

# **CONSUMER GRIEVANCE REDRESSAL FORUM**

## **CENTRAL REGION**

(Formed under Section 42(5) of the Electricity Act 2003)

**220 kV Substation Compound, HMT Colony P.O. Kalamassery, Pin – 683 503**  
**Phone No. 0484-2556500 Website: [cgrf.kseb.in](http://cgrf.kseb.in), Email: [cgrf.ekm@gmail.com](mailto:cgrf.ekm@gmail.com),**  
**CUG No. 9496008719**

**Present**

(1) Smt. Sheeba. P  
 (2) Smt. Mini Francis  
 (3) Sri. Biju Varghese

**Chairperson**  
**2<sup>nd</sup> Member**  
**3<sup>rd</sup> Member**

**Petitioner**

Sri. K.K. Ibrahim  
 Managing Partner,  
 M/s. K K Plastics, Industrial  
 Development Area, (I.D.A)  
 Erumathala P.O, Aluva, Ernakulam  
 Pin – 683 112

**Respondent**

The Chief Engineer (DC),  
 Vidyuthi Bhavanam,  
 KSEB Limited, Palarivattom,  
 Ernakulam

=====

**No.CGRF-CR/OP No.27/2023-24**

**Date:30-09-2023**

### **ORDER**

#### **Background of the case:**

The petitioner is having an industrial connection bearing consumer number 1355670001667 and LCN:29/3835, under the jurisdiction of the Chief Engineer, KSEBL, Distribution Central, Ernakulam. The petitioner applied to the Chief Engineer (Distribution Central) for the connectivity to the Distribution system of their Wind Energy Captive Power plant, with a capacity of 1X250 kW, located in Idukki District, on 25/05/2022. The petitioner remitted an application fee (AF) of Rs.35,400/- on 27/05/2022 which was credited to the licensee's account on 30/05/2022. However, the petitioner mentioned '11 kV UG Cable' instead of '33 kV UG Cable' in the application Format C1 at the place where the details of 'connectivity proposed from the premises to the nearest substation' to be filled up. Upon discovering the same, the petitioner resubmitted the corrected application on 21/06/2022. Subsequently, the licensee forfeited the original AF and directed the

petitioner to pay again Rs.35,400/- as application fee. This is because the corrected application was submitted after 15 days of filing the original application. The petitioner paid this additional AF under protest on 14/11/2022.

The petitioner also complains that the connectivity agreement between the petitioner and the licensee was executed on 05/01/2023 but the actual connection to the grid was established only on 20/01/2023. Due to the respondent's failure to process the petitioner's application within the stipulated 30-day timeframe, the petitioner has approached this Forum seeking compensation for the delay and requesting a refund of the extra application fee paid, along with interest.

### **Version of the Petitioner:-**

The petitioner states that they have an industrial connection with 350 kVA Contract Demand. They had installed a 250kW wind turbine at Ramakkalmedu, Idukki, in Captive Power Producer mode. The petitioner thus requested the Chief Engineer, Distribution Central, KSEBL for its connectivity along with the application form and paid application fees of Rs.35,400/- on 27/05/2022. But by mistake, the petitioner wrote '11kV UG Cable & OH line' as details of 'connectivity proposed from the premises to the nearest Sub Station', instead of "33kV". Later, when the mistake was found, the petitioner immediately re-submitted the application form on 21/06/2023.

On 23/06/2023, the Chief Engineer, Distribution, Central sent a letter stating that the application fee of Rs.35,400/- (Application Fee RS 30000/-+18% GST) paid by the petitioner on 27/05/2022 via NEFT (online mode of money transfer) has been accounted at the licensee's office vide Receipt No.205/3 on 30/05/2022. Additionally, it was informed that as the revised application with 33kV was submitted on 21/06/2022, which was after 15 days of initial submission on 27/05/2022 (delay of 21 days happened in actual), the petitioner needs to remit additional application fees of Rs.35,400/-.

The petitioner states that they had remitted Rs.35,400/- as application fee on 27/05/2022 and the amount was credited to the licensee's account on 30/05/2022. The petitioner argues that as per "*Detailed Procedure for Grant of Connectivity & Open Access In Intra-State Transmission System*", the time frame for the disposal of an application is 30 days from the date of receipt of the application. But here the licensee didn't follow the time period and hence the petitioner requested for compensation. The petitioner complains that they submitted a revised application on 21/06/2022 and remitted the application fee of Rs.35,400/- on 14/11/2022, the KSEBL executed the connection agreement with the petitioner only on 05/01/2023 and charged the petitioner's Wind Turbine Plant only on 20/01/2023. Thus the petitioner requests this Forum to direct the KSEBL to refund the additionally paid application fee of Rs.35400/- with interest and also requests for compensation from KSEBL for the delay in their procedure for giving connectivity.

Subsequently, statement of facts was called for and the same was submitted by the respondent on 11/09/2023.

#### **Argument Note of the Petitioner:-**

The petitioner states that they had applied for connectivity with 33KV in the application submitted on 27/05/2022 itself. Also it was mentioned as 33KV in the Sl. No.10 (f), 11 (a-1) and 12 (a-1) of Format C1. It was also mentioned as 'connecting to the 33kV pooling station through the 33kV OH line' in the letter of Ramakkalmedu Power (P) Ltd. submitted along with the application. The petitioner stated that they have not given new application on 21/06/2022 for 33kV connectivity. Instead, they have only corrected a clerical mistake that had happened in the original Format C1 in 11(c), as per the direction from the office of the Chief Engineer (DC) and the same was forwarded to the Chief Engineer (REES).

On 01/07/2022, the petitioner requested the Chairman, Director (REES) and Chief Engineer (REES) stating that it is illegal to demand additional fee from them and thereby requested to cancel the demand. After that, the petitioner submitted all

the details demanded by the licensee and as such, the connectivity was granted to them on 28/10/2022.

On 08/11/2022, the Chief Engineer (DC) again directed the petitioner to remit the application fee. Thus, in response, the petitioner sent a letter on 14/11/2022 stating that it is illegal to demand them additional application fee. Still the petitioner remitted the additional application fee due to the fact that the respondent will execute the agreement only on payment of this additional fee and since the time lag happens in the execution of agreement will cause huge loss to the petitioner. The petitioner further argued that they submitted all the documents demanded by the licensee on 02/05/2022. But the connectivity was sanctioned to them only on 28/10/2022, the connectivity agreement was executed on 05/01/2023 and the connectivity was made only on 20/01/2023. The petitioner argues that the respondent permitted the petitioner to execute the LTOA agreement on 16/03/2023 and banking agreement on 25/05/2023 only. The petitioner submitted the application for executing the banking agreement on 27/05/2022 as the project of the petitioner was CPP and they could generate the power only after executing the banking agreement. But the petitioner was allowed to generate the power only on 25/05/2023 and hence the petitioner is eligible to get the compensation for the delay.

### **Version of the Respondent:-**

The respondent states that the petitioner had submitted an application in Format C1 for wind connectivity for a 250kW Wind Plant in 11kV for Captive use on 25/05/2022 by paying the application fee of Rs.35,400/- which was transferred to the office of Chief Engineer, Distribution Central, Ernakulam through NEFT on 27/05/2022 and the same was accounted at that office vide Receipt No.205/3 dated 30/05/2022. Thus for further processing, this application and connected documents were forwarded to the office of the Chief Engineer (REES) on 10/06/2022.

The respondent also states that on 21/06/2022, the petitioner requested this connectivity in 33kV by resubmitting a revised application Format C1. The respondent argues that Kerala State Electricity Regulatory Commission (KSERC), [Connectivity and Intrastate Open Access] Regulations 2013, **Regulation 5** Procedure for grant of connectivity to intra-state transmission system—**Clause (5.3)** states that “*the application for Grant of Connectivity shall be made as per the application format for connectivity and shall contain details such as geographical location, quantum of power intended to be drawn or injected, unit-wise commissioning schedule etc. [Format–C-1: “Application for Grant of Connectivity”]. Application shall be accompanied by a non-refundable fee*”.

