

A consumer is the important visitor on our premises.
He is not dependent on us. We are dependent on him.
-Mahatma Gandhi



TAMIL NADU ELECTRICITY OMBUDSMAN

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Before The Tamil Nadu Electricity Ombudsman, Chennai
Present : Thiru. S. Devarajan, Electricity Ombudsman

A.P.No. 91 of 2021

Thiru P.S. Kamleshwaran &
Tmt.J.Suganthi,
15 A, MRK Nagar, 50 Feet Road,
Kolapakkam, Chennai – 600 122.

. Appellant
(Thiru P.S. Kamleshwaran & Tmt.J.Suganthi)

Vs.

The Executive Engineer/O&M/Guindy,
Chennai Electricity Distribution Circle/South-I,
TANGEDCO,
110KV Complex, K.K.Nagar,
Chennai-600 078.

. . . . Respondent
(Thiru T.Velmurugan, EE/O&M/Guindy)

Petition Received on: 06-12-2021

Date of hearing: 09-02-2022

Date of order: 23-03-2022

The Appeal Petition received on 08.12.2021 filed by Thiru P.S. Kamleshwaran & Tmt.J.Suganthi, 15 A, MRK Nagar, 50 Feet Road, Kolapakkam, Chennai – 600 122 was registered as Appeal Petition No. 91 of 2021. The above appeal petition came up for hearing before the Electricity Ombudsman on 10.02.2022. Upon perusing the Appeal Petition, Counter affidavit, written argument and the oral submission made on the hearing date from both the parties, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

The Appellant has prayed to refund the current consumption bill amount paid for the period May'2020 to 31st August 2021.

2.0 Brief History of the case:

2.1 The Appellant has stated that he had received a huge amount of current consumption billing. A complaint raised to AE/Manapakkam for which no action was taken.

2.2 Again he complained to Manapakkam TNEB office, commercial staff showed him the system "meter is marked as normal". The appellant has approached CGRF on 06.08.2021 to check the meter.

2.3 The CGRF of Chennai EDC/South-I has issued an order dated 12.11.2021. Aggrieved over the order, the appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Chennai Electricity Distribution Circle/South-I have issued its order on 12.11.2021. The relevant portion of the order is extracted below :-

"Order: (Operative portion)

The respondent (Executive Engineer/O&M/Guindy) is directed to revise the billing for the meter defective period of 'AVON' meter which was assessed normal though the petitioner has represented to change the no display meter.

The Visiontek meter which was provided on 11.02.21 was found in order in load test and accuracy test, The meter was found in order both individual and in along with check meter. The forum concludes there may be wrong problem in the petitioners side and there is no billing revision necessary.

The forum directs the respondent (Execute Engineer/O&M/Guindy) to take necessary action on the concerned for the delay in replacement of faulty meter even

after repeated representation from June 2020.

It is open to the petitioner to opt for challenge test for the meter.

The petition is treated as closed.”

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondent to put forth their arguments, a hearing was conducted on 10.02.2022 through video conferencing.

4.2 The Appellant Thiru P.S. Kamleshwaran & Tmt.J.Suganthi have attended the hearing and put forth their arguments.

4.3 The respondent Thiru T.Velmurugan, EE/O&M/Guindy of Chennai Electricity Distribution Circle/South-I has attended the hearing and put forth his arguments.

4.4 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing order. Further the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone are discussed hereunder.

5.0 Arguments of the Appellant :

5.1 The Appellant has stated that the bill raised on 05/2020 was paid on 21-May-20. Due to covid fear the appellant cut down use of AC. They were shocked to receive an inflated bill (1590 units / Rs. 8,934). When the appellant checked the meter, he noticed that the meter was flickering / no display. How was an assessment made when there was no display in meter?

5.2 The Appellant has stated that during June 2020 he had informed to AE/Manapakkam but no action was taken. In spite of the complaint made to AE in June, again an imaginary assessment of 1670 units/Rs.9,502/- was made for 07/2020. This was again complained to Manapakkam EB office, but the commercial staff showed him in the system meter is marked as “normal”. The Appellant told that there was no display in the meter and made a request to change the remark for which no action was taken.

5.3 The Appellant has stated that during September 2020, he met AE and the AE accepted his complaint letter and told him that due to lockdown, they were short-staffed and look into this. But again the appellant got the bill for September and November 2020 without changing the meter but the reading raised upto 34580 units in November 2020.

