



ORDER

OF

**WEST BENGAL ELECTRICITY REGULATORY
COMMISSION**

FOR THE YEAR 2016 – 2017

IN

CASE NO: TP – 60 / 13 - 14

**IN RE THE TARIFF APPLICATION OF WEST BENGAL
STATE ELECTRICITY TRANSMISSION COMPANY
LIMITED FOR THE YEARS 2014-2015, 2015-2016 AND
2016-2017 UNDER SECTION 64(3)(a) READ WITH
SECTION 62(1) AND SECTION 62(3) OF THE
ELECTRICITY ACT, 2003**

DATE: 28.10.2016



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 The West Bengal State Electricity Transmission Company Limited (in short ‘WBSETCL’) is deemed to be a licensee under the jurisdiction of the Commission in terms of fifth proviso to Section 14 of the Act. The area of operation for WBSETCL covers the whole of the State of West Bengal. In exercise of powers conferred under Sub-section 1 of Section 39 of the Act, the Govt. of West Bengal has notified and authorized vide No.89-PO/O/III/3R-5/2007 dated 26.3.2007 West Bengal State Electricity Transmission Company Limited to function as State Transmission Utility w.e.f 1.4.2007.
- 1.3 West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 has come into effect from 29th April, 2011. The said Tariff Regulations, 2011 was further amended by notifying the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) (Amendment) Regulations, 2012 in the extra ordinary edition of The Kolkata Gazette dated 27th August, 2012 and West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) (Amendment) Regulations, 2013 in the extra ordinary edition of The Kolkata Gazette dated 30th July, 2013.
- 1.4 In terms of West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended from time to time (hereinafter referred to as the ‘Tariff Regulations’), the tariff application for the



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fourth control period consisting of the years 2014 – 2015, 2015 – 2016 and 2016 – 2017 under Multi Year Tariff (MYT) framework was required to be submitted by WBSETCL 120 days in advance of the effective date of the said control period. The effective date of the fourth control period is 1st April, 2014. WBSETCL submitted an application on 29.11.2013 for extension of date for submission of their MYT application for the fourth control period upto 31.12.2013 on the plea that the finalization of the perspective plan undertaken in consultation with other utilities in the State took some time. The Commission, after considering the application of WBSETCL and also the applications received from the distribution licensees and the generating company in the State for extension of time of submission of MYT application, decided to fix the last date of submission of MYT application for the fourth control period on 31.12.2013 and accordingly issued an order dated 02.12.2013. WBSETCL, however, submitted another application on 30.12.2013 for further extension of time upto 15.01.2014 on the plea that the implication of the tariff order for 2013 – 2014 issued by the Commission on 26.12.2013 on the tariff projection for the fourth control period was required to be examined. The Commission vide order dated 31.12.2013 further extended the date of submission of MYT application for the fourth control period upto 15.01.2014. WBSETCL submitted another application on 15.01.2014 for further extension of time upto 15.02.2014 without any specific reasons but with the submission that due to unavoidable circumstances, a little more time was required by them to finalize their tariff petition, which was not accepted by the Commission and the same was communicated to them vide letter dated 15.01.2014. WBSETCL had failed to submit their MYT application within 15.01.2014. WBSETCL further prayed for extension of time upto 15.02.2014 vide their petition dated 24.01.2014 with the submission that it became necessary for them to scrutinize the tariff petition before submitting it to the Commission in view of the suggested modification of some elements of budget in the Budget Committee meeting of the company held on 22.01.2014, which was also not



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- accepted by the Commission. The Commission vide letter dated 24.01.2014 communicated WBSETCL that no further time was allowed to them as communicated vide letter dated 15.01.2014 to submit their MYT application for the fourth control period. WBSETCL submitted their MYT application for the fourth control period on 30.01.2014. The application is for determining the revenue requirements for transmission charges for three ensuing years 2014 – 2015, 2015 – 2016 and 2016 – 2017 of fourth control period under MYT framework. On scrutiny, it was found that some of the data forms and documents were required to be submitted by WBSETCL which were submitted by WBSETCL on 17.02.2014 and 21.02.2014. WBSETCL, however, submitted a supplementary petition on 24.02.2014 with revised revenue requirement of WBSETCL for all the three years i.e., 2014 – 2015, 2015 – 2016 and 2016 – 2017 under the fourth control period. WBSETCL also submitted further information on 05.03.2014 and 13.03.2014.
- 1.5 The tariff application submitted on 30.01.2014 along with the information / data documents submitted on 17.02.2014 and 21.02.2014, the supplementary application submitted on 24.02.2014 and further information submitted on 05.03.2014 and 13.03.2014 (collectively called as 'tariff application') were admitted by the Commission in case No.TP-60/ 13-14. After admission of the same, WBSETCL was directed to publish the gist of the tariff application as approved by the Commission in newspapers and also in the website of WBSETCL in terms of the provisions of the regulation 2.7.3 of the Tariff Regulations. The gist of the tariff application was published in 'Ei Samay', 'Bartaman', 'The Financial Express' and 'The Times of India; on 23rd April, 2014. The gist along with the tariff application was also posted in the website of WBSETCL.
- 1.6 The publication invited the attention of all interested parties, stake holders and members of the public to the tariff application of WBSETCL and requested for



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submission of suggestions, objections and comments, if any, on the tariff application to the office of the Commission by 16.05.2014. Opportunities were also offered to all for inspection of the application and take copies thereof. Some correspondences were also made with WBSETCL which were also published in the website of the Commission from time to time. The last date of submission of suggestions and objections were, however, extended upto 26.05.2014 considering the prayer of Hooghly Chamber of Commerce and Industries for extension of time.

- 1.7 The suggestions and objections on the tariff application of WBSETCL were received only from Hooghly Chamber of Commerce and Industries (in short 'HCCI') at the office of the Commission within the stipulated date.
- 1.8 The Commission thereafter, in accordance with the provisions of the Act and Tariff Regulations, passed the tariff order dated 04.03.2015 in respect of WBSETCL in case no. TP-60/13-14 for the year 2014 – 2015 determining the Aggregate Revenue Requirement (in short 'ARR') of WBSETCL for each year of the fourth control period, along with the tariffs of WBSETCL for the years 2014 – 2015. The objections and suggestions on the tariff application of WBSETCL for the fourth control period was dealt with separately in the tariff order dated 04.03.2015. The analyses and findings for determination of the aforesaid ARR and tariffs of WBSETCL were recorded in the tariff order dated 04.03.2015 in respect of WBSETCL for 2014 – 2015. WBSETCL on receipt of the aforesaid tariff order of 2014 – 2015 submitted its gist for approval and the gist was approved by the Commission on 12.03.2015. Accordingly the gist was published in newspapers and in website of WBSETCL on 14.03.2015.
- 1.9 The Commission subsequently passed the tariff order dated 22.06.2015 in respect of WBSETCL for the year 2015 – 2016 determining the revenue



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recoverable through tariff by WBSETCL during the year 2015 – 2016 and the tariff of WBSETCL for the year 2015 – 2016 on the basis of ARR determined for 2015 – 2016 in the tariff order dated 04.03.2015 and necessary adjustments as per provision of the Tariff Regulations. The gist of the tariff order dated 22.06.2015 was published in the newspapers and in the website of WBSEDCL on 03.07.2015.

- 1.10 The Commission now proceeds to determine the revenue recoverable through tariff by WBSETCL during the year 2016 – 2017 as also the tariffs of WBSETCL for 2016 – 2017 on the basis of ARR determined for 2016 – 2017 in the tariff order for 2014 – 2015 in accordance with the Tariff Regulations in subsequent chapter.



CHAPTER – 2

SUMMARISED STATEMENT OF AGGREGATE REVENUE REQUIREMENT & REVENUE RECOVERABLE THROUGH TARIFF FOR THE YEAR 2016 – 2017

- 2.1 As stated in the preceding chapter, the Commission determined the ARR of WBSETCL separately for each of the three years of the fourth control period covering the years 2014 – 2015, 2015 – 2016 and 2016 – 2017 in the tariff order dated 04.03.2015 based on the analyses and findings recorded in that order. Such summarized statement of ARR for 2016 – 2017, as was given in Annexure – 5A of the tariff order dated 4th March, 2015, is reproduced in Annexure 2A.
- 2.2 The Commission in paragraph 5.3 of the tariff order dated 04.03.2015 in respect of WBSETCL in case no. TP-60/13-14 considered for adjustment of Rs. 3935.33 lakh and Rs. 6760.39 lakh, being the release of all regulatory assets created in the APR orders for different years upto 2012 – 2013 as detailed in paragraphs 4.12.7 of the order dated 04.03.2015, with the ARR for the years 2014 – 2015 and 2015 – 2016 respectively in determination of revenue recoverable through tariff for the respective years. The Commission does not consider any adjustment on account of APR for any prior period in connection with determination of the revenue recoverable through tariff for the year 2016 – 2017. APR order of WBSETCL for any subsequent years has not yet been finalized and as such no adjustments have been considered for the same.
- 2.3 Accordingly, the revenue recoverable through tariff of WBSETCL for the year 2016 – 2017 works out at Rs. 117845.19 lakh, as per Annexure 2A.



ANNEXURE - 2A SUMMARISED STATEMENT OF AGGREGATE REVENUE REQUIREMENT FOR 2016 – 2017

Rs. in lakh		
Sl. No.	PARTICULARS	2016 - 2017
1	Employee Cost including terminal benefit	21908.78
2	Operation & Maintenance (O&M) Charges	
	(a) Repairs and Maintenance	4426.31
	(b) Administrative & General Charges	
	(i) Rent	101.06
	(ii) Legal charges	3.00
	(iii) Audit fees / Expenses	77.95
	(iv) Other Administrative & General Expenses	1075.87
	(c) Cost of Outsourcing	2799.91
	Total (2)	8484.10
3	Insurance Premium	0.00
4	Rates & Taxes	137.72
5	SLDC Expenses	0.00
6	Interest and Finance Charges	
	(a) On capital borrowings	27471.44
	(b) On bonds for terminal benefits to employee	2295.00
	(c) On working capital	552.47
	(d) Other Finance charges	34.00
	Total (6)	30352.91
7	Depreciation	24885.50
8	Advance against Depreciation	0.00
9	Taxes payable under Income Tax Act	7633.47
10	Returns on equity	31744.49
11	Fixed charges payable to WBPDCCL on account of Bakreswar Transmission system	4676.26
12	Charges payable to ERPC	15.00
13	Gross Revenue Requirement (sum 1:12)	129838.23
14	Less: Deduction for -	
	(a) Income from other non-tariff sources	2096.43
	(b) STOA Charges	7640.85
	(c) Interest Credit	102.45
	(d) SLDC (Handling Charges)	2153.31
	Total (14)	11686.28
15	Aggregate Revenue Requirement [(13) – (14)]	117845.19



CHAPTER - 3 TARIFF ORDER

- 3.1 In the previous chapter the Commission has determined the revenue recoverable through tariff during the year 2016 – 2017 under the fourth control period. The Commission is now to fix the rate for recovery of the same from the transmission system users during the year 2016 – 2017 in accordance with the provisions of paragraph 6 in the Schedule-3 of the Tariff Regulations, 2011, as amended. The rate at which the amount of Aggregate Revenue will be recovered by WBSETCL from its system users will include all the components of the transmission tariff. It is, however, to mention here that WBSETCL has got no variable cost to recover from its system users besides the fixed charges as admitted by the Commission in the Statement of Aggregate Revenue Requirement.
- 3.2 As per the submissions of WBSETCL in their tariff application, WBSEDCL is the sole long-term user of its transmission network and some other agencies use the same on short term basis on casual requirements.
- 3.3 In regard to the transmission charges payable by the licensees or the open access customers, the computations are to be based on the capacity allocated to each beneficiary based on average of daily peak demand on annual basis. The allocated transmission capacity during the year 2016 – 2017 has been estimated as 6011 MW. The Commission considers to arrive at the unit rate of recovery of transmission charges taking into account the figure of 6011 MW for 2016 – 2017, as projected by WBSETCL. Such recoverable charges are to be expressed in Rs./MW/month for the long-term customers and in Rs./MW/day for short-term customers on the basis of MW to be served by the system. The unit rate of recovery of transmission charges during 2016 – 2017 from the transmission system users, thus, works out as under:



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i)	Recoverable ARR	Rs. 117845.19 lakh
ii)	Average System Demand on the basis of average of the daily peak	6011 MW
iii)	Rate for long-term users	Rs. 117845.19 lakh/(6011 MW x12) = Rs. 1,63,374.36 / MW / month subject to adjustment as per regulation 9.2 of Schedule 3 of the Tariff Regulations.
iv)	Rate for short-term users	Rs. 1,63,374.36 x 0.25/30 = Rs 1361.45/MW/day.
v)	Rate payable by short-term users in case of uncongested transmission network, shall be as under:-	
	(a) Upto 6 Hours in a day in one block	1/4 th of the rate for short-term customers.
	(b) More than 6 Hours and upto 12 Hours in a day in one block	1/2 of the rate for short-term customers.
	(c) More than 12 Hours and upto 24 Hours in a day in one block	at full rate for short-term customers

Provided that the rates as mentioned under (v) in each of the above table will not be applicable to those short-term customers who have their drawal point within the State of West Bengal and injection point outside the State.

Provided also that the rate for payment of transmission charges payable by a short-term customer, where capacity has been reserved through bidding process, shall be in terms of Commission's Open Access Regulations, 2007, as amended.

- 3.4 The amount payable by WBSETCL to West Bengal Power Development Corporation Limited (WBPDC) for the year 2016 – 2017 on account of Bakreswar transmission system as mentioned in paragraph 5.17.7 of the tariff order dated 04.03.2015 in respect of WBPDC is Rs. 4676.26 lakh (Rs. 2907.11 lakh + Rs. 1769.15 lakh). Any adjustment between the payable amount of Rs. 4676.26 lakh for the year 2016 – 2017 and the amount paid by WBSETCL for the year 2016 – 2017 upto October, 2016 on account of Bakreswar transmission



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system shall be made by WBPDCCL in their claim to WBSETCL during November, 2016 to March, 2017 in equal monthly instalments.

- 3.5 SLDC shall, in terms of regulation 3(a) and 3(c) of West Bengal Electricity Regulatory Commission (Miscellaneous Provisions) Regulations, 2013, levy the SLDC charge at the rate of 0.5 paise / kWh from the licensees using the intra-state transmission system for transmitting electricity for them.
- 3.6 The tariff for 2016 – 2017 shall be applicable from the billing month of / pertaining to April, 2016 to March, 2017 and shall continue for the year 2017 – 2018 till tariff order for the year 2017 – 2018 is issued. Adjustments, if any, for over recovery / under recovery for the period from 01.04.2016 to 31.10.2016 from the system users shall be made in 5 (five) equal monthly instalments through the bills for the month of / pertaining to November, 2016 and onwards.
- 3.7 The realizations of the revenue from its transmission system users are supposed to meet the Aggregate Revenue Requirement (ARR) of WBSETCL. The recovery of such revenue over the concerned year on piecemeal basis may result in under or over recovery of the total amount of annual transmission charges. It is, therefore, stipulated that the amount of any such under or over recovery will be dealt with suitably in the APR for the concerned year.
- 3.8 WBSETCL is directed to submit the audited annual accounts of SLDC for all the years under the control period clubbed with a statement showing item wise and head wise actual expenses along with their application of APR for the concerned year.
- 3.9 WBSETCL shall present to the Commission a gist of this order in accordance with the regulation 2.9.6 of the Tariff Regulations within three working days from the date of receipt of this order for approval of the Commission and on receipt of the



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approval shall publish the approved gist in terms of the aforesaid regulation within four working days from the date of receipt of the approval of the Commission.



CHAPTER – 4 DIRECTIVES

- 4.1 The Commission has given some direction in different paragraphs in Chapter-4 of the order dated 04.03.2015 while determining the fixed cost of WBSETCL. WBSETCL shall comply with those directions. The Commission also gave directions under chapter 7 of the tariff order for 2014-2015 and under chapter-4 of the tariff order for the year 2015-16 in respect of WBSETCL which are reproduced below. WBSETCL shall also comply with those directions.
- 4.2 In view of the fact that WBSETCL failed to submit their tariff application complete in all respect for the fourth Control period within the target date of 30th November, 2013 as per provisions of the Tariff Regulations thus for the said period no carrying cost has been considered.

