

**KERALA STATE ELECTRICITY REGULATORY COMMISSION**  
**THIRUVANANTHAPURAM**

Present: **Shri. Preman Dinaraj, Chairman**  
**Shri. S. Venugopal, Member**  
**Shri. K.Vikraman Nair, Member**

**No. 1333/DD(T)/Solar/2017/KSERC**

**In the matter of      Request to extend the expiry period for setting up of 200kW  
Solar Plant by KC Centre, Karunagappally - Exemption for  
re registration.**

Applicant(s)           :   The Managing Director  
                                  KC Centre, Karunagappally

**Order dated 22.12.2017**

1. The Managing director, KC Centre, Karunagappally (hereinafter referred as solar developer or complainant) vide letter dated 10.08.2017 has requested to extend the expiry period for setting up a Solar Plant. The issue raised by the complainant is extracted below.
  - a. The complainant had obtained feasibility report for 200kW for installing the plant on 07-12-2015 and remitted an amount of Rs. 200000(two lakh) on 05.01.2016.
  - b. Due to reasons beyond their control, they could not complete the installation and submitted a request before the field office of KSEB Ltd for extension of time on 02.12.2016. Their request was forwarded from the field office to the Deputy Chief Engineer (REES) on 24.12.2016 for necessary direction for extension of the time period.
  - c. Meanwhile, the complainant installed solar panels in their building next to their own existing building and applied for permission for drawing the cables. But this permission was denied stating that solar panels can only be installed within the consumer premises.
  - d. Meanwhile the complainant installed solar panels in the premises where they had obtained feasibility for 200 kW.
  - e. But, the solar developer has not yet been granted the sanction for extension of period for installation of the plant so far to their request dated 22.02.2016.

2. The Commission vide letter dated 13.09.2017 has forwarded the above letter to KSEB Ltd., for remarks. KSEB Ltd vide letter dated 30-10-2017 has submitted as follows:

- 1. The appellant, M/s. K.C center, Karunagappally was given registration for installing 200 kW roof top solar plant on 5-1-2016 after issuing feasibility and remittance of Rs.2 Lakhs as fee.*
- 2. The validity of the registration expired on 4-7-2016, that is, after six months of the registration. The applicant had neither submitted completion certificate nor request for extension of validity within the period.*
- 3. The appellant had submitted a request for extension of validity only on 2-12-2016 after a time period of almost 5 months from the date of expiry. The registration fee therefore would get forfeited as per the existing regulations.*
- 4. The action taken by KSEBL is fully in line with the regulation of the Hon'ble Commission.*
- 5. However, since no other fresh application for solar connectivity has been received during this period and opportunity of no other consumer has been affected, KSEBL has not suffered any loss on this account.*
- 6. Hon'ble Commission may therefore treat this as a special case and permit KSEBL to extend the validity and provide connectivity as a special case, without the burden on remitting re-registration fee by the applicant*

### **Analysis and Decision**

3. The Commission has examined the submissions of the KC Centre and reply submitted by KSEB Ltd, and the provisions of the Electricity Act-2003 and the Regulations notified by the Commission for the facilitating the 'renewable energy' in general and 'solar energy' in particular.
4. As per the clause(e) of subsection (1) of Section 86 of the Electricity Act, 2003, promotion of energy generation from renewable sources is one of the statutory functions of the State Electricity Regulatory Commission.
5. Duly considering the above statutory functions for promoting and harnessing of solar energy, the Commission notified Kerala State Electricity Regulatory Commission (Grid Interactive Distributed Solar Energy Systems) Regulations, 2014, vide the notification No. 2096/KSERC/CT/2014 dated 10.06.2014. Thereafter, the Commission, vide the notification No. 252/ADL/KSERC/2015 dated 15<sup>th</sup> March 2016 amended the sub regulation (9) of Regulation-13 of the Solar Regulation, 2014 and notified the KSERC (Grid Interactive Distributed Solar Energy Systems) Amendment Regulation, 2016 (herein after referred as Solar (amendment) Regulation, 2016).
6. As per the sub regulation (9) of Regulation-13 of the Solar (Amendment) Regulation, 2016,
  - (i) The registration given shall be valid for a period of six months from the date of registration, unless the validity period is extended by the distribution licensee.
  - (ii) The distribution licensee may on application from an eligible consumer, for good and sufficient reasons beyond the control of the applicant,

extend the validity of registration for a period not exceeding six months.

