

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO.20 OF 2026

(REVIEW OF THE ORDER IN REPRESENTATION NO. 109 OF 2025)

In the matter of request by landlord to permanently disconnect the electric supply

Ankush Ganpat Thorat Applicant

V/s.

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

Appearances:

Applicant : 1. Ankush Ganpat Thorat
2. Ramzan Shaikh, Representative

Respondent: 1. Mritunjay Jha, GM / Nodal Officer
2. Bhagavant G. Kurade, Commercial Manager
3. Sanjay C. Patil, Commercial Manager

Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 6th April 2026

Date of Order: 13th April 2026

ORDER

This Review Application was registered on 28th February 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 Order dated 2nd February 2026 (the impugned order) passed in Representation 109 of 2025 by the Electricity Ombudsman (Mumbai). The grievance of the Applicant was rejected in the original representation.



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2. Aggrieved by this impugned order, the Applicant has filed this Review Application. A physical/ e-hearing was held on 6th April 2026 through video conference. The Applicant attended the hearing physically whereas the Respondent was present online through video conference. Parties were heard at length.


Preamble:

The Analysis and Ruling portion of the impugned order dated 2nd February 2026 is reproduced hereunder:

“5. Heard the parties and perused the documents on record. The Appellant applied for a residential electricity connection on 21.05.2025 for Room No. A/85, Kadeshwari Mata Rahiwasi Seva Sangh, Bandra (West), Mumbai, located on municipal land in a slum area. The Respondent by its letter dated 22.05.2025 informed the Appellant of a communication received from the Municipal Corporation of Greater Mumbai (MCGM), H/West Ward, dated 18.07.2024 (Ref. No. ACHW/925/Gen/A.E.M), stating that the land bearing CTS Nos. 906 B/1, 906 B/2 and 899 B is municipal land, the slum is unauthorized, and that electricity connections should not be released without prior permission from MCGM. Accordingly, the Appellant was requested to submit a No Objection Certificate (NOC) from MCGM which has not been submitted. We find that this action of the Respondent cannot be said to be unwarranted, given that there was a letter of MCGM on record, directing that no electric connections be given in the said unauthorized slums. There was no mala fide intention to harass the consumer, and the Respondent took action to proactively initiate correspondence with MCGM in this matter. Since MCGM did not bother to reply, the Forum correctly took a stand as mentioned in its order.

The Appellant filed a grievance before the Consumer Grievance Redressal Forum on 22.08.2025. Pursuant to the directions of the Forum, the Appellant submitted a fresh application on 10.10.2025, completed the required formalities, and electricity supply was released on 14.10.2025. The matter stands satisfactorily closed.

The Appellant has raised an issue of discrimination, and pointed out that another fresh connection was granted in the neighbourhood in similar circumstances on


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22.03.2025, just 2 months prior to the Appellant's application. During the hearing the Respondent clarified that this was a bona fide mistake and exception, and that no other new connections had been granted in the area after receiving MCGM's letter.

The Appellant now prays for compensation of Rs. 50,000/- before the Electricity Ombudsman mainly towards mental harassment and delay in granting the connection.

The following issue is framed for consideration:

Issue	Finding
Whether the Appellant is entitled to any compensation or relief for the alleged delay or non-release of electricity supply under the Electricity Act, 2003 and the applicable MERC Regulations ?	Negative

The MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 came in force from 25.02.2021. The Regulatory provision as specified in Regulation 25 of Supply Code & SoP Regulations, 2021 is produced as below:


25. Determination of Compensation

25.1. The compensation to be paid by the Distribution Licensee to the affected person is specified in Annexure 'II' of these Regulations.

25.2. The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Annexure 'II' to these Regulations:

Provided that in the event of failure of Distribution Licensee to meet the standards of performance, the compensation shall be payable automatically by the Distribution Licensee for the parameters as per Annexure 'II' to all the affected person/Consumers, without requiring a claim to be filed by the affected person/Consumer:

Provided further that the automatic compensation mechanism shall be implemented within Six (6) months of the date of notification of this Regulations:


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Electricity Ombudsman Mumbai



Provided further that any person who is affected by the failure of the Distribution Licensee to meet the Standards of Performance specified under these Regulations for the parameters not entitled for automatic compensation as per Annexure 'II' and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of Sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the Standards of Performance:


.....
Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of Ninety (90) days from the date of filing his claim from the previous months billing cycle and the payment of such compensation shall be paid or adjusted in the Consumer's future bills:

Provided further that a confirmation message shall also be sent to the Consumer informing about the Compensation paid by the Distribution Licensee.

It is observed that under the applicable Regulations, the Appellant did not raise any claim for compensation with the licensee. If a consumer alleges breach of the Standards of Performance, the claim is required to be raised within the stipulated period. The Appellant was aware of the SOP Regulations, as evident from the references cited in the complaint. Accordingly, the grievance does not survive on merits, and no compensation is payable under the Standards of Performance.

- *Further, with regard to indirect compensation, Regulation 18.4 of the Supply Code & SoP Regulations, 2021 provides as under:*

“18.4 The Distribution Licensee shall not be liable for any claims against it attributable to direct, indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity, whether arising in contract, tort, warranty, strict liability or any legal principle which may become available, as


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a result of any curtailment of supply under the circumstances or conditions mentioned in this Regulation 18.”

Further, Regulation 20.4(e) of the CGRF & EO Regulations, 2020 provides that while compensation may be awarded for loss or damage suffered by the consumer, no indirect, consequential, incidental, punitive or exemplary damages, loss of profits or opportunity shall be granted. The Regulation 20.4 (e) of CGRF & EO Regulations 2020 specifically state that

“Directions to pay such amount as may be awarded by it as compensation to the Complainant for any loss or damage suffered by the consumer:


Provided, however, that in no case shall any Complainant be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity”

6. Considering the above Regulations collectively, the Appellant is not entitled to any direct or indirect compensation.

7. In view of the above, the representation of the Appellant is rejected and disposed of accordingly.

3. The Applicant has filed this Review Application challenging the impugned order passed by the Electricity Ombudsman (Mumbai). The submissions and arguments of the Applicant are as below. *[The Electricity Ombudsman’s observations and comments are recorded under ‘Notes’.]*

- (i) The Applicant applied for a new residential electricity connection on 21.05.2025; however, the Respondent rejected the application vide letter dated 22.05.2025, relying on an MCGM communication and insisting on an NOC, which the Applicant contends is arbitrary and contrary to law. It is further alleged that the Respondent acted discriminatorily by granting connection to the adjacent premises. Aggrieved, the Applicant approached the Forum, which by order dated 29.09.2025 directed release


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Electricity Ombudsman Mumbai



of supply without insisting NOC from MCGM Authority. Pursuant thereto, the Applicant complied with all formalities, and electricity supply was released on 14.10.2025. Thus, a period of approximately five months elapsed in obtaining the new connection (from 21.05.2025 to 14.10.2025).

- (ii) The Respondent has, in fact, released around 40 electricity connections on the same MCGM land; however, the Respondent has incorrectly stated that only two such connections were granted and released, which is misleading and factually incorrect.


[Note: The Applicant was directed to furnish the list or names / examples of such connections; however, the Applicant failed to do so and instead stated that the same can be generated from the Respondent's records.]

- (iii) The Applicant contends that he is entitled to compensation of ₹1,50,000/- instead of ₹50,000/- as claimed earlier.

- (iv) In view of the above, the Applicant prays that this Authority may be pleased to:
- Review and recall the Order dated 02.02.2026;
 - Direct the Respondent to pay compensation of ₹50,000/- to the Applicant for losses suffered due to deficiency in service, including harassment and mental anguish caused by denial of electricity supply for a period of approximately 4 to 5 months.

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

- (i) The present Review Application, filed under Regulation 22 of the CGRF & EO Regulations, 2020, seeking review of the Order dated 02.02.2026 in Representation No. 109 of 2025, is wholly misconceived and devoid of merit. The Applicant seeks to reopen concluded findings without establishing any error apparent on the face of the record. It is well settled that review jurisdiction is limited and cannot be used for re-appreciation of evidence, rehearing on merits, or to substitute a different view merely due to dissatisfaction with the outcome.
- (ii) The Order dated 2nd February 2026 passed in Representation No. 109 of 2025 was rendered after due consideration of the pleadings, documents, and applicable regulatory


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- provisions. The said order is reasoned, lawful and does not suffer from any error apparent on the face of the record warranting interference in review.
- (iii) The Applicant is misleading this Hon'ble Authority by incorrectly stating that compensation of ₹1,50,000/- was claimed, whereas the original prayer was restricted to ₹50,000/-.
- (iv) By letter dated 22.05.2025, the Respondent informed the Appellant that, as per MCGM communication dated 18.07.2024, the subject land is municipal land comprising an unauthorized slum, and no electricity connections are to be granted. The Applicant was accordingly asked to submit an NOC from MCGM, which has not been furnished to date. The allegation that 40 connections were released thereafter is incorrect; in fact, only two connections were granted which was already on record of the original order. The Applicant is thus placing misleading and incorrect facts on record.
- (v) The present review application is thus a misuse of process and deserves outright rejection with exemplary costs.

Analysis and Ruling

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


6. We are of the opinion that all important issues in sum and substance have already been covered in detail with reasoning in the impugned order dated 02.02.2026 in Representation 109 of 2025 of the Electricity Ombudsman (Mumbai). It is not clear why the Applicant has filed this review at all with a prayer for high compensation, while being fully aware of the legal provisions which do not allow compensation beyond Rs.500/-. It amounts to gross wastage of official time and machinery of this grievance redressal mechanism.

7. The provisions with respect to review of orders passed by the undersigned is given in Regulation 22 of the CGRF & EO Regulations 2020. The relevant provision is quoted below:

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“22 Review of Order of Electricity Ombudsman

22.1 Any person aggrieved by an order of the Electricity Ombudsman, including the Distribution Licensee, may apply for a review of such order within thirty (30) days


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



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."*

8. Upon perusal of the Review Application, it is evident that no error apparent on the face of the record has been established, nor has any new and important material been shown to have been unavailable at the time of the original proceedings. The grounds urged merely reiterate contentions already considered and adjudicated in the Order dated 30.01.2026. No fresh issue warranting reconsideration under Regulation 22 of the CGRF & EO Regulations, 2020 has been made out. It seems that this review application might have been filed at the insistence of the representative out of pique. During the hearing he showed displeasure at the Respondent's suo-moto action of granting electricity connections to pending applications similar to that of the Applicant, after the Forum issued its order in his favour. Apparently, this deprived him of fighting legal cases on behalf of the other consumers similarly placed. This situation shows the Appellant's representative in very poor light.

9. The Hon'ble Supreme Court in Kamlesh Verma v. Mayawati, reported in AIR 2013 SC 3301, has unequivocally held that review proceedings are not by way of an appeal and must be strictly confined to the grounds specified in the relevant statute or rules. The Court further observed that repetition of old and overruled arguments is insufficient to reopen a concluded adjudication. The relevant observations are reproduced below:


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



“8) This Court has repeatedly held in various judgments that the jurisdiction and scope of review is not that of an appeal and it can be entertained only if there is an error apparent on the face of the record. A mere repetition through different counsel, of old and overruled arguments, a second trip over ineffectually covered grounds or minor mistakes of inconsequential import are obviously insufficient.”

In the matter of Jain Studios Ltd v/s Shine Satellite Public Co. Ltd. reported in (2006) 5 SCC 501, the Supreme Court held as under: -


“11. So far as the grievance of the Applicant on merits is concerned, the learned counsel for the opponent is right in submitting that virtually the Applicant seeks the same relief which had been sought at the time of arguing the main matter and had been negated. Once such a prayer had been refused, no review petition would lie which would convert rehearing of the original matter. It is settled law that the power of review cannot be confused with appellate power which enables a superior court to correct all errors committed by a subordinate court. It is not rehearing of an original matter. A repetition of old and overruled argument is not enough to reopen concluded adjudications. The power of review can be exercised with extreme care, caution and circumspection and only in exceptional cases.”

The Hon’ble Supreme Court in State of West Bengal v. Kamal Sengupta (2008) 8 SCC 612 explained that an error apparent on the face of record must be self-evident and should not require a long-drawn process of reasoning. **A review cannot be entertained merely because another view is possible.** Tested on the above principles, the present Review Application does not disclose any error apparent on the face of record.

In light of the aforesaid settled legal position, and considering that the Applicant has neither raised any new issue which was not considered in the original proceedings nor pointed out any error apparent on the face of the record, we are of the considered view that the present Review Application is devoid of merit. The Applicant has not demonstrated any patent mistake, arithmetical error, jurisdictional defect, or manifest illegality in the order dated 18.11.2025.

The same are accordingly held to be not maintainable and stand rejected.

10. The Review Application is thus an attempt to re-argue the matter on merits, which is impermissible in review jurisdiction. No sufficient ground exists for interference under Regulation 22. Such unwarranted invocation of review jurisdiction results in unnecessary prolongation of proceedings and wastage of judicial time. Accordingly, the Review Application



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Secretary
Electricity Ombudsman Mumbai



is rejected with costs quantified at ₹4,000/-, payable by the Applicant to the office of the Electricity Ombudsman within a period of 60 days from the date of this order.

11. The Review Application stands rejected and disposed of on the above terms.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

