

24.06.2024
Sl. No.55(DL)
srm

W.P.A. No. 2166 of 2024

Budhu Mondal & Ors.

Versus

**West Bengal State Electricity Distribution
Company Limited & Ors.**

Mr. Prosenjit Mukherjee,
Mr. Arghya Kamal Das,
Mr. Samrat Banerjee

...for the Petitioners.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

...for the WBSEDCL.

Mr. Jagabandhu Roy,
Mr. Himadri Kumar Mahata

...for the State-respondents.

1. Affidavit-of-service is taken on record.
2. The petitioners allege that the West Bengal State Electricity Distribution Company Limited wrongly rejected the claim of the petitioners. The petitioners rely on several documents in support of their contention that the victim had died as a result of being electrocuted from the service cable when he was repairing the tin shed of his '*kaccha*' house.
3. It appears that the Additional Chief Engineer and Zonal Manager, Berhampore Zone rejected the prayer for

compensation on the ground that the accident occurred due to negligence and ignorance of the victim. The victim was in the process of repairing the tin shed. He interfered with the system of the distribution company and carelessly cut open the cable. This resulted in electrocution.

4. It appears that the Deputy Chief Electrical Inspector, West Bengal, has issued a notice to the Regional Manager, West Bengal State Electricity Distribution Company Limited on March 28, 2024 calling the authority for a hearing.
5. As the Deputy Chief Electrical Inspector, West Bengal has already called the representative of the distribution company for a hearing for an enquiry in terms of Section 161 of the Electricity Act, 2003, the writ petition is disposed of directing the said Deputy Chief Electrical Inspector, West Bengal to make the necessary enquiry in presence of the petitioners and the distribution company. The enquiry report shall be provided to the parties. The parties will deal with the report. Thereafter, the parties will be at liberty to proceed in accordance with law.
6. The petitioners will be at liberty to raise their grievances. The WBSEDCL shall also be entitled to make necessary

submissions before the authority and produce records.

Thereafter, the hearing shall be given to the parties and a reasoned order shall be passed.

7. If the enquiry reveals that the finding of the Additional Chief Engineer and Zonal Manager, Berhampore Zone was incorrect, in that event necessary orders for compensation shall also be passed in accordance with law.
8. The entire exercise shall be completed within a period of three months from date.
9. The order already passed shall be used as the opinion of the distribution company, but shall not influence the enquiry proceeding.
10. All points to be raised by either of the parties is left open.
11. The writ petition is, thus, disposed of.
12. There shall be no order as to costs.
13. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)