

**Before The Hon'ble Electricity Consumer Grievance Redressal Forum, Meerut
Complaint No 24/2020**

**Reply of Petitioner "Capetown Association of Apartments Owners" for
Petition No: 24/2020 against the submission made by Opponent 1 M/s
Supertech Limited and Opponent 2 (M/s Supertech Estate Pvt Limited and
YG Estate Facility management Pvt. Limited) thru their letter dated
23.07.2020**

Cape Town Association of Apartments Owners

Complainant

Vs

1. Supertech Limited

Supertech E Square, Plot No. C2, Sector 96 Noida 201303 Franchisee of PVVNL at
Supertech Ltd (Capetown) Site Address : GH01 A Sector 74 Noida 201301

2. Supertech Estates / YG Estates Facilities Management Pvt. Ltd

Supertech E Square, Plot No. C2, Sector 96 Noida 201303 mtnc agency of
Franchisee of PVVNL at Supertech Ltd (Capetown) Site Address : GH01 A Sector 74
Noida 201301

**3. EXECUTIVE ENGINEER, (COMPETENT AUTHORITY designate UNDER CGRF)
EUDD-I, PVVNL, 1st FL., 33/11 KVA Substation Sector 25, Noida-201301. UP.**

.. OPPOSITE PARTIES

Point No.1 : Complainant Cape Town Association of Apartments Owners (CAAO) is authorised representative of all the residents of Capetown Society being the elected and registered body of residents. CAAO was formed as per provisions of U.P Apartments Act 2010 through a General election, 9 elected representatives. 9 elected representatives taking along 1 nominated representative from Builder formed apartment Owners Association and got it registered vide registration no. GBN/003245/2019-20 in the office of Dy Registrar, Firms, Societies and Chits Meerut. It is therefore crystal clear that **complainant being consumer** as well **authorised representative of all Consumers** of Society have all the right to file a complaint before Hon'ble forum to get resolution for common grievances. This complaint was filed for the redressal of grievances of all those who have/share common interest in the issues raised hereinafter under *The section 2 subsection d(ii) which states "Complainant can be 'a consumer' or more than one consumer having shared interest in the grievance or authorized representative of such consumer(s)";*

Capetown Association of Apartments Owners (CAAO)
Regd.No: GBN/03245/2019-20
Sector-74, Noida



Point No.3 As stated in our complaint we firmly and strongly reiterate again that promoter Supertech through its maintenance agency is illegally overcharging on account of electricity on following heads –

- a. OP 1 and its maintenance agency has illegally charged Rs 20000/ per KVA for releasing load to the residents as against Rs 400 per KW defined by UPERC for domestic category customers LMV1. It can be verified from the attached possession payment demand notice and promotional pamphlet to sell the load. **(Ref Annexure 1)**
- b. OP 1 and its maintenance agency is charging to consumers for approx 17600 KW (i.e Sold Load to Consumers) but paying to PVVNL for 6000 KW (i.e Released Load) as per monthly bills at present. OP-1 and its maintenance agency is also continuously violating the provisions of UPERC code by not sharing the details Electricity Accounts with Consumers, its representative Body and to the PVVNL.
- c. Builder Supertech is charging Rs 7.70 per unit energy consumption against the PVVNL billing of Rs 6.30 per unit. Copy of electricity bill raised by M/s Supertech to residents **(Ref Annexure 2)** and from PVVNL to Supertech is attached herewith to verify the facts. **(Ref Annexure 3)**
- d. Builder Supertech is charging Rs 30 per month as Coupon Service Charge for Meter Recharge instead of giving Cash Discount @ 2% this can also be verified from the attached Bill of Supertech to Residents. **(Ref Annexure 2)**

Therefore all the illegally charged extra money from Consumers by OP 1 and its Maintenance Agency should be returned to resident's elected representative body CAAO.

Point No. 4 It is evident from the facts mentioned above in **point no 3** that PVVNL-OP 3 has failed in ensuring the interest of its ultimate consumers and OP-1 Builder M/s Supertech is illegally charging the extra amount on electricity account on various head i.e consumption charge, load enhancement charge, Coupon Charge extra electricity duty of 5% thus statement 4 given in complaint stands true and correct.

Point No -5 OP 1-Franchisee Supertech Limited and OP 2- its maintenance agency Supertech Estate/YG Estate facility management is charging common area maintenance, grid power, DG Power, Water Expenses from a single prepaid electricity meter only from 2015 to till date. Complainant being the representative of all consumers of society is eligible to know the audited electricity account as defined in the UPERC tariff order *"The deemed franchisee is required to provide to all its consumers and the licensee, a copy of the detailed computation of the details*

of the amounts realized from all the individual consumers and the amount paid to the licensee for every billing cycle on half yearly basis."

