

**GUJARAT ELECTRICITY REGULATORY COMMISSION  
BEFORE THE ELECTRICITY OMBUDSMAN, GUJARAT STATE  
Polytechnic Compound, Barrack No.3, Ambawadi,  
Ahmedabad-380015**

**CASE NO. 40/2018**

**Appellant:** M/s. Vinayak TMT Bars Pvt. Ltd.,  
Old Survey No.25/1, 24/P. New S.No.35,36,37.  
Barot-na-mosampur, Post: Sampa.  
Dehgam-382305. Dist. Gandhinagar.

**Represented by:** Shri Kapesh B. Ramjiyani, Energy Manager

**V/s.**

**Respondent:** Executive Engineer,  
Uttar Gujarat Vij Company Limited  
Division Office, Nr. Railway crossing,  
B/h. Govt.Press, Pethapur Road,Gandhinagar-382041.

**Represented by:** Miss Mala P. Shah, EE, UGVCL, Gandhinagar

**:::PROCEEDINGS:::**

- 1.0.** The Appellant had submitted representation aggrieving with the order No.3423 dated 31.03.2018 passed by the Consumer Grievances Redressal Forum, Uttar Gujarat Vij Company Limited, Sabarmati, in case No. UG-04-014-2017-18. The representation was registered at this office as Case No.40/2018. The hearing of this case was kept on 14.06.2018.
- 2.0.** Appellant has represented the case as under.
  - 2.1.** Appellant is a HT consumer, bearing consumer No.18069, having contracted demand of 12000 KVA under HTP-I tariff.
  - 2.2.** On 01.11.17 Appellant had opted HTP-IV tariff from HTP-I tariff.
  - 2.3.** As per contracted demand of 12000 KVA and under option of HTP-IV tariff, 15% of contracted demand of 12000 KVA i.e. 1800 KVA can be allowed during the time period of 6.00 a.m. to 10.00 p.m. and

consumption would be remained 10% of consumption between time period from 10.00 p.m. to 06.00 a.m.

- 2.4. It is stated that as per MRI report submitted by Respondent contracted demands of 2160 KVA has been recorded during the time period block 09.45 p.m. to 10.00 p.m. on 01.11.17, which is above 15% of the contracted demand. 360 KVA i.e. 3% of contract demand recorded more during the day time period and for that Respondent has issued energy bill for the month of November,2017 under HTP-I tariff.

The energy consumption recorded during the day time period is well within 10% of night hours consumption.

It is observed by Appellant that ABT meter is installed in its location is lagging by 7 minutes and 52 seconds with GMT.

It was the first day under option of HTP-IV tariff and under time difference reasons. The higher demand was recorded during the last time block i.e. 09.45 to 10.00. 3% demand was recorded more and for that there was no any benefit to Appellant nor any production has been carried out.

While observing the ABT meter time difference it was intimated to the Respondent for time correction purpose and thereafter no any violation was observed during the month of November,2017 under HTP-IV tariff.

Looking to the above ground, Appellant has requested to revise the energy bill under HTP-I tariff for one day and under HTP-IV tariff for remaining 29 days for the month of November,2017.

- 2.5. Appellant has referred the cases as under:

- (1) M/s. Shefali Rolls Limited V/s PGVCL.
- (2) M/s. Aadishwar Casting Limited V/s UGVCL
- (3) M/s. Mangal Alloy Pvt. Ltd., V/s UGVCL(Case No.1841/2009)
- (4) M/s. Sachdev Ind. V/s PGVCL (Ombudsman Case No.6/2007)

- 2.6. Forum has decided the grievance considering billing tariff due to meter technical fault and violation was taken place by mistake. It is

submitted that ABT meter was one and half year old. Up to November,2017 and time difference was observed 7.5 minlag with GMT, which was observed later on. Due to such technical issue and relation with time with ABT meter, Appellant had not gain more production, which may be considered and grievance may be decided with natural justice.

2.7. On 21.05.18, Appellant has submitted letter mentioning that amount of energy bill of November,2017 was fully paid by him.

2.8. On 20.06.2018, Appellant has submitted rejoinder as under:

- (1) As ABT meter is in custody with Respondent, Appellant has approached Respondent on very next day to certify prevailing delay in ABT meter timing.
- (2) On 18.06.18, Appellant approached to Respondent in person to discuss the issue. It was informed by Respondent that no records dated 01.11.17 are available with them which can prove difference in timing of ABT at that particular time.
- (3) Appellant has arranged third party verification by M/s. Narendra Electric Corporation and submitted certification of meter timing difference with respect to IST time. The current difference time is about 9 minute 47 second from IST.
- (4) On occurrence of event on 01.11.17 that is greater than six months period. No data can be extracted from ABT meter as ABT meter has backup data of only four months.
- (5) It is stated that application was submitted to Respondent on 04.12.18 for correction in ABT meter timing difference. Till date no reply is received from Respondent. It was also suggested by Respondent that ABT meter is to be retested for accuracy at Hi-Tech laboratory after time correction.
- (6) Appellant has requested that considering all the above facts, nationalise penalty for accidentally happen violation of tariff.

**3.0.** Respondent has represented the case as under.

- 3.1. It is submitted that Appellant is a HT consumer, bearing consumer No.18069, having contracted demand of 12000 KVA.
- 3.2. Appellant had made application on 26.09.17 for switching of tariff category from HTP-I to HTPIV (Night hour usage) commencing from 01.11.2017.
- 3.3. Secure make ABT meter, having Sr.No. GJ3219A has been installed at the location of Appellant. Appellant has submitted latest checking sheet No. 21637 dated 16.03.18.
- 3.4. It is stated that as per tariff under HTP-IV there must be contracted demand recorded in KVA 15% of the contract demand in KVA except night hour usage. If not, the demand charges must be considered under HTP-I tariff.
- 3.5. It is stated that as per MRI report of ABT meter No. GJ3219A appellant has recorded maximum demand on 01.11.17 at 10.00 p.m., 0.02156 KW on peak hour zone. Multiplying with MF 90000 it is evaluated  $0.02156 \times 90000 = 1940.4$  KVA which is higher than 15% of contracted demand of 12000 KVA (i.e.  $12000 \times 0.15 = 1800$  KVA). It is violation of excess contracted demand in peak hour zone, as per tariff condition.
- 3.6. As per tariff under HTP-IV considering above violation of excess contracted demand recorded in peak hours zone, the demand charges are billed as per HTP-I tariff for the month of November,2017. Respondent has submitted copy of MRI report.
- 3.7. Respondent has submitted the calculation as under:

HTP-I			HTP-IV (1/3 <sup>rd</sup> of HTP-I)		
KVA	Rate Rs./KVA	Amount	KVA	Rate Rs./KVA	Amount
First 500	150	75,000	First 500	50	25,000
Next 500	260	1,30,000	Next 500	87	43,500
Rest 10682	475	50,73,950	Rest 10682	158	16,87,756
		52,78,950			17,56,256

- 3.9. It is stated that the bill issued for the month of November,2017 is in order as per tariff order.

**::: ORDER :::**

- 4.0.** I have considered the contentions of the Appellant and the contentions of Respondent and the facts, statistics and relevant papers, which are on record, and considering them in detail, my findings are as under.
- 4.1. Appellant is having steel re-rolling mill and furnace at Dehgam, having HT connection of Respondent, bearing consumer No.18069, having contracted demand of 12000 KVA. ABT meter is installed on 20.05.2016. Previously Appellant had opted HTP-IV tariff for the year 2016-17 for the month of November,2016 and no violation was observed.
- 4.2. Under Option HTP-IV tariff, as per meter MRI data, Maximum Demand was recorded 1940.4KVA at 09.45 p.m. to 10.00 p.m. on 01.11.2017, which is higher than 15% of contracted demand of 12000 KVA.
- 4.3. This is a case in which Appellant had opted HTP-IV tariff in advance for the month of November,2017 under switching Option from HTP-I tariff to HTP-IV tariff with mentioning his request that this is a first switching option under calendar year.
- 4.4. Argument of Appellant stating that ABT meter clock is lagging behind GMT time by 7 minute 52 second. As per say of Respondent that ABT meter has been procured by Appellant and installed to avail Open Access power supply as and when required by Appellant. Prior to getting option under HTP-IV tariff, Appellant was billed under HTP-I tariff.
- 4.5. As per Para 3.5, Maximum Demand recorded with violation of HTP-IV tariff condition No.1, on first day of November,2017. Appellant has requested for opting HTP-IV tariff for the month of November,2017, means he has to remain vigil in term of utilization of electric supply as per option under HTP-IV tariff.
- 4.6. Appellant has not produced the evidence showing clock of ABT meter lag behind 7 minutes 52 seconds with GMT. As per meter data submitted by Respondent, meter Sr.No. GJ3219A read on 26.04.2016 at 15:14:23, while meter date & time shown in the data is 26.04.2016

at 15:13:33. In another meter data of Sr.No.GJ3219A read on 01.12.2017 at 00:35:15, while meter date and time shown is 01.12.2017 at 00:37:02. From observation of above two data, minor time gap is observed, between meter clock and meter data read instrument clock i.e. computer. Later on, as per Para 2.8(3), Appellant has produced the certificate of M/s. Narendara Electric Corporation, certified Energy Auditor regarding lagging of ABT clock of about 9 minutes 47 seconds from IST measured on 18.06.2018. The issue raised by appellant regarding lagging of clock is for the month of November,2017, where violation has been observed, but no documentary evidence is produced by him. Appellant is also availing power from Open Access and for that ABT meter is procured by him. Therefore, Appellant has to remain punctual in operation of transaction as far as recording of energy parameters with ABT meter is concerned. The violation observed might be an operation of switching of power prior to schedule time i.e. 10.00 p.m.

- 4.7. GERC tariff provisions state that the mandatory requirement of the meter for HTP-I tariff, consumers having measurement of Maximum Demand shall be recorded during consecutive 30/15 minutes integration period.
- 4.8. The violation observed in the ABT meter is recorded during day time 09.45 p.m. to 10.00 p.m.

As per HTP-IV tariff, Appellant has to use electricity exclusively during night hours from 10.00 p.m. to 06.00 a.m.(next day). As per GERC tariff para 16 of tariff order of financial year 2016-17 for HTP-IV is as under.

16 RATE: HTP-IV:

This tariff shall be applicable for supply of electricity to HT consumers opting to use electricity exclusively during night hours from 10.00 p.m. to 06.00 a.m. next day and contracted for regular power supply of 100 KVA and above.

NOTE:

- (1) 15% of the contracted demand can be availed beyond the night hours prescribed as per para 16 above.
- (2) 10% of total units consumed during the billing period can be availed beyond the night hours prescribed as per Para 16 above.
- (3) In case the consumer failed to observe condition No.1 above during any of the billing month, then demand charge during the relevant billing month shall be billed as per HTP-I category demand charge rates given in Para 13.1 of this schedule.
- (4) In case the consumer failed to observe condition No.2 above during any of the billing month, then entire energy consumption during the relevant billing month shall be billed as per HTP-I category energy charge rates given in Para 13.2 of this schedule.
- (5) In case the consumer failed to observe above condition No.1 and 2 both during any of the billing month, then demand charge and entire energy consumption during the relevant billing month shall be billed as per HTP-I category demands charge and energy charge rates given in para 13.1 and 13.2 respectively, of this schedule.
- (6) This tariff shall be applicable if the consumer so opts to be charged in place of HTP-I tariff by using electricity exclusively during night hours as above.
- (7) The option can be exercised to switch over from HTP-I tariff to HTP-IV tariff and vice versa twice in a calendar year by giving not less than one month's notice in writing.

As per above provisions, HTP-IV category is applicable to the consumers who agree to utilize the electricity exclusively for eight hours of night hours, i.e. 10.00 p.m. to 06.00 a.m. hours next day, with conditions stated in above tariff.

## 4.9. Meter MRI data of meter Sr.No. GJ3219A read on 01.12.2017:

As per History-1: TOD/SLAB-1.

Parameters: Active(E): Total value: 0.02160.

Date & time: 01/11/2017. 10.00 p.m.

Sr. No.	Time slot		Date	KW-I	KVA-W(1)	KW*MF	Final KW	Final KVA	PF
	From	To							
1	20:00	20:15	01.11.17	0.00332	0.00420	299	75	378	0.806
2	20:15	20:30	01.11.17	0.00380	0.00496	342	86	446	0.790
3	20:30	20:45	01.11.17	0.00416	0.00548	374	94	493	0.766
4	20:45	21:00	01.11.17	0.00452	0.00600	407	102	540	0.759
5	21:00	21:15	01.11.17	0.00444	0.00604	400	100	544	0.753
6	21:15	21:30	01.11.17	0.00476	0.00636	428	107	572	0.748
7	21:30	21:45	01.11.17	0.00384	0.00492	346	86	443	0.780
8	21:45	22:00	01.11.17	0.02156	0.02160	1940	485	1944	0.998
9	22:00	22:15	01.11.17	0.08332	0.08328	7499	1875	7495	-1.000
10	22:15	22:30	01.11.17	0.12428	0.12432	11185	2796	11189	-1.000
11	22:30	22:45	01.11.17	0.12556	0.12556	11300	2825	11300	-1.000
12	22:45	23:00	01.11.17	0.12220	0.12216	10998	2750	10994	-1.000
13	23:00	23:15	01.11.17	0.12452	0.12456	11207	2802	11210	-1.000
14	23:15	23:30	01.11.17	0.12232	0.12232	11009	2752	11009	-1.000
15	23:30	23:45	01.11.17	0.09792	0.09792	8813	2203	8813	-1.000
16	23:45	00:00	01.11.17	0.12724	0.12792	11452	2863	11513	0.995

Meter has recorded 1944 KVA during 21.45 p.m. to 22.00 p.m. on non-specified time period under Option of HTP-IV tariff.

4.10. As per observation of MRI data, ABT meter data shows utilization of power from Open Access.

Respondent has also stated that Appellant has opted option for purchasing power form Open Access and accordingly ABT meter has been installed at location of Appellant for billing purpose as per regulatory requirement of Open Access. Thus, installation of ABT meter and billing as per recorded parameters of ABT meter, are entitled to issue bills accordingly.

4.11. The reference cases as per Para 2.5, has been narrated by Appellant for deciding present issue. It is noted that cases mentioned in Sr. No. 1 to 3 are decided by concern Forum of DISCOM, while for Sr.No.4, case was decided by Ombudsman. In that reference it is to note that tariff conditions are different one at that point of time in the relevant years, while deciding the Ombudsman Case No. 6/2007. Thereafter, under HTP-IV tariff, conditions are changed and liberal views have been taken by GERC and framed conditions as per Para No. 4.8 for the tariff for the year 2017.

4.12. From above observations it is cleared that Appellant has violated the conditions under option of HTP-IV tariff. The energy bill issued for the month of November,2017 by Respondent is as per the provisions of tariff order and the amount of energy bill is payable by Appellant.

4.13. I order accordingly.

4.14. No order as to costs.

4.15. With this order, representation/Application stands disposed of.

(Dilip Raval)  
Electricity Ombudsman  
Gujarat State

Ahmedabad.

Date: 12.07.2018.