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അപ്പീൽ പരാതി നമ്പർ: P/025/2025

(സാന്നിധ്യം: എ. ചന്ദ്രകുമാരൻ നായർ)

തീയതി: 13-05-2025

പരാതിക്കാരൻ : ശ്രീ.മോഹൻ ദാസ്.കെ.കെ
കോഴിക്കോട്ട് പരമ്പിൽ വീട്
കാഞ്ഞിരമറ്റം പി.ഒ
എറണാകുളം (ജില്ല)-682315

എതിർകക്ഷി : അസിസ്റ്റന്റ് എക്സിക്യൂട്ടീവ്
എഞ്ചിനീയർ, ഇലക്ട്രിക്കൽ സബ്
ഡിവിഷൻ, കേരള സ്റ്റേറ്റ് ഇലക്ട്രിസിറ്റി
ബോർഡ് ലിമിറ്റഡ്, ചോറ്റാനിക്കര,
എറണാകുളം ജില്ല.

ഉത്തരവ്

പരാതിയുടെ പശ്ചാത്തലം

പരാതിക്കാരനായ ശ്രീ.മോഹൻദാസ്.കെ.കെ, കോഴിക്കോട്ടു പരമ്പിൽ, കാഞ്ഞിരമറ്റം ലൈസൻസിയായ KSEBL ന്റെ ആമ്പല്പൂർ ഇലക്ട്രിക്കൽ സെക്ഷന്റെ കീഴിലുള്ള ഒരു ഉപഭോക്താവാണ്. ഉപഭോക്തൃ നമ്പർ 1155526011493 ആയ കണക്ഷൻ 10/02/1990 ൽ നൽകിയിട്ടുള്ളതാണ്. പരാതിക്കാരൻ 24/07/2024 ൽ സോളാർ പ്ലാന്റ് സ്ഥാപിച്ച് ലൈസൻസിയുടെ ഗ്രിഡിലേയ്ക്ക് കണക്ട് ചെയ്തു. അങ്ങനെ ഒരു prosumer ആയ ഇദ്ദേഹത്തിൽ നിന്നും FC ചാർജ് ഈടാക്കിയതിനെക്കുറിച്ചാണ് പരാതി. ലൈസൻസി FC ചാർജ് ചെയ്യുന്നത് Import ചെയ്യുന്ന വൈദ്യുതിയും സ്വയം ഉല്പാദിപ്പിച്ചുപയോഗിക്കുന്ന വൈദ്യുതിയും ചേർത്ത് ആകെയുള്ള

ഉപഭോഗത്തിന് അനുസരിച്ചാണ്. KSERC യുടെ താരിഫ് ഓർഡർ നടപ്പിലാക്കാനായി ലൈസൻസി ഇറക്കിയിട്ടുള്ള സർക്കുലറിൽ ഇങ്ങനെയാണ് പ്രതിപാദിച്ചിരിക്കുന്നത്. കൂടാതെ ലൈസൻസിയുടെ Billing Software ആയ ഒരുമ നെറ്റിലും ഈ രീതിയിലുള്ള സംവിധാനമാണ് ഏർപ്പെടുത്തിയിരിക്കുന്നത്. എന്നാൽ ഇത് ശരിയല്ല എന്നും അതിന് നിയമസാധുതയില്ല എന്നും പരാതിക്കാരൻ വാദിക്കുന്നു. KSERC 2020 ൽ ഇറക്കിയിട്ടുള്ള RE&Net metering regulation പ്രകാരം net consumption ന് മാത്രമേ ചാർജ് ഈടാക്കാവൂ എന്ന് പരാതിക്കാരൻ സ്ഥാപിക്കുന്നു. ലൈസൻസി ഇത് അംഗീകരിക്കാൻ തയ്യാറല്ലാത്തതിനാൽ CGRF ൽ പരാതി നൽകുകയും CGRF നടപടികൾ പൂർത്തിയാക്കി 21/02/2025 ൽ ഉത്തരവിറക്കുകയും ചെയ്തു. CGRF ന്റെ ഉത്തരവിന്റെ അപ്പീലായിട്ടാണ് ഈ പരാതി ഓംബുഡ്സ്മാൻ സമക്ഷം സമർപ്പിച്ചിട്ടുള്ളത്.

പരാതിക്കാരന്റെ വാദം

I am a consumer of KSEBL, having Consumer Number 1155526011493 at Kozhikkottuparambil, Kanjiramattom. I had submitted a grievance to the Consumer Grievance Redressal Forum (CGRF) on 28.01.25 regarding the unauthorised fixed charge collection from the solar prosumers violating Electricity Act - 2003 provisions and the Tariff Order released by Kerala State Electricity Regulatory Commission.

The CGRF issued its order (Order No. 99/2024-25 494, dated 21.02.25 in response to my grievance. As per the said order, my complaint was rejected and asking to appeal before Hon'ble Ombudsman

Roof Top Solar Plants installed by the prosumers are captive generation plants and Section 9 of Electricity Act 2003 deals with the basic laws related to the Captive Generation in detail. Accordingly,

- A person may construct, maintain, or operate a captive generating plant and dedicated transmission lines.
- The supply of electricity from the captive generating plant through the grid is regulated like any other generating station.
- No license is required to supply electricity generated from a captive generating plant to any licensee or consumer, as per the Act and related regulations. Operators of captive generating plants have the right to open access for transmitting electricity to their destination of use, subject to the availability of adequate transmission facilities determined by the Central or State Transmission Utility.

As per Section 39 of Electricity Act 2003, no surcharge is applicable when open access is provided to a person with a captive generating plant for transmitting electricity to their own use.

As such, the investment charges for the utilities related to the availability of transmission facilities and distribution infrastructure for captive generation shall be adjudicated by Appropriate Commission in tune with electricity act 2003, its subordinate regulations, policy frame work and policy directives of Government of India. The fixed Charges collected from a consumer, which is to be adjudicated on the basis of the volume of electricity supplied or network infrastructure allocated to a consumer by the utility is not at all linked with the energy generated in his captive plant. The retail tariff order issued by appropriate regulatory commission is meant to collect charges from the consumers of the utility (not from the generator/captive generation plant of the consumer) to whom electricity is supplied by it from its own generation or from the energy procured by it for the distribution of electricity in its area of supply.

The Tariff order issued by KSERC vide order dated 8.7.2019 and the prevailing tariff orders have mandated KSEBL to collect charges (both fixed charges and energy charges) from the domestic consumers based on the quantity of electricity supplied. Accordingly, KSEBL is collecting energy charges based on the net energy supplied (Import - electricity availed from the banking balance - Export) which is in tune with the prevailing tariff order and the tariff principles. But the same domestic consumer is being charged with fixed charges on the basis of total volume of the consumption of electricity which include the quantity of consumption from the self-generation and the availed banked energy. Kindly note that the fixed charge is an integral part of the retail tariff structure based on the tariff order issued by KSERC for consumption of electricity and cannot be treated separately for charging the captive generation plants. Charges for captive generation through solar roof top is not specified or envisaged in the relevant tariff order and using the tariff order for charging the generation from captive RTS plant is a violation of section 9 of electricity Act 2003, the tariff principles and natural justice. The tariff order issued by KSERC did not mandate or advise KSEBL to collect Fixed Charge based on the total volume of electricity used by the prosumer including the volume used by him from the self-generation of electricity from the solar plant (the RE captive plant) installed by him or from the energy availed from the banking balance of his captive plant.

Actually, KSERC order on retail tariff is legally binding only for the charges applicable to the consumption part of prosumers who consumes electricity procured and supplied from the distribution utility. The charges applicable for generation part of the prosumer who are consuming electricity from the self-generation is governed by RE & Net-Meter regulations, 2020 and its amendments issued by KSERC. According to Regulation 21(6) of RE & Net-meter regulation 2020, 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. It may be noted that as per Section 39 of Electricity Act 2003, no surcharge is applicable when open access is provided to a person with a captive generating plant for

transmitting electricity to their own use. Hence burdening prosumers with cross subsidy surcharges for open access of electricity generated from a captive plant for their own use (in this case it is a solar roof top plant) are illegal and violation of Electricity Act 2003 in India. In addition to this Kerala have exemption provision in KSERC, RE & Net-Meter Regulation, 2020.

The Net- Metering, Energy Accounting, Banking and Settlement of Energy account from RTS plant is governed by regulation 21 (3 & 4) of RE & Net-Meter regulation. The said regulation has taken care of energy banking aspects, and its compensations requirement based on national policy frame work. Similarly, the regulation 17 (5) of RE & Net-Meter regulation 2020 delas with the distribution losses and the applicable charges involved in wheeling of excess electricity from one of the premises to another. As such, It may be pointed out that all the infrastructure charges involved in open access/wheeling and banking of electricity has been considered and evaluated in KSERC RE & Net-Meter regulation, 2020 and appropriate charges are being collected by KSEBL from the prosumers. As such, the fixed charged levied based on the consumption from the self-generation and the electricity availed from banking balance for the consumption in my own premise from my solar plant is illegal. It violates the spirits of the natural justice, the provisions in the electricity act, its subordinate regulations, provisions in KSERC RE & Net-Metering regulation and defeat the objectives perused in the national power policy. It is against policies and programs designed by Government of India & Government of Kerala for encouraging renewable generation and in particular, the roof top solar plants. It violates the essence of the tariff order issued by KSERC and KSERC (RE & Net-Meter) regulation, 2020.

