ORDER
OF
WEST BENGAL ELECTRICITY REGULATORY COMMISSION

FOR THE YEARS 2009-10 – 2012-13

IN
CASE NO: TP – 83 / 19 - 20

IN REGARD TO THE APPLICATION OF THE DAMODAR VALLEY CORPORATION IN TERMS OF ORDER PASSED BY THE HON’BLE HIGH COURT AT CALCUTTA ON 12.06.2019 FOR DETERMINATION OF RETAIL TARIFF FOR THE CONSUMERS IN THE AREA OF THE STATE OF WEST BENGAL FOR THE YEARS 2009-10 – 2012-13 UNDER SECTION 64(3)(a) READ WITH SECTION 61(1) AND SECTION 62(3) OF THE ELECTRICITY ACT, 2003

DATE: 19.03.2020
CHAPTER – 1
INTRODUCTION

1.1 The West Bengal Electricity Regulatory Commission (hereinafter referred to as the “Commission”), a statutory body under the first proviso to section 82(1) of the Electricity Act, 2003 (hereinafter referred to as the “Act”), has been authorized in terms of section 86 and section 62(1) of the Act to determine the tariff for a) supply of electricity by a generating company to a distribution licensee, b) transmission of electricity, c) wheeling of electricity and d) retail sale of electricity, as the case may be, within the State of West Bengal.

1.2 Damodar Valley Corporation (hereinafter referred to as DVC or the ‘Petitioner’), is a statutory body incorporated under the Damodar Valley Corporation Act, 1948 and undertakes multifarious functions. In regard to the electricity, DVC undertakes generation of electricity at their plants situated in two states viz. West Bengal and Jharkhand and is therefore a generating company within the meaning of section 2 (28) of the Electricity Act, 2003. DVC also undertakes transmission of electricity in the Damodar Valley area which falls within the territorial limits of the two states namely, West Bengal and Jharkhand. It, therefore, undertakes inter-state transmission of electricity and operates inter-state transmission system within the meaning of Section 2 (36) of the Electricity Act, 2003. DVC also undertakes the sale of electricity to West Bengal State Electricity Distribution Company Limited (WBSEDCL) and Jharkhand State Electricity Board (JSEB) in its capacity generally as a generating company. This is bulk sale of electricity by a generating company to a distribution licensee within the meaning of section 62 (1) of the Electricity Act, 2003. In addition to the above, DVC undertakes the retail sale and supply of electricity to the consumers in the Damodar Valley area which falls in two contiguous States, namely the State of West Bengal and the State of Jharkhand.

1.3 DVC being a statutory body constituted under the DVC Act, 1948, is a Central Public Sector Undertaking (CPSU). As envisaged under Section 79 (1) (a) of the
Tariff Order of DVC for the years 2009-2010, 2010-2011, 2011-2012 and 2012-2013

Electricity Act, 2003, the tariff for generation of electricity is to be decided by the Central Electricity Regulatory Commission (CERC). Similarly, with regards to the inter-state transmission, DVC again is regulated by CERC and tariff for composite (inter-state) generation and transmission is to be determined by the CERC in terms of Section 79(1) (c) and (d) of the Electricity Act, 2003.

1.4 With regard to the retail sale and supply of electricity, DVC covers the entire Damodar Valley area which falls in two contiguous States, namely the State of West Bengal and the State of Jharkhand. Thus, tariff for retail sale and supply of electricity in the Damodar Valley area is governed by the provisions of section 62 (d) read with section 86 (1) of the Electricity Act, 2003 and has to be determined by the respective Electricity Regulatory Commissions in the states of West Bengal and Jharkhand.


West Bengal Electricity Regulatory Commission

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1.6 A generating Company or a licensee, whose tariff is to be determined by the Commission as per the provisions of the Act, is required to submit its application for determination of tariff for all the ensuing years of the control period under the multi-year tariff framework complying with the provisions of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended (hereinafter to be referred as ‘Tariff Regulations’, 2011).

1.7 On the basis of the petition dated 03.02.2014 along with additional information/documents for determination of Annual Revenue Requirement (ARR) and retail tariff for the year 2013 – 2014 and in compliance with the judgement and order dated 20.12.2013 passed by the Hon’ble High Court at Calcutta in W.P. No. 3524P (W) of 2013 submitted by DVC in case no. TP-62/14-15, the Commission determined the ARR of DVC for supply of electricity to the consumers in its licensed area in the State of West Bengal for the period from 2009 – 2010 to 2013 – 2014 vide tariff order dated 24.08.2015. The tariff schedule of all categories of consumers along with associated conditions of tariff for the year 2013 – 2014 was also determined by the Commission in the said order. The Commission retained and fixed the tariff for the respective year under the period 2009-10 to 2012-13 as realized by DVC during the period. It was further mentioned in the order of the Commission that the under/over recovery between the admissible revenue requirements and the tariff realized during the years 2009 – 2010 to 2012 – 2013 to be retained as accumulated revenue gap and to be considered for adjustment after finalization of APR for 2009 – 2010 to 2012 – 2013 as per the Tariff Regulations subject to subsequent orders of CERC for new generating stations, if any.

