

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

CASE NO. 97/2017

Appellant: M/s. Arcadia Agro
23, Second floor, Maruti Complex
Chhani Road, Vadodara-390002

Represented by: Shri Bhavik C.Shah, Partner

V/s.

Respondent: Executive Engineer,
Madhya Gujarat Vij Company Limited
Division Office, Borsad. Dist.Anand.

Represented by: Shri S.N.Parikh,EE, MGVCL, Borsad Divn.Office
Shri P.P.Pancholi,DE, MGVCL, Borsad

:::PROCEEDINGS:::

- 1.0.** The Appellant had submitted representation aggrieving with the order 99 dated 14.07.2017 passed by the Consumer Grievances Redressal Forum, Madhya Gujarat Vij Company Limited, Vadodara, in case No.MG-I-007-2017-18. The representation was registered at this office as Case No.97/2017. The hearing was kept on 26.10.2017 but as per request of Appellant the next hearing was kept on 16.11.2017.
- 2.0.** Appellant has represented the case as under.
 - 2.1.** M/s. Arcadia Agro is involved in Plant Tissue Culture which is an agriculture activity falling under Horticulture. The unit is operated during the year 2014-15 with sanctioned load of 475 KVA. From April,2015 there was slowdown of activity and ultimately in September,2015 the production was stopped. It retrenched most of the worker in September,2015 and retained a skeleton staff to clear out unsold tissue culture plants. All the stock was cleared out by end of November,2015. During the period of Sept.2015 to Nov.2015 few of the greenhouses fitted with fan and pad facilities were operated.

- 2.2. The load requirement of these greenhouses, along with other utilities like R.O. plant etc., was not more than 130 KVA. Appellant has submitted the details of connected load.
- 2.3. Appellant has made an application on 12.02.2016 to reduce the load from 475 KVA to 130 KVA which was sanctioned by Respondent on 19.03.2016 and change the CTPT unit on 18.03.2016. Checking sheet is submitted by Appellant. Meter was found OK.
- 2.4. Meter was again checked on 19.05.2016 at the time of meter reading for the month of May,2016 and it was found OK. Respondent is having a billing cycle from 19th to the next month of 19th.
- 2.5. It is submitted that while checking the meter on 20.10.2016 it was observed that phase R-N and B-N, meter was reading lower voltage of 4.29 KV and 4.16 KV respectively and Y-N voltage was found normal, i.e. 6.95 KV. G-7 Card is submitted. Meter reading personnel recommended checking the integrity of meter on urgent basis.
- 2.6. On 01.07.2016 Respondent has tested the meter and it was found slow by 27.56%. Although the meter was defective Respondent did not bother to change the same and no action had been taken till 16.11.2016.
- 2.7. Appellant had complaint before Respondent on 17.09.2016 that at the time of filling the G-7 form on 16.09.2016, the difference in the meter reading was observed double to the previous day consumption. Respondent made routine meter reading visit on 19.09.2016, after the above complaint, but did not check the meter nor they observed G-7 Card.
- 2.8. Respondent had issued supplementary bill on 21.09.2016 for additional 8943 units for the amount of Rs. 57902.96 for the period 19.05.2016 to 01.07.2016, and this amount was adjusted in the bill of September,2016. This bill was paid by Appellant on 05.10.2016. It is submitted that supplementary bill was raised after two and half month after the meter was found running slow. Even after complaint dated 16.09.2016 that meter is showing erratic behaviour and showing double consumption than normal, Respondent has neither made any attempt to check the meter or replace the same.

- 2.9. It is submitted that again on 11.11.2016 Appellant had complaint to Respondent and brought to the notice that since last eight days while noting reading in G-7 card Appellant is observing wide fluctuations in Red and Blue phase voltage. Phase to Neutral voltage of one phase shows 428 Volts while that of other two shows 414.
- 2.10. On 16.11.2016 Respondent had checked the meter and meter was found slow by 45.56%. Meter was replaced by Respondent on same day.
- 2.11. Supplementary bill for 73878 units for the amount of Rs. 6,21,646.92 was issued on 04.01.2017 for the period 02.07.2016 to 16.11.2016. Thereafter Appellant had filed appeal before CGRF.
- 2.12. Appellant has submitted the energy consumption worksheet and stated that units consumed for the period 24.11.2015 to 24.05.2016 for the six months period, average per day consumption was 493 units, whereas for similar kind of operations during the period of dispute i.e from 15.05.2016 to 25.11.2016, involving billing period of 24.05.2016 to 25.11.2016 for 185 days, average per day consumption was 609 units per day. For consideration of 27.53% slowness of meter for the period mid-May to mid-June and adding supplementary units of 8943, then average units per day would be 657. If as per second time meter checking and as per second supplementary bill for 73878 units then the total average per day for the disputed period of 185 days worked out to 1056 units per day, which is more than double of normal utilization of energy units. Appellant has submitted monthly consumption as under:

