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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. 65/WBERC

Dated, the 21.01.2020

In exercise of the powers conferred by sub-section (1) and (2) of section 181 read with section 61 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf, the West Bengal Electricity Regulatory Commission (WBERC) hereby makes the following regulations to amend the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 along with subsequent amendments vide Notification no. 49/WBERC dated 27.08.2012 (hereinafter referred to as "First Amendment") and Notification no. 54/WBERC dated 30.07.2013 (hereinafter referred to as "Second Amendment"), collectively termed as Principal Regulations.

**1. Short Title and Commencement:**

- (i) These Regulations may be called the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) (Third Amendment) Regulations, 2020.
- (ii) This shall come into force on & from 01.04.2020, after it's publication in the Official Gazette.
- (iii) Any Aggregate Revenue Requirement (ARR), Annual Performance Review (APR), Fuel Cost Adjustments (FCA), Fuel and Power Purchase Cost Adjustment (FPPCA) for the period prior to 01.04.2020 shall be governed by the regulations existing prior to the Amendment.

**2. After clause (ix) of regulation 1.2.1 of the Principal Regulations, the following clause shall be inserted:**

- (1xa) "GCV as received" means the GCV of coal as measured at the unloading point of the thermal generating station through collection, preparation and testing of samples from the loaded wagons, trucks, ropeways, Merry-Go-Round (MGR), belt conveyors and ships in accordance with the IS 436 (Part-1/ Section 1)- 1964 and clause 6.2 of IS 1350 (Part-II)-1970:

Provided that the measurement of coal shall be carried out through sampling by a third party to be appointed by the generating companies from the list maintained by the Ministry of Coal, Government of India/ Coal India Limited:

Provided further that samples of coal shall be collected either manually or through hydraulic augur or through any other method considered suitable keeping in view the safety of personnel and equipment:

Provided also that the generating companies may adopt any advanced technology for collection, preparation and testing of samples for measurement of GCV in a fair and transparent manner.

**3. For regulation 4.14 of the Principal regulations, the following regulation shall be substituted:**

"4.14.1 The rates of the applicable delayed payment surcharge arising from non-payment of electricity charges as also other charges by a consumer, except the L&MV agriculture consumers, shall be 1.00% per month of delay or pro-rated for part thereof upto 3 months of delay, 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 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 upto the date preceding the date of payment.

4.14.2 The rates of the applicable delayed payment surcharge arising from non-payment of electricity charges as also other charges for the L&MV agriculture consumers shall be as in the following table:

Sl. No.	Period of non-payment	LPSC Rate
1	Up to 3 months	Nil
2	From 91 days to 180 days	1% per month or prorated for part thereof
3	From 181 days to 365 days	1.25% per month or prorated for part thereof
4	Above 365 days	1.5% per month or prorated for part thereof

4.14.3 These delayed payment surcharges are 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."

**4. For regulations 5.8.1 to 5.8.7 of the Principal Regulations, following regulation shall be substituted:**

"5.8.1 Determination of the Energy charges for thermal generating stations shall be done on the basis of the landed fuel cost (LFC) of a generating station and shall consist of the following costs:

- Landed Fuel Cost of primary fuel;
- Landed Cost of secondary fuel oil; and
- Landed Cost of limestone or any other reagent, for the purpose of removing SO<sub>x</sub> and NO<sub>x</sub> as applicable:

Provided that any refund of taxes and duties along with any amount received on account of penalties from fuel supplier shall be adjusted in fuel cost:

Provided further that the supplementary energy charges, if any, on account of meeting the revised emission standards in case of a thermal generating station shall be determined separately by the Commission.

**5.8.2 Landed fuel cost of primary fuel:** The landed fuel cost of primary fuel for any month shall consist of base price or input price of fuel corresponding to the grade and quality of fuel and shall be inclusive of statutory charges as applicable, washery charges, transportation cost by rail or road or any other means and loading, unloading and handling charges:

Provided that procurement of fuel at a price other than Government notified prices may be considered, if it is based on competitive bidding through transparent process. Detailed documents of competitive bidding are to be submitted along with the application for FCA/FPPCA:

Provided that landed fuel cost of primary fuel shall be worked out based on the actual bill paid by the generating company including any adjustment on account of quantity and quality:

Provided that, no demurrage charge of railway rakes shall generally be allowed. However, for any demurrage charge cause of which is not attributable to generating company may be allowed subject to prudence check by the Commission. Generating company has to ensure that, it has taken sufficient measures to avoid the occurrence of any demurrage:

Provided also that in case of coal-fired thermal generating station, the Gross Calorific Value shall be measured by third party sampling and the expenses towards the third-party sampling facility shall be reimbursed by the beneficiaries.

