

THE STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No. P/038/2025 (Present A. Chandrakumaran Nair) Dated: 28-07-2025

Appellant : Sri.P.K Gopinathan.
Pillaveetil, Kadayil Veedu
Koonthalloor, Chirayankeezhu P.O,
Thiruvananthapuram(Dist.)

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

ORDER

Background of the case

The appellant Shri. P.K Gopinathan is a domestic consumer with consumer no. 1145297009161. The connection is in LT three phase under the Electrical Section Chirayinkeezhu, with connected load 7.280 KW. The connection was initially in the name of his wife Smt.Leena and then transferred to the appellant. The appellant had installed a roof top solar with capacity 10KW and connected to the Licensee's grid on 2021. Consumer who was billed bimonthly has been changed to monthly billing as the appellant has become a prosumer. Before April 2024, the domestic consumption did not exceed the generation in the solar plant. The appellant is demanding that the payment for excess energy imported to the Grid is to be settled by the Licensee in the same way of they are collecting the energy charges from the consumer. The payment for the excess supplied is not settled in time and making the payments after the delay of many months without interest. In May 2024, the consumption was higher the production in solar plant and the Licensee has realized Rs.11056/- from him. There was banked energy around 6000 units with the Licensee for a period from 01/04/2023 to 31/03/2024, which was un paid while billing during May 2024. The appellant is requesting for the release of excess amount charged for 05/2024 as well as interest for the delayed payment for the banked

energy. The appellant had filed the petition to the CGRF and CGRF issued order on 14/03/2024 stating that the petitioner is liable to remit the charges as billed by the Licensee. Aggrieved by the decision of CGRF, this appeal petition is filed to this authority.

Arguments of the Appellant

The reference cited 1st is installed in the house owned by my wife the late Leena MP. 10 kilowatt roof top solar panels had been installed in the house in 2021. In all the months since its inception except in April 2024 the Solar panels generated excess electricity than needed and the balance el. energy after utilization was used to transmit to the grid of KSEB. On the 5th of April 2024 the sad demise of my wife was occurred and we had to consume more electricity in April 2024. And it was recorded in the meter as 1698 units and the Export was calculated to be 630 Units for that time. The difference was seemed to be 1068 Units by the KSEBL.

In 2021 when the solar panels were installed the time of settlement was made in September. As the settlement period was between October 1 to September 30th there were sufficient banked units of electricity (for 6 months) in reserve in our account during April and May 2024. And it was allowed to be used the excess electricity by the consumer on the succeeding month as per the standing instruction of the KSE Board. But when the bill was served a claim for Rs 11056/- (Eleven thousand and fifty six rupees only) was seen made on it and the meter reader was not in a position to give me a clear answer about the discrepancy. So I had contacted the officer who was occupying the billing section in the KSEB section office Chirayinkil. And had made clear to him by citing a publication dated 09-09-2016 set by Mr. Rajthilakan M.G the secretary administration in which he had brought out for the public that "the evaluation of the utilization and the production of electricity from the solar panel would be made on every September 30th and when transmission is higher than the consumption the consumer need not have to pay the charge. And the excess electricity could be used for the next month (Para 16)". He told me that though there was excess units that had been banked in the credit of the consumer number refereed 1st above it had been made zero in March 2024 by the KSEBL in order to make payment to the consumer. And as such there is no balance unit remains in the credit of Though I had tried to convince him that the funds for the banked units which had fell due on March 31 was not paid to me till that date and he was seemed to be helpless in the issue.

And I would like to bring to your attention that the charge for the transmitted electricity from our consumer number to the grid till March 2024 is not disbursed to us so far. The KSEBL used to credit the charge of the banked units to our joint account (of the family members) in IOB Sarkara branch in all these years. I may like to bring your attention that in

April 2024 when there was sufficient units of electrical energy was remaining in the credit of the consumer number shown above the KSEBL had done the injustice to us by charging 630 units at an exorbitant rate. As no payment was made towards the transmitted electrical for 5 months it may be treated as remaining with the consumer. More over no payment is given for the received energy from the consumer every month.

And it is requested that you may interfere in this matter by reassessing the sum by re calculating the bill and to do justice to us. The late Leena MP and I had two daughters as the heirs of my wife apart from me and they had given me a power of attorney to do whatever needed to protect the interests of the house. If required the copy of death certificate, heir ship certificate and the power of attorney would be produced. The complainant wish to reiterate that the bills issued by the KSEBL would show that before or after April 2024 the domestic consumption did not exceed the generation in the solar panel established in the consumer No 1145297009161. The KSEBL is used to collect from consumers the charge of the electrical energy supplied to them either monthly or bimonthly. As such the KSEBL is bound legally and ethically to adopt the same method towards the prosumer in the matter of In this case the excess payment of charge for the energy received by them. electricity generated by me from April 2023 to March 2024 was received by the KSEBL to its grid then and there and payment was given only on 5th September 2024. And from May 2024 to 31 August the el. energy sent to the grid from my solar panel had exceeded the quotient that had been received from the KSEBL in April 2024.

The KSEBL used to levy heavy interest/fine from their consumers for their inability in making the payment in time. But the KSEBL had at no time paid me any interest for their delayed payment. I was able to sell more than 5000 units of electrical energy in every year to the KSEBL. In May 2024 the KSEBL demanded and realized from me an amount of Rs 11056/- when my panel generated El. energy about 6000 units which was later on calculated for an amount of Rs 18182/- was remaining with it unpaid from the period 01-04-2023 to 31-03-2024. So long as the electricity generated by the prosumer is remaining with the KSEBL unpaid it must have considered to be under the possession of the prosumer. And when the excess consumption of energy was calculated in April 2024 the KSEBL should have set off it from the outstanding energy existing with it in my credit. It is most humbly submitted that the charge levied by the KSEBL from me is excess and the honorable authority may be pleased to order the KSEBL to pay back the excess charge collected from me in the interest of justice.

Arguments of the Respondent

Sri. Gopinathan P K is a domestic LT three phase consumer under Electrical Section Chirayinkeezhu, bearing consumer number: 1145297009161, with a connected load of 7280 watts. The consumer has installed a solar power generator of capacity 10kW and connected to KSEBL Grid from 2021 onward. The solar plant is installed under Soura Model 2 subsidy scheme, and thereafter the the petitioner was brought under monthly billing.

In the KSERC order dated 23.02.2023 on APPC of KSEBL, the KSERC ordered that the settlement period of all the prosumers and captive consumers in the state, irrespective of their date of installation, shall be from 1st day of April in a Georgian calendar year to the 31st day of March in the next calendar year. Based on this KSEBL has issued Board Order FTD 144/2023/KSEB /trac/AEE/68 dated 23.03.2023 for changing the settlement period. The billing software of KSEB, Orumanet was also changed accordingly. Based on the above order, the settlement period of the prosumers in the electrical section also changed to 1st April onward. As on 31.03.2024 (end of settlement period 2023-24), the banked balance in kWh stood at 5,772 units in the account of the consumer. As mandated under RE Regulation 21(5), this balance was settled at the APPC rate of 3.15/kWh (approved vide KSERC Order dated 28.06.2024) on 31.07.2024. (In the year 2024, the average power purchase cost approved by the commission is as per the KSERC order dated 28.06.204 in the mater of truing up of accounts of M/s KSEBL for the FY 2022-23 .Vide order dated KSEBL/TRAC/CG/Pooled Cost/2024-25/13 of 04.07.2024. The same has been immediately implemented by the KSEBL).Hence for the year 2024 the settlement period of the consumer has from 01.04.2024 to 31.03.2025. From 01.04.2024 (new settlement period), the banked balance was rightfully reset to zero as per RE Regulation.

(Kerala State Electricity Regulatory Commission (Renewable Energy and Net Metering) Regulations, 2020) *Banking facility for prosumers*:-

Regulation 20. (1) *In case the energy jected by the prosumer from his renewable energy system exceeds the energy consumed by him from the distribution licensee during the billing period, such excess energy is allowed to be banked with the distribution licensee and to be carried forward to the subsequent billing periods of the settlement period.*

As per Regulation 20(1) of KSERC RE Regulations 2020 *"Excess energy banked with the distribution licensee shall be carried forward only to subsequent billing periods within the same settlement period (1st April to 31st March)."*

31st March 2024: End of settlement period 2023-24 → Banked balance: 5,772 units.

1st April 2024: Commencement of new settlement period (2024-25)→ Statutory reset of banked units to ZERO as per:

- KSERC Order dt. 23.02.2023 (Uniform settlement period)
- Board Order FTD 144/2023 dt. 23.03.2023 (Implementation directive)

From 01.04.2024, the consumer started with nil banked energy -

April 2024 Energy Accounting of the Consumer

(May 2024 Bill reflecting April usage)

Parameter	Units (kWh)	Source
Import from the Grid	1698	KSEBL Supply
Solar Export	630	Consumer's solar plant
Net Consumption	1068	(Import-Export) from the KSEBL supply

Regulation 21(3)(ii):

"When grid supply > solar export in any billing period, the prosumer shall be billed for net consumption after adjusting prior banked units."

