

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-271 of 2026

Date of Hearing: 19.08.2026
Mode: Videoconferencing
Date of Order: 31.08.2026

In the matter of
Mr. Abdul Lathif,
S/o Late P.A. Moideen,
Near Shalimar Hotel, Delanipur,
Sri Vijaya Puram, Haddo 744102

...Appellant

Versus

Executive Engineer,
Electricity Department HQ,
Sri Vijaya Puram.

Assistant Engineer-I, HQ
Electricity Department,
Sri Vijaya Puram.

...Respondent(s)

In the matter of Mr. Abdul Lathif Versus Electricity Department, Sri Vajaya Puram.

Present:

Appellant

1. Mr. Abdul Lathif

Respondent(s)

1. Mr. Naveen Lall, AE-1(HQ),
Electricity Deptt.,
Andaman & Nicobar Island.



ORDER

- A. The present Complaint/Representation was originally instituted by the Appellant before the Consumer Grievance Redressal Forum, Andaman & Nicobar Islands (hereinafter referred to as the "**CGRF**") on 29.04.2026 under Section 42(5) of the Electricity Act, 2003 read with Regulation 18 of the Joint Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2024 (hereinafter referred to as the "**JERC CGRF & Ombudsman Regulations, 2024**").

At the relevant time, the CGRF, Andaman & Nicobar Islands was not functional owing to the absence of the requisite quorum and Secretary. Consequently, although the Complaint/Representation was required to be adjudicated by the Learned CGRF within the prescribed period of forty-five (45) days, the matter remained pending beyond the stipulated period on account of the non-functionality of the Forum.

In the aforesaid circumstances, and in exercise of the powers under Regulations 36(1)(b) and 36(1)(c) of the JERC CGRF & Ombudsman Regulations, 2024, the CGRF, Andaman & Nicobar Islands was requested, vide e-mail dated **06.07.2026**, to forward complaints/representations which had remained pending before the Forum for more than forty-five (45) days to the Office of the Electricity Ombudsman for appropriate proceedings in accordance with law.

The present matter was accordingly forwarded by the CGRF and was received in the Office of the Electricity Ombudsman through e-mail on 09.07.2026.

Upon preliminary scrutiny of the Complaint/Representation and the documents placed on record, the matter was found fit for admission. Accordingly, the Complaint/Representation was admitted on 13.07.2026 and registered as Case No. 271 of 2026 for consideration and adjudication by the Electricity Ombudsman.

Consequent upon admission, a copy of the Complaint/Representation, together with the documents and annexures filed by the Appellant, was forwarded to the Executive Engineer (HQ), Electricity Department, Andaman & Nicobar Islands, with directions to submit a comprehensive reply, including paragraph-wise comments on the averments made by the Appellant, along with all relevant supporting records and documents.



In compliance therewith, the Assistant Engineer-I, Headquarters Division, Electricity Department, Andaman & Nicobar Administration, on behalf of the Respondent Department, filed a reply by way of affidavit vide Letter No. EL/AE/SD-I/HQ/25-6/2026/794 dated 06.08.2026, together with paragraph-wise comments and supporting documents. The said reply has been taken on record.

- B. The dispute in the present case concerns the Appellant's request for revival/restoration of electricity connections bearing Consumer/Account Nos. B/2034 and B/2035, stated to be old electricity connections pertaining to commercial premises situated at Survey No. 661/P/1/2 Delanipur, Sri Vijaya Puram.

According to the Appellant, the aforesaid connections were existing connections which had been placed under temporary disconnection. The Appellant submitted that he had applied for their revival/restoration before the Assistant Engineer-I (HQ), Electricity Department, on 21.04.2026. It is his case that the premises had thereafter been renovated and completely rewired, including provision of proper earthing and other requisite electrical safety arrangements, and that electricity/meter charges had been paid up to March 2026.

The Respondent, however, has opposed restoration of the aforesaid connections. The principal objection of the Respondent is that the original structure at the premises had been demolished/reconstructed without prior intimation to the concerned Site Office. The Respondent has further relied upon Sri Vijaya Puram Municipal Council Order No. 3720 dated 17.09.2025, concerning the alleged unauthorized/deviated construction at the subject premises, and upon the provisions of the JERC (Electricity Supply Code) Regulations, 2018, particularly Clauses 5.19 and 5.23.

It is also the Respondent's case that the Municipal Council proceedings and subsequent proceedings before the Hon'ble High Court, Calcutta, Circuit Bench at Port Blair, in case No. WPA/41/2026 (Smt. Fatima Bibi and Ors. Vs Port Blair Municipal Council and Ors.) and WPA/169/2025 (Smt. P. Beeyumma (now deceased) Vs Port Blair Municipal Council and Ors.) have a bearing upon the electricity supply to the subject premises.

The Appellant, on the other hand, has placed on record the Sanctioned Building Plan issued by the Sri Vijaya Puram Municipal Council vide F.No. Pbm-c-1287/2716 dated 01.11.2024. The Appellant has further submitted that Municipal Council Order No. 3720 dated 17.09.2025 has been challenged before the competent Appellate Authority in the



court of Deputy Commissioner, South Andaman, Sri Vijaya Puram in Appeal Under Regulation 187 of the Andaman & Nicobar Island (Municipal) Regulation, 1994 and Order No. 3720 dated 17.09.2025 issued by the Secretary Municipal Council, Sri Vijaya Puram requiring the Appellants for demolishing the illegal construction.

