

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 16 OF 2026

In the matter of Retrospective Recovery due to under-recording of meter

Noor Jahan Mohammed Mustafa.....Appellant
(Cons. No. 065628005502)

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Malegaon (MSEDCL)... Respondent

Malegaon Power Supply Ltd. (MPSL)..... Distribution Franchisee

Appearances:

Appellant: 1 Ansari Waseem Ahmed Mohd. Mustafa
2. Shahezad Ahmed Shakil Ahmed, Representative

Respondent:
MSEDCL : 1. Jagdish Ingle, Suptd. Engineer, Malegaon Circle
2. Anil Patil, Additional Executive. Engineer, Malegaon Circle

MPSL : 1. Mahendra Reddy,
2. Supradip Dey,
3. Ratnakar Swain,
4. Pawan Disawal, Sr. Executive

Coram: Vandana Krishna [IAS. (Retd.)]

Date of hearing: 17th March 2026

Date of Order: 30th March 2026

ORDER

This Representation was filed on 11th February 2026 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 17th December 2025 in Case No. 100/2025 passed by the Consumer Grievance Redressal



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Secretary

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Forum, Nashik (the Forum). The Appellant deposited the statutory amount of Rs. 25,000/- in accordance with Regulation 19.22(h) on 24.02.2026. Hence, the Representation was registered on the same day, i.e., 24.02.2026. The Forum principally disallowed the grievance application. The operative part of the order is as below:

“2. If consumer requested for installments, should be given as per SOP without any cost for remaining amount if any.”

2. Aggrieved by the order of the Forum, the Appellant has filed this representation. An e-hearing was held on 17th March 2026 through video conference. Parties were heard at length. The Respondent’s submissions and arguments are stated as below. [The Electricity Ombudsman’s observations and comments are recorded under ‘Notes’.]

- (i) The Electricity Distribution Network Assets and Billing in Malegaon Municipal area was handed over to Malegaon Power Supply Ltd. (MPSL) as the Franchisee of MSEDCL for a period of 10 years from March 2020 onwards.
- (ii) The Appellant is a LT Power-loom Consumer from 15.07.2009. The particulars of the consumer are tabulated below:

Table 1:

Appellant	Consumer No.	Address	Sanct. Load	Date of Supply	Date of Inspection	Assessment Details	Reason for Assessment & Period
Noor Jahan Mohammed Mustafa (Bill Name : Noorjahabano Mohd Murtaba)	065628005502	Gat No. 118/1, Plot No. 15, Daregaon, Tal. Malegaon, Dist. Nashik 423203	24 HP	15.07.2009	06.03.2025	Rs. 1,41,898/- (50,439 units) for the period 28.08.2023 to 10.03.2025, issued in the last week of March 2025.	Y phase secondary currents of the L & T meter (Sr. No.07354905) were missing from 28.08.2023 to 10.03.2025, resulting in 1/3rd under-recording of the meter.

- (iii) The Vigilance Officer of the Respondent inspected the premises of the Appellant on 06.03.2025 in the presence of the consumer’s representative, when it was observed that although the incoming supply currents were normal, the meter display was not indicating the Y-phase current, resulting in non-recording of the consumption in the Y phase of the meter. The current and voltage parameters recorded at the time of inspection are presented in Table 2.




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Table 2:

Current & Voltage Measurement	R Phase	Y Phase	B Phase
Current measured at incoming Supply (A)	34.1	36.2	35.6
Current on Meter Display (A)	35.4	0	34.3
Voltage measured at incoming supply (V)	232	231	231
Voltage on Meter Display (V)	232	231	231


