

**CONSUMER GRIEVANCE REDRESSAL FORUM,
AMRAVATI ZONE, AKOLA.**

*“Vidyut Bhavan”,
Ratanlal Plots,
Akola: 444 001
Tel.No.2434476*

Dt- 01/03/2014

Complaint No.106/2013

In the matter of grievance about excess bill and other reliefs

Quorum :

Shri T.M.Mantri,	Chairman
Shri P.B.Pawar,	Secretary
Shri A.S.Gade	Member

M/s Rathipedhewala, c/o J.B.Rathi, Akola. (Con.No310073202450) ... Complainant

...VS...

The Ex. Engineer, Urban Dn. Akola.

... Respondent

Appearances:

Complainant Representative: Shri D.M.Deshpande.

Respondent Representative: Shri D.M. Mankar, Ex. Engineer, (U)Dn, Akola.

1. The complainant is industrial consumer of N.A. since March, 2010 with the applicable tariff LTVB having initial connected load 14.4 kW which was extended to 32 kW. It is alleged that on 23/9/2013 the complainant has submitted application to the Executive Engineer, Akola so also further reminders on 26/9/2013 and 30/9/2013 in respect of billing dispute. The said authority redirected the grievance to the Dy. Executive Engineer on 8/10/2013. However no remedy has been provided compelling the

complainant to approach the Forum. Reference has been made to the provisions of regulations 2006.

2. The complainant has made reference of tariff order in case NO. 116/2009 and 19/2012 wherein the MERC has approved average power factor incentive alongwith the penal charges, so also has made reference to the method of calculating the average power factor in case it is not possible through the installed meter. Reference has been made to bill of August,2013 alleging that wherein 2 power factor increase are appearing as 0.265 and 0.802 and penal charges recovery shown as Rs. 43,381.03 as against 5% of 63,970/- recoverable Rs. 3198/-. The complainant approached the Dy.Executive Engineer for withdrawal of excessive PF penalty of Rs. 40,183/- and it was assured about adjustment of the same in the forthcoming bill of September, 2013. As the adjustment was not made, the written application has been submitted. The applicant has also made reference about excess recovery towards existing demand from Septmber-11 to August-13 of Rs. 45,270/- alleging that it is liable to be refunded. Reference has been made to enhanced load of 17.6 kW 16/12/10 for which the demand note of Rs. 50/- was issued on 18/12/10 that amount has been deposited on 18/12/10 as per the receipt dated 18/12/10. It is alleged that further demand note issued towards connection and security deposit Rs. 24100/- on 7/3/11 which was paid by the complainant on 31/3/11. The N.A. licensee released the excess load on 9/6/11 by installing TOD meter. It is alleged that, however necessary entries of demand of 32 kW has not been fed in the computer by the concerned, which resulted in demand of excessive charges from Septmber-11 to August-13 as referred to above for Rs. 45,270/-. In September,2013 the N.A.

has made correct entries in the computer and recovered the correct demand charges from September-13. The excess recovery of Rs. 45,270/- having not been credited, liable to be refunded with interest at 9%. As the grievance has not been resolved despite requests, the complainant is compelled to approach the forum for seeking reliefs prayed for i.e. of refund of excess penal charges towards power factor Rs. 40,183/- so also refund of excess demand charges of Rs. 45,270/- with interest at 9% together with costs of Rs. 5000/-.

3. Notice was issued to the N.A. for submission of para-wise reply to the complaint. The reply came to be filed, belatedly, wherein factual aspects have not been disputed including that of complainant's applications as referred in the complaint stating that its complaint is under process. It is stated that consumers billing dispute about the demand charges is solved and the effect given in the bill of December,2013. As far as the formula of average power factor it has not been disputed. With regard to the grievance of the complainant about refund of excess penalty charges towards the power factor penalty, it is stated that in August,2013, bill for power factor was 0.267 and therefore penalty of 65% of the total billing was imposed. Reference has been made to calculation sheet in the record and stated that the same is correct. As far as the grievance about excess demand charges from September,2011 to August-2013 Rs. 43,385 has been credited to the consumer in December, 2013. The N.A. has justified the bill prepared by IT Centre Akola hence there is no question of refund of P.F. penalty charges.

