

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment reserved on : 01.10.2013  
Judgment pronounced on : 04.10.2013

+ W.P.(C) 313/2012

OM PRAKASH ..... Petitioner  
Through: Mr Puneet Agrawal, Adv.

versus

GOVT.OF NCT OF DELHI & ORS. .... Respondents  
Through: Mr Manish Srivastava and Mr Ashish  
Verma, Advs for BSES  
Mr Dev. P. Bhardwaj, Adv for MCD

**CORAM:**  
**HON'BLE MR. JUSTICE V.K. JAIN**

**V.K. JAIN, J.**

On 12.07.2010, there was heavy downpour, coupled with storm in Delhi resulting in water logging on various roads, including a narrow lane (patli gali) at Nickolson Road, Kashmiri Gate. Late Lokesh Kumar, son of the petitioner, who at that time, was aged about 18 years and was pursuing his graduation with Delhi University, had on the fateful day gone out for some work. The case of the petitioner is that when Lokesh was passing through the above-referred narrow lane (patli gali), he came into contact with the iron grill gate installed there and got electrocuted

since electricity current at that time was flowing in the said iron gate. Lokesh Kumar, at the time he came into contact with the iron grill gate, was in knee-deep water, which had collected near the gate and was fully drenched. He was taken to St. Stephen's Hospital, where he was declared brought dead and cause of death was reported to be electrocution, comatose (state of coma), etc. A post mortem of his dead body was also conducted at Aruna Asaf Ali Hospital and it was confirmed. The petitioner vide a criminal complaint before CMM, Delhi, which resulted in FIR being FIR No. 129/2011 being registered by the police.

2. The petitioner demanded compensation amounting to Rs 50,00,000/-, from the respondents on the ground that his son had died on account of their negligence and, therefore, they were liable to compensate him. Since no compensation was paid to the petitioner for the untimely death of his son, he is before this Court, seeking the following reliefs:-

- a) "pass appropriate writ, order or direction to the respondents to immediately fix the liability of the erring officials/ employees who are responsible for the water logging and the current being flown in and around Patli Gali, Nickolson Road, Delhi, because of which precious life of Lokesh Kumar was lost on 12.7.2010.
- b) pass appropriate writ, order or direction to the respondents to suitably compensate the petitioner by way of paying compensation as demanded by him in his letter dated 24.10.2011;

- c) allow costs of the proceedings in favour of the petitioner and against the respondents.”

3. In its counter-affidavit, respondent No. 1-Government of NCT of Delhi has stated that in terms of the provisions of Delhi Electricity Reform Act, 2000 and Delhi Electricity Reforms (Transfer Scheme) Rules, 2001, Delhi Vidyut Board was unbundled into seven companies, including respondent No. 3-BSES Yamuna Power Ltd. and from the date of transfer of distribution of electricity to three distribution companies (DISCOMS), respondent No. 3-company is responsible for the operation, control, day-to-day supervision and maintenance of electricity in the area, where this incident took place.

4. In its counter-affidavit, respondent-North Delhi Municipal Corporation has state that the narrow lane in which this incident took place does not fall under its jurisdiction since it was being maintained by the residents/shop keepers of the locality. It is also claimed in the counter-affidavit that the death of Lokesh is not attributable to any negligence on the part of MCD officials. It is further stated that as a matter of fact, live wire may have fallen on the gate of the narrow lane and the boy may have come in contact with that Iron Gate and got electrocuted.

5. In its counter-affidavit, respondent- BSES Yamuna Power Ltd. has stated that neither Shri Lokesh Kumar died due to coming into contact with electrical lines or equipments of the said respondent nor can the death be attributed to it. It is further stated in the counter-affidavit that iron grill gate does not belong to BSES Yamuna Power Ltd. It is claimed that the wire installed by the said respondent in the area is double insulated wire at a minimum height of 12-13 feet from the land level and there is no possibility of leakage of electricity from such wires. It is also claimed that there was no current found leaking in the water or in the grill when the spot was inspected by the officials of the respondents along with police officials. The DISCOM has also claimed that a writ petition is not an appropriate remedy for seeking compensation in matters of this nature. Reliance has been placed on the decision of the Apex Court in **Chairman, Grid Corporation of Orissa Ltd. & others vs. Sukamani Das and Anr.** 1999 (7) SCC 298, in support of the said contention.

6. A perusal of the MLC prepared by St. Stephens Hospital, authenticity of which was not disputed during the course of hearing, would show that Shri Lokesh was brought to the said hospital with history of electrocution, comatose, etc. A perusal of the post mortem

report No. 1289/2010, prepared by Aruna Asaf Ali Government Hospital on 13.07.2010, would show that Lokesh had died on account of electrocution. In the complaint made to the Lieutenant Government and Commissioner of Police, Delhi on 13.07.2010 itself, brother of Lokesh complained that the electricity wires in the narrow lane on Nickolson road were hanging haphazardly and his brother died because of electrocution resulting from the negligence of the respondent-BSES Yamuna Power Limited and sought legal action against the officials of the said company as well as the officials of Delhi Government. This was followed by the complaint dated 05.07.2010 to the Lieutenant Government of Delhi, alleging therein that since naked wire was hanging loosely in the lane, the electricity current entered the water resulting in his brother dying because of electrocution.

FIR No. 129/2011 was registered by the police with respect to the death of Lokesh due to electrocution. The police, therefore, got the site inspected from the Assistant Electrical Inspector in the office of Electrical Inspector. A perusal of the report submitted by the Assistant Electrical Inspector to SHO, Police Station Kashmiri Gate would show that there were as many as five energy meters installed on the walls in the street and

the said meters were being supplied electricity through a common service cable without providing earth terminals on or near the point of commencement of electricity supply. One of the LT service cable was found hanging on the street, at a height of two feet, which as per the report of the Assistant Electrical Inspector made it accessible to the logged rain water and living beings. The Assistant Electrical Inspector, therefore, concluded the following provisions of the Central Electricity Authority (Measure relating to Safety & Electric Supply) Regulations, 2010 had not been complied by the staff of BSES Yamuna Power Limited:-

- (i) The earth terminal was not found provided at or near to the point of commencement of supply by the supplier-BYPL as required under the provisions of the regulation no. 16 of the Central Electricity Authority (Measure relating to Safety & Electric Supply) Regulations, 2010.
- (ii) The LT said service cable was found hanging on the street at a height of two feet which was accessible to the logged rain water & living beings. Therefore, the cables were not found maintained under the provisions of the regulation no. 12 of the Central Electricity Authority (Measure relating to Safety & Electric Supply) Regulations, 2010.

7. It is an undisputed position that Lokesh died on account electrocution in the narrow lane at Nickolson Road, Kashmiri Gate, Delhi on 10.07.2010. It is also not in dispute that it was respondent-BSES Yamuna Power Limited which at that time was entrusted with the responsibility of supplying electricity in the said locality. It is also not in dispute that it was the duty of BSES Yamuna Power Limited to install and maintain wires in the said locality. Thus, the management, control and maintenance of electricity wires, in the lane in which Lokesh died due to electrocution, was sole responsibility of respondent-BSES Yamuna Power Limited. Therefore, the doctrine of res ipsa loquitur applies to the case, as the cause of electrocution which resulted in death of Lokesh is primarily in the knowledge of respondent No. 3 alone.

The aforesaid maxim is stated as under in its classic form:-

“Where the thing is shown to be under the management of the defendant or his servants, and the accident is such as in the ordinary course of things does not happen if those who have the management use proper care, it affords reasonable evidence, in the absence of explanation by the defendants, that the accident arose from want of care.”

With respect to the aforesaid maxim Supreme Court in *Shyam Sunder and Ors. vs. The State of Rajasthan* AIR 1974 SC 890 inter alia observed as under:-

“The maxim is only a convenient label to apply to a set of circumstances in which the plaintiff proves a case so as to call for a rebuttal from the defendant, without having to allege and prove any specific act or omission on the part of the defendant. The principal function of the maxim is to prevent injustice which would result if a plaintiff were invariably compelled to prove the precise cause of the accident and the defendant responsible for it, even when the facts bearing on the matter are at the outset unknown to him and often within the knowledge of the defendant....

The maxim is based on common sense and its purpose is to do justice when the facts bearing on the causation and on the care exercised by defendant are at the outset unknown to the plaintiff and are or ought to be within the knowledge of the defendant (see *Barkway v. S. Wales Transport* [1950]1 AER 392)....

