



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



D.B. Civil Writ Petition No. 7561/2026

Vivek Gupta, S/o Surendra Kumar Gupta, Aged About 49 Years,
R/o F 104, G-5, Samriddhi Dynasty, Pragati Nagar, Kotra, Ajmer,
Rajasthan 305004

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Secretary, Department Of Energy, Rajasthan Government, Government Secretariate, C-Scheme, Ashok Nagar, Jaipur-302007
2. Rajasthan Electricity Regulatory Commission, Through Chairman Rajasthan Electricity Regulatory Commission, Vidhyut Viniyamak Bhawan, Sahakar Marg, Near State Motor Garage, Jaipur, Rajasthan 302001
3. Ajmer Vidyut Vitran Nigam Limited, Through Managing Director Ajmer Vidyut Vitran Nigam Limited, Vidyut Bhawan, Panchsheel Nagar, Makarwali Road, Ajmer -305004 Rajasthan
4. Tp Ajmer Distribution Limited, Through Head Operations, 33Kv Power House Building, Vaishali Nagar, Ajmer, Rajasthan-305001

-----Respondents

For Petitioner(s)	:	Mr. Bhuvnesh Kumar Goyal with Ms. Shruti Goyal
For Respondent(s)	:	Ms. Shikha Sharma, AAAG

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SHUBHA MEHTA**

Order

27/04/2026

1. The challenge in this writ petition is to the provisions of Regulation 6.3 of the Rajasthan Electricity Regulatory Commission (Electricity Supply Code and Connected Matters) Regulations, 2021 (for short 'the Regulations of 2021'), framed by RERC, which provides as under:



"6.3 Application for the single point supply

a) Supply of electricity at single point by the distribution licensee to a Co-operative Group Housing Society: A distribution licensee shall give supply of electricity for residential purpose on an application by a Co-operative Group Housing Society which owns the premises at a single point for making electricity available to the members of such society residing in the same premises on such terms and condition as may be specified by the State Commission.

Provided that the provisions of this clause shall not in any way affect the right of a person residing in the housing unit sold or leased by such a Co-operative Group Housing Society to demand supply of electricity directly from the distribution licensee of the area on such terms and conditions as may be specified by the State Commission. If individual applicant demands supply of electricity directly from the distribution licensee, the connection to such individual applicant shall be released by licensee from the system of Group Housing Society.

Provided further that such persons shall make metering arrangement at ground floor and provide protection arrangements as may be prescribed by licensee.

b) Supply of electricity by distribution licensee at single point to a person for his employees: A distribution licensee shall give supply of electricity for residential purposes on an application by a person at a single point for making electricity available to his employees residing in the same premises on such terms and conditions as may be specified by the State Commission.

c) The terms and conditions for a single point supply shall be as under:

(i) The Housing Society/Employer shall not charge for electricity supply to the society members/ employees, more than the charges specified by the Commission in the Schedule attached with these Regulations.

(ii) The Housing Society/Employer shall not charge more than the electricity tariff determined by the Commission for residential consumers located in the supply area of the licensee, where such Housing Society/premises is located.

(iii) The members/ employees of a housing society /Employer will have the rights and obligations of an 'applicant' under these regulations. Simultaneously, such Housing Society/Employer will also have the rights and obligations of a 'licensee' under these regulations for supply of electricity to its members/ employees.

(iv) The Housing Society/Employer shall apply for the entire connected load / contract demand of the colony and its additions from time to time.

(v) All individual connections shall be metered and meter as specified in CEA metering Regulations shall be provided on ground floor with adequate protection as prescribed.

(vi) Electricity supply by the licensee to the Housing Society/Employer shall be governed by the terms & conditions for the supply of electricity prescribed by the



licensee for the consumers, duly approved by the Commission.

(vii) The distribution system of the Housing Society/Employer along with the electrical installations of individuals shall conform to the safety requirements of the Act, all rules, regulations and codes made there under. The electrical installation shall be wired as provided in the CEA Safety regulations and shall be tested before connection through single point supply.

(viii) The Housing Society/Employer will publish the detailed terms & conditions for the supply of electricity to its members/ employees with prior approval of the Commission. The terms and conditions as may be framed by the Housing Society/Employer shall not be inconsistent with these regulations and should not be less beneficial to the members."

2. The contention of the petitioner is that the Regulation is *ultra vires* Section 12 of the Electricity Act, 2003 (for short 'the Electricity Act') because Section 12 only provides that a licence under the Electricity Act shall be provided to no other person other than the licensee under the Electricity Act and no such person shall trade, distribute, sale or transmit electricity without a licence granted under Section 14 of the Electricity Act. It is his submission that as per Section 14, the licence has been only granted to the three companies bundled from the RSEB namely, AVVNL, JVVNL and Jodhpur Vitran Nigam Ltd. He, therefore, submits that so far as Regulation 6.3 is concerned, granting a single point supply by the distribution licensee to a cooperative group housing society, would amount to allowing the persons to trade, distribute, sale and transmit electricity without a licence given to the cooperative group housing society under Section 14 of the Electricity Act and therefore, he submits that Regulation 6.3 is violative of Section 12 of the main Act. It is, therefore, his submission that the distribution licensee should release electricity connection to all the residents of the same society individually.



