



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CWP-30467-2024 (O&M)

Date of decision: 05.12.2024

Mamta Sharma and another

...Petitioners

VERSUS

State of Haryana and others

...Respondents

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

Present :- Ms. Anuradha Thakur, Advocate for
Mr. Shashikant Gupta, Advocate for the petitioners.

Mr. Pankaj Mulwani, DAG Haryana.

Mr. Vivek Saini, Advocate for respondents No.2 to 6-DHBVN
and respondent No.7-M.C. Narnaul.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the impugned order dated 13.02.2024 passed by respondent No.4 i.e. Dakshin Haryana Bijli Vitran Nigam Limited whereby the claim of the petitioners for grant of compensation on account of death of their son due to electrocution has been rejected.

2. Learned counsel appearing on behalf of the petitioners contends that petitioner No.1 is mother while petitioner No.2 is father of deceased- Vipul Sharma, who was pursuing his B.A.-2nd year, Sanskrit Degree (*Shastri*) from Rashtriya Sanskrit Sansthan, New Delhi. It is contended that the petitioners had purchased a residential plot in Amritdhara Colony, near Boys Government College, they have constructed a house there and are



presently residing there. A high voltage line has been laid down by the respondent-Distribution Licensee which passes from front of the house of the petitioners. On the night of 24.07.2021, the wire fell on the gate of the house of the petitioners but no bodily injury was suffered by anyone. Information in this regard was given to the staff of the electricity department whereupon the officials came at the spot and assured that the line shall be shifted, however, the needful was not done. A complaint was also moved regarding this issue but the grievance still remains un-redressed. She further submits that unfortunately on 04.08.2021 at about 11.00 AM, when Vipul Sharma (deceased) was helping the labourers with construction works in shifting of the building material from the street on to the roof, he suffered an electric shock. A vehicle was arranged and Vipul Sharma was taken to the General Hospital at Narnaul where he was declared brought dead by the Doctors. Information in this regard was sent to the police as well as to the Department of Electricity. A DDR bearing No.28 dated 04.08.2021 was also registered with respect to the incident. Postmortem was also conducted as per which the cause of death was reported as **“Asphyxia as a result of ante mortem electrocution”**.

3. It is averred that the petitioners thereafter submitted a representation/request for grant of compensation on account of death of Vipul Sharma due to electrocution, however, the needful was not done. A civil suit for grant of compensation to the tune of Rs.1 crore was instituted before the Civil Judge (Sr. Divn.) Narnaul but the same was withdrawn on 02.08.2023. She contends that the respondents had notified a policy on



22.02.2017 for grant of compensation to the victims of electrocution. The petitioners served a legal notice dated 10.08.2023. It is contended that the claim of the petitioners for grant of compensation, however, was declined by the competent authority-respondent No.4 vide office order No.11 dated 13.02.2024 against which the present petition has been filed.

4. Learned counsel appearing on behalf of the respondent-Distribution Licensee was called upon to complete instructions and assist this Court.

5. On resumed hearing, learned counsel for the respondent-Distribution Licensee has referred to the office order and contends that Vipul Sharma had died as he touched the 11 KV electricity wire with an iron rod which was at a distance of about 15 feet from their house. Hence, the accident in question occurred due to negligence of Vipul Sharma himself and as such, no compensation was to be paid to the petitioners.

6. Learned counsel appearing on behalf of the respondent-Distribution Licensee submits that as per Clause 16 of the amended policy of fatal/non-fatal accidents of human beings dated 15.01.2024, Nigam shall not be responsible incase accident(s) occurs due to contributory negligence of deceased/applicant and that in view of the said clause, the petitioners cannot be held entitled to compensation. On being confronted with the fact that the incident in question took place on 04.08.2021 and as to how the aforesaid amendment of 15.01.2024 can be held applicable to the petitioners, learned counsel for the respondent-Distribution Licensee is not in a position to offer any satisfactory response.



7. Under the given circumstances, I am of the opinion that the impugned order dated 13.02.2024 which has been passed by placing reliance on Clause 16 of the amended policy of fatal/non-fatal accidents of human beings dated 15.01.2024 could not have been applied retrospectively against an incident that had taken place in August-2021. The claims of the petitioner has to be considered in terms of the Policy in force then and since the aforesaid Clause was not applicable as on the said date, the same could not have been relied upon by the respondents for declining the entitlement to the petitioners. The impugned order dated 13.02.2024 passed by respondent No.4 i.e. Dakshin Haryana Bijli Vitran Nigam Limited is accordingly **set aside**. The matter is remanded to the Chief Engineer/OP, Dakshin Haryana Bijli Vitran Nigam Limited, Delhi to pass a fresh decision in accordance with law after taking into consideration the victim compensation policy as was in force as on the date of the occurrence of the incident in question.
8. Let the decision be taken within a period of 04 months of the receipt of a certified copy of this order.
9. The petition is accordingly **allowed**.

(VINOD S. BHARDWAJ)
JUDGE

05.12.2024

Mangal Singh

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