

GAHC010178582021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5770/2021

SUKUMAR BRAHMA
S/O LATE BANINDRA BRAHMA, R/O VILL. SUMANKHATA NANKE, P.S.
BARBORI, DIST. BAKSA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECY. TO THE GOVT. OF ASSAM, POWER DEPTT.,
DISPUR, GUWAHATI 781006

2:THE ASSAM POWER DISTRIBUTION CO. LTD.

REPRESENTED BY ITS CHIEF MANAGING DIRECTOR
BIJULI BHAWAN
PALTAN BAZAR
GUWAHATI 781001

3:THE CHIEF ENGINEER OF APDCL

BIJULI BHAWAN
PALTAN BAZAR
GHY 781001

4:THE BARAMA SUB DIVISIONAL ENGINEER OF APDCL

BARMA SUB DIVISION
P.O. BARMA
DIST. BAKSA
ASSAM.

5:THE CHIEF ELECTRICAL OFFICER CUM ADVISOR TO THE GOVT. OF
ASSAM

HOUSEFED COMPLEX
DISPUR
GUWAHATI 6

6:THE DEPUTY COMMISSIONER

BAKSA
P.S. MUSALPUR
DIST. BAKSA

7:THE SUPERINTENDENT OF POLICE

BAKSA
P.S. MUSALPUR
DIST. BAKS

Advocate for the Petitioner : MR I HAQUE

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

JUDGMENT & ORDER

Date : 18-05-2023

The subject-matter in the instant writ petition filed under Article 226 of the Constitution of India is a claim for compensation under the public law remedy for the death of one Kaishab Mani Brahma [hereinafter also referred to as 'the deceased', at places, for convenience] on the ground that his death had occurred in an electrical accident which took place on 10.04.2018. Due to non-disbursal of such compensation despite making the claim, a direction has been sought to the respondent authorities which includes the Assam Power Distribution Company Limited [APDCL], to grant adequate compensation.

2. The relevant facts, in brief, leading to the institution of the writ petition, as found averred in the writ petition, are as follows :-

2.1. The son of the petitioner is a resident of Village – Subankhata, Post Office – Barbori, District – Baksa, Assam within the jurisdiction of Barama Electrical Sub-Division, Lower Assam Region of the respondent APDCL. The deceased who was aged about 22 years, was a bricklayer and cultivator by occupation. On 10.04.2018, the son of the petitioner was at his residence and due to thunderstorm on that day, a bare live electrical wire got snapped from an electrical post nearby the residence of the deceased and fell on the ground. Kaishab Mani Brahma being unaware of the snapped wire, accidentally came in contact with the snapped electrical wire and got grievously injured. Kaishab Mani Brahma was immediately taken to the nearby health facility, Baksa Civil Hospital at Mushalpur by the local people for medical treatment but he succumbed to death on that very day, that is, 10.04.2018 at about 05-20 p.m.

2.2. About the cause of death of Late Kaishab Mani Brahma, the Medical & Health Officer Baksa, Civil Hospital, Mushalpur issued a Medical Certificate on 23.04.2018. As per the said Medical Certificate, the deceased died due to cardiac failure as a result of high voltage electrocution. The Registrar of Births & Deaths, Mushalpur, Primary Health Centre [PHC] issued a Death Certificate on 23.04.2018 recording the factum of death of Late Kaishab Mani Brahma on 10.04.2018.

2.3. The matter of accidental death of Late Kaishab Mani Brahma was reported at Barbori Police Station by the petitioner on 20.05.2018 and the said information was recorded by the Officer In-Charge, Barbori Police Station vide a General Diary Entry no. 344 dated 20.05.2018. After preliminary inquiry, the Officer In-charge, Barbori Police Station, Baksa had issued a Police Report recording that the deceased got electrocuted at his own residence due to detachment of an electric wire which fell down on the ground nearby the residence of the deceased following thunderstorm occurred just before the incident. It was also reported that Late Kaishab Mani Brahma was taken to the Civil Hospital at Mushalpur but the Doctors there declared him as brought dead. The death of the deceased due to electrocution was reported to be true in the Police Report.

2.4. The petitioner has claimed that he as the father of the deceased, is one of the Next of Kins [NoKs] apart from the mother of the deceased and the said fact is reflected from the verification report submitted by the Circle Officer, Baganpara Revenue Circle to the Deputy Commissioner, Baksa, Mushalpur vide a letter bearing no. BPR-63/2006/314 dated 03.07.2018 [Annexure-H]. It is the case of the petitioner that the respondent APDCL authorities were aware about the death of the deceased due to electrocution but the respondent APDCL authorities did not take any steps towards grant of compensation to the family of the petitioner, who lost their only bread-earner in the electrical accident on 10.04.2018. The petitioner has stated that he had approached the jurisdictional Deputy Commissioner, that is, the Deputy Commissioner, Baksa as well as the respondent APDCL authorities at Barama Electrical Sub-Division by filing Representations seeking appropriate relief. When no discernible action were found to have been taken by the respondent authorities towards grant of compensation to the family of the petitioner, the petitioner has stated to have approached this Court by instituting this writ petition seeking the reliefs, as mentioned above.

3. I have heard Mr. I. Hoque, learned counsel for the petitioner; Mr. R. Talukdar, learned Junior Government Advocate, Assam for the respondent nos. 1, 5, 6 & 7; Mr. D. Gogoi, learned Standing Counsel, APDCL for the respondent nos. 2 – 4.

4. Mr. Hoque, learned counsel for the petitioner has reiterated the sequence of events, as stated hereinabove, in his submissions. He has submitted that the factum of death of Late Kaishab Mani Brahma due to electrocution gets corroboration from the Electrical Accident Inquiry Report submitted by the office of the Chief Electrical Advisor, Assam.

5. Mr. Gogoi, learned Standing Counsel, APDCL has submitted that in respect of the incident in question, an information was also lodged by the respondent no. 4 before the Officer In-Charge, Barbori Police Station on 11.04.2018. It was in the knowledge of the respondent no. 4 that at around 04-30 p.m. on 10.04.2018, the deceased died in an electrical accident and another man named Saund Brahma also sustained injuries when they were charging mobile phones in their residential premises. By lodging the said information, the respondent no. 4 had sought for appropriate investigation regarding the accident as well as

the cause of death of the deceased. Mr. Gogoi has, in the alternative, submitted that in the event the Court finds the case to be a fit one to grant adequate compensation, the amount of compensation should be on the basis of the Office Memorandum regarding compensation prevailing at the time of the alleged electrical accident. He has referred to an Office Memorandum dated 25.09.2017 wherein in case of death due to electrocution, an uniform rate of compensation @ Rs. 2.5 lakhs has been prescribed.

6. Mr. Talukdar, learned Junior Government Advocate, Assam has submitted that after receipt of a Report from the respondent no. 4 to the effect that an electrical accident had occurred at around 04-30 p.m. on 10.04.2018 leading to receipt of fatal electric shock by a victim when he was charging a mobile phone, an inquiry was initiated through a Senior Electrical Inspector. In the course of the inquiry, the officials of the Inspectorate visited the site of the accident and recorded the statements of the witnesses to the incident as well as the local villagers. After completion of the inquiry, an Electrical Accident Inquiry Report was submitted by the Electrical Inspector on 19.01.2022. A copy of the said Electoral Accident Inquiry Report is annexed to the affidavit filed on behalf of the respondent no. 5.

7. I have considered the submissions of the learned counsel for the parties and have also perused the materials brought on record by the parties through their pleadings. On 21.04.2023, it was submitted on behalf of the respondent APDCL authorities that the respondent APDCL authorities would not file any counter affidavit in the matter.

8. Before going to into the factual backdrop of the case, it is apt to refer to few relevant provisions of the Electricity Act, 2003.

9. Section 53 of the Electricity Act, 2003 has prescribed specifications of suitable measures inter alia for - [i] protecting the public [including the persons engaged in the generation, transmission or distribution or trading] from dangers arising from the generation, transmission or distribution or trading of electricity, or use of electricity supplied or installation, maintenance or use of any electric line or electrical plant; [ii] eliminating or reducing the risks of personal injury to any person, or damage to property of any person or

interference with use of such property; and [iii] giving notice in the specified form to the Appropriate Commission and the Electrical Inspector, of accidents.

10. Section 161 of the Electricity Act, 2003 has prescribed that if any accident occurs inter alia in connection with the generation, transmission, distribution, supply or use of electricity in or in connection with, any part of the electric lines or electrical plant of any person and the accident results in loss of human or animal life or in any injury to a human being or an animal, such person shall give notice of the occurrence and of any such loss actually caused by the accident, in such form and within such time as may be prescribed, to the Electrical Inspector or such other person as aforesaid and to such authorities as the appropriate Government may by order direct. The Electrical Inspector is empowered to inquire as to the cause of any accident affecting the safety of the public, which may have occasioned by or in connection with, the generation, transmission, distribution, supply or use of electricity. The phrase, 'such person' appearing in the said provision is the licensee and in the present case, it is the APDCL.

10.1. As per sub-section [3] of Section 161 of the Electricity Act, 2003, every Electrical Inspector or other person holding an inquiry under sub-section [2] shall have all the powers of a civil court under the Code of Civil Procedure, 1908 for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects, and every person required by an Electrical Inspector is legally bound to do so. Sub-section [2] of Section 162 has provided for an appeal which shall lie from a decision of a Chief Electrical Inspector or an Electrical Inspector to the Appropriate Government or to an Appropriate Commission, as the case may be, if anyone is aggrieved by the decision.

11. The respondent no. 5 who is empowered under Section 161 of the Electricity Act, 2003, to inquire into such an incident which occurred on 10.04.2018 resulting ultimately into the death of a human life i.e. the deceased and to submit a report, conducted an inquiry in respect of the electrical accident in question and thereafter, had submitted the Electrical Accident Inquiry Report dated 19.01.2022. The respondent no. 5 had conducted the inquiry

under Section 161 of the Electricity Act, 2003 by visiting the site of the electrical accident. As per the Electrical Accident Inquiry Report, there was heavy storm and lightening on 10.04.2018 and one of the bare conductors of 11 KV live overhead line at Sundaripara, Village – Subankhata got detached from the pin insulators and touched one 1-phase, two wire, 220 Volt live bare overhead line drawn below the said 11 KV line in the same support with deafening sound causing damage to household electrical appliances of that locality and fell down on the ground being snapped. It is reported in the Report Electrical Accident Inquiry that the victim came out of his residence to the spot hearing deafening sound and unknowingly came in contact with the snapped live 11 KV bare conductor which was lying on the ground and got the fatal electric shock. It is further reported that another person named Saund Brahma was also injured while he tried to save the victim i.e. Late Kaishab Mani Brahma. The respondent no. 5 has observed in its Inquiry Report that the low voltage distribution line emanating from the distribution sub-station of the Village were without statutory electrical protective and isolating devices and were not being maintained in appropriate manner to ensure safety of personnel and property. According to the Inquiry Report, had appropriate safety preventive measures been taken and had there been regular and proper checking of the line by the owner of the overhead line, the electrical accident resulting to death of the victim would not have taken place. The Inquiry Report contains findings of contraventions of Regulation 12[1] & Regulation 69[3] of the Central Electricity Authority [Measures relating to Safety and Electric Supply] Regulation, 2010 on the part of the owner of the overhead line, that is, the APDCL. The Inquiry Report has recommended that the safety provisions of the Central Electricity Authority [Measures relating to Safety and Electric Supply] Regulation, 2010 should be strictly complied with by the owner of the supply lines and sub-stations. Thorough checking of electric lines and sub-stations, from time to time, by the owner of such lines and sub-stations was also recommended to ensure public safety.

12. The respondent APDCL authorities have not denied the findings recorded in the Electrical Accident Inquiry Report dated 19.01.2022 submitted by the respondent no. 5 either traversing/controverting the findings therein by filing any counter affidavit or by filing any appeal before the competent authority under sub-section [2] of Section 162 of the Electricity

Act, 2003.

13. As per the Death Certificate issued by the Medical & Health Officer, Civil Hospital, Mushalpur, the deceased died due to cardiac failure as a result of high voltage electrocution. The Police Report submitted by the Officer In-Charge, Barbori Police Station has corroborated the fact of death of the deceased due to electrocution. The factum of death of the deceased due to electrocution gets substantiated from the Electrical Accident Inquiry Report submitted by the respondent no. 5. As per the Police Report, the deceased was about 22 years at the time of his death. The Report of the Circle Officer, Baganpara Revenue Circle dated 03.07.2018 has reflected that the deceased left behind the petitioner, the father, aged about 64 years, and the petitioner's wife, aged about 50 years, as his legal representatives.

14. Under the concept of strict liability, one party is legally responsible for the consequences resulting from an activity even in the absence of fault or negligence. In essence, as per the concept of strict liability, a party will be held responsible for its actions, without the other party who has suffered, having to prove the fault or negligence on the part of the first party. When a person/party is involved in inherently dangerous or hazardous activities, then such person/party may be held liable if any other person/party is injured because of such activities, even if the first person/party had taken necessary precautions and followed the requisite safety requirements.

15. The principle of strict liability has been explained in *M.P. Electricity Board vs. Shail Kumari and others*, reported in [2002] 2 SCC 162. In *Shail Kumari [supra]*, the facts were that a live wire got snapped and fell on a public road which was partially inundated with rain water. Not noticing that wire, a cyclist while returning home at night rode over the wire which snapped him and he was instantaneously electrocuted. A claim for damages made by the dependents of the deceased was resisted by the appellant State Electricity Board on the ground that the electrocution was due to the clandestine pilferage committed by a stranger unauthorizedly siphoning the electric energy from the supply line. It has been observed that the responsibility to supply electric energy in the particular locality was statutorily conferred on the Board. If the energy so transmitted causes injury or death of a human being, who gets

unknowingly trapped into it the primary liability to compensate the sufferer is that of the supplier of the electric energy. So long as the voltage of electricity transmitted through the wires is potentially of dangerous dimension the managers of its supply have the added duty to take all safety measures to prevent escape of such energy or to see that the wire snapped would not remain live on the road as users of such road would be under peril. It is no defence on the part of the management of the Board that somebody committed mischief by siphoning such energy to its private property and that electrocution was from such diverted line. It is the look out of the managers of the supply system to prevent such pilferage by installing necessary devices. At any rate, if any live wire got snapped and fell on the public road the electric current thereon should automatically have been disrupted. Authorities manning such dangerous commodities have extra duty to chalk out measures to prevent such mishaps.

15.1 In the case of Shail Kumari [supra], the Hon'ble Supreme Court of India has also observed as under :-

8. Even assuming that all such measures have been adopted, a person undertaking an activity involving hazardous or risky exposure to human life, is liable under law of torts to compensate for the injury suffered by any other person, irrespective of any negligence or carelessness on the part of the managers of such undertakings. The basis of such liability is the foreseeable risk inherent in the very nature of such activity. The liability cast on such person is known, in law, as 'strict liability'. It differs from the liability which arises on account of the negligence or fault in this way i.e. the concept of negligence comprehends that the foreseeable harm could be avoided by taking reasonable precautions. If the defendant did all that which could be done for avoiding the harm he cannot be held liable when the action is based on any negligence attributed. But such consideration is not relevant in cases of strict liability where the defendant is held liable irrespective of whether he could have avoided the particular harm by taking precautions.

16. In Jay Laxmi Sal Works [P] Ltd. vs. State of Gujarat, reported in [1994] 4 SCC 1, the

Hon'ble Supreme Court of India has explained the jurisprudence of liability in torts and also the two principles, namely, 'strict liability' and 'fault liability' and thereafter, enumerated other circumstances which may fall in between 'strict liability' and 'fault liability'. It has been observed that injury and damage are two basic ingredients of tort. Although these may be found in contract as well but the violations which may result in tortious liability are breach of duty primarily fixed by the law while in contract they are fixed by the parties themselves. Further in tort the duty is towards persons generally. In contract, it is towards specific persons. An action for tort is usually a claim for pecuniary compensation in respect of damages suffered as a result of the invasion of a legally protected interest. The distinction between 'strict liability' and 'fault liability' arises from presence and absence of mental element. Once the occasion for loss or damage is failure of duty, general or specific, the cause of action under tort arises. It may be due to negligence, nuisance, trespass, inevitable mistake, etc. It may be even otherwise.

17. In *Municipal Corporation of Delhi, Delhi vs. Uphaar Tragedy Victims Association and others*, reported in [2011] 14 SCC 481, the Hon'ble Supreme Court of India has held that where life and personal liberty have been violated, the absence of any statutory provision for compensation in the statute is of no consequence. Right to life guaranteed under Article 21 of the Constitution of India is the most sacred right preserved and protected under the Constitution, violation of which is always actionable and there is no necessity of statutory provision as such for preserving that right. Article 21 of the Constitution of India has to be read into all public safety statutes, since the prime object of public safety legislation is to protect the individual and to compensate him for the loss suffered. Duty of care expected from State or its officials functioning under the public safety legislation is, therefore, very high.

18. The principle of strict liability has been considered by a Division Bench of this Court in *Kiron Das vs. State of Assam and others*, reported in [2014] 5 GLR 617. It has been observed therein that normally as a general rule, claims of compensation based on tortious liability are decided by way of private law remedy in the civil court of competent jurisdiction. But in a case of loss suffered because of admitted negligence in the discharge of statutory duty by a

public authority, there can be no bar to invoke the public law remedy and for a writ court to entertain a claim of compensation for such loss. Considering the public character of the duties carried out by the erstwhile ASEB and its successor companies, it cannot escape from the adverse consequence which may arise or occur in the discharge of its duties by applying the principle of strict liability. Examining the concept of strict liability and the decisions rendered by the Indian Courts including the Hon'ble Supreme Court, the Division Bench has observed that the concept of strict liability focuses on the nature of the defendant's activity rather than on any negligence. There are many activities which are so hazardous that it may constitute a danger to the person or property of another. The principle of strict liability is based on the proposition that one who undertakes such activities has to compensate for the damage caused by him irrespective of any fault on his part. Thus, in a case where the principle of strict liability applies, the party undertaking such activities has to pay damages for the injury caused to the victim even though the party may not have been at any fault.

19. In the case in hand, from of the above discussion, it has emerged that on 10.04.2018, the victim Late Kaishab Mani Brahma aged about 22 years, died in an electrical accident. It is not in dispute that the deceased met his death while he came in contact with live wire lying on the ground. The Electrical Accident Inquiry Report has pointed out that there is contravention of Regulation 12[1] and Regulation 69[3] of the Central Electricity Authority [Measures relating to Safety and Electric Supply] Regulation, 2010. As per the Death Certificate, the death of the deceased was caused due to cardiac failure as a result of high voltage electrocution. The APDCL being electricity distribution company is a public utility. The activities carried out by it are inherently dangerous in nature. Having noticed all the facts and circumstances and the pleadings of the parties, this Court has not found any disputed question of fact in the case in hand to disable this Court to determine the claim for compensation under public law remedy. From the fact situation obtaining in the case, as has been discussed above, the respondent APDCL authorities are found liable for the loss of the human life under the rule of strict liability. Consequently, they are liable to compensate the petitioner herein who has made a claim for compensation under the public law remedy for infringement of the right to life guaranteed under Article 21 of the Constitution of India.

20. The next issue is what should be the amount of compensation. The Board of Directors of the respondent APDCL authorities by an Office Memorandum dated 25.09.2017 had provided an uniform rate of Rs. 2.50 lakhs as the quantum of compensation, payable to the Next of Kin [NoK] of the victim in respect of fatal electrical accidents irrespective of the age of the victim and the said uniform rate of compensation came into force w.e.f. 01.04.2017. It has been laid down therein that the above amount compensation shall be disbursed by the Chief Executive Officer of the concerned Electrical Circle within 48 hours of the accident, based on the preliminary satisfaction of the field officers that a prima facie fault of the APDCL was established. Duty was also cast on the concerned officer in the APDCL to send notice and report of the electrical accident immediately to the Electrical Inspectorate, Government of Assam strictly in terms of the mandatory provisions contained in the Electricity Act, 2003 and the AERC Regulations. The Office Memorandum dated 25.09.2017 is succeeded by an Office Memorandum dated 07.11.2023. As per the Office Memorandum dated 07.11.2019, the Assam Electricity Regulatory Commission has notified the AERC [Compensation to Victims of Electrical Accidents] Regulations, 2019 [‘the Regulations, 2019’, for short] providing for a detailed procedure as well as the quantum of compensation payable for loss of human life/animal and also injury to human, where the accident is attributable to the fault/negligence of APDCL authorities. Regulation 9 of the Regulations, 2019 has provided that the right of any person to claim compensation as per the prescribed rate stated therein shall not affect the right of any such person to recover the compensation payable under any other law for the time being in force, provided that the amount paid as compensation under the Regulations, 2019 shall be duly deducted from such compensation payable under any other law, so as to avoid double payment by the licensee.

