

GAHC010085642021



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

Case No. : WP(C)/3291/2021

MEHERA BEGUM
W/O LATE ASHRAB ALI
VILLAGE KACHIRPETY PT II
PO AMBARI, PS ABHAYAPURI, DIST BONGAIGAON, ASSAM , 783384

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, POWER AND ELECTRICITY DISPUR GUWAHATI 06

2:THE CHAIRMAN
APDCL. BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI 01

3:THE CHIEF ELECTRICAL INSPECTOR
ASSAM
DISPUR
GUWAHATI 06

4:THE DEPUTY COMMISSIONER

BONGAIGAON
PO AND PS BONGAIGAON
ASSAM 78338

Advocate for the Petitioner : MR. A WAHAB

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/6743/2023

MEHERA BEGUM
W/O- LATE ASHRAB ALI

VILL- KACHARIPETY PART II

P.O- AMBARI

P.S- ABHAYAPURI

DIST-BONGAIGAON
ASSAM
PIN-783384

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
POWER AND ELECTRICITY DEPARTMENT

DISPUR
GUWAHATI-06

2:THE CHAIRMAN
ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL)
BIJULEE BHAWAN
PALTANBAZAR
GUWAHATI
ASSAM
PIN- 781001.

3:THE CHIEF ELECTRICAL INSPECTOR

GOVT. OF ASSAM
GUWAHATI (HQ)
HOUSEFED COMPLEX
DISPUR
GUWAHATI-0

4:THE DISTRICT COMMISSIONER
BONGAIGAON

P.O
P.S AND DIST- BONGAIGAON

ASSAM
PIN-783380

Advocate for : MR. A WAHAB

Advocate for : SC

APDCL appearing for THE STATE OF ASSAM AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

22.07.2024

1. None appears for the petitioner. However, Mr. J. K. Goswami, learned Standing Counsel, APDCL for the respondent No. 2, and Mr. M. Chutia, learned Junior Government Advocate, Assam for the respondent Nos. 1, 3 and 4 are present.
2. It is the case for the petitioner that an incident of electrocution occurred in the morning of 09.04.2020 at village Kacharipeti, Pt-II under Abhayapuri Police Station of Bongaigaon District wherein the husband of the petitioner died.
3. In this regard an F.I.R. was lodged and accordingly, Abhayapuri P.S. Case No. 14/2020 was registered as unnatural death case. Post mortem on the body of the deceased was conducted on the same date i.e. on 09.04.2020 and the post mortem report annexed with the writ petition suggests that the deceased died of cardiac arrest with inhibition of respiratory centre in medulla of brain as a result of automortem electrocution.
4. An enquiry was conducted in terms of Section 161 of the Electricity Act, 2003 and a report was submitted by the Deputy Chief Electrical Inspector, on 03.11.2021 alleging certain negligence on the part of the deceased husband of the petitioner.
5. Accordingly, the second writ petition being Writ Petition (C) No. 6743/2021 was

filed assailing such report of the Deputy Chief Electrical Inspector. It is also seen that the petitioner had already filed an appeal under Section 162(2) of the Electricity Act, 2003 assailing the enquiry report dated 03.11.2021.

6. In view of the aforesaid, the determination that is to be made is the correctness of the enquiry report dated 03.11.2021 and on the result of such determination, the necessary order for payment of compensation can be passed. The petitioner had already filed an appeal under Section 162(2) of the Electricity Act, 2003, assailing the enquiry report dated 03.11.2021.
7. That being the position, there is no need to continue with two simultaneous proceedings on the same cause of action.
8. Accordingly, both the writ petitions stands closed. However, same shall not debar the petitioner to approach before the appropriate forum including this Court in the event any adverse determination is made against the petitioner in the pending appeal.
9. Both the writ petitions stands disposed of.

JUDGE

Comparing Assistant