



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.100 of 2016

Tmty Meenakshi Ramesh, BA. BL,
53/20, Samayapurathamman Koil street,
Choolaimedu,
Chennai – 600 094.

..... Appellant

Vs

The Executive Engineer / O & M, K.K. Nagar,
Chennai Electricity Distribution Circle / South - 1,
TANGEDCO,
K.K. Nagar,
Chennai 600 078.

..... Respondent

(Rep by Thiru. E. Murthy, AEE/Saligramam)

Date of hearing : 1-3-2017

Date of order : 26-5 -2017

The petition dated 25.11.2016 filed by Thirumathi Meenakshi Ramesh, Chennai – 94 was registered as Appeal Petition No.100 of 2016. The above petition came up for hearing before the Electricity Ombudsman on 1-3-2017. Upon perusing the appeal petition, counter affidavit, written argument of the Appellant and after hearing the Respondent, the Electricity Ombudsman passes the following order.

Order

1. Prayer of the Appellant: The Appellant prayed to remove the defective meter and refund the excess amount collected.

2. Brief History of the case:

2.1 SC No. 285-001-313 is in the name of K. Vijayalakshmi. The sanctioned load of the service is 4.9 KW and is billed under tariff VI.

2.2 The Appellant filed a petition before the CGRF of Chennai Electricity Distribution Circle / South about abnormal consumption recorded in the meter and requested for refund of the excess amount collected and to remove the defective meter.

2.3 The CGRF of Chennai Electricity Distribution Circle / South has issued its order on 27-10-2016. Aggrieved by the order of the CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman.

3. Orders of the CGRF:

3.1 The CGRF of Chennai Electricity Distribution Circle / South issued its order on 27-10-2016. The relevant paras of the order are extracted below:-

“Findings of the Forum :

The prayer of the petition is about correct assessment, removal of defective meter and refund of excess amount collected Rs.6144/-

Accordingly the prayer was heard.

It is noted that the respondent has stated that the premises has two number of service connections with SC. No. 285-001-37 and 285-001-313 and five number of tenants were fed by this service connection.

Based on the defective meter complaint from the petitioner, the site was inspected by the respondent and the meter was checked by removing outgoing and found that the pulse was stopped. Also it was found that the service connection was extended to more loads at that time of inspection.

The respondent also found that by internal arrangements the two service connections were feeding five tenants in that premises.

Conclusion:

In view of the above, as 2 Nos of service connections meters in the premises also found correct, also the more loads connected in the disputed service connection during inspection, utilized consumption was recorded and the meter was stopped on removing outgoing. Hence the meter is not defective.

Hence there is no need to remove the defective meter and refund of excess amount.”

4. Contention of the Appellant furnished in the petition :

4.1 The Chairman ordered that due to more load connected in the disputed meter No. 285-001-313 and utilised, hence, the meter reading is not abnormal and further, during the inspection by the Assistant Engineer stated that the meter was stopped running, after removal of outgoing line. Hence he came to conclusion that the meter is not defective.

4.2 During the inspection of the Assistant Engineer jurisdiction to the premises, the Meter No. 313 was supplying power to vacated premises for “zero” watts Bulb. The premises was vacated for want of major repairs. As stated by the Chairman in his order, that the meter line No. 313 was not loaded for other purpose.

4.3 Further the Assistant Engineer jurisdiction stated the pulse of meter No. 313 was stopped [(ie) meter was stopped functioning] while disconnecting the power line. So, the meter is running correctly. The Assistant Engineer’s above contention is not acceptable. Checking of the perfection of the meter can be judged only on long running. If power is disconnected naturally meter will not run, unless the meter line was otherwise used. Hence this proof is not sustained and the Assistant Engineer’s reply cannot be established.

4.4 It is submitted that in the same premises, for other portion, power provided, through another meter No. 205-001-37 and not through meter No. 205-001-313 as stated by Chairman (EB Card No.37 is enclosed). After installation of defective new meter No. 313 on 1-5-2016, reading shows abnormal running. This is proved that consumed units for the period of 1-5-2016 to 1-7-2016 was 153 units and for same period and same area

1-7-16 to 1-9-16 was 1510 units. Hence the new meter No. 313 installed is defective. A Xerox copy of the EB card is enclosed for reference. The fact, itself proves, that the meter is running abnormally fast without full output (consumption). The Chairman reply that the meter No. 313 was used for other portion is not established.

4.5 Before installation of the defective new meter, the earlier meter card No. 205-001-313 consumption, was for 60 days period 60 units. 50 units and 20 units per bimonthly. A Xerox copy of the card No. 313 for the period from 4-3-14 to 2-5-16 is enclosed for reference.

