# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

**REPRESENTATION NO.92 OF 2026**
**(REVIEW OF THE ORDER IN REPRESENTATION NO. 60 OF 2026)**

In the matter of high billing due to Incorrect Contract Demand

Liberty Oil Mills Ltd. … … …..……. … …….. …….. ……..... Applicant
(Cons. No. 101-620-000) (Original Appellant)

V/s.

Brihanmumbai Electric Supply & Transport Undertaking……. …….. ……...Respondent
High Value Consumers (HVC) Department (BEST Undertaking)

Appearances

Applicant 1. Prashant Khaire
2. B.R. Mantri, Representative

Respondent: 1. Laxman Patil, Divisional Engineer, HVC.
2. Shafiqa Ansari, Supdt. HVC
3. Prem Walawalkar, Deputy Engineer, HVC

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

Date of hearing: 6th October 2026

Date of Order: 3rd November 2026

## ORDER

This Review Application was registered on 2nd September 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 original Order dated 29th July 2026 in Representation 60 of 2026. The operative part of the order is as below: -

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"*11. The Forum's order is modified to the extent below. The Respondent is, therefore, directed to*

*(a) Refund the excess amount recovered for the additional period from* ***March 2022 to February 2023, together with interest at the Bank Rate****, in accordance with the applicable provisions.*

*(b) The Respondent shall submit a compliance report to this Office within two months from the date of issuance of this Order.*

*(c) The remaining prayers of the Appellant stand rejected."*

*(Note: The Respondent has already refunded the excess recovery for the retrospective period of two years. By its Order dated 30.03.2026, the Forum had directed the Respondent to credit interest on the excess recovery at the bank rate under Section 62(2) of the Electricity Act, 2003, within 60 days of receipt of the Order.)*

2. **PREAMBLE:** The relevant observations in the Order passed by this Authority in Representation No. 60 of 2026 are reproduced below:

(i) The Appellant, Liberty Oil Mills Limited, is a High Value Consumer having Consumer No. 101-620-000 with Meter No. 2000917. The electricity supply is used for its corporate office. The particulars of the electricity connection, reduction in Contract Demand (CD), and refund granted pursuant to the Forum's Order are tabulated below:

Table 1:

| Name of Consumer | Consumer No. | Address | Sanctioned Load | Contract Demand (CD) | | | Refund Amount Due to Incorrect CD, as Admitted by the Respondent, and Interest in terms of the Forum's Order |
|---|---|---|---|---|---|---|---|
| | | | | Period | CD | Basis / Remarks | |
| Liberty Oil Mills Ltd. | 101-620-000 | Gr. Floor, Amarchand Mansion, Madam Cama Road, Dr. S. P Mukherji Chowk, Colaba,Mumbai 400 001 | 341.71 kW | Up to March 2018 | **200 kVA** | Original Contract Demand | Total Refund Rs. 19,29,126.29, comprising Rs. 18,02,224.67 towards the retrospective refund from Mar.'23 to Feb.'25 |
| | | | | April 2018 to February 2025 | **427.13 kVA** *(341.71 kW ÷ 0.8)* | CD increased without any application from the consumer | |
| | | | | From March 2025 onwards | **187.50 kVA** | Contract Demand reduced with effect from March 2025 | |

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(ii) Following a PT flashover on 31.03.2018, the CT, PT and meter were replaced on 07.04.2018. During meter configuration, the billing system erroneously restored the Contract Demand to 427.13 kVA based on the sanctioned load of 341.71 kW. Consequently, the Applicant was billed on the higher Contract Demand from April 2018 to February 2025. *[Note: During the hearing, when asked how the software (system) could make such a serious error with high financial implications, the Respondent had no satisfactory explanation.]* The error was corrected and the Contract Demand was restored to 187.5 kVA from March 2025 onwards as per request of the Applicant.

