

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/031/2022**(Present: A. Chandrakumaran Nair)****Dated: 25th July, 2022**

Appellant : Smt. Mini Felix,
Chiramel House, Kootungal Lane,
Kochupally Road,
Thoppumpady,
Ernakulam Dist. 682004

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Thoppumpady, Ernakulam Dist.

ORDER**Background of the case:**

The appellant Smt. Mini Felix is a consumer of Electrical Section, KSEB Ltd., Thoppumpady with consumer number 1155629007468. The appellant installed a grid connected solar system on getting the approval from the Licensee by an approved service provider. On 25-10-2021, the Licensee demanded for Rs.3,540/- as connecting charge and the same has been paid and the solar plant identification number was allotted by KSEBL and number is 556200159. The application for meter testing & inspection was submitted on 01-11-2021. Repeated reminders were sent and the matter was taken up to CMD. The testing was done on 15-12-2021 and solar plant was connected to the grid. As per the appellant, there was a delay of 44 days from the date of application and hence, suffered loss of energy. Appellant's request is to compensate the loss. The appellant filed a petition before Consumer Grievance Redressal Forum (CGRF), Central Region, Ernakulam vide OP No.74/2021-22 and the Forum dismissed the petition in its order dated 23.03.2022.

Aggrieved by the decision of the Forum, the appellant filed the appeal petition before this Authority.

Arguments of the appellant:

The appellant had installed a Grid tied solar installation after all necessary approvals etc. were taken and the system installed by an approved service provider. The amount of Rs. 3,540/- as per KSEB demand note dated 25-10-2021 for the same was paid and the solar plant installation number allotted by KSEB was 556200159. The application for meter inspection was also given to KSEB, Section Office, Thoppumpady on 1st Nov 2021.

After more than a month of submitting the meter inspection application, on 07.12.2021, the appellant sent a mail to AE, Section Office, Thoppumpady to enquire about the delay in inspection. A reply email was received from the AE, mentioning that the matter was enquired with Meter Testing Team, Kalamassery and confirmed that they would test the solar installation by next week itself and the delay was due to their work load. A reply mail too was sent by the appellant, raising the appellant's concern on loss of solar power generation due to the delay in inspection in violation of the time frame mentioned in the KSEB guidelines, which is within 10 days.

On 10.12.2021, the appellant sent a mail to the CMD raising grievance in this matter and also sent another reminder mail. Also talked to the PA to CMD the same day and it was told that the case was forwarded to Director of Renewable Energy and accordingly the appellant followed up with an email to DREES mentioning the grievance. The appellant also did talk to the Director over phone and assured the appellant that the inspection would be done ASAP. The inspection was done the very next day.

Received an email from AE, Section office, Thoppumpady mentioning the completion of work. On the same day, sent a mail to the AE, Section Office, Thoppumpady regarding delays, procedural delays, unclear procedures, which varied from Section Office to Section Office and of course monetary damages caused due to the undue delay in the inspection. A reminder was sent on 21.12.2021 again, but no reply was received.

A total delay in testing and inspection of the installation of 44 days from the application date had occurred and hence, with a solar power generation at an average of 15 units per day, the total loss is of 660 units. KSEB circular No.

CE(REES)/PROJECTS/AEE 6/SOLAR-GENERAL/16-17/766(l)/ OS.09.2016 para 8 stipulates a 10 days' time frame to complete the inspection.

Aggrieved with the above, the appellant preferred a complaint to the CGRF on 29.01.2022 and the said complaint accepted by the CGRF, allotted NO. OP. No. 74/2021-22 and subsequently vide CGRF letter NO. CGRF-CR/OP.No. 74/2021-22/391 dated 24.02.2022, the appellant was directed to appear for a virtual hearing on 04.03.2022.

