

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. Manjeri Minj, D/o Shri. Bimal Minj, R/o Kodyaghat, Sri Vijaya Puram,
South Andaman.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/C.G. No. 38/2024 dated 22/10/2024.
Complaint : Reconnection of Electric supply (Domestic)
Date of Hearing : 29/10/2024
Date of Order : 06/11/2024



ORDER

Background

The complainant Smti. Manjeri Minj, D/o Shri. Bimal Minj, R/o Kodyaghat, Sri Vijaya Puram, South Andaman, filed a complaint vide R.D. No. 827 dated 22/10/2024 regarding Reconnection of Electric supply (Domestic).

The complaint was registered as ANI/C.G. No. 38/2024 and forwarded on 22/10/2024 vide letter No. ANI/CGRF/10-361/526 to the Nodal Officer (CGRF), Executive Engineer (HQ) and Assistant Engineer-III(HQ), Electricity Department for submitting reply/comments and attending the Hearing fixed on 29/10/2024 at 10:30 a.m. in the Hearing Hall of the Electricity (CGRF), A&N Islands, Horticulture Road, Haddo, Sri Vijayapuram with relevant documents to depose before the Forum. A copy of this letter was also endorsed to the complainant for attending the Hearing on 29/10/2024 at 10.30 a.m.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/2024/581 dated 26/10/2024 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum vide R.D No. 838 dated 28/10/2024 (the letter is kept in case file) (*Exbt. -1*).

Hearing on 29/10/2024

The Hearing was held on 29/10/2024 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Smti. Manjeri Kumari, Complainant.
- (ii) Shri. E.P. Shahnavaz, AE-III(HQ), Elect. Dept.
- (iii) Shri. Gurumoorthy, JE, Elect. Dept.

Statement of the Complainant

The complainant Smti. Manjeri Minj, D/o Shri. Bimal Minj, R/o Kodyaghat, Sri Vijaya Puram, South Andaman stated in her complaint letter dated 22.10.2024 that *"I am to bring to your immediate attention the unfortunate disconnection of my electricity supply under Consumer No. J1/634 in the name of Manjeri Minj, which occurred on 2nd September 2024. The disconnection was carried out by the workers of the Electricity Department at the Bird Line/Barud Gudam Site Office under the supervision of the Junior Engineer, Electricity at Prothrapur. Shockingly, this was done without any prior notice or intimation and despite having no pending electricity bills.*

On the day of the disconnection, my family was going through a personal tragedy, as my mentally ill sister passed away. The absence of electricity during such a critical time added to our grief and caused immense difficulty in arranging her funeral. This abrupt disconnection, without any valid reason or adherence to codal formalities, has caused me immense mental anguish and distress.

Despite multiple visits to the Junior Engineer's Site Office at Bird Line/Barud Gudam to resolve this issue, no action has been taken to reconnect my electricity supply. I feel completely ignored and mentally harassed by the concerned officials, who have shown no regard for the rules or my repeated requests for redress.

In light of the above, I respectfully request the following:

- 1. Immediate reconnection of my electricity supply under Consumer No. J1/634.*
- 2. Compensation for the emotional and financial distress caused by this unwarranted disconnection, particularly given the personal tragedy my family has faced.*
- 3. Accountability for the officials involved in this mishandling of my case, including those responsible for the disconnection and for delaying the reconnection despite my multiple visits.*

I trust that your office will treat this matter with the urgency and seriousness it deserves, and I look forward to your prompt action in resolving this issue."



The complainant enclosed photocopies of e-bill, payment receipt and Aadhaar and Islander card as ID proof, which is kept in the case file (Exbt. -2).

Reply of the Respondent/Licensee (ED)

The Assistant Engineer-III (HQ) submitted para-wise comments on behalf of the Respondent/Licensee (ED) vide letter No. EL/AE/PP/1-12/2024/2024/1242 dated 25/10/2024 stated that: -

"Kindly refer the Forum's letter under reference the comments submitting by this is as follow: -

The Consumer Smti. Manjery Minj, W/o Shri Vineeth was provided electric connection under consumer no J1/634 (Domestic single phase) in Govt. encroached land on basis of the following documents submitted by her for providing electric connection on Govt. encroached land.

- 1. Application requesting for NSC copy enclosed.*
- 2. An Affidavit submitted by Smti Manjery minj copy enclosed*
- 3. Action taken by the department, process completing form copy enclosed.*

A show cause notice under Section 4(1) and 4(2) of the Public Premises (Eviction of unauthorized occupants) Act 1971 Vide the Assistant Commissioner (SA) letter no. 3-46/EO/ACISA)/2023/456 dated 23.08.2024 (Encl.) in which a copy was also issued to the Executive Engineer site office Prothrapur, Electricity Department to appear on 26.08.2024 at 0400hrs.

In continuation to the above Show Cause Notice ,Order Under Section 5(1) & 5(2) A of the Public Premises (Eviction of unauthorized occupants) Act, 1971 was issued vide the Assistant Commissioner (SA) Order No. 525 dated 28.08.2024 (Encl.) and eviction of the said premises was carried out in the presence of Tehsildar, Revenue Inspector, Patwari and Police Personals and the house in which energy meter J1/634 existed was demolished on 02.09.2024, After eviction for safety of general public, animals and nearby houses the energy meter bearing Account no. J1/634 was disconnected from electric pole and the energy meter was removed and taken into account along with service wire, Cutout, etc

As the complete house was demolished, so there was no point keeping the electric connection lives, hence for safety purpose the electric connection was removed and taken into account.

Remark: Order No. 525 dated 28.08,2024 and 3-46/EO/AC(SA)/2023/456 dated 23.08.2024 was issued to Shri.Vineet, S/o C. Sukumara Pallai, R/o Kodyaghat, South Andaman for his house on Govt. Encroached land in which the energy meter bearing Account NoJ1/634 existed in the name of Smti. Manjeri Minj.



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

1. Existing file of energy meter Account no. J1/634.
2. Smart meter detail not available as J1/634 provided with static electronic meter.
3. Ledger sheet from January 2023 to till date.
4. Connected load available in Consumer file.
5. Present Earthing and neutral detail cannot be provided as no house exists.
6. Meter reading book from January 2023 to till date."

The AE-III(HQ), Electricity Department enclosed photocopies of eviction show cause notice issued by Estate Officer (Rural) to Shri. Vineet, Eviction order no. 525 dated 29.08.2024, consumer profile, consumer ledger, meter reading records, JE(PP-II)'s note and consumer's old correspondences, which is kept in the case file **(Exbt. -3)**.

Submission of the Complainant

The complainant, Smti. Manjeri Minj, has raised concerns over the abrupt and unauthorized disconnection of her electricity supply on 2nd September 2024. She asserts that this action, which was conducted without prior warning, occurred during a critical time as her family was grieving her sister's recent death. Despite her connection having no outstanding dues, the Electricity Department disconnected her service, leaving her and her family without power, which hindered their ability to manage funeral arrangements. She has made multiple efforts to address the issue with the Junior Engineer's office but has yet to see any resolution. She seeks not only an immediate reconnection but also compensation and accountability for the distress and hardship caused by this incident.

Submission of the Respondent (Licensee)

The Respondent, representing the Electricity Department, explained that the electricity connection for Consumer No. J1/634, registered under the name of Smti. Manjeri Minj, was situated on land identified as government property under encroachment. The connection was initially provided based on her application and an affidavit confirming the encroached status of the land. After a show-cause notice and subsequent eviction order were issued, officials from the Revenue and Police departments executed the order on 2nd September 2024, dismantling the property, including the electrical infrastructure. In the department's view, the disconnection was essential for public safety given the property's demolition, and the department followed all procedures in line with the eviction order requirements.



Forum's Observation

The complainant, Smti. Manjeri Minj, submitted a complaint stating that her electricity supply under Consumer No. J1/634 was disconnected without prior notice on 2nd September 2024. This disconnection, carried out by the staff of Electricity Department at the Bird Line Site Office, during a time of personal tragedy, as her mentally ill sister had recently passed away, causing significant distress. Despite her account having no pending bills, the disconnection was conducted without following necessary procedures. Repeated visits to the Junior Engineer's office seeking reconnection yielded no resolution, leading her to feel ignored and harassed by the officials. She has requested immediate reconnection, compensation for the distress caused, and accountability for those responsible for the disconnection and delay.

The Electricity Department, represented by its officials, clarified that Smti. Manjeri Minj's electricity connection (Consumer No. J1/634) was located on government-encroached land. The connection was provided based on documents submitted by the complainant, including an affidavit and application for a new service connection. Following a show-cause notice under the Public Premises (Eviction of Unauthorized Occupants) Act issued on 23rd August 2024, an eviction order was enforced on 2nd September 2024, resulting in the removal of the meter and service wire to ensure public safety. The eviction involved local authorities, and the house on the encroached land was demolished. The department maintains that it acted in accordance with safety protocols, as the electric connection could no longer remain active during the demolition.

The forum observed that the electricity connection, held under Account No. J1/634 and registered in the name of Smti. Manjeri Minj, W/o Shri. Vineet, R/o Kodyaghat under survey no 4/1 area 200 sq. mtrs was issued for a residence on encroached land. The eviction notice was issued in the name of Shri. Vineet, R/o Bedonabad, South Andaman in the unauthorized occupation of the land bearing Sy.no.15/2 total area of 19.11 hecets recorded in favour of Electricity Department which was allotted to Power Project. The respondent did not provide any valuable documents regarding process of eviction of unauthorized occupants in the allotted land of Electricity Department. Also not issued any proper notice to the original consumer based on the eviction notice issued in her husband's name, Shri. Vineeth resulted in the disconnection and removal of the meter despite having no pending dues is not in order. During site inspection it was noticed that no eviction or demolition was carried out in the said premises as mentioned in the letter dated 25-10-2024 and observed that the complainant is in the settled possession. Hence the action of the department to disconnect the supply and removal of meter, service wire, cutout etc. without proper notice to the consumer on 02-09-2024 and the disconnection done due to the statement that in the letter that after eviction for the safety of the general public, animals and nearby houses makes



contradictory. Hence the Forum directed to the respondent to reconnect/ continue the connection till the eviction is done by the competent authority because on our inspection dated 23/10/2024, it is noted that the house of Smti. Manjeri Minj is not demolished where the energy meter was installed.

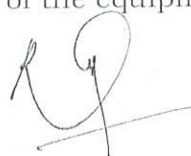
Further, release of electricity connection to the applicant will not confer any right or equity in favour of the trespasser/encroacher/ occupier to default the title of the lawful owner and shall not be treated as having rights or title over the premises, which was mentioned in section 5.30(8) of Electricity supply code Regulation 2018. Further, the department is advised to demarcate the area of the allotted land to identify whether the house of Smti. Manjeri Minj is within the allotted area of department, accordingly the department initiate further action.

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 Case is hereby closed with specific direction to the Respondent/Licensee (ED) and the complainant consumer, which is particularly noted in this instant case.
2. The Forum inspected the complainant's premises on 23/10/2024 and observed, that the complainant house is still in '**settled possession**'. Thus, the Forum directs the Respondent to provide necessary reconnection to the consumer after observing all codal formalities as per the JERC Regulation till the eviction done by the concerned competent authority.
3. The Forum advised to the department for demarcate the allotted land to identify the house of Smti. Manjeri Minj is within the area of department for taking necessary action.
4. Further, if the electricity supply is released, 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.
5. The Complainant is advised to install an Earth Leakage Protective Device to prevent any leakage and ensure the safety of the equipment.



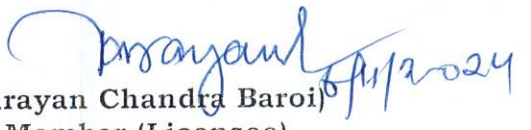
6. The Respondent/Licensee (ED) is directed to submit **compliance report within 15 days** from the date of receipt of this order as per JERC Regulation No. 31/2024.
7. As per JERC Regulation No. 31/2024 under Chapter-III of 30, non-compliance of the Forum Order shall be treated as violation of the Regulations of the Commission and accordingly liable for action under Section 142 of the Electricity Act 2003.
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.

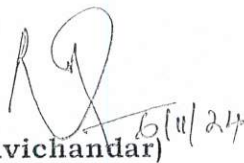
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Udyog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