

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

Case No.06/2016

Date of Grievance : 15.03.2016

Date of Order : 21.04.2016

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

M/s.Prema Plastic Allied Industries,
Plot No.A-152/1,H Block,
MIDC, Pimpri,
Pune.

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
Mr. D.H.Agrawal
Mr. S.S.Pathak

Appearance

For Consumer

Mr.Satish Kuchhal,
Mr.Ajit Mahadar, (Representative)

For Respondent

Mr.D.R.Aundekar, Ex. Engineer,
Pimpri Dn.
Mr. R.S. Khadakar, Addl. Ex.Engr.
Kharalwadi Sub/dn.

(Per Shri.S.N.Shelke, Chairperson)

- 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 2nd March-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/06 of 2016/56 dtd.15.03.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 29.03.2016.
- 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. Prema Plastic Allied Industries, having consumer No.170149075450 connected on 30.5.2011 and categorized as LT Industrial.
 - ii) The said consumer engaged in the manufacturing of Plastic raw materials.
 - iii) The Licensee inspected meter of the consumer bearing no. 10266454/L&T/GC-22735 on 4.11.2015 & found to that there was current on incomer side for R phase but on meter display the current for R phase was zero.
 - iv) Thereafter the Licensee checked meter installation with accucheck meter and found that the said meter was slow by 33%.
 - v) Thereafter the Licensee tested the said meter at the Ganeshkhind Testing lab in the presence of L & T representative and the consumer and also verified MRI data. It was found that the meter was showing zero current for R phase from 5.10.2014.
 - vi) Thereafter the Licensee made assessment of less recorded units from 5.10.2014 to 4.12.2015 (15 months) for 32139 units prepared difference bill of Rs.2,51,996/- and sent letter dated 15.1.2016 to the consumer to this effect and asked to depositing of arrears.
 - vii) Consumer challenged the said supplementary bill by filing grievance before IGRC, GKUC on 21.1.2016.
 - viii) The IGRC, GKUC rejected the grievance of the consumer vide impugned order dated 2.3.2016 .
5. The consumer representative Mr.Ajit Mahadar, submitted that the consumer is regularly paying the bills. The meter reading has been recorded by the Licensee

every month. The Licensee inspected the meter in the month of Nov.2015 and found that the meter was defective. And therefore supplementary bill of Rs.252000/- for 15 months was issued. The consumer is manufacturer of plastic raw materials. There is no deviation between the production and consumption. Consumption pattern is constant with production pattern. It is responsibility of utility for periodic testing and maintenance of consumer meter. The said bill is illegal and not in accordance with provisions of Regulation 15.4 of supply code 2005 . He further submitted that as per the provisions of Law the bill only for 3 months prior to the month of dispute may be issued and the consumer is ready to pay the said bill.

6. On the other hand Mr. Aundhekar, Ex. Engineer , Pimpri Dn. submitted on behalf of the Licensee that the meter at the consumer's premises was inspected on 4.11.2015 and it was found that there is current on Incomer's side for R phase but on meter display the current for R phase is zero. The meter installation was checked with accucheck meter for accuracy. It was found that the meter is slow by 33%. Thereafter the meter was tested at the testing lab of MSEDCL at Ganeshkhind. In the presence of L & T Representative and the consumer and it was found that the meter is showing zero current for R phase from 5.10.2014. The MRI data was also verified. Thereafter supplementary bill from 5.10.2014 to 4.12.2015 for 15 months of 32139 units for Rs.252000/- was prepared and send to the consumer . The units recorded by the meter are less by 1/3rd than actual units, therefore the consumer is liable to pay amount of said supplementary bill.

7. Following points are arised for our determination We give their finding thereon for the reasons stated below:

	Points	Findings
i)	Whether provisions of Regulation 15.4.1 of MERC (Electricity supply Code and other conditions of Supply) Regulations, 2005 are applicable to the present place?	Yes.
ii)	Whether the consumer is liable to pay arrears of bills amounted to Rs.252000/- for 32139 units for the period 5.10.2014	No. The extent of liability of the consumer is only for

to 4.12.2015? If no, what is extent of liability of the consumer?

three months prior to to the month in which the dispute has arisen.

iii) What order?

As per final order.

8.

REASONS

According to the Licensee they carried inspection of the metering equipment of the consumer on 4.11.2015 and at that time it was noticed that there was current on incomer side for R phase but on meter display the current for R phase is zero. Thereafter they checked the meter installation with accucheck meter for accuracy and then it was found that the meter is slow by 33%. Thereafter the Licensee tested the said meter at Ganeshkhind Testing lab of MSEDCL in the presence of L & T Representative and the consumer. It was revealed that the meter is showing zero current for R phase from 5.10.2014. Therefore the Licensee made assessment of missing units from 5.10.2014 to 4.12.2015 for 15 months and assessed that 32139 were missing units during the said period. Therefore issued supplementary bill of Rs.252000/- to the consumer. 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. The meter status since last two years was normal as per CPL. The consumption pattern of the consumer is constant with production pattern. The consumer has provided the data of consumption unit and production in Kgs. from Aug.2014 to Jan.2016.

9. 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.

10. 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 there is current on incomer side for R phase but on meter display the current for R phase was zero. The meter installation was checked with accucheck meter and it was found that meter is slow by 33%. For further investigation the Licensee replace the meter and sent to Ganeshkhind Testing Lab. The meter was tested in the presence of L&T Representative and the consumer it was found that the meter was showing zero current for R phase from 5.10.2014. Therefore from 5.10.2014 to 4.12.2015 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 32139 units. Therefore supplementary bill of Rs.252000/- was issued to the Licensee. The above mentioned facts clearly establish the case of defective meter.

11. 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.

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 4.11.2015 found that R phase CT missing and made assessment thereof from 5.10.2014 to 4.12.2015 for 32139 units and issued supplementary bill of Rs.252000/-. 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 R phase CT missing meter recorded units less by 1/3rd. 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 inspection i.e. prior to 4.11.2015. Accordingly the claim of Licensee for the period of 15 months for 32139 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. Hence we answer point no. i) in the affirmative & point no. ii) accordingly. In the result, the grievance of the consumer is to be allowed.

I agree,

S.S.Pathak
Member
CGRF:PZ:PUNE

Member Secretary, (Dinesh H.Agrawal)

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

The Licensee during the inspection dated 4.11.2015 found that R phase CT missing and made assessment thereof from 5.10.2014 to 4.12.2015 for 32139 units and issued supplementary bill of Rs.252000/- for the period of 14 months as per 56(2) of 2003, Electricity Act

Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.

As the above recovery is for the period which is within two years the Licensee should recover the recovery amount of Rs.252000/- from the said consumer. The Licensee may issue suitable installment as per Co.'s Circular if the said consumer desire.

D.H.Agrawal
Member/Secretary
CGRF:PZ:PUNE

Hence decision by majority is as under -

ORDER

1. Grievance of the consumer is hereby allowed.
2. The demand raised by Licensee, quantifying dues to the tune of Rs.252000/- for 32139 units for the period 5.10.2014 to 4.12.2015 is hereby set aside.
3. The impugned order passed by IGRC, GKUC is hereby set aside.
4. The Licensee to issue revised bills making it limited only for 3 months preceding to the date of inspection of metering equipment as discussed above.
5. The Licensee to report compliance within one month from the date of this order.

Delivered on: - 21.04.2016

S.S.Pathak
Member
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.