

Before
UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Pet. No. 37 of 2019

In the Matter of:

Petition under Section 67(4) of the Electricity Act, 2003, in the matter of dispute regarding release of connection by UPCL to an individual consumer connected to the electrical network owned & operated by a developer/builder.

And

In the Matter of:

M/s Hero Realty Pvt. Ltd.,
264, Ground Floor, Okhla Industrial Estate, Phase-3,
New Delhi

...Petitioner

&

1. Managing Director,
Uttarakhand Power Corporation Ltd. (UPCL),
VCV Gabar Singh Urja Bhawan, Kanwali Road, Dehradun
2. Executive Engineer,
Uttarakhand Power Corporation Ltd. (UPCL),
Electricity Distribution Division, SIDCUL, Haridwar
3. Shri Suresh Kumar Srivastava,
S/o Late Sh. Jagdish Prasad Srivastava,
R/o A-19/601, Haridwar Greens, Haridwar
4. President,
Haridwar Greens Residents' Welfare Association (HGRWA),
Flat No.-101, Tower A-22, Haridwar Greens, Haridwar.

...Respondents

Coram

Shri D.P. Gairola Member (Law)

Shri M.K.Jain Member (Technical)

Date of Order: November 04, 2020

ORDER

The Order relates to Petition filed by M/s Hero Realty Pvt. Ltd. (herein after referred to as "M/s Hero Realty" or "the Petitioner") under sub-Section 4 of Section 67 of the Electricity Act, 2003 (hereinafter referred to as "the Act") in the matter of dispute regarding release of connection by Uttarakhand Power Corporation Ltd.

(hereinafter referred to as “UPCL” or “Distribution Licensee” or “Respondent No. 1”) to Sh. Suresh Kumar Srivastava (hereinafter referred to as “Respondent No. 3” or “Sh. Srivastava”) connected to the existing electrical network owned & operated by the Petitioner.

Background & Submissions

2. A petition dated 03.10.2019 was filed by M/s Hero Realty Pvt. Ltd. under Section 67(4) of the Electricity Act 2003, in the matter of dispute regarding release of connection by UPCL to Respondent No. 3 connected to the existing electrical network owned & operated by the Petitioner who is a Developer/Builder of a residential township named ‘Haridwar Green’ at Haridwar District.
3. The Respondent No. 3, who is one of the residents of the aforesaid township is connected to the existing electrical infrastructure of the Petitioner and in the year 2018 had applied for a direct electricity connection from UPCL which was sanctioned by the same. Accordingly, UPCL started the works relating to laying of service line and erecting electricity poles for releasing direct connection to Respondent No. 3. However, the said works by the Licensee were objected/interrupted by the Petitioner for the reasons that the ownership and upkeep of the township is with the Petitioner and therefore before execution of any such works in its premises, its consent is required to be obtained. Consequently, the works came to halt.
4. Subsequently, Sh. Shrivastava being aggrieved by non-execution of the aforesaid works, approached the Consumer Grievance Redressal Forum (CGRF) requesting for release of connection by UPCL. The CGRF vide order dated 15.06.2019 directed that UPCL under the mandate of the Act and the prevailing Regulations of this Commission is obligated to supply electricity to Respondent No. 3. Thereafter, the Petitioner, who was not a party before the CGRF, approached the Ombudsman against the said order of the CGRF claiming that he being an affected party in the matter was not given an opportunity of hearing and therefore, be allowed hearing before the Ombudsman. The Ombudsman, although considered his request for hearing,

however, vide order dated 26.09.2019 denied his claim to protest the works by UPCL and upheld the order of the CGRF.

5. The Petitioner has now filed the instant petition under Section 67(4) of the Act against the works by the Distribution Licensee for releasing the connection to Respondent No. 3. Accordingly, the Commission on deciding to hear the parties in the matter issued notice for hearing to the parties, including the Electricity Ombudsman vide letters dated 15.10.2019.
6. Meanwhile, a complaint dated 10.11.2019 was filed by the President, Haridwar Greens Residents Welfare Association (HGRWA) against the excess charges being taken by the Petitioner from the consumers residing in the aforesaid township and hence requested that;

“Looking at the above acts/practice followed by the Developer/ Builder M/s Hero Realty Pvt. Ltd. On behalf of Haridwar Greens Residents’ welfare Association we request the Honourable Commission to review the complete power distribution system in Haridwar Greens Colony and take following action;

1. *Instruct/ guide to M/s Hero Realty Pvt. Ltd. to follow the Tariff rules while supplying the power to its residents as they are covered as retail customers, i.e. stop charging the rate of fix charges per each kWA on contracted load and start charging as per rules as defined, i.e., meter charges and the unit charges also to calculated on slab wise consumption from each resident because existing practice followed by Developer indicates the Illegal Trading is being done by M/s Hero Realty Pvt. Ltd. as they don’t have the power trading license from competent authority of State Government (A calculation Sheet name “Annexure A” is attached for your review). And in view of this pass an order to refund the excess money they have collected from the residents as the said act establishes the **“Criminal Breach of Trust”***
2. *Pass an order either to provide the 4% rebate as defined by UERC on installation of pre-paid meter or replace with post-paid meter.*
3. *Pass an order to M/s Hero Realty Pvt. Ltd. to not include the Expenses on common Area maintenance in the meter through which they are providing the electricity supply to the residents.*

4. *Pass an order to the Developer to use 100% LED lights in Common area and install the renewable energy tools, i.e. Solar Systems for the benefit to the nation by reduction in power wastage and maintain the Bio diversity also as this township developed in very close proximity to the forest Reserve name Rajaji*
5. *If builder not willing to follow UERC prescribed rules, most of the residents willing to opt for direct power supply from UPCL because getting electricity from builder its expensive as compare to UPCL”*
7. Subsequent to this, UPCL vide letter dated 13.11.2019 filed a reply challenging the admissibility of the Petition stating that the Petitioner vide the instant Petition has challenged the order of the Ombudsman in the garb of Section 67(4). Further, UPCL submitted that under the provision of Electricity Act 2003 and direction of the Ombudsman issued vide order dated 26.09.2019, it is his obligation to release connection to whosoever requests for it. In addition to this, UPCL also submitted that since, the matter is an ROW issue, the same maybe considered for waiving off the penalties arising out of delay in releasing connection.
8. Besides above, a reply dated 14.11.2019 on the aforesaid Petition was also submitted by Sh. Srivastava requesting the Commission to ensure release of connection by UPCL.
9. Thereafter, the Commission on hearing the parties on 14.11.2019, *inter alia*, agreed to the request of the Ombudsman to exempt him from further proceedings in the matter. Further, the Commission vide order dated 02.12.2019 directed the parties to file their replies on the three different scenarios feasible for releasing direct connection to the Respondent No. 3 by Distribution Licensee. The said order is reproduced hereunder;

“...the Commission directs the parties to submit their detailed replies, under affidavit, on each of the following scenario w.r.t. release of connection by UPCL to an individual consumer residing in the premises having distribution network owned & operated by a developer/builder or having Single Point Bulk Supply connection by a developer/builder in a Residential Complex latest by 12.12.2019:

- (1) *UPCL to provide connection to the occupant consumer by creating a separate underground electrical network by the licensee [where existing underground electrical network is already laid by the developer/builder] at the cost of the such consumer.*
 - (2) *UPCL to provide connection to the occupant consumer by creating a separate overhead electrical network by the licensee [where existing underground electrical network is already laid by the developer/builder] at the cost of the consumer.*
 - (3) *UPCL to provide connection through the existing electrical network of the developer/builder in a residential complex and carry out energy adjustment for the single point bulk supply connection of the developer/builder."*
10. In compliance to aforesaid order dated 02.12.2019 of the Commission, reply was submitted by Sh. Suresh Kumar Shrivastava, the Petitioner & HGRWA, vide letter dated 10.12.2019, 12.12.2019, 20.12.2019 respectively, however, on non-receipt of any submission by Executive Engineer, EDD, SIDCUL Haridwar & UPCL, the Commission issued notice dated 27.12.2019 to both the defaulting Respondents to submit their reply by 03.01.2020. Accordingly, Executive Engineer, EDD, SIDCUL Haridwar vide letter dated 02.01.2020 & UPCL vide letter dated 18.01.2020 submitted their replies. Meanwhile, an additional reply was also submitted by the Petitioner vide letter dated 27.01.2020.
11. In the said replies, following submissions were made by the parties on the three scenarios/options specified by the Commission in the aforesaid order dated 02.12.2019;
- (1) M/s Hero Reality Pvt. Ltd.
 - (a) The Petitioner has agreed to the first scenario; however, it has been submitted that while executing the works under the said scenario, his consent would be required prior to initiating any works.
 - (b) On the second scenario, the Petitioner has disagreed with same stating that it is not feasible and that such arrangement will result in multiple overhead wiring which will be conflicting with the existing plans infrastructure of the township and will cause major theft to safety and security of the resident.