21. This writ petition has been preferred in the year 2018. It is not the case of the respondent APDCL authorities that the electrical accident resulting in loss of a human life was not within their knowledge. The Electrical Accident Inquiry Report submitted in respect of the electrocution case in hand has not been challenged in any manner by the respondent APDCL authorities under sub-section [2] of Section 162 of the Electricity Act, 2003 till date. From the facts that have emerged from the above discussion in respect of the accident, the respondent no. 5 had submitted his Electrical Accident Inquiry Report in respect of the fatal electrical

accident that had occurred on 10.04.2018. The procedure prescribed in all the above Office Memoranda had/has mandated that it was/is incumbent on the part of the respondent APDCL authorities to settle a claim of a fatal electrical accident within a prescribed period of time from the date of receipt of information about the same on the basis of the documents/records indicated therein. From the discussion here, it is clearly demonstrated that the settlement of claim in respect of the fatal electrical accident in the case in hand has not been settled expeditiously as indicated in the Office Memoranda [supra]. While the Office Memorandum dated 18.12.2017 had prescribed the period of settlement as 60 [sixty] days, the Office Memorandum dated 07.11.2019 has prescribed a period of 120 [one hundred twenty] days as the period of settlement from the date of occurrence of the event.

22. It is contended on behalf of the respondent APDCL authorities that as the fatal accident under reference had occurred in the year 2018, the compensation prevailing at that time would only be payable to the victim. As there is inordinate and inexplicable delay on the part of the respondent APDCL authorities in disbursal of the compensation amount fixed by its own norms to the family of the victim in the case in hand, this Court cannot subscribe to the said contention advanced on behalf of the respondent APDCL authorities as regards the quantum of compensation payable as per the Office Memorandum prevailing at that point of time. It is also noticed from the Office Memoranda [supra] that there has been periodical enhancements in the amounts payable for loss of human life. From such periodical enhancements in respect of the compensation amount itself, it is clearly discernible that the respondent APDCL authorities have themselves observed that due to various factors including the changes in the cost of living index, the rate of inflation, etc., there are needs for upward revision periodically in the compensation amounts for different kinds of electrical accidents after taking into account the relevant factors inasmuch as a reasonable amount of compensation at a particular point of time might not be reasonable at the later point of time. The respondent APDCL authorities have formulated the guidelines providing for compensation amounts for different hazards to victims of electrocution and it cannot be denied that disbursal of such compensation amount should be prompt and immediate to enable the victims and/or the victim's family to overcome the sudden loss and to deal with the untoward situation which have befallen on them suddenly due to such electrocution death which is

always unanticipated. In the event the disbursal of the compensation amount is not made immediately and there is delay in disbursal of the same, it is incumbent on the part of the authorities to offset the situation for the victims and/or victim's family by disbursal of the amount of compensation prevailing on the date of such disbursal. The above position is observed in Abdul Khaleque vs. The State of Assam and 3 [three] others, reported in 2022 [2] GLT 321. The principle that can be culled out from the decisions in Rathi Menon vs. Union of India, reported in [2001] 3 SCC 714, and N. Parameswararn Pillai and another vs. Union of India and another, reported in [2002] 4 SCC 306, is that relevance of date of incident is that the right to claim is acquired on such date and the compensation is to be assessed as per rules prevailing at the time of making the determination.

23. The Office Memorandum dated 07.11.2019 has prescribed an amount of Rs. 4,00,000/- for loss of human life. While prescribing the amount of Rs. 4,00,000/- as compensation, it has also been prescribed that in the event a claim is not settled within a period of 120 [one hundred and twenty] days from the date of occurrence of the electric accident, the delay in payment of compensation shall result in an additional interest of 12% per annum on the amount.

24. In the light of the above discussion, this Court holds that it is the compensation prescribed in the Office Memorandum dated 07.11.2019 which is payable in respect of the fatal electric accident under reference. Accordingly, the respondent APDCL authorities are directed to make payment of a compensation amount of Rs. 4,00,000/- to the petitioner along with an interest of 12% per annum on the said amount. Having due regard to the factual situation obtaining in the case in hand, it is directed that the respondent APDCL authorities shall calculate the interest at 12% per annum w.e.f. 19.01.2022 i.e. the date of submission of the Electrical Accident Inquiry Report by the respondent no. 5 and the same shall be paid to the petitioner upon his due identification within a period of 2 [two] months from the date of receipt of a certified copy of this order by the respondent APDCL authorities from the petitioner. Notwithstanding such payment, it would be open for the petitioner to pursue other appropriate remedy available to him under the law for further compensation.

25. With the observations made and directions given above, this writ petition is allowed to the extent indicated. There shall, however, be no order as to cost.

JUDGE

Comparing Assistant