



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO.K/E/097/0110 OF 07-08
OF M/S EMTEX INDUSTRIES (I) LTD. BADLAPUR
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL
FORUM KALYAN ZONE, KALYAN ABOUT DISPUTE OF
SUPPLEMENTRY BILL & ASSESSED BILL DURING NO
METER PERIOD.

M/s Emtex Industries (I) Ltd

Here in after

Plot No F-4, MIDC, Badlapur (E),

referred to

421503

as consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Superintending
O & M Circle (II), Kalyan

(Here in after
referred to
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory

Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a H.T. consumer of the licensee connected to their 22 KV network. Consumer is billed as per industrial tariff. Consumer registered grievance with the Forum on 29/05/2007.

The details are as follows: -

Name of the consumer:- M/s Emtex Industries (I) Ltd

Address: - As above

Consumer No:- 021539006263

Reason of dispute:- Assessed bill of 11188 units of 10 days from 06/09/05 to 16/09/05 during no meter period & supplementary bill Rs 5,94,632/- of the period of 84 days from 16/09/05 to 9/12/05 on the basis of 17 % slow running of meter due to reverse flow of current in “R” phase at meter terminal.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. 1001 dated 29/05/2007 to Nodal Officer of licensee. The letter was replied by Nodal Officer vide letter No. 2360 dated 29/06/07.

- 4) All three members of the Forum heard both the parties on 2/07/07. The following persons were present.

Name of Person	On behalf of
Shri R. S. Parekh	Consumer
Shri R. M. P. Reddy	

Shri M. S. N. Murthy (Nodal Officer)	Licensee
Shri M. R. Mehetre (Executive Engineer)	
Shri G. N. Bhagat (Assistant Engineer)	
Shri K. S. Mohite (Junior Engineer)	

- 5) Shri Reddy, during hearing on 2/07/07, pointed out that consumer sent a cheque for making payment of current bill of Rs 14,21,68/- on 6/6/07 i.e. on due date of payment but licensee refused to accept payment of current bill & demanded full payment of bill including arrears of Rs 5,94,632/- which is under dispute & the matter is pending in Forum. Later on telephonic direction from Forum, payment of current bill was accepted on 7/06/07. He made submission to Forum to direct licensee not to charge delayed payment charges for 1 day as the payment was offered on due date but was not accepted by licensee. He also requested to direct licensee to accept current bill payment excluding arrears of Rs 5,94,632/- in future & not to disconnect supply till final decision of Forum in the matter. Forum issued direction accordingly to Nodal Officer & he accepted it.
- 6) The study of papers submitted by consumer & licensee shows following chain of events.
- a) The consumer having Maximum Demand (MD) sanctioned at 850 KVA is having 3 phase 3 wire metering equipments comprising of out door type two current transformers (CT) & three potential transformers (PT).
 - b) "R" phase CT & PT failed on 6/09/05 & were replaced on 16/09/05 by licensee. On 16/09/05 licensee could not take load test, as it was staggering day.

- c) After a gap of nearly three months i.e. on 8/12/05 load test was conducted & it was noticed that the flow of current in “R” phase CT at meter terminal was in reverse direction even though CT connections at meter terminals were correctly wired as per colour code. In this position i.e. when flow of current in “R” phase CT at meter terminal was in reverse direction, the current at meter terminals in all three phases & load current in all three phases on secondary side of transformer at consumer’s circuit breaker were measured. The consumption recorded by meter in 30 minutes was also noted. In order to ascertain cause of flow of current in reverse direction, it became necessary to check the polarity of “R” phase CT near 22 KV line. Unscheduled shut down of 22 KV line was not possible & as such the checking was postponed to next day.
- d) On 9/12/05 a shut down was arranged on 22KV line. The polarity & position of “R” phase CT, when checked on 4-pole structure, was found to be wrongly wired. The position of CT was set right & wired correctly. However load test could not be taken on same day, as it was staggering day.
- e) On 12/12/05 i.e. the position when meter was correctly wired, load test was taken & the current at meter terminals in all three phases & load current in all three phases on secondary side of transformer at consumer’s circuit breaker were measured. The consumption recorded by meter in 30 minutes was also noted.

f) The result of two tests i.e. of 8/12/05 & 12/12/05 & the percentage error calculated are tabulated below.

Date	Current at meter terminal Amp			Load current in Amp	Units	Test time	P.F
	R	Y	B				
8/12/05	3.3	5.6	3.4	900 to 912	260	30 min	0.99
12/12/05	3.2	3.2	3.1	712 to 900	314	30 min	lag

Percentage error= $(314-260)/314*100= 17.2 \%$ Say 17 % slow

- 7) It is seen from above events that CT & PT failed on 6/09/05 & were replaced on 16/09/05. Supply to consumer during this period was without metering equipments as CT & PT were in bypassed condition. Consumer disputed 11188 units charged by licensee for the period of 10 days from 6/9/05 to 16/9/05 on the basis of past consumption of 20 days prior to failure of CT & PT. Consumer demanded charging for this 10 days period as per direction contained in Regulation 15.4 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005, (SC 2005).
- 8) It is also seen from above events that flow of current in "R" phase CT at meter terminal in reverse direction continued from 16/09/05 (date of replacement of CT & PT with wrongly wired condition) till 9/12/05 (date of setting right connection). The percentage error calculated as per meter testing carried out on 8/12/05 & 12/12/05 worked out to be 17 % slow. Consumer disputed supplementary bill amounting to Rs 5,94,632/- charged by licensee for the period

of 84 days from 16/09/05 to 9/12/05 on the basis of above test result of 17 % slow. The details are tabulated below.

Month/Period	Units	MD in KVA	Amount
October 05 16/09 to 18/10	60494	164	Rs 5,94,632/-
November 05 18/10 to 16/11	53175	135	
December 05 16/11 to 09/12	42891	31	

- 9) Licensee charged this supplementary bill to consumer vide letter dated 13/12/2006 & consumer disputed it with licensee vide letter dated 16/12/2006. During last hearing with Superintending Engineer on 9/03/2007 consumer was asked to submit reason of contradicting assessment on or before 16/03/07 but he did not respond. Licensee then communicated decision to consumer on 21/05/07 of adding of this supplementary bill in the billing month of May 2007. Consumer filed grievance with Forum & disputed this action of licensee on the ground that reverse flow of current in "R" phase does not affect recording of consumption in meter. Consumer further made submission that meter in this condition records 100 % consumption.
- 10) Shri Mehetre, during hearing on 2/07/07, submitted detail technical analysis in support of claim of slow running of meter resulting in less recording than normal in a condition of reversal of current in "R" phase. He also offered to demonstrate this phenomenon either in laboratory or at consumer's place. It was

then decided to witness this phenomenon at consumer's premises on 12/07/07.

- 11) Shri Mehetre conducted three tests at consumer's premises on 12/07/07 with his team of Engineers & technicians in presence of all three members of the Forum & consumer's representatives i.e. Shri Parekh & Shri Reddy. In test No 1 meter under test (ABB make with S. No. 02214779) & Rotary Sub Standard (RSS) meter of Zera make were wired correctly as per normal condition. In test No 2 meter under test & RSS meter were wired in abnormal condition such that the current in "R" phase gets reversed. In test No 3 meter under test was wired in abnormal condition such that the current in "R" phase gets reversed but RSS meter was wired in normal condition. The results are tabulated below.

Test No	Current at meter terminal in Amp			Load current in Amp	Units	Test time	P.F
	R	Y	B				
1	3.48	4.63	4.05	970 to 1000	353	30 min	Unity
2	3.32	6.17	3.73	900 to 1000	224	30 min	0.08 lead

Percentage error = $(353-224)/353*100 = 36.54\%$ slow

Test No	Current at meter terminal in Amp			Load current in Amp	Units	Test time	P.F
	R	Y	B				
3	3.92	7.05	4.26	900 to 1000	251	30	0.18

						min	lead
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Units recorded in RSS meter were 346 in above test.

