

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Ranjan Joshi
Belvedere
Brighton Corner
Almora, Uttarakhand

Vs

The Executive Engineer,
Electricity Distribution Division,
Uttarakhand Power Corporation Ltd.
Almora, Uttarakhand.

Representation No. 06/2017

Order

The Petitioner, Shri Ranjan Joshi aggrieved by the order dated 10.02.2017 of Consumer Grievance Redressal Forum, Kumaon zone (hereafter referred to as Forum) in the matter of complaint no 140/2016 has filed this appeal against the order.

2. Petitioner's grievance is that Forum did not pay heed to the non sustainability of the excessive bill dated 10.04.2016 for Rs. 74,898.40 for a domestic consumer with a sanctioned load of 8 KW and a normal consumption of 523 units over 2 months with an average bill of under Rs. 1000.00 per month. A bill for Rs. 74,898 is exorbitant and it represents 36 times jump over average normal consumption. Petitioner has argued that such order of consumption means that he is drawing 12 KW load per hour all the time. Such load drawal would have not been sustained by the house wiring or the circuit breakers. Petitioner has also said that while Executive Engineer had turned down his request for a revision based on the test division report showing extremely high wattages, in the range of 36.8 to 40.2 KW, these high wattage events occurred on 31.01.2016, 12.02.2016, 30.03.2016 and 03.04.2016 and all during odd hours of the night, petitioner has narrated that an event on afternoon of 13.04.2016 gave an idea of what might have happened on 20.03.2016. While the power had gone off in the entire period but the meter was rapidly flashing red light and beeps were sounding. A complaint no. 9 in the UPCL Almora complaint register was lodged around 4 pm. The respondent staff who attended the problem said they had found some loose joints and carbon formation at the mains pole, rectified it and restored the power. After this there

has been no recurrence of such an event. Although no power was available, the cumulative tamper status report for 13.04.2016 provided in late December 2016 by the respondent shows an energy consumption of 62 KWH within a period of 1.5 hours i.e. 40 KW while the report clearly shows a load of 0 in each phase. Petitioner maintains that the same kind of event happened also on 20.03.2016 while petitioner was away and a neighbor, who is a retired employee of UPCL, had filed a complaint no. 11 (number 11) in the UPCL's complaint register clearly stating that "there was no power and no neutral supply from the mains pole". The staff who attended to the problem have recorded on the register that the power has been restored. Petitioner finds this statement at odds with the respondent averment before the Forum that there had only been a general shutdown between 2:40 and 02:45 pm on 20.03.2016 since this also does not square with this entry in the complaint register. The respondent have also completely disregarded the issue of neutral disturbance recorded in their complaint register. Petitioner has also taken exception to statement of the respondent before the Forum that other consumers connected to the same pole should have been similarly affected. This contention, petitioner has averred, is completely wrong as there is no other 3 phase connection, as his is the only 3 phase connection from this pole and in fact his is the only connection from that pole. The other consumers draw single phase power from another pole.

3. Further, petitioner has brought attention to the similarity between what the Secure meter company has replied in their letter dated 15.11.2016 to the query raised by respondent on 01.10.2016 and the situation that arose on 13.04.2016. Their reply regarding "neutral disturbance and fraud register as well as the fraud calculation being independent of load and logging energy at I_{max} and V_{nom} . LED blinking in this case is also in proportion of energy increment", seems to exactly replicate the situation of 13.04.2016, which in turn mirrors the situation on the earlier occasions when peak demand has been recorded. Petitioner has highlighted the extraordinary maximum demand between 36.8 KW to 40.2 KW recorded on 4 different occasions. The only explanation for such high demand without the house wiring or the meter tripping according to petitioner is the programmed behavior of the meter in case of neutral disturbance.
4. Petitioner is aggrieved by the order of the Forum as they have failed to apply their mind to how such high usage always corresponded to maximum demand of 40 KW,

and how such usage could be repeatedly recorded in the residence, that too at odd hours of the night. Petitioner has underscored the report given by the supplier of Secure meter (report called for by the respondent) as per which the meter which is designed for a basic load of 10Amp. and maximum current of 60Amp. along with a nominal voltage of 3x240/415 “volts” line to line will give 40 KW of load whenever meter detects neutral disturbance. Secondly, petitioner has alleged that the Forum have erroneously accepted the unfounded assertion of the respondent that there was no neutral disturbance in the period mentioned. Petitioner has called this a serious error on the part of the Forum that it has not taken cognizance of the complaint about neutral supply from the pole on 20.03.2016. In view of this, the petitioner has requested that the order of the Forum dated 10.02.2017 be set aside and the respondent be directed to withdraw unreasonable bills based on faulty automatic maximum load readings and to submit fresh bills on the basis of average load in previous cycles as per the norms. Further, petitioner has requested for refund of excess amount charged and for costs in the matter.

5. Respondent in their written statement have argued that the consumption of 18806 units is for a six month period from 08.10.2015 to 10.04.2016. The average monthly consumption comes to 3134 units which seems feasible practically as well as theoretically. Respondent have also defended the MRI figures of a peak consumption of 36.8 KW, 39.2 KW, 40.2 KW and 39.8 KW which is definitely on the higher side but since they have not checked consumers apparatus at his residence, no comments have been made. Respondent have further maintained that while as per records a complaint had been lodged on 13.04.2016 they agree that ‘this’ (presumably referring to loose connection) is a common problem due to monkeys and other animals hanging from the cables. Respondent have claimed that between 15.03.2015 and 13.04.2016 no such incident occurred and therefore it is incorrect to conclude that in the month of March 2016 the maximum demand shown is due to tamper status. For the event of 20.03.2016 also (respondent have not responded to the point of the petitioner that there was no power in his premises from 19.03.2016 and the same was restored on 20.03.2016. In his case, the power shut down was not for 5 minutes from 02:40 to 02:45 pm on 20.03.2016 but from the night of the 19.03.2016 till the afternoon of 20.03.2016). As against this, respondent have maintained that supply had been resumed from the substation end itself and the lineman mistakenly wrote “power

restored” in response to complaint lodged by the petitioner and when staff visited petitioner’s residence to resolve the complaint. The respondent have also highlighted that in case the neutral disturbance from transformer or line be assumed to be correct, then the other two consumers who were also connected through the same pole should have also been affected but no such complaints have been received (Respondent have not addressed petitioner’s claim that his is the only 3 phase connection and the only one connected to this pole; the other 2 consumers are single phase connected to different poles.) Respondent have further maintained that consumption of 18806 units in 6 months is theoretically as well as practically possible and have also not taken the report of the meter manufacturer, Secure, seriously, dismissing it as devoid of technical data.

6. Forum in their order dated 10.02.2017 have taken cognizance of the complaint of the petitioner and have recorded their finding regarding the incident of 20.03.2016 and the complaint filed in the office of the respondent by the petitioner or his representatives. Forum have heard the complaint of the petitioner who has reported that this high load which has not caused any damage to his equipment or his MCB cause his suspicion since he has been victim of earlier instance of phase inversion during work for fixing a fault in a neighbour’s connection. At that time, his inverter and washing machine had suffered serious damage. Petitioner’s complaint is that because of poor electric supply his electrical appliances are always in danger and therefore it is very strange that a sudden spurt in load has caused no damage to any appliance and they have continued to work. He has also stated that incase respondents had submitted details of when power supply had been stopped and when line repair work was taken up, petitioner would have been able to establish clear co relation between the two. Petitioner has also stated that on 13.04.2016 when the meter was continuously flashing all the lights and appliances had been switched off. Despite this, a huge spurt in load was shown in the tamper report. Forum have further recorded that while the earlier incident of 20.03.2016 happened while the petitioner was away, the event of 13.04.2016 happened in his presence and he heard the beep sound and the light emitted from the meter and saw the remedial action by the Lineman of tightening the neutral by climbing up the pole. Forum are therefore of the view that while the event may have been similar, no evidence on the record points to the event in January, February and March 2016 being caused by neutral disturbance as indeed was the

cause of the event on 13.04.2016. On this ground the Forum held the complaint not justified and therefore dismissed the complaint.

