

ELECTRICITY CGRF
(Under The Electricity Act, 2003)
ANDAMAN & NICOBAR ISLANDS
PORT BLAIR

Before:

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

In the matter of:

Smti. R. Laxmi, W/o Shri. P. Thangapandian, R/o Model Village, Kanyapuram, Wimberlygunj, South Andaman. (Mob. 9476095203)

.....Complainant

Versus

The Electricity Department, A & N Administration, Port Blair.

.....Respondent

Complaint No. : ANI/CGRF/341/24-25/18 dated 22/08/2024.
Complaint : Providing New Connection (Domestic)
Date of Hearing : 30/08/2024
Date of Order : 03/09/2024



ORDER

Background

The complainant Smti. R. Laxmi, W/o Shri. P. Thangapandian, R/o Model Village, Kanyapuram, Wimberlygunj, South Andaman, filed a complaint vide R.D. No. 712 dated 22/08/2024 regarding new electricity connection (Domestic).

The complaint was registered as Case No. 341 and forwarded on 22/08/2024 to the Nodal Officer (CGRF), Executive Engineer (SAD) and Assistant Engineer (F/Gunj), Electricity Department for submitting reply/comments and attending the Hearing fixed on 30/08/2024 at 10:30 a.m. in the Hearing Hall in the Office of the Electricity (CGRF), A&N Islands, Horticulture Road, Haddo, Port Blair with relevant documents to depose before the Forum. A copy of this letter was also endorsed to the complainant for attending the Hearing on 30/08/2024 at 10.30 a.m.

The Assistant Engineer (W/shop), Electricity Department vide his letter No. EL/AE(W/shop)/2-16/2023-24/513 dated 26/08/2024 submitted reply/

comments on behalf of the Licensee/Respondent (ED), which is kept in case file (**Exbt. -1**).

Hearing on 30/08/2024

The Hearing was held on 30/08/2024 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Smti. R. Laxmi, Complainant.

The Respondents are absent from the hearing due to state level mock drill as informed by the AE (F/Gunj) vide his letter no. EL/AE/FG/3-20/2024-25/222 dated 26.08.2024, which was received by the Forum vide RD No. 719 dated 26.08.2024 (**Exbt. - 2**).

Statement of the Complainant

The complainant Smti. R. Laxmi, W/o Shri Thangapandian R/o Model village Kanyapuram, Wiberlygunj stated in her complaint letter dated 22/08/2024 that she had applied for a new service connection through her application bearing number 21097 dated 07.03.2024. She has requested for a new service connection for her property located on encroachment land but till date she has not received any response from the electricity department. Hence, she requested the Hon'ble Forum to provide new connection immediately.

The complainant enclosed photocopies of online application No. 21097 dated 07/03/2024, Affidavit, Undertaking, Declaration and Aadhaar card as her ID proof, which is kept in the case file (**Exbt. - 3**).

Reply of the Respondent/Licensee (ED)

The Assistant Engineer (W/shop), submitted para-wise comments on behalf of the Respondent/Licensee (ED) vide letter No. EL/AE(W/shop)/2-16/2023-24/513 dated 26/08/2024 wherein forwarded the reply of AE(F/Gunj), Electricity Department vide letter No. EL/AE/FG/3-20/2024-25/223 dated 26/08/2024 stated that "*The application for new service connection received through online portal on 07/03/2024 vide application no. 21097, proceed the circular issued by Assistant Secretary (Power) Administration vide no. 4-3/21/2015-power dated 09.10.2023, accordingly to the circular, the connection will only be released upon receipt of a settled possession report from the revenue authority, as outlined in point D section (ii). A letter has been forwarded to Tehsildar Ferrargunj vide letter no. EL/AE/FG/3-23/2024-25/89 dated 28.05.2024 and requesting the settle possession report, which is still pending. This is for your kind information please*".

The Respondent/Licensee (ED) has enclosed the AE(F/Gunj)'s letter No. EL/AE/FG/ 3-20/2024-25/223 dated 26/08/2024, Assistant Secretary (Power) Circular no. 4-3/21/2015-Power dated 09.10.2023, letter forwarded to

the Tehsildar, Online Application no. 21097 dated 07.03.2024, Aadhaar as ID proof, Affidavit, Undertaking, Declaration, which is kept in the case file (Exbt. - 4).

Submission of the Complainant

The complainant submitted during the hearing that she is staying in her father's house where an electric connection exists in the name of her husband. She stated that she has requested a new connection on the land currently occupied by her, which is alleged to be encroached. She also mentioned that there is an existing connection in the name of her husband, Shri. Thangapandian. The complainant contends that despite this, a separate connection is required for their purposes and requested the forum to consider their application favourably.

Forum's Observation

The complainant stated that she has requested a new connection on the land currently occupied by her, which is alleged to be encroached. She also mentioned that there is an existing connection in the name of her husband, Shri. Thangapandian. The complainant contends that despite this, a separate connection is required for their purposes and requested the forum to consider their application favourably.

The Forum reviewed the reply submitted by the Respondent (ED) and observed that the complainant's application No. 21097 dated 07/03/2024 was processed according to the Circular issued by AS(Power), A&N Administration, vide 4-3/21/2015-Power dated 09/10/2023. Accordingly, the application was forwarded to the Tehsildar vide letter dated EL/AE/FG/3-23/2024-25/89 dated 28/05/2024, to verify whether the applications pertain to settled possession or not (Exbt - 5).

The Forum had previously quashed the Circular dated 09/10/2023 issued by AS(Power), A&N Administration, in its order dated 5/12/2023 in Gita Rani Mahato vs ED for providing new connections to encroached land.

The Respondents on the behalf of electricity department did not attend the hearing due to their involvement in a state level mock drill arranged by the administration. As a result, no statement was submitted on their behalf during the hearing.

The Chairman and Member (L) along with Secretary, CGRF visited the complainant premises on 29/08/2024 at 10.55 am and found that the complainant constructed a tin sheet shed having only one small single room and observed that they are not in settled possession. Additionally, the Forum also noted that a connection is already present in the name of the



complainant's husband, Shri. Thangapandian and they residence in a nearby location in well settled possession. The Forum also considered the fact that the Respondents were absent from the hearing in connection with the state level mock drill and due to exigency of dispose the cases related to connection or disconnection within 15 days as per the timeline stipulated in JERC Regulations No. 26/2009, the Forum decided to proceed on the same day and dispose of the matter.

In light of the observations, the Forum directs that the request for a new connection on the encroached land be denied at this time due to non-settled possession noticed during the site inspection. The complainant is advised to resolve the legal status of the land and establish settled possession before reapplying for a new connection.

Hence,

It is Ordered:

After detailed deliberations, submissions, site inspection, discussion, and on the observations so reached, the following order is passed: -

1. The Forum denies the connection as the complainant was not found to be in settled possession on the same premises and the complainant is already having a connection in her husband's name Shri. Thangapandian.
2. The Forum directs the complainant to obtain acceptable proof of ownership or occupancy certificate and then to approach the Respondent for obtaining new connection in the same premises.
3. The Respondent/Licensee (ED) is directed to follow the **'Processing of Application Form'** after receiving the application for new connection as per **JERC Regulation No. 23/2028 under Section 5.35.**
4. The Respondent/Licensee (ED) is directed to follow the **JERC Regulation No. 23/2018 (ESC) and Notification No. 19/20/2015-JERC/1680 dated 27/05/2024 (SOP for Distribution Licensees)** for providing new connection as per norms/guidelines.
5. The Respondent/Licensee (ED) is directed to submit compliance report within 15 days from the date of issue of receipt of this order as per JERC Regulation No. 26/2019 under Clause 27(1).



6. As per JERC Regulation No. 26/2019 under Chapter-IV of 27, non-compliance of the Forum Order shall be treated as violation of the Regulations of JERC and accordingly liable for action under Section 142 of the Electricity Act 2003.
7. 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.

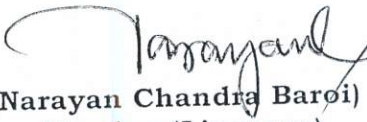
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot No. 55-56, Service Road, Udyog Vihar, Phase-IV, Sector-18, Gurugram - 122015 (Haryana). Phone - 0124-4684708, 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 this Forum, in any of the working days].

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


(Biji Thomas)
Independent Member
Electricity CGRF


(R. Ravichandar)
Chairman
Electricity CGRF
X X X


(Narayan Chandra Baroi)
Member (Licensee)
Electricity CGRF