



Chhattisgarh State Electricity Regulatory Commission
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Petition No. 78 of 2025

In the matter

"Review Petition under Section 94(1)(f) of the Electricity Act, 2003, seeking review of order dated 19.09.2025 passed in petition No. 09 of 2025."

Chhattisgarh State Power Distribution Company Limited
Vidhyut Seva Bhawan,
Raipur (C.G.) ... Petitioner

Versus

Chhattisgarh Renewable Energy Prosumers Association
Raipur (C.G.) ... Respondent

PRESENT : Vivek Ganodwale, Member (Law)

Ajay Kumar Singh, Member (Technical)

Appearance : Shri Abhinav Kardekar and Shri Ayush Solanki, counsels
along with Smt. Alka Yadav, EE for petitioner CSPDCL.
Shri Shyam Kabra, representative for Respondent.

Shri Sunil Oak and Shri P.N. Singh, representative for
Chhattisgarh Retired Power Engineers-Officers Association

ORDER

(May 19, 2026)

Chhattisgarh State Power Distribution Co. Ltd. (in short, 'CSPDCL' or 'Petitioner' or 'Review Petitioner') has filed this review petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 23 of the CSERC (Conduct of Business) Regulations, 2009 and Order XLVII Rule 1 of the Code of Civil Procedure, 1908, seeking review of the order dated 19.09.2025 issued in petition No. 09 of 2025.

2. The respondent, M/s Chhattisgarh Renewable Energy Prosumers Association is an association of prosumers and the original petitioner in the petition No. 9 of 2025.
3. During the course of hearing on 07.01.2026, the Commission received an application from the Chhattisgarh Retired Power Engineers-Officers Association requesting to allow them as intervener in the instant petition as they appeared and submitted their arguments during the public hearing of original petition no. 9 of 2025. The Chhattisgarh Retired Power Engineers-Officers Association were allowed as intervener to appear in the proceeding of this case by the Commission.

Petitioner's Submission:

4. The review petitioner CSPDCL submitted that the clarification provided by the Commission in order dated 19.09.2025 with regards to the methodology of adjustment of excess generation by prosumers under the Time-of-Day (ToD) tariff under Regulation 16(vi) of the CSERC (Grid Interactive Distributed Renewable Energy Sources) Regulations, 2019 (in short, 'DRE Regulations, 2019) constitutes an error apparent on the face of the record as the impugned order travels beyond the plain and literal meaning of Regulation 16(vi).
5. The review petitioner reproduced the regulation 16 (iv) of the DRE Regulations, 2019, which, provides that:-

vi) In case the prosumer is under the ambit of time-of-day tariff, as determined by the Commission from time to time, the following process shall be followed:

a) *Electricity consumption in any time block (e.g., peak hours, off-peak hours, etc.) shall be first compensated with the electricity generation in the same time block.*

b) *Any excess generation over consumption in any time block in a billing cycle shall be accounted as if the excess generation occurred during the immediately lower tariff time block.*

c) *This process will continue till all consumption in lower tariff blocks is set off against PDRES generation.*

d) *Any excess generation after setting off consumption in lower tariff time blocks would be carried forward to the next billing cycle.*

e) *Same process would be used to set off consumption in the subsequent billing cycle"*

6. The review petitioner submitted the Respondent Association in the original petition no. 09 of 2025 sought clarification and/or relaxation in energy accounting in light of redesigned ToD structure, as earlier, the ToD blocks in the Tariff Order for FY 2023-24 was such that the solar-hours (9:00-17:00) coincided with normal hours, however, in the tariff order for FY 2024-25 (effective 01.06.2024), the Commission revised the tariff periods such that the lowest tariff period i.e., off-peak hours coincided with the solar generation hours (9:00-17:00).

7. The review petitioner while reproducing the Commission's observations in Order dated 19.09.2025 under petition no. 09 of 2025, further submitted that the Commission after hearing the parties, observed and decided that:

"since the lowest tariff now coincides with solar generation hours (09:00 a.m.-05:00 p.m.), the "subsequent lower tariff time block"

shall be considered for adjusting excess generation and directed CSPDCL to settle the same during the "normal period i.e., 11 p.m. to 09 a.m."

- 8.** According to the review petitioner the literal meaning of Regulation 16(vi), prescribes a stepwise adjustment mechanism i.e., first against consumption in the same block, thereafter in the immediately lower tariff block, and if any, excess remains, to be carried forward to the next billing cycle.
- 9.** It is submitted by the review petitioner CSPDCL that the CSERC DRE Regulations, 2019 and its subsequent amendments do not contain any formula, methodology or mechanism for re-allocating or adjusting excess generation from one time block to another time block with higher tariff in the event of a change in the Time-of-Day (ToD) periods or tariff structure. The regulation merely prescribes a sequential process of set-off within the same or immediately lower tariff block.
- 10.** The review petitioner argued that such interpretation is not supported by the regulations but the Commission introduced a new system of adjustment by way of interpretation. As per the Petitioner, the Commission has substituted and amended the Regulations through its order, which is not permissible in clarification proceedings.
- 11.** With the above submissions, the review petitioner prayed for following:
 - (a) To allow the instant review petition and set aside the impugned order dated 19.09.2025 passed in Petition No. 09 of 2025;

- (b) To hold that the settlement of excess energy generated in any tariff time block can only be settled against the consumption in the lower tariff block than the tariff block in which it was generated;
- (c) Allow the CSPDCL for energy accounting and settlement for the net metering consumers as per Regulation 16(vi) of the DRE Regulation 2019 in the same manner as it was being done before passing of the impugned order dated 19.09.2025 passed in Petition No. 09 of 2025;
- (d) Allow CSPDCL to re-compute settlements retrospectively from the effective date of the ToD tariff (01.06.2024) in accordance with the correct interpretation of Regulation 16(vi) and to adjust any amounts/units done pursuant to the impugned order dated 19.09.2025 in the subsequent bills of the consumers/ prosumers.

