

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. S. Manikandan, S/o Shri. S. Sekhar, 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. 34/2024 dated 01/10/2024.
Complaint : Providing New Connection (Domestic)
Date of Hearing : 10/10/2024
Date of Order : 14/10/2024

ORDER

Background

The complainant Shri. S. Manikandan, S/o Shri. S. Sekhar, R/o Haddo, Sri Vijaya Puram, South Andaman, filed a complaint vide R.D. No. 791 dated 01/10/2024 regarding new electricity connection (Domestic).

The complaint was registered as ANI/C.G. No. 34/2024 and forwarded on 03/10/2024 vide letter No. ANI/CGRF/10-357/499 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 10/10/2024 at 10:30 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 10/10/2024 at 10.30 a.m.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/2024/557 dated 05/10/2024 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum vide R.D No. 800 dated 07/10/2024 (the letter is kept in case file) **(Exbt. -1)**.



Hearing on 10/10/2024

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

- (i) Shri. S. Manikandan, Complainant.
- (ii) Smti. S. Selvi, M/o Shri. S. Manikandan.
- (iii) Shri. Naveen Lall, AE-I(HQ), Elect. Dept.
- (iv) Shri. Rajesh Kumar Singh, JE (Haddo), Elect. Dept.
- (v) Shri. A. Baskar Rao, Mazdoor, Elect. Dept.

Statement of the Complainant

The complainant Shri. S. Manikandan, R/o Haddo, Sri Vijaya Puram, South Andaman stated in his complaint letter dated 01.10.2024 that "I had applied for a new electricity connection on encroached land vide application No. 21307 dated 18/03/2024 (Copy enclosed) for my dwelling house. As per the Regulations for providing a new connection, I had enclosed the required documents, including an affidavit for encroached land, ration card and aadhaar card as ID proof to establish that I reside at the said location. Additionally, I wish to inform you that all internal wiring and earthing in my dwelling house have been completed for getting connection.

However, despite fulfilling the regulatory requirements, the department has not adhered to the procedures outlined in the regulations nor followed the landmark judgment of the Forum, which is available on the Electricity Department website, regarding new connections on encroached land. The requirement of verifying settled possession through the Tehsildar has been unnecessarily applied to my case, and my application has been kept in abeyance for more than six months for want of a certificate from the Tehsildar. This is a direct violation of the JERC regulations, which mandate the provision of electricity supply within one month of receiving the application.

Furthermore, the Forum has issued multiple orders stating that the Electricity Department is obligated to issue a demand note upon receiving a new connection application, as per JERC regulations. Despite the passage of more than six months, no such demand note has been issued to me for want of new connection, which constitutes yet another violation of these regulations.

Prayer

In view of the facts mentioned above, I kindly request you to:

1. Provide the new electricity connection at the earliest as per JERC Regulations
2. Issue compensation for the undue delay in processing my application, as specified by the JERC Regulations and Electricity Act 2003."



The complainant enclosed photocopies of online application form bearing No. 21307 dated 18/03/2024, Affidavit, Declaration/Undertaking, Undertaking, Aadhaar Card, AE-I(HQ)'s letter addressed to the Tehsildar vide letter dated 01/04/2024, 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/25-3/2024/617 dated 05/10/2024 stated that: -

1. "The applicant Shri. S. Manikandan, S/o Shri. S. Sekhar, R/o Haddo, Near Sri Vijaya Puram applied for domestic single phase electric connection vide application No. 21307 dated 18.03.2024 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.

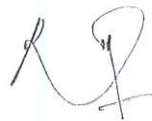
c) Electricity shall be provided only for Domestic Purpose, whereas, application for commercial/industrial activity under encroached land shall not be entertained.

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/58-3/2024/949 dated 01.04.2024 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/2024/558 dated 10.04.2024 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.

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. 21307 dated 18.03.2024.*
- 2. Circular No. 4-3/21/2015-Power dated 09.10.2023*
- 3. This Office letter No.EL/AE/SD-1/HQ/58-3/2023/949 dated 01.04.2024 addressed to Tehsildar.*
- 4. Tehsildar, Port Blair letter No. G-27/TPB/2024/558 dated 10.04.2024.*

The AE-I(HQ), Electricity Department enclosed photocopies of complainant's online application form bearing No. 21307 dated 18/03/2024, Affidavit, Declaration/Undertaking, Undertaking, Aadhaar card, AE-I(HQ)'s letter addressed to the Tehsildar vide letter dated 01/04/2024, Tehsildar's reply letter dated 10/04/2024 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

Shri S. Manikandan, a resident of Haddo, Sri Vijaya Puram, had submitted an application vide No. 21307 dated 18/03/2024 for a new domestic single-phase electricity connection for his residence. In compliance with the regulations, he had provided the necessary documents, including an affidavit affirming his residence on the encroached land, as well as his ration card and Aadhaar card as identity proof. Shri. Manikandan claims that despite completing the required internal wiring and earthing, the electricity department has failed to process his application according to the mandated procedures. He asserts that the department unnecessarily applied the condition of verifying settled possession through the Tehsildar, resulting in his application being delayed for over six months. According to Manikandan, this action violates the JERC regulations, which stipulate that a new connection must be provided within one month. He also points out that the department has not issued the required demand note, which further delays the process. He seeks the Forum's intervention to expedite the connection and requests compensation for the prolonged delay.

Submission of the Respondent (Licensee)

The AE-I(HQ) submitted on behalf of the Respondent/Licensee (ED) that Shri S. Manikandan had applied for a domestic electricity connection on 18/03/2024 and submitted supporting documents such as an affidavit, declaration, and his Aadhaar card. In response to his application, the

department followed the guidelines issued in Circular No. 4-3/21/2015-Power dated 09/10/2023, which outlines the procedure for granting electricity connections on encroached land. The department initiated the process by sending a letter to the Tehsildar, seeking confirmation of Manikandan's "settled possession" of the land. However, the Tehsildar responded, stating that the revenue department does not condone granting electrical connections to individuals residing on encroached government land. The department explains that as per the JERC (Electricity Supply Code) Regulation 2018, Manikandan did not submit valid land records, which are essential for processing a new connection. Consequently, the department has not been able to proceed with his request for a new connection.

Forum's Observation

The Forum observed that the complainant had approached a new connection on 18/03/2024 whereas the Respondent(ED) had not process the application in accordance with the **clause 5.35 under JERC Regulation No. 23/2018** for issue a written note for want of documents. Further the Respondent (ED) failed to carry out site inspection after receiving new connection application under **Clause 5.40 & 5.41 of JERC Regulation No. 23/2018**, which shows negligence on the part of the Respondent (ED).

The Forum reviewed the Respondent(ED) reply as stated in their letter dated 05/10/2024 wherein they indicated that they had followed the Circular dated 09/10/2023 against new connection on encroached land. **The Forum noted that this Circular had already quashed in multiple earlier orders by the Forum.** The Respondent's adherence to the quashed Circular constitutes a contempt of the Forum's order, which has been taken seriously. The Respondent(ED) is hereby directed to act in accordance with JERC Regulations and the Electricity Act, 2003, for providing new connection.

The Forum conducted a site inspection on 09/10/2024 and found that Shri S. Manikandan is an occupier of his mother's house and resides on the 1st floor. On ground floor, his mother Smti. S. Selvi enjoying an electricity connection with a connected load of 1 kW. It was noted that the complainant had extended this existing connection to the first floor without the department's knowledge. The Respondent (ED) mentioned that the complainant had not provided proper land records to support a new connection as per Regulations.

The forum observed that Shri S. Manikandan applied for a new electricity connection for the first floor of the same building where an existing connection in the name of his mother Smti. S. Selvi, on the ground floor. It was noted that the existing connection was extended to the first floor without informing the department. The electricity department denied the new connection due to the absence of valid land ownership documents. The Forum



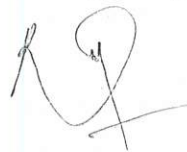
decided to direct the complainant to approach the department after obtaining proper land records to get a separate connection.

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: -

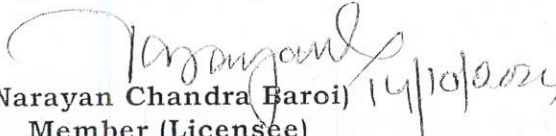
1. The Case is closed without any merits to the complainant.
2. The complainant can approach the electricity department after obtaining proper land records for the separate connection in the same premises.
3. The complainant is directed to install ELCB/RCCB in the wiring to further prevent any leakage 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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RECEIVED