(iii) The Applicant continued to pay bills based on the revised Contract Demand from April 2018 to February 2025 without protest. Upon receipt of the Applicant's complaint in February 2025, the Respondent rectified the Contract Demand to 187.5 kVA with effect from March 2025, refunded ₹18,02,224.67 for the 2-year period March 2023 to Feb. 2025 through the June 2025 bill, and later credited interest of ₹1,26,901.62 in the March 2026 bill in compliance with the Forum's Order.

(iv) The root of the dispute relates to whether the cause of action arose in 2018 or in 2025. We hold that the start of the wrongful billing in 2018 is the actual cause of action. Unfortunately, it remained undetected due to the very technical nature of the billing based on CD. Though the wrongful high billing, which is the original cause of action, arose in April 2018, no timely grievance was filed within two years. The Applicant has agitated claims which it had not pursued for 7 years, as it was not vigilant at the right time.

(v) This principle and logic are upheld in W.P. No. 6859, 6860, 6861 and 6862 of 2017 decided on 21.08.2018 in case of MSEDCL Vs. Jawhar Shetkari Soot Girni Ltd. by the Hon'ble Bombay High Court, Bench at Aurangabad. The High Court has discussed the order of HPCL and Shilpa Steel Pvt. and held that the cause of action would mean the actual date of legal injury/grievance caused to the consumer, and the time limit of two years will start therefrom. It also held

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that the **journey of grievance through IGRC/ ICRS should reach the Forum within a period of 2 years from the cause of action.**

(vi) However, in the peculiar circumstances of this case, the Respondent is responsible for deficiency in service in April 2018 when it erroneously increased the CD from 200 KVA to 427.12 KVA. The Applicant has paid a huge amount (₹24,71,758.09) in excessive billing from April 2018 to March 2023, for no fault of its own, other than not being vigilant enough regarding the billed CD. This Authority is of the considered view that the Applicant deserves limited additional relief in the interest of equity, fairness, and justice. Accordingly, as a special case, it is held that restricting the refund to two years would not adequately meet the ends of justice. Therefore, the refund is extended to a period of **three years**, instead of two years. This approach is also consistent with the principle adopted in accumulated consumption and Multiplying Factor cases, wherein the Respondent Distribution Licensee was permitted to recover valid charges for a period of **three years**, considering the facts and circumstances of those cases.

(vii) This representation of the Applicant was decided by the Electricity Ombudsman (Mumbai) by its impugned order referred to in Para First where the operative part of the order is already produced.

3. Aggrieved by this order of the Electricity Ombudsman (Mumbai), the Applicant has filed this Review Application. The e-hearing was held on 6th October 2026 through video conference. The Applicant and the Respondent appeared through video conference. Both parties were heard at length. The Applicant's submissions and arguments are stated as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

(i) The details of the electric connection are tabulated in Table 1. The preliminary information is already mentioned in the Preamble.

(ii) The Applicant stated that the Forum, while acknowledging the excess recovery and granting interest on the amount refunded, rejected the claim for refund of the

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remaining excess amount on the ground of limitation. The Review Application filed before the Forum was also dismissed without addressing the binding judgments and legal principles relied upon regarding the determination of the cause of action.

(iii) The Applicant further contended that, during the proceedings in Representation No. 60 of 2026, additional details, billing records, the relevant extract of the MERC Statement of Reasons and supporting judgments, comprising 63 pages with annexures, were submitted on 28.07.2026 and duly acknowledged by the Office of the Electricity Ombudsman. However, the Order dated 29.07.2026, received on 04.08.2026, recorded that the judgments relied upon were not submitted or available for consideration. The Applicant, therefore, alleged that the impugned Order suffers from an error apparent on the face of the record and non-consideration of material documents and legal submissions, warranting review.

