

TIME BOUND
FORUM MATTER

अण्डमान तथा निकोबार द्वीप समूह
उपभोक्ता शिकायत निवारण फोरम
(विद्युत अधिनियम 2003 की धारा 42(5) के तहत स्थापित)
पोर्ट ब्लेयर/Port Blair – 744 101

Andaman & Nicobar Islands
CONSUMER GRIEVANCES REDRESSAL FORUM
Estd. Under Section 42(5) of the Electricity Act (2003)
Port Blair – 744 101

Email ID : cgrf.and@nic.in/andcgrf@rediffmail.com, Telephone & Fax No. 03192-244822

F. No. ANI/CGRF/10-339/428

Dated: 25/07/2024

To

Shri. R. Subbaiah,
R/o Delanipur,
Port Blair,
South Andaman

- (Complainant)

The Assistant Engineer-I(HQ),
Electricity Department,
Port Blair,
South Andaman

- (Licensee's Authorised Officer)

Sub : Providing New Connection (Domestic) – reg.

Ref : Complaint No. ANI/CGRF/339/24-25/16 dated 11/07/2024.

Sir,

Enclosed please find herewith certified copy of the Order dated 25/07/2024 passed by the Electricity CGRF on the above complaint, for compliance and suitable action at your end.

Yours faithfully

Encl : Order Dated 25/07/2024

(G. Avinash)

Secretary
Electricity CGRF

Copy to: -

1. The Electricity Ombudsman, JERC, Gurugram, Haryana alongwith certified copy of Order dated 25/07/2024 for information.
2. The Superintending Engineer, Elect. Dept., Port Blair alongwith certified copy of Order dated 25/07/2024 for necessary action.
3. The Executive Engineer (HQ), Elect. Dept., Port Blair alongwith certified copy of Order dated 25/07/2024 for necessary action.
4. The Assistant Engineer (Workshop), Nodal Officer for CGRF, Elect. Dept. alongwith certified copy of Order dated 25/07/2024 **for necessary action for compliance submission.**
5. The Assistant Engineer (IT), Elect. Dept. alongwith certified copy of Order dated 25/07/2024 **for necessary action to upload the said Order dated 25/07/2024 in the CGRF website, A&N Islands under intimation to this Forum.**
6. F. No. ANI/CGRF/0-3.


Secretary
Electricity CGRF

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

Before:

Shri. R. Ravichandar, Chairman.
Smt. Biji Thomas, Independent Member (JERC Nominated).

In the matter of:

Shri. R. Subbaiah, R/o Delanipur, Port Blair, South Andaman.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/339/24-25/16 dated 11/07/2024.
Complaint : Providing New Service Connection (Domestic)
Date of Hearing : 18/07/2024
Date of Order : 25/07/2024

ORDER

Background

The complainant Shri. R. Subbaiah, R/o Delanipur, Port Blair, South Andaman, filed a complaint vide R.D. No. 647 dated 11/07/2024 regarding new electricity connection (Domestic).

The complaint was registered as Case No. 339 and forwarded on 11/07/2024 vide letter No. ANI/CGRF/10-339/418 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 18/07/2024 at 11:30 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 18/07/2024 at 11.30 a.m.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/23-24/486 dated 15/07/2024 submitted reply/comments on behalf of the Licensee/Respondent (ED), which was received by the Forum vide R.D No. 649 dated 15/07/2024 (the letter is kept in case file **(Exbt. -1)**).





Hearing on 18/07/2024

The Hearing was held on 18/07/2024 in the Hearing Hall, Electricity CGRF at 11:30 a.m. The following were present: -

- (i) Smti. R. Subbaiah, Complainant.
- (ii) Shri. Suresh Kumar, AE, Nodal Officer, Elect. Dept.
- (iii) Shri. Naveen Lall, AE-I(HQ), Elect. Dept.
- (iv) Ms. J. Anushiya, JE (Haddo), Elect. Dept.
- (v) Shri. Ravi Kumar Patro, MRLCC, Elect. Dept.

Statement of the Complainant

The complainant Shri. R. Subbaiah, R/o Delanipur, South Andaman stated in his complaint letter dated 11.07.2024 that *"I have encroached a government revenue land bearing survey no. 45 and 40/P, situated at Delanipur Safaiwala Colony, Ambedkar Street, Delanipur, and residing with my family where earlier energy meter existed bearing A/C No. A/1077, which was totally burnt in a fire accident on 17.04.2015. The then Assistant engineer submitted intimation letter No. EL/AE/HQ/SD-1/2015/28-13/628 dated 18.04.2015.*

I have applied for getting new electric connection vide application No. 17430, dated 25.09.2023, which is still pending for getting settled possession report from the revenue authority.

Request to provide us electric connection at the earlier".

The complainant enclosed photocopies of online application form bearing No. 17430 dated 25/09/2023, Fire Accident Certificate issued by Chief Fire Officer, A&N Islands, AE-(I) HQ issued Annexure-3 dated 18/04/2015, Ration Card, PAN 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/25-3/2024/229 dated 15/07/2024 stated that *"the comments submitting by this is as follow: -*

1. *The applicant Shri R. Subbaiah, S/o Late Raman applied for domestic single-phase electric connection vide Application No. 17430 dated 25.09.2023 with the following documents.*
 - a) *Affidavit*
 - b) *Declaration/Undertaking*
 - c) *Undertaking*
 - d) *Directorate of Civil Supplies and Consumer Affairs*

- e) No. EL/AE-I/HQ/28-13/2015/621 dated 18.04.2015
- f) Fire Officer Letter No.4-160/2012-CFO/1395 dated 21.04.2015
- g) Aadhar of the Applicant

The Andaman and Nicobar administration circulated a Circular No.4-3/21/2015-Power dated 09.10.2023 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, and interest on the land in question.
 - 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 position 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-I/HQ/58-3/2023/556 dated 02.11.2023 to the Tehsildar, Port Blair for confirmation of **"settled possession"** of the applicant on the abovementioned land.

In response to our letter seeking confirmation of **settled possession** report of the applicant from the Revenue Authority, the Tehsildar-Port Blair submitted his reply vide letter No. G-27/TPB/2024/61 dated 08.09.2024 stating "In this regard, it is to inform you that the Revenue Department under Andaman



and Nicobar Island Land Revenue and Land Reforms Regulation, 1966 of strongly condemn any encroachment on government land and the granting of electric connections to individuals who claim ownership of such land”.

For providing electric connection as per JERC Regulation 2018 Clause 5.30 is produced below: -

1. Any of the following documents shall be considered as acceptable proof of ownership or occupancy of premises.
2. Any of the registered Sale Deed or Lease Deed or Rent Agreement and in the case of Agricultural Connections, a copy of CASRA, Khatoni, Khatanakal.
3. Registered General Power of Attorney.
4. Municipal/Panchayat Tax Receipt or Demand Notice or any other related document.
5. Order Of Allotment.
6. Any of the house registration certificate issued by the Panchayat/ ownership certificate issued by Revenue authorities.
7. Any other ownership related document issued by Local government authority.
8. An applicant who is not an owner, but an occupier of the premises shall, along with any of the documents listed at (1) to (6) above, also furnish a No Objection Certificate from owner of the premises.

As **no settled possession report** received from the Revenue Authority as per 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.

The complainant has also enclosed the letter of intimation to the owner after temporary disconnection of supply issued by the Assistant Engineer-I vide letter No. EL/AE-I/HQ/28-13/2015/621 dated 18.04.2015, which clearly speech that: -

1. Fire incident occurred in the building on 17.04.2015.
2. The internal wiring and earthing of the building got damaged due to the fire accident.

As fire accident occurred, hence the applicant may be asked to submit the Fire Clearance Certificate from the Fire Department please”.

The AE-I(HQ), Electricity Department enclosed photocopies of complainant's online application form bearing No. 17430 dated 25/09/2023, Affidavit dated 22/07/2023, Declaration/Undertaking dated 22/07/2023, Undertaking dated 22/07/2023, Fire Accident Certificate issued by Chief Fire Office, A&N Islands dated 21/04/2015, AE-I(HQ) addressed to the Tehsildar

vide letter dated 02/11/2023, 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, Shri. R. Subbaiah has admitted that he encroached on government land bearing survey no. 45 at Delanipur Safaiwala Colony, Port Blair. He had an electric connection bearing A/c No. A/1077 that was burnt during a fire incident on 17.04.2015. Following this, the connection was temporarily disconnected on 18.04.2015 and permanently dismantled on 31.03.2016 as per the notice issued on 10.02.2016. The complainant applied for a new service connection on 25.09.2023 vide application No. 17430, which was rejected by the department due to non-submission of the ownership documents. The complainant seeks a resolution to obtain a new electric connection.

Submission of the Respondent (Licensee)

The Assistant Engineer-I(HQ), Electricity department on behalf of the Respondent/Licensee (ED) acknowledges the temporary disconnection of the electric connection bearing A/c No. A/1077 on 18.04.2015 and its permanent dismantling on 31.03.2016 due to the fire incident on 17.04.2015. The Respondent confirms that the application for a new service connection bearing No.17430 submitted on 25.09.2023 was rejected due to the complainant's failure to provide necessary ownership documents. The Respondent asserts that as per regulations, the submission of ownership documents is mandatory for processing new service connection applications.

Hence the Forum decided to conduct joint inspection of the premises on 19/07/2024 11 am.

Forum's Observation

The complainant, Shri. R. Subbaiah had admitted that he had encroached a government revenue land bearing survey no. 45 at Delanipur Safaiwala Colony, Port Blair. He had an electric connection (A/C No. A/1077) that was burnt during a fire incident on 17.04.2015. Following this, the connection was temporarily disconnected on 18.04.2015 and permanently dismantled on 31.03.2016 as per the notice issued on 10.02.2016. The complainant applied for a new service connection on 25.09.2023 (application No. 17430), which was rejected by the department due to non-submission of the ownership documents. The complainant seeks a resolution to obtain a new electric connection.

The Respondent, Electricity Department acknowledges the temporary disconnection of the electric connection (A/C No. A/1077) on 18.04.2015 and



its permanently dismantled on 31.03.2016 due to the fire incident on 17.04.2015. The respondent confirms that the application for a new service connection (application no.17430) submitted on 25.09.2023 was rejected due to the complainant's failure to provide necessary ownership documents. The respondent asserts that as per regulations, the submission of ownership documents is mandatory for processing new service connection applications.

As per the decision taken during the hearing on 18/07/2024 the Forum decided to inspect the premises along with the ED officials and field staffs on 19/07/2024 at 11 am. During inspection it was found that the premises is RCC double storied building with wiring completed stage and in settled possession.

The Forum has observed that the complainant submitted online application along with supporting documents i.e., Aadhaar Card and Ration Card as Address & Identity proof, Affidavit for Declaration, Affidavit for Undertaking and Affidavit for obtaining electric connection as per section 5.30(8) of the Electricity supply code regulation 2018.

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 in section 5.30(8) of Electricity supply code Regulation 2018.

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: -

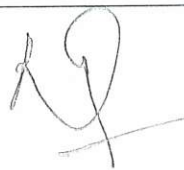
1. The Forum along with the Respondent inspected the complainant's premises and observed, that the complainant is in '**settled possession**'. Thus, the Forum directs the Respondent to provide necessary connection to the consumer after observing all codal formalities as per the JERC Regulation until the eviction done by the concerned authority.
2. Further, if the electricity supply is released, it is clear that 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 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. 23/2028 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. 23/2028 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. 26/2019 under Clause 27(1).
8. 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.
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**".

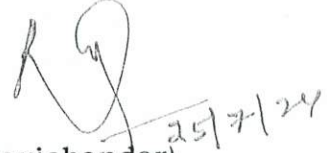
[Annexure - IV Appeal Form can be collected from the office of the Forum on any of the working days].



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).



(Biji Thomas)
Independent Member
Electricity CGRF



(R. Ravichandar)
Chairman
Electricity CGRF

X X X

AE (IT)