

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

CASE NO. 27/2018

Appellant: M/s. Eagle Extrusion Pvt. Ltd.,
Plot No. A-1 to A-8 and C-1,
Block No.200, Village: KARANJ-394110
Ta. Mandvi. Dist. Surat.

Represented by: Shri Prabhubhai R. Sojitra, Director
Shri J.N.Shah, Authorized representative.

V/s.

Respondent: Executive Engineer,
Dakshin Gujarat Vij Company Limited
Division Office, Kadodara-394327. Dist.Surat.

Represented by: Shri N.G.Patel, EE, DGVCL, Kadodara
Shri R.M.Acharya,DE,DGVCL,Kadodara
H.V.Khasiya,Dy. Engineer,DGVCL,Kadodara Divn.

:::PROCEEDINGS:::

- 1.0.** The Appellant had submitted representation aggrieving with the order No.5127 dated 17.03.2018 passed by the Consumer Grievances Redressal Forum, Dakshin Gujarat Vij Company Limited, Surat, in case No. 210/2017-18. The representation was registered at this office as Case No.27/2018. The hearing of this case was kept on 17.05.18, 31.05.18 and 14.06.18.
- 2.0.** Appellant has represented the case as under.
 - 2.1.** Appellant is HT consumer bearing consumer No. 11526, having contracted demand of 700KVA under HTP-I tariff.
 - 2.2.** It is submitted that Respondent had visited the installation and checked the connection vide checking sheet No. 738. As per checking sheet the meter was found running slow. Supplementary bill amounting to Rs. 32,87,412.92 was issued by Respondent. Appellant

had approached CGRF while CGRF has confirmed the supplementary bill. Aggrieved by CGRF order, Appellant has filed present representation.

- 2.3. It is submitted that in earlier days the function of energy meter was just to measure the power consumed by the meter. But now a days meters are smart enough, not only to measure the energy consumption but also to control load and giving the signal to utility to cut or retain the supply by analysing the data recorded by meter. Meter is having the facility to record tampered data and fraud TOD billings, load survey of last many days, maximum demand value and times, power failure events and its recording, harmonics measurement in the supply system etc.
- 2.4. It is submitted that the objective of testing is to ensure that the meters are designed to comply as per the relevant standard and utilities specifications. Apart from this, the reliability in respect of electrical and mechanical design of meter is also verified. In addition to the type test the Indian Meter Industry has to meet large number of anti-tampered features as per the utilities tendered specifications.
- 2.5. The meter includes each and everything used in the metering circuit e.g. CTPT, meter etc. Therefore, each and every part should be reliable and accurate and one should not hamper the correct working of the meter.

The Supply Code defines "Meter" refers to an equipment used for measuring, indicating and recording electrical quantities like energy in KWh or KVAh, maximum demand in KW or KVA, reactive energy in KVARh ect., including accessories like current transformer(CT), voltage transformer(VT), potential transformer(PT), capacitor voltage transformer(CVT) etc., where used in conjunction with such meter.

- 2.6. It is submitted that utilities are continuously adding various tests in their various specifications to make the energy meter more reliable as revenue collection of utilities depend upon the accurate functioning

of the energy meter. As per relevant Indian Standard various type tests of meter are added in the tender specifications.

- 2.7. It is submitted that as per technical details of meter as per tender specification and as per usual manual of meter manufacturer a “tamper” is also called a failure. The tamper condition recorded by the meter it was necessarily thought of that the consumer has played around with the meter or has altered something or has falsified something secretly. As per manual a tamper is nothing but an event that does not satisfy pre-set condition. For example, voltage parameter, phase voltage is less than threshold value (default value in the manufacturer’s meter may be 55% of V_n .) will result in tamper/failure condition.
- 2.8. It is submitted that it is important to note that MRI report or tamper report given to show the slowness of meter by Respondent is not the conclusive proof or evidence. Appellant has referred the Supply Code Regulation Clause No. 6.58 in case of subject of billing. Appellant has also submitted that Licensee has no right to issue supplementary bill based on the MRI data or tamper report.
- 2.9. It is submitted that installation was previously checked by Respondent on 16.12.2016 vide checking sheet No.2183. As per checking dated 18.01.2018 the meter was found slow as per tamper report and Respondent has issued supplementary bill for the period of six months i.e. from 19.07.2017 onwards for 183 days.
- 2.10. It is submitted that as per tamper report voltage failure in R-phase not persisting for all 183 days and round the clock. The reported failure is for total 133 days 326 hours, 930 minutes and 873 seconds i.e. 147.24 days. This states that for 80.45 % of the time the fault persisted while for 19.55% of the time there was no fault. This fact forced to believe that the tamper record is wrong or manipulated.
- 2.11. Appellant believes that the meter is smart and when it was sensing reduced voltage in R-phase the intelligent meter would have assumed that no three phase load runs with voltage failure event. In this case

