

**CONSUMER GRIEVANCE REDRESSAL FORUM
NORTHERN REGION, KOZHIKODE.**

(Formed under section 42(5) of Electricity Act 2003.)

Vydyuthibhavan, Gandhi Road, Kozhikode -673011

Telephone Number -0495 2367820 Email.cgrfkzd@kseb.in

PRESENT

SANDHYA DIVAKAR : CHAIRPERSON

BUSHRA .V : MEMBER (Licensee)

FRANCIS A.C : MEMBER (Law)

OP NO. 05/2025-26

PETITIONER :-

Sri. Vinodh Kumar .K, 'Gokulam', Kannagara – P.O., Chelannur (via),
Kozhikode – 673 616.

RESPONDENTS :-

1. The Assistant Executive Engineer, Electrical Sub Division, Kakkodi,
KSEB Ltd, Kozhikode District.
2. The Assistant Engineer, Electrical Section, Chelannur, KSEB Ltd,
Kozhikode District.

ORDER

Back Ground of the Complaint:

The Petitioner, Sri.Vinodh Kumar .K, 'Gokulam', Kannagara – P.O., Chelannur (via), Kozhikode District requests for refund of the excess amount collected from him, a prosumer, as fixed charge and seeks action against the licensee officials. The Petitioner requests the Forum to stop this illegal collection of excess fixed charge and for refund of the same with interest.

Petitioner's Version :

The Petitioner, consumer number 1167444012083 is a prosumer since 15/06/2024. It is noted that fixed charge is wrongly collected from the Petitioner on the basis of total consumption of energy by clubbing the energy imported from the utility network and the energy self-generated used by the Petitioner directly from his solar plant. As per the spirit of Electricity Act 2003, its subordinate Regulations and relevant Tariff Orders, fixed charge is to be calculated on the basis of volume of electricity supplied or infrastructure allocated to a consumer (not a generator) by the utility. Accordingly, the retail tariff orders issued by appropriate regulatory commission is meant to collect charges from the consumers of utility (not from the generator) to whom electricity is

supplied by it from its own generation or from the energy procured by it for the distribution of electricity in its area of supply.

The Tariff order issued by KSERC vide order dated 08-07-2019 and the prevailing tariff orders have mandated KSEBL to collect fixed charge only on the basis of volume of consumption of electricity supplied by it to its consumers only. The tariff order issued by Kerala State Electricity Regulatory Commission did not mandate or advise KSEBL to collect FC based on the total volume of electricity used by the prosumer including the volume used by him from the self-generation of electricity from the solar plant installed by him.

Actually, Kerala State Electricity Regulatory Commission order on retail tariff is legally binding only for the charges applicable to the consumption part of prosumers who consumes electricity supplied from the distribution utility. The charges applicable for generation part of the prosumer who are consuming electricity from the self-generation is governed by RE & Net-Meter Regulations, 2020 and its amendments issued by KSERC.

As per Regulation 21(6) of KSERC (RE & Net-Meter) Regulations, 2020 a prosumer is exempted from payment of transmission charges, wheeling charges and cross subsidy charges for electricity generated and consumed in the same premises from renewable energy system under net-metering facility. The banking

charges for the entire prosumers and wheeling charges for wheeling of electricity to other premises are also governed by the same regulations.

As such, the fixed charges levied from him based of the self-generation and its consumption in Petitioner's premise from his solar plant is illegal and violation of electricity Act, its subordinate regulations. It is against the spirit of the policies and programs designed by Gol for encouraging roof top solar plants. It violates the essence of the tariff order issued by KSERC and KSERC (RE & Net Meter) regulation,2020.

Therefore, in the light of the above matter, the Petitioner requests the Hon'ble Forum to refund excess of Fixed charges collected from him till date.

Respondent's Version:

Respondent submitted his version as follows:

The Petitioner, a prosumer under Electrical Section, Chelannur in LT I tariff, has raised concerns regarding excess fixed charge being collected from him.

KSEBL is demanding electricity charges based on the provisions outlined in Section 45 of the Electricity Act,2003 and Regulation 31 of the Kerala Electricity Supply Code,2014. According to these provisions, the tariff is determined by the Hon'ble State

Commission, which is revised periodically and electricity charges are levied based on the applicable tariff.

For a domestic LT1 prosumer, the fixed charges are determined based on the total energy consumption at their premises, without distinguishing between the sources of energy consumed. Consequently, the Petitioner is liable to pay the fixed charges based on their overall consumption regardless of the source of the energy. This is clearly stated in the tariff orders issued by KSERC. In the light of these facts, the Respondents request the Hon'ble Forum to dispose of the case and affirm that the bill issued is in accordance with the applicable regulations.

Summary of the Hearing :

In the sitting convened on 15-05-2025 FN at Court Hall, CGRF(NR), Vidyuthi Bhavanam, Kozhikode, only the Respondent was present. Neither the Petitioner nor his nominee was present. The Respondent has further produced a reply furnished by Appellate Authority & Secretary, KSERC, Vellayambalam, Thiruvananthapuram, in an appeal petition filed by Sri.Asokakumar.K, Kavunkal, TKS Puram, Kodungallur, Thrissur, Kerala, under RTI Act 2005.

The crux of the reply is as follows:

“As per the prevailing Tariff Orders in force, like other Solar prosumers, the grid connected domestic prosumers are also

mandated to pay fixed charge based on their power/load requirement, even if their net drawl from the grid is zero or even when prosumers inject surplus power to the grid. Till the Commission approves the fixed charge based on connected load for domestic consumers, the licensees are authorized to levy fixed charges from grid connected solar prosumers based on their total consumption”.

Observations of the Forum:-

Having gone through the contentions raised by both the parties, the Forum reached to the following conclusion:

When KSERC conducted a public hearing in the sitting held at Kozhikode, one consumer has submitted his opinion among others regarding Prosumer Fixed Charge and the KSERC has recorded the same and noted the suggestions.

(Tariff Order dated 05-12-2024 in OP 18/2023 – Clause 129, page No. 234 & 235).

As far as CGRF is concerned, this Forum has to follow the guide lines issued by Government and KSERC from time to time and to obey the Acts and Rules and the Circulars and guide lines issued under the same. Further the CGRF has no power to interpret any provisions. The fixed charges collected by the licensee is in accordance with the tariff approved by KSERC. This matter is under the active consideration of the KSERC. As the Central Government,

vide the letter No.15/27/2023-Hydel II (MOP) dt. 25-04-2023 and circular No. F/09/1/23 dt. 25-01-2023 of the power ministry has directed that the fixed charge is unconstitutional, this Forum expects that the KSERC shall issue necessary orders in the matter.

Further this Forum has issued orders in OP No. 97/2024-25, a similar case, directing the Petitioner to approach KSERC/ Government and to obtain a clarification/order in the matter. When this Petitioner has filed an appeal before the Hon'ble Ele.Ombudsman, the Hon'ble Ombudsman has upheld this Forum's Order in the Order dated 21-04-2025.

Having considered all the documents submitted and the deliberations during the hearing, the Forum has come to the following conclusions leading to the decision:

Decision:

- ❖ Hence, this Forum has dismissed the Petition and directed the Petitioner to approach the KSERC/Government and to obtain a clarification/order in the matter.

The Forum Ordered Accordingly.

Dated this the 17th day of May, 2025.

Sd/-

**Francis . A .C
Member (Law)**

Sd/-

**Bushara .V
Member(Licencee)**

Sd/-

**Sandhya Divakar
Chairperson.**

Copy to:

Sri. Vinodh Kumar. K,
Gokulam,
Kannagara – P.O.,
Chelannur (via),
Kozhikode.

(E-mail മുഖാന്തിരം)

If the petitioner is not satisfied with the above order of this Forum, he is at liberty to prefer appeal before the State Electricity Ombudsman, D.H. Road, Foreshore Road Junction Gandhi Square, Ernakulam, Kerala- 682016. (Ph: 0484 2346488) within 30 days from date of receipt of this order.

2. The Assistant Exe.Engineer,Electrical Sub Division,
K.S.E.B.Ltd., Kakkodi, Kozhikode.

3. The Assistant Engineer,Electrical Section,
K.S.E.B.Ltd., Chelannur, Kozhikode.

Copy Submitted to:

- 1) The Secretary, K.S.E.B.L, Thiruvananthapuram.
- 2) The Deputy Chief Engineer, TRAC, Thiruvananthapuram .

Forwarded

Sd/-

Chairperson