

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.

In the matter of:

Shri. P. Polaiah, S/o P. Bikari, 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. 30/2024 dated 27/09/2024.
Complaint : Providing New Connection (Domestic)
Date of Hearing : 08/10/2024
Date of Order : 10/10/2024



ORDER

Background

The complainant Shri. P. Polaiah, S/o P. Bikari, R/o Haddo, Sri Vijaya Puram, South Andaman, filed a complaint vide R.D. No. 784 dated 27/09/2024 regarding new electricity connection (Domestic).

The complaint was registered as C.G. No. 30/2024 and forwarded on 27/09/2024 vide letter No. ANI/CGRF/10-353/490 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 08/10/2024 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 08/10/2024 at 10.30 a.m.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/2024/550 dated 03/10/2024 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum vide R.D No. 795 dated 03/10/2024 (the letter is kept in case file at **Exbt. -1**).

Hearing on 08/10/2024

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

- (i) Smti. P. Polaiah, Complainant.
- (ii) Shri. Naveen Lall, AE-I(HQ), Elect. Dept.
- (iii) Shri. Rajesh Kumar Singh, JE (Haddo), Elect. Dept.
- (iv) Shri. Bijay Mohan Sutradhar, C/Man, Elect. Dept.

Statement of the Complainant

The complainant Shri. P. Polaiah, S/o P. Bikari, R/o Haddo, Sri Vijaya Puram, South Andaman stated in his complaint letter dated 27.09.2024 that *"I am writing to respectfully request your intervention in providing an electric tap connection at my residence, which is situated at Haddo Ward No. 1. near Laltha Singh Ground, opposite the Post Office in Haddo. My residence is located on encroached land, and attached to it is a small shop that is the primary source of livelihood for my family. The shop is located nearby a temple, and we earn our daily income from it.*

In this regard, I have applied for a commercial electric meter connection online on 20th October 2023, vide Online Application No. 18055. However, despite the passage of a considerable amount of time, we have not yet received the connection. This delay has caused significant inconvenience, as the lack of electricity is hampering both our personal lives and our ability to run the shop.

I kindly request you to take necessary action to expedite the process and provide the connection at the earliest. Your cooperation in this matter would greatly assist in ensuring that we can continue to sustain our livelihood. Thank you for your attention and assistance. I look forward to a positive response at the earliest."

The complainant enclosed photocopies of online application form bearing No. 18055 dated 20/10/2023, Ration Card and Aadhaar Card, which is kept in the case file **(Exbt. -2)**.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer-I (HQ) submitted para-wise comments on behalf of the Respondent/Licensee (ED) vide letter No. EL/AE/SD-I/HQ/25-3/2024/602 dated 03/10/2024 stated that:

1. *"The applicant Shri. P. Polaiah, S/o P. Bikari, R/o Haddo, Near Laltha Singh Ground, applied for domestic single phase electric connection vide application No. 18055 dated 20.10.2023 with the following documents.*

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

The Andaman & Nicobar Administration Circulated a Circular No. 43/21/2015-Power dated 09.10.2023 (Enclosed) 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 LA No. 502 in WP (C) No. 202 of 1994.
- 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 i 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 Judgment of Hon'ble Supreme Court of India in case of Poona Ram - Vs - Moti Ram (D) TH.LRS. & 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.

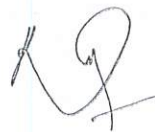
Unquote

For providing electric connection as per JERC Regulation 2018, Clause 5.30 is reproduced below:

Quote

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/ khatanakal;
- 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 alongwith 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 License in the form prescribed by the Distribution License.

- 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.

Unquote

As directed by the Forum the following documents are submitted please.

1. Online application No. 18055 dated 20.10.2023
2. Circular No. 4-3/21/2015-Power dated 09.10.2023.
3. Application rejected remarks (Enclosed).

The application was rejected as per the Andaman & Nicobar Administration Circulated a Circular No. 4-3/21/2015-Power dated 09.10.2023 in which it is categorically mentioned that application for commercial/industrial activity under encroached land shall not be entertained.

Hence it is requested that the complaint may not be considered please."

The AE-I(HQ), Electricity Department enclosed photocopies of complainant's online application form bearing No. 18055 dated 20/10/2023, Affidavit, Declaration/Undertaking, Undertaking, consumer bill, ledger, old correspondences, Aadhaar card and Circular dated 09/10/2023 issued by AS(Power), A&N Administration, which is kept in the case file **(Exbt. -3)**.

