

CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.
NASHIK ZONE
(Established under the section 42 (5) of the Electricity Act, 2003)

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Consumer Grievance Redressal Forum
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Dwarka, NASHIK 422011

No. / CGRF /Nashik/NUC/N.U.Dn.2/737/68/2018-19/

Date:

(BY R.P.A.D.)

In the matter of Excess Energy Bill.

Date of Submission of the case : 11/01/2019

Date of Decision : 15/02/2019

To.

Shri. Ravindnra Giridhar Amrutkar,
S.No. 62/2/65/1/2+5/1/7/72/1+2,
Behind Satebyte Residency, Ganagapur Road,
Anandwalli, Nashik 422101.
(Hotel Spice Route)
(Consumer No. 049050011096)

Complainant

1. Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Urban Circle office, Vidyut Bhavan ,
Nashik Road.
2. Executive Engineer (U-2)
Maharashtra State Electricity Distribution Com. Ltd.
Jail Road Nashik Road.

Distribution Company

DECISION

Shri. Ravindnra Giridhar Amrutkar, of India Ltd. (hereafter referred as the Complainant). Nashik is the Commercial consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company). The Complainant has submitted grievance against MSEDCL for excess energy bill. The Complainant filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. But as the IGRC did not provide any remedy for more than 2 months, the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at Serial No.11 of 2019 on 11/01/2019.

The Forum in its meeting on 18/01/2019, decided to admit this case for hearing on 01/02/2019 at 12.00 pm in the office of the forum. A notice dated 23/01/2019 to that effect was sent to the appellant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Urban I Circle Office Nashik for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Smt. P. V. Bankar, Nodal Officer / Ex. Engr. Shri. A. G. Pingale, Addl. Ex. Engr. Shri. Vinay D. Kale, Addl. Ex. Engr. represented the Distribution Company during the hearing. Shri. S. D. Sonawane & Shri. S. K. Khaniwale appeared on behalf of the consumer.

Consumers Representation in brief :

1. Ours is commercial connection in the name of Shri. Ravindra Giridhar Amrutkar having consumer No. 049050011096. We are paying bills regularly. We have maintained reputation of being good consumer. This business was started by young entrepreneurs by taking Mudra loan & have maintained good records. Undue action of giving such high supplementary bill by SEDCL can ruin their business without their fault.
2. Flying Squad Nashik (U) has inspected this Commercial Connection No. 049050011096 of Shri. Ravindra Giridhar Amrutkar having commercial category on 14/08/2018.
3. According to Flying Squad Nashik Urban Spot Inspection dated 14/08888/2018 report (Annexure 1) Consumer's CT meter No.MSE 74323 found 40.57% slow with which we disagree. Hence report is not signed by consumer or consumer representative. It is mentioned in report that screw of B Phase CT Screw at meter terminal found loose with which we do not agree.
4. As per panchanama Current in B phase of meter is zero as claimed near to zero. This means that CT secondary is open. If CT secondary is open for almost two years (22 months). CT should either have blasted or burnt. Hence this claim of zero current is wrong technically.
5. The claim of 40.57% meter is not acceptable after observing table (Annexure 2) showing month wise billed units & maximum Demand for this connection for year 2017 & year 2018. After tightening of B Phase screw on 31/08/2018, there is practically no difference in billed units per month & maximum Demand recorded by same meter. (In December 2018 consumption has increased due to "Fish Festival in Hotel for total Month.) Hence the claim that meter was 40.57% is false.
6. In the report it is further mentioned that meter seals are intact, still according to flying squad this is electricity theft case under section 135 of E.A. 2003. If the seals were intact, then how it can be a theft case? This shows that intension of flying squad was improper & want to give unnecessary trouble to the consumer . Or for completing their target of recovery for MSEDCL & charge consumer without any concrete base.
7. Definition of meter is provided under Regulation No. 2.1 (s) of MERC (Standard of performance of Distribution Licensees, period for giving supply & Determination of compensation) Regulations, 2014. It reads as under
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 meter .
8. As per above definition of meter whole current meter, CT, PT, connecting wires, screws, Modern meter box are part of meter of meter. Here CT connecting screw are part of metering equipment.
9. While releasing of new connection or extending load, it is duty of utility to test metering equipments & provide test report. This means that meter was working properly while releasing additional load. This connection is having load more than 20 KW for release of which Sub Divisional Engineer should be present as per MSEDCL norms. As per norms if sub divisional was present while releasing connection, means metering equipment was working properly.
10. At the time of inspection on 14/08/2018 meter seals were intact as per flying squad inspection report. In spot verification report of Add. Executive Engr. Gangapur dated 31/08/2018 (Annexure 3) It is mentioned there was discussion with Addl. Ex. Engr. FS Nashik urban Nashik U AEE has told Gangapur AEE that meter seals were not tampered by consumer. This has been mentioned in Spot Inspection report of AEE FS Nashik Urban dated 14/08/2018 & in our letter to the Superintending Engineer Nashik Dated 12/09/2018 (Annexure 4).
11. At the time of Inspection on 14/08/2018 after opening intact seals, it was found that meter was found slow by 40.57% which we disagree as inspection report is not signed by us & as per report one phase screw was loose. Then it should be 33.33% or less % slow. How it is shown 40.57% slow ? This means that 40.57% slow report is manipulated.
12. Meter reading of this CT meter connection is taken by MSEDCL every month. As per MSEDCL norms Assistant Engineer should take regular meter reading of consumers having load more than 20 KW.

