

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Oil and Natural Gas Corporation Ltd.
(A Govt. of India Company)
ONGC Colony, Tel Bhawan,
Dehradun, Uttarakhand

Vs

1. The Managing Director, Uttarakhand Power Corporation Ltd. Urja Bhawan, Kanwali Road, Dehradun, Uttarakhand
2. The Executive Engineer, Electricity Distribution Division (Central), Uttarakhand Power Corporation Ltd. 18, EC Road, Dehradun, Uttarakhand

Representation No. 09/2014

Order

The petitioner, M/s Oil and Natural Gas Corporation Ltd. filed an appeal dated 26.05.2014 against the order of the Consumer Grievance Redressal Forum (hereinafter referred to as Forum) dated 24.04.2014 in their complaint against the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) for demand of arrears w.e.f. 01.08.2011. The petitioner also requested for a stay against the impugned order till the disposal of the appeal. The same was allowed at the first hearing on 23.06.2014 subject to the petitioner depositing an amount equivalent to 50% of the revised assessment including the amount already deposited.

2. The petitioner states that he has a connection no. 167 with a sanctioned load of 425 KVA. He further states that the respondent sent him a letter dated 23.07.2013 informing that MRI investigation branch of the respondent had checked the potential missing in the month of November 2012 and assumed that there would have been definitely less consumption. The respondent also informed that a check meter was installed from 27.02.2013 to 08.04.2013 which found that the main meter was running 43.3% slow. Due to this it was assessed that the consumption from 01.08.2011

onwards had been recorded less and therefore the petitioner had to pay a sum of Rs. 48,56,499.00 by 07.08.2013. Vide a subsequent letter dated 27.08.2013 the respondent gave further time up to 11.09.2013 to pay the above mentioned sum.

3. The petitioner states that in response he sent a letter dated 29.08.2013 that the respondent had never informed the petitioner that the installed meter for connection no. 167 was found slow at any point of time. In view of lack of any information to the petitioner, the petitioner demanded that the above notices may be withdrawn and the meter replaced if the respondent felt it was necessary. The petitioner claims that the respondent sent no reply to this letter but by a letter dated 22.11.2013 informed the petitioner that in case any clarification was required, they may send a representative to the respondent's office. The petitioner again informed the respondent that they had been paying all their bills as per bills raised by the respondent and hence there was no claim outstanding against them. They again requested the respondent to withdraw the notice and provide detailed justification with supporting documents. The petitioner maintains that the respondent did not reply but instead included the arrears of Rs. 48,56,499.00 in the bill dated 01.12.2013.
4. The petitioner states that it is a Govt. of India company with a setup at Dehradun. A school, club and community center is being provided electricity from the connection no. 167. This connection is not being used as a regular feature and neither is this load being used for any industrial purpose. Further the petitioner states that they have their own gensets for power backup and if there was any fluctuation, power failure or any phase power missing, the gensets automatically started giving uninterrupted power supply to the petitioner. The petitioner claims that this point had not been considered by the respondent.
5. The petitioner states that the respondent has not disclosed that the meter reading is to be noted by a person of Chief Engineer level as the load connection is on 11000 HT line. The petitioner filed a complaint before the Forum which passed their order on 24.04.2014. The petitioner maintains that the Forum has erred in its decision. The petitioner claims that the demand of the respondent is based upon assumption and reading taken between 27.02.2013 to 08.04.2013 only for 40 days. The respondent also failed to observe that the load was for domestic use and not for running an

industry. The petitioner mentions that the old meter was removed on 20.10.2013 and the sealing certificate does not disclose any reading of unit on this meter at the time it was removed. The petitioner also maintains that when the old meter was removed no intimation was given nor any information shared with the petitioner. While the petitioner has signed the sealing certificate of 20.10.2013, it is a fact that the respondent while indicating that the new meter is now the relevant recording meter has not given any details regarding removal of the old meter and recording of units thereon.

6. The petitioner also claims that the respondent submitted revised assessment many times and every time the assessment was different. The petitioner states that as per the respondent, average consumption recorded by the new meter from the date of installation 27.02.2013 to 20.10.2013 was 114146 units monthly average. The petitioner claims that the Forum erred in not considering that the respondent could not claim arrears from August 2011 of Rs. 32,74,989.00 (for the entire period) as according to the Rules and Regulations only 3 months payment could be demanded by the respondent. Aggrieved by the order of the Forum the petitioner approached the Ombudsman with the prayer that the order of the Forum be set aside.
7. The Forum in their order stated that the respondent have informed that a check meter was installed on the petitioner's connection no. 167 on 27.02.2013 and finalized on 08.04.2013. The respondent also informed that the final report showed that the existing meter was recording 43.3% slow and further the MRI report for the month of November 2012 which formed the basis of the enquiry suggested that 40 events of voltage failure on B phase in 148 days. Examination of MRI report of April 2012 by the respondent suggested 64 events of voltage failure on B phase in 90 days. The respondent also noticed a similar pattern in the MRI report of April 2011. The respondent therefore felt that voltage at B phase was missing intermittently prior to April 2011 resulting in slow recording in petitioner's meter. Due to the above fact the respondent studied the consumption pattern of the petitioner and on the basis of the fact that consumption variation showed marked deviation in consumption pattern from August 2011, the assessment was raised against the petitioner from that date.

8. On the request of the complainant the Forum also directed the respondent to accept 25% of the assessed amount and not disconnect supply of the petitioner. The petitioner deposited a sum of Rs. 3,48,221.00 for the current bill for November 2013 and 25% of the assessment bill Rs. 12,14,125.00 on 08.01.2014. The respondent also informed the Forum that at a meeting held between the two parties on 24.01.2014, they had proposed that the petitioner who was now paying current bills on the basis of the reading of the new meter, pay the arrears on the basis of average of the new meter consumption for the period of assessment i.e. 01.08.2011 to 01.07.2013. The Forum found that the assessment given to the petitioner was based on check meter reading which showed the variation of 43.3% less energy consumption being recorded by the old existing meter. The Forum also compared the consumption of energy by the old meter and the new meter and found that there was a variation in the consumption by the old and new meter and hence concluded that the billing from August 2011 up to June 2013 shall be done by the respondent on the basis of monthly/yearly consumption recorded by the new meter for the FY 2013-14 which is -5.04% and -17.84% less as compared to the consumption shown on the old meter for FY 2008-09 and 2009-10. The Forum therefore ordered that the new meter yearly average consumption for FY 2013-14 shall be the basis of assessment for the period August 2011 to February 2013, i.e. date of installation of new meter as check meter. Thereafter reading of new meter is available.
9. In their statement the respondent has stated that it was incorrect to say that load from connection no. 167 was not used by the petitioner as a regular feature. The MRI report shows that the petitioner was using the connection regularly and not casually. This has been clearly brought out from the record of consumption and bills raised which have been paid by the petitioner. The meter installed at the premises of the petitioner was recording less consumption than being used by the petitioner. The installation of gensets for power backup have no relevance to the controversy in question. The respondent has stated that MRI reports showed 40 events of voltage failure on B phase in 148 days. Examination of MRI report in April 2012 suggested 64 events of voltage failure on B phase in 90 days. A similar pattern was noticed in the MRI report of April 2011. The respondent states that due to less recording by the meter from August 2011 the revised assessment of consumption was made. The check meter

installed from 27.02.2013 to 08.04.2013 showed that the old meter was running slow by 43.3%. It was found that the PT was an oil immersed PT as mentioned in the sealing certificate dated 08.04.2013. Due to carbonization of the PT less consumption was being recorded by the meter.

10. The respondent has stated that the contention of the petitioner, that the petitioner cannot be held responsible for the act or omission of the respondent who committed the mistake, is incorrect as the present is not a case of section 126 or 135 of the Electricity Act, 2003. Under law the petitioner has to pay for the actual units consumed. He cannot avoid payment of units which have been consumed but not recorded by the meter though detected in the MRI. The petitioner's contention that he is using electricity for domestic purposes from the connection is not correct. The load from this connection is also being used for non domestic usage. This is a multipurpose commercial connection and is being billed as such.
11. The respondent maintain that the voltage at B phase was missing intermittently and the B phase was continuously recording less as the MRI showed that even at restoration, the meter was recording less i.e. even though the missing of potential was intermittent, the potential on B phase was continuously less than that on R phase though it should have been equal on both phases. The contention of the petitioner that the claim of the respondent is based upon assumption is not correct because the old meter was found slow by 43.3%. After finalization of the check meter on 08.04.2013, the check meter no. UPC 98196 became the main meter for this connection and consumption of load was being taken from this meter. The petitioner's contention that the old meter was changed on 20.10.2013 without their knowledge is incorrect as on that day the meter no.UPC 98196 was shifted to a new panel and the old meter removed. The allegation of the petitioner that as per regulation only 3 months demand can be made from the petitioner is incorrect the petitioner is bound to pay for the units consumed by him. The respondent has attributed slow running to the phenomenon of potential missing on B phase and has therefore raised assessment amounting to Rs. 48,56,499.00 for the period 01.08.2011 to 01.07.2013 during which the recorded consumption exhibited substantial fall. However as per the order of the Forum, revised assessment based on the average of consumption recorded by the new meter amounting to Rs. 39,38,208.00 was sent to the petitioner in May 2014.

12. During the first hearing, the petitioner argued that the respondent could not make any demand as there had never been any complaint of theft or misuse and regular payment of bills was being done by the petitioner. The petitioner also claimed that no prior notice as required was given for installation of the check meter and the old meter was replaced by the check meter without their knowledge. They also felt that removal of the old meter from their premises without their knowledge and without giving them a chance to have it examined was suspicious as now the petitioner was dependent on the reports submitted by the respondent which could have been altered. The petitioner claimed that the whole case was dependent on an assumption. The petitioner claimed that this had been clearly stated by the respondent in the notice sent by him originally dated 23.07.2013. In this notice , the respondent had stated that the MRI inspection report of the meter in November 2012 showed that there was probably less consumption being recorded by the meter. Further the petitioner also raised the point as to how many months back arrears could be charged by the respondent and made reference to section 26 (6) of the Electricity Act, 1910 and section 57 (1) of the Electricity Rules, 1956.

At this hearing it also came to notice that despite an order on 23.06.2014 that stay was being granted only on payment of 50% of the disputed amount including the amount already paid, the petitioner had not made this payment. The petitioner stated that the change in the amount being demanded from the petitioner was raising doubts about the veracity of the demand.

13. The proceedings were stopped and the petitioner was given 7 days (till 03.09.2014) to comply with the conditions of stay failing which the respondent was authorized to take necessary action to recover the dues. The payment was made within this period.
14. At the next hearing the petitioner continued his arguments on the subject of no information being provided to him regarding finalization of the check meter and pointed out that his signatures were not available on the sealing certificate of 08.04.2013 regarding finalization of the check meter wherein it was recorded that the old meter was running 43.3% slow. The petitioner maintains that had he been made aware of this point he would have got an independent check of the meter carried out. Further the petitioner has commented on the statement of the respondent that the

problem arose due to carbonization of the contacts of the PT and claimed that as per the Rules and Regulations the PT is a part of the meter and if the meter was defective then this should have been seen by the respondent's staff who checked the meter every month and as per Regulations "*once in 12 months complete metering equipment should be checked*". Had the respondent followed these instructions the defect would have been caught earlier. The petitioner also maintained that the respondent could only take arrears for a total period of 3 months in case of meter running slow. The respondent denied all the charges made by the petitioner and claimed that they must have refused to sign the sealing certificate. Respondent also challenged the order of the Forum in reducing the amount of arrears based on the average consumption as recorded by the new meter and insisted that arrears should be paid based on 43.3% slow running of the meter. However the respondent did not raise this point in their written statement.

15. The issues raised in this case are

- (a) whether it is a case of slow meter due to internal defect in the meter and falls under sub regulation 3.1.3 (6) of Supply Code Regulations, 2007.

"3.1.3 Testing of meters

(6) When the meter is found to be slow beyond permissible limits, as specified in Rule 57 (1) of the Indian Electricity Rules, 1956 and the consumer does not dispute the accuracy of the test, the Licensee/consumer, as the case may be, shall replace/rectify the defective meter within 15 days of testing. The consumer shall pay the difference due to the defect in the meter at normal rates, based on percentage error, for a maximum period of not more than 6 months or less depending on period of installation of meter prior to date of test and up to the date on which defective meter is replaced/rectified."

- (b) Is the assessment raised on the check meter report justified or not.

16. The petitioner has raised a number of points which are being dealt with hereunder to clarify their doubts.

- i. The petitioner has maintained that the connection no 167 is not used as a regular feature and neither is the load being used for any industrial purpose, hence assumption of the respondent that there was any potential for consumed power not being reflected in the meter reading was incorrect.

The MRI report however shows that the connection was being used regularly and not casually. Moreover there was a sharp drop in the consumption pattern after August 2011. A chart for the corresponding months August to January shows the consumption pattern prior to the problem arising in the cubicle housing the meter and subsequent to installation of check meter which was treated as the main meter from date of installation 27.02.2013. A copy of this chart was submitted by the respondent vide his letter dated 09.01.2014 to the Forum and the petitioner and has been included in the order of the Forum.

- ii. The petitioner maintains that they have their own gensets and if there was any fluctuation or power failure etc. the gensets would automatically give uninterrupted power supply.

The petitioner has not understood that potential missing did not mean that the power supply was disrupted, it only means that equal voltage was not fed to both R & B phases of the meter and hence the meter was recording less energy.

- iii. Petitioner claims that the respondent did not disclose that the meter reading was to be noted by a person of Chief Engineer level as the load connection is on 11000 HT line and the details have not been furnished or considered.

This contention of the petitioner is incorrect. The reading is to be taken by an officer of SDO rank along with AE (meter). It is not understood what details the petitioner is referring to. The meter reading recorded every month is on the basis of the MRI report and is also recorded on the bill. Copy of the MRI report should be given with the bill in case this is not been done. The respondent should ensure that it is provided specially in the case of large consumers.

- iv. The petitioner claims that the demand of the respondent is based on the assumption and reading taken between 27.02.2013 to 08.04.2013 only for 40 days.

The period being referred to by the petitioner is the period during which a check meter in a separate cubicle was installed to check the extent of less recording of energy by the meter. The finalization report showed that the old meter was running 43.33% slow. Hence the duration of the checking is not important.

Here it needs to be explained that 'potential' in this context cannot be taken by its literal meaning i.e. possible. In the present context potential is referring to voltage (in the electrical community the word potential is commonly used for voltage) and hence the respondent in his letter of 23.07.2013 informed the petitioner that during MRI it was found that due to 'potential missing', it was certain that the meter of the petitioner was recording less consumption from 01.08.2011. The MRI clearly showed that there had been a substantial fall in the consumption being recorded by the meter. Hence the respondent assessed the less consumption on the basis of the result of check meter installed on the petitioner's premises on 27.02.2013 and finalized on 08.04.2013. This showed that the existing meter was running 43.3% slow. On the basis of this the respondent had worked out the amount of less recording of consumption and sent a bill with the tabulation giving the amount missing for this period.

Unfortunately the petitioner failed to understand that the respondent was talking about voltage missing and instead felt that the whole case was based on possible missing in the meter and assumption as declared by them of the respondent.

A mistake made by the respondent was that while the sealing certificate for installation of the check meter was got signed by the representative of the petitioner, the finalization sealing certificate wherein it is clearly indicated that the meter was running 43.3% slow was not got signed by the petitioner. However this lack of information to the petitioner cannot be used by him as a reason for not paying the dues.

- v. The respondent also failed to observe that the load was for domestic use and not for running an industry.

This has no relevance.

- vi. The petitioner mentions that the old meter was removed on 20.10.2013 and the sealing certificate does not disclose any reading of unit on this meter at the time it was removed. The petitioner also maintains that when the old meter was removed no intimation was given nor any information shared with the petitioner

It needs to be clarified that a check meter no. 98196 was installed on 27.02.2013. The check meter installed on 27.02.2013 showed initial reading of 249 in the sealing certificate of 27.02.2013. The check meter was finalized on 08.04.2013. The sealing certificate issued on that date shows that both the old meter and the check meter had been left at the premises of the petitioner. However the billing started on the basis of the meter reading of the check meter no. 98196 from the date of installation i.e. 27.02.2013 as is clear from the bills issued after that date where this meter no. is mentioned. There was no change of meter on 20.10.2013, only the panel was changed. However while the petitioner's signature has been taken on the sealing certificate of 27.02.2013, the signatures are missing on the sealing certificate of 08.04.2013 and hence the petitioner can claim that he was not intimated regarding the old meter running slow and that the new meter would hence forth be the billing meter.

- vii. The petitioner also claims that the respondent submitted revised assessment many times and every time the assessment was different.

From the documents submitted, the first assessment was given by the respondent 23.07.2013 for 43.33% less recording from August 2011 to 01.07.2013 for an amount of Rs. 48,56,499.00 and the second assessment was given on 05.05.2014 in pursuance of the orders of the Forum based on the average consumption recorded by the check meter for Rs. 39,38,208.00.

- viii. The petitioner states that as per the respondent, average consumption recorded by the new meter from the date of installation 27.02.2013 to 20.10.2013 was 114146 units monthly average. The petitioner claims that the Forum erred in not considering that the respondent could not claim arrears from August 2011 as according to the Rules and Regulations only 3 months payment could be demanded by the respondent.

This contention of the petitioner is based on the petitioner's argument that as per the communications from the respondent the problem arose due to slow running of the meter and hence the matter should be dealt with under 3.1.3 (6) of Supply Code Regulations.

Examination of all the documents shows that this is not a case of slow running of the meter.

- ix. Petitioner's contention that no notice was given for installation of the check meter and the old meter was replaced by the check meter was done without their knowledge. Further the old meter was removed without their knowledge. In case they had known they could have had it examined independently.

Under the Rules and Regulations no prior notice has to be given for installation of the check meter. Moreover the petitioner's representative has signed the sealing certificate at the time of installation of check meter and hence was definitely aware of the same. There is a lacunae that the finalization sealing certificate was not got signed by the petitioner, however, this cannot be a ground for banishing the result of the check meter report. The check meter became the billing meter from the date of installation i.e. 27.02.2013. Both meters continued to exist side by side even after the finalization report for nearly 6 months when the check meter was shifted into a new cubicle and the old meter was removed on 20.10.2013. The petitioner cannot maintain that he was not aware of the removal as his representative has signed the sealing certificate. The petitioner's representative did not raise any objection at the time to the removal of the old meter.

- x. The petitioner has placed a lot of emphasis on the language used by the respondent in informing about the problem claiming that it was based on an assumption.

As already mentioned in the comments on this point at iv. above, there has been a misunderstanding due to the petitioner not clearly understanding the meaning of 'potential'. This cannot be treated as a ground for negating the result clearly shown by the check meter finalization sealing certificate. The respondent has erred in continuously referring to the matter as slow running of the meter whereas it is a clear case of less recording.

- xi. The petitioner made reference to section 26 (6) of the Electricity Act, 1910 and claimed that according to this the respondent should have given them a chance to have the meter independently examined.

