

**COURT OF THE LOK PAL (OMBUDSMAN),
ELECTRICITY, PUNJAB,
PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,
S.A.S. NAGAR (MOHALI).**

**(Constituted under Sub Section (6) of Section 42 of
Electricity Act, 2003)**

APPEAL No. 37/2022

Date of Registration : 27.06.2022

Date of Hearing : 05.07.2022

Date of Order : 05.07.2022

Before:

**Er. Gurinder Jit Singh,
Lokpal (Ombudsman), Electricity, Punjab.**

In the Matter of:

Sh. Malkiat Singh,
H.No.288, Phulkian Enclave,
Near Mini Secretariat,
Patiala.

Contract Account Number: 3000007690(DS)

...Appellant

Versus

Senior Executive Engineer,
DS Model Town Division,
PSPCL, Patiala.

...Respondent

Present For:

Appellant: Sh. Malkiat Singh,
Appellant.

Respondent : Er. Jagmohan Singh,
AEE/ Commercial S/D-1,
PSPCL, Patiala.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 31.05.2022 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-401 of 2021, deciding that:

“The bill of Rs. 3780/- for period 24.08.2021 to 30.09.2021 of ‘O’ code for period 37 days is correct and recoverable from petitioner.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 27.06.2022 i.e. within the period of thirty days of receipt of decision dated 31.05.2022 of the CGRF, Patiala in Case No. CGP-401 of 2021. The Appellant had deposited the full disputed amount. Therefore, the Appeal was registered on 27.06.2022 and copy of the same was sent to the Senior Executive Engineer/ DS Model Town Divn., PSPCL, Patiala for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 697-99/OEP/A-37/2022 dated 27.06.2022.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 05.07.2022 at 11.30 AM and intimation to this

effect was sent to both the parties vide letter nos.718-19/OEP/A-37/2022 dated 30.06.2022. As scheduled, the hearing was held in this Court and arguments of both the parties were heard.

4. Submissions made by the Appellant and the Respondent

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral deliberations made by the Appellant and the Respondent alongwith material brought on record by both the parties.

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

The Appellant made the following submissions in its Appeal for consideration of this Court:-

- (i) The Appellant was having a Domestic Supply Category Connection, bearing Account No. 3000007690 running under DS Model Town Division, Patiala in his name.
- (ii) The Appellant submitted that with due permission of the PSPCL, he had got installed Roof Top Solar Plant of 5 kW and the billing was being done with the concept of 'Net Metering'.
- (iii) The Respondent issued an inflated bill of ₹ 3,780/- for the period from 24.08.2021 to 30.09.2021 to the Appellant. In this

bill, excess energy (as per regulation quoted by PSPCL) generated by Roof Top Solar Plant had been charged without any such instructions/ regulation. This bill was challenged by the Appellant in the Forum after paying full amount of the said bill i.e. ₹ 3,780/-.

- (iv) The Appellant submitted that the PSPCL responded that the bill was prepared as per Regulation 11.3 of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations, 2015 reproduced as under:

“11.3 The electricity generated from a rooftop solar system shall not exceed 90% of the electricity consumption by the consumer in a settlement period. The excess energy generated in a billing circle shall be allowed to be carried forward to the next billing cycle upto the end of the settlement period.

Provided that in the event of electricity generated exceeds 90% of the electricity consumed at the end of the settlement period no payment shall be made by the distribution licensee and shall not be carried forward to next settlement period and the same shall be treated as inadvertent injection:

Provided also that at the beginning of each settlement period, cumulative carried over solar electricity injected shall be reset to zero.”

- (v) The electricity bill dated 08.10.2021 indicated solar generation and consumption as follows:

Previous Carry Forward units	= 571
Solar meter units produced during the month (From 28.08.2021 to 30.09.2021)	= 654
Total units (cumulated)	= 1,225
Less total consumption (From 28.08.2021 to 30.09.2021)	= -738
Excess balance units	= 487

So, according to Regulation 11.3 para I of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations, 2015, the excess energy generated in the billing cycle upto the end of settlement period i.e. upto September, 2021 was 487 units.

- (vi) As per para II of said Regulation 11.3, the excess balance energy units i.e. 487 units outstanding at the end of settlement period i.e. September, 2021 for which neither any payment was to be made by the PSPCL to the Appellant nor the excess balance units were to be carried forward to the next settlement period i.e. beyond September, 2021. Considering the above said Regulation 11.3, net consumption for billing should have been Zero in the bill but not of 357 units as in the bill dated 08.10.2021. The PSPCL had issued wrong bill which was in violation of the above mentioned Regulations.
- (vii) The PSPCL also brought out in its reply submitted to the Forum that it had issued bills in years 2019 & 2020 for the settlement period and no objection had been raised by the Appellant. It was submitted that if the PSPCL had issued previous bills of corresponding month in the same manner, these should not be considered as my acceptance as the violation of these Regulations were not noticed by him.

(viii) The Forum had not considered facts put forth by the Appellant and decided the case against him without citing any Regulation which explained considering inadvertent generation by Solar Plant as consumption by the Appellant. The Appellant requested that his case be considered on the merits and decided accordingly.

(b) Submission during hearing

During hearing on 05.07.2022, the Appellant reiterated the submissions made in the Appeal and prayed to allow the same.

(B) Submissions of the Respondent

(a) Submissions in written reply

The Respondent submitted the following written reply for consideration of this Court:-

- (i) The Appellant was having a DS Category Connection bearing Account No. 3000007690 with sanctioned load of 10.74 kW in his name. The Solar Plant of capacity 5 kW had been installed under the “Net Metering”.
- (ii) The Respondent submitted that the bill dated 08.10.2021 issued against the A/c no. 3000007690 for the period from 24.08.2021 to 30.09.2021 (37 days) of ₹ 3,780/- was the final bill of settlement period (01.10.2020 to 30.09.2021) of Solar Metering (Net Metering). It was pertinent to mention here that this

settlement bill dated 08.10.2021 (till 30th September) was correct as per Regulation 11.3 of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations, 2015.

- (iii) The Respondent submitted that the calculations submitted by the Appellant in his Appeal were wrong. The calculations of the bill dated 08.10.2021 at the end of the settlement period (i.e. 30.09.2021) was as under:

Sr.	Description		Units
1.	Total Solar Generation (during settlement period from 01.10.20 to 30.09.21)	(21685-14978)	6707
2.	Total Export	(15348-10940)	4408
3.	Solar Consumption (Solar Generation minus Export)	Sr. No. 1 – Sr. No.2	2299
4.	PSPCL Consumption (Import)	(16182-11967)	4215
5.	Total Consumption (i.e. Consumption from PSPCL plus Solar)	Sr. No. 3 + Sr. No. 4	6514
6.	90% of Total Consumption	Sr. No. 5 * .90	5863
7.	Excess solar Generation than 90% of total consumption (inadvertent injection)	Sr. No. 1 - Sr. No. 6	844
CURRENT BILL CALCULATIONS (Bill dated 08.10.2021)			
8.	Previous Carry Forwards		571
9.	Current Import		495
10.	Current Export		411
11.	Current Net	Sr. No. 9 - Sr. No. 10	84
12.	Current Solar Generation		654

13.	Current Total Consumption	Sr. No. 9+(12-10)	738
14.	Net Consumption for billing	Sr. No. 11+ Sr. No. 7	928
	Net Consumption for billing after adjustment of previous carry forward		
15.	Net Cons. for Billing (for the settlement period from 01.10.2020 to 30.09.2021)	Sr. No. 11+7-8	357

- (iv) The Respondent submitted that the interpretation of ibid Regulation 11.3 by the Appellant in his Appeal was wrong.
- (v) The bills issued at the end of settlement period in the year 2019 and 2020 were correct as per ibid Regulation 11.3.
- (vi) The prayer along with Grounds of Appeal of the Appellant was wrong and hence denied. The Respondent had rightly charged the amount as per the Regulations of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations, 2015. The Appellant was not entitled to any relief. The Appeal of the Appellant may kindly be dismissed with costs.
- (vii) The Respondent prayed that any other relief to which this Hon'ble Court deemed fit and proper, may also be granted in favour of the Respondent and against the Appellant.

(b) Submission during hearing

During hearing on 05.07.2022, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed to dismiss the Appeal.

5. Analysis and Findings

The issue requiring adjudication is the legitimacy of the bill dated 08.10.2021 of ₹ 3,780/- for the period from 24.08.2021 to 30.09.2021 issued on 'O' Code.

My findings on the points emerged, deliberated and analysed are as under:-

- (i) The Appellant reiterated the submissions made in the Appeal. He pleaded that with due permission of the PSPCL, he had got installed Roof Top Solar Plant of 5 kW and the billing was being done with the concept of 'Net Metering'. The Respondent issued him an inflated bill of ₹ 3,780/- for the period from 24.08.2021 to 30.09.2021. In this bill, excess energy generated by Roof Top Solar Plant had been charged without any such instructions/ regulation as according to Regulation 11.3 para I of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations, 2015, the excess energy generated in the billing

cycle upto the end of settlement period i.e. upto September, 2021 was 487 units. As per para II of said Regulation 11.3, the excess balance energy units i.e. 487 units outstanding at the end of settlement period i.e. September, 2021 for which neither any payment was to be made by the PSPCL to the Appellant nor the excess balance units were to be carried forward to the next settlement period i.e. beyond September, 2021. Considering the above said Regulation 11.3, net consumption for billing should have been Zero in the bill but not of 357 units as in the bill dated 08.10.2021. The PSPCL had issued wrong bill which was in violation of the above mentioned Regulations. He approached the Forum against this bill, but the Forum had not considered facts put forth by the Appellant and decided the case against him without citing any Regulation. He requested that his case be considered on merits and decided accordingly.

- (ii) On the other hand, the Respondent controverted the pleas raised by the Appellant in its Appeal and reiterated the submissions made by the Respondent in the written reply. The Respondent argued that the disputed bill dated 08.10.2021 issued to the Appellant was the final bill of the settlement period of 01.10.2020 to 30.09.2021 of Solar Metering. The total consumption of the Appellant during this settlement period of

01.10.2020 to 30.09.2021 was 6514 units and only 90% of this consumption i.e. 5863 units could be set off against the electricity generated by the rooftop solar system installed by the Appellant. Balance 844 units were to be treated as inadvertent injection as per Regulation 11.3 of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations, 2015. So the disputed bill was correct and recoverable from the Appellant. He argued that the calculations submitted by the Appellant and the interpretation of ibid Regulation 11.3 by the Appellant in his Appeal was wrong. He prayed that the Appeal of the Appellant may kindly be dismissed with costs and any other relief to which this Hon'ble Court deemed fit and proper, may also be granted in favour of the Respondent and against the Appellant.

(iii) The Forum in its order dated 31.05.2022 observed as under:

“Forum observed that PSPCL has issued instructions/ Guidelines regarding net metering for Grid interactive Roof Top Solar Photo Voltaic Power Plants-2015. For Energy Accounting and Settlement, clause 11.3 of these instructions provide as under:-

“Electricity generated from a rooftop solar system shall not exceed 90% of the electricity consumption by the consumer in a settlement period. The excess energy generated in a billing cycle shall be allowed to be carried forward to the next billing cycle up to the end of the settlement period.

Provided that in the event of electricity generated exceeds 90% of the electricity consumed at the end of the settlement period no payment shall be made by PSPCL and shall not be carried forwarded to next settlement period and the same shall be treated as inadvertent injection. Provided also that at the beginning of each settlement period (1st October to 30th September) cumulative carried over solar electricity injected shall be reset to zero.”

