

MAHARASTRA STATE ELECTRICITY BOARD

K A L Y A N

ZONE, KALYAN

Office of the Consumer
Grievance Redressal

Phone 1) 2210707

2) 2328283



hind Tejashri,
eherwanji Road,

Ext-122.

IN THE MATTER OF GRIEVANCE NO. K/E/005/0006 OF 04-05
OF M/S R.K.DYE CHEM. REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT THE CHARGES OF RS 18,68,032 OF ELECTRICITY
BILL.

M/s R.K.DYE CHEM.

(Here in after

PlotNo.E/1615 Tarapur, MIDC Industrial Area

referred

to

Boisar

as consumer

versus

Maharashtra State Electricity Board, through its

(Here in

after

Assistant Engineer, Boisar (M) Sub Division,

referred to

Boisar

as

licensee)

1. Consumer Grievance Redressal Forum has been established under regulation of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Commission vide powers confirmed 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 L.T. consumer of the licensee connected to their 415-volt network. Consumer disputed charges of Rs.18,68,032 levied by the licensee in their bills for the period from 6th June 2000 to Dec.2004, vide his above grievance registered with forum on 27/1/2005. The details are as follows.
Consumer No:- 0730100026200.
Period of disputed amount: -6th June 2000 to December 2004.
Disputed amount:- Rs 18,68,032
- 3) The batch of papers containing above grievance was sent by forum vide letter no. 50 dt.27th Jan 2005 to Nodal Officer of licensee. The letter was replied by Nodal Officer vide letter no. SE/VC/Tech/CICR/1005 dt.21 Feb.2005.
- 4) All the three members of forum heard both the parties on 24th February 05 & 14th March 05 from 15 hours to 17 hours in the meeting hall of the forum’s office. Shri S. L. Bajaj partner of

consumer & Shri S. N. Goswami Chairman of Tarapur Industrial Manufacturer's Association MSEB Sub Committee were present during hearing on both days on behalf of consumer. Shri D.S. Tayde Nodal Officer along with his team of Shri U. P. Sinha Assistant Engineer Boisar Sub-Division, Shri A. S. Warke Accountant, Shri S. Dharamwar, Junior Engineer Testing Division was present during hearing on 24th February 05 on behalf of licensee. Shri D.S. Tayde Nodal Officer along with his team of above persons & with Shri Kajale Executive Engineer Testing, & Shri R. S. Deshmukh Executive Engineer Palghar was also present on 14th March 05 on behalf of licensee.

- 5) Shri Bajaj took part in hearing. He said that:-
 - (i) During the period of June 2000 to December 2004 licensee had changed six meters. Out of these six meters five meters changed upto 17th February 04 were defective. Now the sixth meter is on consumer's installation.
 - (ii) He intended to rely on submission given to forum on 27th January 2005 along with 38 Annexures.
- 6) Brief summary of points mentioned in above submission & Annexures are as given below.
 - (i) It is an ice-manufacturing unit. The production of ice was stopped from August 2000 & only trading of ice was done.
 - (ii) MIDC had cut off water supply from July 2001. In support MIDC letter was attached.

- (iii) Balance sheet of 2002-2003 & 2003-2004 with sales tax returns were submitted to licensee to prove point of closure of unit & its activities.
 - (iv) Requests from time to time were made to licensee to test meters.
 - (v) Letters were written to licensee about refusal to make payments on ground of faulty meters & incorrect consumption recorded on meters.
- 7) Shri Bajaj mentioned during hearing on 24th February 05 that meter No 88854 was tested by licensee at his premises on 24th June 2003 & was declared 30% slow. Later this meter was declared O.K. by licensee when tested in laboratory at vasai.
- 8) He claimed that he had various meeting with licensee's officers right from Assistant Engineer to Superintending Engineer for settlement of his dues. He also claimed that he had made a request to Executive Engineer to send a demand note on 8th June 2003 & accordingly he received a demand note of Rs 4,80,000 on 10th June 2003 & payment of Rs 2,37,00 was made on 30-10-2003. He also claimed that Assistant Engineer Boisar issued "no dues" certificate to him on 31-10-03 confirming dues paid upto October 2003.
- 9) The contents of "no dues" letter mentioned above reads as "In connection with the above this is to inform you that as per directives issued by the Executive Engineer MSEB Palghar, arrears upto October 2003 amounting Rs 2.37 lac is paid by you on 31-10-2003."

- 10) The submission mentioned in para 5 (ii) above reveals that Superintending Engineer communicated on 23rd July 2004 to consumer that the consumption pattern of consumer from September 2001 to April 2003 was around 15000 to 22000 units per month. All four meters tested at Vasai were found O.K. & therefore the bills issued to consumers were in order.
- 11) The consumer preferred an appeal against this decision to Chief Engineer Kalyan Zone on 27th July 2004. Thereafter, consumer received a letter from Assistant Engineer on 19th January 2005 for disconnection of supply if arrears are not paid within 15 days.
- 12) The consumer then approached forum on 27th January 05 for redressal of grievance. Forum on same date stayed disconnection of supply till final disposal of grievance by forum.
- 13) Shri Sinha expressed that consumer was asked to remain present on 26th March 04 at Vasai during testing of meters but consumer did not attend. He further said that out of four meters one of the meter of ABB make having S.No. 02183688 was in service at consumer's installation during the period from January 03 to March 03. MRI of this meter was retrieved on 14th July 04, the load survey of which indicates that consumer has utilized the load for the full day.
- 14) The reply given by Nodal Officer vide letter 21st February 05 also reveals that Superintending Engineer had given hearing to consumer on 8th July 04 & decision was communicated to consumer as mentioned in para 10 above.

15) The consumer submitted rejoinder dated 28th February 05 where in two points were raised.

(i) Payment of upto date arrears up to October 2003.

(ii) Regarding meter replacement

Both these points had already been covered in his original submission of 27th January 05. Point (i) has already been mentioned in para 5 (i) above & point (ii) has been taken into consideration in para 8 & 9 above. The consumer also claimed in the rejoinder that the supply was disconnected twice & reconnected immediately on protest even though no payment was made.

A written submission was then given by consumer on 14th March 05 during the course of hearing. The chain of events of replacing six meters, such as date of installation, date of removal, reasons of replacement, as per above written submission & test results as per licensee's test reports are as follows.

i) Meter No. 115924; Make: Simco;

Date of installation: Not known; Date of removal: 13.8.01

Reason of replacement: Consumer first claimed meter faulty on 4.8.00 & followed it up.

Test result: Licensee's record is silent on test of meter.

ii) Meter No. 52018; Make: Simco;

Date of installation: 13.8.01; Date of removal: 15.4.02

Reason of replacement: Consumer claimed meter faulty on 22.8.01.

Tested on 26.3.04; Test result: O.K

iii) Meter No. 1049015; Make: Datapro;

Date of installation: 15.4.02; Date of removal: 23.12.02

Reason of replacement; Consumer claimed meter faulty on 24.6.02.

Tested on 27.3.04; Test result: O.K

iv) Meter No. 2183688; Make: ABB

Date of installation: 23.12.02; Date of removal: 17.3.03

Reason of replacement: Meter not showing display of reading as per inspection carried out by licensee's staff.

Tested on 27.3.04; Test result: O.K as per MRI survey

v) Meter No. 088854; Make: Simco

Date of installation: 17.3.03; Date of removal: 17.2.04

Reason of replacement: Meter found slow by 30% as per test carried out at site by licensee's staff on 24th June 2003.

Tested on 26.3.04; Test result: O.K

vi) Meter No. 3155390

Date of installation: 17.2.04

This meter is on installation of consumer at present.

16) A copy of reply dated 21st February 05 given by licensee on original application of consumer was given to Shri Bajaj on 14th March 05. The consumer submitted reply on 16th March 05. There are repetitions of points already covered & hence not mentioned again.

17) Shri Deshmukh clarified during hearing on 14th March 05 that (i) consumer has been billed during the period from 6/6/2000 to December 2004 when all above six meters were in service at the installation of consumer on the basis of meter reading only,

(ii) discrepancies noticed in readings have also been corrected.

(iii) out of six meters one meter could not be tested while four meters (Three electromechanical & one electronic) were tested & found to be within permissible limit of error of three 3 percent. (iv) three electromechanical meters were tested at Vasai & result of one electronic meter was based on MRI data. Load survey of one day of 14/1/03 indicates consumption around 300 to 400 units. Load survey was recorded from 9/1/03 to 8/3/03 & the consumption recorded was found to be 20792 units as per report of testing division. The last & sixth meter is now in service on the installation of consumer.

18) Shri Kajale & Dharamvar further clarified that retrieval of MRI data & load survey indicates that electronic meter though was not showing display was recording correct consumption.

19) Shri Deshmukh in support of his statement of billing the consumer as per meter readings submitted following data.

S.No	Meter	Period	Units recorded
1	115924	6-6-2000 to 13-8-2001	12756
2	52018	13-8-2001 to 15-4-2002	117545
3	1049015	15-4-2002 to 23-12-2002	169603
4	2183688	23-12-2002 to 17-3-2003	38274
5	88854	17-3-2003 to 17-2-2004	227039
6	3155390	17-4-2004 to December 04	4304
Total			569521

On scrutiny of this data it was noticed that units of 24180 has been added as assessment beside units recorded on the meter in the month of April 2003. A noting on data sheet also indicates that this assessment of 24180 units is under consideration of licensee and the decision about this assessment will be taken soon and will be communicated to the consumer there after.

20) There were six meters in service at the installation of consumer during the period from 6/6/2000 to December 2004 having numbers 115924, 52018, 1049015, 2183688, 88854, 3155390. Consumer disputed accuracy of four meters of serial numbers 52018, 1049015, 2183688, 88854, in service at the installation of consumer during period from 13/8/01 to December 04. These meters were whole current meters with the current transformers connected to them with necessary wirings and accessories. Out of these four meters three meters were electro mechanical type and one meter was of electronic type. Before proceeding further let us understand functioning of the meter. The word meter has been defined in "Maharashtra Electricity Regulatory Commission (Electricity Supply Act and Other Conditions of Supply) Regulations 2005" as follows.

"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 equipments, such as current transformer, capacitor

voltage transformer or potential or voltage transformer with necessary wiring and accessories and also includes pre payment meters.”

21) On enquiry from the Nodal officer, it was learnt that four meters (52018, 104905 218688,88854) are still lying at Vasai in the licensee’s testing laboratory. Meter no. 115924 is not traceable and meter no. 3155390 is in service on installation of the consumer. Forum expressed his willingness to test again all the four meters lying in the laboratory of the licensee in presence of the consumer. But Shri Bajaj did not agree to this suggestion on the grounds that there might have been some changes made by the licensee since the meters are lying in their custody for some period. As such he does not desire to get meter tested now. He further added that though meters were O.K. current transformers of the meters could have been faulty and as such meters could recorded more energy than what is consumed by the consumer.

22) The above ground of his refusal to disagree testing of meters by the forum does not hold any water. The meters on the basis of lying in the laboratory cannot go wrong or cannot change its characteristics. It is difficult to believe that the licensee might have made some changes in the meters. Even if it were presumed that current transformers could have been faulty, meters would have recorded less energy than what is consumed by the consumer. In the present case licensee has not declared any fault in the current transformers.

23) Too much ink has flown on the voluminous paper work submitted by the consumer and licensee to the forum. After

carefully going through chain of events narrated by the consumer the following short falls, though they do not have any bearing on the accuracy of the meter, were noticed by the forum.

(a) The licensee tested four meters mentioned above after a gap of 1 to 2 years.

Licensee could not give any satisfactory explanation for delay in testing of the above meters. Test reports of these meters were also not made available to the consumer from time to time

(b) In case of meter No 115924 the assessment was made initially by the licensee on the basis of production figures and other records by the licensee. The licensee in Jan.2003 took this action. The reason of making assessment on production figure and other records is not understood when the meter was showing the consumption and was not declared faulty by the licensee.

(c) Twice the licensee without following procedure of the law disconnected the supply of the consumer. Subsequently licensee on protest restored the supply.

(d) The intention of Assistant Engineer in giving letter mentioned in para 9 speaks volumes.

24) Now point of decision before the forum are

i) Were all these meters mentioned above (meter defined in para 20) defective?

ii) If yes, whether assessment by forum is necessary?

Replies of the above questions are: -

1) No

2) Question does not arise.

The reading on meter is conclusive proof of the quantity of energy supplied to the consumer. If for no fault of consumer or the licensee a meter has ceased to be correct for any reason whatsoever, the rights & liabilities of both consumer & licensee cannot remain unsettled for any period beyond what is permitted by law in force. Only for that limited period the readings on the meter cannot be taken as conclusive proof of energy supplied to the consumer. In the present case none of the six meters (whole current meters & current transformers as per definition of word meter as defined in para 20 above) had ceased to be correct during their service on the installation of the consumer. The question of assessment of energy by forum, therefore, does not arise.

25) The entire position narrated above leads us to conclusion that action of licensee of preparing bills of each meter as per meter readings (shown as units recorded in table given in para 19 above), when meters cannot be proved to be faulty & were recording correct consumption, is correct & cannot be reversed. The question of considering other data submitted by consumer such as cutting off of water supply by MIDC, sales tax return etc for assessment of consumption does not arise as long as meters were recording correct consumption. However, we also decide that assessment of 24180 units added in the bill of the month of April 2003 as mentioned in para 19 above needs to be withdrawn as it has no base of assessment as the meter during that period was not declared or proved to be faulty.

26) After carefully studying the entire development of the episode & thereafter summarizing it, the forum has unanimously reached to a final conclusion to pass the following order for taking further action.

O-R-D-E-R

1. The licensee shall prefer a bill for 545341 units for the period from 6th June 2000 to December 2004 as per table given below.

S.No	Meter	Period	Units
1	115924	6-6-2000 to 13-8-2001	12756
2	52018	13-8-2001 to 15-4-2002	117545
3	1049015	15-4-2002 to 23-12-2002	169603
4	2183688	23-12-2002 to 17-3-2003	38274
5	88854	17-3-2003 to 17-2-2004	202859
6	3155390	17-4-2004 to December 04	4304
Total			545341

The bill shall be prepared as per relevant tariff applicable during each corresponding period. A credit of amount paid by consumer shall be given in the said bill.

2. Orders to desist from disconnection of electric supply to the consumer issued vide forum letter No.50 dated 27th January 05 is, hereby, withdrawn.
3. Consumer can file appeal against this decision with the 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 order.

Date:- 23/3/2005

IICENSEE

(V.M.Bhatkar)

(V.V.Kelkar)

(I.Q.Najam),

Member Secretary

Member

Chair person

CGRF Kalyan

CGRF Kalyan

CGRF Kalyan