

GAHC010144182022



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

Case No. : WP(C)/4799/2022

HUNUFA BEGUM
W/O- LATE MUNSER ALI, VILL.- SATRAKONARA, SEAT NO. 15, P.S.
BAGHBOR, DIST. BARPETA, PIN- 781308.

VERSUS

THE CHIEF GENERAL MANAGER (D) APDCL AND 6 ORS.
LAR, BIJULEE BHAWAN, PALTANBAZAR, 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 DEPUTY COMMISSIONER
BARPETA
PIN- 781301.

6:THE CHIEF ELECTRICAL INSPECTOR CUM ADVISOR

HOUSEFED
STATE OF ASSAM
GUWAHATI-06.

7:THE OFFICER-IN-CHARGE
BAGHBOR POLICE STATION
BARPETA-781308

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 12.06.2023

Heard Mr. A. Rashid, learned counsel for the petitioners, Mr. J.K. Goswami, learned standing counsel for respondent nos. 1 to 4, and Ms. S. Sarma, learned Govt. advocate appearing for respondent nos. 5, 6 and 7.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner who has lost his son due to electrocution on 10.03.2022 is seeking direction upon the respondent authorities to pay compensation to the petitioner.

3. The learned counsel for the petitioner has submitted that the son of the petitioner, namely, Late Hunidul Hoque aged 16 years, touched the fencing of the tin house of his maternal uncle on 10.03.2022, which somehow came into contact with the live wire and on touching the tin fencing of the house, the son of the petitioner was electrocuted. Accordingly, the FIR was lodged on 10.03.2022 and accordingly, Baghbar PS UD Case No. 3/2022 was registered and investigated. It is submitted that the APDCL authorities had installed electricity connection in the house of the maternal uncle of the deceased in a negligent manner without providing adequate provisions for earthing and therefore, it is submitted that the petitioner would be entitled to compensation

on the death of his son.

4. Per contra, the learned Govt. advocate appearing for the Chief Electrical Inspector has referred to the "detail accident report" dated 07.05.2022 submitted by the Electrical Inspector (Senior Grade), Govt. of Assam and has submitted that the son of the petitioner had come into contact with the live naked wire on the "load side" when he tried to mishandle temporary internal wiring in the house which resulted in his death. It is submitted that the finding of Electrical Inspector (Senior Grade) was to the effect that there was non-compliance of Regulation of 19(3) on part of the victim and 13(1) on part of the supplier of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 on part of the victim.

5. From the report of the Electrical Inspector (Senior Grade), Govt. of Assam, it appears that the deceased came into contact with live naked wire on the "load side" when he tried to mishandle temporary internal wiring in his house and got electrocuted. As per the statement of the local residents of the village, referred to in the said report, the head/ face of the son of the petitioner came into contact with a switch board in a room which was fixed on the wall of room made of C.I. sheets and as the walls got electrified, it got resulted in the death of the son of the petitioner. However, when the Electrical Inspector (Senior Grade) conducted the inspection, he did not find any wiring etc. in the said room and also no earthing was found in the house premises. Therefore, the son of the petitioner appears to have mishandled the electricity live wire which had caused such electrocution.

6. Therefore, the Court is of the considered opinion that the petitioner would not be entitled to compensation from the APDCL for the unfortunate electricity accident, which has caused the death of the son of the petitioner as the son of

the petitioner have found to have been mishandling the temporary electrical connection in the house for which he was not licensed. Therefore, this writ petition stands dismissed. There shall be no order as to cost.

7. The Registry shall tag the affidavit filed by the petitioner on 24.05.2023 on record.

JUDGE

Comparing Assistant