

## BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

### REPRESENTATION NO. 55 OF 2026

In the matter of bill revision and compensation thereof

M. Shakil Khan & Iram Fatima Khan.....Appellant  
(Cons. No. 001593883171)

V/s.

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

Appearances:

Appellant : M. Shakil Khan

Respondent : 1. Mahesh Madhavi, Addl. Executive Engineer, Vasai (East) S/Dn.  
2. Aashish Kumar Varma, Assistant Accountant.

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


Date of hearing: 10<sup>th</sup> June 2026

Date of Order : 16<sup>th</sup> June 2026

### ORDER

This Representation was filed on 5<sup>th</sup> May 2026 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) challenging the Original Order dated 13.01.2026 and Review Order dated 25.03.2026 passed by the Consumer Grievance Redressal Forum, MSEDCL, Vasai in Case No. 015 of 2025 and Review Case No. 004 of 2026.

By the original Order dated 13.01.2026, the Forum partly allowed the grievance and directed that

  
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2. Respondent should trace the old meter and test the same within 30 days from the date of order, otherwise refund the meter testing charges as a credit in future bill.

Thereafter, by the Review Order dated 25.03.2026, the Forum granted further relief.

The Operative part of the review order is below:

2. Consumer Bill is already revised along with refund of testing charges.
3. Connection should be restored immediately within 24 hours if not done.
4. There is no provision for request of Temporary Disconnection, either connection will be Live or Permanently Disconnected (PD) on written request of consumer.
5. Consumer is responsible for the usage of electricity meter, being in the custody of the consumer for normal working meter.


2. Aggrieved by the Forum's original and review order, the Appellant has filed this representation. An e- hearing was held on 10<sup>th</sup> June 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 MSEDCL. The particulars of electric connection are tabulated as below:

Table 1:


Appellant	Consumer No.	Address	Sanct. Load	Date of Supply
M. Shakil Khan & Iram Fatima Khan	001593883171	Flat No.402, Bldg.No.146, Sector 6, Evershine Daisy Vasai Palghar Vasai-Virar City (M Corp) Pin-401208	0.8 kW	20.08.2020

The Appellant was regularly billed on the basis of actual meter readings. The consumption pattern from July 2024 to June 2025 averaged around 10 units per month and ranged between 1 and 60 units. The present grievance relates to comparatively higher consumption recorded in July 2025 (193 units), August 2025 (195 units) and September 2025 (22 units), The Appellant lodged the first complaint by email in July

  
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- raising grievances regarding a faulty meter and excess billing. The Appellant disputed the accuracy of the meter and paid the prescribed meter testing charges on 16.07.2025.
- (ii) Pursuant to MSEDCL's Smart Meter Replacement Programme and the relevant circulars issued from time to time; work orders were awarded to the Advanced Metering Infrastructure Service Provider (AMISP) for replacement of existing single-phase and three-phase meters. Accordingly, a smart meter (No. M42511284643) was installed at the Appellant's premises on 08.08.2025 without any cost to the consumer, as smart meters are being installed across Vasai Circle under a special installation programme, wherever considered necessary by the Respondent. The removed meter was retained by the meter replacement agency appointed by the Corporate Office. Despite persistent follow-up by the Respondent, the agency failed to trace and produce the said meter for testing.
- (iii) The replacement was undertaken as part of the ongoing smart meter rollout and not on account of any defect in the existing meter. The final reading of the removed meter was recorded as 1413 kWh. On the issue of the Appellant's complaint regarding the meter being faulty / fast, digital meters generally do not exhibit a tendency to advance readings in the absence of actual consumption. In the absence of meter testing, the possibility that the recorded consumption reflected actual usage cannot be completely ruled out.
- (iv) The photograph of the removed meter available with AMISP confirms the final reading. On the Appellant's request, AMISP was directed to produce the meter for testing. However, the meter could not be traced with AMISP.
- (v) The Appellant again lodged a complaint on 17.10.2025 by ICRS (Complaint ID: 0000038579983) through the MSEDCL online portal,
- (vi) Subsequent consumption recorded on the new meter remained nil and the Appellant was accordingly billed for zero consumption during October and November 2025.
- (vii) The Appellant filed a grievance before the Forum on 02.12.2025 (Case No. 015 of 2025) with a prayer as below:
- a) *To reverse the bill amount and correct the consumer's Meter Reading as 1003 as on 04-03-2025.*

  
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b) *Also replace the Faulty Meter as early as possible, else MSEDCL's Billing system will keep sending consumer Wrong Inflated Bills in future.*

By Order dated 13.01.2026, the Forum directed MSEDCL to trace and test the old meter within 30 days, failing which the meter testing charges were to be refunded through future bill adjustment.

(viii) Aggrieved by the said order, the Appellant filed a Review Application on 22.01.2026 (Case No. 004 of 2026) with a new different prayer as below:

- (i) *Faulty Meter was not inspected within Max. 4 days (Urban Area).*
- (ii) *Faulty Meter was not Tested till date (21/01/2026) even after paying testing charges in July 2025.*
- (iii) *Meter Testing Report was not given within two months of the request as per MERC Case No. 19 of 2004 dated 23/02/2005.*
- (iv) *Billing complaint not resolved within stipulated time of next billing cycle (approx. 1 month) till date (21/01/2026).*


Appellant also added the following new prayer:

- (i) *CGRF case was not heard within the stipulated time of sixty (60) days of filing of the Grievance (either online or offline).*

Appellant also demanded the following monetary compensation for mental/emotional/physical agony & harassment and financial hardship.

- (i) *Rs.10,000/- for causing Mental/Emotional/Physical Agony & Harassment.*
- (ii) *Rs.25,000/- for causing Financial Loss incurred (Salary Loss of 10 days due to Leave Without Pay @Rs.2500 per day) during various physical visits to MSEDCL offices at Vasai East.*
- (iii) *Rs.5,000/- towards Legal Expenses (Legal Expert Fees for drafting & filing consumer's case).*

(ix) Following the Appellant's above Review Application **MSEDCL revised the bill to reflect nil consumption for the period of July 2025 to September 2025, as the old meter could not be traced. Furthermore, the meter testing charges of Rs. 4,373.81 were credited to the Appellant's account** via B-80 dated 25.02.2026. Taking note of this, the Forum, in its Review Order dated 25.03.2026, recorded that all directed reliefs had been implemented and the grievance redressed.

  
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- (x) The Respondent has fully complied with both the original and review orders. Notwithstanding this, the Appellant has filed the present representation seeking compensation for alleged SOP violations, harassment, and financial hardship.


It is pertinent to note that the Appellant expressly admits in their representation that **the original grievance stands resolved**. The claims now raised for compensation were never pleaded or agitated before the Forum, where the relief sought was strictly confined to bill revision, meter reading correction, and meter replacement.

The Appellant cannot be permitted to introduce entirely new claims for compensation at the appellate stage after having accepted the substantive relief granted by the CGRF. The Appellant's position is self-contradictory: having acknowledged that the underlying grievance is resolved, no further claim survives. As the original dispute has been fully redressed, the present representation seeking only additional compensation is outside the scope of appellate jurisdiction and is devoid of merit.

- (xi) In view of the foregoing, the Respondent prays that this Hon'ble Electricity Ombudsman be pleased to dismiss the Appellant's representation.

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

- (i) The Appellant is a residential consumer (Consumer No. 001593883171) from 20.08.2020 of which the details are tabulated in Table 1.
- (ii) The Respondent admits that the "old meter could not be traced" and that the grievance remained unresolved until long after the statutory timelines. The Respondent's failure to produce the meter for testing, despite the Appellant paying the prescribed testing charges in July 2025, constitutes a direct violation of the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2021.
- (iii) The Respondent incorrectly characterizes the prayer for compensation as a "new grievance." Under the relevant Electricity Act provisions and MERC Regulations, compensation is a statutory consequence of a Licensee's failure to adhere to the Standards of Performance. The Appellant is not seeking to alter the nature of the original dispute; rather, the Appellant is seeking the statutory remedy for the mental,

  
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physical, and financial hardship caused by the Respondent's admitted negligence and protracted delay.

- (iv) While the Respondent has belatedly corrected the billing and refunded the testing charges (after several months of non-compliance), the mere rectification of a bill does not absolve the Respondent of liability for the harassment caused during the interim. The Respondent's internal failure to track the meter and the forced physical visits to the office represent a clear dereliction of duty, for which the Appellant is entitled to equitable compensation.
- (v) The Hon'ble Electricity Ombudsman is vested with the authority to ensure that the Licensee complies with all regulatory standards, including the payment of compensation for SOP violations. The contention that these claims are "outside the scope of jurisdiction" is an attempt by the Respondent to evade accountability for its own administrative failures. The Appellant's admission that the *billing* grievance is resolved does not equate to an admission that the *consequences* of that grievance have been mitigated.
- (vi) The loss incurred by the Appellant (10 days of leave without pay, legal expenses, and repeated travel) is a direct, quantifiable result of the Respondent's failure to resolve a simple meter issue within the mandatory 60-day period. The Appellant's claim for compensation is therefore intrinsically linked to the original case and is both maintainable and necessary in the interest of justice.
- (vii) In view of the above, it is evident that the Respondent's compliance was not only delayed but incomplete, as it failed to address the resultant losses suffered by the consumer.
- (viii) The Appellant prays that this Hon'ble Electricity Ombudsman may be pleased to grant the compensation despite the Respondent's belated rectification of the billing error.

(A) *SoP Compensation :*

(i) *Faulty Meter was not inspected within Max. 4 days (Urban Area).*

(ii) *Faulty Meter was not Tested till date (21/01/2026) even after paying testing charges in JULY - 2025.*

  
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- (iii) *Meter Testing Report was not given within two months of the request as per MERC Case No. 19 of 2004 dated 23/02/2005.*
- (iv) *Billing complaint not resolved within stipulated time of next billing cycle (approx. 1 month) till date (21/01/2026).*
- (v) *CGRF case was not heard within stipulated time of sixty (60) days of filing of the Grievance.*


**(B) Monetary Compensation ffor Mental/Emotional/Physical Agony & Harassment and Financial Hardship caused by MSEDCL`s negligence:**

- (i) *Rs.10,000/- for causing Mental/Emotional/Physical Agony & Harassment.*
- (ii) *Rs.25,000/- for causing Financial Loss incurred (Salary Loss of 10 days due to Leave Without Pay @Rs.2500 per day) during various physical visits to MSEDCL offices at Vasai East.*
- (iii) *Rs.5,000/- towards Legal Expenses (Legal Expert Fees for drafting & filing consumer`s case).*

## **Analysis and Ruling**

4. Heard the parties and perused the documents on record.

5. The grievance originally pertained to disputed consumption recorded during July to September 2025 and the Appellant`s challenge to the accuracy of the meter. If we examine the circumstances of the above dispute, we find that the Respondent did make genuine efforts to trace the old meter through its correspondence with the independent meter replacement agency AMISP. Unfortunately, the meter could not be traced, for which the Respondent does not seem to be directly responsible. We also note that despite no evidence of a faulty meter, the Respondent did reduce the disputed bills of July to September 2025 to reflect nil consumption, even though there is a possibility of some consumption. The Forum did not issue any order to revise the consumption of the disputed 3 months to zero; this relief seems to have been given by the Respondent itself. The delay in correcting the billing in these circumstances, is not unjustified. The substantive grievance regarding billing and meter testing is already redressed.

  
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6. The reliefs sought by the Appellant before the Forum in Grievance No. 015 of 2025 were limited to reversal of the disputed bill, correction of meter reading, and replacement of the allegedly faulty meter. The Forum adjudicated the grievance on the basis of the said prayers and the grievance subsequently stood redressed through bill revision and refund of meter testing charges.

7. The present Representation, however, is confined to claims for compensation on account of alleged delay in meter testing, non-availability of the meter testing report, delay in grievance redressal, alleged violations of the Standards of Performance (SoP), mental agony, financial loss, and legal expenses. These reliefs neither formed part of the original grievance nor were adjudicated by the Forum. The Appellant cannot be permitted to substantially alter the scope of the grievance at the appellate stage by introducing fresh claims. Such enlargement of the dispute is beyond the scope of appellate proceedings under the MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020.

8. The Regulatory provision as specified in Regulation 25 of Supply Code & SoP Regulations, 2021 is produced as below:


*25. Determination of Compensation*

*25.1. ....*

*25.2. The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Annexure 'II' to these Regulations:*

*Provided that in the event of failure of Distribution Licensee to meet the standards of performance, the compensation shall be payable automatically by the Distribution Licensee for the parameters as per Annexure 'II' to all the affected person/Consumers, without requiring a claim to be filed by the affected person/Consumer:*

*Provided further that the automatic compensation mechanism shall be implemented within Six (6) months of the date of notification of this Regulations:*

  
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*Provided further that any person who is affected by the failure of the Distribution Licensee to meet the Standards of Performance specified under these Regulations for the parameters not entitled for automatic compensation as per Annexure 'II' and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of Sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the Standards of Performance :*


Regulation 25 of the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 provides that a consumer seeking compensation for non-automatic SoP violations shall first file a claim before the Distribution Licensee within sixty days of the occurrence of such violation. In the present case, no material has been produced to show that the Appellant had filed such a claim before the Respondent as contemplated under Regulation 25.

9. The compensation payable for failure to meet Standards of Performance is specifically governed by Annexure-II of the SoP Regulations, 2021. Any entitlement to compensation must therefore be examined strictly within the framework of the said Regulations. The Appellant's claims towards salary loss, legal expenses, financial hardship and compensation for mental, emotional or physical agony are consequential claims. As per Supply Code & SoP Regulations, 2021, the consumer is not entitled to receive indirect, consequential, incidental, punitive cost.

The same is reproduced as below:

*"18.4 The Distribution Licensee shall not be liable for any claims against it attributable to direct, indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity, whether arising in contract, tort, warranty, strict liability or any legal principle which may become available, as a result of any curtailment of supply under the circumstances or conditions mentioned in this Regulation 18."*

Under Regulation 18.4, consumers are not entitled to indirect, consequential, incidental, or punitive damage, such as for mental agony or salary loss.

  
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10. In view of the foregoing, no case is made out for grant of compensation claimed by the Appellant. The Representation is therefore rejected and stands disposed of accordingly.

11. While parting with this Order, the Respondent is advised to take up the matter at a higher level with the Advanced Metering Infrastructure Service Provider (AMISP) regarding the non-availability of the replaced meter in this case. It is a matter of concern that, despite the meter having been replaced, the removed meter was not available with the AMISP. Since such meters constitute crucial evidence in matters involving revenue assessment and billing disputes, utmost care and due diligence must be exercised to ensure their proper preservation, custody, and traceability after replacement.

Sd/  
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Electricity Ombudsman (Mumbai)



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