

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

123

CWP-23198-2023 (O&M).
Date of Decision: 12.10.2023.

AARTI @ ARTI AND OTHERS

.. Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Ms. Apporva Arya, Advocate,
for the petitioners.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the award dated 21.08.2023 passed by the Permanent Lok Adalat (Public Utility Services), Camp Court at Narnaul.

Learned counsel appearing for the petitioners contends that an application under Section 22 C of the Legal Services Authorities Act, 1987 had been submitted by the petitioners for seeking compensation on account of death of Vikas Kumar on 25.04.2018 due to electrocution. The deceased was serving in Indian Army for 9 years and was getting salary @ Rs.45,000/- per month. It is averred that there was a passage in front of the residential house of the deceased and the respondents had erected poles of ordinary height to supply electricity in the said passage. Since the transmissions lines had not been laid in accordance with the prescribed

height as per the regulations, it exposed people to undue danger. On the fateful day i.e. on 25.04.2018 Vikas Kumar was on his roof to bring down the domestic articles and other type of luggage. However, a loose wire of the distribution licensee swung due to air/wind current and as a result thereof the deceased came in direct contact with live wire and was electrocuted. He was shifted to Trauma Centre, Rewari and on his examination, the doctors declared him as 'brought dead'. A DDR No. 16 dated 25.04.2018 was recorded in this regard at Police Station, Kanina and proceedings under Section 174 of the Code of Criminal Procedure, were conducted.

The respondents filed their reply in the said proceedings wherein they contended that there was no fault on their part and that the applicant had encroached upon the street by extending the projection (chajja) of the house towards the street. As a result thereof, the right of way between the wires as well as the house got greatly reduced. A lagan ceremony of younger brother of deceased was being held on the night of 24.04.2018/25.04.2018 and the petitioners had installed tent on the roof of their house. It was in the process of removal of fixtures and tent articles from the roof top to the ground that the deceased touched the electricity wire and got electrocuted due to his own negligence and fault.

Learned counsel appearing on behalf of the petitioners fairly concedes that the above said application 22 C of the Legal Services Authorities Act, 1987 was not maintainable before the said authority. Since the issue in question does not relate to supply of electricity and was rather for claiming compensation on account of electrocution. He contends that the

respondents had already notified a policy of 2017 to grant compensation on the principle of strict liability and notwithstanding negligence. It is contended that in view of the aforesaid award passed by the Permanent Lok Adalat (Public Utility Services), Camp Court at Narnaul, the petitioners cannot even take recourse to the benefits under the policy notified by the respondent distribution licensee.

Notice of motion.

Mr. Pankaj Mulwani, Advocate, accepts notice on behalf of respondents No.1, 2 and 6/State whereas Mr. Vivek Chauhan, Addl. A.G., Haryana, who by virtue of his assignment would thus also be on the panel of all the statutory Boards and corporations of the State of Haryana, is requested to and accepts notice on behalf of respondents No.3 to 5. They submit that claim for compensation due to electrocution does not fall under Public Utility Services as per the Legal Services Authorities Act, 1987.

Taking into consideration the circumstances noticed above, and that the finding returned by the Permanent Lok Adalat (Public Utility Services), Camp Court at Narnaul, at best can be said to be a finding of fact about respondents not being negligent. The same cannot be construed as a Bar on the respondents against considering the claim of the petitioners as per the policy applicable then.

In view of the aforesaid, the present petition is disposed of with liberty to the petitioners to submit an application before the respondent authorities for seeking disbursement of compensation in terms of applicable policy.

Needless to mention that in the event of filing of such claim/representation by the petitioners before the competent authority as per

the policy, the same shall be decided expeditiously by the competent authority preferably within a period of 04 months from the date of filing of the such claim/representation, after granting an opportunity of hearing to the respective parties.

Accordingly, the present petition is disposed of.

October 12, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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