R-phase voltage failure event, equal amount of current like other two phase was passing in the R-phase at the same time. So, the smart meter would have calculated energy assuming nearly the same full voltage as present in the other two phases but might have recorded the fact about the reduced voltage or the failure of voltage in one phase. If this is the case, there has been no revenue loss to the Respondent.

- 2.12. It is submitted that even if it is believed without accepting that the meter under question developed defect due to unanticipated technical reasons, the licensee should not serve the bill to the appellant. When the meter remained defective and the Appellant was unaware of the fact, based on the actual electricity billing, the costing of the product was decided and the products were sold on that price. Paying such huge amount of supplementary bill would cause huge loss to the Appellant.
- 2.13. It is submitted that the meter manufacture and other metering product manufactures warrant that the product will meet the tender specifications and will be free of defects. Therefore, the meter supplier is liable for the consequential/resulting revenue loss to the licensee for using his manufactured meter.
- 2.14. (1) It is submitted that Respondent has not followed the procedure as mentioned in SOP Regulations, Chapter VIII, Clause No. 8.1 for replacement of meter.
- (2) It is submitted that Licensee should be held responsible for not inspecting the installation periodically in the large interest of Nation.
- (3) As per Clause 6.26 of Notification No.4/2015 it shall be the responsibility of Respondent to satisfy himself regarding the accuracy of the meter before it is installed and Respondent may test the meter for this purpose and to maintain the test result.
- (4) Notification (Extraordinary, Part III, Section iv, Central Electricity Authority) says that "The testing of consumer meters shall be done at site at least once in five years."

- 2.15. The electricity connection was given to Appellant in the year 2009 and Appellant has paid energy bills regularly. Appellant is not in a position to make the payment of huge amount of supplementary bill.
- 2.16. On 19.05.2018 Appellant has submitted counter reply as under:
- (1) Appellant does not believe that the R-phase PT link of TTB had improper contact. Respondent has submitted illogical reasoning for the slowness. Appellant believes that his meter was never slow.
 - (2) Respondent has stated that as the meter was not defective it was not replaced. Appellant has raised the question that if meter was not defective then how could it developed slowness? Respondent fails to accept that when a defect is found in metering, it is called a defective meter. Meter MRI report once retrieved and stored in the computer, it can be edited. So such reports are not dependable.
 - (3) Respondent has depended upon the tamper report of MRI. So it is incorrect to say on part of the Respondent that he has not issued bill as per the tamper report. Respondent has not submitted complete MRI data of meter and suppressed the fact.
 - (4) Respondent has stated that meter has no facility to record all the units in absence of potential in any particular phase. This is the deficiency of meter. Hence meter manufacturer only could say the facts.
 - (5) Respondent has referred the decision of Hon'ble Ombudsman in case No.12/2018 and case No.120/2017- both the meters had developed same problem of low potential or no potential in the R-phase. Appellant believes that there has been some manufacturing defect that gives incorrect data of no-potential or low potential for R-phase and meter has registered consumption correctly.

2.17. Appellant has submitted second rejoinder dated 25.05.2018 and submitted as under:

- (1) Supplementary bill against the slowness of meter was challenged before CGRF and aggrieved by the CGRF order, matter has been filed before Ombudsman even though Respondent has demanded delay payment charges.
- (2) Respondent has not submitted load survey report retrieved from MRI of meter.
- (3) Appellant has stated that as per basic calculation of power with formulas, in case of R-phase voltage becoming zero, then the slowness of meter could be 33.3%.
- (4) Appellant has raised technical question regarding frequent opening and closing of TTB link and desired causes of the same.

2.18. Appellant has prayed as under:

- (1) To quash the supplementary bill.
- (2) If the subject matter is decided in favour of Respondent, the Appellant should be asked to pay the balance amount in equal six months instalments without interest, allowing time period of two months for filing petition before competent legal Forum.

3.0. Respondent has represented the case as under.

3.1. It is submitted that installation of Appellant was checked on 18.01.2018 vide Sheet No.738. Meter was found running slow by 37.97%. It was found that voltage recorded on display parameter of meter are: R- phase 1841.7V, Y- phase 5946.1V and B- phase 5471.1V due to improper contact of R-phase PT link of TTB.

3.2. It is submitted that as per MRI report the time duration of R-phase voltage failure event recorded between 18.07.2017 to 18.01.2018 i.e. six months and KWH units are worked out from the tamper data report and accordingly supplementary bill amounting to Rs.32,31,023.07 was issued to Appellant on 22.01.2018. Against this, Appellant had approached to CGRF and CGRF has ordered that the bill issued is in

order. CGRF has granted three equal instalments for making payment of supplementary bill as per request of Appellant.

- 3.3. It is submitted that the energy meter installed at location of Appellant is enough to measure energy parameters like KWh, KVArh-lag, KVArh-lead, KVAh, maximum demand, TOD billing, load survey etc. The meter is having facility to detect and records tamper data and power failure with time and duration.
- 3.4. It is submitted that energy meter installed at location of Appellant is having facility to record energy consumed by Appellant and billed accordingly by Respondent. "Such meters are not failed to record accurate energy if the meter gets correct input electric quantities". Here meter does not get correct voltage of R-phase and hence meter had recorded less energy of 37.97% as per the accuracy derived with accucheck meter.
- 3.5. It is submitted that a tamper data as per MRI report is recording an event that does not satisfy pre-set condition as per the specifications of meter. Here, pre-set condition means basic voltage and basic current. It is submitted that in this case meter has recorded voltage tamper count with time and duration. Hence accordingly less energy recorded units are worked out as per the tamper data events.
- 3.6. It is stated that meter and TTB are installed in SMC box, which is rust proof, closed, sealed and making it pilfer proof, but line surges cannot be protected by SMC.

It is clearly mentioned in the checking sheet that voltage measured and found OK at lower side of the TTB but voltage measured and found less voltage at upper side of the TTB. So due to improper contact of R-phase PT link, voltage found less, hence meter gets less voltage in R-phase by 37.97%.

It is submitted that after replacement of TTB at the installation of Appellant it was found that meter was getting proper voltage in all the three phase and accuracy of meter was found in order. The whole

process of testing of meter and replacement of TTB was carried out in presence of representative of Appellant.

- 3.7. It is submitted that the meter slowness of 37.97% is worked out as per the testing of meter with accucheck meter. The slowness is not derived from tamper report. The meter is not defective/stuck/stop/bunt, therefore Respondent has right to issue supplementary bill for the slowness of meter.

It is submitted that meter MRI data and tamper data retrieved are not eligible which shows the occurrence and restoration of event. Therefore, tamper data is an authentic evidence.

- 3.8. It is submitted that the meter was checked on 18.01.2018 and it was found slow by 37.97 % due to less voltage of R-phase to the meter. The supplementary bill for six months is issued as per the GERC guidelines.

It is stated that supplementary bill is not issued straightway by taking the KWh unit difference of last six months but to give full justice to Appellant with shack of transparency the KWh units worked out for the period as and when voltage failure R-phase event occurred in the duration of last six months i.e. from 18.07.17 to 18.01.18.

- 3.9. It is submitted that as per the checking sheet it is found that R-phase link or its screw was not properly tightened. The meter gets less R-phase voltage due to no proper contact of R-phase PT link. The improper contact is affected by electrical surges also. So failure of R-phase PT voltage is not persisted continuously. Hence tamper data showing total 133 days 326 hours 930 minutes and 873 seconds duration between the period 18.07.17 to 18.1.18 in different 29 No. of events.

It is a real fact of the electrical power system that many times it is found that due to surges improper contact become make and/or break, same phenomena took place. After replacement of TTB by checking officer meter accuracy was found in order. Tamper report is generated as per the retrieval of MRI data, which is a factual data.

3.10. It is submitted that meter is not assuming nearly same full voltage as present in other two phases and recorded correct energy. Such provision is not in the meter specification, therefore there is a loss of revenue to the Respondent. Respondent has full right to serve the bill to appellant as per the slowness of meter. The bill is issued to Appellant as per normal tariff rate and not as per penalty.

In the representation Appellant has stated that there was defect in the meter, so the meter was running slow, but the actual reason for slowness was due to improper contact of R-phase PT link.

3.11. It is submitted that it is true that the meter accuracy was taken before it was installed. Periodical testing of meter was also carried out. Previously checking was carried out on 16.12.2016 and report was handed over to Appellant. Respondent has followed the provisions of Regulation.

3.12. The consumption history of the Appellant is as under:

Sr.No.	Billing month	Consumption	Dt. of billing	No. of days	Average per day	Max. demand recorded KVA
1	Feb-17	267392	16.02.17			541
2	March-17	243968	17.03.17	29	8412.7	488
3	April-17	193440	17.04.17	31	6240.0	482
4	May-17	142816	15.05.17	28	5100.6	483
5	June-17	261272	17.06.17	33	7917.3	577
6	July-17	306768	18.07.17	31	9895.7	661
7	Aug.-17	146912	18.08.17	31	4739.1	553
8	Sept.-17	165240	16.09.17	29	5697.9	553
9	Oct.-17	168584	17.10.17	31	5438.2	505
10	Nov.-17	215600	17.11.17	31	6954.8	574
11	Dec.-17	172176	16.12.17	29	5937.1	592
12	Jan.-18	167640	18.01.18	33	5080.0	488
13	Feb.-18	230032	17.02.18	30	7667.7	465

3.13. Respondent has submitted rejoinder on 30.05.2018 and submitted as under:

- (1) Meter was tested in presence of representative of appellant and it was found running slow by 37.97% due to less R-phase voltage in meter. Respondent has provided complete MRI data to appellant on 23.05.2018 through e-mail.
- (2) Meter has recorded less energy by 37.97% hence supplementary bill was issued for the period as and when R-phase voltage

failure recorded in the duration of last six months as per MRI data. Appellant has to pay what he had already consumed but not recorded in the meter. So there is no loss to the Appellant.

- (3) Meter was not getting R-phase voltage properly and hence at the time of checking the meter was found running slow by 37.97%. Appellant has misunderstood that meter was functioning correctly.
- (4) It is stated that meter was getting less voltage from TTB due to improper contact in the TTB and hence slowness was developed in the meter, hence only TTB was replaced. After replacing TTB meter was getting proper voltage and current in all the phases and meter accuracy was found within permissible limit. So the meter was not found defective and not replaced. The basic MRI data retrieved from the meter is not editable, so there is no doubt regarding authenticity of meter MRI data.
- (5) The percentage slowness is worked out as per the accuracy of the meter checked through accucheck meter. The supplementary bill is issued as per slowness worked out and taking duration for R-phase voltage missing event from tamper data. Supplementary bill was not straight way issued by taking difference of KWh units of last six months. The tamper data was handed over to appellant and there is no question of suppression of any fact of MRI data.

3.14. Respondent has submitted rejoinder dated 12.06.2018 and stated as under:

- (1) As asked by Appellant complete MRI data was handed over to the appellant.
- (2) It is stated that Forum has decided the grievance in favour of Respondent and therefore Delay Payment Charges are applicable.

3.15. Respondent has requested to dismiss the appeal of Appellant as the order issued by CGRF is as per norms and correct.

::: 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. On 18.01.18 meter was checked by Respondent vide Sheet No.738 in presence of Appellant:

Details of meter:

Make:	L&T.	Sr.No.	11374193
CTR:	3x-/5Amp.	PTR:	3x11KV/110V.
Pulse Rate:	100	Type:	ER300P

Meter parameters:

KWH:	755401	KVARH:	133050
KVAH:	781778	KVA MD:	51.542

As found Test				As left Test			
Phase sequence- forward				Phase sequence - forward			
Vr	063.96	Lr	01.990	Vr	064.97	Lr	1.926
Vy	064.01	Ly	01.900	Vy	065.05	Ly	1.805
Vb	063.65	Lb	01.573	Vb	064.63	Lb	1.786
KW	+0.323	KVA	+0.324	KW	0.263	KVA	+0.383
KVR	+0.025	PF	+0.99	KVR	-0.290	PF	-0.66

Dial Test:

Error:	-37.97.	Error:	+0.22
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As per checking sheet as found display parameters of meter:

R-phase voltage:	1841.7
Y-phase voltage:	5946.1
B-phase voltage:	5471.1

Meter accuracy was found -37.97%.

In TTB R-phase PT link contact not available/found loose and therefore less voltage incoming to the meter. The faulty TTB was replaced with new TTB and meter accuracy was derived with accucheck meter which is +0.22% within permissible limit. Meter MRI data was also retrieved.

4.2. Meter MRI data was retrieved by Respondent on 19.01.2018 for meter Sr.No. 11374193 of L&T make meter. Tamper report generated through software and computerized generated reports show as under:

Failure type/status/count/duration:

Event name	Status	Count	Duration (DDD HH MM SS)			
			DDD	HH	MM	SS
Voltage unbalance R-phase	Event ON	56	200	0	5	47
Voltage unbalance Y-phase	OK	14	1	15	40	41
Voltage unbalance B-phase	OK	13	0	22	38	21
Voltage failure R-phase	Event ON	54	199	22	30	56
Voltage failure Y-phase	OK	13	1	14	56	24
Voltage failure B-phase	OK	11	0	16	53	18
Current failure R-phase	OK	21	8	23	37	40
Current failure Y-phase	OK	41	25	20	32	9
Current failure B-phase	OK	28	8	13	19	21
Current unbalance R-phase	OK	5	0	1	51	4
Current unbalance Y-phase	OK	0	0	0	0	0
Current unbalance B-phase	OK	3	0	3	35	23
Current reversal R-phase	OK	2	0	0	47	54
Current reversal Y-phase	OK	3	0	1	6	13
Current reversal B-phase	OK	31	1	22	10	55
Low PF R-phase	OK	17	0	16	52	35
Low PF Y-phase	OK	12	1	17	34	38
Low PF B-phase	OK	96	8	17	25	38

Sequential storage for event ON:

Event name	Occurrence Date & time	Duration	RV(V)	YV(V)	BV(V)	RI(A)	YI(A)	BI(A)	RPF	YPF	BPF	Fwd. KWh	Fwd
Voltage failure R-phase	18/01/18 16:35:58	00 25 38	17.6 4	57.6 4	52.9 4	1.33 1	1.36 5	1.045	0.97 0	0.9 20	-0.96	755369	

Sequential storage for event OFF:

Event	Total Counts	Duration of Occurrence period
Voltage failure R-phase	33	07.06.17 to 11.01.18

- 4.3. On careful study of the above details of MRI, R-phase voltage missing event occurrence time and recovery time were indicated and for each occurrence and recovery event, the voltage, current and P.F. reading in all phase and Kwh and KVARH were also recorded. It is further established that R-phase voltage recorded less during all such tamper events. R-phase voltage missing event was recorded till replacement of TTB.
- 4.4. Appellant vide application dated 31.03.18 demanded detailed MRI report and requested for testing of energy meter by third party, mentioning the Clause No. 6.30 of Supply Code 2015. In reply to said letter, Respondent vide letter dated 10.04.2018 stated that accuracy of meter should be tested at third party if it is desired by consumer.

The provisions said that the third party testing is required only if the meter is found defective/burnt.

It was also replied by Respondent that the meter MRI data can be retrieved through specific programme of meter manufacturer. The meter data can only be down loaded to the computer through MRI and which is not editable.

In this case, at the time of meter checking at site on 18.01.2018 as per the checking sheet observation, TTB was found faulty and due to that meter was not getting correct voltage for recording of correct energy. PT link connection at TTB is a mechanical part and due to no proper link at TTB, meter has not received correct voltage. As per MRI retrieved data, R-phase voltage failure events recorded during 07.06.17 to 18.01.18 which is a make/break event, in which R-phase received less voltage by meter.

