

2023:PHHC:151930

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

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**CWP-18910-2018
Date of Decision: 20.11.2023**

MANJU AND ORS

... Petitioners

VERSUS

PERMANENT LOK ADALAT AND ORS

... Respondents

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

Present: Mr. V.K. Sheoran, Advocate
for the petitioner.

Ms. Anupama Sharma, Advocate
for respondents No.2 to 4.

(through video conferencing)

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the Award dated 19.01.2018 (Annexure P-2) passed by the Permanent Lok Adalat (Public Utility Services), Bhiwani in case No.002 of 2017. A further prayer has also been made for seeking enhancement of the compensation to the tune of Rs.25,00,000/- alongwith interest at the rate of 18% per annum.

Learned counsel for the petitioner contends that petitioner No.1 is widow of deceased Sube Singh while petitioners No.2 and 3 are minor children. Deceased Sube Singh was a farmer by vocation and was also running a milk dairy at Village Bardu Mugal, Tehsil Loharu, District Bhiwani. On 20.11.2016, deceased Sube Singh was working in the fields of Lal Singh at around 08.30 p.m. that had been taken on lease. While he was changing the water sprinkler sets, the electricity wires of 11 KVA were hanging loose near the said land. The

aluminum pipe for the sprinkler set held by deceased Sube Singh suddenly touched the sagging high voltage electricity wire and he got electrocuted and died as a result thereof. Sonu son of Ram Niwas (nephew of the deceased), Mahi Pal son of Bhana Ram, Lal Singh son of Hari Singh, Karan Singh, Laxman and Mahi Pal sons of Ram Sarup were witnesses to the abovesaid incident. They arranged for a private vehicle and shifted Sube Singh to General Hospital, Bhiwani, where the doctor declared him as 'brought dead.' A postmortem was conducted by the Medical Officers at General Hospital, Bhiwani on 21.11.2016 at 10.20 a.m. in the presence of the police officials as well as officials of the respondent-Distribution Licensee. Statements of the witnesses were also recorded and inquest proceedings were undertaken vide report No.7 dated 21.11.2016 under Section 174 Cr.P.C. The petitioners filed a claim petition before the Permanent Lok Adalat (Public Utility Services), Bhiwani claiming that the deceased was earning Rs.20,000/- per month from the agricultural work and an additional Rs.10,000/- from the Milk Dairy. Hence, his monthly income was Rs.30,000/- and that the petitioners being the Class-I heirs are entitled to a compensation of Rs.25,00,000/-.

Upon issuance of notice, the respondent-Distribution Licensee appeared before the Permanent Lok Adalat (Public Utility Services), Bhiwani and contested the claim raising various objections including the maintainability of the proceedings. It was submitted that no complaint of the fatal accident was made to the Chief Electrical Inspector in accordance with the provisions of the Electricity Act, 2003. It was further averred that the deceased died on account of his own negligence and that the respondent-Distribution Licensee shall thus not be liable to make any compensation.

Conciliation proceeding failed to fructify in any amicable resolution whereupon adjudication under Section 22-C(8) of the Legal Services Authorities Act, 1987 was undertaken by the Permanent Lok Adalat (Public Utility Services), Bhiwani and a compensation to the tune of Rs.8,00,000/- alongwith the interest @ 12% per annum from the date of death was awarded alongwith Rs.5,500/- as litigation charges.

Aggrieved thereof and dissatisfied with the compensation awarded, the petitioners have approached this Court for seeking enhancement thereof. Reliance has been placed by the counsel for the petitioners on the judgment of **'Kaushalya Devi Vs. State of Haryana'** passed in **CWP- 14783 of 2011** decided on 01.07.2014, as per which this Court has granted compensation by applying the principles of the Motor Vehicles Act, 1988. He thus contends that the petitioners are entitled to the compensation as per the abovesaid formula and that the enhanced compensation to the tune of Rs.25,00,000/- ought to have been awarded taking into consideration the income of the deceased as well as his age and the dependency.

Counsel for the respondent-Distribution Licensee has, however, pointed out that a compensation of Rs.9,45,000/- has already been disbursed to the petitioner and that there was no negligence on the part of the respondent-Distribution Licensee.

I have heard the learned counsel for the respective parties and have gone through the documents and record available on case file with their able assistance.

A specific query was posed to the counsel for the petitioners on 07.08.2023 with regard to the maintainability of the proceedings for seeking

compensation on account of electrocution before the Permanent Lok Adalat (Public Utility Services), Bhiwani, considering that the jurisdiction of the Permanent Lok Adalat under 'Public Utility Services' in relation to the matter relating to electricity, is confined only in relation to 'supply of electricity'. The claim made in the present petition was for seeking compensation and does not deal with the aspect of deficiency in relation to supply of electricity. The claim being in the nature of a compensatory litigation and seeking assessment of compensation on account of death due to electrocution, the jurisdiction would not be vested in the Permanent Lok Adalat (Public Utility Services).

The counsel for the petitioners is not in a situation to rebut the said argument or to refer to any law as per which the proceedings for compensation may be maintainable before the Permanent Lok Adalat, given that qualified jurisdiction has been vested in the Permanent Lok Adalat and rehabilitatory compensation on account of electrocution would not be a supply dispute.

He, however, submits that the respondent-Distribution Licensee has notified certain policies for grant of compensation, which also includes a 'no fault liability' principle, and that the compensation already disbursed to the petitioners may thus be protected.

Taking into consideration the totality of the circumstances and balancing the equity, in light of the subsequent policy notified by the respondent-Distribution Licensee for awarding compensation on the principles of 'strict liability' and 'no fault liability', I am of the view that the proceedings for seeking compensation on account of electrocution would not fall under Public Utility Services relating to "supply of electricity" and may not be

amenable to the jurisdiction of the Permanent Lok Adalat (Public Utility Services). The proceedings were thus not maintainable.

Since the proceedings were not maintainable, hence it would not be appropriate to comment on the merits of the claim or sustainability of proceedings. However, taking into consideration that compensation awarded has already been disbursed to the petitioners and the respondent-Distribution Licensee has not challenged the same, I am not inclined to interfere with the Award already passed on the grounds of equity.

The present petition is accordingly dismissed.

NOVEMBER 20, 2023

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**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No