

**CWP-21121-2023(O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****258****CWP-21121-2023(O&M)
Date of decision: 04.09.2024****Sunita & ors.****...Petitioners****Versus****Managing Director, Dakshin Haryana
Bijli Vitran Nigam & others****...Respondents****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ****Present :** Mr. Vishal Yadav, Advocate
for the petitioners.Mr. Vivek Saini, Advocate,
for the respondents.**VINOD S. BHARDWAJ, J. (Oral)**

Challenge in the present petition is to order dated 19.01.2023 (Annexure P-7) passed by respondent No.2, whereby the claim of the petitioners for grant of compensation as per policy dated 15.07.2019 (Annexure P-8) was rejected.

Learned counsel appearing for the petitioners contends that Om Parkash-husband of petitioner No.1 had died on 09.01.2020 as a result of the electrocution. Attributing negligence and invoking principles of statutory liability, the petitioner has approached this Court for grant of compensation under the policy notified by the respondents. He contends that vide impugned order (Annexure P-7), claim of the petitioners for grant of benefits under the policy has been declined on the ground that the accident occurred due to negligence on part of Om Parkash himself and that the distribution licensee was not responsible for the said accident.

Learned counsel for the respondent-distribution licensee fairly

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contends that the relevant clauses of the applicable policy notified by distribution licensee have not been adverted to or discussed in the said impugned order.

Under the given circumstances, the present writ petition is allowed. The order dated 19.01.2023 (Annexure P-7) is set aside. The matter is remanded to the Chief Engineer, Operations, Dakshin Haryana Bijli Vitran Nigam, Delhi, to pass an appropriate order in terms of the applicable policy after referring to the applicable conditions and granting opportunity of hearing to the respective parties within a period of two months.

Parties shall appear before the Chief Engineer, Operations, Dakshin Haryana Bijli Vitran Nigam, Delhi on **01.10.2024.**

04.09.2024
monika

(VINOD S. BHARDWAJ)
JUDGE

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