

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

Case No. 11/2017

Date of Grievance : 08.02.2017

Date of Order : 21.03.2017

In the matter of assessment of energy bill in case of by-passing of metering kiosk due to faulty PT, when check meter is OK & in the good healthy working condition.

M/s. Sufi Structural Tubes Pvt. Ltd.,
S.No.25, Gat No.315/2, Urulidevachi,
Tal.Haveli, Dist.-Pune-412308.

Complainant

(Herein after referred to as Consumer)

Versus

The Superintending Engineer,
M.S.E.D.C.L.,
Pune Rural Circle,
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. Sursh Sancheti (Representative)

For Respondent

Mr.Dilip Bhole, Ex.Engr., PRC,Pune

- 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 18.01.2017 passed by IGRC, PRC, Pune, thereby rejecting the grievance, the consumer above named prefers present grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the Superintending Engineer, M.S.E.D.C.L., Pune Rural Circle vide letter no. EE/CGRF/PZ/Notice/11 of 2017/54 dtd.08.02.2017. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 17.02.2017.
- 4) We heard both sides at length and gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties.
- 5) Facts giving rise to the grievance may be stated as under :

The above named HT consumer having consumer no.170229044730 with contract demand 2000 KVA & connected load 3000 KW was connected on 17 Nov.2008 initially in the tariff category HT -I N. The consumer installed the metering kiosk as billing meter having serial No.Y0124515 Secure Make & another metering kiosk as check meter bearing Sr.No.Y0124509 Secure make, as directed by the Licensee. The billing meter (main meter) is the meter installed at point of supply & its number is mentioned on the bills which are issued to the consumer. On 2.10.2016 the Y phase PT of the metering kiosk of billing meter was failed & due to which the supply was interrupted. The Licensee bypassed the billing meter on the same day & immediately the supply of the consumer was restored. The consumer was agreed to pay bills as per Rules & Regulations of MSEDCL in that eventuality. The Licensee retrieved the MRI data and made assessment of units. Thereafter the Licensee issued bill to the consumer on the basis of average consumption i.e. for 144694 KWH units for Rs.13,26,446/-. The Licensee also got tested the billing meter in the testing division & found that Y phase PT was failed and therefore it caused effect on recording of energy consumption. According to the consumer when billing meter was faulty/defective, the correct consumption during the month can easily be captured on the basis of recording of the check meter which is installed in the series with the billing meter. Therefore the Licensee should have been billed for the month of Oct.2016 on the basis of meter reading of the check

- meter. Therefore consumer prays to set aside the disputed bill for the month of Oct.2016.
- 6) The consumer representative Mr.Suresh Sancheti submitted that they have installed metering kiosk as billing meter having sr.no. Y0124515 Secure Make & check meter Sr.No.Y0124509 Secure Make, in series with billing meter as directed by the Licensee. The consumer has regularly paid the energy bills and there is no any dispute in respect of energy bills till the billing month of Oct.-2016. He further submitted that on 2 Oct.2016 consumer observed non availability of supply & therefore informed the Licensee. Thereafter the Licensee bypassed the metering kiosk on 2.10.2016 for immediate restoration of supply. The consumer was agreed to pay the bills as per rules & Regulations,. Thereafter the Licensee issued bills for the month of Oct.2016. The consumer was shocked seeing the bill i.e. for 144694 KWH for Rs.13,26,446/-. On enquiry it was revealed that the said bill is for the period 1st Oct.,2016 to 9th Oct 2016 and for balance days of the month of Oct.2016 got prepared on average basis.
- 7) Mr.Sancheti further submitted that consumer made complaint before IGRC, PRC, Pune about the disputed bill on 19.12.2016. The IGRC observed that since the Y phase PT was faulty, metering iosk was bypassed on 2.10.2016. The Licensee made assessment as per clause No.15.3.1 which state that the metering equipment stopped showing meter reading. Assessment base should be average consumption of last 12 months. Assessment is done as per average consumption of 12 months & therefore the bill issued to the consumer is correct. Mt.Sancheti further submits that the correct consumption during the month when billing meter was faulty/defective can easily be captured on the basis of recordings of the check meter, which is installed in series with the billing meter & which has identical specification(clean & accuracy etc.) as that of the billing meter. The reading of the check meter was available but it was not considered by the Licensee. Therefore the purpose of installing the check meter gets defeated. The check meter is installed only to check whether the

main/billing meter is recording correctly or otherwise. Therefore the Licensee should have billed the consumer for the month of Oct.2016 on the basis of meter reading of check meter.

- 8) Mr. Sancheti pointed out that the Hon'ble Commission in the case No.52 of 2010 has directed the Licensee to issue the bills on the basis of meter reading at Sub-station end or consumer end whichever is higher in case of levy of voltage surcharge. He lastly submitted that the Licensee be directed to withdraw the energy bill for the month of Oct.2016 which has been issued on the basis of average consumption and further be directed to issue revised bill for the month of Oct.2016 on the basis of reading of check meter excluding DPC & Interest.
- 9) On the other hand Mr. Dilip Bhole, Ex.Engineer, PRC, Pune submitted that The metering kiosk with meter Sr.No. Y0124515 as billing meter & Meter Sr.no. Y0124509 as check meter have installed at the point of supply. On 2.10.2016 Y phase PT of metering kiosk was failed & supply was interrupted. The metering kiosk of the consumer was bypassed on the same day & supply was immediately restored. The consumer was agreed to pay the bill as per rules. The Licensee made assessment for the faulty period on the basis of average consumption for last 12 months. The bill for the month of Oct.2016 for 144694 KWH units for Rs. 13,26,446/- was issued to the consumer. The billing metering kiosk was tested at site by testing division. The testing division submitted its report on 24.10.2016 that Y phase PT was found to be faulty and it needs to be replaced. He further submitted that the assessment made by the Licensee of the faulty meter for the month of Oct.2016 is correct. As per Reg.No.15.4.1 of MERC (Electricity supply code & other conditions of supply) Regulations, 2005, in case of defective/faulty meter assessment is to be made on the basis of average consumption of last 12 months. Accordingly above mentioned assessment of bill is made Mr.Bhole submitted that this Forum in the case of Chitale Bandhu Mithaiwale vide order dated 23.01.2017, in the case of M/s. Premier Seals (India) Pvt. Ltd. vide order dated 4.7.2016 and M/s. Prema

Plastic Allied Industry vide order dated 21.4.2016 has allowed the recovery of disputed period as per Reg.No.15.4.1. Similarly Hon'ble High Court in the case of Rototex Polyester and Another Vs. Administrator, Dept. of Silvasa & Nagar Haveli, (UT) Electricity Department of Silvasa & Others reported in 2010 (4) BCR has held that

"A consumer is under billed due to a clerical mistake of calculation; bar of limitation cannot be raised. Hence, challenge of petitioner is not tenable & Sec 56 (2) of E.A.is not a bar for recovery of due amount buy Respondents"

Therefore Mr.Bhole submitted that the assessment made by the Licensee on the basis of average consumption & bill issued to the consumer for the month of Oct.2016 is just & proper & therefore the grievance application be dismissed.

- 10) Admittedly, the metering kiosk with meter Sr.No.Y0124515 as billing meter & metering kiosk with meter Sr.No.Y0124509 as check meter have been installed at the point of supply of the consumer. On 2nd Oct.2016 the Y phase PT of the metering kiosk of billing meter was failed due to which supply was interrupted. The Licensee bypassed metering kiosk and supply was restored. The Licensee tested the metering kiosk at site by Testing Division in the testing division & found that Y phase PT was to be faulty vide report dated 24.10.2016. The Licensee made assessment on the basis of average consumption for last 12 months as per Reg.No.15.4.1 of MERC (Electricity supply code & other conditions of supply) Regulations, 2005 whereas according to the consumer when billing meter & check meter have installed at the point of supply of the consumer, in case of faulty/defective meter, consumption can easily be captured on the basis of recordings of the check meter. However the Licensee has not considered the reading available in the check meter. The Licensee did not avail effective alternate remedy to capture the correct consumption on the basis of check meter in case of faulty billing meter. Under the circumstances, it

is necessary to take into consideration the relevant provisions of the Act & Regulations.

- 11) 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:

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.

- 12) Reg.No.15.4.1 of MERC (Electricity supply code and other conditions of supply Regulation, 2005, 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.

- 13) The Central Electricity Authority (Installation & Operation of meters) Regulations 2006 has defined main meter and check meter as under :

o) Main Meter's means a meter, which would primarily be used for accounting and billing of electricity.

j) Consumer meter means a meter used for accounting and billing of electricity supplied to the consumer but excluding those consumers covered under Interface Meters.

i) Check Meter means a meter, which shall be connected to the same core of the Current Transformer (CT) and Voltage Transformer (VT) to which main meter is connected and shall be used for accounting and billing of electricity in case of failure of main meter.

14) It is clear that the billing meter and check meter are installed in series at the point of supply of the consumer having same specifications prescribed by the Licensee. The CT/PT units in both the kiosks have identical specifications. On 2.10.2016 Y phase PT of the metering kiosk was failed. The Licensee bypassed the supply. Thereafter issued bill for the month of Oct.2016 as per average basis consumption of last 12 months as per provisions of 15.4.1 of supply code Regulations. The consumer has challenged the said bill. The Central Electricity Authority in Regulations, the Central Electricity Authority (Installation & Operation of meters) Regulations, 2006 has clearly stated that the check meter shall be connected to the same core of current transformer (CT) & voltage transformer (VT) to which main meter is connected & shall be used for accounting and billing of electricity **in case of failure of main meter**. Also both the metering kiosks were having identical features. Accuracy, class & specification as per the Standards on installation & operation of meters given by the Regulations. The main meter/billing meter was faulty due to Y Ph PT failure. Therefore the Licensee should have prepared bill as per recording of check meter. The reading of check meter is available, Reg.No.15.4.1 of Supply Code, 2005 is not applicable when check meter is available and working in good healthy condition. The said Regulation does not provide for check meter. Similarly citations referred to above on behalf of Licensee are not applicable to the present case. Therefore the disputed bill for the month of Oct.2016 for Rs.13,26,446/- issued by the Licensee to the consumer is liable to be set aside. The Licensee is required to issue revised bill on the basis of check meter reading available for the disputed period.

Hence we proceed to pass following order.

ORDER

1. Grievance of the consumer is allowed.
2. The Licensee is to issue revised bill for the disputed period on the basis of reading of check meter.
3. The disputed bill for the month of Oct.2016 for Rs. 13,26, 446/- is hereby set aside.
4. The impugned order dated 18.1.2017 passed by IGRC, PRC is hereby set aside.
5. The Licensee to report compliance within one month from the receipt of this order.

Delivered on: -21.03.2017

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

Sd/-
B.S.Savant
Member/Secretary
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.