

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No. 60/WBERC

Dated: 11.09.2013

In exercise of the powers conferred by sub-section (1) and clauses (zo) and (zp) of sub-section (2) of section 181 read with clause (g) of sub-section (1) of section 86 and sub-section (1) of section 127 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf and in supersession of Notification No. 32/WBERC dated 5th March, 2007 and published in the Kolkata Gazette, Extraordinary on 5th, March 2007, West Bengal Electricity Regulatory Commission hereby makes the following Regulations: -

1.0 **Short title, commencement and interpretation:**

- i) These Regulations may be called the West Bengal Electricity Regulatory Commission (Fees) Regulations, 2013;
- ii) They extend to the State of West Bengal;
- iii) They shall come into force on the date of their publication in the official Gazette.

2.0 **Definitions:**

2.1 In these Regulations, unless the context otherwise requires:

- i) 'Act' means the Electricity Act, 2003 (36 of 2003);
- ii) 'Applications' means petitions, complaints, appeals, replies, rejoinders, supplemental pleadings, other papers and documents filed before the Commission in proceedings in the manner provided in the 'Conduct of Business Regulations';

- iii) 'Commission' means the West Bengal Electricity Regulatory Commission;
- iv) 'Conduct of Business Regulations' means the Regulations made by the Commission under section 92 and other relevant sections of the Act;
- v) 'Control period' means the control period as defined in the Regulations made under section 61 of the Act;
- vi) 'Regulations' means the Regulations made under the Act;
- vii) 'Rules' means the Rules made under the Act.

2.2 Words and expressions used and not defined in these Regulations but defined in the Act shall have the meanings respectively assigned to them in the Act or the Regulations made there under by the Commission.

3.0 **Fees on Applications:**

3.1 Every application made to the Commission shall be accompanied by such fees as are specified in Schedule – I.

3.2 The fees payable to the Commission under these Regulations shall normally be paid by means of Bank Draft, Banker's Cheque or Pay Order, drawn in favour of the West Bengal Electricity Regulatory Commission, payable at Kolkata or may be paid in cash if the amount does not exceed rupees three thousand only. Licensees and generating companies may be permitted to pay fees in cheque, payable at Kolkata.

4.0 **Power to Amend:**

4.1 The Commission may, at any time and at its sole discretion, vary, alter, modify, add or amend any provision of these Regulations.

5.0 **Power to remove difficulties:**

5.1 If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, for reasons to be recorded in writing, pass any order as it may consider necessary for removing the difficulty.

6.0 **Power to dispense with the requirement of these Regulations:**

6.1 The Commission may, at its discretion, dispense with the requirements of any of these Regulations in specific cases including reduction of fees.

7.0 **Repeal & Saving:**

7.1 The West Bengal Electricity Regulatory Commission (Fees) Regulations, 2007 issued under notification no. 32/WBERC dated 5th March, 2007 and published on March 5, 2007 in the Kolkata Gazette, Extraordinary are hereby repealed.

7.2 Notwithstanding such repeal, anything done or purported to have been done or any action taken or purported to have been taken under the repealed provisions before such repeal, shall be deemed to have been done or purported to have been done or taken or purported to have been taken under these Regulations.

8.0 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Commission.

SCHEDULE – I.
(See regulation 3.1)

Sl. No.	Nature of Application	Fee
1	Fee payable for consideration of application seeking exemption from licence under section 13 of the Act and for processing the application thereof.	Rs. 1.00 lakh.
Tariff Determination for generation / transmission / distribution / wheeling.		
2	(a) Application for determination of tariff for supply of electricity, wholesale, bulk or retail, by a distribution licensee as also for determination of tariff/ charges of wheeling in respect of such distribution licensee.	Paise 1 for each 30 kWh proposed to be sold and / or wheeled during the control period for which the application is being filed subject to a minimum of Rs. 5.00 lakh.
	(b) Application for determination of tariff for supply of electricity to any distribution licensee by a generating company of following categories: (i) Conventional fuel based plant except captive generating plant. (ii) Conventional fuel based captive generating plant. (iii) Hydro generating station including pumped storage plant other than mini or small hydro generating station and captive hydro generating plant. (iv) Captive hydro generating station other than mini or small hydro generating station.	Rs. 2,000/- per MW of installed capacity or part thereof subject to a minimum of Rs. 10.00 lakh. Rs. 2000/- per MW of installed capacity or part thereof subject to a minimum of Rs. 50,000/-. Rs. 2000/- per MW of installed capacity or part thereof subject to a minimum of Rs. 10.00 lakh. Rs. 2000/- per MW of installed capacity or part thereof subject to a minimum of Rs. 50,000/-.
	(c) Application for determination of tariff / charges for transmission of electricity by a transmission licensee.	Paise 1 for each 100 kWh proposed to be transmitted and / or wheeled during the control period for which the application is being filed subject to a minimum of Rs. 5.00 lakh.

Sl. No.	Nature of Application	Fee
Application for Annual Performance Review of Multi-Year Tariff of Generating Companies, Transmission Licensees and Distribution Licensees under Multi Year Tariff Framework.		
3	(a) Application for Annual Performance Review of tariff for supply of electricity, wholesale, bulk or retail, as also of tariff / charges for wheeling of a distribution licensee under multi-year tariff framework.	Paise 1 for each 150 kWh sold and / or wheeled during the year under Annual Performance Review subject to a minimum of Rs. 5.00 lakh.
	(b) Application for Annual Performance Review of tariff under multi-year tariff framework for supply of electricity to any distribution licensee by a generating company of following categories:	
	(i) Conventional fuel based plant except captive generating plant.	Rs. 400/- per MW of installed capacity or part thereof subject to a minimum of Rs. 5.00 lakh.
	(ii) Conventional fuel based captive generating plant.	Rs. 400/- per MW of installed capacity or part thereof subject to a minimum of Rs. 50,000/-.
(iii) Hydro generating station including pumped storage plant other than mini or small hydro generating station and captive hydro generating plant.	Rs. 400/- per MW of installed capacity or part thereof subject to a minimum of Rs. 5.00 lakh.	
(iv) Captive hydro generating station other than mini or small hydro generating station.	Rs. 400/- per MW of installed capacity or part thereof subject to a maximum of Rs. 1,00,000/-.	
	(c) Application for Annual Performance Review of tariff / charges for transmission of electricity of a transmission licensee under multi-year tariff framework.	Paise 1 for each 400 kWh transmitted and / or wheeled during the year under Annual Performance Review subject to a minimum of Rs. 5.00 lakh.

Sl. No.	Nature of Application		Fee
Application for approval of Power Purchase Agreement (To be charged from the generating company concerned):			
4	(a) For conventional Fuel Based Plant.	Rs. 2.00 lakh per 100 MW of installed capacity or part thereof subject to a maximum of Rs. 15 lakh.	
	(b) For renewable sources of energy or cogeneration.	Rs. 1000/- per MW of installed capacity or part thereof.	
Application for approval of Power Purchase Agreement (To be charged from the licensees concerned):			
5	Power Purchase Agreement for purchase of power from conventional fuel based power plant except captive generating plant and hydro generating station including pumped storage plant other than mini or small hydro generating station and captive hydro generating plant.	a) For purchase of power upto 50MW	1 lakh
		b) For purchase of power more than 50MW and upto 300MW	2 lakh
		c) For purchase of power more than 300MW and upto 660MW	3 lakh
		d) For purchase of power more than 660MW	4 lakh
	Power Purchase Agreement for purchase of power from captive power plant and/or co-generation and/or renewable sources of energy.	Rs. 2000/- per MW of contracted capacity or part thereof subject to a maximum of Rs. 50,000/-	
Short term power purchase	Rs. 10,000/-		
Application for approval of Investment Proposal			
6	In-principle clearance in first stage of new generating station in terms of Regulations framed under section 61 of the Act.	a) Power station/ unit capacity upto 50MW	1 lakh
		b) Power station/ unit capacity above 50 MW and upto 300 MW	2 lakh
		c) Power station/ unit capacity above 300 MW and upto 660 MW	3 lakh
		d) Power station unit capacity above 660 MW	4 lakh
	Investment proposal in second stage for New Generating Station in terms of Regulations framed under section 61 of the Act.	a) Power station/ unit capacity upto 50MW	2 lakh
		b) Power station/ unit capacity above 50 MW and upto 300 MW	4 lakh
		c) Power station/ unit capacity above 300 MW and upto 660 MW	6 lakh
		d) Power station unit capacity above 660 MW	8 lakh

Sl. No.	Nature of Application		Fee
	Investment approval for New Transmission Project/ Distribution Project in terms of Regulations framed under section 61 of the Act	a) Where estimated project cost is Rs. 200 crore or less	1 lakh
		b) Where estimated project cost is more than Rs.200 crore but upto Rs. 300 crore	2 lakh
		c) Where estimated project cost is more than Rs. 300 crore	3 lakh
Determination of rates / charges relating to Open Access:			
7	Petition for adjudication of dispute regarding extent of surplus capacity for intervening transmission.	Rs. 5 lakh plus Rs. 50,000/- per outstation visit or inspection or hearing.	
8	Petition for adjudication of dispute regarding provision of non-discriminatory open access.	(a) For a licensee or a generating company – Rs. 5.00 lakh plus Rs. 50,000/- per outstation visit or inspection or hearing.	
		(b) For a person who has constructed and maintains and operates a captive generating plant – Rs. 1.00 lakh plus Rs. 50,000/- per outstation visit or inspection or hearing.	
		(c) For a person having a captive generating plant for generation of energy from renewable sources or cogeneration – Rs. 20,000/- plus Rs. 5,000/- per outstation visit or inspection or hearing.	
		(d) For a consumer – Rs. 5,000/-	
		(e) For any person, other than a generating company or licensee, who wheels or proposes to wheel electricity – Rs. 3 lakh plus Rs. 30,000/- per outstation visit or inspection or hearing	
Review of Tariff Orders / General Orders.			
9	Application for review of tariff order for a control period for any category mentioned in Sl. No. 2 of this Schedule.	25% of applicable fee for filing application for determination of tariff for that category as mentioned in Sl. No. 2 of this Schedule.	
10	Application for review of an order of Annual Performance Review of multi-year tariff for any category mentioned in Sl. No. 3 of this Schedule.	25% of applicable fee for filing application for Annual Performance Review of Multi Year Tariff for that category as mentioned in Sl. No. 3 of this Schedule.	

Sl. No.	Nature of Application	Fee
11	Application for review of an order of Fuel Cost Adjustment / Fuel and Power Purchase Cost Adjustment of multi-year tariff for any category mentioned in Sl. No. 2 of this Schedule.	Rs. 1,00,000/-
12	Application for review of any order of the Commission other than orders mentioned in Serials Nos. 9, 10 and 11 of this Schedule	50% of fee as required for the original application.
Other Applications		
13	Application for inspection of documents permitted to be inspected.	Rs. 100/- for every one hour of inspection or part thereof.
14	Application for obtaining certified copies as may be permitted.	Rs. 2/- per page of copy allowed.
15	Application for rectification of order on ground of typographical or clerical error / mistakes.	Nil
16	Appeal preferred to the appellate authority under section 127(1) of the Act.	0.5% of assessed amount under section 126(3) of the Act, rounded off to nearest rupee, but limited to Rs. 1 lakh.
17	Adjudication of disputes between licensees and generating companies and between licensees not covered elsewhere.	To be fixed on case-to-case basis.
18	Any complaint under section 142 of the Act.	Rs. 100/-
19	Representation to Ombudsman under sub-section (6) of section 42 of the Act.	Nil
20	Any other Application	As may be decided by the Commission on case-to-case basis.

Place: Kolkata

Date: 11.09.2013

By Order of the Commission

Sd/-

(K. P. Bhar)

Secretary of the Commission