

09.01-2024

Perused the complaint of Rajkumari Devi and Ramadhin Mahto @Ramadhin Prasad who happens to be parents of deceased Shivpujan @ Shivam Kumar. It is alleged in the complaint that because of negligence and fault on the part of the South Bihar Power Distribution Company Limited, Patna, Shivpujan @ Shivam Kumar died of electrocution on 22-08-2022. They claimed compensation of ₹ 10,00,000/- (Ten Lacs) with interest.

2. Upon noticing the respondents, report has been filed refuting the claim by the Deputy General Manager of the South Bihar Power Distribution Company Ltd., Patna. Reliance is placed by the respondents on recommendation of the compensation committee for rejecting the claim. The Compensation Committee on 28-08-2021 had recommended that upon investigation , it was found that deceased Shivpujan gone for easing himself at about 08:00 P.M of 22-08-2020 and came in contact with live electric wire laid by one Arjun Mahto around the agricultural field.

3. It is not in dispute that Shivpujan died because of Neurocardiogenic shock caused by electrocution. This is the finding of the Autopsy Surgeon on conducting post-mortem examination of the dead body. The report of the respondent accepts this fact.



4. The only question which arises for determination is whether this death was caused by the fault or negligence on the part of South Bihar Power Distribution Company Ltd. , Patna or is an accident . According to the this electric supply company deceased Shivpujan accidentally touched live electric wire laid on eastern side of his field by one Arjun Mahto, unauthorisedly. Therefore, the Electric Supply Company is contending that the fault lies elsewhere and therefore, it is not liable to pay of compensation.

5. This contention of South Bihar Power Distribution Company Ltd., Patna is totally misconceived and unacceptable. It a duty of this Electric Supply Company to see that the supplied electricity is not unauthorisedly used by drawling electric current illegally at public places by unscrupulous elements of the society. It is duty of the Electric Supply Company to see that the electric supply is not misused for causing danger to the life of the residents and citizens at public places. Had the Electric Supply Company kept proper supervision and watch on its supply lines for preventing unauthorised drawl of electricity for illegal purposes , death of Shivpujan Kumar would have been averted. The Electric Supply Company failed to prevent unauthorised use of electric power supplied by it which is dangerous thing for human life. Hence, it can not escape the tortuous liability to pay of compensation on account of death human being by electrocution under the doctrine of the strict liability.

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Nothing is pointed out by the respondents as to what action was taken by it against Arjun Mahto in this regard .

6. In this view of the matter respondent the Managing Director of South Bihar Power Distribution Company Ltd., Patna as well as the Electric Inspector of that company are jointly as well as severally liable to pay of compensation to the complainants which is modestly quantified at ₹ 4,00000/- (four lacs) within the period of one months from the date of communication of this order failing which it shall carry interest at the rate of prescribed by Interest Act. This recommendation be forwarded to all respondents including the respondent the Principal Secretary, Energy Deptt. Govt. of Bihar, Patna for compliance. The complaint stands disposed of, accordingly.

  
(Ananta Manohar Badar)  
Chairperson