**Grounds for Review:**

(iv) The Applicant stated that binding judgments of the Hon'ble Supreme Court concerning accrual of cause of action, continuing wrong, discovery of mistake, limitation in cases involving payments made under a mistake, and the obligation of quasi-judicial authorities to pass reasoned and speaking orders were relied upon. During the proceedings held on 23.07.2026, the Applicant was directed to submit further details and supporting documents. Accordingly, on 28.07.2026, the Applicant submitted additional details, billing records, the relevant extract of the MERC Statement of Reasons on "Cause of Action," and the judgments and legal authorities relied upon, comprising 63 pages along with annexures, which were duly received and acknowledged by the Office of the Electricity Ombudsman. However, the impugned Order dated 29.07.2026 records that the judgments relied upon were not submitted or available for consideration. This observation is contrary to the acknowledged record and constitutes an error apparent on the face of the record. The documents and legal authorities furnished pursuant to the directions issued on 23.07.2026 ought to have been considered before passing the impugned Order, and their non-consideration warrants review of the Order.

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(v) The Section 62(6) of the Electricity Act, 2003 provides statutory protection against recovery of charges in excess of the tariff determined by the Appropriate Commission and mandates refund of the excess amount along with interest at the applicable statutory rate. The Applicant contended that the statutory obligation arises once excess recovery contrary to the determined tariff is established and that Section 62(6) does not expressly prescribe a limitation period for seeking such a refund. Accordingly, the Applicant maintained that the claim requires consideration under the statutory provisions and applicable regulatory framework, as it concerns alleged recovery in excess of the Commission-determined tariff and not merely an ordinary monetary claim.

(vi) Unilateral change in Contract Demand and the consequential excess billing resulted from a mistake that was not known to the Applicant when the respective electricity bills were issued and paid, and that the discrepancy was discovered only in 2025. The Respondent subsequently acknowledged the excess recovery to the extent of granting a partial refund. The Applicant relied upon the principle embodied in Section 17 of the Limitation Act, 1963, regarding computation of limitation in appropriate cases involving fraud or mistake, and the judgment of the Hon'ble Supreme Court in *Mahabir Kishore v. State of Madhya Pradesh* concerning money paid under a mistake. The Applicant also relied upon Section 72 of the Indian Contract Act, 1872, which requires repayment of money paid by mistake. It was contended that both parties were required to comply with the applicable MERC tariff framework, rules and regulations, and that the excess billing arose from an error in the billing/computer system, subsequently identified and acknowledged by the Respondent to the extent of the partial refund. Accordingly, the Applicant maintained that the year 2018, when the disputed billing commenced, could not automatically be treated as the starting point of limitation without examining the date on which the mistake was discovered and the subsequent denial of the balance refund claim.

(vii) The Maharashtra Electricity Regulatory Commission (the Commission), while framing the CGRF & EO Regulations, 2020, had considered the meaning of "cause

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of action" in its Statement of Reasons (SOR). During the public consultation process, the Vidarbha Industries Association proposed a definition of the expression, whereas the Commission observed that its meaning was clear from the context of the Regulations and explained it as *"the event or action of the Distribution Licensee giving rise to the Complaint."* The Applicant contended that, accordingly, the cause of action should be linked to the actionable event giving rise to the consumer's grievance. In the present case, the Respondent, by its letter dated 22.08.2025, following discussions and a personal meeting with the Applicant, acknowledged the mistake in levying demand charges and granted a refund for a restricted period, while declining the balance refund claimed. The Respondent also advised the Applicant to approach the Consumer Grievance Redressal Forum if dissatisfied with the restricted refund. The Applicant, therefore, maintained that the actionable event giving rise to the present grievance was the restriction and denial of the balance refund vide the letter dated 22.08.2025, and that the grievance filed before the Forum on 29.11.2025 was within the prescribed period. Accordingly, the Applicant sought reconsideration of the finding that the cause of action arose in 2018, in light of MERC's interpretation recorded in its Statement of Reasons.

