

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

Before:

Shri. Amarjeet Singh Saini, Chairman.
Smt. Biji Thomas, Independent Member (JERC Nominated).

In the matter of:

Shri. T. Tarakesh, S/o Late T. Papa Rao, R/o Dairyfarm Village, Sri Vijaya Puram Tehsil, South Andaman.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/C.G. No. 29/2026 dated 02/09/2026.
Complaint : New Electricity Connection (Domestic)
Date of Hearing : 15/09/2026
Date of Order : 25/09/2026



ORDER

Background

The complainant filed a complaint vide R.D. No. 137 dated 02/09/2026 regarding New Electricity Connection (Domestic).

The complaint was registered as ANI/C.G. No. 29/2026 and forwarded on 03/09/2026 vide letter No. ANI/CGRF/10-471/126 to the Nodal Officer (CGRF), EE (HQ) and AE-II(HQ), Electricity Department herein after the respondent for submitting reply/comments and attending the Hearing fixed on 15/09/2026 at 10:30 a.m. in the Electricity CGRF Building at Horticulture Road, Haddo, Sri Vijaya Puram with relevant documents to depose off before the Forum. A copy of this letter was also endorsed to the complainant for attending the Hearing on the above said date, time and venue.

The AE-II (HQ)'s vide letter No. EL/AE/SD-II/1-29/2026-27/320 dated 11/09/2026 regarding submitting his reply/comments on behalf of the Respondent, which was received by the Forum vide R.D. No. 180 dated 15/09/2026, which is kept in case file as **Exbt.-1**.

Hearing on 15/09/2026

The Hearing was held on 15/09/2026 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. T. Tarakesh, Complainant,
- (ii) Shri. J. Jayakumar, AE (W/Shop), NO(CGRF), Elect. Dept.

15/09/2026

- (iii) Shri. Rakesh Singh, JE (Authorized by AE-II), Elect. Dept.
(iv) Shri. Mohammed Rafi, JE, Elect. Dept.

Statement of the Complainant

The complainant stated in his letter dated 02/09/2026 that "my father Shri. T. Papa Rao (since deceased) have encroached a piece of Revenue land bearing Survey No. 25/1/P, measuring an area of 63 Sq.mtrs, situated at Dairy Farm village, under Sri Vijaya Puram Tehsil, South Andaman District and have Constructed a residential house.

That, in the lifetime of my father he have taken Domestic Electric Meter connection in our residential house vide Consumer No. F1/2095, all dues clear. After the expiry of my father due to medical treatment of my father we are proceeded to mainland and on return back it is found that the above Meter connection is disconnected. In the mean time I intend to take Electric Meter Connection in our above residential house in my name. I am enclosing herewith the Indemnity Bond, copy of Electric Bill, Aadhaar Card, Death Certificate of my father and other relevant documents for your kind perusal.

Therefore, I request you to kindly provide me the above said Domestic Electric Meter connection in our residential house as on usual payment at the earliest please".

The complainant enclosed photocopies of online applications No. 23293 dated 13/07/2024, No. 27649 dated 08/02/2025, Ration Card, Election ID Card, NOC from the Legal Heir, Indemnity Bond, Death Certificate, Municipal Notice dated 16/07/2993, Aadhaar Card as ID proof, Local Certificate, Islander ID Card, Electricity bill Consumer No. F1/2095, Show Cause Notice dated 11/11/2003, NOC from the Tehsildar, Port Blair dated 11/11/2003 and Notice dated 18/09/2023 issued by the AE-II, Electricity Department.

Reply of the Respondent

The AE-II(HQ) submitted his reply on behalf of the respondent vide letter No. EL/AE/SD-II/1-29/2026-27/320 dated 11/09/2026 stated that "Shri. T. Tarakesh, S/o Late T. Papa Rao has applied for a new domestic single phase electricity connection on encroached Government land vide Online Application No. 23293 dated 13.07.2024, while verification of the application it is found that the applicant has not submitted the copy of the ratio card or copy of the Electoral Identity Card having the same address as a proof of occupancy of the premises for the purpose of releasing the electric connection as per the JERC's Regulations, hence the application was rejected on 08.10.2024 (Copy Enclosed).

Thereafter, Shri T. Tarakesh again applied for a Domestic (Single Phase) electricity connection on encroached Government land vide Online Application No. 27649 dated 08.02.2025 which is under process (Copy Enclosed).

Further it is to inform that that A&N Administration vide Circular No. 4-3/21/2015-Power, dated 09/10/2023 in which it is directed that in the encroachment case the department 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 Judgement of

25/9/24

Hon'ble Supreme Court of India in case of Poona Ram - Vs - Moti Ram (D) THLRS & Ors in connection with Civil Appeal No. 4527 of 2009).

After Confirmation from the concerned Revenue authority the application shall be formally accepted and processed further in accordance to the JERC (Electricity supply Code) Regulations 2018.

On the basis of above circular, a letter was sent to the Tehsildar, Sri Vijaya Puram vide this office letter No. EL/AE/SD-II/2-8/2024-25/774 dated 11.02.2025(Copy Enclosed), for its confirmation of settled possession.

The Tehsildar, Sri Vijaya Puram replied vide his letter No.G-27/TPB/2025/472 dated 18/02/2025(Copy enclosed) stated that, the Revenue department under Andaman & Nicobar Islands land revenue and land reforms Regulations, 1966 strongly condemn any encroachment on government land and the granting of electrical connections to individuals who claim ownership of such land.

Further, as reported by the Junior Engineer, Dairy Farm Site Office, vide letter No. EL/JE/DF/60-1/2026-27/319 dated 11.09.2026, the following was observed during inspection :

- Inspected the applicant premises on dated 11.09.2026 by the JE, Dairy Farm along with Regular Mazdoor.
- The applicant has constructed a Semi RCC House on an encroached land.
- The existing LT line is 3-phase, 5-wire, and is approximately 500 metres from the applicant's premises. And will feed from the Dairy Farm Milk Plant Transformer 500 KVA.
- The internal wiring and earthing of the applicant's premises were found to be completed time of inspection.
- Photographs of the inspected premises are enclosed for reference.

Further, it is to inform that the premises already had an existing electric connection vide Consumer No. F1/2095 was registered in the name of Shri T. Papa Rao.

As the consumer had not paid the electricity dues for more than six months, a notice dated 18.09.2023 was issued to Shri T. Papa Rao of Consumer Account No. F1/2095. The notice stated that the service connection had remained under disconnection for the preceding six months and the consumer was requested to take reconnection within one month from the date of receipt of the notice, failing which the service main, meter, cut-out and other apparatus could be dismantled by the Department under the applicable provisions (Copy Enclosed).

Since the electricity dues were not paid and the service connection was not restored within the stipulated period, Consumer A/c No. F1/2095 was subsequently dismantled on 25.10.2023 due to non-payment of electricity dues.

In view of the above, the para-wise comments along with the relevant supporting documents/records are hereby submitted for kind perusal and further necessary action".

The respondent enclosed photocopies of Online Application rejected dated 08/10/2024, Online application no. 27649 dated 08/02/2025, Affidavit, Undertaking, Ration Card, Aadhaar Card, Islander ID Card, PAN card, AE-II's letter dtd. 11/02/2025, Tehsildar's letter dtd. 18/02/2025, Notice dated 18/09/2023 issued by the AE-II, Elect. Dept. and photographs of the complainant's premises, which is kept in the case file.

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Submission of the Complainant During Hearing

The Complainant, Shri T. Tarakesh, submitted that his electricity connection bearing Consumer No. F1/2095 was disconnected in September 2023 for non-payment of electricity charges while he was away in Chennai for an eye operation. He stated that the permanent disconnection was effected one day prior to the service of the disconnection notice. He further submitted that, on approaching to the Respondent for reconnection, he was informed that the connection had been permanently disconnected and dismantled of service connection and that he was required to apply for a fresh connection.

On 13.07.2024, he applied online for a new connection vide Application No. 23293, which was rejected without issuance of a deficiency notice, with the remark requiring submission of a ration card or electoral identity card having the same address as proof of occupancy.

The Complainant thereafter submitted another online application vide **Application No. 27649 dated 08.02.2025**, along with the required documents, as stated by him, in compliance with the deficiencies pointed out in the earlier rejected application. He stated that the electricity connection has not yet been released. He therefore approached the Forum and prayed for appropriate directions for release of a new electricity connection at the premises.

Submission of the Respondent During Hearing

The Assistant Engineer-I (HQ), on behalf of the Respondent, submitted that the reply/comments on the complaint had already been furnished vide Letter No. EL/AE/SD-II/1-29/2026-27/320 dated 11.09.2026. However, further submitted that the service connection bearing **Consumer No. F1/2025** was disconnected for non-payment of electricity charges and subsequently dismantled on **25.10.2023**, after serving notice on **18.09.2023**, as per the prescribed departmental procedure. It was further submitted that, although the Complainant had subsequently cleared the outstanding dues, the **security deposit had not yet been refunded**. Since restoration/reconnection of the dismantled service connection was not permissible, the Complainant was advised to apply for a fresh connection.

Accordingly, the Complainant applied for a fresh connection; however, the application was rejected for non-submission of the required documents. Thereafter, he submitted another application for a new connection at the premises stated to be on encroached land. The Respondent submitted that the application was provisionally accepted in terms of the **Circular dated 09.10.2023** and forwarded to the Tehsildar vide letter dated **11.02.2025** for confirmation regarding settled possession. Subsequently, a reply was received from the Tehsildar, wherein it was stated that, under the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966, encroachment upon Government land is not permissible and that granting electricity connections to persons claiming ownership over such land was not

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permissible. Accordingly, the application has remained pending for release of the new electricity connection.

Forum's Observation

The present complaint relates to release of a **new domestic electricity connection** at the premises of the Complainant, consequent upon permanent disconnection and subsequently dismantling of the earlier electricity connection bearing **Consumer No. F1/2095**, which stands in the name of his deceased father, Shri T. Papa Rao. The record shows that the earlier electricity connection was disconnected on account of non-payment of electricity charges/dues and was subsequently dismantled on 25.10.2023. Thereafter, the Complainant applied for a fresh domestic electricity connection vide Online Application No. 23293 dated 13.07.2024, which was rejected on the ground that a Ration Card or Electoral Identity Card having the same address had not been submitted as proof of occupancy. The Complainant once again submitted **Online Application No. 27649 dated 08.02.2025**, alongwith the Ration Card and Electoral Identity Card showing the same address. The said application has, however, remained kept in abeyance for a period of more than 18 months, hence, the complainant approached the Forum for redressal.

In the instant case, the Forum notes that the concerned authorised Assistant Engineer did not appear in person on behalf of the Respondent during the hearing. Instead, Shri Rakesh Singh, Junior Engineer (Dairyfarm), appeared without any written authorisation from the concerned Assistant Engineer. However, considering that Shri Rakesh Singh was the concerned JE of the site office, hence, the Forum permitted him to appear and make submissions on behalf of the Respondent.

The Forum hereby directs the Respondent that, in future hearings, where the concerned authorised officer is unable to attend the hearing in person for any suitable reason, the concerned authorised officer on behalf of the Respondent may authorise a Junior Engineer or any other concerned official to appear before the Forum, by way of a **specific written authorisation**. Such authorisation shall clearly specify that the authorised representative is competent to appear and make submissions, produce relevant records/ documents and depose on behalf of the Respondent before the Forum.

The Forum observes that the **JERC (Electricity Supply Code) Regulations, 2018** itself defines an "Applicant" to include an owner or occupier of any land/premises who applies for supply of electricity. Further, **Clause 5.27** requires an application for new connection to be accompanied by proof of ownership or occupancy and current address, while **Clause 5.29** specifies acceptable identity documents and **Clause 5.30** specifies acceptable documents relating to ownership/occupancy.

15/01/26

The Forum has examined the notice issued by the Respondent to the complainant on 18.09.2023 regarding disconnection and dismantling of Consumer No. F1/2095. It is noted that **Clause 9.3(1)** of the **JERC (Electricity Supply Code) Regulations, 2018** specifically provides:

"On non-payment of the Licensee's dues: The Licensee may issue a disconnection notice in writing, as per Section 56 of the Act, to any consumer who defaults on his payment of dues, after giving him a notice period of minimum 15 working days to pay the dues."

Further, **Clause 9.4** provides:

"The supply shall be disconnected after giving a notice period of minimum 15 days. The supply shall be disconnected only if the cause of the disconnection is not removed within the notice period."

As per **Clause 9.7(2)** provides for permanent disconnection where the cause for which the supply was temporarily disconnected is not removed within the prescribed period, subject to the proviso relating to continuous disconnection for 180 days.

The Forum notes that the notice dated **18.09.2023**, as produced by the Respondent, states that the service connection had already remained disconnected for preceding six months and calls upon the consumer to obtain reconnection within one month, failing which the service main, meter, cut-out and other apparatus would be dismantled.

The Forum further observes that **Clause 9.3(1)** of the aforesaid Regulations, 2018 provides that in case of non-payment of the Licensee's dues, the Licensee may issue a written disconnection notice under **Section 56 of the Electricity Act 2003**, after giving the consumer a **minimum notice period of 15 working days** for payment of the dues. Further, **Clause 9.4** provides that the supply shall be disconnected only after giving the prescribed notice period and only if the cause of disconnection is not removed within such period. In the instant case, the record placed before the Forum does not establish that the mandatory procedure prescribed for the original temporary disconnection, including issuance of the requisite statutory notice and observance of the prescribed notice period, was duly followed by the Respondent.

The Forum also takes note of **Clause 9.5**, under which, in the cases specified therein, after temporary disconnection the Licensee is required to issue a notice providing **45 days in the case of a domestic consumer** and **15 days** in the case of other categories for removal of the cause of disconnection, failing which permanent disconnection and dismantling of the service connection may follow. Further, **Clause 9.7** deals with permanent disconnection and provides, inter alia, that where the service of a consumer remains continuously disconnected for 180 days, the Agreement shall be deemed to be terminated only after the further period specified therein.

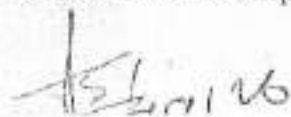
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In the present case, the Forum finds that the dismantling notice dated 18/09/2023 did not adequately disclose the applicable statutory/regulatory procedure and the requisite time available to the consumer for removal of the cause of disconnection. In particular, the notice placed before the Forum does not clearly demonstrate that the consumer was afforded the **minimum period prescribed under Clause 9.3(1)/Clause 9.4 and**, wherever applicable, the further notice contemplated under **Clause 9.5**, before permanent disconnection was effected and the service connection was dismantled.

The Forum specifically directs the respondent that in all future cases of disconnection, permanent disconnection or dismantling of service connections, the Licensee shall mandatorily serve a proper written notice upon the concerned consumer **strictly in accordance with the applicable provision of Chapter 9 of the JERC (Electricity Supply Code) Regulations, 2018**. The notice shall clearly specify the reason for the proposed action, the outstanding dues/cause of disconnection, the date from which the notice period is consider, the last date available to the consumer for removal of the cause/default, and the consequences of failure to comply. The Licensee shall not proceed to disconnection, permanent disconnection or dismantling before expiry of the applicable statutory notice period.

The Forum further observes that the electricity connection bearing Consumer No. F1/2095 was permanently disconnected by the Respondent on 25/10/2023. However, the Respondent has not placed before the Forum any specific record or statement indicating whether the security deposit, if any, lying against the said consumer account was refunded to the complainant after permanent disconnection/dismantling of the service connection. The Forum, therefore, considers it necessary that the Respondent shall verify the consumer ledger and other relevant records and ascertain the status of the security deposit, including the amount, if any, refundable to the complainant, as per **Clause 5.113** of the aforesaid Regulation, 2018 read as *"The security deposit shall be returned to consumer upon termination of Agreement within 30 days of adjustment of all dues. In case of delay, interest equivalent to the State Bank of India Base Rate on the 1st of April of that year shall be payable to the consumer"*.

The Forum observes that after permanent disconnection and dismantling of service connection of the aforesaid Consumer No. F1/2095, the complainant submitted Online Application No. 23293 dated 13/07/2024 for a new connection, but the application was rejected without communicating the deficiency within the prescribed period. As per **Clause 5.35** of the aforesaid Regulations, 2018 read as *"For all application forms pertaining to release of supply of new connections, the Licensee shall verify the application form along with enclosed documents and if found deficient, shall issue a written note on the spot regarding shortcomings in the application form. If the application form is complete, the Licensee shall acknowledge its receipt on the spot. In case the application is submitted online, the Licensee shall issue a written note regarding shortcomings in the application within 3 working days from the date of submission of application"*. In the instant case, the record does not establish that such deficiency was communicated to the complainant within **3 working**



days of submission of the online application and directly rejecting the application, without following the prescribed deficiency notice as per **Clause 5.35** and reflects negligence on the part of the Respondent in processing the application.

The Forum accordingly directs the Respondent to **strictly comply with Clause 5.35** in all future cases and ensure that, where an online application for a new electricity connection is found deficient, the specific deficiencies are communicated to the applicant in writing within the prescribed period. The application shall thereafter be dealt with in accordance with the applicable provisions of the JERC (Electricity Supply Code) Regulations, 2018.

The Forum further observes that the Complainant once again applied new connection through Online vide Application No. 27649 dated 08.02.2025, along with Ration Card and Electoral Identity Card bearing the same address as per **Clause 5.30(8)** of the Supply Code, 2018 provides:

"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."

The proviso further makes it clear 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".

Thus, the aforesaid Regulation, 2018 itself recognizes that such documents may be used as proof of occupancy **only for the purpose of release of electricity connection**, without conferring any ownership/title over the premises.

However, the Respondent didn't release the new connection and kept in abeyance as per the direction relied upon A&N Admn.'s **Circular No. 4-3/21/2015-Power dated 09.10.2023**. The Respondent forwarded the new connection application to the Tehsildar, Sri Vijaya Puram vide letter No. EL/AE/SD-II/2-8/2024-25/774 dated 11.02.2025 seeking confirmation regarding settled possession as per Circular dated 9/10/2023. The Tehsildar, Sri Vijaya Puram, vide letter No. G-27/TPB/2025/472 dated 18.02.2025, stated, in particular, that the Revenue Department strongly condemns encroachment upon Government land and the granting of electrical connections to individuals who claim ownership of such land.

The Forum carefully observe the contents of the said reply of the Tehsildar wherein he does not record a **specific finding that the Complainant is not in settled possession of the premises**, nor does it record that the particular application for electricity connection has been rejected by the Revenue Authority. More importantly, the Complainant, in the present proceedings, has sought electricity connection for domestic use and has not claimed that grant of electricity connection would confer ownership or

title upon him wherein Tehsildar strongly condemns encroachment upon government land and the granting of electrical connection. In such particular instruction cannot be used to keep an otherwise processable electricity application indefinitely in abeyance without for more than 18 months.

The Forum also takes note of the fact that the premises had earlier been provided electricity connection bearing Consumer No. P1/2095 in the name of the Complainant's deceased father Late T. Papa Rao and after his death the Complainant and his family has been residing at the premises for a long period. In these circumstances, the Forum finds that the application need not have been kept pending indefinitely merely on the basis of the general observation contained in the Tehsildar's letter. The Respondent was required to take a reasoned decision on the application in accordance with the Electricity Act, Supply Code and applicable consumer-rights framework, which was not followed in the instant case.

The Forum has also taken note of the inspection conducted on 11.09.2026 by the Junior Engineer, Dairy Farm Site Office vide letter No. EL/JE/DF/60-1/2026-27/319 dated 11.09.2026 wherein he found that:

- (i) a semi-RCC residential house has been constructed at the premises;
- (ii) the existing LT line is 3-phase, 5-wire and is approximately 500 metres from the applicant's premises;
- (iii) supply is proposed from the Dairy Farm Milk Plant Transformer of 500 kVA capacity; and
- (iv) the internal wiring and earthing of the premises were found completed at the time of inspection".

The Forum therefore observes that the Respondent has already undertaken physical verification of the premises and the technical feasibility of supply has also been reported.

Further, **Section 43 of the Indian Electricity Act 2003, read as "Every Distribution Licensee, shall, on an application by the owner or occupier of any premises, give supply of such electricity of such premises within one month after the receipt of the application of such supply".**

As per **Clause 5.27 of the JERC (Electricity Supply Code) Regulation, 2018** requires an application for new connection to be accompanied by the prescribed identity and ownership/occupancy documents. **Clause 5.30** specifies the documents which may be accepted as proof of ownership or occupancy. In the present case, the complainant has produced the documents referred to in the rejection remarks, including Election Card/Ration Card bearing the same address along with Aadhaar Card.

The Forum is of the view that, as a matter of settled legal principle, electricity is a **basic amenity** which cannot ordinarily be denied to an occupant merely on account of a dispute relating to the land, as held by the **Hon'ble Supreme Court in Dilip (Dead) through LRs. v. Satish & Others, Criminal Appeal No. 810 of 2022, decided on 13.05.2022**, has categorically observed:

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"It is now well settled proposition of law that electricity is a basic amenity of which a person cannot be deprived. **Electricity** cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. All that the electricity supply authority is required to examine is whether the applicant for electricity connection is in occupation of the premises in question."

The Forum further observes that **electricity is an essential amenity connected** with the right to shelter and dignified living. **The Hon'ble Supreme Court**, in **Chameli Singh & Others v. State of U.P. & Another, (1996)**, while explaining the scope of the right to shelter, held as under:

*"Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, **electricity**, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation."*

Further, the aforesaid High Court also held that **Section 43 of the Electricity Act, 2003 is mandatory** in requiring supply to an owner or occupier of the premises, subject to fulfilment of the applicable statutory and codal requirements. In view of the above judicial principles, the Forum observes that, while the Complainant is required to comply with the prescribed statutory and codal formalities, the request for a domestic electricity connection ought not to remain pending indefinitely merely on account of non-receipt of NOC from the concerned Revenue Authority or non-confirmation of settled possession, particularly where the Revenue Authority has neither confirmed the alleged encroachment/possession status nor taken action for eviction in accordance with law.

The Forum also takes note of the judgment dated **11/07/2025** passed by the Hon'ble High Court at Calcutta, Circuit Bench at Port Blair, in **WPA No. 216/2025, Krishnawathi vs. Union of India & Others**. In the said judgment, the Hon'ble Court, while considering the issue of electricity connection to an occupier of Government revenue land, specifically relied upon the **Full Bench judgment in Abhimanyu Mazumdar vs. The Superintending Engineer & Another**, wherein it was categorically held that an illegal occupier is also entitled to obtain an electricity connection. The Hon'ble Court further held that **Clause 5.30 of the JERC (Electricity Supply Code) Regulations, 2018** does not fetter the right of an occupant to seek electricity connection, and observed that an illegal occupier cannot be prevented from obtaining electricity merely on account of inability to produce the documents prescribed under the said clause. Accordingly, the Hon'ble Court set aside the rejection order and directed the Electricity Department to provide electricity connection subject to compliance with all formalities. The Hon'ble Court also made it clear that such electricity connection does not confer any right, title or interest over the Government land.

The Forum further takes note of the settled legal position that electricity supply to an occupier in settled possession is intended only to meet the basic requirement of electricity and cannot be construed as recognition, regularisation or conferment of ownership or any other right over the land. In the present case, the complainant is not a new or recent claimant/encroacher

to the premises; however his deceased father was an existing consumer of the Electricity Department bearing Consumer No. F1/2095 and after his death, the complainant and his family residing and enjoying electricity supply at the premises prior to its disconnection and subsequent permanent dismantling on 25/10/2023 on account of non-payment of electricity dues, as per the applicable provisions. During the site inspection conducted by the Forum and the concerned Junior Engineer of the Respondent, the complainant was found to be in physical possession of the premises, with the existing electrical wiring and electrical appliances/equipment still available therein. The complainant has also produced documents supporting his occupation of the premises.

During the inspection conducted on 11/09/2026 by the Forum it was noted that the complainant is in physical possession of the premises and that the existing electrical wiring and other electrical appliances/equipment earlier used by him are still available therein and the same was inspected by the concerned Junior Engineer on 11/09/2026. The complainant has also produced Election Card/Ration Card bearing the same address along with Aadhaar Card, Indemnity Bond, Death Certificate of his diseased father and NOC from Revenue Authority issued on 11/11/2003 regarding his diseased father's occupation of the premises. The Forum confines these observations to the physical possession and relevant documents for release of electricity connection on encroached land, and does not adjudicate upon the ownership or legal status of the land.

The Forum further observes that the documents produced by the complainant for obtaining a new electricity connection, namely Election Card / Ration Card bearing the same address along with Aadhaar Card, Indemnity Bond, Death Certificate of his deceased father and NOC from Revenue Authority issued on 11/11/2003 for proof of identity and occupancy, satisfy with specific requirement of identity and ownership/occupancy documents under **Clause 5.27** and proof of occupancy prescribed under **Clause 5.30(8)** of the JERC (Electricity Supply Code) Regulations, 2018,

The Respondent is, therefore, required to verify the aforesaid documents having the same address as proof of occupancy of the premises in accordance with **Clause 5.30(8)** for obtaining the new connection, and after completion of all other applicable codal, technical and safety formalities, release the electricity connection within the time limit prescribed under the applicable Regulations.

The release of electricity connection shall be **only for the purpose of electricity supply** and shall not be construed as recognition of ownership, title or regularization of any encroachment. The question of title/ownership of the land shall remain subject to the jurisdiction and orders of the competent Revenue Authority/ Court.

In view of the foregoing observations, the Forum considers it appropriate to balance the requirement of compliance with the applicable Revenue verification and other statutory safeguards with the complainant's legitimate

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requirement of basic electricity supply, without conferring or recognising any right, title or interest over the land or premises.

Hence,

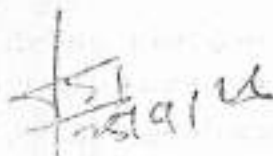
It is ordered:

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 **Complaint/Case No. ANI/CG No. 26/2026** is hereby closed with specific directions to the Complainant and the Respondent.
2. The Respondent is directed to process **Online Application No. 27649 dated 08.02.2025** in accordance with the **Clause 5.35(8)** of the **JERC (Electricity Supply Code) Regulations, 2018**, and other applicable statutory/Regulatory provisions, which has remained pending/kept in abeyance for more than **18 months**.
3. The Respondent is directed to verify the documents submitted by the complainant i.e. Ration Card or Electoral Identity Card having the same address as proof of occupancy, in accordance with **Clause 5.30(8) of the JERC (Electricity Supply Code) Regulations, 2018**, for obtaining the new electricity connection against Online Application No. 27649 dated 08/02/2025, and after completion of all codal, technical and safety formalities, process the application and release the new electricity connection within the prescribed timeline under the applicable JERC Regulations.
4. The Respondent shall not reject an application for a new electricity connection without communicating the specific deficiency to the applicant in the manner prescribed under **Clause 5.35 of the JERC Electricity Supply Code Regulations, 2018**, wherever such deficiency is noticed, so as to ensure compliance with the prescribed procedure and to avoid unnecessary future litigation, which was not followed in this instant case.
5. The Respondent is hereby directed that, in all future cases involving disconnection of electricity supply on account of non-payment of electricity charges or any other ground covered under **Chapter 9 of the JERC (Electricity Supply Code) Regulations, 2018**, the prescribed written notice and other procedural safeguards shall invariably be complied with before disconnection, in accordance with the applicable provisions of the said Regulations.
6. In cases of non-payment of electricity dues, the Respondent shall strictly comply with **Clause 9.3(1) of the JERC Electricity Supply Code Regulations, 2018**, read with **Section 56 of the Electricity Act, 2003**, and shall serve the prescribed written notice upon the consumer, providing the statutory/regulatory period available for payment of the outstanding dues before disconnection. The Respondent shall also

comply with **Clause 9.4**, wherever applicable, and shall not disconnect the supply before expiry of the prescribed notice period, which was not followed in the instant case.

7. Where permanent disconnection/dismantling is proposed following temporary disconnection, the Respondent shall strictly comply with **Clause 9.5** and the applicable provisions of **Clause 9.7** of the aforesaid **Regulations, 2018**. The prescribed notice periods and all procedural safeguards shall be strictly observed before permanent disconnection or dismantling of the service connection, which was not followed in the instant case.
8. The Respondent shall verify the **security deposit pertaining to Consumer No. F1/2095**, which stand in the name of the complainant's father Late Shri T. Papa Rao, and, after adjustment of any lawful outstanding dues, refund the admissible balance security deposit to the eligible person/legal heir in accordance with **Clause 5.133** of the Regulation, 2018, along with applicable interest for delayed refund, wherever payable.
9. It is made clear that release of electricity connection to the premises shall not confer, create or recognise any right, title, interest or equity in favour of the Complainant or any other occupant over the land or premises, nor shall the same be construed as regularisation or recognition of any encroachment or unauthorised occupation.
10. In the event of any order or direction of the competent authority regarding eviction, removal of encroachment, demolition or otherwise prohibiting the continuation of electricity supply to the premises, the Respondent shall be at liberty to take appropriate action, including disconnection of electricity supply, strictly in accordance with law and the applicable Regulations.
11. The complainant shall ensure electrical safety at the premises and is advised to install an Earth Leakage Protective Device (ELPD) and comply with all applicable electrical safety requirements.
12. The Respondent shall submit a **compliance report to the Forum**, along with documentary proof of action taken on Application No. 27649 and the security-deposit refund relating to Consumer No. F1/2095, **within 15 days from the date of receipt of this Order**.
13. The Respondent is directed that, in future hearings, if the concerned authorised Assistant Engineer is unable to attend in person, another concerned officer/official may be deputed to appear before the Forum under a **specific written authorisation**, clearly authorising him/her to make submissions and produce relevant records on behalf of the Respondent, which was not followed in the instant case.

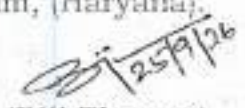


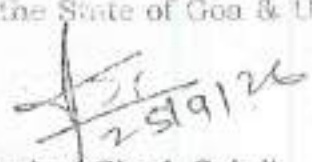
14. The Respondent is directed to submit **compliance report within 15 days** from the date of receipt of this order as per JERC Regulation No. 31/2024.
15. As per **JERC Regulation No. 31/2024 under Chapter-III of 30**, non-compliance of the Forum Order shall be treated as violation of the Regulations of the Commission and accordingly liable for action under **Section 142 of the Electricity Act 2003**.
16. 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 (Respondent), Executive Engineer (HQ), Nodal Officer (CGRF), Assistant Engineer-II(HQ), Assistant Engineer (T), Electricity Department, Complainant (Appellant) and the Electricity Ombudsman, JERC for the State of Goa & UTs, Gurugram, (Haryana).


(Biji Thomas)
Independent Member
Electricity CGRF


(Amarjeet Singh Saini)
Chairman
Electricity CGRF

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