- (iv) The meter of the Appellant was installed by the then MSEDCL. It was a CT-operated meter of L&T make bearing Sr. No. 07354905, with a capacity of $3 \times 5-10$ A. The meter was connected through resin cast plug-in type CTs of Ashmor make (Sr. No. 21531; CT ratio $3 \times 50/5$ A). The CTs were designed for a primary current of 50 Amp, and a secondary current of 5 Amp. The meter was provided with CT secondary stud arrangements and the meter was plugged into the CT secondary Stud.
- (v) Pursuant to the inspection, a follow-up visit on 10.03.2025 confirmed that the meter was not showing Y phase on its display, despite the clamp-on meter (Tong Tester) showing 29.7 A. Accordingly, the meter was replaced with a new meter bearing No. SH003051 in the presence of the consumer's representative, Nadim Ahmed Mohammad Mustafa **who initially had strongly resisted and obstructed the meter replacement process and threatened with abusive language. The old meter along with plug-in type CTs was bag-sealed; however, the representative, after initial resistance, affixed his own seal but refused to sign the inspection report.** The under-recording due to Y-phase CT secondary stud issue was demonstrated at site, and a laboratory testing notice was issued on the same day.
- (vi) On 15.03.2025, the meter along with resin-cast plug-in CTs was tested in the presence of the Appellant's representative, Nadim Ahmed Mohammad Mustafa. During testing, it was found that the Y-phase of the meter was not recording actual consumption, and the CT-operated meter was recording only 2/3rd of the consumption due to absence of CT secondary current to the meter.
- (vii) The MRI data of the meter was downloaded and forwarded to the manufacturer, M/s. L&T (Schneider Electric India Private Limited) for analysis. The manufacturer issued


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a tamper report indicating “Current failure – Y Phase” commencing from 28.08.2023 at 07:51:00 hrs.’, for a duration of 539 days, 19 hours and 9 minutes, at which time the meter reading was 6,27,616 kWh. The said report has been furnished to the Appellant and is also on record.

- (viii) At the time of meter replacement on 10.03.2025, the recorded reading was 7,28,494 kWh. Thus, a consumption of 1,00,878 units (7,28,494 – 6,27,616) was registered on two phases only. Accordingly, the unrecorded consumption for the missing phase was assessed at 50,439 units (i.e., 1,00,878 ÷ 2). Based on this assessment, a supplementary bill under B-80 amounting to ₹1,41,898/- was issued to the Appellant in the last week of March 2025.
- (ix) The meter along with the CTs was resealed with joint seals and preserved. The meter itself is not defective; however, the CT secondary current was not extended to the meter. The Respondent has submitted that the provisions relating to defective meters are not applicable in the present case and has expressed readiness to retest the preserved meter in the presence of the Appellant.
- (x) It is established from site inspection and the manufacturer’s tamper report that the Y-phase of the meter was not recording actual consumption. Accordingly, the Appellant is liable to pay for the unrecorded consumption. The Appellant was under-billed for the period from 28.08.2023 to 10.03.2025 (about 18.5 months), and the assessment has been raised based on MRI data for the said period.
- (xi) The Respondent has relied upon various Orders of the Electricity Ombudsman, Mumbai, in similar matters wherein under-billing has been restricted to two years as per Section 56(2) of the Electricity Act, 2003. The Appellant, having consumed electricity for about 18.5 months, is liable to pay the assessed amount, which has been computed on a plain basis without any penalty.
- (xii) Regulation 16.4.1 of the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021(Supply Code & SoP Regulations, 2021) is not applicable in the present case. The meter does not qualify as “faulty” under the said Regulation, as its internal circuitry, measurement accuracy, and memory functions were intact. The under-recording


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occurred solely due to non-receipt of Y phase secondary current of stud. Accordingly, the provisions of Regulation 16.4.1 are not attracted.

- (xiii) Not satisfied with the assessment, the Appellant filed a grievance application in the Forum on 29.07.2025. The Order passed by the Forum on 17.12.2025 is based on the factual matrix and actual technical condition of the meter. Notably, the Appellant himself had prayed that the assessment be carried out strictly on the basis of the actual cumulative duration of CT missing as reflected in CMRI data. The Respondent has adhered to the same principle, as the assessment is based on the actual period of Y-phase current failure from 28.08.2023 till 10.03.2025 (date of meter replacement).
- (xiv) Electricity being a valuable commodity, the Appellant has admittedly consumed the same. It may be noted that the Appellant resisted the replacement of the meter and issued threats at the relevant time. This conduct indicates that the Appellant was aware of the under-recording of the meter; however, no steps were taken by him to report or rectify the issue.
- (xv) In view of the above facts and circumstances, the Respondent prays that the present representation filed by the Appellant be rejected.

