

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:

Shri. D. Rajesh, S/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. 32/2024 dated 30/09/2024.
Complaint : Providing New Service Connection (Domestic)
Date of Hearing : 08/10/2024
Date of Order : 14/10/2024



ORDER

Background

The complainant Shri. D. Rajesh, S/o Late D. Jaya Krishna Rao, R/o Haddo, Sri Vijaya Puram, South Andaman, filed a complaint vide R.D. No. 788 dated 30/09/2024 regarding new electricity connection (Domestic).

The complaint was registered as ANI/CG No. 32/2024 and forwarded on 30/09/2024 vide letter No. ANI/CGRF/10-355/492 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 12:15 p.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 12.15 p.m.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/2024/551 dated 03/10/2024 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum vide R.D No. 794 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 12:15 p.m. The following were present: -

- (i) Smti. D. Rajesh, 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. D. Rajesh, S/o Late D. Jaya Krishna Rao, R/o Haddo, Sri Vijaya Puram, South Andaman stated in his complaint letter dated 30.09.2024 that *"I am D RAJESH son of Late D Jaya Krishna Rao resident of Haddo Village at Ward No 2, Near Krishna Temple,. That my father had encroached a government land for an area of 60 Sqmt which is situated at Haddo Village. under Port Blair Tehsil of South Andaman District.*

On this land I have constructed a dwelling for the residential purpose where myself and my wife were residing, for obtaining the electric connection I have applied through online vide No. 21918, 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. 21918 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/25-3/2024/601 dated 03/10/2024 stated that:

1. *"The applicant Shri. D. Rajesh, S/o Late. D. Jaya Krishna Rao, R/o Haddo, applied for domestic single phase electric connection vide application No. 21918 dated 24.04.2024 with the following documents.*

- 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. 21918 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. 21918 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

D. Rajesh, the son of the late D. Jaya Krishna Rao and a resident of Haddo Village in Ward No. 2, submitted an application for a domestic electricity connection on 24th April 2024, referenced as application No. 21918. He claimed that his father had encroached upon a government land area of 60 square meters in Haddo Village, where he has since constructed a residence for himself and his wife. Despite having applied several months prior, Rajesh has yet to receive the electric connection, which has led to considerable difficulty for his family. He appealed to the relevant authorities to expedite the processing of his application and provide the necessary connection, highlighting the urgent need for electricity in their home.

Submission of the Respondent (Licensee)

In response to D. Rajesh's application for a domestic electricity connection, the respondent detailed the procedures and requirements outlined in Circular No. 4-3/21/2015-Power dated 9th October 2023. The respondent acknowledged the receipt of Rajesh's application, which included various documents such as an affidavit and his Aadhaar card. However, they explained that electricity connections can only be granted to individuals residing on encroached revenue land, and not on encroached forest land, as mandated by a Supreme Court order. The respondent's office sought verification of Rajesh's "settled possession" from the Tehsildar, who later confirmed that the revenue department opposes granting connections for encroached government land. Due to the lack of settled possession confirmation and the absence of necessary documentation as per the JERC Regulation 2018, the respondent was unable to process Rajesh's application for a new electricity connection.

Forum's Observation

The complainant, D. Rajesh, son of Late D. Jaya Krishna Rao and a resident of Haddo Village, Ward No. 2, applied for a domestic electricity connection on 24th April 2024 through online application No. 21918. He stated that the land, measuring 60 square meters, was encroached upon by his late father and that he has constructed a dwelling on the land where he and his wife are residing. Despite the submission of his application months ago, he has not yet received the requested electricity connection, which has caused significant hardship for his family. He requested that the concerned authority expedite the process to provide the connection at the earliest.

The respondent acknowledged that D. Rajesh applied for a single-phase domestic electricity connection on 24th April 2024, submitting supporting documents such as an affidavit, a declaration, an undertaking, and his Aadhaar card. As per Circular No. 4-3/21/2015-Power dated 9th October 2023, electricity can only be granted to applicants residing on encroached



revenue land, excluding forest areas, and only for domestic purposes. The respondent office submitted a letter on 11th June 2024 to the Tehsildar at Sri Vijaya Puram, requesting confirmation of Rajesh's "settled possession." However, the Tehsildar responded on 10th July 2024, stating that the revenue department condemns encroachments on government land and does not support granting electricity connections in such cases. The respondent further cited the JERC Regulation 2018, which requires proof of ownership or occupancy documents for providing an electricity connection. Since no confirmation of settled possession was received, the connection could not be granted.

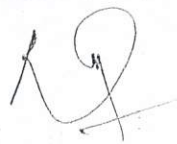
The forum observed that D. Rajesh applied for a new electricity connection for the second floor of the same building where an existing connection, under account number A1/671, is in the name of his late father, D. Jaya Krishna Rao, on the first floor. It was noted that the existing connection was extended to the second floor without informing the department. The electricity department denied the new connection due to the absence of valid land ownership documents. 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 to 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**.

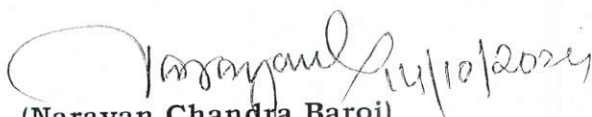


6. The Respondent/Licensee (ED) is directed to follow the **JERC Regulation No. 23/2018 (ESC) and No. 06/2009 (SOP)** for providing new connection as per norms/guidelines.
7. The Respondent/Licensee (ED) is directed to submit **compliance report within 15 days** from the date of receipt of this order 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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