

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL
FORUM , AURANGABAD ZONE, AURANGABAD**

Case No. CGRF/AZ/AUR/JLN / 37/ 2007/ 06

Date of Filing: 22.03.07

Date of Decision: 15.05.07

M/s Harleela Plast Pvt.Ltd.

Plot No. C-10/3, Add. MIDC, Jalna

(Through its Director Mr. Pratik Shah)

Consumer Complainant.

V/s

**Maharashtra State Electricity Distribution Co.Ltd.
Jalna Circle, Aurangabad.**

Sub: Grievance under the Maharashtra Electricity Regulatory Commission,(Consumer Grievance Redressal Forum and Ombudsman) Regulations 2006.

1. The consumer has filed his grievance in Annexure “ A “ before this Forum on **22.03.07** under regulation No. 6.10 of the Regulations referred to above. A copy of the grievance was forwarded on 22.03.07 to the Nodal officer and Executive Engineer (Adm) in the office of the Superintending Engineer, Urban Jalna with a request to furnish his response on the grievance within a period of fifteen days and hearing in the matter was fixed on **09.04.07**
2. The grievance of the consumer, in brief, as per consumer, is as stated below..
The consumer is having 11kv HT connection for his factory situated at above address and the consumer number allotted is 510019005729 and the tariff applied is HTP-2. The consumer has been sanctioned load of 98 Kw with contract demand as 90 KVA by the Distribution Licensee (hereinafter referred to as D.L.) It is contented by the consumer that he is regular payer of electricity bills issued till April 2006.

2007/06

page 1

“2”

In the month of May 2006, due to heavy flashover in front of his factory on MSEDCL lines ,his CTPT unit including meter was completely burned beyond repairs.

The D.L. authorities replaced the meter and CTPT unit on 13.5.06 and the supply was restored. It is the contention of the consumer that his maximum average demand recorded has not exceeded 65 KVA for last three years, however due to flash over incident the maximum demand has shot up to 125 KVA and the same was billed for the month of May/June 2006 and also in all successive bills, the bills being issued on the basis of 75% of the highest demand recorded. After the replacement of the burnt meter his maximum demand has never crossed 65 KVA .The consumer by his letters dt. 12.6.06, 28.6.06, 19.8.06, 25.2.07 and 15.3.07 brought to the notice of the concerned authorities of the D.L. and requested to revise the bills so as to facilitate the payment thereof. Neither any cognizance of the letters was taken nor the bills were revised by the concerned authorities , and the meter was also not replaced. On the contrary he was threatened of disconnection. He has paid excess bills as issued by the D.L. for the month of May/June 06 for Rs. 78590/ under protest.. On contacting the concerned official of D.L. he was asked to pay Rs. Two lacs as part payment and was given assurance that his bills will be revised. On this assurance he issued a cheque of Rs. Two lacs. But instead of revising the bill the D.L. pressed him for payment of balance amount immediately or face disconnection. The action on the part of D.L. is unilateral and incorrect and therefore the consumer has come before the Forum. The consumer has requested to direct D.L. not to disconnect his electricity supply till the matter is decided , to issue bill on the basis of average recorded demand instead of excess demand charged and recorded in the May/June 2006. He also requested to consider the recorded contract demand for billing purpose instead of 75% of highest demand recorded for bills after May/June 2006 and further requested to charge power factor on average basis and to direct the D.L. to replace the existing meter .

2007/06
page 2

3. On the date of hearing i.e. on 9.4.07 , the consumer was present, Nodal officer Shri Rathod & Asst. Engineer Smt. Khemnar were present on behalf of D.L. The Nodal officer stated that the response was already sent by courier before three days. However the response was not received in the office of Forum till the time of hearing of the matter. The Nodal officer was directed to give copy of his response to the consumer within a day or two and the consumer was asked to file his reply thereon on the next date of hearing . The Nodal officer was also directed to file slot wise consumption details from 24.4.06 to 20.5.06 and slot wise reading of date 26.5.06 , maximum demand and power factor details from Oct. 06 to Dec.06. The Nodal Officer was also directed to send his reply forthwith and the case was adjourned to 16.4.06.