It is further borne out from the record that the Learned CGRF, Andaman & Nicobar Islands, had earlier dealt with Case No. ANI/C.G. No. 31/2025 concerning electricity supply to the Appellant's residence at Delanipur. By order dated 07.11.2025, the Learned CGRF allowed a three-phase domestic electricity connection to the Appellant's residence at Delanipur.

The said order was passed subsequent to Municipal Council Order No. 3720 dated 17.09.2025 and has been relied upon by the Appellant as a relevant circumstance in the present proceedings. Its precise relevance to Consumer/Account Nos. B/2034 and B/2035 is considered hereinafter.

During the present proceedings, reliance was also placed upon the orders passed by the Hon'ble High Court, Calcutta, Circuit Bench at Port Blair, including the order dated 24.03.2025 in WPA No. 169 of 2025 (Smt. P. Beeyumma (now deceased) Vs Port Blair Municipal Council & Ors.) and the subsequent order dated 09.02.2026 in WPA No. 41 of 2026, (Smt. Fathima Bibi & Others v. The Port Blair Municipal Council & Others).

It is clarified at the outset that this Authority is not exercising appellate or supervisory jurisdiction over the Municipal Council or the Hon'ble High Court. The property-related proceedings are referred to only to the limited extent that their operative effect may have a bearing upon the Appellant's entitlement to electricity supply.

This Authority is not called upon to adjudicate questions of title, possession, encroachment, legality of construction or validity of the Municipal Council's order, all of which fall within the jurisdiction of the competent statutory, appellate or judicial authorities.

C. PROCEEDINGS

The matter was taken up for hearing on 19.08.2026 at 11:30 A.M. through Video Conferencing.

The Appellant/Complainant appeared in person. On behalf of the Respondent, Shri Naveen Lall, Assistant Engineer-I (HQ), Electricity Department, Andaman & Nicobar Administration, appeared and represented the Respondent Department.



The Appellant reiterated his grievance regarding non-restoration/revival of Consumer/Account Nos. B/2034 and B/2035. He submitted that the said connections were old connections pertaining to the commercial premises at Delanipur and that he had already applied for their revival/restoration vide application dated 21.04.2026.

The Appellant further submitted that renovation and complete electrical rewiring of the premises had been carried out, including provision of proper earthing and other requisite safety arrangements. He also submitted that the applicable electricity/meter charges had been paid up to March 2026.

The Respondent reiterated the stand taken in its reply/affidavit dated 06.08.2026, submitting that the existing structure had been demolished/reconstructed without prior intimation to the concerned Site Office and that, in view of the applicable provisions of the JERC (Electricity Supply Code) Regulations, 2018 and the Municipal Council proceedings, the old connections could not simply be revived.

The Respondent particularly relied upon Municipal Council Order No. 3720 dated 17.09.2025 and submitted that the said order had implications for electricity supply to the subject premises.

Reference was also made during the hearing to the proceedings before the Hon'ble High Court, Calcutta, Circuit Bench at Port Blair, particularly WPA No. 169 of 2025 and WPA No. 41 of 2026.

The Appellant, in response, submitted that Municipal Council Order No. 3720 dated 17.09.2025 had been challenged before the competent Appellate Authority. He further drew attention to the Sanctioned Building Plan dated 01.11.2024 issued by the Municipal Council.

The Appellant also relied upon the order dated 07.11.2025 passed by the Learned CGRF in Case No. ANI/C.G. No. 31/2025, whereby a three-phase domestic electricity connection had been allowed to his residence at Delanipur.

During the hearing, the Authority also considered the Respondent's reference to the communication dated 09.04.2026 submitted by Smt. Mamoonatul Missriya and the judicial/other documents relied upon by her concerning the subject property.

The parties were directed to confine their submissions to the electricity-related consequences arising from the aforesaid proceedings.



The Appellant was permitted to place on record certain additional documents referred to during the hearing, including:

- (i) copy of the appeal preferred against Municipal Council Order No. 3720 dated 17.09.2025;
- (ii) order passed in RC No. 14 of 2024 by the Learned Sub-Divisional Officer, South Andaman; and
- (iii) the Sanctioned Building Plan dated 01.11.2024.

The Appellant subsequently filed a written submission along with the aforesaid documents. The same have been taken on record and considered.

The matter was thereafter reserved for orders.

D. SUBMISSIONS ON BEHALF OF THE APPELLANT

The Appellant submitted that he had approached the Electricity Department for revival/restoration of Consumer/Account Nos. B/2034 and B/2035, which were old electricity connections pertaining to commercial shops at Delanipur.

He submitted that an application for revival/restoration had been made on 21.04.2026, but no effective action had been taken by the Respondent.

The Appellant submitted that the commercial premises had been renovated and completely rewired and that proper earthing and other requisite electrical safety arrangements had been provided.

He further submitted that the electricity/meter charges had been paid up to March 2026 and, therefore, there was no outstanding financial liability preventing restoration of the connections.

The Appellant explained that the delay in seeking revival was occasioned by a medical emergency concerning his wife and mother-in-law, requiring his travel to the mainland.

The Appellant further referred to Notice No. EL/AE/SD-1/HQ/24-11/2026/417 dated 13.04.2026, issued in respect of Account Nos. B/246, B/2034 and B/2035.

He submitted that connection No. B/246 was dismantled on 04.05.2026 however, connection No. B/2034 & B/2035 have not been dismantled and Appellant continued paying the regular bills up to March 2026. Thereafter Learned CGRF Vide order dated 07.11.2025 in case No ANI/C.G. No. 31/2025 has allowed release of three-phase connection for domestic use in favour of Appellant Shri Abdul Lathif.



The Appellant submitted that the connections in question (B/246, B/2034 & B/2035) had been released several years earlier and had been used for commercial shops which were rented out. According to him, the present request was for revival/restoration of existing connections (B/2034 & B/2035) and not for release of fresh connections.

The Appellant further contended that the proposed action of the Respondent was not justified, particularly in view of the fact that the Learned Consumer Grievance Redressal Forum, Andaman & Nicobar Islands had, in respect of electricity connections bearing Account Nos. **B/2036 and B/2037** in the same premises and stated to be under similar circumstances, directed restoration of the connections vide Order/F. No. ANI/CGRF/10-419/977 dated 27.01.2026.

The Appellant also submitted that the Municipal Council had sanctioned the building plan vide F.No. PBMC-1287/2716 dated 01.11.2024 and that the subsequent Municipal Council Order No. 3720 dated 17.09.2025 had been challenged before the competent Appellate Authority.

The Appellant accordingly prayed that the notice dated 13.04.2026 be kept in abeyance and that Consumer/Account Nos. B/2034 and B/2035 be revived/restored in accordance with law.

E. SUBMISSIONS ON BEHALF OF THE RESPONDENT

The Respondent submitted that the Appellant had originally filed Complaint No. ANI/C.G. No. 02/2026 dated 29.04.2026 before the Learned CGRF, which was subsequently forwarded to the Office of the Electricity Ombudsman owing to the non-functionality of the CGRF A&N Island and registered as Case No. 271 of 2026.

The Respondent submitted that a detailed report had also been filed before the Learned CGRF on 04.05.2026.

On merits, the Respondent submitted that the Appellant had not intimated the concerned site office regarding demolition of the existing structure and reconstruction of the premises.

The Respondent relied upon Municipal Council Order No. 3720 dated 17.09.2025, whereby directions had been issued concerning the alleged unauthorized/deviated construction and demolition thereof.



The Respondent relied upon Clause 5.19 of the JERC (Electricity Supply Code) Regulations, 2018, contending that electricity connection could not be granted where a restraining/prohibitory order had been issued by a Court or competent authority.

The Respondent further referred to Letter No. EL/JE/PN/1-57/26-27/723 dated 04.04.2026, issued by the Junior Engineer, Prem Nagar Site Office, and the subsequent notice dated 13.04.2026 concerning the idle meter connections.

It was submitted that Account No. B/246 was dismantled on 04.05.2026, whereas B/2034 and B/2035 were not dismantled and were kept pending in view of the proceedings before the competent authority.

The Respondent also referred to the communication dated 09.04.2026 submitted by Smt. Mamoonatul Missriya and the judicial proceedings concerning the property.

It was further submitted that the reconstruction of the premises meant that the matter could not simply be treated as revival of an existing electricity connection and that the applicable provisions concerning surrender/removal and release of a fresh connection would apply.

The Respondent accordingly prayed for dismissal of the Complaint/Representation.

F. SUBSEQUENT SUBMISSION OF THE APPELLANT

Subsequent to the hearing held on 19.08.2026, the Appellant filed a written submission along with additional documents.

The Appellant submitted that Municipal Council Order No. 3720 dated 17.09.2025 had already been challenged before the competent Appellate Authority on 09.02.2026, and a copy of the appeal was placed on record as Annexure-I.

The Appellant further submitted that the proceedings initiated by Smt. Mamoonatul Missriya and Late Smti. P. Beeyumma concerning adjoining land were distinct from the present electricity dispute.

The Appellant placed on record the order dated 26.06.2025 passed in RC No. 14 of 2024 by the Learned Sub-Divisional Officer, South Andaman, as Annexure-II in which the SDM South Andaman has concluded as under:

"In the light of the facts and circumstances of the case, and upon hearing both parties and examining the records, it is evident that the applicant has illegally occupied a portion of the land belonging to the respondents, Abdul Jaleel and Abdul Lathif, and



has failed to substantiate her claim. Therefore, the petition dated 02/12/2024 filed by Smt. P Beeyumma W/o Late Abdul Kader is hereby disposed of accordingly."

The Appellant also placed on record as Annexure-III the Sanction of Building Plan issued by the Sri Vijaya Puram Municipal Council vide F.No. PBMC-1287/2176 dated 01.11.2024. The Appellant requested that the aforesaid documents be taken on record and considered while adjudicating the present case.

