

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Present:

1. Shri J.L. Bajaj, Chairman
2. Shri S.C. Dhingra, Member
3. Shri Arun Sarkar, Member

In the matter of:

Revised electricity bills for peak hour violation on the basis of MRI.

And

In the matter of:

M/s Agarwal Refinery, Panki, Kanpur

---Petitioner

And

Kanpur Electricity Supply Company, Kanpur

---Respondents

Date: 13th February, 2003

ORDER

M/s Agarwal Refinery, Panki, Kanpur Vs Kanpur Electricity Supply Company, Kanpur (KESCO)

M/s Agarwal Refinery, Kanpur (Petitioner) filed a petition against the electricity bills revised by the Kanpur Electricity Supply Company (Respondent) on the basis of data downloaded from the petitioner's meter with the help of meter reading instrument (MRI).

1. The petitioner is a HV-2 category electricity consumer with a contracted demand of 18 KVA and has opted for non-continuous electricity tariff schedule. UPPCL, the respondents in May 2002, replaced the burnt meter of the petitioner and raised a bill of Rs.15,000/= for the cost of the meter. The petitioner filed case No.902/2000 in the court of Civil Judge Junior. Division, Kanpur which is under process. On 6th February 2002, the respondents again replaced the meter of the petitioner with an electronic meter. In May and June, 2002, the respondents sent revised electricity bills to the petitioner for the months of February & March 2002 and of April & May 2002 respectively. The bills were revised by the respondents due to peak hour violation recorded in the MRI reports of the petitioner's meter. The petitioner disputed the bills and filed case No.680 of 2002 in the court of Civil Judge (C.D.) Kanpur. However, in the rejoinder affidavit the petitioner has informed the Commission that he has withdrawn case No. 680 of 2002. Case No. 902/2000 regarding cost of the replaced meter is pending and relates to a separate matter not connected with the issues raised in this petition.
2. In June 2002, the petitioner applied that he may be placed in the category of continuous industries, which was permitted by the respondents. However, the petitioner defaulted in the payment of electricity bills from

May 2002. As a result, the respondents temporarily disconnected electricity supply to the petitioner on 31st August 2002. The petitioner vide letter dated 23rd October 2002 requested for permanent disconnection of the supply. The respondents accepted the request and disconnected the supply permanently. The respondents served a bill on the petitioner for the amount payable by the petitioner on account of electricity consumption, late payment surcharge and permanent disconnection charges (excluding the amount payable due on account of peak hour violation) on 18th December 2002. The petitioner has paid this bill.

3. The only issue to be decided in the petition is validity of the bills issued by the respondents in May & June 2002 for the alleged peak hour violations recorded in the MRI reports for the months of February, March, April and May 2002. The main grounds of the petitioner's appeal are: -
 - (a) The petitioner is not aware when the MRI readings were taken in his factory.
 - (b) The MRI reports were not made available to the petitioner.
 - (c) The meter can store data for 30 days only. While, the bills were revised after a lapse of the three months. Therefore, there is a possibility that the data regarding peak hour violations may have been manipulated while downloading from the meter.
 - (d) The process of MRI reading was not transparent.

On the above grounds, the petitioner has prayed that KESCO be directed by the Commission to cancel the above referred bills of peak hour violations.

4. The respondents have contested that MRI readings were not taken in the presence of a representative of the petitioner on 28th March 2002 and on 28th May 2002. The respondents have submitted photocopies of the sealing certificates dated 28th March 2002 and 28th May 2002. Sri. S.K Bajpai has signed both the sealing certificates on behalf of the petitioner. It

has been mentioned on the sealing certificates that seals of the meters were removed to take MRI of the meter. This document has not been contested by the petitioner.

5. The respondents have submitted that MRI is an instrument, which downloads the data from the meters installed in the premises of the consumers. The MRI used by the respondents has provision to store data of about 100 consumers. After downloading the data from the meters of the consumers, the reports of individual consumers are printed on computer. Therefore, it is not feasible to give MRI prints/reports to the consumer at his premises unless a printer is attached to MRI. MRI printouts were shown to the petitioner but the petitioner did not request for a copy of the printouts and therefore no copy of the reports was given to him. When the petitioner demanded the reports in the counter affidavit dated 30th November 2002, they were sent to the petitioner vide letter No. 1790 dated 18th December 2002.
6. The respondents have intimated that there are about 500 bulk consumers in KESCO. Therefore, the procedure of preparing bills on the basis of MRI readings takes time. KESCO is making attempts to reduce the time period. The first bill was issued to the petitioner on 8th May 2002 on the basis of MRI reading taken on 28th March 2002 while the next bill on the basis of MRI reading taken on 28th May 2002 was issued on the 15th June 2002 (after eighteen days). There was no deliberate attempt on the part of the respondents to delay the issue of peak hour violation bills to the petitioner and efforts are being made to reduce the period between the reading date of the meter and the supply of the bills to all the consumers.
7. The petitioner has submitted that MRI printouts were not shown to the petitioner and the MRI printouts now made available by the respondents may have manipulated by KESCO. The delay in sending the MRI printouts

creates doubt about the intentions of the Licensee and KESCO has undertaken the whole exercise to harass him.

8. It is important to look at the whole process of preparation of bill on the basis of MRI readings. The monthly energy consumption bill of a consumer is prepared by KESCO, on the basis of reading of the meter taken manually by the representative of KESCO. The meter has a provision to store data for the previous 30 days. Later, another representative of KESCO visits the consumer premises and transfers the data from the memory of the meter to the MRI. The data from the MRI is transferred to the computer located at a central place. The computer generates MRI reports with the help of the pre-loaded software supplied by the meter manufacturer. The MRI reports are analysed by KESCO and if peak hour violation is detected penalty bill is served on such consumers.
9. There is no possibility of manipulation of MRI reports as human intervention is limited to the operation of MRI and taking printouts on the computer. Therefore, the argument of the petitioner that the respondents manipulated the MRI printouts of the petitioner does not hold ground. The peak hour violation bills for the month of April & May 2002 were served on the petitioner after a lapse of only eighteen days from the date of MRI reading. Therefore, the argument of the petitioner that bills were deliberately delayed to harass the petitioner is also not valid.
10. The submission of the petitioner that the meter can store data for only 30 days is correct but if data from the meter is transferred to some other storage device (such as a computer) it can be stored permanently. However, this is not being done by KESCO. But this does not imply that if bills were not delivered to the petitioner within 30 days of the MRI reading the bills were fabricated.

The sealing certificates were duly signed by the representative of the petitioner and is an acknowledgement that the reading was taken in the presence of the petitioner's representative. There is no evidence that the delay in the supply of bills was deliberate or that there was any malpractice in the preparation of the bills relating to peak hour violations. Therefore, the appeal is dismissed and the petitioner should make the payment of the penalty amount within two weeks of the issue of this order.

(Arun Sarkar)
Member

(S.C Dhingra)
Member

(J.L Bajaj)
Chairman

Lucknow
13th February, 2003