

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-244 of 2025

Date of Video Conferencing: 15.09.2025,
22.09.2025

Date of Order: 07.11.2025

In the matter of

Smt. Savita Lall,
W/o Shri Ritesh Lall,
R/o Garacharama,
Sri Vijaya Puram.

.... Appellant

VERSUS

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

....Respondent(s)

Appellant(s)

Shri Uday Shankar Singh for Appellant
Smt. Savita Lall

Respondent(s)

Mrs Madhuri Shukla,
Executive Engineer (HQ),
Electricity Department,
A & Ni Administration,
Sri Vijaya Puram.



ORDER

This representation was filed on 18.08.2025 through Email, 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 02.04.2025 in case No. ANI/C.G. No. 61/2025 dated 18.03.2025 arising out of Complaint/ Case ANI/C.G. No. 61/2025 dated 18.03.2025 passed by the Ld. Consumer Grievance Redressal Forum (CGRF), A & Ni.

After a thorough examination of the complaint and following due process, the admission notice was issued on 19.08.2025. A copy of the complaint was forwarded to the Respondent, Executive Engineer, Executive Engineer (HQ), Electricity Department, A & Ni Administration directing them to file a reply to the appeal filed by the Appellant Smt. Savita Lal vide this office letter dated 19th August 2025.

The Respondents filed their reply/comments vide letter No EE/HQ/Tech/29B/2025-110/4192/2025 dated 03.09.2025.

A. Submission by the Appellant:

The Appellant, Smt. Savita Lal, W/o Shri Ritesh Lal, R/o Garacharma, Sri Vijaya Puram, submitted that she had applied for a new electricity connection for her premises at survey No. 390/8, Garacharma, Sri Vijaya Puram, vide online application No. 27572 dated 05.02.2025. She enclosed the required documents including the Record of Rights (ROR), site map, Aadhaar card, and the new connection application form in compliance with Clauses 5.29 and 5.30 of the JERC (Electricity Supply Code) Regulations, 2018.

The Appellant stated that her application sought a commercial connection for a single completed room within her property bearing Survey No. 390/8. The Junior Engineer of the Electricity Department inspected the premises and submitted a report on 18.02.2025, confirming that the connected load for the proposed connection was 2.5 kW. The Appellant clarified that, due to financial constraints, construction of the remaining portion of the building had been temporarily halted. However, the room for which the connection was applied is fully constructed with completed wiring, earthing and MCB installations as per JERC standards.



The Assistant Engineer, Electricity Department, vide letter No. EL-AE-B-PUR-HQ-2-11-2024-25-1874 dated 25.02.2025, objected to the grant of connection, citing non-compliance with certain clauses of the JERC Regulations and the Energy Conservation Building Code (ECBC) requirements. The Appellant contended that these objections were misplaced and not applicable to her case. She asserted that Clauses 5.12, 5.56, and 5.57(3) of the JERC Regulation, 2018, were misinterpreted, as these provisions relate to large or multi-consumer complexes, whereas she had applied for an individual commercial connection for a single room.

The Appellant emphasized that Clause 5.35 and 5.56 of the JERC Regulation, 2018, expressly confer the right upon an individual owner or occupier to apply for and receive a separate electricity connection. She further stated that the ECBC compliance requirement applies only to newly constructed or altered commercial buildings with a connected load of 50 kW or above. Since her connected load is only 2.5 kW, the ECBC clearance has no relevance at this stage. She therefore requested that the Electricity Department process her application as per applicable JERC provisions.

The Appellant also submitted that she had previously taken a loan of ₹ 61, 33,000 from Punjab National Bank for partial construction of the said premises and is repaying the loan through EMIs. The delay in granting electricity connection has caused financial hardship and risk of default. The Appellant asserted that the Department's insistence on completion of the entire building before sanctioning the connection is arbitrary, contrary to the Regulations, and amounts to harassment. She therefore filed a complaint before the Consumer Grievance Redressal Forum (CGRF), A&N Islands on 17.03.2025, alleging unjustified denial of connection. After a personal hearing, site inspection, and examination of departmental objections, the CGRF passed a favorable order on 02.04.2025, directing the Licensee to provide electricity supply to her premises within 15 days and to submit a compliance report.

The Electricity Department filed a Review Petition against this Order on 10.04.2025. The CGRF, vide Order dated 17.04.2025, dismissed the Review Petition as no new evidence or material error was established, reaffirming the direction for immediate compliance. Despite this, the Licensee failed to comply, leading the CGRF to issue three reminders dated 15.05.2025, 14.07.2025, and 24.07.2025 directing the concerned Assistant Engineer to execute the Order and warning against linking the connection with ECBC clearance, as the building is still under construction and such compliance is not required at this stage.



The Appellant asserted that, as of 31.07.2025, the Licensee had not provided the electricity connection, in blatant violation of the binding CGRF Order dated 02.04.2025. She contended that the continued non-compliance has caused undue mental, physical, and financial hardship. It constitutes willful disobedience of a statutory directive.

The Appellant raised the following grounds in support of her Appeal before this Authority:

1. The Licensee failed to provide electricity supply within the mandatory one-month period prescribed under Section 43(1) of the Electricity Act, 2003, without any lawful justification.
2. The Licensee has continued refusal to implement the CGRF's Order dated 02.04.2025, despite multiple reminders, constitutes willful disobedience under Sections 142 and 146 of the Electricity Act, 2003.
3. The Licensee's delay attracts a statutory penalty under Section 43(3) of the Act, at the rate of ₹1,000 per day from 17.04.2025 until actual compliance.
4. The actions of the Licensee contravene the JERC (CGRF & Electricity Ombudsman) Regulations, 2019, which mandate timely implementation of CGRF Orders.
5. The reliance on ECBC clearance as a precondition for connection is irrelevant, unjustified, and contrary to the CGRF's findings.
6. The prolonged delay violates the Appellant's statutory rights and entitles her to compensation under the Electricity Act, 2003 and the Consumer Protection Act, 2019.

The Appellant prayed that:

1. Direct the Licensee to implement the CGRF Order dated 02.04.2025 and provide electricity supply to her premises.
2. Initiate penalty proceedings under Sections 142 and 146 of the Electricity Act, 2003, against the responsible officers for willful non-compliance.
3. Award compensation of ₹1,000 per day from 17.04.2025 till the date of actual compliance, as per Section 43(3) read with the JERC Standards of Performance Regulations.



4. Grant additional compensation of ₹50,000 or as deemed fit under the JERC Regulations and Consumer Protection Act, 2019, for mental, physical, and financial harassment.
5. Recommend disciplinary action against the concerned Assistant Engineer and other officers for contempt of the CGRF's Order and dereliction of duty.
6. Direct the Licensee to submit a compliance report within a specified timeline to ensure accountability.

B. Submission by the Respondent:

The Respondent Licensee, represented by the Executive Engineer (HQ), Electricity Department, submitted para-wise comments vide letter No. EE/HQ/TECH/29B/2025 dated 03.09.2025, stating as follows:

1. The Appellant submitted an online application bearing No. 27572 dated 05.02.2025, seeking a single-phase commercial electricity connection in the name of *M/s Llyod Enterprise*. A copy of the application is annexed as *Exhibit-A*.
2. Upon inspection, the Junior Engineer observed that the premises comprised an under-construction multi-storied commercial complex, with the proposed connection intended for a single room on the first floor.
3. Considering the commercial nature of the premises, the Assistant Engineer-III, HQ Division, through letter No. EL/AE/P/Pur/HQ/2-11/2024-25/1874 dated 25.02.2025, requested the applicant to furnish the designed electrical load as per building byelaws to facilitate assessment of energy requirements and feasibility.
4. Under Section 5.12 of the Joint Electricity Regulatory Commission (JERC) Regulations, 2018, any new connection with a sanctioned load of 100 kVA or above requires a dedicated transformer at the applicant's cost and provision of space for allied infrastructure.
5. The declaration of designed electrical load is mandatory to verify compliance with the *Energy Conservation Building Code (ECBC)* norms applicable to commercial establishments with connected load of 50 kW or above, as notified vide A&N Administration Gazette Notification



No. 157 dated 22.08.2019 and the amended Building Bye-Laws (2021) notified by the Sri Vijayapuram Port Blair Municipal Council (SVPMC) vide Notification No. 28 dated 11.02.2021.

6. The Department initiated correspondence with SVPMC to verify ECBC applicability and sought confirmation regarding the eligibility of the applicant's building for electricity connection. SVPMC, through its communication (*Exhibit-E*), confirmed that the building falls within the ECBC category and directed the applicant to comply with the relevant norms before the connection could be released.
7. Under the ECBC Building Bye-Laws, 2021, any building or complex intended for commercial use with connected load of 50 kW or more or contract demand of 60 kVA or above must obtain an Occupancy Certificate under Clause 4 or 5 of the said Bye-Laws before occupying or using the premises (*Exhibit-F*).
8. The applicant declined to comply with ECBC requirements and instead filed a complaint before the Consumer Grievance Redressal Forum (CGRF) under Case No. ANI/C.G. No. 61/2025 dated 18.03.2025 (*Exhibit-G*). The CGRF passed an order on 04.04.2025 directing further action (*Exhibit-H*).
9. The Department filed a review petition before the CGRF vide letter No. EE/HQ/Tech/29B/2025/106 dated 10.04.2025, which was dismissed on 17.04.2025 (*Exhibit-I* and *Exhibit-J*).
10. The Department thereafter clarified to CGRF that the matter was under active consideration of the competent authorities—A&N Administration and SVPMC—regarding ECBC applicability.
11. During this period, through a separate application, Smt. Savita Lal, was given a temporary commercial connection for construction purposes on 16.07.2025 (*Exhibit-K*).
12. The Electricity Ombudsman issued an Admission Notice No. JERC/EO/2025 dated 19.08.2025, where the authorized officer of the Licensee invited the Appellant for amicable resolution in the meeting scheduled on 22.08.2025. However, the Appellant failed to attend, as reported



by the Assistant Engineer vide letter No. EL/AE/P/Pur/HQ/2-23/644 dated 26.08.2025 (*Exhibit-N*).

13. The Department categorically denied the Appellant's allegations of harassment and asserted that all actions were carried out transparently, following due process and regulatory procedure.
14. The Department submitted that the premises earlier had a connection that was dismantled after demolition of the old structure due to unauthorized use of electricity. The applicant was advised to obtain a temporary connection for construction purposes.
15. The Department emphasized that ECBC compliance is mandatory for all commercial establishments as per A&N Administration Gazette Notifications No. 157 dated 22.08.2019 and No. 28 dated 11.02.2021. The applicant has not produced the required Occupancy Certificate or No Objection Certificate from SVPSC certifying ECBC compliance.
16. The applicant's claim that the connection is sought for a small portion of the building does not exempt it from ECBC applicability, as the code applies to the total connected load of the entire complex. The building, held under single ownership, qualifies as a multi-consumer complex under Clause 5.56 of the JERC (Electricity Supply Code) Regulations, 2018.
17. The Department clarified that no provision under Clause 5.35 of the JERC Regulations, 2018, allows release of electricity connection to an under-construction building without completion of entire electrical infrastructure. The applicant misinterpreted this clause.
18. The Department noted that the applicant did not apply for a temporary connection as permitted under Section 5.60 of JERC Regulations, 2018, which could have been provided for construction purposes. The claim that a temporary connection existed and was later disconnected is false.
19. The inspection report of the Junior Engineer (Prothrapur Division) dated 22.03.2025 confirms that the building remains under construction, with incomplete electrical wiring, earthing, and other installations. The Department highlighted that declaring a nominal load of 2.5 kW for such a large commercial structure is misleading and an attempt to evade ECBC obligations.



20. The Department submitted that the application cannot be processed until the applicant furnishes proof of compliance with ECBC Rules and Building Bye-Laws, including the Occupancy Certificate from SVP MC confirming adherence to the approved building plan.

Submissions and Prayer

1. The Department has acted in full compliance with CGRF directives, JERC Regulations, and ECBC Rules, without any intent to delay or deny service to the applicant.
2. The Electricity Department is legally bound to enforce ECBC norms and cannot release connection to a non-compliant commercial complex without attracting liability for regulatory violations.
3. The applicant must submit either an Occupancy Certificate under Clauses 4 or 5 of SVP MC Building Bye-Laws (Amended, 2021) confirming ECBC compliance, or a No Objection Certificate from SVP MC explicitly permitting the connection pending compliance.
4. The Department stands ready to release the electricity connection immediately upon fulfilment of the above statutory prerequisites to ensure conformity with regulatory and legal obligations

C. Proceedings and hearing:

- (1) The matter was first listed for hearing on 15.09.2025. Both parties sought adjournment—the Respondent Executive Engineer (HQ) due to power supply issues in the Andaman and Nicobar Islands, and the Appellant due to delayed receipt of para-wise comments requiring additional time for review. The hearing was rescheduled to 22.09.2025
- (2) Appellant during the hearing held on 22.09.2025, Mr. Udai Shankar Singh appeared on behalf of the Appellant. He submitted that the Appellant had applied for a commercial electricity connection of 2.5 kW for a one-room office rented to M/s LLOYD AYYAPA MARKETING. He stated that the said room is complete in all respects, while the remaining portion of the building is still under construction. Since the building is incomplete, the Appellant has not yet obtained the Occupancy Certificate.



- (3) Mr. Singh further submitted that the total connected load of the building is approximately 40 kW, which is below the 50 kW threshold for mandatory compliance with the Energy Conservation Building Code (ECBC). He also stated that the Appellant has provided an undertaking to the Respondent Electricity Department, agreeing to comply with all applicable requirements of the Andaman and Nicobar Administration and the JERC Electricity Supply Code if the load increases beyond 50 kW in future.
- (4) The Respondent Electricity Department submitted that it had verified the matter with the Sri Vijaya Puram Municipal Council, which confirmed that ECBC compliance is required for this building. The Department assessed that the total load requirement exceeds 50 kW. It further contended that the Appellant failed to submit the Occupancy Certificate along with the application for a new connection. The Respondent maintained that it cannot release a new electricity connection until the construction of the building is complete and the Occupancy Certificate is issued by the competent authority.
- (5) After hearing the parties and examining the records, I observe that the dispute primarily concerns the applicability of ECBC provisions and the requirement of an Occupancy Certificate before the release of a new electricity connection. The Appellant claims that the building's total load is below the prescribed ECBC limit and that only a part of the premises is complete and functional, whereas the Respondent relies on the municipal confirmation indicating ECBC applicability and a higher assessed load. The issues raised, therefore, require examination in the light of the relevant provisions of the Electricity Supply Code and the regulations governing building approvals in the Andaman and Nicobar Islands.

D. Analysis and Findings

The Appellant, Smt. Savita Lal, has commenced construction of a multi-consumer complex. Due to financial constraints, only one room has been completed, which has been leased to *M/s Lloyd Ayyappa Marketing*. A commercial connection of **2.5 kW** was sought for this portion. The Distribution Licensee rejected the application on the grounds that

1. The building was incomplete, and



2. ECBC clearance is not available with the Appellant.

The Appellant contends that denial of supply is arbitrary since the request pertains only to a structurally complete portion, and the total building load is below the ECBC threshold of 50Kw. The respondent maintains that supply cannot be granted without completion of the entire building and ECBC compliance.

Section 43, Electricity Act, 2003 Mandates supply of electricity to any owner or occupier within one month of application, subject to compliance with applicable rules and regulations.

JERC Electricity Supply Code, 2018:

- *Clause 5.56:* Requires a separate transformer only if load exceeds 100 kVA.
- *Clause 5.57(1):* Requires provision of a common meter location accessible to the licensee.
- *Clause 5.57(3):* Where the approved plan is for a multi-consumer complex but a consumer seeks supply for a portion, such connection shall be provided treating it as a multi-consumer complex.
- *Clause 5.60:* Permits temporary supply in cases where statutory clearances are pending, subject to undertakings, indemnities, and safety compliance.

Government of Andaman and Nicobar Island **ECBC Notification:** Applicable only to buildings with connected load ≥ 50 kW or contract demand ≥ 60 kVA.

Judicial Precedents

- *Paschimanchal Vidyut Vitran Nigam Ltd. v. DVS Steels & Alloys (P) Ltd., (2009) 1 SCC 210:* Electricity supply cannot be denied merely on account of disputes over title; the licensee's duty to supply is statutory.
- *Shanti Sports Club v. Union of India, (2009) 15 SCC 705:* Municipal requirements such as occupancy/completion certificates must be respected before permitting occupation.
- *MCD v. Uphaar Tragedy Victims Association, (2011) 14 SCC 481:* Safety and statutory compliance are paramount before allowing use of premises.



Analysis

1. **On ECBC Compliance:** The total connected load of the building (as stated by the Appellant) is **40 kW**, below the 50 kW threshold. ECBC clearance is therefore not applicable at this stage, and the respondent's reliance on this ground is unsustainable.
2. **On Completion/Occupancy Certificate:** Permanent supply ordinarily requires a completion/occupancy certificate. However, Clause 5.57(3) expressly permits connections to portions of multi-consumer complexes. In case the original approved plan is for a multi-consumer complex, but the builder/developer / society / consumer desires to avail connection for a portion of it, the connection shall be provided treating it as multi-consumer complex.
3. **On Consumer Entitlement:** The Appellant has executed a lease agreement, completed wiring and earthing, and seeks only 2.5 kW load. Under Section 43 of the Act, the Appellant is entitled to supply, subject to compliance with safety and municipal requirements.
4. **On Temporary Supply:** In the absence of a completion/occupancy certificate, Clause 5.60 empowers the licensee to grant temporary supply, subject to undertakings and indemnities. This balances the consumer's statutory right with the need for regulatory compliance.

E. Conclusion

Where a consumer seeks electricity supply for a portion of a building with a sanctioned load below 50 kW, the requirement of ECBC clearance under the Government of Andaman and Nicobar Island notification is not applicable. However, in the absence of a completion/occupancy certificate, permanent connection cannot be granted. The Distribution Licensee is bound under Section 43 of the Electricity Act, 2003 to provide supply, but such right is subject to compliance with municipal and safety laws. Accordingly, the consumer may be granted supply upon production of a partial completion/occupancy certificate for the portion in question, or in the alternative, a temporary connection may be provided until statutory compliance is achieved.



In view of the above, it is held that **ECBC clearance is not required** in the present case, as the total load expected is below 50 kW. The Appellant is entitled under Clause 5.57(3) of the Supply Code to seek supply for a portion of the multi-consumer complex. However, permanent supply can only be released upon production of a partial completion/occupancy certificate from the competent authority. In the interim, the respondent may grant a **temporary connection** under Clause 5.60, subject to the Appellant furnishing an undertaking and indemnity bond, and ensuring compliance with safety standards.

This approach harmonizes the statutory right to electricity under Section 43 of the Electricity Act with the mandatory municipal and safety requirements, consistent with the principles laid down by the Hon'ble Supreme Court.

F. Directions

1. The respondent Distribution Licensee shall process the Appellant's application for release of a commercial electricity connection of **2.5 kW** for the portion of the premises leased to *M/s Lloyd Ayyappa Marketing*.
2. Since the expected total connected load of the building is **40 kW**, which is below the statutory threshold of 50 kW, **ECBC clearance is not applicable** at this stage. If at any later stage, it is found that the connected load is more than 50kW the Appellant has to complete all formalities afresh as per the statutory guidelines of Andaman and Nicobar Island Administration on the applicability of ECBC clearance.
3. In terms of Clause 5.57(3) of the JERC Electricity Supply Code, 2018, the Appellant is entitled to seek supply for a portion of the multi-consumer complex however, if the original approved plan is for a multi-consumer complex, but the builder/developer / society / consumer desires to avail connection for a portion of it, the connection shall be provided treating it as multi-consumer complex.
4. As per **Clause 5.56**, since the connected load is below 100 kVA, no separate transformer is required. The respondent may arrange supply from the existing system, subject to technical feasibility.



5. The Appellant shall provide suitable and adequate space for installation of the meter(s) in accordance with **Clause 5.57(1)**, ensuring accessibility to the licensee.
6. Permanent supply shall be released only upon production of a **partial completion/occupancy certificate** from the competent local authority in respect of the said portion.
7. In the absence of such certificate, the respondent may grant a **temporary connection** under **Clause 5.60 of the Supply Code**, subject to:
 - The Appellant furnishing an undertaking to comply with all statutory requirements;
 - Execution of an indemnity bond as prescribed; and
 - Strict adherence to safety standards.
8. This order balances the Appellant's statutory right under **Section 43 of the Electricity Act, 2003** with the mandatory municipal and safety requirements.

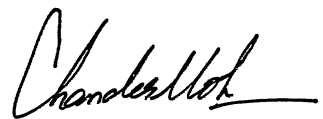
G. Order:

After going through the documents available on record and arguments advanced by both the parties before this forum the following is ordered passed:

1. The order dated 02.04.2025 passed by the Ld. CGRF, Andaman & Nicobar Islands in Case No. ANI/C.G. No. 61/2025 is set aside.
2. The Respondent/Licensee shall process the Appellant's application for a commercial electricity connection of 2.5 kW for the completed portion of the premises leased to M/s Lloyd Ayyappa Marketing.
3. Since the total expected connected load of the building is below 50 kW, ECBC clearance shall not be insisted upon at this stage.
4. If, at any subsequent stage, the total connected load exceeds 50 kW, the Appellant shall comply with the ECBC norms and other statutory requirements of the A&N Administration.



5. In terms of Clause 5.57(3) of the Supply Code, the Appellant is entitled to seek connection for a portion of the multi-consumer complex.
6. The Respondent shall ensure that the metering arrangement complies with Clause 5.57(1) and that adequate space is provided for meter installation.
7. Permanent electricity supply shall be released only upon production of a partial completion/occupancy certificate from the competent local authority.
8. In the absence of such certificate, the Respondent shall grant a temporary connection under Clause 5.60, subject to:
 - (i) The Appellant furnishing an undertaking to comply with all statutory requirements;
 - (ii) Execution of an indemnity bond as prescribed; and
 - (iii) Strict adherence to safety standards.
9. The Respondent shall submit a compliance report within 15 days from receipt of this order through email.
10. A certified copy of this order shall be sent to the Executive Engineer (HQ), Electricity Department, Andaman & Nicobar Islands, and to the Appellant, Smt. Savita Lall.
11. With these directions, the appeal stands disposed of.



(C M SHARMA)

Electricity Ombudsman
For Goa & UTs (except Delhi)

Dated: 07.11.2025