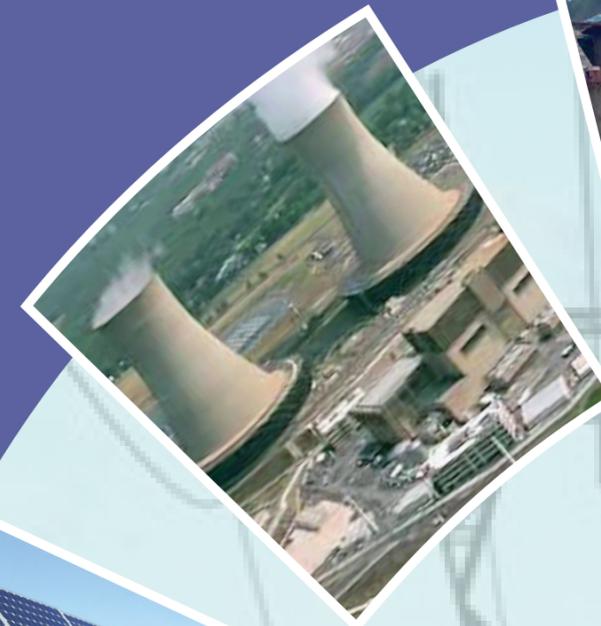




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WEST BENGAL ELECTRICITY REGULATORY COMMISSION



Annual Report 2015-2016



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



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ANNUAL REPORT 2015-2016

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



WEST BENGAL ELECTRICITY REGULATORY COMMISSION

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Annual Report

For the year 2015–2016 (up to 31st March, 2016)

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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 29.12.03]

**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. 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 The Electricity Regulatory Commissions Act, 1998 was repealed by the Electricity Act, 2003 (36 of 2003).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 (afternoon)
- Member – Shri Sujit Dasgupta demitted the office of Member on 01.02.2016 (afternoon) after completion of five years term of holding of office.
- Member – Shri Amitava Biswas took over charge as Member on 13.07.2015

EXISTING MANPOWER STRUCTURE

- Secretary – Shri K. P. Bhar, I.A.S. (Retd) demitted office on 01.02.2016 (afternoon) on attaining the age of 65.
Dr. Jiban Chandra Chakraborty, I.A.S. (Retd) has taken over charge as Secretary in the Commission with effect 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
- Jt. Advisor (Finance) – Shri Ashok Kumar Mukhopadhyay with effect from 09.12.2015 on deputation from DVC.
- Jt. Advisor (Engineering) – Shri Amit Kumar Sil with effect from 06.01.2016 on deputation from DVC.
- Jt. Advisor (Engineering) – Mrs Sutapa Das with effect from 20.01.2016
- Director (Finance) – Shri N. Dawn with effect from 02.07.2013 (forenoon) on deputation from WBSEDCL.
- Director (Engineering) – Shri Anup Kumar Dutta with effect from 18.12.2015 on deputation from WBSEDCL.
- Dy. Director (Engineering) – Shri A. K. Ballav, with effect from 11 July, 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



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Accounts Officer	–	Shri Prabhat Ganguly took over charge as Accounts Officer with effect from 02.01.2012 (forenoon) on contract,
Assistant Director (System Administration)	–	Shri Subrata Saha with effect from 31.12.2015
P.A.	–	7 (on contract)
Accountant	–	1 (on contract) - One Senior Assistant on contract looking after the work of Accountant.
Head Asstt	–	1 (on contract)
Staff on Special Duty & ex-officio Head Asstt	–	1 (on contract)
Sr. Assistant	–	2 (on contract)
Assistant	–	7 (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 licence. 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 held its meetings on 30.07.2015 and 05.11.2015 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 2015-2016

- 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 2015-16 on voltage wise graded Load factor rebate and load factor surcharge.
- As a part of demand side management the Commission allows a special rebate to encourage the 33 KV and 132 KV industrial consumer having monthly consumption above 1.0 MU (for WBSEDCL consumers) to reduce their drawal during peak period and to shift the load to off peak period.
- The Commission is also continuing its special importance in its Tariff Orders issued for the year 2015-16 giving rebate at a rate higher than that was applicable for 2014-15 in each slab of power factor range on high power factor(>97%) to reduce effect of reactive power drawal in the system.