The plaintiff merely proves a result, not any particular act or omission producing the result. If the result in the circumstances, in which he proves it,

makes it more probable than not that it was caused by the negligence of the defendant, the doctrine of res ipsa loquitur is said to apply, and the plaintiff will be entitled to succeed unless the defendant by evidence rebuts that probability....

Over the years, the general trend in the application of the maxim has undoubtedly become more sympathetic to plaintiffs. Concomitant with the rise in safety standards and expanding knowledge of the mechanical devices of our age less hesitation is felt in concluding that the miscarriage of a familiar activity is so unusual that it is most probably the result of some fault on the part of whoever is responsible for its safe performance (see John, G. Fleming, The Law of Torts, 4<sup>th</sup> ed., p.260).”

In **K.L. Juneja vs. M/s. Bawa Dan Singh and Sons.** 1997 1 AD (DELHI) 317, the plaintiff, who had visited the building on the invitation of an employee of defendant No.1, fell into the basement of a building through an opening which had not been fenced, as a result he received multiple fractures. This Court was of the view that as the building was owned by defendants No.1 to 3 it were they who were responsible for the safety of the visitors and were obliged to keep the dangerous openings closed adequately so that there was no chance of a mishap. Applying the

principle of res ipsa loquitur the Court was of the view that it was not for the plaintiff to prove that defendants were negligent or lacked foresight. On the contrary it was for the defendants to prove that they were not negligent and had taken every precaution to ensure the safety and precaution of all invitees and visitors.

8. In the case before this Court, the respondent-BSES Yamuna Power Limited has not told the Court as to how and in what manner Lokesh got electrocuted on the fateful day. Since the electricity supply, including installation and maintenance of electric wires in the locality in which the incident took place was under the management, control and supervision of BSES Yamuna Power Limited, it was obligatory for the said respondent to come out with its own version of incident and tell the Court as to what led to the electrocution of Lokesh on that day. In the absence of any version of the incident forthcoming from the said respondent, the Court would be entitled to proceed on the assumption that the aforesaid incident occurred on account of negligence of the said respondents in the matter of upkeep and maintenance of electric wires in the aforesaid locality. The case of the DISCOMS is that since the wires in the said locality were insulated wires, installed at a height of 12-13 feet from the

ground level, there was no possibility of leakage of electricity from such wires. If that be so, it was all the more necessary for the said respondent to explain how Lokesh got electrocuted on that day. This is not the case of BSES Yamuna Power Limited in its counter-affidavit that Lokesh got electrocuted from some private wire installed by a house owner/shop keeper and, therefore, his electrocution is not attributable to any negligence on its part. The said respondent has not at all come out with any explanation for the electrocution of Lokesh and in fact, the counter-affidavit does not even disclose as to whether any inquiry in the matter was conducted by the said respondent and if so, what was the result of such inquiry.

9. Moreover, as noted earlier, the Assistant Electrical Inspector found two major negligence in the installation and maintenance of electric wires by the respondent-BSES Yamuna Power Limited, the first being that earth terminal was not provided at or near the point of commencement of electricity supply and the second being that LT service cable was found hanging on the street at a height of two-three feet from the ground, which was accessible to the logged rain water and living beings. The report of the Assistant Electric Inspector completely demolishes the case of the

respondent that the wires were installed at a height of 12-13 feet from the ground. LT service cable was installed by the DISCOM and not by the consumer. The very fact that such a cable was found hanging on the street at a height of just 2 feet clearly shows that the Company was negligent in the installation, upkeep and maintenance of electricity cables. In fact, had the earth terminal been provided at or near the commencement of supply, in all probability, Lokesh would not have died even on electrocution. Regulation 16 of Central Electricity Authority (Measure relating to Safety & Electric Supply) Regulations, 2010, to the extent it is relevant, requires the supplier of electricity to provide and maintain on the consumer's premises a suitable earthed terminal in an accessible position at or near the point of commencement of supply. The respondent-Company, therefore, clearly contravened the aforesaid regulation by not providing earthed terminal at or near the point of commencement of supply. Regulation 12 of the aforesaid regulations, to the extent it is relevant, provides that all electric supply lines and apparatus shall be constructed, maintained, protected, worked and maintained in such a manner as to ensure safety of human beings, animals and property. If LT service cable is found hanging at a height of just 2 feet from the ground level, it cannot

be said that the said cable had been installed in such a manner as would ensure safety of human beings, animals and property. The wire allowed to be kept hanging at such a low level is certainly risky to the life and safety of all living beings. This was also the conclusion of the Assistant Electric Inspector who inspected the spot on the request of the Delhi Police.

10. As regards jurisdiction of a writ court to award compensation in such matters, the following view taken by this Court in LPA No. 1187/2007: **Delhi Development Authority vs. Bhagwan and Others,** decided on 17.01.2013, is relevant:-

“2. It is by now settled legal proposition that the High Court, in exercise of its jurisdiction under Article 226 of the Constitution can award compensation in a case of loss or damage on account of failure to perform a public duty. In ***Nila-Bati Behera vs. State of Orissa*** 1993 CrL. Law Journal 2899, the Apex Court held that award of compensation in proceedings under Article 32 and Article 226 of the Constitution is a remedy available in public law, based on strict liability for contravention of fundamental rights. In ***D.K.Basu vs. P.A. Narayan*** 1998 1 SCR 899 the Supreme Court awarded compensation amounting to Rs.2 lacs to the appellant for the death of his wife, who was returning by a local train from her office when she was criminally assaulted and robbed of her ornaments and wrist watch. When she pulled the alarm chain, the railway guard and the attendant did not stop the train. The wife of the appellant later

succumbed to her injuries. The Apex Court, holding the railways guilty of breach of duty of taking reasonable care, awarded compensation to the appellant. In ***Darshan and Ors vs. UOI and Ors.*** 1999 (49) DRJ 655, a Division Bench of this court found dereliction of duty on the part of the respondents in leaving the manhole uncovered, which resulted in untimely death of a person on account of his falling in the manhole and awarded compensation on account of breach of public duty by the instrumentality of the State.

Therefore, in the case before us, if a dereliction of duty or negligence on the part of the appellant or its officials is found, grant of compensation in exercise of the writ jurisdiction cannot be faulted.”

11. As regards the decision of the Apex Court in **Chairman, Grid Corporation of Orissa Ltd.** (supra), a perusal of the said judgment would show that the facts of the aforesaid case were altogether different. The facts, as noted in the judgment were as under:-

“It was averred in the writ petition that on 4.8.1996 Pratap Chandra Das, while he was proceeding from his village to another place for marketing, decided to return to his village as dark clouds gathered in the sky and, there were thunderbolts also. While he was returning it had started raining and when he was walking along the Gosipatna-Amara road he came in contact with an electric wire which was lying across the road after getting snapped from the overhead electric line. It was further averred that the electric wire had snapped because of the negligence of the GRIDCO and its officers (the appellants) in not properly maintaining the electricity transmission line and,

therefore, they were liable to pay damages for their negligent act.

In their counter-affidavit the appellants stated that because of the thunder bolt and lightening one of the conductors of the 12 W L.T. line had snapped even though proper guarding was provided. As soon as the information regarding the snapping of line was received from the Line-helper residing at village Amara the power was disconnected. The officers of the appellant had thereafter rushed to that spot and had noticed that one shackle insulator had broken due to lightening and the conductor had also snapped from that shackle insulator along with the guarding and the sub-station fuse had also blown out. It was further stated in their counter-affidavit that on inquiry the officers had learnt that Pratap Chandra Das had died due to lightening and not because he had come in contact with the snapped live wire. It was stated by way of defence that the 12W L.T. line had snapped because of an act of God and not because of any negligence of the part of the appellant and its officers. Thus, the appellants had denied the fact that Pratap Chandra Das Had died as a result of coming into contact with the live electric wire and also raised a defence that even if Pratap Chandra Das had died as a result of coming into contract with the live electric wire it was a pure case of accident arising out of an act of God and his death was not because of any negligence on the part of the appellant and its officers in maintaining the transmission line.

In the aforesaid case, the High Court had awarded compensation of Rs 1 lakh to the respondents. Setting aside the decision of the High Court, while simultaneously allowing the respondents to retain

the amount which had already been paid to them, the Apex Court, inter alia held as under:-

“6. In our opinion, the High Court committed an error in entertaining the writ petitions even though they were not fit cases for exercising power under Article 226 of the Constitution. The High Court went wrong in proceeding on the basis that as the deaths had taken place because of electrocution as a result of the deceased coming into contact with snapped live wires of the electric transmission lines of the appellants, that "admittedly prima facie amounted to negligence on the part of the appellants". The High Court failed to appreciate that all these cases were actions in tort and negligence was required to be established firstly by the claimants. Mere fact that the wire of the electric transmission line belonging to the appellant No. 1 had snapped and the deceased had come into contact with it and had died was not by itself sufficient for awarding compensation. It also required to be examined whether the wire had snapped as a result of any negligence of the appellants and under which circumstances the deceased had come into contact with the wire. In view of the specific defences raised by the appellants in each of these cases they deserved an opportunity to prove that proper care and precautions were taken in maintaining the transmission lines and yet the wires had snapped because of circumstances beyond their control or unauthorised intervention of third parties or that the deceased had not died in the manner stated by the petitioner. These questions could not have been decided properly on the basis of affidavits only.”

It would thus be seen in the above-referred case, the respondent had come out with a defence disclosing thereby the manner in which the

deceased had died and had set up a cause of death different from the cause of death which the respondents had set up in the writ petition. It had taken a specific plea that late Shri Pratap Chandra Das had died due to lightning and not due to his coming in contact with the snapped live wire. Another plea taken by the appellant in that case was that the deceased coming into contract with electric wire was a pure case of accident arising out of an Act of God. No such plea, however, has been taken by the respondent-BSES Yamuna Power Limited, which has not even made an attempt to tell the Court as to how and in what manner late Shri Lokeh got electrocuted on the fateful day. Had the respondent come out with its own version of incident disclosing a cause of death different from the cause of death pleaded by the petitioner, the Court would not have justified in entertaining a writ petition since disputed question of facts would then have arisen, which cannot be adjudicated in a writ petition. But, having not come out with its own version of the incident, there is no escape from the finding that the aforesaid incident occurred on account of negligence on the part of the said respondent in the upkeep and maintenance of electric wires in the street in which the electrocution took place. As noted earlier, the report of the Assistant Electric

Inspection exhibits the callous and negligent manner in which the electric wires and apparatus had been installed and service cables were allowed to be kept hanging at a distance of about 2 feet from the ground level, in a rainy season.

The learned counsel for the respondent No. 3 has also referred to the decision of this Court in K.K. Mehta and Anr. vs. Delhi Vidyut Board and Anr. W.P.(C) No. 4140/2001, decided on 20.09.2013, where a learned Single Judge of this Court, relying upon Chairman, Grid Corporation of Orissa Ltd. & others (supra) as well as another decision of this Court in Abdul Haque and Ors. vs. BSES Yamuna Power Ltd. and Ors 142(2007) DLT 526, held that since disputed question of facts had arisen for consideration, the writ petition was not the appropriate remedy. A perusal of the aforesaid decision would show that the respondent before this Court had claimed in its counter-affidavit that the deceased had in gross defiance of safety measures mentioned in the counter-affidavit, entered the electric sub-station by climbing the fencing and since he had no business to enter the sub-station, he did so at his own risk. It was also stated in the counter-affidavit that the contesting respondent had properly

fenced the electricity sub-station which the child had entered and had kept the gate locked.

However, in the case before this Court, as discussed earlier, the respondent-BSES Yamuna Power Limited, has not come out with its own version of the incident and has not made an attempt to explain in what manner the deceased Lokesh had electrocuted on 12.07.2010. Therefore, this judgment would not apply to the case before this Court.

12. As regards the quantum of compensation, in ***R.D. Hattangadi v. Pest Control (India) Pvt. Ltd. (1995) 1 SCC 551***, Supreme Court held that while fixing the amount of compensation payable to a victim of an accident, the damage have to be assessed separately as pecuniary damages and special damages. Pecuniary damages are those which the victim has actually incurred and which are capable of being calculated in terms of money; whereas non-pecuniary damages are those which are incapable of being assessed by arithmetical calculations. The pecuniary damages may include (i) expenses incurred by the claimant on medical attendance; (ii) loss of earning of profit up to the date of trial; (iii) other material loss. So far non-pecuniary damages are concerned, they may include (i) damages for mental and physical shock, pain and suffering,

already suffered or likely to be suffered in future; (ii) damages to compensate for the loss of amenities of life which may include a variety of matters i.e. on account of injury the claimant may not be able to walk, run or sit; (iii) damages for the loss of expectation of life, i.e., on account of injury the normal longevity of the person concerned is shortened; (iv) inconvenience, hardship, discomfort, disappointment, frustration and mental stressing life.

