

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

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CWP-26310-2023

Date of decision: 23.11.2023

RAJ KUMARI

.....Petitioner

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD. AND ANR.

.....Respondents

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

Present:- Mr. Sunil K. Tandon, Advocate
for the petitioner.

Mr. Vivek Saini, Advocate
for respondents No.1 and 2-DHBVN.

VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present writ petition is for seeking quashing of the speaking order No. 32/NFA-FA dated 19.05.2023 (Annexure P-6) whereby the claim of the petitioner for compensation under the policy notified by the respondents has been declined and a speaking order in compliance to the order dated 13.02.2023 passed by this Court in CWP-2803 of 2023 has been passed.

Learned counsel appearing on behalf of respondent No.1 & 2-Distribution licensee points out that the authorities had sought for a report from the Executive Engineer (Operations), Division Sohna and it was reported by the Sub Divisional Officer that the accident had

occurred inside the own premises of the petitioner in village New Behrampur. Neither the HT/LT fuses of the distribution transformer were found loose nor the HT/LT lines were found damaged. There is a three phase meter installed in the premises and the meter was also found in suitable condition. However, there was no protection system installed by the consumer i.e. MCB/ELCM or provision of earthing of the electrical wiring and the electrical appliances etc. It was suggested that the accident might have occurred due to some phase to phase fault inside the premises of the consumer since there is no evidence of the fault current travelling towards the main source of supply i.e. the sub station. The conclusion to be thus drawn is that the electrocution incident occurred due to a wiring fault inside the premises occupied by late Avilakh Singh.

Learned counsel appearing on behalf of the petitioner has although made an effort to submit that the incident in question has not occurred in the manner as is being reported by the officials, however, the same would give rise to disputed question of fact as regards the manner in which the incident occurred and also the place of occurrence. The said disputed questions of fact cannot be adjudicated by this Court in exercise of a writ jurisdiction as it requires leading of evidence and examination of witnesses.

Faced with the above, Learned counsel appearing on behalf of the petitioner seeks withdrawal of the present writ petition so as to pursue his alternative remedies in accordance with law.

Counsel for the respondents No.1 and 2-Distribution licensee has no objection to the same.

Disposed of as withdrawn with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 23, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No