

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.25470 of 2017

B.Rani

.. Petitioner

-vs-

1.The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai-600 002.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
No.39/5, Kodambakkam High Road,
Chennai-34.

3.The Executive Engineer
(Operation and Maintenance),
Egmore - Chennai District Circle,
Tamil Nadu Electricity Board,
No.47, Malaiappan Street,
Pulianthope, Chennai-12.

4.The Asst. Executive Engineer,
(Operation and Maintenance),
Egmore - Chennai District Circle,
Tamil Nadu Electricity Board,
No.47, Malaiappan Street,
Pulianthope, Chennai-12.

5.Harikrishnan
S/o.Kalidoss

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to pay sum of Rs.20,00,000/- (Rupees Twenty Lakhs) towards compensation along with interest @ 12% p.a. from the date of occurrence till realisation.

For Petitioner : Mr.B.Srinivasan

For Respondents: RR1 to 4 - Mr.P.R.Dhilipkumar

: R5 - Mr.R.Abhinandan &
Mr.E.Amul Prakash

ORDER

This writ petition has been filed by one B.Rani claiming compensation of a sum of Rs.20 lakhs on account of the death of her son B.Parthasarathy, who died due to electrocution while in the process of ironing his clothes in the residence which has been taken on rent by the petitioner and her son late B.Parthasarathy from the 5th respondent, the house owner.

2.The question would be whether a Writ Court can order compensation in such cases. There have been several decisions on this point where the Court has issued directions and directed payment of compensation by the Electricity Board where it had been established that death or injury is on account of electrocution and there was prima facie material to show that the electrocution was on account of either snapping of the wire or falling of the wire, etc. In all those cases, the death had occurred on account of snapping of a wire or exposure of an electrical cable in a public place.

3.The only distinguishing feature in the instant case is that electrocution has occurred in the residential premises where the petitioner and her son were residing on rental basis. In such circumstances, can this Court direct compensation to be paid. The petitioner has claimed a sum of Rs.20 lakhs as compensation. The petitioner would state that her son was about 30 years old and he was working as a cleaner in the Greater Chennai Corporation having been appointed on compassionate ground, as the petitioner's husband K.Balakrishnan died in harness. The appointment was given to the petitioner's son on 01.09.2015. Apart from that, the petitioner would contend that the marriage of her son has been fixed and was scheduled to be performed on 03.02.2017. On the fateful day, i.e. On 05.10.2016 there was a power cut in the entire building premises which consists of 18 dwelling units, namely, row houses.

4.The petitioner alleges that the 5th respondent being the owner of the residential premises without informing the electricity charges engaged his private electrician to restore

This is violation of Reg 12(1) & 35(7) of CEA(MSES) Regulations 2010.

3. The above said circuit is for feeding the plug points and there is no ELCB protection for the above circuits.

This is violation of Reg 42 of CEA(MSES) Regulations 2010

4. When the victim has inserted the plug meant for the iron box into the socket and switched it 'ON', due to absence of protection against over load, short circuit and earth leakage the victim may have got electrocuted. Further the Electric iron box which the victim used was generally in order and earth continuity was intact for the electric iron box.

The report of Asst. Electrical Inspector is enclosed herewith.

For Electrical Inspector,
Chennai North Division

Enclosure: Inspection report

Sd./-

உதவி ஆய்வாளர்

G/1, வேப்பேரி காவல் நிலையம்,
(சட்டம் மற்றும் ஒழுங்கு)

சென்னை - 600 007."

6. The above report would evidently reveal that there were serious irregularities in the manner in which the main switch board was maintained. The relevant regulations which have been violated have been pointed out in the report. The question would be that if there are above violations, who should be responsible for the same. Probably the Electricity Board would say that the 5th respondent being the owner of the premises would be responsible. However, there is a more onerous duty cast upon the Electricity Board because when they come for inspection of the premises for noting down the electricity consumption for calculating the charges to be paid obviously, the officials of the respondent Board would be inspecting the premises. In fact the visit to the premises of a consumer serves two purposes.