I, a Prosumer under Consumer No. 1155526011493 of [5552]-Electrical Section Amballoor describe my grievance below by taking my electricity bill of March 2025 as an example. As per this bill, my Net Energy Consumption is zero (Import (Export+Bank)). Out of which, Import = 185 units, Export = 380 units. Total Electricity Generation (Total Generation) = 476 units. Direct used from self generation = 476 - 380 = 96 units. As a Prosumer, KSEB, the licensee, is required to bill me on the basis of net electricity consumption as per Regulation 21(3)(ii) of the Renewable Energy & Net Metering Regulations, 2020. Accordingly, as per the existing Tariff Order dated 05.12.2024 in OP No. 18/2023, the fixed charge that can be collected from me is only Rs. 45/-. (Clause (1) of Part-A of the same Tariff Order explained in paragraph 4 above may be considered for this purpose). Previous to 2023, it is heard that the licensee was collecting fixed charge of a prosumer based upon his Imported Energy basis. If it is so, as per the Tariff Order the licensee could have collected Rs. 130 for the Imported Energy of 185 units. But, now in this bill they collected Rs. 190/- as the fixed charge. Here I understand that the fixed charge is collected for 185 + 96 = 281 units by adding 96 units directly consumed from the electricity generated by me along with 185 units imported. There is no basis for collecting such a large amount as fixed charge under the various rules explained above. The tariff order from KSERC quoted above has no direction to collect such a different fixed charge

from Prosumer, implemented only through an internal circular of the licensee. In this situation, my demand is that the additional fixed charge collected from me till date should be refunded along with interest as per Section 62(6) of the Electricity Act, 2003. For this, I also request that the decision should be taken considering my net electricity consumption as a Prosumer as per Regulation 21(3)(ii) of the Renewable Energy & Net Metering Regulations, 2020.

Therefore, my following prayers may be heard and orders may be issued accordingly.

1. Illegal collection of excess fixed charge may be stopped immediately.
2. Excess amount collected without KSERC authorisation maybe refunded with interest.
3. Cost may be allowed towards the expense of the petition and the human hours spent.
4. Action may be recommended against the licensee officials who are responsible for harassment by the unreasonable excessive electricity bills.

എതിർകക്ഷിയുടെ വാദം

The complainant is a consumer under Elec. Sec, Amballur with CN: 1155526011493 from 10-02-1990. He became Prosumer from 24-07-2024 with plant capacity of 3 KW and with connected load of 2180 W.

The fixed charge calculation is based on KSERC order for all domestic consumers including solar prosumers and is consumption based. The rate of Fixed Charge and the billing is same for all domestic consumers including prosumers.

The KSERC had published Renewable Energy & Net metering Regulation, 2020 on 07-02-2020 for Grid Interactive Renewable Energy power plants having capacity from 1 kW to Mega Watt range which is applicable for all existing & new grid interactive RE systems, consumers, prosumers, Captive consumers, captive generating plants, generating companies, distribution licensees and obliged entities in the matter of determination of tariff of Re systems, Renewable purchase obligation, net metering, banking generation based incentives and related matters.

On the basis of above Regulation, a detailed procedure for connectivity, banking, Open Access, Accounting and Billing of "Grid Interactive Renewable Energy Systems" was approved by the Core Committee of Licensee's Distribution as per (FTD) No. 49/ 2021 (CE(REES/ReProjects/AEE6/ RE Cell/ 2020-21/ 112 Thiruvananthapuram Dated 22.01.2021). In Annexure 12 of this order, a sample Format of bill is given in which the total consumption is specified clearly as " (Generation+ Import)- Export ".Later KSEBL filed Tariff revision proposal on 31-01-2022 and KSERC issued

Schedule of Tariff and terms and conditions of electricity by the Kerala State Electricity Limited and all other Licensees w. e. f. 26-06-2022 to 31-03-23' which was notified in the Kerala Gazette under extra ordinary category on 25-06-2022. Accordingly Board authorised Tariff and Regulatory Affairs Cell (TRAC) to issue billing procedure, circulars and ready reckoners for raising the invoices w.e.f 26-06- 2022 vide B O no. 628/ 2022 dt 19-07-22. Consequently, the Secretary of Administration released directions for implementing the retail tariff applicable to all category of consumers w.e.f. 26-06-2022 vide Circular dt 04-08-2022 in which it was mentioned that fixed charge for net metered solar consumer shall be levied for their total consumption.

Kerala State Electricity Board Limited (KSEBL) support and promote the adoption of renewable energy, especially the rooftop solar systems. There is no fixed charge if the consumer is not a grid connected consumer (i.e. if self-generation and consumption is for his own premises). The fixed charge is there if the Prosumer is using the infrastructure of KSEBL for supplying power and hence the KSERC regulation is applicable for billing of fixed charge for prosumers too. KSEBL remains committed to encourage solar adoption with net metering and ease of integration, to ensure a robust and reliable grid that supports both conventional and resources, to keep tariffs rational and fair for all categories of consumers. During sunny hours, there's usually lower demand on the grid. Solar generation (both rooftop and utility-scale) is high and power exchanges are often low during peak solar hours (e.g., Rs. 2-4 per unit or even less). KSEBL might be forced to back down cheaper generators or sell surplus power at a loss. At night time Solar generation drops to zero after sunset. Grid demand rises, especially in the evening peak. KSEBL needs to buy power from costlier sources including gas, hydro, or market sources at higher prices (Rs. 5-10+ per unit). This increases the average power purchase cost.

Impact on Solar Prosumers is as follows.

a) Exporting during Low-Value Periods (Daytime): Rooftop prosumers usually export excess solar energy to the grid during the day when their household use is low. But this exported power coincides with a time when KSEBL already has surplus, and market prices are low. So, while prosumers get credited (or paid) parate based on policy-set feed-in tariffs, the economic value of that exported power to KSEBL is low.

b) Importing during High-Cost Periods (Night): The same prosumers typically draw electricity from the grid at night when solar is unavailable. This is the costliest time for KSEBL to supply power.

In short, Prosumers export when power is cheap (daytime) → KSEBL earns little or even loses money. Prosumers import when power is expensive (evening/night) → KSEBL bears higher costs or suffer the cost imbalance. The heart of the issue is prosumers export when KSEBL doesn't need the power, and import when it's most expensive. Over time, this could create financial pressure that affects the whole grid. KSEBL's Financial imbalance

can leads to under-recovery of power purchase costs, especially as rooftop solar adoption increases. Revenue loss, because prosumers reduce their billable consumption but still use the grid heavily. Net metering often reduces a utility's revenue (especially when re-tail tariffs are high and solar buyback rates are low). Difficulty in cross-subsidizing domestic or agricultural consumers, since the paying base shrinks. KSEBL is committed to ensure 24 x 7 grid access for all consumers. The cost of supplying electricity varies across the day. Prosumers still rely on grid support, especially at night. Fixed charges help recover grid infrastructure and supply costs fairly. This ensures long-term grid sustainability and tariff equity. In net metering, this can lead to a situation where KSEBL pays or credits prosumers more than the actual value of the power they exported, while incurring a loss on the high-cost power it supplies back at night. To address this imbalance fixed charges are there, not as a penalty, but as a way to recover costs fairly.

The argument made by the complainant that "there is no basis for collecting such a large amount as fixed charge" is incorrect. From 6/2022 onwards, FC for net metered solar consumers is taken for their total consumption as per circular dtd 4-8-22 (Exhibit 4). For off grid solar consumers, Fixed charge depends on import reading only. The complainant argue that as per the existing tariff order dt 5-12-24 in OP 18/ 2023, Cl 1 of Part A states that "the minimum charge payable by all LT consumers shall be the fixed charge or demand charge as the case may be of the respective category even during the period of disconnection ". Respondent agrees with that and confirms that vide circular No. KSEBL/TRAC/G/Tariff Revision/2023 24/633 dated 16-11-2023, the Secretary (Administration) had clarified the implementation of KSEBL tariff order (Order dated 31-10-2023 in OP No. 18/2023). In this order vide item no. 8, says, fixed charge for net metered solar consumer fixed charge should be calculated by their overall consumption slab, in place of connected load.

As such Fixed charge is based on total consumption.

Total Consumption = (Generation + Import) - Export.

Fixed Charge = Rate (Solar Generation + Import-Export)

In this case Import = 185 units, Export = Rs. 380 units
and Generation = Rs. 476 units

Therefore total Consumption = (185+ 476)-380 = 281 units

FC for monthly consumption slab 0-300 units is Rs. 190/- for SP consumers.

The bill raised by the Licensee is hence as per order and following the prevailing rules

This pricing model essentially charges prosumers for the net load they put on the grid. Even when prosumers generate their own power, they still rely on the grid for stability, backup power, and exporting excess power. The formula (generation + import-export) is a proxy for their overall interaction

with the grid, reflecting the infrastructure costs KSEBL must bear. This pricing model ensures that prosumers contribute a fair share to fixed grid costs (like transmission, maintenance, staff, etc.). This formula discourages designing oversized systems that export power than self-consume, which puts strain on the grid without matching revenue. Traditional consumers pay for fixed costs in their bills. Without a similar fixed charge, prosumers might be seen as avoiding their share of grid upkeep, shifting the burden to others. This results in imbalanced cost recovery. Without fixed charges or ToD pricing, losses increase. To reduce night-time imports and stabilize the load curve, fair contribution by prosumers is essential to keep the grid strong and affordable for all. Grid stability, voltage regulation and backup power are essential for uninterrupted supply. To ensure these services are available to all, including prosumers, KSEBL must invest in and maintain infrastructure, like transformers, substations, transmission lines, monitoring systems etc. that operate 24x7. Prosumers must understand that the Fixed Charge collected is not a penalty for going solar. Rather, it is a way to reflect the actual interaction with the grid, which includes

