

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 1 OF 2026

In the matter of recovery of arrears of permanently disconnected consumers

Best Value Hyper Market Appellant
(CA. No. 350107212)

V/s.

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

Appearances:

Appellant : Jayram Jha, Director

Respondent: 1. Mritunjay Jha, General Manager & Nodal Officer
2. Vijaykumar Yadav, GM
3. Chetan Ranade, AGM


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

Date of hearing: 9th February 2026 &
24th March 2026

Date of Order: 30th March 2026

ORDER

This Representation was filed on 12th 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 11th November 2025 passed by the Consumer Grievance Redressal Forum, AEML (the Forum). The Forum by its order partly allowed the grievance application in Case No. 06004/2025-26. The operative part of the order is as below:


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“b) The Security Deposit available with the Respondent against all sixty Permanently Disconnected services shall be adjusted against their final bills, respectively.

c) The Respondent shall withdraw the interest and delayed payment charges, if any, levied at the time of transferring the PD outstanding dues of 10 PD connections (Table No. 1 – as shown in Point No. 13 above) to the Applicant/ Complainant existing CA No. 350107212.


d) The Respondent shall also withdraw the interest and delayed payment charges, if any, accrued from the date of permanent disconnection of 50 PD connections (Table No. 2 – as shown in Point No. 13 above) and communicate the said amount to the Applicant/ Complainant


e) The Respondent is directed to issue revised bills / details for all sixty PD services taking into consideration of above-mentioned points in this Order from (b) to (d). The resultant amount should be recovered from the Applicant/Complainant.”

2. Aggrieved by the order of the Forum, the Appellant has filed this representation. A physical hearing was held on 9th February 2026, during which both parties were present and were heard at length. The Respondent’s submissions and arguments are stated as below: *[The Electricity Ombudsman’s observations and comments are recorded under ‘Notes.’]*

(i) The Appellant purchased the said property in Auction of MCGM Authority, which was earlier occupied by hundreds of tenants / occupants, for the purpose of redevelopment. It has been a commercial consumer since 01.10.2021, availing electricity supply solely for the purpose of protection of the property. The details of the consumer account are tabulated in Table 1 below.

Table 1:



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Name of Consumer	Consumer No.	Address on Bill	Date of Supply	Sanctioned Load	Consumption Range	Temp. Disconnected	Purpose
Best Value Hyper Market	350107212	New Era Talkies, S.V. Road, Malad (West), Shankar Lane, Mumbai 400064.	01.10.2021	2 KW	70 to 140 units per month	20.02.2025	Commercial

- (ii) The Appellant submitted an application in Form 16.1 along with an Undertaking-cum-Declaration in the year 2021, wherein under Clause 23 the Appellant declared that no arrears of electricity charges were outstanding on the premises at the time of application. He further undertook to pay any such arrears if subsequently found payable upon demand by the Respondent.
- (iii) It was observed that, prior to the Appellant taking possession, the property had 60 occupants/owners with individual electricity connections (10 identified in the first inspection and 50 in the second). **Upon redevelopment, the premises were demolished and meters disconnected on 03.05.2009; however, certain dues remain outstanding.** The plot is presently under redevelopment by Lakshachandi Realty.
- (iv) The Appellant's premises were inspected in June 2024 in view of outstanding PD dues. During the inspection, initially arrears pertaining to 10 consumers (first inspection) were found unpaid, as listed below:


Table 2:


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Sr. No.	Name of Original Consumers	Consumer Account No.	Address on Bill	Date of Perm. Disc.	Outstanding Dues (Rs.) in June 2024	Purpose
1	Shivam Shopping Centre Ltd	100615293	Gr 55, Shivam Shoppers Shopping, S V Road, Malad (West), Mumbai 400064.	03.05.2009	6,756	Commercial
2	K Sarkar	100566409	Shivam Shopping Centre Shop G 72, S V Road, Malad (West), Mumbai 400064.	03.05.2009	7,533	Commercial
3	Vidyadevi Sharma	100615630	Gr75, Shivam Shoppers Shopping, S V Road, Malad (West), Mumbai 400064.	03.05.2009	6,328	Commercial
4	Shivam Shopping Centre Ltd	100620812	Iii43shivam Shoppers Shopping, S V Road, Malad (West), Mumbai 400064.	03.05.2009	7,160	Commercial
5	Shivam Shopping Centre Ltd	100615854	Shivam Shopping Centre Ltd, I60 Shivam Shoppers Shopping, S V Road, Malad (West), Mumbai 400064.	03.05.2009	6,350	Commercial
6	Mithalesh Agarwal	150669075	67, Shivam Shopping Centre, S V Road, Malad (West), Mumbai 400064.	03.05.2009	7,598	Commercial
7	Shivam Shopping Centre Ltd	100566484	Shivam Shopping Centre, Shop 70 Gr Floor, S V Road, Malad (West), Mumbai 400064.	03.05.2009	7,175	Commercial
8	Rajendra Doctor	100566623	B Wing Shivam Shopping Centre, Shop-Gr 71, S V Road, Malad (West), Mumbai 400064.	03.05.2009	5,712	Commercial
9	Ruia Hospitality Ltd	102732491	W/P, A-Shivam Shopping, S V Road, Malad (West), Mumbai 400064.	03.05.2009	5,391	Commercial
10	R Tambe	100608332	R 22 Banarasilal Mansion, S V Road, Malad (West), Mumbai 400064.	03.05.2009	5,255	Commercial
Total					65,258	

- (v) The Respondent, vide letter dated 11.06.2024, called upon the Appellant to pay the outstanding dues. However, as the dues remained unpaid, the Respondent on 29.06.2024 transferred the amount of ₹65,258/- to the Appellant's account (CA No. 350107212) on 29.06.2024 pertaining to the above 10 consumer accounts associated with the same premises.
- (vi) On 03.09.2024, the Appellant raised a complaint. The matter was explained to its representative, Mr. Jayram Jha, during his visit, and was further replied to by email dated 11.09.2024 (on record).
- (vii) As the dues remained unpaid, electricity supply under CA No. 350107212 was disconnected on 19.02.2025 as per procedure.


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- (viii) Despite explanations, the Appellant pursued multiple complaints instead of payment; the Respondent replied vide emails dated 11.03.2025, 16.04.2025, and 13.05.2025 (on record), requesting payment.
- (ix) Interest has been levied in accordance with the Supply Code and rates approved by MERC. As on 14.07.2025, an amount of ₹65,258/- was outstanding in respect of 10 consumer accounts (Table 2), and ₹4,32,241.11 in respect of 50 other accounts pertaining to the same premises. Thus, the total PD arrears along with interest for 60 consumer accounts are tabulated below:

Table 3


Sr. No.	No. of PD Consumers Inspected	Principal Amount as on July 2025 (Rs.)	Delay Payment Charges & Interest Levied as on July 2025 (Rs.)	Total Bill Amount as on July 2025 (Rs.)	Payable Amount as per Forum Order (Excluding Delay Charges & Interest) (Rs.)
1	10	19,247.00	46,011.00	65,258.00	19,247.00
2	50	1,42,101.86	2,90,139.25	4,32,241.11	1,42,101.86
Total	60	1,61,348.86	3,36,150.25	4,97,499.11	1,61,348.86

Details have been communicated and are on record.

[Note: It seems that as more and more old unpaid PD Consumer details were unearthed by the Respondent from its accounts, the figure for outstanding dues kept increasing subsequently.]

- (x) Regulation 7 of the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code and SoP Regulations, 2021) provides for execution of an Agreement between the consumer and the Distribution Licensee. In the event the consumer fails or neglects to pay the electricity dues, the consumer is liable to pay Delayed Payment Charges and interest on arrears. The Respondent refers to Regulation 16.5.10, which provides as under:

“16.5.10. The Consumer who neglects to pay his bill is liable for levy of delayed payment charges and interest on arrears in accordance with relevant orders of the Commission and/or appropriation of security deposit. A notice of disconnection to a Consumer under Section 56 of the Act shall be served in the manner provided for in Section 171 of the Act:


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- (xi) Regulation 12.5 of the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code and SoP Regulations, 2021) deals with the transfer of electricity dues to the subsequent purchaser/occupier of the premises. The said Regulation 12.5 provides as under:

“12.5: Any charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased Consumer or the erstwhile owner / occupier of any premises, as a case may be, shall be a charge on the premises transmitted to the legal representatives / successors-in-law or transferred to the new owner / occupier of the premises, as the case may be, and the same shall be recoverable by the Distribution Licensee as due from such legal representatives or successors-in-law or new owner / occupier of the premises, as the case may be.”

- (xii) The Appellant filed a grievance application in the Forum on 16.06.2025. The Forum, by its order dated 11.11.2025 partly allowed the grievance and directed that the Security Deposit of all 60 permanently disconnected services be adjusted against their respective final bills. It further directed withdrawal of interest and delayed payment charges levied on the transferred dues of 60 PD connections. Although the Respondent was not satisfied with the direction regarding withdrawal of interest, in order to resolve the issue and in compliance with the said order, the Respondent revised the bills of all sixty (60) Consumer Account Numbers and communicated the revised bill amount to the Appellant, which comes to ₹1,70,590.54 (i.e., Outstanding dues of ₹9,241.68 of Consumer Account No. 350107212 and ₹1,61,348.86 of 60 PD Consumer Accounts).

(xiii) **Para-wise Reply to the Appellant’s Submissions:**

- a) Electricity dues pertaining to the premises were outstanding and the same have been rightly transferred to the existing consumer account. The consumption recorded in the meter of the existing Consumer Account is not under dispute. The amount transferred pertains to permanently disconnected (PD) connections against which electricity dues were pending. The Respondent has, through various


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communications, informed the Appellant of the relevant facts and details. Despite several follow-ups, the Appellant failed to pay the overdue amount. Consequently, the electricity connection was disconnected in accordance with due process.

- b) The application form has been prescribed in accordance with the applicable process and regulations and is intended to safeguard the interests of a large number of consumers. The Appellant has no right to challenge the same.
- c) The electricity connection was originally obtained for property protection purposes. Subsequently, the property underwent redevelopment and the premises were demolished, resulting in disconnection of the electricity meters on 03.05.2009. However, the outstanding dues remained unpaid. The Respondent has learnt that **the plot is presently under redevelopment by Lakshachandi Realty**. The unpaid electricity dues constitute a charge on the premises and are recoverable. The Respondent also possesses a copy of the Property Revenue Card for the year 2013, which reflects an entry of the year 2007 showing inclusion of the Appellant's name.
- d) The consumer is also obliged to disclose any previous electricity dues pertaining to the premises. In the event such dues are subsequently discovered, the owner/occupant is liable to clear the same. As per the order of the Forum the bill amount has been revised and **at present the total revised amount payable is Rs. Rs.1,70,590.54** (i.e., Outstanding dues of ₹9,241.68 of Consumer Account No. 350107212 and ₹1,61,348.86 of 60 PD Consumer Accounts).
- (xiv) In view of the above facts and submissions, the Respondent prays that the Representation filed by the Appellant be rejected.

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


- (i) The Appellant has been a commercial consumer since 01.10.2021 as provided in Table 1.
- (ii) On 23.07.2024, the Respondent issued an electricity bill of ₹72,619.67, which included an amount of ₹65,260/- allegedly pertaining to third parties, namely Abdul Razzak Halal


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& Ors, K. Sarkar & Ors., totaling 10 consumers, whose electricity connection was reportedly disconnected in the year 2008. The Appellant has no relation or concern with the said parties or the alleged outstanding dues.

- (iii) The electricity consumption and billing from October 2021 to April 2025 of the said connection indicates consistent monthly consumption of only 100–125 units and average bills not exceeding ₹2,050/-. The consumption recorded in their existing Consumer Account is not in dispute and their electricity consumption has remained consistent over the years with comparatively small monthly bills.
- (iv) The Respondent disconnected the Appellant's electricity supply on 20.02.2025 for non-payment of the aforesaid disputed amount. The said action was arbitrary and unjustified as the dues pertain to another entity. Despite repeated correspondence, requests and objections (23.07.2024, 16.08.2024, 18.09.2024, 30.10.2024, 20.01.2025, 25.01.2025, 21.02.2025 and 23.04.2025), the Respondent neither rectified the bill nor restored the electricity supply.
- (v) The Appellant filed a grievance application before the Forum on 16.06.2025. By order dated 13.11.2025, the Forum partly allowed the grievance by waiving interest and delayed payment charges but failed to address the core issue of illegal transfer of third-party dues and wrongful disconnection.
- (vi) The addition of ₹65,260/- towards third-party arrears in Bill CA No. 350107212 is illegal and contrary to the Electricity Act, 2003 and applicable Supply Code, as such dues are recoverable only from the concerned consumers. Earlier connections at the premises (approximately 60 occupants) were independently metered and were disconnected around 2009. The Appellant's present connection, granted in 2021 after due verification, is independent and unrelated to those past consumers. The Respondent has incorrectly linked the Appellant with alleged redevelopment activities and past occupants, which is factually incorrect and irrelevant. The Appellant denies any liability towards past or third-party dues and submits that recovery, if any, must be made from the respective consumers.


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(vii) In view of the foregoing, the Appellant respectfully prays that this Hon'ble Authority be pleased to direct the Respondent to:

- a) restore the electricity supply forthwith;
- b) remove the unlawfully transferred dues pertaining to third parties; and
- c) pay compensation of ₹25,00,000/- towards the losses suffered on account of the wrongful disconnection.


4. During the course of the hearing, the Respondent submitted that it has subsequently discovered several more permanently disconnected (PD) consumers with outstanding dues in the premises referred to by the Appellant in Schedule B, situated at CTS Nos. 646, 646/1 to 22, 647 and 647/1, forming part of the subject property purchased by the Appellant through an auction conducted by the MCGM Authority. The Respondent has, on a preliminary basis, identified 60 such consumers, (this list may not be final) and the relevant data has been placed on record.

The Appellant stated that it is in possession of a comprehensive list of such consumers/occupiers, which was obtained at the time of the auction purchase, and agreed, in good faith, to share the same with the Respondent, subject to the condition that the documents shall be treated as confidential and not circulated. The Respondent assured that due confidentiality would be maintained. This issue was deemed important because otherwise the Appellant would constantly face the risk in future of further PD arrears and disconnection.

Both parties jointly sought time for exploring a settlement, and accordingly the Electricity Ombudsman granted three weeks' time for the same.

5. A second physical hearing was held on 24th March 2026, during which both parties were present and were heard at length. No settlement could be reached.

Analysis and Ruling


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6. Heard the parties and perused the material on record. The Representation arises from the grievance of the Appellant, a commercial consumer since 01.10.2021, availing electricity supply for protection of the property. The details of this connection are tabulated in Table 1. At the time of obtaining the connection, the Appellant submitted Form 16.1 along with an Undertaking-cum-Declaration stating that no arrears were outstanding on the premises, and **undertaking to pay any dues if subsequently found payable.**

7. The record indicates that prior to redevelopment, the premises had about 10 occupants/owners, each with separate electricity connections, which were permanently disconnected on 03.05.2009. Certain dues in respect of these connections remained unpaid. During inspection in June 2024, arrears pertaining to these 10 consumer accounts were identified. The Respondent, vide letter dated 11.06.2024 called upon the Appellant to clear the dues and upon non-payment, transferred the dues of ₹65,258/- to the Appellant's account on 29.06.2024. The Appellant disputed the same and filed a complaint on 03.09.2024. The Respondent maintained that the dues were recoverable as pertaining to the **same premises** and, upon continued non-payment, disconnected the supply on 19.02.2025 after due procedure. Subsequently, the Respondent identified more PD consumers on the same premises, taking the total to 60.

8. The Appellant approached the Forum on 16.06.2025. By order dated 11.11.2025, the Forum partly allowed the grievance, directing adjustment of security deposits of 60 PD connections and withdrawal of interest and delayed payment charges. In compliance, the Respondent revised the dues to ₹1,70,590.54/- (₹9,241.68 under CA No. 350107212 and ₹1,61,348.86 towards 60 consumer accounts) as on 31.01.2026.

9. During the second hearing held on 24.03.2026, the Respondent produced an additional demand in respect of the remaining PD consumers along with a list and abstract of outstanding dues.



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Table 4:

Category	Count of Contract Account	Sum of Amount Payable
10 Already Transferred	10	19,247.00
50 to be Transferred	50	1,42,101.86
Newly Identified (1)	13	67,064.21
Newly Identified (2)	133	18,95,359.61
Newly Identified (3)	6	6.00
Grand Total	212	21,23,778.68

10. The Appellant has disputed certain entries of new consumers out of the above, leading to additional demand. Further time was granted to explore an amicable settlement; however, no consensus was reached.


11. Since the said additional demand arose after the Forum's order dated 11.11.2025, the issue was not before the Forum. In these circumstances, this Authority has not examined the same on merits.

12. The Respondent is directed to finalize, the revised demand in respect of the said premises and to formally communicate the same to the Appellant.

13. The parties may thereafter explore resolution of the dispute through mutual discussions. In the event the dispute persists, the Appellant shall be at liberty to approach the Forum by filing a fresh grievance covering the additional demand towards PD consumers' dues, and the Forum shall adjudicate the matter afresh, in accordance with law, after giving due opportunity of hearing to both parties.

14. The Representation stands disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

