

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-272 of 2026

Date of Hearing: 19.08.2026

Mode: Videoconferencing

Date of Order: 07.09.2026

In the matter of
Mr. V Krishna,
Behind All India Radio Station,
Prem Nagar, Sri Vijaya Puram.

...Appellant

Versus

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

...Respondent(s)

In the matter of Mr. V Krishna Versus Electricity Department, Sri Vijaya Puram.

Present:

- | | |
|---------------------|----------------------|
| 1. Mr. V Krishna | Appellant in person |
| 2. Mr. R Arun Peter | AR for the Appellant |

Respondent(s)

1. Mr. Naveen Lall,
Assistant Engineer-I(HQ),
Electricity Department, Sri Vijaya Puram
2. Mr. Anuj,
JE, Electricity Department,
Sri Vijaya Puram.



ORDER

The present Complaint/Representation has been received from the Consumer Grievance Redressal Forum (CGRF), Andaman & Nicobar Islands on 29.07.2026. It is noted that the CGRF, Andaman & Nicobar Islands was, at the relevant time, not functional due to the absence of the requisite quorum and Secretary.

In exercise of the powers conferred under Regulation 36(1)(b) and Regulation 36(1)(c) of the Joint Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2024, the CGRF, Andaman & Nicobar Islands was requested vide email dated 06.07.2026 to forward to the Office of the Electricity Ombudsman all complaints pending for adjudication for more than forty-five (45) days before the Forum, for appropriate proceedings in accordance with the aforesaid Regulations.

The present Complaint/Representation is one such matter which was received from the CGRF, Andaman & Nicobar Islands under the aforesaid arrangement. The Complaint/Representation was received in this Office through e-mail on 29.07.2026 and was admitted for consideration on 06.08.2026. Thereafter, a copy of the Complaint/Representation along with all annexures was forwarded to the Assistant Engineer (Workshop), Nodal Officer, Electricity Department, Sri Vijaya Puram, for filing the reply/parawise comments. The Assistant Engineer-I (HQ), Electricity Department, Andaman & Nicobar Islands, vide e-mail dated 27.08.2026, filed the reply on behalf of the Respondent.

Upon scrutiny, and being satisfied that the representation fulfilled the requirements prescribed under the Regulations, the same was admitted and notice was issued on 09.07.2026. A copy of the representation was forwarded to the Respondent-Executive Engineer, Division-I, Electricity Department Goa calling upon them to submit their reply/comments.

The Executive Engineer, Division-I, Electricity Department Goa vide his email dated 21st July, 2026 has informed that the SDO in charge Sub Division-III is engaged O&M and Breakdown works due to the onset of Monsoon season in the state of Goa and requested for Two weeks' time extension to file the reply to the complaint filed by the Appellant. The request was allowed. The Executive Engineer, Division-I, Electricity Department Goa vide his email dated 11th August, 2026 has filed the comments/ reply to the petition filed by the Appellant which is taken on record along with other supporting documents.

I. Submissions on behalf of the Appellant

The Appellant, Shri V. Krishna, submitted that he is residing in a dwelling house situated at Survey/Plot No. 626, behind All India Radio Station, Prem Nagar, Port Blair, South Andaman, Sri Vijaya Puram, and that he is seeking a new electricity connection solely for domestic/residential purposes.



The Appellant submitted that he had applied online to the Electricity Department for a new domestic single-phase electricity connection vide Application No. 18035 dated 19.10.2023. According to the Appellant, despite submission of the requisite documents and completion of the prescribed formalities, his application has neither been processed nor has he received any written communication from the Electricity Department regarding the status or disposal of his application.

The Appellant submitted that, along with the application, he had furnished the requisite documents, including an Affidavit, Undertaking, Declaration/Undertaking (Indemnity Bond), Aadhaar Card, and the No Objection Certificate (NOC) issued by the Tehsildar, Port Blair vide Letter No. VF-5/TPB/2002 dated 10.09.2002. He further submitted that he had also furnished his Ration Card, Electoral Identity Card and, subsequently, a Residential Certificate dated 15.07.2026 issued by the Councillor.