5.4 The Appellant has stated that he was shocked to see the remark as “surprise check and found meter no display”. But there was no surprise check/physical visit by TANGEDCO staff.

5.5 The Appellant has stated that an online complaint was made and the meter was replaced on 11.02.2021, but still the problem existed. He stated that the meter is excess running and several representations were made about this meter in April/May/June 2021.

5.6 The Appellant has stated that again he made a complaint to AE/Manapakkam that the meter is running in excess as high as 60-70 units and with main off the meter reads more than 1 unit /hour. On 23.7.2021 check meter was run parallel to the fast running meter to check the correctness. The check meter was removed and it showed a total of 63 units consumed in 4 days, as against fast running main meter recording of 137 units, i.e. it showed more than double reading. Based on the test meter/faulty meter AE/Manapakkam revised the bill to 4000 units less March bill 6000 units and billed us 3400 units.

5.7 The Appellant has stated that he sent a mail to CE & SE giving a brief of the problems faced by us since May 2020 and also with Visiontek fast running meter installed in February 2021. The commercial staff Mr. Bhai came to our premises to check and inform AEE/Ramanathanpuram if there was any problem in the meter. Mr. Bhai informed AEE that the consumer has earlier consumed 1590 & 1670 units. The Appellant has stated that he informed AEE/Ramapuram, the earlier meter has no display and the assessor took imaginary reading. He told him about test meter and meter running with Main off.

5.8 The AEE/Ramapuram has ordered MRT testing, meter removed on 6.8.2021 and fixed back on 7.8.2021. The Appellant has stated that the AEE/Ramapuram informed him that the MRT has remarked as “meter is in order” and to pay entire amount of Rs.40,000/- approx. As he did not get any solution, finally made an online petition to CGRF. When the appellant asked for MRT report, the AE has denied to share the MRT report and stated that he will share the MRT report only during the meeting as the Appellant has approached CGRF.

5.9 The Appellant has stated that the check meter proved the fast running Visiontek meter is defective and he need not pay for the units not consumed. Further, he has stated that the copy of Load & No load test data done by MRT yet to be received.

5.10 The Appellant has stated that AEE/Ramapuram and AE/Ramapuram had visited his house surprisingly and checked the entire house and noted down the load. A physical load test was also conducted onsite with the L&T (new meter) and faulty Visiontek meter. During the load test everyone noticed that L&T meter consumer 12Amps, the fast running Visiontek meter kept on rising beyond 16 Amps. Test was aborted immediately. This clearly proves beyond doubt that the Visiontek meter is faulty.

5.11 The Appellant has stated that in his premises, he has a single phase connection for one portion and only 2 phases incoming power in our main board, he presumed single phase was connected to the line which had no supply. On 26th July, the EB lineman who removed the check meter pointed out that the fuse box had the problem and that has to be replaced.

5.12 The Appellant has stated that this single phase fuse box was replaced by 2 pole MCB on 04th August 2021 after which this meter is running. AEE/Ramapuram inspected the venue thoroughly and found this single phase does not have any connection with the 3 Phase account in question. NO MISUSE OF POWER. He also pointed out that the new L&T meter cover was not fixed and made them seal it.

5.13 The Appellant has stated that he sent RTI letter to EE/O&M/Guindy requesting details. No reply within 30 days as per norms. He received a call from their office on 03rd December 2021 informing RTI letter was returned. He had requested MRT download data for both AVON & VISIONTEK meter through RTI. Reply is yet to be received.

5.14 The Appellant has prayed to refund the amount paid of Rs.7,627/- for the period May'2020 to 31st August 2021.

6.0 Arguments of the Respondent:

6.1 The Respondent has submitted that the defective meter Avon Sl. No.1510587 in Sc. no. 261-028-269 was replaced on 11.02.2021 with Visiontek make meter Sl. No 00831894.

6.2 The Respondent has submitted that based on consumer representation, the meter of make Visiontex was downloaded at MRT Lab, Chennai South-I circle on 06.08.2021. The AEE/MRT/Chennai South-I in her letter dated 21.8.21 and 9.9.21 reported that the consumption pattern is wrongly entered in the Consumer ledger during 7/2021 assessment and CMRI report consumption pattern is found in order and also reported that load test and accuracy test conducted and found in order.

6.3 The Respondent has submitted that the petitioner represented in CGRF with issue disputing the assessment done as normal during the defective period from May 2020 to February 2021 and delay in replacement of defective meter and abnormal consumption shown in visiontex make meter fixed on 11.02.2021.

6.4 The Respondent has submitted that based on the CGRF order, it has been revised the normal billing of 05/2020 to 01/2021 in defective meter period as per the TNE Supply Code, section (11) as below:

The average calculation for 05/2020 to 01/2021 has been worked out by taking the consumption of 03/2019 & 05/2019 as similar period in the previous year. Service No. 261-028-269/TF-IA.

Month	Date of reading	Already Assessed (As per consumer Ledger)			To be assessed average		
		Reading	Units	Amount	Reading	Units	Amount
05/2020	17.05.2020	31030	1590	8974	No Display	AV 955	4783
07/2020	15.07.2020	32700	1670	9502	No Display	AV 955	4783
09/2020	15.09.2020	33680	980	4948	No Display	AV 955	4783
11/2020	20.11.2020	34580	900	4420	No Display	AV 955	4783
01/2020	19.01.2021	Defect	AV 940	4684	No Display	AV 955	4783
Total				32528			23915

Average based on 03/2019 and 05/2019

03/2019 – 700

05/2019 – 1210

Total – 1910/2 = 955 units

Already assessed - Rs.32,528

To be assessed - Rs.23,915

Excess assessed - Rs. 8,613

Already billed for 05/2020 to 01/2021 and paid by the consumer - Rs.32,528/-

To be billed after revision - Rs.23,915/-

Excess amount paid by the consumer - Rs. 8,613/-

Refund to be made - Rs. 8,613/-

The excess amount of Rs.8,613/- paid by the consumer will be adjusted in the future CC bill and adjustment entry has been made and the consumer can view through TANGEDCO online portal.

6.5 The Respondent has submitted that AEE/MRT has reported that CMRI report consumption pattern regarding Visiontek meter is found in order and CGRF has ordered that there is no billing revision necessary. Hence the bill revision for the period from 11.2.21 to 31.8.2021 will not arise.

7.0 Findings of the Electricity Ombudsman:

7.1 I have heard the arguments of both the appellant and the Respondent. Based on the arguments and the documents submitted by them, the following conclusion is

arrived.

7.2 The Appellant, Thiru.P.S.Kamleshwaran / J.Suganthi are having their Low Tension Service connection No.09-261-028-269 in Nandambakkam section of TANGEDCO. The appellant has stated that the digital display of the meter was identified “flickering/no display” by the consumer in this service connection. In this connection, he repeatedly complained with the Section officer but the complaint was not attended immediately until it was inspected by the Revenue Supervisor on 11.12.2020. After confirming the meter’s display failure, it was replaced with a new meter (Make: Visiontek, Sl.No.831894) on 11.02.2021.

7.3 The Respondent ascertained the existing meter as defective during the period from 5/2020 to 11.02.2021, and worked out the “Average consumption” based on the previous consumption during 3/2019 and 5/2019. Therefore the average consumption of 955 Units has been adopted for the period from 05/2020 to 11.2.2021. I have no hesitation in accepting this consumption for the meter defective period i.e., upto 11.02.2021 until new Visiontek meter is fixed.

7.4 The appellant has stated that the newly fixed Visiontek meter is found running exorbitantly fast and records the consumption of 65 units per day. The issue was taken to the knowledge of the section officer for necessary action. While the complaint is given to the Section Officer, he reacted and came forward to fix a “Check meter” on 23.07.2021 to verify the consumption in the existing Visiontek meter. The check meter provided for the period from 23-07-2021 to 26-07-2021. Thereafter the existing meter sent to MRT to check for its healthiness. However the Respondent has not stated anything on the outcome of verification of the consumption through Check meter with the existing meter.

7.5 The MRT wing of TANGEDCO has reported (Lr dated 9.9.2021) that the consumption details obtained from the existing meter found in order as per CMRI, but the MRT recorded the Maximum demand (MD) of 3.50 KW as on 1.4.2021 and thereafter MD recorded as zero only even though Cumulative reading recorded from 1524.72 kWh to 8670.03 kWh.