Similar view was taken in *Lata Wadhwa v. State of Bihar (2001) 8 SCC 197* where the court in respect of an accident which took place in the year 1989, awarded non-pecuniary damages amounting to Rs.50,000/-.

13. It was observed by the Supreme Court in *Lata Wadhwa* (supra), in case of death of an infant, there may have been no pecuniary benefit derived by the appellant during the child's life time, but this will not necessarily bar the parents' claim for the prospective loss provided that they establish a reasonable expectation of pecuniary benefit, if the child had lived.

14. The following view taken by a Division Bench of this Court in *North Delhi Municipal Corporation vs. Rakesh & Ors.* LPA No.

60/2013, decided on 01.02.2013 is relevant for the purpose of calculating compensation to which the petitioner before this Court is entitled:-

“The method of calculating compensation for pecuniary loss of dependency of the parents of the child necessarily entails examination of his potential earning capacity had he lived to adulthood. There is no formula prescribed for computing the income of an infant, in a case of this nature, for the purpose of assessing the loss of dependency to his parents. Undisputedly, as far as possible, the Court should try to apply a basis, which is objective, fair and rational, even for computing the likely income of a child, on his reaching adulthood. We also feel that in case of this nature, the capacity to pay compensation, also cannot be said to be an irrelevant consideration.

In the case before us, the learned Single Judge taking the base amount of Rs.50,000/-, which was the figure adopted by the Supreme Court in Lata Wadhwa, for awarding non-pecuniary damages, to a child, in an incident of the year 1989, arrived at an amount of Rs.1,61,102/- after adjustment in inflation between 1989 and 2006. The learned counsel for the appellant could not show to us that on adjustment as per costs inflation index, the amount of Rs.50,000/- in the year 1989 would not rise to Rs.1,61,102/- in the year 2006. Therefore, no fault can be found with the amount of non-pecuniary awarded by the learned Single Judge.

As regards the pecuniary damages on account of loss of dependency, the learned Single Judge applied minimum wages as the criterion and arrived at a figure of Rs.4,41,585/-. In our opinion,

in a case where no documentary evidence of income can be available, the application of minimum wages, which is an objective, fair and reasonable guidance, to determine the income a child would earn on his becoming an adult for the purpose of determining the non-pecuniary damages, cannot be said to be arbitrary or unreasonable. No better formula to assess the likely income of a child, in a case of this nature, has been brought to our notice. As far as the income specified in the Schedule to Motor Vehicles Act, 1988 is concerned, that does not statutorily apply in such a case. Moreover, the said Schedule came to be notified in the year 1994, whereas this incident took place in the year 2006, and there has been phenomenal increase in the cost of living, during these 12 years. We, therefore, see no reason to interfere with the formula adopted by the learned Single Judge in this case.”

15. Applying the base amount of Rs 50,000/- which the Apex Court had adopted in *Lata Wadhwa* (supra) in respect of an accident that took place in the year 1989 and considering that the cost inflation, index has risen from 172 in the year 1989-90 to 711 in the year 2010-11 in which this incident took place, the amount of non-pecuniary compensation comes to Rs 2,06,686/-. As regards pecuniary damages, applying the criteria of minimum wages and considering that (i) Lokesh studying at the time he died, and was pursuing his graduation, (ii) the minimum wages fixed by the Government of NCT of Delhi for a Matriculate in the year

2010-2011 was Rs.6,448/- and (iii) applying the multiplier of 16, the amount of pecuniary damages comes to Rs.6,19,000/- after deducting 50 per cent for his personal expenses and the expenses of the family he would have raised. Keeping in view the aforesaid two figures, I am of the view that respondent-BSES Yamuna Power Limited is liable to pay a lump sum amount Rs.8,00,000/- to the petitioner as compensation. Neither the respondent-Government of NCT of Delhi nor the respondent North Delhi Municipal Corporation, in the facts and circumstances of the case, is required to pay any compensation to the petitioner.

16. For the reasons stated hereinabove, the writ petition is disposed of with a direction to the respondent-BSES Yamuna Power Limited to pay a sum of Rs.8,00,000/-, as compensation to the petitioner within four weeks from today. The aforesaid amount, if any, not paid within four weeks from today, shall carry interest at the rate of 12% per annum from the date of this order till the date it is paid to the petitioner.

**V.K.JAIN, J**

**OCTOBER 04, 2013**  
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