

CWP-20463-2016 and other connected cases -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204 (14) cases+109

204-1. CWP-20463-2016

Reserved on	Pronounced on	Uploaded on	Whether only the operative part of the judgment is pronounced	Whether the full judgment is pronounced
10.09.2025	08.12.2025	09.12.2025	Yes/No	Yes/No

RAJ KAPOOR ...PETITIONER

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM & ORS ...RESPONDENTS

2. CWP-11068-2019

SUKHI DEVI AND OTHERS ...PETITIONERS

VERSUS

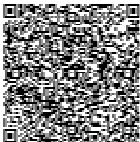
PERMANENT LOK ADALAT FOR PUBLIC UTILITY SERVICES BHIWANI & ORS ...RESPONDENTS

3. CWP-16101-2021

DAKSHIN HARYANA BIJLI VITRAN NIGAM LIMITED AND ORS ...PETITIONERS

VERSUS

PARMILA AND ORS ...RESPONDENTS



4.

CWP-10915-2022

PARMILA AND ORS

...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

5.

CWP-18281-2021

DAKSHIN HARYANA BIJLI VITRAN NIGAM
LIMITED AND ORS

...PETITIONERS

VERSUS

JAGWANTI AND ORS

...RESPONDENTS

6.

CWP-20318-2021

DAKSHIN HARYANA BIJLI VITRAN NIGAM
LIMITED AND ORS

...PETITIONERS

VERSUS

SAKUNAT AND ORS.

...RESPONDENTS

7.

CWP-2191-2022

SAKUNAT AND ORS

...PETITIONERS

VERSUS

PERMANENT LOK ADALAT AND ANR

...RESPONDENTS

8.

CWP-17163-2021

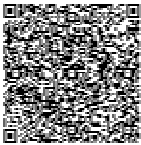
MANJU DEVI AND ORS

...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS



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9.

CWP-17455-2018

KRISHNA AND ORS

...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

10.

CWP-22535-2020

MONU KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

11.

CWP-4974-2025

SEEMA DEVI AND ORS

...PETITIONERS

VERSUS

PERMANENT LOK ADALAT FOR PUBLIC UTILITIES SERVICES
BHIWANI AND ORS

...RESPONDENTS

12.

CWP-5464-2022

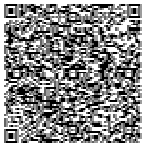
KAMLA AND ORS.

...PETITIONERS

VERSUS

PERMANENT LOK ADALAT FOR PUBLIC UTILITY SERVICES (PUS),
BHIWANI AND ORS.

...RESPONDENTS



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13. **CWP-14186-2025**

ANJU AND OTHERS ...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS ...RESPONDENTS

14. **CWP-23317-2021**

SMT. RAJESH AND ANR ...PETITIONERS

VERSUS

PERMANENT LOK ADALAT FOR PUBLIC UTILITY SERVICES (PUS),
BHIWANI AND ORS ...RESPONDENTS

109 **CWP-15420-2025**

NANNI AND ORS ...PETITIONERS

VERSUS

PERMANENT LOK ADALAT FOR PUBLIC UTILITY SERVICES (PUS),
HISAR AND ORS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gopal Sharma, Advocate
for the petitioner
in CWP-20463-2016.

Mr. Kuldeep Sheoran, Advocate and
Mr. Sunil Saini, Advocate
for the petitioner(s) in CWP-15420-2025,
CWP-5464-2022 & CWP-23317-2021.

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Mr. Somya Goyal, Advocate for
Mr. Sumeet Jain, Advocate
for the petitioners
in CWP-11068-2019.

Mr. Gagandeep Sanwal, Advocate
for the petitioner(s)
in CWP-17163-2021.

Mr. R. S. Longia, Advocate
for the petitioners in
CWP Nos.18281, 20318 and 16101 of 2021,
for the respondents No.2 to 4 in CWP-17163-2021 and
for the respondents No.1 and 2 in CWP-20463-2016.

Mr. Ashish Gupta, Advocate for the petitioner
in CWP-2191-2022 and
for the respondents No.1 to 6 in CWP-20318-2021.

Ms. Sweta Beniwal, Advocate
for the petitioner in CWP-4974-2025.

Mr. Akash Vashishth, Advocate
for the petitioner(s) in CWP-17455-2018,
CWP-10915-2022 and CWP-14186-2025 and
for the respondents in CWP-16101-2021.

Mr. Vikas Singh Chawra, Advocate
for the petitioners in CWP-17163-2021.

Mr. Kishan Bansal, Advocate (through VC) for
Mr. Naresh Jain, Advocate
for the petitioner(s) in CWP-22535-2020.

Mr. Dhananjay Mittal, Advocate
for respondent No.2 in CWP-2191-2022,
for respondents No. 1 to 3 in CWP-23317-2021 and
for respondents No. 2 to 4 in CWP-5464-2022.

Mr. Abhayjeet Singh, Advocate and
Mr. Sailender Singh, Advocate
for respondent No.3 in CWP-20463-2016.

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Mr. R.D. Bawa, Advocate,
Mr. Samuel Gill, Advocate,
Mr. Rishabh Rana, Advocate and
Mr. Randhir Bawa, Advocate
for respondents No.2 to 5-DHBVNL in CWP-11068-2019 and
for respondents No.2 to 4 -DHBVNL in CWP-17455-2018.

Mr. Karambir Singh Nalwa, Senior Advocate,
Amicus Curiae with
Ms. Ashima Attri, Advocate.

Mr. Deepak Vashisth, DAG, Haryana.

Mr. Siddharth Sandhu, AAG, Punjab.

Mr. Arvind Seth, Advocate and
Mr. Shubham Sharma, Advocate for
Mr. Rajesh Gaur, Advocate
for UHBVN in CWP-16101-2021, CWP-18281-2021,
CWP-2191-2022 and CWP-20318-2021 and
for respondents No.3 and 4 in CWP-14186-2025.

Mr. Abhilaksh Gaind, Advocate,
Mr. Rakesh Roy, Advocate and
Ms. Priya Jarial, Advocate
for the respondents No.2 to 5 in CWP-22535-2020.

SUVIR SEHGAL, J.

1. The sole question that arises for consideration in the abovementioned bunch of 15 cases, which are being decided by a common order, is :

“Whether Permanent Lok Adalat for Public Utility Services, (for short, “the PLA”) has jurisdiction to determine compensation on account of death or bodily injury caused by electrocution.”

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2. Facts, in brief, of the lead case i.e. CWP-20463-2016, deserve to be noticed. During the night intervening 15/16.06.2014, Naveen, petitioner's son was electrocuted when he came in contact with an iron pipe, that was touching a live electric wire. Naveen died and an FIR bearing No.87 dated 16.06.2014, was lodged under Section 304-A IPC at Police Station Sadar, Rewari. The electric supply was being delivered by Dakshin Haryana Bijli Vitran Nigam Ltd., a power distribution company (hereinafter referred to "DISCOM"). Petitioner, who is the father of the deceased, (hereinafter referred to as "claimant"), filed a petition, Annexure P-2, under Section 22-C of the Legal Services Authorities Act, 1987 (for short, "the Act of 1987") seeking compensation of Rs.10 lacs, which has been partly accepted by impugned award dated 09.07.2016, Annexure P-1, holding that DISCOM is liable to pay Rs.2,50,000/-, besides interest, as compensation. Claimant has approached this Court for enhancement of compensation.

3. By making a reference to FIR as well as postmortem report, counsel for claimant has asserted that Naveen died due to electrocution as DISCOM was negligent in maintenance of the electricity wires. Counsel states that deceased was a young man of 20 years and running a shop. He had his entire life ahead of him and was the primary breadwinner of the family. He asserts that PLA has erred in awarding a meagre amount of compensation, which deserves to be enhanced. He has pointed out that



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DISCOM had filed a writ petition (CWP-22640-2016) challenging the award, Annexure P-1, which was dismissed by this Court on 03.11.2016. Besides claiming enhancement, counsel for the claimant has placed reliance upon judicial precedents to assert that claim is maintainable before the PLA. He is supported by the counsel representing the claimants in the connected petitions. The judgments relied upon by them are:

