

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 47 OF 2026

In the matter of dispute regarding sanction of new commercial
connection for shop premises attached to residential premises.

Anil Gurusharan Yadav Appellant

V/s.

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

Appearances:

Appellant: Anil Yadav

Respondent: 1. Mritunjay Jha, General Manager & Nodal Officer
2. Suresh Patil, In-Charge Zonal Commercial
3. Ashwini Jain, Zonal Head, Malad Division

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

Date of hearing: 10th June 2026

Date of Order: 15th July 2026

ORDER

This Representation was filed on 16th April 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 23rd February 2026 in Case No. 01015/2025-26 passed by the Consumer Grievance


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Redressal Forum, AEML (the Forum). The Forum rejected the Appellant's grievance application with the following observations and directions:

1. *The Applicant/Complainant is directed to first make the premises physically independent by permanently closing the internal access so as to clearly segregate the premises from the existing electricity connection.*
2. *Upon such physical separation and on due intimation by the Applicant/Complainant, the Respondent shall verify the physical independence of the premises within two days.*
3. *After verification and upon submission of requisite documents as prescribed under the MERC Electricity Supply Code, the Respondent shall consider and grant a new electricity connection in the name of the Applicant, in accordance with applicable Rules and prevailing Regulations.*

2. The Appellant has filed the present Representation challenging the order passed by the Forum. An e-hearing was conducted on 10th June 2026 through video conference where both the parties were heard at length. The Appellant's submissions and arguments are stated as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

- (i) The Appellant is a lawful occupier of a shop premises at Ekta Society, Road No. 1, Motilal Nagar No. 1, Goregaon (West), Mumbai, which is used exclusively for commercial purposes and constitutes a separate and identifiable commercial unit with an independent entrance. *[Note: - The premises are located in a slum on encroached government land.]*
- (ii) The Appellant applied for a new commercial electricity connection (Application No. 1041537655) on 07.11.2025 after complying with the prescribed requirements. However, the Respondent rejected the application on the ground that the premises already had an electricity connection. According to the Appellant, the existing connection serves only the rear portion of the property and not the shop premises for


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which the new connection was sought. It is contended that the front shop and the rear portion are separate and independently occupied units having distinct identity and usage. **The existence of an internal access for use of a common washroom does not render them a single premises, particularly when there is no sharing of electrical wiring or connected load.**

- (iii) The Respondent arbitrarily insisted upon permanent structural partition as a pre-condition for grant of a separate electricity connection, although neither the Electricity Act, 2003 nor the MERC Electricity Supply Code prescribes such a requirement.
- (iv) The Appellant filed a grievance before the Forum on 12.01.2026. The Forum rejected the grievance by directing the Appellant to permanently segregate the proposed premises by closing the internal access before a new electricity connection could be considered. The Forum failed to appreciate the real issue in dispute by treating internal connectivity as the decisive criterion, instead of examining whether the proposed premises was separately identifiable and independently occupied. It was further stated that Section 43 of the Electricity Act, 2003 casts a statutory obligation on the distribution licensee to provide electricity supply to every owner or occupier upon a valid application.
- (v) Discrimination and Unequal Treatment: The Appellant also alleged that the Respondent has adopted inconsistent standards by **granting separate electricity connections in similar cases**, including at Anand Nagar, Jogeshwari (West), Mumbai, without insisting on permanent structural partition, thereby rendering its action arbitrary and discriminatory in violation of Article 14 of the Constitution of India. The Respondent has failed to apply a uniform policy or Standard Operating Procedure while considering applications for separate electricity connections in internally connected premises.
- (vi) In support of his contentions, the Appellant relied upon K.C. Ninan v. Kerala State Electricity Board & Ors. to submit that while the obligation to supply electricity is subject to reasonable conditions, such conditions cannot be arbitrary or unsupported by law. Reliance was also placed on Shiv Kumar v. BSES Rajdhani Power Ltd. and Ajay Enterprises v. Maharashtra State Electricity Distribution Co. Ltd. to contend that internal connectivity alone cannot justify refusal of a separate electricity connection


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and that conditions not contemplated under the applicable Supply Code are legally unsustainable. *(Note: Copies of these two decisions were not submitted.)*

[Note: During the hearing the Appellant informed that there was a tenant residing in the backside of the premises, and that there was a shared toilet. His main concern was how to bifurcate a common electricity bill with the tenant, especially given that his use was commercial while the tenant's use was residential. If his load (commercial) became dominant in future, even the tenant's residential load would become subjected to commercial tariff, leading to complications and potential disputes. He therefore wanted separate billing.]

(vii) The Appellant was also concerned that with a common meter, it was impossible to accurately determine what was his (commercial) consumption vis-à-vis the residential consumption of the tenant. If the current common residential connection continued, while the dominant use becomes commercial in future, there is the danger / risk of being accused of theft (in terms of commercial use of a residential connection). Would the Respondent guarantee that they would not accuse him of theft, should this happen? Particularly since he was transparently applying for a commercial connection. The Appellant was also unwilling (in future) to bear the entire burden of a commonly applied commercial tariff, when a part of the load was residential, and expected to be borne by the tenant.

(viii) The Appellant prayed before the Hon'ble Ombudsman as below:

- (a) Set aside the order dated 23.02.2026 passed by the Forum in Grievance Case No. CGRF01015/2025-26.
- (b) Declare that the Appellant is entitled to a separate electricity connection for the shop premises without insisting upon permanent structural partition.
- (c) Hold that the condition requiring permanent structural partition is illegal, arbitrary, and without authority of law.
- (d) Direct the Respondent to process the Appellant's application and grant a separate electricity connection in accordance with law without imposing non-statutory conditions.


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- (e) Direct the Respondent to produce the relevant policy, rules, or Standard Operating Procedures and examine the alleged inconsistency in granting separate electricity connections in similar cases.
3. The Respondent's submission and arguments are stated as below: -
- (i) The Appellant applied for a new electricity connection on 08.11.2025 under commercial category for a shop situated at Ekta Society, Road No. 1, New Datta Mandir, Motilal Nagar No. 1, Goregaon (West), Mumbai – 400 104. Pursuant to the application, the Respondent conducted a site inspection on 10.11.2025 to verify the site conditions.
- (ii) **During the site inspection, it was observed that the premises for which the new connection was sought already had an existing electricity connection bearing CA No. 153088798 with Meter No. 10619546, standing in the name of Akhilesh Kumar Gurusharan Yadav (Appellant's brother). The inspection further revealed that the premises measured approximately 240 sq. ft., and that a portion of the residential premises had been converted into an office. From the signboard displayed at the entrance, it appeared that the Appellant was carrying on a business as a Licensed Electrical Contractor.**
- (iii) On 10.11.2025, the Respondent communicated to the Appellant through the online portal that the premises for which a new electricity connection had been sought were already served by an existing electricity connection No. 153088798, in the name of Akhilesh Yadav under the Residential category with a sanctioned load of 0.5 kW. That the average electricity consumption recorded on the said connection during the preceding twelve months is only 13 units per month. In support of this contention, the statement of account pertaining to CA No. 153088798 has been placed on record.

Legal Provisions Relating to Supply of Electricity:

- (iv) The Respondent relied upon the provisions of the MERC Tariff Order dated 30.03.2020 in Case No. 325 of 2019 relating to Adani Electricity Mumbai Limited


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(Distribution Business), effective from 01.04.2020, governing the grant of electricity supply, which, inter alia, provide as follows:

LT I (B): LT – Residential

This Tariff category is applicable for electricity used at Low/Medium Voltage for operating various appliances used for purposes such as lighting, heating, cooling, cooking, washing/cleaning, entertainment/leisure, water pumping in the following premises:

.....

- f) Residential premises used by professionals like Lawyers, Doctors, Engineers, Chartered Accountants, etc., in furtherance of their professional activities, but not including Nursing Homes and Surgical Wards or Hospitals.*
- g) & h)*
- i) Consumers undertaking business or commercial / industrial / non-residential activities from a part of their residence, whose monthly consumption is up to 300 units a month and annual consumption in the previous financial year was up to 3600 units. The applicability of this Tariff* to such consumers will be assessed at the end of each financial year. In case consumption has exceeded 3600 units in the previous financial year, the consumer will thereafter not be eligible for the Tariff under this category but be charged at the Tariff otherwise applicable for such consumption, with prior intimation to him.*

***Residential Tariff**

An extract of the MERC Tariff Order dated 30.03.2020 in Case No. 325 of 2019 has been placed on record.

