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**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.**

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**CWP-23508-2019 (O&M).
Date of Decision: 06.08.2024.**

HARISH

... Petitioner

Versus

UTTAR HARYANA BIJLI VITRAN NIGAM AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Lajpat Rai Sharma, Advocate,
for the petitioner.

Mr. R.D. Bawa, Advocate,
Mr. Randhir Bawa, Advocate,
Mr. Samuel Gill, Advocate, and
Mr. Rishabh Rana, Advocate,
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court for seeking compensation to the tune of Rs.10 Lakhs on account of death of his minor son namely Parvensh Malik which occurred on account of electrocution allegedly caused due to negligence on the part of the respondents.

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2. Learned counsel for the petitioner contends that the petitioner is a resident of House No.10/18, Om Colony, Gali No.1, Near Siwan Public School, Panipat, District Panipat. The said house was purchased by his father in the year 2006. The colony of the petitioner is claimed to be an approved colony along with all the amenities and is also stated to be maintained by the Municipal Committee, Panipat, District Panipat. A High Tension Wires of 132 KV is crossing overhead which is at a height of 10-12 feet from the roof of the house of the petitioner. His son namely Parvensh Malik, born on 18.06.2013, was playing on the roof of the house and he was having one iron pipe. He placed the said iron pipe in his underwear and while playing, he came in contact with the High Tension Wires. He sustained electrocution injuries and died as a result thereof on 27.10.2018.

3. Counsel for the petitioner argues that various representations had been submitted by the residents of the locality to the respondents for removal/shifting of the High Tension wires but no steps were taken by the respondents in this regard. He submits that it was owing to the inaction on the part of the respondents, who brought the danger at the public place, that the injuries were sustained. A DDR (Annexure P-6) with respect to the incident was also recorded on 12.11.2018 at Police Post, Model Town, Panipat. He places reliance on the judgment of the Hon'ble Supreme Court in the matter of **H.S.E.B. and others Vs. Ram Nath and others, reported as 2004 (5) SCC 793.** The relevant extract thereof reads as under:-

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“3. In order to consider this submission, one has to look at the averments made in the petition and the reply to those averments. In para (2) of the petition it is stated as follows:-

(2) That the petitioners are residing in their house in Sakti Nagar Colony near Kabri Railway Crossing for over 15 years and a HT line is passing over the house of the petitioners at a much lower height than that prescribed under the Rules. The said line has become quite loose and drooping and touching the roof of the house of the petitioners for the last about two years. The petitioners as well as other Inhabitants of the aforesaid colony have been requesting Respondents 3 and 4 to tighten the said HT line for the last about two years repeatedly in writing and verbally by calling on them in their respective offices but they did not bother for the same.”

4. In the written statement there is no denial to these averments. All that is claimed is that the entire colony was an unauthorised colony and that unauthorisedly the height of the houses had been raised. It is claimed that the wires were at the prescribed height of 20 feet from the ground level and that the height of the wire was as per the standard prescribed under the Rules.

5. It is submitted that these averments would show that there was a disputed question of fact as to whether or not the wires were touching the roof. We are unable to accept this submission. To the categoric averments set out hereinabove that the wires had become loose and were drooping and

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touching the roof of the houses, there is no denial. To the categoric averments that complaints had been made, both in writing and orally, requesting that the wires had to be tightened, there is no denial. A mere vague statement to the effect that the height was as per the prescribed limit does not detract from the fact that there is a deemed admission that the wires were drooping and touching the roofs.

6. The appellants are carrying on a business which is inherently dangerous. If a person were to come into contact with a high-tension wire, he is bound to receive serious injury and/or die. As they are carrying on a business which is inherently dangerous, the appellants would have to ensure that no injury results from their activities. If they find that unauthorised constructions have been put up close to their wires it is their duty to ensure that that construction is got demolished by moving the appropriate authorities and if necessary, by moving a court of law. Otherwise, they would take the consequences of their inaction. If there are complaints that these wires are drooping and almost touching houses, they have to ensure that the required distance is kept between the houses and the wires, even though the houses be unauthorised. In this case we do not find any disputed question of fact.”

4. He also made a reference to certain judgments passed by this Court, however, considering that the issue has already been dealt with by the Hon’ble Supreme Court, the reference to the judgments of this Court in the matter of **Raman Vs. State of Haryana and others, reported as 2013 (4) RCR (Civil) 425**, and **Abshish @ Tanu Vs. Punjab State Electricity Board**

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and others, reported as 2012 (5) R.C.R. (Civil) 935, would not be necessary.

