

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/152 /2006

- Applicant : Shri Subhash Sheshrao Ingole
Near Shiv Mandir,
Pandhurna Road, Tahsil, Saoner,
Dist. Nagpur.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Division No. II, NUZ,
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 30.10.2006)

The present grievance application has been filed on 27.09.2006 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of excess levy of fixed charges in the name of bill adjustment amounts in the applicant's energy bills issued in May, 2006 and thereafter.

Before approaching this Forum, the applicant had filed his complaint on the same subject matter of the grievance before the Internal Grievance Redressal Cell (in the short the Cell) under the said Regulations. The Cell heard the matter and replied the applicant by its letter, being letter no. 7573 dated 27.09.2006, that the non-applicant had billed the applicant correctly.

It is against this decision of the Cell that the applicant has filed the present grievance application challenging the Cell's decision.

The matter was heard by us on 17.10.2006 and 27.10.2006.

The contention of the applicant is that he is running a Flour Mill at Saoner, Dist. Nagpur and that his sanctioned load is 10 HP. He is an I.P. consumer having consumer no. 419110002930. A KVA

MD meter was installed at the applicant's premises and his first energy bill against this meter came to be issued on 10.05.2006 pertaining to the period from 31.03.2006 to 30.04.2006 for a net amount of Rs.2800/-. This amount includes a bill adjustment amount of Rs.793=20/- which inclusion is not acceptable to the applicant. His subsequent energy bills issued on 13.06.2006, 13.07.2006, 16.08.2006 and 13.10.2006 are also containing bill adjustment amounts of Rs.305=40/-, Rs.552/-, Rs.386=22 and Rs.554=40 respectively. The applicant's contention is that these bill adjustment amounts charged as penal amounts towards fixed charges are not acceptable to him since, according to him, they are not charged properly and correctly.

He added that the non-applicant is entitled only to levy & recover fixed charges at the rate of Rs.60/- per H.P. for 50% of his sanctioned load and beyond this, no penal amounts towards fixed charges are recoverable from him in the name of bill adjustment amounts. He is also challenging that his KVA M.D. meter is not working properly with the result that it is showing excessive consumption.

He has prayed that the non-applicant be directed to withdraw from his energy bills such bill adjustment amounts. The Cell,

in its decision dated 27.09.2006, held that billing done to the applicant based on the KVA MD metered readings has been done correctly and properly. It is also held by the Cell that if the applicant has any doubt in respect of his capacitor or meter, the same can be got tested by him by paying the prescribed testing fees with the non-applicant Company.

The non-applicant has stated in his parawise report that KVA MD meter was installed at the applicant's Flour Mill as per the non-applicant Company's Commercial Circular, being Circular no. 16 dated 17.10.2005, the applicant being an I.P. consumer. The applicant was thereupon billed as per actual consumption shown by the KVA MD meter every month. The meter has indicated that the applicant has exceeded his sanctioned load of 10 HP and hence actual power drawal recorded by the KVA MD meter over and above the sanctioned load of 10 HP was charged as per the non-applicant Company's Commercial Circular, being Circular No. 5 dated 26.08.2005, and accordingly, penal charges levied as bill adjustment amounts. According to him, there is nothing wrong in the applicant's meter and billing done throughout was correct and proper.

He has also given a chart which shows as to how the bill adjustments amount under challenge were worked out. In that, it has

been explained that in the billing month of March-April, 2006, the MD recorded by the applicant's meter was 9.48 KVA, which according to him, is equal to 12.74 HP. Thus, the applicant has used excess load of 2.74 HP. Since the applicant has exceeded the sanctioned load, he was charged for 12.74 HP at the rate of Rs.60/- per HP and excess load of 2.74 HP was charged at the rate of Rs. 120/- i.e. at double the prescribed rate of Rs.60/-, thus making a total of Rs. 1093=20 towards fixed charges as against an amount of Rs.300/- that was already billed. Hence, the due amount of Rs. 1093=20 minus Rs. 300/- = Rs.793=20 was shown as recoverable in the applicant's energy bill dated 10.05.2006.

Likewise, the excess load actually drawn by the applicant during the subsequent billing months and the detailed calculations have been explained in this chart. The non-applicant, relying on this chart, contended that the bill amounts were worked out and levied correctly.

The non-applicant after voluntary review has given a second chart explaining therein that the applicant is entitled to get credit for certain amounts against fixed charges already billed to him. This chart shows that the applicant is entitled to get a credit of

Rs.265=20 against the billed amount of Rs. 793=20 in the billing month of March-April, 2006. Likewise, he is entitled to get credit for Rs. (-) 74=60, Rs.112=00 and Rs. 386=22 against his subsequent energy bills for the months of April-May, 2006, May-June,2006, June-July, 2006 respectively These credits are given as per Company's Circular dated 16.04.2005. According to the non-applicant, the applicant's grievance should no longer survive after granting of credits as detailed above.

