

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
(Established under the section 42 (5) of the Electricity Act, 2003)  
**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.**  
**JALGAON ZONE**

Office of the  
**Consumer Grievance Redressal Forum**  
**AjanthaChauphuli, Old M.I.D.C.**  
**Jalgaon 425 003**

No./CGRF/JLGZ/JAL Circle/JAL U Dn/C.No.21-2016-17/  
(BY R.P.A.D.)

000035

Date: 25 MAR 2017

Date of Submission of the case : 06/02/2017  
Date of Decision : 24/03/2017

To.

- 1) M/s Vega Chemicals Pvt. Ltd,  
Plot No. F-23/24/25 ,MIDC,  
Jalgaon, Tal-Dist-Jalgaon.  
(Consumer No. 110019002180)
- 2) Executive Engineer & Nodal Officer ,  
Maharashtra State Electricity Distribution Co LTD.  
Circle office, Jalgaon.
- 3) Executive Engineer ,  
Maharashtra State Electricity Distribution Com. Ltd.  
Division office, Jalgaon (UCR).

Complainant

Distribution Company



**DECISION**

M/s Vega Chemicals Pvt. Ltd, Plot No. F-23/24/25 , MIDC, Jalgaon is HT consumer ( hereafter referred as the Complainant) of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company ) has a grievance regarding wrong assessment of bills for slow/defective meter for the period Aug-2015 to Sept-2016 (14 months). The complainant has filed a representation to the Forum against the order passed by the Internal Grievance Redressal Cell (IGRC) , MSEDCL, Jalgaon Circle Office in this regard. The representation in Schedule "A" is registered at inward no. 14 on 06.02.2017.

It was decided to admit this case for hearing after consulting the Forum . The matter was fixed for hearing on 23.02.2017 at 11.30 a.m. in the CGRF Office, Jalgaon and a notice to that effect was sent to the complainant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Circle Office , Jalgaon for submitting para wise comments to the Forum on the grievance within 15 days under intimation to the consumer. The copy of this notice was also endorsed to the Superintending Engineer, Circle Office , Jalgaon and Executive Engineer ,Jalgaon UCR Division.

Shri Sanjay M. Aakode, Superintending Engineer , Shri N.D.Narayane, Nodal officer & Executive Engineer, Shri R.F Pawar Dy.Executive Engineer & Shri Jayesh Hiwale, Sr. Manager (F&A),Circle Office, Jalgaon, & Shri S.V.Deshpande, Executive Engineer, Testing Division Jalgaon, represented the Distribution Company during the hearing. Shri T.N.Agrawal, Satish Shaha & Suresh Bhole , represented by the complainant.

**Consumer's Representation in Brief :**

1. The complainant is a consumer of MSEDCL having Contract demand of 400 KVA and availing power supply from 11 KV Non-Express feeder line. Due to receipt of exorbitant illegal bills in Sept-2016 & Nov-2016, they lodged grievance with IGRC.

2. During the month of Aug-2016, team of MSEDCL Testing and O&M Engineers visited suddenly to the plant on 24th Aug-2016 and made the joint reports on 24.08.2016 & 25.08.2016 with observation that the meter is recording consumption lesser by 51.76%. This figure was worked out on the basis of consumption recorded by parallel Zera meter installed by MSEDCL for short period 4 hrs & 9 min. on 25.08.2016. On the basis of this report, the MSEDCL submitted bill of Rs.105.22 lakh vide letter No. 4694 dt.17.09.2016 & Rs.14,14,341/- on dt.07.11.2016 totaling Rs.1,19,36,449/-.
3. The bill raised by MSEDCL is totally incorrect & illegal without any base & justification, hence the complainant protested for the same and submitted the grievance with IGRC on dt.28.09.2016. The IGRC passed decision on dt.12.01.2017 and partly allowed the grievance by reducing slowness of meter from 51.76% to 50 % based upon the NABL lab test report of Nasik test bench.
4. They have been paying the monthly bills (before PPD due date) for regular consumption to MSEDCL by keeping aside the disputed amount, DPC & interest charges levied thereof.
5. Now since the remedy provided by IGRC is not satisfactory, the complainant is filing this grievance application with CGRF for redressal on the basis of the following points for consideration.
6. The Complainant provide below the particulars of two supplementary bills received from MSEDCL for demand of additional amount.

Billing period	Bill Ref./ dt.	Bill amount Rs.	Total units charges
25.07.2015 to 25.08.2016 (14 months)	Letter No.4694 dt.17.09.2016	Rs.1,05,22,108.30	14,17,582 KWH
25.08.2016 to 14.10.2016 (50 days)	Bill dt.07.11.2016	Rs.14,14,341.16	2,06,693 KWH
	Total:	Rs.1,19,36,449.46	16,24,275 KWH

7. Complainant have raised the objections to both the bills mentioned above & submitted the grievance with IGRC on 28.09.2016 & protested for additional bill also on 07.11.2016. As both the above bills are under dispute, it is surprised to see that MSEDCL has included the above amount Rs.1,19,36,449/- as debit bill adjustment in regular monthly bill of Oct-2016 issued on dt.16.11.2016. Once the dispute is raised by the consumer, such amount should not have been included in the regular monthly bill till decision of final authority of the forum on the grievance is received.
8. Due to inclusion of disputed amount in monthly bill, complainant had also suffered loss of prompt payment discount & load factor incentive. All the bills have been paid fully for consumption of electricity.
9. Complainant invite your attention to minutes of meeting dt. 05.10.2016, for the meeting held with SE & others of MSEDCL & thereafter complainant had requested to provide the following information vide letter dt.13.10.2016, fate of the information provided is also given below.
10. Detailed calculation sheet for amount Rs.1,05,22,108/-: provided.
11. MRI data for the billed period 25.07.2015 to 28.08.2016: Provided only instantaneous values for particular time for some instances after 24.09.2015 instead of from 25.07.2015. Complainant could not workout monthly consumption from the MRI data provided.
12. Last visit report of testing Engineer prior to 25.08.2016: Not provided for visit & checking reports prior to this date i.e. 24.08.2016.
13. Provision in Elect. Act-2003:

Def. of Meter as per MERC Supply Code 2010: The complainant now refer def. of metering system as per MERC supply code 2010, Meter is defined at section 1.32 of this code is as below:

*"METER" means a set of integrating instruments used to measure, and / or record and store, the amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which include whole current meter and metering equipment, such as*



current transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories”.

Although the meter accuracy in NABL testing lab was found within permissible limits, but due to defective wiring of the metering system, consumption was recorded incorrect and hence this issue falls within the condition of defective meter as per the above definition mentioned in MERC supply code 2010.

Provision for Defective meter as per MERC Supply code-2010: Under such circumstances of wrong connections of wires in metering system, Section 21.7.5 of MERC supply code-2010 should have been applied, the regulation reads as “Subject to the provisions of the Act, in case of a defective meter, the amount of the consumer’s bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken, provided the test report of the meter is given to the consumer along with the assessed bill.

14. CEA Regulations for Testing of Meters (before installation/periodical):

“5.5.1 It shall be the licensee’s responsibility to satisfy itself regarding the accuracy of the meter before it is installed and the licensee may test them for this purpose. The licensee shall conduct periodical inspection/testing and calibration of the meters as specified by the Central Electricity Authority (Installation & Operation of Meters) Regulations, 2006 and its subsequent amendments.

5.5.2 The licensee shall conduct periodical inspection/testing of the meters as per the following schedule: (1) Single phase and LT three phase meters As per Regulation 5.3.2 up to a load of 20 kW: (2) LT 3-phase meters above a load of 20 kW: Once every 3 years or earlier in terms of Regulation 5.3.2. (3) HT meters: Once every 6 months.”

15. Date of Change of phase grouping: The MSEDCL stated during the hearing of IGRC held on dt.21.12.2016 that nobody had visited from testing div. prior to 25.08.2006. This statement is totally false. However as per the information the testing team visited on 19.08.2016, 20.08.2016, 22.08.2016 & 23.08.2016. It is therefore possible that the grouping of the meter must have been changed during visits prior to 24.08.2016 (i.e. between 19.08.2016 to 23.08.2016).

16. Inspection reports dt.24.08.2016 & 25.08.2016, it is revealed that the meter box seals were changed again on 24.08.2016 & 25.08.2016. In the test report of dt.24.08.2016, the meter box seal numbers are: old seal 0228354, new seal provided 0228357. Also in the report of dt.25.08.2016, the meter box seal nos. are: old 0228357 replaced with new seal no. 0228362. The seal Sr. Nos. of dt.24.08.2016 are of the same series; hence it is very clear that the seal No. 0228354 was provided in last 2-3 days period (i.e. 19.08.2016 to 23.08.2016). It is necessary to check meter seal number provided on 25.07.2015 and when this seal was changed to ascertain date of change of phase grouping. In the opinion the old seal provided by Crompton (Franchisee) was changed probably on 19.08.2016. Visit reports prior to 24.08.2016 have not been provided to us. We therefore suspect that the meter grouping was changed between 19.08.2016 to 23.06.2016 and now MSEDCL claims that it was changed 14 months back i.e. on 25.07.2015 which is incorrect. We should not be penalized for the mistakes of the concerned officers of MSEDCL.

17. Further as per the act quoted above, it was the responsibility of the respondents to check the meter periodically, at least once in 6 months, and for that it could provide another meter or replace with accurate meter.

18. Due to change in grouping of wiring between 19.08.2016 to 23.08.2016, the metering system become faulty during this period only. As per provision of Elect- Act-2003, recovery for defective meter (due to incorrect wiring) is limited to 3 months only. Since the CT/PT & wiring is part of the meter, hence any alteration in wiring system results to incorrect recording of the consumption and as per the section 21.7.5 of MERC supply code, the amount of consumer’s bill adjusted for the max. period of 3 months prior to month when dispute has arisen in accordance with test results. However in the case, wirings of the meter were changed during the period from 19.08.2016 to 23.08.2016 only, hence the demand raised by MSEDCL for 14 months of past recovery is totally illegal. Further the departmental instructions provides for periodical checking of meter and metering equipment, wiring etc. used for billing purpose on quarterly basis, which has not been



followed by the respondent. In this case of defective metering system, the MSEDCL has not followed provision of the act. This is nothing else than harassment to the law abiding consumer asking to pay for 15 months period without any fault on our part.

19. Since the phase grouping was possibly changed between the period from 19.08.2016 to 23.08.2016 and meter was replaced on 14.10.2016, hence we appeal not to consider claim of MSEDCL for 50% slowness of meter prior to 19.08.2016.
20. Analysis of consumption before & after 25.07.2015: We are tabulating below consumption pattern to show that the no abrupt variation in units was observed after 25.07.2015.

TABLE-A: Consumption prior to 25.07.2015 (Before MSEDCL's claim period)

Sr.	Month/Yr.	Units	MD	PF
1	Jan-14	1,38,100	448	0.864
2	Feb-14	1,84,050	450	0.949
3	Mar-14	1,71,900	371	1.000
4	Apr-14	1,21,650	342	0.914
5	May-14	1,19,495	235	0.859
6	Jun-14	1,29,335	253	0.872
7	Jul-14	1,14,530	244	0.874
8	Aug-14	1,27,665	266	0.852
9	Sep-14	1,82,910	417	0.864
10	Oct-14	1,75,190	441	0.909
11	Nov-14	1,17,215	256	0.881
12	Dec-14	1,29,315	243	0.858
13	Jan-15	1,10,965	271	0.888
14	Feb-15	1,11,540	276	0.984
15	Mar-15	99,775	290	0.962
16	Apr-15	1,10,565	262	0.964
17	May-15	99,930	218	0.973
18	Jun-15	1,21,845	290	0.946
19	Jul-15	1,32,825	308	0.929

TABLE-B: Consumption after 25.07.2015 (claim period of MSEDCL)

Sr.	Month/Yr.	Units metered	MD	PF	Addl. Demand	Total claimed units	Remarks.
1	Aug-15	1,12,800	434	0.950	1,19,740	2,32,540	Suppl. Bill dt.17.09.2016 raised for addl. Units 14,17,582 KWH, Rs.105.22 lakh
2	Sep-15	1,92,125	423	1.000	2,03,946	3,96,071	
3	Oct-15	1,20,935	411	1.000	1,28,376	2,49,311	
4	Nov-15	1,03,375	457	1.000	1,09,735	2,13,110	
5	Dec-15	84,135	393	1.000	89,311	1,73,446	
6	Jan-16	1,05,015	323	1.000	1,11,476	2,16,491	
7	Feb-16	1,00,885	444	1.000	1,07,092	2,07,977	
8	Mar-16	1,03,358	420	1.000	1,09,717	2,13,075	
9	Apr-16	1,02,653	420	1.000	1,08,969	2,11,622	
10	May-16	1,02,000	435	1.000	1,08,276	2,10,276	
11	Jun-16	1,08,073	430	1.000	1,14,722	2,22,795	
12	Jul-16	1,15,370	482	1.000	1,06,222	2,21,592	
13	Aug-16	1,22,048	258	1.000	2,06,693	5,88,582	Bill dt.17.09.2016 raised for 2,06,693 KWH, Rs.14.14 lakh
14	Sep-16	1,22,423	359	1.000			
15	Oct-16	1,37,418	444	1.000			
16	Nov-16	1,39,384	415	1.000			



From the above tables, the past consumption record for 35 months to compare with 15 months of assessment period, observations are tabulated as below.

Period	Consumption range as per the meter *	Assessment made by MSEDCL
Before Assessment: Jan-2014 to July 2015 (19 months)	Min. 99,000 KWH Max. 1,84,000 KWH Ave.: 1,31,516 KWH	-Nil-
Assessment period: Aug-2015 to Sept-2016 (14 months)	Min. 84,135 KWH Max. 1,92,125 KWH Ave.: 1,13,943 KWH	Min. 1,73,446 KWH Max. 3,96,071 KWH Ave. 2,23,792 KWH
After replacement of new meter. Nov-16 (1 month)	1,39,384 KWH.	Actual as per new meter with correct phasing.

21. Statement for monthly consumption with MD & PF is attached for above period of 35 months.
22. It is very important to study above consumption analysis to work out realistic picture for change of date for phase grouping. The respondent & IGRC avoided to comment on the above consumption data analysis and passed the order ignoring the facts of the case.
23. After scrutiny of the above data tabulation; it is observed that:
  - ✓ The monthly average consumption before assessment period was 1,31,516 KWH and during assessment period is 1,17,000 KWH which is almost same with variation of 11%.
  - ✓ The MSEDCL assessed for 14 months average consumption as 2,23,792 KWH which is almost double (191%) by mentioning that phase grouping was wrong between period from 25.07.2015 to 14.10.2016.
  - ✓ The load was same with minor variation for last 35 months, then consumption for 14 months can't become nearly double. This proves that the phase grouping was correct before 19.08.2016 and it is certain that the same was changed between the period from 19.08.016 to 23.08.2016.
  - ✓ Hence, additional demand made by MSEDCL for the period from 25.07.2015 to 14.10.2016 is false, baseless and has no merit.
24. Energy auditing of Feeder & losses: As per regular practice, MSEDCL conduct monthly energy audit of the feeder to work out feeder losses. In case if MSEDCL would have detected any such major abnormalities in the feeder losses, the same could have been detected at that moment only. As there was no such abnormality observed during last 14 months (Assessment period), this proves that the meter had recorded correct consumption and phase grouping change was occurred between 19-24<sup>th</sup> Aug-16 and not prior to 14 months.

#### RELIEF SOUGHT :

1. To set aside both additional demand of supplementary bills dt.15.09.2016 for Rs.105.22 lakh & dt.07.11.2016 for Rs.14.14 lakh.
2. From the above submissions, it is clear that the meter grouping phase wiring was possibly changed between period from 19.08.2016 to 23.08.2016, hence supplementary bills raised for past period i.e. from 25.07.2015 to 14.10.2016 (15 months) is incorrect & illegal.
3. Waive off DPC & int. on disputed amount till final decision on the grievance is received from the forum/authorities.
4. To take necessary action against the concerned officials for lapses on their part for failing to abide by rules & regulations of metering system.
5. Compensation under section 8.2 (C) of CGRF Ombudsman Regulation -2006 for loss suffered by the consumer, say for mental agony, man hr loss for follow up, travelling exp. etc. upto Rs.50,000/- may be allowed.

#### Arguments from the Distribution Company.

The Nodal Officer & Executive Engineer, Jalgaon Circle office has submitted a written reply to the Forum by letter no.0897 dated 22.02.2017 which states as under:

1. M/s. Vega Chemicals Pvt. Ltd. is a HT consumer connection No. 110019002180 and having contract demand of 400 KVA and supply from 33 KV MIDC Sub-station. Supply by MSEDCL on 08.09.2004.
2. M/s. Vega Chemicals Pvt. Ltd. is located in Jalgaon Urban cum Rural Division. Jalgaon UCR division along with this consumer all consumers were given to Distribution franchisee M/s. Crompton Greaves Limited from 1.11.2011. Further as per the directives of HO the Jalgaon UCR Division was taken over by MSEDCL from 12 August 2015. As there were many HT consumers in addition to this HT consumer Jalgaon circle. The Testing Division, Jalgaon has taken the work of routine testing of HT consumers to assess correctness of metering. In due course they tested M/s. Vega Chemicals Pvt. Ltd. on dated 19.08.2016 to 24.08.2016 wherein the defective metering was detected.
3. M/s. Vega Chemicals Private Limited has filed a complaint regarding exorbitant demand of Rs. 1, 05, 22,108.30 towards defective wiring of CT's to meter. The grievance was submitted on dtd 28.9.16 to the circle office, Jalgaon. Along with this the consumer has also filled a case to IGRC on dtd 28.9.16. The consumer has submitted representation to the Integral Grievance Redressal Cell in Schedule "X" on date 28.9.2016. Hence Cell instructed to complete the grievance with the circle office Jalgaon first vide letter dtd 25/10/16 consumer informed for condone for additional time of 60 days in decision of IGRC due to delay in testing of meter in NABL lab. So it was decided to admit the case for IGRC hearing. The Hearing completed on date 21.12.2016 and Cell gave the opinion on date 10.01.2017.
4. The MSEDCL Testing team tested the tariff meter of M/s. Vega Chemicals Pvt.Ltd. on 19/8/16 to 24.08.2016 for Routine Testing of HT consumer. The written evidence from EE Testing Jalgaon with evidence of signature of M/s. Vega Chemicals Pvt. Ltd. representative is enclosed.
5. During the routine testing the load test was carried out by Zera testing equipment in consumer premises which is a practice that it should be in presence of consumer representative and Mr.Ritesh Chaudhary and Technical Expert Mr.Suresh Bhole (Ref.I.) was called for witness during the load test. After the test it was observed that the consumer meter found recording less than half as per standard Reference meter (Zera) which was pointed out to the consumer representative. After thorough inspection it was detected that the phase grouping of installed meter was wrong and was shown to the consumer representative. After discussion it was mutually decided to carry out the detailed testing on 25.08.2016.
6. As per consumer request on 24.8.16, detailed testing was carried out on 25.08.2016 in presence of consumer representative Mr.Ritesh Chaudhari and Technical Expert Mr. Suresh Bhole during testing the load test was again carried out by Zera testing equipment and again it was observed/confirmed that the consumer meter was recording less consumption by 51.76% after it the Minutes of Meeting were prepared and signed by all
7. Accordingly MSEDCL issued a assessed bill of Rs.1,05,22,108/- on dtd. 17.09.2016. vide letter No.SE/JLG/Accts/HT/No.4694 dtd.17.09.2016 for the period of 25.07.2015 to 25.08.2016 as per Indian Electricity Act 2003 and as per MSEDCL rules.
8. After receiving the bill, the consumer did not appeal to the assessing authority. Hence, the billing authority requested the consumer to appear for hearing on the said bill on 05.10.2016. Meanwhile the consumer approached to IGRC for the grievance. The consumer was requested to attend meeting on 05.10.2016, which was rescheduled to 06.10.2016.
9. As per MOM of meeting conducted on 06.10.2016 as demanded by consumer representative it was decided as below.

***"Existing meter shall be replaced immediately and the new meter shall be tested & installed in presence of consumer's representative on or before 8 Oct 2016.***

***Existing old meter be tested in presence of consumer representative at NABL lab, Nashik or Aurangabad in Normal condition & phaser cycle change condition (same as per site condition of M/s. Vega Chemicals Pvt. Ltd.)These results are binding on both parties". (Ref No.5)***

10. As per MOM dated 06.10.2016 the new meter to be replaced was tested in presence of consumer representative Mr.Satish Shah & Mr. T.N.Agrawal at testing division, Jalgaon on the Reference meter ZERA in the Jalgaon testing Lab & the said tested meter was installed

in consumer premises on dtd.14.10.2016 in presence of consumer representative Mr.Satish Shah & Mr. T.N.Agrawal.

11. After new meter replacement on 14.10.16 the old meter was sealed at site in box with the signature of MSEDCL authorities & consumers representative Mr.Satish Shah & Mr. T.N.Agrawal.
12. Old meter was tested at the NABL Lab, Nashik on 18.11.2016 as per consumers request and witnessed by MSEDCL authorities & consumers representative Mr.Satish Shah & Mr. T.N.Agrawal. The points to be tested were E-mailed on dated 15.10.2016, to NABL Lab in advance.
13. The testing report reveals that under wrong phase grouping the meter recorded 50% less consumption under standard condition in lab.

#### 14. WHAT IS WRONG GROUPING?

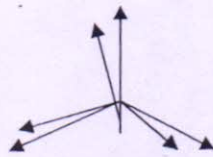
For correct metering of Energy it is necessary to connect the RYB phase C.T. and P.T. as provided by meter manufacturer. Only then, the manufacture assures that the recorded Energy is exactly equal to consumer's consumption. If these connections are altered with malicious intention or negligence the recorded Energy will be different than actual consumption.

Applying basic electrical Engineering it can be proven that such wrong connection of C.T, P.T. always results in less recording of Energy.

In case of correct connections of C.T. & P.T. (R phase C.T. is connected in the same element as R phase P.T., Yphase C.T. is connected in the same element as Y phase P.T. & B phase C.T. is connected in the same element as B phase P.T.) the meter element receives correct phaser quantities and correct phase angle between current and voltage vectors. Hence the recording of all elements are true with the consumed energy by consumers. Hence meter is said to be recording correctly As the meter is a static device it CT and PT elements are outside the Meter and not inside the meter so the meter definition is not correct for this meter, further the meter definition where ct and pts are inside this meter as in case of an electromagnetic meter and for it the meter definition is correct.

But in the case of M/s. Vega Chemicals Pvt.Ltd R phase C.T. was connected to Y phase P.T., Y phase C.T. was connected to B phase P.T. and B phase C.T. was connected to R Phase P.T. By these wrong connections, the element No.2 of the meter gets R phase current and Y phase voltage and interpretes this as one-element quantities. At unity power factor the interpreted angle is  $120^\circ$ . This causes the recording to drop to 50% of actual consumption as  $\cos 120^\circ$  is 0.5 while  $\cos 0^\circ$  is 1. The same wrong calculations occur in remaining two elements also resulting in 50% less recording than actual consumption.

Corrects Grouping



as per site conditions



#### 15. WHAT SHOULD BE THE PERIOD OF ASSESSMENT?

- ✓ The consumer M/s. Vega chemical Pvt. Ltd. was under the Distribution Franchisee M/s. Crompton Greaves Ltd from 1.11.2011 to 12.08.2015.
- ✓ The consumer was taken over by MSEDCL from 12.08.2015 after taking over the consumer from M/s. Crompton Greaves Ltd the MRI data is available for proving that there is wrong grouping.
- ✓ The MRI data taken on 4.09.2016 reveals that from 25.07.2015 the phase grouping of the meter was wrong. After verification of MRI data in the history of meter it proves/reveals that the Energy meter (Sr.No.07328177) replaced on dated 25.07.2015 by the M/s Crompton Greaves Ltd. On studying/analyzing and testing results the consumer was charged from 25.07.2015 (i.e. the date of installation of meter by the M/s Crompton Greaves Ltd.).

16. MSEDCL's Grounds on which the grievance is base less

- ✓ There is no such evidence from M/s. Vega Chemicals Pvt.Ltd. that MSEDCL is wrong.
- ✓ As per the Regulations 21.7.5 of MERC supply code-2010

"21.7.5 Subject to the provisions of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken, provided the test report of the meter is given to the consumer along with the assessed bill" specifies billing in the event of defective meter. In this case the meter was not defective it is working satisfactorily, which is proved by the NABL Lab report. Further As per Conditions of supply based on the MERC supply code and other conditions of supply regulations 2005 clause no 1.32 "Meter"

"METER" means a set of integrating instruments used to measure, and / or record and store, the amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which include whole current meter and metering equipment, such as current transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories and also includes pre- payment meters;"

In here meter includes whole current meter and metering equipments such as current transformers, potential transformers with necessary wirings and accessories. The PT's and CT's working satisfactorily. However there is wrong grouping i.e. R phase CT was connected to Y phase PT, Y phase CT was connected to B phase PT and B phase CT was connected to R phase PT these show less consumption result. The data retrieved by MRI of the meter was available which is sufficient to analyze and finalization of the total use as measured by the meter. The meter has recorded reading as seen from MRI. The meter thus cannot be said to be defective to attract Regulation 21.7.5 of supply code regulations. The IGRC Cell has also decided that Regulation 21.7.5 & Definition of Meter as per Conditions of supply based on the MERC supply code and other conditions of supply regulations 2005 clause no 1.32 "Meter" is not applicable in this case. And MRI data is sufficient to prove that there is wrong grouping.

- ✓ Meter includes whole current meter and metering equipments such as current transformer, capacitor voltage transformer or potential transformer with necessary wiring and accessories. The PTs of the metering kiosk were also not defective. There is problem in CTs i.e The R phase PT voltage is grouped with Y phase CT current, The Y phase PT voltage is grouped with B phase CT current The B phase PT voltage is grouped with R phase CT current. However, the wrong grouping showed intermittent results. The data retrieved by MRI of the meter was available which is sufficient to analyze and finalization of the total use as measured by the meter. The meter has recorded reading as seen from MRI. If the MRI shows that the consumer has consumed energy, consumer is liable to pay towards consumption and no undue benefit should go to anyone. The meter thus cannot be said to be defective to attract Regulation 15.4.1 of Supply code Regulations. The Cell has also held that Regulations 15.4.1 is not applicable in this case.
- ✓ Mahavitrان presented MRI data in front of Cell and as per MRI data the bill issued to the complainant is correct. The vector diagram shows in MRI data that there was wrong grouping of CT's. The same facts are noted in testing Division's report. **If the consumer had denied the assessment at that time, MSEDCL could have lodged FIR against consumer with CGL as party.**
- ✓ The data retrieved of software of manufacturing company (Secure Ltd.). The Mahavitrان TQA Lab Nasik, has tested the meter on dated- 18-19/11/2016 in presences of Consumer's Representative for wrong grouping which is proved to be 50% slow and as per consumers request to correct the billing as per 50% instead of 51.76% for 3 months only as per 15.4.1 of Supply code Regulations. It means that the consumer has agreed for wrong grouping and is ready to pay for 50% slow. Hence the assessment given by Mahavitrان is correct. The MRI Data is given to the consumer's representative also. The technical data submitted by the Mahavitrان too was got verified from The Secretary to IGRC who is the Electrical Engineer, as well as EE Admin, Jalgaon Circle. He made following observations.





As per the MRI data submitted by the Mahavitrans in record from 04.12.2015, 04 Nov 2015, 3 Oct 2015, 24 Sep 2015, 15 Sep 2015, 6 Jan 2016, 4 Feb 2016, 4 Mar 2016, 5 Apr 2016, 4 May 2016, 2 Jun 2016, 4 Jul 2016, 3 Aug 2016, 30 Sep 2016, 6 Oct 2016, and 2 Nov 2016 in all this MRI Data of meter XB402921 In Instantaneous Values page in that active current parameter shows negative sign for all three phases which indicate that's there is wrong grouping in CT's and also in the page Instantaneous Values vector diagram also shows that The R phase PT voltage is grouped with Y phase CT current, The Y phase PT voltage is grouped with B phase CT current The B phase PT voltage is grouped with R phase CT current which shows that there is wrong grouping.

Table showing negative phase currents of old meter of XB Series

Parameter	L1/Element1	L2/Element2	L3/Element3	MRI Date	MRI Time
Active Current	-2.08 A	-2.03 A	-1.83 A	24/9/2015	15:54:16
Active Current	-1.76 A	-1.75 A	-1.65 A	03/10/2015	11:19:59
Active Current	-1.03 A	-1.21 A	-0.95 A	04/11/2015	17:21:49
Active Current	-1.15 A	-1.39 A	-1.16 A	04/12/2015	16:38:08
Active Current	-1.67A	-1.83 A	-1.72 A	06/01/2016	17:16:04
Active Current	-1.67 A	-1.87 A	-1.65 A	04/02/2016	16:25:41
Active Current	-0.78 A	-0.88 A	-0.88 A	04/03/2016	17:17:27
Active Current	-2.01 A	-2.21 A	-1.94 A	05/04/2016	17:53:23
Active Current	-1.57 A	-1.65 A	-1.45 A	04/05/2016	16:54:06
Active Current	-1.52 A	-1.78 A	-1.49 A	02/06/2016	18:47:24
Active Current	-1.10 A	-1.16 A	-0.97 A	04/07/2016	16:44:12
Active Current	-2.11 A	-2.22 A	-2.07 A	03/08/2016	17:25:24
Active Current	-1.74 A	-1.93 A	-1.69 A	30/09/2016	17:22:33
Active Current	-0.83 A	-0.95 A	-0.76 A	06/10/2016	12:20:11
Active Current	-0.83 A	-0.95 A	-0.76 A	02/11/2016	17:48:08

1) Further after the meter change the changed meter is also shown below from the MRI Data of meter Sr. No. 567839 of dated 14/10/2016 which shows that the active current now after changing the wrong grouping to correct one the active current shows positive which is shown below. ( MRI data as exhibit "F")

Table showing negative phase currents of New meter of L&T Series

Parameter	L1/Element1	L2/Element2	L3/Element3	MRI Date	MRI Time
Active Current	4.37 A	4.36 A	4.2 A	05/12/2016	10:33:57



Active Current	2 A	1.9 A	1.8 A	03/11/2016	14:26:02
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From the MRI Data and meter testing report of NABL Lab Nasik, the meter which was tested as per field connections which proves that the meter is 50% slow and is witness by consumer's representative. as per **exhibit "E"**

- ✓ Analysis of consumption before & after 25.07.2015:-We are tabulating below consumption pattern to show that the no. of abrupt variation in units was observed after 25.07.2015.

Table-A: - consumption prior to 25.07.2015 (Before MSEDCL's claim period) meter of \_\_\_\_ Series

Sr. No.	Month/Year	Units	MD	PF
1	Jan-14	138100	448	0.864
2	Feb-14	184050	450	0.949
3	Mar-14	171900	371	1.000
4	Apr-14	121650	342	0.914
5	May-14	119495	235	0.859
6	Jun-14	129335	253	0.872
7	Jul-14	114530	244	0.874
8	Aug-14	127665	266	0.852
9	Sep-14	182910	417	0.864
10	Oct-14	175190	441	0.909
11	Nov-14	117215	256	0.881
12	Dec-14	129315	243	0.858
13	Jan-15	110965	271	0.888
14	Feb-15	111540	276	0.984
15	Mar-15	99775	290	0.962
16	Apr-15	110565	262	0.964
17	May-15	99930	218	0.973
18	Jun-15	121845	290	0.946
19	Jul-15	132825	308	0.929

Table- B:- Consumption after 25.07.2015 (claim period of MSEDCL) meter of XB Series

Sr.	Month/Yr.	Units metered	MD	PF	Addl. Demand	Total claimed units	Remark
1	Aug-15	112800	434	0.950	119740	235540	
2	Sep-15	192125	423		203946	396071	
3	Oct-15	120935	411		128376	249311	



4	Nov-15	103375	457	1.000	109735	213110	Suppl. Bill dt. 17.09.2016 raised for addl. Units 1417582 KWH Rs. 105.22 Lakhs		
5	Dec-15	84135	393		89311	173446			
6	Jan-16	105015	323		111476	216491			
7	Feb-15	100885	444		107092	207977			
8	Mar-16	103358	420		109717	213075			
9	Apr-16	102653	420		108969	211622			
10	May-16	102000	435		108276	210276			
11	Jun-16	108073	430		114722	222795			
12	Jul-16	115370	482		106222	221592			
13	Aug-16	122048	258						
14	Sep-16	122423	359		206693	588582		Bill Dt. 17.09.2016 raised for 206693 KWH	
15	Oct-16	137418	444		1.000	206693		588582	Rs. 14.14 Lakhs
16	Nov-16	139384	415						
17	Dec-16	230633	476	0.999					
18	Jan-17	190687	470	1.000					



17. From the above table it is seen that the meter changed in Oct-16 and the consumption of said consumer is increased without any doubt therefore it is clear that the assessment bill given by MSEDCL is correct the CPL is enclosed.
18. Further it is confirmed that M/s. Vega Chemicals Pvt. Ltd has accepted the wrong grouping and for that he had given in writing to reduce the bill from 51.65% to 50% slow.
19. As per prayer VII in that the meter grouping wiring from 19.8.2016 to 28.8.2016 is incorrect as Executive Engineer, Testing Division, Jalgaon have given below compliance which is self-explanatory.
20. It is proved in similar case in the Representation no 29 of 2014 of Ombudsman (Mumbai) the order is in favor of MSEDCL that as per MRI data and energy consumed by the consumer which is proved in testing and MRI data the units are to be charged to the consumer, this case is also based on MRI & same copy enclosed. Case no.29 of 2014
21. As the assessment raised by MSEDCL is correct. Hence no question arises to wave off DPC and Interest.
22. As the bills issued to the consumers are correct it is kindly requested to reject the prayers made by Appellant from Appellants application.

**The comments of the complainant on the reply submitted by the Distribution Company:**

The reply on the grievance was submitted to the Forum and the complainant on the day of hearing. Hence the representatives of the complainant requested to give time for offering comments on the same. The Forum agree and gave opportunity to submit the comments by 02/03/2017. Accordingly the complainant submitted following comments by a letter dated 01/03/2017 to the Forum:

1. **Comments on MRI:** The MRI data submitted by MSEDCL is for instantaneous values for particular instant of time & date. The meter was replaced on 14.10.2016 and old meter was sealed with joint signature of MSEDCL & consumers on 14.10.2016 and was in the custody of MSEDCL. However one of the MIR report which was produced at the time of hearing shows different dates i.e. meter read on 02.11.2016, report generation date 14.12.2016 when the said old meter was in sealed condition, then how it was read on 02.11.2016, copy of the report is attached. This creates doubt about genuineness of the MIR report.
2. **Comments on MRI Data Read Software :** As refer to MOM 06.10.2016, MSEDCL received software in June 2016. MSEDCL reads the MRI data on 15.09.2015, 24.09.2015, 03.10.2015, 4.11.2015, 4.12.2015, 6.1.2016, 4.02.2016, 4.03.2016, 4.4.2016, 4.05.2016, 02.06.2016.

How it was read before June 2016, copy of reports are attached. This also creates doubt about trueness of MRI.

3. **Loose Connection while Short time testing:** At the time of testing on 19.8.2016, 24.8.2016 and 25.8.2016, PT connection in Consumers' HT meter Top side screws was unscrewed [Loosened] and Zera Meter Crocodile clips hanged, copy of photographs attached. At the short testing time meter, may starts malfunctioning due to Crocodile loose connections. The total period of testing / Verification was about 6:00 hrs [ 0:30hrs on 19.08.2016, 0:40 hrs on 24.08.2016, 4:10 hrs on 25.08.2016 out of total billing hrs 815 Hrs [34 Days]. The testing period was 0.75%.
4. **Wrong & Correct Reading in Meter:** As per site testing and NABL reports, the Consumers HT meter records some correct reading and some less readings. This is not possible in same meter. This happens only malfunctioning of meter due to PT crocodile loose connections at the time of annual testing & verifications.  
The logic results that Wrong connection results wrong readings, Correct connection results correct reading
5. **Meter test results:** The old meter was tested in NABL lab at MSEDCL Nasik on 18.11.2016 and its accuracy was found within permissible limits. Further when meter was changed at wrong grouping created as per site condition, final result was 50% slowness of recording KWh units instead of 51.76% billed by MSEDCL.  
In the report dt.18.11.2016 it is mentioned that the KVAh parameters are working properly and PF was shown as 0.99. During the test period of 30 min, units were recorded as.....

KWh = 19.6687  
KVAh = 38.2103  
PF = 0.99

Now if we apply formula of PF, the PF = KWH/KVAH  
MERC Conditions of Supply 2005 Definitions clause 1.6.

If we consider PF 0.99 and KVAH 38.2103, then

KWh = 38.2103 x 0.99  
= 38.828 This results not matching with the KWh units shown in the report dated 18.11.2016.

Hence it creates controversy in the reading of lab report for KWh, KVAh & PF values.

6. **Technical Formula Verification Supply code 2005 Definitions clause 1.6.:** In the report dt.18.11.2016 it is mentioned that the KVAH parameters are working properly in each monthly bill for the period 25.07.2015 to 14.10.2016 and PF was shown as in bill.  
Now if we apply formula  $KWh = \sqrt{[(KVAh)^2 - (KVArh)^2]}$   
If we consider each bill for the period 25.07.2015 to 14.10.2016, the calculated KWH parameter and the billed KWh parameter are same.  
This clears that the regular monthly bill raised for the period 25.07.2015 to 14.10.2016 are correct. The calculation sheet of bill readings attached herewith.  
As supplementary period of assessment calculated KWh parameter by MSEDCL are different one as compared with recorded and calculated.  
If we refer to report 18.11.2016, we consider recorded KVAh parameter correct, then PF = KWh [Assessed] / KVAh [Recorded] formula which is more than 1 which is never possible.
7. We now appeal the Forum to consider the grievance application and provide relief as prayed in the application; the same is again reproduced below.
  - i. As per Electrical Engineering formula and MERC + MSEDCL as Supply code 2005 Definitions clause 1.6: To set aside both additional demand of supplementary bills dt.15.09.2016 for Rs.105.22 lakh & dt.07.11.2016 for Rs.14.14 lakh which are fails to prove the above formula but issued paid bills, readings are proves above formula for all bills and also for period Aug -2015 to Aug-2016.
  - ii. As per section 15.4.1 of MERC supply code 2005, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of 3 months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill.



iii. Refer to clause 5.28.0 Payment of supplementary bills raised due to board's mistake-grant of instalments code of commercial instructions [1996]:

a. As per MSEDCL correct meter was installed on 14.10.2016, hence in case if any recovery on account of defective meter is required for 3 months' period, the same may be considered prior to date of removing of defective [old] meter as per MSEDCL i.e. on 14.10.2016 by granting suitable installment of equal months.

b. Waive off DPC & int. on disputed amount till final decision on the grievance is received from the forum/authorities.

The Distribution Company has also submitted comments on the above points raised by the complainant as per the letter dated 14/03/2017. They are as under:

**Point No -1:-** In this point consumer says that meter was replaced and sealed with joint signature of MSEDCL and Consumer's representative on dt 14-10-2016 and was in the custody of MSEDCL. However one of the MRI reports which were produced at the time of hearing shows different date's i.e. Read on 2-11-2016, Report Generation date-14-12-2016 when the said old meter was in sealed condition then how it was read on dated 2-11-2016. This creates doubt genueness of MRI report.

The MRI report shows three dates with time which are meter date and time, read on date and time, generated date and time.

"Meter date and time" means date and time on which meter data downloaded in to MRI. The "read on date and time" means date and time on which MRI data is uploaded in to PC. "Generated date and time" means date and time on which the report is generated.

The MRI report mentioned by the consumer in the letter has following date and times

a) Meter Date and time - 5/10/2016 time 12:10:02 (When data was downloaded from Meter to MRI)

b) Read on Date and time- 2/11/2016 time 17:48:08 (When data is uploaded in to PC from MRI)

c) Generated Date and time -29/12/2016 time 16:57:36 (when the reports are generated and printed)

The sealed meter was opened in the presence of consumer's representative only at NABL Lab Nasik on dt 18-11-2016 for testing (as per consumer demand) to confirm whether meter is faulty or not. At that time also the consumer/its representative/technical expert has not taken any doubt about seal condition.

On dt - 5/10/2016 meter was in service and in the premise of the consumer hence the point of genueness is liable for rejection.

**Point No-2 :-** The billing of HT consumer M/s Vega Chemical Pvt Ltd from Aug-15 to till today are done through MRI reading only and not by Manual reading of the meter. Therefore MRI data of the consumer is available with Circle office of MSEDCL at Jalgaon from Aug-2015. Also as per request from consumer all MRI data month wise from SEP-2015 onwards are already handed over to consumer's representative for their detailed analysis during IGRF hearing at Jalgaon.

(Even though the MRI data is already handed over to consumer during IGRC hearing for detailed analysis, the point of trueness of MRI data is raised which is liable for rejection.)

**Point No -3:-** During the testing of old meter Sr No XB402921 Secure make at site on dt 19-8-16, 24-8-16 and 25-8-2016 the PT of ZERA reference meter was connected properly in parallel with the Meter PT and it is ensured that the voltage of R, Y, B phase is available in meter as well as in ZERA with the same magnitude. The entry of the all the electrical parameters displayed in meter and ZERA are entered in testing register page no 25 Sr No 5 and 7. The same is confirmed by the consumer's representative /Technical expert and signed the report at the time of testing at site. The MOM dt 25-8-2016 is also signed by them (The point of looseness of PT to the meter does not arise if the electrical parameter i.e current and voltage are same in meter and ZERA.)

**Point No -4 :-** For correct metering of energy it is necessary to connect the RYB Phase CT and PT as per provided by Meter manufacture (i.e. R-Phase CT is connected to same element of R-Phase PT, Y-Phase CT is connected to same element of Y-Phase PT and B-



phase CT is connected to same element of B-Phase PT). Only then the manufacture assures that the recorded energy is exactly equal to the consumer's consumption. On dt 18-11-2016 the meter having Sr No XB402921 Secure make was tested in both the condition at NABL lab Nasik in presence of consumer's representative as technical expert -

A)- When the meter is connected as per meter manufacture's specification (i.e. R-Phase CT is connected to same element of R-Phase PT, Y-Phase CT is connected to same element of Y-Phase PT and B-phase CT is connected to same element of B-Phase PT). The meter recorded correct energy with accuracy within specified limits. It means the meter is not faulty. (Exhibit -4)

B)- When the meter is connected as per site condition i.e. not as per meter manufacture's specification (i.e. R-Phase PT is connected to Y -Phase CT element , Y-Phase PT is connected to element of B-Phase CT and B-phase PT is connected to R-Phase CT). The test results shows that meter records 50% less KWH reading than the reference standard meter. Thus from this test it is certain that meter recorded 50% less Energy (Kwh) for the period of assessment.

Hence the meter sr no XB402921 Secure make is not defective but there is an error apparent on the face of energy record which can be calculated/find out from MRI data report and meter testing reports.

(Hence the logic derived by the consumer in their letter that the wrong connection result wrong reading (Less reading in this case 50 % less Kwh reading) and correct connection results correct readings is valid. But the point of loose PT connection results in malfunctioning of meter at the time of annual testing and verification is not true and hence liable for rejection.

**Point No -5 :-** Consumer's technical expert has given challenge to the NABL testing lab report stating that the reading of Lab report for Kwh , Kvah, and PF values are contradictory.

Consumer itself in the meeting on dt 5-10-2016 demanded testing of meter at NABL lab in presence of consumer's technical expert in both the condition as referred in point no 4(A & B). Also consumer has paid the testing fees of NABL lab of Rs 23000/-. During meeting it was decided that the result of NABL lab will be binding on both parties. (Exhibit -6).

Secondly the consumer has given challenge to NABL lab report by using basic formula for PF calculation

$$PF = \frac{Kwh}{KVAH}$$

But in basic electrical engineering it is clearly stated that while using any formula all the parameter values are to be taken of same unit under test.

But in the representation, the consumer has quoted the values of Kwh=19.6687 and KVAH =38.2103 are taken from meter display during load test period whereas PF value=0.99 is taken from NABL reference Standard meter during test period i.e actual power factor of the load during load test. Thus taken the parameter of two different units (i.e KVAH=38.2103 of meter unit under test and PF=0.99 of reference standard meter i.e. another unit) consumer is stating that there is a controversy in NABL LAB report for Kwh, KVAH and PF values by using above formula.

As per NABL lab report and by using basic formula  $PF = \frac{Kwh}{KVAH}$  following points are proved-

1- During load test of wrong connection (As per site condition) meter shows KWh and KVAH consumption as follows -

$$KWH = 19.6687$$

$$KVAH = 38.2103$$

$$\text{Hence meter consider } PF = \frac{KWH}{KVAH} \text{ i.e } \frac{19.6687}{38.2103} = 0.5$$

(Even though PF of the load given was 0.99 during load test period.)

During load test the input to the meter under test and zera are as follows

Voltage given =59.8 V for R Y B Phase

Current given =4.26 A for RYB Phase

PF given = 0.99 for RYB Phase

But from meter recordings it is ascertained that the even though the PF of the load given to the meter during test period is 0.99 but it considered 0.5 just due to wrong grouping of the CTs and PTs.



The same test was also conducted on HPL make sr no 567839 new installed meter on dt 14-10-2016 in Jalgaon testing Lab on ZERA, semi automatic bench in presence of technical expert of consumer, which also proves that the meter record 50% less consumption as compared to standard meter when it is connected with wrong grouping (As per site condition) and not as per manufacture's specification. (Exhibit-7). Now the consumer is paying the bill as per consumption recorded by this meter because meter wiring connection is done as per manufacturer's specification it means that the consumer accepted that meter is not faulty.

Point No -6 :-From following test it is confirmed without any doubt that meter records 50% less consumption of Kwh when connected with wrong grouping -

- a) NABL Lab testing Nasik on dt 18-11-2016
- b) HPL meter testing on semi automatic bench Zera at Jalgaon testing Lab on dt 14-10-2016 in presence of consumer's technical expert.
- c) Load test of meter conducted at site in presence of consumer's technical expert on dt 24-8-2016, 25-8-2016 and 19-8-2016.

