

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 5 OF 2025

In the matter of retrospective recovery towards defective meter

Smt. Nisha Rajendra Walunj.....Appellant
(Consumer No. 176364002182)

V/s.

Maharashtra State Electricity Distribution Co, Ltd. RajgurunagarRespondent
(MSEDCL)

Appearances:

Appellant : 1. Sanjay Yerapale
2. Nitin Dharmadhikari, Representative

Respondent : 1. Rajendra Yedake, Executive Engineer
2. Sonali Tokekar, Dy. Executive Engineer


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 12th March 2025

Date of Order : 19th March 2025

ORDER

This Representation was filed on 13th February 2025 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


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dated 29th January 2025 in Case No. 22 of 2024 passed by the Consumer Grievance Redressal Forum, MSEDCL, Pune Zone (the Forum). The Forum rejected the grievance of the Appellant.

The Appellant paid a statutory deposit of Rs.25,000/- on 20.02.2025 as per Regulation 19.22(h) of CGRF & EO Regulations 2020. Hence, the representation was registered on 21.02.2025.


2. The Appellant has filed this Representation against the order passed by the Forum. An e-hearing was held on 12.03.2025 through Video Conference. The parties were heard at length. The Respondent filed a reply on 10.03.2025. The Respondent's submissions and arguments are stated first as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' in brackets where needed.]*

- (i) The Appellant has been a commercial consumer since 25.01.2002, operating a hotel business and banquet halls for various events such as birthdays, engagements, weddings, receptions, gatherings, and corporate functions. Key details of the connection are presented in the table below:

Table 1:

Appellant	Consumer No.	Sanct. Load (KW)	Address	Date of Supply	date of Inspection	Original Assessment & month	Reason & Period of Assessment	Revised Assessment & month as per request of consumer
Smt. Nisha Rajendra Walunj	176364002182	12.5	At Post:Waki B.K., Chakan, Taluka Khed, Dist:Pune	25.01.2002	14.06.2022	Rs.10,43,734.50 (60632 Units) issued in July 2022	Meter was found slow by 40.60 % from Dec. 2018 to June 2022 (43 Months)	The assessment was revised for Rs. 6,17,733.96 (34048 Units) for 24 mths (July' 20 to June'22) & credit of Rs. 4,26,000.54 was given in bill of Sep. 2022 & credit of Rs. 54,618.54 (interest withdrawal) was given in Oct. 2022

- (ii) On 14.06.2022, the Deputy Executive Engineer of the Flying Squad, Rajgurunagar, conducted an inspection of the Appellant's premises, when it was observed that the Appellant's monthly electricity consumption was significantly lower in comparison to the


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recorded load and working hours. Furthermore, the lead seals on the meter were found to be broken. Details regarding the meter, its readings, and the identified irregularities are outlined below:

Table 2:

Meter Details		Zone	KWH	KVAH	KVA MD recorded	Irregularities observed & Remarks
Sr. No.	MS 017546	1	107934		38.2	Consumption on meter was suspected considering load on site. Meter seals found tampered. Hence, Meter was seized for further inspection
Make	Secure	2	115456		36.5	
Capacity	3 Phase 10-60 A	3	36844		33.4	
		4	128902		28.2	
		Total	389136	421233	38.2	


The voltage and current parameters found during the spot inspection on site are tabulated as below:

Table 3:

Current & Voltage Measurement	R Phase	Y Phase	B Phase
Current measured at incoming Supply (A)	31.6	21.9	27.5
Current on Meter Display (A)	31.0	23.0	25.0
Voltage measured at incoming supply (V)	242	230	232
Voltage on Meter Display (V)	240	228	231

The connected load of the Appellant was found to be 41.338 KW having a heavy load of 10 Air Conditioners, 26 Fans, Atta Machine, Dish Washer, Geyser, Water Filter, Exhaust Fans, etc.


- (iii) The meter of the Respondent was taken in custody for further analysing the possibility of internal tampering of the meter with due care of joint sealing of meter. The Respondent


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tested the meter on 29.08.2022 in the Meter Testing Laboratory and confirmed that the meter was slow by 40.60 %. The meter was opened in front of the consumer representative to check whether there was any inside tampering. However, prima facie nothing was observed as abnormal.

- (iv) Hence, the Respondent issued a supplementary bill of plain recovery for Rs 10,43,734.50 of 60,632 units based on the fall of consumption for the period from Dec. 2018 to June 2022 and adjusted in bill of July 2022.
- (v) The meter was recording properly considering 40.60% slowness; hence the meter was not faulty per se, so the Appellant was not billed with “Faulty” Status. There was under billing from Dec. 2018 as per study of Consumer Personal Ledger (CPL) due to slowness of the meter and hence, the under billing was assessed as per slowness of the meter. This is nothing but escaped billing.
- (vi) The Appellant requested to review the assessment by her letter dated 12.09.2023 considering provision of the Electricity Act, 2003 (the Act). Accordingly, a review was taken, and the assessment was revised for 24 months as per Flying Squad Report dated 20.09.2023. The plain supplementary bill of Rs 10,43,734.50 of 60,632 units for the period from Dec. 2018 to June 2022 was revised to 24 months (July' 20 to June' 22). Credit of Rs. 4,26,000.54 was given in the bill of Sep. 2022, & credit of Rs. 54,618.54 (interest withdrawal) was given in Oct. 2022 as charted in Table 1.
- (vii) The Appellant filed the case before the Forum on 24.01.2024. The Forum by its order rejected the grievance application rightly.
- (viii) The function of a 3-phase meter of 10-40 A is the same as compared to a 3-phase meter of 40-200 A. The Respondent referred the order of Hon. Ombudsman (M) in Rep. No. 154 of 2022 in support of their claim where under recording of a 3-phase meter of 40-200 A was due to missing voltage/current. These decisions are squarely applicable in the present case.
- (ix) The Judgment dated 18.12.2018 of Hon'ble Bombay High Court, Bench at Aurangabad in W.P. No. 8613 of 2017 is squarely applicable to this case.



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- (x) The revised assessment period is 24 months which fulfils the statutory requirement of Section 56(2) of the Electricity Act, 2003 (the Act).
- (xi) In view of the above, the Respondent requested to reject the Representation of the Appellant.

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

- (i) The Appellant has been a commercial consumer since 25.01.2002, operating a hotel business. The primary statistical details of the consumer are provided in Table 1.
- (ii) The Deputy Executive Engineer of the Respondent's Flying Squad conducted an inspection on 14.06.2022 at the Appellant's premises. The Respondent did not inform or involve the Appellant during the on-site inspection. The meter was removed and sealed on suspicion of running slow. Upon being opened in the presence of the Appellant, it was discovered that the meter was recording only 40.60% of the actual consumption, confirming it to be faulty.
- (iii) The Appellant was issued a supplementary bill amounting to Rs. 10,43,734.50 for 60,632 units of electricity, attributed to the meter's slowness over the period from December 2018 to June 2022. This assessment was included in the July 2022 bill.
- (iv) The Appellant submitted a request for a review of the assessment in her letter dated September 12, 2023, in accordance with the provisions of the Act. However, the Appellant revised the supplementary bill to Rs. 6,17,733.96 (34048 Units) for a period of 24 months (July' 20 to June' 22) instead of the original 3 months as per Regulation of the Commission.
- (v) The Appellant filed a grievance application with the Forum on 24.01.2024, which rejected the grievance. The Forum failed to understand that the meter was defective.
- (vi) The Appellant claimed that this case comes under Regulation 16.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021(the Supply Code and SOP Regulations 2021) which is reproduced below:


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"Billing in the Event of Defective/ stuck/stopped/burnt Meters, 16.4.1. Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective stuck/stopped/burnt meter, the amount of the Consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill."

(vii) **The meter (Sr. No. MS 017546 of Secure Make of 10-40 A Capacity) of the Appellant was a whole current meter. When a meter is slow by 40.60 % due to an inside defect in the meter, it is nothing but defective.**


(viii) In view of the above, the Appellant prays that the Respondent be directed

- a) to set aside the supplementary bill of Rs.10,43,734.50 (60632 Units) issued in July 2022.
- b) to revise the bill as per Regulation 16.4.1 of Supply Code and SOP Regulations 2021.
- c) to waive of interest and delayed payment charges levied if any.
- d) to grant compensation of Rs. 50,000/- towards mental and physical agony.

Analysis and Ruling:

4. Heard the parties and perused the documents on record. It is noted that the Appellant's activities include operating hotels and banquet halls for various events such as birthdays, engagements, weddings, receptions, gatherings, and corporate functions. The specifics regarding the connection, date of inspection, retrospective recovery, and the recovery period are outlined in Table 1.

5. The Respondent contended that when the installation of the Appellant was inspected on 14.06.2022, it was observed that that the Appellant's monthly electricity consumption was significantly lower in comparison to the recorded load and working hours. Furthermore, the lead


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seals on the meter were found to be broken. The identified irregularities are charted in Table 2. The said meter was tested in Testing Laboratory of MSEDCL on 29.08.2022. The meter was found to be 40.60 % slow. The meter was opened in front of the consumer representative, however, prima facie nothing abnormal was observed. The Respondent initially issued a supplementary bill for Rs. 10,43,734.50 (60,632 units) for the period Dec. 2018 to June 2022 due to the under-billing caused by a 40.60% slow meter. The Respondent contended that the meter was not faulty but recorded slower consumption, leading to escaped billing. Upon the Appellant's request for a review (12.09.2023), the assessment was revised for 24 months (July 2020 to June 2022) as per Section 56(2) of the Act.

6. The Appellant contended that the meter was defective and the Appellant is entitled to be billed only for three months as per Regulation 16.4.1 of Supply Code and SOP Regulations 2021.