1.8 Being aggrieved by the tariff order dated 24.08.2015 passed by the Commission in respect of DVC on the alleged grounds of not approving a retail tariff for the period 2009 – 2010 to 2012 – 2013, some consumers of DVC filed a writ petition being no. WP 10469 (W) of 2017 before the Hon’ble High Court at Calcutta. The
Hon’ble High Court at Calcutta passed an order dated 12.06.2019 on the said writ petition, which is reproduced below –

Quote:


b) The Damodar Valley Corporation and its authorities shall provide all information in terms of statutory form in Annexure 3 of regulation 2.7.2 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 at pages 265-275 of the Tariff Regulations. The information thus submitted has to match and has to be consistent with the calculation made by the Damodar Valley Corporation in the already determined Annual Revenue Requirement for the respective years.

c) On the receipt of the information as above the State Electricity Commission will determine category wise tariff after considering the said information provided in the statutory form.

Needless to mention whatever amounts are paid by the petitioners in the interim shall be without prejudice to the rights and contentions of the parties and on the basis of the detailed tariff order if any discount and incentive is available to the petitioners that shall be paid back by the Damodar Valley Corporation or adjusted with the future bills without requiring any further order of this Court. Such refund or credit shall be given within 7 days from the date of communication of the detailed order.

Unquote:
1.9 In terms of the above order dated 12.06.2019 passed by The Hon’ble High Court at Calcutta, DVC on 12.07.2019 submitted an application dated 11.07.2019 for determination of tariff in respect of distribution and retail supply of electricity by DVC as a distribution licensee for the period from 2009 – 2010 to 2012 – 2013 within its area of operation in the State of West Bengal in terms of provisions of the Tariff Regulations.

1.10 DVC submitted further information on 6th August, 2019 in addition to their submission in their tariff application submitted on 12.07.2019.

1.11 After admission of the tariff application submitted by DVC on 12.07.2019 along with the additional information submitted on 06.08.2019, DVC was directed to publish the gist of the tariff application, as approved by the Commission, in the newspapers and also in their website, as specified in the Tariff Regulations. The gist of the application was published simultaneously on 24th August, 2019 in ‘Bartaman’, ‘The Times of India’ ‘The Indian Express’ and ‘Sanmarg’. The gist along with the tariff petition was also posted in the website of DVC. The publication invited the attention of all interested parties, stake holders and the members of the public to the tariff petition of DVC for the period 2009 – 2010 to 2012 – 2013 and requested for submission of suggestions, objections and comments, if any, on the tariff petition to the Commission by 25.09.2019 at the latest. Opportunities were also afforded to all to inspect the tariff application and take copies thereof.

1.12 Objections to / comments on the aforementioned tariff petition of DVC were received by the Commission from the following objectors within the stipulated time i.e., 25.09.2019.

a) West Bengal State Electricity Distribution Company Limited (WBSEDCL)

b) Damodar Valley Power Consumers’ Association
1.13 Objections and suggestions on the tariff petition in question have been dealt with separately in Chapter – 3.

1.14 On scrutiny it is found that there are inconsistencies in the data furnished by DVC in different forms. Accordingly, DVC was asked to clarify the data information in different forms. DVC submitted the clarifications and further information on 05.12.2019, 10.12.2019, 13.12.2019, 14.01.2020 and 07.02.2020.

1.15 This order relates to tariff petition filed by the Petitioner before the Commission for determination of retail tariff for FY 2009-10 to 2012-13 for supply in Damodar Valley area falling within the territorial jurisdiction of the State of West Bengal based on the already determined ARR for the respective years in terms of the judgment & order dated 12.06.2019 passed by The Hon’ble High Court, Calcutta in W.P. No.10469 (W) of 2017. The Order is in accordance with Sections 61, 62 and 64 of the Electricity Act, 2003 and provisions of the Tariff Regulations.

2.2 The salient points of the submissions made by DVC are as follows:

2.2.1 The generation and transmission tariff of DVC as determined by CERC will be considered as input cost based on which the Aggregate Revenue Requirement (ARR) and retail supply is to be prepared.

2.2.2 Any separate tariff applicable only for sale to the licensees in the state of West Bengal (i.e. WBSEDCL and IPCL) by DVC within its capacity as a distribution licensee has not been proposed in the present petition for obvious reasons. However, DVC will suitably act in accordance with the directive of the Commission, if otherwise, in this regard.

2.2.3 DVC vide application dated 02.02.2018 submitted the revised ARR before the Commission for the period from FY 2009-10 to FY 2012-13 and FY 2013-14 for distribution and retail supply of electricity by DVC within the state of West Bengal. DVC also made submission for determination of Tariff for the period from FY 2009-10 to FY 2012-13 in line with the revised ARR.

