

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.5637 OF 2019

Dated:19.03.2019

Between:

Bathula Ramulu, S/o. S/o. Sayanna,
Aged about 50 years, R/o.H.No.1-47/2,
Lingampet Village, Nazamabad District

.. Petitioner

And

Hindustan Petroleum Corporation
Limited, rep., by its Deputy General
Manager – LPG (A Government of India
Enterprise), registered office 17,
Jamshedji Tata Road, Mumbai and another

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for Hindustan Petroleum Corporation Limited appearing for the respondents.

2. Petitioner contends that he is tenant of premises bearing House No.1-47/2, Lingampet Village, Nizamabad District. He obtained L.P.G. Gas connection with consumer No.601014 from Gayatri Agencies, Yellareddy Mandal. On 03.08.2016 at about 5:00 P.M. while replacing the exhausted gas cylinder with new cylinder and affixing the regulator, gas suddenly leaked from the new gas cylinder, spread over the house, gas cylinder burst and house was damaged. The entire household articles such as Television, Fridge, silk cloths and other costly items including cash got damaged. On a complaint given by the petitioner, crime was registered on 04.08.2018. According to petitioner, the said accident occurred due to defective gas cylinder and therefore the respondent – Company is liable to pay compensation. According to him, on the date of incident, panchanama was conducted by the Deputy Tahsildar and he has made a tentative assessment of the loss caused. By this Writ Petition, petitioner prayed that he should be paid compensation by the respondent – Company.

3. Having regard to the facts noted above, what is required to be noticed is, firstly it should be established that there was negligence by the respondent – Company in supplying defective gas cylinder resulting in leakage and secondly about the loss caused.

He placed reliance on the panchanama, which cannot be the basis to determine the loss caused, in the absence of the respondent – Company. Petitioner is aggrieved by the deficiency in service by supplying defective gas cylinder resulting in leakage and causing damage to the household articles. Claiming to award compensation/damages, petitioner ought to have availed appropriate remedy as available in law.

4. Thus, leaving it open to the petitioner to avail the civil law remedy seeking compensation for the alleged loss caused to him, the Writ Petition is dismissed. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:19.03.2019

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P. NAVEEN RAO, J

