

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-266 of 2026

Date of Hearing: 20.05.2026,
03.06.2026 and 17.08.2026
Mode: Videoconferencing
Date of Order: 07.09.2026

In the matter of
Mr. Casper James
R/o IMFC Building Complex,
Chouldari Village,
South Andaman, Sri Vijaya Puram.

...Appellant

Versus

Executive Engineer,
Electricity Department,
A&Ni Administration,
Sri Vijaya Puram.

...Respondent(s)

In the matter of Mr. Casper James Vs Executive Engineer, Electricity Department, A&Ni Administration, Sri Vijaya Puram.

Present:

Appellant

1. Mr. Casper James

Appellant in person

Respondent(s)

1. Ms. Rizwana Ali, Executive Engineer,

ORDER

The present representation was filed on 27.04.2026 under Section 42(6) of the Electricity Act, 2003 read with Regulations 35 and 36 of the Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2024, challenging the order dated 02.04.2026 passed by the Learned Consumer Grievance Redressal Forum, Andaman & Nicobar Islands, Sri Vijaya Puram in Case No.ANI/C.G.No.53/2025 DATED 20.03.2026

Upon scrutiny, and being satisfied that the representation fulfilled the requirements prescribed under the Regulations, the same was admitted and notice was issued on 30.04.2026. A copy of the representation was forwarded to the Respondent-Executive Engineer, Electricity Department, South Andaman, Sri Vijaya Puram calling upon them to submit their reply/comments.

The Executive Engineer, Electricity Department, South Andaman, Sri Vijaya Puram vide Email dated 13.05.2026 has filed the comments/ reply to the petition filed by the Appellant which is taken on record.

A. Delay in disposal of the Representation

At the outset, it is appropriate to record the circumstances resulting in the disposal of the present Representation beyond the period prescribed under the JERC (CGRF and Ombudsman) Regulations, 2024. Although the Regulations contemplate conclusion of the proceedings within the prescribed period of ninety (90) days from the date of filing of the Representation, the present matter could not be concluded within that period for reasons arising principally from the Appellant's request for additional time to furnish documents considered necessary for proper consideration of the matter. The Appellant, vide communication dated 28.05.2026, sought further time on the ground that he had been transferred from Sri Vijaya Puram to Rangat and had been relieved to join at his new place of posting. Considering the circumstances stated by the Appellant and in the interest of affording a fair and effective opportunity, this Authority granted him a further and final opportunity of sixty (60) days to place the requisite documents on record, with a specific direction to file the same on or before 31.07.2026. Despite expiry of the said final period, the documents were not furnished and the Appellant also did not appear on the date subsequently fixed for further proceedings. Thus, the



time taken in disposal of the matter beyond the prescribed period was substantially occasioned by the additional opportunity sought and granted to the Appellant for production of the requisite material, and the consequent necessity of awaiting compliance with the said final opportunity.

B. Submissions on behalf of Appellant.

1. The present Representation arises out of the deliberate non-compliance and wilful disobedience of the Order dated 02.04.2026 passed by the Hon'ble Consumer Grievance Redressal Forum ("CGRF") in Complaint No. ANI/CG No. 53/2025.
2. The Hon'ble CGRF, after considering the pleadings and materials placed on record, was pleased to issue, inter alia, the following directions:
 - "1. The Forum directs the complainant to submit a fresh application, either online or offline along with occupancy proof, indemnity bond, and other required documents as per Clause 5.30(7) of JERC Electricity Supply Code Regulation, 2018, and the respondent shall accordingly process and release the connection after completion of all codal formalities.
3. It is made clear that grant of electricity shall not confer any ownership rights upon the Complainant. In case of any verdict in future, the consumer shall be legally bound to strictly comply with and act in accordance with the order so passed by the Hon'ble Court, and the Respondent shall be at liberty to take appropriate action, including disconnection of supply, in accordance with applicable laws and regulations.
4. The complainant shall not be harassed overtly or covertly in any manner whatsoever in future for exercising his right by availing the redressal within his jurisdiction."
5. In compliance with the aforesaid directions, the Appellant submitted a fresh application for grant of electricity connection vide Online Application No. 42220 dated 10.04.2026 along with the following documents:
 - a. Land Records (Form-F) pertaining to Survey Nos. 310/1/1 and 310/1/2;



