REPORTABLE

Daily List Sl. Nos. 2-3

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 19 of 2026

1. Shri Sanasam Chaoba Singh, aged about 78 years, son of Late S. Gosai Singh, a resident of Singjamei Okram Leikai (Sanasam Kollup), P.O. & P.S. Singjamei, Imphal West District, Manipur 795008, presently serving as the President of All Manipur Power Consumer Association (AMPCA) and

2. Shri Konthoujam Sanatomba Singh, aged about 72 years, S/o Late K. Mani Singh, a resident of Wangkhei Meihoubam Lampak, P.O. & P.S. Porompat, Imphal East District, Manipur 795005, presently serving as the General Secretary of All Manipur Power Consumer Association (AMPCA).

... **Petitioners**

-Versus-

1. The State of Manipur represented by the Principal Secretary (Power) Government of Manipur and its Office at Civil Secretariat Complex, Mantripukhri, Imphal East, Manipur-795002;

2. The Manipur State Power Distribution Company Limited (MSPDCL) and its Office at Secure Office Complex, 3rd Floor, AT Line, North AOC, Imphal West, Manipur-795001 represented by the Managing Director, MSPDCL;

3. The Managing Director, Manipur State Power Distribution Company Limited (MSPDCL) and its Office at Secure Office Complex, 3rd Floor, AT Line, North AOC, Imphal West, Manipur-795001;

4. The Manipur Electricity Regulatory Commission (MnERC), represented by its Secretary and its Office at Civil Secretariat Complex, Mantripukhri, Imphal East, Manipur-795002;

5. The Union of India, represented by the Secretary, Ministry of Power, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 and

6. M/S Sangai Smart Metering Pvt. Ltd. (Polaris Smart Metering Private Companies) represented by its Director and Promotor and its Office at 3rd Floor, New Directorate Building, Imphal -Dimapur Road, near 2nd MR Gate Ragailong Imphal, Manipur-795001.

... **Respondents**

With
MC(PIL) No. 20 of 2026
Ref: PIL No. 19 of 2026

1. Shri Sanasam Chaoba Singh, aged about 78 years, son of Late S. Gosai Singh, a resident of Singjamei Okram Leikai (Sanasam Kollup), P.O. & P.S. Singjamei, Imphal West District, Manipur- 795008, presently serving as the President of All Manipur Power Consumer Association (AMPCA) and

2. Shri Konthoujam Sanatomba Singh, aged about 72 years, S/o Late K. Mani Singh, a resident of Wangkhei Meihoubam Lampak, P.O. & P.S. Porompat, Imphal East District, Manipur - 795005, presently serving as the General Secretary of All Manipur Power Consumer Association (AMPCA).

... **Applicants**

-Versus-

1. The State of Manipur represented by the Principal Secretary (Power) Government of Manipur and its Office at Civil Secretariat Complex, Mantripukhri, Imphal East, Manipur-795002;

2. The Manipur State Power Distribution Company Limited (MSPDCL) and its Office at Secure Office Complex, 3rd Floor, AT Line, North AOC, Imphal West, Manipur-795001 represented by the Managing Director, MSPDCL;

3. The Managing Director, Manipur State Power Distribution Company Limited (MSPDCL) and its Office at Secure Office Complex, 3rd Floor, AT Line, North AOC, Imphal West, Manipur-795001;

4. The Manipur Electricity Regulatory Commission (MnERC), represented by its Secretary and its Office at Civil Secretariat Complex, Mantripukhri, Imphal East, Manipur-795002;

5. The Union of India, represented by the Secretary, Ministry of Power, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 and

6. M/S Sangai Smart Metering Pvt. Ltd. (Polaris Smart Metering Private Companies) represented by its Director and Promotor and its Office at 3rd Floor, New Directorate Building, Imphal -Dimapur Road, near 2nd MR Gate Ragailong Imphal, Manipur-795001.

... **Respondents**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For PIL petitioners/MC applicants	Mr. Ajoy Pebam, Advocate
For respondent Nos. 1 to 4	Mr. Y. Robert, State Counsel led by senior advocate Mr. S. Nepolean.
For respondent No. 5	Mr. L. Jeson, Advocate
Date of Order	**04.11.2026**

O R D E R

[M. Sundar, CJ]

[1] Captioned Public Interest Litigation has been presented/filed in this Court on 22.10.2026.

[2] Mr. Ajoy Pebam, learned counsel on record for the Public Interest Litigation petitioners is before this Court.

[3] Subject matter of captioned Public Interest Litigation is installation of what is known as Smart Prepaid Electricity Meters in some of the electricity divisions in Imphal under a scheme which goes by the name Revamped Distribution Sector Scheme (RDSS) which is a centrally sponsored scheme.

[4] Mr. Ajoy Pebam, learned counsel, submits that the petitioners came to this Court earlier on the afore referred subject vide PIL No. 10 of 2026 and same came to be disposed of by this Court in and vide an order dated 14.07.2026 which reads as follows :

Item No. 1 – 2 (Supplementary)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 10 of 2026

1. Sanasam Chaoba Singh, aged about 75 years, son of Late S. Tomba Singh, a resident of Singjamei Okram Leikai (Sanasam Kollup), P.O. & P.S. Singjamei, Imphal West District, Manipur – 795008, presently serving as the President of the All Manipur Power Consumer Association (AMPCA).

2. Shri Konthoujam Sanatomba Singh, aged about 72 years, S/o late K. Mani Singh, a resident of Wangkhei Meihoubam Lampak, P.O. & P.S. Porompat, Imphal East District, Manipur – 795005, presently serving as the General Secretary of the All Manipur Power Consumer Association (AMPCA).

... Petitioners

- Versus -

1. State of Manipur, represented by the Principal Secretary (Power), Government of Manipur, New Civil Secretariat, Mantripukhri, P.O. Mantripukhri, P.S. New Secretariat, Imphal East District, Manipur – 795002.

2. Manipur State Power Distribution Company Limited (MSPDCL), 3rd Floor, New Secretariat Building, New 2nd M.R. Gate, Imphakl – Dimapur Road, Imphal, Manipur – 795001.

3. Manipur Electricity Regulatory Commission (JERC), represented by its Secretary, New Civil Secretariat, Mantripukhri, P.O. Mantripukhri, P.S. New Secretariat, Imphal East District, Manipur – 795002.

4. Union of India, represented by the Secretary, Ministry of Power, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.

5. Managing Director, Manipur State Power Distribution Company Limited (MSPDCL) Secure Office Complex, 3rd Floor, AT Line, North AOC, Imphal West, Manipur – 795001.

(Respondent No. 5 is impleaded as per order dated 14.07.2026 made in PIL No. 10 of 2026 tagged with MC(PIL) No. 13 of 2026)

... Respondents

With

MC(PIL) No. 13 of 2026

1. Sanasam Chaoba Singh, aged about 75 years, son of Late S. Tomba Singh, a resident of Singjamei Okram Leikai (Sanasam Kollup), P.O. & P.S. Singjamei, Imphal West District, Manipur – 795008, presently serving as the President of the All Manipur Power Consumer Association (AMPCA).

2. Shri Konthoujam Sanatomba Singh, aged about 72 years, S/o late K. Mani Singh, a resident of Wangkhei Meihoubam Lampak, P.O. & P.S. Porompat, Imphal East District, Manipur – 795005, presently serving as the General Secretary of the All Manipur Power Consumer Association (AMPCA).

... Applicants

- Versus -

1. State of Manipur, represented by the Principal Secretary (Power), Government of Manipur, New Civil Secretariat, Mantripukhri, P.O. Mantripukhri, P.S. New Secretariat, Imphal East District, Manipur – 795002.

2. Manipur State Power Distribution Company Limited (MSPDCL), 3rd Floor, New Secretariat Building, New 2nd M.R. Gate, Imphakl – Dimapur Road, Imphal, Manipur – 795001.

3. Manipur Electricity Regulatory Commission (JERC), represented by its Secretary, New Civil Secretariat, Mantripukhri, P.O. Mantripukhri, P.S. New Secretariat, Imphal East District, Manipur – 795002.

4. Union of India, represented by the Secretary, Ministry of Power, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.

5. Managing Director, Manipur State Power Distribution Company Limited (MSPDCL) Secure Office Complex, 3rd Floor, AT Line, North AOC, Imphal West, Manipur – 795001.

(Respondent No. 5 is impleaded as per order dated 14.07.2026 made in PIL No. 10 of 2026 tagged with MC(PIL) No. 13 of 2026)

... Respondents

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For petitioners/applicants	: Mr. M. Rakesh, Advocate
For respondent	: Mr. S. Chittaranjan, Additional Advocate General, Manipur along with Mr. A. Priyokumar, Advocate for respondent Nos. 1, 2, 3 and 5.

: Mr. W. Darakeshwar, Senior Panel Counsel for Central Government for respondent No. 4.

Date of order : **14.07.2026**

O R D E R
[M. Sundar, CJ]

[1] The following abbreviations/short forms have been used in this order (for the sake of brevity, convenience and clarity):

Sl. No.	**Abbreviation/Short Form/other short references**	**Full Form/Expansion**
1.	MSPDCL	Manipur State Power Distribution Company Limited
2.	RDSS	Revamped Distribution Sector Scheme
3.	PiL	Public Interest Litigation
4.	R1	respondent No. 1
5.	R2	respondent No. 2
6.	R3	respondent No. 3
7.	R4	respondent No. 4
8.	R5	respondent No. 5
9.	AMPCA	All Manipur Power Consumer Association
10.	MnERC	Manipur Electricity Regulatory Commission
11.	AoP	Association of persons
12.	Sr. PCCG	Senior Panel Counsel for Central Government
13.	said representation	representation dated 19.06.2026 sent by AMPCA to R5

[2] Captioned PiL is in the Admission Board today. Mr. M. Rakesh, learned counsel on record for PiL petitioners is before this Court (Physical Court).

[3] Subject matter of captioned PiL is installation of Smart Prepaid Electricity Metres in some of Imphal Electricity Divisions under RDSS which is a centrally sponsored scheme.

[4] Mr. M. Rakesh, learned counsel for PiL petitioners, at the outset, submitted that AMPCA is an unincoporated AoP in terms of legal character, PiL petitioner No. 1 and PiL petitioner No. 2 are President and General Secretary respectively of AMPCA.

[5] As regards afore-referred announcement of MSPDCL regarding installation of Smart Prepaid Electricity Metres in Imphal Electrical

Division Nos. I, II and III under RDSS scheme, a public notice dated 09.07.2025 was issued. Learned counsel drew the attention of this Court to this public notice and scanned reproduction of the same is as follows:



MANIPUR STATE POWER DISTRIBUTION COMPANY LIMITED

PUBLIC NOTICE

Imphal 09th July, 2025

Subject: Installation of Smart Prepaid Meters under RDSS Scheme in Imphal Electrical Division-I, II & III, MSPDCL

No: 05/MSPDCL/GM(COMM)/ASSH/2025-26/ In continuation of efforts to improve power supply reliability and enhance consumer services, Manipur State Power Distribution Company Limited (MSPDCL) is undertaking the installation of Smart Prepaid Meters under the Revamped Distribution Sector Scheme (RDSS) across the divisions i.e. Imphal Electrical Division-I (IED-I), Imphal Electrical Division-II (IED-II), Imphal Electrical Division-III (IED-III).

The installation work is being executed by M/s Sangai Smart Metering Pvt. Ltd., the authorized agency selected by MSPDCL. All consumers under the above divisions are requested to extend full cooperation to the installation teams during the smart meter installation process.

Important Instructions for Consumers:

1. No charges shall be collected from consumers for the installation of smart meters.
2. The installation team is strictly authorized only for meter installation. Consumers are requested not to assign any other work to the installation personnel.
3. During the visit, the installation team shall also distribute pamphlets to spread awareness regarding the smart meter usage, recharge process, and benefits.
4. Consumers are encouraged to use the 'Urja Seva Sangai' App or 'MSPDCL Smart Meter' App to track real-time electricity usage, balance, and recharge status.

This initiative is a step towards providing 24x7 reliable and quality power supply and improving transparency in electricity consumption. The cooperation of all concerned consumers is highly solicited to ensure the successful implementation of this project.

(Ms. Khaidem Singh)
General Manager (Commercial),
MSPDCL

Copy to :
1) Managing Director, MSPDCL
2) Executive Director (Tech/Comm.), MSPDCL
3) General Manager (EC-I), MSPDCL
4) DGM IED-I/II/III, MSPDCL
5) File concerned

Comm. of Affidavits
High Court of Manipur
Imphal (Manipur)

TRUE COPY

ADVOCATE

[6] Learned counsel for PiL petitioners, thereafter, drew the attention of this Court to another public notice issued by MSPDCL (to be noted, public notice published in newspapers is learned counsel's say) and scanned reproduction of subsequent public notice (as placed before this Court by PiL petitioners) is as follows:



SANGAI

PUBLIC NOTICE

COMPULSORY INSTALLATION OF SMART PREPAID ENERGY METERS

In compliance with the directions of the **Ministry of Power, Govt. of India**, and subsequent orders of the **Department of Power, Govt. of Manipur**, it is hereby informed to the general public that implementation of **Advanced Metering Infrastructure Service Provider (AMISP)** under the **Revamped Distribution Sector Scheme (RDSS)** is happening in the state of Manipur under the guidance of **Manipur State Power Distribution Company Limited (MSPDCL)**.

The implementation of Smart Prepaid Energy Meter Project across the state of Manipur is being carried out by the appointed Advanced Metering Infrastructure Service Provider (AMISP) **M/s Sangai Smart Metering Private Limited**, a wholly owned subsidiary of **Polaris Smart Metering Private Limited** and part of Polaris Group of Companies.

It is hereby informed that Smart meters come with a lot of benefits for the Consumers & Utility which can help reduce **Aggregate Technical & Commercial Losses, Theft, and restructure today's power grids into a Smart Grid**.

