



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

138 CIVIL APPLICATION NO.13713 OF 2024
IN RAST/38732/2023

KALPANA GAJANAN LAKHE

VERSUS

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD
THROUGH ITS ADMINISTRATIVE HEAD AND ANOTHER

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WITH
REVIEW APPLICATION (STAMP) NO.38732 OF 2023

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Mr. V. B. Dhage, Advocate for Applicant.
Mrs. P. R. Bharaswadkar, AGP for Respondent/State.
Mr. P. B. Paithankar, Advocate for Respondent Nos.1 and 2.

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CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.

DATE : 16 DECEMBER 2024

ORDER :

. Civil Application No.13713 of 2024 has been filed for condonation of delay in filing the review application. Even in absence of the respondents, by taking liberal view, delay can be condoned.

2. Review application has been filed, as interest was not granted on the amount which was directed to be paid by the respondents.

3. The facts giving rise to the petition were that the husband of the petitioner expired due to electrocution. The petitioner was claiming that as per the circular dated 20.11.2008, the amount of compensation was fixed and in case of death irrespective of age and capacity of earning, it was Rs.2,00,000/-. Thereafter, the said amount came to be increased by circular dated 09.03.2016 to Rs.4,00,000/-. These factors were considered and also relying upon the other decisions and Section 161 of the Indian Electricity Act, 2003 and taking note of the decisions in ***Rathi Menon Vs. Union of India, [AIR 2001 SC 1333]*** and ***N. Parmeswaran Pillai Vs. Union of Indian and another, [AIR 2002 Supreme Court 1834]***, we hold that the legal representative of the deceased, though had claimed compensation of Rs.2,00,000/-, but in the meantime when the Central Government had enhanced the amount of compensation, then the petitioner would be entitled to get the compensation at the enhanced rate. It was the fixed amount that was to be given as per the circular. We had also observed that the petitioner can approach to Civil Court for getting compensation for any tortuous act of the company, however, it will not be relating to implementation of the circular. When the writ petition was

restricted to the implementation of the circular, then the question of interest was not involved. There is no question of review in this case. Hence, the following order :-

ORDER

- I) The delay stands condoned.
- II) Civil Application No.13713 of 2024 stands allowed and disposed of.
- III) Review Application stands dismissed.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm