

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

Before:

Shri. R. Ravichandar, Chairman.
Shri. Narayan Chandra Baroi, Member (Licensee).

In the matter of:

Smti. S. Narayanamma, W/o Late S. Bhima Rao, R/o Haddo, Sri Vijaya Puram, South Andaman.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CG No. 29/2024 dated 27/09/2024.
Complaint : Providing New Service Connection (Domestic)
Date of Hearing : 08/10/2024
Date of Order : 11/10/2024

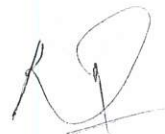
ORDER

Background

The complainant Smti. S. Narayanamma, W/o Late S. Bhima Rao, R/o Haddo, Sri Vijaya Puram, South Andaman, filed a complaint vide R.D. No. 785 dated 27/09/2024 regarding new electricity connection (Domestic).

The complaint was registered as Case C.G.No. 29/2024 and forwarded on 27/09/2024 vide letter No. ANI/CGRF/10-352/489 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 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 08/10/2024 at 11.30 a.m.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/2024/552 dated 03/10/2024 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum vide R.D No. 793 dated 03/10/2024 (the letter is kept in case file) (*Exbt. -1*).



Hearing on 08/10/2024

The Hearing was held on 08/10/2024 in the Hearing Hall, Electricity CGRF at 11:30 a.m. The following were present: -

- (i) Smti. S. Narayanamma, Complainant.
- (ii) Shri. Naveen Lall, AE-I(HQ), Elect. Dept.
- (iii) Shri. Rajesh Kumar Singh, JE (Haddo), Elect. Dept.
- (iv) Shri. Bijay Mohan Sutradhar, Chargeman, Elect. Dept.

Statement of the Complainant

The complainant Smti. S. Narayanamma, W/o Late S. Bhima Rao, R/o Haddo, Sri Vijaya Puram, South Andaman stated in her complaint letter dated 27.09.2024 that *"I am writing to bring to your attention the urgent need for an electric tap connection at my residence, which is situated at Haddo Ward No. 2, near the Thirupati Temple. My family, including my six children, is facing significant difficulties due to the lack of electricity, which has severely impacted their studies and daily routines.*

Despite 75 years of India's independence, it is unfortunate that we still struggle with such basic amenities. In this regard, I applied for an electric meter connection online, vide application number 18051, dated 20-10-2023. However, despite my application being submitted months ago, I have not yet received the electric connection.

I kindly request your good office to look into this matter at the earliest and take necessary steps to provide the meter connection to my residence. The delay is causing great hardship to my family, and I sincerely hope that my request will be addressed promptly.

Thank you for your attention to this matter. I look forward to a positive response and the early resolution of my request."

The complainant enclosed photocopies of online application form bearing No. 18051 dated 20/10/2023, Ration Card and Aadhaar Card as ID proof, 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/25-3/2024/603 dated 03/10/2024 stated that:

1. "The applicant Smti. S. Narayanamma, W/o Late. S. Bhima Rao, R/o Haddo, Near Thirupathi Temple applied for domestic single phase electric

connection vide application No. 18051 dated 20.10.2023 with the following documents follow:

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

The Andaman & Nicobar Administration Circulated a Circular No. 4-3/21/2015-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 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 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"

As per the above Circular this office submitted the letter No. EL/AE/SD-1/HQ/58-3/2023/556 dated 02.11.2023 to the Tehsildar, Sri Vijaya Puram for confirmation of "'settled possession' of the applicant on the above mention 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. G-27/TPB/2024/61 dated 08.01.2024 stating " In this regard, it is to inform you that the revenue department under Andaman & Nicobar Island 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."

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 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.

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

1. Online application No. 18051 dated 20.10.2023
- Circular No. 4-3/21/2015-Power dated 09.10.2023.
3. This Office letter No. EL/AE/SD-1/HQ/58-3/2023/556 dated 02.11.2023 addressed to Tehsildar.



4. Tehsildar, Port Blair letter No. G-27/TPB/2024/61 dated 08.01.2024.”

The AE-I(HQ), Electricity Department enclosed photocopies of complainant's online application form bearing No. 18051 dated 20/10/2023, Affidavit, Declaration/Undertaking, Undertaking, AE-I(HQ) addressed to the Tehsildar vide letter dated 02/11/2023, Tehsildar's reply letter dated 08/01/2024 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

Smti. S. Narayanamma, a resident of Haddo Ward No. 2 near Thirupati Temple, lodged a complaint regarding the absence of an electric connection at her residence. She mentioned that the lack of electricity has caused severe disruption to her family's daily life, particularly affecting the education of her six children. Despite submitting an online application for a new electric meter connection (Application No. 18051) on 20th October 2023, no action has been taken by the department to provide the connection. She urged the authorities to expedite the process and expressed hope that her request would be addressed promptly to alleviate the difficulties faced by her family.

Submission of the Respondent (Licensee)

The respondent acknowledged receiving an application from Smti. S. Narayanamma for a domestic electric connection on 20th October 2023. They explained that according to the Andaman & Nicobar Administration's circular dated 9th October 2023, electric connections can only be issued for encroached revenue land and not for encroached forest areas. The application was forwarded to the Tehsildar for verification of the applicant's "settled possession" of the land. However, the Tehsildar responded on 8th January 2024, stating that the applicant's claim was on encroached government land, and as per the law, no electric connection can be granted in such cases. Additionally, the applicant had not provided sufficient proof of ownership as required under the JERC Regulation 2018 (Clause 5.30), which further hindered the processing of the application.

Forum's Observation

The complainant, Smti. S. Narayanamma, residing at Haddo Ward No. 2 near Thirupati Temple, highlighted the urgent need for an electric tap connection at her residence. She explained that her family, including six children, has been struggling without electricity, severely impacting their daily life and her children's studies. Despite applying for an electric meter connection online (Application No. 18051) on 20th October 2023, no connection has been provided, even after months of waiting. She requested the



authorities to expedite the process and provide the much-needed connection to ease her family's hardships.

The respondent acknowledged that Smti. S. Narayanamma applied for a domestic single-phase electric connection on 20th October 2023. However, they explained that according to a circular dated 9th October 2023, electric connections can only be granted for properties on encroached revenue land, not encroached forest land. Furthermore, the applicant must not be a government servant, and the connection should be for domestic use only. The respondent also stated that the application was forwarded to the revenue authorities for confirmation of the applicant's "settled possession," as required by the Supreme Court's ruling and JERC Regulations.

The Tehsildar's reply dated 8th January 2024, condemned encroachment on government land and stated that electric connections cannot be granted in such cases. Additionally, the applicant had not provided documents required under JERC Regulation 5.30 to prove ownership or occupancy, thus no connection was granted.

The forum observed that the complainant had applied for a new electric connection for the first floor of a building, where a connection already exists in the name of Shri S. Gunnaiah, the complainant's father. The connection was illegally extended to the first floor without informing the electricity department. The house is currently occupied by Smti. S. Narayanamma, and a new connection was requested for her son's house constructed on the same premises. The forum noted that the respondent had declined the request due to a lack of proper land records to provide a separate connection. The Forum decided to direct the complainant to approach the department after obtaining proper land records to get a separate connection.

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 closed without any merits to the complainant.
2. The complainant can approach the electricity department after obtaining proper land records for the separate connection in the same premises.
3. The complainant is directed install ELCB/RCCB in the wiring to further prevent any leakage and fire hazards and safety of equipment's in the premises.

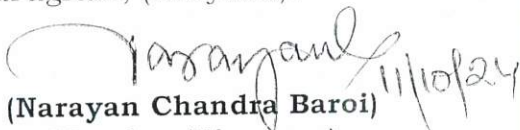


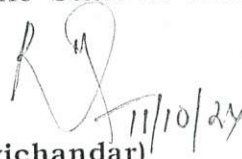
4. The Respondent/Licensee (ED) is directed to comply the **JERC Regulation No. 23/2028 under Section 5.135, 5.136 & 5.137** against **'Interest on Security Deposit and Review of Security Deposit'**.
5. The Respondent/Licensee (ED) is directed to follow the **'Processing of Application Form'** after receiving the application for new connection as per **JERC Regulation No. 23/2018 under Section 5.35**.
6. The Respondent/Licensee (ED) is directed to follow the **JERC Regulation No. 23/2018 (ESC) and No. 06/2009 (SOP)** for providing new connection as per norms/guidelines.
7. 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.
8. 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.
9. 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. Ravichandar)
Chairman
Electricity CGRF

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