But the point no 6 raised by consumer claims that meter record correct Kwh reading in monthly billing for the period 25-7-2015 to 14-10-2016 without submitting any test report of Lab having more authentic than National Accreditation Board for testing and Calibration Laboratories, (NABL Govt. of India).

Hence the consumer's claim that meter records correct Kwh reading during period 25-7-2015 to 14-10-2016 is not true.

As the bills issued to the consumers are correct it is kindly requested to reject the prayers made by Appellant from Appellants application.

#### **Action by IGRC :**

1. The complainant submitted the grievance to the Internal Grievance Redressal Cell, Jalgaon, Circle office on 28/09/2016 .
2. Under letter No.199 dated. 12/01/2017,the IGRC took following decision:
  1. *The assessment given to the consumer for the total unit charges 16,24,275 KWH and Total bill amount Rs.1,19,36,449.46 as per letter no.4694 dated 17.09.2016 and dated 07.11.2016 for 15 months and 20 days by the Superintending Engineer, Circle office, Jalgaon for wrong grouping of CT's & PT's is as per MSEDCL's Rules & Regulations and which is correct.*
  2. *The % slowness of meter should be considered as 50% instead of 51.76% and the bill to be revised accordingly which already proved.*
  3. *The Cell has decided that Regulation 21.7.5 is not applicable in this case.*
  4. *The Cell by its order has disposed of the complainants complaint.*
  5. *If Aggrieved by the non-redressal of his Grievance by the Cell, the appellant may make a representation to the Chairman, Consumer Grievance Redressal Forum.*

#### **Observations by the Forum:**

1. The Testing Division of the Distribution Company carried out routine inspection of the installation of the complainant during 19-25 August 2016 . The summary of the findings is as under:
  - ✓ As per report dated 19/08/2016, the meter connection grouping was not connected properly .
  - ✓ As per report dated 24/08/2016, it was decided to install MSEDCL meter on LT side of the transformer to compare the recordings with existing HT meter. It was informed that the connections of meter were done by M/s Crompton Greaves Ltd. in July 2015 (which was the then Franchise of the Distribution Company) .
  - ✓ As per report dated 25/08/2016, the consumption of meter was found 51.76% less as compared to standard reference meter (Zera)All these reports are signed by the representative of the complainant.
2. Accordingly MSEDCL issued a supplementary bill of Rs.1,05,22,108/- under letter by dated 17/09/2016 from the Superintending Engineer, Jalgaon Circle for the period of 25/07/2015 to 25/08/2016 on account of wrong CT/PT connections.

3. This is the main cause of grievance . The consumer then approached to IGRC with the grievance. The consumer was requested to attend meeting with the Superintending Engineer .It was mutually decided in a meeting on 05/10/2016 to replace the existing meter and it was replaced on 14/10/2016.
4. Old meter was tested at the NABL Lab, Nashik on 18.11.2016 as per consumers request and the testing report revealed that under wrong phase grouping the meter recorded 50% less consumption under standard condition in lab.
5. The Distribution Company again raised another supplementary bill of Rs.14,14,341.16/- dated 07/11/2016 for the period of 23/08/2016 to 14/10/2016 for corrected consumption on old meter.
6. The main issue is the consideration of period of assessment for recovery on account defective metering arrangement.
7. The Distribution Company has argued that based on the MRI records the assessment period of 25.07.2015 to 25.08.2016 is correct. They have submitted elaborate data to support their argument which is countered by the complainant. The Distribution Company has again submitted the counter arguments on this. The Forum will not go into the technical details of this data and deal this grievance in the context of prevailing MERC Supply Code , 2005, MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 and Electricity Act,2003.
8. The following issues arise in this case before the Forum with the findings as under:

Issues	Findings
i. Whether the wrong phase grouping amounts to "defective meter"?	Yes
ii. Whether the provision 15.4 of MERC Supply Code ,2005 is applicable ?	Yes
iii. Whether the period of assessment considered by the Distribution Company is correct?	No

The reasoning for findings is elaborated in following paras.

9. The complainant and also the MSEDCL has quoted MERC Supply Code 2010 for definition of metering system. But it is actually from the guidelines published by the MSEDCL under title of " Conditions of Supply based on the MERC Supply Code 2005" . Under 2(q) of the MERC Supply Code 2005 the "meter" is defined as under:

*"Meter" means a set of integrating instruments used to measure, and / or record and store the amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which include whole current meter and metering equipment, such as current transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories and also includes pre-payment meters;*

Also the Section 2(s) of the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 provide definition of the "meter" as under:

*" Meter " means a set of integrating instruments used to measure and / or record and store the information regarding amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which includes whole current meter and metering equipment, such as current transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories, communication systems used for Automatic Meter Reading (AMR) and also includes pre-payment meters.*

In the present case wrong (slow) recording of the consumption resulted due to wrong /defective wiring connections /phase grouping . The wiring being integral part of the "meter " it amounts to defective meter . Hence this is a case "defective meter"

10. The provision 15.4 of MERC ( Electricity Supply Code and other Conditions of Supply ), 2005 provide guidelines for billing in the event of defective meters as under:





"Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill.

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated....."

The plain reading of the above regulation 15.4 reveal that , in case the meter is detected defective , the correction can be made only for past maximum 3 months prior to date of detection.

11. The Distribution Company has stated that the defective wiring existed from 25/07/2015 and it was done by the erstwhile Franchisee M/s CGL . But not given any supporting documents regarding this.
12. The said regulation 15.4 does not say about "ascertaining the exact date of defect" and does not envisage of analyzing the past history of the meter .Unless this provision is made in the said regulation , the use of analyzing MRI data for determination of exact date of defect can not be done. It may also be noted that :
  - ✓ All the meters installed by the Distribution Company do not have MRI data retrieval facility. Hence it may not be made applicable to all consumer and there can be discrimination.
  - ✓ In case of fast meters, the consumers may ask for refund of excess amounts recovered for the period beyond three months, claiming a certain date of defect in past.
13. The Distribution Company has mixed up the issue of the assessment for defective meter with the assessment under section 126 and 135 of the Electricity Act, 2003 .
  - a. In case of the assessment under section 126 "if the assessing officer reaches to the conclusion that unauthorised use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorized use of electricity has taken place and if, however, the period during which such unauthorised use of electricity has taken place cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection."
  - b. In case of the liability/ assessment under section 135: "The Special Court shall determine the civil liability against a consumer or a person in terms of money for theft of energy which shall not be less than an amount equivalent to two times of the tariff rate applicable for a period of twelve months preceding the date of detection of theft of energy or the exact period of theft if determined whichever is less and the amount of civil liability so determined shall be recovered as if it were a decree of civil court."

Thus both in the cases under 126 and 135 of the Electricity Act, 2003 if the exact date can be ascertained , the assessment can be done from that date.

14. But assessment in the case of defective meter is not based on ascertained period and limited to the period of "three months only" . It is presumed here that the consumer is not responsible for the defect and situation of defective meter may not prolong for more than 3 months because the meter is under control and monitoring of the Distribution Company and which is responsible for any delay in not detecting the defect timely and taking corrective action. As per regulation 14.4.1 of the ( Sup Electricity Supply Code and other Conditions of Supply ), 2005 "The Distribution Licensee shall be responsible for the periodic

testing and maintenance of all consumer meters." In the extant case, the MSEDCL took over from the Franchisee with effect from 12/08/2015 but they could notice the defect only on 19/08/2016 (after a period of about one year) during the routine inspection. The complainant can not be held responsible for the defect or delay in detecting the defect. Hence it is not justified to compute the assessment from July 2015 unless it is a case under section 126 or 135.

15. It is reported by the Distribution Company that under wrong phase grouping the meter recorded 50% less consumption under standard conditions in the lab.

16. The Forum also quotes a similar case of M/s Rajlaxmi Home Products Pvt. Ltd. (Representation No. 100/2010) decided by the Hon.ble Electricity Ombudsman, Mumbai under order dated 17/08/2010 summarised as under:

- ✓ In the said case the meter was found okay when tested in the lab. But R phase PT stud was broken and hence there was no R phase voltage going to the meter. As such the meter was not recording correct consumption.
- ✓ Hon.ble Electricity Ombudsman accepted the situation as "defective meter" in view of the definition of the meter as consisting of "full current meter and metering equipment including current transformer, capacitor voltage transformer or potential or voltage transformer, with necessary wiring and accessories."
- ✓ MRI data of the meter indicated absence of "R" phase voltage for 1164 days leading to slowness of the meter by 52.37%. The Distribution Company raised bill for 40 months in the past which was confined to two years by the CGRF. Therefore recovery was proposed for 1164 days. The Hon.ble Electricity Ombudsman however held the view that "the recovery is got to be limited to a period of maximum three months as provided in Regulation 15.4.1." and setting aside the decision of Distribution Company and CGRF, directed the Distribution Company to rework the bill for the period 3 months prior to the detection of defect.

17. It is to be noted that the Hon'ble Electricity Ombudsman, Mumbai has decided another case of similar nature (Representation no. 11 of 2012 by Shri Abdul Hamid Salam, Malegaon, Nashik) by order dated 5<sup>th</sup> March 2012. The brief facts of this case are as under:

- ✓ In this case the consumer's meter was changed in May, 2006. It was checked by M/s. Sands Agency in February, 2011. It was tested in testing unit and observed to be 33.78% slow. The current transformers (CT) were separated and meter was inspected and found that there were two screws in the terminal and gap between CT screw and terminal contact. One of the three CT terminals was loose. Therefore, the meter was not recording 1/3<sup>rd</sup> of total consumption. Therefore, a bill of Rs. 146537.58 for less billed amount during the period from February 2007 to February 2011 was raised. This bill was revised limiting the period of past recovery to 2 years as per Section 56(2) of the Electricity Act, 2003, and after giving slab benefit, credit was given. The Forum rejected Appellant's prayer to waive the entire bill.
- ✓ Quoting the Regulation 2.1 (q) of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 the Hon'ble Electricity Ombudsman inferred as "Plain reading of the above provisions make it abundantly clear that the current transformer (CT) with necessary wiring and accessories like terminals, screws, studs, etc are part and parcel of the meter."
- ✓ The Hon'ble Electricity Ombudsman finally concluded as "..... The meter installed in the Appellant's premises in May, 2006 was a CT operated 3 phase meter. By Respondent's own admission, it was recording correct consumption of electricity from May, 2006, to January, 2007 and it became 33.78% slow from February, 2007, to February, 2011, due to the reasons, explained in detail by the Respondent as above. By any stretch of imagination this cannot be treated as a case of human error in billing and on correcting the error, raising a supplementary bill to recover past arrears in terms of section 56 of the Electricity Act, 2003. It is a clear case of a correct meter which subsequently became defective and slow and is therefore, liable to be treated in accordance with Regulation 15.4.1 of the ESC Regulations, 2005. The amount of the Appellant's bill is therefore liable to be adjusted, for a maximum period of three



months prior to the month in which the dispute has arisen, i.e. February, 2011, in accordance with the results of the meter. Appellant conceded that copy of the test report is furnished to him. The bills raised by the Respondent for recovery of past arrears for the period from February, 2007 to February, 2011 are therefore, liable to be and hereby set aside. The Respondent is directed to revise Appellant's bills, limited for a period of maximum three months prior to February, 2011, considering the meter to be 33.78% slow during the period of three months. Forum's order is hereby set aside."

18. It is seen that though the Distribution Company detected the defective phase grouping on 19/08/2017, the corrective action was not immediately taken and the same arrangement continued till the replacement of the new meter on 14/10/2016. The complainant was again issued additional bill for the period of 23/08/2017 to 14/10/2016 i.e. the further period under wrong metering arrangement after its detection.
19. The Distribution Company has also made a statement that "If the consumer had denied the assessment at that time, MSEDCL could have lodged FIR against consumer with CGL as party." This is an absurd statement indicating the uncertainty in the minds of the officers of the Distribution Company. The Distribution Company wants to indicate that the consumer in connivance with the staff of M/s CGL might have purposefully made wrong phase grouping to record less consumption. If it is so this amounts to the theft of electricity. This is very serious allegation. Then the question arises, what prohibited the Distribution Company to lodge FIR? If there was the doubt of the theft, an authorised officer of the Distribution Company should have investigated the matter in detail as per procedure laid down under section 135 (2) of the Electricity Act, 2003 and if convinced about the act of theft, he should have filed FIR for theft of electricity under section 135 at that time only. It is not justified to make such a loose allegation now. It means that the Distribution Company is not fully sure about their allegation. It should be also noted that by making such a statement, they also become a party to ignore /protect the act of theft if at all it has happened.
20. In view of the observations and findings above the Forum directs the Distribution Company as under:
- The bill for period of three months only prior to 19/08/2015 (date of detection of defect in metering system) should be adjusted based on 50% less consumption as stipulated in Regulation 15.4 of MERC (Electricity Supply Code and other Conditions of Supply), 2005.
  - The bill for the period 19/08/2015 to 14/10/2016 (date of replacement of new meter) should also be adjusted based on 50% less consumption because the metering system with defective phase grouping continued for this period.
  - No DPC or interest be charged while raising these bills.
  - The supplementary bills dated 15/09/2015 of Rs. Rs.1,05,22,108/- and dated 07/11/2015 of Rs. 14,14,341/- are set aside.
21. The complainant has demanded to take necessary action against the concerned officials for lapses on their part for failing to abide by rules & regulations of metering system. The Forum does not notice that any of the officer of the Distribution Company has deliberately violated the rules/regulations. It is the matter of proper interpretation of the regulation to the situation in this case. This is not simple case of defective meter. The Distribution Company tried to defend their views with the elaborate data hence the Forum does not recommend any action in this regard.
22. The complainant has also demanded compensation under section 8.2 (C) of CGRF Ombudsman Regulation -2006 for loss suffered by the consumer, say for mental agony, man hr loss for follow up, travelling exp. etc. upto Rs. 50,000/- may be allowed. The compensation is disallowed by the Forum as the said section 8.2 (C) states that "in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity". The MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 also do not provide for any compensation in this regard.

In view of the observations and directions as elaborated in the preceding paragraphs the following order is passed by the Forum for implementation:

## ORDER

1. The Forum sets aside the supplementary bills dated 15/09/2015 of Rs. Rs.1,05,22,108/- and dated 07/11/2015 of Rs. 14,14,341/- raised by the Distribution Company and directs the Distribution Company to rework the bill for the period 3 months prior to 19/08/2015 (date of detection of defect in metering system) and also bill for the period 19/08/2015 to 14/10/2016 (date of detection of defect to the date of replacement of new meter) within 20 days from date of issue of this order.
2. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within the time frame stipulated and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum within one month from the date of this order.
3. As per regulation 22 of the above mentioned regulations, non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings suo motu or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.
4. If aggrieved by the non-redressal of his Grievance by the Forum, the Complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.



— sign —  
(RAJAN S. KULKARNI)  
MEMBER


— sign —  
(D.K.MOHOD)  
MEMBER-SECRETARY

— sign —  
(SURESH P.WAGH)  
CHAIRMAN

### Consumer Grievance Redressal Forum Jalgaon Zone

#### Copy for information and necessary action to:

1. Chief Engineer, Maharashtra State Electricity Distribution Company Ltd., Jalgaon
2. Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. Jalgaon.

  
Member Secretary/Executive Engineer  
MAH. STATE. ELECT. DIST. CO. LIMITED  
Consumer Grievance Redressal Forum  
Jalgaon Zone Jalgaon