



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

216

(1)

**CM-3468-LPA-2023 in/and
LPA-1360-2023
Date of Decision: 13.11.2025**

The Superintending Engineer, Distribution City, PSPCL and others

....Appellants

Versus

Union of India and others

....Respondents

(2)

**CM-3979-LPA-2023;
CM-3978-LPA-2023 and
CM-3980-LPA-2023 in/and
LPA-1547-2023**

Union of India and others

....Appellants

Versus

Preeti and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Angad Chahal, Advocate
for the appellant – PSPCL (in LPA-1360-2023).

Mr. Sunil Kumar Sharma, Senior Panel Counsel with
Mr. Lalit Atri, Advocate
for the appellant (in LPA-1547-2023) and
for respondent No.1 (in LPA-1360-2023).

Mr. Rahul Rampal, Additional Advocate General, Punjab.

Mr. J.S.Cooner, Advocate
for respondents No.1 to 3 (in LPA-1547-2023) and
for respondents No.3 to 5 (in LPA-1360-2023).

Mr. Madhur Singh, Advocate
for respondents No.5 to 7 (in LPA-1547-2023).



**LPA-1360-2023 (O&M) and
LPA-1547-2023 (O&M)**

-: 2 :-

Harsimran Singh Sethi, J. (Oral)

**CM-3468-LPA-2023 in LPA-1360-2023 and
CM-3979-LPA-2023 in LPA-1547-2023**

These are the applications under Section 5 of the Limitation Act for condonation of respective days delay in filing the appeal(s).

Keeping in view the facts mentioned in the application(s), the same are allowed and the respective days delay in filing the appeal(s) is condoned.

**LPA-1360-2023 (O&M) and
LPA-1547-2023 (O&M)**

1. Both the appeals, the details of which are mentioned in the heading, are being disposed of through a common order as common question of law is involved in both the appeals.
2. The present appeals have been preferred against the order dated 01.02.2023 passed in CWP-9825-2016 by the learned Single Judge by which, the respondents herein, i.e. family of deceased Narender Kumar have been allowed compensation of Rs.60 lakh (approximately).
3. The appeal (LPA-1360-2023) has been preferred by the appellant – Punjab State Power Corporation Limited (PSPCL) who has been held jointly and severally liable with Union of India (appellant in LPA-1547-2023) raising a grievance that the place where the electrocution of deceased Narender Kumar took place, was within the exclusive jurisdiction of the Border Security Force (BSF) and no employee of the PSPCL is allowed therein so as to maintain the said electricity connections in accordance with the rules and regulations, so as to avoid any mishap and therefore, any mishap which occurs



*LPA-1360-2023 (O&M) and
LPA-1547-2023 (O&M)*

-: 3 :-

at a place, which place is out of bounds for the employees of the PSPCL, PSPCL cannot be made liable for paying such amount of compensation hence, the words used “the respondents” in the impugned order dated 01.02.2023 by the learned Single Judge to hold PSPCL liable for payment of compensation amount needs to be clarified so as to oust the appellant-PSPCL from the liability imposed upon them so as to pay the compensation to the family of deceased Narender Kumar.

4. The learned counsel appearing on behalf of the appellant-Union of India submits that though, the spot where the electrocution of Narender Kumar took place falls within the exclusive jurisdiction of BSF but, Narender Kumar reached out of bound area as, the place where the electrocution took place, was cordoned off, which fact has not been appreciated by the learned Single Judge while passing the impugned order dated 01.02.2023 and therefore, fastening the liability of paying compensation amount upon the BSF too qua the accidental death of Narender Kumar, is incorrect as, the fault lied with the deceased himself as he was negligent in his conduct as he carelessly touched the pole. Hence, the impugned order dated 01.02.2023 imposing liability upon BSF passed by the learned Single Judge may kindly be set aside.

5. Learned counsel appearing on behalf of the family of the deceased submits that the appellants are agitating upon the liability imposed upon him, despite the fact that more than two and half years have passed after passing of the impugned order dated 01.02.2023 and not even a single penny has been paid to the family out of the total awarded amount of Rs.60 Lakh (approximately). Hence, in the interest of justice in case, the proceedings are to be further adjourned, one of the appellants may be directed to pay the



*LPA-1360-2023 (O&M) and
LPA-1547-2023 (O&M)*

-: 4 :-

amount for which they have been held jointly and severally liable, subject to the outcome of the appeals as, the family of the deceased is entitled for the compensation as assessed, irrespective of the fact as to who is liable to pay the same.

6. Learned counsel for the respondents submits that the allegation made by the BSF that the spot where the electrocution of Narender Kumar (since deceased) took place was cordoned off, is incorrect as, no such evidence has been brought on record to prove the said allegation even before the learned Single Judge and taking the said plea before the Appellate Court, is not at all maintainable. Learned counsel for the respondents submits that in case, the area where the electrocution took place was cordoned off, which has been made the basis by Union of India putting off their onus of the liability imposed on them but nothing has come on record to show as to how the deceased reached that spot. Hence, an argument has been raised only to avoid the liability fixed by the learned Single Judge upon the appellants.

7. We have heard the learned counsels for the respective parties and have gone through the record with their able assistance.

8. With regard to the appeal (LPA-1360-2023), filed the appellant–PSPCL, the factual assertion that the employees of the PSPCL are not allowed to visit the spot where the electrocution took place, and such place was in exclusive jurisdiction of BSF has not been denied by the Union of India as the spot in question is in exclusive control and jurisdiction of the BSF, who are maintaining the same to the exclusion of the employees of the PSPCL.

9. It may be noticed that the said point is adjacent to the International gate between India and Pakistan hence, once, the accidental spot



*LPA-1360-2023 (O&M) and
LPA-1547-2023 (O&M)*

-: 5 :-

is within the exclusive domain and control of the Union of India, which is being controlled by the BSF, making the PSPCL liable for the same along with BSF cannot be upheld. Unless and until, any negligence on the part of any authority is noticed that such authority was in dereliction of performing its duties or there is no omission to perform the duty which act has led to the accident, the liability of compensating the deceased family for the said accident cannot be fastened upon such authority. The said issue has escaped notice of the learned Single Judge while holding the PSPCL liable to pay the compensation jointly with the other respondents qua the death of Narender Kumar due to electrocution in an area, which was exclusively maintained and controlled even qua electricity points by the BSF.

10. Further, it has already come on record that in the written statement of the PSPCL, which fact has gone unrebutted that the electricity supply which is given in bulk supply category to the BSF, it is the BSF, who further distributes the same as per their choice inside their area of control by BSF affixing their own operators and pole as per their own requirements. Once, the said assertion has not been denied, any accident which takes place within the area of the BSF, which is solely controlled by them and even the supply of the electricity is also controlled by them to the exclusive of the PSPCL, the appellant-PSPCL cannot be made jointly liable for any accident, which is caused in an area where the jurisdiction to maintain the electricity and to install the operators, is of the BSF, and PSPCL has no role in there apart from supplying electricity to BSF in bulk.

11. Hence, the impugned order dated 01.02.2023 passed by the learned Single Judge holding that the PSPCL will also be liable jointly for the



*LPA-1360-2023 (O&M) and
LPA-1547-2023 (O&M)*

-: 6 :-

payment of compensation amount admissible to respondent family, is set aside.

12. With regard to the LPA No.1547 of 2023, which has been filed by the appellant-Union of India through BSF, an argument has been raised that the place of the accident was cordoned off and no one was allowed to enter the same and it was only due to the negligence on part of the deceased of crossing life cordoned off area, the mishap happened and therefore, even the BSF cannot be made liable for the same.

13. It may be noted that nothing has come on record to show that the area was cordoned off not to be accessed by general public in any manner. The area even if, it is to be cordoned off, has to be cordoned off in a manner that no one crosses the same under any circumstances whereas, in the present case, no such fact has come on record to show that the deceased deliberately tried to cross over such area, which is said to be a cordoned off area by UOI.

14. Further, it is a conceded position that the area of the accident is just next to the International gate between India and Pakistan. It may be noticed that the said area is controlled and manned by the Officers of the BSF 24 hours without exception hence, even if, somebody was trying to go into a cordoned off area, it becomes the duty of the BSF to stop such person from entering the cordoned off area; the negligence in allowing a person to reach the area where accident occurred is also upon the BSF hence, the amount of compensation, which has been awarded by the learned Single Judge in favour of the deceased, cannot be treated as arbitrary or illegal or without appreciating the facts on record.

15. Further, no such plea was pressed with regard to the cordoned off



*LPA-1360-2023 (O&M) and
LPA-1547-2023 (O&M)*

-: 7 :-

area where the accident took place rather, the learned Single Judge has mentioned that the same should have been cordoned off in case, the area projected danger for the general public visiting the area, who were not conversant with the area concerned.

16. Further, even in the Court of Inquiry, which was conducted, no such fact has come on record to show that the area was cordoned off but, still deceased Narender Kumar reached the same without authority. That being so, the impugned order dated 01.02.2023 passed by the learned Single Judge holding the BSF liable to pay compensation cannot be treated as arbitrary or illegal.

17. Further, while deciding upon an appeal, the perversity in the order impugned is to be seen rather than re-appreciating the facts so as to arrive at a different conclusion. In the present case, the learned counsel for the Union of India has not been able to point out any perversity in the impugned order dated 01.02.2023 passed by the learned Single Judge either on facts or on law so as to need any intervention at the hands of this Court.

18. Learned counsel for the claimants submits that despite the fact that two and half years have passed but, yet the amount of compensation awarded to the respondent has not been paid.

19. Keeping in view the above said fact, it is held that even upon the amount of compensation awarded in favour of respondent starting from the date of the order, i.e. 01.02.2023 passed by the learned Single Judge, interest @6% per annum will also be paid on the said compensation so as to compensate the claimant, who despite entitlement and without there being any interim order of stay on such awarded compensation, the Union of India has



**LPA-1360-2023 (O&M) and
LPA-1547-2023 (O&M)**

-: 8 :-

not released the amount of compensation. Further, the Union of India (BSF) will release the compensation amount admissible to respondent within a period of eight weeks from the receipt of the copy of this order and compliance be placed on record of this order.

- 20. Both the appeals stand disposed of accordingly.
- 21. Pending applications, if any, also stand disposed of.
- 22. Photocopy of this order be placed on the file of other connected case.

**(HARSIMRAN SINGH SETHI)
JUDGE**

November 13, 2025
Varinder

**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No