The net load placed on the system, both in terms of drawing power and injecting to it. The use of infrastructure and associated costs for all energy flow, whether consuming from or supplying to the grid. The need for fair contribution from all users who benefit from the grid, regardless of much energy they import or export. Without such a mechanism, the financial burden of maintaining the grid would shift entirely to non-solar users. That would create an imbalance and potentially make the grid unaffordable for many. Hence, to maintain grid sustainability and ensure tariff equity, fixed charges or grid support charges for prosumers are essential.

Rooftop solar is growing across Kerala. KSEBL remains fully supportive of Kerala's clean energy goals. But we have to ensure fairness across all users and recover costs responsibly. Hence for building a balanced, green, and fair power system, fair contribution by all users is necessary. Prosumers shall support KSEBL to avoid shifting the burden of the rising power purchase costs to non-solar consumers. They should support to keep grid stable, reliable, and future-ready.

The bill raised to the consumer is in accordance with the established rules, regulations, and legal precedents. Any potential change to the tariff can only be made by the Regulatory Commission, and the fixed charge, as applied, is valid under the current tariff structure. Based on the information provided, there is no deficiency in service by the distribution licensee, and the charges are justifiable.

Thus it is prayed that the fact may be accepted and complaining about FC as it is calculated at present, maybe discontinued. It is respectfully suggested that the complainant be encouraged to collaborate and work hand in hand to build a greener and more equitable power future for Kerala, ensuring the transition benefits everyone.

പരാതിക്കാരന്റെ എതിർവാദം

The Respondents claim that the fixed charges for prosumers are calculated based on the total consumption as per the directions of KSERC. However, neither the KSERC (Renewable Energy and Net Metering) Regulations, 2020 nor the Tariff Orders issued by KSERC from time to time prescribe "(Generation + Import - Export)" as the basis for fixed charge computation. The KSERC Tariff Orders, particularly the latest one dated 05.12.2024 in OP No. 18/2023, clearly state that fixed charges for LT domestic consumers shall be based on connected load or demand, not on total energy usage including self-generation.

Misinterpretation of KSERC Regulations and Circulars (Para III to VII of SOF) The Respondents rely heavily on internal circulars and Board Orders for justifying their billing method. It is humbly submitted that internal circulars of KSEBL cannot override the statutory Regulations or Tariff Orders issued by KSERC, which are binding under the Electricity Act, 2003. The KSERC Regulations do not define "total consumption" as (Generation + Import - Export) for the purpose of determining fixed charges.

While KSEBL's concerns about load profile and financial implications of net metering are acknowledged, the arguments presented are policy-level justifications and do not hold legal ground for unilateral alteration of billing methodology without express approval from KSERC.

The Respondents claim to follow the formula: $FC = \text{Fixed charge rate} \times (\text{Generation} + \text{Import} - \text{Export})$. This formula is not prescribed in any KSERC regulation, order, or notification. KSERC has repeatedly clarified that net metering is based on "net energy" (Import Export), and fixed charges are to be applied as per tariff category, not based on solar generation.

KSEBL's reliance on internal directions and post-facto justifications undermines the statutory role of KSERC. The Electricity Act, 2003 mandates that tariffs and charges be determined by the Commission only. Consumers cannot be burdened with charges not approved by the Commission. Any deviation from the net metering principles or tariff structure must be made only after due public consultation and KSERC's approval.

In light of the above, I most respectfully request the Honourable Ombudsman to:

- ◆ Declare that the method adopted by the Respondents for calculating fixed charges as (Generation + Import - Export) is unauthorized and contrary to KSERC's approved regulations and tariff orders.
- ◆ Direct the Respondents to revise the fixed charge component of the bills raised from 06/2022 onwards in accordance with the applicable KSERC Tariff Orders.
- ◆ Issue necessary directions to prevent such misinterpretations and unilateral practices in the future.

- ◆ Grant any other reliefs that the Honourable Ombudsman may deem just and proper in the circumstances of this case.

