

# BEFORE THE ELECTRICITY OMBUDSMAN

(For the State of Goa and Union Territories)

Under Section 42 (6) of the Electricity Act, 2003

3<sup>rd</sup> Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18,

Gurugram (Haryana) 122015,

Phone No.:0124-4684708, Email ID: [ombudsman.jercuts@gov.in](mailto:ombudsman.jercuts@gov.in)

Appeal No.182 of 2022

Date of Video Conferencing: 08.12.2022

Date of Order: 21.12.2022

M/s Munjoh Resorts Pvt. Ltd,  
Andaman & Nicobar Islands  
Port Blair

.... Appellant

**Versus**

The Superintending Engineer,  
Electricity Department, and others  
Andaman & Nicobar Islands  
Port Blair

... Respondents

## Parties present:

### Appellant(s)

Ms.Vinita Gaglani,  
Sh. Sanjoy Adhikari,  
On behalf of the Appellant  
M/s Munjoh Resorts Pvt. Ltd

### Respondent(s)

Smt. Rizwana,  
Executive Engineer



**(A) Submissions by the Appellant:**

Appellant submitted the brief facts as under: -

**1. FACTS OF THE CASE: -**

- (i) That we have a temporary connection for Munjoh Resort Pvt. Ltd. Sippighat, Port Blair.
- (ii) That we have applied for a permanent connection for which we have already got installed a transformer of 160 KVA from Electricity Department-A&NI, after depositing an amount of Rs. 6,97,151/- vide TR-5 no.85305, dated 31.05.2019.
- (iii) Our final project requirement is 160 KVA, but due to Covid pandemic the project was postponed. Now the 1st phase is being revived for completion for which we have a requirement of 100 KVA.
- (iv) Therefore, it is requested to direct the Electricity Department, to provide us 100 KVA for which we are ready to pay the security deposit. The attached letter was submitted to the Superintending Engineer's office. The letter has been forwarded from one desk to another. Superintending Engineer -Planning Section-Executive Engineer's Office, Haddo-Assistant Engineer, Chouldhari, but no decision has been taken till date.
- (v) Thereafter, we have complained to Hon'ble CGRF-A&NI on 15.09.2022 but neither the matter was heard nor any order passed within the timelines, hence this Appeal to Hon'ble Ombudsman.
- (vi) We hereby authorize Mr. Sanjoy Kumar Adhikari to do defend this Appeal till its disposal.
- (vii) Our humble prayer is: -
  - (a) Please sanction a load of 100KVA for our project.



**(B) Submissions by the Respondents :**

Smt. Rizwana, working as Executive Engineer, South Andaman Division in the Electricity Department, A&N Administration, do hereby solemnly affirm and state on oath as under: -

1. That the deponent is presently working as Executive Engineer, South Andaman Division and is duly authorized by Superintending Engineer, Electricity Department to file this reply and represent on behalf of Electricity Department, A & N Administration, in this case.

**2. Facts of the counter reply as under –**

- i. That, the petitioner vide letter dtd. 26.12.2018 addressed to Executive Engineer, South Andaman Division requested for providing 250KVA dedicated transformer in favour of their establishment M/s Munjoh Resort Pvt. Ltd. The Petitioner inter-alia mentioned in the said letter about completion of 80% work having 41 no. of rooms and opening of resort by last week of February' 2019. A copy of letter dtd. 26.12.2018 enclosed as *Annexure-'A'*.
- ii. That, on the basis of said application Junior Engineer, Sippighat inspected the premises and proposed for installation of 160 KVA 33/0.433 KV dedicated transformer vide Estimate No. EL/JE/SG/1-19/18-19/130/1222dtd. 02.01.2019. A copy of Estimate No. EL/JE/SG/1-19/18-19/130/1222dtd. 02.01.2019 enclosed as *Annexure- 'B'*.
- iii. That, the Superintending Engineer, vide Lr. No. EL/PL/11-1(a)/SA/2019/473 dtd. 04.01.2019, accorded technical sanction for an amount of Rs. 6, 79,151/-(Rupees Six lakhs Seventy Nine thousand One hundred and Fifty One only) for undertaking the subject work. A copy of Lr. No. EL/PL/11-1(a)/SA/2019/473 dtd.04.01.2019 enclosed as *Annexure- 'C'*.



- iv. That, the petitioner vide TR-5 No. 85305 dtd. 31.05.2019 deposited the said payment for execution of the work. Subsequently, the work of installation of 160KVA Transformer along with extension of 280mtrs. HT lines were completed by the department. A copy of TR-5 No. 85305 dtd. 31.05.2019 enclosed as *Annexure-'D'*.
- v. That, consequent upon making the payment, the petitioner vide letter dtd. 26.11.2019, requested for providing 3 phase electric connection for commercial purpose in their land bearing Survey No. 402 and inter-alia intimated about completion of 80% construction work of the resort. A copy of letter dtd. 26.11.2019 enclosed as *Annexure-'E'*.
- vi. That, accordingly, on 01.07.2021, Junior Engineer, Sippighat, inspected the said premises and found connected load of 78.374KW on completion of 80% work. Thus, considering a load of 160KVA the three-phase connection was under process accordingly. A copy of inspection report is enclosed as *Annexure- 'F'*;
- vii. That, the petitioner enquired from the sub division office about the Security Deposit (SD) amount payable at 160 KVA load demand and accordingly he was intimated that an amount of Rs. 8,64,000/- (Rupees Eight Lakhs Sixty-Four Thousand only) is payable at this load. Thereafter, the petitioner disputed to pay the said SD amount and informed verbally that he is willing to pay SD only for 100 KVA load. Due to non-receipt of Security Deposit from the petitioner his 3 phase connection was kept in abeyance.
- viii. That, subsequently, the petitioner vide Letter. No. MRPL/SE/Elect/08-22 dtd. 17.08.2022, addressed to SE(Elect), raised the same grievance intimating that the security amount payable by them at 160 KVA load is quite high due to poor business in the last two years. It was inter-alia intimated that due to Covid pandemic their project was not completed and they will require a



load of only 100 KVA in the first phase. A copy of Lr. No. MRPL/SE/Elect/08-22 dtd. 17.08.2022 enclosed as Annexure-'G'.

- ix. That, on receipt of his grievance, the petitioner was informed by the then Assistant Engineer to submit an undertaking to this effect through JE, Sippighat. However, no response in this regard was received from the firm and the petitioner preferred the instant appeal before the Hon'ble Ombudsman. A copy of Minutes of AE-IV recorded in the body of letter dtd. 17.08.2022 is enclosed as *Annexure-'H'*.
- x. That, this office on 14.10.2022, received the Admission Notice in the instant matter containing the direction to settle the representation through mutual agreement within 10 days.
- xi. That, the re-inspection of the premises was conducted on 20.10.2022 and it was found that the petitioner has completed the construction work and has enhanced the connected load to 217 KW. A copy of inspection report received is enclosed as *Annexure- 'I'*.
- xii. That, the petitioner vide email dtd. 26.10.2022, requested for a meeting on 29.10.2022 for mutual settlement of the issue. Accordingly, in compliance to the direction contained in the Admission Notice of the Hon'ble Ombudsman a meeting was fixed at 1000 hrs. on 29.10.2022 to resolve the issue amicably, which was rescheduled due to administrative reason to 31.10.2022 at 4.30pm. Copies of correspondences exchange in the subject matter vide e-mails dtd. 26.10.2022 & 31.10.2022 respectively are enclosed as Annexure- 'J' colly.
- xiii.** That, during the meeting it was clarified to the petitioner that Security Deposit amount was processed based on their earlier demand of 160 KVA. It was further clarified if the consumer intends to use only 100 KVA load in the first phase then the connected load of the premises can be reduced accordingly for processing their



three-phase connection at this revised load. The petitioner agreed to reduce the same as per the requirement of 100 KVA and shall intimate the department. A copy of Minutes of Meeting signed by both parties is enclosed as Annexure-'K'.

- xiv. That, in the light of the above mutual agreement reached between the parties, it is humbly submitted that the matter may be disposed of accordingly.


**(C) CGRF- Andaman & Nicobar Islands's Order preferred for Appeal**

Learned CGRF has not passed any order on the complaint within the prescribed time limit as per CGRF and Ombudsman Regulations -2019 as notified by Hon'ble Joint Electricity Regulatory Commission.

**(D) Deliberations during e-hearing on 08.12.2022 :-**

**1. Appellant's Submission:**

- (a) Sh. Sanjoy Adhikari -Appellant, reiterated his version as submitted in the Appeal and requested for grant of separate LT connection of 100 KVA load at the earliest.
- (b) On being asked by this court as to when he has applied for a load of 160 KVA on the prescribed application and agreement forms alongwith applicable charges such as security deposit etc. He has no answer. He submitted that they have applied on the letter pad of their establishment only. The Electricity Department has never asked for it, rather the Electricity Department honoured their request on letter pad by commissioning a 160 KVA substation in their premises for which they have paid around Rs.06.97 lacs.
- (c) On being asked by this court as to when he has applied for a load of 100 KVA on the prescribed application and agreement forms alongwith applicable charges such as security deposit etc. Again, he has no answer. He submitted that they has applied on the letter pad of their establishment only. The Electricity Department has never asked for it.



## **2. Respondent's Submission:**

- a. Smt. Rizwana- Executive Engineer for the Respondent reiterated her version as submitted in the counter reply to the Appeal.
- b. On being asked by this court as to whether any application for release of connection of 160 KVA or 100 KVA is pending with the Department , she confirmed that no application from the Appellant for any load has been received nor pending except the correspondence on the letter pad of the Appellant's establishment.
- c. On being asked by this court, that when no application is pending, no load has been sanctioned by the competent authority of the Electricity Department, then why a 160 KVA sub-station was installed by the Electricity Department. She has no answer.

## **( E ) Findings & Analysis: -**

1. I have perused the documents on record and pleadings of the parties.
2. The documents submitted by the parties have been believed to be true and if any party submitted a fake/forged document, then they are liable to be prosecuted under relevant Indian Penal Code/Rules/Regulations.
3. The issues which have arisen for considerations in the present Appeal is under: -
  - i. Whether the Appellant is entitled to relief for grant of a new 100 KVA Electricity Connection, as prayed for?
4. (a) Regarding issue no 3(i) as above, as to whether the Appellant is entitled to relief for grant of a new 100 KVA Electricity Connection, as prayed for?



(b) Following provisions have been provided in the Supply Code Regulations-2018 *as amended thereof*, as notified by the Joint Electricity Regulatory Commission regarding grant of a New Electricity Connection: -

## **PROCEDURE FOR PROVIDING NEW ELECTRICITY SERVICE CONNECTION**

### **Application Form**

- 5.24 *The applicant shall apply for release of new connection in the following format as given in the Annexure to this Supply Code, 2018:*
- Application form for release of new connection (Low Tension) – Annexure-I*
- Application form for release of new connection (High Tension/ Extra High Tension) - Annexure-II*
- Format for declaration/undertaking to be signed at the time of receiving electricity supply - Annexure-III*
- 5.25 *Application forms shall be available at the local office of the Licensee free of cost. The Licensee shall also put up all application forms on its website for free download. Legible photocopies of a blank form may be made by the applicant, which shall be accepted by the Licensee. The Licensee shall clearly display on its website; the address and telephone numbers of offices where filled-up application form can be submitted. The Licensee shall also display in each office, the address and telephone numbers of offices in the respective area of supply where filled-up application form pertaining to that particular area can be submitted. Any assistance or information required in filling up the form shall be provided to applicants at the local office of the Licensee.*
- 5.26 *The Licensee shall also provide new avenues for applying for new connection or modification in existing connection through website, mobile application, call centres, etc., which minimize the applicant's interface with the utility during the process.*
- 5.27 *Application forms for new connection must be accompanied with a photograph of the applicant, identity proof of the applicant, proof of applicant's ownership or occupancy over the premises for which new connection is being sought, proof of applicant's current address, and in specific cases, certain other documents as detailed in Regulation 5.29 of this Supply Code, 2018.*
- 5.28 *Non-Refundable Registration-cum-processing fees of Rs. 20,000/- for HT and Rs. 1, 00,000/- for EHT shall be levied while applying for new connection. These charges shall be adjusted by the Licensee while issuing the demand note.*
- 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 chowkidaar/ 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 / khatanakal;*
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.*

- 5.31 *All communications shall be sent at the address where the connection has been released. However, till release of connection, communication may be sent at the address provided by the applicant for this purpose*
- 5.32 *In case of a partnership firm - The applicant shall furnish the partnership deed and an authorization in the name of the applicant for signing the requisition form and agreement.*
- 5.33 *In case of Public and/or Private Limited Company - The applicant shall furnish the Certificate of Incorporation, Memorandum and Articles of Association and Board Resolution for authorization in the name of the applicant for signing the requisition form and agreement.*
- 5.34 *Other documents applicable only for select consumer categories:*
  - (1) .....
  - (2) .....
  - (3) .....
  - (4) .....

**PROCESSING APPLICATION FORMS**

- 5.35 *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.*
- 5.36 *The Licensee shall maintain a permanent record of all application forms received in an Application Register/Database. Each application form shall be allotted a permanent application number (for identification) serially in the order in which it was received. Separate registers/databases for different category of consumers may be maintained. The Licensee shall keep the registers/databases updated with stage-wise status of disposal of each application form. The above information should also be maintained and uploaded on the Licensee website where applicant can check the status of application.*
- 5.37 *The Licensee shall deal with application forms in each tariff category on the broad principle of "first come, first served" basis as per serial priority in the Application Register/Database. The Licensee shall maintain a waiting list of applicants seeking new connections, area-wise information about new connections released, and updated status of the waiting list shall be displayed on the Licensee's website or the Notice Board at the local office of the Licensee, to be updated weekly.*



- 5.38 *An application form shall be deemed to be received on the date of receipt of consumer's application in the prescribed format of the application form, complete in all respects and attached with all relevant documents.*
- 5.39 *An application shall be deemed to be received on the date of receipt of all applicable charges including the security deposit in accordance with **Annexure-XVIII** of this Supply Code, 2018, after receipt of the application form.*
- 5.40 *The Licensee shall, at the time of receipt of application form, specify a date for inspection of applicant's premises in mutual consultation with the applicant, under written acknowledgment. The date of inspection must be scheduled within 3 working days in urban areas and 5 working days in rural areas from the date of receipt of application form. If the applicant wishes, the inspection can be scheduled on a non-working day for the Licensee (i.e., Sunday, gazetted holidays, etc.) on payment of inspection fee of Rs. 500.*
- 5.41 *If inspection is required to be carried out, the Licensee shall inspect and test the applicant's consumer installation as required of him under Regulation 31 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 and as amended from time to time, in the presence of the applicant or his Licensed Electrical Contractor or his authorized representative. The Licensee shall maintain a record of test results in the format given in **Annexure -IX** as required of him under Regulation 31 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 and as amended from time to time.*
- 5.42 *During the inspection, the Licensee shall:*
- (1) *Fix the point of supply and the place where the meter and the MCB, etc., shall be installed in consultation with the consumer:*
- Provided that the service line shall be laid at an accessible location and the meter shall be fixed at location in conformity with Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, in such a manner that it is protected from elements like rain, etc., and is easily accessible without getting the premises unlocked or opened for this purpose;*
- In no case, the Distribution Licensee shall fix its apparatus, meter or any of its property in a place, which requires entry by its employee into private premises.*



- (2) Record the correct full address of the premises, if not provided in the application form, and note down landmarks near the property and the pole number from where service connection is proposed to be given; and
- (3) Verify all other particulars mentioned in the application form, as required;  
If on inspection, the Licensee finds any defect (e.g. consumer's installation not completed, bare ends of conductor/joints not properly covered with insulating tape, wiring of such nature that it is dangerous to life/property, etc.) the Licensee shall intimate the defects to the applicant on the spot under proper receipt in the format given at Annexure -IX.
- 5.43 The applicant shall get all defects removed within 30 working days from receipt of intimation of defects as specified in Regulation 5.42 of this Supply Code, 2018 and inform the Licensee in writing under acknowledgement. In case the applicant fails to remove such defects or fails to inform the Licensee about removal of defects, the application form shall stand lapsed and the applicant will have to apply afresh. The Licensee may grant additional time to the applicant for completion of works, in case the applicant submits a written request for the same within 10 working days from receipt of intimation of defects.
- 5.44 On receipt of information from the applicant about removal of defects, the Licensee shall stipulate a date for re-inspection of applicant's premises in mutual consultation with the applicant, under written acknowledgment. The date of re-inspection must be scheduled within 3 working days in urban areas and 5 working days in rural areas from the date of receipt of such information.
- 5.45 If on re-inspection, the defects pointed out earlier are found to persist, the Licensee shall again record the same in the format given in **Annexure -IX** to this Supply Code, 2018 and hand over a copy of the same to the applicant or his authorized representative available on site. The application form shall then stand lapsed and the applicant shall be informed accordingly in writing under acknowledgement:  
  
Provided that if the applicant feels aggrieved by the Licensee's action or omission, the applicant may file a representation to the concerned Consumer Grievance Redressal Forum (CGRF) for redressal of grievance:
- 5.46 If on inspection, there are no defects found, or on re-inspection the defects noticed earlier are found to have been removed, the Licensee shall sanction the load determined in accordance with **Annexure -VIII** to this Supply Code, 2018 or the load applied for, whichever is higher, and issue a demand note in writing, under acknowledgment, within the timeline specified below:



**Table 1: Timeline for issue of demand note:**

Particulars	No. of working days from receipt of application	
	Urban Areas	Rural Areas
Extension of distribution mains not required	Within 7 working days	Within 10 working days
Extension of distribution mains / system required		
1. In case of LT service connections	Within 7 working days	Within 10 working days
2. In case of HT service connections	Within 15 working days	Within 20 working days
3. In case of EHT service connections	Within 30 working days	Within 30 working days

*Provided that the time taken by applicant in rectifying the defects/deficiencies found at the applicant's premises shall not be included in the timeline specified above:*

*Provided further that wherever the Transmission Licensee's involvement is required in the process for time and cost estimation, the time taken by the Transmission Licensee shall not be included in the timeline specified above.*

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.

5.48 The applicant shall make the payment within 15 days of receipt of demand note, failing which the application form shall stand lapsed and the applicant shall be informed accordingly in writing under acknowledgement. The Licensee's obligation to energize the connection shall arise only after receipt of full payment. The Licensee may grant additional time to the applicant for payment of charges in case the applicant submits a written request for the same, within the 15-day payment period.

5.49 The demand note shall be prepared as per the provisions of this Supply Code, 2018 and on the basis of charges specified by the Licensee with the prior approval of the Commission from time to time. The Licensee shall submit a proposal to the Commission along with the Tariff Petition for approval of various charges to be charged by the Licensee in demand notes. The demand note, once made for an applicant, shall be valid for two months.

5.50 Any excess/deficient payment made by the consumer shall be adjusted in the subsequent two bills.

5.51 If as per this Supply Code, 2018, provision of supply requires installation of a distribution transformer within the applicant's premises, the applicant shall make available to the Licensee a suitable room or portion of land within his premises for the period of supply for installation of the distribution transformer.

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

**Table 2: Timeline for releasing new electricity connection (energization):**

<b>Activity</b>	<b>Island areas</b>	<b>Mainland areas</b>
New connection/ additional load where	Urban area: 30 days from receipt of complete application	Urban area:16 days from receipt of complete application



Activity	Island areas		Mainland areas	
supply can be provided from existing network	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 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.

5.47 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.

5.48 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.

5.49 In case the applicant had opted to get the extension work done himself, the applicant shall follow the procedure of self-certification or testing as per the provisions of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 as amended from time to time:

Provided that if the electric installation exceeds 11 kV, it will require to be inspected by the Electrical Inspector before commencement of supply.



- (c) Following provisions have been provided in **Annexure-XX** of the Electricity Supply Code Regulations-2018: -

**Annexure-XX**

*General Conditions of Supply*

**Wiring on Consumer's Premises**

1. *The work of wiring at the premises of the consumer shall be carried out by a Licensed Electrical Contractor and conform to the standards specified in Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010. The material used for wiring shall comply with or be superior to the standards laid down by the Bureau of Indian Standards. All high-rise buildings, having a height of more than 15 meters from ground level, shall also comply with Rule 50-A of the Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010. Wiring shall be tested as per provisions of regulation 31 of the Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010.*
2. ....
3. ....
4. ....

- (d) Following provisions have been provided in the "**Measures Relating to Safety and Electric Supply Regulations-2010**", as notified on 22.09.2010 by the Central Electricity Authority as per powers conferred by section-177 of the Electricity Act-2003:-

***"Section 29.-Precautions to be adopted by consumers, owners, occupiers, electrical contractors, electrical workmen and suppliers: -***

- (i) *No electrical installation work, including additions, alterations, repairs and adjustments to existing installations, except such replacement of lamps, fans, fuses, switches, domestic appliances of voltage not exceeding 250V and fittings as in no way alters its capacity or character, shall be carried out upon the premises of or on behalf of any consumer, supplier, owner or occupier for the purpose of supply to such consumer, supplier, owner or occupier except by an electrical contractor licensed in this behalf by the State Government and under the direct supervision of a person holding a certificate of competency and by a person holding a permit issued or recognized by the State Government Provided that in the*





case of works executed for or on behalf of the Central Government and in the case of installations in mines, oil fields and railways, the Central Government and in other cases the State Government, may, by notification in the Official Gazette, exempt on such conditions as it may impose, any such work described, therein either generally or in the case of any specified class of consumers, suppliers, owners or occupiers.

- (2) No electrical installation work which has been carried out in contravention of sub-regulation (1) shall either be energized or connected to the works of any supplier.

**Section 31. - Testing of consumer's installation: -**

- (1) Upon receipt of an application for a new or additional supply of electricity and before connecting the supply or reconnecting the same after a period of six months, the supplier shall either test the installation himself or accept the test results submitted by the consumer when the same has been duly signed by the Licensed Electrical Contractor.
- (2) The supplier shall maintain a record of test results obtained at each supply point to a consumer, in a Schedule-V.
- (3) If as a result of such inspection and test, the supplier is satisfied that the installation is likely to be dangerous, he shall serve on the applicant a notice in writing requiring him to make such modifications, as are necessary to render the installation safe and may refuse to connect or reconnect the supply until the required modifications have been completed.

**Section 34.-Leakage on consumer's premises: -**

- (1) If the Electrical Inspector or the supplier has reasons to believe that there is leakage in the system of a consumer which is likely to affect injuriously the use of electricity by the supplier or by other persons, or which is likely to cause danger, he may give the consumer notice in writing that, he desires to inspect and test the consumer's installation.
- (2) If on such notice being, given the consumer does not give all reasonable facilities for inspection and testing of his installation, or when an insulation resistance of the consumer's installation is so low as to prevent safe use of electricity, the supplier may, and if directed so to do by the Electrical Inspector shall discontinue the supply of electricity to the installation but only after giving to the consumer forty eight hours' notice in writing of disconnection of supply and shall not recommence the supply until he or the Electrical Inspector is satisfied that the cause of the leakage has been removed.

- (e) As per records and pleadings of the parties it has been proved that the Appellant has not fulfilled its duty of applying the electricity connection in the prescribed forms as required as per section 5.24 to section 5.34 of the said Supply Code Regulations-2018 as amended



thereof. Their plea of ignorance cannot be accepted as they are building 41 rooms with other amenities for a Resort/Hotel and they are expected to be well aware of the laws of land in terms of Fire Regulations, Electrical Safety Regulations and other such statutory Rules/Regulations in order to maintain public safety. The Appellant is miserably trying to make it a case of reduction of load from 160 KVA to 100 KVA, but in view of the provisions contained in Section -5.107 of the Supply Code, it is possible after one year from the original energization in case of load above 100 KVA. But in the instant case neither the connection has been applied properly nor released as per Supply Code.

(f) Therefore, in my considered opinion, the contentions of Appellant are legally not sustainable and are hereby rejected, in view of explicit provisions in the Electricity Supply Code Regulation 2018 as amended thereof.

(f) Similarly, it has been proved beyond doubt that Respondents have also not followed the provisions of section 5.35 to section 5.55 of the said Supply Code Regulations-2018 as amended thereof. Before insisting on a complete application along with security deposits as required as per said Supply code Regulations and rather than sanctioning a load as required as per section-5.46 after ascertaining as to whether the Feeder and Power Transformer are capable of taking the proposed load of 160 KVA as applied by the Appellant, the Respondents bypass the provisions as per section-5.47 to issue a Demand Note/Notice. The Demand Note/Notice shows the readiness of the Electricity Department to release the load of 160 KVA and obligations on the part of the Appellant to comply with. They put the cart before the horse by initiating, technical sanctioning the estimate and erection of the substation at the premises, in blatant violations of the provisions of Supply Code.



**(E) DECISION**

1. For the reasons discussed above, the appeal of the Appellant is dismissed, being devoid of merits.
2. The Electricity Department-A&NI/Distribution Licensee is directed to issue instructions to their subordinate offices to strictly follow the provisions contained in the Supply Code Regulations-2018 as amended thereof, in the best interest of consumers as well as the Distribution Licensee.
3. Some training may be imparted at each Division/Circle Level so that all concerned officer/officials dealing the release of connections are well trained to serve the consumers in a professional way.
4. The Electricity Department/Licensee should submit a compliance report to the office of Ombudsman on the action taken in this regard within **45 days** from the date of issue of this order by email.
5. Non-compliance of the orders of the Ombudsman by the Electricity Department/Licensee shall be deemed to be a violation of Regulations and shall be liable for appropriate action by the Hon'ble Commission under the provisions of the Electricity Act, 2003.
6. In case, the Appellant or the Respondents are not satisfied with the above decision, they are at liberty to seek appropriate remedy against this order from the appropriate bodies in accordance with Regulation 37(7) of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2019.
7. The appeal is disposed of accordingly.

  
21-12-2022

(M.P. Singh Wasal)  
Electricity Ombudsman  
For Goa & UTs (except Delhi)

**Dated: 21.12.2022**