

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

(Appointed by the Maharashtra Electricity Regulatory Commission  
under Section 42(6) of the Electricity Act, 2003)

**REPRESENTATION NO.18 OF 2026  
(REVIEW OF THE ORDER IN REPRESENTATION NO. 98 OF 2025)**

In the matter of request by landlord to permanently disconnect the electric supply

Anoop D. Khanna & Praful H. Shah ..... Applicants  
(Con. Nos. 152145289, 152311446 & 152311439)

V/s.

Adani Electricity Mumbai Limited. (AEML).....Respondent No. 1

Mr. Gladson Imanuel Soans and Mrs. Mohni Gladson Soans ... .. Respondent No. 2

Appearances:

Applicants : 1. Praful Shah  
2. Kapil Shah

Respondent No.1: 1. Mritunjay Kumar Jha, Nodal Officer, AEML  
2. Sukrut Karjatkar, DGM, AEML

Respondent No.2: Mr. Gladson Imanuel Soans


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 6<sup>th</sup> April 2026

Date of Order: 13<sup>th</sup> April 2026

**ORDER**

This Review Application was registered on 25<sup>th</sup> February 2026 under Regulation No. 22.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) for review of the Order dated 30<sup>th</sup> January 2026 (the impugned order) passed in Representation 98 of 2025

  
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by the Electricity Ombudsman (Mumbai). The grievance of the Applicant was rejected in the original representation.

2. Aggrieved by this impugned order, the Applicant has filed this Review Application. An e-hearing was held on 6<sup>th</sup> April 2026 through video conference. Parties were heard at length.

3. A preamble of the case is as below: -


**Preamble:**

- (i) The Applicants, Praful Harakhlal Shah and Anup Khanna, are the lawful owners of commercial premises (Shops 7, 11 & 12) at RNA Liberty CHS Ltd., Mira Road (East). The premises are given on rent to one common tenant, and are being used for running a salon.
- (ii) There is an ongoing civil dispute in the court of law between landlord and tenant. The present matter arises from the alleged illegal reconnection and continued electricity supply to the premises despite explicit surrender of meters by the owners. Three electricity connections exist at the premises, particulars whereof are as under:

Table 1:

Sr. No.	Name of Consumers	Consumer No.	Address on Bill	Sanctioned Load	Tariff Category	Consumption Pattern
1	Praful Harakhlal Shah	152145289	Shop 7, Unit No. R6, RNA Liberty Apartment, near Vijay Park, Meera Road (E), opp. RNA Broadwat, Thane	0.68 KW	LT II (A)	150 to 300 units per month
2	Anoop Khanna	152311446	Shop 11, Unit No. R6, RNA Liberty Apartment, near Vijay Park, Meera Road (E), opp. RNA Broadwat, Thane	0.68 KW	LT II (A)	300 to 800 units per month
3	Anoop Khanna	152311439	Shop 12, Unit No. R6, RNA Liberty Apartment, near Vijay Park, Meera Road (E), opp. RNA Broadwat, Thane	0.68 KW	LT II (A)	350 to 850 units per month

- (iii) The Applicants contend that Respondent No. 2, the tenant has been occupying the above Shop Nos. 7, 11 and 12 since 2016 and, without the Applicants' consent or statutory approval, unlawfully merged the premises and carried out unauthorized alterations, including a front-side extension, which was demolished by the Mira Bhayander Municipal Corporation on 12.06.2025. They have repeatedly breached tenancy

  
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conditions, including non-payment of rent and encroachment, and do not hold any valid subsisting tenancy or authorization for electricity use.

- (iv) By letter dated 17.06.2025, the Applicants, who are trying to evict the tenant, sought permanent disconnection of electricity to all three shops and requested that no reconnection or fresh supply be granted to any third party without their consent. Accordingly, Respondent No. 1 disconnected supply on 19.06.2025. Records showed regular consumption with no dues. Inspection confirmed Respondent No. 2's occupation, no safety risk, and salon activity; hence supply was restored on 20.06.2025.
- (v) **Respondent No. 2 has filed a Civil Suit No. 1469 of 2025 before the Civil Court at Mira Road. By order dated 28.10.2025, the Court directed the parties to maintain status quo.**
- (vi) The following issues raised for determination.