"The deemed franchisee shall arrange to get its accounts audited by a Chartered Accountant mandatorily. The audited accounts will be made available to all the consumers of the deemed franchisee within 3 months of the closure of the financial year."

Kindly refer attached letter from Ex En EUDD 1 dated 01.06.2017 (**Ref Annexure 4**) and 23.06.2020 (**Ref Annexure 5**) which clearly support complainant's point no 5 in complaint.

Point No 6 : Common Area Maintenance Charges, water, electricity charges, DG Charges, Vending Charges are paid and deducted through single prepaid meter installed for electricity.

Point No 7 : Facts given in complaint is true and correct and can be verified from the letters from Executive Engineer EUDD-1 dated 01.06.2017 and 23.06.2020 and letter no 5462 from office of MD PVVNL dated 26.07.2019 sent to franchisee M/s Supertech Limited.

Point No 8: Being the elected representative of the residents of society complainant is fully authorised to request redressal for common grievances of all the electricity consumers of society.

Reply against additional statement made by OP-1:

Point no 9 to 15 – Many residents of the society have been raising the grievance against wrong doings of franchisee M/s Supertech Limited since Year 2016.

- a. Kindly refer attached complaint given to MD PVVNL dated 24.04.2017. (**Ref Annexure 6**)
- b. Kindly refer attached photograph of inspection of superintending engineer dated 24.04.2017. (**Ref Annexure 7**)
- c. Kindly refer letter from Capetown residents to chairman supertech dated 18.07.2017. (**Ref Annexure 8**)
- d. Kindly refer the newspaper cutting dated 04.05.2017 highlighting electricity issues in Capetown society. (**Ref Annexure 9**)

Point no 16: It is evident from the facts given above and also from the attached bills from PVVNL to Supertech (**Ref Annexure 3**) and from franchisee Supertech to Residents (**Ref Annexure 2**) that OP1 and OP2 are continuously violating tariff order and collecting the excess charges from residents.

Point no 17: Franchisee Supertech (OP1) and its maintenance agency (OP2) have never shared audited electricity account of Capetown Society to residents, AOA and even to licensee PVVNL as reflecting in various letters issued by Executive Engineer PVVNL EUDD1 Noida and from the office of MD PVVNL.

Point no 18. Office Bearers of the AOA board are responsible to safeguard the Common interest of all the residents of the society. Moreover, few of existing AOA board members along with some residents have also escalated the wrong doing and malpractices of franchisee Supertech Limited before joining the AOA board. Kindly refer many complaints lodged during 2017-2019 in individual capacity.

Point no 19. OP1- Supertech and its subsidiary maintenance agency is violating UPERC rules and regulation and earning and siphoning profit on electricity account since beginning. Therefore, it is requested to recover and refund all the excessive money illegally collected by Supertech Limited to residents elected body AOA.

Point no 20 to 23. complainant has produced all the evidences in the support of all the statements made in complaint, also many letters related to previous complainants made to PVVNL and other competent authorities and there orders supporting the complaint's facts are also attached with complaints and with this reply again. **(Ref Annexure 6, Annexure 7 and Annexure 10)**

Point no 24: OP1 has never provided any audited copy of electricity account of Capetown to Complainant or to any other consumer/Residents or even to PVVNL offices.

Point no 25. Complainants have never raised any issue or intent to not to pay Common area Electricity charges to OP1 and its maintenance agency. This fact can be verified including this petition. Thus the allegation made by OP1 are absolute false and hence rejected.

Point No 26. Complainants and all the residents of the Capetown Society are direct consumers of PVVNL as defined in domestic category LMV1. OP1 -M/s Supertech Limited is the franchisee of PVVNL. Complaint made by us contains the grievances related to electricity supply and its billing. As per the provisions and directions given by UPERC single point bulk supply customer under Domestic Category LMV1 gives absolute rights to all the electricity consumers to approach Hon'ble Consumer Grievance Redressal forum for redressal of their Grievances. Therefore, point no 26 made by OP1 not only a false statement but also mischievous attempt to deprive electricity consumers from raising their grievances. Statement made by OP1 vide point no 26 clearly reflects the disrespect and distrust to Hon'ble forum.

Point No 27 to 30. As per the provisions made by UPERC, complainants have all the legal rights to raise their grievances to Hon'ble forum. Reason for this complaint is being supported thru many complaints made to PVVNL and other authorities. Complainant has been given rights by UPERC to request and seek resolution of their grievances.

Point No 31. On the basis of facts, evidences, complainants, orders from PVVNL authorities and ignorance by OP1 -Supertech limited, complainant has approached Hon'ble forum in the want of justice thus request for redressal of all the grievances.

Complainants request to hon'ble forum to redress the grievances raised in our petition to safeguard the interest of more than 4000 consumers of cape town to stop illegal acts and loot of public money by franchisee OP1- Supertech Limited. Redressal of our grievances would repose the trust and confidence of us in general public in the law of land.

In view of above we want to reiterate our Prayer which is as follows:

PRAYER

- A. To direct the Deemed Franchisee (DF) OP-1 to handover control and management of the prepaid collection system along with its software and admin keys to the Complainant i.e Association with immediate effect latest by 31st Aug 2020.
- B. To Direct the Deemed Franchisee (DF) OP-1 and its mtnc. agency to provide copies of the all 60 months of bills of electricity issued to all flats since 1st March, 2015 to 30th April, 2020 to the complainant. This exercise may be completed within 7 days.
- C. To direct the OP-1 to provide statement of closing readings of all 4419 flats and over 100 shops as on 31st Aug, 2020.
- D. To direct the OP-1 to provide statement of total units consumed of all flats and shops combined every month of all 4419 flats.
- E. To Direct the Deemed Franchisee (DF)OP-1 to submit the audited balance sheet of electricity amount paid and collected since 2015 to 2020 before the CGRF and CAAO. This exercise may be completed within next one months.
- F. To Direct the Deemed Franchisee (DF)OP-1 OP-2 and OP-3 to refund the excess charges, amounting to about Rs.40.00 crores collected under various heads of Energy charges (Rs.2.27 cr), Grid fixed charges (Rs.6.84cr), load enhancement charges (Rs.26.40 cr) and DG fixed charges (Rs.2.59cr), Vending charges (0.77 cr), prepaid CD (0.63 cr.) plus Interest @ 12% on all the above excess charges billed and collected by the franchisee/Mtnc agency from the consumers as mentioned in chart below.



The refund may be issued within 3 months into the account of "Capetown Association of Apartment Owners".

- G. To Direct any of the OP-1, OP-2 and OP-3 to refund the excess amount collected with interest within 3 months and if not refunded then be deposited into a bank FD as depreciation fund, which could only be used for replacement of the Transformers and DG subjected to the approval from minimum 25% residents in the special meeting called by the President of the Board with Residents. This deprecation Fund should remain in form of Fixed Deposit at all times in the name of "Capetown Association of Apartments Owners" Bank Account to cover the value of replacement costs including inflation.
- H. To direct OP-1 and OP-3 to get the minimum 20000 KWh load released for Capetown Society GH01 A Sector 74 Noida within one month so as to ensure uninterrupted power supplies to ultimate consumers i.e. flat owners and to avoid unwanted running of DG to save environment and hard-earned money of flat owners.
- I. To direct Op-1 Supertech Limited to develop and install required capacity of electrical infrastructure such as transformer, VCB etc to accommodate 20000 KWh load.
- J. To direct OP1 builder Supertech Ltd and it's maintenance agencies OP-2 Supertech Estates/ YG Estates Facilities to charge as per UPERC retail tariff for power load enhancement from residents, also to stop vending charges and excessive power rates. Builder should also be directed to charge fix grid charges from residents only for the load which is released by PVVNL.
- K. To direct Op-3 PVVNL to conduct a forensic audit of electrical infrastructure and electrical billing of Capetown society and to submit its finding to Hon. ECGRF and CAAO.
- L. To Direct the OP-3 PVVNL to ensure compliance of Tariff orders from OP-1 and if amount not refunded by OP-1, then OP-1 & OP-2 & OP-3 be bound with legal consequences under various sections of CrPC and penalized for not monitoring on monthly basis to keep control on its franchisee and be directed to refund the excess amount from their own funds.

- M. The copy of the complaint has been sent to the Opposite parties thru emails.
- N. The complaint is being filed to the competent authority mentioned above to conduct a detailed audit of electricity billings, payments and collections and to initiate suitable penal action and refund of consumer's money with interest.
- O. Any other order the Hon'ble Forum May deem fit in interest of justice.

Reply Filed by



Place: Noida

Dated 17.08.2020

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