

## BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

### REPRESENTATION NO. 124 OF 2024

In the matter of retrospective recovery towards defective meter

Shakuntala Madhwani.....Appellant  
[User: Mukesh B. Amil] (Consumer No. 215120 61262)

V/s.

Maharashtra State Electricity Distribution Co, Ltd. Ulhasnagar 1 .....Respondent  
(MSEDCL)

Appearances:

Appellant : 1. Mukesh B. Aamil, User - Occupier  
2. Jagansingh Rajput, Representative

Respondent : S. S. Kulkarni, Executive Engineer


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

Date of hearing: 8<sup>th</sup> August 2024

Date of Order : 26<sup>th</sup> August 2024

### ORDER

This Representation was filed on 28<sup>th</sup> May 2024 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Original Order dated

  
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3<sup>rd</sup> January 2024 in Case No. 32 of 2023 and the Review Order dated 5<sup>th</sup> May 2024 in Case No. 008 of 2024 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum). The Forum principally rejected the grievance application; however allowed the payment in instalments. The operative part of the order is as below: -

- “1. The consumer grievance application number K/E/032 of 2023 is rejected.  
2. If the consumers insist, licensee can allow payment of the disputed bill in six equal installments along with current bill every month.”

The Appellant paid the statutory deposit of Rs.25,000/- on 01/07/2024 as per Regulation 19.22(h) of CGRF & EO Regulations 2020. Hence, the representation was registered on 01/07/2024.


2. The Appellant has filed this Representation against the order passed by the Forum. An e-hearing was held on 08/08/2024 through Video Conference. The parties were heard at length. The Respondent filed a reply on 01/08/2024. The Respondent’s submissions and arguments are stated first as below. *[The Electricity Ombudsman’s observations and comments are recorded under ‘Notes’ in brackets where needed.]*

- (i) The Appellant is an industrial consumer from 21/10/2009. The connection details like period, amount of assessment etc. is tabulated as below:

Table 1:

Appellant	Consumer No.	Sanct. Load (KW)	Address	Date of Supply	Assessment & date	Period of Assessment	Reason for Assessment
Shakuntala Madhwani	0215120 61262	19	Gala No 02, Plot No. 12,13,14, Shit No. 77, behind J.K.Biscuit, Ulhasnagar	21/10/2009	Rs. 55877.50 (6770 Units) adjusted in bill of April 2023	01/06/2022 to 20/03/2023	R phase of the meter was found missing from 01/06/2022 to 20/03/2023

The activity of the Appellant is running of plastic injection moulding machines for manufacturing of various plastic products. As per the MDAS system, the voltage of R

  
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Phase of the Appellant was observed to be zero from June 2022 onwards. A Special Squad of Kalyan Circle-II was formed to detect possible theft. The Assistant Engineers (quality control) of the Respondent inspected the premises of the Appellant on 20/03/2023, when it was found that R phase voltage on the meter display was missing. The voltage and current parameters of the installation found during the spot inspection on site is tabulated as below:

Table 2:

Phase	Voltage in actual (V)	Voltage on Meter Display (V)	Current in actual (A)	Current on Meter Display (A)
R	248	0	4.0	4.0
Y	229	224	12.0	12.4
B	250	252	5.4	4.8

- (ii) A Panchnama was carried out on the same day, and the meter was taken in custody of the Respondent for further analysing of the possibility of internal tampering of the meter, with due care of joint sealing of meter. The Respondent tested the meter on 21.03.2024 in the Meter Testing Laboratory and confirmed under recording of 1/3rd consumption. The meter was opened to check whether there was any inside tampering of meter in front of the Appellant. However, prime facie nothing was observed as abnormal.
- (iii) Hence, the Respondent issued a supplementary bill of plain recovery for Rs. 55,877.50 of 6770 units based on the data retrieved in MDAS (Master Data Acquisition System) for the period from 01/06/2022 to 20/03/2023 (about 10 months) and adjusted in the bill of April 2023.
- (iv) The Y & B phase of the meter was recording properly; hence the meter was not faulty, and the Appellant was never billed with “Faulty” Status. On the meter display, R phase

  
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voltage was '0' volt, Y phase voltage 224 volt and B phase voltage 252 volt; and R phase current 4.01-Amp, Y phase current 12.30 Amp and B phase current 4.80 Amp were observed, as shown in Table 2. There was under billing due to R phase voltage being zero and hence R phase units consumed were not recorded in the meter. The under billing was 1/3<sup>rd</sup> of total consumption. This is nothing but escaped billing.

