

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.A. No. 29 of 2023

With

W.A. No. 30 of 2023

State of Manipur; & Ors.

Appellants

Vs.

Smt. Wonchui Makang

Respondent

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

ORDER

17.07.2024

Siddharth Mridul, C.J. :

Mr. S. Nepolean, learned Government Advocate, appears on behalf of the appellants; and Mr. Tungrei Ngakang, learned counsel, appears on behalf of the respondent.

The present writ appeals have been instituted on behalf of the Chief Secretary, Government of Manipur; Commissioner/Secretary (Power), Government of Manipur; and the Manipur State Power Distribution Company Limited (MSPDCL); assailing the order dated 10.06.2022 rendered by Hon'ble the Chief Justice Mr. Justice PV Sanjay Kumar (as he then was) sitting singly in Review Petition No. 7 of 2021 as well as the order dated 21.11.2019 passed by a learned Single Judge of this Court in Shri Ngatangmi Makang Vs. State of Manipur & Ors [W.P. (C) No. 408 of 2019]; whereby this Court whilst dismissing the aforementioned review petition, directed the State of Manipur as well as the Manipur State Power Company Limited (MSPDCL) to pay *ex gratia* compensation of Rs. 2,00,000/- (Rupees Two Lakh) to the original writ petitioner, Ngatangmi

Makang, whose late son, Master L.T. Thanso Makang died due to electrocution at Viewland Baptist Church on 20.12.2018; in terms of the directions issued by the learned Single Judge, earlier in the order dated 21.11.2019 passed in W.P. (C) No. 408 of 2019.

The solitary submission made on behalf of the appellants is that although the Government order dated 07.03.2018; provides for payment of *ex gratia* to every individual, who may meet with an electrical accident in his/her premises/houses due to their own negligence or due to failure of domestic appliances installed in their premises/houses and with no fault/negligence on the part of the Power Department; the condition precedent for grant of such *ex gratia* compensation, it is their submission, requires a finding of negligence/fault on the part of the Power Department.

As eruditely and succinctly stated by the learned Single Judge in the order dated 10.06.2022, the said order dated 07.03.2018 fixing the quantum of *ex gratia* payable to families of victims and owners of livestock in case of electrical accidents, does not speak of any negligence or fault on the part of the authorities as a condition precedent for grant of *ex gratia*.

Further, as lucidly elaborated by the learned Single Judge;

“That apart, the meaning of *ex gratia* literally is: ‘given or done as a gift or favour, not because there is a legal duty to do it’ (see Oxford Advanced Learner’s Dictionary, 8th Edition). Similarly, *Black’s Law Dictionary, 10th Edition*, defines *ex gratia* to mean ‘made as a favour or gift, and not because of any legal duty; not legally necessary and *ex gratia* payment as a payment not legally required.”

Axiomatically, articulated by the learned single Judge in the impugned order dated 10.06.2022, payment of *ex gratia* is not owing to any 'legal liability' arising out of negligence, carelessness or fault and it is more in the nature of a concession based on the moral obligation of a Welfare State to provide succour to the bereaved family or to the victim, if still surviving.

In this view of the matter, the argument unsuccessfully canvassed on behalf of the Manipur State Power Distribution Company Limited (MSPDCL) before the learned Single Judge to the effect that there was no fault or negligence on the part of the State for the electrical accident, which caused the death of the petitioner's son and that there is no consequential liability to pay *ex gratia*, is devoid of merit and cannot be countenanced.

In view of the foregoing, we find no grounds to take a view different from that taken by the learned Single Judge while allowing the writ petition *vide* the said order dated 21.11.2019 or the Hon'ble Chief Justice (as he then was) sitting singly in the review petition *vide* order dated 10.06.2022, the present writ appeals are accordingly dismissed.

Resultantly, the Registry is directed to release the amount of Rs. 2,00,000/- (Rupees Two Lakh) deposited on 06.04.2023 in favour of the Registrar General, High Court of Manipur, by Cheque No. 127603 dated 27.03.2023, issued by the Managing Director, MSPDCL, to Smt. Wonchui Makang, the respondent herein, forthwith.

JUDGE

Sandeep

CHIEF JUSTICE