

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

Before:

Smt. Biji Thomas, Independent Member (JERC Nominated).

In the matter of:

Shri. Casper James, S/o Late Musta James, R/o Chouldhari, Sri Vijaya Puram.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/C.G. No. 53/2025 dated 20/03/2026.
Complaint : New Connection (Domestic 3 phase)
Date of Hearing : 30/03/2026
Date of Order : 02/04/2026

ORDER

Background

The complainant filed a complaint vide R.D. No. 1590 dated 20/03/2026 regarding New Service Connection (Domestic).

The complaint was registered as ANI/C.G. No. 53/2025 and forwarded on 20/03/2026 vide letter No. ANI/CGRF/10-440/1022 to the Nodal Officer (CGRF), Executive Engineer (SAD) and Assistant Engineer-IV, Electricity Department hereinafter the respondent for submitting reply/comments and for attending the Hearing fixed on 30/03/2026 at 11:00 a.m. in the Electricity CGRF Building at Horticulture Road, Haddo, Sri Vijaya Puram along with relevant documents to depose before the Forum. A copy of this letter was also endorsed to the complainant for attending the Hearing on 30/03/2026 at 11.00 a.m.

The Respondent didn't submit reply/ para-wise comments, which is a violation of JERC Regulations and hereby directs the respondent not to repeat in future complaints and strict compliance accordingly.





Hearing on 30/03/2026

The Hearing was held on 30/03/2026 in the Hearing Hall, Electricity CGRF at 11:00 a.m. The following were present: -

- (i) Shri. Casper James, Complainant.
- (ii) Shri. Mohammed Ali, Asst. Complainant.
- (iii) Shri. J. Jaya Kumar, AE (NO), Elect. Dept.
- (iv) Shri. Suresh Kumar, AE (C/D), Elect. Dept. – **Absent.**
- (v) Shri. Rahul Rai, JE, Elect. Dept.

Statement of the Complainant

The complainant stated in his complaint letter dated 20.03.2026 that “I, Shri. Casper James S/o Late. Musta James, resident of Chouldari, South Andaman, beg to submit the following:

That I have entered into an agreement dated 22nd day of February 2020 with Shri Mohammed Ali S/o E.P. Kunju Kammu, for purchase of a constructed 3 BHK duplex villa along with land situated at Chouldari under Tehsil Ferrargunj (Enclosure-I). As per the terms of the agreement, I have made full and final payment to Shri Mohammed Ali, including arranging funds through a bank loan (Enclosure-II). Presently, undersigned is legal occupier of the house and my family is residing in the said house which may be verified by your end please.

It is submitted that Shri. Mohammed Ali had applied for a three-phase domestic electricity connection, and all required formalities have been completed, including deposit of security amount with the concerned authorities. Consequent to purchase of the property, undersigned submitted security deposit vide Acc No 003234051101822 dt 21.08.2023 for an amount of Rs. 22572/- on behalf of Shri. Mohammed Ali (Enclosure-III).

However, even after completion of all procedures and repeated requests, the concerned Electricity Department has failed to release the electricity connection.

It is further submitted that since the after completion of house since 2023 and completion of all formalities & deposit of security amount to the department, I have been deprived of electricity connection for the past nearly three years, causing severe hardship and inconvenience, despite having fulfilled all obligations from my side.

I am also regularly paying EMI towards the bank loan taken for the said property.

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In view of the above, I humbly request that the concerned Assistant Engineer, Chouldari Sub-Division, may kindly be directed to:

- *Release the electricity connection at the earliest, and*
- *Provide necessary electricity supply (current) to the premises without further delay.*

I shall be grateful for your kind intervention in this matter.”

The complainant enclosed photocopies of Sale Agreement dated 22.02.2020, SBI's Home Loan Certificate dated 24/12/2025, Security Deposit dated 21.08.2023 in the name of Shri. Mohammed Ali and Aadhaar card as ID proof, which is kept in the case file **(Exbt. -1)**.

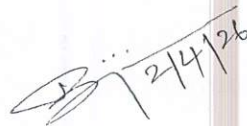
Reply of the Respondent

The Respondent didn't submit any para-wise comments, except for an authorized officer of the concerned division submitted letter dated 23/03/2026 alongwith Advocate Notice dated 05/06/2025, Court Order dated 23/10/2024 and 24/04/2025, which is kept in the case file. **(Exbt.-2)**.

Submission of the Complainant

The complainant submitted that he had legally purchased the said 3 BHK duplex villa along with land bearing survey No. 310/1/1 & 310/1/2, measuring an area 200 sq.mtrs situated at Chouldhari under Ferrargunj Tehsil from the promoter Shri Mohammed Ali through an Agreement dated 22nd February 2020. He stated that the entire sale consideration had been paid, including funds arranged through a housing loan from State Bank of India, and that he is currently in lawful and settled possession of the property, where he resides with his family. He further stated that the promoter had already applied for a three-phase domestic electricity connection and completed all necessary formalities, including depositing the required security amount of Rs. 22,572/- on 21.08.2023 at Andaman & Nicobar State Co-operative Bank Ltd. with the respondent.

Despite fulfilling all obligations and making repeated requests, the complainant alleged that the respondent has failed to release the electricity connection. He emphasized that the lack of electricity supply for nearly three years has caused severe inconvenience and hardship, particularly as he continues to repay a bank loan for the property. Accordingly, he requested the Forum to direct the respondent to release the electricity connection and provide uninterrupted supply to the premises at the earliest.



Submission of the Respondent

The respondent submitted that the complainant has not applied for a three-phase domestic electricity connection at Chouldari Sub-Division office. He further intimated about an-interim dated 24/04/2025 passed by the Ld. Joint Civil Judge Senior Division, Port Blair wherein stated that *“to maintain status quo as regards nature, character, possession of the suit property in the Schedule-B of the injunction application till disposal of the suit”*.

The respondent contended that no official record exists to support the complainant's claim. The respondent requested the Forum to direct the complainant to submit a fresh application for a three-phase domestic electricity connection along with all necessary documents in accordance with the provisions of the JERC Regulations, 2018.

Forum's Observation

The Forum observes that the present complaint pertains to a case wherein the complainant had entered into a purchase agreement dated 22nd February 2020 with Shri Mohammed Ali, Promoter and Proprietor of IMFC, for acquisition of a constructed 3 BHK duplex villa at Chouldhari, Ferrargunj Tehsil. However, it is noted that the complainant has not applied for a new electricity connection till date.

The Forum further observes that the Promoter and Proprietor of IMFC, Shri Mohammed Ali, had applied for a new electricity connection for the said premises and deposited the requisite security amount of Rs. 22,572/- on 21/08/2023 at Andaman & Nicobar State Co-operative Bank Ltd. In the instant case, it is evident that the application for electricity connection was initiated by the promoter and not by the complainant, despite the execution of the purchase agreement in the year 2020. This indicates that the responsibility for obtaining the electricity connection was initially undertaken by the promoter. In this regard, as per the provisions of the **JERC Electricity Supply Code Regulations, 2018**, relating to **security deposit and its refund**, any amount collected where the connection has not been released is liable to be refunded along with applicable interest, as specified by the Commission.

The Forum observes that the Respondent has submitted the reason for non-providing of a new electricity connection to Shri Mohammed Ali is due to the existence of court injunction orders dated 21/08/2023 and 24/05/2024, wherein both parties have been directed ***“to maintain status quo as regards the nature, character, and possession of the suit property described in Schedule-B of the injunction application till disposal of the suit”***.

It is further noted that the matter is **sub judice in the case of Mrs. Mamta Agarwal vs. Shri Mohammed Ali**. The Forum also takes note that



disputes have arisen between the said parties regarding **“violation of the terms of agreement, and it has been alleged that a cheque issued by Shri Mohammed Ali was dishonoured due to insufficient funds”**.

The Forum observes that in the instant case, the complainant, Shri Casper James, has purchased the constructed 3 BHK duplex villa from Shri Mohammed Ali through a housing loan obtained from SBI, and the complainant has submitted the relevant bank loan certificate in support of his claim. However, no material has been placed on record to establish that the electricity connection was applied by the complainant Shri. Casper James as on date but indirectly availing power supply of the promoter Shri. Mohammed Ali bearing Consumer No. V2/2187.

The Forum notes that although a civil dispute exists between Mrs. Mamta Agarwal and Shri Mohammed Ali, **the complainant Shri Casper James is a subsequent purchaser who acquired the property in 2020, before the court case and its subsequent interim orders passed in 2023 and 2025, and he is in occupation of the said premises**. He is enjoying electricity connection from nearby premises of Mr. Mohammed Ali bearing consumer No. V2/2187.

The Forum further observes that **the complainant is not a party to the said proceedings, and no material has been placed on record to establish any direct or indirect involvement of the complainant in the said dispute**. Therefore, the complainant cannot be held bound by the inter se disputes of the said parties, and his right to seek an electricity connection as an occupier of the premises cannot be denied on this ground alone, subject to compliance with the provision of clause 5.30(7) of JERC Electricity Supply Code Regulation, 2018. **The Forum is of the considered view that the complainant is entitled to seek an independent electricity connection in his own name.**

It is further noted that the **Article 21 of the Constitution of India** states that the Electricity is not explicitly mentioned in the Constitution, **but courts have increasingly treated it as part of the right to life:**

- Electricity is essential for basic living (lighting, water supply, cooking support), Health (hospitals, medicines) and Education and livelihood.
- Courts (including High Courts in various judgments) have held that **“the access to electricity is part of a dignified life under Article 21 and specifically Arbitrary denial of electricity can violate fundamental rights”**.

The Forum further holds that denial or non-processing of an electricity connection on the ground of pendency of a civil dispute between third parties, to which the complainant is neither a party nor shown to have any direct or

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indirect involvement, is not justified under the provisions of the Electricity Supply Code, 2018. As such, the complainant cannot be held bound by the inter se disputes between the said parties. **Accordingly, the right of the complainant to seek electricity supply as an occupier of the premises cannot be denied on this ground alone.** Article 21 of the Constitution of India does not explicitly mention electricity; however, courts have increasingly treated it as an integral part of the right to life. Electricity is essential for basic living (lighting, water supply, and cooking support), health (hospitals and medicines), as well as education and livelihood. **Courts, including various High Courts, have held in several judgments that access to electricity forms part of a dignified life under Article 21, and that arbitrary denial of electricity can amount to a violation of fundamental rights.** However, such entitlement shall remain subject to compliance with the procedural requirements prescribed under the Electricity Supply Code, 2018, **and shall not contravene any specific directions of the Hon'ble Court with regard to maintenance of status quo.**

The Forum inspected the site on 27/03/2026 and it was found that the complainant is residing in the said premises along with his family and he is enjoying electricity from the nearby premises of Shri Mohammed Ali, the Promoter, from whom the said property was purchased, through Consumer No. V2/2187. **The Forum notes that such extension of supply from another consumer's connection is irregular and not permissible under the provisions of the Electricity Supply Code Regulation, 2018 and at this stage the power supply so enjoyed by the complainant if removed would affect his basic human rights in-line with the constitutional rights and freedom.**

In the instant case, providing electricity supply to the complainant will, in no way, disturb the **status quo** of the premises in question. The 3 BHK duplex villa already has an existing electricity connection and other necessary utilities. **The supply of electricity through wire will not change any structural structure in-tune with nature and character of the suit property.**

The Forum therefore considered it appropriate to balance the interests of both the administrative authorities and the complainant by allowing the electricity connection subject to certain safeguards and undertakings.

In the event that any judicial order is issued in the future, the consumer shall be legally bound to strictly comply with and act in accordance with the order so passed by the Hon'ble Court.

The Forum clarifies that the release of the electricity connection shall not confer any right, title, or equity upon the Complainant, if he/she is found to be a trespasser, encroacher, or unauthorized occupier, nor shall such

connection be construed as recognition of ownership or legal title over the premises.

Hence,

It is Ordered:

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

1. The Forum directs the complainant to submit a fresh application, either online or offline along with occupancy proof, indemnity bond, and other required documents **as per Clause 5.30 (7) of JERC Electricity Supply Code Regulation, 2018**, and the respondent shall accordingly process and release the connection after completion of all codal formalities.
2. It is made clear that grant of electricity connection shall not confer any ownership rights upon the Complainant. In case of any verdict in future, the consumer shall be legally bound to strictly comply with and act in accordance with the order so passed by the Hon'ble Court, and the Respondent shall be at liberty to take appropriate action, including disconnection of supply, in accordance with applicable laws and regulations.
3. The Forum direct the Respondent to ensure that **Consumer No. V2/2187** is used strictly for the sanctioned premises. **After release of electricity connection to the complainant**, the Respondent shall **serve notice to the said consumer for assessment and upgradation of connected load**, and accordingly **revise the security deposit** as per the provisions of the Electricity Supply Code Regulation, 2018.
4. The Forum directs the Respondent that the security deposit amount of **Rs. 22,572/- deposited by Shri Mohammed Ali on 21/08/2023** shall be **refunded to the concerned depositor along with applicable interest**, as per the provisions of the JERC Electricity Supply Code Regulations, 2018.
5. The Forum further directs that while processing and releasing the electricity connection, the Respondent shall ensure that the directions of the Hon'ble Court in the case of **Mrs. Mamta Agarwal vs. Shri Mohammed Ali**, particularly with regard to maintaining **status quo** over the suit property, are not violated in any manner. The Respondent shall act cautiously and ensure that grant of electricity connection does not alter the nature, character, or possession of the property.

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6. The Forum directs the Nodal Officer (CGRF) to strictly comply with the provisions of **Clause 24(2) of JERC Regulation No. JERC-31/2024** by ensuring timely submission of reply/para-wise comments in all future complaints, which has not been complied with in the instant case.
7. The complainant is advised to install an Earth Leakage Protective Device (ELPD) to ensure electrical safety within the premises.
8. The Respondent is directed to submit **compliance report within 15 days** from the date of receipt of this order as per JERC Regulation No. 31/2024.
9. 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.
10. 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.
11. The Case is closed with specific directions to the Complainant and the Respondent.

"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 (Respondent), Executive Engineer (SAD), Nodal Officer (CGRF), Assistant Engineer-IV, 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

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