The respondent also quotes **Clause 6.1** of Regulations 2013 [Connectivity and Intrastate Open Access], which states that “*any material change in the location of the generation project/drawal point or change (by more than 10%) in the quantum of power to be interchanged with the intra-State transmission system or distribution system shall require the filing of fresh application along with applicable fees and the already filed application shall be considered disposed and application fee shall be forfeited.*

*Provided that if the applicant files a new application incorporating revised particulars within fifteen days of the filing of the original application, then no application fees need to be remitted and the fees already remitted shall be reckoned as the application fees for the revised application. However, the date of the last revision will be considered as the date of filing of the application and application fees as applicable for the ultimate capacity is payable by the applicant.”*

Hence the revised application involving changes to drawal point voltage level received after 15 days of original application was considered as fresh application and the already filed application was considered disposed and the application fee already paid got forfeited. Here in this case, the revised application for the connectivity of 33kV was submitted by the firm on 21/06/2022, which was

21 days after filing the original application. Hence, on 23/06/2022, the petitioner was requested to file the application FORMAT C1, with a non-refundable application fee of Rs.35, 400/-.

The respondent states that the application of the petitioner was returned by the Chief Engineer (REES) to the office of the Chief Engineer (DC) with a copy to the petitioner by requesting the power evacuation details and consumption details on 19/07/2022. Thus the petitioner submitted Copy of C1 application and other requested details directly to the Chief Engineer (REES) on 03/08/2022. The Chief Engineer (REES) submitted a Note to the Technical Assistant to the Director (T, SO, Planning & Safety) and the Chief Engineer (Commercial & Tariff) for remarks on 12/08/2022 in anticipation that the petitioner will remit the application fee. The Chief Engineer (Commercial & Tariff) offered remarks on 05/09/2022 and the Director (T, SO, Planning & Safety) offered remarks on 27/09/2022.

The respondent states that on 05/10/2022, the petitioner submitted the details regarding 100% usage of captive generation and consumer details as sought in remarks of Chief Engineer (C&T) dated 05/09/2022 directly to Chief Engineer (REES). Thus the licensee issued Order vide BO (FTD) No.869/2022 KSEB/CE (REES)/Wind-Ramakkalmedu/2015-16 TVM dated 28/10/2022 directing the Chief Engineer (DC) to proceed with the connectivity of the petitioner. Also an intimation of the Chief Engineer (REES) was received by the Chief Engineer (DC) regarding the connectivity of wind plant on 02/11/2022. The intimation regarding the same was served to the petitioner firm on 08/11/2022 and requested the petitioner to remit the application fee. Then on 08/11/2022, a direction was given to the Deputy Chief Engineer, Electrical Circle, Thodupuzha to proceed with the connectivity only after ensuring that the application fee is collected before executing the connectivity agreement. Thus the petitioner remitted the required application fee of Rs.35,400/- to the Chief Engineer,(DC) through NEFT vide Receipt No.240/3 dated 14/11/2022. So an intimation was given to the Deputy Chief Engineer, Electrical Circle, Thodupuzha on 14/11/2022 regarding the remittance made by the petitioner and directed to proceed further with

connectivity. Hence the Deputy Chief Engineer, Electrical Circle, Thodupuzha gave an intimation over phone to the petitioner on 22/11/2022 for executing the Connectivity agreement and thereby asked to submit an Energization sanction and meter test report.

On 30/11/2022, a petitioner was filed by the petitioner before the Hon'ble KSERC requesting exemption of RTU and communication facility at drawal points. Thus an E-hearing was held by Hon'ble KSERC on 04/01/2023 in this matter.

On 28/12/2022, the petitioner submitted the Energization sanction dated 22/12/2022 and Meter Test Report to the Deputy Chief Engineer, Electrical Circle, Thodupuzha along with the agreement on 05/01/2023 and this connectivity agreement was executed on the same day itself.