- (c) On the third scenario, the Petitioner submitted that the same is acceptable to him with condition of taking his prior consent before executing works and that the cost incurred in the works should be borne by the consumer.
- (2) MD, UPCL
 - (a) MD, UPCL has agreed to the first scenario with the condition that the occupant/consumer shall provide/obtain NOC from the developer/housing society who owns the premises where the occupant/consumer desires direct electricity connection.
 - (b) MD, UPCL has agreed to the second scenario with the condition that the occupant/consumer shall provide/obtain NOC from the developer/ housing society.
 - (c) On the third scenario, MD, UPCL raised his concerns stating that the existing electrical network is within the premises owned and operated by the Petitioner and giving connection by UPCL to the occupant through said network will lead to SoP issues in case of power failure due to one or other reasons and any dispute with regard to metering and energy accounting may lead to legal discourse among all stakeholders unnecessarily.
- (3) Sh. Suresh Kumar Srivastava
 - (a) On the first scenario, Sh. Srivastava did not provide any specific response however, informed that UPCL has sought his consent on this scenario for providing direct connection to him. On the second and third scenario, no specific response was submitted by the said Respondent.
- (4) Haridwar Greens Resident Welfare Association
 - (a) No specific response has been made by Respondent on either of the three scenarios.
- (5) Executive Engineer, SIDCUL, Haridwar

- (a) No specific response on either of the three scenarios have been submitted by the said Respondents. However, he submitted that he shall comply with the direction issued by the Commission in the matter.
12. Thereafter, the Commission decided to conduct another hearing in the matter and vide letter dated 06.02.2020 issued notices to the parties in this regard. On the schedule date of hearing i.e. 14.02.2020, the Commission heard the parties in detail and on the proposal of the Petitioner made during the hearing, directed the parties to convene a meeting among themselves in the matter for arriving at a consensus and further directed that;
- “(1) UPCL shall co-ordinate and convene a joint meeting with the parties within 20 days of the order.*
- (2) All the parties shall co-operate and ensure their presence in the meeting.*
- (3) UPCL shall submit a conclusive report before the Commission latest by 12.03.2020.”*
13. Subsequently, in compliance of the aforesaid order dated 14.02.2020 of the Commission, UPCL vide letter dated 07.03.2020 submitted a report informing the Commission that a meeting was convened at Haridwar on 05.03.2020 in presence of representatives of all parties involved in the matter and has discussed various scenarios possible for releasing connection to Respondent No. 3, including the three scenarios specified by the Commission earlier in its order dated 14.11.2019.
14. A summary of the submission made in the report by UPCL is as follows:
- (1) With regards to scenario no 1 i.e. *“UPCL to provide connection to the occupant consumer by creating a separate underground electrical network by the licensee [where existing underground electrical network is already laid by the developer/builder] at the cost of the such consumer.”*, UPCL submitted that the Petitioner has agreed to the above scenario however, the Respondents, Sh. Srivastava and Haridwar Green Resident Welfare Association has objected to recovering such cost from the consumer. Besides above, it was

informed in the said report that around 82 other residents of the aforesaid township have requested for an individual connection.

- (2) With regard to the second scenario, i.e. *“UPCL to provide connection to the occupant consumer by creating a separate overhead electrical network by the licensee [where existing underground electrical network is already laid by the developer/builder] at the cost of the consumer.”* UPCL has submitted that during the discussion, representatives of Haridwar Green Resident Welfare Association requested for a connection through overhead electrical network to which the Petitioner denied his consent in providing right of way.
- (3) With regard to the third scenario, i.e. *“UPCL to provide connection through the existing electrical network of the developer/builder in a residential complex and carry out energy adjustment for the single point bulk supply connection of the developer/builder.”* UPCL submitted that during the meeting it has advised the stakeholders that it will not be suitable to provide connection to a consumer under this scenario as it will be difficult to adjust the energy consumed by the consumer with the bill of the main meter of the Petitioner and also with the bill of common facilities in the society.
- (4) Besides above submissions on the above three scenarios, UPCL submitted that during the discussion, the Petitioner proposed to handover its network to Haridwar Greens Resident Welfare Association, who objected to the proposal and informed about its difficulties in handling the same.

During the discussions, the Petitioner also proposed to handover its network to UPCL which was disagreed by UPCL for the reasons namely no specific prior approval for the underground network was taken from UPCL earlier; requirement of creation of separate connections for common facilities; meter circuit wiring including DG supply; non-deposition of supervision charges by the developer for internal electrical network; difficulty in O&M of underground electrical network in identification & rectification of faults/problems; requirement of specialized manpower and extra financial burden on UPCL.

- (5) UPCL, further, elaborated that the whole electrical system in the society is underground and is designed by the Petitioner without consulting UPCL and therefore, taking over the same will be very difficult as restoration of the faults in the underground system pose several challenges and it will take a lot of time for UPCL to fix the system. Moreover, UPCL is not aware of the underground electrical designs/network thereby causing delay in release of connection through such underground network/infrastructure which will enrage the consumers.

Further, UPCL submitted that there is a requirement of dedicated manpower to keep a check on the network of the Petitioner and if said network is transferred to UPCL, the upkeep of the same shall require skilled manpower which will be an additional financial burden to the exchequer.

- (6) Furthermore, UPCL submitted that during the discussion the Petitioner proposed that its security amount of Rs. 30 lakhs deposited with UPCL maybe utilized by it which shall also reduce any extra financial load on the consumers. To this UPCL stated that the said cannot be done as it is not in accordance with law.
- (7) Concluding its submission, UPCL submitted that no consensus has been achieved by the parties in the matter.

Commission's observations, views & directions

15. The Commission has examined the written submissions and the detailed oral submissions made by the parties during the hearing. Interestingly, it is observed that the facts of the matter and the submissions made therein have boiled down into a complex mix of conflicting interest of the parties involved and ended up in an impasse. Therefore, the Commission has identified three cardinal issues intrinsic in resolving the *lis* before it, and are enumerated as follows:-

- (1) Whether the Commission under Section 67 (4) has power to consider the instant matter which has also been mooted before the Electricity Ombudsman, Uttarakhand.

- (2) Whether UPCL under law is allowed to release direct electricity connection to Sh. Suresh Kumar Srivastava & other consumers who have applied for a direct connection from the Distribution Licensee and are connected to the existing electrical infrastructure of the Petitioner and whether prior consent of the Petitioner is required in the matter.
 - (3) Whether electricity connection to Sh. Srivastava and other consumers in the township of the Petitioner can be released by creating a parallel electrical infrastructure by the Distribution Licensee **or** with the existing electrical infrastructure owned & operated by the Developer/Builder.
16. At the outset and before delving into the merits of the matter it is imperative that the question that relates to the admissibility of the Petition and the jurisdiction of the Commission under Section 67(4) needs to be clarified.
17. UPCL on the issue of admission of the Petition, vide letter dated 13.11.2019, has submitted that the Petitioner under the garb of 67(4) of the Act has challenged the order of the Ombudsman. This submission of UPCL needs to be clarified and corrected as Section 67(4) of the Act is an independent provision that enables the Commission to address disputes brought before it, pertaining to execution of works by the Distribution Licensee. The Commission under the said Section has an independent jurisdiction which cannot be curtailed by the reason that the matter in dispute before the Commission under the said Section has also been mooted before the Ombudsman. In this regard, relevant provisions of Section 67 of the Act are reproduced hereunder:

“Section 67. (Provisions as to opening up of streets, railways, etc): ---

- (1) *A licensee may, from time to time but subject always to the terms and conditions of his licence, within his area of supply or transmission or when permitted by the terms of his licence to lay down or place electric supply lines without the area of supply, without that area carry out works...*

...

- (3) *A licensee shall, in exercise of any of the powers conferred by or under this Section and the rules made thereunder, cause as little damage, detriment and*

inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by any one employed by him.

(4) Where any difference or dispute [including amount of compensation under sub-Section (3)] arises under this Section, the matter shall be determined by the Appropriate Commission."

18. Thus, from the above, it is clear that the Commission under the aforesaid Section has power to determine the dispute arising out of execution of works by the Distribution Licensee provided therein. However, on the issue that the Petition is an appeal in disguise against the said order of the Ombudsman, can be better understood by delving into the facts that the initial matter before the CGRF was a plain request by Respondent No. 3 for release of connection by UPCL which was disposed in his favour by the CGRF. Later when the order of CGRF was challenged before the Ombudsman by the Petitioner claiming to be an affected party in the matter, the Ombudsman plainly and squarely applied the provisions of the Act and the Regulations of the Commission taking a view that under the provisions of the Act & Regulations the Distribution Licensee is obligated to release connection to Respondent No. 3, thereby holding the order of the CGRF as correct. The matter before the Forums was a plain request for release of connection and the nature of the same was not gauged as a dispute entitled to be dealt under Section 67 of the Act.
19. Further, it is observed that determination of dispute under the aforesaid Section 67(4) is a power bestowed upon the Commission and is independent of the schemes of remedies available to any person under the Electricity Act, 2003. The jurisdiction of the Commission provided under the said provision of the Act cannot be eclipsed by any alternate remedies if available to any person under the Act such as the one discussed above. The order of the Ombudsman is indeed a judicious disposition which cannot be subjected to revision by the Commission under appeal jurisdiction, however, an independent proceeding under Section 67(4) empowers the Commission to take up and examine the matters submitted before it for adjudication.

20. Furthermore, Regulation 11(2) of the Uttarakhand Electricity Regulatory Commission (Appointment & Functioning of Ombudsman) Regulations, 2004 also empowers the Commission to make necessary order to ensure justice, relevant provisions of the said regulation reads as:

“(2) Nothing in these Regulations shall be deemed to limit or otherwise affect the powers of the Commission to make such orders as may be necessary to meet the ends of justice.”

Thus, from the above, it makes amply clear that the Commission being an independent adjudicatory authority under the Act has explicit powers and jurisdiction to delve into the issue such as the instant one and accordingly, the Commission had allowed the admissibility of the Petition vide Order dated 02.12.2019.

21. With regard to the second issue which entails the role and duties of Distribution Licensee provided in the Act w.r.t. release of electricity connection to any person who applies for the same, Section 43 of the Act stipulates that:

“Section 43. (Duty to supply on request): --- (1) Save as otherwise provided in this Act, every Distribution Licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:” [Emphasis added]

Further Regulation 5 (12) of the Uttarakhand Electricity Regulatory Commission (Release of new LT Connections, Enhancement and Reduction of Loads) Regulations, 2013 stipulates that:

“(12) The licensee shall be under obligation to energize the connection through a correct meter within 30 days...”

22. From the above, it is clear that under the Act and the Regulations, it is the duty of the Distribution Licensee to release connection to whoever applies for the same, however, the said provision cannot be read in isolation to the provisions provided in Section 67 of the Act, which provides that whenever, the Licensee is undertaking works such as laying of electrical lines/poles etc, the procedure established under the said Section has to be followed. Since, the procedure are established under the Rules which are to be prescribed by the State Government

and in case of non-existence of the Rules, the provisions of the Indian Electricity Act, 1910 (hereinafter referred to as “the 1910 Act”) shall be applicable as stated in sub-section 2 (b) of Section 185 of the Act. Relevant provision of the 1910 Act is reproduced hereunder:

“12. Provisions as to the opening and breaking up of streets, railways and tramways.-

(1) Any licensee may, from time to time but subject always to the terms and conditions of his license, within the area of supply, or when permitted by the terms of his license to lay down or place electric supply-lines without the area of supply, without that area...

(a) Open and break up the soil and payment of any street, railway or tramway;

(b) Open and break up any sewer, drain or tunnel in or under any street, railway or tramway;

(c) Lay down and place electric supply-lines and other works;

(d) Repair, alter or remove the same; and

(e) Do all other acts necessary for the due supply of energy.”

“...

*(2) Nothing contained in sub-Section (1) shall be deemed to authorize or empower a licensee, **without the consent of the local authority or of the owner and occupier concerned, as the case may be,** to lay down or place any electric supply-line or other work in, through or against any building, or on, over or under any land not dedicated to public use whereon, wherever or whereunder any electric supply-line or work has not already been lawfully laid down or placed by such licensee:”*

[Emphasis added]

23. Thus, the above makes it clear that the Distribution Licensee is required to take the consent of the owner or occupier of the premises where the works by Licensee are required to be executed as per the procedure laid down under the aforesaid provisions of the 1910 Act.

