

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.111 of 2017

Date of Decision : 19.09.2026

Rekha and another

..... Appellants

Vs.

The H.P. State Electricity Board through its Secretary and another

..... Respondents

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the appellants : Mr. Aryan Manta, Advocate for Mr. Rakesh Manta, Advocate.

For the Respondents: Ms. Sunita Sharma, Senior Advocate with Ms. Harshita Dogra and Ms. Manisha Kumari, Advocates.

G.S. Sandhawalia, Chief Justice (Oral)

The appellants, by way of present Letters Patent Appeal, challenge the judgment passed by the learned Single Judge, in **CWP No.3647 of 2011**, titled **Rekha vs. The H.P. State Electricity Board & another**, dated 01.04.2017 and seek further enhancement of the compensation amount of Rs.6 Lakhs, which was awarded to them on account of the death of Deepak Kumar, who was 13 years old when he suffered electrocution from the electric wires hanging low over the

house occupied by his family, on 18.04.2008, and eventually expired on 20.04.2008.

2. The learned Single Judge, in the absence of any evidence of the claim that the deceased was earning Rs.4,500/- per month, had granted a lump sum of Rs.6 Lakhs, while relying upon the judgments of the Apex Court in ***Nilabati Behera (Smt) alias Lalita Behera (through the Supreme Court Legal Aid Committee) vs. State of Orissa and others, (1993) 2 Supreme Court Cases 746; Chairman, Railway Board and Others vs. Chandrima Das (Mrs) and others, (2000) 2 Supreme Court Cases 465; Sube Singh vs. State of Haryana and others, (2006) 3 SCC 178; and M.P. Electricity Board vs. Shail Kumari and others, (2002) 2 Supreme Court Cases 162***, while invoking the jurisdiction under Article 226 of the Constitution of India and the liability of the Court under law of torts to compensate for the loss suffered by the family, irrespective of any negligence.

3. We are informed by the counsel for the respondents that a sum of Rs.6 Lakhs has been duly paid and has been paid along with the penal interest of 7.5%, as it was not paid within three months, as directed.

4. The present appeal, thus, has been filed for enhancement of the amount of compensation on the ground that the claim in the writ petition was for Rs.10 Lakhs and the interest element of 9% should be

granted from the date of filing of the writ petition (CWP No.3647 of 2011), which was filed on 03.05.2011.

5. Counsel for the appellants has relied upon the judgments of the Apex Court in, ***Municipal Corporation of Delhi, Delhi vs. Uphaar Tragedy Victims Association and others, (2011) 14 SCC 481*** and ***State of Himachal Pradesh vs. Naval Kumar alias Rohit Kumar, (2017) AIR (SC) 718***, to seek the enhancement.

6. Learned Senior Counsel for the respondent-Board, on the other hand, has relied upon a recent judgment of the Apex Court, in a Civil Appeal arising out of ***SLP(C) No. 24849 of 2025, titled Karnataka Power Transmission Corporation Limited vs. Rekha and others***, decided on 12.08.2026, to point out that the disputed questions of facts are involved and the writ petition, as such, would not be maintainable, and there were alternate remedies available, and that the multiplier factor, as applicable to the Motor Vehicles Act, 1988, could not be applied in the cases falling under the Electricity Act, 2003.

7. A perusal of the judgment in ***Uphaar tragedy case*** (supra), would go on to show that the High Court had, as such, granted compensation of Rs.18 Lakhs in the cases of those aged more than 20 years and Rs.15 Lakhs in the cases of those aged 20 years and less. The Apex Court modified the same and came to the conclusion that a sum of Rs.7.5 Lakhs would be payable in regards to those who were 20 years or below on the date of the incident and also granted interest

at the rate of 9% per annum from the date of filing of the writ petitions by giving liberty to the victims or their LRs. to seek higher remedy by placing reliance also upon the judgment in ***Nilabati Behera*** (supra).

The relevant part reads as under:-

“65. While awarding compensation to a large group of persons, by way of public law remedy, it will be unsafe to use a high income as the determinative factor. The reliance upon Neelabati Behera in this behalf is of no assistance as that case related to a single individual and there was specific evidence available in regard to the income. Therefore the proper course would be to award a uniform amount keeping in view the principles relating to award of compensation in public law remedy cases reserving liberty to the legal heirs of deceased victims to claim additional amount wherever they were not satisfied with the amount awarded. Taking note of the facts and circumstances, the amount of compensation awarded in public law remedy cases, and the need to provide a deterrent, we are of the view that award of Rs.10 lakhs in the case of persons aged above 20 years and Rs.7.5 lakhs in regard to those who were 20 years or below as on the date of the incident, would be appropriate. We do not propose to disturb the award of Rs.1 lakh each in the case of injured. The amount awarded as compensation will carry interest at the rate of 9% per annum from the date of writ petition as ordered by the High Court, reserve liberty to the victims or the LRs. of the victims as the case may be to seek higher remedy wherever they are not satisfied with the compensation. Any increase shall be borne by the Licensee (theatre owner) exclusively.

66.

67. *Insofar as death cases are concerned the principle of determining compensation is streamlined by several decisions of this Court. (See for example [Sarla Verma v. Delhi Transport Corporation](#) (2009) 6 SCC 121. If three factors are available the compensation can be determined. The first is the age of the deceased, the second is the income of the deceased and the third is number of dependants (to determine the percentage of deduction for personal expenses). For convenience the third factor can also be excluded by adopting a standard deduction of one third towards personal expenses. Therefore just two factors are required to be ascertained to determine the compensation in 59 individual cases. First is the annual income of the deceased, two third of which becomes the annual loss of dependency the age of the deceased which will furnish the multiplier in terms of Sarla Verma. The annual loss of dependency multiplied by the multiplier will give the compensation. As this is a comparatively simple exercise, we direct the Registrar General of Delhi High Court to receive applications in regard to death cases, from the claimants (legal heirs of the deceased) who want a compensation in excess of what has been awarded that is Rs.10 lakhs/Rs.7.5 lakhs. Such applications should be filed within three months from today. He shall hold a summary inquiry and determine the compensation. Any amount awarded in excess of what is hereby awarded as compensation shall be borne exclusively by the theatre owner. To expedite the process the concerned claimants and the Licensee with their respective counsel shall appear before the Registrar without further notice. For this purpose the claimants and the theatre owner may appear before the Registrar on 10.1.2012 and take further orders in the matter. The hearing and determination of compensation may be assigned to any*

Registrar or other Senior Judge nominated by the Learned Chief Justice/Acting Chief Justice of the Delhi High Court.”

8. The said judgment has not been referred to in the judgment in ***Karnataka Power Transmission*** (supra), wherein the issue involved, as such, was that whether the standard of liability upon bodies is strict or absolute, and it was held that it would be more appropriate to impose strict liability in the cases of electrocution whereby the Electricity Boards were at fault in maintaining low-lying wires, keeping in view the law laid down in ***Rylands vs. Fletcher, (1861-73)-All England Reporter 1.***

9. Reliance placed by the appellants, as such, upon ***Naval Kumar's case*** (supra) also would not really support his case, since it was a case, where the person had been disabled for his whole life and his both arms were amputated. In such circumstances, the compensation of Rs.90 Lakhs had been awarded, by reducing the same from Rs.1.25 Crores, awarded by the High Court, also noticing the fact that in the said case, the victim was an eight year old child and the said judgment was also not referred to in the ***Karnataka Power Transmission's case*** (supra).

10. Keeping in view the above and the fact that once a finding as such has been recorded that there was a liability as such of the respondent-Board and there is no cross appeal, we are of the

considered opinion that the amount, as such of Rs.6 Lakhs can be enhanced to Rs.7.5 Lakhs, as held by the Apex Court, as an interim measure, along-with interest at the rate of 6% per annum till the date of payment, keeping in view the prevalent interest rates as of today, which shall accrue from the date of filing of the writ petition, i.e., on 03.05.2011.

11. The appeal is partly allowed to the extent that the total lump sum compensation would be Rs.7.5 Lakhs payable to the claimants-appellants with liberty to seek their remedy, in accordance with law. The amount already paid, i.e., Rs.6 Lakhs, would also carry interest at the same rate from the said date. The Board would accordingly make the payment within three months from the date of receipt of a certified copy of the judgment, after adjusting the principle amount, which has already been disbursed.

12. In view of above, present appeal stands allowed, so also, the pending miscellaneous application(s), if any.

(G.S. Sandhawalia)
Chief Justice

September 19, 2026 (KS)

(Bipin Chander Negi)
Judge