



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/325/364 OF 09-10 OF M/S
VIPRAS CASTINGS LTD. KHOPOLI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
REGARDING EXCESSIVE ENERGY BILL.

M/s. Vipras Castings. Ltd.
Village – Niphan,
Savroli – Kharpada Road,
Khopoli, Tal : Khalapur,
Dist : Raigad – 410 203

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer Pen Circle

(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 (MERC) 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. Industrial consumer of the Licensee. The Consumer is billed as per Industrial tariff. The consumer registered grievance with the Forum on 25/02/2010 regarding Excessive Energy Bill. The details are as follows: -

Name of the consumer : M/s. Vipras Castings Ltd.

Address: - As above

Consumer No : 031069019300

Reason for Dispute : - Regarding Excessive Energy Bill

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0089, dt. 25/02/2010 to the Nodal Officer of the Licensee, and the Licensee through Nodal Officer, MSEDCL Pen Circle filed reply vide letter No. SE/PC/HTB/1773, dt. 20/03/2010.

- 4) The original hearing was fixed on 22/03/2010 at 15.00 hrs. but on administrative ground the same was postponed on 30/03/2010 at 15.00 hrs. The Members of Forum heard both the parties at length on 30/03/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Ramesh Shigwan, Shri Shivanand Hulle, Shri P. R. Ganage, consumer representatives, Shri D. R. Bansode Nodal Officer, Shri S. K. Gupta Ex. Engr.(T) Pen, Shri A. K. Patole Asstt. Acctt. representatives of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance

since already recorded will be referred at the appropriate stage to avoid repetition.

- 5). Consumer company M/s. Vipras Casting Ltd. is having contract demand 4950 KVA and connected load of 7228 KW. Metering provided is 3 phase 4 wire 22 KV cubicle with 3 C.T. and 3 P.Ts. of CTR 150/5 Amps. PTR 22000/110 V, MF 60 for all, ABB make meter No. 02214970. It is contended that on 14/09/2009 during the meter reading it is observed by the persons of O&M that R phase was displaying less meter voltage, consequently they called the Executing Engineer Testing Division, Pen for investigation. After detail investigation by Ex. Engr. (T) on 16/09/09 noticed the fault of R phase PT stud broken hence not making firm connecting to meter terminal. Voltage available from PT was not getting extended to meter terminal properly. This was reported by Ex. Engr. Testing Pen vide their letter dt. 24/09/09. In MRI data it is revealed that on 14/09 and 16/09 the voltage of R phase is disturbed from 24/07/09 onwards till the restoration by Ex. Engr. testing on 16/09/09. It is also revealed that the meter recorded intermediate voltages on voltages/currents profile i.e. 6 V, 10 V, 16 V....etc. at various half an hour events. The test result show that the ABB meter was within permissible limits at various voltages applied to meter. The officials of licensee have charged 898229 units as assessment due to zero voltage of R phase PT for the period 24/07/09 to 16/09/09. According to consumer company during the above period there were some events where R phase PT voltage was not zero, hence assessment worked out by the licensee considering R phase PT voltage zero throughout the assessment period is not correct. It is contended that without seeing the

MRI data officials of the licensee considering R phase PT voltage zero throughout the assessment as per standard formula 33.33% and charged 898229 units in Sept. and 55337 units in Oct. 09. According to consumer company this assessment was incorrect and brought to the notice of the licensee but in vain. Against this consumer company approached the IGRC who in turn, by order dt. 12/01/10 in IGRC/00305 directed the licensee to revise assessment of the material period as per MRI data (voltage profile) available to the R phase PT intermediately and accordingly assessed consumption units 898229.414 and 55336.6 KWH. Consumer however not satisfied with the assessment made by the licensee and the IGRC consequently lodged this grievance to this Forum with a prayer to direct the licensee to work out assessment considering the average consumption of last 12 months prior to the date of occurrence of fault i.e. on 24/07/2009.

- 6) Licensee controverted the above said contentions contending that the testing report dt. 10/12/09 indicates that behavior of tested meter at various voltages applied to the meter, no erratic behavior at lower voltage found therefore considering the zero voltage of R phase, throughout the assessment period 33.33% assessment worked out where PT voltage was available pointing events of non zero PT voltage. Based on the formula assessment of the material period worked out 898229 (+) 55337 units and accordingly issued bill for payment. As per the IGRC decision dt. 12/01/2010 licensee considering the MRI data withdrawn 33399 units from the total assessed units. In short, according to licensee they have correctly assessed the units and issued the bill to the consumer, however, to avoid payment consumer filed the instant grievance,

therefore the grievance being devoid of substance be dismissed in limine.

- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether the assessment made by the licensee in regard to consumer company for the period 24/07/09 to 16/09/09 is proper ?	NO
b)What Order ?	As per Order below

Reasons

- 8) In the context of the rival pleadings of the parties and in the light of the decision of the IGRC dt. 12/01/10, for proper redressal of the grievance lodged by the consumer, Members of the Forum visited the site of the company on 17/03/2010. On perusal the documents placed on record, it is vivid that the meter in question installed in the company R phase P.T. stud was broken and was not making firm connection to the meter terminal, therefore the voltage available from PT was not getting extended to the meter terminal properly. From the MRI data it is retrieved that the voltage of R phase was disturbed from 24/07/09 till the restoration of R phase PT voltage to the meter i.e. 16/09/09. Considering this contingency officials of the licensee carried out assessment of 33.33% less recorded consumption for the said period and charged in consumer's energy bill for the month Sept. 09 for 898229 units and in Oct. 09 for 55337 units. According to the Consumer company assessment made of the relevant period considering

zero voltage of R phase PT throughout the assessment period is absolutely improper. There was variation in the voltage, due to breaking of stud and vibration voltage at R phase fluctuate, therefore to consider zero voltage of R phase PT throughout the assessment period is illegal. Record shows IGRC directed to test the meter in the Testing Lab. by the same type ABB make P ++ meter and the meter found OK under test i.e. errors recorded within permissible limits and on this count as per the MRI data voltage available to the R phase PT intermediately during the assessment period were directed to be revised i.e. 878985 units for Sept. 09 and 41181 units for Oct. 09 and on this basis energy bill comes to Rs. 54,47,226=15. Dissatisfied with the assessment as above, the consumer lodged this grievance.

- 9) As per the licensee applying standard formula of 33.33% less recording, unit consumption for the material period comes to 898229 (+) 55337 and as per the decision of the IGRC applying principle of R phase PT intermediately consumption units come to 878985 (+) 41181. Consumer is dissatisfied with both these assessment. Consumer Representative urged with force that assessment as per the formula of 33.33% less recording is improper and in contravention to the rules and regulations applicable to the case. It is worked out considering the zero voltage of R phase PT throughout the assessment period and the other assessment suggested by IGRC is based on R phase PT intermediately as per the MRI data.
- 10) In the case in hand, R phase PT stud was found broken and not making firm connecting to meter terminal, therefore the voltage available from PT was not getting extended to the meter terminal properly. There are three phases to the meter through CT & PT. R phase was showing zero voltage

for some intervals. So also R phase was showing different voltages at different intervals due to which meter could not measure the exact energy consumption. In the case in hand, licensee in the beginning carried out the assessment of the relevant period considering R phase PT voltage zero throughout the assessment, however MRI data points out the events of non zero R phase PT voltage. In this context assessment made by the licensee in the beginning considering zero voltage was improper. So far assessment made as per the decision of the IGRC based on the various voltages is concerned, also not proper in as much as voltage varies at different intervals/occasions. For example, in MRI report at 1.00 p.m. voltage may show 10 volt and at 1.30 p.m. it may show zero voltage, we are unable to know the voltages between 1.00 p.m. to 1.30 p.m. It means, whenever contact of R phase is on, meter gets the voltage hence exact voltage in between 1.00 p.m. to 1.30 p.m. cannot be recorded. Whenever R phase is touched to the stud, the voltage is recorded and same is supplied to meter. In this case exact voltages of intervals is not recorded due to non touching of stud contact.

- 11) During the test meter was found OK i.e. errors recorded within permissible limit. "Meter" is defined under Sub-Clause (m) of clause 2 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for giving supply and determination of compensation) Regulations 2005.

"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 includes 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.

As per above definition Meter consist of equipment like CT, PT and meter. R phase is connected to stud a vital part of PT. When there is loose contact in the equipment, there would be no voltage. As per the definition of meter, "Meter" means Meter, Current Transformer and Potential Transformer. In this case R phase was not getting voltage properly, means meter equipment was faulty/defective.

- 12) Point before us is about assessment of bill. Procedure is laid down about **Billing in the event of defective meters in Clause 15.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005.**

This Clause states : 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 the 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 the instant case meter was stopped recording the consumption of R phase whenever R phase voltage observed zero. If the meter has stopped recording, billing is to be made as per the proviso referred to above which is squarely applicable to the present case. Assessment disputed period is from 24/07/09 to 16/09/09 i.e. of 48 days. Consumer will have to be billed for the said period as per the proviso i.e. average metered consumption for 12 months immediately preceding the three months prior to the month in which the billing is contemplated. Consequently licensee will have to be directed to bill the consumer company for the relevant period as per the proviso in as much as we are guided by the Regulation referred to above. On this background assessment made by the licensee in the first instance and later on as suggested by IGRC discussed supra, being inconsistent to the proviso referred to above apparently improper and the same will have to be quashed and set aside. In this contest grievance lodged by the consumer carry force and the same deserves to be allowed. Point is answered accordingly and hence the order :

ORDER

- 1) Grievance application is allowed.
- 2) Assessment made by the licensee in regard to consumer company for the period 24/07/09 to 16/09/09 being improper quashed and set aside.
- 3) Licensee is directed to bill the consumer company of the relevant period i.e. 24/07/09 to 16/09/09 as per the proviso to Clause 15.4.1 of Maharashtra

Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005 vide para No. 12 referred above within one month from the date of receipt of this decision.

4) Stay Order issued by this Forum vide No. EE/CGRF/Kalyan/0091, dt. 25/02/2010 is hereby vacated.

5) Compliance be reported within 45 days from the date of receipt of this decision.

6) The Consumer can file representation against this decision with Hon. Electricity Ombudsman at the following address.

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

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

7) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:-

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

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”

Date : 07/04/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan