

Mr. Pankaj (127)

Office of Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
B-53, Paschimi Marg, Vasant Vihar, New Delhi – 110 057
(Phone No.: 32506011, Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2006/92

Appeal against Order dated 04.10.2006 passed by CGRF – NDPL on CG.No. 0396/07/05/SKN (K.No.35300140857).

In the matter of:

M/s Relaxo Footwears Ltd. - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent

Present:-

Appellant Shri S.P. Malhotra, General Manager,
Shri N.K. Zutshi, Manager Corporate and
Shri V.K. Goel, Advocate on behalf of Appellant Company

Respondent Shri Sanjeev Banga, Manager (KCC),
Shri Suraj Das Guru, Executive (Legal),
Mrs. Madhu Joshi, Legal Cell on behalf of NDPL

Date of Hearing: 05.09.2006

Date of Order : 21.11.2006

ORDER NO. OMBUDSMAN/2006/92

The Appellant filed this appeal against CGRF-NDPL orders dated 4.10.2005 according to which charging of bulk supply tariff on the basis of MDI recorded as 101.676 KW on 5.7.2004 was held justified.

Delay in filing the appeal is condoned considering the reasons stated by the appellant for such delay.

Perusal of contents of appeal, CGRF records of the case and submissions made by both the parties show that:

- 1) The Appellant was informed by Respondent vide letter dated 21.5.2005 that at the time of downloading the data on 24.2.2005 from electronic meter installed at his premises, MDI recorded was observed as under:

Date	MDI(KW)
17.6.2004	105.726
5.7.2004	101.676

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- 2) On the basis of above recorded MDI, the Appellant was charged bulk supply tariff against which the Appellant filed a complaint before CGRF-NDPL.
 - 3) The Appellant got relief from CGRF in respect of MDI recorded on 17.6.2004 on application of tariff provisions for the period prior to 19.6.2004. CGRF held that levy of bulk supply tariff on the basis of MDI recorded on 5.7.2004 is in accordance with the tariff provisions which came into effect w.e.f. 19.6.2004.

The case was fixed for hearing on 5.9.2006. On 5.09.06 Shri N.K. Zutshi, Manager Corporate, Shri VK Goel, Advocate and Shri SP Malhotra, General Manager of M/s Relaxo Footwears Ltd. attended on behalf of the Appellant.

Shri Sanjeev Banga, Manager (KCC), Shri Suraj Das Guru, Legal Executive and Mrs. Madhu Joshi, Legal Cell attended on behalf of the Respondent.

During hearing the appellant argued that MDI recording of 101.676 KW is marginally higher than 100 KW and orders of CGRF are illegal as it did not consider Rule 57 of Indian Electricity Rules which states as under:

"Any meter or maximum Demand Indicator or other apparatus placed upon a consumer's premises in accordance with section 26 shall be of appropriate capacity and shall be deemed to be correct, if its limit of error is within the limit specified in the relevant Indian Standard specifications and where no such specification exists, the limit of error of existing 3% above or below absolute accuracy at all loads in excess of one tenth of full load and upto full load.

He further stated that upto 100 KW category is treated as SIP and the load is observed as 101.676 KW. That since as per the allegations, only a load of 101.676 KW was observed as on 5.7.2004, apparently the same falls within the error of plus/minus 3%.

In fact the load observed as 101.676 KW; is also not reliable because there are frequent fluctuations in the electricity supplied to him in respect of which a number of complaints have been made from time to time. He argued that the fluctuations in electricity also result into wrong jumping of the MDI on a number of occasions because the MDI of the appellant does not exceed 90 KW which is within the sanctioned load limits.

The provisions of section 8.1.1.1 of tariff and levy/withdrawal of bulk supply tariff are as under:

In case maximum demand as indicated by maximum demand Indicator of MDI of NDLT, SIP connection is found to be more than 100 KW, the Bulk tariff (MLHT/LIP) under relevant category of LT (400 V) shall be charged for six months after the load is brought within the SIP/NDLT Limit.

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The appellant stated that he is not challenging the above provisions of Tariff except to say that the above provisions of Tariff can not be read in the absence of the provisions of Rule 57 of Indian Electricity Rules, where it has been specifically provided that error of 3% plus / minus will be ignored. Thus, considering therefore, 3% error, the load of the appellant would also be 98 KW as against 101.676 KW. Therefore, MDI is not applicable in the case of the appellant since the error is within 3% plus/minus. Further, it was argued that no action was taken by the NDPL despite challenging the accuracy of the meter to verify the working of the disputed meter to install a pilot meter as to whether the same occurred due to jerk in the system.

The Respondent stated that the meter records MDI when a particular load is run for a minimum period of 30 minutes. As such MDI does not jump due to fluctuations as apprehended by the appellant. Respondent further stated that as per electricity Rules 57 (1) any meter or maximum demand indicator placed at the consumer's premises shall be deemed to be correct if its limit of error does not exceed 3% above or below absolute accuracy.

In response to the complaint of the appellant, that the NDPL did not verify / check the accuracy of the meter or install a pilot meter the Ombudsman directed that the appellant's meter be tested by installing a pilot meter, readings be recorded in presence of the appellant duly authenticated under his signature so as to remove any doubt about the accuracy of the appellant's meter as the SIP limit of 100 KW load has been marginally exceeded. The pilot meter will be kept at site at least for a period of one month and thereafter the accuracy results are to be submitted to the Ombudsman based on which final orders will be passed.

Respondent has submitted pilot meter testing report on 15.11.2006 according to which pilot meter as well as consumer meter remained in service w.e.f. 19.9.2006 to 20.10.2006. The MDI recorded by pilot meter no. 3100025 was 78.41 KW whereas MDI recorded by Appellant's meter No. 2267530 for the same period was 77.08 KW. In fact as per the test results the Appellant's meter was found 1.33% slow.

In view of above there is no reason to interfere with the CGRF order dated 4.10.2005

The appeal is rejected and the CGRF order is upheld.

अशा मेहरा
(Asha Mehra)

Ombudsman