The Appellant submitted that he has never claimed ownership or title over the land or premises in question. He candidly stated that the dwelling house is situated on encroached land and submitted that the electricity connection is being sought only to meet his basic domestic requirements. He contended that the existence of any issue relating to the status of the land should not, by itself, result in indefinite non-processing of his application when the documents required under the applicable electricity supply regulations have otherwise been furnished.

The Appellant further submitted that the Department has relied upon the A&N Administration Circular No. 4-3/21/2015-Power dated 09.10.2023, and has also referred to an earlier order of the Consumer Grievance Redressal Forum and the order of the Hon'ble High Court dated 10.01.2025. The Appellant contended that the said circular cannot be applied as an additional or overriding requirement contrary to the provisions of the Electricity Act, 2003 and the JERC (Electricity Supply Code) Regulations, 2018.

Referring to Clause 5.18 of the JERC (Electricity Supply Code) Regulations, 2018, the Appellant submitted that the said provision prescribes the documents and procedure for obtaining a new electricity connection and that, ordinarily, no document other than those prescribed therein can be insisted upon by the Licensee. According to the Appellant, he has already submitted the documents required for consideration of his application, including the NOC issued by the competent revenue authority and an Indemnity Bond.

The Appellant further relied upon Clause 10.11 of the JERC (Electricity Supply Code) Regulations, 2018, and submitted that circulars, orders and other documents issued by the Licensee in relation to supply of electricity are required to be consistent with the Regulations framed by the Commission. It was therefore contended that, if the Electricity Department considers any additional document or requirement necessary for release of a new electricity connection, the same ought to be considered by the Hon'ble Commission through the appropriate regulatory process, rather than being imposed administratively in addition to the requirements prescribed under the Supply Code.



The Appellant submitted that he does not seek any declaration of title, regularisation of the land or recognition of any proprietary right over the premises through the grant of an electricity connection. He stated that his request is confined to the provision of electricity for domestic use and that the connection, if sanctioned, would be subject to the technical feasibility of supply and payment of all applicable charges.

The Appellant also submitted that there is no existing electricity connection standing in his name at the premises and, therefore, the question of seeking an additional connection or misusing an existing connection does not arise.

With regard to the case/order relied upon by the Electricity Department, the Appellant submitted that the facts and circumstances of that matter were different from those of the present case. He contended that the order passed in another case has to be considered in the factual and documentary context in which it was rendered and cannot automatically be treated as determinative of every application for a new electricity connection. According to the Appellant, his application deserves to be considered on the basis of the documents furnished by him and the applicable statutory and regulatory provisions.

The Appellant submitted that he has already furnished the following documents in support of his application:

- (i) Online Application No. 18035 dated 19.10.2023;
- (ii) Aadhaar Card;
- (iii) NOC issued by the Tehsildar, Port Blair dated 10.09.2002;
- (iv) Ration Card;
- (v) Affidavit;
- (vi) Undertaking/Declaration and Indemnity Bond;
- (vii) Electoral Identity Card; and
- (viii) Residential Certificate dated 15.07.2026 issued by the Councillor.

The Appellant submitted that electricity is an essential service and that the prolonged non-processing of his application since 19.10.2023 has caused considerable hardship to him and his family. He contended that, having regard to the long pendency of the application, the Electricity Department ought to take a reasoned decision on the application instead of keeping the same pending without communicating the specific deficiency, if any, to the Appellant.

The Appellant accordingly submitted that his application ought to be considered strictly in accordance with the Electricity Act, 2003 and the JERC (Electricity Supply Code) Regulations, 2018. He requested that the NOC issued by the Tehsildar, the Indemnity Bond and the other documents furnished by him be taken on record and duly considered while deciding his application.

The Appellant therefore prayed that the Electricity Department may be directed to process Online Application No. 18035 dated 19.10.2023 and take appropriate action for release of a new domestic single-phase electricity connection at the premises in question, subject to technical feasibility and payment of applicable lawful charges.



The Appellant further prayed that the A&N Administration Circular dated 09.10.2023 may not be applied in derogation of or as an additional requirement over and above the requirements prescribed under the JERC (Electricity Supply Code) Regulations, 2018. In the alternative, if the Department considers any additional statutory or regulatory requirement to be applicable, the Appellant requested that he may be specifically informed of such requirement and afforded an opportunity to comply with the same in accordance with law.

