



CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE

Case No. 42/2017

Date of Grievance : 25.05.2017

Date of Order : 18.07.2017

In the matter of refund of P.F. penalty charged in the energy bills.

Shree Keshar Printers & Publishers,
Block No.D-3, Plot No.79, MIDC,
Chinchwad, Pune- 411019.

Complainant

(Herein after referred to as Consumer)

Versus

The Executive Engineer,
M.S.E.D.C.L.,
Bhosari Division,
Pune -411011.

Respondent

(Herein after referred to as Licensee)

Quorum

Chairperson

Mr. S.N.Shelke

Member Secretary

Mrs. B.S.Savant

Member

Mr. S.S.Pathak

Appearance

For Consumer

Mr. Pushpak Doshi (Representative)

For Respondent

Mr. A.G. Shrigadiwar,, AEE, Akurdi S/dn.

1. The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF& E.O.) Regulations 2006. Herein referred to as the Regulations.
2. Being aggrieved & dissatisfied by the order dated 15/05/2017 passed by IGRC Ganeshkhind Urban Circle, Pune, thereby rejecting the grievance, the consumer above named prefers the present grievance application on the following amongst other grounds.

3. The papers containing the above grievance were sent by the forum to the Executive Engineer, Bhosari Division vide letter No. EE/CGRF/PZ/195 Dated 29/05/2017. Accordingly the Distribution License filed its reply on 13/06/2017.
4. We heard both sides at length, gone through the contentions of the consumer and reply of the respondent & documents placed on record by the parties.
5. The facts giving rise to the grievance may be stated as under :

The consumer namely Shree Keshar Printers & Publishers having consumer No.170149072390 with connected load 160 KW & Contract demand 100 KVA was connected on 31.5.2010 in the tariff category LT – V B II. The Licensee replaced old meter of the consumer having serial no. 0511976300 Make- Elster with new meter No.05805832, Make- Genus in the month of June-2016 for the reason, “no display”. Thereafter the consumer received energy bill for the month of July-2016 showing PF penalty of Rs.14,591.42. The consumer made enquiry about the said PF penalty in the sub/dn. office Akurdi. The consumer was asked to check the capacitor Bank. Accordingly the capacitor bank was checked & found OK. The said capacitor was being manually operated. As per the suggestion of SDO office, the consumer checked the same by operating as off /on. However, the average PF was not maintained. The consumer made several complaints about the same to the Licensee but maintenance of average the power factor problem was not solved. Thereafter the Licensee sent its representative to check the meter & connection. The testing team visited the spot & tested the meter & the connection on 20.8.2016. It was observed that tamper indication was ON. But no reason was given. The meter was OK. Then meter was sent to Testing Lab for further investigation. Then also the meter was found OK. The data was sent to the manufacturing company. The manufacturing company sent email to testing division stating that the said meter recorded low P.F., due to manually operated capacitor bank used in the system – ON. after load is not used which causes low PF & average PF of meter has got affected. The manufacturing company advised to use automatic capacitor Bank (APFC) in the system. The IGRC rejected the grievance of the consumer stating that to maintain the installation PF is responsibilities of the consumer either by

- manual operation or by automatic mechanism or any other mechanism as per prevailing rules & hence the request to waive the PF penalty cannot be accepted, vide impugned order dated 15th May 2017.
6. The consumer representative submitted that previously the Licensee has never charged them the PF penalty in the energy bills, on the contrary they have availed PF incentive. The old faulty meter having Elster Make was replaced by the Licensee with new meter Sr.No.05805832 Make-Genus in the month of June-2016. Thereafter they received energy bill for July-2016. In the said bill the Licensee charged PF penalty of Rs.14,591/-. Thereafter they made complaint about the said penalty at the sub/dn. office Akurdi. The concerned SDO asked the consumer to check the capacitor Bank. Accordingly they checked it & it was found OK. The Licensee issued further energy bills showing more penalties. Thereafter the testing team of the Licensee checked the meter & it was found OK. Thereafter the meter was sent to testing lab. The testing division tested meter on 20.8.2016 & observed that the tamper indication was ON, the meter was OK. Thereafter the data was sent to manufacturing company. The manufacturing company advised to use automatic capacitor bank in the system.
 7. Mr.Doshi further submits that though it is obligatory on the consumer to maintain the PF, it is nowhere mentioned that the manual capacitor cannot be used. However, as per the suggestion they installed APFC panel spending Rs.1.75 Lakh. He pointed out that the meter of Genus make has problem that manually operated capacitors are not suitable but require automatic capacitor panel (APFC) for the Genus meter. The officers of the Licensee were not aware that the meter of Genus Company required APFC panel. Had the Licensee advised to install APFC panel in the system at the time of installation of Genus meter, it would have been installed by the consumer immediately & the PF penalty would not have been charged. The problem is with Genus Company meter. Therefore it was the fault on the part of the Licensee. Hence Licensee be directed to cancel the PF penalty.
 8. On the other hand Mr.Shrigadiwar,, AEE, Akurdi Sub/dn. submitted that the Licensee replaced the old meter No.0511976300 make Elster with new meter No.05805832 Make – Genus for the reason “no display” on 20.6.2016.

