

**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

Monday 05th May,2025

OP No.86/2025

Between

Petitioner: Sri. Xavier Mathew Antony,
Pichakappallil,
Athirumpuzha. P.O.,
PIN -686562
Kottayam.

And

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

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

ORDER

1. Grievance of the petitioner

The petitioner Sri. Xavier Mathew Antony is a solar prosumer under Electrical Section, Athirampuzha with consumer number 1146641012748 since 28.05.2022. The petitioner alleged that the licensee has collected excess fixed charge wrongly from him on the basis of total consumption of energy 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 dated 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 consumer including the volume used by him from the self generation electricity from the solar plant installed by him.

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 from May 2022 onwards with interest.

2. Version of the respondent

The petitioner is a solar prosumer from 28.05.2022 bearing consumer number 1146641012748 in the name of Sri. Xavier Mathew Antony, Pichakappallil. 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. 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 replied that the regulatory provisions 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 Orumanet 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 infrastucture 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 was conducted on 24/04/2025. The petitioner was not presented. 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 fixed charge collected from Sri. Xavier Mathew Antony . 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 bill amount is automatically calculated by Orumanet system software by KSEBL. In accordance with the tariff shedule approved by KSERC in its order dtd:30/10/23, the KSEB has issued a circular vide order No.KSEBL/TRAC/G/ Tariff Revision/ 2023-24/633 dt16/11/2023 of the Secretary (Administration) KSEBL, for implementing the order further as per 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 dtd 26/12/2024 Revision of tariff for all categories of consumers with effect from 05/12/2024. Orders issued by the 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 above facts and circumstances of the case 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.86/2025/798

Dated :798/05/2025

Delivered to:

1. Sri. Xavier Mathew Antony, Pichakappallil, Athirumpuzha.P.O., PIN -686562, Kottayam.
2. The Assistant Executive Engineer, Electrical Sub Division, Ettumanoor, K.S.E. Board Ltd,
3. The Assistant Engineer, Electrical Section, Athirampuzha.

Copy to:-

- 1.The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, TVPM
2. The Deputy Chief Engineer, Electrical Circle, Vaikom.
3. The Executive Engineer, Electrical Division, Kottayam.