G. DOCUMENTS / MATERIAL ON RECORD

The following documents/material have been considered:

1. Complaint/Representation dated 29.04.2026 filed before the Learned CGRF;
2. Application dated 21.04.2026 seeking revival/restoration of B/2034 and B/2035;
3. Payment receipts/documents showing payment of electricity/meter charges up to March 2026;
4. Photographs/documents relating to renovation, rewiring, earthing and electrical safety arrangements;
5. Notice No. EL/AE/SD-1/HQ/24-11/2026/417 dated 13.04.2026;
6. Detailed report dated 04.05.2026 submitted by the Respondent before the Learned CGRF;
7. Reply/affidavit dated 06.08.2026 filed vide Letter No. EL/AE/SD-I/HQ/25-6/2026/794;
8. Municipal Council Order No. 3720 dated 17.09.2025;
9. Sanctioned Building Plan issued by the Municipal Council, Sri Vijaya Puram, vide F.No. PBMC-1287/2176 dated 01.11.2024;
10. Order dated 24.03.2025 passed by the Hon'ble High Court, Calcutta, Circuit Bench at Port Blair, in WPA No. 169 of 2025;
11. Order passed in WPA No. 41 of 2026;
12. Appeal preferred against Municipal Council Order No. 3720 dated 17.09.2025;
13. Order passed by the Learned Sub-Divisional Officer, South Andaman, in RC No. 14 of 2024;
14. Order dated 07.11.2025 passed by the Learned CGRF in Case No. ANI/C.G. No. 31/2025;
15. Communication dated 09.04.2026 submitted by Smti. Mamoonatul Missriya;
16. Letter No. EL/JE/PN/1-57/26-27/723 dated 04.04.2026;



17. Letter No. EL/AE/SD-I/HQ/25-6/2026/758 dated 29.07.2026;
18. Admission Notice dated 13.07.2026;
19. Subsequent written submission of the Appellant along with annexures;
20. Oral submissions advanced by both parties; and
21. Relevant provisions of the Electricity Act, 2003, the JERC (Electricity Supply Code) Regulations, 2018 and the JERC CGRF & Ombudsman Regulations, 2024.

H. ISSUES FOR DETERMINATION

Upon consideration of the pleadings, submissions and material on record, the following issues arise:

1. Whether, in view of the reconstruction of the premises and complete disturbance/replacement of the earlier electrical installation, the Appellant's request in respect of B/2034 and B/2035 is required to be treated as a request for fresh electricity connection(s), rather than revival/restoration of the earlier connections?
2. Whether the Respondent was justified in relying upon Clauses 5.19 and/or 5.23 of the JERC (Electricity Supply Code) Regulations, 2018 for withholding electricity supply to the subject premises?
3. What is the effect, for the limited purpose of electricity supply, of Municipal Council Order No. 3720 dated 17.09.2025 and the subsequent proceedings before the Hon'ble High Court and the competent appellate authority?
4. What is the relevance and effect of the order dated 07.11.2025 passed by the Learned CGRF in Case No. ANI/C.G. No. 31/2025, whereby a three-phase domestic electricity connection was allowed to the Appellant's residence at Delanipur?
5. Whether the Appellant is entitled to have his request processed for fresh electricity connection(s), subject to statutory, regulatory, technical and safety requirements and subject to any specific and subsisting prohibition of a competent authority?
6. What relief, if any, is the Appellant entitled to?

I. FINDINGS AND ANALYSIS

I have carefully considered the Complaint/Representation, the reply/affidavit filed by the Respondent, the subsequent written submission filed by the Appellant, the documents placed on record, the oral submissions advanced by the parties during the proceedings, and the relevant provisions of the Electricity Act, 2003, the JERC (Electricity Supply Code)



Regulations, 2018 and the JERC (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulations, 2024.

The controversy essentially concerns the Appellant's request in respect of Consumer/Account Nos. B/2034 and B/2035, which were earlier electricity connections pertaining to the commercial premises at Delanipur. The Appellant has described the present request as one for revival/restoration of the existing connections. The Respondent, however, has contended that the original premises were demolished/reconstructed and that the original electrical installation and wiring were consequently disturbed, thereby requiring the request to be considered in accordance with the provisions applicable to a fresh electricity connection.

The Respondent has further relied upon the Municipal Council Order No. 3720 dated 17.09.2025, the proceedings before the Hon'ble High Court, Calcutta, Circuit Bench at Port Blair, and the provisions of the JERC (Electricity Supply Code) Regulations, 2018.

The issues arising for determination are considered hereunder.

Issue No. 1 — *Whether the Appellant's request is one for revival/restoration of the existing connections or for release of fresh electricity connection(s)?*

The Appellant has consistently maintained that Consumer/Account Nos. B/2034 and B/2035 are old electricity connections pertaining to the commercial premises at Delanipur and has sought their revival/restoration. The Appellant has further submitted that an application for revival of the said connections was made on 21.04.2026 and that the commercial premises have subsequently been renovated and completely rewired, including provision of proper earthing and other requisite electrical safety arrangements. The Respondent, on the other hand, has submitted that the original structure at the premises was demolished/reconstructed without prior intimation to the concerned Site Office and has contended that, in view of such reconstruction, the earlier electricity connections cannot simply be revived without examining the present premises and electrical installation in accordance with the applicable provisions of the Supply Code.

The first and fundamental question, therefore, is not merely whether the consumer/account numbers continue to exist in the records of the distribution licensee, but whether the present physical and electrical installation is substantially the same installation for which the earlier connections were released.



In this regard, it is an established fact from the material placed on record and, significantly, from the Appellant's own submissions that the building has been reconstructed/renovated and that the commercial premises have been completely rewired. The Appellant has specifically stated that proper earthing and other requisite electrical safety arrangements have also been provided afresh.

The Appellant has also placed on record the Sanctioned Building Plan issued by the Sri Vijaya Puram Municipal Council vide F.No. PBMC-1287/2176 dated 01.11.2024.

The fact of complete rewiring is material. At the time of release of an electricity connection, the consumer is required to furnish the requisite documents concerning the electrical installation, including the applicable wiring certificate/declaration in respect of the installation existing at the premises. The earlier connections B/2034 and B/2035 were released on the basis of the electrical installation and wiring arrangement then existing.

Where the original building has subsequently been reconstructed and the original electrical wiring/installation has been completely disturbed, removed or replaced, the electrical installation presently existing at the premises cannot be presumed to be the same installation in respect of which the earlier wiring certificate was furnished.

The Appellant's own statement that the premises have been completely rewired necessarily means that the original wiring arrangement has undergone a material change. Consequently, the present electrical installation requires fresh scrutiny by the distribution licensee with reference to the requirements applicable to the present installation.

In such circumstances, the mere fact that the consumer/account numbers B/2034 and B/2035 continue to appear in the records, or that the Respondent had not physically dismantled the meters/service connections before the Appellant's application dated 21.04.2026, cannot by itself confer an unconditional right upon the Appellant to have the earlier connections re-energised.

The legal character of the present request must be determined on the basis of the substance of the transaction and the present physical and electrical circumstances, rather than merely the nomenclature used by the Appellant.

Accordingly, I am of the considered view that, following reconstruction of the premises and complete disturbance/replacement of the original electrical installation, the Appellant's request cannot appropriately be treated merely as a case of restoration of the earlier electrical installation. The present request is required to be examined substantively



as a request for release of fresh electricity connection(s) at the reconstructed premises, subject to fulfilment of the applicable statutory, regulatory, technical and safety requirements.

It is clarified, however, that the expression "fresh connection" in the present context refers to the regulatory and technical treatment of the present installation. It does not, by itself, determine any question relating to ownership of the property or the legality of the construction.

It is further clarified that the Sanctioned Building Plan is a relevant document placed on record by the Appellant; however, its existence does not by itself constitute a determination by this Authority regarding conformity of the present construction with the sanctioned plan. Whether the present construction conforms to the sanctioned building plan, whether any deviation exists, and the consequences thereof are matters falling within the jurisdiction of the competent municipal, appellate or judicial authorities.

The fact that the Respondent did not dismantle B/2034 and B/2035, while B/246 was dismantled on 04.05.2026, is relevant to the chronology and the action taken by the Respondent. However, such non-dismantling cannot alter the conclusion arising from the admitted reconstruction and complete rewiring of the premises.

Issue No. 1 is accordingly answered by holding that the present request of the Appellant is required to be processed as a request for release of fresh electricity connection(s), rather than merely as revival/restoration of the earlier electrical installation pertaining to B/2034 and B/2035.

Issue No. 2 — *Whether the Respondent was justified in relying upon Clause 5.19 and/or Clause 5.23 of the JERC (Electricity Supply Code) Regulations, 2018?*

The Respondent has relied upon Clause 5.19 of the JERC (Electricity Supply Code) Regulations, 2018, in support of its contention that electricity connection cannot be granted where there exists a restraining or prohibitory order issued by a Court or competent authority.

The Respondent has also referred to Clause 5.23 in connection with the notice dated 13.04.2026 issued in respect of the idle connections.

In view of the finding recorded under Issue No. 1, the question now is whether the Respondent was justified in declining to process the Appellant's request in circumstances



where the present request is required to be considered as one for fresh electricity connection(s).

The applicability of Clause 5.19 necessarily depends upon the existence, nature, scope and operative effect of a restraining or prohibitory direction issued by a competent Court or authority.

The Respondent has relied upon Municipal Council Order No. 3720 dated 17.09.2025 and the subsequent proceedings before the Hon'ble High Court.

A distribution licensee cannot disregard a specific and operative prohibition issued by a competent authority. At the same time, the mere existence of a dispute concerning the property or construction does not, by itself, establish that electricity supply is prohibited in every circumstance.

The Respondent must, therefore, identify the precise order or direction relied upon and determine whether it specifically and presently prohibits the release of electricity connection to the subject premises.

Similarly, if Clause 5.23 is relied upon, the Respondent must establish the factual circumstances which attract that provision and explain its applicability to B/2034 and B/2035.

The Respondent is consequently entitled, and indeed required, to take the applicable provisions of the Supply Code into consideration. However, the application of such provisions must be based upon the precise factual circumstances and the operative effect of the relevant order or direction and must be communicated through a reasoned decision.

Issue No. 2 is accordingly answered by holding that the Respondent was justified in examining the applicability of Clauses 5.19 and 5.23; however, any refusal of electricity supply on that basis must be supported by a specific and reasoned determination of the applicability and operative effect of the relevant provision/order.

Issue No. 3 — *Effect of Municipal Council Order No. 3720 dated 17.09.2025 and subsequent proceedings before the Hon'ble High Court?*

The Respondent has placed substantial reliance upon Sri Vijaya Puram Municipal Council Order No. 3720 dated 17.09.2025, concerning the subject building and the alleged unauthorized/deviated construction.



The Appellant, on the other hand, has produced the sanctioned building plan dated 01.11.2024 and has submitted that the Municipal Council's order dated 17.09.2025 has been challenged before the competent Appellate Authority.

The present Authority is not exercising appellate jurisdiction over the Municipal Council. Nor is it competent in these proceedings to determine whether the construction is unauthorized, whether there has been deviation from the sanctioned building plan, or whether the Municipal Council's order is ultimately correct.

The Sanctioned Building Plan dated 01.11.2024 is nevertheless a relevant document and has been considered. However, the existence of the sanctioned plan does not, by itself, establish conformity of the construction presently existing at the premises with that plan. The order dated 24.03.2025 in WPA No. 169 of 2025 and the subsequent order in WPA No. 41 of 2026 have also been considered.

