

CONSUMER GRIEVANCE REDRESSAL FORUM – URBAN LEVEL

NOIDA POWER COMPANY LIMITED

GREATER NOIDA

IN THE MATTER OF:

COMPLAINT NO. UF/19/2024

DIVINE GRACE VILLA RWA

...COMPLAINANT

VERSUS

POWER OFFICERS SAHKARI AWAS SAMITI LTD. & ANR

...OPPOSITE PARTIES

**Quorum:**

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



**Appearance:**

1. Shri Sudhangshu Poddar, Complainant.
2. No one present for the Opposite Party No. 1
3. Shri Kapil Dev Sharma, Senior Manager (Legal) on behalf of Noida Power Company Limited.

**Judgement:**

**Date of Hearing:** 31-01-2025

**Date of Order:** 03-03-2025

**Order Pronounced By:** Smt. Veenita Marathia

1. The instant Complaint was filed by Divine Grace Villa RWA hereinafter referred to as “**the Complainant**”) on behalf of all the villa owners residing at Divine Grace, Omega 1, Greater Noida, Uttar Pradesh - 201310 (hereinafter referred to as “**the Society**”), under the UPERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2022.
2. The Complainant has filed the present Complaint against the Power Officers Sahkari Awasi Samiti Limited (hereinafter referred to as the “**Opposite Party No.1**”) and the Noida

*Shamit*

*Veenita*

*Kapil Dev Sharma*

Power Company Limited (hereinafter referred to as the "Opposite Party No.2") regarding the non-compliance of tariff orders by the Opposite Party No.1, which has failed to act as a fair "deemed franchisee" of the Opposite Party No.2, in violation of the U.P. Co-operative Societies Act, 1965 and its own bye-laws. The Complainant stated that the Opposite Party No.2 assigned the "deemed franchisee" status to the Opposite Party No.1 without verifying its eligibility or legality and failed to enforce compliance with tariff orders.

3. The Complainant by way of its present Complaint has submitted that at the society, two distinct groups of consumers (128 flats and 69 independent villas) share an 11 kV electricity supply. However, the Opposite Party No.1 has been charging a uniform "common area lighting and water pumping" fee to both groups, despite their different needs and service structures. The Complainant alleged that it is unjustified and discriminatory as well as contrary to tariff orders issued by the U.P. Electricity Regulatory Commission (hereinafter referred to as **the State Commission**) that the villa owners are being overcharged, with current bills averaging ₹ 500/- per month instead of the actual billing of ₹150/-.
4. The Complainant submitted that since the new management committee of the Opposite Party No.1 took charge in January 2022, the billing method for common services has changed. Previously, a fixed charge of Rs. 400 per month was applied, but from August 2022, the Opposite Party No.1 began arbitrarily calculating common area lighting and water pumping charges based on the total bill provided by the Opposite Party No.2 with no transparency or supporting data provided to the residents as mandated by the state commission despite several requests. The Complainant also highlighted that the Opposite Party No.1 had notified all the owners about how the shortfall in the total bill provided by the Opposite Party No.2 will be recovered by dividing it amongst all the owners.
5. The Complainant further submitted that Opposite Party No.1 as the U.P. Co-operative Societies Act 1965, the allied rules of 1968, governs a co-operative housing society and the byelaws of the society as approved by the UP Awas Viskas Parishad, which do not authorize it to act as a perpetual "franchisee" of distribution licensee for electricity resale. The objects of the Opposite Party No.1 are limited to assisting members with construction and ownership and do not include the resale of electricity, making the Opposite Party No.1's role as a deemed franchisee legally questionable.

6. **The Complainant prayed for the following reliefs:**

"....."





2





- (a) Submit the requested data to all consumers in the Divine Grace complex to determine the extent of overcharging for all residents through an arbitrary balancing charge, and determine that amount of illegally used unmetered electricity by POSAS from April, 2022 which is tantamount to theft.
- (b) Examine the submitted computation (Annexure-2) -for the rate for common area "lighting and water pumping" for the villa owners covering the entire period from April 2022 to date and direct POSAS to refund the extra amount charged at the earliest to the members of the Divine Grace Villa - RWA
- (c) Direct NPCL to terminate its arrangement with POSAS as a "distribution franchisee",
- (d) Issue an ad-interim order to POSAS to Bill and collect only Rs. 150 towards common area electricity charges till the adjudication process on all the above issues are completed.

