**Date:** 8.5.25

**Ref:** 142-110 / MERC / section 163 Electricity act cannot be applied / Sadguru Café smart meter trespassing contradiction folder and file

**To:**
The Chairperson
Maharashtra Electricity Regulatory Commission (MERC)
Mumbai

**CC:**

1. General Manager, BEST Undertaking
2. CEO, Adani Electricity
3. CEO, Tata Power
4. MD, Mahadiscom
5. Principal Secretary – Energy Department
6. DCP Zone 1 and Addl CP South Region
7. Hon. CM and Dy. CM, Government of Maharashtra
8. CAG, Maharashtra

**Subject:**

**Sub: challenging the use of section 163 of Electricity act by issuing notices which are illegal and contents being false and concealing truth, without replying to citizens queries and not meeting alert citizens under live video recording.**

 **Reg: Hon. MERC has protected the illegal activities and violated every procedure to be followed by Quasi-Judicial authority**

**1. Preliminary Objection – Misuse of Section 163 of Electricity Act for Illegal Smart Meter Installation**

1.1 Section 163 of the Electricity Act, 2003, was designed for a regime where electricity companies needed to physically access consumer premises for inspection, meter reading, or disconnection. It was **never meant to permit remote-controlled manipulation** of metering devices—especially in an environment where **consumers have no physical access, no technical control, and no recourse** to verify the actions of the licensee.

1.2 Today, this provision is **being arbitrarily and illegally invoked at the whims and fancies of electricity companies** to justify **forcible installation of smart meters** through **illegally worded and defective notices**. These notices often do not bear consumer names or meter numbers, do not cite legal provisions correctly, and make **false claims of “free installation”** while hiding hidden cost recovery through tariff hikes.

1.3 There are already **multiple complaints across Mumbai and Maharashtra regarding inflated smart meter bills**, with **no proper grievance redressal offices in local areas**. Consumers are forced to travel long distances, stand in queues, and suffer repeated harassment to correct **errors caused solely by faulty meters or backend manipulations by the electricity company**.

1.4 The **cost difference itself proves mala fide intent**:

* MSEDCL: ₹4000 per smart meter
* BEST: inflated to nearly ₹16,000 per smart meter (Rs. 1303 crore to Rs. 1720 crore),
without explanation, technical justification, or tender transparency.

1.5 Further, there is **no certification from the Metrology Department**, which proves dishonest intent and opens the door to **remote manipulation, inflated billing, and consumer exploitation**.

1.6 Therefore, **Section 163 cannot be invoked to validate an illegal act**, especially when:

* It violates consumer choice and consent;
* It facilitates remote interference without safeguards;
* It conceals critical cost, billing, safety, and environmental impacts;
* And when the licensee has no legitimate ground for invoking emergency powers in high-efficiency, low-loss urban areas.

**2. Refusal to Meet Alert Citizens and Avoidance of Public Hearing.**

2.1 Despite **multiple written requests**, neither MERC nor BEST have arranged a **video-recorded public meeting** or answered even **basic queries**.

2.2 No democratic government authority can operate through **arbitrary silence**, especially when public health, financial safety, and legal rights are at stake.

2.3 There are several RTI and clarification pending from the side of BEST and MERC. ( other companies also)

**3. Contradictions in Cost, Timeline, and Approvals**

3.1 BEST began smart meter installation **before obtaining MERC's in-principle approval**, in clear **violation of law**. Approval dated 9.1.2024 is **after** installation contracts were executed in **2022**.

3.2 Cost inflated from ₹600 (electronic meter) → ₹4000 (MSEDCL smart meter) → ₹16,000 (BEST smart meter), **without any technical justification** or cost-benefit study.

3.3 Proposal to collect ₹0.40–₹0.60 per unit as **O&M for smart meters** for 90 months results in ₹2000–₹3000/month recovery per small time consumer —**over ₹1.5 lakh recovered** for one-meter costing ₹6000.and multi-folds with high ended consumers. This is **cheating and exploitation**.

**4. Disobeying Government Orders – Installation in Low-Loss Areas Instead of Agricultural Sector**

4.1 RDSS policy clearly mandates smart meters in areas with 15–40% AT&C losses, not in cities where losses are under 3.5%. The RDSS policy to install the smart meters is applicable only to government Discoms only.

4.2 In **Mumbai**, losses are:

* BEST – 3.5%
* Tata – 1%
* Adani – 5.9%
Yet meters are being forced on urban consumers with **no arrears and no theft**.

4.3 In contrast, **agricultural sector**, where losses are up to **40%** and arrears are **₹43,000 crores**, is **exempted** through a **specific Government Gazette** and **statement by Dy. CM Devendra Fadnavis**. In his reply to MLA Bhai Jagtap on the floor of Assemble he also assured that the smart meters shall be installed only in feeders, sub-stations and government offices

4.4 This proves **malafide intention**: avoiding powerful rural lobbies and targeting voiceless urban shopkeepers, elderly citizens, and households.

**5. Public Deceit and Violation of Transparency Norms**

5.1 Notices are **generic**, do not mention consumer or meter number, falsely claim installation is free, and **hide TOD, prepaid billing, surge pricing**, and **fire/electromagnetic risks**.

5.2 There is **no certification** from Weights & Measures or Metrology Department. Many bills show **300–400% inflation**, with clerks reducing them arbitrarily—**open admission of fraud**.

5.3 **No environment clearance**, **no fire audit**, and **no study** on how crores of removed meters will be disposed. Smart meters require **24x7 internet + high voltage**, increasing **radiation and fire risk**, especially in dense residential buildings.

**6. Violations of Law, Policy, and Fundamental Rights**

* 1. MERC and BEST have violated:
1. Electricity Act Sections 55, 61, 62, 86
2. Justice Daga’s binding ruling on speaking orders in WP 4101 of 2007.
3. Article 14 & 21 (Right to Equality and Life)
4. RTI Act Section 4 (mandatory disclosure)
5. Maharashtra GRs and Central RDSS eligibility norms
6. IPC Sections: 409, 420, 406, 120B, 441, 465, 468, 477A
7. Essential Commodities Act – violation of consumer rights

**7. Demands for Legal and Public Action**

7.1 Withdraw all installations under RDSS where losses are less than 12%
7.2 Cancel orders and contracts awarded prior to MERC approval. Police investigation for the illegal approval obtained and given to implement RDSS
7.3 Direct BEST, Adani, Tata, and MSEDCL to **restore electronic meters** wherever forcibly removed
7.4 **Publicly publish** cost breakdowns, tenders, safety certifications, radiation studies, fire risk assessments
7.5 Initiate prosecution of all officers and vendors involved in:

* Issuing false notices
* Misleading cost claims
* Installing meters’ ineligible under policy
* Ignoring environmental and fire safety norms

**If these illegalities are not rectified within 7 days**, it shall be presumed that the allegations have been admitted. Criminal complaint and PIL under Article 226 and Section 154(1) CrPC shall be filed.

Please educate me if my submission is incorrect.

**Jai Hind**