5. Learned counsel appearing for the respondents/UHBVN, on the other hand, contends that the son of the petitioner was playing on the roof with an iron pipe and he got electrocuted as a result of the same. He contends that as per the case of the petitioner himself, the transmission line is at a height of more than 10-12 feet from the roof and that had it not been on account of the son of the petitioner holding the iron pipe and putting the same in his underwear that the incident in question would not have happened. The negligence was thus on the part of the child. He also submits that transmission line was erected and installed in the year 1977 at a proper height from the ground level and at that time there was no construction of the houses in the vicinity. It is specifically averred in para No.6 of the aforesaid reply that the petitioner had illegally constructed two floor house under 132 KV electricity line without any intimation to the Distribution Licensee and the construction was in direct breach of the Central Electricity Authority Rules 2010 as vertical as well as horizontal distance were not maintained by the petitioner himself. He places reliance on the judgment of this Court in the matter of '**Mamta Rani and others Vs. DHBVNL (Dakshin Haryana Bijli Vitran Nigam Ltd.) and others' bearing CWP No.1165 of 2018 decided on 02.07.2019,** wherein the claim of compensation had been denied, where an illegal construction had been raised and the Department was held not liable to pay compensation. He further contends that notices for removal of all illegal and hazardous

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constructions are being regularly issued by the Distribution Licensee and that in the present case, public notices dated 12.07.2017 as well as 23.06.2018 had also been published by the transmission licensee for removal of the unauthorized structure/construction raised in violation of Section 80 and 82 (1) of the Indian Electricity Rules 1956. Notwithstanding the same, the petitioner did not take effective steps for removal of the construction. He further submits that the claim of the petitioner deserves to be dismissed as the transmission licensee cannot be held liable to pay any compensation for the same.

6. No replication/rejoinder has been filed even though the reply on behalf of the respondents had been filed on 17.11.2023.

7. No other argument has been raised.

8. I have heard learned counsel appearing for the respective parties and have also gone through the documents appended along with the present petition with their able assistance.

9. The incident in question resulting in death of son of the petitioner namely Parvensh Malik is not in dispute and as such, the same is not being gone into. The only issue which now survives is as to whether the petitioner is entitled to compensation and, if so, then what should be the quantum thereof.

10. The specific stand of the respondents transmission licensee is that the public notices had been duly published informing all the residents of the locality for removal of the unauthorized construction. Despite the said public notices, the residents did not take steps for demolition of such

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illegal construction/structures. The specific plea of the respondent transmission licensee about two storeyed house having been illegally constructed by the petitioner has also remained uncontroverted.

11. I am of the view that a mere issuance of public notice is not a sufficient and satisfactory discharge of an obligation cast upon the respondent transmission licensee under the provisions of the Electricity Act, 2003 as well as the rules and regulations framed thereunder. It was a bounden duty of the respondent transmission Licensee to ensure that the unauthorized construction/ structures are removed. The failure on the part of the respondents in performing their duty cannot be a reason to defeat the claim and it is also not appropriate to condone such illegal constructions/ structures that are brought up under the transmission lines.

12 The obligation of the respondents does not get satisfactorily discharged merely by serving of notices or issuance of public notice. Section 68 (5) of the Electricity Act, 2003 provides for removal of any structure. The same is extracted as under:-

“68. Overhead lines.—

xxx xxx xxx

(5) Where any tree standing or lying near an overhead line or where any structure or other object which has been placed or has fallen near an overhead line subsequent to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of electricity or the accessibility of any works, an Executive Magistrate or authority specified by the Appropriate Government may, on the

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application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he or it thinks fit.”

13 Further, the Central Electricity Regulatory Commission (hereinafter referred to as ‘CERC’), issued regulations namely “CERC (Measures Relating to Safety and Electric Supply) Regulations, 2010.” Regulations 60 and 61 provide for vertical and horizontal safety distances while raising a construction and Regulation 63 provides for erection or alteration of buildings. The said regulations are being extracted here-in-after below:-

60. Clearance from buildings of lines of voltage and service lines not exceeding 650 Volts.-

(1) An overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line.

