

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-4753-2024
Date of Decision: 29.02.2024

MANWATI DEVI AND ANOTHER

... Petitioners

VERSUS

STATE OF HARYANA AND ORS

... Respondents

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

Present: Ms. Anjali Sheoran, Advocate
for the petitioners.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to pay an amount of Rs.50,00,000/- as compensation to the petitioners on account of death of their son, who died due to electrocution.

Learned counsel for the petitioners contends that Gaurav – 19 years old son of the petitioners had died on 26.07.2023 due to electrocution by the high tension electric lines belonging to respondent No.2-HVPNL which were passing over the residential area in Mohan Nagar, Palwal, Haryana. It is further contended that on 18.07.2023, the deceased had visited the house of his friend namely Manish. After some time, the petitioners were telephonically informed that their son has got electrocuted by the 66 KV high tension wire going alongwith the roof of his (Manish's) house and as such, he has been admitted in Government Hospital, Palwal due to his serious condition. The petitioners rushed to the Government Hospital, Palwal, wherefrom the deceased was referred to Safdarjung Hospital, Delhi. However, due to non-availability of beds, he was further referred to AIIMS, Delhi. Unfortunately, during treatment,

the son of the petitioners succumbed to the injuries sustained by him due to electrocution. On 28.07.2023, postmortem examination was conducted on the dead body of deceased and as per the Postmortem Report, the cause of death was septicaemia due to ante-mortem burns. It is further submitted that an FIR No.636 dated 27.07.2023 under Section 304-A of IPC has also been registered at Police Station Camp, Palwal. Thereafter, the petitioners served a legal notice dated 05.12.2023 (Annexure P-4) upon the respondents for payment of compensation to the petitioners on account of untimely death of their son Gaurav due to electrocution. However, no action has yet been taken thereupon by the respondents.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana, accepts notice on behalf of respondent No.1 and prays for some time to complete instructions and file response, if necessary.

Mr. Vivek Saini, Advocate accepts notice on behalf of respondents No.2 and 3; and also prays for some time to complete instructions.

This Court, however, has already decided a number of matters where the counsel representing the Distribution Licensee had apprised about a policy dated 22.02.2021 notified by the HVPNL for 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 sans waiting for responses from the respondents.

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 decide the said legal notice dated 05.12.2023 (Annexure P-4) as per the policy dated 22.02.2021 and also to treat the present writ petition as a representation and the same shall be decided expeditiously by the competent authority preferably within a period of 03 months from the date of filing of the such claim/representation, after granting an effective opportunity of hearing to the respective parties.

Petition stands disposed of accordingly.

FEBRUARY 29, 2024
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(VINOD S. BHARDWAJ)
JUDGE

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