- 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 and to encourage one time payment for three months bill, a special rebate of 10 paise per unit is also continuing for the year 2015-16 (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 has also allowed a rebate of Rs. 5.00 to the consumers who opts for e-bill.
- 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 2015-16.
- To encourage Time of Day (TOD) tariff mechanism in the DSM perspective, the Commission, in its Tariff Orders issued for the year 2015-16, 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 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 02.12.2015 (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 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.

- (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 2015-2016 vide WBERC/D-8/1/0395 dated 29.6.2015. 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 No. WBERC/B-68/SAFIR/2/0511 dated 24.07.2015 for the year 2015-16.
- (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 2015-16 vide No. WBERC/A-14/7/2/0396 dated 29.06.2015.

(h) **Status of Court Cases upto 2015-16:—**

Position as on 31.03.2016 is:—

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

Before the Hon'ble Supreme Court - Five (Disposed of - Five. Pending - Nil).



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- (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 - Eighteen, Pending - Two).

- (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 - Sixty two (Disposed of - Forty One, Pending - Twenty One).

- (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 2014-2015	95	60	35
2015-2016	05	1	04
Total	100	61	39

*Disposal upto July 2016 has been reported.

- (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 2014-2015	643	431	212
2015-2016	179	11	168
Total	822	442	380

* Disposal upto July 2016 has been reported.



(i) Other Applications:

The position of Other Applications filed before the Commission in 2015-16 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)
2015-16	20	13	33	03	02	05	28

(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.

Functioning of the Grievance Redressal Mechanism :

Grievances / complaints of the electricity consumers under the jurisdiction of West Bengal Electricity Regulatory Commission are redressed through three tier mechanism. 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 in this connection has been framed and is in force.

Ombudsman & Redressal of Grievances of Consumers:

In terms of the provisions of the Regulation, 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. Accordingly, 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 / her grievance(s) to such Grievance Redressal Officers for in the form of submission of a grievance petition in writing in accordance with the provisions of the Regulation.** 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 / her 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 / she may move the Ombudsman representing his / her 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-I/10, EP & GP Block, Sector-V, Salt Lake, Kolkata -700 091 at the usual office hours on all the working days in a week.



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Complaints against the licensees are lodged by the consumers to the Ombudsmen of the Commission with regard to their grievances on wrong security deposit, excess billing, incorrect disconnection, non-receipt of meter, non-compliance of provisions of the Electricity Act 2003 and Regulations framed thereunder. The Ombudsmen after due hearing of the complaints dispose off the complaints. Only the issues referred to the Commission under section 142 of the Electricity Act. 2003 are dealt by the Commission as per procedure

Since inception in June 2004, the Ombudsmen have dealt with the following consumer grievances upto financial year 2014 -15:-

Grievance against	No. of complaints		
	Received	Disposed off	Pending
WBSEDCL	9100	9012	88
CESC Ltd.	1304	1299	05
DPL	08	08	–
SHRELCOP	36	36	–
IPCL (Formerly known as DPSC Ltd.)	03	03	–
DVC	02	02	–
Total	10453	10360	93

During 2015-16 the Ombudsmen received 354 cases. The cumulative number of cases at the end of financial year 2015-16 stood at 945 (591 pending cases and 354 new cases). As of 31.03.2016, 852 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.



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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 2015-16. 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 31.03.2015

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	965	1126	161	945	1106	–	20	20
2.	Disconnection without observing procedural formalities	69	238	307	69	235	304	–	03	03
3.	Overcharging for new connection	10	224	234	10	223	233	–	01	01
4.	Non functioning of meters	37	127	164	37	124	161	–	03	03
5.	Delay in providing services	44	1002	1046	44	998	1042	–	04	04
6.	Delay in giving new connection	151	1960	2111	151	1946	2097	–	14	14
7.	Miscellaneous Representations	575	5937	6512	575	5889	6464	–	48	48
8.	Grand Total	*1047	**10453	11500	1047	10360	11407	–	93	93

*51 cases transferred to the Ombudsman not included.

** 102 cases referred to the Commission included herein.



(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
Ombudsman	1095	6595
Total	1135	7034

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
Total	148	-	-	63	13	76	-

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.



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) 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.

