

THE STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No. P/081/2024 (Present A. Chandrakumaran Nair) Dated: 21-01-2025

Appellant : Shri. Sreekumar Warriar
Omkar, Dhanalakshmi Line
Sreechitra Nagar Karavilla Rd,
Pangode, Thirumala P.O
Thiruvananthapuram - 695006

Respondent : The Assistant Executive Engineer, Electrical
Sub Division, KSE Board Ltd, Poojappura,
Thiruvananthapuram.(Dist.)

ORDER

Background of the case

The Appellant Shri. Sreekumar Warriar is a domestic Consumer of the Licensee(KSEBL) under the Thirumala Electrical Section. The tariff of this three phase connection is LT 1 and the connected load is 7.14KW. The appellant had installed the solar power plant of capacity 3 KW Roof top Domestic On grid System. The KSEBL had installed the net meter and connected this system to the Grid on 17/05/2024. The meter reading was taken on 30/05/2024 for the month of 05/24 and the bill was issued for Rs.1827/- showing Rs.1716/- as arrears and Rs.111 as the fixed charges. On visiting the Electrical Section at Thirumala, they informed that arrear shown is for the units consumed for the period from 23/04/2024 to 17/05/2024 as the previous reading was taken on 22/04/2024. The meter reading for this period was only 210.70 units. The KSEB had worked the rates considering the consumption for 30days as 253.20units. Then they have applied flat rate tariff as the consumption was crossed 250 units as per the calculation. The charges would have been worked out on telescopic tariff for 211 units. The appellant is questioning this method of calculation and

asking for the refund of extra charged amount of Rs.283/-. The appellant had filed petition to the CGRF and CGRF issued order on 26/11/2024. This petition is filed as the appeal to the CGRF order.

Arguments of the Appellant

M/s Tata Power Solar have installed a 3 KW Solar Rooftop Domestic On-grid system at my residence. There was inordinate delay for getting a 3 phase bi-directional Net Meter from KSEBL even after follow up with several personal reminders by the Installer and myself. After my complaint through the grievance portal, the 3 phase bidirectional net Meter was fixed by KSEBL on 17/5/2024 on commissioning the on-grid system. This delay resulted in unnecessary wastage of the possible generation of energy of about 16 units per day for about 2 months during the peak sunny periods in March to May 2024, without allowing the possible generation of units for my own use or for export, which also forced me for paying higher tariff slab rates during the period for no fault of mine. The possibility of getting the substantial PM Suryaghar Scheme subsidy amount was also consequently delayed. Please note that I have invested a substantial amount by loan or otherwise for installing the On-grid Domestic Rooftop solar system in the hope of reducing the electricity charges.

Subsequently, the first Meter reading was taken on 30/5/24 and the bill dated 01/06/24 was generated by KSEBL for a total amount of 1827, showing therein an arrears of *1716 and 111 for the net solar energy based on generated, exported and imported units, without giving the details of that. On visiting at the Electrical section at Thirumala on 09/06/2024, they informed me that the arrears shown relates to the units used for the period from 23/4/24 to 17/5/24 as the previous reading was taken on 22/4/24. The next monthly reading was due on 17/6/24 only. But the reading was taken on 30/5/24. A new bill was also issued to me for a total amount of Rs.1704 showing therein an arrears as Rs.1593. The actual readings taken are shown below.

- 1) KSEBL old meter Reading on 22/4/24 was 40638
- 2) KSEBL old meter Reading on 17/5/24 was 40848.70

Hence it is evident that the consumption for the period from 23/4/24 to 17/5/24 comes to 210.70 (Rounded up to 211) units only. But surprisingly, KSEB has manipulated this figure to an exaggerated value as 253.20 units for 30 days unnecessarily, for billing purpose, whereas the actual consumption is readily available with them as 211 units only. They have unnecessarily arrived the cooked consumption figure from 211 units to 253.20 units projecting the consumption from 25 days to 30 days. The actual consumption 211 is divided by 25 for getting the consumption for 1 day. Thereafter that value is multiplied by 30 to get the consumption for 30 days as $(211/25)*30=253.20$ (rounded to 253). This strange and cooked up

method changed my actual eligible telescopic tariff slab rates for consumption of 211 units to the unjustifiably non telescopic tariff slab rates for 253 units and thereafter again recalculated back for 25 days by dividing the energy charge for 30 days by 30 first to get energy charge for 1 day and the resultant amount is multiplied by 25 to get the bill amount as Rs.1350.56 for 25 days. It is also conveyed by the Electrical Executive Engineer, Electrical Division of KSEBL in their reply to KSERC that a sum of Rs.5/- is also charged and billed therein as Fixed charge for one day for 17/5/24. Reason for the same is not clear. The next solar on-grid billing is again done from 18/5/24 to 31/5/24 before on month on 1/6/24. The various bills served for the same period are also not identical. On calculating the energy charges by me, I found that the energy charges for 211 units for even 1 month comes to Rs.1,057/70 only. As the due date for payment of the bill was 11/6/24, I have paid the bill amount of Rs.1704 through Google pay on 10/6/24 to avoid paying fine.

Thereafter I contacted the customer care person through 1912 on 11/6/2024 for clarification. I am informed that their calculated consumption comes to 253 units based on their ready reckoner. This unnecessary wrong calculation resulted in attracting for charging higher non-telescopic tariff slab rates, which is clearly unnecessary and unjustifiable. On taking up the matter again on 11/6/2024 with their customer care person, I am again informed again that the calculation is correct as per the existing procedure in force as directed by KSERC. But no proof for such calculation is furnished to me. I am also informed that Rs.123 is also adjusted (Rs.1827-Rs.123=Rs.1704) in the bill towards payment of interest on the Security Deposit of Rs.1941 with KSEB. On complaining to the KSERC on 12/06/2024, I am informed that they have sought report from The Executive Engineer, Electrical Division, Power House Building, Trivandrum and a copy of the report No GB/Complaint/KSERC/Sreekumar Warriar/2024-25/366 dated 02/07/2024 is forwarded to me directing me to approach the CGRF, Kottarakkara, if not satisfied with the report. The report is seen mentioning that the bill calculation is correct. But KSERC has not made their observation or order reference on the same in their letter to me.

Thereafter as directed by KSERC vide LetterNo.001614/Com. Ex/2023/KSERC dated 01/08/2024, I made a grievance petition through E-mail on 21/08/2024 to the Chairperson CGRF(South), Kottarakkara in FORM-A for resolving the simple anomaly and expecting to get a quick justifiable action. I was informed by The Chairperson of CGRF vide Letter No.CGRF(S)/KTRA/Hearing OP No.53/2024/488 dated 23/10/2024 to appear for Hearing before The Forum on 05/11/2024. As I am aged 78+ years, and having health issues, which prevented me to travel to Kottarakkara, I sent an Email to CGRF conveying the situation requesting to exempt me from personally attending for the Hearing and conveyed some further valid points to be considered before taking the final decision without

my personal appearing. It can be seen that the previous reading dates and average monthly consumption's are as follows:

Monthly Reading	Consumption units on-grid bill amount Total		
22 nd Nov 2023	149.5	890.5	
22 nd Dec 2023	149.5	890.5	1781 bimonthly
22 nd Jan 2024	145	869	
22 nd Feb 2024	145	869	1738 bimonthly
22 nd Mar 2024	224	1541	
22 nd Apr 2024	224	1541	3082 bimonthly
(17/5 May 24)	211	1716	Arrears from 22/4/24 to 17/5/24
Upto 31/5 May 24	60	111	1827 monthly
30 th June 2024	151	266	
31 st Jul 2024	157	262	
31 st Aug 2024	125	211	
30 th Sep 2024	122	211	
31 st Oct 2024	141	211	

It shows that the average consumption for 6 months (Nov 23 to Apr 24 is only 172.83 or 173

The Fixed charge and meter rent are prescribed for 1 month. Hence only pro-rata or proportionate fixed charge is calculated for portion of a month. But in the case of Fuel charges, it is prescribed for consumed units and billed bimonthly. So the fuel charge need to be calculated only for the actual units consumed for the period or for the actual days. For actual consumption, even if it is for 1 day or 30 days of a month, the consumption for billing period is to be taken only on actual basis. Otherwise, the tariff prescribed should have been not for units but for 1 month. It is not for 1 month, but it is for the actual units consumed during the period. To find fuel charge for consumption of 211 units for 25 days, first find the fuel charge as per tariff slab rates for 211 units, as if it is for 30 days and then arrive the charge for 25 days as $[(\text{Arrived charge for 211 units} / 30) * 25]$. Will KSEBL agree for this? If not, the unjustifiable calculation procedure followed so far cannot be accepted or allowed to continue without producing any substantiating order from the KSEBL or KSERC, if directed and permitted by KSERC in this regard. It is not too late to discontinue the unjustifiable method and to make necessary modifications in the billing machine software. If a wrong practice is continued for a long period without any order, it should be discontinued immediately and excess collected should be refunded to the prosumers even without their request, as it is now pointed out by me and brought to the notice of KSEBL, KSERC and CGRF for rectification.

I presume that my e-mail conveying some additional points were not taken into consideration as can be seen from their Analysis and Findings in their

order. The Forum observed that the calculation is as per prevailing Board order and tariff order from KSERC and ruled that the bill issued is sustainable and that the petitioner is liable to pay the amount. The relevant order of the KSEBL or KSERC is not mentioned or shared therein to me. The Forum also mentioned therein that if the petitioner is not satisfied with the above order of the Forum, the petitioner is at liberty to prefer appeal before the Electricity Ombudsman within 30 days from the date of receipt of the order. In this connection, I also wish to submit the following points also for your perusal before taking a final decision. I very well know that if the consumption of electricity goes up, I will have to pay as per higher tariff slab rates, but I was not aware that even if the actual consumption is within the telescopic tariff slab rates, I will be penalized to pay non telescopic tariff slab rates unjustifiably. As the tariff slab rates are also likely to revise periodically to go up from time to time, I planned to use the alternate natural renewable energy by installing a 3 KW rooftop on-grid solar system by investing a substantial lump sum amount hoping to reduce the present and future KSEBL energy charges considerably. But KSEBL has penalized me from the start of the on-grid connection in the first bill itself by manipulating my actual telescopic consumption. The actual usage is unnecessarily/ unjustifiably cooked up high to attract non-telescopic tariff slab rates. I am a post graduate in Mathematics and monitoring the usage and the calculation of bills to ensure correctness. Even a common person can understand the simple maths that the calculation done by KSEBL in this case is wrong and unjustifiable. No justification is there for the inordinate delay of about 2 months after installation for getting the 3 phase bidirectional net meter from KSEBL. I have got the on-grid system connected only on 17/5/2024, after reminding and complaining to KSEBL and Minister. The delay caused me to pay higher slab tariff slab rates for about 2 months during the peak summer period during March, April, May 2024 (Incidentally, please note that the rain started on the date of receiving the net meter on 17/5/24 as the summer season ended then) and the possible solar generation of an average 17 or 18 units per day is denied to me which resulted in a fourfold loss [a) loss of nearly 1000 units for 2 months valued Rs.3150 for the possible banked units, b) Forced to pay the higher electricity charges of Rs.4798 (3082+1716 as shown above) paid by me for that period, and c) the interest factor for the capital amount raised by me as personal loan for the period, d) consequent delay of 2 months for getting the eligible solar subsidy of Rs.78000 from PM Suryaghar scheme. All these resulted me to incur more interest for the personal loan] even after investing a substantial amount for the installation of the Solar system with costly and efficient mono perk half cut solar panels, expecting to get more energy generation and to reduce my high electricity charges.

