

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

**CASE NO. 06/2016
(UNDER REVIEW)**

Appellant: Deputy Engineer,
Madhya Gujarat Vij Company Ltd.,
Nadiad East Sub-Division Office,
Nr. Anath Ashram, Nadiad.

Represented by: Shri T.C.Chokshi, SE, MGVCL, Vadodara
Shri H.L.Bhalsod, DE, MGVCL, Nadiad.

V/s.

Respondent: Shri Vipulbhai Dinubhai Patel
Prime Velocity, Near Jalak Hotel, Canal Road,
NADIAD. Dist. Kheda.

Represented by: Shri Pratik N. Rao, Learned Advocate

:::PROCEEDINGS:::

1.0. The Appellant had submitted review representation aggrieving with the order No.815 dated 11.03.2016, passed by Electricity Ombudsman, Ahmedabad, in case No.06/2016.

The representation was heard on 19.04.2016.

2.0. The Appellant has represented the review case as under.

2.1. The order is issued for two numbers of slowness for the same meter by specifying time period. Earlier order issued by CGRF is reasoned order while no reasoned order was issued by Ombudsman.

2.2. It is submitted that CGRF has mentioned in the order that result of the slowness obtained during checking on 03.02.2015 is in instantaneous type while results obtained by installing series check meter gives

performance of meter for reasonably long period under varied load conditions, hence bill issued on the basis of check meter is more accurate and ought to be paid by Appellant.

- 2.3. It is submitted that if the slowness derived by check meter would have been on lower side and Respondent had asked for refund, Appellant had to refund the differential excess amount, recovered as this is the prime reason for paying supplementary bill Under Protest as per initial slowness of meter.
- 2.4. Whatever the result is received through proper measuring system after putting meter in series has to be applied from the very beginning. There is no logic of applying slowness from the date of putting of series meter. It is submitted that in future if meter slowness goes down of any consumer as per the series meter, Respondent has to allow from beginning and that in the interest of protest.
- 2.5. Whenever any check meter is provided as per Clause No. 6.1.14 of Supply Code, the result should be bound to both the parties.
- 2.6. He has requested to review the order and decide the grievance in the interest of law.
- 3.0.** Respondent has submitted as under.
 - 3.1. It is submitted that the meter was found slow by 30.648% on 03.02.2015. Supplementary bill was issued on 06.02.2015, which was paid under protest.
 - 3.2. He has filed grievance before CGRF regarding replacement of meter and refund of supplementary bill amount which he has paid against meter slowness.
CGRF has decided the grievance vide order dated 05.06.2015 and confirmed that the supplementary bill is

issued considering 30.648% slowness of meter while checking on 03.02.2015. CGRF has also wrongly mentioned in its order that disputed meter was replaced by Appellant. In fact, meter was replaced on 17.06.2015 by Appellant.

- 3.3. Appellant has not replaced the meter but installed check meter on 21.04.2015 in series with consumer's existing meter.

On 29.06.2015 Appellant has issued revised supplementary bill of Rs. 72037.87 as per the result of check meter for the period 21.04.2015 to 30.04.2015 for 41.08% slowness of meter. Therefore, Respondent had approached CGRF on 24.07.2015 which was replied by Convener, CGRF on 27.07.2015 stating that the grievance for meter slowness and supplementary bill has been decided by Forum, hence case cannot be registered again in Forum.

- 3.4. Aggrieved by Forum order, Respondent had filed representation before Ombudsman, which was registered as case No.120/2015. Ombudsman had passed vide letter No.493 dated 04.11.2015, in which supplementary bill issued for 30.648% slowness of meter as per checking dated 03.02.2015, was confirmed. For grievance related with issue of supplementary bill for 41.08% slowness of meter, as per result of check meter, it was directed to Forum to decide the subject matter.

- 3.5. Forum had registered the grievance and decided vide order No. 457 dated 05.12.2015. Forum had confirmed that 41.08% slowness of meter derived after providing check period for the period of 175 days prior to

installation checking, and thereafter up to the replacement of meter, is in order.

- 3.6. Aggrieved by the Forum order dated 05.12.2015, Respondent has filed representation before Ombudsman which was registered as Case No.06/2016, which was decided vide letter No. 815 dated 11.03.2016.

Ombudsman has rightly decided the case and Respondent is ready to pay the amount of supplementary bill as per the order passed by Ombudsman.

- 3.7. Appellant, MGVCL, has misguided the Respondent regarding procedure for complaint for meter slowness at relevant point of time. Appellant has not carried out the laboratory test of the meter in question.

:::ORDER:::

- 4.0. I have considered the contentions of the review representation 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. Initially Respondent had filed grievance before CGRF regarding slowness of meter and supplementary bill. The case was registered by Forum vide case No. MG-I-08-2015-16. Forum had decided the grievance and passed order vide No. 242 dated 05.06.2015.

Forum had confirmed the slowness of meter and issue of supplementary bill dated 06.02.2015 amounting to Rs.33132.94.

The grievance was filed by Respondent on 17.04.2015 regarding replacement of meter and refund of amount of supplementary bill, in which Forum has wrongly mentioned that meter was replaced by Appellant, but

actually it was replaced by Appellant on 17.06.2015, after order of Forum.

- 4.2. As per checking dated 03.02.2015 by Appellant with accucheck, meter was found running slow by 30.648%. The said meter was not replaced by Appellant.

As per Notification No.10/2005, Clause No.8.1(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".

As stipulated in the above Regulations, in this case licensee has not replaced the meter within 15 days after checking on 03.02.2015.

- 4.3. On the grounds of arguments that Respondent has filed grievance before CGRF as meter was not replaced as per Clause No. 6.1.10, but in the present case meter was tested on 03.02.2015 and grievance before CGRF was filed on 17.04.2015. Hence as per the Clause No. 8.1(b) Actually the meter was to be replaced within 15 days, but this was not observed by Appellant. Hence the present grievance is created.

- 4.4. Appellant has installed check meter on 21.04.2015 in series with regular meter and for the consumption for the period of 9 days, appellant has concluded slowness of consumer meter by 41.08%. This is a result of check meter, which is binding to both the parties, and accordingly Ombudsman has ordered for calculation of supplementary bill for the period of 21.04.2015 (date of installation of check meter) to 17.06.2015 (date of

replacement of meter), considering 41.08% of slowness of meter.

Appellant has not pointed out the portion of Regulations in which period of slowness to be taken in to consideration for calculation of supplementary bill as per the result of check meter after checking of meter with accucheck. While passing the order by CGRF on 05.06.015, Forum has also confirmed the analysis of MRI data read on 04.02.2015 that from the disputed meter 'Y' phase PT was missing to meter for the period of 175 days.

4.5. Normally it is observed that Licensee has a practice to check the meter at sight with accucheck and as per the result of accucheck, based on the instantaneous parameters, meter accuracy is concluded. Whenever it is found necessary to further test the meter in the Laboratory, consumer shall be informed and the meter shall be removed, duly wrapped and properly sealed, in his presence. Appellant has not produced any grounds for recovering supplementary bill as per the slowness of meter as found after installation of check meter for the whole period i.e. for 180 days as per Clause No. 6.1.8. of Supply Code.

4.6. Clause No. 6.1.8 of Supply Code Regulations states that *“In the event of the meter being tested by the Distribution Licensee, either on his own or upon a request by a consumer and being found to be beyond the limits of accuracy as prescribed in the Rules in force, the amount of the bill for a period of three months immediately preceding the date of inspection of the meter in case of domestic and agricultural services and for a period of six months immediately preceding the date of inspection of the meter*

for all other categories of services, shall be estimated in accordance with the result of the test.”

Plain reading of the above Regulations makes it abundantly clear that supplementary bill should be eligible for a period of checking of said meter to previous period of three billing cycles i.e. 180 days maximum in case of Appellant's category of consumption.

- 4.7. Appellant failed to point out any specific valid Regulations to interference in the earlier order.

Appellant review representation is, therefore, liable to be rejected, being devoid of any merits and Ombudsman order issued vide No.815 dated 11.03.2016 is in order and it is declared as final order.

- 4.8. I order accordingly.
4.9. No order as to costs.
4.10. With this order, representation/Application stands disposed of.

(Dilip Raval)
Electricity Ombudsman
Gujarat State

Ahmedabad.
Date: 09.05.2016.