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24.12.2021.
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 18861 of 2021

Pratap Pal

-vs.-

State of West Bengal & Ors.

Mr. Gouranga Kumar Das,
Mr. Sandip Kumar Mondal,
Mr. Kanailal Dutta
...for the petitioner

Mr. Tapas Kumar Adhikary,
Mr. Nara Narayan Ganguly
... for the State

Mr. Sumit Ray
... for the WBSEDCL

Learned counsel for the petitioner contends that the petitioner has already intimated to the Distribution Company as regards the predecessor-in-interest of the petitioner having expired due to electrocution. However, the Distribution Company has not yet taken adequate steps for grant of compensation to the petitioner.

Learned counsel appearing for the petitioner files a supplementary affidavit indicating the details of the location at which the unfortunate incident happened. Such affidavit be kept on record.

Learned counsel appearing for the Distribution Company submits that the intimation given to the Distribution Company was belated, that is, about five

years after the date of occurrence of the incident. However, learned counsel submits that, within the purview of Section 161 of the Indian Electricity Act, 2003 the appropriate Government is to be approached and, if so approached, the Government shall, if it thinks fit, require any electrical inspector, or any other person appointed by it in this behalf to enquire and report, as envisaged under Section 161(2)(a) and (b).

Learned counsel appearing for the petitioner submits that the petitioner has already written in that regard to the State Government.

Learned counsel for the State of West Bengal submits, in his usual fairness, that the formalities regarding such inspection shall be completed at the earliest.

Accordingly, W.P.A. No. 18861 of 2021 is disposed of by directing the State-respondents to make adequate arrangements for appointment of a person, as envisaged under Section 161(2) of the Indian Electricity Act, 2003, for the purpose of ascertaining the components as indicated in Section 161(2) of the 2003 Act, vis-à-vis the application for compensation made by the petitioner.

Upon completion of such exercise, the appointee, whether Electrical Inspector or any other person, of the State Government, shall submit a report to the Distribution Company for the purpose of

assessing the quantum of compensation by the Distribution Company, within four weeks from date, if the necessary yardsticks under Section 161 of the Electricity Act are met.

All parties shall act on the written communication of the learned advocates for the parties, accompanied by server copies of this order, without insisting upon prior production of a certified copy thereof.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)