

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 71 OF 2025

In the matter of under billing of fixed charges

Rajeev Nigam .....Appellant  
(C. No. 176098186892)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Rajgurunagar.. ..... Respondent  
(MSEDCL)

Appearances:

Appellant : Neha Nigam, daughter of Rajeev Nigam

Respondent: 1. Sarode Satish, Ex. Engineer I/c, Rajgurunagar Division  
2. Anurag Arode, Dy. Manager


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

Date of hearing: 13<sup>th</sup> August 2025

Date of Order : 20<sup>th</sup> August 2025

## ORDER

This Representation was filed on 25<sup>th</sup> July 2025 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 4<sup>th</sup> February 2025 passed by the Consumer Grievance Redressal Forum, MSEDCL, Pune Zone (the Forum) in Case No. 190/2024. The Forum by its order has partly allowed the grievance application. The operative part of the order is as below: -

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



1. *The Respondent is directed to set aside the bill of Rs.23,726.93/-*
2. *The Respondent is directed to issue revised bill for the Period of 36 months preceding to May 2024 without interest & DPC.*
3. *The Respondent is directed to waive off the interest & DPC if revised wrongly while changing the tariff from 1 phase to 3 phase.*

2. The Appellant has filed this representation against the order of the Forum. An online hearing through video conference was held on 13.08.2025. The Appellant and the Respondent were heard in length. The Respondent's submissions and arguments are stated as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*


- (i) The Appellant, Late Rajeev Nigam, has been a residential consumer (Consumer No. 176098186892) since 22.11.2015. The details regarding the consumer number, address, sanctioned load, and the disputed assessment of fixed charges (increase in charges from single-phase to three-phase connection) are summarised in Table 1 for ready reference.

**Table 1:**

Name	Consumer No.	Address	Sanc. Load (KW)	Date of Supply	Fixed Charges billed as per single Phase Meter	Fixed Charges to be billed as per 3 Phase Meter	Assessment towards fixed charges from 1-phase to 3- phase meter	Bill Revision as per Forum's order
Rajeev Nigam	176098186892	Dwarka D 04 / 21, G.N0.122 to 123 & 89 to 97, Chakan -410501	5	22.11.2015	Rs. 128/-per month (Indicative as shown in May 2024)	Rs. 424/-per month (indicative as shown in June 2024)	Rs. 23726.93 from 22.11.2015 to May 2024 (8 and 1/2 years)	Rs. 8631.75 for three years (June 2021 to May 2024) [Credit of Rs. 15095.18]

The Appellant does not reside there, but the said flat is given on rent from time to time.

- (ii) On 15.05.2024, the Respondent inspected the Appellant's premises. It was found that the Appellant was being billed monthly at the fixed charges applicable for a single-phase meter, whereas a three-phase meter was actually installed. Thus, the Appellant had been under-billed for fixed charges from the date of connection, i.e., 22.11.2015 till May 2024.


  
 (Dilip Dumbre)  
 Secretary  
 Electricity Ombudsman Mumbai



- (iii) In view of these findings, the fixed charges applicable to the Appellant were revised from ₹128/- per month (as charged in May 2024) to ₹424/- per month with effect from June 2024. The Respondent also issued an assessment bill of ₹23,726.93 for the retrospective period from 22.11.2015 to May 2024, a period of 8 ½ years.
- (iv) The Appellant filed a grievance application before the Forum on 23.08.2024, seeking cancellation of the assessment bill of ₹23,726.93 for the said retrospective period. The Forum, by its order, partly allowed the grievance application and reduced the recovery period to 3 years.
- (v) The Respondent relied upon the judgment dated 05.10.2021 of the Hon'ble Supreme Court in Civil Appeal No. 7235 of 2009 in the matter of M/s. Prem Cottex v. Uttar Haryana Bijli Vitran Nigam Ltd., to justify recovery of escaped billing, submitting that it constitutes "escaped assessment" and not "deficiency in service."
- (vi) The Forum failed to appreciate that fixed charges are statutory in nature. Under-billing of fixed charges is fully recoverable in light of the aforementioned Supreme Court judgment.
- (vii) The Forum's order has been implemented in good faith, and the assessment amount has been revised from ₹23,726.93 to ₹8,631.75 for a three-year period (June 2021 to May 2024), resulting in a credit of ₹15,095.18 to the Appellant, in accordance with the Forum's directions. The approval process for this revision is underway and is expected to be completed within a week by the competent authority. The provisional revised credit bill of ₹15,095.18 has already been handed over to the Appellant. No compensation was sought before the Forum; therefore, any new prayer for compensation in appeal is not maintainable.
- (viii) In view of the above, the Respondent prays that the representation of the Appellant be dismissed.


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

- (i) The Appellant is a registered residential electricity consumer with details as provided in Table 1. The Appellant is regular in payment of electricity bills.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



