

**CONSUMER GRIEVANCE REDRESSAL FORUM
KERALA STATE ELECTRICITY BOARD LTD- SOUTHERN REGION
VYDYUTHI BHAVANAM, KOTTARAKKARA**

Present: 1. Smt.Laila.N.G,Deputy Chief Engineer, Chairperson
2. Sri. Sanjeev Koshy,Executive Engineer, Member II
3. Sri.C.K.Harikumar,Advocate,Member III

Saturday 29th March ,2025

OP No.78/2024-2025

Between

Petitioner: Mrs. Naseem Ashraf
Bismillah, Punnathala
Nagar -7,
Anchukalloomud,
Thirumullavaram.P.O.,
Kollam -691012.

And

Respondents: (1) The Assistant Executive Engineer
Electrical Sub Division, Sakthikulangara.

(2) The Assistant Engineer,
Electrical Section, Thankasseri.

ORDER

1. Grievance of the petitioner

The petitioner is a solar Prosumer under Electrical Section Thankassery with consumer No.1145628001893 since March 2022. It is noted that fixed charge is wrongly collected 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 petitioner's solar plant. As per 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 by the utility. Accordingly, the retail tariff orders issued by appropriate regulatory commission is meant to collect charges from the consumers of utility 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 dtd 8.07.2019 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 KSERC did not mandate or advised 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 KSERC 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 such, the fixed charged levied from petitioners based of the self-generation and its consumption in his own premise from his solar plants is illegal and violation of electrcity act, its subordinate regulations. So the petitioner prays the Forum to refund excess of fixed charges collected from him from the month of May 2022.

2. Version of the respondent

The petitioner has installed one 5 KW solar plant under soura subsidy model & scheme consumer No.1145628001893 in their premises under Electrical Section, Thankassery. The net meter was installed in the premises of the prosumer on 11/03/2022. The petitioner had registered a complaint regarding the collection of fixed charge in the bill before the Assistant Engineer, Electrical Section Thankassery on 18/11/2024 and reply was given. The contention of the petitioner is that fixed charge is wrongly collected from the prosumer on the basis of total consumption of energy by clubbing the energy imported from the utility network and the energy directly used by the prosumer which is self generated from their solar plant. KSERC order on retail tariff is legally binding only for the charges applicable to the consumption part of prosumer who consumes electricity supplied from the distribution utility network. The charges applicable for

generation part of the prosumer, who are consuming electricity from the self generation is governed by renewable energy of net meter regulation 2020 and its amendments issued by KSERC. It is true that as per regulation 21(6) of KSERC regulation 2020, prosumer is exempted from the payment of transmission charges, wheeling charges cross subsidy charges for the electricity generated and consumed at the same premises from the renewable energy system under net metering facility. It is submitted that in KSERC approved tariff orders. The bill of this consumer was also prepared through orumanet software as in the case of other consumers. In accordance with the tariff schedule approved by KSERC in its, order dated 31.10.2023, the KSEBL has issued a circular vide order no:KSEBL/TRAC/G/Tariff Revision/2023-24/633 dated 16/11/2023 of the Secretary (Administration), KSEBL, for implementing the order. Further as per the clause (8) of the circular No.KSEBL TRAG/G/Tariff Revision/2023-24/633 dated 16/11/2023 of the Secretary (Administration), KSEBL, it is clearly stated that the fixed charge for net metered solar consumer shall be levied for their total consumption. So the respondent prays the Forum to dismiss the petition.

3 Analysis and Findings

The hearing was conducted on 11/03/2025 both the petitioner and the respondent were present and heard the matter in detail. On going through the petition and other documents in the file, the Forum viewed that the case is with regard to refund of excess of fixed charge collected from Sri. Naseem Asharaff. The petitioner contented that the fixed charge is wrongly collected from the prosumer on the basis of total consumption of energy by clubbing the energy imported from the utility network and the energy directly used by the prosumer which is self generated from his solar plant. The respondent stated that the total fixed charge collected from 2019,2022,2023,2024 is Rs.6063.55. The bill amount is automatically calculated by orumanet system software by KSEB. The respondent argued that in accordance with the tariff schedule approved by KSERC in its order dated 30/10/2023, the KSEB has issued a circular vide order no.KSEBL/TRAC/G/Tariff Revision/2023-24/633 dated 16/11/2023 of the

Secretary (Administration), KSEBL, for implementing the order. Further as per the clause (8) of the circular. It is clearly stated that the fixed charge for net metered solar consumer shall be levied for their total consumption. The Forum viewed that circular dated 26/12/2024. Revision of tariff for all categories of consumers with effect from 05/12/2024 orders issued by the Kerala State Electricity Regulatory commission (KSERC) directions for implementing the order for LT,HT,EHT consumers & other licensees in the state regards. As per clause (9) fixed charge for net metered solar consumers shall be levied for their total consumption.

DECISION

Considering the facts and circumstances of the case mentioned above the Forum ordered as follows.

1. Considering this as a policy matter, this Forum has dismissed the petition and directed the petitioner to approach the KSERC/ Government and to obtain a clarification/ order in the matter.
2. No order as to cost.

If the petitioner is not satisfied with the above order of this Forum, he is at liberty to prefer appeal before the Electricity Ombudsman within 30 days from the date of receipt of this order.

The address of the Electricity Ombudsman is furnished below.

'The State Electricity Ombudsman, D.H & Foreshore Road Junction, Near Gandhi Square, Ernakulam, Kerala - 682 016. Phone: 0484 2346488'.

Sd/-

C .K.HARIKUMAR
ADVOCATE
MEMBER III

Sd/-

SANJEEV KOSHY
EXECUTIVE ENGINEER
MEMBER II

Sd/-

LAILA.N.G
DEPUTY CHIEF ENGINEER
CHAIRPERSON

Forwarded
Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.78/2024-25/ 747

Dated : 04/04/2025

Delivered to:

1. Mrs. Naseem Ashraf, Bismillah, Punnathala Nagar -7,
Anchukalloomud, Thirumullavaram.P.O., Kollam -691012.
2. The Assistant Executive Engineer, Electrical Sub Division,
Sakthikulangara.
3. The Assistant Engineer, Electrical Section, Thankasseri.

Copy to:-

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram.
2. The Deputy Chief Engineer, Electrical Circle, Kollam.
3. The Executive Engineer, Electrical Division, Kollam.

Office: CGRF(S), Vidyuthi Bhavanam, Kottarakkara, Pin - 691 506
Web site: cgrf.kseb.in E- mail: Cgrf.ktra@kseb.in, Phone: 0474 - 2451300