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

**CWP No.15102 of 2014
Date of decision: 04.07.2018**

Usha Devi and others

...Petitioners

Versus

Managing Director, Haryana Vidhut
Parsaran Nigam and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Diwan S. Adlakha, Advocate,
for the petitioners.

Mr. Amit Kumar, Advocate, for
Ms. Dilraj Kaur, Advocate, for the respondents.

Rakesh Kumar Jain, J.

Petitioner no.1 is the wife and petitioners no.2 to 4 are the children of deceased Singh Raj, who was an agriculturist and sole bread winner of the entire family. In the month of June 2013, due to sparking, an electric wire broke down from the electric pole installed in the fields of Singh Raj. He made an oral complaint to respondent no.5 in this regard, upon which employees of the office of respondent no.5 allegedly detached the wire from the electric pole and left the same at the spot. On 19.06.2013, Singh Raj went to his fields and did not return till 8 pm. On search, he was found unconscious near the broken electric wire in the fields of his younger brother Pawan Singh and it was noticed that the electric wire, lying in the field was touching another line/wire, therefore, it had the current flowing in

it. Singh Raj was immediately taken to the Civil Hospital, Yamuna Nagar but the doctors declared him brought dead. On 20.06.2013, DDR No.8 was got recorded in this regard in the Police Station Sadar, Yamuna Nagar by Pawan Kumar S/o Dafe Singh. In the post-mortem report, the cause of death was also reported due to electric shock and its complications.

Petitioner no.1 made a representation on 30.07.2013 to respondent no.5 for grant of compensation, which was not decided, therefore, the present petition has been filed.

In the reply, it is averred that the accident had occurred due to sole negligence of the deceased who had tried to collect the GSL (earth wire) himself with an intention to sell it and during this process, GSL wire might have touched the live 11 KV line which caused the electrocution. It is also averred that there was no breakage of main 11 KV electric line and the said 11 KV line was intact at the time of accident. It is further averred that the deceased had not informed the respondents regarding the broken GSL wire and himself was collecting the same for the purpose of selling it and in this process, the GSL wire might have come into contact with the 11 KV line resulting into his electrocution.

However, counsel for the petitioners has relied upon the investigation report of the Executive Engineer of the UHBVN, Yamuna Nagar Division, in which it is averred that the accident could have been avoided had the broken GSL wire been disconnected from the pole or the same had been set right at the time of attending the break down which could not have been done because of the presence of mob of the villagers at the site as the tension was prevailing there.

Further, counsel for the petitioners has relied upon the notification dated 18.05.2017 issued by the Uttar Haryana Bijli Vitran Nigam in regard to award of compensation in case of a fatal and non-fatal accidents, in which it is provided that *“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”*.

Counsel for the petitioners has also relied upon a Division Bench of this Court rendered in the case of **Paramjit Kaur and others vs. State of Punjab and others**, 2008(4) RCR (Civil) 772, in which this Court has held that in case of death due to electrocution, the writ petition, claiming compensation would be maintainable and the claimant cannot be relegated to the Civil Court. It is also held that the compensation has to be assessed as per the principles laid down in the Motor Vehicles Act, 1988.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the petitioners are entitled to compensation on account of death of Singh Raj because he did not die because of the electric shock suffered in the private premises but on the land, while coming into contact with the high tension electricity wire.

The respondents themselves have issued the notification dated 18.05.2017, in which it has also been mentioned that *“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”*. According to the respondents, the compensation has to be awarded in terms of the provisions of the Employees Compensation Act, 1923 but the Division Bench of this Court, in **Paramjit Kaur's case (supra)**, has held that the compensation has to be awarded in terms of the principles of assessment applied in the case of a death in a vehicular accident.

Thus, I would rely upon the decision of this Court in **Paramjit Kaur's case (supra)**, in which the compensation has been assessed in terms of the provisions of the Motor Vehicles Act, 1988. The petitioners have not given any particulars of the income of the deceased Singh Raj. However, it is averred by the petitioners that the deceased was a healthy male of 47 years of age and was working as an agriculturist.

Although there is no direct evidence regarding income of the deceased at the time of his death but it is mentioned that he was a healthy male and working as an agriculturist, therefore, the income of the deceased is assessed to the tune of ₹10,000/- per month and after deducting 1/3rd of his income for his self-dependency, the remaining 2/3rd income comes to

₹6,600/- per month and ₹79,200/- per annum. Now, while applying the multiplier of 13 for the age of 47 years, the total amount of compensation comes to ₹79,200/- x 13 = ₹10,29,600/-.

Thus, the present petition is hereby allowed and the respondents are directed to pay the compensation of ₹10,29,600/- to the petitioners, in equal shares, within a period of one month from the date of receipt of certified copy of this order. In case of non-payment, the petitioners shall be entitled to 9% interest per annum after the expiry of the period of one month.

July 04, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No