.....”

7. The Opposite Party No. 1 did not file a formal reply but submitted a letter dated 20.11.2024 during the course of hearing requesting that the complainant's questions be translated into Hindi because of language barriers, as some of their members are not comfortable with English, which could lead to misunderstandings or incorrect responses from the Opposite Party No. 1. Therefore, the Opposite Party No. 1 requested that all correspondence shall be made in Hindi to ensure clarity and avoid errors.
8. The Opposite Party No. 1 stated that certain residents of the society have unlawfully formed a "Divine Grace Villa Residents Welfare Association" by manipulating the society records and in this regard, a "Show Cause Notice" was issued to the Complainant by the Deputy Registrar of Societies, Chits, and Funds, Meerut, following a complaint from the Opposite Party No. 1.
9. The Opposite Party No. 1 further stated that in response to the aforementioned Complaint, the Complainant has filed a writ petition (Case No. 14095/2022) in the Hon'ble High Court of Prayagraj, which is currently pending adjudication. The Opposite Party No. 1 also submitted that the Hon'ble High Court has issued an order to maintain status quo through interim relief.
10. The Opposite Party No. 1 submitted that in light of the afore-mentioned circumstances, the filing of this complaint before this Hon'ble Forum, while the matter is sub-judice before the Hon'ble High Court, may amount to contempt of court. The Opposite Party No. 1 requested that any further action in this matter be taken with due consideration to the



*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

ongoing proceedings at the Hon'ble High Court, to avoid any potential legal complications or conflicts with the status quo order.

11. The Opposite Party No. 2 filed its reply on 31.01.2025. The Opposite Party No. 2 submitted that the Opposite Party No. 1 is the registered consumer having a single point connection in the name of M/s Power Officers Sahkari Awas Samiti, vide consumer number 2000048001 having present Contractual Load of 400 KW under LMV-1 (Domestic) category. The Opposite Party No. 2 pointed out that the Opposite Party No. 1 has been declared as deemed franchisee vide Tariff Orders issued from time to time by the State Commission.
12. The Opposite Party No. 2 contended that this complaint pertains to an internal dispute between the Complainant and Opposite Party No. 1 and that the Opposite Party No. 2 has been unnecessarily implicated in this matter. It was further submitted by the Opposite Party No. 2 that the issue at hand can be effectively resolved by converting the society to a multi-point connection. The dispute is confined solely to the apportionment of charges between the villa owners, who are less in number than the flat owners who constitute the majority.
13. The Opposite Party No. 2 highlighted that in order to address and resolve such issues, the Hon'ble State Commission has amended Clause 4.9 of the U.P. Electricity Supply Code, 2005 (hereinafter referred to as "**the Supply Code, 2005**") through the 13th Amendment. The amendment mandates that all single-point electricity connections be converted into multi-point electricity connections, thereby ensuring transparent billing and that the consumers are charged only for the electricity they have consumed, in accordance with the Tariff Orders issued by the State Commission from time to time.
14. The Opposite Party No. 2 submitted in compliance with the State Commission's Notification No. *UPERC/Regulations/Supply Code/2018/206* dated 10.08.2018, which mandated the conversion of single-point connections to multi-point connections for all multi-story buildings and colonies, Opposite Party No. 2 has corresponded with Opposite Party No. 1 on several occasions regarding this issue. Furthermore, pursuant to the State Commission's Order dated 06.05.2024 in Petition No. **30SM of 2019**, the Opposite Party No. 2 issued Intimation letters dated 20.05.2024 to all societies, including the society of complainant, requesting that a fresh door-to-door survey to be conducted to obtain the consent of allottees/owners for the conversion to multi-point connections.
15. The Opposite Party No. 2 further submitted that in compliance of directions of the Hon'ble State Commission and Letter dated 20.05.2024 of the Opposite Party No. 2, the afore-



*Sharma*

*Verma*

*Sharma*

*Sharma*

mentioned Survey was conducted wherein the residents of the society gave their consent to retain Single Point Connection.

