



ELECTRICITY OMBUDSMAN

BEFORE THE ELECTRICITY OMBUDSMAN

(Appointed by the Maharashtra Electricity Regulatory Commission under Section 42(6) of the Electricity Act, 2003)

606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051
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REPRESENTATION NO. 17 OF 2006

In the matter of assessment in case of Y phase PT voltage off

Rathod Metal Rolling Mills Appellant
Plot no. 14/17, Gultekdi, Pune – 411037.

Versus

, Executive Engineer..... Respondent
Maharashtra State Electricity Dist.Co,Ltd.
Padmavati Division, Pune – 411011.

Present :

1. Shri. W.G.Gorde, Electricity Ombudsman
2. Shri. S.N.Yadwad, Secretary

On Behalf of the Appellant :

1. Shri. A.K.Vaidya, Representative
2. Shri. V.G.Vaze

On behalf of the Respondent

1. N.K. Karande E.E. (testing)
2. G.G. Chavan E.E. Padmavati Division
3. D.B. Karvekar J.E. (testing)

ORDER

Dated : - 13th June 2006.

1) M/s Rathod Metal Rolling Mills (hereinafter referred to as the Appellant) is a high tension consumer of electricity supplied by the Maharashtra State Electricity Distribution Co. Ltd (hereinafter referred to as the Respondent).The Appellant has filed this representation on 28th April, 2006 against the order of the Consumer Grievance Redressal Forum, Pune issued on 5th April, 2006. The Appellant has stated its case as under:

2) During the rainfall on 11th May, 2005 the metering cubicle, which was fixed on the wall gave way, got tilted and kept hanging which was informed to the complaint center of the Respondent. The hanging cubicle was refixed in its original position giving additional support. At the time of refixing, the cubicle was not opened. It was sealed throughout. During his visit on 31st August, 2005, the Assistant Engineer (testing) of the Respondent got

suspicious about the Y phase PT wire getting disconnected. Therefore joint inspection was made in presence of the Executive Engineer (testing) on 13th September, 2005.

3) The Appellant has taken exception to certain observations made by the Forum in its order. The Forum observed that the cubicle was damaged and fallen, Y phase PT wire was cut and this was informed by the consumer to the Respondent and that, the meter was tampered by the consumer. The Appellant says these observations are totally baseless and ill founded. There was a delay on the part of the Respondent to reconnect the Y phase PT wire causing extra bill to the consumer. The Forum observed that the matter was highly technical and therefore suggested to have demonstration to show energy consumption when Y phase PT wire is connected and disconnected. The Appellant adds that the result of the demonstration was binding on both parties.

4) Accordingly, the demonstration was conducted on 18th March 2006 when both parties as well as the representative of the manufacturer of the meter were present on the site. It was observed that the meter was functioning correct with the Y phase PT wire connected. However the test conducted showed that the meter recorded 32.16% less consumption when Y phase wire was disconnected. Earlier the Respondent has charged the Appellant on the assumption that the meter records only 50% of energy when Y phase wire is disconnected,

5) The Appellant expected that the Consumer Grievance Redressal Forum would order the Respondent to charge the consumer on the basis that the meter recorded 32.16% less. However the forum erred in upholding the decision of the Respondent charging on the basis of its assumption that the meter recorded only 50% of energy. The Appellant also objected to levy of Rs. 10000/- as the cost of demonstration on the Appellant.

6) The test result obtained during the demonstration carried out on 18th March, 2006 in presence of the members of the Forum are different from those carried out by the Respondent earlier on 31st August, 2005 and 25th October, 2005. In view of this the Appellant prayed in its representation for the following relief's:-

- i) The order of the forum be set aside.
- ii) Fresh third party testing may be allowed if required.
- iii) Excess bill payment made under protest be refunded.
- iv) Demonstration charges of Rs. 10000/- be waived.
- v) Compensation of Rs, 25000/- be awarded for harassment and mental agony.

7) Notice was issued to the Respondent on 2/5/2006 to file its reply to the points raised in the representation. The Respondent filed its written statement of defence on 24th May, 2006. It states that on 26th May, 2005, a Junior Engineer visited the Appellants premises for taking monthly meter reading and observed that Y phase PT wire was cut. Thereafter MRI data of the meter was retrieved and noticed that the Y phase supply was missing from 11th May 2005. Joint inspection was carried out on 13th September, 2005 to confirm that Y phase PT wire was cut and the consumer gave an undertaking to pay assessment amount. Tests were carried on 31st August, 2005 and 25th October, 2005, which revealed that the meter was recording 50% less. Assessment of energy consumption was carried out assuming that the meter recorded 50% of MD and energy supplied and a supplementary bill of Rs. 261504.22 was accordingly issued on 24th September, 2005. This was paid by the Appellant. The Respondent then normalized the connection on 25th October, 2005 by giving

a joint to the Y phase PT wire. The Appellant then filed its grievance before the Consumer Grievance Redressal Forum, Pune.

8) The Respondent further adds that the demonstration carried out on 18th March, 2006 in presence of the Appellant and the members of the Forum, clearly reveals that there would be reduction in the recording of energy units by the meter when the Y phase PT wire is removed. The MRI data also revealed that Y phase PT was missing since 11th May, 2005. There was no merit in the contention of the Appellant that removal of Y phase PT wire will not have any effect on the recording the energy consumption. In the circumstances the Respondent has pleaded that The Forum has considered this matter and decided the case. In view of this, there is no merit in the Appeal, and the same may be dismissed.

9) The matter was heard on 12th June 2006. The Appellant reiterated the sequence of events that led to the increased assessment of bill due to missing Y phase PT voltage. The test was carried out on 25th October, 2005 for 30 minutes when the power factor was 0.309 and load of 116.6 KVA to arrive at the theoretically calculated consumption units as 18.01 KWH. He uses electricity for aluminum rolling industry where the load is highly fluctuating. The testing engineers erred in ignoring the fact that the load factor during the 30 minutes test, is generally between 0.6 to 0.7. The theoretical units calculated as 18.01 KWH is therefore erroneous. It should be around 12.0 KWH. Actual units recorded by the meter during the test are 8.0 KWH and hence the meter recorded only 66% (i.e. 33% slow) when the Y phase PT wire is missing. The demonstration carried out on 18th March, 2006 is in consonance with this argument.

10) The Respondents conceded during the hearing that, standard meter and testing kits were not used during the test conducted on 25th October, 2005. Units were calculated theoretically on the basis of visually observed load, power factor and the time duration on the watch. Theoretical units thus calculated were 18.01 KWH while the meter recorded 8 KWH i. e. 44.44% with Y phase PT disconnected. It was therefore assumed that the meter records only 50% of energy when Y phase PT is disconnected.

11) The Respondent during the hearing mentioned that the Y phase PT wire was apparently cut which would amount to an act of tampering. He had, however, no explanation as to why any action was not taken by them for this alleged act of tampering if it was so. In absence of plausible clarification, such mention would remain an allegation only and does not form part of the representation. In any case, this issue was not agitated before the forum and was not pursued further during the hearing.

12) Documents on record and proceeding during the hearing clearly show that Y phase PT voltage to the meter was missing from 11th May, 2005 to 25th October, 2005. The Respondent raised assessment bill on the basis of visual observation of the fluctuating load, power factor and time duration on 13th September, 2005 and 25th October, 2005 and on assuming that the meter records 50% of energy. The tests on both these occasions were carried out without using any standard meter or testing kit. Moreover the assessment was made on the approximate basis which led to assume that the consumer's meter records only 50% of the actual consumption when the Y phase PT wire was missing. Supplementary bill was raised on this wrong basis which the Appellant was made to pay. The Respondent did not put forth any reason as to why the meter was not tested in the laboratory or at the site with standard meter and testing equipments for determination of bill payable by the consumer.

13) Demonstration was conducted on 18th March, 2006 using standard testing kit (zera) in presence of the Appellant, members of the Forum and representative of the meter manufacturer which shows that the meter is 32.16% slow (i.e. records 67.84%) when Y phase PT voltages is missing. The Respondents did not produce any evidence to show that there was any error in the result of tests carried out on 18th March, 2006. Therefore, the request made by the Respondent orally during the hearing for yet another fresh test has no substance and is therefore rejected. The Forum has not reasoned out why it decided to allow the Respondent to make assessment of consumption assuming the meter slow by 50% by relying on the Respondent's earlier test result when it witnessed the test itself on 18th March, 2006 which shows the meter slow by 32.16%.

14) The analysis of the facts and documents as above, leads me to conclude that it will be just and fair to carry out the assessment of MD and energy consumption on the basis of the results of test conducted during the demonstration on 18th March, 2006 and revise the bills for the period between 11th May, 2005 to 25th October, 2005 on the basis that the meter recorded 32.16% less. The order of Consumer Grievance Redressal Forum to this extent is liable to be and is hereby set aside. The Respondents shall refund the excess amount charged and collected by giving credit to the Appellant in the ensuing bills.

15) As regards levy of Rs. 10000/- towards cost of the test/demonstration carried out by the Respondent, there is no basis for this levy, nor it is in accordance with any Regulation in this behalf. Therefore, it will not be fair to impose this cost of testing / demonstration on the Appellant. The charging of Rs. 10000/- on the Appellant is therefore illegal and cannot be allowed. The order of the Forum in this behalf is therefore liable to be and is hereby set aside.

16) The Appellant has prayed for compensation of Rs. 25000/- for the harassment, mental agony etc. caused by the officials of the Respondent. However it appears that prayer seeking the monetary compensation was never made with the Forum. Therefore the same cannot be allowed to be raised at this stage during Appeal. Moreover there is no case made out by the Appellant that the Respondent's officials caused him any harassment whatsoever. Therefore there is no substance in the prayer seeking compensation. The same is hereby rejected.

17) The Representation is disposed off with the directions as elaborated in the proceeding paragraphs. Compliance of the order shall be intimated within 30 days from date of issue of this order.

Sd/
(W.G.Gorde)
Ombudsman

Sd/
(S.N.Yadwad)
Secretary