

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. Sitara Khatoon, W/o Shri. Mohd. Arman, R/o No. 147/2, Nayashahar,
Ferrargunj, South Andaman.

.....Complainant

Versus

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

.....Respondent

Complaint No. : ANI/CGRF/317/23-24/49 dated 18/01/2024
Complaint : Providing New Connection (Domestic)
Date of Hearing : 30/01/2024
Date of Order : 22/02/2024



ORDER

Background

Smti. Sitara Khatoon, W/o Shri. Hond. Arman, R/o No. 147/2, Nayashahar, Ferrargunj, South Andaman filed a complaint vide R.D. No. 254 dated 18/01/2024, requesting to provide new electric connection (Domestic).

The complaint was forwarded on 18/01/2024 to the Assistant Engineer (Workshop), Nodal Officer (CGRF), Executive Engineer (SAD), Assistant Engineer (Chouldhari), Electricity Department for submitting reply/comments and attending the Hearing fixed on 30/01/2024 at 10:30 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 30/01/2024 at 10.30 a.m.

The Respondent on behalf of Licensee (ED) i.e. Assistant Engineer (Chouldhari), Electricity Department filed his letter No. EL/AE/CD/3-21/2024/1274 dated 29/01/2024 submitted reply/comments on behalf of the Respondent/Licensee(ED), which was received by the Forum on 29/01/2024, which is kept in case file (Exbt.-1).

Hearing on 30/01/2024

The Hearing was held on 30/01/2024 in the Hearing Hall, Electricity CGRF at 10:30 a.m. The following were present: -

- (i) Smti. Sitara Khatoon, Complainant.
- (ii) Shri. Mohd. Arman, Asst. Complainant.
- (iii) Shri. J. Jayakumar, AE (Chouldhari), Elect. Dept.

Statement of the Complainant

Complainant Smti. Sitara Khatoon, W/o Shri. Hond. Arman, R/o No. 147/2, Nayashahar, Ferrargunj, South Andaman stated in her complaint letter vide R.D. No. 404 dated 18/01/2024 that *"I had applied on 11/08/2023 for new connection (copy enclosed) and rejected without any notice issued by the department. I have once again applied on 09/12/2023 (copy enclosed) and till date no response received from the department. Kindly provide new connection immediately and also compensate as per rules"*.

The complainant submitted the photocopy of online application form dated 11/08/2023, Right of Holding Register (Form-F) and Aadhaar Card as ID proof, which is kept in the case file (Exbt.-2).

Reply of the Respondent/Licensee (ED)

The Assistant Engineer (Chouldhari) on behalf of the Respondent/Licensee(ED) in his written submission vide letter No. EL/AE/CD/3-21/2024/1274 dated 29/01/2024 has stated that: -

- *1. Smti. Sitara Khatoon, R/o Nayasahar applied for providing new service connection in online mode vide Application No.16292 dated 11/08/2023 to her dwelling house the same may be forwarded to JE Sippighat for inspection.
2. That sir, in response to above application, the inspection was carried out by JE Sippighat and found that there is no proper approach available to draw the LT line from the existing pole to her premises and the approach shown was through jungle and approximate distance found was 600 mtrs, so report was submitted by JE Sippighat that *"the distance of the house from the existing LT line is 600mtrs.The LT line do not exist so connection cannot be processed. To be rejected"* (copy enclosed).
3. That sir, based on the inspection report of JE Sippighat non feasibility, the application was rejected on 21/11/2023 by the undersign and SMS intimation was passed to the applicant on mobile No. by the online system.
4. That sir, on repeated approach and request of the applicants husband, reapplied NSC application bearing No.19130 Dated 09/12/2023 was again processed and re-inspected by JE Sippighat on 18/12/2023 and the other approach shown by the

applicant's husband was re-measured and found that her house is situated at a distance of 350 mtrs. from the existing LT line pole. But the plotting approach exists up to 130 mtrs. distance and the remaining 220 mtrs. approach is over the land of Shri. Apurba Biswas, real estate agent for which it was advised to obtain no objection from Shri. Apurba Biswas to draw 1 phase 2 wire LT line over his land as it is related to right of way.

