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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No. 54/WBERC

Kolkata, the 30th July, 2013.

In exercise of the powers conferred by sub-sections (1) and (2) of section 181 read with section 61 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it in this behalf, the West Bengal Electricity Regulatory Commission hereby makes the following regulations to amend the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 as amended upto date by West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) (Amendment) Regulations, 2012:

1. Short Title and Commencement :

- (i) These regulations may be called the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) (Amendment) Regulations, 2013.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. After clause (xvii) of the regulation 1.2.1 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended (hereinafter referred to as the "Principal Regulations") the following clause shall be inserted:

- "(xviii) "Banking/swapping" means an arrangement under any agreement or order where a licensee supplies power to a person other than own consumer or a licensee with a condition that the said recipient will reciprocate such supply by returning in a manner as will be determined by the terms and conditions of the agreement or order a certain quantum of power to the supplier as committed in lieu of the power already supplied to him."

3. For clause (lxiv) of the regulation 1.2.1 of the Principal Regulations the following clause shall be substituted:
- "(lxiv) "Irrigation supply" means supply of electricity to any consumer for the purpose of watering or dewatering required for farming of agricultural produces in his own premises or in the premises occupied by him excluding those produces covered by Commercial Plantation;"
4. For clause (xcvi) of the regulation 1.2.1 of the Principal Regulations the following clause shall be substituted:
- "(xcvi) "Short Term Irrigation Supply" means supply of electricity to any consumer for the purpose of watering or dewatering required for farming of agricultural produces in his own premises or in the premises occupied by him excluding those produces covered by Commercial Plantation for a period not exceeding 125 days at a stretch;"
5. For the clause (xcvia) of the regulation 1.2.1 of the Principal Regulations the following clauses shall be substituted:
- "(xcvia) "SLDC" means the State Load Despatch Centre established by the Government of West Bengal under sub-section (1) of section 31 of the Act;
- "(xcvib) "Specified Institutions" means the consumers who are falling under the following categories:
- All non-profit making educational and research institutions (other than Government school, Government aided school or Government sponsored school) including public libraries, owned or aided by the State / Central Government; and
 - Hospitals, maternity homes, charitable dispensaries, old age homes, children/ orphanage homes, homes for destitute and social welfare establishments owned and run by either State Government or Central Government or by any non-profit making charitable organization either public or private."
6. For the clause (xcviii) of the regulation 1.2.1 of the Principal Regulations the following clause shall be substituted:
- "(xcviii) "Start-up power" means the power required by any Generating Station or Captive Generating Plant for black start-up or cold start-up of the generating station; "
7. After clause (civ) of the regulation 1.2.1 of the Principal Regulations the following clause shall be inserted:
- "(civa) "Survival Power" means the power required by any generating station or Captive Generating Plant for running the auxiliary equipment of that Generating Station in hot-standby or cold-standby mode."
8. For table 2.5.5-1 below clause (iii) in regulation 2.5.5 of the Principal Regulations, the following table shall be substituted:

" Table 2.5.5-1

ARR Item characteristics of Business of Electricity of a Generating Company or a Licensee

ARR Item	"Controllable"/ "Uncontrollable" Factor
Fuel Cost subject to efficiency norms as per Schedule-9A, Schedule-9D of these Regulations	Uncontrollable
Fuel price	Uncontrollable

ARR Item	"Controllable"/ "Uncontrollable" Factor
Power Purchase Costs including the fuel cost or fuel surcharge inbuilt in such power purchase cost subject to efficiency norms of distribution loss and / or transmission loss as per Schedule-9A of these Regulations.	Uncontrollable
Employee Cost subject to Man / MW ratio adopted by the Commission in Schedule-9A of these Regulations for new units commissioned after 31.03.2004	Uncontrollable
Employee Cost subject to Man / MW ratio to the extent considered by the Commission as per its discretion for units commissioned before 31.03.2004	Uncontrollable
Interest rate & Finance Charges rate.	Uncontrollable
Addition or reduction in the Capital loan base on and after the 1st day of the base year of the concerned control period.	Uncontrollable
Addition or reduction in the Depreciation of asset on and after 1st day of the base year of the concerned control period	Uncontrollable
Addition or reduction in the equity base on and after the 1st day of the base year of the concerned control period.	Uncontrollable
Taxes on Income, Duties, Levies, cess, etc.	Uncontrollable
Non-tariff income as permitted under these Regulations	Uncontrollable
Sale volume of electricity	Uncontrollable
Foreign Exchange Rate Variation	Uncontrollable
Unscheduled Interchange	Uncontrollable
Interest on Working Capital as per regulation 5.6.5	Uncontrollable
Insurance premium	Uncontrollable
Effect of rebate / surcharge	Uncontrollable
Income from other business	Uncontrollable
Outsourcing within the period of agreement between the licensee and the outsourcing agency(ies) limited to manpower related cost and hiring of vehicle cost only *	Uncontrollable
Outsourcing within the period of agreement between the licensee and the outsourcing agency(ies) except the manpower related cost and hiring of vehicle cost	Controllable

ARR Item	"Controllable"/ "Uncontrollable" Factor
Capital loan base according to the closing balance of the last date of the preceding base year of the concerned control period.	Controllable
Depreciation of assets according to closing balance of last date of the year preceding the base year of the concerned control period	Controllable
Repair and Maintenance item for distribution or transmission system	Controllable
Administrative and General Expense for distribution or transmission system	Controllable
Equity base subject to ceiling as specified in Regulation 5.4.2 and according to the closing balance of the last date of the preceding base year of the concerned control period.	Controllable
Man / MW ratio of generating station as adopted by the Commission in pursuance of Schedule-9A or Schedule-9D	Controllable
Man / CKM ratio for transmission licensee as adopted by the Commission in pursuance of Schedule-9A *	Controllable
O&M expenses for generating station	Controllable
Outsourcing within the period of agreement between generating company and the outsourcing agency(ies)	Controllable
Any other item not included in above rows	As may be decided by the Commission from time to time
Note: '*' - will only be applicable from third control period.	

9. After the table 2.5.5-1 below clause (iii) in regulation 2.5.5 of the Principal Regulations, the following clause shall be inserted :

"(iv) Under a controllable item the variation in expenditure of different elements under such item with respect to the amount for such elements that has been admitted in tariff order is permissible subject to the condition that the overall expenditure of such controllable item allowable under APR will be limited to the value that has been allowed in the tariff order except for the reason as explained in regulation 2.6.10."

10. For the regulation 2.6.1 of the Principal Regulations, the following regulation shall be substituted:-

"2.6.1 During the control period for any ensuing year or base year, a generating company or a licensee shall be subjected to an annual performance review covering annual fixed charges, fixed cost, incentives as per schedule-10 and effects of gain sharing on the parameters under schedule-9B which are not covered under the process of FPPCA. The generating company / licensee shall make an application seeking an annual performance review for fixed cost, incentives as per Schedule-10 and effects of gain sharing for the concerned

period as per Schedule - 9B for an ensuing year or the base year with statutory audited data and a copy of the audited Annual Accounts for that year by November of the immediate next ensuing year of each such ensuing year or base year, as the case may be. The generating company or licensee shall provide such related information having relevance with the APR as per the format for tariff application limited to the year under review for the purpose of assessing the reasons and extent of any variation in the performance from the approved projection. A comparative statement showing the different elements of fixed cost as approved in the tariff order of the concerned ensuing year as well as the actual audited figure against such elements shall be given."

11. In regulation 2.6.10 of the Principal Regulations, after the clause (iv) the following clause shall be inserted :

"(v) If the business volume of a distribution licensee during a year increases more than the projected business volume in terms of consumers strength or increasing distribution network asset than what was projected during application of any multiyear tariff application by more than 5%, the Commission may allow certain additional expenditure through order of APR on any element of controllable item which is included in the working capital base in addition to what has been provided in clause (ii) above if such expenditure is sensitive to any such business volume parameter as mentioned above. However, such allowance will be limited to an amount 'A'

Where $A = (\text{Return on Equity (ROE) for the year} + N_UI_R - \text{disallowance of excess power purchase cost for distribution loss over the normative distribution loss.})$

Such A determination will be subject to following condition:

- i) $A \geq 0$
- ii) $N_UI_R \geq 0$

Where, $N_UI_R = \text{Amount receivables against UI over the year} - \text{Amount payable over the year}$

12. For the regulation 2.8.4.1 of the Principal Regulations, the following regulation shall be substituted:-

"2.8.4.1 A licensee or a generating company may undertake capital expenditure in small schemes, which do not fall within the capital expenditure programme approved by the Commission in pursuance of regulations 2.8.1.4, 2.8.2.3 and 2.8.3, provided the aggregate expenditure on such schemes does not exceed Rs 300 crore or 5 % of the gross fixed asset of the generation business of the generating company or distribution business of the distribution licensee or transmission business of the transmission licensee, as the case may be, whichever is lower during the year concerned, subject to following conditions:

- (i) No approval is required to be taken for Capital Expenditure for the schemes other than those mentioned in Sl. No. (iii) below, in a year upto the amount of Rs. 300 crore or 5% of the gross fixed asset of the concerned business whichever is lower as mentioned above.
- (ii) For providing service connection by a distribution licensee to the applicant for new connection the capital expenditure incurred for network development from and beyond distribution sub-station as defined in SOP will not require any prior investment approval.
- (iii) If capital expenditure, other than those mentioned in Sl. No. (ii), exceeds Rs. 300 crore or 5% of the gross fixed asset of the concerned business whichever is lower as mentioned above, prior approval is required to be taken for Capital Expenditure for such small schemes and which are undertaken beyond the above limit prior to incurring such expenditure.

(iv) Under this provision no proposal for a new generating station will be allowed.

Provided that in case of emergency or emergent circumstances due to its impact on the safety of the assets, life, system or smooth supply or such similar reasons, the licensee or the generating company may incur the necessary expenditure without taking the prior approval of the Commission, but shall intimate the same to the Commission as soon as possible but within 120 days at the maximum from the date of incurring such expenditure along with the circumstances under which it was not possible to take prior approval.

Provided further that in case the Commission neither refuses nor gives its consent for incurring of such expenditure nor asks for any other documents within 30 (thirty) days from its filing with all the relevant documents, the licensee / generating company may presume that the Commission has no objection to inclusion of the same for fixing the tariff.

Provided also that notwithstanding anything contained above, the above procedure shall not be applicable to the extent the capital expenditure programme, as included in the tariff application, has been approved by the Commission."

13. For the regulation 2.8.6.1 of the Principal Regulations, the following regulation shall be substituted:-

"2.8.6.1 The operating norms of different operational parameters pertaining to the year 2014-15 and onwards on the basis of which the annual revenue requirement of any generating station or licensee will be determined, have been laid down in Schedule-9A or as per Schedule-9D of these regulations. Beyond 2014-15, the values of applicable operating norms of different operational parameters for any ensuing year will be the same as specified in Schedule 9A and in Schedule 9D of these Regulations till the Commission comes out with a new set of values through any order or Regulations. For the period prior to 2014-15 the applicable operating norms will be as per the norms of the Regulations on the basis of which the ARR requirement for each ensuing year of the concerned control period is declared in the tariff order of the first year of that control period. Where in Schedule 9A of these Regulations if any operating norms is specifically shown as applicable prior to 2014-15 then that shall be considered as per these Regulations while dealing with the Annual Performance Review for the period prior to 2014-15. However, from 2017-18 norms of Operation and Maintenance (O&M) Expenses for a Coal Fired Thermal Generating Station and for the hydro generating power station which are under Operation or/ and under Construction will be provided in the tariff order of the 1st ensuing year of any control period applying average inflation rate of last control period on the basis of actual expenditure of the last available completed year of that last control period but subject to further condition that the Commission may change such basis on detailed scrutiny after taking into account the application of tariff or APR where applicable and objections and suggestions on it. Such inflation rate for the last control period shall be taken upto the extent such rate is available at the time of issuance of the order. Any excess cost incurred due to performance which is higher than the applicable operating norms other than for distribution loss, will not be allowed to pass through the tariff for the amount in excess of the normative value. However for excess distribution loss beyond the normative distribution loss, the disallowance on account of excess power purchase cost due to excess distribution loss over the norms in distribution loss will be limited to an amount equal to summation of return on equity (ROE) and net UI receivable amount subject to following conditions:

- i) Net UI receivable amount = UI receivable amount over the year – UI payable amount over the year.
- ii) Net UI receivable amount ≥ 0

14. After the regulation 3.9.5 of the Principal Regulations, the following regulation shall be inserted:—
- "3.9.6 Notwithstanding anything contrary contained elsewhere in these Regulations, for load factor rebate calculation the maximum demand recorded below the contract demand may not be considered for the winter season if Commission decides so in the tariff order and in such case load factor rebate shall be considered on the basis of contract demand only."
15. For the regulation 3.11.3 of the Principal Regulations, the following regulation shall be substituted:—
- "3.11.3 Where the Commission has allowed creation of a regulatory asset, it shall reasonably stipulate the period of amortization and the specific roadmap of release of such regulatory asset along with the date by which such regulatory asset will be extinguished, which shall not be more than three (3) years. Any regulatory assets created through tariff order for the year 2014-15 and onwards or any related APR / FPPCA order for such year shall be released within next three years of the relevant order."
16. For the regulation 4.2.1 of the Principal Regulations, the following regulation shall be substituted:—
- "4.2.1 Fixed charges, which will be applicable for LV and MV consumers having contract load below 50 KVA and quantified in terms of per KVA/month, shall be based on contract demand."
17. At the end of the regulation 4.2.3 of the Principal Regulations following sentence shall be inserted:—
- "Notwithstanding anything to the contrary contained elsewhere in these Regulations, if two classes of consumers having two separate tariff rates are merged into one class of consumers having a new separate tariff rate through any tariff order, the fixed charge for this new rate shall be within 120% of the higher fixed charge of those two merged tariff rates."
18. At the end of the regulation 4.3.1 of the Principal Regulation, following proviso shall be inserted:—
- "Provided that for start-up power or survival power of any Generating Station no Demand Charge will be applicable for the load limited to start-up load or survival load of that Generating Station only."
19. At the end of the regulation 4.3.4 of the Principal Regulations following sentence shall be inserted:—
- "Notwithstanding anything to the contrary contained elsewhere in these Regulations, if two classes of consumers having two separate tariff rates are merged into one class of consumers having a new separate tariff rate through any tariff order, the demand charge for this new rate shall be within 120% of the higher demand charge of those two merged tariff rates."
20. After the regulation 4.3.6 of the Principal Regulations, the following regulation shall be inserted:—
- "4.3.7 Rebates will be allowed based on maximum demand recorded as per following conditions:
- a) If in any month for any consumer the maximum demand recorded during peak period as defined in regulation 3.13 of these Regulations does not exceed 50% of maximum demand considered for the purpose of demand charge calculation of any month, the Commission may provide certain rebate which may vary according to the season.
 - b) The Commission may provide certain rebate in any month which may vary according to the season on the basis of fulfillment of the following two conditions:
 - (i) If in any month for any consumer the maximum demand recorded during peak period within the month is equal to or less than the maximum demand recorded during the periods other than peak period within the month and,
 - (ii) If in any month for any consumer the average drawal during peak period within the month is not greater than the average drawal of the month covering peak period, normal period and lean period"

21. For the regulation 4.14 of the Principal Regulations, the following regulation shall be substituted:—

"4.14 The rates of the applicable delayed payment surcharge arising from non-payment of electricity charges as also other charges by a consumer shall be 1.00% per month of delay or pro-rated for part thereof upto 3 months of delay, at 1.50% per month of delay or pro-rated for part thereof for any period beyond 3 months of delay but upto the next 3 months and at 2.00% per month of delay or pro-rated for part thereof beyond first 6 months of delay. Delay in payment shall be counted from the due date for payment. This delayed payment surcharge is without prejudice to the provisions of disconnection under the Act and the Regulations made thereunder. However, if necessary Commission through any tariff order or any other order may from time to time change the applicable rate in percentage for determination of delayed payment surcharge."

22. The sub clause (d) of clause (iii) of the regulation 5.1 of the Principal Regulations shall be substituted as follows:-

"(d) Where the actual cost incurred on a capital expenditure project is lower than the approved original project cost due to early commissioning of the project, the Commission shall, after due scrutiny, permit the resultant savings in interest on loan capital during the construction period of such project to be dealt with in the manner specified in these Regulations. Scrutiny of the original project cost shall be limited to the reasonableness of the capital cost, financing plan, interest during construction stage, use of efficient technology, economic use of resources, need to optimize investment and such other matters for determination of tariff. However, where any asset after capitalization has not been shown in any year for capitalization on its audited report then only it can be shown prospectively in the year in which it has been identified."

