

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 57 OF 2026

In the matter of billing in respect of revised TOD slots

Nashik Ispat Pvt. Ltd.Appellant
(C. No. 075949020720)

V/s.

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

Appearances: .

Appellant : Anupam Ghosh, Director

Respondent : 1. Nandkishore Kale, Executive Engineer, Admin, Nashik Circle
2. Sachin Bhadake, Sr. Manager, Nashik Circle


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 11th June 2026

Date of Order: 25th June 2026

ORDER

This Representation was filed on 11th May 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 11th March 2026 in Case No.126 of 2025 passed by the Consumer Grievance Redressal Forum, MSEDCL, Nashik Circle (the Forum). The Forum disallowed / rejected the Appellant's grievance.


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2. The Appellant has filed the present Representation challenging the order passed by the Forum. An e-hearing was conducted on 11.06.2026 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 High Tension (HT) Industrial Consumer (Consumer No. 075949020720) of the Respondent, the particulars of which apropos the details of the excess Time-of-Day (ToD) charges recovered for the billing months of July, August and September 2025 with the corresponding refund claimed, are set out in Table 1. *[Note: the refund amount of Rs.13.18 lakhs has been calculated by the Appellant.]*

Table 1:

Name	Consumer No.	Address	Sanct. Load / Contract Demand	Date of Supply	Month	Alleged Refund Amount (₹)
Nashik Ispat Pvt. Ltd.	075949020720	Plot No E-26 & E 26/1 MIDC, Malegaon, Simnar, Nashik 422103	3500 kW/ 3241 kVA	07.06.2010	Jul-25	4,87,076.19
					Aug-25	4,21,372.17
					Sep-25	4,09,938.72
					Total	13,18,387.08


- (ii) The Appellant is engaged in the manufacture and processing of iron and steel products. The manufacturing process is electricity-intensive and requires continuous operation of plant and machinery, making the applicability of Time-of-Day (ToD) tariff incentives and load management measures commercially significant for the Appellant.
- (iii) The MERC, vide its MYT Order dated 28.03.2025 in Case No. 217 of 2024, revised the Time-of-Day (ToD) tariff structure applicable to all EHV/HT consumers. Recognising the practical requirements of system modifications and billing adjustments, **the Commission permitted a transition arrangement for implementation of the revised ToD regime.** Upon expiry of the transition period, the revised ToD structure was required to be implemented for all HT consumers in accordance with the tariff orders. *[Note: During the hearing the Appellant contended*


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that the transition period was from April to June 2025. However, the Respondent informed that due to a stay order, this period was extended from July 2025 to September 2025.]


- (iv) The revised ToD framework was introduced to promote demand-side management, encourage shifting of load away from peak hours and provide appropriate price signals to consumers. Acting in accordance with the regulatory intent, the Appellant reorganised its operations and shifted substantial consumption to daytime and other non-peak periods to avail the benefits envisaged under the revised tariff structure.
- (v) However, from July 2025 onwards, the Respondent failed to uniformly implement the revised ToD structure. While several HT consumers, including the Appellant's competitors, Consumer Nos. 075949010210, 075949010317 and 075949018210, were extended the benefit of the revised ToD framework, the Appellant continued to be billed under the previous tariff structure. A copy of the bill of one such consumer is placed on record. The selective implementation of the Tariff Order caused financial loss to the Appellant and defeated the purpose of introducing the revised ToD system. The Respondent's action raises serious issues regarding the legality of selective tariff implementation and differential treatment among similarly situated consumers. Administrative, software or operational constraints cannot justify deviation from the principle of non-discriminatory tariff application envisaged under the Electricity Act, 2003.
- (vi) The Respondent possessed all necessary metering data to correctly determine ToD consumption under the revised structure. Every HT meter records load survey data at 15-minute intervals throughout the day. Even assuming that the meter programming had not been modified, the Respondent could have computed the applicable ToD charges using the available load survey data. The Appellant obtained the relevant data under the Right to Information Act and has placed the same on record.
- (vii) **Based on the load survey data supplied by the Respondent itself, the Appellant has recalculated the bills for July 2025 to September 2025 in accordance with the**


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revised ToD structure, and determined the excess amount recovered (based on the old ToD structure), as shown in Table 1. The computation does not include interest on the excess recovery.