(viii) The Forum and the Electricity Ombudsman should have treated the year 2018 as the date on which the cause of action arose, without adequately considering when the actionable dispute actually emerged and the Applicant's right to seek redress was denied. In support, the Applicant relied upon the judgments in *Rashtriya Ispat Nigam Ltd. v. Prathyusha Resources & Infra Pvt. Ltd.* and *Shakti Bhog Foods Ltd. v. Central Bank of India*, contending that an actionable dispute arises when a party asserts a legal right and the other party denies or refuses to honour it. In the present case, the billing discrepancy was discovered only in February 2025, following which the Respondent acknowledged the mistake to the extent of granting a partial refund but restricted the refund period and declined the balance claim vide its letter dated 22.08.2025. The Applicant, therefore, contended that the cause of action for seeking the balance refund arose upon such restriction and denial, and that the

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grievance filed before the Forum on 29.11.2025 was within the prescribed limitation period when computed from the said date.

(ix) The wrongful excess billing was not a single, isolated transaction but continued through successive electricity bills until the discrepancy was identified and corrected in 2025. In support, the Applicant relied upon the judgment of the Hon'ble Supreme Court in *Sammruddhi Co-operative Housing Society Ltd. v. Mumbai Mahalaxmi Construction Pvt. Ltd.* concerning the principles of continuing breach and continuing wrong. It was contended that the repeated excess recovery constituted a continuing wrong and that the Respondent's refusal to refund the balance excess amount continued to adversely affect the Applicant. Accordingly, the Applicant maintained that the issue required examination from the perspective of continuing wrong and recurring cause of action, which, according to the Applicant, had not been adequately considered in the impugned Order.

(x) The Applicant stated that the Respondent, being a public utility performing statutory functions, is required to act fairly and reasonably in accordance with the applicable law and tariff framework. In support, the Applicant relied upon the observations of the Hon'ble Supreme Court in *Madras Port Trust v. Hymanshu International* regarding the obligation of public authorities not to defeat legitimate claims merely on technical grounds, and in *State of Assam v. Banshidhar Shewbhagwan & Co.* concerning the bona fide exercise of statutory powers for the purpose for which they are conferred. The Applicant contended that, once excess charges allegedly recovered contrary to the applicable tariff framework were identified and acknowledged by the Respondent to the extent of granting a partial refund, the balance claim warranted substantive consideration rather than rejection solely on the ground of limitation, which the Applicant maintained had been incorrectly determined.

(xi) The Respondent was required to levy electricity charges, including Contract Demand-related charges, strictly in accordance with the tariff determined by the Commission and the applicable statutory and regulatory framework. The Applicant contended that there was a legitimate expectation that the charges would be levied

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accordingly and that any excess recovery arising from an admitted or established mistake ought to be corrected, with appropriate restitution in accordance with law. Accordingly, the Applicant maintained that the dispute was not merely a technical issue concerning limitation but involved the recovery of amounts allegedly collected in excess of the tariff determined by the Commission.

(xii) The principal issue in the matter was the determination of the correct date of accrual of the cause of action. In this regard, the Applicant had specifically relied upon the MERC Statement of Reasons concerning "Cause of Action," the Respondent's letter dated 22.08.2025, the date of discovery of the mistake, the Respondent's partial acceptance of the excess recovery and grant of refund, the principles governing money paid under a mistake, the doctrine of continuing wrong, and binding judgments of the Hon'ble Supreme Court. The Applicant contended that these material submissions and legal authorities required specific consideration and findings, but had not been adequately addressed in the impugned Order. Accordingly, the Applicant sought review and reconsideration of the Order, with due consideration of the submissions and documents already placed on record, and the passing of an appropriate reasoned and speaking Order.

(xiii) The Applicant has placed the following documents on record in support of his contentions:

a) Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 — Statement of Reasons dated 21.09.2020.

b) *Rashtriya Ispat Nigam Ltd. v. Prathyusha Resources and Infra Pvt. Ltd. & Anr.* — Supreme Court order dated 12.02.2016.

c) *Shakti Bhog Food Industries Ltd. v. Central Bank of India* — Supreme Court order dated 05.06.2020 in SLP (C) No. 30209 of 2017, as per the case abstract available on the Indian Kanoon website.

d) *Mahabir Kishore & Ors. v. State of Madhya Pradesh* — Supreme Court judgment dated 31.07.1989, as per the case abstract available on the Indian Kanoon website.

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e) *Assistant Commissioner, Commercial Tax Department, Works Contracts and Leasing, Kota v. Shukla Brothers* — Supreme Court judgment dated 15.04.2010, as per the case abstract available on the Indian Kanoon website.

(xiv) In view of the facts and circumstances stated above, the Applicant prays that the Electricity Ombudsman may be pleased to:

(a) Review and reconsider the Order dated 29.07.2026 passed in Representation No. 60 of 2026, to the extent permissible under the applicable law and regulations;

(b) Take on record and duly consider the additional details, billing records, relevant extract of the MERC Statement of Reasons concerning "Cause of Action," judgments of constitutional courts and other legal authorities submitted on 28.07.2026 pursuant to the directions issued during the proceedings held on 23.07.2026;

(c) Reconsider the observation in the impugned Order that the relevant judgments and material were not submitted or available for consideration, in light of the acknowledged submission dated 28.07.2026, and determine whether the same constitutes an error apparent on the face of the record;

(d) Reconsider the issue of limitation and determination of the cause of action in light of the MERC Statement of Reasons concerning "Cause of Action," the Respondent's letter dated 22.08.2025, the date of discovery of the mistake, the Respondent's partial acceptance of excess recovery and grant of refund, the principles relating to money paid under mistake and continuing wrong, and the judgments and legal authorities relied upon by the Applicant; and

(e) Consider the Applicant's claim for refund of the balance excess amount in accordance with Section 62(6) of the Electricity Act, 2003, and the applicable statutory and regulatory framework.

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

(i) The details of the electric connection are tabulated in Table 1 and the details of the case history are highlighted in the preamble.

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**Preliminary Submissions:**

(ii) The present Review Petition is devoid of merit and does not satisfy the mandatory requirements for exercise of review jurisdiction under Regulation 22 of the MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020. The grounds now urged by the Applicant were already raised, considered and dealt with while passing the reasoned Order dated 29th July 2026 in Representation No. 60 of 2026. The Applicant has failed to establish that any material fact or evidence, which despite the exercise of due diligence was not within his knowledge or could not be produced at the time of the original proceedings, has subsequently come to light. Equally, the Applicant has failed to identify any error apparent on the face of the record or any other legally recognized ground warranting review of the said Order.

(iii) The Applicant is, in substance, seeking a fresh adjudication of issues already decided, by reiterating his earlier contentions and inviting the Electricity Ombudsman to reassess the matter and arrive at a different conclusion. Such an exercise would amount to an impermissible rehearing on merits and an appeal in the guise of a review, which is beyond the limited scope of Regulation 22. Mere disagreement with the findings recorded in the original Order, or the Applicant's expectation of a different outcome, cannot constitute a valid ground for review.

(iv) The Applicant has failed to satisfy the threshold requirements for invoking Regulation 22 and has disclosed no sufficient legal basis for reopening the matter. The Respondent, therefore, prayed that the Review Petition be dismissed at the threshold as not maintainable and, in any event, as devoid of merit, and that the Order dated 29th July 2026 passed in Representation No. 60 of 2026 be maintained undisturbed.

**Submissions on Merit:**

(v) The Respondent had already refunded the amounts specified in Table 2 in compliance with the directions issued by the Consumer Grievance Redressal

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Forum (CGRF) as well as the Electricity Ombudsman (Mumbai). The details of the refunds made pursuant to the respective orders are tabulated below.

Table 2:

| Principal Amount (Rs.) | Interest (Rs.) | Total Amount (Rs.) | Period | Remarks |
|---|---|---|---|---|
| 1802224.67 | 126901.62 | 1929126.29 | March 2023 to Feb. 2025 | Interest as per Forum's order |
| 740612.91 | 27190.23 | 767803.14 | March 2022 to Feb. 2023 | Refund as per Ombudsman Order |
| **25,42,837.58** | **1,54,091.85** | **26,96,929.43** | March 2022 to Feb. 2025 | Total Refund |

(vi) The Applicant approached the BEST Undertaking/CGRF only in February 2025, after an inordinate delay of nearly seven (7) years. Regulation 7.8 of the CGRF & EO Regulations, 2020, prescribes a limitation period of two years from the date on which the cause of action arises. The Applicant's failure to raise the grievance within the stipulated period renders the claim relating to the period prior to March 2023 time-barred and not maintainable. The Respondent, therefore, strongly objects to the reopening of such stale claims and stated that any claim for refund, if otherwise admissible, must be strictly confined to the period commencing from March 2023, subject to the applicable Regulations and merits of the case. Regulation 7.8 of the CGRF & EO Regulations, 2020, is reproduced below:

*"7.8 The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen."*

(vii) The Respondent further stated that Regulation 7.9(c) of the aforesaid Regulations provides for the rejection of a grievance where it is filed beyond the prescribed period of limitation of two years, as per applicable regulatory requirements. Regulation 7.9 of the CGRF & EO Regulations, 2020, is reproduced below:

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*"7.9 The Forum shall reject the Grievance at any stage under the following circumstances:*

*(c) In cases where the Grievance has been submitted two (2) years after the date on which the cause of action has arisen;"*

Although the original cause of action arose in 2018, the claim for the period from 2018 to February 2023 became time-barred under Regulation 7.8 of the CGRF & EO Regulations, 2020. Accordingly, the claim for the period prior to March 2023 is not maintainable, whereas the claim from March 2023 onwards remains actionable, subject to the applicable Regulations and merits of the case.

(viii) Section 62 (6) of the Act: The Applicant has once again invoked Section 62(6) of the Electricity Act, 2003, which provides for refund with interest at the Bank Rate where the amount recovered exceeds the tariff determined under Section 62. In the present case, the dispute concerns the Contract Demand recorded in the billing system and the consequential computation of demand charges, rather than the levy of a tariff rate higher than that approved by the Commission. The Applicant had already raised this issue in the original Representation and has not established any error apparent on the face of the record or other legally sustainable ground warranting review. The Respondent, therefore, stated that mere reiteration of Section 62(6) does not justify review of the impugned Order. The Section 62.6 of the Act is reproduced as below:

*"62.6 If any licensee or a generating company recovers a price or charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee."*

(ix) Section 17(1) (c) of the Limitation Act expressly refers to relief from the consequences of a mistake, so it would be unsafe to argue that an alleged billing mistake can never attract that provision. The stronger objection is that the Applicant must establish its legal applicability to the regulatory grievance

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mechanism and the relevant facts; the Commission's Statement of Reasons supports the Respondent's position on the former issue.

(x) **Non-applicability of the Judgments Relied Upon by the Appellant:** The judgments cited by the Appellant, namely (a) *Rashtriya Ispat Nigam Ltd. v. Prathyusha Resources and Infra Pvt. Ltd. & Anr.* (12.02.2016), (b) *Shakti Bhog Food Industries Ltd. v. Central Bank of India* (05.06.2020), (c) *Mahabir Kishore & Ors. V. State of Madhya Pradesh* (31.07.1989), and (d) *Assistant Commissioner, Commercial Tax Department v. Shukla Brothers* (15.04.2010), are distinguishable on facts and legal context. These authorities cannot be applied mechanically to the present dispute, which concerns alleged incorrect billing arising from the Contract Demand recorded in the billing system and is governed by the Electricity Act, 2003, and the applicable MERC Regulations. Unless the Appellant establishes that the principles laid down in these judgments apply to the specific regulatory limitation prescribed under Regulation 7.8 of the CGRF & EO Regulations, 2020, the citations do not, by themselves, justify extending the limitation period or reviving claims that are otherwise time-barred. The reliance placed on these judgments is misplaced and does not overcome the objection of limitation.

(xi) The Respondent argued that Regulation 7.8 expressly prohibits admission of a grievance unless it is filed within two (2) years from the date on which the cause of action arose. The Commission, in its Statement of Reasons, specifically retained this limitation period to ensure timely redressal and clarified that the Limitation Act, 1963, cannot be made applicable to these Regulations. In the present case, the alleged error in recording Contract Demand and the consequential billing were matters capable of being challenged when the disputed bills were issued. The Appellant cannot, merely by raising the issue belatedly or invoking general principles of limitation, revive claims that have become time-barred. Accordingly, the grievance concerning the period beyond two years prior to its institution is liable to be rejected as time-barred, save to the extent that any distinct and independently arising cause of action is

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established within the prescribed period or delay is otherwise lawfully condoned by the competent Forum.

(xii) The Respondent distinguished the present case from M/s. Infinity Medical Centre v. BEST Undertaking (Representation No. 19 of 2026), wherein the Electricity Ombudsman directed a refund of ₹5,89,051.05 against supplementary billing raised after approximately eight years, despite the technical correctness of the claim, on the ground of limitation under Section 56(2) of the Electricity Act, 2003. The Respondent submitted that similar cases have been decided by the Electricity Ombudsman by applying the principle of limitation. In the present case, although the cause of action allegedly arose in April 2018 and the grievance was raised after nearly seven years, BEST Undertaking had refunded ₹26,96,929.43, including interest, for the period from March 2022 to February 2025. The Respondent requested that the delay and the two-year limitation prescribed under Regulation 7.8 of the MERC (CGRF & EO) Regulations, 2020, be duly considered.

(xiii) Hence, in view of the above, the Respondent prays that the Review Application of the Applicant be dismissed.

**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.

6. The Applicant contended that, although the excess recovery and refund with interest were acknowledged, his claim for the balance refund was rejected on limitation without adequately considering the relevant documents, judgments and legal principles. He submitted that, pursuant to the hearing directions dated 23.07.2026, he filed additional records, and the MERC Statement of Reasons dated 21.09.2020 and supporting judgments on 28.07.2026. Relying upon Sections 62(6) of the Electricity Act, 2003, 17 of the Limitation Act, 1963, and 72 of the Indian Contract Act, 1872, he argued that the Contract Demand error was discovered only in February 2025 and that the Respondent's letter dated 22.08.2025, granting a partial

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refund but rejecting the balance claim, gave rise to the cause of action. He further contended that the successive excess billings constituted a continuing wrong and relied upon relevant judgments of the Hon'ble Supreme Court. Accordingly, he sought review of the Order dated 29.07.2026 in Representation No. 60 of 2026, consideration of the documents and legal authorities submitted, reconsideration of the limitation finding, and determination of his claim for the balance refund in accordance with the applicable law.

7. The Respondent contended that the Review Application was devoid of merit and did not satisfy the requirements of Regulation 22 of the MERC (CGRF & EO) Regulations, 2020, as the grounds raised had already been considered in the reasoned Order dated 29.07.2026. The Applicant had failed to establish any error apparent on the face of the record or any other legally sustainable ground for review. The Respondent further submitted that it had refunded a total of ₹26,96,929.43, comprising principal of ₹25,42,837.58 and interest of ₹1,54,091.85, for the period from March 2022 to February 2025, in compliance with the orders of the Forum and the Electricity Ombudsman. It maintained that the claim relating to the period prior to March 2023 was barred by limitation under Regulations 7.8 and 7.9(c), as the grievance was raised only in February 2025, while any claim from March 2023 onwards remained subject to the applicable Regulations and merits. The Respondent further submitted that reliance on Section 62(6) of the Electricity Act, 2003, Section 17 of the Limitation Act, 1963, and the judgments cited by the Applicant did not, by itself, establish a valid ground for review or justify reopening time-barred claims. Accordingly, it prayed that the Review Application be dismissed and the Order dated 29.07.2026 be maintained undisturbed.

