



TAMIL NADU ELECTRICITY OMBUDSMAN

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BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI

Present : Thiru. A. Dharmaraj, Electricity Ombudsman

Appeal Petition No.86 of 2015

M/s Vellore Shoe Fabrik,
No.316/4B, Bangalore Road,
Mottur Village,
Vellore – 632 010.

... Appellant
(Rep by Thiru. J. Natarajan)

Vs

The Deputy Chief Internal Audit Officer,
B.O.A.B Audit,
Vellore Region,
TANGEDCO,
Gandhi Nagar, Vellore – 632 006.

... Respondent
(Rep by Tmt. P. Chitra, Superintending Engineer/(In-charge)
Vellore EDC)

Date of hearing : 3-3-2016

Date of order : 22-4-2016

The petition dated 23-10-2015 filed by M/s Vellore Shoe Fabrik, Vellore was registered as appeal petition No.86 of 2015. The above appeal petition came up for hearing before the Electricity Ombudsman on 3-3-2016. Upon perusing the appeal petition of the Appellant, written arguments of the Appellant and the Respondent and after hearing both sides, the Electricity Ombudsman passes the following order.

ORDER

1. Prayer of the Appellant

The Appellant prayed to refund /CC adjustment of audit short fall amount of Rs.37763/- already paid towards average CC bill for 3/2011 & 4/2011 in LTCT SC No.227-015-066 as the meter was healthy during the above period.

2. Brief History of the case

2.1 The Appellant is the owner of LTCT service connection No.227-015-066. The above service was audited by B.O.A.B and a short fall amount of Rs.76,621/- was levied for the period from 10/2010 to 4/2011 considering the meter as defective.

2.2 Based on the report of Executive Engineer/Vellore, the audit has revised the audit short fall amount as Rs.37,763/- for the period 3/2011 & 4/2011 and the audit amount was paid by the Appellant in 5 instalments.

2.3 The Appellant filed a petition before the CGRF of Vellore EDC for refund of the short fall amount of Rs.37,763/- paid by it.

2.4 The CGRF of Vellore EDC has dismissed the petition. Aggrieved by the order of the CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman.

3. Orders of CGRF

3.1 The CGRF of Vellore EDC has issued its order 1.10.2015. The relevant paras of the order is extracted below :

“Orders of the forum :

The petitioner’s pray for dropping the entire audit short fall amount of Rs.76,621/- was already considered by the Deputy Chief Internal Audit Officer/Vellore Region by revising the short fall amount from Rs.76,621/- to Rs.37,763/- and request for refund of already paid amount of Rs.37,763/- is made without any valid reasons and documentary evidence supporting his request before the forum hence, the petition is hereby dismissed.”

4. Contentions of the Appellant

4.1 In the appeal petition, the Appellant has furnished the following arguments.

(i) The forum does not consider the fact that the display failure in the electronic LTCT meter was reported to JE/O&M/Virunjeeपुरam by the petitioner on 18.5.2011 and got acknowledged from JE/Virinjeeपुरam. Based on the average billed for 5/2011, Rs.27527/- was already paid on 3.6.2011 for 5235 units. There is neither MRT recommendation nor JE/AEE/EE/SE recommendation for the above short fall.

(ii) The forum failed to review the nature of defect and MRT recommendation.

(iii) The forum failed to review the audit dropping recommendation submitted by the Executive Engineer/Vellore Division vide Lr.No.1065/dated 28.4.2014.

(iv) There is no justice for demanding average CC bill for healthy meter period i.e. 3/2011-1622 units and 4/2011-1596 units for which CC bill already paid as below :

3/2011 - Rs.8067

4/2011 - Rs.7622/-

4.2 In letter dt.25.11.2015, the Appellant has furnished the following additional arguments.

(i) The respondent in the counter reported that there is no CMRI downloaded data to ascertain the meter defective period and hence, the audit short fall has been levied presuming that defective period can be 3/2011 and 4/2011 for Rs.37,763/- based on the lesser consumption is not acceptable and the main purpose of electronic meter is defeated.

(ii) The working principle of electronic meter is not like electro mechanical meter wherein rotating parts can cause friction that leads possibility of low consumption. But,

adopting the same analogy even after many years of fixing electronic LTCT meter is not correct and scientific approach.

(iii) Our company is job work based and low consumption is not only during 3/2011 and 4/2011. Several previous incidents are there for low consumptions but the meter does not declared faulty either by Audit or by any officials of TANGEDCO.

| Month | Consumption Units | Meter declared by TANGEDCO | Condition |
|---------|-------------------|----------------------------|-----------|
| 02/2009 | 1312 | Good | Condition |
| 03/2009 | 1407 | Good | Condition |
| 10/2009 | 1602 | Good | Condition |
| 11/2009 | 1635 | Good | Condition |
| 03/2011 | 1622 | Meter | Defective |
| 04/2011 | 1596 | Meter | Defective |

(iv) The Executive Engineer/O&M/Vellore in his detailed report Lr.No.1065/EE/O&M/Vellore 2014-15 dated 28.4.2014 on this subject matter fully agree the petitioner request for dropping audit amount and strongly explained that there is no chance for sluggish in Electronic Meter. He also recommended that the function of the electronic meter is based on pulses and also the defective period 5/2011 average bill amount of Rs.27527/- was already paid for 5235 units.

(v) The Executive Engineer/O&M/Vellore in his detailed report Lr.No.1065/EE/O&M/Vellore 2014-15 date 28.4.2014 also reported that uniform consumption is not noticed for the past 33 months since the consumption is solely based on the shoe upper orders received from buyers.

(vi) The CGRF failed to consider the above remarks on 18.9.2015 and passed orders stating that the petitioner accepted the revised audit amount Rs.37763/- and

paid is not true. The petitioner after struggling to uphold justice in order to avoid disconnection only paid the audit amount.

(vii) As per the technical facts even the display failure is due to voltage fluctuations of power supply and it is momentary event. There is no point in levying short fall for previous months when technical competent person in the cadre of Junior Engineer is taking reading physically after inspecting the electronic meter every month and declaring the meter is healthy.

(viii) The forum decline the above facts and asked for documentary evidences for audit short fall amount dropping which has to be maintained by TANGEDCO. (CMRI Data, MRT Recommendation, Executive Engineer/Vellore Recommendation, consumer ledger etc.,)

(ix) The forum failed to note that TANGEDCO failed to adhere the procedures stipulated for billing of meters where display failure occurs by Accounts member in his circular memo dated 13.6.2003. Even after clear instructions audit does not follow the average billing procedure in the above reference.

5. Hearing held by the Electricity Ombudsman

5.1 In order to enable the Appellant and the Respondents to putforth their arguments in person, a hearing was conducted before the Electricity Ombudsman on 3-3-2016.

5.2 Thiru. J. Natarajan, has attended the hearing on behalf of the Vellore Shoe Fabrik and putforth his side arguments.

5.3 Tmt. P. Chitra, Superintending Engineer, in-charge, Vellore EDC has attended the hearing on behalf of the Respondent and putforth her side arguments.

6. Arguments putforth by the Appellant on the hearing dates

- 6.1 Thiru J. Natarajan has reiterated the contents of the appeal petition.
- 6.2 He argued that the meter was in good working condition up to 18.5.2011, the day on which the display failure was noticed. There was no information from the licensee side about the defectiveness of the meter while taking readings by the concerned Junior Engineer during 3/2011 and 4/1011.
- 6.3 He also argued that as the meter reading was taken by an Engineer, the defect if any in the meter would have been noted by the Junior Engineer while taking reading for the period 3/2011 & 4/2011. But, he has recorded the reading and billed for the recorded consumption. Hence, argued that the meter is ok till 18.5.2011.
- 6.4 He also argued that the EE/Vellore Division has stated that the defect in meter could have been identified by the field Engineer at the respective month itself while taking reading if there is any defect as the LTCT meter reading was taken by the Section Officer.
- 6.5 He also informed that his consumption depends upon the job work done during the respective month and hence, it can not be uniform. He also pointing out the recording of consumption as 1312 units for 2/2009, 1407 units for 3/2009, 1602 units for 10/2009 & 1635 units for 11/2009 and argued that the low consumption recorded during 3/2011 and 4/2011 could be treated as similar to those readings and cannot be considered as defective period.
- 6.6 He informed that he does not have the production record for the disputed period to show that there was less production during these period.