In the above circumstances, I am not at all satisfied with the findings of KSEBL, KSERC and CGRF, as I felt that the simple matter could have been resolved at the KSEBL level or KSERC level or CGRF level itself without dragging me unnecessarily to proceed at various authorities to resolve the

anomaly. As such I appeal to your Honour with a request to do the needful for rectifying the anomaly and abnormal and unjustifiable cooked upward calculation procedure and to arrange for immediate refund of the eligible excess amount to me as I have already paid it. The wrong procedure requires rectification immediately, if not done so far, to set right the billing software or machines suitably without allowing to penalise or cheat the solar prosumers by charging high energy charges by this hidden tactics of KSEBL. I don't think whether KSEBL is adopting the same billing calculation method when changing the single phase meter to 3 phase by a consumer or solar prosumer. In this connection I also wish to point out that the solar generation duty unnecessarily charged against the Central Electricity guidelines and collected from me and other prosumers are also not refunded or adjusted so far in the subsequent bills. On enquiry at the KSEBL Customer care number 1912 and Electrical Division of KSEBL, I am surprisingly informed as to whether there is any order to pay back the amount already billed and collected, and if so, to produce the KSEBL or Government order or direction on the matter. I believe that necessary instructions are to be issued along with the instructions to discontinue to collect the generation duty by the KSEBL.

Arguments of the Respondent

കെ.എസ്.ഇ.ബി ലിമിറ്റഡിന്റെ തിരുമല ഇലക്ട്രിക്കൽ സെക്ഷൻ പരിധിയിൽ വരുന്ന 11756 എന്ന വൈദ്യുത കണക്ഷൻ ഗാർഹിക ആവശ്യത്തിനായി LT 1 താരിഫിൽ 3 ഫേസ് കണക്ഷൻ ശ്രീ.ശ്രീകുമാർ വാര്യർ,SY NO 1420/1 ചിത്രനഗർ പാങ്ങോട് തിരുവനന്തപുരം എന്ന പേരിൽ 15-06-2002 തീയതി നൽകിയിട്ടുള്ളതാണ്. കൺസ്യൂമറുടെ അനുവദിച്ച കണക്ടഡ് ലോഡ് 7140 ആണ്. പരാതിക്കാരൻ നിലവിലുള്ള കൺസ്യൂമറിൽ നിന്ന് സോളാർ കൺസ്യൂമറിലേയ്ക്ക് മാറ്റുന്നതിന് Rs 3540/- രൂപ 06/04/2024ന് രജിസ്ട്രേഷൻ ഫീസ് ഒടുക്കുകയും 07/05/2024ന് പൂർത്തീകരണ റിപ്പോർട്ട് സമർപ്പിക്കുകയും ചെയ്തു. അതിൻ പ്രകാരം 13/5/2024 ന് ബഹുമാനപ്പെട്ട ഡെപ്യൂട്ടി ചീഫ് എഞ്ചിനീയർ വിതരണ വിഭാഗം തിരുവനന്തപുരം മീറ്റർ അനുവദിക്കുകയും 15/05/2024ന് പോത്തൻകോട് സബ് റീജിയണൽ സ്റ്റോറിൽനിന്നും മീറ്റർ കൈപറ്റി 17/05/2024 ന് സോളാർ കണക്ഷൻ നൽകുകയും ചെയ്തു. നെറ്റ് മീറ്ററിന്റെ കടുത്ത ക്ഷാമം നേരിട്ടിരുന്ന കാലയളവിൽ ആയിരുന്നതിനാലാണ് മീറ്റർ സ്ഥാപിക്കുന്നതിന് കാലതാമസം ഉണ്ടായത്. സോളാർ കണക്ഷൻ നൽകുന്നതിനുമുമ്പ് 23/04/2024 മുതൽ 17/05/2024 വരെ ബില്ലിൽ 283/- രൂപ അധികമായി ഈടാക്കി എന്നതാണ് പരാതി ഉന്നയിച്ചിരിക്കുന്നത്. പ്രസ്തുത വൈദ്യുതി കണക്ഷൻ സോളാർ കണക്ഷനിലേയ്ക്ക് മാറ്റുന്നതിന് മുമ്പുള്ള 23/04/2024 മുതൽ 17/05/2024 വരെ 211 യൂണിറ്റ് ഉപയോഗത്തിനാണ് കേരള ഇലക്ട്രിസിറ്റി റെഗുലേറ്ററി

