WA. No. 33 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

10-02-2015

Mr. KS Kynjing, learned Sr. Advocate, assisted by Mr. SM Suna, learned Advocate, appears for the appellant.

2. Mr. AS Siddiqui, learned Advocate, represents the respondent.

3. We have heard learned counsel for the parties and perused the affidavit filed on behalf of the appellant. The spot inspection report of electrical accident in which (Late) Anita Sangma and (Late) Sheetal Joshi, were electrocuted on 19-02-2012, on reproduction reads as:

> *"**SPOT INSPECTION***
>
> *The MGCC Quarter No. 13 is a three storied building adjacent to which passes and 11 KV line. There are many clothe lines on the terrace. The height of the terrace wall of this building is only 0.78 mtrs. At the accident site, the high tension conductors are vertically placed with clearance of 2 mtrs from the projection of the building. This meets the requirement of Regulation 61(3)(i) of the CEA (Measures Relating to Safety and Electric Supply) Regulation 2010 which stipulates "The Horizontal clearance between the nearest conductor and any part of such building shall on the basis of maximum deflection due to wind pressure be not less than 1.2 mtrs for lines of voltages exceeding 650 Volts upto and including 11000 Volts." The top most conductor is located below at the distance of 2.4 mtrs from the top edge of the terrace side wall. Some burnt marks usually caused due to hot spots was observed on the lower surface of the top conductor. The distance from the edge of the terrace wall and upper surface of the projection of the slab of the first floor where the ten Rupees Note dropped by the victim got lodged is 3.75 mtrs. At the spot where the accident occurred, perforations of the size of the sole of human*

legs are seen at four places on the terrace floor. These foot prints have been formed by burnt cement plaster. The first footprint is at the distance of 0.68 mtr from the terrace wall facing the 11 KV line; and the second, third and fourth footprints are located at 1.01 mtr, 1.284 mtrs and 1.33 mtrs respectively. The distance between the second and the third footprint is only 0.48 mtr indicating that the victims were very near to each other at the time of the accident. At the distance of 2.95 mtrs, 3.04 mtrs and 3.5 mtrs from the same point of the side wall three holes ½" size caused due to burnt and worn out cement plaster are seen on the terrace floor. The spot on the conductor, the first footprint and the ½" holes are aligned approximately. However the ½" size GI pipe which was mentioned by the witnesses to be the cause of the accident could not be traced. Nevertheless the approximate alignment of the dark spots on the conductor, the footprints on the plastered floor, the three charred holes does suggests that there was earth fault in that place caused due to flow of heavy current to the ground facilitated by some long and straight current conducting material like the GI pipe mentioned by the witnesses."

4. Vide para 61(3) of the Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010, horizontal clearance between the nearest conductor and any part of the building on the basis of maximum deflection due to wind pressure is given as under:

*"**61 Clearance from buildings of lines of voltage exceeding 650 V.***

(3) The horizontal clearance between the nearest conductor and any part of such building shall, on the basis of maximum deflection due to wind pressure, be not less than-

(i) for lines of voltages exceeding 650 V up to and including 11,000 Volts - 1.2metres

(ii) for lines of voltages exceeding 11,000 V and up to and including 33,000 V - 2.0metres

(iii)	*for lines of voltages exceeding 33 kV*	*-2.0meters plus 0.3 metre for every additional 33 kV or part thereof.*

5. However, in the final approval for charging of lines of Sub-station, the following report has been given by the Senior Electrical Inspector:

"GOVERNMENT OF MEGHALAYA
INSPECTORATE OF ELECTRICITY::SHILLONG
No. IEL.III/10/2008-09/562
Dated Shillong the 17 April, 2009

From: *Shri. B.D. Nengnong,*
Senior Electrical Inspector,
Meghalaya, Shillong.

To: *The Area Manager,*
Area-I, Shillong Distribution,
Shillong.

Subj: *Final approval for charging of Lines and sub-station.*

Sir,

Final approval for charging of the following Sub-station and Lines is hereby accorded as under Rule 63 of the Indian Electricity Rules 1956, subject to the condition that all pre-cautionary measures as laid down under the Indian Electricity Act & Rules is strictly followed to ensure safety and further subjected to P.T.C.C. clearance.