- (v) The Respondent stated that the Appellant is carrying on his professional activity from a part of the existing residential premises. It was further contended that the average consumption under the existing CA No. is below the threshold prescribed in the MERC Tariff Order. The Respondent further submitted that where a single premises is used for multiple activities and the annual consumption exceeds 3,600


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units, the tariff applicable to the dominant load/activity is applied in accordance with the Tariff Philosophy. However, before such change is effected, the consumer is informed and afforded an opportunity to apply for the appropriate dominant load tariff category through the WSS Portal. In such cases, no proceedings under Section 126 of the Electricity Act, 2003 are initiated. *[Note: In other words, if the predominant load became commercial in future, while the common connection continued to be residential, the Appellant might be subject to action for theft under Section 126.]*

- (vi) The Appellant filed a grievance before the Forum on 12.01.2026. After considering the facts and submissions of both parties, the Forum rightly rejected the grievance and directed the Appellant to first permanently segregate the proposed premises by closing the internal access to the existing electrified premises. The Forum further directed the Respondent to verify the physical independence of the premises upon intimation by the Appellant and, subject to compliance with the MERC Electricity Supply Code and other applicable Regulations, to process the application for a new electricity connection. The Respondent submitted that the Appellant has failed to comply with the said directions by not permanently segregating the premises. *[Note: Basically, the residential and commercial parts of the premises share a common toilet. The rest seem to be segregated, as shown in a live video by the Appellant during the hearing.]*
- (vii) The Appellant's contention that the shop is separate and independent is factually incorrect. The proposed shop forms part of an existing interconnected premises already having electricity supply through Consumer Account No. 153088798. **During the site inspection, the premises was found to be fully electrified and the Appellant was carrying on commercial activities under the names "Krishna Electricals" and "Krishna Estate Agent" using electricity from the existing connection. The Appellant concealed this material fact while applying for a separate connection.**
- (viii) The Respondent contended that, in accordance with the applicable procedure and electrical safety requirements, only one electricity connection can be provided to a


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single interconnected premises. A separate connection can be considered only after the premises is made physically independent through permanent segregation. The Respondent further stated that multiple connections to the same premises may result in back-feeding during supply interruptions, as supply from one connection may be extended to the other, thereby posing a serious safety hazard to personnel and the distribution system.

- (ix) The decisions relied upon by the Appellant in *Shiv Kumar v. BSES Rajdhani Power Ltd.* and *Ajay Enterprises v. MSEDCL* are distinguishable on facts and are not applicable to the present case.
- (x) Accordingly, the Respondent prayed that the Representation be dismissed with costs as being devoid of merit.

Analysis & Ruling

4. Heard the parties and perused the record.

5. The principal dispute is whether the Appellant is entitled to a separate electricity connection for the proposed commercial shop notwithstanding the admitted existence of an internal (residential) connection in the contiguous premises already supplied with electricity through Consumer Account No. 153088798.

6. The Appellant has contended that the proposed shop is a separate commercial unit having an independent entrance and identity and that the existence of an internal access for use of the common washroom cannot by itself be treated as a ground to deny a separate electricity connection. It is further argued that neither the Electricity Act, 2003 nor the MERC Electricity Supply Code mandates permanent structural partition as a pre-condition for grant of a separate electricity connection. The Appellant has also alleged discriminatory treatment by relying upon certain alleged instances where separate connections were granted in similar circumstances.


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7. On the other hand, the Respondent has consistently maintained that the proposed shop forms part of a single interconnected premises already electrified through an existing connection. The Respondent has submitted that the Appellant is admittedly carrying on commercial activities by utilizing electricity drawn from the existing connection and that the premises continues to function as one integrated unit. According to the Respondent, a separate electricity connection can be considered only after the premises is made physically independent so as to establish a distinct electrical installation in conformity with technical and safety requirements. Apparently, the Applicant is not willing to permanently divide the premises due to the shared washroom.

8. The material placed on record, particularly the site inspection report, photographs and video recording, demonstrates that the proposed shop and the adjoining portion are internally connected for use of the common toilet, and electricity is presently being utilized for the entire premises through the existing electricity connection. During the proceedings before the Forum, the Appellant also admitted that electricity for the commercial shop was being drawn from the existing meter. That is the reason he is now applying for a separate commercial connection.

9. Section 43 of the Electricity Act, 2003 undoubtedly casts a statutory obligation upon a distribution licensee to supply electricity to an owner or occupier on receipt of a valid application. However, as held by the Hon'ble Supreme Court in K.C. Ninan v. Kerala State Electricity Board & Ors., the obligation to supply electricity is not absolute and is subject to compliance with the statutory provisions, technical feasibility, safety requirements and the conditions prescribed under the applicable Supply Code. Therefore, the Appellant cannot claim an unconditional right to a separate electricity connection for a part of a premises which already has a connection.

10. The insistence of the Respondent that the premises be physically segregated before release of a separate connection cannot, in the facts of the present case, be regarded as arbitrary or unreasonable. Where the premises continues to remain internally connected and is already receiving electricity through an existing installation, the requirement of establishing an


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independent premises in this case would serve the legitimate purpose of ensuring proper identification of the premises, and avoiding duplication of supply. The Forum has rightly observed that the Respondent has not permanently refused supply but has only required the Appellant to first establish physical independence of the proposed premises.

11. The allegation of discrimination is also not substantiated. Mere reference to alleged similar cases, without placing on record the relevant documents or evidence is not sufficient.

12. The Appellant has further sought production of the Respondent's internal policy or Standard Operating Procedure. In my considered view, the present dispute can be effectively decided on the basis of the Electricity Act, 2003, the applicable MERC Regulations and the factual position emerging from the record. The absence of a specific Standard Operating Procedure does not render the Respondent's action illegal when the requirement of physical separation is founded upon proper identification of an independent premises.

13. The Forum has examined the rival contentions in detail, appreciated both the oral and documentary evidence, and recorded cogent reasons while directing the Appellant to first permanently segregate the proposed premises. The directions issued by the Forum adequately balance the statutory right of the Appellant to obtain electricity supply with the Respondent's obligation to ensure technical feasibility and regulatory compliance. I find no perversity, illegality or jurisdictional error warranting interference with the impugned order.

14. The Appellant has placed reliance on the decisions in *Shiv Kumar v. BSES Rajdhani Power Ltd.* and *Ajay Enterprises v. Maharashtra State Electricity Distribution Co. Ltd.* in support of his contention that internal connectivity cannot, by itself, constitute a ground for refusal of a separate electricity connection. We have considered the citations and the digital versions of the said decisions. However, the ratio laid down therein does not advance the Appellant's case, as the facts and circumstances of those matters are materially distinguishable from the present case. The entitlement to a new electricity connection depends upon the facts


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of each individual case, including the physical configuration of the premises, the existence of an electricity connection, the nature of occupation, and compliance with the applicable statutory and regulatory provisions. Judicial precedents cannot be applied mechanically without examining the similarity of facts. In the present case, the evidence on record establishes that the proposed shop forms part of an internally connected premises already receiving electricity through the existing connection, and the Respondent has not refused supply altogether but has merely required the Appellant to first establish physical independence of the premises before a separate connection is granted.

15. At the same time, we recognise the concerns of the Appellant that (i) in future he should not be subjected to allegations of theft under Section 126 of the Electricity Act, particularly when he is applying for a separate commercial connection, and (ii) it is impossible for him to determine the relative consumption of commercial v/s. residential in view of a common meter. Thus under the current arrangement it is impossible to determine if the dominant load is commercial or residential, hence it would not be fair to accuse him of dominant commercial load being used through a residential connection.

16. The Representation is dismissed. Upon the Appellant permanently segregating the proposed premises, the Respondent shall process the application for a separate electricity connection expeditiously in terms of the directions already issued by the Forum. Further, the Respondent is directed not to take action for theft or unauthorised commercial use under Section 126 of the Act against the Appellant, given that his application for a separate commercial connection is being rejected.

17. The representation is accordingly disposed of.

Sd/
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