7. Before the Ombudsman again while a detailed tamper and cumulative tamper report has been filed for the event occurring on 13.04.2016, respondent have averred that “due to the old version of Secure meter, the meter has not recorded the elaborated data” for the period under dispute. Tamper report is available for periods in 2014 and 2015. They are also available for May 2016, in the record available on file of the Forum. However, no tamper report has been filed on the above basis for the period under dispute. This means as Forum has held that the event of 20.03.2016 as also the other events which occurred during the disputed period are of qualitatively different nature from the one that occurred on 13.04.2016, even though the symptoms of lights flashing, meter making a beep sound and meter recording demand of the order of 40 KW were the same. The meter did not record any tamper whereas the same meter did record tamper on 13.04.2016. From the narration by the petitioner, the event of 20.03.2016 seems very similar to that which occurred on 13.04.2016. On 20.03.2016 complaint by the neighbor of the petitioner on 20.03.2016 recorded as complaint no. 11 in the complaint register of UPCL Almora indicates that *“there was no power and no neutral supply from the mains pole.”* This seems to closely parallel the condition mentioned by Secure meter company as the tamper logic for UPC20227 *“Neutral disturbance :- In said meter if neutral reference of the meter is disturbed and affects the metering, then meter shall be able to log this condition as an event of Neutral disturbance. In this case fraud register shall be added in the main energy register. Fraud register will be added in active, reactive lag, reactive – lead and apparent energy register. Increment in apparent will be same as active, reactive – lag and reactive lead.*

Note: - In Neutral disturbance condition Fraud calculation is independent of ‘load and will log energy at I_{max} and V_{nom}. LED blinking in this case is also in proportion of energy increment.”

However no record of this has come through in the tamper data nor is respondent convinced that these two are similar if not identical events. It is therefore clear that the cause of neutral disturbance as complained by the petitioner’s neighbor on 20.03.2016 was different. However, the resultant seems to be similar i.e. the meter emitting

flashes of light sound and recording demand corresponding to Imax, while there was a power failure and before the same was restored. The respondents reply that the power failure was for 5 minutes and power was restored by the substation, not because of tightening of neutral at the pole, may well be correct for supply in the mains, but there was no supply in the premises of the petitioner from the night of 19.03.2016 till afternoon of 20.03.2016 and his supply was resumed only after attending to his complaint by the respondent's staff.

8. To proceed with this case, respondent were directed to conduct a load survey of the petitioner's residence and obtain further information from the Secure meter company regarding behavior of the meter in case of neutral disturbance. The inspection report (load survey report) dated 09.05.2017 indicates a connected load of 11.83 KW. Secure meter company have not given any reply other then reply given on 15.11.2016 which had already been seen by the Forum and which has been abstracted in para 7 above. The case file was called for from the Forum.
9. Forum order is based on appreciation of above record including the fact that no tamper has been logged in during the disputed period while tamper has been logged up to 15.03.2015 and again from 13.04.2016. However Forum have not considered the probability of such high consumption and demand as recorded by the meter for a domestic consumer of contracted load of 8 KW and in the absence of any substantiation of such demand through unauthorized use by the respondent, except the allegation that domestic staff may have misused power in his absence.
10. Material available on record before the Forum as well as that filed before the Ombudsman has been carefully perused and arguments preferred by both parties have been heard. It is clear that while meter has recorded energy consumption, MRI record does not refer to any disturbance or a tamper report for the period 16.03.2015 to 12.04.2016. The first tamper report after 15.03.2015 is for 13.04.2016. It may be borne in mind that respondent have stated that petitioner's meter being old version of Secure meter, it has not recorded elaborated data. The only firm corroboration for neutral disturbance having occurred on these dates comes from the statement of the lineman enclosed as part of the written statement wherein he has stated that on 13.04.2016, when he received complaint he had gone to the pole near the residence of petitioner, and climbing up the pole he had tightened the cable of all 3 phases and the

neutral. After which power was restored and meter was functioning normally. This statement taken together with the complaint no. 11 of 20.03.2016 seem to suggest that there was a problem with the neutral or neutral cable which may have had some correlation with these very high demand readings.

11. While it is true that no tamper is recorded in the disputed period, the probability of a meter with connected load of 11.83 KW (as per respondent's inspection dated 09.05.2017) recording a consumption of total billed units 17300 (out of a total of 18806 units, consumption from 08.10.2015 to 03.02.2016 is 1506 units as per consumer history. $18806 - 1506 = 17300$ units are supposedly consumed between 03.02.2016 and 10.04.2016) is rare. Further, such consumption for the period 03.02.2016 to 10.04.2016 is possible at a load factor of 90%. Such high load factor, lasting 2 months for a domestic consumer, appears highly improbable practically, although it is theoretically not impossible. This also appears to be an impossible load factor as the average load factor of the petitioner has been of the order of only 4.5% in the period from 2011 (when consumer history is available) till the start of disputed period and also succeeding the disputed period.
12. Petitioner's grievance with the Forum order include
 - i) How such high usage has always corresponded to maximum demand of 40 KW?
 - ii) Respondent claim of no neutral disturbance on 20.03.2016 has been accepted unquestioningly by the Forum. This in spite of respondent erroneously claiming that in case neutral disturbance was indeed the cause of Imax the other two consumers on this line would have also suffered. Petitioner has repeatedly drawn attention to the fact that he is the only 3 phase consumer and the only consumer connected to this pole. The logic that other consumers have not suffered similarly therefore does not hold.
13. While the absence of tamper data precludes any documentary support for neutral disturbance at the time of each of these peak load events, it needs to be established how such peak load of roughly 40 KW was reached on all four occasions (31.01.2016, 12.02.2016, 30.03.2016 and 03.04.2016) while the only tenuous ground used by respondent for establishing this has been the alleged possible misuse by domestic staff of petitioner in the absence of petitioner from the residence. No evidence had been

adduced to show how such misuse was possible by the domestic staff and for what purpose it could have been used. 90% load factor for a domestic consumer over a 2 month period will require explanation and justification more than what has been adduced in this case.

14. Hence the basis for rejecting the claim of neutral disturbance is incorrect. In the absence of tamper data and MRI the petitioner's claim that this might have been the false recording due to neutral disturbance is not fully established. However at the same time, the respondent's claim that this is the energy and demand recorded in the meter as per MRI and is the actual consumption demand drawn by the petitioner during the period under dispute for high consumption cannot be considered proved in controvertibly.
15. It is therefore a case where the meter has recorded fictitious demand and energy (fraud recording) corresponding to I_{max} without drawl of so much demand and energy by the petitioner. As asserted by the respondents the meter being of old version might have not been programmed to record such events, that might have occurred during the period under dispute, and so those events have not been recorded in the Cumulative Tamper Status Report. Such being the case the energy recorded by the meter in the aforesaid circumstances cannot be held as the actual consumption of the petitioner and therefore the petitioner cannot be charged for the same. It would therefore be justified if the bill for the period 03.02.2016 to 10.04.2016 for 18806 units (said to be the consumption from 08.10.2015 to 10.04.2016 instead of consumption from 03.02.2016 to 10.04.2016) is revised on average consumption obtained in the 3 billing cycles during the period prior to 08.10.2015.
16. The respondents are directed to withdraw the disputed bill and issue a revised bill for the period 08.10.2015 to 10.04.2016 as aforesaid after adjustment of the amount of the disputed bill paid by the petitioner and also without levy of any LPS. Forum order is set aside. Petition is allowed. No order for costs.

Dated: 22.06.2017

(Vibha Puri Das)
Ombudsman