



**ORDER
OF
WEST BENGAL ELECTRICITY REGULATORY COMMISSION**

IN CASES NO.OA-88/10-11/3

IN REGARD TO THE APPLICATION SUBMITTED BY WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED (WBSEDCL) FOR AMENDMENT OF WBSEDCL PROCEDURES-A (2010) AND WBSEDCL PROCEDURES-B (2010) IN TERMS OF REGULATION 13.13 OF THE WEST BENGAL ELECTRICITY REGULATORY COMMISSION (STANDARDS OF PERFORMANCE OF LICENSEES RELATING TO CONSUMER SERVICES) REGULATIONS, 2010, AS AMENDED.

PRESENT:

SRI SUTIRTHA BHATTACHARYA, CHAIRPERSON

SRI DURGADAS GOSWAMI, MEMBER

SRI PULAK KUMAR TEWARI, MEMBER

DATE: 03.12.2019



Certified true Copy



Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



Facts in Brief:

- 1.0 West Bengal State Electricity Distribution Company Limited (in short 'WBSEDCL') has submitted an application dated 3rd August, 2017 in case no. OA-88/10-11/3 to the West Bengal Electricity Regulatory Commission (in short 'Commission') for amendment of WBSEDCL PROCEDURES – A (2010) and PROCEDURES – B (2010) to provide power supply to the consumers having contract demand upto 200 kVA in Low and Medium Voltage (L&MV) under WBSEDCL in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended (to be referred as the 'SOP Regulations').
- 2.0 WBSEDCL submitted that Commission has approved WBSEDCL PROCEDURES – A (2010) and PROCEDURES – B (2010) vide order dated 31.12.2010 to provide power supply to the consumers having contractual demand up to 125 kVA in L&MV under WBSEDCL.
- 3.0 WBSEDCL further submitted that as per requirement of "Ease of doing business" WBSEDCL intends to provide L&MV supply of electricity to the consumers having contractual demand up to 200 kVA in place of existing 125 kVA so that cost estimate based on load (KVA) can be extended to those consumers for obtaining electricity connection.
- 4.0 In view of the above, WBSEDCL has prayed before the Commission for passing an appropriate order to the following extent:

To amend WBSEDCL PROCEDURES – A (2010) and WBSEDCL PROCEDURES – B (2010), passed by the Commission vide its order dated 31.12.2010 to provide power supply to the consumers having contractual demand upto 200 kVA in Low and Medium Voltage (L&MV) as proposed in Table 1 and Table 2 below in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.





Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



Table 1: WBSEDCL PROCEDURES-A (2010)

Clause No	Existing	Proposed
1.2	<p>Under this WBSEDCL PROCEDURES-A (2010) henceforth all the new connections for LV&MV consumers not exceeding 125 kVA shall be provided with LV&MV supply. The effective date of coming into force of these WBSEDCL PROCEDURES - A (2010) shall be 15th January, 2011 and the applicable tariff for different categories of consumers under these procedures shall be as follows:</p>	<p>Under this WBSEDCL PROCEDURES-A (2010) henceforth all the new connections as well as existing consumers having contractual demand 50 kVA and above but not exceeding 200 kVA (in place of existing 125 kVA) shall be provided with LV&MV supply. The effective date of coming into force of these modified procedures from</p> <p>The applicable tariff for these categories of consumers shall be as follows from the date of connection in case of new consumers / from the next billing cycle in case of existing consumers, if consent is submitted 10 days before issuance of bill.</p>

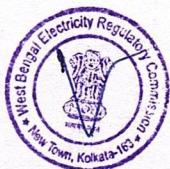




Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



1.2(b)	The intending consumers under industrial and commercial category applying for contract demand of 50 kVA and above under these WBSEDCL PROCEDURES-A (2010) shall have tariff under Rate B-ID for this category of consumers in L&MV supply	The intending consumers under Industrial, Commercial and Domestic category applying for contract demand of 50 kVA and above under these WBSEDCL PROCEDURES-A (2010) shall have tariff under Rate B-IDI/B-IDIT for Industrial, B-IDC/B-IDCT for Commercial and D-ID/D-IDT for Domestic category of consumers in L&MV supply.
Clause No	Existing	Proposed
1.2 (c)	The intending consumers except industrial and commercial category applying for contract demand of 50 kVA and above under these WBSEDCL PROCEDURES-A (2010) shall have tariff for respective category of consumers which are now being applied to those categories of consumers at high voltage though being supplied at LV & MV. The Commission will determine the tariff for those categories of consumers at LV&MV in the tariff order from 2011-12.	The intending consumers except Industrial, Commercial and Domestic category applying for contract demand of 50 kVA and above under these WBSEDCL PROCEDURES-A (2010) shall have tariff under Rate C-ID/C-IDT for this category of consumers in L&MV supply.



