

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Mahavir Transmission Ltd.  
A-9, B-4, 11-13 S,  
Industrial Estate, Vikasnagar,  
Dehradun, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division  
Uttarakhand Power Corporation Ltd.  
Vikas Nagar, Dehradun, Uttarakhand

Representation No. 25/2015

### **Order**

The petitioner, M/s Mahavir Transmission Ltd. have filed this petition against the order passed by the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in case no. 70/2015. The case in brief is, that the appellant an ACSR conductor manufacturing unit, having a connected load of 300 KW were served a demand of Rs. 1,89,891.00 on 27.03.2015. The assessment order informed the petitioner that from 10.02.2015 to 25.03.2015 one Y phase was missing on Current Transformer (CT) because of which less consumption was being recorded. The petitioner deposited the assessment amount under protest on 26.06.2015 and then filed a complaint in the Forum on 01.07.2015. The Forum heard the petitioner but quashed the complaint vide order dated 11.08.2015. The petitioner have argued that since there has been no spurt in production, the consumption pattern does not warrant any extra consumption over and above what is being charged. As such the argument of more energy being consumed while less has been charged is not justified. They have also claimed that since the Forum had relied entirely on the proof of the Load Survey Report generated by Uttarakhand Power Corporation Ltd (hereinafter referred to as respondent), the assessment of Rs. 1,89,891.00 be quashed and any other relief that the Court may think proper, may be granted.

2. In their complaint to the Forum, petitioner had brought out that a team came to their factory premises on 26.03.2015 for routine meter reading and after checking of the

meter informed them that one Y Phase was missing although the meter seals were intact. As per their investigation, they concluded that this Y phase was missing from 10.02.2015 and hence the demand of Rs. 1,89,891.00 was raised. The petitioner felt that they were being overcharged and assessment order is not precise which is evidenced by the fact that for 28 days of February they have been charged Rs. 3,16,125.00 which is higher than any other month in the last year since this is not matched by increased production (comparable reports have been placed). The assessment order is on higher side and must be revised. However under protest they have deposited the amount of Rs. 1,89,891.00.

3. Forum in their order dated 11.08.2015 have relied on the load survey reports from 10.02.2015 to 25.03.2015 wherein it is stated that the Y Phase of CT in the metering system was disconnected at 1730 hours so that the current coming from the Y phase could not be measured. This situation continued till 25.03.2015 09:50 am. In this entire period the Y phase measurement remained zero. On this ground alone the Forum have held that the Licensee have assessed consumption as per Regulation 3.1.3 (6) of the Supply Code which is justified. Hence the Forum dismissed the petition.
4. Aggrieved by the order of the Forum, petitioner have filed this appeal before the Ombudsman. Apart from the issue of production, the petitioner have also relied on the fact that the meter reading team which visited at the end of February 2015 did not indicate the fault in the meter and hence the meter continued for such a long period without the Y phase as alleged by the Licensee. Further they have also suspected the authenticity of the MRI instrument on which UPCL have relied in imposing this heavy penalty. The petitioner have also raised the issue that the highest rate i.e.. Rs. 5.40 is being charged in this assessment for energy consumed as also that ED of Rs. 6,782.00 has been charged @ 3.70% instead of 0.20%. The assessment should be raised on TOD rates of energy as per provisions of rate schedule RTS 7 of the Tariff Order applicable during the period i.e. tariff order for 2014-15.
5. The respondent have, in their written statement, said that the bill of the petitioner depends upon the consumption of energy made by the petitioner and cannot be compared with the bills of other months. They have also said that it is wrong to allege that if Y phase was missing, the bill for this period would have dropped by 33%. In February 2015 only the reading was taken and the meter was not checked. It is not

necessary that the meter is technically checked at the time of every meter reading. That Y phase remained disconnected was only found on 26.03.2015. Since the MRI is merely a data transfer device and whatever is stored in the memory of the meter, the MRI transfers it, the Forum have correctly dismissed the petition as it does not deserve any further attention. Faults have been reported in the meter or in the assessment repeatedly by the petitioner in January 2014, February/March 2015, September 2015 and October 2015. Because of moisture in the meter room, the problems in the meter or in the assessment continue to recur. This has been pointed out by the respondent to the petitioner to no avail

6. Having heard both parties and perused the documents available on file the following conclusions can be drawn;

A. (a) The company YMPL, engaged by the Licensee for checking of the metering equipments of HT consumers, has found in their report of 25.03.2015, that Y phase of CT is missing.

(b) The respondent's checking report dated 25.03.2015, the MRI report and the load survey report shows that current on Y phase at CT was zero during the said period, which confirms the conclusion that energy on Y phase was not being recorded in the meter, so the meter recorded 33% less energy than what was actually consumed. For the above reasons, assessment for this energy was due and therefore respondent's claim for charging for this energy is upheld. On perusal of the assessment sheet, it is found that the meter recorded 68845 units during 10.02.2015 to 25.03.2015 so 33909 units were recorded less. The respondent raised bill for these units @ Rs. 5.40 + ED @. 0.20 per unit and total bill amount was Rs. 1,89,890.80.

B. The respondent has committed a mistake in raising this assessment bill as the total units have been billed @ Rs. 5.40 per unit which is the rate applicable for peak hour consumption. The less energy consumption recorded was throughout the period i.e. less recording in all the time slots, so bill should have been raised on TOD rate of energy as per provisions of RTS 7 of Tariff Order applicable during the period i.e. for the year 2014-15. It is therefore held that the assessment of units is correct but amount of the bill is not so as TOD tariff has not been applied. The respondent is advised to revise the bill as per provisions of tariff as aforesaid. The

E.D of Rs. 6,782.00 has rightly been charged @ 0.20 per unit on assessed consumption of 33909 units, so E.D amount need not be revised.

C. The Forum in their order have wrongly quoted clause 3.1.3 (6) (Testing of Meter) of Supply Code Regulations, 2007 which in fact is applicable in case of slow running of meter, while in the instant case meter running was not slow but meter could not record 100% energy as consumed because current input on Y phase was not available to the meter due to missing link of Y phase CT as confirmed in the MRI report.

7. Forum order is upheld with above modification.

Dated: 21.12.2015

(Vibha Puri Das)  
Ombudsman