

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. D. Nirmala Kumari, W/o Late D. Jaya Krishna 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. 31/2024 dated 30/09/2024.
Complaint : Providing New Service Connection (Domestic)
Date of Hearing : 08/10/2024
Date of Order : 11/10/2024



ORDER

Background

The complainant Smti. D. Nirmala Kumari, W/o Late D. Jaya Krishna Rao, R/o Haddo, Sri Vijaya Puram, South Andaman, filed a complaint vide R.D. No. 787 dated 30/09/2024 regarding new electricity connection (Domestic).

The complaint was registered as ANI/CG No. 31/2024 and forwarded on 30/09/2024 vide letter No. ANI/CGRF/10-354/491 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 12:00 hrs. 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 12.00 hrs.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/2024/549 dated 03/10/2024 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum vide R.D No. 792 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 12:00 p.m. The following were present: -

- (i) Smti. D. Rajesh, Auth. 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 Smti. D. Nirmala Kumari, W/o Late D. Jaya Krishna Rao, R/o Haddo, Sri Vijaya Puram, South Andaman stated in her complaint letter dated 30.09.2024 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 Krishna Temple. My family, including my school-going children, are 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 amenities. In this regard, I applied for an electric meter connection online, vide application number 21919 dated 24-04-2024. 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. 21919 dated 24/04/2024, 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/25-3/2024/600 dated 03/10/2024 stated that:

1. *"The The applicant Smti. D. Nirmala Kumari, W/o Late. D. Jaya Krishna Rao, R/o Haddo, applied for domestic single phase electric connection vide application No. 21919 dated 24.04.2024 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/58-3/2024/115 dated 11.06.2024 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/2024/990 dated 10.07.2024 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. 21919 dated 24.04.2024

Circular No. 4-3/21/2015-Power dated 09.10.2023

3. This Office letter No. EL/AE/SD-1/HQ/58-3/2024/115 dated 11.06.2024 addressed to Tehsildar.

- 4 Tehsildar, Port Blair letter No. G-27/TPB/2024/990 dated 10.07.2024."

The AE-I(HQ), Electricity Department enclosed photocopies of complainant's online application form bearing No. 21919 dated 24/04/2024, Affidavit, Declaration/Undertaking, Undertaking, Aadhaar card, Islander card, AE-I(HQ) addressed to the Tehsildar vide letter dated 11/06/2024, Tehsildar's reply letter dated 10/07/2024 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

The complainant, Smti. D. Nirmala Kumari, widow of Late D. Jaya Krishna Rao, a resident of Haddo Ward No. 2 near the Krishna Temple, has raised concerns about the lack of electricity at her residence. She explains that her school-going children and family members are facing immense difficulty without an electric connection, which is affecting their daily life and studies. Despite submitting an application for a new electric meter connection on 24-04-2024 (application no. 21919), she has not received any response or installation of the connection. She highlights that, even after months of waiting, her family continues to suffer, and she appeals for immediate action from the authorities to resolve the issue.

Submission of the Respondent (Licensee)

The respondent, representing the electricity department, confirms that the complainant, Smti. D. Nirmala Kumari, applied for a domestic single-phase electric connection on 24-04-2024 (application no. 21919). The complainant submitted necessary documents, including an affidavit and Aadhar card, as part of her application. However, according to a circular issued by the Andaman & Nicobar Administration on 09-10-2023, electric connections are not permitted for individuals residing on encroached forest land, and the land in question needs to be verified as "settled possession." The department forwarded a request to the Tehsildar of Sri Vijaya Puram to confirm the land status, and in response, the Tehsildar stated that the land is encroached government land. As the complainant did not submit the required documents under the JERC (Electricity Supply Code) Regulations, 2018, confirming ownership or occupancy, the application could not be processed further.

Forum's Observation

The complainant, Smti. D. Nirmala Kumari, W/o Late D. Jaya Krishna Rao, R/o Haddo Ward No. 2 near the Krishna Temple, is seeking an electric meter connection for her residence. She states that her family, including school-going children, is facing significant hardship due to the lack of electricity, which is affecting their daily routine and studies. Despite applying online for a domestic single-phase electric connection on 24-04-2024 (application no. 21919), no action has been taken by the authorities to provide the connection. The complainant requests urgent attention to her matter, emphasizing that the delay has caused much distress.

The respondent, representing the electricity department, acknowledges the receipt of the complainant's application for a domestic electric connection dated 24-04-2024. The respondent outlined the required documentation submitted by the complainant, which included an affidavit, declaration/undertaking, and Aadhar card. However, as per a circular issued by the



Andaman & Nicobar Administration dated 09-10-2023, applicants residing on encroached revenue land are eligible for connections, but not if they are on encroached forest land. Additionally, confirmation of "settled possession" from the revenue authorities is mandatory. The Tehsildar of Sri Vijaya Puram, in a letter dated 10-07-2024, stated that the land in question is encroached, and thus, an electricity connection cannot be provided. Furthermore, the respondent cites Clause 5.30 of the JERC (Electricity Supply Code) Regulations, 2018, which outlines acceptable documents for proving ownership or occupancy, none of which the complainant has provided. Consequently, the application was not processed further.

The Forum observes that the complainant had applied for a new electric service connection, but the land records for the property in question are in the name of her grandfather, D. Lakshman Rao. There is an existing connection in the name of Shri D. Jayakrishna Rao (Consumer No. A1/671), which was originally located on the ground floor and later moved to the first floor due to water leakage. The forum also notes that this connection was extended to both the second and ground floors without intimation to the department. The respondent denied the complainant's request due to the absence of proper land records in her name. 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. 23/2018 under Section 5.135, 5.136 & 5.137** against '**Interest on Security Deposit and Review of Security Deposit**'.

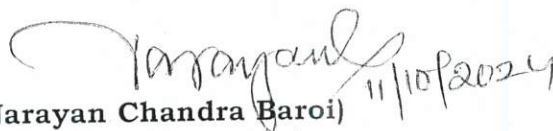


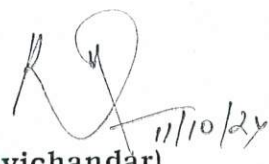
5. The Respondent/Licensee (ED) is directed to follow the '**Processing of Application Form**' after receiving the application for new connection as per **JERC Regulation No. 23/2018 under Section 5.35**.
6. The Respondent/Licensee (ED) is directed to follow the **JERC Regulation No. 23/2018 (ESC) and 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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