

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Thursday, the 6th day of November 2025 / 15th Karthika, 1947
WP(C) NO. 39797 OF 2025 (Y)

PETITIONERS:

1. DOMESTIC ON-GRID SOLAR POWER PROSUMERS FORUM-KERALA, TC 43/40, KUTTIVILAKAM HOUSE, MANACADU, THIRUVANANTHAPURAM, REPRESENTED BY ITS PRESIDENT - M ABDUL SATHAR, PIN - 695009
2. M ABDUL SATHAR, AGED 58 YEARS, S/O LATE MR. MAITHEENKUNJU, HIRA, HOUSE NO. 56, ROYAL ENCLAVE, HRA LANE NO. 3, THIRUVALLAM, THIRUVANANTHAPURAM, PIN - 695027

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ADDL CHIEF SECRETARY, DEPARTMENT OF POWER & ENERGY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2. KERALA STATE ELECTRICITY REGULATORY COMMISSION, REPRESENTED BY IT'S SECRETARY, KPFC BHAVANAM, C.V. RAMAN PILLAI ROAD, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695010
3. KERALA STATE ELECTRICITY BOARD LIMITED, REPRESENTED BY IT'S CHAIRMAN & MANAGING DIRECTOR VAIDHYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM, PIN - 695004
4. CENTRAL BUREAU OF INVESTIGATION, REPRESENTED BY ITS DIRECTOR PLOT NO 5-B, CGO COMPLEX, LODHI ROAD, NEW DELHI , PIN - 110003
5. T.K. JOSE, AGED 67 YEARS, CHAIRMAN, KSERC, KPFC BHAVANAM, C.V. RAMAN PILLAI ROAD, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695010
6. A.J. WILSON, AGED 60 YEARS, MEMBER (LAW), KSERC, KPFC BHAVANAM, C.V. RAMAN PILLAI ROAD, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695010
7. B. PRADEEP, AGED 63 YEARS, MEMBER (TECHNICAL), KSERC, KPFC BHAVANAM, C.V. RAMAN PILLAI ROAD, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695010

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay all further proceedings, deliberations, and decision-making processes relating to the framing, finalization, or notification of the Kerala State Electricity Regulatory Commission (Renewable Energy and Net Metering) Regulations, 2025, as being vitiated by wilful and deliberate fraud and conflict of interest involving the respondent Nos. 2, 3, 5, 6 & 7.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.YESHWANT SHENOY along with M/S.AYSHA ABRAHAM, ADOLPHIN MAMACHAN & REJI JOHN KALLELY, Advocates for the petitioners, M/S.K.JAYAKUMAR & NANDAGOPAL S.KURUP, Advocates for R2, SRI.B.PRAMOD, STANDING COUNSEL for R3, SRI.SREELAL N.WARRIER, SPECIAL PUBLIC PROSECUTOR for R4, and of SRI.C.E.UNNIKRISHNAN, SPECIAL GOVERNMENT PLEADER, the court passed the following:



NITIN JAMDAR, C. J. & SYAM KUMAR V. M., J.

W. P. (C) No. 39797 of 2025

Dated this the 6th day of November, 2025

ORDER

Heard Mr. Yeshwant Shenoy, learned counsel for the Petitioners, Mr. K. Jayakumar, learned Senior Advocate assisted by Mr. Nandagopal S. Kurup, learned counsel for the Kerala State Electricity Regulatory Commission, Mr. B. Premod, learned Standing Counsel for Respondent No. 3, Mr. Sreelal N. Warriar, learned Special Public Prosecutor for Respondent No. 4, and Mr. C. E. Unnikrishnan, learned Special Government Pleader.

2. We have perused the order passed by the learned Single Judge and the administrative order.

3. Learned counsel for the Petitioners categorically submits that the petition has not been filed in public interest and is filed to espouse the personal rights of the Petitioners. It is contended that the Petitioners have the locus to maintain the writ petition in its individual capacity.

4. That being the position, since the Petitioners do not wish to prosecute this petition as a PIL, the petition will have to be considered as a writ petition filed by the Petitioners in individual capacity regarding its personal rights. However, we make it clear that, this being the specific stand of the Petitioners to our query, in the event the learned Single Judge concludes that the Petitioners do not have an

individual right or locus to maintain a writ petition, the Petitioners will not thereafter be entitled to contend that the petition be treated as a PIL.

5. With the above clarification, the Registry shall take appropriate steps to place the matter before the learned Single Judge.

Sd/-
NITIN JAMDAR
CHIEF JUSTICE



Sd/-
SYAM KUMAR V. M.
JUDGE

Eb