

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI

On this the day of 13th February 2019

C.G. No: 320/ 2016-17/Guntur Circle

Present

Sri. A. Jagadeesh Chandra Rao
Sri. A. Sreenivasulu Reddy
Sri. D. Subba Rao
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Finance)
Member (Technical)
Independent Member

Between

Sri. K. Ooha Vijay Krishna,
10-24/1,
Sivalayam Street,
Thulluru,
Guntur – Dist

Complainant

AND

1. Assistant Divisional Engineer/ O/Guntur Rural 2
2. Divisional Engineer/Guntur Rural
3. Superintending Engineer/O/Guntur
4. Chief General Manager/P&MM & IPC/APSPDCL/TPT
5. Superintending Engineer/CRDA/Amaravathi

Respondents

1. Complainant presented this complaint on behalf of his father K. Vasu Krishna Vijay with a prayer to get bidirectional meter installed and synchronize their solar system to the grid, for reimbursement for the loss of revenue from 09.09.2016 and for initiation of departmental action against ADE/ Rural-2/ Guntur.

- i) The case of the complainant is that his father had applied a 10 KW hybrid roof top solar system installed on the roof of their house with battery backup as per APSPDCL Solar Roof Top Policy/Guidelines 2015. They have applied on 28.01.2016 for approval. As per the advice of ADE/Rural-2/ GNT they have upgraded sanction load from 5 KW to 10 KW to install 10 KW solar system. They paid Rs.7,625/- for 10 KW meter. ADE/Rural/GNT inspected the premises and issued technical feasibility report on 23.02.2016. On 03.03.2016 they entered into agreement with ADE/Rural-2/GNT after providing all the technical information. On 01.06.2016 they have completed installation and tried to request ADE/Rural-2/GNT for pre-commissioning check. ADE/Rural-2/Guntur advised them that they cannot supply a net meter and they have to get a net meter, get it tested and installed before inspection. On 11.07.2016 they have applied to SE/O/GNT to procure the net meter in the open market. They made

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lot of effort to understand how and what permissions they need to procure the net meter in the open market. After repeated attempts they were able to apply for the net meter tested on 13.08.2016. On 18.08.2016 the net meter was tested. On 31.08.2016 after repeated attempts ADE/Rural-2/Guntur accepted their letter requesting pre commissioning check. On 15.09.2016 after checking copies of invoice bills ADE/R/Guntur informed that he is unable to allow the net metering as the hybrid system was installed as there are field instructions issued on 18.12.2014 advising the battery backup solar system not to be connected to the net metering as per Clause 4 (ii) of APSPDCL- IPC - Solar Roof Top Net metering services/field instructions which states "SRT Net Metered services are eligible without battery support". On the same day they brought to the attention of ADE/O/Rural-II GNT to Section (II K) at page 2 of the APSPDCL Solar Rooftop Policy/ Guidelines which states "Pre-existing roof top solar PV projects with or without battery support can be allowed to avail net metering facility. They will not get any subsidy under solar net metering policy/guidelines". They have also explained about Item -III of Annexure (A) in page 6 of the APSPDCL Solar Roof Top Policy. ADE/Rural-II/GNT refused to inspect and commission their system till they fulfill their obligations. On 27.09.2016 ADE/Rural-II/Guntur and AE/Rayapudi visited their house, checked the solar roof top and informed that they will allow for net meter and complete the process on the next day if they disconnect the battery system from solar to create a Grid - Solar System. On 27.09.2016 ADE/O/Rural-II/Guntur informed that he will send an e - correspondence to the headquarters and he is expecting a clarification within 5 days. But they have not received any communication. Hence they filed this complaint.

- ii. Though the complaint is Dt: 23.01.2016 but it was actually received by the forum on 28.01.2017. It appears a mistake was crept in respect of "Year 2017" while typing the date in the complaint.