The Commission has decided that in future any delay in submission of tariff application by the transmission licensee for any control period beyond 4th control period or any year as applicable will be penalized by not providing any increase in tariff for equal amount of days and thus the under recovery due to such penal measures will not be allowed to pass through any tariff mechanism or during truing up in Annual Performance Review (APR). Moreover henceforth any delay in submission in APR application shall not be considered as ground for delay by the licensee for submission of tariff application.

Further, the licensee is required to note that any delay with or without the approval of the Commission in submission of either of the applications of APR of any year (Y) within the target date as specified in the Tariff Regulations of the following year may result into non-inclusion of the impact of APR order in the concerned tariff order of the year Y+2. In such case, the impact will be considered in any future year beyond Y+2 year as applicable without any



allowance for carrying cost, if otherwise applicable. Thus, in filling of application(s) / petition(s), the licensee is required to maintain the relevant time schedule(s) as specified in the Regulations.

It may be further noted that the arrear amount that is to be recovered in a single or number of installments as will be determined by the commission for any financial year due to issuance of delayed tariff order as consequence to delayed submission of tariff application by the licensee will not be provided with any carrying cost. The letter no WBERC/B-11/17/1737 dated 24.01.2014 of this Commission may be referred to in this respect.

4.3 In the notes of Financial statement of Annual Accounts of 2014-15 and onward or through Auditor's Certificate, the following information are to be provided by WBSETCL in a manner as described below:

- i) The penalty, fine and compensation under Electricity Act 2003 shall also be shown separately for transmission function.
- ii) Any fine, penalty or compensation in any other statute other than Electricity Act 2003 shall be mentioned separately for transmission function along with the reference of the statute.

In case of non submission of the above documents / information the application of APR will not be admitted.

4.4 While submitting APR application of any ensuing year WBSETCL shall submit the certificate from the auditor of the annual accounts of the said year for the following parameters:



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- a) Based on fixed asset register the parameters to be submitted are:
- i) Transmission Line length in CKM for each level of Voltage related to the asset of WBSETCL. For the asset which is not owned by the WBSETCL but maintained by WBSETCL shall be shown separately.
 - ii) Similarly the number of transformers and total installed capacity of transformers in MVA or KVA for each category of transformers for transmission system are to be provided.
 - iii) Similarly the voltage wise number of bays in each sub-station and the O&M cost of the each substation is to be given.
- b) List of expenditure arisen on account of penalty, fine and compensation due to non-compliance of any statute or statutory order along with the reasons for each such type of penalty, fine and compensation.
- c) A statement showing the manpower engaged in different field of activity which are now outsourced partly or fully vis-à-vis the manpower engaged from regular establishment against the respective field of activities.
- d) Copies of the audited accounts of all the funds related to different type of terminal benefit for the year for which APR is under consideration in a complete shape, not by any selective pages.
- e) A statement showing monthly deposition in different terminal benefit funds for the year for which APR is under consideration pursuant to the direction given in paragraph 4.7 below.



In case of non submission of the above documents the application of APR will not be admitted.

- 4.5 In case of expenditure at a level higher than the admitted amount under any uncontrollable factor in this tariff order on account of fixed charges, while submitting APR application of any ensuing year WBSETCL has to justify in detail with supporting documents and evidence on the basis of which the Commission will take its decision during truing up exercise and it may be noted that without sufficient justification the excess expenditure may not be admitted in the APR fully or partly. Similarly for controllable factors, where applicable as per the Tariff Regulations, for the same reasons supporting documents and evidence are to be submitted to justify their claim. While truing up any uncontrollable factor on account of fixed charges, the actual business volume parameter (transmission line length) and actual inflation rate to which such uncontrollable item is sensitive will be considered in the same manner and principle as determined under the tariff order issued on 04.03.2015 subject to the limitation as per the Tariff Regulations. However, wherever applicable as per this tariff order the ratio of expenses increase in percentage (%) of any item and the sensitivity parameter increase will remain the same as that of the tariff order dated 04.03.2015. This is applicable for APR of every year.
- 4.6 While submitting application for APR of 2014-15 and onwards by any licensee, if such application shows any net claim, then in such case the licensee shall suggest in specific terms the ensuing year(s) in which they intend to recover such claim and by what amount. Licensee shall also show the consequential impact of such recovery in the expected average cost of supply in those ensuing years after considering the total revenue recoverable through the tariff. The total revenue recoverable through the tariff means the summated amount of the Net Aggregate Revenue Requirement plus all other amount on account of any



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release of regulatory asset and APR for any year which is already decided by the Commission in earlier orders. They shall also mention the carrying cost, if necessary, where it is applicable in terms of the Tariff Regulations and different orders and direction in this respect. This consequential impact on tariff shall also be provided in the gist of the APR application.

In case of non submission of the above information the application of APR will not be admitted.

4.7 In order to ensure that in future actuarial valuation of terminal benefit fund can be kept in control in a better way by avoiding carrying cost of such liability in future following directions are to be adhered.

- a) WBSETCL shall ensure that henceforth the amount that is statutorily required to be deposited in a month in different funds on account of terminal benefit, as a part of employee cost admitted in the tariff order, is to be deposited in different terminal benefit funds every month as a first charge item.
- b) On the head of terminal benefit fund, if there is shortage in the deposit amount in the terminal benefit fund admitted in employee cost through this order, the balance amount of contribution to terminal benefit fund is required to be deposited as first charge item over and above what had already been deposited for the year 2016-17 and subsequent years, from the effective date of recovery of the recoverable amount against this order from the very first day. So, it is directed that the balance amount of contribution as discussed above to terminal benefit fund for the year 2016-17 and subsequent years, i.e., the difference between the amount of contribution to terminal benefit funds as allowed in this order as a part of employee cost and that has already been deposited and that to be deposited in the fund for the year 2016-17 and



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subsequent years, is to be deposited in the respective different terminal benefit funds. Such balance amount is to be deposited in different terminal benefit funds in 2 (two) monthly equal installments from the date on which the recovery through tariff against this order will start.

- c) While submitting application for APR of 2016-17, WBSETCL shall show through audited accounts of different terminal benefit funds that the contribution to the different terminal benefit funds during the concerned year as a part of employee cost is deposited in the terminal benefit funds.

In case of non-deposition of amount admitted for terminal benefit fund as provided in (a) to (c) above in the respective fund as directed above, Commission may withhold or deduct same amount equivalent to that non-deposition amount.

- 4.8 SLDC shall maintain its website as per direction given in the tariff order dated 04.03.2015 and subsequent orders in this regard.
- 4.9 All the reports called for in this chapter are in addition to what are statutorily required to be submitted, either by the Act, or by any of the Regulations made thereunder, or by both, for the purpose of submission in the Annual Performance Review.
- 4.10 WBSETCL shall comply with all the provision of Electricity Act 2003 and rules and regulations made thereunder.
- 4.11 WBSETCL along with their application of APR for 2016 – 2017 shall submit the followings:
- a) Plan to improve efficiency level within specific time line.
- b) Plan to use the assets during idle hours to increase the revenue.



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4.12 While submitting application of APR for the year 2016 – 2017 and onwards, WBSETCL shall have to submit the followings through affidavit.

- a) That no expenditure has been claimed by WBSETCL through the APR petition on employee or infrastructure or any other support or O&M activity pertaining to any other business of WBSETCL not in relation to their licensed business.
- b) The list of cases related to Tariff and Annual Performance Review (APR) filed or applied for filing in Court of Law but the notices have not yet been served to the Commission.

4.13 Non-compliance of the above directions or any non-deposition of admitted amount for past period will be viewed seriously by the Commission and necessary deduction / withholding of amount as may be decided by the Commission will be made in the concerned APR order or any subsequent tariff orders or APR orders.

**Sd/-
(AMITAVA BISWAS)
MEMBER**

**Sd/-
(R. N. SEN)
CHAIRPERSON**

DATE: 28.10.2016