

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3002 OF 2026

Aly India Renewable Energy
Association and Ors.

.. Petitioners

Versus

Maharashtra State Electricity Distribution
Co.Ltd. And Ors.

.. Respondents

*Mr.Darius Khambata a/w Mr.Amit Kapur a/w Mr.Akshat Jain,
Mr.Malcolm Desai, Mr.Shikhar Verma, i/b Mr.Sourabh A. Saxena,
Mr.Ajay Singh and Mr.Amit Kumar, Advocates for the Petitioner.*

*Mr.Vishal Binod i/b M/s.Cyril Amarchand Mangaldas, Advocate for
the Respondent No.1.*

Mr.Yogendra Bhate, Advocate for the Respondent No.3.

*Mr.Anil Borse, Superintendent Engineer Roof Top Solar, MSEDCL
present in person.*

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: MARCH 13, 2026

P. C.

1. The above Writ Petition is filed seeking the following reliefs:

*“a. Declare that 2nd Proviso to Regulation 2.1(j) and
Regulation 6.2 of the MERC (Grid Interactive Rooftop
Renewable Energy Generating Systems) Regulations, 2019 (as*

amended), are contrary to the Ministry of Power's Electricity (Rights of Consumers) Rules, 2020, insofar as it restricts the Prosumer's vested right to receive automatic approval for setting up of Roof Top Solar Generating System upto 10 kW capacity and to receive automatic enhancement of the Sanctioned Load upto 10 kW.

b. In the alternative, declare that 2nd Proviso to Regulation 2.1(j) and Regulation 6.2 of the MERC (Grid Interactive Rooftop Renewable Energy Generating Systems) Regulations, 2019 (as amended) when read conjointly with Rule 11(7A of the Ministry of Power's Electricity (Rights of Consumers) Rules, 2020, grant Prosumer's the right to seek installation of Solar Roof Top Generating Systems of upto 10 kW capacity automatically and to receive automatic enhancement of the Sanctioned Load upto 10 kW.

c. Issue a Writ of Certiorari or any other appropriate writ, order or direction quashing and setting aside Respondent No.1's unilateral and arbitrary act / decision/rule/notification / circular of MSEDCL, whereby it is restricting the permissible capacity for a net-metering connection to an average of consumption of a consumer for the past 12 months and not granting deemed approvals for solar capacity upto 10 kW, thereby being in breach of the 2020 Rules and the 2019 Regulations;

d. Issue a Writ of Mandamus or any other appropriate writ, order or direction commanding Respondent No. 1 to act in accordance with the Central Rules and the 2019 Government's 2020 Regulations;

e. Issue a Writ of Mandamus or a writ in the nature of Mandamus or any other appropriate writ, order or direction in the nature of Mandamus under Article 226 of the Constitution of India, to Respondent No. 2 to initiate appropriate action(s) against Respondent No. 1 / its officers under Section 142 & Section 146 of the Electricity Act, 2003 for acting in a manner contrary to the Regulations / Orders of Respondent No. 2."

2. The entire gravamen of the Petitioner's case is that the Government of India has published Electricity (Right of Consumers)

Amendment Rules, 2024, on 22nd February 2024. Sub Rule 7A of Rule 11 reads as under:

"(7A) The applications for roof top solar photo voltaic systems up to 10 kW capacity. complete in all respects shall be deemed to have been accepted without requiring technical feasibility study and any commensurate enhancement of the sanctioned load of the consumer, as may be required, shall be carried out by the distribution licensee."

3. It is the case of the Petitioner that taking note of this Rule, on 5th July 2024, MSEDCL (Respondent No.2) addressed a communication to the Chief Engineers, All O & M Zones, for auto approval (deemed approval) of Technical Feasibility upto 10kW for Roof Top Solar applications and auto approval for enhancement of load upto 10kW after online payment of necessary charges.

4. However, it is the case of the Petitioner that MSEDCL is not following this in its letter and spirit, and it is in these circumstances that the reliefs as more particularly set out above have been sought in the present Writ Petition.

5. After we heard the Writ Petition for some time, the learned Advocate appearing on behalf of MSEDCL, on instructions of Mr. Anil Bhosale, Superintendent Engineer Roof Top Solar, stated as under:

“1. MSEDCL is accepting the submission of, and shall continue to accept all applications filed for installing Solar PV rooftop systems of capacity up to 10 kW.

2. MSEDCL is approving, and shall approve all applications received for installing Solar PV rooftop systems of capacity up to the sanctioned load of the consumer (up to a maximum of 10 kW), immediately upon receipt of such application, provided the application filed is complete in all respects, and the applicable fees, if any, is duly paid by the consumer.

3. MSEDCL shall approve all applications received for installing Solar PV rooftop systems of capacity up to 10 kW, but in excess of the sanctioned load of the consumer, immediately upon increase of sanctioned load of such consumer up to the solar capacity applied for, provided the application filed is complete in all respects, and the applicable fees, if any, is duly paid by the consumer. MSEDCL shall simultaneously process and approve the application for increase in the sanctioned load and shall complete the process within the timelines stipulated in the MERC (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 ("Supply Code"), which are as follows:

Scenario	Timeline
<i>In case connection is to be from existing network without any augmentation</i>	<i>Metropolitan Area: 3 days Other Municipal Areas: 7 days Rural Areas: 15 days</i>
<i>Where extension or augmentation distributing main is required</i>	<i>90 days</i>
<i>Where commissioning of new sub-station forming a part of the distribution system is required</i>	<i>90 days</i>

”

6. The said statement reproduced by us above is accepted as an undertaking given to the Court.

7. In light of the aforesaid statement, Mr.Khambata, the learned Senior Counsel appearing on behalf of the Petitioner, stated that the Petitioner is not pressing prayer clauses (a), (b), (c) and (e) reproduced above and the Writ Petition can be disposed of in terms of the statement made by MSEDCL and recorded by us above.

8. Considering the statement made by MSEDCL, and the same being accepted as an undertaking given to this Court, we dispose of this Writ Petition by directing MSEDCL to act strictly in accordance with the statement recorded by us in this Order.

9. If there is any difficulty in acting as per the aforesaid statement, MSEDCL is free to approach this Court in this very Writ Petition by filing an Interim Application.

10. It is needless to state that, since the challenges made in prayer clauses (a) and (b) have not been pressed before us, we have not given any finding in relation thereto one way or the other.

11. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by fax
or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]