

CWP-27533-2023

-1-

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

257

CWP-27533-2023

Date of Decision: 09.12.2024

Suman & ors.

.. Petitioners

Versus

State of Haryana and others

... Respondents

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

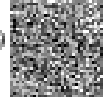
Present: None for the petitioner.

Mr. Suneel Ranga, DAG, Haryana.

Mr. Vivek Saini, Advocate
for respondents No.2 to 6 (through VC).**VINOD S. BHARDWAJ, J. (ORAL)**

Challenge in the present petition is to the order dated 28.06.2023 (Annexure P-7) passed by respondent No. 4 whereby the application of the petitioner for grant of compensation on account of death of Manoj due to electrocution has been declined.

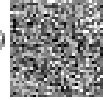
It has been averred in the writ petition that Manoj, the deceased-husband of petitioner No.1, was a farmer and used to cultivate about 5 acres of land that had been taken on lease from one Puran Saini at the rate of Rs.1,00,000/- per year, for the last 4-5 years. On 21.07.2019, at about 05.00 PM, deceased Manoj was working in his fields and one Rajbir son of Satbir, resident of Village Garhi Alawalpur, was operating a tractor. He asked Manoj to call the labour to work in the fields and when Manoj proceeded to call labour and was crossing the electricity wires, the wire that was hanging in between the electricity poles, suddenly broke down and

**CWP-27533-2023****-2-**

Manoj came in contact with the same. As a result thereof, he died due to electrocution. FIR No.145, dated 21.07.2019 was registered alleging negligence on the part of electricity department. The petitioners sent a legal notice dated 01.11.2019 to the electricity department for grant of compensation, but no action has been taken. The petitioners thus approached this Court vide CWP No.37214 of 2019, which was disposed of vide order dated 13.01.2020 directing the respondents to decide the said legal notice within three months. Pursuant thereto a decision was taken and the prayer of the petitioners was declined by the S.D.O. (OP) Dharuhera Sub Division, DHBVNL, District Rewari, vide letter dated 21.04.2020. The said decision was challenged again by the petitioners in CWP No.27644 of 2022, which came up for hearing on 02.12.2022 and the same was disposed of, with the consent of the parties, and liberty was granted to the petitioners to approach the respondent-authorities for seeking disbursement of compensation in terms of applicable policy as on date of the incident and a decision was to be taken thereon within a period of 4 months. In compliance thereto, the petitioners approached respondent No.4 and filed their claim, but the same was declined again. Hence, the present writ petition has been filed.

Learned counsel for respondents No.2 to 6 has been confronted with the contents of the order dated 28.06.2023 (Annexure P-7) passed by the Chief Engineer/OP, DHBVN, Delhi. The operative part of the order reads thus:-

“However, as per judgment dt. 02.07.2019 in CWP 1165 of 2018 titled Mamta Rani Vs. DHBVN clearance from buildings of lines of voltage and service lines shall not



CWP-27533-2023

-3-

cross over an existing building as far as possible and no building shall be constructed under the existing overhead line in term of the guidelines under central Electricity Authority notification dt. 20.09.2010. However in present matter the clearance of lines was also maintained by Nigam but the petitioner i.e. Sh. Manoj himself erected the wooden balli (pole) in between his house and PCC Pole and when he was removing/shifting the broken conductor of LT line (which was hit/broken by private person), got electrocuted. As such, no officer/official of the Nigam is responsible for aforesaid accident as the deceased himself exposes himself to danger knowing fully mere the inherent dangerous of electric lines and conductors etc.

As per section 161 of Electricity Act 2003, if an accident occur with the transmission, generation, distribution supply or use of electricity, the chief electricity inspector or electrical inspector appointed by the appropriate authority is to hold an inquiry and report with respect to cause of accident and also responsibility. In the present matter as per CEI report deceased himself is responsible for the aforesaid accident as Manoj @ Monu would not have tried to shift/remove the broken LT line on his own file should have informed DHBVN authority about for the same.

In view of the above, the representation made by the petitioners namely Smt. Suman W/O late Sh. Manoj, is not been found feasible for acceptance and the same is rejected as the accident occurred due to own negligence of Late Sh Manoj @ Monu (PP). Nigam is nowhere responsible for this accident and hence, DHBVN cannot be made liable to pay any compensation as



CWP-27533-2023

-4-

horizontal/vertical distance of the lines as per Rule 60 & 61 of Central Electricity Authority Rules, 2010 was properly maintained.”

Learned counsel for respondents No.2 to 6 is not in a position to dispute that the competent authority has not made any reference to the applicable policy for victim compensation, as notified by the respondents, and as also the specific Clause No.11 contained therein which contemplates grant of compensation on a no fault liability basis. He is also not in a position to dispute that there is no reference to the applicable policy while declining the claim.

Taking into consideration that the respondents have chosen not to refer to the applicable policy and consider the claim in terms thereof, despite a specific direction having been issued by this Court in its order dated 02.12.2022, I find that the impugned order suffers from non-appreciation of the policy as well as non-compliance with the directions contained in the order passed by this Court on 02.12.2022 rendering the order liable to be set aside as being a non-speaking order.

The present petition is allowed and the impugned office order No.41, dated 28.06.2023 is accordingly set aside. The matter is remanded to the authorities to decide the claim afresh, in accordance with law, and after considering the applicable policy as on the date of the incident.

It is also noticed by this Court that the orders on claim applications are being passed mechanically by the respondents, without advertng to their own notified policy. This Court is hence constrained to impose a cost of Rs.25,000/- on the respondents, to be paid to the petitioners within a period of three months from the date of receipt of



CWP-27533-2023

-5-

certified copy of this order. Fresh order be also passed within three months after granting an opportunity to the parties.

09.12.2024.
monika

(VINOD S. BHARDWAJ)
JUDGE

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