

**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. 55/2021**

**Date of Registration : 20.07.2021**  
**Date of Hearing : 09.08.2021, 18.08.2021, 23.08.2021**  
**Date of Order : 23.08.2021**  
**Before:**

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

**In the Matter of:**

Regional Institute of Management & Technology,  
C/o RIMT University, RIMT Road,  
Mandi Gobindgarh.

**Contract Account Number: 30023009861 (NRS)**

...Appellant

Versus

Additional Superintending Engineer,  
DS Special Division,  
PSPCL, Mandi Gobindgarh.

...Respondent

**Present For:**

- Appellant:**
1. Sh. Raman Kumar, General Manager,  
Appellant's Representative.
  2. Sh. S. K. Jain,  
Appellant's Representative.
  3. Sh. Budh Ram Jindal,  
Appellant's Representative.
- Respondent :**
1. Er. J.S.Tiwana,  
Additional Superintending Engineer,  
DS Special Division,PSPCL,  
Mandi Gobindgarh.
  2. Sh. Bipin Dhingra,  
Revenue Accountant,  
Mandi Gobindgarh.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 22.06.2021 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-106 of 2021, deciding that:

*“The claims of the petitioner for allowing of offsetting of Net Consumption of a billing cycles(s) with the Net Injection of next/ subsequent billing cycle(s) although within the same settlement period and further levying of fixed charges on the Net Contract Demand i.e. Sanctioned CD reduced by CD of Solar System are not tenable as per the provisions of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations 2015 and (1<sup>st</sup> Amendment) Regulation 2020.*

*This Order does not debar the Respondent for making any billing adjustments relating to the period under consideration as per Provisions of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations and ESIM Clause no. 127.”*

## **2. Registration of the Appeal**

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 20.07.2021 i.e within

the stipulated period of one month of receipt of the decision dated 22.06.2021 of the CGRF, Patiala in Case No. CGP-106 of 2021 by the Appellant on 24.06.2021. The Appeal was accompanied by a copy of receipt no. 153381957 dated 04.01.2021 for ₹ 4,00,000/-. Thus, the Appellant had deposited 40% of the disputed amount of ₹ 9,26,325/-. Therefore, the Appeal was registered and copy of the same was sent to the Addl. Superintending Engineer/ DS Special Divn., Mandi Gobindgarh for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 1041-1043/OEP/A-55/2021 dated 20.07.2021.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 09.08.2021 at 11.30AM and an intimation to this effect was sent to both the parties vide letter nos. 1089-90/OEP/A-55/2021 dated 02.08.2021. As scheduled, the hearing was held in this Court on the said date and time. Arguments of both parties were heard and copies of the minutes of the proceedings dated 09.08.2021 were sent to the Appellant and the Respondent vide letter nos. 1103/04/OEP/A-55/2021 dated 09.08.2021. An opportunity was given to both parties to

resolve the matter mutually by holding a meeting on 13.08.2021 at Mandi Gobindgarh. It was stressed that billing for third settlement period (01.10.2019 to 30.09.2020) should be done on the basis of monthly reading record available in the office of the Respondent strictly as per PSERC regulations. Next date of hearing was fixed for 18.08.2021 at 11.30 AM.

The case was again heard on 18.08.2021 and copies of proceedings dated 18.08.2021 were sent to both parties vide letter nos. 1139/40/ OEP/ A-55/ 2021 dated 18.08.2021. The Appellant was satisfied with the details of readings given by the Respondent relating to Third settlement period (01.10.2019 to 30.09.2020) but he insisted for complete details of monthly bills prepared by the Respondent. Both parties agreed that multiplication factor in this case is four which was being shown as two in the bills served to the Appellant. The Respondent was directed to reconcile the accounts of the Appellant and next date of hearing was fixed for 23.08.2021 at 12.00 Noon.