വിശകലനവും കണ്ടെത്തലുകളും

അപ്പീൽ പരാതിയുടെ വാദം 07/05/2025-ന് രാവിലെ 11:00-ന് കേരള സ്റ്റേറ്റ് ഇലക്ട്രിസിറ്റി ഓംബുഡ്സ്മാൻ, ഡി.എച്ച്.റോഡ്, എറണാകുളം ഓഫീസിൽ വെച്ച് നടന്നു. പരാതിക്കാരനായ ശ്രീ.മോഹൻ ദാസ്.കെ.കെ യുടെ പ്രതിനിധിയായ ശ്രീ.ജയിംസ് കുട്ടി തോമസ് എതിർകക്ഷി ശ്രീമതി. റൈമോൾ പവിത്രൻ, അസിസ്റ്റന്റ് എക്സിക്യൂട്ടീവ് എഞ്ചിനീയർ, ഇലക്ട്രിക്കൽ സബ് ഡിവിഷൻ, ചോറ്റാനിക്കര, എറണാകുളം(ജില്ല) എന്നിവരാണ് ഹിയറിംഗിൽ പങ്കെടുത്തത്.

ലൈസൻസിനായ KSEBL ന്റെ ആവലാൾ ഇലക്ട്രിക്കൽ സെക്ഷന്റെ കീഴിൽ വരുന്ന ഉപഭോക്താവായ പരാതിക്കാരൻ grid interactive solar വീട്ടിൽ സ്ഥാപിക്കുക വഴി ഒരു prosumer ആയി മാറി. ഇദ്ദേഹത്തിന്റെ വൈദ്യുത ബില്ലിൽ fixed charge ഈടാക്കുന്നത് നിയമവിധേയമായിട്ടല്ല എന്നാണ് വാദം. നൽകുന്ന വൈദ്യുതിയ്ക്ക് ലൈസൻസി ബില്ലിൽ നൽകുമ്പോൾ പ്രധാനമായും രണ്ട് ഘടകങ്ങളായാണ് ചാർജ് ഈടാക്കുന്നത്. (1) Fixed charges (2) Charges for electricity actually supplied 2003 ലെ വൈദ്യുത നിയമത്തിലെ Section 45 പ്രകാരമാണ് ഇവ ഈടാക്കുന്നത്.

Section 45. (Power to recover charges): --

(1) Subject to the provisions of this section, the prices to be charged by a distribution licensee for the supply of electricity by him in pursuance of section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his licence.

(2) The charges for electricity supplied by a distribution licensee shall be -

- (a) Fixed in accordance with the methods and the principles as may be specified by the concerned State Commission;
- (b) Published in such manner so as to give adequate publicity for such charges and prices.

(2) 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.

ഇങ്ങനെ ഈടാക്കേണ്ട ചാർജ് എത്രയെന്ന് തീരുമാനിക്കേണ്ടത് Kerala State Electricity Regulatory Commission ആണ്. ഓരോ തവണയും ഇറക്കുന്ന താരിഫ് ഓർഡർ വഴിയാണ് ഈ നിയമം പ്രാവർത്തികമാക്കിയിരിക്കുന്നത്. KSERC ഇറക്കിയിരിക്കുന്ന താരിഫ് ഓർഡറിൽ ഗാർഹിക കണക്ഷനുകൾക്കും Fixed charge ഉം Energy ചാർജും പ്രത്യേകം slab കളിലായി നിജപ്പെടുത്തിയിരിക്കുന്നു. Monthly consumption നെ അടിസ്ഥാനമാക്കി പല slab കളിലായാണ് Fixed charge നിശ്ചയിച്ചിരിക്കുന്നത്. Monthly consumption എന്നതുകൊണ്ട് ആകെ consumption എന്നതാണ് അർത്ഥമാക്കിയിരിക്കുന്നത് എന്നതാണ് എതിർകക്ഷി സ്ഥാപിക്കുന്നത്.

Oruma net പ്രകാരം

$\text{Consumption} = \text{Import energy} + \text{Self generation} - \text{Export energy}$

അതായത്,

ആകെ ഉപഭോഗം = Import energy + Self generated & Self used energy

എന്ന ഫോർമുലയിലൂടെയാണ് ആകെ ഉപഭോഗം കണക്കാക്കിയിരിക്കുന്നത്. താരിഫ് ഓർഡർ നടപ്പിലാക്കുന്നതിന് വേണ്ടി ലൈസൻസി ഇറക്കിയിരിക്കുന്ന സർക്കുലറിലും ഇങ്ങനെയാണ് FC ഈടാക്കേണ്ടത് എന്ന് നിഷ്കർഷിച്ചിരിക്കുന്നു. KSERC ഇതുവരെയും ഈ സർക്കുലറിനെതിരെ നടപടിയൊന്നും എടുത്തിട്ടില്ല. എന്നാൽ Electricity Act 2003, Section 45 പ്രകാരം ലൈസൻസി നൽകുന്ന (supplied) വൈദ്യുതിയ്ക്ക് ചാർജ് ഈടാക്കാമെന്നാണ് വിശദമാക്കുന്നത്.

2020 ൽ Kerala State Electricity Regulatory Commission ഇറക്കിയിട്ടുള്ള RE and Net metering regulation ലെ റെഗുലേഷൻ 21 ൽ Net metering, Energy Accounting, Banking and Settlement നെക്കുറിച്ച് വിശദമാക്കിയിരിക്കുന്നു.