24. On the third issue regarding release of direct electricity connection to Respondent No. 3 and other consumers by creating a parallel electrical

infrastructure by the Distribution Licensee or with the existing infrastructure owned/operated by the developer/builder, it is clear that Distribution Licensee is required to take the consent of the Petitioner before initiating any electrical works in the aforementioned township. However, the instant matter establishes a peculiar situation where the Petitioner himself is not an absolute owner of the said township as the residential flat owners in the township too have a legal ownership to their respective portion of the township. Further, the Petitioner is an agent of the Respondent No. 1 having a Single Point Bulk Supply connection for supplying electricity to the residents of the township. Considering the complexity in the matter, the Commission vide its aforesaid orders gave opportunities to the parties to submit issues & their concerns before the Commission and also to sit together for resolving the issues among themselves. It is relevant to mention that the intent of the Commission while soliciting comments from the parties was to know the view, preparedness and concerns of each participating party in the matter. The Commission left it on the wisdom of the parties to sit together and discuss among themselves all possible issues at the ground level with their interest protected. However, the parties could not reach a consensus. Hence, the Commission decided to examine the matter and break the stalemate.

25. While examining the submissions, the Commission observed that the Petitioner has proposed to relinquish its entire existing electrical infrastructure however, neither HGRWA nor UPCL have shown their willingness in taking over the same. Further, UPCL on the contrary has entirely distanced itself from the proposal of taking over the said network of the Petitioner for the reasons stated at para 14(4) and 14(5) above.
26. Besides above, the Commission also observed that the Petitioner has been objecting to release of direct electricity connection to the Respondent No. 3 primarily for the reason that the same can possibly be released through laying of overhead electrical lines thereby distorting the basic planning and aesthetics of the township and compromising with the safety & convenience of the other residents of the township. The concern of the Petitioner cannot be ruled out entirely as the Petitioner would have developed the whole township based on

an exhaustive and comprehensive plan considering the safety, convenience and aesthetics of the same and may have, accordingly, determined the net value for the residential units to be sold to the buyers. Therefore, supply of electricity by henceforth creating an electrical infrastructure having overhead electric lines, causing deterioration of the aesthetic of the township and compromising with the safety & convenience of the residents of the township does not appear to be a wise option.

27. Further, it is also observed that the existing electrical infrastructure in the township is not the sole proprietorship of the Petitioner and the residents of the township have collective rights over the electrical infrastructure in the township by virtue of them having made monetary contribution towards establishment of the existing electrical infrastructure while purchasing property in the said township. Moreover, the Commission while determining the tariff for single point bulk supply consumer also factors in transformation & line losses of the network of the township including other miscellaneous charges related to supply to individual end consumers/residents.
28. Therefore, considering the rights of the residents of the township, the concerns raised by the Petitioner and the mandate of the provisions of the Act & Regulations obligating UPCL to release electricity supply connection to an applicant, the Commission is of the view that Respondent No. 3 and other consumers who have applied for direct electricity connection from the Distribution Licensee shall be given connection through the existing electrical infrastructure of the Petitioner. In this regard, the Petitioner is at liberty to get his contracted load reduced considering the reduction of load caused only due to transfer of the aforesaid consumers to UPCL under the prevailing Regulations.
29. With regard to the desire expressed by the Petitioner to transfer the entire electrical network of the aforesaid township to UPCL or HGRWA, it has been observed that in case the Builder/Developer desires to hand over the entire setup to UPCL then UPCL shall takeover said existing network after ensuring adequacy of the network and collecting 15% supervision charges calculated on the estimated material cost and labour cost excluding the establishment cost.

The above estimate of the existing infrastructure shall be prepared by the Distribution Licensee for valuation of assets subject to network/installation conforming to Central Electricity Authority Regulations and Standards.

30. Further, with regard to the requests made by Respondent No. 3 and Respondent No. 4 regarding incorrect billing or recovery of excess charges being taken by the Petitioner may be presented before the CGRF since it is the appropriate forum in such cases.
31. In light of the above, the following is hereby directed:
 - (1) The Distribution Licensee shall release connections to the applicants, who have submitted their applications alongwith requisite charges, through Smart Meters within 30 days utilising the existing infrastructure created by the Petitioner. The Smart Meters shall either be provided by the Distribution Licensee or procured by the consumer in accordance with the provisions of the Central Electricity Authority Metering Regulations. In case the meter is procured by the consumer, the same shall conform to specifications approved by UPCL and shall be procured from the manufacturers/vendors empanelled with UPCL.
 - (2) Post release of such connections, the regular monthly billing of the consumers shall be ensured by UPCL. The sum of energy consumed by all such consumers shall be adjusted against the monthly electricity bill of the Developer/Builder by UPCL.
 - (3) The sole responsibility of operating & maintaining the existing electrical infrastructure within the township shall continue to remain with the Petitioner.

The matter hereby stands disposed.

Ordered accordingly.

(M.K. Jain)
Member (Technical)

(D.P. Gairola)
Member (Law)