

GAHC010121732022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4574/2022

JIYARUL RAHMAN AND ANR
S/O NURUL ISLAM, VILL-MAILKUCHI, P.O.-DHAKUA, P.S. AND DIST-
BARPETA, PIN-781309

2: SUFIA BEGUM
W/O JIYARUL RAHMAN
VILL-MAILKUCHI
P.O.-DHAKUA
P.S. AND DIST-BARPETA
PIN-78130

VERSUS

THE CHIEF GENERAL MANAGER (D) APDCL AND 6 ORS
LAR BIJULEE BHAWAN, PALTAN BAZAR, GUWAHATI-781001

2:THE GENERAL MANAGER
BONGAIGAON ZONE
APDCL (LAR)
BONGAIGAON-783385

3:THE CHIEF EXECUTIVE OFFICER
BARPETA ELECTRICAL CIRCLE
APDCL (LAR)
BARPETA-781301

4:THE ASSISTANT GENERAL MANAGER
BARPETA ELECTRICAL DIVISION
APDCL (LAR)
BARPETA-781301

5:THE OFFICER-IN-CHARGE
BARPETA POLICE STATION
BARPETA

PIN-781301

6:THE DEPUTY COMMISSIONER
BARPETA
PIN-781301

7:THE CHIEF ELECTRICAL INSPECTOR CUM ADVISOR
HOUSEFED
STATE OF ASSAM
GUWAHATI-78100

For the Petitioner(s) : Mr. A. Roshid, Advocate

For the Respondent(s) : Mr. J. Barman, Advocate
: Mr. N. Goswami, Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 21.07.2023

1. The instant writ petition has been filed by the Petitioners being aggrieved for not making payment of the compensation to the Petitioners on account of death of their son namely Masud Iqbal on 06.09.2016.

2. The facts as could be discerned from the writ petition is that one Masud Iqbal (since deceased) was the eldest son of the Petitioners. On 06.09.2016 at about 6 PM, the said Masud Iqbal while going on the road towards home, an electrical wire fell down on him as a result of which the said Masud Iqbal was electrocuted and he expired. It was alleged that the accident occurred due to the negligence of the APDCL Authorities. A case was registered and numbered as GDE No.237/2016 dated 07.09.2016. The Petitioner thereupon sought for compensation from the Respondent APDCL Authorities however no amount of compensation was paid for which the instant writ petition has been filed.

3. This Court had issued notice on 18.07.2022. It further reveals from the records that an affidavit-in-opposition has been filed by the Electrical Inspector (Senior Grade), Government of Assam wherein the Electrical Accident Report has been enclosed. In the said report it has been mentioned that the accident occurred on account of non-compliance of Regulation 12(1) and 73(1) of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 on the part of the APDCL Authority.
4. The learned counsel appearing on behalf of the APDCL submits that the APDCL Authority had not challenged the said Electrical Accident Report.
5. Upon hearing the learned counsels for the parties and upon perusal of the materials on record, this Court therefore is of the opinion that the accident occurred on account of the fault of the APDCL Authority.
6. This Court at this stage finds it relevant to refer to the Office Memorandum dated 07.11.2019 wherein it is stipulated that an amount of Rs.4,00,000/- shall be payable where the accident is attributed to the fault/negligence of the APDCL.
7. Taking into account the above, this Court therefore disposes of the instant writ petition with a direction upon the Respondent Nos. 1, 2, 3 and 4 to pay the amount of Rs.4,00,000/- to the Petitioners as compensation on account of the accident for which their son lost his life.
8. Mr. A. Roshid, the learned counsel appearing on behalf of the Petitioners further draws the attention of this Court to the said Office Memorandum dated 07.11.2019 and submits that as the claims were not settled within 120 days from the date of occurrence of the electrical accident, the Petitioners would

further be entitled to interest @12% per annum on the amount from the due date of payment.

9. Taking into account the above, this Court further is of the opinion that the Petitioners herein would be entitled to interest @12% on the amount of Rs.4,00,000/- w.e.f. 06.02.2017 till the date of actual payment.

10. The Petitioners shall submit the certified copy of the instant order to the Respondent No.1 within 15 days from today and the APDCL Authorities shall make the payment at the earliest and not later than 2 (two) months from the date of submission of the certified copy.

11. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant