

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO.3 OF 2025 (REVIEW OF THE ORDER IN REPRESENTATION NO. 137 OF 2024)

In the matter of retrospective recovery towards under billing

Umesh Chandrakant Shinde.Review Applicant
(Con. No. 170210131615) (Original Appellant)

V/s.

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

Appearances

For Review Applicant : Umesh Chandrakant Shinde

For Respondent : 1. Somnath Munde, Executive Engineer, Pimpri Dn.
2. Diwakar Deshmukh, Add. Ex. Engineer, Chinchwad S/dn.
3. Anil Kurade, Dy. Executive Engineer, Flying Squad, Pimpri


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 18th February 2025

Date of Order: 13th March 2025

ORDER

This Review Application was registered on 23rd January 2025 under Regulation No. 22.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) for review of the original Order dated 25th November 2024 in Representation 137 of 2024 passed by the Electricity Ombudsman (Mumbai). The Electricity Ombudsman (Mumbai), by its impugned


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order has partly allowed the grievance of the Applicant. The operative part of the order is as below: -

“i. to withdraw the interest and delayed payment charges if levied from July 2023 onwards till the date of this order.

ii. The Appellant may be granted 10 equal monthly instalments without DPC and interest to pay the revised bill. If the Appellant fails to pay the monthly installment along with its current bill, the Respondent is permitted to recover the interest proportionally for the failure period, and to take action as per the law in force.”


Preamble:

2. The Applicant is a Commercial Consumer (No.170210131615) from 26/05/2018 for running a cloth shop. The details of the electric connection, sanctioned load, retrospective recovery towards R & B phase voltages missing, etc. are tabulated as below:

Table 1:

Name of Consumer	Address on Bill	San. Load/ Contract Demand	Date of Supply	Date of Inspection	Irregularities observed in MRI Report	Suppl. Bill & Period
Umesh Chandrakant Shinde, Cloth Shop	S.No.-79/4/1, Shriram Colony,Opp M M School, Jyotiba Nagar,Kalewadi Pune	40 KW / 50 KVA	26/05/2018	17/05/2023	R Phase PT missing from 03/07/2021 to 17/05/2023	Suppl. Bill of Rs.10,15,174/- for 70,101 Units for the period from 03/07/2021 to 17/05/2023 i.e. 23 months.

The existing meter of the consumer is of Secure Make (No.X0460900) having Type-3ph 4W, 40-200 Amp Capacity. The Dy. Executive Engineer of the Flying Squad of the Respondent visited the premises of the Applicant on 17/05/2023 to carry out a routine inspection when it was observed that “R & B Phase Voltages” were missing on the meter display. The voltages of R & B Phase were not extended due to a screw being loose of Potential Terminals (PT) from the tapping point of the cable. The data of the meter was retrieved. The tapping screws of the meter were subsequently tightened, and it was confirmed that R, Y, & B Voltages were restored to the meter. All current & Voltage parameters were then shown on the


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Secretary
Electricity Ombudsman Mumbai




display of the meter. The data of the meter was analysed in MDAS (Meter Data Acquisition System) in which PT Voltage missing events were recorded, and it showed that R Phase PT was missing totally, and B Phase was missing intermittently from 03/07/2021 to 17/05/2023. **The Respondent issued a supplementary bill of plain recovery of Rs.10,15,174/- for 70,101 units** vide letter dated 15/06/2023 towards the above under-recording of consumption. This is based on the data retrieved from the MRI. This supplementary bill was added in the bill of July 2023.

Further, the representation of the Applicant was decided by the Electricity Ombudsman (Mumbai) by its impugned order dated 24th November 2024. The operative part of the order is already produced in the first para.

3. The Applicant being aggrieved with this order of the Electricity Ombudsman (Mumbai) has filed this Review Application. An e-hearing was held on 18th February 2025 through video conference where both the parties were heard at length. The Applicant's submissions and arguments are stated as below:

- (i) The Respondent issued a supplementary bill of Rs.10,15,174/- for 70,101 units vide letter dated 15/06/2023 towards under-recording of consumption towards R & B Phase PT missing. The Applicant by his letter dated 26/06/2023 requested the Respondent to explain the total technical aspects in this case, however no proper response was given. The Applicant made many visits to the Respondent's office and waited for many hours; however no proper response was given. The Applicant was threatened with disconnection vide letter dated 30/08/2023. The Applicant was treated as a criminal by the Respondent; however, this point is not taken up in the original order.
- (ii) As per the Forum's interim order, the Applicant deposited Rs.4,80,000/- on 05/10/2023. However, the Applicant is unable to understand where that amount is adjusted.
- (iii) The present consumption pattern of the Applicant is not commensurate with the assessed consumption of R & B Phase PT missing from 03/07/2021 to 17/05/2023.



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- (iv) The Applicant contended that his business relies heavily on a comprehensive summary of all income and expenses incurred by his organization in a specific financial year, which is prepared on an accrual basis. Currently, recovering such a substantial amount from customers poses a significant challenge.
- (v) The order did not specify any specific action against the culprit of the Respondent.
- (vi) The Applicant prays that the Respondent be directed:
 - a) to waive off interest and delayed payment charges levied, if any.
 - b) to take necessary disciplinary action against the individuals involved in this matter.
 - c) to pay Rs.50 lakhs compensation towards mental torture and suffering

4. The Respondent filed its reply on 07.02.2024. The Respondent's submissions and arguments are as below.


- (i) The details of the case history are highlighted in the preamble. The meter data was analysed using the Meter Data Acquisition System (MDAS), which recorded instances of missing PT voltage. The analysis revealed that the R-phase PT voltage was entirely missing, while the B-phase PT voltage was intermittently missing between 03/07/2021 and 17/05/2023. As a result, the recorded consumption was solely from the Y-phase (33%) and partially from the B-phase (25%) leading to a total recorded consumption of 58% and under-recording of 42%. The under-recording was due to the complete absence of R-phase voltage (33%) and intermittent absence of B-phase voltage (9%). A detailed breakdown of the monthly recordings and under-recordings is provided in Table 4 of the original order. This information was thoroughly explained to the Applicant. The Respondent issued a supplementary bill of plain recovery of Rs.10,15,174/- for 70,101 units vide letter dated 15/06/2023 towards the above under-recording of consumption. This is based on the data retrieved from MRI. The analysis of MDAS was already charted in Table 4 of the original order.
- (ii) The Applicant claimed that an amount of Rs.4,80,000 was not properly carried forward in the bill and stated that he had been regular in paying his monthly bills. To address


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Secretary
Electricity Ombudsman Mumbai



this, the monthly billing data (including current bills, interest, and delayed payment charges) was reconciled against the payments made by the Applicant from July 2023 to August 2024, and the details were presented in Table 5 of the original representation. The reconciliation shows that the Applicant has not made any additional payments that were not accounted for in the system. Therefore, the Applicant's allegation does not have any merit.

- (iii) The consumption of the Applicant at present is reduced, and the currents per phase was also less at present (average of 20 A to 50 A). On the contrary, the current per phase was in the range of 20 A to 87 A at that time for the period from 03.07.2021 to 27.04.2022. Thus, a comparison is not possible, as the original base of currents consumed were different.
- (iv) The Applicant's current usage has decreased, and the consumption pattern for the period from Jan .2024 to Dec. 2024 was in the range of 3339 to 7528 units per month, with the current per phase now averaging between 20A and 50A. In contrast, during the period from 03.07.2021 to 27.04.2022, the current per phase ranged from 20A to 87A and 3590 to 12621 Units per month. The consumption depends on current & voltage. This comparison is not valid, as the original baseline for current consumptions were different though the voltages were normally the same.
- (v) The Respondent stated that the points raised for review by the Applicant were already considered in the order dated 25.11.2024 passed in the Representation No. 137 of 2024. The Applicant has not pointed out any new discovery in the matter. The Applicant has failed to show any error on the face of record. As such the present review is not maintainable considering the provision of Regulation 22 of the CGRF & EO Regulations 2020.
- (vi) Hence, it is requested to dismiss this Review Application and to direct the Applicant to comply with the order with immediate effect.


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Electricity Ombudsman Mumbai




Analysis and Ruling

5. Heard both the parties and perused the documents on record. The issues raised by the Applicant were discussed at length in the hearing. The details of the electric connection, R Phase PT missing and B Phase PT intermittently missing from 03/07/2021 to 17/05/2023, retrospective recovery is tabulated in Table 1. The supply of this connection is used for running a cloth shop.

6. In the original order, instant parameters of currents & voltages were tabulated at the time of inspection dated 17/05/2023 which is reproduced as below:

Description	R Phase		Y Phase		B Phase	
	Current (A)	Voltage (V)	Current (A)	Voltage (V)	Current (A)	Voltage (V)
Display on Meter	32.56	0	46.38	215	42.25	0

7. There was missing voltage in R & B phase. The data of the meter was analysed in MDAS (Meter Data Acquisition System) in which PT Voltage missing events were recorded, and it showed that R Phase PT was missing totally, and B Phase was missing intermittently from 03/07/2021 to 17/05/2023 which were tabulated in Table 3 in the original order. The Respondent issued a supplementary bill of plain recovery of Rs.10,15,174/- for 70,101 units for a period of 23 months towards the under-recording of consumption in Table 4 of the original order. This is based on the data retrieved from MRI. This comes to 3048 units per month (under-recorded) while the average recorded units for this period were 4217 units per month. Thus, total consumption comes to an average of 7265 units per month. The consumption for the subsequent period for 12 months (June 2023 to May 2024) is an average of 4846 units per month; however, this is not comparable due to the technical reason recorded in para 4 (iv) and (v).


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



8. The bills issued and payments made by the Applicant were already tabulated in the original order in Table 5 which is reproduced as below:

Month	Current Bill	Interest	Delayed Payment Charges	Paid Amount	
	(Rs.)	(Rs.)	(Rs.)	(Rs.)	Date
Jul-23	76,488	0	13,687	0	Nil
Aug-23	79,695	0	996	0	Nil
Sep-23	75,275	0	941	0	Nil
Oct-23	85,400	6,092	1,068	4,80,000	05-10-2023
Nov-23	1,00,017	8,909	1,250	85,230	30-11-2023
Dec-23	81,186	9,908	1,015	99,410	29-12-2023
Jan-24	84,275	7,521	1,053	81,190	29-01-2024
Feb-24	80,483	8,413	1,006	0	Nil
Mar-24	1,14,556	9,278	1,432	80,480	29-03-2024
Apr-24	1,57,342	10,548	1,967	1,13,440	02-08-2024
May-24	1,53,538	8,819	1,919	1,54,910	30-05-2024
Jun-24	2,70,765	7,756	3,385	0	Nil
Jul-24	76,973	7,165	962	4,21,070	29-07-2024
Aug-24	74,730	7,079	934	76,970	02-09-2024
Total	15,10,722	91,487	31,615	15,92,700	
Remarks:	The suppl. bill of Rs. 10,15,174/- was issued on 15/06/2023. As per Forum's Order, interest and DPC (Rs. 91,487 + 31,615) of Rs. 1,23,102/- was waived off. The Appellant has to pay Rs.8,92,072. These figures are indicative only.				


9. We are of the opinion that all important issues in sum and substance have already been covered in detail with reasoning in the original order dated 25.11.2024 in Representation 137 of 2024 of the Electricity Ombudsman (Mumbai). The review application is nothing but a mere repetition of the original representation.

10. The provisions with respect to review of orders passed by the undersigned is given in Regulation 22 of the CGRF & EO Regulations 2020. The relevant provision is quoted below:

“22 Review of Order of Electricity Ombudsman

22.1 Any person aggrieved by an order of the Electricity Ombudsman, including the Distribution Licensee, may apply for a review of such order within thirty (30) days of the date of the order to the Electricity Ombudsman, under the following circumstances:

(a) Where no appeal has been preferred;


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai




- (b) *On account of some mistake or error apparent from the face of the record;*
(c) *Upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed.*

- 22.2 *An application for such review shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error apparent from the face of the record.*
- 22.3 *The review application shall be accompanied by such documents, supporting data and statements as the Electricity Ombudsman may determine.*
- 22.4 *When it appears to the Electricity Ombudsman that there is no sufficient ground for review, the Electricity Ombudsman shall reject such review application: Provided that no application shall be rejected unless the Applicant has been given an opportunity of being heard.*
- 22.5 *When the Electricity Ombudsman is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, the review of which is applied for.”*

11. The Review Applicant has not brought out any new issue which has not been dealt with in the impugned order, which is the primary requirement for a review of this order under Regulation 22 of the CGRF & EO Regulations 2020. *[Note: This Review Application is filed on 23.01.2025 i.e. beyond 30 days from the date of the original order dated 24.11.2024. However, on verbal request of the Applicant, the delay is condoned]*

12. In view of the above, the Review Application of the Applicant is principally rejected. However, the Respondent is directed.

- a) to withdraw the interest and delayed payment charges if levied from the original order till the date of this review order.
- b) Compliance to be submitted within two months from the date of issue of this order.
- c) Other prayers of the Applicant are rejected.



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All other terms of the original order remained the same. The representation of the Applicant is disposed of accordingly.

13. 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 Applicant's ensuing bill.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


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Secretary
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