mRI data is recovered while taking meter reading every month in which data of voltage & current is also taken. If the 'B' Phase current was showing to be zero as per MSEDCL for last 22 months. Why it was not informed by MSEDCL to consumer & why necessary action was not taken by MSEDCL either to rectify fault & make recovery ?

13. After inspection on 14/08/2018 Flying Squad Additional Ex. Engineer Nashik U informed to the Additional Executive Engineer Gangapur Sub Division vide Lr No. ADD AE/FS/NSK-U/198 dated 20/08/2018 (Annexure 5) to recover slow meter recovery for 97031 units from date of installation of said meter which is not legal.
14. As per Regulation No. 15.4.1 of the MERC (Electricity Supply Code and other conditions of supply) Regulation, 2005 (Annexure 6) Provides for 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 provision 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.

15. As per provision in 15.4.1 regulation in case of defective meter MSEDCL can recover only three months recovery prior to month of defective subject to furnishing of test report. Hence the recovery of 22 months is against provision of 15.4.1 regulation & therefore illegal.
16. There is clear commercial circular of MSEDCL No. 39 dated 21/07/2006 (Annexure 7) for the same. Last point in circular is
" In case no artificial means/ tampering of meter is observed, the consumer should be billed as per regulation No. 15.4.1 of MERC Electricity Supply Code Regulation 2005"

Here MSEDCL Gangapur sub Division office has not followed MSEDCL own circular. Moreover IGRC Nashik Circle is upholding that stand against MSEDCL commercial Circular & thereby MERC Regulations.

17. We filed complaint to IGRC Nashik on date 28/09/2018 (Annexure 8) giving details. But IGRC Nashik has not considered above points in order dated.
18. In order of same type of case no. 7 of 2017 dated 03/03/2017, CGRF Pune has allowed only three months assessment in similar case of Kailas Parbat Hotel (i) Pune (Annexure 10)
19. Here Addl. Ex. Engr. Gangapur Sub Division has given consumer supplementary bill of Rs. 15,43,123/- vide letter No. Add EE/Gangapur S/dn/Ac/02253 dated 07/09/2018 (Annexure 11) which we disagree in toto due to reasons mentioned above as well as below.

1. Meter is tested before installing.
2. Meter seals are intact & not tampered.
3. Monthly reading is to be taken by MSEDCL Astd. Engr.
4. MRI data is taken every month showing phase currents & voltages.
5. No irregularity observed by MSEDCL from October 2016 to July 2018.
6. Nothing has been intimated to consumer for above said period.

7. Most important point is there no difference in billed units & maximum demand recorded by meter after so called tightening of screw.
8. If one phase current was almost Zero meaning CT Secondary was open for 22 months, CT should have blasted or burnt. Actually CT has not burnt means Zero current claim is false. Hence supplementary Recovery bill of Rs. 15,43,123/- is not payable by consumer to MSEDCL & bill should quashed.

