

GAHC010287082019



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

Case No. : WP(C)/8982/2019

JANAKI @ JANKI RAJBHAR
W/O- LATE NANKA RAJBHAR, R/O- VILL- BHAIKABPUR, P.O-
BHAIRABKUNDA, P.S- UDALGURI, DIST- UDALGURI, BTAD, ASSAM, PIN-
784513

VERSUS

THE ASSAM STATE ELECTRICITY BOARD AND 4 ORS
BIJULEE BHAWAN, PALTAN BAZAR, GUWAHATI- 781001

2:THE CHAIRMAN
ASEB
BIJULE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001

3:THE MANAGING DIRECTOR
APDCL
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001

4:THE SENIOR ELECTRICAL INSPECTOR
GOVT OF ASSAM
RAJGARH
GUWAHATI- 781003

5:THE SDO
UDALGURI ELECTRICAL SUB DIVISION
APDCL
UDALGURI
P.O AND P.S- UDALGURI
DIST- UDALGURI, BTAD, ASSAM, PIN- 7

Advocate for the Petitioner : MR. R S CHOUHAN, MR. D BASUMATARY

Advocate for the Respondent : SC, A S E B, GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

Advocate for the petitioner : Shri R.S. Chouhan, Advocate.

**Advocates for the respondents : Shri B. Das, SC. A.S.E.B./A.P.D.C.L;
Shri N. Das, G.A., Assam.**

**Date on which judgment is : NA
Reserved.**

**Date of pronouncement of : 23.02.2026.
Judgment.**

**Whether the pronouncement : NA.
is of the operative part of the
judgment?**

**Whether the full judgment : Yes.
has been pronounced?**

JUDGMENT & ORDER (Oral)

Heard Shri R.S. Chouhan, learned counsel for the petitioner. Also heard Shri B. Das, learned Standing Counsel, A.E.C.B./A.P.D.C.L. and Shri N. Das, learned State Counsel, Assam.

2. The instant writ petition has been filed for a direction for grant of compensation to her for the death of her husband by electrocution on 23.06.2018. As per the facts projected, on the fateful day in the evening, the husband of the petitioner came into contact with live electric wire which had fallen on the ground of the village and had died because of the accident. An *ejahar* was lodged on 03.07.2018 in the Bhairabkunda Police Outpost and on the basis thereof, a G.D. Entry No.35, dated 03.07.2018 was made and the same was subsequently registered as Udalguri P.S. Case No. 146/2018 under Section 304(A) of the I.P.C. The other formalities, including the inquest report and post mortem were done and death certificate was also issued. The petitioner had filed application on 25.04.2019 for payment of compensation. As no action was taken, the present petition has been filed.

3. Shri Chouhan, learned counsel for the petitioner has submitted that there is no dispute to the fact of the death of her husband due to electrocution. The other formalities, including lodging of the police case, investigation, post mortem etc. have been done which fully establishes the claim of the petitioner. He, accordingly contends that appropriate directions be issued for payment of the compensation.

4. Shri N. Das, learned State Counsel by referring to the affidavit-in-opposition filed on 26.04.2023 has submitted that after receipt of notice, the matter was examined and an inquiry was also conducted through the Senior Electrical Inspector. The said inquiry had culminated in a report 14.09.2022 which has been enclosed as Annexure-1 to the aforesaid affidavit-in-opposition. He has informed that the inquiry report would indicate that there was, indeed a death due to electrocution which cannot be said to be because of the negligence of the deceased.

5. Shri Das, learned Standing Counsel, A.P.D.C.L. has submitted that though the

A.P.D.C.L., as such has not filed any affidavit-in-opposition, a reading of the said report does not readily infer negligence on the part of the A.P.D.C.L. He has further submitted that though there is a Scheme of 2019 which prescribes the compensation at Rs. 4 lakhs for the death of an adult, prior to the amendment of the Scheme in the year 2019, the amount of compensation was Rs. 2.5 lakhs for 20 to 55 years and Rs.1.5 lakhs upto 20 years of age. He has also submitted that the date of the incident was 23.06.2018 prior to the amendment of the Scheme.

6. The rival contentions have been duly considered and the materials on record carefully examined.

7. Upon hearing the learned counsel for the parties and on consideration of the materials available on record, including the Electrical Accident Report, dated 14.09.2022 issued by the Senior Electrical Inspector, it would reveal that the death of the husband of the petitioner was by electrocution. There is also a clear finding that the neutral terminal of the distribution transformer along with non-current carrying metal parts of the distribution sub-station at the aforesaid village were not connected or earthed in an efficient manner to prevent abnormal voltage rise during fault on HV side of the transformer at the sub-station.

8. From the above, the aspect that there was no negligence on the part of the deceased which caused his death becomes apparent. The question, therefore, arises as to what would be the rate of compensation. As per the Scheme of 2019, the rate has been prescribed at Rs. 4 lakhs for death case.

9. Shri Das, learned Standing Counsel, A.P.D.C.L. has, however, submitted that on the date of the incident as per the Scheme, the available compensation for the death of an adult was Rs. 2.5 lakhs. The incident had occurred on 23.06.2018 and almost 8

years have passed and this writ petition itself is pending since the year 2019.

10. In view of the above, this Court is of the opinion that the Scheme being a beneficial in nature, the present rate which was prescribed in 2019 as Rs. 4 lakhs should be paid to the petitioner as compensation for the death of the husband of the petitioner due to electrocution.

11. In the above facts and circumstances, the writ petition is disposed of by directing payment of Rs. 4 lakhs as per the Scheme of 2019 to the petitioner by the A.P.D.C.L. The aforesaid amount be paid expeditiously and preferably within a period of 90 days from the date of receipt of a certified copy of this order.

12. It is clarified that under the peculiar facts and circumstances, the new rate of 2019 has been approved which will, however, not be a precedent.

12. No order as to cost.

JUDGE

Comparing Assistant