

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO.2 OF 2026 (REVIEW OF THE ORDER IN REPRESENTATION NO. 96 OF 2025)

In the matter of change of tariff category and billing

Rajesh Shankardayal Kalwar.Review Applicant
(Con. No. 026770003961) (Original Appellant)

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Panvel Rural Respondent
(MSEDCL)

Appearances

Appellant : Rajesh Shankardayal Kalwar

Respondent : 1. Umesh Chavan, Executive Engineer, Nodal Officer, Pen Circle
2. V. M. Shinde, Executive Engineer, Panvel (R) Dn.
3. Chandrakant Kendre, Dy. Executive Engineer, Karjat S/dn.
4. A.S. Jivnani, Dy. Executive Engineer, Pen Circle
5. Harshwardhan, Asst. Accountant, Karjat S/dn.


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 5th February 2026

Date of Order: 5th March 2026

ORDER

This Review Application was registered on 6th January 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


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the original Order dated 18th November 2025 in Representation 96 of 2025 passed by the Electricity Ombudsman (Mumbai), which had rejected the grievance of the Applicant.

2. Aggrieved by this order of the Electricity Ombudsman (Mumbai), the Applicant has filed this Review Application. The e-hearing was held on 5th February 2026 through video conference. Parties were heard at length.


Preamble:

- (i) The present representation arises out of a dispute concerning the tariff classification of Consumer No. 026770003961 standing in the name of Shri Rajesh Shankardayal Kalwar, originally sanctioned on 22.01.2013 with sanctioned load of 1.5 kW. The said connection was initially categorized under Agricultural Tariff. The subsequent change of tariff category from Agricultural to Residential was effected pursuant to an inspection conducted on 24.01.2023. Details of the electricity connection are shown in Table-1 below.

Table 1:

Name of Consumer	Consumer No.	Address on Bill	Sanctioned load	Date of Supply	Tariff Category	Date of Inspection
Rajesh Shankardayal Kalwar	026770003961	45, Jayashree Niwas, Nana Mastar Nagar, Karjat, Tal Karjat, Dist Raigad, Pincode: 410201	1.49 KW	22.01.2013	Agricultural from date of supply to Dec. 2022 & Residential from Jan.2023 onwards as per inspection dated 24.01.2023	24.01.2023


- (ii) The premises in question are known as “Kalwar Millennial Park,” within which presently three separate electricity connections exist. The disputed connection (Consumer No. 026770003961) is the oldest and was, at the time of the inspection dated 24.01.2023, the only electricity connection available on the said premises. During the said inspection, the Respondent recorded that the supply under this **connection was being utilized for running a homestay/resort**, with substantial connected load comprising lighting installations, air-conditioners, borewell pump, swimming pool water filtration unit, and other electrical appliances consistent with commercial usage.


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Electricity Ombudsman Mumbai



- (iii) Subsequent to the aforesaid inspection, the Appellant obtained an additional single-phase residential connection on 26.04.2023 (Consumer No. 026771434541) in his own name, and thereafter another residential connection on 28.04.2025 (Consumer No. 026778008547) in the name of Smt. Rashmi Rajesh Kalwar. The latter connection, having a sanctioned load of 5.0 kW, caters to a G+3 building consisting of multiple rooms and a hall, which is advertised and operated as “Kalwar Millennial Park.” In effect, the Appellant tried to bifurcate his consumption into residential and agricultural.
- (iv) The Appellant contends that he has been an Agricultural Consumer since 22.01.2013 and that the supply under Consumer No. 026770003961 was used exclusively for agricultural purposes, including irrigation of fruit-bearing and flowering trees.
- (v) Per contra, the Respondent maintains that the inspection dated 24.01.2023 clearly established commercial usage of electricity for homestay/resort operations, justifying revision of tariff category from Agricultural to Residential with effect from January 2023. The Respondent submits that the later procurement of additional residential connections substantiates the existence and continued operation of a resort/homestay on the premises. The so-called ‘agricultural’ use includes trees as part of the resort gardens.
- (vi) The Respondent by its email dated 06.11.2025 sent a Joint Inspection Report. The main points of which are as below:

There are currently 3 connections on the premises. The oldest one (currently under dispute) is currently used for borewell pumps, for watering the trees and gardens of the Kalwar Millennial Park (resort / homestay). This is the connection which, at the time of the original inspection on 24.01.2023, was used for the homestay, as there were no other connections at that point of time. Details of these three connections as per Joint inspection Report dated 06.11.2025 were as below:


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Electricity Ombudsman Mumbai




Name of Consumer	Consumer No.	Date of Connection	Sanctioned Load (KW)	Contract Demand (kVA) recorded	Remarks	Details of Electric Gadgets
Rajesh Shankardayal Kalwar	026770003961 (disputed)	22.01.2013	1.5	4.5	The supply is used for borewell machines and water filtration plants. The tariff category was originally classified as Agricultural but was changed to Residential following an inspection on 24.01.2023.	2 borewell pumps for watering premises, trees and gardens of Resort.
Rajesh Shankardayal Kalwar	026771434541	26.04.2023	1.0	2.4	The supply is used for the servant quarters, kitchen premises, meter panel illumination, parking space lighting, as well as the water filtration motor and the building water supply motor.	Tube-3, Bulb-3, Fan-1, Motor-1 & misc. points
Rashmi Rajesh Kalwar	026778008547	28.04.2025	5.0	10.7	The supply is used for a building with 12 rooms and a hall, spread across G+3 floors, and is advertised as Kalwar's Millennial Park.	Approx Bulb-204, Fan-27, fridge-1, AC-8, Washing Machine-1, TV-2 & misc. points

(vii) It is also material to note that under Section 2(51) of the Electricity Act, 2003, the term “premises” includes any land, building or structure, and is of wide amplitude. The entirety of the compound known as “Kalwar Millennial Park,” comprising buildings, open areas, gardens, and associated installations within a common boundary and serving a common purpose, would therefore constitute a single premises for the purpose of tariff classification and assessment of usage.

(viii) In the backdrop of the above facts and rival submissions, the central issue that arises for consideration is whether Consumer No. 026770003961 is entitled to be billed under the Agriculture – Others Tariff Category, or whether the change of tariff category effected pursuant to the inspection dated 24.01.2023 is legally sustainable.

(ix) The Electricity Ombudsman framed the Issue in its original order which is reproduced as below:

- **Issue:** *Whether the Appellant (Consumer No. 026770003961) is entitled to be billed under the Agriculture – Others Tariff Category?*
- *As per the inspection report dated 24.01.2023, the connected load in respect of Consumer No. 026770003961 was observed to comprise of 64 LED lights, 4 focus lights, 4 air-conditioners, 1 bore-well pump of 3 HP, 1 computer, 1 washing machine, 1 mixer, an electric swimming pool water filtration unit, and other miscellaneous electrical loads, and was being utilized for the operation of the resort known as “Kalwar Millennial Park.” Further, as per the inspection report dated 04.11.2025,*


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 Secretary
 Electricity Ombudsman Mumbai



the connected load on the said meter was found to be 2 HP (1.49 kW), which is being used for watering the premises, gardens, and trees of “Kalwar Millennial Park.”

- *Under Section 2(51) of the Electricity Act, 2003, the term “premises” is defined as follows:*

“Premises” includes any land, building or structure.”


The definition of premises is inclusive and broad in scope, extending beyond physical buildings to include land and other areas appurtenant thereto. The use of the word “includes” signifies that the definition is not restrictive and may encompass open areas, gardens, swimming pools, and other installations situated within the same compound or used for a common purpose.


Accordingly, in the present case, the area known as “Kalwar Millennial Park”, comprising buildings, open grounds, gardens, and other associated facilities within the same boundary, shall collectively be treated as a single premises for the purpose of determining the connected load, assessment of consumption, and compliance under the provisions of the Electricity Act, 2003 and the applicable Electricity Supply Code. It is further noted that a separate three-phase connection was subsequently applied for by Smt. Rashmi Rajesh Kalwar (wife of Shri Rajesh Kalwar), which was sanctioned by the Respondent under Consumer No. 026778008547, during the pendency of the case before the Consumer Grievance Redressal Forum (CGRF). The electrical load of the resort (building) was thereafter transferred and utilized under this new connection. In view of the above facts and the legal position, the connected load under Consumer No. 026770003961 cannot be treated as being used solely for agricultural purposes. The usage pattern and nature of connected load clearly indicate commercial/resort related activities, which do not qualify under the Agriculture – Others Tariff Category.

- **The Issue is answered as NEGATIVE.**

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(x) *In view of the above the representation of the Appellant is rejected and disposed of.*

3. The Applicant’s submissions and arguments are stated as below:


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Backgrounds:

- (i) The Applicant was an Agricultural Consumer bearing Consumer No. 026770003961 since 22.01.2013 and has been utilizing the electricity supply for agricultural activities, including irrigation of more than 250 fruit and flowering trees and paddy cultivation. *[Note: There is no evidence such as photographs of paddy cultivation.]* The Respondent arbitrarily and illegally changed the tariff category from Agricultural to Residential from January 2023 without following due process of law, without issuing statutory notices, and without providing an opportunity of hearing to the Applicant.
- (ii) The Applicant filed a grievance before the Forum, which was rejected simply on grounds of limitation vide order dated 30th July 2025 in Case No. 34 of 2025. Being aggrieved thereby, the Applicant filed Representation No. 96 of 2025 before this Electricity Ombudsman, which was rejected by order dated 18.11.2025.


Grounds for Review:**Ground 1:**


- (iii) The Applicant submits that the impugned Order came to its knowledge only on 21.12.2025, when a copy was informally furnished by the Junior Engineer of MSEDCL along with a disconnection notice for non-payment of the disputed amount. Upon perusal, the Applicant contends that the Order suffers from errors of law, fact, and procedure warranting review.

[Note: The said Order was dispatched to both parties by ordinary post under Outward No. EO (M)/Order/96 of 2025/343 dated 20.11.2025 and was also uploaded on the official website of the Electricity Ombudsman, Mumbai (www.mercombudsman.org.in) in downloadable form.]

Ground 2: Erroneous Finding on Limitation

- (iv) The Ombudsman has upheld the Forum's finding that the grievance was barred by limitation under Regulation 7.8 of the CGRF & EO Regulations, 2020. The said finding is erroneous in law and constitutes an error apparent on the face of record *[Note: The representation has been adjudicated primarily on merits, upon framing the relevant issue for determination.]*


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(v) The Applicant has placed reliance upon the legal position relating to the continuing cause of action.

(a) The Hon'ble Supreme Court in *Balakrishna Savalram Pujari v. Shree Dundayya Temples Committee* (2008) 4 SCC 685 held:

"Where there is a continuing wrong, a fresh period of limitation begins at every moment of the time during which the wrong continues."


(b) In **State of Bihar v. Kameshwar Singh AIR 1952 SC 252**, the Supreme Court observed:


"Where there is a continuing injury or a recurring cause of action, the plea of limitation must fail."

(vi) The alleged wrongful tariff classification is a continuing cause of action, each billing cycle resulting in recurring financial prejudice. The Applicant asserts that it became aware of the impugned tariff conversion only in January 2025 upon receipt of enhanced bills, no prior notice or communication having been served. Limitation, therefore, would run from the date of knowledge. In any event, if delay is presumed, the same merits condonation in the interest of substantial justice, in view of the principle laid down by the Hon'ble Supreme Court in *Collector, Land Acquisition v. Mst. Katiji* (1987) 2 SCC 107, that procedural technicalities ought not to defeat adjudication on merits.

Ground 3: Factual Errors Regarding Timing of Residential Connections:

(vii) The finding that the Applicant applied for residential connections only after the inspection dated 24.01.2023 and remained silent during the hearing is factually incorrect and based on surmises. The first residential connection (No. 026771434541) was applied for well prior to the Spot Verification Report dated 24.01.2023. Its release on 26.04.2023 merely reflects completion of procedural formalities such as inspection, estimate preparation, payment, and installation, and does not indicate the date of application. The Applicant possesses documentary evidence, including the application form, acknowledgment, and payment receipts, establishing that the process was initiated much earlier.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (viii) Similarly, the second residential connection (No. 026778008547) in the name of Smt. Rashmi Rajesh Kalwar was applied for on 09.02.2025 and installed on 09.06.2025. The Respondent incorrectly stated that it was released on 28.04.2025. This connection was intended to regularize and segregate residential and homestay usage under the appropriate tariff category. There was no mala fide intention to conceal facts or divert load.
- (ix) The Applicant was not deliberately silent during the hearing; the central issue was wrongful tariff conversion of the agricultural connection, and the timing of residential applications was neither specifically raised nor questioned. The adverse inference drawn fails to consider the distinction between the date of application and the date of release, as well as the normal processing timeline for new connections. This factual misappreciation has materially affected the decision and warrants correction.

Ground 4: Selective Reliance on Evidence, Failure to Consider Subsequent Inspection Reports


- (x) The impugned order relies solely on the SVR (Spot Verification Report) dated 24.01.2023 while disregarding subsequent inspections dated 26.02.2025 and 04.11.2025. These later reports record that Consumer No. 026770003961 is connected only to two borewell pumps (approx. 2 HP) used for irrigation and disclose no commercial or homestay activity. Other residential loads are shown on separate connections. Non-consideration of these material findings amounts to selective appreciation of evidence and non-application of mind.


Ground 5: Agricultural Use Established

- (xi) Subsequent inspections consistently confirm that the disputed meter carries only agricultural load. No residential or commercial usage has been detected after January 2023. This uncontroverted evidence supports the Applicant's bona fides and discredits the allegation of misuse.

Ground 6: No Examination of Pre-Conversion Data

- (xii) The justification for tariff conversion in January 2023 required scrutiny of historical consumption and billing patterns. The admitted monthly consumption (₹1,500–₹2,000)


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Secretary
Electricity Ombudsman Mumbai



was consistent with agricultural use. The order, however, relies on post-2023 material, which cannot validate the original conversion, rendering the reasoning unsustainable.

Ground 7: Procedural Lapses Ignored

- (xiii) The order does not examine whether due process was followed. No signed SVR was furnished, no show cause notice or hearing was granted, and no proceedings under Section 126 of the Electricity Act, 2003 were initiated despite the allegation of “unauthorized use.” Failure to verify compliance with statutory procedure vitiates the action.

Ground 8 : Separate Connections Lawful

- (xiv) Obtaining separate residential connections for distinct uses is lawful and reflects compliance with proper load segregation. Drawing an adverse inference from such segregation is unjustified.

Ground 9 : Manifest Injustice

- (xv) The cumulative effect of the above errors has resulted in arbitrary tariff conversion, inflated demands, and coercive action without due process, causing grave prejudice to the Applicant.

Ground 10 : Non-Disclosure of Remedy


- (xvi) The order dated 18.11.2025 does not disclose the available appellate remedy as mandated under Regulation 21.7(d) of the CGRF & EO Regulations, 2020. Non-compliance with this mandatory requirement prejudices the Applicant’s statutory right and renders the order vulnerable.


Ground 11 : Estoppel

- (xvii) The agricultural connection granted in 2013 was accepted for nearly ten years without objection. Having acquiesced and subsequently released separate residential connections, the Respondent is estopped from taking a contrary stand to the Applicant’s prejudice.

Ground 12 : Non-Consideration of Submissions


- (xviii) The order does not reflect consideration of written submissions, objections regarding procedural defects, or relevant documents and precedents. Mechanical rejection without addressing material contentions renders the order unsustainable.


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Reliefs Sought:


- (xix) The Applicant respectfully prays that this Hon'ble Ombudsman may:
- a) Set aside the Order dated 18.11.2025 in Representation No. 96 of 2025;
 - b) Set aside the Order dated 30.07.2025 passed by the CGRF, Kalyan in Case No. 34 of 2025;
 - c) Restore Agricultural tariff to Consumer No. 026770003961 w.e.f. January 2023;
 - d) Direct revision of bills and refund/adjustment of excess recovery;
 - e) Grant appropriate compensation and costs;
4. The Respondent's submissions and arguments are stated as below:
- (i) The present Review Application is entirely misconceived, not maintainable in law, and devoid of merit. The Applicant seeks to reopen concluded findings under the guise of review without demonstrating any error apparent on the face of the record. It is settled law that review jurisdiction is extremely limited and cannot be exercised for re-appreciation of evidence, rehearing on merits, or substitution of a different view. The order dated 18.11.2025 was passed after due consideration of the material on record and warrants no interference.
 - (ii) The Applicant runs a homestay/resort at Karjat under the name "Kalwar Millennial Park" situated at 45, Jayashree Niwas, Nana Mastar Nagar, Karjat, Tal. Karjat, Dist. Raigad – 410201, admeasuring approximately 1.5 acres. The electricity connection bearing Consumer No. 026770003961 was sanctioned on 22.01.2013 with a connected load of 1.49 kW and was billed under the Agricultural tariff category from the date of release up to December 2022.
 - (iii) However, upon inspection, it was found that the said connection was not being utilized for agricultural purposes. Instead, the electricity supply was being used for "Kalwar Millennial Park," including maintenance of the tree garden and swimming pool forming an integral part thereof. In view of the actual end-use detected, the tariff category was accordingly revised from Agricultural to Residential with effect from January 2023. **There was no paddy cultivation or any agricultural activity carried out in the said tree garden. The Appellant is, therefore, deliberately attempting to**



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



mischaracterize the actual usage and divert the issue by projecting it as agricultural use.