2. ADE/O/Rural-II/Guntur filed written submission admitting that the complainant applied for SRT net metering service for 10 KW load against SC No.3206 on 28.01.2016. On the insistence of call center staff complainant paid additional load deposits and the connected load is 20.5 KW. On 03.02.2016 he inspected the premises to issue technical feasibility. He observed only vacant place at roof top, no SRT panel was erected. The consumer also not intimated to the ADE/Rural-2/Guntur that he is going to erect SRT net metering with battery

support. Respondent No.2 issued technical feasibility on 04.02.2016. The estimate was created on 29.02.2016 and it was approved on 03.3.2016. The consumer purchased the net meter got it tested in the LT Meters Lab, gave a request letter on 06.09.2016 for synchronization of net metering service. Respondent No.2 advised to isolate the battery system until he gets the clarification from the higher officials. But the consumer did not accept for that proposal.

- i) On 27.09.2016 the premises was inspected by Respondent No.2 and noticed that consumer connected SRT Net metering with battery backup. ADE/Rural verified the 2014 SRT net metering field instructions and found the SRT Net metering services are eligible without battery support. He had also verified 2015 SRT net metering field instructions where it is mentioned as "Pre - existing roof top solar projects with or without battery support can be allowed to avail net metering facility. They will not get any subsidy under solar net metering policy". There is an ambiguity in 2015 SRT net metering guidelines regarding in respect of release of net meter services with battery support. He requested DE /GNT for clarification. Schematic diagram given in 2015 SRT guidelines in "ANNEXURE - F" where the battery support diagram is also not furnished. Since there are changes in the guidelines from time to time and SRT net meter service was also new subject to them, SRT net meter was delayed due to awaiting clarification from higher officials.
 - ii) DE/Rural/Guntur filed separate written statement reiterating the same facts stated by the ADE in his written submission and further stated that he had sought for clarification from SE Vide letter Dt: 16.11.2016.
3. A personal hearing was conducted on 13.10.2017 at Guntur. Both complainant and ADE/Rural-II/Guntur and DE/R/Guntur reiterated their contentions. On hearing both the parties it was observed by the forum that they have not received clarification from higher officials. Hence SE/O/GNT circle was added as a party.
 4. SE/O/Guntur also reiterated the same facts that were narrated by ADE/Rural-II/Guntur and DE/R/Guntur and further stated that as per his directions, DE/M&P and ADE/Protection -1 inspected the premises and found that the consumer has not installed 3 phase MCCB and single phase prevention (Protection relay) in order to disconnect solar supply at the time of failure of APSPDCL supply for synchronization. After complainant carries the defects pointed out above, action will be taken for synchronization of solar roof top.

5. Subsequently CGM/P&MM & IPC was added as respondent No. 4 but as he failed to file written submission, a questionnaire was served on CGM/ (P&MM&IPC) and the questionnaire was answered on 03.02.2018.
6. Again a personal hearing was conducted on 12.12.2017 wherein the complainant represented that the trial run may be conducted to know whether there will be grid failure if synchronization of solar roof top is made with battery support.

The forum ordered for test trial on 16.03.2018. DE filed a report on 26.04.2018 stating that trial run was conducted on 07.04.2018 by him in the presence of ADE/O/ Rural - 2, ADE/Protection, complainant and others. They observed that "there is no return supply when the grid supply fails and solar net meter was synchronized to APSPDCL grid".

He further stated that: "It is noticed that the hybrid inverter inbuilt relays are not sufficient to protect the return supply when grid supply fails because there is no alternative protection, if the inbuilt relay fails or on malfunctioning due to any reason. The complainant was advised for arranging alternate MCCB to safeguard the employee's lives who are working on connected grid".

There after it is brought to the notice of the Forum that a new circle is formed for CRDA. Hence Superintending Engineer/CRDA/Amaravathi is added as a party to this proceeding.