Section 26 (6) of the Electricity Act, 1910 is no more in force after introduction of the Electricity Act, 2003. However provisions of the section have been given in Regulation 3.1.3 (7) of the Supply Code. A perusal of this makes it clear that 'in case the consumer disputes or refuses to sign the test report the defective meter shall not be replaced and the matter shall be decided, upon the application of the either party by an Electrical Inspector or authorized third party'. In the present case the petitioner has signed the sealing certificate of installation of the check meter and the final sealing certificate of the meter being installed in a new cubicle. It is correct that their signatures are missing on the sealing certificate finalizing the results of the check meter, cause of which is not known. Moreover at no point while both the old and the new meter remained installed on their premises from 27.02.2013 to 20.10.2013 did the petitioner request for checking by an Electrical Inspector or any independent authority. The plea of the petitioner that they were not aware is specious. There is a fully fledged electrical department of the petitioner which was associated with the installation of the check meter and its move to a new cubicle when the old meter was removed which should have been aware of the facts of the case. Hence this section would not apply.

- xii. Petitioner has also drawn attention to the point that respondent claims that the problem arose due to carbonization of the PT and claimed that PT is a part of the meter and if the meter was defective it should have been replaced within the period laid down in the Regulations and hence the respondent could only claim arrears for 3 months. Hence the petitioner has contended that the matter should be dealt with under section 3.1.3 (6) of the Regulations dealing with slow meters as CT/PT are part of the meter.

The petitioner's contention that problem arose due to carbonization of PT which is a part of the meter and hence the meter was defective and should have been replaced is not correct as there was no defect in the PT. The problem arose due to carbon deposit on the PT. This is a natural phenomenon and not a defect. The problem arose because of negligence on the part of the respondent in not carrying out the yearly check of metering equipment, had they done so the problem would have been detected and corrected. However notwithstanding with the carelessness of the respondent the petitioner cannot take advantage and not pay the dues against power consumed by them.

17. The respondent's plea that the Forum's order should be set aside and arrears should be paid based on 43.33% slow running of the meter is not accepted. The respondent did not raise this point in their statement and in fact the Executive Engineer had sent a communication to the Forum dated 12.02.2014 proposing that the assessment made earlier may be further revised on the basis of the average of new meter for the entire period and had sent a calculation to the Forum for assessment of Rs. 32,74,989.00 dated 20.03.2014.
18. The petitioner did not submit the case law in the given time, however as it has been received it is being dealt with. The petitioner gave copies of 2 Supreme Court decisions and 3 High Court orders. All cases are dealing with matters prior to the introduction of the Electricity Act, 2003 which is the relevant law in the present case. The first ruling is on the powers of the Electrical Inspector under 26 (6) of the Electricity Act, 1910. The role of the Electrical Inspector would only come into effect if the petitioner had disputed the test report during the period the old meter remained installed at their premises for over 8 months from the date of installation of the new

meter. After removal of the meter there is no further role of the Electrical Inspector. The other four cases are of LT connections and relate to defective meter, slow running of meter, non recording on one phase and phase reversal.

None of the matters discussed in any of these cases is similar to the case under consideration which deals with not recording of the full quantum of energy used by the consumer due to non availability of equal potential on both the phases.

19. In HT metering the meters are CT/PT connected. In such cases where power is being supplied at high voltage or extra high voltage, say 11000 volts or above the function of the PT is to step down the voltage for eg. in the case of 11000 volts it would be stepped down to 110 volts so as to enable the meter to record the amount of power which is being consumed. Unless there is stepping down of the voltage, the meter would not be able to record the power consumed. The function of the PT is to enable the ascertaining or regulating of the amount of energy supplied to the consumer. In the present case because of potential missing i.e. due to carbonization of the contacts within the PT, the full supply being provided was not registering on the meter. (Here it needs to be explained that the word potential is used for voltage and not the literal meaning 'possible'). Further missing does not mean that the potential/voltage has become zero but it has gone down below a certain specified limit.
20. A number of mistakes have been made by the respondent in handling this case. To begin with, in the case of a consumer as large as the ONGC in the instant case having a load of 425 KVA the Rules and Regulations provide that the meter must be completely checked along with CT/PT once in 12 months. From the facts of the case it is obvious that from the time of installation of the meter there appears to have been no checking carried out. Because of variation in the consumption pattern, the respondent carried out a MRI check and the MRI/Tamper report showed that there was potential missing. The respondent then installed a check meter from 27.02.2013 to 08.04.2013 which showed that the meter was running slow. Though the sealing certificate at the time of installation of the check meter was signed by the petitioner's representative, the sealing certificate at the time of finalization of the check meter on 08.04.2013 which showed that the main meter was running slow was not got signed by the petitioner. The petitioner claims that the first indication of the problem only

