

NDOH: 12-9-25

**BEFORE THE HON'BLE APPELLATE TRIBUNAL FOR
ELECTRICITY AT NEW DELHI
(APPELLATE JURISDICTION)**

OP NO. 01 OF 2025

IN THE MATTER OF:

In Suo-Motu action under Section 121 of the EA

...Appellant

Versus

Forum of Regulators & Ors.

... Respondents

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1.	Affidavit for Placing on Record Information on behalf of the Respondent No. 18, WBERC, in compliance of the order dated 29.08.2025 by this Hon'ble Tribunal	1-6

Filed Through:



Ms. Mandakini Ghosh

(Advocate for the Respondent No. 18, WBERC)

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New Delhi-110024

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Email: mandakini.ghosh@gmail.com

Place: New Delhi

Date: 10.09.2025

BEFORE THE APPELLATE TRIBUNAL FOR ELECTRICITY

AT NEW DELHI

[ORIGINAL JURISDICTION]

O.P. NO. 1 OF 2025 & IA No. 1280 OF 2025 & IA No. 1281 OF 2025 &
IA No. 1290 OF 2025 & IA No. 1291 OF 2025

IN THE MATTER OF:

SUO-MOTU ACTION UNDER SECTION 121 OF THE ELECTRICITY ACT, 2003

.... PETITIONER

VERSUS

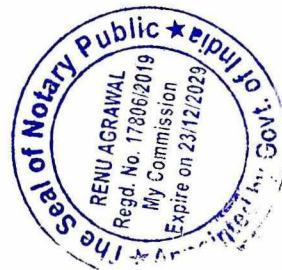
FORUM OF REGULATORS & ORS.

.... RESPONDENTS

AFFIDAVIT FOR PLACING ON RECORD INFORMATION ON BEHALF OF
RESPONDENT NO. 18/WEST BENGAL ELECTRICITY REGULATORY
COMMISSION (WBERC) IN COMPLIANCE OF THE ORDER DATED 29.08.2025 BY
THIS HON'BLE TRIBUNAL

I, Arnab Dey, S/o Biswanath Dey, R/o Kolkata, having office at Respondent No. 18/ West Bengal Electricity Regulatory Commission, AII/5 (2nd and 4th Floor), Premises No: MAR 16-1111, Action Area-1A, New Town, Kolkata-700163, currently in New Delhi do hereby solemnly affirm and declare as under:

1. That I am working as the Deputy Director (Engineering) of the Respondent No. 18/ West Bengal Electricity Regulatory Commission (hereinafter, **Respondent No. 18/WBERC**) and I am fully conversant with facts and circumstances of the present case, based on the documents and records available in the office, hence competent to swear this affidavit.



2. That the Hon'ble Tribunal, vide its order dated 29.08.2025 in the captioned petition, directed as under

" We, therefore, direct all the Regulatory Commissions to file their respective affidavit within two weeks from today furnishing details of (a) the Regulatory Assets with respect to each Discoms, within their jurisdiction, as on 01.04.2024; (b) the Revenue Gap (whether carried forward or not) as reflected in each ARR up to 01.04.2024; (c) the trajectory/ roadmap for liquidation of these Regulatory Assets/ ending the revenue gap up to 01.04.2024, so as to ensure that the entire Regulatory Assets/ Revenue Gap is liquidated latest by 31.03.2028; (d) the steps taken by each of the Commissions to commence an intensive audit of the circumstances in which the Distribution Companies, operating within their jurisdiction, have continued to function without recovery of the Regulatory Assets/ Revenue Gap; and (e) the year up to which each of these Commissions have passed true up/ ARR orders with respect to each of the Distribution Companies within their jurisdiction.

The said affidavit shall be filed in the Registry of this Tribunal latest by 11.09.2025. Besides filing the afore-said affidavit in the Registry of this Tribunal, each of the Commissions shall also upload a copy of the said affidavit on their respective websites for information of the general public/ distribution companies, latest by 11.09.2025. "

3. That in compliance with the said directions, **Respondent No. 18/ WBERC** respectfully submits as under:

(A) Regulatory Assets with respect to each DISCOMS within their jurisdiction as on 01.04.2024

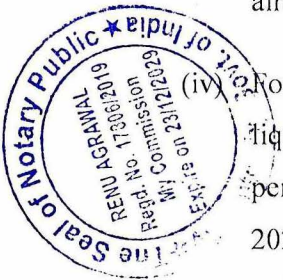
Table - 1

Particulars	Figures in Rs. Lakh			
	WBSEDCL	CESC	DVC	IPCL
Regulatory Asset as on 01.04.2024	393436	41593	165653	3750
Regulatory Asset created after 01.04.2024	592123	18399	33935	2490
Carrying Cost	21116	12904	43046	
Total Regulatory Asset	1006675	72895	242634	6240
Regulatory Asset liquidated in FY 2024-25	213767	32086	61535	0
Regulatory Asset liquidated in FY 2025-26	436952	40809	162150	0
Total Regulatory Asset liquidated up to 31.03.2025	650719	72895	223685	0
Balance Regulatory Asset as on date	355957	0	18949	6240



Note: The Regulatory Assets created by **Respondent No. 18/ WBERC** during the true-up orders are being liquidated in a regular manner as detailed below during determination of tariff as per the provisions of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended from time to time:

- (i) For WBSEDCL, the Regulatory Asset as on 01.04.2024 shown in the Table above pertains to part recoverable amount of APR and FPPCA (true-up) Orders for 2020 – 21 and the same was liquidated in 2024 – 25 and 2025 – 26 along with carrying cost. The Regulatory Asset created after 01.04.2024 pertains to recoverable amount of true up orders for 2021 – 22 and 2022 – 23. The recoverable amount for 2021 – 22 and a part recoverable amount for 2022 – 23 has already been liquidated in 2025 – 26 along with carrying cost.
 - (ii) For CESC, the Regulatory Asset as on 01.04.2024 shown in the Table above pertains to part recoverable amount for APR and FPPCA (true-up) Orders for 2018 – 19 and the same was liquidated in 2024 – 25 and 2025 – 26 along with carrying cost. The Regulatory Asset created after 01.04.2024 pertains to recoverable amount of true up order for 2019 – 20. The recoverable amount for 2019 – 20 has already been liquidated in 2025 – 26 along with carrying cost.
 - (iii) For DVC, the Regulatory Asset as on 01.04.2024 shown in the Table above pertains to part recoverable amount for APR and FPPCA (true-up) Orders for 2017 – 18 and recoverable amount of 2018 – 19 and 2019 – 20 and the same was liquidated in 2024 – 25 and 2025 – 26 along with carrying cost. The Regulatory Asset created after 01.04.2024 pertains to recoverable amount of true up order for 2020 – 21 and 2021 – 22. The recoverable amount for 2020 – 21 and a part recoverable amount for 2021 – 22 has already been liquidated in 2025 – 26 along with carrying cost.
 - (iv) For IPCL, recoverable amount for true up orders upto 2019 – 20 has already been liquidated in 2023 – 24. The Regulatory Asset as on 01.04.2024 shown in the Table above pertains to a Revenue Gap arising due to continuation of existing tariff of 2022 – 23 for 2023 – 24. The Regulatory Asset created after 01.04.2024 pertains to review of true up order for 2018 – 19 and 2019 – 20.
- (B) **The Revenue Gap (whether carried forward or not) as reflected in each ARR up to 01.04.2024.**



During determination of tariff, the Commission generally do not create any revenue gap as the recoverable or refundable amounts of the true up orders are adjusted with the Aggregated Revenue Recoverable for the year, except for the circumstances mentioned in respect of IPCL above.

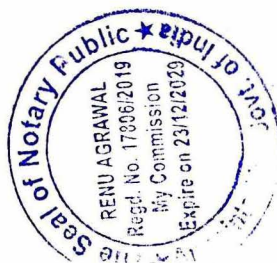
(C) The Trajectory/ roadmap for liquidation of these Regulatory Asset/ ending the revenue gap up to 01.04.2024, so as to ensure that the entire Regulatory Assets/ Revenue Gap is liquidated by 31.03.2028

As stated above, the Regulatory Assets created by **Respondent No. 18/WBERC** during the true-up orders are being liquidated in a regular manner during determination of tariff as per the provisions of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended from time to time. Further, in compliance to the direction of the Hon'ble Supreme Court in para 71(vi) of the Judgment dated 06.08.2025, the Commission will liquidate the balance regulatory assets or revenue gaps existing as on date by 31.03.2028 duly considering the revenue recoverable of the DISCOMs and the impact of tariff of the consumers for the years 2026 – 27 and 2027 – 28. However, a tentative trajectory has been shown below by liquidating the Regulatory Asset equally for 2026 – 27 and 2027 – 28.

Table - 2

Trajectory / Roadmap for liquidation	Figures in Rs. Lakh			
	WBSEDCL	CESC	DVC	IPCL
Balance Regulatory Asset existing as on date	355957	0	18949	6240
Regulatory Asset liquidation target FY 2026-27	177978	0	9474	3120
Regulatory Asset liquidation target FY 2027-28	177978	0	9474	3120
Note: The Regulatory Asset for IPCL includes a Revenue Gap of Rs. 3750 Lakh arose due to continuation of tariff of 2022 – 23 to 2023 – 24. Such amount will change after true up for 2023 – 24.				

(D) The steps taken by the Commissions to commence an intensive audit of the circumstances in which the Distribution Companies, operating within their jurisdiction, have continued to function without recovery of the Regulatory Assets/ Revenue Gap



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To comply with the direction of the Hon'ble Supreme Court in para 71(vi) of the Judgment dated 06.08.2025, the **Respondent No. 18/WBERC** will initiate proceedings under Section 94 of the Electricity Act, 2003.

(E) The year up to which the Commissions have passed true up / ARR orders with respect to each of the Distribution Companies within their jurisdiction

A tabulated summary of the year up to which the true up orders with respect to the Distribution Companies have been issued by the **Respondent No. 18/ WBERC** is given below:

Table - 3

Distribution Company	Year upto which ARR Order is issued	Year upto which True Up Order is issued	Pending True Up Orders
WBSEDCL	2025 - 26	2022 - 23	2023 - 24
CESC	2025 - 26	2019 - 20	2020 - 21 to 2023 - 24
DVC	2025 - 26	2021 - 22	2022 - 23 and 2023 - 24
IPCL	2025 - 26	2019 - 20	2020 - 21 to 2022 - 23
Note: IPCL has not submitted the True-Up petition for 2023 - 24 till date.			

4. It is humbly submitted that **Respondent No. 18/WBERC** has always acted bona fide and in a diligent manner. Further in compliance to the order dated 29.08.2025 of Hon'ble Tribunal, **Respondent No. 18/WBERC** has also uploaded a copy of this affidavit in its website at www.wberc.gov.in for information of the general public/ distribution companies. **Respondent No. 18/WBERC** will provide any requisite information to the Hon'ble Tribunal as will be sought during the proceedings of this Suo Motu action.



DEPONENT

Deputy Director (Engineering)
West Bengal Electricity Regulatory Commission

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VERIFICATION

I, Arnab Dey, solemnly affirm that the contents of paragraphs 1 - 4 are true to my personal knowledge / derived from the official record and are believed to be true, and that I have not suppressed any material fact.

I identified the deponent who
has signed in my presence
Adv. Paragjit Ghosh

Place: New Delhi

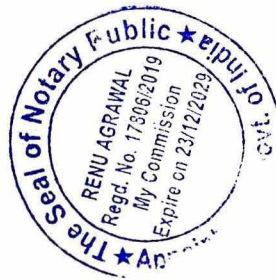
Date: 10-09-2025
10 SEP 2025



DEPONENT

WBERC/Respondent No. 18

Deputy Director (Engineering)
West Bengal Electricity Regulatory Commission



ATTESTED
NOTARY PUBLIC
(INDIA)

10 SEP 2025