5. That sir, but the applicant did not submit the same till.
6. That sir, in spite of the fact that no complete approach is available up to house of the applicant, on the assurance of the applicant's husband to submit the NOC from Apurba Biswas, the land owner, this office submitted the inspection report for extension of LT line 1 phase 2 wire up to distance 320 mtrs., 8 span at a span of 40 mtrs.
7. That sir, after the approval of the inspection report, with direction to prepare the LT line extension estimate for 8 span in offline mode as the total estimated cost will cross the financial competency of the Assistant Engineer, Chouldari, so estimate is prepared in offline mode by JE Sippighat vide estimate No. EL/JE/SG/1-19/23-24/27 dated 19/01/2024 for the probable cost of Rs.2,18,382/- and submitted for according of approval of the competent authority vide AE Office R.D NO. 9687 dated 23/01/2024 (copy enclosed)
8. That sir, in the instant case, there is a problem relating to right of way and due to non-existence of licensee grid, and as per the **Clause 5.54, of JERC Regulation, the licensee cannot be held responsible where acquisition of land or delay in consumers obligation over which licensee has no reasonable control is evoked.**
9. That sir, the department has acted purely as per the field situation and in the first application, due intimation was given by rejecting the application, is stating the reason quoted at Sl.No. 2 and in the second application the department has acted as per the regulation and the delay is due to non-fulfillment of right of way to draw the LT line and non-submission of NOC by the applicant from the land owner Shri. Apurba Biswas.

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 Smti. Sitara Khatoon, W/o Mohd. Arman said that I had applied for new electric connection through online on 11/08/2023 and once again I applied on 09/12/2023 due to rejection of my first application dated 11/08/2023 without any clear-cut instruction/information received on behalf of the Respondent/Licensee (Electricity Department) till I appealed in the Forum. I request the Forum to provide electricity connection as soon as possible.



Submission of the Respondent (Licensee)

The Assistant Engineer (W/shop), Nodal Officer (CGRF) was absent during the Hearing and telephonically informed that he was engaged in the departmental recruitment. The AE(Chouldhari) on behalf of the Respondent/Licensee (ED) stated that there is no proper approach to draw the LT line, based on the 2nd request the department prepared an estimate for extension of 600 mtrs. LT line i.e. Rs. 2,18,382/- and the same was forwarded to EE(SAD) on 19/01/2024 for approval. Furthermore, NOC is required from the land owner of Shri. Apurba Biswas, Real Estate agent, wants to draw 1 phase 2 wire LT line on his land as it pertains to right of way. Finally, the complainant has to pay the cost of 8 poles for extension of LT line, accordingly.

Forum's Observation

The Forum while going through the reply of the Respondent/Licensee (ED) noted that after receipt of online application for new connection, proper reply has to be given to the complaint on time. The Respondent/Licensee (ED) sent reply to the complaint through SMS which is not appropriate as per the Regulation. The Respondent/Licensee (ED) should send a timely reply by way of notice to the complainant, which was not done in the present case.

The Forum observed that the Respondent/Licensee (ED) has prepared an estimate charges on the basis of measurements and sketches after inspection by the Junior Engineer for providing single phase domestic connection to the complainant premises, due to distance of 350 meters away from the existing poles. The Respondent/Licensee (ED) prepared an estimate charges for extension of LT line for a sum of Rs. 2,18,382/- from the existing LT pole till the complainant premises, which requires 8 span of LT line 1 phase 2 wire at span of 40 mtrs. is to be extended and remaining 30 mtrs through the service wire will be provided. The estimate charges details with measurement & sketch are kept in the case file **(Exbt.-4)**.

As per documents submitted by the Respondent/Licensee (ED) against preparation of estimate charges for extension of LT lines from existing pole to the nearby consumer premises on account of measurement and sketch so submitted before the Forum shows that there is a place for extension of LT lines. Hence, the Respondent/Licensee (ED) should accept the application for providing new connection and after completion of all codal formalities, the supply should be released as per JERC Regulation No. 23/2018 (Electricity Supply Code).

As per **Gazette Notification No. G.S.R. 818(E) dated 31/12/2020 (Rights of Consumers)** Rules, 2020 read as follows: -

3. Rights and Obligations.- It is the duty of every distribution licensee to supply electricity on request made by an owner or occupier of any premises in line with the provisions of Act. It is the right of consumer to have minimum standards of



service for supply of electricity from the distribution licensee in accordance with the provisions made in these rules.

(6) The distribution licensee shall ensure that-

(i) application forms shall be accepted online or through hard copy;

(ii) in case the application form submitted in hard copy form, the same shall be scanned and uploaded on the website as soon as it is received and acknowledgement with the registration number for that application shall be generated and intimated to the applicant;

(iii) in case the application form received online through web portal of the distribution licensee, the acknowledgement with the registration number shall be generated on submission of application;

(iv) application shall be deemed to be received on the date of generation of acknowledgement with registration number; and

(v) the application tracking mechanism based on the unique registration number shall be provided by the distribution licensee through web-based application or any other mode to monitor the status of processing of the application like receipt of application, site inspection, meter installation and commissioning, etc.