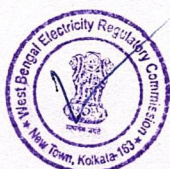


Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



Table 2: WBSEDCL PROCEDURES-B (2010)

Clause No	Existing	Proposed
1.3	Under this WBSEDCL PROCEDURES-B (2010) henceforth all the new connections on LV&MV supply shall be provided upto the load not exceeding 125 kVA. The effective date of coming into force of these procedures and the applicable tariff for these categories of consumers shall be as follows:	Under this WBSEDCL PROCEDURES-B (2010) henceforth all the new connections as well as existing consumers having contractual demand of 50 kVA and above but not exceeding 200 kVA (in place of existing 125 kVA) shall be provided with LV&MV supply. The effective date of coming into force of these modified procedures from The applicable tariff for these categories of consumers shall be as follows from the date of connection in case of new consumers / from the next billing cycle in case of existing consumers, if consent is submitted 10 days before issuance of bill
1.3(b)	The developer applying for common services for contract demand of 50 kVA and above but not exceeding 125 kVA under these WBSEDCL PROCEDURES-B (2010) shall have tariff under Rate B-ID in L&MV supply if the tariff is on commercial basis as per	The developer applying for common services for contract demand of 50 kVA and above under these WBSEDCL PROCEDURES-B (2010) shall have tariff under Rate B-IDC/B-IDCT in L&MV supply if the tariff is on commercial basis as per procedure 10.0 of these procedures.





Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



	procedure 10.0 of these procedures.	
1.3(c)	The developer applying for construction purpose and / or common services for which tariff will be on domestic basis for a contract demand of 50 kVA and above but not exceeding 125 kVA under these WBSEDCL PROCEDURES-B (2010) shall have tariff for respective category of consumers which are now being applied to those categories of consumers at high voltage though being supplied in LV & MV. The Commission will determine the tariff for those categories of consumers at LV&MV in the tariff order from 2011-12.	The developer applying for construction purpose and / or common services for which tariff will be on domestic basis for a contract demand of 50 kVA and above under these WBSEDCL PROCEDURES-B (2010) shall have tariff under Rate D-ID/D-IDT for this category of consumers in L&MV supply.

- 5.0 WBSEDCL in response to the Commission's query dated 27.03.2019 submitted that impact of above amendment on revenue realization for ensuing years will depend on availing such facility by existing / prospective consumers and their future tariff & actual consumption pattern.
- 6.0 The petition was admitted by the Commission in Case No. OA-88/10-11/3 and as directed by the Commission WBSEDCL published a gist of the application in the newspapers on 29.05.2019 inviting suggestions / objections from stakeholders and also posted the application in their website.





Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



7.0 All Bengal Electricity Consumers' Association (ABECA) has submitted their suggestion and objections. ABECA in their submission opposed the proposal of WBSEDCL along-with the following submissions:

- (i) Proposal of WBSEDCL to amend PROCEDURES-A and PROCEDURES-B is not properly explained except specifying the term "Ease of doing business";
- (ii) For easing WBSEDCL's business any increase in the tariff of concerned consumers should not be allowed.
- (iii) The regulation is to implement Electricity Act 2003. As the Act has not been changed, the proposal of the WBSEDCL should not be entertained.

Besides these objections ABECA also submitted an alternative proposal for PROCEDURES-A and PROCEDURES-B.

Points of determination

8.0 Considering the petition submitted by WBSEDCL and the suggestion / objection received, as briefed above, the following points are required to be determined:

- A) Whether it is permissible under the Electricity Act 2003 to amend PROCEDURES-A and PROCEDURES-B?
- B) Whether the proposed amendment has any adverse impact on the interest of consumers?
- C) Whether the proposed amendment will increase the tariff of the concerned consumers?

Observations of the Commission:

9.0 In terms of sub-section (1) of section 57 of the Electricity Act 2003, the Commission has notified the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as





Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



amended (hereinafter referred as SOP regulations). In the SOP regulations the Commission inter-alia has specified the broad procedure and time line for effecting new connection supply of electricity or load enhancement.

