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05.05.2022.
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 6313 of 2022

Smt. Deblina Rakshit
-vs.-
The State of West Bengal & Ors.

Mr. Anisur Rahman,
Mr. Maidul Islam Kayal
...for the petitioner

Ms. Jhuma Chakraborty,
Mr. Aritra Ghosh
...for the State

Mr. Srijan Nayak,
Ms. Rituparna Maitra
...for the WBSEDCL

Affidavit-of-service filed in Court today be kept
on record.

Learned counsel appearing for the petitioner
contends that, the husband of the petitioner met his
demise while saving another person from getting
electrocuted. As such, the petitioner has applied for
adequate compensation from the WBSEDCL, that is, the
Distribution Licensee in the present case.

Learned counsel appearing for the WBSEDCL
contends that the said Distribution Licensee has
considered the issue and, vide Office Order No.146
dated September 30, 2021, came to the conclusion post-
enquiry that the accident which led to the demise of the

petitioner's husband was not due to any system defect nor any involvement of any person in association with the the licensee, but it was a case of use of property of the licensee by general public for their personal gain in an unsafe way and without any consent of the licensee, endangering general public.

The appropriate remedy of the petitioner would ordinarily be before a competent civil court, since evidence on facts might be required to be taken for the purpose of deciding the dispute between the WBSEDCL and the petitioner. However, in view of the financial condition of the petitioner, who is a day labour, such resolution of the matter by the civil court would go to the detriment of the petitioner rather than benefit her, due to the apprehended time and resources which will be consumed due to pendency of the matter before the civil court.

Accordingly, W.P.A. No. 6313 of 2022 is disposed of by directing the respondent no. 7, that is, the District Magistrate, Bankura to decide the dispute regarding the liability for payment of compensation for the death by electrocution of the petitioner's deceased husband and, upon giving adequate hearing to all concerned, to come to a conclusion on the basis of the enquiry or materials, as deemed necessary by the respondent no. 7, as expeditiously as possible, preferably within two months from date.

Thereafter, the District Magistrate shall communicate her/his decision to the petitioner and/or all concerned parties through her/is office and take appropriate steps to ensure that, if the petitioner is entitled to any compensation, she gets it expeditiously.

This Court has not gone into the merits of the dispute between the WBSEDCL and the petitioner regarding such liability and/or quantum of compensation while passing this order.

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.)