

By the Judgement of 31 May 2021 No. 24-II the Constitutional Court of the Russian Federation examined constitutionality of Article 157, parts 1 and 11 of the Housing Code of the Russian Federation; item 40, paragraph three, and item 54, paragraphs one and four of the Rules of supplying the proprietors and users of premises in apartment buildings and houses (hereinafter – the Rules).

These provisions were subject to consideration insofar as they served as basis to define the amount of heating payments for owners and proprietors of premises in an apartment building connected to centralised heating systems under independent scheme via individual heating point (ITP) and provided with a communal heating meter, where most part of premises also have individual heating meters installed.

The challenged provisions of the Housing Code of the Russian Federation were recognized as conformant to the Constitution of the Russian Federation since within the current legal framework they do not imply calculation of the amount of heating payments in an apartment building connected to centralised heating systems under the above scheme and provided with a communal heating meter, where most part of premises also have individual heating meters installed, without taking into account the readings of the latter.

The challenged provisions of the Rules are recognised as not being in conformity with the Constitution of the Russian Federation insofar as within the current legal framework they do not offer possibility to take into account the readings of individual heating meters in apartment buildings connected to centralised heating systems under the above scheme and provided with a communal heating meter, where most part of premises also have individual heating meters installed.

The Constitutional Court of the Russian Federation concluded that there are no grounds for review of the case of the applicant, and noted her right to resort to compensatory mechanisms with regard to law enforcement decisions based on the challenged provisions recognised as not being in conformity with the Constitution by the present Judgement.