

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. P. Abdul Salam, S/o Shri. P. Hassainar, R/o House No. C-50, Opposite Patwarkana Malapuram, Mannarghat Panchayat, South Andaman (Consumer No. Q/438 (Domestic).

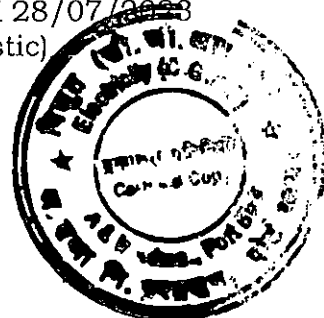
.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/288/23-24/20 dated 28/07/2023
Complaint : Providing New Connection (Domestic)
Date of Interim Order : 31/07/2023
Date of Hearing : 17/08/2023
Date of Order : 18/08/2023



ORDER

Background

Following an Interim Order passed on 31/07/2023 in this instant case with certain directions to the Complainant and the Respondent/Licensee (ED) and, accordingly, fixed the Hearing on 17/08/2023 at 10:30 am in the Hearing hall of the Electricity CGRF, Horticulture Road, Port Blair.

The Respondent on behalf of Licensee (ED) was represented by Assistant Engineer-V, Electricity Department who filed his reply vide letter No. EL/AE/FG/3-20/2023-24/172 dated 11/08/2023 with enclosures, after completion of work as directed in the Interim Order dated 31/07/2023, which is kept in case file (*Exbt.-1*).

Hearing on 17/08/2023

The Hearing was held on 17/08/2023 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Shri. P. Abdul Salam, Complainant.
- (ii) Shri. Suresh Kumar (Workshop), Nodal Officer (CGRF) - **Absent**.
- (iii) Shri. Rajesh Singh, AE-V, Elect. Dept., Ferrargunj.
- (iv) Shri. Cheran Jeevan Ram, JE, Elect. Dept., W/Gunj.

Reply of the Respondent/Licensee (ED)

The Assistant Engineer-V on behalf of the Respondent/ Licensee(ED) in his written submission letter dated 11/08/2023 has stated that: -

1. Shri. P. Hassainar was a consumer of this department bearing consumer No. Q/438 Malappuram, Mannarghat Village under the jurisdiction of Wimberlygunj Site at Office.
2. A request for temporary disconnection of the electric connection of the consumer under consideration i.e Q/438 was submitted to The Assistant Engineer, Electricity Department, Ferrargunj Sub-Division vide A.E (F/Gunj) R.D No. 1768 dt. 15/11/2022 (Copy enclosed).
3. Following which the said connection was temporarily disconnected on 22/11/2023/4. As per JERC guideline 9.13 a temporary disconnection could be allowed for a maximum period of Six Months. Hence, a Notice was served to Shri. P. Hassainar to in order to apply for reconnection within 15 days (Notice enclosed).
5. No further application was received from the party seeking the reconnection of the same. Therefore, the electric connection bearing Consumer No. Q/438 was permanently dismantled on 06/07/2023 as per the letter received from J.E (W/Gunj) vide letter no. EL/JE/WG/3-21/2023-24/114 dt. 03/08/2023 (letter enclosed).
6. Following which an online application for new connection was filed by Shri. P. Abdul Salam, S/o Shri. P. Hassainar vide application no. 15391 dt. 11/07/2023.
7. The same was rejected due to non-submission of NOC from Shri. P. Hassainar who owns the land on which the new electric connection is applied for.
8. As per the Interim Order issued by Electricity CGRF on 31/07/2023 to provide new service connection (Domestic) to Shri. P. Abdul Salam, S/o Shri. P. Hassainar. The connection was provided on 10/08/2023 after completion of all the codel formalities as per JERC norms (Copy of the report of new connection provided to Shri. P. Abdul Salam from J.E (W/Gunj) enclosed).

The Respondent/Licensee (ED) has submitted photocopies of enclosures as above stated, which is kept in the case file **(Exbt.-2)**.

Submission of the Complainant

The complainant Shri. P. Abdul Salam stated in his oral submission that he got single phase electric connection on 10/08/2023 and he is fully satisfy with the decision of the Forum as well as completion of work by the Respondent/Licensee (ED) as per Interim Order.



Submission of the Respondent (Licensee)

The AE (Workshop), Nodal Officer (CGRF) is absent. The AE-V, Elect. Dept. is submitted on behalf of Respondent/Licensee (ED) and stated that as per Interim Order passed by the Forum is implemented and provided the electricity supply on 10/08/2023 after completion of all codal formalities.

Observation

The Forum observed that the Respondent/Licensee (ED) has provided the electric connection on the basis of '**Indemnity Bond**' as per **JERC Regulation No. 23/2018 (Electricity Supply Code 2018)** with supporting documents except NOC of the landed property. The complainant should submit NOC in future from the owner of the landed property till his connection is in temporarily provided by the Respondent/Licensee (ED) on the ground of '**occupier** of the premises who is in '**settle possession**'. After his submission of NOC his electric connection will be permanent or full fledge or until he is evicted from the said premises till then he will enjoy electricity connection.

Further, it is made clear that release of electric connection to the applicant will not confer any right or equity in favour of the trespasser / encroachers in the occupation to defeat 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, Interim Order passed by the Forum on 31/07/2023, discussion, and on the observations so reached, the following is passed: -

1. The complaint No. 288 is hereby closed with specific direction to the complainant and the Respondent/Licensee (ED) without any merits.
2. The complainant is directed to submit NOC from the owner of the landed property till his connection is temporarily provided on the ground of '**occupier** of the premises who is in '**settle possession**'.

Further, it is made clear that release of electric connection to the applicant will not confer any right or equity in favour of the trespasser / encroachers in the occupation to defeat the title of the lawful owner and shall not be treated as having rights or title over the premises.




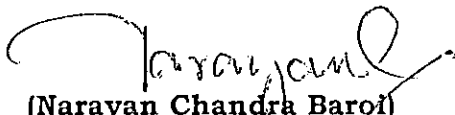
3. The Respondent/Licensee (ED) is directed to accept NOC whatsoever is submitted by the complainant for electric connection in future and accordingly make the connection as permanent or until he is evicted from the said premises till then he will enjoy electricity connection as per **JERC Regulation No. 23/2018 (Electricity Supply Code 2018)**.
4. 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 this Forum in any of the working days].

A certified copy of this Order be sent to the Superintending Engineer (Licensee/Respondent), Executive Engineer (SAD), Assistant Engineer-V, 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
18/8/23

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