

ELECTRICITY CGRF
(Under The Electricity Act, 2003)
ANDAMAN & NICOBAR ISLANDS
SRI VIJAYA PURAM

Before:

Shri. R. Ravichandar, Chairman.
Shri. Narayan Chandra Baroi, Member (Licensee).
Smt. Biji Thomas, Independent Member (JERC Nominated).

In the matter of:

Shri. S. Manikandan, S/o Shri. S. Sekhar, R/o Haddo, Sri Vijaya Puram,
South Andaman.

.....Complainant

Versus

The Electricity Department, A & N Administration, Sri Vijaya Puram.

.....Respondent

Complaint No. : ANI/C.G. No. 34/2024 dated 01/10/2024.
Complaint : Providing New Connection (Domestic)
Date of Hearing : 29/10/2024
Date of Order : 04/11/2024



ORDER

Background

The complainant Shri. S. Manikandan, S/o Shri. S. Sekhar, R/o Haddo, Sri Vijaya Puram, South Andaman, filed a review petition against the Forum's order dated 14/10/2024 under clause 28(1) of JERC regulation No.31/2024 received vide R.D. No. 826 dated 22/10/2024 regarding new electricity connection (Domestic).

The complaint was initially registered as ANI/C.G. No. 34/2024, the Forum admitted the review petition and forwarded on 22/10/2024 vide letter No. ANI/CGRF/10-357/525 to the Nodal Officer (CGRF), Executive Engineer (HQ) and Assistant Engineer-I(HQ), Electricity Department for submitting reply/comments and attending the Hearing fixed on 29/10/2024 at 11:00 a.m. in the Hearing Hall of the Electricity (CGRF), A&N Islands, Horticulture Road, Haddo, Sri Vijayapuram with relevant documents to depose before the Forum. A copy of this letter was also endorsed to the complainant for attending the Hearing on 29/10/2024 at 11.00 a.m. (**Exbt. -1**).

Hearing on 29/10/2024

The Hearing was held on 29/10/2024 in the Hearing Hall, Electricity CGRF at 11:00 a.m. The following were present: -

- (i) Shri. S. Manikandan, Complainant.
- (ii) Shri. Naveen Lall, AE-I(HQ), Elect. Dept.
- (iii) Ms. J. Anushiya, JE (Haddo), Elect. Dept.

Statement of the Complainant

The complainant Shri. S. Manikandan, R/o Haddo, Sri Vijaya Puram, South Andaman stated in his complaint letter dated 22.10.2024 that "I am here respectfully filing a review petition against the Forum's order dated 14/10/2024 under Clause 28(1) of JERC Regulation No. 31/2024, which provides that the Forum may review its order within 30 days, either on its own motion or on an application by any party to the original proceedings, after affording an opportunity to be heard.

I refer to the Hon'ble Forum's Order dated 14/10/2024. After reading the regulations, which I downloaded from the JERC website, I found grounds for filing this review petition based on JERC Regulation No. 31/2024 under Clause 28(1). In this regard, I request a review of my petition for the following reasons: -

1. Regulation Misinterpretation: After thorough reviewing JERC Regulation No. 23/2018, I found critical points related to new electricity connections that were previously misinterpreted in my original petition as being related to encroached land. I am residing on the first floor of a building located at Haddo, Sri Vijaya Puram, which was allotted by the Assistant Commissioner, Andaman & Nicobar Administration on 21/12/1988 in the name of Mr. K. Kamaraj (allotment copy enclosed). Mr. K. Kamaraj passed away on 14/11/2014 (death certificate enclosed) and the building is not covered under encroached land. Furthermore, I assure that after the name change in the said land records, accordingly, I will submit the necessary documents to the department.

2. Indemnity Bond Requirement: As per JERC Regulation No. 23/2018 under Clause 5.30 (7), if an applicant is a lawful occupier of the premises, such as a tenant or leaseholder, and is unable to produce a No Objection Certificate (NOC) from the owner, the applicant can execute an Indemnity Bond in favor of the Distribution Licensee. Since the landowner has passed away and I am unable to obtain an NOC and hence I have executed an Indemnity Bond for 100/- (copy enclosed) in compliance with the aforementioned regulation.

In light of these facts and circumstances, I request the Hon'ble Forum to review my case and issue a direction to the Licensee (Electricity Department) to accept the Indemnity Bond for releasing a new electricity connection, as per JERC



Regulation No. 23/2018 under Clause 5.30 (7), until an eviction is ordered by the landowner.

Thank you for your understanding, and I humbly request your favorable consideration of my review petition and necessary order as per regulations."

The complainant enclosed photocopies of License to occupy land for house site dated 21.12.1988, Death certificate in r/o Late K. Kamaraj and Indemnity bond dated 16.10.2024, which is kept in the case file **(Exbt. -2)**.

Submission of the Complainant

Shri Manikandan filed a review petition on 22-10-2024, challenging the Forum's prior order from 14-10-2024 under Clause 28(1) of JERC Regulation No. 31/2024. He explained that his initial petition had inaccurately classified his residence as encroached land. The property, where he resides on the first floor at Haddo, Sri Vijaya Puram, was originally allotted to Mr. K. Kamaraj, who passed away in 2014. Shri Manikandan submitted an Indemnity Bond of ₹100, as he was unable to obtain an NOC due to the landowner's death. He requested the Forum to reconsider his petition and direct the Electricity Department to issue a new connection in line with JERC Regulation No. 23/2018.

Submission of the Respondent (Licensee)

The Electricity Department responded to Shri Manikandan's review petition filed under Clause 28(1) of JERC Regulation No. 31/2024, asserting that he had not provided any adequate documentation to establish land ownership, hence the separate meter connection to the premises had been denied. The department highlighted that the property belongs to the late Mr. K. Kamaraj, who held a revenue license. Furthermore, the existing connection provided in the same premises (ground floor) under the name of Smti. Selvi, M/o the complainant and stressed that a separate connection for the first floor could not be granted without any proper land record.

Forum's Observation

The complainant, Shri Manikandan, filed a review petition on 22-10-2024 against the Forum's order dated 14-10-2024, invoking Clause 28(1) of JERC Regulation No. 31/2024. This clause allows for a review within 30 days of the order upon application by a party or on the Forum's own motion. The Forum admitted the review petition and allowed to attend the hearing fixed on 29-10-2024 11 a.m. Shri Manikandan cited grounds under JERC Regulation No. 23/2018, specifically addressing the misinterpretation in his original petition, which referred to his property as encroached land. He clarified that he resides on the first floor of a building at Haddo, Sri Vijaya Puram, originally



allotted to Mr. K. Kamaraj on 21-12-1988, whose death certificate he submitted. The complainant confirmed that after updating the name in the land records, he would provide all necessary documents to the department. Further, he executed an Indemnity Bond of ₹100 in compliance with JERC Regulation No. 23/2018, Clause 5.30(7), due to the absence of an NOC following the landowner's death. He respectfully requested the Forum to direct the Electricity Department to issue a new electricity connection under these circumstances.

The Electricity Department, as the respondent, reviewed Shri Manikandan's petition submitted on 22-10-2024 under Clause 28(1) of JERC Regulation No. 31/2024. The respondent stated that Shri Manikandan had not provided any adequate proof of ownership of the land, leading to the denial of a separate electricity connection. Although Shri Manikandan presented an Indemnity Bond, the department maintained that the property in question belonged to Mr. K. Kamaraj, who held only a revenue license. It was further noted that the existing meter in the same premises (ground floor) is registered under the name of Smti. Selvi, M/o of the complainant and the same connection was extended to first floor without the knowledge of the department to be regularized immediately after providing proper notice to the consumer. The complainant seeking an additional separate connection for the first floor and the department emphasized that separate connection can be granted only after obtaining proper land records in the name of the complainant or NOC from the legal heirs of Late Mr. Kamaraj who is the original licence to occupy land for house site.

The Forum observed that the complainant filed the review petition under Clause 28(1) of JERC Regulation No. 31/2024, seeking a reconsideration of the Forum order dated 14-10-2024 have no merits and the complainant has not provided any additional documents to substantiate his claims. The Forum initially observed and issued the order based on the complainant request to the department and the affidavit submitted by the complainant clarified his status as a new electricity connection applied on an encroached government revenue land. Accordingly, the Forum mentioned in the order as encroached government revenue land. In view of the above the complainant review petition is hereby dismissed being devoid of any merits.

Hence,

It is Ordered:

1. In view of the above the complainant review petition is hereby dismissed being devoid of any merits.
2. The Forum Order dated 14-10-2024 are upheld to the extent.



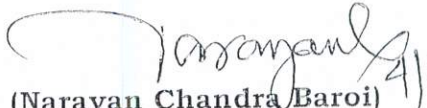
3. The Respondent/Licensee (ED) is directed to submit **compliance report within 15 days** from the date of receipt of this order as per JERC Regulation No. 31/2024.
4. As per JERC Regulation No. 31/2024 under Chapter-III of 30, non-compliance of the Forum Order shall be treated as violation of the Regulations of the Commission and accordingly liable for action under Section 142 of the Electricity Act 2003.
5. The complainant shall not be harassed overtly or covertly in any manner whatsoever in future for exercising his right by availing the redressal within his jurisdiction.

"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Udyog Vihar, Phase, Sector-18, Gurugram - 122015 (Haryana). Phone - 0124-4684709, E-mail: ombudsman.jercuts@gov.in **within one month from the date of receipt of this order**".

[Annexure - IV Appeal Form can be collected from the office of the Forum on any of the working days].

A certified copy of this Order be sent to the Superintending Engineer (Licensee/Respondent), Executive Engineer (HQ), Nodal Officer (CGRF), Assistant Engineer-I(HQ), Assistant Engineer (IT), Electricity Department, Complainant and the Electricity Ombudsman, JERC for the State of Goa & UTs, Gurugram, (Haryana).


(Biji Thomas)
Independent Member
Electricity CGRF


(Narayan Chandra Baroi)
Member (Licensee)
Electricity CGRF


(R. Ravichandar)
Chairman
Electricity CGRF

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