

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4351 OF 2024

Maharashtra State Electricity Distribution Company Limited. ...Petitioner

Versus

Meera Enterprises ...Respondent

Mr. Dheer Sampat, i/b M.V. Kini & Co., for the Petitioner.

Ms. Pramodini Ughade, a/w Mr. Prashant Gaikwad for the Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 27 , 2026

ORDER :

1. Having heard the parties and having examining the record with their assistance, it is apparent that the impugned order simply relies upon the import of the Section 56 (2) of the Electricity Act, 2003 to limit the charge of arrears raised by the Petitioner to the two preceding years after the failure in communication of electricity consumption was detected.

2. The meter in question Was installed in July 2016 and it is in a spot inspection conducted in May 2023 that the discovery of the “***Y phase voltage***” not being recorded in the meter came to light. The

impugned order indeed indicates that the units of electricity have indeed been consumed and yet, simply relies upon Section 56(2) to hold that the arrears could be charged only for the preceding two years. In the instant case, the arrears had been charged for the preceding seven years and the same has been completed by the impugned order.

3. However, on a closer examination, it is seen that the Maharashtra Electricity Regulatory Commission (MERC) Electricity Supply Code and Other Conditions of Supply Regulations, 2005 which too has undergone amendments from time to time has not even been noticed or considered in the process in the course of the proceedings which led to the impugned order. The import of whether or not a different limitation would apply should there be no evidence of tampering or a defect and the issue of whether a meter could set to be faulty at all if it was recording the consumption but only did not communicate the consumption for purposes of billing has not been gone into.

4. In these circumstances, in order to not just arrived at a view in the facts of this case, but to lay down a correct precedent, on when a meter can be set to be faulty within the meaning of the Maharashtra Electricity Regulatory Commission (MERC) Electricity Supply Code and

Other Conditions of Supply Regulations, 2005 (*“Supply Regulations”*) or indeed any other subordinate law governing the subject of the apportionment of liability when consumption of electricity is not accurately communicated. An analysis of when a meter could be said to be faulty or defective would need to be breakdown.

5. In this view of the matter, the Petition is *disposed* of by quashing and setting aside the impugned order, but remanding the matter back to the Consumer Grievance Redressal Forum (*“CGRF”*) under the Electricity Act, 2003 to return specific findings on the implications of various limitations and provisions contained in the subordinate law under the Electricity Act, 2003 with particular regard to the mixed question of fact and law as to whether the meter could be said to be faulty or whether the meter could be said to be faulty.

6. In the aforesaid observations, the impugned order is quashed and set aside by way of remand and the Consumer Grievance Redressal Forum (*“CGRF”*) is requested to consider the matter afresh also dealing with limitations and ingredients set out under supply regulations.

7. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]