



## WEST BENGAL ELECTRICITY REGULATORY COMMISSION



Ref No. WBERC/Regulation-75/23-24/ 3982

Dated, Kolkata, the 15<sup>th</sup> June, 2023

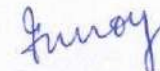
### PUBLIC NOTICE

**Subject: Notice inviting Objections/ Suggestions/ Comments on Draft West Bengal Electricity Regulatory Commission (Modalities of Tariff Determination) Regulations, 2023**

The West Bengal Electricity Regulatory Commission has brought out the Draft West Bengal Electricity Regulatory Commission (Modalities of Tariff Determination) Regulations, 2023 which is available at [www.wberc.gov.in](http://www.wberc.gov.in)

All stakeholders/ interested persons may submit suggestions/ objections/ comments on the draft to the West Bengal Electricity Regulatory Commission at Plot No. AH/5 (2<sup>nd</sup> and 4<sup>th</sup> Floor), Premises No. MAR 16-1111, Action Area – 1A, New Town, Kolkata – 700 163 by 12<sup>th</sup> July, 2023 (3 P.M).

By Order of the Commission

  
Secretary

Place: Kolkata

Date: 15<sup>th</sup> June, 2023

## **Draft**

### **WEST BENGAL ELECTRICITY REGULATORY COMMISSION**

#### **NOTIFICATION**

**Notification No. xx/WBERC**

**Dated, the xx.xx.2023**

In exercise of the powers conferred under Section 181 read with Section 61, Section 62, Section 63 and Section 86 of the Electricity Act 2003 and all other powers enabling it in this behalf, and after previous publication, the West Bengal Electricity Regulatory Commission hereby makes the following regulations, namely:

**1. Short Title and Commencement:**

- 1.1 These regulations may be called the West Bengal Electricity Regulatory Commission (Modalities of Tariff Determination) Regulations, 2023.
- 1.2 These regulations shall come into force from the date of their publication in the Official Gazette.
- 1.3 These regulations shall extend to the whole of the State West Bengal.

**2. Definitions: -**

- 2.1 In these regulations, unless the context otherwise requires:

- 1) "Act" means the Electricity Act, 2003;
- 2) "Commission" means the West Bengal Electricity Regulatory Commission;
- 3) "Existing Project" means a project which has achieved commercial operation prior to notification of these regulations;
- 4) "Intra-State Transmission System" or "InSTS" in respect of the State shall have the same meaning as defined in the Act;
- 5) "Ongoing Project" means a project which has been under implementation but has not achieved commercial operation as on the date of notification of these regulations;
- 6) "Regulated Tariff Mechanism" or "RTM" means determination of tariff by the Commission in accordance with the regulations specified by the Commission under Section 62 of the Act;
- 7) "State Transmission Utility" or "STU" shall have the same meaning as defined in the Act;
- 8) "STU Transmission Plan" means an updated five-year rolling Intra-State Transmission System Plan for the State as prepared and issued every year by STU;



- 9) "Tariff Based Competitive Bidding" or "TBCB" means determination of tariff through transparent process of bidding in accordance with the guidelines issued by the Central Government under Section 63 of the Act;
  - 10) "Tariff Regulation" means the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 as amended for time to time;
  - 11) "Year" means a financial year from 1<sup>st</sup> April to 31<sup>st</sup> March;
- 2.2 Save as aforesaid and unless repugnant to the context or if the subject matter otherwise requires, words and expressions used in these regulations and not defined here, but defined in the Act or any other regulations of this Commission shall have the same meaning as assigned to them under the Act, or any other regulations of this Commission. Similarly, words and expressions used in these regulations and not defined here, but defined in the guidelines issued by the Central Government under Section 63 of the Act shall have the same meaning as assigned to these in the guidelines.
- 2.3 Reference to any Acts, Rules and Regulations shall include amendments or consolidation or reenactment thereof.

#### **PART A: MODALITY FOR POWER PURCHASE APPROVAL FOR THE DISTRIBUTION LICENSEE IN THE STATE**

##### **3. Tariff for Power Procured under Section 62 of the Act:**

- 3.1 All existing power generating projects for which tariff is currently being determined in accordance with Regulated Tariff Mechanism (RTM) under Section 62 of the Act shall be the basis and accordingly these projects will continue to be covered under RTM framework and their tariffs will be determined under Section 62 for the remainder of the PPA period or life of the plant, whichever is earlier.
- 3.2 Expansion of existing state owned and controlled power generating projects will be allowed under Section 62 and their tariffs shall be determined based on norms specified in the Tariff Regulations.
- 3.3 In case of expansion of generating capacity by private developers, the tariffs for the incremental generating capacity would be determined in accordance with RTM framework under section 62, limited to one-time addition of capacity not more than 100% of capacity approved under their existing PPA with the distribution licensee(s) in the state: