

Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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Date of Grievance : 26/07/2013
Date of Order : 02/01/2014
Period Taken : 160 days

IN THE MATTER OF GRIEVANCE NO. K/E/725/858 OF 2013-14 OF SHRI HARIKCHAND B. DEDHIA OF WALIV, VASAI [EAST], DIST. THANE-401208 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT CHALLENGING THE AMOUNT SHOWN TOWARDS THE DUES OF DEFECTIVE METER

Versus

Maharashtra State Electricity Distribution

Company Limited through its

Dy. Exe.Engineer, Vasai Road [E] Sub Divn.

Appearance :- For Consumer - Shri Harshad Sheth, Consumer Representative

For Licensee - Shri Satish Umbarje, Dy. Exe. Engineer

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1] This Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. The regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred 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 having Industrial LT-V supply from the Licensee. The Consumer is billed as per said tariff. Consumer registered grievance with the Forum on 26/7/2013 for challenging the amount shown towards the dues of defective meter .

3] The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0858 dated 29/7/2013 to Nodal Officer of Licensee. The Licensee filed its reply on 8/8/2013.

4] In this matter, we heard both sides at length, gone through the contention of the Consumer, reply of the Licensee and meter testing reports placed before us. On its basis, following factual aspects disclosed:-

- i. Consumer is having supply bearing consumer no.001840263360. It is a L.T.-V connection connected to the Consumer from the year 1974.
- ii. Dispute commenced from the date of visit of Flying Squad, i.e. 4/10/2012. The Flying Squad concluded that meter is slow by 62.53%.
- iii. The said meter is replaced on 6/10/2012.
- iv. As directed by the Flying Squad, disputed meter was sent for testing to Vasai Laboratory. It is tested on 17/10/2012.
- v. During testing totally three C.T.'s were tested CT no. 0102835 was found normal and the following two C.T.'s were showing ratio of error, reads as under:
 - a. C.T. no.0102813 – minus 9.05 at 100% rated current
 - b. C.T. No. 60706 – no secondary current obtained even at 100% rated primary current was injected.

Thus, these two C.T.'s referred above failed to pass the accuracy test.

- vi. On the basis of said testing report, Flying Squad worked out the dues for 24 months treating the meter running slow by 62.53% and worked out the liability for 2,68,334 units.
 - vii. Accordingly bill was prepared for said units on 6/5/2013 for Rs.18,53,270/-. It was sent along with letter dated 16/5/2013 to the Consumer and directed payment within 15 days.
 - viii. Consumer on this count complained to the Sub Division on 29/5/2013 and approached IGRC on the very day. With both authorities, the Consumer sought testing of the said meter through NABL. Further Consumer has served reminder to the IGRC on 8/7/2013. However, IGRC not issued any notice or no hearing is taken. Forum got it confirmed that IGRC has not yet decided the matter.
 - ix. Hence consumer approached this Forum by filing grievance application on 26/7/2013.
 - x. In this matter, as per the request of the Consumer it was found necessary that disputed meter was to be tested through NABL and accordingly, direction was given. Flying Squad accordingly, sent the said meter for testing to NABL i.e. IDEMI and test report is received on 22/10/2013 wherein laboratory endorsed one C.T. No. 60706 defective 100%. However in respect of other C.T. there is no specific mention.
- 5] Total dispute cropped up due to inspection by flying squad . For hearing none attended from Flying Squad. Shri Umbarje Dy. Executive Engineer produced copies of e-mails sent by Flying Squad to IDEMI and reply given to it by IDEMI.
- 6] The matter before us, is too short. There was inspection by Flying squad to the consumer's units on 4/10/2012 and noted that meter is slow by 62.53% . It is stated that out of three C.T.'s one was normal and two were found not

properly functioning. Out of two one C.T. was totally not functioning, and other though functioning, showing supply slow by 9% out of 100%. Accordingly it is concluded units consumed shown less in the meter which is treated as 62.53% and thereafter bill was issued to the consumer on 6/5/2013 demanding amount of Rs.18,53,370/- covering the period from September 2010 to August 2012.

7] Accordingly, when the matter is brought before the forum. Consumer insisted for testing in NABL i.e. IDEMI and hence it was sent by Flying Squad of Licensee and report of IDEMI is received on 22.10.2013 by the consumer and even by licensee, which is placed before us. As per the said report, it is noted that one of the CT Sr. No. 60706 is getting heated up within 30 minutes and hence it is affecting on final long duration calibration when testing is done on different load tracks. Defect pertaining to said CT is only specified, however in the testing report by licensees' Laboratory at Vasai for CT Sr. No.102813. ratio of error is shown as Minus 9% out of 100% rate and for C.T. Sr. No.60706, it is observed that no secondary current obtained even at 100% rated primary current was injected. Accordingly, these two CTs failed to pass accuracy test. In this light, aforesaid disputed bill was issued.

It is vehemently argued by C.R. that what was sought from IDEMI or what was required to be sought from IDEMI and what clarification is sought within one month from receipt of report of IDEMI is not stated. We find admittedly, no such exercise is undertaken by Officers of licensee and not shown any response to it.

8] Both the sides argued in tune with their contentions, but main bone of contention relates to defective meter. MERC Regulations supply code 15.4 is in three parts on that aspect of defective meter. It reads as under:-

15.4 Billing in the Event of Defective Meters

15.4.1 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 alongwith 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.

In case of defective meter, recovery can be done maximum period of three months only, prior to the month of dispute. Second category is of noticing stopped meter, wherein machine recording consumption of electricity utilized (meter) itself not reflecting reading and it has stopped actually. In that case also mode of calculation for maximum three months bill, on average, basis prior to the month of dispute. Thirdly in case of broken or damaged meter seal or any tampering etc. it will attract section 126 or section 135 of Electricity Act, as per the facts disclosed and, liability will be as per the provisions contained in section 126 and 135 of Electricity Act. Accordingly in case of defective meter and stopped meter there can be recovery of three months bills prior to dispute. However, every now and then there is contention that exact date when defect developed, is, not brought on record. However, to bring it on record MRI data could have been retrieved. This may limit liability for lesser period than three months if the defect develop is found within three months. However, till this date MRI data is not placed on record or any such attempt is done by Officers of licensee. This matter is pending before the Forum from 26/7/2013. Forum required to decide grievance within 60 days.

9] The aforesaid factual aspects, clearly demonstrate that consumer is dealt on the basis of inspection by flying squad and it is concluded that meter is running slow due to fault of two CTs', one CT was totally failed and another one was partly affected. However, considering existence of three CTs and defect of two CTs out of it, it is concluded by Officers of licensee that supply is recorded less by 62.53% and on its basis dues are worked out. Those dues are worked out for the period from September 2010 to August 2012 i.e. for the period of two years. Consumer aggrieved by it, has sought testing from NABL and when matter was pending before this Forum, testing is done in the NABL IDEMI i.e. Institute for Design of Electrical Measuring Instruments, Mumbai (IDEMI). Its' report is placed on record, it is dated 22.10.13. As per report, one CT bearing No. 60706 is found totally faulty. In respect of other two CTs, there is no any specific observation.

In this light, representative of consumer insisted that as per the provisions of MERC Supply Code 15.4.1 it is a case in respect of defective meter. There can be only recovery for the period not more than three months prior to the dispute. In other words, maximum recovery can be for three months prior to the month in which dispute has arisen. Even, he submitted that this particular liability of three months is to be worked out ascertaining the date, when such defect has cropped up. He submitted that neither any attempt, is done to place before the Forum, MRI report pertaining to the said meter, to conclude from which date, the said defect has developed. Accordingly, he contended that without any reason matter is prolonged and in spite of instructions specified in the IDEMI report, within one month no any such clarification is sought for making it clear, before how many days this defect cropped up.

10] We find that this is not a case u/s. 126 of Electricity Act or u/s. 135 of Electricity Act. But, it is towards the fact that due to failure of CT supply is not properly recorded in the meter and accordingly when there is a failure of CT, very well it covers the aspect of defective meter. Definition of meter, in Supply Code covers even

CT. Failure of CT, as per the claim, of licensee, is clear. One CT totally failed and another CT partially failed. But about such partial failure of C.T. there is no any specific observation by IDEMI. Now we have to find out, out of three CTs one CT totally failed bearing No.60706, hence 33% less unit recording is clear. This particular failure of CT is endorsed by IDEMI. No doubt IDEMI during testing tested it on different percentage of load. In the testing report of Licensee which is totally disputed by consumer, there is a mention that other CT bearing No. 0102813, ratio of error is shown as -9.00% . In other words, it is submitted on behalf of Licensee that the said CT was not giving 100% result but it was less by 9%. No doubt, as submitted by consumer's representatives, consumer is at receiving end, as MRI data report is not available, even position of three months could have been confirmed and he would have been benefitted. But this aspect of MRI data is not made available.

11] We find now considering the testing report of IDEMI, the testing report in the laboratory of Licensee merges in it only to the extent of failure of one CT totally. In respect of failure of other CT by -9% as reflected in the testing report of Licensee cannot be accepted as it is not confirmed by IDEMI. Accordingly, less recording of 33% due to failure of one CT is to be accepted.

If once, less recovery of 33% is arrived at, then question comes up in respect of such defective meter, how liability is to be calculated. As stated above MERC Regulation Supply Code 15.4.1 clearly speaks that it is to be adjusted, for maximum period of three months, prior to the dispute. No doubt, it was to be in accordance with result of test taken. However, MRI report is not available, hence, for the bills raised prior to the date of inspection, three months bills are to be based and 33% of it is to be added to the dues, for last three months and there cannot be recovery for the period from September 2010 to August, 2012. Accordingly, the claim of licensee is to be set aside for the total period. It is now required to be worked out afresh and making it limited for three months as discussed above. In result, this grievance of consumer is to be allowed.

11] This matter could not be decided within prescribed time as matter was required to be referred to NABL report of which is made available on 2.12.2013 and thereafter on hearing both sides, it is now concluded. Hence the order.

ORDER

- i. Grievance of consumer is hereby upheld.
- ii. Demand raised by licensee quantifying dues to the tune of Rs.18,53,261/- issued vide Bill dated 16/5/2013 is hereby set aside.
- iii. The licensee is to revise the said bill making it limited only for three months prior to the month of dispute as discussed above considering less recording for 33%.
- iv. Licensee to issue such revised bill within 45 days from the date of this order and to submit compliance of it within further 15 days.
- v. No any coercive action can be taken against the consumer towards the bill dated 16/5/2013.

I Agree

I Agree

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(Chandrashekhar U. Patil)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan

Note:-

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

Grievance No. K/E/725/858 of 2013-14

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.