

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION 94 OF 2023

In the matter of release of Rooftop Renewable Energy Generating System

Nav Bharat Enterprises Appellant
(Victoria Classic CHS Ltd.)
(Consumer no. 000094086540)

V/s

Maharashtra State Electricity Distribution Company Limited, Mulund Respondent
(MSEDCL)

Appearances:

Appellant : 1. Jaya Shetty, Chairman of CHS
2. Praful Shirke, Representative
3. Rajendra Mashalkar, Representative

Respondent: 1. Rajesh Thool, Executive Engineer, Mulund
2. Sanjay Borkar, Addl. Ex. Engineer, Savodaya Sub- Dn.
3. Atul Deshmukh, Dy. Manager
4. Onkar Yadav, Assistant Engineer


Coram: Vandana Krishna [I.A.S. (Retd.)]

Date of hearing: 20th November 2023

Date of Order: 5th February 2024

ORDER

This Representation was filed on 18th September 2023 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 21st August 2023 passed by the Consumer Grievance Redressal Forum, MSEDCL,


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Bhandup (the Forum). The Forum, by its order partly allowed the grievance in Case No. 70 of 2022-23. The operative part of its directions is as below:

1. *The Applicant is directed to approach with the Respondent for sanction of additional load by following the due procedure.*
2. *The Respondent is directed to process the action of sanction of additional load of the solar roof top panel after application of the Applicant by following the procedure, Rules and Regulations of the Respondent Utility.*

2. The Appellant has filed this representation against the order of the Forum. The physical hearing was held on 20th November 2023. Both the parties were heard at length. Appellant's written submissions and arguments are as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' in brackets where needed.]*

- (i) The Appellant is a registered co-operative housing society situated at Plot No.551/60, P.K. cross Road, Mulund (W). The society has two connections for common purpose with consumer nos. 000094086540 & 000094086531 from 10.05.2009. The power supply is used for Lift, Water Pump, staircase, and surrounding lighting. The Appellant has carried out activities strictly in accordance/ compliance with the applicable Laws, Rules, and Regulations of MSEDCL / MERC. It has not committed any default, technical, commercial or otherwise.
- (ii) In its electricity bills the sanctioned load was wrongly mentioned as 1 KW (It should be 10 KW but was wrongly fed as 1 KW by the Respondent). In Feb. 2022, the Appellant approached the Respondent to correct it to 10 KW, as its connections were sanctioned for three phases having sanctioned load of more than 8 KW. The Respondent advised that the Appellant apply for additional load. Accordingly, the Appellant applied for additional load, paid the requisite charges, and got it sanctioned for 10 KW on 22.04.2022.
- (iii) The Govt. of Maharashtra and Govt. of India are promoting installation of solar rooftop systems. The Appellant society decided to install a Solar Rooftop System and


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submitted applications online for both the connections which are used for common purpose; details are tabulated as follows:

Table 1:

Appellant	Consumer No.	Address	Sanctioned load (KW) (Originally, sanctioned load was wrongly recorded in the system as 1 KW)	Date of Supply	Activity	Application date for Grid Connectivity (Solar)	Remarks
Nav Bharat Enterprises, (Victoria Classic CHS)	000094086540	Plot No.551/60, P.K. cross Road, Mulund (W).	10	10.05.2009	Water Pump & Common Lighting	27.04.2022	Rejected as clubbing of 2 common connections was not done.
	00094086531		10	10.05.2009	Lift	02.05.2022	Sanctioned on 18.05.2022


As advised by the Section Officer of the Respondent, the Appellant submitted hard copies of the solar grid connectivity application.

The Section Officer gave a feasibility report for only one connection no.000094086531 which was submitted on 2nd May 2022, and informed that he will give feasibility of the other connection within one month. When contacted after one month, the Section Officer informed that it cannot be given as it was rejected because two connections were not clubbed together.

(iv) [Note: The Respondent has started a policy of clubbing multiple common connections in societies as they can be misused. Clubbing requires some re-wiring also.] The Chief Engineer (Commercial) of the Respondent issued Commercial Circular No. 110 dated 16.02.2010 for clubbing of common meters of Residential Housing Societies and Commercial Complexes. The directives to the Field Officers were as below:

“It is therefore decided that

- 1) *Common Connection is to be given to Residential Housing Societies & Commercial Complexes for common lighting, lift, water pump, and staircase etc.*
- 2)


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3) *Existing separate connections in Residential Housing Societies and Commercial Complexes are to be clubbed in to one common connection in a phased manner within period of 6 months.*

4) *IT System Data to be updated immediately after amalgamation of the connections & proper bills are to be issued by field officers.”*

However, the Section Office of the Respondent did not adhere to these directions till date. The Respondent was duty bound to club these connections before sanctioning the solar grid connection, or otherwise sanction both the connections and release both the solar connections immediately.

- (v) It is surprising that for one consumer solar grid connection was sanctioned in grouping meters and denied to another consumer without intimating or asking for clubbing of meters. Provisions and procedures of MERC (Grid Interactive Rooftop Renewable Energy Generating Systems) Regulations, 2019 (GI Rooftop Renewable Energy Generating Systems Regulations 2019) and MSEDL Circular No.322 dated 21.01.2022 are not observed or followed while sanctioning or denying solar grid connections.
- (vi) It was an afterthought of the Respondent for unilaterally denying the solar grid connection to Consumer No. 000094086540.
- (vii) The Appellant filed a grievance application in the Forum on 25th July 2022, however the Forum failed to conduct a hearing within the stipulated period. The Appellant approached the Electricity Ombudsman (Mumbai) on 27.02.2023. The EO (Mumbai) directed the Forum to finalise the case within one month i.e., 31.03.2023. In spite of this direction, the Forum finalised the case only on 21.08.2023. This clearly shows that the Forum is not functioning properly and there is no control on the working of the Forum, and it needs to reform for further smooth working. The order of the Forum is provided in the first para. The Forum failed to understand the basic issue and failed to give justice to the Appellant.
- (viii) Grounds of Appeal:
- a. The Respondent has not maintained chronology while processing the application for Solar Grid Connectivity as per Section 4.1 of GI Rooftop Renewable Energy Generating Systems Regulations 2019, which reads as under


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“Net Metering Arrangement or Net Billing Arrangement, as the case may be, shall be permitted by the Distribution Licensee on a non-discriminatory and Distribution Transformer-wise or feeder wise ‘first come, first serve’ basis to Eligible Consumers who have installed or intend to install a Renewable Energy Generating System connected to the Network of such Distribution Licensee:” .

- b. The Respondent sanctioned the application submitted on 02.05.2022 without taking any action on the previously submitted application dated 27.04.2022. This is a violation of Section 4.1 of GI Rooftop Renewable Energy Generating Systems Regulations 2019.

As per Section 6 of GI Rooftop Renewable Energy Generating Systems Regulations 2019, the Appellant society is eligible to opt for solar power grid connectivity.

- c. Since the Appellant did not receive sanction for the other connection, it submitted four reminders to the Subdivision office for sanctioning of solar power grid connectivity on 06.06, 17.06, 27.06 & 20.07.2022, but no cognizance was taken. When personally contacted, the Subdivision in Charge asked to contact Section Officer for sanction of the application. On 22.07.2022, the Appellant received a letter with rejection of the solar application.
- d. The procedure for rejecting any solar application described in Section 9.7 of GI Rooftop Renewable Energy Generating Systems Regulations 2019 as below:

“Before rejecting any application for setting up a Renewable Energy Generating System at a particular Distribution Transformer, the Distribution Licensee shall serve the applicant with a notice to rectify the defects in the ambit of the consumer, within 15 days or such longer period as may be necessary, the deficiencies: Provided that in case approval cannot be granted due to inadequate Distribution Transformer capacity or any other technical



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constraints the consumer should be informed through written communication only, specifying the reasons of the rejection: Provided further that the application may be considered, in chronological order of seniority and if the Consumer so opts, after such capacity becomes available/technical constraint is rectified.”

The Respondent did not inform the Appellant the deficiencies within 15 days before rejecting application. This is nothing but a violation of the Regulation by the Respondent.

- e. Regarding the reason for which the Appellant’s application was rejected, we want clarification on the following points
- Clubbing of meters is whose responsibility? : MSEDCL or Consumer:
 - Can non-clubbing of meters be a reason for rejecting a solar application? Any relevant Section of the Regulation to support this action.
 - Why was clubbing of meters not done before rejection of the solar application, when an opportunity to do so was there on the following 3 occasions: -
 - (i) When the Appellant’s faulty meter was replaced (March 2022)
 - (ii) When additional load of 10 KW was sanctioned / regularised to both the connections (April 2022).
 - (iii) At the time of sanctioning of solar power grid connection to the application dated 02.05. 2022
- f. For clubbing of meters at least two meters are required. When the application for one meter is sanctioned without clubbing, why the other meter cannot be sanctioned?
- g. Why should the consumer suffer for the inefficiency of MSEDCL?
- h. MSEDCL did not carry out clubbing of meters for more than 12 years, and is using this circular to harass the consumer. Learned officers of MSEDCL have


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misinterpreted Circular 110 of MSEDCL dated 16th Feb 2010 which was time bound, and rejected the application, but did not follow the procedure described in Regulations 2019/circulars. In the said circular nowhere was it mentioned that if clubbing of meters is not done, no services / facilities are to be provided to the consumer.

- i. Due to wrongful denial and delay of solar grid connectivity by MSEDCL to the Appellant society, it was losing daily 32 (8x4) solar generation units, i.e. a loss of Rs. 480/- daily if we consider an average unit rate as Rs. 15/-.
- (ix) In view of the above submissions, the Hon'ble Ombudsman may please observe that the order of MSEDCL to reject the solar grid connection application is unjust, arbitrary, unreasonable and against the principles of natural justice, and caused hardship and harassment to the Consumer.
- (x) In view of the above, the following reliefs are prayed for :
1. Till the hearing and final disposal of this matter by the Hon'ble Ombudsman, MSEDCL be directed to maintain status quo of meters.
 2. To direct MSEDCL to sanction solar power grid connectivity immediately.
 3. To direct MSEDCL to provide compensation due to loss of solar generation units for delaying sanction deliberately.
 4. To direct MSEDCL to provide compensation for mental and physical harassment by MSEDCL officers.

3. The Respondent filed its reply on 05.10.2023. The Respondent's submissions and arguments are as below:

- 1) The Appellant-Society has two electric connections for common purpose of Lift, Water Pump, Staircase and Surrounding Lighting. The Appellant has submitted 2 separate


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applications for new Solar Roof Top connection in the premises of Victoria Classic CHS, Ltd., Mulund (west) which is tabulated in Table 1.

2) The Section Officer visited the premises and submitted the technical feasibility for further process to release the connection in respect of Consumer No. 000094086531. He has rejected the application of the other Consumer No.000094086540 due to the following reasons:-

- There are two existing connections in the same premises of Victoria Classic CHS for common facilities such as Lift, Water Pump, Staircase lighting etc. As per MSEDCL Commercial Circular No. 110 dated 16.02.2010, multiple connections for a common purpose cannot be issued in the same premises, and also existing connections have to be clubbed in a single connection which should be kept live, and the remaining connections should be permanently disconnected.
- The Appellant had filed a separate grievance application in the Forum on 14.03.2022 in respect of Consumer No. 000094086531 (vide Case No.228) regarding correction in faulty meter and average billing for the period October 2020 to December 2021. The hearing was held on 05.07.2022.
- The Forum by its order dated 14.07.2022 directed MSEDCL to revise the faulty meter average billing only for three months as per Regulation 16.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021.
- The Consumer's faulty meter was replaced immediately, and the bill was revised only for three months as per directions of the Forum, and an amount of Rs.6,06,298.25 was credited in the bill of December 2022.

3) Considering the above facts, for smoothness and regularisation of billing, Consumer No.000094086531 was processed for the new solar connection. Hence there is no violation of Section 4.1 of GI Rooftop Renewable Energy Generating Systems Regulations 2019, and the application was processed for one connection i.e. Consumer No.000094086531 in discussion with the Consumer's representative.


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- 4) After rejection of the second application of Solar Roof Top Connection No. 000094086540, the Appellant filed a grievance application in the Forum on 25.07.2022 vide Case No. 70 dated 25.07.2022. The Forum, by its order dated 21.08.2023 partly allowed the grievance in Case No. 70 of 2022-23. The operative part of its directions is captured in the first para.
- 5) As per Office Memorandum of Government of India Ministry of New and Renewable Energy dated 02.02.2022, it is clearly mentioned in point no.4 that only after obtaining technical feasibility should the beneficiary install the RTS plant (solar panels) from any vendor of his choice by selecting solar modules fulfilling the required conditions.
- 6) The Respondent referred to the Commercial Circular No.322 dated 21.01.2020 of MSEDCL regarding Connectivity to the Distribution network of MSEDCL for eligible consumers installing Roof top Renewable Energy Generating Systems under GI Rooftop Renewable Energy Generating Systems Regulations 2019: Procedure for Application, methodology for Metering & Billing, etc. Point No. 5.5 of the said circular clearly mentions that

“An Eligible Consumer may install or enhance the capacity of, or upgrade the Renewable Energy Generating Systems at different locations within the same premises:

Provided that the total capacity of such Systems within the same premises shall not exceed the capacity limits specified as above. “

- 7) The Respondent is not responsible for any financial loss of the Appellant, as the Consumer installed two separate Roof Top Solar Panels without intimation and without prior receiving of Technical Feasibility approval, as prescribed in the rules and regulations. The Respondent has given prompt service to the Consumer by releasing one roof top solar connection at the earliest.
- 8) In view of the above submissions, the Respondent prays that the representation of the Appellant be rejected.


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- 9) During the hearing, the Appellant was specifically asked what financial loss was caused to it. The Appellant informed that had clubbing been done in advance, they could have purchased a single higher capacity solar system instead of purchasing 2 lower capacity systems, which would have led to about 30% savings in the initial capital expenditure. In addition, the delay in generation of solar power led to monthly loss of potential earnings. However, the Appellant could not satisfactorily explain why it did not seek prior technical advice of the Respondent regarding buying one common solar system instead of 2 systems.

At the same time, the Respondent could not explain why it did not inform the Appellant in writing about the reasons for not sanctioning the second solar connection; and what to do to rectify the defects. The Respondent could also not explain why it did not initiate timely clubbing of the 2 common facility connections before rejecting one of the solar applications.

4. During the course of the hearing, on 20.11.2023, it was observed that the dispute had arisen mainly due to lack of proper communication between the parties and also lack of timely coordination and action by the Respondent. Hence they were directed to settle the issues immediately. There is a huge potential of generating Renewable energy which benefits all parties. It is not desirable to keep the Solar Roof Top System pending for minor lapses of coordination which was already installed by the Appellant in the year 2022. Both the parties agreed for settlement and to work together for immediate installation of Solar Roof Top System within a week.

5. The Respondent by its letter dated 22.11.2023 informed the Appellant that it had sanctioned the higher load of 20 KW by clubbing existing loads of 10 KW of each connection. The Respondent issued Firm Quotation of Rs. 211/- including processing fee of Rs. 170/-, GST etc. which is tabulated as below:



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Table 2:

Appellant	Consumer No.	Sanctioned load (KW)	Estimate No.	Activity	Application date for Grid Connectivity	Firm Quotation Amount (Rs.)
Nav Bharat Enterprises, (Victoria Classic CHS)	00094086531	10 + 10 =20 by clubbing	ADDEE/SAR/ LT/2023- 24/13- ADD LOAD dated 21.11.2023	Lift, Water Pump & Common Lighting	02.05.2022	211/-


The Appellant paid this Firm Quotation Amount of Rs. 211/- on 22.11.2023. Hence the long pending issue of clubbing was finally settled by enhancing the load of the one sanctioned connection.

Analysis and Ruling

6. Heard the parties and perused the documents on record. The Appellant-Society had two electric connections for common purpose for Lift, Water Pump, Staircase and Surrounding Lighting. Ideally these 2 connections should have been clubbed years ago, by enhancing the load of one connection from 10 KW to 20 KW. The Appellant submitted a separate application for 2 new Solar Roof Top connections in the premises of Victoria Classic CHS Ltd, Mulund (west) which are tabulated in Table 1.

7. It was necessary to club these two connections which are used for common purpose, each having a sanctioned load of 10 KW. The clubbing of common meters of Residential Housing Societies was expected to be done in coordination with the Consumers within a period of six months by the field officers as per Commercial Circular No. 110 dated 16.02.2010. However, in this case, the Respondent failed to do so till 2023.

8. The Respondent sanctioned solar roof top system for one Connection No.000094086531 and failed to sanction it for the second connection no. 000094086540


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without giving any satisfactory reason in writing. The Respondent contended that the sanction was not given as the two connections were not clubbed together. This was a poor explanation and cannot be supported from any angle. Clubbing is the primary responsibility of the Respondent itself. At the very least, the Respondent should have guided the Appellant in writing to enhance the load to 20 KW and thereby club the two connections.


9. Finally, after the hearing, the Respondent by its letter dated 22.11.2023 informed the Appellant that it had sanctioned the clubbed load of 20 KW by clubbing existing loads of 10 KW each.

10. Now the only part remaining is of metering as the existing net meter of solar roof top was found to be not functioning during a recent testing. The Respondent assured that it will replace this meter, and is processing the same.

11. In view of the above, the Respondent is directed:

- a) to test the meter when it is made available by the Appellant. Appellant to bring the net meter immediately and hand it over for testing purpose.
- b) to install new net metering after testing within a period of one week.
- c) to club the connection No.000094086540 with the existing connection No.00094086531, on which the clubbing load was sanctioned.
- d) A cost of Rs.5000/- is imposed on the Respondent for the reasons mentioned above which should be adjusted in the Appellant's ensuing bill.
- e) Compliance to be submitted within two months from the date of issue of this order.
- f) The other prayers of the Appellant are rejected.

12. The Appellant filed the grievance in the Forum on 25.07.2022 which was not decided within 60 days, and hence the Appellant approached the Electricity Ombudsman by filing Schedule B on 27.02.2023. This office issued directions vide letter dated 01.03.2022 to the Forum to decide the case within 30 days as per Regulation 21 of CGRF & EO Regulations 2020. We express our displeasure for the delay with which the Forum has finalised the case.


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The Forum took nearly 6 months to finalise the case without any sufficient cause. This delay led to unnecessary financial loss to the Appellant Society, as solar power could not be generated for this period. The Forum is advised that such instances should not be repeated in future.

13. The present Representation is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)



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