3. Section 12 and Section 14 of the Electricity Act, which need to be noticed, read as under:

"Section 12. (Authorised persons to transmit, supply, etc., electricity):"

No person shall

(a) transmit electricity; or

(b) distribute electricity; or

(c) undertake trading in electricity,

unless he is authorised to do so by a licence issued under section 14, or is exempt under section 13.

Section 14. (Grant of licence):

The Appropriate Commission may, on an application made to it under section 15, grant a licence to any person-

(a) to transmit electricity as a transmission licensee; or

(b) to distribute electricity as a distribution licensee; or

(c) to undertake trading in electricity as an electricity trader,

in any area as may be specified in the licence:

Provided that any person engaged in the business of transmission or supply of electricity under the provisions of the repealed laws or any Act specified in the Schedule on or before the appointed date shall be deemed to be a licensee under this Act for such period as may be stipulated in the licence, clearance or approval granted to him under the repealed laws or such Act specified in the Schedule, and the provisions of the repealed laws or such Act specified in the Schedule in respect of such licence shall apply for a period of one year from the date of commencement of this Act or such earlier period as may be specified, at the request of the licensee, by the Appropriate Commission and thereafter the provisions of this Act shall apply to such business:

Provided further that the Central Transmission Utility or the State Transmission Utility shall be deemed to be a transmission licensee under this Act:

Provided also that in case an Appropriate Government transmits electricity or distributes electricity or undertakes trading in electricity, whether before or after the commencement of this Act, such Government shall be deemed to be a licensee under this Act, but shall not be required to obtain a licence under this Act:

Provided also that the Damodar Valley Corporation, established under sub-section (1) of section 3 of the Damodar Valley Corporation Act, 1948, shall be deemed to be a licensee under this Act but shall not be required to obtain a licence under this Act and the provisions of the Damodar Valley Corporation Act, 1948, in so far as they are



not inconsistent with the provisions of this Act, shall continue to apply to that Corporation:

Provided also that the Government company or the company referred to in sub-section (2) of section 131 of this Act and the company or companies created in pursuance of the Acts specified in the Schedule, shall be deemed to be a licensee under this Act:

Provided also that the Appropriate Commission may grant a licence to two or more persons for distribution of electricity through their own distribution system within the same area, subject to the conditions that the applicant for grant of licence within the same area shall, without prejudice to the other conditions or requirements under this Act, comply with the additional requirements 1[relating to the capital adequacy, credit-worthiness, or code of conduct] as may be prescribed by the Central Government, and no such applicant, who complies with all the requirements for grant of licence, shall be refused grant of licence on the ground that there already exists a licensee in the same area for the same purpose:

Provided also that in a case where a distribution licensee proposes to undertake distribution of electricity for a specified area within his area of supply through another person, that person shall not be required to obtain any separate licence from the concerned State Commission and such distribution licensee shall be responsible for distribution of electricity in his area of supply:

Provided also that where a person intends to generate and distribute electricity in a rural area to be notified by the State Government, such person shall not require any licence for such generation and distribution of electricity, but he shall comply with the measures which may be specified by the Authority under section 53:

Provided also that a distribution licensee shall not require a licence to undertake trading in electricity.”

4. Section 12 essentially mentions about the authorised persons to transmit, supply, etc., electricity namely transmission, distribution and trading in electricity.

5. From the perusal of Regulation 6.3, it is apparent that there is no authorisation to the cooperative group housing society for trading in electricity. As far as transmission and distribution is concerned, there can be no quarrel that the same is not a part of Regulation 6.3. Once the cooperative group housing society has not been allowed to undertake trading in electricity, nor they can charge from any of its members any additional amount, provisions



of Section 12 would have no application for the purpose of Regulation 6.3.

6. We further notice that the proviso to Clause (a) of Regulation 6.3 takes care of each of the person residing in the housing unit, sold or leased by such cooperative group housing society too have a right of demanding supply of electricity directly to him.

7. Regulation 6.3, in our opinion, has been actually framed for the convenience and for easy distribution of electricity in a group housing society which may be in a single building, or may be in different houses enclosed together. Such a provision is for the convenience of all and not for the deterrent or determinant to any of the members of the cooperative group housing society. The proviso also takes care of an individual applicant who may apply separately from the distribution licensee namely, the AVVNL in the present case and such connection to such individual applicant would be released by the licensee separately from the system of the cooperative group housing society, provided such a person is able to make metering arrangements, at ground floor and provides protection arrangements as may be prescribed by the AVVNL.

8. In view of above, no case for interference is made out. The writ petition is misconceived and is, accordingly, dismissed. Pending application(s) also stand dismissed.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