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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. 61/WBERC

Kolkata, the 7th January, 2014.

In exercise of the powers conferred by sub-section (1) and clauses (za) and (zb) of sub-section (2) of section 181 read with sub-section (3) of section 43, sub-sections (1) and (2) of section 57, sub-section (1) of section 59 and section 97 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it in that behalf, the West Bengal Electricity Regulatory Commission hereby makes the following regulations to amend the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010 published under Notification No. 46/WBERC dated 31st May, 2010 and as amended upto date by West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) (First Amendment) Regulations, 2013 published under Notification No. 57/WBERC dated 26th August, 2013 (hereinafter together referred to as the “principal Regulations”).

1. Short title, commencement:

- (i) These regulations may be called the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) (Second Amendment) Regulations, 2013.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. For the regulation 13.19 of the principal Regulations the following regulation shall be substituted:—

“13.19 For the purpose of determination of amount to be paid as compensation / penalty based on the regulation 15.0 of these Regulations, the Commission grants the power to the Grievance Redressal

Officer(s) (in short GRO) including Chief Grievance Redressal Officer (in short "CGRO") appointed by the licensee under sub-section (5) of section 42 of the Act and to the Ombudsman(s) appointed under sub-section (6) of section 42 of the Act for payment of compensation / penalty by the licensee and for such purpose the Commission delegates its own power under sub-section (2) of section 57 and sub-section (3) of section 43 of the Act to GRO(s) including CGRO(s) and the Ombudsman(s) for determination of compensation / penalty."

3. For the paragraph (e) of regulation 15.0 of the principal Regulations, the following paragraph shall be substituted:-

"(e) The payable compensation and penalty as payable by distribution licensee will be determined as follows:

- i. The payable compensation by the distribution licensee is the incurred amount of the losses by the consumer due to failure in service as per standards of performance subject to overall ceiling of compensation that will be calculated on the basis of maximum rate as provided in (a) to (d) above. However, under no circumstances per day compensation will be less than 20% of the total computed amount on the basis of maximum rate as provided in (a) to (d) above.
- ii. Number of days for which compensation will be applicable as per clause (i) above will be the number of days between the day from which compensation arises and the date of the order of the compensation or the day by which the cause of grievance has been removed whichever is earlier.
- iii. The applicable penalty under sub-section (3) of section 43 of the Act will be the difference of compensation calculated on the basis of maximum compensation rate of Rs. 500/- for each additional day of delay or part thereof and actual amount of payable compensation that has been determined under (i) above.
- iv. The penalty determined under (iii) above and interest if any as per regulation 15.2 of these Regulations will be deposited by the licensee in a fund to be operated by the Commission named as "WBERC – Penalty – 43/3-name of the licensee" fund. The amount deposited in that fund along with its interest, if any, will time to time be released in the power purchaser fund of distribution licensee(s) for reduction of the retailer's end tariff. "

By Order of the Commission

Place: Kolkata
Date: 07.01.2014

K. P. BHAR,
Secretary of the Commission.