

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 6 OF 2026

In the matter of release of electricity connection to MCGM footpath stall

Muzaffar HussainAppellant

V/s.

Adani Electricity Mumbai Limited (AEML)..... Respondent

Appearances:

Appellant : 1. Muzaffar Hussain
2. Anil Yadav, Representative
3. Mohan Gupta, Representative

Respondent: 1. Mritunjay Jha, General Manager & Nodal Officer
2. Akram Khan, Zonal Head
3. Suresh Patil, Commercial Incharge

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


Date of hearing: 9th March 2026

Date of Order: 16th March 2026

ORDER

This Representation was filed on 27th January 2026 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 27th November 2025 passed by the Consumer Grievance Redressal Forum, AEML (the Forum). The Forum rejected the grievance application in Case No. 11012/2025-26.


2. Aggrieved by the order of the Forum, the Appellant has filed this representation. An e-hearing was held on 9th March 2026 through video conference. All parties were heard at length.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




The Respondent's submissions and arguments are stated as below: [*The Electricity Ombudsman's observations and comments are recorded under 'Notes.'*]

- (i) The Appellant runs a snacks stall at the premises on a public footpath since 16.05.2025. On 02.06.2025, the Appellant applied for a new electricity connection under the commercial category for 0.30 kW vide Application No. 1040063454 in the name of Mr. Muzaffar Hussain for the premises situated opposite to Prism Tower, Near Bangur Nagar Chowk, Goregaon (West), Mumbai – 400104. Pursuant to the said application, officials of the Respondent conducted a site inspection on 04.06.2025, during which it was observed that the premises for which electricity supply was sought is situated on a public footpath belonging to the Municipal Corporation of Greater Mumbai.
- (ii) It is a settled legal position that no individual has a legal right to encroach upon or occupy public footpaths or streets, as such areas are reserved for public use and free movement. Accordingly, the Respondent advised the Appellant and his Licensed Electrical Contractor (LEC) to obtain the necessary permissions from the Municipal Corporation of Greater Mumbai (MCGM).
- (iii) Despite such intimation, the Appellant failed to submit the required permissions from MCGM. Nevertheless, the Respondent issued an estimate amounting of Rs.2690/- on 02.09.2025 with a specific condition that supply would be released only upon submission of a duly executed Wayleave Form and receipt of the MCGM permit for cable-laying work, as the supply would require digging up the footpath. [*Note: Since the MCGM permission was not obtained the Respondent should ideally have not issued the estimate at this stage.*]
- (iv) The Appellant neither submitted permission from MCGM regarding the structure on the footpath nor furnished a Wayleave Form signed by MCGM. Instead, the Appellant forwarded through WhatsApp a copy of the Wayleave Form signed only by himself, which does not satisfy the requirement of permission from the owner of the land.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (v) The Respondent submits that upon receipt of a duly executed Wayleave Form from MCGM, the Respondent would approach the municipal authorities to obtain the necessary road-digging permission for laying the service cable. However, as the Appellant has failed to submit the requisite permissions, the application could not be processed further.
- (vi) The Respondent further states that on 05.12.2025 the Appellant was contacted on his mobile number and requested to provide his bank details so that the amount paid towards the estimate could be refunded, since the required formalities had not been complied with. However, the Appellant declined to provide the said details.
- (vii) On 09.12.2025, a letter was again sent to the Appellant by Speed Post requesting submission of bank details for initiating the refund process. However, the Appellant has not furnished the required details till date.
- (viii) The Respondent submits that its actions are in accordance with the provisions of the Electricity Act, 2003 and the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021. Section 43 of the Electricity Act, 2003 casts a duty upon the distribution licensee to provide electricity supply upon an application made by the owner or occupier of premises. However, the Explanation to Section 43 clarifies that an “application” means an application complete in all respects along with necessary charges and required compliances.
- (ix) The Respondent issued an estimate on 04.09.2025, stipulating that “Supply can be released upon the submission of the Way Leave form and receipt of the MCGM permit for cable-laying work”. In the present case, the Appellant has failed to submit the mandatory permission and Wayleave approval from MCGM, which are necessary statutory clearances for laying service cables and providing electricity supply to the premises. A sample of the Wayleave form duly filled by MCGM Authority is produced as below:


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



WAY LEAVE FORM

Application No. _____ Date: 07/11/20

Name: DEEPA ANAND SHELAR
Address: M. CGM GARDEN, WALAWAKAR UDYAN, BAC PLOT NO- KBS-083/001, OPP GREEN PARK ANDHERI - W MUMBAI - 53

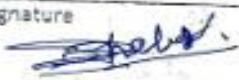
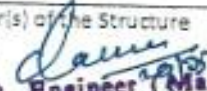
To:
M/s. adani Electricity,
South Central Division,
MIDC, Marol,
Andheri (East)
Mumbai-400 093.

Dear Sir / Madam,

I / We have no objection to your laying supply line in my / our property and fixing the necessary meter service position chosen by you for giving electricity connection to the above applicant. I / We also note company has a right to utilize and extend the supply line laid in my / our property for giving supply to occupants.

I / We also have no objection to your carrying out the necessary excavation for laying the supply line; that the reinstatement of the land will be done by the above named applicant at his cost.

Yours faithfully,

Signature 	Signature	Signature
Name: <u>DEEPA A SHELAR</u>	Name:	Name:
Address: <u>M. CGM GARDEN, WALAWAKAR UDYAN, PLOT NO- KBS 083/001, OPP GREEN PARK ANDHERI - W MUMBAI - 53</u>	Address:	Address:
Applicant(s)	Owner(s) of the land <u>O/o Asst Municipal Commissioner K / West Ward, Paliram Marg, Off S. V. Road Andheri (W), Mumbai-400 052</u>	Owner(s) of the Structure  <u>Asst. Engineer (M)</u>

Note: If the applicant is unable to obtain the permission of the owner of the land and / or owner of the structure, he may contact the company with such proof as may have about his status as lawful occupant of the land structure.



(Dilip Dumbre)
Secretary

Electricity Ombudsman Mumbai




The relevant portion of the scanned copy is reproduced below for ease of reading:
“I/we have no objection to your laying supply line in my/our property and fixing the necessary meters at the service position chosen by you for giving electricity connection to the above applicant. I/We also note that the company has the right to utilize and extend the supply line laid in my /our property for giving supply to any other occupants.

I/We also have no objection to your carrying out the necessary excavations for laying the supply line and note that the reinstatement of the land will be done by the above named applicant at his/her cost.

.....
Note: If the applicant is unable to obtain permission of the owner of the land and/or owner of the structure, he may contact the company with such proof as he may have about his status as lawful occupant of the land and the structure.”


- (x) Regulation 24.1 of the Supply Code and Standards of Performance Regulations, 2021 clearly provides that the Distribution Licensee shall not be held responsible for any delay in giving supply on account of problems relating to statutory clearances, right of way, acquisition of land, or delay in consumer obligations beyond the reasonable control of the licensee. Therefore, the delay in processing the Appellant’s application is solely attributable to the Appellant’s failure to furnish the necessary statutory permissions.
- (xi) The Respondent further relies upon the judgment of the Hon’ble Supreme Court in *K.C. Ninan vs Kerala State Electricity Board & Ors.*, wherein it has been held that the duty to supply electricity under Section 43 of the Electricity Act, 2003 is not absolute and is subject to compliance with conditions and requirements stipulated by the electricity utility. In view of the above legal position, the Respondent submits that it cannot process the Appellant’s application in the


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



absence of necessary permissions from MCGM and a duly executed Wayleave agreement.


- (xii) The Respondent further submits that the licenses relied upon by the Appellant, such as Shop and Establishment registration or trade licenses, do not establish the legality or authorization of the structure situated on a public footpath. *[Note: During the hearing, the Respondent stated that after scanning the QR Codes on the 2 registration certificates issued by the Health Department, BMC for the establishment namely Muzaffar Pan Bidi Shop and Muzaffar Fast Food respectively, they have one common sentence: "THIS APPLICATION NUMBER IS CANCELLED / REJECTED. PLEASE CONTACT CONCERNED DEPARTMENT / WARD."*
- (xiii) The Respondent states that the Consumer Grievance Redressal Forum has considered the facts and submissions of both parties and passed a reasoned order in accordance with law.
- (xiv) The claim of the Appellant for "settled possession" is totally wrong. The Appellant is not a "lawful occupier" of the Stall which is situated on a public footpath belonging to the Municipal Corporation of Greater Mumbai, and not on any private premises owned or legally occupied by the Appellant. Public footpaths are meant exclusively for pedestrian movement and public use. No person has any legal right to erect structures or conduct commercial activities on a public footpath. The Appellant's structure is nothing but an encroachment on municipal land and therefore cannot be treated as "premises" within the meaning of Section 43 of the Electricity Act, 2003.
- (xv) **The Hon'ble Supreme Court in *Sodan Singh vs New Delhi Municipal Committee* has held that although street vending may be regulated, no person has a fundamental right to permanently occupy or encroach upon public streets or footpaths and such use remains subject to municipal control and public interest.**


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (i) The Hon'ble Supreme Court has further taken a strict view against encroachments on public roads and footpaths in *Municipal Corporation of Greater Mumbai vs Kamla Mills Ltd.*, holding that public streets and footpaths are meant for public use and cannot be appropriated for private commercial activities.
- (ii) The Hon'ble Supreme Court in *Olga Tellis vs Bombay Municipal Corporation* has clearly recognized the power and duty of municipal authorities to remove encroachments from public streets and footpaths in order to protect public convenience and safety.
- (iii) The Hon'ble Bombay High Court has consistently taken a stringent view against encroachments on footpaths and has directed municipal authorities to remove unauthorized structures erected on public roads and footpaths. Therefore, the Appellant cannot claim any right or protection in respect of a structure which itself is unauthorized and liable to removal by the municipal authorities.
- (iv) In the present case, during the site inspection conducted by the Respondent on 04.06.2025, it was clearly observed that the structure for which electricity connection is sought is located on a public footpath belonging to the Municipal Corporation. The Appellant has failed to produce any permission, license, allotment order, or No Objection Certificate from the municipal authority permitting him to occupy or operate the said stall.
- (v) The Appellant's reliance on Regulation 5.6 of the Supply Code framed by the Maharashtra Electricity Regulatory Commission is wholly misconceived. Regulation 5.6 only provides relaxation regarding submission of ownership documents; however, it does not authorize the Distribution Licensee to grant electricity supply to an unauthorized structure erected on public land.

The said provision cannot be interpreted to compel the Respondent to legitimize an illegal encroachment by providing electricity infrastructure on municipal land without the consent of the lawful owner, namely the Municipal Corporation.



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (vi) The requirement of Wayleave permission from the Municipal Corporation is a mandatory condition for laying service cables across municipal property. In the absence of such permission, the Respondent cannot legally excavate public roads or footpaths for installation of electrical infrastructure.
- (vii) The Appellant's reliance on the judgment of the Calcutta High Court in *Krishnawathi vs Union of India* is misplaced and factually distinguishable, as the said case pertains to different statutory regulations and factual circumstances (encroachment on govt. revenue land) and does not deal with encroachment on a public footpath in a metropolitan city governed by strict municipal regulations.
- (viii) Supply of electricity cannot be used as a mechanism to regularize or perpetuate unauthorized structures erected on public land. Grant of electricity connection to such encroachments would indirectly legitimize illegal occupation of public property and would be contrary to public policy and judicial directives regarding removal of encroachments. In view of the above legal position and binding judicial precedents, the Respondent submits that the Appellant has no enforceable right to seek electricity supply for a temporary stall structure situated on a public footpath without permission from the competent municipal authority.
- (ix) During the hearing, the Respondent showed the latest photographs wherein the said stall was not existing at present, which might have been shifted to avoid demolition of MCGM Authority.
- (x) Under the circumstances, the present Representation is devoid of merit both in law and on fact and deserves to be dismissed.

3. The Appellant's submissions and arguments are as below:


- (i) The Appellant is the lawful occupier and person in settled possession of a small commercial shop (approximately 4 ft × 4 ft) situated opposite Prism Tower, Near Bangur Nagar Chowk, Goregaon (West), Mumbai – 400104. The Appellant carries on a small-scale business of selling fast food items such as vada-pav, samosa, cutlets and cold drinks from the said premises. *[Note: Photos submitted show that it is a small temporary stall which can be lifted. During the hearing, on inquiry,*


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



the Appellant states that he was operating this stall without electricity since May 2025].
The present Representation is filed being aggrieved by the order of the Forum refusing grant of a new electricity connection to the said shop.


- (ii) The Appellant holds valid statutory registrations required for conducting the said business, including a Shop and Establishment Registration Certificate, a Trade License issued by the Brihanmumbai Municipal Corporation under License Category No. 888083934 (Pan Bidi Shop), and a Registration Certificate issued by the Food Safety and Standards Authority of India. These statutory recognitions demonstrate that the Appellant's business activities are duly acknowledged by the competent authorities and are being carried on in accordance with law.
- (iii) The Appellant applied to the Respondent for a new commercial electricity connection with a sanctioned load of 0.30 KW on 02.06.2025 vide Application No. 1040063454 and submitted all required documents and declarations as per the applicable regulations. Pursuant to the said application, officials of the Respondent inspected the premises on 04.06.2025 for verification and technical feasibility.
- (iv) The Respondent issued an estimate amounting of Rs. 2690/- on 02.09.2025, stipulating that "Supply can be released upon the submission of the Way Leave form and receipt of the MCGM permit for cable-laying work".
- (v) As no electric connection was released thereafter, the Appellant filed a grievance before the Forum on 20.08.2025.
- (vi) Subsequently, on 04.09.2025, the Respondent issued a demand estimate of Rs.2,690/- for the proposed electricity connection. The Appellant duly paid the entire amount of the demand estimate, thereby fulfilling the financial requirement for release of supply. Despite such compliance, the Respondent imposed additional conditions including obtaining permission from the Municipal Corporation of Greater Mumbai and submission of a **Way-leave Form**. The Appellant complied with the said requirements and submitted the signed Way-leave Form while extending full cooperation to the Respondent's officials.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




However, the Respondent has refused to release the electricity connection solely on the ground that the Appellant has not produced ownership documents of the premises. *[Note : The way-leave form is signed only by the Appellant as the occupier, but not by the owner]*

- (vii) Production of ownership documents is not a mandatory pre-condition for grant of electricity supply under the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance) Regulations, 2021(Supply Code& SoP Regulations. 2021). Regulation 5.6 specifically provides that where ownership documents are unavailable, supply shall be granted upon submission of an Indemnity Bond and Undertaking. The Appellant is ready and willing to furnish the prescribed Indemnity Bond; hence the Respondent's insistence on ownership documents is arbitrary and contrary to the said Regulations.
- (viii) The Respondent's conduct in issuing the demand estimate, accepting payment, and thereafter raising objections regarding ownership documents is unfair and contrary to principles of natural justice. *[Note : During the hearing, when asked about this issue, the Respondent stated that the demand estimate is issued in advance to save processing time of the application, as in a majority of cases the condition of way-leave form does not arise].*
- (ix) It is well settled that electricity, being an essential service, cannot be denied to a lawful occupier merely due to absence of ownership documents when procedural requirements are fulfilled. The refusal of the Respondent therefore defeats the object of the Electricity Act, 2003 and the Supply Code& SoP Regulations. 2021 which seek to ensure access to electricity to eligible consumers.
- (x) The Appellant further stated that similarly situated premises have been granted electricity connections, and therefore the Respondent's action is discriminatory and arbitrary. *[Note : During the hearing the Respondent admitted that one other electricity connection had been granted in the vicinity by mistake; however this does not entitle the Appellant to get the benefit of one more mistake.]*


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (xi) The Appellant further relies upon the judgment of the Calcutta High Court dated 11 July 2025 in Krishnawathi vs Union of India & Others (WPA 216/2025), wherein the Court directed the electricity authority to grant connection upon compliance with required formalities even in the absence of ownership documentation.
- (xii) The Respondent's submissions are misconceived, contrary to the statutory framework, and are made only to justify the illegal refusal to grant electricity supply to the Appellant. The Respondent has wrongly sought to characterize the issue as one relating to alleged occupation of a public footpath. *[Note: During the hearing the Appellant did not deny that his stall is set up on a public footpath.]*
- (xiii) Section 43 of the Electricity Act, 2003, the distribution licensee is under a statutory obligation to provide electricity supply to the owner or occupier of premises upon a valid application. The said obligation is a public duty and cannot be defeated by raising extraneous considerations relating to title or ownership disputes.
- (xiv) The Respondent has also failed to appreciate that Regulation 5.6 of the Supply Code framed by the Maharashtra Electricity Regulatory Commission specifically provides that where an applicant is unable to produce ownership documents, electricity supply shall be granted upon submission of an Indemnity Bond and Undertaking. The said provision exists precisely to ensure that electricity supply is not denied merely on the ground of absence of ownership documentation.
- (xv) In the present case, the Appellant has repeatedly expressed readiness and willingness to furnish the prescribed Indemnity Bond in terms of Regulation 5.6. However, the Respondent has arbitrarily ignored the said provision and has insisted upon ownership-related permissions which are not mandated under the Regulations for release of electricity supply.
- (xvi) The Respondent's reliance on the requirement of Wayleave permission from the Municipal Corporation of Greater Mumbai is also misplaced. The Appellant has


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




already submitted the Wayleave Form signed by him and has cooperated with all procedural requirements.

- (xvii) The Respondent had already conducted a site inspection, issued the demand estimate, and accepted payment from the Appellant. Having done so, the Respondent cannot subsequently introduce new and extraneous objections relating to title or municipal permissions to defeat the Appellant's statutory entitlement.
- (xviii) The Appellant therefore prays that the Respondent be directed to grant and energize a new commercial electricity connection to the Appellant's premises upon submission of an Indemnity Bond and Undertaking under Regulation 5.6 of the Supply Code and SoP Regulations, 2021, without insisting on ownership documents or other extraneous conditions.

Analysis and Ruling

4. Heard the parties and perused the documents on record. The Appellant who has been running a temporary snacks stall since May 2025, applied for a new commercial electricity connection of 0.30 kW on 02.06.2025 for his stall situated opposite Prism Tower, near Bangur Nagar Chowk, Goregaon (West), Mumbai. During the site inspection on 04.06.2025, the Respondent observed that the structure was situated on a public footpath belonging to the Municipal Corporation of Greater Mumbai (MCGM). The Appellant was advised to obtain permission from MCGM and submit a duly executed Wayleave Form signed by the competent authority. However, the Appellant failed to submit any such permission and only forwarded a Wayleave Form signed by himself, which cannot be treated as authorization from the land-owning authority. Further, the QR code on the registration certificate states that *"This application no. is cancelled / rejected. Please contact the concerned Department / Ward."*

5. In the present case, the application cannot be treated as complete since the Appellant failed to submit mandatory statutory permissions from MCGM for laying the service cable


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




across municipal property. It is also undisputed that the stall in question is situated on a public footpath meant for pedestrian movement and public use.

6. The material and evidence placed on record further indicates that the municipal authorities had either already removed the unauthorized stall structure from the said footpath, or the structure was voluntarily removed. Either way, photographs produced by the Respondent during the hearing confirm that the encroachment had been demolished / removed.

7. It is a settled principle that electricity supply, being an essential service, should ordinarily not be denied to a person in settled possession merely due to absence of ownership documents. However, this principle cannot apply where the structure itself is an unauthorized encroachment on public footpath. The Hon'ble Supreme Court in **Olga Tellis vs Bombay Municipal Corporation (1985) 3 SCC 545, decided on 10.07.1985**, recognized the right to livelihood but clarified that pavement dwellers do not acquire a legal right to occupy public pavements permanently. Similarly, in **Sodan Singh vs New Delhi Municipal Committee (1989) 4 SCC 155, decided on 30.08.1989**, the Court held that public streets and footpaths are meant for public use and cannot be permanently occupied for private purposes. There have also been recent and strict directives by the Hon'ble Supreme Court / High Court to remove such encroachments.

8. During the hearing, this Authority directed the Respondent to verify the status of the stall on the same day (i.e. 10.03.2026 post hearing) at around 14.00 hrs. In compliance, the Respondent produced a video taken at 14.44 hrs., where it was seen that the Appellant was attempting to reinstall his stall at the same location on the public footpath. The entire structure of the stall, which is like a box, can be carried manually. This clearly indicates that the structure is temporary and portable and the Appellant cannot claim settled possession of the premises.

9. In view of the above facts, the refusal of the Respondent to process the application in the absence of No Objection Certificate and Way Leave from MCGM cannot be termed


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




arbitrary or illegal. The Appellant has failed to establish lawful or settled possession of the premises by not complying with the mandatory requirement of obtaining permission from the Municipal Corporation of Greater Mumbai.

10. Pavements or footpaths are public property meant for public use. Hence, stalls such as those of the Appellant are usually considered encroachment on public land. Mere occupation of public land does not amount to “settled possession.” It is subject to removal by the government to clear encroachments in the interest of pedestrian movement, public safety, traffic, or urban planning.

11. Accordingly, this Authority finds no infirmity in the action of the Respondent or in the order passed by the Consumer Grievance Redressal Forum. The order of the Forum is a reasoned and speaking one and is upheld. The Representation is rejected and stands disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

