



WEST BENGAL ELECTRICITY REGULATORY COMMISSION



ANNUAL REPORT 2016-2017

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

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and Rules framed thereunder)**



WEST BENGAL ELECTRICITY REGULATORY COMMISSION

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Annual Report

For the year 2016–2017 (up to 31st March, 2017)

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

**Annual Report of West Bengal Electricity Regulatory Commission
For the year 2016-17 (upto 31st March, 2017)
(u/s 105 of the Electricity Act, 2003 and Rules made thereunder)**

1. **Preamble** - The Government of West Bengal constituted West Bengal Electricity Regulatory Commission (WBERC) under sub-section (1) of section 17 of the Electricity Regulatory Commissions Act, 1998 (14 of 1998), vide Notification No. 06-Power/III dated 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 The Electricity Regulatory Commissions Act, 1998 was repealed by the Electricity Act, 2003 (36 of 2003).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 continues as a body corporate by the name aforesaid (WBERC), having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

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



HUMAN RESOURCES STRENGTH

Composition of Commission

Chairperson (The Chief Executive)	-	Shri Rabindra Nath Sen took over charge as Chairperson on 26.05.2015 (AN)
Member	-	Shri Amitava Biswas took over charge as Member on 13.07.2015
Member	-	VACANT

EXISTING MANPOWER STRUCTURE

Secretary	-	Dr. Jiban Chandra Chakraborty, I.A.S. (Retd) served as Secretary from 02.03.2016.
Advisor (Engg.)	-	Shri T. K. Chakrabarti with effect from 30.04.2009 on deputation from WBSEDCL.
Advisor (Engg.)	-	Shri Abhijit Bose with effect from 07.01.2016
Advisor (Engg.)	-	Shri Dhiraj Saha with effect from 26.05.2016
Jt. Advisor (Finance)	-	Shri Ashok Kumar Mukhopadhyay with effect from 09.12.2015 on deputation from DVC
Jt. Advisor (Engg.)	-	Shri Amit Kumar Sil with effect from 09.12.2015 on deputation from DVC
Jt. Advisor (Engg.)	-	Mrs Sutapa Das with effect from 20.01.2016.
Director (Finance)	-	Shri N Dawn with effect from 02.07.2013 on deputation from WBSEDCL.
Director (Engg.)	-	Shri Anup Kumar Dutta with effect from 18.12.2015 on deputation from WBSEDCL
Dy. Director (Engg.)	-	Shri A K Ballav with effect from 11.07.2014
Dy. Director (Finance)	-	Shri Chandra Sekhar Ghosh with effect from 04.12.2015

Dy. Director (Administration)	-	Shri Tarun Kumar Mukherjee with effect from 04.01.2016.
Accounts Officer	-	Shri Prabhat Ganguly demitted office on 31.12.2016 on attaining the age of 65. Shri Anindya Pal has taken over charge as Accounts Officer in the Commission with effect from 02.01.2017
Assistant Director (System)	-	Shri Subrata Saha with effect from 31.12.2015.
Assistant Director (Engg.)	-	Shri Nilanjit Sarkel with effect from 29.07.2016
P.A.	-	7 (on contract basis)
Accountant	-	VACANT
Head Assistant	-	1 (On contract).
Staff on Special Duty	-	3 (On contract).
Sr. Assistant	-	2 (On contract).
Assistant	-	5 (On contract)
Group 'D'	-	8 (On contract).

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

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

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

“86(1) The State Commission shall discharge the following functions, namely:-

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

Provided that where open access has been permitted to a category of consumers



under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;