23. The first paragraph of the regulation 5.4.2 of the Principal Regulations shall be substituted as follows:-

"5.4.2 For the purpose of determination of tariff on new capital expenditure including expansion of existing business, debt-equity ratio as on the date of commercial operation of generating station and transmission projects, sub-station, distribution lines or capacity expanded after the notification of these regulations shall be 70:30. Where equity employed is more than 30%, the amount of equity shall be limited to 30% and the balance amount shall be considered as normative loan capital. The rate of interest on normative loan capital shall not be more than the short term prime lending rate of State Bank of India as on the 1st April of the year preceding the year for which tariff is proposed to be determined. During APR for the concerned year, interest on normative loan capital will be allowed on the basis of short term prime lending rate of State Bank of India as on the 1st April of the applicable year or the weighted average interest rate paid on capital borrowings during the applicable year, whichever is less."

24. For the regulation 5.7.1 of the Principal Regulations following regulation shall be substituted:

"5.7.1. Operation and Maintenance or O&M expenses includes the following

- Repair & Maintenance ('R&M') Expenses
- Administrative and General Expenses subject to condition that for generating station actual expenses may be reduced by Rent, and lease charges where it is required
- Any cost of outsourcing for generating stations."

25. At the end of clause (iv) of regulation 5.15.2 of the Principal Regulations the following shall be inserted:—

"For consideration of the benefit from the swap-out power and for other purpose also the price for swap-out power under banking arrangement against any swap-in power shall be considered at pooled

power purchase cost (after considering the conditions under swapping arrangement) against the swap-in power under the banking / swapping arrangements wherein the pooled power purchase cost for the year shall be treated as follows:

- a) Swap in within the year against swap out within the year shall be considered at pooled power purchase cost for the year.
- b) When under the swapping arrangement the distribution licensee undertakes swap out of energy as initial transaction in a year followed by return of energy (swap in) in succeeding year, then for pooled power purchase cost determination the cost and quantum of the swap-in energy during the year against the swap-out energy of any previous year shall be considered as follows:
 - The cost of swap-in energy will be the same as that of swap-out energy of previous year based on the average pooled power purchase price of previous year.
 - The quantum of swap-in energy will correspond to the swap-out energy as committed in the swapping agreement or order.
- c) When under the swapping arrangement the Distribution Licensee undertakes swap-in of power as initial transaction in a year followed by returning power (swap-out power) in any succeeding year, then for pooled purchase cost determination the quantum and cost of the swap-out energy shall be considered as follows :
 - The cost of swap-in power will be determined on the basis of the average pooled power purchase price of the year in which swap-in has taken place and on the basis of those power only which have either been procured or got back as swap-in power against the swap-out power of previous year for which cost can be determined.
 - The cost of swap-out energy will be based on the average pooled power price of the year in which swap-out takes place.
 - The quantum of swap-out energy will correspond to the swap-in energy as committed in the swapping agreement or order. "
- d) For energy balancing and ARR calculation the transmission loss applicable on swapped out and swapped in energy will be applicable in a manner as is being done for sale or purchase of power respectively to any person other than consumer or licensee.

26. For the regulation 5.17.3 of the Principal Regulations following regulation shall be substituted:

"5.17.3 For a distribution licensee the part of the net receivable UI charges for a previous year or base year or an ensuing year, as the case may be, shall be taken into account for sharing between the consumers and the distribution licensee depending on the amount of actual distribution loss and normative distribution loss and such sharing ratio shall be as may be decided by the Commission subject to the conditions that based on the fact that distribution loss is more than normative distribution loss or not, the amount of net UI receivables considered for sharing between the consumer and the licensee will be as per following formula:

- (i) When excess power purchase cost due to actual distribution loss $>$ ROE, then

Part of Net UI receivable amount entitled for sharing = $ROE + N_UI_R - \text{excess power purchase cost due to actual distribution loss above the normative distribution loss as per regulation 2.8.6.1.}$

- (ii) When excess power purchase cost due to actual distribution loss \leq ROE, then

Part of Net UI receivable amount entitled for sharing = N_UI_R

The above formulae are subject to following conditions.

(a) $N_{UI_R} = \text{Net UI receivables amount over the year} - \text{Net UI payable amount over the year}$

(b) $N_{UI_R} \geq 0.$ "

27. The first sentence of the clause (v) of the regulation 6.5.4 of the Principal Regulations shall be substituted as follow:-

"v) Notwithstanding anything contained contrary elsewhere in any Regulations of the Commission, for computation of UI charges in open access mode and charges for power drawal in consumer mode in any time block in the case of an open access customer who is also a consumer, the implemented injection schedule in open access mode reduced by normative transmission and distribution losses, shall be treated as the actual drawal in the relevant time block under open access mode."

28. For sub-clause (b) under clause (v) of the regulation 6.5.4. of the Principal Regulations the following sub-clause shall be substituted:

"b) Notwithstanding anything contrary contained elsewhere in any other Regulations of the Commission for deviation from drawal schedule including that of under drawal of power in UI mechanism by any open access customer in open access mode, no charge will be payable to such open access customer for any reason whatsoever. However, if any charges become payable by such open access customer for deviation from drawal schedule in the open access mode then such amount shall be paid by such customer to the distribution licensee in whose network its drawal point is connected."

29. For Paragraph-A of Schedule-7B of the Principal Regulation the following paragraph shall be substituted :-

"A. Monthly Variable Cost Adjustment (MVCA) for Licensees.

Monthly Variable Cost Adjustment shall be computed as per the following formula.

a) Value to be taken from tariff order

TL = Normative Transmission loss in %

DL = Normative Distribution loss in %

e_{sc} = Energy sale to consumer and licensee in MU as per tariff order

pp_{cost} = Power purchase cost allowed in the tariff order in Rs.

fc = Fuel cost allowed in the tariff order in Rs.

pp_{cost_ex} = Power purchase cost/ fuel cost for sale to person other than licensee and consumers as allowed in the tariff order in Rs.

b) Value to be taken upto the month under consideration.

The following values shall be taken on monthly basis for the period from the beginning of the year upto the month preceding the month for which MVCA is to be determined.

UI_{in} = Net Power drawal (MU) in UI mode

UI_{out} = Net Power exported (MU) in UI mode

E_p = Total Power purchase (MU) against bill

E_G = Total Sent out from own generation (MU) on normative basis (Excluding normative auxiliary consumption and transformation loss from gross generation)

- E_x = Energy sold (MU) to person other than licensee and consumers including swapout.
- E_{P_PSP} = Net power drawal for pumping energy of Pumped Storage Project
- PP_{cost} = Total cost of Power purchase from different sources in Rs.
- FC = Total fuel cost of own generation as per normative parameters fixed by the Commission in Rs.
- $Uicost_{in}$ = Power purchase cost for UI_{in} in Rs.
- CTU_{loss} = Loss through inter-state transmission system for import of power from different sources.
- $R-E_x$ = Revenue earned in Rs on account of part of variable cost only due to Energy sold against E_x .
- $R-UI_{out}$ = Revenue earned in Rs due to power exported in UI mode

c) Value to be taken from Order of Adhoc Variable Cost or Adhoc Power Purchase Cost, if any.

$Adhoc_V_{cost}$ = Adhoc Variable Cost or Adhoc Power Purchase Cost in Rs./kWh

d) Value to be taken for the balance period of the year.

- P_{proj} = Projected power purchase cost in Rs for the balance period of the year after the month under consideration for balance energy during the balance period out of the energy projected to be procured in the tariff order against each source separately where the price for power purchase from each source shall be considered at the average rate of purchase from that source in the year till the month under consideration or the latest price whichever is higher and including power purchase cost for short term procurement and received through swapping beyond what is approved in the tariff order.
- FC_{proj} = Projected fuel cost in Rs for the balance period of the year beyond the month under consideration for different thermal generating stations owned by the licensee based on the latest fuel prices for different grade of fuel from different sources.
- E_{proj} = Projected energy in MU to be purchased for the balance period of the year beyond the month under consideration out of the energy projected from the sources as per tariff order and any projected short term procurement and power received through swapping beyond what has been approved in the tariff order.
- $E_{P_PSP_proj}$ = Projected net drawal in MU of pumping energy of pumped storage project for the balance period of the year beyond the month under consideration.
- E_{G_proj} = Total projected energy to be sent out from own generation in MU on normative basis for the balance period of the year from the month under consideration to the end of the year.
- E_{x_proj} = Projected energy to be sold (MU) to person other than licensee and consumers including swap out for the balance period of the year from the month under consideration to the end of the year.
- $R-E_{x_proj}$ = Projected revenue to be earned in Rs on account of part of variable cost only due to projected energy sold against E_{x_proj} .