The Respondent submitted a copy of reconciled accounts of the Appellant in this Court on 23.08.2021 and copy of the same was also given to the Appellant. Arguments of both parties were heard on 23.08.2021. The Appellant pleaded that

surcharge/ interest should be levied on the amounts calculated now strictly as per Regulations/ Tariff orders. The Respondent agreed to this proposal. It was also confirmed that the existing CTs shall be replaced with CTs of adequate ratio after drawing from the Store so as to meet with sanctioned contract demand without any constraint.

#### **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 submissions made by the Appellant's Representative and the Respondent along with material brought on record by both 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 Non- Residential Supply Category Connection bearing Account No. 30023009861, with sanctioned contract demand of 1500 kVA. The Appellant had installed Solar Voltage Panels of 500 kVA on its Rooftop and the Respondent had installed Import/ Export energy meter at

the premises of the Respondent which were in operation since February, 2018.

- (ii) The capacity of Solar Panels to generate electricity was 500 kVA after incurring a huge expenditure of ₹ 2.5 Crores as per policy of Renewable Energy by Govt. of India and adopted by PSPCL with the approval of PSERC. The Guidelines/ Instructions regarding Net Metering for Grid Interactive Rooftop Solar Photo Voltaic Power Plants were as per instruction 127 as contained in Section IX at Page 261 of Electricity Supply Instructions Manual updated till 30.06.2018.
- (iii) The Appellant used to receive the energy bills for the period of first settlement year (February, 2018 to September, 2018) and second settlement period (01-10-2018 to 23-09-2019). These bills were issued under SAP system but did not contain the details of generation by Solar Panels as Export to PSPCL. These bills were issued against Regulation No. 11.2 of Grid Interactive Rooftop SPV Systems based on Net Metering Regulations, 2015 notified by PSERC vide no. PSERC/ Secy/ Regu/ 101 dated 07.05.2015.
- (iv) 3<sup>rd</sup> Settlement period was from 23.09.2019 to 20.10.2020 against notified settlement period as per Regulations being 01.10.2019 to 30.09.2020. This might be due to the reading

dates of PSPCL. In the 3<sup>rd</sup> settlement period, the following bills were received:-

Sr. No.	Period	Days	Amount (₹)	Remarks
1	23.09.2019 to 25.10.2019	80 days	7,91,140/-	Generation was shown as 4768 units, C/F as Nil. Bill paid on 14.11.2019 vide R. No. 1471302
2	Supplementary bill No. 1 date 30.01.2020	-	7,37,508/-	Detail of days, period of bill, generation, import, export not shown. Bill paid on 05.02.2020 R. No. 140341435
3	Supplementary bill No. 2 date 10.02.2020	-	5,57,433/-	Detail of days, period of bill, generation, import, export not shown. Bill paid on 19.02.2020 R. No. 140883111
4	Supplementary bill No. 3 date 06.03.2020	-	7,61,282/-	Detail of days, period of bill, generation, import, export not shown. Bill paid on 13.03.2020 R. No. 141793651

(v) Apart from above, the following monthly bills for the lockdown period were served by PSPCL :-

Sr. No.	Period	Days	Amount (₹)	Remarks
1	22.04.2020 to 22.05.2020	30 days	Nil	Generation 54072 C/F 35072
2	22.05.2020 to 22.06.2020	31 days	Nil	Generation 50724 C/F 74196
3	22.06.2020 to 24.07.2020	32 days	18950/-	Generation 48468 C/F 102512

(vi) This was clear that Net Metering Bills with complete detail of Generation, Import, Export, units banked/ carried forward were not shown on the bills which was a violation of Regulation No. 11.2 of Grid Interactive Rooftop SPV Systems based on Net Metering, Regulations, 2015 notified by PSERC vide no. PSERC/ Secy/ Regu/ 101 dated 07.05.2015.

(vii) The SAP system of PSPCL issued a bill for the period from 23.09.2019 to 23.10.2020 (396 days) covering the entire third Settlement Period. As the SAP system was fully loaded with all applicable Regulations on Net Metering and Energy Calculations based on applicable tariff, therefore, the same cannot be disputed. The bill for 396 days on SAP system had shown as under :-

a)	Import from PSPCL	4,46,116 kVAh
b)	Export to PSPCL	3,89,768 kVAh
c)	Net Energy Payable	56228 kVAh
d)	Tariff Rate	₹ 6.55 per kVAh
e)	Amount of Energy Charges	₹ 3,68,293 (but wrongly shown as ₹ 3,63,429 in SAP bill)
f)	Fixed charges	₹ 17,18,531
g)	Rental	₹ 10,241
h)	Surcharges	₹ 78,610
i)	Voltage Rebates	(-) ₹ 1,93,251
	<b>Total</b>	<b>₹ 19,77,560</b>



But the above bill should be of ₹ 19,77,560 + (3,68,293 - 3,63,429) = ₹ 19,82,429

- (viii) As ₹ 28,47,363/- had already been paid for the 3<sup>rd</sup> Settlement Period, therefore, a refund of ₹ 28,47,363/- – ₹ 19,82,429/- = ₹ 8,64,934/- was due to the applicant.
- (ix) The Appellant was served an Electricity bill of ₹ 10,47,410/- in the month of December, 2020 for the period of 23.11.2020 to 19.12.2020 (26 days) of 4<sup>th</sup> Settlement Period which included Sundry Charges of ₹ 9,36,325/- despite 'O' code and the excess amount of ₹ 8,64,934/- was paid in the third Settlement period. This bill was in defiance to Supply Code Regulation 30.1.2 regarding non-clubbing of arrears/sundry charges in the current bills.
- (x) The Appellant had not agreed to the Sundry Charges included in the bill relating to 3<sup>rd</sup> Settlement Period and thus filed a petition before the CGRF, Patiala which was admitted as Case No. CGP-106 of 2021.
- (xi) During adjudication of the Case No. CGP-106 of 2021, the Respondent submitted that the Sundry Amount was due to Audit objection and brief description of the adjudication/discussion on the Audit Objection during proceedings of the case before CGRF Patiala was that as the energy bill for the period 23.09.2019 to 23.10.2020 was for 396

days; Internal Auditor, Audit Party, Mandi Gobindgarh had written a letter bearing No. 88 dated 09.11.2020 to Sr. XEN/ DS Special Divn., Mandi Gobindgarh stating therein that said energy bill should be prepared on monthly basis, as such the consumer had been given the excess credit of generation of electricity as 163168 units and worked out the differences as ₹ 12,65,656/-.

(xii) In reply, it was discussed that the bill issued under SAP system for the period 23.09.19 to 23.10.2020 (396 days) was as per Regulation of the PSPCL for issuing energy bills in which all the applicable Regulations were incorporated. Audit party failed to realize the curfew and lockdown conditions imposed by Govt. of India due to spread of Covid-19 Pandemic as well as relief to the electricity consumers in the State of Punjab mitigating the impact of Covid-19 Pandemic as per CC No.16/2020 dated 09.04.2020 issued by PSPCL.

(xiii) Memo No. 834 dated 23.02.2021 issued by Sr. Executive Engineer/ DS Special Divn., Mandi Gobindgarh had stated that due to wrong reading i.e. 64357 kVAh import provided by technical staff, the bill dated 23.09.19 was wrongly issued. In reply it was stated that for 2<sup>nd</sup> settlement period ending on 23.09.2019, energy bill was issued under SAP system for an

amount of ₹ 8,81,040/-.On page 2, the net consumption was mentioned as under:-

	New status	Old status	Consumption
kVAh	310734	286035	98796
	Diff. 24699x4=		
Export	48824	48779	
	Diff 45x4 =		180

Bill for 98616 @689paise comes to ₹ 6,79,878/-.

As such, there was no mistake in reporting the energy consumption for the period 06.09.2019 to 23.09.2019. Secondly in 3<sup>rd</sup> settlement period the energy bill for the period of 23.09.2019 to 25.10.2019 was issued under SAP system as ₹ 7,91,140/- but no reading for Import of electricity from PSPCL was mentioned. In consumption data at page 3 of Audit report, the net consumption worked out as 87116 units, accordingly billed for ₹ 5,33,918/- as per SAP system & was correct. As such, there was no mistake as alleged by technical staff. Thus the energy bills issued under SAP system for the period 06.09.2019 to 23.09.2019 (2<sup>nd</sup> settlement period) and for the period 23.09.2019 to 25.10.2019 (3<sup>rd</sup> settlement period) were correct and the same be allowed. Accordingly, Memo No. 834 dated 23.04.2021 was liable to be rejected & no adverse infringe be drawn.

(xiv) The amount of ₹ 12,56,650/- as calculated at page 7 of Audit report stood adjusted under the energy bill under SAP system for the period from 23.09.2019 to 23.10.2020. Thus, energy bill was prepared as per definition (n) of Net metering. It was further added that as per Circular No. 16/2020 dated 09.04.2020 on the subject, relief to the electricity consumers in the State of Punjab for mitigating the impact of Covid-19 was issued which provides as below :-

*“Due to curfew and Lockdown conditions across the State of Punjab since 23<sup>rd</sup> March 2020 in view of outbreak of Corona Virus (Covid 19), the meter reading and bill distribution, activity as well as facility to pay the bills were disrupted”.*

(xv) As such, no energy bills were received. The Appellant being an institution (NRS category), Non-essential services were closed on 20.03.2020 (day of lockdown & Curfew) resulting in vacation of hostels by the students. As such, classes or educational activity i.e. Schools & Colleges were closed w.e.f. 23.03.2020. Even Teaching/ Non teaching staff were not allowed to attend duty in the Institution. The relaxation was given from 1<sup>st</sup> Jan, 2021 when Govt. of India allowed the Universities to re-open & start their activities. This was an exceptional and unavoidable situation beyond the control of the

consumer. Therefore as per the Circular No. 16/2020 dated 09.04.2020, the readings and billings remained disrupted. In view of the same, the full bill for 396 days settled the issue for the settlement period on the basis of the final reading taken by PSPCL in issuing SAP bill of 396 days and breaking of the lockdown period with number of readings with arbitrary dates of billing periods was not justified.

(xvi) The CGRF had observed at Page 9 of its order that:-

*“The issue has arisen due to the fact that consumption of electricity has taken place in the prior billing cycles and the excess solar generation has taken place in the later billing cycles and there is no provision for offsetting net consumption of a particular billing cycle (s) with the net injection in the subsequent billing cycle(s) and excess energy generated in a billing cycle can only be allowed to be carried forward to the next/subsequent billing cycle (s).”*

(xvii) It was also submitted that PSPCL had discontinued the issue of energy bills to the Institutions till 31.12.2020 due to curfew and Covid-19 Virus. That's why, the generation was excess than consumption after lockdown. The Institution was allowed to open w.e.f. 1<sup>st</sup> Jan, 2021 as per Govt. of India order and also as

permitted by Govt. of Punjab. This was exceptional circumstance beyond the control of the Appellant. As a relief to consumers, the PSPCL had allowed one energy bill for the whole settlement period as readings at various stages of the relevant billing periods were not possible due to lockdown. Accordingly, Appeal may kindly be accepted and allowed.

(xviii) The Appellant had prayed to quash the impugned order dated 22.06.2021 of the Forum in Case No. CGP 106 of 2021 and to delete the Sundry Charges in the energy bill amounting to ₹ 9,26,325/- of earlier periods which were without any basis. It was further prayed to accept the energy bill under SAP system for the period 23.09.2019 to 23.10.2020 as correct and allow the refund due. Further, the Appellant had also prayed to allow him the proportionate relief in fixed charges as per Commercial Circular No. 16/2020 dated 09.04.2020 and also due to installation of 500 kVA capacity of Solar Panels.

**(b) Submissions made in the Rejoinder.**

The Appellant had submitted rejoinder to the reply of the Respondent on 09.08.2021. He had reiterated various issues already raised in the main appeal.

(c) **Submission during hearing**

During hearing on 09.08.2021, 18.08.2021 & 23.08.2021; the Appellant reiterated the submissions made in the Appeal and requested the Court to allow the various reliefs prayed in the main Appeal. However, the Appellant had agreed on 09.08.2021 that fixed charges shall be leviable on full sanctioned contract demand as per PSERC regulations.

(B) **Submissions of the Respondent**

(a) **Submissions in written reply**

The Respondent submitted the following written reply vide email dated 03.08.2021 for consideration of this Court:

- (i) The Appellant was having a Non- Residential Supply Category Connection with Contract Demand as 1500 kVA.
- (ii) The Appellant had got installed Rooftop Solar System on 21.02.2018. The Appellant was being issued bills as per rules and regulations approved by the PSERC from time to time. After the installation of roof-top solar system, the first bill dated 17.03.2018 was issued as per the net metering on the basis of actual consumption of the Appellant. Thereafter, the bill dated 09.10.2018 was issued for the period from

30.08.2018 to 30.09.2018 in which the carry forward units became zero on 30.09.2018.

- (iii) The bill dated 05.10.2019 for the period from 05.09.2019 to 23.09.2019 was wrongly issued in SAP system due to wrong reading of 64357 kVAh import as provided by the Technical staff. Due to wrong excess import units entered in SAP System, the Respondent was unable to issue next bill in SAP System because after issuance of the bill dated 05.10.2019, the actual reading reported by the Technical staff was for 49313 kVAh import so the Respondent used to issue bills manually vide supplementary bills.
- (iv) The bill was corrected on 26.10.2020 on the basis of actual consumption for the period of 23.09.2020 to 23.10.2020 of ₹ 23,71,024.22. The Appellant had already paid ₹ 29,44,244-00 because of supplementary bills issued on different intervals so the bill dated 26.10.2020 was issued for ₹ 0/-. The deposit of bill amount for the period from 07.11.2019 to 26.10.2020 was reversed and due credit was given in the new bill dated 26.10.2020 for minus amount of ₹ 5,73,220/-. It was subject to SAP adjustment already given to the Appellant.
- (v) When the bill dated 26.10.2020 was issued in SAP system for the period 23.09.2019 to 23.10.2020 then the SAP system had



not adjusted the carry forward unit on monthly basis and adjusted the units together. So as per the bill issued on monthly basis, the difference of ₹ 12,65,656/- had to be paid by the Appellant. After the adjustment, the Appellant was liable to pay difference of ₹ 6,92,436/-. This amount was payable by the Appellant as per rules and regulations.

- (vi) The bill dated 23.12.2020 was reversed and the correct bill was issued on 28.01.2021 for the period from 23.11.2020 to 22.01.2021 as per the actual consumption.
- (vii) As per the decision of the Forum also, the amount charged to the Appellant was liable to be paid by it to the Respondent.
- (viii) The bill dated 26.10.2020 was checked by Audit and found that bill should be issued on monthly basis. So due to the bill issued for the 396 days, the SAP system had adjusted the excess carry forward units in the Appellant's bill. The calculation sheet alongwith consumption data had also been attached by the Appellant itself.
- (ix) The Appeal was liable to be dismissed as the amount charged to the Appellant was liable to be paid by the Appellant as per the rules and regulations.

**(b) Submission during hearing**

During hearing on 09.08.2021, 18.08.2021 and 23.08.2021, the Respondent reiterated the submissions made in the written reply and contested the submissions of the Appellant. He had requested for dismissal of the Appeal of the Appellant. However, the Respondent admitted that the bills were not prepared strictly as per PSERC Regulations and were required to be corrected.

