

Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date:

Case No.53

M/s. Hiravati Internaional Pvt. Ltd., Consumer No. HTC- 796 with sanctioned M.D. 567 kva & CL 1000 kw has put up its grievance to this Forum which was registered vide non availability of Member and Chairman of CGRF, Bhandup. However, hearing date is fixed on 13/04/06 at CGRF, Bhandup in presence of Member. Member secretary 7 chairman of Forum.

The reprehensive attended the hearing form the consumer side & utility are as below:

Consumer's side

1. Shri H.B. Tripathi, representative of consumer
2. Shri Jayantilal pradhan, Manager of the Factory.

Utility side

- 1) Shri S.K. Jain, Ex. Engr.(Adm) Vashi
- 2) Shri R.G. Joshi, A.O.CO., Vashi .

Say of consumer's representative is as follows:

The operation of the factory is a continuous process & use of power is for freezing activity of the fish. The use of power consumer consumption is restated to the available of row fluctuating due to row quantity of fishing is form September to January where as other period is material. The peak period for fishing is from September to January where as other period is fluctuating due to low quantity of fish availability & minimum requirement of power during extreme off period is to run only one compressor & lighting load. Fishing ban period is from 10th June till August in each year for fishing as per G.O.M order. The dispute is narrated which is as follows:

While taking monthly reading in the month of Nov.03 MD resetting knob was found defective and was defective from Nov.2003 to 2nd of March 2004. The actual recorded MD in each month was not available during the above period due to fault in knob resetting and M.D.was read & taken for billing for the MD recorded in Nov.2003 as it was not reset to zero in thr month of Nov.03 due to defect developed in the knob.

The billed M.D. from Nov.03 march 04 is as follows:

November 2003 - 522 kvA

December 2003 - 522 kvA January 2004 - 522 kvA
 February 2004 - 522 kvA March 2004 - 522 kvA

In march 04 MD was billed on highest side even though actual kvA MD recorded was available from the meter reading taken on 18/03/04. He further submitted the unit consumed, MD recorded, billed & load in Amp. on H.T.side at the time of meter reading taken from sept.03 to July 04 to ascertain that there is the reduction in consumption of power from Dec.13 till July 04. This data should taken to calculate average MD in each month for M.D billing which is shown in table No.1

Table No.1

Month	Unit	M.D Record ed (kvA)	M.D billed	Load in Amps on HT side at the time of meter reading		
				IR (Amps.)	IY (Amps.)	IB (Amps.)
Sept.03	141234	477	477	2.62	2.83	2.79
Oct.03	192558	516	516	2.72	2.71	2.75
Nov.03	186556	522	522	0.12	0.11	0.10
Dec.03	82470	Knob faulty	522	0.75	0.81	0.7
Jan.04	61140	Knob faulty	522	0.83	0.90	0.90
Feb.04	41394	Knob faulty	522	1.11	1.09	1.14
March.04	33012	80	522	1.06	0.99	0.92
April.04	34746	90	392	1.12	1.05	1.01
May.04	27972	150	392	1.11	1.04	1.08
June.04	39756	95	392	1.15	1.07	1.07
July.04	25824	82	392	0.88	0.93	1.89

The knob was repaired in 02/03/04 & metering equipment was tested on same day.

Hence billed MD should be revised on the basis of load factor calculated as shown below or the calculated MD on the basis of voltage and current in Amp. Taken on HT side at the time of meter reading.

The load factor calculated by him is submitted which is as follows as per formula.

$L.F = \text{consumption during the month} / \text{record MD} * PF * \text{Total hours in the month of 30 days.}$

September 2003 - 0.432
 October 2003 - 0.546
 November 2003 - 0.53
 December 2003 - 0.239

January 2004 - 0.166
 February 2004 - 0.11
 March 2004 - 0.0878 & 0.570
 April 2004 - 0.50
 May 2004 - 0.259
 June 2004 - 0.58
 July 2004 - 0.43
 August 2004 - 0.54
 September 2004 - 0.41

On this basis of actual calculated LF- Average LF for September to Nov – 03 comes to 0.47 & MD – 505 kvA

On unity LF – MD – 1075 kvA.

Average MD for December 2000 is February 2001 be taken as actual LF * 1074 kvA.

1) Which comes as show below:

Dec.03 - 0.239 x1074
 Jan.04 - 0.166 x1074
 Feb.04 - 0.11 x 1074

2) Or kvA calculated considering the voltage and current on HT side.

i.e kvA – $3 \times VN \times I$

Dec.03 - $3 \times VN \times 0.753$
 Jan.04 - $3 \times 66 \times 0.88$
 Feb - $3 \times 66 \times 1.122$

Billing demand should be taken highest one out of the above.

1. Billing dispute for unit consumption from 23/07/2004 to 03/12/2004

i) In actual billing dispute was from Oct to Dec. 2004 but during revision, dispute was created for August & Sept. 2004 also. The CT failed on 06/08/04 & bill for August 04 is issued for 28922 units "recorded – 7104 + average assessment – 21818 on basis of per day consumption during this month" & 392 kvA The daily consumption is recorded & maintained the consumer as per G – 7 form, which is utilized for carrying out assessment or Aug.04.

ii) Metering equipment was taken into service on 03/09/04 which again failed on 06/09/04 – unit recorded form 03/09/04 – 5520 units. Consumer is issued bill or the month of Sept. 04 for 5520 recorded unit + 28371 average on the basis for recorded unit i.e. total for 33891 units & 392 KVA M.D. complaint form August 2004 o December 2004 is to be attended by the utility.

Utility:

The consumer is billed for billing demand as per rule & based on MRI Retrieval Report submitted side letter No. SE/VC/GAD /CGRF/ 0448, dt. 24/01/06 to Forum & it is in order for the period from December 2003 to March 2004 i.e. 522 KVA, in each month when the knob was defective, but he was unable to explain about billing demand taken from MRI report as the recorded data in the MEI report for cumulative MD,kva,kw, MD, zone wise is for date of 24/03/04, 18/03/06 & 30/03/06, when the knob is in working condition but it should be of the period when the knob was not reset to zero due to being faulty.

Further, about consumer's complaint regarding assessment of unit & MD for the period from August 04 to Dec. 04 it is attended by revising the bill & credit of 8.19 lakhs is given but interest & DPC are yet to be given but he could not explain the method of its revision.

Hence, utility was directed by the Forum to submit 1) The MRI data retrieval report for the period during DEC. 03 to March 04 i.e. up to 02/03/04 before till date of knob repair.

2) MD & Unit recorded, billed (for last two years from Dec. 03 & after one year from March .04) i.e. from Dec. 01 to March 05. 3) Office note details related with revision. He is called on 24/04/06 for discussion over this issue in presence of consumer's representative. The details of discussion is as follows:

1) MRI Data retrieval report from Dec. 03 to 02/03/04 was not produced for discovering as it was not available with him. Hence, he agreed to review the billing demand considering tariff for H.T. billing.

2) He submitted the office note & explained that initial assessment for unit was done considering the highest of average of last two years & MD was taken of corresponding month of last year. The assessment of M.D. & unit is shown in Table 'A' in response to representation made by the consumer, it was revised again. For unit, the further trend of consumption was considered & for M.D. billing demand was taken 75% of highest recorded M.D. during preceding 11 months for August 04 to Dec. The revised assessment for unit & M.D. is shown in the table 'B'. As both the assessments are done following the incorrect method it was not accepted due to some irregularities in it.

Table "A"			Table "B"	
Month	M.D. billed	Unit billed	M.D. billed	Unit billed
Aug.	392	28922	392	101819
Sept. 04	392	33891	392	115863
Oct. 04	516	364979	392	87775

Nov.04	522	201426	392	122885
Dec. 04	505	121904	392	98321
Total charge is Rs. 30,92,481.00			Total amount 22,73,408.41	
Hence credit of Rs. 8, 19,037.41 is given but DPC & interest is not considered for credit.				