***Issue 1: Whether Respondent No. 2 is the occupier of the subject shops in the premises?***


➤ *There is no dispute that the subject shops have been occupied by the Respondent No. 2 since the year 2016 under a Leave and Licence Agreement. However, the parties are silent on whether the said agreement has been renewed from time to time. Upon inspection of the premises, the Respondent observed that a salon business is being carried on therein by Respondent No. 2, who is in actual occupation of the subject shops. Accordingly, Issue No. 1 is answered in the **Affirmative**.*

***Issue 2: Whether the Applicants, being the owners, are entitled to seek disconnection of electricity supply to the tenant despite regular payment of electricity bills by the tenant?***

➤ *Once the Applicants entered into a tenancy arrangement and the tenant became a settled occupier of the premises, the Applicants are not entitled to seek disconnection of electricity supply, particularly when the tenant is regularly paying the electricity bills. Accordingly, the Issue is answered in the **Negative**.*

***Issue 3: Whether the occupier of the premises is entitled to electricity supply as a basic amenity upon regular payment of electricity charges, irrespective of disputes with the owner of the premises?***

➤ *The Respondent No.1 relies upon and produces herewith the judgment dated 19.12.2022 of the Hon'ble High Court of Punjab & Haryana at Chandigarh in Om Prakash v. Balkar Singh & Others. The relevant quote is reproduced below: Admittedly, respondent No.1 has filed a suit for possession of the suit property along with recovery of mesne profits, which is still pending adjudication, therefore, the*

  
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question as to whether the petitioner is an illegal occupant of the suit property or not, or as to whether he is liable to be evicted or not, would be a matter of trial. The fact of the matter is that the petitioner is in possession of the suit property and still further his eviction has not yet been ordered by a competent Court of law.


It cannot be over-emphasized that electricity being a basic necessity, is an integral part of right to life as enshrined under Article 21 of the Constitution of India. Therefore, as long as the petitioner is in possession of the suit property, he cannot be deprived of electricity.

- It is clearly stated that Pending civil disputes do not justify disconnection of electricity to an occupant in possession, as electricity is a basic amenity protected under Article 21, subject to regular payment of dues. So long as possession subsists and eviction is not ordered by a competent court, an occupant cannot be deprived of electricity, it being an essential facet of the right to life under Article 21. Issue 3 is answered as **Affirmative**.

**Issue 4: Whether the present owner-occupier dispute is maintainable before this Forum, in view of the civil suit filed by the tenant seeking protection against dispossession?**

- In *Moreshar Yadarao Mahajan vs. Venkatesh Sitaram Bhedi (D) Thr. Lrs. & Ors. (Civil Appeal Nos. 5755–5756 of 2011, decided on 22.09.2022)*, the Hon'ble Supreme Court reiterated that disputes relating to title, possession, and landlord–tenant relationships fall within the exclusive jurisdiction of Civil Courts. The Court held that summary or special forums cannot adjudicate complicated questions of ownership or possessory rights, particularly where civil remedies have already been invoked. It further emphasized that parallel proceedings before different forums on the same cause of action should be avoided, especially when a civil suit concerning possession or dispossession is pending. The judgment reaffirmed that protective reliefs such as injunctions against dispossession are matters to be decided by Civil Courts alone and cannot be indirectly adjudicated by statutory or quasi-judicial authorities, which must strictly confine themselves to the jurisdiction conferred upon them by law.
- The Schedule B itself clearly stated in 13. DECLARATION as
- (d) The Subject matter of the present representation has not been decided by any competent authority /court/ arbitrator, and is not pending before any such authority /court/ arbitrator.
- However, the Applicants did not disclose that the Respondent No. 2 has filed Regular Civil Suit No. 1469 of 2025 before the Civil Court at Mira Road against the Applicants. Accordingly, the Issue is answered in the **Negative**.

(vii) The Forum has passed a reasoned and speaking order. The Applicants' original representation was accordingly rejected.

  
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4. The Applicants have filed this Review representation challenging the impugned order passed by the Electricity Ombudsman (Mumbai). The submissions and arguments of the Applicants are as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes'.]*


- (i) The Respondent No. 2, a tenant since 2016, has unlawfully merged the three shops into a single unit and carried out unauthorized structural alterations, including extension of the front portion, which was subsequently demolished by the Municipal Corporation. Respondent No. 2 has also committed repeated breaches of tenancy conditions, including non-payment of rent and encroachment. Continued electricity supply to such unauthorized occupation exposes them to financial liability, inflated dues, safety hazards, and potential legal consequences. They have no valid subsisting tenancy or authorization to use electricity. The Applicants, by letter dated 17.06.2025, exercised their right under Regulation 4.17 of the MERC Supply Code & SoP Regulations, 2021 and sought permanent disconnection of supply, with a specific request not to grant reconnection without their consent. Pursuant thereto, electricity supply was disconnected on 19.06.2025. However, the Respondent illegally connected the supply on 20.06.2025.

**Discovery of New Evidence; Procedural Irregularity:**

- (ii) The Applicants seek review of the impugned Order dated 30.01.2026 under Regulation 22.1 of the CGRF & EO Regulations, 2020 on account of errors apparent on the face of the record and subsequent discovery of material facts evidencing procedural irregularities and violation of the MERC Supply Code & SoP Regulations, 2021.

**Evidence of Administrative Bias – Disproportionate Timeline:**

- (iii) The Electricity Ombudsman failed to consider the manifest disparity in the actions of Respondent No. 1, evidencing administrative bias. The disconnection of the owner's supply, though requested on 17.06.2025, was executed on 19.06.2025 (within approximately 72 hours). In stark contrast, the reconnection sought by Respondent No. 2 on 20.06.2025 was effected within 30 to 60 minutes of office opening. Such extraordinary haste clearly indicates that Respondent No. 1 bypassed mandatory

  
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requirements of document verification and site inspection, as prescribed under Regulation 5.3 of the MERC Supply Code & SoP Regulations 2021, particularly when the premises had been partially demolished only days earlier.

**Non-Disclosure of Crucial Records by Respondent No. 1:**


- (iv) The Applicants state that a Formal Disclosure Request dated 23.02.2026 was served upon Respondent No. 1 seeking production of the Site Inspection Report and the Registered Partnership Deed/Agreement relied upon for effecting reconnection on 20.06.2025. The refusal of Respondent No. 1, vide communication dated 04.03.2026, to furnish the said documents, clearly establishes lack of due diligence and supports the inference that no valid “Proof of Lawful Occupation” existed at the relevant time.

**Expired Leave & License Agreement – Absence of Lawful Occupation:**

- (v) Contrary to the observation in the impugned Order that the status of occupation was “silent,” the Applicants place on record the Registered Leave & License Agreement, which expired in August 2023, along with the subsequent Eviction Notice. In the absence of any registered renewal, Respondent No. 2 had no lawful entitlement to occupy the premises. Therefore, the grant of electricity connection within an unusually short time frame, without verification of lawful occupation, constitutes a clear violation of Regulation 4.10 of the the MERC Supply Code & SoP Regulations, 2021.

**Pre-existing Cause of Action – Irrelevance of Subsequent Civil Suit:**

- (vi) The finding in the impugned Order that the matter is sub-judice is erroneous. Surrender of the meters on 19.06.2025 was a concluded administrative act, arising from termination of contractual arrangements prior to initiation of any civil proceedings. A subsequently filed civil suit cannot be relied upon by Respondent No. 1 to justify an earlier procedural illegality or regulatory breach.
- (vii) The Applicants, by rejoinder dated 11.03.2026, submitted that Respondent No. 1, vide letter dated 04.03.2026, refused to disclose the Site Inspection Report and Partnership Deed sought on 21.02.2026 on untenable grounds of “third-party privacy,” despite the Applicants being the registered consumers and lawful owners. Such refusal amounts to suppression of material records, preventing scrutiny of the impugned “60-minute” reconnection. Further, Respondent No. 1’s statement that it does not verify such issues

  
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constitutes a clear breach of Regulation 4.10 mandating verification of lawful occupancy; the license having expired in 2023, the present occupation is prima facie unlawful.

- (viii) In view of the foregoing, the Applicants pray that this Authority may be pleased to:
- (a) Review and recall the Order dated 30.01.2026;
  - (b) Direct Respondent No. 1 to produce the Site Inspection Report and documentary proof of lawful occupation relied upon for granting reconnection dated 20<sup>th</sup> June 2025; and
  - (c) Set aside the said reconnection as being in violation of the applicable regulations and contrary to the Applicants' prior preventive notices.

*[Note: During the hearing the Applicant asked the Respondent No. 1 if they would hold him liable for payment, in case Respondent No. 2 left the premises in future with heavy outstanding electricity dues. The Respondent No. 1 clarified this in the affirmative as per law. At the same time, they assured that in case dues remain unpaid beyond the deposit amount, they would be prompt in disconnection, while following the required legal procedure, in order to ensure that the Applicant is not burdened by unnecessary liabilities of the tenant in future, in case he vacates the premises. On this point the Respondent No. 2 responded by saying that he would continue to be prompt in paying his electricity bills in order to avoid disconnection, as it is in his interest to do so.]*

5. The Respondent No. 1's submissions and arguments are stated as below:


- (i) The present Review Application filed by the Applicants, assailing the final Order passed by the Electricity Ombudsman in Representation No. 18 of 2026, is wholly devoid of merit and not maintainable in law. The Applicants have failed to demonstrate any error apparent on the face of the record in the impugned order, nor have they disclosed any new or important matter or evidence warranting review. Hence, the present application deserves to be dismissed. The present Review Application is unsustainable, as all material facts pertaining to the disconnection/reconnection have already been placed before this Hon'ble Authority. It is submitted

  
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that the scope of review is limited to correction of an error apparent on the face of the record or to prevent grave injustice, and cannot be invoked as an appeal in disguise. The Applicants cannot, under the guise of review, be permitted to re-agitate or re-argue issues that have already been considered and decided by this Hon'ble Authority. All issues raised by the Applicants have already been duly addressed in the reply and during arguments before this Hon'ble Authority. In the present Review Application, the Applicants have failed to point out any new facts or any error apparent on the face of the record.

- (ii) It is a well-settled law that electricity is an essential/basic amenity, and the occupier of premises cannot ordinarily be deprived of the same. Any dispute between the parties is civil in nature, requiring adjudication based on evidence before a competent civil court.
  - (iii) **Respondent No. 2, the tenant has only verbally indicated that the Applicants demanded a Partnership Deed; however, no such document or request is available on record with Respondent No. 1.** Photographs of the subject premises/shops have already been placed on record showing physical possession of Respondent No.2.
  - (iv) In the event the tenant fails to pay any outstanding current bills to the extent not covered by the deposits on record, the electricity supply shall be liable to be disconnected in accordance with the applicable rules and regulations. This is a routine practice followed in the case of all defaulting consumers.
  - (v) In view of the foregoing, the present Review Application be dismissed.
6. The Respondent No. 2's submissions and arguments are stated as below:
- (i) Respondent No. 2 claims to be a lawful tenant in possession of the premises (approx. 800 sq. ft.) since 09.09.2016 under a registered Leave and Licence Agreement, having invested about ₹48,00,000/-. He alleges that the Applicants demanded an unlawful partnership (for share in profits) and, upon refusal, resorted to harassment.
  - (ii) Respondent No. 2 alleges that the Applicants lodged a false complaint with AEML for disconnection despite regular payment of bills and has no authority to interfere

  
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with supply to a lawful tenant. **Allegations of trespass, assault, and abuse of process are stated to be beyond the scope of the present proceedings.** It is further contended that, being in lawful possession and regularly paying charges, supply cannot be disconnected except for non-payment of dues, as per Sections 43 and 56 of the Electricity Act, 2003.


- (iii) A Regular Civil Suit No. 1469 of 2025 is pending before the Civil Court at Mira Road, wherein by order dated 28.10.2025, parties have been directed to maintain status quo. It is contended that any disruption of electricity supply would amount to indirect dispossession in violation of the said order. The matter is sub judice before the competent court and a stay/status quo order is in operation. Hence, parallel proceedings or coercive action may not be appropriate.
- (iv) **Disconnection of electricity is unjustified and violative of an essential service, and cannot be used as a means of coercion irrespective of disputes relating to tenancy. The attempt to disconnect electricity is a mala fide action intended to force eviction without due process of law and without any valid court order, and is therefore arbitrary and illegal.**
- (v) Respondent No. 2 undertakes to regularly pay all current electricity bills.
- (vi) In view of the above and the pendency of civil proceedings, it is prayed that no further action be taken under the Consumer Grievance Redressal mechanism.

### Analysis and Ruling

7. Heard both the parties and perused the documents on record. The issues raised by the Applicant were discussed at length in the hearing.

8. We are of the opinion that all important issues in sum and substance have already been covered in detail with reasoning in the impugned order dated 30.01.2026 in Representation 98 of 2025 of the Electricity Ombudsman (Mumbai). In brief, the courts have repeatedly held that access to electricity is a basic right, which cannot be curtailed due to private landlord – tenant disputes. Access to electricity cannot be used as leverage in such disputes.

9. The provisions with respect to review of orders passed by the undersigned is given in Regulation 22 of the CGRF & EO Regulations 2020. The relevant provision is quoted below:-

  
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*“22 Review of Order of Electricity Ombudsman*

*22.1 Any person aggrieved by an order of the Electricity Ombudsman, including the Distribution Licensee, may apply for a review of such order within thirty (30) days of the date of the order to the Electricity Ombudsman, under the following circumstances:*

*(a) Where no appeal has been preferred;*

*(b) On account of some mistake or error apparent from the face of the record;*

*(c) Upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed.*

*22.2 An application for such review shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error apparent from the face of the record.*


*22.3 The review application shall be accompanied by such documents, supporting data and statements as the Electricity Ombudsman may determine.*

*22.4 When it appears to the Electricity Ombudsman that there is no sufficient ground for review, the Electricity Ombudsman shall reject such review application: Provided that no application shall be rejected unless the Applicant has been given an opportunity of being heard.”*

10. Upon perusal of the Review Application, it is evident that no error apparent on the face of the record has been established, nor has any new and important material, been shown to have been unavailable at the time of the original proceedings. The grounds urged merely reiterate contentions already considered and adjudicated in the Order dated 30.01.2026. No fresh issue warranting reconsideration under Regulation 22 of the CGRF & EO Regulations, 2020 has been made out.

11. The Hon’ble Supreme Court in Kamlesh Verma v. Mayawati, reported in AIR 2013 SC 3301, has unequivocally held that review proceedings are not by way of an appeal and must be strictly confined to the grounds specified in the relevant statute or rules. The Court further observed that repetition of old and overruled arguments is insufficient to reopen a concluded adjudication. The relevant observations are reproduced below:

*“8) This Court has repeatedly held in various judgments that the jurisdiction and scope of review is not that of an appeal and it can be entertained only if there is an error apparent on the face of the record. A mere repetition through different counsel, of old and overruled arguments, a second trip over ineffectually covered grounds or minor mistakes of inconsequential import are obviously insufficient.”*

  
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In the matter of Jain Studios Ltd v/s Shine Satellite Public Co. Ltd. reported in (2006) 5 SCC 501, the Supreme Court held as under: -

*“11. So far as the grievance of the Applicant on merits is concerned, the learned counsel for the opponent is right in submitting that virtually the Applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negated. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. It is settled law that the power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases.”*

The Hon'ble Supreme Court in State of West Bengal v. Kamal Sengupta (2008) 8 SCC 612 explained that an error apparent on the face of record must be self-evident and should not require a long-drawn process of reasoning. **A review cannot be entertained merely because another view is possible.** Tested on the above principles, the present Review Application does not disclose any error apparent on the face of record.


In light of the aforesaid settled legal position, and considering that the Applicant has neither raised any new issue which was not considered in the original proceedings nor pointed out any error apparent on the face of the record, we are of the considered view that the present Review Application is devoid of merit. The Applicant has not demonstrated any patent mistake, arithmetical error, jurisdictional defect, or manifest illegality in the order dated 18.11.2025.

The same are accordingly held to be not maintainable and stand rejected.

12. **The Review Application is thus an attempt to re-argue the matter on merits,** which is impermissible in review jurisdiction. No sufficient ground exists for interference under Regulation 22.

13. In view of the above, the Review Application filed by the Applicant is rejected and disposed of accordingly.

Sd/  
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