

## BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

### REPRESENTATIONS NO. 23 & 24 OF 2026

In the matter of release of new electric connections on slum land owned by the Salt Department

- 1) Reshma Laxman Waghe (Rep. No. 23 of 2026)
- 2) Ankush Gopal Rai (Rep. No. 24 of 2026) .....Appellants

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Bhandup Dn..... Respondent  
(MSEDCL)

Appearances: -

- Appellant : 1. Reshma Waghe  
2. Ankush Rai  
3. Sachin Bhosale, Representative  
4. Mala Bhosale, Representative

- Respondent: 1. Appasaheb Khandekar, Ex. Engineer, Bhandup Dn.  
2. Shirish Gangurde, Addl. Ex. Engineer, B & R S/Dn.


**Coram: Vandana Krishna [IAS (Retd.)]**

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

Date of Order: 5<sup>th</sup> May 2026

### ORDER

These two Representations were filed on 5<sup>th</sup> March 2026 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum &

  
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Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Orders dated 4<sup>th</sup> March 2026 in Case No. 118 of 2025-26 and 12<sup>th</sup> February 2026 in Case No. 117 of 2025-26 respectively passed by the Consumer Grievance Redressal Forum, MSEDCL, Thane Urban Circle (the Forum). The Forum dismissed both grievance applications filed by the Appellants. The Forum observed that the Appellants are occupiers of premises situated on land belonging to the Salt Department of the Government of India. Although they had applied for electricity connections and the same were sanctioned by the Respondent, the connections were not released due to objections raised by the Salt Department, the land being under the control of a Court Receiver. In addition, Civil Suit No. 16071 of 2025, involving similar issues, is pending before the Bombay City Civil Court, having been filed by Mala Manik Bhosale.

2. Aggrieved by the impugned orders, the Appellants have filed the present representations. As the issues involved in both cases are similar in nature, the representations are being clubbed together for the purpose of this common order. A physical/e-hearing was conducted on 6<sup>th</sup> April 2026 through video conference. The Appellants attended the hearing in person, whereas the Respondent appeared online via video conference. The parties were heard at length. [*The Electricity Ombudsman's observations and comments are recorded under 'Notes.'*]

3. The Appellants' submissions and arguments are stated as below:


- (i) The Appellants have been in long-standing, continuous, peaceful, and uninterrupted possession and occupation of their respective residential premises at Shyam Nagar, Bhandup (East), Mumbai since 1995, admeasuring about 18 × 18 sq. ft. (Reshma Waghe) and 16 × 30 sq. ft. (Ankush Rai), and are residing therein openly without any obstruction.
- (ii) Under Sections 42 and 43 of the Electricity Act, 2003 (the Act), the Respondent is statutorily obligated to supply electricity to consumers within its area of supply,

  
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including the locality of the Suit Room.


- (iii) The Appellants, are residing with their family members. They were earlier constrained by poor financial condition, but have now arranged funds and applied for independent electricity connections to meet their essential domestic needs.
- (iv) The premises are situated on land belonging to the Salt Department, Government of India; however, no objection or dispute has ever been raised by the said authority, indicating long, settled, and undisturbed possession. The Appellants also hold identity documents (Ration Card, Aadhaar Card, PAN Card, Election ID) reflecting the address of the said premises.
- (v) Shyam Nagar, Bhandup (East), Mumbai, is a densely populated slum with about 200 hutments, of which over 110 have been provided electricity connections by MSEDCL without requiring a Salt Department NOC, as evidenced by bills of other residents.
- (vi) The Appellants applied to the Respondent on 20.09.2024 for new electricity connections, submitting all required documents, including application forms, identity proofs, and self-declaration affidavits undertaking responsibility for any court cases or ownership issues.
- (vii) The Respondent informed that multiple residents had applied and, accordingly, the Executive Engineer initiated a proposal dated 28.01.2025 for sanction of 24 new LT connections (24 kW) at Shyam Nagar under the 1.3% DDF Scheme, thereby acknowledging feasibility of supply. An estimate had already been sanctioned on 22.01.2025 for providing infrastructure including LT XLPE armoured cable, mini feeder pillars, and allied equipment, with a total estimated cost of Rs. 4,48,067/- and recoverable charges of Rs. 6,873/- plus applicable charges, to be executed by the proposed consumers.
- (viii) The Respondent advised the Appellants to approach Kumbhar Electrical, Bhandup (East), a licensed electrical contractor, for coordinating paperwork and laying

  
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cables as per the sanctioned estimate, and simultaneously provided its license details, upon which the Appellants decided to consider the contractor duly authorized.


- (ix) The Appellants were informed that, as per MSEDCL norms, they were required to bear the cost of cable installation and related works as per the sanctioned estimate. Acting on such advice, they collectively contributed funds, which were routed through Sachin Manik Bhosale and paid to Kumbhar Electrical, Rs. 2,93,000/- on 17.02.2025 and Rs. 76,000/- on 20.02.2025, towards installation expenses, in the bona fide belief that the contractor was duly authorized, as supported by bank records.
- (x) Pursuant to the applications, Kumbhar Electrical inspected the premises on 17.02.2025 and, by letter dated 14.04.2025, informed the Respondent that cable laying at Shyam Nagar had commenced as per the sanctioned estimate. Although the installation work under the DDF scheme was nearly completed, the electricity meters were not installed, resulting in delay and hardship to the Appellants.
- (xi) The Respondent had earlier assured that electricity meters would be installed upon completion of cable laying; however, despite completion of such work, installation was delayed. On inquiry in April 2025, the Appellants were informed that an NOC from the Salt Department was required, a condition not previously stipulated, despite their compliance with all procedural requirements. *[Note: Letter dt. 16<sup>th</sup> June 2025 from the office of the Dy. Superintendent of Salt, Bhandup (East) regarding illegal electricity supply to unauthorized structures on the land under Sy.No.275 (2) CTS No. 657 (B) of Kanjur at Shyam Nagar & adjoining area. Reference of previous correspondence dt. 18.11.2020, 22.01.2022, 21.05.2022, 06.06.2022, 01.04.2024, 09.08.2024, 15.02.2025, 26.04.2025, 06.05.2025, 24.05.2025, 02.06.2025]*
- (xii) The Appellants thereafter approached the local ex-corporator, Smt. Sarika Mangesh

  
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Pawar, who, by letter dated 02.05.2025, requested the Salt Department to issue the requisite NOC. However, no NOC was granted, resulting in continued delay. In June 2025, the Appellants again approached the Respondent-MSEDCL and pointed out that, under the Electricity Act, 2003, an NOC from the owner is not mandatory; nevertheless, the Respondent refused to consider their request, thereby denying electricity supply. [Note: Letter dt.02.06.2025 of Dy. Superintendent of Salt in response to the ex-corporator letter is on record mentioning that **the subject land is under the possession of Court Receiver and the Hon'ble Court has directed to maintain Status quo by order dt.19.12.2024.**]

- (xiii) The Respondent, vide their letter dated 13/06/2025 addressed to the Appellants and other members, informed them that new electricity connections or meter cannot be issued to the Appellants on the grounds of a notice from the Salt Department that a No Objection Certificate (NOC) from the Salt Department is mandatory. The MSEDCL further denied providing the connections and explicitly instructed to produce the NOC from the Salt Department, without which they would not install a new meter.
- (xiv) The electricity connection has been denied solely on the ground that the land belongs to the Salt Department and a writ petition regarding the property is pending before the High Court. The Appellants contend that, being occupiers, they are entitled to electricity supply, and that under the Electricity Act, 2003, ownership or an NOC from the landowner is not a prerequisite for grant of connection.
- (xv) The Appellants submit that the premises are situated in a densely populated slum area where electricity is essential for safety and a dignified standard of living. Denial of such service, without legal basis, is arbitrary and violative of Article 21 of the Constitution. The insistence on an NOC, despite similar connections having been granted to over 110 hutments without such requirement, reflects discriminatory and unjust application of rules.

