

**Before the  
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
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**Case No. 57 of 2010**

**In the matter of  
Complaint filed by M/s Vipras Castings Ltd against MSEDCL under Section 142 of  
Electricity Act, 2003, alleging non-compliance of the Order dated 07.04.2010  
passed by the CGRF Kalyan Zone.**

**Shri V. P. Raja, Chairman  
Shri Vijay. L. Sonavane, Member**

M/s. Vipras Castings Ltd. ..... Complainant

V/s

Maharashtra State Electricity Distribution Co. Ltd., .....Opponent  
Through its Superintending Engineer, Pen, Circle

**ORDER**

**18<sup>th</sup> November, 2010**

M/s Vipras Castings Ltd., the Complainant, has submitted a complaint before the Commission on June 30, 2010 against Maharashtra State Electricity Distribution Company Ltd. ("MSEDCL"), the Opponent, under Section 142 of the Electricity Act, 2003 ("EA 2003") alleging non-compliance of the Order dated 07.04.2010 passed by the CGRF, Kalyan Zone. The complaint is in regard to excessive bill raised by the Opponent, based on the incorrect readings recorded by the meter and assessment of same by the Opponent.



2. The prayers of the Complainant are as follows:

*“That the Hon’ble Commission may please to direct the MSEDCL to fully comply with the order dated 07/04/2010 which was partly complied. ”*

3. The Complainant, is a HT industrial consumer of the Opponent, having a steel factory located at Niphan Village, Savroli, Kharpada Road, Khopoli, which is fed by 22kV feeder, with Contract Demand of 4950kVA and connected load of 7223kW (Consumer No.031069019300). The metering is 3-phase, 4-wire, at 22kV metering cubicle with 3CTs and 3PTs.

3. Key points and facts of the matter, as seen from the records of correspondence submitted in the case, are brought out below.

I. The Complainant submits that during the monthly meter reading, on 14.09.09, the Opponent’s engineer observed that there was less voltage on R phase PT at meter display. So, a detailed investigation was carried out by Opponent’s testing division on 16.09.09, when it was noticed that the stud of R phase was broken and not making firm connection to meter terminal, and hence, being a loose connection the voltage from PT was not getting properly extended to the meter terminal.

II. That as per MRI data, voltage of R phase was disturbed from 24.07.09 to 16.09.09 (the date of restoration of connection). Considering that due to the loose connection, the voltage of R phase PT was going on-off and there was no proper voltage supply to the meter, on the basis of MRI data, the Opponent assessed that the meter was recording less, by 33.33%. The Complainant had objected on the assumption made by the Opponent, with observation that the factory’s activities were normal and there was no sudden drop in consumption as compared to last six months’ consumption.

III. On Complainant’s request, the Opponent tested a similar type and make of meter in the testing lab, at various low voltages applied to one phase PT Terminal, and the meter under test was found recording the error within permissible limits. Complainant submits that no test was carried out at zero voltage, on which point the Opponent conveyed that as the test report shows no abnormalities at various voltage levels, there was no need to carry out testing at zero voltage.

IV. The Complainant submitted that the assessment done by the Opponent for the months of September, 2009, and October, 2009, was not correct. For this reason, the Complainant had approached the Internal Grievance Redressal Cell (“IGR Cell”) who by its Order dated 12.01.2010, directed the Licensee to revise the assessment of the material period as per the MRI data available to the R phase PT intermittently and accordingly calculated a reduced amount of assessed consumption units to be paid for by the Complainant.

V. Not satisfied with the Order of IGR Cell, Pen, the Complainant submitted that it registered a complaint before CGRF, Kalyan Zone, requesting *for withdrawal of the*



*Opponent's wrongly charged assessment as the meter recorded properly, or, the assessment should be charged as per Reg. 15.4.1 of MERC (Electricity Supply Code And other Conditions of Supply) Regulations, 2005 ("Supply Code Regulations").*

4. CGRF, Kalyan Zone, after hearing the parties, passed its Order dated 07.04.2010.

Taking into consideration that the definition of "meter" includes the CTs, PTs, wiring etc., as defined under the SoP Regulations, 2005, the CGRF declared that *the meter was faulty/ defective, since the R phase was not getting voltage properly due to loose connection, and, assessment made by the Respondent for the period 24/07/09 to 16/09/09, i.e. 48 days, had to be revised as per the proviso to clause 15.4.1 of the Supply Code Regulations. The assessed reading has to be 'based on the average metered consumption for twelve months immediately preceding the three month prior to the month in which the billing is contemplated'.*

The basis for giving this decision was that during the reported period of meter being defective, due to the loose connection, the meter was recording (*wrongly*) the energy consumed at different (i.e. wrong) voltages at one of the terminals ("R" phase), which may also have become zero whenever the voltage had become zero. Hence, the decision to consider as if the meter had stopped working during the reported period, because of which clause 15.4.1 of the Supply Code Regulations becomes applicable.

Compliance was directed to be reported within 45 days from date of receipt of this decision.

5. Vide letter dated 12.05.2010, the Opponent conveyed to the Complainant that it had assessed the energy bills for the months of September, 2009 and October, 2009, *as per the CGRF order*, and accordingly the Complainant was asked to make the payment based on the revised bill. In response to this, the Complainant vide its letter dated 15.06.2010, wrote to the Opponent that the calculation done by the Opponent was not in line with the CGRF's Order, and, amounted to as insisting on adding 33.33% on R phase PT assessment.
6. CGRF vide letter dated 18.06.2010, referring to the Complainant's letter dated 15.06.2010, asked the Opponent to *send revised compliance report alongwith complete calculation details to the consumer under intimation* to the CGRF office within seven days by special messenger.

The Opponent sent calculations to the Complainant vide its letter dated 30.06.2010, but the Complainant, not finding the same as acceptable, and, not being in line with the CGRF's Order, vide its letter dated 15.07.2010 to the Opponent, raised objections on same (also mentioning that Opponent had revised the assessment for 55 days in place of



48 days, in the CGRF Order). The Complainant forwarded a copy of the letter to the CGRF and requested the CGRF to give instructions for revision of assessment.

As is seen from the records submitted, CGRF has also written to the Opponent vide its letters dated 26.07.2010 and 07.08.2010 for compliance of its Order.

7. On receipt of the present Complaint, the Commission vide its letter dated 07.07.2010, asked the Opponent to inform the Commission on the steps taken to comply with the said CGRF Order. In response, the Opponent vide its letter dated 20.07.2010 submitted that *as per CGRF order, MSEDCL has revised the assessment of the faulty "R" phase PT for the period 24/07/09 to 16/09/09 as per the average consumption of last 12 months i.e. Aug-08 to July-09 as per clause No. 15.4.1 of the Supply Code Regulations*. Thus, according to the Opponent, the CGRF's Order is fully complied.
8. The Commission vide its letters dated 23.08.2010 and 13.09.2010, sent a copy of the Opponent's reply dated 20.07.2010 to the Complainant, asking the Complainant whether it was satisfied with the aforesaid reply or still wished to pursue with its Petition. In response, the Complainant vide its letter No. VCL/KH/125 dated 25.09.2010 reiterated its complaint and maintained that for the period of meter being defective, assessment should be done with withdrawal of complete recorded consumption by faulty meter and addition of the average consumption of last twelve months.
9. The Commission vide a Notice dated 10.11.2010 fixed a hearing in the matter on 22.10.2010. The hearing was held as scheduled, where Shri Advait Sethna, Advocate and Shri Ramesh Shigwan, Manager-Adm, represented the Complainant, while the Opponent was represented by Shri B. B. Khandare, Executive Engineer, Pen Circle; Shri S. K. Gupta, Executive Engineer (Testing) and Shri M. V. Vaydande, Executive Engineer.
10. During the hearing, both the parties reiterated their respective cases and their stands as herein above. On a query by the Commission, the Complainant also submitted that before filing this complainant with the Commission, it had made a representation to the Electricity Ombudsman, but had later withdrawn it, for making the complaint to the Commission, since it is only stressing on the non-compliance of the Order of the CGRF.
11. The grievance of the Complainant is that the calculation done by the Opponent is not in line with the CGRF's Order, and, amounted to insisting on adding 33.33% on R phase PT assessment. Per contra, according to the Opponent, the CGRF's Order is fully complied with. The Commission is of the view that since, it is a matter of examining the factual position as to whether calculation done by the Opponent is in line with the CGRF's Order, the Complainant should approach the CGRF, Kalyan Zone, for clarifications. The Commission directs that if the Complainant approaches the CGRF within 30 days from the date of this Order, the CGRF will issue the necessary clarifications in accordance with law.



With the above, the present Case No. 57 of 2010 stands disposed of.

Sd/-  
(Vijay L. Sonavane)  
Member

Sd/-  
(V. P. Raja)  
Chairman



(K. N. Khawarey)  
Secretary, MERC

