

PHONE NO. : 25664314/25664316  
FAX NO. 26470953  
Email: [cgrfbhandupz@gmail.com](mailto:cgrfbhandupz@gmail.com)  
Website: [www.mahadiscom.in](http://www.mahadiscom.in)

Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg,Bhandup (W),  
Mumbai – 400078.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/297/0089      Date: 21.05.2019

**Hearing Date: 30/04/2019**

**CASE NO.297/2018**

**In the case of CT saturated**

**M/s Satramdas Gases Pvt Lts**  
**Plot No R-56,MIDC,Rable,**  
**Navi Mumbai-400701**

. . . . (Hereinafter referred as applicant)

**Versus**

**Maharashtra State Electricity Distribution Company Limited**  
**through its Nodal Officer,**  
**Vashi Circle, Vashi**

. . . . (Hereinafter referred as Respondent)

**Appearance**

For Consumer:- Mr.Vijaykumar A. Kamanna, Consumer Representative  
Mr.Mukund Mahale

For Respondent: - Shri. D.B. Pawar the Executive Engineer, Vashi circle Vashi.

[Coram- Dr. Santoshkumar Jaiswal - Chairperson, Dr. R.S.Avhad -Member Secretary  
and Sharmila Rande - Member (CPO)].

1. Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission'.
2. The applicant filed application for interim relief for disconnection of electrical supply as notice serviced on date 19.03.2019 for nonpayment of supplementary bill & withdrawal of supplementary.
3. The applicant submits, they are having a business of essential industry medical and life saving gases in the name of M/s Satramdas Gases Pvt Ltd located at Plot No R-56. MIDC, Rabale, Navi Mumbai bearing H.T consumer no 000119026040 with CL 280 KW & CD- 230 KVA (previously the CD was 120KVA & CL was 113KW).
4. The applicants further submits respondent never told them the in correctness of current transformer and meter is recording 19.26% slow as per the testing

report submitted to the circle office on date 20.07.2015. and never issued any test report .They communicate the same directly to the superintending Engineer Vashi and conveyed that the Y phase CT seems to be saturated and meter is recording slow by 19.26%.

5. Further submits as per clause no 14.4.3 the distribution Licensee should provide a copy of meter test report to the consumer within a period of two months from the date of testing of the meter. The annual testing of the meter is done every year but testing team not provided us for slowness of the meter. If it is so, it is duty of MSEDCL to replace the faulty metering. The applicant also submitted that the disputed meter was defective, Regulation 15.4.1 of the Electricity Supply Code Regulations which deals with billing issues in case of defective meters, stipulate

#### 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 a defective meter, the amount of the consumer's 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 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 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

They should have assessed for a maximum period of 3 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. But the respondent has not done in 2015. The cause of action date is 20.07.2015 when testing team came to know the meter is working slowly by 19.26 less energy consumption, No MRI and test report given to us. They respondent suddenly issued a bill of Rs 28,48,710/- in the month of July 2018 and vide letter no SDGPL/2018-2019/211 dated 16.08.2018 they have informed that the bill is not acceptable to them.

6. The applicant further submit they have received a disconnection notice under 56(1) dated 28.08.2018 mentioning to pay arrears of Rs 2226192.06/- Further submits as per 56(2) "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 become 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."
  
7. Further submits, the testing teams of MSEDCL vashi detected the fault in meter as per their say and MRI report. The MRI of meter taken every month by MSEDCL officers but such type of less recording not detected by them. Also the recovery proposed in the electricity bill of July 2018 1.e after lapses of 3 years. Any recovery can be demanded or imposed before 2 years from the date of

cause of action. Moreover, the respondent sanction additional HTPS up to CD of 230KVA & CL 230 KW vide load sanction letter no SE/VC/HT/Addl/CD/V-Airoli/Sdn/12760104/2018-2019/U)2540 dated 09.04.2018. They have paid the total amount for releasing additional Load and accordingly as per sanction letter they additional Contract Demand is released on 27.04.2018 the applicant prayed to withdraw the additional outstanding supplementary bill amount of Rs 2262097.06 in the bill of July 2018,as it is time barred recovery .

8. The notice issued to the respondent to submit parawiase reply and to appear before the Forum. In reply dated 30/04/2019 the respondent submits that M/s Satramdas Gases Pvt.Ltd. is 22 KV HT consumer bearing consumer No. 000119026040 located at Plot No. R-56, TTC MIDC Rabale, Navi Mumbai, having Contract Demand & Connected Load up to extent of 230 KVA & 280 KW having date of connection as 02.11.2002 (as per energy bill). During annual load test of energy meter carried out by Testing Engineers on Dtd. 28.04.2016 in presence of consumer's representative, it was noticed that the LT side Y-phase current didn't tally with HT side Y-phase current and the same has been informed by the Executive Engineer Testing Division to the Vashi Circle office vide letter no. EET/Vashi/Tech/C-854/ 1265; Dtd. 05/05/2016 and further requested to arrange outage for CTPT testing. Prior to this, while earlier annual load test on dtd. 25.05.2015, there were no abnormalities reported. However as the outage couldn't arrange and hence CTPT couldn't tested. It was again during next year annual load test of energy meter in presence of consumer's representative on Dtd. 18.04.2017 when the same thing noticed as mentioned above and also noticed 'Y' phase CT current is low hence vide letter no. EET/Vashi/Tech/C-

854/Conf-023 ; Dtd. 15/05/2017, Executive Engineer Testing Division informed regarding CT saturated and for arranging outage for CTPT testing, Accordingly the Superintending Engineer Vashi Circle vide letter no. SE/VC/Confidential-290; Dtd. 25/05/2017 directed to the Executive Engineer Vashi O&M Division to arrange outage for carrying out testing of CTs and PTs by Testing Division and for replacement of faulty unit as well as for proposing assessment.

9. The respondent further submits that the CT injection test carried out in the presence of consumer's representative on dtd. 02.06.2017. The Executive Engineer Testing Division vide letter no. EET/Vashi/Tech/C-854/ Conf-042; Dtd. 06/07/2017 submitted the findings and informed that the 'Y' phase CT is saturated as per testing results as below:-

Primary Current (Amp)	'R' Phase Sec Current (Amp)	'Y' Phase Sec Current (Amp)	'B' Phase Sec Current (Amp)
3 Amp	1.16 Amp	0.42 Amp	1.08 Amp
6 Amp	1.85 Amp	0.86 Amp	2.00 Amp
9 Amp	2.99 Amp	1.28 Amp	3.04 Amp
12 Amp	4.06 Amp	1.71 Amp	4.13 Amp
15 Amp	4.97 Amp	2.04 Amp	4.74 Amp

10. Further informed that 'Y' phase current found low since 20.07.2015 as per MRI analysis and hence requested to carry out necessary assessment and arrange to replace faulty 'Y' phase CT.

11. Further submits, as per test report informed by the Executive Engineer Testing Dn-Vashi, it is evaluated that, due to CT Error, Energy Meter was recording 19.26% less Energy consumption than actual, i.e recording only 80.74% of actual consumption since 20/07/2015 (As per MRI data). The faulty 'Y' phase CT later was replaced on 08/12/2017 in the presence of consumer's representative and reported by the Executive Engineer Testing division vide letter no. EET/Vashi/Tech/C-854/ 033; Dtd. 02/01/2018. As the CT error adjustment units were not levied to consumers in subsequent energy bill, hence assessment was prepared as per office note dtd. 09.08.2018, however, instead of period from 20.07.2015 to 08.12.2017, the said assessment was wrongly prepared for the period from 20.07.2015 to 27.04.2018 for 271006 KWh, 274376 KVAh and 26300 RKVAh and total assessment units as above levied to consumer in the bill of July-2018. The consumer vide letter dtd. 16/08/2018 objected for the said assessment units and also send legal notice from their Advocate Nitesh K. Singh on Dtd. 20/08/2018. The consumer didn't pay the full bill amount since then and did follow-up for withdrawal of above assessment and issuing revised bill. This office vide letter no. SE/VC/T/Vashi/A-069/2018-19/6005; Dtd. 28.09.2018 informed to the consumer regarding the saturated 'Y' phase CT due to which energy meter recording 19.25% less energy consumption than actual consumption and the period of assessment since 20.07.2015. The said assessment case again studied and revised for the period 20.07.2015 to 08.12.2017 as per office note dated 28.12.2018 duly approved by the competent authority for assessed units of 204506 KWh units against earlier wrongly charged 271006 KWh units. The revised assessed units of 204506

