

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. Bibhas Chandra Das, R/o Prem Nagar, Port Blair, South Andaman.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/316/23-24/48 dated 12/01/2024
Complaint : Providing New Connection (Domestic)
Date of Hearing : 24/01/2024
Date of Order : 08/03/2024



ORDER

Background

Shri. Bibhas Chandra Das, R/o Prem Nagar, Port Blair, South Andaman filed a complaint vide R.D. No. 388 dated 12/01/2024 requesting to provide new electric connection (Domestic).

The complaint was forwarded on 12/01/2024 to the Assistant Engineer (Workshop), Nodal Officer (CGRF), Executive Engineer (HQ), Assistant Engineer-I(HQ), Electricity Department for submitting reply/comments and attending the Hearing fixed on 24/01/2024 at 11:30 a.m. in the Hearing Hall in the Office 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 24/01/2024 at 11.30 a.m.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer-I(HQ), Electricity Department filed his letter No. EL/AE/SD-I/HQ/25-3/2024/774 dated 17/01/2024 submitted reply/comments, which is kept in case file (Exbt.-1).

Hearing on 24/01/2024

The Hearing was held on 24/01/2024 in the Hearing Hall, Electricity CGRF at 11:30 a.m. The following were present: -

- (i) Shri. Bibhash Chandra Das, Complainant.
- (ii) Shri. Naveen Lall, AE-I(HQ), Elect. Dept.
- (iii) Shri. A. Siddique, JE (Phoenix Bay), Elect. Dept.
- (iv) Ms. Indra Devi, JE (Prem Nagar), Elect. Dept.
- (v) Shri. Padmanabhan, LMMR, Elect. Dept.

Statement of the Complainant

Complainant Shri. Bibhas Chandra Das, R/o Prem Nagar, Port Blair, stated in his complaint letter vide R.D. No. 388 dated 12/01/2024 that "I was applied for domestic connection meter through online Electricity portal and the said application was rejected by the AE-I(HQ), with the remarks that land record in Form 'F' is required. In this connection, I am to say that I am submitted the following documents on the above purpose.

1. Licensee Record of Late Father U.C. Das.
2. Provisional Map of 1979.
3. Death certificates of Father & Mother.
4. No Objection in Affidavit from brother and sisters (on providing meter).
5. Electricity bill in my name.

Further, I am to say that I am residing in the property of my Late parents which residing from last 55 years. Hence the consumer meter applied by me absolutely necessary for me.

Therefore I request your Hon'ble Forum to kindly look into the matter and provide me the meter as soon as possible".

The complainant submitted photocopy of application rejected by the Respondent (ED), representation submitted to AE-I dated nil, Land Record (Licence), Map (Provisional) issued by Tehsildar in 1979, Death Certificates of the complainant's parents, electricity bill bearing Consumer No. B/4353, Affidavit for NOC from legal heirs of the landed property 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) on behalf of the Respondent/ Licensee(ED) in his written submission vide letter No. EL/AE/SD-I/HQ/25-3/2024/774 dated 17/10/2024 has stated that: -

- "1) The applicant Shri Bibhash Chandra Das/ S/o Late Upendra Das applied for domestic single phase electric connection vide application No. 18416 dated 08.11.2023 with the following documents.

- 2) License to occupy land for house site bearing of Survey No/Plot no. 12 /107 and 12/108 area 200 Sq.mtrs situated at Junglighat (Prem Nagar) under Port Blair Tehsil issued in favour of Shri UC Das dated 19.02.1990 and Aadhaar Card of the applicant.
- 3) The Online application was rejected with the remarks:- To submit the land record (Form-F) for obtaining electric connection. Further from the land records submitted it is clear that the land Stands in favour of Shri U.C. Das where as Shri Bibhash Chandra Das applied for getting electric connection on the said land without NOC from the owner of the land. The land records submitted is very old dated 19.02.1990.

For obtaining electric connection in online portal application for electric connection has two steps to be followed by the applicant (Enclosed).

1. Fill Online Application Form.
2. Upload Scanned Copy of supporting Documents as displayed on the screen.
 - = Record of Right/ Form F(if own building/ Legal Heir/ joint Property)
 - = Rent/Lease Agreement (in case of rented/leased accommodation)
 - = NOC from owner (in case of rented/leased accommodation)
 - = Affidavit for obtaining electric connection(in case of encroached land)
 - = Tribal Council certificate (in case of Tribal Area)
 - = Quarter Allotment Order (in case of Govt. Quarter)
 - = Copy of Aadhaar Card/ Photo id Address Proof

As directed by the Forum the following documents are submitted please.

- 4) Online application No. 18416 dated 08.11.2023.

The Respondent/Licensee (ED) has submitted photocopies of enclosures as above stated, which is kept in the case file **(Exbt.-3)**.

Submission of the Complainant

The complainant, Shri. Bibhash Chandra Das, S/o Late U.C. Das submitted that I had applied for new electric connection through online on 08/11/2023 and due to non receipt of NOC from the land owner, who was my father, AE-I (HQ) rejected my application. Both my parents died 13/08/1985 and 02/11/2016. Presently, our legal heirs are my brothers and sisters, who have already given NOC for obtaining electricity connection in the form of an Affidavit. Mutation of landed property bearing survey No. 12/107 & 12/108 is under process. I request the Hon'ble Forum to provide electricity connection as soon as possible.



Submission of the Respondent (Licensee)

The AE-I(HQ) on behalf of the Respondent/ Licensee (ED) stated that the Shri. Bibhash Chandra Das, S/o Late U.C. Das has applied for obtaining single phase domestic electric connection. The applicant has not submitted NOC from the landed property of Survey No. 12/107 and 12/108 area 200 sq.mtrs. situated at Junglighat, Port Blair, belongs to his father Shri. U.C. Das, hence, the application is rejected.

Forum's Observation

The Forum while going through the reply of the Respondent/Licensee (ED) noted a proper reply in written '**demand note**' for want of documents, estimate charges of work or whatsoever is require on receipt of any application received from the complainant/consumer **as per JERC Regulation No. 23/2018**.

As per JERC Regulation No. 23/2018 (Electricity Supply Code) for new connection under Chapter-5 read as follows: -

Chapter-5

5. PROCEDURE FOR RELEASE OF NEW CONNECTION AND MODIFICATION IN EXISTING CONNECTION

Licensee's obligation to supply

5.1 The Licensee shall, on an application by the owner or occupier of any premises located in his area of supply, give supply of electricity to such premises within the time specified in this Supply Code, 2018, provided that

(1) The supply of power is technically feasible. Where it is found to be not feasible, the Licensee shall endeavour to improve the feasibility at the earliest and release connection as per this Supply Code, 2018.

(2) The applicant has observed the procedure specified in this Supply Code, 2018; and (3) The applicant agrees to bear the cost of supply and services as specified in this Supply Code, 2018.

5.2 The system of supply and voltage shall depend on the category of the consumer and the load as per details given in Regulations 4.1 and 4.3, subject to Regulation 4.6 of this Supply Code, 2018.

5.3 The Licensee shall examine the technical feasibility of the connection applied for from their distribution mains and conduct the inspection within 5 working days of the receipt of application.

5.4 In case the connection is not found technically feasible, the Licensee shall intimate to the applicant in writing within 10 (ten) days of receipt of application giving reason for the same and estimated time that it will take to provide the connection, which shall not exceed the timelines specified under Supply Code, 2018:

Provided that no connection up to 20 kW from the existing network can be delayed only on technical grounds for domestic and commercial consumers and for such connections, feasibility report will not be required. However, for load exceeding 20 kW Licensee shall provide connection after augmentation (if required) of the existing network as specified in Supply Code, 2018.

5.5 If the connection is delayed beyond the timeline specified in this Supply Code, 2018, the applicant can lodge complaint at the centralized call centre/complaint centre at the zonal/district offices of the Licensee or through telephone or on website of the Licensee or through post. The contact details of these centres shall be printed on the electricity bill, displayed at the bill collection centres and uploaded on the Licensee's website. The Licensee shall create Call centre / complaint centre within a period of 6 months from the date of notification of these Regulations, in case not already created.

5.6 The Licensee shall create necessary online infrastructure within a period of one (1) year in order to make it easy for consumers to apply online. Once the online infrastructure is created by the Licensee, the Licensee shall display the monthly updated status of application for new connections on its website.

5.7 Nothing contained under Regulation 4 above shall be taken as requiring a Distribution Licensee to supply electricity to any premises if it is prevented from doing so by cyclone, floods, storm and other natural calamities beyond its control.

5.29 Any of the following documents shall be considered as acceptable proof of identity:

If the applicant is an individual:

- (1) Electoral Identity Card*
- (2) Passport*
- (3) Driving Licence*
- (4) Photo Identity card issued by Government agency*
- (5) PAN Card*
- (6) Photo Certificate from village Pradhan or any village level Government functionary like Patwari/ Lekhpal/ village level worker/ village chowkidar/ Primary school teacher/ in-charge of primary health centre, etc.*
- (7) Aadhaar Card.*

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 / khata nakal;*
- (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:

Provided that where an applicant, who is lawful occupier of the premises, is a tenant or a leaseholder and is unable to produce the No Objection Certificate from owner for obtaining a connection, a separate Indemnity Bond shall be executed in favour of the Distribution Licensee in the form prescribed by the Distribution Licensee.

(8) 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:

Provided further 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.

5.52 The overall timeline for releasing new electricity connection, from the date of receipt of application, shall be as under:

Table 3: Timeline for releasing new electricity connection (energization):

| Activity | Island areas | | Mainland areas | |
|--|---|-----------------|---|-----------------|
| | Urban area | Rural area | Urban area | Rural area |
| New connection/ additional load where supply can be provided from existing network | Urban area: 30 days from receipt of complete application | | Urban area: 16 days from receipt of complete application | |
| | Rural area: 30 days from receipt of complete application | | Rural area: 24 days from receipt of complete application | |
| Extension work or enhancement of transformer capacity is required | Urban area: | Rural area: | Urban area: | Rural area: |
| | a) LT-60 days | a) LT-90 days | a) LT-30 days | a) LT-45 days |
| | b) HT-120 days | b) HT-120 days | b) HT-90 days | b) HT-90 days |
| | c) EHT-180 days | c) EHT-180 days | c) EHT-180 days | c) EHT-180 days |
| Erection of substation to extend supply | On case to case basis as per approval of the Commission | | On case to case basis as per approval of the Commission | |

Provided that the Licensee may approach the Commission for extension of time specified above, in specific cases where extension of Distribution mains requires

more time, along with details. In such cases, the Licensee shall inform the consumer about the likely time of completion of works.

Security Deposit

5.130 A security deposit shall be deposited by all the consumers to cover:

(1) The estimated amount of bill corresponding to the billing cycle period plus one month; and

(2) Payment due to the Licensee for any electric line or electrical plant or electric meter that is to be provided for supplying electricity to the consumer.

The estimated security deposit amount for different categories while releasing new connections shall be calculated as per the methodology given in Annexure XVIII to this Supply Code, 2018. In case of enhancement of load, only additional security to cover the additional consumption shall need to be deposited, estimated as per the methodology given:

Provided that for consumers who have opted for availing phased contract demand, revision of security deposit for the existing load shall be based on actual consumption of the previous financial year, while security deposit for additional load released during the year shall be estimated on the basis of the methodology given in Annexure XVIII to this Supply Code, 2018.

5.131 Subsequently, the security deposit shall be revised annually as per the procedure defined in Regulation 5.136 of this Supply Code, 2018. For deficient amount of Security Deposit, the Licensee shall serve the notice to consumer for Additional Security Deposit to be deposited by consumer within 30 Days. In case, the consumer does not deposit additional Security Deposit within 30 days of notice by Licensee, the additional Security Deposit shall be included in two subsequent bills of the consumer. Any excess amount of Security Deposit shall be adjusted within two subsequent bills of the consumer.

5.132 If the security deposit is reduced due to adjustment of outstanding dues, the same shall be adjusted within the subsequent two bills of the consumer.

5.133 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.

Interest on Security Deposit

5.135 The Licensee shall pay interest to the consumer at the State Bank of India Base Rate prevailing on the 1st of April for the year, payable annually on the consumer's security deposit with effect from date of such deposit in case of new connections energized after the date of this notification, or in other cases, from the date of notification of this Supply Code, 2018. The interest accrued during the year shall be adjusted in the consumer's bill for the first billing cycle of the ensuing financial year. If the Security Deposit is submitted in the form of Bank



Guarantee or by providing lien against fixed deposits, no interest shall be payable to the consumer.

Review of Security Deposit

5.136 At the beginning of the financial year, the Licensee shall review the consumption pattern of the consumer for the adequacy of the security deposit from April to March of the previous year. Consumer is required to maintain a sum equivalent to his average payment for the period of one billing cycle plus one month, where 'average payment' shall be equal to the average of actual bills paid in the last financial year;

Provided that for a consumer whose electricity connection is less than 1 year old, the security deposit shall not be revised at the beginning of the financial year.

5.137 **The security deposit available with the Licensee in respect of each consumer shall be shown in the bill issued to the consumer.** Refund of security to the consumer by the Licensee, as and when arises, shall be made through maximum of two electricity bills.

Cost of Servicing New Connection/ Enhancement of Load

5.138 The consumer shall pay the cost of service line, etc., and other applicable charges. These charges shall be either on the basis of the schedule of standard charges approved by the Commission.

In this instant case, the Forum noted that the complainant consumer had applied for new connection with supporting documents except NOC from the landed property due to death of the owner. The Forum further observed that the landed property belonged to the complainant's father Late U.C. Das. The Respondent/Licensee(ED) had directly rejected the new connection form for due to non-obtaining NOC from the land owner alongwith Form 'F'.

In this instant case, **under Section 5.30 (7) & (8) of JERC Regulation No. 23/2018 (Electricity Supply Code)** should be execute in which it is clarified that if the consumer is unable to produce NOC from the owner of property for obtaining a connection, a separate '**Indemnity Bond**' shall be executed in favour of the Distribution Licensee in the form prescribed by the Distribution Licensee, read as: -

5.30 (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:

Provided that where an applicant, who is lawful occupier of the premises, is a tenant or a leaseholder and is unable to produce the No Objection Certificate from owner for obtaining a connection, a separate Indemnity Bond shall be executed in favour of the Distribution Licensee in the form prescribed by the Distribution Licensee.



(8) 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:

Provided further 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.

The Forum comes to the conclusion that the complainant consumer had applied for new connection with supporting documents i.e. NOC from the legal heir of landed property, Aadhaar Card as ID proof, Electricity bill as consumer, License of land allotted in his father's name i.e. late U.C. Das. The complainant consumer failed to submit NOC from the land owner due to death of the owner of the property. The Respondent(ED) failed to provide new connection in the complainant's name due to requirement of NOC from the land owner.

The Forum considered the circumstances of the case and the supporting documents presented before the Forum are satisfied and genuine. Therefore the Forum directs the Respondent/Licensee(ED) to provide '**Indemnity Bond**' as per JERC Regulation to the complainant and complainant has to re-submit the new application form, Indemnity Bond alongwith supporting documents as JERC Regulation No. 18/2028 (Electricity Supply Code) as stated above and after completion of all codal formalities, the Respondent/Licensee (ED) should release electricity connection immediately.

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, which was mentioned in JERC Regulation No, 23/2018 (Electricity Supply Code).

Hence,

It is Ordered:

After detailed deliberations, submissions, site inspection, discussion, and on the observations so reached, the following is passed: -

1. The Respondent/Licensee (ED) is directed to provide the form of '**Indemnity Bond**' prescribed by the Licensee (ED), immediately **as per JERC Regulation No. 23/2018 under Section 5.30 (7)**.
2. The complainant consumer is directed to collect the prescribed form of '**Indemnity Bond**' from the office of the Respondent/Licensee (ED) immediately due to non-submission of NOC from the landed property and also directed to submit to the concerned AE alongwith new connection application with relevant



documents through offline or online for obtaining new electricity connection, immediately.

3. The Respondent/Licensee (ED) is directed to provide 'Indemnity Bond' to the complainant and accept his application as stated above Sl. No. 2, accordingly. After completion of all codal formalities as per **JERC Regulation No. 23/2018 (Electricity Supply Code 2018) and JERC Regulation No. 6/2009 (Standard of Performance)**, the electricity connection should be released immediately.
4. 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, **as per JERC Regulation No. 23/2018.**
5. The Respondent/Licensee (ED) is directed to send a written '**demand note**' for want of documents, estimate charges of work or whatsoever is require timely on receipt of any application received from the complainant/consumer before rejected any application **as per JERC Regulation No. 23/2018**, which has not been done in this instant case.
6. The complainant should cooperate with the Respondent/Licensee (ED) to complete all codal formalities as directed by the Respondent/Licensee (ED) as per JERC Regulation.
7. The Respondent/Licensee(ED) is suggested to insist the consumer for installation of ELCB or RCCB for providing new connection on ground of safety aspects.
8. 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**' as stated above, accordingly.
9. The Respondent/Licensee (ED) is directed to submit compliance report within 15 days from the date of issue of receipt of this order as per JERC Regulation No. 26/2019 under Clause 27(1). **Further, from Sl. No. 1, 2 & 8 of the above said directions of compliance should be provide with supporting documents, if any.**
10. 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.

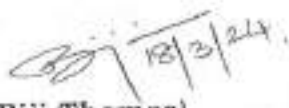



11. The complainant shall not be harassed overtly or covertly in any manner whatsoever in future for exercising his right, by availing the redressal within his jurisdiction.

"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 (HQ), Nodal Officer (CGRF), Assistant Engineer-I(HQ), 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

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