

CONSUMER GRIEVANCE REDRESSAL FORUM – URBAN LEVEL

NOIDA POWER COMPANY LIMITED

GREATER NOIDA

COMPLAINT NO. 20/UF/2025

Prem Chand

...Complainant

VS

AOA, Fusion Homes Society & Ors.

...Opposite Parties

Quorum:

1. SHRI JITENDRA KUMAR DHAMAT, CHAIRMAN, CGRF
2. SMT. VEENITA MARATHIA, INDEPENDENT MEMBER, CGRF
3. SHRI MULENDRA KUMAR SHARMA, FIRST NOMINATED MEMBER, CGRF
4. SHRI SATYA PRAKASH SHARMA, SECOND NOMINATED MEMBER, CGRF

Appearance:

1. Shri Prem Chand, Complainant
2. Mr. Vrashchik and Mr. Ashish Kumar on behalf of Opposite Party No. 1 & 2,
3. Shri Kapil Dev Sharma, Senior Manager (Legal) on behalf of Noida Power Company Limited

Order:

Date of Filing: 02.04.2025

Date of Hearing: 22.04.2025

Date of Order: 05.05.2025

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

1. The instant complaint was filed by Shri Prem Chand, resident of Flat No. E/1202, Fusion Homes Society (hereinafter referred to as "**the Complainant**") situated at Plot No.-GH-05A, Sector-Techzone-4, Greater Noida (West), Uttar Pradesh-201306

Shri Prem Chand

Shri Kapil Dev Sharma

Page 1 of 6

Vrashchik

Shri Prem Chand

(hereinafter referred to as "**the Society/Premises**") under the UPERC (Consumer Grievance Redressal Forum) Regulations, 2022 ("**Regulations, 2022**").

2. The Complainant has filed the present Complaint against the AOA, Fusion Homes Society (hereinafter referred to as the "**Opposite Party No.1**"), Director, Maintenance Agency of the Fusion Homes Society (hereinafter referred to as the "**Opposite Party No.2**") along with Noida Power Company Limited (hereinafter referred to as the "**Opposite Party No.3**"). The Opposite Party No. 1 vide application dated 22.04.2025 apprised this Forum that it will also be appearing on behalf of the Opposite Party No. 2 since the Opposite Party No. 2 is a maintenance agency of the AOA/Opposite Party No.1.
3. As per the Complainant, the residential society is being supplied with the electricity at the Single-point connection which is further distributed to the residents of the society through installed pre-paid meters.
4. The Complainant in his Complaint has stated that the first AOA of the Society was formed and registered in April, 2024 and was called by the Builder for recovery of his illegal Common Area Maintenance (**CAM**) dues through pre-paid electricity meter which he could not recover during its tenure. However, the first AOA refused to recover the same through pre-paid electricity meter since it is illegal.
5. The Complainant submitted that the second AOA was formed in January, 2025 and was called by the builder for the purpose of collecting illegal CAM charges through electricity pre-paid meter. The Complainant further submitted that the second AOA agreed to recover the CAM Charges through pre-paid meter out of greed and is planning to recover the same.
6. **The Complainant in the present Complaint has prayed for the following reliefs:**

"

- a) *Direct the current AOA to stop the recovery of undue and illegal common area maintenance of third party through pre-paid electricity meter by sent notice for his undue monetary benefit and also routine recovery of common area maintenance from prepaid meter.*

b) Pass any other or further orders as this Hon'ble Forum deems fit and proper in the facts and circumstances if the Complaint and in the interest of justice in favour of the complainant against the respondents.

.....”

7. The Opposite Party No. 1 filed its Reply dated 08.04.2025 wherein it is submitted that the Complaint is full of wild allegations and exaggerated claims as the Complainant has not shown any proof of forceful recovery. The Opposite Party No. 1 further submitted that the Complainant is a wilful CAM defaulter of the Society and has dues to the tune of Rs. 3,00,000/-.
8. The Opposite Party No. 1, during the hearing stated that the Complainant has based his arguments on an event which has not even taken place (future event) due to the apprehension of paying the CAM charges in the future which is around Rs. 3,00,000/-. In this regard, the Opposite Party No. 1 attached the ledger statement of the Complainant.
9. The Opposite Party No. 3 filed its reply dated 18.04.2025, stating that the Opposite Party No. 1 is its registered consumer with a single-point connection with a contractual load of 1800 kW and has been declared as a deemed franchisee through Tariff Orders issued by the Hon'ble State Commission.
10. The Opposite Party No. 3 further submitted that the Hon'ble State Commission issues guidelines for “Electrical Supply and Billing to End Consumers” through its Tariff Orders, which are communicated to Single Point Bulk Load Consumers. It contended that these orders clearly mandate that no charges other than electricity charges—such as CAM Charges, Water Charges, or Club Charges—shall be deducted from prepaid meters primarily installed for measuring supply of electricity.
11. The Opposite Party No. 3 further stated that the Opposite Party No. 1 cannot disconnect the supply of electricity of the end consumers on the pretext of defaults in payments related to other charges except for the electricity dues regarding the electricity consumed by consumers and electricity charges for lift, water lifting pumps, street lights if any, corridor/campus lighting and other common facilities.

[Signature]

Page 3 of 6
[Signature]

[Signature]

12. The Opposite Party No. 3 stated that due to continuous flouting of rules and guidelines of the Hon'ble State Commission by Single-point consumers, the Hon'ble State Commission amended Clause 4.9 of the Supply Code, 2005, mandating the conversion of all Single-Point Connections to Multi-Point Connections.
13. The Opposite Party No. 3 highlighted order dated 06.05.2024 in Petition No. 30SM of 2019 wherein the the Hon'ble State Commission had directed for a fresh survey to provide multipoint connections in all single-point societies. The Opposite Party No. 3 in compliance of the above Order had sent notice dated 20.05.2024 to all the societies (including Opposite Party No. 1) having Single Point Connection wherein it is stated that the Opposite Party No. 3 will conduct a door-to-door survey to obtain consent of the allottees /owners of the flat/villa for a multipoint connection. The Opposite Party No. 3 submitted that it conducted a survey on 23.07.2024 in the Society, however, the residents of the Society decided to retain Single-point connection.
14. The Complainant filed a Rejoinder on 18.04.2025 wherein he has pointed out that the Opposite Party No. 1 has not disclosed certain facts regarding pending dues/ CAM. The Complainant has alleged that the Opposite Party No. 1 has been concealing notices sent by the Opposite Party No. 3 and has been recovering CAM for civil works.
15. The Opposite Party No. 1 filed its Reply to the Rejoinder of the Complainant wherein he has reiterated that the Complainant is a wilful defaulter of CAM charges. The Opposite Party No. 1 has submitted that the recovery of pending CAM dues comes within the ambit of the AOA Board and is as per Greater Noida Industrial Development Authority's (GNIDA) Order dated 03.09.2024 which is in accordance with Hon'ble Allahabad High Court's Order dated 29.05.2024 in W.P. No. 18699 of 2024.

This Forum has heard at length all the parties in this matter and has passed the following directions:

This Forum functions as per the provisions of the Electricity Act, 2003, Supply Code, 2005, Tariff Orders of the Hon'ble State Commission and Regulations, 2022 and is

limited to the scope of the matters of electricity charges and thus, this Forum would clarify that the issues related to Common Area Maintenance Charges apart from the electricity charges are internal issues of the Builder/AOA and the residents.

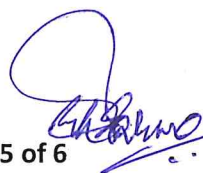
The Complainant in the present complaint has prayed that the current AOA should stop the recovery of common area maintenance charges through pre-paid electricity meter. In this regard, the Hon'ble Commission issues its Tariff Orders from time to time. The relevant provisions of the Tariff Orders are produced hereunder:

"The deemed franchisee shall not disconnect the supply of electricity of its consumers on the pretext of defaults in payments related to other charges except for the electricity dues regarding the electricity consumed by its consumers and electricity charges for lift, water lifting pump, streetlight if any, corridor / campus lighting and other common facilities."

This Forum firmly asserts that only electricity charges should be deducted from the prepaid electricity meter. Further, electricity supply should not be disconnected due to arrears in payments not related to electricity consumption.

Further, the Opposite Party No. 1 is directed to submit an affidavit stating that the electricity connection of any resident will not be disconnected on pretext of default in payment of any other charges apart from electricity charges as enumerated in the Tariff Orders.

The Hon'ble Commission, in order to permanently resolve such issues, has issued 13th Amendment to the U.P. Electricity Supply Code, 2005 for conversion of Societies from Single Point Connection to Multi-Point Connections. The Opposite Party No. 3 has already arranged a Survey wherein majority of the residents opted for retaining Single-point connection, however, in light of the present complaint, the AOA and the Opposite Party No. 3 are directed to co-ordinate with each other for streamlining the conversion process as per the 13th Amendment of the Supply Code, 2005.



All prayers have been addressed.

Therefore, in light of the above observations, the Complaint is disposed of.

Both the parties should be informed accordingly.

Proceedings closed.

The Complainant, if aggrieved, by non-redressal of its 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, Lucknow-226010 within one month from the date of receipt of this order.

**Jitender Kumar Dhamat
(Chairman)**

**Veenita Marathia
(Independent Member)**

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

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

Date: 05.05.2025

Place: Greater Noida