

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Petition No. 04 of 2024

In the Matter of:

Petition filed under Regulation 9, 20, 58, 59, 61 and 62 of the UERC (Conduct of Business Regulations), 2014 and Regulations 3.6 and chapter-8 Regulation 1 to 3 of UERC Supply Code Regulation 2020 against wrongful release of individual connections and for clarifying the scope of proviso to sub regulation 6 of regulation 3.6 and removing the difficulty by modifying or amending the provisions regarding releasing of individual connections to user taking supply from the bulk supply connections issued to a developer.

And

In the Matter of:

General Secretary,
Panache Residents Welfare Association
Near Kirsali Chowk, Sahastradhara Road, Dehradun 248001.

... Petitioner

And

In the Matter of:

1. Uttarakhand Power Corporation Ltd. (UPCL),
VCV Gabar Singh Urja Bhawan,
Kanwali Road, Dehradun.

&

2. Smt. Minakshi Bhatt,
(Representative of certain residents of Panache Valley)
703, Tower C, Panache Heights,
Panache Valley, Dehradun.

... Respondent(s)

CORAM

Shri M.L. Prasad
Shri Anurag Sharma

Member (Technical) / Chairman (I/c)
Member (Law)

Date of Hearing: July 12, 2024

Date of Order: October 07, 2024

ORDER

The Order relates to the Petition filed by Panache Residents Welfare Association (herein after referred to as 'Association' or 'Petitioner' or 'PRWA') under Regulation 9, 20,

58, 59, 61 and 62 of the UERC (Conduct of Business) Regulations, 2014 and Regulations 3.6 and chapter-8, Regulation 1 to 3 of UERC (The Supply Code, Release of New Connections and Related Matters) Regulations, 2020 [hereinafter referred to as 'the Supply Code Regulations, 2020'] against wrongful release of individual connections and seeking clarification on the scope of proviso to sub regulation 6 of regulation 3.6 and in the matter of removal of difficulty by modifying or amending the provisions regarding release of individual connections to user taking supply from the bulk supply connection issued to a developer.

1. Background

- 1.1 The Panache Valley Residents Welfare Association is a society registered under the Society Registration Act, 1860 and has been constituted for the maintenance and welfare of the residents of said society. This project was developed by M/s ABL Projects and was later handed over to the Petitioner for its maintenance. The Association/society has 580 housing units spread across 50 acres where around 350 families reside.
- 1.2 The supply of electricity to the residents of the Association is being done through a Single Point Bulk Supply Connection taken from Uttarakhand Power Corporation Ltd. (hereinafter referred to as 'UPCL' or 'Respondent No.1' or 'Licensee'). However, some of the residents of the Association had requested UPCL to provide direct electricity supply connection to them in accordance with Regulation 3.6 of the Supply Code Regulations 2020 which provides that an individual consumer residing in a residential complex/ Association shall not be restricted from seeking direct electricity supply connection from UPCL. Contrary to this, PRWA protested against release of such individual connection by UPCL. This compelled some of the residents of the Association to file complaints before the Commission for release of direct individual connection from UPCL. The Commission taking cognizance of the complaints/requests, vide letter dated 28.11.2023, directed UPCL to allow such individual connections.
- 1.3 Consequently, the Petitioner on 27.12.2023, filed the instant petition raising concerns over the release of direct individual connections to the residents and requested the Commission to relax the first proviso to sub-Regulation (6) of Regulation 3.6 of The Supply Code Regulations, 2020 and further requested that

directions issued by the Commission to UPCL regarding releasing connection to the residents through letter dated 28.11.2023 be stayed.

- 1.4 Subsequently, the Commission admitted the Petition on 03.01.2024 and decided to hear the parties on 14.05.2024, however, the hearing was adjourned due to the vacancy of the post of Member (Law) in the Commission the matter was of adjudicatory nature. Earlier, on an application dated 03.11.2023 filed by some of the residents of Panache Valley, the Commission accepting the request decided to include the residents of the Association as Respondent No. 2 represented through Smt. Meenakshi Bhatt and issue direction to her to file a reply, if any, before the Commission latest by 03.05.2024. In response to this, Smt. Meenakshi Bhatt through an email dated 30.04.2024 requested the Commission to allow her 15 days' time to file reply in the matter. On the said request, the Commission allowed Smt. Bhatt to file reply by 10.05.2024 and accordingly, the said reply was received by the Commission on 10.05.2024.
- 1.5 The Commission decided to hear the matter on 12.07.2024. On the date of hearing i.e. 12.07.2024, the Commission heard the parties in detail who reiterated their earlier submission however Petitioner requested the Commission that since it has not received the copy of submissions made by Respondent No. 2, it be provided a copy of the same and further requested for allowing time for it to file a detail reply on the submission made by Respondents.

Accordingly, the Commission after hearing the parties through its Order dated 12.07.2024, while staying its direction issued in the letter dated 28.11.2023, gave the following direction:

"The Commission considering nature of dispute and contentions made by the Respondent No. 2 in its submission dated 13.05.2024, specially regarding fraud & fabrication of documents, deems it just and necessary for it to provide opportunity to the Petitioner to file its rebuttal against the same and therefore, directs both Respondents to provide a copy of their submission/reply to the Petitioner within 3 days' time and thereafter, the Petitioner may file its rejoinder against the replies within a period of 15 days with an advanced copy to the Respondents.

Further, considering the submission of UPCL in the matter and in order to obviate any further complications and difficulties that may arise due to directions issued by the Commission vide its letter dated 28.11.2023, it is deemed necessary that status quo regarding

the existing Single Point Bulk Supply connection be maintained till final view is taken by the Commission in the matter and accordingly, operation/compliance of directions dated 28.11.2023 is hereby stayed till further orders."

- 1.6 In accordance with the above Order, the Petitioner submitted its reply/objections against the submissions of Respondent No. 2 before the Commission on dated 20.08.2024. The crux of the submissions made by the respective parties is as under:

2. Submissions of the Petitioner:

- 2.1 The consumer residing in an Association/ society should not be allowed individual connection directly from UPCL. Supplying its arguments, Petitioner stated that the Panache Valley campus has an underground electrical infrastructure which is currently being maintained by the Petitioner. That presently, maintenance and electricity charges from residents are being collected via individual prepaid meters, that if such consumers will get direct connection, collection of maintenance charges will be difficult and in-turn will adversely affect the lives of the residents.
- 2.2 Allowing direct individual connection may jeopardize the present aesthetics of the residential society as UPCL may need to develop new infrastructure which may include HT & LT lines. Also, technical issues may also arise pertaining to procurement of additional transformer etc.
- 2.3 Furthermore, Petitioner has submitted that developer has not yet agreed to handover the infrastructure to any third party except PRWA. That as per the Regulations, individual connection can be released in the case where the bulk supply is only for residential purpose, whereas in the present case Panache Valley does not have a purely residential load but has a mixed load. That in the present scheme of Regulation as stated by the Respondent, each individual would always be inclined to avail lower tariff fixed for residential connection, therefore, there can be effectively no purpose of having a bulk supply connection, if such contention is accepted. In addition, Petitioner has submitted that the members of the Association are residents having common interest and therefore, their majority decision should be respected and that the Regulations, if required, need to be modified to protect the interest of the majority of the residents by providing an exception in the Regulation where majority the members are not inclined toward individual connection, thereby not permitting direct individual connection.

