

GAHC010128442026



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

Case No. : WP(C)/3410/2026

KALPANA MAHANTA
W/O RATNESWAR DAS, PRESENTLY RESIDING AT JYOTI PATH,
NILACHALPUR, P.S. JALUKBARI, GUWAHATI, DISTRICT- KAMRUP METRO,
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF POWER, DISPUR,
GUWAHATI-6.

2:THE CHAIRMAN

ASSAM POWER DISTRIBUTION COMPANY LIMITED (APDCL)
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI-781001.

3:THE MANAGING DIRECTOR

ASSAM POWER DISTRIBUTION COMPANY LIMITED (APDCL)
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI-781001.

4:THE EXECUTIVE ENGINEER

APDCL
GUWAHATI ELECTRICAL CIRCLE
BHANGAGARH
GUWAHATI
DISTRICT- KAMRUP METRO

ASSAM.

5:SAMIR KANDU
S/O LATE BIJAY KRISHNA KANDU
R/O HOUSE NO.5
SUWANI PATH
SRIMANTAPUR
P.S BHANGAGARH
GUWAHATI -05
DISTRICT- KAMRUP METRO
ASSAM

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioners(s) : Mr. Y.S. Mannan, Advocate

For the Respondent(s) : Mr. H.K. Hazarika, Advocate

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **25.06.2026**
- 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. Y.S. Mannan, the learned counsel appearing on behalf of the petitioner. Also heard Mr. H.K. Hazarika, learned counsel for the respondent No.1. None appears for the respondents No.2, 3 and 4.

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

aggrieved by the non-consideration of the representation submitted on 14.08.2025 to the Managing Director of the APDCL.

3. It is the case of the petitioner that the petitioner along with her minor daughter Himashree Das, were residing as tenants in the house of the respondent No.5. On 19.05.2024, at around 4:15 pm in the evening when her daughter went to the terrace of the building to bring back the washed clothes which were hanged for drying, she came in contact with the live wire of high voltage and due to which, half of her body was burnt. Thereafter, the daughter of the petitioner was admitted in GMC&H for treatment and on 23.05.2024, the daughter of the petitioner died due to burn injuries. An FIR was filed on 06.05.2024, regarding the unfortunate incident which led to the death of the petitioner's daughter. Record further reveals that on 14.08.2025, a representation was submitted before the Managing Director of the APDCL. However, the said representation had not been considered and as such, the petitioner has approached this Court by filing the present writ petition.

4. This Court has duly taken note of that in terms of Section 181(1) read with Section 57(2) and 57(3) of the Electricity Act, 2003, the Assam Electricity Regulatory Commission have notified a Regulation in the name and style of AERC (Compensation to Victims of Electrical Accidents) Regulations, 2019 (for short 'the Regulation').

5. Chapter III of the said Regulation deals with compensation. Section 5 of the Regulation stipulates when liability arises upon the licensee. Section 6 further stipulates as to what is the quantum of compensation payable for loss of life/injuries to human or animal at Schedule B.

6. A perusal of Schedule B shows that on account of loss of human life as a result of electrical accident, the compensation payable is Rs.4,00,000/-.

7. This Court further takes note of that there is a manner, in which the compensation application is required to be filed, which is stipulated in Section 15. The said compensation application is required to be filed either in person or by post to the Chief Executive Officer of the concerned Electrical Circle of the licensee or the Station Head of the generating company/CPP concerned, who shall cause such claim to be enquired into and determine in accordance with the Regulation. It is also mentioned in Section 15(i) that the claim can also be made to the Office of the Managing Director or any other Office of the Licensee/Generating Company of the CPP.

8. This Court further takes note of Section 18, which stipulates that the payment of compensation has to be paid to the person entitled within 30 days from the date of the order and the order is required to be passed in terms of Section 16.

9. Section 20 further stipulates as to what is the interest payable. It is relevant to take note of the said Section and the same is reproduced herein below:-

“20. Interest :

The quantum of compensation determined by the order of the licensee/generating/CPP shall be paid within 120 days from the date of occurrence of the electrical accident, and if such payment is delayed for any reason beyond 120 days, the compensation shall be paid with additional interest of 12% per annum on the amount from the due date of payment.”

10. From the above quoted Section, it would show that the payment of compensation has to be made within 120 days from the date of occurrence of the electrical accident and if the payment is delayed for any reason beyond 120 days, the compensation shall be paid with additional interest of 12% per annum on the amount from the due date of payment.

11. In the backdrop of the above, the records indicate that the petitioner did not file the application in terms of Form B which is Annexure-II to the Regulation, but had submitted a representation on 14.08.2025 to the Managing Director of the APDCL and the Office of the said Managing Director had duly received the same on 14.08.2025. However, the petitioner had not been informed as to the result of the said representation or any amount had been paid. It is under such circumstances, the petitioner has approached this Court.

12. It is very pertinent at this stage also to take note of that in terms of Section 5 of the Regulation, the licensee would only make payment of compensation if the electrical accident is attributable to the fault or the negligence of the licensee/generating company of the CPP. On account of not making the Chief Electrical Inspector as a party to the instant petition, this Court is not in a position to ascertain as to whether the accident was on account of any attributable fault/negligence of the licensee.

13. Accordingly, this Court disposes of the writ petition directing the Managing Director of the APDCL to consider the representation as an application filed in Form B and thereupon, if it is found that the electrical accident was attributable to the APDCL authorities, the due compensation be paid to the petitioner. Needless to mention that in the circumstance, it is found that the electrical accident was due to the fault of the licensee of the APDCL and there was delay in making the payment of the compensation, by operation of Section 21 of the Regulation, the interest would accrue, which the Managing Director of the APDCL.

14. This Court further observes that the aforesaid directions have been passed solely on the basis of averments made in the writ petition that the representation dated 14.08.2025 was neither considered nor disposed off. This Court observes that if the representation had already disposed off, the aforementioned

directions would not apply. However, the Managing Director, APDCL shall provide a speaking order giving details.

15. This Court further observes that if upon considering the representations and making enquiry, it comes to light that the electrical accident was not attributable to the Licensee, the representations be disposed of by passing a speaking order. The Managing Director of the APDCL shall before taking such decision of rejecting the claim shall obtain a report from the Chief Electrical Inspector.

16. The aforesaid directions be carried out within a period of 6 (six) months from the date a certified copy of the present order is submitted to the Managing Director of the APDCL. The petitioner along with the certified copy of this order shall also furnish the FIR, Post-Mortem report and the certificate of Death of her daughter.

17. This Court further observes that in the circumstance, the claim of the petitioner is rejected, the petitioner would be at liberty to approach this Court.

18. In addition to the above, this Court further observes that if the petitioner is not satisfied with the quantum of compensation, the petitioner would be at liberty to take resort to Section 9 of the Regulation.

19. Before parting with the record, this Court expresses

disappointment on account of the non-appearance of the APDCL Standing Counsel inspite of they being furnished with copy of this writ petition and their names reflected in the cause list.

J U D G E

Comparing Assistant