

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 38 OF 2024

In the matter of retrospective recovery towards under billing of missing voltage

Owais Enterprises (Prop. Iqbal Ahmad Mohd. Ibrahim) ..... Appellant  
(Consumer No 065738002762)

V/s.

Maharashtra State Electricity Distribution Co, Ltd. Malegaon (MSEDCL) . . . . .Respondent  
(Malegaon Power Supply Limited (MPSL)..... Distribution Franchisee)

Appearances:

Appellant : 1. Iqbal Ahmad Mohd. Ibrahim  
2. Waseem Ahmad Mohammad Saleem, Representative  
3. Mohammad Saleem Mohammad Akbar, Representative

Respondent:

MSEDCL 1. Anil Nagare, Executive Engineer, Malegaon(U/R) Dn.  
2. R.S. Khiwadkar, Addl. Executive Engineer, Nodal Officer.

MPSL 1. Samir Shah, Dy. Manager, MPSL  
2. Pawan Disawat, Sr. Executive, MPSL


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

Date of hearing: 19<sup>th</sup> March 2024

Date of Order :15<sup>th</sup> April 2024

## ORDER

This Representation was filed on 8<sup>th</sup> January 2024 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

  
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7<sup>th</sup> November 2023 passed by the Consumer Grievance Redressal Forum, Nashik (the Forum). The Forum by its order rejected the grievance application in Case No. 58-22. The Forum observed that the retrospective recovery of Rs. 2,30,776/- was found in order towards missing of “Y” phase Voltage to the meter for the period from 06.10.2021 to 07.12.2021. The Forum directed to waive off the interest on the said supplementary bill from the debit bill adjustment till the date of order.


2. The Appellant has filed this Representation against the above order passed by the Forum. An e-hearing was held through video conference on 19<sup>th</sup> March 2024. Parties were heard at length. The Respondent filed its reply on 28<sup>th</sup> February 2024. For easy understanding, first the Respondent’s submissions and arguments are stated as below:

- (i) The Respondent, MPSL contended that the Appellant has filed this representation (dated 05.01.2024) against the order of the Forum dated 07.11.2024. Hence, the representation is not maintainable as the appeal is not filed within the limitation period and needs to be dismissed with cost. *[Note: The Representation is filed within 60 days and is not time barred]*
- (ii) The Appellant is a LT Industrial Consumer (No. 065738002762) from 09.11.2020 having Sanctioned Load (SL), Contract Demand (CD), address etc. as tabulated below:

**Table 1:**

Name of Consumer	Consumer No.	Address	Date of Supply	Sanctioned Load (HP)	Contract Demand (KVA)	Reason & Period of Assessment	Assessment Amount (Rs.)
Owais Enterprises (Prop. Iqbal Ahmad Mohd Ibrahim)	065738002762	G.No.442, Pl. 11, Sayne(BK)	09.11.2020	100.01	93	Y phase PT missing to the Meter from 06.10.2021 to 07.12.2021	2,30,776/-

- (iii) The Appellant runs an industry of plastic reprocessing unit for manufacturing of plastic granules.
- (iv) The Respondent inspected the premises of the Appellant on 07.12.2021, when it was observed that Y phase PT voltage to the meter (Sr.No. M04000161 of Secure Make of

  
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40-200 A Capacity) was missing, which was not extended to the meter due to a loosened connection of the screw.


- (v) The MRI data of the meter was downloaded on 07.12.2021 at 14:29:19. As per the MRI data report, the occurrence of Y Phase Voltage to the meter was found missing from 06.10.2021 to 07.12.2021; however, there was voltage and current parameter when it was tested by Tong Tester. The Voltage & Current parameter is tabulated below:

**Table 2:**

<b>Voltage &amp; Current Display on Meter</b>					
<b>R Phase</b>		<b>Y Phase</b>		<b>B Phase</b>	
Voltage (V)	Current (A)	Voltage (V)	Current (A)	Voltage (V)	Current (A)
248	31	0	32	246	31
<b>Voltage &amp; Current taken by Tong Tester</b>					
<b>R Phase</b>		<b>Y Phase</b>		<b>B Phase</b>	
Voltage (V)	Current (A)	Voltage (V)	Current (A)	Voltage (V)	Current (A)
248	31	246	32	246	31
<b>Note :</b> When the Y phase screw was tightened properly, the Y phase voltage was extended to the meter & was showing on the display of the meter.					

The screw of the meter was tightened properly, after which the Voltage of Y Phase was found in order.

- (vi) The Respondent issued a plain retrospective recovery of Rs.2,30,766/- towards under recording of consumption for the period from 06.10.2021 to 07.12.2021, and a debit bill adjustment was added in the bill of Dec. 2021.
- (vii) The Appellant is irregular in the payment of his bills. The outstanding dues of the Appellant increased to Rs. 5,07,530/- by Dec. 2021, including the previous outstanding dues.


  
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- (viii) The Appellant made some part payments. A notice of disconnection was issued on 02.12.2023 for outstanding dues of Rs. 3,36,947.90; however, the supply of the Appellant was not disconnected.
- (ix) The Respondent MPSL argued that in cases where the meter is defective, they are entitled to assess the consumption for up to three months. In this case, the Assessment is calculated only for two months. *[Note: The Meter was not defective per se, however, it was not getting Y phase PT Input Voltage].*
- (x) In view of the above, the Respondent requested to reject the Representation.

3. The submissions and arguments of the Appellant are as below: -

- (i) The Appellant is a LT Industrial Consumer with details as tabulated in Table 1.
- (ii) The premises of the Appellant were inspected on 07.12.2021. There was no irregularity in the meter, as the meter seals were found in order. The voltage & current parameters were found in order. Even then the Respondent added a debit bill adjustment of Rs. 2,30,776/- for alleged Y phase PT missing to the meter from 06.10.2021 to 07.12.2021 in the bill of Dec. 2021, which was not correct. **The detailed report of assessment calculations was never given to the Appellant.**
- (iii) The Appellant made an online complaint on MSEDCL portal on 19.01.2022 for withdrawal of the supplementary bill of Rs. 2,30,776/-. However, there was no response from the Respondent.
- (iv) The Appellant filed his grievance application in the Internal Complaint Redressal System (ICRS) on 05.03.2022; however, the ICRS team did not reply.
- (v) The Appellant filed a grievance application in the Forum on 22.07.2022. The Forum by its order dated 07.11.2023 has rejected the grievance application. The Forum failed to understand the basic issue that there was already heavy consumption recorded in the meter for the specific period of assessment. There is no change in the consumption pattern during the assessment period, which indicates that there was no under consumption.

  
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- (vi) The consumption pattern of the Appellant for the period from Dec. 2020 to Jan. 2022 was found as below:

**Table 3:**

<b>Consumption Recorded</b>			
<b>Month</b>	<b>Consumption (Units)</b>	<b>Month</b>	<b>Consumption (Units)</b>
Dec-20	32081	Jul-21	31179
Jan-21	25439	Aug-21	38889
Feb-21	29321	Sep-21	39471
Mar-21	27290	Oct-21	40250
Apr-21	27796	Nov-21	31629
May-21	20418	Dec-21	24412
Jun-21	31465	Jan-22	33382

- (vii) There was Covid-19 pandemic from 22.03.2020. The State was suffering a lockdown, which was partially opened in July 2020. There is no drop in consumption for the period from 06.10.2021 to 07.12.2021. Hence, the Appellant requested to withdraw the assessment bill which is based on a wrong report of MRI.
- (viii) When the Appellant tried to contact field officers, they informed him to meet the Respondent MPSL at its head office. When he tried to meet them at head office, they informed him that the “Saheb” was in a meeting and could not meet him and informed him to meet Shri Sharad Gopale, Engineer. The Appellant met him; however, he replied that he was not the concerned person; however, “dekhata hoo”. This is a sample working of the Franchisee. The consumer does not have any faith in MPSL’s working. The Appellant had to run from pillar to post; however, there was no positive response. The Appellant has a right to get a detailed assessment report along with the concerned documents of the supplementary bill.
- (ix) The Appellant prays that the Respondent be directed to withdraw the unjustified supplementary bill of Rs. 2,30,776/- along with accrued interest and delayed payment charges.

  
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4. During the course of the hearing on 19.03.2024, the Respondent was directed to submit the Consumer Personal Ledger (CPL) Report, detailed calculation sheet of the Assessment (which should actually be shown to the consumer in the interest of maintaining transparency and fairness in billing), Load Data of MRI of the specific period from 06.10.2021 to 07.12.2021 on which basis the assessment was carried out, and the confirmation of Smart PT Feature of the Secure Meter duly audited by the Testing Division and O & M Division, within a period of one week. In fact, it was expected to submit these documents along with its first reply dated 15.03.2024.


5. The Appellant by its letter dated 20.03.2024 (received in this office on 26.03.2024), informed that Shri Chatterjee, Engineer along with his team threatened the Appellant for disconnection without any notice, and demanded payment of the total amount including assessment amount of Rs.2.30.776/-, even though the grievance was pending, and the hearing was going on before the Hon'ble Electricity Ombudsman (Mumbai). The Appellant was forced to pay Rs. 2,00,000/- on 21.03.2024 to avoid the disconnection. This behaviour of the Respondent is unacceptable and irresponsible.

6. Meanwhile, the Executive Engineer, Malegaon Dn. submitted MRI Data Analysis Report on 28.03.2024 along with Testing Analysis Report but without load Data. The issue of non-submission of the required data has been raised by this office with the Respondent verbally as well as by letter dated 04.04.2024.

The important submissions which were still pending were:

- Load Data Record for the period from 06.10.2021 to 07.12.2021.
- CPL of the Consumer.
- Assessment Report along with Calculations.
- A detailed Report regarding the alleged threatening of the consumer for disconnection during the period of the Grievance Redressal Mechanism.

7. The Respondent vide its email dated 05.04.2024 finally submitted the required information.

  
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## Analysis and Ruling:


8. Heard the parties and perused the documents on record. The Appellant is a LT Industrial Consumer (No. 065738002762) from 09.11.2020 with details as shown in Table 1. The Appellant runs an industry of reprocessing of plastic for manufacturing of plastic granules. The meter of the consumer is of Secure Make (Sr.No. M04000161) having Type- 3ph 4w, 40-200 Amp Capacity.

9. The Respondent inspected the installation of the Appellant on 07.12.2021 in the presence of the Appellant, when it was observed that “Y Phase Voltage” was missing on the meter display, and was not extended to the meter due to a loosened connection of the screw as well as meter terminal screw. The meter was recording 1/3<sup>rd</sup> less consumption due to non-availability of Y phase Voltage to the meter. As per the MRI report dated 07.12.2021, the period of assessment was 06.10.2021 to 07.12.2021.

10. The Respondent contended that the meter has a provision that the service cable of the consumer directly passes through the meter cabinet for measurement. Piercing screws are used in the meter for voltage connection, having the quality and capability to puncture the cable of 200 A capacity.

11. The Respondent MPSL issued a supplementary bill for plain recovery of Rs. 2,30,776/- for 35,746 units towards under recording of consumption by 33.33% for the period from 06.10.2021 to 07.12.2021, based on the data retrieved from MRI [*Note : no record was provided whether this data was sent by letter to the consumer.*]

12. The Respondent was directed to submit various types of data, including load Data and tamper cumulative events of MRI Data. The Respondent submitted the Audit Report of Y phase Voltage Missing from 26.04.2021 to 07.12. 2021. On examining this data, we find that the voltage was not continuously missing, but appeared to the meter intermittently. The period from 26.04.2021 to


  
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05.10.2021 (which is time barred at present) is out of the scope of this appeal, as the representation was based on the period from **06.10.2021 to 07.12.2021**. Accordingly, the revised statement of the Y Phase PT Missing Events as per MRI Report for the period 06.10. 2021 to 07.12.2021 is as below:

**Table 4: Y Phase PT Missing Events as per MRI Report for the period of 06.10. 2021 to 07.12.2021 :**

Sr. No.	Occurance Date	Occurance Time	Restore Date	Restore Time	Days	Hrs.	Min.	Seconds
1	06.10.2021	01.48.09	06.10.2021	02.08.19	0	0	20	19
2	06.10.2021	12.45.07	06.10.2021	18.13.29	0	5	28	22
3	07.10.2021	07.20.00	07.10.2021	12.53.11	0	5	33	11
4	08.10.2021	08.11.43	11.10.2021	00.22.50	2	16	11	7
5	11.10.2021	00.53.15	12.10.2021	11.35.41	1	10	42	26
6	12.10.2021	12.01.01	12.10.2021	12.23.20	0	0	22	19
7	12.10.2021	12.47.10	12.10.2021	15.28.38	0	2	41	38
8	12.10.2021	15.35.08	12.10.2021	15.45.43	0	0	10	35
9	12.10.2021	15.57.39	12.10.2021	16.05.08	0	0	7	29
10	12.10.2021	16.31.18	13.10.2021	18.16.02	1	1	44	44
11	14.10.2021	15.11.30	14.10.2021	15.19.50	0	0	8	20
12	21.10.2021	09.53.32	21.10.2021	15.38.13	0	5	44	41
13	21.10.2021	16.25.18	21.10.2021	17.42.14	0	1	16	56
14	21.10.2021	19.21.02	21.10.2021	20.34.57	0	1	13	55
15	21.10.2021	21.37.47	22.10.2021	12.23.01	0	14	45	14
16	22.10.2021	17.23.01	22.10.2021	19.56.58	0	2	33	57
17	22.10.2021	21.36.49	22.10.2021	23.11.57	0	1	35	8
18	22.10.2021	23.41.37	25.10.2021	14.46.13	2	15	4	36
19	26.10.2021	01.11.59	29.10.2021	04.13.57	3	3	1	58
20	29.10.2021	12.47.18	29.10.2021	22.17.34	0	9	30	16
21	30.10.2021	10.38.40	01.11.2021	03.58.16	1	17	19	36
22	01.11.2021	04.24.11	01.11.2021	22.05.12	0	17	41	1
23	01.11.2021	22.18.17	07.11.2021	19.05.13	5	20	46	56
24	07.11.2021	19.21.28	08.11.2021	13.25.09	0	18	3	41
25	08.11.2021	13.40.25	09.11.2021	04.52.05	0	15	11	40
26	09.11.2021	05.50.00	11.11.2021	15.16.49	2	9	26	49
27	11.11.2021	15.32.34	15.11.2021	11.16.46	3	19	44	12
28	15.11.2021	11.30.26	17.11.2021	06.24.47	1	18	54	21
29	17.11.2021	08.56.57	18.11.2021	00.36.49	0	15	39	52
30	18.11.2021	09.31.19	18.11.2021	11.02.36	0	1	31	17
31	18.11.2021	11.12.41	02.12.2021	22.51.35	14	11	38	54
32	02.12.2021	23.01.45	07.12.2021	13.29.38	4	14	27	53
Total (1 to 32)					39	264	866	1043
Conversion into Days					50	14	43	23
Total Days					Say 51 Days			

  
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Thus, we find that the Y phase interruptions come to a total of about 51 days, and not 61 days. We have also examined the assessment calculations submitted by the Respondent as calculated by its software, and find it to be correct. The Appellant contended that there is no consumption drop in Oct. and Nov. 2021 as the consumption remained 40250 units and 31629 units respectively. However, the Respondent submitted 30 minutes load survey data for the period 06.10.2021 to 07.12.2021, wherein it is established that the voltage of Y phase was missing as tabulated in Table 4. The snapshot of 09.10.2021 and 07.12.2021 is as below:


**Table 5:**

Voltage & Current Recorded in Load Data on 09.10.2021						Voltage & Current Recorded in Load Data on 07.12.2021					
R Phase		Y Phase		B Phase		R Phase		Y Phase		B Phase	
Voltage (V)	Current (A)	Voltage (V)	Current (A)	Voltage (V)	Current (A)	Voltage (V)	Current (A)	Voltage (V)	Current (A)	Voltage (V)	Current (A)
234	120	0	125	235	131	248	31	0	32	246	31

We find that there was heavy load in October and November 2021 in the system. The recorded consumption of R & B Phase is found correct. We have also examined the consumption pattern of the consumer over a longer time frame, in order to determine whether this consumption was being under recorded. Consumption was found 70523, 44193, 41411, 44074, & 42607 units in Nov. 2020, March 2022, Nov. 2022, Dec.2022, & Jan.2023 respectively. The data of the MRI Report of the meter is authentic and is universally used.

13. 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 of under billing of the meter; as such the meter was not defective, however, input voltage was not extended to the meter. 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*

  
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*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. However the assessment carried out by the Respondent needs to be revised as per as per analysis of Tamper events of Y phase PT missing **as shown in Table 4. Instead of 61 days which were taken by the Respondent, it needs to be revised for 51 days.**

14. It is observed that Y Phase was not extended to the meter from time to time. The Respondent did not fulfil its duty to regularly check and analyze the MRI data. Had it done so in time, the technical lapse would have come to notice much sooner.

15. The Forum has not gone into the depth of the tamper event data scientifically. Hence its order dated 07.11.2023 is modified and the Respondent is directed as under: -

- a) To withdraw the assessment of Rs. 2,30,776/- for 35,746 units (which was based on PT missing of Y phase for 61 days), and it be revised proportionately for 51 days as per the consumption pattern recorded in Oct., Nov. & Dec. 2021 as shown in Table 4&5. The interest and delayed payment charges levied be withdrawn from the date of issue of the assessed bill till the date of this order. *[Note: The revised calculations be sent to this office prior to issue to the Appellant.]*
- b) The Appellant be allowed to pay the revised supplementary bill in three equal monthly instalments without any interest and delayed payment charges on instalments. If the

  
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Appellant fails to pay any instalment, proportionate interest will accrue, and the Respondent has the liberty to take action as per law.

- c) Other prayers of the Appellant are rejected.
- d) A cost of Rs.5000 is imposed on the Respondent for its irresponsible behaviour as mentioned in para 5 of threatening disconnection while the current hearing was still going on. This amount should be deposited with this office.
- e) Compliance to be submitted within two months from the date of issue of this order.

16. The Representation is disposed accordingly.

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  
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