- 6.7 He also pointed out the instruction dt.13.6.2003 of the Accounts (Member's) and argued that the licensee has not downloaded the details to confirm the defectiveness of the meter.
- 6.8 He also informed that he has informed about no work in his industry from February upto 25th of April 2011 in letter dt.25.4.2011 to the Virinjipuram EB office.

7. Arguments of the Respondent

- 7.1 Tmt. P. Chithra, Superintending Engineer(in-charge) of Vellore EDC informed that the display failure meter was tested by the MRT wing and declared as defective.
- 7.2 The Superintending Engineer(in-charge) argued that immediately after changing the defective meter, the consumption was recorded as 3606 units for 6/2011 assessment and the consumption was more than 5000 units in the subsequent assessment period also. Citing the above, the Superintending Engineer(in-charge) argued that the actual consumption would have been more during 3/2011 & 4/2011 also.
- 7.3 The Superintending Engineer(in-charge) also argued that the audit has dropped the claim from 10/2010 to 2/2011 based on the field recommendation only.
- 7.4 She also argued that for 3/2011 & 4/2011 assessment period the consumption recorded is low when compared to the consumption recorded for previous period and the subsequent period after changing the meter. Hence, it is suspected that meter could be defective from 3/2011.

7.5 She also pointed out that the Appellant has not produced any proof in support of his claim of less job during 3/2011 & 4/2011 assessment period.

8. Written argument of the Appellant :

8.1 The Appellant has given his written argument dt.13.3.2016.

8.2 The arguments which are not covered in the submission made before alone are given below :

(i) The Respondent has not explained the reasons for assuming the meter as defective for 3/2011 & 4/2011 assessment period when MRT report has not indicated that the meter is defective during 3/2011 & 4/2011 and average billing may be done.

(ii) The Respondent has not given any reason for not considering the downloaded data for arriving the energy charges in respect of SC No.227-015-066 when the display failure has occurred as directed in Accounts(Member) Circular dt.13.6.2003.

(iii) As per regulation 11(6) of the Supply Code the EE/Vellore is given full powers, for LT services to waive the average consumption charges levied by the audit branch. But the reasons for not accepting his recommendation was not explained by the Board side.

(iv) When the defective period of the meter of his service has been examined by the MRT, the rules of TNERC under which the audit officer is authorized to assume the defective period has not been explained.

(v) In respect of 3/2011 & 4/2011, the readings were recorded in a static meter which records the consumption in an accurate manner, and the reading was taken by the concerned section Engineer after inspecting the meter personally. The reasons for not accepting the above by the Board has not been explained.

9. Findings of the Electricity Ombudsman

9.1 I have heard the arguments of both sides. On a careful consideration of the arguments put forth by the rival parties, I find the following are the issues.

- (i) whether the meter is defective for the period 3/2011 & 4/2011. ?
- (ii) Whether any relief could be given to the Appellant. ?

10. Findings on the first issue:

10.1 The Appellant argued that he only informed about the display failure vide his letter dt.18.5.2011 to the Junior Engineer/Virinjipuram. Hence, argued that meter is defective only from 18.5.2011.

10.2 The appellant argued that the MRT has not recommended for collecting average for the month of 3/2011 & 4/2011.

10.3 The Appellant argued that the reading was taken by the Junior Engineer/Virinjipuram every month, after checking the meter. Had the meter been defective, the JE would have noted that. Hence, argued that the meter was defective during 5/2011 period only. The Appellant has also cited the recommendation of the Executive Engineer/Vellore in the letter dt.28.4.2014 addressed to Deputy Chief Internal Audit Officer, Vellore, in support of the above argument.

10.4 He also argued that as the meter installed in his service is a static meter, there is no possibility for sluggishness. He also pointed out that the Respondent has not download the data and obtained the MRT report to arrive at the defective period.

10.5 The Appellant argued that low consumption was recorded not only during 3/2011 & 4/2011 but also during previous occasions as detailed below :

| | | |
|---------|---|------------|
| 2/2009 | - | 1312 units |
| 3/2009 | - | 1407 units |
| 10/2009 | - | 1602 units |
| 11/2009 | - | 1635 units |

He further informed that meter available in the said periods was treated as good condition only.

10.6 The Respondent citing the consumption of 3606 units recorded during 6/2011 after changing the meter and argued that the consumption has increased to 3606 units immediately after changing the meter whereas it has recorded only 1622 & 1596 units during 3/2011 & 4/2011 respectively before changing the meter. As there was an increase of about 2000 units, the Respondent argued that the low consumption recorded during 3/2011 & 4/2011 is due to defect in the meter.

10.7 The Respondent also argued that by comparing the consumption recorded during 3/2011 & 4/2011 with the consumption recorded prior to 3/2011 and the consumption recorded after changing the meter during 5/2011, it could be easily inferred that the consumption recorded during 3/2011 & 4/2011 are low.

10.8 The Respondent also argued that the Appellant has not produced any documents like production details to show that there was less utilization during 3/2011 & 4/2011. Hence, in the absence of any documentary evidence, it has to be construed that the reduction in consumption may be due to defectiveness of the meter only.

10.9 As the Appellant has cited, the MRT report, the relevant para of the AEE/MRT/Vellore EDC's letter dt. 15.9.2011 is extracted below :

“LTCT service under running condition.

MRT wing inspected the service meter, found meter “Total display failed condition”. The meter TC end voltages are found abnormal. Hence, the meter declared as display failure, failed meter released and new healthy new version MRT rolling stock meter fixed. IR taken. After O&M charging the service check test was conducted on the consumer load. The performance of the Exg CT coils and newly fixed meter are found satisfactory.”

xxx xxxx xxx
xxxx xxxx xxx

Remarks/ Billing Recommendation. Average billing to be billed for the meter defective period as per the terms and conditions of Supply Code and TNERC's instructions by considering the actual filed condition.”

10.10 On a careful examination of the above remarks, it is noted that the MRT has declared the meter as defective but has not indicated the defective period of the meter. The MRT only suggested average billing for the defective period. Hence, from the report of MRT, we are unable to arrive at the defective period.

10.11 The licensee has not furnished the downloaded details of the meter. In the absence of the downloaded data , we have to analyse the consumption pattern only to

arrive at a conclusion about the condition of the meter during the disputed period. The consumption details for the year 2009 to 2015 are tabulated below :

| Month | Year | | | | | | |
|----------------|--------|--------|-----------------------|--------|--------|--------|--------|
| | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
| 1 | 2389.2 | 3638.4 | 4262.4 | 2136.4 | 2932.8 | 2681.6 | 3718 |
| 2 | 1312 | 4514.8 | 3575.6 | 1303.6 | 2849.2 | 2295.6 | 2151.6 |
| 3 | 1407.2 | 2595.6 | 1622 | 1123.6 | 999.6 | 990 | 2010 |
| 4 | 3410.4 | 3702 | 1596 | 2147.6 | 2524 | 2051.2 | 2534.8 |
| 5 | 3550.8 | 4322.4 | 5235 _(avg) | 3135.2 | 3283.6 | 2922.8 | 2517.6 |
| 6 | 5791.6 | 5403.6 | 3606.2 | 3707.2 | 4618.8 | 3378 | 2374 |
| 7 | 5935.6 | 5772.8 | 5056.4 | 5250.8 | 4156 | 3132.8 | 2444 |
| 8 | 3709.6 | 5439.6 | 5314.4 | 4481.2 | 3824.8 | 3518 | 2721.2 |
| 9 | 2442.4 | 3890.8 | 5406 | 1998.8 | 2294.8 | 3174 | 1912.8 |
| 10 | 1602.4 | 4101.6 | 1960 | 12648 | 2139.6 | 2691 | 3826 |
| 11 | 1635.6 | 3312 | 2576.4 | 1823.2 | 2701.6 | 2408 | 2666.8 |
| 12 | 3782 | 4349.2 | 2497.2 | 2302.8 | 2213.6 | 3181.6 | 1452.4 |
| Aveg per annum | 3080.7 | 4253.6 | 3406.6 | 2556.2 | 2878 | 2702 | 2527.4 |

It could be seen from the above statement, that the consumption pattern of the said consumer is not uniform but varying depending upon the job works done during the assessment period. The average consumption per month in the said year are as below :

2009 - 3081 units
2010 - 4254 units
2011 - 3407 units
2012 - 2556 units
2013 - 2878 units
2014 - 2702 units
2015 - 2527 units

10.12 The consumption recorded in the month March & April in the year 2009 to 2015 are tabulated below as the disputed period is 3/2011 & 4/2011.

| Month | 2009 | | 2010 | | 2011 | | 2012 | | 2013 | | 2014 | | 2015 | |
|----------------------------------|----------------------|--------------------------|----------------------|--------------------------|----------------------|--------------------------|----------------------|--------------------------|----------------------|--------------------------|----------------------|--------------------------|----------------------|--------------------------|
| | Consumption in units | % of average consumption | Consumption in units | % of average consumption | Consumption in units | % of average consumption | Consumption in units | % of average consumption | Consumption in units | % of average consumption | Consumption in units | % of average consumption | Consumption in units | % of average consumption |
| March | 1407 | 45.7 | 2596 | 61 | 1622 | 47.6 | 1124 | 44 | 1000 | 34.7 | 990 | 36.6 | 2010 | 79.5 |
| April | 3410 | 110.7 | 3702 | 87 | 1596 | 46.8 | 2147 | 84 | 2524 | 87.7 | 2051 | 75.9 | 2535 | 100.3 |
| Average consumption for the year | 3081 | | 4254 | | 3407 | | 2556 | | 2878 | | 2702 | | 2527 | |

10.13 It could be seen from the above table that the consumption recorded during March of every year is always less than the monthly average of the year and mostly less than 50 % for the average annual consumption except in the year 2010 & 2015 wherein the percentage is 61% & 79.5% respectively. As per the above analysis, it is noted that historically, the consumption recorded during March of every year is less than the average annual consumption per month. Hence, it may be concluded that the consumption of 1622 units in March 2011 which is 47.6% of the average annual consumption for the year 2011 is conforming to the general consumption pattern of the said service and hence the meter could not be treated as defective.

10.14 In respect of April, it is seen that the consumption recorded during 4/2011 is only 46.8% of the annual average consumption per month of the year 2011 whereas in all other years the consumption during April is more than 76% of the annual average consumption. Hence, as far as April 2011 is concerned, the argument of the Respondent that, it is lower than the normal seems to be reasonable. But, the low

consumption may be either due to less production during the said period or due to meter defectiveness.

10.15 As the Appellant has argued that the recommendation of the EE in report dt.28.4.2014 is fully in support of dropping the audit, the relevant paras of the EE/Vellore letter dt.28.4.2014 are extracted below :

“ இந்த மின்இணைப்பில் வைக்கப்பட்டிருந்த மீட்டர் static electronic meter ஆகும். இந்த மீட்டரானது Pulse rate அடிப்படையில் இயங்குவதாகும். இந்த மீட்டரில் எவ்வளவு மின்சாரம் பயன்படுத்தப்படுகிறதோ அதற்குண்டான பயனீட்டு அளவை சரியாக காண்பிக்கும். இந்த மீட்டரில் நின்று ஒடுவதற்கான வாய்ப்பு கிடையாது.

