

BEFORE THE ELECTRICITY OMBUDSMAN
(For the State of Goa and Union Territories)
Under Section 42 (6) of the Electricity Act, 2003
3rd Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18
Gurugram (Haryana) 122015,
, Email ID: ombudsman.jercuts@gov.in
Phone No.:0124-4684708

Appeal No-232 of 2024

**Date of Video Conferencing: 15.01.2025
& 21.01.2025**

Date of Order: 27.01.2025

In the matter of

Shri P Polaiah S/o P. Bikari,
R/o Haddo, Sri Vijaya Puram, South
Andaman

.... Appellant

Versus

The Executive Engineer (HQ)
Electricity Department,
A&Ni Administration, Vijaya Puram

Assistant Engineer-I,
Electricity Department,
A&Ni Administration, Vijaya Puram

.... Respondent

Parties present:

Appellant(s)

None for and on behalf of the Appellant

Respondent(s)

Mr. Naveen Lal Assistant Engineer-I (HQ)

Ms. Anushiya Jr Engineer (Haddo)



ORDER

This representation was filed on 6th December 2024 by Shri P Polaiah S/o P. Bikari, R/o Haddo, Sri Vijaya Puram, South Andaman under Section 42(6) of the Electricity Act 2003 read with Regulations 35 & 36 of Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations 2024 against the order dated 10.10.2024 in case No-ANI/C.G. No. 30/2024 dated 27.09.2024 passed by the Ld. Consumer Grievance Redressal Forum (CGRF), A&Ni.

Following a thorough examination of the documents supporting the representation, the Ombudsman issued an admission notice on 12th December, 2024. The Ombudsman directed the respondents to file the reply to the appeal filed by the appellant vide this office letter dated 12.12.2024.

The Respondent Executive Engineer, Electricity Department, Andaman & Nicobar Island submitted his comments vide letter No. EE/HQ/Tech/29B/2024/2209/Sri Vijaya Puram, Dated 20.01.2025 and E hearing notice was issued on 10.01.2025 for hearing through video conferencing was fixed for 16th January, 2025.

Submissions by the Appellant

On 20th October 2023, the Appellant submitted an online application for an electricity connection under the application number 18055 for his residence at Haddo Ward No 1, Near Laltha Singh Ground, Opposite Post Office in Haddo. He further submitted that he has encroached upon a government revenue land measuring 50 square meters, on which he has constructed a residential dwelling unit for himself and his family, including four school-going children. In addition to this, he also operates a small petty shop adjacent to the residence to meet his daily livelihood. However, his request for the grant of new connection was rejected by the concerned department.

Subsequently, he approached the Ld. Consumer Grievances Redressal Forum, Andaman and Nicobar Islands, seeking their intervention in resolving the issue of electricity supply. The Forum has been unable to provide a resolution to the matter. The Ld. CGRF directed the Appellant to apply for a separate electricity connection along with a proper Rent Agreement with the Temple Committee as an acceptable document for "proof of ownership/occupancy" as per clause 5.30 of Electricity Supply Code 2018.

The Appellant prayed for intervention in this matter and requested for directions to the concerned authorities to grant an electricity connection, either under the domestic or commercial category.



Submissions by the Respondents

1. On 20th October 2023, Shri P. Polaiah submitted an online application (No. 18055) for a commercial electricity connection for his shop.
2. The applicant sought a commercial (single-phase) electricity connection for his shop operating within the premises of a temple.
3. Following the application, the Junior Engineer of the Haddo site office inspected the premises. The site inspection confirmed that the applicant was seeking a commercial connection for his shop located at an encroached temple site.
4. As per the Andaman and Nicobar Administration's policy outlined in **Circular No. 4-3/21/2015-Power dated 9th October 2023**, the application was rejected. The circular explicitly states:
 - i. Electricity connections for encroached revenue land are limited to *domestic purposes* only.
 - ii. Applications for commercial or industrial activities on encroached land are not eligible.
 - iii. The applicant must not be a government servant and must fulfill additional criteria specified under the order issued by the Hon'ble Supreme Court of India (IA No. 502 in WP (C) No. 202 of 1995, dated 07.05.2002).
5. Following the rejection of his application, Shri P. Polaiah filed a complaint with the Consumer Grievances Redressal Forum (CGRF) under Complaint No. ANI/CG.No.30/2024, dated 27th September 2024.
6. A hearing was conducted on 8th October 2024, and the CGRF issued an order on 10th October 2024.
7. In compliance with the CGRF order, the Junior Engineer conducted a subsequent site inspection, which revealed the following
 - i. The premises, identified as a temple named "President Dusigaya Sangam," already had a commercial electricity connection (No. A1/2745) with a connected load of 2150 Watts.
 - ii. Three shops were operating within the temple premises:
 - o Shop No. 1: Shri S. Lokanandham (Connected Load: 27560 W)
 - o Shop No. 2: Shri P. Polaiah (Connected Load: 2272 W)
 - o Shop No. 3: HR-Sales & Service (Connected Load: 3340 W)



8. As of the date of this submission, Shri P. Polaiah has not complied with the CGRF order dated 10th October 2024 by submitting a fresh application or the required documents.
9. Despite non-compliance with the CGRF order, Shri P. Polaiah filed an appeal with the Ombudsman under Appeal No. JERC/EQ/232/2024, dated 12th December 2024.
10. The Assistant Engineer-I (HQ) attempted to mediate by inviting Shri P. Polaiah for a meeting on 20th December 2024. While the appellant attended the meeting, no mutual resolution was reached.
11. The Electricity Department is prepared to release an electricity connection to Shri P. Polaiah upon submission of the required documents as per Clause 5.30 of the Joint Electricity Regulatory Commission (JERC) Electricity Supply Code Regulations, 2018. However, the connection cannot be granted for commercial purposes on encroached land, as per the Andaman & Nicobar Administration Circular dated 9th October 2023.

The Respondents prayed that the appeal filed by Shri P. Polaiah (Appeal No. 232 of 2024) be dismissed as untenable and without merit

Findings and Analysis.

1. The present appeal (Appeal No. JERC/EQ/232/2024) was filed by the Appellant, Shri P. Polaiah, against the decision of the Consumer Grievances Redressal Forum (CGRF) dated 10th October 2024.
2. The matter was scheduled for hearing before the Ombudsman on 15th January 2025 and subsequently on 21st January 2025. Notices for the hearings were duly issued to both parties. The Appellant was also served hearing links through WhatsApp as well
3. Despite being provided sufficient opportunity, the Appellant failed to appear on both the scheduled dates of hearing. Further, no application or communication seeking adjournment or showing sufficient cause for non-appearance was received from the Appellant.
4. The Junior Engineer (Haddo) has intimated during the course of hearing that in a telephonic communication with her the Appellant has said that he is not interested in continuing with this case.
5. In accordance with **Regulation 37(8) of the CGRF and Ombudsman Regulations, 2028**, which states:

"(8) Where any person who has been a party to the proceedings before the Ombudsman fails to appear on the date of hearing as may be fixed on more than two (2) consecutive occasions, in this behalf, the Ombudsman may decide the Grievance Ex-Parte: Provided that no adjournment shall be ordinarily granted by the Ombudsman unless



sufficient cause is shown and the reasons for the grant of adjournment have been recorded in writing by the Ombudsman."

The Ombudsman is empowered to decide the matter Ex-Parte if a party fails to appear on two consecutive occasions without sufficient cause.

6. In the present case, the Appellant has failed to comply with the provisions of Regulation 37(8) by not appearing on two consecutive occasions without showing any sufficient cause for non-appearance.
7. Accordingly, this matter is being decided Ex-Parte based on the submissions and evidence placed on record by the Respondents.

Ex-Parte Decision:


After perusing the record, submissions, and applicable regulations, the Ombudsman finds that:

- i. The Respondents have complied with the applicable laws and regulations governing the grant of electricity connections, as outlined in the Andaman & Nicobar Administration Circular dated 9th October 2023 and the Joint Electricity Regulatory Commission (JERC) Electricity Supply Code Regulations, 2018.
- ii. The rejection of the Appellant's application for a commercial electricity connection on encroached land is valid and lawful as per the governing circular and regulations.

Order:

1. The appeal filed by the Appellant, Shri P. Polaiah, is dismissed for lack of merit.
2. The Appellant is at liberty to reapply for an electricity connection, provided that the application is in compliance with the applicable laws, regulations, and policies in force.

Dated: 27.01.2025


(C M SHARMA)
Electricity Ombudsman
For Goa & UTs (except Delhi)