4. On 16.4.06, The consumer was present . Nodal officer and Asst. Engineer Smt. Khemnar were present on behalf of D.L. The Nodal officer filed his response and also documents relating to the directions given by the Forum on the last hearing. The copy of the response was given to the consumer on which the consumer stated that he has nothing to file in response to that .The Nodal officer stated in his response that since the factory was locked the connected load details could not be submitted. The Nodal officer further stated that due to flash over burning of two numbers of CTs ,3 Nos of PTs and meter, his (consumers) TOD meter was replaced on 13.5.06. After the meter was replaced it has recorded the maximum demand of 68 KVA in the month of May 06 i.e. for the period 20.4.06 to 20.5.06. On 26.5.06 the meter installed at consumer factory recorded maximum demand of 123.9 KVA at 22.00 hrs and 124.8 KVA at 23.00 hrs respectively. Hence the bill for the month of June 2006 was issued as per recorded maximum demand . As per HT tariff 75% of highest recorded maximum demand is considered for issuing the further bills. It is further stated that the power factor was always less than 0.9 from April 2005 to Nov.2006 , except March 2006. In the month of June 2006 power factor was billed as per actual recorded which is 0.36 and hence penalized. Nodal officer further stated in his response that vide letter dt. 26.3.07 , the consumer was asked to pay Rs. 500/ towards testing charges of the meter and after

2007/06
page 3

payment of same the meter will be tested . Since the Nodal officer could not file the details of connected load as the factory was locked , both the parties were asked to comply their role in getting the report within two days. The next hearing in the matter was kept on 23.4.07.

5. On 23.4.07, the consumer was present , Nodal officer Shri Rathod and Asst. Engineer Smt. Khemnar were present. The connected load report was filed by the Nodal officer at the time of hearing. Since the letter dt. 23. 4.07 regarding payment of testing charges towards testing of meter was received by consumer late, the consumer was directed to pay the testing charges immediately and the Nodal officer was asked to test the meter and to submit its testing results within a weeks time . The case was kept reserved for decision.
6. We have gone through the complaint & documents filed by the consumer , the response filed by the Nodal officer and other documents filed along with the response. It is seen that due to flash over on the Distribution Licensee's over head lines , in front of the factory of the consumer, the CTPT unit and the meter installed for recording of electrical consumption were got burnt. The same were replaced on 13.5.06 by the concerned authorities of the Distribution Licensee. The Distribution licensee issued him the monthly bill for the month of May 2006 which covers the period from 20.4.06 to 20.5.06. It is seen that even though the bill issued discloses the bill to be bill for the month MAY 06, it is actually the consumption recorded during the period 20.4.06 to 20.5. 06 and not for entire month of May 06.
7. The maximum demand recorded during the month of May 06 was 68 KVA and KWH consumption was 5876 units. However the monthly bills issued for June 06 i.e. for period 20.5.06 to 20.6.06 discloses maximum demand recorded as 124 KVA and KWH consumption as 6440 units.

We have also gone through the KWH consumption and maximum demand recorded before June 2006 and also for the period after June 2006 .It is seen that the highest maximum demand recorded excluding that of June 06 is for the month of August 06 which is 69 KVA. and the Kwh consumption recorded is 5457 units.

2007/06

page 4

Also for the month of Sept.06 the maximum demand recorded is 45 KVA and KWH consumption as 7522. After going through the slot wise details of reading and the bills issued to the consumer we notice that in the month of June 06 on one particular day i.e. on 26.05.06 the maximum demand recorded at 22.00 hrs and at 23.00 hrs is 123.8 and 124.8 KVA respectively. The meter has never recorded these figures of maximum demand prior to June 2006 and also after June 06 .

8. Since the old meter of the consumer was burnt , the D.L. has installed another meter on 13.5.06 . Since the installation of this meter the consumer had been complaining about the meter. The consumer vide his letter dt.12.6.06 has stated that his meter was replaced a month ago due to burning of old meter and was given a meter as standby for few days as there was no meter in stock. The consumer specifically requested to replace the faulty meter .The meter replaced was in fact a meter which was removed from some other company and the consumer was assured that a new meter would be arranged for him shortly. The consumer has brought these facts to the notice of the D.L. and requested for replacement vide his letters dt. 28.7.06 , 19.8.06 and 29.8.06. The Nodal officer vide his letter dt.16.4.07 has accepted that the meter installed at the premises of the consumer after burning of his old meter was one already installed at **M/S Rajuri Rerolling** and this meter was replaced at the request of consumer due to weak LCD display on dt.11.5.06 by Testing Division Aurangabad. It is further stated in the letter that since the meter terminal of old meter of consumer was burnt and since no tested meter was available and due to urgency the same was replaced on 13.5.06. This would go to show that the consumer was complaining about the meter right since the beginning and the concerned authorities of the D.L. had agreed that this meter was installed as no tested meter was available and in fact the position continues to be so right till toady.

Similarly as stated above the consumer vide his letters dt.19.8.06 ,29.8.06, 25.2.07 and 15.3.07 has requested the D.L. for not only replacement of existing faulty meter but also for testing of the same. No heed of any of these letters appears to have been taken by the D.L. Vide his letter No 1514 dt.26.3.07 in reply to letter dt. 15.3.07 of the consumer , the Supdt. Engineer has asked the consumer to pay the testing fee for testing of the meter.

2007/06

“6”

We are surprised to find that though the consumer has been requesting vide his letters stated above for testing of the meter, the S.E. has only picked up his last letter i.e. letter dt.15.3.07 (of the consumer) asking him to pay the testing fee , as if this was the first letter through which the consumer has made such a request, ignoring his previous request in this regard.

This meter is tested by the Testing Division, Aurangabad and the Ex .Engineer of the testing division has observed “ that meter display is not properly clear and hence needs immediate replacement”. It is seen that the testing division has observed on 11.5.06 to replace the meter due to weak LCD display , when the meter was installed at the premises of Rajuri Rerolling, and the testing division on 18.4.07 has made the same observations . We can understand that this meter was replaced at the premises of the consumer as no meter was in stock with the Distribution Licensee. But however we are surprised at the apathy of the Distribution Licensee in not providing a new substitute meter to the consumer right till today when he has been specifically requesting for the same and when the concerned officials of the Distribution Licensee were in know of these facts .

It is noticed that on one particular day i.e. on 26.5.06 at 22.00 hrs and at 23.00 hrs the maximum demand recorded by the meter is 123.8 and 124.9 KVA respectively. As per the slot wise details submitted by the Nodal officer, the maximum demand recorded on 26.5. 06 in slot A and in slot D is 125 KVA and 124 KVA respectively. The slots as per the M.E.R.C. directives are as follows:

Slot “A” From 22.00 hrs to 06.00 hrs.

Slot “B”From 06.00 hrs to 09.00hrs.&12.00 hrs to 18.00 hrs

Slot “C” From 18.00 hrs to 22.00 hrs.

Slot “D” From 18.00 hrs to 22.00 hrs.

2007/06

page 6

Of the two timings on which the maximum demand is recorded ,the timing viz 22.00 hrs is crucial , the other timing i.e. 23.00 hrs is related to off peak period. From the time slots specified above it appears that 22.00 hrs appears into two slots i.e. in slot 22.00 hrs to 06.00 hrs and also in 18.00 hrs to 22.00 hrs., the former being off peak period and the latter being peak period. The real question is maximum demand recorded at 22.00 hrs how should it be categorized . If the demand is considered in peak period the consumer has to pay additional tariff with reference to base tariff, where as if the same is categorized in off peak period , there are no charges for maximum demand even if it exceeds the contract demand.

The maximum demand recorded does have some relation to the consumption in Kwh units. In the instant case barring one single day i.e. 26.5.06 , the maximum demand has never crossed 69 KVA(August 06) from Oct.05 to Feb.07.The maximum Kwh consumption during this period is 7522 units in Sept.06 when the maximum demand recorded is 45 KVA. So far as June 06 (20.5.06 to 20.6.06) is concerned the maximum demand recorded is 125 KVA whereas the Kwh consumption recorded is 6440 units. The maximum demand as stated above has never crossed 69 KVA except that of 26.5.06 and the consumer has been continuously agitating the matter with the MSEDCL authorities who did not care to reply a single letter of him, is also relevant and needs to be taken into consideration. The total connected load is 89.4 KW (Say 90 KW) as per the letter No.1890 dt.19.04.2007. Even the connected load details do not support the possibility of maximum demand having been recorded as high as 124 KVA.