(7) The technical feasibility study shall be completed within the time period specified by the Commission, not exceeding twenty days and the outcome of the study shall be intimated to the applicant.

(8) During the time period from the feasibility study till the completion of installation, in case, there is any requirement of upgradation of distribution infrastructure like augmentation of service line, distribution transformer capacity, etc., for installation of the required capacity of solar PV system, the same shall be carried out by the distribution licensee or consumer, as the case may be.

Further, **JERC Regulation No. 23/2018 (Electricity Supply Code)** 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.

Licensee's obligation to extend the distribution system and consumer's share in the cost

5.8 The Licensee shall have obligation for ensuring that its distribution system is upgraded, extended and strengthened to meet the demand for electricity in its area of supply. Wherever the existing transformation capacity at sub-station end is loaded up to 70% of its capacity, the Licensee shall prepare a scheme for augmentation of such transformation capacity after factoring in (N-1)



contingency. The Licensee shall display the monthly updated status of transformation capacity for each sub-stations on its website.

5.9 The Licensee shall meet the cost for strengthening/upgradation of the distribution system to meet the demand of the existing consumers as well as future growth in demand through its annual revenues or funds arranged by the Licensee and this cost shall be allowed to be recovered from the consumers through tariff by the Commission subject to prudence check.

5.10 In all cases of new connections, the consumer shall bear the Service Connection Charges, that is the cost of service connection from the Distribution Mains to the point of supply, as approved by the Commission from time to time.

5.11 For uniformity and simplification in calculating the actual cost of extension, the Licensee shall prepare a ready reckoner and get the same approved by the Commission to show the per-unit material cost of LT line, HT line, substation of different capacities, etc., within 6 months from the date of notification of these Regulations. The Licensee shall update the ready reckoner every year, under intimation to the Commission.

5.12 In case the connected / contracted load of any new connection as submitted in applicable forms is 100 kVA or more, a separate transformer of adequate capacity shall be installed at consumer's cost. The space/ room required for housing the transformer, substation, switch gears, meters and panels shall be provided by the consumer, free of cost, which is easily accessible to the Licensee:

Provided that for any new connection with connected /contracted load lower than 100 kVA also, Licensee may install a separate transformer if requested by the consumer, at consumer's cost.

5.13 The service connection / extension of distribution mains, notwithstanding that it has been paid for by the consumer shall be the property of the Licensee. The Licensee shall maintain it at its cost and shall also have the right to use the same service connection / extension for supply of energy to any other person but such extension or service connection should not adversely affect the supply to the consumer who paid for the extension of the distribution supply network and shall be subject to the concurrence of original consumer as per Regulation 4.27.

5.14 When the Licensee completes the work of extension of distribution mains and is ready to give supply, the Licensee shall serve a notice on the consumer to take power supply within one month in case of LT and three months in case of HT or EHT. If the consumer fails to avail supply within the notice period, the agreement shall come into force from the day following the end of the notice period, and thereafter the consumer shall be liable to pay fixed charges and all other charges as applicable, as per the agreement.



5.15 The applicant shall have an option to get the work of drawing of service line from Licensee's distribution mains up to his premises as per the estimates and layout approved by the Licensee through an appropriate class of licensed electrical contractor, and the work of extension of EHT and HT line, distribution or HT substation and LT line through an appropriate class of licensed electrical contractor, as per the estimates and layout approved by the Licensee. In such case, the consumer himself shall procure the materials from the list of empanelled manufacturers issued by the Licensee. The Licensee will publish on its website the list of empanelled manufacturers within 3 months from the date of notification of these Regulations. The Licensee may ask for documentary evidence to verify the quality of materials used.

5.16 In case the consumer is getting the work done by itself, Licensee can charge Supervision Charges on the labour component of the work at the rate of 15%. The Goods and Services Tax (GST) on the Supervision Charges, if any shall be recovered from the consumer.

5.17 The consumer shall get the work done within the timeframe provided under this Supply Code, 2018 and if consumer needs more time, the consumer shall represent to the Licensee with reasonable ground for extension of time and the Licensee shall communicate his approval of the same to the Consumer.