Month	As per Bill monthly MGVCL Bill	Addition unit as per supplementary invoices	As per to be assess bill after giving effect to additional unit to be charged as per suppl. Bill.
Dec.-15	18060		
Jan.-16	13182		
Feb.-16	13674		
March-16	13164		
April-16	17402		
May-16	13214		
June-16	16000	6077	22077

July-16	7546	2866	10412
July-16	13604	11389	24993
Aug.-16	25972	21744	47716
Sept.-16	24680	20637	45287
Oct.-16	16344	13683	30027
Nov.-16	7674	6425	14099
Nov.-16	768		
Dec.-16	5736		
Jan.-17	5774		
Feb.-17	7926		
March-17	8094		
April-17	11220		
May-17	10664		
June-17	9520		
July-17	5244		
Aug.-17	3050		
Total	268482	82821	194611

- 2.13. As per the MRI report submitted by Respondent, there is no concrete evidence to show from what period the meter started to read slow. Appellant also pointed out that when the meter was found to read slow from 01.07.2016 then why it was not replaced immediately?
- 2.14. As per CGRF order they have recorded the statement of Executive Engineer that meter was not replaced immediately on 01.07.2016 for the purpose of giving a chance to Appellant to have it checked by third party in accordance with Clause No.6.37 of Supply Code Notification. This matter is contrary to the covering letter dated 27.09.2016 issued by Respondent wherein it was mentioned that meter would be replaced immediately on payment of supplementary bill. It is to note that Respondent has not intimated Appellant to have meter tested by third party.
- 2.15. It is submitted that HT installation checking sheet dated 16.11.2016 in the remark column it is noted that existing SECURE meter is replaced by new HT meter due to declaration of existing SECURE meter as faulty by service engineer of SECURE meter through E-mail dated 12.10.2016. It is to note here that as per E-mail letter dated 12.10.2016 Respondent has replaced the meter on 16.11.2016 which shows negligence on part of Respondent and intention to harass the consumer.

2.16. Appellant has raised the question regarding blind applicability of Clause No.6.33 of Supply Code notification,2015 for the calculation of units for the maximum period and its misused by Respondent Licensee. Even CGRF has not observed the subject matter as well as not pointed out as to why the meter was not replaced after it was found defective as per initial checking of connection. Appellant has submitted the production record and consumption sheet, but it was not taken into account by CGRF while passing the order.

2.17. Appellant has concluded as under:

- (1) On the basis of evidences and data provided for the past consumption and subsequent consumption it could be easily seen that there is no justification for any additional bill due to slowness of meter.
- (2) To pass an order cancelling supplementary bill dated 04.01.2017 for an amount of Rs.6,21,646.92

3.0. Respondent has represented the case as under.

3.1. It is submitted that Appellant is HT consumer of Respondent, bearing consumer No.HT-15055, having contracted load of 130 KVA at Mogar.

3.2. Appellant had asked for reduction of load from initial 475 KVA contracted demand to 130 KVA contracted demand. On 18.03.2016, Respondent had replaced the existing CTPT unit of 30/5 Amp. by 10/5 Amp. and meter was tested. Meter accuracy was found +0.23 %. Details of meter are as under:

Make: SECURE. Sr.No. GEB17357

Class: 0.5 CT Ratio: -/5A

Meter reading: 2424729KWH. 2440301 KVAH. 145654 KVARH.

3.3. It is submitted that for the meter reading Dy. Engineer, Vasad sub-division had visited the site of Appellant during the month of June-July,2016. It was noticed by him that meter voltage at L1-4.29 KV and L2-4.16 KV as per meter display parameter. Therefore, on 01.07.2016 the meter was checked by Respondent.

- 3.4. As per Checking Sheet No. 045/01.07.2016, meter was checked and it was found running slow by -27.53%.

Details of meter are as under:

Make: SECURE. Type: E3MO55

Sr.No. GEB17357 CT Ratio: -/5 Amp.

Pulse/KWh: 160

Reading: 2452032 KWH. 2469603 KVAH. 153526 KVARH

Over all MF: 2

As per observations made meter was tested with pulse test for 30 pulse and error was found -27.56% while as per dial test meter error was found -27.53%.

General testing:

Volt	TTB		Meter display	Between 'R'	TTB	
	Incoming	Outgoing			Incoming	Outgoing
R-Y	113.6V	113.6V	4.25V	R-N/E	83.5V	83.0V
Y-B	113.9V	111.8V	6.91V	Y-N/E	85.7V	65.6V
B-R	114.4V	3.537V	4.12V	B-N/E	96.8V	80.1V

Current:

	At TTB	With Accucheck	As per meter display
R-phase	2.37A	2.4228A	2.387A
Y-phase	2.27A	2.3301A	2.284A
B-phase	2.47A	2.4583A	2.456A

Testing of accuracy of meter: Accucheck parameter:

	P-1	P-2	P-3
Volt	6.584	6.582	6.555
Amp.	2.4228	2.3301	2.4583
P.F.	0.7070	0.7634	0.7780
Load	R-11.15	Y-11.41	B-12.50

Reading display:

(W) Final: 20.1360

(X) Initial: 17.7776

(Y) Diff.: 2.3584

%Error: (Y-Z) x 100/Z = -27.53% (Dial test)

%Error: -27.56 (Pulse test)

As left status: Before sealing:

Voltage						Current with Clipon meter		
TTB			TTB			Between	TTB	Meer display
Between	Incoming	Outgoing	Between	Incoming	Outgoing			
R-Y	113.6V	113.5V	R	83.2V	83.3V	R-ph.	2.40A	2.36A
Y-B	113.9V	112.0V	Y	66.0V	66.6V	Y-ph.	2.15A	2.21A
B-R	114.5V	3.432V	B	46.4V	80.5V	B-ph.	2.55A	2.47A

It is submitted that meter and its wiring condition kept as it was on site.

- 3.5. It is submitted that to find out the time period of slowness of meter MRI data of meter was retrieved on site on 01.07.2017. As per analysis of MRI data, there is no voltage imbalance event recorded. Also there is no any tampered event of occurrence and reoccurrence of current with voltage – start or ends recorded by the meter. To ascertain the actual duration copy of MRI data was sent through E-mail to the representative of meter manufacturer on 04.07.2016 and also letter was written on 09.08.2016, but it was not replied by meter manufacturer-SECURE.

It is submitted that as per meter data taken as per auto scrolling parameter of meter, as per reading taken on 19.05.16 and 20.05.16 by Respondent are as under:

P.N.1- 4.24 KV P.N.3 – 4.10 KV on 19.05.2016

P.N.1- 4.29 KV P.N.3 - 4.16 KV on 20.05.2016

It is submitted that from the above data there is observed a voltage imbalance recorded from 19.05.2016 onwards.

- 3.6. As per provisions of Supply Code additional bill for slowness of meter for the period of six months can be recovered, but in this case on the above mentioned data available, Respondent had issued additional bill for the slowness of meter for the period 19.05.16 to 01.07.16 and accessed slowness units 8943 and issued supplementary bill amounting to Rs. 57,902.96. This additional bill adjustment was given on energy bill dated 28.09.16. Appellant has paid this bill with regular energy bill on 05.10.16.

- 3.7. It is submitted that while taking HT reading by AMR for the billing purpose on 19.09.2016 and as per maximum demand recorded, 175.90 KVA found on 19.09.2016 at 09.30 p.m. Appellant has also complained about the abnormality in the meter reading so meter data read through AMR by Junior Engineer Laboratory on 23.09.2016. It is submitted that regular bill for September,2016 was issued considering the 53.40 KVA MD. It is submitted that at that point of time meter was not replaced due to overshooting of maximum demand. For further investigation, Respondent had sent E-mail to meter manufacturer – SECURE on 26.09.16.
- 3.8. It is submitted on 12.10.16 manufacturer of SECURE meter had mailed to the Respondent, in which it is mentioned that “it seems to us that due to internal hardware corruption MD got overshoot, meter is defective’. Therefore, Respondent had carried out checking on 16.11.2016 and replaced the meter. As per the meter installation checking, meter was found running slow by 45.57%. Respondent has submitted checking sheet No. 2309.