KEY BENEFITS OF SMART METERS

CONSUMERS	MSPDCL
• **1% Rebate on Electricity rate** for Smart Prepaid Users • Smart meters provide **Accurate Billing** with Precise readings • **No Need for Manual Meter Reading** • **Track your Energy Consumption through your Mobile App** • Consumers **Pay only for what they use** • Multiple Recharge Options: MSPDCL Smart Metering App, MSPDCL Website, UPI Apps • No manual voucher entry needed • **Set** your own **electricity spending limit** • **Track usage to stay within your budget** • Future- ready for **solar panel & EV station integration** - **No need to replace meters**	• **Remote & Automatic Tracking of Consumption** • Enables faster detection and resolution of power issues • Helps MSPDCL improve overall power reliability • Real- time data ensures better load forecasting • Timely data enables preventive maintenance & reduces breakdowns • Improved reliability for your home or business • **Supports TOU/TOD (Time of Use / Day) billing** • **No meter replacement required for tariff changes**

We kindly request our esteemed consumers to cooperate with us & ensure successful implementation & installation of SMART Meters.

- MSPDCL appeals to all consumers (domestic, commercial, and institutional) to cooperate fully with the Department/Authorised Agencies for successful implementation & installation of Smart Meters.
- The Consumers are requested to keep their premises accessible for installation & compliance with the Field Staff/Installation Teams.
- Non-compliance, obstruction or refusal shall be treated as violation of Government orders and punishable under the Electricity Act, 2003, and may lead to immediate disconnection of electricity supply without further notice.

SMART Meters, SMART Consumers, SMART Future.

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Advocate

Comm. of Affidavit
High Court of Manipur
Imphal (Manipur)

[7] Adverting to afore-referred two public notices, learned counsel for PiL petitioners submitted that while the former is voluntary/optional *qua* consumers, the latter is involuntary/compulsory *qua* consumers. Be that as it may, before proceeding further, it is deemed appropriate to record that learned counsel drew the attention of this Court to a notification dated 24.03.2026 bearing reference No. 40/1/2026-MnERC and submitted that President of AMPCA (ex-officio) has been made a member of a 20 member committee constituted by MnERC. This submission was made only to buttress and drive home the point that AMPCA has been duly recognized even by MnERC. To be noted, this is on locus. Reverting to the core issue at hand, Mr. M. Rakesh, learned counsel for PiL petitioners very fairly submitted that PiL petitioners are concerned/aggrieved only by one aspect of the latter public notice i.e., that part of the latter public notice which says that non-compliance or refusal will be treated as a punishable offence under Electricity Act, 2003 and may lead to immediate disconnection without further notice. To be noted, this is the last bullet point in the latter public notice which has been scanned and reproduced *supra.*

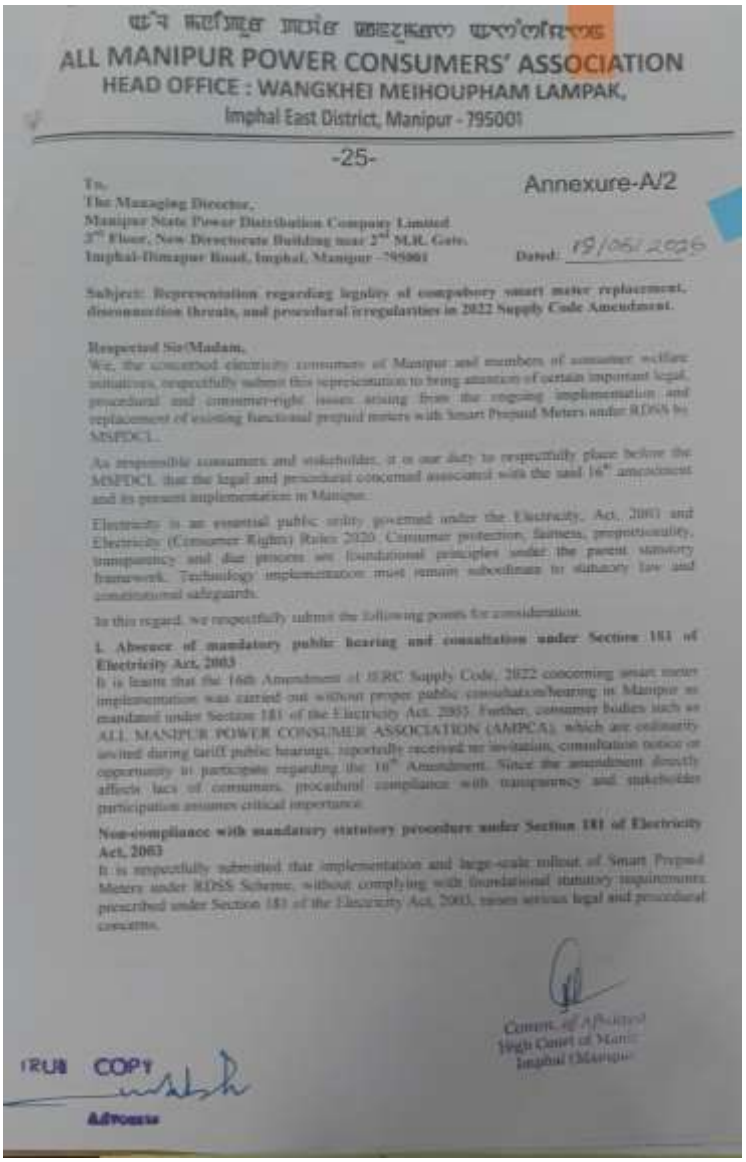
[8] Issue notice.

[9] Mr. S. Chittaranjan, learned Additional Advocate General for the State of Manipur along with Mr. A. Priyokumar, learned State counsel

accept notice for R-1 to R-3 and Mr. W. Darakeshwar, learned Sr. PCCG accepts notice for R-4.

[10] Learned State counsel pointed out that AMPCA appears to have sent a representation dated 19.06.2026 to Managing Director of MSPDCL as the same has been annexed as Annexure – A/2 to the PiL petition by the PiL petitioners.

[11] Responding to the above, learned counsel for PiL petitioners submitted that afore-referred '19.06.2026 representation' ('said representation' for the sake of convenience and clarity as set out in the tabulation *supra*) was dispatched by Speed Post and has been received by the addressee i.e., Managing Director of MSPDCL on 22.06.2026. Scanned reproduction of said representation as placed before this Court is as follows:



ALL MANIPUR POWER CONSUMERS' ASSOCIATION
HEAD OFFICE : WANGKHEI MEIHOUPHAM LAMPAK,
Imphal East District, Manipur - 795001

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Annexure-A/2

To,
The Managing Director,
Manipur State Power Distribution Company Limited
2nd Floor, New Directorate Building near 2nd M.R. Gate,
Imphal-Dimapur Road, Imphal, Manipur –795001

Dated: 19/06/2026

Subject: Representation regarding legality of compulsory smart meter replacement, disconnection threats, and procedural irregularities in 2022 Supply Code Amendment.

Respected Sir/Madam,

We, the concerned electricity consumers of Manipur and members of consumer welfare initiatives, respectfully submit this representation to bring attention of certain important legal, procedural and consumer-right issues arising from the ongoing implementation and replacement of existing functional prepaid meters with Smart Prepaid Meters under RDSS by MSPDCL.

As responsible consumers and stakeholder, it is our duty to respectfully place before the MSPDCL that the legal and procedural concerned associated with the said 16th amendment and its present implementation in Manipur.

Electricity is an essential public utility governed under the Electricity Act, 2003 and Electricity (Consumer Rights) Rules 2020. Consumer protection, fairness, proportionality, transparency and due process are foundational principles under the parent statutory framework. Technology implementation must remain subordinate to statutory law and constitutional safeguards.

In this regard, we respectfully submit the following points for consideration.

1. Absence of mandatory public hearing and consultation under Section 181 of Electricity Act, 2003

It is learnt that the 16th Amendment of JERC Supply Code, 2022 concerning smart meter implementation was carried out without proper public consultation/hearing in Manipur as mandated under Section 181 of the Electricity Act, 2003. Further, consumer bodies such as ALL MANIPUR POWER CONSUMER ASSOCIATION (AMPCA), which are ordinarily invited during tariff public hearings, reportedly received no invitation, consultation notice or opportunity to participate regarding the 16th Amendment. Since the amendment directly affects lacs of consumers, procedural compliance with transparency and stakeholder participation assumes critical importance.

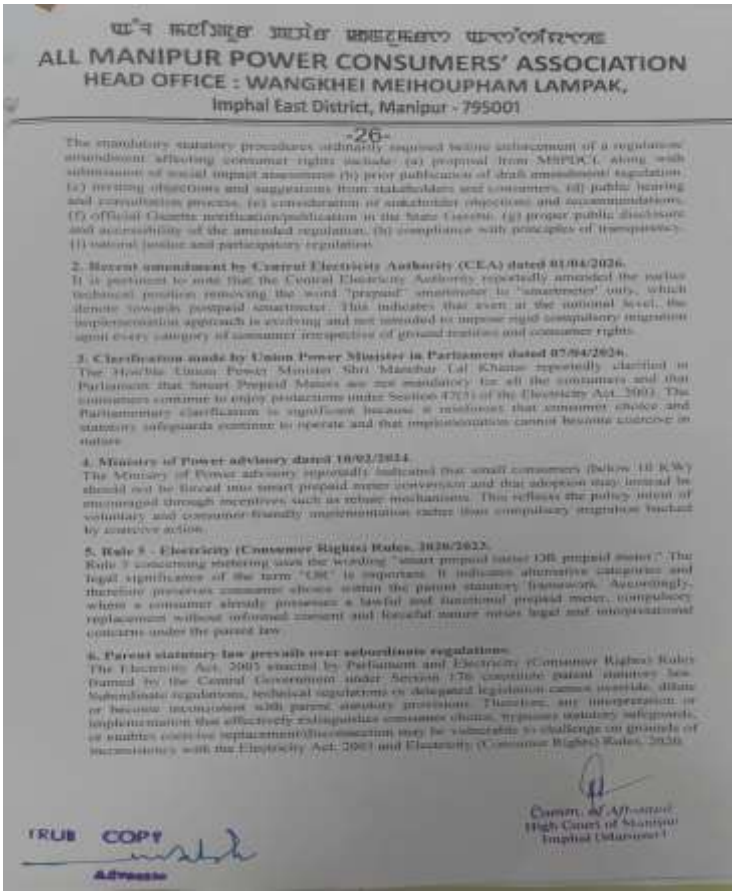
Non-compliance with mandatory statutory procedure under Section 181 of Electricity Act, 2003

It is respectfully submitted that implementation and large-scale rollout of Smart Prepaid Meters under RDSS Scheme, without complying with foundational statutory requirements prescribed under Section 181 of the Electricity Act, 2003, raises serious legal and procedural concerns.

Counsel of Applicant
High Court of Manipur
Imphal (Manipur)

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Advocate



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ALL MANIPUR POWER CONSUMERS' ASSOCIATION

HEAD OFFICE : WANGKHEI MEIHOUPHAM LAMPAK,

Imphal East District, Manipur - 795001

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The mandatory statutory procedures ordinarily required before enforcement of a regulatory amendment affecting consumer rights include: (a) proposal from MSPDCL along with submission of social impact assessment (b) prior publication of draft amendment regulation (c) inviting objections and suggestions from stakeholders and consumers, (d) public hearing and consultation process, (e) consideration of stakeholder objections and recommendations, (f) official Gazette notification/publication in the State Gazette, (g) proper public disclosure and accessibility of the amended regulation, (h) compliance with principles of transparency, (i) natural justice and participatory regulation.

2. Recent amendment by Central Electricity Authority (CEA) dated 01/04/2026.

It is pertinent to note that the Central Electricity Authority repeatedly amended the earlier technical position removing the word "prepaid" smartmeter to "smartmeter" only, which denote towards prepaid smartmeter. This indicates that even at the national level, the implementation approach is evolving and not intended to impose rigid compulsory migration upon every category of consumer irrespective of ground realities and consumer rights.

3. Clarification made by Union Power Minister in Parliament dated 07/04/2026.

The Hon'ble Union Power Minister Shri Manohar Lal Khattar repeatedly clarified in Parliament that Smart Prepaid Meters are not mandatory for all the consumers and that consumers continue to enjoy protections under Section 47(5) of the Electricity Act, 2003. The Parliamentary clarification is significant because it reinforces that consumer choice and statutory safeguards continue to operate and that implementation cannot become coercive in nature.

4. Ministry of Power advisory dated 10/02/2024.

The Ministry of Power advisory repeatedly indicated that small consumers (below 10 KW) should not be forced into smart prepaid meter conversion and that adoption may instead be encouraged through incentives such as rebate mechanisms. This reflects the policy intent of voluntary and consumer-friendly implementation rather than compulsory migration backed by coercive action.

5. Rule 9 - Electricity (Consumer Rights) Rules, 2020/2023.

Rule 9 concerning metering uses the wording "smart prepaid meter OR prepaid meter". The legal significance of the term "OR" is important. It indicates alternative categories and therefore preserves consumer choice within the parent statutory framework. Accordingly, where a consumer already possesses a lawful and functional prepaid meter, compulsory replacement without informed consent and forceful nature arises legal and interpretational concerns under the parent law.

