

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION  
BHOPAL**

**Sub: In the matter of filing of petition seeking Regulation for payment of compensation in cases of death/ permanent or temporary disablement of public man/ loss of animals caused due to electrical accident.**

**Petition No. 24/2019**

**ORDER**

**(Date of motion hearing: 30<sup>th</sup> July' 2019)**

**(Date of daily order: 02<sup>nd</sup> August' 2019)**

**M.P. Poorv Kshetra Vidyut Vitaran Co. Ltd.,  
Shakti Bhawan, Rampur, Jabalpur - 482008**

**- Petitioner**

Ms. Simran Sharma, Law Officer and Shri Ankit Bhalani, Law Officer appeared on behalf of the petitioner.

M.P. Poorv Kshetra Vidyut Vitaran Co. Ltd., Jabalpur, East Discom has filed the subject petition seeking Regulation for payment of compensation in cases of death/ permanent or temporary disablement of public man/ loss of animals caused due to electrical accident.

2. The subject petition is filed by the petitioner under Sections 57, 58 read with Section 181(2)(za) of the Electricity Act, 2003. The petitioner has also invoked Section 11(1) of the M.P. Vidyut Sudhar Adhiniyam, 2000.

3. During the course of hearing held on 30<sup>th</sup> July' 2019, the representative appeared on behalf of the petitioner submitted that Section 57 and 58 of the Electricity Act, 2003 provide for standards of performance of a licensee or a class of licensees and liability for payment of compensation as may be determined by the Appropriate Commission to the person affected if the licensee is failing to meet the specified standards, without prejudice to any penalty which may be imposed or prosecution which may be initiated. She further stated that the State Commission may make Regulations consistent with the Act and the Rules providing for standards of performance of a licensee or a class of licensees under Section 57(1) read with Section 181(2)(za) of the Electricity Act, 2003. She stated that the Madhya Pradesh Electricity Regulatory Commission (Distribution Performance Standard) (Revision-II) Regulation, 2012 notified under aforesaid sections of the Electricity Act, 2003 do not provide compensation for death of any person or injury to them in an electrical accident.

4. With the above submissions, the representative of the petitioner submitted that this Commission has the power under aforesaid provisions of the Electricity Act, 2003 and M.P. Vidyut Sudhar Adhiniyam, 2000 to enact the Regulations for grant of compensation to the victims of electricity accidents. The petitioner has also referred to the procedure laid down by

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M.P. Power Management Co. Ltd. for grant of financial support for such cases. She also referred the Revenue Book Circulars (RBC 6-4) issued by the Government of M.P which is annexed as Annexure P-2 with the petition.

5. Having heard the petitioner and on going through the contents in the subject petition, it is observed by the Commission that Section 57 of the Electricity Act, 2003 empowers the Commission to specify the standards of performance of a licensee and if the licensee fails to meet the standard specified by the Commission, the licensee shall be liable to pay such compensation to the person affected, as may be determined by the Commission. This section pertains to consumer protection and provides for specifying only the standards of performance of licensee and not the provisions relating to electrical safety and compensation if any, payable due to electrical accidents. It is further observed by the Commission that with regard to the safety and electricity supply, Section 53 of the Electricity Act' 2003 provides that the Central Electricity Authority in consultation with the State Government may specify suitable measures related to safety and electricity supply. Section 86(1) which defines the functions of State Electricity Regulatory Commission, empowers the State Commission under sub section (i) to specify or enforce the standards with respect to the quality, continuity and reliability of services to be provided by the licensee and it does not empower the State Commission to specify the safety standards and compensation on account of electrical accidents.

6. In the subject petition, the petitioner stated the need for a Regulation with regard to compensation to the victims of the electrical accident, mentioning the decision of Hon'ble High Court in the matter of *MP Electricity Board V/S Girwar Dhakad, MPHT 2013(3) MPHT, 96*. It is noted from the petition that the decision of the Hon'ble High Court was delivered on 11<sup>th</sup> Feb. 2013, and at that time there was no policy of the State Government or the State Distribution Companies for financial support to outsiders in case of death/disability due to electrical accidents, however, as mentioned in the petition, the petitioner Company after getting the approval of the Board of their Company, framed a policy for financial support to the victims of electrical accident or their heir. This policy is in line with the provisions of the Revenue Book Circular issued by the State Government (RBC 6-4 of Revenue Department of Govt. of M.P.) for financial support in case of damages/loss on account of natural calamities etc. The RBC has provisions for financial support in case of damages/losses on account of natural calamity but it does not have such provisions of financial support for damages/losses in cases of electrical

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accidents. Hence, vide letter No. MD/PMC/44 dated 09.04.2015, the M.P. Power Management Company Ltd, Jabalpur being holding Company of three Discoms in the State, directed the Discoms to adopt the provisions of Revenue Book Circular issued by the State Government for financial support in the cases of electrical accidents. Accordingly, the petitioner, East Discom, vide No. 264 dated 10.04.2015 issued orders for financial support to outsiders in case of death / disability caused due to electrical accidents. The petitioner has further amended / enhanced the amount of financial support vide its order No. 6944 dated 17.10.2015 keeping in view the amendments made by the Revenue Department, GoMP in the Revenue Book circular (RBC 6-4) and the same is applicable at present also.

7. The State Electricity Regulatory Commission may make Regulations in terms of the powers conferred to it under provisions of the Electricity Act'2003. As per section 181(za) of the EA 2003, this Commission is empowered to make Regulations on standards of performance of licensee under Section 57(1) of the Electricity Act'2003. The power to make Regulations on suitable measures related to safety is entrusted with the Central Electricity Authority in consultation with the State Government under section 53 and 177(2)(b) of the Electricity Act'2003.

8. In view of all above observations, the subject petition is not tenable before this Commission in light of the provisions under the Electricity Act, 2003, hence this petition is disposed of.

**(Mukul Dhariwal)**  
**Member**

**(Dr. Dev Raj Birdi)**  
**Chairman**