7. Again a personal hearing was conducted on 10.07.2018 wherein SE/CRDA and complainant present. Both of them reiterated their versions. Complainant filed written submissions. The copy of written submission filed by the complainant was again sent to SE/CRDA by mail.
8. SE/CRDA submitted a letter through mail Dt: 14.12.2018 along with the mail sent by the complainant requesting time on the ground that he has to speak with his father and the Chairperson of the Forum. The letter sent by mail by the complainant to SE/CRDA was Dt: 22.09.2018. But the SE CRDA sent the above said letter after 2 months and 22 days to this Forum.
9. SE/CRDA in his letter dt : 14.12.2018 mentioned objections in about 14 points out of them the 5th and 7th points are as follows:

"All the safety features are internal to the consumer bought out equipment and APSPDCL point is to have a CUT OFF relay external to the consumer equipment fitted at the inter connecting point (between consumer side and Grid Side)"

“Further the presence of the original equipment manufacturer or OEM/supplier from whom the consumer has purchased the solar SRT roof top system is desirable for 100% understanding of the built in safety features and their testing in all conditions and to understand the need of APSPDCL safety requirements”.

Again another letter was sent by SE/CRDA Dt: 15.12.18 in continuation of the earlier letter stating that the delay for commissioning is due to technical issues and complainant was out of station and sought for 1 month time. The letter sent by SE/CRDA was again mailed to the complainant for which the complainant again sent 3 detailed letters reiterating his version.

10. Points for determination are:

1. Whether the complainant is entitled for installation of bi - directional meter and synchronizing their solar PV System to the grid?
2. Whether the Licensee is liable to reimburse the loss of revenue from lost power generation of 4 KW per day for 6 hours per day from 09.09.2016 onwards?

Point No.1:

Respondents initially took objection for synchronization on the ground that complainant had additional facility of battery support. There were no specific instructions from their superior authorities for synchronization of roof top solar unit with battery support.

II K of solar roof top policy /guidelines is as follows:

“Pre - existing roof top Solar PV projects with or without battery support can be allowed to avail net metering facility. They will not get any subsidy under solar net metering policy/Guidelines”.

The above provision clearly shows that solar power projects with or without battery support are permitted to avail net metering facility but pre - existing roof top solar projects are not entitled for any subsidy. So the contention of the respondents that the complainant is not entitled for synchronization of roof top solar PV project with battery support is not correct.

The second objection raised by the respondents is that schematic given in Annexure (F) of solar roof top policy/Guidelines is only meant for projects without

battery support. If schematic Annexure with battery support was not given in the policy guidelines, respondents ought to have sought clarification from the competent authority. But they cannot refuse to synchronize roof top solar PV projects with battery support on that ground.

The third objection raised by the respondents is with regard to the safety measures in synchronization of roof top solar projects with battery support. Since respondents raised about the safety aspect, the Forum directed to have a trial run. DE/Rural i.e. (Respondent No.2) filed a letter stating that a trial run was conducted on 07.04.2018 as per the orders of this Forum in I.A. No.8 Dt: 16.03.2018 DE/Rural/Guntur further stated that alternate MCCB is required to safeguard employee's lives who are working on the connected grid. He also further stated that hybrid inverter manual was not furnished to them.

Complainant on the other hand in his letter dt: 24.12.2018 stated that only net meter was installed on 07.04.2018 by removing the previous uni - directional energy meter. He also further stated at point 5 in page 2 of the same letter that they were advised to switch on the solar inverter to the grid and left the net meter installed and thus effectively completed the commissioning of their solar system. Since complainant further averred that as per the advice of his father switched off the circuit breaker in the grid circuit and keep it that way until they receive orders in writing either from the Licensee or from this Forum. So the above letter shows that the complainant solar inverter is not on the grid even though the net meter was installed.

SE/CRDA forwarded a letter through mail on 15.12.2018. In this letter he has raised two objections. The first one is that there should be a cut off relay external to the consumer equipment fitted at the inter connecting point i.e. between consumer side and grid side. The second objection raised is that the presence of original equipment manufacturer from whom the consumer purchased the solar SRT roof top system is desirable for 100% understanding of the built in safety features and their testing in all conditions and to understand the need of APSPDCL safety requirements.

Complainant in his letter dt: 24.12.2018 stated that they have tried to organize three times demonstration of the system by the supplier i.e. on November 2017, 18.12.2017 and on 07.04.2018.

Respondents if not satisfied with the demonstration or trial run that had taken place on 07.04.2018, they ought to have requested another demonstration immediately

thereafter. Personal hearing was conducted before this forum on 10.07.2018. Complainant sent another letter on 01.09.2018. SE/CRDA replied to the letter on 14.12.2018 and in the same letter he is requesting demonstration again by the supplier. Generally the suppliers immediately after purchasing of the equipment will come for installation and will explain the salient features of the operating system. They will not repeatedly visit the place of the consumer unless they were paid for revisit on any complaint. If really respondents want such a demonstration to satisfy themselves about inbuilt safety measures in the unit, they ought to have requested the consumer in writing for such demonstration stating that they will meet the necessary expenditure for inspecting by the technician of the supplier. Instead of taking such measures they are repeatedly raising the same issue which is unreasonable and cannot be considered.

Respondents though repeatedly raising doubt about the safety measures provided in the inbuilt system of the complainant they have not filed any piece of document to show that inbuilt system in the unit of the complainant is not safe. Complainant has furnished several documents to show his unit is a safe unit. Respondents failed to rebut the contention of the complainant on the safety aspect. Respondents also failed to furnish information where the complainant can purchase addition switch gear/relay (Sensing phase-angle shift).

So the only objection raised by the respondents that have to be taken into consideration is having a cut off relay external to the consumer equipment between the consumer side and the grid side. Clause II (e) of Annexure (A) of the solar roof top policy guidelines is "Additional manual relay/ Switch on the pole side to be installed at the cost of SRT developer". So additional manual relay shall be installed on the pole side at the cost of SRT developer. Complainant also conceded to follow the above guidelines.

The contention of the respondents that another additional manual relay before the meter inside the house of the complainant is to be provided cannot be taken into consideration on the ground that it was not provided in the guidelines and also consumer should not be permitted to meddle with incoming supply from the grid and it has to be in the control of the Licensee only.

Clause VI of Annexure (A) of solar roof top policy guidelines empowers the Respondents to conduct periodical inspection. So if respondents on any subsequent

periodical inspection found that safety measures are inadequate, they are at liberty to issue notice to complainant and on hearing necessary action deems fit can be taken as per the guidelines.

In view of the above reasons complainant is entitled for installation of bi - directional meter and synchronizing their solar PV System to the grid provided he complies with the provisions of II (e) of Annexure A of solar roof top policy guidelines issued. Thus the point No.1 is answered accordingly.

Point No. 2:

Annexure B of the solar roof top policy/Guidelines provides that synchronization has to be made within 4 months and 10 days from the date of consumer application on online. But in this case since the respondents have also raised safety aspects of the system apart from other objections and both the parties continuously objecting each other on the points raised by the other parties, synchronization could not be materialized within the stipulated period. Both parties also took adjournments on several occasions on one point or other. 3 personal hearings were conducted and trail run was also conducted. Even after completion of the final personal hearing on 10.07.2018 both parties again continued to raise objections on one point or other. So the Forum was also constrained to proceed further for disposal of the matter in the prescribed time in view of the complexity of the subject and also safety precautions to be taken care at the time of synchronization.

Complainant in his letter Dt: 01.09.2018 mentioned that the provisions mentioned in Clause II (c) in Annexure A of solar guidelines could not be complied and it needs amendment. Complainant did not approach the competent authority for seeking clarification pointing out that additional switch gear that should be positioned between interconnecting point and bi - directional meter was not available in the market. On the other hand though respondents insisted for strict implementation of the above said clause did not approach the competent authority to get clarification. They also failed to furnish information where such switch gear or instrument is available in India so that the forum can give effective directions to the complainant to purchase and install the same. Since the delay was occurred on account of the serious objections raised by both the parties, the forum is of the view that the complainant is not entitled for reimbursement of alleged loss of revenue for lost power generation of 4 KW for 6 hrs per day from 09.09.2016. Thus the point is answered accordingly.

