

GAHC010023902021



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

Case No. : WP(C)/899/2021

HAMIDA PARBIN @ HAMIDA BEGUM
W/O- LT. MOHIBUL HOQUE, R/O- VILL- KORAIBIL, P.O. BHAURIABHITA,
P.S. CHHAYGAON, DIST.- KAMRUP, ASSAM, PIN- 781136

VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LIMITED AND 6 ORS
REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR, ASSAM, BIJULEE
BHAWAN, PALTAN BAZAR, GHY-01

2:THE STATE OF ASSAM
REP. BY ITS SECY. TO THE GOVT. OF ASSAM
ELECTRICITY AND POWER SUPPLY DEPTT.
DISPUR
GHY-06

3:THE CHIEF GENERAL MANAGER (HRA)
ASSAM POWER DISTRIBUTION COMPANY LTD.
BIJULEE BHAWAN
PALTAN BAZAR
GHY-01

4:THE CHIEF ENGINEER (DISTRIBUTION)
BIJULI BHAWAN
PALTAN BAZAR
GHY-01

5:THE CHIEF ELECTRICAL INSPECTOR
GOVT. OF ASSAM
CHANDMARI
SOUTH SARANIA
GHY-03

6:THE DY. COMMISSIONER
KAMRUP
AMINGAON
DIST.- KAMRUP
PIN- 781031

7:THE SUB-DIVISIONAL ENGINEER
CHHAYGAON ELECTRICAL DIVISION
ASSAM POWER DISTRIBUTION COMPANY LTD.
P.O.- CHHAYGAON
P.S. CHHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 78112

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 10.05.2024

Heard Mr. M. Ahmed, learned counsel for the petitioner. Also heard Mr. N. Deka, learned Standing Counsel, APDCL for the respondent Nos. 1, 3, 4 & 7 and Ms. S. Baruah, learned Junior Government Advocate, Assam for the respondent Nos. 2, 5 & 6.

By way of the instant writ petition, the petitioner is seeking compensation from the APDCL for the death of her husband, i.e., Mohibul Hoque, who died on 28.06.2020 due to electrocution.

The facts of the case in brief is that on 28.06.2020 when the husband of

the petitioner was working in the pond near their house by using a boat, he suddenly came into the overhanging electric wire, as a result of which he got electrocuted and died.

An FIR accordingly was lodged on 01.07.2020 being Chhaygaon Police Station Case No. 639/2020. Accordingly, the petitioner is seeking compensation from APDCL for failing in their duty to take safety measures in terms of the Indian Electricity Act and Rules framed thereunder.

Mr. M. Ahmed, learned counsel for the petitioner submits that due to the failure of the APDCL in following mandatory provisions of the Act and Regulations, the husband of the petitioner lost his life due to electrocution and accordingly, the petitioner is entitled for the compensation sought.

Mr. N. Deka, learned Standing Counsel, APDCL for the respondent Nos. 1, 3, 4 & 7 on the other hand submits that the Electricals Inspector Report dated 22.04.2021 which is enclosed to the affidavit filed on behalf of respondent No. 5 clearly indicates that there has been no fault or negligence on the part of the APDCL officials in the subject matter.

Heard parties at length and perused the materials available on record.

A perusal of the enquiry report of the electrical accident submitted by the Additional Chief Electrical Inspector-cum-Adviser, Government of Assam by letter dated 22.04.2021 indicates that upon enquiry being made and information gathered from witnesses during site visit and circumstantial evidences, it appears that 5-6 persons including the victim were rowing a boat for reasons best known to them on a low lying flooded area on 28.06.2020 at around 9:30

PM during the night curfew period of Covid-19 pandemic and while passing below the 11KV Chamaria-Goroimari overhead feeder, the husband of the petitioner, i.e., Mohibul Hoque came in contact of the live 11KV line with his wooden/bamboo oar while rowing the boat and thus got electrocuted.

It is further stated in the aforesaid report that the death of the petitioner's husband was due to coming in contact with the charged overhead line of the supplier APDCL because of his own contravention. It is thus evident from the aforesaid report that there has been no fault or negligence on the part of the APDCL authorities because of which the petitioner is entitled for any compensation whatsoever for the death of her husband. As such, the petitioner has failed to make out a case warranting the relief prayed in the writ petition.

As such the writ petition stands disposed of.

No costs.

JUDGE

Comparing Assistant