4.5. Clause 6.33 of Notification No.4 of 2015 speaks as under:

“The licensee shall dispatch the test report to the consumer, to be received under acknowledgment, within 2 working days of the date of testing. In case of faulty meter, rectification for a maximum period of six months or from the date of last testing, whichever is shorter, on the basis of the test report, shall be adjusted in the subsequent bill.”

Respondent has filed reply stating that meter was found running slow by 37.97 % at the time of checking on 18.01.2018. Meter MRI data was retrieved on 19.01.2018. Voltage failure R-phase events recorded during the period of 07.06.17 to 18.01.18 as per tampered data report. Assessment of slowness of meter is worked out based on slowness of meter and events recorded as per MRI retrieved data for the period of six months, as per above provisions.

4.6. From the observations made on a checking sheet dated 18.01.18 it is noted here that after replacement of faulty TTB (Tested Terminal Block) and meter was tested by Accucheck meter, accuracy found +0.22% i.e. within permissible limit. In this case, after receipt of supplementary bill from the Respondent and after receipt of CGRF order, Appellant has asked to carry out third party testing of meter as well as submission of exhaustive MRI data. In fact, meter was tested and

accuracy test of meter was found within permissible limit after rectification of faulty TTB on site on 18.01.18.

Initially Respondent has given tamper reports of meter MRI data to Appellant. Later on load survey data of meter was also handed over to Appellant as per his request.

4.7. This is a case where the meter itself is not defective. It is measuring and recording less energy than actually consumed due to non-transmission of voltage parameters to PT link at TTB (Tested Terminal Block). The data down loaded from the meter through meter reading instruments MRI by the Respondent on 19.01.2018 provides a clear evidence of occurrence of 'voltage failure R-phase' events from 07.06.2017 onwards.

4.8. Another objection of the Appellant that MRI data may be wrong, is highly speculative and is not based on any specific evidence. There is no ground to suspect about the MRI data.

In view of above, I am of the definite view that meter was recording less energy than actually used by the Appellant during 'voltage failure R-phase' events status period occurred between 07.06.17 to 18.01.18.

4.9. It can be said that mechanical part of TTB would create such type of issues in a longer period of installation. Therefore, on routine checking activities, TTB should properly be checked, and if required, it may be replaced, so that correct energy can be recorded in meter. It is essential that public utility, like the DISCOM, should take effective action to set right the practices followed in connection of CT operated meter so as to avoid inconvenience to the consumers and loss to the public utility.

4.10. Appellant has raised the issue regarding recovery of "Delay Payment Charges, while Respondent stated that Delay Payment Charges are recoverable as per norms.

As per tariff schedule, Delay Payment Charges will be levied at flat rate of 15% per annum in case of all consumers, except agriculture consumers for the period from the due date till the date of payment if the bill is paid after due date.

In this case, grievance was filed against meter slowness and issue of supplementary bill by Appellant before CGRF. Vide Para No.7 of findings of CGRF, it is noted that “complainant has requested to grant instalments and accordingly Forum has accorded three equal instalments. Each and every instalment is to be paid with regular bill issued to the complainant for each and every month.”

After receipt of CGRF order, Appellant has filed representation before Ombudsman and challenged the order of CGRF. Appellant has requested before CGRF to grant three instalments for payment of supplementary bill, which is granted by CGRF. If the subject issue of supplementary bill against meter slowness is not decided by the authority then recovery of Delay Payment Charges on disputed amount is restricted till the decision of subject matter.

4.11. In this case supplementary bill issued by Respondent for slowness of meter is as per norms and said amount is recoverable. As per CGRF order, three instalments for payment of supplementary bill were granted. Appellant has paid 1/3rd amount of supplementary bill for filing representation before Ombudsman and prayed as per Para No.2.16(2). In such circumstances, Appellant is directed to pay the remaining amount of the supplementary bill in three equal monthly instalments with regular monthly bills, with applicable Delay Payment Charges.

4.12. I order accordingly.

4.13. No order as to costs.

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

(Dilip Raval)
Electricity Ombudsman
Gujarat State

Ahmedabad.

Date: 18.06.2018.