- (v) The Appellant filed the case before the Forum on 08/05/2023, which principally rejected the grievance application; however, allowed the instalment payment facility. The review application was also rejected by the Forum.
- (vi) The function of a 3-phase meter of 10-40 A is the same as compared to a 3-phase meter of 40-200 A. The Respondent referred to the orders of Hon. Ombudsman (M) in Rep. No. 68 of 2019, 12 of 2021, 191 of 2022 and 154 of 2022 in support of their claim, where there was under recording of 3 phase meter of 40-200 A due to voltage/current missing. Hence, these decisions are squarely applicable in the present case.
- (vii) The Judgment dated 18.12.2018 of Hon'ble Bombay High Court, Bench at Aurangabad in W.P. No. 8613 of 2017 is squarely applicable to this case.
- (viii) The assessment period of about 10 months (which is less than 24 months) fulfils the statutory requirement of Section 56(2) of the Act.
- (ix) There was no inside burning in any part of the meter. The claim of the Appellant is false.
- (x) In view of the above, the Respondent requested to reject the Representation.

3. The Appellant's submissions and arguments are stated as follows: -

- (i) The Appellant is an industrial consumer from 21/10/2009. The statistical data of the consumer is tabulated in Table 1. The Appellant runs a small scale factory for manufacturing of plastic products by way of injection moulding machines.
- (ii) The Assistant Engineers (quality control) of the Respondent inspected the premises of the Appellant on 20/03/2023. The Respondent was not taken in confidence during this spot

  
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inspection. The meter was removed and taken in custody by applying seals because of a doubt of the meter running slow. When the meter was opened in the presence of consumer, it was found that one wire was burnt, this clearly shows that the meter was faulty.

- (iii) The Appellant received a supplementary bill of plain recovery for Rs. 55,877.50 of 6770 units for the period from 01/06/2022 to 20/03/2023 towards slowness of meter. The said assessment was added in the bill of April 2023.
- (iv) The Appellant filed a grievance application with the Forum on 08/05/2023, which basically rejected the grievance. A review application was also rejected. 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."*

- (vi) The meter (Sr. No. 09336367 of L & T Make of 10-40 A Capacity) of the Appellant was a whole current meter. The voltage was not getting to the meter due to inside defect in the meter. This meter is nothing but defective.
- (vii) In view of the above, the Appellant prays that the Respondent be directed
  - a) to set aside the supplementary bill of Rs. Rs. 55,877.50.

  
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- b) to revise the bill as per Regulation 16.4.1 of Supply Code and SOP Regulations 2021.
- c) to waive of interest and delayed payment charges levied if any.
- d) to grant compensation towards mental and physical agony.


**Analysis and Ruling:**

4. Heard the parties and perused the documents on record. The activity of the Appellant is that of running plastic injection moulding machines for manufacturing of various types of utensils. The details of the connection, date of inspection, retrospective recovery & period of recovery are tabulated in Table 1.

5. The Respondent contended that when the installation of the Appellant was inspected on 20/03/2023, it was observed that “R Phase Voltage” was missing on the meter display, and hence the meter was working only Y & B Phase. The meter was recording 2/3<sup>rd</sup> energy consumption, and not recording 1/3<sup>rd</sup> consumption. The “R Phase Voltage” of the meter was found missing for the period from 01/06/2022 to 20/03/2023 as per data of MDAS System. Accordingly, the Respondent issued a supplementary bill of plain recovery of Rs. 55,877.50 (6770 units) towards under-recording of consumption for the above period. The supplementary bill was added in the bill of April 2023.

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.

7. We have examined the issue whether this meter was defective or not. Whole Current energy meters are generally used for residential buildings, small commercial establishments and small-scale industrial units where the electrical loads involved are relatively low and current and voltage are directly connected to the meter. The meter (Sr. No. 09336367 of L & T Make of 10-40 A

  
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Capacity) of the Appellant was a whole current meter. On the other hand, other meters like 3 phase 40-200 A meters have external current transformers and voltage circuit with necessary wiring and accessories, which are generally CT operated meters. In the instant case, the voltage was not getting displayed on the meter due to some internal defect in the meter. Since this meter did not have an external CT/ PT like the CT operated meters, this defect in the internal part of the meter amounts to a defective meter. Therefore, the Appellant is entitled to the benefit of Regulation 16.4.1 of Supply Code and SOP Regulations 2021.

8. The Judgment dated 18.12.2018 of Hon'ble Bombay High Court, Bench at Aurangabad in W.P. No. 8613 of 2017 is not applicable in the instant case as this meter is defective, and is not a CT operated meter.

9. The Forum failed to understand that this meter is defective, and hence the order of the Forum is set aside.

10. In view of the above, the representation of the Appellant is allowed. The Respondent is directed

- a) to issue revised bill for three months prior to replacement of the meter, considering meter as defective 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 April 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.



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11. The representation is disposed of accordingly.

12. The secretariat of this office is directed to refund Rs.25000/- taken as deposit to the Respondent for adjusting in his ensuing bill.

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)



(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

