



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Beside Hyderabad Boats Club
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

THURSDAY THE ELEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY THREE

Appeal No. 03 of 2023-24

Between

M/s. Radha Smelters Ltd., Plot No.75 and 76, Mirzapally Road, Medak District,
represented by Sri Rakesh Saboo, Cell: 9010095845.

.....Appellant

AND

1. The Assistant Divisional Engineer / Operation / Medak / TSSPDCL / Medak District.
2. The Senior Accounts Officer / Operation / Medak / TSSPDCL / Medak District.
3. The Divisional Engineer / Operation / Medak / TSSPDCL / Medak District.
4. The Superintending Engineer / Operation / Medak / TSSPDCL / Medak District.
5. The Chief General Manager/IPC/Corporate Office/TSSPDCL/Hyderabad.
6. The Chief General Manager/Revenue/Corporate Office / TSSPDCL/ Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing on 27.04.2023 in the presence of Sri Rakesh Saboo, Authorised representative of the appellant and Sri S.Sunil Kumar - DE/RAC/Corp.Office, Sri A.Venu Gopal - DE/EBC and Smt.K.Krishna Priya - ADE/EBC representing the respondents and having stood over for consideration till this day, this Vidyut Ombudsman passed the follow:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - Rural, Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.27/2022-23/Medak Circle dt.15.02.2023, partially allowing the complaint with specific directions to the respondents.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have taken wrong readings of Maximum Demand by Stand-by-Meter for the period from April 2021 and from June 2021 to October 2021. The appellant made several representations to the respondents to redress its grievance but no solution was given by them. The respondents have demanded to pay an amount of Rs 1,39,47,651/- and threatened to disconnect the power supply if the said amount is not paid. Accordingly the said amount was paid. The appellant is the cross subsidising consumer. The respondents have imposed a penalty of Rs 16,00,00,000/- on the appellant without any reason. It is accordingly prayed to direct the respondents to refund the amount of Rs 1,39,47,651/- with interest @24% p.a. from the date payment till its adjustment.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply submitted by respondents No.4, it is stated that the appellant is availing the power supply at 132 KV under Category-IA with Contracted Maximum Demand of 45,000 KVA and it is also procuring power

from Power Exchange (IEX) through Short Term Inter State Open Access (STOA). On verification of Meter Reading Instrument (MRI) dumps of Main, Check and Standby meters of the HT services in respect of the appellant in April and from June 2021 to October 2021 it was observed that the variation in Recorded Maximum Demand (RMD) was more than 0.5%. As per Clause 15(1) of Central Electricity Authority Metering Regulation 2006 and its subsequent amendments certain steps have to be taken including checking of CT and VT connection and testing of accuracy of interface meter at sight with reference to standard meter of accuracy class higher than the meter under test.

4. In the written reply submitted by respondent No.5, it is stated that an inspection report was received from DE/DPE/HT with the following observations:-

1. The Real Time Clock(RTC) of main and check the meters are found to be 5 mins lesser than actual time and the RTC of the standby meter found to be 30 min less than actual time.
2. The difference in MD recorded in main, check and the standby meter is due to difference in RTC of meters and variable nature of consumer load.
3. RTC of main, check and standby meters was adjusted to actual time.
4. Further, MD recorded in standby meters was considered for billing during the meter RTC drift period, as the integration period span of standby meter matches with actual time through 30 mins behind the actual time and it reflects the actual demand drawn by the above consumer.

As per DPE inspection report, Maximum Demand recorded in standby meter was considered for billing as the RTC of both main and check meters were lagging by 5 mins with the actual time and the Maximum Demand recorded in standby meter resembles the actual demand drawn by the appellant. The demand charges were raised in the respective billing months as per prevailing conditions of Tariff Order issued by the Telangana State Electricity Regulatory Commission (in short 'the Commission').

5. In the reply submitted by appellant it is stated that the respondents are not going into the facts of the case and simply giving invalid reasoning to justify their actions.

AWARD OF THE FORUM

6. After considering the material on record and after hearing both sides, the learned Forum has allowed the complaint in part with specific direction to the respondents.

7. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, contending among other things, that the learned Forum has not considered the material on record properly and that though the learned Forum has given relief to the appellant for the period from June 2021 to October 2021 it has erred in not giving the relief to the appellant in respect of April 2021.

WRITTEN SUBMISSION OF RESPONDENTS

8. In the written reply submitted by respondent No.5, it is stated that the Award of the learned Forum is correct in respect of April 2021. The integration period span of standby meter matches with actual time though 30 minutes behind the MD recorded in standby meter can be taken for billing during meter RTC drift period as it matches with the load on the grid though 30 minutes behind.

ARGUMENTS

9. Heard both sides.

POINTS

10. The points that arise for consideration are:-

- i) Whether the appellant is entitled for refund of amount in respect of the month of April 2021?
- ii) Whether the impugned Award of the learned Forum is liable to be set aside? and
- iii) To what relief?

POINT No. (i) and (ii)

ADMITTED FACTS

11. It is an admitted fact that the respondents have released HT Service Connection No. MDK-1060 to the appellant. It is also an admitted fact that the appellant is conducting its business in Plot No. 75 and 76, Mirzapally road Medak District, with maximum demand of 45K KVA supply at 132 KV under Category -IA by procuring power through STOA.

SETTLEMENT BY MUTUAL AGREEMENT

12. Both the parties have appeared before this Authority on different dates. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put-forth their case and they were heard.

REASONS FOR DELAY IN DISPOSING OF THE APPEAL

13. The present complaint was filed on 06.04.2023. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

14. In the reply filed by respondent No.5, it is prayed to set aside the Award passed by the learned Forum in respect of the period from June 2021 to October 2021 also. Inasmuch as the relief was already granted to the appellant by the learned Forum in respect of the above said period, this Authority is not supposed to interfere with the said Award. However it is for the respondents to challenge the said Award before an appropriate Authority if they wish. Therefore, the present appeal is confined only in respect of April 2021 for which the learned Forum has not given any relief to the appellant .

15. The learned Forum given the following directions in C.G.No. 27 of 2022-23/Medak Circle:-

“ The respondents are directed to withdraw the C.C. bills issued for the months of June 2021 to October 2021 for the complainant’s H.T.S.C.No. MDK1060 M/s. Radha Smelters Ltd., which were issued based on the RMD recorded in the standby meter and directed to issue revised C.C. bills based on the RMD recorded in the **main meter.**”

The appellant pleaded to extend the same benefit given by the learned Forum for the month of April 2021 also, which was not considered by the learned Forum in view of the Regulation No. 5 of 2016 (Licensee’s Standards of Performance) limiting the benefit by reducing the period required to resolve the grievance filed by the appellant. The resolving time of the grievance would be by the end of May 2021 and hence directed the respondents to issue revised bills based on the readings of the main meter from June 2021 onwards i.e. beyond resolving time.

16. The learned Forum has rejected the respondents plea of cause of variation in RMD values of more than 0.5% in the main/check meter and standby meter consequent to drift between the Real Time Clock (RTC) and the actual time, in the main meter, check meter and standby meter i.e. 5 minutes lesser than the actual time with respect to main/check meter and 30 minutes lesser than actual time with respect to standard meter.

17. At this stage, It is relevant to go through the Central Electricity Authority (CEA) (Installation and Operation of Meters) Regulation 2006 which is reproduced here-under:-

“15. Meter failure of discrepancies.:-

(1) Interface meters

(a) Whenever difference between the readings of the Main meter and the Check meter for any month is more than 0.5%, the following steps shall be taken:

(i) checking of CT and VT connections; (ii) testing of accuracy of interface meter at site with reference standard meter of accuracy class higher than the meter under test.

If the difference exists even after such checking or testing, then the defective meter shall be replaced with a correct meter.

(b) In case of conspicuous failures like burning of meter and erratic display of metered parameters and when the error found in testing of meter is beyond the permissible limit of error provided in the relevant standard, the meter shall be immediately replaced with a correct meter.

(c) In case where both the Main meter and Check meter fail, at least one of the meters shall be immediately replaced by a correct meter.”

Based on the above given Clause, the findings of the learned Forum is reproduced here-under:-

“10. The Forum observed that the respondents have considered the difference between Main, Check and Standby meters and adopted/considered the RMD value from the Standby meter for issue of CC bills of the complainant for the months under dispute i.e. April 2021, June 2021 to October 2021, which implies that both Main and Check meters are failed, whereas, as per the CEA Metering Regulations, it should be the difference between Main and Check meters only.”

18. The respondents relied on the report submitted by the DE/DPE/HT during the inspection of the Service Connection on 04.08.2021 based on the complaint of difference in Maximum Demands recorded in Main, Check and Standby meters more than 0.5%. The inspection report is reproduced here-under:-

“1. The consumer is availing healthy 3-phase supply at the time of inspection.

2. The MD recorded in the meters during the current billing cycle up to the time of inspection are as follows:

Main Meter :11.280 MVA on 04.08.2021 at 01:44 Hrs.

Check Meter :11.292 MVA on 04.08.2021 at 01:14 Hrs.

Standby Meter :11.718 MVA on 03.08.2021 at 22.59Hrs.

3. The Real Time Clock (RTC) of Main and Check meters are found to be 5 mins. lesser than actual time and the RTC of the Standby meter is found to be 30 mins. lesser than the actual time. The difference in time from. Main, Check meters to that of Standby meter is found to be 25 mins.

4. The RTC of all the meters i.e., Main, Check and Standby is set to actual time through laptop and the MD in all the meters is set to zero.

5. The MD recorded in the meters after setting the RTC and up to the date of NABL accredited Lab testing i.e., 06.08.2021 are found to be as follows:

Main Meter : 11.310 MVA on 04.08.2021 at 13:14 Hrs.

Check Meter : 11.304 MVA on 04.08.2021 at 13:14 Hrs.

Standby Meter : 11.310 MVA on 04.08.2021 at 13.14 Hrs.

6. The NABL accredited Lab testing is carried out on 06.08.2021 in the presence of DE/MRT/Medak and the test results of CTs, PTs and Meters are found to be satisfactory.

Further, it was submitted that the difference in MDs recorded in Main, Check and Standby meters is due to difference in RTC of

meters and variable nature of consumer load. As the Integration period span of Standby meter matches with actual time though 30 mins. behind, the MD recorded in Standby meter shall be considered for billing during meter RTC drift period. Thus the MD recorded in standby meter matches with the real time load curve of the grid with 30 minutes behind.

For August 2021 billing, the MD recorded in Standby meter i.e., 11.718 MVA or the MD recorded in Main meter after the NABL accredited Lab testing and upto the current billing ending date whichever is higher shall be billed. Hence the Standby meter MD was considered for the billing month of Aug'2021.”

19. The respondents submitted that as per DPE report, both the main and check meters RTC found to be 5 minutes lesser than the actual time (GPS time) and the stand by meter RTC was also disturbed and found to be 30 minutes lesser than the actual time. It was also observed that the difference in MD recorded in Main, Check and Standby meters is due to the difference in RTC of meters and variable nature of consumer load. It is also submitted that as the integration period span of standby meter matches with actual time though 30 minutes behind, the MD recorded in Standby meter can be taken for billing during meter RTC drift period as it matches with the load on the grid though 30 minutes behind. The reasoning given by the respondents is convincing and acceptable in respect of subject billing amount for April 2021.

20. Apart from the above reason, the revision of the April 2021 month bill is not admissible owing to the resolving time mandated under Regulation No. 5 of 2016 (Licensee's Standards of Performance) which would end by May

2021. Accordingly, I hold that the appellant is not entitled for refund of the amount in respect of April 2021 and the impugned Award of the learned Forum is not liable to be set aside.

POINT No. (iii)

21. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected.

RESULT

22. In the result, the appeal is rejected.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Office Executive cum Computer Operator, corrected and pronounced by me on the 11th day of May 2023.

Sd/-

Vidyut Ombudsman

1. M/s. Radha Smelters Ltd., Plot No.75 and 76, Mirzapally Road, Medak District, represented by Sri Rakesh Saboo, Cell: 9010095845.
2. The Assistant Divisional Engineer / Operation / Medak / TSSPDCL / Medak District.
3. The Senior Accounts Officer / Operation / Medak / TSSPDCL / Medak District.
4. The Divisional Engineer / Operation / Medak / TSSPDCL / Medak District.
5. The Superintending Engineer / Operation / Medak / TSSPDCL / Medak District.

6. The Chief General Manager/IPC/Corporate Office/TSSPDCL/Hyderabad.

7. The Chief General Manager/Revenue/Corporate Office / TSSPDCL/
Hyderabad.

Copy to

8. The Chairperson, Consumer Grievances Redressal Forum of TSSPDCL-
Rural, Door No.8-3-167/14, TSSPDCL, GTS Colony, Yousufguda,
Hyderabad - 45.