7.6 As the complaint was lodged by the consumer for recording exorbitant consumption in Visiontek meter, the respondent had taken a decision to verify the consumption by way of provision of Check meter. Having done this exercise to verify the consumption accuracy in the service connection, the outcome of such verification cannot be omitted totally. The appellant has obtained the details of 30 minutes block wise consumption recorded during the verification period i.e., 23-7-2021 to 26-7-2021 through a RTI reply from the Respondent. I am unable to understand, why the details were completely omitted for the verification of healthiness of the Visiontek meter. The very purpose of testing with check meter is defeated.

7.7 From the block-wise details of consumption recorded in both the Visiontek (existing meter) and HPL (Check meter) meters, which were obtained through RTI application, it is found that during the verification period i.e., from 23.7.21 to 26.7.21 the existing main meter has recorded the consumption of 137.74 units whereas the HPL make Check meter has recorded the consumption of 63.35 units; moreover, Main meter recorded the same readings under import kWh & import kVA, whereas the Check meter has recorded varying readings under import kWh & import kVA & Demand(kW). The MRT has not elaborated about this difference in any of its report, not stated anything about the Average PF of 1.000 maintained throughout all the blocks in 3 days.

7.8 Having the above variations in consumption patterns of both the Main & Check meters, I cannot omit the different block wise consumption observed on it. It is surprising that why the Respondent had not taken these details into account, but was able to produce the same under RTI reply.

7.9 From the above, it is observed that, the existing meter measures the consumption which is almost double that of the consumption recorded in Check meter; the main meter has not recorded the actual power and apparent power properly. Hence it can be concluded that the main meter i.e., Visiontek meter in the service is not healthy. As nothing is defended by the Respondent for the above submissions, I accept the points put forth by the Appellant on this, as there is nothing wrong in the submissions of the appellant with regard to the defectiveness of the existing main meter. At last the Respondent has changed the existing Visiontek meter

with the new meter on 31.8.2021. The respondent has not justified the replacement of the existing Visiontek meter. If the existing meter is correct, there is no need to change the meter with the new one. And one more fact also to be taken into account that after fixing of new meter, it reads consumption pattern of 980 units and 910 Units in 11/2021 and 1/2022 Billing periods, which is in similar pattern as it was existing between 2019 & 5/2020, the same was accepted by the Respondent while calculating the average consumption for the period from 5/2020 to 11.2.2021 considering the average of 955 units.

7.10 Taking into account of all the above, it is concluded that the Visiontek meter has to be declared as defective and hence the consumption recorded during the period from 11.2.2021 to 31.8.2021 requires revision. Therefore, the Respondent is directed to revise billing of the assessment period from 5/2020 to 31.8.2021 based on the average consumption of 955 units (the average of 3/2019 & 5/2019).

8.0 Observation:

8.1 The Appellant has stated that he noticed “No display” in 05/2020 itself and reported in 06/2020. The Respondent himself has furnished in the counter that there was “No Display” for the period 05/2020 to 01/2021 but it is not known how Kwh and units consumed have been recorded in the consumer ledger. It is regretted to note that the Respondent has replaced the defective meter only after eight months.

8.2 The very purpose of checking the current consumption with the healthy check meter is to ascertain the healthiness of the main meter. When there is an abnormal difference in recording between main meter and the check meter (in this case, the main meter records double that of the check meter) the main meter is considered to be faulty whether the main meter recording is low or high that of the check meter. In the case on hand, just because the main meter has recorded double that of the recording of the check meter, the Respondent is trying to prove that the main meter is healthy without valid documentary proof, at the same time he has not disputed the healthiness of the check meter. The CMRI downloaded data reveal only the values recorded in the meter whether high or low but it can't be considered to conclude healthiness of the meter.

9.0 Conclusion:

9.1 With the above findings in para 7 as above, the Respondent is directed to compute the average consumption for the period from 5/2020 to 31.8.2021 based on the Current consumption recorded in the billing months of 3/2019 & 5/2019 adopting Regulation 11(5) of the TNE Supply code and to refund the excess amount if any paid by the Appellant.

9.2 A compliance report shall be submitted to the Electricity Ombudsman within 30 days from the date of receipt of this order.

9.3 With the above findings, the AP No. 91 of 2021 is finally disposed of by the Electricity Ombudsman. No costs.

(S.Devarajan)
Electricity Ombudsman

“நுகர்வோர் இல்லையேல், நிறுவனம் இல்லை”
“No Consumer, No Utility”

To

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