## BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## **REPRESENTATION NO. 61 OF 2023**

In the matter of retrospective recovery of under billing of the meter

H. Sherul & Co. Appellant

V/s.

Tata Power Company Ltd. (TPCL) Respondent

Appearances:

Appellant : 1. Ramesh Lukhi

2. Harshil Lukhi

Respondent: 1. B. Karunakaran, Head Commercial Services, Tata Power

2. Tushar Shelke, Head (Revenue Recovery, Assur. & Enforcement)

3. Hawwa Inamdar, Lead-Regulatory

4. Devanjan Dey, Meter Management

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

Date of hearing: 3<sup>rd</sup> August 2023

4<sup>th</sup> October 2023

Date of Order: 26th October 2023

## **ORDER**

This Representation was filed on 19<sup>th</sup> June 2023 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the

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Order dated 21<sup>st</sup> April 2023 passed by the Consumer Grievance Redressal Forum, Tata Power Co. Ltd. (the Forum).

2. The Forum, by its Order dated 21.04.2023 has disposed of the grievance application in Case No.2 of 2023. The Forum observed that,

"In this case, the meter was found to be running within permissible limits of error; but the error was in wiring connections of the metering circuits, resulting in calculation of consumption as per the regulations to determine the actual consumption by the consumer. Hence, it becomes obligatory for the consumer to make the payments by the due date, of the bills raised by the Tata Power Co.Ltd., on the basis of the partial actual readings recorded by the meter."

- 3. Aggrieved by the order of the Forum, the Appellant has filed this representation. The e-hearing was held on 03.08.2023 through Video Conference. The parties were heard at length. The Appellant's written submissions and arguments are as below:
  - (i) The Appellant is a HT Consumer (No. 900000071951) from 01.08.2008 having sanctioned load of 314 kW and Contract Demand of 250 kVA at Lukhi Empire, Opposite Verani Tower, S.V. Road, Dahisar (East), Mumbai.
  - (ii) The Respondent issued a letter on 7/12/2021 to the Appellant for inspection and testing of its HT Meter No. SH000705. The Respondent stated that they observed unbalanced current and power factor while carrying out a detailed data analysis of the said meter during a preliminary site inspection which was done on 27/11/2021. They also informed that, that there might be some issues with the existing meters' wiring which needs detailed investigation and rectification, if necessary. Urgent inspection was required to conclude the findings. They were planning to carry out further inspection/rectification on 9<sup>th</sup> December 2021 in the presence of an authorised representative of the consumer.

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- (iii) The Appellant immediately issued a letter dated 09/12/2021, acknowledging the receipt of the letter regarding inspection and testing of the HT meter. However, the Appellant clarified that the Respondent had already changed the meter a few months back and the requirement for inspection was a bit weird. They further issued a disclaimer that they will not be liable to pay any additional amount for the past bills due to any failure of the current meter, if so found. The Appellant had no issue in changing the meter if the meter was found faulty.
- (iv) Thereafter, the Respondent checked the electric installation on 14/12/2021. It was alleged by the Respondent vide letter dated 14/01/2022, that B-Phase CT secondary wires were terminated in the reverse direction at meter terminals. Due to this, the meter was not recording correctly. As per the Respondent, accuracy testing of the meter was carried out and it was found that the meter was running slow by (-)70.52%. Wiring rectification was carried out on 14/12/2022, and subsequently a supplementary bill was prepared for the period from July 2020 to November 2021 as the defect in meter wiring took place during the replacement of the old meter bearing serial No. 02037404 with a new meter, bearing serial no. SH000705 of Secure make on 29<sup>th</sup> June 2020. As the new meter (Sr. No. no. SH000705) was running slow by (-)70.52%, hence under-recording factor of (-)70.52% was considered for the calculation of under-recorded units. A supplementary bill of Rs. 56,00,477/- for 5,82,864 units was issued to the Appellant for the period from 29.06.2020 to 14.12.2021.
- (v) Thereafter, the Respondent issued a letter dated 01/02/2022 by email informing that the supplementary bill was still under discussion, and they were comparing the reading of the HT meter and LT submeters installed by the consumer. So there was no need to immediately pay the amount of the supplementary bill of Rs. 56,00,477/- of past dues shown in the bill.
- (vi) The Appellant issued a letter dated 18/02/2023 to *customercare* @ *tatapower.com* by email, raising an objection to the supplementary bill. The Appellant mentioned that there is no logic behind issuing the supplementary bill due to the difference in



- patterns of electricity consumption explained in that said letter. The Appellant pointed out that they were not responsible for any faulty wiring or for faulty meter of the Respondent.
- (vii) In response, the Respondent issued an email dated 20/02/2023 advising the Appellant to exercise the option of approaching the Forum to voice their grievance, if any.
- (viii) The Appellant approached the Forum which heard the matter on 20/04/2023 and came to the conclusion that the supplementary bill is generated as per the regulations, and the complainant is supposed to make the payment of the bills as raised by TPCL; and TPCL to waive of DPC and interest charged on the arrears of the supplementary bill till the compliance of the order becomes due.
  - (ix) Hence the present representation before the Electricity Ombudsman on the following grounds:
    - a. The order passed by the Forum is totally incorrect, against the principles of natural justice and is liable to be quashed and set aside.
    - b. The Forum has not considered the representations made by the Appellant, and has given a one-sided order in the most mechanical manner. It is pertinent to note that the Forum passed the order in haste on the very next day of the hearing. The order was passed on 21/4/2023 and the hearing took place on 20/04/2023.
    - c. The Forum did not consider the fact that the Appellant was not at fault in the entire episode and therefore he cannot be made to suffer for the mistakes of the Respondent.
    - d. The Forum failed to consider that access to the meter is only with the Respondent. The person inspecting the meters has the keys to the meter box and the Appellant has no control over the same. In the circumstances, foul play by the Respondent/its officers cannot be ruled out. The first letter for inspection was sent on 07/12/2021 immediately after the covid period during which the electricity consumption was low and the same is borne out from the electricity consumption shown in the earlier bills.



- e. The Forum failed to consider that the company had changed the meter in the month of June 2020. The company has not disclosed the reason for changing the meter. When there is a change of meter, it is done under adequate supervision of a senior person from the Respondent. The Respondent admits that the meter was changed on 29<sup>th</sup> June 2020. It is imperative for the company to check the meter immediately after installation so that it shows proper working. The fact that the company did not find anything untoward for more than 16 months itself shows that there was nothing wrong with the installed meter.
- f. The Forum failed to consider that the comparative chart showing electricity consumption during the period of the supplementary bill is exorbitantly higher than the actual electricity consumption for the later months after the supplementary bill. This shows that the calculation made by the Respondent is arbitrary and without any scientific grounds.
- g. The Forum failed to consider that when the site inspection was carried out on 27<sup>th</sup> November 2021, the consumer representative was not informed of any issue with the existing meter wiring. The meter box was locked and the keys/ access to the meter box is only with the personnel/officer of the Respondent. Therefore, tampering/foul play cannot be ruled out. The Appellant is not a technical person and is not liable for any tampering/faulty work carried out by the officers/employees of the Respondent.
- h. The order of Forum is otherwise totally incorrect and against the principles of law, Electricity Act, 2003 and the Regulations made under the same.
- (x) In view of the above, the Appellant prays that the Respondent be directed to quash the supplementary bill of Rs. 56,00,477/- along with interest and delayed payment charges.
- 4. The Respondent by its letter dated 05.05.2023 has submitted its written reply. The written submissions and arguments are as below: -



- (i) The Appellant has filed the instant Representation challenging the Order of the Forum dated 20<sup>th</sup> April 2023 in Case No. CGRF/02/2023. The Appellant is a HT Consumer (No. 900000071951) from 01.08.2008 having sanctioned load of 314 kW and Contract Demand of 250 kVA at Lukhi Empire, Opposite Verani Tower, S.V. Road, Dahisar (East) Mumbai.
- (ii) The Respondent carried out a preliminary site inspection of the electric installation of the Appellant on 27.11.2021. The Respondent by its letter dated 07.12.2021 informed that they had observed unbalanced current and power factor while carrying out a detailed data analysis of this consumer. It was also informed that there could be some issue with the meter wiring, and a detailed investigation / rectification would need to be carried out on 09.12.2021.
- (iii) The Appellant vide its letter dated 09.12.2021 acknowledged the above letter and further clarified that since Tata Power had changed their meter just a few months back, the Appellant would not be liable to any additional amount due to any failure of the current meter.
- (iv) Thereafter, an investigation was carried out on 14.12.2021 wherein it was observed that B-Phase CT secondary wire were terminated in reverse direction at the meter terminals. Due to this, the meter was not registering the correct energy consumption of the Appellant. Subsequently, the wiring rectification was carried out on 14.12.2021.
- (v) The meter was first tested for accuracy before rectification on 14.12.2021 in the presence of the Appellant. The test results at different loads were found to be:-
  - 1) 77.52%
  - 2) 70.54%
  - 3) 80.86%

Meter accuracy was again tested after the meter wiring rectification was done in the presence of the consumer. This time the following test results were found:-

- 1) 0.09%
- 2) 0.26%

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Taking into consideration the difference between the pre and post rectification recordings, the net under recording of the meter was taken as (-)70.52%. The wrong wiring of the B phase CT secondary was for the period from 29.06.2020 to 14.12.2021. The basic calculations of under recording of kVAh were worked out as below:

Table 1.

| Month  | Cons.<br>In kWh<br>(Units) | Month           | 30.48%<br>of<br>kVAh<br>Billing | 70.52%<br>Under<br>Recording<br>kVAh<br>billing | Total<br>kVAh | Month  | kVAh<br>Billed |
|--------|----------------------------|-----------------|---------------------------------|---|---------------|--------|----------------|
| Jul-19 | 24160                      | Jul-20          | 5200                            | 12439   | 17639         | Jan-22 | 20760          |
| Aug-19 | 24000                      | Aug-20          | 5290                            | 12654   | 17944         | Feb-22 | 23620          |
| Sep-19 | 21600                      | Sep-20          | 14510                           | 34710   | 49220         | Mar-22 | 32530          |
| Oct-19 | 24700                      | Oct-20          | 13610                           | 32557   | 46167         | Apr-22 | 37610          |
| Nov-19 | 24080                      | Nov-20          | 10510                           | 25141   | 35651         | May-22 | 39320          |
| Dec-19 | 23980                      | Dec-20          | 11500                           | 27509   | 39009         | Jun-22 | 38360          |
| Jan-20 | 22280                      | Jan-21          | 9890                            | 23658   | 33548         | Jul-22 | 32320          |
| Feb-20 | 22880                      | Feb-21          | 11140                           | 26648   | 37788         | Aug-22 | 33850          |
| Mar-20 | 17900                      | Mar-21          | 16480                           | 39422   | 55902         | Sep-22 | 33920          |
| Apr-20 | 13199                      | Apr-21          | 13370                           | 31983   | 45353         | Oct-22 | 33380          |
| May-20 | 11800                      | May-21          | 18370                           | 43943   | 62313         | Nov-22 | 40220          |
| Jun-20 | 8880                       | Jun-21          | 19510                           | 46670   | 66180         | Dec-22 | 42330          |
|        |                            | Jul-21          | 20030                           | 47914   | 67944         |        |                |
|        |                            | Aug-21          | 19000                           | 45450   | 64450         |        |                |
|        |                            | Sep-21          | 17830                           | 42652   | 60482         |        |                |
|        |                            | Oct-21          | 23050                           | 55139   | 78189         |        |                |
|        |                            | Nov-21          | 14370                           | 34375   | 48745         |        |                |
|        |                            | Dec-21<br>(upto | 6580                            | 15740   | 22320         |        |                |
|        |                            | 14.12.21)       |                                 |   |               |        |                |

- (vi) The under-recording period was from 29.06.2020 to 14.12.2021. Accordingly, supplementary bill of Rs. 56,00,477/- for 5,82,864 units was raised upon the Appellant for the period from 29.06.2020 to 14.12.2021.
- (vii) On 01.02.2022, the Respondent informed the Appellant that the supplementary bill was under discussion, and accordingly requested the Appellant to withhold payment of the said bill till a final conclusion was reached.
- (viii) On 18.02.2023, the Appellant vide its email raised an objection on the supplementary bill and also stated that the Appellant cannot be made responsible for any fault in the wiring or meter of the Respondent.

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- (ix) The Respondent vide its email dated 18.02.2023 informed and advised the Appellant to exercise the option of approaching the Forum for any grievance regarding the Supplementary Bill.
- (x) The Appellant accordingly approached the Forum on 20.04.2023. A detailed hearing was held wherein the Respondent explained in detail the reasons of raising the supplementary bill. The Respondent provided a detailed explanation regarding the incorrect meter reading due to the secondary wires terminated in reverse direction at the meter terminals, due to which the meter was running slow by (-)70.52% and the meter was under recording the actual units / consumption of the Appellant. It was the Appellant's contention that the consumption already billed for the disputed period (July 2020 to November 2021) is as per his actual usage.
- (xi) On 21.04.2023, the Forum passed its order concluding that the supplementary bill is generated as per the prevailing Regulations and that the Appellant is supposed to make the payment of the bills as raised by Tata Power.
- (xii) It is pertinent to mention that, had the CT secondary wires terminated in the correct direction, the meter recording would have been done correctly, and the Appellant's bills would have been inclusive of that consumption, and the Appellant would anyhow have paid that amount in its monthly bill. In other words, the total amount shown in the supplementary bill is nothing but the under recovered meter units / consumption of the Appellant.
- (xiii) The Electricity Act, 2003 as well as the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021, provide that the Distribution Licensee, the Respondent herein, is authorized to recover charges for the supply of electricity. Tata Power is only recovering the amounts due to it for providing supply to the Appellant. A meter accuracy test was carried out by the Respondent for this purpose only, so that the Appellant is billed accurately for the units of the energy consumed and nothing more (or less). The Appellant ought to appreciate that if there had been no error in the meter wiring, the Appellant would have had to pay the same amount by way of the monthly



- bills and accordingly, there is no discrepancy in the supplementary bill or any foul play by the licensee (as alleged by the Appellant).
- (xiv) The Forum has rightly observed and held that "that the supplementary bill is generated as per the regulations. The complainant is supposed to make the payment of the bills as raised by the Tata Power Co. Ltd. Tata Power to waive off DPC and interest charged on arrears of the supplementary bill till the compliance of this order becomes due."
- (xv) As per directions of the Forum, the Respondent has waived off the Delayed Payment Charges and Interest.
- (xvi) In view of the above, the Respondent prays that the representation of the Appellant be dismissed.
- 5. During the hearing, a direction was given to the Respondent to test the meter in the presence of the Appellant's representative, first with wrong polarity of B Phase CT Secondary, and again with correct connection of B Phase CT polarity, for comparison purposes.
- 6. Accordingly, the meter was tested on 01.09.2023 in the presence of the Appellant. During the testing, the % of Accuracy Error of the meter was found to be (-) 82.40%, with cross connection of B phase CT secondary current, which resulted in under recording of electrical energy. When the polarity connection of the meter was made in order, the accuracy of the meter was found in order. As such the meter was not defective, but the wiring of CT Secondary of B phase was wrong. Though the meter was found under recording by (-) 82.40% in Laboratory Testing, the under recording of meter was finally taken as (-) 70.52 % by the Respondent, considering the earlier testing results of 14.12.2021.
- 7. A second hearing was held on 4<sup>th</sup> October 2023 with the physical appearance of the parties, for a detailed technical discussion. During the hearing, this office pointed out that the methodology used for the assessment for kVAh billing, which indicated that the meter was



under recording by 70.52%, was not correct, as the testing was carried out on kWh component, while there was a low Power Factor (PF) issue due to reverse secondary B Phase current.

- 8. The Appellant argued that the wiring of the meter was made normal by the Respondent on 14.12.2021. The consumption recorded prior to normalcy of the wiring, i.e. from 01.12.2021 to 14.12.2021 (14 days) was 7081 units, which is **506 units per day**. After the restoration of normalcy, for the period from 15.12.2021 to 31.12.2021 (17 days), the consumption recorded was 11787 units, which is **693 units per day**. Considering this logic, 14 days' consumption would be  $693 \times 14 = 9702$  units, against the 7081 units which was actually recorded. This amounts to an estimated under recording by 30%. This clearly establishes that the meter was not under recording at the level of (-)70. 52 %. Hence, the issue needs to be re-examined accordingly.
- 9. The Respondent stated that kWh recording would be considered, and under recording of (-) 70.52 % would be enhanced accordingly. Thereafter, the kVAh will be calculated by dividing kWh by the assessed power factor, which will be taken as 0.96 PF which was derived after the normalcy of wiring.

## **Analysis and Ruling**

- 10. The Appellant is a HT Consumer (No. 900000071951) from 01.08.2008 having sanctioned load of 314 KW and Contract Demand of 250 KVA at Lukhi Empire, Opposite Verani Tower, S.V. Road, Dahisar (East) Mumbai. The Appellant is billed under Industrial Tariff Category.
- 11. Previously, till 31.03.2020, the billing of HT consumers was based on kWh. However, for the purpose of billing, kVAh based billing has been introduced for HT category consumers by the Commission by its Tariff Order dated 30.03.2020. The Commission allowed to implement kVAh based billing for HT Consumers with effect from

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1<sup>st</sup> April, 2020. This technical aspect has a bearing on the current case, hence is discussed in more detail below.

12. Most of the metering in the state is based on three current Transformers and three potential Transformers. The CT secondary currents of the respective phase were wired up with sequential potential Terminals as follows:-

R phase CT Secondary current and R phase PT Voltage

Y phase CT Secondary current and Y phase PT Voltage

B phase CT Secondary current and B phase PT Voltage

In the present case, the Metering of the Respondent is based on two current Transformers of R & B Phase CTs and R, Y, B Potential Terminals i.e.; energy measurement is done of three phase currents with two current transformers and three potential transformers.

The following parameters were used by the Respondent for billing:

➤ R phase CT Secondary Current

➤ B phase CT Secondary Current

Y phase CT Secondary current was wired up considering the following principle:

Ir + Iy + Ib = 0 (Vector sum of three currents is zero for symmetrical load). Hence,

Iy = - (Ir + Ib).

R, Y, B Secondary Voltages

However, in the instant case, the following observations are made:-

- ➤ Ir was correctly measured with forward polarity. Hence, R phase energy was measured correctly.
- ➤ Ib was wrongly wired up with reverse polarity. The new replaced meter of Secure make (Sr. No. SH 000705) was not a "Smart Meter" (which corrects the polarity internally, and the meter records correctly with forward polarity). Hence, B phase energy was not measured totally in the meter due to wrong wiring of B phase CT secondary.

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- ➤ Iy was nullified with vector-sum of (Ir –Ib). Hence, Y phase energy was also not measured.
- ➤ Therefore, theoretically, the meter would record only 33.33%, i.e., under recording by 66.66% of kWh component.
- ➤ This logic is applicable to kWh measurement. However, kVAh recording cannot be ascertained with this method due to complex phenomenal of vector sum. Hence, the methodology used by the Respondent for under recording of kVAh billing by considering (-) 70.52 % cannot be accepted, it being a complex phenomenon of Vector-Sum.
- ➤ As far as kWh recording is concerned, the meter was found under recording by (-) 70.52% on lowest value of accuracy during testing.
- ➤ So it is necessary to calculate the under recording of kWh Component by assuming a proportionate factor of 29.48% recording. Then the arrived kWh recording should be converted to kVAh by dividing with 0.96 PF, which was arrived after normalisation of metering from 14<sup>th</sup> December 2021 onwards.
- 13. The Respondent has submitted a detailed report by its email dated 11.10.2023 as per discussions held in the second hearing, based on recorded kWh values, (-)70.52% under recording of meter, and converted to kVAh considering 0.96 assessed PF. Its calculations are as below:



Table 2:

| Sr.<br>No. | Billing<br>Month | Days of<br>Month |        | Monthly<br>kWh<br>units<br>recorded | Derived kWh<br>by considering<br>70.52 % under<br>recording due<br>to B phase CT<br>polarity<br>reverse | Total<br>assessed<br>kVAh<br>considering<br>derived<br>kWh and<br>considering<br>0.96 PF | Final<br>Assessed<br>under<br>recorded<br>kVAh units |
|------------|------------------|------------------|--------|-------------------------------------|---|--|--|
| Α          | В                | C                | D      | Е                                   | F=E/(1-0.7052)  | G=F/0.96   | H=G-D  |
| 1          | Jul-20           | 31               | 5200   | 2230                                | 7564  | 7880   | 2680   |
| 2          | Aug-20           | 31               | 5290   | 2340                                | 7938  | 8268   | 2978   |
| 3          | Sep-20           | 30               | 14510  | 8780                                | 29783   | 31024  | 16514  |
| 4          | Oct-20           | 31               | 13610  | 8200                                | 27815   | 28974  | 15364  |
| 5          | Nov-20           | 30               | 10510  | 6260                                | 21235   | 22120  | 11610  |
| 6          | Dec-20           | 31               | 11500  | 6970                                | 23643   | 24628  | 13128  |
| 7          | Jan-21           | 31               | 9890   | 5710                                | 19369   | 20176  | 10286  |
| 8          | Feb-21           | 28               | 11140  | 6930                                | 23507   | 24487  | 13347  |
| 9          | Mar-21           | 31               | 16480  | 10870                               | 36872   | 38409  | 21929  |
| 10         | Apr-21           | 30               | 13370  | 8370                                | 28392   | 29575  | 16205  |
| 11         | May-21           | 31               | 18370  | 11730                               | 39790   | 41448  | 23078  |
| 12         | Jun-21           | 30               | 19510  | 12860                               | 43623   | 45440  | 25930  |
| 13         | Jul-21           | 31               | 20030  | 13460                               | 45658   | 47560  | 27530  |
| 14         | Aug-21           | 31               | 19000  | 12700                               | 43080   | 44875  | 25875  |
| 15         | Sep-21           | 30               | 17830  | 12000                               | 40706   | 42402  | 24572  |
| 16         | Oct-21           | 31               | 23050  | 13950                               | 47320   | 49292  | 26242  |
| 17         | Nov-21           | 30               | 14370  | 7900                                | 26798   | 27914  | 13544  |
| 18         | Dec-21           | 13               | 6580   | 3500                                | 11872   | 12367  | 5787   |
|            |                  | Total            | 250240 | 154760                              | 524966  | 546840   | 296600   |

The assessed PF is based on the following calculations:

| Month  | Recorded<br>Power Factor | Month                | Recorded<br>Power |  |
|--------|--------------------------|----------------------|-------------------|--|
| N4 00  | 0.071                    | 1 00                 | Factor            |  |
| May-22 | 0.971                    | Jan-23               | 0.959             |  |
| Jun-22 | 0.970                    | Feb-23               | 0.958             |  |
| Jul-22 | 0.963                    | Mar-23               | 0.952             |  |
| Aug-22 | 0.963                    | Apr-23               | 0.955             |  |
| Sep-22 | 0.963                    | May-23               | 0.955             |  |
| Oct-22 | 0.968                    | Jun-23               | 0.952             |  |
| Nov-22 | 0.962                    | Jul-23               | 0.952             |  |
| Dec-22 | 0.959                    | Avg PF for 15 months | 0.960             |  |

The Respondent issued a supplementary bill of Rs. 56,00,477/- towards under recording of consumption for the period from 29.06.2020 to 14.12.2021 for 5,82,864 kVAh units, based on a specific methodology adopted by the Respondent. However, this methodology is not

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acceptable to this authority. We have advised adoption of the new methodology as discussed above, considering recorded kWh Units and 0.96 PF.

The Secure make Meter (Sr. No. SH 000705) does not have smart CT feature. The said meter was replaced by the Respondent in August 2023 post hearing for testing purposes. The old meter was tested in the testing laboratory on 01.09.2023 and the meter test report was found in order. Accordingly, the revised calculations of under billing and assessment are shown in Table 2.

- 14. 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 in the instant case, as the meter was found in order during testing. The relevant part of the Judgment is reproduced below:
  - "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. 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 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."

This Judgment is applicable in the instant case. As such the meter was not defective; however, B Phase CT Secondary was wrongly connected to the meter. The meter was finally replaced on 31<sup>st</sup> August 2023 on the instructions of the Electricity Ombudsman.

15. The assessment period of 18 months fulfils the statutory requirement of Section 56(2) of the Act. The Section 56 (2) of the Electricity Act, 2003 is reproduced below:

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"(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."

This Section 56 (2) of the Act has been interpreted by the Larger Bench Judgment dated 12.03.2019 of the Bombay High Court in W.P. No. 10764 of 2011 with Other Writ Petitions. The Court has allowed 24 months' recovery retrospectively in cases of mistake or oversight.

- 16. In view of the above, the Respondent is directed as under:
  - a) to withdraw the supplementary bill of Rs. 56,00,477/- for 5,82,864 kVAh units, and to issue a revised bill on the basis of calculations shown in Table 2 for 2,96,600 kVAh units for the period from 29.06.2020 to 14.12.2021.
  - b) The interest and delayed payment charges levied be withdrawn from the date of issue of the supplementary bill till the date of this order.
  - c) to allow the Appellant to pay the revised supplementary bill in ten equal monthly instalments. If the Appellant fails to pay any instalment, proportionate interest will accrue, and the Respondent has the liberty to take action as per law.
  - d) Compliance to be submitted within two months from the date of issue of this order.
  - e) Other prayers of the Appellant are rejected.
- 17. The secretariat of this office is directed to refund Rs.25000/- taken as deposit to the Respondent for adjusting in the Appellant's ensuing bill.

Sd/-(Vandana Krishna) Electricity Ombudsman (Mumbai)

(Dilip Dumbre) Secretary

