

AD. 91.
November 24, 2021.
MNS.

(Through Video Conference)

WPA No. 14413 of 2021

Aleknur Bewa and others
Vs.
The West Bengal State Electricity Distribution
Company Limited and others

Mr. Rudranil De,
Mr. Ziaul Haque

... for the petitioners.

Mr. Srijan Nayak,
Ms. Rituparna Maitra

...for the WBSEDCL.

Learned counsel for the petitioners contends that upon the death of the predecessor-in-interest of the petitioners and consequential medical treatment due to electrocution of the petitioners, a paltry amount of Rs. 50,000/- (Rupees fifty thousand) only was initially granted as compensation by the WBSEDCL.

The petitioners moved this Court by filing WP No. 23688(W) of 2012, which was disposed of by a co-ordinate Bench vide order dated December 18, 2012, by which the authorities were directed to consider the application of the petitioners for further compensation, in lieu of medical expenses, pursuant to the 2005 Rules.

It is contended by learned counsel for the petitioners that the scope of the said writ petition was different and, as such, the said order does not debar the petitioners from claiming interest from the period

between 2009 and 2013, during which period the additional compensation of Rs.50,000/- (Rupees fifty thousand) was not paid.

Learned counsel appearing for the WBSEDCL controverts such contentions and submits that the initial order and the subsequent order of the revised compensation were duly communicated to the petitioners and, as such, there have been no laches on the part of the WBSEDCL in that regard.

It appears from the order dated December 18, 2012 that the petitioners had specifically contended the compliance of the 2005 Rules.

Although, at that juncture, the additional amount of Rs.50,000/- (Rupees Fifty thousand), in lieu of medical expenses, had not been given to the petitioners, the said decision was taken only subsequently by the WBSEDCL, pursuant to the order of the co-ordinate Bench dated December 18, 2012.

As such, the liability of the WBSEDCL to pay such amount arose only upon final adjudication pursuant to the order dated December 18, 2012 and the right of the petitioners to get such amount crystallized after such final adjudication. Since the said adjudication was duly communicated to the petitioners, I do not find any fault on the part of the WBSEDCL in the petitioners having not accepted such additional amount till date.

As such, there is no scope for interference in this writ petition.

Accordingly, WPA 14413 of 2021 is disposed of by directing the WBSEDCL to disburse the amount of compensation to the petitioners, as finally decided by the WBSEDCL, upon the petitioners approaching the said authorities to accept such compensation, positively within three months from such approach being made, upon being satisfied regarding the identity of the petitioners.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)