- (iv) The grievance itself is barred by limitation. The tariff category was revised in January 2023. Monthly bills have been regularly generated and issued in the ordinary course of business, both prior to and subsequent to the said revision. However, the Applicant approached the Forum only on 18.03.2025, after more than two years. Regulation 7.8 of the CGRF & EO Regulations, 2020 clearly mandates that a grievance shall not be admitted unless filed within two years from the date on which the cause of action has arisen. The plea of continuing cause of action is untenable. Tariff reclassification is a one-time administrative correction based on inspection findings. Consequential billing does not convert the original decision into a continuing wrong. In any event, the matter was also examined substantially on merits and therefore no prejudice is caused.
- (v) On merits, it is submitted that the Assistant Engineer, Dahivali-II (Karjat Subdivision) inspected the premises on 24.01.2023 and found that only one three-phase meter (Consumer No. 026770003961) was installed and was being used to supply electricity to 64 LED lights, 4 focus lights, 4 air-conditioners, one 3 HP bore-well pump, one computer, one washing machine, one mixer, electric swimming pool water filtration appliances and other loads typically associated with a resort establishment. The premises consisted of a multi-storied building (ground plus four floors) with a swimming pool and commercial amenities. **The property is publicly promoted and available for booking on travel platforms such as Make My Trip, Booking.com, Goibibo, Agoda, and similar websites, with rental charges ranging approximately between ₹2,250/- to ₹3,100/- per day. These facts clearly establish that the supply was being used for homestay/resort activity while billing continued under concessional Agricultural tariff.**
- (vi) The inspection therefore revealed unauthorized use of electricity within the meaning of Section 126 of the Electricity Act, 2003. However, instead of initiating penal assessment proceedings under Section 126, and in order to avoid imposing punitive recovery, the Respondent merely corrected the tariff category from Agricultural to Residential from January 2023 based on actual end-use. This was a category correction



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



and not a penal assessment. The Applicant thereafter paid ₹29,640/- on 20.03.2023 towards electricity dues.


- (vii) A new single-phase residential connection bearing Consumer No. 026771434541 was applied for and released on 26.04.2023 for the Applicant's stated residential use. This further substantiates the presence of residential activity within the same integrated premises.
- (viii) The Applicant has been irregular in bill payments. As per the Consumer Personal Ledger, no regular payments were made from January 2018 onwards and arrears accumulated to ₹10,613/- by April 2021. Due to non-payment of dues, disconnection notice under Section 56(1) of the Electricity Act was issued through SMS to the registered mobile number 9850177878 on 30.01.2025 and 03.02.2025, both successfully delivered. Supply was disconnected on 20.02.2025 and restored on 21.02.2025 upon part payment. Thus, due process was followed. It is further submitted that **a group of dogs is kept at the entrance of the premises, which obstructs and restricts access of the Respondent's staff for the purposes of meter reading and, where required,** disconnection of supply for non-payment of outstanding dues.
- (ix) The allegation of non-receipt of the Ombudsman's order is also misconceived. The order dated 18.11.2025 was duly dispatched vide outward No. EO(M)/Order/96 of 2025/343 dated 20.11.2025 and was simultaneously uploaded on the official website of the Electricity Ombudsman (Mumbai). Once dispatched and uploaded, service stands completed in the ordinary course. The alleged informal receipt on 21.12.2025 is irrelevant.
- (x) The reliance on subsequent inspections in 2025 is misplaced. Even during fresh inspection conducted on 26.02.2025 pursuant to the Applicant's complaint in Lokshahi Din dated 12.02.2025, the premises continued to reflect commercial usage. Post-detection adjustments or bifurcation do not negate the factual position as existing on 24.01.2023. Subsequent compliance cannot retrospectively legitimize prior misuse.
- (xi) Tariff classification is determined by actual end-use. As the Appellant's use was found to be commercial and non-agricultural within the premises.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (xii) The plea of estoppel is equally unsustainable. There can be no estoppel against statute. Grant of Agricultural tariff in 2013 does not prevent correction upon discovery of misuse or change in usage. Tariff categorization is always subject to verification and actual end-use.
- (xiii) The allegation of procedural irregularity is denied. The Spot Verification Report was prepared during inspection. Tariff correction based on detected usage does not mandatorily require proceedings under Section 126 unless a penal assessment is proposed. In the present case, no penal assessment was imposed; only tariff category was corrected prospectively. No jurisdictional defect is demonstrated.
- (xiv) The Applicant's reliance on various judicial precedents is misplaced and distinguishable on facts. The Forum, by its Order dated 30.07.2025, rejected the grievance on the grounds of limitation as well as on merits by a reasoned and speaking order. The Ombudsman thereafter affirmed the said findings and framed the issue as: "*Whether the Appellant (Consumer No. 026770003961) is entitled to be billed under the Agriculture – Others Tariff Category?*" The issue was answered in the **Negative** by a reasoned and speaking order.
- (xv) **The Respondent stated that all the Appellant's connections will be clubbed in due course as per Commercial Circular 110** dated 16.02.2010 regarding Clubbing of common meters of Residential Housing Societies & Commercial Complexes. the relevant para is reproduced as below:

In view of above, if only one common connection is provided for such type of Residential Housing Societies & Commercial Complexes, instead of giving separate three or four connections, it will reduce expenses of manpower and materials, reduce cost of maintenance, increase revenue as the units used & registered in a single meter will attract higher slab of tariff. Prompt payment by such consumers is expected as default would result in disconnection, leading to stoppage of lift, Common area lighting & Water Pump service simultaneously. Also this will be in line with the MERC Regulations and MSEDCL's Commercial Circulars.


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It is therefore decided that,


- 1) *Common connection is to be given to Residential Housing Societies & Commercial Complexes for common lighting, lift, water pump and stair case etc. (This common connection should be 1 phase or 3 phase supply depending on the load applied.*
- 2) *Residential / Commercial tariff as per main purpose of usage of electricity is to be made applicable to such common connection.*
- 3) *Existing separate connections in Residential Housing Societies & Commercial Complexes are to be clubbed in to one common connections in a phased manner*
- 4) *IT System data to be updated immediately after amalgamation of the connections & proper bills are to be issued by field offices.*


There has been any inadvertent error in sanctioning multiple connections within the same premises, the same shall be examined and appropriately rectified upon completion of the grievance proceedings.

- (xvi) In view of the foregoing, the Review Application is time-barred, legally untenable, and devoid of merit. The tariff reclassification from Agricultural to Residential with effect from January 2023 was justified, lawful, and based on inspection findings reflecting actual end-use. The Applicant is not entitled to restoration of Agricultural tariff, refund, compensation, or any other relief.
- (xvii) The Respondent prays that the Review Application of the Applicant be dismissed with costs.

Analysis and Ruling

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


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6. We are of the opinion that all important issues in sum and substance have already been covered in detail with reasoning in the original order dated 18th November 2025 in Representation 96 of 2025 of the Electricity Ombudsman (Mumbai).

7. 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.

22.5 When the Electricity Ombudsman is of the opinion that the review application should be granted, it shall grant the same provided that no such application


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, the review of which is applied for.”


8. 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 18.11.2025. No fresh issue warranting reconsideration under Regulation 22 of the CGRF & EO Regulations, 2020 has been made out.


9. 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.”

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



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.

10. **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.

11. In view of the above, the Review Application filed by the Applicant is rejected on merits. However, in the interest of equity, the Respondent is directed to

- a) Withdraw the interest and delayed payment charges levied on Consumer No. 026770003961 standing in the name of Rajesh Shankardayal Kalwar for the period commencing from 26.09.2025, being the date of filing of the Representation before the Ombudsman, until the date of this Review Order.



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- b) The Respondent shall submit compliance of the above direction within a period of two months from the date of issuance of this Order.
- c) All other prayers of the Applicant are rejected. All other terms and findings recorded in the original Order shall remain unchanged.

12. The representation of the Appellant is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

