

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

(32 connected cases)

Date of Decision: 26.04.2024.

202

(1)

CWP-10196-2016

SOHRAB

V/S

STATE OF HARYANA & ORS

(2)

CWP-10332-2017 (O&M)

PARVEEN RANI AND ORS

V/S

UHBVN AND ANR

(3)

CWP-11606-2023

PRABHJOT THROUGH HIS FATHER AND NATURAL
GUARDIAN RAVINDER SINGH

V/S

STATE OF HARYANA AND OTHERS

(4)

CWP-15194-2017

IRFAN

V/S

STATE OF HARYANA AND ORS

(5)

CWP-16840-2015

SALMAN

V/S

STATE OF HARYANA & ORS

(6)

CWP-17916-2015

YAHOOD AND ANR

V/S

STATE OF HARYANA & ORS

(7)

CWP-18758-2017

SAMINA AND ORS

V/S

UTTAR HARYANA BIJLI VITRAN NIGAM AND ORS

(8)

CWP-1988-2019

AZAD

V/S

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD

(9)

CWP-20626-2017

SUMAN

V/S

STATE OF HARYANA AND ORS

(10)

CWP-22255-2019

SUMAN DEVI

V/S

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND OTHERS

(11)

CWP-24308-2015 (O&M)

HARKREET

V/S

STATE OF HARYANA & ORS

(12)

CWP-24360-2017

SAURABH

V/S

STATE OF HARYANA AND ORS

(13)

CWP-29319-2018

REKHA AND OTHERS

V/S

DAKSHIN HARYANA BIJLI VITARAN NIGAM PANCHKULA
AND ANOTHER

(14)

CWP-32512-2019

RAJBIR

V/S

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. AND OTHERS

(15)

CWP-36753-2018

SUNTRA AND OTHERS

V/S

STATE OF HARYANA AND OTHERS

(16)

CWP-3758-2023

POOJA AND ANR.

V/S

UTTAR HARYANA BIJLI VITRAN NIGAM LIMITED AND ANR.

(17)

CWP-6178-2021

HARBANS KAUR

V/S

MANAGING DIRECTOR, UHBVN AND OTHERS

(18)

CWP-7614-2018

SUNITA DEVI AND ORS.

V/S

STATE OF HARYANA AND ORS.

(19)

CWP-7664-2023

MEENA DEVI AND ANR

V/S

UTTAR HARYANA BIJLI VITRAN NIGAM LTD.AND ANR.

(20)

CWP-7799-2016

ALI HASAN & ORS

V/S

STATE OF HARYANA & ORS

(21)

CWP-8072-2018

SONA DEVI AND OTHERS
V/S
STATE OF HARYANA & OTHERS

(22)

CWP-8105-2017

RUBI & ORS
V/S
STATE OF HARYANA AND ORS

(23)

CWP-8569-2019 (O&M)

SANJHANA AND ANR
V/S
STATE OF HARYANA AND ORS

(24)

CWP-8686-2023

REETA RANI AND ANR
V/S
UHBVNL AND ORS

(25)

CWP-935-2018

RITU DEVI AND OTHERS

V/S

STATE OF HARYANA & OTHERS

(26)

CWP-9692-2019

AAYSA

V/S

STATE OF HARYANA AND OTHERS

(27)

CWP-4075-2016

WAZIR SINGH AND ANR

V/S

STATE OF HARYANA AND ORS

(28)

CWP-25339-2018

RAJESH

V/S

STATE OF HARYANA AND ORS

(29)

CWP-23395-2021

SURENDER

V/S

UTTAR HARYANA BIJLI VITRAN NIGAM (UHBVN) AND
OTHERS

204

CWP-23786-2016

MOHIT

V/S

STATE OF HARYANA AND ORS.

208

CWP-30048-2017

URMILA AND OTHERS

V/S

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. (UHBVN) AND
OTHERS

209

CWP-882-2018

MEENA KUMARI

V/S

STATE OF HARYANA AND OTHERS

Present: Mr. Krishan Singh, Advocate,
for the petitioner in
CWP-18758-2017, CWP-8686-2023

Mr. Rakesh Gupta, Advocate
for the petitioner in CWP-15194-2017, CWP-16840-2015,
CWP-24308-2015, and CWP-9692-2019.

Mr. Rajender Kumar, Advocate for
Mr. M.S. Tewatia, Advocate
for the petitioner in CWP-25339-2018.

Mr. Himanshu Garg, Advocate and
Ms. Shveta Sanghi, Advocate
for the petitioner in CWP-1988-2019.

Mr. Sanjeev Mayra, Advocate
for the petitioner in CWP-8569-2019.

