



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. EE/CGRF/Kalyan/	Date of registration	: 23/06/2017
	Date of order	: 06/12/2017
	Total days	: 163

IN THE MATTER OF GRIEVANCE NO. K/E/1237/1461 OF 2017-2018 OF M/s. MECHANICAL PACKING INDUSTRIES PVT.LTD., MIDC AREA, DIST.PALGHAR, PIN CODE - 401 506 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

M/s. Mechanical Packing Industries Pvt. Ltd.,
MIDC area, Dist.Palghar,
Pin code - 401 506

(Consumer No.003019008231) ... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited

Through it's Nodal Officer/Addl.EE.

Palghar Circle, Palghar, ... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri. Agrawal, Ex. Engr., Palghar Circle.

For Consumer - Shri. V.G.Kulkarni - CR.

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
and Mrs.S.A.Jamdar- Member (CPO)]

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) The case in short is that CTPT metering unit of the consumer (H.T. Consumer no.003019008231) failed during the month of July -2016. SE Palghar intimated to consumer vide SE/PLG-S/Tech no. 0465 dated 25th August -2016 that current in B-phase was found normally low as compared to other two phases on meter display (IR-2.33A, IY-2.33A, IB = 0.07A) corresponding to LT side current was (Ir = 116 A, Iy = 116 A, Ib = 116 A) Consumer was advised to replace the existing metering installation with compact KIOSK having 3CTs/3PTs. Accordingly Hupen make compact KIOSK having 3 CTS/3PTS was installed and was charged the HT installation on 17/10/2016 within one month from circle office's communication.

3) For the period from July-2016 to October -2016 assessment bills were raised on the basis of 2/3 & 1/3 units i.e. assuming 2/3 reading was recorded and additional 1/3 reading was loaded and bills were raised accordingly. These bill are highly exorbitant compared to past 12 month average consumption. However bill were paid under protect.

4) It is the contention of the Consumer that during the period from July 2016 to October -2016 CTPT unit remained faulty and as such the exorbitant bills raised should be discarded. It is the prayed that MSEDCL Palghar be directed to reassess the energy consumption for the above period on the basis of As per average 12 month prior to July 2016 or ii) consumption of energy units after replacement of faulty CTPT unit by new metering KIOSK on 07/10/2016 be considered and bills be recalculated accordingly. Also maximum demand and power factor penal charges/P.F. incentive for the above period be reassessed.

5) In reply MSEDCL contends that 'B' phase was abnormally low hence assessment was made which is logically and technically correct so also the maximum demand and power factor panel charges /P.F. incentive. It is submitted that inspite of increase in the production of yarn and Teflon goods as mentioned in the production report as submitted by the consumer the MD recorded is less (i.e.1/3rd less as compared to MD recorded in provision month) MD recorded by the meter during the month of August and September 2016 is 76.92 and 71.2 respectively, whereas the average MD recorded during the healthy period is to the tune of 110 to 120. This clearly shows that MD recorded is approximately 2/3rd Further the current recorded by B phase is recording less as compared to R & Y phases as follows.

- a) As per MDAS data received on 01/08/2016 at 00 : 00 hrs
 - Current in R – phase is 2.22 Amps
 - Current in Y – phase is 2.25 Amps
 - Current in B – phase is 0.08 Amps

- b) As per MDAS data received on 01/09/2016 at 00 : 00 hrs
Current in R – phase is 2.62 Amps
Current in Y – phase is 2.66 Amps
Current in B – phase is 0.10 Amps

- c) As per MDAS data received on 01/10/2016 at 00 : 00 hrs
Current in R – phase is 1.56 Amps
Current in Y – phase is 1.59 Amps
Current in B – phase is 0.5 Amps

Hence the bill raised by MSEDCL during unhealthy period is technically & logically correct.

6) We have heard both sides. The germane question was about 'B' phase being abnormally low and there upon CT/PT was replaced 17/10/2016. Otherwise the meter is ok apparently, there is no dispute thereafter. There was no dispute before July 2016 either. Thus, the question is only about the period from July to October 2016. The question was discussed whether 15.4.1 shall be applied and for that average consumption for 12 month prior to July 2016 was considered. It is however seen that for the average of actual consumption received during July to October 2016 is more as compared to average of prior 12 month consumption. This being so, another question arised that, how the consumption of two phases (in absence of 'B' phase) is more than average consumption? for that Licensee contended that the production for the said period may be high hence the consumption of this period without addition of assessed units is more than average consumption. The production data is also kept on record but no conclusion can be drawn from it, because production is not for one produce only. There is production of 'Yarn' & Teflon Goods' hence we cannot relate production with unit consumed.

One more technical points needs to be considered that the meter is having 2 CT & 3 PT type connection & there is no authenticate document produced by Licensee which will show how the meter will record units in absence of one phase ? Even meter testing report is not showing slowness of meter. In this situation the forum has opinion that the recorded consumption should be considered for billing & assessment units should not be added.

7) The delay due to some documents to be provided by both parties also there was heavy work load due to AEC/FAC cases.

In the above view of the matter we pass the following order.

ORDER

- 1) Grievance application of consumer stands allowed.
- 2) Additional loading of 1/3 reading towards phase B in the bills for the impugned period is hereby stuck off & refund the excess amount collected from the consumer.
- 3) MSEDCL to reassess the maximum demand & power factor penal charges/P.F. incentive for the said period accordingly.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date :06/12/2017.

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE

- a) *The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.*
“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex,Mumbai 51”.
- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*
- c) *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-*
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.