- (viii) The Appellant filed a grievance before the Forum on 12.11.2025. The Forum rejected the grievance; however, it failed to **examine the principal issue of selective and unequal implementation of the revised ToD tariff.** The dispute is not merely regarding the timing of meter reconfiguration, but the Respondent's decision to extend the benefit of the revised tariff structure to certain HT consumers while denying the same benefit to the Appellant during the same period, without any disclosed technical, regulatory or legal justification.
- (ix) The Respondent's conduct gives rise to important questions of law, namely:
- a) Whether a distribution licensee can selectively implement a tariff order approved by the Commission for some HT consumers while denying its benefits to others similarly situated?
 - b) Whether administrative, software or billing constraints can justify differential tariff treatment in derogation of Section 62(3) of the Electricity Act, 2003?
 - c) Whether such selective implementation is violative of Article 14 of the Constitution of India and contrary to the statutory scheme of the Electricity Act, 2003?
- (x) In the aforesaid facts and circumstances, the Appellant prays that the Respondent be directed to:
- a. Revise and amend the electricity bills for July, August and September 2025 issued to Nasik Ispat Pvt. Ltd. by applying the revised TOD tariff structure on the basis of the meter load survey data and refund the excess amount recovered from the Appellant;
 - b. Pay interest at the rate of 12% per annum on the excess amount recovered, calculated from the respective dates of payment until the date of actual refund or credit; and


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- c. Grant such other reliefs as may be deemed just and proper in the facts and circumstances of the case.
3. The Respondent's submission and arguments are stated as below:
- (i) The Maharashtra Electricity Regulatory Commission (the Commission) passed its Multi-Year Tariff Order dated 28.03.2025 in Case No. 217 of 2024 approving truing-up for FY 2022-23 and FY 2023-24, provisional truing-up for FY 2024-25 and determination of ARR and Tariff for the Fifth Control Period from FY 2025-26 to FY 2029-30.
- (ii) Thereafter, MSEDCL filed a Petition seeking determination, modification, revision, clarification and/or review of certain tariff provisions. By Daily Order dated 02.04.2025, the Hon'ble Commission stayed the implementation of the MYT Order until filing and consideration of the Review Petition. Subsequently, after hearing the parties in Case No. 75 of 2025, the Commission issued its **Amendment Order dated 25.06.2025. The tariff provisions contained in the MYT Order dated 28.03.2025, as modified by the Amendment Order dated 25.06.2025, became applicable from the billing month of July 2025.**
- (iii) With regard to the revised Time-of-Day (ToD) tariff regime, the Commission expressly recognized the practical difficulties involved in reprogramming and modifying existing ToD metering infrastructure. Accordingly, **the Commission granted MSEDCL a transition period of three months for HT consumers and six months for LT consumers to facilitate smooth migration to the revised ToD framework.**
- (iv) The Commission specifically observed that during the transition period the existing ToD meter slots could continue to operate, while only the approved ToD rates were to be progressively aligned with the new tariff regime. Thus, **for HT consumers, the transition arrangement was permitted up to September 2025 or until modification of meter ToD slots, whichever occurred earlier.**


