

TAMIL NADU ELECTRICITY REGULATORY COMMISSION
(Constituted under section 82 (1) of the Electricity Act, 2003)
(Central Act 36 of 2003)

PRESENT:-

Thiru S.Akshayakumar **Chairman**

and

Thiru.G.Rajagopal **Member**

M.P.No.34 of 2014

Tamil Nadu Generation and Distribution Corporation Limited
Represented by the Chief Engineer / Commercial
No.144, Anna Salai
Chennai – 600 002.

... Petitioner
(Thiru P.Gunaraj
Standing Counsel for TANGEDCO)

Vs.

1. Tamil Nadu Spinning Mills Association,
No.2, Karur Road, Near Beschi College,
Modern Nagar,
Dindigul-624 001.
2. M/s. Simpson & Co. Limited, HTSC.No.2009.
No.851/862, Annasalai, Chennai - 600 002.
3. M/s.Arun Vyapar Udyog (P) Ltd.,HT SC No.1586.
C 804 Shivalaya Building,
Ethiraj Salai, Chennai - 600 008.
4. M/s.Arun Smelters (P) Ltd., H.T.SC.No.1616.
C 804 Shivalaya Building,
Ethiraj Salai, Chennai - 600 008.
5. M/s.Arun Vyapar Udyog(P) Ltd., H.T.SC.No.1519.
C 801, Shivalaya Building,
Ethiraj Salai, Chennai - 600 008.
6. M/s.Thangam Steel Ltd., H.T.No.1577.
C 36 2nd Avenue, 3rd Floor,
Anna Nagar, Chennai - 600 040.

7. M/s.Vaibhav Mercantile Ltd., H.T.No.1648.
No.C 36 II Avenue, Anna Nagar, Chennai - 40.
8. M/s.Shardow India Ltd., H.T.No.1084
Huzur Gardens, Sembium, Chennai - 11.
9. M/s.Simpson & Limited, H.T.No.1074.
No, 861/862 Anna Salai, Chennai - 600 002.
10. M/s.T.I.D.C INDIA, H.T.Sc.No.1110.
A UNIT OF TUBE INVESTMENTS OF INDIA LIMITED,
Post Box No.11, Ambattur, C.T.H Road, Chennai - 600 053.
11. M/s.KAMAKSHI LAMIPACK PRIVATE LIMITED, H.T.SC.No.1675.
No.68(40), 2nd Main Road,
Ambattur Industrial Estate, Chennai - 600 058.
12. M/s.CHENNAI HEAT TREATERS PRIVATE LIMITED, H.T.Sc.No.1738.
No.SP 158, III Main Road,
Ambattur Industrial Estate, Chennai - 600 058.
13. M/s.RANE BRAKE LININGS LIMITED, H.T.SC.No.1157.
Maithri No.132, Cathedral Road,
Chennai - 600 086.
14. M/s.BRAKES INDIA LIMITED, H.T.SC.No.1113.
M.T.H Road, Padi, Chennai - 600 050.
15. M/s.SUNDARAM FASTENERS Ltd., H.T.SC.No.1150.
98A, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
16. M/s.WABCO INDIA Ltd., H.T.Sc.No.1717.
Plot No.3 (S.P) 3rd Main Road,
Ambattur Industrial Estate,
Chennai - 600 058.
17. M/s.SUNDARAM CLAYTON Ltd., H.T.Sc.No.1109.
Jayalakshmi Estates, No.29, Haddows Road,
Chennai - 600 006.
18. M/s.SUNDARAM CLAYTON Ltd., H.T.SC.No.1514.
Jayalakshmi Estates,
No. 29, Haddows road, Chennai - 600 006.
19. M/s.TUBE PRODUCTS OF INDIA, H.T.Sc.No.1050.
Unit of Tube Investment of India Limited,
Post Bag No.4, Avadi, Chennai - 600 054.

20. M/s.BEST CAST IT Ltd., H.T.SC.No.1603.
No.16, Poonamallee High Road,
Velappanchavadi, Chennai - 600 077.
21. M/s.SUNDARAM FASTENERS Ltd., H.T.Sc.No.1739
98-A, Dr.Radhakrishnan Salai
Mylapore
Chennai – 600 004.
22. M/s.SUNDARAM FASTENERS Ltd., H.T.Sc.No.1496
98-A, Dr.Radhakrishnan Salai
Mylapore, Chennai – 600 004.
23. M/s. LUCAS TVS Ltd., H.T.SC. No.1102
M.T.H Road, Padi, Chennai - 600 050.
24. M/s. Sundaram Clayton Limited, H.T.SC.No.903
B, 14 Sipcot Industrial Estate, Oragadam.
25. M/s. IP rings Ltd, H.T.SC.No.158
D11/12, Industrial Estate, Maraimalai nagar - 603 209.
26. M/s. India Pistons Ltd., H.T.SC.No.305
Plot No. 1 to 4 & 13 to 16, Sengundram Industrial Area,
Melrosapuram, Singaperumal Koil Post,
KanCheepuram District - 603 204.
27. M/s.Sundaram Auto Components LTD., H.T.SC.No.668
Plot.No.B-11, Sipcot Indl. Park, Oragadam, Sriperumbudur Taluk,
Kancheepuram District.
28. M/s. IP Pins Liners Ltd, H.T.SC.No.121
A-1-C, Industrial Estate, Maraimalai nagar ,
Kancheepuram District - 603 209.
29. M/s. Mahle IPL Ltd., H.T.SC.No.107
A-4, Industrial Estate, Maraimalai nagar - 603 209.
30. M/s. Sundram Fasteners Ltd, H.T.SC.No.548
Plot No.AA1, Central Avenue, Auto Ancillary Sez,
Mahindra World City, Kancheepuram District - 603 002.
31. M/s.TI Metal Forming, H.T.SC.No.79
Tiruvallur High Road, Thiruninravur - 602 024.
32. M/s. Orchid Chemicals and Pharmaceuticals Ltd, H.T.SC.No.562
138-149, Sipcot Industrial Estate,
Old Mahabalipuram Road, Alathur, Thiruporur.

33. M/s.Tractor and Farm Equipments Ltd, H.T.SC.No.278
Gears Division, RS-51/1, Vandalur, Kelambakkam Road,
Pudupakkam Village, Kancheepuram District - 603 103.
34. M/s. Tractor and Farm Equipments Ltd, H.T.SC.No.566
Power Source Division, B3/3 MMDA, Industrial Estate,
Maraimalai Naqar- 603 209.
35. M/s.Tractor and Farm Equipments Ltd, H.T.SC.No.288
No.48/4, Vandalur, Kelambakkam Road,
Pudupakkam - 603 103.
36. M/s Brakes India Ltd., H.T.SC.No.222.
Vandalur Road, Polambakkam village, Cheyyur Taluk,
Kancheepuram District - 603 309.
37. M/s.Sundaram Brake Linings Ltd., H.T.SC. No.522
Plot No.AA-6, 6th Avenue, Auto Ancillary SEZ,
Mahindra World City, Kancheepuram District – 603 002.
38. M/s.Turbo Energy Ltd., H.T.SC. No.558
Old Mahabalipuram Road, Paiyanur - 603 104,
Kancheepuram District.
39. M/s. BBL Daido Pvt.Ltd., H.T.SC.No.393.
RS.No.19, Vandalur, Kelambakkam Road,
Pudupakkam Village, Kelambakkam - 603 103.
40. M/s. India Japan Lighting Pvt. Ltd., H.T.SC.No.275.
No.1, Puduchatram, Thirumazhisai.
Thiruvellore High Road - 600 124.
41. M/s. BYD Electronics India (P) Ltd, H.T.SC.No.753.
Plot No.OZ-7, Sipcot Sez, Oragadam, Sriperumbudur - 602 105.
42. M/s. Technical Stampings Automotive Ltd., H.T.SC.No.318
Pot No.G16-18, Sipcot Industrial Park, Irrungattukottai,
Sriperumbudur Taluk, Kancheepuram District.
43. M/s. Global Stampings & Welding Automotive Ltd., H.T.SC.No.630
488/2, Mannur Village, Valarpuram (Post), Sriperumbudur - 602 105.
44. M/s. Asahi India glass Ltd., H.T.SC.No.424.
Sipcot Industrial Park, F76-81, Sipcot Industrial Park,
Irungattukottai, Sriperumbudur - 602 105.
45. M/s. Delphi - TVS Diesel Systems Ltd., H.T.SC.No.153
Mannur, Thodukadu Post, Sriperumbudur Taluk,
Kancheepuram District 602 105.