Mr. Ketan Antil, Advocate
for the petitioner in CWP-23395-2021.

Mr. Omkar Chouhan, Advocate
for the petitioner in CWP-32512-2019

Mr. Arjun Atri, Advocate
for the petitioner in CWP-10196/2016

Mr. Pradeep Bhukal, Advocate for
Mr. Manvender Singh Dalal, Advocate
for the petitioner in CWP-22255-2019.

Mr. Sandeep Verma, Advocate
for the petitioner in CWP-6178-2021.

Mr. Gulshan Nadnwami, Advocate
for the petitioner in CWP-8072-2018.

Mr. Vinod Kumar, Advocate for
Mr. Rajesh Lamba, Advocate
for the petitioner in CWP-7799-2016.

Mr. Atul Yadav, Advocate
for the petitioner in CWP-935-2018.

Mr. Shalender Mohan, Advocate
for the petitioner in CWP-36753-2018.

Mr. Ajay Chaudhary, Advocate and
Mr. Diwan S. Adlakha, Advocate
for the petitioner in CWP-30048-2017.

Mr. Bhupender Singh, Advocate
for the petitioner in CWP-882-2018.

Mr. Sahaj Mahajan, Advocate for
Mr. Ashwani Talwar, Advocate
for the petitioner in CWP-23786-2016.

Mr. Sunil Kumar Tandon, Advocate,
for the petitioner in CWP-3758-2023
and CWP-7664-2023.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Vivek Chauhan, Advocate
for respondents/licensee in CWP-11606-2023,
CWP-17916-2015 and CWP-7664-2023.

Mr. Vishal Garg, Advocate
for the respondents 2 to 4 in CWP-882-2018,
CWP-24308-2015 and CWP-935-2018.

Mr. Vivek Saini, Advocate
in CWP-3758-2023 for respondents No. 1 and 2 and
in CWP-8686-2023 for respondents No.1 to 4.

Mr. Vivek Saini, Advocate
for the respondents No.1 and 2/DHBVNL
in CWP-3424-2023.

Mr. Rishabh Gupta, Advocate
for the respondents No.2 to 4 in CWP-15194-2017.

Ms. Manvi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate
for the respondent No.6 (ICICI Lombard)
in CWP-10196-2016.

Mr. Anil Chawla, Advocate
for the respondents No. 1 to 3 in CWP-7037-2018.

Mr. Puneet Jindal, Sr. Advocate with
Ms. Navroop Jawanda for
respondents in CWP-8569-2019, CWP-8072-2018,
CWP-8105-2017 and CWP-23786-2016

Mr. Manish Verma, Advocate for
Mr. Jagjot Singh Lalli, Advocate
for respondents No.2 to 5 in CWP-36753-2018.

Mr. Kewal Krishan, Advocate for
Mr. Vivek Aggarwal, Advocate for respondent No.5.

Mr. Maheshinder Singh Sidhu, Advocate
for respondents No.1 and 2 in CWP-29319-2018.

Mr. Sunil K. Dhanda, Advocate
for the respondents in CWP-1988-2019.

Mr. Ashish Yadav, Advocate
for respondents No.2 and 3 in CWP-23395-2021 and
for respondents No.2 to 5 in CWP-16840-2015.

Mr. Pardeep Rajput, Advocate
for the respondents in CWP-30048-2017.

Mr. R.S. Longia, Advocate
for the respondents in CWP-6178-2021 and CWP-7614-2018.

Mr. R.D. Bawa, Advocate
Mr. Randhir Bawa, Advocate and
Mr. Rishabh Rana, Advocate
for respondents in CWP-10332-2017.
for respondents No.2 and 3 in CWP-10196-2016.
for respondents No.2 to 4 in CWP-9692-2019
for respondents No.2 and 3 in CWP-4075-2016.
for respondents No.2 to 5 in CWP-7799-2016

Mr. Rahul Dev Singh, Advocate
for respondents No.2 to 4 in CWP-24360-2017.

VINOD S. BHARDWAJ, J (ORAL).

The petitioners in this batch of writ petitions claim compensation on account of non-fatal/fatal injuries/deaths sustained by the petitioners (herein) or their family members (victims), on account of electrocution.

Learned Senior counsel appearing for the respondents-the Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL) has placed on record the Notification dated 15th January, 2024 bearing No.01/SE/Admn/REG-15 as per which certain paragraphs have been appended in the “Compensation Policy for the fatal/non-fatal accidents of Human Beings, due to electrocution & compensation thereon, for the Nigam Employees, Contractual Employees, Workman engaged by Contractor on Nigam’s works & Private Persons (including minors)”, issued vide Notification No.17/SE/Admn/REG-15 dated 15.07.2019. The same is extracted as under:-

***“No. 01/SE/Admn/REG-15.** In exercise of powers conferred by Section 179 of Companies Act-2013 and Article 67 of the Articles of Association of DHBVNL and all other enabling powers in this behalf, the Dakshin Haryana Bijli Vitran Nigam Limited (DHBVNL) is pleased to append the following paragraphs in the "Compensation Policy for the fatal/non-fatal accidents of Human Beings, due to electrocution & compensation thereon, for the Nigam Employees, Contractual Employees, Workman engaged by Contractor on Nigam's works & Private Persons (including minors", issued vide Notification No. 17/SE/Admn/REG-15 dated 15.07.2019:-*

15. All pending cases with respect to Fatal/Non-Fatal Accident will be decided as per Policy, provided claim has been raised by claimant as per section 10 of the "Employees Compensation Act".

16. Nigam shall not be responsible in case accident occurred due to contributory negligence of deceased/applicant for example:-

- *In case height of structure/house/building is raised beyond the height prescribed in CEA, Rules.*
- *Applicant/deceased deliberately touching electrical lines/equipment's or illegally mis-handling the system while committing theft/kundi connection.*

This Notification supersedes all the previous orders/instructions issued by the erstwhile HSEB/Nigam from time to time in this regard and will be applicable with immediate effect.

This issues in pursuance of the decision taken by the Board of Directors of DHBVNL in its meeting held on 26.12.2023.

Sd/-

S.E./Administration, DHBVNL, Hisar

He has also placed on record the Notification dated 05th April, 2024 bearing No.170/CE/Admn./GA-13/Vol-I, on behalf of respondents- the Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL) appending certain paragraphs in the "Compensation Policy for the fatal/non-fatal accidents of Human Beings, due to electrocution & compensation thereon,

for the Nigam Employees, Contractual Employees, Workman engaged by Contractor on Nigam's works & Private Persons (including minors)", issued vide Notification No.155/CGM/Admn./REG-13/L dated 08.07.2019. The same is extracted as under:-

"No.170/CE/Admn./GA-13/Vol-1. In exercise of powers conferred by Section 179 of Companies Act-2013 and Article 67 of the Articles of Association of UHBVNL and all other enabling powers in this behalf, the Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL) is pleased to append the following paragraphs in the "Compensation Policy for the fatal/non-fatal accidents of Human Beings, due to electrocution & compensation thereon, for the Nigam Employees, Contractual Employees, Workman engaged by Contractor on Nigam's works & Private Persons (including minors)", issued vide Notification No. 155/CGM/Admn/REG-13/L dated 08.07.2019.

15. All pending cases with respect to Fatal/Non-Fatal Accident will be decided as per Policy, provided claim has been raised by claimant as per section 10 of the "Employees Compensation Act.

16. Nigam shall not be responsible in case accident occurred due to contributory negligence of deceased/applicant for example:-

- *In case height of structure/house/building is raised beyond the height prescribed in CEA, Rules. Provided that written notice by the Nigam is given to the consumer intimating that un-authorized construction has been*

made in violation of Nigam's Rules and for removal of the un-authorized construction.

- *Applicant/deceased deliberately touching electrical lines/ equipment's or illegally mis-handling the system while committing theft/kundi connection.*

This issues in pursuance of the decision taken by the Board of Directors of UHBVN in its meeting held on 27.03.2024.

*Under Secretary/GA,
for MD, UHBVNL,
Panchkula.”*

Both the policies extend application of the compensation policy to all the pending cases, subject to determination of the negligence of the Authority concerned.

Counsel for the parties are *ad-idem* that the present batch of petitions may be disposed of at this stage with liberty to the petitioners to approach the respondents-DHBVNL/UHBVNL, as the case may be, for consideration of their claims for award of compensation in terms of the policy/notifications.

Counsel for the respondents-DHBVNL/UHBVNL as well as the learned State Counsel have no objection to the same.

Accordingly, in view of the above, the present petitions are disposed of with consent of the parties and without commenting anything on the merits of the case(s), with a direction to the petitioner(s) to approach the respondent-Authorities for seeking compensation as aforesaid, along with all the necessary documents prescribed thereunder, if any.

In the event of the petitioners approaching the respondents-Authorities for seeking claim/compensation in terms of the aforesaid policy, the same shall be considered and decided expeditiously and preferably within the time frame stipulated in the policy. The due compensation, if any, shall also be released within the prescribed time period.

Petitions stand disposed of accordingly.

Pending misc. application(s), if any, in the present batch of writ petitions shall also stand(s) disposed of accordingly.

A photocopy of the order be placed on the file of each connected case.

April 26, 2024
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No