The consumption pattern of the Appellant has been analyzed and charted for the period spanning April 2017 to January 2025, as detailed below:

Table 4:

Month/ Year	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Apr	4584	4738	1944	235	1765	2361	6703	9737
May	3620	4133	2175	235	1464	3169	8806	9770
Jun	4184	3555	2473	6128	2074	0	7981	7416
Jul	2357	2920	1559	2036	2230	0	8312	8101
Aug	3348	5185	1702	1489	2059	0	7673	8604
Sep	3628	3820	1955	1372	2392	23930 **	7340	5028
Oct	2767	2626	1832	3527	1604	6863	7624	7346
Nov	3738	3423	2238	1648	3003	6954	6877	7160
Dec	3291	2271	2174	2504	2185	0	6985	5531
Jan	1700	1397	2548	0	2281	14678	6463	4733
Feb	430	2078	2334	4991*	1870	6575	5975	
Mar	8750	1724	1004	2344	2252	6160	6735	
Total	42397	37870	23938	21518	25179	46760	87474	73426
Avg/mth	3533	3156	1995	1793	2098	3897	7290	7343
Note	1.Meter No. MS 017546 of Secure Make was replaced and taken in custody on 14.06.2022 for testing purpose.							
	2. Extension of load in July 2022 from 12.5 to 40 KW as per CPL entry.							
	3. * Accumulated consumption of 4,991 units for January and February 2021 & ** Accumulated consumption of 23,930 units for the period from 15th June 2022 to October 2022.							
	4.Roof Top Solar generation was started from Jan.2023 onwards. Only the units consumed from MSEDCL System are shown as consumption.							


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A fall in consumption is observed from December 2018 to May 2022, as shown in the above Table No. 4.

7. The meter (Sr. No. MS 017546, Secure Make, with a capacity of 10-60 A) was identified as a whole current meter, meaning it does not utilize external Current Transformers (CT) or Potential Transformers (PT). During testing in the Meter Testing Laboratory on 29.08.2022, it was found that the meter was recording consumption at a rate 40.60% lower than actual usage. This indicates that while the meter was slow in its readings, it should not be classified as defective. The Appellant is not entitled to the benefit of Regulation 16.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code and SOP Regulations 2021). However, the regulatory provisions outlined in the Supply Code and SOP Regulations, 2021, specifically Regulations 15.6.1 and 15.6.2, state as follows:


“15.6.1. The Distribution Licensee shall have the right to test any meter and related apparatus at any time if there is a reasonable doubt about accuracy of the meter.

15.6.2. The Consumer may, upon payment of such testing charges as may be approved by the Commission under Schedule of Charges can request the Distribution Licensee to test the accuracy of the meter by applying to the Distribution Licensee:

Provided that the Distribution Licensee may get the meter tested at its own laboratory or any other facility as may be approved by the Commission:

Provided further that if a Consumer disputes the results of testing carried out by the Distribution Licensee, the meter shall be tested at a National Accreditation Board for Testing and Calibration Laboratory (NABL) accredited laboratory chosen by the Consumer at the cost of the Consumer.

Provided further that in case of testing on the Consumer's request, if the meter is found to be beyond the limits of accuracy prescribed in the Central Electricity Authority (Installation & Operation of Meters) Regulations, 2006 as amended from time to time, the Distribution Licensee shall refund the test fee along with interest for the period the fees has been held by


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the Distribution Licensee, at a rate equivalent to the Bank Rate of the Reserve Bank of India to the Consumer by adjustment in the subsequent bill:

*Provided further that **the bills of the consumers shall be reconciled based on the meter testing results for a maximum period of Six (6) months or from the date of last testing, whichever is shorter, on the basis of the test report.***

8. A "slow meter" and a "defective meter" are terms used to describe how effectively a meter records electricity consumption:


Slow Meter: A meter is classified as slow when it consistently records lower consumption than the actual usage. This typically occurs due to technical malfunctions, where the meter fails to accurately register the energy flowing through it. As a result, the readings may significantly underestimate the actual energy consumed, leading to underbilling for the consumer.

Defective Meter: A defective meter, on the other hand, either fails to record any consumption or provides inaccurate readings, regardless of whether it over-records or under-records usage. This could involve a meter that has completely stopped functioning or one that produces highly erratic and unreliable readings, or whose display has gone.

In the present case, the whole current meter recorded consumption that was consistently 40.60% lower than the actual usage, thus classifying it as a slow meter.

9. The Forum failed to understand that in the instant case, the meter was slow and the assessment towards slow meter is limited to a maximum of 6 months as per Regulation 15.6.2 of Supply Code & SOP Regulations 2021. In view of the above, the order of the Forum is set aside. The representation of the Appellant is allowed. The Respondent is directed

- a) to issue a revised bill for six months prior to replacement of the meter, considering that the meter was slow by 40.60 %, as per Regulation 15.6.2 of Supply Code and SOP Regulations 2021.
- b) to withdraw the interest and delayed payment charges levied if any from July 2022 onwards till the date of this order.


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- c) Other prayers of the Appellant are rejected.
- d) The compliance report be submitted within a period of two months from the date of issue of this order.

10. The secretariat of this office is directed to refund the amount of Rs. 25,000/- taken as deposit from the Appellant to the Respondent to adjust in the Appellant's ensuing bill.

11. The representation is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


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Secretary
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