* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ LPA 748/2008

B.S.E.S.RAJDHANI POWER LTD. ..... Appellant
Through Mr. Mohit Jolly, Advocate

versus

V.K.JAIN ..... Respondent
Through None

**CORAM:**
**HON'BLE THE CHIEF JUSTICE**
**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

% **30.07.2009**

**CM 17151/2008**

In view of the facts and circumstances, delay in filing of present appeal is condoned.

Accordingly, application stands disposed of.

**LPA 748/2008 & CM 17149/2008**

This Letters Patent Appeal has been filed challenging the order dated 5th September, 2008 passed by the learned single Judge in CM No. 12418/2008 in W.P.(C) No. 24041/2005 thereby rejecting the appellant's application for clarification of the order dated 30th April, 2008 passed in W.P.(C) No. 24041/2005. By the order dated 30th April, 2008 the learned

single Judge disposed of respondent-petitioner's writ petition with the following direction:-

> *"15. In view of the findings given above, the Writ Petition is partly allowed to the limited extent that it is held that the IS 13779/1999 as amended up-to-date is applicable for determining whether a meter is defective under Rule 57 of the Electricity Rules, 1956.The said specification forms the benchmark to decide whether or not a meter is defective."*

Thereafter appellant filed an application being CM No. 12418/2008 contending inter alia therein that IS 13707:1999 was only for reference conditions and so far as accuracy of meters at site is concerned, IS Standard 15707:2006 is applicable and, therefore, order dated 30th April, 2008 should be clarified to the extent that while determining accuracy of meters at site, IS Standard 15707:2006 is applicable.

Learned single Judge dismissed the said application with the following order :-

> *" (iii) Without prejudice to the above, I find that the aforesaid Code viz. IS 15707-06 is a service code dealing with maintenance and replacement of meters by Distcoms and electricity supply companies. It prescribes service code for testing, valuation, installation and maintenance of meters. The said code does not seek to override IS 13779-99 or provide specific standard or a BIS standard for electric meters. This is clear from the scope of the code and other clauses mentioned therein."*

By the order dated 7th July, 2009 this Court issued notice to the Bureau of Indian Standards (in short "BIS") and pursuant to the said notice,

BIS has filed a detailed affidavit explaining the correct position in regard to applicability of IS standards to electric meters. The relevant portions of affidavit are reproduced hereinbelow :-

> *18. It is submitted that the issue involved in the present appeal is as to when an electric meter can be said to be running fast beyond permissible limits. In this regard it is submitted that IS 13779 : 1999 ac Static Watthour Meters, Class 1 and 2, and IS 15707 : 2006 Testing, Evaluation, Installation and Maintenance of ac Electricity Meters-Code of Practice, are the two Indian Standards formulated by Bureau of Indian Standards relevant to static Watthour Meters commonly called Electronic meters.*
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> *19. It is submitted that is IS 13779:1999 was published in the year 1993 and its first revision was undertaken in 1999. IS 13779:1999 is a product specification and specifies static watthour meters of accuracy class 1 and 2, for the measurement of alternating-current electrical active energy of frequency in the range 45-Hz to 55 Hz for single-phase and three phase balanced and unbalanced loads. It applies to their type tests, routine tests and acceptance tests in laboratory under reference conditions. It is significant to mention here that limits of error specified in table 15 and 16 of IS 13779 are valid only under reference conditions.*
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> *20. I say that though there are Indian Standards on electricity metering, a need was felt for comprehensive information on the best practices, in order to provide guidance to various stakeholders and electricity service providers responsible for not only testing, evaluation and installation of ac electricity meters at site, but also for maintenance of their metrological and functional performance. Hence a new code namely IS 15707:2006 was published by the Bureau of Indian Standards in 2006.*
>
> *21. The basic purpose of formulation of IS 15707:2006 Testing, Evaluation, Installation and Maintenance of ac Electricity Meters-Code of Practice was to ensure the proper working of ac electricity meters, systematic and periodic verification of errors in them, and also their testing, evaluation, installation and maintenance. IS 15707:2006 outlines informative requirements and good guidance as*

*Code of practices to various stakeholders and service providers in metering industry responsible for maintaining metrological and functional performance throughout the long unattended period of useful life of ac electricity meters, covering their testing, evaluation, installation and maintenance.*

*22. I submit that IS 15707:2006 provides for specification for determination of the accuracy of the meter in on-site conditions. Clause 12.3 of the Code provides for Accuracy Requirements. Clause 12.3.2. provides for on-site conditions, and limits of error stated in Table 3 are applicable when in-service meters are tested on-site under specified operating conditions.*

***Table 3 In-service Maximum Permissible Errors and Uncertainties of Meter Test Equipment (Clause 12.3.2)***

| Sl. No | Accuracy Class | Test Points | P.F. | Overall Uncertainty Of Meter Test Equipment (M.T.E.) Percent | Maximum Permissible Error (M.P.E.) Percent |
|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| i) | 2.0 | 10 percent $I_b$ to $I_{Max}$ | 1.0 and 0.5 lag | ±0.6 | ±3.0 |
| ii) | 1.0 | 10 percent $I_b$ to $I_{Max}$ | 1.0 and 0.5 lag | ±0.4 | ±2.5 |
| iii) | 1.0S | 5 percent $I_b$ to $I_{Max}$ | 1.0 and 0.5 lag | ±0.3 | ±2.0 |
| iv) | 0.5S | 5 percent $I_b$ to $I_{Max}$ | 1.0 and 0.5 lag | ±0.2 | ±1.0 |

NOTE : cos O sin Ø applicable for active/reactive energy respectively"

*23. It is pertinent to mention here that IS 15707:2006, inter alia, specifies the range for load and power factor for on-site testing of meters as well as the maximum error limits. For Class-I energy meters which is commonly installed by Distribution Companies for LT consumers, maximum error limits as given in the IS 15707:2006 is ± 2.5%.*

*24. In view of the above said reasons cited above, I submit that the IS 15707:2006 as formulated by the Bureau in 2006 provides for determination of the accuracy of the meter under on-site conditions. I submit that as per the IS 15707:2006, maximum permissible error is ± 2.5%, if a meter is a Class-1 energy meter."*

In the light of above affidavit, it is clear that insofar as meters at site are concerned, IS 15707:2006 will be applicable. We may add that since the case of respondent-petitioner was prior to IS 15707:2006, it would be covered by Rule 57 of Indian Electricity Act, 1956. Consequently, the learned single Judge rightly granted relief in respondent-petitioner's case. However, it need to be clarified that IS 15707:2006 is a bench-mark to decide whether a meter at site is defective or not. The appeal is allowed with no order as to costs.

**CHIEF JUSTICE**

**MANMOHAN, J**

**JULY 30, 2009**
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