இந்த மின்இணைப்பின் மின்பயனீட்டு அளவை கடந்த 8/2008 முதல் 4/2011 வரை ஆய்வு செய்த வகையில் 33 மாதங்களில் ஒரே அளவான பயனீட்டு அளவு தொடர்ந்தார் போல் எந்த மாதத்திலும் காணப்படவில்லை. ஒவ்வொரு மாதமும் வெவ்வேறு அளவான பயனீட்டு அளவு நுகர்வோரால் பயன்படுத்தப்பட்டுள்ளது. இவைகளிலிருந்து ஒவ்வொரு மாதமும் நிறுவனத்தில் பெறப்படும் ஆர்டர் மற்றும் செய்யப்படும் Shoe pair களின் அடிப்படையிலேயே பயனீட்டு அளவு இருந்துள்ளது. தெளிவாக தெரியவருகிறது. புதிய மீட்டர் பொருத்தப்பட்ட பின்னரும் கூட பயனீட்டு அளவு ஒவ்வொரு மாதமும் வேறுபட்டுள்ளது எனவும் தெரியவருகிறது. மின்இணைப்பில் பொருத்தப்பட்டிருந்த மீட்டர் கடந்த 23.4.2011 வரை மீட்டர் நல்ல நிலையில் இயங்கி வந்துள்ளது. 24.4.2011க்கு பின்பும் 18.4.2011க்கும் இடையில் ஏதாவது ஒரு நாளில் மீட்டரில் Display failure ஆகியிருக்கக்கூடும். எனவே, 24.4.2011 முதல் 24.5.2011 வரையான 31 நாட்களுக்கு மட்டும் சராசரி கட்டணம் வசூல் செய்தால் மட்டும் போதுமானது. அதற்குண்டான சராசரி பயனீட்டு அளவாக

12/2010 - 4349 யூனீட்டு

01/2011 - 4262 யூனீட்டு

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சராசரி 4305 மட்டும் கணக்கீடு செய்து வசூல் செய்திருந்தாலே போதுமானது. ஆனால், அதிகமாக 5235 யூனீட்டுகள் என கணக்கீடு செய்யப்பட்டு மின்கட்டணமும் வசூல் செய்யப்பட்டு விட்டது.

உண்மை நிலை இவ்வாறு இருக்கையில் தணிக்கை குழுவினர் மின்பயனீட்டு அளவு 9.2010 முதல் 4.2011 வரை ஒரே அளவாக இல்லாத காரணத்தால் அந்த காலத்தில் மீட்டர் defective

ஏற்பட்டுவிட்டதாக குறிப்பிட்டு ரூ.76,621/-யை வசூல் செய்யுமாறு தணிக்கை சீட்டு அளித்திருப்பது ஏற்புடையதல்ல.

மேலும், LTCT மின்இணைப்புகளுக்கு மாதந்தோறும் ரீடிங் அந்தந்த பிரிவு அலுவலரால் எடுக்கப்பட்டு வருகிறது. எனவே, மீட்டர் defective ஏற்பட்டால் அந்தந்த மாதங்களிலேயே தெரிந்துவிடும். எனவே, தணிக்கை குழுவினரால் தெரிவிக்கப்பட்டவாறு எட்டு மாதங்களாக மீட்டர் defective ஆக வில்லை என்பதையும் தெளிவுப்படுத்தப்படுகிறது.

| கணக்கீட்டு செய்யப்பட்ட நாள் | ரீடிங் | பயனீட்டு அளவு |
|-----------------------------|---------|---------------|
| 24.9.2010 | 2716.07 | 3890.8 |
| 26.10.2010 | 2818.61 | 4101.6 |
| 25.11.2010 | 2901.41 | 3312.0 |
| 24.12.2010 | 3010.14 | 4349.2 |
| 25.1.2011 | 3116.7 | 4262.4 |
| 23.2.2011 | 3206.09 | 3575.6 |
| 25.3.2011 | 3246.64 | 1622.0 |
| 23.4.2011 | 3286.54 | 1596.0 |

