



**VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA**

First Floor 33/11 kV substation, Hyderabad Boats Club Lane  
Lumbini Park, Hyderabad - 500 063

**:: Present:: R. DAMODAR**

Friday, the First Day of April 2016

Appeal No. 72 of 2015

Preferred against Order Dt. 20-05-2011 of CGRF In

CG.No: MDK-119/2010-11/ of Medak Circle

Between

M/s Subash Rubber Core Unit , Banda mailaram Village, Mulugu Mandal  
Medak Dist. Cell No- 9392463777.

... Appellant

**AND**

- 1) The ADE/OP/Gajwel/TSSPDCL/Medak Dist.
- 2) The AAO/ERO/Gajwel/TSSPDCL/Medak Dist.
- 3) The DE/OP/ Toopran/TSSPDCL/Medak Dist.
- 4) The DE/DPE/HT-II/TSSPDCL/Medak Dist.
- 5) The DE/MRT/Medak/ TSSPDCL/Medak Dist.
- 6) The SE/OP/ Medak circle/TSSPDCL at Sanga reddy.
- 7) The SE/O&M/ Corporate Office/ TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 30.09.2015, coming up for hearing before the Vidyut Ombudsman, Telangana State on 02.03.2016 at Hyderabad. The Appellant's Representative was absent and Sri.B.N. Jagadishwar Rao - ADE/OP/Gajwel, Sri. P. Sumanth Reddy - DE/M&P/Medak were present for the Respondents and having considered the record and submissions of both the parties over three adjournments, the Vidyut Ombudsman passed the following;

## AWARD

The Appellant is a consumer under LT category III (B) bearing SC No. 0431 00460 with a load of 70 KW(140 hp) released on 5.9.2009. The service was inspected by ADE/DPE HT-III/Hyd on 3.1.2011. He noticed that current in B phase was 0 in meter display and at TTB. The Appellant was availing 3 phase healthy supply. The Appellant claimed that the unit was issued a notice by the 1st Respondent ADE/OP/Gajwel dt.4.3.2011 to the effect that for the CTPT defective period, back billing was done from 4.9.2009 to 5.1.2011 and a demand notice for Rs 7,47,328/- was issued. The Respondents issued a low power surcharge amount for Rs 1,00,626/- also.

2. The Appellant claimed through a letter dt 12.3.2011 that the service meter was not defective during the relevant period from 4.9.2009 to 2.8.2010, requesting the Respondents for testing of the alleged defective meter at NAL laboratory, Bangalore and at the same time complaining that the Respondents are trying to disconnect the power supply without attending to the issue raised by the Appellant. The Appellant claimed that the meter was functioning well even during the back billing period and there were many inspections by the officials of the DISCOM, at least one each in a month and at no time the alleged defective functioning of meter/CTPT was pointed out by the inspecting officials. The Appellant sought a direction from the CGRF to hold that the meter was not defective during the period from 4.9.2009 to 5.1.2011 and set aside the notice dt.4.3.2011 issued by the 1st Respondent demanding payment of the back billing amount.

3. Before the CGRF, the Respondents represented that the service was inspected on 3.1.2011 at 3.20 PM by Sri. Someshwar Rao, ADE/DPE/HT-III/Hyderabad and he noticed the current in B Phase was 0 in meter display and at TTB(Terminal Testing Block), while the Appellant was availing 3 phase healthy supply. The Respondents claimed that the parameters measured at TTB revealed that the CTPT set was defective. The meter data was logged into CMRI for analysis. On verifying the consumer reading register, MRB of ADE/OP/Gajwel and the field book, the test report of ADE/HT Meters/Sangareddy, it was observed that B phase current was missing since 4.9.2009 i.e., at the time of release of the service connection itself. The Respondents therefore justified the back billing for the CTPT defective period.

They have claimed that the currents at the site were found healthy and whereas, there was missing current in B phase from CTPT. They claimed that the defective CTPT set was replaced by the ADE/M&P/Toopran on 5.1.2011. Thereafter, a short billing notice was issued for the period from 4.9.2009 to 5.1.2011 for Rs 8,47,954/- to the Appellant and the 1st Respondent thereafter addressed a letter dt.4.3.2011 to the Appellant for arranging payment for the CTPT/Meter defective period.

4. Before the CGRF, DE/M&P/Medak Circle and ADE/DPE/ submitted additionally as follows:

As per M&P test report dt.4.9.2009, the currents recorded/measured at the meter/TTB were as under;

Meter(display)	T.T.B
(With load)	
R 0.35A	ir=0.36A
Y 0.32A	iy= -
B 0.09A	ib=0.09A
	(2CTs-CTPT set)

5. As per the above mentioned data, in “B” phase, the current is missing and therefore, the CTPT set was declared as defective, but not the meter(make : Elster Rt, Sl.No.05011613) which recorded less energy in the present matter in dispute.

6. The Respondents asserted that the 3rd party testing of meter was not required since it was only the CTPT which was found defective.

7. The DE/M&P submitted a final report on 16.1.2015 with the following information:

The MRI data disclosed minute to minute information disclosing less consumption in B phase compared to R & Y phases with the following details:

At the time of Release			Meter		At the time of DPE Inspection	
	Meter	TTB	Meter	TTB	T/F LT Side	
R	0.35A	0.36A	66.04V 1.55A	114.7V/61.5V 1.51A	VL425V 424V 424	
Y	0.32A	—	66.51V 1.51A	114.2V/61.7V	Yph 244V 245V 245	

B	0.09A	0.09A	66.16V 0.07A	113.5V/61.0V 0.05A	IL 75.9A 77.2A 75.1
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8. The Respondents contended that in one phase from CTPT set, the current is missing to the meter due to the defective CTPT and not the meter and therefore, there is no need for calibration of the meter. They reported that the defective CTPT set was replaced after DPE inspection on 5.1.2011 while continuing the same meter as it was not defective. They claimed that metering on HT side means “meter and its associated equipment” i.e. CTPT which gives input voltages and currents (of R,Y and B Phases) to the meter and thereby the meter records the energy.

9. After hearing arguments and on consideration of the material on record, the CGRF came to the conclusion that the meter recorded less energy due to the defective CTPT and that the meter was certified as quite normal and that there was no need for getting the meter tested at NAL banglore and upheld the back billing for the shortfall amount due to defective CTPT limiting the period to 6 months as per Clause 7.1.5.4.4 of GTCS through the impugned orders.

10. There is a first round of litigation when the Appellant filed a complaint before the CGRF on the same subject and CGRF disposed of the complaint vide orders dt.20.5.2011, against which the Appellant preferred Appeal No. 42 of 2011 to the Vidyut Ombudsman and the Appeal was disposed of on 9.12.2011 upholding the orders of the CGRF. The Appellant then preferred WP.No. 3296 of 2012 on the file of the Hon’ble High Court against the orders dt.9.12.2011 of Vidyut Ombudsman and by orders dt.16.2.2012, the Hon’ble High Court set aside the order dt. 20.5.2011 of CGRF and order dt. 9.12.2011 of Vidyut Ombudsman and remitted the matter to the CGRF for disposal afresh, after giving notice to the parties. Thereafter, the CGRF by orders dt.21.5.2015 held that there was no need for testing of meter at NAL bangalore etc which is the present subject matter of Appeal. Further the Appellant preferred WP.No. 23777 of 2015 against the present impugned orders of CGRF and by orders dt.31.7.2015, the Hon’ble High Court, after finding that the Appellant was given proper notice for hearing, disposed of the writ petition giving liberty to the Appellant to prefer Appeal within a period of 30 days of receipt of copy of the order and that is how the present Appeal came to be preferred.

11. Aggrieved and not satisfied with the impugned orders, the Appellant

preferred the present Appeal.

12. Efforts made towards mediation failed to succeed, because of the nature of the stand of each party. Therefore, the matter is being disposed of on merits.

13. On the basis of the record, the following issues arise for determination.

- i. Whether there was defect in the meter and whether it was unjustly not sent for recalibration at NAL bangalore?
- ii. Whether there was less recording in the meter, because of the defective CTPT?
- iii. Whether the meter and CTPT are called apparatus and therefore, the meter ought to have been tested for the defect?
- iv. Whether the back billing for the period of 6 months upheld by the CGRF as per Clause 7.5.1.4.4 of GTCS is not correct?
- v. Whether the impugned orders are liable to be set aside?

#### **ISSUES 1 to 5**

14. The Appellant claimed that there used to be inspections regularly by the officials of the Respondents and one such inspection took place in the first week of December,2010 for issuing the bill for the month of November,2010. In the said bill, the status of the meter was shown as 'OK' and there was no adverse remark against it. The Appellant claims that because of this observation of OK against the meter, there was nothing adverse found against the service connection of the Appellant until November,2010. Only thereafter, another inspection was conducted by the officials of the Respondents and on 4.3.2011, the Appellant was issued a letter referring to the inspection on 3.1.2011 and stating that the meter was defective and it was not recording properly in B phase due to defective CTPT equipment and on the said allegation, back billing was resorted to by the 2nd Respondent for the period from 4.9.2009 to 5.1.2011 and a demand was issued for Rs 8,47,954/-. The Appellant claimed that there was no defect in the meter till the date of inspection in the month of November,2010 and therefore, questioned the back billing from 4.9.2009 to 5.1.2011.

15. The Appellant insisted that the Respondents claimed that the meter was defective and therefore, the meter has to be tested at NAL Bangalore to set at rest the controversy regarding the back billing.

**16. Whether the Respondents claimed that the meter was defective?**

The 1st Respondent addressed a letter dt.4.3.2011 to the Appellant relating to the inspection on 3.1.2011 using the following terms to convey the meaning of defective equipment, for short recording.

The 1st Respondent has used the term “defective metering, CTPT equipment and metering CTPT defective period.” The Appellant is contending, on the basis of the terms used by the 1st Respondent in his letter, that the meter was found defective and not CTPT as claimed by the Respondents.

The contents of the notice are reproduced hereunder for clarity:

“Please take notice that it is to inform you that, your electricity service, bearing SC NO. 460/LT,CAT3B M/s Subhash Rubber Core Unit, Banda Mailaram Village, Mulugu Mandal, Medak district was inspected by ADE, detection of pilferage energy, HT-3 Sub Division, Hyderabad on Date:3.1.2011 and found that the utilising current in B phase was not recorded in meter due to defective metering, CTPT equipment due to which the utilized energy was not recorded completely and not shown in the meter reading. The partial recorded energy units shown in the meter were billed monthly instead of utilized energy units, for which you are paying billed amount regularly.

Hence, back billing for the metering CTPT defective period is calculated basing recorded energy units shown in meter by other healthy phase currents through metering CTPT equipment -----”

17. What is the meter and CTPT? The term is defined in Clause 2.2.37 of GTCS in the following words:

“meter” means an equipment used for measuring electrical quantities like energy in kWh, Maximum Demand in kW or kVA, reactive energy in kVAR hours etc. including accessories like Current Transformers (CT) and Potential Transformers (PT) where used in conjunction with such Meter

and any enclosure used for housing or fixing such Meter or its accessories and any devices like switches or MCB or fuses used for protection and testing purposes.”

18. From the definition given in GTCS, it is clear that meter means the equipment used for measuring energy etc including accessories like Current Transformers (CT) and Potential Transformers(PT) used in conjunction with the meter etc. That is why, the 1st Respondent in his letter dt.4.3.2011 used the word defective metering, CTPT equipment and at another place, he used the term back billing for the metering CTPT defective period. He was using the word meter in conjunction with CTPT and not in isolation. The Appellant is relying on this letter to say that the meter was defective and therefore, it should have been sent for recalibration/testing.

