

of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

The consumer, M/s NRC Ltd. has submitted its grievance in Form 'X' to the IGRC dtd 20/2/15 for the assessment given to it in September 2014 for 10500.82 units. But no remedial action is taken by IGRC, hence consumer approached to this Forum by submitting its grievance in schedule "A" on 20/5/15, which was registered vide K/E/891/1089 dtd 21/5/15. The hearing was scheduled on 8/6/15 at 13:00 hrs. As the above part of grievance was separated from the grievance No. K/E/866/1060 dated 20/4/15, no separate hearing letter was issued. Both Licensee and consumer were conveyed during the process of case No.1060 which was in progress before this Forum.

The grievance submitted by the consumer along with Scheduled 'A' by Annexure dtd 20/4/15 is as given below:

MSEDCL has charged us for additional units of 105000.82 units under the head "adjustment" in the billing month of September,2014.

- (a) They have written letter to S.E. MSEDCL, Kalyan, Circle-I, Kalyan, dated 11.10.2014, along with relevant details.
- (b) Tower No.20 of Line Nos. NR-3 and NR-4 had fallen down on 9.9.2014 at 10.00 a.m. which resulted in total power failure. MSEDCL has given temporary power supply through feeder No.7 of Mohone Sub-station on 12.9.2014 at 8.00 p.m. Only 25% of the emergency load was released, by MSEDCL upto 12.00 p.m. on 13.9.2014. It was informed to MSEDCL on 15.9.2014 by SMS and by

telephone that the meter is not displaying any reading. The Testing Dept. of MSEDCL had attended to the meter on 16.9.2014, at 13.30 hrs. As per our calculation, the units consumed during this period comes to 30986 whereas your bill shows 1,05,000.82 units. Our calculation sheet is attached along with letter dated 11.10.2014

- (c) However, MSEDCL had given us a credit of 34303 units in the month of October, 2014, under the head "adjustment units". Therefore, MSEDCL has to give us credit of 39,711.82 (i.e. $1,05,000.82 - 30986 - 34303 = 39,711.82$) charged as additional units, and give us revised bills from October, 2014 onwards.
1. MSEDCL may be directed not to disconnect the supply, as per notice issued under section 56(2) dated 31.03.2015.
 2. To submit revised bills from October, 2014 onwards by giving credit of 39,711.82 units.
 3. To give any other relief as you deem fit.

Submission by Licensee vide Lr No 3528 dated 4/11/2015.

In connection with the above subject, M/s. NRC Ltd. is HT consumer of MSEDCL bearing Cons. No. 020169009628 having contract demand of 1200 KVA and CL 52892 KW. The consumer has raised grievance about excess assessment carried out in month Sep-14.

The submission in the matter is as below.

- 1) The assessment bill issued to the consumer due to failure of PT changeover relay in the month Sep-14. The testing team visited on 16.09.2014 for checking the metering as per telephonic message of SDO on dtd: 15.09.2014. NRC has provided electric power supply to consumer through the 22 KV feeders NR-3 & NR-4 emanating from Mohone S/Stn. During checking it is observed that the PT changeover relay failed to operate when feeder NR3 failed and feeder NR4 was in service. As per testing report these results in non recording of energy by the meter at the time when the feeder NR3 had failed. The meter was not recording energy due to intermittent stopping of relay when supply was diverted from NR3 to NR4 since 24.10.2013 as per MRI data of power failure events. Hence the period considered for assessment is ascertained by analyzing the MRI data. Hence the assessment from period 24.10.2013 to Sep-14 is carried out.

2) Hence accordingly assessment is carried out in month Sep-15 for the total power failure event i.e. 251 hrs. Later as per the SDO report that tower

no:20 collapsed of NRC-3 & 4. Due to which power supply is totally off for 80.25 hrs, hence the assessment is revised for 169 hrs and the credit of 34303 units is given to consumer in month of Oct-15. Only the average considered for calculation of per day consumption is considered as 418.33 units which is calculated for calculation in assessment instead of 410.10. This needs to be revised.

