

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**AT JODHPUR**

S.B. Civil Writ Petition No. 13977/2026

CNR: RJHC010639962026

URN: CW / 25483U / 2026

Bharat Dre Storage And Green Fuel Council, Having Its Registered Office At F-51, 4Th Floor Khanpur, Extn New Delhi, Khanpur (South Delhi), New Delhi, South Delhi 110062, Delhi Through Its General Manager And Authorized Signatory Mr. Shubham Sharma.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Principal Secretary, Energy Department, Government Of Rajasthan, Main Building Government Secretariat Jaipur 302005.
2. Rajasthan Electricity Regulatory Commission (Rerc), Through Its Secretary, Vidhyut Viniyamak Bhawan, Sahakar Marg, Near State Motor Garage, Jaipur 302001 Rajasthan.
3. Rajasthan Urja Vikas And It Services Limited (Ruvitl), Through Its Chairman And Managing Director, Vidyut Bhayashwan, Janpath, Jyoti Nagar, Jaipur 302005 Rajasthan.
4. Jodhpur Vidyut Vitran Nigam Limited (JdvvnI), Through Its Chairman And Managing Director, New Power House , Industrial Area, Jodhpur Rajasthan. 342003.
5. Ajmer Vidyut Vitran Nigam Limited (AvvnI), Through Its Chairman And Managing Director, Vidyut Bhawan, Panchsheel Nagar, Makarwali Road, Ajmer 305004 Rajasthan.
6. Jaipur Vidyut Vitran Nigam Limited (Jvvnl), Through Its Chairman And Managing Director, Vidyut Bhawan, Janpath, Jyoti Nagar, Jaipur 302005 Rajasthan.

-----Respondents

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| For Petitioner(s) | : | Mr. Sachin Acharya, Senior Advocate<br>assisted by Mr. Gopal Sandu,<br>Mr. Manish Priyadarshi |
| For Respondent(s) | : | Mr. Suniel Purohit<br>Mr. Rishi Soni                                                          |

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**HON'BLE MR. JUSTICE SAMEER JAIN**

**Order**

**09/07/2026**

Learned Senior counsel Shri. Acharya, has submitted that an ex-parte *suo moto* order referred to as impugned order dated 03.06.2026 (Annexure-1) was passed by Rajasthan Electricity Regulatory Commission, Jaipur in contradiction to the provisions of Section 86(1)(f) of the Electricity Act, 2003 (hereinafter referred to as 'Act of 2003') be set aside and quashed.

Learned Senior counsel has submitted that determination of entitlement 'Change in Law' relief under Clause 12 of the respective power purchase agreement, in an adjudicatory exercise falls within the scope of Section 86(1)(f) of the Act of 2003, and the same calls for documents, evidences and submissions of the affected parties and the respondent – Commission has no jurisdiction to render a blanket or *suo moto* determination of such contractual rights. It is submitted that the respondent – Commission may be directed to adjudicate the claim relating to 'Change in Law' in terms of Section 86(1)(f) of the Act of 2003 and following the principles of natural justice.

Learned Senior Counsel has submitted that the cause and controversy arose when there was reduction in the GST rates from 12% to 5% qua the goods and relying upon provisions of Section 171 of the Central Goods and Services Tax Act, 2017, making applicable anti-profiteering effect and principle of commensurate reduction is asked for by the respondent – Commission.

In the prevailing facts and circumstances, learned Senior Counsel has submitted that for the reasons aforesaid, the writ

petition is ought to be allowed or an interim order, as on date needs to be passed staying effect and operation of order dated 03.06.2026.

Considering the arguments advanced and upon a perusal of the material available on record, this Court directs the petitioner to file individual writ petition qua the members as the amount, facts, contractual terms and conditions are qua the party vary.

Therefore, they are directed to file individual petitions in addition to above for the transparency and in the interest of justice.

Considering substantial question of law involved, this Court directs that notices be served in the office of learned Advocate General, during the course of the day.

On the direction of the Court, notices are accepted by Mr. Rishi Soni qua the respondent-DISCOM.

The petitioner will be at liberty to move an appropriate application, if need so arise in future.

Names of Mr. Anirudh Singh Shekhawat, associate to learned Advocate General, Shri Suniel Purohit and Shri Rishi Soni be shown in the cause list, as counsel for the respondents.

List this matter on 17.07.2026 in the supplementary cause list at the top of the board.

(SAMEER JAIN),J