കമ്മീഷൻ പുറപ്പെടുവിച്ചിട്ടുള്ള ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ ബില്ലി് ചെയ്തിരിക്കുന്നത്.

ഉപയോഗിച്ച യൂണിറ്റ്	-	211
ഫിക്സ്ഡ് ചാർജ്	-	174.16
എനർജി ചാർജ്	-	1350.56
ഡ്യൂട്ടി	-	135.04
മീറ്റർ റന്റ്	-	13.67
മീറ്ററിന്റെ CGST	-	1.24
മീറ്ററിന്റെ SGST	-	1.24
ഹ്യൂയൽ സർചാർജ്	-	18.99
ഹ്യൂയൽ സർചാർജ് KSEBL	-	21.10

1716.00/-
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23/04/2024 മുതൽ 17/05/2024 വരെയുള്ള 211 യൂണിറ്റിന് താരിഫ് ഉത്തരവ് പ്രകാരം (211/25) * 30 = 253 എന്ന രീതിയിൽ പ്രതിമാസം 250 യൂണിറ്റിന് കൂടുതലായ സ്റ്റാബിൽ യൂണിറ്റിന് 6.40 രൂപ എന്ന നിരക്കിൽ ആണ് 211 യൂണിറ്റിന് 1716/- രൂപയുടെ ബില്ലി് തയ്യാറാക്കിയത് .

പരാതിക്കാരന്റെ ആവശ്യം 23/04/2024 മുതൽ 17/05/2024 വരെയുള്ള ദിവസത്തെ യൂണിറ്റായ 211 ന് മാത്രമായി ബില്ലി് നൽകണമെന്നാണ്. ഒരു മാസത്തെ ഉപയോഗം കണക്കിലാക്കിയാണ് യൂണിറ്റിന്റെ തുക നിശ്ചയിച്ചിരിക്കുന്നതിനാൽ അത്തരത്തിൽ ബില്ലി് കുറവ് ചെയ്ത് നൽകാൻ നിർവാഹമില്ലാത്തതാകുന്നു. ബഹുമാനപ്പെട്ട ദക്ഷിണമേഖല ഉപഭോക്തൃ പ്രശ്ന പരിഹാര ഫോറം OP NO: 53/2024 ന്റെ ഉത്തരവിൻ പ്രകാരം 30 ദിവസം കണക്കാക്കി ബില്ലി് നൽകിയത് ശരി വച്ചിട്ടുള്ളതുമാണ്. മേൽ വിവരിച്ചതിൽ നിന്നും കേരള ഇലക്ട്രിസിറ്റി റെഗുലേറ്ററി കമ്മീഷന്റെ അംഗീകാരത്തോടെ ബോർഡ് ഉത്തരവിൻ പ്രകാരമുള്ള തുക മാത്രമേ ഈടാക്കിയിട്ടുള്ളതെന്ന് കാണാൻ സാധിക്കും ആയതിനാൽ മേൽ

റിപ്പോർട്ടുകളുടെയും യഥാർത്ഥ വസ്തുതകളുടെ അടിസ്ഥാനത്തിൽ പരാതി നിരസിച്ചു ഉത്തരവുണ്ടാകാനുള്ള നടപടി ബഹുമാനപ്പെട്ട ഓംബുഡ്സ്മാൻ സ്വീകരിക്കണമെന്ന് അപേക്ഷിക്കുന്നു. മേൽ വിവരിച്ച കാര്യങ്ങൾ എന്റെ അറിവിലും വിശ്വാസത്തിലും സത്യമാണെന്ന് ബോധിപ്പിക്കുന്നു.