5. Hearing held by the Electricity Ombudsman:

5.1 To enable the Appellant and the Respondents to putforth their arguments in person, a hearing was held before the Electricity Ombudsman on 1-3-2017.

5.2 The Appellant informed that due to her pre-occupation, she will not attend the hearing and the petition may be decided based on the documents already submitted.

5.3 Thiru K. Murthy, Assistant Executive Engineer / Saligramam has attended the hearing and putforth his arguments.

6. Arguments putforth by the Respondent's representative on the hearing date:

6.1 The Assistant Executive Engineer argued that the meter is in good condition only. He argued that at the time of inspection by the concerned Assistant Engineer, it was noted that some load of the tenants were connected to the Meter. Therefore, the consumption recorded is proportionate on the load connected only. The Assistant Executive Engineer argued that there are only two service connections in the premises (viz.,) 285-001-313 & 285-001-37. But, there are five tenants in the premises. The Assistant Executive Engineer also argued that while disconnecting the outgoing

connections of the meter, the pulse was stopped indicating no consumption. Therefore, the Assistant Executive Engineer argued that the meter is OK.

6.2 He also informed that the same meter is still in service and the consumption recorded is 230 units & 4 units, for 11/2016 & 1/2017 respectively and hence argued that the meter is working in good condition only.

7. Written argument of the Appellant:

7.1 In the letter dated 22-2-2017, the Appellant has furnished the following arguments.

(i) The new meter No. 285-001-313 installed at, the Premises No. 5, Padmanaba Nagar Main street, Choolaimedu, Chennai – 94 and used for the disputed meter from 1-5-2016. The house was provided with the defective meter and used in the premises which was kept in vacant position for want of alteration of building. The newly provided meter was used for zero Wats (“0”). the recording’s on the meter are as below:-

The first period from 1-5-16 to 7/2016 3 units

The second period 7/16 150 units

The third period 9/16 1510 units

(ii) The above noted units shows that the meter is running abnormally. But she has paid the demanded amount under protest. This explanation and EB Card proves that the meter was running very fast and amount demanded by EB without use of power was paid by her. Hence she submit to the OMBUDSMAN for rendering justice and requesting refund of the excess amount collected.

8. Written submission of the Respondent :

8.1 In Door No.5/30, Padmabha Nagar Main Road, Choolaimedu service connection was effected under TF IA with A/c No.285-001-37 in the name of Tmt. Meenakshi Ramesh for five tenants.

8.2 In the same premises one more service connection 285-001-313 is existing for the front building (single house) under TF IA in the name of Tmt. Vijayalakshmi.

8.3 The High quality meter was replaced with static meter as routine under RAPDRP scheme on 24.6.2016 in service connection No.285-001-313. Assessment for 7/2016 was raised on 1.7.2016 with consumption of 153 units for a CC amount of Rs.149/- (for 7 days).

8.4 The assessment for 9/2016 raised on 1.9.2016 with consumption of 1510 units for a CC amount of Rs.8446/- (for 60 days) . The consumer had paid the above CC charges within the due date.

8.5 Tmt. Meenakshi Ramesh represented in her letter dated 16.9.2016 that a common man cannot watch the reading in the static meter. The petitioner also stated in her letter that both the above services combined together are used for the five tenants and compared the tenant sub meter recording with the EB meter which is not correct. The 285-001-37 service connection is only meant for the usage of five tenants and the service connection no.285-001-313 is meant for the front building with single house which is kept vacant.

8.6 Based on the petition, the Assistant Engineer/O&M/Azhagiri Nagar inspected the premises and found that the meter was in good condition and checked the meter functioning by removing the outgoing wire from the meter terminal and noted that the meter pulse was stopped and also the tenant portion loads are connected to this service connection no.285-001-313.

8.7 It is noted from the consumer ledger that after replacement of High Quality meter with static meter, the meter consumption recorded from 24.6.2016 is normal and the consumption is due to connecting of other service loads to this service connection and static meter recorded the actual current consumption. This appears to the consumer that

the consumption is high since there is no consumption recorded when there exists high quality meter.

8.8 The claim of Tmt. Meenakshi Ramesh for the service connection No.285-001-313 is not acceptable as she is not the owner of the service connection.

8.9 Also as per the petition, the extension of the supply from the service connection No.285-001-313 to the loads of service connection No.285-001-37 and faulty wiring/equipment may be the reason for the high consumption recorded in the newly replaced static meter.

9. Findings of the Electricity Ombudsman .

9.1 On a careful consideration of the arguments of the Appellant and the Respondent, the issues to be considered are

(i) Whether the meter is defective ?

