

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:

Smti. Krishna Sarkar, R/o Prem Nagar, Sri Vijaya Puram, South Andaman.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/348/24-25/25 dated 19/09/2024.
Complaint : Reconnection bearing Consumer No. B/2217(Commercial)
Date of Hearing : 26/09/2024
Date of Order : 03/10/2024

ORDER

Background

The complainant Smti. Krishna Sarkar, R/o Prem Nagar, Sri Vijaya Puram, South Andaman, filed a complaint vide R.D. No. 762 dated 19/09/2024 regarding resume of electricity supply of energy meter A/C No. B/2217 (Commercial).

The complaint was registered as Case No. 348 and forwarded on 20/09/2024 vide letter No. ANI/CGRF/10-348/478 to the Nodal Officer (CGRF), EE(HQ) and AE-I(HQ), Electricity Department for submitting reply/comments and for attending the Hearing fixed on 26/09/2024 at 10:30 a.m. in the Hearing Hall of the Electricity (CGRF), A&N Islands, Horticulture Road, Haddo, Sri Vijaya Puram with relevant documents to depose before the Forum. A copy of this letter was also endorsed to the complainant for attending the Hearing on 26/09/2024 at 10.30 a.m.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/2024/543 dated 25/09/2024 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum vide R.D No. 776 dated 25/09/2024 (the letter is kept in case file) (*Exbt. -1*).



Hearing on 26/09/2024

The Hearing was held on 26/09/2024 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Smti. Krishna Sarkar, Complainant.
- (ii) Shri. A. Pandian, Auth. Complainant.
- (iii) Shri. Bikash Sarkar, Asst. Complainant.
- (iv) Shri. Deepak Mondal, AE-II, Elect. Dept.
- (v) Shri. Anuj Kishen, JE, Elect. Dept.
- (vi) Shri. Avijit Nandi, LMMR.

The complainant submitted a letter dated 26/9/2024 authorized Shri. A Pandian to appear before the Hon'ble Forum.

Statement of the Complainant

The complainant Smti. Krishna Sarkar, R/o Prem Nagar, Sri Vijaya Puram, South Andaman stated in her complaint letter dated 19.09.2024 that "I am running a PAN Shop from last 12 years and the electric meter was providing in the name of Ansari Ali Biswas.

On 29.01.2022, the major fire accident was occurred in which on safety guard my electric line was disconnected by the Electricity Department. Later it was not reconnected, I approached from time to time near Prem Nagar Site Office, Electricity Department wherein informed me to apply new connection due to consumer i.e., Ansari Ali Biswas who was left from Port Blair to Kolkata.

Later, I approached for new connection through earlier in which I received AE-I's letter dated 02.11.2023 stated that my application was forwarded to Tehsildar, Port Blair for confirming "Settle Possession" which was mentioned at Sl. No.11.

Under these circumstances, my application was still pending more than a year and now I got an information through Mr. Dipak Mondal who was an adjacent shop owner get electric connection through Hon'ble CGRF, A & N Islands.

In this regard, I request to your goodself kindly look into the matter and provide new connection at the earliest.

I am enclosing, AE's letter dated 02.11.2023, Aadhaar Card, Certificate (Food Safety & Standard, Authority of India) with Ration Card for your kind perusal."

The complainants enclosed photocopies of application no. 17842 dated 12/10/2023, letter to the Tehsildar, Registration certificate, Affidavit, Ration card, payment receipt and Aadhaar card as ID proof, which is kept in the case file (Exbt. -2).



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)/2-16/2024/543 dated 25/09/2024 forwarded the letter of AE-I(HQ) vide his letter No. EL/AE/SD-I/HQ/24-10/2024/565 dated 24/09/2024 stated that:

1. "The applicant Smti. Krishna Sarkar, W/o Shri. Bikash Sarkar, applied for domestic single phase electric connection vide application No. 17842 dated 12.10.2023. The applicant in its affidavit submitted that he have encroached a piece of Govt. Revue land bearing Survey No. 110/2 at Junglighat. The applicant attached following documents:

- a) Affidavit
- b) Declaration/ Undertaking
- c) Undertaking
- d) Aadhar of the Applicant.

2. The Andaman & Nicobar Administration Circulated a Circular No. 4-3/21/2015-Power dated 09.10.2023 (Enclosure- 1) stating:

Quote

a) "The applicant must be residing in encroached revenue land only and shall not be applicable for encroached forest area as per Order dated 07.05.2002 issued by Hon'ble Supreme Court of India in IA No. 502 in WP (C) No. 202 of 1995.

b) The applicant must not be a Government Servant.

c) Electricity shall be provided only for Domestic Purpose, whereas application for commercial/industrial activity under encroached land shall not be entertained. d) Procedure for issuance of new connection: -

i) The applicant must submit application for new connection in the prescribed form for new connection along supporting document (identity proof) and affidavit (to be submitted in Rs. 5/- Non-judicial Bond Paper affixed with photograph to be executed either before Executive Magistrate or Notary Public) declaring that the electric connection shall not confer any right, title & interest on the land in question (Copy of draft affidavit at Schedule A).

ii) "The application shall be provisionally accepted and the application shall be forwarded to the concerned revenue authority for confirmation whether the applicant is in "settled possession" or not (as defined in the Judgement of Hon'ble Supreme Court of India in case of Poona Ram - vs- Moti Ram (D) THLRS. && Ors in connection with Civil Appeal No. 4527 of 2009)"

iii) After confirmation from the concerned revenue authority, the application shall be formally accepted and processed further in accordance to the JERC (Electricity Supply Code) Regulation, 2018"

3. As per the above Circular this office submitted the letter No. EL/AE/SD-1/HQ/5R. 3/2023/556 dated 02.11.2023 (Enclosure-2) to the Tehsildar, Sri

Vijaya Puram for confirmation of "settled possession" of the applicant on the abovementioned land.

In response to our letter seeking confirmation of settled possession report of the applicant from the revenue authority. the Tehsildar, Sri Vijaya Puram, submitted his reply vide letter No. G27/TPB/2024/61 dated 08.01.2024 (Enclosure-3) stating "In this regard, it is to inform you that revenue department under Andaman & Nicobar Island and Land Revenue and Land Reforms Regulation, 1966 of strongly condemn any encroachment on government land and the granting of electrical connections to individuals who claim ownership of such land."

4. As no settled possession report received from the revenue authority as per the circular No 4-3/21/2015-Power dated 09.10.2023 and the applicant has not submitted the document as per JERC Regulation 2018 Clause 5.30 so electric connection to the applicant was not provided.

5. Further the forum also directed to submit all documents pertaining to new connection along with consumer profile in respect of Shri. Ansari Ali Biswas bearing Consumer No. B/2217 (Commercial) from 01/2022 to till date.

As directed by the forum the following documents are submitted by the Junior Engineer Prem Nagar site office, please:

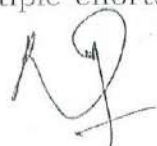
- a) New connection file of A/c No. - B/2217(0f pages)
- b) Meter reading book 2022-23 and 2023-24 (02 pages).
- c) Consumer Ledger sheet January 2022 to February 2024 (02 pages).
- d) Notice dated 09.12.2023 & 09.02.2024 (02 pages)

It is to noted that Shri. Ansari Ali Biswas obtained the connection in the year 1996 on the land bearing survey No. 110/2 at Junglighat. The land belongs to Shri. Dori Lal and the electricity connection was provided on basis of "No Objection Certificate" submitted by Shri. Dori Lall for providing electric connection to Shri. Ansari Ali Biswas.

The AE(W/shop) submitted photocopies of the Assistant Secretary (Power)'s circular dated 09.10.2023, letter to the Tehsildar through AE-I(HQ), Tehsildar's reply letter, complainant's application, complainant's affidavit, undertaking, declaration, meter reading copies, consumer ledger, Notice served to the consumer, complainant's old correspondences and Aadhaar card, which is kept in the case file (Exbt. -3).

Submission of the Complainant

The complainant, Krishna Sarkar, stated that she has been running a PAN shop for over 12 years. The electricity connection for the shop was initially in the name of Ansari Ali Biswas. Following a significant fire incident on 29.01.2022, which occurred near to the complainant's shop and the respondent temporarily disconnected the complainant's connection considering safety aspects. Despite multiple efforts made by the complainant



to have the connection restored, the department did not reconnect the supply. Since the original consumer Ansari Ali Biswas who left Sri Vijaya Puram after executing an agreement with the complainant on 15/3/2012. From then the complainant has been running the shop for the last 12 years and continuing. The respondent misguided the complainant to submit fresh application for domestic connection instead of submitting ownership document for change of name in the records of the department.

Smti Krishna Sarkar subsequently applied for a new connection, but the process has been delayed. On 02.11.2023, a letter from the Assistant Engineer (AE-I) indicated that the application had been forwarded to the Tehsildar, Port Blair, for confirmation of "Settled Possession." However, more than a year has passed without any solution. The complainant also cited the case of a neighboring shop owner, Dipak Mondal, who was able to secure a new connection through the CGRF, A & N Islands, and based on the same the complainant approached CGRF for obtaining a favorable order on the issue.

Submission of the Respondent (Licensee)

The Electricity Department responded by stating that the complainant, Smti Krishna Sarkar, had applied for a new domestic electricity connection under application No. 17842, dated 12-10-2023. The original connection had been registered under the name of Ansari Ali Biswas but was temporarily disconnected due to a fire accident in the area. The department noted that due to the non-payment of outstanding dues, the connection was permanently dismantled on 20.02.2024.

The new connection application of the consumer remains pending, with the necessary verification of "**Settled Possession**" report still awaiting confirmation from the Tehsildar's office.

Forum's Observation

The Forum observed that the connection issued in the name of Shri Ansari Ali Biswas was used by the complainant with effect from 15/3/2012 based on an agreement signed between complainant husband Shri. Bikas Sarkar. As per the statement and submission of the complainant the original consumer Ansari Ali Biswas who left from Sri Vijaya Puram to Kolkata and the same connection was enjoyed by the complainant alongwith her husband till 29/3/2022. Considering the safety aspect the department temporarily disconnected the connection due to a fire accident which occurred near the complainant's shop is in order. Due to non-payment of arrears and disconnection continued for more than six months the Respondent(ED) issued a Notice on 9/12/2023 and on 9/2/2024 stating that the reconnection may be requested within one month on receipt of this notice failing which your connection may be dismantled permanently as per clause 23(d) of Andaman



Nicobar Administration notification dated 23/09/1983 without serving further notice. Based on the above notice the Respondent(ED) dismantled the connection and removed meter and allied items. The complainant approached the Respondent(ED) several times for reconnection, the department mislead the consumer for applying new domestic connection instead of changing ownership. And the procedure adopted for dismantling the connection was not as per the Supply Code 2018 issued by JERC and the security deposit was still with the Respondent(ED). Since the respondent is still maintaining security deposit submitted by the consumer the Forum observed that, due to lapse of procedure adopted by the department and based on the document submitted by the consumer a lenient view on complainant request for the old connection may be reviewed and reconnected immediately in the name of Shri. Bikas Sarkar, husband of the complainant since the agreement was made between Shri. Ansari Ali Biswas and Shri. Bikas Sarkar, after collecting all dues and arrears. The connection may be continued until any eviction procedure is carried out by the competent authority including the landlord. The connection so released to the complainant doesn't confirm any legal right to the property.

Hence,

It is Ordered:

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

1. The Respondent/Licensee (ED) is directed to revive the old connection and reconnect immediately after collecting all dues and arrears and observing all codal formalities mentioned in Supply Code 2018.
2. The Respondent/Licensee (ED) is directed to transfer the revival connection in the name of Shri. Bikas Sarkar, since the shop was transferred to Shri. Biskas Sarkar by Shri. Ansari Ali Biswas as per the agreement dated 15.03.2012.
3. The Respondent/Licensee(ED) is directed that the connection may be continued until any eviction procedure is carried out by the competent authority including the landlord. The connection so released to the complainant doesn't confirm any legal right to the property.
4. The complainant is instructed to install Earth Leakage Protective Device (ELPD) in the wiring to prevent any further leakage and fire hazards and safety of equipment's in the premises



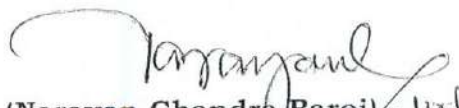
5. The Respondent/Licensee (ED) is directed to follow the directions of **JERC Regulation No. 23/2018 (ESC) and No. 19/20/2015-JERC/1680 dated 27/05/2024 (SOP for Distribution Licensees)** for providing **re-connection** as per norms/guidelines.
6. The Respondent/Licensee (ED) is directed to submit **compliance report within 15 days** from the date of receipt of this order as per JERC Regulation No. 26/2019 under Clause 27(1). **Further, Sl. No. 1 to 5 of the above said directions should implement and submit compliance report with supporting documents, if any under intimation to the consumers.**
7. 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.
8. 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.

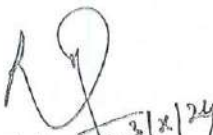
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Udyog 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. Ravichandrar)
Chairman
Electricity CGRF

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