Section 21. Net metering, Energy Accounting, Banking and Settlement.

(1)The distribution licensee shall take the meter reading of the ‘renewable energy system’ regularly for each ‘billing period’ and record the readings of both the renewable energy meter and net meter.

(2)For each billing period, the distribution licensee shall make the following information available in its bill to the prosumer.

- i. Time period wise (normal hours, peak hours and off-peak hours) Renewable energy generation recorded in the energy meter for the prosumer with connected load above 20 KW, total generation from the RE system for the prosumers with connected load 'of and below 20 KW'.
- ii. Time period wise electricity consumption of the prosumer with connected load above 20KW, and total consumption in the case of the prosumer with connected less than 20 KW.
- iii. Net billed electricity, if any, for which payment is to be made by the prosumer;
- iv. Excess energy brought forward from the last billing period;
- v. Excess energy carried forward to the next billing period.

(3)The energy accounting, banking and settlement of energy generated, drawn and injected by a prosumer with connected load of and below 20 KW shall be done as below;

- i. The distribution licensee, during a billing period shall extend the facility to the prosumer having connected load of and below 20 KW under net metering arrangements, to draw back from the grid, the electricity injected during a time block at a different time period without any restriction.
- 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;
- 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.

ഇവിടെ 21(3) (ii) ൽ പറയുന്നത് ലൈസൻസി net electricity consumption ന് നിലവിലുള്ള താരിഫ് പ്രകാരം ബില്ലു് നൽകേണ്ടതാണെന്നാണ്. ഈ net electricity consumption എന്നത് താരിഫ് പ്രകാരമുള്ള energy charge നു മാത്രമാണെന്നും, Fixed charge ന് ബാധകമല്ലെന്നും എതിർക്കുക സ്ഥാപിക്കുമ്പോൾ ഇത് fixed charge നും ബാധകമാണെന്ന് പരാതിക്കാർ വാദിക്കുന്നു. 2020 ലെ Solar Regulation നിലവിൽ വന്നതിന് ശേഷമിറക്കിയിട്ടുള്ള താരിഫ് ഉത്തരവുകളിലൊന്നും തന്നെ ഇത് പ്രത്യേകം പരാമർശിച്ചിട്ടില്ല. കൂടാതെ ലൈസൻസി ഇറക്കിയിട്ടുള്ള സർക്കുലർ ശരിയല്ല എന്ന തീരുമാനം KSERC എടുത്തിട്ടില്ല. അതിനാൽ തന്നെ ഇതിനൊരു വ്യക്തത വരുത്തേണ്ടത് Hon'ble Kerala State Electricity Regulatory Commission ആണ്. Fixed charge എന്നത് ലൈസൻസി ഒരു ഉപഭോക്താവിന് വേണ്ടി സ്ഥാപിച്ചിട്ടുള്ള Power Infrastructure നിലനിർത്തുന്നതിന് വേണ്ടി വരുന്ന ചെലവിന്റെ ഒരു ഭാഗമാണ്. ഒരു ഉപഭോക്താവ് ലൈസൻസിയുമായി കരാറിലെത്തുമ്പോൾ ആ ഉപഭോക്താവിന്റെ connected load നുള്ള

വൈദ്യുത ഉല്പാദന, പ്രസരണ, വിതരണ സംവിധാനം ലൈസൻസി നിലനിർത്തേണ്ടതുണ്ട്. ഉപഭോക്താവ് solar plant സ്ഥാപിച്ചാലും അത് grid interactive ആണെങ്കിൽ ഈ സംവിധാനം നിലനിർത്തിയാൽ മാത്രമേ ഉപഭോക്താവിന് തടസ്സം കൂടാതെ വൈദ്യുതി ലഭിക്കുകയുള്ളൂ. അതിനാൽ തന്നെ Prosumers ന് ഏതിന്റെ അടിസ്ഥാനത്തിൽ Fixed Charge ഈടാക്കേണ്ടത് എന്നത് കൃത്യമായും തീരുമാനിക്കേണ്ടതുണ്ട്. കൂടാതെ KSERC 21-04-2025 ൽ ശ്രീ.അശോക് കുമാറിന് RTI Act 2005 പ്രകാരം നൽകിയിട്ടുള്ള കത്തിൽ, Prosumers ന് connected load/maximum demand അടിസ്ഥാനമാക്കി fixed charge ഈടാക്കാനുള്ള തീരുമാനം എടുക്കുന്നതുവരെ ഇപ്പോഴുള്ള സ്ഥിതി തുടരേണ്ടതാണെന്ന് വിവരിക്കുന്നു.

