

**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No.16/2016**

**Date of Grievance : 25.05.2016**

**Date of Order : 04.07.2016**

In the matter of recovery of arrears in the event of defective meter.

M/s.Premier Seals (India)Pvt. Ltd.,  
A-12, H-Block, Morwadi,  
MIDC, Pimpri,  
Pune - 411018.

**Complainant**

(Herein after referred to as Consumer)

**Versus**

The Executive Engineer,  
M.S.E.D.C.L.,  
Pimpri Division,  
Pune.

**Respondent**

(Herein after referred to as Licensee)

**Quorum**

**Chairperson**  
**Member Secretary**  
**Member**

**Mr. S.N.Shelke**  
**Smt.B.S.Savant**  
**Mr. S.S.Pathak**

**Appearance**

**For Consumer**

**Mr.Mohan Gupta,**  
**Mr.Ajit Mahadar, (Representative)**

**For Respondent**

**Mr.Wayphalkar, Ex. Engineer,**  
**Pimpri Dn.**  
**Mr. S.Bhange, Dy. Manager (F&A)**  
**Pimpri Dn.**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 25<sup>th</sup> April -2016 passed by IGRC Ganeshkhind Urban Circle, Pune, thereby rejecting the grievance, the consumer above named prefers this grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Pimpri Dn., Pune vide letter no. EE/CGRF/PZ/Notice/16 of 2016/109 dtd.25.05.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 08.06.2016.
- 4) We heard both sides at length and gone through the contentions of the consumer and reply of the licensee and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
  - i) Consumer namely M/s. Premier Seals (India)Pvt. Ltd., having consumer No.170148010965 connected on 15.01.1996 having contract demand 56.00 KVA and sanctioned load 67 HP & connected load 105 HP in the tariff category LT-V B II.
  - ii) The said consumer engaged in the manufacturing of reed valves, oil seals & metal to rubber bonded items.
  - iii) The Licensee inspected metering instruments of the consumer bearing meter sr. no. MSP/02807/on 16.10.2015 & found that there was current on incomer side for Y phase but on meter display the Y phase current was zero.
  - iv) Thereafter the Licensee checked meter installation with accucheck meter and found that the said meter was slow by 25.71%.
  - v) Thereafter the Licensee again tested the said meter on 19.10.2015 at the Ganeshkhind Testing lab. It was found 46.33% slow.
  - vi) Thereafter the Licensee sent the said meter for detailed investigation to the manufacturing company namely "Secure". The said company tested the said meter and sent the report on 27.01.2016 that there is internal component failure of meter. No external tampered symptoms.
  - vii) Thereafter the Licensee made assessment of less recorded units from 1.03.2013 to 14.10.2015 ( 31 months) for 182483 units & by way of adjustment & issued bills of Rs.15,52,730/- in the month of Jan.2016.
  - viii) The consumer challenged the said energy bill for the month of Jan.2016 by filing grievance before the IGRC (GKUC) on 29.2.2016.
  - ix) The IGRC, GKUC rejected the grievance of the consumer vide impugned order dated 25.4.2016.

5. The consumer representative Mr. Ajit Mahadar, submitted that the consumer has been regularly paying the energy bills. There is no abnormal rise or drop in the production and the electrical consumption. The previous bills have been issued by the Licensee with normal status. P.F. incentive is taken every month. Daily consumption and P.F. are maintained. He further submits that the Licensee has wrongly issued bill for 31 months for the period i.e. from 1.3.2013 to 14.10.2015 for 1,82,483 units as shown in the energy bill for the month of Jan.2016. He further submits that it is the case of Licensee that Y Phase CT missing. In other words it is a case of defective meter and therefore the Licensee can issue the bill only for three months prior to the date of detection of defective meter. He further submits that the CPL of the consumer for last three years clearly shows that the bills have been issued by the Licensee with normal status. Therefore Mr.Mahadar lastly submits the revised bill for three months prior to the date of dispute be directed to be issued & grievance be allowed.

6. On the other hand, Mr. Wayphalkar, the Ex. Engineer , Pimpri Dn. submitted on behalf of the Licensee that the metering installation vide meter Sr. No. MSP-02807 was inspected on 16.10.2015. It was found that there is current on incomer side but on meter display the current is zero for Y phase. The said meter was replaced and sent it for further testing to Ganeshkhind Testing Lab. The said meter was tested in the Ganeshkhind Testing Lab on 19.10.2015 and found that it was 46% slow. Thereafter the said meter was further sent to the manufacturing company, "the secure" for detailed investigation. Thereafter the report was received from Secure Company on 27.01.2016 that there is internal component failure of the said meter and no external tampered symptoms found. Thereafter the Licensee on analyzing intermittent event of Y phase CT missing event, the assessment of missing units was made from 1.3.2013 to 14.10.2015 for 1,82,483 units and the consumer is liable to pay the additional bill as shown in the month of Jan.2016.

7. Following points arise for our determination We give our findings thereon for the reasons stated below:

Points	Findings
i) Whether the consumer is liable to pay bills by way of adjustment for 182483 units for the period from 1.03.2013 to 14.10.2015 for 31 months as shown in the energy bill for the month of Jan.2016? If no, what is the extent of liability of the consumer?	No. The extent of liability of the consumer is only for 3 months prior to the month in which the dispute has arisen.
ii) What Order?	As per final order.

8. **REASONS**

The Licensee carried inspection of the metering equipment of the consumer vide meter no. MSP-02807 on 16.10.2015. It was found that there is current on incomer side but on meter display the current is zero for Y phase. Thereafter the licensee replaced the said meter with new meter & sent it for further testing to Ganeshkhind Testing Lab. It was tested there on 19.10.2015. It was found 46% slow. Thereafter the Licensee further sent the said meter to the manufacturing company, "Secure" for detailed investigation. It was tested & report was submitted on 27.01.2016. It discloses that internal component found failure. No external tamper symptoms found. Thereafter the Licensee with help of MRI data made assessment of missing units for Y phase from 1.03.2014 to 14.10.2015 i.e. for 31 months for 1,82,483 units & shown the adjustment in the bill for the month of Jan.2016 making combine total of additional & current bill for Rs. 15,52,730/

9. Thus according to the Licensee Y phase CT of said metering equipment was missing & therefore the meter was slow by 46%. In this context, it is worthwhile to reproduce the definition of meter.

Definition of meter is provided under Regulation No.2.1 of MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014. It reads as under:

***2. Definitions:***

***2.1 In these regulations unless the context otherwise requires.***

*(s) 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, communication systems used for Automatic Meter Reading (AMR) and also includes pre-payment meters.*

10. Thus as per definition of the meter as referred to above meter includes whole current meter and metering equipments such as current transformer capacitor, voltage transformer or potential or voltage transformer with necessary wiring and accessories, communication systems used for Automatic Meter Reading (AMR) and also includes pre-payment meters. In the present case it was found that there is current on incomer side for Y phase but on meter display the current for Y phase was zero. The meter installation was checked with accucheck meter and it was found that meter was slow by 25.71% vide spot inspection report dated 16.10.2015. For further investigation the Licensee replaced the meter and sent it to Ganeshkhind Testing Lab. The said meter was again tested on 19.10.2015 at the testing lab and found that Y phase current missing and meter slow by 46%. The Licensee made assessment of missing units due to Y phase CT missing from 1.3.2013 to 14.10.2015 for 31 months assessing units to 1,82,483. and shown the adjustment in the bill for the month of Jan.2016 issuing bills for total amount of Rs.15,52,730/- The consumer has produced CPL extract from Jan.2012 to Dec.2015 and impugned bill for the month of Jan.2016.

11. Now it is necessary to go through the relevant provisions of testing & maintenance of meter and billing.

Regulation No.14.4 of supply code provides for testing & maintenance of meter. Regulation No. 14.4.1 of MERC (Electricity supply code and other conditions of supply, Regulations, 2005, in short, the supply code reads as under :

*14.4.1 The Distribution Licensee shall be responsible for the periodic testing and maintenance of all consumer meters.*

Regulations 15.1 of supply code reads as under :

*15.1 Intervals for Billing and Presentation of Bill*

*15.1.1 Except where the consumer receives supply through a pre-payment meter, the Distribution Licensee shall issue bills to the consumer at intervals of at least once in every two months in respect of consumers in town and cities and at least once in every three months in respect of all other consumers, unless otherwise specifically approved by the Commission for any consumer or class of consumers.*

12. Regulation No.15.4.1 of the MERC (Electricity Supply Code and other conditions of supply) Regulations, 2005 provides billing in the event of defective meters. 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 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 14.4.1 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 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.*

13. Thus in case of defective meter, recovery can be made maximum period of three months only, prior to the month of dispute. In case of broken or damaged meter seal, i.e. in case of tampering, the assessment shall be carried as per Section 126 or Section 135 of the Act, depending on the circumstances of each case. Secondly in case of noticing stopped meter, wherein machine recording consumption of electricity (Meter) itself not reflecting reading and it has stopped actually, in that case also mode of calculation for maximum period of three months bill, on average basis, prior to the month of dispute.

14. In the present case the Licensee carried inspection of metering equipment at consumer premises on 16.10.2015 and concluded that meter is running slow due to fault of Y Phase CT. The said meter was tested three times firstly, with accucheck showing Y Phase CT slow by 25.71%. Secondly at the Ganeshkhind Testing Lab on 19.10.2015 showing testing result of Y phase CT slow by 46% & thirdly at the manufacturing company, "Secure" showing the result of meter analysis that, "Internal component found failure. No External tampered symptoms found. Accordingly the Licensee made assessment of missing units due to Y phase CT failure to 1,82,483 units & shown the adjustment of said units in the bill for the month of Jan.2016. The Licensee did not prepare any supplementary bill, nor issued any letter or notice about the above mentioned assessment and arrears of bill. The consumer challenged the said bill before IGRC. But IGRC rejected the grievance of the consumer vide impugned order dated 25.4.2016. In this light, the consumer representative Mr.Mahadar insisted that as per the provisions of MERC supply code 15.4.1 it is a case in respect of defective meter and there can be recovery only for the period not more than 3 months prior to the dispute.

15. It is the responsibility of the Licensee for the periodic testing and maintenance of all consumer meters as per regulations no. 14.4.1 of supply code. We find that this is not a case under Section 126 or under section 135 of the Electricity Act. But it is towards the fact that due to failure of CT Y phase, supply is not properly recorded in the meters and accordingly when there is a failure of CT, meter was slow and did not record correct reading. Therefore this aspect very well covers, the case of defective meter. The definition of meter in MERC SOP Regulations, 2014 covers failure of CT as the CT is part & parcel of meter. Hence, claim of Licensee for accumulated units for 31 months i.e. from 1.3.2014 to 15.10.2015 for 1,82,483 units is to be set aside and now it is required to be worked out afresh making it limited for three months as discussed above as per regulation 15.4.1 of MERC supply code. Hence we answer point no.(i) above accordingly. In the result, grievance of the consumer is to be

allowed.

Date : 04.07.2016

I agree,

Sd/-  
**S.S.Pathak**  
Member  
CGRF:PZ:PUNE

Sd/-  
**S.N.Shelke**  
Chairperson  
CGRF:PZ:PUNE

Member Secretary, ( B. S. Savant )

I have gone through the details with the above reasoning and my opinion in this matter is differ as below:

On the above circumstances, it is seen that Y phase CT is missing w.e.f. March-2013 as per MRI data retrieved report by M/s. Secure Meters Ltd. The said discrepancy is observed in the meter in the month of Oct.2015 and then the Licensee has taken the routine procedure such as testing/calibration of meter and replacement of faulty meter in accordance with the provisions as per rules & regulations. The report submitted by M/s. Secure Meter Ltd. that, the meter was faulty due to internal component failure hence the assessment proposed by Licensee to the consumer for the period March-2013 to Oct.2015 (i.e. meter replacement date) shall be recovered. The installments for payment to the consumer shall be given if demanded the consumer then it should be granted without interest and DPC as per the rules & regulations of the MSEDCL.

Sd/-  
B. S. Savant  
Member/Secretary  
CGRF: PZ: PUNE

Hence the order by majority

**ORDER**

1. Grievance of the consumer is hereby allowed.
2. The demand raised by the Licensee, quantifying accumulated units 1,82,483 by



way of adjustment for the period 1.3.2013 to 14.10.2015 as shown in the bill for the month of Jan.2016 showing combined total bill of Rs. 15,52,730/- for current bill and adjusted additional bill is hereby set aside.

3. The impugned order dated 25.04.2016 passed by IGRC, GKUC is hereby set aside.
4. The Licensee to issue revised bill making it limited only for 3 months preceding to the date of inspection of metering equipment as discussed above excluding DPC & interest.
5. The Licensee to issue separate bill of current consumption for the month of Jan.2016 since the earlier bill is mixed for additional amount and current consumption.
6. The Licensee to report compliance within one month from the date of this order.s

Delivered on: - 04.07.2016s

Sd/-

**S.S.Pathak**

Member

CGRF:PZ:PUNE

Sd/-

**S.N.Shelke**

Chairperson

CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Bldg.,  
Bandra Kurla Complex,  
Bandra (E), Mumbai-51.