

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

Case No.25/2016

Date of Grievance : 19.07.2016

Date of Order : 14.09.2016

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

M/s. Marvel Sigma Homes Pvt. Ltd.,
S.No.28/29,Opp.Balewadi Stadium,
Pune - 411007.

Complainant
(Herein after referred to as Consumer)

Versus

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

Respondent
(Herein after referred to as Licensee)

Quorum

Chairperson Mr. S.N.Shelke
Member Secretary Mrs.B.S.Savant
Member Mr. S.S.Pathak

Appearance

For Consumer Mr.Sujitkumar Dengle ,
(Representative)

For Respondent Mr. Lahmage, Ex. Engineer,
Shivajinagar Dn.
Mr. V.B.Pawar, Addl. Ex.Engr.
Aundh Sub/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 26.5.2016 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., Shivajinagar Dn., Pune vide letter no. EE/CGRF/PZ/Notice/25 of 2016/161 dtd.27.07.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 08.08.2016.
- 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. Marvel Sigma Homes Pvt. Ltd.,having consumer No.160220420181 connected on 05.01.2012 and categorized as LT -II (Commercial) & having sanctioned load 48 KW.
 - ii) The theft drive squad of the Licensee inspected the premises of the consumer and tested the LT CT operated meter having meter No. 6262214/Genus make with accucheck on 1.12.2015 & found that B phase CT was showing zero current at the said meter was found 24.69% slow.
 - iii) The Licensee retrieved MRI data & on analysis the said data found that B Phase CT was missing from Feb .2014 to Nov.2015 therefore made assessment during the said period for 92606 units amounting to Rs.11,00,025/-. Thereafter deducting previous amount paid by the consumer issued net difference bill of Rs.7,65,465/- in the month of Jan.2016.
 - iv) The consumer challenged the above mentioned assessment bill vide letters dated 28.1.2016 & 3.3.2016 sent to Additional Ex. Engineer, Aundh Sub/dn. on the ground that as per MERC supply code regulations, 2005 in case of defective meter the bill amount shall be adjusted for a maximum period of 3 months prior to the month in which the dispute has arisen.
 - v) The Licensee tested the said metering equipment as per the directions of IGRC at the Ganeshkhind Testing Lab on 7.5.2016 & found that B phase CT was found to be missing and was intermittently connected & the meter was faulty, vide letter dated 25.5.2016.

- vi) The Licensee referred the said meter for further investigation to the manufacturing company.
- vii) The consumer paid the disputed bill on 22.3.2016.
- viii) The consumer submitted grievance before IGRC, GKUC, on 11.3.2016. The IGRC rejected the grievance of the consumer vide impugned order dated 26.5.2016.

5. The consumer representative Mr. **Sujitkumar Dengle**, submitted that they have received bill of Rs.7,65,465/- in the month of Jan.2016 for the period Feb.2014 to Nov.2015. Therefore they challenged the said bill by sending application to the Licensee dated 28.01.2016 & 03.03.2016. Thereafter they filed complaint before IGRC, but the IGRC rejected their grievance vide impugned order dated 26.5.2016. He further submitted that according to Licensee the said meter was slow & recording less units but the said meter was not replaced immediately after finding slow recording. It was sent for testing at Lab of MSEDCL i.e. GKUC, Testing Lab after three months for finding fault. The testing report by accucheck shows meter was slow by 24.93% but Testing report of MSEDCL Lab shows it was slow by 33.33% therefore the Licensee is not certain as to the Testing result. He further submits that they paid amount of difference bill on 22.3.2016. He further submits that as per MERC supply code Regulations 15.4 consumers bill shall be adjusted for a maximum period of 3 months prior to the month in which the dispute has arisen therefore the Licensee be directed to issue revised bill as per the said provision.

6. On the other hand Mr. Lahmage, Ex. Engineer, Shivajinagar Dn. submitted that the theft drive squad of the Licensee inspected the premises of the consumer & inspected the meter no.6262214 Genus make with accucheck on 1.12.2015 & found that B phase CT was showing zero current & the meter was found slow by 24.69%. Thereafter the MRI data of the said consumer was retrieved & on analysis it was found that B Phase CT was missing from Feb.2014 to Nov.2015 therefore assessment for the said period was made 92606 units amounting to Rs.11,00,025/- & after deducting the previous amount paid by the consumer net difference bill of Rs. 7,65,465/- was issued to the consumer he further submits that as per the instructions of IGRC, the said meter was tested in Ganeshkhind Testing Lab on

17.05.2016. As per testing division report the B phase CT was found not showing continuous current on meter therefore assessment bill was issued to the consumer & the said bill is correct.

7. According to the Licensee they carried inspection of the metering equipment of the consumer on 1.12.2015 and at that time it was noticed that B phase CT was showing zero current and said meter was found slow by 24.69%. The Licensee retrieved MRI data & on analysis the said data found that B Phase CT was missing from Feb .2014 to Nov.2015 therefore made assessment during the said period for 92606 units amounting to Rs.11,00,025/-. Thereafter deducting previous amount paid by the consumer issued net difference bill of Rs.7,65,465/- in the month of Jan.2016. The Licensee also tested the said metering equipment as per the directions of IGRC at the Ganeshkhind Testing Lab on 7.5.2016 & found that B phase CT was found to be missing and was intermittently connected & the meter was faulty, vide letter dated 25.5.2016.