The Appellant submitted that his representation and the documents placed on record may be treated as his written submissions before the Hon'ble Electricity Ombudsman and reiterated his prayer for appropriate directions to the Electricity Department for expeditious consideration and disposal of his application in accordance with law.

II. Submission on behalf of Respondent:

The Respondent, Electricity Department, A&N Administration, through Shri Naveen Lall, Assistant Engineer-I, Headquarters Division, submitted that he is duly authorized to represent the Department in the present proceedings and has filed the reply along with the supporting documents in compliance with the Admission Notice dated 13.07.2026.

The Respondent submitted that the Appellant had earlier filed a complaint before the Consumer Grievance Redressal Forum (CGRF), A&N Islands, vide Complaint No. ANI/C.G. No. 03/2026 dated 29.04.2026. Since the CGRF, A&N Islands was not functional, the matter was forwarded to the Office of the Electricity Ombudsman for adjudication and was registered as Complaint/Representation No. 272 of 2026.

The Respondent submitted that the Appellant had submitted Online Application No. 18035 dated 19.10.2023 seeking a new domestic single-phase electricity connection at the premises situated behind All India Radio Station, Prem Nagar, Sri Vijaya Puram.

It was submitted that the premises in question is situated on encroached revenue land. The Respondent relied upon A&N Administration Circular No. 4-3/21/2015-Power dated 09.10.2023, which, according to the Department, provides that applications for electricity connections relating to encroached revenue land are required to be forwarded to the concerned Revenue Authority for confirmation regarding the applicant's settled possession before further processing of the application.

In pursuance of the aforesaid Circular, the Respondent submitted that this office addressed Letter No. EL/AE/SD-I/HQ/58-3/2023/556 dated 02.11.2023 to the Tehsildar, Sri Vijaya Puram, seeking confirmation as to whether the Appellant was in settled possession of the land in question.

The Respondent further submitted that the Tehsildar, Sri Vijaya Puram, vide Letter No. G-27/TPB/2024/61 dated 08.01.2024, informed the Electricity Department that the Revenue Department strongly condemned encroachment upon Government land and objected to the grant of electricity connections to persons claiming ownership over such land.



The Respondent submitted that the Appellant has not furnished the documents prescribed under Clause 5.30 of the JERC (Electricity Supply Code) Regulations, 2018, which, according to the Department, are required to establish ownership or lawful occupancy of the premises for the purpose of release of a new electricity connection.

It was accordingly contended that, in the absence of confirmation from the Revenue Authority regarding the Appellant's settled possession and in the absence of the prescribed proof of ownership or lawful occupancy, the Department could not proceed with the release of a new electricity connection.

The Respondent further submitted that the Consumer Grievance Redressal Forum, A&N Islands, vide order dated 07.02.2025 in similar matters, had observed that an applicant seeking a new electricity connection was required to submit a No Objection Certificate from the original land owner/Revenue Department or proper land records as acceptable proof of ownership or occupancy before a new connection could be released. The Respondent relied upon the said order in support of its stand.

The Respondent submitted that the Appellant is not precluded from obtaining an electricity connection altogether and that he may submit a No Objection Certificate from the Revenue Department or such other acceptable proof of ownership or lawful occupancy as may satisfy the requirements of Clause 5.30 of the JERC (Electricity Supply Code) Regulations, 2018. Upon submission of the requisite documents, the Department stated that the application would be processed in accordance with the applicable Regulations and the A&N Administration Circular dated 09.10.2023.

The Respondent further submitted that, in response to the present proceedings, the Junior Engineer, Prem Nagar Site Office, submitted a report vide Letter No. EL/JE/PN/1-14/25-26/895 dated 20.07.2026, which was placed on record before the Hon'ble Ombudsman.

With regard to the possibility of an amicable settlement, the Respondent submitted that, pursuant to the directions contained in the Admission Notice dated 13.07.2026, the Appellant was requested vide Letter No. EL/AE/SD-I/HQ/25-26/2026/783 dated 03.08.2026 to appear before the Department on 04.08.2026 for resolution of the grievance through mutual agreement, mediation or conciliation. However, no amicable settlement could be arrived at between the parties.

The Respondent further submitted that a copy of the Admission Notice dated 13.07.2026 was duly served upon the Appellant during the meeting held on 04.08.2026 and the acknowledgment thereof was placed on record.