8. We have carefully considered the Review Application, the submissions advanced by the Applicant and the Respondent, the record of Representation No. 60 of 2026, and the Order dated 29.07.2026. The principal question for consideration is whether the Applicant has established any ground warranting review under Regulation 22 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 which is quoted below: -

*"22 Review of Order of Electricity Ombudsman*

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*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 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."*

9. Regulation 22 provides a limited power of review on the grounds specified therein, including an error apparent on the face of the record or the discovery of new and important matter or evidence which, despite due diligence, could not have been produced earlier. Review jurisdiction cannot be exercised as an appellate jurisdiction to reconsider the entire matter or to substitute a different view merely because a party disagrees with the findings.

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10. In the present case, the Applicant has substantially reiterated the submissions advanced in the original Representation concerning the alleged incorrect recording of Contract Demand, excess billing, the accrual of cause of action and the applicability of the limitation period. These issues were considered while passing the Order dated 29.07.2026. The Applicant has not established any sufficient ground under Regulation 22 warranting reopening of the adjudication or reconsideration of the findings on merits.

11. **Limitation and Applicability of the Judgments Cited:** The Applicant has relied upon Sections 17 of the Limitation Act, 1963, 72 of the Indian Contract Act, 1872, and Section 62(6) of the Electricity Act, 2003, along with judgments of the Hon'ble Supreme Court, including *Rashtriya Ispat Nigam Ltd. v. Prathyusha Resources and Infra Pvt. Ltd.*, *Shakti Bhog Food Industries Ltd. v. Central Bank of India*, *Mahabir Kishore v. State of Madhya Pradesh* and *Assistant Commissioner, Commercial Tax Department v. Shukla Brothers*. The aforesaid judgments have been considered in the context of the Applicant's submissions. However, the principles laid down therein cannot be applied mechanically without regard to the facts, issues and legal framework governing the present dispute. The cited authorities do not, by themselves, establish that the limitation prescribed under Regulations 7.8 and 7.9(c) is displaced or that a claim otherwise barred under the applicable regulatory framework must necessarily be entertained. The Applicant has not demonstrated how these judgments establish an error apparent in the Order under review.

12. The Applicant's reliance on the alleged discovery of the billing error in February 2025, the Respondent's letter dated 22.08.2025 and the doctrine of continuing wrong has also been considered. These submissions essentially seek reconsideration of the conclusions already reached on the accrual of cause of action and limitation. They do not, in the circumstances of this Review Application, establish a sufficient ground for review under Regulation 22.

13. The Statement of Reasons (SOR) for the Maharashtra Electricity Regulatory Commission (MERC) (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020, dated 21 September 2020, explains the regulatory framework. The

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Commission clarified in Analysis & Commissions decision in context to cause of action which is reproduced as below:

> *"The Commission is of the opinion that the meaning of the term 'cause of action' is clear from the context in which it is specified in the Regulations and refers to the event or action of the Distribution Licensee giving rise to the Complaint"*

The Commission notes that 'cause of action' clearly means the specific action or event by the Distribution Licensee that triggered the consumer's complaint as per specified in the Regulations.

14. **Section 62(6) of the Electricity Act, 2003:** In the original Representation, the dispute was examined in the context of the Contract Demand recorded in the billing system and the consequential demand charges. Reiteration of Section 62(6), without establishing a reviewable error in the findings already recorded, does not justify reopening the Order dated 29.07.2026. This finding is confined to the scope of the present Review Application and does not constitute a fresh adjudication of the underlying billing dispute.

15. In view of the foregoing, we find that the Applicant has not established any sufficient ground contemplated under Regulation 22 of the CGRF & EO Regulations, 2020, for reviewing the Order dated 29.07.2026 passed in Representation No. 60 of 2026. The Review Application, in substance, seeks a reconsideration of issues already adjudicated and does not warrant exercise of the limited review jurisdiction. The judgments relied upon by the Applicant do not, in the facts and regulatory context of the present case, establish a ground for review or justify reopening the findings on limitation.

16. Accordingly, the Review Application is **rejected for want of sufficient grounds under Regulation 22**. The Order dated 29.07.2026 passed in Representation No. 60 of 2026 remains undisturbed.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)

(Dilip Dumbre)
Secretary
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