



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.16 of 2017

Thirumathi N. Amutha
D/o Tmt. R. Subbulakshmi
1/2084, Muthal Nagar,
Pandian Nagar,
Virudhunagar 626 001

..... Appellant
(Rep by Tmt. N. Amutha)

Vs

The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
65/1 Ramamoorthy Road,
Virudhunagar – 626 001.

..... Respondent
(Rep by Thiru. T. Thirupathi,
EE/Distn/Virudhunagar)

Date of hearing : 25-4-2017

Date of order : 28-6-2017

The Appeal petition dated 14.2.2017 filed by Thirumathi N. Amutha, Pandian Nagar, Virudhunagar was registered as Appeal Petition No.16 of 2017. The above appeal petition came up for hearing before the Electricity Ombudsman on 25-4-2017. Upon perusing the appeal petition, counter affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

Order

Prayer of the Appellant:

- (i) The detailed report on different tests carried out at the premises of the consumer. The report should include the name and number of equipments used for testing, duration of tests conducted, details of different tests carried out details of load connected in different phases.
- (ii) Refund of excess amount as claimed in petition number 508161010605.
- (iii) If required once again testing needs to be done by considering the possibilities of power theft and other possibilities apart from those considered already and reported.
- (iv) Rectification of the still existing problem of “excessive reading beyond usage”.

2. Brief History of the case:

2.1 Service connection number 07-230-010-102 was effected in the name of Thirumathi N. Subbulakshmi, mother of the Appellant and is charged under tariff IA.

2.2 The consumer filed petition before the CGRF for excess billing in her service on 16.1.2016, 5.8.2016, 10.12.2016 & 21.01.2017.

2.3 The CGRF of Virudhunagar Electricity Distribution Circle has issued its order on 11.11.2016 for petition dated 16.1.2016 and issued its order on 27.01.2017 for petition dated 5.8.2016 & 10.12.2016 and rejected the petition dated 21.01.2017.

2.4 Aggrieved over the orders of the CGRF, the Appellant filed this petition before the Electricity Ombudsman.

3. Orders of the CGRF:

The CGRF of Virudhunagar has issued its order 24.01.2012. The relevant para of the order is extracted below:-

“முடிவுரை

மனுதாரர் மின்இணைப்பில் மின்சார சாதனங்கள் உபயோகத்திற்கு ஏற்றவாறே மின் அளவியில் பயனீட்டளவு சரியாகவே உள்ளதால் மனுதாரர் செலுத்திய தொகை திரும்ப தர இயலாது. மேலும் மன்றத்தில் மனுதாரர் வேண்டிய கீழ்க்கண்ட ஆவணங்கள்

1) கழற்றப்பட்ட ஒருமுனை மின் அளவி மற்றும் முன்முனை மின் அளவி மற்றும் மாற்றப்பட்ட முன்முனை மின் அளவி எண், make, அதன் ஆரம்ப ரீடிங் மற்றும் இறுதி ரீடிங்.

2) மனுதாரர் முன்னிலையில் ஆய்வு செய்யப்பட்ட மின் அளவி ஆய்வு அறிக்கை.

3) Consumer ledger copy ஆகியவை செயற்பொறியாளர்/பகிர்மானம்/விருதுநகர் அவர்களால் மனுதாரருக்கு வழங்கப்பட்டதால் மனு மன்றத்தில் முடிவுக்கு கொண்டுவரப்பட்டது.”

4. Contentions of the Appellant furnished in the petition

4.1 The consumer complaint about the excessive reading beyond usage problem in various petition (1012162154180, 508161010605 & 1601160926360) CGRF issued an order still based on consumer ledger copy rather than on testing reports.

4.2 From September 2015 to April 2016, only 2 phase connection was there. Hence, the corresponding month readings are (even though excess beyond usage) less compared to other months as mentioned in CGRF order.

4.3 After 31st July 2016, her mother was taken for medical emergency from then on, their house has been locked. But they were shocked to see their bill as 110 units and hence they decided to switch the mains off and hence '0' units in 11/2016 assessment period.

5. Contentions of the Respondent furnished in the counter:

5.1 The petitioner Tmt. R. Subbulakshmi, 1/2084, Muthal Nagar, Pandian Nagar, Virudhunagar, is provided with a low tension domestic service bearing service connection number 07-230-010-102 under the jurisdiction of Assistant Engineer/Distn/ Pandian Nagar section in Virudhunagar division.

5.2 The petitioner was originally sanctioned and provided with a single phase service connection with a sanctioned load of 1.8KW. Later, pursuant to the additional load application made by the petitioner, the service connection was changed into three phase with a total load of 4.92kw, on 03.12.2014. Thus it may be seen that there is a substantial increase in the connected load.

5.3 Immediately after the increase in load and conversion from single to three phase, the petitioner made a representation to the Assistant Engineer/ Distribution/Pandian Nagar on 28.01.2015, stating that the meter is recording high consumption and based on her request the meter was changed with a new one, on 12.02.2015. Even then the petitioner was complaining of the fact that the meter is recording high consumption and therefore, on 09.04.2015, the wiring connections at the supporting pole were freed from moisture and the meter connections were checked, fitted again and found all correct.

5.4 Again after a gap of six months, the petitioner registered an online complaint with the CGRF, on 16.01.2016 stating that the three phase meter newly fixed is of static type and is registering high consumption besides noting that there was also failure of supply on 23.09.2015. Having received the complaint, the Assistant Engineer had inspected the petitioner's premises and explained the petitioner of the accuracy in the measurement made by the static meter and the increase in consumption was only due to increase in load. The defect in supply was also rectified much earlier and informed to the petitioner .

5.5 In furtherance to the petition dated 16.01.2016 stated supra, during its hearing on 25.06.2016, the petitioner orally submitted that the recording of energy is on the higher side. As per the directive of the CGRF, the Executive Engineer/

Distribution/Virudhunagar has made a visit to the consumer's premises on 28.06.2016 and in front of the petitioner herself, the Executive Engineer has made it clear that the meter shows zero reading in load current while switching off all the loads and thus the meter is in perfect condition. After switching on the loads, the load current in all phases showed correct readings. The petitioner and the Executive Engineer have jointly signed the statement which recorded the said facts.

5.6 The petitioner has further made two numbers of petitions dated 05.08.2016 and 10.12.2016 respectively, before the CGRF, relating to the recording of high consumption and claiming of refund of excess amount paid by her. The petitions were heard on 24.12.2016. The petitioner submitted that there are fewer loads in her premises but consumption was recorded higher in the year 2015 than 2014 and alleged that meter was defective. The petitioner had also sought for the records pertaining to the readings in meters, inspection report, copy of consumer ledger etc. The copy of these records was sent by post to the petitioner on 01.02.2017. In this regard, the consumption recorded is tabulated below :

Month (Bi-monthly)	Consumption in units	Billing amount in Rs
07/2015	400	1030
09/2015	390	1000
11/2015	370	940
01/2016	180	290
03/2016	240	550
05/2016	610	285
07/2016	1150	6105
09/2016	110	35
11/2016	0	0

5.7 It may be seen from the above data that during 01/2016, 03/2016 and 09/2016, the consumption is on the lower side. During 11/2016, the house was door locked. On enquiry, the petitioner has reported that they were away from home

during this period. It is therefore the energy recorded is a replica to the actual consumption during the different period of time and the meter is in perfect working condition. The Executive Engineer has duly intimated to the petitioner of the above facts vide letter dated 19.12.2016 and submitted the same before the CGRF. On perusal of the records on hand and upon hearing the arguments, of the petitioner and the Board officials, the forum came to the conclusion that the recording of energy in the petitioner's premises is in order and the petition is closed.

5.8 The petitioner has installed Refrigerator, UPS and Air conditioners additionally and hence the increase in consumption. The petitioner has invariably used Air conditioners and refrigerator during summer and hence the consumption is high at this point of time.

5.9 The petitioner's family is residing and away from home now and then and hence the variation in consumption.

5.10 Originally there was a single phase electromechanical meter installed in the service connection which inherently suffers from friction and losses due to moving parts and less accurate. The Board with a view to minimize the losses incurred in energy metering has introduced the technically more advanced static meter which is more accurate and precise. In the event of conversion from single phase to three phase service the petitioner's service connection was provided with a three phase static energy meter and hence, the readings are recorded more accurately than ever before. Therefore, the energy recorded by the meter is the energy actually consumed.

6. Hearing held by the Electricity Ombudsman:

6.1 To enable the Appellant and the Respondents to put forth their arguments in

person, a hearing was conducted before the Electricity Ombudsman on 25.4.2017.

6.2 Thirumathi N. Amutha putforth her arguments.

6.3 Thiru T. Thiruppathi, Executive Engineer / Distribution/ Virudhunagar has attended the hearing on behalf of the Respondent and putforth his side arguments.

7. Arguments putforth by the Appellant on the hearing date:

7.1 Tmt. Amutha argued that the consumption recorded in their service connection is more than their utilisation. Hence the meter has to be checked for its healthiness.

7.2 The Appellant's also argued that the Respondents has not produced any test results to establish that the meter is in good condition.

8. Arguments putforth by the Respondent's representative

8.1 The Executive Engineer/Virudhunagar reiterated the contents of the counter.

8.2 The Executive Engineer, argued that he has inspected the service connection on 28.6.2016 and inspected the meter and switched all the loads and found that the meter load current reads zero. The above was also explained to the Appellant. After switching on the loads, the load current in all phase showed the correct reading. Therefore he argued that the meter is working alright only.

8.3 The Executive Engineer also argued that the Appellant has Air Conditioners, Fridge and other house hold appliances. Considering the connected load and the consumption and variation in consumption, he argued that the meter is in good condition only.

9. Findings of the Electricity Ombudsman:

9.1 On a careful consideration of the arguments putforth by both the parties, the point for consideration are (i) Whether the meter is defective?

(ii) Whether refund could be ordered as requested by the Appellant.

10. Findings on the First Issue:

10.1 The Appellant argued that the consumption recorded in the service is more than the utilisation.

10.2 The Appellant informed that they have left the house for taking treatment for her mother and kept the house in locked condition after 31.7.2016. But, the consumption recorded is 110 units for 9/2016 assessment period. Therefore, she argued that the meter is defective.

10.3 The Appellant also argued that no test results was shown to establish that the meter is in good condition.

10.4 The Executive Engineer / Virudhunagar argued that as per the direction of the CGRF he inspected the consumer's premises on 28.6.2016 and in the presence of the Appellant he switched off all loads and noted the current as zero in the meter and after switching on the loads, the load current in all the phases showed correct reading. Hence he argued that the meter is in good working condition.

10.5 The Executive Engineer citing the consumption recorded from 7/2015 to 11/2016 and argued that as it varies from 0 to 1150 units, the consumption is in line with the usage only.

10.6 The Executive Engineer argued that the Appellant has Refrigerator, UPS, Air-conditioner in her house and has used AC and Refrigerator during summer. Therefore, the consumption is high at that point of time.

10.7 As the issue was about the healthiness of the meter, the Respondent was directed to conduct a load test on the meter in the presence of the Appellant's / her representative.

10.8 Accordingly, the load test was conducted on 4.5.2017 at the consumers premises. The Superintending Engineer / Virudhunagar Electricity Distribution Circle has furnished a report vide letter dt.11.5.2017.

10.9 It is noted that on consumer side, Thirumathi R. Subbulakshmi, and Tmy Amutha were present and on the licensee side. EE/D/Virudhunagar, AEE/MRT, AE/Pandian nagar were present and witnessed the test.

10.10 The readings noted down are furnished below:-

“Constant load is applied in all phases in meter outlet point [L.Point] without consumer load (main switch off) as below :

Reference meter :

Make : Schelumberger SM 3050.

Meter	R phase		Y phase		B phase	
	Voltage (v)	Current (A)	Voltage (v)	Current (A)	Voltage (v)	Current (A)
Read in consumer meter	185.6	0.83	187.21	0.70	215.27	0.84
Read in Reference meter	185.1	0.83	187.2	0.696	215.0	0.83

Without consumer load main switches off condition as below :

	R phase	Y phase	B phase
Load in meter	0	0	0
Reference meter	0	0	0

consumer main switch on condition all switches are off condition.

Current Details :

	R phase Current	Y phase Current	B phase Current
consumer meter	0.05 A	0.10 A	0
Reference meter	0.07A	0.113A	0.027A

Consumer availed the load as below :

Meter	R phase			Y phase			B phase		
	Voltage	Amp	Load in kw	Voltage	Amp	Load in kw	Voltage	Amp	Load in kw
Consumer meter	181.5	0.11	0.01	182.3	0.17	0.02	222.55	2.19	0.45
Reference meter	181.3	0.125	0.017	182.30	0.179	0.025	222.9	2.18	0.46

Loads availed are from ground floor (kitchen and Bedroom in Off condition ”

10.11 It is reported by the Respondent that, load check was conducted with ESS meter of Schelumberger make bearing sl. no. SM 3050 last calibrated on 14-2-2015 and the readings of the standard meter is compared with that of the Appellant's meter under no load and load condition and found to be in order (i.e.) the readings of the party's meter are found to be tallying with the ESS meter.

10.12 It could be seen from the test results that the readings of the consumer meter and the reference meter at constant load, main switch off condition and on main switch on but other switches in off condition and with consumer load are having only very little variations; Hence, I am of the view that the meter installed in the Appellant's house is working in good condition only.

10.13 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 xxxxx xxxx 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.

xxxx xxxx xxxx"

10.14 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.

10.15 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."

10.16 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 NABL accredited laboratory then, the consumption charges for 10/2015 may be worked out as per regulation 11 of the Supply Code.

11. Findings on the Second Issue:

11.1 As per my findings on the first issue, the meter is not defective as per the load test conducted at consumer premises on 4.5.2017

11.2 As the meter is working in good condition, the consumption recorded in the meter is the consumption of the said service connection only. Therefore, I am unable to give any relief to the Appellant.

12. Conclusion:

12.1 In view of my findings in first and second issue furnished in para 10 & 11, I am unable to give any relief to the consumer.

12.2 With the above findings the AP. 16 of 2017 is finally disposed by Electricity Ombudsman. No costs.

(A. Dharmaraj)
Electricity Ombudsman

To
1) Thirumathi N. Amutha
D/o Tmt. R. Subbulakshmi
1/2084, Muthal Nagar,
Pandian Nagar,
Virudhunagar 626 001.

2) The Superintending Engineer,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
65/1 Ramamoorthy Road,
Virudhunagar – 626 001.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Virudhunagar Electricity Distribution Circle,
TANGEDCO,
65/1 Ramamoorthy Road,
Virudhunagar – 626 001.

4) The Chairman & Managing Director,
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NPKRR Maaligai,
144, Anna Salai,
Chennai -600 002.

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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