

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 384 OF 2025 & IA No. 1662 OF 2025

Dated: 16th February, 2026

Present: Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Mr. Ajay Talegaonkar, Technical Member (Electricity)

In the matter of:

Jameskutty Thomas & Ors. Appellant(s)

Versus

Kerala State Electricity Regulatory Commission & Anr. Respondent(s)

Counsel on record for the Appellant(s) : Atul Shankar Vinod
for App. 1

Atul Shankar Vinod
for App. 2

Atul Shankar Vinod
for App. 3

Atul Shankar Vinod
for App. 4

Atul Shankar Vinod
for App. 5

Atul Shankar Vinod
for App. 6

Counsel on record for the Respondent(s) : Dhananjaya Mishra
for Res. 1

ORDER

IA-1662/2025
(For interim relief)

The Appellant, a prosumer, is aggrieved by the order passed by the Kerala State Electricity Regulatory Commission (the "KSERC" for short)

in OP No. 43 of 2025 dated 22.09.2025 to the extent they have been called upon to pay fixed charges either on the basis of total consumption of prosumers during the billing period as per the tariff order dated 05.12.2024 or, in the alternative, to remit fixed charge of Rs. 47/kWh/month for the total connected load of the solar prosumers till further orders.

On the rationale behind approval of fixed charges being linked to consumption of electricity, instead of connected load/ contract demand for Solar LT domestic prosumers, the KSERC, in Paras 51 to 53 of the impugned order, observed thus:-

“.....51 The rationale behind the approval of the fixed charges linking to consumption of electricity instead of connected load/ contract demand for Solar LT domestic prosumers is discussed under paragraph 45 and 46 of this Order. On the basis of discussion under matters (b) to (g) above, it can be reasonably concluded that the domestic solar prosumers are required to pay fixed charges based on their total consumption where the total consumption functions as a proxy of their connected load/ recorded maximum demand.

52. However, during the deliberations, the petitioner solar prosumers submitted that, they are ready to pay fixed charge based on the connected load instead of levying fixed charge based on total consumption. The prosumers also submitted that, at the time of availing feasibility for installing the Solar PV system, they disclosed their connected load to KSEBL. Hence, there is no difficulty in levying fixed charge from the domestic solar prosumers based on their connected load.

Commission noted the submission of the prosumers, and hereby clarify that, vide the Order dated 05.12.2024, Commission has already directed KSEBL to submit proposal to determine the fixed charge of domestic consumers based on RMD of the domestic categories. Hence, the approval to continue to levy fixed charge from solar domestic prosumers based on the total consumption is an interim measure till the Commission determine the fixed charge of the domestic consumers/ prosumers based on RMD.

Commission also noted that, total connected load of the LT domestic consumers including solar prosumers as on 31.03.2025 is about 23328

MW. As per the prevailing Tariff Order dated 05.12.2024, the fixed charge at the prevailing tariff, estimated to recover from domestic consumers during the year 2025-26 is Rs 1316.10 crore, and the energy charge is Rs 7665.87 Crore, and thus total revenue from tariff for the Year 2025-26 at Rs 8981.97 crore.

Based on this, average fixed charge recovery from domestic consumers/prosumers from the existing tariff for the year 2025-26 is about Rs 47/kW/month. Considering this, the Commission decided to approve a fixed charge @Rs 47/kW/month as an option to those who opt for it.

53. Hence, the Commission hereby approve the following options for the domestic NISSIN solar prosumers to remit the fixed charges to the distribution licensees in the State.

(1) Option-1: Remit fixed charges to the distribution licensee for the total consumption of the prosumer during the billing period as per the Tariff Order dated 05.12.2024, till further orders.

Or

(2) Option-2: Remit fixed charge @Rs 47/kW/month for the total connected load of the Solar Prosumer till further Orders.....”

It does appear, from the aforesaid extracted para 52 of the impugned order, that the prosumers had agreed to pay fixed charges based on the connected load instead of fixed charge being levied on the basis of total consumption; and that, at the time of availing installation of the solar system, they had disclosed their connected load to the KSEBL. The KSERC, thereafter, noted in the impugned order that the average fixed charges recovery from domestic consumers/prosumers, from the existing tariff for 2025-26, was Rs. 47/kWh/month; and it is in such circumstances that one of the options in para 53 was permitted to be exercised by the prosumers including the Appellant herein.

When we asked Mr. Atul Shankar Vinod, Learned Counsel for the Appellant, as how the Appellant could question the impugned order, by way of the present Appeal, when they themselves had stated before the

KSERC that they were ready to pay fixed charges based on the connected load instead of fixed charges on the total consumption, Learned Counsel submitted that not all prosumers, but only a few, had made the submissions as recorded in para 52 of the impugned order.

On being asked whether the Appellant had, in the present appeal, stated that they not consented to pay fixed charges based on the connected load, and whether a specific plea in this regard had been taken in the appeal, Mr. Atul Shankar Vinod, Learned Counsel for the Appellant, would fairly state that no such plea was taken in the present appeal. In such circumstances, it would be wholly inappropriate for us to doubt what has been recorded, to have transpired during the course of hearing before the Commission, in the impugned order, since the Appellant had itself agreed to pay fixed charges based on the connected load. The options, provided in para 53 of the impugned order, includes payment of fixed charges at Rs. 47/kWh/month for the total connected load of the solar prosumers, which alone is what the Appellant has been called upon to pay.

We see no reason therefore, that too at the interlocutory stage, to interfere with the order passed by the KSERC. The IA fails and is accordingly dismissed.

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Both Mr. Atul Shankar Vinod, Learned Counsel for the Appellant and Mr. Dhananjaya Mishra, Learned Counsel for the KSERC, state that, in the light of the aforesaid interim order passed today, nothing survives in the main appeal; and the present appeal may, itself, be disposed of in terms of the aforesaid order.

In the light of the rival submissions in this regard, by the Learned Counsel on either side, the appeal itself is dismissed in terms of the aforesaid interim order. While we find considerable force in the submissions of Mr. Atul Shankar Vinod, Learned Counsel for the Appellant, that the Commission should expedite the process of determining the fixed charges based on the connected load/recorded maximum demand, we have no reason to doubt that KSERC would undertake such exercise with utmost expedition.

With the aforesaid directions, the appeal is, accordingly, dismissed. I.As, if any pending, shall also stand dismissed.

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

mk/mkj