#### **5. Analysis and Findings**

The written submissions and oral arguments of both the parties and the material brought on record have been perused. The issue requiring adjudication is the legitimacy of electricity bill of ₹ 10,47,410/- issued in the month of 12/2020 for the period from 23.11.2020 to 19.12.2020 for 26 days period with 'O' Code in which Sundry Amount of ₹ 9,26,325/- was charged by the Respondent. Further, the Appellant had prayed to accept the energy bill under SAP system for the period 23.09.2019 to 23.10.2020 as correct and allow refund accordingly. The issue relating to the prayer of the Appellant to allow proportionate relief in fixed charges as per Commercial Circular No. 16/2020 dated 09.04.2020 and also due to installation of 500 kVA capacity of Solar Panels also requires examination.

*My findings on the points emerged, deliberated and analyzed are as under:*

- (i) The Appellant was having NRS connection with sanctioned load of 2160.44 kW/ 1500 KVA as CD under Distribution Special Division, Mandi Gobindgarh. The Appellant was served an electricity bill of ₹ 10,47,410/- in the month of 12/2020 for the period from 23.11.2020 to 19.12.2020 (26 days) with "O" code in which Sundry Amount of ₹ 9,26,325/- was also charged. The solar meter had been installed at Appellant's premises on 21.02.2018 and thereafter, the bills of the Appellant were issued accordingly. Due to wrong reading of 64357 kVAh Import provided by the technical staff, the bill dated 23.09.2019 was wrongly issued in SAP System. Further due to excess reading entered in SAP system, the Respondent was not able to issue the next bills in SAP system because the actual reading reported by the technical staff was 49313 kVAh Import. So manual bills were issued as supplementary bills and the Appellant deposited all the supplementary bills. On 26.10.2020, the bill was issued in SAP system after the correction of reading (which was excess reported earlier), for the period of 23.09.2019 to 23.10.2020 (396 days). In this bill, the system had given the benefits of carry forward units for the

period of 396 days because system had given the cumulative effect of carry forward units and net units for billing purpose .If we prepare the monthly bills then the carry forward units and net units for the same period shall be different. As per manual calculations by the Respondent and the Audit Party, the chargeable amount was worked out as ₹ 12,65,656/- as per Half Margin No. 88 dated 09.11.2020 and supplementary bill for balance payment had been issued vide Memo No. 774 dated 06.11.2020.

- (ii) The Appellant had also stated that fixed charges should not be charged on Sanctioned Contract Demand but it should be charged on Net Contract Demand i.e. Sanctioned CD reduced by CD of Solar System (i.e. 1500 kVA – 500 kVA = 1000 kVA in this case) as the consumer had made an investment of 2.5 Crores approximately in installation of Roof Top Solar Plant. The Appellant had claimed that fixed charges should be levied on CD of 1000 kVA. The Appellant had also requested to allow relief in fixed charges as per Commercial Circular No. 16/2020 dated 09.04.2020.
- (iii) The Appellant had prayed for setting aside the impugned order of the Forum dated 22.06.2021 in Case No. CGP-106/2021 and acceptance of the Appeal wherein it was prayed to withdraw

the demand of Sundry Charges of ₹ 9,26,325/- . The Respondent contradicted the pleas of the Appellant and prayed for the dismissal of the Appeal on the ground that bill dated 26.10.2020 was checked by the Audit and it was found that bills should be issued on monthly basis as per regulations of the PSERC.

- (iv) It is observed that as per provisions of Regulation no. 11.2 (b) and (c) of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulation, 2015; in case the electricity injected exceeds the electricity consumed from licensee's supply system during the billing cycle such excess injected electricity shall be carried forward to the next billing cycle as electricity banked and may be utilized in the next billing cycle (s) within the settlement period. In such a case, the distribution licensee shall issue an invoice containing all these details. Further in case the electricity supplied by the distribution licensee during any billing period exceeds the electricity injected by the eligible consumer, the distribution licensee shall raise a bill for net electricity consumption as per applicable tariff of that category after taking into account any electricity credit balance from previous billing period.

- (v) The above clauses clearly means that the excess energy generated if any, in the billing cycle (s) shall be allowed to be carried forward to the next billing cycle (s) as electricity banked and may be utilized in the next billing cycle (s) within the settlement period. In the instant case, the issue had arisen due to the fact that the consumption of electricity had taken place in the prior billing cycles and the excess Solar Generation had taken place in the later billing cycles .There is no provision for offsetting of net consumption of a particular billing cycle (s) with the net injection in the subsequent billing cycle (s) and excess energy generated in a billing cycle can only be allowed to be carried forward to the next/subsequent billing cycle (s). PSERC regulations do not permit to adjust solar generation in the electricity bills as prayed in the Appeal. This Court cannot relax/ modify any regulation of the PSERC. Further, Power to Relax/ Power to Amend the provisions of the regulations lies with the Commission as per Regulation Nos. 19 & 20 of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations, 2015.
- (vi) It is further observed that as per provisions of Regulation No. 11.2 (f) of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) (1st Amendment)

Regulation 2020, the fixed charges shall be payable by the consumer on the basis of his Sanctioned Load/ Contract Demand as per Tariff Order approved by the Commission for the relevant year. There is no provision in Commercial Circular No. 16/2020 dated 09.04.2020 to give any relief in fixed charges to NRS consumers for mitigating the impact of COVID-19. This court is not inclined to give any proportionate relief in fixed charges as prayed in the Appeal. The Appellant agreed during the hearings that the fixed charges cannot be reduced as explained above.

- (vii) This Court cannot accept energy bill for the period 23.09.2019 to 23.10.2020 generated by SAP System of PSPCL as correct because the same was not prepared as per PSERC regulations and tariff orders. Every energy bill issued by the Respondent should withstand the scrutiny as per relevant applicable tariff orders and regulations.
- (viii) From the above analysis , I am of the opinion that the claims of the Appellant for allowing of offsetting of Net Consumption of a billing cycle(s) with the Net Injection of next/ subsequent billing cycle(s) although within the same settlement period and further levying of fixed charges on the Net Contract Demand i.e. Sanctioned CD reduced by CD of Solar System are not

tenable as per the provisions of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations, 2015 and its 1st Amendment Regulations, 2020.

- (ix) It is also observed that the electricity bills have not been prepared as per PSERC, Regulations for the period of 01.10.2019 to 30.09.2020 (3rd Settlement Period). So, the Forum decision is required to be amended to this extent. Energy Accounting and Settlement should be done as per Regulation No. 11 of PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations, 2015.

## **6. Decision**

As a sequel of above discussions, the Appeal No. 55 of 2021 is disposed of as under:-

- i) The electricity bill prepared by the Respondent under SAP system for the period 23.09.2019 to 23.10.2020 is not as per PSERC (Grid Interactive Rooftop Solar Photo Voltaic Systems based on Net Metering) Regulations, 2015 and hence declared as incorrect/ illegal. The Respondent is hereby directed to prepare monthly electricity bills for 3<sup>rd</sup> Settlement Period (01.10.2019 to 30.09.2020) as per above mentioned regulations and revise subsequent electricity bills also as per these regulations, wherever required.



- ii) Sundry Charges of ₹ 9,26,325/- included in Electricity bill dated 23.12.2020 are illegal and should be revised as per directions given in above para.
- iii) The prayer of the Appellant to allow proportionate relief in fixed charges as per Commercial Circular No. 16/2020 dated 09.04.2020 and due to installation of 500 kVA Solar panels is hereby rejected after due consideration.
- iv) The Respondent may make any billing adjustments relating to the period of dispute as per provisions of PSERC (Grid Interactive Rooftop Solar Photo Voltaic System based on Net Metering) Regulations, 2015 and tariff orders issued by PSERC.
7. The Respondent should work out fresh demand as per PSERC regulations & tariff orders and recover/refund the amount as per PSPCL instructions applicable from time to time.
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.

August 23, 2021  
S.A.S. Nagar (Mohali)

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