- 2.4 The Petitioner also submitted that the Regulation casts a responsibility of maintaining the network upon the Association if the same is not handed over to the distribution company however the Regulation is silent on the issue where individual consumer defaults in payment of maintenance charges. That the Commission needs to specify a way to handle situation where consumer having direct connection defaults in payment of maintenance charges.
- 2.5 Referring to section 43 of the Electricity Act, 2003 it was submitted that the said section applies in cases when the consumer does not have a connection for any premises in which he resides and will not apply in cases when already the consumer has a running connection in the very same premises. Supplementing this, Petitioner submitted that the developer/association is an agent of distribution company w.r.t supply of electricity and that supply through such agent (developer/association) should be considered as connection for and behalf of UPCL only, as per the Electricity Act, 2003, the electricity is supplied to the premises.
- 2.6 Referring to one of residents of the society, who is a retired employee of a power sector utility of the State, Petitioner has submitted that by influence he has wrongly procured direct individual connection from UPCL without obtaining NOC from the owner/developer and by doing this he has incited other residents of the society to obtain direct individual connection.

3. Submissions of Respondent No. 2:

- 3.1 Respondent No. 2 questioning the jurisdiction of the Commission stated that maintenance charges and its recovery from the residents is an internal matter of the residents and the Commission cannot be approached to pass an order depriving the residents of their rights on the pretext of forceful collection of maintenance from the residents through electric meters at arbitrary fixed rates.
- 3.2 Raising question on the representation by the Petitioner and on the legality of the constitution of the Association, Respondent No. 2 has submitted that Petitioner is a conglomerate of persons who had joined hands together to become self-style office bearers by fraud, misrepresentation, falsification of documents, portraying forged and fudged documents as originals and they are in no way the representative of the residents.

- 3.3 That the Regulations of the Commission do not debar or restrict any resident from obtaining an electricity connection from distribution licensee. Moreover, neither the Regulation nor any law in general prescribe that maintenance charges have to be deducted from electricity meters, that Petitioner has started to deduct maintenance charges directly from electricity meters without issuing any receipt for the same and that Petitioner is not willing to accept maintenance in any other form apart from deducting it directly from prepaid meters.
- 3.4 Agitating on the issue of fraudulent recovery of electricity dues from the residents by Petitioner, Respondent No. 2 has submitted that the builder had taken electricity charges in advance from the residents and had defaulted in making payment to UPCL that resulted in a situation of disconnection of electricity. Petitioner acting as an agent of builder unilaterally decided to take over the entire electricity network and collected maintenance charges through electricity meters absolving the builders from all liabilities shifting it on the residents without their consent.
- 3.5 That Ministry of Power, Government of India has issued the Electricity (Rights to Consumers) Amendment Rules, 2024 through notification dated 22.01.2024, wherein, at Rule 14, the distribution licensee is obligated to conduct a transparent ballot giving choice to residents of an association to either chose the association or the distribution company for providing electricity supply. That the said Rules be implemented and distribution company be directed to conduct such transparent ballot.
4. **Responding to the issue of false & fabrication of documents and other submission made by Respondent No. 2, Petitioner has submitted that:**
- 4.1 That allegation on the constitution of the Association is baseless and that Petitioner is a legal body formed as per the provisions of law and that the Petitioner has only acted as per the byelaws of the RWA and has acted as per the term and conditions which have been agreed upon by the residents when they had signed and executed the sale deeds and agreements with the promoter, through which it has been handed over to the Petitioner. Further, Petitioner has submitted that the PRWA is as per the provisions of law and has not been debarred or even stayed by any competent authority and is fully functioning and valid as per law, and that the Respondent No. 2 is merely speculating the statements with ulterior motives. That it has been clearly mentioned in the byelaws of the PRWA that it is a RWA for

Panache Project which included Panache Valley and Panache Heights hence the statement by the Respondent no. 2 is merely to misdirect the Commission from the subject matter as mentioned in the instant petition.

- 4.2 That the issue regarding constitutionality and legitimacy of the PRWA, otherwise also, is outside the purview of the Commission. That the Commission does not have jurisdiction where the Respondent can even question the legality and validity of the Petitioner RWA.
- 4.3 That on the issue of arbitrary deduction of maintenance charges it has been submitted that the said charges deducted are nominal as decided in a general meeting of the Society and each and every resident do pay it as the same only goes for proper functioning of the Society. That the Respondent No. 2 herself is running an illegal Society by the name Panache Heights Resident Welfare Society which is trying to take illegal control of the working of Panache Heights.
- 4.4 That many residents applying for connections are not having valid sale deed executed in favor of them nor have valid documentation for the residents which is beyond the law.

5. Respondent No. 1 namely UPCL has made the following submissions:

- 5.1 UPCL during the hearing reiterated the submissions made in its reply dated 25.05.2024 and stated that responsibility of supply of electricity in such residential society should only vest with the Residential Welfare Associations. That it is practically not possible for UPCL to take over the electrical network/infrastructure of a Society created by the developer that may or may not have complied with the technical norms/codes while laying such network/infrastructure. UPCL also vehemently asserted that there are various practical challenges and constraints that might arise in releasing of individual connection and requested to redefine the provisions of Regulations to address the difficulty mentioned in its reply. UPCL in the said reply has also referred to the Electricity (Rights to Consumers) Amendment Rules, 2024 stating that the same specifies the methodology for grant of individual connection by discom in Single Point Bulk Supply.
- 5.2 Further, regarding implementation of the provisions of the Electricity (Rights to Consumers) Amendment Rules, 2024, UPCL submitted that under the said Rules, UPCL is obligated to conduct voting for members of Society who wishes to either

take direct supply from UPCL or through the RWA. That UPCL is not well equipped to arrange conduction of voting for the residents of the Society as this will load UPCL with an extra responsibility and may open scope for several issues such as finding out the legitimacy of the RWA.

6. Commission's Observations, Views & Decision

- 6.1 The Commission heard the parties in detail and examined the submissions made by them and documents on record. The matter in hand is not a fresh dispute but has been a recurring issue in different part of the State wherever a developer Society/residential society/Association exists. Similar issue was raked up before the Commission in the matter of M/s Hero Realty Pvt. Ltd. which too was a residential society with its residents demanding direct individual connection from the Discom. The Commission then through its Order dated 04.11.2020 had crafted a way out by allowing such individual connections from the existing electrical infrastructure of the developer's society. This facility devised in the aforesaid Order dated 04.11.2020 was later fortified through the Regulation 3.6 of the UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020. The said Regulations allows the facility of releasing direct individual connection by the distribution licensee to the consumer residing in a developer's society which is reproduced hereunder:

"3.6 New Electricity Connection in Residential Complex/Non-Residential Complex/Multiplex/Malls/Townships etc. to be constructed by Developer

[Explanation-Residential Complex/Non-Residential Complex/Multiplex/Malls/Townships etc. means any premises comprising of the following: -

- a) a Building or Buildings having Residential/Commercial units;*
- b) a Common area; and*
- c) any one or more facilities or services such as park, lift, parking space, community hall, common water supply, common lighting facility viz. security/street lights, toilets, watchman room located within a premises and the approval of the layout of such premises may have been granted by an authority under any law for the time being in force.]*

- (1) The responsibility alongwith the cost of creating required/adequate distribution network within Residential Complex/Non-Residential*

Complex/Multiplex/ Mall/Townships etc. for various cumulative normative load shall be as follows: -

(a) For cumulative normative load above 25 kW and upto 75 kW

From the transformer onwards, i.e. excluding transformer of capacity as determined as per Clause (4) below, as the case may be, and upto the point of connection to the installation of each consumer within such complex, shall be that of the developer/builder/Co-operative Group Housing Society (CGHS) who undertakes construction of such complex. The cost of such transformer including associated accessories and the cost of extending such 11 kV/0.4 kV line from the Licensee's end shall be estimated by the distribution Licensee as per normative charges provided at Table 3.6 of these Regulations, as the case may be, and such cost shall be payable by the developer/builder/CGHS subject to recovery/refund of additional amount on completion of the works.

(b) For cumulative normative load above 75 kW

(i) For SPBS connection (Metering at HT/EHT)- *From the transformer (including distribution transformer and/or power transformer) installed as per Clause (4) below, as the case may be, and upto the point of connection to the installation of each consumer within such complex, shall be that of the developer/builder/Co-operative Group Housing Society (CGHS) who undertakes construction of such complex. The cost of such transformer including associated protection gear(s) shall be borne by the developer/builder/CGHS. The cost of extending such 220 kV/132 kV/33 kV/11 kV line from the Licensee's end shall be estimated by the distribution Licensee as per charges provided at Table 3.10 of these Regulations, as the case may be, and such cost shall be payable by the developer/builder/CGHS subject to recovery/refund of additional amount on completion of the works.*

(ii) For Non-SPBS connection- *From the transformer onwards i.e. excluding transformer of capacity as determined as per Clause (4) below, as the case may be, and upto the point of connection to the installation of each consumer within such complex shall be that of the developer/builder/Co-operative Group Housing Society (CGHS) who undertakes construction of such complex. The cost of such transformer including associated protection gear(s) & accessories and the cost of extending such 220 kV/132 kV/33 kV/11 kV*

line from the Licensee's end shall be estimated by the distribution Licensee as per actual as the case may be, and such cost shall be payable by the developer/builder/CGHS subject to recovery/refund of additional amount on completion of the works.

Provided that the developer/builder/CGHS shall have the option to extend the LT (in case of extension of LT network)/HT/EHT line network of the Licensee along with transformer and associated equipment on its own through a Licenced contractor, as per estimate prepared by the Licensee, as above, by paying supervision charges to the Licensee at the rate of 15% to be levied on estimated material cost & labour cost excluding the establishment cost. The Licensee shall provide a copy of detailed estimate alongwith the demand note.

- (2) The developer/builder/CGHS shall submit Guaranteed Technical Particulars (GTP)/drawings of electrical network of the premises to the distribution Licensee while applying for load approval as per Clause (4) below and shall be responsible for creating required/adequate distribution network as per CEA Safety Regulations, 2010 issued from time to time within Residential Complex/Non-Residential Complex/Multiplex/Mall/Townships etc.*
- (3) The land for construction of sub-station or installation of Power/Distribution Transformers or Poles etc. within the premises shall be provided by such developer to the distribution Licensee, free of cost.*
- (4) The cumulative normative load shall be calculated as per details given in **Annexure-IV** and the total area for calculation of cumulative normative load shall be based on the number of units/apartments/shops/built-up area/constructed area/floors so approved as per plan/layout of the premises issued by the competent authority. The capacity of Power Transformer and/or Distribution Transformer, as the case may be, to be installed within the Residential Complex/Non-Residential Complex, Mall, Multiplex etc. shall be determined by the Licensee.*
- (5) Where the developer/builder/CGHS desires to hand over the electrical network/installation within such complex up to the point of connection(s) of individual consumer(s) to the distribution Licensee post completion of the project, in such cases, the developer/builder/CGHS shall pay supervision*

charge @ 15% of the estimated material cost & labour cost excluding the establishment cost to the distribution Licensee. The above estimate of the existing infrastructure shall be prepared by the distribution Licensee for valuation of assets subject to the network/installation conform to CEA Regulations & Standards. At the time of seeking new connection, the individual user(s) of such complex, shall pay service line charges and initial security deposit only as per tables given in Table 3.4 to Table 3.7 of Clause (11) of Sub-regulation 3.3.3 based on the applicability to the distribution Licensee.

- (6) *Where provision of single point bulk supply exists, the individual consumer connected from the network of developer/builder/CGHS within such complex shall be liable to pay the tariff charges applicable for Single Point Bulk Supply (SPBS) connection as per Tariff Order issued by the Commission.*

Provided that in the complex where the developer/builder/CGHS is having Single Point Bulk Supply (SPBS) connection used for exclusively domestic purposes, the individual consumer/user within such complex shall not be restricted from seeking individual domestic connection directly from the distribution Licensee. Such connections shall be released preferably through Pre-paid meters either provided by the distribution Licensee or procured by the consumer as per CEA Metering Regulations, utilising the existing infrastructure created by the developer/builder/CGHS. Bills of SPBS connection shall be duly adjusted by the monthly energy consumption of such individual consumer having connection from the Licensee. Further, in case the distribution Licensee takes over the electrical infrastructure of such complex, the responsibility of maintenance of the same shall lie with distribution Licensee and in other cases developer/builder/RWA/CGHS shall be responsible for the maintenance."

- 6.2 Despite bringing up the aforesaid Regulations, the issue still persists in one form or another. The Association is agitating against release of connection to individual consumers directly by UPCL, a case similar to that of M/s Hero Realty Pvt. Ltd. In the instant matter, Petitioner is perturbed that the facility given to the residents in the above Regulations acts as a shield for those wanting to escape from payment of maintenance charges for the common facility in the society. Before coming to this issue, let us brush through the averments made by the other parties. Respondent

No. 2 has made allegations that the Petitioner is not an authorized representative of the Society/ Association as the constitution of the said Association is disputed as illegal and that such Association is charging arbitrary electricity charges from the residents through prepaid meters. Besides this, we have observed that the Petitioner and Respondent No. 2 have a distrust brewed up against each other. Such distrust/dissatisfaction is not new and is commonly seen among the association and its residents, however, catering to such concerns and remedying this may raise questions on the jurisdiction of the Commission. That being said, we cannot overlook the concerns of the electricity consumers woven in this complex matrix of issues that demands implementation of fair practices of supply of electricity and recovery of charges under Section 45 of The Electricity Act, 2003. If it is true that the electricity charges and the maintenance charges are being clubbed together for purpose of recovery from the consumers, and non-payment of maintenance charges by the residents/consumers is leading to disconnection of electricity supply, such practice is not in accordance with the provisions of the electricity laws. We are disturbed to know that Association is not issuing separate bills for electricity charges which the residents are entitled to know/receive. Inevitably, the Petitioner is distribution licensee's franchisee/agent and hence, it is the responsibility of the distribution licensee to ensure that the consumers are being rightly charged as per prevailing tariff.

- 6.3 Further, regarding the issue raised by Respondent No. 2 on the legality of the PRWA and on its right to file the instant Petition, the said issue was examined on this limited aspect of the locus standi of the Petitioner and for this purpose the documents submitted were looked into, from which it is evident that the builders/owner has issued a letter no. ABL/PRWA/001 dated 21.12.2022 to the President/Vice President, Panache Residents Welfare Association, Panache Valley, Dehradun to take over all the operation related to handling of the electricity meter in the name of ABL Projects and authorised PRWA to operate and take decision on its behalf related to the electricity issues viz. payment of prepaid meters, recharge of prepaid meters, collection of common area electricity charges, allocation/removal of meters, repair of old energy meters if under warranty, access to other related equipment and installed devices, access to the records of recharge and expenses related to the electricity meter, access to the blueprint of the electricity

wiring and water pipelines as to carry the maintenance from time to time etc. Further, the electricity connection at present is in the name of M/s ABL Projects with connection No. 970K00008129, as stated by UPCL during the hearing and also the Certificate dated 16.12.2022 of the Society Registrar, GoU are enough evidence to establish that the Petitioner has a right to file the instant Petition.

However, the dispute on the legality of the PRWA is not for the Commission to adjudicate upon. We are not inclined to delve any further on this issue as same will spill outside the quarters of the Electricity Act, 2003. Redressing dispute on the legality of the PRWA is not within the scope of the Commission, hence, the arguments raised by Respondent No. 2 on this count are not considered.

- 6.4 Now coming to the submission made by Respondent No. 2 regarding the notification of the Electricity (Rights to Consumers) Amendment Rules, 2024 by the Ministry of Power, Government of India, dated 22.01.2024, it is observed that the said Amendment Rules caters to the present situation and establishes a procedure/mechanism for supply of electricity in an Association. Relevant para of the said Rules is reproduced hereunder: -

“(14) Within the area covered under an Association:

- (a) The distribution licensee shall provide either a single point connection for the Association or individual connections for each and every owner, on the basis of choice of the majority of the house or flat owners in such Association and the choice shall be ascertained by means of a transparent ballot to be held by the distribution licensee;*

Provided that if more than fifty percent of the owners prefer individual connection then individual connection shall be given to each owner.

