



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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SRB/Case No. 3928 /2013-14 **(Court Sitting at Solapur)**

Complainant : Mr. Bhimrao R. Gaikwad
Respondent : Collector, Solapur
Date : 21st September, 2016
Coram : Justice, S.R. Bunnurmath

ORDER

This complaint by Shri Bhimrao Ramchandra Gaikwad of Takli Sikandar, Tq. Mohol, Dist. Solapur is in respect of non-payment of appropriate compensation for the loss caused to him due to falling of cement electrical pole on his house and causing damages. It is complained that on 3/4/2013 in the evening there was a heavy storm and due to which a cement pole erected by the MSEB fell on his house and caused damage to the tune of Rs. 3 lakhs. It is stated that in this regard when he approached the concerned authorities with a request, he was paid only a partly sum of Rs. 2400/- and as such requests for payment of remaining amount.

In this regard, report from the Collector, Solapur is called for and matter is fixed for hearing today at Solapur City Camp sitting. Though notice has been issued, the complainant is not present. Shri Ajit Relekar, RDC, Solapur is present and has filed a report along with records.

On perusal of entire records, at the outset, it is to be noted that as per the G.R. No. CLS/2010/Pra.Kra.71/M3, dated 26.3.2010, an ex-gratia payment of Rs. 2400/- is paid to the Complainant and not compensation as demanded by him.

In this regard, it is to be noted that in a natural calamity, it is expected that the State has to compensate the victim, since it is the obligation of the State. The ex-gratia payment as per the aforesaid G.R. appears to be an artificial calculation without any rational basis. In this regard, the Collectorate itself has got assessed through the Jr. Engineer, Z.P. Mohol, Dist. Solapur, the damage to the house to the tune of Rs. 17544/-. If that is so, the Complainant is entitled for this amount.

As such, the Commission deems it proper to issue following recommendations:

- a) **The State shall reconsider the quantum of ex-gratia payment to the victims of natural calamity on scientific and rational basis, rather than an imaginary assessment.**
- b) **Since the concern engineer of Z.P. himself has assessed the damage to the tune of Rs. 17544/-, the Commission deems it proper to direct the State to pay this amount less the ex-gratia payment already made to the complainant within four weeks from the date receipt of this order and submit action taken report within two weeks thereof to the Commission.**

(Justice S.R. Bannurmah)
Chairperson