

**(TO BE PUBLISHED IN DELHI GAZETTE EXTRAORDINARY PART)
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI**

**Delhi Electricity Regulatory Commission
ViniyamakBhawan, C-Block, Shivalik, Malviya Nagar,
New Delhi-110017**

DRAFT NOTIFICATION

No.F.17 (293)/Engg/DERC/ 2021-22 - In exercise of powers conferred under section 57 read with section 181 (za) of The Electricity Act, 2003 and all other powers enabling it in this behalf, the Delhi Electricity Regulatory Commission hereby makes the following Regulations: -

CHAPTER - I

Preliminary

1. Short Title, Commencement and Extent: -

- (1) These Regulations may be called the Delhi Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents) Regulations, 2021.
- (2) These Regulations shall extend to the whole of National Capital Territory of Delhi.
- (3) These Regulations shall be applicable to all Generating Companies as well as transmission and distribution licensees in their respective licensed areas in the National Capital Territory of Delhi.
- (4) These Regulations shall come into force on the date of its publication in the official gazette.

2. Definitions: -

In these Regulations, unless the context otherwise requires: -

- (1) '**Authority**' means the Central Electricity Authority (CEA) constituted under Section 70 of the Electricity Act, 2003
- (2) '**Commission**' means the Delhi Electricity Regulatory Commission as referred to Section 82 of the Electricity Act, 2003
- (3) '**Compensation**' means as provided for in Chapter III of these Regulations
- (4) '**Dependents**' means persons who are entitled to succeed to the estate of the deceased as per the personal law by which the deceased was governed;

- (5) **'Grievous hurt'** means grievous hurt as defined in Section 320 of the Indian Penal Code, Central Act XLV of 1860;
- (6) **'Hurt'** means hurt as defined in Section 319 of the Indian Penal Code, Central Act XLV of 1860;
- (7) **'Injury'** means any physical harm done to a person, animal or a bird by an electrical accident.

- (8) **'Licensee'** means a person who has been granted a license under Section 14 of the Electricity Act 2003, including a deemed licensee under the said provision;
- (9) **'Victim'** means the person affected for loss of human or animal or bird life or injury to person(s) or animals or birds in consequence to electrical accident.

3. Interpretations: -

- (1) These Regulations shall be interpreted and implemented in a manner not inconsistent with the provisions of the Act and the Rules and Regulations made there under:
- (2) Unless the context otherwise requires, words or expressions occurring in these Regulations and not defined herein but defined in the Electricity Act, 2003 or 'Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017', shall bear the same meaning as ascribed therein and in absence thereof, the meaning as commonly understood in the Electricity Supply Industry.

CHAPTER-II

Standards of Performance

4. Safety Standards: -

- (1) The works of Generating Companies and the licensees shall be so installed, constructed, maintained or operated or used as to protect the public (including the persons engaged in the generation, transmission or distribution or trading), animals and birds from dangers of electric shock arising out of the generation, transmission or distribution of electricity.
- (2) The Generating Companies and the licensees shall comply with all the mandatory safety requirements and take all necessary measures to protect person(s), animals and birds from injury by reason of contact with, or proximity of, or by reason of the defective or dangerous condition of any appliance or apparatus used in the generation, transmission, distribution, supply of use of energy.
- (3) The Generating Companies and the licensees shall strictly comply with the Central Electricity Authority (Measures relating to Safety and Electric Supply)

Regulations, 2010 as amended from time to time and any further suitable measures that may be specified by the Authority under Section 53 (a) and (b), Section 73 (c) and Regulations notified by Authority under Section 177 (2) (b) of the Electricity Act, 2003.

5. Liability for compensation: -

- (1) The Generating Companies and the licensees, failing to meet the standards of performance specified in Regulation 4 above shall be liable to pay compensation as specified in Regulation (6) of these Regulations for loss of human or animal or birdlife or injury to person(s) or animals or birds in consequence of an electrical accident.
- (2) Whether or not there has been any wrongful act, omission, rashness, neglect or default on the part of the licensee and generating companies as the case may be as would entitle the person affected, to maintain a civil action for recovery of any damages or compensation or maintain a prosecution for invoking criminal liability in respect thereof, the licensee and generating companies as the case may be shall, notwithstanding anything contained in any other law in force, be liable to pay compensation to such extent as specified in these Regulations, if an electrical accident occurs, resulting in loss of human or animal or bird life or injury to person(s) or animals unless the electrical accident primarily was not due to the failure of the licensee or generating companies, as the case may be, to meet the standards of performance but was a direct or proximate result of intervention of some other extraneous reason or cause.
- (3) The compensation once determined shall be paid within the time limit specified in these Regulations to the beneficiary by the licensee or generating company, as the case may be.
- (4) The compensation paid to the victim/beneficiary shall not be pass through/recoverable in the Aggregate Revenue Requirement of the Utilities.
- (5) The compensation shall not be paid for injury or damage or loss of life occurring out of irresponsible act on the part of the victim or his employer/owner.
- (6) If the loss of human life is due to suicide or homicide or injury to a human life is due to an attempt to commit suicide or homicide, the licensee and generating companies as the case may be, shall not be liable to pay any compensation for the same under these Regulations.

CHAPTER - III

Compensation

6. Quantum of compensation: -

- (1) The compensation payable for loss of human life as a result of an electrical accident shall be Rupees 5,00,000/-per person.
- (2) A sum of Rupees 5,00,000/-per person in case of more than 60% disability and Rupees 1,00,000/-per person in case of disability

between 40% and 60% shall be paid as compensation for electric accidents. The amount of compensation will be payable on the certificate with regard to percentage of disability issued by the civil surgeon of the respective area.

- (3) A sum of Rupees 25,000/-per person requiring hospitalization for more than a week and Rs.10,000/-per person requiring hospitalization for less than a week shall be paid subject to production of Govt. Hospital/Hospital approved under CGHS bills dully certified by the concerned hospitals.
- (4) The compensation payable for loss of animal life as a result of an electrical accident shall be payable at the following rates: -

(a) Milch Animals-

- (i) **Rs 50,000/-**-Buffalo/Cow/Camel/Yak etc.
- (ii) **Rs. 5,000/-**-Sheep/Goat/Pig etc.

(b) Draught animals-

- (i) **Rs 25,000/-** Camel/ horse/ bullock, etc.
- (ii) **Rs. 15,000/-** Calf/ Donkey/ Pony/ Mule, etc.

The assistance may be restricted for the actual loss of economically productive animals and shall be subject to a ceiling of 3 large milch animal or 30 small milch animals or 3 large draught animal or 6 small draught animals per household irrespective of whether a household has lost a larger number of animals. The loss is to be certified by the Competent Authority designated by the State Government.

(c) Poultry. - Poultry @ 50/- per bird subject to a ceiling of assistance of **Rs. 1,000/-** per beneficiary household.

7. Other rights and remedies unaffected: -

The right of any person to claim compensation as above shall not affect the right of any such person to recover the compensation payable under any other law for the time being in force, but the amount paid as compensation under these Regulations shall be duly given credit to in any such compensation payable under any such statutory or civil or other liability.

8. Contracts/ Schemes/Insurance/ Unaffected: -

The right of any person to otherwise claim compensation under any contract or scheme providing for payment of compensation for death or personal injury or any sum payable under any policy of insurance shall remain unaffected by any payment of any sum made under these Regulations.

9. Periodical revision of the quantum of compensation: -

The Commission may, in consultation with the licensees, generating companies and the State Government and for reasons to be recorded in writing, enhance the limit of compensation specified above at any time, by a special order.

CHAPTER-IV

Procedure

10. Occurrence report of an Electrical Accident: -

- (1) In addition to an independent intimation of accident, the Junior Electrical Engineer or the Assistant Electrical Engineer or the Executive Engineer or their equivalent engineer of the licensee or generating company shall send a report under proper receipt through a special messenger to the Electrical Inspector of the concerned area and to the concerned authority of the licensee or generating company, as the case may be, forthwith on the occurrence of an electrical accident in the form set out in Annexure-I to these Regulations so as to reach the said Electrical Inspector and the concerned authority within twenty four hours of the electrical accident.
- (2) A person who is affected by the occurrence of an electrical accident may inform the matter to the Generating companies or the Licensee and/or to the Electrical Inspector.
- (3) The records of all such electrical accidents shall be maintained along with the enquiry report prepared under Regulation 11 and investigation report of the Chief Electrical Inspector.
- (4) The details such as name, address, telephone number of the electrical inspector, details of the concerned Authority and the forms prescribed under these Regulations shall be uploaded by the Generating companies or the Licensee as the case may be on their website.

11. Enquiry Report and Final Orders: -

- (1) The Electrical Inspector shall, within 30 days from the receipt of a report of an electrical accident, submit a detailed report through Chief Electrical Inspector to the concerned authority of the licensee/generating company, after conducting a detailed enquiry of the said accident.
- (2) The concerned authority of the licensee/generating company may thereupon pass final orders determining the quantum of compensation payable and the persons entitled to the same, namely the dependents of the deceased person or the injured person or the owner of the animal, or the other bird as the case may be:

Provided that the concerned authority of the licensee shall, for evaluation of various disabilities and procedure for certification of disabilities, follow the State Government Guidelines on such matters:

Provided further that the concerned authority shall pass appropriate orders within 30 days of receipt of the enquiry report from the Electrical Inspector.

- (3) Notwithstanding above, the dependents of a person who died in an electrical accident or a person affected by the injury caused to himself or an animal, are at liberty to make a claim for compensation in the form set out in Annexure-II to these Regulations presented in person or sending by post to the concerned authority of the licensee/ generating company who shall determine the compensation, if payable, in accordance with these Regulations.
- (4) The records of all such electrical accidents along with enquiry report shall be maintained by the generating Company/ licensees.

12. Communication of the Final Order: -

The Generating Company and the licensee shall communicate a copy of the final orders passed by it on any claim for compensation arising out of an electrical accident to the claimants and the persons entitled within seven days of the passing of any such order.