- (ii) The property is jointly owned by Late Shri Rajeev Nigam (primary owner) and his son, Shri Varun Rajiv Nigam (secondary owner). The Appellant, Varun Nigam currently resides in the United States of America, while other family members are based in Lucknow city. The flat has been rented periodically over the years. The latest tenant occupied the premises around August 2023 and pays the monthly bills.
- (iii) In June 2024, the Appellant received an electricity bill for ₹25,610/-, which was exorbitantly high compared to previous bills. This bill included an adjustment of ₹23,727/- towards other charges. It was later discovered that previous bills had been calculated using the fixed charges applicable to a single-phase meter instead of the three-phase meter actually installed (as indicated in Table 1). The retrospective recovery of ₹23,727/- pertained to the period from 22.11.2015 to May 2024. The total accumulated bill of ₹26,250/- (including delayed payment charges) was paid on 05.07.2024 to avoid disconnection.
- (iv) It is unreasonable to impose such a high bill and financial burden on the Appellant due to an error committed by the Respondent, MSEDCL. This was entirely the Respondent's oversight and not the fault of the Appellant.
- (v) The Appellant made multiple written and telephonic representations to MSEDCL seeking withdrawal of the recovered fixed charges. However, no positive response was received. Consequently, on 23.08.2024, the Appellant filed a grievance application before the Forum seeking withdrawal of the assessment bill of ₹23,726.93. The Forum, by its order, partly allowed the grievance, restricting recovery to a period of three years. However, the Forum failed to appreciate that such recovery imposes undue hardship on the Appellant and should generally be restricted to one year.
- (vi) **The Forum specifically directed compliance within one month from the date of receipt of its order. However, the Respondent failed to comply (refund of excess charges) for nearly seven months.** Only after the Appellant lodged a representation with the Electricity Ombudsman (Mumbai) did the Respondent, shortly thereafter, issue a revised assessment bill granting a credit of ₹15,095.18.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



(vii) There was a delay of approximately three months in filing this representation, which occurred while awaiting compliance with the Forum's order. Despite reasonable expectation and sufficient time provided, the Respondent failed to comply with the said order. Therefore, the delay is neither deliberate nor negligent, and the Appellant requests that it be condoned in the interest of justice.


(viii) In view of the above, the Appellant prays that the Respondent be directed to:

- (a) Revise the retrospective recovery, restricting it to the period from June 2023 to May 2024, and refund the excess amount by cheque/NEFT directly to the Appellant (legal heir), with applicable interest, without adjusting it in future bills (KYC formalities will be completed in due course).
- (b) Pay suitable compensation for the mental agony, harassment, and financial loss caused.

### **Analysis and Ruling**

4. The parties were duly heard, and all documents on record were carefully examined. The Appellant has been a residential consumer (No. 176098186892) since 22.11.2015. The relevant details such as consumer number, address, sanctioned load, and assessment towards the difference between single-phase and three-phase fixed charges are summarized in Table 1. The premises were rented out intermittently, and the Appellant is regular in payments of electricity bill.

5. The Respondent stated that on 15.05.2024, an inspection carried out at the Appellant's premises revealed that billing had been mistakenly based on single-phase fixed charges despite a three-phase meter being installed, resulting in under-billing from 22.11.2015 to May 2024. Consequently, fixed charges were revised from ₹128/- per month to ₹424/- per month with effect from June 2024, and an assessment bill of ₹23,726.93 for the retrospective period was included in the June 2024 bill. The Respondent contended that recovery of fixed charges is statutory in nature, fully recoverable, and constitutes "escaped billing." The Forum's order was implemented by revising the assessment from ₹23,726.93 to ₹8,631.75 for a three-year period

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



(June 2021–May 2024) and granting a credit of ₹15,095.18, the approval of which is in process, with the provisional revised bill already provided to the Appellant.


6. The Appellant contended that in June 2024, the Appellant received an inflated electricity bill of ₹25,610/-, including ₹23,727/- towards retrospective recovery of fixed charges, later found to be due to billing on single-phase rates despite a three-phase meter being installed since 22.11.2015. The amount, covering the period from 22.11.2015 to May 2024, was paid on 05.07.2024 to avoid disconnection. This was entirely the Respondent's error and not the Appellant's fault. Multiple representations to MSEDCL for withdrawal of the charges were unsuccessful, leading to a grievance before the Forum on 23.08.2024. The Forum partly allowed the grievance, limiting recovery to three years instead of one year, and directed compliance within one month. The Respondent failed to comply for seven months, issuing a revised bill with ₹15,095.18 credit only after a representation was filed before the Electricity Ombudsman. The Appellant seeks restriction of recovery to one year (June 2023–May 2024), and refund of the excess with interest by cheque/NEFT.

7. Regulation 4.4 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 provides:

*4.4. Charges for Electricity Supplied*

*4.4.1: The Distribution Licensee is authorized to recover charges for electricity supplied in accordance with such tariffs as may be fixed from time to time by the Commission:*

.....  
*4.4.4: The charges for electricity supplied under this Regulation 4.4 may include a fixed charge in addition to a charge for actual electricity supplied, in accordance with terms and conditions of tariff as may be specified.*


  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



Accordingly, the Licensee is authorized to recover fixed charges as per the Tariff Orders of the Commission in force, these being statutory in nature.

8. The Respondent revised fixed charges from ₹128/- per month to ₹424/- per month with effect from June 2024, and included in the June 2024 bill an assessment of ₹23,726.93 for the retrospective period from 22.11.2015 to May 2024. This recovery is statutory, recoverable, and constitutes “escaped billing” for three years, in line with the judgment of the Hon’ble Supreme Court dated 05.10.2021 in Civil Appeal No. 7235 of 2009, M/s. Prem Cottex v. Uttar Haryana Bijli Vitran Nigam Ltd.
9. The Forum’s order is a reasoned and speaking order, warranting no interference. However, the Respondent failed to comply within the stipulated one-month period, covering at least two billing cycles. In view thereof, the Respondent is directed to:
- (a) Refund ₹15,095.18 with interest at the prevailing RBI rate from the date of the Forum’s order till payment.
  - (b) The other prayers of the Appellant are rejected.
  - (c) Submit a compliance report within two months from the date of this order.
10. The representation of the Appellant is accordingly disposed of.

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

