

GAHC010214792022



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

Case No. : WP(C)/6779/2022

ANU BORAH

W/O- LT. LOHIT BORAH, R/O- VILL- KATHALONIBARI, P.O. DIPORA
PUKHURI, P.S. GOHPUR, PIN- 784172, DIST.- BISWANATH, ASSAM

VERSUS

ASSAM POWER DISTRIBUTION COMPANY LIMITED AND 3 ORS
(APDCL), REP. BY THE CHIEF GENERAL MANAGER, BIJULI BHAWAN,
PALTANBAZAR, GHY-01, KAMRUP (M), ASSAM

2:THE CHIEF ELECTRICAL INSPECTOR
GOVT. OF ASSAM
R.G.BARUAH ROAD
GHY-03
KAMRUP (M)
ASSAM

3:THE CHIEF EXECUTIVE OFFICER/ENGINEER
ASSAM POWER DISTRIBUTION COMPANY LTD.
CHARIALI ELECTRICAL DIVISION
ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL)
BISWANATH CHARIALI
DIST.- BISWANATH
784176
ASSAM

4:THE SUB-DIVISIONAL ENGINEER
ASSAM POWER DISTRIBUTION COMPANY LTD.
GOHPUR ELECTRICAL SUB-DIVISION
GOHPUR
DIST.- BISWANATH
784168

ASSA

Advocate for the Petitioner : MS. S BHUYAN

Advocate for the Respondent : SC, APDCL

**BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI**

O R D E R

08.04.2024.

Heard Ms. S. Bhuyan, learned counsel for the petitioner. Also heard Ms. U. Das, learned Addl. Senior Government Advocate, Assam appearing for the respondent No.2 and Mr. J. Barman, learned counsel appearing on behalf of Mr. J.K. Goswami, learned Standing Counsel for the APDCL.

2) By filing this Writ Petition, the writ petitioner is seeking compensation against the electrocution death of her husband i.e. Late Lohit Borah.

3) The facts of the petitioner's case is that her husband Late Lohit Borah was a petty cultivator and earned the livelihood for the whole family by doing cultivation. On the fateful day of the occurrence i.e. on 31.08.2020 at about 2 p.m., while her husband was working at the yard of their residence, he came in contact with an electric wire which was fall off from the side of a Public Electric Post nearby and as heavy electric current was flowing in that wire, he died on the spot. It is the further case of the petitioner that before that unfortunate incident, the local people have verbally informed about the shattered wire to the local Electricity Office under Gohpur Electrical Sub-Division for multiple times, but the employees did not give any importance/interest to their request, and

due to their negligence only, the incident occurred on that day and petitioner's husband died due to electrocution on the spot.

4) Ms. S. Bhuyan, learned counsel for the petitioner submits that it was the duty of the Electricity Department to repair the wire. It was because of the negligence of the respondent authorities, the petitioner's husband died and as such she is entitled for appropriate compensation as per the provisions of the relevant Acts and Guidelines framed from time to time.

5) Mr. J. Barman, learned counsel appearing on behalf of the APDCL submits that there is no fault or negligence on the part of the APDCL.

6) Ms. U. Das, learned Addl. Senior Government Advocate, Assam appearing for the respondent No.2 draws the attention of this Court to the affidavit filed by the respondent No.2, wherein the inquiry conducted by the Senior Electrical Inspector (i/c), Govt. of Assam is annexed.

7) I have heard the submissions made at the Bar and perused the materials available on record.

8) It appears from the report of the Senior Electrical Inspector (i/c), Govt. of Assam, dated 16.08.2023 (Annexure-I) to the affidavit-in-opposition filed by the respondent No.2 that on 31.08.2020, the husband of the petitioner got electrocuted while working in the yard of his residence due to

contact with the GI wire which was live, as it touched the LT conductor of Baliyan Feeder at Kalyani Mandir Road. It further appears that the fatal accident took place as the husband of the petitioner came in contact with the said wire, while plucking banana leaf of his yard by getting electric shock as the GI wire was live and therefore he was electrocuted and died on the spot. It further appears that while inspecting the said transformer installation from which the

electric power was fed to the said detached LT conductor, it has been found that no breaker/MCCB was used for protection of LT side of the transformer. It further appears that if adequate breaker/ MCCB had been used in the LT side of the transformer, the unfortunate accident could have been prevented.

9) It appears from the aforesaid report that because of the fault of the APDCL in maintaining the electric supply lines, wires, fittings and apparatus, the petitioner's husband has lost his life. It is absolutely clear from the aforesaid report that the APDCL has violated the regulations 12(1) and 13 (1) of the Central Electricity Authority (Measures Regulating to safety and Electric Supply) Regulations, 2010.

10) That being so, a clear case of negligence by the APDCL is evident from the said Inquiry Report.

11) The Office Memorandum dated 07.11.2019 has prescribed an amount of Rs.4 lakhs (Rupees four lakhs) only for loss of human life. 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 of the date of the occurrence of the electric accident, the delay in payment of compensation shall result in an additional interest @12% per annum, on the compensation amount.

12) In the 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.

13) As such the respondent APDCL authorities are directed to make the payment of the compensation of Rs.4 lakhs for the loss of the petitioner's husband along with the interest @12% per annum on the same amount. 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.1, Senior Electrical Inspector (i/c), Govt. of Assam i.e. from 16.08.2023.

14) The same shall be paid to the petitioner upon due identification, within two (2) months from the date of receipt of the certified copy of this order, by the respondent APDCL authorities.

15) With the above observation and direction, this Writ Petition stands disposed of.

JUDGE

Comparing Assistant