KWh units were bifurcated monthly for calculating energy charges. Also unbilled Demand charges were calculated. The resultant refund of Rs. 4,62,585/- has been credited in the energy bill for the month of Jan-2019 by showing Cr. Adjustment of Rs. 6,77,298/- and Debit bill adjustment of Rs. 2,14,712/- .

12.The Respondent further submitted Vide letter no. SE/VC/ HTB/1238; Dtd. 21.02.2019, it was conveyed to consumer regarding the revised assessment and resultant refund credited in the bill of Jan-2019 along with working sheet of assessed amount and further requested to pay all dues outstanding as per energy bill of Jan-2019 amounting Rs. 16,70,124/- on or before 26th Feb-2019. However, due to non-payment of energy bill as above, 15 days NOTICE dtd. 27.02.2019 and again on dtd. 19.03.2019 has been served to consumer under Section 56 (1) of Electricity Act 2003.

The respondent prayed to dismiss the present grievance application filed by the Complainant. Hold the acts of the Respondent as just and in accordance with law & allow MSEDCL to recover Assessment Units charged to consumer for CT Error.

**Observation.**

13.I have heard both parties and perused the documents on record. I gone through the documents submitted by the respondent the testing team of the respondent visited the premises of the applicant on 2/06/2017 and in their report they mentioned in the remarks CTPT unit tested for polarity & ration



Test result obtained 'Y' Phase CT Found saturated and informed to replace the faulty unit and the same was changed on 08/12/2017 .I also gone through the Executive Engineer Testing letter dated 5 July 2017 revealed that he had informed the superintending Engineer Vashi , vide letter EET/Vashi/Tech/C-854 /No 126 Dated 5 May 2016 that 'Y' phase low current and HT-LT current mismatch but no corrective action taken by the respondent.

14.The Respondent issued bill in month of July 2018 amounting Rs 28,48,700/- of units 3,39,933 units after adjustment of 2,71,006 units which was disputed by the applicant than again they revised the bill for the period 20/07/2015 to 8/12/2017 which is also disputed by the applicant . The respondent submission is that the meter 'Y' phase CT (current transformed) of meter installation was saturated for above period. On the other hand the applicant contention is that meter was faulty as CT is part of the meter. Therefore he applicable to pay only three months as per regulation 15.4.1. I found from the record the 'Y' phase C T of the applicant meter installation Changed but not the applicant meter was changed therefore the contention of the applicant is not justified . I also gone through MRI report of the meter with our technical member it revealed that 'Y' Phase CT saturated from 21.07.2015 meter recorded less consumption on one phase of meter. Therefore this is case of slowness of meter and testing report shows meter recorded 19.26% less energy.

15.I am surprised to note that Executive Engineer (T) informed responsible O & M official in May 2016 that 'Y' Phase low current and HT-LT current mismatch but

no action taken. It is noted that the Faulty C T of consumer changed after long period on 08/12/2017 i.e lapse of 17 months which is not fault of the applicant. It is duty of the respondent official to take the correct measures and issue correct bill to the applicant but they failed to perform their duties. It's also noted that when CT replaced and informed by the Executive Engineer (T) but) O & M department added the bill in July 2018.

16.I noted that the respondent after adjustment of 2,71,006/- units for period 20/07/2015 to 27/04/2018 issued to the applicant in month of July 2018 and again revised to period 20/07/2015 to 08/12/2017. Here is question whether the respondent is entitle to raise the bill from 20/07/2015 in July 2018 when additional unit bill issued to the applicant under the provision of 56(2) on which applicant relied?

17.I gone through the legal provision of 56(2) on which applicant relied which read as 56(2) *"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 become 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."* also Municipal Corporation of Delhi ,AIR 1987 Delhi 219, where the Dehli High court was considering the Expression 'due' appearing in section 24 of the Electricity Act 2003. The Delhi High Court Observed that if the word "due' is to mean consumption of electricity, it would means that electricity charges would become due and

payable the moment electricity consumed and if charges in respect thereof are not paid then even without a bill being issued, a notice of disconnection would be liable to issued under section 24, which could not have been intention of the legislature. The Dehli High Court observed that the word 'due' in the context would mean due and payable after a valid bill has been sent to consumer.

18. In view of above provisions , I am in opinion that when the bill raised in July 2018 of additional units for slowness of meter the respondent cannot recovered from consumer beyond two years when such due becomes due first i.e. In July 2018 and it is not fault on the side of consumer it deficiency in the side of utility official . It is duty of the Respondent to issue correct billing to the applicant/Consumer. Every consumer has no time to litigate against the Opponent who has a monopoly in the business of supply of electricity. In this case as the time limit has been provided for the recovery of the arrears up to two years the consumer could survive, otherwise he had no other option but to close his business which is the only source for him to earn his bread. Every employee of the Company, therefore, is expected to be diligent in performing his duty of issuing electricity bill so that neither Company should be put to any loss nor the consumer be put to any inconvenience or suffer an agony. In the view of above, the respondent is entitling only for 24 months prior to the first time bill issued of after adjustment of less recorded units. The respondent is entitle to recover less consumption recorded by meter only prior to 24 months when such

amount raised in bill i.e July 2018 excluding the period to which they charged . Hence, I proceed to pass following order.

ORDER

1. The applicant application 297/208 is hereby partly allowed.
2. The respondent is entitle to recover less consumption recorded units by meter from August 2016 to December 2017 in six installement without interest and Delay Payment charges along with current bill.
3. Respondent Utility may take action on all concerned officers responsible for not taken corrective measures within time and not issuing correct reading monthly bill for such long period.
4. No order as to the cost.

Both parties should be informed accordingly

Respondent Utility to report compliance within 60 days from the receipt of this order.

**I Agree/Disagree**

**MRS. SHARMILA RANADE,  
MEMBER  
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL  
CHAIRPERSON  
CGRF, BHANDUP**

**Member Secretary, (R.S Avhad),**

I have gone through the above reasoning and my opinion in this matter is differing Point wise clarification is given as below

1. The respondent testing team visited the premises of the applicant on 2/06/2017 and in their report they mentioned in the remarks CTPT unit tested for polarity & ration Test result obtained 'Y' Phase CT Found saturated and informed to replace the faulty unit and the same was

changed on 08/12/2017, In inspection it is observed that the 'Y' phase current missing & the meter found -19.26% slow.

2. The MRI data of said meter retrieved and report shows 'Y' phase shows less current 0.2 A. The meter itself cannot term as faulty only the electric current input feed to the meter missing, causing a reduction in recording. Therefore Licensee made assessment of less recorded unit for the period 20/07/2015 to 08/12/2017.

Hence, the supplementary bill issued to the above consumer is correct & it is to be recovered. The necessary installments for the payment of supplementary bill amount to the consumers shall be given as per MSEDCL Rules & Regulations without interest & DPC."

**RAVINDRA S. AVHAD**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

**Note:**

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address. " Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission ( consumer Redressed Forum and Ombudsman) Regulation 2003" at the following address:-

"Maharashtra Electricity Regulatory Commission, 13<sup>th</sup> floor, world Trade Center, Cuffe Parade, Colaba, Mumbai 05"

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.