- 4) *In the case of a prosumer, even though part/full energy requirement of the prosumer is met from the solar plant, the 'power requirement' during nonsolar hours is fully met by the licensee. Thus, the grid connected solar prosumers is also bound to pay based on retail supply tariff which includes the 'fixed charge'/ 'demand charge' based on their 'connected load/ contract demand' with the licensee, even if their net consumption (net drawal from the grid) is zero or even when the prosumer injects surplus energy to the grid, at the rate of 'fixed charge'/ 'demand charge' approved in the Tariff Order notified by the Commission from time to time.*

None of the orders of this Commission has exempted the prosumers from the payment of fixed charge based on their 'connected load/ contract demand' with the licensee.

- (5) *In the case of domestic consumers, the Commission is yet to approve the payment of fixed charge based on connected load, since majority of the domestic consumers (out of the more than 104 lakhs domestic consumers) is yet to disclose their changes in connected load, with the licensee, after availing the connection. Hence, the Commission has decided to levy fixed charge from domestic consumers based on their monthly consumption, since the total energy consumption normally reflect the 'power requirement' of the consumer (connected load) to some extent.*

Hence, as per the prevailing Tariff Orders in force, like other Solar prosumers, the grid connected domestic prosumers are also mandated to pay fixed the grid is zero or even when prosumers inject surplus power to the grid. Till the Commission approves the fixed charge based on connected load for domestic consumers, the licensees are authorised to levy fixed charges from grid connected solar prosumers based on their total consumption.

പ്രസ്തുത വിഷയത്തിൽ KSERC വ്യക്തമാക്കുന്നത് പുതിയ തീരുമാനം കൈക്കൊള്ളുന്നതുവരെ ആകെ ഉപഭോഗം കണക്കാക്കി fixed charge ഈടാക്കാൻ ലൈസൻസിയെ ചുമതലപ്പെടുത്തിയിരിക്കുന്നു എന്നതാണ്.

ഇതിൽ നിന്നും KSERC യുടെ നിലപാട് എന്താണെന്ന് മനസ്സിലാക്കാം. ആയതിനാൽ തൽസ്ഥിതി (അതായത് ആകെ ഉപഭോഗം കണക്കാക്കി fixed charge ഈടാക്കുന്ന രീതി) തുടരുകയേ നിർവ്വാഹമുള്ളൂ.

തീരുമാനം

സമർപ്പിച്ച രേഖകൾ പരിശോധിച്ച്, പരാതിക്കാരന്റെയും എതിർകക്ഷിയുടെയും വാദം കേൾക്കുകയും ചെയ്ത്, മുകളിൽ സൂചിപ്പിച്ച വിശകലനത്തിൽ നിന്നും ഇനിപ്പറയുന്ന തീരുമാനം എടുക്കുന്നു.

1. Fixed charge ഈടാക്കുന്നതിനുള്ള പുതിയ മാനദണ്ഡം KSERC തീരുമാനിക്കുന്നതു വരെ തൽസ്ഥിതി തുടരേണ്ടതാണ്.
2. മറ്റു ചെലവുകൾ ഒന്നും അംഗീകരിച്ചിട്ടില്ല.

ഇലക്ട്രിസിറ്റി ഓംബുഡ്സ്മാൻ

P/025/2025/ തീയതി : 13/05/2025.

അയക്കുന്നത്:

1. ശ്രീ. മോഹൻ ദാസ്.കെ.കെ, കോഴിക്കോട്ടു പറമ്പിൽ ഹൗസ്, കാഞ്ഞിരമറ്റം പി.ഒ, എറണാകുളം - 682315
2. അസിസ്റ്റന്റ് എക്സിക്യൂട്ടീവ് എഞ്ചിനീയർ, ഇലക്ട്രിക്കൽ സബ് ഡിവിഷൻ, കേരള സ്റ്റേറ്റ് ഇലക്ട്രിസിറ്റി ബോർഡ് ലിമിറ്റഡ്, ചോറ്റാനിക്കര, എറണാകുളം ജില്ല.

പകർപ്പ് സമർപ്പിക്കുന്നത്:

1. സെക്രട്ടറി, കേരള സ്റ്റേറ്റ് ഇലക്ട്രിസിറ്റി റെഗുലേറ്ററി കമ്മീഷൻ, KPFC ഭവനം, വെള്ളയമ്പലം, തിരുവനന്തപുരം -10.
2. സെക്രട്ടറി, കെ.എസ്.ഇ. ബോർഡ് ലിമിറ്റഡ്, വൈദ്യുതി ഭവനം, പട്ടം, തിരുവനന്തപുരം- 4.
3. ചെയർപേഴ്സൺ, കൺസ്യൂമർ ഗ്രിപ്പൻസ് റിപ്രസെന്റേറ്റീവ് ഫോറം, കെ.എസ്.ഇ. ബോർഡ് ലിമിറ്റഡ്, കളമശ്ശേരി, എറണാകുളം - 683503

