IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18321 OF 2024

Maharashtra State Electricity Distribution Co Ltd. ...Petitioner

Versus

The Consumer Grievance Redressal Forum Pune Zone and Anr. ...Respondents

---

Adv. Trishala Sailish *i/b KP Law Associates LLP, for the Petitioner.*

Mr. Aniesh S. Jadhav *i/b Amisha Lolusare, Adv. Rushikesh Kekane, for Respondent No.2.*

Adv. P. V. Nelsan Rajan*, A.G.P. for the State.*

CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : MARCH 4, 2026

ORDER :

1. This Petition impugns an order passed by Respondent No.1, the Consumer Grievance Redressal Forum, formed under the Electricity Act, 2003, by which, a bill dated June 20, 2022 raised on Respondent No. 2, Hindustan Petroleum Corporation Ltd. was set aside. The Impugned Order finds that the Petitioner has indeed been underpaid and has directed recovery of the loss from the relevant officials of the Petitioner.

2. Learned Advocate for the Petitioner points out that HPCL was granted a connection in 2013 under the “commercial” category since the electricity connection relates to a petrol pump engaged in the retail of petroleum products and has nothing to do with “industrial” activity for which, electricity is charged at a lower rate.

3. It was however discovered in 2021 that the bills were being erroneously raised under the industrial category. This led to a bill for arrears in the sum of Rs.6,00,650/- being raised. HPCL complained against this, on the premise that it was not HPCL’s mistake that bills were being raised erroneously under a wrong classification. This led to the Consumer Grievances Redressal Forum passing the Impugned Order disallowing the bill, with a dissenting judgement indicating that the bill may be raised but only for the preceding two years in reliance on Section 56 of the Electricity Act, 2003.

4. Having heard the parties and having examined the record, it is evident that the connection that HPCL applied for was in the commercial category, and it was granted the connection too in that category. The bills have evidently been erroneously raised in the industrial category. The entire quantum of the discount enjoyed by HPCL over an eight-year period amounts to a princely sum of Rs.6,00,650, and it is common ground that no interest is being charged.

5. In these circumstances, having examined the Impugned Order in the exercise of the extraordinary jurisdiction of this Court, it is clear that the error that was sought to be corrected, ought not to have been interfered with. In taking this view, I draw from the views of the Supreme Court expressed in ***Prem Cottex***[1]***,*** wherein the Hon'ble Supreme Court held as follows-

> *"13. Despite holding that electricity charges would become first due only after the bill is issued to the consumer (para 6.9 of the SCC Report) and despite holding that **Section 56(2) does not preclude the licensee from raising an additional or supplementary demand after the expiry of the period limitation prescribed therein in the case of a mistake or bonafide error** (Para 9.1of the SCC Report), this Court came to the conclusion that **what is barred under Section 56(2) is only the disconnection of supply of electricity. In other words, it was held by this Court in the penultimate paragraph that the licensee may take recourse to any remedy available in law for the recovery of the additional demand, but it barred from taking recourse to disconnection of supply under Section 56(2)**."*

6. The aforesaid observation also draws from the view expressed by the Supreme Court in ***Rahamatullah***[2], wherein the view taken is that under Section 56(2), it is only coercive recovery that is

1 M/s. Prem Cottex Vs. Uttar Haryana Bijli Vitaran Nigam Limited & Ors., Civil Appeal No. 7235 of 2009.

2 Assistant Engineer (D1), Ajmer Vidyut Vitran Nigam Limited and Anr. Vs. Rahamatullah Khan alias Rahamjulla, (2020) 3 SCC 650.

prohibited for dues from a period prior to two years, and not recovery by other means without the coercion of disconnection of supply.

7. In my opinion, it would only be appropriate to quash and set aside the Impugned Order, thereby upholding the bill of Rs.6,00,650, which simply seeks to correct the admitted error in classification of the category of consumer. No interest is also being charged since it is no fault of the Respondent that the error on the part of the Petitioner led to under-recovery.

8. In these circumstances, and in the peculiar facts of the case, this Petition is ***allowed*** and the bill is held as payable. HPCL shall pay the same within a period of four weeks from the upload of this order.

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]