



सत्यमेव जयते

**ORDER
OF THE
WEST BENGAL ELECTRICITY REGULATORY COMMISSION**

IN CASE NO. TP (R) – 40/ 21 - 22

IN REGARD TO THE PETITION UNDER SECTION 94(1)(F) OF THE
ELECTRICITY ACT, 2003 READ WITH REGULATION 3.3 OF THE
WEST BENGAL ELECTRICITY REGULATORY COMMISSION
(CONDUCT OF BUSINESS) REGULATIONS, 2013 READ WITH
ORDER 47 RULE 1 OF THE CODE OF CIVIL PROCEDURE, 1908
SEEKING REVIEW OF THE ORDER DATED 08.10.2021 PASSED BY
THE COMMISSION IN CASE NO. TP – 95/20 – 21

PRESENT:

**SRI MALLELA VENKATESWARA RAO, CHAIRPERSON
SRI PULAK KUMAR TEWARI, MEMBER**

DATE: 23.11.2022



Facts in brief:

- 1.0 The West Bengal Power Development Corporation Limited (WBPDCCL) has submitted a petition in terms of section 94(1)(f) of the Electricity Act, 2003 read with regulation 3.3 of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 seeking review of the order dated 08.10.2021 in Case No. TP – 95/ 20 – 21 (hereinafter referred as 'the Tariff Order') passed by the West Bengal Electricity Regulatory Commission for determination of tariff for the financial years 2020 – 21, 2021 – 22 and 2022 – 23.
- 2.0 In their review petition, WBPDCCL has submitted that, there are errors apparent on the face of the record in the Tariff Order of the Commission and accordingly, they are filing the review petition with a prayer to admit the petition and review the Tariff Order to the extent indicated in the petition. WBPDCCL in their petition inter-alia put forward the following issues for review:
- A. Erroneous consideration of Station Heat Rate in respect of Sagardighi Thermal Power Station Stage II;
 - B. Non-consideration of actual Fuel Cost for 2020 – 21 and 2021 – 22 and at the same time not allowing the claim of Monthly Fuel Cost Adjustment during the said period;
 - C. Error in calculation of Employee Cost;
 - D. Error in computation of Coal and Ash Handling Expenses;
 - E. Reconsideration of the allowable Water Expenses in view of revised rate of DVC water;
 - F. Error in computation of Operation and Maintenance Expenses;
 - G. Reconsideration of Insurance Premium in light with documents submitted;
 - H. Error in computation of rate of interest while computing Interest on Capital Borrowings;
 - I. Disallowance of Interest on Temporary Accommodation;
 - J. Improper consideration of Equity Base and computation of Return on Equity;
 - K. Error in adoption of rate of interest while computing Interest on Working Capital;
 - L. Non-consideration of expenses incurred on 'License and Registration Fees';
 - M. Non-consideration of expenses for compliance of 'Environmental Norms'



Observations of the Commission:

3.0 Now, the Commission proceeds to find whether any case for review has been made out by the Review Petitioner in terms Section 114 read with Order 47 Rule 1 of Code of Civil Procedure, 1908 (CPC). According to CPC, a person aggrieved by order of a Court can file review on the following grounds, if no appeal against the said order has been filed:

- (a) Discovery of new and important matter of evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him when the decree was passed or order made.
- (b) On account of some mistake or error apparent on the face of record; and
- (c) For any other sufficient reason.

In this connection, reference could be made to the following judgements:

- (a) In **Lily Thomas & Ors. vs. Union of India & Ors. [(2000) 6 SCC 224]** Judgment, the Hon'ble Supreme Court has held as under:

"56. It follows, therefore, that the power of review can be exercised for correction of a mistake and not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated as an appeal in disguise. The mere possibility of two views on the subject is not a ground for review...."

- (b) In **Union of India vs. Sandur Manganese and Iron Ores Limited & others {(2013) 8 SCC 337}**, the Hon'ble Supreme Court has held as under:

"23. It has been time and again held that the power of review jurisdiction can be exercised for the correction of a mistake and not to substitute a view. In Parsion Devi & Others Vs. Sumitri Devi & Others, this Court held as under:

"9. Under Order 47 Rule 1 of CPC, a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has limited purpose and cannot be allowed to be "an appeal in disguise."



- (c) In **M/S Goel Ganga Developers India Pvt. Ltd. vs. Union of India 2018 SCC Online SC 930**, the Hon'ble Supreme Court has held as under:

"In this behalf, we must remind ourselves that the power of review is a power to be sparingly used. As pithily put by Justice V.R. Krishna Iyer, J., "A plea for review, unless the first judicial view is manifestly distorted, is like asking for the moon"

2. The power of review is not like appellate power. It is to be exercised only when there is an error apparent on the face of the record. Therefore, judicial discipline requires that a review application should be heard by the same Bench. Otherwise, it will become an intra-court appeal to another Bench before the same court or tribunal. This would totally undermine judicial discipline and judicial consistency"

4.0 The review sought by WBPDCCL on the items mentioned in paragraph 2.0 above have been discussed below:

A. Erroneous consideration of Station Heat Rate in respect of Sagardighi Thermal Power Station Stage II:

Submission of WBPDCCL:

WBPDCCL inter-alia submitted that, the Commission has fixed the Station Heat Rate (SHR) in respect of Sagardighi Thermal Power Station Stage II as 2276 kCal/kWh in the Tariff Order considering the normative SHR specified in West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended from time to time. However, WBPDCCL had submitted an application on 08.02.2021 which is registered in Case No. OA – 362/ 20 – 21 wherein they had prayed to revise the normative SHR to 2433 kCal/kWh based on the performance guarantee test reports and applying multiplying factor of 1.065 thereto.

WBPDCCL submitted that unless necessary correction in the Station Heat Rate is done at the stage of tariff determination, it will have a continuing impact on review petitioner's tariff and impact in its working capital requirement and other factors.

Observation of the Commission:

The Commission observes that the matter has already been dealt with while disposing of the application of WBPDCCL in Case No. OA – 362/ 20 – 21. In the said order, the Commission has considered the Station Heat Rate of SgTPS Stage II as 2424 kCal/kWh instead of 2276 kCal/kWh as mentioned in the Tariff Regulations



and decided that, the effect of the enhanced Station Heat Rate would be given by the Commission at the time of determination of APR/ FCA of WBPDCCL for the years from 2016 – 17 to 2022 – 23.

Hence, no further action is required on this issue under this review petition.

B. Non consideration of actual Fuel Cost for 2020 – 21 and 2021 – 22 and at the same time not allowing the claim of Monthly Fuel Cost Adjustment during the said period:

Submission of WBPDCCL:

WBPDCCL inter-alia submitted that, in paragraph 3.1.6 of the tariff order the Commission had computed the fuel cost based on the projections submitted in the tariff petition without considering actual cost as per MFCA with a direction to take recourse of MFCA in case there arises any variation in fuel price in future apart from fuel price considered in the order. Whereas in paragraph 6.4 of tariff order it is stated that approved fuel cost includes MFCA. WBPDCCL submitted that, this is error on the face of the order and needs to be reviewed.

WBPDCCL further submitted that, they have claimed MFCA on actual fuel cost as allowed under Tariff Regulations pending finalization of tariff order. Now, if the MFCA is not allowed in terms of 6.4 and actual cost of fuel is also not reflected in energy charge, they will suffer a huge loss and have to refund about Rs. 1935 Crore to its beneficiary in terms of paragraph 6.5 of the tariff order. This is denying the legitimate right of claiming MFCA under regulation by the petitioner and will have a cascading effect to their working capital requirements.

Observation of the Commission:

The Commission observes that a Corrigendum Order dated 31.03.2022 has been issued by amending the paragraph 6.4 of the Tariff Order. The said order has already addressed the issue raised by WBPDCCL.

Hence, no further review on the matter is required.



C. Error in calculation of Employee Cost:

Submission of WBPDCCL:

WBPDCCL inter-alia submitted that, as the tariff order was passed on 08.10.2021, i.e., after completion of the year 2020-21, the Commission should have considered the actual figures of employee cost for 2020-21.

WBPDCCL further submitted that, as the projected figures for 7th control period is based on admitted figure of 2019-20 as per 6th MYT order and not as per the actual figures of 2019-20, it has resulted in a cascading effect of projections with inherent inaccuracies. WBPDCCL mentioned that, they have already placed review petition regarding error for employee cost computation in 6th MYT order (i.e 2018-19 and 2019-20).

WBPDCCL further submitted though some principles are mentioned in paragraph 4.5.4 of the order regarding 3% increment, 10% DA, consideration of funds, etc. but, in absence of computational details, WBPDCCL is unable to reconcile the difference between submitted figures of Employee Cost of 2020 - 21 vis-a-vis the admitted Employee Cost. Further, WBPDCCL submitted that, the Commission has erred by not allowing 10% DA for 2021-22 and 2022-23, though principally agreed in para 4.5.4 of the tariff order.

Observation of the Commission:

The Commission observes that as per the Tariff Regulations, figures for base year (year just preceding the control period) is estimated based upon the actuals & trends of past years (period prior to base year). Then using the estimated figures of base year and past trend the figures of ensuing years are determined.

For 7th MYT, 2019-20 is the base year, so in terms of regulation the actual figures of 2018-19 is required to be considered to estimate the figures of 2019-20. In 6th MYT order, actual employee cost of 2018-19 was considered to arrive at estimated employee cost of 2019-20, hence the same estimated employee cost of 2019-20 was considered for projecting employee cost for years under 7th control period.

Regarding submission of WBPDCCL on the review petition for the 6th MYT Order, the Commission observed that it had already disposed of the review petition vide



order dated 06.05.2022 in Case No. TP (R) – 37/ 21 – 22. In the said order, the Commission has revised the employee cost of WBPDCCL for the year 2019 – 20. Now, the Commission proceeds to recompute the admissible employee cost for the years 2020 – 21, 2021 – 22 and 2022 – 23 based on such revised admissible cost of 2019 – 20.

With regard to WBPDCCL's submission of not allowing 10% DA for 2021 – 22 and 2022 – 23, the Commission observes that 10% DA was considered in the Tariff Order though the component wise details were not annexed.

In view of the above, the admissible Employee Cost has been recomputed in Annexure-A showing component wise break-up. Thus, the employee cost of WBSEDCL has been enhanced by Rs. 761.85 lakh, Rs. 897.38 lakh and Rs. 1046.93 lakh for 2020 – 21, 2021 – 22 and 2022 – 23 respectively. The station wise impact of revised Employee Cost is as below:

Impact of revised Employee Cost									
									Figures in Rs Lakh
Sl No	Particulars	KTPS	BKTPS	BTPS Stg I	BTPS Stg II	STPS	SgTPS Stg I	SgTPS Stg II	Total
For the YEAR		2020-21							
1	Employee Cost as per the Tariff Order	14612.58	16935.08	2375.54	4252.33	12516.23	6580.86	10420.43	67693.05
2	Revised Employee Cost (Annex-A)	14987.75	17023.64	2354.25	4214.89	12490.24	6602.69	10781.44	68454.90
3	Increase in Employee Cost (2 – 1)	375.17	88.56	-21.29	-37.44	-25.99	21.83	361.01	761.85
For the YEAR		2021-22							
1	Employee Cost as per the Tariff Order	15051.12	17443.14	2446.81	4379.89	12891.73	6778.29	10733.02	69724.00
2	Revised Employee Cost (Annex-A)	15437.39	17534.36	2424.86	4341.35	12919.38	6819.95	11144.09	70621.38
3	Increase in Employee Cost (2 – 1)	386.27	91.22	-21.95	-38.54	27.65	41.66	411.07	897.38
For the YEAR		2022-23							
1	Employee Cost as per the Tariff Order	15502.72	17966.43	2520.21	4511.3	13278.47	6981.62	11055.04	71815.79
2	Revised Employee Cost (Annex-A)	15900.49	18060.34	2497.61	4471.58	13365.64	7045.85	11521.21	72862.72
3	Increase in Employee Cost (2 – 1)	397.77	93.91	-22.60	-39.72	87.17	64.23	466.17	1046.93



D. Error in computation of Coal and Ash Handling Expenses:

Submission of WBDPCL:

WBDPCL submitted that, the Commission did not consider the actual expenditure for 2019 - 20 for computing the expenses of ensuing years of 7th control period. Rather it was computed based on the actual expenditure for 2016 - 17 and an escalation factor has been applied. It is further submitted that the base amount on which normative escalation is being calculated should be trued up so as to account for actual expenditure till 2019 - 20.

WBDPCL also submitted that the Commission has applied the average inflation rate of 7.24% instead of 7.54% to arrive at the expenditure of coal and ash handling charges for 2020 - 21.

Observation of the Commission:

In the Tariff Order, admissible Coal & Ash handling expenses for the 7th control period has been computed based on the admitted amount for 2019-20 in the 6th MYT order vis-à-vis the normative level of generation after applying suitable escalation factor. The rationale behind considering admitted figures in 6th MYT order of 2019-20 for computing coal & ash handling expenses for 7th control period has been elaborated in the tariff order itself and thus, review of such decision does not come under section 94(1)(f).

Regarding the issue of error in applying escalation factor, the Commission observed that, escalation factor of 7.54% has been correctly applied over the admitted value of 2019-20 in 6th MYT order, but 2019-20 being a leap year a simple ratio appears as 7.24% to the petitioner.

However, in view of revision in the Coal & Ash handling charges for 2019-20 vide review order dated 06.05.2022 in Case No TP(R) – 37/ 21 – 22, the allowable figures for 7th control period are re-computed in Annexure-B. Impact of redetermined Coal & Ash handling expenses of each generating plant of WBDPCL are as below:



Petition under Section 94(1)(f) of the Electricity Act, 2003 read with regulation 3.3 of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 seeking review of the Order dated 08.10.2021 passed by the Commission in Case No. TP – 95/20 – 21



Generating station	As admitted in Tariff Order			Redetermined Coal and Ash handling Charges			Increase in Coal and Ash Handling Charges		
	2020-21	2020-21	2021-22	2020-21	2021-22	2022-23	2020-21	2021-22	2022-23
	A	B	C	D	E	F	G = D - A	H = E - B	I = F - C
KTPS	2363.82	2542.05	2733.72	3134.52	3297.51	3468.98	770.70	755.46	735.23
BkTTP	2121.02	2280.94	2452.92	2121.02	2280.94	2452.92	0.00	0.00	0.00
BTPS-I (Unit 1&2)	95.50	102.70	110.44	95.50	102.70	110.44	0.00	0.00	0.00
BTPS-II (Unit 5)	225.40	242.40	260.68	225.40	242.40	260.68	0.00	0.00	0.00
STPS	697.97	734.26	772.45	697.97	734.26	772.45	0.00	0.00	0.00
SgTPP-I	212.52	223.57	235.19	212.52	223.57	235.19	0.00	0.00	0.00
SgTPP-II	354.20	372.61	391.99	354.20	372.61	391.99	0.00	0.00	0.00

E. Reconsideration of the allowable Water Expenses in view of revised rate of DVC water:

Submission of WBPDCCL:

WBPDCCL submitted that the water requirements of Santaldih generating station are being met from Damodar Valley Corporation (DVC). WBPDCCL had projected water chares for Santaldih TPS as Rs. 848.13 Lakhs for each year of the 7th control period whereas, the Commission allowed water expenses at Rs. 451.39 Lakhs for 2020 - 21, Rs. 469.54 Lakhs for 2021 - 22 and Rs. 488.42 Lakhs for 2022 - 23 by applying an annual escalation of 4.02% over the admitted figures for 2019-20. WBPDCCL submitted that DVC has increased the water charges significantly thus, the escalation of 4.02% adopted by the Commission did not reflect the revised charges fixed by DVC. WBPDCCL submitted relevant notifications and invoices in support to their submission. Accordingly, WBPDCCL prayed for allowing the water expenses based on the notifications issued by DVC relating to revised rate of water charges.

Observation of the Commission:

From the water charge notifications of DVC as submitted by WBPDCCL, the Commission has observed that the rate of water charges had indeed been revised considerably from 2018 – 19 onwards. The rate of water charges levied by DVC for industries during 2018 – 19 was Rs. 5.6 per kL which was increased to Rs. 10.64 per kL in 2019 – 20 and Rs. 11.704 per kL in 2020 – 21 and Rs. 12.874 per kL in 2021 – 22. Thus, there is an escalation of 90% in 2019 – 20 with respect to 2018-



19. Thereafter, an annual escalation of 10% has been effected. The Commission in view of discovery of new and important matter of evidence concerning DVC's notification regarding enhancement of water charges, as submitted by review petitioner, finds it prudent to consider the annual escalation as per the notifications issued by DVC. Thus, the Commission decides to allow the claim to recompute the Water Expenses for the base year 2019 – 20 and projects the expenses for 2020 – 21, 2021 – 22 and 2022 – 23 owing to the reason that the document could not have been produced at the relevant time in spite of exercise of due diligence and the calculation is made considering the normative generation of Santaldih as 3504 MU as tabulated below:

Sl No	Particulars	Previous Year (As admitted)	Base Year (Projected)	Ensuing Years		
		2018 – 19	2019 – 20	2020 – 21	2021 – 22	2022 – 23
1	DVC Rate (Rs / kL) [as per notifications]	5.6	10.64	11.704	12.874	-
2	Percentage of Increase in rate		90%	10%	10%	10%
3	Water Expenses (Rs Lakh)	411.56	781.96	860.16	946.18	1040.80
4	Claimed by WBPDC (Rs Lakh)			848.13	848.13	848.13
5	Admitted (Rs Lakh) [Minimum of 3 and 4]			848.13	848.13	848.13
6	Admitted in Tariff Order (Rs Lakh)			451.39	469.54	488.42
7	Increase from Tariff Order (Rs Lakh)			396.74	378.59	359.71

Thus, the Commission admits Rs. 848.13 lakhs for each year of 2020 – 21, 2021 – 22 and 2022 – 23 respectively. Further, it is stated that the estimate made for 2019 – 20 (base year) in order to arrive at the projected expenditure during the ensuing years of 7th Control Period shall not be construed as allowable expenditure for 2019 – 20.

F. Error in computation of Operation and Maintenance Expenses:

Submission of WBPDC:

WBPDC inter-alia submitted that the Commission has proceeded to compute the O&M Expenses without properly applying the provisions of Tariff Regulations. The Commission has considered the average inflation rate of 4.02% over the norms of O&M expenses for 2019 - 20 in the last Tariff Order for the 6th Control Period to arrive at the norms for 2020 - 21, 2021 - 22 and 2022 - 23 under the 7th Control



Period. WBPDCCL stated that the Commission ought to have consider the actual O&M expenditure for 2019 - 20 and thereafter apply relevant inflation factor to arrive at the O&M expenses for 7th Control Period.

Observation of the Commission:

The Commission observes that the matter has been elaborated in paragraph 4.8 of the Tariff Order dated 08.10.2021. WBPDCCL has eventually prayed to review the decision taken by the Commission in the Tariff Order. Thus, this does not come under the scope of review under section 94(1)(f) of the Electricity Act 2003 read with Order 47 Rule 1 of CPC.

G. Reconsideration of Insurance Premium in light with documents submitted:

Submission of WBPDCCL:

WBPDCCL submitted that the Commission has erred by allowing insurance premium on the basis of actual admitted in the 2019 - 20 with annual escalation of 4.02% for the years 2020 - 21, 2021 - 22 and 2022 - 23 for all the generating stations. WBPDCCL claimed that the Commission ought to have admitted insurance premium on the basis of actual figures submitted by WBPDCCL in the Tariff Petition since the element is uncontrollable in nature.

WBPDCCL also submitted that they could not produce the requisite supporting documents at the time of filing of MYT Petition as the same were not available with them at that point. WBPDCCL under this review petition has submitted some documents regarding transparency in the selection procedure of insurance provider and prayed for consideration of the same by the Commission.

Observation of the Commission:

The Commission observes that WBPDCCL has sought revision of the admissible amount based on the actual premium payable. Insurance premium being an uncontrollable expense is subject to scrutiny during truing up (i.e., APR) in terms of the Tariff Regulations. Further, in paragraph 4.9.4 of the Tariff Order, the Commission has directed WBPDCCL to submit all details along with their APR petition. Hence, the Commission decides that no review of the said decision is found necessary at this stage.



H. Error in computation of rate of interest while computing Interest on Capital Borrowings:

Submission of WBPDCCL:

WBPDCCL submitted that the Commission has considered the weighted average rate of interest on borrowed capital for Sagardighi-II (Unit III & IV) station as 11.78% instead of actual weighted average rate of 12.05%. It is inter-alia submitted that due to error in interest rate admissible ARR has been reduced. WBPDCCL has prayed to consider correct weighted average rate to arrive at the actual amount paid towards interest on borrowed capital.

Observation of the Commission:

The Commission observed that an inadvertent error crept in the computation of allowable interest rate for Sagardighi -II in the Tariff Order. Considering the interest rates of individual loans provided in Form C, the weighted average rate of interest for Sagardighi-II (Unit III & IV) station comes to 12.05%, 12.29% and 12.31% respectively for the years 2020-21, 2021-22 and 2022-23. Accordingly, the allowable figures for 7th control period are re-computed in Annexure-C and the revised admissible amount vis-vis admitted amount comes as below:

Power Station	In Rs Lakh					
	Admitted as per Tariff Order			Revised Admissible amount		
	2020-21	2021-22	2022-23	2020-21	2021-22	2022-23
Sagardighi II	36345.26	32618.48	29567.42	37178.30	34045.11	30902.67

Thus, the additional admissible amount on interest on borrowed capital due to revision of Sagardighi II comes to Rs. 833.04 lakh, Rs. 1426.63 lakh and Rs. 1335.25 lakh for 2020-21, 2021-22 and 2022-23 respectively.

I. Disallowance of Interest on Temporary Accommodation:

Submission of WBPDCCL:

WBPDCCL submitted that the Commission did not consider any interest on temporary accommodation at the tariff determination stage. WBPDCCL stated that the Commission has directed for recovery of arrear sums over a period of 18 to 72 months since 2008 – 09 and this prolonged recovery period has forced WBPDCCL



to continue with borrowing, leading to increased cost of funds. Thus, WBPDCCL prayed for allowing the interest on temporary accommodation.

Observation of the Commission:

The Commission observes that the matter has been elaborated in paragraph 4.14 of the Tariff Order dated 08.10.2021. WBPDCCL has basically prayed to review the decision taken by the Commission in the Tariff Order. Thus, this does not come under the scope of review under section 94(1)(f) of the Electricity Act 2003 read with Order 47 Rule 1 of CPC.

J. Improper consideration of Equity Base and computation of Return on Equity:

Submission of WBPDCCL:

WBPDCCL has submitted that the Commission had considered the equity base as stated in APR order for 2013 – 14 dated 24.08.2017. WBPDCCL submitted that the APR order for 2013-14 is under sub-judice before the Commission after the same was remanded by the Hon'ble APTEL vide its order dated 15.07.2019. WBPDCCL accordingly prayed to allow the equity base considering the figures submitted afresh for reconsideration of APR 2013 – 14.

Observation of the Commission:

The Commission observed that it had already disposed off the review petition for APR of 2013 – 14 remanded by the Hon'ble APTEL in Case no APR-78/19-20 dated 01.08.2022. In the said order, the Commission has revised the equity base for 2013-14. Further the Commission had directed WBPDCCL to submit separate petition for correction of ROE for 2014-15 to 2017-18. As for 2018-19 and 2019-20, the Commission had directed WBPDCCL to submit supplementary petition as a part of their APR for the relevant periods after considering the impact of change in equity base. In the same order, WBPDCCL was also directed to submit computation of ROE along with its APR petitions for 2020-21, 2021-22 and 2022-23. Accordingly, the ROE will be recomputed during APR for the years 2020-21, 2021-22 and 2022-23.



K. Erroneous adoption of rate of interest while computing Interest on Working Capital:

Submission of WBPDC:

WBPDC pointed out that the Commission has considered MCLR as benchmark interest rate in place of SBI PLR rate specified in regulation 5.6.5.2 of the Tariff Regulations. In this respect WBPDC proposed to consider 350 basis points over the MCLR rate in line with CERC 2019 Tariff Regulations.

Observation of the Commission:

The Commission vide order dated 06.04.2022 in Case No. SM-30/21-22 has already decided to consider working capital interest rate as 1-year MCLR rate of SBI as on 1st April plus 350 basis point in line with CERC Regulations. In the said order, it has been decided to consider the said rate during APR for the years where tariff orders have already been issued. In view of the suo-motu order, the Commission decides to allow the impact of additional 350 basis point in Working Capital interest during APR to maintain uniformity of the approach.

However, due to the redetermined fixed charges based on the amount admissible in the instant review petition as per the provisions of the Tariff Regulations, the impact of interest in working capital is computed below considering the same interest rate as per the Tariff Order:

Impact of revised Interest on Working Capital								
							Figures in Rs Lakh	
Sl No	Particulars	KTPS	BkTPS	BTPS Stg I	BTPS Stg II	STPS	SgTPS Stg I	SgTPS Stg II
For the YEAR		2020-21						
1	Interest on Working Capital as per the Tariff Order	1949.00	1474.00	182.00	331.00	770.00	714.00	1400.00
2	Revised Interest on Working Capital (Annex-D)	1959.00	1475.00	182.00	331.00	774.00	714.00	1411.00
3	Increase in Interest on Working Capital (2 – 1)	10.00	1.00	0.00	0.00	4.00	0.00	11.00
For the YEAR		2021-22						
1	Interest on Working Capital as per the Tariff Order	1735.00	1246.00	165.00	300.00	670.00	642.00	1245.00
2	Revised Interest on Working Capital (Annex-D)	1744.00	1247.00	165.00	299.00	673.00	642.00	1259.00
3	Increase in Interest on Working Capital (2 – 1)	9.00	1.00	0.00	-1.00	3.00	0.00	14.00



Petition under Section 94(1)(f) of the Electricity Act, 2003 read with regulation 3.3 of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 seeking review of the Order dated 08.10.2021 passed by the Commission in Case No. TP – 95/20 – 21



	For the YEAR	2022-23						
1	Interest on Working Capital as per the Tariff Order	1577.00	1141.00	150.00	273.00	602.00	575.00	1108.00
2	Revised Interest on Working Capital (Annex-D)	1585.00	1142.00	150.00	272.00	605.00	575.00	1120.00
3	Increase in Interest on Working Capital (2 – 1)	8.00	1.00	0.00	-1.00	3.00	0.00	12.00

Detail computation of Interest in Working Capital is shown in Annexure D.

L. Consideration of expenses incurred on 'License and Registration Fees' under O&M expense:

Submission of WBPDCCL:

WBPDCCL has submitted that the Commission has considered 'License and Registration Fees' as a part of O&M expenses. WBPDCCL stated that such expenses are statutory in nature and are inherently uncontrollable and incurred by WBPDCCL in isolation to the other expenses on operation and maintenance which have been deemed as Controllable in the Tariff Regulations.

Observation of the Commission:

The Commission observes that, WBPDCCL being a generating company is not required any license under the Electricity Act 2003. The proposed fees are related to boiler license, factory license etc. and considered under O&M expenses as has been elaborated in paragraph 4.21 of the Tariff Order. WBPDCCL has prayed to review the decision taken by the Commission in the Tariff Order. Thus, this does not come under the scope of review under section 94(1)(f) of the Electricity Act 2003 read with Order 47 Rule 1 of CPC.

M. Non consideration of expenses for compliance of 'Environmental Norms':

Submission of WBPDCCL:

WBPDCCL submitted that the Commission has not considered expenses incurred for complying with the environmental norms as per statute as well as the various directions from National Green Tribunal and other authorities. Accordingly, WBPDCCL claimed Rs. 1.66 Crore, Rs. 1.74 Crore and Rs.1.83 Crore for the years 2020-21, 2021-22 and 2022-23 respectively. WBPDCCL submitted the plant wise details. WBPDCCL further submitted that, in absence of any provision for miscellaneous account in the Tariff Regulations, such expenses on environment related issues may



be passed on separately in tariff order or the Commission may under regulation 8.10 for removal of difficulty allow creation of additional head for such costs.

Observation of the Commission:

In terms of clause (v) of regulation 5.7.2 of the Tariff Regulations all expenses arising from ancillary or incidental to the business of electricity except penalty etc. levied under the Electricity Act 2003 or any other Act shall come under Administrative and General Expenses. Thus, the Commission has considered it under broad head of O&M expense. Thus, this does not come under the scope of review under section 94(1)(f) of the Electricity Act 2003 read with Order 47 Rule 1 of CPC.

5.0 Thus, the review sought for on the issues raised as in points **F, I, L and M** above are prayers to review ratio of prudence adopted by the Commission and have no substance for review and the Commission keeping in mind that it is estopped from encroaching into the jurisdiction of the Hon'ble Appellate Authority does not propose to entertain the above prayers for review. Further, the review sought for on the issues as in points **A, G, J and K** are to be dealt with during the truing up stage as per the APR petition of WBPDC for the concerned years. Also, the review sought for in regard to the issue as in point **B** above has already been dealt with by the Commission vide Corrigendum Order dated 31.03.2022.

6.0 The Commission in the Order dated 08.10.2021 had determined the Net Aggregated Revenue Requirement for 2020 – 21, 2021 – 22 and 2022 – 23. Now, after carrying out the adjustments on account of the instant review petition as detailed in paragraph 4.0 above on points **C, D, E and H**, the redetermined Net Aggregated Revenue Requirement for 2020 – 21, 2021 – 22 and 2022 – 23 of WBPDC are tabulated below:

		Figures in Rs Lakh						
Sl No	Particulars	KTPS	BkTPS	BTPS Stg I	BTPS Stg II	STPS	SgTPS Stg I	SgTPS Stg II
	For the YEAR	2020-21						
1	Net Aggregated Revenue Requirement (As per paragraph 5.1 of Tariff Order dated 08.10.2021)	245965.94	210908.06	22001.73	44632.73	110510.51	107017.96	212818.65
2	Adjustment on account of the instant review petition							
A	Employee Cost as per paragraph 4C	375.17	88.56	-21.29	-37.44	-25.99	21.83	361.01
B	Coal and Ash Handling Charges as per paragraph 4D	770.70	0.00	0.00	0.00	0.00	0.00	0.00
C	Water Charges as per paragraph 4E	0.00	0.00	0.00	0.00	396.74	0.00	0.00



Petition under Section 94(1)(f) of the Electricity Act, 2003 read with regulation 3.3 of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 seeking review of the Order dated 08.10.2021 passed by the Commission in Case No. TP – 95/20 – 21



								Figures in Rs Lakh	
Sl No	Particulars	KTPS	BkTPS	BTPS Stg I	BTPS Stg II	STPS	SgTPS Stg I	SgTPS Stg II	
D	Interest on Capital Borrowings as per paragraph 4H	0.00	0.00	0.00	0.00	0.00	0.00	833.04	
E	Interest on Working Capital as per paragraph 4K	10.00	1.00	0.00	0.00	4.00	0.00	11.00	
F	Sub Total [Sum A to E]	1155.87	89.56	-21.29	-37.44	374.75	21.83	1205.05	
3	Redetermined Net Aggregated Revenue Requirement	247121.81	210997.62	21980.44	44595.29	110885.26	107039.79	214023.70	
		2021-22							
For the YEAR									
1	Net Aggregated Revenue Requirement (As per paragraph 5.1 of Tariff Order dated 08.10.2021)	241986.44	199139.39	21959.05	44641.13	106867.97	106331.63	209665.44	
2	Adjustment on account of the instant review petition								
A	Employee Cost as per paragraph 4C	386.27	91.22	-21.95	-38.54	27.65	41.66	411.07	
B	Coal and Ash Handling Charges as per paragraph 4D	755.46	0.00	0.00	0.00	0.00	0.00	0.00	
C	Water Charges as per paragraph 4E	0.00	0.00	0.00	0.00	378.59	0.00	0.00	
D	Interest on Capital Borrowings as per paragraph 4H	0.00	0.00	0.00	0.00	0.00	0.00	1426.63	
E	Interest on Working Capital as per paragraph 4K	9.00	1.00	0.00	-1.00	3.00	0.00	14.00	
F	Sub Total [Sum A to E]	1150.73	92.22	-21.95	-39.54	409.24	41.66	1851.70	
3	Redetermined Net Aggregated Revenue Requirement	243137.17	199231.61	21937.10	44601.59	107277.21	106373.29	211517.14	
		2022-23							
For the YEAR									
1	Net Aggregated Revenue Requirement (As per paragraph 5.1 of Tariff Order dated 08.10.2021)	243548.01	201493.12	22123.56	44982.34	106734.61	105789.34	207297.51	
2	Adjustment on account of the instant review petition								
A	Employee Cost as per paragraph 4C	397.77	93.91	-22.60	-39.72	87.17	64.23	466.17	
B	Coal and Ash Handling Charges as per paragraph 4D	735.26	0.00	0.00	0.00	0.00	0.00	0.00	
C	Water Charges as per paragraph 4E	0.00	0.00	0.00	0.00	359.71	0.00	0.00	
D	Interest on Capital Borrowings as per paragraph 4H	0.00	0.00	0.00	0.00	0.00	0.00	1335.25	
E	Interest on Working Capital as per paragraph 4K	8.00	1.00	0.00	-1.00	3.00	0.00	12.00	
F	Sub Total [Sum A to E]	1141.03	94.91	-22.60	-40.72	449.88	64.23	1813.42	
3	Redetermined Net Aggregated Revenue Requirement	244689.04	201588.03	22100.96	44941.62	107184.49	105853.57	209110.93	



Order:

7.0 In view of the above observations, the Commission re-determines the Annual Revenue Requirement of WBPDCCL for the years 2020 – 21, 2021 – 22 and 2022 – 23, after carrying out the adjustments on account of fixed charge elements viz. employee cost, coal and ash handling charges, water charges, interest on capital borrowings and interest on working capital as below:

SI No	Particulars	KTPS	BkTPS	BTPS Stg I	BTPS Stg II	STPS	Figures in Rs Lakh	
							SgTPS Stg I	SgTPS Stg II
1	Aggregated Revenue Requirement for 2020 – 21	247121.81	210997.62	21980.44	44595.29	110885.26	107039.79	214023.70
2	Aggregated Revenue Requirement for 2021 – 22	243137.17	199231.61	21937.10	44601.59	107277.21	106373.29	211517.14
3	Aggregated Revenue Requirement for 2022 – 23	244689.04	201588.03	22100.96	44941.62	107184.49	105853.57	209110.93

Element wise break-up of Aggregated Revenue Requirement is given in Annexure – E.

8.0 Impact of redetermined ARR on the capacity charge of each generating stations of WBPDCCL for the years 2020 – 21, 2021 – 22 and 2022 – 23 are shown below:

SI No	Particulars	KTPS	BkTPS	BTPS Stg I	BTPS Stg II	STPS	Figures in Rs Lakh	
							SgTPS Stg I	SgTPS Stg II
For the YEAR		2020-21						
1	Capacity Charge approved in Tariff Order dated 08.10.2021	46143.53	78215.40	5161.81	14477.20	45114.58	38485.01	101905.89
2	Adjustment on Fixed Cost in the instant review petition (paragraph 6.0 above)	1155.87	89.56	-21.29	-37.44	374.75	21.83	1205.05
3	Revised Capacity Charge (1+2)	47299.40	78304.96	5140.52	14439.76	45489.33	38506.84	103110.94
For the YEAR		2021-22						
1	Capacity Charge approved in Tariff Order dated 08.10.2021	47528.70	78509.68	5319.03	14875.78	44699.33	37798.78	98752.40
2	Adjustment on Fixed Cost in the instant review petition (paragraph 6.0 above)	1150.73	92.22	-21.95	-39.54	409.24	41.66	1851.70
3	Revised Capacity Charge (1+2)	48679.43	78601.90	5297.08	14836.24	45108.57	37840.44	100604.10
For the YEAR		2022-23						
1	Capacity Charge approved in Tariff Order dated 08.10.2021	49090.27	79020.47	5483.54	15216.99	44565.98	37256.49	96384.47
2	Adjustment on Fixed Cost in the instant review petition (paragraph 6.0 above)	1141.03	94.91	-22.60	-40.72	449.88	64.23	1813.42
3	Revised Capacity Charge (1+2)	50231.30	79115.38	5460.94	15176.27	45015.86	37320.72	98197.89



Petition under Section 94(1)(f) of the Electricity Act, 2003 read with regulation 3.3 of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 seeking review of the Order dated 08.10.2021 passed by the Commission in Case No. TP – 95/20 – 21



- 9.0 Since the financial years 2020 – 21 and 2021 – 22 have already passed, the adjustment on account of the above revised capacity charge during the years 2020 – 21 and 2021 – 22 shall be considered-by the Commission during the APR stage. WBPDCCL is directed to file the APR petitions of the concerned years considering the figures admitted in this review order.
- 10.0 WBPDCCL shall recover the revised monthly capacity charges for the remaining months of 2022-23 from the month following the issue of this order based on its plant availability factor as per the Tariff Regulations. With regard to the arrear capacity charges from 01.04.2022, WBPDCCL shall recover the same in three equated monthly installments with effect from the month following the issue of this order.
- 11.0 In consequence of the above, the Tariff Orders issued vide Case No. TP – 95/20 – 21 dated 08.10.2021 for the years 2020 – 21 and 2021 – 22 and Case No. TP – 95/20 – 21 dated 26.07.2022 for the year 2022 – 23 stands revised to that extent.
- 12.0 The review petition is thus disposed off.
- 13.0 A copy of the order shall be posted in the website of the Commission.
- 14.0 WBPDCCL shall download the copy of the order from the website of the Commission and act on it. Certified copy of the order, if applied for, be given to the parties on completion of formalities laid down in the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013, as amended and on submission of necessary fees.

Sd/-
(PULAK KUMAR TEWARI)
MEMBER

Sd/-p
(MALLELA VENKATESWARA RAO)
CHAIRPERSON

Dated: 23.11.2022

Sd/-
SECRETARY



Annexure A

COMPUTATION OF EMPLOYEE COST (IN RS LAKHS)

KOLAGHAT THERMAL POWER STATION

Particulars	KTPS						
	2019-20	2020-21	2021-22	2022-23	2020-21	2021-22	2022-23
	(Review order)	Claimed			Admitted		
Basic	2913.66	7848.60	8135.00	8432.80	7848.60	8084.06	8326.58
DA	3860.60	790.40	819.20	849.20	784.86	808.41	832.66
HRA	121.13	163.70	169.70	175.90	163.70	168.61	173.67
Other Allowance	1104.16	823.10	853.10	884.40	823.10	847.79	873.23
Salary & Wages	7999.55	9625.80	9977.00	10342.30	9620.26	9908.87	10206.13
Contribution to Funds	3304.80	3099.20	3212.20	3330.00	3097.42	3190.34	3286.05
Bonus & Welfare Exp	2643.02	2270.90	2354.00	2440.10	2269.59	2337.68	2407.81
Directors' Fees	1	0.48	0.50	0.50	0.48	0.50	0.50
Total	13948.37	14996.38	15543.70	16112.90	14987.75	15437.39	15900.49
No of Employees	1077	1025	985	956	1025	985	956

BAKRESWAR THERMAL POWER STATION

Particulars	BkTPS						
	2019-20	2020-21	2021-22	2022-23	2020-21	2021-22	2022-23
	(Review order)	Claimed			Admitted		
Basic	2649.68	6234.65	6436.30	6646.01	6234.65	6421.69	6614.34
DA	3510.83	633.20	653.68	674.98	623.47	642.17	661.43
HRA	74.20	116.52	120.29	124.21	116.52	120.02	123.62
Other Allowance	1220.14	1474.31	1521.99	1571.58	1310.03	1349.33	1389.81
Salary & Wages	7454.85	8458.68	8732.26	9016.78	8284.67	8533.21	8789.20
Contribution to Funds	4847.00	7312.54	7549.05	7795.03	7162.11	7376.97	7598.27
Bonus & Welfare Exp	1786.35	1608.73	1660.77	1714.87	1575.64	1622.91	1671.60
Directors' Fees	1.59	1.22	1.27	1.32	1.22	1.27	1.27
Total	14089.79	17381.17	17943.35	18528.00	17023.64	17534.36	18060.34
No of Employees	849	885	918	928	885	918	928

BANDEL THERMAL POWER STATION STAGE I

Particulars	BTPS Stg I						
	2019-20	2020-21	2021-22	2022-23	2020-21	2021-22	2022-23
	(Review order)	Claimed			Admitted		
Basic	613.47	1412.45	1465.71	1521.10	1412.45	1454.82	1498.47
DA	812.85	142.25	147.61	153.19	141.25	145.48	149.85
HRA	40.67	27.34	28.37	29.44	27.34	28.16	29.00
Other Allowance	73.23	137.63	142.82	148.21	70.23	72.34	74.51
Salary & Wages	1540.22	1719.67	1784.51	1851.94	1651.27	1700.80	1751.83
Contribution to Funds	442.80	360.56	374.17	388.30	346.22	356.60	367.30
Bonus & Welfare Exp	484.61	371.49	385.50	400.07	356.71	367.41	378.43
Directors' Fees	0.3	0.05	0.05	0.06	0.05	0.05	0.05
Total	2467.93	2451.77	2544.23	2640.37	2354.25	2424.86	2497.61
No of Employees	203	189	183	179	189	183	179



BANDEL THERMAL POWER STATION STAGE II

Particulars	BTPS Stg II						
	2019-20	2020-21	2021-22	2022-23	2020-21	2021-22	2022-23
	(Review order)	Claimed			Admitted		
Basic	1119.71	2530.64	2626.07	2725.31	2530.64	2606.56	2684.76
DA	1483.62	254.87	264.48	274.47	253.06	260.66	268.48
HRA	73.54	48.98	50.83	52.75	48.98	50.45	51.96
Other Allowance	131.22	246.58	255.88	265.55	123.61	127.32	131.14
Salary & Wages	2808.09	3081.07	3197.26	3318.08	2956.29	3044.99	3136.34
Contribution to Funds	793.20	646.03	646.03	695.71	619.87	638.47	657.62
Bonus & Welfare Exp	820.21	665.60	665.60	716.79	638.64	657.80	677.53
Directors' Fees	0.20	0.09	0.09	0.10	0.09	0.09	0.09
Total	4421.70	4392.79	4508.98	4730.68	4214.89	4341.35	4471.58
No of Employees	363	332	322	316	332	322	316

SANTALDIH THERMAL POWER STATION

Particulars	STPS						
	2019-20	2020-21	2021-22	2022-23	2020-21	2021-22	2022-23
	(Review order)	Claimed			Admitted		
Basic	1963.34	4576.39	4733.62	4897.14	4576.39	4733.62	4897.14
DA	2601.42	461.78	477.64	494.14	457.64	473.36	489.71
HRA	77.82	105.31	108.93	112.69	105.31	108.93	112.69
Other Allowance	2085.9	2204.97	2280.73	2359.51	2162.29	2236.58	2313.84
Salary & Wages	6728.48	7348.45	7600.92	7863.48	7301.63	7552.49	7813.38
Contribution to Funds	2272.46	4009.21	4146.96	4290.21	3983.67	4120.54	4262.88
Bonus & Welfare Exp	1457.06	1212.01	1253.65	1296.95	1204.29	1245.67	1288.70
Directors' Fees	0.63	0.65	0.68	0.71	0.65	0.68	0.68
Total	10458.63	12570.32	13002.21	13451.35	12490.24	12919.38	13365.64
No of Employees	622	626	626	639	626	626	639

SAGARDIGHI THERMAL POWER STATION STAGE I

Particulars	SgTPS Stg I						
	2019-20	2020-21	2021-22	2022-23	2020-21	2021-22	2022-23
	(Review order)	Claimed			Admitted		
Basic	1099.33	2688.64	2776.86	2868.60	2688.64	2776.86	2868.60
DA	1456.61	272.92	281.88	291.19	272.92	281.88	291.19
HRA	35.81	54.01	55.78	57.63	54.01	55.78	57.63
Other Allowance	352.71	448.63	463.35	478.66	391.24	404.68	418.66
Salary & Wages	2944.46	3464.20	3577.87	3696.08	3406.81	3519.20	3636.08
Contribution to Funds	1748.67	2694.32	2782.72	2874.65	2694.32	2782.72	2874.65
Bonus & Welfare Exp	722.86	501.12	517.57	534.66	501.12	517.57	534.66
Directors' Fees	0.48	0.44	0.46	0.48	0.44	0.46	0.46
Total	5416.47	6660.08	6878.62	7105.87	6602.69	6819.95	7045.85
No of Employees	364	392	400	403	392	400	403



Petition under Section 94(1)(f) of the Electricity Act, 2003 read with regulation 3.3 of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 seeking review of the Order dated 08.10.2021 passed by the Commission in Case No. TP – 95/20 – 21



SAGARDIGHI THERMAL POWER STATION STAGE II

Particulars	SgTPS Stg II						
	2019-20	2020-21	2021-22	2022-23	2020-21	2021-22	2022-23
	(Review order)	Claimed			Admitted		
Basic	1541.6	4481.07	4628.10	4781.00	4481.07	4628.10	4781.00
DA	2042.62	454.87	469.80	485.32	454.87	469.80	485.32
HRA	50.25	90.02	92.97	96.05	90.02	92.97	96.05
Other Allowance	494.61	747.71	772.25	797.76	533.95	552.29	571.37
Salary & Wages	4129.08	5773.67	5963.12	6160.13	5559.91	5743.16	5933.74
Contribution to Funds	2452.17	4490.54	4637.87	4791.10	4402.06	4553.30	4710.59
Bonus & Welfare Exp	1013.56	835.20	862.60	891.09	818.74	846.87	876.12
Directors' Fees	0.80	0.73	0.76	0.79	0.73	0.76	0.76
Total	7595.61	11100.14	11464.35	11843.11	10781.44	11144.09	11521.21
No of Employees	603	632	647	660	632	647	660



सत्यमेव जयते



Petition under Section 94(1)(f) of the Electricity Act, 2003 read with regulation 3.3 of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 seeking review of the Order dated 08.10.2021 passed by the Commission in Case No. TP – 95/20 – 21

Annexure B

COMPUTATION OF COAL & ASH HANDLING EXPENSES FOR 2020 – 21, 2021 – 22 AND 2022 – 23

Generating station	Normative generation in 2019-20	Normative generation in 2020-21	Expenditure admitted on normative generation for 2019-20 in Review order Case No TP(R) – 37/21-22	Expenditure in 2020-21 on normative generation with escalation of 7.54% over 2019-20 admitted expenditure	Expenditure in 2021-22 with escalation of 7.54% over 2020-21	Expenditure in 2022-23 with escalation of 7.54% over 2021-22	As claimed by WBPDC			Admitted coal and ash handling		
							2020-21	2021-22	2022-23	2020-21	2021-22	2022-23
KTPS	7747.49	7726.32	3463.78	3714.77	3994.86	4296.07	3134.52	3297.51	3468.98	3134.52	3297.51	3468.98
BkTPP	7378.56	7358.40	1977.71	2121.02	2280.94	2452.92	2508.23	2638.66	2775.87	2121.02	2280.94	2452.92
BTPS-I (Unit 1&2)	685.15	683.28	89.05	95.50	102.70	110.44	137.04	144.17	151.67	95.50	102.70	110.44
BTPS-II (Unit 5)	1510.85	1506.72	210.17	225.40	242.40	260.68	245.53	258.30	271.73	225.40	242.40	260.68
STPS	3513.60	3504.00	1712.36	1836.44	1974.91	2123.82	697.97	734.26	772.45	697.97	734.26	772.45
SgTPP-I	4216.32	4204.80	403.44	432.67	465.29	500.37	212.52	223.57	235.19	212.52	223.57	235.19
SgTPP-II	7027.20	7008.00	398.90	427.80	460.06	494.75	354.20	372.61	391.99	354.20	372.61	391.99



Petition under Section 94(1)(f) of the Electricity Act, 2003 read with regulation 3.3 of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 seeking review of the Order dated 08.10.2021 passed by the Commission in Case No. TP – 95/20 – 21



Annexure C

COMPUTATION OF INTEREST ON CAPITAL BORROWINGS IN RESPECT OF SAGARDIGHI TPS
STAGE II FOR 2020 – 21, 2021 – 22 AND 2022 – 23

SL No	Borrowing Particulars	2020 - 21	2021 - 22	2022 - 23
		Sagardighi II		
1	Outstanding Balance at the beginning of the year	344312.47	305231.98	277956.86
2	Add: Drawal of loan on capital account	0	0	0
3	Sub - Total (1 + 2)	344312.47	305231.98	277956.86
4	Less: Repayment of existing loan during the year	39080.49	27275.12	27275.12
5	Outstanding balance at the end of the year (3 - 4)	305231.98	277956.86	250681.74
6	Rate of Interest	12.05%	12.29%	12.31%
7	Interest Claimed	39156.99	35843.06	32529.13
8	Gross interest computed on capital account for the year	39135.05	35836.95	32537.71
9	Less: Interest capitalized during the year	0	0	0
10	Net Interest on capital account [Minimum of (7) and (8-9) [5% deduction made for SgTPS II]	37178.30	34045.11	30902.67



Annexure D

COMPUTATION OF INTEREST ON WORKING CAPITAL FOR 2020 – 21, 2021 – 22 AND 2022 - 23

2020 – 21

Figures in Rs Lakhs

SI No	Particulars	Generating Stations						
		Kolaghat	Bakreswar	Bandel – I	Bandel – II	Santalalih	Sagardighi – I	Sagardighi – II
A	Gross Sale	245162.81	209522.62	21798.44	44264.29	110111.26	106325.79	212612.70
B1	Depreciation including AAD	1879.14	17359.70	169.84	2512.58	10128.88	10866.98	20935.37
B2	Deferred Revenue Expenditure	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B3	Return on Equity	14206.00	19640.84	331.00	3045.70	9514.18	11917.75	26691.20
B4	Bad Debt	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B5	Reserve for Unforeseen exigencies	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B	Total Deductions (Sum B1 to B5)	16085.14	37000.54	500.84	5558.28	19643.06	22784.73	47626.57
C	Allowable Gross Sales for Working Capital	229077.67	172522.08	21297.60	38706.01	90468.20	83541.06	164986.13
D	Allowable Working Capital @ 10% on C (A-B)	22908.00	17252.00	2130.00	3871.00	9047.00	8354.00	16499.00
E	Interest Rate	8.55%	8.55%	8.55%	8.55%	8.55%	8.55%	8.55%
F	Interest on Working Capital (E% on D)	1959.00	1475.00	182.00	331.00	774.00	714.00	1411.00

2021 - 22

Figures in Rs Lakhs

SI No	Particulars	Generating Stations						
		Kolaghat	Bakreswar	Bandel – I	Bandel – II	Santalalih	Sagardighi – I	Sagardighi – II
A	Gross Sale	241393.17	197984.61	21772.10	44302.59	106604.21	105731.29	210258.14
B1	Depreciation including AAD	2041.37	17434.73	171.18	2568.62	10183.05	10904.63	20995.95
B2	Deferred Revenue Expenditure	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B3	Return on Equity	14330.00	19706.14	332.00	3124.55	9593.87	11951.00	26747.25
B4	Bad Debt	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B5	Reserve for Unforeseen exigencies	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B	Total Deductions (Sum B1 to B5)	16371.37	37140.87	503.18	5693.17	19776.92	22855.63	47743.20
C	Allowable Gross Sales for Working Capital	225021.80	160843.74	21268.92	38609.42	86827.29	82875.66	162514.94
D	Allowable Working Capital @ 10% on C (A-B)	22502.00	16084.00	2127.00	3861.00	8683.00	8288.00	16251.00
E	Interest Rate	7.75%	7.75%	7.75%	7.75%	7.75%	7.75%	7.75%
F	Interest on Working Capital (E% on D)	1744.00	1247.00	165.00	299.00	673.00	642.00	1259.00

2022 - 23

Figures in Rs Lakhs

SI No	Particulars	Generating Stations						
		Kolaghat	Bakreswar	Bandel – I	Bandel – II	Santalalih	Sagardighi – I	Sagardighi – II
A	Gross Sale	243104.04	200446.03	21950.96	44669.62	106579.49	105278.57	207990.93
B1	Depreciation including AAD	2195.46	17516.27	172.52	2585.84	10383.85	11040.47	21088.08
B2	Deferred Revenue Expenditure	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B3	Return on Equity	14520.00	19792.95	332.00	3169.20	9754.81	12055.50	26832.75
B4	Bad Debt	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B5	Reserve for Unforeseen exigencies	0.00	0.00	0.00	0.00	0.00	0.00	0.00
B	Total Deductions (Sum B1 to B5)	16715.46	37309.22	504.52	5755.04	20138.66	23095.97	47920.83
C	Allowable Gross Sales for Working Capital	226388.58	163136.81	21446.44	38914.58	86440.83	82182.60	160070.10
D	Allowable Working Capital @ 10% on C (A-B)	22639.00	16314.00	2145.00	3891.00	8644.00	8218.00	16007.00
E	Interest Rate	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
F	Interest on Working Capital (E% on D)	1585.00	1142.00	150.00	272.00	605.00	575.00	1120.00



सत्यमेव जयते

Petition under Section 94(1)(f) of the Electricity Act, 2003 read with regulation 3.3 of the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 seeking review of the Order dated 08.10.2021 passed by the Commission in Case No. TP – 95/20 – 21



Annexure E

SUMMARY OF AGGREGATED REVENUE REQUIREMENT FOR 2020 – 21

Figures in Rs Lakh

Sl No	Particulars	KTPS	BkTPS	BTPS-I	BTPS-II	STPS	SgTPS-I	SgTPS-II
		199822.40	132692.66	16839.91	30155.53	65395.93	68532.95	110912.76
1	Fuel							
2	Coal and Ash Handling Charges	3134.52	2121.02	95.50	225.40	697.97	212.52	354.20
3	Employee Cost	14987.75	17023.64	2354.25	4214.89	12490.24	6602.69	10781.44
4	Rates and Taxes	1.64	10.94	14.47	25.91	0.19	2.35	3.92
5	Filing Fees	1.27	0.72	0.01	0.03	0.18	0.14	0.23
6	ERPC Charges	3.85	3.69	0.34	0.76	1.76	2.10	3.50
7	Operation and Maintenance Expenses	13122.53	14084.40	2294.40	3702.30	5430.00	5056.82	6820.00
8	Insurance	340.04	492.72	10.31	18.47	134.87	186.09	261.06
9	Financing Charges	246.19	602.67	25.50	45.68	336.82	221.43	369.05
10	Interest on borrowed capital	0.00	8761.01	0.00	920.99	6120.15	3627.72	37178.30
11	Interest on working capital	1959.00	1475.00	182.00	331.00	774.00	714.00	1411.00
12	Interest on Temporary Accommodation	0.00	0.00	0.00	0.00	0.00	0.00	0.00
13	Depreciation	1879.14	17359.70	169.84	2512.58	10128.88	10866.98	20935.37
14	Water Charges	0.00	0.00	0.00	0.00	848.13	0.00	0.00
15	Maintenance charge to PGCIL	0.00	0.00	0.00	0.00	0.00	308.17	0.00
16	License and Registration Charges	0.00	0.00	0.00	0.00	0.00	0.00	0.00
17	Tax	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18	Total Expenditure (18 = sum 1 to 17)	235498.33	194628.17	21986.53	42153.54	102359.12	96333.96	189030.83
19	Return on Equity	14206.00	19640.84	331.00	3045.70	9514.18	11917.75	26691.20
20	Gross Aggregate Revenue Requirement [20 = 18 + 19]	249704.33	214269.01	22317.53	45199.24	111873.30	108251.71	215722.03
21	Less: Misc. Other Income	2582.53	2460.57	337.09	603.95	988.04	1211.92	1698.33
22	Less: Interest Credit	0.00	810.82	0.00	0.00	0.00	0.00	0.00
23	Aggregate Revenue Requirement [23 = 20 - 21 - 22]	247121.81	210997.62	21980.44	44595.29	110885.26	107039.79	214023.70



SUMMARY OF AGGREGATED REVENUE REQUIREMENT FOR 2021 – 22

Figures in Rs Lakh

Sl No	Particulars	KTPS	BkTPS	BTPS-I	BTPS-II	STPS	SgTPS-I	SgTPS-II
1	Fuel	194457.74	120629.71	16640.02	29765.35	62168.63	68532.85	110913.04
2	Coal and Ash Handling Charges	3297.51	2280.94	102.70	242.40	734.26	223.57	372.61
3	Employee Cost	15437.39	17534.36	2424.86	4341.35	12919.38	6819.95	11144.09
4	Rates and Taxes	1.71	11.38	15.05	26.95	0.19	2.45	4.08
5	Filing Fees	1.33	0.76	0.02	0.03	0.19	0.15	0.24
6	ERPC Charges	3.85	3.69	0.34	0.76	1.76	2.10	3.50
7	Operation and Maintenance Expenses	13804.90	14816.79	2386.80	3850.65	5650.00	5319.77	7090.00
8	Insurance	353.71	512.53	10.72	19.21	140.29	193.57	271.55
9	Financing Charges	246.19	602.67	25.50	45.68	336.82	221.43	369.05
10	Interest on borrowed capital	0.00	7730.29	0.00	920.99	5015.67	2452.74	34045.11
11	Interest on working capital	1744.00	1247.00	165.00	299.00	673.00	642.00	1259.00
12	Interest on Temporary Accommodation	0.00	0.00	0.00	0.00	0.00	0.00	0.00
13	Depreciation	2041.37	17434.73	171.18	2568.62	10183.05	10904.63	20995.95
14	Water Charges	0.00	0.00	0.00	0.00	848.13	0.00	0.00
15	Maintenance charge to PGCIL	0.00	0.00	0.00	0.00	0.00	319.00	0.00
16	License and Registration Charges	0.00	0.00	0.00	0.00	0.00	0.00	0.00
17	Tax	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18	Total Expenditure (18 = sum 1 to 17)	231389.70	182804.85	21942.19	42080.99	98671.38	95634.21	186468.22
19	Return on Equity	14330.00	19706.14	332.00	3124.55	9593.87	11951.00	26747.25
20	Gross Aggregate Revenue Requirement [20 = 18 + 19]	245719.70	202510.99	22274.19	45205.54	108265.25	107585.21	213215.47
21	Less: Misc. Other Income	2582.53	2460.57	337.09	603.95	988.04	1211.92	1698.33
22	Less: Interest Credit	0.00	818.81	0.00	0.00	0.00	0.00	0.00
23	Aggregate Revenue Requirement [23 = 20 - 21 - 22]	243137.17	199231.61	21937.10	44601.59	107277.21	106373.29	211517.14



SUMMARY OF AGGREGATED REVENUE REQUIREMENT FOR 2022 – 23

Figures in Rs Lakh

Sl No	Particulars	KTPS	BkTPS	BTPS-I	BTPS-II	STPS	SgTPS-I	SgTPS-II
1	Fuel	194457.74	122472.65	16640.02	29765.35	62168.63	68532.85	110913.04
2	Coal and Ash Handling Charges	3468.98	2452.92	110.44	260.68	772.45	235.19	391.99
3	Employee Cost	15900.49	18060.34	2497.61	4471.58	13365.64	7045.85	11521.21
4	Rates and Taxes	1.78	11.84	15.66	28.04	0.20	2.54	4.24
5	Filing Fees	1.40	0.80	0.02	0.03	0.20	0.15	0.26
6	ERPC Charges	3.85	3.69	0.34	0.76	1.76	2.10	3.50
7	Operation and Maintenance Expenses	14522.76	15587.26	2482.80	4005.45	5875.00	5596.40	7380.00
8	Insurance	367.93	533.13	11.15	19.98	145.93	201.35	282.47
9	Financing Charges	246.19	602.67	25.50	45.68	336.82	221.43	369.05
10	Interest on borrowed capital	0.00	6699.58	0.00	920.99	3914.10	1226.47	30902.67
11	Interest on working capital	1585.00	1142.00	150.00	272.00	605.00	575.00	1120.00
12	Interest on Temporary Accommodation	0.00	0.00	0.00	0.00	0.00	0.00	0.00
13	Depreciation	2195.46	17516.27	172.52	2585.84	10383.85	11040.47	21088.08
14	Water Charges	0.00	0.00	0.00	0.00	848.13	0.00	0.00
15	Maintenance charge to PGCIL	0.00	0.00	0.00	0.00	0.00	330.18	0.00
16	License and Registration Charges	0.00	0.00	0.00	0.00	0.00	0.00	0.00
17	Tax	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18	Total Expenditure (18 = sum 1 to 17)	232751.58	185083.15	22106.06	42376.38	98417.71	95009.98	183976.51
19	Return on Equity	14520.00	19792.95	332.00	3169.20	9754.81	12055.50	26832.75
20	Gross Aggregate Revenue Requirement [20 = 18 + 19]	247271.57	204876.10	22438.06	45545.58	108172.53	107065.48	210809.26
21	Less: Misc. Other Income	2582.53	2460.57	337.09	603.95	988.04	1211.92	1698.33
22	Less: Interest Credit	0.00	827.50	0.00	0.00	0.00	0.00	0.00
23	Aggregate Revenue Requirement [23 = 20 - 21 - 22]	244689.04	201588.03	22100.96	44941.62	107184.49	105853.57	209110.93