

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14719 of 2018

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Hira Devi Wife of Late Shravan Kumar @ Shravan Ray, resident of Village-
Dumariya, P.O.- Anandpur, P.S.- Bihta, District- Patna, Bihar, do hereby
solemnly affirm as state as follows-

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Enquiry Department
2. The Chairman, Bihar State Electricity Board, Patna- 1.
3. The Secretary Bihar State Electricity Board, Patna- 1.
4. The Electric Executive Engineer, Bihta, Patna, Mobile No. 7763814193.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Ballabh Singh
For the Respondent/s : Mr.Rajiv Ray- Gp- I

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 28-11-2019

Heard the learned counsel for the parties.

The petitioner has approached this Court for a
direction to the respondents to make payment to the
petitioner an amount of Rs. 15 lakhs as *ex gratia* payment
for compensating the death of her husband *viz.* late
Shravan Kumar @ Shravan Ray, who died because of
electrocution.

It is the case of the petitioner that her late
husband died because of being electrocuted as there was a
damaged electric wire crossing through the road which led



to the house of the deceased. An FIR also was lodged in that regard.

The claim of the petitioner has been rejected on the ground that there is no 11 KV transformer near the house of the deceased and perhaps the electrocution was because of the deceased having undertaken a misadventure of mending the damaged electric wire himself, without having any knowledge about the same.

It appears from the records that on the demand of the petitioner for payment of *ex gratia* amount as compensation for death occurring due to electrocution, it was found that there was some breakage in the wire in the house of the deceased, which was attempted to be repaired by him only. In the meantime, he got electric shock and could not survive such shock.

The enquiry report further reveals that there is no 11 KV infrastructure near his house and no wire crosses through even the road leading to the house of the deceased by which transmission of electric energy is done.



The report therefore clearly establishes that the deceased had tried to mend the broken domestic wire and accidentally got electric shock leading to his death. As a result of the aforesaid enquiry report, the claim of the petitioner for *ex gratia* payment was rejected *vide* order dated 26.11.2018.

Learned counsel for the petitioner has tried to demonstrate before this Court that she is entitled to compensation in view of the enactment of "Compensation to victims of Electrical Accidents Regulation, 2018" which regulation has been gazetted. The assessment of compensation has not been done in a correct manner and though an enquiry report has been submitted but the same has not been conducted properly. It has further been submitted that the rejection of the claim of the petitioner is based only on a report by a functionary of the respondent, which report was ultimately based on some hearsay information collected from the neighbourhood. No proper enquiry was made and in a cavalier fashion, the claim of



compensation of the petitioner for the death of her husband has been rejected.

Learned counsel for the respondent, however, has submitted that the report is in consonance with the procedure prescribed in the Regulation referred above and the petitioner has the opportunity of challenging the order of rejection of the claim, before the Managing Director of the company.

Regard being had to the financial status of the petitioner, the information regarding the death of the deceased immediately after the electrocution and that there being no dispute with respect to death because of electrocution, this Court directs that in case, an appeal against the order impugned in this petition is preferred before the Managing Director within a period of four weeks, the same shall be disposed of by looking at all the facts in a holistic manner and assessing the claim of *ex gratia* payment in the spirit for which the Regulation has been enacted in the year 2018. If such an appeal is filed



before the Managing Director, Bihar State Electricity Board, Patna, the same shall be disposed off within a period of ninety days with a reasoned order.

With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.11.2019
Transmission Date	