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- (v) Accordingly, during the transition period, billing of HT consumers, including the Appellant, was carried out in accordance with the transition ToD structure approved by the Hon'ble Commission. The continuation of existing meter time slots during such period was neither arbitrary nor unauthorized, but was expressly sanctioned by the Commission itself.
- (vi) The Appellant's contention that the revised ToD structure was mandatorily required to be implemented for all HT consumers from 01.07.2025 is incorrect and contrary to the specific transition provisions incorporated in the MYT Order and Amendment Order. The Commission **consciously provided a phased implementation mechanism precisely because immediate migration of all existing ToD metering systems was not technically feasible.**
- (vii) The allegation that MSEDCL selectively denied the benefit of the revised ToD structure to the Appellant while extending the same to certain other consumers is denied. The applicability of the revised ToD structure depended upon the status of meter configuration, implementation schedule and technical readiness of the concerned installations. Special technical teams were made, including representatives of the meter manufacturers, to cover all 1280 consumers within 3 months. Site visits were planned in coordination with HT consumers, taking into account the logistics of location, timing and optimal coverage. There was no favouritism as alleged by the Appellant. The very nature of the transition mechanism meant that some consumers had to be covered before others. This does not amount to **discrimination, particularly when the transition framework itself contemplated staggered implementation.**
- (viii) The Appellant's reliance upon Consumer Nos. 075949010210, 075949010317 and 075949018210 is misconceived. The details of the Appellant's meter and the meters of the other referred consumers whose configurations were reconfigured are tabulated below:


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Sr. No.	Name of Consumer	Consumer No.	Old Meter No.	Remarks
1	M/s Nashik Ispat Pvt. Ltd.	75949020720	24020283 (ABT Meter – Shinder Make)	Patch file updated with effect from 01.11.2025 by the Testing Team.
2	M/s Nashik Ingots Pvt. Ltd.	75949010210	X1959213	Old meter replaced with a new Smart Meter having updated slots on 24.09.2025.
3	M/s Bhagawatee Steel Cast Pvt. Ltd.	75949010317	X1959197	Old meter replaced with a new Smart Meter having updated slots on 27.09.2025.
4	M/s Rajarani Casting	7594018210	X1959256	Old meter replaced with a new Smart Meter having updated slots on 27.09.2025.

- (ix) The ToD slot reconfiguration of energy meters in Nashik Circle was undertaken on a priority basis, taking into account the availability of manpower and the requirement to modify approximately 1,280 energy meters. The exercise involved careful planning and coordination, including scheduled shutdowns, support from the meter manufacturer's expert team, and the availability of testing personnel. Accordingly, the implementation was carried out in a phased manner and completed over a period of approximately three months due to operational and logistical constraints.
- (x) Out of the 1,280 consumers covered under the exercise, some consumers were attended to in the initial phase while others were covered in the later phases. The progress of the work was continuously monitored by both the Corporate Office and the field teams, particularly the Testing Team of the Respondent. **Considering that the applicable Tariff Order remains in force for the period from FY 2025-26 to FY 2029-30, the transition period of three months is only a small part of the overall 5 year period.**
- (xi) It is denied that there has been any violation of Section 62(3) of the Electricity Act, 2003. The differentiation, if any, arose solely on account of implementation stages and technical migration permitted under the regulatory framework approved by the Hon'ble Commission, and not on account of any discrimination among consumers.


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- (xii) The allegations regarding violation of Article 14 of the Constitution of India are wholly untenable. The implementation of a Commission-approved transition mechanism cannot be equated with hostile discrimination. The temporary continuation of existing ToD slots during the migration period was based upon technical and operational considerations recognized by the Hon'ble Commission itself.
- (xiii) The Appellant's contention that MSEDCL ought to have recalculated bills using 15-minute load survey data is also misconceived. **The tariff orders did not mandate retrospective reconstruction of billing based on load survey data wherever meter reprogramming had not yet been completed. Billing was required to be carried out through the approved (computerized) metering and billing system operating under the transition framework expressly sanctioned by the Commission.**
- (xiv) Load survey data primarily serves monitoring, analysis and operational purposes. The mere availability of such data does not create any regulatory obligation upon the Respondent to abandon the Commission-approved transition billing mechanism and undertake manual or parallel tariff computations.
- (xv) **The calculations independently carried out by the Appellant on the basis of RTI-obtained load survey data are unilateral, self-serving and have no regulatory sanctity. Such calculations cannot override the tariff implementation methodology approved by the Hon'ble Commission.**
- (xvi) The allegation that excess ToD charges have been recovered from the Appellant is specifically denied. The bills issued for the months of July 2025, August 2025 and September 2025 were prepared strictly in accordance with the applicable tariff orders and the transition ToD structure approved by the Hon'ble Commission. Consequently, the Appellant is not entitled to any refund, adjustment or interest as claimed. The claim for refund together with interest at the rate of 12% per annum is without any legal, regulatory or factual basis.
- (xvii) The Appellant filed the grievance before the Consumer Grievance Redressal Forum on 12.11.2025. After considering the material placed on record, the learned Forum rightly


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rejected the grievance. The findings recorded by the Forum are legal, proper and based upon correct appreciation of the applicable tariff orders. The Appeal deserves to be dismissed with costs.

