

BEFORE THE ELECTRICITY OMBUDSMAN, ASSAM STATE
Assam Electricity Regulatory Commission, A.S.E.B. Campus,
Dwarandhar, G. S. Road, Sixth Mile, Guwahati - 781 022

PETITION NO. : 3/2016
FILE NO. : EOM.31/2016

Name of Appellant : CA Rohit Agarwal,
Branch Secretary,
The Institute of Chartered Accountants of India (ICAI)
ICAI Bhawan, 2nd Bye lane, Manik Nagar
R.G. Baruah Road, Guwahati - 781005

Represented by : CA Rohit Agarwal,

Name of Respondents: Assam Power Distribution Company Ltd.,
Bijulee Bhawan, Paltan Bazar,
Guwahati – 781001

Represented by : The Area Manager, IRCA-I,
APDCL, LAR, Paltan Bazar,
Guwahati – 781001

Date of receipt of Appeal petition : 21.11.2016

::: PROCEEDINGS :::

The Petitioner, Branch Secretary, ICAI, Guwahati Branch on getting supplementary bill dated 06.05.2016 for the period 01.09.2014 to 23.12.2014 amounting to Rs. 74,792.00 approaches CGRF for redressal of his grievances. CGRF has passed its order on 21.10.2016. Petitioner is not satisfied with the order of the CGRF and hence this appeal.

The contention of the petitioner is that the ICAI, Guwahati Branch is an institution and consumption of power highly varies from period to period which have direct relation to classes for students and meeting of CA members. During the period under question there were no classes for the students and very few meetings were held for the members due to which the consumption of power is low compared to the earlier period. The petitioner further says clause 4.2.2.4 is not applicable as the assessing officer has not satisfied himself whether the defect in the CT/PT has actually effected the meter reading. There is normal variance during the period September to November in all the three periods that is the disputed period (September-November, 2014) corresponding previous year and succeeding year which may undoubtedly due variance in actual consumption. Therefore, as per the petitioner the clause 4.2.2.4 of the Assam Electricity Regulatory Commission (Electricity

Supply Code and Related Matters) Regulations, 2004, (First Amendment) 2007 stated above is not applicable as there is no incorrect meter reading. However, petitioner accepts there is some variance in power consumption in month of December, 2014.

The petitioner insists that following part of clause 4.2.2.4 of the Regulations “For seasonal consumers, in event of any meter being found incorrect (which includes stopped, slow or fast meter) the quantity of energy consumed shall be determined by taking the average consumption of the immediate identical 3 months period” shall be applicable in his case as the meter reading in all normal circumstances varies in winter and summer season by four times.

4.2.2.4 Clause of the Regulations also says “It is the responsibility of the meter reader to note down the details of every stopped/ defective meter and to report promptly to the concerned officer of the licensee, who shall be responsible to take immediate steps to replace or repair the stopped / defective meter”

A long period of four months is taken by the APDCL to correct the defect, whereas the clause specifically mention that any defect should be reported promptly and concerned officer shall be responsible to take immediate action.

The petitioner further says that the activity in the institute varies period to period and there is always fluctuation in energy consumption in a given period.

Petitioner claims that consumption of power during the period in question is matching with its preceding and succeeding period, thus the defect in CT/PT has no effect on meter reading.

Respondent APDCL in its claims states that the CT/PT set of meter no. AS897159 was declared defective by TC Division APDCL, Guwahati on 21.11.2014. The analysis of meter data collected through MDAS shows B-ph current missing since 01.09.2014 till replacement of defective CT/PT set on 24.12.2014. As such recording of the meter for the period 01.09.2014 to 23.12.2014 is defective for which supplementary bill as per clause 4.2.2.4 of the Regulations was served. Respondent further says that the metering installation of the consumer was commissioned on 29.12.2013 Modem was installed in the metering system for automatic meter reading. Meter reading was available through modem since July, 2013. Based on the analysis of meter data by HVCMS, the metering installation was inspected by T&C Division APDCL on 21.11.2014 and CT/PT set was declared defective. The inspection report dated 21.11.2014 was signed by the APDCL and consumer. The defective CT/PT set was replaced on 24.12.2014 after realisation of the cost of CT/PT set from the consumer.

The seasonal tariff option as per the Respondent is not applicable to the consumer, the ICAI, Guwahati Branch since the seasonal tariff is applicable to tea, coffee and rubber as per the schedule of tariff of APDCL. Therefore, supplementary bill is served as per clause 4.2.2.4 of the Regulation.

Findings and observation:

Having hearing of the Respondent and the Petitioner on 20.12.2016 and 10.01.2017 and going through relevant documents submitted by the concerned authority, it is

seen that the meter was installed on 29.12.2012. The meter is a HT Meter. The meter was first inspected on 21.11.2014. It requires inspection of HT meter at least once in a year as per clause 4.2.1.3.2 of the Regulation. Respondent inspected the meter on 21.11.2014 and existing CT/PT set was declared defective. The said inspection was signed by the respondent and petitioner on 21.11.2014.

The CT/PT and Meter data collected was further analysed through Meter Data Acquisition System (MDAS) cell and MDAS shows B-ph current missing w.e.f. 01.09.2014. This fact of MDAS analysis was not known to the consumer.

The clause 4.2.1.4.3 reads as below:

“In all cases of testing of a meter in the laboratory, the consumer shall be informed of the proposed date of testing at least seven (7) days in advance, so that he may be present at the time of testing, personally or through an authorized representative. The signature of the consumer or his authorized representative, if present, shall be obtained on the Test Result Sheet.”

In the instant case consumer petitioner was not informed about the analysis conducted through MDAS cell of the Respondent, APDCL.

Respondent unilaterally fixed the date of defect w.e.f. 01.09.2014. Therefore, it appears the required procedures of clause 4.2.1.4.3 of the Regulations was not followed.

Award:

In view of above discussion and observation, the following award is decided.

The supplementary bill dated 06.05.2016 shall be with effect from 21.11.2014 to 23.12.2014 and not w.e.f. 01.09.2014 to 23.12.2014.

Respondent APDCL shall issue revised supplementary bill as stated above to enable the petitioner to make payment.

There shall be no cost to be born.

(R.L. Duarah)
Electricity Ombudsman

Memo No. EOM. 31/2016/34

Dated Guwahati the 15th February, 2017

Copy to:

1. **The Area Manager, IRCA-I, APDCL, LAR, Paltan Bazar, Guwahati – 7810012.**
2. **CA Rohit Agarwal, Branch Secretary, The Institute of Chartered Accountants of India (ICAI), ICAI Bhawan, 2nd Bye lane, Manik Nagar, R.G. Baruah Road, Guwahati – 781005.**

Secretary,
O/o the Electricity Ombudsman