

No.N 92/2022

BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION,

No. 16 C-1, Miller Tank Bed Area, Vasanth Nagar, Bengaluru- 560 052.

Dated:20.06.2022

Present:

Shri H.M. Manjunatha .. Member
Shri M.D. Ravi .. Member

OP No. 16/2022

BETWEEN:

Smt. A. Jayamma,
W/o T. Prakash Murthy,
Aged about 46 years,
Mogalahalli Village, Kondlahally Post,
Molakalmuru Taluk,
Chitradurga District –577 529.

.. PETITIONER

[Represented by Shri Anand K Ganesan, Advocate,
for M/s MSA Partners]

AND:

- 1) State of Karnataka,
Department of Energy,
2nd Floor, Vikasa Saudha,
Bengaluru-560 001.
(Represented by its Secretary)
- 2) Bangalore Electricity Supply Company Limited,
Corporate Office, K.R. Circle,
Bengaluru–560 001.
(Represented by Managing Director)
- 3) Office of the Chief Electrical Inspector,
Government of Karnataka,
P.B.No.5148, Dr. Rajkumar Road,
Rajajinagar,
Bengaluru-560 010.
(Represented by Chief Electrical Inspector)

... RESPONDENTS

No.N 92/2022

[Respondent No.1 – Served with notice. No representation,
Respondent No.2 represented by Smt. Sumana
Naganand, Advocate for M/s JUSTLAW Advocates,
Respondent No.3 represented by Smt. Shabrien Ayesha,
Electrical Inspector]

ORDERS

1. In essence, it is a petition filed under section 142 of the Electricity Act, 2003, for taking action against the 2nd respondent (BESCOM) for non-compliance of the order dated 15.10.2019 passed in O.P. No.47/2018. The present petitioner had filed O.P.47/2018 for setting aside the termination of PPA executed by her in respect of the SRTPV system with BESCOM. After conducting the proceedings along with some other connected cases this Commission has passed the following order concerning O.P.No.47/2018 as follows :

"The Respondents (BESCOM) shall synchronize / commission the SRTPV Systems of the Petitioner in OP No.47/2018, after complying with all the technical and operational conditions / specifications, as applicable for commissioning of one MW SRTPV System, subject to the Petitioner executing a PPA, afresh, for supply of power, at the tariff of Rs.3.57 (Rupees Three and Paise Fifty Seven only) per unit;"

2. The perusal of the order in O.P. No.47/2018 shows that though the termination of PPA was upheld, a direction was issued for commissioning the SRTPV system with reduced tariff in terms of the order dated 07.11.2017, as the petitioner had completed the construction of the SRTPV system and it was not synchronised by BESCOM in spite of the request made.

No.N 92/2022

3. It appears that the petitioner has challenged the Order dated 15.10.2019 passed by this Commission in O.P.No.47/2018 to the extent of upholding the termination of the PPA and reduction of the tariff to Rs.3.57 per unit instead of Rs.9.56 per unit.
4. Subsequent to the Order dated 15.10.2019 passed by this Commission in O.P.No.47/2018, the concerned officials of BESCO visited the project site and noted the details of the said project site, and it is stated in their letter dated 24.01.2020 addressed to this Commission with a request to clarify in regard to applicability of tariff for the PPA to be entered with the petitioner. The relevant part of the letter reads thus:

“ xxxxxxxxxx the spot inspection as carried out by Executive Engineer, C, O&M division BESCO and it was reported that the solar panels were not installed at the location bearing RR No. MGP 278 for which PPA was executed on 17.12.2015. The copy of spot inspection report is enclosed as Annexure-A.

The consumer vide self-declaration letter dated 04.12.2019 addressed to MD, BESCO has stated that, due to space constraint and non-availability of shadow free area, the solar panels have been installed 460 meters away to another location bearing RR No. MGP 746 and has requested to execute PPA with new RR No. and any claim will not be made for old RR No. The copy of letter is enclosed as Annexure-B.

No.N 92/2022

Hence, the draft PPA is executed with Smt. A. Jayamma for new RR No. MGP 746 at the tariff of Rs.3.57 for solar capacity of 1000 kWp and the same is enclosed with this letter along with DD of Rs.5,000/- bearing No.813660 addressed to the Secretary, KERC, for kind perusal and approval.

However, at present BESCOM is executing PPA at the tariff rate of Rs.3.07/- as per KERC tariff order dated 01.08.2019 w.e.f. 01.04.2019.

Hence, Hon'ble Commission's clarification is sought in regard of applicability of present tariff in the said case."

5. Subsequent to the above said letter addressed to this Commission, some more correspondences took place and ultimately this Commission directed the BESCOM vide its letter dated 10/11.09.2020 as follows:

“1. To execute a fresh PPA for 64.4 kWp capacity at a tariff of Rs.3.57 per unit (being the rate as approved in Order dated 15.10.2019 in OP No.47/2019) and submit the same for approval of the Commission.

2. The consumer may take appropriate action separately as deem fit as per the KERC norms and GO and the issue cannot be clubbed with SRTPV on RR No. MGP 278.

3. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx”

6. It appears, for the present the SRTPV Systems installed on the roofs bearing RR No.MG 278 & RR No.MGP 746, are not yet synchronized and the PPAs are not finalised. It may be noted that during the original proceedings in OP

No.N 92/2022

No.47/2018, the petitioner had not disclosed at any point of time that she had installed SRTPV Systems on different Roof Tops which were about half kilometre away from one another bearing RR No. MGP 278 & RR No. MGP 746. Because of the concealment of this fact all subsequent confusions had arisen.

7. In view of the above facts, we pass the following:

ORDER

- a) The petitioner and the 2nd respondent (BESCOM) shall execute the PPA for 64.4 kWp capacity at a tariff of Rs.3.57 per unit, in respect of the roof bearing RR No. MGP 278, if not such PPA is already executed.
- b) The petitioner and the 2nd respondent (BESCOM) shall execute the PPA for 837.52 kWp capacity at a tariff of Rs.3.57 per unit, in respect of the roof bearing RR No. MGP 746 duly following SRTPV norms.
- c) The 2nd respondent (BESCOM) shall synchronize/ commission the above SRTPV Systems after complying with the technical and operational conditions/ specifications as applicable.
- d) The execution of PPAs and the commissioning of the two SRTPV Systems shall be completed within a period of 60 (sixty) days from the date of this Order. The petitioner shall carry out any further work required for commissioning the two SRTPV Systems forthwith.

sd/-
(H.M. MANJUNATHA)
Member

sd/-
(M.D. RAVI)
Member