e) Computation of MVCA

$$\text{Tot}_{\text{ENR}} = E_p + E_G + \text{UI}_{\text{in}} - \text{CTU}_{\text{loss}} + E_{\text{proj}} + \text{EG}_{\text{proj}}$$

$$\text{Tot}_{\text{ENR_Consumer}} = \text{Tot}_{\text{ENR}} - \text{UI}_{\text{out}} - E_x - E_{x_{\text{proj}}} - (E_{\text{P_PSP}} + E_{\text{P_PSP_proj}}) / (1 - \text{TL})$$

MVC = Total variable cost incurred for the year based on actual upto the period preceding the month for which MVCA is to be determined and projected variable cost for the balance period of the year from the month under consideration to the end of the year in Rs.

$$= \text{PP}_{\text{cost}} + \text{FC} + \text{UI}_{\text{cost}_{\text{in}}} + \text{P}_{\text{proj}} + \text{FC}_{\text{proj}} + \Delta \text{Adj}$$

Δ_{Adj} = Adjustment, if any on the basis of cumulative total variable cost incurred from the start of the ensuing year upto any specific month

$$\text{MVC}_{\text{consumer}} = \text{MVC} - (\text{R} - E_x + \text{R} - \text{UI}_{\text{out}} + \text{R} - E_{x_{\text{proj}}})$$

E_{SC} = Energy sale to consumer and licensee for the year based on actual upto preceding the month for which MVCA is to be determined and projected variable cost for the balance period of the year from the month under consideration to the end of the year in MU.

$$= \text{Tot}_{\text{ENR_Consumer}} \times (1 - \text{TL} \times 0.01) \times (1 - \text{DL} \times 0.01)$$

$$\text{MVC}_{\text{unit_consumer}} = \text{MVC}_{\text{consumer}} / (E_{\text{SC}} \times 10^6)$$

$\text{mvc}_{\text{consumer}}$ = Variable cost as per tariff order in Rs .

$$= \text{pp}_{\text{cost}} + \text{fc} - \text{pp}_{\text{cost_ex}}$$

$$\text{mvc}_{\text{unit_consumer}} = \text{mvc}_{\text{consumer}} / (e_{\text{sc}} \times 10^6)$$

MVCA = Monthly fuel cost adjustment in Paise / Kwh.

$$= (\text{MVC}_{\text{unit_consumer}} - \text{mvc}_{\text{unit_consumer}} - \text{Adhoc_V}_{\text{cost}}) \times 100 \text{ Paise/Kwh}$$

Note : a) The above MVCA shall be calculated on monthly basis based on the followings:

- i) Normative fuel cost of own generation and power purchase bill received for the period preceding the month for which MVCA is to be determined within the 15th day of the month for which MVCA is to be determined.
- ii) Power Purchase and fuel cost of own generation for the balance period based on sub-paragraph (d) and (e) of paragraph A above of this schedule. Determination of own generation cost for the above purpose shall be calculated on monthly basis based on the normative fuel cost for generation based on the fuel related cost payable for the period from the beginning of the year upto the month preceding the month for which MVCA is to be determined within the 15th day of the month for which MVCA is to be determined and the cost of own generation for the balance period based on provisions on sub-paragraph (d) & (e) of the paragraph A of this schedule. The fuel related cost means cost of fuel and railway freight, including taxes, duties, cess and royalty and other charges, if any, as applicable on them. For better accuracy the licensee may also make due adjustment (ΔAdj as mentioned in the formula) in calculating the above MVCA on monthly basis based

on the bill received for the period from the start of the year to the month preceding the month for which MVCA is calculated. The ΔAdj may be allowed to be derived in any of the following ways:

- by finding out the deviation in recovery of variable cost from sale-side computation for a certain period.
- by finding out cumulative expenditure on variable cost from expenditure side for a certain period as is being done in MVCA calculation

For any month any bill received may not be considered by the licensee in a certain month but that may be used within six months but within the year so that increase in MVCA in the current month does not occur abnormally and in the future month MVCA does not decrease sharply.

- b) While computing as per above formula the regulation 5.8.11 and 5.8.12 of these Regulations shall be duly taken into consideration.
- c) The process of determination of MVCA shall not require any audited data and shall be done by the distribution licensee themselves and shall be recovered on monthly basis subject to final adjustment of FPPCA annually based on Audited Annual Accounts.
- d) Where any tariff order is referred for different parameters of the above formula then such parameters shall be taken from the tariff order on the basis of which the tariff is being charged to the consumer or electricity purchaser under the purview of the Commission. Where the normative parameter related to such tariff order is to be used then it shall be taken from that tariff order or the tariff order of the 1st ensuing year of the control period related to the referred tariff order.

Provided that where there is no such tariff order for the ensuing year or where the latest above mentioned normative parameters for a year in these regulations differ from that of the tariff order then the normative parameters under these regulations for the concerned ensuing year will be considered.

Provided also that for CTU loss the actual as considered under the import or export of the power through inter-state transmission line shall be considered as there is no normative value in this aspect.

- e) Such MVCA will be applicable to all consumers or purchaser of electricity under the purview of the Commission for each unit of consumption as billed for the month to the consumer or purchaser of electricity.
- f) The MVCA is to be rounded off to nearest integer Paisa in lower side [Example: If the computed value of MVCA is 7.92 paisa/ kWh then it will be rounded off to 7 paisa/ kWh only]
- g) In case, due to procurement of short-term power in a month, there is hike of MVCA for a month by equal to 'X' or more than 'X' then such additional cost shall be distributed into the future months of balance period of the year where, the value of 'X' = 10% of MVCA for the previous month or 5% of approved variable cost as per last available applicable tariff order of the Commission, whichever is higher. If such increase in MVCA in a month is less than the above 'X' then such additional cost may be distributed into the future months of balance period of the year if the distribution licensee desires so.
- h) The notified MVCA shall become applicable from the date of notification only.

- i) Notwithstanding anything contained contrary elsewhere in any other Regulations of the Commission no rebate will be applicable on the part of MVCA.
- j) Notwithstanding anything contrary contained elsewhere in these Regulations the working sheet of MVCA for each month shall be submitted to the Commission within the next month."

30. For Schedule- 9A of the Principal Regulation the following Schedule shall be substituted:—

" Schedule - 9A

OPERATING NORMS

(See regulations 2.5.1(ii), 2.5.1(iv), 2.5.3, Table 2.5.5-1, 2.5.6.1, 2.8.1.4.2(i)(b), 2.8.1.4.4(ii), 2.8.1.4.8, 2.8.4.2.1(c), 2.8.4.2.4, 2.8.6.1, 2.8.6.2, 2.8.6.3, 2.8.6.8, 2.8.6.9, 2.8.6.12, 4.6.1(iii), 6.1.1, 6.4.2, Para 8.1(iii) of Schedule-1, Para 8.1 of Schedule - 5, Para A3(iii) of Schedule-9B, Para A of Schedule - 9D, Para B of Schedule - 9D, Para 1 of Schedule-10, Para 6 of Schedule-10)

A. Recommended Annual Norms of Gross Station Heat Rate (SHR), Plant Load Factor (PLF), Plant Availability Factor (PAF), Auxiliary Energy Consumption(AEC), Secondary Fuel oil consumption, Man/MW ratio for determination of Employee Cost, Transit and handling loss of coal for Coal Fired Thermal Generating Stations under Operation and under Construction:

Name of the Generating Station	Unit Size	Recommended Normative parameters applicable from 2014-15 and onwards						Annual Norms of Man/MW ratio	Transit and handling loss of coal (%)
		SHR	PLF	PAF	AEC	Secondary Fuel Oil consumption			
		(Kcal/kwh)	(%)	(%)	(%)	(ml/kWh)			
CESC:									
Budge Budge TPS	3×250 MW	2470	80	85	9.00	1.30	1.58	0.75	
Southern Generating Station	2×67.5MW	2900	80	85	9.00	2.10	3.50	0.75	
Titagarh TPS	4×60 MW	2910	80	85	9.00	2.10	3.65	0.75	
New Cossipore Generating Station	100 MW	5800	50	50	10.00	—	7.25	0.75	
WBPDCCL :									
Bakreswar TPS	5×210 MW	2470	80	85	9.00	1.30	1.60	0.50	
Kolaghat TPS	6×210 MW	2700	70	75	9.60	2.00	2.00	0.80	
Bandel TPS	4×60+1×210 MW	2900	69	74	9.95	2.25	3.50	0.80	
	4×60 MW	3050	65	70	10.40	2.50	4.80	0.80	
	1×210MW	2750	73	78	9.40	2.00	2.00	0.80	
Bandel Unit V after life extension programme	1×215 MW	2430	80	85	9.00	1.75	1.95	0.80	
Bandel TPS after life extension programme of Unit V	4×60+1×215MW	2725	72	77	9.70	2.15	3.50	0.80	

Name of the Generating Station	Unit Size	Recommended Normative parameters applicable from 2014-15 and onwards						Annual Norms of Man/MW ratio	Transit and handling loss of coal (%)
		SHR	PLF	PAF	AEC	Secondary Fuel Oil consumption			
		(Kcal/kwh)	(%)	(%)	(%)	(ml/kWh)			
Santaldih TPS	2×250 MW	2425	80	85	9.00	1.00	2.45	0.80	
Sagardighi TPS Stg-I	2×300 MW	2345	80	85	9.00	1.00	1.35	0.80	
Sagardighi TPS Stg- II	2×500 MW	2276	80	85	9.00	1.00	1.35	0.80	
DPL:									
Durgapur Project Power station	3×77 MW	3100	72	77	10.00	2.20	3.50	0.50	
	1×110 MW	3100	64	69	10.00	2.75			
	1×300 MW	2345	80	85	8.5	1.00	1.20		
	1×250 MW	2425	80	85	9.0	1.00	1.20		
	3×77MW+ 1×110 MW+ 1×300 MW	2720	74	79	9.25	1.80	2.42		
	3×77MW + 1×110 MW+ 1×300 MW+ 1×250 MW	2635	75	80	9.20	1.50	2.08		
DPSCL:									
Dishergarh TPS (New)	1×12 MW	3300	80	85	10.00	0	3.50	0.30	
Chinakuri TPS	3 ×10 MW	3746	80	82	10.00	0	6.23	0.30	

Note:-

- i) Where the sizes of different units of the same generating station vary, the respective contribution by such units to the gross station heat rate have been shown separately with a view to facilitate modification of norms by the Commission under unusual circumstances like outage of any unit for a period of three months or more at a stretch, or time over-run of new units under construction.
- ii) The gross station heat rate of any coal fired thermal generating station shall always be computed on the basis of generating station as a whole without any special consideration being given to the possible impact of any individual unit on the plant except when there is an outage of any unit over three months or more at a stretch, or there is a time overrun of a new proposed unit.
- iii) During stabilization period of new units, additional gross station heat rate on the basis of actual generation will be applicable, subject to a ceiling of 50 Kcal/ Kwh.
- iv) New Cossipore Generating Station shall be operated by CESC Ltd. last in the merit order.

- v) The norms of PLF and PAF of those coal fired thermal generating stations that have units of different sizes, such as DPL and Bandel TPS are the weighted averages of the unit load factors and unit availability factors respectively based on the weightage of installed capacity of individual units, subject to the rounding off to the nearest whole number.
- vi) The norms of auxiliary energy consumption rate and the norms of oil consumption rate of those coal fired generating stations that have units of different sizes, such as DPL and Bandel TPS are the weighted averages of the norms of auxiliary energy consumption rates and norms of oil consumption rates of different units respectively, based on the weightage of normative PLF of each individual units. The norms as calculated for oil consumption rate and auxiliary energy consumption rate is also further rounded off to two decimal places in multiples of 0.05 on higher side.
- vii) If there is a time over-run in commissioning of a new unit of an existing coal fired thermal generating station, then the normative PLF, PAF, auxiliary consumption rate and oil consumption rate of the generating station as a whole shall be determined afresh in the tariff order or APR of the concerned year on the weighted pro-rata basis of the unit load factor, unit availability factor, auxiliary consumption rate and oil consumption rate of each unit based on
- a) weightage of installed capacities considered for the units under consideration and COD of these new units for PLF and PAF.
 - b) weightage of normative generation by applying the normative PLF of the units under consideration and COD of that new units.
- viii) The PLF and PAF of any coal fired thermal generating station shall always be computed on the basis of generating station as a whole without any special consideration being given to the possible impact of any individual unit on the plant.
- ix) During the stabilization period of new units, additional oil consumption on the basis of actual generation but subject to a ceiling rate of 3.5 ml / KWh will be allowable.
- x) The above Man/ MW ratio for different plants has considered all regular employees of own establishment as also all contracted manpower engaged directly or through man power supply company for working in the regular establishment.
- xi) This Man/MW ratio in the above table is only for the purpose of determination of the cost of employee.
- xii) In case of de-rating of any units of any generating station within the control period, the norms will continue but the total expenditure on man-power head and O&M cost will be allowed on the basis of installed capacity prior to such de-rating till the norms are not changed.
- xiii) In case Life Extension Programme (LEP) of any of the units of a generating station has taken place then there will be change in all norms as will be provided by the Commission through tariff order or separate order.
- xiv) After completion of LEP of unit V of BTSPS or if any other units undergo through LEP, then norms for unit V or such unit will be applied from the date of synchronization. Between synchronization and COD, the paragraph (ix) will also be applicable.
- xv) Due to de-commissioning of old unit(s) of any existing generating station, the expenditure of the surplus man power will be allowed in the tariff after considering the due adjustment of such manpower to any new unit(s) of any generating station or any other part of the business by the generating company or licensees.

B. Recommended Annual Norms of Operation and Maintenance (O&M) Expenses for a Coal Fired Thermal Generating Station under Operation and under Construction:

Name of the Generating Station	Unit Size	Recommended Norms applicable for the control period		
		Annual Norms of Operation and Maintenance (O&M) Expenses (Rs lakh/ MW)		
		2014-15	2015-16	2016-17
CESC:				
Budge Budge TPS	3×250 MW	11.68	12.38	13.12
Southern Generating Station	2×67.5MW	13.82	14.65	15.53
Titagarh TPS	4× 60 MW	13.58	14.39	15.25
New Cossipore Generating Station	100 MW	18.23	19.32	20.48
WBPDCCL :				
Bakreswar TPS	5×210 MW	10.13	11.04	12.03
Kolaghat TPS	6×210 MW	12.58	13.71	14.94
Bandel TPS	4×60+1×210MW	12.71	13.85	15.10
SantaldihTPS	2×250 MW	8.28	8.78	9.31
Sagardighi TPS Stg- I	2×300 MW	7.05	7.47	7.92
Sagardighi TPS Stg- II	2× 500 MW	5.21	5.52	5.85
DPL:				
Durgapur Project Power station	3×77 MW + 1×110 MW	16.59	18.08	19.71
	1×300 MW	7.05	7.47	7.92
	1×250 MW	5.21	5.52	5.85
DPSCL				
Dishergarh TPS (New)	1×12 MW	6.39	6.77	7.18
Chinakuri TPS	3×10 MW	13.67	14.49	15.36

- i) The above O&M expenses are against the provisions of regulation 5.7;
- ii) The above O&M expenditure is exclusive of lease rental charges which have been covered separately by regulation 5.6.6 of the instant regulations.
- iii) The tariff application of a licensee having its own generation activity shall show its manpower engaged in generating station(s) and manpower engaged in business other than generation, separately.
- iv) In case of operation of any of the activities of a licensee through a contract, the cost allowed for the contract shall be subject to a ceiling arrived at on the basis of said manpower and the average cost per employee in the licensee's regular establishment for the same category of employees.
- v) After commissioning of unit V of BTPS or any other unit after LEP, the O&M cost against per MW for such unit will be reduced to 90% of the given norms prior to LEP.

C. Stabilization Period:

In relation to a unit, stabilization period shall be reckoned commencing from the date of commercial operation of that unit as follows:

- (a) Coal based and lignite-fired generating stations — 180 days
- (b) Gas Turbine/ Combined cycle generating stations— 90 days

D. Norms of Distribution Losses for Different Distribution Licensees:

NORMS OF DISTRIBUTION LOSS IN PERCENTAGE OF DISTRIBUTION LICENSEES FOR THE YEAR 2014-15 AND ONWARDS	
DISTRIBUTION LICENSEE	2014-15 onwards
WBSEDCL	17.50
CESC	14.30
DPL	5.2
DPSCL	5.25
DVC	2.2

- Note: (1) Excess power purchase cost due to distribution loss of licensee over the above normative amount will be disallowed to an extent as specified in regulation 2.8.6.1 of these Regulations.
- (2) If any licensee owns and runs any generating station located outside its area of supply and transmits any energy generated by such a generating station to its area of supply through a dedicated transmission line, the transmission loss associated with such transmission shall be determined by the Commission separately and the same shall not be governed by the distribution loss shown in the above table. In case the licensee sources electricity using its EHV system through any transmission system in the areas beyond the area of supply of the licensee, the Commission shall also determine the loss associated with the EHV system separately and the same shall not be governed by the distribution loss shown in the above table.

E. Norms for Transmission Loss for Transmission Licensees:

TRANSMISSION LICENSEE	TRANSMISSION LOSS IN PERCENTAGE FOR THE YEAR 2014-15 AND ONWARDS
WBSETCL	3.40

NOTE:— The norms of transmission loss in the intra-state transmission system of DVC will be laid down by the Commission in due course on conclusion of different legal proceedings.

F. Norms for Availability of Transmission System:

PART OF TRANSMISSION	AVAILABILITY OF TRANSMISSION SYSTEM IN PERCENTAGE FOR WBSETCL FOR THE YEAR 2014-15 AND ONWARDS
Transmission Line	99.00
Sub-Station	97.00

G. Norms of Plant Availability Factor Hydro Generating Station for Incentive Purpose:

NORMS OF AVAILABILITY FACTOR		
Sl. No.	Type of Hydro Generating Station	Norms of Availability Factor
i)	Purely run of the river	90 %
ii)	Pondage/storage type run of the river	85 %
iii)	Pumped Storage Type	95 %
iv)	Jaldhaka HEP	85 %

- Note: (i) For WBSEDCL, Rammam HEP Stage-II is to be considered as purely run of the river scheme.
- (ii) The normative availability factor of pumped storage type of hydro generating station shall be considered over a period of a year after deducting a downtime of 60 days or actual downtime whichever is less for each unit in the year once out of each five year blocks for major overhauling. This shall be considered for the year in which such overhauling will be done.

H. Norms of Auxiliary Energy Consumption of Hydro Generating Stations (including transformation loss):

NORMS OF AUXILIARY ENERGY CONSUMPTION IN PERCENTAGE FOR EXISTING HYDRO GENERATING STATIONS FOR THE YEAR 2014-15 AND ONWARDS	
HYDRO GENERATING STATION	2014-15 and onwards
RAMMAM STAGE-II	1.0
JALDHAKA	1.0
PURULIA PUMPED STORAGE PROJECT (includes transformation loss during pumping operation also)	1.7
Small Hydro Generating Stations	1.0

Note: Small hydro generating stations mean all existing and future hydro generating stations having capacities of not more than 25 MW and consisting of such units whose turbo generator is under the same turbine floor and under the purview of the Commission, but are not specifically covered by the above table.

I. Norms of Pumping Energy for Pumped Storage Hydro Generating Stations:

The norms of pumping energy is as per cycling efficiency in % defined as ratio of generation energy to pumping energy where such generation is made due to such quantum of water that has been pumped by the said pumping energy. The norms for such cycle efficiency will be treated as 74%.

J. Norms of O&M Expenses of Hydro Generating Stations:

NORMATIVE O&M COST FOR HYDRO GENERATING STATIONS IN RUPEES LAKH/ MW ONLY			
NAME OF PLANT	2014-15	2015-16	2016-17
Jaldhaka HEP	13.94	14.64	15.37
Rammam HEP	9.69	10.17	10.68
Small Hydro	13.80	14.49	15.21
Purulia Pumped Storage Project	2.15	2.26	2.37

Note : For major overhauling correspondent to paragraph (ii) of the note under G above, an additional cost will be allowed from base year of the fourth control period on actual basis through APR only on submission of the relevant documents pertaining to such expenditures for major overhauling.

K. Recommended Annual Man/ MW Ratio for determination of Employee Cost for Hydro Generating Stations under Operation and under Construction:

NORMATIVE MAN-POWER FOR HYDRO GENERATING STATIONS IN NUMBER OF PERSONS PER MW OF INSTALLED GENERATION CAPACITY	
NAME OF PLANT	2014-15 onwards
Jaldhaka HEP	6.90
Ramnam HEP	4.75
Small Hydro	9.75
Purulia Pumped Storage Project	0.225

Note: -

- i) The above Man / MW ratio for different generating stations has considered all regular employees of own establishment as also all contracted manpower engaged directly or through man power supply company for working in the regular establishment.
- ii) This Man/MW ratio in the above table is only for the purpose of determination of the cost of employees.
- iii) The tariff application of a licensee having its own hydro generation activity shall show its manpower engaged in hydro generating station(s) and manpower engaged in business other than generation, separately.
- iv) In case of operation of any of the activities of a licensee through a contract, the cost allowed for the contract shall be subject to a ceiling arrived at on the basis of said manpower and the average cost per employee in the licensee's regular establishment for the same category of employees.

L. Recommended norms for Man Power per CKM of Transmission line for determination of Employee Cost for Transmission Licensee's Transmission Business:

TRANSMISSION LICENSEE	NO. OF MAN POWER PER CKM OF TRANSMISSION LINES
WBSETCL	0.35

M. All norms for new Generating Stations:

The new generating station not covered under this Schedule 9A shall be covered by the principles laid down in Schedule – 9D."

31. For paragraph C of Schedule- 9B of the Principal Regulation the following paragraph shall be substituted:—

"C. GAIN SHARING FOR DISTRIBUTION LICENSEE

- i) The gains accruing to a distribution licensee due to its performance in distribution loss being better than the norms of distribution loss upto the year 2013 - 2014 may be retained by that distribution licensee subject to gain sharing applicable separately for fuel cost of own generation as specified in paragraph A of Schedule - 7A during FPPC determination.

- ii) The gains accruing to a distribution licensee due to its performance in distribution loss being better than the norms of distribution loss in any ensuing year starting from 2014-2015 onwards, shall be shared by that distribution licensee and the consumer at the ratio 75:25 through APR of that year subject to gain sharing applicable separately for fuel cost of own generation as specified in paragraph A of Schedule - 7A during FPPC determination."

32. After the paragraph 10 of Schedule- 10 of the Principal Regulation the following paragraph shall be inserted:—

"11. INCENTIVE FOR RELIABILITY IN POWER SUPPLY BY A DISTRIBUTION LICENSEE

The applicable norms for reliability in power supply by a distribution licensee are as follows:

Description	NORMS OF TARGET RELIABILITY IN %				
	WBSEDCL	CESC	DPL	DPSCL	DVC
Target Reliability in %	95	98	98	98	98

If a distribution licensee can supply power at reliability level above the reliability norms, then the distribution licensee will be entitled to an incentive as follows:

$$\text{Incentive} = \text{ARR_APR} \times \left(\frac{\text{Annual actual reliability achieved} - \text{Applicable Target reliability of the Distribution licensee}}{\text{Applicable Target reliability of the Distribution licensee}} \right)$$

Where,

ARR_APR = Annual Aggregate Revenue Requirement as determined in APR.

The reliability will be determined as per formula as will be determined by the Commission through a separate order or any other regulation from time to time."

33. For Annexure C-1 of the Principal Regulations the following Annexure shall be substituted:-

"

Annexure - C1

[See Regulation 2.7.2, 4.1.2 and Paragraph 12.1 of Schedule-5]

DIFFERENT CLASSES OF CONSUMERS

Class of Consumers	WBSEDCL	CESC LTD.	DPSC LTD.	DPL	DVC
A. LV & MV Consumers:	-				
(i) Domestic (Rural)	Applicable	Not Applicable	Applicable	Applicable	Applicable
(ii) Domestic (Urban)	Applicable	Applicable	Applicable	Applicable	Applicable
(iii) Commercial (Rural)	Applicable	Not Applicable	Applicable	Applicable	Applicable
(iv) Commercial (Urban)	Applicable	Applicable	Applicable	Applicable	Applicable
(v) Irrigation	Applicable	Not Applicable	Applicable	Applicable	Applicable
(vi) Commercial Plantation.	Applicable	Not Applicable	Applicable	Applicable	Applicable
(vii) Short Term Irrigation Supply	Applicable	Not Applicable	Applicable	Applicable	Applicable
(viii) Short Term supply for Commercial Plantation	Applicable	Not Applicable	Applicable	Applicable	Applicable
(ix) Short-term supply	Applicable	Applicable	Applicable	Applicable	Applicable

Class of Consumers	WBSEDCL	CESC LTD.	DPSC LTD.	DPL	DVC
(x) Public Utility / Specified Institutions / Public Bodies, as applicable.					
a) In Municipal area	Applicable	Applicable	Applicable	Applicable	Applicable
b) In Non-Municipal area	Applicable	Applicable	Applicable	Applicable	Applicable
(xi) Poultry, Duckery, Hatchery, Horticulture, Tissue culture Floriculture, Herbal - Medicinal - Bio-diesel Plant Farming, Food Processing Unit	Applicable	Applicable	Applicable	Applicable	Applicable
(xii) Cottage Industry / Artisan / Weavers / Small production oriented establishment not run by electricity as motive power	Applicable	Applicable	Applicable	Applicable	Applicable
(xiii) Public Water Works & Sewerage System	Applicable	Applicable	Applicable	Applicable	Applicable
(xiv) Industries					
a) Rural	Applicable	Not Applicable	Applicable	Applicable	Applicable
b) Urban	Applicable	Applicable	Applicable	Applicable	Applicable
(xv) Street Lighting	Applicable	Applicable	Applicable	Applicable	Applicable
(xvi) Private Educational Institutions & Hospitals	Applicable	Applicable	Applicable	Applicable	Applicable
(xvii) Emergency	Applicable	Applicable	Applicable	Applicable	Applicable
(xviii) Construction Power	Applicable	Applicable	Applicable	Applicable	Applicable
(xix) Bulk supply at single point, inter-alia, to Co-operative Group Housing Society for providing power to its members or person, for providing power to its employees in a single premises	Applicable	Applicable	Applicable	Applicable	Applicable
(xx) Common Services of Industrial Estate	Applicable	Applicable	Applicable	Applicable	Applicable
(xxi) Sports Complex	Applicable	Applicable	Applicable	Applicable	Applicable
(xxii) Cold Storage or dairy with chilling plant	Applicable	Applicable	Applicable	Applicable	Applicable
(xxiii) Government school, Government aided school or Government sponsored school	Applicable	Applicable	Applicable	Applicable	Applicable

Class of Consumers	WBSEDCL	CESC LTD.	DPSC LTD.	DPL	DVC
B. HV & EHV Consumer Class of Consumers					
(i) Public Utility / Specified Institutions	Applicable	Applicable	Applicable	Applicable	Applicable
(ii) Industries	Applicable	Applicable	Applicable	Applicable	Applicable
(iii) Irrigation	Applicable	Not Applicable	Applicable	Applicable	Applicable
(iv) Emergency Supply	Applicable	Applicable	Applicable	Applicable	Applicable
(v) Construction Power	Applicable	Applicable	Applicable	Applicable	Applicable
(vi) Bulk supply at single point, inter-alia to Co-operative Group Housing Society for providing power to its members or person, for providing power to its employees in a single premises	Applicable	Applicable	Applicable	Applicable	Applicable
(vii) Common Services to Industrial Estate	Applicable	Applicable	Applicable	Applicable	Applicable
(viii) Traction load for transport system	Applicable	Applicable	Applicable	Applicable	Applicable
(ix) Short-term supply	Applicable	Applicable	Applicable	Applicable	Applicable
(x) Commercial Plantation	Applicable	Not applicable	Applicable	Applicable	Applicable
(xi) Short Term Irrigation Supply	Applicable	Not applicable	Applicable	Applicable	Applicable
(xii) Short Term supply for Commercial Plantation	Applicable	Not applicable	Applicable	Applicable	Applicable
(xiii) Commercial	Applicable	Applicable	Applicable	Applicable	Applicable
(xiv) Domestic	Applicable	Applicable	Applicable	Applicable	Applicable
(xv) Public Water Works & Sewerage	Applicable	Applicable	Applicable	Applicable	Applicable
(xvi) Sports Complex	Applicable	Applicable	Applicable	Applicable	Applicable
(xvii) Cold Storage or dairy with chilling plant	Applicable	Applicable	Applicable	Applicable	Applicable
(xviii) Private educational institute & hospital	Applicable	Applicable	Applicable	Applicable	Applicable

Note to Annexure - C1:

- i) Sub-section (1) of section 43 of the Act shall be applicable to all licensees irrespective of any provisions to the contrary contained in any law or document or in license.
- ii) Traction load included traction connection for railways, metro rail, tramways and any other man-transit system.
- iii) Public bodies mean State and Central Government establishments for whom public bodies tariffs are applicable under existing tariff structure as per the order of the Commission for 2006 - 2007.
- iv) Common Services of Industrial Estates includes Street Lighting, Estate Office Establishment, Water Service, Effluent Treatment, Pump House for Sewerage and Storm Water Drainage under the authority of the Industrial Estate.

- v) On application for treating as specified institutions, the aforesaid status of specified institutions shall be given effect prospectively from the date on which the licensee takes decision for such status and that date should not be more than four months from the date on which the applicant-institution has complied with all formalities. The veracity of claim as specified Institutions shall be satisfied by the licensee itself. Moreover, in order to be treated as Specified Institutions, such classes of consumers are to satisfy the following conditions:
- (a) The educational and research institutions aided by the State / Central Government (other than Government school, Government aided school or Government sponsored school) shall furnish necessary documents to indicate that they have been receiving from the State/Central Government such aid, which must be at least 50% of their total annual income for the last three years consecutively.
 - (b) The specified institution owned and run by "Charitable Organizations" shall be required to submit their audited accounts of the last three years.
 - (c) The specified institution shall be required to furnish an undertaking stating that the power supply to their institutions / organizations shall be used and shall continue to be used exclusively for the purpose for which the supply has been proposed to be taken.
 - (d) Libraries owned by the State Government shall be eligible to be treated as the Specified Institutions, if their applications are duly recommended by the Director of Libraries / District Library Officer concerned.
 - (e) Libraries receiving grants from State Government for a continuous period of at least three years shall also qualify to be treated as Specified Institutions subject to submission of their audited accounts of the last three years along with a certificate from the Director of Libraries / District Library Officer concerned about their eligibility.

Provided that the status of Specified Institution shall not be allowed to any class of consumer(s) who is / are defaulter in regard to payment of electricity bills during preceding one year.

Provided further that such status shall stand automatically withdrawn if it defaults in payment of electricity bills during the period for which such status of Specified Institution has been allowed.

Provided also that the bill amount during the period for which such status of Specified Institution has been withdrawn shall not be less than the bill amount preferred under the status of Specified Institution.

- vi) Public utility in HV / EHV means Government Hospital and Government Research / Educational Institutions and its tariff shall be applicable on prospective basis only following the tariff order as and when issued under these regulations.
- vii) In view of introduction of new categories, if parameters related to any of the sub-categories mentioned above are not directly assessable for measurement, licensee shall put in place system for measurement and segregation of load within three months from the date of notification of these regulations and billing under such new categories shall be done prospectively and data may accordingly be furnished.
- viii) For CESC, class of consumers for A(i), A(iii), A(v), A(vi), A(vii), A(viii), a(xiii)(a), B(iii), B(x), B(xi), B(xii) are not applicable considering present area of supply. These categories may be applicable as and when its area of supply changes.

- ix) Short-term supply includes events, festivals and marriage ceremony. For such short-term supply, the fixed / demand charge shall be the fixed / demand charge under non-TOD tariff applicable to that particular category of consumer to which the applicant seeking such supply belongs. Such short-term supply shall not have any load factor rebate and power factor rebate. However, other charges for such short-term supply shall be the same as are applicable to that particular category of consumer to which the applicant seeking such short-term supply belongs. For such short-term supply, consumer shall apply to the licensee at least 10 days in advance for LV and MV consumers and at least 20 days in advance for HV consumer. For EHV category, there shall be no short-term supply.
- (x) Domestic consumer having monthly consumption of 25 units in case of monthly billing or having quarterly consumption of 75 units in case of the quarterly billing and contract demand not more than 0.3 KW shall be treated as Life Line Domestic Consumer."

34. For Annexure C-2 of the Principal Regulations the following Annexure shall be substituted:-

" Annexure - C2

[See Regulations 2.7.2, 3.1.3, 3.12.1 and Paragraph 12.2 of Schedule - 5]

TARIFF SCHEME FOR DIFFERENT CLASSES OF CONSUMERS

Class of Consumers	Applicable Tariff Scheme	Optional Tariff Scheme	TOD Scheme
A. LV & MV CONSUMERS:			
(i) Domestic (Rural)	Normal	Prepaid	-
(ii) Domestic (Urban)	Normal	Prepaid	-
(iii) Commercial (Rural)	Normal	Normal TOD & Prepaid - TOD	A
(iv) Commercial (Urban)	Normal	Normal TOD & Prepaid - TOD	A
(v) Irrigation	Normal - TOD	Prepaid - TOD	A
(vi) Commercial Plantation.	Normal - TOD	Prepaid - TOD	A
(vii) Short Term Irrigation Supply	Normal - TOD	Prepaid - TOD	A
(viii) Short Term supply for Commercial Plantation	Normal - TOD	Prepaid - TOD	A
(ix) Short Term Supply	Normal - TOD	Prepaid - TOD	A
(x) Public Utility / Specified Institutions / Public Bodies, as applicable.			
a) In Municipal area	Normal	Prepaid/Prepaid-TOD	B
b) In Non-Municipal area	Normal	Prepaid / Prepaid - TOD	B
(xi) Cottage Industry / Artisan / Weavers / Small production oriented establishment not run by electricity as motive power	Normal	Prepaid - TOD	A
(xii) Poultry, Duckery, Horticulture, Tissue culture, Floriculture, Herbal-Medicinal-Bio-diesel Plant Farming, Food Processing Unit	Normal	Prepaid - TOD	A