Details of meter:

Make: SECURE. Sr.No.: GEB17357
 Reading: KWH: 2496154. KVAH: 2528087. KVARH: 191194

Voltage between	TTB		Meter TB	Between Ph.	TTB		Meter TB/N	Meter display
	Incoming	Outgoing			Neutral	Earth		
R-Y	108.4V	108.2V	108.4V	R-N	78V	78V	40.5V	4.17KV
R-B	109.4V	107.0V	107.4V	Y-N	- V	62.1V	66.6V	6.73KV
Y-B	109.2V	3.7V	3.69V	B-N	- V	47.4V	39.29V	4.01KV

Current	TTB			
Between	Incoming	Outgoing	With ERS	Meter display
R-ph.	0.82	0.84	0.861	0.868A
Y-ph.	0.76	0.86	0.865	0.864A
B-ph.	0.89	0.92	1.091	1.004A

(c) Testing of Accuracy of meter:

ERS parameters		Test-I(as found)		
Volt	U1 -	U2 -	U3 -	
Phase	U12 10.847	U31 10.935	U32 10.901	
Amp.	I1 0.954	I2 0.9677	I3 1.1060	
PF	0.9510	0.9888	0.9729	
Load	5.71	6.02	6.77	

Avg. PF	0.9711	KW(P): 18.49	
Freq.	49.93	KVAR(Q) 4.34	
Time	KVA(g)	Time:19.04	
Reading(Meter HR Display)			
(w) Final	52.4320		
(x) Initial	51.8004		
(y) diff.	0.6316		
(z) ERS KWH	1.160296		

$$\%error = (Y-Z) \times 100/Z = - 45.57$$

- 3.9. Respondent has issued additional supplementary bill for slowness of meter for the time period from 02.07.2016 to 16.11.2016 for assessed units of 73878 for Rs. 6,21,646.22, vide letter dated 04.01.2017.
- 3.10. As per Forum order it is concluded that supplementary bill issued by Respondent to the Appellant is as per norms and it is recoverable. Thereafter Appellant has paid Rs. 6,39,478.34 with DPC on 04.9.2017 vide MR No.100802. The action of Respondent is as per norms.

::: ORDER :::

- 4.0.** I have considered the contentions of the Appellant and the Respondent and the facts, statistics and relevant papers, which are on record, and considering them in detail, my findings are as under.
- 4.1. The issue involved in the present representation is related to slowness of meter and recovery of supplementary bill amount for slowness of meter.
- Appellant has represented with consumption data of his HT connection and stated about higher energy consumption resulted in with the calculation of additional units under recovery of supplementary bill amount for slowness of meter. He has submitted relevant production data also in above reference.
- The arguments put up by Appellant are in relation to replacement of meter, in which Respondent has not acted as per norms.
- 4.2. To deal with the issue as a whole, Respondent has replaced CTPT unit at location of Appellant at the time of granting reduction of load from 475 KVA to 130 KVA.

As per para 3.2, on 18.03.2016 meter accuracy was taken and it was found +0.23% while replacement of CTPT Units.

- 4.3. As per observations made in Para 3.3 by Respondent, meter was checked with Accucheck meter on 01.07.2017. The details are shown in Para 3.4.

Meter accuracy was found -27.56% as per testing of meter with dial test as well as pulse test.

It is observed that meter voltage B-R at TTB outgoing side is 3.5370 at the time of general testing on 01.07.2016.

At the end of meter testing procedure, as left status, meter voltage B-R at TTB outgoing side is 3.43V.

- 4.4. Respondent has produced copy of MRI data retrieved on 01.07.2016. As per available MRI data, Respondent has observed the technical grounds and considered the period for slowness of meter from 19.05.2016 to 01.07.2016. As per Para 3.6, Respondent has issued supplementary bill for 8943 units for Rs. 57,902.96, adjusting in the energy bill dated 28.09.2016, which was paid by Appellant.

- 4.5. As per complaint made by Appellant for abnormal meter reading as per para No. 2.7 and HT meter reading through AMR for the billing purpose on 16.09.2016, maximum demand recorded was found 175.90 KVA on 16.09.2016 at 09.30 p.m. from AMR data which is over-shoot, and energy consumption recorded is 104.7 KWH, which is higher than the normal consumption. Respondent has sent E-mail to Secure meter company on 26.09.2016 along with copy of MRI data and asked him to give expert comment on maximum demand for the purpose of billing of September, 2016. This matter was replied by Secure Meter Limited vide E-mail dated 12.10.2016 mentioning that "It seems to us that due to internal hardware corruption MD got overshoot. Meter is defective". Thus Secure Meter Limited has declared the said meter as defective.