1. *11/0.4 KV, 100 KVA, Sub-station at Police Reserve Complex, Shillong Location No. 8 and its connected line.*
2. *11/0.4 KV, 100 KVA, Sub-station at Police Reserve Complex, Shillong Location No. 7 and its connected line.*
3. *11/0.4 KV, 100 KVA, Sub-station at Police Reserve Complex, Shillong Location No. 5 and its connected line.*
4. *11/0.4 KV, 100 KVA, Sub-station at Police Reserve Complex, Shillong Location No. 3 and its connected line.*
5. *11/0.4 KV, 100 KVA, Sub-station at Police Reserve Complex, Shillong*

Location No. 2 and its connected line.

6. *11/0.4 KV, 100 KVA, Sub-station at Police Reserve Complex, Shillong Location No. 11 and its connected line.*
7. *11/0.4 KV, 100 KVA, Sub-station at Police Reserve Complex, Shillong Location No. 13 and its connected line.*
8. *11/0.4 KV, 250 KVA, Sub-station at Police Reserve Complex, Shillong Location No. 16 and its connected line.*
9. *11/0.4 KV, 100 KVA, Sub-station at Police Reserve Complex, Shillong Location No. 1 and its connected line.*
10. *11/0.4 KV, 100 KVA, Sub-station at Police Reserve Complex, Shillong Location No. 12 and its connected line.*
11. *11/0.4 KV, 100 KVA, Sub-station at Police Reserve Complex, Shillong Location No. 14 and its connected line.*

Yours faithfully,
Sd/-
(Shri. B.D.Nengnong)
Senior Electrical Inspector,
Meghalaya, Shillong.

6. In view of the above, it would be necessary to seek assistance of Senior Electrical Inspector and some Senior Officers of Meghalaya Energy Corporation who are expert in this field of technical knowledge to find out as to what further precautionary measures were required if the distance between the conductor and the nearest point of the building was about 1.9 metres. They shall also clarify the exact volume of energy in terms of voltage transmitted from 11 KV electricity supply and shall also inform as to whether upon transmission of high voltage, the distance of 1.9 metres between the building and the nearest conductor would have been sufficient for safety.

7. List the matter after 2(two) weeks on 24-02-2014.

JUDGE **CHIEF JUSTICE (ACTING)**

S.Rynjah

WP(C) No. 80 of 2014

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR JUSTICE SR SEN

10.02.2015

Mr R Deb Nath, learned CGC, appears for the petitioners.

Mr MF Qureshi, learned counsel, represents the respondents.

On request of Mr R Deb Nath, learned CGC, we adjourn the matter for three weeks to file affidavit, bringing on record the true and correct facts, based on office records in respect of allegations made in the rejoinder affidavit of writ petitioner vide Annexure XVI.

List the matter on 04.03.2015.

JUDGE

CHIEF JUSTICE
(ACTING)

dev

PIL. No. 2 of 2014

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

10-02-2015

Mr. N. Mozika, learned Advocate, appears for the petitioner.

Ms. NG Shylla, learned GA, represents the State respondents.

Learned State counsel prays for and is granted 2(two) weeks' time to file reply to the additional affidavit on behalf of the petitioner. List on 27-02-2015.

JUDGE **CHIEF JUSTICE (ACTING)**

S.Rynjah

MAF. No. 1 of 2012

BEFORE
THE HON'BLE MR. JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

10-02-2015

Mr. SC Shyam, learned Sr. Advocate, assisted by Mr. B. Deb, learned Advocate, appears for the appellant.

Mr. P. Nongbri, learned Advocate, represents the respondents.

Learned Sr. counsel, Mr. SC Shyam, prays for and is granted one week's time to file corrected copy of the appeal. List on 19-02-2015.

JUDGE **CHIEF JUSTICE (ACTING)**

S.Rynjah

WA No. 4 of 2013

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR JUSTICE SR SEN

10.02.2015

Mr B Khyriem, learned counsel, appears for the appellants.

Mr K Paul, learned counsel, represents the respondents.

On request by Mr K Paul, learned counsel, let this WA No. 4 of 2013 be tagged with WA No. 74 of 2014 with direction to list on the date fixed therein.

JUDGE

CHIEF JUSTICE
(ACTING)

dev

WA No. 17 of 2012

BEFORE

THE HON'BLE MR JUSTICE UMA NATH SINGH,
CHIEF JUSTICE (ACTING)
THE HON'BLE MR JUSTICE SR SEN

10.02.2015

Mr R Kar, learned counsel, appears for the appellant.

Mr S Dey, learned counsel, represents the respondents.

Learned counsel for the appellant prays for and is granted two weeks' time on the ground that Shri GS Massar, learned senior counsel is in personal difficulty on account of ill health of his wife.

List the matter on 24.02.2015.

JUDGE

CHIEF JUSTICE
(ACTING)

dev