Having seen that the delay had occurred at the Meter Testing Sub Division, the appellant sent a request dated 01.03.2022 to the CGRF, to implead the concerned official of Meter Testing Sub Division, Kalamassery too as a party to the virtual hearing. A confirmation WhatsApp message was received from the office of the CGRF, that the Chairperson had asked the concerned person of the Meter Testing Sub Division to attend the virtual hearing.

The online hearing was held on 04.03.22. Apart from the members of the CGRF, Assistant Executive Engineer, Sub Division, Thoppumpady and Assistant Engineer of Meter Testing Division, Kalamassery was present in the hearing. Unfortunately for reasons unknown, the respondents mentioned in the order No. CGRF-CR/OP No. 74/2021-22 434 dt 23.03.2022, are the Asst Exe Engineer, Electrical Sub Division, Thoppumpady and the Asst Engineer, Electrical Section, KSEBL, Thoppumpady. The AE of the Meter Testing Division, who was present in the hearing was not mentioned as a respondent in the order of the CGRF. During the hearing, it was surprising to note that none of the members were aware of the circular CE(REES)/PROJECTS/AE6/SOLAR-GENERAL/16-17/766(1)/09.09.2016 which lays down the guidelines for on grid solar installations. Para 8 of the circular clearly mentions the 10 days' time frame for inspection of the solar facility. The CGRF asked to send a copy of the circular and the same was sent on email the same day of the hearing. Unfortunately, no details about the above circular is mentioned in the CGRF order. The CGRF order mentions about a KSEBL approved draft procedure for grant of connectivity, banking, open access, accounting and billing of grid interactive, RE system vide Board Order No. FTD No. 49/2021 {CE(REES)/RE-Projects/AEE6/RE cell/2021/112/Tvm dated 21.02.2021, which is yet to be approved by KSERC.

As submitted by the Asst Executive Engineer, Meter Testing Sub Division, Kalamassery, that delay of 30 to 45 days happen due to the work load.

The case was dismissed by the CGRF on finding that "the delay occurred in the grid connecting of petitioner's solar installation was not deliberate and was due to the huge volume of applications to be handled by the meter testing wing."

The statements of the office of the Meter Testing Division, clearly accepts the delay, which has brought monetary losses to the appellant. Irrespective of the delay having occurred deliberately or not, it has delayed much beyond the laid down instructions of the KSEBL vide their circular quoted above, thus, violating the norms and time frame mentioned in the circular. The appellant as a consumer has invested a huge sum of money for the installation of the solar system (without subsidy), guided by the instructions and time frames mentioned in the circular. This undue delay has caused mental agony, stress and monetary losses by way of wastage of solar power generated, and also by delaying the return of investment.

The appellant has a loss of 660 units of electricity with the average generation. All these delays are occurring when the State and Central Governments are very seriously promoting the generation and use of green energy. All this delay is when more than 2/3rd of KSEB's annual expenditure is on power purchase and also when solar generation has been under-utilized in Kerala, which has set itself a target of 1870MW of solar power by 2022.

Relief Sought

1. Cost of 660 units of electricity at KSEB selling price.
2. Rs 25000/- as cost and compensation for mental agony and stress.

Arguments of the respondent:

The respondent informed that there is no difference to be made in the previous statement of facts submitted to CGRF-Central Region, Ernakulam regarding the case of the appellant.

An unwanted delay had been occurred from KSEBL side. The prompt answering of Assistant Engineer, Electrical Section, Thoppumpady against the E-mail given on 07/12/2021 was appreciated by the appellant. Since the complaint was in the delay of Solar testing, the case was taken as a detailed one at

respondent's office. It was found that no delay was there either at Assistant Executive Engineer, Electrical Sub-Division, Thoppumpady's office or at Division office. They have despatched the application on 01/11/2021 and 02/11/2021 respectively.

On 15th December 2021, the test report had obtained at AE's office and on the same date, connection had been effected. The appellant had sent an E-mail to thank CMD for the prompt action. The appellant claimed compensation due to delay in processing. The delay from the Meter Testing Sub Division, Kalamassery was due to the workload.