- 10.0 Considering five numbers of distribution licensees supplying in the state prior to enactment of the Electricity Act 2003 and their existing pattern of supply vis-à-vis network infrastructure, the Commission did not specify any contract demand wise classification for L&MV supply. Rather, the Commission in the SOP regulation specified standards of performance in terms of quality of power and certain time lines for providing supply / service. However, regulation 13.13 of SOP regulations provides scope to the distribution licensees to develop new procedure with approval of the Commission for quick disposal of applications for new connections or load enhancement or for affordability of new connection to a consumer or for better complaint lodging mechanism. The relevant regulation is reproduced below:

“13.13 For quick disposal of applications for new connections or load enhancement or for affordability of new connection to a consumer or for better complaint lodging mechanism, a licensee may, at its discretion, develop a new procedure for any class/ classes of consumers with the approval of the Commission. However, if any provision of such procedure is inconsistent with any provision of any Regulation and to the disadvantage to the consumers, then the relevant provision of the Regulation shall prevail. The compensation for failure to meet any of the standards of performance by licensee under the said procedure shall be as per these regulations.”

- 11.0 Thus, in terms of regulation 13.13 of SOP regulation the Commission has power to approve detailed procedure provided the same is in line with the existing regulations. The Commission had accordingly approved WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) under regulation 13.13 of the SOP vide order dated 31.12.2010 and subsequent amendments from time to time.
- 12.0 Now in order to promote “Ease of Doing Business” WBSEDCL requested modification in these procedures to provide L&MV supply to the consumers having contractual





Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



demand upto 200 kVA. WBSEDCL also proposed to apply the separate tariff for L&MV consumers having contract demand 50 kVA and above but upto 200 kVA similar to the earlier provisions of applying separate tariff for consumers having contract demand 50 kVA and above but upto 125 kVA.

- 13.0 In order to clarify the benefits of the proposed amendment, WBSEDCL vide their letter dated 16.07.2019 inter-alia submitted that, presently for contracted demand exceeding 125 kVA, power supply is given at 11kV. In case of extension of L&MV supply upto 200 kVA considerable number of consumers falling in the slab between 125 kVA to 200 kVA will not require to install HT switchgear and distribution transformers at their premises. As a result, the intending consumers will be less burdened and there will be saving in space and cost. Further they will get the benefit of receiving quotation in shorter time for service connection under L&MV supply in terms of PROCEDURES-A and PROCEDURES-B.
- 14.0 Commission observes that quick disposal of new connection L&MV consumers by way of estimation based on load is one of the benefits of following PROCEDURES-A & B and such benefit can now be extended to the new proposed consumers having contracted demand between 125 kVA to 200 kVA by implementation of the proposed amendments. It is further noted that, for service connection in L&MV system it is not required to install HT switchgear and associated transformers by the consumers. Thus, the Commission observes that the proposal will benefit the consumers by way of reduction in cost and processing time.
- 15.0 It is observed that presently, WBSEDCL in their tariff petition applies for separate L&MV tariff class for consumers having contractual demand 50 kVA and above but upto 125 kVA e.g. B-IDI/B-IDIT for industrial, B-IDC/B-IDCT for commercial, D-ID/D-IDT for domestic consumers, C-ID/C-IDT for consumers others than industrial, commercial and domestic consumers. The Commission while determining the Tariff Order of WBSEDCL for the year 2017-18, allowed separate tariff class of B-IDI, B-IDIT, B-IDC, B-IDCT, D-ID, D-IDT, C-ID and C-IDT for L&MV consumers having connected demand of 50 kVA and above. Thus, there is no difficulty in charging tariff





Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



for L&MV consumers having contract demand upto 200 kVA as per Tariff Order 2017-18 of WBSEDCL.

16.0 Further WBSEDCL has proposed that the tariff will be applicable from the date of connection in case of new consumers and from the date of next billing cycle in case of existing consumers, if consent is submitted 10 days before issuance of bills. Commission observes that to provide equal opportunity to all existing consumers who will become eligible to get L&MV supply on implementation of this amendment, shall be intimated properly for their consent. However, the existing consumers who do not give consent for change in L&MV mode shall continue to be billed considering consumers under HT category. Considering the numbers and spread of existing consumers presently charged under HT category and would like to come to L&MV category following the proposed amendment in Procedures-A and Procedures-B, WBSEDCL may consider phase wise modifications.

17.0 After clause-wise analysis of the proposed amendment and the suggestions/objections received the followings are observed:

- i) Paragraph 1.2 of Procedure-A and paragraph 1.3 of Procedure-B of the proposed amendment needs to be modified to ensure supply to all consumers upto 200 kVA and specific start date. Hence, the following modifications are suggested:

Paragraph 1.2 of PROCEDURES-A:

1.2. Under this WBSEDCL PROCEDURES-A (2010) henceforth all the new connections for LV&MV consumers not exceeding 200 kVA shall be provided with LV&MV supply. The applicable tariff for different categories of consumers under these procedures shall be as determined by the Commission.

Any existing consumer having contractual demand 125 kVA and above but not exceeding 200 kVA and connected at HV may opt for LV&MV supply under these modified procedures and corresponding LV&MV





Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



tariff shall be applicable from next billing cycle, if such option is submitted 10 days before issuance of bill.

The effective date of coming into force of theses WBSEDCL PROCEDURES-A (2010) shall be from the next month of publication of these approved modifications.

Paragraph 1.3 of PROCEDURES-B:

1.3 Under this WBSEDCL PROCEDURES-B (2010) henceforth all the new connections on LV&MV supply shall be provided upto the contractual demand not exceeding 200 kVA. The applicable tariff for different categories of consumers under these procedures shall be as determined by the Commission.

Any existing consumer having contractual demand 125 kVA and above but not exceeding 200 kVA and connected at HV may opt for LV&MV supply under these modified procedures and corresponding LV&MV tariff shall be applicable from next billing cycle, if such option is submitted 10 days before issuance of bill.

The effective date of coming into force of theses WBSEDCL PROCEDURES-B (2010) shall be from the next month of publication of these approved modifications.

- ii) Paragraph 1.2(b) of PROCEDURES-A of the proposed amendment specifies tariff rate for industrial, commercial, domestic consumers category for contracted demand 50kVA & above and paragraph 1.2(c) of PROCEDURES-A of the proposed amendment specifies the tariff rate for consumers 'except industrial, commercial and domestic categories. Tariff rates mentioned in the PROCEDURE such as B-IDC, B-IDCT, B-IDI, B-IDIT, etc are basically symbolic representation of different class of consumers, but the consumers are to be charged based on the tariff determined by the Commission. Hence in order to avoid confusion and concern of ABECA it is found suitable to merge





Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



proposed paragraphs 1.2(b) and 1.2(c) together specifying that, 'shall have tariff as applicable for respective class of consumers under L&MV category as specified in the Tariff Order'. Thus, following modifications are suggested:

Paragraph 1.2(b) of PROCEDURES-A:

1.2(b) The intending consumers for contract demand of 50 kVA and above under these WBSEDCL PROCEDURE - A (2010) shall have tariff as applicable for respective class of consumers under L&MV category as specified in the Tariff Order.

- iii) In line with the observations under (ii) above it is found suitable to merge paragraphs 1.3(b) and 1.3(c) of PROCEDURES-B of the proposed amendment as below:

Paragraph 1.3(b) of PROCEDURES-B:

1.3(b) The developer applying for construction purpose and/or common service for contract demand of 50 kVA and above under these WBSEDCL PROCEDURES-B (2010) shall have tariff as applicable for respective class of consumers under LV&MV category as specified in the Tariff Order subject to the conditions of paragraph 10.0 of these Procedures.

Order:

- 18.0 In view of the above observations and analysis the Commission finds that the proposed amendments of WBSEDCL PROCEDURES – A (2010) and WBSEDCL PROCEDURES – B (2010) are beneficial for both consumers and licensee, subject to the modifications suggested in paragraph 17.0 above.





Order of the West Bengal Electricity Regulatory Commission on the application submitted by West Bengal State Electricity Distribution Company Limited for amendment of WBSEDCL Procedures-A (2010) and WBSEDCL Procedures-B (2010) in terms of regulation 13.13 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010, as amended.



19.0 The Commission accords approval to the proposed amendments of PROCEDURE-A (2010) and PROCEDURES-B (2010) subject to the modifications suggested in paragraph 17.0 above and also directs that,

- (i) WBSEDCL shall amend the WBSEDCL PROCEDURES – A (2010) and WBSEDCL PROCEDURES – B (2010) incorporating the suggestions specified in paragraph 17.0 and submit before the Commission for record.
- (ii) WBSEDCL shall publish the gist of amendments of WBSEDCL PROCEDURES – A (2010) and WBSEDCL PROCEDURES – B (2010) in at least four (4) daily newspapers widely circulated in their area of supply, at least one (1) each of such newspapers being in Bengali and English and also in their website within seven working days from the date of receipt of this order. The effective date of coming into force of these modified procedures shall be the date of publication in the newspapers.
- (iii) WBSEDCL shall intimate all existing consumers having contractual demand above 125 kVA but upto 200 kVA regarding the amendment and request for their consent in a suitable manner. The consumers who do not give consent shall continue to be billed considering consumers under HT category.

20.0 With the above decisions and directions, the petition is disposed off.

21.0 Let a copy of this order be served upon WBSEDCL.

Sd/-

(PULAK KR TEWARI)
MEMBER

Sd/-

(DURGADAS GOSWAMI)
MEMBER

Sd/-

(SUTIRTHA BHATTACHARYA)
CHAIRPERSON

Dated: 03.12.2019



Certified true Copy

(T. K. MUKHERJEE)
SECRETARY