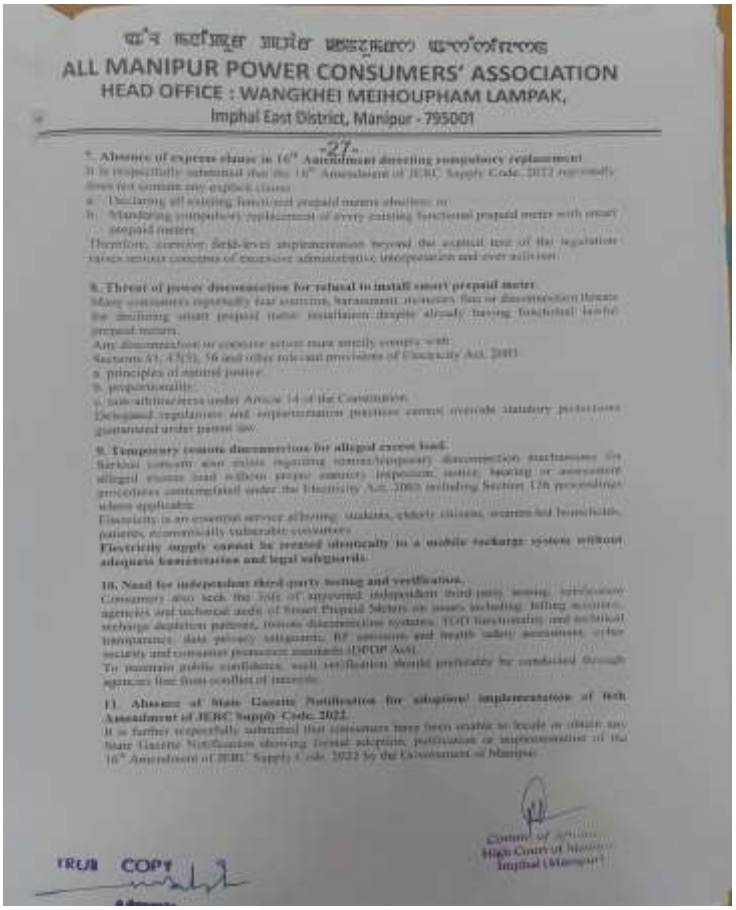
6. Parent statutory law prevails over subordinate regulations.

The Electricity Act, 2003 enacted by Parliament and Electricity (Consumer Rights) Rules framed by the Central Government under Section 176 constitute parent statutory law. Subordinate regulations, technical regulations or delegated legislation cannot override, dilute or become inconsistent with parent statutory provisions. Therefore, any interpretation or implementation that effectively extinguishes consumer choice, bypasses statutory safeguards, or enables coercive replacement/disconnection may be vulnerable to challenge on grounds of inconsistency with the Electricity Act, 2003 and Electricity (Consumer Rights) Rules, 2020.

Counsel for Appellant
High Court of Manipur
Imphal (Manipur)

TRUE COPY

Advocate



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ALL MANIPUR POWER CONSUMERS' ASSOCIATION

HEAD OFFICE : WANGKHEI MEIHOUPHAM LAMPAK,

Imphal East District, Manipur - 795001

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7. Absence of express clause in 16th Amendment directing compulsory replacement:

It is respectfully submitted that the 16th Amendment of JERC Supply Code, 2022 reportedly does not contain any explicit clause:

a. Declaring all existing functional prepaid meters obsolete; or

b. Mandating compulsory replacement of every existing functional prepaid meter with smart prepaid meters.

Therefore, coercive field-level implementation beyond the explicit text of the regulation raises serious concerns of excessive administrative interpretation and over activism.

8. Threat of power disconnection for refusal to install smart prepaid meter.

Many consumers reportedly fear coercion, harassment, inaccurate bills or disconnection threats for declining smart prepaid meter installation despite already having functional lawful prepaid meters.

Any disconnection or coercive action must strictly comply with:

Sections 43, 47(5), 56 and other relevant provisions of Electricity Act, 2003

a. principles of natural justice

b. proportionality

c. non-arbitrariness under Article 14 of the Constitution.

Delegated regulations and implementation practices cannot override statutory protections guaranteed under parent law.

9. Temporary remote disconnection for alleged excess load.

Serious concern also exists regarding remote/temporary disconnection mechanisms for alleged excess load without proper statutory inspection, notice, hearing or assessment procedures contemplated under the Electricity Act, 2003 including Section 126 proceedings where applicable.

Electricity is an essential service affecting students, elderly citizens, women-led households, patients, economically vulnerable consumers.

Electricity supply cannot be treated identically to a mobile recharge system without adequate humanitarian and legal safeguards.

10. Need for independent third-party testing and verification.

Consumers also seek the role of approved independent third party testing, certification agencies and technical audit of Smart Prepaid Meters on issues including billing accuracy, recharge depletion patterns, remote disconnection systems, IOD functionality and technical transparency, data privacy safeguards, RF emission and health safety assessment, cyber security and consumer protection standards (DPDP Act).

To maintain public confidence, such verification should preferably be conducted through agencies free from conflict of interests.

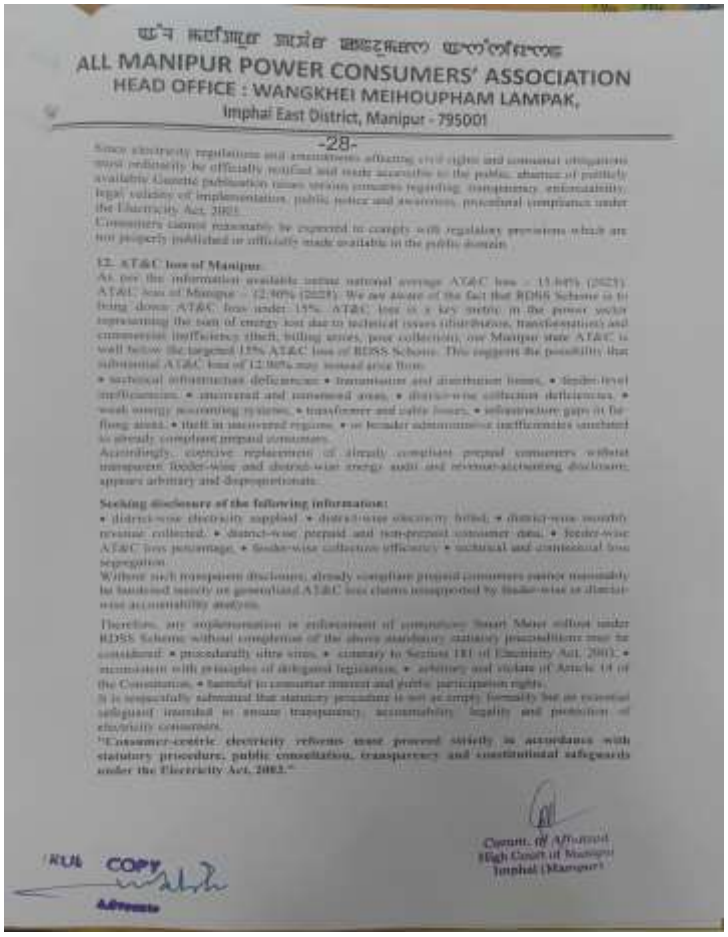
11. Absence of State Gazette Notification for adoption/ implementation of 16th Amendment of JERC Supply Code, 2022.

It is further respectfully submitted that consumers have been unable to locate or obtain any State Gazette Notification showing formal adoption, publication or implementation of the 16th Amendment of JERC Supply Code, 2022 by the Government of Manipur.

Counsel for Appellant
High Court of Manipur
Imphal (Manipur)

TRUE COPY

Advocate



ALL MANIPUR POWER CONSUMERS' ASSOCIATION
HEAD OFFICE : WANGKHEI MEIHOUPHAM LAMPAK,
Imphal East District, Manipur - 795001

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Since electricity regulations and amendments affecting civil rights and consumer obligations must ordinarily be officially notified and made accessible to the public, absence of publicly available Gazette publication raises serious concerns regarding transparency, enforceability, legal validity of implementation, public notice and awareness, procedural compliance under the Electricity Act, 2003.

Consumers cannot reasonably be expected to comply with regulatory provisions which are not properly published or officially made available in the public domain.

12. AT&C loss of Manipur

As per the information available online national average AT&C loss – 15.04% (2023). AT&C loss of Manipur – 12.90% (2023). We are aware of the fact that RDSS Scheme is to bring down AT&C loss under 15%. AT&C loss is a key metric in the power sector representing the sum of energy lost due to technical issues (distribution, transformation) and commercial inefficiency (theft, billing errors, poor collection), our Manipur state AT&C is well below the targeted 15% AT&C loss of RDSS Scheme. This suggest the possibility that substantial AT&C loss of 12.90% may instead arise from:

• technical infrastructure deficiencies • transmission and distribution losses, • feeder-level inefficiencies, • unmetered and unmetered areas, • district-wise collection deficiencies, • weak energy accounting systems, • transformer and cable losses, • infrastructure gaps in far-flung areas, • theft in unmetered regions, • or broader administrative inefficiencies unrelated to already compliant prepaid consumers.

Accordingly, coercive replacement of already compliant prepaid consumers without transparent feeder-wise and district-wise energy audit and revenue-accounting disclosure, appears arbitrary and disproportionate.

Seeking disclosure of the following information:

• district-wise electricity supplied, • district-wise electricity billed, • district-wise monthly revenue collected, • district-wise prepaid and non-prepaid consumer data, • feeder-wise AT&C loss percentage, • feeder-wise collection efficiency, • technical and commercial loss segregation.

Without such transparent disclosure, already compliant prepaid consumers cannot reasonably be burdened merely on generalized AT&C loss claims unsupported by feeder-wise or district-wise accountability analysis.

Therefore, any implementation or enforcement of compulsory Smart Meter rollout under RDSS Scheme without completion of the above mandatory statutory preconditions may be considered: • procedurally ultra vires, • contrary to Section 181 of Electricity Act, 2003, • inconsistent with principles of delegated legislation, • arbitrary and violative of Article 14 of the Constitution, • harmful to consumer interest and public participation rights.

It is respectfully submitted that statutory procedure is not an empty formality but an essential safeguard intended to ensure transparency, accountability, legality and protection of electricity consumers.

"Consumer-centric electricity reforms must proceed strictly in accordance with statutory procedure, public consultation, transparency and constitutional safeguards under the Electricity Act, 2003."

Commr. of Affidavit
High Court of Manipur
Imphal (Manipur)

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Advocate



ALL MANIPUR POWER CONSUMERS' ASSOCIATION
HEAD OFFICE : WANGKHEI MEIHOUPHAM LAMPAK,
Imphal East District, Manipur - 795001

-29-

In view of the above, we respectfully request the MSPDCL to consider:

- Examining the legality and procedural compliance in the amended supply Assessment RDSC, 2022 relating to implementation of smart prepaid meter Manipur.
- Ensuring that no coercive action, no force installation of Smartmeter, no threat of connection loss, harassment or arbitrary disconnection is undertaken against consumers having lawful existing functional prepaid meters.
- Clarifying the legal position regarding consumer choice under Rule 5 of Electricity (Consumer Rights) Rules read with Section 47(5) of Electricity Act, 2003 and recent CEA amendment removal of 'prepaid' in only 'smartmeter' Read with Rule 5 metering – Electricity (Consumer Rights) Rule 2023/2025.
- Protection of consumers from disproportionate hardship.
- Ensuring that no remote disconnection for excess load mechanism operates without statutory safeguards and dry powers.
- Consideration and appointment of independent third-party verification agencies/ framework for prepaid meters to maintain public trust and transparency to avoid conflict of interest.
- Recognition of consumer choice between smart meter and any prepaid meter systems.
- Provide opportunity for Opt-out facility/exemption from smart meter.
- Consumer awareness, consent and transparency remain central to any technology transition programme.

We submit this representation in good faith and in public interest with utmost respect for lawful, transparent and consumer-friendly electricity reforms.

We hope the MSPDCL will kindly take note of these concerns in the larger interest of consumer accountability and protection of electricity consumers in Manipur.

With regards.

Yours faithfully,

1. SANASAM CHAOBA SINGH,
(President, AMPCA)

2.KONTHOUJAM SANATOMBA SINGH,
(Gaudhery, AMPCA)

Please correspond at:
SANASAM CHAOBA SINGH
Singjamei Uhiram Leikai (Sanasam Kollup),
Inde Myanmar Road, P.O.& P.S. Singjamei,
Imphal West District, Pin -795008
Contact No. 7085643886 / 9612344987

Commr. of Affidavit
High Court of Manipur
Imphal (Manipur)

TRUE COPY

Advocate

[12] As regards the limited grievance of PiL petitioners, learned counsel for PiL petitioners submitted that the limited grievance i.e. the last bullet point in the latter public notice (as already adverted to *supra)* can be correlated to second bullet point in the last page of said representation. Learned counsel also very fairly submitted that for the present, it will suffice if there is a direction to Managing Director, MSPDCL to consider and dispose of the said representation in this regard and added that PiL petitioners are not opposed to technological transition and are not wholly opposed to installation of Smart Prepaid Electricity Metres under RDSS.

[13] In the light of the vastly descoped perimeter of captioned PiL and in the light of the limited prayer that learned counsel for PiL petitioner is making for the present, main PiL and captioned MC thereat were taken up with the consent of learned counsel on both sides particularly with the consent of learned State counsel dispensing with filing of affidavits-in-opposition and captioned PiL and MC thereat are being disposed of *vide* instant order.

[14] In the light of the narrative and discussions thus far, the following order is made:

(a) Managing Director of MSPDCL is Suo-moto added as R-5 in captioned PiL and MC and learned Additional Advocate General, Mr. S. Chittaranjan along with Mr. A. Priyokumar accept notice for R-5 also (Registry to make necessary and consequential amendment/s in case file and Registry to reflect the same in instant order before uploading in official website of this Court or furnishing certified copies of this order);

(b) R-5 is directed to dispose said representation (representation dated 19.06.2026 which is scanned and reproduced *supra)* on its own merits and in accordance with law with reference to the lone grievance of the PiL petitioners i.e., grievance that non-compliance shall be treated a punishable offence under Electricity Act, 2003 and dispose of the representation as expeditiously as official business for R-5 would permit but in any event within 8 (eight) weeks from today i.e. on or before 08.09.2026;

(c) disposal of said representation in the aforesaid manner (on its own merit and in accordance with law) by R-5 shall be by way of a written speaking order and the written speaking order shall be communicated to AMPCA at

Wangkhei Meihoubam Lampak, Imphal East District, Manipur – 795001 under due acknowledgement within 5 (five) working days from the date of disposal;

(d) on disposal of said representation in the aforesaid manner, if the PiL petitioners or any other person/s concerned with the matter is/are either not satisfied or aggrieved, it is open to such person/s to come to this Court or approach any other appropriate Fora in accordance with law as may be permissible. If such a scenario unfurls, this Court and/or any other competent Forum/Fora shall consider the matter on its own merits and in accordance with law untrammeled by instant order;

(e) to be noted, for the present R-4 is only formal party.

