

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Yaka Pharmaceuticals Pvt. Ltd.,
Through Shri Sunil Kapil
Authorized representative
285, Dehradun Road, 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. 20/2016

Order

The petitioner, M/s Yaka Pharmaceuticals Pvt. Ltd. has filed this appeal against the order dated 14.07.2016 of Consumer Grievance Redressal Forum, Garhwal zone (hereinafter referred to as Forum) in complaint no. 15/2016 vide which Forum have held the assessment against the petitioner to be correct and have only required Licensee UPCL to refund the disconnection and reconnection charges of Rs. 600.00 through adjustment in future bills.

2. Petitioner has stated while he learnt of some M/s YMPL testing on 20.10.2015 vide the letter of 25.01.2016 from Executive Engineer office through which an assessment of Rs. 4,03,426.00 has been imposed on petitioner, he received a sealing certificate in February from the office of Executive Engineer and was not given a copy at the time of testing by M/s YMPL. Petitioner has also stated that in case M/s YMPL found any lacunae in the functioning of the meter, they should have installed a check meter. The fact that M/s YMPL also found the seals of the meter intact and no evidence of tamper makes it clear that the intentions of the petitioner are above board and there has been no tampering with the meter. As per the sealing certificate M/s YMPL has found the meter to be 58.46% slow the reason for which has been indicated as wrong CT connection in B phase. Petitioner alleges that in case this is taken as correct after the connections were corrected on 20.10.2015 his bill should have increased by at least 2

times but this has not happened. Petitioner has also submitted copies of month wise production of drugs and the comparative chart of consumption of electricity for production of drugs which clearly corroborate petitioner's statement. While petitioner has deposited the demanded Rs. 4,03,426.00 under protest, he approached the Forum for relief. The Forum has, however, according to petitioner, given a defective order. Petitioner has based his arguments mainly on the premise that consumption after the checking of the meter has not gone up and hence the claim that the meter was slow by 58.46% is incorrect. Further, petitioner has also claimed that in case of any discrepancy in the reading, the assessment can be done for a maximum of six months whereas in his case the assessment is for about eight months. The Forum has also not given any order on the assessment for Rs. 4,03,426.00 but have confined themselves to saying that the Rs. 600.00 taken as disconnection and reconnection fees may be adjusted in future bills whereas his request was for setting aside the assessment of Rs. 4,03,426.00. Petitioner has therefore requested that the connections in his meter may be brought to the status that they were in, prior to testing by M/s YMPL, and a chart or graph as per MRI testing may be drawn along with a similar chart graph of another check meter. Only if the check meter corroborates the finding reported by M/s YMPL will the petitioner be willing to accept the assessment. In case no error is found, petitioner requests that he may be granted the demanded Rs. 4,03,426.00 with interest and compensation for loss in prestige and mental agony equal to Rs. 10,00,000.00.

3. The Forum in their order, have enquired about the CT connection being wrong and an explanation of what is wrong with the CT connection. In response the respondent have explained that the CT connection is reversed but in their finding Forum have held that due to the CT connection being reversed the meter was found 58.46% slow and hence meter was recording 58.46% less consumption than actual energy used. Forum have therefore found only the charge of Rs. 600.00 for disconnection and reconnection charges to be unauthorized and have ordered adjustment of this Rs. 600.00 in future bills but have held the assessment of Rs. 4,03,426.00 as correct and justified. Forum have also referred to inspection report of 18.03.2015 by respondent on the basis of which an assessment of Rs. 81,778.00 was imposed and communicated vide letter dated 25.06.2015. This amount was deposited by the petitioner. Forum have held that while the MRI taken on 20.10.2015 had pointed out that the B phase CT connection reversal was continuing for 549 days but the checking of 18.03.2015

of the metering system did not confirm this and the inspection team did not check the primary and secondary wire connection, nor did they set the B phase reversal right. Forum have therefore directed that responsible officers and staff should be held to account for the revenue loss.

4. The respondents in their written statement have asserted that in M/s YMPL testing a check meter is separately installed for checking of the meter without which the checking of the meter is not possible. Respondent have also disputed the petitioner's argument that consumption should have been 2 times higher if indeed the meter was found recording "58.46% of electricity due to error in B phase CT connection". They have also disputed that the assessment of less recording of meter due to wrong CT connection can be for six month only and present assessment for more than 8 months is correct. The respondent, in their written statement as well as in arguments dated 25.10.2016, have claimed that M/s YMPL, while checking the metering system of petitioner did install a check meter. However, they have not corroborated their statement with documentary evidence i.e. no document for installation and finalization of check meter have been adduced by them. The check meter has been defined as follows in sub regulation 2 (1) (i) of CEA (Installation and operation of meter) Regulations, 2006

"(i) 'Check Meter' means a meter, which shall be connected to the same core of the Current Transformer (CT) and Voltage Transformer (VT) to which main meter is connected and shall be used for accounting and billing of electricity in case of failure of main meter;"

5. Respondent have also asserted that the Forum after deliberation made in pages 4 to 6 of the judgment found the amount of the assessment is payable by the petitioner and have therefore for the sake of brevity and to avoid repetition have requested that pages 4 to 6 of the judgment be read as the part of written statement.
6. Petitioner has submitted a rejoinder on 15.10.2016 in which information and detailed data received from Executive Engineer, EDD, Roorkee vide letter no. 3996 dated 29.09.2016 has been quoted. As per the data it is clearly mentioned in heading "tamper 2" current polarity reversal as per the following.

“The meter shall register energy consumption correctly even though the CT polarities 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.”(FIFO presumably is FIFO)

The petitioner has therefore concluded that if the B phase CT connection were reversed even though the meter has recorded the correct energy consumption and has said that a check meter may be put on his line after making the CT phase reversed so as to establish the point made by petitioner.

7. In order to arrive at the correct picture of consumption and meter performance and as well as to know the effect of polarity reversal on recording of energy by the meter and since in accordance with the provisions of Regulation highlighted in para 6 above it appears that a check meter has not been installed at the time of M/s YMPL testing, respondent were directed on 11.11.2016 to conduct a study by a team of Officers from Distribution, Test and Meter divisions in the presence of an authorized representative of the petitioner. Study report along with both sealing certificates along with MRI reports were called for within 30 days of the order. Report in this regard was presented and arguments were heard on 16.12.2016.
8. Arguments on behalf of both parties have been heard and the documents available on the file perused carefully. From the meter specifications filed by the respondent it is clear that even in case of polarity reversal *“the meter shall register energy consumption correctly even though the CT polarity are reversed and record the same...”* These specifications pertain to the meter installed at petitioner’s premises.
9. The comparative picture of instantaneous values and phasor diagram between the check meter and the meter installed at the petitioner’s premises with connections that prevailed at the time of M/s YMPL testing, show that the main meter is 5.83% slow in KVAH terms and 2.6% slow in KWH terms compared to the check meter. In their written report respondent have drawn the conclusion that the meter is as per specifications which includes the specification mentioned in para 6 above i.e.

“The meter shall register energy consumption correctly even though the CT polarities 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.”

And the meter is slow to the extent mentioned above i.e. 5.83% in KVAH as against 58.46% as indicated in the assessment given to the petitioner. Further since the slow performance of meter cannot be due to reversed polarity of CT but due to some internal fault of the meter, the period for which assessment may be raised on the petitioner can be up to six months as per sub regulation 3.1.3 (6) of UERC (The Electricity Supply Code) Regulations, 2007.

“(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.”

Accordingly the assessment at 5.83% will be subject to the ceiling of six months period.

10. The assessment order dated 25.01.2016 for Rs. 4,03,426.00 is not found justified and hence ordered to be withdrawn and the aforesaid amount already deposited by the petitioner be refunded by way of adjustment in the future bill(s), to be issued first after issue of this order. A fresh assessment for slow running of meter @ 5.83% in KVAH be raised for a period of six months in accordance with sub regulation 3.1.3 (6) of UERC (The Electricity Supply Code) Regulations, 2007. Forum Order is set aside. The appeal is allowed with no costs.

Dated: 17.01.2017

(Vibha Puri Das)
Ombudsman