Accepting for the sake of argument that the consumer did extract additional demand over and above the contract demand and the consumer is also in know of the fact that he has to pay penal charges and also 75% of such demand recorded for all future bills, a man of ordinary prudence would not allow to continue this , appears to be more reasonable. The consumer in such a case would go for enhancement of demand appears to be more in fitness of things in such a situation. But the consumer has been complaining about this right since the beginning.

As per tariff order of M.E.R.C. for year 2006-07, the monthly billing demand will be higher of the following :

2007/06
Page 7

1. Actual maximum demand recorded in the month during **06.00 hrs to 22.00 hrs**
2. 75% of the highest billing demand recorded during preceding eleven month subject to the limit of contract demand
3. 50% of the contract demand.

The consumer has been billed for 124 KVA for the month of June 06 and for 93 KVA for the month August & sept.06 and for 90 Kva for July 06 and Oct.06 onwards. The D.L. has contended that the consumer has been billed for 75 % of the maximum demand recorded . Even if the contention of billing at 75 % of highest billing demand recorded during the preceding eleven month subject to limit of contract demand is considered , we fail to understand as to how this figure of 75 % could differ for the month August & Sept.06 .

So far as billing for the month of June is concerned the consumer has been billed for 124 KVA demand when his contract demand is 90 KVA . As stated above the crucial fact is how the demand recorded at 22.00 hrs would be categorized under the two time slots – (1) during peak period and (2) during off peak period, as hour 22.00 hrs appears in both the time slots. The D.L. necessarily has considered the maximum demand at 22.00 hrs to be one during peak hours. In our opinion this categorization does not appear to be justified.

As stated above the consumer's complaint about the meter being defective and his request for testing as well as for replacement was completely ignored by the D.L., when they (Officers of D.L.) were actually in know of all the facts also deserves to be taken into consideration.

In light of the observations made above , we are of the opinion that the maximum demand recorded on 26.5.06 at 22.00 hrs could be one falling under the time slot relating to off peak period. and it would be in fitness of things to direct the D.L. to revise the bills accordingly.

The contention of the consumer that due to flash over and burning of meter the power factor was recorded less is not acceptable to us. Therefore we are unable to agree with the prayer of the consumer to waive off the penal charges for

2007/06

Page 8

“9”

recording low power factor than the prescribed limit of 0.90. As the recorded power factor has been much less than the prescribed for most of the period except March 06. We therefore find no reason to interfere in penal charges imposed due to less recorded power factor. However we are inclined to grant prayer of the consumer for replacement of his meter with new meter

Hence the following order.

ORDER

1. All the bills from June 2006 onwards are quashed.
2. The bill for the month of June 2006 shall be issued considering the maximum demand recorded during the period from May 06 to Feb 07 excluding that of June 06.
3. All further bills after June 06 shall be issued on the basis of actual maximum demand recorded or 50 % of contract demand recorded whichever is high.
4. No DPC and interest shall be charged while revising the bills as stated above.
5. The revised bills shall be issued within a period of one month from the date of this order and the consumer shall pay the same within 21 days from the date of receipt of the bill.
6. The meter of the consumer shall be replaced immediately.

The D.L.& the consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case.

(H.A.Kapadia)
Member

(V.G.Joshi)
Member Secretary

(R.K.Pingle)
Chairman

Case No. CGRF/AZ/AUR/JLN /U/37/ 2007/06.

**M/S Harleela Plast Pvt.Ltd
(Con.No.510019005729) Consumer Complainant**

V/s

**Maharashtra Electricity Distribution Co. Ltd. Jalna
The Distribution Licensee.**

Sub: Grievance under the Maharashtra Electricity
Regulatory Commission, (Consumer Grievance
Redressal Forum and Ombudsman) Regulation 2006

INTERIM ORDER

In continuation of the interim order passed by the
Forum on 16.4.07 , the Distribution Licensee is hereby
directed not to disconnect the Electricity supply of the
consumer complainant till the decision in the matter.

**(H.A.Kapadia)
Member**

**(V.G.Joshi)
Member Secretary**

**(R.K.Pingle)
Chairman**