One is to observe whether the electrical installations are in order and kept in an appropriate manner and whether there is any tampering, etc.

The second aspect is to record the consumption to charge the consumer.

Therefore, had the authorities of the respondent Board who are engaged in the process of calculating the electricity consumption charges had made a proper visit to the premises, checked the installation, the above defects pointed out by the Electrical Inspector would have come to light much earlier and probably would have averted the incident and the petitioner

would not have lost her son. Therefore, this Court is of the view that an interim compensation can be paid to the petitioner who herself is a single person with no other assistance, her husband having passed away earlier and now her only son also having passed away. Therefore, this Court is of the view that a sum of Rs.3 lakhs [Rupees Three Lakhs only] would meet the ends of justice as interim compensation and this shall be paid by the respondent Electricity Board to the petitioner within a period of two months from the date of receipt of a copy of this order.

7. With regard to the remaining amount which the petitioner has prayed for, this Court grants liberty to the petitioner to approach the appropriate forum for claiming such compensation and establish the case on merits and in accordance with law.

With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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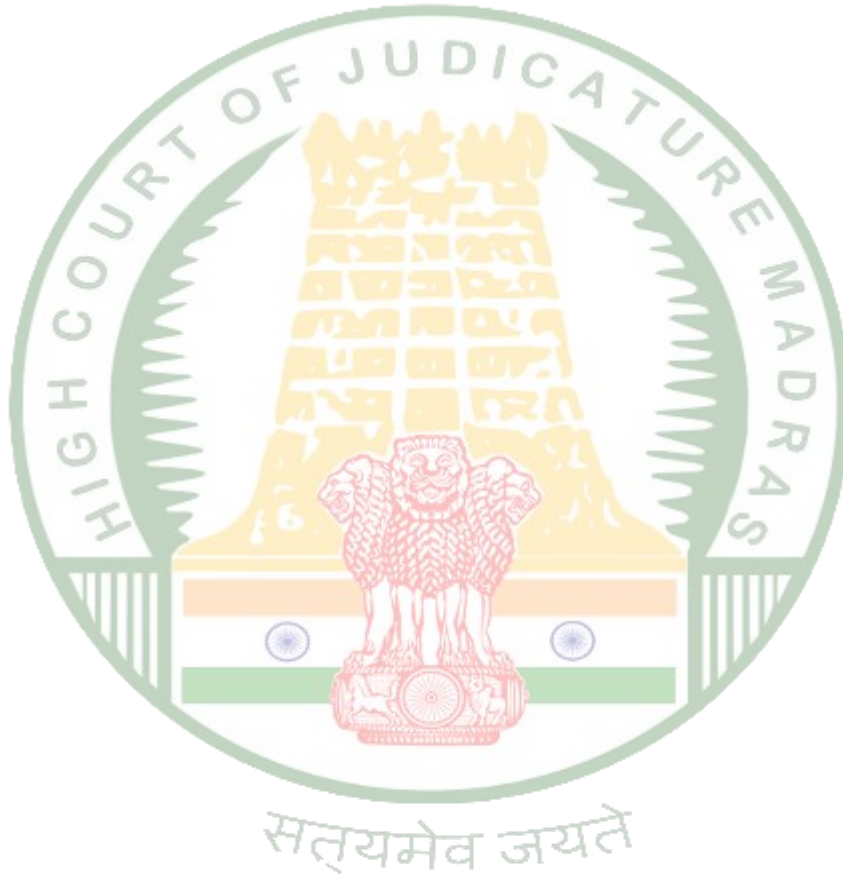
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+2cc to M/s.B.Srinivasan, Advocate SR.103566
+1cc to M/s.P.r.Dhilipkumar, Advocate SR.103756
+1cc to M/s.E.Amul Prakash, Advocate SR.104222

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CP (CO)
CB (07/02/2020)



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