

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

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**Case No. CGRF(NZ)/76/2018**

Applicant : M/s. Diwanka Energy Pvt. Ltd.,  
Kh. No. 149,150, Bhandara Road,  
Mouza – Lapka, Tah. - Mouda,  
Dist. - Nagpur.

Non–applicant : Nodal Officer,  
The Superintending Engineer,  
N.R.C., M.S.E.D.C.L.,  
Nagpur.

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Applicant represented by : 1) Shri Vijaykumar Kamanna,  
2) Shri Mukund Mahale,

Non-applicant represented by: 1) Shri R.K. Giri, Exe. Engineer, MSEDCL.  
2) Shri R.G. Hadke, Dy.E.E., MSEDCL.

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Quorum Present : 1) Shri Arvind Jayram Rohee,  
Chairman.  
2) Mrs. V.N.Parihar,  
Member Secretary.

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**ORDER PASSED ON 06.08.2018**

1. The grievance application is filed on 25.06.2018, under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as, said Regulations).
2. Non applicant filed reply on 25.07.2018 and denied the case.
3. Forum heard arguments of both the sides on 30.07.2018 and perused record.

4. Applicant M/s. Diwanka Energy Pvt. Ltd, Kh. No. 149,150, Bhandara Road, Mz – Lapka, Tah – Mouda, Dist. Nagpur, (hereinafter referred to as, the applicant) is HT consumer bearing no 410039013460 situated at Bhandara Road Nagpur, user of electricity with effect from 1.7.2015. Previously they have been sanctioned load of 6925kW with 5100kVA which is now increased to 5300kVA from October-2017 onwards. They are the major consumer of MSEDCL promptly, paying energy bill of 2.00 crores monthly. As per the rules and regulation of MSEDCL they are availing facilities such as, prompt payment, slab wise tariff benefits of TOD meter, power factor load factor incentives etc. They are taking due care for not exceeding the Contract demand as compare to Sanctioned Maximum Demand as per the MERC order no. 48 of 2016, wherein it is clearly stated on page no is 376 & 377 that:-

*“In case the billing demand exceeds the contract demand in any particular month, the load factor incentive will not be payable in that month. (the billing demand definition excludes the demand recorded during the non peak hours i.e. 22 hr to 6 hrs. even if the maximum demand exceeds the contract demand in that duration, the load factor incentive would be applicable. However the consumer would have to pay the panel charges for exceeding the contract demand.”*

For that, they have provided the dynamic load manager for monitoring their system electrical parameters such as kWH/ KVAR/ kV/ line current/KVARH online recorded by various energy meters installed at various breakers of their installation. Depending on available power LM will share

power on priority basis among furnaces. It controls total sanction available and the distribution so as to have maximum utilization of power thereby increasing the load factor. They are having a specialized engineer appointed separately for monitoring these parameters for 24 hours. Therefore in spite of having huge load of 6925kW/5300 kVA they are keeping the load factor to the tune of 92% to 98% and power factor from 0.95 to 0.999 and availing facility of load factor incentive as well as power factor incentive.

5. On 12.03.2017 a testing team visited their premises for testing their energy meter. The meter was found OK and testing team informed them to keep the Harmonic level within limit. But on 23.08.2017, once again a team of MSEDCL testing division arrived in their sub-station for replacement of their energy meter without giving any prior written notice. Even the SDO of MSEDCL who was unaware of replacement of the meter was called by the testing team for arranging shut down without staggering day. As the factory was functioning round the clock, they requested testing team engineer Mrs. Bharti to postpone the replacement programme till the end of the month i.e. upto billing cycle i.e. up to 31<sup>st</sup> August 2017, since their Sr. Engineer Mr. Varma who is well aware of function/ operation of dynamic load manager was out of station for week and it was necessary to synchronized ABT meter and dynamic load manager properly, for controlling the load management parameters so that the Max. Demand should not exceed the sanction contract demand. They requested for meter replacement only in presence of Mr. Varma, but she refused in spite of repeated request and called the SDO Shri Vaidya for shut down. They also requested him not to take shut down on 23<sup>rd</sup>

Aug.2017 who in turn requested Mrs. Bharti for postponement, but it was in vain, and forcibly changed the meter. The behavior of engineers was also arrogant, aggressive and against the consumer. The act of testing division resulted in loss of 2 days production loss, i.e. on 12.08.2017 & 23.08.2017. There was 16 minutes time lagging in between main meter/load manager and check meter as per testing report dated 23.08.2017 at 16.13 hrs to 16.44 hrs. Secondly due to mismanagement of time by load manager and ABT meter the billing MD exceeded the sanctioned contract demand. Due to this fact they have been denied the load factor incentive upto 23<sup>rd</sup> August 2017 and up to 31<sup>st</sup> August 2017(after replacement of meter.).

6. Being VVIP consumer, the MSEDCL officials didn't care for intimating for replacement of Energy Meter as their previous meter was of class 0.5s which was supposed to be replaced by class 0.2s as per MSEDCL Circular no.291 dated 29.06.2017. Being continuous load the /MSEDCL officials should have intimated them in writing about replacement of their energy meter. They have not given any type of written notice, which is against the normal procedure and it resulted in causing national loss. They used to get the load factor incentive from the date of release of our HT connection till July.17 except Aug.2017.

7. The energy meter which is replaced is found 16 minutes lagging behind our load manager as per report given by testing team on the day of replacement of the meter has caused a Max. Demand shoot up on date 26.08.2017 at 8.30 am. The main reason of MD shoot up for the month of August 2017 is mismatch of the timing between replaced meter and dynamic load manager system which is caused due to forcible replacement

of the main energy meter. The SE Nagpur has not considered this fact and intimated them that the bill issued is correct stating that the meter was replaced on 23/08/2017 and MD shoot up occurred on 26.08.2017 at 8.30 am. The SE NRC Nagpur office has denied the actual fact stated for the month August 2017 and non acceptance of these facts leads to rise in the penalty and load factor incentives was not given to them. This loss has occurred due to forcible replacement of the meter in absence of their trained staff and that too without any pre-intimation. Hence due to the meter replacement on 23<sup>rd</sup> Aug.18 they have lost the load incentive benefit of Rs.36,74,105/- (Thirty six Lacks Seventy four thousand one hundred and five) which the company cannot bear. The Superintending Engineer Testing Circle Nagpur stated in his letter no SET/NGP/Tech/358 dated 22.11.2017 that since the applicant's representative has given local shut down and made the load current zero thereby meter replacement was done. But in the opinion of applicant it is not correct as it was made forcefully, and charged that non applicant is against the consumer and is not willing to give any benefit to consumer as per MERC circular. They have submitted on record their last 12 months maximum demand recorded sheet for ready reference to prove that only in the month on August 2017 they could not get benefit of load factor incentive due to unlawful act of non applicant.

They have made several correspondence with all the concerned MSEDCL officials and made humble request that the load factor incentive may please be given in the Energy Bill of August 2017 from 1<sup>st</sup> August 2017 to 23<sup>rd</sup> August 2017 i.e. for 23 days, but nobody favourably considered their request.

As per MSEDCL's working pattern in the month more than one bill can be issued in

the following cases:-

1. When the meter is burnt.
2. When the meter is faulty and replaced.
3. When the CT/PT is burnt etc.

In this case Non-applicant replaced the meter with 0.5s accuracy by 0.2s but are not ready for another bill. While replacing the same their request to replace the meter at the end of cycle also was not considered.

8. Hence Applicant requested for following reliefs:-

A. The Superintending Engineer MSEDCL Nagpur Rural Circle to be directed to calculate the load factor incentive from 1<sup>st</sup> August 2017 and regenerate the separate bill by giving load factor incentive for 23 days only and for balance 7 days another bill as per rule.

B. To direct the MSEDCL (Licensee) to pay Rs.5,00,000/- compensation to the applicant for mental & physical agony and financial loss to our company due to production loss.

C. To direct MSEDCL (Licensee) to pay Rs.1,00,000/- as cost of the application.

9. Applicant filed grievance with IGRC on 07.04.2018. Accordingly matter was heard and IGRC by its order 22.05.2018 stated that as MSEDCL is not concerned with Load Manager installed in consumer's premises and 16 min delay does not cause exceeding of CD as CD is exceeded at 8.30 Hrs on dt.26.08.2017, the cell is of the opinion that grievance application deserves to be dismissed.

10. Aggrieved by this decision of IGRC, Applicant filed his grievance application with this forum for necessary relief.

11. Non-applicant in his written reply has submitted that, M/s. Diwanka Energy Pvt. Ltd, Works at Kh No. 149,150, Bhandara Road, Mz- Lapka, Tah- Mouda, Dist- Nagpur is HT consumer bearing consumer no. 410039013460, having Contract Demand of 5300 KVA on 33 KV Level. As regards to the applicant's allegation that M.D. for the m/o Aug-2017 is shoot up due to meter replacement without any pre-intimation, they have submitted that consumer's old meter was 0.5s class HT TOD meter. As the CD of M/s Diwanka Energy Pvt. Ltd. is above 1 MVA, old 0.5s class meter is replaced by 0.2s class by testing team of MSEDCL for more accuracy, therefore applicant's allegations that meter is forcibly replaced is not correct. Without local shutdown or zero load current, meter cannot be replaced and load current was reduced to zero which is not possible without the consent of consumer. Hence Meter replacement is done forcefully is not accepted to them.

12. They further submitted that Main & Check meter difference is 16 min. applicant's MD was exceeded on 26.08.2017 at 8.30 Hrs in 'B' Shift according to SE TQA report 'A' shift timing is 10.00 Hrs to 06.00 Hrs. The 16 min delay does not affect the load factor penalty due to exceeding of MD, as the 'A' shift timing is upto 6.00 only.

13. It is also mentioned that non applicant is not concerned with the Load Manager installed in Consumer's premises. According to applicant, time difference is caused in the Load Manager & the Meter. As meter was replaced on 23.08.17, applicant should have corrected time of load manager on 23.08.2017 itself. Being their internal matter, it was not the responsibility of Non applicant. Therefore request for bill revision for grant effect of load factor

incentive can not be accepted. Hence, requested Forum, that the grievance application of the applicant may be rejected in the interest of justice.

14. The case was fixed for personal hearing on 30.07.2018. The representative of M/s. Diwanka Energy Pvt. Ltd, Shri. Vijaykumar Kamanna was present during the hearing Shri R.K. Giri, Exe. Engineer, MSEDCL. Shri R.G. Hadke, DyEE(HT), NRC represented the non-applicant.

2. On going through the facts put forth by the both the parties it is observed that the applicant is a HT consumer of MSEDCL bearing consumer No. 410039013460 having a sanctioned demand of 5300 KVA. In this case the non-applicant has replaced the main meter with 0.5s accuracy of the applicant by 0.2s as per guidelines given by their Head office as per commercial circular no.291 dt.29.06.2017. In order to replace the meter it was necessary for non-applicant to take shut down and applicant to bring current to zero jointly. If any of the two would have refused to do their respective job the replacement was not possible. The said joint coordination only makes the meter replacement possible. Even report of replacement of meter is signed by applicant's representative. Had it been forcible replacement, they could have signed under protest. No such thing is placed on record by applicant. Hence as alleged by applicant meter replacement is done forcibly is not correct. In fact to facilitate the said act, the co-operation has been extended by the applicant himself, by reducing load current to zero. The meter was replaced on 23/08/2017. The load manager installed at applicant premises to monitor the electrical parameters is applicant's personal installation. Applicant should have corrected time of load manager on 23.08.2017 itself, as it was not the



responsibility of non applicant. MD was exceeded on 26.08.2017 at 8.30 am, so there was enough time available with applicant to correct the time of Load manager from 23.08.2017 to 26.08.2017. As it is clear that ownership and maintenance of Load manager was solely applicant's responsibility and applicant has failed to take timely action of correcting time of Load manager, he cannot hold non-applicant responsible for his own failure which has resulted in non-monitoring of MD. Secondly for replacement of any meter, load current must be reduced to the zero which is possible only with the consent of consumer. Hence contention that Meter is forcibly replaced cannot be accepted. Secondly Main & Check meter difference is 16 min. Load exceeded on 26.08.2017 at 8.30 Hrs in 'B' Shift according to SE TQA report 'A' shift timing is 22.00 Hrs to 06.00 Hrs. Hence this 16 min delay does not affect the load factor incentive as billing is done on the basis of main meter reading and in the event of failure of main meter, check meter consumption is considered for billing purpose. It is clear that the applicant has exceeded his MD at 8.30 hrs i.e. in "B" shift and as per para 5 of MERCs case no. 48 of 2016.

*"In case the Billing Demand exceeds the Contract Demand in any particular month, the Load Factor Incentive will not be payable in that month. (The Billing Demand definition excludes the demand recorded during the non-peak hours, i.e., 22.00 hrs to 06.00 hrs and, therefore, even if the Maximum Demand exceeds the Contract Demand in that period, Load Factor Incentive would be applicable. However, the consumer would be subject to and shall have to pay the penal charges applicable for exceeding such Contract Demand.)"*. Thus it is clear that incentive is on monthly basis not on day basis

and applicant has exceeded his billing demand in the month of Aug.17 and hence the non applicant is justified in not granting load factor incentive in that month.

Therefore, on verification of the documents on record and considering submissions made by both the parties and in view of the position discussed above the following order is passed.

**ORDER**

- i) The grievance application stands dismissed.
- ii) The order of IGRC is correct and needs no interference.
- iii) No order as to cost.

Sd/-  
**Mrs.V.N.Parihar**  
MEMBER SECRETARY

Sd/-  
**Shri A.J. Rohee**  
Chairman