

**OFFICE OF
THE ELECTRICITY OMBUDSMAN
ASSAM ELECTRICITY REGULATORY COMMISSION**

FILE NO. EOM. 37/2018

Petition No.: 1/2019

Name of Petitioner: Bharti Infratel Ltd.,
6th Floor, Above Reliance Trends,
Rukminigaon, Guwahati – 781022
Represented by Shri Sanjay Mohanty

Vs.

Assam Power Distribution Company Ltd.
Bijulee Bhawan, Paltan Bazar,
Guwahati - 781001

14.08.2019

JUDGEMENT & ORDER

Here in this case, the grievance of the petitioner Bharti Infratel Limited is against the inclusion of 3% LT metering charge by APDCL, the opposite party in the electricity bills of the petitioner in respect of its tower sites under APDCL Bongaigaon zone. The premise on which the grievance of the petitioner is founded is the fact that its connected load is below 25 KW. Notwithstanding its connected load being below 25 KW inclusion of 3% LT metering charge by APDCL in its electricity bills has irked the petitioner.

As submitted by the opposite party the APDCL the reasons for 3% LT metering charge are as follows:

1. Regardless of the connected load power is supplied to the sites of the petitioner at 11 KV.
2. But metering is done on the LT side of the transformer.
3. Consequently the need arises to compensate the transformer loss @3% of the petitioner's energy charges.

As against the above reasoning the petitioner from the standpoint of a LT commercial consumer with connected load less than 25 KW argues that their cases are covered by the clause 2.2.1 of the Electricity Supply Code of Assam Electricity Regulatory Commission that says "All installations with a connected load of 5 KW or more upto 25 KW or 30 KVA – 3 phase, 4 wire at 400 V". Moving a step further the petitioner states the as against the 3% LT metering charge levied on them their cases being covered by clause 2.2.2 of the Electricity Supply Code that says "For supply at voltages higher than as applicable to the consumers as specified under clause 2.2.1, a rebate of 3% (or any other percentage as the Commission may decide) shall be applicable on energy consumption for each higher level of voltage" they are actually entitled to 3% rebate.

It can easily be understood that the above claim of the petitioner is based on the hypothesis that power supply to the sites if done at 11 KV by the opposite party they have no role in the matter.

Assailing the above position taken by the petitioner in the matter APDCL has submitted that power connection to the sites of the petitioner at 11 KV was done under an agreement entered into by both the parties under Single Window Platform (SWP) with registration of the petitioner as HT consumer done on payment of fees @ Rs. 2000.00 for connected load

upto 12 KW and Rs. 2500.00 for connected load above 12 KW and therefore the arguments of the petitioner against the 3% LT metering charge are not tenable. Speaking on the benefit of power supply at 11 KV APDCL submits that power supply at 11 KV reduces interruptions and voltage fluctuation and ensures better power supply.

After hearing both the sides and on examination of the documents and papers submitted, it is held that in all the cases covered by express and specific agreements entered into between the parties categorizing the petitioner as HT consumer with power supply at 11 KV inclusion of the 3% LT metering charge in the electricity bills of the petitioner by APDCL for the reasons stated above being not without justification is found valid and hence leviable.

However, as it came to the light during hearing that there may be cases which may not be covered by express and specific agreements entered into between the parties and thereby these cases falling outside the acknowledged HT category as far as the petitioner is concerned the inclusion of 3% LT metering charge for the aforesaid reasons is held not justified and hence the matter needs reviewing. Nevertheless, considering the benefits flowing out of power supply to the sites of the petitioner at 11 KV as already outlined by APDCL and the petitioner's acquiescence to such power supply claim of 3% rebate does not stand the test of equity and fair play and hence rejected. In this regard a way out suggested by APDCL for the petitioner is to opt for change over to the HT metering to avoid paying the 3% LT metering charge.

Finally, in the description about itself the petitioner Company has stated that it is in the business of Telecom Infrastructure Services and duly registered with the Department of Telecommunication, Ministry of Communication and Information Technology, Govt. of India. It further says that in terms of the registration Certificate issued by DOT the petitioner is required to establish and erect infrastructure and share the same with multiple operators holding license for operating telecommunication and allied services which are categorized as essential services under section 2-A of Essential Service Maintenance Act, 1968. The petitioner further states that the services provided by them are strictly in the nature of public utility and are treated akin to Telegraph poles, electricity lines, water pipes and gas pipelines.

Thus, in view of the nature of services provided by the petitioner and the opposite party APDCL being a public utility, it is in the fitness of things that both sides should work towards settlement of all issues in a spirit of mutual understanding for the benefit of consumers in general.

The petition is accordingly disposed.

Sd/-

Electricity Ombudsman