The order dated 24.03.2025 in WPA No. 169 of 2025, as placed on record, does not adjudicate upon the merits of the alleged unauthorized construction and does not constitute a determination by the Hon'ble High Court regarding entitlement to electricity supply.

The subsequent order in WPA No. 41 of 2026 concerns implementation of Municipal Council Order No. 3720 dated 17.09.2025 and has to be understood in the terms in which it was passed, including the reference to the appeal stated to have been preferred against the Municipal Council's order.

Nothing placed before this Authority establishes that the Hon'ble High Court has passed a specific and subsisting order expressly prohibiting the Electricity Department from processing a fresh electricity connection to the subject premises. Nevertheless, any binding order subsequently passed by the Hon'ble High Court or any other competent judicial/statutory authority shall necessarily prevail and shall be complied with by the Respondent.

This Authority is, therefore, not required to pronounce upon the ultimate validity of the Municipal Council's order or the merits of the pending property proceedings.

For the limited purpose of the present electricity dispute, the material question is whether any specific, subsisting and operative direction issued by the competent authority presently prohibits the release of electricity connection to the subject premises.

If such a binding prohibition exists, the Respondent is required to comply with it. If, however, the relevant proceedings do not contain a specific prohibition against electricity



supply, the Respondent must independently examine the Appellant's request under the applicable provisions of the Electricity Act and the Supply Code.

Issue No. 3 is accordingly answered in the above terms.

Issue No. 4 — Effect of the CGRF Order dated 07.11.2025 in Case No. ANI/C.G. No. 31/2025?

An important circumstance emerging from the record is the order dated **07.11.2025** passed by the Learned Consumer Grievance Redressal Forum, Andaman & Nicobar Islands in **Case No. ANI/C.G. No. 31/2025**, whereby the Learned CGRF directed/allowed grant of a three-phase domestic electricity connection to the Appellant's residence at Delanipur.

Perusal of the aforesaid order shows that the Learned CGRF was conscious of the **Municipal Council Order No. 3720 dated 17.09.2025**, whereby directions had been issued concerning demolition of the unauthorized structure. The Learned CGRF nevertheless considered the question of electricity supply in the factual circumstances prevailing before it and directed grant of the domestic electricity connection, while taking note of the fact that, despite the demolition order having been issued, no action for demolition of the property had been taken for a considerable period.

The said circumstance is of relevance to the present proceedings. It demonstrates that the mere existence of a demolition order passed by the competent municipal authority was not, by itself, treated in the aforesaid proceedings as an absolute and perpetual prohibition against electricity supply, particularly where the property continued to remain occupied and the demolition order had not been implemented.

The present record further shows that **Municipal Council Order No. 3720 dated 17.09.2025** has been challenged by the Appellant before the competent appellate authority, stated to be the Deputy Commissioner, South Andaman, and the said proceedings are pending since February 2026. This Authority, however, makes no determination regarding the maintainability, merits or outcome of the said appeal.

The Respondent has also brought on record the communication dated **09.04.2026** submitted by **Smti. Mamoonatul Missriya W/o Shri Abdul Nasseer**, referring to the proceedings before the Hon'ble High Court, Calcutta, Circuit Bench at Port Blair, in **WPA No. 41 of 2026**, and requesting that electricity connection should not be provided to the subject property. The existence of such communication and the judicial proceedings referred to therein have been duly considered by this Authority.



It is equally relevant that the Appellant has placed on record the proceedings arising out of the complaint initially made by **Smt. P. Beeyumma**, now deceased, before the revenue authorities alleging encroachment upon her land. According to the documents placed on record by the Appellant, the revenue authorities undertook demarcation of the land and the proceedings thereafter culminated in an order of the Learned Sub-Divisional Magistrate/competent revenue authority. The Appellant relies upon those proceedings to contend that the allegation of encroachment was not established against him.

This Authority is conscious that the aforesaid revenue proceedings, like the municipal proceedings, are not matters within its jurisdiction for final adjudication. They have therefore been considered only for the limited purpose of appreciating the factual background in which the Respondent has opposed electricity supply.

The material on record also indicates that, notwithstanding the passing of demolition orders by competent authorities, actual demolition of the concerned structures may, in appropriate cases, not take place immediately and the properties may continue to remain occupied and used. In such circumstances, denial of a lawful electricity connection for an indefinite period, merely because a demolition proceeding is pending or a demolition order has not yet been executed, requires careful examination.

Electricity supply, however, cannot be used as a means of conferring legality upon an unauthorized construction. At the same time, where a premises continues to be occupied and is otherwise eligible for electricity supply, complete denial of a lawful electricity connection may have the unintended consequence of encouraging unauthorized methods of obtaining electricity supply, which is also undesirable from the standpoint of prevention of unauthorized use and theft of electricity.

Accordingly, this Authority is of the view that **the grant of a fresh electricity connection, subject to compliance with the applicable statutory, regulatory, technical and safety requirements, need not by itself amount to recognition or regularisation of any unauthorized construction**, provided there is no specific and subsisting order of a competent Court or statutory authority expressly prohibiting such electricity supply.

The position is also consistent with the approach reflected in the aforesaid order dated 07.11.2025 passed by the Learned CGRF, subject to the important distinction that the said order concerned a domestic connection, whereas the present proceedings concern the commercial/non-domestic connections bearing **B/2034 and B/2035**.

At the same time, electricity supply cannot operate as an impediment to the lawful exercise of statutory powers by the Municipal Council. Therefore, **if and when the Municipal**



Council undertakes any demolition, sealing or other coercive action against the subject premises in accordance with law, the Electricity Department shall be required to act upon a specific communication/direction of the competent authority and disconnect the electricity supply at the stage at which such action is lawfully undertaken, subject to the orders of any competent Court or appellate authority.

It is further clarified that grant of a fresh electricity connection pursuant to this order shall not be construed as approval, regularisation or certification of the legality of the construction, nor shall it prevent the Municipal Council or any other competent authority from taking action in accordance with law against any unauthorized construction.

Issue No. 5 — *Whether the Respondent was justified in issuing Notice dated 13.04.2026 and its consequential effect?*

The Respondent issued Notice No. EL/AE/SD-1/HQ/24-11/2026/417 dated 13.04.2026 in respect of Account Nos. B/246, B/2034 and B/2035, referring to Clause 5.23 of the JERC (Electricity Supply Code) Regulations, 2018.

The Respondent has stated that the notice was issued in respect of idle meter connections and that, while Account No. B/246 was subsequently dismantled on 04.05.2026, the connections bearing Account Nos. B/2034 and B/2035 were not dismantled and were kept pending in view of the proceedings before the competent authority.

The chronology shows that the Appellant submitted his application for revival/restoration on 21.04.2026, i.e., eight days after issuance of the notice.

The notice dated 13.04.2026 is relevant to the status of the earlier connections and the action proposed by the Respondent. However, the present determination that the Appellant's request is required to be treated as one for fresh connection(s) means that the issue cannot be decided merely on the basis of whether the old meters/connections were physically dismantled.

Physical dismantling and the regulatory status of an electricity connection are not necessarily synonymous. The fact that B/2034 and B/2035 were not physically dismantled does not preserve an unconditional entitlement to re-energisation where the original electrical installation has subsequently been completely rewired.

At the same time, the notice dated 13.04.2026 cannot be treated as a substitute for consideration of the Appellant's subsequent application. The Respondent was required to examine the Appellant's request in accordance with the applicable regulatory framework.



Accordingly, insofar as B/2034 and B/2035 are concerned, the notice dated 13.04.2026 shall be dealt with consistently with the present determination and the applicable provisions of the Supply Code.

Issue No. 5 is accordingly answered in the above terms.

Issue No. 6 — *Whether fresh electricity connection can be considered pending municipal proceedings?*

In view of the finding recorded hereinabove that the reconstruction of the premises and complete disturbance/replacement of the earlier electrical installation make it inappropriate to treat the present request merely as revival/re-energisation of the old connections, the request in respect of **B/2034 and B/2035 is required to be considered as an application for fresh electricity connection(s).**

The sanctioned building plan issued by the Sri Vijaya Puram Municipal Council vide **F.No. PBMC-1287/2176 dated 01.11.2024** is a relevant document placed on record by the Appellant. **However, its existence does not by itself constitute a determination by this Authority regarding conformity of the present construction with the sanctioned plan.** The question whether the present construction conforms to the sanctioned plan, or whether there has been any deviation or unauthorized construction, remains within the jurisdiction of the competent municipal authority.

Similarly, the pendency of the appeal against Municipal Council Order No. 3720 dated 17.09.2025 does not, by itself, amount to an adjudication in favour of the Appellant. Equally, the existence of the demolition order, without more, cannot be treated as an indefinite prohibition against electricity supply unless its operative terms or a subsequent binding order specifically prohibit such supply.

The proper course is therefore to direct the Respondent to process the Appellant's request as a **fresh connection application**, subject to the applicable provisions of the Supply Code and subject to there being no specific, subsisting and binding prohibition against release of electricity to the subject premises.

The Respondent shall also remain bound to comply with any lawful direction issued by the Municipal Council or any competent Court/authority concerning demolition, sealing or prohibition/disconnection of electricity supply.

J. CONCLUSION

On an overall consideration of the material on record, this Authority holds that the subsequent reconstruction and complete rewiring of the premises have materially altered



the electrical installation covered by the original wiring certificate submitted at the time of obtaining B/2034 and B/2035. Consequently, the present request cannot appropriately be dealt with merely as revival/re-energisation of the old connections.

The Appellant's request is therefore required to be considered as a request for fresh electricity connection(s).

At the same time, the existence of Municipal Council Order No. 3720 dated 17.09.2025, the pending appellate proceedings, the proceedings before the Hon'ble High Court and the communication dated 09.04.2026 cannot be disregarded.

If the Appellant satisfies the statutory, regulatory, technical and safety requirements applicable to a fresh connection, the Respondent shall process the application in accordance with law.

The grant of such electricity connection, if otherwise permissible, shall not amount to regularisation or recognition of the construction and shall remain subject to the lawful exercise of powers by the Municipal Council or any other competent authority. If the competent Municipal Council subsequently undertakes demolition/sealing or other coercive action and duly communicates the same to the Electricity Department, the Department shall act in accordance with such lawful direction, including disconnection of electricity supply where so required.

K. ORDER

In view of the foregoing findings and decision, and in exercise of the powers vested in this Authority under Section 42(6) of the Electricity Act, 2003, read with the applicable provisions of the JERC (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulations, 2024, the present Complaint/Representation is disposed of with the following directions:

1. The request made by the Appellant vide application dated 21.04.2026 in respect of Consumer/Account Nos. B/2034 and B/2035 shall, in view of the reconstruction of the premises and complete disturbance/replacement of the earlier electrical installation, be treated and processed as a request/application for fresh electricity connection(s) and not merely as revival/re-energisation of the earlier connections.



2. The Respondent, Electricity Department, Andaman & Nicobar Administration, shall inspect/verify the subject premises and process the Appellant's request in accordance with the Electricity Act, 2003 and the applicable provisions of the JERC (Electricity Supply Code) Regulations, 2018, including the requirements relating to electrical installation, wiring, earthing, metering arrangement, sanctioned load and electrical safety.
3. The Respondent shall consider the Sanctioned Building Plan issued by the Sri Vijaya Puram Municipal Council vide F.No. PBMC-1287/2176 dated 01.11.2024 as a relevant document placed on record by the Appellant. However, the existence of the sanctioned building plan shall not by itself constitute, or be construed as, a determination by this Authority regarding conformity of the present construction with the sanctioned plan.
4. The Respondent shall specifically consider the effect of Municipal Council Order No. 3720 dated 17.09.2025, the appeal stated to have been preferred against the said order, and the subsequent proceedings before the Hon'ble High Court, Calcutta, Circuit Bench at Port Blair, including WPA No. 169 of 2025 and WPA No. 41 of 2026.
5. If the Respondent proposes to decline the fresh electricity connection on the basis of Clause 5.19 of the JERC (Electricity Supply Code) Regulations, 2018, it shall identify the specific, subsisting and operative restraining/prohibitory order relied upon and shall record how and to what extent such order constitutes a legal bar against release of electricity to the subject premises.
6. If the Respondent proposes to rely upon Clause 5.23 or any other provision of the JERC (Electricity Supply Code) Regulations, 2018, the Respondent shall record the specific factual and regulatory basis for invoking such provision and shall pass a reasoned decision in accordance with law.
7. The Respondent shall also take into consideration the order dated 07.11.2025 passed by the Learned CGRF, Andaman & Nicobar Islands in Case No. ANI/C.G. No. 31/2025, whereby a three-phase domestic electricity connection was allowed to the Appellant's residence at Delanipur. The Respondent shall, however, have due regard to the fact that the said order concerns a domestic connection, whereas the present request concerns non-domestic/commercial connections B/2034 and B/2035.
8. The Respondent shall not treat the mere pendency of municipal proceedings, or the mere existence of Municipal Council Order No. 3720 dated 17.09.2025, as an indefinite bar to processing the Appellant's request for fresh electricity connection(s), unless the



operative terms of the said order or any subsequent binding order of a competent Court or authority specifically prohibit the release of electricity to the subject premises.

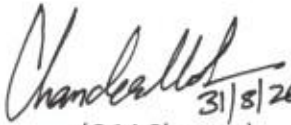
9. At the same time, the grant of a fresh electricity connection, if otherwise permissible, shall not be construed as approval, regularisation or certification of the legality of the construction or its conformity with the sanctioned building plan, nor shall it prejudice the powers of the Sri Vijaya Puram Municipal Council or any other competent authority to take action in accordance with law.
10. In the event that the Sri Vijaya Puram Municipal Council or any other competent authority subsequently undertakes demolition, sealing or other coercive action against the subject premises in accordance with law and duly communicates a specific direction/request to the Electricity Department concerning disconnection of electricity supply, the Respondent shall comply with such lawful direction and shall disconnect the electricity supply at the stage and in the manner required by such direction, subject to any contrary order of a competent Court or appellate authority.
11. The Respondent shall, while processing the fresh connection application, also take into consideration the documents relating to payment of electricity/meter charges, the renovation and rewiring of the premises, the safety arrangements stated to have been made by the Appellant, and the other documents placed on record, subject to verification in accordance with the Supply Code.
12. If, upon such examination, the Respondent finds that the Appellant satisfies the applicable statutory, regulatory, technical and safety requirements for a fresh connection the Respondent shall process the application and take consequential action for release of the fresh electricity connection(s) in accordance with law.
13. Nothing contained in this Order shall be construed as an adjudication by this Authority upon the title, possession, encroachment, legality of construction, conformity with the sanctioned building plan, or validity of Municipal Council Order No. 3720 dated 17.09.2025. All such questions shall remain subject to the jurisdiction and orders of the competent municipal, appellate, revenue or judicial authorities.
14. The Notice No. EL/AE/SD-1/HQ/24-11/2026/417 dated 13.04.2026, insofar as it concerns Consumer/Account Nos. B/2034 and B/2035, shall be dealt with by the Respondent in accordance with the above findings and the applicable provisions of the Supply Code. The Respondent shall be at liberty to take such action in respect of the old connections as is



permissible under law, keeping in view that any future electricity supply to the premises is to be considered through the process applicable to a fresh connection.

15. It is clarified that nothing contained herein shall prevent the Respondent from complying with any specific and binding order/direction of the Hon'ble High Court or any competent statutory authority, including any order concerning demolition, sealing or prohibition/disconnection of electricity supply.
16. The present Complaint/Representation, being Case No. 271 of 2026, is accordingly disposed of in the above terms.
17. There shall be no order as to costs.

Ordered accordingly.


31/8/26
(C M Sharma)

Dated: 31.08.2026

Ombudsman (JERC)