The Respondent also relied upon the judgment dated 10.01.2025 passed by the Hon'ble Calcutta High Court, Circuit Bench at Port Blair, in Smti. Arati Mazumdar v. The Superintending Engineer and Another, WPA/537/2004. The Respondent submitted that the said judgment emphasizes that the purpose of providing electricity is to fulfil genuine



necessities and that the factual circumstances relating to an existing electricity connection at the premises were relevant to the Court's consideration of the matter.

The Respondent contended that the facts and circumstances of the present case have to be considered in the context of the status of the land and the documents furnished by the Appellant. According to the Respondent, the Department cannot release a new electricity connection merely on the basis of the applicant's possession when the Revenue Authority has not confirmed such possession and when the prescribed documentary requirements relating to ownership or lawful occupancy have not been fulfilled.

The Respondent submitted that the Department has not rejected the Appellant's request on any extraneous ground, but has withheld further processing of the application on account of the deficiencies referred to above and in compliance with the applicable administrative instructions and regulatory requirements.

The Respondent therefore maintained that the action of the Electricity Department is in accordance with the JERC (Electricity Supply Code) Regulations, 2018 and the A&N Administration Circular dated 09.10.2023. It was submitted that the Appellant has failed to fulfil the requirements considered necessary by the Department for release of a new electricity connection at the premises in question.

The Respondent accordingly prayed that the present Complaint/Representation may be disposed of, with liberty to the Appellant to approach the Electricity Department afresh upon submission of the required No Objection Certificate from the Revenue Department or other acceptable documents establishing lawful ownership or occupancy, whereupon his application may be processed in accordance with the applicable statutory and regulatory provisions.

III. Proceedings:

The matter was initially scheduled for hearing on 06.08.2026. However, the Superintending Engineer (Tech.), Electricity Department, Sri Vijaya Puram, vide email dated 04.08.2026, requested adjournment of the hearing to a date after Independence Day, stating that the Hon'ble Vice President of India was scheduled to visit Sri Vijaya Puram and that the officers of the Department would be engaged in arrangements in connection therewith. The request was considered and the matter was accordingly adjourned.

The matter was thereafter taken up for hearing on 19.08.2026 through video conferencing. Shri V. Krishna, Appellant, along with Shri R. Arun Peter, Authorised Representative of the Appellant, appeared on behalf of the Appellant. Shri Naveen Lall, Assistant Engineer-I (HQ), Electricity Department, Sri Vijaya Puram, and Shri Anuj, Junior Engineer, Electricity Department, Sri Vijaya Puram, appeared on behalf of the Respondent Electricity Department.

At the outset, the Appellant submitted that he had applied for a new Domestic Single-Phase electricity connection at Survey/Plot No. 626, Behind All India Radio Station, Prem

Nagar, Port Blair, South Andaman, Sri Vijaya Puram, vide Online Application No. 18035 dated 19.10.2023. It was submitted that the requisite documents had been furnished and all formalities required from his side had been completed; however, the electricity connection had not been released.

The Respondent, on the other hand, submitted that, pursuant to the Appellant's application, the Department had sought confirmation from the Tehsildar, Port Blair, regarding the status of possession of the land on which the premises in question had been constructed. In this regard, the Department referred to its letter No. EL/AE/SD-I/HQ/58-3/2023/536 dated 02.11.2023, wherein the name of the present Appellant appeared at Serial No. 13.

The Respondent further submitted that the Tehsildar, Port Blair, vide letter No. G-27/TPB/2024/61 dated 08.01.2024, issued in response to the Department's communications bearing Nos. EL/AE/SD-I/HQ/58-3/2023/624 dated 24.11.2023, EL/AE/SD-I/HQ/58-3/2023/670 dated 15.12.2023 and EL/AE/SD-I/HQ/58-3/2023/556 dated 03.11.2023, had stated as under:

"In this regard, it is to inform you that the revenue department under Andaman & Nicobar Islands Land Revenue and Land Reforms Regulation, 1966 of strongly condemn any encroachment on Government land and the granting of electrical connections to individuals who claim ownership of such land."

The Respondent submitted that, in view of the aforesaid communication of the Tehsildar, the Department could not proceed with release of the electricity connection. It was further submitted that although the Appellant had applied for a Domestic connection, the premises were, according to the Department, being used for commercial activities. The Respondent contended that these circumstances were also relevant to consideration of the Appellant's request for a new electricity connection.