  
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- (xvi) The Appellants are in lawful possession of the premises, supported by government-issued documents, and that under the Electricity Act, 2003, possession—not ownership—is sufficient for grant of an electricity connection. Section 43 mandates supply to an owner or occupier upon compliance with prescribed conditions, and no provision requires an NOC from the landowner. The insistence on such NOC is therefore arbitrary and beyond the scope of the Act.
- (xvii) The Appellants contend that the documents now demanded by MSEDCL are beyond the prescribed list for a new connection, reflecting deliberate delay and harassment.
- (xviii) The Appellants filed grievance applications in the Forum on 09.12.2025. The Forum rejected these two grievance applications. The impugned orders are contrary to the facts on record, applicable law, and settled legal principles, as elaborated hereinbelow:
- (a) The Forum has acted with material irregularity and committed errors of law by failing to properly appreciate the facts and the evidence on record, including material documentary and oral evidence, thereby occasioning a miscarriage of justice.
- (b) The Forum failed to appreciate that the Appellants had established a strong prima facie case and that the balance of convenience lies in their favour; denial of relief has resulted in grave and irreparable loss, hardship, and injury to the Appellants.
- (c) The impugned order demonstrates clear non-application of mind, having been passed mechanically and without due consideration of the merits, relevant facts, and settled principles of law.
- (d) The findings recorded by the Forum are erroneous, unjust, and inequitable; consequently, the impugned order is illegal, unsustainable, and contrary to

  
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law, equity, and the evidence on record.

(xix) In view of the above, the Appellants pray that the Respondent be directed to release new electricity connections to them forthwith, without any further delay.

4. The Respondent's submissions and arguments are stated as below: -

- (i) The Appellants applied for new electricity connections on 20.09.2024 at Shyam Nagar, Bhandup (East), Mumbai. The subject premises are situated on land belonging to the Salt Department, Government of India. Accordingly, a site survey was carried out. Several residents had submitted applications and, considering the demand, it proposed execution of cable laying work on priority under the Dedicated Distribution Facility Scheme. Accordingly, an estimate for sanction of 24 new LT connections (24 kW) under the 1.3% DDF Scheme was initiated by the Sub-Division Office to the Division Office and thereafter sanctioned.
- (ii) The estimate was for providing fresh LT power supply to 24 consumers at Shyam Nagar near Hema Park, Bhandup (East), Mumbai, and included laying of LT XLPE armoured cable, installation of 4 mini feeder pillars, and commissioning of allied equipment. The estimate was sanctioned vide No. EE/BND/Tech/1.3% DDF/2024-25/15 dated 22.01.2025, with total estimated cost of Rs.4,48,067/- plus RI charges per MCGM and recoverable charges of Rs.6,873/- plus RI charges. The estimate was to be executed by the proposed consumers.
- (iii) Thereafter, the Appellants commenced execution of the work through their agency, Kumbhar Electricals, and the role of the Respondent was limited to supervision. **However, in the meantime, the Salt Department objected to and stopped the said work.**
- (iv) The Respondent has received communications dated 15.02.2025, 26.04.2025, 24.05.2025, and 02.06.2025 from the Salt Department stating that:

  
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- The land in question is Government land and is under dispute; and
- The matter is sub judice before the Hon'ble Court, wherein a status quo order has been passed.


Accordingly, the Salt Department has expressly objected to sanction of electricity connections and directed the Respondent not to provide supply at the said location.

- (v) The Appellants have failed to submit a No Objection Certificate (NOC) from the Salt Department. In cases involving Government land under dispute, such NOC is mandatory. In the absence thereof, the Respondent is legally restrained from granting electricity supply, as the same may amount to violation of subsisting court orders.
- (vi) The contention of the Appellants regarding earlier grant of electricity connections to other occupants is misconceived. It is submitted that any such connections, if granted, were under distinct and fact-specific circumstances prevailing at the relevant time, which are materially different from the present case. It is a settled principle of law that each case must be adjudicated on its own facts, and no parity can be claimed where the factual and legal matrix differs. Further, any past action, if contrary to law, does not create a vested right nor can it be relied upon as a binding precedent to compel repetition of such action.
- (vii) Under Section 43 of the Act, the obligation to supply electricity is subject to compliance with applicable laws, rules, and conditions.

In the present case:

- The land belongs to a government authority,
- There is a specific objection by the Salt Department, and
- The matter is sub judice with a status quo order.

Hence, the obligation under Section 43 does not arise unless the Appellant complies with the mandatory requirement of NOC and lawful occupation.

  
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(viii) The Respondent placed reliance upon the Judgment of the Hon'ble Supreme Court of India dated 17.12.2024 in Civil Appeal No. 14604 of 2024 and 14605 of 2024 in case of Rajendra Kumar Barjatya & Anr. V/s. U.P. Avas Evam Vikas Parishad & Ors. which fully supports the Respondent's case. The relevant portion of the order is as follows:

*“21(iv) All the necessary service connections, such as, Electricity Water Supply, sewerage connection etc., shall be given by the Service Provider/ Board to the buildings only after the production of the completion/ occupation certificate.*


.....

*Further directed that*

*21 (x) If the Authorities strictly adhere to the earlier directions issued by this court and those being passed today, they would have different effect and the quantum of litigation before the Tribunal/Courts relating to house/building constructions would come down drastically. Hence necessary instructions should be issued by all the State/UT Governments in the form of Circular to all concerned with departmental action being initiated against the erring officials as per law.”*

(ix) The principles laid down therein, relevant to the present matter, are as follows:

- (a) **Unauthorized occupation creates no enforceable right:** Mere long possession or occupation of Salt Department/Government land does not confer any legal right to claim an electricity connection as a matter of entitlement.
- (b) **Utility supply cannot legitimize encroachment:** Granting electricity connection to unauthorized occupants may indirectly recognize or regularize illegal occupation, which public authorities are duty-bound to prevent.

  
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- (c) **MSEDCL must act in accordance with law:** Being a statutory distribution licensee, MSEDCL is bound to comply with lawful objections of the land-owning authority and with subsisting judicial orders concerning the property.
- (d) **No parity from past irregular connections:** Even if some occupants were previously granted connections, the same does not create any precedent or vested right in favour of others to seek similar relief.
- (e) **Rule of law prevails over sympathy:** Humanitarian considerations cannot override statutory restrictions, pending litigation, or status quo orders concerning disputed Government land.

The aforesaid judgment is squarely applicable to the facts of the present case.

- (x) The Respondent has pointed out that Civil Suit No. 16071 of 2025, involving similar issues, is pending before the Bombay City Civil Court, having been filed by Mala Manik Bhosale, representative in the current case. Hence, the subject matter is already seized by a competent Court of law, and the present representations are not maintainable as the same issue is under judicial consideration.
- (xi) The Appellants filed grievance application in the Forum on 09.12.2025. The Forum by its reasoned order has already rejected the grievance of the Appellants after due consideration of facts and applicable legal provisions.
- (xii) The Respondent has acted in compliance with the applicable legal provisions, in adherence to the directions of the land-owning authority, and in due respect of the subsisting judicial orders. In view of the above, the Respondent prays that the Representation of the Appellant be rejected.

### **Analysis and Ruling**

5. Heard the parties and perused the documents on record. The Appellants applied for residential electricity connections on 20.09.2024 in respect of premises situated at Shyamnagar,


  
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Veer Savarkar Marg, Bhandup, along with the requisite documents. The Executive Engineer, Bhandup Division of the Respondent sanctioned the estimate under the 1.3% DDF Scheme. The work was to be executed collectively by the Appellants along with 24 consumers. Pursuant thereto, cable-laying work was commenced; however, the authorities of the Salt Department raised objections, resulting in stoppage of the said work. It was pointed out that the said land is under the possession of a court receiver, and the Court has directed to maintain status quo by its order dated 19.12.2024.

6. The Appellants contended that they have been in occupation of the premises since 1995 and are residing therein with their families. They complied with all procedural formalities and are entitled to independent electricity connections. According to them, under Sections 42 and 43 of the Electricity Act, 2003, the Respondent is under a statutory obligation to provide supply to an owner or occupier, regardless of any No Objection Certificate (NOC) from the landowner. It is further contended that several similarly situated occupants in the locality have already been granted electricity connections and, therefore, denial of supply to the Appellants is arbitrary, discriminatory, and violative of Article 21 of the Constitution of India.


7. The Respondent, on the other hand, contended that the subject premises are situated on land belonging to the Salt Department, Government of India. The land is under dispute, the matter is sub judice, and a subsisting order dated 19.12.2024 of status quo has been passed by the competent Court. The Respondent relies upon communications received from the Salt Department objecting to grant of electricity connections and directing that no supply be provided at the said location. It is further contended that, in the absence of an NOC from the competent authority and in view of the judicial orders, the Respondent is legally restrained from granting electricity supply.

