**CORPORATE CONSUMERS GRIEVANCES REDRESSAL FORUM**

**PUNJAB STATE POWER COPROPRATION LIMITED**

**220 KV S/Stn. Opp. Verka Milk Plant, Ferozepur Road, Ludhiana**

**Tel: 0161-2971912, email: secy.cgrfldh@gmail.com**

**CASE NO.: CF-100/2023**

**Date of Registration : 10.08.2023**

**Date of Closing : 29.08.2023**

**Date of Final Order : 05.09.2023**

**In the Matter of:**

 **M/s Shree Balaji Wires,**

**Alawalpur.**

**A/c No.: 3005850329.**

**Through:**

Mr. Arun Kumar Gosain  **...Petitioner**

**Versus**

**Punjab State Power Corporation Ltd**

**Through:**

Sr. Xen/Op. East Division,

PSPCL, Jalandhar. **...Respondent**

1. **BRIEF HISTORY:**

Petition against case No.: CF-100/2023 has been filed directly in the Forum by Petitioner in the matter related to A/c no.3005850329. The Petitioner is having LS connection with the sanctioned load of 950 KW/800 KVA, under Op. East Divn PSPCL, Jalandhar. The Petitioner had obtained permission for installation of Roof Top Solar Grid Interactive System having capacity of 700.66 Kwp from PSPCL. As per respondent, he can install solar plant of 80% of his sanctioned contract demand converted into KW (800KVA \* 0.80 \* 0.90) i.e., 576Kwp. Petitioner was issued notice vide memo no. 501 dated 18.07.2023 to deposit Rs. 14,06,536/- on account of reversal of units generated by excess installed capacity of Roof Top Solar system as per memo no. 554 dated 30.06.2023 of Sr. Xen CSC, Jalandhar. Petitioner did not agree to it and filed his case in the Corporate Forum. Forum heard the case in its proceedings dated 10.08.2023, 16.08.2023, 22.08.2023 and finally on 29.08.2023, when the case was closed for passing speaking orders.

1. ***PROCEEDINGS:***

***Proceedings dated: 10.08.2023***

*The petition has been placed before the Forum for admission. After considering the averments made in the petition, the petition is admitted. Notice be issued to ASE/Sr. Xen/Op. East Jalandhar (Respondent) along with copy of petition.*

*Respondent shall submit five copies of the following record/documents before the Forum*

1. *Respondent shall confirm that there is no case pending before any Court/Forum or any other authority between PSPCL and Petitioner.*
2. *Respondent shall confirm the status of up to date payments and shall ensure that no bill other than the amount in dispute, is pending.*
3. *Respondent shall confirm that the complainant/applicant/petitioner is a competent/authorised person to file/defend the case on behalf of the consumer of the above a/c no.*
4. *Point-wise/Para-wise reply to the petition be submitted in form of hard copy & soft copy through email at* *secy.cgrfldh@gmail.com**.*
5. *Respondent shall also ensure the following action: -*
	1. *He will check/verify the amount of Rs. 1406536/- charged vide notice no. 501 dated 18.07.2023 on account of excess units adjusted in billing of Solar SPV system installed in excess of 576KVA and submit relevant instructions based upon which the account has been overhauled.*
	2. *He will submit copy of solar application RID no. 98480 along with its agreement and complete consumer case.*
	3. *He will submit legible copy of ECR no. 41/2417 dated 03.12.2021.*
	4. *He will submit current LCR depicting installed capacity of the solar plant (rated Inverter capacity on A.C side), prepared by ASE/Sr.XEN.*
	5. *He will submit consumption data depicting readings, dates of reading (in KWH & KVAH, MDI, PF etc.) also indicating the meter status, MF etc. For previous 5 years along with SAP reading record.*
	6. *He will submit copies of checking carried out by various authorities previously.*
	7. *Submit copies of related Job order clearly depicting date of effect thereof, ME lab report and DDL report of meter in dispute.*
	8. *Intimate Regulation number of Supply Code, 2014 or any other relevant Rules/Regulations according to which the amount has been charged.*
	9. *Ensure that all the documents have been checked/verified & signed by ASE/Sr. XEN and he will be responsible for the authenticity of the documents/information submitted to the Forum.*

