	31,37,392	66,00,000	70,00,000	72,00,000
Motor Vehicles	-----	-----	-----	-----
Tools and Plants/ Machinery and Equipments	6,02,201	52,00,000	50,00,000	50,00,000
Total Expenditure	3,65,16,754	6,72,00,000	6,85,70,000	7,10,20,000
Surplus (+)	-----	(+) *5,73,00,000	(+) *2,49,70,000	
G. Total	3,65,16,754	12,45,00,000	9,35,40,000	7,10,20,000



* In terms of West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations 2011 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, Application fee for tariff is receivable once in a control period of multiple years. In the 4th control period of (2014-15 to 2016-17), such fee has been received for Rs. 770.95 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 : 24th November, 2014.