

**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

Wednesday 14th May,2025

OP No.81/2024-25

Between

Petitioner: Sri. Kuriakose T Kuriakose,
Flat No 11b,Skyline Grace,
Cathedral Road,
Pala, kottayam
PIN-686575

And

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

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

ORDER

1. Grievance of the petitioner

The petitioner Kuriakose T Kuriakose is a solar prosumer under Electrical Section Pala with consumer number 1156247022555. The petitioner alleged that the licensee has collected excess fixed charge wrongly from him on the basis of total consumption of energy by clubbing the energy imported from the utility net work and the energy self generated from his solar plant. The petitioner argued that the tariff order issued by KSERC vide order date 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 fixed charge based on the total volume of electricity used by the prosumer

including the volume used by him from the self generation electricity from the solar plant.

The fixed charge levied from petitioner based of the self generation and its consumption in his own premise from his solar plants is illegal and violation of electricity act, its subordinate regulations. So the petitioner prays the Forum to refund excess of fixed charges collected from him.

2. Version of the respondent

The petitioner is a solar prosumer since 7th December 2023 bearing consumer number 1156245022555 in the name of Sri.Kuriakose T Kuriakose,FlatNo. 10A,Sky line Grace ,Cathedral Road, Pala. 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 net work and the energy directly used by the prosumer which is self generator from their solar plant. The respondent stated that the fixed charges are charged on LT-1 Domestic consumers based on monthly consumption slab as per relevant Tariff order issued by Regulatory Commission followed by KSEBL. The applicable tariff order explicitly states that the fixed charge is calculated based on total monthly consumption,which includes both imported energy from the grid and self generated solar energy consumed within the premises. So the fixed charge levied on the petitioner is in accordance with the regulatory framework and is legally sustainable. The respondent also stated that Section 45(3)of the Electricity Act 2003 ,permits the determination of fixed charges in addition to energy charges.

(3) The charges for electricity supplied by a distribution licensee may include

(a) a fixed charge in addition to the charge for the actual electricity supplied;

(b)a rent or other charges in respect of any electric meter or electrical plant provided by the distribution licensee.

As per regulation 21 (6) of KSERC (RE& Net meter) Regulation 2020, the

prosumer is exempted from the payment of transmission charges, wheeling charges, cross subsidy surcharges for the electricity generated and consumed at the same premises from the renewable energy system under net metering facility. The respondent argued that the regulatory provision cited by the consumer does not provide an exemption from fixed charges applicable to their connection. Further more, it is learned that KSERC factored in revenue generated from fixed charges when establishing the multi-year tariff. Consequently, any alteration to the fixed charge component would directly impact the financial calculation upon which the KSERC's tariff determination is based. The bill of the consumer was also prepared through Oruma net software as in the case of other consumers. In accordance, the bill prepared by Section Office is through Oruma software only, no manual bill is given to the petitioner and no transmission charge/ wheeling charge/cross subsidy charge etc are collected from the petitioner. KSEBL is providing the infrastructure to the petitioner even when the solar plant of the petitioner is not functioning. In accordance with the tariff shedule 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, it is clearly stated that the fixed charge for net metered solar consumer shall be levied to their total consumption. So the respondent prays the Forum to dismiss the petition

3 Analysis and Findings

The hearing of the case was conducted on 27/03/2025. The petitioner was not presented. The respondent were present and heard the matter in detail. On examining the petition, the counter statement of the respondent, the documents attached and arguments made during the hearing and considering all the facts and circumstances of the case, this forum comes to the following findings and conclusions leading to the decision thereof.

The subject matter of the case pretains to the excess fixed charge imposed on the petitioner. The main contention of the petitioner is that the collection of fixed charge should be on the basis of volume of

consumption of electricity supplied by to its consumers. The tariff order issued by KSEBL did not mandate or advice licensee to collect FC based on the total volume of electricity used by the prosumer including the volume of electricity used by the prosumer including the volume used by him from the solar plant installed at the roof top.

The forum observed that the fixed charge collected by the licensee is in accordance with the tariff approved by KSERC. The tariff revision issued by the Hon'ble KSERC on 31/10/2023 and circular issued by KSEBL dtd16/11/2023, the fixed charge of net metered solar consumers is to be levied on the basis of their total consumption. However, KSERC has not taken a decision that the circular issued by the licensee is not correct. The Forum also pointed out that in calculating the fixed charge, there is no specific calculation method for the solar prosumer in the tariff order. Therefore the forum is on the opinion that the matter needs to be clarified and the status quo should continue until the Hon'ble KSERC intervenes this matter. So the Forum dismissed the petition.

DECISION

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. 81/2024-25/805 Dated : 16/05/2025

Delivered to:

1. Sri.Kuriakose.T Kuriakose, Flat No.IIB, Sky Grace, Cathedral Road, Pala, Kottayam PIN-686575.
2. The Assistant Executive Engineer, Electrical Sub Division, Pala.
3. The Assistant Engineer, Electrical Section, Pala

Copy to:-

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