Analysis and findings:

The hearing of the case was conducted on 20-07-2022 in the office of the State Electricity Ombudsman, Near Gandhi Square/BTH, Ernakulam South. Sri. C.S. Shyam, was attended the hearing on behalf of the appellant and Sri. Shaji. M. Babu, Assistant Executive Engineer, Electrical Sub Division, Thoppumpady was attended the hearing from the respondent's side. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The appellant has installed the Solar System of having capacity of 3.1 kW on getting the approval from the Licensee. The KSERC Regulations 2014 (Grid Interactive Distributed Solar Energy Systems) Section 13 procedure for granting connection to the Solar Energy System, Sub Section clearly spelt out the procedure to be adopted by the Licensee for the Grid connected Solar System. Sub Section 13, 14 & 15 of Section 13 is as follow: -

(13) The distribution licensee shall, within fifteen days from the date of submission of approval of the Electrical Inspector as specified in sub-regulation (12), test the solar energy system in accordance with the provisions of the Central Electricity Authority (Technical Standards for Connectivity of Distributed Generation Resources) Regulations, 2013.

(14) On successful completion of the test as specified in sub-regulation (13), the distribution licensee and the eligible consumer shall execute a connection agreement in the format containing the general and specific conditions, as approved by the Commission in accordance with the provisions

of the Central Electricity Authority (Technical Standards for Connectivity of the Distributed Generation Resources) Regulations, 2013:

Provided that the distribution licensee shall, within two months from the date of commencement of these regulations, submit to the Commission for approval, the format containing the terms and conditions of the agreement.

(15) The licensee shall, within seven days from the date of execution of agreement as specified in sub-regulation (14), commission the solar energy system.

After submitting the approval within 15 days, the Licensee has to test the solar system and on completion of the testing an agreement is to be executed between the Licensee and the consumer and within 7 days from the date of execution of the agreement, the Solar System is to be commissioned.

Thus, the total time period available for the Licensee is 22 days from the date of submission of approval or in this case the date of submission of the request for the meter testing i.e., 01-11-2021.

The circular of KSEBL dated 09-09-2016 also clearly states about procedure in detail. The testing is to be done within 10 days of receipt of application. Within 15 days after the testing, the agreement is to be executed and within 7 days of execution of agreement, the solar system is to be commissioned.

The regulation of KSEERC is of first priority and hence, the regulation of KSEERC is applicable. Accordingly, 22 days delay is permissible for the energization of the solar system. The total delay as per the appellant and the respondent is 44 days in which 22 days are to be considered as reasonable and acceptable as per the regulation.

In the case in hand, the respondent stated that the delay is occurred due to heavy work of the meter testing Sub Division. When a regulation and policy has been adopted by the Government, it is the responsibility of the Licensee to abide by the regulation. Necessary arrangement would have done by the Licensee to overcome such a heavy work load by delegating the power to other officers or by other means.

In the hearing, the respondent pointed out that now the Licensee has delegated the testing to the Assistant Engineer of the concerned Section, which is a welcome move and to be appreciated.

The appellant states that his consumption was less than the production during November, December and the summer months, and there are no energy charges for him after the installation of solar system. In this case, the appellant would have saved the energy charges of 22 days if the Licensee has completed the procedure as per the regulation.

Decision: -

From the analysis of the arguments and the hearing, following decisions are hereby taken:

- (1) The Licensee has to reimburse the energy charges for 22 days (from 23-11-2021 to 15-12-2021) collected from the appellant.
- (2) The order of CGRF, Central Region in OP No.74/2021-22 dated 23-03-2022 is set aside.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/031/2022/ _____ dated _____.

Delivered to:

1. Smt. Mini Felix, Chiramel House, Kootungal Lane, Kochupally Road, Thoppumpady, Ernakulam Dist. 682004
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Thoppumpady, Ernakulam Dist.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, CGRF-CR, 220 kV Substation Compound, KSE Board Limited, HMT Colony P.O., Kalamassery, PIN: 683 503.