Chhattisgarh Retired Power Engineers-Officers Association's (Intervenor's) Application: -

- 12.** The intervenor association submitted that being pensioners of the CSPDCL, they are directly impacted by any order issued in this Review Petition, which impacts the health of the CSPDCL. The inventor association also submitted that the impugned order is against the intent and basic scheme provided in the Regulation 16(iv) of the DRE Regulations, 2019, wherein excess generation be set off in lower tariff blocks and after setting off in lower tariff blocks only, remaining excess generation to be carried forward to next billing cycle.

Respondent Prosumer Association's Reply

- 13.** The respondent prosumers association submitted that the Commission after going through the desired regulatory process passed the impugned order providing clarification on the order of settlement of energy. Therefore, there remains no scope for any error on the face of record.
- 14.** As per the respondent prosumers association, allowing the review petition would lead to discouragement to the prosumers under TOD regime in the State and under utilization of the solar generation capacity already installed by them.
- 15.** The respondent prosumers association submits there is no adverse financial impact on the CSPDCL as the impugned order is effective from June 2024 only and the volume of energy redemption during night hours by such prosumers is much less compared to the redemption permitted to non-ToD consumers and open access ToD consumers during night hours.
- 16.** Further, on the intervenor association's application, the respondent prosumers association submitted that the pensioners benefit of the intervenor association's members are not at all affected as the said is a statutory liability and contribution to Pension and gratuity fund is increasing in the past years irrespective of financial loss/revenue deficit.

Analysis and Decision

- 17.** After hearing the parties and going through the submissions made by them the Commission deems it necessary to analyse the following aspects involved in the petition:-
 - i) First and foremost, the DRE Regulations, 2019 were introduced with the objective to promote renewable energy

sources aligned with the policies of the Union Government that involved setting up of Grid-connected Rooftop Photovoltaic systems that required a strategic combination of Top-Down impetus and Bottom-up execution approach while aiding the distribution licensee in qualification for renewable purchase obligation.

- ii) Secondly, while providing clarification or interpretation of any regulation it is necessary, to not only read the interpretation in its true and literal sense, but, also to look into the intent of the regulation and the objective with which the regulation was introduced.

It is a settled principle of law that the regulatory body making the regulations are in the best position to understand the intent of that regulation as it was framed and implemented by that regulatory body.

In *Laya Binay Kumar Pandey vs Medical Council of India and Ors* the Hon'ble Bombay High Court 2006 (6) Mh.L.J 438 held that:

"The other aspect is that when a body making the sub-ordinate legislation, clarifies the meaning of the Rule it has made, in the absence of absurdity or that clarification being clearly contrary to the language of the Regulation or the Parent Act, normally the Court should accept the interpretation, as the maker of the Rule would be the best person to know the object behind the Rule and how they understood the Rule when it was framed."

The regulatory intent of the Regulation 16 (vi) of the CSERC (Grid Interactive Distributed Renewable Energy Sources) Regulations, 2019 is very clear, wherein, the interpretation of Regulation 16 (vi) is that the excess energy generated should be

settled in the lowest tariff time block and in case of new ToD structure since, the time block with the lowest tariff coincides with the solar hours i.e., 9AM to 5PM, and therefore, the subsequent lower tariff time block shall be considered for adjusting the excess generation.

iii) Thirdly, section 94 of the Electricity Act, 2003, empowers the Commission for review of any order of the Commission, having the same powers as under the Order 47 Rule 1 of the Civil Procedure Code (CPC), but, the power of review is restriction to a few grounds.

Order 47 Rule 1 has been reproduced herein for ready reference:

"Application for review of judgment—

(1) Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes,

and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record of for any other sufficient reason, desires to obtain

a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order."

Accordingly, 'an error or mistake apparent on the face of record', as prescribed above, applies to cases of such mistakes only, which are apparent on the face of the records and not an error, which is to be searched. In other words, review cannot be treated as an appeal in disguise and can only be exercised for the correction of a mistake and not for substitution of a decision.

In 'State of West Bengal vs. Kamal Sengupta', (2008) 8 SCC 612, Hon'ble Supreme Court has observed as follows:

"The term mistake or error apparent" by its very connotation signifies an error which is evident per se from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of record for the purpose of Order 47 Rule 1 CPC."

Also, In 'Commissioner-cum-Secretary, Department of Animal Husbandry vs K. Rinzing' AIR 1997 Sikkim 3 it has been held as follows:

"If the court applies its mind to a particular fact or law and then comes to a conclusion after conscious reasoning, it can never be contended, even if the conclusion was wrong, that the error is one apparent on the face of the record."

In the instant case there is no error or mistake apparent on face of the records neither the clarification provided by the Commission in Order dated 19.09.2025 is amounting to any amendment as the same is provided under the Regulation 29 of the DRE Regulations, 2019 where the Commission has the power to remove any difficulty arising out of the Regulations.

- 18.** In view of the above the Commission finds no substantial ground for review of the Order dated 19.09.2025 in Petition No. 09 of 2025. Hence, the review petition is dismissed.

**Sd/-
Ajay Kumar Singh)
Member (Tech.)**

**Sd/-
(Vivek Ganodwale)
Member (Law)**