  
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8. It is not in dispute that the land on which the subject premises are situated belongs to the Salt Department, Government of India. The material on record shows that the competent authority has raised specific objections to release of electricity supply and informed the Respondent that the matter is pending before the Court with a subsisting order of status quo. The Respondent has relied upon communication dated 16.06.2025 issued by the Office of the Deputy Superintendent of Salt, Government of India, wherein objection has been raised to grant of electricity supply to structures situated on land bearing S. No. 275(2)/CTS No. 657(B) at Shyam Nagar and adjoining area, stating that the land is under the possession of a Court Receiver pursuant to pending judicial proceedings. The said communication also refers to earlier correspondences addressed to the Respondent, whereby it was informed not to lay electricity cables through the subject land or provide supply to occupants thereof. **Reliance is also placed upon communication dated 06.06.2025 issued by the Hon'ble Court Receiver, High Court, Bombay, requesting MSEDCL to take note of the objections raised by the Union of India and to remove and not restore electricity connections to unauthorized occupants, the suit being pending before the Hon'ble City Civil Court, Mumbai.**

9. From the material on record, it appears that disputes regarding title, possession and occupation of the subject land are pending before the competent civil court and that the Court Receiver is stated to be in possession. In such circumstances, the Respondent, being a statutory utility, is expected to act cautiously and in conformity with lawful directions issued by competent authorities and judicial forums. It is well settled that grant of electricity connection does not by itself confer ownership, tenancy or possession rights over the premises. Where there exists a specific restraint order of a competent Court or where the property is under control of a Court Receiver, the distribution licensee is justified in seeking clarification before acting in disregard of such directions.


  
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10. The reliance placed by the Appellants on Section 43 of the Electricity Act, 2003 is noted. However, the obligation to supply electricity under the said provision is not absolute and remains subject to compliance with other applicable laws, regulations, and lawful restrictions. Where Government land is under dispute and specific objections are raised by the competent authority, the distribution licensee cannot be compelled to act contrary to such objections or subsisting court orders. The contention that other occupants in the locality were granted electricity connections does not advance the case of the Appellants as at that time such a 'status quo' order did not exist. This court order was issued only in Dec. 2024, after the cable laying work was being executed.

11. The Appellants have relied upon possession since 1995 and identity documents showing the address. Such documents may indicate residence but do not, by themselves, establish lawful authorization to occupy Government land so as to override the objections of the land-owning authority or pending judicial proceedings. The Forum has considered the material placed before it and passed reasoned orders rejecting the grievances. No material irregularity, perversity, or legal infirmity has been demonstrated in the impugned orders so as to warrant interference by this authority.

12. Having regard to the pending court dispute, the subsisting order of status quo passed by the competent Court, and the specific objections raised by the Salt Department, this authority is of the considered view that no direction can presently be issued to the Respondent to release electricity connections at the subject premises. It is a settled principle that where rights relating to immovable property are sub judice and judicial restraints are in force, statutory authorities ought not to pass directions which may defeat, dilute, or run contrary to orders of the competent Court. Any such direction at this stage may prejudice pending proceedings and expose the Respondent to avoidable legal consequences. Accordingly, the Representations filed by the Appellants stand rejected and are disposed of.


  
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13. It is observed that the Respondent sanctioned the estimate for a new connection on land belonging to the Salt Department, Government of India, without considering the objections raised by the Salt Department vide its various letters from 2020 onwards, as mentioned in para 3 (xi). Acting upon such sanction, the Appellants engaged M/s Kumbhar Electricals, a Licensed Electrical Contractor, for execution of 1.3% DDF works for laying new electric cables at Shyam Nagar, Bhandup (East), and made payments of Rs. 2,93,000/- on 17.02.2025 and Rs. 76,000/- on 20.02.2025 towards the said works. (By that time, the Court's status quo order had already been issued on 19.12.2024.) However, this issue was never agitated before the Forum and is now sought to be introduced directly at the appellate stage. Such a course is impermissible. The Ombudsman cannot entertain a fresh ground which was neither pleaded nor adjudicated before the Forum.

14. In view of the above-mentioned pending court litigation and stay order, the representations of the Appellants are rejected and disposed of.

Sd/  
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