

**ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
PLOT NO.-4, CHUNUKOLI, SHAILASHREE VIHAR
BHUBANESWAR - 751 021**

Present: **Shri U. N. Behera, Chairperson**
 Shri S. K. Parhi, Member
 Shri G. Mohapatra, Member

Case No. 59/2019

M/s. Vijay Gas	Petitioner
Vrs.		
The E. E (Elect.), KED, Khordha, CESU & another	Respondents

In the matter of: **Application under Section 142 of the Electricity Act, 2003 for non-implementation of order dated 30.08.2018 of the GRF, Khordha, CESU passed in C.C. Case No. 584 of 2018.**

For Petitioner: Shri A. K. Sahani, the authorised representative

For Respondent: Shri Manoj Kumar Das, E.E (Elect.), KED, Khordha

ORDER

Date of hearing: 04.08.2020

Date of order: 27.10.2020

The petitioner, a large industrial consumer having CD of 240 KVA draws power at 11 KV. It had applied for reduction of load from 333.33 KVA to 240 KVA on 28.02.2014. Accordingly, the load reduction was approved w.e.f. 01.07.2014 from 333.33 KVA to 240 KVA. The petitioner had executed a fresh agreement on load of 240 KVA on 25.07.2014. Subsequently, it had approached GRF, Khurda with following prayers:

- a. Revise the bill for the month of March, 2013 as per Regulation 90 of OERC Supply Code, 2004.
 - b. Revise the bill as per the Load Factor as mandated in the different tariff orders.
 - c. ToD benefit should be extended basing on the meter reading and when meter is not in working condition, to be revised on average basis after installation of meter as per Regulation 97 of OERC Supply Code, 2004.
 - d. New meter to be installed immediately, as meter has not been installed.
2. The GRF, Khurda in their order dated 30.08.2018 in C.C. No. 584 of 2018 has directed as follows:

- a. *The OPs are directed to revise the past OK meter billing period extending ToD facilities as per the available Dump data and, if not, as per the new meter to be installed.*
 - b. *To install a new meter with ToD facility and to revise the load factor bills as per the new meter consumption pattern as per Regulation 97 of OERC Supply Code, 2004.*
3. In its reply, the respondent Divisional Manager, FEDCO, KED, Khurda has stated that Joint MRT team verified the unit on dated 30.08.2017 and declared the metering unit as defective. Since no new 11 KV metering unit was available with the then CESU, the petitioner was requested to install a new metering unit at his own cost. Accordingly, a new metering unit was installed on 13.12.2018 in the presence of consumer representative. As per order of GRF, Khurda in C.C. No. 584 of 2018, the franchisee M/s. FEDCO revised the energy bill from August, 2017 to December, 2018 and ToD benefit was extended from 03/2013 to 07/2017. The revision of the bill was made as per the order of GRF, Khurda and OERC Regulation, 2004 and an amount of Rs.29,80,428.35 has been deducted from the consumer account on 09/2019. The ToD benefit has also been extended as per the availability of Dump report and an amount of Rs.21,870/- has been deducted from the consumer account. The energy charge bill from the month of July, 2014 has already been revised as per the reduced contract demand of 240 KVA instead of 333.33 KVA.
4. Another respondent Executive Engineer, KED, Khurda, CESU also concurred with the submission of FEDCO.
5. In its rejoinder, the representative of the petitioner has stated that as per different tariff orders, no average bill/load factor bill can continue for more than one billing cycle. The plea taken by the respondent that the metering unit was not available is not an excuse. He has further stated that revision of bill for 17 months is illegal. Had the meter been tested periodically every year, the dispute regarding defectiveness of the meter would have not arisen. The revision of the bill is not as per Regulation, 97 of OERC Supply Code, 2004 as exact date of defectiveness i.e. 30.08.2017 is already determined. As per Supply Code, 2004 load factor bills should be revised for maximum period of six months only.
6. Heard the parties at length. The main objection of the Petitioner is that his bill has not been revised properly as per Regulation 97 of OERC Supply Code, 2004. The meter was declared defective on 30.08.2017 and new meter was installed on 13.12.2018 as per the submission of the Petitioner and Respondent. The GRF has directed as follows:
 - a. *The OPs are directed to revise the past OK meter billing period extending ToD facilities as per the available Dump data and, if not, as per the new meter to be installed.*

b. *To install a new meter with ToD facility and to revise the load factor bills as per the new meter consumption pattern as per Regulation 97 of OERC Supply Code, 2004.*

7. Regulation 97 is quoted here for convenience.

“97. XXXXXXXX It shall be presumed that use of electricity through defective meter was continuing for a period of three months immediately preceding the date of inspection in case of Domestic and Agricultural consumers and for a period of six months immediately preceding the date of inspection for all the categories of consumers, unless the onus is rebutted by the person, occupier or possessor of such premises or place.”

The above Regulation provides for methodology of billing when meter is under defective condition. In the instant case long 17 months have elapsed between detection of defective meter and installation of new meter due to whatsoever reason. The Regulation provides that when exact date of meter going defective is not ascertained then it will be presumed that the meter is continuing to be defective for a period of six months preceding the date of detection of defectiveness. In the present case there is no question of presumption of defective period as per the Regulation. It is settled that the meter remained defective between 30.08.2017 to 13.12.2018 in the present case. Therefore, as per the direction of GRF the Opposite Party has revised the defective period bill basing on the average meter reading after the new meter is installed. The ToD benefit has also been extended as per the dump data available to CESU. Therefore, both the directions of GRF have been complied.

8. Accordingly, the case is disposed of.

Sd/-

(G. Mohapatra)
Member

Sd/-

(S. K. Parhi)
Member

Sd/-

(U. N. Behera)
Chairperson