Bank Adjustment:

- ◆ As of 01.04.2024, banked balance = 0 units
- ◆ No prior banked energy available for adjustment

Net Consumption Calculation:

Units payable = Import (1,698) - Export (630) - Banked balance (0)
= 1,068 units

Consumer must pay for 1,068 units at prevailing tariffs as no carry-forward energy existed.

Regulation 21(3)(ii) imposes strict liability on prosumers to pay for net grid consumption when:

- (i) Current export < current import, AND
- (ii) No banked units exist in the same settlement period

1,068 units consumed from grid represent unavoidable liability because:

1. Solar generation (630 units) was insufficient to meet April demand
2. Zero banked units were available post-regulatory reset
3. No provision in KSERC regulations permits borrowing from previous settlement cycles

Allegation: *"KSEBL should have used previous year's banked units for April billing"*

1. Regulatory Barrier:

Regulation 20(1) prohibits cross-cycle banking:

"Banking facility is confined to the current settlement period only."

5,772 units (2023-24) were extinguished by operation of law. on 31.03.2024.

2. Settlement Finality:

The 3.15/kWh payment (dt. 31.07.2024) for 5,772 units constituted full and final settlement for 2023-24, closing all obligations.

Kerala State Electricity Regulatory Commission (Renewable Energy and Net Metering) Regulations, 2020, Regln 21. Net metering, Energy Accounting, Banking and Settlement.- **Sub regln(3)**

(ii) In case the electricity supplied by the distribution licensee during any billing period exceeds the electricity injected in to the grid by the prosumer from his renewable energy system, the distribution licensee shall raise a bill for the net electricity consumption at the prevailing tariff, after adjusting any excess electricity banked from the previous billing period;

Kerala State Electricity Regulatory Commission (Renewable Energy and Net Metering) Regulations, 2020 Regulation 21, **Sub regulation(5),**

(5) The licensee shall pay to the prosumer for the net electricity balance in his account at the end of the settlement period, at the Average Power Purchase Cost (APPC) approved by the Commission.

The excess energy units as on 31.03.2024 were set aside in Orumanet software for payment to the consumer for the net electricity balance in her/his account at the average power purchase cost(APPC) approved by the commission. The same has been processed and credited to his account without delay, after getting the approval for average power purchase cost(APPC) from the commission. The connection was earlier in the name of Late Smt. Leena MP, Sri P K Gopinathan, her husband, at first failed to produce the details of bank account to which the amount to be refunded.

Form the table itself it is evident that the banked 5772.000 units @ Rs.3.15 per unit for SPIN 452900035 for assessment year 2024 passed on 31-07-2024 in Orumanet software.

The consumer's liability arises from actual consumption patterns and statutory constraints, not KSEBL discretion.

Based on the facts explained, it is evident that the opposite party has acted by the law and there was no deficiency Therefore, it is humbly prayed that this Hon'ble forum may be pleased to dismiss the complaint as devoid of merit; and with the cost of the appellant.

Counter Arguments of the appellant

As per the pre amended regulation till 01-08-2022 the KSEBL was bound to provide the cost of the electricity to the prosumer that had been banked to the grid by him on the end of the settlement period that begins on 1 October and ends by 30th of next September. The amendment was made by the Kerala State Electricity Regulatory Commission on notifying it in the Kerala gazette Vol. XI No 2381 dated 18th July 2022. By the amendment the yearly settlement period was changed to the 1st of April to 31st of March in the next year. And as per the regulation No 2 of it the amendment would come in to effect only from 01-08-2022 and it was enacted without any retrospective effect.. And the same regulation suggested that in case the KSEBL fail to make the payment within one month from the date fixed for the final settlement the KSEBL is bound to give interest at the rate of FBIL(Financial Benchmarks India Private Limited.) rate +200 points to the prosumer.

In our case the KSEB did neither made payment in time during the entire period since the inception of the solar panel in July 2021 nor gave interest for the delayed period as proposed by the KSERC. The result was that the KSEBL amassed financial gain causing the same amount of loss to the prosumer unreasonably. The prosumer had a joint family account in the IOB Sarkara Branch and the Ex.Engineer, Asst. Ex.Engineer and the Asst. Engineers were conveyed the details of that Bank account to transfer the incentive one month before the first payment was made by them.

