

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

IN

CASE NO. MA-1/01-02

**INDIAN RAYON & INDUSTRIES LTD.:
UNIT: JAYASHREE TEXTILE**

VS.

WEST BENGAL STATE ELECTRICITY BOARD.

DATED: 4.4.2002.

Present: 1. Justice (Retd.) S.K. Phaujdar, Chairperson.
2. Shri. A.K. Jain, Member (Finance & Accounts).
3. Shri N.C. Roy, Member (Technical).

The applicants came up with- the present petition seeking directions upon West Bengal State Electricity Board on -

- (1) adjustment of electric meter based on new TOD time period;
- (2) calculation of load factor rebate and penalty and
- (3) demand charges for co-generation of power.

On receipt of the Miscellaneous Application, the commission referred the matter to W.B.S.E.B. for their comments on every aspect of the application.

The WBSEB came up with their reply through a communication dt. 26.3 .2002 touching all the three points.

The cases of the parties having been placed before the Commission, the Commission took up the mater for decision and decides as follows.

(1) Adjustment of TOD time period.

The Commission looked to its order dated 7th. Dece11ber, 2001,relating to tariff petition of WBSEB and noted that the period of TOD for peak period has been changed to 5-00p.m. to 10-00 p.m. against 5-00 p.m. to 11-00 p.m. as was prevailing earlier. The rebate and penalty for off-peak and peak consumption also have been fixed at 30% and 36% of the normal rate respectively. In view of the difficulty now explained by WBSEB for non-availability of separate consumption record between 10-00 p.m. and 11-00 p.m., it is explained that energy consumption between 10-00 p.m. and 11-00 p.m. shall be estimated pro-rata for the period on the basis of total energy consumption between 5-00 p.m. and 11-00 p.m. This consumption between 10-00 p.m. and 11-00 p.m. shall be taken as off-peak consumption. The Commission clarifies that there will be no adjustment in demand charge for this change in tine slot till January, 2002.

The utility and the consumers are to act accordingly.

(2) load factor rebate/penalty.

The Commission has perused its order in this respect and also the statements of applicants and the answer of the WBSEB. After considering all the aspects, Commission explains that the rebate is applicable when load-factor is above the given percentage and penalty is applicable if

the load factor is below the desired Percentage. The percentage benchmarks are to be adhered to strictly and any figure must not be rounded up or approximated either by the utility or by the consumers for calculation of entitlement of Penalty or rebate. For example the Commission has allowed a rebate of 24p. per unit when the monthly load factor is more than 85%. It is clarified that any percentage above 85% permits the rebate and the utility cannot deny it by making a Percentage of 85.01 to 85.4 as 85 by rounding up. To be more specific, any Percentage, which is 85 plus even by decimal, will entitle the consumer to the desired rebate. Similarly, for penalty also, even a smallest fraction of Percentage must not be rounded up by the consumer or the utility for avoidance or imposition of penalty.

(3) Demand charge for co-generation of power.

The question of demand charge for co-generation of power is mere academic at the present moment as there is no case of making any demand charge for co-generation of power upto end March, 2002, during FY 2001-02. However, the Commission is conscious of the papers filed before it including the one said to be a policy decision by the State Government. The matter is of general importance and shall be taken up in the tariff petitions for 2002-03 in respect of all the utilities. No direction is necessary in this regard at the present moment.

All the papers for decision of the above points were placed before the Commission and it was therefore not necessary to hear the parties orally and more so when the Petition was not dismissed and no penalty has been decided to be imposed for alleged violation.

The points being of general importance, the principles clarified in the order will be applicable not only to the present applicant and the present utility, but to all other utilities and consumers for whom such provisions have been made.

(N.C.Roy) Member (Technical) (A.K. Jain) Member (F&A) (S.K. Phaujdar) Chairperson

Order dated 8.4.2002

Present: Justice (retd.) S.K. Phaujdar, Chairperson, Shri N.C. Roy, Member (Technical)

In the temporary absence of Shri A.K.Jain, Member(F&A) and in view of the urgency of the matter as indicated in the Letter of Indian Rayon & Industries Ltd, unit-Jaya the commission makes the following order:

1. The commission notices that there have been typographical errors in the paragraph 1 under the heading "Adjustment of TOD time period" of the decision of the Commission dated 4.4.2002 in case No. MA-I/01-02 wherein the peak period has been described as starting from 6-00 p.m. whereas in the original tariff order dated 7.12 .2001, it was intended to start at 5-00 p.m. Corrections are accordingly made in the original order dated 4.4.2002 to the extent of this typographical errors only.

2. The Secretary will send a communication to the Indian Rayons & Industries Ltd, unit-Jaya Shree Textiles as also to the WBSEB indicating that in the order dated 4.4.2002 in MA -1 / 01-02 the peak period as mentioned under clause 1 under the head "Adjustment of TOD time period" be read as "5-00 p.m. to 10-00 p.m. instead of 6-00 p.m. to 10-00 p.m."

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