

WP(C) No.116/2012

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

29.01.2014

As prayed for by the learned counsel for the parties, list
this case again on *25.02.2014*.

JUDGE

Lam

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

29.01.2014

Heard learned counsel for the parties.

It is an admitted fact of both the parties that one Anita Sangma died due to electrocution on 19.02.2012 at a place called Police Reserve, Shillong. Section 161 of the Electricity Act, 2003 reads as follows:-

“161. Notice of accidents and inquiries:- (1) If any accident occurs in connection with the generation, transmission, distribution, supply or use of electricity in or in connection with, any part of the electric lines or electrical plant of any person and the accident results or is likely to have resulted in loss of human or animal life or in any injury to a human being or an animal, such person shall give notice of the occurrence and of any such loss or injury actually caused by the accident, in such form and within such time as may be prescribed, to the Electrical Inspector or such other person as aforesaid and to such other authorities as the Appropriate Government may by general or special order, direct.

(2) The Appropriate Government may, if it thinks fit, require any Electrical Inspector, or any other person appointed by it in this behalf, to inquire and report--

(a) as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with, the generation, transmission, distribution, supply or use of electricity, or

(b) as to the manner in, and extent to, which the provisions of this Act or rules and regulations made thereunder or of any licence, so far as those provisions affect the safety of any person, have been complied with.

(3) Every Electrical Inspector or other person holding an inquiry under sub-section (2) shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 Of 1908) for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects, and every person required by an Electrical Inspector be legally bound to do so within the meaning of section 176 of the Indian Penal Code (45 of 1860).”

Learned counsel appearing for the parties could not answer the pointed question put to them by this Court, if Electrical Inspector had inquired and submitted the report as to the cause of the said accident i.e. death of Anita Sangma due to electrocution on 19.02.2012. This being the situation, it appears that Electrical Inspector duly appointed by the appropriate Govt. as provided under Section 161 of the Electricity Act, 2003 has not yet conducted the enquiry as to the cause of the said accident.

Accordingly, Electrical Inspector or Chief Electrical Inspector (concerned) is directed to conduct an enquiry as to the cause of the said accident and submit a report within a period of two months from the date of receipt of this order.

Mr. S Sen Gupta, learned GA appearing for the respondent No.1 is directed to furnish a copy of this order to the State respondents as well as to the Electrical Inspector for taking necessary follow-up action and also for submitting the report within the period indicated above.

List this case again on *27.03.2014*.

The Registry is directed to furnish a copy of this order to the learned counsel appearing for the parties within 48 hours.

JUDGE

Lam

WP(C) No.258/2011

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

29.01.2014

Heard in part.

Hearing will continue on *24.02.2014*.

Learned Advocate General, Meghalaya is requested to produce the schemes prepared by the Govt. of Meghalaya for Adhoc Grant-in-Aid and Deficit Schools.

It is made clear that if the schemes are not available on the next hearing date, adverse reference will be taken against the State respondents.

JUDGE

Lam