[15] Captioned PiL and MC thereat are disposed of as closed in aforesaid manner i.e., with afore-referred observations and directions. There shall be no order as to costs.

JUDGE **CHIEF JUSTICE**

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P.S. I ***: Upload forthwith.***
P.S. II ***: All concerned will stand bound by web copy uploaded in High Court website inter alia as the same is QR coded.'***

[5] The short forms, abbreviations and short references used in the afore referred earlier order of this Court dated 14.07.2026 shall continue to be used in instant order also for the sake of brevity, convenience and clarity. To be noted, afore referred earlier order dated 14.07.2026 has been reported in Manipur High Court Neutral Citation and the citation is **2026:MNHC:131-DB**.

[6] Be that as it may, Mr. Ajoy Pebam draws our attention to a Public Notice and scanned reproduction of the same is as follows :

SANGAI

PUBLIC NOTICE

COMPULSORY INSTALLATION OF SMART PREPAID ENERGY METERS

In compliance with the directives of the **Ministry of Power, Govt. of India**, and subsequent orders of the **Department of Power, Govt. of Manipur**, it is hereby informed to the general public that implementation of **Advanced Metering Infrastructure Service Provider (AMISP)** under the **Revamped Distribution Sector Scheme (RDSS)** is happening in the state of Manipur under the guidance of **Manipur State Power Distribution Company Limited (MSPDCL)**.

This implementation of Smart Prepaid Energy Meter Project across the state of Manipur is being carried out by the appointed Advanced Metering Infrastructure Service Provider (AMISP), **M/s Sangai Smart Metering Private Limited** - a wholly owned subsidiary of **Polaris Smart Metering Private Limited** and part of Polaris Group of Companies.

It is hereby informed that Smart meters come with a lot of benefits for the Consumers & Utility which can help reduce **Aggregate Technical & Commercial Losses, Theft, and restructure today's power grids into a Smart Grid.**

KEY BENEFITS OF SMART METERS

CONSUMERS

- **1% Rebate on Electricity rate** for Smart Prepaid Users
- Smart meters provide **Accurate Billing** with Precise readings
- **No Need for Manual Meter Reading**
- **Track your Energy Consumption through your Mobile App**
- Consumers **Pay only for what they use**
- Multiple Recharge Options: MSPDCL Smart Metering App, MSPDCL Website, UPI Apps
- No manual voucher entry needed
- **Set** your own **electricity spending limit**
- **Track usage to stay within your budget**
- Future-ready for **solar panel & EV station integration - No need to replace meters**

MSPDCL

- **Remote & Automatic Tracking of Consumption**
- Enables faster detection and resolution of power issues
- Helps MSPDCL improve overall power reliability
- Real-time data ensures better load forecasting
- Timely data enables preventive maintenance & reduces breakdown
- Improved reliability for your home or business
- **Supports TOU/TOD (Time of Use / Day) billing**
- **No meter replacement required for tariff changes**

We kindly request our esteemed consumers to cooperate with us & ensure successful implementation & installation of SMART Meters.

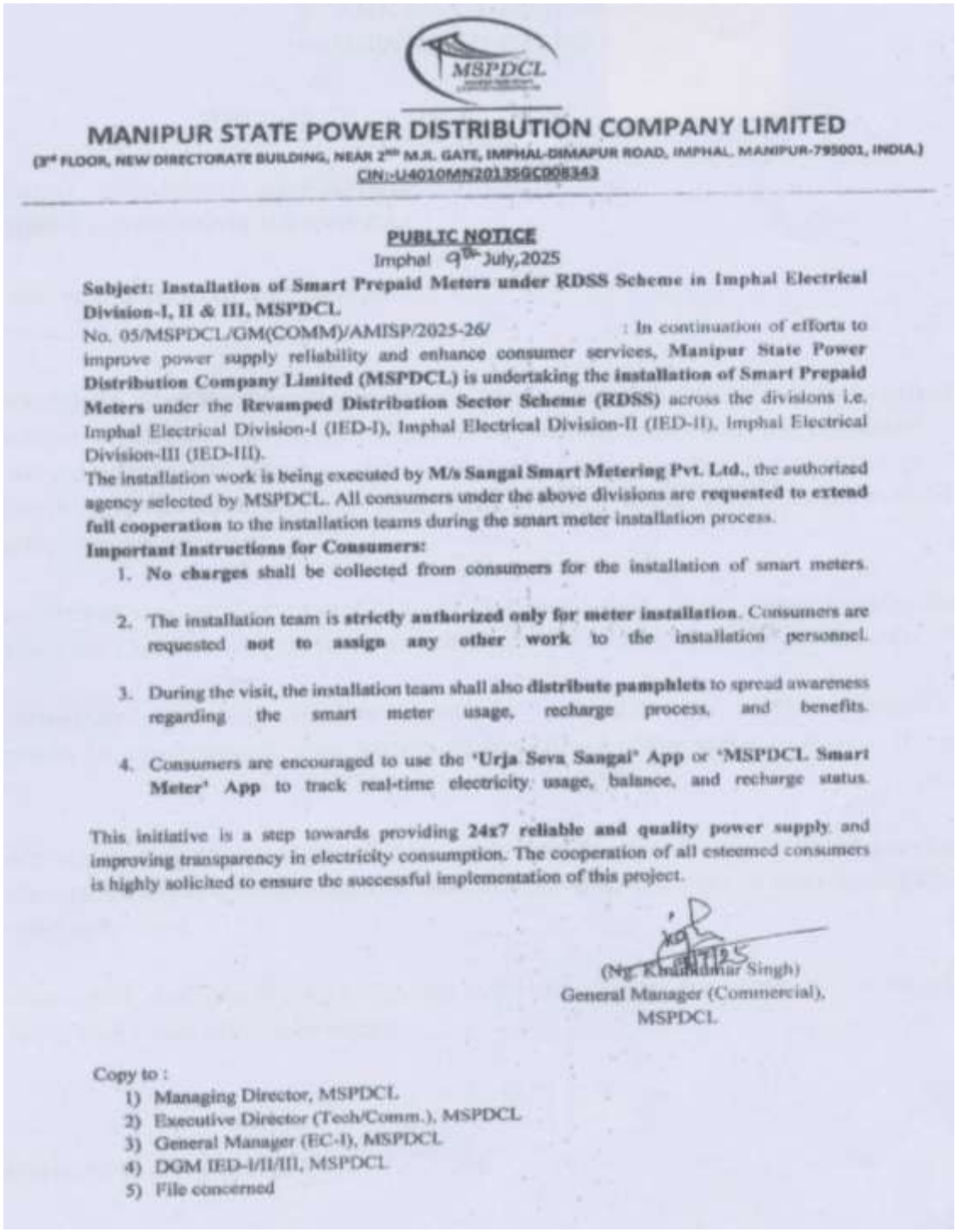
- MSPDCL appeals to all consumers (domestic, commercial, and institutional) to cooperate fully with the Department/Authorised Agencies for successful implementation & installation of Smart Meters.
- The Consumers are requested to keep their premises accessible for installation & cooperate with the Field Staff/Installation Teams.
- Non-compliance, obstruction, or refusal shall be treated as violation of Government orders and punishable under the Electricity Act, 2003, and may lead to immediate disconnection of electricity supply without further notice.

SMART Meters. SMART Consumers. SMART Future.

[7] Learned counsel for PiL petitioners very fairly reiterates that the PiL petitioners are not against installation of Smart Prepaid Electricity Meters but they are only aggrieved by the last bullet point in the afore referred Public Notice which reads as follows :

> ' • Non compliance, obstruction, or refusal shall be treated as violation of Government orders and punishable under the Electricity Act, 2003, and may lead to immediate disconnection of electricity supply without further notice.'

[8] Learned counsel for PiL petitioners submits that non-compliance will not be a case of theft of energy and therefore, it cannot be made a punishable offence under 'the Electricity Act, 2003 (36 of 2003)' {'Electricity Act' for the sake of brevity and convenience} more particularly, in the light of the language in which Section 135 of Electricity Act (captioned '**Theft of Electricity**') is couched. It may not be necessary to dilate more on this as learned counsel draws our attention to an earlier Public Notice issued by MSPDCL being Public Notice dated 9th July, 2025 and scanned reproduction of the same is as follows :



MANIPUR STATE POWER DISTRIBUTION COMPANY LIMITED

(3rd FLOOR, NEW DIRECTORATE BUILDING, NEAR 2nd M.R. GATE, IMPHAL-DIMAPUR ROAD, IMPHAL, MANIPUR-795001, INDIA.)

CIN:-U4010MN2013SGC008343

PUBLIC NOTICE

Imphal 9th July,2025

Subject: Installation of Smart Prepaid Meters under RDSS Scheme in Imphal Electrical Division-I, II & III, MSPDCL

No. 05/MSPDCL/GM(COMM)/AMISP/2025-26/ : In continuation of efforts to improve power supply reliability and enhance consumer services, **Manipur State Power Distribution Company Limited (MSPDCL)** is undertaking the **installation of Smart Prepaid Meters** under the **Revamped Distribution Sector Scheme (RDSS)** across the divisions i.e. Imphal Electrical Division-I (IED-I), Imphal Electrical Division-II (IED-II), Imphal Electrical Division-III (IED-III).

The installation work is being executed by **M/s Sangai Smart Metering Pvt. Ltd.**, the authorized agency selected by MSPDCL. All consumers under the above divisions are **requested to extend full cooperation** to the installation teams during the smart meter installation process.

Important Instructions for Consumers:

1. **No charges** shall be collected from consumers for the installation of smart meters.
2. The installation team is **strictly authorized only for meter installation**. Consumers are requested **not to assign any other work** to the installation personnel.
3. During the visit, the installation team shall also **distribute pamphlets** to spread awareness regarding the smart meter usage, recharge process, and benefits.
4. Consumers are encouraged to use the **'Urja Seva Sangai' App** or **'MSPDCL Smart Meter' App** to track real-time electricity usage, balance, and recharge status.

This initiative is a step towards providing **24x7 reliable and quality power supply** and improving transparency in electricity consumption. The cooperation of all esteemed consumers is highly solicited to ensure the successful implementation of this project.

(Ng. Khaidukpar Singh)
General Manager (Commercial),
MSPDCL

Copy to :
1) Managing Director, MSPDCL
2) Executive Director (Tech/Comm.), MSPDCL
3) General Manager (EC-I), MSPDCL
4) DGM IED-I/II/III, MSPDCL
5) File concerned

Adverting to afore referred earlier Public Notice dated 09.07.2025 issued by MSPDCL, learned counsel submits that there is no mention either about non-compliance being made punishable under Electricity Act or immediate disconnection of electricity supply that too without further notice.

[9] Issue notice.

[10] Mr. Y. Robert, learned State Counsel accepts notice for R1 to R4 and Mr. L. Jeson, learned counsel representing Mr. W. Darakeshwar, learned Sr. PCCG accepts notice for R5. As regards R6 it is a private entity (not an official respondent, it is a private Limited Company) and as this Court is informed that R6 supplies the Smart Prepaid Electricity Meters to MSPDCL, in the light of order we propose to make, we dispense with notice to R6. To be noted, this order which we propose to make will not in any manner touch upon of affect the rights of R6. This is another reason as to why we dispense with notice to R6.

[11] Mr. S. Nepolean, learned senior advocate appearing on behalf of Mr. Y. Robert, learned State Counsel, on instructions {to be noted, (i) Ms. Ambika L, DGM (Legal), MSPDCL (ii) Mr. Waikhom Bailo Singh, DGM (Commercial), MSPDCL and (iii) Mr. Arambam Chingkheinganba, Project Manager, AMISP (Advanced Metering Infrastructure Service Provider) are present in Court} submits that the afore referred last bullet point in the Public Notice will be deleted and the same Public Notice will be reissued without the last bullet point. This gives a quietus the lone issue that is raised and it douses the anxiety of public projected by protagonists of captioned PiL.

[12] In the light of the descoped perimeter within which the captioned PiL now perambulates, with the consent of all the afore referred counsel and senior counsel, main PiL is taken up and heard out in the

Admission Board itself, with the respondents waiving their rights of filing affidavits-in-oppositions.

[13] Captioned PiL is disposed of recording the undertaking given by R2 that last bullet point in afore referred Public Notice will be deleted and republished within a fortnight from today i.e., on or before 18.11.2026. When we write and record that it is an undertaking by MSPDCL we make it clear that it is recorded as an undertaking given to this Court by Managing Director of MSPDCL. Be that as it may, as regards disconnection, it will not be immediate disconnection without further notice but it will be open to State, be it MSPDCL or any other authority concerned to show cause the consumer concerned, give time to respond, consider the response and thereafter, make a speaking order before disconnection or accept the cause shown and give a closure. This also means that the last bullet point in the afore referred Public Notice will stand deleted forthwith without waiting for reissue of the Public Notice.

[14] Before concluding, we deem it appropriate to write that we find that the afore referred Public Notice does not contain a date and it does not mention the name of the authority who is issuing the Public Notice. In this regard, when the Public Notice is reissued without the last bullet point within a fortnight from today, it shall contain the date and it shall be made clear that it is being issued by Managing Director of MSPDCL.

[15] Captioned PiL disposed of in the aforesaid manner with aforesaid observations/directions. Consequently, captioned MC thereat has

become otiose and the same disposed of as closed. There shall be no order as to costs.

JUDGE **CHIEF JUSTICE**

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SHAMURAILA TPAM SUSHIL SHARMA

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