2.2.4 The following items have been considered by DVC as input cost while computing the revised revenue requirement for the purpose of distribution and retail supply of electricity for the period from FY 2009-10 to FY 2012-13:

a) True-up order in respect of DVC’s different generating stations and T&D System for the period 2009-14 issued by CERC;
b) Power purchase cost as incurred by DVC for the period from FY 2009-10 to FY 2012-13 based on the actual cost duly reconciled with the Audited Annual Accounts for the respective years;

c) Cost incurred by DVC to meet RPO through purchase of renewable power / REC;

d) The transmission charges of Power Grid Corporation (i.e. the POC charges) from whom DVC avails transmission services based on the tariff determined by CERC and other incidental charges viz. POSOCO Charges, ERPC Charges etc. related to purchase of power;

e) Interest on working capital and interest on security deposit;

f) Regulatory fees paid to this Commission, Publication expenses and other charges;

g) Regulatory fees paid to CERC, Publication expenses and other charges to the extent of energy utilized for distribution activity;

h) Water and Pollution Cess paid by DVC to the state Govt. Authorities;

i) Interest on Temporary Financial Accommodation;

j) Rebate on sale of power (since such rebate effectively reduces the gross revenue earned by DVC from retail sale of electricity, the rebate has been treated as an expense item and claimed as part of the ARR in this application); and

k) Any other expenditure related to the distribution and retail supply of electricity not specifically included in any of the above.
2.3 The salient points as mentioned by DVC in the proposed tariff:

2.3.1 DVC supplies pooled power to its consumers and licensees who receive power in consumer mode within the operational area of DVC in the states of Jharkhand & West Bengal. The pooled power consists of own generation from DVC's Power Station (this excludes the power supply quantum committed under the bilateral PPAs between DVC's generating station and licensees), power purchased from external sources as per subsisting PPAs, additional power purchased from Power Exchanges. The application is for determination of Tariff for distribution and retail supply of electricity applicable for the consumers and licensees getting electricity supply from DVC in the state of West Bengal.

2.3.2 DVC has been undertaking LT supply for very insignificant quantum of electricity to meet their own colony consumption and also to meet the lighting load at Bokaro and Waria railway stations since inception at a nominal rate.

2.3.3 The tariff as approved by the DVC Board based on which DVC preferred electricity bills to the consumers during the period FY 2009-10 and April 2010 included an optional Time-of-Day (TOD) Tariff with Off-Peak period as 00:00 hrs. to 16:00 Hrs. and Peak period as 16:00 hrs. to 24:00 hrs. Thereafter from May 2010 to FY 2012-13 only single part tariff (computed based on the CERC tariff order dated 06.08.2009 for the period 2006-09 and subsequent orders for 2009-14 period) without any TOD option was made applicable for provisional billing to the consumers. However, in terms of the WBERC (Terms and Conditions of Tariff) Regulations, 2011 and its amendments the time slab for TOD Tariff scheme is specified as 06:00 hrs to 17:00 hrs as Normal period, 17:00 hrs to 23:00 hrs as Peak period, and 23:00 hrs to 06:00 hrs as Off-Peak period. Since the time slab for TOD scheme as was adopted by DVC during FY 2009-10 and April 2010 was different from that as specified by the Commission, the data for sale of energy to its consumers as was captured by DVC during the said period were as per DVC's TOD time slab (peak period 16:00 hrs. to 24:00 hrs. and off-
Tariff Order of DVC for the years 2009-2010, 2010-2011, 2011-2012 and 2012-2013

peak period 00:00 hrs. to 16:00 hrs.) instead of that as specified by the Commission. Hence, in order to make the proposed tariff simplistic, DVC proposed for non-TOD Tariff for its different categories of consumers and licensees for the entire period from FY 2009-10 to 2012-13. However, from the subsequent submission of DVC it is revealed that there was no ‘TOD Tariff’ in true sense, rather they gave discount on a portion of the consumption of energy during off-peak hours as per their time schedule, subject to certain conditions.

2.3.4 The proposed tariff consists of Demand Charge, Energy Charge, load factor rebate/surcharge, power factor rebate/surcharge, timely payment rebate and other charges in line with the Tariff Order issued by the Commission dated 24.08.2015 and the applicable Regulation.

2.3.5 The proposed Demand Charge rate (in Rs./KVA/Month) has been computed based on fixed cost part of the ARR and the average of the actual recorded Maximum Demand or 85% of the actual Contract Demand whichever is higher of the consumers & licensees.

2.3.6 Energy Charge Rate (in Rs./kWh) has been arrived at based on the total variable cost part of the ARR and actual consumption of electricity as recorded during the respective years for the period from FY 2009-10 to FY 2012-13.

2.3.7 DVC also submitted that the bills earlier preferred by DVC during the period from FY 2009-10 to 2012-13 will be revised suitably based on the tariff schedule as may be approved by the Commission. Consumer wise differential amount may be allowed to be recovered / refunded. However, some consumers who purchased power during the whole or part of FY 2009-10 to 2012-13 may have got disconnected subsequently due to default in payment or for any other reasons, and settlement of differential amount (receivable / payable) arising out of revised tariff schedule may not be feasible in such cases. DVC therefore craved leave to true-up revenue gap / surplus for the instant period for subsequent adjustment in the tariff for future period.

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CHAPTER – 3

OBJECTIONS AND SUGGESTIONS

3.1 Suggestions, objections and comments on the tariff petition of DVC for the years 2009 – 2010, 2010 – 2011, 2011 – 2012 and 2012 – 2013 have been received within the stipulated period of time from the persons as mentioned in paragraph 1.11 of Chapter – 1. The relevant points of the suggestions, objections, comments, etc. so received are summarized in the following paragraphs in this chapter. The views of the Commission on the relevant suggestions, objections, comments etc. are also recorded in this chapter.

3.2 The West Bengal State Electricity Distribution Company Limited (WBSEDCL) submitted their suggestions / objections which, inter-alia, stands as follows:

3.2.1 DVC earlier filed Tariff Petition for the period 2009-10 to 2013-14 and while determining the ARR for the period 2009-10 to 2013-14, the Commission determined retail tariff for the year 2013-14 only. DVC in its present petition prayed for determination of retail tariff on the basis of actual cost though the Commission already approved the ARR in its order dated 24.08.2015. If the present tariff petition of DVC is entertained, it will result in reopening of tariff not only for DVC but also for the Discoms who purchase power from DVC. Thus, for any revision, if necessary, it should be taken up at the time of true up for the current tariff period. Furthermore, no interest/carrying cost should be applicable for delayed issue of tariff order of the concerned period. In view of above, WBSEDCL prayed before the Commission to dismiss the petition on this ground.

3.2.2 DVC submitted Tariff proposal for sale of power to licensees like WBSEDCL through radial mode in Paragraph 10 of the petition. DVC also prayed for determination of tariff based on submission for the year FY 2009-10 to FY 2012-13 as deemed proper.
DVC took up similar issue before WBERC by its Petition No. OA-273 of 2018-19 and WBSEDCL challenged the claim of DVC in the said Petition. WBERC passed an order regarding the said petition on 01.03.2019 with the following observation:

Quote:

a) The retail tariff that this Commission determined on the basis of tariff petitions submitted by DVC for the years 2014 - 2015, 2015 - 2016 and 2016 — 2017 was not determined for the licensees including WBSEDCL and that tariff cannot be charged upon them.

b) DVC’s sale of power to WBSEDCL on radial mode cannot be treated as sale of power by a generating company to a consumer and both the parties are at liberty to settle the issues as per the provisions of law now in force.

Unquote:

DVC filed an Appeal against the said Order before APTEL vide Appeal No. 190 of 2019 but no order has been passed by APTEL on the said Appeal till now. Thus, the order dated 01.03.2019 of WBERC is still in force.

3.3 Damodar Valley Power Consumers' Association (DVPCA) have made their suggestions / objections on general issue which have been discussed below:

3.3.1 General objections:

a) It is noted now that DVC has again revised its claims for ARR for the same period 2009-10 to 2012-13 in the instant Petition. DVC seems to have increased its claims in the present Petition by almost Rs. 146 cr. as compared to the claim in an earlier True up Petition dated 25.1.2018. Similarly, the claim is also higher by Rs. 121 cr. against the total ARR allowed by the Commission in the Tariff Order dated 24.8.2015.
b) Notably, an important observation of the Hon'ble High Court at Kolkata in the Order dated 12.6.2019 in the Writ Petition No. 10469 (W) of 2017 was that The Damodar Valley Corporation and its authorities shall provide all information in terms of statutory form in Annexure 3 of regulation 2.7.2 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 at pages 265-275 of the tariff regulation. The information thus submitted has to match and has to be consistent with the calculation made by the Damodar Valley Corporation in the already determined Annual Revenue Requirement for the respective years.

c) Therefore, it is the onus of Petitioner to submit the data and information such that the same matches and is consistent with the calculation made in the already determined ARR for respective years.

d) Evidently, the ARR claim of DVC doesn't match with its claims submitted earlier before the Commission and has significantly increased due to some arbitrary claims. Accordingly, we request the Commission to kindly reject the claims of DVC made in violation of the order of Hon'ble High Court of Kolkata.

e) The contentions towards higher loss levels were tendered by DVC before the Commission during the proceedings held while issuing the Tariff order for the period 2009-14. In fact, after a considerate view, the Commission had approved the loss level trajectory for the Petitioner.

f) Admittedly, the Tariff Regulations specify a certain trajectory to be adhered to for distribution loss levels. The distribution and retail tariff have to be framed strictly in line with the Tariff Regulations framed by the Commission.
Thus, the tariff for DVC has to be determined based on the loss level trajectory prescribed by the Commission in its previous orders/regulations.

3.4 WBSDEDCL and DVPCA also submitted their objections on item wise issues on revised ARR which are not being dealt with in this chapter as the Commission is going to only determine the retail tariff for consumers of DVC under aforesaid circumstances in the next chapter.

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CHAPTER – 4
RETAIL TARIFF FOR THE YEARS 2009-2010 to 2012 - 2013

4.1 The Commission has already determined the Net Aggregate Revenue Requirement (ARR) of DVC for its distribution activity in the state of West Bengal for the period FY 2009-10 to 2013-14 in paragraph 5.1 in Chapter-5 of the Tariff Order dated 24.08.2015 in CASE NO: TP – 62 / 14 – 15 which is reproduced below:

<table>
<thead>
<tr>
<th>Item</th>
<th>As admitted by the Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power Purchase Cost</td>
<td>28923.31</td>
</tr>
<tr>
<td>Generation cost</td>
<td>142034.47</td>
</tr>
<tr>
<td>Transmission and distribution cost</td>
<td>15674.21</td>
</tr>
<tr>
<td>Interest on Working capital</td>
<td>637.76</td>
</tr>
<tr>
<td>Interest on security deposit payable to West Bengal consumers</td>
<td>0.00</td>
</tr>
<tr>
<td>Tariff Filing Charge</td>
<td>17.58</td>
</tr>
<tr>
<td>Gross Total</td>
<td>187287.33</td>
</tr>
<tr>
<td>Less: Non-tariff income</td>
<td>78.73</td>
</tr>
<tr>
<td>Net ARR for sale to consumers in West Bengal</td>
<td>187208.60</td>
</tr>
</tbody>
</table>

Rs. in lakh

4.2 The Commission also determined revenue to be recovered through tariff and average tariff separately for each of the five years for the period 2009 – 2010 to 2013 – 2014 in Paragraph 5.2 in Chapter-5 of the Tariff Order dated 24.08.2015, relevant portion of which is reproduced below:
Retail Tariff Order of DVC for the years 2009-2010, 2010-2011, 2011-2012 and 2012-2013

AVERAGE TARIFF FOR THE CONSUMERS OF DVC IN THE COMMAND AREA IN WEST BENGAL
FOR THE YEARS 2009 – 2010 TO 2012 – 2013 and accumulated revenue gap

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Particulars</th>
<th>Unit</th>
<th>2009-2010</th>
<th>2010-2011</th>
<th>2011-2012</th>
<th>2012-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Total revenue to be recovered through tariff</td>
<td>Rs. Lakh</td>
<td>187208.60</td>
<td>194606.68</td>
<td>258323.21</td>
<td>305224.14</td>
</tr>
<tr>
<td>2.</td>
<td>Projected quanta of energy for sale to the consumers</td>
<td>MU</td>
<td>5778.43</td>
<td>5827.44</td>
<td>6218.96</td>
<td>6882.38</td>
</tr>
<tr>
<td>3.</td>
<td>Average tariff for the consumers [3=(1)/(2)]</td>
<td>Paisa / kWh</td>
<td>323.98</td>
<td>333.95</td>
<td>415.38</td>
<td>443.49</td>
</tr>
</tbody>
</table>

4.3 In chapter 6.1 of the tariff order dated 24.08.2015, the Commission determined the tariff schedule applicable to the consumers of DVC along with the associated conditions of tariff for the year 2013-14 and retained the tariff realized by DVC for the respective years during the period 2009-10 to 2012-13. The Commission now proceeds to determine the retail tariff schedule only along with the associated conditions of Tariff for the years – 2009-10, 2010-11, 2011-12 and 2012 – 2013 for the consumers of DVC within the Command area in West Bengal.

CHAPTER- 5
TARIFF ORDER FOR THE YEAR 2009-10

5.1 The tariff schedules as applicable to the consumers of DVC for the years 2009 – 2010 is given in Annexure – 5 for LV and MV as well as for HV and EHV consumers. The said tariff structure has been designed in a manner to fulfill the objective of attaining average tariff of each class of consumers within ± 20% of the average cost of supply.

5.2 Details of different tariff schemes of different classes of consumers and various associated terms and conditions are specified in various regulations and in Annexure C1 and Annexure C2 of the Tariff Regulations, 2011. Other associated conditions of the tariff for the year 2009-10 shall be as follows:

5.3.1 Fixed / Demand Charge:

5.3.1.1 The fixed charge shall be applicable to different categories of consumers as per rate as given in Annexure-5.

5.3.1.2 The demand charge shall be applicable to different categories of consumers as per rate given in Annexure-5 of this order. Demand charge shall be levied on the maximum demand computed as per provision of the Tariff Regulations, 2011.

5.3.1.3 In case a consumer got connection during a particular month, computation of fixed charge or demand charge for that consumer for that month shall be made pro-rata.

5.3.2 For all consumers, rebate shall be given @ 1% of the amount of the bill excluding meter rent, taxes, duties, levies and arrears (not being the arrears due to revision of tariff) if the payment is made within the due date.
5.3.3 Delayed payment surcharge shall be applicable as per regulation 4.14 of the Tariff Regulations, 2011.

5.3.4 All existing charges relating to meter rent, meter testing, meter replacement, disconnection and reconnection etc. shall continue.

5.3.5 All statutory levies like electricity duty or any other taxes, duties etc. imposed by the State Govt. / Central Govt. or any other competent authority shall be extra and shall not be a part of the tariff determined under this tariff order.

5.3.6 All the rates and conditions of tariff are effective for the period from April, 2009 to March 2010. DVC is directed to make adjustments, if any, for under or over recovery for the disputed period from respective consumers in compliance with the judgment and order dated 12.06.2019 passed by The Hon'ble High Court, Calcutta in W.P. No. 10469 (W) of 2017.

5.3.7 The present retail tariff as mentioned in Annexure 5 is based on the ARR determined in the tariff order dated 24.08.2015. Any variation in the fixed cost of generating units (both existing & new), composite transmission & distribution network as determined by CERC for the respective years shall be adjusted in APR in terms of Tariff Regulations, 2011 subject to determination of generation and transmission tariff by CERC for the same period. Accordingly, DVC is directed to make application for APR along with determined generation tariff for all its generating stations and tariff for composite transmission and distribution network as per provisions of the Tariff Regulations, 2011. DVC is also directed to make appropriate application for adjustment of variation in Fuel & Power Purchase Cost in terms of Tariff Regulations, 2011.
5.3.8 Any matter, which has not been explicitly mentioned in this order, shall be guided by regulations 2.9.8 and 2.9.9 of the Tariff Regulations.

5.3.9 DVC shall present to the Commission a gist of this order showing salient features of tariff / tariffs for the year within three working days from the date of receipt of this order for approval of the Commission and on receipt of the approval shall publish the approved gist in terms of regulation 2.9.6 of the Tariff Regulations, 2011 within four working days from the date of receipt of the approval of the Commission.

West Bengal Electricity Regulatory Commission

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<table>
<thead>
<tr>
<th>Sl No</th>
<th>Type of Consumer</th>
<th>Customer category</th>
<th>Name of the Tariff Scheme</th>
<th>Energy Charge P/kWh</th>
<th>Fixed charge/Demand charge as admitted Rs/Kva/month</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Summer</td>
<td>Monsoon</td>
</tr>
<tr>
<td>1</td>
<td>L&amp;MV</td>
<td>Normal</td>
<td></td>
<td>300</td>
<td>298</td>
</tr>
<tr>
<td>2</td>
<td>Industrial (33 KV)</td>
<td>I-2(H)</td>
<td>Normal</td>
<td>273</td>
<td>270</td>
</tr>
<tr>
<td>3</td>
<td>Industrial (132 KV)</td>
<td>I-3(H)</td>
<td>Normal</td>
<td>267</td>
<td>265</td>
</tr>
<tr>
<td>4</td>
<td>Industrial (220 KV)</td>
<td>I-4(H)</td>
<td>Normal</td>
<td>256</td>
<td>254</td>
</tr>
<tr>
<td>5</td>
<td>Traction</td>
<td>T</td>
<td>Normal</td>
<td>266</td>
<td>264</td>
</tr>
</tbody>
</table>
CHAPTER - 6
TARIFF ORDER FOR THE YEAR 2010-11

6.1 The tariff schedules as applicable to the consumers of DVC for the years 2010 – 2011 is given in Annexure – 6 for LV and MV as well as for HV and EHV consumers. The said tariff structure has been designed in a manner to fulfill the objective of attaining average tariff of each class of consumers within ± 20% of the average cost of supply.

6.2 Details of different tariff schemes of different classes of consumers and various associated terms and conditions are specified in various regulations and in Annexure C1 and Annexure C2 of the Tariff Regulations, 2011. Other associated conditions of the tariff for the year 2010-11 shall be as follows:

6.3.1 Fixed / Demand Charge:

6.3.1.1 The fixed charge shall be applicable to different categories of consumers as per rate as given in Annexure-6.

6.3.1.2 The demand charge shall be applicable to different categories of consumers as per rate given in Annexure-6 of this order. Demand charge shall be levied on the maximum demand computed as per provision of the Tariff Regulations, 2011.

6.3.1.3 In case a consumer got connection during a particular month, computation of fixed charge or demand charge for that consumer for that month shall be made pro-rata.

6.3.2 For all consumers, rebate shall be given @ 1% of the amount of the bill excluding meter rent, taxes, duties, levies and arrears (not being the arrears due to revision of tariff) if the payment is made within the due date.
6.3.3 Delayed payment surcharge shall be applicable as per regulation 4.14 of the Tariff Regulations, 2011.

6.3.4 All existing charges relating to meter rent, meter testing, meter replacement, disconnection and reconnection etc. shall continue.

6.3.5 All statutory levies like electricity duty or any other taxes, duties etc. imposed by the State Govt. / Central Govt. or any other competent authority shall be extra and shall not be a part of the tariff determined under this tariff order.

6.3.6 All the rates and conditions of tariff are effective for the period from April, 2010 to March 2011. DVC is directed to make adjustments, if any, for under or over recovery for the disputed period from respective consumers in compliance with the judgment and order dated 12.06.2019 passed by The Hon'ble High Court, Calcutta in W.P. No. 10469 (W) of 2017.

6.3.7 The present retail tariff as mentioned in Annexure 6 is based on the ARR determined in the tariff order dated 24.08.2015. Any variation in the fixed cost of generating units (both existing & new), composite transmission & distribution network as determined by CERC for the respective years shall be adjusted in APR in terms of Tariff Regulations, 2011 subject to determination of generation and transmission tariff by CERC for the same period. Accordingly, DVC is directed to make application for APR along with determined generation tariff for all its generating stations and tariff for composite transmission and distribution network as per provisions of the Tariff Regulations, 2011. DVC is also directed to make appropriate application for adjustment of variation in Fuel & Power Purchase Cost in terms of Tariff Regulations, 2011.
6.3.8 Any matter, which has not been explicitly mentioned in this order, shall be guided by regulations 2.9.8 and 2.9.9 of the Tariff Regulations.

6.3.9 DVC shall present to the Commission a gist of this order showing salient features of tariff / tariffs for the year within three working days from the date of receipt of this order for approval of the Commission and on receipt of the approval shall publish the approved gist in terms of regulation 2.9.6 of the Tariff Regulations, 2011 within four working days from the date of receipt of the approval of the Commission.
### FOR THE YEAR 2010 - 2011

<table>
<thead>
<tr>
<th>Sl No</th>
<th>Type of Consumer</th>
<th>Customer category</th>
<th>Name of the Tariff Scheme</th>
<th>Energy Charge P/kWh</th>
<th>Fixed charge/Demand charge as admitted Rs/kva/month</th>
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West Bengal Electricity Regulatory Commission
CHAPTER - 7
TARIFF ORDER FOR THE YEAR 2011-12

7.1 The tariff schedules as applicable to the consumers of DVC for the years 2011 – 2012 is given in Annexure – 7 for LV and MV as well as for HV and EHV consumers. The said tariff structure has been designed in a manner to fulfill the objective of attaining average tariff of each class of consumers within ± 20% of the average cost of supply.

7.2 Details of different tariff schemes of different classes of consumers and various associated terms and conditions are specified in various regulations and in Annexure C1 and Annexure C2 of the Tariff Regulations, 2011. Other associated conditions of the tariff for the year 2011-12 shall be as follows:

7.3.1 Fixed / Demand Charge:

7.3.1.1 The fixed charge shall be applicable to different categories of consumers as per rate as given in Annexure-7.

7.3.1.2 The demand charge shall be applicable to different categories of consumers as per rate given in Annexure-7 of this order. Demand charge shall be levied on the maximum demand computed as per provision of the Tariff Regulations, 2011.

7.3.1.3 In case a consumer got connection during a particular month, computation of fixed charge or demand charge for that consumer for that month shall be made pro-rata.

7.3.2 For all consumers, rebate shall be given @ 1% of the amount of the bill excluding meter rent, taxes, duties, levies and arrears (not being the arrears due to revision of tariff) if the payment is made within the due date.
7.3.3 Delayed payment surcharge shall be applicable as per regulation 4.14 of the Tariff Regulations, 2011.

7.3.4 All existing charges relating to meter rent, meter testing, meter replacement, disconnection and reconnection etc. shall continue.

7.3.5 All statutory levies like electricity duty or any other taxes, duties etc. imposed by the State Govt. / Central Govt. or any other competent authority shall be extra and shall not be a part of the tariff determined under this tariff order.

7.3.6 All the rates and conditions of tariff are effective for the period from April, 2011 to March 2012. DVC is directed to make adjustments, if any, for under or over recovery for the disputed period from respective consumers in compliance with the judgment and order dated 12.06.2019 passed by The Hon'ble High Court, Calcutta in W.P. No. 10469 (W) of 2017.

7.3.7 The present retail tariff as mentioned in Annexure 7 is based on the ARR determined in the tariff order dated 24.08.2015. Any variation in the fixed cost of generating units (both existing & new), composite transmission & distribution network as determined by CERC for the respective years shall be adjusted in APR in terms of Tariff Regulations, 2011 subject to determination of generation and transmission tariff by CERC for the same period. Accordingly, DVC is directed to make application for APR along with determined generation tariff for all its generating stations and tariff for composite transmission and distribution network as per provisions of the Tariff Regulations, 2011. DVC is also directed to make appropriate application for adjustment of variation in Fuel & Power Purchase Cost in terms of Tariff Regulations, 2011.
7.3.8 Any matter, which has not been explicitly mentioned in this order, shall be guided by regulations 2.9.8 and 2.9.9 of the Tariff Regulations.

7.3.9 DVC shall present to the Commission a gist of this order showing salient features of tariff / tariffs for the year within three working days from the date of receipt of this order for approval of the Commission and on receipt of the approval shall publish the approved gist in terms of regulation 2.9.6 of the Tariff Regulations, 2011 within four working days from the date of receipt of the approval of the Commission.
### Tariff Order of DVC for the years 2009-2010, 2010-2011, 2011-2012 and 2012-2013

**Annexure-7**

**FOR THE YEAR 2011-2012**

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<tr>
<th>SI No</th>
<th>Type of Consumer</th>
<th>Customer category</th>
<th>Name of the Tariff Scheme</th>
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CHAPTER - 8
TARIFF ORDER FOR THE YEAR 2012-13

8.1 The tariff schedules as applicable to the consumers of DVC for the years 2012 – 2013 is given in Annexure – 8 for LV and MV as well as for HV and EHV consumers. The said tariff structure has been designed in a manner to fulfill the objective of attaining average tariff of each class of consumers within ± 20% of the average cost of supply.

8.2 Details of different tariff schemes of different classes of consumers and various associated terms and conditions are specified in various regulations and in Annexure C1 and Annexure C2 of the Tariff Regulations, 2011. Other associated conditions of the tariff for the year 2012-13 shall be as follows:

8.3.1 Fixed / Demand Charge:

8.3.1.1 The fixed charge shall be applicable to different categories of consumers as per rate as given in Annexure-8.

8.3.1.2 The demand charge shall be applicable to different categories of consumers as per rate given in Annexure-8 of this order. Demand charge shall be levied on the maximum demand computed as per provision of the Tariff Regulations, 2011.

8.3.1.3 In case a consumer got connection during a particular month, computation of fixed charge or demand charge for that consumer for that month shall be made pro-rata.

8.3.2 For all consumers, rebate shall be given @ 1% of the amount of the bill excluding meter rent, taxes, duties, levies and arrears (not being the arrears due to revision of tariff) if the payment is made within the due date.
8.3.3 Delayed payment surcharge shall be applicable as per regulation 4.14 of the Tariff Regulations, 2011.

8.3.4 All existing charges relating to meter rent, meter testing, meter replacement, disconnection and reconnection etc. shall continue.

8.3.5 All statutory levies like electricity duty or any other taxes, duties etc. imposed by the State Govt. / Central Govt. or any other competent authority shall be extra and shall not be a part of the tariff determined under this tariff order.

8.3.6 All the rates and conditions of tariff are effective for the period from April, 2012 to March 2013. DVC is directed to make adjustments, if any, for under or over recovery for the disputed period from respective consumers in compliance with the judgment and order dated 12.06.2019 passed by The Hon'ble High Court, Calcutta in W.P. No. 10469 (W) of 2017.

8.3.7 The present retail tariff as mentioned in Annexure 8 is based on the ARR determined in the tariff order dated 24.08.2015. Any variation in the fixed cost of generating units (both existing & new), composite transmission & distribution network as determined by CERC for the respective years shall be adjusted in APR in terms of Tariff Regulations, 2011 subject to determination of generation and transmission tariff by CERC for the same period. Accordingly, DVC is directed to make application for APR along with determined generation tariff for all its generating stations and tariff for composite transmission and distribution network as per provisions of the Tariff Regulations, 2011. DVC is also directed to make appropriate application for adjustment of variation in Fuel & Power Purchase Cost in terms of Tariff Regulations, 2011.

8.3.8 Any matter, which has not been explicitly mentioned in this order, shall be guided by regulations 2.9.8 and 2.9.9 of the Tariff Regulations.

8.3.10 DVC shall present to the Commission a gist of this order showing salient features of tariff / tariffs for the year within three working days from the date of receipt of this order for approval of the Commission and on receipt of the approval shall publish the approved gist in terms of regulation 2.9.6 of the Tariff Regulations, 2011 within four working days from the date of receipt of the approval of the Commission.
## Tariff Order of DVC for the years 2009-2010, 2010-2011, 2011-2012 and 2012-2013

### ANNEXURE-8

#### FOR THE YEAR 2012-2013

<table>
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<tr>
<th>SI No</th>
<th>Type of Consumer</th>
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Sd/-
(PULAK KUMAR TEWARI)
MEMBER

Sd/-
(DURGADAS GOSWAMI)
MEMBER

Sd/-
(SUTIRTHA BHATTACHARYA)
CHAIRPERSON

DATED: 19.03.2020

West Bengal Electricity Regulatory Commission

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