

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/216/2025

Krishnawathi

Vs.

Union of India & Others

Mr. Manas Ajai Sonkar ... for the petitioner

Mr. S.C. Mishra ... for the respondents

July 11, 2025
[AKB]
Item No.10

The petitioner has filed the present application praying for setting aside the impugned order passed by the Assistant Engineer-II (HQ), Electricity Department, Sri Vijaya Puram wherein the request of the petitioner for grant of electricity connection in the government revenue land is rejected and given a liberty to the petitioner to file fresh application for new electricity connection in respect of the encroached land subject to the compliance with all conditions and requirement as mandated under clause 5.30 of JERC Regulation, 2018 and the Andaman and Nicobar Island Administration Circular dated 19.10.2023 as Electricity Department has relied upon the aforesaid regulations and circular while providing new electricity connection to the general public including encroachers.

Learned counsel for the petitioner has submitted that initially the petitioner has filed the application before the concerned authority on 24.06.2024 by disclosing all the

documents. The petitioner submits that the petitioner is residing in the said land without the electricity connection but the authorities have rejected the request of the petitioner.

Mr. S.C.Mishra, learned advocate appearing for the electricity department submits that as per Clause 5.30 of JERC Regulation, 2018 the petitioner has to disclose the documents but the petitioner failed to disclosed the documents as provided under clause 5.30. Thus, Assistant Engineer has rejected the claim of the petitioner.

Regulation 5.30 reads as follows:-

“5.30 Any of the following documents shall be considered as acceptable proof of ownership or occupancy of premises:

- (1) Copy of the registered sale deed or lease deed or rent agreement and in the case of agricultural connection, a copy of khasra/khatauni/khata nakal;*
- (2) Registered General Power of Attorney;*
- (3) Municipal/ Panchayat tax receipt or Demand notice or any other related document;*
- (4) Letter of allotment;*
- (5) Copy of the house registration certificate issued by the Panchayat/ownership certificate issued by Revenue Authorities;*
- (6) Any other ownership related document issued by local Government Authority.*
- (7) An applicant who is not an 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.*
- (8) For bonafide consumers residing in JJ clusters or in other areas with no specified municipal address, the Licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises only for the purpose of releasing electricity connection and not for any other purpose;*

Provided further that the electricity bill shall be only for electricity supply to the premises occupied by the consumer and shall not be treated as having rights or title over the premises.”

It is the specific case of the petitioner is that the petitioner has encroached government revenue land and had constructed a house wherein the petitioner required electricity connection. Clause 5.30 requires the documents which the petitioner will not be able to produce the same as he is the encroacher of the government revenue land. The Full Bench of this Court in the case of **Abhimanyu Mazumdar vs. The Superintending Engineer and another** has categorically held the illegal occupier is also entitled to get electricity connection.

In the present case it is not denied that the petitioner is not in occupation of the premises in question. The electricity connection has been denied as the petitioner has not provided the documents as required under Clause 5.30 of JERC Regulation, 2018. The similar issue was considered by the Coordinate Bench of this Court in WPA/213/2025 wherein this Court considered that clause 5.30 does not in any manner fetter the right of occupant to get electricity connection.

Considering the above this Court finds that the petitioner is in occupation of the government revenue land and has constructed the house and required electricity connection. This Court also finds that it is not possible for the illegal occupier to obtain the document which is required under the Clause 5.30 of the JERC Regulation, 2018. The

authority have made an attempt by notifying the rule only to prevent the illegal occupier for grant of electricity. Thus, this Court hold that the document as prescribed under Clause 5.30 is not required to be produce by the illegal occupier who has constructed the house in the government revenue land.

Accordingly, the impugned order passed by the Assistant Engineer- II (HQ) dated 14.02.2025 is set aside and quashed. The Assistant Engineer-II (HQ), Electricity Department is directed to provide electricity connection to the petitioner within a period of four weeks from the date of receipt of this order on compliance of all formalities.

WPA/216/2025 is disposed of.

(Krishna Rao, J.)