

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Devbhoomi Board Mill  
Village Manakpur, Adampur (Pawnti)  
Distt. Haridwar, Uttarakhand

Vs

The Executive Engineer,  
Electricity Distribution Division (Rural)  
Uttarakhand Power Corporation Ltd.  
Civil Lines, Roorkee  
Distt. Haridwar, Uttarakhand

Representation No. 08/2016

### **Order**

The petitioner, M/s Dev Bhoomi Board Mill have filed this appeal no 08/2016 against the order dated 12.04.2016 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum). Petitioner has stated that he has a Khadi Village Industry unit for which electricity connection of 30 KW was released on 12.04.2010. On 30.09.2013 he received a surcharged bill of Rs. 89,500.00 on the grounds that his meter was running slow for the past nine months. The petitioner approached Forum who decided on 28.11.2013 that slow meter charges can be recovered for 6 months (180 days) and that 65348 is payable by the petitioner. With great difficulty he managed to pay the amount and since then was regularly paying his electricity dues when demanded. On 25.01.2016 the same meter which had earlier been installed as check meter and which had now become his main meter was declared slow by 52.4% and a levy of Rs. 56,809.00 communicated to him.

2. Petitioner approached the department and requested them that they should install a check meter in order to check the working of meter installed on his premises. However the department did not pay any attention to his request. Petitioner therefore approached Forum on 19.02.2016. Forum directed him to deposit 25% i.e. Rs. 15,000.00 along with current bill, which he deposited. After concluding the hearing Forum again ordered on 12.04.2016 that he should deposit dues of 6 months payable

on account of meter running slow. Aggrieved by this order of the Forum the petitioner has approached the Ombudsman and has requested that consumer should not be penalized for a deficiency in service on the part of the respondent UPCL who conducted MRI every month, meter has been installed by the department, check meter installed in the last instance in 2013 was not installed now, hence he has requested that the additional charges be quashed. Petitioner also requested for stay of recovery pending proceedings, which was granted.

3. Forum in their order dated 12.04.2016 have got report from respondent UPCL on the complaint given by the petitioner. Respondent have informed that it is on the basis on the YMPL testing report and the sealing report dated 30.12.2015 that the meter in the premises of the consumer was found to be slow by 52.4%. Forum have quoted from the report of YMPL.

*“1. As per YMPL on line testing the metering system found 52.4% slow.*

*2. In offline testing the meters CT's found OK. The pressure wires of R & Y phase found carbonized bodily.*

*3. Assessment would be raised for 217 days as per R&Y phase voltage low as per MRI temper reports.”*

Because of the severe carbonization the R & Y phase were receiving less voltage and accordingly recording less energy. Hence the UPCL decided on the basis of YMPL report that the R&Y voltage phase voltage tamper was for 125 days and 217 days and hence assessed consumer to 217 days on account of meter running 52.4% slow. Forum has held this to be unreasonable and decided on the basis of Regulation 3.1.3 (5) of UERC (The Electricity Supply Code) Regulations, 2007. Hence they ordered that the petitioner will be liable to pay for slow meter for a period of six months without surcharge and respondent were directed to comply with this order within 30 days (The Forum held it a case of slow running of meter but perhaps inadvertently mentioned sub regulation 3.1.3 (5) which in fact is applicable in case of fast running of meter and in case of slow running of meter sub regulation 3.1.3 (6) is applicable).

4. In their written statement the respondent have admitted that the assessment is based on report of YMPL and have also informed that as directed by Forum on 16.03.2016 assessment based on MRI and report of AE (Test) had been reduced to Rs. 43,262.00.

They have not admitted that petitioner asked for installation of check meter at any time and have also submitted that the orders of Forum dated 12.04.2016 are incorrect since the present case is not of slow meter but of less recording of meter due to error in R&Y phases. Further, respondent have claimed that the petitioner should have been assessed for entire period i.e. for R phase for 125 days and for Y phase for 217 days as per tamper report and as per MRI/Tamper report/Test reports. Respondent have also refuted the petitioner's claim that untested meter are installed which become defective frequently and have again stated that the meter is not slow and is working properly and only tested meters are fixed. However, the meter is an electronic instrument and due to several factors i.e. moisture and carbonization heating etc. at times the meter does not record full consumption for the actual energy consumed by the consumer. They have further denied any element of deficiency in service and have asserted that the petitioner is liable to pay for actual energy consumed and therefore while the representation is liable to be dismissed the order of assessment as directed by the Forum requires to be modified.

5. Arguments on behalf of both parties have been heard material available on record has been studied. The following points of information are brought out from this.
  - a) The YMPL report even while it speaks of metering system being found 52.4% slow has found that it is a case of less recording by meter due to error in R&Y phases.
  - b) The Forum have held this as a case of slow running of meter and have accordingly ordered for raising assessment for six months @ 52.4% in accordance with sub regulation 3.1.3 (6).
  - c) Forum contention and order is based on incorrect appreciation of facts as it is not a case of slow running of the meter but a case of less recording by the meter due to non availability of proper voltage in the input, so sub regulation 3.1.3 (6) is not applicable.
  - d) The assessment cannot therefore be guided by regulation 3.1.3 (6) of the UERC (The Electricity Supply Code) Regulations, 2007 but will be guided by MRI report showing error in R&Y phase voltage to the meter and the period

for assessment shall accordingly be the period during which this error persisted.

- e) In the instant case lesser voltage was made available to the meter in both R&Y phase for 125 days and in one phase for 217 days. As per YMPL report dated 30.12.2015 the meter was found recording less by 52.4% at the time of checking.
- f) MRI report shows that the lesser voltage available to the meter at R&Y phase did not remain the same throughout the period of irregularity so conclusion of YMPL report, which only views instantaneous position, as less recording by 52.4% may not have been the same throughout the period. The quantum of less recording should have been ascertained by installing a check meter as was done by the respondent in similar earlier case of the petitioner in the year 2013.
- g) The respondent in his written submission has claimed to have revised the bill to Rs. 43,262.00 by assessing @ 52.4% for 125 days and @ 33% for 92 days (217-125). No basis of 33% less recording is however available on the file.
- h) The respondent claimed that they have revised the bill in accordance with MRI report by YMPL report and in compliance of Forum order dated 10.03.2016, and have submitted the same to the Forum vide their letter dated 16.03.2016. This report however, finds no reference in Forum order.

6. In view of the aforesaid facts of the case it is held that it is not certainly a case of slow running of meter but a case of less recording by the meter due to non availability of proper voltage in R&Y phase. It would have been proper if the extent of less recording was ascertained by installing a check meter as YMPL report showing meter recording less by 52.4% is only instantaneous position and does not give the overall effect of error in R&Y phase voltage specially when it has been reported that the error was not uniform throughout the period. In the absence of a check meter we have taken recourse to the results of check meter installed in the same premises in similar circumstances three years ago. The check meter installed at that time had shown less recording by 55%. With similar faults in the metering system less recording by 52.4% in the current instance seems justified. It is therefore directed that assessment for 125

days when error was in both phases be raised @ 52.4% and for remaining 92 days (217-125) when error was in one phase only assessment @  $52.4\%/2 = 26.2\%$  be raised. The respondent is directed to issue the revised bill accordingly within 15 days of the order without levy of the LPS and allowing adjustment for Rs. 15,000.00 already paid by the petitioner. Forum order stands modified accordingly.

Dated: 22.06.2016

(Vibha Puri Das)  
Ombudsman