



## HIMACHAL PRADESH ELECTRICITY OMBUDSMAN

SHARMA SADAN, BEHIND KEONTHAL COMPLEX, KHALINI, SHIMLA-171002.

Case No. 42/ 2017

**In the matter of:**

M/s Chandel Flour Mills, Village and Post Office Jhabola, Distt. Bilaspur (HP)-174030,  
through its authorised Counsel Sh. Ajay Vaidya.

Applicant/Representationist

Versus

1. The Executive Director (Personnel), HPSEB Ltd., Vidyut Bhawan, Shimla-171004
2. The Asstt.Executive Engineer,ESD,HPSEBL, Talai, Tehsil Jhanduta, Distt. Bilaspur (HP).

.....Respondents/Applicants

**And**

**In the matter of:**

Representation under Regulation 28 read with Regulation 32 of HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations,2013, against the order dated 03.06.2017 passed by the FRGC, Shimla, in Complaint No. 2225/3/16/027 titled as M/s Chandel Flour Mills, Village and Post Office Jhabola, Distt. Bilaspur (HP)-174030, through its authorised Counsel Sh. Ajay Vaidya.Versus HPSEB Ltd. and others.

**23.02.2018**

**Present for:**

**Applicant** : Sh. Ajay Vaidya, Counsel

**Respondents** : Sh. Bhagwan Chand, Counsel

Sh. Rajesh Kharyal, AE ESD,HPSEBL, Talai,distt.Bilaspur (HP).

### ORDER

**(Last Heard on 23.02.2018)**

Heard. Taking into consideration, the arguments exchanged by representatives of both the parties during the course of hearing and the Application/Petition and Additional submission in support of Review petition/application filed by the Applicant/Respondent Board on 02.07.2017 in context of the Order dated 03.06.2017 passed by the FRGC, Shimla, in Complaint No. 2225/3/16/027 titled as M/s Chandel Flour Mills, Village and Post Office Jhabola, Distt. Bilaspur (HP)-174030, through its authorised Counsel Sh. Ajay Vaidya.Versus HPSEB Ltd. and others.

**Complainant's Contention:**

From the month of April, 2013 to October, 2014 the complainant received bills in which the Multiply Factor (MF) has been charged @ 100 in contravention of the Sales Manual and regulations as framed from time to time. It is submitted that from the month of November, 2014 this MF has been charged is MF @ 10. The complainant then filed one application under RTI Act and according to RTI the MF is 1 and in accordance with law applicable the Respondent Board was under mandatory obligation to charge MF @ 1 from the energy bills of the complainant but instead the complainant had paid MF @ 100 and @ 10 which is illegal collection by the Respondent Board and the Respondent Board is required to immediately refund this illegal collection along with interest @18% to the complainant. The complainant immediately brought to the notice of the officials of the Board all these issues that the amount which has been collected/charged is illegal and required to be refunded to the complainant. The action of the Respondent Board for not settling this issue of MF and charging the MF @ 100 and @ 10 is wrong, illegal and arbitrary and liable to be set aside.

That all the previous payments pertaining to the electricity bills have been made by the complainant as and when the bills were received. There has not been a single default in the payment of monthly electricity bills for the previous months. The non-professional attitude is causing mental stress, harassment, pressure and financial hardship to the complainant. That the amount of Rs. 17,58,543/- is the amount which has been charged on account of MF factor and is required to be refunded to the complainant along with interest.

**Respondents Contention:**

Initially electrical meter was released and installed in the premises of complainant as a/c No. JAI-II-178 with a sanction load of 17.904. The complainant is running flour mill with five separate machines (atta Chakki). He has requested the Respondent for increase of the sanction load and installation of private transformer. Accordingly, the complainant was allowed to install private transformer with sanction load 97.450 kW. The PDCO of a/c No. JAI-II-178 was issued on 17.7.2013 and on the same date the SCO was released with a change of a/c No. JAI-5(P)-1 with sanction load 97.450 kW. The above meter was twice changed vide MCO dated 22.11.2013 & 1.1.2015 on the request of complainant. It is relevant to submit here that before issuing the PDCO dated 17.7.2013

& SCO 17.7.2013 the report from the M&T Sub-Division, HPSEBL, Bilaspur Qua A.C. No. vide JAI-11-178 was received and as per said report in March, 2013 and as per said report the multiply factor required to be @100 qua the above said meter connection of complainant.

The applicant is in habit of filing complaints and cases in different court and forum. He has filed one civil suit No.120/2015 against the HPSEBL before the Ld. Judicial Magistrate 1<sup>st</sup> Class Court No.2, Ghumarwin, Consumer Complaint No. 110/15 and consumer complaint No. 113/15 before the Ld. Consumer disputes redressed Forum Bilaspur Circuit at Ghumarwin qua the energy bill/recovery etc. of electrical meter A.C. No. JAI-V-(P-1). As such, the complaint under reply is misconceived and does not stand in scrutiny of law and deserve to be dismissed. It is denied that the complainant has made all the payments timely without any delay. It is further denied that all payments due have been clear. It is submitted that the complainant is in arrear of electricity bill/charges since August, 2013 and the same had accumulated to the tune of Rs. 8,48,725/-. Not only this, he also failed to deposit the current electricity charges. The complaint is habitual defaulter to the replying respondent. The replying respondent reserve their right to sue the complainant regarding arrear of recovery of electricity charges in accordance with law, rules, regulation and electricity manual.

It is submitted that initially the meter was installed with Sr. No. 12492439 L&T make 3 Phase ratio 50/5 Amp. On 11 kV supply. The meter got checked from Assistant Engineer (M&T) Bilaspur. At site and over all MF worked out by M&T team was 100 and the same was implemented for the calculation of energy consumption bill. During 11/2013 meter was replaced vide MCO No. 152 dated 22.11.2013 and new meter bearing Sr.No.01026431 make L&T Amp.-/5 Amp. And PT11000/110 volts. CT/PT unit remains the same having capacity CT 50/5 amp and PT11000/110 volts accordingly MF calculation is as under:-

Line CT/PT ration 50	11000	<u>50/5 Amp. x11000/110</u>
Meter CT/PT ratio 5	110=10	5/5 Amox11000/110
5/5 Amp	11000	
	110	

Hence after changing the meter the overall MF worked out is @10 and accordingly the energy consumption bill was raised. There is no in applying the M.F. in the case of complainant as alleged. The MF 100 is required to applied against the a/c (JSI-178) old and new (JAI-V-(P)1) as per Electricity Act, Rules, Regulation & Sale Manual. The same has also been certified by the M&T Lab Sub-Divison, HPSEBL, Bilaspur. It is

submitted that as per RTI demanded by sh. Yash Pal Chandel S/O Kuldeep Singh Chandel, VPO Jhabola, Tehsil Jhanduta, District Bilaspur from AE works office of Deputy Chief Engineer Circle, HPSEBL, Bilaspur formula for calculation of MF is right where the capacity of CT/PT unit and meter current and voltage remain is same. Where the ratio of CT/PT unit and meter installed is in the above said case current and voltage ratio is different, therefore over all MF will change Meter No. 1. 12492439-Make L&T-Ct 50/5 Amp-PT 3x63.5 v-Overall MF 100. Meter No.2. 010226431- Make L&T-CT-5/a Amp-PT 11000/110v-overall 10.

Hence the complainant is not entitled any refund as correct MF was applied in the case in hand. It is wrong to allege that the MF @100 is illegal rather the same is in the accordance with law. The MF @10 & @ 100 are due to sanctioned load and as per formula mentioned above. It is wrong to allege that the complainant brought anything to the notice of the reply respondent regarding MF. It is further denied that the complainant has visited the office of the replying respondent. The complainant is required to put strict proof that on which date and when he has visited in the replying respondent. Since the correct MF has been applied for the calculation of energy consumption hence the complaint is deserves to be dismissed. There is no dispute regarding applying of MF hence there is no dispute but to talk of settling the Depute/case. The applicant is in arrear of electricity charges since August, 2013. The arrear of electricity bill/charges is accumulated Rs.8,48,728/-. The complainant has also failed to depositing the current electricity charges. The replying respondents reserve their right to recover the electricity charges in accordance with law, rules, regulation & electricity Act. Needless to state here that all electricity bill issued to complainant as per actual consumption of the electricity consumed by the complainant. It is submitted that since the energy bill was issued as per the tariff and M.F. and there no ambiguity in it. Therefore for the complainant is not entitled any type of refund as alleged and complaint deserve to be dismissed. The complainant is not entitled for any relief and there is no merit in the complaint and deserve to be dismissed.

#### **Forum's Observations:**

We have heard the arguments of both the parties and have gone through their claims and counter claims vis-à-vis copies of various details and documents filed with the complaint, reply thereafter. Thus the Forum observes as under:-

We have gone through all the records deeply and have listened to the arguments of both parties very carefully. We find that this dispute is clearly for deciding the Multiplying Factor (MF) to be applied in the bills of the complainants. Thereafter the PDCO of this

connection issued on 17.7.2013 alongwith SCO for 97.45 kW load on the request of the complainant. The complainant has submitted that the respondents have intimated M.F. as 1 (One) in the RTI information and have used the M.F. of 100 and 10 in the energy bills.

We have gone through the RTI reply dated 09.12.2015 by the respondents and find that the respondents have simply clarified as to how the M.F. is calculated. The respondents have not mentioned the M.F. of 1 (One) in respect of the energy meters of the complainant.

We also found that initially the energy meter with Sr. No.12492439 was installed which has rating of 50/5 Amp and 110 Volts. The line CT units has rating of 50 Amp and the PT unit has rating of 11000/110 Volts. From this, we find that the M.F. of 100 used by the respondents is correct. The other energy meter with Sr.No. 01026431 is of rating 5 A and 11000/110 Volts. The line of CT is of 50/5 Amp rating and the line PT is of 11000/110 Volts. In this case also, we find that the M.F. of 10 used by the respondents is correct.

From the above discussion and observation. We are of the opinion that the multiplying factors used by the respondents are correct and the contention of the complainant is not correct. We direct as under:-

- i) The multiplying factors used by the respondents are held correct.
- ii) The complaint is dismissed.

**Electricity Ombudsman findings and Order:**

In view of the above facts, contentions of the parties and examining the documents like replies/rejoinders and written arguments, it is observed that the MF 100 used by the respondent is correct pertaining to the energy meter installed initially. Further, the MF of 10 calculated in the 2<sup>nd</sup> instance is also correct. The calculations of MF of above two meters also stands vetted by the Meter Manufacturing Company and M&T wing of HPSEBL. The plea of the complainant that in the RTI replied dated 9/12/2015 by the respondents which shows MF 1 is not concerning with the meters pertaining to the complainant being discussed here. The RTI reply has simply clarified that how the MF is calculated which has no bearing on the MF worked out for two energy meters of the complainant installed at different point of line at his premises. Accordingly, no amount becomes refundable on account of wrong MF of these two energy meters belonging to complainant's electric connection.

Dated: 08.03.2018

**Electricity Ombudsman**