Supplementary bill dated 07/09/2018 proposed by Additional Executive Engineer , Gangapur Sub Division for 97031 units of Rs. 15,43,123/- is baseless & illegal which should be withdrawn immediately .

Arguments from the Distribution Company.

The Distribution Company submitted a letter dated 31/01/2019 from the Nodal Officer, MSEDCL, Urban Circle Office Nashik and other relevant correspondence in this case. The representatives of the Distribution Company stated that:

- The Flying Squad Nashik Urban carried out the spot inspection report of the said consumer vide DVS No.8321 dtd.14/08/2018, mentioning that meter found slow by 40.57 % due to 'B' phase CT Screw at meter terminal found loose.
- Based on MRI data report for the meter No. MSE74323 & CPL of the consumer, the Flying Squad Nashik Urban proposed the assessment for slow meter (other) vide letter No.Add EE/FS/NSKU/198 dtd.20/08/2018.
- SVR of the consumer carried out by The Addl. Ex. Engr, S/D Gangapur on dtd.31/08/2018. In that SVR the reading's of the consumer i.e. KWH, KVAH, RKVAH, KW (MD), KVA (MD), Voltage and Current etc. are taken before and after tightening the 'B' Phase CT Screw at the meter terminal. Before tightening the Screw, the 'B' Phase current indicated by the meter found almost '0' (zero) even after the current was there at 'B' Phase CT incoming terminal and after tightening the 'B' Phase CT Screw at meter terminal, meter found indicating the current of 'B' Phase.
- Based on the assessment proposed by the Flying Squad Nashik Urban, the recovery units bill is prepared through Online Bill revision System. Bill revision copies attached h/w. The supplementary bill for the recovery units is issued to the consumer vide L NO. अति.का.अ./गंगापूर उपविभाग/लेखा/2253 dtd.07/09/2018
- the consumer letter dtd.12/09/2018 is received to subdivision office and in that letter the consumer demanded the documents.
- As per the consumer request, the required documents are issued to the consumer vide L NO. अति.का.अ./गंगापूर उपविभाग/लेखा/2347 dtd.21/09/2018
- The detail facts are submitted regarding the recovery to the IGRC.
- As per the decision of IGRC dt.01/12/2018, Subdivision office issued the letter to the consumer regarding total payment of Nov 2018 energy bill.
- Then Subdivision office issued the legal notices dtd 21/12/2018 & dtd19/01/2019 for recovery of energy bill.
- The consumer registered his complaint with CGRF on dtd 11.01.2019
- In the above complaint point no IV, the consumer mentioned that "As per panchanama Current in B phase of meter is Zero as claimed near to zero. This means that CT secondary is open. If CT secondary is open for almost two years (22 Months), CT should either have blasted or burnt. Hence this claim of zero current is wrong technically."
But, as per the book "Electrical Measurements" by H.L. Saluja of Nirali Prakashan, the technical justification is as below.

"One important precaution that must be observed while using a CT is that its Secondary circuit should never be opened while the primary is carrying current. If the secondary circuit is opened when the primary is still is carrying current, a very high flux density is produced in the core owing

to the absence of “back” ampere–turns due to current in the secondary winding. This high flux density results in a very high inducted voltage in the secondary winding. The insulation of the CT will therefore be over strained in addition to the danger to the operator. The secondary circuit is therefore always shorted through ammeter”. From the above technical justification nobody can say that if the CT secondary is open then CT always blast or burnt

➤ The consumer sanctioned load up to month Sept.2016 was 4.5 KW. The additional load as per consumer demand is released after sanction to the consumer in the month of Oct 2016 by replacing its meter by CT operated Meter and from the month of Oct 2016 it can be observed from CPL that, the sanction load to the consumer is become 25 KW. The month wise consumption from April 2016 to Sept 2016 is as below.

Month	Consumption (Units)
April 2016	9316
May 2016	9281
June 2016	12141
July 2016	8491
Aug 2016	8313
Sept 2016	8353

But after meter replacement (due to load increment i.e. from 4.5 KW to 25 KW), the consumption found reduced from Oct 2016 onwards which is due to meter slowness by 40.57% due to B ph CT Screw at the meter terminal found loose. After tightening B ph Screw on dtd. 31.08.2018, there may be chances that the consumer controlled his consumptions to show that his consumption remains constant even after B ph recording. The consumption pattern of the consumer from Apr 2016 is enclosed for the reference.

Month	Consumption	Remark
Apr-2016	9316	Meter No. 6574696
May-2016	9281	Meter No. 6574696
Jun-2016	12141	Meter No. 6574696
Jul-2016	8491	Meter No. 6574696
Aug-2016	8313	Meter No. 6574696
Sept-2016	8353	Meter No. 6574696
Oct-2016	5588	Meter No. MSE74323
Nov-2016	6568	Meter No. MSE74323
Dec-2016	5207	Meter No. MSE74323
Jan-2017	6001	Meter No. MSE74323
Feb-2017	5828	Meter No. MSE74323
Mar-2017	6778	Meter No. MSE74323
April-2017	8508	Meter No. MSE74323
May-2017	8687	Meter No. MSE74323
Jun-2017	7753	Meter No. MSE74323
Jul-2017	5651	Meter No. MSE74323
Aug-2017	5994	Meter No. MSE74323
Sept-2017	6982	Meter No. MSE74323
Oct-2017	6398	Meter No. MSE74323
Nov-2017	5739	Meter No. MSE74323

Dec-2017	5387	Meter No. MSE74323
Jan-2018	4903	Meter No. MSE74323
Feb-2018	5072	Meter No. MSE74323
Mar-2018	7959	Meter No. MSE74323
April-2018	5388	Meter No. MSE74323
May-2018	7478	Meter No. MSE74323
Jun-2018	6802	Meter No. MSE74323
Jul-2018	5345	Meter No. MSE74323
Aug-2018	8141	Meter No. MSE74323
Sept-2018	6371	Meter No. MSE74323
Oct-2018	6675	Meter No. MSE74323
Nov-2018	6314	Meter No. MSE74323
Dec-2018	6514	Meter No. MSE74323

➤ Up to 15 KW, MSEDCL is providing whole current meter for measuring the consumption of the consumer. From 15 KW onwards, the meter provided to the consumer is CT operated meter which includes meter and CT. In this case the CT of the meter is Plug in type and meter is inserted in the pins of the CT at meter terminal and tight with Screw manually. Here the CT and meter combinely forms metering system to the consumer. Both meter and CT are found intact and OK, but meter recorded units found slow by 40.57 % only due to B ph CT screw loose as meter terminals. So we cannot say the meter is faulty. Hence we cannot apply the provision in 15.4.1 regulation for the assessment of units.

➤ % slowness of the meter is given by Flying Squad NSK-U is 40.57 % and assessed units are calculated based on that. When consumer load is balanced and if One Phase recording is missing, then we can say the % of slowness may be 33.33%. But in this case, the load of consumer is unbalanced as per SVR done by AEE SDO Gangapur dtd.31/08/2018, hence the % of slowness is based on loading position of missing phase at that instant.

Considering the above facts, the bill issued to the consumer for the period Oct 2016 to July 2018 is for the Rs. 15,43,123/- (In Words :- Fifteen Lakhs Fourty Three Thousand One Hundred Twenty Three only) which is Correct.

The CGRF Bhandup Zone order in case No. 16/2017 (Shri. Ahmed M. Hussain Vs MSEDCL) is hereby attached for giving reference in r/o the meter & issued bill is correct.

Order para run as....

" To my view the additional plain recovery assessment which is made properly by calculating unit giving benefit of TOD charges the said total charges to be recover and no error was found in calculation. The issue as already decided by Hon`ble Ombudsman in case and confirm by Hon`ble High Court Bombay that when „Y` Phase terminals missing recording unit but other terminal showing the actual consumption recorded then it is not the fact of defective meter and as such benefit under 15.4 cannot be given . While going to the said observation I come to conclusion in this case also „Y` phase terminals not recorded proper unit. Consistently from 07.01.2017 and therefore calculation of less recorded consumption of 33.08% slow is properly and consumer is liable to pay the additional unit charges accordingly. I come to conclusion detective meter status benefit cannot be available to this consumer in view of earlier finding recorded by competent Higher Authority. Therefore this consumer complaint this not exceptional give such benefit. Hence I am not inclined to any benefit to consumer. Therefore consumer is liable to pay the plain recovery of arrears bills issued to the consumer for amounting Rs.1, 71,050/- in equal six monthly instalments instead of three as period is more than six months".