It is an un-disputed fact that a KVA MD meter was installed at the applicant's Flour Mill and energy bills issued to the applicant according to the actual measurement recorded by the KVA MD meter. Hence, the applicant's contention that he should be charged only at the rate of Rs.30/- per HP for his sanctioned load of 10 HP towards fixed charges even in the event of exceeding his sanctioned load can not be accepted. As per the MERC's Tariff Order, the concession of charging an I.P. a consumer at the rate of Rs. 60/- per HP for his 50% sanctioned load is available only when the consumer does not exceed his sanctioned load provided that the actual drawal of load is measured by a KVA MD meter. It is also laid down that penalty shall be inflicted on such a consumer who exceeds his sanctioned load at one & half times the prescribed rate of Rs. 60/- per H.P. w.e.f. 10.06.2003.

Let us, therefore, see whether the bill adjustment amounts towards fixed charges in the instant case were correctly charged or not and if charged excessively in violation of MERC's orders, what exact quantum of credit is permissible to the applicant. We have ourselves worked out these details and they are tabulated in the statement given on the next page. The non-applicant shall now give additional credit (+) or (-), as the case may be, as shown in this tabulated statement.

It is pertinent to note that conversion of KVA into H.P. has not been done correctly by the non-applicant. For example, the M.D. recorded was 9.48 KVA in March-April, 2006 which is equal to 11.45 H.P. However, the non-applicant has wrongly shown it to be 12.74 H.P. in the chart produced on record by him. Similar errors are also found throughout.

There is also no mention made about the power factor anywhere in the documents produced by the non-applicant. Hence, it is presumed to be 0.90.

Tabulated statement showing exact quantum of credit permissible

F.C. means fixed charges;

1 H.P. = 0.828 KVA;

Sanctioned load = 10 HP i.e. 8.28 KVA;

Month	M.D. recorded in terms of		Quantum of excess load drawn	Leviable F.C. (Excess load x 90) + (60x sanctioned load of 10 H.P.)	Already billed F.C.	F.C. Difference recoverable (4) --(5)	F.C. difference already adjusted as adj. amt. In the energy bill.	Credit permissible (7) -- (6)	Credit proposed by the N.A. after review	Addl. Credit required to given (8) -
	K.V.A.	H.P.								
(1)	2 (a)	2 (b)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
March - April 2006	9.48	11.45	01.45	730=50	300=00	430=50	793=20	(+) 362=70	265=20	(+) 97=50
April - May 2006	8.98	10.84	00.84	675=60	300=00	375=60	305=40	(-)70=20	Nil	(--) 70=20
May - June 2006	8.51	10.27	00.27	624=30	300=00	324=30	552=00	(+) 227=70	112=00	(+) 115=00
June-July 2006	7.73	09.33	Nil	300=00	300=00	Nil	386=22	(+) 386=22	386=22	Nil
July-Aug 2006	7.81	09.43	Nil	300=00	300=00	Nil	Nil	Nil	--	Nil
Aug-Sept 2006	9.55	11.53	01.53	737=70	300=00	437=70	554=40	(+) 116=70	Nil	(+) 116=00

The applicant has also complained about functioning of his KVA MD meter. As rightly held by the Cell in this connection, the applicant is free to get his meter tested after making payment of the prescribed testing fees. The applicant during the course of hearing has agreed to deposit the prescribed testing fees and get his meter and capacitor tested in the non-applicant's laboratory at Nagpur.

On the point of his metered reading, the applicant has submitted that the meter reader was not recording his consumption in his presence and that no card is also issued & maintained showing the details of recorded MD. This grievance is quite genuine. The non-applicant assured that the same would be complied with forthwith.

We, therefore, direct that the non-applicant shall get the applicant's meter tested in the testing laboratory at Nagpur on or before 03.11.2006 subject to payment of the prescribed testing fees by the applicant.

Likewise, the applicant's capacitor can also be got tested in the testing laboratory at Nagpur after the applicant makes payment of the prescribed testing fee.

We specifically direct the non-applicant to remove the applicant's meter for testing purposes in the presence of the applicant after proper sealing etc. It should also be borne in mind by the non-applicant that a prior written intimation should be given to the applicant about the exact time and date on which his meter / capacitor would be tested in the testing laboratory at Nagpur and that the testing shall be done in the presence of the applicant. The applicant is also free to take along with him any assistant having technical

knowledge of testing matters at the time of testing of his meter / capacitor.

The non-applicant shall also ensure forthwith that a prescribed card is issued to the applicant in which the relevant details of MD recorded shall appear and further that the readings are taken necessarily in the presence of the applicant or his representative whenever the meter is accessible for reading purpose.

The applicant's grievance application is thus partially allowed and it stands disposed off accordingly.

Both the parties shall report compliance of this order to this Forum on or before 15.11.2006.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN
CONSUMER GRIEVANCE REDRESSAL FORUM		
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's		
NAGPUR URBAN ZONE, NAGPUR		