5.47 The demand note shall contain the following details:

- (1) Details of the works (including service line) to be undertaken for providing electricity supply;
- (2) Charges for the abovementioned works to be paid by the applicant in accordance with the schedule of charges specified by the Licensee as approved by the Commission;

Provided that if the applicant wishes to carry out the works himself, the same shall be permitted under supervision by the Licensee's official. Adhering to the estimate and layout approved by the Licensee, the applicant can get the work of drawing of service line from the Licensee's distribution mains up to his premises through a 'C' or higher class Licensed Electrical Contractor (LEC), and the work of extension of HT/EHT line, Distribution or HT substation and LT line only through an 'A' class LEC. In such case the consumer shall procure the materials. The Licensee will issue a list of empanelled manufacturers for procuring material to be used by the consumer. The consumers can purchase materials of any make from the list of empanelled manufacturers. The Licensee may ask for documentary evidence to verify the quality of materials used.

Provided further that if the applicant is getting the work done by himself, Licensee can charge Supervision Charges on the labour component of the work at the rate of 15%. The Goods and Services Tax (GST) on the Supervision Charges, if any, shall be recovered from the applicant:

Provided also that if the applicant chooses to get the extension work done on his own, the applicant shall get the work done within the timeframe specified in



Regulation 5.52 of this Supply Code, 2018, failing which the Licensee may, on giving 15 days' notice, treat the application form for supply as cancelled.

(3) Amount of security deposit as specified in Annexure -XVIII to this Supply Code, 2018.

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	
	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.

5.53 Where extension of supply requires erection and commissioning of new substation, the Licensee shall submit to the Commission within 15 days of site inspection, a proposal for erection of such substation along with the time required for erection and commissioning of the same, and get the Commission's approval. The Licensee shall commence electricity supply to the applicant within the time period approved by the Commission:

Provided that where such substation is covered in the investment plan approved by the Commission, the Licensee shall not be required to take any further approval from the Commission and shall complete erection of such substation within the time period specified in such investment plan;

Provided further that in cases where the substation is meant to extend supply to an individual consumer, the Licensee shall commence erection of the substation only after receipt of necessary payment against demand note from the applicant.

5.54 The Licensee shall not be held responsible for delay, if any, in extending supply if the same is on account of problems relating to right of way, acquisition of land, or delay in consumer's obligation over which Licensee has no reasonable control.



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.*

In the open Forum, the complainant has agreed to bear the cost of 8 poles i.e. Rs. 8000/- for extension of LT lines up to her premises. The Respondent/ Licensee (ED) should provide the electricity connection on receipt of materials and approval of estimates received from the higher authorities and complete the work before the timeline prescribed in JERC Regulation No. 23/2018 (Electricity Supply Code), as stated above.

The Forum has come to the conclusion that the online application submitted by the complainant along with supporting documents is sufficient for providing electricity connection, whereas the complainant has to complete all the formalities for obtaining a new electricity connection as well as pay the cost of 8 poles for extension of LT lines i.e. Rs. 8000/-. The Respondent/ Licensee (ED) should provide new electricity connection after obtaining approval of the estimates with materials for extension of LT lines, and completing all codal formalities without exceeding the time limit prescribed in the JERC Regulation.



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 electricity connection 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)**, immediately.
2. The Respondent/Licensee (ED) is directed to give proper '**demand note**' in writing to the complainant against the extension of LT lines as per the above mentioned work charges under **Clause 5.47(2) of JERC Regulation No. 23/2018**.
3. The complainant is at liberty to extend the LT lines on his own or as directed by the Respondent/Licensee (ED) through '**demand note**' under **Clause 5.47(2) of JERC Regulation No. 23/2018** for obtaining electricity connection.
4. 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.
5. 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.
6. The Respondent/Licensee (ED) is directed to give appropriate '**note**' in writing for rejection of applications with specific reasons as per JERC Regulation against each application for new connections, which was not done in this instant case.
7. 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, under intimation to the Forum.
8. 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 & 7 of the above said directions of compliance should be provide with supporting documents, if any.**




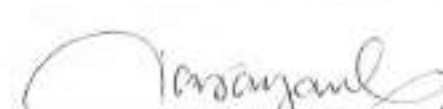
9. As per JERC Regulation No. 26/2019 under Chapter-IV of 27, non-compliance of the Forum Order shall be treated as violation of the Regulations of the Commission and accordingly liable for action under Section 142 of the Electricity Act 2003.
10. The complainant shall not be harassed overtly or covertly 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), Nodal Officer (CGRF), Assistant Engineer(Chouldhari), 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) 22/2/24
Member (Licensee)
Electricity CGRF


(R. Ravichandar) 22/2/24
Chairman
Electricity CGRF

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