3) Hence as the consumer raised that additional units of 39711.82 is claimed by MSEDCL is incorrect as it is not additional but the assessment is calculated for the non recording of energy meter due to failure of PT changeover relay for the period whenever the meter not recorded energy. Till date the consumer is billed on same meter i.e HPL make Sr.No:307497. The credit of units will be given to consumer for the wrong average considered for calculation.

The representative of M/s. NRC Ltd. Submitted their rejoinder dated 18/12/15 as given below:

As per licensee MRI data of our power failure shows non recording of power from 24.10.2013 to 24.09.2014. Consumer states that a non recording of power can take place in the following three conditions :

- i) When there is no load of the consumer.
- ii) When there is a total shut-down by the licensee.
- iii) When there is a total shut-down by the consumer for carrying out maintenance work on bus bars.

Also as per Section 15.4.1 of MERC (Electric supply code and other conditions of supply) Regulation 2005 "provided that, in case of broken or damaged seal 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.”

Therefore the act of licensee to recover the cost of Energy from 24.10.2013 is against the above provision. Licensee can at the most recover the cost for the previous three months in which the meter is found faulty i.e. for the month of June, July and August, 2014.

Considering the above the grievance application of the consumer may be allowed.

The Licensee complied vide Lr No.245 dtd 18/1/16 the points mentioned by NRC Ltd. In his rejoinder dtd 18/12/15.

As per the consumer letter dtd: 18.12.2015.the consumer stated that non recording of power can takes place in the following three conditions:

- i) When there is no load of the consumer
- ii) When there is a total shutdown by the licensee
- iii) When there is total shut down by the consumer for carrying out maintenance work on busbars

Query no i & iii:

Whenever there is no load or total shutdown by the consumer, the meter will get the PT supply even though the current is zero. Hence the meter will not record power failure event in such case.In healthy period the consumer is charged as per consumption recorded.

Query no:ii:

- i) As per SDO report, the period for which tower no:20 of line NR-3 & NR-4 collapsed on dtd:09.09.2014@10:00 am to dtd:12.09.2014 @08:00 pm(i.e 82 hrs) is already considered and the assessment is revised and the credit of 34303 units is given to consumer in month of Oct-14.
- ii) Thereafter as per tripping report from TATA KAMBA Sub/Stn for period 24.10.2013 to 16.09.2014,it is observed that the power failure event on dtd:05.12.2013 match with the tripping record of S/Stn end. Hence the shutdown by the licensee for period of 22 min on dtd:05.12.2015 which is included in

assessment period will be deducted as this power failure event is due to shut down by licensee.

3) MERC supply code clause 15.4.1 is applied in case of defective meter. In this case the meter is not defective. The meter is in healthy condition. Till date the consumer is billed on same meter i.e HPL make Sr.No:307497. Only the meter did not get PT supply when the power supply was diverted from feeder NR3 to NR4. This is due to the failure of PT change over relay only when the feeder NR4 was in service. The meter has not recorded energy for intermittent period for the instant the PT changeover relay failed to operate when supply diverted from feeder NR3 to feeder NR4 was in service. This was not identified as it occurred only when the NR4 feeder was in service. To prove the same, it is seen that the meter recorded healthily when the power supply is from NR3 feeder. Hence it proves that meter is not faulty. Hence clause 15.4.1 is not applicable in this case.

Hence the assessment carried out for intermittent period as per above for non recording of energy meter due to above reason is correct.

The Addl reply submitted by Officers of the Licensee vide Lr 587 dtd 16/2/16.

In continuation to the last hearing conducted on 04.02.2016, the applicant stressed that as per definition of metering even internal wiring is also a part of metering arrangement. Hence, if PT changeover relay is considered as a part of metering arrangement and hence in that case meter has stopped recording and it will be treated as per MERC supply code clause 15.4.1.

But being double supply arrangement which is provided to some special cases on their request. PT change over relay arrangement is special arrangement which is not provided to every consumer. This is provided only to this consumer for availing double supply for consumers convenience. This case is very exceptional and may be treated specially. Hence the meter was not getting supply when feeder NR4 was in service. Hence the assessment carried out for intermittent period as per above for non recording of energy meter due to above reason is correct

Hence Licensee requested as given below:

1) As the metering arrangement is defective because of special double supply arrangement the assessment carried out for intermittent period for non recording of energy meter may be considered. - OR -

2) Forum consider it as defective meter only, then it may be treated as per MERC supply code clause 15.4.1

The CR of M/s. NRC Ltd. Submitted his written argument dated 1/3/16 as stated below:

MSEDCL stated in para 2 of their submission dated 16.2.2016 that if PT change over relay is considered as part of metering arrangement, in that case meter has stopped recording, and hence it will be treated as per MSEDCL supply code clause No.15.4.1.

In para 3, MSEDCL states that double supply arrangement is provided to some special cases. Further it is stated that this is provided only to these special consumers convenience for available double supply arrangement. This is not true. MSEDCL has provided similar arrangement to the neighbouring industry (1) M/S. Century Rayon, Shahad, (2) M/s. NPL, Mohone, in the same circle (I). They might have provided such kind of arrangements to many more consumers in the State. So, they are trying to mislead the Forum. Even if this special arrangement is provided, the metering and billing should be as per the provisions of the Act, and no special treatment can be given to them.

Therefore, request of MSEDCL for considering assessment carried out for intermittent period for non-recording of energy meter for the last one year should not be considered.

As admitted by MSEDCL, it should be treated as per MERC supply code 15.4.1, and this is acceptable to us. The detailed calculation sheet is attached herewith, and accordingly credit units of 34506.1 may be given to us.

It was observed that NRC meter is not working in the month of Sept.2014.

Hence as per act 15.4.1 of MERC (Electricity supply code and other conditions of supply) regulation 2005. As per section, Amount of the consumer's bill shall be adjusted, for a maximum period of three months the month in which the dispute has arisen.

Twelve months avg. to be taken i.e from June13 to May

Months	units
May-14	247488
Apr-14	289634
Mar-14	307184
Feb-14	269044
Jan-14	309810
Dec.13	302550
Nov-13	306660
Oct-13	329496
Sep-13	323390
Aug-13	336682
Jul-13	336148
Jun-13	302868
TOTAL	3660954

TOTAL
Units 3660954
Avg. per
months 305079.5
Avg. per
Day 10028.91
**Avg. per
Hrs. 417.87**

- 1 As per MSEDCL from 9.9.14 to 16.9.14
Non working hours of meter due to failure of tower 170.85 Hrs
 - 2 Supply resumed on 12.9.14 at 10.00 AM
 - a) Therefore supply was not available from 9.9.14 to 12.9.14 82.00 Hrs
 - b) Breakdown on 12.9.14 from 10.00Pm to 11.30pm 1.50 Hrs
 - c) S/D by MSEDCL on 13.9.14 for 12.25hrs to 16.27hrs 4.02 Hrs
- Total S/D /B/D Hrs 87.52 Hrs

Therefore non display hrs 170-87.5 82.5
 therefore the consumption for non-
 display hrs 82.5x417.87 34474.28

Non recording hrs. for last three months prior to Sept 14

Months	Hours
Aug-14	0
Jul-14	4.05
Jun-14	0.06
Total	4.11 Hrs.

- 1 Consumption for non - display hrs in Sept 14 (82.5 x 417.87) 34474.275
- 2 Consumption for non-display hrs in last three month (4.11 x 417.87) 1717.45

TOTAL	36191.72
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- 3 Total Extra Units Charged in the Bill of Sept 14 105000.82
- 4 Less already adjusted in the month of Oct.14 Bill 34303.00
- 5 Less non display Units for last three months prior to date of detection. 36191.72

Therefore for extra Units charged	34506.10
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Credit units to be given to NRC.	34506.10
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The CR of NRC Ltd submitted his rejoinder dated 1/3/2016 as stated below:

Further vide their letter dated 5/3/16, the Licensee has submitted calculations of three separate period as follows:

- 1] Twelve months preceding three months of September-2014
- 2] Twelve months preceding three months of September-2013
- 3] Twelve months before the month of September-2013.

