BEFORE THE ELECTRICITY OMBUDSMAN, JHARKHAND-RANCHI

(2nd *floor, Sainik Market, Main Road, Ranchi – 834001)*

Present - Nalin Kumar
Electricity Ombudsman

Dated – Ranchi, the 14th day of July' 2026

Appeal No. EOJ/03 of 2026

Subhra Bhowmik

…….. Appellant

Versus

1. Jharkhand Bijli Vitran Nigam Limited through its Managing Director, Office at Engineers Building, H.E.C. Township, P.O. & P.S. Dhurwa, District Ranchi 834004.
2. General Manager-cum- Chief Engineer, Electric Supply Area, Ranchi, Kusai Colony, Doranda, Ranchi 834002.
3. Electrical Superintendent Engineer, Electric Supply Circle, Ranchi, Kusai Colony, Doranda, Ranchi 834002.
4. Electric Executive Engineer, Electric Supply Division, Kokar, Ranchi.
5. Assistant Electrical Engineer, Electric Supply Sub-Division, Lalpur, Ranchi.

…….. Respondent(s)

For the Appellant	:	Mr. Nipun Bakshi, Adv.
	:	Mr. Sushanan, Adv.
For Respondent	:	Mr. Mohan Kr. Dubey, Standing Counsel
	:	Mr. Utpal Kant, Adv.

(Arising out of Judgement/Order dated 6.1.2026 passed in Case No. 02 of 2025 by the learned VUSNF, Ranchi)

J U D G E M E N T

1. The present appeal has been preferred by the petitioner/appellant against the Judgement/Order dated 6.1.2026 passed in Case No. 02 of 2025 by the Learned VUSNF, Ranchi by which the impugned demand of the disputed period has been set aside and respondent Distribution Licensee has been directed to reassess the demand for the disputed period strictly in accordance with law and in terms of its order, and any recoverable amount shall be communicated through a reasoned bill, without retrospective levy of DPS or penal charges. It is also held in the impugned order that based on the MRI test the meter is held not defective. The learned Forum below while deciding the issues framed by him has also held that;

i) Electricity consumed during June 2020-2022 does not become non-payable merely due to billing lapses. However, respondent cannot enforce lump sum retrospective recovery by invoking Disconnection Notice under Section 56 of Electricity Act, 2003, which is beyond the period of two years.

ii) New substantive relief and fresh cause of action introduced solely through written submission cannot be granted as written submission cannot enlarge the scope of pleadings.

2) i) Pursuant to filing of appeal and issuance of notice, the respondent Distribution Licensee has filed three sets of counter affidavits. The first set of counter affidavit dated 14.5.2026 admits that the appellant is the consumer having Consumer No. P 1469 with sanctioned load of 1 KV. On 25.6.2025 the appellant's outstanding dues was Rs. 186,756/-. The appellant's old meter reads 45551 on 14.11.2025 and its final reading was 16016 on 15.12.2025 when it was changed and a new meter was installed. On 1.1.2026 the new meter reading was recorded 114.43 KWh. The affidavit gives details of the meter reading of smart meter for the subsequent months till 1 May 2026 and submits that as on 1.5.2026 the appellant is liable to pay Rs. 2,22,476/-.

ii) Pursuant to filing of the above counter affidavit vide order dated 14/05/26 this Forum has directed the counsel for JBVNL to file a compliance report in terms of the impugned order and accordingly on 25/06/2025 a supplementary counter affidavit dated 26/06/26 has been filed, wherein an objection has been raised that the Appellant must deposit 50% of the disputed bill amount as a precondition to hearing of this appeal annexing copy of the provisional bill issued on 23/06/2026 in compliance to the order of learned VUSNF in case no. 02/25 dated 07/01/2026. It is disclosed that the appellant has to pay, as per the dues upto May 2026, Rs. 1,90,630/-. It is disclosed that the above figure has been arrived at, after subtracting the amount of DPS or penal interest from the disputed bill.

