

**CONSUMER GRIEVANCE REDRESSAL FORUM URBAN LEVEL
NOIDA POWER COMPANY LIMITED, GREATER NOIDA**

IN THE MATTER OF:

**OLD COMPLAINT NO. C- 79/2022
NEW COMPLAINT NO. UF/09/2023**

Anurag Sharma

...Complainant

Versus

Castle Social Welfare Samiti & Anr.

... Opposite Parties

Quorum:

1. Shri Jitendra Kumar Dhamat (Chairman)
2. Smt. Veenita Marathia (Independent Member)
3. Shri Satya Prakash Sharma (Second Nominated Member)
4. Shri Prem Kumar (Prosumer)

Appearance:

1. Shri. Anurag Sharma (Complainant)
2. Shri. Pramod Sharma for Opposite Party No.1
3. Shri. Kapil Dev Sharma, Senior Manager (Legal) on behalf of Noida Power Company Limited (Opposite Party 2)

Order:

Date of Hearing: 06.12.2024

Date of Order: 06.12.2024

Order Pronounced By: Smt. Veenita Marathia (Independent Member)



1. The instant complaint was filed by Mr. Anurag Sharma, R/o C 202 Amrapali Castle Plot No. GH-04 A, Sector CHI 5, Greater Noida (hereinafter referred as "the

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Complainant”) under the UPERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2007. Subsequently, following the incorporation of new CGRFs, the matter was transferred to this forum (CGRF – Urban Level) under the new UPERC (Consumer Grievance Redressal Forum) Regulations, 2022 (“Regulations, 2022”).

2. The Complainant has filed the present Complaint against Castle Social Welfare Samiti (hereinafter referred to as the “**Opposite Party No.1**”) and Noida Power Company Limited (hereinafter referred as the “**Opposite Party No.2**”)
3. The Complainants have submitted that the electricity should be provided to the end consumers by the Opposite Party No. 1 in accordance with the rules and regulations framed under the Electricity Act, 2003 read with the Uttar Pradesh Electricity Supply Code, 2005 (hereinafter referred to as the “**2003 Act**” and the “**Supply Code, 2005**” respectively) and Tariff Orders and Guidelines issued by the Hon’ble Uttar Pradesh Electricity Regulatory Commission (**Hon’ble Commission**) from time to time.
4. **The Complainant prayed for the following reliefs:**

“.....”

- a. *It is being prayed to the Hon’ble Forum to pass appropriate order for registration through **Multipoint Electricity Connection** on basis of our **Builder Buyer Agreement** instead of Sub – Lease Deed as interim relief to us.*
- b. *Directing Samiti Management to award the **rebate since from 2016** on basis of electricity payment along with penal interest charge on SBI rate LIBOUR + 1% as we gave payment in prepaid meter well in advance,*
- c. *We request once again to award punitive actions against Castle Welfare Social Samiti office bearers for recovery of present as well as previous which is to be done from their personal assets.*

5. The forum notes with concern that Opposite Party No. 1, Castle Social Welfare Samiti, has repeatedly failed to respond to the complaint despite being granted multiple opportunities since July 2024. On September 27, 2024, the forum reserved the case for the order, granting Opposite Party No. 1 a final opportunity to file their

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reply within 10 days of the reserved order date. However, no response has been received from Opposite Party No.1, and the matter is now decided based on the available records.

6. The Opposite Party No. 2 filed its Reply on 05.07.2024. The Opposite Party No. 2 stated that the M/s Ultra Homes Construction Pvt. Ltd. is the registered consumer having a single point connection in the name of Ultra Home Construction Private Ltd. having Consumer No. 2000113277 with a contracted load of 405 KW catering supply at GH-04A, Sector- CHI-5, Greater Noida, Uttar Pradesh- 201308 (hereinafter referred as “**the Premises**”) under LMV – 1 category (Domestic). It is pertinent to mention that the complainant has not impleaded it as a party in the matter which is necessary for the adjudication of the matter.
7. The Opposite Party No. 2 stated that in compliance of the UPERC Notification No. UPERC/Regulations/Supply Code/2018/206 dated August 10, 2018, wherein the Hon'ble Uttar Pradesh Electricity Regulatory Commission (UPERC) has directed that all multi-story buildings and colonies developed by the development authorities and/or private builders, promoters, and colonizers having single point connections shall convert their single point connections into multipoint connections. The Opposite Party No. 2 has sent several letters from time to time to M/s Ultra Home Construction Pvt. Ltd regarding conversion of existing single point connections to multipoint connections. In compliance with UPERC Order Petition No. 30SM of 2019, they issued intimation letters dated May 20, 2024, to all societies, including Society of the Complainant, to conduct a fresh door-to-door survey. This survey aims to obtain the consent of allottees/owners of flats for the conversion to multi-point connections.
8. Further, this Forum vide its verbal direction dated 31.05.2024 to the Opposite Party No. 2, ordered for door-to-door survey and on 03.09.2024 a survey was conducted by the Opposite Party No. 2 to collect the consent of allottees and owners of flats for the conversion to multi-point connections. The Opposite Party No. 2 has shown the report & photographs of the site survey to this Forum.











9. With regard to excess billing and seeks a rebate on advance payments made through pre-paid meters since 2016, with interest at SBI LIBOR + 1 is against the opposite party No. 1. The Opposite Party has stated in its reply that there is provision of rebate of 1% on the rate for payment before due date. The Single Point Bulk Consumer should do the billing as per Clause 4.46 (b) of the Supply Code, 2005 and tariff order passed from time to time.
10. Upon reviewing the pleadings exchanged between the parties and the relevant documents submitted by the respective parties, arguments as well as the above discussions, the order is passed in the following manner:

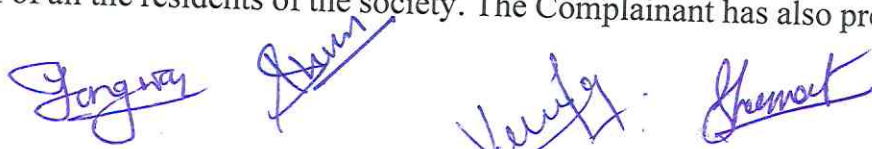
Prayer A:

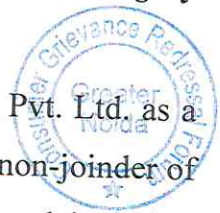
It is being prayed to the Hon'ble Forum to pass appropriate order for registration through Multipoint Electricity Connection on basis of our Builder Buyer Agreement instead of Sub – Lease Deed as interim relief to us.

The complaint has been filed by Mr. Anurag Sharma R/o C – 202, Amrapali Castle, Plot No. GH – 04, Sector Chi 5, Greater Noida resident of the society. The Complainant has stated that he is an end user having sub-let prepaid meter electricity connection in the name of his wife Mrs. Abhilasha Pachauri. The records reveal that M/s Ultra Home Construction Pvt. Ltd. is the registered consumer of the Opposite Party No. 2 (NPCL) and is the single point consumer. Further, by virtue of the tariff orders passed from time to time, single point consumer (M/s Ultra Homes Construction Pvt. Limited) will be treated as deemed franchisee of the Opposite Party No. 2. This is in accordance with the Tariff Orders issued by the Hon'ble Commission, which states that:

“The body seeking the supply at single point for bulk loads under this category shall be considered as a deemed franchisee of the Licensee.”

The Complainant has not impleaded M/s Ultra Homes Construction Pvt. Ltd. as a necessary party in the matter. Thus, the Complaint dismissed due to non-joinder of necessary party. Further, the Complainant argued that the instant complaint being filed on behalf of all the residents of the society. The Complainant has also prepared

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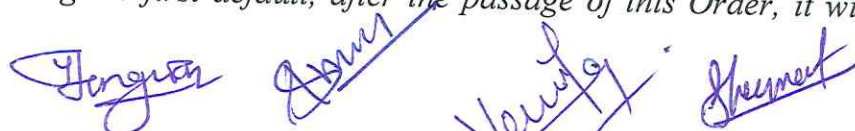
a table wherein computation of fixed electricity charges and CAM Charges of block wise of its society. This Forum finds that through this complaint, the Complainant has been raising issues on behalf of the and whole society without any authorization letter from the rest of the members/residents of the concerned society.

Moreover, it is also found that the complainants have tried to establish before this Forum by claiming such an exorbitant amount, based upon their own conjectures and surmises, on behalf of the whole society without obtaining the authorization from the rest of the residents. The instant complaint consists of merely bald averments without an iota of evidence to support such claims. The complainant has simply submitted tabular charts showing the alleged amount recovered from the residents of the concerned society by Opposite Parties 1. However, the calculations shown there in the complaint are purely based on the assumptions and is devoid of any substantive evidence to support the exorbitant amounts claimed.

Thus, in view of the aforesaid finding, it is being expressly held that the instant complaint is not maintainable as the aforementioned complainant lack the locus to the file the instant complaint on behalf of all the residents of the concerned society without obtaining their approval/consent in the form of an authorization letter and also lacks evidences.

The Nodal Officer for conversion for single point electricity connection to Multi point electricity connection has submitted before this Forum that in-view of the order dated 06.05.2024 (hearing date 10.04.2024) passed in suo moto proceeding 30 SM of 2019 by the Hon'ble UPERC for door-to-door survey of each society, they have conducted the survey on 03.09.2024 wherein the entire society has opted to retain the single point electricity connection. Thus, the society cannot be converted from single point electricity connection to Multipoint Electricity Connection as prayed by the Complainant. However, this Forum has also gone through the new tariff order passed by the Hon'ble UPERC which is relevant to quote hereunder:

"in case of three defaults within a two-year period from the occurrence of first default, including the first default, after the passage of this Order, it will be





presumed that the developer/RWA is not willing to comply with the directions of the Commission. The facility of the single point connection in this eventuality will be withdrawn and the Licensee shall mandatorily convert it to multiple point connection. All the conditions as per the 13th Amendment of UP Electricity Supply Code and Orders of the Commission applicable in this regard, shall be applicable.”

In the light of above, the above prayer No.1 is disposed of.

Prayer B:

*b. Directing Samiti Management to award the **rebate since from 2016** on basis of electricity payment along with penal interest charge on SBI rate LIBOUR + 1% as we gave payment in prepaid meter well in advance,*

That regarding **relief/prayer no. 2**, this Forum has gone through the relevant provision provided in the tariff order which is under:

“12. PRE-PAID METERS / AUTOMATIC METER READING SYSTEM:

- (i) Any consumer having prepaid meters shall also be entitled to a discount of 2.00 % on the ‘RATE’ as defined in the Tariff Order.*
- (ii) The token charges for code generation for prepaid meters shall be Rs. 10.00/- per token or as decided by the Commission from time to time.”*

In the light of the above, this Forum is clear that these provisions are not applicable to consumers which are getting the supply through single point electricity connection, however it is made clear that Single Point Electricity connection which is a deemed franchise by virtue of the Tariff Order issued from time to time should run on no profit no loss.

Prayer C

(c) We request once again to award punitive actions against Castle Welfare Social Samiti office bearers for recovery of present as well as previous which is to be done from their personal assets.



Jangra *Sharma* *Vaish* *Sharma*

This forum is of view that neither any statutory law in form of any rule or regulation nor any direction by the Hon'ble Commission in the Tariff Orders being issued by them provide for any such kind of a relief and therefore in view of the aforesaid the complainants are not entitled to any such relief as this forum does not have the authority to award any punitive actions against the Opposite Party No. 1.

No Order as to Costs.

If the Complainants are aggrieved by this order, he can approach the Hon'ble Electricity Ombudsman, Lucknow as provided in the CGRF Regulations, 2022.

Accordingly, the complaint filed by the complainants is hereby dismissed.



अध्यक्ष
Jitender Kumar Dhamat
(Chairman)
उपभोक्ता व्यक्तियों निवारण फोरम
शहरी स्तर, ग्रेटर नोएडा

Veenita Marathia
(Independent Member)

Satya Prakash Sharma
(Second Nominated Member)

Prem Kumar
(Prosumer)

Date: 6/12/2024
Place: Greater Noida