

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

**CASE NO. 106/2018**

**Appellant :** M/s. A. I. Ispat Pvt. Limited  
Survey No.1076/1, Plot No.2, Visnagar-Vadnagar Road  
Visnagar-384315. Dist.Mehsana.

**Represented by:** Shri D.S.Doshi, Authorized representative

**V/s.**

**Respondent:** Executive Engineer  
Uttar Gujarat Vij Company Ltd.,  
Division Office,Visnagar-384315. Dist. Mehsana.

**Represented by:** Shri Y.A.Patel, DE, UGVCL, Visnagar Divn.Office  
Shri S.A.Soni, Sr.Asstt., UGVCL, Visnagar Divn.Office

**:::PROCEEDINGS:::**

- 1.0.** The Appellant had submitted representation aggrieving with the order No. 3289 dated 22.10.2018 passed by the Consumer Grievances Redressal Forum, Uttar Gujarat Vij Company Limited, Mehsana, in case No. UG-02-012-2018-19. The representation was registered at this office as Case No.106/2018. The hearing of this case was kept on 20.12.2018.
- 2.0.** The case is represented by Appellant as under.
  - 2.1.** Appellant is a HT consumer, located at survey No.1076/1, Plot No.2, Visnagar, having contracted demand of 4000 KVA (revised from 3900 KVA on 16.05.18) since 18.10.2012 under HTP-IV tariff, bearing consumer No. 20038. It is submitted that Appellant had represented before CGRF, but CGRF has ordered in the matter without going through the right spirit, and hence the case is represented before Ombudsman.
  - 2.2.** Vide letter dated 16.05.18, Respondent has billed under HTP-I tariff for the month of May,2018 on pretext that limit of day time demand is

exceeded than prescribed limit, without mentioning Appellant's day time demand in energy bill.

It is submitted that Appellant had met Respondent and vide letter dated 13.06.18 it was submitted as under:

Meter installed at the premises of Appellant shows three time zone cumulative KWh only but not displaying three time zone current month KVA Demand and therefore meter is not useful for HTP-IV consumer. Appellant has no reference control or monitoring device to control day time MD KVA. As such energy bill raised by Respondent under HTP-I tariff is not legal as per GERC rules. It is stated (1) to re-bill as per HTP-IV tariff for the month of May,2018 and to refund the excess amount recovered (2) to change the meter/its program so that it displays day time demand also.

Respondent had not replied to Appellant's above submission and later on replaced the meter on 18.06.2018.

- 2.3. Thereafter Appellant received bill under HTP-I tariff as under vide letter dated 19.06.2018 for the month of December,2017, January,2018 and June,2018 also on pretext that Appellant exceeded prescribed limit of day time demand, without mentioning Appellant's day time demand in energy bill.

Bill month	Contract Demand in KVA	Time of day Max. demand recorded in KVA as per MRI data of		Allowable limit of day time demand (KVA)
		GETCO meter (MF-60)	Consumer side meter (MF-50)	
Dec.2017	3900	708	N.A.	585
Jan.2018	3900	726	713	585
May,2018	3900	648	593	585
June,2018	4000	1092	658	600

- 2.4. It is submitted that meter of appellant was not recording/displaying day time demand for all the above months. Only after making representation dated 13.06.18, Respondent had replaced meter on 18.06.18.
- 2.5. Appellant has referred provisions of GERC Supply Code,2005, Clause No. 6.1.5, 6.15, 6.26 and 6.59 and stated that it is the responsibility of Respondent to install and maintain the meter.

- 2.6. It is submitted that day time demand was not recorded/displayed in the meter till 18.06.2018, as such Clause 6.59 of Supply Code, 2015 is applicable. As such Respondent is mandated to bill the Appellant for demand charges as per maximum demand of corresponding month/billing cycle of previous year till day time MDI displays in the meter at the premises of Appellant, till 18.06.18 i.e. date of replacement of meter.
- 2.7. It is submitted that for December,2017 Respondent had billed under HTP-I tariff based on GETCO meter at sub-station end. It is stated that meter installed at consumer premises by Respondent only can be considered as meter for billing. No regulation allows Respondent to bill the Appellant based on GETCO's meter at its sub-station. Though not agreed to such billing based on GETCO meter, it is stated that there may be so many reasons other than power consumed by Appellant to record higher demand at sub-station end meter. As such this was absolute blunder by Respondent to bill based on data of GETCO meter.
- 2.8. Appellant has referred Para 4.1 & 4.7 of order of Ombudsman in case No.160/2014 and stated that in Para 4.7 it is mentioned that "while commissioning of ABT meter, Respondent (i.e.PGVCL) had not confirmed the availability of DC Auxiliary Supply and thereby correct energy recording in event of power supply interruption." In the same fashion it is responsibility of Respondent to confirm the display of day time MDI in the premises of Appellant.
- 2.9. Vide letter dated 14.08.18, Chief Engineer(Op.), UGVCL has cited Clause No. 6.19, 6.14 and 6.39 of Supply Code, 2015, against which Appellant has submitted comment as under:

Comment against Clause No.6.19:

This Clause permits licensee to use hand held instruments, MRI or wireless equipment for recording meter readings and for generation of bills on the spot. But it does not exempt licensee from the responsibility to maintain the meter and keep it in working order at all times (as mentioned in Clause 6.15 of Supply Code, 2015). Said

facilities are with basic condition of maintaining the meter and keeping it in working condition at all times.

Comment against Clause No.6.14 and 6.39:

These clauses are for responsibility of safe physical custody of the meter and not to the working of meter. In Clause No. 6.39, consumer is expected to intimate the Licensee as soon as he notices that the meter has stopped or is not recording, but it is not the responsibility of the consumer.

- 2.10. It is submitted that since October,2012, Respondent was billing Appellant based on above meter. It is a responsibility of Respondent as per Supply Code to see that meter is working satisfactorily. Since long Respondent is not showing actual maximum day time demand in energy bill. It proves that Respondent was aware that day time demand is not get recorded in meter. As such as per Clause 6.15 of Supply Code, 2015, CEA's (Installation and Operation of meters) Regulation 2006 and Ombudsman order in case No.160/2014, Respondent is responsible for it.
- 2.11. It is submitted that as explained above, since day time demand was not recording/displaying till 18.06.2018, the date on which faulty meter was replaced, in accordance with Clause 6.59 of Supply Code, 2015, Respondent is to bill Appellant for demand charges as per maximum demand of corresponding month/billing cycle of previous year till day time MDI displays in the meter at Appellant's premises.
- 2.12. It is submitted that to save disconnection of power, Appellant has paid full energy bill for the months under question under protest. Appellant has submitted copy of energy bill of August,2018 showing NIL outstanding arrears.
- 2.13. Appellant has referred Clause No.2.21 of GERC Notification No.2 of 2011 and requested to decide the grievance accordingly.
- 2.14. Appellant has clarified the points of Respondent and CGRF as under:
  - (1) Regarding point No.4.1 of MRI data it is stated that it is fact that Clause No. 6.19 of Supply Code,2015 permits Respondent to use hand held instruments, MRI or wireless equipment for recording

meter readings and for generation of bills on the spot. But it does not exempt Respondent from the responsibility to maintain the meter and keep it in working order at all times (as mentioned in Clause 6.15 of Supply Code,2015). Said facilities are with basic condition of maintaining the meter and keeping it in working conditions at all times.

- (2) Regarding point No.4.2 of Display at consumer premises it is stated that in HTP-I tariff demand charges are based on actual demand displayed in the meter for all the time blocks in a month at consumer premises whereas in HTP-IV tariff demand charges recovery depends on actual demand during night hours and actual demand during day time. As such in HTP-IV tariff it is necessary to display night hour demand and day time demand at consumer premises. Distribution licensee is obliged to display demands at consumer premises based on which billing (demand charges) is decided. It is the tariff requirement for HTP-IV category consumers.
- (3) Regarding point No.4.3 as stated by Respondent, since 28.09.2015 monthly readings were taken manually. It means that, if meter was not defective, Respondent was well aware during the time of taking readings for the months of January,2018, May,2018 and June,2018 that day time demand is beyond permissible limit but has intentionally not issued bill as per HTP-IV tariff at first instance itself. Had bill was given as per HTP-I tariff at first instance, Appellant would have controlled his day time demand for ensuing months and as such, if want to bill as per HTP-I tariff, Appellant should be billed maximum for one month only under HTP-I tariff. It is stated that Appellant should not be penalized for mistake/vested intentions of Licensee.
- (4) If day time MD was not found in excess of stipulated limit during manual reading infers that meter was defective and as such Appellant could not be billed as per HTP-I tariff.