*The case be put up on 16.08.2023.*

***Proceedings dated: 16.08.2023***

*Respondent submitted four copies of details of the case along with other documents which is taken on record. Forum observed that point wise reply to the petition has not been submitted.*

*Respondent is directed to submit point wise reply, capacity of solar plant (rated inverter capacity on A.C side) duly checked by ASE/Sr. XEN and complete details of amount of Rs. 1406536/- on next date of hearing. ASE/Sr. XEN must personally appear on next date of hearing.*

*Forum observed that when competent authority had sanctioned the solar capacity of 700.66 KVA then under what instructions account has been overhauled and amount of Rs. 1406536/- has been charged, Respondent is directed to comment upon it on next hearing.*

*The case is adjourned to 22.08.2023 for filing rejoinder.*

***Proceedings dated: 22.08.2023***

 *Respondent submitted point wise reply, site checking report by ASE/DS East, Jalandhar as directed in previous hearing which is taken on record. Petitioner is directed to collect the copy of the same from the O/O Respondent.*

*Forum observed that Respondent has not commented upon how the competent authority had sanctioned the solar capacity of 700.66 KVA and under what instructions account has been overhauled and amount of Rs. 1406536/- has been charged. Respondent is again directed to comment upon it on next hearing.*

*It is also observed that as per notice Memo no. 501 dated 18.07.2023 petitioner was directed to remove excess solar capacity than the permissible capacity failing which amount under dispute will be charged to him; Respondent is directed to intimate that under which instruction this action has been proposed. Further petitioner is directed to submit reply regarding status of compliance of the said notice.*

*The case is adjourned to 29.08.2023 for oral discussion.*

***Proceedings dated: 29.08.2023***

*Respondent submitted comments which is taken on record.*

 *Petitioner is submitted four copies of rejoinder which is taken on record. One copy thereof was handed over to the respondent.*

*Petitioner/PR stated that the petition/rejoinder and other documents already submitted may also be considered as part of oral discussion.*

 *Respondent stated that the reply to the petition and other documents already submitted may be considered as oral discussion.*

*Both the parties have nothing more to say and submit.*

*The case is closed for passing speaking orders.*

1. **FACTS OF THE CASE AND OBSERVATIONS OF THE FORUM: -**
2. The Petitioner bearing A/c no. 3005850329, is having LS connection with sanctioned load of 950 KW/800 KVA, in the name of Sh. Balaji wires, under East Division, Jalandhar.
3. The Petitioner in his Petition prayed that: -
	* + 1. *That the consumer is running LS category connection in the name of M/s Shree Balaji Wires A/c No.3005850329/LS with Sanctioned Load 950.00KW & Contract Demand 800 KVA under AEE/OP Rural S/Divn Alawalpur under ASE/Commercial, East Division, Jalandhar.*
			2. *That the consumer is fully abiding by the obligations of the PSPCL by way of making the payment of the bills raised and even genuine supplementary demand and which is being raised from time to time.*
			3. *That the Petitioner consumer has applied online for Rooftop Solar System for 700.66 KW on 17/07/2021. It is pertinent to mention here that the online application form shows 12 columns out of which 1 number first column for Sanctioned load (Ann.P1) not for contract demand. The application of the Petitioner consumer was approved by ASE/DS East Division Jalandhar on dated 13/08/2021. (Ann.P2) after the approval letter the Petitioner consumer ordered the Rooftop Solar System Agency to start the process to install the solar system. The work of installation was started on 10/10/2021 which was completed 5/1/2022. (Ann.P3) The Rooftop Solar System was released on 8/01/2022. (Ann.P4) From the above it is clearly shows that after submission of application/approval from competent authority, no objection or queries has been raise by the by the department which proves that the Petitioner consumer had applied the Rooftop Solar System according to the instructions of the PSPCL. It is also submitted that the whole process of Rooftop Solar System application submission/ approval and released are online website of PSPCL which are maintained by the PSPCL authorities and necessary documents uploaded by the PSPCL Copy of online documents attached. (Ann.P5)*
			4. *That the consumer was stunned to receive the Memo No. 501 dated 18/07/2023 regarding deposit of Rs.1406536/- towards excess Generated Solar units (Copy Attached Ann.P6) against excess installation of Solar Plant which is totally wrong as there is no such instructions in Tariff of PSPCL vide which this demand has be raised.*
			5. *That the Petitioner Consumer approached to office of the AEE Rural PSPCL Alawalpur regarding charging of Rs.1406536/- towards excess Generated Solar unit and requested vide letter dated 24/07/2023 for the PSPCL instructions vide which the amount has been charged. (Ann.P7)*
			6. *That the said Rooftop Solar System for 700.66 KW was applied on 17/07/2021 and released in the month of 01/2022. During the period of 01/2022 to 7/2023 neither any objection had been raised nor had any queries been pointed out by the office of the PSPCL/checking agencies. It comes to the notice of the Petitioner Consumer when the Memo No. 501 dated 18/07/2023 has been served by the AEE Rural Alawalpur. The Demand raised vide memo no 501 dated 18/7/2023 is totally wrong and baseless which needs to be quashed on merits.*
			7. *It is evidently mentioned that the said connection was checked by ASE MMTS Jalandhar vide checking report no 41/2417 dated 31/12/2021 and no such objections raised by the checking agency. (Ann.P8)*