Also the Electricity Ombudsman, Mumbai representation no.6 of 2018 order dtd.18/06/2018 & representation no. 28 order dtd.14/05/2018, is enclosed herewith.

Hence, from the above, it is requested that grievance case filed by the consumer may please be rejected.

Action by IGRC :

1. The complainant has submitted grievance to the Internal Grievance Redressal Cell Nashik Urban Circle on 27/09/2018 .
2. After hearing both the parties IGRC gave decision as per letter dated 01/12/2018 as under .
 1. Flying squad Nashik Urban carried out the spot inspection report of said consumer vide DVS NO. 08321 dtd. 14/08/2018, mentioned that meter found slow by 45.57% due to B phase CT screw at meter terminal found loose.
 2. As per MRI data report for the meter No. MSE 74323 'B' phase current not recorded from Oct. 16, because 'B' phase CT screw loose from month of Oct. 16 .
 3. As per SVR dt. 31/08/2018 done by Addl. EE S/Dn. Gangapur, the readings of the consumer i.e. KWH, KVAH, RKVAH, KW (MD), KVA(MD), voltage and current etc. taken before and after tightening the 'B' phase CT screw at the meter terminal. Before the tightening the screw, "B" phase current indicated by the meter found almost zero (0) even after the current was there at "B" phase CT incoming terminal and after tightening the "B" phase CT screw at meter terminal, meter found indicating the current of "B" phase.
 4. Considering the above facts, assessment proposed from the month of Oct.16 to July 18 is correct.

Observations by the Forum:

On heard both parties during hearing it is observed by the forum that the connection to petitioners hotel was given in Oct 2016 with C.T. operated meter and the metering cabinet of C.T. operated meter is being sealed by testing unit and the same seal was found intact as noted by Addl. Ex. Engineer Flying Squad Nashik during his visit to above premises. It is also brought to the notice of the forum that meter was recording 40.57% less as the screw 'B' Phase C.T. secondary Screw was loose. After tightening 'B' Phase C.T. secondary screw the currents were observed in 'B' phase C.T. secondary which was showing near to Zero before tightening.

In fact the consumer being L.T., C.T. operated having load more than 20 KW, it is a customary that readings of such consumer should be taken and analyzed every month by concerned Engineer of Dist. Co. for which separate post is being created.

So after a period of almost 22 months a Flying Squad staff visits the consumers premises and point out that 'B' phase C.T. secondary is not showing currents and investigates the matter & proposes recovery from date of connection. Which is against the provision of regulation 15.4.1 of the MERC (Electricity Supply Code and Other Condition of supply) Regulation 2005.

The Regulation 15.4.1 clearly specifies that in case defective meter the amount of the consumers bill should 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 alongwith the assessed bill.

After considering the representation submitted by the consumer, comments and arguments by the Distribution Licensee, all other records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum for implementation:

ORDER

1. Bill raised from Oct. 16 to 14/08/2018 is quashed & set aside.
2. The supplementary bill be raised for last three months from the date of inspection by Flying Squad as per Regulation 15.4.1 of MERC (Electricity Supply Code & other Condition Of Supply) Regulation, 2005.
3. The Consumer be given sufficient time to pay supplementary bill.
4. The stay granted for disconnection is withdrawn.

5. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within the time frame stipulated and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum within one month from the date of this order.
6. As per regulation 22 of the above mentioned regulations, non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings *suo motu* or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.
7. If aggrieved by the non-redressal of his Grievance by the Forum, the Complainant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

(Smt. Vaishali V. Deole)
Member

(Prasad P. Bicchal)
Member Secretary

(Dr. Bhaskar G. Palwe)
Chairman

Consumer Grievance Redressal Forum Nashik Zone

Copy for information and necessary action to:

- 1 Chief Engineer, Nashik Zone, Maharashtra State Electricity Distribution Company Ltd., Vidyut Bhavan, Nashik Road 422101 (For Ex.Engr.(Admn))
- 2 Chief Engineer, Nashik Zone, Maharashtra State Electricity Distribution Company Ltd., Vidyut Bhavan, Nashik Road 422101 (For P.R.O)
- 3 Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd., Urban Circle office, Nashik.