- (iii) The distribution licensee shall refund to the eligible consumer eighty percent of the registration fee collected by it, if the eligible consumer has installed the solar energy system within the period of validity of the registration. This clause shall apply retrospectively to all the eligible consumers who have already installed the grid interactive distributed solar energy systems.
  - (iv) The distribution licensee may, on receipt of a written request from the eligible consumer before the expiry of the validity of his registration, allow him to withdraw his application, on satisfaction that he is not able to install the solar energy system within the period of validity of the registration, due to reasons beyond his control and in such case, the distribution licensee shall refund eighty percent of the registration fee to the applicant.
  - (v) The registration fee shall be forfeited, if the applicant fails to install the solar energy system within the period of validity of his registration or to withdraw the application.
7. Commission, in similar cases, has exempted, vide order dated 03.07.2017, Kerala State Industrial Enterprises Ltd (KSIE) and Amal Jyothi College of Engineering (AJCE) from remitting re-registration fee.
8. The Commission has examined the submissions of KC centre as per the provisions of the Solar Regulation, 2014 and its amendments in 2016. It is reported that, KC Centre has remitted an amount of Rs.2,00,000/- (two lakhs) as registration fee for setting up their proposed 200kW solar plant. Therefore, it is observed that;
- (i) KC Centre, applied for registration on 05.01.2016 for their proposed 200kWp solar plant by remitting Rs 200000/- as registration fee. However, they could not install the solar plant within the validity period of registration. KC Centre, reported that, the delay was not intentional and occurred due to reasons beyond their control and had submitted a request for extension of the time on 02.12.2016.
  - (ii) As per the details above, the complainant had already installed the plant. Hence, KC Centre cannot be considered as a frivolous applicant, who applied for solar installation for the purpose of blocking the transformer capacity available with KSEB Ltd. Further, KSEB Ltd has also not reported any evidence to prove intentional blocking of the opportunity of solar installation by other eligible consumers.

The Commission is of the considered opinion that, the validity of registration fee remitted by KC Centre on 05.01.2016 for the installation of the 200kWp solar plant shall be extended .

9. The Regulation 18 Solar Regulation, 2014 provides the powers to the Commission for relaxation or to remove the difficulties in implementing any of the provisions of the Solar Regulation, 2014. The relevant portion of the regulation is extracted below.

**18.Power of relaxation and power to remove difficulties.-** (1) *The Commission may in public interest, by general or special order, for reasons to be recorded in writing, and after giving to the concerned parties likely to be affected, an opportunity of being heard, relax any of the provisions of these Regulations on its own motion or on an application made before it by any person.*

(2) *If any difficulty arises in giving effect to any of the provisions of these regulations or there is a dispute regarding interpretation of any of the provisions of these regulations, the Commission may, by a general or special order, not being inconsistent with the provisions of these regulations or the Act do or undertake to do things or direct to do or undertake such things which appear to be necessary or expedient for the purpose of removing the difficulties.*

#### **Order of the Commission**

10. Duly considering the submissions of KC Centre and the reply submitted by KSEB Ltd on the issue raised by them, and by invoking the statutory powers of the Commission conferred under clause (e) of sub section (1) of Section-86 of the Electricity Act-2003 and the powers conferred on the Commission under Regulation 18 of the KSERC (Grid Interactive Distributed Solar Energy Systems) Regulations, 2014, the Commission orders as follows;

KSEB Ltd shall extend the validity of the registration of KC Centre, which they have obtained for installation of the 200kWp solar plant without insisting for re-registration and extend the expiry period for setting up of the proposed solar plant completely upto 31.3.2018, or a new applicant comes in for the capacity registered by K C Centre, whichever happens earlier.

Sd/-

**K.Vikraman Nair**  
Member

Sd/-

**S. Venugopal**  
Member

Sd/-

**Preman Dinaraj**  
Chairman

Approved for Issue

Sd/-

**Santhosh Kumar. K.B**  
Secretary