

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 100 OF 2025

In the matter of accumulated consumption & under-billing due to B phase voltage missing to
the meter

Vishwa Siyona CHS Ltd... ..Appellant
(Cons. No. 029421359987)

V/s.

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

Appearances:

Appellant : V. R. Velmurgan

Respondent : 1. Suhas Bedgekar, Ex. Engineer, Nerul .
2. Prashant Banait, Addl. Ex. Engineer, CBD S/Dn.
3. Rajiv Waman, Asst. Law Officer, Vashi Circle


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 24th December 2025

Date of Order : 6th March 2026

ORDER

This Representation was filed on 8th October 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 23rd June 2025 passed by the Consumer Grievance Redressal Forum, MSEDCL,


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Secretary
Electricity Ombudsman Mumbai



Bhandup (the Forum) in Case No. 81 of 2024-25. The Forum by its order dismissed the grievance application of the Appellant.

2. The Appellant has filed this representation against the order of the Forum. The Appellant and the Respondent attended the hearing through video conference on 24.12.2025. Both the parties were heard at length. The Respondent's submissions and arguments are stated as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*


3. The Appellant is a housing society and residential consumer of the Respondent. The particulars of the connection are summarized in Table 1 below.

Table 1:

Appellant	Consumer No.	Address	Sanct. Load	Date of Supply	Date of Inspection
Vishwa Siyona CHS Ltd.	029421359987	Plot no. 143, Sector-23, Ulwe, Navi Mumbai, 410206.	20 KW	14.10.2015	13.08.2018

Preliminary Submissions:

The Appellant–Society had earlier challenged the supplementary bill of ₹5,29,509/- (March 2016 to November 2018) towards 1/3rd under recording of the meter before the CGRF in Case No. 66 of 2019. By a reasoned order dated 18.08.2020, the Forum restricted recovery to 24 months, and the said order has been duly complied with by MSEDCL. The present Representation raises the very same issue already adjudicated and finally decided. In view of Regulation 7.9 of the CGRF & EO Regulations, 2020, the grievance is barred, as the matter stands finally decided and is also beyond limitation. The issue having attained finality, the present Representation is not maintainable and is liable to be rejected.



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Submissions on merit for Accumulated Consumption & under Recording :

- (i) The Appellant had earlier filed a case before the Internal Grievance Redressal Cell Vashi in June 2018. *[Note: The Order of IGRC is not available on record.]* At his request, the accumulated consumption was reworked and bifurcated from the date of connection for the period from May 2017 to July 2018. The issue of accumulated consumption and mismatch of the meter serial number was resolved amicably.
- (ii) The Respondent inspected the Appellant's premises on 13.08.2018, when the meter reading was found to be 60,957 kWh. It was observed that
- (a) "B" Phase voltage was missing on the meter display, as the same was not extended from the external piercing screw points to the meter terminal.
- (b) Also, a mismatch in the meter serial number in the billing master data was noticed, so the actual meter reading could not be punched in at that time.
- (iii) On 13.08.2018, the meter was tested and found recording only 2/3rd consumption, with 1/3rd being non-recorded due to non-receipt of B phase voltage from external piercing screw points to the meter terminal. Accordingly, an assessment bill of Rs.5,29,509/- for 32,494 units for March 2016 to Nov. 2018 was issued. *[Note: The MRI report of the meter was not placed on record for determining the period during which one phase voltage was missing. However, the assessment period was determined hypothetically, assuming that the meter had been recording one-third lower consumption from March 2016 to Nov.2018.]* An abstract of the Consumer Personal Ledger (CPL) from the date of connection up to April 2021 is produced herein, indicating the long-term average consumption of the old meter, which remained in service from the date of connection till November 2018.

Table 2


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Description	Details of Billing	Outstanding Dues as per CPL (Indicative – without accurate calculations)
Bill generated towards accumulated consumption (July 2018)	Rs. 9,10,635/-	Rs. 9,10,635/- outstanding as of July 2018
Slab benefit granted on accumulated consumption (August 2018)	Rs. 99,140/-	Gross payable bill of Rs. 9,20,779.58 in August 2018, less slab benefit of Rs. 99,140/-, resulting in net bill of Rs. 8,29,281.46
Outstanding dues including monthly bill and payment adjustments	—	Rs. 8,32,540.53 outstanding as of March 2019
Supplementary bill towards B-Phase missing for the period March 2016 to November 2018 (charged in April 2019)	Rs. 5,29,505/-	Rs. 14,03,222.88 outstanding in April 2019 after addition of supplementary bill amount of Rs. 5,29,505/-


(v) The Appellant then filed a grievance application in the Forum on 25.10.2019. The Forum by its order dated 18.08.2020 partly allowed the grievance of the Society. The operative part of the order is reproduced as below:

2. *The Respondent utility shall recover the arrears only for a period of 24 months prior to Dec. 2018.*
3. *The Respondent shall pay a cost of Rs. 5000/- to the consumer within a month.*
4. *The Respondent utility shall recover the assessment bill from the consumer by way of six equal installments.*

(vi) A non-disconnection tag was entered in the consumer data system as the matter was pending before the Forum; consequently, the consumer's connection did not figure in the disconnection list. Further, as the Forum's order was issued during the COVID-19 pandemic, its compliance was delayed due to pandemic-related disruptions and multiple transfers of the concerned staff. The consumption pattern of the Appellant for the period from April 2015 to September 2025 is summarized as per Consumer Personal Ledger (CPL) below:

Table 4:


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Year	2018-19				2019-20				2020-21				2021-22			
Mth	Cons. (Units)	Net Bill Amount	Receipt Amount	Bill Receipt Date	Cons. (Units)	Net Bill Amount	Receipt Amount	Bill Receipt Date	Cons. (Units)	Net Bill Amount	Receipt Amount	Bill Receipt Date	Cons. (Units)	Net Bill Amount	Receipt Amount	Bill Receipt Date
Apr	147	1363.86	1320	13-Apr-18	2034	1403222.88	0	18-Jan-19	1559	1560829.33	0	07-Mar-20	1641	1730669.48	0	09-Feb-21
May	147	-525.44	1350	05-May-18	1851	1353328.92	95330	23-Apr-19	1559	1598465.72	0	07-Mar-20	1627	1768406.34	0	09-Feb-21
Jun	147	847.62	0	05-May-18	1747	1390447.53	0	23-Apr-19	4400	1630796.12	0	07-Mar-20	1843	1716221.19	94550	29-May-21
Jul	57022	910635.88	0	05-May-18	1885	1434431.58	0	23-Apr-19	1214	1647676.72	0	07-Mar-20	1801	1729737.9	26350	06-Jul-21
Aug	640	829281.46	0	05-May-18	2007	1483259.36	0	23-Apr-19	1171	1663900.9	0	07-Mar-20	2043	1573329	200000	30-Jul-21
Sep	949	840309.33	900	14-Sep-18	1936	1527678.61	0	23-Apr-19	1445	1684239.68	0	07-Mar-20	1951	1596968.13	26320	03-Dec-21
Oct	840	856907.54	0	14-Sep-18	1376	1482697.77	83633	01-Oct-19	1412	1589427.64	183460	11-Oct-20	1836	1581995.51	27050	31-Oct-21
Nov	810	879726.85	0	14-Sep-18	1455	1446807.49	77420	31-Oct-19	1623	1606997.17	19910	05-Nov-20	1879	1571211.45	83200	19-Oct-21
Dec	2887	857542.46	60000	06-Dec-18	1495	1464020.7	21226	30-Nov-19	1640	1623197.6	23060	04-Dec-20	1930	1614466.08	0	30-Jul-21
Jan	1366	765078.16	121714	18-Jan-19	1616	1485643.08	22794	14-Jan-20	1627	1638085.61	23060	07-Jan-21	2007	1653988.97	0	11-Jan-22
Feb	1624	799150.35	0	18-Jan-19	1626	1504184.97	24793	04-Feb-20	1818	1656597.7	23030	09-Feb-21	2075	1611667.11	28150	11-Jan-22
Mar	1669	832540.53	0	18-Jan-19	1436	1519377.63	25080	07-Mar-20	1534	1690580.83	0	09-Feb-21	1979	1694261.85	0	11-Jan-22
Total	68248		185284		20464		350276		21002		272520		22612		485620	
Cons/Mth	1847	Split up for 33 months	15440.3		1705.3		29189.7		1750.2		22710		1884.3		40468.3	
Year	2022-23				2023-24				2024-25	2025-26						
Mth	Cons. (Units)	Net Bill Amount	Receipt Amount	Bill Receipt Date	Cons. (Units)	Net Bill Amount	Receipt Amount	Bill Receipt Date	Cons. (Units)	Net Bill Amount	Receipt Amount	Bill Receipt Date	Cons. (Units)	Net Bill Amount	Receipt Amount	Bill Receipt Date
Apr	2075	1737778.5	0	11-Jan-22	2331	1329708.69	36344	06-Apr-23	2529	738116.95	138555	28-Mar-24	2352	773730.53	42111	05-Apr-25
May	2228	1784381.5	0	11-Jan-22	2370	1340184.76	39862	12-May-23	2832	753731.35	50102	03-May-24	2179	800236.12	44704	28-Jul-25
Jun	2145	1830936.7	0	11-Jan-22	2210	1349768.18	43586	02-Jun-23	2241	748575.71	59177	04-Jun-24	2198	792332.12	47482	01-Jul-25
Jul	2134	1292990.8	582000	24-Jun-22	2097	1349406.34	45948	06-Jul-23	1999	750318.15	46142	03-Jul-24	2429	788447.94	44624	27-May-25
Aug	2290	1339284	0	24-Jun-22	2146	1357035.32	38285	03-Aug-23	2048	758667.98	41190	07-Aug-24	2281	778613.26	47228	29-Apr-25
Sep	2088	1297151.9	36094	08-Dec-22	2204	1389152.11	43853	08-Dec-23	2034	786211.33	45219	02-Dec-24	2069	813318.51	42508	30-Sep-25
Oct	2127	1290262.9	35620	09-Nov-22	2342	1383972.7	43630	02-Nov-23	2187	782358.94	43126	30-Oct-24	1994	804356.38	45189	09-Sep-25
Nov	2096	1282698.7	36414	01-Oct-22	2326	1376275.13	39823	06-Oct-23	2087	773423.07	41503	07-Oct-24	2170	821698.51	45218	01-Nov-25
Dec	2140	1276551	106878	01-Sep-22	2181	1365596.93	39143	01-Sep-23	2018	764845.13	42163	31-Aug-24				
Jan	2303	1315072.4	37484	02-Feb-23	2571	767009.59	0	02-Jan-24	2595	812036.77	46650	05-Feb-25				
Feb	2204	1305950.8	35475	03-Jan-23	2259	709956.7	41921	02-Jan-24	2252	798177.72	41961	01-Jan-25				
Mar	2125	1319167	39157	11-Mar-23	2421	820425.52	0	02-Jan-24	2087	762035.26	98834	05-Mar-25				
Total	25955		909122		27458		412395		26909		694622		17672		359064	
Cons/Mth	2162.9		75760.2		2288.2		34366.3		2242.4		57885.2		2209		44883	

Accumulated consumption of 57,022 units is reflected in July 2018 (meter reading 60,957 kWh). When the said consumption is spread over 33 months, the average monthly consumption on the old meter (Meter Sr. No. 6592859) works out to only 1847 units per month.

The consumption trend recorded on the **new meter**, which has been in service from the **last week of November 2018 till date**, ranges between **1,800 units and 2,595 units per month**.


(vii) The order of the Forum was implemented, and credit was passed in the bill of Jan. 2024 as below:

- a) The B-Phase supplementary bill was revised from ₹5,29,505/-(32494 units of 33 months) to ₹3,85,055/- (24 months)
- b) Credit of ₹1,44,410/- (5,29,505/-- 1.44.410/-) was passed in Jan .2024.


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- c) Interest/DPC amounting to ₹5,40,970/- was fully waived till Jan .2024.
- d) A total credit of ₹6,85,327/- (= 1,44,410/-+ 5,40,970/-) was passed in the January 2024 bill.
- (viii) The Forum has duly considered all the issues raised by the Appellant and passed a reasoned order, which has been fully complied with by MSEDCL.
- (ix) MSEDCL has never issued any bill of ₹5,81,648/- as full and final settlement, and the Appellant has failed to produce any documentary evidence or communication from MSEDCL to substantiate such a claim. The said contention is therefore devoid of merit. It is admitted that the Appellant has made a part payment of ₹5,82,000/-, which has been duly accounted for.
- (x) The payments made by the Appellant are a matter of record; however, **the methodology and calculations of bill revision submitted by the Appellant are incorrect and unacceptable.** MSEDCL is governed strictly by the Electricity Act, 2003 and the applicable MERC Regulations while carrying out bill revisions in cases of accumulated consumption and phase-missing situations.
- (xi) The old meter was not defective; however, one PT, namely the “B” Phase, was missing, resulting in the meter recording consumption of only the R and Y phases. Accordingly, Regulation 16.4.1 of the MERC Supply Code, 2021 is not applicable in the present case. There was nothing intrinsically wrong with the meter.
- (xii) The Respondent places reliance on the judgment of the Hon’ble Supreme Court in Civil Appeal No. 7235 of 2009 (M/s Prem Cottex v. Uttar Haryana Bijli Vitran Nigam Ltd.), which unequivocally upholds the licensee’s right to recover escaped billing. The said judgment is squarely applicable to the facts of the present case.
- (xiii) The Respondent further relies upon the judgment of the Hon’ble Bombay High Court, Aurangabad Bench, in Writ Petition No. 8613 of 2017, wherein it was held that under-recording due to wiring or phase-related issues does not amount to a defective meter, and that the licensee is entitled to recover charges for electricity actually consumed, specially when the meter itself is otherwise intact.



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- (xiv) In view of the foregoing facts, applicable statutory provisions, and binding judicial precedents, the Respondent most respectfully prays that the Representation filed by the Appellant be rejected as not maintainable and devoid of merit, with costs.

4. The Appellant's submissions and arguments are stated as below.

- (i) The Appellant is a Co-operative Housing Society (Reg. No. NBOM/CIDCO/HSG(TC)/6947/JTR/2017-18 dated 25.05.2017). The building comprises 48 flats, 3 shops and 3 offices (54 units). OC dated 11.06.2014.
- (ii) The Appellant- Society is a residential consumer from 14.10.2015 and the disputed connection is for the purpose common areas. The details of electric connection are tabulated in Table 1. During the period from December 2015 to June 2018 ("disputed period"), Ulwe node was underdeveloped and occupancy in the Appellant Society was very low. Only about 20 flats (approximately 37% occupancy) were occupied during this period.
- (iii) From the date of installation of the common area meter, monthly electricity bills ranged between ₹800 to ₹1,200 and consumption varied from 120 to 532 units, which was consistent with low occupancy.
- (iv) Suddenly, the Respondent issued a bill dated 28.07.2018 for ₹9,09,771/- alleging short billing for the period 01.12.2017 to 23.07.2018, and disconnected electricity supply on 29.11.2018. Supply was restored only after payment of ₹60,000/- by the Appellant.
- (v) It was subsequently revealed that the meter installed by the Respondent was under recording by 1/3rd, as one phase voltage was not extended to the meter. The meter was replaced thereafter. The Appellant had no control over the installation or functioning of the said meter.
- (vi) After replacement of the meter, the Respondent alleged that 57,022 accumulated units were under-billed during the disputed period and raised the impugned demand of ₹9,09,771/- on that basis, without any scientific or prorata calculation.
- (vii) After installation of the new meter, average consumption was approximately 1,300 to 2000 units per month.
- (viii) Due to the illegal demand of MSEDCL and the threat of disconnection, the Appellant issued a legal notice dated 22.01.2019, and thereafter filed a grievance application in


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the Forum on 25.10.2019 (Case No.66 of 2019). The Forum by its order dated 18.08.2020 partly allowed the grievance of the Society, and restricted recovery to 2 years.

(ix) Despite the said order, the Respondent continued to raise inflated demands and threatened disconnection. The Appellant, under protest, paid the following amounts:

- ₹60,000 in 2018
- ₹2,00,000 in August 2021
- ₹5,82,000 in June 2022

Thus, a total amount of ₹8,42,000 /- has been paid by the Appellant.

The Appellant was informed by the Respondent officials that ₹5,81,648.99 would be treated as full and final settlement. Acting on this assurance, the Appellant paid ₹5,82,000 on 21.06.2022, as mentioned above.


(x) However, in subsequent bills, the Respondent continued to show outstanding amounts. As per the bill dated December 2023, an amount of approximately ₹7,00,000/- was still illegally shown as outstanding in complete violation of the Forum's order dated 18.08.2020.

(xi) The Appellant again approached the Forum, however, vide order dated 23.06.2025, the grievance was dismissed ex-parte. This order is contrary to principles of natural justice, as no notice of hearing was served upon the Appellant. The Forum failed to appreciate that the cause of action is continuous since inflated demands are repeatedly reflected in monthly bills, and hence limitation does not apply. The Forum failed to consider and enforce its own earlier binding order dated 18.08.2020. The Respondent has arbitrarily assessed consumption of 57,022 units without any factual or technical basis.

(xii) The Appellant has already paid ₹8,42,000/- till date. The present Representation is within limitation, as the impugned order dated 23.06.2025 was received by the Appellant only on 11.08.2025.

(xiii) In view of the above, the Appellant prays that this Hon'ble Ombudsman may be pleased to:

- a) Declare that the Appellant has already discharged its liability in full and final settlement in terms of the Forum Order dated 18.08.2020.


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- b) Direct that refund of the excess amount recovered be adjusted in the bill along with applicable interest.
- c) Stay recovery of the disputed amount and restrain the Respondent from taking any coercive action during pendency of the Representation.


5. During the course of the hearing, it was clarified that the grievance of the Appellant was time-barred under Regulation 7.9 of the CGRF & EO Regulations, 2020. The first Order dated 18.08.2020 of the Forum was required to be complied with within two months; however, its implementation was done only in January 2024, after a delay of nearly 3½ years. The grievance pertains to the common electricity connection of the Society water pump. Upon detailed discussions, both parties were advised to reconcile the entire billing, particularly the recovery towards alleged 1/3rd under-recorded consumption, afresh on the basis of MRI data. The Respondent agreed to trace old records and undertake revision, subject to availability, as part of settlement of the Society's common connection.

Analysis and Ruling:

6. Heard the parties and perused the documents on record. The electricity connection details are summarized in Table 1. The grievance relates to a three-phase meter installed for common usage of Vishwa Siyona CHS Ltd. The dispute concerns supplementary billing on account of accumulated consumption and alleged under-recording due to missing B-Phase. In CGRF Case No. 66 of 2019, by Order dated 18.08.2020, the Forum restricted recovery to **24 months prior to December 2018** and permitted recovery in six equal instalments. It is undisputed that the said Order has been implemented and credits were passed in January 2024.

7. The issue pertains to supplementary billing for the period March 2016 to November 2018. The parties were directed to reconcile the case with reference to the MRI report of the meter alleged to have under-recorded consumption. The Respondent was directed to reconcile the entire account in terms of the CGRF Order dated 18.08.2020 as well as MRI Report, and to provide relief in the interest part.


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8. The Respondent submitted that, upon search of old records, the MRI report of Meter No. 6594118 was traced. Analysis revealed that the date of supply was 14.10.2015 (initial reading unavailable) and B-phase voltage was missing from 19.05.2017 (Reading: 42,392 kWh). Based on the MRI data, the differential consumption between May 2017 (42,392 kWh) and November 2018 (63,666 kWh) was 21,274 units. Considering one phase missing, 50% thereof i.e. 10,637 units were added. Against the earlier credit of 23,630 units granted for 24 months, adjustment of 10,637 units resulted in net credit of 12,993 units due to the consumer. Accordingly, B-80 adjustment was effected. The January 2026 bill reflected Rs. 8,35,860/- (Current bill: Rs. 44,211/-; Arrears: Rs. 6,01,935/-; Interest: Rs. 1,82,450/-; Total arrears with interest: Rs. 7,91,647/-). Upon revision, arrears (excluding current bill) were recalculated at Rs. 4,71,980/-. The consumer paid Rs. 4,71,800/- on 27.02.2026 as a part of amicable settlement.

9. The Appellant, by letter dated 27.02.2026, accepted the amicable settlement and paid the revised amount of Rs. 4,71,800/- on the same day. In view of the reconciliation, adjustment and payment, the grievance stands resolved. The Representation is disposed of accordingly.

10. Before parting with this Order, this Authority places on record its appreciation for the efforts taken by the Respondent's CBD Sub Division, Nerul Division and Vashi Circle Office in resolving the grievance through an amicable settlement. The Secretary is directed to convey this appreciation to the Chief Engineer, Bhandup Urban Zone.

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

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