3. The Appellant's submissions and arguments are stated below:

- (i) The Appellant is a power loom consumer (Consumer No. 065628005502) since 15.07.2009, with details as per record.
- (ii) On 06.03.2025, the Respondent's Vigilance Officer carried out a unilateral inspection, wherein only non-display of Y-phase current was noted, without any conclusive proof that such non-display resulted in under-recording to the extent alleged.
- (iii) The Respondent has relied on MRI/MDAS data indicating "CT Current Missing" events for the period 28.08.2023 to 10.03.2025; however, such data was neither independently validated nor supplied to the Appellant for verification, and mere recording of such events does not establish the quantum of under-recording. It is an admitted position that the meter was intact, without tampering and otherwise


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functional; hence, the burden to establish precise under-recording lay on the Respondent, which has not been discharged.

- (iv) The consumption pattern relied upon is misleading, as variations are attributable to operational factors such as production levels, seasonal demand and load variations, which have been ignored; therefore, comparison of pre- and post-replacement consumption is arbitrary, and the supplementary bill of ₹1,41,898/- (50,439 units) for the period 28.08.2023 to 10.03.2025 is excessive and without legal basis.
- (v) The case falls within the scope of a defective or improperly recording meter, and the assessment ought to have been carried out strictly under Regulation 16.4.1 of the MERC Supply Code & SoP Regulations, 2021; even the meter testing report dated 15.03.2025 indicated that assessment would be based on MRI data.
- (vi) Aggrieved thereby, the Appellant filed a grievance before the Forum on 29.07.2025, which came to be rejected by order dated 17.12.2025 without proper appreciation of facts and technical deficiencies.
- (vii) At the time of testing, it was informed that one phase CT was intermittently non-functional, resulting in partial non-recording, and the meter was termed “defective” with an assurance that recovery would be restricted to the actual duration of such events; however, the phase current display was not demonstrated despite request, and **the CMRI report was not supplied, with the Appellant being directed to apply separately, and despite repeated follow-ups, the same has not been furnished till date.**
- (viii) At the provisional stage, an oral estimate of about ₹1,50,000/- was indicated, which was disproportionate considering the limited duration of alleged CT missing; thereafter, a final bill of ₹1,41,898/- was issued, and despite written requests for CMRI data, calculation sheet, CPL and meter replacement report, the CMRI data continues to be withheld.
- (ix) Before the Forum, the Appellant sought either complete relief or, alternatively, assessment under Regulation 16.4.1 by **treating the meter as defective and limiting the period to three months**; despite specific directions, the CMRI report was not furnished, and the grievance was rejected relying on distinguishable judgments not applicable to intermittent CT missing.



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- (x) The Respondent has failed to monitor and analyze CMRI data, as evident from repeated CMRI rejections over a prolonged period, amounting to negligence, and such failure cannot be shifted onto the consumer; continuous denial of CMRI data, being the only scientific basis to determine actual duration, vitiates the assessment.
- (xi) The settled methodology, as followed by the Electricity Ombudsman in order in Representation No. 38 of 2024 of Electricity Ombudsman (Mumbai) dated 15.04.2024 in Case of Owasis Enterprises V/s MSEDCL/ MPSL. It is to compute the cumulative duration of actual CT missing events rather than the entire intervening period; however, in the present case, the Respondent has incorrectly considered the entire span of 561 days instead of the actual cumulative duration, resulting in excessive assessment.
- (xii) Reliance is placed on Representation No. 38 of 2024 (Order of Electricity Ombudsman Mumbai), wherein a distinction was drawn between PT wiring issues and internal CT defects. Unlike PT issues attributable to wiring lapses. CT missing is an internal metering defect not attributable to the consumer, and therefore the meter is rightly classifiable as defective, warranting assessment under the applicable regulations.
- (xiii) In the said precedent, assessment was based on cumulative missing duration rather than the entire period, and the same principle ought to be applied here, particularly when the actual CT missing duration is minimal compared to the wrongly considered period of 561 days.
- (xiv) In view of the above facts, technical evidence and legal position, the Appellant prays that the assessment be revised by either restricting it to the cumulative CT missing duration within a maximum period of 90 days, or in the alternative, by directing reassessment strictly on the basis of actual cumulative duration as reflected in the CMRI data.

Analysis and Ruling

4. Heard the parties and perused the documents on record. The Appellant is a power-loom consumer since 15.07.2009; details are summarized in Table 1.


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5. The Appellant has challenged the supplementary assessment of Rs. 1,41,898/- of 50,439 units issued by the Respondent towards 1/3rd under-recording of consumption for the period from 28.08.2023 to 10.03.2025. The contention of the Appellant is that it is a case of a defective meter. The Regulation 16.4.1 of Supply Code & SoP Regulation 2021 is reproduced as below:

16.4. Billing in the Event of Defective/ stuck/stopped/burnt Meters


16.4.1. Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the Consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill:

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 16.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case:

Provided further that, in case the meter is stuck, burnt, lost or has stopped recording, the Consumer will be billed for the period for which the meter is stuck or has stopped recording or for the period for which meter was not available due to burning or loss of meter, up to a maximum period of Three (3) months, based on the consumption during the corresponding period in the previous year when readings were taken or the average consumption of the previous Three (3) billing cycles for which the meter has been read by the Distribution Licensee, whichever is higher:

However, this contention is not acceptable, as the meter was found in order and the under-recording occurred due to external factors, i.e. that the CT secondary current of Y phase of plugging type CT was not extended; hence, the provisions of Regulation 16.4.1 are not applicable in this case. Upon perusal of the inspection report, MRI/MDAS data, and submissions of both parties, it is observed that the meter was physically intact and no tampering was detected; however, Y phase current was not recorded due to non-extension of CT secondary stud connection resulting in partial (two-third) recording of consumption.

6. The Appellant contended that the MRI/CMRI data relied upon by the Respondent was not supplied despite repeated requests, thereby denying an opportunity to verify the basis of assessment. The Appellant argued that the meter was otherwise intact and functional and that variations in consumption are attributable to operational factors. The Appellant also submitted that


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the Respondent has wrongly considered the entire period instead of actual cumulative duration of CT missing events and prayed for reassessment accordingly.

7. The key extracts from the Consumer's Personal Ledger for the long-term period from April 2022 to Feb. 2026, as compiled by the Ombudsman's office, are presented below.

Table 3:

Year	2022-23	2023-24	2024-25	2025-26
Month	Cons. (Units)	Cons. (Units)	Cons. (Units)	Cons. (Units)
Apr	3751	2092	3957	0
May	4083	7083	5038	10472
Jun	3444	8034	5142	3428
Jul	2598	8969	5787	6170
Aug	4864	5905	6032	2571
Sep	6616	11518	5635	4228
Oct	7007		5636	4450
Nov	4701	6837	5732	4526
Dec	4761	5880	5989	4766
Jan	5294	5866	5701	4627
Feb	7011	4633	5696	3558
Mar	10366	5171	1	

From the above table, it is observed that there is some decline (roughly 1/3rd) in consumption from August 2023 onwards as compared to the prior period of May to July 2023. The period of under-billing is from 28.08.2023 to 10.03.2025. However, this broad comparison does not provide a conclusive basis of assessment, as variations in consumption may occur due to changes in the operation of power-loom units and related load conditions. For conclusive evidence, it is necessary to examine the actual MRI data.

8. We have carefully analysed the Tamper Report of L & T make meter (Sr. No. 07354905). The abstract of Tamper Report is as below:



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Table 4


Tammer Event Report								
Meter Details		L& T make						
Data read Time		Sr. No. 07354905						
		06/03/2025: 16.50.00 Hrs.						
Sequential Storage for Events on								
Event Name	Occurrence Date & Time	Duration (Days: Hrs.: Minutes: Second	R Voltage	Y Voltage	B Voltage	R1 (A)	Y1 (A)	B1 (A)
Current failure Y phase	28.08.2023:07:51:00 hrs.	<u>539</u> : 19:09:00	216.09	216.09	216.09	2.93	0.00	2.88

Assessment Details:

- Period of Assessment: 28.08.2023 to 06.03.2025
- Total Days Assessed: 556 days (approximately 18 months and 9 days)
- Units Assessed: 50,439 units
- Units Chargeable (proportionate to event duration):
48,897 units (= $50,439 \times \frac{539}{556}$)
- Difference (Excess Units Assessed):
1,542 units
- Percentage of Event Duration with respect to total assessed period:
97% (= $\frac{539}{556} \times 100$)

Instances of CT current missing were observed from 28.08.2023:07:51:00 hrs.' to 06/03/2025: 16.50.00 Hrs. The Appellant was over assessed for 1542 units which needs to be refunded. Had this report been transparently shared with the Appellant right in the beginning, this issue need not have arisen.

