

2024:PHHC:070562



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

221

**CWP-9186-2023 (O&M).
Date of Decision: 17.05.2024.**

RANDHIR SINGH

.. Petitioner

Versus

UTTAR HARYANA BIJLI VITRAN NIGAM AND ANOTHER

... Respondents

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

Present: Mr. Rajesh Goyal, Advocate,
for the petitioner.

Mr. Vivek Saini, Advocate,
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner claims compensation of Rs.50 Lakhs on account of the injuries suffered by him due to negligence of the respondents and in terms of the policy issued by them on 18.05.2017.

It is contended that the petitioner was working in the fields when he suffered heavy electric current and was burnt badly on 12.06.2016. Subsequently, the petitioner was taken to the Hospital where he was extended treatment. A General Diary Report No.48 Dated 17.06.2016 was also registered with regard to the incident. It is submitted that the petitioner

2024:PHHC:070562



has suffered 100% disability on account of the shock due to negligent acts of the respondent Department to maintain the electric wires.

Reply has been filed by the respondents wherein, they have taken objection with respect to the maintainability by averring that the incident in question is of the year 2016 and the present petition has been filed in the year 2023 which is after a gap of nearly 6 years and 08 months and as such the claim is barred by limitation. Further, it has been averred that the petitioner as per his own disclosure to the doctors at the time of examination in the hospital stated that he had suffered the electric shock while working on a transformer in his agricultural land.

An enquiry report in this regard was also sought from the Sub Divisional Officer of Uttar Haryana Bijli Vitran Nigam (UHBVNL) Israna, who reported that the petitioner had exposed himself by climbing on the transformer existing on H-pole after disconnection of GO Switch to connect the jumper. In fact, the GO switch was not disconnected totally and its first phase remained connected and in an attempt to connect the jumper, the petitioner got electrocuted. It is submitted that the petitioner had no business of fiddling with the instruments/infrastructure of the respondent Distribution Licensee not being authorized.

The above said version is denied by the counsel appearing for the petitioner.

Be that as it may, there are arguable and disputed questions of fact that arise for determination in the present writ petition and which cannot be gone into by a writ Court.

2024:PHHC:070562



Faced with the above, counsel for the petitioner seeks permission to withdraw the present writ petition so as to take recourse to the alternative remedies, if so advised, available to the petitioner, if any, in accordance with law.

Disposed of as withdrawn with liberty as aforesaid while keeping the all questions and objections available to the respective parties open.

May 17, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No