Analysis and findings

The hearing of the case was conducted on 21/12/2024 at 04:00 p.m. in the KSEBL, IB, Paruthippara, Thiruvananthapuram(Dist.). The hearing was attended by the appellant Sri.K. Sreekumar Warriar, and the respondent Sri.P.Anilkumar, Assistant Executive Engineer, Electrical Sub Division, KSEBL, Poojappura, Thiruvananthapuram(Dist.)

The complaint of the appellant is charging on flat rate tariff instead of telescopic tariff. The appellant is the LT 3 phase domestic consumer. He had installed a 3 KW roof top solar plant and was connected to the grid only on 17/05/2024 after repeated follow up. The delay in connecting the Solar plant was due to the non availability of net meters. The appellant states that there is 2 month delay for connecting the solar plant and he has lost energy for two month. As per the statements of the respondent it is stated that the appellant has paid the registration fees of Rs. 3540/- on 06/04/2024 and submitted the completion report on 07/05/2024. The meter was sanctioned on 13/05/2024 and meter collected from the store on 15/05/2024 and the solar plant was connected on 17/05/2024. The Executive Engineer, Electrical Division, Thiruvananthapuram also agreed that there was a delay in connecting the solar panel to the grid. The appellant had mentioned that there was a delay of 2 months for connecting solar plant and finally it could get connected only on sending complaints to higher level etc. He also stated that he had lost solar energy for two months at the average rate of production of 16 units as this period was in peak summer. If the average production is calculated at the rate of 14 units per day the loss for two months will be .840 units and as per the rate fixed by KSERC @Rs.3.15 the total financial loss will be 2646/-. Other wise the amount paid to the Licensee as the power charges for two months would have been saved by him.

The 3 phase meter which was installed on 15/06/2002 was working perfectly and power charges are calculated based on the readings of this meter. The last reading of full two months was taken on 22/04/2024. The solar panel was connected on 17/05/2024 and then the consumption for a period from 23/11/2024 to 17/05/2024 was taken which was 211 units. The licensee has calculated the units if the reading would have been taken on 22/05/2024 as 253 units ie. $211/25 * 30 = 253.2$. The appellant is contenting this type of calculation in deciding the tariff applicable. Here the Licensee has applied non Telescopic or flat tariff for the 211 units as the monthly consumption calculated was above 250 units. Whether this calculation is correct or not? Here the meter was working the consumption from the grid was stopped by the consumer on 17/05/2024 or he has

availed the power from the Licensee only 25 days. If he would have limited his consumption for further 5 days by shutting of the Electrical loads to limit his consumption within the telescopic tariff, then the telescopic tariff only would have been applied. The respondent has failed to submit any document justify their method of calculation. The Licensee has failed to connect the solar in time at the same time applied the non telescopic tariff for the units actually consumed was well within 250 units. The consumers complaint is seen to be genuine as he has suffered loss in non connecting the solar plant in time and then applying the higher tariff on arriving a hypothetical value of consumption.

Decision

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. As there was considerable delay from the Licensee in connecting the solar plant to the grid then the Licensee shall charge only for 211 units as the consumption for the month in telescopic tariff.
2. The Licensee has to revise the bill as per decision (1) above and refund the excess amount levied.
3. No other costs sanctioned.

ELECTRICITY OMBUDSMAN

No. P/081/2024/_____ dated: 21/01/2025.

Delivered to:

1. Sri.K.Sreekumar Warriar, Omkara, D-73/11.Dhanalakshmi Lane, Sreechitranagar, Karavila Rd, Pangode, Thirumala P.O, Thiruvananthapuram(DT) - 695006
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Poojappura, Thiruvananthapuram (Dist.)

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, 2nd Floor Vydhyuthi Bhavanam, KSE Board, Kottarakkara - 691506