(ii) Whether the contention of the Appellant that the cc charges collected for 7/16 is exorbitant is correct?

10. Findings on the first issue:

10.1 The Appellant putforth the following argument.

(i) The Appellant informed that the said service connection No. 313 was supplying power to a vacated premises wherein the load connected is zero watts bulb. The premises was vacant for attending major repairs.

(ii) The Appellant argued that the Assistant Engineer of the concerned jurisdiction informed that on disconnection of power lines, the pulse was stopped. Hence, the Assistant Engineer contended that the meter is running correctly. The contention of the Assistant Engineer is not acceptable for the following reasons.

(a) Checking the performance of the meter can be judged only on long running.

- (b) If the power is disconnected then naturally, the meter will not run.
- (iii) The Appellant also informed for other portions of the premises, supply was provided by SC No. 205-001-37 and not through SC No. 205-001-313 as stated by Chairman CGRF and it has not been established also.
- (iv) After changing the meter on 24.6.16, the consumption from 1.5.16 to 1.7.16 was recorded as 153 units and for the period from 1.7.16 to 1.9.16 it was recorded as 1510 units. Hence, she argued that the meter is defective only.
- (v) Before changing the meter, the consumption for 60 days was 60 units, 50 units. Hence, she contended the consumption recorded as 1510 units during 9/16 assessment period is exorbitant and the meter could be defective.

10.2 The Respondent put forth the following arguments.

- (i) The Assistant Engineer / O & M / Azhagiri Nagar inspected the premises and found that the meter was in good condition and checked the meter function by removing the outgoing wire from the meter terminal and noted that the meter pulse was stopped.
- (ii) The tenant portion loads are connected to the service connection number 285-001-313.
- (iii) It is noted from the consumer ledger that after replacement of the High Quality meter with static meter on 24-6-2016, the consumption recorded is normal and the consumption is due to connecting of other service loads to the service connection and static meter recorded the actual consumption only.
- (iv) The Respondent also argued that the same meter is in service now also and the subsequent consumption recorded are 230 units for 11/2016 & 4 units for 1/2017. As there was variation in consumption, the Respondent argued that the

consumption recorded is depending on the utilisation only and the meter is not defective.

(v) The Respondent have also furnished a copy of the Assistant Engineer / MRT's letter dt 3-3-2017 informing the downloaded data.

10.3 On a careful examination of the arguments, it is seen that the Appellant is arguing that the consumption recorded during 9/2016 is high as they have utilised zero watts bulb only due to major repair works. Therefore she argued that the meter is defective.

10.4 The Respondent argued that the load of the tenants were utilised and the meter is working in good condition only.

10.5 There was no test result to prove that the meter is defective. But, the Respondent have furnished the downloaded data as furnished by the Assistant Engineer / MRT. In the absence of any test results, I would like to examine the downloaded data furnished which are given below :-

Date	Cum Kwh	cum KVAH	MD in KW	MD OCG
Current reading	2056.90	2153.00	-	-
1.2.17	1980.90	2073.80	1.67	10.1.17
1.12.16	1894.80	1980.40	0	-
1.10.16	1894.80	1980.40	2.75	21.8.16
1.8.16	845.20	888.90	2.65	27.7.16
1.4.16	0	0	0	-

10.6 As per the downloaded data, the readings recorded on 1st of even months from the date of installation of the static meter in the SC is available. As per the above data, the consumption was zero in the period from 1-10-16 to 1-12-16.

The consumption as per the downloaded details are furnished below:-

24.6.16 to 1.8.16	-	845.2
1.8.16 to 1.10.16	-	1049.6
1.10.16 to 1.12.16	-	0
1.12.16 to 1.2.17	-	86.1 units

10.7 The consumption as per consumer ledger is given below :-

24.6.16 to 1.7.16	-	150 units
1.7.16 to 1.9.16	-	1510 units
1.9.16 to 1.11.16	-	230 units
1.11.16 to 1.1.17	-	4 units
1.1.17 to 6.3.17	-	46 units

10.8 On a careful reading of the consumer ledger and downloaded data, it is noted that consumption was high from 24.6.16 to 1.9.16. The maximum demand recorded is also high during the said period (i.e) on 27.7.16 at 2.65 kw and on 21.8.16 at 2.75 kw. The consumption recorded from 24.6.16 to 1.9.16 is 1660 units. The consumption has reduced during the period between 1.9.16 to 1.11.16 and recorded 230 units and the consumption was zero in 10 & 11 and 4units on 12th month.

10.9 As per the above consumption pattern, it is noted that the meter has recorded from 4 units to 1510 units per assessment period depending up on the usage. (ie) the meter recording has vast variation depending upon the load utilisation. Hence, I am of the view that the meter is in good working condition and not defective.

11. Findings on the second issue :

11.1 As per my findings in para 10, the static meter installed in the service connection is not defective. As the meter is in good working condition the energy recorded by the said meter is also to be taken as the consumption recorded for that assessment period of the service connection only. Hence I am unable to accept the contention to the Appellant that the consumption recorded for 9/16 assessment period is exorbitant.

11.2 However, if the Appellant still suspects the function of the meter, she may opt for a special test of the meter at third party testing laboratory accredited by NABL as per regulation 7(9) of the Supply Code. The said regulation is extracted below:

" 7. Installation of Meter :

XXXX XXX XXXX

(9) If the consumer considers that the meter is defective, he may apply to the Licensee to have a special test carried out on the meters at any time and the cost of such a test shall be borne by the Licensee or the consumer according as the meter is found defective or correct as a result of such a test. The aforementioned special test for the disputed energy meters including the suspected/defective meters shall be carried out in the Third Party testing laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) and till such time the Third Party Meter Testing Arrangement is established, the licensee shall have the special test conducted by the Chief Electrical Inspector to Government of Tamil Nadu. The meter shall be deemed to be correct if the limits of error do not exceed those laid down in the relevant rules made under the Act. The consumer may also be allowed to install a check meter after recalibration by the Licensee. Such check meter shall be of high quality, high precision and high accuracy and sealed by the Licensee. Whenever the Licensee's meter becomes defective the check meter reading may be taken for billing."

11.3 On a careful reading of the said regulation, if the consumer consider that the meter is defective, the consumer may apply to the licensee to have a special test carried out on the meter and the cost of such a test shall be borne by the licensee or the consumer accordingly as the meter is found defective or correct as a result of such test. The above test has to be conducted in the Third Party Testing laboratories accredited by National Accreditation Board for testing and calibration laboratories (NABL) and till such time, the third party meter testing arrangement is established, the licensee shall have the special test conducted by the Chief Electrical Inspector to Government of Tamil Nadu. The meter shall be deemed to be correct if the limits of the error do not exceed those laid down in the relevant rules made under the Act.

11.4 As the licensee is stating that the meter is in good working condition and the Appellant is insisting that the meter is defective, the licensee may arrange to conduct

a special test on the meter to confirm the correctness of the meter if the Appellant requested for such test.

11.5 In the amendment to M.P.No.41 of 2003, dt.8.9.2009, the following has been stipulated with regard to challenge test.

" (i) xxx xxx xxx The challenge test shall be done either at Government Electrical Standards Laboratory (GESL) run by Chief Electrical Inspector to Government of Tamil Nadu or at National Accreditation Board for Testing and Calibration Laboratory (NABL) accredited laboratories and the place of such challenge test shall be left to the discretion of the consumer. The charges for challenge test shall be as per the rates in force at GESL and NABL accredited laboratories.

xxx xxx xxx

(iv) Charges for the Challenge Test made at Government Electrical Standards Laboratory (GESL) or at National Accreditation Board for Testing and Calibration Laboratory (NABL) shall be as per the rates in force at GESL or NABL, as the case may be, which shall be collected by the licensee from the consumer for whom the said Challenge Test was made."

11.6 On a careful reading of the above, it is noted that the challenge test shall be conducted either at Govt. Electrical Standards Laboratory (GESL) or at anyone of the National Accredited Laboratories and the place of challenge test shall be left to the discretion of the consumer. The charges for challenge test shall be as per the rates inforce at GESL and NABL accredited laboratories. The licensee is directed to inform the testing charges applicable for testing the meter at GESL and NABL accredited laboratories to the Appellant and conduct the special test on the disputed meter at the laboratory opted by the Appellant, if the Appellant wishes to have a 'challenge test' on the meter. Based on the test results the condition of the static meter whether in good condition or not shall be decided. If the meter is declared as defective by the GESL/NABL accredited laboratory then, the consumption charges for the defective period may be worked out as per regulation 11 of the Supply Code.

12. Conclusion:

12.1 In view of my findings on the first & second issues furnished in para 10 & 11(1) above, I am unable to give any relief to the Appellant.

12.2 With the above findings the A.P.No.100 of 2016 is finally disposed of by the Electricity Ombudsman. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1) Tmty Meenakshi Ramesh, B.A. B.L,
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2) The Executive Engineer / O & M, K.K. Nagar,
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3) The Chairman,
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Consumer Grievance Redressal Forum,
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4) The Chairman & Managing Director,
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5) The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi pathy Salai,
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6) The Assistant Director (Computer) – **For Hosting in the TNEO Website.**
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