We would like to state that, the average calculations under Sr. Nos. 2 and 3 mentioned above have no relevance in the present matter, and average calculations at Sr.No.1 is OK. Though not admitted, the consumption for the non recording period of 4.11 hrs of last three months at the average calculated at Sr. No.1 is acceptable to it.

Lastly, CR prayed for getting the credit of excess units 34501.77 which are recovered by Licensee.

FORUM'S OBSERVATION

The consumer is supplied power supply with double feeder arrangement which are named as NR3 & NR4. The period for which the supply is diverted on feeder NR4, the meter has stopped the energy recording for that particular period as the PT change over relay connected with the feeder NR4 was faulty. This was not getting identified as this phenomena was occurring only when the NR4 feeder was in service.

It is very difficult to trace or to identify such discrepancies in the meter when it was getting supply with two different lines and this fact is also accepted by the consumer's representative during the arguments.

In the present matter, there is a special supply arrangement (double feeder) and the same meter was recording consumption when NR3 was in service and also considering the same meter in service till date, the meter cannot be said as defective meter.

Hence, it is the admitted fact that meter in service is in healthy condition and not defective. The consumer is billed till date on the same meter which is HPL make and bearing Sr. No. 307497.

In view of above, this Forum is of the opinion that the section 15.4.1 of Supply Code cannot be applied word to word as laid down in the Regulations. The Clause is provided for billing in case of either defective meter or stopped meter.

The above Clause cannot be applied partially. Also if the last 12 months average applied for the 03 months, i.e. for period preceding 03 months prior to September 2014 and by deducting paid units during these 03 particular months, i.e. paid for the month of July 2014 to September 2014, then it will impose heavy units on the consumer. As per calculation sheet, the 12 months average during September 2012 to August 2013 will have to be considered, because as per the MRI report, the meter was not recording the consumption since October 2013 when the supply was from NR4 feeder. The total units of the above said period comes to 38,84,694 units and the average comes to 10642.99 units per day. By applying this average for the months July 2014, August 2014 and September 2014 (for 92 days), the consumption comes to 9,79,155.74 units. The billed units for the above referred 92 days period is 8,26,436 units. After deducting these billed units from 9,79,155 units, the figure of balance units to be billed comes 1,52,719 units. It seems that, if the clause 15.4 for the billing in event of stopped meter is considered and applied, then consumer will be excessively billed and again More Additional units will require to be billed. This will impose again additional charges. So according to us, it will not be proper to apply the clause 15.4.1.

However, it is the fact that the Licensee previously has raised the bill to the consumer on account of missed units only which remained unrecorded in the meter inspite of utilization of these units by the consumer.

Hence, we have come to the conclusion that the method adopted by the Licensee to frame the bill considering the unrecorded units only is correct. The method adopted by the Licensee is supported by MRI analysis. By this method, the consumer is not getting imposed by any kind of excess billing.

It is the fact that as per MRI data, the Licensee has identified such intermittent period during which the meter was not recording the utilized energy when consumer was fed from NR4. Licensee has given final assessment considering the average units 410.1 per hour (instead of 418 units per hour as per previous calculations). The Licensee has also revised the hours of assessment and applied 169 hours deducting 82 hours accounted towards non availability of the supply to the consumer. However, they should deduct total 87.52 hours from the first data of 251 hours considered by them for non recording of the units by meter during the period October 2013 to September 2014 derived from MRI source.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 11/4/2016 and their submissions are heard on that day and clarification taken on 06/05/16. **Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.**

Hence the order.

ORDER

Grievance application of the consumer is hereby partly allowed.

The Licensee is directed to revise the bill issued for the unrecorded units by deducting 87.52 hours towards non availability of the electricity.

The revised bill should be handed over to the consumer by next billing cycle.

Dated: 24/5/16

I Agree

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

(Chandrashekhar U.Patil)
Chairperson-cum- Member Secretary
CGRF, Kalyan

**** (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum).**

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

c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

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

d) 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.

