

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Suraksha Pharma Pvt. Ltd.,  
K.H.N., 410 Karaundi, Bhagwanpur,  
Roorkee, Distt. Haridwar, Uttarakhand

Vs

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

Representation No. 13/2016

### **Order**

The petitioner M/s Suraksha Pharma Pvt. Ltd. aggrieved by the order dated 26.05.2016 of the Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred as Forum) in his complaint no. 212/2015 has filed this petition before the Ombudsman for reversing the so called fictional assessment against his connection no. 1156 with a sanctioned load of 71 KW and which has allegedly been running 62.24% slow.

2. The case in brief is that the meter was installed at the petitioner's premises against connection no. 1156 on 23.03.2011 with sealing certificate no. 15/31. On the basis of M/s YMPL testing report of 16.12.2015, the divisional office vide their letter 25.01.2016 informed the petitioner that the meter installed in his premises is running 62.24% slow as a result of which assessment of Rs. 29,20,922.00 has been made, which should be deposited. Since the petitioner did not deposit the assessed amount, the electricity connection was temporarily disconnected on 26.02.2016. Petitioner has raised the issue that there is no fault in the CT/PT nor has there been evidence of tampering in the meter but due to the carelessness of respondent, the Y and B phase of CT was found changed (wrongly connected) and petitioner is not at all responsible for this wrong connection. While the Forum ordered restoration of his connection and also modified the assessment to Rs. 27,10,984.00, they did not find merit in the plea of the petitioner for withdrawal of the assessment and dismissed the complaint.

3. Petitioner has framed his case around the following grounds:
  - a) While the assessment has been made on the basis that meter is running slow the said meter was not checked by a team of experts who would assess whether the meter was properly sealed. The liability for this slow running rests with the respondent and not with the petitioner.
  - b) Forum in their order required the petitioner to deposit interim amount of Rs. 7.30 lacs after which the connection was got restored but despite petitioner's case having been proved, Forum held the employees and officers of respondent liable for mistakes and faults, but still held the assessment at Rs. 27,10,984.00 to be correct which was, as per petitioner, inappropriate, and hence Forum order needs to be set aside.
  - c) After the sealing of the meter on 23.03.2011 and till the checking by M/s YMPL on 16.12.2015 (offline checking) the meter had not been opened and also no tampering was found and if the meter was found OK at the time of sealing certificate on 23.03.2011, there is no reason why it should have become faulty subsequently.
4. Petitioner has further asserted that despite the above lacunae in the case filed by the respondent and despite his repeated requests, petitioner was not given copy of the online testing report, offline testing report and MRI (respondent have claimed that copies of online and offline testing report had been provided to the petitioner as informed by the respondent to the Ld. CGRF vide letter 120 dated 16.04.2016.).
5. Forum in their order have given Rs. 27,20,984.00 as the correct assessment rather than Rs. 29,20,922.00 given by the respondent and they have ordered restoration of the connection after deposit of Rs. 7.3 lacs as part payment of assessment but they have not found fit to allow the complaint or give the relief of setting aside the assessment.
6. Respondent in his written statement before Ombudsman have argued that the meter installed on 23.03.2011 was correct meter but due to human error the Y&B CTs of the meter were wrongly connected. This came to the notice of the department only when checking was done by the M/s YMPL team on 16.12.2015 (offline). Accordingly assessment bill was raised. The meter was correct and OK on 23.03.2011 and is still Ok but the assessment has been rendered necessary due to wrong connection of Y&B

phase of CT and not due to any defect in the meter. Respondent have not alleged any malpractice by the petitioner nor any penalty or surcharge has been levied but petitioner is required to pay for energy consumed. The connection was disconnected due to nonpayment of the assessment bill. In the M/s YMPL online testing on 22.09.2015 the meter was found recording 62.24% less and in online testing dated 16.12.2015 (while WS states online testing on 16.12.2015 this is perhaps offline testing) the error was found in Y&B phases CT connections to meter.

7. An interim stay had been granted by the Ombudsman on 27.06.2016 till disposal of the stay application. On 15.07.2016 stay was granted to the petitioner on ensuring deposit of 50% of disputed amount by 31.07.2016. Respondent confirmed deposit of Rs. 7.3 + 6.25 lacs = Rs. 13.55 lacs. While arguments were concluded in this matter on 26.07.2016 and case was fixed for judgment, examination of the case suggested that clarification on a number of points is required from the respondents in the interest of justice, hence the date for judgment 12.08.2016 was suspended till clarifications required from the respondents vide letter no. 4008 dated 11.08.2016 are received. The following clarifications were sought:

- i. The detailed error report dated 29.10.2015 of M/s YMPL shows -62.24% error in active energy while no error in reactive and apparent energy has been shown in the said report. Billing of the consumer under appropriate tariff (Rate Schedule RTS-7) as applicable to this category of consumer has been done on apparent energy (KVAH). When no error in apparent energy has been shown in the said report how the % error of - 62.24% in active energy has been applied on apparent energy and assessment on this basis has been raised.
- ii. The electrical parameters recorded in this report indicates correct vector triangle and energy recorded gives power factor 0.918. In view of these 2 reports how the % error of – 62.24% in active energy is justified.
- iii. The consumer billing history from May 2008 to March 2016 shows that the KVAH consumption during the period the Y&B phase CT connections are claimed to be wrong on the basis of YMPL report, is higher in all months than that during the months prior to replacement of meter on 23.03.2011 and after checking on 16.12.2015 and after setting right the connections of Y&B phase CTs which were claimed wrong in checking on 16.12.2016. Please explain as to how it is possible that consumption despite wrong CT connections would have

been more than what it was when CT connections were held to be correct in the period preceding and succeeding the period under dispute. The contracted load having been the same (71 KW) during the entire period for which the billing history has been submitted.

- iv. The power factor in almost all the months for which billing history has been submitted appear to be within reasonable limits.
  - v. What would be the monthly power factor during the period under dispute in view of YMPL's detailed error report which gives percentage error -62.24 % in active and no error in apparent energy.
8. The desired clarifications were received from the respondents vide their letter no. 5396 dated 31.08.2016. Hearing on respondent's report dated 31.08.2016 was held on 23.09.2016. Since the reply given by the respondent indicated a situation at variance with the report given by M/s YMPL and less recording with the claimed wrong CT connections was reported 81% (The respondents have reported that the meter was recording only 19%) against 62.24% in M/s YMPL report. and no satisfactory explanation for this variance could be arrived at during arguments, a need was felt to obtain a clear and unambiguous performance report about the existing meter with reported wrong Y&B CT connections. The respondents were therefore directed to conduct a comparative study of the existing meter by reverting to status-quo-ante with regard to CT connections. This study was to be conducted by a team of officers from Distribution, Test and Meter of the concerned divisions in the presence of the authorized representative of the petitioner. While the report was called for within 30 days of the order the comparative study report submitted vide letter no. 4347 dated 24.10.2016 and its hearing on 21.11.2016 showed main meter 44% slow in KWH and 45% slow in KVAH against 62.24% slow in M/s YMPL report and dissimilar phasor diagram which suggests that connections of Y&B phase CT had not been made as they existed at the time of checking by M/s YMPL on 16.12.2015. The respondent themselves admitted their mistake at the time of arguments on 21.11.2016 and requested to allow them to conduct the comparative study again as directed vide order dated 23.09.2016. Hence a repeat comparative study was directed and a report called for within 3 weeks by 12.12.2016. The report was submitted by the respondents vide their letter 5043 dated 16.12.2016 wherein they reported that in the comparative study by reverting to status-quo-ante as was found in M/s YMPL report on 16.12.2015, the

main meter was found slow by 2.53% both in KWH and KVAH recording and phasor diagram as obtained was similar to that found in M/s YMPL study on 16.12.2015. Final arguments were concluded on 16.12.2016 in which the respondent submitted the comparative study report and written arguments and reiterated the contents of their study report at 16.12.2016 and further submitted that Y&B phase CT were connected with reverse polarity and the meter was of correct specification.

9. In the instant case following reports are available on record.
- a. M/s YMPL online checking report dated 22.09.2015 showing slow running of meter by 62.24%.
  - b. M/s YMPL offline testing report dated 16.12.2015 showing Y&B phase CT connection wrong which were rectified.
  - c. Sealing certificate no. 38 dated 16.12.2015 showing 62.24% slow running of meter and Y&B phase CT found wrong.  
(In the above reports the word wrong CT connection was mentioned and it was not clear as to what is wrong with the CT connections. It was expedient to know as to what mistake was done in the connections of these CTs. In response to queries by Ombudsman respondent had submitted their report dated 31.08.2016)
  - d. In the report of respondent dated 31.08.2016 a formula was given with the report that due to these wrong connections the meter shall run slow by 81%. This was at variance with M/s YMPL report at sr. 8 (a, b,c) above.  
(Respondents were directed to conduct a comparative study by reverting CT connections to status-quo-ante of 16.12.2015.)
  - e. In compliance respondent submitted comparative study report dated 24.10.2016. This report gave a dissimilar phasor diagram and slow running by 44% in KWH and 45% slow in KVAH which suggested that CT connections in this study were not made as that of 16.12.2015.  
(Respondent admitted a mistake in making CT connection and requested another opportunity for comparative study, which was allowed.)
  - f. The comparative study report dated 14.12.2016 submitted by the respondent gave CT connections as found on 16.12.2015 and reported slow running of meter by 2.53% in comparison to another meter linked in parallel both in KWH and KVAH. The phasor diagram obtained was similar to that of 16.12.2015.

- g. Written arguments on behalf of respondent filed on 16.12.2016 vide which they have concluded that Y&B phase of CT at meter terminal were of reversed polarity and the meter was of correct specification (with regard to reverse polarity connections which is quoted under in the following paragraph).
10. Documents and study reports on record have been gone through carefully and arguments held on various dates have also been heard. The statutory provisions with regard to accuracy of the meter need to be ascertained. Rule 57 (1) of Indian Electricity Rules, 1956 provides:
- “Any meter or maximum demand indicator or other apparatus placed upon a consumer’s premises in accordance with Section 26 shall be of appropriate capacity and shall deemed to be correct if its limits of error do not exceed 3 per cent, above or below absolute accurate accuracy at all loads in excess of one-tenth of full load and up to full load.”*
- This provides that a meter is considered recording correctly if the error does not exceed 3%.
11. An examination of the above studies and reports clearly reveals that:
- a) As admitted by the respondents in their final study report and written arguments dated 16.12.2016, the Y&B phase CT were connected to meter with reverse polarity and this was the only error or mistake in connecting these CTs to the meter.
  - b) In their written arguments on 16.12.2016 the respondent not only reiterated the contents of their report dated 14.12.2016 but also confirmed in their written arguments that the meter was of the prescribed specifications (which were submitted by respondents vide letter dated 11.01.2017). As per these specifications under clause 15 Tamper -2 reads as follows:  
*“The meter shall be unidirectional and shall register energy consumption correctly even though the CT polarity of one or more phases are reversed and record the same, with date and time of last occurrence and last restoration along with total number of such occurrences for all phases during the above period on FIFO basis.”*

From the above it is clear that if CT polarity of one or more phases are reversed even then the meter will record correctly but will show the polarity reversed in the tamper.

- c) The meter is running slow by 2.53% and not 62.24% as recorded in the M/s YMPL report. 2.53% slow is well within the prescribed limit of error as prescribed in the aforesaid statutory provision i.e. Rule 57 (1).

12. In view of above it is clear that the meter was working correctly within the specified limits of errors and the only mistake in connecting the CTs of Y&B phase was polarity reversal and which as per specifications of meter has no effect on recording energy by meter. As slow running of meter by 62.24% as per M/s YMPL report is not established and in fact the meter is proved running correctly within specified limits of error and polarity reversal having no effect on energy recorded by the meter, the assessment of Rs. 29,20,922.00 modified to Rs. 27,10,984.00 by order of the Forum is not justified. The Forum order is set aside as also the assessment of Rs. 27,10,984.00 raised by the respondent. The respondents are directed to withdraw the said assessment bill and adjust the amount of Rs. 13.55 lacs deposited by the petitioner, against the disputed assessment bill, in the future bill(s) issued after this order. The petition is allowed with no costs.

Dated: 17.01.2017

(Vibha Puri Das)  
Ombudsman