

THE STATE ELECTRICITY OMBUDSMAN

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Review Petition No. RP/05/2025 (Present A. Chandrakumaran Nair) Dated: 13-08-2025

Review Appellant : The Assistant Executive Engineer,
Kerala State Electricity Board Ltd.,
Electrical Circle,
Perinthalmanna, Malappuram DT.

Review Respondent : Shri. Shamsudheen A.M
Arangath House
Kongad, Palakkad Dist.,

ORDER

Background of the case

This review petition was filed by the Respondent of the appeal petition P/028/2024, the Assistant Executive Engineer, Electrical Sub Division, Perinthalmanna, Palakkad. The appeal petition P/028/2024 was filed by Shri. Shamsudheen A.M who is a prosumer with the Licensee having two connections one in Electrical Section, Kongad another in Electrical Section, Angadipuram. The consumer had installed solar plant in both the service connection. He had requested the Licensee to sanction the wheeling facility to wheel the excess energy produced in Angadipuram Plant to use in Kongad premises. Though the application was submitted on 17/05/2023, the sanction was accorded on 27/10/2023 only. There was a delay of 5 months for processing the wheeling facility. The KSERC (Renewable Energy and Net Metering) regulation 2020, the regulation 17(3) states that if a consumer opt for wheeling energy to the another premises owned by him, the wheeling facility is to be sanctioned within 7 calendar days. The order of Ombudsman on P/028/2024 states that the Licensee has settled the financial aspect of the wheeling facility with effect from 01/08/2023. Then there was a delay of 68 days in implementing the regulation accordingly the penalty of Rs. 34,000/- is payable by the Licensee. The Licensee in the review petition stated that the wheeling of energy has been adjusted financially with effect

from the date of application as such the Licensee is to be exempted from the penalty.

Maintainability of Review Petition

The KSERC (CGRF and Electricity Ombudsman) Regulation 2023, regulation 46 describes about the power to review by the Electricity Ombudsman.

46(1). *The Electricity Ombudsman may, either on its own motion or on an application of any person aggrieved by an order, review its order on the following grounds, namely:-*

(i) on the discovery of a new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him;

(ii) mistake or error apparent on the face of the record.

46 (2) *An application under clause (1) shall be filed within a period of fifteen days from the date of receipt of the order: Provided that the Electricity Ombudsman may entertain an application after the expiry of the said period of fifteen days, if it is satisfied that the applicant had sufficient cause for not preferring the review within such period.*

46 (3) *If on preliminary examination of the application, if the Electricity Ombudsman found that there is no sufficient ground for review, it shall reject the application after giving an opportunity of being heard to the applicant.*

The review petition would have been submitted within 15 days of the receipt of the order. Here this review petition have been submitted after 338 days. The reason for the delay explained by the review appellant is that the delay in getting the approval from the higher level officers of the Licensee. This is not a proper reason for the delay. The Licensee is bound to comply with the regulations of the commission in full spirit including the time line. Then the review petition is to be considered based on the discovery of new and important matter or any error or mistake apparent on the face of the record. Here the review appellant stated that the wheeling effect have been adjusted with effect from 05/2023. This is to be examined in detail as such the review petition is maintainable.

Arguments of the Review Appellant

The respondent /appellant Shri. Shamsudheen is a prosumer with the Licensee (KSEBL) having two connections one in Electrical Section Kongad and another in Electrical Section Angadipuram. The respondent / appellant had installed solar plant of 3.32 KW at Kongad and 4.3 KW at Angadippuram. The respondent/appellant has applied to the Licensee to wheel the excess energy produced in the Angadippuram plant to use in the Kongad Service Connection. The licensee had delayed then sanctioning of the same stating that there is no provision in the 'Orumanet' software to

wheel the energy from a prosumer to another premises of the same consumer who is registered as a prosumer. The electrical section officials had taken up to higher level to get approval for permitting the wheeling of prosumer to prosumer. This process got cleared only after 5 months. The application submitted on 17.05.2023 and it had cleared on 27.10.2023. The licensee has corrected the bill allowing the wheeling with effect from 05/2023. The respondent/appellant was aggrieved by the delayed action of the Licensee and demanded compensation as per regulation. The respondent/appellant filed petition before CGRF and CGRF issued order on 20.03.2024 after completing the procedures. Aggrieved by the decision of CGRF, the appeal petition is filed to this Authority.

This hon'ble Authority had taken the following decision on 15.07.2024

- i) The Licensee has make necessary changes in the software to accommodate the regulatory requirements.
- ii) Till the happening of the software updations, the officers of the licensee (Section or Sub Division) are to be delegated with authority for manual correction.
- iii) The Licensee is liable to bear the penalty of Rs.34,000/-

The appellant herein had filed statement of facts for this Hon'ble Authority contending as stated below:

(1) Respondent/appellant had submitted a request to AE, ES Angadippuram for wheeling the excess energy generated from solar plant at Angadippuram attached to Con. No. 1167483023023 to the premises with Consumer No.1165232026044 under ES Kongad.

(2) There was no provision in the billing software ORUMA NET to wheel excess energy of a prosumer to any premises in the name of the very same person, if that premises too was registered as a prosumer. The provision in the billing software was for wheeling by a prosumer to any other consumer number/numbers in the name of the very same person, if that premises was not registered as a prosumer.

(3) In the mean time AE, ES Angadippuram sought clarification/direction from higher ups to wheel the excess energy of one prosumer to other premises in the name of the very same prosumer and got permission from higher officers to wheel the excess energy manually till software updated in this regard.

(4) The above process took 5 months time and the prosumer has already availed the entire benefit of wheeling and previous bills with effect from the date of the request and the entire financial benefit granted to the valued prosumer

(5) This Hon'ble authority on the analysis and findings found that there was 5 months delay in sanctioning the wheeling facility i.e. on 27.10.2023. the Licensee had adjusted the bills considering the wheeling with effect from August, 2023 even then there was 3 months delay in permitting the The Hon'ble Authority on the analysis and findings wheeling facility. further observed that the application is submitted on 17.05.2024. Then the permission would have granted within 24.05.2024. Then the wheeling was effective to the appellant only on 01.08.2023 onwards. Then the delay happened is 68 days.

(6) This Hon'ble Authority had fixed the timeline as per Regulation 17(3) of the KSERC(Renewable Energy and net metering) Regulation 2020. This Hon'ble Authority had fixed the penalty of Rs.500/- per day as per Regulation 62 of the aforesaid Regulation, 2020. The penalty is fixed to the Licensee for the aforesaid 68 days.

(7) The Assistant Executive Engineer had written letter to the Executive Engineer, Electrical Division, Perinthalmanna seeking clarification regarding the application of the respondent for wheeling the excess unit of prosumer to another prosumer as there is no provision in the billing software ORUMANET to wheel the excess energy from prosumer to prosumer. The Executive Engineer, Perinthalmanna had sought clarification from the Chief Engineer, Distribution north to issue necessary direction to proceed further in the application submitted by the respondent. The Chief Engineer, Distribution north had sought clarification from the Chief Engineer (IT and CR), Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram requesting to make necessary provision in the ORUMANET software to address the grievance of the respondent. Thereafter, the Assistant Engineer, Angadippuram got permission from the higher official to wheel the excess energy manually till the software is updated. The aforesaid facts were intimated to the respondent in time. Accordingly, the entire benefit of wheeling with effect from the date of application i.e. with effect from May, 2023 has been granted to the respondent - prosumer.

(7) The delay in allowing the benefit of wheeling was cost due to the technical limitation in the ORUMANET software as there was no provision for prosumer to prosumer wheeling. The wheeling benefit was granted to the respondent /prosumer retrospectively with effect from May 2023. The report of the revised bill against the consumer No. 1165232026044 of Electrical Section, Kongad, the collection history (excluding non posted payments, and the bill revision demand for the month of May, June, July, August and the calculation sheet - details of unit transferred from Angadippuram Section to Kongad is produced herewith along with this review petition for consideration.

(8) There was no intentional delay in allowing the benefit of wheeling excess energy on the part of the officials of Kerala State Electricity Board Limited. The respondent did not support any financial loss, as the wheeling benefit was granted to the respondent retrospectively from May, 2023 ie the date of application. The failure to comply the time line as per regulation 17(3) was

the reason which was beyond the control of the officials of the Licensee as the concerned official was not able to take a decision of his own without getting the permission from the higher officials to wheel the excess energy manually till the ORUMANET software is updated. The time taken in processing the application has to be exempted as there is reasonable explanation on the part of the licensee.

(9) The appellant had submitted statement of facts in the appeal and had specifically stated therein that the entire benefit of wheeling has been granted with effect from the date of request. In the analysis and findings of the order, this Hon'ble Authority had found the Licensee had adjusted the bills considering the wheeling with effect from August, 2023 and the delay of 68 days was calculated as the wheeling was effective on 01.08.2023. In fact, the wheeling was effective from May, 2023 onwards and hence there was no delay on the part of the licensee. Hence there was an error apparent on the face of record.

(10) Hence this review petition is filed to review the order that the licensee shall bear the penalty of Rs 34,000/-. If the review petition is not allowed, the appellant will be put to irreparable injury and loss. Therefore, it is humbly prayed that this Hon'ble Authority may review the order dated 15.07.2024 that the Licensee is liable to bear the penalty of Rs. 34,000/-.

Arguments of the Review Respondent

The Petitioner is aggrieved by the inaction of the Respondent Licensee (KSEB) on the complaint filed before them. The complaint was relating to the wheeling of excess units of Solar power generated at the Petitioner's own residential house situated at Angadipuram (Malappuram Dist) to another residential house at Kongad, Palakkad Dist. No decisions was taken on the Request of the Petitioner until the Petitioner approached the CGRF. Non compliance of the Regulation 17 of the KSERC (Renewable Energy & Net Metering) Regulation, 2020 dated 07.02.2020, by the competent authorities of Licensee, caused wastage of time, money and effort to the Petitioner. The Licensee KSEB neither acted upon the request of the Petitioner nor shown minimum courtesy to resolve the issue until the Petitioner filed complaint before the Hon'ble CGRF. The above inaction of the respondent caused immense humiliation, harassment and loss of money to the Petitioner compelling to run to the different levels of offices ie. from Section Office, Division Offices, Circle Offices and at last HQ and all the efforts were ended up in vein. Hence the Petitioner approached the Hon'ble CGRF.

The Hon'ble CGRF in its orders under appeal rightly ratified all the contentions raised by the Petitioner except the demand for compensation to the Petitioner. The Hon'ble CGRF rightly pointed out the laxity of the Licensee KSEB and the sufferings by the Petitioner, but failed to appreciate the claim for compensation of the petitioner merely on technical grounds.

However, as a result of the legal action initiated by the RP Respondent i.e. the undersigned, has got resolved all the issues with the Review Petitioner i.e. Licensee KSEB Ltd., except the claim of compensation. As far as the present Review Petitions are concerned, the RP Respondent has nothing to offer new things and the prayer is to decide the matter on merit according to law.

Analysis and findings

Hearing of this review petition was conducted on 07/08/2024 at 02:30pm in the O/o State Electricity Ombudsman, DH Road & Foreshore Road Jn Ernakulam (dt). The hearing was attended by the review appellant Sri. Mohammed Rafeeq.C the Assistant Exe. Engineer, Electrical Sub Division, Perinthalmanna, Malappuram and Adv. Jaison Joseph. The review respondent was not attended the hearing.

The review respondent of this review petition and the appellant of the appeal petition P/028/2024 have two connections in Kongad Section and Angadippuram Section and also installed solar plants in both the connections. The solar production in Angadipuram was higher than the consumption, and hence he requested for wheeling the excess energy to his Kongad premises. The application was submitted on 05/2023 and sanction accorded on 10/2023 which is after 5 months. The reason for the delay in sanctioning the wheeling facility are (1) Regulation is not clear of wheeling of energy from prosumer to prosumer (2) The billing software is not having the provision to enter the data (3) Requirement of higher level permission for correcting the data manually. The KSERC regulation (Renewable Energy and Net Metering) 2020, was clearly explained about the wheeling facility.

17.(1)*The prosumer shall have the right for wheeling the excess electricity during a billing period to another premises owned by him within the area of supply of the distribution licensee subject to the following conditions:-*

- (i) the right of wheeling and consumption of excess electricity shall be available to the prosumer irrespective of the category of tariff in the other premises;*
- (ii) such right for wheeling the excess electricity shall be available for the use in his second premises only after the prosumer meets his full demand in the premises, where the electricity is generated using renewable energy system;*
- (iii) The quantum of excess electricity wheeled shall be calculated based on sub-Regulation (5) below and accounted in subsequent bills of the other premise.*

17.(3) *The licensee shall after due verification of the application submitted under sub-Regulation (2) above and after satisfying about its genuineness, grant the permission to use the excess electricity in such other premises owned by the prosumer, within 7 calendar days of receipt of the application.*

Here the Licensee has granted permission for wheeling only after 5 months. Initially it was explained that the wheeling adjustments have been done retrospectively with effect from 08/2023. In the review petition the Licensee have explained that the wheeling adjustment have been done from the date of application onwards, which is effective from 05/2023. Then the prosumer has not suffered any financial losses due to the delay in sanctioning the facility. However there is delay in complying the regulation which attracts penalty to the Licensee. The review appellant had produced the statements showing the wheeling adjustment retrospectively.

The review appellant's request is that this was the new concept and implemented first time. The procedural delay in implementing this regulation was to get the hierarchical approval. However the Licensee has adjusted the bills so that the prosumer has not faced any financial losses. As this is the first instance from the side of the Licensee, the Licensee could be exempted from the penalty.

There was a delay in issuing the order for this review petition by Ombudsman because of the delay in submission of statements by the review respondent.

Decision

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

The **decision (3)** in the Order of P/028/2024 is reviewed as follow.

(3) The Licensee is exempted from the penalty, however the Licensee has to device the official mechanism for the strict adherence of the regulations.

ELECTRICITY OMBUDSMAN

No. RP/05/2025/ dated: 13-08-2025

Delivered to:

1. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Perinthalmanna, Malappuram Dist.
2. Sri. Shamsudheen A.M., Arangath House, Kongad, Palakkad Dist-678631.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.