

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

WPA/299/2025

Smti. Prabha Kujur

Vs.

The Superintending Engineer and Anr.

Mr. S.K. Golder ... for the petitioner

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

July 07, 2025
[AKB]
Item No.9

The petitioner has filed the present application for grant of electricity connection in the residential premises standing on survey No. 559/2 measuring an areas of 200 Sq. mtrs. out of total area on 0.3100 hectares situated at Ramakrishnagram village, under Diglipur Tehsil, North and Middle Andaman.

Learned counsel for the petitioner submits that the petitioner is the power of attorney holder of Shri. P.L.Arumugam, son of K.Paliniappan who is the recorded tenant of the aforesaid landed property.

Learned counsel for the petitioner submits being power of attorney holder of the recorded tenant, the petitioner has applied for grant of electricity connection in the dwelling house standing on the said landed property.

Mr. S.C.Mishra, learned advocate appearing for the Electricity Department, Andaman & Nicobar Administration submits that the petitioner has applied for grant of electricity

connection as power of attorney holder of the recorded tenant, but as per JERC Regulation 2018 in clause 5.30 if the occupier intend to obtain electricity connection, and relied upon power of attorney, the power of attorney has to be registered, but in the present case the petitioner who has not applied for the electricity connection as a power of attorney holder of the recorded tenant, the power of attorney is not registered document and as such the department has not provided the electricity connection.

However, the electricity department is relying upon the JERC which has been promulgated in exercise of power conferred under Section 181 read with Section 50 of the Electricity Act, 2003. The electricity is the essential service for the general public. The Full Bench of this Court has decided that even an illegal occupier is also entitled to get electricity connection if he is in settled possession and the property in question.

In the present case it is not dispute that the petitioner is in occupation of the premises in question, but the only dispute is that the power of attorney is not registered in terms of 5.30 of the JERC. This Court has considered 5.30 of the JERC which 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.”*

In the said provision in proviso it is mentioned that provided further that the electricity bills shall be only for the electricity supply to the premises occupied by the consumer and shall not be treated as having right or title over the premises.

In the present case this Court finds that the original owner has given power of attorney to the petitioner to obtain electricity. A Coordinate Bench of this Court in the order dated 19.06.2024 has already held that the clause 5.30 does not in any manner fetters the right of the occupant to get electricity connection. It is not necessary that the power of attorney should be registered for applying the electricity connection.

In view of the above the respondent No. 2, Assistant Engineer, Electricity Department, Diglipur is directed to provide electricity connection to the petitioner on compliance of all formalities within a period four weeks from date.

WPA/299/2025 is disposed of.

(Krishna Rao, J.)