It was amongst the consumer and the utility before the Forum during the hearing and decided to settle the matter as per provision Electricity Act 03 to March 04 & Aug. 04 to MD among of all the three criteria for the month form Dec. 03 to month 04 & Aug. 04 to agreement which is as follows:

1) Billing demanded be decided as per criteria defined in HT tariff of H.T. bill i.e. highest MD among of all the three criteria for the month form Dec. 03 to March 04 & Aug. 04 to Dec. 04.

2) Unit to be billed in Aug to Sept. 04 should be taken as per actual trend of consumption available in the same month due to power consumption being on lowest side due to non use & for off reason and unit to be billed for Oct. 04 to 03/12/04, on the average of preceding last one year when the meter stopped recording the unit and M.D. Respectively.

Observation of the Forum The unit 7 M.D. recorded & billed shown in the table No. II form April 03 to March 05.

Table						
S. No.	Month	MD recor	MD b	Unit Recorded	Unit billed	Remarks
1	April 03	233	396	75246	75246	MS resetting knob is found defective in Nov. 03 while taking the reading The Max. Recorded MD being 522 KVA could not be reset to zero hence, the same M.D. Was considered for billing purpose in the month of
2	May 03	243	396	64998	64998	
3	June 03	131	396	34068	34068	
4	July 03	148	396	39852	39852	
5	Aug. 03	85	396	54857	54857	
6	Sept. 03	477	477	141234	141234	
7	Oct. 03	516	516	192558	192558	
8	Nov. 03	522	522	186456	186456	
9	Dec. 03	522	522	82470	82470	
10	Jan.04	522	522	61140	61140	
11	Feb., 04	522	522	41394	41394	
12	March 03	522	522	33012	33012	
13	April 04	94	392	34767	34746	
14	May 04	150	392	27972	27972	
15	June 04	95	392	39756	39756	
16	July 04	82	392	25824	25824	

17	Aug. 04	109	392	7104	(7104 R+ 21818) Assessment = 28922	Dec. 03, Jan. 04, Feb. 04 & March 04 & was billed accordingly.
18	Sept. 04	115	392	5520	(5520 R + 28731) Assessment = 33891	
19	Oct. 04	0	516	364971-Av	201426	
20	Nov. 04	0	522	201426-Av	121904 R +A	
21	Dec. 04	0	505	R 59720+62 204	107820	
22	Jan.05	324	392	107820	107268	
23	Feb,. 05	373	392	107268	144776	
24	March 05	344	392	144776		
Note : This chart is development as per the report submitted by Suptd. Engr. Vashi vide Letter No. SE/VC/Tech/CGRF unit/2125, dt. 15/04/06 om demand by Forum During hearing.						

From the above, it is seen that consumer is charged for billing demand of 522 kvA in each month from Nov. 03 to March 04. During the hearing it is informed that the MD resetting knob was found defective while taking HT meter reading in Nov.03 and MD recorded was 522 kvA. As MD was read in the month of Dec.03, Jan 04 & March 04 while taking the reading in each month. Accordingly, energy bill was issued in each month which is not accepted by the consumer as it was not in accordance with the HT billing tariff.

During the above period actual MD recorded was not available & billed MD was justified by utility producing the MRI data retrieval report vide letter No.448 dt. 24/01/06. The data recorded in MRI found unjustified as it was for the dated 18/03/04, 24/03/04 & 30/03/04 when resetting of the knob was in working condition after repairing it on 02/03/04. Hence, utility was asked to produce MRI data retrieval report for the period when MD reset was defective but he could not submit the same up to 24/04/06.

Under such circumstances, it is justified to refer the H.T bill tariff to decide the billing demand which is reproduced below for deciding the billing demand.

Billing demand As applicable to all consumers, except season consumer, means the demand used for billing purpose and computed as the highest of the following

- 1) Actual established demand, during period 06.00 hrs. to 22.00 hrs.
- 2) 75% of the highest billing demand during preceding 11 months.
- 3) 50 % of the contract demand as undefended above.

As the actual established demand is not available and 75 % of max. Demand established during proceeding 11 months is $522 \times 0.75 = 391.5 = 392$ kvA which is more than 50 % of the sanctioned MD of 567 kvA. Hence, MD charge for 392 kvA as billing demand may please be considered for billing in the months of Dec.03, Jan .04 However, M.D for march – 04 which as per definition of billing demand stated above as recorded MD available in March .04 which will be also be 392 kvA. Further M.D charged as per table B on page No.5 for the month of August 2004 to Oct.2004 is in accordance with H.T billing tariff criteria deciding the billing demand i.e. 75% of highest M.D recorded during preceding 11 months i.e 75 % of Nov. ($75 \times 522 = 391.5 \sim 392$ kvA where as for the month of Nov.04 & Dec.04 preceding 11 months period is up to Dec.03 & Jan.04 where in billed M/D is not the actual recorded but it is decided billing demand as shows in table C Hence billing demand should be taken as 50% of sanctioned M.D i.e 284 kvA which is highest.

The M.D should be charged as mentioned below in table C

Table C		
Mont	Already charg	To be charged kvA
Dec.03	522	392
Jan.04	522	392
Feb.04	522	392
March.04	522	392
August.04	392	392
Sept.04	392	392
Oct.04	516	392
Nov.04	522	284 kvA (which is 50 % of sanctioned M.D)
Dec.04	505	284 kvA (which is 50 % of sanctioned M.D)

However, the chargeable M.D as per the consumer calculation is not in accordance with HT billing tariff, hence it cannot be considered.

Unit assessment to be done as per table D

Month	Unit charged as table A	To be charged	Remark
Aug.04	28922	28922	This period is off season &

Sept.04	33891	33891	consumption brought down by the consumer due to modification in his plant up to 6 th Dec.04 which is already intimated. Hence assessment in Aug. & sept .04 is realistic as assessed on average trend of consumption /day available during the same month.
Oct.04	364971	20 th sept	Average per day consumption to be find Out form unit consumed during Aug. 03 to July . 04 in which meter was working properly throughout the year. Total unit to be charged form the date in Sept. 04. (to be confirmed) till 03.12.04= 74 days * unit/day consumption 74*2525 = 186850 unit.
Nov.04	201426		
Dec.04	121904 (22.11.04 to 03.12.04)		
Note: Any mathematical error through over sight should be corrected at Circle level under intimation to this forum. The DTP & Interest charged to be waived off in the final assessment. After issue of final assessment, if any amount is payable, one month period is granted to pay it. Any refund should be adjusted in next bill.			

ORDER

- 1) Billing M.D. be charged as per table 'c' which is an accordance with billing demand as per H.T. billing tariff.
- 2) Unit calculation be done as per table 'D' which is in accordance with electricity Act 2003.
- 3) Interest & DTP should be waived off. After issue of final assessment, amount payable should be valid for one month. In case of any refund, it should be adjusted in the next month & remaining if, any refunded.
- 4) Compliance be submitted within one month period to the forum.

The order is issued under the seal of consumer Grievance Redressed Forum M.S.E.D.C.Ltd. Bhandup Urban Zone, Bhandup on 28th April of 2006.

Note: 1) If Consumer is not satisfied with the decision he may go in appeal within 60 days on receipt of this order to Ombudsman in attached "Forum B".

Address of the ombudsman
The Electricity ombudsman
Maharashtra Electricity Regulatory Commission
606, kashav Building,
Bandra-Kurla complex, Bandra(E),

Mumbai-400 051.

2) If utility is not satisfied with order, it may go in appeal with Hon. High Court within 60 days from receipt of the order

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

G. B. SINGH
MEMBER SECRETARY
CGRF, BHANDUP