16. The Opposite Party No. 2 explained that upon a straightforward examination of the dispute, it is clear that it concerns the billing of Common Area Maintenance (CAM) electricity charges, which are being uniformly applied to two distinct categories of consumers: 69 villa owners and 128 flat owners. The Opposite Party No. 2 also stated that the Complainant has disputed the uniform billing done by the Opposite Party No. 1 to all the consumers for common area lighting and water pumping charges when the total number of villa owners are less than the flat owners as above mentioned. The Opposite Party No. 2 highlighted that the jurisdiction of this Forum is limited solely to issues related to electricity charges and does not extend to disputes over internal apportionment matters. The Opposite Party No. 2 asserted that Complainant can explore the option to arrange for a direct electricity supply from Opposite Party No. 2, provided that separate electrical infrastructure is installed and all necessary commercial and technical requirements are fulfilled by the Complainant.

17. **This Forum has heard at length all the parties in this matter and the following issues arise for consideration before this Forum:**

This Forum has carefully examined the relevant paragraphs pertaining to the prayer made by the Complainant. Upon a thorough review of the facts and circumstances surrounding the issue, this Forum finds that this dispute concerns apportionment of CAM charges which is a sole dispute between the Complainant and the Opposite Party No. 1. The Opposite Party No. 1 is the registered consumer of the Opposite Party No. 2 having a single point connection in the name of M/s Power Officers Sahkari Awas Samiti, vide consumer number 2000048001 having present Contractual Load of 400 KW under LMV-1 (Domestic) category. The Complainant has represented itself as the dedicated Residents Welfare Association (hereinafter referred to as the "RWA") of the villa owners who are 69 in number whereas Opposite Party No. 1 is the RWA of the whole society consisting of villa owners as well as the multi storeyed building. This Forum has also observed that a writ petition (Case No. 14095/2022) is pending adjudication in the Hon'ble High Court of Allahabad, with respect to validity and legal existence of the Complainant. Similarly, the Complainant has also mentioned that a writ petition (Case No. 14374/2022) has been filed by them against the Opposite Party No. 1 however no proof has been submitted on record during the course of hearing.

The Complainant has raised a concern regarding the apportionment of Common Area Maintenance (CAM) charges between the villa owners (69 members) and flat owners (128



*[Handwritten signature]*

*[Handwritten signature]*

5

*[Handwritten signature]*

*[Handwritten signature]*

members) in the society. The dispute revolves around the uniform billing of CAM charges for all society members, without proportional allocation based on the number of villa owners and flat owners. The Complainant argued that they are paying more for electricity consumption of CAM Charges in comparison to the flat owners who are more in numbers and sought a fair distribution of CAM charges in proportion to these factors. Thus, from the facts and circumstances of this case it is clear that the dispute pertains to inappropriate apportionment of CAM charges between the flat and villa owners.

This Forum's jurisdiction, however; is limited to matters related to electricity charges and does not extend to disputes involving distribution and apportionment of CAM charges. This Forum has no jurisdiction to intervene in the internal dispute regarding the apportionment of charges between villa and flat owners and this matter should be resolved through the appropriate channels internally and in accordance with Law.

The Complainant, if aggrieved, by non-redressal of his grievance by the Forum may make a representation/appeal against this order, before the Company Level/Hon'ble Electricity Ombudsman, Vidyut Niyamak Bhawan, Vibhuti Khand, Gomti Nagar within one month from the date of receipt of this order.

**The Complaint is disposed of in the afore-mentioned manner.**

Jitender Kumar Dhamat  
**(Chairman)**

Veenita Marathia  
**(Independent Member)**

Mulendra Kumar Sharma  
**(First Nominated Member)**

Satya Prakash Sharma  
**(Second Nominated Member)**

