

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30683 OF 2022

Jiren Munda and others* *Petitioners

Mr. Mukunda Chandra Mishra, Advocate

-versus-

State of Odisha and others* *Opp. Parties

Mr. Baibaswata Panigrahi,
Additional Standing Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA**

ORDER

14.12.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this writ petition pray for a direction for releasing of compensation for death of their father, namely, Suleman Munda due to electrocution.
3. Mr. Mishra, learned counsel submits that father of the Petitioners had died on 4th September, 2013 due to electrocution and a report was lodged before the Barbil Police Station, Keonjhar vide U.D F.I.R. No.18 of 2013 corresponding to G.R. U.D. No.105 of 2013 on 4th September, 2013. Subsequently, the Petitioners made an application before the Odisha Electricity Regulatory Commission on 6th September, 2022, which was forwarded to the Tata Power North Orissa Distribution, Januganj, Balasore on 1st November, 2022 for taking proper action as per the rule. It is contended that in spite of the same, no step has been taken by the TPNODL for payment of compensation. Hence, this writ petition has been filed.

4. The Odisha Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2020 (for short 'the Regulation') clearly stipulates that the Petitioners have to make an application in Form-II of the said Regulation to the Licensee/Generating company for compensation. However, Clause (11) of the said regulation clearly provides that if the claimant is aggrieved with regard to the entitlement of compensation or quantum of compensation in accordance with rules or non-redressal of his grievance, he may file an appeal before the Secretary, Energy Department, Government of Odisha.

5. Mr. Mishra, learned counsel, however, submits that the Petitioners made an application to the Secretary, OERC, which is neither the Licensee nor the Generating company. Thus, the Petitioners are required to make an application in proper format to the Licensee for compensation. That having not been done, the prayer made in this writ petition cannot be entertained.

6. In view of the above, this Court disposes of this writ petition with an observation that the Petitioners, if so advised, may approach the Licensee in Form-II of the Regulation for redressal of their grievance.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

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