It is stated that Respondent has not followed Supply Code of GERC in right spirit and base taken by CGRF for deciding the grievance has no rational and against interest of Appellant in contravention of CGRF Regulation, 2011 and also against the order of Ombudsman.

2.15. Vide rejoinder dated 22.12.2018, Appellant has stated as under:

- (1) It is stated that the meter of Appellant was earlier replaced on 29.05.2015. Due to some modem problem AMR was not working and therefore Respondent was taking manual reading every month. Accordingly, higher day time demand was observed in January,2018, but due to Respondent's internal issue amongst technical and billing department, Respondent has issued bill to Appellant as per HTP-IV tariff rate. Same was reoccurred in May,2018. On request of Appellant, meter was again replaced on 18.06.2018, and thereafter AMR is working. If bill was issued under HTP-I tariff in first instance itself, Appellant would have definitely avoided excess demand in day time from next months.
- (2) It is stated that for the billing month of June,2018 excess day time demand was recorded on 19.05.2018 and 21.05.2018. Respondent has issued bill to Appellant under HTP-I tariff first time on 21.05.2018. After issuance of bill under HTP-I tariff first time, Appellant has never exceeded day time demand. Thus for the fault/lacuna of Respondent, Appellant should not be penalized. In view of this bill as per HTP-I should be issued for maximum one month only.
- (3) Day time demand was not displayed in Appellant's meter till 18.06.2018. As per CEA Notification No. 502/70/CEA/DP&D dated 17.03.2006 for installation and operation of meters (Part III(1)(b)) consumer meter must display maximum demand depending upon the tariff requirement. Day time maximum demand display is necessary for HTP-IV tariff. In Gujarat, day time demand is displayed in consumer meter by licensee for all HTP-IV consumers. Thus, it was the responsibility of Respondent that meter displays day time demand. Since meter

was not displaying day time demand, Clause 6.59 of Supply Code,2015 is applicable in Appellant's case.

2.16. Appellant has prayed as under:

- (1) to direct Respondent to bill for demand charges for three months under question as per day time maximum demand of corresponding month/ billing cycle of previous year till the day time MDI displayed in meter at Appellant's premises i.e. to be billed Appellant under HTP-IV tariff.
- (2) to direct Respondent to refund excess amount recovered from Appellant by applying HTP-I tariff instead of HTP-IV for three months under question.

**3.0.** The case is represented by Respondent as under.

3.1. It is submitted that the HT connection of Appellant was released on 18.10.2012 under HTP-IV tariff bearing consumer no.20038. HTP-IV tariff was introduced as an optional tariff for HTP-I consumers who desire to opt for use of electricity exclusively during night hours under specific terms decided by GERC in the tariff order. For that consumer has to strictly observe condition of not to exceed use of day time demand more than 15% of contract demand during day time. Appellant is made fully aware that the stipulated norms required to be strictly observed to avail benefit of concessional tariff. Since date of connection 18.10.2012, Appellant kept day time demand and KWh within permitted limit. After replacement of meter on 28.09.2015 monthly reading was being taken manually from bill date 15.10.2015. From 15.10.15 to 15.11.17 Appellant never used day time demand beyond permissible limit and got the benefit of HTP-IV tariff as well. But it came to notice that Appellant has installed Rolling Mill in the same premises around month of September-October,2017. Further, Appellant himself declared in his letter dated 08.06.2018 that his furnace unit is getting shutdown at 5.55 a.m. every day, but liquid material is still held in bucket which is transferred on Continuous Casting Machine (CCM) for further process which may be the reason

for use of MD beyond permissible limit during stipulated month and he failed to observe/maintain day time demand.

3.2. Respondent has submitted pointwise reply as under:

- (1) Meter was recording day time demand and the day time demand is collected through MRI. The same has been noted by CGRF in its order dated 22.10.18 in Para No.4.3. Hence no question arises for usefulness of meter for HTP-IV consumer. Appellant is getting benefit of concessional tariff which is 1/3<sup>rd</sup> of the fixed charges specified in rate HTP-I tariff and energy charges Rs. 2.25 per unit which is approximately half of the rate applicable to HTP-I tariff consumers. Hence, it is responsibility of Appellant to control his consumption after night hours. CGRF in its order dated 22.10.18 in Para No. 4.7 clarified that bills issued to Appellant under HTP-I tariff for the months of January,2018, May,2018 and June,2018 are as per GERC Regulations.
- (2) Bills issued to Appellant under HTP-I tariff for the months of Dec.2017, January,2018, May,2018 and June,2018, is based on MRI data collected and not on any pretext. The MRI data was also provided to Appellant.
- (3) Appellant used higher KVA demand than his contract demand. Hence, Appellant was informed to apply for load extension and he has applied for the same. Meter was replaced on 19.05.2018 due to addition of load 100KVA in addition to his contract demand of 3900 KVA at that time.
- (4) Appellant was informed by Corporate Office, Mehsana vide letter No. 1890 dated 14.08.18 that tariff determined by GERC for the year 2018-19 itself is an explanatory that Appellant has to observe to restrict/control the demand to 15% during day hours.
- (5) HT meter was in proper condition and working properly and the same was confirmed by Appellant's representative and signed on checking sheet too dated 18.04.18 and 19.05.18, so meter was not faulty and billing made under HTP-I tariff was as per MRI

data collected from said meter and MRI data so collected was provided to Appellant also.

- (6) Periodic inspections/testing and calibrations were conducted and MRI data collected in past on 25.04.16, 19.10.16, 24.01.17 and 16.11.17 are itself explanatory.
- (7) As per GERC, Electricity Supply Code & Related Matters Regulations, Notification No.4 of 2015, Clause 6.7 “If supply to HT/EHT consumer is given on an independent feeder for his exclusive use the metering arrangement shall be installed at the consumer’s premises or, if mutually agreed, the metering arrangement at the sub-station of the Licensee may be used for billing and no meter need be installed at the premises of the consumer”.

Power supply to the Appellant is also given on an independent feeder named A.I.Ispat for his exclusive use, hence no question arises to use of power supply by Appellant other than this consumer. MRI data of GETCO panel meter and UGVCL meter located at Appellant’s premises for the months of January,2018, May,2018 and June,2018, clearly shows that in both the cases Appellant has used day time MD beyond permissible limit.

- (8) Power supply to Appellant is given on an independent feeder for his exclusive use and parallel consumption is being recorded in the meter installed at the premises of Appellant and GETCO panel meter. So, Respondent took MRI data of December,2017 of GETCO meter as a base to bill the Appellant for December,2017, which clearly shows that Appellant has violated the terms of HTP-IV tariff and used day time MD beyond permissible limit by not observing limitations on 30.11.2017 and used 708 KVA day time MD at 06.30 A.M. Hence MRI data of GETCO panel meter dated 30.11.17 to be considered.

It is a limitation of Appellant’s meter that it cannot show MRI data of more than past six months, hence laboratory staff has to take MRI data of GETCO penal meter which can show the

data of more than past six months and the same was used for billing to the Appellant as per HTP-I tariff for December,2017. As per MRI data, it is clear that Appellant used 708 KVA day time MD (more than 15% of contract demand) after night hours. So due to only limitation of a consumer meter, Appellant cannot exempt from being billed as per HTP-I tariff and avail benefit of HTP-IV tariff. Corporate Office, Mehsana has also marked that the bill issued for the month of Dec.2017, is in order.

- (9) Hon'ble High Court of Gujarat, in SCA No.27025 of 2007 has also observed the matter in Para No.7 of Oral Order dated 27.10.2009 against Sachdeva Industries Limited. It is noted by Hon'ble High Court that Commission has introduced HTP-IV category with main object of promoting night consumption of electricity and in order to ensure that no undue advantage is taken, the contract demand and consumption limit is introduced. Appellant has not installed any check meter connected to main meter to view whether Appellant is using the power in limitations of tariff or not.
- (10) Laboratory staff has taken meter data through MRI on regular intervals for monitoring purpose. on 25.04.2016, 19.10.2016, 24.01.2017, 16.11.2017 and 19.05.2018. From these MRI reports no any violation as per HTP-IV tariff, observed except MRI data of 19.05.2018. Since date of connection Appellant never billed as per HTP-I tariff i.e. he is well aware about the HTP-IV tariff terms but somehow during four months under question, he failed to observe day time MD.
- (11) There is no any provision in Supply Code that specific parameters are displayed on screen of meter but Respondent gave facility for displaying valuable parameters on meter which is only for instant view of Appellant. Check meter may be installed by Appellant to avail special category benefit.
- (12) It was mistake of concerned employees and for that explanation has also been taken from all concerned employees. Due to

mistake of employees on part of billing Respondent cannot let Appellant to exempt from billing as per HTP-I tariff, otherwise it will affect other consumers also.

- (13) In Ombudsman case No.25/2011 dated 11.05.2011 of M/s. Suraj Inductomelt, it is clearly stated in Para No. 4.5 that real time data continuously displaying on meter, and accordingly Appellant should have run factory.
- (14) Observation made by CGRF in Para 5.3 of order dated 24.02.2011 in case No.UG-03-024-2010-11 of M/s. Suraj Inductomelt that GERC has incorporated HTP-IV tariff for HT consumers obviously to promote use of electricity during night hours and limitations for use of contract demand and use of energy also introduced to prevent misuse of this tariff. Hence Appellant has to be alert to follow the conditions of HTP-IV tariff.
- (15) As per regular billing program Appellant's bill for the month of May,2018 was prepared as per HTP-IV tariff for Rs.42,15,411.74 on 15.05.18. At the time of release of additional load dated 19.05.2018 meter data collected through MRI by Laboratory staff of Respondent and data dumped in Computer. From that it was found that Appellant used T.O.D. MD  $11.86 \times 50 = 593$  KVA on 19.04.2018 at 06.30 A.M. Actually, Appellant is not entitled to use TOD MD more than 585 KVA (15% of contract demand 3900KVA) beyond night hours. This is clearly violence of rules as per tariff schedule. Therefore, Respondent has prepared a revised bill dated 21.05.2018 as per HTP-I tariff. The same reply has been given to Appellant by Corporate Office, Mehsana vide letter No.1503 dated 03.07.2018. In reply to Appellant's application dated 13.06.2018 and 19.06.2018, Respondent has also informed vide letter No.3514 dated 26.06.18 in detail, copy of which he has enclosed with his application dated 06.09.18 made to CGRF.
- (16) Bill issued on 19.06.18 for the months of December,2017, January,2018 and June,2018 as per HTP-I tariff was not on any

pretext but it was absolutely on basis of MRI data of 19.05.2018 which are provided to Appellant also.

3.3. Respondent has prayed as under:

- (1) CGRF in its order dated 22.10.18 has ordered to revise the bill of December,2017 as per HTP-IV tariff. Respondent is agreed with CGRF order, but looking to the tariff terms and MRI data, it is requested to consider the bill of Decembere,2017 which is given as per HTP-I tariff is in order and Respondent need not to revise it as per HTP-IV tariff.
- (2) To declare that as per Para 4.7, order of CGRF dated 22.10.18, bills issued for the months of January,2018, May,2018 and June,2018 are as per GERC Regulations.

**::: 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 a HT consumer of Respondent, bearing consumer No.20038. The connection of Appellant was released on 18.10.2012. As per say of Respondent, meter was replaced on 28.09.2015. It is stated by Respondent that due to Automatic Meter Reading (AMR) issues persists, meter readings were taken manually after replacement of meter i.e. after 28.09.2015 and bills generated accordingly since October,2015. As per para 3.2(6) periodic inspection were conducted & MRI data was collected in past by Respondent.

4.2. The present issue involved herein is related with recovery of energy bills so issued by Respondent under HTP-I tariff for the excess recording of demand on the basis of violation of Maximum Demand in day time under Option of HTP-IV tariff for the months of December,2017, January,2018, May,2018 and June,2018.

4.3. Appellant has raised contention as per Para 2.0 mentioning the various provisions of Supply Code Regulations No.4 of 2015. It is

undisputed that meter No. UHT01510 is there at location of Appellant and on manual readings from the meter, Respondent is issuing energy bills since long.

On other side Respondent has submitted that with the help of data retrieved from meter, based on MRI data, energy bills for the month of December,2017, January,2018, May,2018 and June,2018 were revised under HTP-I tariff.

- 4.4. As per Para 2.4, Appellant had submitted letter dated 13.06.2018, and Respondent had replaced the meter on 18.06.2018. Appellant submitted that meter installed at his premises shows three time zone cumulative KWh only, but is not displaying three time zone current month KVA Demand and therefore meter is not useful for HTP-IV tariff consumer. Further, Appellant has no reference control or monitoring device to control day time KVA MD.
- 4.5. It is required to refer the CEA Notification No.502/70/CEA/DP&D dated 17.03.2006 for Installation and Operation of meters:

**Part-III, Standards for consumers meter:**

(1) Measuring parameters.

(b) The consumer meter may have facilities to measure record and display one or more of the following parameters depending upon the tariff requirement for various categories of consumers. All parameters excluding instantaneous electrical parameters shall also be stored in memory:

- (i) Cumulative, reactive energy.
- (ii) Average power factor
- (iii) Time of use of energy
- (iv) Apparent power
- (v) Maximum Demand
- (vi) Phase voltage and live currents

(2) All the three phase meters shall have data storage capacity for at least 35 days in a non-volatile memory.

4.6. While CGRF has noted in Para 4.3 that meter installed at Appellant's premises was not displaying day time demand in scroll display but at the same time, meter was recording day time demand, and day time demand is collected through MRI. Respondent had installed facilities to take readings of meter through AMR but due certain issues, Respondent has billed based on manual readings taken from the meter.

In whole issue, meter is recording energy parameters and through AMR, meter readings were read by Respondent, but after problem with meter reading by AMR, Respondent has billed Appellant based on manual readings. Meter is recording Maximum Demand but not displaying time zone-wise current KVA demand.

In the instant case, said issue came before Respondent when Appellant has raised his 100KVA contract demand, totaling 4000 KVA and by retrieving MRI data, through meter it was observed that Appellant has violated day time demand under option of HTP-IV tariff. The data of record of Maximum Demand are put up by CGRF in its order vide Para No.3.10. Appellant had also shown MRI data as per Para 2.3 in his submission. On that point of observation, there is no dispute that maximum demand recorded by meter during day time period under option of HTP-IV tariff.

It is an error on part of Respondent who had not read all meter parameters in details under option of HTP-IV tariff conditions while billing at every billing cycle since Dec.'17.

4.7. Clause 6.59 of Supply Code Notification no. 4 of 2015 stated as under:

**Clause 6.59:** *In case, the Maximum Demand Indicator (MDI) of the meter at the consumer's installation is found to be faulty or not recording at all (unless tampered), the demand charges shall be calculated based on maximum demand during corresponding months/billing cycle of previous year, when the meter was functional and recording correctly. In case, the recorded MDI of corresponding month/billing cycle of past year is also not available, the average maximum demand as available for lesser period shall be considered.*

In this instant case, Meter is not faulty, Respondent had retrieved MRI data of Meter and based on studies of MRI data, concluded that maximum demand exceeded during the day time period under option

of HTP-IV tariff. Hence in such case action of Respondent to billed with available meter data for the relevant billing period i.e. January'18, May'18 and June'18 is as per regulations.

- 4.8. It is also necessary to read HTP-IV tariff conditions for the disputed period of billing under HTP-I tariff.

16- Rate HTP-IV tariff:

This tariff shall be applicable for supply of electricity to HT consumers opting to use electricity exclusively during night hours from 10.00 PM to 06.00 AM 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.*

In this case, Appellant has utilized energy during day time and violated condition No.1 mentioned in above Note.

Based on record, it is established that specified conditions have not been fulfilled for billing under HTP-IV tariff and hence Respondent has issued revised bill for the period of December,2017, January,2018, May,2018 and June,2018 under HTP-I tariff. Here Appellant cannot take undue advantage by putting argument that meter was not showing day time demand. On the contrary, based on the findings in Para No.4.3 of CGRF Order, it is a responsibility of Respondent to install meter which suits the requirement of billing with option of tariff opted by Appellant, along with required specification mentioned in CEA Regulations,2010.

As per MRI Data, in tampered events, maximum demand recorded beyond 15% of contract demand at time slot at 06.30 A.M. which shows that Appellant has not observed the time schedule for utilization of electricity under option of HTP-IV tariff.

- 4.9. CGRF has noted in its order "that meter was checked on 18.06.2018 and meter accuracy was found within permissible limit. Meter is not

faulty. meter does not display the day time demand in scroll display. This does not mean that the meter is faulty.”

HTP-IV Tariff is applicable if the consumer so opts to be changed in place of HTP-I Tariff by using electricity exclusively during night hours. In case of non-adherence to stipulated provisions of HTP-IV, the basic HTP-I tariff is applicable. Therefore, stand taken by respondent seem to be correct.

The MRI data output shows that demand exceeded during the time block of 6.00 A.M. to 6.30 A.M. at every occasion in the respective months wherein over drawl of maximum demand recorded.

Appellant was having 3900KVA Contract demand & thereafter he had demanded additional 100KVA, totaling 4000KVA contract load & it was confirmed by appellant that he used to shut down furnace unit at 5.55 A.M. every day & Machinery installed takes 40-45 Minutes time with load of 500-525KVA to Complete the process which in broad sense, given confirmation of utilization of load even after schedule night hours timing i.e. 10.00 P.M. to 6.00 A.M. next day.

- 4.10. From above observations, it is a case in which Appellant’s meter has recorded maximum demand during day time beyond the permissible limit of 15% of contract demand during the month of December,2017, January,2018, May,2018 and June,2018 as per meter data retrieved through MRI.

CGRF has noted that maximum demand recorded during day time is not confirmed as per Appellant’s meter data retrieved through MRI, but it was confirmed based on GETCO panel meter data retrieved through MRI for December,2017, hence it was directed by CGRF to revise energy bill for the month of December,2017 under HTP-IV tariff instead of HTP-I tariff.

As per para 3.2(8), Appellant is fed from express feeder from sub-station. Respondent has taken view of GETCO panel meter as a check meter to ascertain the requisite parameters. Based on retrieved meter data, it was concluded that during the 6.00 A.M. to 6.30 A.M., Maximum demand recorded beyond the prescribed limit under option

of HTP-IV Tariff. Maximum Demand records found as under from retrieved MRI Data.

Sr. No.	Month of Bill	Contracted Demand in KVA	Actual Demand in KVA	Day demand as per MRI report of consumer meter				Day demand as per MRI report of S/S panel meter			
				MD as per MRI	Date & Time	M.F.	Day Demand in KVA	MD as per MRI	Date & Time	M.F.	Day Demand in KVA
1	Dec-17	3900	4235	N.A.	N.A.	50	N.A.	11.80	30.11.17 6.30 AM	60	708
2	Jan-18	3900	3845	14.26	21.12.17 6:30 AM	50	713	12.1	21.12.17 6:30 AM	60	726
3	May-18	3900	3846	11.86	19.04.18 6:30 AM	50	593	10.8	25.04.18 6:30 AM	60	648
4	June-18	4000	3941	17.10	19.05.18 6:30 AM	50	855	18.2	19.05.18 6:30 AM	60	1092

As such Respondent should have billed with taking meter reading at specified billing cycle with applicable Tariff. In Present case, MRI data of consumer meter was not accessed for the month of Dec.'17 & based on GETCO panel meter, retrieved data was utilized by respondent to arriving on conclusion of utilization of excess maximum demand in day time for the month of December 2017.

In fact, check meter reading shall not be used for billing purpose by the Licensee except in case of failure of main meter. Here in this case due to memory storage limitation, Appellants meter (Consumer meter) has not having data storage for the month of December 2017. As per meter data retrieved on 21.05.2018. Hence looking to the above observation order passed by CGRF is accepted.

4.11. I order accordingly.

4.12. No order as to costs.

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

(Dilip Raval)  
Electricity Ombudsman  
Gujarat State

Ahmedabad.  
Date: 21.01.2019.