

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, Email: cgrf.ekm@gmail.com,
CUG No. 9496008719

Present	(1) Smt. Sheeba. P (2) Smt. Jayanthi. S (3) Sri. Biju Varghese	Chairperson 2 nd Member 3 rd Member
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Petitioner	Sri. K.P. Varghese, Kallarackal House, Thazhakara, Mavelikkara, Pin – 690 102
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Respondent	The Assistant Executive Engineer, Kerala State Electricity Board Ltd, Electrical Sub Division, Mavelikkara (Electrical Section, Mavelikkara)
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No.CGRF-CR/OP No.97/2023-24

Date:30.03.2024.

ORDER

Background of the case:

The petitioner , Sri. K.P. Varghese, a consumer under Electrical Section Mavelikkara, holds two electric connections with consumer numbers 1155226018326 and 1155220001860. They have installed a grid-interacted Solar Plant with a capacity of 5.75 kWh, which commenced generation on September 15, 2023. The primary grievance of the petitioner is the improper refunding of the security amounts deposited for these two connections with KSEB. This led them to file petition before the Forum.

Version of the Petitioner:-

The petitioner, Sri. K.P. Varghese is a prosumer under Electrical section Mavelikkara. The petitioner has two Electric supply connections. A grid-interacted Solar Plant having capacity of 5.75kw has been installed at his premises. Generation from this plant has started from 15th September, 2023. The petitioner has deposited Rs.3387/- and Rs.1500/- as Securities respectively for connections 1155226018326 and 1155220001860.

The petitioner requested that the security deposit kept with the licensee against their connections need to be refunded since they are exporting power to the licensee's grid more than they import from licensee's grid.

The petitioner further informed that even though their bill amount is reduced drastically, the licensee did not adjust their security deposit according to their average bill amount and refunded the excess.

The petitioner further claims that the price of the energy exported to the grid as on 14.02.2024 is to be given. The petitioner also questions the validity of fixed charge, wheeling charge and electricity duty on self generation.

Version of the Respondent:-

The petitioner is a consumer under Electrical Section Mavelikkara and have two electric connections. The petitioner has installed a grid-interactive Solar plant with capacity of 5.75kw.

The respondent states that Security deposits are collected from the the consumers at the rates approved the Hon'ble Kerala State Electricity Regulatory Commission and as per the regulation 67(1)&(2) of the Kerala Electricity Supply Code,2014.

Regulation 67. Security for supply of electricity.-

(1) A distribution licensee may require any person who applies for supply of electricity to his premises to provide security:-

(a) in respect of electricity supplied; and

(b) in respect of any electric line or electrical plant or electric meter provided for supplying electricity.

(2) The licensee shall demand security deposit only at the rates approved by the Commission.

The respondent further states that the consumers are liable to maintain with the licensee security deposit amount at the rates as specified in the regulation 67(6) of the Kerala Electricity Supply Code, 2014.

Regulation 67(6)–

The consumer shall maintain with the licensee an amount at the rates specified below as security for the electricity supplied during the period of agreement:-

(a) three times the average monthly bill amount in case of consumers under bi-monthly billing system; and

(b) two times the average monthly bill amount in case of consumers under monthly billing system:

Provided that the consumer shall not be required to furnish any security for supply of electricity if the consumer opts to take supply through pre-payment meter.

The respondent reported that the monthly consumption in consumer number 1155226018326 for 2022-23 is 190kwh and bill amount corresponding to this average monthly unit is Rs.1160/-. As per this, the security deposit is Rs.3387/- for this connection. As on February 2024, average monthly consumption for the period 2023-24 is 229kwh.

The average monthly consumption with respect to the consumer number 1155220001860 for the year 2022-23 is 71kwh and the corresponding bill amount is Rs.300/-. The security deposit required is Rs.900/-. The existing security deposit is Rs.1500/-. The respondent assures that it would be settled in 2023-24 verifying the consumption of the petitioner.

The respondent points out that the Security Deposit of a consumer can be refunded completely only in cases where the connection is dismantled and, all the amounts liable to pay to the licensee are paid and after the termination of the

agreement. The procedure is stipulated in Regulation 71(1) of the Kerala Electricity Supply Code, 2014.

Regulation-71. Refund of security deposit.-(1) *The security deposit shall be refunded to the consumer on termination of the agreement within thirty days after the settlement of all dues payable to the licensee.*

The respondent further argues that the on grid solar prosumers utilise the electric energy from the KSEBL's grid and the energy from grid is being consumed by these prosumers whenever the generation from solar plant is insufficient or nil. At the night, they solely depend on the energy from the grid. So the claim of the petitioner that the security amounts are to be refunded stands baseless.

In relating to the dispute raised by the petitioner on fixed charges, the respondent asserts that fixed charges from the consumers are being levied only on the tariff rates approved by the Hon'ble Kerala State Electricity Regulatory Commission. As the petitioner comes under the domestic tariff, the rate of fixed charge varies according to his consumption.

Additional Statement of facts-Respondent.

The respondent states that consumer number 1155226018326 was under bi-monthly billing during 2022-23. The security deposit for this period can be computed as Rs.3240/- which is three times of the average bi-monthly bill amount Rs.1080/-. The security deposit amount at that time was Rs.2940/- at the credit of the petitioner. Rs.213/- was collected on 14.07.2022 as Additional Cash Deposit. For 2023-24, the security deposit comes to Rs.1684/-(842 x 2) which is two times of monthly average bill amount of the petitioner. At present, the security deposit is in the credit of the petitioner.

Rs.3387/-. The respondent assures that the excess security amount Rs.1703/- will be refunded to the petitioner during first quarter of financial year 2024-25.

The respondent states that for consumer number 1155220001860, required security deposit for 2022-23 was Rs.810/-. The existing deposit amount is Rs.1500/-. The respondent admit that the excess amount was not refunded to the petitioner. For 2023-24, the required deposit amount to be maintained by the petitioner is Rs.410/-. The respondent assures that the excess amount Rs.1090/- will be refunded to the petitioner during first quarter of financial year 2024-25.

Analysis and findings:

Hearing was conducted at Mavelikkara, Electrical Subdivision Office. The Forum afforded an opportunity to hear the Petitioner and the Respondent on 21/03/2024. Both the representatives of 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.

The petitioner, a consumer under Electrical Section Mavelikkara, holds two electric connections with consumer numbers 1155226018326 and 1155220001860. They have installed a grid-interacted Solar Plant with a capacity of 5.75 kWh, which commenced generation on September 15, 2023. The primary grievance of the petitioner is the improper refunding of the security amounts deposited for these two connections with KSEB.

The petitioner argues that they are not obligated to maintain a security deposit with the licensee because they utilize electricity generated from a solar plant installed on their premises, and any excess energy beyond their consumption is exported to KSEBL. Additionally, they contend that since the licensee is liable to compensate them for the excess energy exported, holding a security deposit is

unjustified. Another issue raised by the petitioner concerns the imposition of fixed charges on their bills.

In response, the respondent stated that for consumer number 1155226018326, the security deposit was collected and maintained in accordance with the regulations outlined in the Kerala Electricity Supply Code, 2014. The required security deposit for the Financial Year (FY) 2022-23 amounted to Rs. 3240/-. Therefore, the petitioner is not eligible for any refund for the FY 2022-23. Moreover, the required security deposit for FY 2023-24 is Rs. 1684/-, and any excess amount will be refunded to the petitioner during the first quarter of FY 2024-25.

Regarding consumer number 1155220001860, the respondent acknowledged a pending refund of Rs. 690 for FY 2022-23. Additionally, they admitted that Rs. 1090/- is to be refunded for FY 2023-24, which will also be processed during the first quarter of FY 2024-25.

This Forum asserts that consumers are indeed required to maintain a security deposit with the licensee, as specified in regulation 67(6) of the Kerala Electricity Supply Code, 2014

Regulation 67. Security for supply of electricity.-

“ (6) The consumer shall maintain with the licensee an amount at the rates specified below as security for the electricity supplied during the period of agreement:-

(a) three times the average monthly bill amount in case of consumers under bi-monthly billing system; and

(b) two times the average monthly bill amount in case of consumers under monthly billing system:

Provided that the consumer shall not be required to furnish any security for supply of electricity if the consumer opts to take supply through pre-payment meter.

In response, the respondent stated that they have reviewed the petitioner's security deposit for the FY 2023-24 in accordance with regulations 73(1) & (2) of the Kerala Electricity Supply Code, 2014. They found an excess security deposit available for both of the petitioner's consumer numbers. Therefore, this Forum concludes that the licensee is obligated to refund the excess amount to the petitioner as per regulation 73(3) of the Kerala Electricity Supply Code, 2014, through adjustment in a maximum of two ensuing electricity bills. The regulations are quoted below:

Regulation 73. Review of security deposit.-“(1) *During the first quarter of the financial year, the licensee shall review the consumption pattern of the consumer from April to March of the previous year, for assessing the adequacy of the security deposit.*

(2) The consumer is required to maintain a security deposit as specified in sub regulation (6) of regulation 67 of the Code, where ‘average monthly bill’ amount shall be calculated based on the average monthly consumption of the previous financial year and the prevailing tariff as on the date of demand of security deposit.

(3) If on review, it is found that the security deposit available with the licensee is more than what is required, the excess amount shall be refunded to the consumer and such refund of security to the consumer by the licensee, as and when arises, shall be made without any other formalities, by way of adjustment in a maximum of two ensuing electricity bills.”

In the case of consumer number 1155220001860, the respondent has acknowledged that a refund of Rs.690 to the petitioner is pending for the FY 2022-23. This Forum concludes that the failure to refund the Security Deposit as per regulation 73(3) of the Kerala Electricity Supply Code, 2014 is improper and legally unjustifiable.

In the case of fixed charges, the rate is determined based on consumption for domestic consumers, as approved by the Hon'ble Kerala State Electricity Regulatory Commission. This Forum concludes that the petitioner is responsible for paying the fixed charges in accordance with the prevailing Tariff Orders of the Kerala State Electricity Regulatory Commission.

DECISION:

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

- 1. The respondent shall refund the excess security amount of Rs. 690/- for the FY 2022-23 to the petitioner for consumer number 1155220001860 within one month.**
- 2. Regarding the excess security deposit calculated for the FY 2023-24, the respondent shall refund it to the petitioner in accordance with Regulation 73(3) of the Kerala Electricity Supply Code, 2014.**
- 3. No other costs are 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 30th day of March 2024

Sd/-

Sri.Biju Varghese
3rd Member
CGRF, Ernakulam

Sd/-

Smt. Jayanthi. S
2nd Member
CGRF-CR, Ekm

Sd/-

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

Endt. On CGRF-CR/OP No.97/2023-24 Dated
Delivered to

Sri. K.P. Varghese,
 Kallarackal House,
 Thazhakara, Mavelikkara,
 Pin – 690 102

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

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

Copy to: - (1) The Deputy Chief Engineer, Electrical Circle, KSEBL, Alappuzha
 (2) The Executive Engineer, Electrical Division, KSEBL, Mavelikkara
 (3) The Assistant Executive Engineer, Electrical Sub Division KSEBL,
 Mavelikkara
 (4) The Assistant Engineer, Electrical Section, Mavelikkara