- b. Power of Attorney executed by the land owner in favour of Shri Mohammed Ali, promoter of IMFC Housing Complex, Chouldari Village, from whom the subject property was purchased;
 - c. No Objection Certificate dated 26.07.2020 issued by Shri Mohammed Ali, being the Power of Attorney holder and purchaser of the land;
 - d. Indemnity Bond, as specifically directed by the Hon'ble CGRF and contemplated under Clause 5.30(7) of the JERC Electricity Supply Code Regulations, 2018.
6. The documents furnished by the Appellant sufficiently satisfy the requirements contemplated under Clause 5.30(7) of the JERC Electricity Supply Code Regulations, 2018.
7. Thereafter, the Assistant Engineer, Chouldari Sub-Division informed the Appellant regarding inspection of the premises scheduled on 11.04.2026. The Appellant, despite being engaged in official duties while holding the charge of Executive Magistrate (Tehsildar, Sri Vijaya Puram), remained present at the premises to facilitate inspection. However, no official from the Electricity Department visited the site for inspection.
8. Subsequently, the Assistant Engineer again intimated that inspection would be conducted on 14.04.2026, despite the said date being a public holiday on account of Ambedkar Jayanti. The Appellant accordingly rearranged his official and personal engagements and remained present along with family members at the premises. Nevertheless, no inspection was conducted. Upon enquiry, the Appellant was informed that the Assistant Engineer himself had not attended office on the said date.
9. Till date, no inspection of the premises has been carried out by the Respondent Department.
10. Instead of processing the application in terms of the specific directions issued by the Hon'ble CGRF, the Assistant Engineer, Chouldari Sub-Division, issued a deficiency letter dated 15.04.2026 requiring the Appellant to submit fresh documents under Clause 5.30 of the JERC Electricity Supply Code Regulations, 2018.



11. The Appellant, vide representation dated 16.04.2026, specifically clarified that:

- a. the application had already been submitted in full compliance with Clause 5.30(7); and
- b. the Hon'ble CGRF had specifically directed consideration of the application under Clause 5.30(7), and not under Clauses 5.30(1) to 5.30(6).

12. Despite the aforesaid clarification, the Respondent, vide communication dated 20.04.2026, once again insisted upon submission of documents contemplated under Clauses 5.30(1) to 5.30(6), which relate to ownership-based claims and are distinct from the category of lawful occupiers covered under Clause 5.30(7).

13. Clause 5.30(7) of the JERC Electricity Supply Code Regulations, 2018 specifically provides as follows:

"An applicant who is not 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."

14. A plain reading of the aforesaid provision makes it evident that the Regulation itself recognises the entitlement of a lawful occupier to seek electricity connection independent of adjudication of ownership rights, subject to furnishing of the prescribed indemnity bond.

15. The Respondent has failed to assign any cogent or reasoned justification as to why the application submitted under Clause 5.30(7), in terms of the CGRF Order, could not be processed. The impugned communications merely reiterate insistence upon documents under Clauses 5.30(1) to 5.30(6) without disclosing



any statutory basis or recorded reasons for deviating from the directions of the Hon'ble CGRF.

16. Such conduct is manifestly arbitrary, non-transparent, contrary to the principles of natural justice, and amounts to wilful non-compliance of the binding directions issued by the Hon'ble CGRF.

17. The actions of the Respondent therefore amount to:

- a. direct violation and disobedience of the Order dated 02.04.2026 passed by the Hon'ble CGRF;
- b. misapplication and erroneous interpretation of Clause 5.30 of the JERC Electricity Supply Code Regulations, 2018;
- c. arbitrary exercise of statutory power;
- d. continued harassment of the Appellant despite express directions of the Hon'ble Forum that the Appellant shall not be harassed overtly or covertly for pursuing legal remedies.

18. It is further submitted that in similarly situated matters, electricity connections have been granted notwithstanding pendency of ownership disputes. Reliance is placed upon the order dated 06.01.2026 passed by the Hon'ble High Court in Misc. Appeal No. 41 of 2025 (M/s Sea Shell & Anr. v. Shri Pradeep Halder & Ors.), wherein the Hon'ble Court observed, inter alia, that even disputes relating to title or status quo orders cannot operate as a bar against grant of electricity connection to a person in possession or occupation of the premises.

19. The Hon'ble High Court further recognised the settled principle that access to electricity is an essential service and cannot ordinarily be denied merely on the basis of unresolved ownership disputes.

20. It is well settled through various pronouncements of the Hon'ble Supreme Court and High Courts that electricity is a basic necessity intrinsically connected with the right to life under Article 21 of the Constitution of India, and that distribution licensees are not expected to adjudicate complicated questions of title while considering applications for electricity supply.



21. In the present case, despite full compliance by the Appellant with the directions of the Hon'ble CGRF and the requirements of Clause 5.30(7) of the Regulations, the Respondent has:

- a. failed to process the application within a reasonable time;
- b. imposed conditions not contemplated under the applicable regulatory framework;
- c. repeatedly delayed the matter without lawful justification; and
- d. acted in a manner inconsistent with the binding directions of the Hon'ble CGRF.

22. The cause of action is continuing in nature, inasmuch as the Appellant continues to be deprived of electricity connection despite compliance with all statutory and regulatory requirements and despite the subsisting order of the Hon'ble CGRF.

**C. SUBMISSIONS ON BEHALF OF RESPONDENT Executive Engineer,
Electricity Department, South Andaman, Sri Vijaya Puram**

Preliminary Submissions

1. The present Representation has been filed alleging non-compliance of the Order dated 02.04.2026 passed by the Hon'ble Consumer Grievance Redressal Forum ("CGRF") in Complaint No. ANI/CG No. 53/2025.
2. At the outset, the Respondent respectfully submits that there has been no wilful disobedience, deliberate non-compliance, or intentional violation of the directions issued by the Hon'ble CGRF. The Respondent Department has acted strictly in accordance with the provisions of the JERC Electricity Supply Code Regulations, 2018 and in discharge of its statutory obligations as a distribution licensee.
3. The Respondent further submits that the Order dated 02.04.2026 itself directed that the application be processed only after completion of "all codal formalities." Therefore, compliance with the regulatory requirements under the applicable provisions of the JERC Electricity Supply Code Regulations, 2018 remained mandatory and binding upon the applicant.



4. Pursuant to the Order of the Hon'ble CGRF, the Appellant/Complainant submitted Online Application No. 42220 dated 10.04.2026 seeking grant of a new electricity connection.
5. Upon scrutiny of the application and accompanying documents, it was observed that the documents submitted by the applicant required further verification and clarification with regard to the nature of occupation, entitlement over the premises, and compliance with the documentary requirements prescribed under Clause 5.30 of the JERC Electricity Supply Code Regulations, 2018.
6. The Respondent respectfully submits that the distribution licensee is statutorily obligated to verify the authenticity and sufficiency of documents prior to release of electricity connection, particularly in cases involving disputed possession, occupancy-based claims, or where ownership documents are not clear and unequivocal.
7. In order to process the application in accordance with law, inspection of the premises was proposed by the concerned Assistant Engineer, Chouldari Sub-Division. However, due to unavoidable administrative and operational exigencies, the inspection could not be conducted on the proposed dates.
8. The Respondent submits that non-conduct of inspection on the proposed dates was neither deliberate nor intended to harass the applicant, and the same occurred on account of administrative constraints and field-level exigencies.
9. It is denied that the Respondent intentionally avoided inspection or acted in a manner amounting to harassment of the applicant.
10. Upon preliminary examination of the application, the Assistant Engineer issued a communication dated 15.04.2026 seeking clarification and submission of requisite documents in terms of Clause 5.30 of the JERC Electricity Supply Code Regulations, 2018.
11. The said communication was issued in bona fide discharge of statutory duties and with the sole objective of ensuring that the electricity connection is released only after due compliance of applicable codal formalities and regulatory safeguards.



12. It is submitted that Clause 5.30(7) cannot be read in isolation and must necessarily be interpreted jointly with Clauses 5.30(1) to 5.30(6), since Clause 5.30(7) itself specifically provides that an occupier shall furnish "any one of the documents listed at (1) to (6)" along with a No Objection Certificate from the owner.
13. The proviso to Clause 5.30(7), permitting submission of an indemnity bond in cases where a No Objection Certificate cannot be furnished, does not dispense with the requirement of establishing lawful occupation or submission of foundational occupancy-related documents.
14. The Respondent submits that the documents produced by the applicant, including the alleged No Objection Certificate and Power of Attorney, required verification regarding their legal validity, applicability to the premises in question, and sufficiency under the applicable Regulations.
15. The Respondent further submits that the Electricity Department, being a public utility authority, is under an obligation to exercise due caution in matters involving disputed possession, rival claims, or incomplete documentation so as to avoid future legal complications and multiplicity of proceedings.
16. The allegation that the Respondent ignored the directions of the Hon'ble CGRF is specifically denied. The Respondent has throughout acted in furtherance of the CGRF Order and has only sought compliance with statutory and procedural requirements contemplated therein.
17. The allegation that the Respondent has acted arbitrarily or in violation of principles of natural justice is also denied. The communications issued to the applicant clearly indicated the requirement of additional documents and clarifications necessary for processing the application.
18. The Respondent further denies the allegation that the applicant was subjected to harassment, overtly or covertly, on account of pursuing legal remedies.
19. The averments relating to the applicant belonging to a tribal community are denied for want of knowledge and are otherwise irrelevant to the adjudication of the present dispute, which concerns compliance with statutory requirements under the Electricity Supply Code Regulations.



