

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

Before:

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

In the matter of:

Shri. Rakesh Pal Gobind, President, M/s Local Born Association, Sri Vijaya Puram, South Andaman.

.....Complainant

Versus

The Electricity Department, A & N Administration, Sri Vijaya Puram.

.....Respondent

Complaint No. : ANI/C.G. No. 45/2024 dated 10/12/2024.
Complaint : Providing New Connection (Commercial)
Date of Hearing : 18/12/2024
Date of Order : 20/12/2024



ORDER

Background

The complainant Shri. Rakesh Pal Gobind, President, M/s Local Born Association, Sri Vijaya Puram, South Andaman, filed a complaint vide R.D. No. 910 dated 10/12/2024 regarding new electricity connection (Commercial).

The complaint was registered as ANI/C.G. No. 45/2024 and forwarded on 10/12/2024 vide letter No. ANI/CGRF/10-368/568 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 18/12/2024 at 11:30 a.m. in the Hearing Hall of the Electricity (CGRF), A&N Islands, Horticulture Road, Haddo, Sri Vijaya Puram with relevant documents to depose before the Forum. A copy of this letter was also endorsed to the complainant for attending the Hearing on 18/12/2024 at 11.30 a.m.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/2024/629 dated 12/12/2024 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum vide R.D No. 912 dated 13/12/2024 (the letter is kept in case file) (**Exbt. -1**).

Hearing on 18/12/2024

The Hearing was held on 18/12/2024 in the Hearing Hall, Electricity CGRF at 11:30 a.m. The following were present: -

- (i) Shri. Rakesh Pal Gobind, Complainant.
- (ii) Shri. P. Prince Pandi, Asst. Complainant.
- (iii) Shri. Naveen Lall, AE-I(HQ), Elect. Dept.
- (iv) Shri. Rajesh Kumar Singh, JE, Elect. Dept.
- (v) Shri. J. Lokanath, Mazdoor, Elect. Dept.

Statement of the Complainant

The complainant Shri. Rakesh Pal Gobind, President, M/s Local Born Association, Sri Vijaya Puram, South Andaman stated in his complaint letter dated 10.12.2024 that *"I am writing to bring to your attention an issue regarding the rejection of my application (Application No. 24711 dated 21.09.2024) for an electric connection in the name of President, Local Born Association at Shiv Ram Complex, Mohanpura, Port Blair.*

My application was rejected by the Electricity Department on 03.10.2024, with the remark that a copy of the PBMC Order No. 2909 dated 05.12.1997 should be submitted.

In this context, I wish to clarify the facts of the matter for your kind perusal and request that necessary instructions be issued to the concerned authorities to process my application and release the electric connection.

Facts of the Matter:

1. A shop bearing Room No. 49 at Shiv Ram Complex, Port Blair, was allotted to the General Secretary of the Local Born Association through Port Blair Municipal Council (PBMC) Order No. 2909 dated 05.12.1997.

2. In accordance with the aforementioned PBMC Order No. 2909 and the No Objection Certificate issued by PBMC (vide No. 801 dated 13.02.1998), an electric connection provided under the connection number C/2281. However, due to the shop remaining unused for a long period, the electric connection (C/2281) was disconnected. Despite this, the Local Born Association has consistently paid the monthly rent for the shop to PBMC. A copy of the latest rent receipt from PBMC is attached for reference.

3. In order to resume commercial activities in the shop (Room No. 49), I submitted an application for a fresh electric connection in favour of the President Local Born Association along with the latest No Objection Certificate from PBMC, However, my application was rejected due to the non-submission of the PBMC Order No. 2909 dated 05.12.1997.

It is important to note that the original copy of PBMC Order No. 2909 is not traceable in the records of the Local Born Association, and it is feared that the document may have been misplaced over time.



Given the above facts, I kindly request that the Electricity Department reconsider my application for the electric connection and process it in light of the attached documents, including the latest No Objection Certificate from PBMC. In case the Order No. 2909 dated 05.12.1997 cannot be located, I request that alternative means be considered to verify the allotment and facilitate the release of the electric connection at the earliest."

The complainant enclosed photocopies of NOC obtained from PBMC, shop monthly rent receipt dated 24.07.2024, online application form bearing No. 24711 dated 21/09/2024 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/25-3/2024/840 dated 11/12/2024 stated that: -

"The applicant Shri Rakesh Pal Govind, President, M/s Local Born Association has applied for Domestic Single-Phase Connection in the Shop No. 49 at shiv Ram Complex, Port Blair which was allotted to the General Secretary of the Local Born Association through Port Blair Municipal Council (PBMC).

The applicant has applied Online for Obtaining electric connection in the above-mentioned shop on 21.09.2024 vide application no. 24711(Enclosure-1). The application was rejected by this office because the Documents were incomplete (as per JERC Regulation 2018, Clause 5.30).

In online application the applicant has submitted only No Objection from PBMC along, with Aadhar Card of the applicant. The application was rejected with the remark of this office "Rejected with the remark to submit allotment order copy by PBMC". (Enclosure-2)

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, along with any one of the documents listed at (1) to (6) above, also furnish a No Objection Certificate from owner of the premises.

UNQUOTE

The Documents submitted by the applicant in his Online Application were: -

1. Online application No.24711 dated 21.09.2024.
2. No Objection from the PBMC.
3. Aadhaar Card of the Applicant."

The AE-I(HQ), Electricity Department enclosed photocopies of complainant's online application form bearing No. 24711 dated 21/09/2024, NOC obtained from PBMC, Application status and complainant's Aadhaar card, which is kept in the case file (**Exbt. -3**).

Submission of the Complainant

The complainant, representing the Local Born Association, requested an electric connection for their allotted shop at Shiv Ram Complex, citing a NOC and proof of rent payment as evidence of occupancy. However, due to the inability to produce a decade old PBMC Order, the application was rejected by the department, even though alternative documents supporting the claim were provided. The complainant also submitted a counter reply against the respondents reply dated 11/12/2024 and the same received here vide RD No.916 dated 16/12/2024.

Submission of the Respondent (Licensee)

The respondent, representing the Electricity Department, explained that the application was rejected as the required allotment order, which serves as a critical proof of occupancy under JERC Regulation 2018, was not submitted. They stated that without this document, the application could not be processed further.

Forum's Observation

The case concerns a fresh electric connection requested by the complainant for Shop No. 49, Shiv Ram Complex, allotted by PBMC in 1997. Over time, the original electric connection was disconnected, and the allotment order went missing. Despite providing a NOC and proof of rent payments, the application was rejected by the department, citing incomplete documentation.

The complainant, President of the Local Born Association, applied vide application No. 24711 dated 21.09.2024 seeking an electric connection for Shop No. 49, Shiv Ram Complex, Port Blair. This shop was allotted by PBMC to the association through Order No. 2909 dated 05.12.1997. The complainant provided a No Objection Certificate (NOC) from PBMC and the latest rent



receipt but could not produce a copy of the allotment order of shop No. 49 to LBA by PBMC, as it was untraceable. Despite submitting other relevant documents, the application was rejected on 03/10/2024 due to the absence of the same.

The respondent, representing the Electricity Department, stated that the application for an electric connection was rejected because it did not fulfill the document requirements outlined in Clause 5.30 of the JERC Regulation 2018. The applicant had submitted a NOC from PBMC and an Aadhaar card but failed to provide the allotment order. The department clarified that this document is necessary to establish ownership or occupancy, as per regulations.

The forum observed that the complainant had provided sufficient evidence of occupancy, including a valid NOC from PBMC and proof of regular rent payments is enough to fulfill the intent of Clause 5.30 of the JERC Regulation 2018. The respondent also acknowledged that the documents are enough to provide connection during the hearing, and that the electric connection could be provided once all the formalities were completed.

The forum observed that the current software for online application process for electric connections has only two options for the respondent: either to accept or reject the application. If any required documents are missing, the application is directly rejected without giving the applicant an opportunity to submit the missing documents as per the supply code regulations 2018 under section 5.35. The forum noted that this process is unnecessarily rigid and denies applicants the chance to rectify the omissions. Additionally, the forum emphasized the importance of verifying the authenticity of documents submitted by applicants whenever required. Thus, the Forum directs the respondent to modify the software to meet the requirements as mentioned above.

Hence, the respondent is directed to process the application and provide the connection immediately.

Hence,

It is Ordered:

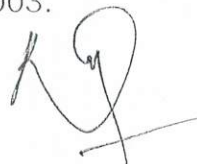
After detailed deliberations, submissions, site inspection and documents produced before the Forum, and based on the observation so reached, the following Order is passed: -

1. The Case is closed with specific directions to the Respondent/Licensee (ED).
2. The Respondent is directed to process the application and provide the connection immediately.
3. The Respondent must modify the software of online application process to include an option for applicants to submit the missing or additional documents when its required. Applicants should be informed of any deficiencies in their application via email or SMS, with a clear explanation of the missing documents. A reasonable timeframe must be



provided for applicants to furnish the required documents. The application status should remain "pending" during this period, rather than being outright be rejected.

4. The Department must verify the authenticity of all the submitted documents before processing the application further. The respondent should maintain a clear and transparent record of communication with the applicants. Any rejection of an application must include detailed reasoning and must be communicated formally to the applicant.
5. Any deficiency or additional technical requirements as per the codal formalities must be communicated in writing to the complainant instead of rejecting the application.
6. The Department must adhere to comply the release of new service connection strictly as per the JERC supply code regulations 2018 and timelines prescribed in the standard of performance regulations 2024.
7. The Complainant is advised to install Earth Leakage Protective Device (ELPD) in the wiring to prevent any leakage and fire hazards and safety of equipment's in the premises.
8. 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**'.
9. 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**.
10. 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.
11. 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.
12. 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.



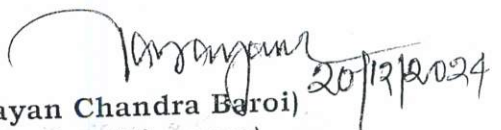
13. The complainant shall not be harassed overtly or covertly in any manner whatsoever in future for exercising his right by availing the redressal within his jurisdiction.

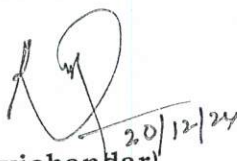
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Udyog 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).


(Biji Thomas)
Independent Member
Electricity CGRF


(Narayan Chandra Baroi)
Member (Licensee)
Electricity CGRF


(R. Ravichandrar)
Chairman
Electricity CGRF

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