During the hearing, the Junior Engineer, Prem Nagar, Electricity Department, referred to his site inspection report dated 20.07.2026 and submitted that the premises had been inspected and the following observations had been recorded:

- a) The building comprises a Ground Floor and a Basement Floor.
- b) One electricity connection is already available at the Basement Floor, bearing Consumer No. B/1959, in the name of Shri M. Selvam, under Domestic (Single-Phase) category.
- c) The proposed new electricity connection is sought for the other side of the Basement Floor, which, as per the inspection report, is presently being used for commercial activities/office purposes and also contains another room having a shutter. Photographs of the premises were stated to have been annexed with the inspection report.
- d) The earthing and wiring at the premises were found to be in order.

The Respondent relied upon the aforesaid inspection report and the photographs taken during the site inspection to submit that the actual use of the portion for which the new connection had been sought was not domestic in nature but involved commercial activities.



The submissions made by the Appellant and the Respondent, together with the documents and material placed on record, have been taken into consideration for adjudication of the present matter.

IV. FINDINGS AND ANALYSIS

1. The principal issue that arises for consideration in the present matter is whether the Respondent Electricity Department was justified in not processing/releasing the new Domestic Single-Phase electricity connection sought by the Appellant vide Online Application No. 18035 dated 19.10.2023, on the grounds relating to the status of the land and the alleged commercial use of the premises.

The material placed on record, the submissions of both parties and the documents relied upon by them have been carefully considered.

2. The JERC Electricity Supply Code, 2018 lays down the procedure and conditions governing release of new electricity connections. Regulation 5.1 provides that the Licensee shall, on an application by the owner or occupier of any premises located in its area of supply, give supply, subject to technical feasibility, compliance with the procedure prescribed under the Supply Code and payment of the applicable cost of supply and services.

Regulation 5.18 requires the Licensee to display the detailed procedure for grant of new connection and the complete list of documents required to be furnished with the application and further provides that, normally, no document which has not been so listed shall be required for processing an application for new connection.

Regulation 5.19 specifically provides that connection to an applicant residing in an unauthorized colony/area or disputed property shall not be granted where a restraining or prohibition order has been issued by any Indian Court and/or by any competent authority. Regulation 5.27 requires an application for new connection to be accompanied, inter alia, by proof of the applicant's ownership or occupancy over the premises. Regulation 5.30 specifies the documents which may be accepted as proof of ownership or occupancy, including certain documents issued by local Government or Revenue Authorities.

It is, therefore, evident that the Supply Code recognizes the distinction between the question of title to a property and the question of lawful/acceptable occupancy for the limited purpose of processing an electricity connection. Grant of an electricity connection, by itself, does not determine or create any right, title or interest in the land.

3. It is not in dispute that the Appellant submitted Online Application No. 18035 dated 19.10.2023 seeking a Domestic Single-Phase electricity connection at Survey/Plot No. 626, Behind All India Radio Station, Prem Nagar, Port Blair, South Andaman, Sri Vijaya Puram.

Pursuant to the said application, the Assistant Engineer-I (HQ), Electricity Department, addressed a communication to the Tehsildar, Port Blair, vide Letter No. EL/AE/SD-I/HQ/58-3/2023/536 dated 02.11.2023, seeking confirmation regarding the status of possession of the land on which the applicant had constructed the house.



The name of the present Appellant appears at Serial No. 13 in the said communication.

The Tehsildar, Port Blair, thereafter, vide Letter No. G-27/TPB/2024/61 dated 08.01.2024, stated, inter alia, as follows:

"In this regard, it is to inform you that the revenue department under Andaman & Nicobar Islands Land Revenue and Land Reforms Regulation, 1966 of strongly condemn any encroachment on Government land and the granting of electrical connections to individuals who claim ownership of such land."

The Respondent has relied upon the aforesaid communication as the basis for withholding the electricity connection.

However, on careful examination of the said communication, it is noticed that the Tehsildar has not specifically recorded a finding that the present Appellant was not in "settled possession" of the premises in question. The communication expresses the Revenue Department's general objection to encroachment on Government land and to granting electricity connections to persons claiming ownership of such land. It does not, in express terms, answer the specific factual question whether the Appellant was or was not in settled possession of the particular premises mentioned in the Department's communication.

This distinction assumes significance because the Department's own Circular dated 09.10.2023 prescribes a procedure for considering electricity connections in cases involving encroached revenue land. Under the said procedure, the application is to be provisionally accepted and forwarded to the concerned Revenue Authority for confirmation as to whether the applicant is in settled possession or not. It is only thereafter that the application is to be formally accepted and processed further in accordance with the JERC Electricity Supply Code, 2018.

Thus, the Revenue Authority's communication was required to be examined in the context of the specific requirement of confirmation of "settled possession" prescribed under the Department's Circular itself.

4. The Appellant has placed on record an NOC issued by the Tehsildar, Port Blair, vide Letter No. VF-5/TPB/2002 dated 10.09.2002. The said document is admittedly available on the record and bears relevance to the Appellant's claim regarding his occupation of the premises.

On perusal of the said NOC, it is noticed that no specific period of validity or expiry date is mentioned therein. Further, no document has been placed on record by the Respondent demonstrating that the NOC dated 10.09.2002 has subsequently been cancelled, withdrawn, superseded or otherwise rendered inoperative by the competent Revenue Authority.

At the same time, this Authority is conscious that the mere existence of the NOC dated 10.09.2002 cannot, by itself, be treated as a conclusive adjudication of the Appellant's title or ownership over the land. The present proceedings are concerned only with the entitlement to electricity supply and not with adjudication of proprietary rights over Government land.



Nevertheless, in the absence of any material showing cancellation or withdrawal of the said NOC, the document cannot simply be disregarded while considering whether the Appellant has placed material evidencing his occupancy of the premises.

The Appellant has also submitted that he is not claiming any ownership or title over the land and has furnished, inter alia, an Indemnity Bond and other documents in support of his identity and occupancy. Such documents are required to be considered in accordance with the provisions of the Supply Code and the procedure prescribed by the Department.

5. The Respondent has relied upon Circular No. F.No. 4-3/21/2015-Power dated 09.10.2023. The said Circular records that, pursuant to the directions of the Hon'ble High Court, the Department had directed the concerned divisions to continue release of electricity connections in encroached areas in accordance with the procedure/practice followed by the Department up to July 2020 and the Circular dated 05.07.2011.

The Circular further lays down, inter alia, that:

- (i) the applicant must be residing on encroached revenue land and the procedure shall not apply to encroached forest areas;
- (ii) the applicant must not be a government servant;
- (iii) electricity shall be provided only for Domestic purposes and applications for commercial/industrial activities in encroached land shall not be entertained;
- (iv) the applicant shall submit the prescribed application, identity proof and affidavit/undertaking that grant of electricity connection shall not confer any right, title or interest over the land;
- (v) the application shall be provisionally accepted and forwarded to the concerned Revenue Authority for confirmation whether the applicant is in settled possession; and
- (vi) after such confirmation, the application shall be formally accepted and processed further in accordance with the JERC Electricity Supply Code, 2018.

The Circular also expressly stipulates that grant of electricity connection shall not confer any right, title or interest in the land and that the connection may be withdrawn/disconnected if the true owner recovers possession through due process of law.

The above procedure, therefore, does not appear to contemplate an absolute prohibition on release of electricity connections merely because the premises are situated on encroached revenue land. Rather, it establishes conditions and a procedure for considering such applications, including verification of settled possession by the concerned Revenue Authority.

6. The Respondent has contended that the Tehsildar's letter dated 08.01.2024 prevented the Department from proceeding further with the application.

However, the question before this Authority is whether the said letter can be treated as a specific and conclusive determination that the Appellant was not in settled possession of the premises.



As noticed above, the communication dated 08.01.2024 contains a general statement condemning encroachment on Government land and the granting of electricity connections to individuals who claim ownership of such land. It does not specifically record that the present Appellant, whose name appeared at Serial No. 13 in the Department's communication, was not in settled possession of the premises. Further, the Appellant has specifically stated that he does not claim ownership or title over the land and has relied upon the NOC dated 10.09.2002 and other documents in support of his occupancy.

In these circumstances, this Authority is of the considered view that the communication dated 08.01.2024, without any specific determination regarding the Appellant's settled possession, cannot by itself be treated as a conclusive rejection of the Appellant's application under the procedure prescribed in the Circular dated 09.10.2023.

The Respondent, therefore, ought to consider the Appellant's application in the light of all documents available on record and, if necessary, obtain a specific clarification from the competent Revenue Authority regarding the status of the Appellant's possession of the particular premises.

7. The Respondent has raised a separate objection that although the Appellant applied for a Domestic connection, the portion of the premises for which the connection is sought was being used for commercial purposes.

The Junior Engineer, Prem Nagar, inspected the premises on 20.07.2026 and reported, inter alia, that the building consists of a Ground Floor and Basement Floor; that an existing electricity connection bearing Consumer No. B/1959 in the name of Shri M. Selvam under Domestic (Single-Phase) category is available at the Basement Floor; and that the proposed connection is sought for another portion of the Basement Floor which, according to the inspection report, was being used for commercial activities/office purposes and another room with a shutter. The inspection report also records that the earthing and wiring were found to be in order.

The photographs relied upon by the Respondent have also been taken into consideration.

The Departmental Circular dated 09.10.2023 expressly restricts electricity supply in encroached revenue land to Domestic purposes and provides that applications for commercial/industrial activity shall not be entertained. Therefore, the actual nature of use of the specific portion for which the connection is sought is a material consideration.

At the same time, the inspection relied upon by the Respondent was carried out on 20.07.2026, whereas the Appellant's application was submitted on 19.10.2023. The mere presence of an office-like arrangement, without further material establishing the nature, extent and continuity of the activity being carried out therein, would require careful consideration before conclusively determining that the premises are being used for commercial purposes.



Moreover, the existing Consumer No. B/1959 in the name of Shri M. Selvam and the precise physical demarcation of the portion for which the Appellant seeks a separate connection are relevant facts which ought to be verified before a final decision is taken on this aspect.

Accordingly, the question whether the specific premises/portion for which the Appellant seeks connection is being used exclusively for domestic purposes, or is being used for commercial activity, requires determination on the basis of a proper site verification and the actual use of the premises.

8. It is clarified that these proceedings do not involve adjudication of ownership or title over Survey/Plot No. 626. The Appellant himself has stated that he is not claiming any ownership or title over the land.

The issue before this Authority is confined to whether the Respondent has followed the procedure applicable for release of a new electricity connection and whether the Appellant has satisfied the applicable requirements for such connection.

Grant of electricity supply, if otherwise permissible, would not confer any right, title or interest upon the Appellant over the land. This is also consistent with the stipulation contained in the Department's Circular dated 09.10.2023.

V. Conclusion

Upon consideration of the entire material on record, this Authority finds that the Respondent was justified in verifying the status of the land and the Appellant's occupancy before processing the application, particularly in view of the Departmental Circular dated 09.10.2023 applicable to applications relating to encroached revenue land.

However, the communication of the Tehsildar dated 08.01.2024, relied upon by the Respondent, does not contain a specific determination that the present Appellant is not in settled possession of the premises. Further, the NOC dated 10.09.2002 is available on record and there is no material produced by the Respondent demonstrating that the said NOC has been cancelled, withdrawn or otherwise rendered ineffective.

At the same time, the Respondent has raised a substantial issue regarding the actual use of the portion for which the new connection is sought. Since the Departmental Circular dated 09.10.2023 permits electricity supply to encroached revenue land only for Domestic purposes, this aspect requires verification before the connection can be released.

Accordingly, the appropriate course would be for the Respondent to reconsider after conducting a fresh site inspection to ascertain the actual use of the specific portion for which the connection is sought.

If the Appellant satisfies the applicable requirements and the premises/portion in question is found to be used for Domestic purposes, the Respondent shall process the application further in accordance with the JERC Electricity Supply Code, 2018 and the Departmental Circular dated 09.10.2023, subject to technical feasibility, payment of applicable charges and other statutory requirements.



If, on the other hand, the premises are found to be used for commercial or industrial activity, the request for a Domestic connection shall not be permissible under the aforesaid Circular, and the Appellant shall be at liberty to take such further steps as may be permissible under the applicable rules and regulations.

The above directions are without prejudice to the rights of the competent Revenue Authority or any lawful owner in respect of the land and shall not be construed as conferring any right, title or interest in the land upon the Appellant.

VI. ORDER

In view of the foregoing discussion, findings and conclusions, the Appeal/representation filed by Shri V. Krishna is disposed of with the following directions:

1. The Respondent, Electricity Department, A&N Administration, shall take up the Appellant's application for new domestic electricity connection bearing Online Application No. 18035 dated 19.10.2023 for the premises at Survey/Plot No. 626, Behind All India Radio Station, Prem Nagar, Port Blair, South Andaman, Sri Vijaya Puram, for fresh consideration subject to filling of fresh application.

In terms of the procedure prescribed under the applicable departmental guidelines/circular dated 09.10.2023 concerning release of electricity connections in respect of premises situated on encroached revenue land, the Respondent shall, wherever considered necessary, obtain a specific and current confirmation from the competent Revenue Authority regarding the settled possession of the Appellant over the premises in question. The Respondent shall not treat the general observations contained in the Tehsildar, Port Blair letter No. G-27/TPB/2024/61 dated 08.01.2024, by themselves, as a categorical determination regarding the Appellant's individual status of settled possession, unless the competent Revenue Authority specifically clarifies the position.

2. The Respondent shall also undertake a fresh site inspection of the specific portion/premises for which the new connection is sought and ascertain whether the premises are being used exclusively for domestic/residential purposes, as claimed by the Appellant, or for any commercial/non-domestic activity.

The inspection shall specifically record the physical location and identification of the portion proposed for the new connection, its distinction from the existing Consumer No. B/1959, and the nature of the activity actually being carried out therein.

3. While undertaking the aforesaid exercise, the Respondent shall consider the documents produced by the Appellant, including the NOC issued by the Tehsildar, Port Blair vide Letter No. VF-5/TPB/2002 dated 10.09.2002, identity/address documents, affidavit, undertaking/indemnity and other documents forming part of the record. The said NOC shall not, by itself, be treated as proof of title to the land; however, its existence and contents shall be duly considered while examining the Appellant's occupancy and eligibility for electricity supply.
4. If, upon such verification, the competent Revenue Authority confirms the requisite settled possession and the premises are found to be used for domestic purposes, and the Appellant otherwise satisfies the applicable requirements of the JERC Electricity



Supply Code, 2018, including technical feasibility, inspection requirements, applicable charges and other statutory conditions, the Respondent shall proceed to process the application and release the electricity connection in accordance with law.

5. If the premises are found to be used for commercial/non-domestic purposes, or if the competent Revenue Authority specifically records that the Appellant does not satisfy the requisite condition regarding settled possession, the Respondent shall communicate a reasoned and speaking decision to the Appellant, clearly specifying the ground(s) on which the connection cannot be released. Such decision shall be communicated to the Appellant within the period stipulated below.
6. The entire exercise directed above, including the necessary correspondence with the Revenue Authority, fresh site inspection and communication of the final decision on the Appellant's application, shall be completed by the Respondent within 30 days from the date of receipt of this Order.
7. It is made clear that release of electricity supply pursuant to this Order shall not be construed as recognition or confirmation of any title, ownership or lawful right over the land or premises in favour of the Appellant. The electricity connection shall be governed solely by the applicable electricity laws, regulations, Supply Code and the conditions applicable to the connection.
8. In the event the Revenue Department, Municipal Authority or any other competent authority subsequently undertakes demolition, sealing, eviction or any other coercive action in respect of the subject premises in accordance with law and issues a specific direction/request to the Respondent Electricity Department for disconnection, the Respondent shall comply with such lawful direction and disconnect the electricity supply at the stage and in the manner specified therein, subject to any contrary order passed by a competent Court or appellate authority.
9. Nothing contained in this Order shall be construed as an adjudication or determination by this Authority regarding the title, ownership, possession, encroachment, legality of construction or any other right or interest in the land/premises in question. All such questions are left open for determination by the competent Municipal, Revenue, Appellate or Judicial Authority, as may be applicable. The grant or continuation of electricity supply shall not create, confer or recognize any right, title or interest of the Appellant in or over the land or premises.
10. The Appeal/representation is accordingly disposed of in the above terms. No order as to costs.

Pronounced on: 07.09.2026.



(C M Sharma)

Electricity Ombudsman (JERC)