- (b) the metering, billing, and collection shall be done separately for*
- (i) individual electricity consumption sourced from the distribution licensee;*
 - (ii) individual consumption of back up power supplied by the Association; and*
 - (iii) electricity consumption for common area of such Association sourced from the distribution licensee.*

- (c) *In the case of a single point connection, the Association shall be responsible for metering, billing, and collection and for individual connections, these responsibilities shall vest with the distribution licensee.*
- (d) *In the case of a single point connection:*
 - (i) *the charges deducted through pre-payment meters or bills raised by the Association for individual electricity consumption shall be on no-profit-no-loss basis.*
 - (ii) *the distribution licensee's tariff for single point connection to Associations shall not exceed the average billing rate for low tension domestic category.*
 - (iii) *the total billing done by Association for the electricity supplied by the distribution licensee shall not exceed the overall tariff paid to the distribution licensee.*
 - (iv) *an additional amount as prescribed by the Appropriate Commission may be charged towards the sub-distribution network cost incurred for providing electricity up to the premises of the individual consumer."*

6.5 The above Rules cater to the current situation of residents of such Association/Society; therefore, considering the nature of dispute and complexities involved, the Commission finds it just and reasonable to adopt partially the procedure/mechanism given in the Rules. We understand the concerns of UPCL submitted before the Commission in the matter, however, UPCL is not the only discom in the Country to face issues in such matters, the Rules are applicable for the whole Country and at this point of time (till amendments in the Supply Code Regulations, 2020) our endeavor is to align the provisions of prevailing Regulations of the Commission with the Rule 14(a) to 14(c) of the Electricity (Rights to Consumers) Rules, 2020 as amended Electricity (Rights to Consumers) Amendment Rules, 2024 notified by MoP.

The Commission, knowing the complexity of the issue, is of the view that before amending the prevailing Supply Code Regulations, 2020, a field study of similar cases would require to be conducted across the State through UPCL, so that the problems being faced by the Residents and/or the Associations could be identified and brought before the Commission.

In this regard, the Commission in exercise of power given under Regulation 8 (3) of the UERC (The Electricity Supply Code, Release of New Connections and Related Matters) Regulations, 2020, relaxes proviso of Regulation 3.6(6) of the said Regulations and hereby partially adopts the procedure given at Rule 14 of the Electricity (Rights to Consumers) Amendment Rules, 2024 except Rule 14(d). Henceforth, the procedure for release of new electricity connection in an Association or Residential Complex/Non-Residential Complex/Multiplex/Malls/Townships, etc. to be constructed by Developer shall be as per the aforesaid Electricity (Rights to Consumers) Rules, 2020 as amended Electricity (Rights to Consumers) Amendment Rules, 2024 until the Commission issues further direction in this regard or amends its Regulation 3.6 of the aforesaid Regulations.

6.6 In light of the above, the Commission hereby directs: -

- (i) Petitioner shall not club the electricity charges with any other charges that Association levies, such as maintenance charge etc. and shall not disconnect the supply of electricity on account of non-payment of maintenance charges or any other charge besides the electricity charges.
- (ii) UPCL to act in accordance with Rule 14 of the Electricity (Rights to Consumers) Amendment Rules, 2024 except Rule 14(d) as and when requests for direct individual connections are received from the consumers residing within the area covered under Association.
- (iii) UPCL to conduct a comprehensive study/review of similar cases across the State to identify the issues or concerns and propose as methodology to address and eliminate the existing or perceivable difficulties and complexities within a period of two months from the date of Order.

The matter is hereby disposed. All the interim Orders or directions issued pertaining to subject matter shall stand revoked.

Ordered Accordingly.

(Anurag Sharma)
Member (Law)

(M. L. Prasad)
Member (Technical) - Chairman (I/c)