Percentage error = $(346-251)/346*100 = 27.46\%$ slow

- 12) Technically speaking Forum had endorsed the view of testing division of licensee that reverse flow of current in any one phase does affect the recording of units in three phase three-wired meter with two CTs & three PTs as metering equipments. Test carried out on 12/07/07 had confirmed this view. Tests carried out on 8/12/05, 12/12/05 & 12/07/07 reveals that percentage errors of meter in all three cases were 17%, 36.54% & 27.46% slow. It establishes fact that meter had not recorded 100 % energy during the period of 84 days from 16/09/05 to 9/12/05 when flow of current in "R" phase was reversed. In tests carried out on above three days the percentage error was inconsistent indicating that the behavior of meter in abnormal condition varies with change in power factor & load current especially when load is (not same in all three phases) unbalanced. It would, therefore, be not correct to take any of the above three results (17%, 36.54%, & 27.46%) into consideration for assessing the additional consumption & MD during the above said 84 days because power factor & load current during these 84 days long duration period cannot be presumed to be same as was found during short duration tests of 30 minutes carried out on above three days.
- 13) In view of inconsistency in percentage error in three test results it would be appropriate to decide percentage error by comparing recorded units of three months from October 05 to December 05

with three months calculated units as per pattern of consumption after rectification of fault. We take a look on consumption pattern of the calendar year 2006 after rectification of fault in December 2005.

a) Total units charged from January 06 to May 06 =1599870 (In June 06, September 06 & October 06 assessed units were added in billing & hence only metered units recorded in five months from January to May 05 are considered)

b) Average units per month $(1599870/5)=319974$

c) Total units of three months = $319974*3= 959922$

Units charged during three billing months of October, November & December 05 = $(295350+259620+290240) = 845210$

Percentage error comparing above 845210 recorded units with three months calculated units as per pattern of consumption calculated in (C) shown above. $(959922-845210)/959922*100 = 11.95\%$ Say 12 %

We can take this error for assessing consumption & MD of 84 days from 16/09/05 to 9/12/05 as it is based on pattern of consumption of consumer after rectification of fault.

14) Licensee vide letter dated 29/06/07 intimated Forum their decision of charging for the period of 10 days from 6/9/05 to 16/9/05 as per provision contained in second proviso of Regulation 15.4.1 of SC 2005. The said proviso reads as under. *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.

Licensee has now charged the consumer 8820 units for the above period of 10 days from 6/09/05 to 16/09/05. (During no meter period when CT & PT were in bypassed condition, which technically can be equated to stop meter situation). The decision of licensee is in order as per second proviso of Regulation 15.4.1 of SC, 2005 & needs no further modification.

- 15) After taking stock of entire situation, we are inclined to pass the following order.

O-R-D-E-R

1. Licensee's supplementary bill (consumption & MD) of Rs 5,94,632/- included in the billing month of May 2007 is, hereby set aside & quashed. Licensee can, however, prepare supplementary bill on the basis of 12 % slow running of meter as tabulated below within two billing cycle period.

Month/Period	Units recorded	MD recorded KVA	Additional	
			Units to be charged	MD to be charged KVA
October 05 16/09 to 18/10	295350	799	40275	109
November 05 18/10 to 16/11	259620	658	35403	90

December 05 16/11 to 09/12	209410	733	28556	100
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Note:- Additional MD of 31 KVA in the billing month of December 2005 charged by licensee in their supplementary bill of Rs 5,94,632/- is not correctly calculated.

2. Interest & delayed payment charges, if charged any, for non payment of above supplementary bill of Rs 5,94632/- should also be withdrawn.
3. Licensee's action of charging 8820 units for the period of 10 days from 6/09/05 to 16/09/05 is up held.
4. Consumer can file appeal against this decision with the Electricity Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission, 606/608,
Keshav Building, Bandra Kurla Complex, Mumbai 51

Appeal can be filed within 60 days from the date of this order.

5. Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at:-

Maharashtra Electricity Regulatory Commission,

13th floor, World Trade Centre, Cuffe Parade, Colaba, 400005.

for non-compliance, part compliance or delay in compliance of this decision issued under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Ombudsman) Regulation 2006".

Date:- 26/07/07

(Sau V. V. Kelkar)

Member

CGRF Kalyan

(I. Q. Najam)

Chair person

CGRF Kalyan

(D. B. Nitnaware)

Member Secretary

CGRF Kalyan