4. The matter was then posted for arguments. During the course of hearing, on behalf of the N.A., additional reply with documents came to be

filed wherein the details of power factor calculations formula with further averment that the consumption of kWh and KVAH is not possible in the meter. Further the method of power factor calculation is carried out through the software by IT centre and no manual calculation is allowed. Alongwith it meter reading form MR-9 for August-13 and September-13 have been filed.

5. Heard Shri D.M.Deshpande, the learned representative of the complainant and Shri Mankar, Executive Engineer, the learned representative of the N.A. The learned representative of the complainant has seriously disputed to the calculations made on behalf of the N.A. so also the meter readings in form MR-9, submitting that the entries therein are in hand. He has further submitted that in the bills issued to the complainant 3 rates of KWH, KVAH and RKVAH have been mentioned. According to him there cannot be difference of 0.802 with that of 0.265 as shown in the bill. That upon considering the rival submission this forum found it necessary to have MRI data and calculations to be on record. The learned representative of the N.A. has fairly conceded that sincere attempt will be made for placing the data retrieved, by sending it to the concerned authority. The Ld. Representative of the N.A. accordingly sent communication dt.23/01/14 to Ex. Engineer testing division, Akola, copy of which sent to this forum and received on or about 28/01/14. Accordingly, it was sent to the concerned authority for getting the data retrieved in the testing laboratory. The Executive Engineer, Testing Division Akola by letter dated 31/1/2014 has asked for concerned Executive Engineer for submitting the meter for getting it tested in the laboratory. It seems that the work was carried out and the Executive Engineer, Testing Division, Akola by letter dated 12/2/2014 to the Executive Engineer, O&M

Division, Akola (Urban) has informed that the data has been retrieved in presence of the parties and the soft copy as well as hard copy of the MRI data is handed over to Dy. Ex. Engineer Akola, on 7/2/14. The matter was kept pending in view of these events. However the concerned authority has not produced before this forum the relevant data for sometime. That by letter dated 18/2/14, the Dy. Executive Engineer Akola has submitted the report.

6. On going through the available material on record i.e. more particularly, the bills of the complainant from November,2012 till July,2013,.It is clear that the reading of RKVAH from December 12 till June 2013 have been mentioned as “16785” for both the readings (Current and Previous) which clearly means that the said reading from the mater has not been taken. Due to negligence, the figure of 16785 has been mentioned all the while resulting the bill in question. In the bill of August, 2013, the RKVAH reading has been recorded as 20489 as previous and 56091 as current reading. This forum finds substance in the submission made on behalf of the complainant that because of recording of incorrect reading of RKVAH, there is difference of assessed power factor 0.265 and average power factor 0.802. From the number of bills filed on record on behalf of the complainant, it is clear that in none of them there is such a vast difference, in these rates and power factors. This is apparently because of mistake/negligence on the part of the concerned J.E./SDO who is supposed to do the said work. From the MRI data received on record as referred to above, it is clear that the MRI data reading was carried out on 7/2/14. The billing data details therein clearly shows that the figures of “Varh(Lg) abs” that they are not at all tallying with the figures of RKVAH mentioned in the bills issued to the complainant, more particularly, for the

relevant period. The details of different billing dates as per data are as under:

Bill dates	VArh(Lg)abs
10/10/2012	16776
09/11/2012	19495
12/12/2012	21397
04/07/2013	48812
07/08/2013	56093

7. So it is apparently clear that during the intervening period, December, 2012 to July, 2013 these readings have not been taken, resulting in continuation of the same figures in the bills. It is thus apparently clear that there were laches on the part of the concerned officer/staff, which resulted in recording of incorrect figures and that has been allowed for sufficient long time. During the course of arguments the learned representative of the complainant has submitted that in fact the bills with such vast difference in reading of power factor, ought to have been checked but that has not been done. According to him because of recording of incorrect reading, it might have been caused loss to the licensee, as under the same method, number of consumers might have been given incentive by mistake. According to the learned representative of the N.A. the calculation has been made as per the power factor formula as given in the tariff order i.e.

$$\text{Average Power Factor} = \frac{\text{Total (kWH)}}{\text{Total (KVAH)}}$$

$$\text{Wherein the KVAH is} = \sqrt{\sum(\text{kWH})^2 + \sum(\text{RKVAH})^2}$$

(i.e Square Root of Summation of of the Squares of KWH and RkVAH)

The learned representative of the N.A. has submitted that on this basis the calculation has been made. When it was pointed out that as per the MERC tariff order that power factor calculation is to be applied whenever the average power factor measurement is not possible through the installed meter. The learned representative has not agreed for the same. According to him this formula is being used everywhere for calculation of power factor. On going through the MERC tariff orders referred to above, it is clear that this power factor formula is applicable when the measurement is “not possible” through the installed meter. If the average power factor measurement is possible from the installed meter then that has to be applied and taken into consideration. In view of this controversy this forum thought it just and proper to have the retrieval of MRI data and accordingly appropriate direction was given. The testing division has reproduced the MRI data and as referred to above, it is clear that the bills issued to the complainant during the relevant period were not as per the data reproduced and there were mistakes therein, resulting in the incorrect recording of RKVAH in the bills. More particularly in the bill of August,2013 it has shown vast difference of assessed power factor, and average power factor as referred to above. Consequently the penal power factor charges of Rs. 43381.13 levied to the complainant on that basis does not seem to be correct and the same needs to be set-aside.

8. Here it is to be mentioned that as is clear from the record, the figures in the bills of November, 2012 onwards are with incorrect readings, more particularly in regard to RKVH it might have happened that thereby incorrect

P.F. incentive or PF penal charges have been calculated in the bill. The learned representative of the complainant has apprehended that by such incorrect billing system the licensee might have been put to lossess, as number of consumers might have given P.F. incentives. This possibility can not be ruled out. It will be better that the N.A. licensee to verify this fact and take appropriate action against the concerned officer/staff because of whose negligence/omission/mistake this has happened. As far as the present matter is concerned it will be just fair and necessary that the N.A. is directed to issue correct revised bill for the month to the complainant on the basis of MRI data made applicable as referred to above. The N.A. licensee to take appropriate steps against the erring officers/staff for negligence/omission/mistake including that of recovery of monitory liability, if any, arising against the N.A. Licensee because of such act. This is as per the judgment of the Hon. Appex Court in the matter of M.K.Gupta Vrs. Board of Director reported in 1994 SCC (1)Page No.247.

9. As far as the claim of the complainant for refund of excess demand charges Rs. 45,270/- as the same has been resolved there is no need to pass any order in that respect. However it needs to be mentioned that the same could have been resolved earlier after complainants grievance in that respect. It has been resolved in December 13, after complainant approached this Forum.

10. As far as the claim of complainant for interest and costs of Rs. 5000/- it has been submitted that the complainant had approached the authorities of N.A. for correction in the bill , nothing was done, hence it is entitled for reliefs

as claimed for. It has been opposed from the side of the N.A. As observed above, the N.A. has been directed to revise the bills, consequently, after revision of the bill relief can be availed by the complainant, if its claim found to be correct, so it will not be proper to award any interest. As far as the claim of costs of is concerned, the complainant has been required to approach the authorities by making correspondence, so also personal meetings and approach to the forum for redressal of the grievance. So it will be just and proper to award reasonable cost therefor, which the N.A. needs to be recovered from the erring officer/staff. With such observations this forum proceeds to pass the following unanimous order.

ORDER

- 1) That complaints NO. 106/13 is hereby partly allowed.
- 2) The N.A. is directed to revise the impugned bill of August,2013 as per the MRI data received from the Testing Laboratory and to issue correct bill to the complainant, in terms of the order, so also directed to issue forthcoming bills correctly as per the rules and regulations as per actual consumption and excess payment made by the complainant, if any, to be adjusted in the forthcoming bill.
- 3) The N.A. is also liable to pay costs of Rs. 1000/- of the present proceedings to the complainant.
- 4) The N.A. licensee to take appropriate steps against the erring officer/staff for laches on their part, resulting in the litigation including monetary liability against the N.A. licensee. So also to

recover the amount of costs awarded for the present proceedings,
apart from taking suitable action as per service Rules.

- 5) The Compliance report to be submitted within a period of one month
from this order.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman