

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 17 OF 2025

In the matter of billing in case of defective meter

Smt. Namrata H. HatkarAppellant
(Consumer No. 000011135731)

V/s.

Maharashtra State Electricity Distribution Co, Ltd., Thane -II..Respondent
(MSEDCL)

Appearances:

Appellant : Not Present

Respondent : Rajesh D. Masane, Addl. Ex. Engineer, Thane Power House Sub-Dn.


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 6th May 2025

Date of Order: 15th May 2025

ORDER

This Representation was filed on 2nd April 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 dated 31st January 2025 in Case No. 64 of 2024-25 passed by the Consumer Grievance Redressal Forum,


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



MSEDCL, Bhandup Urban Zone (the Forum). The Forum by its order dismissed the grievance of the Appellant.


2. The Appellant has filed this Representation against the order passed by the Forum. An e-hearing was held on 06.05.2025 through Audio Conference. The Respondent was present, however, the Appellant was not present. The Appellant in its Representation requested to pass an order as per documents kept on record. The Respondent was heard at length, and its 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 residential consumer since 18.06.1997. Key details regarding the connection are summarized in the table below:

Table 1:

Appellant	Consumer No.	Sanct. Load (KW)	Address	Date of Supply	Period for Billing under Faulty Status	Date of meter Replacemnet
Smt. Namrata H. Hatkar	000011135731	4.7	05, Krishnachandra CHSL, Phadake Road, Brahman Society, Thane (W)- 400602	18.06.1997	March 2023 to Nov. 2023	16.11.2023

- (ii) A Genus meter (No. 06504978189) was installed for the Appellant and billed with actual readings up to February 2023. **From March 2023, the meter became faulty.** Due to an acute shortage of single-phase meters in the store and limited supply from the Corporate Office, the Appellant was billed with "Faulty" Status for the period from March 2023 to Nov. 2023. The Appellant's faulty meter was finally replaced with a new Schneider Electric India Pvt. Ltd. meter (A6281518) on 16.11.2023.
- (iii) The Appellant was billed under "Faulty Status" for nine months based on the previous year's consumption pattern as determined by the system program of the Respondent.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




This average consumption comes to 298 units per month. Even after the meter was replaced, the consumer's average monthly consumption remained consistent at 302 units, as shown in the table below:

Table 2:

Comparative Statement of Consumption: Billed Under Faulty Status V/s Actual Consumption for Corresponding Months in the Following Year				
Year	2023		2024	
Month	Meter No.		Meter No.	
	Cons.billed (Units)	Meter Status	Cons.billed (Units)	Meter Status
Mar	253	Faulty	262	Normal
Apr	295	Faulty	281	Normal
May	400	Faulty	281	Normal
Jun	346	Faulty	410	Normal
Jul	294	Faulty	292	Normal
Aug	287	Faulty	277	Normal
Sep	267	Faulty	296	Normal
Oct	287	Faulty	255	Normal
Nov	254	Faulty	355	Normal
Total	2683		2709	
Avg/mth	298		301	
Dec	187	Normal	271	Normal
Note	The old Faulty Meter of the Appellant was replaced by a New Meter on 16.11.2023 .			

- (iv) The Appellant has not requested for a meter replacement and has regularly used electricity. The Appellant has paid all bills regularly. Electricity is a valuable and costly


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resource. The Respondent has billed the Appellant appropriately based on her consumption pattern.

- (v) 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 residential consumer since 18.06.1997. The primary statistical details of the consumer are provided in Table 1.
- (ii) Up to February 2023, the Appellant was billed on actual meter readings. However, in March 2023, the meter was found to be faulty. Consequently, the Appellant was billed under "Faulty Status" from March 2023 to November 2023. The Respondent did not replace the faulty meter for nine months. The replacement finally took place on 16.11.2023, and since December 2023, the Appellant has been billed on actual meter readings.
- (iii) The Appellant filed a grievance application with the Forum on 21.08.2024, which was subsequently dismissed by its order dated 31.01.2025. The Forum failed to understand that the meter remained defective for approximately nine months before being replaced. As per Regulation 16.4.1, a consumer cannot be billed under "Faulty Status" for more than three months. The Respondent was legally obligated to replace the meter within this three-month period but failed to do so.
- (iv) 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).
- (v) The Appellant cited the following orders from the Electricity Ombudsman (Mumbai) in support of her submissions:


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




- a. Representation No. 73 in the case of Shri Suhas Sitaram Patil, dated 23.10.2020.
 - b. Representation No. 74 of 2020 in the case of Siddhachal Co-Operative Housing Societies Federation Ltd, dated 03.11.2020.
- (vi) The Appellant, a 72-year-old senior citizen, has requested that the case be finalized based on the documents on record.
- (vii) In view of the above, the Appellant prays that the Respondent be directed: -
- a) to revise the bill in accordance with Regulation 16.4.1 of the Supply Code and SOP Regulations 2021, limiting the faulty period to three months.
 - b) to waive any interest and delayed payment charges, if levied.
 - c) to take appropriate action against the responsible staff members.
 - d) to provide suitable compensation for the mental agony and harassment suffered by the Appellant.

Analysis and Ruling:

4. Heard the Respondent at length. The Appellant requested that her case be finalized based on the documents on record, and neither she nor her representative was present for the hearing.

5. The Appellant contended that her meter was defective for the period from March 2023 to Nov. 2023 (i.e. 9 months) and she was billed on “average” consumption for all these 9 months as tabulated in Table 2. However, the Appellant is entitled to be billed only for three months in case of a defective meter, as per Regulation 16.4.1 of Supply Code and SOP Regulations 2021. As per the Supply Code & SOP Regulations 2021, a defective meter needs to be replaced within a period of three months. The meter was found defective in the month of March 2023. Therefore, it ought to have been replaced before June 2023. However, it was replaced on 16.11.2023.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



6. The Respondent contended that from March 2023, the meter became faulty, but could not be replaced due to a shortage of single-phase meters, and the Appellant was billed under "Faulty Status" until November 2023. Upon availability, the faulty meter was replaced with a new Schneider Electric India Pvt. Ltd. meter (A6281518) on 16.11.2023. During this nine-month period, billing was based on the previous year's consumption pattern, averaging 298 units per month. After meter replacement also, the consumer's monthly average remained consistent with this pattern at 302 units. The Appellant did not request for a meter replacement, has consistently used electricity, and has regularly paid all bills. Given that electricity is a valuable and costly resource, the Respondent has billed the Appellant appropriately based on her consumption pattern.


7. Notwithstanding the internal process of the Respondent regarding the replacement of faulty meters, the Regulations need to be followed in letter and spirit. Therefore, the Appellant cannot be billed for 9 months on average basis. Regulation 16.4.1 of the Supply Code & SOP Regulations 2021 is reproduced below: -

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 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:

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 16.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case:

*Provided further that, in case the meter is stuck, burnt, lost or has stopped recording, the Consumer will be billed for the period for which the meter is stuck or has stopped recording or for the period for which meter was not available due to burning or loss of meter, up to a maximum period of Three (3) months, based on **the consumption during the corresponding period in the previous year when readings were taken or the average consumption of the previous Three (3) billing cycles for which the meter has been read by the Distribution Licensee, whichever is higher:***


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




8. 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 three months, considering the average consumption as per Regulation 16.4.1 of Supply Code and SOP Regulations 2021.
- b) to withdraw the interest and delayed payment charges levied, if any, from March 2023 onwards till the date of this order.
- 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.

9. The representation is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