Thereafter in energy bill of July -2016 PF penalty was charged to the consumer. The consumer made complaint about the same. He was advised to check the capacitor Bank. Accordingly he checked it & found OK. Thereafter the testing team of the Licensee visited the spot on 20.8.2016 & tested the meter and connections. They observed that the tamper indication was ON. Thereafter the meter was sent to Testing lab and tested on 13.9.2016. It was found OK. The problem was discussed with the representative of the manufacturing company, Genus. He requested to send the data for analysis. Accordingly data was sent. Thereafter the email received from manufacturing company on 11.1.2017 & they advised to use automatic capacitor bank, due to manual capacitor bank used in the system when load is not utilized, causes low PF & average PF gets affected.

9. Mr.Shrigadiwar, further submitted that it shall be obligatory for the consumer to maintain the average PF of his load at the prescribed level, as per Reg. No.12 of MERC Supply Code Regulations, 2005. Therefore the PF penalty raised by the Licensee for low PF is correct.
10. Provisions of power factor/harmonics have been laid down under Reg.No.12 of MERC (Electricity Supply code & other conditions of supply) Regulations, 2005 as under :

12. Power factor/harmonics :- 12.1 It shall be obligatory for the consumer to maintain the average power factor of his load at levels prescribed by the Indian Electricity Rules, 1956 with such variations, if any, adopted by the Distribution Licensee in accordance with the relevant orders of the Commission :

Provided that, it shall be obligatory for the HT consumer and the LT consumer (Industrial & Commercial only) to control harmonics of his load at levels prescribed by the IEEE STD 519-1992, and in accordance with the relevant Orders of the Commission.

12.2 The Distribution Licensee may required the consumer, within a reasonable time period, which shall not be less than three months, to take such effective measures so as to raise the average power factor or control harmonics of his installation to a value not less than such norm, in accordance with Regulation 12.1 above :

Provided that, the Distribution Licensee may charge penalty or provide incentives for low/high power factor and for harmonics, in accordance with relevant orders of the Commission.

11. Admittedly the Licensee replaced the faulty meter Sr.No.0511976300 Make-Elster with new meter Sr.No.05805832 Make- Genus in the month of June-2016. The consumer was availing PF incentive prior to the replacement of said meter. According to the consumer the Licensee had never charged PF penalty in the energy bills prior to replacement of the said meter. The Licensee issued energy bill for the month of July-2016 charging PF penalty of Rs.14,591/-. The consumer made complaint at the sub-dn. office about the said bill. The concerned SDO advised the consumer to check the capacitor bank. The capacitor bank of the consumer was manually operated. The consumer verified the capacitor bank by operating switch on & switch off. The Licensee checked the meter at the premises of the consumer & also in their testing lab . The meter was found OK. Therefore the Licensee discussed the problem with the manufacturing company. The manufacturing company requested to send the data for analysis. Accordingly the data was send to the manufacturing company. After having analyzed the data , the manufacturing company, the Genus, sent email letter dated 11.1.2017 to the Executive Engineer, Testing Division of the Licensee with the opinion as under :

1. *The said meter recorded low power factor, it is due to manual operated capacitor bank used in system is ON after load is not in use, which cause low pf , and average PF of meter has got affected.*
2. *If you go through load survey, when load is ON PF recorded by meter is equal to 0.999.*
3. *This will take care by two methods :*
 - a. *By switching OFF capacitor bank when load is not in use.*
 - b. *It is advisable to use automatic capacitor bank in system.*

12. It is not the case of the Licensee that the consumer has installed additional machinery in his installation. Previous record of the energy bill of the

consumer discloses that he had availed PF incentive. At the time of spot inspection dated 2.8.2016, the testing team of the Licensee observed that that tamper indication of the capacitor bank in the system was ON . The capacitor of the consumer was manually operated. As per Reg.No.12 of MERC supply code, 2005, it is obligatory on the part of consumer to maintain the average P.F. of his load at the prescribed level. The manufacturing company of the Genus meter after having analyzed the data of the consumer installation has opined that the meter recorded low P.F. due to manually operated capacitor bank in the system, "ON" after load is not in used. Therefore average P.F. of the meter got affected. It is further opined that for maintaining P.F. at the prescribed level, the care should be taken by switching off the capacitor bank when load is not in used. The new meter of Genus make is sensitive having advanced technology. Therefore the consumer should have been switched off the capacitor bank when load was not in use. Therefore average P.F., of the meter got affected due to keeping capacitor ON. The manufacturing company during analysis of load survey opined that when load is ON P.F. recorded by meter is equal to 0.999. Therefore above mentioned facts, constitute the negligence is on the part of consumer. Hence the consumer is not entitled to get cancellation of P.F. penalty.

13. The grievance is liable to be dismissed.

Lastly, we proceed to pass following order.

ORDER

1. Grievance of the consumer stands dismissed.

Delivered on: - 18.07.2017

S.S.Pathak
Member
CGRF:PZ: PUNE

B.S.Savant
Member/Secretary
CGRF:PZ: PUNE

S.N.Shelke
Chairperson
CGRF:PZ:PUNE

Note: - The consumer if not satisfied may file representation against this order before the Hon'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex, Bandra (E), Mumbai-51.