Table - IV

Sl. No.	Name	Year	Date of admission	Status of Tariff Order
1.	DPL	2014-15, 2015-16 and 2016-17	06.03.2014	ARR for all 3 years i.e. 2014-15, 2015-16 and 2016-17 and tariff order for 2014-15 was issued on 04.03.2015 and Tariff Order for 2015-16 issued on 23.06.2015.
2.	CESC Ltd.	2014-15, 2015-16 and 2016-17	19.02.2014	ARR for all 3 years i.e. 2014-15, 2015-16 and 2016-17 and tariff order for 2014-15 was issued on 04.03.2015 and Tariff Order for 2015-16 issued on 10.08.2015.
3.	IPCL	2014-15, 2015-16 and 2016-17	20.01.2016	Under consideration. **



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Sl. No.	Name	Year	Date of admission	Status of Tariff Order
4.	WBPDC	2014-15, 2015-16 and 2016-17	13.02.2014	ARR for all 3 years i.e. 2014-15, 2015-16 and 2016-17 and tariff order for 2014-15 was issued on 04.03.2015 and Tariff Order for 2015-16 issued on 19.06.2015.
5.	WBSETCL	2014-15, 2015-16 and 2016-17	13.03.2014	ARR for all 3 years i.e. 2014-15, 2015-16 and 2016-17 and tariff order for 2014-15 was issued on 04.03.2015 and Tariff Order for 2015-16 issued on 22.06.2015.
6.	WBSEDCL	2014-15, 2015-16 and 2016-17	04.03.2014	ARR for all 3 years i.e. 2014-15, 2015-16 and 2016-17 and tariff order for 2014-15 was issued on 04.03.2015 and Tariff Order for 2015-16 issued on 10.08.2015.
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	Issued on 29.01.2016
10.	Haldia Energy Ltd.	Determination of ARR & Tariff for the yrs. 2014-15 to 2016-17 for the 2×300 MW coal based TPP at Haldia	05.09.2014	Issued on 29.01.2016



****Tariff Order passed on 21.07.2016 for the years 2014-2015, 2015-2016 and 2016-2017**

(b) Wheeling Charges – For the year 2015-16.

The Commission passed Orders on Wheeling Charges applicable for 2015-16 in respect of the following distribution licensees on the dates as shown against each in the Table – V

Table – V

Sl. No.	Distribution Licensee	Year	Order dated
1.	CESC Ltd.	2015-16	29.10.2015
2.	WBSEDCL	2015-16	30.10.2015
3.	DPL	2015-16	29.10.2015

(c) 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	—	2013-14	Under examination
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.	WBPDCL	18.09.2014	30.07.2015	2013-14	Under active consideration
5.	DPL	16.09.2014	14.08.2015	2013-14	Under active consideration

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	—	2014-15	Under examination
2.	CESC Limited	14.09.2015	—	2014-15	do
3.	WBSEDCL	16.10.2015	—	2014-15	do
4.	WBPDC	26.11.2015	—	2014-15	do
5.	DPL	30.11.2015	—	2014-15	do

(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 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 VIII below:-

Table - VIII

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.	WBPDC	2013-14	02.12.2014	30.07.2015	Under active consideration
5.	DPL	2013-14	28.11.2014	14.08.2015	Under active consideration
6.	IPCL	2013-14	02.01.2015	-	Under examination



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

Table - IX

Sl. No.	Name	Year	Date of receipt	Date of Admission	Date of order
1.	CESC Ltd.	2014-15	30.11.2015	-	Under examination
2.	WBSETCL	2014-15	30.11.2015	-	do
3.	WBSEDCL	2014-15	30.11.2015	-	do
4.	WBPDC	2014-15	30.11.2015	-	do
5.	DPL	2014-15	30.11.2015	-	do
6.	DVC	2009-2010 to 2013-14	30.11.2015	-	do
7.	DVC	2014-15	23.02.2016	-	do

(f) Review Petition

Present status of the Review Petitions filed before the Commission in 2012-13 to 2015-16 is shown in the Table X below:-

Table - X

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 active consideration
2.	WBPDC	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	Under active consideration

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

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

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

The present status of Power Purchase Agreement (PPA) filed before the Commission in 2015-16 is shown in the Table XI below :—

Table - XI

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)
2015-16	03	04	07	02	01	03	04

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

One application was received from India Power Corporation Ltd., (IPCL) on 18.11.2015 but not yet disposed of.

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

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

No such application was received by the Commission during the period 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 before the State Legislature. The calendar of events in this regard is shown below in the Table XII:-



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Table - XII

	Calender of Events	For the year 2014-15
i)	Submission of Accounts to the Principal Accountant General (Audit), West Bengal.	26.06.2015
ii)	Issuance of Audit Certificate by the Office of C & A.G.	20.11.2015
iii)	Forwarding the audited and certified accounts before the State Government for laying before the State Legislature.	28.06.2016
iv)	Laying of audited and certified accounts before the State Legislature by the State Government.	04.07.2016

Accounts for the year 2015-16 were prepared and submitted for audit on 05.07.2016. 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 12.07.2016 to 20.07.2016.

Sd/- xxx

(Jiban Chandra Chakraborty)

Secretary

Date: 28th September, 2016



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

* Pay scales prior to introduction of the Pay Scales w.e.f 01.09.2009 on the recommendation of the Fifth State Pay Commission (FSPC).



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/

Dated - 02.12.2015

From : Shri K.P. Bhar, IAS (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 2015-2016 and Budget Estimate for 2016-2017 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 2015-2016 and budget estimate for the year 2016-2017 with actuals for the year 2014-2015 and budget estimate for the year 2015-2016, as required.

Yours faithfully,

Sd/- X X X X X

(K P Bhar)
Secretary

Enclo : as stated above (Two).

**FORM I**

(See rule 4.)

**Revised Estimate for the year 2015-2016 and Budget Estimate
for the year 2016-2017 of the West Bengal Electricity Regulatory Commission.**

Sl. No.	Receipts	Actuals for the year 2014-2015	Budget Estimate for the year 2015-2016	Revised Estimate for the year 2015-2016	Budget Estimate for the year 2016-2017
		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	3,65,45,878	3,75,00,000	6,00,00,000	4,25,00,000
3.	Other Fees/Receipts including OB	6,04,32,297	3,35,10,000	3,25,00,000	3,50,00,000
	Total Receipts	9,69,78,175	7,10,20,000	9,25,10,000	7,75,10,000

Sd/-

(K. P. Bhar)
Secretary

West Bengal Electricity Regulatory Commission

Dated : 2nd December, 2015



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FORM II (See rule 4.)

Expenditure	Actuals for the year 2014-15	Budget Estimate for the year 2015-2016	Revised Estimate for the year 2015-2016	Budget Estimate for the year 2016-2017
	Rs.	Rs.	Rs.	Rs.
Salaries –				
Pay	89,98,477	1,98,00,000	1,98,00,000	2,00,00,000
Dearness Allowance	31,18,624	40,00,000	40,00,000	45,00,000
House Rent and other allowances	61,43,017	75,00,000	80,00,000	82,00,000
Ad hoc Bonus & Ex-gratia	1,02,000	1,30,000	1,50,000	1,60,000
Total Salaries:	1,83,62,118	3,14,30,000	3,19,50,000	3,28,60,000
Wages	42,414	90,000	90,000	90,000
Travel Expenses	1,64,220	7,00,000	7,00,000	8,00,000
Office Expenses	37,39,272	95,00,000	95,00,000	96,00,000
Rent, Rates and Taxes	42,15,000	65,00,000	65,00,000	70,00,000
Maintenance	5,59,263	16,00,000	18,00,000	18,00,000
Major/Minor Works	-----	5,00,000	40,00,000	41,50,000
Payment for Professional and Special Services	35,85,048	85,00,000	85,00,000	85,00,000
Other Charges	31,62,138	72,00,000	75,00,000	77,10,000
Motor Vehicles	-----	-----	12,50,000	-----
Tools and Plants/ Machinery and Equipments	55,272	50,00,000	50,00,000	50,00,000
Total Expenditure	3,38,84,745	7,10,20,000	7,67,90,000	7,75,10,000
Surplus (+)	-----		(+) *1,57,20,000	-----
G. Total	3,38,84,745	7,10,20,000	9,25,10,000	7,75,10,000



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* 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. 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

Dated : 02 December, 2015.

West Bengal Electricity Regulatory Commission