

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade,
Mumbai 400005 Tel. 022-69876666
Email: mercindia@merc.gov.in Website: www.merc.gov.in**

Case No. 219 of 2024

Petition of M/s. Sou Sushila D. Ghodawat Charitable Trust (SSDGCT) seeking directions to MSEDCL for facilitating net metering to its installation and refund of monies charged by billing under gross metering modality along with applicable interest.

M/s. Sou Sushila D. Ghodawat Charitable Trust (SSDGT)... Petitioner

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)... Respondent

Coram

**Sanjay Kumar, Chairperson
Anand M. Limaye, Member
Surendra J. Biyani, Member**

Appearance:

For the Petitioner : Mr. Avijeet Lala (Adv.)

For the Respondent : Mr. Harinder Toor (Adv.)

ORDER

Date: 1 December 2025

1. M/s. Sou Sushila D. Ghodawat Charitable Trust (SSDGCT) has filed present Petition on 29 November 2024 under Section 42 read with Sections 142 & 62(6) of the Electricity Act, 2003, Regulation 14 & 39 of MERC (Transaction of Business and Fees and Charges) Regulations, 2022 and MERC (Distribution Open Access) Regulations, 2016. SSDGCT in its Petition categorically seeking directions to MSEDCL to abide by Regulation 3.4 of the MERC (Distribution Open Access) Regulations, 2016 for allowing Net Metering with respect to power sourced from its Rooftop RE generating systems. SSDGCT is also seeking refund of Rs. 60,96,441/- along with interest, which is overcharged by MSEDCL on account of denial of net metering.

2. **SSDGCT's main prayers are as follows:**

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- ii. *Declare that the excess recovery of Rs. 60,96,441 made by the Respondent/ MSEDCL against the bills of supply for the months of January, February, March, August, September and October 2024 is illegal, contrary to law and against the provisions of Maharashtra Electricity Regulatory Commission (Distribution Open Access) Regulations, 2016;*
 - iii. *Direct the Respondent/ MSEDCL to refund the excess amount of Rs. 60,96,441 pertaining to the bills of supply for the months of January, February, March, August, September and October 2024 along with applicable interest, within one month;*
 - iv. *Initiate necessary action against the Respondent/ MSEDCL under Section 142 of the Electricity Act, 2003 by holding and directing the Respondent to strictly abide by Regulation 3.4 of the Maharashtra Electricity Regulatory Commission (Distribution Open Access) Regulations, 2016 for allowing net metering with respect to power sourced from the Petitioner's Rooftop Renewable Energy Generating System;*
- ...
”

3. **SSDGCT in its Case stated as follows:**

- 3.1. SSDGCL is a charitable trust registered under the Bombay Public Trusts Act, 1950 having its registered office at S. D. Ghodawat Group of Institution, Tal. Hatkanangale, Gat. No 583, Atigre, Kolhapur – 416115. The SSDGCL is a registered electricity consumer of the MSEDCL having consumer no. 250409051030.
- 3.2. SSDGCT is connected to the distribution network of MSEDCL with total contract demand of 1050 KVA. SSDGCT has availed partial open access since January-2024 for sourcing power from 1.25 MW wind turbine generator located at Dhule in the state of Maharashtra.
- 3.3. Apart from above, on 20 March 2020 SSDGCT commissioned a rooftop Renewable Energy (RE) generating system at its premises of capacity of 748.80 kWp (560 KW AC). In addition to the power sourced from MSEDCL and WTG under Open Access, SSDGCT has also been consuming power from the Rooftop RE generating system.
- 3.4. In order to promote rooftop solar generation and open access in the State of Maharashtra, the Commission extended the facility of net metering to the open access consumers. This facility is extended by notifying MERC (Distribution Open Access) (Second Amendment) Regulations, 2023 (DOA Second Amendment Regulations).
- 3.5. Despite the facility of net metering extended to open access consumers having rooftop RE

generating system in terms of the DOA Second Amendment Regulations, MSEDCL in the most arbitrary and illegal fashion denied such facility to SSDGCT for billing months of January, February, March, August, September and October of calendar year 2024. Rather, the energy drawal from rooftop RE generating system has been accounted in the bills of aforementioned months on gross metering basis, causing significant financial loss and hardship to SSDGCT.

- 3.6. The arbitrariness of denial of net metering to SSDGT is further highlighted by the fact that MSEDCL has provided the benefit of net metering in the months of April, May, June and July 2024.
- 3.7. Net metering has been denied to SSDGCT without any justification or intimation in this regard. The approval for installation of roof top solar- PV system dated 18 December 2019 specifically states that the same is issued under the net metering arrangement.
- 3.8. The over-billing by MSDECL on account for denial of net metering qua power sourced from rooftop RE generating system has been carried out in following manner:

Month	Solar Gen Units	Bill Amount	Units	Tarif	Refund Amount in Rs
24-Jan	80210	4407922	294677	14.96	1199820.222
24-Feb	85180	4142281	265267	15.62	1330129.626
24-Mar	93978	4022633	262282	15.34	1441345.59
24-Aug	37091	4379183	262469	16.68	618847.4702
24-Sep	33111	3885235	220868	17.59	582447.5075
24-Oct	56716	5079485	311834	16.29	923850.7387
				Total in Rs	6096441.155

- 3.9. In terms of Section 62 (6) of the Electricity Act, 2003 the excess amount charged by MSEDCL needs to be refunded along with interest. Apart from that, MSEDCL is liable for payment of penalty under Section 142 of the Electricity Act, 2003 for non-compliance of the DOA Second Amendment Regulations.
- 3.10. The cause of action has arisen as on the date of issuance of bill of supply for the month of January 2024 i.e. 12 February 2024. The cause of action arose further on 11 March 2024, 08 April 2024, 10 September 2024 and 24 October 2024, being the dates of issuance of bills of supply for the months of February, March, September and October 2024 respectively. The said cause of action is a continuous to subsists till MSEDCL makes necessary corrections in electricity bills in question and refund the excess amounts charged in above mentioned electricity bills. Hence, the Petition is not barred by law of limitation.

4. MSEDCL in its reply dated 11 March 2025 stated as follows:

- 4.1. SSDGCT has a total contract demand of 1.05 MW and is supplied electricity under tariff category 146 HT-VIII B. SSDGCT has installed rooftop solar photo-voltaic RE generating system of capacity of 560 kW under net metering arrangement.
- 4.2. The electrical connectivity of said rooftop solar to the distribution network of MSEDCL, is at 11 kV. The said rooftop solar installation got approval on 18 December 2019 and was commissioned by SSDGCT on 20 March 2020. Subsequent to its commissioning, the solar energy generated from said Rooftop Solar RE generating system has been accounted on net metering arrangement from July 2020 to December 2023.
- 4.3. For the period from 01 January 2024 to 31 January 2024, SSDGCT availed Open Access from 1.25 MW Wind generation unit of M/s. Ghodawat Realty Pvt. Ltd on non-captive basis. Further, for periods from (i) 01 February 2024 to 29 February 2024 (ii) 01 March 2024 to 31 March 2024 (iii) 01 August 2024 to 31 August 2024 (iv) 01 September 2024 to 30 January 2024 and (v) 01 October 2024 to 31 October 2024, SSDGCT availed short term Open Access from 1.25 MW Wind generation unit of Sau Sushila D Ghodawat Charitable on captive basis. During the period from 01 April 2024 to 31 July 2024, the SSDGCT did not availed Open Access and the solar energy generated from said rooftop solar system was accounted in net metering arrangement.
- 4.4. SSDGCT cannot apply to MSEDCL for Green Energy Open Access (GEOA) or Renewable Energy Open Access after notification of the Electricity (Promoting Renewable Energy through Green Open Access) Rules, 2022 (GEOA Rules) as well as the MERC (Distribution Open Access) (Second Amendment) Regulations, 2023 (DOA Second Amendment). The Grid Controller of India Limited is identified as the Central Nodal Agency by the Central Government to setup and operate a single window Green Energy Open Access system for Renewable Energy, under Rule 6 of GEOA Rules, 2022. In May 2023, the Central Nodal Agency has notified the procedure for grant of GEOA, under Rule 7 of GEOA Rules, 2022.
- 4.5. Furthermore, DOA Second Amendment Regulations defines Central Nodal Agency and Renewable Energy/ Green Energy. The DOA Second Amendment Regulations provides the procedures, formats and timelines devised by Central Nodal Agency as per provisions of GEOA Rules shall be followed for seeking Green Energy Open Access. The DOA Second Amendment Regulations further provides that in case of short-term GEOA, Maharashtra State Load Despatch Centre (MSLDC) and in case of Medium / Long Term GEOA, the State Transmission Utility (STU) shall perform duties of Nodal Agency as stipulated in the procedure framed by Central Nodal Agency. The DOA Second Amendment Regulations also provides that concerned Distribution Licensee shall provide all required details to the Nodal Agency so as to enable them to comply with the timelines stipulated in GEOA Rules and Procedure for Green Energy Open Access framed by the Central Nodal Agency.
- 4.6. The claim or grievance of SSDGT is based or founded on non-compliance of Regulation 3.4

of DOA Second Amendment Regulations by MSEDCL. SSDGCT has not lawfully applied for / availed RE OA or GEOA under DOA Second Amendment Regulations, consequently its claim or grievance arising thereunder is bad in law or misconceived. As aforesaid STOAAs are illegal or invalid under DOA Second Amendment Regulations, then consequently the claim or grievance made in said Petition is fundamentally illegal or misconceived.

- 4.7. MSEDCL submitted that Regulation 3.4 of DOA Second Amendment Regulations is ambiguous and unclear. Hence, MSEDCL accounted the solar generation during the period of STOA on gross metering basis. Dispensation of accounting of solar generation in gross metering is already accorded by the Commission in its earlier Orders.
- 4.8. MSEDCL has filed Case No. 232 of 2024 before the Commission for clarification on certain Regulations (including, Regulation 3.4) of DOA Second Amendment Regulations and moved IA No. 81 of 2024 for urgent listing thereof. The Commission heard the IA No.81 of 2024 on 17 December 2024 and directed MSEDCL to carry out study in respect of clarification sought in Petition in Case No.232 of 2024 and report the findings within (2) months. The matter is sub-judice before the Commission.
- 4.9. The error, if any or at all, of MSEDCL is inadvertent and / or result of being misled by SSDGCT or of misunderstanding of aforesaid Regulation 3.4 of DOA Second Amendment Regulations deserves to be condoned by the Commission without any liability to MSEDCL.

5. SSDGCT in its Rejoinder dated 15 April 2025 stated as follows:

- 5.1. As per MSEDCL, SSDGCT has not properly applied/ availed the GEOA and since the STOAAs are invalid, SSDGCT cannot claim benefit of net metering in respect of its rooftop solar system. At the most fundamental level, MSEDCL has wrongfully denied net metering to SSDGCT on the ground of an alleged non-compliance under the DOA Second Amendment Regulations. In this context, it highlighted that the relevant law dealing with SSDGCT's rooftop solar system is the MERC (Grid Interactive Rooftop Renewable Energy Generating Systems) Regulations, 2019 (Rooftop Regulations, 2019) and its amendments. In terms of Regulation 4.2 of the Rooftop Regulations, 2019, an Eligible Consumer may set up the rooftop RE generating system either under the Net Metering Arrangement or the Net Billing Arrangement (also called the gross metering arrangement). Furthermore, Regulation 11 deals with energy accounting and settlement for net metering and Regulation 12 deals with energy accounting and settlement for net billing.
- 5.2. As per regulatory framework, once the eligible consumer sets up the rooftop RE generating system under net metering, the energy accounting and settlement will have to be carried out under net metering arrangement only. There is no provision under DOA Regulations or Rooftop Regulations that would enable MSEDCL to carry out energy accounting and

settlement on gross metering basis for a project that has been installed under the net metering arrangement.

- 5.3. To suffice arguments, SSDGCT relied upon MSEDCL's letters dated 18 December 2019 and 21 July 2020 and connection agreement dated 20 July 2020. After perusal of these documents, it is evident that billing to SSDGCT ought to be done on net metering basis.
- 5.4. MSEDCL has unlawfully and without any cogent justification, hyphenated the issue of net-metering entitlement with the procedural compliances qua open access under the DOA Second Amendment Regulations. It is pertinent to point out that Regulation 3.4 of the DOA Second Amendment Regulations is an enabling provision that merely states that consumer having rooftop RE generating systems can simultaneously avail Open Access under these Regulations. The scheme of the DOA Regulations, as amended from time to time, does not prescribe that open access procedural compliance is a prerequisite for availing net metering for rooftop based RE systems. MSEDCL has not alluded to any provision either under the DOA Second Amendment Regulations or Rooftop Regulations that would entitle it to deny net metering to SSDGCT for the alleged procedural lapse for securing open access.
- 5.5. As far as the issue of alleged non-compliance of DOA Second Amendment Regulations is concerned, it is also important to state that although the DOA Second Amendment Regulations were notified on 10 November 2023, MSEDCL issued Commercial Circular No. 346 on the subject of grant of GEOA to consumers only on 09 September 2024, after a delay of nearly ten months. This delay in issuing formal instructions created significant uncertainty and until Commercial Circular No. 346 was published, the stakeholders, including SSDGCT, had no formal communication from MSEDCL on how the new Green Energy Open Access procedures were to be applied in practice.
- 5.6. SSDGCT was never informed that approval from SLDC was required for availing STOA for the procurement of green energy under the new regulatory framework. In fact, in terms of email dated 18 April 2024, SSDGCT wrote to MSEDCL regarding gross metering carried by MSEDCL in the bill for March 2024. However, no reply to this email was received by it. It was only after institution of the present Petition, that MSEDCL vide its reply in the present proceedings and vide letter dated 06 March 2025 intimated SSDGCT regarding the requirement to seek open access from Maharashtra State Load Despatch Centre.
- 5.7. On a bare reading of STOA approvals issued by MSEDCL, it is clear that specific reference has only been made to the DOA Regulations, 2016 and the DOA (First Amendment) Regulations, 2019. Since there was no explicit reference to the DOA Second Amendment Regulations and the fact that MSEDCL itself (and not SLDC) had issued the STOA approvals, SSDGCT had no reason to believe that the STOA approvals were insufficient or invalid. Since MSEDCL had issued the STOA approvals under the erstwhile regulatory framework, it was reasonable for SSDGCT to assume that the earlier practice was still in

vogue and the new procedure under the DOA Second Amendment Regulations was not yet operationalized.

- 5.8. It is unacceptable for a public utility such as MSEDCL to grant STOA permissions under one framework, fail to sensitize consumers about the changed application procedure, and then later penalize them for non-compliance with a process that was neither publicized nor enforced at the relevant time.
- 5.9. The denial of net-metering to SSDGCT and the resultant over-charging in the monthly electricity bills after having granted the STOA approvals runs foul of the established legal principle that ‘a person cannot take advantage of his own wrong’. MSEDCL cannot deny SSDGT net metering benefits based on a procedural lapse that arose from its own failure to update its open Access approval process or inform consumers about the same.
6. The Commission heard IA No. 63 of 2025 filed in Case No.219 of 2024 on 10 June 2025. The Advocate appearing on behalf of SSDGCT informed that MSEDCL is denying net metering benefit to its connections and erroneously billing it as per Gross Metering methodology. Due to this SSDGCT is facing financial burden. He urged that matter may be listed on priority. Advocate appearing on behalf of MSEDCL submitted that recently it has initiated actions as per procedure and its officials will co-ordinate with SSDGT. Considering the above, the Commission directed both the parties to sit together and resolve the matter amicably.
7. At the e-hearing held on 26 August 2025, the Advocate appearing on behalf of SSDGCT informed that after availing STOA facility, MSEDCL denied benefit of net metering to SSDGCT’s connection. Further, he highlighted that the Commission vide its Order dated 28 July 2025 in Case No. 197 of 2024 (*M/s. KSB Ltd. vs MSEDCL*) has dealt with similar matter and granted relief in favour of the Petitioner therein. Advocate appearing on behalf of MSEDCL submitted that SSDGCT has not complied with provisions of DOA Second Amendment Regulations. In such scenario, relief cannot be granted to SSDGCT. He also highlighted the pendency of its Petition in Case No.232 of 2024.
8. As per directives provided in during the hearing, SSDGCT and MSEDCL made their written submission. The Commission notes that most of the submission is just repetition of facts mentioned in the Petition, Rejoinder and Reply. Only new averments are included here for the sake of brevity.
9. **SSDGCT in its additional submission dated 02 September 2025 stated following:**
 - 9.1. SSDGCT has been taking STOA approvals from MSLDC since April 2025. Despite the same, MSEDCL has denied net metering facility to SSDGCT for the months of April – July 2025.

- 9.2. The issue in this Petition is no longer res integra as the issue of denial of net metering, in similar fact situation has been dealt by the Commission by way of recent Order dated 28 July 2025 in Case No. 197 of 2024. In terms of the said order, MSEDCL had agreed to carry out credit adjustments for solar rooftop generation units on net metering basis by issuing supplementary bills.
10. **MSEDCL in its additional written submission dated 03 September 2025 stated following:**
- 10.1. As SSDGCT has not lawfully applied for / availed GEOA under DOA Second Amendment Regulations, 2023, consequently its claim or grievance arising thereunder is bad in law or misconceived. As STOAAs (which form basis or foundation of claim or grievance made in present Petition) are illegal or invalid under MERC DOA Second Amendment Regulations, 2023, then consequently the claim or grievance made in said Petition is fundamentally illegal or misconceived.
- 10.2. To suffice the arguments, MSEDCL referred to the Judgement of Hon'ble Supreme Court of India in the case of [*State of Punjab vs Davinder Pal Singh Bhullar*] reported as (2011) 14 SCC 770. As per said Judgement, it is a settled legal proposition that if initial action is not in consonance with law, all subsequent and consequential proceedings would fall through for the reason that illegality strikes at the root of the order. Further in this context, MSEDCL relies upon the judgement of Supreme Court in the case of [*Narayanamma vs Govindappa*] reported as (2019) 19 SCC 42.
- 10.3. It is also pertinent that SSDGCT cannot claim ignorance of law (particularly DOA Second Amendment Regulations regarding availing of GEOA, as ignorance of law is no excuse or illegality.
- 10.4. It is a well settled position of law that there can be 'no estoppel against statute'. Without prejudice, even if MSEDCL inadvertently processed or scheduled such transactions, the same does not cure or validate the fundamental illegality of SSDGCT having not applied through MSLDC as required under GEOA Rules, 2022 and MERC (DOA) Second Amendment Regulations.
- 10.5. It is significant that in April 2025, SSDGCT duly applied for GEOA through the competent nodal agency, i.e., MSLDC, in accordance with the applicable DOA Second Amendment Regulations. Therefore, MSEDCL has duly extended the benefit of rooftop Net Metering for the period April 2025 to June 2025, and corresponding credit amounting to Rs. 20,42,131/-, will be reflected for SSDGCT in its monthly electricity bill of July 2025.
- 10.6. The error, if any or at all, of MSEDCL is inadvertent and / or result of being misled by SSDGCT or of misunderstanding of aforesaid Regulation 3.4 of DOA Second Amendment

Regulations. And, as such, said error deserves to be condoned by the Commission without any liability to MSEDCL.

- 10.7. The reliance placed by SSDGCT on Section 142 of the Electricity Act, 2003 is wholly misconceived. Section 142 of Electricity Act, 2003 contemplates deliberate contravention of the Act or Regulations by a party. In the present Case, there is no deliberate contravention of the Act, Rules or Regulations as MSEDCL facing ambiguity. It has also filed a Petition before the Commission (Case No. 232/MP/2024) seeking clarification on certain Regulations (including that of Regulation 3.4) of DOA Second Amendment Regulations.

Commission's Analysis and Rulings:

11. SSDGCT has filed present Petition under Section 42 read with Section 142 & 62 (6) of the Electricity Act, 2003, Regulations 14 & 39 of the MERC (Transaction of Business and Fees & Charges) Regulations, 2022 and Regulation 3.4 of DOA Second Amendment Regulations. While arguing the matter, SSDGCT also referred to provisions in Rooftop (First Amendment) Regulations, 2023. SSDGCT is categorically seeking directions to MSEDCL for allowing of Net Metering Arrangement along with Open access and refund of excess billing to the tune of Rs.60,96,441/- along with applicable interest.
12. The Commission notes that MSEDCL in its argument stated that SSDGCT has not availed Open Access as per provisions under DOA Second Amendment Regulations. Hence, its claim is misconceived. MSEDCL also highlighted the pendency of its Petition in Case No.232 of 2024, wherein MSEDCL has sought certain clarifications.
13. Based on submission on record, the Commission frames following issues:
- (a) Regulatory framework governing Net Metering along with Open Access transactions.
 - (b) Procural compliance in securing Open Access.
 - (c) Overlap with MSEDCL's Petition in Case No.232 of 2024.
14. **Issue (a): Regulatory framework governing Net Metering along with Open Access transactions.**
- 14.1 Before delving in to merits of the matter, it would be proper to consider prevailing regulatory provisions related to availing simultaneous net-metering and Open Access facility.
- 14.2 The Commission notes that DOA (First Amendment) Regulations 2019 notified on 7 June 2019 had following provisions (8th Proviso to Regulation 3.2) related to simultaneous use of rooftop solar system and Open Access:

“Provided further that Consumers intending to have Roof-Top Solar Photo Voltaic Systems can simultaneously avail open access under these Regulations; subject to a

condition that in such cases, the credit for solar generation shall be adjusted on Gross metering basis for such period for which open access is availed by the Consumer. The applicable rate for sale under such Gross metering arrangement shall be equivalent to the rate stipulated under the yearly Generic tariff Order for Renewable Energy Technologies based on the principles stipulated therein ”

As per above provisions of the Regulations, during the period when Open Access is availed by the consumer, energy credit from rooftop solar generation is adjusted on gross metering basis. Said provisions of 2019 Regulations is amended in 2023 vide DOA (Second Amendment) Regulations 2023 as follows:

“4. Amendment to Regulation 3 of the Principal Regulations :—

2nd and 8th Provisos to Regulation 3.2 of the Principal Regulations stand deleted.

Introduction of Regulation 3.3 and 3.4 after Regulation 3.2 of the Principal Regulations :

.....

*3.4 Subject to meeting eligibility criteria under Regulation 3.2 or 3.3 as the case may be, **Consumer having Roof Top Renewable Energy Generating Systems can simultaneously avail Open Access under these Regulations :***

Provided that during such simultaneous operation, net drawl recorded on net-meter/meter adjusted for banking credit available under Rooftop Regulations shall be used for adjusting energy credit as per priority stipulated in Regulation 14.10 of the Principal Regulations. ”

- 14.3 Through above amendment, 8th proviso to Regulation 3.2 which had mandated gross metering adjustment of rooftop solar generation during Open Access period has been deleted. Also, Regulation 3.4 has been introduced to emphasis simultaneous use of rooftop solar and Open Access. Hence, post notification of DOA (Second Amendment) Regulations 2023 on 10 November 2023, consumers are allowed to use simultaneous rooftop net-metering and Open Access transaction.
- 14.4 The Commission notes that dispute raised in present petition is for the period starting from January 2024 which is post notification of DOA (Second Amendment) Regulations 2023 which allows simultaneous use of rooftop net-metering and Open Access transaction
15. **Issue (b): Procural compliance in securing Open Access.**

- 15.1 MSEDCL submitted that SSDGCL cannot apply to MSEDCL for Green Energy Open Access after notification of GEOA Rules and DOA Second Amendment Regulations. It is the case of MSEDCL that since STOA's are invalid as SSDGCT has not properly applied/availed the Green Energy OA. Hence, SSDGCT cannot claim benefit of net metering in respect of its solar system.
- 15.2 SSDGCT highlighted that the DOA Second Amendment Regulations were notified on 10 November 2023 by the Commission, but its implementation Commercial Circular No. 346 is issued by MSEDCL on 09 September 2024, after a delay of nearly ten months. This delay in issuing Commercial Circular has created significant uncertainty and until Commercial Circular No. 346 was published, the stakeholders, including SSDGCT, had no formal communication from MSEDCL on how the new Green Energy Open Access procedures were to be applied in practice. SSDGCT was never informed that approval from SLDC was required for availing STOA for the procurement of green energy under the new regulatory framework.
- 15.3 In this regard, the Commission notes that under DOA (Second Amendment) Regulations 2023, consumer has to apply for Green Energy Open Access as per procedure and format devised by the Central Nodal Agency. Further, MSLDC and STU has been made as State Nodal Agency for short term and medium/long term Open Access, respectively. Role of the Distribution Licensee is limited to provide required information/details to concerned state Nodal Agency to enable them to comply with timelines stipulated by Central Nodal Agency.
- 15.4 MSEDCL is relying on above provisions of Regulations to state that SSDGCT has wrongly apply for Open Access to it and as said grant of Open Access is not as per the Regulations, subsequent benefit of simultaneous use of rooftop net-metering shall also be considered as not valid. In this regard, the Commission notes that MSEDCL has delayed the implementation of DOA (Second Amendment) Regulations 2023 and in fact only after direction of the Commission in Case No. 129 of 2024, MSEDCL has issued Circular on 9 September 2024 for implementation of DOA (Second Amendment) Regulations 2023. By delaying issuance of Circular, MSEDCL has not promulgated the correct procedures for availing GEOA. Moreover, MSEDCL has issued STOA's for the months of January, February, March, August, September and October-2024. Now MSEDCL itself taking stand that its approvals are invalid and hence benefit of net metering cannot be extended to SSDGCT. Clearly by virtue of its own wrong, MSEDCL is denying legitimate benefit accruable to SSDGCT. Had MSEDCL implemented DOA (Second Amendment) Regulations 2023 in timely manner, SSDGCT could have availed Open Access by applying Central Nodal Agency, which evidently it has done in recent period after getting aware of the process. Therefore, in the opinion of the Commission, benefit of roof-top net metering cannot be denied to SSDGCT on account of MSEDCL's failure.

16. **Issue (c): Overlap with MSEDCL's Petition in Case No.232 of 2024**

16.1 MSEDCL in its submission pointed out that it has filed Case No.232 of 2024 seeking clarification on certain aspects covered in DOA Second Amendment Regulations including Regulation 3.4. The Commission vide its Daily Order dated 7 December 2024 in the said matter; has directed MSEDCL to carry out comprehensive study on issues where clarification is required. MSEDCL also stated that Regulatory uncertainty is also one of the reason for non-implementation of Regulations.

16.2 SSDGCT in its arguments pointed out that the issue raised in this Petition is no longer *res integra*, in fact similar situation has been dealt by the Commission by way of Order dated 28 July 2025 in Case No. 197 of 2024. In terms of the said order, MSEDCL had agreed to carry out credit adjustments for solar rooftop generation units on net metering basis by issuing supplementary bills. SSDGCT sought similar treatment in this matter also.

16.3 The Commission notes that in Case No.197 of 2024 dated 28 July 2025, the Commission has elaborately dealt with issue of simultaneous Open Access and Net Metering. During the course of proceedings, MSEDCL has taken its stand to give credit adjustments based on net metering modality. The relevant portion of the Order reads as below:

“

10. *The Commission notes that during the course of present proceedings, it directed parties to sit together and resolve the dispute amicably. Accordingly, MSEDCL in its written submission dated 28 May 2025 and oral argument during the hearing held on 10 June 2025 has categorically agreed to give credit adjustments based on Net Metering modality. MSEDCL has also assured that it will issue the supplementary bill by giving credit adjustments in the month of June-2025.*

11. *Considering above, as MSEDCL has agreed to give credit adjustment based on Net Metering modality, subject to outcome of its clarificatory Petition pending before the Commission in Case No. 232 of 2024, the Commission finds that nothing survives in this matter which requires to be adjudicated. **As agreed, MSEDCL shall continue to provide credit adjustment based on Net Metering modality as per provisions of Regulations, subject to outcome of Case No. 232 of 2024.**” (Emphasis Added)*

Considering above, MSEDCL cannot discriminate between the consumers and needs to consider Order dated 28 July 2025 in Case No.197 of 2024 applicable to all similarly placed consumers.

16.4 As MSEDCL has already granted Open Access permissions to SSDGCT, as per provisions of the Regulations, it needs to allow simultaneous utilization of energy generated from rooftop solar plant. Hence, the Commission directs MSEDCL to pass on corresponding credit

adjustments in electricity bills of SSDGCT. This ruling of the Commission is subject to outcome of Case No.232 of 2024.

- 16.5 SSDGCT is seeking refund of Rs.60,96,441/- for the months of January, February, March, August, September and October-2024. But it is pertinent to note that SSDGCT in its Petition has not provided any computation of refund except copies of electricity bills. Further, MSEDCL's submission is silent on claim amount. In absence of working, it is not possible to validate the claim made by SSDGCT. Hence, the Commission directs both the parties to sit together and reconcile the claim amount, within (30) days of this Order. MSEDCL shall pass on the credit adjustment of reconciled amounts in immediate next billing cycle along with interest at Bank Rate.
- 16.6 The Commission notes that MSEDCL in its additional written submission stated that in April-2025, SSDGCT applied for GEOA through MSLDC, in accordance with the provisions of DOA Second Amendment Regulations. Hence, MSEDCL is considering passing on benefit of Net Metering to SSDGCT for the period of April-2025 to June-2025. For the said period, benefit worked out by MSEDCL is to the tune of Rs.20,42,131/-, which will be reflected in electricity bill for the month of July-2025.
17. Hence, the following Order.


ORDER

1. **The Petition in Case No. 219 of 2024 is allowed.**
2. **Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) and Sou Sushila D. Ghodawat Charitable Trust shall reconcile the claim amount, within (30) days of this Order. Thereafter credit adjustment of reconciled amounts shall be effected immediately within next billing cycle.**

Sd/-
(Surendra J. Biyani)
Member

Sd/-
(Anand M. Limaye)
Member

Sd/-
(Sanjay Kumar)
Chairperson


(Dr. Rajendra G. Ambekar)
Secretary