On the contrary it is the case of consumer that they have regularly paid the bills. The said fault is not on their part but of the Licensee.

8. Definition of meter is provided under Regulation No.2.1 (s) 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.

9. Thus as per definition of the meter as referred to above meters 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 metering equipment was tested with accucheck on 1.12.2015 and found that B Ph CT was showing zero current & meter was slow by 24.69%. The Licensee retrieved MRI data & on analysis the said data found that B Phase CT was missing from Feb .2014 to Nov.2015 therefore made assessment during the said period for 92606 units amounting to Rs.11,00,025/-. Thereafter deducting previous amount paid by the consumer issued net difference bill of Rs.7,65,465/- in the month of Jan.2016. The Licensee tested the said metering equipment as per the directions of IGRC at the Ganeshkhind Testing Lab on 17.5.2016 & found that B phase CT was found to be missing and was intermittently connected & the meter was faulty, vide letter dated 25.5.2016. For further investigation the Licensee replaced the meter and sent to Ganeshkhind Testing Lab. The meter was tested on 17.5.2016 it was found that the meter was showing zero current for B phase from Feb.-2014. Therefore from Feb.-2014 to Nov.2015 the units recorded by meter are less by 1/3rd than actual units. Therefore assessment of missing units for the said period was made to 926096 units. Therefore supplementary bill of Rs.7,65,465/- was issued to the Licensee. The above mentioned facts clearly establish the case of defective meter.

10. 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 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.

11. The Licensee retrieved MRI data and analysis of the said data it was found that B phase CT was missing from Feb.2014 to Nov.2015. Therefore the Licensee made assessment during the said period for 92606 units amounting to Rs.11,000,025/-. Thereafter deducting previous amount paid by consumer, issued net difference bill of Rs.7,65,465/- in the month of Jan.2016. The Licensee also tested the said metering equipment as per the directions of IGRC at the Ganeshkhind Testing Lab on 7.5.2016 & found that B phase CT was found to be missing and was intermittently connected & the meter was slow by 33.33% vide letter dated 25.5.2016. The Licensee also produce meter analysis report dated 23.7.2016 submitted by manufacturing company i.e. Genus. The said report shows that "B" phase current is missing as per tamper sheet attached. This may be due to internal CT issue of meter & meter may declare as faulty.

12. 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. The Licensee during the inspection dated 1.12.2015 found that B phase CT missing and made assessment thereof from Feb. 2014 to Nov. 2015 for 92606 units and issued supplementary bill of Rs.7,65,465/-. It is not the case of the Licensee that of tampering or theft. The seal of the meter was intact. Therefore it is not the case under section 126 or 135 of Electricity Act, 2003. But it is the case that due to B phase CT missing meter recorded units less by 1/3rd. C.T. is part & parcel of meter. Therefore said facts constitute the aspect of defective meter. MERC Regulation supply code 15.4.1 clearly speaks that in case of defective meter the amount of the consumers bill shall be adjusted for a maximum period of three months prior to the month in which dispute has arisen. Therefore liability of the consumer is to be calculated only for 3 months prior to the date of Feb.2014 to Nov.2015 inspection i.e. prior to 1.12.2015. Accordingly the claim of Licensee for the period for 92606 units needs to be set aside and it is now required to be worked out afresh and making it limited for three months only as discussed above.

13. In the similar case Hon'ble Electricity Ombudsman (M) in representation No.29 of 2014 vide order dated 25th Aug.2014 has held as under:

The Regulation 15.4.1 of the Supply Code Regulations specifies billing in the Event of Defective meter. The definition of the Meter as given in SOP Regulations of the Commission is quoted in Paragraph 11 above. Meter includes whole current meter and metering equipments such as current transformer, capacitor voltage transformer or potential transformer with necessary wiring and accessories. The PTs of the metering kiosk were also not defective. Two numbers of CTs of R & Y phase were working satisfactorily. However, the B phase CT working showed intermittent results. The data retrieved by MRI of the meter was available which is sufficient to analyze and finalization of the total use as measured by the meter. The meter has recorded reading as seen from MRI. If the MRI shows that the consumer has consumed energy, consumer is liable to pay towards consumption and no undue benefit should go to anyone. The meter thus cannot be said to be defective to attract Regulation 15.4.1 of Supply Code Regulations. The Forum has also held that Regulation 15.4.1 is not applicable in this case. Therefore, answer to point no.(i) is in the NEGATIVE.

14. Taking into consideration the observations made by the Hon'ble Ombudsman in the above mentioned representation & the present case is also of similar nature of CT failed hence the meter cannot be said to be faulty. The assessment made by the Licensee of the disputed period is found to be correct.

Hence we proceed to pass following order.

ORDER

1. Grievance of the consumer stands dismissed.
2. The Licensee to issue revised bill to the consumer deducting DPC & interest & giving slab benefit.

3. The Licensee to report compliance within one month from the date of this order.

Delivered on: - 14.09.2016

S.S.Pathak
Member
CGRF:PZ:PUNE

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

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.