

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 :

The Proprietor, M/s Bombay Textile, 90/1, Aberdeen Bazar, Port Blair bearing Consumer No. D2/2091.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/312/23-24/44 dated 02/01/2024.
Complaint : Enhancement of load from single phase to 3 phase bearing Consumer No. D2/2091 (Commercial)
Date of Hearing : 22/01/2024
Date of Order : 01/03/2024



ORDER

Background

The complainant, Smti. Ramila, H. Mehta, Proprietor, M/s Bombay Textile, 90/1, Aberdeen Bazar, Port Blair filed a complaint vide R.D. No. 361 dated 02/01/2024 regarding enhancement of load from single phase to 3 phase bearing Consumer No. D2/2091 (Commercial).

The complaint was forwarded on 03/01/2024 to the Assistant Engineer (Workshop), Nodal Officer (CGRF), Executive Engineer(HQ), Assistant Engineer-I (HQ), Electricity Department who represents the Respondent/Licensee(ED) for submitting reply/comments and for attending the Hearing fixed on 22/01/2024 at 11:30 a.m. in the Hearing Hall 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 22/01/2024 at 11.30 a.m.

In the meantime, the Respondent on behalf of Licensee (ED) i.e. Assistant Engineer(Workshop), Nodal Officer (CGRF), Electricity Department filed reply/para-wise comments in affidavit format vide letter No. EL/AE/WS/2-16/2023-24/305 dated 09/01/2024 with enclosures, which

was received by the Forum vide R.D. No. 386 dated 10/01/2024, which is kept in case file **(Exbt.-1)**.

On 19/01/2024, the Forum decided to adjourn the Hearing to 24/01/2024 instead of 22/01/2024 due to administrative reason vide Forum's No. ANI/CGRF/10-312/261 dated 19/01/2024 and also endorsed to the complainant, which is kept in case file **(Exbt.-2)**.

Hearing on 24/01/2024

The Hearing was held on 24/01/2024 in the Hearing Hall, Electricity CGRF at 11:30 a.m. The following were present: -

- (i) Shri. M. Rajender Kumar, Authorized by the Complainant.
- (ii) Shri. Vivek Chand, Assist. Complainant.
- (iii) Shri. Suresh Kumar, AE(W/shop), Nodal Officer (CGRF).
- (iv) Shri. Naveen Lall, AE-I(HQ), Elect. Dept.
- (v) Shri. A. Siddique, JE, Elect. Dept.
- (vi) Ms. Indu Devi, JE (Prem Nagar), Elect. Dept.

During the Hearing on 19/01/2024, the authorized persons of the complainant has submitted authorization letter dated 19/01/2024, which is kept in the case file **(Exbt.-3)**. The Forum accepted the complainant's authorization letter for making submissions.

Statement of the Complainant

The complainant, Smti. Ramila M. Mehta, Proprietor, M/s Bombay Textile, Port Blair stated in her complaint letter dated 02/01/2024 that *"I had applied to AE, Electricity Department for enhancement of load at the premises at 90/1, Aberdeen Bazar, Port Blair on 16/11/2023. All necessary available documents as and when required were submitted but till date 3 phase has not been connected despite of our application, repeated reminders, and follow ups.*

I am paying electricity bill from the year 1976 and there are no dues till date".

I request you to please took into the matter urgently and advice to enhance the load immediately (connect 3 phase) at my premises.

The complainant submitted photocopies of the representation made to AE's letter dated 16/11/2023, Electricity bills and Aadhaar Card as ID proof, which is kept in the case file **(Exbt.-4)**.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer-I(HQ), Electricity Department on behalf of the Respondent/Licensee(ED) in his written submission vide letter No. EL/AE/SD-I/HQ/25-3/2024/744 dated 08/01/2024 stated that: -



"1. The consumer bearing A/C No. D2/2091 M/s Bombay Textile applied for enhancement of load from single phase to three phase on 16.11.2023.

2. The application was forwarded to the Junior Engineer(A/Bazar) site office with the following remarks.

- a) Ask the applicant to submit land record and Map.
- b) Existing file of A/C No. D2/2091.
- c) Clear all dues.
- d) Security Deposit Details.
- e) Report of wiring and earthing.
- f) Connected load.
- g) Issue NCF for updating the connected load.

