

THE HON'BLE SRI JUSTICE M. GANGA RAO

Writ Petition No.23290 of 2020

ORDER

This writ petition, under Article 226 of the Constitution of India, is filed seeking the following relief/s:

“...to issue a Writ in the nature of Writ of Mandamus or an appropriate writ or order or direction to the respondents herein, holding that the action on the part of the respondents in not paying statutory minimum compensation for the death of her son Rajamahendrarapu Durga Babu due to “Electric Shock” on 29.10.2017 as per the orders of APEPDCL, Visakhapatnam issued E.O.O (CGM/O&CS) Ms.No.180, dated 18.10.2017, even after lapse of considerable time as illegal, arbitrary and violation of fundamental rights guaranteed under the Constitution and consequently direct the respondents to dispose of the grievance of the petitioner and to pay exgratia relief to the petitioner herein, within a time bound period and pass such other order or orders...”

Heard Sri Hari Kishan Kudikala, learned counsel for the petitioner, and Sri Metta Chandrasekhar Rao, learned standing counsel appearing for the respondents. Perused the material on record.

The case of the petitioner is that, on 29.10.2017, her son namely Rajamahendrarapu Durga Rao, while cutting grass with sickle on the bund of fish pond, incidentally cut the supply line of elevators and met with fatal electric shock and died instantaneously. The said accident is a non-departmental fatal accident. Police also registered a case in Crime No.102 of 2017, and conducted inquest. In the postmortem report, the medical officer opined that the cause of death is ‘cardio pulmonary arrest secondary to electrocution. The petitioner approached the concerned authorities several times for payment of ex-gratia/compensation, but in vain. Therefore, the petitioner submitted representation by way of a legal notice, dated 20.07.2020 to the respondents. In spite of receipt of the said notice, no action is taken by

the respondents. Hence, assailing the inaction of the respondents to pay the compensation, this writ petition is filed.

Learned counsel for the petitioner submits that as per standing orders *vide* E.O.O.(CGM/O&CS) Ms.No.180, dated 18.10.2017 issued by the Chairman & Managing Director, Eastern Power Distribution Company of AP Limited, Visakhapatnam, an amount of Rs.5,00,000/- shall be paid towards compensation for loss of non-departmental person, who died due to electrocution. Further, as per the provisions of the Electricity Act, 2003, the Government of Andhra Pradesh/APERC notified minimum compensation of Rs.5,00,000/- to the bereaved family in case of non-departmental fatal electrical accidents *vide* the Andhra Pradesh Electricity Regulatory Commission Compensation to Victims of Electrical Accidents Regulation, 2017 (Regulation No.2 of 2017). Therefore, the respondents are under an obligation to pay the compensation amount of Rs.5,00,000/- to the petitioner for loss of her son as a result of electrocution. Learned counsel would also submit that the erstwhile High Court of Andhra Pradesh and the common High Court, in similar set of facts and circumstances, directed the electricity authorities to consider the case of the parties for payment of compensation. Non consideration of the representation, by way of legal notice, of the petitioner for payment of ex-gratia/compensation as per the standing order and earlier orders of the High Court is illegal and arbitrary.

Learned sanding counsel submits that for quantifying the compensation, the petitioner has to approach the civil Court.

The said contention is untenable. For payment of ex-gratia and other benefits under the schemes, public law remedy is available before this Court.

Having regard to the facts and circumstances of the case, submissions of both the counsel and on perusal of the material record, this Court, in the

interests of justice, felt it appropriate to dispose of the writ petition directing the respondents to consider the representation, submitted by the petitioner by way of legal notice, in terms of Regulation No.2 of 2017 of the Andhra Pradesh Electricity Regulatory Commission, for payment of ex-gratia within a period of six weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

09.12.2020
Vjl

M.GANGA RAO, J

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