

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CWP-29281-2022

Date of decision: 02.05.2024

SURENDER AND OTHERS

.....Petitioners

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM (UHBVN) AND OTHERS

.....Respondents

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

Present: - Mr. Ketan Antil, Advocate
for the petitioners.

Mr. Vivek Saini, Advocate
for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the office order No.211/M-5 dated 16.11.2021 (Annexure P-7) whereby the claim of the petitioners for grant of compensation has been wrongly rejected on the ground that deceased-Bimla Devi got electrocuted due to the negligence of one namely Jai Bhagwan because of illegal construction raised by him.
2. Learned counsel for the petitioners contends that the Policy dated 18.05.2017 (Annexure P-8) notified by the respondents contemplate compensation on a no fault under Clause 11 thereof. It is

submitted that a similar case came up before this Court in *CWP-26327-2023* titled as ‘*Shajadi Vs. Dakshin Haryana Bijli Vitran Nigam Limited and another*’ and vide order dated 21.02.2024, the order passed by the authority therein was set aside and the matter was remanded to the respondents-authorities to pass a fresh order after taking into consideration the relevant provisions of the notification as well as the letter and spirit of Victim Compensation Policy notified by the respondent-authorities.

3. Learned counsel for the respondent-Distribution Licensee contends that the negligence is not on the part of Distribution Licensee and that a specific finding in this regard has been recorded by the XEN ‘OP’ City Division, UHBVN, Sonipat, while declining the claim of the petitioners vide order dated 16.11.2021 (Annexure P-7). He, however, is not in a position to dispute the fact that the relevant Clause of the Policy has been dealt with by the respondent-Official while declining the claim of the petitioners. He fairly concedes that the order dated 21.02.2024 passed by this Court in the case of **Shajadi (Supra)**, would be applicable to the present case.

4. The present petition is **allowed** in terms of the order dated 21.02.2024 passed by this Court in the matter of **Shajadi (Supra)**.

(VINOD S. BHARDWAJ)
JUDGE

MAY 02, 2024
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No