

GAHC010159122022



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

Case No. : WP(C)/5279/2022

DRUBAL NAMOSHUDRA
S/O- LT. JELERAN NAMOSUDRA,
VILL. BHERBARI,
P.O.- RANIGANJ,
P.S.- SAPATGRAM,
DIST.- DHUBRI (ASSAM).
PIN- 783345.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI-06.

2:THE ASSAM POWER AND DISTRIBUTION COMPANY LTD.
REPRESENTED BY THE CHAIRMAN
ELECTRICITY BOARD
BIJULI BHAWAN
PALTAN BAZAR
GUWAHATI-08.

3:THE CHIEF ENGINEER (DISTRIBUTION)
BIJULI BHAWAN
PALTAN BAZAR
GHY-08.

4:THE SUPERINTENDENT ENGINEER
APDCL
DHUBRI
DISTRICT- DHUBRI
ASSAM
PIN- 783301.

5:THE SUB-DIVISIONAL ENGINEER

BILASIPARA ELECTRICITY SUB-DIVISION
APDCL
DIST.- DHUBRI
ASSAM
PIN- 783371.

6:THE CHIEF ELECTRICAL INSPECTOR
GOVT. OF ASSAM
MAHAVAIRAB BUILDING CHANDMARI
SOUTH SARANIA
GHY-03

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

28.02.2024

Heard Mr M Hussain, learned counsel for the petitioner. Also heard Mr B Choudhury, learned Standing Counsel, APDCL, for respondent Nos. 2, 3, 4 and 5 and Mr S R Baruah, learned Government Advocate for respondent Nos. 1 and 6.

2. By filing this writ petition, the petitioners is seeking compensation against the electrocution death of his son.

3. The facts of the case is that on 02.08.2018 at about 7:00 pm, while the petitioner's son namely, Late Bikash Namo Sudra was going to switch on the light and fan inside the shop, suddenly the electric power started flowing at a very high voltage from 220 to 440 voltage and as such his son snapped with the board and speaker box

and suffered injury by electrocution. Immediately, he was taken to Sapatgram SHC for treatment, but the doctor declared him as brought dead due to electric shock.

4. Mr M Hussain, learned counsel for the petitioner submits that the respondent No. 6 has filed an affidavit on 31.07.2023 wherein, the Inquiry Report dated 31.10.2022 held by the Chief Electrical Inspector, Government of Assam, Guwahati (HQ) is annexed.

5. Mr B Choudhury, learned Standing Counsel APDCL fairly submits that the said Report dated 31.10.2022 indicates that there was certain contravention on the part of the APDCL, for which the accident occurred.

6. I have heard the submissions made at the bar and I have perused the materials available on record.

7. It appears from the report of the Chief Electrical Inspector, Government of Assam, Guwahati (HQ) dated 31.10.2022, annexed as annexure-A to the affidavit-in-opposition filed by the respondent No. 6 that the circumstances leading to the accident occurred because of the contravention of regulation 13(1) and 16 (1) of the Central Electricity Authority (Measures Relating to Safety and Electric Supply Regulations, 2010 on the part of the supplier of Electricity that is the Assam Power Distribution Company Limited (APDCL).

8. The Assam Electricity Regulatory Commission, vide its Notification dated 05.08.2019, has notified the AERC (Compensation to victims of Electrical accidents)

Regulations, 2019, providing inter alia the quantum of compensation payable for loss of human life, where accident is attributable to the fault /negligence of APDCL.

9. The Office Memorandum dated 07.11.2019, prescribed the amount of compensation payable for loss of human life and injury as per the said AERC Regulation. A copy of the said office memorandum dated 07.11.2019 is produced before this Court and the same is kept in file. It appears from the said office memorandum that an amount of Rs. 4 lakh only for loss of human life has been prescribed. Further, while prescribing the said amount of Rs. 4 lakh as compensation, it has also been prescribed that in the event of a claim has not been settled within a period of 120 days from the date of occurrence of the electric accident, the delay in payment of compensation shall result in an additional interest of 12% per annum on the amount.

10. In the present case, the accident in which the petitioner's son lost her life, in terms of the aforesaid inquiry report dated 31.10.2022 is attributable to the fault/negligence of the APDCL.

11. As such, this Court is of the considered view that the petitioner is entitled to be compensated under the said Office Memorandum dated 07.11.2019.

12. As such, the respondent APDCL Authorities are directed to make payment of compensation of Rs. 4 lakh to the petitioner for the loss of his son i.e. Late Bikash Namosudra, along with interest @ 12% per annum of the said amount.

13. Having due regard to the factual position, it is directed that the respondents APDCL Authority shall calculate the interest @ 12% per annum from the date of the submission of the electrical accident Inquiry Report by the respondent No. 6 i.e. 31.10.2022. The same shall be paid to the petitioner upon due identification within a period of two months from the date of receipt of a certified copy of this order by the respondent APDCL Authority.

14. With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant