

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 42 OF 2022

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

The Secretary, .....Appellant  
Puj Panchayat Chaliha Sahib Hall

V/s.

Maharashtra State Electricity Distribution Co. Ltd. .... Respondent  
Ulhasnagar II (MSEDCL)

Appearances:

Appellant : Khaildas V. Langani, Vice President,

Respondent: Pravin Chakole, Executive Engineer, Ulhasnagar II Dn.


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

Date of hearing : 19<sup>th</sup> May 2022

Date of Order : 30<sup>th</sup> May 2022

## ORDER

The Representation is received on 25<sup>th</sup> February 2022 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 31<sup>st</sup> January 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum).

  
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2. During scrutiny, it was observed that the signature signed in Schedule A and in Schedule B is very short and without any identification of the signing authority. Besides this, the Appellant did not deposit fifty percent of the amount which is required to be paid by him in terms of the order of the Forum, or twenty-five thousand rupees, whichever is less, as per Regulation 19.22(h) of CGRF & EO Regulations 2020. In this regard, a clarification was sought from the Appellant vide letter dated 04.03.2022.

No clarification was received on the query raised regarding signature. The Appellant paid a deposit of Rs. 25000/- on 16.03.2022. However, it was decided to give an opportunity for hearing to the Appellant and the Representation was registered on 16.03.2022.

3. The Forum, by its Order dated 31.01.2022 has rejected the grievance application in Case of K/E/1706/2078 of 2020-21.

4. Aggrieved by the order of the Forum, the Appellant filed this representation stating in brief as below: -

- (i) The Appellant is a LT Consumer (No. 021514297964) from 07.02.1990. It is Puj Jhulelal Mandir (Chaliha Sahib) Trust at Barrack No.1084, Military Talao, at Ulhasnagar Camp 5.
- (ii) The Appellant received a supplementary bill of Rs.8,52,760 /- without any supporting calculations, etc. The bill raised is arbitrary and without any transparency. The Appellant was regular in bill payments.
- (iii) The Appellant approached the Respondent for clarification of the bill. However, the Respondent did not clarify the bill but intimated verbally that the meter was recording 1/3<sup>rd</sup> less for the 2 years period from August 2018 to June 2020.
- (iv) The Appellant filed the grievance in Internal Grievance Redressal Cell (IGRC) on 05.10.2020. The IGRC by its order dated 31.12.2020 has rejected the grievance. The Appellant approached the Forum on 11.01.2021. The Forum, by its Order

  
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dated 31.01.2022 has rejected the grievance. The Forum failed to understand that the meter was defective.

- (v) In view of the above, the Appellant prays that the Respondent be directed
- to revise the bill by withdrawing the supplementary bill of Rs.8,52,760/- along with interest and DPC levied as meter was defective.
  - to pay suitable compensation for physical and mental harassment.

5. The Respondent MSEDCL has filed its reply by letter dated 18.04.2019 stating in brief as under:


- The Appellant is a LT Consumer (No.021514297964) from 07.02.1990 having Sanctioned Load of 48 KW at Puj Panchayat Chaliha Sahib Hall, Ulhasnagar Camp 5. The supply is used for Temple and its surrounding premises, which is billed under residential tariff category. The Respondent installed Secure make Meter (Sr. No. HD02192) of 40-200 A Capacity at the above said premises.
- The Respondent inspected the premises of the Appellant on 29.07.2020. During inspection, it was observed that R, Y and B Phase voltage on meter display was showing 10.37, 247 and 245 V respectively even if the Supply Voltage to the Appellant was found 245, 247 and 245 V respectively at the Consumer's load point. It was found that R Phase voltage was found missing in the metering unit due to loose connection.
- The MRI data of the meter was retrieved. While checking MRI data following points are noted.
  - L1- Phase (R Phase) Voltage was found missing from 26.07.2018 to 06.07.2019 and from 07.07.2019 to till date of inspection i.e., 28.07.2020. Hence, it was necessary to assess.
  - The Respondent tightened the loose connection of R Voltage where it was tapped externally. The display of all phases started appearing on the meter. The

  
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MRI Report with events related to Voltage and Current of the meter are kept on record.

- (iv) The Secure make embedded meters have been installed by MSEDCL as a part of improvement in metering system. These meters have inbuilt CTs to sense the current and hence no separate CTs are required to be connected. These meters sense potential by puncturing of cable which passes through the meter terminals. In order to achieve this, it is necessary that cable which passes through the meter terminals should be of adequate size and it should pass without any reasonable gap. The mechanism which is used to sense potential is screw and jaws which puncture the cable and extract the voltage of supply.
- (v) Even poor workmanship or any force or stress on the cable can cause disengagement of potential contact. It is also observed that there is a place for the people to take off their footwear near this meter before entering the premises. There is a possibility of inadvertently shaking the cable by someone which resulted in loosening the contact PT tapping of R Phase.
- (vi) Moreover, if the past consumption trend of electricity on the meter is checked, it can be noticed that consumption was in the range of 7500 to 8500 units per month during normal conditions, and in the festive seasons this consumption range is 11000 to 14000 units per month. However, it is noticed that the consumption pattern reduced to 5000 to 6000 per month from August 2018 onwards when the R Phase PT voltage was missing to the metering unit. Hence, by assessing the missing 33% consumption on the basis of actual recorded consumption in the meter for voltage missing period, and by adding it to the recorded consumption, the consumption comes to about 7500 units per month, which is similar to past consumption recording during the healthy period.
- (vii) Considering the above facts, plain recovery was assessed as below.

  
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<b>Description</b>	<b>Details</b>
R Phase Voltage Missing Event Start	26.07.2018
R Phase Voltage Missing Event End	06.07.2019
R Phase Voltage Missing Event Start	07.07.2019
R Phase Voltage Missing Event End	31.07.2020
Total Period of Assessment for 1/3 <sup>rd</sup> Consumption towards R Phase Voltage Missing	Aug 2018 to Jun 2020 (Total 23 months)
Units Billed for above Period of Y and B Voltages (66.6%)	109913
Units Assessed for above Period of R Voltage (33.3%)	54956
Total Units for above Period for Aug 2018 to Jun 2020	164869
Average Consumption Per Month for Above Period	7168
<b>Assessed Amount for above Period (Plain Recovery Only)</b>	<b>Rs. 8,52,757/-</b>

- (viii) The Appellant filed its grievance application in Internal Grievance Redressal Cell (IGRC) on 05.10.2020. The IGRC directed as follows:-

*“The concerned SDO is instructed to verify to which lot the said meter belongs to vide the P.O. number mentioned on the meter. The specifications of meter need to be checked whether the meter is having Smart PT feature and revise the bill, if needed.”*

- (ix) Therefore, the issue was taken with M/s Secure Meters Ltd. by email on 05.01.2021 by sending all meter details log, events, and xml file for confirmation of Smart PT feature. M/s Secure Meters Ltd. by its email dated 06.01.2021 has stated “Meter bearing serial no MHD02192 have not smart PT feature”. This confirmed that relevant Phase energy has not been recorded in meter for the period for which voltage was missing for that phase. Hence supplementary bill issued is found correct. The IGRC by its order rejected the grievance application.


  
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- (x) The Appellant approached the Forum on 11.01.2021 and considering all facts and documents, the Forum directed to reconfirm the meter was having Smart PT feature or not. Hence it was reconfirmed, and the Forum came to the conclusion that the meter was not faulty and rejected the application.
- (xi) The Respondent, therefore, prayed that the Representation be rejected and allow the plain recovery of Rs. 8,52,757/- towards under billing due to R Phase voltage missing.

6. The e-hearing was held on 19.05.2022 through Video Conference. During hearing, the Appellant and the Respondent reiterated their written submissions. The Appellant further argued that the Appellant is doing charity work for various causes. The power supply is being used for premises of the Mandir and various religious function. It is the responsibility of the Respondent to maintain the meter in healthy condition. Hence, there is no question of retrospective recovery. Hence, the Appellant prays that the Respondent be directed to withdraw the supplementary bill of Rs.8,52,760/- along with interest and DPC levied.

7. The Respondent argued that the premises of the Appellant were inspected on 29.07.2020. During inspection, that that R Phase voltage was found missing in the metering unit due to loose connection where it was tapped from the portion of the incoming cable. The MRI data of the meter was retrieved. R Phase Voltage was found missing from 26.07.2018 to 06.07.2019 and from 07.07.2019 to 28.07.2020. The Respondent tightened the loose connection of R Voltage where it was tapped. The display of all phases immediately started appearing on the meter. When, the past consumption trend of electricity on the meter was checked, it was noticed that consumption was in the range of 7500 to 8500 units per month during normal conditions. However, the consumption pattern reduced to 5000 to 6000 per month from August 2018 to July 2020. Hence, 33% consumption were assessed as per Section 56(2) of the Electricity Act, 2003(the Act) of on the basis of actual recorded consumption for voltage missing period. The Respondent argued that since only R Phase PT Voltage was not extended to the meter, meter as such cannot be termed as faulty and therefore, Regulation 15.4.1 of the Supply Code Regulations 2005 is not applicable.

  
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## Analysis and Ruling:

8. Heard the parties and perused the documents on record. It is the case of the Appellant that the PT Voltage of R Phase was not extended to the meter from 26.07.2018 to 06.07.2019 and from 07.07.2019 to 31.07.2020. However, Y and B phase Voltage was found in order. This period is calculated from the MRI data of the meter downloaded by the Respondent.

9. The Respondent contended that since only R Phase PT Voltage was not extended to the meter, the meter as such cannot be termed as faulty, and therefore, Regulation 15.4.1 of the Supply Code Regulations 2005 is not attracted. The Appellant was under-charged, considering that the meter was under recording by 33% as per retrieved MRI data of the meter. As soon as the screw of the PT Tapping external point of R phase was tightened, the meter display started showing R phase Voltage in addition to Y and B phase Voltage. When the Voltage of the R Phase was not available to the meter the meter was recording only 66% of its actual consumption. Thus, the under-billing needed to be corrected.

10. There are many Judgments and orders of the Hon'ble Electricity Ombudsman, Mumbai in similar cases. The Appellant, however, stated that they are non-technical persons and do charity work, and they do not understand why the meter was giving faulty reading. It is the responsibility of the Respondent to take care of these technical aspects. Why should the consumer have to pay for their fault? The meter should be treated as faulty, and therefore Regulation 15.4.1 of the Supply Code Regulations 2005 needs to be applied and the consumer should be charged only for three months as per the provisions of Regulation 15.4.1 of the Supply Code Regulations. Regulation 15.4.1 provides as under: -

*“15.4.1 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 alongwith the assessed bill.*

  
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*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 15.4.1 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 has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.”*

11. When the Consumer`s Personal Ledger was perused, it was seen that the consumption proportionally dropped by about 1/3<sup>rd</sup> for the period from August 2018 to July 2020. When the voltage was extended by tightening the loose screw where the voltage of R phase was tapped, the Meter started showing all parameters of voltage on display of the meter. In the present case there was nothing intrinsically wrong with the meter as such, but the under-recording of electricity consumed was associated with the act of poor workmanship or disturbance of supply cable, intentionally or unintentionally.

12. The Judgement of Hon`ble Bombay High Court, Bench at Aurangabad in W.P. No. 8613 of 2017 is squarely applicable in the instant case. The relevant part of the Judgment is quoted below:

*“33. It is, therefore, obvious in the present case that there was nothing intrinsically wrong with the meter. An under-recording of electricity consumed was associated with the act of the electrician in wrongly attaching the wires to the R, Y and 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 consumer 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 consumer, 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.”*



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The period of assessment is 23 months which is less than the maximum period of 24 months mentioned in Section 56(2) of the Act.


13. In view of the above, I pass the following order:

- a) The Respondent to issue revised bill for the period 26.07.2018 to 06.07.2019 and from 07.07.2019 to 31.07.2020 considering the unrecorded consumption of 33%, without any interest and delayed payment charges. Interest and delayed payment charges levied, if any, in the bills, be withdrawn from the date of supplementary bill till the date of this order. This revised bill will not attract any DPC or interest.
- b) The Appellant may be granted suitable equal instalments, not more than ten, if the Appellant so desires, without DPC and interest on the component of instalments.
- c) The Respondent to submit compliance report within two months from the date of this order.

14. The order of the Forum stands modified to the extent above.

15. The secretariat of this office is directed to refund the amount of Rs.25000/- by way of adjustment in the ensuing bill of the Appellant.

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
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