

ELECTRICITY CGRF
(Under The Electricity Act, 2003)
ANDAMAN & NICOBAR ISLANDS
PORT BLAIR

Before:

Shri. R. Ravichandar, Chairman.
Shri. Narayan Chandra Baroi, Member (Licensee).
Smt. Biji Thomas, Independent Member (JERC Nominated).

In the matter of:

Shri. S.N. Halder & 06 others, R/o Billyground, N&M Andaman.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/340/24-25/17 dated 09/08/2024.
Complaint : Re-issue of Electric Connection (Commercial)
Date of Hearing : 16/08/2024
Date of Order : 21/08/2024

ORDER

Background

The complainant Shri. S.N. Halder & 06 others, R/o Billyground, N&M Andaman, filed a complaint vide R.D. No. 703 dated 09/08/2024 regarding re-issue of electric connection (commercial).

The complaint was registered as Case No. 340 and forwarded on 09/08/2024 vide letter No. ANI/CGRF/10-340/442 to the Nodal Officer (CGRF), Executive Engineer (Rural) and Assistant Engineer(M/Bunder), Electricity Department for submitting reply/comments and for attending the Hearing fixed on 16/08/2024 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 16/08/2024 at 10.30 a.m.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/23-24/503 dated 13/08/2024 submitted reply/comments on behalf of the Licensee/Respondent



The hearing was held on 16/08/2024 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. Ajay Baul, Complainant.
- (ii) Smti. Sushila Baral, Complainant.
- (iii) Shri. Gopal Halder, Complainant representative.
- (iv) Shri. Kaushik Mondal, Complainant representative.
- (v) Shri. Tapan Biswas, Complainant representative.
- (vi) Shri. Suresh Kumar, NO, AE(W/Shop), Elect. Dept.

Statement of the Complainant

The complainant Shri. S.N. Halder & 06 others, R/o Billyground, N&M Andaman stated in their complaint letter dated 09.08.2024 that *"the following facts for your kind perusal and favour of action as per the electricity act 2003 under section 42(5) of Andaman and Nicobar Administration.*

That on 30th April in the midnight a massive fire accident was took place at Billy ground Bazaar and that fire accident engulfed our 7 No shops and meet with ashes.

That the said massive fire incident has been extinguished with the utmost endeavor of the leadership of in-charge of Billy ground fire station and in these regard a certificate have been issued from the office of the Chief Fire Officer, Fire Emergency Services, A&N islands.

That as per the prevail provision we had applied to the Assistant Engineer M/B for providing electric meter after reconstruction of our shops.

That in between the original landlord made petition before the Executive Magistrate, Mayabunder for a stay, but the Executive Magistrate clearly sited in separate notice that all applicants should provide water tap and electric connection as per the directive of the apex court of India.

But it is a matter of surprise that even after repeated approach and prayer before the Assistant Engineer, Mayabunder disallowed us and refused to provide electric connection.

Hence it is our benign submission before your kind honor to do the needful in favour of the justice and deprived applicants."

The complainants enclosed photocopies of application dated 18.05.2024 requesting reconnections, AE(M/bunder) reply letter dated 28.06.2024, Fire Accident Certificate issued by Chief Fire Officer, A&N Islands dated 30.05.2024, Agreement for Sale dated 08/08/2010, Money Receipt dated



12.11.2010, Schedule of Properties, Affidavits, etc., which is kept in the case file **(Exbt.-2)**.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer(W/Shop) submitted para-wise comments on behalf of the Respondent/Licensee (ED) vide letter No. EL/AE/WS/2-16/23-24/503 dated 13/08/2024 stated that "the complaint filed by Shri S.N Halder and 06 others is detailed below: -

1. The contents of the representation submitted before the CGRF by Shri S.N Halder and 06 others have been examined by Assistant Engineer, Mayabunder.
2. The complainant was a consumer of electricity department and running their business in Billyground market, a fire broke out Billy ground market on 30.04.2024 at about 01.45 hours causing complete damaged of property and energy meters provided to the consumers.
3. The complainant and 06 others had applied for re-issue of electric meter, but AE, Mayabunder has returned the application.
4. The Assistant Engineer Mayabunder has submitted that the joint application was submitted by the landowner that electric connection may not be provided if fire victim apply for the same.
5. The Assistant Engineer has returned the application of re-issue of electric meter to the party concern stating the reason that a dispute of land between tenant and owner of land.
6. Further a legal notice was received by the advocate on behalf of landowner stating that if the electric connection will provide to the applicant on the said property without the NOC of the property owner necessary legal action including filing of civil and criminal case and other miscellaneous proceeding against electricity department will be file.
7. The Assistant Engineer, Mayabunder vide Letter no. EL/AE/MB/15/2023-24/751 dated 10th August 2024 has informed that there is no any pending application of fire victim is with him by which connection to be provided."

The AE(W/shop) submitted photocopies of the AE(M/Bunder)'s letter dated 10.08.2024, Tehsildar's Stay Order dated 16.05.2024, Landowner's Application dated 17/05/2024, Departmental Notings/correspondence letters etc., which is kept in the case file **(Exbt. -3)**.

Submission of the Complainant

The complainants, present during the Hearing, stated that a fire accident occurred at Billy Ground Market on April 30, 2024, at around 01:45

was issued by the Tehsildar of Mayabunder on May 16, 2024, which prohibited for further construction, but this order was later clarified to allow the provision for providing of electricity connections and water connections.

Submission of the Respondent (Licensee)

The Respondent, represented by the Assistant Engineer (AE) of Mayabunder, reported through his letter that during the fire accident, the existing electrical connections, including the meters, were damaged. The AE, NO, ED also pointed out that the connection of the fire victims was disconnected temporarily, and the security deposit of the affected consumers were retained by the department. However, the AE (Mayabunder) attached a letter issued to him on dated 05/07/2024 by Tahsildar, Mayabunder clarifying that this office has not issued any stay order on providing electric connection or water tap connection which is kept in the case file (**Exbt. -4**).

Forum's Observation

The authorized officer, the AE(M/Bunder) was absent during the Hearing and requested via email and letter dated 10/08/2024 (**Exbt.-5**) to postponed the Hearing dated 16/08/2024 to another date, which is self-explanatory. However, due to exigency of dispose off '**connection or disconnection**' within 15 days timeline stipulated in **JERC Regulation No. 26/2019**, the Forum decided to proceed on the same date with the AE(W/shop), Nodal Officer (CGRF) to make submission and dispose of the matter.

After going through the written complaints of the complainants jointly, and the reply submitted by the AE, Mayabunder, and Nodal Officer, on behalf of electricity department and on careful examination of the matter, the forum noted that the case was related to reconnection of electric supply, which was disconnected temporarily for safety aspect, due to a fire incident which took place on 30-04-2024, and all the shops/sheds have been burned, whereas all the affected consumers had reconstructed their hut/shed, and completed the internal wiring, earthing before 15-05-2024, as reported by AE Mayabunder.

It is also noted that there is a stay order from Tehsildar (Executive Magistrate), Mayabunder, dated 16-05-2024, to stop further construction, and later dated 05-07-2024 a letter was issued to the AE Electricity Mayabunder, which stated that there is no objection to provide electric connection to the above said premises, whose shops/sheds was burnt. Therefore, the Electricity Department may provide the reconnection without any alteration of the original connected load to all those affected consumers, after verifying the



internal wiring etc. subject to technical feasibility and whose power supply was disconnected temporarily on safety aspect due to the fire accident. Further, all the affected consumers have the right to get the reconnection without any alteration of the original connected load without further delay until there is any stay order or any specific direction stating not to provide reconnection from the Hon'ble Court. Since the effected consumers are already having an agreement with electricity department and their security deposit is already retained with the department.

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 under Section 5.30(8) of the Electricity Supply Code Regulations 2018.

Hence,

It is Ordered:

After detailed deliberations, submissions and documents produced before the Forum, and based on the observation so reached, the following Order is passed: -

1. The Respondent/Licensee (ED) is directed to provide re-connection without any alteration in the original connected load to the all affected consumers after verifying the internal wiring etc. and subject to technical feasibility as per the JERC Regulation No. 23/2018 (Electricity Supply Code) and Notification No. 19/20/2015-JERC/1680 dated 27/05/2024 (Standard of Performance for Distribution Licensees).
2. Further, if the electricity supply is released, it is to be clear that the 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.
3. The complainants are 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 follow the directions of **JERC Regulation No. 23/2018 (ESC) and No. 19/20/2015-JERC/1680 dated 27/05/2024 (SOP for Distribution Licensees)** for providing **re-connection** as per norms/guidelines.

per JERC Regulation No. 26/2019 under Clause 27(1). **Further, Sl. No. 1 to 4 of the above said directions should implement and submit compliance report with supporting documents, if any under intimation to the consumers.**

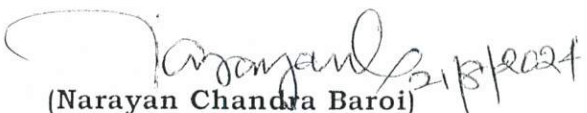
6. As per JERC Regulation No. 26/2019 under Chapter-IV of 27, non-compliance of the Forum Order shall be treated as violation of the Regulations of the Commission and accordingly liable for action under Section 142 of the Electricity Act 2003.
7. The complainant shall not be harassed overtly or covertly 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 (Rural), Nodal Officer (CGRF), Assistant Engineer(M/Bunder), 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. Ravichandar)
Chairman
Electricity CGRF

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