*From the above it is evidentially proved that the Petition Consumer had applied the Rooftop Solar System according to instructions of the PSPCL and installed the Rooftop Solar System after the approval/sanctioned from the department. The Petitioner consumer humbly prays the Hon'ble Forum to direct ASE East Division Jalandhar to withdraw the demand of Rs.1406536/- and give justice to the Petitioner Consumer.*

1. The Respondent in his reply to petition stated that: -

*ies Kpqkwr vloN Awpxw solr plWt lgwaux leI s/f dPqr ivKy imqI 17.07.2021 nUM ibnY p`qr pyS kIqw sI jo ik imqI 13.08.2021 nUM Letter of Approval imlx auprMq 950 ik.vw. lof Aqy CD 800 ky.vI.ey. Aqy 700.66 dI kpYstI dw solr plWt lgwieAw igAw sI[ jdik Kpqkwr ESIM Instruction No. 127 muqwibk AwpxI SYkSn Contract Demand dI 80% kpYstI Converted to (576 KW) q`k dw solr plWt lgw skdw hY jI[*

*Kpqkwr dw mhInw 05/2023 dw ib`l rIifMg glt cVn kwrn irvrsl vwsqy vDIk ingrwn ieMjI/sI.bI.sI. jlMDr jI dy dPqr nUM ByijAw igAw sI jo ik ib`l irvrsl krdy smyN auhnW vloN ieh pwieAw igAw ik Kpqkwr dw LS Solar kunYkSn dI kpYstI pwvrkwm dIAW hdwieqW muqwibk ijAwdw hY[ auhnW vloN mImo nM: 554 imqI 30.06.2023 Anuswr Kpqkwr nUM 80% qoN ijAwdw Solar kpYstI ijAwdw hox kwrn l`gI hoeI vwDU kpYstI dy bxy XUintW dI rkm cwrj krn leI iliKAw igAw[ vDIk ingrwn ieMjInIAr sI.bI.sI. vloN Kpqkwr dw Export Import XUintW dI pwvr PYktr vI mYntyn nw hox bwry iliKAw igAw ijs dy Anuswr Kpqkwr nUM 7,43,063/- rupey cwrj kIqy hn ijs dI clarification vwsqy s/f dPqr vloN mImo nM: 502 imqI 18.07.2023 nwl 14,06,536/- rupey Awpxy Kwqw nM: 3005850329 ivc jmHW krvwaux leI iliKAw igAw prMqU Kpqkwr ies nwl sihmq nhIN hoieAw Aqy Kpqkwr vloN Awpxw kys sI.jI. Awr.AYP. kmytI ivc lgw id`qw igAw[Kpqkwr ny ies rkm dw 20% ArQwq 2,81,310/- (imqI 29.07.2023 rsId nM: 195926536) nwl AwnlweIn jmW krvw ky Awpxw kys rijstrySn nM: CF-100/2023 nwl sk`qr/kwrporyt CGRF pMjwb rwj pwvr kwrporySn ilmitf luiDAwxw ivKy lgwieAw hY[*

