

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 37 OF 2026

In the matter of underbilling due to non-availability of B phase voltage to the meter

Bhagwan Tulsomal Achara. Appellant
(Cons. No. 170104793781)

V/s.

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

Appearances:

Appellant : Vivek Shridharan, HDFC Manager (Occupier)

Respondent: Ashok Jadhav, Addl. Ex. Engineer, Akurdi Sub/Dn.

Coram: Vandana Krishna [IAS (Retd.)]


Date of hearing: 6th May 2026

Date of Order : 7th May 2026

ORDER

This Representation was filed on 16th March 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 12th January 2026 in Case No. 19/2025 passed by the Consumer Grievance Redressal Forum, MSEDCL, Pune Zone (the Forum). The Forum rejected the grievance of the Appellant.

2. The Appellant has filed this representation against the order of the Forum. The Appellant attended the hearing physically whereas the Respondent was present online through video conference on 06.05.2026. Both the parties were heard at length. The Respondent's submissions


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




and arguments are stated as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

- (i) The Appellant is a consumer of MSEDCL (No. 170104793781) billed under the Commercial tariff category. The particulars relating to the consumer, and the assessed amount towards under-billing are summarized in Table 1.

Table 1:

Appellant	Consumer No.	Address	Sanct. Load /Con.Demand	Date of Supply	Date of Inspection	Assessment Amt. & date	Reason for Assessment & Period
Bhagwan Tulsomal Achara	000437467981	S. No.1193, SHOP-111 to 116, Shine Square, Pimpri Chinchwad (M Corp.)	40 KW / 50 KVA	24.09.2018	18.07.2025	Rs.6,44,190/-- (35,964 units) issued on 01.08.2025	B-phase voltage of Secure make meter (No. X0681735) was missing from July 2019 to 22.08.2024. Meter was under-recording by 33%.

- (ii) The premises, admeasuring approximately 1,500 sq. ft., has been leased to HDFC Bank since around 2019. It is being utilized as a sales office, with approximately 50–60 banking personnel operating partly from the office and partly in the field. The entire premises is air-conditioned. Accordingly, there is no fixed or consistent pattern of electricity consumption.
- (iii) The Chief Engineer (Billing & Revenue), Corporate Office of the Respondent, by letter dated 16.07.2025, reported that, upon verification of billing records in MDAS data for LT consumers, certain cases were identified where voltage inputs to meters were missing. In several instances, one or two phases were found to be non-functional for prolonged periods. Such discrepancies have resulted in under-billing and consequent revenue loss to MSEDCL. It was further observed that MR-9 reading sheets were approved by the concerned SDO in-charge without proper verification of voltage parameters. Despite clear indications in the approved MR-9 sheets of missing one- or two-phase voltages, no assessment or corrective troubleshooting was undertaken for extended periods. This negligence has significantly contributed to the revenue loss suffered by MSEDCL.


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



The following consumer from Bhosari Division was included in the said list. The details of the consumer are set out below:

➤ *Consumer Name: Bhagwan Tulsomal Achara.*

Consumer No.: 170104793781(Commercial Consumer), Date of Connection: 24-09-2018

➤ *Meter No.: 055-X0681735 (40-20 Embedded Meter without Smart PT function)*

➤ *Location: Pune Zone, Ganeshkhind Circle, Bhosari Division, Akurdi Sub Division*

➤ *As per MDAS Data analysis:*

1) The B phase voltage found missing from July 2019 to June 2025.

2) Approx.35,960 units loss having billing amount Rs.5,39,400/- approximately.

3) The missing voltage was observed in the MR9 sheet for reading, but still was approved every month without needful action by the concerned SDO.

- (iv) Accordingly, on 18.7.2025, the premises were inspected by AE (MIS). The Inspection revealed that although incoming supply voltages were proper, the meter display was not showing B-phase voltage, indicating non-recording of consumption on that phase. The current and voltage parameters recorded during inspection are shown below.

Table 2:

Current & Voltage Measurement	R Phase	Y Phase	B Phase
Current measured at incoming Supply (A)	20.96	22.34	18.03
Current on Meter Display (A)	20.41	21.17	17.64
Voltage measured at incoming supply (V)	241.2	238.6	240.1
Voltage on Meter Display (V)	240.18	242.48	3.09

Modern 3-phase CT meters record comprehensive phase-wise data (V, I, kWh, etc.) in non-volatile memory, retrievable via MRI. In this case, MRI analysis confirmed under-recording caused by missing B phase voltage input (3 V) despite continuous current, resulting in reduced kWh consumption.




(Dilip Dumbre)
Secretary

Electricity Ombudsman Mumbai



- (v) It was confirmed that the meter was operational; however, the B-phase PT voltage was found missing. The MRI data was downloaded, and analysis through the Meter Data Acquisition System (MDAS) revealed that “PT-Voltage Missing” tamper events had occurred continuously from 01.07.2019 to 18.07.2025. Based on the MDAS analysis, the meter was found to be under-recording consumption by 1/3rd, resulting in corresponding under-billing for the period from July 2019 to June 2025. Accordingly, an assessment bill of Rs.6,44,190/-for 35,964 units for the period from July 2019 to June 2025 was issued, along with a detailed explanation of the supplementary assessment vide letter dated 01.08.2025. As the Appellant consumed the electricity, they are obligated to pay for the costs incurred.
- (vi) Upon tightening the piercing screw of the B phase, from which the B-phase voltage was tapped, the voltage supply to the meter was restored. The meter is presently functioning satisfactorily on site.
- (vii) Regulation 16.4.1 of the Maharashtra Electricity Regulatory Commission (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 was not “faulty” as defined under Regulation 16.4.1. Its internal circuitry, measurement accuracy, and memory functions were fully intact; the under-recording occurred solely due to non-receipt of B-phase voltage caused by external wiring disconnection. Therefore, the meter was never categorized as “faulty,” and the provisions of Regulation 16.4.1 cannot be invoked.
- (viii) The Appellant filed a grievance application in the Forum on 14.08.2025. The Forum by its order has rightly rejected the grievance of the Appellant.
- (ix) The Respondent relied upon the Judgment of the Hon’ble Supreme Court in Civil Appeal No. 7235 of 2009 (M/s Prem Cottex v. Uttar Haryana Bijli Vitran Nigam Ltd.), which upholds the licensee’s right to recover escaped billing. The Respondent submitted that the said judgment squarely applies to the facts of the present case.
- (x) The Respondent further relied on the Judgment of the Hon’ble Bombay High Court, Aurangabad Bench, in W.P. No. 8613 of 2017, where the meter was intact, but voltage was not received, and recovery of escaped assessment was upheld.



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



(xi) In view of the above, the Respondent prays that the Representation of the Appellant be rejected.

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

- (i) The Appellant is a three-phase consumer (No. 170104793781) with supply from 24.09.2018, as detailed in Table 1.
- (ii) The Appellant had rented out the said premises to HDFC Sales Private Limited under a Leave and License Agreement dated 03.04.2023. The company is in lawful occupation of the premises since 06.03.2023 for commercial use, and the Appellant has also issued a Letter of Authority in its favour.
- (iii) On 18.07.2025, officials of MSEDCL inspected the Appellant's premises and, on 01.08.2025, issued an assessment bill of Rs. 6,44,190/- alleging meter slowness on the ground that the 'B' phase PT voltage was missing from July 2019 to June 2025 (72 months), resulting in 33% under-recording of consumption. The Appellant submits that the issue arose due to a technical defect attributable to MSEDCL itself, as recorded in the inspection remarks. It is stated that MSEDCL merely tightened the alleged piercing screw of the B-phase voltage connection to restore supply of B-phase voltage to the meter, and the same meter continues to function thereafter.
- (iv) The meter itself was defective for the period from July 2019 to June 2025 (72 months). Under Regulation 16.4.1 of the Supply Code & SOP Regulations, 2021, assessment for a faulty meter can be made for a maximum of three months. Instead, the Respondent issued a bill for 72 months (July 2019 to June 2025).
- (v) The Appellant filed a grievance before the Forum on 14.08.2025. By order dated 12.01.2026, the Forum rejected the grievance application. The Forum failed to appreciate that the meter was defective.
- (vi) The Appellant has already paid 50 % amount of assessment about Rs. 2.50 lakhs as per the Forum's interim direction, and other amount in installments, totaling Rs.6,17,349/-.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



(vii) MSEDCL's actions amount to unjust recovery, coercive billing, and harassment of a consumer lacking technical expertise, particularly when the meter defect arose from MSEDCL's own equipment.

(viii) In the circumstances stated above, the Appellant prays that the Respondent be directed to:

- a) Revise the assessment strictly in accordance with Regulation 16.4.1 of the Supply Code & SoP Regulations, 2021 (faulty meter provisions), restricting the recovery period to three months only and the excess amount paid be refunded.
- b) Waive all interest and Delayed Payment Charges (DPC), if levied.


Analysis and Ruling

4. Heard the parties and perused the documents on record. The particulars of the electricity connection, date of inspection, retrospective recovery, and the corresponding recovery period are summarized in Table 1.

5. During the inspection dated 18.07.2025, it was observed that although proper incoming voltage was available on all three phases, the meter was not receiving/displaying B-phase PT voltage. The inspection report and MRI/MDAS data recorded continuous "B-Phase Voltage Missing" events. Upon tightening the piercing screw from which B-phase voltage was tapped, the supply to the meter was restored, and the same meter thereafter functioned normally.

6. The core issue is whether the case falls within "faulty meter" under Regulation 16.4.1 of the Supply Code & SOP Regulations, 2021 (restricting assessment to three months), as contended by the Appellant, or whether it constitutes under-recording due to missing PT voltage, as contended by the Respondent.

7. The material on record establishes that the internal mechanism of the CT-operated meter—its circuitry, recording system, memory, and event logging—was intact. The anomaly arose from non-extension of B-phase PT voltage to the meter, though current was flowing (approximately


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



18A reflected during inspection). The meter continuously logged tamper events retrievable through MRI, confirming prolonged absence of B-phase voltage. Hence, the meter cannot be categorized as “defective” within the meaning of Regulation 16.4.1. The protection of a three-month limitation contemplated therein is therefore not available to the Appellant. The above provision applies where the meter itself is defective, stuck, burnt, or has stopped recording. In the present case, the meter remained operational; only one phase voltage input was not extended. Thus, the case is one of under-recording and not of a defective meter. MRI-based data retrieval, being a recognized and judicially accepted method of analysis, confirms the under-recorded consumption.


8. At the same time, the abnormal condition continued for several years without corrective action by the Respondent’s field officers, despite voltage anomalies being reflected in the reading sheets and system data. The prolonged inaction is attributable to administrative and monitoring lapses on the part of the Respondent. In such circumstances, recovery cannot extend indefinitely. Section 56(2) of the Electricity Act, 2003 provides:

“(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.”

9. The Larger Bench Judgment dated 12.03.2019 of the Hon’ble Bombay High Court in W.P. No. 10764 of 2011 (with connected matters) has interpreted the above provision to permit recovery retrospectively for 24 months in cases of mistake or oversight.

10. The Judgment dated 18.12.2018 of the Hon’ble Bombay High Court, Bench at Aurangabad in W.P. No. 8613 of 2017 is also applicable. The relevant portion reads:

“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.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



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 Page 9 of 12 77 of 2023 Reliance Corporate IT Park Ltd. 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.”

In view of the above legal position, while the meter was not defective and the Respondent is entitled to recover charges for actual energy consumed, such recovery must be confined to a legally permissible period of 24 months preceding the inspection.

11. Accordingly, the order of the Forum is set aside. The Respondent is directed to:
- a) revise the supplementary bill by restricting recovery to a retrospective period of 24 months only, i.e., from July 2023 to June 2025. Amounts already paid shall be adjusted in the subsequent bills of the Appellant.
 - b) submit compliance within two months from the date of this Order.
12. The Representation is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

