

## BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

### REPRESENTATION NO. 42 OF 2026

In the matter of installation of smart meter and billing

Kamal Gangabhishan Oza... ..Appellant  
(C. No. 173458563855)

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Kedgaon Dn. .... Respondent  
(MSEDCL)

Appearances:

Appellant : Ganesh Oza, Son of the Appellant

Respondent : 1. Anil Chougule, Dy. Executive Engineer, Kedgaon Dn.  
2. Sujit Nanaware, Dy. Executive Engineer, Daund Sub./Dn.

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

Date of hearing: 12<sup>th</sup> May 2026

Date of Order : 25<sup>th</sup> May 2026

### ORDER

This Representation was filed on 9<sup>th</sup> April 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 4<sup>th</sup> March 2026 in Case No.01 of 2026 passed by the Consumer Grievance Redressal Forum, MSEDCL, Baramati Circle (the Forum). The Forum, by its order, rejected the Appellant's grievance. The Forum observed that the Appellant did not represent a genuine grievance, but



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rather sought a minor clarification in an aggressive manner. In this regard, Regulation 7.9(e) provides that the Forum may reject a grievance at any stage if it is:

- (i) *frivolous, vexatious, or mala fide;*
- (ii) *without sufficient cause; or*
- (iii) *fails to establish any prima facie loss, damage, or inconvenience to the consumer.*

2. Aggrieved by the order by the Forum, the Appellant has filed this representation. An e-hearing was held on 12<sup>th</sup> May 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' where needed.]*


- (i) The Appellant is a residential consumer of the Respondent since 11.05.2024. The particulars of the electricity connection are set out in Table 1 below:

Table 1:

<b>Appellant</b>	<b>Consumer No.</b>	<b>Address on Bill</b>	<b>Sanct. Load</b>	<b>Date of Supply</b>
Kamal Gangabhishan Oza	173458563855	Sawant Nagar, Gopalwadi Road, Daund (CT), Pin-413801	1 KW	11.05.2024

**Preamble regarding installation of Smart Meter:**

- (ii) The Respondent has relied upon the Notification dated 17.08.2021 bearing F. No. 23/35/2019-R&R issued by the Ministry of Power, Government of India, under Clause 4(1) (b) of the CEA (Installation and Operation of Meters) Amendment Regulations, 2019 read with Sections 55(1) and 177(2) (c) of the Electricity Act, 2003, prescribing timelines for mandatory replacement of existing meters with Smart Meters having pre-payment functionality. The relevant extract of the said notification is reproduced below:

  
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*All consumers (other than agricultural consumers) in areas with communication network, shall be supplied electricity with Smart Meters working in prepayment mode, conforming to relevant IS, within the timelines specified below:*

- (i) *All Union Territories, electrical divisions having more than 50 % consumers in urban areas with AT&C losses more than 15% in financial year 2019-20, other electrical divisions with AT&C losses more than 25% in financial year 2019-20, all Government offices at Block level and above, and all industrial and commercial consumers, shall be metered with smart meters with pre-payment mode by December 2023:*

*Provided that the respective State Regulatory Commission may, by notification, extend the said period of implementation, giving reasons for doing so, only twice but not more than six months at a time, for a class or classes of consumers or for such areas as may be specified in that notification.*

- (ii) *All other areas shall be metered with smart meters with pre-payment mode by March 2025:*


*Provided that in areas which do not have communication network, installation of pre-payment meters, conforming to relevant IS, may be allowed by the respective State Electricity Regulatory Commission.*

*All consumer connections having current-carrying capacity beyond that specified in relevant IS, may be provided with meters with smart meters having AMR facility.*

- (iii) In accordance with the directives issued by the Government of India under the Revamped Distribution Sector Scheme (RDSS), all existing electricity meters are being upgraded to Smart TOD Meters. The meter replacement work has been entrusted to authorized AMISP (Advanced Metering Infrastructure Service Provider) agencies and is being undertaken under the supervision of Maharashtra State Electricity Distribution Company Limited (MSEDCL).

Key Benefits of Smart Meters:

- **Free Installation:** Smart meters are installed free of cost to consumers.

  
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- **Time-of-Day (TOD) Tariff:** Consumers can avail tariff benefits during specified time slots in accordance with the applicable Tariff Order issued by the Commission.
- **Real-time Energy Monitoring:** Consumers can monitor electricity consumption, voltage, current, and load in real time through the MAHA VIDYUT mobile application. Daily energy consumption can also be viewed for better energy management.
- **Accurate and Automatic Billing:** Meter readings are captured automatically through cellular communication, thereby eliminating manual meter reading errors.
- **Solar Net Metering Facility:** Consumers having rooftop solar installations can conveniently monitor export-import energy data through the mobile application.
- **Accuracy of Meters:** Smart meters are tested and certified in Government-approved laboratories to ensure accuracy and reliability.

**Submissions:**

- (iv) The billing details of the Appellant, as reflected in the Consumer Personal Ledger (CPL), are tabulated below in Table 2:


Table 2:

  
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Year	2024-25		2025-26		2026-27	
Month	Meter Status	Cons. (Units)	Meter Status	Cons. (Units)	Meter Status	Cons. (Units)
Apr			Normal	0	Normal	0
May	Normal	0	Normal	0		
Jun	Normal	2	<b>R.N.T.</b>	<b>80</b>		
Jul	Normal	0	<b>Locked</b>	<b>80</b>		
Aug	Normal	25	<b>Locked</b>	<b>26</b>		
Sep	Normal	12	<b>Normal</b>	<b>0</b>		
Oct	Normal	17	Normal	1		
Nov	Normal	1	Normal	0		
Dec	R.N.T.	10	Normal	0		
Jan	Normal	0	Normal	0		
Feb	Normal	1	Normal	0		
Mar	Normal	0	Normal	0		
Note	<p>1. The meter (No. 07668829033) of the Appellant was replaced with a new smart meter ( No. M42515708936) on 15-Nov-2025.</p> <p>2: The Appellant was billed under refundable status for the period from June 2025 to August 2025 (3 months). Subsequently, in September 2025, the system processed a refund considering "0" units recorded during the said four-month period, and accordingly a refund amount of Rs. 1,710.99 was credited.</p>					

- (v) The Appellant registered a high bill complaint bearing No.36780045 in the CRM system of MSEDCL on 02.07.2025. As per the complaint records, the Appellant's existing meter bearing No. 68829033 (HPL make) was replaced with Smart Meter No. 142515708936 on 15.11.2025 through the authorized meter replacement agency in coordination with the Respondent.
- (vi) The agency reported that as the meter was located inside the front gate which was locked, it was forced to jump over the gate to enter and replace the meter. No damage was caused to the Appellant's gate during replacement of the meter. Nevertheless, the agency was advised to exercise due caution and avoid recurrence of such complaints in future.
- (vii) The Respondent, vide letter dated 25.11.2025, informed the Appellant regarding the necessity of "Smart Meter" installation as part of a mass-scale and target-

  
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oriented implementation programme aimed at migration of all consumers to Smart Meter-based billing.

- (viii) Further, vide letter dated 27.11.2025, the Respondent clarified that no damage had been caused to the gate and that the meter replacement was carried out by an authorized team of MSEDCL. *[Note: During the hearing the Appellant contended that his grievance is as to why this entry was made into his premises without his permission, by jumping over his gate, and also how a smart meter could be installed without his permission.]*
- (ix) Despite verbal communication explaining the reasons for replacement of the existing meter, the Appellant insisted upon reinstallation of the old meter. However, reinstatement of the old meter was not feasible in view of the prevailing Regulations and the policy framework of the Respondent.
- (x) The Appellant thereafter filed a grievance application before the Forum on 12.01.2026. The Forum observed that the Appellant had not raised any genuine grievance, but had merely sought clarification in an aggressive manner. In this context, Regulation 7.9(e) empowers the Forum to reject a grievance at any stage as mentioned in the first para.
- (xi) In view of the aforesaid facts, it is evident that there is no deficiency in service on the part of MSEDCL. All actions undertaken by the Respondent were strictly in accordance with the provisions of the Electricity Act, 2003, the applicable MERC Regulations, and approved procedures governing Smart Meter implementation.
- (xii) In the circumstances stated above, the Respondent prays that the present representation filed by the Appellant be rejected as being false, frivolous, and devoid of merit.


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

- (i) The Appellant is a residential consumer of the Respondent; the particulars whereof are set out in Table 1 hereinabove.

  
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- (ii) The Appellant categorically denies the contention of the Respondent that any complaint regarding meter reading or high billing was registered by the Appellant in the CRM system of the Respondent. The said allegation is false, incorrect, and unsupported by any cogent documentary evidence. *[Note: The Respondent produced the two Request IDs 0000036780023 and 0000036780045 made by the Appellant on his registered mobile.]*
- (iii) The Respondent has unnecessarily relied upon general policies and Smart Meter implementation guidelines without addressing **the specific grievance regarding unauthorized replacement of the existing meter** and the consequential damage caused to the Appellant's property.
- (iv) The old meter installed at the premises was functioning properly and there was neither any defect in the meter nor any prior consent obtained from the Appellant before replacing the same with a Smart Meter. The replacement was carried out arbitrarily and against the wishes of the Appellant.
- (v) During the course of meter replacement, damage was caused to the Appellant's gate and movable assets situated near the meter installation area. However, the Respondent has failed to take responsibility for the said damage and has wrongly attempted to deny the same.
- (vi) The Respondent cannot compel installation of a Smart Meter in disregard of the objections raised by the consumer, particularly when the existing meter was functioning properly and no deficiency or irregularity was established in respect thereof.
- (vii) The Appellant thereafter filed a grievance application before the Forum on 12.01.2026. However, the Forum rejected the said grievance without properly appreciating the core issue involved in the matter. The original meter installed at the premises was functioning properly and there was neither any defect nor any complaint warranting its replacement. The Appellant had never requested replacement of the existing meter. It is further contended that the Respondent ought

  
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to have obtained prior consent and permission from the Appellant before installing the Smart Meter at the premises.

(viii) The Appellant relied upon the following judicial pronouncements and proceedings in support of her contentions regarding installation of Smart Meters:

- a. A Public Interest Litigation before the Bombay High Court during 2024-25 challenging the mandatory and non-consensual installation of Smart Prepaid Meters, wherein the petitioners contended that consumers were being deprived of their right to choose by forcible installation of Smart Meters by the Licensee.
- b. Public Interest Litigation No. 29 of 2025 before the Bombay High Court Nagpur Bench challenging the alleged forced rollout of Smart Prepaid Meters.
- c. A judgment of the Madras High Court concerning the issue of consumer consent for installation of Smart Meters.
- d. Case No. 203 of 2022, wherein it was allegedly observed that consumers are required to be informed in writing regarding their right to choose their electricity meter and that MSEDCL and BEST ought to obtain written consent before replacement of an existing functional meter.
- e. Case No. 104 of 2025 before the Electricity Ombudsman, Mumbai, wherein the Appellant contended that the Ombudsman had observed that installation of Smart Meters is obligatory but not compulsory and that consumer consent is necessary prior to replacement of an existing meter.

*(Note: The Appellant could not produce complete particulars or certified copies of the aforesaid cases and proceedings relied upon. It is also pertinent to note that in Case No. 104 of 2025 decided on 05.01.2026, the Electricity Ombudsman, Mumbai, has in fact observed that the Respondent is duly authorized to replace existing meters with Smart Meters and that prior consent of the consumer is not mandatory for such replacement.)*



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- (ix) In the circumstances stated above, the Appellant prays that this Hon'ble Authority may be pleased to direct the Respondent to:
- a. remove the Smart Meter and reinstall the previous old meter forthwith; and
  - b. pay appropriate compensation towards the damage caused to the Appellant's gate and movable assets during the process of meter replacement.

### **Analysis and Ruling**


4. Heard the parties and perused the documents on record. The Appellant is a residential consumer as detailed in Table 1. The dispute primarily pertains to replacement of the existing electricity meter by a Smart Meter and the consequential allegations regarding absence of consent and alleged damage to property.

5. The Appellant contended that there was no necessity for replacement of the same. The Respondent is not authorised to replace the existing meter without prior consent of the Appellant. The Appellant also alleged that damage was caused to the gate and movable assets during the process of replacement of the meter, though no evidence of the same has been placed on record. The Appellant sought reinstatement of the old meter and compensation for the alleged damages.

6. On the other hand, the Respondent submitted that the Smart Meter installation programme is being implemented pursuant to the Notification dated 17.08.2021 issued by the Ministry of Power, Government of India under the Electricity Act, 2003 and the CEA (Installation and Operation of Meters) Regulations. It was further submitted that the Smart Meter rollout is being undertaken under the Revamped Distribution Sector Scheme (RDSS) through authorized AMISP agencies and forms part of a nationwide policy initiative for modernization of electricity distribution infrastructure.

7. The policy regarding Smart Meters is stated below:

The Ministry of Power, Government of India, by Notification dated 17.08.2021 issued under the Electricity Act, 2003 and CEA Metering Regulations, has mandated

  
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replacement of all existing meters, including functional ones, with Smart TOD Meters under the Revamped Distribution Sector Scheme (RDSS). Installation of smart meters is obligatory for distribution licensees and forms part of a national policy for technology up gradation to ensure accurate, transparent billing and efficient system management. The MERC Tariff Order dated 28.03.2025 (Case No. 217 of 2024) records that the smart meter rollout is being implemented under RDSS through AMISP, with the scheme having a sunset date of 31.03.2026 for eligibility of central grant support.

8. The MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 mandate the installation of smart meters. The relevant provisions are reproduced below:

**1. Definitions**

2(SS) : “**Smart Meter**” shall have the same meaning as ascribed to it under Regulation 2 (1) (ta) of the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 including any amendment thereto in force from time to time;

**5.1: Requirement of Meters**

15.1.1. All connections shall be released with an appropriate meter. All meters shall conform to requirements as laid down by various Regulations issued by Central Electricity Authority (Installation & Operation of Meters) Regulations, 2006 and as amended from time to time. The Distribution Licensee shall also comply with these Regulations for energizing a new connection or for replacement of meter or for other purposes such as energy audit and interface meter:

*Provided that all the new connections shall be released with the Smart Meter or Meter having at least the facility of remote reading:*

*Provided further that all the existing meters whenever replaced shall be replaced only by Smart Meter or Meter having at least the facility of remote reading.*



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Thus, the regulatory framework clearly authorizes and obligates the Distribution Licensee to undertake replacement of existing meters with Smart Meters as part of statutory compliance and implementation of Government policy. Merely because the earlier meter was functional does not create a vested right in favour of the consumer to insist upon continuation of the old meter indefinitely. The replacement of the meter in the present matter cannot therefore be said to be unauthorized or contrary to law.

9. The Appellant has relied upon certain Public Interest Litigations and judicial proceedings regarding installation of Smart Meters. However, complete particulars and authenticated copies of the said proceedings have not been produced on record. In any event, pendency of proceedings before constitutional courts does not operate as a restraint against implementation of the prevailing statutory and regulatory framework unless there is any specific stay or prohibitory order, which is not demonstrated in the present case.

10. As regards the allegation relating to damage to the gate and movable assets, except for bare assertions, no independent evidence, photographs, repair bills, valuation documents, or other supporting material have been placed on record by the Appellant to substantiate the claim for compensation. The Respondent has specifically denied causing any such damage. In the absence of cogent evidence, the claim for compensation cannot be accepted.

11. The Forum has considered the relevant facts and passed a reasoned and speaking order. No perversity, illegality, or material irregularity is demonstrated warranting interference by this Authority. The present Representation appears to have been pursued despite the clear statutory position governing Smart Meter installation and without any substantive evidence regarding alleged damages. In the facts and circumstances of the present matter, this Authority is of the considered view that the Representation is devoid of merit and has unnecessarily consumed the time and resources of the adjudicatory mechanism. Accordingly, the Representation deserves to be rejected with costs.

  
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12. In view of the foregoing discussion, the Representation filed by the Appellant is rejected with costs of Rs.2,000/- payable by the Appellant to Electricity Ombudsman (Mumbai) office within a period of 60 days from the date of this Order. The Representation stands disposed of accordingly.

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)



(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