**5.8.3 Transit and Handling Losses:** For coal the transit and handling losses shall be as per the norms specified in Schedule-9A and 9D of these Regulations.

**5.8.4 Gross Calorific Value (GCV) of primary fuel:**

- (1) The gross calorific value for computation of energy charges as per paragraph 8.1(ii) of Schedule-1 of these regulations shall be done considering weighted average 'GCV of coal as received', in kCal / kg for coal-based stations less 120 kCal/Kg on account of variation during storage at generating station.
- (2) The generating company shall provide to the beneficiary licensee(s) of the generating station the details in respect of GCV and price of fuel, i.e., domestic coal procured through linkage, coal from captive mine, e-auction coal, imported coal, natural gas, RLNG, liquid fuel etc. as per the Form D and Form D(a) to D(e) as prescribed at Annexure-I to these regulations along with monthly bills and submit the yearly details to the Commission during FCA/FPPCA, as the case may be:

Provided that the additional details of blending ratio of the imported coal with domestic coal shall be provided, along with the bills of the respective month:

Provided further that copies of the bills and details of parameters of GCV and price of fuel such as domestic coal procured through linkage, coal from captive mine, e-auction coal, imported coal, natural gas, RLNG, liquid fuel, details of blending ratio of the imported coal with domestic coal, proportion of e-auction coal shall also be displayed on the website of the generating company.

**5.8.5 Landed cost of Reagent:**

- (1) Where specific reagents such as Limestone, Sodium Bi-Carbonate, Urea or Anhydrous Ammonia are used during operation of emission control system for meeting revised emission standards, the landed cost of such reagents shall be determined based on normative consumption and purchase price of the reagent through competitive bidding, applicable statutory charges and transportation cost.
- (2) The normative consumption of specific reagent for the various technologies installed for meeting revised emission standards shall be notified separately:

Provided that till norms are specified by the Commission, actual consumption of specific reagent shall be considered.

**5.8.6 Input price of coal from integrated mines:**

- (1) Where the generating company has the arrangement for supply of coal from the integrated mine(s) allocated to it, for use in one or more of its generating stations as end use, the energy charge component of tariff of the generating station shall be determined based on the input price of coal from such integrated mines computed in accordance with the regulations to be notified separately by the Commission.
- (2) Till the regulation for computation of input price of coal is notified, the notified price of Coal India Limited commensurate with the grade of the coal from the integrated mine will be the ceiling cost for computing feedstock cost of coal:

Provided that after notification of the regulation for input price of coal, the same shall be applicable from the date of notification or from the date of commercial operation of the integrated mine, whichever is later, and the difference between the input price of coal so decided and the input price of coal as billed shall be adjusted for the relevant quantity, in accordance with the regulations to be notified.

- (3) In case of auction coal mines, the Commission shall determine the input price on case to case basis.

**5.8.7** The Commission through specific tariff orders to be issued for each generating station shall approve the energy charge rate at the start of the control period. During tariff determination, fuel mix of different type of fuels or among different quality of same type of fuel shall be considered as per mixing proportion of last one year, subject to specific provision in the PPA, if any, or any proposed deviation by the licensee or generating

company with proper supporting document and also subject to prudence check. The price of each type of fuel for the first ensuing year shall be as per the latest declared price of such fuel received from the tariff applicant or from the declared price list of the coal company. The energy charge rate for subsequent years shall be computed considering the escalation rates notified by the CERC for payment purposes from time to time under competitive bidding guidelines:

Provided that, during FPPCA/ FCA calculations, actual price of fuel shall be considered. However, in case where applicant cannot provide actual data of different fuels, fuel mix of different type of fuels or among different quality of same type of fuel, it shall be considered as per mixing proportion of the fuels received in the year for which FPPCA / FCA is under calculation.

5.8.7A. In case of part or full use of alternative source of fuel supply by coal based thermal generating stations other than as agreed by the generating company and beneficiaries in their power purchase agreement for supply of contracted power or the fuel mix considered in the Tariff order on account of shortage of fuel or optimization of economic operation through blending, the use of alternative source of fuel supply shall be permitted to generating station:

Provided that in such case, prior permission from beneficiaries shall not be a precondition, unless otherwise agreed specifically in the power purchase agreement:

Provided also that where the energy charge rate based on weighted average price of fuel upon use of alternative source of fuel supply exceeds 30% of base energy charge rate as approved by the Commission in the Tariff Order for that year or exceeds 20% of effective energy charge rate including MFCA of previous month whichever is lower shall be considered and in that event, prior consultation with beneficiary shall be made at least three days in advance.

5. **Regulation 5.8.15 of the Principal Regulations shall be deleted.**
6. **For sub-clause (a) of clause (i) of regulations 2.8.1.4.2 and clause (i) of regulation 2.8.1.4.4 of the Principal Regulations the word "UHV" shall be substituted with the word "GCV".**
7. **For regulation 8.5.4 of the Principal Regulations, the following regulation shall be substituted:**

"8.5.4 Notwithstanding anything contained in these Regulations and in supersession of any regulation pertaining to this subject mentioned in any other Regulations of the Commission, for any payment made within due date, an additional rebate of 1% of the amount of energy bill excluding meter rent, taxes, duties, levies and arrears (not being arrears due to revision of tariff) will be applicable, if such payment is made through e- payment gateway using (i) debit card or (ii) credit card or (iii) internet banking or (iv) NEFT/ RTGS or (v) National Automated Clearing House (NACH) or (vi) electronic clearing system or (vii) any other mode viz., valued card wallet system or USSD or Instapay of banks or (viii) online payment through mobile software application which is an optional payment scheme to the consumer for payment of energy bill to any licensee other than payment mode through own cash counter of the licensee. The applicable e-payment gateway service charge, if any, to the service provider is to be borne by the licensee. Licensee shall maintain proper accounting of such charges which shall be adjusted during APR after prudence check:

Provided that such additional 1% rebate is not applicable for payment through Letter of Credit (LC) mechanism maintained with any bank by the consumer:

Provided also that any additional charges claimed by banks or service provider like LC charges, charge for NEFT/ RTGS, etc. are to be paid by the consumers themselves.

**Illustration:** Any payment to the licensee through LC mechanism shall not be qualified for additional rebate of 1% as revenue collection through LC mechanism is not always free from manual intervention from the licensee's end even when payment is made through the modes (i) to (viii) mentioned in this regulation and depends upon the agreement / arrangement between the LC issuing bank and the consumer, leaving a possibility of non-payment of full amount of the bill when it exceeds the LC amount."

**8. The parameter CVPF under sl. no (ii) in paragraph 8.1 of Schedule -1 of the Principal Regulations, shall be substituted as below:**

- "CVPF = (a) Weighted Average Gross calorific value of coal as received, in kCal per kg for coal-based stations less 120 Kcal/Kg on account of variation during storage at generating station;
- (b) Weighted Average Gross calorific value of primary fuel as received, in kCal per kg, per litre or per standard cubic meter, as applicable for gas and liquid fuel based stations;
- (c) In case of blending of fuel from different sources, the weighted average Gross calorific value of primary fuel shall be arrived at in proportion to the blending ratio."

**9. After sl. No (iv) of paragraph 8.1 of Schedule -1 of the Principal Regulations, the following paragraph shall be added:**

"(v) Where biomass fuel is used for blending with coal, the landed cost of biomass fuel shall be worked out based on the delivered cost of biomass at the unloading point of the generating station, inclusive of taxes and duties as applicable. The energy charge rate of the blended fuel shall be worked out considering consumption of biomass based on blending ratio as specified by Authority or actual consumption of biomass, whichever is lower."

**10. In the first sentence of parameter 'FC' under sl no (iii) of paragraph A and sl no (ii) of paragraph B of Schedule -7A of the Principal Regulations the words "UHV range" shall be deleted.**

**11. The parameter Coal<sub>UHV</sub> under Clause (b) of paragraph-B of Schedule-7B of the Principal Regulations shall be substituted as below:**

"Coal<sub>GCV</sub> = Average Gross Calorific Value (GCV) of coal as received (Kcal/Kg) less 120 kCal/kg"

**12. In clause (d) of paragraph-B of Schedule-7B of the Principal Regulations the word "Coal<sub>UHV</sub>" shall be substituted with the word "Coal<sub>GCV</sub>".**

**13. Amendment in Annexure-C1 of the Principal Regulations:**

13.1 For the Table in Annexure - C1 of the principal Regulations, the following shall be added under "HV & EHV Consumers":

Sl No	Class of consumers	WBSEDCL	CESC LTD	IPCL	DPL	DVC
(xix)	Metro rail/ Airport under RCS-UDDAN	Applicable	Applicable	Applicable	Applicable	Applicable
(xx)	Military Engineering services (MES)	Applicable	Applicable	Applicable	Applicable	Applicable
(xxi)	EV charging station	Applicable	Applicable	Applicable	Applicable	Applicable

**14 Amendment in Annexure-1 of the Principal Regulations:**

14.1 Form no D1, D2 and D3 of the Principal Regulations shall be deleted.

14.2 The following Forms shall be inserted after Form C of Annexure-1.

**"Form - D: Details of Source wise Fuel for Computation of Energy Charges**

Name of the Petitioner:

Name of the Generating Station:

SL. No.	Description	Unit	For preceding Year / Month				
			<YEAR> / <Month>				
			FSA	Captivemine	e-Auction	Imported	Others
			(1)	(2)	(3)	(4)	(5)
<b>A)</b>	<b>OPENING QUANTITY</b>						
1	Opening Quantity of Coal	(MT)					
2	Value of Stock	(Rs)					
<b>B)</b>	<b>QUANTITY for current year/month</b>						
3	Quantity of Coal supplied by Coal Company	(MT)					

SL. No.	Description	Unit	For preceding Year / Month				
			<YEAR> / <Month>				
			FSA	Captivemine	e-Auction	Imported	Others
(1)	(2)	(3)	(4)	(5)			
4	Adjustment (+/-) in quantity supplied made by Coal Company	(MT)					
5	Coal supplied by Coal Company (3+4)	(MT)					
<b>C)</b>	<b>COST OF COAL</b>						
6	Amount charged by the Coal Company	(Rs.)					
7	Adjustment (+/-) in amount charged made by Coal Company	(Rs.)					
8	Handling, Sampling and such other similar charges	(Rs.)					
9	Total amount Charged ( 6+7+8)	(Rs.)					
<b>D)</b>	<b>TRANSPORTATION COST</b>						
10	Transportation charges by rail/ship/road transport	(Rs.)					
	By Rail						
	By Road						
	By Ship						
	.....						
11	Adjustment (+/-) in amount charged made by railways/Transport Company	(Rs.)					
12	Demurrage Charges, if any	( Rs.)					
13	Cost of diesel in transporting coal through MGR system, if applicable	( Rs.)					
14	Total Transportation Charges (10+11+12+13)	( Rs.)					
15	Total amount Charged for coal supplied including Transportation ( 9+14)	( Rs.)					
<b>E)</b>	<b>TOTAL COST</b>						
16	Landed cost of coal (2+15)/(1+ 5)	(Rs./ MT)					
17	Consumption of coal	(MT)					
18	Closing stock [1+5-17]	(MT)					
19	Closing value [2+15-16 X 17 ]	(Rs.)					
20	Weighted average cost of coal [ $\sum (16 \times 17) / \sum 17$ ]	(Rs./ MT)					
<b>F)</b>	<b>QUALITY</b>						
21	'GCV as billed' of coal supplied	(kCal/ Kg)					
22	Weighted average 'GCV as billed' of coal	(kCal/ Kg)					
23	'GCV as received' of coal supplied	(kCal/ Kg)					
24	Weighted average 'GCV as received' of coal	(kCal/ Kg)					

Note:

1. Similar details to be furnished for natural gas/liquid fuel for CCGT station and secondary fuel oil for coalbased thermal plants with appropriate units.
2. As billed and as received GCV, quantity of coal, and price should be submitted as certified by statutory auditor.
3. Details to be provided for each source separately in form D(a) to D(e).
4. Break up of the amount charged by the Coal Company is to be provided separately.

Applicant

**Form - D(a): Details of coal sourced through FSA**

Name of the Petitioner:

Name of the Generating Station:

SL. No.	Description	Unit	< Year > / < Month >						
			Grade-wise-details						
			<G4>	<G5>	<G6>	.....	<W1>	<W2>	
1	<source 1>								
	Quantity	MT							
	Amount charged by the coal company	Rs./MT							
	Handling, Sampling and such other similar charges	Rs./MT							
	Transportation cost	Rs./MT							
	GCV as billed	kCal/kg							
	GCV as received	kCal/kg							
2	<source 2> ..... ..... .....								
A	TOTAL QUANTITY	MT							
B	TOTAL COST OF COAL	Rs.							
C	TOTAL OF HANDLING, SAMPLING AND SUCH OTHER SIMILAR CHARGES	Rs.							
D	TOTAL TRANSPORTATION COST	Rs.							
E	Wt. average GCV as billed	kCal/kg							
F	Wt. average GCV as received	kCal/kg							

Note: Add rows for more sources.

Applicant

**Form - D(b): Details of coal sourced from captive mines**

Name of the Petitioner:

Name of the Generating Station:

SL. No.	Description	Unit	< Year > / < Month >						
			Grade-wise-details						
			<G4>	<G5>	<G6>	.....	<W1>	<W2>	
1	<source 1>								
	Quantity	MT							

SL. No.	Description	Unit	< Year > / < Month >					
			Grade-wise-details					
			<G4>	<G5>	<G6>	.....	<WI>	<W2>
	Amount charged by the coal company	Rs./MT						
	Handling, Sampling and such other similar charges	Rs./MT						
	Transportation cost	Rs./MT						
	GCV as billed	kCal/kg						
	GCV as received	kCal/kg						
2	<source 2> ..... ..... .....							
A	TOTAL QUANTITY	MT						
B	TOTAL COST OF COAL	Rs.						
C	TOTAL OF HANDLING, SAMPLING AND SUCH OTHER SIMILAR CHARGES	Rs.						
D	TOTAL TRANSPORTATION COST	Rs.						
E	Wt. average GCV as billed	kCal/kg						
F	Wt. average GCV as received	kCal/kg						

Note: Add rows for more sources.

Applicant

**Form - D(c): Details of coal sourced through e-auction**

Name of the Petitioner:

Name of the Generating Station:

SL. No.	Description	Unit	< Year > / < Month >					
			Grade-wise-details					
			<G4>	<G5>	<G6>	.....	<WI>	<W2>
1	<source 1>							
	Quantity	MT						
	Amount charged by the coal company	Rs./MT						
	Handling, Sampling and such other similar charges	Rs./MT						
	Transportation cost	Rs./MT						
	GCV as billed	kCal/kg						
	GCV as received	kCal/kg						
2	<source 2> ..... ..... .....							
A	TOTAL QUANTITY	MT						
B	TOTAL COST OF COAL	Rs.						



SL. No.	Description	Unit	< Year > / < Month >					
			Grade-wise-details					
			<G4>	<G5>	<G6>	.....	<W1>	<W2>
C	TOTAL OF HANDLING, SAMPLING AND SUCH OTHER SIMILAR CHARGES	Rs.						
D	TOTAL TRANSPORTATION COST	Rs.						
E	Wt. average GCV as billed	kCal/kg						
E	Wt. average GCV as received	kCal/kg						

Note: Add rows for more sources.

Applicant

**Form - D(d): Details of imported coal**

Name of the Petitioner:

Name of the Generating Station:

SI No	Description	Unit	<YEAR> / <MONTH>
1	<source 1>		
	Quantity	MT	
	Amount charged by the coal company	Rs./MT	
	Handling, Sampling and such other similar charges	Rs./MT	
	Transportation cost	Rs./MT	
	GCV as billed	kCal/kg	
	GCV as received	kCal/kg	
2	<source 2> ..... ..... .....		
A	TOTAL QUANTITY	MT	
B	TOTAL COST OF COAL	Rs.	
C	TOTAL OF HANDLING, SAMPLING AND SUCH OTHER SIMILAR CHARGES	Rs.	
D	TOTAL TRANSPORTATION COST	Rs.	
E	Wt. average GCV as billed	kCal/kg	
F	Wt. average GCV as received	kCal/kg	

Note: Add rows for more sources.

Applicant

**Form - D(e): Details of coal from other sources**

Name of the Petitioner:

Name of the Generating Station:

SI No.	Description	Unit	<YEAR> / <MONTH>					
			Grade-wise-details					
1	<source 1>							
	Quantity	MT						
	Amount charged by the coal company	Rs. / MT						

SI No.	Description	Unit	<YEAR> / <MONTH>					
			Grade-wise-details					
	Handling, Sampling and such other similar charges	Rs. / MT						
	Transportation cost	Rs. / MT						
	GCV as billed	kCal/kg						
	GCV as received	kCal/kg						
2	<source 2> ..... ..... .....							
A	TOTAL QUANTITY	MT						
B	TOTAL COST OF COAL	Rs.						
C	TOTAL OF HANDLING, SAMPLING AND SUCH OTHER SIMILAR CHARGES	Rs.						
D	TOTAL TRANSPORTATION COST	Rs.						
E	Wt. average GCV as billed	kCal/kg						
F	Wt. average GCV as received	kCal/kg						

Note: Add rows for more sources.

Applicant

By order of the Commission,

Place: Kolkata  
Date: 21.01.2020

T. K. MUKHERJEE  
Secretary of the Commission