19. The Respondents claimed that the isolated energy meter apart from the metering setup is not defective and that the CTPT set up is defective. The CTPT set is one of the accessory of the metering setup , which in this case is not inducing the secondary current to the Meter in B-phase. The meter records whatever the inputs given to it. Here the B phase current value induced and supplied is zero, in spite of having healthy values corresponding to the load of the Appellant. This means that the Appellant has been availing the 3 Phases healthy supply, but recording in the Meter is zero in “B’ phase. This can be concluded by seeing the values of the meter and corresponding values at the LT side of transformer shown below:

Meter		LT side of Transformer	
$I_{R \text{ Phase}}$	1.55Amps	$I_{R \text{ Phase}}$	75.9Amps
$I_{Y \text{ Phase}}$	1.51Amps	$I_{Y \text{ Phase}}$	77.2Amps
$I_{B \text{ Phase}}$	0.07Amps	$I_{B \text{ Phase}}$	75.1Amps

The “B” phase current value is 0.07A, where the actual usage at Low voltage side of DTR is 75.1Amps.

20. The DE/Electrical/M&P/Medak/TSSPDCL submitted a report dt.2.3.2016 explaining what is current transformer(CT), a potential transformer(PT) etc in the following words:

**A Current Transformer (CT)** is an electric device that produces a current in its secondary which is proportional to the current in its primary. When a current is too high to measure directly or the voltage of the circuit is too high i.e., 11 KV and above, a current transformer is used to provide an isolated lower current in its secondary which is proportional to the current in the primary circuit. The induced secondary current is then suitable for measuring instruments or processing in electronic equipment.

**A potential transformer (PT)** is used for stepping down the High System Voltage i.e., 11KV,33KV etc., to a safe value i.e., 110V which can be fed to low voltage ratings meters.

**And HT Trivector Meter** is a measuring instrument which measures the powers kW,kVA, kVA and the energies kWh, kVAh, kVAh of a power line. The output of 3 Nos. CTs(R Phase, Y phase and B-Phase) and 3 Nos. PTs (R-Phase, Y-Phase and B-Phase) are the input to HT Trivector Meter and the meter measures power or energy based on the values of these 6(six) inputs.

21. Regarding the inspection of the meter and CTPT equipment and finding of defective CTPT, the inspection report of Sri. T. Someshwar Rao, ADE/DPE/HT-III/Hyd dt.9.2.2011 discloses the particulars relating to the defect in the CTPT in the following manner at paras VII and VIII:

**Para VII:**

The current in B-Phase was zero in meter display and at TTB(Terminal Testing Box). Consumer was availing 3 phase healthy supply. The parameters measured at TTB are as follows.

METER			Meter Reading	TTB(Terminal Testing Block)						Transformer LT Side			
Ph1	66.04V	L1	1.55A	V <sub>RY</sub>	114.7v	V <sub>RN</sub>	61.5v	I <sub>R</sub>	1.51A	V <sub>L</sub>	425v	424v	424v
Ph2	66.51V	L2	1.51A	V <sub>YB</sub>	114.2v	V <sub>YN</sub>	61.7v	I <sub>Y</sub>	-A	V <sub>PH</sub>	244v	245v	245v

Ph3	66.16V	L3	0.07A	V <sub>BR</sub>	113.5v	V <sub>BN</sub>	61.0v	I <sub>B</sub>	0.05A	I <sub>L</sub>	75.9A	77.2A	75.1A
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The parameters measured at TTB construe that the CTPT set was defective. Meter data was logged in to CMRI for analysis. On verifying of consumer reading register, MRB of ADE/OP/Gajwel and field book and test report of ADE/HT meters/Sangareddy, it is observed that the B phase current is missing since 4.9.2009 i.e from the time of release of the service. Hence the back billing is proposed for CTPT set defective period.

**Para VIII:**

**Action taken to preserve the evidence and defects rectified if any:**

The defective CTPT set was replaced by ADE/M&P/Toopran on 5.1.2011 with final readings as KWH: 94127.6 KVAH: 110530.2, KVARHG:35311 and KVA:26.2 with MF2 for all.

22. The above details clearly show that the defect was not with the meter, but with the CTPT equipment **which was not inducing the secondary current in the meter in B Phase as shown in the table.** It is also clear that the meter records whatever the input is given to it and in the present case, B-Phase current value induced and supplied is 0 in spite of having healthy values corresponding to the load of the Appellant. It means that the Appellant was having 3 phases healthy supply, but the recording of the meter was 0 in B phase. The above table shows that the B phase current value is 0.07A while the actual usage at low voltage side of DTR is 75.1Amps. From the aforementioned discussion it is clear that the defect was in the CTPT and not in the meter and the Respondents were justified in replacing the CTPT and in not sending the meter for testing or recalibrating at NAL, Bangalore.

23. After the CTPT was replaced on 5.1.2011, the consumption of energy is being recorded commensurating with the Appellant's load and there is no complaint on this aspect from the Appellant. This circumstance also supports the claim of the Respondents that the defective CTPT was replaced by a regular one and there was no defect in the meter.

24. The Appellant, while relying on para 14 in a decision rendered in Tata Hydro Electric Power Supply Co.Ltd and others Vs Union of India(2003(4)SCC172) wherein the Hon'ble Supreme Court noted down the arguments on both sides, one side regarding the fact that CT is an "apparatus" and on the other side, CT is not such an apparatus and therefore, any defect in CT will not amount to a defect in the meter.

The cited decision is of no help to the Appellant when we see the definition in the Clause 2.2.37 of GTCS reproduced in para 17 supra which is sufficient for the present purpose to hold that meter including accessories like CT and PT are used in conjunction along with any enclosure used or accessories or devices etc.

25. The meter and CTPT are separate instruments and if there is any defect either in the meter or in the CTPT, then that defective part should be tested. In the present case, there was no defect in the meter and when there is defect in the CTPT, it should be replaced. Therefore, in the present case, the defect was found only in the CTPT as noted in para 19 supra, the meter was recording less power though the consumption was normal as in the R & Y phases. When the defect was found in CTPT, it was immediately tested and replaced by a regular one.

26. The next question that arise for determination is the back billing for a period of 6 months ordered by CGRF reducing the back billing period from 4.9.2009 to 5.1.2011(more than 15 months). The back billing started from the date of inspection on 3.1.2011. By that date prior to amendment dt.31.5.2014 was as follows:

“ The assessment shall be made for the entire period during which the status of defective meter can be clearly established subject to a maximum period of 3 months prior to the date of inspection in the case of Domestic and Agriculture and 6 months in the case of other categories.”

27. When Clause 7.5.1.4.4 permits back billing upto 6 months only, there is no justification for the Respondents to resort to back billing for more than 15 months. The CGRF has through the impugned orders has correctly applied the Clause regarding back billing which is in accordance with the provisions of GTCS.

28. In view of the aforementioned discussion, the issues 1 to 4 are answered accordingly.

29. In view of the findings of issues 1 to 4, the impugned orders are confirmed and the issue No.5 is answered accordingly.

30. In the result, the Appeal is disposed of holding that:

- a. **there was no defect in the meter and therefore, it was rightly not sent for testing at NAL, Bangalore.**

- b. there was less recording in the meter because of the defective CTPT which was rightly replaced.
- c. because the meter and CTPT are called apparatus, when there was defect only in CTPT, there is no need for sending the meter for testing.
- d. the back billing for the period of 6 months as per un amended Clause 7.5.1.4.4 of GTCS is correct.
- e. the impugned orders are confirmed.

31. This award shall be implemented within 15 days of its receipt at the risk of penalties as indicated in clauses 3.38, 3.39, and 3.42 of the Regulation No. 3/2015 of TSERC.

Typed by CCO, Corrected, Signed and Pronounced by me on this the 1st day of April, 2016.

Sd/-

**VIDYUT OMBUDSMAN**

1. M/s Subash Rubber Core Unit , Banda mailaram Village, Mulugu Mandal Medak Dist. Cell No- 9392463777.
2. The ADE/OP/Gajwel/TSSPDCL/Medak Dist.
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7. The SE/P/ Medak circle/TSSPDCL at Sanga reddy.
8. The SE/O&M/ Corporate Office/ TSSPDCL/Hyderabad.

**Copy to:**

9. The Chairperson, CGRF -1, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda,

Hyderabad.

10. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.