

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22640 of 2016
Date of decision: 03.11.2016

Dakshin Haryana Bijli Vitran Nigam Limited and others

... Petitioners

Vs.

Permanent Lok Adalat and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. R.S. Longia, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present writ petition is directed against the order dated 09.07.2016 (Annexure P-9) passed by learned Permanent Lok Adalat (Public Utility Services), Rewari, whereby application moved under Section 22-C of the Legal Services Authorities Act, 1987 by respondent No.2, was allowed.

Heard learned counsel for the petitioners.

The material fact regarding accident during the intervening night of 15.06.2014 and 16.06.2014 is not in dispute. It is also not in dispute that one Naveen son of respondent No.2 died due to electrocution. FIR No.87 dated 16.06.2014 under Section 304-A IPC was registered at Police Station Sadar Rewari on the date of accident itself, thus, there was no delay in reporting the matter. When the grievance of the victim-respondent No.2 was not being redressed by the petitioner department, he was left with no other option except to approach the learned Permanent Lok Adalat by moving an appropriate

application. Parties were granted due opportunity to put up their respective cases. Petitioner was granted sufficient opportunity. After considering each and every relevant aspect of the matter, learned Permanent Lok Adalat rightly passed the impugned order dated 09.07.2016 (Annexure P-9), directing the petitioner department to pay an amount of Rs.2.50 lacs to the applicant-respondent No.2 herein.

The argument raised by learned counsel for the petitioners that it was not the responsibility of the petitioner department to ensure safety of the general public, has been found wholly misplaced and the same is not worth acceptance. It is so said because petitioners are representing the welfare State. They cannot be absolved from their liability to ensure the safety of the citizens. In fact, the abovesaid argument raised by learned counsel for the petitioners also runs counter to the statutory provisions contained in Section 53 of the Electricity Act, 2003, which reads as under: -

“Section 53. (Provisions relating to safety and electricity supply):

The Authority may in consultation with the State Government, specify suitable measures for –

- (a) protecting the public (including the persons engaged in the generation, transmission or distribution or trading) from dangers arising from the generation, transmission or distribution or trading of electricity, or use of electricity supplied or installation, maintenance or use of any electric line or electrical plant;*
- (b) eliminating or reducing the risks of personal injury to any person, or damage to property of any person or interference*

with use of such property;

(c) prohibiting the supply or transmission of electricity except by means of a system which conforms to the specification as may be specified;

(d) giving notice in the specified form to the Appropriate Commission and the Electrical Inspector, of accidents and failures of supplies or transmissions of electricity;

(e) keeping by a generating company or licensee the maps, plans and sections relating to supply or transmission of electricity;

(f) inspection of maps, plans and sections by any person authorized by it or by Electrical Inspector or by any person on payment of specified fee;

(g) specifying action to be taken in relation to any electric line or electrical plant, or any electrical appliance under the control of a consumer for the purpose of eliminating or reducing the risk of personal injury or damage to property or interference with its use.”

If the petitioners have not taken care of complying with the abovesaid provisions of law, they cannot be absolved from their responsibility and also liability to pay reasonable compensation to the victims. This is the reason that the State of Haryana has declared different beneficiary schemes for the citizens, one of them is known as Rajiv Gandhi Privar Bima Yojana.

Under the peculiar facts and circumstances of the case noted above, judgment dated 04.03.2016 rendered by this Court in CWP No.17586 of 2015 (UHBVN Ltd. and others Vs. Permanent Lok Adalat for Public Utility Services

and another) (Annexure P-10) would have no applicability at all, because the same was rendered on entirely different set of circumstances. It is the settled proposition of law that peculiar facts of each case are to be examined, considered and appreciated first before applying any codified or judgemade law thereto. Sometimes, difference of even one additional fact or circumstance can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533.**

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, instant writ petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

03.11.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No