13. Payment of Compensation: -

The compensation shall be paid to the persons entitled to receive the compensation amount within fifteen days from the date of the final orders of the concerned authority.

14. Dispute Resolution Procedure -

If the claimant or the person entitled is aggrieved with regard to entitlement of compensation or quantum of compensation in accordance with these Regulations or non-redressal of his grievance, the claimant may file an application before the Consumer Grievances Redressal Forum in accordance with Delhi Electricity Regulatory Commission (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2018 as amended from time to time. Any person, who is aggrieved by non-redressal of his grievances or dispute or aggrieved by the order of the Forum may make a representation to Ombudsman for the redressal of grievances in accordance with Delhi Electricity Regulatory Commission (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2018 as amended from time to time.

15. Information to the Commission: -

The generating company and the licensee shall submit to the Commission by 15th of every succeeding month, the details of electrical accidents occurring within their respective jurisdiction and action taken thereon in accordance with these Regulations.

16. Consequence of non-compliance: -

Non-compliance of these Regulations and contravention of any of the provisions of the statutes or the rules or regulations made thereunder concerning the subject matter of these Regulations shall be deemed to be non-compliance and contravention within the meaning of section 142 and 146 of the Electricity Act, 2003.

17. Assistance to dependents and victims: -

The Generating Company and the Licensees shall ensure extending all possible assistance and help to the dependents of the deceased person or the victims of an electrical accident to the extent possible to get over the with respect to effects of such electrical accident, more particularly, medical treatment and physical rehabilitation.

CHAPTER - V

Miscellaneous

18. Residuary Provisions: -

- (1) The provisions of these Regulations shall be in addition to and not in derogation of the provisions of any other law or rules or regulations or scheme or contract for the time being in force.
- (2) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent the abuse of the process of the Commission.
- (3) Nothing in these Regulations shall debar the Commission from adopting a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing deems it necessary or expedient.
- (4) Nothing in these Regulations shall, expressly or impliedly, debar the Commission to deal with any matter or exercise any power under the Electricity Act, 2003 for which no Regulations on the subject have been

framed, and the Commission may deal with such matters, powers and functions in a manner it deems fit.

- (5) Subject to the provisions of the Electricity Act, 2003 and these Regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these Regulations and procedure to be followed on various matters which the Commission has been empowered by these Regulations to specify or direct.
- (6) The Commission may, at any time add, modify, delete or amend any provision of these Regulations subject to the provision of the Electricity Act, 2003.
- (7) If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Electricity Act, 2003, which appears to it to be necessary or expedient for the purpose of removing the difficulties.
- (8) The Commission shall have the power, for reasons to be recorded in writing and with notice to the affected parties, to dispense with the requirements of any of the clauses in these Regulations in a specific case or cases subject to such terms and conditions as may be specified.

(Secretary)

**ANNEXURE I
OCCURRENCE REPORT**

1. Date & Time of accident:
2. Place of accident:
3. Designation of the Officer-in-charge of the Generating Company or the Licensee in whose jurisdiction the accident occurred:
4. Nature & Details of the accident:
5. Details of Victim(s) (Fatal/Non-Fatal):
 - (a) Human
 - (b) Animal
6. Detailed causes leading to the accident: (Use a separate sheet and attach it to this form, if needed):
7. Details of the persons who witnessed the accident: (Name, designation, address etc.):
8. Action Taken:
9. Any other information:

Signature
Name & Designation

Annexure II

Claim form for Payment of Compensation

1. Date & Time of accident:
2. Place of accident:
3. Details of the accident:
4. Details of the deceased or Injured person(s):
 - Name (s):
 - Age:
 - Sex:
 - Address:
 - Occupation:
5. Details of the dead or injured animal(s) Description:
 - Age:
 - Value:
6. In case of non-fatal accidents, details of temporary/permanent/total/partial disabilities suffered, if any: (Enclose a certificate issued by the relevant Medical Board or any competent Authority)
7. Details of the dependents:
8. Whether or not an FIR is registered by the Police:

Signature of the claimant(s)

Name of the claimant(s)

Relationship with the deceased/injured/animal

Enclosures:

For Humans: -

1. Proof of identity of the claimant
2. A copy of the FIR
3. A copy of the post mortem report, if conducted
4. A copy of the inquest report/panchanama, if conducted
5. A copy of the Death certificate or wound certificate, if issued.
6. A copy of any photo of the deceased or injured person (after the accident), if available
7. Evidence of relationship with the deceased

8. Evidence of expenses of hospitalization and treatment.

For Animals: -

1. Proof of identity of the claimant
2. A copy of the FIR, if registered.
3. A copy of the post mortem report, if conducted
4. A copy of the inquest report/ panchanama, if conducted
5. A copy of the Death certificate or wound certificate, if issued
6. A copy of any photo of the deceased or injured animal (after the accident), if available.
7. Evidence of ownership and value of the animal(s).

(Secretary)

DRAFT