9. It is observed that the Respondent failed to discharge its duty of regularly analysing the MRI data, which would have detected the missing phase currents at an earlier stage. In the case of important three-phase consumers, periodic inspection and month-to-month scrutiny of MRI data are essential. In the present case, as admitted by the Respondent, the non-recording of Y and B phase currents remained undetected for about nine months, which amounts to a deficiency in service. In this case the recovery period is about 1½ years which is less than 24 months in terms of Section 56(2) of the Electricity Act, 2003, which provides that no sum due from any consumer shall be recoverable after a period of two years unless such sum has been continuously shown as recoverable in the bills.


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“(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.”

Section 56(2) of the Electricity Act, 2003 has been authoritatively interpreted by the Larger Bench of the Bombay High Court in its judgment dated 12.03.2019 in W.P. No. 10764 of 2011 and connected matters, holding that in cases of mistake or oversight amounting to deficiency in service, retrospective recovery is permissible only for a period of 24 months. In the present case, recovery is restricted to a period of about 1½ years. The Respondent is advised to institute a robust mechanism for periodic inspection of meters of important industrial/commercial consumers and regular analysis of MRI data to avoid recurrence of such deficiencies.

10. The Judgment dated 18.12.2018 of Hon’ble Bombay High Court, Bench at Aurangabad in W.P. No. 8613 of 2017 is squarely applicable in the instant case. The relevant part of the Judgment is quoted below:

“33 it is, therefore, obvious in the present case that there was nothing intrinsically wrong with the meter. As under-recording of electricity consumed was associated with the act of the electrician in wrongly attaching the wires to the R, Y & B phases. I am, therefore, of the view that such a wrong attachment of wiring by the electrician would not amount to a defect in the meter. Consequentially, due to the under-recording of the meter, the Appellant has consumed such energy as was normally required to be consumed and the Petitioner has lost the revenue for such under-recording.

34. Clause 3.4.4 of the Regulations, 2005 enables the Petitioner to recover the charges for the electricity actually supplied, which would include a fixed charge as per the prescribed rates. The Appellant, therefore, has to pay full charges for the electricity actually consumed.

35. In the Municipal Corporation case (supra), this court has sustained the supplementary bill raised by the Electricity Company and this Court has upheld the recovery of the amount mentioned in the supplementary bill.”

This Judgment holds that under-recording due to incorrect wiring does not constitute a defect in the meter, and the consumer is liable to pay charges for the actual electricity consumed.



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11. In view of the observations recorded in para 9, the supplementary assessment, in its present form, is not sustainable and warrants a marginal downward revision. Accordingly, the impugned assessment bill dated March 2025 is partly set aside, with the following directions to the Respondent:

- a) To revise the supplementary bill of ₹1,41,898/- (50,439 units) for the period from 28.08.2023 to 10.03.2025 by restricting the assessment to 48,897 units, and to withdraw the interest and delayed payment charges levied on the supplementary bill from the date of its issuance till the date of this Order.
- b) To permit the Appellant to pay the revised supplementary bill in 10 (ten) equal monthly instalments. In the event of default in payment of any instalment, proportionate interest shall accrue, and the Respondent shall be at liberty to take action in accordance with law.
- c) To submit compliance within a period of two months from the date of this Order.
- d) The remaining prayers of the Appellant stand rejected.


12. The Representation is disposed of accordingly.

13. The secretariat of this office is directed to refund the amount of Rs.25,000/- taken as deposit to the Respondent to adjust in the Appellant's ensuing bill.

14. While parting with the matter, it is observed that the CMRI/MRI data, which formed the basis of the assessment, was not furnished to the Appellant despite requests. Such omission affects the transparency of the assessment and is not in consonance with the principles of natural justice. The Respondents are, therefore, advised to exercise due care to share information, especially the calculation sheet, immediately with the consumer, and ensure that such lapses do not recur in future.

15. The Secretary is directed to send a copy of this Order to the Superintending Engineer MSEDCL Malegaon and MPSL Authority for further policy decision, which should be reported to this office. These Authorities should report compliance to this Office within two months.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


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Secretary
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