

GAHC010253852025



2026:GAU-AS:10445

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

Case No. : WP(C)/6746/2025

BIJULI BORAH
WIFE OF LATE UTTAM THAPA , RESIDENT OF VILLAGE JIRIBASSA NEPALI
GAON, P.O. MAILOO, P.S. KHERONI, DISTRICT- WEST KARBI ANGLONG,
ASSAM

VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LIMITED (APDCL) AND 4
ORS
BIJULI BHAWWAN, PALTAN BAZAR, GUWAHATI, DISTRICT- KAMRUP
(METRO), ASSAM, REPRESENTED BY THE MANAGING DIRECTOR , APDCL

2:THE MANAGING DIRECTOR
APDCL
BIJULI BHAWWAN
PALTAN BAZAR
GUWAHATI
DISTRICT- KAMRUP (METRO)
ASSAM

3:THE DEPUTY GENERAL MANAGER (LAW) APDCL
BIJULI BHAWWAN
PALTAN BAZAR
GUWAHATI
DISTRICT- KAMRUP (METRO)
ASSAM

4:THE SUB -DIVISIONAL ENGINEER
KHERONI ELECTRICAL SUB-DIVISION
APDCL
PO AND PS- KHERONI
DISTRICT -WEST KARBI ANGLONG

ASSAM

5:THE CHIEF ELECTRICAL INSPECTOR
GOVERNMENT OF ASSAM
1ST FLOOR WEST END BLOCK HOUSFED COMPLEX DISPUR GUWAHATI-
06
DISTRICT -KAMRUP METRO ASSA

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

For the Petitioner(s) : Mr. P. Borah, Advocate

For the Respondent(s) : Ms. M. Barman, Govt. Advocate
Mr. B. Choudhury, Standing Counsel

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **29.07.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. P. Borah, the learned counsel appearing on behalf of the Petitioner. Mr. B. Choudhury, the learned Standing Counsel appears on behalf of the APDCL and Ms. M. Barman, the learned Government Advocate appears on behalf of the Respondent No. 5.

2. The present writ petition has been filed by the Petitioner being

aggrieved by the inaction on the part of the Respondent Nos. 1 to 4 in awarding due compensation to the Petitioner on account of the death of her husband due to electrocution.

3. This Court takes note of that in exercise of the powers under Section 181(1) read with Sections 57(2) and 57(3) of the Electricity Act, 2003, the Assam Electricity Regulatory Commission has framed the AERC (Compensation to Victims of Electrical Accidents) Regulations, 2019 (for short, "the Regulations").

4. Chapter III of the Regulations is with the heading "Compensation". Section 5 of the Regulations stipulates the "Liability for compensation" and Section 6 of the Regulations further stipulates the "Quantum of compensation" and makes a reference to Schedule B to the Regulations. Sections 5 and 6 of the Regulations, being relevant, are reproduced hereinunder:

"5. Liability for Compensation:

Notwithstanding anything contained in any other law in force, the licensee/generating company including CPP shall be liable to pay compensation as specified in these Regulations to the person affected or his dependents for loss of animal or human lives or injury to human beings and animals in consequence of an electrical accident, provided the electrical accident is attributable to the fault/negligence of the licensee/generating company/CPP.

Provided that if the loss of human life is due to suicide or homicide or the injury to a human being is due to an attempt to commit suicide or homicide, the licensee/generating company/CPP shall not be liable to pay any compensation for the same under these Regulations.

6. Quantum of compensation:

The quantum of compensation payable for loss of life/injury to human or animal is given at Schedule B.”

5. From a perusal of Section 5 of the Regulations, it is apparent that the licensee/the generating company, i.e., the APDCL herein, would be liable to pay compensation if the electrical accident is attributable to the fault/negligence of the licensee/generating company/CPP. In terms with Section 6 read with Schedule B of the Regulations, the compensation payable for the loss of human life as a result of an electrical accident is Rs. 4,00,000/- per person.

6. The question that arises in the instant proceedings is whether, in exercise of the powers under Article 226 of the Constitution, this Court can direct payment of compensation in terms with Sections 5 and 6 of the Regulations.

7. This Court takes note of that in various judgments passed by this Court, compensation in terms with Sections 5 and 6 of the Regulations has been awarded when it is clear from the materials

on record that the electrical accident is attributable to the fault/negligence of the licensee/generating company/CPP. One of the document taken into consideration while adjudicating such proceedings as would be seen from a perusal of the various judgments passed by this Court, is the Electrical Accident Report submitted by the Electrical Inspector.

8. In the instant case, the Respondent No. 5 has filed an affidavit-in-opposition enclosing the Electrical Accident Report, wherein no fault has been attributed to the APDCL. Rather, the fault has been attributed to the employer of the Petitioner's husband, namely, M/s Babul Roy for permitting a person who did not possess an Electrical Workman Permit and being neither a designated nor a competent person to carry out electrical works on high-voltage installations.

9. This Court also takes note of that, as on date, there is no challenge to the said Electrical Accident Report dated 22.01.2026.

10. Under such circumstances, it is the opinion of this Court that as no fault can be attributed to the APDCL on the basis of the Electrical Accident Report, this Court, in exercise of its powers under Article 226 of the Constitution, cannot award compensation

in terms with Sections 5 and 6 of the Regulations.

11. Accordingly, this Court does not find any merit in the present proceedings, for which, the writ petition stands dismissed.

12. Before parting with the record, this Court makes it clear that this Court has not exercised its jurisdiction under Article 226 of the Constitution in the present proceedings on account of the Electrical Accident Report. In the circumstance, the Electrical Accident Report is challenged and the Petitioner approaches the competent Civil Court, the present order shall not prejudice the Petitioner.

JUDGE

Comparing Assistant