Class of Consumers	Applicable Tariff Scheme	Optional Tariff Scheme	TOD Scheme
(xiii) Public Water Works & Sewerage System	Normal	Prepaid - TOD	B
(xiv) Industries a) Rural b) Urban	Normal	Normal -TOD	A
(xv) Street Lighting	Normal	-	-
(xvi) Private Educational Institutions & Hospitals	Normal	Normal -TOD	B
(xvii) Emergency	Normal - TOD	Prepaid - TOD	A
(xviii) Construction Power Supply	Normal - TOD	Prepaid - TOD	B
(xix) Bulk Supply at single point to Co-operative Group Housing Society for providing power to its members or person for providing power to its employees in a single premises	Normal	Normal - TOD	A
(xx) Sports Complex	Normal	-	-
(xxi) Cold Storage or dairy with chilling plant	Normal	Normal -TOD	A
(xxii) Common Services of Industrial Estate	Normal - TOD	Prepaid - TOD	B
(xxiii) Government school, Government aided school or Government sponsored school	Normal	Normal -TOD	B
B. HV & EHV CONSUMER:			
(i) Public Utility / Specified Institutions	Normal	Normal - TOD	B
(ii) Industries	Normal	Normal -TOD	A
(iii) Irrigation	Normal -TOD	-	A
(iv) Commercial Plantation	Normal -TOD	-	A
(v) Short Term Irrigation Supply	Normal -TOD	-	A
(vi) Short Term supply for Commercial Plantation	Normal -TOD		A
(vii) Commercial	Normal	Normal -TOD	A
(viii) Domestic	Normal	Normal -TOD	A
(ix) Public Water Works & Sewerage	Normal	Normal -TOD	B
(x) Sports Complex	Normal	-	-
(xi) Cold Storage or dairy with chilling plant	Normal	Normal -TOD	A
(xii) Emergency Supply	Normal - TOD	-	A

Class of Consumers	Applicable Tariff Scheme	Optional Tariff Scheme	TOD Scheme
(xiii) Construction Power Supply	Normal - TOD	-	B
(xiv) Bulk Supply at single point to Co-operative Group Housing Society for providing power to its members or person for providing power to its employees in a single premises	Normal	Normal - TOD	A
(xv) Common Services of Industrial Estate	Normal -TOD	-	B
(xvi) Traction load for transport system	Normal	-	A
(xvii) Short-term supply	Normal - TOD	-	A
(xviii) Private educational institute & hospital	Normal	Normal - TOD	A

Note:

- i) - 'Normal' tariff scheme means the tariff which is to be paid on the basis of the bill raised, after consumption of electricity in a billing cycle, as per regulations framed under section 50 of the Act and such tariff will not be differentiated on the basis of time of the day;
- ii) 'Normal - TOD' tariff means the tariff which is to be paid on the basis of the bill raised, after consumption of electricity in a billing cycle, as per regulations framed under section 50 of the Act and such tariff will be differentiated on the basis of time of the day;
- iii) 'Prepaid' tariff scheme means the scheme under which advance payment is to be made for use of certain quantity of electricity and such tariff will not be differentiated on the basis of time of the day;
- iv) 'Prepaid - TOD' tariff scheme means the scheme under which advance payment is to be made for use of certain quantity of electricity and such tariff will be differentiated on the basis of time of the day;
- v) Any consumer whose partial demand is met by supply through open access as open access customer shall be guided by the paragraph 12.5 of schedule - 5;
- vi) Optional Scheme of normal tariff scheme under emergency category will only be applicable for consumers having in-situ captive sources in pursuance of para 12.6 of schedule - 5. No other consumer will be entitled to this option of normal tariff;
- vii) Where under tariff scheme pre-paid meter is to be provided then in case of non-availability of such pre-paid meter, following procedure shall be followed:
 - a) normal TOD meter under post-paid system may be provided but the applicable tariff scheme in such case shall be as per pre-paid tariff scheme;
 - b) where normal TOD meter under post-paid system is also not available as per (a) above, then normal non-TOD meter under post-paid system may be provided where the applicable tariff will be the rate of the normal period under the pre-paid TOD tariff scheme;
 - c) In case of applicability of (a) or (b) above, the collection of payment shall be done on post-consumption basis with a billing cycle as applicable for the respective consumer in post-paid system.

- viii) Optional tariff scheme for prepaid meter will be available only in those areas where single vending machine is available which can be used to extend the service for payment of pre-paid meters that are being supplied by different suppliers. In case of absence of such single vending machine it will be the licensee's discretion to provide pre-paid metering system if it can establish such facility in a cost effective manner. However, where such vending machine is not available pre-denominated pre-paid facility may be available to the consumer if licensee can arrange for it;
- ix) In case of pre-denominated pre-paid facility, if there is any balance on pre-dominated facility arising out of any validity condition of such facility or because of discontinuance of consumership, such amount shall be refunded to the consumer;
- x) Notwithstanding anything to the contrary contained in any other regulation of the Commission, in case of non availability of pre-paid meter facility in any area of a licensee, such facility of pre-paid meter will not be extended or may not be continued;
- xi) The start up power and the survival power for any generating station will be industrial category but its tariff will be 110% of the energy charge for the industrial rate which will be applicable according to the voltage level and no demand / fixed charge will be applicable;
- xii) Optional tariff scheme is meant for existing consumers only. Once option for optional tariff scheme (except pre-paid scheme) is exercised, the subsequent reversion to applicable tariff scheme is not permissible;
- xiii) All new connections to the consumers under HV & EHV category, except consumers of DPL, for whom optional TOD scheme exists, shall be under TOD scheme compulsorily except the class of consumers namely Domestic or Commercial or Sports Complex or Traction or Bulk Supply at single point to Co-operative Group Housing Society for providing power to its members or person for providing power to its employees in a single premises, for whom the TOD scheme shall remain optional;
- xiv) For commissioning of any generating station, except own generating station of a distribution licensee, the tariff for commissioning power shall be equal to the tariff of industrial class of consumer at the applicable voltage. However such supply shall not have load factor rebate, power factor rebate and high voltage supply rebate;
- xv) The TOD Scheme as mentioned in the table is defined as follows:—

TOD Scheme	Normal Period	Peak Period	Off-peak Period
A	06.00 hrs. to 17.00 hrs.	17.00 hrs. to 23.00 hrs.	23.00 hrs. to 06.00 hrs.
B	06.00 hrs. to 17.00 hrs. and 20.00 hrs. to 23.00 hrs.	17.00 hrs. to 20.00 hrs.	23.00 hrs. to 06.00 hrs.

Note:

- a) Considering the actual system peculiarities of any specific licensee, the Commission may decide to determine separate time strata for any class of consumers;
- b) Depending on the character of the consumer base and its demand pattern, the applicable tariff ratio between peak, normal and off-peak period may vary from licensee to licensee.
- xvi) An applicant for short term supplies through pre-paid meter shall have to comply with all necessary formalities for obtaining supply including payment in accordance with the Regulations made by the Commission subject to the conditions that he shall provide space for installing weather-proof, safe and secure terminal services apparatus to protect sophisticated meter;

- xvii) If the word rural or urban within the bracket of any particular class of consumers is not mentioned in the tariff order by the Commission under these regulations, then it will be presumed that same tariff is applicable for both the classes of consumers or the particular class of consumers, for whom that tariff is applicable as per Annexure C1;
- xviii) Where under tariff scheme normal TOD meter is to be provided but such meter is not available then normal non-TOD meter can be provided where the applicable tariff will be the rate of the normal period under the TOD tariff scheme under post-paid system; and
- xix) The consumer will not be entitled to TOD metering facility in case he wants to avail the facility of net metering under roof-top solar system as provided in regulations related to renewable energy. "

35. For Form 1.17(k) to Annex-1 in the list of forms annexed at the end of the Principal Regulations the following Form shall be substituted:-

"

Annex-1

Form 1.17 (k)**Cost of Outsourcing**

Heads	Amount in Rs. Lakh		
	Manpower related	Hiring of Vehicle	Others
a) Administration & General Expenses			
i)			
ii)			
ii)			
iv)			
b) Repair & Maintenance Expenses:			
i)			
ii)			
ii)			
iv)			

Note : This form shall be filled up for distribution functions and transmission functions only.

Applicant "

By Order of the Commission

Place: Kolkata
Date: 30.07.2013

K. P. BHAR,
Secretary of the Commission.