

.(A Govt. of Maharashtra Undertaking)
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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/77/871 Date: 18.12.2018

Hearing Date: 17.07.2018

CASE NO.77/2018

In the matter of billing

M/s Fine Cast Industries
At Plot No A-782,TTC MIDC Khairane,Navi Mumbai
(Consumer no 000439026180)
..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal Officer,
Vashi Circle, Vashi
..... (Hereinafter referred as Respondent)

Appearance

For Consumer:- V. L. Patil, Consumer Representative

For Respondent: - Mr.Dattatray B pawar Executive Engineer,
Vashi, Vashi, New Mumbai

[Coram- Dr. Satishkumar Jaiswal - Chairperson, Shri. R.S.Avhad -Member Secretary
and Sharmila Rande - Member (CPO)].

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 subsection 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] Here in after 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.

The applicant filed this Representation directly to the Forum under threat of disconnection notice issued by the Respondent stating following points amount the others.

The applicant has submitted that the vashi MSEDCL Batch visited the their premises dated 17.10.2017 and 31.10.2017 for checking electrical installation without intimation and replaced suddenly 2 nos of CT's on date 3-11-2017 without any justification .

He further submit that they received electricity bill in the month October for excessive adjusted 18457 units along with current 9228 units and we immediately inform to the superintending Engineer Vashi but there is no communications by MSEDCL and sent us disconnection notice. The applicant prayed to withdraw the excessive adjustment 104241 units in bills and till then not to disconnect electricity supply.

Notice was issued to the Nodal officer and Executive Engineer IGRC of vashi circle. The Respondent, MSEDCL has filed reply dated 03 May 2018 stating as under:-

M/s Fine Cast Industries is 22KV HT consumer bearing consumer no. 000439026180 at Plot No A-782 , TTC MIFV Khaiane , Navi Mumbai ,Having contract Demand & connected Load up to extent of 75KVA & 113 KW having date of connection as 03/01/2002(as per Energy Bill) Under HT1A: HT Industrial General (22KV).

Testing Engineer carried out Energy Meter Load Test of complainant's energy meter on 31/10/2017 & found mismatch of currents between HT side and LT side. The fact was informed to this office by Testing Engineer & accordingly Energy bill for the month of October 2017 issued with CT error Adjustment units 18457 KWH units at rate of twice recorded consumption for October 2017 for saturation of R Phase and B Phase HT metering Ct's Assessment calculation sheet for month of October is annexed hereto Annexure (A).

The Respondent submitted that on 3/11/2018 Testing Engineer Carried out Primary Injection of HT metering CT's & found R-Ph & B Ph HT metering CT's behave erratic and hence declared faulty. From Test result of primary Injection of R Phase and B phase HT metering Ct's seemed that meter is recording approximately 35 % less energy i.e recording only 65 % instead of actual 100% energy consumption . Moreover in consideration with MRI Data provided along with details analysis by the Energy meter manufacture & load survey report available on MDAS (Meter Data acquisition system) portal of MSEDCL. Testing Engineer informed that CT saturation was started from the date [02/11/2016@13.13hrs](#).Hence, energy bill for the month of November issued with CT error adjustment units from 2nd November to Oct 2017.

The Respondent also referred CGRF order in case no 56/2018 filed in r/o LARIDA HOTEL in which Forum has concluded that Appellant consumer is liable to pay the supplementary bill towards assessment of CT error is annexed under Annexure(D) and

Hon'ble Electricity Ombudsman upheld decision of Forum in representation No. 32 of 2018 annexed hereto under Annexure (E) .The Respondent has submitted that MSEDCL is entitled to recover under billing due to CT error of HT metering caused during period 2 /11/2016 till normalization of CT error on NOV 2017.

Heard both parties and gone through the documentary evidence submitted by the both parties on record. Admittedly, the dispute of energy bill issued in the month of October 2017 with CT error Adjustment units 18457. The applicant submitted chart of production with electricity unit's consumption whereas the Respondent submitted reports available on MDAS. We checked and analyzed the report submitted by the Respondent. We also perused the Executive Engineer (T), MSEDCL Vashi testing report dated 7 Dec 2017. From both reports it is reveal that R-Ph & B Ph HT metering CT's behave erratic from 2 Nov 2016. We also consider submission of the Respondent that MRI data of meter bearing sr. No 307475 has been retrieved and sent to meter manufacture on date 01.11.2017 for details analysis the report but the report received from manufacture on date that CT unbalance /Saturation date cannot be ascertained with the help of meter data file. From the technical data from MDAS and Testing report established that R-Ph & B Ph HT metering CT's not working normally and it behaves erratic and saturated. It is clear that the meter was recording a lesser energy consumption then the actual value due to defective CTs output to the meter. The meter itself cannot termed as faulty only the electric current input feed to the meter missing, causing a reduction in recording the

Supply code deals with procedure regarding the preparation and issuance of a bill, when the meter reading not available due to its non recording or malfunctioning of the meter, Here the case was that meter records less due to the R-Ph & B Ph HT metering CT's not working properly i.e. CT got saturated, paving the way for missing of the current input to

the meter. Hence, the meter recording the energy of one phase correctly out of three phases. When two nos of CT's got saturated input to the meter is not correct, it seems that the meter is recording approximately 35% less energy consumption i.e recording only 65% instead of actual 100 % energy consumption. I.e. 35% less recording is technically and mathematically correct. The testing report has conclusively proved that CT's saturation was started from the date 02.11.2016 and the CT unbalance serve report available in the MDAS confirmed it. Hence it is clear that the Meter was recording less energy from that day onwards till 08 /11/2017

Licensee is entitled to recover energy charges, under charged from the consumer, if it is established. In present case it stands proved the consumer was under charged during the years 02.11.2016 to 08 .11.2017. It is true that the recovery of arrears of electricity charges is not due to any fault or offence committed by consumer. There is no allegation of misuse or unauthorized use of electricity against the consumer by MSEDCL. The MSEDCL only demanded the charges of energy lost in the recording of the meter. Which has been actually used by Party .The consumer is bond to pay electricity charges for the energy he has consumed. The energy consumption recorded in meter, during the period of saturation of R-Ph & B Ph HT metering CT's.

In the case of the applicant the technical data produced by the Respondent Shows R-Ph & B Ph HT metering CT's saturated from 02/11/2016 to 08 /11/2017 and the applicant submitted Production Kgs and unit consumption sheet which is not sufficient to prove his contention. Hence, the Respondent succeeds in their contention. In this case Consumer was billed for 11 Months which is lawful as per provision of section 56(2) of the Electricity Act 2003, which reproduce as below

“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of Charges for electricity supplied and the licensee shall not cut off the supply of the electricity. The applicant is at liberty to pay the adjustment unit’s bill to the Respondent by 6 monthly equal installments from the date of receipt this order with current bill. Hence proceed to pass following order

ORDER

This application no 77/2018 is partly allowed.

Respondent shall recover unit’s adjustment bill for the period 02/11/2016 to 08 /11/2017 in 6 installments without any interest and DPC.

No order as to the cost. Both the parties are informed accordingly.

Compliance should be reported within 30 days from the receipt of this order.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup.

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, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051”

- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non-compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.