Analysis and Ruling:

4. Heard the parties and perused the documents on record. The Appellant is a HT Industrial Consumer (No. 075949020720) of the Respondent. The Appellant is engaged in the manufacture and processing of iron and steel products.


5. The Commission, vide its MYT Order dated 28.03.2025 in Case No. 217 of 2024, approved the truing-up petition of MSEDCL and determined the Annual Revenue Requirement (ARR) and retail tariff for the Fifth Control Period covering FY 2025-26 to FY 2029-30. The revised tariff initially came into effect from 01.04.2025. The relevant portion is reproduced as below:

7. Tariff Philosophy, tariff design and category-wise tariffs from FY 2025-26 to FY 2029-30

EJ Revision in ToD Slabs and ToD Tariff Rates:

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7.1.20 *With increasing share of renewable power (mainly Solar) in overall power purchase mix and adoption of distributed solar for solarisation of agriculture pumpset, the State is going to witness large scale deployment of Solar power along with shift in the load curve with Peak Demand occurring during daytime (Solar Hours). Accordingly, the Commission has revised the ToD Slabs and ToD Tariff (Charge/Rebate) in line with the provisions outlined under Electricity (Right of Consumers) Rules, 2023, with certain modifications to meet the State load profile and consumption pattern. The revised ToD Slabs and ToD Tariff (Charge/Rebate) thereof, have been enabled for all*


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consumers with load above 20 kW except LT-Agriculture. For LT-Residential ToD Rebate has been enabled through this Order linked to installation of Smart /ToD meters for such consumers.

7.1.21 Further, the Commission allowed the transition **period for existing ToD consumers up to 3 months for HT consumers** and up to 6 months for LT consumers until the modification in ToD meters and billing arrangement is established.

7.1.22

F) Transition Period for Implementation of Revised ToD Tariff

7.13.95 The Commission recognizes that MSEDCL needs to update the ToD tariff slots in consumers' meters due to changes in the approved ToD tariff structure. Given the large number of existing consumers with ToD meters, the Commission understands that this process will take some time, likely exceeding three months.

7.13.96 To facilitate a smooth transition, the Commission grants MSEDCL a transition period upto three-month period to implement the revised ToD tariff for HT consumers and a transition period upto six-month period for LT consumers.

7.13.97 During this transition period, the Commission acknowledges that the existing ToD slabs cannot be changed but the existing ToD Tariff rates can be changed to be progressively aligned with new ToD Tariff regime. Therefore, the Commission approves a ToD tariff structure based on the existing ToD slots, for limited period till modification in ToD meters takes place to align with new ToD Slabs. The ToD tariff structure for this transition period or till modification in ToD meter slabs for existing ToD consumer, whichever is earlier, shall be as follows:



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Table 405: ToD Tariff for Transition Period approved by Commission (Rs./unit)	
Time Slots	ToD Charges/(Rebate) (Rs. /unit)
22.00 to 06.00	(-0.80)
06.00 to 09.00	Nil
09.00 to 12.00	Nil
12.00 to 18.00	(-0.80)
18.00 to 22.00	1.30

This is the old (pre-April) ToD tariff structure. -0.80 means a rebate of 80 paise per unit during the non-peak hours / surplus solar generation hours.

7.13.98 Above ToD tariff will be applicable to the existing ToD consumers which will ensure continuity of service while MSEDCL updates the ToD tariff slots in consumers' meters. Once the meter replacement or modification is completed, the consumer will be transitioned to the revised ToD tariff structure, which was approved earlier as mentioned in para 7.13.65. At that point, the consumer's billing will be based on the new ToD slots, ensuring they benefit from the updated tariff structure.

It is pertinent to note that the implementation of the MYT Order dated 28.03.2025 was subsequently stayed by the Commission vide Daily Order dated 02.04.2025. Thereafter, MSEDCL filed Review Petition in Case No. 75 of 2025, which culminated in the Amendment Order dated 25.06.2025. The revised tariff framework therefore became operative only after consideration of the review proceedings and subject to the directions contained in the Amendment Order with effect from 01.07.2025.

6. The tariff rates applicable to HT Industrial Consumers under the revised tariff structure for the period from 01.07.2025 to 30.04.2026 are set out in the table below:


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Rate Schedule		
Tariff w.e.f. 1 April, 2025 to 31 March, 2026		
Supply Voltage Level	Wheeling Charges (Rs. /kVAh)	
<i>EHV</i>	<i>Nil</i>	
<i>HT</i>	<i>0.62</i>	
PLUS		
Demand/Fixed Charge and Energy Charge (for all Supply Voltage Levels)		
Rate Schedule		
Consumer Category	Demand Charge (Rs/ kVA/ month)	Energy Charge (Rs/kWh)
<i>HT 1(A): HT - Industry - General</i>	<i>555</i>	<i>7.48</i>
<i>HT 1(B): HT - Industry - Seasonal</i>	<i>555</i>	<i>7.78</i>
ToD tariff (in addition to above base tariffs) is applicable as % of Energy Charge (Rs/kVAh)		
<i>0000 Hrs - 0600 Hrs</i>		<i>-10%</i>
<i>0600 Hrs - 0900 Hrs</i>		<i>0%</i>
<i>0900 Hrs - 1700 Hrs</i>		<i>-15% (Apr to Sept)</i> <i>-25% (Oct to Mar)</i>
<i>1700 Hrs - 2400 Hrs</i>		<i>+ 25%</i>

-10% means a rebate of 10%; -15% or -25% means a rebate (during the peak solar generation hours). +25% means higher tariff.

(The old TOD structures are reproduced as below:

ToD Tariff for Transition Period approved by Commission (Rs./unit)	
Time Slots	ToD Charges/(Rebate) (Rs./unit)
<i>22.00 to 06.00</i>	<i>(-0.80)</i>
<i>06.00 to 09.00</i>	<i>Nil</i>
<i>09.00 to 12.00</i>	<i>Nil</i>
<i>12.00 to 18.00</i>	<i>(-0.80)</i>
<i>18.00 to 22.00</i>	<i>1.30</i>

7. The dispute in the present matter pertains to billing for the months of July, August and September 2025. The Appellant contends that the revised ToD slots approved by the Commission ought to have been applied from July 2025 and that the Respondent should have


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(manually) recomputed the bills on the basis of 15-minute load survey data. However, on perusal of the MYT Order dated 28.03.2025 and the Amendment Order dated 25.06.2025, it is evident that the Commission itself envisaged a phased implementation of the revised ToD regime and expressly permitted continuation of the **existing ToD slots during the transition period until meter modification and system implementation were completed**. The tariff orders, therefore, do not mandate immediate migration of all HT consumers to the revised ToD slots from July 2025. We find that the Respondent's automated billing systems were configured in accordance with the aforesaid tariff orders approved by the Commission.

8. In effect the Appellant expects the Respondent to use the meter load survey data to manually recalculate the applicable tariff during the period July to September 2025. This manual intervention would be necessary to bypass the software ("system") auto-generated billing. Such manual intervention has several objectionable aspects to it. Manual calculation for one particular consumer is objectionable, as it could lead to similar demands from hundreds of other consumers. This would be practically impossible to implement. Also, manual calculations are subject to error, and might open up a Pandora's box of disputes and further complaints.

9. In view of the foregoing discussion, we hold that the Appellant has failed to establish that the Respondent illegally recovered excess ToD charges during the billing months of July 2025, August 2025 and September 2025. The order passed by the Forum is upheld. The Representation of the Appellant is hereby dismissed.

10. The representation is disposed of accordingly.

Sd/
(Vandana Krishna)
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