

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 14 OF 2026

In the matter of Excessive and Unwarranted Recovery of Electricity Charges

Ravindra Shyamrao KadamAppellant
(Cons. No. 281510502433)

V/s.

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

Appearances:

Appellant: 1. Ravindra Shyamrao Kadam
2. Suhas Angolkar, Representative

Respondent: Devendra Vilas Patil, Dy. Executive Engineer, Tasgaon Sub/Dn.


Coram: Vandana Krishna [I.A.S. (Retd.)]

Date of hearing: 7th April 2026

Date of Order : 15th April 2026

ORDER

This Representation was filed on 9th February 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 14th January 2026 in Case No. 13 of 2025 passed by the Consumer Grievance Redressal Forum, MSEDCL, Sangli (the Forum). The Appellant deposited the statutory amount of


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₹25,000/- in accordance with Regulation No. 19.22(h) on 23.02.2026. The representation was registered on the same day. The Forum has, in substance, rejected the grievance application of the Appellant; however, it has granted the facility of payment in installments. The operative portion of the Order is reproduced below:

2. *The complainant shall pay the plain assessment bill amount in ten equal installments of Rs. 9404/- Each.*
3. *The first installment shall be paid with monthly electricity bill of February 2026.*
4. *The remaining installments shall be paid with succeeding monthly electricity bills up to November-2026.*
5. *In case of failure to pay the installments as directed, the respondents are at liberty to recover the amount along with applicable interest.*
6. *The Respondents are directed to take proper Departmental action against the concerned Section Officer for his misconduct.*

2. The Appellant has filed this Representation against the order passed by the Forum. A physical/ e-hearing was held on 7th April 2026 through video conference. The Applicant attended the hearing physically whereas the Respondent was present online 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 single-phase residential LT consumer having an apartment premises (Ground + 2 floors, admeasuring approximately 1200 sq. ft., comprising three bedrooms and a kitchen). The particulars of the electricity connection are set out below:


Table 1:


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Name of Consumer	Consumer No.	Address	Date of Application and Installation of Meter for Residential Connection	Sanctioned load	Date of Supply as per bill	Date of Inspection of Flying Squad	Plain Assessment
Ravindra Shyamrao Kadam	281510502433	Gat.No.3187, Post-Tasgaon, Tal.Tasgaon, District-Sangli	Date of Application: 14.11.2016 (ID: 9357441); Demand Note of ₹570/- paid on 23.11.2016; Meter issued vide Gate Pass dated 22.11.2016 and physically installed on 24.11.2016.	0.36 kW	19.12.2016	20.08.2025	Rs. 94,040/- for 105 months for 9723 units (Dec. 2016 to Aug. 2025)


- (ii) The Appellant applied for a new residential electricity connection on 14.11.2016 through the online WSS (Web Self Service) Portal of MSEDCL (Application ID No. 9357441) for his bungalow. The Respondent issued a demand notice of ₹570/- on 17.11.2016, which was duly paid on 23.11.2016. Thereafter, the meter (Sr. No. 14165477, Static IR type, H.E. make) was issued vide Gate Pass No. 5240 dated 22.11.2016 and was **physically installed at the premises on 24.11.2016 with an initial reading of 00001 kWh** by Shri Shingare, Technical Staff.
- (iii) Shri Sunil Chaugule, Sectional Engineer, was required to record the New Service Connection Report in the system; however, he was transferred and relieved on 25.11.2016. Thereafter, Shri Kiran Kalyanrao Bhoite, Sectional Engineer, joined on 19.12.2016 and entered the said New Service Connection Report in the system on the same day. Although the meter had been physically installed on 24.11.2016, the date of supply was officially recorded in the electricity bill as 19.12.2016 instead of 24.11.2016. The gate pass for issuance of the meter, along with the transfer and relieving details of the concerned engineer, have been placed on record.
- (iv) The Additional Executive Engineer, Flying Squad unit Sangli of the Respondent inspected the premises of the Appellant on 26.08.2025 in the presence of the Appellant, when it was observed that the meter body seals were found missing and **showing tamper event of C-Open on 29.11.2016 at 12.29 hrs.** on the display of meter. There were many parameters on display, mainly of meter


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reading, and others are technical data of the meter. Accordingly, a Spot Inspection Report and Panchnama was carried out and the meter was taken in custody by providing paper seals. The said meter was tested in the Testing Laboratory of Sangli Rural Division on 26.08.2025 in the presence of the Appellant. The meter was found 69.46 % slow. The connected load of the Appellant was found to be about 1.661 kW, comprising CFLs (8), fans (4), one television, one refrigerator, one mixer, one water pump, and various wiring points.

- (v) **Upon opening the meter, it was found that the Appellant had tampered with it internally by altering the wiring and incorporating an external cream-coloured resistance/control devices to record lesser consumption, which amounts to theft of energy under Section 135 of the Electricity Act, 2003, warranting lodging of a police complaint.** However, taking a sympathetic view, the Respondent refrained from initiating such action as the Appellant requested that no police complaint be lodged and orally assured that he would pay the legitimate assessment bill to avoid further complications and to safeguard his social reputation.
- (vi) Accordingly, the Respondent, vide letter dated 03.09.2025, issued a supplementary bill amounting to Rs. 94,040/- for 9,723 assessed units covering the period from December 2016 to August 2025 (105 months / 8 ½ years).
- (vii) **As an afterthought, the Appellant, vide letter dated 05.09.2025, took the stand that the meter had been tampered with prior to its installation, i.e., before 19.12.2016.** The Respondent furnished copies of the relevant documents to the Appellant, including the inspection report, panchnama, and testing report. Thereafter, the Appellant, vide letters dated 06.10.2025, 14.10.2025, and 04.11.2025, requested waiver of the entire supplementary bill amounting to Rs. 94,040/-.


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(viii) Aggrieved by the assessment, the Appellant filed a grievance application before the Forum on 19.11.2025. The Forum rejected the grievance; however, it permitted payment of the assessed amount in ten equal monthly installments of Rs. 9,404/- each commencing from February 2026 without any interest and directed initiation of departmental action against the concerned Section Officer for improper entry of the new service connection report. The Forum further held that there was pilferage of energy and that the Appellant, not having approached with clean hands, was liable to pay the under-billed units consumed. The Forum has rightly rejected the grievance, having found that the Appellant did not approach the proceedings with clean hands.


(ix) The Appellant has, since replacement of the meter in August 2025, controlled consumption, as reflected in the monthly usage. The year-wise average monthly consumption (units) of the Appellant is tabulated below:

Table 2;

Year	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Avg/ Mth	46	62	76	77	102	97	83	75	77	81

(x) The Appellant's reliance on a purportedly consistent consumption pattern after replacement of the meter is misconceived. Post-replacement consumption depends on several variable factors, including occupancy, usage patterns, and connected load, and **cannot negate the conclusive findings of the laboratory test**. The tested meter was found to be 69.46% slow by means of adding resistance/ control devices and internal tampering was detected, which clearly establishes interference with the metering mechanism. Hence, the allegation regarding unreliability of testing is baseless and denied.

(xi) The Appellant has not approached the Consumer Grievance Redressal mechanism with clean hands, having failed to make true disclosure of material facts and having taken inconsistent stands.


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(xii) The connected load of the Appellant was observed during the site inspection conducted on 10.01.2026, as detailed below:


Table 3:

Appliance	Wattage	Quantity	Total Wattage
LED Lamp	9	12	108
LED Lamp	20	8	160
Table Fan	40	1	40
Fan	60	4	240
CFL	18		
TV	200	1	200
Fridge	250	1	250
Mixer	500	1	500
Motor	375	1	375
Washing Machine	200	1	200
Total Load			2073

(xiii) In view of the above, the Respondent prays that the representation filed by the Appellant be rejected.


3. The Appellant's submissions and arguments are as under:

(i) The Appellant applied for a new residential electricity connection on 14.11.2016 through the online WSS Portal of MSEDCL for a two-storey apartment. All requisite formalities, including payment of the demand notice and submission of the test report, were duly complied with. The meter was installed on 19.12.2016 by the Respondent. The consumer particulars are provided in Table 1. **However, the Respondent installed a used meter without proper seals**, contrary to the applicable Conditions of Supply, which mandate prior testing and sealing before installation. At present, only three family members reside in the premises; earlier, their children were also residing with them.