The respondent states that as per **Clause:7.3 – Detailed procedure for grant of connectivity and open access in intra-state transmission system**, *“The nodal agency, after considering all suggestions and comments received from other agencies involved in the intra-state transmission system and/or distribution system and State Load Despatch Centre and within thirty days from the last day of the month in which the application complete in all respects has been received shall:*

- a) Accept the application with such modification or such conditions as may be stipulated by other agencies which are not inconsistent with the regulations.”*

The respondent also states that as per Kerala State Electricity Regulatory Commission (Renewable Energy and Net Metering) Regulations, 2020, the definition of **“Application”** is *“a request for connectivity of Renewable Energy System to the State transmission and /or distribution grid, as the case may be and as per the application form duly filled in all respect, as required by the distribution licensee, along with the copy of the receipt as proof of payment of necessary charges and accompanied by all necessary documents including copies of approvals from statutory or other authorities.”*

The respondent argues that here, the petitioner has remitted the application fee only on 14/11/2022 and the Deputy Chief Engineer, Thodupuzha had intimated the petitioner to execute the Connectivity agreement on 22/11/2022 itself. All the process up to the grant of connectivity was made by KSEBL in anticipation that the petitioner will remit the application fee. The respondent thus argues that the claim of the petitioner is without any bonafides and has no real cause of action; thereby requesting this Forum to dismiss this petition with cost.

**Additional Statement of facts:-**

The respondent's argument revolves around the petitioner's application process, which involved an initial submission in specifying the grid connectivity voltage as 11 kV, leading to a subsequent revised application in specifying the grid connectivity voltage as 33 kV. The respondent points out that the revised application was submitted after the allowed 15-day window, resulting in demanding an additional application fee. Eventually, connectivity was granted after the petitioner fulfilled the requirements, including payment of the application fee. The respondent also highlights a similar case where another applicant avoided additional fees by resubmitting within the 15-day timeframe. The respondent maintains that they followed established regulations and cannot provide special concessions to a single consumer.

**Analysis and findings:**

Hearing was conducted at the chamber of the Chairperson, Consumer Grievance Redressal Forum; Ernakulam. The Forum afforded an opportunity to hear the Petitioner and the Respondent on 11-09-2023. Both the petitioner and the respondent were present for hearing. Having examined the petition in detail and the statement of facts of the respondent, considering all the facts and circumstances in detail and perusing all the documents of both sides, the Forum comes to the following observations, conclusions and decisions thereof.



During the course of hearing, the petitioner explained that they had purchased a 250 kW Wind Energy Generator (WEG) Captive Power Plant from M/s Ramakkalmedu Power Plant. They applied for grid connectivity to the Chief Engineer (Distribution Central) for connecting their power plant to the distribution system. They paid an application fee of Rs.35,400/- (Rs.30,000/- application fee and 18% GST) via NEFT. However, they made some clerical errors while filling up the application, specifying '66 / 11kV' instead of '66/33kV' and mentioning '11kV UG Cable' instead of '33kV UG cable & OH Cable' in the application format-C1 (Serial Number 11.b, 11.c, 12.b, and 12.c). The petitioner further mentioned that, upon realizing the error, they informed the relevant officers of the licensee and submitted a corrected application on 21/06/2022. But the licensee demanded additional Application Fee of Rs.35,400/- (including Rs.30,000/- as application fee and 18% GST) for processing their corrected application. The petitioner additionally conveyed that they had requested multiple times, at various levels, for the waiver of the additional application fee, but unfortunately, they did not receive a favourable response. Consequently, on 14/11/2022, they reluctantly paid the specified amount under protest.

The petitioner also demanded the compensation for the delay in service since they executed connectivity agreement with the licensee on 05/01/2023. But the actual connection to the grid was established by the licensee only on 20/01/2023. The respondent clarified that the delay in achieving connectivity was due to the petitioner's failure to timely submit the energization approval from the Electrical Inspectorate. The petitioner acknowledged and agreed to this explanation.

The respondent further stated that they received the Application Fee of Rs.35,400/- (including Rs.30,000 application fee and 18% GST) on 30/05/2022 and subsequently forwarded the petitioner's application in format C1, dated 25/05/2022 to the Chief Engineer (REES) on 10/06/2022 for further processing. The Chief Engineer (REES) serves as the nodal officer for processing such applications.

