



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. S. Devarajan, Electricity Ombudsman

Appeal Petition No. 45 of 2017

M/s The Divisional Railway Manager,
(Electrical/TRD),
First Floor,
New Control Office Building,
Southern Railway, Madurai – 625 016.

. Appellant
(Thiru. M. Arul Prakash/ADEE
Southern Railway/Madurai)

Vs

The Superintending Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO,
Meenakshi Nayakkan Patty Post,
Dindigul – 624 002.

. Respondent
(Thiru. M. Kalairaja, AEE/MRT/Dindigul &
Thiru. Rajkumar/AAO/HT/Dindigul)

Date of hearing : 28-9-2017

Date of order : 19-12-2017

The petition dated 30.5.2017 filed by M/s Divisional Railway Manager, Electrical/TRD, Madurai was registered as Appeal Petition No. 45 of 2017. The above appeal petition came up before the Electricity Ombudsman for hearing on 28.9.2017. Upon perusing the appeal petition, counter affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

The appellant M/s.Southern Railways have prayed to refund the excess amount paid towards incorrect billing of MD charges by considering check meter readings when the main meter is working in normal condition.

2. Brief History of the case:

2.1 SE/DEDIC has raised bill for HT SC No.339, dated 02.06.2015 based on check meter reading instead of main meter readings towards MD charges for an amount of Rs.36,15,781/-.

2.2 Energy consumption for the above HT SC No.339 has been billed based on main meter readings but for MD, either of the higher readings were taken.

2.3 M/s.Southern Railways filed a petition before CGRF of DEDIC to refund the excess amount paid towards wrong billing towards excess MD charges.

2.4 CGRF of Dindigul EDC issued order on 12.01.2017. Aggrieved over the order, the petitioner M/s.Southern Railways have filed an appeal petition before the Ombudsman.

3. CGRF Order :

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மண்டல மேலாளர் ரயில்வே மதுரை அவர்களுக்கு அறிவிப்பது யாதெனில் தங்களது கோரிக்கை ஏற்கப்படுகிறது. தங்களது மின் இணைப்பு எண் 339 ல் மே 2015, செப்டம்பர் 2015 மற்றும் நவம்பர் 2015 ஆகிய காலங்களில் மீட்டரில் பதிவான மின் அளவுகளைக் கொண்டு கணக்கீடு செய்யப்பட்டு வசூல் செய்யப்பட்ட தொகைக்கு பதிலாக மீட்டர் (1) ல் பதிவான மின் பளு மற்றும் மின் அளவுகளை கொண்டு மறு கணக்கீடு செய்து சரியான தொகையை மனுதாரருக்கு 15 தினங்களுக்குள் தெரிவிக்குமாறும், அதிகமாக வசூல் செய்யப்பட்டிருப்பின் அத்தொகையை மனுதாரரின் EHT மின் இணைப்பு எண் 339 ல் கழித்து கொடுக்குமாறும் துணை நிதிக்கட்டுப்பாட்டு அலுவலர் அவர்களுக்கு உத்தரவிடப்பட்டு இம்மன்றத்தால் தீர்வு

4. Contention of the Appellant.

4.1 Wrong billing done for Railways HT SC No.339. An excess amount of Rs.36,15,781/- was collected and many letters were sent to SE/TANGEDCO/ Dindigul for corrective action and refund of the excess amount. Details are as appended below:

4.2 It is noticed in the HT bill 339 dt. 02.06.15, an amount of Rs.29,04,781/- is included duly considering the check meter reading instead of main meter readings towards MD charges. This was done based on the EE/South/DG letter No.EE/S/DGL/FDOC/D.No.304/2015 dt. 29.05.2015 addressed to SE/DEDG/DG, which is not correct. Subsequently on other six occasions also the same procedure is followed.

4.3 The details of excess charges made to Railways are given below:

Month	MD recorded in Main meter	MD recorded in Check meter	Excess amount paid due to wrong billing (Rs.)
Bill No. 339 dt. 02.06.15	As per EE / South / DG letter No. EE/S/DGL/F.DOC/D.No. 304 / 2015 dt.29.05.15 addressed to SE/DEDG/DG		29,04,781
Sep 15	11040 KVA	11180 KVA	1,26,000
Nov 15	12950 KVA	13220 KVA	2,43,000
Jan 16	12040 KVA	12230 KVA	1,71,000
Feb 16	10540 KVA	10580 KVA	36,000
Mar 16	9510 KVA	9580 KVA	63,000
Aug 16	10770 KVA	10890 KVA	72,000
		Total	Rs.36,15,781

- 4.4 In all the above cases energy consumption (KWH readings) were billed based on main meter only. However for recorded MD the either of higher readings were taken.
- 4.5 Moreover, there is no similar problem in other HT SC availed under the jurisdiction of SE/Trichy, Virudhunagar, Turicorin by this division. They are considering main meter readings even though check meter reading is higher. We have clarified it with other division (Chennai, Salem, Trichy) also, that our agreement stands good.
- 4.6 We are not having the doubt in the reliability of functioning of the main meter/check meter. Hence there is no necessity for calibration, since every year TANGEDCO is doing calibration as per Tamil Nadu Electricity Supply Code – Chapter – 2 Para (7) sub para (8). Now the issue is “whether either of higher readings (from check meter) is to be taken during main meter is working in normal condition for recorded MD.
- 4.7 As per Metering Regulations of CEA, ‘Check Meter’ means a meter, which shall be connected to the same core of the Current Transformer (CT) and Voltage Transformer (VT) to which main meter is connected and **shall be used for accounting and billing of electricity in case of failure of main meter.**
- 4.8 As per Model Energy Wheeling Agreement (available in TANGEDCO/TNERC website) executed between wind mill Firm and TNEB for wheeling of power from the wind mill, the consumption registered by the **main meter alone** shall be taken for the purpose of billing as long as the error in the main meter is within the permissible limits specified.
- 4.9 As per **Tamilnadu Electricity Supply Code** – Chapter-2 Para (7) sub para (9), whenever the Licensee’s meter becomes defective the check meter reading may be taken for billing.
- 4.10 As per TNERC regulations check meter readings will be considered only in the case of failure of main meter, not higher of either of the two meters in working.

4.11 Based on the above facts, it is once again reiterated that consideration of check meter readings for billing purpose (billing of MD recorded) is incorrect during main meter working in normal condition. It is requested to refund the excess amount paid so far by adjusting in next HT bill and stop such practice in the future cases.

5. Contentions of the Respondent :

5.1 The Divisional Railway Manager approached the Circle level Consumer Grievance Redressal Forum requesting for refund of the excess demand charges billed based on the demand recorded in the check meter for the period upto May 2015, September 2015 and November 2015 amounting to Rs.32,73,781/-(month wise amount details enclosed) in respect of H.T.SC.No 339 (Sanctioned demand 8000KVA)

5.2 In this connection the Executive Engineer / MRT /Dindigul stated before Consumer Grievance Redressal Forum that "the CMRI data of H.T.SC.No 339 was analyzed and it was observed that the demand recorded in the Meter II (Check Meter) was higher than that of Main meter was mainly due to RTC (real time clock) drift by 10 minutes during the period of October 2014 to December 2015. The time drift was corrected in the check meter on 31.12.16. After correction of time drift on analyzing the CMRI data there was no abnormal deviation was noticed in the demand recorded between Main and Check meters".

5.3 The consumer grievance redressal forum passed the order dated 12.01.2017 and instructed to refund the above excess demand charges of Rs.32,73,781/- by adjusting the amount in future Current consumption bill of H.T. Sc. No. 339 in Dindigul Electricity Distribution Circle.

5.4 Further the analysis of CMRI data of the Main and Check meter it was observed the integration period of the meters were 30 minutes and 15 minutes respectively and the demand recorded in the check meter was excess by 1160 KVA for

02/2015 and 2026.50 KVA for 03/2015 compared to that of the main meter.

- 5.5 The Chief Electrical Distribution Engineer, Southern Railway has challenged to 15 minutes integration period in the Hon'ble TNERC vide M.P. No. 1 of 2016 and order was passed in favour of the Southern Railway. Regarding the implementation of order by refunding the amount collected towards excess demand charges guidance of the Chief Engineer/Comml/Chennai has been sought from this office and reply is still awaited.
- 5.6 Regarding the billing with 30 minutes and 15 minutes integration periods in the Main meter and Check meter, the particulars were submitted to the Chief Engineer/Commercial/ TANGEDCO/Chennai for seeking guidance.
- 5.7 Since the guidance regarding the adjustment of excess demand charges collected in the forthcoming Current Consumption bills is still awaited from the Chief Engineer / Commercial for the 15 minutes integration period we are not in a position to refund the amount immediately. On receipt of suitable instructions from the Chief Engineer/Commercial action would be taken accordingly.
- 5.8 HT SC No. 339, Railway Traction

Month	Integration Period		Diff of Meter I and II recording demand (in KVA)	Amount
	Meter No.I	Meter No.II		
10/2014	30 minutes	30 minutes	109.50	84589.00
11/2014	30 minutes	30 minutes	0	0.00
12/2014	30 minutes	30 minutes	135	113231.00
01/2015	30 minutes	30 minutes	50	45600.00
02/2015	30 minutes	15 minutes	1160	510212.00
03/2015	30 minutes	15 minutes	2026.50	1842089.00
04/2015	15 minutes	15 minutes	340	309060.00
09/2015	15 minutes	15 minutes	140	126000.00
11/2015	15 minutes	15 minutes	270	243000.00
			Total	3273781.00

6. Rejoinder of the Appellant :

M/s.Southern Railways have submitted the following parawar reply in response to counter affidavit filed by the Respondent.

6.1 Para No.1 : It is mentioned that Railway requested CGRF for refund of the excess demand amount of Rs.32,73,781/- for the period from May 2015, Sept 2015 and Nov 2015.

Reply: No. Railway requested refund of excess amount paid from 5/2015 to 9/2016 (Rs.36,15,781/- +PF penalty) and in subsequent cases also.

6.2 Para No.2 : After correction of time drift on 31.12.16 there was no abnormal deviation was noticed in the demand recorded between main meter and check meters.

Reply: Time drift correction is done on 30.12.2015 which is mentioned on CGRF order (not on 31.12.2016). After correction of time drift, deviation was noticed in the demand recorded between main meter and check meters in subsequent months.

6.3 Para No.4 : Demand recorded in check meter was excess by 1160 KVA for 2/2015 and 2026.5 KVA for 3/2015 from main meter due to integration period 30 and 15 min.

Reply: As per TNEB regulation check meter reading should be considered only in the case of failure of main meter, not higher of either of the two meters in working.

6.4 Para No.5, 6, 7 & 8: Refund is pending for want of sorted out integration period issue referred to Chief Engineer, Commercial for seeking guidance.

Reply: Restoration of Integration period 30 min to 15 min is different issue. This check meter issue is different from integration period. As per detailed statement main meter and check meter is having different integration period only for 2/2015 and 3/2015. Refund of excess amount for integration period as per TNERC interim order should not be clubbed with check meter issue. Irrespective of integration period, main meter reading is to be taken for billing.

7. Hearing held by the Electricity Ombudsman :

7.1 To enable the Appellant and the Respondents to put forth their arguments in person, a hearing was conducted on 28.9.2017.

7.2 Thiru.M.Arulprakash, ADE/Southern Railway, has attended the hearing on behalf of the Appellant and putforth his arguments.

7.3 Thiru M.Kalairaja, AEE/MRT/Metering and M.Rajkumar, AAO/HT/Dindigul EDC have attended the hearing on behalf of the Respondent and putforth their arguments.

8. Arguments putforth by the Appellant's Representative on the hearing date:

8.1 The Appellant's representative reiterated the contents of the arguments furnished in the Appeal Petition. He argued that several letters were sent to SE/Tangedco/Dindigul for corrective action and refund of excess amount.

8.2 Initially it is noticed in the HT bill dated 02.06.2015, an amount of Rs.29,04,781/- was included duly considering the check meter reading instead of main meter readings towards MD charges and subsequently for Sep 15, Nov 15, Jan 16, Feb 16, Mar 16 and Aug 16 also they have followed the same procedure which is not correct.

8.3 He further argued that as per TNERC regulations check meter readings will be considered only in the case of failure of main meter readings and not higher of either of the two meters in working.

8.4 Further he argued that check meter issue is different from the restoration of Integration period 30 min to 15 min as per TNERC order and hence irrespective of integration period, main meter reading is to be taken for billing.

9. Arguments putforth by the Respondents on the hearing date:

9.1 The Respondent's representative reiterated the contents of the arguments furnished in the counter affidavit.

9.2 Respondent's representative accepted that check meter readings will be considered only in the case of failure of main meter reading.

9.3 Further they argued that guidance regarding the adjustment of excess demand charges collected in the forthcoming current consumption bills of M/s.Souther Railway is still awaited from the Chief Engineer/Commercial/Chennai.

10. Findings of the Electricity Ombudsman:

10.1 The appellant argued to refund the excess amount paid towards incorrect billing of MD charges by considering check meter readings when the main meter is working in normal condition. In this regard I would like to refer Regulation 7 (9) of TNERC Supply Code, 2004 which is extracted below:

"7. Installation of Meter

(9) 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".

10.2 On a plain reading of the above provision, it is noted that 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.

10.3 Further I would like to refer Regulation 2 (i) of the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006. The same is extracted below:

"2 (i). Check Meter' means a meter, which shall be connected to the same core of the Current Transformer (CT) and Voltage Transformer (VT) to which main meter is connected and shall be used for accounting and billing of electricity in case of failure of main meter;"

10.4 From the above I am of the considered opinion that the Licensee may consider check meter reading for billing purpose only when the main meter becomes defective.

10.5 In the case on hand, the respondent has taken higher reading of either of the two meters (Main meter and Check meter) in working which is not correct as per the above provisions.

10.6 The respondent's representative has also accepted the same, however argued that they are not in a position to refund the amount pending suitable instruction from the Chief Engineer / Commercial / Chennai regarding restoration of integration period.

10.7 In this regard I would conclude that the argument of the Appellant that the subject issue in the appeal is different from the issue of restoration of integration period ordered by the TNERC in M.P.No.1 of 2016 is acceptable to me.

10.8 The appellant M/s. Southern Railways have furnished the following as excess demand charges :

Month	MD recorded in Main meter	MD recorded in Check meter	Excess amount paid due to wrong billing (Rs.)
Bill No. 339 dt. 02.06.15	As per EE / South / DG letter No. EE/S/DGL/F.DOC/D.No. 304 / 2015 dt.29.05.15 addressed to SE/DEDC/DG		29,04,781
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		Total	Rs.36,15,781

However in the counter affidavit, the Respondent has stated that CGRF in their order dated 12.01.2017 has passed an order of refund to the tune of Rs.32,73,781/- by adjusting the same in future consumption bill.

10.9 Since there is a dispute between the appellant and respondent regarding the quantum of excess demand charges, the Respondent is directed to rework the MD charges duly considering the recorded MD in the main meter as per regulation and arrange to refund the excess demand charges by adjusting in the appellant EHT SC No.339.

11. Observation:

CGRF have ordered to compute the MD charges and energy consumption charges based on the recording in the main meter and adjust the excess demand charges in the bills of the (HTSC No.339) consumer. But the order of the CGRF was not implemented by the licensee viz the Superintending Engineer/Dindigul EDC, pending clarification from the TANGEDCO Head Quarters for which the proof of clarification letter was not produced. During the hearing, it is observed that the issue under clarification is regarding restoration of integration period and not related to the subject matter in the appeal. Further, it is to be pointed out that the CGRF order should have been implemented with true spirit.

12. Conclusion :

12.1 In view of my findings in Para 10 above, the respondent is directed to rework the excess demand charges paid by the appellant duly considering the recorded MD in the main meter as per regulation and the amount so arrived shall be adjusted in the appellant EHT SC No.339 within 30 days from the date of issue of this order.

12.2 A compliance report in this regard shall be furnished within 45 days from the date of receipt of this order.

12.3 With the above findings the AP. No 45 of 2017 is finally disposed of by the Electricity Ombudsman. No Costs.

(S. Devarajan)
Electricity Ombudsman

To

1) M/s The Divisional Railway Manager,
(Electrical/TRD),
First Floor,
New Control Office Building,
Southern Railway, Madurai – 625 016.

2) The Superintending Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO,
Meenakshi Nayakkan Patty Post,
Dindigul – 624 002.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Dindigul Electricity Distribution Circle,
TANGEDCO,
Meenakshi Nayakkan Patty Post, Dindigul – 624 002.

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

5) The Secretary,
Tamil Nadu Electricity Regulatory Commission,
19-A, Rukmini Lakshmi pathy Salai,
Egmore,
Chennai – 600 008.

6) The Assistant Director (Computer) – **For Hosting in the TNEO Website please**
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