

GAHC010268592023



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

Case No. : WP(C)/6950/2023

AMIRJAN KHATUN
W/O- LATE MANIK ALI @ MANIK ALI SHEIKH,
VILLAGE- RANGAPANI,
P.O.- BORKONA,
P.S.- MANKACHAR,
DIST.- SOUTH SALMARA MANKACHAR,
ASSAM, PIN- 783131.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO TE GOVT.
OF ASSAM,
POWER AND SUPPLY (ELECTRICITY) DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE ASSAM POWER DISTRIBUTION COMPANY LIMITED (APDCL)
REPRESENTED BY ITS CHAIRMAN
BIJULEE BHAWAN PALTANBAZAR GUWAHATI-07.

3:THE CHIEF GENERAL MANAGER (HRA)
APDCL BIJULEE BHAWAN
PALTANBAZAR GUWAHATI-07.

4:THE CHIEF ELECTRICAL INSPECTOR
GOVT. OF ASSAM
MAHABHAIRAB BUILDING
CHANDMARI
SOUTH SARANIA
GUWAHATI-03.

5:THE ASSISTANT GENERAL MANAGER
GOALPARA ELECTRICAL DIVISION
APDCL LAR

BHALUKDUBI
GOALPARA
P.O.- GOALPARA
DIST.- GOALPARA
ASSAM
PIN- 783101.

6:THE CHIEF EXECUTIVE OFFICER
BONGAIGAON ELECTRICAL CIRCLE
APDCL
LAR
BONGAIGAON
P.O.- BONGAIGAON
DIST.- BONGAIGAON
ASSAM
PIN- 783380.

7:THE SUB-DIVISIONAL ENGINEER
MANKACHAR ELECTRICAL SUB-DIVISION
APDCL LAR
MANKACHAR
P.O.- MANKACHAR
DIST.- SOUTH SALMARA MANKACHAR
ASSAM PIN- 783131

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 13.05.2024

Heard Mr. M. R. Khandakar, learned counsel for the petitioner and Mr. K. Gogoi, learned Addl. Senior Government Advocate for the State respondents. Also heard Mr. B. Choudhury, learned Standing Counsel, APDCL.

2. By way of this writ petition, the petitioner is seeking compensation against the electrocution death of her husband, namely, Manik Ali @ Manik Ali Sheikh.

3. The case of the petitioner is that her husband, i.e., late Manik Ali @ Manik Ali Sheikh died on 29.05.2018 due to electric accident, which occurred due to the alleged negligent on the part of the respondents. The WT message dated 29.05.2018 and detailed report of the respondent No. 7 dated 31.07.2018 reveals that due to sudden pin puncture and creaking of one 11 K.V. line conductor came down at Rangapani and accordingly, on 29.05.2018 at about 1.30 PM, an electric accident occurred in which the petitioner's husband was electrocuted and died.

4. The respondent No. 7 has issued communications dated 30.08.2018, 15.09.2018 and 10.01.2020 to the respondent Nos. 5 & 6 regarding payment of compensation to the petitioner against her deceased husband. However, no payment has been received till date. Accordingly, the instant writ petition has been filed.

5. Mr. B. Choudhury, learned Standing Counsel, APDCL fairly submits that the report of the Chief Electrical Inspector -cum- Advisor, Government of Assam dated 18.03.2024 indicates contravention of regulation 14(1) of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023 by the APDCL authority.

6. Mr. K. Gogoi, learned Addl. Senior Government Advocate for the State respondents also fairly submitted that the aforesaid report indicates that it is due to the negligence on the part of the APDCL that the petitioner's husband lost his life.

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 Chief Electrical Inspector dated 18.03.2024, which is annexed as Annexure-A to the affidavit-in-opposition filed on behalf of the respondent No. 4 on 05.04.2024, that the circumstances leading to the accident occurred because of the contravention of regulation 14(1) of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023 on the part of the supplier of electricity, i.e., Assam Power Distribution Corporation Limited (APDCL).

9. The Assam Electricity Regulatory Commission, by its notification dated 05.08.2019 has notified that the AERC (compensation to victims of electrical accidents) Regulation 2019, providing inter-alia the quantum of compensation payable for loss of human life, where accident is attributable to the fault/negligence on the part of the APDCL.

10. The office memorandum dated 07.11.2019 prescribes the amount of compensation payable for loss of human life and injury as per the said AERC Regulations. It appears from the said office memorandum that an amount of Rs. 4 Lakh only for loss of human life has been prescribed. Further, by 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.

11. In the present case, the accident in which the petitioner's husband lost his life in terms of the aforesaid inquiry report dated 18.03.2024 is attributable to

the fault/negligence of the APDCL.

12. 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. As such, the respondent APDCL authorities are directed to make payment of Rs. 4 Lakh to the petitioner for the loss of her husband, i.e., Manik Ali @ Manik Ali Sheikh along with interest of 12% per annum of the said amount.

13. Having regard to the factual position, it is directed that the respondents APDCL shall calculate the interest @ 12% per annum from the date of the submission of the electrical accident inquiry report by the respondent No. 4, i.e., 18.03.2024. 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.

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

JUDGE

Comparing Assistant