The table below may make clear the transaction made by the KSEBL.

From	To	rate/unit	Amount	Paid on
25-07-2021	30-09-2021	Rs.3.22/-	Rs.1158	30-05-2022
01-10-2021	01-08-2022	Rs.2.69/-	No payment	
01-10-2021	31-03-2023	"	Rs.30007/-	25-04-2023
01-04-2023	31-03-2024	Rs.3.15/-	Rs.18180/-	05-09-2024
01-04-2024	31-03-2025	not knowing	No information so far	

Apart from the above mentioned anomaly this prosumer would like to bring to the notice of the honourable authority that the demand cum disconnection notice were given by the KSEBL with claim for imbursement of charge for self generation till 2024. the KSEBL used to collect fee amounting from Rs 12.20/- to Rs 130/- as monthly duty unauthorised from prosumer for self generation during that time. Though the fixed charge is presumed to be a fixed amount the KSEBL, had demanded and collected varying amounts from Rs110/- to Rs 310/- as fixed charge monthly.

Our solar energy banking to the grid was started in July 2021. The first payment was to be done by the KSEBL in September 2021. As it was not seen done by the KSEBL my wife had given a letter to the Assistant Engineer, Electrical Section, Chirayinkil on 19-04-2022 marking copy to the A Ex E Kadakkavoor Sub Division requesting the payment specifying the bank account number of IOB Sarkara to which money had to be transferred. Thereafter on the next month an amount of Rs 1158/- was deposited by the KSEBL to the already given account number on 30-05-2022.

Thereafter on 20-10-2022 a letter was given online as well as in person to the Executive Engineer after marking copies to the A Ex E Kadkkavoor and AE Chirayinkeezhu requesting to make prompt payment avoiding further delay. The details of the Bank account was again furnished in it. Though the expected date of disbursement to the prosumer was on September 2022 no payment was made for the period from October 2021 to September 2022 then. The Executive Engineer Attingal Division had given a reply to the above letter on 02-11-2022 stating that the banked unit for 2021-22 for our consumer No 1145297009161 is 6964 and she was expecting the approval of rate for 2022-23 by the Kerala State Electricity Regulatory Commission to settle the incentive. And the amount due will be credited to our account at the earliest on receipt of the approval.As no movement was seen from the part of the KSEBL regarding the payment a letter was given again addressed to the Executive Engineer, Electrical Sub Division Attingal on 19-01-2003 reminding her the notification regarding the purchase rate of energy published in the Kerala Gazette by the KSERC on15-07- 2022. And after 3 months on 25-04-2023 the KSEBL had deposited Rs 30007/- for the period from 01-10-2021 to 31-03-2023 in the account maintained in IOB Sarkara. But failed to give any interest to compensate the delay.

I am incorporating the copies of the above mentioned letters as Exhibits. But with regard to the demand cum disconnection notices all of them except the latest for this year are not legible and unworthy to be produced. The print in them had gone faded and became illegible. The copies of all the bills may be available with the KSEBL and could have been able to be collected under RTI Act. But the time allowed to present the addenda is so short and that is why they are not attempted to be collected and presented. I am eligible to get set off for the month of April 2024 as prayed for. I am entitled to get the interest for the amount paid belatedly of the banked electricity since 2021

and to get back the money collected unauthorised by the KSEBL in the pretext of ED(Self generation), Auto recovery FS(FSM) and what ever name it be. It is most humbly prayed that this Honourable Ombudsman may please admit the pleas made by me and pass orders allowing my prayers. What is stated above are true and correct to the best of my knowledge information and belief.

Analysis and findings

The hearing of this appeal petition was conducted on 07/07/2025 at 02:30 p.m. in the KSEBL IB, Paruthippara, Thiruvananthapuram. The hearing was attended by the appellant Shri. P.K Gopinathan and the respondent, Smt. Sandhya.T.S, Assistant Executive Engineer, Electrical Sub Division, Kadakkavur, Thiruvananthapuram(Dist.)

The appellant is a prosumer having LT 3 phase domestic connection. The connection was in the name of Late Smt. Leena, his wife and then transferred to his name. The appellant had installed a 10 KW solar plant and connected to the Grid of the Licensee. The production of his solar plant was higher than his consumption and the excess energy is banked to the Grid. Main allegations raised by the appellant are below.