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- (ii) On 20.08.2025, the Flying Squad, Sangli, conducted an inspection of the premises without informing the Appellant. The inspection report recorded that the meter seals were broken, and the subsequent laboratory test indicated that the meter was 69% slow. These findings were arrived at unilaterally. It was incumbent upon the Respondent to ensure proper testing and sealing of the meter body and terminal cover at the time of installation. The Appellant's signature on the inspection documents was allegedly obtained under threat of police action. In fact, a previously tampered meter appears to have been installed.
- (iii) Since the meter provided was a used one, the Appellant had no knowledge of its internal condition or prior history.
- (iv) The supplementary bill dated 03.09.2025 for ₹94,040/- towards 9,723 units, covering the period from December 2016 to August 2025 (approximately 105 months), is arbitrary, excessive, and contrary to the governing regulations. Such a prolonged retrospective assessment lacks legal basis and is liable to be set aside.
- (v) The case falls within Regulation 15.6.1 of the Supply Code Regulations, 2005 and Regulation 16.4.1 of the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021, which provide that in cases of defective or slow meters, billing adjustment shall be restricted to a maximum period of three months prior to the dispute, based on test results and subject to furnishing the test report. Even otherwise, under Section 56(2) of the Electricity Act, 2003, recovery is restricted to a maximum period of 24 months. The Respondent's assessment for 105 months is therefore deliberately illegal and unsustainable.
- (vi) The Appellant filed a grievance application before the Forum on 19.11.2025. While the Forum granted the facility of payment in instalments, it rejected the grievance on merits without properly appreciating the facts and evidence. The finding of alleged energy pilferage and the observation that the Appellant did not approach the Forum with clean hands are unsupported by the record. Grant of


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instalments does not validate an otherwise illegal assessment. The impugned assessment bill, seeking recovery for an extended period of nearly nine years, be declared arbitrary and unlawful.

- (vii) The Appellant's consumption pattern has remained consistent even after replacement of the meter, which raises serious doubts about the allegation of meter slowness and the reliability of the Respondent's testing.
- (viii) The Appellant relied on MSEDCL's Circular dated 03.06.2017 regarding "Foremost steps to be taken to wipe out average / faulty / abnormal billing". The issue is squarely governed by the Circular dated 03.06.2017 issued by the Maharashtra State Electricity Distribution Company Limited, which mandates strict pre-billing validation, elimination of average/faulty billing, and fixes responsibility on the concerned officers for ensuring accurate billing. The Respondent's action is in clear violation of the said Circular.
- (ix) In view of the foregoing, the Appellant prays that the Respondent be directed to suitably revise the impugned supplementary bill by restricting the assessment to a maximum period of three months in accordance with the applicable Supply Code Regulations and, in any event, not beyond twenty-four months as prescribed under Section 56(2) of the Electricity Act, 2003.

Analysis and Ruling

4. Heard the parties and perused the material on record. The Appellant is a single-phase residential LT consumer occupying an apartment (Ground + 2 floors) admeasuring approximately 1200 sq. ft. The electricity connection was obtained pursuant to an application dated 14.11.2016 submitted through the WSS Portal of MSEDCL. The records indicate that the meter was installed on 24.11.2016, while the date of supply is mistakenly reflected as 19.12.2016 in the billing system due to the administrative reasons recorded in para 2(iii).


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5. On 20.08.2025, the premises was inspected by the Flying Squad, Sangli. During inspection, the meter seals were found missing and a tamper event was recorded. Subsequent laboratory testing revealed that the meter was 69.46% slow. Based on these findings, the Respondent issued a supplementary bill dated 03.09.2025 for ₹94,040/- towards 9,723 assessed units covering the period from December 2016 to August 2025 (105 months).


6. The monthly consumption of the Appellant as per Consumer Personal Ledger is summarized in Table 4 as below:


Table 4

Year	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Month	Cons. (Units)	Cons. (Units)	Cons. (Units)	Cons. (Units)	Cons. (Units)	Cons. (Units)	Cons. (Units)	Cons. (Units)	Cons. (Units)	Cons. (Units)
Apr		81	86	77	72	75	76	76	61	68
May		82	85	79	72	87	77	82	80	64
Jun		47	84	88	178	103	78	90	121	78
Jul		62	80	103	153	103	88	87	65	79
Aug		57	72	110	119	111	79	96	91	76
Sep		53	76	78	110	187	102	64	83	79
Oct		55	63	61	158	82	78	76	78	73
Nov		73	62	64	70	75	87	65	78	101
Dec	46	58	90	52	69	80	80	60	57	82
Jan	47	58	68	70	80	114	90	69	87	85
Feb	40	57	85	77	83	89	90	62	61	81
Mar	49	65	64	69	59	56	74	67	56	100
Total	182	748	915	928	1223	1162	999	894	918	966
Avg/ Mth	46	62	76	77	102	97	83	75	77	81

The monthly consumption of the Appellant, as reflected in the Consumer Personal Ledger and summarized in Table 4, indicates a consumption pattern over the relevant period and provides an overall perspective of billing from December 2016 to March 2026.