iii) Rejoinder to the Supplementary Counter Affidavit has been filed on 09/07/2026 on behalf of the appellant wherein it has been highlighted that the respondent distribution licensee in the provisional bill dated 23/06/2026 has not disclosed any particulars, calculation, breakup or the method of reading adopted and has computed an arbitrary amount of Rs. 1,90,630/- simply waiving the DPS of Rs. 33,739/-. It is submitted that such non – speaking bill has failed the direction of the learned Forum below which speaks about coming to a reasoned decision and issue a reasoned bill.

iv) In view of the objection above raised this Forum vide order dated 09/07/2026 directed the Respondent JBVNL to furnish a detailed breakup of the entire bill amount dated 23/06/2026 and also to clarify whether the amount of Rs. 50,000/- already deposited by the Appellant has been adjusted or not.

v) On 14/07/2026 another supplementary counter affidavit has been filed on behalf of the Respondents in compliance of the order dated 09/07/2026 where in it has been mentioned that :

a) Upon examination of the billing history of the consumer P1469, it transpires that from August 2020 till Dec 2022 the consumer's premises could not be for actual meter reading owing to meter status recorded as **"Door locked"**. Consequently, during this period monthly bills were generated on provisional average consumption.

b) The bills were revised based on check reading supplied by AEE, Lalpur vide letter no. 39 dated 01/03/2023. In the following paragraph a table shows net payable amount as on 01/07/2026 as Rs. 1,88,293.59/-. It is categorically mentioned that the annexures, to be a photocopy of an official consumer ledger maintained by the respondents categorically reflects adjustment of all the amounts deposited by the consumer/ appellant including Rs. 50,000/- deposited on 30/11/2023.

Submissions on behalf of the Appellant :

3) Heard Mr. Nipun Bakshi, Advocate assisted by Mr. Sushanan. Learned Counsel categorically submits that he would be confining his submissions and prayers only with respect to the prayer made in the Consumer Case No. 02 of 2025 before learned VUSNF, Ranchi which was filed for quashing the disconnection notice vide Letter No. 616 dated 11/11/2023 under Section 56 of the Electricity Act 2003 raising an arbitrary outstanding amount of Rs. 1,22,126/- as arrear to be paid by the appellant. Learned Counsel highlighted serious anomalies in the entries made in Annexure A attached with the Affidavit dated 14/07/2026 which is said to be copy of the consumer ledger of the appellant. It is highlighted that admittedly the mandatory requirement as prescribed in Regulation 9.3.7 , 9.3.8 of the JSERC (Electricity Supply Code) Regulations,2015 has not been followed and the respondents are taking a false plea that the appellant's residential premises was locked during July 2020 to Nov 2022. Question has also been raised on the alleged check reading of new meter provided by AEE/Lalpur vide Letter No. 39 dated 01/03/2023 which shows 20208 KWh while the ledger entry in Annexure A dated 14/12/2022 shows the meter reading of 33490 KWh. Learned council emphasize that the so called MRI of the old "meter" was done during the pendency of the consumer Case No. 02 of 2025 on 13/09/2025 and that too behind the back of Appellant. It is highlighted that the MRI reading cannot be considered for raising the previous bills for more than 6 month's period, whereas in the present case it appears that the said MRI report has been made basis of raising previous bills for more than 2 years which is legally unsustainable. It is also pointed out that only during the pendency of this appeal, that too after order of this Forum, an illegal provisional bill dated 23/06/2026 (Bill No. 05/26) has been raised, on that basis the appellant can't be compelled to deposit 50% of the bill amount as a precondition for further hearing of the appeal. He prays for allowing the appeal.

Submission on behalf of the Respondents

4) Heard Mr. Mohan Kr. Dubey, Standing Counsel assisted by Mr. Utpal Kant, Adv. on behalf of the respondent distribution licensee JBVNL. Learned Counsel elaborately placed all the three counter affidavits above discussed and emphatically submits that vide Annexure A to the counter affidavit dated 14.7.2026, full and final compliance of the order passed by learned Forum below has been made, and, in case, if, the appellant has any grievance she may approach the learned Forum below afresh. Much emphasis has been laid on payment of 50% of the bill amount, raised during pendency of this appeal, as a precondition for further hearing of this appeal. Learned counsel prays for dismissal of this appeal.