*Point Wise Reply of Petition: -*

1. *Kpqkwr vloN Awpxw kys Awp jI dy dPqr ivc PSERC/SECY/REG/117 (forum & Ombudsman) Regulation 2016 Anuswr lgwieAw hY jI[*
2. *pYrw nM: 02 Anuswr Kpqkwr dw kunYkSn sbMDq s/f dPqr ivKy LS kYtwgrI 950 ik.vw. mnjUr lof 800 ik.vw sI.fI. Aqy 700.66 dI kpYstI dw mYs: bwlwjI vwiers dy nwm qy solr plWt l`gw hoieAw hY jI[ Kpqkwr vloN pYrw nM: 1 dI sUcnw Aqy q`Q shI hn jI[*
3. *pYrw nM: 03 Anuswr Kpqkwr vloN Awpxy ib`l dw Bugqwn smy isr kIqw jw irhw hY jI[*
4. *pYrw nM: 04 Anuswr Kpqkwr vloN imqI 13.07.2021 nUM solr rUPtop isstm AplweI kIqw igAw sI[ ies kunYkSn dI imqI 13.08.2021 nUM vDIk ingrwn ieMjI/pUrb mMfl; jlMDr jI vloN mnjUrI krn auprMq Kpqkwr dw solr plWt dw kunYkSn imqI 21.12.2021 nUM mItr lgw id`qw igAw sI Aqy ibilMg imqI 21.12.2021 qoN SurU kr id`qI geI sI[ Kpqkwr vloM swry dsqwvyz pI.AYs.pI.sI.AYl dI vYbswiet qy AwnlweIn Aplof kIqy gey hn[*
5. *pYrw nM: 05 Anuswr Kpqkwr dw mhInw 05/2023 dw ib`l rIifMg glq cVn kwrn irvrsl vwsqy vDIk ingrwn ieMjI/sI.bI.sI. jlMDr jI dy dPqr nUM ByijAw igAw sI jo ik ib`l irvrsl krdy smyN auhnW vloN ieh pwieAw igAw ik Kpqkwr dw LS Solar kunYkSn dI kpYkstI pwvrkwm dIAW hdwieqW muqwibk ijAwdw hY[ auhnW vloN mImo nM: 554 imqI 03.06.2023 Anuswr Kpqkwr nUM 80% qoM ijAwdw solr kpYstI ijAwdw hox kwrn l`gI hoeI vwDU kpYstI dy bxy XUintW dI rkm cwrj krn leI iliKAw igAw[ Kpqkwr nUM ieh rkm ESIM dI Dwrw 127(6.2) Anuswr pweI geI hY, ijs Anuswr Kpqkwr AwpxI Contract Demand dw 80% jo ik kwh Converted Units dw hI solr plWt lgw skdw hY jI[ vDIk ingrwn ieMjI:/sI.AYs.sI. vloN Kpqkwr dI Actual Solar kpYstI jo ik 576(800\*0.9\*80%) XUint bxdy sn qoN ijAwdw (700.66) hox kwrn proportionate Anuswr 14,06,536/- rupey cwrj krn leI iliKAw igAw sI[*
6. *pYrw nM:06 Anuswr Kpqkwr nUM 14,06,536/- rupey dI rkm ESIM dI Dwrw 127(6.2) Anuswr pweI geI hY, ijs Anuswr Kpqkwr AwpxI Contract Demand dw 80% jo ik kwh Converted Units dw hI solr plWt lgw skdw hY jI[ vDIk ingrwn ieMjI:/sI.AYs.sI. vloN Kpqkwr dI Actual Solar kpYstI jo ik 576(800\*0.9\*80%) XUint bxdy sn qoN ijAwdw (700.66) hox kwrn proportionate Anuswr bxweI geI hY jo ik Awp jI dy dPqr nUM pihlW hI jmW krvweI jw cu`kI hY jI[*
7. *pYrw nM: 07 Anuswr Kpqkwr dw mhInw 05/2023 dw ib`l rIifMg glq cVn kwrn irvrsl vwsqy vDIk ingrwn ieMjI/sI.bI.sI. jlMDr jI dy dPqr nUM ByijAw igAw sI jo ik ib`l irvrsl krdy smyN auhnW vloN ieh pwieAw igAw ik Kpqkwr dw LS Solar kunYkSn dI kpYkstI pwvrkwm dIAW hdwieqW muqwibk ijAwdw hY[ Kpqkwr dy v`D l`gy solr plWt sbMDI pwvrkwm dIAW hdwieqW Anuswr cYikMg vDIk ingrwn ieMjI/sI.bI.sI. vloN ibl irvrsl smyN hI hoeI hY[ ies kwrn Kpqkwr nUM ies dPqr dy mImo nM: 501 imqI 18.07.2023 ByijAw igAw sI[*
8. *pYrw nM: 08 Anuswr Kpqkwr dw kunYkSn imqI 31.12.2021 nUM vDIk ingrwn ieMjI:/ienPorsmYNt km AYm.AYm.tI.AYs. vloN cYk kIqw igAw sI prMqU auhnW vloN v```D kpYstI dy solr sbMDI koeI ijkr nhIN kIqw igAw sI[*
9. *Petitioner submitted his rejoinder as under*: -

*Pursuant to the written reply submitted by the Respondent/Addl.SE PSPCL East Division Jalandhar on 22.08.2023 in response to petition filed on 29.07.2023. The petitioner consumer in compliance with the proceedings of Hon’ble Forum on 22.08.2023 submits the rejoinder submission which may be considered part and parcel of the petition.*

*The parawise reply is as under please:*

* + - 1. *Admitted by the Respondent being matter of record.*
			2. *Admitted by the Respondent being matter of record.*
			3. *Admitted by the Respondent being matter of record.*
			4. *Admitted by the Respondent.*
			5. *The contents of the Para is wrong and denied as stated by the Respondent that this point has been noticed by the Addl. SE/CBC Jalandhar in the month of 5/2023 which is surprised to consumer as the billing of the Rooftop Solar System was started in the month of 12/2021(As stated by the Respondent in his Para 4 of reply). The bills of the consumer had been regularly issued and checked by the Addl. SE/CBC Jalandhar and during the period of 12/2021 to 5/2023 this point had been never noticed nor any queries had been pointed out by Addl. SE/CBC Jalandhar. It comes to the notice of the Petitioner Consumer when the Memo No. 501 dated 18/07/2023 has been served by the AEE Rural Alawalpur. The Demand Rs. 1406536/- raised under the clause 127 (6.2) of ESIM (as mentioned in the Notice) is totally wrong and baseless as there are no such instructions in this Clause of ESIM regarding changing of this amount which needs to be quashed on merits. It is pertinent to mention here that the consumer had applied online for Rooftop Solar System for 700.66 KW on 17/07/2021. The installation process has been started only after the approval. It is also submitted that the whole process of Rooftop Solar System application submission/approval and released are online website of PSPCL which are maintained by the PSPCL authorities and necessary documents uploaded by the PSPCL. (As explained in Para 4 of the Petition)*
			6. *The reply of the Para is wrong and denied as there are no such instructions in clause 127(6.2) of ESIM regarding charging this amount on proportionate basis.*
			7. *The reply of the Para is wrong and denied as explained in Para 5.*
			8. *Admitted by the Respondent.*

*The Petitioner consumer in compliance with the proceedings of Hon’ble Forum on 22.08.2023 regarding sanctioned of Rooftop Solar System by the PSPCL and instructions vide which the amount has been charged. (Ann.RJ1). The reply of this letter is still awaited from the Respondent side. It is further submitted that the Petitioner Consumer has invested a huge investment of Rs. 27624286/- to install the Rooftop Solar System. The investment had made only after the approval/sanctioned from the PSPCL authorities.*

*From the above it is evidentially proved that the Petition consumer had applied the Rooftop Solar System according to instructions of the PSPCL and installed the Rooftop Solar System after the approval/sanctioned from the department. The Petitioner Consumer is not on any fault regarding installation of Rooftop Solar System and should not penalize in any kind of manner.*

*The petitioner consumer humbly prays the Hon’ble Forum to direct ASE East Jalandhar to withdraw the observations/demand of Rs. 1406536/- raised vide memo No. 501 dated 18/07/2023 and give justice to the Petitioner Consumer.*

1. Forum have gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder by Petitioner, oral discussions made by Petitioner along with material brought on record. The issue that requires adjudication in the present case is to decide the legitimacy of amount of Rs. 14,06,536/- charged vide memo no. 501 dated 18.07.2023 on account of the reversal of excess generated solar units by installation of excess capacity of solar plant beyond 80% sanctioned CD on pro rata basis.
2. Forum observed that the Petitioner had obtained permission for installation of Roof Top Solar Grid Interactive System having capacity of 700.66 Kwp from PSPCL. As per respondent he can install solar plant of 80% of his sanctioned contract demand converted into KW (800KVA \* 0.80 \* 0.90) i.e., 576Kwp. Petitioner was issued notice vide memo no. 501 dated 18.07.2023 to deposit Rs. 14,06,536/- on account of reversal of units generated by excess installed capacity of Roof Top Solar system as per memo no. 554 dated 30.06.2023 of Sr. Xen CSC, Jalandhar. Petitioner did not agree to it and filed his case in the Corporate Forum. Forum observed that the petitioner in his petition/ rejoinder has submitted that: -

“*The petitioner consumer has applied online for Roof Top Solar Grid Interactive* *System for 700.66 KW on 17.07.2021. It is pertinent to mention here that the online application form shows 12 columns out of which 1 number first column for Sanctioned load not for contract demand. The application of the Petitioner consumer was approved by ASE/DS East Division Jalandhar on dated 13.08.2021. After the approval letter the Petitioner consumer ordered the Rooftop Solar System Agency to start the process to install the solar system. The work of installation was started on 10.10.2021 which was completed 5.1.2022. The Rooftop Solar System was released on 8/01/2022.”*

The reply submitted by the Respondent in this regard is reproduced as under: -

*“ies Kpqkwr vloN Awpxw solr plWt lgwaux leI s/f dPqr ivKy imqI 17.07.2021 nUM ibnY p`qr pyS kIqw sI jo ik imqI 13.08.2021 nUM Letter of Approval imlx auprMq 950 ik.vw. lof Aqy CD 800 ky.vI.ey. Aqy 700.66 dI kpYstI dw solr plWt lgwieAw igAw sI[ jdik Kpqkwr ESIM Instruction No. 127 muqwibk AwpxI SYkSn Contract Demand dI 80% kpYstI Converted to (576 KW) q`k dw solr plWt lgw skdw hY jI[*

*Kpqkwr dw mhInw 05/2023 dw ib`l rIifMg glt cVn kwrn irvrsl vwsqy vDIk ingrwn ieMjI/sI.bI.sI. jlMDr jI dy dPqr nUM ByijAw igAw sI jo ik ib`l irvrsl krdy smyN auhnW vloN ieh pwieAw igAw ik Kpqkwr dw LS Solar kunYkSn dI kpYstI pwvrkwm dIAW hdwieqW muqwibk ijAwdw hY[ auhnW vloN mImo nM: 554 imqI 30.06.2023 Anuswr Kpqkwr nUM 80% qoN ijAwdw Solar kpYstI ijAwdw hox kwrn l`gI hoeI vwDU kpYstI dy bxy XUintW dI rkm cwrj krn leI iliKAw igAw[”*

Petitioner further contended that he had invested a huge investment of Rs. 2,76,24,286/- to install the Roof Top Solar Grid Interactive System. The investment had made only after the approval/sanctioned from the PSPCL authorities. Demand Rs. 14,06,536/- raised under the clause 127 (6.2) of ESIM (as mentioned in the Notice) is totally wrong and baseless as there are no such instructions in this Clause of ESIM regarding charging of this amount which needs to be quashed on merits.

Forum observed that petitioner had installed Roof Top Solar Grid Interactive System plant having capacity of 700.66 kwp on dated 21.12.2021 after obtaining the approval from the competent authority of PSPCL. Forum also observed the ‘ONLINE APPLICATION FORM FOR SOLAR ROOF TOP PROJECT’ submitted by the petitioner while applying for the approval for installation of Roof Top Solar Grid Interactive System solar system in which Sr. no. 1 is Sanctioned Load in KW and not the contract demand in KVA accordingly competent authority of the PSPCL sanctioned the capacity of solar system has 700.66 Kwp vide its approval dated 13.08.2021.

Forum observed relevant instructions of Punjab State Electricity Regulatory Commission (Roof Top Solar Grid Interactive System based on net metering regulation 2015) issued vide notification no. PSERC/Secy./Regu.101 dated 07.05.2015/Clause 127 of ESIM reproduced as under: -

***127 GUIDELINES/INSTRUCTIONS REGARDING NET METERING FOR GRID INTERACTIVE ROOF TOP SOLAR PHOTO VOLTAIC POWER PLANTS.***

***6. Eligible consumer and individual project capacity.***

***6.2 The maximum capacity of rooftop solar system shall not exceed 80% of the sanctioned load (kW) or contract demand of the consumer (in kVA converted to kW by using a power factor of 0.9):***

***Provided that the installed capacity shall not be less than 1 kWp and shall not exceed 1MWp (AC side) for a single eligible consumer:***

***Provided further that a variation in the rated capacity of the system within a range of five percent shall be allowed.***

On the perusal of the above regulations, Forum observed that the maximum installed capacity of Roof Top Solar Grid Interactive System can be either 80% of the sanctioned load (kW) or contract demand of the consumer (in KVA converted to kW by using a power factor of 0.9).

In the instant case, as per above Regulation/clause, the maximum capacity of Roof Top Solar Grid Interactive System works out as 950Kw x 80% = 760 Kwp whereas the respondent is restricting it to 800\*0.9\*80% =576 Kwp.

As the installed capacity of Roof Top Solar System is 700.66 Kwp which is less than/well within the max allowed capacity of 760 Kwp (i.e., 80% of his sanctioned load), therefore the action of the respondent by charging him on reversal of solar units is not justified.

Forum has gone through the written submissions made by the Petitioner in the petition, written reply of the Respondent, rejoinder of the Petitioner as well as oral arguments made by the Petitioner and the Respondent along with the material brought on the record. From the above discussion, Forum observed that clause 127 of ESIM has been misinterpreted by the respondent and maximum allowable capacity of Roof Top Solar Grid Interactive System has been wrongly worked out. The approval of 700.66 Kwp Roof Top Solar Grid Interactive System has been rightly accorded by the competent authority, therefore, notice issued by respondent vide memo no. 501 dated 18.07.2023 to deposit amount of Rs. 14,06,536/- on account of reversal of units generated by excess installed capacity of Roof Top Solar Grid Interactive System on pro rata basis is not justified and is liable to be quashed.

Keeping in view the above, Forum came to unanimous conclusion that, the notice issued by respondent vide memo no. 501 dated 18.07.2023 to deposit amount of Rs. 14,06,536/- on account of reversal of units generated by excess installed capacity of Roof Top Solar Grid Interactive System on pro rata basis be quashed.

1. **DECISION:**

Keeping in view the petition, reply, oral discussion, after hearing both the parties, perusal of the record produced by them & observations of Forum,

Forum decides that: -

1. **The notice issued by respondent vide memo no. 501 dated 18.07.2023 to deposit amount of Rs. 14,06,536/- on account of reversal of units generated by excess installed capacity of Roof Top Solar Grid Interactive System on pro rata basis is quashed.**
2. **As required under Regulation 2.33 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021 the compliance of this decision shall be made within 21 days from the date of receipt of this order.**
3. **If the Petitioner is not satisfied with the decision of Corporate CGRF, he is at liberty to file a representation before the Ombudsman appointed / designated by the Punjab State Electricity Regulatory Commission within 30 days from the date of receipt of the order of the Forum, as required under Regulation 2.39 read with Regulation 2.37 of the Punjab State Electricity Regulatory Commission (Forum & Ombudsman) (2nd Amendment) Regulations, 2021.**

**(CA. Baneet Kumar Singla) (Er. Himat Singh Dhillon)**

**Member (Finance) Independent Member**

**(Er. Navdeep Singh Chahal) (Er. Kuldeep Singh)**

**Permanent Invitee Chairperson**

**O/o CE/Commercial, PSPCL**

**Place: Ludhiana**

**Date: 05.09.2023**