7. The following issues arise for determination:



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Issue	Description	Findings
1	Whether the meter was tampered with and whether the case constitutes theft/pilferage of energy;	Affirmative
2	Whether the supplementary bill for 105 months is legally sustainable;	Negative
3	Whether the Appellant is entitled to relief as per Section 56(2) of the Electricity Act, 2003.	Negative
4	Whether the assessment is liable to be restricted to three years considering 69.46% under-recording;	Affirmative

Findings and Reasoning:


- **Meter Tampering:** The inspection report, panchnama, and laboratory test conclusively establish that the meter was under-recording by 69.46% due to internal tampering, including interference with wiring and insertion of external devices. The tamper event recorded in the meter further corroborates this finding. The Appellant's contention that a pre-tampered meter was installed remains unsubstantiated and is not supported by any credible evidence. Accordingly, it is held that the case involves unauthorized interference with the meter amounting to pilferage of energy. **Issue No. 1 is answered in the Affirmative.**
- **Validity of Assessment Period:** The Respondent has raised a supplementary bill for 105 months based on a derived assessment formula. While cases of unauthorized use stand on a distinct footing, the period of assessment must nevertheless be reasonable and supported by evidence. In the present case, there is no material to demonstrate that the alleged tampering persisted uniformly for the entire duration of 105 months.
- Further, although Section 56(2) of the Electricity Act, 2003 may not strictly apply to cases of malpractice, the underlying principle discourages recovery for unduly prolonged periods, particularly where the licensee has failed to detect abnormalities within a reasonable time. The prolonged inaction of the Respondent in not identifying the discrepancy for nearly nine years reflects a lapse in monitoring and inspection mechanisms, bordering on deficiency in service.


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- This Authority has consistently held that assessments for escaped or under-recorded consumption must be confined to a reasonable duration. Guided by the principles laid down by the Hon'ble Supreme Court in *M/s. Prem Cottex v. Uttar Haryana Bijli Vitran Nigam Ltd.* (Civil Appeal No. 7235 of 2009), though not directly applicable, it is appropriate to restrict the recoverable period. Considering the extent of under-recording (69.46%), the assessment is reasonably confined to three years. **Issue No. 2 is therefore answered in the Negative.**
- **Applicability of Regulation 16.4.1 of Supply Code & SoP Regulations, 2021:** The Appellant has relied on Regulation 16.4.1 of the **Supply Code & SoP Regulations, 2021**, which applies to defective meters. However, the present case involves established tampering and not mere defect or inaccuracy. Hence, the said provision is not strictly applicable. Nevertheless, the assessment must still adhere to the test of reasonableness and proportionality.
- **Conduct of the Appellant:** The Appellant has taken inconsistent stands during the proceedings. The plea regarding installation of a pre-tampered meter appears to be an afterthought and is unsupported by evidence. Such conduct does not inspire confidence.
- In view of the foregoing:
 - The finding of meter tampering and unauthorized interference is upheld.
 - The supplementary assessment for 105 months is excessive and unsustainable.
 - Relief under Section 56(2) of the Electricity Act, 2003 is not applicable in the facts of the present case.
 - The assessment is liable to be restricted to a period of three years, considering the extent of under-recording.

8. Upon consideration of the above facts and circumstances, we find that the Forum has duly examined the matter in a reasoned and speaking manner. However, the impugned order warrants modification to the extent indicated below. Accordingly, the Respondent is directed to:


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- (a) Revise the assessment by restricting the billing period to 36 months, i.e., from September 2022 to August 2025, considering the recorded consumption as 30.54% and the under-recording as 69.46%. The Respondent shall also withdraw the interest and Delayed Payment Charges (DPC) levied from September 2025 onwards till the date of this Order.
- (b) Permit the Appellant to pay the revised assessed amount in 10 equal monthly instalments, without levy of interest or DPC. In case of default in payment of any instalment, proportionate interest shall become payable, and the Respondent shall be at liberty to initiate action in accordance with law.
- (c) Submit compliance of this Order within a period of two months from the date of its issuance.
- (d) All other prayers of the Appellant stand rejected.

9. The representation stands disposed of as above.

10. The Secretariat of this office is directed to refund the amount of ₹25,000/- deposited by the Appellant, by adjusting the same in the ensuing electricity bill.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


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