

GAHC010104512023



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

Case No. : WP(C)/2818/2023

JAYANTA CHANDRA SEN
S/O- LATE SUNIL CHANDRA SEN @ SUNIL KUMAR SEN,
VILLAGE- PABARCHARA,
P.S- AGOMONI, DIST- DHUBRI, ASSAM, PIN-783335

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP BY THE PRINCIPAL SECRETARY, POWER (ELECTRICITY)
DEPARTMENT, D BLOCK, GROUND FLOOR, JANATA BHAWAN, ASSAM
SECRETARIAT, DISPUR, GUWAHATI-06

2:THE ASSAM STATE ELECTRICITY BOARD
REP. BY ITS CHAIRMAN
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI-01
ASSAM

3:THE ASSAM POWER DISTRIBUTION COMPANY LIMITED
REP. BY THE CHIEF GEN. MANAGER
APDCL
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI - 781001

4:THE MANAGING DIRECTOR
APDCL
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI - 781001

5:THE CHIEF EXECUTIVE OFFICER
KOKRAJHAR ELECTRICAL CIRCLE
APDCL

DIST- KOKRAJHAR
ASSAM
PIN-783370

6:THE CHIEF ELECTRICAL INSPECTOR
GOVERNMENT OF ASSAM
HOUSEFED
GUWAHATI
ASSAM

7:THE SUB DIVISIONAL OFFICER
AGAMANI ELECTRICAL SUB DIVISION
APDCL
AGOMONI
DIST- DHUBRI
ASSAM
PIN-783335

8:THE SUPERINTENDENT OF POLICE
DIST- DHUBRI
ASSAM
PIN-783335

9:THE OFFICER IN CHARGE
AGOMONI POLICE STATION
DIST- DHUBRI
ASSAM
PIN-78333

Advocate for the Petitioner : MR. S K ROY

Advocate for the Respondent : GA, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

14.06.2024

Heard Mr. S.K. Roy, learned counsel for the petitioner. Also heard Mr. J. Barman, learned Standing Counsel for the APDCL and Ms. M. Barman, learned Government Advocate for the State respondent No. 6.

2. By filing this writ petition, the writ petitioner is seeking compensation against the electrocution death of his father i.e. Sunil Chandra Sen @ Sunil Kumar Sen.

3. The facts of the petitioner's case is that on 03.10.2022 at 9:30 am, the father of the petitioner is coming from the field after tying the cows, he got electrocuted when suddenly an electric wire cable suddenly broke and fall on his body in the road.

4. It is the further case of the petitioner that though he was taken to the Hospital he was declared brought dead. The Post Mortem Report indicates the cause of death due to shock as the result of electrocution.

5. The Chief Electrical Inspector Report has been placed before this Court by way of an affidavit filed on 12.06.2024 by the respondent No. 6.

6. It appears from the aforesaid Inquiry Report enclosed as annexure-1 to the said affidavit filed by the respondent No. 6 that the electrical accident causing the death of the petitioner's father occurred due to snapping of the live LT bare conductor lying on the village road, which came into contact with the victim as a result of which the victim received fatal electric shock.

7. It further appears that aforesaid Inquiry Report that had appropriate safety preventive measures been taken by the APDCL authorities and had there been regular and proper checking of the overhead line by the APDCL authorities, the instant electrical accident resulting to the death of the petitioner's father would not have taken place.

8. It further appears that the APDCL authority has contravene Regulation 14 (1) and 76 (1) of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023.

9. That being so, a clear case of negligence by the APDCL authorities is evident from the said inquiry report.

10. The Office Memorandum dated 07.11.2019 has prescribed an amount of Rs. 400,000/- for loss of human lives. While prescribing the amount of Rs. 4 lakhs as compensation, it has also been prescribed that in the event such claim is not settled within the period of 120 days from the date of occurrence of electrical accident, the delay in payment of compensation shall result in an additional interest @ 12% per annum on the compensation amount.

11. In light of the above discussion, this Court is of the considered view that the petitioner is entitled to be compensated under the Office Memorandum dated 07.11.2019.

12. As such the respondent APDCL authorities are directed to make the payment of compensation of Rs. 400,000/- (Rupees four lakh) only for the loss of petitioner's father alongwith interest @ 12% per annum on the said amount.

13. Having due regard to the factual position, it is directed that the respondent APDCL authorities shall calculate the interest @ 12% per annum from the date of submission of the electrical accident Inquiry Report by the respondent No. 6 i.e. Chief Electrical Inspector-cum-Adviser (i/c), Government of Assam from 28.08.2023.

14. The same shall be paid to the petitioner upon due verification within two months from the date of receipt of the certified copy of this order by the respondent APDCL authorities.

15. With the above observations and directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant