

(1997) 07 GAU CK 0021
In the Gauhati High Court
Case No : Civil Rule No. 2731 of 1996

Sant Maya Devi

APPELLANT

Vs

A.S.E.B and Others

RESPONDENT

Date of Decision : 28-07-1997

Acts Referred:

Electricity Rules, 1956 — Rule 29, 90

Citation : (1999) 2 GLT 448

Hon'ble Judges : J.N. Sharma, J

Bench : Single Bench

Advocate : S.C. Biswas, K. Bhattacharjee, A.K. Bhattacharjee, P. Biswas, N.D. Sarma and N. Bhattacharjee, for the Appellant; A.S.E.B., for the Respondent

Judgement

J.N. Sarma, J.—This writ application has been filed by the Petitioner—who is the mother of one Dipak Kumar Chetri (Ghimiri) who died because of electrocution. It is alleged that the death of the son of the Petitioner was caused because of the negligence of ASEB and as such an amount of Rs. 2 lakhs has been claimed as compensation. In this case the age of the deceased was about 13 years and he was a student of Class-III at the relevant time and the accident occurred on 13.7.90. A report has been submitted by the Chief Electrical Inspector-cum-Adviser, Assam, Guwahati-3 and that report in its entirety is quoted belows:

It is seen from the reports dated 14.7.90 of the Asstt. Executive Engineer Chariali Electrical Sub-Divn. ASEB, Chariali also the report dtd. 18.7.90 of the Executive Engineer, Chariali Electrical Divn. ASEB, Chariali copies of which are enclosed at Ann-I(4 pages) and II (2 pages), that the fatal electrical accident resulting in the death of Late Dipak Ghimiri(Chetri) son of the Shri Tara Kt. Ghimiri of Vill Niz Behali, P.O. Janata, Dist- Sonitpur took place on 13.7.90, due to fatal shock received by him from the earth leakage current through the P.S.C. pole for failure of 11,000 volts Disc. Insulator of the 11 KV Behali-Rangchali Batimari feeder at Rangchali. The drawings at Annexure III and IV indicate the 11,000 volts overhead line and the 3 pole P.S.C structure in question and the

spot of the accident. During my site enquiry on 19.11.96 the statements of Shri P.K. Sinha, Executive Engineer, Chariali Divn, ASEB Shri Giasuddin Ahmed, Line Supervisor, Borgong 33/11 KV Sub-Station, ASEB and Shri Phanindra Nath Saikia, Line Supervisor, Chariali Electrical Sub-Divn. ASEB were recorded and copies of the same are annexed at Annexures V, VI(2 pages) and VII (3 pages). An extract from the log book maintained in the Control Room of 33/11 KV Borgong Sub- Station, ASEB is enclosed at Annexure-VIII (2 copies). The Senior Electrical Inspector Teizpur Zone enquired on 18.7.90 into the fatal electrical accident, which occurred on 13.7.90. His report is enclosed at Annexure- IX (5 pages).

From the above statements and reports, it appears that the death of Late Shri Dipak Ghimiri (Chetri) took place due to earth leakage current with which he came into contact while he was collecting small pieces of wires etc. falling on the ground near the triple pole structure. Although the Executive Engineer, Chariali Electrical Divn ASEB mentioned in his report at Annexure-II that the 11 KV line from Behali-Rangchali-Batiamari was damaged due to falling of a big tree in storm on 8.7.90, the log book maintained in the Borgong Sub-Divn. (Annexure-VIII) does not however indicate the position in this respect. There is only record (With red ink) that on 13.7.90 the Behali 11 KV line went off at 5.30 p.m. and was restored at 6 p.m. The report dated 14.7.90 of the Asstt. Engineer (Electrical), Chariali Electrical Sub-Divn. ASEB at Annexure-I to the effect that the electrical accident took place at about 5.30 p.m. on 13.7.90 seems to be correct.

The report No. SEI/TEZ/4114/90-91/583 dated 16.9.90 of the Senior Electrical Inspector Tezpur Zone at Annexure-IX, who enquired into the accident immediately after occurrence of the same, has pointed out the violations made by the ASEB of the provision of the Rule 29 and 90 of the Indian Electricity Rules, 1956. I agree with the report in question of the Senior Electrical Inspector.

Statements have been made in several places in the writ petition that the deceased Late Shri Dipak Ghimiri (Chetri) was the only son of the parents. This does not appear to be so. The mother of the deceased i.e. the Petitioner has stated in the written statement recorded on 19.11.96 by me in the presence of her husband Shri Tara Kanta Ghimiri, co-villagers and ASEB officials that the deceased was the eldest son and her second son Shri Swarup Ghimiri is reading in class VII. A copy of the statement dated 19.11.96 from Smti. Sant Maya Devi(mother of the deceased and petition in the writ Petitioner No. 2731/96) is enclosed at Annexure-X.

The statement of the mother of the deceased (Petitioner) at Annexure-X also indicates that the Assam State Electricity Board provided with vehicle to carry the dead body for postmortem and such it appears that the Supplier of Electricity i.e. Assam State Electricity Board took a humanitarian attitude to the death of the Petitioner's son.

2. From a perusal of the report it appears that ASEB did not perform its statutory legal obligation and did not maintain the electric line properly. Accordingly it was negligent and it was for this negligence that the person died.

3. The next question is what will be the amount of compensation. Already an amount of Rs. 15,000/- has been paid by the ASEB and in addition to that, I now direct that the ASEB shall pay an amount of Rs. 35,000/- to the mother of the deceased within a period of 3(three) months from today. The Petitioner may obtain a certified copy of this order and shall produce the same before the authority to do the needful in terms of this order.

4. Heard Mr. K Bhattacharjee, learned Counsel for the Petitioner and Mr. J. Chutia, learned standing Counsel for ASEB.

5. This disposes of this writ application.