- (b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;
 - (c) facilitate intra-State transmission and wheeling of electricity;
 - (d) issue licenses to persons seeking to act as transmission licensees, distribution licensees and electricity traders with respect to their operations within the State;
 - (e) promote cogeneration and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee;
 - (f) adjudicate upon the disputes between the licensees and generating companies and to refer any dispute for arbitration;
 - (g) levy fee for the purpose of this Act;
 - (h) specify State Grid Code consistent with the Grid Code specified under clause (h) of sub-section (1) of section 79;
 - (i) specify or enforce standards with respect to quality, continuity and reliability of service by licensees;
 - (j) fix the trading margin in the intra-State trading of electricity, if considered, necessary;
 - (k) discharge such other functions as may be assigned to it under this Act;
- (2) The State Commission shall advise the State Government on all or any of the following matters, namely:-
- (i) promotion of competition, efficiency and economy in activities of the electricity industry;
 - (ii) promotion of investment in electricity industry;
 - (iii) reorganization and restructuring of electricity industry in the State;
 - (iv) matters concerning generation, transmission, distribution and trading of electricity or any other matter referred to the State Commission by that Government;
- (3) The State Commission shall ensure transparency while exercising its powers and discharging its functions.
- (4) In discharge of its functions, the State Commission shall be guided by the National Electricity Policy, National Electricity Plan and Tariff Policy published under section 3.”



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

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

Sections 87 and 88 of the Electricity Act, 2003 empower the Commission to constitute a State Advisory Committee with effect from such date as it may notify in a notification. As per provisions of the Act, the objectives of the State Advisory Committee shall be to advise the State Commission on several matters including the major questions of policy, matters relating to quality, continuity and extent of service provided to the consumers, protection of consumer interests, electricity supply and overall standards of performance by the utilities and compliance by the licensees with the conditions and requirements of their license. The provision of the Act stipulates that the State Advisory Committee shall consist of not more than twenty one members to represent the interests of commerce, industry, transport, agriculture, labour, consumers etc. The Chairperson of the State Commission shall be the *ex-officio* Chairperson of the Committee and Members of the Commission shall be the *ex-officio* members of the Committee.

The Commission vide Notification No. 9/WBERC dated 08.08.2003 constituted the State Advisory Committee w.e.f. 01.12.2003. It was published in the Kolkata Gazette Extraordinary on 05.09.2003. The State Advisory Committee was reconstituted vide Notifications No. WBERC/A-22/1/967 dated 17.03.2004 and No. WBERC/A-22/2/1155 dated 05.11.2007. Again, the State Commission has reconstituted the State Advisory Committee by Notification No. WBERC/A-22/3/0482 dated 17.07.2015 followed by amendments by Notification No. WBERC/A-22/3/1422 and No. 1423 dated 17.12.2015. The reconstituted Committee had its last meetings on 21.11.2017 and deliberated on major issues pertaining to the development of power sector with an inclusive approach, focus being on reduction of AT & C loss, supply of quality power to the consumers, campaign against power pilferage etc.

5. WORK PROFILE OF THE COMMISSION

(a) HIGHLIGHTS OF THE YEAR, 2016-2017

(b) Budget

The Revised Budget Estimate for the year 2015 – 2016 and the Budget Estimate for the year 2016 – 2017 have been sent to the Government in the Department of Power & NES vide Commission's letter No. WBERC/D-1/Pt-V/1320 dated 22.11.2016 (Copy enclosed as Annexure-II).

(c) Regulations

WBERC is assigned to frame Regulations with previous publication of their drafts inviting objections and suggestions from all stakeholders and interested persons. Notice inviting



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objections and suggestions on the draft Regulations is published in different leading dailies – English, Bengali and Hindi. Drafts of Regulations are also uploaded on the website of the Commission simultaneously inviting objections/ suggestions/ comments from all stakeholders and interested persons. The same 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. They are also kept available in the office of the Commission for public inspection and sale. Commission, after taking into consideration the objections/suggestions/comments as are received, if any, finally approves the Regulations for publication in the Kolkata Gazette Extraordinary. The Regulations, after publication in the Gazette are sent to the West Bengal Legislative Assembly Secretariat for laying before the Hon'ble Members of Legislative Assembly as required under section 182 of the Electricity Act, 2003.

Draft of the following Regulation is under consideration:-

SI No.	Name of the Regulations	Date of publication of Notice in newspaper inviting objections, comments/ suggestion on draft Regulations
1	(a) Draft West Bengal Electricity Regulatory Commission (State Electricity Grid Code) Regulations, 2017. (b) Draft West Bengal Electricity Regulatory Commission (Balancing and Settlement Code) Regulations, 2017. (c) Draft West Bengal Electricity Regulatory Commission (Open Access Regulations Code) Regulations, 2017.	23.02.2017, 27.03.2017 , Bartaman, Sanmarg, Uttar Banga, The Times of India (Main), The Economic Times and Ei Samay



- (d) The Office (s) of the Commission is now housed the hired accommodation at FD 415A, Poura Bhavan, 3rd Floor, Sector – III, Bidhannagar, Kolkata – 700 106 with effect from April 2001 and **“Bikalpa Shakti Bhavan”, 3rd Floor, J-1/10, EP & GP Block, Sector-V, Salt Lake, Kolkata - 700 091 - the address wherefrom the Ombudsman of the Commission function.**
- (e) The Commission has renewed the memberships of the Forum of Indian Regulators and the Forum of Regulators for the year 2016-2017 vide WBERC Voucher No 446 & 445 both dated 05.09.2016 (Payment made through NEFT). Chairperson of this Commission is a Member of Forum of Regulators constituted in terms of section 166(2) of the Electricity Act, 2003.
- (f) The Commission has become a Member of South Asia Forum for Infrastructure Regulation (SAFIR) for the year 2011-12. SAFIR was formed in 1999 with the support of the World Bank as a network of infrastructure Regulators of the region (comprising Bangladesh, Bhutan, Nepal, Sri Lanka, India and Pakistan), connected international institutions and individuals working in the relevant area. The Commission has renewed the membership of the SAFIR vide voucher 571 dated 20.10.2016 (Payment made through NEFT) for the year 2016-17.
- (g) The Commission has become a member of Forum of Regulators for Eastern and North-Eastern States (FORENS) in 2013. It has contributed its membership fees for the year 2016-17 vide No. WBERC voucher No 100 dated 25.05.2016 (Payment made through NEFT).

(h) **Status of Court Cases upto 2016- 17:-**

Position as on 31.03.2017 :-

- (i) Cases/Appeal/Clarification Application etc. filed by WBERC
Before the Hon'ble Supreme Court - Five (Disposed of – Five, Pending – Nil).
- (ii) Cases/Appeal/Clarification Application etc. against WBERC or WBERC as one of the Respondents:
Before the Hon'ble Supreme Court - Twenty Two Cases (Disposed of – Twenty One, Pending – One).
- (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.



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Before the Hon'ble Appellate Tribunal for Electricity at Delhi - Sixty five (Disposed of – Forty two, Pending – Twenty three).

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

Before the Hon'ble High Court at Calcutta - Seven (Disposed of – Four, Pending – Three).

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

Year	Number of cases filed	Number of cases disposed of *	Number of cases pending
Upto 2015-2016	100	61	39
2016-2017	04	0	04
Total	104	61	43

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

Year	Number of cases filed	Number of cases disposed of *	Number of cases pending
Upto 2015-2016	822	442	380
2016-2017	25	2	23
Total	847	444	403

(i) Other Applications:

The position of Other Applications filed before the Commission in 2016-17 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)
2016-17	22	28	50	08	15	23	27



(j) **Consumer Complaints**

(i) **Regulations**

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

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

The provisions of the Regulations 3.3 of the West Bengal Electricity Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman) Regulations, 2013 stipulate that there shall be as many Grievance Redressal officers (GRO) as may be necessary at the rate of at least one such officer at each sub-district/district/region/zone/headquarter level in each of the distribution licensees. As per provisions of the said Regulations, a forum is set up by each distribution licensee to address the grievances of its consumers. The forum consists of Grievance Redressal Officers at different levels of the organization of each distribution licensee. **Any consumer can take his/her grievance(s) to such Grievance Redressal Officers for its/their redressal in the form of submission of a grievance petition in writing in accordance with the provisions of the said Regulations.** The names, official designations, address etc. of the Grievance Redressal Officers of a distribution licensee should be available in the offices / sub-offices, bill payment centers as well on the website of the distribution licensee. **No fee is required to be paid by a consumer for submission of a petition for redressal of grievance to a Grievance Redressal Officer.** On receipt of such a petition, the Grievance Redressal Officer concerned is required to acknowledge receipt of the petition by a written communication within 7 (seven) working days from the date of its receipt. If the grievance does not call for any consultation with a technical expert or a spot visit, the Grievance Redressal Officer (GRO) is required to dispose of the grievance petition after giving a reasonable opportunity of hearing to the aggrieved consumer and others within a period of 40



(forty) working days from the date of sending the acknowledgement. If, on the other hand, the redressal of the grievance requires any consultation with a technical expert and / or any spot inspection, the Grievance Redressal Officer is required to dispose of the grievance petition after hearing all concerned within 60 (sixty) days from the date of sending the acknowledgement. Before passing the final order, disparity the grievance, the GRO staff prepare a draft settlement order with analysis of grievance redressed and details of the compensation, if any awarded and send to both parties with the direction to submit their views within a specific time and on the basis of view of both the parties within the specified the GRO shall pass the final settlement order. The Grievance Redressal Officer is required to give a certified copy of his/her order whereby the grievance petition has been disposed of to the grievance petitioner and also to the licensee within 7 (seven) working days from the date of passing of the order. If a consumer still feels aggrieved, he/she may move the Ombudsman representing his/her case through a written submission in the format specified for this purpose. While making such representation to the Ombudsman it is required of the aggrieved consumer that he/she had already approached at least one Grievance Redressal Officer seeking redressal of his/her grievance. If the licensee does not comply with the orders of GRO/ CGRO within 100 (one hundred) working days from the date of lodging of his/her grievances, or if a consumer is not satisfied with the order of the GRO or the CGRO, as the case may be, or if he/she does not receive any order from the GRO or the CGRO to whom he/she has approached at the first instance seeking redressal of his/her grievance(s), he/she may submit a written representation to the Ombudsman for the purpose of settlement of his/her grievances/complaints. **No fee is** needed to be paid for approaching the Ombudsman.

Ombudsmen, West Bengal Electricity Regulatory Commission, for all distribution licensees in the State as required under section 42(6) of the Electricity Act 2003 started functioning from 21.06.2004 within the office of the Commission itself but they have now been functioning in the hired accommodation of the Commission at **“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.

Since inception in June 2004:, the Ombudsmen have dealt with the following consumer grievances upto financial year 2016 -17:-

Grievance against	No. of complaints		
	Received	Disposed off	Pending
WBSEDCL	9233	9131	102
CESC Ltd.	1310	1308	02
DPL	08	08	—
SHRELCOP (<i>Licensee revoked w.e.f. 31.12.2005 by order dated 07.12.2005</i>)	36	36	—
IPCL (Formerly known as DPSC Ltd.)	04	04	—
DVC	04	02	02
Total	10595	10489	106

During 2016-17 the Ombudsmen received 142 cases. The cumulative number of cases at the end of financial year 2016-17 stood at 235 (93 pending cases and 142 new cases). As of 31.03.2017, 129 cases have been disposed of.

(iii) Consumer complaints received by the Commission:

The Commission received a number of complaints against the licensees from the consumers as shown in the Table-I below. As will be evident from the Table, the complaints covered issues like inaccurate security deposit, excess billing, improper disconnection, non-receipt of meter, non-compliance of provisions of the Electricity Act 2003 and Regulations framed thereunder etc. The Commission, after due scrutiny of the complaints had taken up some of them with the utilities concerned with the direction to submit reports. **1098** complaints received by the Commission, **51** cases were redirected to the Ombudsmen for disposal. Commission had actually dealt with **1047** cases at its own level and disposed of all complaints. Since forum for redressal of consumer grievances and the Ombudsmen are now fully functional, Commission was not required to take up any hearing of the complaints lodged with the Commission during 2016-17. Those matters were disposed of on obtaining reports from licensees and advising the

applicants suitably. Only the issues referred to the Commission under section 142 of the Electricity Act, 2003 were dealt with by the Commission as per set procedure.

TABLE - I : CATEGORY-WISE COMPLAINTS OF CONSUMERS AS ON 31.03.2017

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	1119	1280	161	1068	1229	–	51	51
2.	Disconnection without observing procedural formalities	69	242	311	69	242	311	–	–	–
3.	Overcharging for new connection	10	236	246	10	232	242	–	04	04
4.	Non functioning of meters	37	140	177	37	130	167	–	10	10
5.	Delay in providing services	44	1028	1072	44	1019	1063	–	09	09
6.	Delay in giving new connection	151	1994	2145	151	1977	2128	–	17	17
7.	Miscellaneous Representations	575	6020	6595	575	6001	6576	–	19	19
8.	Grand Total	*1047	**10779	11826	1047	10669	11716	–	110	110

*51 cases transferred to the Ombudsmen are not included.

** 102 cases referred to the Commission are included herein.



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

TABLE-II

Authority	Total number of complaints where compensation was allowed	Orders in favour of complainant
Commission	40	439
Ombudsmen	1105	6757
Total	1145	7196

TABLE – III

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

Year	Number of new cases filed	Number of old cases pending	Total no. of cases	Number of cases disposed of (5)			Number of cases pending at the end of the year
				New	Old	Total	
(1)	(2)	(3)	(4)	(a)	(b)	(c)	(6) = 4 - 5(c)
Upto 2008-09	07	Nil	07	07	Nil	07	Nil
2009-10	12	Nil	12	12	Nil	12	Nil
2010-11	02	—	02	01	Nil	01	01
2011-12	26	01	27	11	Nil	11	16
2012-13	34	16	50	16	01	17	33
2013-14	23	33	56	10	06	16	#40
2014-15	17	02	19	05	02	07	*12
2015-16	27	04	31	01	04	05	\$26
2016-17	10	19	29	10	19	29	-
Total	158	75	233	73	32	105	-

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

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

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



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

(a) Tariff

(i) Fixation of Tariff for the year 2017-18

Under the Multi Year Tariff (MYT) framework, all the licensees and two generating companies filed applications before the Commission for approval of Aggregate Revenue Requirement (ARR) for the fifth Control Period covering 01 (one) year i.e. 2017-2018, in terms of the provisions of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended.

TABLE – IV

Sl. No.	Name	Year	Date of admission	Status of Tariff Order
1	WBSEDCL	MYT application for the 5 th control period comprising the year 2017-18	15.02.2017	Under active consideration
2.	DPL	MYT application for determination of tariff for the year 2017-18	20.02.2017	-do-
3.	Haldia Energy Ltd	MYT application for the 5 th Control period comprising the year 2017-18 for the 2x300 MW TPS of HEL	02.03.2017	Tariff Order issued on 27.11.2017
4.	WBPDC	MYT application for determination of tariff for the year 2017-18	27.01.2017	Under active consideration
5.	WBSETCL	MYT application for ARR for 5 th Control period for the year 2017-18	21.02.2017	-do-
6.	DVC	MYT application for determination of tariff for the year 2017-18	Not yet admitted	-do-
7.	CESC Ltd	Application for MYT petition for the 5 th Control period comprising the year 2017-18	20.02.2017	-do-
8.	IPCL	Submission of MYT petition for the year 2017-18	Not yet admitted	Under active consideration



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- (ii) Present status of Tariff petition filed before the Commission in 2014-15, 2015-16 and 2016-17 and Order passed for the year 2016-17 is shown in the Table V below:-

