

THE STATE ELECTRICITY OMBUDSMAN

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Ernakulam, Kerala-682 016

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Appeal Petition No. P/046/2023 (Present A. Chandrakumaran Nair) Dated: November-16-2023

Appellant : Smt. Mallika Subramannian,
Vareyath Parambil, Perumpilly P.O.,
Block Road, Mulamthuruthy,
Ernakulam.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
Kerala State Electricity Board Ltd.,
Chottanikkara, Ernakulam.

ORDER

Background of the case

The appellant is a consumer of the licensee (KSEBL) under the Mulanthuruthi Section. The licensee has initiated the Soura phase 1 project for promoting the roof top solar panels in the roof tops of the consumer. The appellant has availed this facility and KSEBL installed 10kw solar panels on her roof top. There are three models proposed out of which in model 1 & II the capital cost is met by KSEB. For the Model III the capital cost is to be met by the consumer. In Model I, 10% of the energy produced will be for the consumer and the same will be adjusted in the bill. In Model II, the consumer will be billed on a reduced rate. The appellant opted model II and KSEB wrongly billed to her considering 25% of the production to the consumer. Later, the consumer requested to change into the Model I. Then the officials of the licensee found out that they have billed wrongly to the consumer and a short assessment bill was raised. The consumer disputed the short assessment bill and filed case to the CGRF Central zone. CGRF issued order dated 14/08/2023 stating that the appellant is liable to pay the short assessment bill. Aggrieved by the above decision, this appeal petition is filed to the Electricity Ombudsman.

Arguments of the Appellant

1. I am writing this formal complaint letter to bring to your attention an issue I have encountered with the billing system of KSEB Mulanthuruthy. As a valued customer with Consumer No. 1157488007583, I have always strived to fulfill my financial obligations promptly and diligently. However, I have recently been confronted with an arrear amount assessment that I believe to be unjust and erroneous.
2. First and foremost, I would like to clarify that I have faithfully paid the entirety of my energy consumption bills up until November 2022, in accordance with the periodic bills provided by KSEB Mulanthuruthy. It is important to note that these bills, for the period subsequent to the installation of the Purapuram Solar Project at my rooftop in May 2021, lacked essential details pertaining to energy consumption and calculations. The absence of such crucial information made it exceedingly difficult for me to accurately monitor my energy consumption and the corresponding bill amount. The sample bill for your reference exemplifies the lack of consumption units and other relevant details.
3. To my surprise and disappointment, the bill I received for the month of December 2022 included an arrear amount of Rs. 6000, attributed to a calculation mistake that occurred on the part of KSEB Mulanthuruthy dating back to 2021. I believe that this error was beyond my control, and it is unjust for me to bear the financial burden resulting from the miscalculations made by KSEB.

I initially approached the Mulanthuruthy KSEB office with my grievance, and I subsequently lodged a formal complaint with the KSEB Consumer Grievance Forum. Both these interactions were documented, and I have attached the responses received from both entities for your reference. Upon reviewing the responses provided, it is evident that my concerns have not been adequately addressed, and the issue remains unresolved.

4. Therefore, I kindly request that you thoroughly investigate the matter and rectify the situation promptly. It is my sincere expectation that you waive the aforementioned arrear amount generated due to the errors made by KSEB Mulanthuruthy. As a responsible and conscientious consumer, I have adhered to my payment obligations and trust that you will uphold your commitment to providing accurate and transparent billing services.

I appreciate your attention to this matter and anticipate a swift resolution that is both fair and just. Kindly acknowledge the receipt of this complaint letter and keep me informed about the progress of your investigation and actions taken to address my concerns.

Arguments of the Respondent

1. KSEBL commissioned the 10 kW solar plant in the premises of the consumer on 16.07.2021 in the Soura Model II scheme. The consumer submitted an application and agreement to change Soura model II to model I on 21.01.2023 as it is beneficial to the consumer. During the processing of this application the revenue team of KSEBL observed that the calculation of subsidy was wrong. Instead of special solar rate for the consumption as per the terms and conditions of Soura model II, 25% of the generation was given as subsidy by oversight. For rectifying this error back assessment was done considering the scheme as Model 1 from the date of commissioning as it is beneficial to the consumer. The subsidy for the Model 1 scheme is 10% of the solar generation.
2. The subsidy calculation was manual during that period and the Solar billing software was incorporated in the system only in 11/2022. After the assessment, an arrear bill of Rs. 6212/- was served to the consumer. The consumer refused to remit the arrear amount.
3. As mentioned above, 25% subsidy was entered by oversight instead of special solar rate as per the terms and conditions of Soura model II and for correcting the same revised bill was issued considering the scheme as model 1 from the date of commissioning as it is beneficial to the consumer. The consumer applied for the change of scheme from Model II to Model I on 21.01.2023. So the arrear amount considering the scheme as model II up to 21.01.2023 is Rs.18387/-. But the arrear bill was prepared considering the scheme as Model I from the date of commissioning as it was beneficial to the consumer. The arrear amount given to the consumer is much less than the actual amount he had to pay as per the date of request for model change. The arrear bill given is as per the rules and regulations of Soura project.
4. As mentioned in the grievance, earlier complaint was filed before the THE HON'BLE CONSUMER GRIEVANCE REDRESSAL FORUM, CENTRAL REGION, ERNAKULAM. The forum conducted a hearing on 04.08.2022. Based on that the forum directed to provide a detailed comparison statement for the relevant period in order to support the

respondent's argument. As per this direction, comparison statement and the additional statement of facts were submitted to CGRF on 08/08/2023 and conveyed that the billing procedure for Soura phase-1 Model I & II was outlined by the KSEBL in its circular number Soura/Billing/Procedure/2020- 21/456/dt.31.12.2020.

5. As per the order No 21/23-24/dt.14.08.2023, it was ordered by the CGRF, to pay this short assessment bill of Rs. 6212/-. Since the consumer has been granted with the most beneficial method of subsidy calculation the claim of the consumer will not withstand. Hence it is requested to discard the contentions of the petitioner based on the relevant regulations in Soura Project.

Analysis and findings

The hearing of the appeal petition was conducted on 07/11/2023 at 11:30 am in the office of the State Electricity Ombudsman, DH Road & Foreshore Road Junction, near Gandhi Square, Ernakulam south. The hearing was attended by the appellant's representative Sri. Sethu V.S., and the respondent Sri. Riyas E.A., Asst. Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Ltd., Chottanikkara.

The licensee (KSEBL) has implemented a scheme named Soura to promote the installation of solar panels on the roof top of the consumer to meet the renewal energy obligation. The licensee published this scheme and a circular dated 31/12/2020 which describes the billing procedure of Soura phase I was issued. There are different Models such as Model I, Model II, and Model III in the scheme. In Model I & II, the panels would be installed by the licensee on the roof of the consumer & consumer has to provide this roof top area to KSEB for 25 years. In Model I, the consumer would be getting 10% of the energy produced and in Model II, the consumer is entitled for a reduced rate of energy charges ranging from Rs. 4.5/- to Rs. 5.95/- per unit.

The appellant has availed this facility under the Model II scheme and the licensee had commissioned the solar plant on 16/07/2021. The officials of the Section wrongly billed the appellant allowing 25% of the solar plant generation to the consumer, instead of preparing bill for special solar rate for the consumption as per the circular of the licensee. The bill amount was very minimal. The appellant requested the licensee to change the scheme from Soura Model II to Soura Model I as it is more beneficial to the consumer. While considering the change request of the appellant the officials noticed the wrong billing under Model II. Then the

licensee calculated the arrear amount as short assessment and demanded the appellant to pay the amount. The scheme was well published and internal circular for the billing procedure was issued. Even then the officials in the Section was not serious in adopting the directions of the Board. The reason mentioned by the respondent is that the subsidy calculation was done manually during this period and the solar billing software was incorporated in the system only on 11/2022. This is seen to be not a convincing explanation. The information that the entitlement of the consumer is 25% of the energy produced is not mentioned in the circular or any other communication. Then how an arbitrary figure of 25% has come into the picture? The licensee has considered the scheme under Model I since installation to reduce the arrear amount to the minimum. During the hearing AEE confirmed that the consumer is free to change the Model at any time they want and agreement is to be modified accordingly. The arrear amount worked out consider Model II upto the date of application of Model change i.e., 21/01/2023 is Rs. 18,387/-. Then they consider the Model change since the date of installation and hence amount is only Rs. 6212/-.

The Section 134 of the Kerala Electricity Supply Code 2014 describes about the under charged bills and over charged bills.

134(1) *“If the licensee establishes either by review or otherwise, that it has undercharged the consumer, the licensee may recover the amount so undercharged from the consumer by issuing a bill and in such cases at least thirty days shall be given to the consumer for making payment of the bill”.*

134(2) *“If, after payment of any bill, it is established that the licensee has overcharged the consumer, the excess amount shall be refunded to the consumer with interest at bank rate as on the date of remittance of such excess amount”.*

The above Section states that if the licensee establish that the consumer was under charged, the licensee may recover the amount from the consumer.

Here in the case in hand, it is very pertinent to note that the wrong billing was happened only because of the serious lapse from the officials of the Section. The orders of the Board is not followed by them. The appellant has stated during the hearing that the impression created by the Section office officials is that he is eligible to get 25% of solar energy generated. Accordingly the appellant has used the electrical power without control and also added more electrical gadgets. The average production from 10 kw solar plant will be around 40 units per day out of which KSEBL was initially granted 10 units to appellant instead of her

eligibility of 4 units(maximum as per Model I). It is quite natural that when free power available up to 300 units per month the consumers may utilize the same. If the eligibility was otherwise, she would have limited her usage to the entitlement. The appellant also mentioned that she had already spent his time and money because of the wrong actions of the officials.

She claimed that she had already incurred an expenditure amount Rs. 10,000/- on running behind this issue. The appellant is in the opinion that if this impression of 25% eligibility is not created there would not been no arrears. As such, it is claimed that appellant need not pay the arrears as it is due to wrong action of officials, however they will be ready to pay 50% of demanded amount.

This is to be considered in another angle that the appellant has provided their roof top to the Board for 25 years for the solar plant and the 90% of the Generation from the plant is for the licensee. The good gesture shown by the consumer in promoting the renewal energy utilization is to be appreciated.

Decision

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 licensee shall settle the issue by collecting 50% of demand from the appellant.
2. If the appellant want to avail installment facility, the licensee shall grant 6 monthly instalment for paying the amount as per 1. above.
3. The officials who was responsible for this wrong billing is to be identified and balance 50% is to be recovered from them.
4. No order on cost.

ELECTRICITY OMBUDSMAN

No. P/046/2023/ dated: 16/11/2023.

Delivered to:

1. Smt. Mallika Subramannian, Vareyath Parambil, Perumpilly P.O., Block Road, Mulamthuruthy, Ernakulam.
2. The Assistant Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Ltd., Chottanikkara, Ernakulam.

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.
3. The Chairperson, Consumer Grievance Redressal Forum, 220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503.