

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

**REPRESENTATION NO. 7 OF 2025**

In the matter of retrospective recovery towards defective meter

Bhausahab Gambhire, .....Appellant  
(Consumer No. 000094061768)

V/s.

Maharashtra State Electricity Distribution Co, Ltd., Mulund.. .....Respondent  
(MSEDCL)

Appearances:

Appellant : Bhausahab D. Gambhire

Respondent : 1. Rajesh Thool, Executive Engineer, Mulund  
2. Deepak Jadhav, Addl. Executive Engineer, Neelam Nagar Sub-Dn.  
3. Atul Deshmukh, Dy. Manager, Mulund


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

Date of hearing: 20<sup>th</sup> March 2025

Date of Order: 27<sup>th</sup> March 2025

**ORDER**

This Representation was filed on 25<sup>th</sup> 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 dated 31st January 2025 in Case No. 35 of 2024-25 passed by the Consumer Grievance Redressal Forum,

  
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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 20.03.2025 through Video Conference. The parties were heard at length. The Respondent filed a reply on 18.03.2025. 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 has been a commercial consumer since February 18, 2006, operating a Dairy Shop with an ice-cream parlour. Key details regarding the connection are summarized in the table below:

Table 1:

Appellant	Consumer No.	Sanct. Load (KW)	Address	Date of Supply	Date of Inspection	Irregularities observed	Connected Load (KW)	Amount & Period of Assessment	Date of Assessment
Bhausahab Gambhire	000094061768	2	Shop 8/A, Pragati CHS Ltd., V B Phadake Marge, Mulund(East)	18.02.2006	18.01.2024	Meter (No.845756) was found recording significantly lower consumption compared to the connected load.	Deep Freezers (0.750KW): 3 Nos., Fan:1 No, Tube Light: 1 No. and misc. load	Rs. 44,570/- of 3732 units for 7 months from July 2023 to Jan. 2024	Issued on 06.02.2024

- (ii) On 18.01.2024, the Asst. Engineer of Neelam Nagar Section conducted an inspection of the Appellant's shop, when it was observed that the Appellant's monthly electricity consumption was significantly lower in comparison to the connected load and working hours. The connected load of the Appellant was found to be 2.5 KW having a heavy load of Deep Freezer of Milk Dairy and Ice Cream Parlour.
- (iii) The meter of the Respondent was replaced on the same day by a new meter (No. 07668579713), after which consumption was recorded as 17 units within 24 hours. **The old meter was tested immediately; however, the recording was significantly low and hence the accuracy could not be confirmed.**
- (iv) The Appellant informed that the said shop was rented to one Rohit Gupta for Milk Dairy use for the period from June 2023 to May 2026, and it started functioning from July 2023.

  
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- (v) Hence, the Respondent issued a supplementary bill of plain recovery for Rs.44,570/- of 3732 units for 7 months (533 units p.m.) from July 2023 to Jan.2024 as charted in Table 1.
- (vi) The Appellant did not pay the supplementary bill and filed a grievance application in the Forum. The Forum by its order dated 31.01.2025 dismissed the grievance application rightly.
- (vii) 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 Asst. Engineer of Neelam Nagar Section carried out an inspection of the Appellant's shop on 18.01.2024. During inspection it was found that **the meter was faulty**. The meter was replaced by a new meter immediately.
- (ii) The Respondent issued a supplementary bill amounting to Rs. 44,570/- of 3732 units for 7 months from July 2023 to Jan. 2024, attributed to the meter's fault over the period from July 2023 to Jan. 2024.
- (iii) The Appellant submitted a request for a review of the assessment in his letter dated 21.06.2024 in accordance with the provisions of the Act. However, the Respondent did not revise the supplementary bill.
- (iv) The Appellant filed a grievance application with the Forum on 21.06.2024, which dismissed the grievance. The Forum failed to understand that the meter was defective.
- (v) 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:

*"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."*

  
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- (vi) **The meter (Sr. No. 845756) was not functioning properly and recorded only marginal consumption due to an internal defect. In essence, this meter was defective.**
- (vii) In view of the above, the Appellant prays that the Respondent be directed
- to set aside the supplementary bill for 7 months from July 2023 to Jan. 2024 and to revise the bill as per Regulation 16.4.1 of Supply Code and SOP Regulations 2021 for three months.
  - to waive of interest and delayed payment charges levied if any.

### **Analysis and Ruling**

4. Heard the parties and perused the documents on record. It is noted that the Appellant's activities include milk dairy and ice cream parlour. 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 18.01.2024, it was observed that that the Appellant's monthly electricity consumption was significantly lower in comparison to the connected load and working hours. The said meter was replaced immediately after which the consumption recorded within 24 hours was 17 units/day i.e. about 510 units per month. The old meter was tested immediately; however, the recording was significantly low and hence the accuracy could not be confirmed. The Respondent issued a supplementary bill for Rs.44,570/- of 3732 units for 7 months from July 2023 to Jan. 2024. The Respondent contended that the working of the ice-cream parlour started from July 2023, and hence the Appellant was billed less from July 2023 to 18.01.2024.

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.

  
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7. The consumption pattern of the Appellant has been analyzed and charted for the period spanning from April 2021 to March 2025, as detailed below:

Table 2:

Month/ Year	2021-22	2022-23	2023-24	2024-25
Apr	44	34	23	637
May	201	31	47	647
Jun	159	19	29	660
Jul	168	154	61	603
Aug	141	78	96	547
Sep	207	102	82	498
Oct	82	106	47	521
Nov	71	129	31	602
Dec	78	61	64	518
Jan	154	82	52	503
Feb	36	86	460	509
Mar	24	32	502	537
Total	1365	914	1494	6782
Avg/mth	114	76	125	565
Note	Meter (No.845756) was replaced on 18.01.2024.			
	The average consumption from Feb. 2024 to Jan.2025 comes to 558 (=6698/12) units.			

Thus, it is seen that there was a substantial jump in the recorded consumption after the new meter was installed. When the old meter was installed, the recorded consumption ranged from only 31 to 96 units per month. Once the new meter was installed, it ranged from 460 to 660 units per month. This would be the actual and accurate consumption pattern.

8. During testing, it was found that the old meter was recording very less consumption; but the accuracy of the meter could not be ascertained. A defective meter, by definition, either fails to record any consumption or provides inaccurate readings. 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 this case, by the Respondent's own admission, the accuracy of the old meter, or the percentage of under-recording, could not be ascertained. **Hence, in the present case, we hold that the meter**

  
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**would be classified as defective.** The Appellant is thus entitled to the benefit of Regulation 16.4.1 of Supply Code and SOP Regulations 2021.

9. The Appellant started the functioning of the milk dairy and ice-cream parlour from July 2023, and during this period the meter was also defective, hence an accurate previous consumption pattern is not available. The average consumption of the new meter from Feb. 2024 to Jan.2025 was 558 (=6698/12) units. This consumption pattern can be used to infer the likely pattern during the previous 3 months.


10. Since the meter was defective; 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 of 558 units per month (tabulated in Table 2) 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 July 2022 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.

11. The secretariat of this office is directed to refund the amount of Rs. 23,000/- taken as deposit from the Appellant to the Respondent to adjust in the Appellant's ensuing bill.

12. The representation is disposed of accordingly.

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