TABLE – V

Sl. No.	Name	Year	Date of admission	Status of Tariff Order
1	DPL	2014-15, 2015-16 and 2016-17	06.03.2014	Tariff Order for 2016-17 issued on 28.10.2016
2.	CESC Ltd.	2014-15, 2015-16 and 2016-17	19.02.2014	Tariff Order for 2016-17 issued on 28.10.2016
3.	IPCL	2014-15, 2015-16 and 2016-17	20.01.2016	Tariff Order for 2014-15 to 2016-17 issued on 21.07.2016 and review order dated 17.02.2017
4.	WBPDC	2014-15, 2015-16 and 2016-17	13.02.2014	Tariff Order for 2016-17 issued on 28.10.2016
5.	WBSETCL	2014-15, 2015-16 and 2016-17	13.03.2014	Tariff Order for 2016-17 issued on 28.10.2016
6.	WBSEDCL	2014-15, 2015-16 and 2016-17	04.03.2014	Tariff Order for 2016-17 issued on 28.10.2016
7.	DVC	2014-15, 2015-16 and 2016-17	15.07.2014	Tariff Order for 2016-17 issued on 03.03.2017

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

- (i) Present status of FPPCA/FCA claims filed before the Commission in 2014-15 is shown in the Table VI below:-

Table – VI

Sl. No.	Name	Date of receipt	Date of admission	Year to which the application relates	Date of order
1.	IPCL	09.09.2014	Not yet admitted	2013-14	Under active consideration
2.	CESC Limited	11.09.2014	30.07.2015	2013-14	Under active consideration
3.	WBSEDCL	10.09.2014	10.08.2015	2013-14	Under active consideration
4.	DPL	16.09.2014	14.08.2015	2013-14	Issued on 16.02.2017
5	WBPDC	18.09.2014	30.07.2015	2013-14	Under active consideration
6	DVC	Not yet submitted			

After scrutiny of the petitions, the petitioners were advised to submit additional information/data, and on receipt of the required data/information the petitions were admitted for further necessary action.

- (ii) Present status of FPPCA/FCA claims filed before the Commission in 2015-16 is shown in the Table VII below:-

Table - VII

Sl. No.	Name	Date of receipt	Date of admission	Year to which the application relates	Date of order
1.	IPCL	09.11.2015	Not yet admitted	2014-15	Under active consideration
2.	CESC Limited	14.09.2015	31.03.2017	2014-15	Under active consideration
3.	WBSEDCL	16.10.2015	17.04.2017	2014-15	Under active consideration
4.	WBPDC	26.11.2015	Not yet admitted	2014-15	Under active consideration
5.	DPL	30.11.2015	29.05.2017	2014-15	Under active consideration
6	DVC	Not yet submitted			



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

Table - VIII

Sl. No.	Name	Date of receipt	Date of admission	Year to which the application relates	Date of order
1.	CESC Ltd	08.09.2016	Not yet admitted	2015-16	Under consideration
2.	WBSEDCL	12.09.2016	Not yet admitted	2015-16	-do-
3.	HEL	21.09.2016	Not yet admitted	2014-15 & 2015-16	-do-
4.	WBPDC	27.10.2016	Not yet admitted	2015-16	-do-
5.	DPL	30.11.2016	Not yet admitted	2015-16	-do-
6	IPCL	15.12.2016	Not yet admitted	2015-16	-do-
7	DVC	Not yet submitted			

(c) 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 along 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 performance from the approved projection.

- (i) Present status of applications for APR filed before the Commission in 2014-15 is shown in the Table IX below:-

Table – IX

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 active consideration
2.	WBSETCL	2013-14	28.11.2014	30.07.2015	Under active consideration
3.	WBSEDCL	2013-14	02.12.2014	10.08.2015	Under active consideration
4.	DPL	2013-14	28.11.2014	14.08.2015	Under active consideration
5.	IPCL.	2013-14	02.01.2015	-	Under active consideration
6	WBPDC	2013-14	02.12.2014	30.07.2015	Under active consideration
7	DVC	Not yet submitted			

- (ii) Present status of applications for APR filed before the Commission in 2015-16 is in the Table X shown below:-

Table – X

Sl. No.	Name	Year	Date of receipt	Date of admission	Date of order
1.	CESC Ltd.	2014-15	30.11.2015	31.03.2017	Under active consideration
2.	WBSETCL	2014-15	30.11.2015	11.04.2017	Under active consideration
3.	WBSEDCL	2014-15	30.11.2015	17.04.2017	Under active consideration
4.	WBPDC	2014-15	30.11.2015	Not yet admitted	Under active consideration
5.	DPL	2014-15	30.11.2015	29.05.2017	Under active consideration
6.	DVC	2009-10 to 2013-14	30.11.2015	Not yet admitted	Under active consideration
7.	DVC	2014-15	23.02.2016	Not yet admitted	Under active consideration



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(iii) Present status of APR filed before the Commission in 2016-17 is in the Table XI shown below:

Table – XI

Sl. No.	Name	Year	Date of receipt	Date of admission	Date of order
1.	WBSEDCL	2015-16	25.11.2016	-	Under active consideration
2.	WBPDCCL	2015-16	29.11.2016	-	Under active consideration
3.	WBSETCL	2015-16	30.11.2016	-	Under active consideration
4.	CESC Ltd.	2015-16	30.11.2016	-	Under active consideration
5.	DPL	2015-16	29.11.2016	-	Under active consideration
6.	IPCL	2014-15	05.12.2015	-	Under active consideration
7.	DVC	2015-16	17.03.2017	-	Under active consideration

(d) Review Petition

Present status of the Review Petitions filed before the Commission in 2012-13 to 2016-17 is shown in the Table XII below:-

Table-XII

Sl.No.	Name	Subject Matter	Date of receipt	Date of order
1.	WBPDCCL	Review of APR Order dt. 05.09.2013 for the year 2011-12	04.11.2013	Under active consideration
2.	WBPDCCL	Review of APR Order dated in Case No. APR-39/13-14 for the FY 2012-13	19.09.2014	Under active consideration
3.	DVC	Review of order dated 25.05.2015 in the matter of determination of retail tariff of DVC for the period 2014-15 to 2016-17	23.07.2015	Petition filed before APTEL challenge the tariff order by the consumers of DVC.
4	IPCL	Review of MYT Order dated 21.07.2017 for the FY 2014-15 to 2016-17	16.12.2016	Issued on 17.02.2017

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

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

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

The present status of Power Purchase Agreement (PPA) filed before the Commission in 2016-17 is shown in the Table XIII below: —

Table – XIII

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)
2016-17	06	04	10	02	01	03	07

9. Grant of license for transmission, distribution and trading in Electricity – No such application as per provisions of law has been received by the Commission during the period under report.

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

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

01 application was received by the Commission during the period 2016-17 under report.

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

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

In accordance with the provisions contained in section 104 of the Electricity Act, 2003 and Rules framed thereunder, the Commission forwarded the accounts, as certified by the Comptroller and Auditor General of India, together with the audit report thereon to the Department of Power & NES, Government of West Bengal for causing the same to be laid



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before the State Legislature. The calendar of events in this regard is shown below in the Table XIV:-

Table- XIV

	Calendar of Events	For the year
		2015-16
i)	Submission of Accounts to the Principal Accountant General (Audit), West Bengal.	04.07.2016
ii)	Issuance of Audit Certificate by the Office of C & A.G.	16.11.2016
iii)	Forwarding the audited and certified accounts before the State Government for laying before the State Legislature.	13.02.2017

Accounts for the year 2016-17 were prepared and submitted for audit on 17.08.2017. Audit of Annual Statement of Accounts for 2015-16 has been conducted by the office of the Accountant General (Economic & Revenue Sector Audit) West Bengal during the period from 04.07.2017 to 11.07.2017.

Sd/- xx xx xx
(Tarun Kumar Mukherjee)
Secretary

Date: 06th March 2018

**Annexure – I**

(See paragraph 2 of this report)

SCHEDULE

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

Sl. No.	Name of the Post	No. of Posts	Scale of Pay *		Category
1.	Secretary	1	37400-60000	10000	Group-A
2.	Advisor	3	37400-60000	10000	Group-A
3.	Joint Advisor	3	37400-60000	8700	Group-A
4.	Director	4	9000-40500	7600	Group-A
5.	Deputy Director	4	9000-40500	6600	Group-A
6.	Assistant Director including one Accounts Officer	5	9000-40500	5400	Group-A
7.	Personal Secretary	3	9000-40500	4800	Group-A
8.	Accountant	1	9000-40500	4400	Group-B
9.	Head Assistant	1	7100-37600	3900	Group-B
10.	Personal Assistant	10	7100-37600	3600	Group-B
11.	Senior Assistant	7	7100-37600	3600	Group-B
12.	Assistant	8	5400-25200	2600	Group-C
13.	Group D officials	8	4900-16200	1700	Group-D

(*) Based on 5th Pay Commission of State of West Bengal for Statutory Bodies, undertakings etc.



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

Dated: 22.11.2016

No WBERC /D-1/Pt –V/

From : Dr. J C Chakraborty, I.A.S (Retd)
Secretary, WBERC

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

Sub: **Revised Estimate for 2016-2017 and Budget Estimate for 2017-2018 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 2016-2017 and budget estimate for the year 2017-2018 with actual for the year 2015-2016 and budget estimate for the year 2016-2017, as required.

Yours faithfully,
Sd/- x x x x x
(J C Chakraborty)
Secretary

Enclo : as stated above(two)



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FORM – I

(See rule 4.)

Revised Estimate for the year 2016-2017 and Budget Estimate for the year 2017-2018 of the West Bengal Electricity Regulatory Commission.

Receipts	Actuals for the year 2015-2016	Budget Estimate for the year 2016-2017	Revised Estimate for the year 2016-2017	Budget Estimate for the year 2017-2018
	Rs.	Rs.	Rs.	Rs.
1. Grants-in-aid from the State Government	-	-	-	-
(i) Grants-in-aid towards salaries	NIL	-	-	-
(ii) Other grants-in-aid	-	10,000	-	-
2. Licence fee	6,22,84,946	4,25,00,000	4,47,00,000	4,50,00,000
3. Other Fees/Receipts including OB	4,46,86,785	3,50,00,000	7,00,00,000	7,50,00,000
Total Receipts	10,69,71,731	7,75,10,000	11,47,00,000	12,00,00,000

Sd/-

Secretary
West Bengal Electricity Regulatory Commission

Dated : 22nd November, 2016



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FORM – II

(See rule 4.)

Expenditure	Actuals for the year 2015-16	Budget Estimate for the year 2016-2017	Revised Estimate for the year 2016-2017	Budget Estimate for the year 2017-2018
Salaries– –				
Pay	1,12,51,935	2,00,00,000	1,83,00,000	2,35,00,000
Dearness Allowance	52,85,236	45,00,000	1,48,00,000	1,25,00,000
House Rent and other allowances	17,46,033	82,00,000	32,00,000	47,00,000
Ad hoc Bonus & Ex-gratia	94,600	1,60,000	75,000	80,000
Other allowances	28,98,309	-	37,00,000	43,00,000
Total Salaries:	2,12,76,113	3,28,60,000	4,00,75,000	4,50,80,000
Wages	44,783	90,000	70,000	90,000
Travel Expenses	2,14,389	8,00,000	7,25,000	8,30,000
Office Expenses	34,97,312	96,00,000	90,00,000	1,10,00,000
Rent, Rates and Taxes	27,74,975	70,00,000	70,00,000	80,00,000
Maintenance	4,73,108	18,00,000	15,00,000	20,00,000
Major/Minor Works	-	41,50,000	50,00,000	60,00,000
Payment for professional and Special services	79,37,027	85,00,000	1,50,00,000	1,75,00,000
Other Charges	29,08,377	77,10,000	70,55,000	90,00,000
Motor Vehicles	8,28,264	-	12,00,000	12,00,000
Tools and Plants/ Machinery and Equipments.	2,26,057	50,00,000	1,86,42,000	1,52,00,000
Total Expenditure	4,01,80,405	7,75,10,000	10,52,67,000	11,59,00,000