came to their notice when they received a letter from the respondent dated 23.07.2013 informing them of these facts.

- 21 The second mistake made by the respondent was in removing the old meter instead of placing it in the new cubicle giving rise to the question whether the meter was defective. From a perusal of the documents it would appear that the original meter was perfectly fine and the problem arose due to carbonization in the PT chamber installed in the cubicle. The whole case has arisen due to these lapses on the part of the respondent, had the respondent acted as per the prescribed performa, the case would never had arisen. It is hoped that the respondent takes cognizance of the casualness of the staff in performing their duties as laid down.
22. In this connection it has to be decided whether the less recording is due to an internal fault of the meter or due to potential missing as claimed by the respondent. In order to examine the matter the respondent was asked to provide inputs on whether the potential missing on B phase occurred during the period the check meter was installed. The respondent has submitted that phenomenon of potential missing in B phase did occur during the period 27.02.2013 to 08.04.2013 (period of check meter) a number of times which confirms that the less recording of energy during the period of assessment was certainly due to potential missing on B phase.

The MRI tamper report and other documents submitted by the respondent have been examined in order to find out the actual reasons for less recording of energy. The respondent's submission that less recording was due to intermittent potential missing on B phase due to carbonization of the contact has not been found wholly correct. If carbonization had happened in the potential transformer chamber then carbon deposition should be on both the contacts i.e. R&B phase and it is unlikely that the carbon will deposit only on B phase. On examination of MRI and Tamper report it has been found that potential missing has occurred on R phase also. In fact the potential on both R and B phase has never been equal. It has been less on B phase on some occasions and less on R phase at other times. In fact the energy sharing between two phases R & B depending upon power factor shall be in the prescribed ratio if potential on both the phases are equal. Thus it is established that the less recording of energy during the period for which the assessment has been raised on the basis of check

meter report is certainly due to potential missing on either on B or R phase resulting into availability of unequal voltages on both the phases and not due to any internal fault of the meter.

23. Two issues were raised in this case

i) Whether Regulation 3.1.3 (6) of supply code would apply or not.

Regulation 3.1.3 (6) of supply code deals with a meter found to be slow due to meter being defective, in such cases the payment can only be demanded for not more than 6 months. As already brought out above the meter was not defective, instead it has been found that the meter was running slow due to a carbonization in the PT chamber of the meter because of which full voltage was not being fed to the meter through the B phase. This resulted in less recording of energy on the meter from the connection through B phase and at certain times in the R phase also. Hence sub Regulation 3.1.3 (6) of supply code limiting the assessment period up to 6 months only shall not be attracted.

ii) Whether the assessment raised on the check meter report was justified or not.

The assessment amounting to Rs. 48,56,499.00 raised by the respondent on the basis of check meter report is correct. However as per directions of the Forum and in order to arrive at an amicable solution the respondent has revised the assessment on the basis of average consumption recorded by the new meter from 27.02.2013 onwards for a period of 1 year and reassessed the demand to Rs. 39,38,208.00. This is a reasonable offer by the respondent and is approved. The petitioner is liable to pay the revised assessment of Rs. 39,38,208.00. The order of the Forum is upheld. The case is dismissed.

Dated: 14.11.2014

(Renuka Muttoo)
Ombudsman