

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

222

CWP-3925-2022
Date of Decision: 02.05.2024

SHEKHAR CHAND JAIN AND ANOTHER

... Petitioners

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM AND OTHERS

... Respondents

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

Present: Mr. Ashwani Gaur, Advocate and
Ms. Shivangi Sharma, Advocate
for the petitioners.

Mr. Dhananjay Mittal, Advocate
for respondents No.1 to 4.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the official letter bearing Reference No.2447 dated 02.12.2021 (Annexure P-10) issued by respondent No.4, whereby reply to the legal notice has been communicated declining therein the claim of the petitioners seeking compensation on account of death of their son due to electrocution.

Succinctly, the facts of the present case are that on 07.08.2021, the 21 years old son of petitioner was passing through the street in the area of Gali Ghasita, Near Gopi Nath Mandir, Sonapat. There was heavy rain in the area, due to which the electric wire was hanging loose which led to flow of electric current in the shutter of the shop. When the deceased touched the shutter to open the shop, he got electrocuted and fell down. The deceased was

immediately taken to Jaimini Hospital, Sonapat, where he was declared as 'brought dead.' A DDE No.15 dated 07.08.2021 was also registered by the police in this regard. Proceedings under Section 174 of the Cr.P.C. were carried out and the postmortem examination was conducted on the dead body of the deceased on 08.08.2021, wherein the cause of death is mentioned as 'electrocution.' The petitioners approached the respondents for seeking compensation, however, they did not pay any heed. At last, the petitioners got served a legal notice dated 04.10.2021 (Annexure P-9) upon the respondents, which was replied by the respondents through the impugned letter dated 02.12.2021 (Annexure P-10), whereby the claim of the petitioners for seeking compensation on account of death of their son due to electrocution has been declined. Hence, this petition.

A detailed reply has been filed on behalf of the contesting respondents No.1 to 4, wherein in paragraph No.1 of the preliminary objections, it has been specifically mentioned that the petitioners were communicated by the respondents vide memo No.3013 dated 09.03.2022 and memo No.CH-36/AC-752/IA dated 19.04.2022 asking them to provide certain documents so that the compensation could be awarded to the legal heirs of the deceased; but the petitioners refused to receive the compensation. The respondents, thus, prayed for dismissal of the present writ petition.

This Court, however, has already decided a number of matters where the counsel representing the Distribution Licensee had apprised about a policy dated 08.07.2019 notified by the UHBVNL for grant of compensation to the victims of electrocution. The said policy contemplates disbursement of

compensation even on account of 'no fault' also. Hence, it would be appropriate at this juncture to dispose of the present petition.

The present petition is accordingly disposed of without commenting on the merits of the present case and with a direction to the competent Authority to treat the present petition as a representation and to consider and decide the same in light of the policy dated 08.07.2019 as expeditiously as possible and preferably within a period of 04 months from the date of receipt of certified copy of this order, after granting an opportunity of hearing to the respective parties.

Disposed of accordingly.

MAY 02, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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