Additionally, the respondent explained that they did not instruct the petitioner to make these corrections and resubmit the application. But, the petitioner voluntarily submitted a new application in format C1 on 21/06/2022, making changes to Serial Numbers 11.b, 11.c, 12.b, and 12.c, specifying them as 33 kV. Furthermore, the respondent clarified that due to the petitioner's alteration of the drawl point for the WEG, which took more than 21 days after the original application, the respondent had to demand a new Application Fee of Rs.35,400/- (including Rs.30,000 application fee and 18% GST) to process the application, forfeiting the original Application Fee, as stipulated by Clause 6.1 of the Detailed Procedure under Regulation 55(3) of KSERC (Connectivity and Intra-state Open Access) Regulations, 2013, which is stated below:-

*“Clause 6.1 Any material change in the location of the generation project/drawl point or change (by more than 10%) in the quantum of power to be interchanged with the intra- State transmission system or distribution system shall require filing of fresh application along with applicable fees and the already filed application shall be considered disposed and application fee shall be forfeited.*

*Provided that if the applicant files a new application incorporating revised particulars within fifteen days of the filing of the original application, then no application fees need to be remitted and the fees already remitted shall be reckoned as the application fees for the revised application. However, the date of last revision will be considered as the date of filing of the application and application fees as applicable for the ultimate capacity is payable by the applicant.”*

Based on the documents submitted by both the petitioner and the respondent, along with the additional information provided during the hearing, this Forum views that it is evident from the initial submission on 25/05/2022 in application format C1 and the associated documents that, the petitioner's requirement was for grid connectivity at the 33 kV level. Numerous documents further support this conclusion, including the application itself, which explicitly specified generation Voltage as 415 V and a step-up voltage as 33 kV, references to 33 kV in various sections of the application, a letter dated 25/05/2022 from M/s

Ramakkalmedu Power Private Ltd addressed to the Chief Engineer (Distribution – Central) and a letter dated 24/10/2017 from the Chief Engineer (Distribution-Central) to M/s Ramakkalmedu Power Private Ltd.

While the petitioner made errors in Serial Nos.12.b and 12.c of the application format C1, the voltage was correctly indicated as 33 kV in all other parts of the application form C1. Therefore, this Forum believes that the licensee should have identified this discrepancy and communicated with the petitioner to rectify it. Consequently, Clause 6.1 of the Detailed Procedure under Regulation 55(3) of KSERC (Connectivity and Intra-state Open Access) Regulations, 2013 does not apply in this case. There was no change in the drawl point, as stated by the respondent; but only a clerical mistake that could have been easily noticed and cleared by the office of the respondent. Hence this Forum views that the respondent shall refund the additional application fee collected from the petitioner.

### **DECISION:**

**Considering the above facts and circumstances, the Forum issues the following Orders:-**

- 1) The respondent shall refund the additional Application Fee that was collected from the petitioner.**
- 2) No cost ordered.**

*The petitioner is at liberty to file appeal before the State Electricity Ombudsman, D.H. Road, Off shore Road Junction, Near Gandhi Square, Ernakulam, Pin – 682 016 (Ph.: 0484 -2346488 , Mobile No. 8714356488) within 30 days of receipt of this order, if not satisfied with this decision.*

**Dated this 30<sup>th</sup> day of September 2023**

**Sd/-**

Sri.Biju Varghese  
3<sup>rd</sup> Member  
CGRF, Ernakulam

**Sd/-**

Smt.Mini Francis  
2<sup>nd</sup> Member  
CGRF, Ekm

**Sd/-**

Smt. Sheeba. P  
(CHAIRPERSON)  
CGRF-CR, Ernakulam

Endt. On CGRF-CR/OP No.27/2023-24 Dated  
Delivered to

Sri.K.K. Ibrahim,  
M/s. K K Plastics, Industrial Development Area, (I.D.A)  
Erumathala P.O, Aluva,  
Pin – 683 112

Sd/-  
CHAIRPERSON  
(DEPUTY CHIEF ENGINEER)  
CGRF-CR, KALAMASSERRY

Copy submitted to: 1) The Secretary, KSEBL, Vidyuthi Bhavanam, Pattom,  
Thiruvananthapuram.  
2) The Secretary, Kerala State Regulatory Commission,  
KPFC Bhavanam, C.V Raman Pillai Road, Vellayambalam,  
Thiruvananthapuram.