- (1) The Licensee is charging the prosumer on monthly basis, but the settlement of banked energy is done once in a year which is not justifiable.
- (2) The Licensee is charging fixed charges for the total energy consumed including the self generated and self used.
- (3) No interest was paid during the delayed period for the settlement of banked energy.
- (4) During the period from 01/04/2023 to 31/03/2024, the banked energy was 5772 units, which was paid only on 09/2024. But KSEB, had charged for the consumption of 1068 units. The appellant's demand is that this would have been set off from the banked energy.

These demands are to be examined in view of the regulations issued by Hon'ble KSERC. The Kerala State Electricity Regulatory Commission had issued the regulation KSERC (Renewable Energy & Net metering) Regulation 2020.

2(1)(bk) 'Settlement Period' means, the periods for the purpose of accounting of electricity from the following categories of renewable sources,- (i) from solar sources, the period from the first day of October in a Gregorian calendar year to the thirtieth day of September in the next calendar year; and (ii) from non-solar sources, the period from the first day of April in a Gregorian calendar year to the thirty first day of March in the next calendar year

20. (1) *In case the energy injected by the prosumer from his renewable energy system exceeds the energy consumed by him from the distribution licensee during the billing period, such excess energy is allowed to be banked with the distribution licensee and to be carried forward to the subsequent billing periods of the settlement period.*

21.(3)(ii) *In case the electricity supplied by the distribution licensee during any billing period exceeds the electricity injected in to the grid by the prosumer from his renewable energy system, the distribution licensee shall raise a bill for the net electricity consumption at the prevailing tariff, after adjusting any excess electricity banked from the previous billing period;*

21.(3)(iii) *In case the electricity injected by the prosumer's renewable energy system exceeds the electricity consumed from the distribution licensee during the billing period, such excess energy shall be allowed to be banked and be carried forward to the next billing period as specified under Regulation 20(1) above.*

This clearly states that the settlement of payment is to be once in a year and solar year is considered as 1st October to 30th September. Then the regulation has been amended by the KSERC (Renewable Energy and Net metering) Regulation 2022 by which the solar year or settlement period is decided as 1st April to 31st March in every year. As such his contention of settlement of payment for banked energy on monthly basis is not as per the regulation and hence not acceptable.

Then second contention on Fixed charge, the KSERC has to bring more clarity in this policy and hence the present arrangement is to be continued. Third contention is regarding the interest payable for delayed settlement of banked energy charges. The KSERC (Renewable energy and Net metering) Regulation 2022, the regulation states as below.

21.(5) *The licensee shall pay to the prosumer for the net electricity balance in his account at the end of the settlement period, at the Average Power Purchase Cost (APPC) approved by the Commission; Provided that, in case of delay in payment of the net amount due to the prosumer beyond 30 days from the settlement date, the licensee shall pay interest to the prosumer at the FBIL rate +200 base points prevailing on 1st April of the settlement year.*

As per this the regulation the Licensee has to pay the interest for the delayed payment.

The fourth demand is charging for the consumption during May 2024, which a banking energy of 5772 units is with the Licensee which was not paid. As per the regulation what ever balance as on 31st March will be accounted for payment and on 1st April, the banked energy will be zero.

There was a delay in making the payment, but the accounting has been done. As such the bill raised by the Licensee is in Order.

Here in this case, it is noticed that the Licensee has not released the payment of banked energy as stipulated by the regulation.

Period		Rate	Amount	Paid on	Delay
From	To	3.22	1158	30/05/22	7 months
25/07/21	30/09/21				
01/10/21	01/08/21	2.69	30,007	25/04/23	Out of this. Rs. 18,733.16 is delayed for 7 months.
01/08/22	31/03/23	3.15			
01/04/24	31/03/25		No information		

From the above

the payment of Rs.1158 and Rs. 18,733.16 (6964 units * 2.69) for 7 months. The appellant is eligible for the interest as per the regulation.

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. The appellant is liable to pay the energy charges for the month of May 2024 as demanded by the Licensee.
2. The settlement of banking energy is as per the regulation.
3. The present arrangement charging of fixed charge will continue till a decision is taken by the Honb'le KSERC.

4. The Licensee has to pay the interest for the delayed payment of banked energy. This is to be executed within one month.
5. No other charges allowed.

ELECTRICITY OMBUDSMAN

No. P/038/2025/_____ dated: 28-07-2025 .

Delivered to:

1. Sri.P.K Gopinathan, Pillaveettil Kadayil Veedu, Koonthallor, Chirayinkeezhu, Thiruvananthapuram (dt)
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Kilimanoor, Thiruvananthapuram.

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, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.