Discussion and Finding:

5) Let us first decide the maintainability/continuance of the present appeal in absence of the payment of 50% of the bill amount dated 23.6.2026 raised during the pendency of this appeal. Regulation 15 of JSERC (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers, Electricity Ombudsman and Consumer Advocacy) Regulations,

2020 which provides for appeal/representation before Electricity Ombudsman reads as follows:

15. Appeal/Representation

Any consumer aggrieved by an order made by the Forum(s) may prefer an appeal/representation against such order to the Electricity Ombudsman within a period of thirty days from the date of the receipt of the order, in such form and manner as may be laid down in these Regulations.

Provided further that the Electricity Ombudsman may entertain an appeal after the expiry of the said period of thirty days if sufficient cause is shown for not filing the appeal within that period; but not exceeding a maximum period of 60 days from the date of receipt of the order.

Provided, further that the Electricity Ombudsman shall entertain no appeal by any consumer, who is required to pay any amount in terms of an order of the Forum, unless the consumer has deposited in the prescribed manner, at least fifty percent of the amount or furnish such security in respect thereof as ordered by Ombudsman.

A plain reading of ***2nd Proviso of the Regulation*** above quoted categorically mentions that the appeal by any consumer shall not be entertained by Electricity Ombudsman only when he is required to pay any amount in terms of an order of the forum and unless he has deposited at least 50% of the amount or furnishes such security. In this case the consumer/appellant was not required to pay any amount to the respondent distribution licensee as per the order of the learned Forum and admittedly the provisional bill dated 23.6.2026 has been raised during pendency of the appeal. In that view of the matter the respondent's objection regarding 50% of the provisional bill amount, for continuance of the appeal, is not sustainable in the eyes of law and is accordingly rejected. This appeal is maintainable in its present form.

6) As far as raising part bills on the basis of MRI is concerned, the learned Forum below, while placing reliance on the same has held that the meter in question on which MRI was done during the pendency of the consumer case before the learned Forum below and on the basis of which he has given the finding that the meter is not defective; can be used upto a maximum of 6 months prior to the MRI and not before that. In the instant case as would be evident from Annexure A (Consumer Ledger) the MRI done on 13.9.2025, seems to have been used for raising part bills at least upto March 2023, which is completely illegal and gross violation of settled laws.

7) Surprisingly upon scrutiny of Annexure A, copy of the consumer ledger of the appellant shows present meter reading on 14.12.2022 as 33490 KWh, but on the subsequent page for bill issued dated 12.10.2023 i.e. after almost 10 months; it got reduced to 28992 KWh. Normally with subsequent consumption of electricity in due course of time the meter reading increases but surprisingly it has decreased in this case.

8) Throughout the pleadings of both the parties before the learned Forum below as well this Forum there is mentioning of only two changes of meter to consumer appellant's connection, the first one in March 2020 and the second one on 15.12.2025, which is a smart meter. There is no mention of any 3 rd meter and MRI of the old meter has been done by the respondents on 13.9.2025 during pendency of the consumer case, which has been taken note of by learned Forum below also. However surprisingly in Annexure A after mentioning that till 14.12.2022, bills have been raised on the basis of average of 110 units per month's consumption considering the status of the meter on the basis of **"Door locked"**, in the following line it is mentioned that the bill has been revised on 02/2023, by reading of new meter provided by AEE, Lalpur vide Letter No. 39 dated 1.3.2023 which is 20,208 KWh. Thereafter the bill has been revised to Rs. 89,057/-. The details of this meter as well as the reading between the period 14.12.2022 to 12.10.2023 is missing. In view of this Forum, no reliance can be placed on the consumer ledger (Annexure A), which has been maintained in most unscientific and arbitrary manner, leaving the scope for manipulation and tempering. Moreover, nowhere throughout the pleading of the parties, there is any whisper about installation of any 3rd meter vide Letter No. 39 dated 1.3.2023 of AEE, Lalpur. This Forum proposes not to place reliance on such unreliable and unscientific ledger entries.

9) ***Regulation 10.7.2 & 10.7.3 of Electricity Supply Code 2015*** reads as follows:

10.7.2 If no additional information is required from the consumer, the Distribution Licensee shall resolve the consumer's complaint and dispatch the result to the consumer within 2 days of receipt of the complaint. In case, any additional information is required, the same shall be obtained, the issue resolved and result dispatched to the consumer within 7 days of receipt of the complaint. However, if the consumer does not provide information on time, the Distribution Licensee shall not be

held liable for the consequent delay. <u>Till the complaint on the bill is resolved, the consumer shall pay the amount equal to the sum claimed from him or based on average consumption of last three consecutive undisputed bills, whichever is less. Amount so recovered shall be subject to final adjustment on resolution of the complaint.</u>

10.7.3 If the complaint is found to be correct by the Distribution Licensee, a revised bill shall be issued within 5 working days of dispatch of intimation of the same to the consumer. The consumer shall make the payment within 15 days from receipt of the revised bill. The consumer shall not be charged any late payment surcharge if the payment is made by the revised due date.

Regulation 9.3.6 and 9.3.7 of JSERC (Electricity Supply Code) Regulations, 2015 reads as follows:

9.3.6 <u>In case, for any reason, the meter is not read during a billing cycle the Distribution Licensee shall prepare a provisional bill based on the average consumption of last three billing cycles when readings were taken.</u> Such provisional billing shall not continue for more than two billing cycles at a stretch, and the Distribution Licensee shall not generate more than two provisional bills for a consumer during one financial year. The amount paid as per the provisional bill shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycles.

9.3.7 <u>If the meter is rendered inaccessible on two consecutive meter reading dates, a notice shall be issued to consumer to keep the meter</u>

accessible for reading on the date (at least 7 days after the date of notice) and time specified in the notice.

10) Applying the above quoted Regulations on the facts of the present case, and going by the admitted facts, there is no dispute that the consumer/appellant was never issued a notice in terms of Regulation 9.3.7, after her meter was rendered inaccessible in two consecutive meter reading dates; nor in terms of Regulation 9.3.6 he was provided with a provisional bill based on last three billing cycles. Instead, an average billing based on the meter status was made and that too was revised exorbitantly on the basis of a third meter, which as per the pleading on the record never existed.

Similarly Regulation 10.7.2 mandates that upon consumer complaint till the dispute on the bill is resolved, the consumer shall pay amount equal to the sum claimed from him or based on average consumption of the last three consecutive and undisputed bills, whichever is less. The amount so collected is subject to final adjustment on resolution of the complaint. The mandate of law as per these regulations has not been followed by the respondent Distribution Licensee.

Order:

11) In view of the discussion and finding abovementioned, both factual as well as legal, the impugned order dated 6.1.2026 passed in Case No. 02 of 2025 by learned VUSNF, Ranchi is modified to the extent as ordered below. The respondent JBVNL authorities are directed to –

i) Issue fresh bill for the consumer/appellant (P 1469) for the period July 2020 till 14.12.2022 in terms of Regulation 9.3.6 of JSERC (Electricity

Supply Code) Regulations, 2015 as admittedly they have not followed the Regulation 9.3.7, i.e. issuing notice to the consumer.

ii) As far as the bill for the subsequent period i.e. after 14.12.2022 till 13.3.2025 is concerned, the bills shall be raised on the basis of mandate of Regulation 10.7.2 of the Supply Code, 2015 which provides for raising the bills on the basis of average consumption of last three consecutive undisputed bills.

iii) The bill between 13.3.2025, till installation of new meter on 19.12.2025 may be raised on the basis of MRI reading, as the same is valid only for six months, as far as the previous billing is concerned.

iv) The respondent authorities shall adjust the entire amount already paid by the consumer/appellant and admitted vide Annexure A (Rs. 14,500/- on various dates between 14.12.2020 to 4.7.2022 and Rs. 50,000/- on 30.11.2023) and raise a final bill thereafter within a period of two months of passing of this order.

Let a copy of this order be sent to the learned VUSNF, Ranchi as well as all the parties.

Sd/-
Electricity Ombudsman