20. With regard to reliance placed upon the order passed in Misc. Appeal No. 41 of 2025 (M/s Sea Shell & Anr. v. Shri Pradeep Halder & Ors.), the Respondent submits that each case is required to be examined on its own facts and documentary record. The said order does not dispense with compliance of statutory requirements under the JERC Electricity Supply Code Regulations, 2018.
21. It is further submitted that there is no dispute with the settled proposition that electricity is an essential service. However, grant of electricity connection is nevertheless subject to compliance with applicable statutory provisions, verification requirements, and codal formalities prescribed by the regulatory framework.
22. The Respondent respectfully submits that no final rejection of the applicant's request has been made. The matter remains under consideration subject to compliance of the requisite formalities and verification requirements.
23. In the absence of complete satisfaction regarding the requirements under Clause 5.30 of the Regulations, the Respondent Department was justified in seeking clarification and supporting documents before effecting release of electricity connection.
24. The present Representation proceeds on an incorrect assumption that every communication seeking clarification or additional documentation amounts to wilful disobedience of the CGRF Order. The Respondent respectfully submits that bona fide regulatory scrutiny undertaken in discharge of statutory obligations cannot be construed as contemptuous or mala fide conduct.
25. The Respondent therefore submits that the allegations of wilful non-compliance, arbitrariness, and deliberate harassment are unfounded, misconceived, and liable to be rejected.
- In view of the facts and submissions stated hereinabove, it is most respectfully prayed that this Hon'ble Ombudsman may be pleased to:
- dismiss the present Representation as being devoid of merit;
 - hold that the Respondent has acted in accordance with the provisions of the JERC Electricity Supply Code Regulations, 2018;



- c. permit the Respondent Department to process the application subject to completion of all statutory and codal formalities; and
- d. pass such further order(s) as this Hon'ble Ombudsman may deem fit and proper in the facts and circumstances of the case.

D. Proceedings:

1. During the course of hearing on 20.05.2026, this Authority considered it necessary that the Appellant place certain material documents on record for proper and effective adjudication of the Representation, particularly in view of the competing claims concerning the subject premises and the circumstances in which the Appellant claims to have acquired and occupied the property.
2. Accordingly, the Appellant was specifically directed to furnish the following documents within seven (7) days:
 - A. Copy of the certificate of mortgage issued by the Bank from whom the Appellant had obtained the loan;
 - B. Copy of the registered Sale Deed duly verified/authenticated by the financing Bank;
 - C. Copy of the loan sanction letter issued by the Bank; and
 - D. Details of the EMIs paid by the Appellant to the Bank.
3. The aforesaid documents were considered relevant for determining, inter alia, the Appellant's claim regarding the purchase and occupation of the subject premises and the circumstances relied upon by him in support of his request for release of a new electricity connection. The documents were therefore not called for as a means of adjudicating title, but for the limited purpose of appreciating the factual and documentary basis of the Appellant's claim in the present proceedings.
4. On the next date of hearing, i.e. 03.06.2026, the aforesaid documents had not been filed by the Appellant.
5. During the proceedings, it was also brought to the notice of this Authority that civil proceedings are pending between Mrs. Mamta Agarwal and Ms. Sweta



Agarwal on the one hand and Shri Mohammed Ali on the other, concerning the property which is stated to be the same premises in respect of which the Appellant, Shri Casper James, has sought a new electricity connection.

6. It was further brought on record that the Learned Joint Civil Judge (Sr. Division), South Andaman, Port Blair/Sri Vijaya Puram, in the said civil proceedings, passed an interim order dated 24.04.2025 directing the parties to maintain status quo with regard to the nature, character and possession of the suit property described in Schedule-B of the injunction application.
7. The existence and scope of the aforesaid civil proceedings are material circumstances in the present matter, particularly because the Appellant's claim to the premises emanates from a transaction stated to have been entered into through Shri Mohammed Ali, who is stated to have acted as Special Power of Attorney holder of Mrs. Mamta Agarwal and Ms. Sweta Agarwal.
8. This Authority, however, is not competent to adjudicate upon the validity of the sale transaction, the authority exercised by the Special Power of Attorney holder, the alleged receipt or non-receipt of consideration by the landowners, the validity of any cheque or payment arrangement, the rights arising from the mortgage, or any other disputed question of civil title or ownership. Those matters fall within the jurisdiction of the competent Civil Court.
9. Likewise, this Authority does not express any opinion on the validity, correctness, scope, applicability or legal effect of the interim status quo order passed by the Learned Civil Court. Any question concerning interpretation, modification, clarification, vacation or enforcement of that order remains within the jurisdiction of the competent Civil Court.
10. The Appellant, vide email dated 28.05.2026, informed this Authority that he had been transferred from Sri Vijaya Puram to Rangat and had been relieved to join his new assignment immediately. The Appellant accordingly submitted



that he required additional time to procure and file the documents directed to be produced before this Authority.

11. Having regard to the circumstances stated by the Appellant and in the interest of providing a fair and effective opportunity of hearing, this Authority, notwithstanding the earlier direction dated 20.05.2026, granted the Appellant a further and final opportunity of sixty (60) days to place the requisite documents on record.
12. The Appellant was specifically directed to file the documents on or before 31.07.2026. It was further directed that the Respondent would be at liberty to file its response to the additional documents within fifteen (15) days thereafter.
13. The Appellant was expressly informed that, in the event of failure to file the requisite documents within the stipulated period, this Authority would be at liberty to proceed with the matter and pass appropriate orders on the basis of the material available on record, without granting any further opportunity except upon demonstration of exceptional circumstances.
14. Despite the aforesaid final opportunity, the documents directed to be filed on 20.05.2026 and subsequently permitted to be filed within the extended period have not been placed on record by the Appellant.
15. The Appellant also did not appear on 17.08.2026 on the date fixed for further proceedings.
16. Subsequently, on 24.08.2026, this Authority received an email from Mr. Mahesh Agarwal and Mrs. Mamta Agarwal from email address netbay@rediffmail.com, informing that a fresh order had allegedly been passed by the Hon'ble High Court in relation to the issue concerning electricity connection over Survey Nos. 310/1/1, 310/1/2, 311/1/1 and 302/308 and alleging violation of the Court's order and ownership rights.
17. However, the said communication did not disclose the case number of the alleged High Court proceedings and did not enclose a copy of the alleged



order. Consequently, the alleged subsequent order of the Hon'ble High Court could not be identified or independently verified from the material supplied to this Authority.

18. The email communication of 24.08.2026 was therefore not treated as proof of the existence or contents of any subsequent order of the Hon'ble High Court. The only civil-court order presently available on record is the order dated 24.04.2025 passed by the Learned Joint Civil Judge (Sr. Division), South Andaman, Port Blair/Sri Vijaya Puram, directing maintenance of status quo regarding the nature, character and possession of the suit property described in Schedule-B of the injunction application.

19. In order to ascertain whether any subsequent order had in fact been passed by the Hon'ble High Court which might have a bearing on the present proceedings, an email was sent by this Authority on 02.09.2026 to Mr. Mahesh Agarwal and Mrs. Mamta Agarwal at netbay@rediffmail.com, requesting the relevant case particulars/copy of the alleged order. No response or copy of the alleged order has been received till date.

E. Analysis and Findings

1. This Authority has considered the entire procedural history of the matter, the pleadings and submissions of the parties, the documents placed on record, the Order dated 02.04.2026 passed by the Learned Consumer Grievance Redressal Forum ("CGRF"), the subsequent correspondence exchanged between the parties, and the circumstances which emerged during the proceedings before this Authority.
2. The principal question before this Authority is not to adjudicate upon the title or ownership of the subject property, but to determine whether, on the material available on record and in accordance with the applicable statutory and regulatory framework, the present Representation can be finally adjudicated and an appropriate direction issued in respect of the electricity connection sought by the Appellant pursuant to the order of the Ld. CGRF.



3. At the outset, it is necessary to clarify the limited scope of these proceedings. This Authority is not competent to adjudicate disputed questions relating to title, ownership, validity of the alleged sale transaction, authority of Shri Mohammed Ali as Special Power of Attorney holder, inter se civil liabilities between the landowners and Shri Mohammed Ali, validity of the mortgage transaction, payment or non-payment of sale consideration, alleged dishonour of cheque, or the ultimate rights of the parties in the pending civil proceedings. All such questions fall within the jurisdiction of the competent Civil Court.
4. Similarly, this Authority does not interpret or finally determine the legality, scope, validity or enforceability of the interim order dated 24.04.2025 passed by the Learned Joint Civil Judge (Sr. Division), South Andaman, under Order XXXIX Rules 1 and 2 CPC. The parties shall remain bound by the said order in accordance with law, and any question concerning its interpretation, modification, clarification, vacation or enforcement remains within the jurisdiction of the competent Civil Court.
5. Section 43 of the Electricity Act, 2003 recognises the right of an owner or occupier of premises to seek supply of electricity from the distribution licensee, subject to completion of the prescribed requirements and compliances. The statutory entitlement is therefore not confined only to a person having established ownership of the premises. At the same time, such entitlement remains subject to the applicable Supply Code, technical feasibility, safety requirements, charges and other statutory and regulatory compliances.
6. Clause 5.30(7) of the JERC Electricity Supply Code Regulations, 2018 specifically contemplates an application for electricity connection by an applicant who is not the owner but is an occupier of the premises. The regulatory framework therefore recognises occupation as a relevant basis for seeking electricity supply and does not require the distribution licensee to finally adjudicate complicated questions of civil title before processing every application made by an occupier.
7. The role of the distribution licensee in such circumstances is consequently to undertake reasonable verification of the applicant's occupation, the prescribed documents, technical feasibility and safety requirements. Such verification,



however, cannot be converted into a final adjudication of disputed title, validity of conveyance, competing ownership claims or other complicated civil disputes falling within the jurisdiction of the Civil Court.

8. The Hon'ble Supreme Court in *K.C. Ninan v. Kerala State Electricity Board & Ors.* has recognised that the statutory obligation under Section 43 extends to an owner or occupier, subject to fulfilment of the requirements prescribed under the applicable statutory and regulatory framework. The right to seek electricity supply is therefore a statutory right, but its exercise remains subject to the applicable conditions and compliances.
9. It is equally well settled for the purpose of the present proceedings that grant of an electricity connection does not, by itself, confer or determine title, ownership or any other civil right in respect of the premises. Grant of supply is a regulatory act concerning electricity consumption and cannot be treated as an adjudication of the underlying civil rights of the parties.
10. In the present case, pursuant to the directions of the Ld. CGRF, the Appellant submitted Online Application No. 42220 dated 10.04.2026 and furnished, inter alia, Form-F land records relating to Survey Nos. 310/1/1 and 310/1/2, the Power of Attorney stated to have been executed in favour of Shri Mohammed Ali, the No Objection Certificate dated 26.07.2020 stated to have been issued by Shri Mohammed Ali, and an Indemnity Bond. The Respondent has not disputed receipt of these documents.
11. The material available on record also indicates that the Appellant claims to have been in occupation of the premises since prior to the institution of the civil suit and prior to passing of the ex parte status quo order dated 24.04.2025. The electricity connection sought by him is therefore stated to be for an already occupied premises.
12. The documents initially furnished by the Appellant prima facie addressed the basis upon which he claimed entitlement to seek electricity supply as an occupier. However, in view of the disputed factual circumstances concerning the manner in which the Appellant claims to have acquired the premises, the pending civil proceedings and the competing claims concerning the property, this Authority



considered it necessary to have further material before it for a fair and effective determination of the Representation.

13. It was in that context, and not for the purpose of adjudicating title, that this Authority, vide order dated 20.05.2026, directed the Appellant to furnish the following documents:
 - (i) copy of the certificate of mortgage issued by the Bank from which the loan was taken;
 - (ii) copy of the registered Sale Deed duly verified by the financing Bank;
 - (iii) copy of the loan sanction letter issued by the Bank; and
 - (iv) details of the EMIs paid by the Appellant to the Bank.
14. The aforesaid documents were not treated as additional statutory requirements in substitution of Clause 5.30(7). They were sought as material evidence for the limited purpose of verifying and appreciating the factual circumstances specifically asserted by the Appellant regarding the transaction through which he claims to have acquired the premises, his asserted interest in the property and the circumstances relied upon by him in seeking an independent electricity connection.
15. The Appellant was initially granted seven (7) days to furnish the aforesaid documents. When the documents were not filed within that period, the Appellant, vide communication dated 28.05.2026, sought additional time on the ground that he had been transferred from Sri Vijaya Puram to Rangat and had been relieved to join at his new place of posting.
16. Having regard to the circumstances stated by the Appellant and in order to afford a fair and effective opportunity, this Authority granted a further and expressly **final opportunity of sixty (60) days**, requiring the documents to be filed on or before 31.07.2026. The Appellant was also specifically informed that, in the event of failure to comply, the matter could be proceeded with on the basis of the material available on record and that no further opportunity would ordinarily be granted except upon demonstration of exceptional circumstances.
17. Despite the aforesaid final opportunity, the documents specifically directed to be produced were not furnished by the Appellant. The Appellant also did not appear on the date fixed for further proceedings on 17.08.2026.



18. The failure to produce the documents cannot, in the circumstances of the present case, be treated as a mere technical omission. The documents had been called for by this Authority in the context of disputed factual circumstances which had assumed significance because of the pending civil proceedings concerning the same property. The Appellant was given a reasonable opportunity to explain the difficulty in producing them and, on his request, was granted an additional period of sixty (60) days.
19. The principles of natural justice require that a party be afforded a reasonable and effective opportunity to present its case. They do not require an adjudicatory authority to keep proceedings pending indefinitely where a party, despite being granted a specifically stated final opportunity, fails to place the material evidence sought on record.
20. This Authority also cannot indefinitely keep the Representation pending in anticipation that the Appellant may produce the requisite documents at some future stage. The adjudicatory process must ultimately proceed on the material placed before the Authority within the opportunities granted to the parties.
21. The subsequent communication received on 24.08.2026 from Mr. Mahesh Agarwal and Mrs. Mamta Agarwal referred to an alleged subsequent order of the Hon'ble High Court concerning the subject property and the issue of electricity connection. However, the communication did not disclose the case number of the alleged proceedings and did not enclose a copy of the alleged order.
22. In order to ascertain the factual position and to avoid proceeding upon an unverified assertion concerning an order of the Hon'ble High Court, this Authority, vide email dated 02.09.2026, sought the relevant case particulars and a copy of the alleged order. No such order or case particulars have been furnished to this Authority till date.
23. In the absence of a verified copy or identifiable particulars of the alleged subsequent order of the Hon'ble High Court, this Authority would not be justified in drawing any conclusion regarding its existence, contents or legal effect.
24. As regards the interim status quo order dated 24.04.2025, the record presently available indicates that the Appellant claims to have been in occupation of the



premises prior to institution of the civil suit and prior to passing of the said order. The proposed electricity connection is stated to be for an already occupied premises. No material has been placed before this Authority establishing that the Appellant entered into possession after the status quo order or that the proposed electricity connection, by itself, would necessarily result in transfer of possession or alteration of the physical nature and character of the premises.

25. This observation is confined to the electricity-supply issue and shall not be understood as an interpretation of, or determination upon, the scope or legal effect of the status quo order. This Authority therefore does not consider the mere existence of the status quo order, without determination of its precise scope by the competent Civil Court, to be sufficient by itself for recording a final finding either in favour of or against the Appellant's claim for electricity supply.
26. Any electricity connection, if subsequently released in accordance with law and the applicable regulatory framework, would necessarily remain subject to the orders of the competent Civil Court and shall not confer upon the Appellant any right, title, tenancy, possessory right or other civil equity in respect of the premises.
27. Nothing contained in this Order shall be construed as permitting or authorising any fresh construction, structural alteration, expansion, development activity, change in the nature or character of the suit property, or any other act prohibited by an order of the competent Civil Court.
28. The record further indicates that the Appellant has been availing electricity through an extension from a nearby connection. In the absence of a proper technical determination on record, this Authority does not record any final finding as to whether the existing arrangement is authorised or otherwise. However, any electricity supply arrangement found by the Respondent to be unauthorised shall be dealt with strictly in accordance with the Electricity Act, 2003, the applicable Supply Code and other applicable statutory provisions.
29. As regards compliance with the Order dated 02.04.2026 passed by the Ld. CGRF, the said Order directed the Respondent to process the application upon submission of the requisite occupancy proof, indemnity bond and other codal formalities. The Respondent was consequently entitled to undertake reasonable scrutiny and



verification. At the same time, such scrutiny cannot be permitted to assume the character of an adjudication of disputed civil title.

30. The Respondent ought, in such circumstances, to communicate clearly and by a reasoned communication the precise deficiencies which, according to the licensee, prevent an application from being processed or completed. The mere pendency of a civil dispute, without more, cannot substitute for the statutory and regulatory requirements governing electricity supply.
31. However, the present proceedings have reached a different procedural position because the Appellant himself failed to furnish the additional documentary material specifically called for by this Authority, despite being granted a further and final period of sixty (60) days for that purpose.
32. In these circumstances, this Authority is not in a position to record a final and reliable finding on the disputed factual foundation of the Appellant's claim or to issue a positive direction for release of a new electricity connection on the present record. To do so would require this Authority either to fill material evidentiary gaps by conjecture or to determine disputed civil questions which fall outside its jurisdiction.
33. The issue, therefore, is not whether an occupier can in law seek electricity supply merely because there is a pending civil dispute. The statutory and regulatory framework recognises that an occupier may seek such supply subject to the prescribed requirements. The issue in the present case is whether, on the material presently available, a final direction for release of the connection can safely and fairly be issued. In view of the failure to furnish the material specifically called for by this Authority, the answer must be in the negative.
34. The disposal of the present Representation is accordingly confined to the procedural and evidentiary position before this Authority. No adverse finding is being recorded against the Appellant on the ultimate question of title or ownership, nor is the pendency of the civil proceedings being treated as an absolute or permanent bar to the Appellant seeking electricity supply in accordance with law.
35. The Representation is therefore liable to be dismissed at this stage for want of necessary documentary evidence and failure to avail the final opportunity granted



by this Authority, without prejudice to the rights and remedies of the parties before the competent forum in accordance with law.

F. CONCLUSION

36. In view of the foregoing discussion, this Authority records the following conclusions:

- (i) Section 43 of the Electricity Act, 2003 and the applicable regulatory framework recognise the right of an owner or occupier to seek electricity supply, subject to fulfilment of the prescribed statutory, regulatory, technical and safety requirements.
- (ii) Clause 5.30(7) of the JERC Electricity Supply Code Regulations, 2018 recognises an occupier as a category of applicant for electricity supply. The distribution licensee is required to undertake reasonable verification but is not competent to finally adjudicate disputed questions of civil title.
- (iii) The documents initially submitted by the Appellant constituted material relied upon by him in support of his claim as an occupier; however, in view of the disputed factual circumstances, this Authority considered further documentary material necessary for a fair adjudication.
- (iv) The Appellant was afforded an initial opportunity and thereafter a further and expressly final opportunity of sixty (60) days up to 31.07.2026 to furnish the documents specifically directed to be produced. The said documents were not furnished, and the Appellant also did not appear on 17.08.2026.
- (v) In the absence of the material documents specifically called for, this Authority cannot safely issue a final positive direction for release of electricity connection without either filling evidentiary gaps by conjecture or entering into disputed civil questions beyond its jurisdiction.
- (vi) The interim status quo order dated 24.04.2025 remains a matter governed by the competent Civil Court. Nothing in the present Order shall be construed as interpreting, modifying, overriding or determining the legal effect or enforceability of that order.
- (vii) No finding is recorded in the present proceedings regarding the validity of the alleged sale transaction, authority of Shri Mohammed Ali, title or



ownership of the property, payment or non-payment of sale consideration, mortgage, or any other civil right or liability of the parties.

(viii) The dismissal of the present Representation is consequently confined to the present procedural and evidentiary position and shall not be construed as an adjudication that the Appellant is permanently disentitled from seeking electricity supply in accordance with law.

F. OPERATIVE ORDER:

36. In view of the facts and circumstances discussed hereinabove, particularly the failure of the Appellant to furnish the documents specifically directed to be produced on 20.05.2026, the failure to furnish the same even after the further and final opportunity granted up to 31.07.2026, and the non-appearance of the Appellant on 17.08.2026, the present Representation cannot be finally adjudicated in favour of the Appellant on the material presently available.
37. Accordingly, the Representation filed by Shri Casper James is **hereby** dismissed at this stage for want of necessary documentary evidence and failure to avail the final opportunity granted by this Authority.
38. The dismissal shall **not** be construed as an adjudication upon the title, ownership, validity of the alleged sale transaction, authority of Shri Mohammed Ali as Special Power of Attorney holder, mortgage, payment or non-payment of consideration, possession as a matter of civil law, or the inter se rights and liabilities of the parties in the pending civil proceedings.
39. The dismissal shall also not be construed as holding that the pendency of the civil proceedings or the interim status quo order dated 24.04.2025 constitutes an absolute or permanent bar against the Appellant seeking electricity supply. Any future application for electricity supply shall be considered by the competent authority in accordance with the Electricity Act, 2003, the applicable JERC Regulations/Supply Code, technical and safety requirements, and the orders of the competent Civil Court.
40. The Appellant shall remain at liberty, subject to law and the orders of the competent Civil Court, to avail such remedy as may be available to him before the



appropriate forum upon production of the requisite documentary material and fulfilment of the applicable statutory and regulatory requirements.

41. Nothing contained in this Order shall confer or recognise any ownership, title, tenancy, possessory right or other civil right in favour of the Appellant, nor shall it prejudice the rights and contentions of Mrs. Mamta Agarwal, Ms. Sweta Agarwal, Shri Mohammed Ali or any other person in the pending civil proceedings.
42. The present proceedings are accordingly disposed of in the above terms.


(C M Sharma)

Ombudsman JERC

Dated: 07.09.2026