

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

1. D.B. Civil Writ Petition No. 17430/2019

M/s.Giriraj Enterprises

-----Petitioner

Versus

Rajasthan Electricity Regulatory Commission & Ors.

-----Respondent

Connected with

2. D.B. Civil Writ Petition No. 5997/2019

Indian Oil Corporation Limited

-----Petitioner

Versus

State of Rajasthan & Ors.

-----Respondents

3. D.B. Civil Writ Petition No. 17505/2019

Hindustan Petroleum Corporation Limited

-----Petitioner

Versus

State of Rajasthan & Ors.

-----Respondents

4.B. Civil Writ Petition No. 17308/2019

5. D.B. Civil Writ Petition No. 5989/2019

6. D.B. Civil Writ Petition No. 6041/2019

7. D.B. Civil Writ Petition No. 15097/2019

8. D.B. Civil Writ Petition No. 15139/2019

9. D.B. Civil Writ Petition No. 16152/2019

10. D.B. Civil Writ Petition No. 16354/2019

11. D.B. Civil Writ Petition No. 16698/2019

12. D.B. Civil Writ Petition No. 16714/2019

13. D.B. Civil Writ Petition No. 16743/2019

14. D.B. Civil Writ Petition No. 16755/2019

15. D.B. Civil Writ Petition No. 16756/2019

16. D.B. Civil Writ Petition No. 16776/2019

17. D.B. Civil Writ Petition No. 16784/2019

18. D.B. Civil Writ Petition No. 16785/2019

19. D.B. Civil Writ Petition No. 16903/2019
20. D.B. Civil Writ Petition No. 16923/2019
21. D.B. Civil Writ Petition No. 16925/2019
22. D.B. Civil Writ Petition No. 16930/2019
23. D.B. Civil Writ Petition No. 16935/2019
24. D.B. Civil Writ Petition No. 16938/2019
25. D.B. Civil Writ Petition No. 16949/2019
26. D.B. Civil Writ Petition No. 17027/2019
27. D.B. Civil Writ Petition No. 17028/2019
28. D.B. Civil Writ Petition No. 17067/2019
29. D.B. Civil Writ Petition No. 17081/2019
30. D.B. Civil Writ Petition No. 17082/2019
31. D.B. Civil Writ Petition No. 17155/2019
32. D.B. Civil Writ Petition No. 17235/2019
33. D.B. Civil Writ Petition No. 17311/2019
34. D.B. Civil Writ Petition No. 17361/2019
35. D.B. Civil Writ Petition No. 17367/2019
36. D.B. Civil Writ Petition No. 17370/2019
37. D.B. Civil Writ Petition No. 17434/2019
38. D.B. Civil Writ Petition No. 17435/2019
39. D.B. Civil Writ Petition No. 17444/2019
40. D.B. Civil Writ Petition No. 17445/2019
41. D.B. Civil Writ Petition No. 17453/2019
42. D.B. Civil Writ Petition No. 17454/2019
43. D.B. Civil Writ Petition No. 17455/2019
44. D.B. Civil Writ Petition No. 17458/2019
45. D.B. Civil Writ Petition No. 17459/2019
46. D.B. Civil Writ Petition No. 17460/2019
47. D.B. Civil Writ Petition No. 17462/2019
48. D.B. Civil Writ Petition No. 17463/2019
49. D.B. Civil Writ Petition No. 17469/2019
50. D.B. Civil Writ Petition No. 17470/2019
51. D.B. Civil Writ Petition No. 17471/2019
52. D.B. Civil Writ Petition No. 17476/2019
53. D.B. Civil Writ Petition No. 17479/2019
54. D.B. Civil Writ Petition No. 17480/2019

55. D.B. Civil Writ Petition No. 17482/2019
56. D.B. Civil Writ Petition No. 17484/2019
57. D.B. Civil Writ Petition No. 17486/2019
58. D.B. Civil Writ Petition No. 17487/2019
59. D.B. Civil Writ Petition No. 17489/2019
60. D.B. Civil Writ Petition No. 17490/2019
61. D.B. Civil Writ Petition No. 17498/2019
62. D.B. Civil Writ Petition No. 17499/2019
63. D.B. Civil Writ Petition No. 17536/2019
64. D.B. Civil Writ Petition No. 17552/2019
65. D.B. Civil Writ Petition No. 17564/2019
66. D.B. Civil Writ Petition No. 17565/2019
67. D.B. Civil Writ Petition No. 17617/2019
68. D.B. Civil Writ Petition No. 17674/2019
69. D.B. Civil Writ Petition No. 17675/2019
70. D.B. Civil Writ Petition No. 17676/2019
71. D.B. Civil Writ Petition No. 17677/2019
72. D.B. Civil Writ Petition No. 17735/2019
73. D.B. Civil Writ Petition No. 17746/2019
74. D.B. Civil Writ Petition No. 17815/2019
75. D.B. Civil Writ Petition No. 17817/2019
76. D.B. Civil Writ Petition No. 17818/2019
77. D.B. Civil Writ Petition No. 17819/2019
78. D.B. Civil Writ Petition No. 17820/2019
79. D.B. Civil Writ Petition No. 17899/2019
80. D.B. Civil Writ Petition No. 17900/2019
81. D.B. Civil Writ Petition No. 17901/2019
82. D.B. Civil Writ Petition No. 17907/2019
83. D.B. Civil Writ Petition No. 18521/2019
84. D.B. Civil Writ Petition No. 18795/2019
85. D.B. Civil Writ Petition No. 18796/2019
86. D.B. Civil Writ Petition No. 19395/2019
87. D.B. Civil Writ Petition No. 19774/2019
88. D.B. Civil Writ Petition No. 21459/2019
89. D.B. Civil Writ Petition No. 21719/2019
90. D.B. Civil Writ Petition No. 21727/2019

91. D.B. Civil Writ Petition No. 21728/2019
 92. D.B. Civil Writ Petition No. 21770/2019
 93. D.B. Civil Writ Petition No. 21778/2019
 94. D.B. Civil Writ Petition No. 21780/2019
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For Petitioner(s)	: Mr.Sanjay Sen, Sr.Adv. with Mr.Ravi Chirania Mr.RN Mathur, Sr.Adv. with Ms.Suruchi Kasliwal, Mr.Lakshya Singh Udawat, Ms.Sokya Choudhari, Ms.Alisha Chopra, Ms.Charul Dudi, Mr.US Udawat Mr.Sudhanshu Kasliwal, Sr.Adv. with Ms.Sukriti Kasliwal & Ms.Priyanka Tiwari Mr.Shobhit Tiwari with Mr.Sandeep Chilana Mr.Prateek Mathur with Mr.Karan Audichya Mr.Sandeep Taneja Mr.DK Garg Mr.Shiven Gupta
For Respondent(s)	: Mr.MS Singhvi, Advocate General with Mr.Sheetanshu Sharma & Mr.Siddhant Jain Mr.RD Rastogi, ASG with Mr.Anand Sharma (Sr.CGPC), Mr.SC Sinha, Mr.Akshay Bhardwaj, Mr.Aneesh Khandelwal, Mr.Devesh Yadav & Ms.Ritu Pathak Mr.Virendra Lodha, Sr.Adv. with Mr.Jai Lodha Ms.Susan Mathew Mr.Shaswat Purohit with Mr.Jayvardhan Joshi Mr.Gaurav Gidwani for Mr.Harish Chandra Sharma

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

18/02/2020

In the batch of writ applications, several applications have been filed for amendment in the writ petitions.

Amendment applications are allowed, as amendments have already been carried out.

Copies of the amended writ application have also been served on the respondents and replies thereto have also been filed by the respective parties.

Heard learned Additional Solicitor General Mr.RD Rastogi, who represents the Ministry of New and Renewable Energy, which had been impleaded as proforma respondent in the matter.

Learned Additional Solicitor General Mr.RD Rastogi produced before us a communication received by him dated 31st January, 2020 indicating therein that since the lis in the present batch of cases is between the State Government and RE Developers, the Ministry has no comments to offer in the matter.

After taking note of the aforesaid communication received by learned Additional Solicitor General, we are of the considered view that the officials of the aforesaid Ministry concerned did not comprehend the reason why they have been impleaded as respondent in the present case at hand. It is alleged by the petitioners that the State of Rajasthan and the Rajasthan Renewable Energy Corporation (for short "RERC") are not acting in terms of the policy of the Union of India, in particular relating to the issue of "Renewable Energy Certificate" (REC) and further contentions are advanced by learned counsel for the petitioners, who are generators of renewable energy (solar & wind) that the State of Rajasthan, while making its policy in the year 2019, has also not complied with the policy of Union of India and or directions of the Central Electricity Regulatory Commission (for short "CERC").

Consequently, we are of the considered view that reply affidavit by the Ministry of New and Renewable Energy is highly essential for adjudication of the present case.

We, therefore, direct the Secretary, Ministry of New and Renewable Energy to file their reply after going through the writ application as well as the stand of the State and RERC at the earliest definitely within a period of two weeks from today.

It appears in several writ applications that CERC has been impleaded as respondent in the matter and learned counsel for the petitioners submitted that copy on behalf of CERC was served in the office of learned Additional Solicitor General, however, learned Additional Solicitor General today submits in the Court that he has no instructions in this regard from the CERC.

A fresh notice be taken out against CERC, returnable within one week. Notices be given 'dasti', as prayed.

Reply affidavit, if any, be filed within one week thereafter positively and copies be also exchanged between the parties.

Let this case be listed on 18th March, 2020 at 2.00 PM along with connected matters for hearing.

Till the next date, status quo vis.-a-vis. threat of disconnection from injection of power by the petitioners shall be maintained.

(ASHOK KUMAR GAUR),J

(INDRAJIT MAHANTY),CJ