(2) Where an overhead line of voltage not exceeding 650 V passes above or adjacent to or terminates on any building, the following minimum clearances from any accessible point, on the basis of maximum sag, shall be observed, namely:-

(i) for any flat roof, open balcony, varandah roof and lean-to-roof-

(a) when the line passes above the building a vertical clearance of 2.5 metres from the highest point, and

(b) when the line passes adjacent to the building a horizontal clearance of 1.2 metres from the nearest point, and

(ii) for pitched roof-

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(a) when the line passes above the -building a vertical clearance of 2.5 metres immediately under the line, and

(b) when the line passes adjacent to the building a horizontal clearance of 1.2 metres.

(3) Any conductor so situated as to have a clearance less than that specified above shall be adequately insulated and shall be attached at suitable intervals to a bare earthed bearer wire having a breaking strength of not less than 350 kg.

(4) The horizontal clearance shall be measured when the line is at a maximum deflection from the vertical due to wind pressure.

(5) Vertical and horizontal clearances shall be as specified in schedule-X.

Explanation: - For the purpose of this regulation, the expression "building" shall be deemed to include any structure, whether permanent or temporary.

61. Clearances from buildings of lines of voltage exceeding 650 V.-

(1) An overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line.

(2) Where an overhead line of voltage, exceeding 650 V passes above or adjacent to any building or part of a building it shall

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have on the basis of maximum sag a vertical clearance above the highest part of the building immediately under such line, of not less than-

- (i) *for lines of voltages exceeding 650 Volts upto and including 33,000 Volts* - 3.7 metres
- (ii) *for lines of voltages exceeding 33 kV - 3.7 metres plus 0.30 metre for every additional 33,000 Volts or part thereof.*

(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* - 1.2 metres
- (ii) *for lines of voltages exceeding 11,000 V and up to and including 33,000 V* - 2.0 metres
- (iii) *for lines of voltages exceeding 33 kV - 2.0 metres plus 0.3 metre fore every additional 33kV or part thereof."*

(4) For High Voltage Direct Current (HVDC) systems, vertical clearance and horizontal clearance, on the basis of maximum deflection due to wind pressure, from buildings shall be maintained as below:

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Sr. No.	DC Voltage (kV)	Vertical Clearance (mtrs.)	Horizontal Clearance (mtrs.)
1.	100 kV	4.6	2.9
2.	200 kV	5.8	4.1
3.	300 kV	7.0	5.3
4.	400 kV	7.9	6.2
5.	500 kV	9.1	7.4
6.	600 kV	10.3	8.6
7.	800 kV	12.4	10.7

(5) Vertical and horizontal clearances shall be as specified in schedule-X.

Explanation: - For the purpose of this regulation the expression "building" shall be deemed to include any structure, whether permanent or temporary.

xxx xxx xxx

63. Erection or alteration of buildings, structures, flood banks and elevation of roads.-

(1) If at any time subsequent to the erection of an overhead line, whether covered with insulating material or not, any person proposes to erect a new building or Structure or flood bank or to raise any road level or to carry out any other type of work whether permanent or temporary or to make in or upon any building, or structure or flood bank or road, any, permanent or temporary addition or alteration, he and the contractor whom he employs to carry out the erection, addition or alteration, shall give intimation in writing of his intention to do so, to the supplier or owner and to the Electrical Inspector and shall furnish therewith a scale drawing showing the

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proposed building, structure, flood bank, road or any addition or alteration and scaffolding thereof required during the construction.

(2) On receipt of such intimation, the supplier or owner shall examine,-

(i) whether the line under reference was laid in accordance with the provisions of these regulations and any other law;

(ii) whether it is technically feasible;

(iii) whether it meets the requirement of Right of Way (ROW);

(iv) whether such person was liable to pay the cost of alteration of the overhead line and if so, send a notice without undue delay, to such person together with an estimate of the cost of the expenditure likely to be incurred to so alter the overhead line and require him to deposit, within thirty days of the receipt of the" notice, with the supplier or owner, the amount of the estimated cost.

(3) If such person disputes the cost of alteration of the overhead line estimated by the supplier or owner or even the responsibility to pay such cost, the dispute may be referred to the Electrical Inspector whose decision thereof shall be final.

(4) The Electrical Inspector shall estimate the cost of alteration of overhead line on the following basis, namely:-

(i) the cost of material used on the alteration after crediting the depreciated cost of the material which shall be available from the existing line;

(ii) the wages of labour employed in affecting the alteration;

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(iii) supervision charges to the extent of fifteen per cent of the wages mentioned in sub clause (ii); and charges incurred by the supplier or owner in complying with the provisions of section 67 of the Act, in respect of such alterations.

(5) Any addition or alteration to the building or structure shall be allowed only after the deposit of such estimated cost to the supplier or owner.

(6) No work upon such building, structure, flood bank, road and addition or alteration thereto shall be commenced or continued until the Electrical Inspector has certified that the provisions of regulation 58, 60 and 61 should not be contravened either during or after the aforesaid construction:

Provided, that the Electrical Inspector may, if he is satisfied that the overhead line has been so guarded as to secure the protection of persons or property from injury, certify that the work may be executed prior to the alteration of the overhead line or in the case of temporary addition or alteration, without alteration of the overhead line.

(7) The supplier or owner shall, on receipt of such deposit, alter the overhead line in such a way that it does not contravene the provisions regulation 58, 60 and 61 either during or after such construction within two months from the date of such deposit or within such longer period as the Electrical Inspector may allow.”

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14 The respondent-UHBVNL had earlier issued Sale Circular No.U-31/2017 dated 16.08.2017 revising the minimum horizontal and vertical distances to identify violations and to ensure the removal thereof. The UHBVNL later issued Sales Circular No.U-03/2020 noticing that officers were not issuing notices to the violators and to take action under Section 188 of the Indian Penal Code, 1860 as well as Section 133 of the Code of Criminal Procedure, 1973. It was specifically noticed in the said circular that even though M.C. should take precaution while sanctioning building plans, however, the distribution licensee cannot absolve itself of the responsibility for such construction under the transmission lines.

15 Hence, the respondents were always aware not only of the problem but also of their responsibility but yet chose to stay short of necessary action to be taken. The respondent cannot thus claim an immunity against an actionable claim when its officials are definitely at a contributory negligence.

16 The Sales Circulars issued by the authority are legally not known to the public at large and the municipal authorities vested with approval of building never seemingly appear to care and have shown scant regard to the circulars giving rise to a confusion in the minds of the public about the actual norms. It would be too much of an expectation from a citizen to be searching through the maze of websites about the different compliances. It is invariably to save a citizen of the same that various approval are required to be obtained. Failure to ensure adherence to the rule

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of law by instrumentalities of State cannot be an armour to safeguard the negligent officials.

17 At the same time, there is nothing on record to prima facie show that the construction was legal and raised after obtaining due approvals as per law. Specific object to the said effect has also not been responded to. The claimant thus cannot impress that only the respondents were negligent. It is also on record that the deceased child had put a 15-20 feet iron pipe in his underwear and was running around when the pipe touched the over-head transmission line. A five year child was thus left unattended at the roof by the petitioner as well. They were also equally negligent.

18 Nonetheless, a child has lost his life and as usual all agencies are busy blaming the other for the incident.

19 It is also not in dispute that a policy i.e. “Compensation Policy for the fatal/non-fatal accidents of Human Beings, due to electrocution & compensation thereon, for the Nigam Employees, Contractual Employees, Workman engaged by Contractor on Nigam’s works & Private Persons (including minors)”, issued vide **Notification No. 107/SE/Admn/REG-13/L dated 18.05.2017** had been notified by the respondents - UHBVNL for awarding compensation for fatal/non-fatal accidents in favour of the victims. The same is extracted as under:-

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**"UTTAR HARYANA BIJLI VITRAN NIGAM****NOTIFICATION****18, May, 2017**

No. 107/SE/Admn/REG-13/L *In exercise of powers conferred under Section - 56(3) (vi) of Haryana Electricity Reforms Act - 1997, read with the Electricity Act - 2003, Article 42 of the Articles of Association of UHBVN and all other enabling powers in this behalf, the Uttar Haryana Bijli Vitran Nigam is pleased to frame a Compensation Policy for the fatal/non-fatal accidents of Human Beings due to electrocution 86 compensation thereon, for the Nigam Employees, Contractual Employees & Private Persons (including minors). The salient features of the Compensation Policy are given in the succeeding paragraphs.*

1. *Uttar Haryana Bijli Virtan Nigam (hereinafter called UHBVN) is engaged in activities which are hazardous and risky to human life. Presently, UHBVN pays compensation to its employees under Employees Compensation Act 1923. Similarly, private persons are also awarded compensation as per formula applicable to its regular employees in case the Nigam owns its negligence.*

2. *It has been noticed that there are certain discrepancies as well as inadequacy in the compensation presently being paid for the fatal as well as non-fatal accidents of human beings due to electrocution. Under such circumstances, the Nigam should compensate for the damage caused to human life due to electrocution, irrespective of any carelessness or fault on its part or on the part of employees of the Nigam.*

3. *Accordingly, the revised norms are hereby prescribed for the payment of compensation for fatal as well as non-fatal*

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accident of human beings due to electrocution or working on electrical system of the UHBVN or while on duty for the UHBVN.

4. The compensation allowed under these instructions is over and above the benefits otherwise admissible to the concerned categories as per the terms of employment/ contract/ applicable law.

5. The compensation allowed by the UHBVN as above is purely on humanitarian ground and shall not create any obligation whatsoever enforceable in any court of law.

6. Type of Accidents:

Depending upon the severity of the accident and its impact on human beings, the accidents due to electrocution are classified as under: -

*I. **Fatal accident:-**Resulting into the death of human beings.*

*II. **Non-Fatal Accidents:-**Resulting into disability to human beings. Depending upon the disability, these non-fatal accidents are further classified as under:-*

- (a) Accidents resulting in permanent disability.*
- (b) Accidents resulting in partial disability.*
- (c) Accident resulting in temporary disability.*

7. Category of the affected person:-

The affected victims covered under the policy are categorized as under:-

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- I. *Regular employees of the Nigam.*
- II. *Contractual workers (Direct - Part Time and Full Time).*
- III. *Contractual workers (Part Time and Full Time through contractors)*
- IV. *Private Persons.*
 - (a) *Adults.*
 - (b) *Children.*

The compensation payable to above mentioned categories is detailed out as under:-

8. *Nigam Regular Employees.*

(I) *Fatal Accident*

(a) The Compensation payable, where death occurs from the injury shall be payable to the legal heir in accordance with the provisions contained in the Employees Compensation Act, 1923.

(b) Other Financial Assistance:-

Financial Assistance of Rs. 10.00 lacs in case of fatal accident, which occur due to electrocution or are directly attributable to carrying out the business activities of the Nigam.

(c) Service benefits:-The benefits as admissible under monthly financial assistance scheme 2006 prescribed by the Govt. of Haryana and adopted by the UHBVN shall be payable to the legal heir of the deceased regular employee.

(II) *Non Fatal Accident.*

The following compensation shall be payable to the victim:-

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(A) Permanent Disablement

- (a) *Where the injury results in permanent disablement of the employee as per the “Persons with Disabilities Act, 1995”, the compensation shall be payable as per provision contained in the Employees Compensation Act, 1923.*
- (b) **Other Financial Assistance:-***In addition to above compensation, the employee shall be reimbursed the actual medical expenditure incurred by him for treatment of injuries caused during the course of employment, irrespective of the amount prescribed under the medical reimbursement rule.*
- (c) *Entire service benefits admissible upto the age of 58 years in case of permanent disability.*
- (d) *Financial Assistance of Rs. 10.00 lacs in case of permanent disability over & above (b) & (c), in the event of non-fatal accidents resulting into permanent disability, which occur due to electrocution or are directly attributable to carrying out the business activities of the Nigam.*

(B) Partial Disablement

- (a) *Where the injury results in partial disablement as per the “Persons with Disabilities Act, 1995”, the compensation shall be payable as per provision contained in the Employees Compensation Act, 1923.*
- (b) **Other Financial Assistance:-***In addition to above compensation, full free medical treatment is provided to the victim, irrespective of the amount prescribed under the medical reimbursement rule.*

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(C) Temporarily Disablement

- (a) *Where the injury results in temporary disablement of the employee as per the “Persons with Disabilities Act, 1995”, the compensation shall be payable as per provision contained in the Employees Compensation Act 1923.*
- (b) **Other Financial Assistance:-***In addition to above compensation, the employee shall be reimbursed the actual medical expenditure incurred by him for treatment of injuries caused during the course of employment, irrespective of the amount prescribed under the medical reimbursement rule.*

9. *Contractual Workers (Direct - Part Time & Full time).*

The following compensation shall be payable:-

(I) *Fatal Accident.*

- (a) *The Compensation payable, where death occurs from the injury shall be payable to the legal heir in accordance with the provisions contained in the Employees Compensation Act, 1923.*

(b) *Other Financial Assistance:-*

Financial Assistance of Rs. 10.00 lacs in case of fatal accident, which occur due to electrocution or are directly attributable to carrying out the business activities of the Nigam.

(II) Non Fatal Accident

(A) Permanent Disablement

Where the injury results in permanent disablement of the employee as per the “Persons with Disabilities Act, 1995”, the compensation shall be payable as per provision contained in

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the Employees Compensation Act 1923.

Financial Assistance of Rs. 10.00 lacs shall be payable in case of permanent disability over & above, in the event of non-fatal accidents resulting into permanent disability, which occur due to electrocution or are directly attributable to carrying out the business activities of the Nigam.

(B) Partial Disablement

Where the injury results in partial disablement as per the “Persons with Disabilities Act, 1995”, the compensation shall be payable as per provision contained in the Employees Compensation Act, 1923.

(C) Temporarily Disablement

Where the injury results in temporary disablement of the employee as per the “Persons with Disabilities Act, 1995”, the compensation shall be payable as per provision contained in the Employees Compensation Act 1923.

10. *Contractual Workers (Part Time & Full time through Contractor)*

(I) *Fatal Accident*

(a) *Other Financial Assistance:-*

Financial Assistance of Rs. 10.00 lacs in case of fatal accident, which occur due to electrocution or are directly attributable to carrying out the business activities of the Nigam.

(b) *Minimum compensation to the tune of Rs. 3.00 lacs shall be payable by the contractor under Group Insurance policy as per contract clause.*

Contractual workers are engaged through contractor, hence the liability of these workers is not owned by UHBVN.

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**(II) Non Fatal Accident**

Contractual workers are engaged through contractor, hence the liability of these workers is not owned by UHBVN. The compensation as admissible under the provision of the Employees Compensation Act, 1923 shall be payable by the Contractor concerned.

Financial Assistance of Rs. 10.00 lacs shall be payable in case of permanent disability over & above, in the event of non-fatal accidents resulting into permanent disability, which occur due to electrocution or are directly attributable to carrying out the business activities of the Nigam.

11. Private Person for Fatal Accident & Non-Fatal Accidents

UHBVN is engaged in the hazardous activity and risky for the human life and thus UHBVN owns strict liability for compensation to the private person. Accordingly, the compensation to the private person shall be payable in case of fatal as well as non-fatal accident irrespective of the reasons for such accident as the electricity system is open to the public. The compensation amount shall be payable as per provision of the Employees Compensation Act, 1923. However, this compensation shall be applicable for the accident cases occurring with the electrical network of the UHBVN and not in private premises.

12 Private Person having age less than of 16 years for Fatal Accident & Non-Fatal Accidents.

The compensation for fatal as well as non-fatal accident to a private person having age less than 16 years, shall be payable as per the provisions of the Employees Compensation Act,

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1923. Since, the age factor for person having age less than 16 years is not available in the Employees Compensation Act 1923, accordingly, the age factor for the 16 years (being the highest age factor) shall be considered for working out the amount of compensation. However, this compensation shall be applicable for the accident cases occurring with the electrical network of the UHBVN and not in private premises.

13. ***The authority for sanction of the compensation under the above policy shall be as under:-***

<i>Sr. No.</i>	<i>Category of persons</i>	<i>Type of accidents</i>	<i>Description</i>	<i>Investigating Officer</i>	<i>Sanctioning Authority</i>
01.	Nigam Regular Employees	Fatal Accidents	Compensation	Respective SE(OP)	Respective CE(OP)
02.	-do-	-do-	Other Financial assistance	Respective SE(OP)	Respective SE(OP)
03.	-do-	Non-Fatal Accidents	Compensation	Respective XEN(OP)	Respective CE(OP)
04.	-do-	-do-	Other Financial assistance	Respective XEN(OP)	Respective SE(OP)
05.	Contractual Workers (Direct) (Part Time & Full time)	Fatal Accidents	Compensation	Respective SE(OP) through CEI	Respective CE(OP)

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06.	-do-	-do-	Other Financial assistance	Respective SE(OP) through CEI	Respective SE(OP)
07.	-do-	Non-Fatal Accidents	Compensation	Respective XEN(OP) through CEI	Respective CE(OP)
08.	-do-	-do-	Other	Respective	Respective
09.	Contractual Workers (Part Time & Full time through Contractor)	Fatal Accidents	Compensation	Respective SE(OP) through CEI	Respective CE(OP)
10.	-do-	-do-	Other Financial assistance	Respective SE(OP) through CEI	Respective SE(OP)
11.	-do-	Non-Fatal Accidents	Compensation	Respective XEN(OP) through CEI	Respective CE(OP)
12.	-do-	-do-	Other Financial assistance	Respective XEN(OP) through CEI	Respective SE(OP)
13.	Private persons	Fatal Accidents	Compensation	Respective SE(OP) through CEI	Respective CE(OP)
14.	-do-	-do-	Other Financial assistance	Respective SE(OP) through CEI	Respective SE(OP)
15.	-do-	Non-Fatal Accidents	Compensation	Respective XEN(OP) through CEI	Respective CE(OP)

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16.	-do-	-do-	Other Financial	Respective XEN(OP)	Respective SE(OP)
17.	Private persons (Not more than the age of 16 years)	Fatal Accidents	Compensation	Respective SE(OP) through CEI	Respective CE(OP)
18.	-do-	-do-	Other Financial assistance	Respective SE(OP) through CEI	Respective SE(OP)
19.	-do-	Non-Fatal Accidents	Compensation	Respective XEN(OP) through CEI	Respective CE(OP)
20.	-do-	-do-	Other Financial assistance	Respective XEN(OP) through CEI	Respective SE(OP)

14. Procedure for sanction of compensation.

(A) Nigam Employees [Regular/ Direct (Part Time/Full Time)].

1. Intimation of accident through E-mail/ Telephonically may be sent to the respective authority by concerned SDO within 12 hours of the occurrence of accident.
2. Site of accident should be visited by concerned Executive Engineer within 24 hours and he will submit his independent investigation report within 4 days to all concerned authorities.
3. Sub Divisional Officer will collect true copy of Post Mortem report, FIR, Police Panchnama& submit the same within 7 days to the next authority. Based on the report, the Executive

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Engineer will approve the provisional payment of Rs. 1,00,000/- & issue cheque in favour of authorized legal heir and the same shall be adjusted from final payment. He will hand over the cheque to the legal heir of the deceased along with covering letter & obtain receipt of the same alongwith ID.

Procedure for final compensation.

1. *It will be the responsibility of the SDO concerned to obtain following relevant documents and will submit to XEN within 10 days :-*
 - (i) *Copy of FIR.*
 - (ii) *Copy of Police Panchnama.*
 - (iii) *Copy of Post Mortem report.*
 - (iv) *Statement of witness of concerned staff & eyewitness if any.*
 - (v) *Sketch of the site accident/ photo of the deceased if any.*
 - (vi) *Report in the forms as prescribed by CEI.*
 - (vii) *Duty certificate.*
 - (viii) *Claim petition of authorised legal heir of the deceased.*
2. *Concerned XEN will verify above documents & submit the case to concerned SE(OP) alongwith the following documents within 7 days.*
 - (i) *DOB as per service book.*
 - (ii) *Last Pay Drawn Certificate.*
 - (iii) *Clear cut recommendation of compensation.*
 - (iv) *Name of responsible officer/official of the accident, if any.*
3. *Concerned SE(OP) will forward the case to CE(OP) alongwith his clear cut recommendation of compensation within 04 days.*

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4. *CE(OP) will approve the compensation under Employees Compensation Act-1923 & amended from time to time.*
5. *Concerned SE(OP) will sanction the Financial Assistance to the next of kin of deceased contractual worker on the basis of above information/ documents.*
6. *In case of Non Fatal Accident of Nigam Employees (Regular/ contractual/ Part Time), the respective CE(OP) will sanction the compensation as per procedure as stated above and as per disability of the victim.*

(B) Procedure for dealing the Financial Assistance of Contractual Workers (Part Time & Full time through Contractor).

Concerned SE will sanction the Financial Assistance to the legal heir of deceased contractual worker on the basis of information/ documents as mentioned at Para (A) above for Nigam Employees.

(C) Procedure for dealing the Compensation of Private Person.

The procedure for dealing the compensation cases for convenience of the general public is detailed out as under:-

Procedures to be followed for releasing initial financial assistance.

1. *On occurrence of fatal electrical accidents to human beings (Outsider) on DISCOM's Electrical Infrastructures or equipments (not in private premises), the concerned SDO will visit the site within 24 hours and ascertain the by the Government, Site Panchnama, Site Photographs, Site Map, Rojnamcha, Statement of witnesses, Statement of family members/ legal heirs of the victim, etc.*
2. *Concerned SDO will collect true copy of Post-Mortem report,*

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FIR, Police Panchnama.

3 *Based on the report, concerned SDO will prepare proposals for initial financial assistance of Rs. 1,00,000/- and the same shall be adjusted from final payment, with following bare minimum documents.*

- (i) *Copy of FIR.*
- (ii) *Copy of Post Mortem report.*
- (iii) *SDO's Investigation report along with prescribed Proforma of Accident.*
- (iv) *Payment Authorization letter.*

4 *On receipt of the proposal from the Sub-division, concerned XEN will approve the payment of Rs. 1,00,000/- and issue cheque in favour of the authorized legal heir.*

5 *Concerned SDO will hand over the cheque to the legal heir of the victim along with covering letter and obtain receipt of the same along with ID proof.*

6 *The complete procedures, as above, should be completed within 07 days.*

Procedures for final compensation:

1. *It will be the responsibility of the concerned SDO to obtain relevant documents such as-*

- (i) *Copy of FIR.*
- (ii) *Copy of Police Panchnama.*
- (iii) *Copy of PM Report.*
- (iv) *Statement of witnesses and family members/ legal heirs of the deceased, etc.*
- (v) *Proof of age of the deceased, such as birth certificate, school*

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leaving certificate, any government issued documents indicating the birth date viz. Pan Card, Adhar Card, Voter ID, Driving Licence, etc.

- (vi) *Panchayat Certificate of Income for Rural area and from Municipal Corporation for Town area, has to be obtained or from any other Competent Authority.*
- (vii) *Chief Electrical Inspector's (CEI) investigation report. It will be the responsibility of SDO to hand over relevant documents i.e. Police Panchnama, FIR, Post-Mortem Report and Standard forms, duly filled up, etc. to the Chief Electrical Inspector.*
- 2. *For eligible cases, Concerned SDO will submit the documents to XEN concerned.*
- 3. *Concerned XEN will verify all the documents and submit the same to the Circle Office.*
- 4. *In addition to above, before sanctioning the final compensation amount as per details given in the policy above. It would be imperative for the concerned XEN having jurisdiction over the area, to satisfy himself that the death of the victim was caused by electric shock in DISCOM's Electrical Infrastructures or equipments (not in private premises) after thorough verification of certified copies of the relevant documents.*
- 5. *The compensation amount shall be approved by the concerned officer as per DOP mentioned above.*
- 6. *Final compensation shall be paid by the Nigam within a period of 02 months from the date of receipt of documents from the legal heir of the victim.*

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NOTE:- The purpose of report of CEI is to ascertain the cause of accident for taking remedial measures to avoid accidents in future. However, for sanction of compensation by competent authority, the CEI report is not mandatory requirement in all categories.

The compensation policy shall come into force in UHBVN with immediate effect.

This issues in pursuance of the decision taken by the Board of Directors of UHBVN in its meeting held on 09.05.2017.

***Superintending Engineer/
Admn., UHBVNL,
Panchkula.”***

20 It is evident from a perusal of the same that the said policy intends to compensate a victim notwithstanding the negligence having been committed by him. Accordingly, this Court need not go further into the said aspect. The present writ petition is accordingly disposed of, at this juncture, with a direction to the respondents to treat this writ petition as a representation and to ascertain the compensation admissible to the petitioner as per the policy. The Managing Director of the respondent Distribution Licensee is also directed to ensure meticulous compliance of the mandate of the Electricity Act, 2003 in relation to structures being raised under the transmission lines, without due permission, and also to take action against the officials who fail to ensure the compliance of the regulations.

21 Needless to mention that in the event of filing of such claim/representation by the petitioners before the competent authority as per

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the policy, the same shall be decided expeditiously by the competent authority preferably within a period of 04 months from the date of filing of the such claim/representation, after granting an opportunity of hearing to the respective parties.

22 The present writ petition stands disposed of accordingly.

August 06, 2024
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No