Forum observed that as per above instructions, electricity generated from a rooftop solar system should not exceed 90% of the electricity consumption by the consumer in a settlement period (1st October to 30th September). The excess energy generated in a billing cycle is allowed to be carried forward to the next billing cycle only up to the end of the settlement period (1st October to 30th September). In case the electricity generated exceeds 90% of the electricity consumed at the end of the settlement period (1st October to 30th September) no payment is to be made by PSPCL and not be carried forwarded to next settlement period and the same to be treated as inadvertent injection. In this case, as per the consumption data, as provided by the respondent, the consumer has consumed 6514 units during settlement period from 1.10.2020 to 30.09.2021 whereas generation from solar PV system is 6707 units during this period. 90% of total consumption is 5863 units. Thus, 844 units (6707- 5863), which have exceeded the 90% of total consumption during this settlement period, have become as inadvertent injection. From above position forum observed that after adjusting the previous carry forward 571 units and current net consumption of 84 units, respondent has issued final bill for 357 units for settlement period 01.10.2020 to 30.09.2021, which is in line with ibid instructions.

After considering all written and verbal submissions by the petitioner and the respondent and scrutiny of record produced, Forum is of the opinion that the bill of Rs. 3780/- for period 24.08.2021 to 30.09.2021 of 'O' code for period 37 days is correct and recoverable from petitioner.

Keeping in view the above, Forum came to the unanimous conclusion that the bill of Rs. 3780/- for period 24.08.2021 to 30.09.2021 of 'O' code for period 37 days is correct and recoverable from petitioner."

- (iv) I have gone through the written submissions made by the Appellant in the Appeal, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 05.07.2022. It is observed by this Court that the Regulation 11.3 of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations, 2015 contains the provisions related to the present case, reproduced as under:

"11.3 The electricity generated from a rooftop solar system shall not exceed 90% of the electricity consumption by the

consumer in a settlement period. The excess energy generated in a billing circle shall be allowed to be carried forward to the next billing cycle upto the end of the settlement period.

Provided that in the event of electricity generated exceeds 90% of the electricity consumed at the end of the settlement period no payment shall be made by the distribution licensee and shall not be carried forward to next settlement period and the same shall be treated as inadvertent injection:

Provided also that at the beginning of each settlement period, cumulative carried over solar electricity injected shall be reset to zero.”

- (v) Above Regulation 11.3 clearly states that the electricity generated from a rooftop solar system shall not exceed 90% of the electricity consumption by the consumer in a settlement period and if the electricity generated exceeds 90% of the electricity consumed at the end of the settlement period, no payment shall be made by the Distribution Licensee and shall not be carried forward to next settlement period and the same shall be treated as inadvertent injection.
- (vi) In the present case, the total consumption of the Appellant in the settlement period from 01.10.2020 to 30.09.2021 was 6514 units and the total electricity generated by his rooftop solar system was 6707 units. The maximum permissible electricity generation was 90% of total consumption i.e. $6514 \times 90\% = 5863$ units and balance $6707 - 5863 = 844$ units were to be treated as inadvertent injection as per *ibid* Regulation 11.3. The

disputed bill from 24.08.2021 to 30.09.2021 was the last bill of the current settlement period of 01.10.2020 to 30.09.2021, so the excess energy generated could not be carried forward to the next billing cycle. As such, the Respondent issued the bill of 357 units after treating the 844 units (units generated in excess of 90% of the consumption in settlement period) as inadvertent injection as the ibid Regulation 11.3 which is correct and recoverable.

- (vii) In view of the above, this Court is not inclined to interfere with the decision dated 31.05.2022 of the Forum in case no. CGP-401 of 2021.

6. Decision

As a sequel of above discussions, the order dated 31.05.2022 of the CGRF, Patiala in Case No. CGP-401 of 2021 is hereby upheld.

7. The Appeal is disposed of accordingly.
8. As per provisions contained in Regulation 3.26 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016, the Licensee will comply with the award/order within 21 days of the date of its receipt.

9. In case, the Appellant or the Respondent is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the Appropriate Bodies in accordance with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016.

July 05, 2022
S.A.S. Nagar (Mohali)

(GURINDER JIT SINGH)
Lokpal (Ombudsman)
Electricity, Punjab.

