

Draft



ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
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Draft Regulation No. of 2023

**First amendment to the Andhra Pradesh Electricity Regulatory Commission
Compensation to Victims of Electrical Accidents Regulation, 2017
(Regulation No.2 of 2017).**

Introduction:

The Andhra Pradesh Electricity Regulatory Commission (APERC) notified the Andhra Pradesh Electricity Regulatory Commission Compensation to Victims of Electrical Accidents Regulation, 2017 (Regulation No. 2 of 2017), hereinafter referred to as the Principal Regulation. This regulation was published in the AP Extraordinary Gazette on May 29, 2017.

Whereas the Chairman and Managing Director of APEPDCL requested the Commission to amend the APERC Regulation 2 of 2017 for detailed directions on the quantum of payment of the ex gratia amounts under different scenarios in the cases where electrical accidents occur to non-departmental persons and animals on the DISCOM network and where there is no departmental fault.

Whereas The Hon'ble Lokayukta of Andhra Pradesh passed a detailed order dated 31.10.2022 in complaint no. 1552/2018/B1 opining that the principles of the Doctrine of Strict Liability impose a liability on a person undertaking an activity involving hazardous or risky exposure to human life to compensate for the injury suffered by any other person, irrespective of any negligence or carelessness on the part of that person and even if measures to prevent mishaps have been adopted.

After careful consideration of APEPDCL's request, and the Lokayukta's opinion, the Commission is of the view that there is a need to provide compensation for fatal/non-fatal electrical accidents involving non-departmental individuals or animals, even when there is no wrongful act, omission, rashness, neglect or default on the part of the licensee and irrespective of place of electrical accident. Accordingly, the Commission, in exercise of the powers conferred on it under section 181(2) (za) and (zb) read with Sections 57 and 59 of the Electricity Act, 2003 (Central Act 36 of 2003) and all other

powers enabling it in that behalf, hereby makes the following Regulation to amend the Principal Regulation:

1. Short title, extent and commencement:

(i) This Regulation may be called the Andhra Pradesh Electricity Regulatory Commission (Compensation to Victims of Electrical Accidents Regulation, 2017) First Amendment Regulation, 2023

(ii) This Regulation shall come into force with effect from the date of its publication in the Andhra Pradesh Gazette.

(iii) This Regulation shall extend to the whole State of Andhra Pradesh.

2. ***The following proviso shall be substituted in place of the first proviso under clause 5(2) of the [Principal Regulation](#).***

"Provided that even in cases where there is no wrongful act, omission, rashness, neglect or default on the part of the licensee, and irrespective of the place of the electrical accident, the exgratia payment shall be made in the manner specified under Chapter-III of the Principal Regulation."

(BY ORDER OF THE COMMISSION)



Commission Secretary(i/c)

Place: Hyderabad

Date: 27 -11-2023