3. As per the Junior Engineer (A/Bazar) letter No. EL/E/AB/1-1/2023-24/22 dated 06.01.2024. (Enclosed) the land document was submitted by the consumer which stand in the name of **Smti. Shiv Pyari, W/o Late Jawala Singh**. The consumer was asked to submit the NOC from the land owner but till date No such documents received.

As directed by the Forum the following documents are submitted.

4. Existing the file of A/C No. D2/2091 in the name of M/s Bombay Textile (03 Pages) enclosed.

5. Application for enhancement of load from single phase to three phase dated 16.11.2023.

6. Consumer electric energy bill A/C No. D2/2091 (Enclosed)".

The Respondent/Licensee(ED) has submitted photocopies of above stated enclosures, which is kept in the case file **(Exbt.-5)**.

Submission of the Complainant

The authorized representative of the complainant Shri. Vivek Chand submitted during the Hearing that the firm M/s Bombay Textile has been paying the electricity bills since 1976 till date and there is no electricity bill pending. The Firm M/s Bombay Textile had applied to the Assistant Engineer of the Electricity Department for load enhancement on 16/11/2023. Even after waiting for more than a month, the firm did not get any response from the department and accordingly, approach the Forum for enhancement of load. The Firm received reply from the AE-I(HQ), Electricity Department vide letter No. EL/AE/SD-I/HQ/25-3/2024/744 dated 09/01/2024, after lodging complaint, which is self-explanatory. In this regard, the Firm send a reply letter to AE(W/shop) and copy endorsed to the EE(HQ), AE-I(HQ) and JE (A/Bazaar), Electricity Department wherein stated that "the recorded landowner Smti. Shiv Pyari, W/o Late Jwala Singh has expired in the year 1990 and NOC is not possible from a dead person. Further, the land

possession matter is sub-judice in the Hon'ble Court of Civil Judge Junior Division, under Title Suite 16 of 2017. A copy of Court Order dated 12/09/2018 granting permanent injunction in my favour is attached for your reference, which is kept in the case file (Exbt.-6)

The authorized representative of the complainant requested the Forum to increase the load as soon as possible due to the functioning of the bakery items which requires 3 phase electricity connection for electrical appliance like Air Conditioners, Fridges etc. in the said premises.

Submission of the Respondent (Licensee)

The Assistant Engineer-I(HQ) on behalf of the Respondent/Licensee (ED) stated that a consumer bearing A/c No. D2/2019, M/s Bombay Textile applied for enhancement of load from single phase to three phase on 16/11/2023. The Junior Engineer, Aberdeen inspected the said premises and found present connected load is 11.760 kW. The department after going through the documents submitted by the complainant for enhancement of load required an NOC from the premises owner as a matter of procedure, hence, the application is kept in abeyance.

Forum's Observation

The Forum observed the plea of the complainant consumer that she is paying the electricity bills from the year 1976. As per office records submitted by the Respondent/Licensee (ED) that the complainant consumer initially got the electricity connection in the year 1992 in the name and style M/s Bombay Textile, which is kept in the case file (Exbt.-7).

The Forum has gone through the entire proceedings that the Respondent/Licensee (ED) did not issue any '**demand notice**' in writing to the consumer for want of documents, estimate cost of works etc. against complainant's application dated 16/11/2023, which is a violation of **Section 5.100, 5.98, 5.79, 5.83, 5.40 to 5.51 under JERC Regulation No. 23/2018 (Electricity Supply Code)**.

The Forum further noted that the Respondent/Licensee (ED) submitted that the present connected load is 11.760 kW, but from when it was increased, has not been mentioned anywhere. The Respondent/Licensee (ED) failed to monitor the connected load of consumer from time to time and as on date 11.760 kW connected load has been recorded in the consumer premises, which is much higher than as per the permissible limit of single phase connection i.e. below 5 kW, **which is a violation of Section 4.3 of JERC Regulation No. 23/2018**.

The Forum directs the Respondent/Licensee (ED) to issue a '**Circular**' to all EEs, AEs and JEs for monitoring the connected load of all consumer **as per Section 5.115 under JERC Regulation No. 23/2018** and if the



maximum demand was recorded to be in excess of contract demand by 5% or more for at least four times during the last financial year, accordingly, should issue a 30 days' notice to the consumer for submitting an application form for enhancement of load, which has not been done in this instant case.

The Forum has noted that the Respondent/Licensee (ED) had failed to comply with the provision of **JERC Regulation No. 23/2018 (Electricity Supply Code) under Clause 5.115 to 5.117 and 5.119 to 5.130** read as :-

Annual Review of Contract Demand

5.115 In case of HT and EHT connections, if the maximum demand was recorded to be in excess of contract demand by 5% or more for at least four times during the last financial year, the Licensee shall issue a 30-day notice to the consumer for submitting an application form for enhancement of load. If there is no response from the consumer by the end of the notice period, the Licensee shall start the procedure for enhancing the consumer's contract demand to the average of four recordings of maximum demand shown by the consumer's Maximum Demand Indicators (MDI) meter in the last financial year. **In case of LT connections, similar review shall be carried out for connections equipped with an MDI meter.**

5.116 Energy meters with MDI facility are to be installed by all the Distribution Licensees for all new HT and EHT connections. In case, the Maximum Demand Indicator of the meter at the consumer's installation is found to be faulty or not recording at all (unless tampered), the Demand Charges shall be calculated based on maximum demand during corresponding months/billing cycle of previous year, when the meter was functional and recording correctly. In case the recorded maximum demand of corresponding month/billing cycle of past year is also not available, the maximum demand needs to be computed by applying the Load Factor as per Annexure XVIII of the Supply Code, 2018.

5.117 The Licensee and applicant shall follow the procedure and timelines with respect to acceptance of application form, site inspection and issuance of demand note for the estimated cost of works in accordance with Regulations 5.35 to 5.50 of this Supply Code, 2018. Enhanced supply shall be released in accordance with Regulation 5.52 of this Supply Code, 2018.

Execution of Agreement

5.119 The Licensee may require the applicant to execute an Agreement for obtaining new connection, for change of name, and for enhancement or reduction of sanctioned load before commencement of supply.

5.120 The Agreement form shall be supplied by the Licensee along with application form and shall also be available on the Licensee's website for download.

The Agreement shall include the following:

(1) Name and address of the consumer/applicant;



(2) Address of the premises for which electricity supply has been requisitioned and for which the agreement is being executed;

(3) Sanctioned load/ contract demand;

(4) Purpose of usage of electricity;

(5) Declaration by the applicant/consumer:

a) To abide by provisions of Act and this Supply Code, 2018;

b) To pay for the supply of electricity based on the prevailing tariff rates;

c) To pay for all other charges payable in accordance with this Supply Code, 2018 and the Schedule of Miscellaneous Charges of the Licensee approved by the Commission from time to time;

d) To deposit such security money as the Licensee may be entitled to recover from him under the Act and this Supply Code, 2018;

5.121 If there is no separate written Agreement between the Distribution Licensee and the consumer, after the supply of electricity has commenced, the consumer shall be deemed to be bound by terms and conditions of the Supply Code, 2018. The consumer shall not refuse to tender an Agreement if so required by the Distribution Licensee within thirty days of commencement of the supply. Upon failure of the consumer to sign the Agreement, it shall be open to the Distribution Licensee after giving due notice and opportunity of representation to disconnect the supply to such Premises. However, the Distribution Licensee shall restore the supply immediately upon execution of the Agreement by such consumer.

5.122 If any Consumer terminates his Agreement within period of 2 years of the commencement of new or additional supply (or where no formal Agreement is tendered, if the supply is not utilized for the period of 2 years, which would have been applicable if an Agreement has been tendered), the consumer shall be liable to pay the Fixed/ Minimum charges for each month short of the period of 2 years.

5.123 A copy of the Agreement executed shall be given to the consumer/applicant.

The Forum noted in earlier complaints against excess billing wherein most of the cases the connected load was increased above 5 kW and accordingly the Forum directed for conversion from single phase to three phase connection or reducing the load as per JERC Regulation. Further, **as no updation of the connected load of the premises a revenue loss is also contributed to government in terms of collection of fixed charges, calculated based on connected load. Forum directs the Respondent/Licensee(ED) that a drive may be conducted to update the connected load by giving a definite time to the consumer for self disclosure or update the connected load by field staff on war foot basis.**



As per JERC Regulation No. 23/2018 (Electricity Supply Code) under various clause for Enhancement of Load read as: -

