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

**CWP No.2718 of 2015 (O&M)
Date of decision:04.07.2018**

Mamta Rani and another ...Petitioners

Versus

Uttar Haryana Bijli Vitran Nigam and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Akshay Kumar Jindal, Advocate,
for the petitioners.

Mr. N.S.Swaich, Advocate,
for respondents no.3 to 5.

Rakesh Kumar Jain, J.

The petitioners are the widow and minor son of Parveen Kumar who died on 20.03.2014 due to electrocution when he came into contact with a loose sagging high tension electricity wire. It was categorically opined by the doctor in the post mortem report that the death had occurred due to electric current. DDR No.8 dated 20.03.2014 was also lodged at Police Station Pundri in which it was also mentioned that Parveen Kumar had expired on account of electrocution. The petitioner served a legal notice upon the respondents for compensation but when there was no response, the present petition has been filed, in which it is urged that the deceased was the sole bread winner of the family of the petitioners who had expired due to the negligence of the respondents.

Respondents no.3 to 5, in their reply, have denied their negligence by alleging that the electricity wire was at its proper height but the deceased was loading chairs in the trolley under the electricity wire, which came into contact with the electricity wire, therefore, he was solely negligent.

Counsel for the petitioners has referred to 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 decision of 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 Parveen Kumar because he did not die because of the electric shock suffered in the private premises but on the public land while coming into contact with the high tension electricity wire of the UHBVN. 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 Parveen Kumar. However, it is averred by the petitioners that the deceased was a healthy male of 30 years of age and was working as a labourer with a tent company. He was allegedly also doing agricultural work and was earning ₹25,000/-

per month.

Although there is no direct evidence that the deceased was earning ₹25,000/- per month at the time of his death but it is mentioned that he was a healthy male and working as a labourer and was also doing agricultural work, 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 17 for the age of 30 years, the total amount of compensation comes to ₹79,200/- x 17 = ₹13,46,400/-.

Thus, the present petition is hereby allowed and the respondents are directed to pay the compensation of ₹13,46,400/- 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