Submission of the Complainant

Shri P. Polaiah, a resident of Haddo, submitted an online application (No. 18055) on 20th October 2023, seeking a commercial electric connection for a shop located adjacent to his residence. The shop, which is near a temple, serves as the primary source of income for his family. Despite the timely



submission of the application, no connection has been provided, leading to significant inconvenience both in running the shop and in daily household activities. Shri Polaiah requests prompt action to expedite the provision of the electric connection.

Submission of the Respondent (Licensee)

The Respondent(ED), representing the electricity department, confirms receiving an application from Shri P. Polaiah on 20th October 2023 for a domestic single-phase connection. Despite receiving necessary documents such as an affidavit and identity proofs, the application was rejected. The rejection was based on a circular issued on 9th October 2023, which explicitly prohibits granting electric connections for commercial or industrial purposes on encroached land. As the shop falls under this category, the application could not be entertained.

Forum's Observation

The complainant, Shri P. Polaiah, resident of Haddo, near Laltha Singh Ground, has applied for a commercial electric meter connection online under application No. 18055 dated 20th October 2023. He has stated that his residence, situated on encroached land, also has a small shop nearby a temple, which serves as the primary source of income for his family. Despite applying for the connection, he has not received it, which is causing significant hardship in both his personal life and his business. The complainant respectfully requests expedited processing of the connection to alleviate the situation.

The respondent acknowledges that the complainant applied for a domestic electric connection via application No. 18055 on 20th October 2023. However, the application was rejected based on Circular No. 4-3/21/2015-Power dated 9th October 2023, which clearly states that applications for commercial or industrial activities on encroached land cannot be entertained. The Respondent(ED) further mentions that despite the complainant's submission of supporting documents such as affidavits and identity proofs, the application could not be processed due to the complainant's failure to meet the necessary criteria outlined in the circular.

The Forum observed that the complainant applied for an electric connection for a shop located near the premises of the Temple Dushigaya Sangam. The shop has been operational for the last one year, and the complainant has been paying rent to the temple committee. During inspection by the Forum and found that the premises is a RCC Double storied building with wiring completed stage and in settled possession. Currently, the shop is having supply extended from the connection issued in the name of the President of the Dushigaya Sangam (Consumer number A1/2745). However,

the Respondent(ED) denied the separate connection for the complainant due to lack of proper land records provided by the complainant.

The Forum directs the complainant to approach the department after making proper rent agreement with the temple committee and apply for a separate connection. Mean time the Respondent(ED) may inspect the premises and unauthorized extension from the existing connection may be regularized by accessing the connected load and other safety aspects.

Hence,

It is Ordered:

After detailed deliberations, submissions, site inspection 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 approach the department for a separate connection after making proper rent agreement with the temple committee as an acceptable document for proof of ownership or occupancy of premises under clause 5.30 supply code regulations 2018.
2. The Forum directs the Respondent to inspect the premises and unauthorized extension from the existing connection may be regularized by accessing the connected load and other safety aspects immediately.
3. The complainant is directed to install the Earth Leakage Protective Device (ELPD) in the wiring to further prevent any leakage and fire hazards and safety of equipment's in the premises.
4. The Respondent/Licensee (ED) is directed to give a proper '**demand note**' in writing to the application whatsoever is require against application as per **JERC Regulation No. 23/2018 under Section 5.35**, which has not been done in this instant case.
5. The Respondent/Licensee (ED) is directed to comply the **JERC Regulation No. 23/2018 under Section 5.135, 5.136 & 5.137** against '**Interest on Security Deposit and Review of Security Deposit**'.
6. 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**.



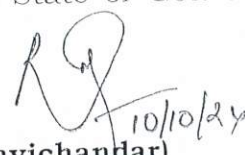
7. The Respondent/Licensee (ED) is directed to follow the **JERC Regulation No. 23/2018 (ESC) and Gazette Notification No. 19/20/2015/1680 dated 27/05/2024 (SOP)** for providing new connection as per norms/guidelines.
8. The Respondent/Licensee (ED) is directed to submit **compliance report within 15 days** from the date of receipt of this order as per JERC Regulation No. 31/2024.
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.

"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).

(Narayan Chandra Baroi)
Member (Licensee)
Electricity CGRF


(R. Ravichandrar)
Chairman
Electricity CGRF

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