Procedure for Modification in Existing Connections

Application Form

5.76 The applicant shall apply for modification in existing connection in the following format as given in the Annexure to this Supply Code, 2018:

- (1) Application format for change in name of registered customer due to change in ownership/occupancy - Annexure IV
- (2) Application format for transfer of ownership to legal heir-Annexure V
- (3) Application format for Conversion of Services / Change of Consumer Category/ Shifting of Premises - Annexure VI
- (4) Application format for load enhancement/reduction - Annexure VII

5.77 Application forms in English and Hindi shall be made available at the local office of the Licensee free of cost. The Licensee shall also put up all application forms on its website for free download. Legible photocopies of a blank form may be made by the consumer and shall be accepted by the Licensee. The Licensee shall clearly display on its website the address and telephone numbers of offices where filled-up application form can be submitted. The Licensee shall also display in each office the address and telephone numbers of offices in the respective area of supply where filled-up application form pertaining to that particular area can be submitted. Any assistance or information required in filling up the form shall be provided to applicants at the local office of the Licensee.

5.78 The Licensee shall facilitate or provide such avenues for applying for new connection or modification in existing connection through website, call centres, etc., which minimize the applicant's interface with the utility during the process.

5.79 All application forms for change in existing connection must be accompanied with an identity proof of the applicant in accordance with Regulation 5.29 of this Supply Code, 2018, if the connection is registered in the name of the applicant; or a No-Objection Certificate (NOC) from the person in whose name the connection is registered, if the connection is not registered in the name of the applicant.

5.83 An application shall be deemed to be received on the date of receipt of all applicable charges including the security deposit in accordance with Annexure XVIII of this Supply Code, 2018, after receipt of the application form.

5.29 Any of the following documents shall be considered as acceptable proof of identity:

If the applicant is an individual:

- (1) Electoral Identity Card
- (2) Passport
- (3) Driving Licence
- (4) Photo Identity card issued by Government agency



(5) PAN Card

(6) Photo Certificate from village Pradhan or any village level Government functionary like Patwari/ Lekhpal/ village level worker/ village chowkidar/ Primary school teacher/ in-charge of primary health centre, etc.

(7) Aadhaar Card.

5.30 Any of the following documents shall be considered as acceptable proof of ownership or occupancy of premises:

(1) Copy of the registered sale deed or lease deed or rent agreement and in the case of agricultural connections, a copy of khasra / khatauni / khata nakal;

(2) Registered General Power of Attorney;

(3) Municipal/ Panchayat tax receipt or Demand notice or any other related document;

(4) Letter of allotment;

(5) Copy of the house registration certificate issued by the Panchayat/ ownership certificate issued by Revenue Authorities;

(6) Any other ownership related document issued by local Government Authority.

(7) An applicant who is not an owner but an occupier of the premises shall, along with any one of the documents listed at (1) to (6) above, also furnish a No Objection Certificate from owner of the premises:

Provided that where an applicant, who is lawful occupier of the premises, is a tenant or a leaseholder and is unable to produce the No Objection Certificate from owner for obtaining a connection, a separate Indemnity Bond shall be executed in favour of the Distribution Licensee in the form prescribed by the Distribution Licensee.

(8) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the Licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises only for the purpose of releasing electricity connection and not for any other purpose:

Provided further that the electricity bill shall be only for electricity supply to the premises occupied by the consumer and shall not be treated as having rights or title over the premises.

Reclassification of Consumer Category

5.94 If it is found that a consumer has been wrongly classified in a particular category, or the purpose of supply as mentioned in Agreement has changed to other Tariff Category, or the consumption of power has exceeded the limit of that category as per the Commission's Order, the Licensee may consider reclassifying the consumer under appropriate category. The consumer shall be informed of the proposed reclassification through a notice and duly given a 30-day notice period to file objections, if any. The Licensee, after due

consideration of the consumer's reply, if any, may alter the classification within 10 days from the date of receipt of reply. In case of any dispute, the consumer may approach the Consumer Grievance Redressal Forum.

5.95 If a consumer wishes to change his consumer category, the consumer shall submit an application form to the Licensee in the format given in Annexure VI to this Supply Code, 2018. The Licensee shall process the application form in accordance with Regulations 5.79 to 5.83 of this Supply Code, 2018. For site inspection and issuance and payment of demand note for the estimated cost of works, both the Licensee and applicant shall follow the procedure and timelines as laid down in Regulations 5.40 to 5.51 of this Supply Code, 2018. The Licensee shall also note down the meter reading at the time of inspection. If on inspection, the consumer's request for reclassification is found valid, the Licensee shall change the category within 10 days of receipt of the application.

5.96 If the Licensee does not find the request for reclassification valid, it shall inform the applicant in writing, giving reason(s) for the same, within 10 days from date of inspection.

5.97 For the period in which the consumer's application for reclassification is pending, the consumer shall not be liable for any action on grounds of unauthorized use of electricity.

Load Enhancement

5.98 Applicants shall apply for load enhancement to the Licensee in the format prescribed in Annexure VII to this Supply Code, 2018. The Licensee shall process the application form in accordance with Regulations 5.79 to 5.83 of this Supply Code, 2018. For site inspection, issuance and payment of demand note for the estimated cost of works, both the Licensee and applicant shall follow the procedure and timelines as laid down in Regulations 5.40 to 5.51 of this Supply Code, 2018. Consumer can retrieve the self-declaration Forms from the website of the Licensee or collect the same from the office of Licensee, if the consumer has to increase/decrease load at any time.

5.40 The Licensee shall, at the time of receipt of application form, specify a date for inspection of applicant's premises in mutual consultation with the applicant, under written acknowledgment. The date of inspection must be scheduled within 3 working days in urban areas and 5 working days in rural areas from the date of receipt of application form. If the applicant wishes, the inspection can be scheduled on a non-working day for the Licensee (i.e., Sunday, gazetted holidays, etc.) on payment of inspection fee of Rs. 500.

5.51 If as per this Supply Code, 2018, provision of supply requires installation of a distribution transformer within the applicant's premises, the applicant shall make available to the Licensee a suitable room or portion of land within his premises for the period of supply for installation of the distribution transformer.



5.52 The overall timeline for releasing new electricity connection, from the date of receipt of application, shall be as under:

Table 3: Timeline for releasing new electricity connection (energization):

Activity	Island areas		Mainland areas	
New connection/ additional load where supply can be provided from existing network	Urban area: 30 days from receipt of complete application		Urban area: 16 days from receipt of complete application	
	Rural area: 30 days from receipt of complete application		Rural area: 24 days from receipt of complete application	
Extension work or enhancement of transformer capacity is required	Urban area:		Rural area:	
	a) LT-60 days		a) LT-90 days	
	b) HT-120 days		b) HT-120 days	
	c) EHT-180 days		c) EHT-180 days	
Erection of substation to extend supply	On case to case basis as per approval of the Commission		On case to case basis as per approval of the Commission	

Provided that the Licensee may approach the Commission for extension of time specified above, in specific cases where extension of Distribution mains requires more time, along with details. In such cases, the Licensee shall inform the consumer about the likely time of completion of works.

5.99 If on inspection, there are no defects found, or on re-inspection, the defects noticed earlier are found to have been removed, the Licensee shall sanction the additional load applied for, and issue a demand note in writing under acknowledgment, within the timeline specified below:

Table 6: Timeline for raising Demand Note for Additional Load

S.No.	Item	Time Limit (within)
1	Aggregate Loads up to 100 kVA	10 days of receipt of Application
2	Aggregate Loads above 100 kVA and up to 4000 kVA	15 days of receipt of Application
3	Aggregate Loads above 4000 kVA	30 days of receipt of Application

Provided that the time taken by applicant in removing the defects/deficiencies found at the applicant's premises shall not be included in the timeline specified above. The timeline shall not include the time taken by the Licensee to augment the infrastructure subject to ceiling limit as specified in Regulation 5.52 of this Supply Code, 2018.

5.100 The Licensee's written intimation sent along with the demand note to the consumer shall cover the following:

- (1) Whether the additional power can be supplied at existing voltage or at a higher voltage;
- (2) Addition or alterations, if any, required to be made to the system and the cost to be borne by the consumer;



- (3) Amount of additional security deposit, cost of additional infrastructure and the system strengthening charges or capacity building charges, if any, to be deposited; and
- (4) Change in classification of the consumer and applicability of tariff, if required.

5.101 The application form for enhancement of load shall not be accepted if the consumer is in arrears of payment of the Licensee's dues. However, the application form may be accepted if such payment of arrears has been stayed by a Court of law, or the Commission or an authority appointed by the Commission.

5.102 If supply of enhanced load is feasible, the consumer shall:

- (1) Pay additional security deposit, cost of addition or alteration required to be made to the system, if any, and system strengthening charges/capacity building charges, if any, within 15 working days of receipt of the demand note, and;
- (2) Execute a Supplementary Agreement.

5.103 Supply of enhanced load shall be provided in adherence to the timeline specified in Regulation 5.52 of this Supply Code, 2018.

5.104 If the consumer feels aggrieved by the Licensee's action or omission, the consumer may fill his representation to the concerned Consumer Grievance Redressal Forum (CGRF) for redressal of his grievance.

5.105 If the application is not decided by the Licensee within the period mentioned in Table 6 above, the applicant may, by a written notice to the Licensee, draw its attention to the matter and yet if no decision is communicated to him within a further period of 15 days, the permission for enhancement of contract demand shall be deemed to have been granted.

5.106 The enhancement of load shall be effective from the date on which the enhanced load is released by the Licensee or deemed permission is granted.

Security Deposit

5.130 A security deposit shall be deposited by all the consumers to cover:

- (1) The estimated amount of bill corresponding to the billing cycle period plus one month; and
- (2) Payment due to the Licensee for any electric line or electrical plant or electric meter that is to be provided for supplying electricity to the consumer.

The estimated security deposit amount for different categories while releasing new connections shall be calculated as per the methodology given in Annexure XVIII to this Supply Code, 2018. In case of enhancement of load, only additional security to cover the additional consumption shall need to be deposited, estimated as per the methodology given:



Provided that for consumers who have opted for availing phased contract demand, revision of security deposit for the existing load shall be based on actual consumption of the previous financial year, while security deposit for additional load released during the year shall be estimated on the basis of the methodology given in Annexure XVIII to this Supply Code, 2018.

5.131 Subsequently, the security deposit shall be revised annually as per the procedure defined in Regulation 5.136 of this Supply Code, 2018. For deficient amount of Security Deposit, the Licensee shall serve the notice to consumer for Additional Security Deposit to be deposited by consumer within 30 Days. In case, the consumer does not deposit additional Security Deposit within 30 days of notice by Licensee, the additional Security Deposit shall be included in two subsequent bills of the consumer. Any excess amount of Security Deposit shall be adjusted within two subsequent bills of the consumer.

5.132 If the security deposit is reduced due to adjustment of outstanding dues, the same shall be adjusted within the subsequent two bills of the consumer.

5.133 The security deposit shall be returned to consumer upon termination of Agreement within 30 days of adjustment of all dues. In case of delay, interest equivalent to the State Bank of India Base Rate on the 1st of April of that year shall be payable to the consumer.

5.134 The LT consumers can provide the security deposit in the form of cash (applicable for deposits up to Rs 10,000), cheque or demand draft. The HT/EHT and industrial consumers can provide the security deposit through cash/demand draft/banker's cheque, Bank Guarantee as per the format specified in Annexure XXI or by providing lien against fixed deposits. If the Security Deposit is submitted in the form of Bank Guarantee or by providing lien against fixed deposits, no interest shall be payable to the consumer.

Interest on Security Deposit

5.135 The Licensee shall pay interest to the consumer at the State Bank of India Base Rate prevailing on the 1st of April for the year, payable annually on the consumer's security deposit with effect from date of such deposit in case of new connections energized after the date of this notification, or in other cases, from the date of notification of this Supply Code, 2018. The interest accrued during the year shall be adjusted in the consumer's bill for the first billing cycle of the ensuing financial year. If the Security Deposit is submitted in the form of Bank Guarantee or by providing lien against fixed deposits, no interest shall be payable to the consumer.

Review of Security Deposit

5.136 At the beginning of the financial year, the Licensee shall review the consumption pattern of the consumer for the adequacy of the security deposit from April to March of the previous year. Consumer is required to maintain a sum equivalent to his average payment for the period of one billing cycle plus

one month, where 'average payment' shall be equal to the average of actual bills paid in the last financial year:

Provided that for a consumer whose electricity connection is less than 1 year old, the security deposit shall not be revised at the beginning of the financial year.

5.137 The security deposit available with the Licensee in respect of each consumer shall be shown in the bill issued to the consumer. Refund of security to the consumer by the Licensee, as and when arises, shall be made through maximum of two electricity bills.

Cost of Servicing New Connection/ Enhancement of Load

5.138 The consumer shall pay the cost of service line, etc., and other applicable charges. These charges shall be either on the basis of the schedule of standard charges approved by the Commission.

Further, as per Notification No. G.S.R. 818(E) dated 31/12/2020 [Electricity (Rights of Consumers) Rules, 2020] regarding enhancement of load, read as: -

4. Release of new connection and modification in existing connection.- (1) The distribution licensee shall prominently display on its website and on the notice board in all its offices, the following; namely:-

(a) detailed procedure for grant of new connection, temporary connection, shifting of meter or, service line, change of consumer category, enhancement of load, reduction of load or change in name, transfer of ownership and shifting of premises etc;

(b) address and telephone numbers of offices where filled-up application forms can be submitted;

(c) address of website for online submission of application form;

(d) complete list of copies of the documents required to be attached with the application;

(e) all applicable charges to be deposited by the applicant.

(9) For new connections up to a load of 10 kW or such higher load as may be specified by the Commission, the application form shall be accompanied with only two mandatory documents-

(1) identity proof (i.e. Passport, Aadhar Card etc.) of the applicant; and

(2) proof of applicant's ownership or occupancy over the premises for which new connection is being sought or in the absence of any proof of ownership or occupancy, any other address proof not given as part of identity proof under (1) above. For new connections beyond the specified load, and modification of existing connection, the Commission shall explicitly specify the documents required to be submitted with the application.

In this instant case, the Forum noted that the consumer name and style is M/s Bombay Textile bearing Consumer No. D2/2019 (Commercial). The consumer had applied for modification/conversion from single phase to three phase connection due to expansion of business and accordingly submitted



land record (Form-F), shop registration certificate (Form (B), Aadhaar Card as ID proof. However, NOC has not been attached from the land owner due to the death of the land owner, hence, he approached the Forum for redressal of her grievance.

The Forum further observed the Order passed by the **Hon'ble Court of the Civil Judge Junior Division-I at Port Blair under Title Suit 16/2017 in the matter of M/s Bombay Textile - vs - Laxmi Narayan** that the case is under sub-judice, which was filed by the complainant consumer against U/o 29, Rule 1 & 2 of C.P.C.

The Forum perused the documents presented before the Forum by the complainant consumer, in which the name and style of the shop is mentioned as M/s Bombay Textile: -

- (1) Shop Registration Certification (Form-B) registered on 14/09/2017 and the same was valid from 15/09/2024
- (2) BSNL Landline bill for the month of 11/2023 bearing No. 03192245325.
- (3) Old Rent Receipt from the land owner vide No. 425 dated 04/03/1990. (the case is sub-judice).

In this instant case, **under Section 5.30 (7) & (8) of JERC Regulation No. 23/2018 (Electricity Supply Code)** should be execute in which it is clarified that if the consumer is unable to produce NOC from the owner of property for obtaining a connection, a separate Indemnity Bond shall be executed in favour of the Distribution Licensee in the form prescribed by the Distribution Licensee, read as: -

5.30 (7) An applicant who is not an owner but an occupier of the premises shall, along with any one of the documents listed at (1) to (6) above, also furnish a No Objection Certificate from owner of the premises:

Provided that where an applicant, who is lawful occupier of the premises, is a tenant or a leaseholder and is unable to produce the No Objection Certificate from owner for obtaining a connection, a separate Indemnity Bond shall be executed in favour of the Distribution Licensee in the form prescribed by the Distribution Licensee.

(8) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the Licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises only for the purpose of releasing electricity connection and not for any other purpose:

Provided further that the electricity bill shall be only for electricity supply to the premises occupied by the consumer and shall not be treated as having rights or title over the premises.



The Forum comes to the conclusion that the name and style of the consumer is M/s Bombay Textile, bearing consumer number D2/2019 (Commercial). The consumer had applied for increasing the connected load from single phase to three phase due to expansion of business but failed to submit NOC from the land owner due to death of the owner of the property. However, he presented the order passed by the Hon'ble Court dated 12/09/2018 in the Court of Hon'ble Civil Judge Junior Division under Title Suit 16 of 2017 which is under sub-judice. The Respondent(ED) failed to increase the connected load due to requirement of NOC from the land owner.

The Forum considered the circumstances of the case and the supporting documents presented before the Forum are satisfied and genuine. Further, the present connected load is above 5 kW, which is not permissible for single phase connection as per Regulation, therefore the Forum directs the Respondent(ED) to modify the connected load from single phase to three phase connection bearing A/c No. D2/2019 (Commercial) in the name and style of the consumer M/s Bombay Textile **under Section 5.30 (7) & (8) of JERC Regulation No. 23/2018** and rest of the terms and condition remains same.

Further, it is clear that release of electricity connection to the applicant will not confer any right or equity in favour of the trespasser/encroacher/occupier to default the title of the lawful owner and shall not be treated as having rights or title over the premises, which was mentioned in JERC Regulation No. 23/2018 (Electricity Supply Code).

Hence,

It is Ordered:

After detailed deliberations, submissions and documents produced before the Forum, and on the basis of the observation so reached, the following Order is passed:-

1. The Respondent/Licensee (ED) is directed to provide the form of Indemnity Bond prescribed by the Licensee (ED), immediately **as per JERC Regulation No. 23/2018 under Section 5.30 (7)**.
2. The complainant consumer i.e. M/s Bombay Textile is directed to collect the prescribed form of Indemnity Bond from the office of the Respondent/Licensee (ED) immediately, and submit to the concerned AE alongwith the format prescribed in **Annexure VII** to this Supply Code and relevant documents for modification of single phase connection to three phase connection, immediately.
3. The Respondent/Licensee (ED) is directed to modify the existing connection bearing consumer No. D2/2091 (Commercial) in the name and style M/s Bombay Textile from single phase to 3 phase connection as per **JERC Regulation No. 23/2018 under Section 5.30 (7) & (8)**, within 15 days after collecting the prescribed form with relevant documents as stated above at Sl. No. 2.



4. The Respondent/Licensee (ED) is directed to comply the **JERC Regulation No. 23/2028 under Section 5.135, 5.136 & 5.137** against '**Interest on Security Deposit and Review of Security Deposit**' after modify the existing connection from single phase to 3 phase connection bearing consumer No. D2/2091 (Commercial).
5. Further, it is clear that release of electricity connection to the applicant will not confer any right or equity in favour of the trespasser/encroacher/occupier to default the title of the lawful owner and shall not be treated as having rights or title over the premises, **as per JERC Regulation No. 23/2018**.
6. The Respondent/Licensee(ED) is directed to conduct a drive to update the connected load of the electricity consumers by giving a definite time period for self disclosure by the consumer or to update the connected load by field staff on war foot basis, as connected load are increased by many consumers without any intimation to the Respondent/Licensee (ED), which also results in revenue loss to the Government in terms of collection as fixed charges which are calculated on the basis of connected load only.
7. The Respondent/Licensee (ED) is directed to send a written '**demand note**' for want of documents, estimate charges of work or whatsoever is require timely on receipt of any application received from the complainant/consumer **as per JERC Regulation No. 23/2018**, which has not been done in this instant case.
8. The Respondent/Licensee (ED) is directed to issue a '**Circular**' to all EEs, AEs and JEs for monitoring the connected load of all consumer **under Section 5.115 of JERC Regulation No. 23/2018** and if the maximum demand was recorded to be in excess of contract demand by 5% or more for at least four times during the last financial year, accordingly, issue a 30 days' notice to the consumer for submitting an application form for enhancement of load, which has not been done in this instant case.
9. 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. 26/2019 under Clause 27(1). **Further, from SL No. 1, 3, 4, 6 & 8 of the above said directions of compliance should be provide with supporting documents, if any.**
10. 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 the Commission and accordingly liable for action under Section 142 of the Electricity Act 2003.



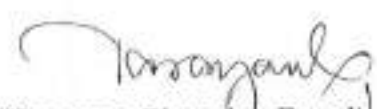
11. The complainant shall not be harassed overtly or covertly in any manner whatsoever in future for exercising his right by availing the redressal within his jurisdiction.

"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 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), 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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