மேற்கண்ட அட்டவணையின் படி பயனீட்டு அளவினை பார்வையிட்டால் 3300 முதல் 4200 வரை 6 மாதங்களுக்கும் 1500க்கு மேல் இரண்டு மாதங்களுக்கும் பதிவாகியுள்ளது.

எனவே, அந்த கால கட்டத்தில் மீட்டரில் defective ஏற்படவில்லை எனவும், பயனீட்டு அளவு மட்டுமே வேறுபட்டுள்ளது என தெரிவித்துக் கொள்ளப்படுகிறது.”

10.16 On a careful reading of the above, it is noted that the EE/O&MVellore has stated the following :

- (i) In the service connection a Static Electronic meter is provided, The static meter is functioning on pulse rate basis. In the meter, the energy utilized in the service will be accurately measured. There is no possibility to record the consumption intermittently.
- (ii) On examining the consumption from 8/2008 to 4/2011, the consumption is not uniform but varying, From the above, it is construed that the consumption is based on the shoes pair manufactured in that month. Even after installing the new meter, also

the consumption is varying for every month. The meter has functioned properly upto 23.4.2011 and the display failure might have occurred on any day between 24.4.2011 and 18.5.2011. Therefore it is sufficient if average is collected for the period from 24.4.2011 to 24.5.2011.

(iii) The audit slip raised by the audit for Rs.76,629/- for the period from 9/2010 to 4/2011 stating that the meter is defective as consumption recorded are not uniform. The above is not acceptable.

(iv) The LT CT meter reading are taken by the concerned section officers. Therefore, if there is any defect in the meter, it would have been known in the respective month itself. Hence, the meter was not defective for 8 months as pointed out by the audit.

(v) The reading and consumption for 9/2010 to 4/2011 were given below :

| கணக்கீட்டு செய்யப்பட்ட நாள் | ரீடிங் | பயனீட்டு அளவு |
|-----------------------------|---------|---------------|
| 24.9.2010 | 2716.07 | 3890.8 |
| 26.10.2010 | 2818.61 | 4101.6 |
| 25.11.2010 | 2901.41 | 3312.0 |
| 24.12.2010 | 3010.14 | 4349.2 |
| 25.1.2011 | 3116.7 | 4262.4 |
| 23.2.2011 | 3206.09 | 3575.6 |
| 25.3.2011 | 3246.64 | 1622.0 |
| 23.4.2011 | 3286.54 | 1596.0 |

10.17 As per above table, the consumption varies from 3300 to 4200 units for 6 months and more than 1500 for two months. The meter was not defective but consumption only varied.

10.18 As per the EEs report, the meter is defective only after taking reading by the concerned section officer on 23.4.2011.

10.19 I have requested for the reading taken by the concerned section officer to analyse the other parameters, if any noted down to arrive at a conclusion about the defectiveness. But, the licensee has not produced such records.

10.20 The Appellant has also argued that he has given a letter stating that there was less work during the said period on 25.4.2011. The extract of the said letter is furnished below :

“Kind Attn. Mr. JE/TNEB

*To
Tamil Nadu Electricity Board
Virinjipuram
Vellore District.*

Dear Sir,

Ref: S.C.No.66 (227-015-66)

*எங்கள் நிறுவனத்தில் கடந்த இரண்டு மாதங்களாக வேலை நடைபெறவில்லை. ஜனவரி 31-ம் தேதியுடன் order முடிந்து விட்டது. ஏப்ரல் மாதம் 25-ம் தேதி முதல் தான் வேலை தொடங்கவுள்ளது. E.B.பில் குறைவாக வருகிறது என்பதை தெரிவித்துக் கொள்கிறேன்.
நன்றி*

*இப்படிக்கு
Sd/xxx xxx
for Vellore Shoe Fabrik*

10.21 On a careful reading of the letter, it is noted that, the Appellant has informed that for the past two months there was no work in his company. The ordered works were completed on 31.1.2011 and the further works will be commenced only from April 25th (i.e) on 25.4.2011.

10.22 In this regard, it is to be noted that the April reading was taken on 23.4.2011. The Appellant has given letter about no work only on 24.4.2011 (ie) after the said period

is over. Further, as per the letter, the Feb 2011 consumption shall also be less, but the Feb 2011 consumption (25.1.2011 to 23.2.2011) recorded is 3576 units. Hence, the consumption pattern is not relevant to the letter of the Appellant. The respondent has agreed that they have received the said letter.

10.23 I am of the considered opinion that the meter would have become defective only during 5/2011 assessment period considering the following aspects.

(i) In the report dt.28.4.2014 addressed to the Audit, the EE/Vellore stated that the meter would have become defective only after taking the reading by the concerned section officer on 23.4.2011 and has recommended for levying average consumption for the period from 24.4.2011 to 24.5.2011.

(ii) Low consumption similar to 3/2011 & 4/2011 has also been noticed as detailed below even before and after the replacement of the meter in the said service connection.

| | | | |
|------|---------|---|--------|
| (1) | 2/2009 | - | 1312 |
| (2) | 3/2009 | - | 1407.2 |
| (3) | 10/2009 | - | 1602.4 |
| (4) | 11/2009 | - | 1635.6 |
| (5) | 2/2012 | - | 1303.6 |
| (6) | 3/2012 | - | 1123.6 |
| (7) | 10/2012 | - | 1264.8 |
| (8) | 3/2013 | - | 999.6 |
| (9) | 3/2014 | - | 990 |
| (10) | 12/2015 | - | 1452.4 |

(iii) The consumption during march assessment period is historically lower than the annual average as discussed in para 10.13

(iv) The EE/MRT has not given any report about the defective period of the meter.

(v) The data of the meter has not been downloaded and analysed by MRT to confirm the defective period.

11. Findings on the Second Issue :

11.1 As per my findings on the first issue, the meter was defective only from 5/2011 assessment period. The Appellant has paid the average consumption for 5/2011 assessment period and there is no dispute over it.

11.2 As the meter is not defective during 3/2011 & 4/2011 assessment period, it is held that the short fall amount of Rs.37,763/- collected has to be refunded to the Appellant.

12. Conclusion :

12.1 In view of my findings in first and second issues furnished in para above, the licensee is directed to refund /adjust the sum of Rs.37,763/- collected from the Appellant as short fall amount for 3/2011 & 4/2011 assessment period within 30 days from the date of receipt of this order.

12.2 A compliance report on the above shall be sent within 45 days from the date of receipt of this order.

12.3 With the above findings, the A.P.No.86 of 2015 is finally disposed of by the Electricity Ombudsman. No Costs.

(A. Dharmaraj)
Electricity Ombudsman

To

1) M/s Vellore Shoe Fabrik,
No.316/4B, Bangalore Road,
Mottur Village,
Vellore – 632 010.

2) The Deputy Chief Internal Audit Officer,
B.O.A.B Audit,
Vellore Region,
TANGEDCO,
Gandhi Nagar, Vellore – 632 006.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Vellore Electricity Distribution Circle,
TANGEDCO,
Gandhi Nagar, Vellore – 632 006.

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

5) The Secretary,
Tamil Nadu Electricity Regulatory Commission,
No.19A, Rukmini Lakshmi pathy Salai,
Egmore,
Chennai – 600 008.

6) The Assistant Director (Computer) - **FOR HOSTING IN THE TNEO WEBSITE PLEASE**
Tamil Nadu Electricity Regulatory Commission,
No.19-A, Rukmini Lakshmi pathy Salai,
Egmore,
Chennai – 600 008.