

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO.56 OF 2026

(REVIEW OF THE ORDER IN REPRESENTATION NO. 16 OF 2026)

In the matter of retrospective recovery due to under-recording of meter

Noor Jahan Mohammed Mustafa.....Applicant
(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, Commercial Head
2. Ratnakar Swain, LCC Head
3. Pawan Disawal, Sr. Executive


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

Date of hearing: 4th June 2026

Date of Order: 8th June 2026

ORDER

This Review Application was registered on 29th April 2026 under Regulation No. 22.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) for review of


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the original Order dated 30th March 2026 in Representation 16 of 2026 passed by the Electricity Ombudsman (Mumbai) which was partly allowed. The details of the observation with the directions given to the Respondent is reproduced as below:

“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:

Table 4

Tamper 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.	539: 19:09:00	216.09	216.09	216.09	2.93	0.00	2.88


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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 × 539 / 556)*
- *Difference (Excess Units Assessed):
1,542 units*
- *Percentage of Event Duration with respect to total assessed period:
97% (= 539 / 556 × 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.

.....
11. *In view of the observations recorded in para, 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:*


- 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.*
- 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.”*

2. Aggrieved by this order of the Electricity Ombudsman (Mumbai), the Applicant has filed for review of this order. The e-hearing was held on 4th June 2026 through video conference where all the parties were heard at length. The submissions and arguments of the Review Applicant are as below. *[The Electricity Ombudsman’s observations and comments are recorded under ‘Notes’.]*

Background:

- The Applicant is a LT Power-loom Consumer from 15.07.2009. The particulars of the consumer are tabulated below:


Table 1:


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Appellant	Consumer No.	Address	Sanct. Load	Date of Supply	Date of Inspection	Assessment Details	Reason for Assessment & Period
Noor Jahan Mohammed Mustafa (Bill Name : Noorjabano 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.

- (ii) On 06.03.2025, the Respondent's Vigilance Officer carried out a unilateral inspection wherein only non-display of Y-phase current was observed without establishing actual under-recording. Though the Respondent relied upon MRI/MDAS data showing "CT Current Missing" events during 28.08.2023 to 10.03.2025, such data was neither independently validated nor supplied to the Applicant and mere occurrence of such events does not establish the quantum of under-recording, particularly when the meter was otherwise intact and functional. The supplementary bill of ₹1,41,898/- for 50,439 units is arbitrary as consumption variations depend upon production, seasonal demand and load conditions, making pre- and post-replacement comparison unreliable.
- (iii) The Applicant contends that the case falls within defective or improper meter recording and therefore assessment ought to have been carried out under Regulation 16.4.1 of the MERC Supply Code & SoP Regulations, 2021. During testing, it was informed that one phase CT was intermittently non-functional causing partial non-recording and the meter was termed defective; however, despite repeated requests, CMRI data, calculation sheets and supporting records were not supplied. Aggrieved thereby, the Applicant approached the Forum, which rejected the grievance without properly appreciating the facts and technical deficiencies.
- (iv) The Respondent's failure to monitor CMRI data and continued withholding of the same, despite it being the only scientific basis to determine actual duration, vitiates the assessment. Since CT missing is an internal metering defect not attributable to the consumer, assessment ought to have been based only on actual cumulative CT missing duration rather than the entire period of 561 days.


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Therefore, the Applicant prays for reassessment by restricting recovery to actual cumulative CT missing duration subject to a maximum period of 90 days or otherwise strictly on the basis of CMRI data.

Grounds for Review:


- (v) The assessment was carried out by considering near full-time CT missing primarily on the basis of the L&T Meter Tampering Report submitted by MPSL. However, the said report merely reflects the date and time of first and last occurrence and does not represent the factual position of intermittent or partial CT missing. The Respondent failed to provide the CMRI Report, which records all CT secondary current failure events and constitutes the only primary and reliable record for determining the actual duration of CT missing. If the assessment made by MPSL is based on actual data and reflects the correct position, there should be no objection to furnishing the CMRI Report, which would provide complete clarity and finality to the dispute.
- (vi) In view of the above, the Applicant approached MSEDCL vide letter dated 15.04.2026 which is kept on record.

Discovery of New Evidence; Procedural Irregularity:

- (vii) The Applicant seeks review of the impugned Order dated 30.03.2026 under Regulation 22.1 of the CGRF & EO Regulations, 2020 on account of errors apparent on the face of the record, subsequent discovery of material evidence, procedural irregularities, and violation of the MERC Supply Code & SoP Regulations, 2021.
- (viii) The Applicant therefore prays that this Hon'ble Ombudsman may review and set aside the Order dated 30.03.2026 passed in Representation No. 16 of 2026 and reconsider the matter on the basis of the CMRI Report and other relevant technical evidence.


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

- (i) The Applicant is a LT Power-loom Consumer from 15.07.2009. The particulars of the consumer are tabulated in Table 1.


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- (ii) The present Review Application is entirely misconceived, not maintainable in law, and devoid of merit. The Applicant seeks to reopen concluded findings under the guise of review without demonstrating any error apparent on the face of the record. It is a settled law that review jurisdiction is extremely limited and cannot be exercised for re-appreciation of evidence, rehearing on merits, or substitution of a different view. The order dated 30.03.2026 was passed after due consideration of the material on record and warrants no interference.
- (iii) The Applicant herself had prayed before the Hon'ble Electricity Ombudsman that assessment should be based on actual cumulative duration of CT missing as reflected in CMRI/MRI data. The Hon'ble Ombudsman, after considering the said contention, granted relief by proportionately revising the assessment to 48,897 units based on actual event duration of 539 days. Therefore, no further relief survives in the present matter.
- (iv) The Franchisee, Malegaon Power Supply Ltd. MPSTCL has fully complied with the directions contained in the Order dated 30.03.2026 passed in Representation No. 16 of 2026 and has revised the supplementary assessment accordingly while also extending installment facility as directed.
- (v) During vigilance inspection conducted on 06.03.2025 and subsequent verification on 10.03.2025, it was observed that although actual Y-phase current was flowing as confirmed through clamp-on-meter readings, the meter was displaying zero current in Y-phase. Accordingly, the old meter was replaced and sealed after following due procedure. Though the consumer representative initially resisted replacement and refused to sign inspection documents, the replacement process was completed and laboratory testing notice was duly served.
- (vi) Laboratory testing conducted on 15.03.2025 in presence of the consumer representative confirmed that Y-phase current was missing in the meter despite actual current flow, thereby establishing that the meter was recording only two-third consumption. MRI data was downloaded and the manufacturer's tamper report recorded "Current Failure – Y Phase" from 28.08.2023 onwards.


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- (vii) Based on the tamper report, it was observed that meter reading at commencement of current failure event was 6,27,616 units whereas the reading at replacement was 7,28,494 units, indicating recorded consumption of 1,00,878 units during the period of current failure. Accordingly, one-third unrecorded consumption of 50,439 units was assessed. Thereafter, the Hon'ble Ombudsman, after considering MRI data and event duration, revised the assessment to 48,897 units.
- (viii) The contention that the meter was "defective" within the meaning of Regulation 16.4.1 of the MERC Supply Code Regulations is misconceived and already rejected by the Hon'ble Ombudsman. Reliance has also been placed upon the judgment of the Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No. 8613 of 2017 dated 18.12.2018 holding that under-recording due to wiring/CT related issues does not amount to defective meter and the consumer remains liable for actual energy consumed.
- (ix) The consumer admittedly consumed electricity which remained partially unrecorded due to missing Y-phase current and therefore MPSL is legally entitled to recover charges for actual consumption. The assessment has already been restricted within the permissible period under Section 56(2) of the Electricity Act, 2003 as observed by the Hon'ble Ombudsman.
- (x) All relevant documents including inspection reports, laboratory testing details, tamper reports and MRI related information were provided during proceedings and allegations regarding non-supply of documents are denied. The present representation discloses no new ground, error apparent on record, or exceptional circumstance warranting review of the reasoned Order dated 30.03.2026.
- (xi) The Respondent prays that the Review Application of the Applicant be dismissed with costs.

4. The Applicant, vide letter dated 24.05.2026, submitted a Rejoinder along with the CMRI Report subsequently received from MSEDCL in Representation No. 56 of 2026 (Review in Representation No. 16 of 2026).


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- (i) Pursuant to the Applicant's request seeking supply of the CMRI Report, the Nodal Officer of the Respondent- MSEDCL provided the report in two parts, namely: (i) CMRI data for the period 02.04.2024 to 05.03.2025 supplied on 04.05.2026; and (ii) CMRI data for the period 13.05.2023 to 03.04.2024 supplied on 20.05.2026. The complete CMRI Report is kept on record.
- (ii) Upon examination of the report, it appears that Y-phase current remained continuously missing from 28.08.2023 till meter replacement. The Applicant does not intend to dispute the factual technical position emerging from the report and, for the purpose of these proceedings, accepts the CMRI data as the factual technical record. However, certain issues relating to procedural fairness and surrounding circumstances require consideration.

Continuous non-supply of crucial technical evidence

- (iii) The CMRI Report is the very document repeatedly sought by the Applicant from the initial stage of dispute, during internal grievance proceedings, before the Hon'ble CGRF and subsequently before the Hon'ble Electricity Ombudsman. Since the report now supplied substantially supports the assessment made by MPSL, a legitimate concern arises as to why the same was continuously withheld earlier. Had the report been supplied initially, the Applicant could have understood the actual technical position and unnecessary litigation regarding the nature and duration of CT missing could have been avoided.

Basis of earlier submissions and understanding

- (iv) Earlier contentions regarding intermittent or partial CT missing were not made without basis but arose from the understanding created during meter testing, temporary examination of CMRI data shown during discussions, and subsequent interactions with officials. Based on such understanding, the Applicant believed that intermittent CT behaviour existed; however, the subsequently supplied CMRI Report now reflects continuous missing of Y-phase current.


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Acceptance of CMRI findings for present proceedings


- (v) Without entering into further technical controversy regarding intermittent or continuous CT missing, and in the interest of fair adjudication, the Applicant accepts the CMRI Report supplied through the Nodal Office and accepts that Y-phase CT remained missing from 28.08.2023 till meter replacement.

Request for equitable reduction in assessment burden

- (vi) While accepting the CMRI findings, the Applicant requests reconsideration of the assessment burden considering the surrounding circumstances already argued on record. Questions remain regarding periodic inspection, monitoring and timely detection of the abnormality. Records indicate repeated CMRI rejection events from December 2023 during regular meter reading activity, raising the issue as to why timely corrective action or meter replacement was not initiated earlier.
- (vii) The Applicant consumed electricity was linked with production activities and goods already sold, making retrospective recovery practically difficult and causing substantial financial hardship. CT missing and PT missing are technically distinct issues and CT missing ordinarily does not arise from consumer-side intervention. Further, the laboratory testing report itself classified the meter as defective, which may also be considered while determining equitable relief.
- (viii) In view of the above facts and circumstances, the Applicant prays that this Hon'ble Electricity Ombudsman may consider the surrounding circumstances, procedural deficiencies, delay in furnishing technical evidence, financial hardship caused, and grant such reasonable relief in the assessed bill as deemed fit and proper in the interest of justice.

Analysis and Ruling

5. Heard both the parties and perused the documents on record. The issues raised by the Applicant were discussed at length in the hearing.


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6. We are of the opinion that all important issues in sum and substance have already been covered in detail with reasoning in the original order dated 30.03.2026 in Representation 16 of 2026 of the Electricity Ombudsman (Mumbai).

7. The Regulation with respect to review of order passed by the undersigned is given in Regulation 22 of the CGRF & EO Regulations 2020. The relevant Regulation is quoted below:

“22 Review of Order of Electricity Ombudsman

22.1 Any person aggrieved by an order of the Electricity Ombudsman, including the Distribution Licensee, may apply for a review of such order within thirty (30) days of the date of the order to the Electricity Ombudsman, under the following circumstances:

- (a) Where no appeal has been preferred;*
- (b) On account of some mistake or error apparent from the face of the record;*
- (c) Upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed.*


22.2 An application for such review shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error apparent from the face of the record.

22.3 The review application shall be accompanied by such documents, supporting data and statements as the Electricity Ombudsman may determine.

22.4 When it appears to the Electricity Ombudsman that there is no sufficient ground for review, the Electricity Ombudsman shall reject such review application: Provided that no application shall be rejected unless the Applicant has been given an opportunity of being heard.

22.5 When the Electricity Ombudsman is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, the review of which is applied for.”

8. Upon perusal of the Review Application, it is evident that no error apparent on the face of the record has been established, nor has any new and important material, been shown to have been unavailable at the time of the original proceedings. The grounds urged merely reiterate contentions already considered and adjudicated in the Order dated 30.03.2026. No fresh issue warranting reconsideration under Regulation 22 of the CGRF & EO Regulations, 2020 has been made out.


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9. The Hon'ble Supreme Court in Kamlesh Verma v. Mayawati, reported in AIR 2013 SC 3301, has unequivocally held that review proceedings are not by way of an appeal and must be strictly confined to the grounds specified in the relevant statute or rules. The Court further observed that repetition of old and overruled arguments is insufficient to reopen a concluded adjudication. The relevant observations are reproduced below:


“8) This Court has repeatedly held in various judgments that the jurisdiction and scope of review is not that of an appeal and it can be entertained only if there is an error apparent on the face of the record. A mere repetition through different counsel, of old and overruled arguments, a second trip over ineffectually covered grounds or minor mistakes of inconsequential import are obviously insufficient.”

In the matter of Jain Studios Ltd v/s Shine Satellite Public Co. Ltd. reported in (2006) 5 SCC 501, the Supreme Court held as under: -

“11. So far as the grievance of the Applicant on merits is concerned, the learned counsel for the opponent is right in submitting that virtually the Applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negatived. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. It is settled law that the power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases.”

The Hon'ble Supreme Court in State of West Bengal v. Kamal Sengupta (2008) 8 SCC 612 explained that an error apparent on the face of record must be self-evident and should not require a long-drawn process of reasoning. **A review cannot be entertained merely because another view is possible.** Tested on the above principles, the present Review Application does not disclose any error apparent on the face of record.

In light of the aforesaid settled legal position, and considering that the Applicant has neither raised any new issue which was not considered in the original proceedings nor pointed out any error apparent on the face of the record, we are of the considered view that the present Review Application is devoid of merit. The Applicant has not demonstrated any patent mistake, arithmetical error, jurisdictional defect, or manifest illegality in the order dated 30.03.2026. The same are accordingly held to be not maintainable and stands rejected.


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10. **The Review Application is thus an attempt to re-argue the matter on merits**, which is impermissible in review jurisdiction. No sufficient ground exists for interference under Regulation 22.


11. In view of the above, the Review Application filed by the Applicant is rejected on merits. However, in the interest of equity, the Respondent is directed to

- a) Withdraw the interest and delayed payment charges levied to the Applicant for the period commencing from April 2025 onwards until the date of this Review Order.
- b) The Respondent shall submit compliance of the above direction within a period of two months from the date of issuance of this Order.
- c) All other prayers of the Applicant are rejected. All other terms and findings recorded in the original Order shall remain unchanged.

12. The Applicant filed the review application without sufficient cause, resulting in avoidable expenditure of time and resources of this quasi-judicial authority. Therefore, cost of Rs. 2,000/- is imposed upon the Applicant. Accordingly, the Review Representation stands disposed of.

13. The Secretariat of this Office is directed to refund the deposit amount of Rs. 25,000/-, after deducting cost of Rs. 2,000/-, and transfer the balance deposit of Rs. 23000/- to the Respondent for adjustment in the Applicant's ensuing electricity bill.

Sd/-
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Electricity Ombudsman (Mumbai)


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