

GAHC010252212025



2026:GAU-AS:4819

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

Case No. : WP(C)/6607/2025

NILEEMA KHATUN
W/O LT. ABDUL SHEIKH, VILL- SURJYAKHATA PART- I, P.O AND P.S-
BILASIPARA, DIST- DHUBRI, ASSAM, PIN- 783348

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,
DISPUR, GHY- 6

2:THE ASSAM POWER AND DISTRIBUTION COMPANY LTD.
REPRESENTED BY THE CHAIRMAN
ELECTRICITY BOARD
BIJULI BHAWAN
PALTAN BAZAR
GUWAHATI- 8

3:THE CHIEF ENGINEER (DISTRIBUTION)
BIJULI BHAWAN
PALTAN BAZAR
GHY- 8

4:THE CHIEF EXECUTIVE OFFICER
KOKRAJHAR ELECTRICAL CIRCLE
APDCL
KOKRAJHAR
DISTRICT- KOKRAJHAR
BTR
ASSAM
PIN- 783370

5:THE SUB-DIVISIONAL ENGINEER

BILASIPARA ELECTRICITY SUB DIVISION
APDCL
LAR
DIST- DHUBRI
ASSAM
PIN- 783348

6:THE CHIEF ELECTRICAL INSPECTOR
GOVT. OF ASSAM
MAHAVAIRAB BUILDING
CHANDMARI
SOUTH SARANIA
GHY- 0

Advocate for the Petitioner : MR. M HUSSAIN, MR A.K. MOLLAH,MR. R I MONDAL

Advocate for the Respondent : GA, ASSAM, SC, APDCL

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 01.04.2026

Heard Mr. M. Hussain, learned counsel appearing on behalf of the petitioner. Also heard Mr. U. Das, learned Additional Senior Government Advocate, representing the respondent nos. 1 to 6 and Mr. W. Ahmed, learned Standing Counsel, APDCL, representing the respondent nos. 2 to 5.

2. The petitioner herein is aggrieved by the non-payment of the compensation payable under Office Memorandum No. MD/APDCL/Law Cell/110/2013/117, dated 07.11.2019, issued by the Chief General Manager (HRA), APDCL, for the unfortunate death of her husband, who allegedly expired due to an incident of electrocution. The petitioner approached the respondent nos. 2 to 5, however, no compensation was paid and it is under such circumstances, the petitioner is before this Court.

3. In the instant case, an affidavit-in-opposition has been filed by the respondent no. 6, the Chief Electrical Inspector, Government of Assam. In the aforesaid affidavit, an enquiry report of electrical accident submitted by the Senior Electrical Inspector, Government of Assam is annexed, which reveals as follows: -

“11. CAUSES LEADING TO THE ACCIDENT: *From the above facts and circumstances leading to the accident, it appears that at the time of the incident, the LT bare conductors were of low tensile strength. Owing to their low tensile strength, the conductors failed to withstand the required load and subsequently snapped, as a result of which the victim received a fatal electric shock and was electrocuted.*

During the site verification, it was observed that the low-voltage distribution line emanating from the 11/0.440kV, 100kVA Distribution Transformer of the aforesaid village is operating without the statutory electrical protective and isolating devices and are not being maintained in an appropriate manner to ensure the safety of personnel and property. It was also observed that the bare LT conductors of the 3-phase, 4-wire overhead line are of low tensile strength. The overall condition of the said sub-station as well as the LT overhead line are totally unsafe. There is every possibility of occurrence of any type of electrical accident at any time unless suitable corrective measures are initiated immediately

Had appropriate safety preventive measures been taken by the owner of the overhead line and sub-station, the instant electrical accident resulting to death of the victim would not have taken place.

12. CONTRAVENTION: *From the facts and circumstances leading to the accident, it appears that there occurred contravention of regulation 12(1) of the then Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 on part of the owner of the aforesaid electric power supply system in issue i.e. the Assam Power Distribution Company Limited (APDCL).*

13. RECOMMENDATIONS: *The safety provisions of the "Central Electricity*

Authority" (Measures relating to Safety and Electric Supply) Regulation, 2023 as amended should be strictly complied with by the owner of the supply lines and substations. It is suggested that periodic and thorough inspections of electric lines and substations be carried out by the owners of such lines and substations and any dilution or deviation from prescribed safety parameters at any time be promptly identified and appropriately rectified in accordance with the provisions of the Electricity Act, 2003 and the Regulations made there under in force from time to time, to ensure public safety."

From the above report, it is seen that the cause of death has been attributed to the APDCL.

4. The learned counsel appearing for the petitioner, submits that since the cause of death of the husband of the petitioner has been attributed to APDCL, the APDCL is liable to pay the compensation as per the OM dated 07.11.2019. However, the learned counsel appearing for the APDCL has submitted a communication, i.e., No. PEL.778226/19 dated 31.03.2026, issued by the Secretary to the Govt. of Assam, Power Department to the Managing Director, APDCL, which reveals that an appeal under Section 162(2) of the Electricity Act, 2003, made by the APDCL against the enquiry report dated 16.12.2025 of the Senior Electrical Inspector, Government of Assam. It is also revealed that the adjudication of the appeal is under process at the Government level. Therefore, the learned counsel for the APDCL submits that the petitioner may approach and participate in the appeal before the concerned authority, i.e., Secretary to the Govt. of Assam, Power Department.

5. The aforesaid communication dated 31.03.2026, submitted by the APDCL is kept on record and marked as 'X' for identification.

6. In view of the aforesaid submission and since an appeal has been filed by the APDCL before the concerned authority, this Court is of the considered opinion that the instant writ petition can be disposed of with a direction to the concerned authority, i.e., the Secretary to the Govt. of Assam, Power Department, to dispose of

the appeal, providing the opportunity to the petitioner of hearing, within a period of 2(two) months from the receipt of a certified copy of this order.

7. In view of the aforesaid, it is directed that the petitioner shall submit a certified copy of the instant order to the concerned authority, i.e., Secretary to the Govt. of Assam, Power Department at the earliest.

8. On receipt of the certified copy, the concerned authority, i.e., the Secretary of Govt. of Assam, Power Department, shall intimate a date of appearance of the petitioner before it.

9. In view of the aforesaid direction, the instant writ petition is disposed of.

JUDGE

Comparing Assistant