A consumer is the important visitor on our premises.
He is not dependent on us. We are dependent on him.
-Mahatma Gandhi

TAMIL NADU ELECTRICITY OMBUDSMAN

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Before The Tamil Nadu Electricity Ombudsman, Chennai

Present :Thiru. N.Kannan, Electricity Ombudsman

A.P.No. 27 of 2024

Thiru R. Prashanth Kumar,
No. 3/389, Annur Main Road, Kittampalayam,
Karumathampatti, Coimbatore – 641 659.

. . . . . Appellant
(Rep. by Thiru R.Rajendran)

Vs.

1. The Superintending Engineer,
Coimbatore Electricity Distribution Circle/South,
TANGEDCO, Tatabad,
Coimbatore – 641 012.

2. The Executive Engineer/O&M/Somanur,
Coimbatore Electricity Distribution Circle/ South,
TANGEDCO,
Power House Campus,Somanur-641668.

3. The Assistant Executive Engineer/O&M/North/ Somanur,
Coimbatore Electricity Distribution Circle/ South,
TANGEDCO,
Power House Campus,Somanur-641668.

4. The Assistant Engineer/O&M/ Karumathampatty,
Coimbatore Electricity Distribution Circle/ South,
TANGEDCO,
5th Street,Kongumanagar,Annur Main Road,
Karumatham Patty-641659.

. . . . Respondents
(Thiru K.R. Sabarirajan, EE/O&M/Somanur
Thiru D.Marudachalam, AEE/O&M/North/Somanur
Thiru R.Ilayaraja, AE/O&M/ Karumathampatty)

Petition Received on: 23-04-2024
Date of hearing: 05-06-2024
Date of order: 14-06-2024

The Appeal Petition received on 23.04.2024, filed by Thiru R. Prashanth Kumar, 3/389, Annur Main Road, Kittampalayam, Karumathampatti, Coimbatore – 641 659 was registered as Appeal Petition No. 27 of 2024. The above appeal petition came up for hearing before the Electricity Ombudsman on 05.06.2024. Upon perusing the Appeal Petition, Counter affidavit, written argument, and the oral submission made on the hearing date from both the parties, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant:

The Appellant has prayed to cancel an amount for Rs.14,51,100/- in SC No. 03-281-002-1971.

2.0 Brief History of the case:

2.1 The Appellant is running a textile mill with SC No. 03-281-002-1971under Tariff III-B. He requested to cancel an amount of Rs. 14,51,100/- since he has not run the mill in full efficiency due to market fluctuations.

2.2 The Respondent has stated that the above service connection was inspected by MRT wing of CEDC/South/ CBE on 30.11.2023 and observed that 2 Nos. CT coils were burnt in R phase, Y Phase and the same has been informed to the petitioner and the burnt coils were replaced in front of the consumer on the same day. Hence the petitioner is bound to pay the amount.

2.3 Hence the Appellant has filed a petition with the CGRF of Coimbatore EDC/South on 21.01.2024 requesting to cancel the amount.

2.4 The CGRF of Coimbatore EDC/South has issued an order dated 08.03.2024. Aggrieved over the order, the Appellant has preferred this appeal petition before the Electricity Ombudsman.

3.0 Orders of the CGRF :

3.1 The CGRF of Coimbatore Electricity Distribution Circle/South issued its order on 08.03.2024. The relevant portion of the order is extracted below: -

*"**Order:***

செயற்பொறியாளர் MRT அவர்கள் விளக்கி கூறியதுபோல், மின்மானியில் உள்ள R Phase மற்றும் Y Phase CT coil பழுதான காரணத்தினால், மொத்த உபயோகித்த மின் அளவில் மூன்றில் ஒரு பங்கு மட்டுமே பதிவாகி உள்ளது என்பது தெளிவாக தெரியவருகிறது. எனவே. மனுதாரர் உபயோகித்த மொத்த மின்சாரத்தில் 1/3 பங்கு மட்டுமே பணம் செலுத்தியுள்ளார். 04.06.2023 முதல் 06.07.2023 வரை 1/3- கான மின்அளவீடு 18994 Units, 06.07.2023 முதல் 30.11.2023 வரை 2/3-கான மின் அளவீடு 163357 யூனிட்ஸ்க்கான தொகை, MRT சோதனை கட்டணம் மற்றும் வரிகள் உட்பட ரூ15,10,079/- தொகையை செலுத்துமாறு மனுதாரருக்கு எதிர்மனுதாரர் அவர்களால் தெரியப்படுத்தப்பட்டது.

இருதரப்பின் வாதங்களை இம்மன்றம் ஆய்வு செய்ததில் மனுதாரர் கோரிக்கையாக கணக்கீடு செய்த தொகை குறைக்குமாறு கேட்டு கொண்டதை ஏற்றுக்கொள்ள இயலாது. எனவே எதிர்மனுதாரர் அவர்களுக்கு தமிழ்நாடு மின் வழங்கல் விதி 11 உட்பிரிவு 2-ன் கீழ் Average billing-யை கணக்கீடு செய்து மனுதாரருக்கு தெரியப்படுத்தி, இம்மன்றத்திற்கு நகல் அனுப்புமாறு உத்தரவிடப்படுகிறது.

மேலும் மின்அளவீடு குறைந்து வருவதை சரியாக கவனிக்காமல், வாரிய பொறுப்பில் மெத்தனமாக இருந்ததற்காக உதவிபொறியாளர் / இ&பே / கருமத்தம்பட்டி அவர்களின் மீது தகுந்த நடவடிக்கை எடுக்கும்படி செயற்பொறியாளர் / இ&பே / சோமனூர் அவர்கள் அறிவுறுத்தப்படுகிறார்."

4.0 Hearing held by the Electricity Ombudsman:

4.1 To enable the Appellant and the Respondent to put forth their arguments, a hearing was conducted on 05.06.2024 through video conferencing.

4.2 On behalf of the Appellant Thiru R.Rajendran attended the hearing and put forth his arguments.

4.3 The Respondents Thiru K.R. Sabarirajan, EE/O&M/Somanur, Thiru D.Marudachalam, AEE/O&M/North/Somanur and Thiru R.Ilayaraja, AE/O&M/ Karumathampatty of Coimbatore Electricity Distribution Circle/ South attended the hearing and put forth their arguments.

4.4 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing orders. Further, the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone is discussed hereunder.

5.0 <u>Arguments of the Appellant</u>:

5.1 The Appellant has stated that he got the Service connection on 19/05/2016 for the purpose of textile mill vide: 03-281-002-1971 since effecting the service he was paying the CC charges regularly without any default, he was a genuine consumer. As such, he had received the audit notice issued by the EB officials and he was very much shocked. In that notice they have advised him to pay Rs.15,07,719/- due to two phase CT coil burnt and cut from 04/06/2023 to 30/11/2023. During that period he has not run the mill in full efficiency. He stated that he had enclosed the salary slip of the workers, Daily production report, GST invoice and GST return filing for kind perusal.

5.2 The Appellant has stated that in this case, the consumer's signature has not been obtained in the reading register which is maintained by Assistant Engineer/O&M/Karumathumpatti. So, he could not verify the current consumption and the MD details. Eventhough, they have represented the CGRF forum directly, they have never heard one words and the forum delivered the judgement ex-party. Then the Forum stated Rs.15,10,079/- to be paid, whereas recently Assistant Engineer/ORM/Karumathampatti has given a letter and stated that to pay Rs 14,51,100/- within 7days as lost and which is contradictory to the Forum judgement amount.

5.3 The Appellant has stated that the forum has not reviewed his GST invoice GST return filing, Daily production report and Worker salary list which they had

already produced before the forum. Moreover he had not received any reading register details and transformer meter reading which were already requested by him for verification.

5.4 The Appellant has stated that in the MRT report states the current missing in "Y" phase takes place from 04/06/2023 @ 8:20hrs to 06/07/2023 @ 10:06hrs then 'R' & 'Y 'both the phase current missing takes place from 06/07/2023 10:06 hrs to 30/11/2023 @ 13:41hrs in the meter. As per our consumption, each CT coil measures 35.00kw, if a coil is burnt on 04/06/2023 as per MRT report Load MD should be around 70.00kw for 07/2023 but it is 96.68kw as per TNEB readings taken from online which is contradictory. In this context, this is clearly revealed that the lost unit are totally imaginary. Hence, he requested to peruse all the above particulars and revise his bills accordingly please.

6.0 <u>Arguments of the Respondent</u>:

6.1 The Respondent has submitted that the LTCT Service Connection number, 281-002-1971 tariff IIIB was effected on 31.10.2015 to Thiru. Prasanth Kumar, 3/389 Annur main road, Kittampalayam, Karumathampatty Coimbatore, by the Assistant Engineer/ O&M/ Karumathampatty. On 25.11.2023, it was noticed by the Assistant Engineer/ O&M/ Karumathampatty that current was missing in R Phase and Y Phase in the above service connection.

6.2 The Respondent has stated that subsequently, the above service connection was inspected by MRT wing of CEDC/South/ CBE on 30.11.2023. It was observed that 2 Nos. CT coils were burnt in R phase, Y Phase and the same has been informed to the petitioner and the burnt coils were replaced in front of the consumer of the SC No 281-002-1971 on the same day and they have signed jointly in the register entry.

6.3 The Respondent has submitted that from the data analysis, it is found that the current missing in Y phase from 04.06.2023 @ 8.20hrs to 06.07.2023 at 10.06hrs and current missing in both R&Y phases from 06.07.2023 10.06hrs to 30.11.2023

13.41 hrs in the meter. Based on the MRT test results the 1/3rd unrecorded units are arrived as 18994 Units and 2/3rd units unrecorded energy arrived as 163357 Units respectively, as per the below calculation.

For the period 04.06.2023 to 06.07.2023 (Y phase current missing)

KWH energy as on 04.06.2023: 21931.83

KWH energy as on 06.07.2023: 22881.53

Energy recorded for 2 phase: 949.70

Energy recorded for 2 phase with MF 40:-37988 units.

Added for unrecorded one phase (37988/2): 18,994 units

For the period 06.07.2023 to 30.11.2023 (R&Y phase current missing)

KWH energy as on 06.07.2023: 22881.53

KWH energy as on 30.11.2023: 24923.49

Energy recorded for one phase: 2041.96

Energy recorded for one phase with MF 40:- 81678.4 units.

Added for unrecorded two phases (81678.4*2):1,63,356.8 units

=1,63,357 units

6.4 The Respondent has submitted that show cause notice has been served to the petitioner for the payment of Rs. 15,07,719/- for the consumed (unrecorded energy) energy by the petitioner. Petitioner has stated that they have not run the Mill in full efficiency. I submit that from the downloaded data of the LTCT meter of the service no.281-002-1971 (Tariff III b), unrecorded energy is calculated as above and demand notice was issued to the consumer. Hence, the petitioner's statement that they have not run the Mill during those period is not acceptable.

6.5 The Respondent has submitted that it is clear that the meter is in healthy condition and energy recorded is also found to be correct. The CT coils might have burnt due to voltage surge. Hence, verifying the GST invoice, GST return filling and daily production report with work salary list does not arise.

6.6 The Respondent has submitted that every month LTCT meter reading is being taken by Assistant Engineer/O&M/Karumathampatty and informed to the consumer. Based on the petition given by the consumer to CGRF, proper CGRF

Enquiry was held on 22.02.2024 in the presence of authorised representative of the petitioner Thiru. Shanmuga sundaram and The Respondents the Executive Engineer/O&M/Somanur, the Executive Engineer/MRT/South/CBE, the Asst. Executive Engineer/ North Somanur and the Asst. Engineer / O&M / Karumathampatty. The CGRF Forum has heard the views of both the petitioner and the Respondents and based on the arguments and the documents produced, judgement was issued by the CGRF Forum. The minutes of the Enquiry has been seen by the petitioner and has recorded his signature in the CGRF minutes register. No Ex-party judgement was given by CGRF Forum as told by the petitioner.

6.7 The Respondent has submitted that the judgement was issued by CGRF as," to arrive average billing for the defective period as per Tamilnadu Electricity supply code, clause 11, sub clause 2." As per CGRF Judgement, the average billing has been adopted during CT coils defective period i.e., LTCT coil burnt condition. Initially, Show cause Notice has been served to the consumer to pay an amount of Rs. 15,07,719/- based on the MRT report. Subsequently, as per CGRF judgement average billing arrived for the defective period which works out to Rs. 14,51,100/-. There is no contradictory to the CGRF judgement.

6.8 The Respondent has submitted that in the CGRF enquiry held on 22.02.2024, the petitioner has not produced GST invoice, GST return filing, daily production report and worker salary list. He submitted that during CGRF enquiry held on 22.02.2024, the LTCT reading register was shown to the petitioner and appraised about the recorded energy and how the calculation has been arrived for non recorded energy based on the MRT report. The same has been recorded in the CGRF minutes register in which the petitioner has read and recorded his signature in the register.

6.9 The Respondent has submitted that from 04.06.2023 to 06.07.2023 even though the intermittent current missing has occurred for 9 times, as seen from the downloaded data of the LTCT meter of the service no. 281-002-1971 the current to the meter recording was available in the meter other than the missing period. The MD will be recorded for every ½ an hour, if current is available in all 3 phases.

Hence, 96 kW MD would have been recorded when voltage and current in all 3 phases were available. Originally loss units were calculated based on the Technical theory. Subsequently CGRF Forum have ordered to revise the calculation as per TNERC supply code clause 11 of II, for the current missing and coil burnt period. The revised amount is found to be genuine and not an imaginary calculations.

6.10 The Respondent has submitted that the current missing and coil burnt is confirmed for the period from 06/2023 to 11/2023. Based on CGRF order, demand notice was issued to the petitioner for the revised amount. Hence, the petitioner is bound to pay the revised calculated amount of Rs. 14,51,100/- + BPSE will be paid until the date of Payment of pending due, which is genuine and found to be correct as per TNERC supply code clause 11 of I,II for the already consumed energy. The Respondent has prayed to dismiss the Appeal Petition No.27 of 2024 as may deem it fit and proper and thus render Justice.

7.0 Findings of the Electricity Ombudsman:

7.1 I have heard the arguments of both the Appellant and the Respondent. Based on the arguments and documents submitted by them, the following are the issues to be decided;

1) What constitutes the definition of a Meter?
2) What is the status of the Meter during the disputed short levy period?
3) What is the regulation for assessment if the meter is defective and the method adopted by the Respondent is as per regulation?
4) Whether the claim of the Appellant to cancel the short levy is tenable ?

8.0 Findings on the first issue:

8.1 I would like to discuss first what constitutes the definition of Meter? In this regard, I would like to draw attention to clause 2 (P) of the CEA (Installation and Operation of Meters) Regulations 2006, dated 17-03-2006, which pertains to the definition of the term.

Clause 2(p)

" Meter" means a device suitable for measuring, indicating and recording the conveyance of electricity any other quantity related with electrical system and shall include, wherever applicable, other equipment such as instrument transformer necessary for the purpose of measurement and also mean "correct Meter", if its complied with the standards as specified in the schedule to these regulations .

8.2 The inference drawn from the above discussion is that other equipment, such as instrument transformers, which are necessary for the purpose of measurement, are also considered part of the meter. This is particularly relevant in understanding the narrative that follows. Typically, an energy meter is provided to consumers to record the consumption of energy during the billing period. This recording is based on the computation of input voltage and input load current over a continuous period of time.

8.3 In industrial or high-commercial premises, machines and equipment often operate with a significant burden, measured in Volt Amperes (VA). If such high voltage/current is allowed directly to the energy meter, the meter may instantaneously burn or even explode. Therefore, it's not feasible to measure the quantity of electricity supplied at very high voltage/current by passing it entirely through an electric meter. Hence, it becomes necessary to convert the electricity supplied through the transformation of current and voltage, achieved by providing current transformer and potential transformer units. In such cases, the electricity undergoes a substantial reduction in voltage and current before passing through the electric meter. As a result, the meter reading may not accurately reflect the actual amount of electric energy supplied to the consumer. Therefore, it becomes essential to adjust the meter reading using the appropriate multiplying factor to determine the correct amount of electric energy supplied to consumers.

8.4 Therefore, it is concluded that the term "meter" encompasses, where applicable, other equipment such as instrument transformers necessary for the purpose of measurement, including CT and PT. Furthermore, it is also established that an energy meter is considered defective if any instrument transformer fails to provide input to the recording part of the meter.

9.0 Finding on the second issue:

9.1 The subsequent issue to be decided pertains to determining the status of the Appellant's LTCT service Meter during the disputed short levy period from 04.06.2023 to 30.11.2023.

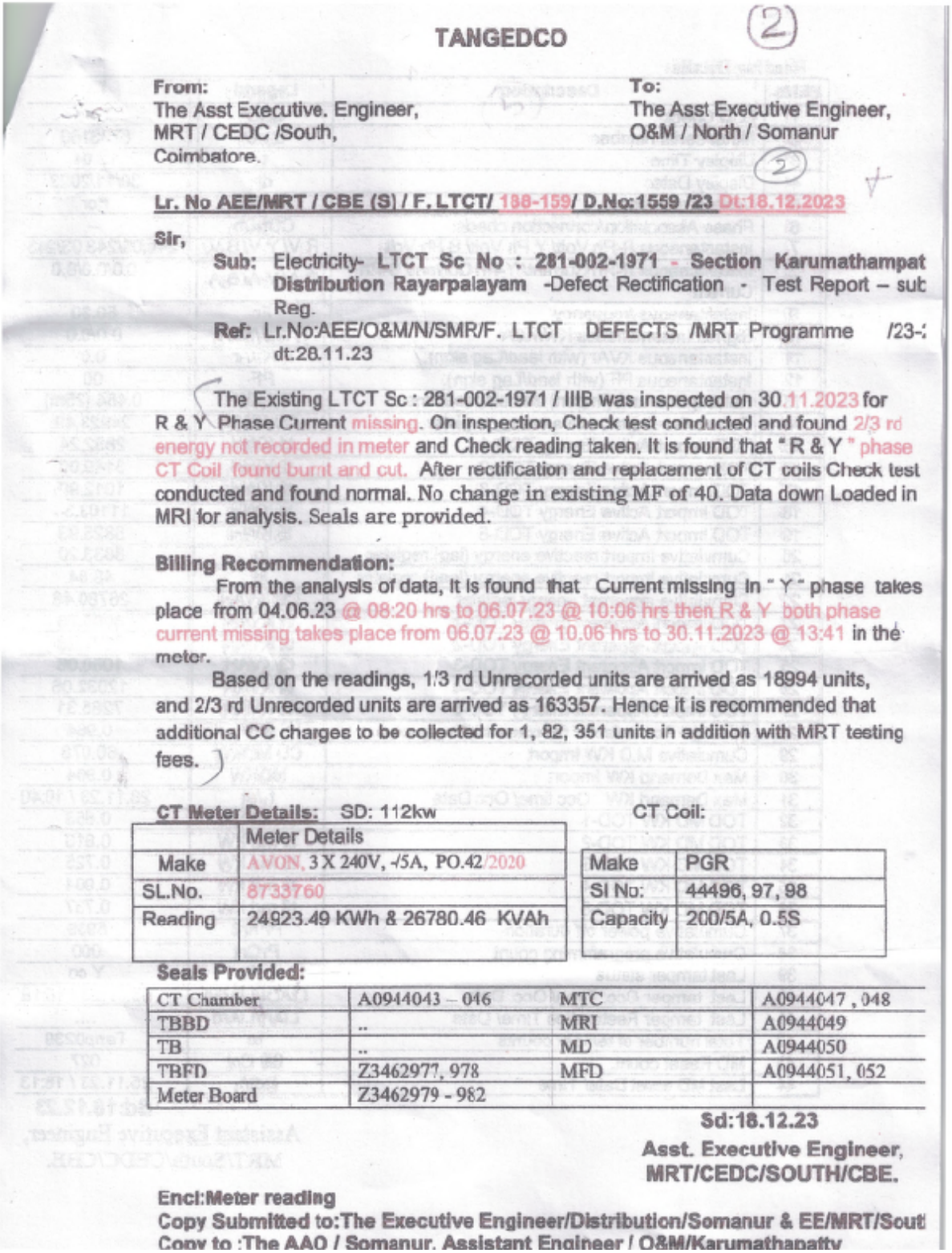
9.2 The Appellant asserts that he has been a genuine consumer, regularly paying the electricity charges without default since obtaining the service connection for his textile mill. He was shocked to receive an audit notice advising him to pay Rs. 15,07,719/- for a two-phase CT coil burnt and cut from 04/06/2023 to 30/11/2023. He states that the mill was not operating at full efficiency during this period and has provided worker salary slips, daily production reports, GST invoices, and GST return filings to support his claim.

9.3 The Respondent confirms that the Appellant's LTCT Service Connection No. 281-002-1971 was established on 31.10.2015. The Respondent has submitted that the Appellant has availed 3 Phase supply between the period from 31.10.2015 till 25.11.2023. On 25.11.2023, it was discovered that the current was missing in the R and Y phases of the connection. The MRT wing inspected the connection on 30.11.2023 and found that CT coils in the R and Y phases were burnt. The burnt coils were replaced in the presence of the consumer on the same day.

9.4 The Respondent argued that the CMRI downloading data shows the date and time of the missing current element and resetting of the R and Y-Phase current element. The detailed MRT downloaded report analysis shows that the missing current in the Y phase recorded from 04.06.2023 to 06.07.2023 and in both R and Y phases from 06.07.2023 to 30.11.2023.

9.5 In this regard, I would like to find out whose claim has been deemed valid. Upon careful examination of the cumulative event documents provided, as obtained from the downloaded report of the existing meter, it has been determined that there was a current missing in Y phase from 04.06.2023 @ 8.20hrs to 06.07.2023 at 10.06hrs and current missing in both R&Y phases from 06.07.2023 10.06hrs to 30.11.2023 13.41 hrs in the meter. The MRT report was communicated via Letter No. AEE/ MRT / CBE (S) / F.LTCT / 188-159 /D.No.1559/23 dated 18.12.2023. It is

observed from the MRT report as follows:



TANGEDCO (2)

From:
The Asst Executive. Engineer,
MRT / CEDC /South,
Coimbatore.

To:
The Asst Executive Engineer,
O&M / North / Somanur

(2)

Lr. No AEE/MRT / CBE (S) / F. LTCT/ 188-159/ D.No:1559 /23 Dt:18.12.2023

Sir,

Sub: Electricity- **LTCT Sc No : 281-002-1971 - Section Karumathampat Distribution Rayarpalayam** -Defect Rectification - Test Report – sub Reg.

Ref: Lr.No:AEE/O&M/N/SMR/F. LTCT DEFECTS /MRT Programme /23-2 dt:28.11.23

The Existing LTCT Sc : 281-002-1971 / IIIB was inspected on 30.11.2023 for R & Y Phase Current missing. On inspection, Check test conducted and found 2/3 rd energy not recorded in meter and Check reading taken. It is found that " R & Y " phase CT Coil found burnt and cut. After rectification and replacement of CT coils Check test conducted and found normal. No change in existing MF of 40. Data down Loaded in MRI for analysis. Seals are provided.

Billing Recommendation:

From the analysis of data, it is found that Current missing in " Y " phase takes place from 04.06.23 @ 08:20 hrs to 06.07.23 @ 10:06 hrs then R & Y both phase current missing takes place from 06.07.23 @ 10.06 hrs to 30.11.2023 @ 13:41 in the meter.

Based on the readings, 1/3 rd Unrecorded units are arrived as 18994 units, and 2/3 rd Unrecorded units are arrived as 163357. Hence it is recommended that additional CC charges to be collected for 1, 82, 351 units in addition with MRT testing fees.

CT Meter Details: SD: 112kw

	Meter Details
Make	AVON, 3 X 240V, -/5A, PO.42/2020
SL.No.	8733760
Reading	24923.49 KWh & 26780.46 KVAh

CT Coil:

Make	PGR
Sl No:	44496, 97, 98
Capacity	200/5A, 0.5S

Seals Provided:

CT Chamber	A0944043 – 046	MTC	A0944047 , 048
TBBD	..	MRI	A0944049
TB	..	MD	A0944050
TBFD	Z3462977, 978	MFD	A0944051, 052
Meter Board	Z3462979 - 982		

Sd:18.12.23
Asst. Executive Engineer,
MRT/CEDC/SOUTH/CBE.

Encl:Meter reading
Copy Submitted to:The Executive Engineer/Distribution/Somanur & EE/MRT/Sout
Copy to :The AAO / Somanur, Assistant Engineer / O&M/Karumathapatty

9.6 In this regard, I would refer to the Section 35 of the Evidence Act 1872 which is discussed below:

> *"35. Relevancy of entry in public record or an electronic record made in performance of duty. An entry in any public or other official book, register or record or an electronic record stating a fact in issue or relevant fact and made by a public servant in the discharge of his official duty or by any other person in performance of a duty specially enjoined by law of the country in which such book, register or record or an electronic record is kept is a relevant fact."*

9.7 According to the aforementioned, an entry in any public or other official book, register or record is admissible as evidence under the law of the country. The MRT wing of the Licensee is authorized for determining the status of the meter after conducting a scientific test. Therefore, as per the scientific document of the MRT which constitutes as evident the meter was not recording properly since 04.06.2023 till the replacement. As the MRT wing of the Licensee is authorized to determine the status of the meter after conducting a scientific test. Therefore, it is concluded that the period of defectiveness for the Appellant's LTCT service metering was 04.06.2023 to 30.11.2023.

10.0 <u>Findings on the third issue</u>:

10.1 In view of the Appellant LTCT service metering system was defective, I would like to discuss in detail about Assessment of billing in cases where there is no meter or meter is defective. Therefore, I would like to refer regulation 11 of TNE Supply Code Regulation that was in force during the meter defective period which is reproduced below.

> *<u>"11. Assessment of billing in cases where there is no meter or meter is defective :</u>*
> *(1) Where supply to the consumer is given without a meter or where the meter fixed is found defective or to have ceased to function and no theft of energy or violation is suspected, the quantity of electricity supplied during the period when the meter was not installed or the meter installed was defective, shall be assessed as mentioned hereunder.*
>
> *(2) The quantity of electricity, supplied during the period in question shall be determined by taking the average of the electricity supplied during the preceding four months in respect of both High Tension service connections and Low Tension service connections provided that the conditions in regard to use of electricity during the said four months were not different from those which prevailed during the period in question.*

(3) In respect of High Tension service connections, where the meter fixed for measuring the maximum Demand becomes defective, the Maximum Demand shall be assessed by computation on the basis of the average of the recorded demand during the previous four months.

(4) Where the meter becomes defective immediately after the service connection is effected, the quantum of electricity supplied during the period in question is to be determined by taking the average of the electricity supplied during the succeeding four months periods after installation of a correct meter, provided the conditions in regard to the use of electricity in respect of such Low Tension service connections are not different. The consumer shall be charged monthly minimum provisionally for defective period and after assessment the actual charges will be recovered after adjusting the amount collected provisionally.

(5) If the conditions in regard to use of electricity during the periods as mentioned above were different, assessment shall be made on the basis of any consecutive four months period during the preceding twelve months when the conditions of working were similar to those in the period covered by the billing.

(6) Where it is not possible to select a set of four months, the quantity of electricity supplied will be assessed in the case of Low Tension service connections by the Engineer in charge of the distribution and in the case of High Tension service connections by the next higher level officer on the basis of the connected load and the hours of usage of electricity by the consumer."

10.2 Upon thorough examination of the aforementioned regulation, it is evident that regulations 11(2), 11(4), 11(5), and 11(6) prescribes the procedures for computing the average consumption during the period of meter defect. In the present case, although the meter is functioning properly, the CT was damaged in the consumer's location, resulting in the failure to record "Y" phase current from 04/06/2023 to 06/07/2023, and both "R" and "Y" phases current from 06/07/2023 to 30/11/2023

10.3 The energy meter in question has recorded only one phase B phase, R and Y phases were not recording consumption. Hence, the Respondent relied on regulation 11(6) to revise the billing based on the consumption recorded in the other third phase. The Respondent has also provided a calculation to support their position which states that 1/3rd of the consumption was recorded in the meter and 2/3rd of the recorded consumption was added to arrive at the total consumption. The consumption units recorded by the two phases were divided to calculate the left-out phase consumed units, and the same was added to arrive at the total energy

for each billing period. The left-out units were billed as short levy during the R and Y-phase current missing period.

10.4 Based on MRT test results, the units which were unrecorded was worked out as follows.

For the period 04.06.2023 to 06.07.2023 (Y phase current missing)

KWH energy as on 04.06.2023: 21931.83

KWH energy as on 06.07.2023: 22881.53

Energy recorded for 2 phase: 949.70

Energy recorded for 2 phase with MF 40:-37988 units.

Added for unrecorded one phase (37988/2): 18,994 units

For the period 06.07.2023 to 30.11.2023 (R&Y phase current missing)

KWH energy as on 06.07.2023: 22881.53

KWH energy as on 30.11.2023: 24923.49

Energy recorded for one phase: 2041.96

Energy recorded for one phase with MF 40:- 81678.4 units.

Added for unrecorded two phases (81678.4*2):1,63,356.8 units

=1,63,357 units

Based on the MRT test results, 1/3rd unrecorded units amounted to 18,994 and 2/3rd unrecorded units to 163,357, resulting in a total of 182,351 units unrecorded energy consumption resulting from burnt CT coils.

10.5 CGRF directed average billing for the defective period per the Tamilnadu Electricity Supply Code. The initial demand of Rs. 15,07,719/- was revised to Rs. 14,51,100/- based on average billing, as per the CGRF judgment. The short levy calculated as per the working sheet as found in the CGRF order is reproduced below :

Month	units	MD
Apr-23	51890.8	102.16
Mar-23	47616.4	107.12
Feb-23	53506.8	106.88
Jan-23	47048.8	105.56
	200062.8	421.72

Month		Unit	Rate	Amount
Jun-23	CC	50016	7.5	375120
	Peak hour			11003.52
	FC		150	16800
	E Tax		5%	19703.68
	(386123.52 + 7950)*5%			422627.2

TNERC TF Rate as on 01.07.2023 (Average amount)

Month		Unit	Rate	Amount
07/2023 To 11/2023		50016	7.65	382622.4
	Peak hour			11128.56
	FC		153	17136
	E.Tax		5%	20093
	(393750.96 + 8109)*5%			430980

Month	Average units	To be collected	Already units	Collected amount	Difference
Jun-23	50016	422627	17615.6	163026	259601
Jul-23	50016	430980	14620	138264	292716
Aug-23	50016	430980	20470.8	186635	244345
Sep-23	50016	430980	19167.2	175852	255128
Oct-23	50016	430980	18132.4	166833	264147
Nov-23	50016	430980	34330.4	295817	135163
	Total Rs.	2577527		1126427	1451100

10.6 As directed by the CGRF now the respondent has revised the short levy for the defective period from Rs.15,07,719/- to Rs.14,51,100/- and the same has been communicated to the appellant vide the Respondent letter க.எண். உ.மி.பொ/க.பட்டி/வமே/கோ.வி.தொகை/விஎண் 050/2024 நாள் 15.04.2024 for Rs.14,51,100/- and got acknowledgement. Hence I found that the claim of the short levy by the respondent for the defective period is found correct as per regulation 11(2) of TNE Supply Code.

11.0 <u>Findings on the fourth issue</u>:

11.1 I am of the opinion that the calculation made by the Respondent as per TNERC Supply code regulation 11(2) is correct and acceptable. Further, upon

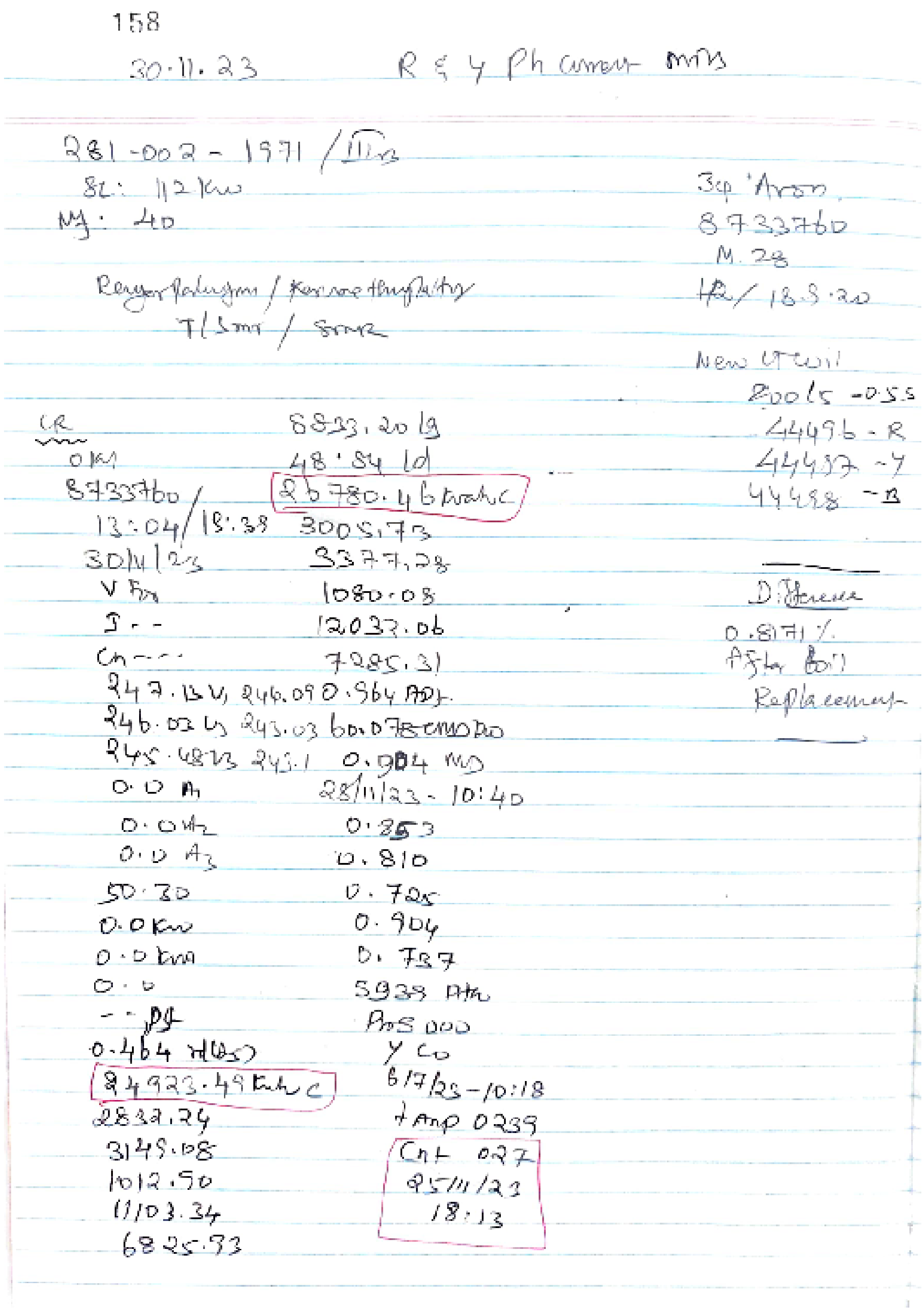
verification of the consumer ledger, it is observed that the Appellant's meter readings recorded between the disputed period of June 2023 to November 2023 were lower than the previous billing period and the subsequent billing period. Further as the appellant's industry is a textile industry where there will be three phase motors and equipments, the claim of the appellant that he had utilized less MD is not a valid point on his argument. The MD recorded is the highest recorded on his utilization which may happen at any time during any period of the billing cycle.

11.2 Since, Total energy is summation of all the 3 energies, if any CT got burnt or open circuited, there will be no energy recording for that phase even through the voltage is available and current flows through the consumer load. Hence, If any phase CT got open circuited, 1/3rd of energy out of total energy consumption will not be recorded in the meter. In this case R phase and Y phase CTs got burnt on 06.07.2023 10.06hrs, and there is no current for energy recording in R phase and Y phase till replacement of R phase and Y phase CT on 30.11.2023 at 13.41hrs. There was energy recording in the meter for 1/3rd of energy only.

11.3 Further, Y Phase CT current tampers (Current open) occurred intermittently from 04.06.2023 for 9 times due to weakening of Y phase CT, Also R phase CT current tampers (current open) occurred intermittently from 25.06.2023 for 7 times due to weakening of R phase CT and restoration of current did not occur fully for all the above tampers. Hence, taking account of the above fact, the appellant meter recording system would have failed from 04.06.2023.

11.4 The other argument of the appellant is that during the short levy disputed period raised by the respondent, he had not utilized the Mill under full efficiency. But this fact was not substantiated by the appellant with documents during the CGRF hearing. However the appellant now claimed that his GST and other documents may be considered and reject the claim of the short levy. However the appellant has not intimated to the respondent that his mill was not utilized its full capacity during the disputed period. In other words he claim that whatever the energy recorded during the disputed period of 06/2023 to 11/2023 was actual utilization. The appellant too

signed the register on 30-11-2023 for the replacement of burnt CT coils which is produced below.


158

30.11.23 R & Y Ph current mtrs

281-002-1971 / III B

SL: 112 Kw

MJ: 40

3φ Aron

8733760

M. 28

HR / 18.9.20

New CT coil

200/5 - 0.5S

44496 - R

44497 - Y

44498 - B

D:fference

0.8171 %

After Coil

Replacement

CR

OKM

8733760 / 13:04 / 18:38

30/11/23

V Fail

I - -

Cn - - -

8833.20 kg

48.84 kd

26780.46 kwah C

3005.73

3377.28

1080.08

12037.06

7285.31

247.13 V, 246.09 0.964 ADF

246.03 V, 243.03 60.07 ...

245.48 V, 243.1 0.904 MD

0.0 A1 28/11/23 - 10:40

0.0 A2 0.853

0.0 A3 0.810

50.30 0.725

0.0 Kw 0.904

0.0 kva 0.737

0.0 5938 Afte

- - pf Pos 000

0.464 H(kw) Y Co

24923.49 kwh C 6/7/23 - 10:18

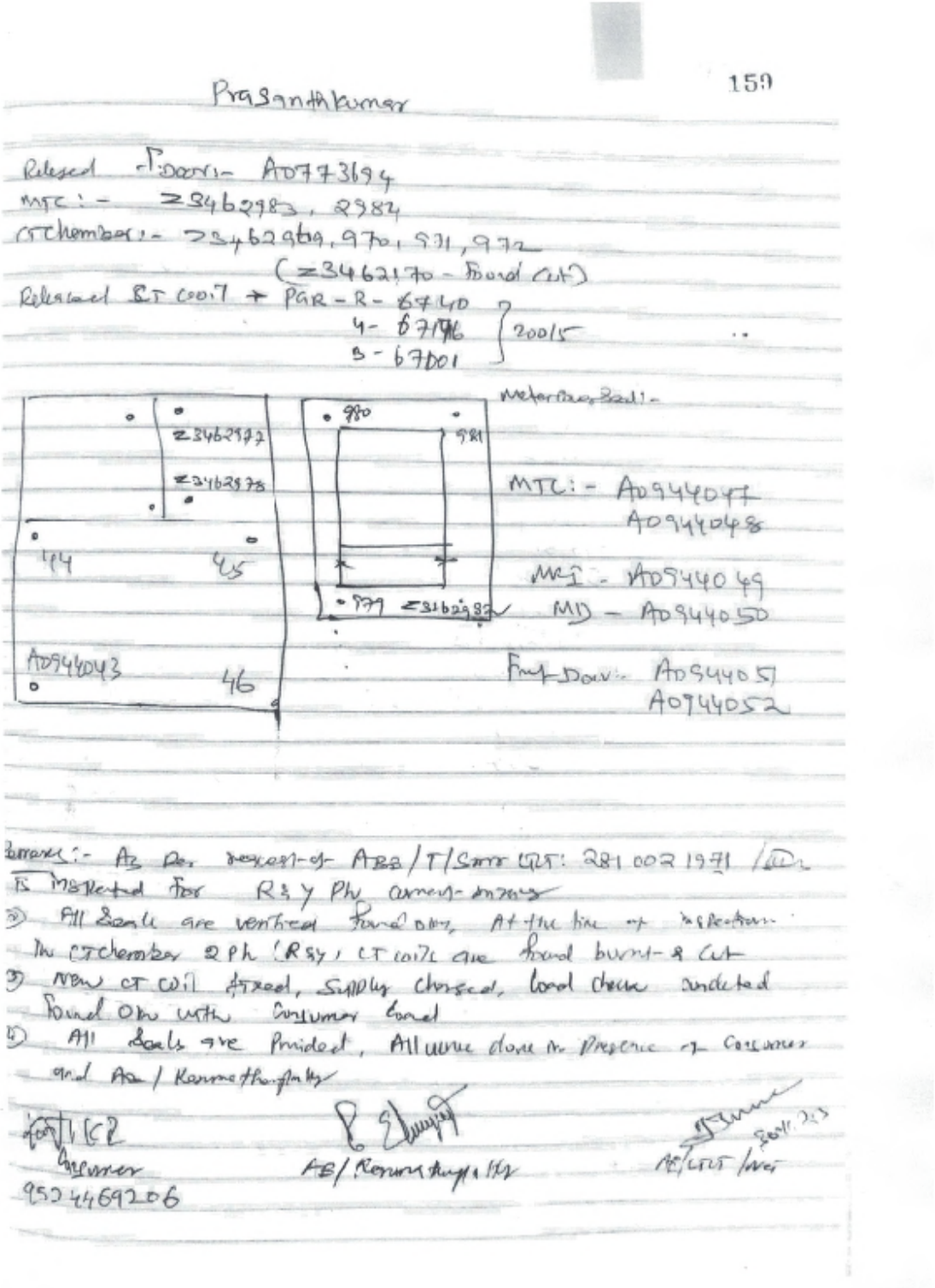
2832.24 tAmp 0239

3149.08 Cnt 027

1012.90 25/11/23

1103.34 18:13

6825.93



11.5 This fact has established that there was replacement of failed CTs R & Y on 30-11-2023. As per finding (1), it has already been established that the CTs are part of the Metering system, the failure of CT means the there was not actual

energy recording utilized by the appellant. Hence the above non recording period of utilized energy is defined as defective period. In order to arrive the utilization of energy during the defective period, the respondent has worked out revised short levy as directed by CGRF in accordance with the TNERC supply code regulations 11 (2) is correct.

11.6 As the revised billing amount of Rs. 14,51,100/- was calculated in accordance with the TNERC supply code regulations 11(2) which has been deemed correct, I concur the order of the CGRF to arrive the average on the defective meter period and reject the claim of the Appellant to cancel the short levy .

12.0 <u>Conclusion</u> :

12.1 Based on my findings in the foregoing paras, it is established that the meter recording in the service connection with SC No.03-281-002-1971 was found to be erroneous due to the R & Y-phase CT coil being burnt, leading to R & Y phase CT current missing from 04.06.2023 to 30.11.2023. Therefore, the Respondent's claim for the payment of shortfall arrears of Rs.14,51,100/- is deemed to be valid. The final bill can be claimed as per regulation 12(2) of TNE Supply Code Regulation, subject to the deduction of the already paid amount, along with any other dues.

12.2 With the above findings the A.P. No.27 of 2024 is finally disposed of by the Electricity Ombudsman. No Costs.

(N. Kannan)
Electricity Ombudsman

"நுகர்வோர் இல்லையேல், நிறுவனம் இல்லை"
"No Consumer, No Utility"

To
1. Thiru R. Prashanth Kumar,
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Karumathampatti, Coimbatore – 641 659.

2. The Superintending Engineer,
Coimbatore Electricity Distribution Circle/South,
TANGEDCO, Tatabad,
Coimbatore – 641 012.

3. The Executive Engineer/O&M/Somanur,
Coimbatore Electricity Distribution Circle/ South,
TANGEDCO,
Power House Campus,Somanur-641668.

4. The Assistant Executive Engineer/O&M/North/ Somanur,
Coimbatore Electricity Distribution Circle/ South,
TANGEDCO,
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5. The Assistant Engineer/O&M/ Karumathampatty,
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6. The Chairman & Managing Director, – By Email
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7. The Secretary,
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4th Floor, SIDCO Corporate Office Building,
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8. The Assistant Director (Computer) – **For Hosting in the TNERC Website**
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