THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

M/s Standard Electricals Ltd.
Plot no. 2, Sector 12, I.I.E. SIDCUL,
Roshnabad, Distt. Haridwar, Uttarakhand.

Vs

The Executive Engineer,
Electricity Distribution Division (Rural),
Uttarakhand Power Corporation Ltd.
Haridwar, Uttarakhand

Representation No. 05/2013

Order

The petitioner M/s Standard Electricals Ltd. filed a petition before the Ombudsman on 20.03.2013 against the order of the Consumer Grievance Redressal Forum, Garhwal Zone (hereinafter referred to as Forum) dated 12.02.2013 (received by the petitioner on 23.02.2013) in their grievance against the Uttarakhand Power Corporation Ltd. (hereinafter referred to as respondent) on the subject of arrears demanded by the respondent on the basis that the meter was recording less from the date of installation (31.05.2007 to 16.11.2010 when the meter was removed and a new meter was installed) due to reverse Current Transformer (CT) connection.

2. The petitioner maintains that meter no. 04863378 was installed at his premises in June 2007. Suspecting some defect in the meter the petitioner lodged a complaint with the respondent on 29.09.2010. After a delay, the respondent installed a check meter at his premises from 09.11.2010 to 16.11.2010 and thereafter installed a new meter. On 05.01.2011 respondent issued an assessment bill of Rs. 2,61,48,098.00 for the period June 2007 to November 2011 on account of 80.54% slow running of the old meter. The petitioner claims that there was no difference in the recording between the old meter, new meter and check meter to show increase in consumption. The meter reader was regularly taking meter readings from June 2007 according to the consumption and all electricity bills were being paid. The defect in the meter developed in the

meter from September 2010 to October 2010 when the complaint was made. Before this period the meter was giving correct reading as per consumption, hence if any assessment was to be made it should be made only for the period from the date of complaint till installation of new meter. The petitioner claims that the respondent failed to give him any proper explanation and therefore he lodged a complaint with the Forum on 25.06.2011.

3. The Forum stayed the recovery proceedings on the stay application filed by the petitioner on 01.07.2011 till disposal of the complaint. The respondent however added the disputed amount along with interest in the petitioner's bill dated 05.08.2012 despite the Forum not having vacated the stay. They threatened the petitioner with disconnection unless the total amount was paid. The petitioner again moved an application on 23.08.2012 before the Forum to stay the recovery of the disputed amount till judgment was given in that case. The Forum however rejected the application of the petitioner. The petitioner deposited Rs. 1,63,42,000.82 (50% of the disputed amount) on 29.08.2012 under protest. The Forum however still did not pass an order and the petitioner approached the Ombudsman on 27.08.2012 regarding the delay by the Forum. The Ombudsman office took up the matter with the Forum vide their letter dated 29.08.2012. However as the forum still did not respond the petitioner approached the Hon'ble High Court of Uttarakhand. Under orders of the Hon'ble High Court the Forum passed their order.

4. Aggrieved by the order of the Forum, the petitioner has applied before the Ombudsman requesting that (i) the order of the Forum be set aside (ii) that the respondent should be ordered to recover the excess amount for September and October 2010 only on the basis of average consumption of 60000 units per month. (iii) the revised amount be deducted from the total amount already deposited by the petitioner, Rs. 1,63,42,000.82 deposited as per orders of the Forum and Rs. 10,00,000.00 deposited as per orders of Hon'ble High Court of Uttarakhand and the rest be refunded to the petitioner.

5. The majority judgment given by the Technical member and Consumer member, held that the respondent should revise the assessment on the basis of 52.99% slow meter and adjust all the payments made towards the assessment earlier. Surcharge during the

disputed period shall not be leviable. The minority opinion of the Judicial member held that the petitioner was liable to pay the sum due on account of slow running of meter only for the period of six months immediately preceding 16.11.2010.

6. In the majority decision, the Forum in their order have stated that the respondent have claimed that in February 2010 while going through the MRI it was discovered that the CT connection was wrongly connected. Hence all previous MRI reports were checked. A check meter was installed, on LT side due to non availability of 11 KV meter cubicle, on 11.02.2010. Thereafter application dated 29.09.2010 was received from the petitioner regarding non display by the meter. A second check meter was installed on 09.11.2010 on HT side after HT meter cubicle became available with the respondent. Both the check meters were finalized on 16.11.2010. The sealing certificate for the HT check meter shows that the old meter was not recording 80.54% on KVAH and 97.3% on KWH current. From the meter fixed on the LT side, the less recording was to the extent of 80.02% on KVAH and 97.26% on KWH. There was a great difference between the reading of the old meter and the check meter. The Forum held that there was no defect in the meter as reported by the consumer as there was no error in the meter at any time. The meter was not recording the full consumption due to the CT connection being wrong. The CT connections were wrongly connected from the date of initial connection on 31.05.2007 and seals fixed at that time remained intact till the date of opening the cubicle box.

7. The Forum felt that the contention of the petitioner that the calculation of the impugned bill is wrong was not correct. The petitioner was explained the correct position of the bill in the meetings held on various dates when the petitioner could not point out any error in the impugned bill. Therefore the petitioner was not entitled to any relief. Further the Forum mentioned that the period for installation of check meter on the HT line was for a short period, and it was found that a check meter was installed on the LT side also. Stating that the petitioner had not challenged the accuracy of the test of the check meter on the LT side, the Forum analyzed the comparison of the result obtained from the main meter and the LT check meter and found that the difference between the two was 52.99%. The Forum held that since the defect persisted from the date of the connection and the accuracy of the test was not

disputed by the petitioner, he is liable to pay the difference from the period 31.05.2007 to 16.11.2010 on the basis of calculation of assessment based on 52.99% meter being slow. The Forum ordered that the assessment bill raised by the respondent be revised and payments already made be adjusted.

8. The minority judgment given by the judicial member held that in case the meter is found to be slow, the petitioner is not liable to pay additional amount on account of faulty meter installed at his premises. Hence the petitioner's liability is limited only to the statutory period of six months as contemplated under regulation 3.1.3 (6) from the date of rectification and not for the earlier period.

9. The respondent informed that a check meter had been installed much before the complaint of the petitioner after a check of the MRI of the petitioner's meter. The first check meter was installed on 11.02.2010 and a second check meter was installed on 09.11.2010. Both check meters were finalized on 16.11.2010 and no defect was found in the installed meter. The meter which was installed in May 2007 was not tested till the check meters were finalized and only then it was found that from the time of installation to November 2010 the meter was recording less consumption. There was no defect in the meter and the meter was recording less consumption due to reverse CT connections. Further it has been mentioned that the consumption had doubled after installation of the new meter and as an example they had mentioned that the new meter recorded consumption of 83582 units from December 2010 to November 2011 whereas for the same period i.e. December 2009 to October 2010 the consumption was only 46534 units. As there was nothing wrong with the meter, applicability of Regulation 3.1.3 (6) does not arise and assessment cannot be made treating the meter as defective.

10. Brief facts of the case. A 500 KVA connection was installed in the premises of the petitioner on 31.05.2007 with meter no. 04863378. The respondent while going through MRI noticed some disparity showing that energy distribution between two phases was in opposite directions which meant that CT connections were reversed. The respondent installed a check meter on the LT side on 11.02.2010 due to non availability of HT cubicle. On 29.09.2010 the petitioner lodged a complaint regarding non display of reading on his meter. The respondent who had already installed a

check meter on the LT side installed a second check meter on the HT side on 09.11.2010 once the HT cubicle became available. Both check meters were finalized on 16.11.2010. A new meter no. 10410084 was installed at the petitioner's premises on 16.11.2010 with the same CT ratio 30/5A (MF 6), after removing the old meter. It has been established that the meter had not been opened/checked from the time of installation as all seals were found intact. The results of both check meters showed that meter had been recording less than the consumption due to reversal in CT connection.

11. After listening to arguments and going through all the documents provided, I am convinced that the meter installed at the premises of the petitioner was not defective but due to the reversal in CT connection the meter was recording less consumption than actually used. The petitioner's contention that the meter was defective as it was not showing the reading was found to be incorrect by the Central Meter Test Bench, Dehradun. The MRI report had shown that the CT were connected in reverse direction and hence the check meter was installed in February 2010 and November 2010.

12. Since all the seals were found in tact at the time of installation of check meter and the meter was never opened/checked before check meter installation, after it was initially installed on 31.05.2007 it is an established fact that CT were connected in reverse direction at the time of giving connection on 31.05.2007. As such the meter was recording less w.e.f. 31.07.2007 to 16.11.2010 (the date up to which this meter with reversed CT connections remained in circuit and was replaced by a new 3 phase, 4 wire) meter.

13. HT check meter recorded 18504 KVAH and LT check meter recorded 18024 KVAH during 09.11.2010 to 16.11.2010. The existing meter recorded 3600 KVAH during this period. The difference of 480 KVAH (18504 – 18024) recorded by HT and LT check meters, is due to the losses in LT T/F which are (18504-18024) x100/18504 % = 2.59%. These transformation losses confirm to standards of LT transformation losses. From the above it is proved that both the check meters have given the same results. The results of LT check meter from 09.11.2010 to 16.11.2010 (the period during which HT check meter was in circuit) shows that the existing meter recorded 80.02% less during this period.

14. The result of HT check meter which remained installed from 09.11.2010 to 16.11.2010 (7 days) shows 80.54% less recording and that of LT check meter which remained installed from 10.02.2010 to 16.11.2010 (9 months, 5 days) shows 52.99% slow. The energy consumption depends upon average power factor. Due to the short period of 7 days, during which HT side check meter remained installed, the effect of average PF could not be reflected in the energy recorded during this period. Whereas the LT side check meter remained in circuit for a considerably long period of 9 months, the effect of average PF has been reflected in the consumption recorded by this check meter. It is therefore felt that the results given by the LT check meter are more correct and realistic.

15. It is therefore technically correct to conclude that the existing meter recorded 52.99% less KVAH energy due to reverse CT connections and since these wrong connections were done on the date of installation of the meter (31.05.2007) and no subsequent tampering etc. was done with the meter and its seals, it would be appropriate and justified if the licensee be allowed to realize its legitimate dues accrued due to less recording of energy from 31.07.2007 to 16.11.2010, due to reverse CT connections.

16. Since the petitioner is an HT consumer and the metering and billing is done on HT tariff it is necessary to convert the percentage of less recording by the meter on LT side to HT side. The 2.59% transformation losses as mentioned in para 13 above need to be added to the result of the LT check meter increasing the percentage from 52.99% to 55.58% (52.99 + 2.59). Thus the respondent has to assess the dues on the basis of 55.58% less recording of energy for the above mentioned period instead of 80.54% as has been done by them.

17. As this is not a case of slow running of meter, sub regulation 3.1.3(6) of Regulations 2007 is not attracted in this case and hence the minority judgment of the Forum is not valid. The majority judgment is upheld with the correction regarding the percentage of less recording as given above. The respondent is advised to revise the bill and adjust the same with the amounts already paid by the petitioner and recover the balance, if any.

(Renuka Muttoo)
Dated: 31.01.2014 Ombudsman