- 4.6. As per checking on 01.07.16 and after retrieving MRI data, Respondent, Junior Engineer(Laboratory), has submitted copy of MRI data to Secure Meter Limited and asked expert comments on the same for determination of slowness period of meter, but it was not

replied by M/s. Secure Meter Limited and thereafter base on MRI data analysis at Respondent level, slowness period was determined and issued supplementary bill as per para No.3.6. MRI data of meter No. GEB17357 read on 01.07.2016 events records and AMR data reads on 19.05.2016 and 20.05.2016 as under:

On 19.05.16: PN1: 4.24KV PN3: 4.10KV

On 20.05.16: PN1: 4.29KV PN3: 4.16KV

Respondent has worked out slowness period from 19.05.16 to the date of checking of meter, which seems to be correct. Respondent has relied on MRI data as well as AMR data and ascertained the period when correct voltage not recorded/available at meter end till checking of meter, but meter was not replaced.

- 4.7. As per observations made in Para 4.5 and declaration of meter defective by M/s. Secure Meter Limited, Respondent has replaced the meter on 16.11.2016 as per Para 3.8.

On verification of checking sheet data, it is observed that between Y-B voltage TTB outgoing voltage is 3.7V. Meter display parameter between R-Y phase 4.17 KV, R-B phase 6.73KV and Y-B phase 4.01KV.

From the checking made on 01.07.2016 and 16.11.2016 and recorded parameter, it seems that TTB is not working or defective. After replacement of meter and TTB on 16.11.16 and as per test conducted, meter accuracy is found -0.05% which is within permissible limit.

In the above scenario it is to note here that M/s. Secure Meter Limited had declared meter as defective on 12.10.2016 and thereafter on 16.11.2016 Respondent has inspected the meter with accucheck meter and recorded error of -47.56% as per Para 3.8. Previously as per abnormal meter reading data and AMR data, analysis and as per MRI data retrieved, M/s. Secure Meter Limited had declared the said meter as defective. Therefore, on 16.11.16, checking made by Respondent and with percentage error arrived at -45.56% and based on this Respondent has issued supplementary bill on 04.01.2017 seems to be technically not correct and not valid.

- 4.8. Respondent should follow the provisions of Supply Code,2015, Clause No. 6.58 for calculation of average units consumption. In above case, for the previous period meter has recorded less units as per meter checking made on 01.07.2016. Hence after replacement of meter and record of consumption of succeeding three billing cycles, average units consumption should be worked out for the period from 02.07.2016 to 16.11.2016. Accordingly, revised energy bill should be issued to Appellant within 30 days.
- 4.9. In this case, Respondent has confirmed meter slowness on site on 01.07.2016. As per para 2.16, Appellant has argued that Respondent has not replaced the meter as per norms after it was found defective. The arguments for testing of meter through third party as per Clause No. 6.37 of Supply Code,2015, was also brought to the notice during the hearing. Respondent had not intimated the same to Appellant. It is on record that meter checking was made on 01.07.2016 and thereafter supplementary bill amount was paid by Appellant on 05.10.2016 with regular bill, but said meter was not replaced by Respondent till 16.11.2016.
- As per SOP Regulation No.10/2005, provisions are already there for the procedure to be followed in case of meter found defective. But Respondent has not acted in consonance with same and developed a further grievance in the above subject matter. The relevant provisions speak as under:

**CHAPTER VIII
COMPLAINTS ON METER/METERING SYSTEM**

8.1 The licensee shall regularly inspect, check and test the meters. However the periodicity of such inspection shall not be less than that as may be provided by the Central Electricity Authority in their Regulations on installation and operation of the meters.

(a) Licensee shall inspect, check or test the meter within 7 working days of receiving a complaint in urban area and within 15 working days of receiving a complaint in rural area

(b) If during inspection, checking and testing, any meter or metering system, is found to be defective (e.g. stuck up, running slow, fast, creeping or improperly recording or not functioning according to the specifications), the licensee shall inform the consumer and replace the meter within 15 days of inspection, checking/ testing.

(c) If a complaint is made by the consumer about the working of the meter and he requests for replacement, it shall be replaced within 7 days provided it is established through suitable in-situ or laboratory checks that the meter is not performing to required standards. In case of a lab test, the test report shall be supplied to the consumer.

As per Supply Code Regulation No.4 of 2015, Respondent has to read the Section related with testing of defective meter, as mentioned in Clause No.6.28 to 6.34 while dealing with defective meter related issue.

4.10. I order accordingly.

4.11. No order as to costs.

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

(Dilip Raval)
Electricity Ombudsman
Gujarat State

Ahmedabad.

Date: 23.11.2017.