46. M/s.SL Lumax Ltd, H.T.SC.No.354
G-15, Sipcot Industrial Park,
Irrungattukottai, Sriperumbudur - 602 105.
47. M/s. Flsmidth Pvt. Ltd., H.T.SC.No.544.
34, Egatoor, Kelambakkarn, (Rajiv Gandhi Salai),
Chennai - 603 103.
48. M/s.Ucal Fuel Systems Ltd., H.T.SC.No.76.
2, Industrial Complex,
Maraimalainagar - 603 209.
49. M/s. Ucal Fuel Systems Ltd., H.T.SC.No.598.
A3/A3,A4, CMDA Indl. Complex, Maraimalai Nagar - 603 209.
50. M/s. Sri Aarvee Hotels, HT.SC.No.35.
BHARATHIAR ROAD,
Coimbatore -641 044.
51. M/s. Needle Industries India (Pvt) Ltd, HT SC No. 31
7/62, Ketty, The Nilgiris.
52. M/s.Needle Industries India (Pvt) Ltd, HT SC No. 39
7/62, Ketty, The Nilgiris.
53. M/s.Bimetal Bearings Ltd., HTSC No.37
371, Madudhamalai Road
P.N. Pudur, Coimbatore – 641 041.
54. M/s.Ranga Alloys, HTSC No.531
SF No.337, 338, Chinnakallipatti Village
Sirumugai Post, Coimbatore – 641 302.
55. M/s. Patspin India Ltd., HT SC No. 306,
UNIT II,SF No. 2/85B
Udumalai-Tirupur Road
Kottamangalam Post
Udumalpet
56. M/s. Karur K.C.P.Packkagings Ltd., HTSC No.156.
SF No.636A & 661, Marchinaickenpalayam,
Ambarampalayam (Post)
Pollachi Taluk
57. M/s Lakshmi Saraswathy Cotton Mills (P) Ltd., HT SC No.74.
Kuthchipalayam, Thokkavadi, Tiruchengode - 637 209.

58. M/s.Tractor and Farm Equipments Ltd., HT Sc.No.198 .
10/205, Kalladapatti Nilakottai T.K
Dindigul - 624 215.
59. M/s.Thai Plastics (P) Limited, HT.SC.No.229,
Shed No.D-50, Sidco Industrial Estate, Kappalur, Madurai-8.
60. M/s. Platinum Textiles Ltd., HT SC. No.004
C.K.Mangalam, Thiruvadani - 623407.
61. M/s Karur K.C.P.PACKAGING(P)LTD., HTSC No.25 & 52 .
330/1, CHINNANDANKOIL ROAD, KARUR-639 001.
62. M/s SJLT Textiles (P) Ltd., HT SC No.203.
Unit-II, Karugudi Village & Post, ThathiyangarPettai (via),
Musiri T.K., Trichy District- 621 210.
63. M/s.Rane TRW Steering Systems Limited, HTSC No.65.
Viralimalai, Trichy.
64. M/s.Aranthangi Chemical Products Ltd., HTSC NO.39.
256/3A1, Pudukkottai Road, Aliyanilai, Aranthangi 614616.
65. M/s. Thirumathi.Muthammal Textiles Pvt. Ltd., HTSC No.80.
52, Alexandria Road, Cantonment, Trichy- 620 001.
66. M/s.Rane Engine Valves, HTSC No.124
SF No.109, 110,111, Seniapatti, Kasavanur, Viralimalai
Pudukkottai District.
67. M/s.High Energy Batteries (India) Ltd., HTSC No.13
Pakkudy Road, Mathur, Pudukkottai District
68. KGS Nelsun Paper Mills Ltd., HT.SC. No.57
Solagampatti, Thohur (Via), Thanjavur
69. M/s.Sundaram clayton Ltd. HT.SC.No.244.
Belagondapally, Hosur-thally Road, Hosur.
70. M/s.Sundaram Blestol Ltd., HT.SC.No.309.
Kodagondapalli,Haritha, Hosur-635109.
71. M/s.SUNDARAM FASTENERS LTD., HT.SC.No.23.
Haritha complex, Sipcot Industrial complex, Hosur.
72. M/s.SUNDARAM AUTO COMPONENTS LTD., HT.SC.No.117.
(RUBBER DIVISION) Belagondapally
Hosur-thally Road, Hosur - 635114.

73. M/s.SUNDARAM AUTO COMPONENTS LTD., HT.SC.No.122.
(PLASTIC DIVISION) Haritha Complex, Hosur.
74. M/s.UPASANA ENGINEERING LTD. HT.SC.No.330.
Kothakondapally, Hosur.
75. M/s.INDIA NIPPON ELECTRICALS LTD., HT.SC.No.93.
Hosur Thally Road, Uliveeranapalli, Dennkanikottai(TK), Hosur.
76. M/s. BIMETAL BEARING LTD., HT.SC.No.56.
105, Hosur-Krishnagiri road, Perandapalli,
Hosur- 635 125.
77. M/s.Prime Gold International (P) Ltd., HT.SC.No.311'
Sf. No.289 & 290 , Uliveeranapally, Belakondapalli, Hosur.
78. M/s.Rane (Madras) Ltd., HT Sc No.215.
Ambakkam, Varanavasi Village, (Via) Thenneri.
79. M/s.T.I. Metal Forming, HT SC No.209
Plot No.G 80 – 81
Sidco Industrial Estate
Kakkalur, Tiruvallur – 602 003.
80. M/s. Light Alloy Products Ltd., HT SC No.1159
Regd. office at 67, Chamiers Road, Chennai – 28.
81. M/s.Turbo Energy Limited, HT SC No.1125
Regd. Office at 67, Chamiers Road, Chennai.28.
82. M/s.ABI-Showatech India Limited, HT SC No.1139
Regd. Office at 67, Chamiers Road, Chennai.28.
83. M/s. Carborundum Universal Limited (CUMI), HT SC No.1117
Regd. Office at Parry House
43, Moore Street, Chennai – 1.
84. M/s.Murugappa Morgan Thermal Ceramics Limited (MMTCL),
HT SC No.1084.
Reg.Off. DARE House complex,
New No.2, NSC Bose Road, Chennai.1.
85. M/s. Brakes India Limited, HT SC No. 1144
Foundry Division,
Arakkonam Road, Sholinghur.631 102.
86. M/s.Brakes India Limited, HT SC No.1235.
Foundry Division Unit. II
Kaveripakkarn Road, Pulivalam 632 505.

87. M/s.Brakes India Limited, HT SC No.1067.
Brake Division
Arakkonam Road, Sholinghur – 631 102.
88. M/s.Brakes India Limited, HT SC No.1168
Arakkonam Road, Sholinghur 631 102.
89. M/s.Carborundum Universal Limited, HT SC No.1262.
(CUMI) Regd. Office at 'Parry House'
43, Moore Street,
Chennai – 1.
90. Ultra Tech Cement Ltd., HT.SC.No.1203.
Chetteri, Arakkonam, Vellore-3.
91. M/s.PIONEER JELLICE INDIA (P) LTD, HT SC No.77.
65, 66 & 67, SEMMANKUPPAM VILLAGE,
POONDIYANKUPPAM, CUDDALORE.
92. M/s.NATIONAL SEWING THREAD COMPANY LTD., HT SC No.1.
11, VENUGOPAL PILLAI ROAD, CHIDAMBARAM 608 001
93. M/s.S.S.D.Oil Mills Company Ltd.
No.6A 11th Avenue, Ashok Nagar,
Chennai – 83.
94. M/s.Rohini Textile Industry (P) Ltd., HT SC No.78.
No.2, Rogini Garden
Kangayam Road, Tiruppur.
95. M/s.Saravana Textiles Pvt. Ltd., HT SC No.26.
114/A-1, Srivilliputtur Road,
Melapattam Karisalkulam, Rajapalayam – 626 110.
96. M/s.Senthur Textiles Pvt. Ltd., HT SC No.202
28/130-A, Gandhi Kalaimandram Road
Rajapalayam, Virudhunagar District.
97. M/s.Sakthi Steel Industries Ltd., HT SC No.253
Amaravathi Pattinam Village, Uthiramerur.

.... Respondents
(Thiru S.P.Parthasarathy,
Advocate for Respondent No.1)

**Dates of hearing : 11-07-2014, 22-12-2014, 30-04-2015,
05-10-2015, 29-12-2015, and
06-01-2016**

Date of order : 31-03-2016

The M.P.No.34 of 2014 came up for final hearing on 06-01-2016. The Commission upon perusing the above petition and the connected records and after hearing submissions of both parties passes the following order:-

ORDER

1 Prayer of the Petitioner in M.P.No.34 of 2014:-

The Prayer of the Petitioner is for:

- i. Approval for the procurement of ABT meters with revised specification i.e. without provision for harmonic measurement and corresponding Display-I (Auto Scroll)
- ii. Extension of time for nine months up to February 2015 for procurement of ABT meters.
- iii. The Director/Distribution TANGEDCO may be authorised to make technical amendments if any required on opening of the bid to avoid delay in processing tender since being the first time procurement.

2. Contentions of the Petitioner:-

2.1. As per direction of Madras High Court in W.P.No.7900, 12383 of 2012 etc. batch cases, M.P No.18 of 2012 was filed by TANGEDCO with prayers inter-alia for installation of ABT compliant meter with its associated CT/PT by the HT consumers and by open access consumers. In this regard, the Commission has passed a final order dated 11-07-2013 for provision of ABT meters for all open access customers along with approval of technical specifications of such ABT meters.

2.2. The procurement of ABT meters of Class 0.2S with features of harmonic measurement facility as per Commission's order could not be completed within 3 months for the following reasons:-

- a. With regard to harmonic measurements, as per standard, class A method of measurement is a precise one and is required for levy of compensation charges for exceeding the limits of harmonics.
- b. In respect of recent Tender M.68/2012-13 floated for procurement of HT TOD meter of Class 0.2S accuracy with harmonic measurements (as per TNERC requirements), it is noted that none of the meters measures the harmonics as per class A (Advanced) method.
- c. Further, the meter manufacturers are unable to define either the standard adopted by them for harmonics measurement or their own methodology adopted for measurement of harmonics by their meters and hence the proposed meter was found to be not suitable for harmonics measurement for levy of penal charges.
- d. In view of the above, the above tender was lodged and it is now proposed to float tender for HT TOD meter of Class 0.2S accuracy without harmonic measurements with the approval of the Commission.
- e. Further, action has already been taken to procure separate harmonic analyzer for all the distribution circles, so as to monitor the harmonic levels maintained by the consumer and levy compensation charges for violations, if any, as per the directions of TNERC. A purchase order has been placed and supply is awaited.
- f. Since the HT TOD meter of Class 0.2S accuracy with harmonic measurements with standard harmonic measurements required for levy of

compensation charges is not available with manufacturers, a revised specification in respect of HT TOD meter of Class 0.2S accuracy with ABT features (without harmonic measurements) for open access consumers is submitted for approval.

- g. The provision made in the already approved specification for the measurement of harmonics for the purpose of levy of compensation charges vide clause No. 3.6: "Harmonic measurement" and corresponding Display parameters in clause "Display-I (Auto Scroll)" mode has only to be deleted suitably with all other specifications already approved by the TNERC remaining un-altered.
- h. The tentative time schedule for completion of procurement process based on the revised specification from TNERC is furnished below.

1	Notice inviting tender	1 month
2	Tender sample testing at CPRI	2 months
3	Placing of orders	2 months
4	Supply commencement period	1 month
5	Delivery period	3 months

3. Status Report submitted by the TANGEDCO on 22-02-2015:-

Necessary action for the procurement of HT TOD meter of Class 0.2S accuracy with ABT features (without harmonic measurements) has already been taken and purchase orders have been placed on four firms for 7500 numbers. Despatch instructions have been issued for 750 numbers and inspection has been offered for 625 numbers and balance is under pipeline. Thus, TANGEDCO has already taken up necessary steps for procurement and installation of ABT compliant meter for all open access customers as assured.

4. Status Report submitted by the TANGEDCO on 30-04-2015:-

As committed by TANGEDCO before the Commission 7500 Nos. of ABT compliant meters without harmonic measurement have been procured and the installation work is under progress.

5. Status Report on fixing of ABT meters as per the Additional Affidavit dated 06-07-2015:-

There are about 2229 Nos. of open access consumers available with TANGEDCO and 200 Nos of services are provided with ABT meters and the balance services are being provided with ABT meters and the progress is being followed closely.

6. Contentions in the Counter Petition filed by the Respondent No.1 TASMA:-

6.1. TASMA is one among the Respondents in M.P.No.18 of 2012. Based on the directions of the High Court of Madras, the matter of providing ABT compliant meters was dealt with in detail by the Commission and a detailed speaking order was provided on 11-07-2013.

6.2. The following is the operative portion of the order:-

“9.5..... This clearly indicates that in respect of OA customers the interface meters shall be owned by the supplier of electricity viz., the generator. In case the generator and customer are one and the same, the OA customer shall provide the necessary meter. A similar provision exists in the open access Regulations issued by this Commission as well. Hence in case of open access customers, the meter

shall be owned by the generators or if the wheeling is done captively the OA customers shall own the meters. The Commission does not agree with the argument of some of the respondents that the existing meters are adequate and therefore ABT compliant meters are not necessary as with the existing meters it will not be possible for arriving at the deviations from the schedule at 15 minutes interval.

9.6. Having decided the issue of ownership of the meter, the next issue is how to procure these meters. Open access is available to all HT consumers only. Therefore, the metering arrangement would involve use of CTs, PTs, etc. With a view to standardize the entire arrangement it will be appropriate that these meters are procured by the licensee Viz., TANGEDCO. The cost of these meters shall however be borne by the open access customers or generators as the case may be. In case the OA customers opt to procure meters of their own, they are at liberty to do so. In such a case, the OA customers shall procure the meters in accordance with the specifications filed by TANGEDCO in their petition. To that extent, the specifications submitted by the TANGEDCO stands approved. A copy of the specifications, as submitted by TANGEDCO, is appended to this Order. "

6.3. TANGEDCO without implementing the above order has filed the present petition in the guise of seeking change of specifications from the approved ones and accordingly, the present M.P. was came to be filed before the Commission and the matters are being dealt with. By an order passed by the Commission on 11.07.2014, the petitioner TANGEDCO was ordered to serve notices to the Respondents. However, no notice has been served by the petitioner TANGEDCO to the Respondent. The extract of the order of the Commission issued on 11.07.2014 in the above M.P.No.34 of 2014 is reproduced below for easy reference:

"The counsel for both sides were present. The Chief Engineer, commercial, TANGEDCO appeared for the petitioner and submitted that the procurement of ABT compliant meters will be completed by the end of February 2015. The Commission's order of 11.07.2013 to fix ABT meters within 3 months has not been implemented. Arguments heard. The petition is admitted. Notice to the Respondents. The Respondents were directed to file their counter within four weeks from the date of receipt of the petition."

6.4. Even though, more than a year has been passed, the petitioner has not served any notice with the copy of the petition to the Respondent till today. Due to non-receipt of any notice and copy of the petition from the Petitioner TANGEDCO, the Respondent was not able to file any counter on the matter, as the grounds and other material facts submitted before the Commission in the M.P.No.34 of 2014, were not made known to the Respondent and hence, except by attending the hearings on each day when the matter is listed for hearing before the Commission, nothing could be submitted before the Commission by way of counter or by in any other manner.

6.5. While so, the CE-Commercial has started issuing instructions to all Circle level SEs and accordingly, started implementing the scheme of installation of ABT compliant meters even while the specifications are pending approval. However, with a view to coordinate, the Respondent has also advised its members to bear the cost of the ABT compliant meters as and when it is demanded by the Circle level SEs and accordingly, advised the members not to refuse to pay the cost of the meter when demanded by the authorities in compliance of the order of the Commission dated 11-07-2013 in M.P.No.18 of 2012.

6.6. Non-service of notice to the Respondent in total disobedience of the order of the Commission, the officials of the Petitioner TANGEDCO have started issuing varying and deviating instructions in the matter of implementation of the ABT compliant meter mechanism in the premises of OA consumers on their own without following the order of the Commission issued in M.P.No.18 of 2012 dated 11.07.2013. Hence, the Respondent has made two representations to the

CE-Commercial through letters dated 23.05.2015 and 02.06.2015 and however, the CE-Commercial has not provided any reply to the Respondent on the matters represented.

6.7. Through its order dated 11-07-2013 in M.P.No.18 of 2012, the Commission has specifically ordered that the cost of the ABT compliant meter is required to be paid or meter could be procured by the OA consumers. The Respondent TANGEDCO has issued Memo of the CE-Commercial bearing No. CE/Comml./SE/EE/R&C/AEE.2/F.ABT Meters/D.229/15 on 17.07.2015 to all the Circle level SEs that the Board would bear the cost of the ABT compliant meters, which communication goes totally against the spirit of the said order of the Commission.

6.8. Shocked and surprised over the issuance of the impugned Memo of the CE-Commercial dated 17.07.2015, the Respondent has made again a detailed representation before the CE-Commercial on 21.07.2015 explaining the deviation going on from the orders of the Commission and wanted him to rectify the deviation immediately as it amounts to a serious violation under Section 142 read with Section 146 of the Electricity Act 2003.

6.9. The petitioner TANGEDCO, seems to have tied up the matter of testing and calibration, with some private agencies and has started compelling the consumers to go to a particular agency called "Subashri System" and started issuing oral instructions to all HT consumers to go for the testing and calibration of the meters with the said agency only and accordingly, the said "Subashri System" has started issuing quotes to all HT consumers on their own, as if the consumer has contacted

them for quote for the calibration of their meters. The quoted charges also were exorbitant and varying from consumer to consumer and from location to location and at the discretion of the so called "Subashri System". All the Engineers at the O&M levels of the Distribution Licensees were bringing all pressures to make the meter tested only by the said "Subashri System" and they have even started threatening that if the amounts are not paid, then it would be included in the CC bills. The matter of testing / calibration of the meters is dealt with in the CEA (Installation and Operation of Meters) Regulations, 2006 and the Regulation provides as follows:

*"10. Operation, Testing and Maintenance of meters. -
The operation, testing and maintenance of all types of meters shall be carried out by the generating company or the licensee, as the case may be."*

6.10. Since the meters are to be installed at the premises of the OA consumers, the obligation to test it lies with the licensee as per the above Regulation. Hence, the whole operation, testing and maintenance of all types of meters were ordered to be carried out by the licensee and therefore, making the OA consumers to go private agencies for testing of the meters and that too with such an exorbitant charge is against the above provided specific regulatory provision. This matter was also stood represented by the Respondent with the CE-Commercial and however, no rectification was made no reply was given by the CE-Commercial.

6.11. On all these issues, the Respondent has filed several representations before the petitioner, TANGEDCO and more specifically to the Chief Engineer Commercial vide its letters dated 23.05.2015, 02.06.2015 and 21.07.2015. All the copies of representations of the Respondent filed before the CE-Commercial are filed along with necessary typed set.

6.12. None of the representations of the Respondent was acted upon by the TANGEDCO or by the Chief Engineer-Commercial in any manner. The Respondent was attempting to solve the issues with a view to put things in the right direction by taking various efforts by meeting the officials concerned and apprising the position and also by writing frequent mails to the CE-Commercial but however, all the efforts of the Respondent have ended in vain.

6.13. The Respondent has chosen to file this counter on his own without even receiving any notice from the petitioner TANGEDCO as ordered by the Commission. In order to make the things in compliance of connected Regulations as already prescribed by the CEA in the matter of maintenance of meters more specifically in CEA (Installation and Operation of Meters) Regulations, 2006 and also to implement the order of the Commission issued in M. P.No.18 of 2012 dated 11.07.2013,

6.14. The petitioner TANGEDCO has made a serious and grave error in the matter of deciding who should actually bear the cost of the ABT compliant meters. While the order of the Commission was specific to collect the cost from the OA consumers or to permit the OA consumer to procure and install the meter as per the approved specifications, by revisiting the order on his own, the CE Commercial has issued instructions on 17-07-2015 that the Board would bear the cost. Hence, for having issued the Memo dated 17.07.2015, the Respondent prays the Commission, to initiate suitable action against the petitioner TANGEDCO and the CE Commercial for having violated the order dated 11.07.2013, under Section 142 read with section 146 of the Electricity Act, 2003 and thereby only, justice can be maintained.

6.15. For having directed the OA consumers to test and calibrate all the meters with M/s.Subashri Systems, the Chief Engineer Commercial and all other officials of the TANGEDCO have rendered themselves to grave errors in having gone against the specific Regulation No.10 of the CE (Installation and Operation of Meters) Regulations, 2006. They have also rendered themselves for punishment under section 146 of the Electricity Act, 2003.

6.16. Whenever the ABT compliant meters are installed after collecting the appropriate cost from the consumers, the petitioner TANGEDCO is again collecting the monthly meter rent even though the meters are owned by the consumers. Such a course is not sanctified under Regulation 5 (11) of the Tamil Nadu Electricity Supply Code, 2004. In spite of the representation by Respondent, the TANGEDCO has not made any effort to stop the system of collecting rent for the consumer owned meters and is continuing with the system of collecting rent even on consumer owned meters. Since no notice or copy of the petition filed by TANGEDCO has been served on the Respondent, filing of detailed counter on the contents of the petition would be done as and when the petitioner serves the copy of the petition to the Respondent.

7. Status Report on fixing of ABT meters as stated in the Additional Affidavit dated 05-10-2015:-

About 2341 numbers of open access consumers are available with TANGEDCO of which 1044 services are provided with ABT meters and the balance services are being provided with ABT meters and the progress is being followed closely.

8. Status Report on fixing of ABT meters as stated in the Additional Affidavit dated 06-01-2016:-

As directed by the Commission in the Daily Order dated 29-12-2015 all legal services of about 2307 number HT Open access consumers have been provided with ABT compliant meters.

9. Findings of the Commission:-

We have considered the submissions of TANGEDCO and that of the intervener. The approval for the procurement of ABT meters without provision for harmonic measurement is the issue which requires the consideration of the Commission in the present petition. In order to appreciate the issue much better, it is necessary to set out the background leading to the filing of the present petition.

(1) The M.P.No.18 of 2012 was filed by TANGEDCO before this Commission (TNERC) with prayers *inter alia* for approval of the specification filed by them for the purpose of installation of ABT compliant meter with its associated CT / PT by the HT consumers and open access customer.

(2) The Commission issued order dated 11.7.2013 in the said M.P.No.18 of 2012 and the related extract is reproduced below:-

'9.6. Having decided the issue of ownership of the meter, the next issue is how to procure these meters. Open access is available to all HT consumers only. Therefore, the metering arrangement would involve use of CTs, PTs, etc. With a view to standardize the entire arrangement it will be appropriate that these meters are procured by the licensee Viz., TANGEDCO. The cost of these meters shall however be borne by the open access customers or generators as the case may be. In case the OA customers opt to procure meters of their own, they are at liberty to do so. In such a case, the OA customers shall procure the meters in accordance with the specifications filed by TANGEDCO in their petition. To that extent, the specifications submitted by the TANGEDCO stands approved. A copy of the specifications, as submitted by TANGEDCO, is appended to this Order.

9.7. The ABT Meter shall be with AMR facilities and suitable for interfacing with the licensees data communication system. All new open access customers shall be provided with ABT meters in line with this Order. All existing OA customers shall be provided with ABT meters in line with this Order within 3 months from the date of issue of this Order.'

- (3) The Petitioner (TANGEDCO) in the present Petition M.P.No.34 of 2014 vs. M/s. Tamil Nadu Spinning Mills Association and 96 others as Respondents has submitted that in the tender floated for procurement of HT ToD Meter of class 0.2S accuracy with harmonic measurements (as per TNERC Requirements), none of the meters measures the harmonics as per Class A (Advanced) method which is precise one and as required for levy of compensation charges for exceeding the limits of harmonics.
- (4) The Petitioner further submitted that the above tender was lodged and proposed to float tender for HT ToD meter of Class 0.2S accuracy without harmonic measurements and accordingly enclosed a revised specification for approval.
- (5) To monitor the harmonic levels maintained by the consumer, the petitioner submit that action has already been taken to procure separate Harmonic analysers for all the distribution circles and levy compensation charges for violations if any, as per the direction of TNERC.
- (6) Hence the petitioner has sought approval for procurement of ABT meters as per revised specifications that does not include clause on Harmonic measurement and its corresponding display parameters. The Petitioner has also sought approval for extension of time schedule for nine months upto February 2015 for completion of procurement process.
- (7) The moot point that arises for consideration is whether the prayer of the petitioner for approval for procurement of ABT meters without provision for

harmonics can be acceded to. It may be seen from the reading of Regulation 4(iv) of the Supply Code that the obligation to install the harmonic suppression units to avoid dumping of harmonics squarely rests with the consumers. The Licensee is obligated to provide only suitable metering equipment to measure the harmonic level pursuant to the same. Keeping the same in mind, the Commission in its order dated 11.7.2013 in M.P. No. 18 of 2012 did not choose fix the obligation to install the harmonic suppression units on the TANGEDCO in entirety and fastened only the limited obligation to procure these meters on TANGEDCO and made the consumers or the generators bear the cost of the same with a view to standardise the entire arrangement.

- (8) It is to be noted that still, the OA consumers are at liberty to procure the meters on their own in accordance with the specifications required by TANGEDCO and there is no bar on the same. Ultimately, the object boils down to the issue of suppression of harmonics and so long the said twin objects of prevention of dumping of harmonics and required specification are satisfied it may not be a concern who procures the meters.
- (9) However, inasmuch as TANGEDCO has brought out difficulties in procuring the fool proof ABT meters with harmonic measurement mechanism and has submitted that even the HT ToD Meter of class 0.2S accuracy with harmonic measurements does not satisfy the desired object measuring the harmonics as per Class A (Advanced) method which is a precise one, it is necessary to have a re-look the issue from practical point of view. TANGEDCO has proceeded further to submit that tender has been floated for HT ToD Meter of Class 0.2S accuracy without harmonic measurement and action has been taken to procure separate harmonic analysers for all the distribution circles.

- (10) It is to be noted that the twin requirements of installation of ABT meters and the measurement of harmonics would be satisfied in the present action of TANGEDCO in ABT meter of Class 0.2S accuracy without harmonic measurements and procurement of separate harmonic analysers. It is also important to note that the basic purpose of the ABT meters is to sub serve the cause of implementation of Time of the Day Tariff and therefore, the procurement of ABT meters cannot be held up for want of harmonic measurement mechanism. The measurement of harmonics is an issue which is incidental to primary object of implementation of ToD Tariff and therefore, without holding up the process of procurement of ToD Meters on the ground non-availability of facility of measurement of harmonics, it would be appropriate to permit the procurement of ABT meters and find out an alternative arrangement for measurement of harmonics. In such a context, we are of the view that it may not be inappropriate to de-link the issue of harmonic measurement vis-à-vis the installation of ABT meters considering the practical situation to enable TANGEDCO to satisfy the object by procuring the ABT meters without harmonics measurement but at the same time make provisions for such measurement separately by way of procurement of harmonic analysers. This will certainly aid the implementation of ToD Tariff as well as measurement of harmonics thereby satisfying both the objects. In view of the same, Commission is inclined to approve the procurement of HT ABT Meters of Class 0.2S accuracy without harmonic measurements.
- (11) However, on the allegation that consumers are being compelled to go only to particular agency for testing and calibration of meters it is hereby directed that

licensee shall take the generators / consumers into confidence in the matter of testing and calibration of meters.

- (12) The Petitioner in the prayer has sought extension of time for nine months upto February 2015 for procurement of ABT meters but the task of procurement has been completed by the Petitioner by April 2015 and installation of the same by January 2016 with intervention of the Commission through hearing on various dates. Hence the Commission directs TANGEDCO to avoid delays of such type in future.
- (13) The Commission further directs TANGEDCO not to collect any meter rent from the consumers who are willing to pay or paid the cost of the meter.

10. Appeal:

An appeal against this order shall lie before the Appellate Tribunal for Electricity under section 111 of the Electricity Act, 2003 within a period of 45 days from the date of receipt of a copy of this order by the aggrieved person.

(Sd.....)
(G.Rajagopal)
Member

(Sd.....)
(S.Akshayakumar)
Chairman

/True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission