

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:

Smti. Pushpa Surang, W/o Shri. Elarus Kerketta, R/o Kanyapuram,
Ferrargunj, South Andaman.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/328/24-25/05 dated 21/05/2024
Complaint : Providing New Connection (Domestic)
Date of Hearing : 29/05/2024
Date of Order : 30/05/2024



ORDER

Background

The complainant Smti. Pushpa Surang, W/o Shri. Elarus Kerketta, R/o Kanyapuram, Ferrargunj, South Andaman, filed a complaint vide R.D. No. 566 dated 21/05/2024 regarding new electricity connection (Domestic).

The complaint was registered as Case No. 328 and forwarded on 22/05/2024 vide letter No. ANI/CGRF/10-328/378 to the Nodal Officer (CGRF), Executive Engineer (SAD) and Assistant Engineer (F/Gunj), Electricity Department for submitting reply/comments and attending the Hearing fixed on 29/05/2024 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 29/05/2024 at 10.30 a.m.

The Assistant Engineer (W/Shop), Nodal Officer (CGRF), Electricity Department vide his letter No. EL/AE(W/Shop)/2-16/23-24/435 dated 27/05/2024 submitted reply/ comments on behalf of the Licensee/Respondent (ED), which was received by the Forum vide R.D No. 577 dated 28/05/2024 (the letter is kept in case file **(Exbt. -1)**).

Hearing on 29/05/2024

The Hearing was held on 29/05/2024 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Smti. Pushpa Surang, Complainant.
- (ii) Shri. A. Murthi, Asst. Assist. Complainant.
- (iii) Shri. Suresh Kumar, AE, Nodal Officer, Elect. Dept.
- (iv) Shri. Rajesh Singh, AE (F/Gunj), Elect. Dept.

Statement of the Complainant

The complainant Smti. Pushpa Surang, W/o Shri. Elarus Kerketta, R/o Kanyapuram, Ferrargunj, South Andaman stated in her complaint letter dated 21.05.2024 that "I am to bring to your kind information that I had applied for electric connection for my encroachment land bearing survey no. 41 situated at model village under Kanyapuram gram Panchayat of Ferrargunj tehsil vide my application no.19674 dated 08/01/2024.

We are a joint family of 09 members out of which 02 are children. The children find it quite unbearable to cope with the scorching heat that we are facing nowadays. Besides they find it very difficult to study at night due to non availability of electric lights. With the advent of monsoon, it would be even worse due to the fear of snakes and centipedes because of which our lives have become even more miserable! My husband is bed-ridden due to partial paralysis and without a fan we are not able to withstand the heat wave unleashed during this scorching weather.

It is therefore requested to your Hon'ble Court to kindly look into our case and arrange for providing electric connection to us for which we shall be deeply grateful to you".

The complainant enclosed photocopies of online application form bearing No. 19674 dated 05/01/2024, Affidavit for Declaration, Affidavit for Undertaking and Affidavit for Encroachment Land and Aadhaar Card as ID proof, which is kept in the case file (Exbt. -2).

Reply of the Respondent/Licensee (ED)

The Assistant Engineer (F/Gunj) submitted para-wise comments on behalf of the Respondent/Licensee (ED) vide letter No. EL/AE/FG/3-20/24-25/83 dated 27/05/2024 stated that "The application for new service connection received through online portal on 05/01/2024 vide application no. 19674, proceed the circular issued by Assistant Secretary (Power) vide no. 4-3/21/2015-Power dated 09/10/2023.

Accordingly, to the circular, the connection will only be released upon receipt of a settled possession report from the revenue authority, as outline in point sub section D (ii). A letter has been forwarded to Tehsildar Ferrargunj vide letter no. EL/AE/FG/3-23/23-24/466 dated 23.01.2024, requesting the settle possession report, which is still pending (enclosed)".

The AE (F/Gunj), Electricity Department enclosed complainant's online application copy, copy of letter submitted to the Tehsildar, photocopies of Circular No. 4-3/21/2015-Power dated 09/10/2023, which is kept in the case file **(Exbt. -3)**.

Submission of the Complainant

The complainant Smti. Pushpa Surang, R/o Kanyapuram, Wimberly Gunj stated that she is staying in the encroached land since last 3 years with her paralyzed husband. The complainant applied for new service connection in the encroached area on 05/01/2024.

Submission of the Respondent (Licensee)

The AE (F/Gunj), Electricity department on behalf of the Respondent/Licensee (ED) stated in his reply letter that as per Circular issued by Assistant Secretary (Power) vide letter No. 4-3/21/2015-Power dated 09/10/2023., the connection will only be released upon receipt of a settled possession report from the revenue authority, as outline in point sub section D (ii). A letter has been forwarded to Tehsildar, Ferrargunj vide letter no. EL/AE/FG/3-23/23-24/466 dated 23.01.2024, requesting the settle possession report, which is still pending.

On the day of hearing, the AE (F/Gunj), Electricity department on behalf of the Respondent/Licensee (ED) stated that they will provide connection on receipt of Order from CGRF as per the technical feasibility.

Forum's Observation

The Forum after going through the documents submitted by the Respondent/Licensee (ED), the complainant, and the statements made on hearing date by both the parties meticulously observes that the complainant, Smti. Pushpa Surang, R/o Wimberlygunj is an encroacher who had applied for electricity connection vide Online application No. 19674 dated 05.01.2024 with supporting documents i.e., Aadhaar Card, Affidavits for Undertaking, Declaration etc. The Licensee/Respondent (ED) failed to provide the new connection due to lack of acceptable proof of ownership or occupancy of the premises from the consumer/complainant.



Whereas the Forum inspected the said premises on 28/5/2024 by 12:00 PM and confirmed that the complainant is in settled possession and the husband of the complainant is in bedridden condition due to paralysis. As per the Hon'ble High Court order, who is a lawful occupier of the premises, if he is unable to produce the no objection certificate from the owner (Revenue Authority) for obtaining a connection, a separate indemnity bond shall be executed in favor of the distribution license in the Form prescribed by the said License/Respondent. Thus, the Respondent has to provide the connection to the complainant after observing all the codal formalities until eviction of the property by revenue authority.

Further, 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.

Hence,

It is Ordered:

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

- 1 The Forum inspected the complainant premises and was found to be in '**settle possession**'. Therefore, the Respondent/Licensee (ED) is directed to provide electricity connection in subject to technical feasibility after observing all the codal formalities until eviction of the property by revenue authority and the timelines prescribed in JERC Regulation No. 23/2018.
- 2 Further, if release the electricity supply, 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 Respondent/Licensee (ED) is suggested to explore the possibility of limitation for connected load / points especially for encroachment cases in A&N Islands through JERC and make a policy decision to avoid future complication.
- 4 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).



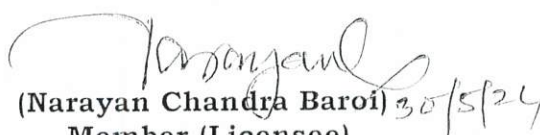
- 5 As per JERC Regulation No. 26/2019 under Chapter-IV of 27, non-compliance of the Forum Order shall be treated as violation of the Regulations of the Commission and accordingly liable for action under Section 142 of the Electricity Act 2003.
- 6 The complainant shall not be harassed overtly or covertly in any manner whatsoever in future for exercising his right by availing the redressal within his jurisdiction.

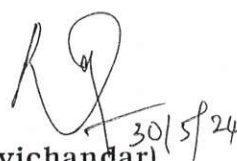
"The complainant, if aggrieved, by non-redressal of his / her grievance by the Forum or non-implementation of CGRF order by the Licensee, may make an Appeal prescribed Annexure-IV, to the **Electricity Ombudsman, Joint Electricity Regulatory Commission for the State of Goa and UTs**, 3rd Floor, Plot No. 55-56, Service Road, Udyog Vihar, Phase-IV, Sector-18, Gurugram - 122015 (Haryana). Phone - 0124-4684708, 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 (SAD), Nodal Officer (CGRF), Assistant Engineer (F/Gunj), 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) 30/5/24
Member (Licensee)
Electricity CGRF


(R. Ravichandar) 30/5/24
Chairman
Electricity CGRF

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