

15 23.08.2023  
RP Ct. No. 01  
AN

MAT 1171 of 2023  
with  
IA No. CAN 2 of 2023

West Bengal State Electricity Distribution Company Ltd.  
Vs.  
Raju Sekh & Ors.

Mr. Sumit Kr. Panja  
Mr. Sumit Roy

... For the Appellant

Mr. Sk. Md. Galib  
Ms. Tanwishree Mukherjee

... For the State.

Mr. Abhimanyu Banerjee  
Mr. Atanu Ghosh

... For the Respondent.

1. This intra Court appeal is directed against the order dated November 22, 2022 passed in WPA No. 5087 of 2018 .

2. After elaborately considering the submissions made on behalf of the learned counsel for the parties, we are of the view that the order passed by learned Single Bench holding that the writ petitioner is eligible to get compensation for the death of his minor son aged about 11 years who died due to electrocution, the reasons assigned by the Hon'ble Single Bench are perfectly justified taking note of the facts and circumstances of the case and the same does not call for any interference. Therefore, the findings recorded by the learned Single Bench are affirmed. So far as the directions issued in paragraph 42 of the impugned order is concerned, we are of the view that by directing the multiplier method which is applied while

assessing the compensation under the Motor Accident Claim Cases is to be adopted by the Distribution Company and thereafter to be intimated to the writ petitioner will be a time consuming process, considering the age of the deceased who was 11 years old and also taking note that the claimant namely the writ petition father is an agricultural labour, we are of the view that a sum of Rs. 5 lakhs would be just and proper for compensation.

3. Learned counsel for the appellant would submit that even as per the policy of the Distribution Company in cases of death by electrocution, a sum of Rs. 5 lakhs is given as compensation though they initially sought to contest the appeal on merits. When the suggestion was put to the learned counsel for the respondent/writ petitioner, learned counsel, on instruction, readily agreed to accept the amount of Rs. 5 lakhs against all claims of the writ petitioner against the appellant Distribution Company towards the claim for compensation of the death of his son due to electrocution.

4. In the result, while affirming the findings recorded by the learned Single Bench, the order and directions issued in paragraph 42 of the impugned order is modified by directing the Electricity Distribution Company to pay a sum of Rs. 5 lakhs to the respondent/writ petitioner within a period of three weeks from the date of receipt of the server copy of this order. Needless to state that if the writ petitioner seeks for higher compensation, it will be well open to the writ petitioner to approach the

appropriate forum and seek for appropriate relief.

5. Upon compliance, liberty is granted to the learned counsel for the appellant to mention before the learned Single Bench where the contempt application is pending.

6. In the result, the appeal and the connected application stand **disposed of**.

7. After we have dictated the order, learned counsel for the appellant prayed for four weeks time for compliance of the above directions. Such prayer is allowed and the time for compliance is fixed for four weeks from date.

**(T. S. Sivagnanam)**  
**Chief Justice**

**(Hiranmay Bhattacharyya, J.)**