

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

302-A

CWP-26327-2023 (O&M)
Date of decision: 21.02.2024

Shajadi

...Petitioner

VERSUS

Dakshin Haryana Bijli Vitran Nigam Limited and another

...Respondents

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

Present :- Mr. Sunil K. Tandon, Advocate for the petitioner.

Mr. Vivek Saini, Advocate for the respondents.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the speaking order No. 66 dated 19.07.2023 whereby the claim of the petitioner for grant of financial assistance on account of death of her husband-Atru has been rejected.
2. Learned counsel for the petitioner contends that the petitioner had earlier approached this Court by way of CWP-2401-2023 which was disposed of with a direction to the respondent-authorities to treat the said petition as a representation and decide the case of the petitioner in terms of the policy notified by them. It is submitted that the respondents have now declined the claim of the petitioner without taking into consideration or by giving any reference to the policy.
3. Learned counsel for the respondents has been confronted with the speaking order passed by the respondents wherein the claim of the

petitioner has been declined only on account of the respondents not owning any negligence and attributing that the husband of the petitioner was responsible for the occurrence of the accident. He is not in a position to controvert the fact that Clause 11 of the Policy notified by the respondents has not been taken into consideration while passing the above said impugned order.

4. In view of the above said, the present writ petition is allowed and the order No. 66 dated 19.07.2019 is set aside. The matter is remanded back to the respondent-authorities to pass a fresh order after taking into consideration the relevant provisions of the notification and the victim compensation policy as notified by the respondents. The necessary order be passed within a period of 2 months from the receipt of certified copy of this order, in accordance with law.

5. Needless to mention that in the event of the respondents coming to a conclusion that the petitioner is entitled to compensation as per the policy notified by the respondent-Distribution Licensee, the compensation so assessed shall also be disbursed within a further period of 3 months thereafter.

6. The present petition is **allowed in above terms**.

(VINOD S. BHARDWAJ)
JUDGE

21.02.2024

Mangal Singh

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