- (i) ***Bar Council of India versus Union of India, (2012) 8 SCC 243;***
- (ii) ***Canara Bank versus G.S. Jayarama, 2022 SCC OnLine SC 656***
- (iii) ***Meera and others versus SDO/XEN DHBVN Ltd. and others, 2023(3) RCR (Civil) 548***
- (iv) ***Punjab State Electricity Board etc. versus Union of India and others, 2014 (2) PLR 303;***
- (v) ***Divisional Engineer, Electricity Distribution Division-I versus Raman Singh and another, 2019 (4) CivillJ 396;***
- (vi) ***Executive Engineer, Electricity Distribution Division-II, Mohaddipur, Gorakhpur versus Chairman, Lok Adalat, Gorakhpur and others, 2015 SCC OnLine All 8400 and;***
- (vii) ***Paramjit Kaur and others Vs. State of Punjab and others 2008(4) PLR 185.***
- (viii) ***Hubli Electricity Supply Company Hescom Hubli and others Versus Smt. Pavitra Ramanath Gaonkar and others Law Finder Doc Id #2318700***

4. *Per contra*, counsel for DISCOM has opposed the petition and has submitted that PLA did not have the jurisdiction to entertain a petition for grant of compensation on account of death or injury due to electrocution. It has been argued that PLA cannot adjudicate disputes relating to claims based on tortious liability. Mr. R.S. Longia, Advocate has made a statement that no recovery shall be effected from the claimants in CWP-11068-2019



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and CWP-17455-2018, wherein, in compliance of the award passed by PLA, compensation has been disbursed. Reference has also been made to the policies framed for grant of compensation in cases of fatal and non-fatal accidents due to electrocution. It has been submitted that DISCOMs have been making payment of compensation in cases of death by electric shock under the aforesaid policies. Reliance has been placed upon :

- (i) ***Superintending Engineer CSEB, Bilaspur Division and another versus Public Utility Permanent Lok Adalat, Bilaspur and others, 2011(60) RCR (Civil) 431;***
- (ii) ***Manju and others versus Permanent Lok Adalat and others (CWP-18910-2018), decided on 20.11.2013 and***
- (iii) ***Punjab State Power Corporation Limited and another versus Madhav Industries (Rice Sheller) and another, Law Finder Doc Id #2359897.***

5. Learned *Amicus curiae* has supported the arguments addressed by the counsel for claimants and has placed reliance upon :

- (i) ***Bar Council of India versus Union of India, (2012) 8 SCC 243***
- (ii) ***Executive Engineer, Electricity Distribution Division-II, Mohaddipur, Gorakhpur versus Chairman, Lok Adalat, Gorakhpur and others, 2015 SCC OnLine All 8400 and;***
- (iii) ***Divisional Engineer, Electricity Distribution Division-I versus Raman Singh and Anr, 2019 (4) Civil LJ 396.***



6. I have given my thoughtful consideration to the arguments addressed by counsel for the parties and also to the judicial precedents relied upon by them.

7. In ***Bar Council of India's case (supra)***, Supreme Court upheld the amendment made in the Act of 1987, whereby PLA has been established. It has been observed that PLA has a dual role of a conciliator and an adjudicator. In the event of failure to reach at a settlement, PLA is empowered to adjudicate the dispute, provided the dispute does not relate to any offence. In ***Canara Bank's case (supra)***, Supreme Court distinguished the powers conferred upon a Lok Adalat constituted under Section 19 of the Act of 1987 from the nature of powers vested in PLA established under Section 22-B, *ibid*. Apex Court clarified that on failure of conciliation proceedings, which have to be conducted first, PLA can determine the dispute on merits.

8. The question as to whether the PLA has the jurisdiction to adjudicate the dispute and grant compensation on account of electrocution has been thrashed out before the Chhattisgarh High Court in ***Superintending Engineer CSEB's case (supra)***. The High Court has examined the statutory scheme of the Act of 1987, object and purpose behind its enactment and more particularly, the purpose of inclusion of Chapter VI-A by virtue of the Legal Services Authorities (Amendment) Act, 2002, which provides for the establishment of the PLA and lays down its jurisdiction. Chhattisgarh High

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Court held that PLA constituted and established under Section 22-B of the Act of 1987 is not a court of plenary or general jurisdiction like a civil court. PLA exercises jurisdiction in respect of one or more “Public Utility Services”, which have been defined in the statute. High Court observed that cases arising in relation to public utility services need to be settled urgently to ensure that people get justice without delay, even at a pre-litigation stage so that most petty cases do not go to regular Courts reducing the work load of civil Courts to a large extent. Examining the expression “Public Utility Services”, embodied in Section 22-B of the Act of 1987, it has been observed that natural, plain and grammatical meaning of the expression leads to the conclusion that PLA has jurisdiction only in respect of disputes connected with services, which fall in the category of public utility services. It has been held that jurisdiction of PLA essentially relates to service, which pre-supposes existence of a dispute as between a service provider and a service recipient. After exhaustive discussion, Chhattisgarh High Court concluded as under:-

“20. The upshot of aforesaid discussions is that the Permanent Lok Adalats can exercise the jurisdiction in the matter of disputes arising out of services relating to public utility service and do not possess any plenary jurisdiction to adjudicate upon disputes relating to claim based on tortious liability merely because one of the party to the dispute is one who is engaged in operating a public utility service.

21. In both the writ petitions, the applications were filed before the P.L.As claiming compensation on



account of death due to electrocution. Those were not the case where the recipient of a public utility service suffered any injury in its capacity as such. Those are the cases where, probably due to negligence in maintaining electric service lines, a person or cattle came in contact with the service line and died of electrocution. Claim of compensation in these cases are therefore based on tortious liability and cannot be said to be a dispute relating to or with reference to or connected with public utility services. In the cases which have been cited by learned Counsel for the petitioner also, similar view has been taken, in so far as the nature and extent of jurisdiction of Lok Adalats is concerned, though, in somewhat different situation, relating to other service.”

9. A similar question came up for consideration before a Coordinate Bench of this Court in ***Manju’s case (supra)***. It was held that the jurisdiction of PLA under “Public Utility Services” in relation to matter relating to electricity is confined only to “supply of electricity”. The claim made for grant of compensation does not deal with the aspect of deficiency in relation to supply of electricity. The claim being in the nature of compensatory litigation and seeking assessment of compensation on account of death due to electrocution, jurisdiction would, therefore, not vest in PLA.

10. The limited jurisdiction conferred upon PLA under the Act of 1987 again came up for consideration before this Court in ***Madhav Industries (Rice Sheller)’s case (supra)***. Upon analyzing the provisions of the statute, this Court came to the conclusion that jurisdiction of PLA is confined to “matters of supply of power to the public by any establishment”.



This Court held that the scope of PLA's power is thus restricted to the extent of "supply" and not qua the costs/charges or incidental issues.

11. Claims for grant of compensation on account of death or bodily injury due to electric shock involve leading detailed evidence. In order to succeed, a claimant has to prove the factum of electrocution incident and negligence of the officials of DISCOM. Elaborate ocular and documentary evidence has to be lead to establish the income of the injured or deceased, as well as the economic loss caused to him or his dependents, for determining compensation, which is in the shape of liquidated damages. Given its limited powers of conciliation and adjudication only for specified public utility services, PLA is not in a position to determine such disputes. Consequently, a full fledged trial before a Civil Court or a specialized tribunal would be the more appropriate remedy. This Court, therefore, is of the firm view that a claim for compensation for death or injury due to electrocution is not maintainable before a PLA. Moreover, this claim does not concern "supply of electricity" in the strict sense envisioned by the statute, but is rather a breach of public duty or a tortious claim. Such a claim is to be pursued in a competent Civil Court. PLA is neither equipped nor empowered to adjudicate such disputes under the Act of 1987.

12. Counsel for claimants and learned *amicus curiae* have relied upon ***Dakshin Haryana Bijli Vitran Nigam's case (supra) i.e. CWP-22640-2016***, whereby impugned award, Annexure P-1, was challenged by



DISCOM and has been upheld. However, provisions of the Act of 1987 were not brought to the notice of the Coordinate Bench of this Court, which adjudicated the writ petition solely after interpreting the provisions of the Electricity Act, 2003. Similar is the position in *Meera's case (supra)* decided by a Coordinate Bench of this Court. The factual position before the Division Bench in *Punjab State Electricity Board's case (supra)* is slightly different. The Division Bench was dealing with a case, in which the electrocuted person had a regular electricity supply connection from a DISCOM, and the Court held the Electricity Board liable to compensate the widow of the deceased.

13. In *Divisional Engineer's case (supra)*, Allahabad High Court was dealing with a situation where a buffalo came in contact with an unattended live high tension wire. Claim petition was resisted by DISCOM by placing reliance upon Section 145 of the Electricity Act, 2003, to contend that, as jurisdiction of the Civil Court was barred, claim petition before PLA was not maintainable. Rejecting the opposition, Allahabad High Court held that PLA has jurisdiction to entertain all disputes of civil nature, where jurisdiction of Civil Court is not expressly or impliedly barred by statutory provisions. These judgments, however, do not advance the case of the claimants.

14. Relying upon the dictum in *Bar Council of India's case (supra)*, Karnataka High Court in *Hubli Electricity Supply's case (supra)*



upheld an award passed by PLA, whereby compensation has been granted on account of demise due to electric shock. In *Executive Engineer's case (supra)*, Allahabad High Court concluded that a dispute raising a claim for compensation alleging negligence on the part of DISCOM in maintenance of electricity lines meant for supply is a dispute falling under the jurisdiction of PLA. The limited jurisdiction conferred upon the PLA was not brought to the notice of Court. Both the High Courts proceeded on the basis that as the dispute could not be settled by conciliation before PLA, it has to be decided on merits under Section 22-C (8) of the Act of 1987. This Court is in respectful disagreement with the view of Karnataka and Allahabad High Courts and prefers the view taken by the Chhattisgarh High Court as well as Coordinate Bench of this Court, as noticed above.

15. No benefit can be derived by claimants from the Division Bench judgment of this Court in *Paramjit Kaur's (supra)*. In this case, Division Bench was seized of a petition filed under Article 226 of the Constitution of India and proceeded to determine compensation in exercise of its extra-ordinary power. The Court came to the conclusion that a writ petition for grant of compensation can be entertained, where there is no dispute regarding electrocution, place of accident or negligence of DISCOM.

16. Concluding the above discussion, it is held that PLA does not possess the jurisdiction to determine compensation on account of death or

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bodily injury caused by electrocution. The question posed in the opening paragraph of the judgment is, accordingly, answered in negative.

17. For the reasons recorded above, there is no merit in the writ petition, which is dismissed.

18. As a consequence, the following writ petitions are dismissed :

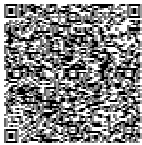
- (i) CWP-20463-2016 titled as ‘Raj Kapoor versus Dakshin Haryana Bijli Vitran Nigam and others;
- (ii) CWP-11068-2019, titled as ‘Sukhi Devi and others versus The Permanent Lok Adalat for Public Utility Services, Bhiwani and others;
- (iii) CWP-10915-2022, titled as, ‘Parmila and others versus State of Haryana and others;
- (iv) CWP-2191-2022, titled as ‘Sakund and others versus Permanent Lok Adalt (Public Utility Services), Nuh and another;
- (v) CWP-17163-2021, titled as ‘Manju Devi and others versus State of Haryana and others
- (vi) CWP-17455-2018, titled as ‘Smt. Krishna and others versus State of Haryana and others;
- (vii) CWP-22535-2020, titled as, ‘Monu Kumar versus State of Punjab and others;



- (viii) CWP-4974-2025, titled as, 'Seema Devi and others versus Permanent Lok Adalat for Public Utility Services (PUS), Bhiwani and others';
- (ix) CWP-5464-2022 titled as, 'Smt. Kamla and others versus Permanent Lok Adalat for Public Utility Services (PUS), Bhiwani and others;
- (x) CWP-14186-2025 titled as, 'Anju and others versus State of Haryana and others;
- (xi) CWP-23317-2021 titled as, 'Smt. Rajesh and another versus Permanent Lok Adalat for Public Utility Services (PUS), Bhiwani and others and
- (xii) CWP-15420-2025 titled as, 'Nanni and others versus Permanent Lok Adalat for Public Utility Services (PUS), Hisar and others.

19. The under-mentioned writ petitions would stand allowed and the impugned awards are set aside.

- (i) CWP-16101-2021 titled as 'Dakshin Haryana Bijli Vitran Nigam and others versus Pramila and others;
- (ii) CWP-18281-2021 titled as 'Dakshin Haryana Bijli Vitran Nigam and others versus Jagwanti and others and;
- (iii) CWP-20318-2021 titled as 'Dakshin Haryana Bijli Vitran Nigam and others versus Sakunt and others.



20. Liberty is granted to claimants in all the cases to take recourse to the remedy available to them for claiming compensation on account of death or injury caused due to electrocution.
21. It is clarified that wherever compensation has been awarded by PLA and has been disbursed to the claimant(s), it shall not be recovered, but it shall be adjusted against damages, if any, granted in case claimants opt to pursue the available remedy in accordance with law.
22. All pending application(s), if any, shall stand disposed of.
23. This Court places on record its appreciation for the assistance rendered by Mr. Karambir Singh Nalwa, Senior Advocate, *amicus curiae*.

08.12.2025
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No