

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14169 OF 2022

Pasari Plastic Enterprises

...Petitioner

Versus

Maharashtra State Electricity Distribution
Company Limited,
Through its Superintending Engineer,
Vasai Circle Vasai.

...Respondent

...

Mr. Valentine Mascarehhas i/by Mr. Anil D'Souza, for Petitioner.
None for Respondent.

...

CORAM : SANDEEP V. MARNE, J.
DATE : SEPTEMBER 07, 2023.

P.C.:

1. By this Petition, Petitioner challenges order dated 10 August 2020 passed by the Consumer Grievance Redressal Forum (CGRF) as well as order dated 20 October 2020 passed by the Electricity Ombudsman Mumbai.
2. I have heard the learned Counsel appearing for Petitioner.
3. The disputed period is between February 2018 to April 2019 when according to Petitioner, the correct consumption of electricity could not be shown on account of fault in the meter. The learned Counsel would rely

upon the Meter Analysis Report reflected in the order of the Consumer Grievance Redressal Forum. He would submit that the said report clearly proved that the meter was faulty. He would therefore submit that, once the meter was found to be faulty, Petitioner was required to be given benefit of Regulation 15.4.1 of the Electricity Supply Code & other Conditions of Supply Regulations, 2005 for revision of bill.

4. Perusal of the orders passed by the Consumer Grievance Redressal Forum and Electricity Ombudsman, Mumbai would show that, during the disputed period the consumption by the Petitioner was reflected as zero in the most of the months. The Electricity Ombudsman has expressed surprise and anguish about irregularities committed by the Respondent-Company in not noticing zero consumption despite running of a plastic industry by Petitioner. The Electricity Ombudsman has taken into consideration the fact that the meter installed at the premises of Petitioner was reflecting consumption immediately after the disputed period. The Electricity Ombudsman has taken into consideration the consumption shown after disputed period from May 2019 onwards.

5. Petitioner's reliance on Meter Analysis Report would not make its case any better. The meter analysis is conducted on 13 February 2020, i.e.

much after the disputed period, which ended in April 2019. The Meter Analysis Report shows that, when the meter was tested it was not even powering ON. This shows as on the date of testing of the meter in February 2020, it was totally dis-functional. Petitioner contends that the Meter Analysis Report of February 2020 would show that, the meter was faulty even during the disputed period between February 2018 to April 2019. However, what is being conveniently ignored by the Petitioner is the fact that the meter was showing consumption and generating readings during May 2019 to October 2019. This would belie the case of Petitioner that the meter was faulty during the disputed period.

6. The Electricity Ombudsman has undertaken exercise of determining the average consumption for 28 months period and has arrived at the conclusion that the amount charged against Petitioner is correct.

7. The findings recorded by Consumer Grievance Redressal Forum and Electricity Ombudsman do not suffer from perversity, for this Court to exercise jurisdiction under Article 227 of the Constitution of India. In fact, this case appears to be one of connivance between Petitioner and officials of Respondent – Company. I therefore do not find any ground to interfere in the orders passed by the Consumer Grievance Redressal Forum and Electricity

Ombudsman Mumbai. Writ Petition, being devoid of Merits, is dismissed without any order as to costs.

(SANDEEP V. MARNE, J.)