

## BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

### REPRESENTATION NO. 15 OF 2026

In the matter of excess billing of fixed / contract demand charges

Jui Enterprises (C/o. Sahebrao Nivruti Waghere) ..... Appellant  
(Cons. No. 170146822340)

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Pimpri ..... Respondent  
(MSEDCL)

Appearances:

Appellant : 1. Tushar Waghere, Nephew of the Appellant

Respondent : 1. Somnath Mundhe, Executive Engineer, Pimpri Dn.  
2. B. D. Babar, Addl. Executive Engineer, Kharalwadi S/Dn.  
3. C. A. Jafare, Dy. Manager, Pimpri


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

Date of hearing: 15<sup>th</sup> April 2026

Date of Order : 4<sup>th</sup> May 2026

### ORDER

This Representation was filed on 21<sup>st</sup> January 2026 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the order dated 20<sup>th</sup> November 2025 in Case No. 13 of 2025 passed by the Consumer Grievance Redressal Forum, Pune (the Forum). Initially, the Appellant showed reluctance to pay the

  
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statutory deposit amount of Rs.25000/- in compliance with Regulation 19.22(h). Upon being informed that his representation would not be registered if not done so, he deposited the said amount on 25.02.2026. Accordingly, the present representation came to be registered on 25.02.2026.

The Forum, by its order, principally rejected the grievance application, though certain limited relief was granted to the Appellant. The operative portion of the said order (originally in Marathi) reads as under:

1. *The Respondent is directed to waive the interest and delayed payment charges levied upon the Appellant from the date of application, i.e., 11.11.2024.*

2. The Appellant has filed this Representation against the order passed by the Forum. A physical/ e-hearing was held on 15<sup>th</sup> April 2026 through video conference. The Appellant attended the hearing physically whereas the Respondent was present online through video conference. Parties were heard at length. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

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

- (i) The Appellant applied for a connected load of 27.1 HP and Contract Demand (CD) of 5 kVA on 20.09.2017 through the WSS Portal of MSEDCL, duly authenticated by OTP verification on the registered mobile number in the system. The said load was sanctioned on the same date, and a demand note amounting to Rs. 5,317/- was issued, which was paid by the Appellant immediately. The load was subsequently released on 25.01.2018 with a sanctioned load of 27.1 HP and a system-generated CD of 25 kVA, upon completion of the requisite statutory formalities, including submission of the test report, etc. The connection details of the consumer are tabulated below: –


  
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Table 1:

Name of Consumer	Consumer No.	Address	Application for Supply	Demand Note	Sanc.load / Contract Demand	Date of Supply	Activity
Jui Enterprises C/o Sahebrao Nivruti Waghare	170146822340	S.No.320/2, 320/1/3, Waghare Colony No.4, Near PCMC Swimming Pool.	20.09.2017 through WSS Portal. Requested load 27.1 HP & CD - 5 kVA	An amount of Rs. 5,317/- was demanded vide demand note dated 20.09.2017 which was paid on 20.10.2017.	27.1 HP / 25 kVA	25.01.2018	Saw Mill (Industrial)

The Appellant was engaged in sawmill operations.

- (ii) At the time of release of load, meter No. 065-03391371 (three-phase, 10–40A) was installed, capable of catering to a load of 27.1 HP. Subsequently, on 03.09.2019, the meter was replaced under a meter replacement drive with a new three-phase Secure make meter bearing No. 055-X1142467 (40–200A).


The Meter Reading Instrument (MRI) data of the meter was retrieved. The Maximum Demand recorded during the financial years after installation is set out below.

Table 2:

Financial Year	Maximum Demand Recorded
2018–19	1.56 kVA
2019–20	12.50 kVA
2020–21	13.22 kVA
2021–22	12.34 kVA
2022–23	13.22 kVA
2023–24	11.68 kVA

The said MRI data, taken on record, indicates that the Appellant utilized load in the range of 11.68 kVA to 13.22 kVA during the financial years 2019–20 to 2023–24.

- (iii) The Appellant filed a grievance application in the Forum on 22.01.2025 seeking refund of allegedly illegal excess fixed and CD charges. The Forum rightly rejected the grievance application, however, granted relief by waiving interest and delayed payment charges from 11.11.2024, and passed a reasoned and speaking order.
- (iv) During the course of the hearing, the Forum verbally directed the Respondent to give a letter to the Appellant for applying for load reduction on WSS portal. Accordingly, the Respondent issued a letter dated 19.08.2025 to the Appellant to apply for load

  
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reduction. **On 09.09.2025, the Appellant tried to apply for load reduction on the Respondent's WSS portal but was not able to, since the Appellant was in arrears of Rs 48,309.22. The system did not allow to do so.** [Note: This issue was discussed in the hearing, and the Electricity Ombudsman expressed her displeasure at the Respondent's policy of not allowing load reduction if there were arrears. Load reduction should be allowed irrespective of arrears or not, depending on the need of the consumer.]


- (v) The cause of action arose on 25.01.2018, yet the Appellant raised the issue of alleged high sanctioned load for the first time on 22.01.2025, after about eight years, after having availed supply with 27.1 HP. The grievance is thus time-barred under Regulations 6.6 and 7.8 of CGRF & EO Regulations 2006/2020 (two-year limitation) and is not maintainable. The relevant regulation is reproduced as below:

*"The Forum shall not admit any Grievance unless it is filed within two years from the date on which the cause of action has arisen."*

- (vi) The Appellant was billed as per the sanctioned load/CD and recorded consumption. The claim of 5 HP/5 kVA is an afterthought. **With a sanctioned load of 20.23 kW, the applicable tariff slab (above 20 kW up to 50 kW) was rightly applied. Though the Appellant could have sought prospective load reduction, he neither did so [Note: Actually, the software did not allow him to do so.] nor paid bills from August 2024, resulting in accumulation of dues and aggravation of the issue.**
- (vii) In view of the above submissions, the Respondent prays that the representation of the Appellant be rejected.


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

- (i) The Appellant owns premises bearing S. No. 320/2 and 320/1/3, Waghere Colony No. 4, near PCMC Swimming Pool, which had been let out to a tenant for running a saw mill.

  
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- (ii) The Appellant submitted an offline application for new electric connection on 20.09.2017 to the Sub-Division Office seeking sanction of 5 HP connected load with Contract Demand (CD) of 5 kVA. However, **while entering the application details in the WSS Portal, the Respondent recorded the load as 27.1 HP (instead of 5 HP) with CD of 5 kVA. This discrepancy was not in the knowledge of the Appellant.** Supply was thereafter released on 25.01.2018 under Consumer No. 170146822340. **The Appellant was not aware that he had been receiving wrong sanctioned load & Contract Demand bills from the date of connection.** *[Note: It seems that the Appellant did not pay attention to the bill as long as the tenant was paying the bills.]*
- (iii) The premises remained tenanted and the electricity supply was utilized by the tenant up to February 2024, with bills being regularly paid. The monthly bills reflected fixed charges of approximately Rs. 3,800/-. Aggrieved by the alleged excess billing, **the Appellant applied to the Respondent on 11.11.2024 for correction of the sanctioned load in the bills from 27.1 HP to 5 HP;** however, no action was taken by the Respondent.
- (iv) The Respondent conducted an inspection of the premises on 27.11.2024, during which it was observed that **the premises was vacant and not in use from Feb. 2024 onwards.**
- (v) The Appellant contends that he had received a quotation for a load of 5 HP at the time of application with authority signatory of MSEDCL Officers. Subsequently, by RTI application dated 14.01.2025, he sought copies of all documents pertaining to release of the connection. In response, the Respondent, by letter dated 10.02.2025, furnished documents including **a quotation reflecting a load of 27.1 HP.** The Appellant asserts that the quotation for 5 HP, purportedly signed Authority Signatory is the correct quotation, and disputes the quotation showing 27.1 HP supplied under the RTI reply.
- (vi) The Appellant filed a grievance application before the Forum on 22.01.2025 seeking refund of allegedly illegal fixed charges and Contract Demand (CD) charges from the date of connection till date. The Forum rejected the grievance, granting only limited

  
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relief by directing waiver of interest and delayed payment charges from 11.11.2024. The Forum failed to appreciate the core issue, namely that **the Appellant had applied for a load of 5 HP with 5 kVA CD, whereas the Respondent billed the Appellant on the basis of a sanctioned load of 27.1 HP and CD of 25 kVA, which is ex-facie illegal.**


- (vii) The Appellant submits that, as suggested by the Forum during the hearing on 13.08.2025 and pursuant to the Respondent's letter dated 19.08.2025, an attempt was made on 09.09.2025 to reduce the load below 20 kW. However, the Respondent's WSS portal did not permit the application to proceed on account of alleged arrears, displaying the message:


*“Revised load cannot be less than 27 HP. You have arrears of Rs. 48,309.22 for this connection. Pay the outstanding dues arrears & then apply for Contract Demand Change/Load Change.”*

The Appellant contends that such restriction is arbitrary and unjustified, particularly when the issue of incorrect billing and excess sanctioned load/Contract Demand is itself under dispute, and that the same has effectively deprived the Appellant of the opportunity to seek appropriate load reduction.

- (viii) The Respondent's Additional Executive Engineer, Kharalwadi Sub-Division, by letter dated 27.06.2025, issued a threat of disconnection on the ground that no interim order had been passed by the Forum and that the grievance was allegedly time-barred under Regulation 7.8 of the CGRF & EO Regulations, 2020. The Appellant was called upon to pay Rs. 43,360/- immediately, failing which disconnection of supply was proposed under Section 56(1) of the Electricity Act, 2003. The Appellant contends that such action is improper and coercive, particularly when the grievance was pending adjudication before the Forum, and seeks appropriate action against the Respondent for adopting such arbitrary and unethical measures.

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

  
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- a) Refund the excess amount recovered towards fixed charges and energy charges from the date of connection i.e., 25.01.2018 till date, along with applicable interest;
- b) Pay compensation of Rs. 25,000/- towards expenses incurred in filing the grievance and for mental agony; and
- c) Refrain from disconnecting the electricity supply until further orders.

**Analysis and Ruling: -**

5. Heard the parties and perused the record. The main point of dispute is whether the Appellant applied for a load of 5 HP / 5 kVA, as he claims, or for 27.1 HP / 5 kVA as the Respondent claims. We have verified that the Appellant applied through the WSS Portal on 20.09.2017 for a connected load of 27.1 HP with Contract Demand (CD) of 5 kVA. The system accordingly generated a Demand Note for 27.1 HP and 5 kVA CD, which was duly paid. The contention of the Appellant regarding initial off line application for 5 HP cannot be conclusively established at this stage, particularly in view of system-generated records. Further, the grievance regarding sanctioned load has been raised after a considerable lapse of time i.e. about after 8 years of sanction. The connection was released on 25.01.2018 with a sanctioned load of 27.1 HP (20.23 kW) and a system-generated CD of 25 kVA. The CD of 25 kVA was derived considering a power factor of 0.8, as per the formula:

$$\text{CD (kVA)} = \text{kW} / \text{Power Factor} = 20.23 / 0.8 = 25.29 \text{ kVA} \approx 25 \text{ kVA}.$$

Billing was accordingly carried out based on the sanctioned load and CD. Further, the MRI data on record indicates that the Appellant's actual utilization ranged between 11.68 kVA to 13.22 kVA during subsequent years. The actual recorded demand consistently remained substantially lower than the sanctioned load of 27.1 HP i.e. 20.22 kW. The Appellant had sufficient opportunity to seek reduction of the sanctioned load to below 20 kW by applying online; however, no such steps were taken while the tenant continued to pay the electricity bills regularly. It is further noted that from February 2025 onwards there was minimal or no consumption and the Appellant was not in arrears up to June 2025.

  
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6. Despite the availability of the online WSS Portal for load reduction or enhancement, the Appellant did not initiate any request and remained passive in this regard. He claims that he was not aware that he had been receiving bills with the wrong sanctioned load / CD from the date of connection in 2017-18. Lack of awareness cannot be used as a reason for a long delay of about 7 years before raising this issue.

7. The regulatory framework, including Annexure-II (Level of Compensation Payable to Consumer for failure to meet Standards of Performance) under the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021, provides for such eventualities. The Annexure II is reproduced as below:

<i>7. Other Services</i>			
<i>Annexure - II: Level of Compensation Payable to Consumer for failure to meet Standards Of Performance</i>			
<i>Supply Activity/Event Compensation Payable</i>	<i>Standard</i>	<i>Compensation Payable</i>	<i>Automatic/Manual</i>
<i>ii Reduction in Contract Demand / Sanctioned Load</i>	<i>Second billing cycle</i>	<i>Rs 100 per week or part thereof of delay subject to maximum of Rs 500/-</i>	<i>Automatic</i>

As per this provision, the Appellant is not entitled to the compensation of Rs.25,000/- as claimed by him.

The Appellant did not apply for load reduction until filing the grievance before the Forum on 22.01.2025. The Forum, during the hearing held on 13.08.2025, advised the Appellant to submit an application for reduction of sanctioned load. However, the Appellant approached the WSS Portal only on 09.09.2025. The said application was not processed on the ground of outstanding arrears. In this regard, **it is advised that the Respondent-Utility ought to put in place an appropriate system mechanism enabling consideration and processing of load reduction requests even where arrears are pending, particularly in**

  
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**cases where the consumer no longer requires the existing sanctioned load, so as to avoid continued levy of higher fixed charges/contract demand charges.**

So far as the claim of the Appellant is concerned that he applied on 11.11.2024 for correction of the sanctioned load from 27.1 HP to 5 HP {para 4 (iii)}, we find no record of any online application for the same.

8. The billing carried out by the Respondent on the basis of the sanctioned load/Contract Demand and recorded consumption is found to be in accordance with the applicable provisions and does not warrant interference. The claim of the Appellant for retrospective revision of sanctioned load and refund of past charges is therefore rejected. However, considering the actual usage pattern and in the interest of equity, this Authority is of the view that the Appellant deserves an opportunity to regularize the load prospectively. The Appellant, by letter dated 11.11.2024, first raised the grievance that he was being billed on a higher sanctioned load of 27.1 HP instead of under the billing slab of 0 to 20 kW. Thereafter, he approached the Forum on 22.01.2025 raising grievance regarding higher fixed charges and seeking billing under the slab of 0 to 20 kW. Although the Appellant made an online application on 09.09.2025 for reduction of load, the same could not be processed due to outstanding arrears. Considering the totality of circumstances, it is deemed appropriate, in the peculiar facts of the present case, to extend the benefit of load reduction with effect from January 2025 onwards.

9. In view of the above, the order of the Forum is modified to the following extent:

- a) The Appellant shall submit an application for reduction of load on the WSS Portal and comply with all procedural requirements. Upon such application, the Respondent shall facilitate processing of load reduction.
- b) The interest and delayed payment charges shall stand waived from the date of the Forum's order till the date of this order.

  
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- c) The Appellant's bill for fixed charges be revised retrospectively for reduction of load below 20 kW from Jan. 2025 onwards.
- d) The Appellant is directed to clear the revised outstanding dues immediately.
- e) All other prayers of the Appellant are rejected.
- f) Compliance of this order shall be submitted within two months from the date of its issuance.

10. The Secretariat of this office is directed to refund the amount of Rs. 25,000/- taken as deposit to the Respondent for adjustment in ensuing bill.

11. The Representation is disposed of accordingly.

Sd/  
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Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
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