RESERVED ON 29TH SEPTEMBER 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.1446 OF 2025 (GM-KEB)

BETWEEN:

1. THE MANAGING DIRECTOR,
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED (BESCOM), BELAKU BHAVANA,
K.R. CIRCLE, BENGALURU – 560 001

2. THE CHIEF ENGINEER,
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED (BESCOM), KOLAR DISTRICT,
KOLAR – 563 101.

3. EXECUTIVE ENGINEER,
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED, BANGARPET DIVISION,
KOLAR – 563 101.

4. ASSISTANT EXECUTIVE ENGINEER,
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED, KGF SUB DIVISION, KGF TALUK,
KOLAR – 563 101.

5. JUNIOR ENGINEER,
BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED, BANGARPET DIVISION,
BANGARPET, KOLAR – 563 101.

6. SUPERINTENDING ENGINEER (ELEC.),
COMMERCIAL, O & M CIRCLE OFFICE,

Digitally signed by
MAHALAKSHMI B M
Location: High Court
of Karnataka

BANGALORE ELECTRICITY SUPPLY COMPANY
LIMITED, M B ROAD,
OPP. YAMAHA SHOWROOM,
KOLAR – 563 101.

…APPELLANTS

(BY SRI. LIKITH R.P., ADVOCATE)

AND:

1. SRI GOVINDAPPA
S/O. SEETHAPPA,
AGED ABOUT 63 YEARS,
R/AT DODRAHALLI VILLAGE,
KASABA HOBLI, BANGARPET TALUK,
KOLAR – 563 101.

2. THE CHIEF SECRETARY,
THE GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BENGALURU – 560 001.

3. HUMAN RESOURCE DEVELOPMENT OFFICER,
HUMAN RESOURCE DEVELOPMENT AUTHORITY,
OFFICE AT K R CIRCLE,
BENGALURU – 560 001.

…RESPONDENTS

(BY SRI. H. PAVANA CHANDRA SHETTY, ADVOCATE FOR R-1;
SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-2 & R-3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO SET ASIDE THE ORDER DATED 12.02.2025 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.11558/2024 AND CONSEQUENTLY DISMISS W.P.NO.11558/2024 AND ETC.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU ,CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

C.A.V. JUDGMENT

(PER: HON'BLE MRS. JUSTICE K.S. HEMALEKHA)

1. The appellants, the Bengaluru Electricity Supply Company Limited [**the BESCOM**] have preferred this intra-court appeal assailing the order dated 12.02.2025 [**the impugned order**] passed by the learned Single Judge in W.P.No.11558/2024 [GM-KEB], whereby the writ petition preferred by respondent No.1 was allowed and the appellants were directed to pay compensation of ₹27,88,925/- with interest at 6% per annum, after deducting the amount already paid on account of electrical injuries resulting in amputation of respondent No.1's left hand.

Prefatory facts

2. On 09.06.2015, respondent No.1, Sri. Govindappa, sustained severe electrical injuries when he allegedly came in contact with a live electric wire near a transformer situated on a private property in Bangarpet, Kolar District. The injuries ultimately resulted in amputation of his left hand.

3. Respondent No.1 submitted representations dated 12.09.2022 to the BESCOM seeking compensation. As the said representations were not considered, he approached this Court in

W.P.No.21650/2022. By order dated 24.11.2022, this Court directed the Superintending Engineer, BESCOM to consider the representations in accordance with law.

4. Pursuant thereto, the BESCOM considered the claim and rejected the same by endorsement dated 24.02.2023. Aggrieved thereby, respondent No.1 preferred W.P.No.8076/2023. This Court vide order dated 20.12.2023, quashed the rejection endorsement and directed reconsideration of the claim.

5. In compliance with the said direction, the BESCOM issued the official memorandum dated 29.02.2024, sanctioning compensation of ₹1,20,000/- in accordance with the applicable administrative circular governing compensation/ex-gratia payable in cases of electrical accidents.

6. Dissatisfied with the amount sanctioned, respondent No.1 preferred the aforesaid writ petition seeking compensation of ₹32,00,000/- on the basis of principles governing determination of compensation under the Motor Vehicles Act, 1988 [**the MV Act**].

Findings of the learned Single Judge [impugned order]

7. The learned Single Judge placing reliance upon the judgment of the Division Bench of this Court in **Karnataka Power**

Transmission Corporation Limited (KPTCL) v. Mrs. Rekha and Others[1], proceeded on the premise that the victims of electrical accidents are entitled to compensation in the same manner as victims of motor vehicle accidents under the MV Act and that the methodology prescribed for assessing compensation under the MV Act could be adopted.

8. The learned Single Judge noticed that respondent No.1 was aged about 37 years on the date of accident and was stated to be working as a coolie. In the absence of documentary proof of income, the notional monthly income was assessed at ₹9,000/- in accordance with the Karnataka State Legal Services Authority [**the KSLSA**] guidelines applicable to accidents of the year 2015.

9. Taking into consideration the disability certificate indicating 80% disability, the learned Single Judge assessed the functional disability at 80%, added 40% towards future prospects and applied multiplier 15. Accordingly, ₹18,14,400/- was awarded towards loss of future earnings. The learned Single Judge further awarded ₹4,45,525/- towards medical expenses, ₹54,000/- towards loss of income during laid-up period, ₹75,000/- towards conveyance,

[1] W.A.No.861/2022 and connected appeals D.D 23.01.2025

nourishment and nutritious foods, ₹2,00,000/- towards pain and suffering and ₹2,00,000/- towards loss of amenities in life.

10. Thus, the total compensation of ₹27,88,925/- was awarded together with interest at 6% per annum from the date of presentation of the writ petition until payment, subject to deduction of the amount already paid. Aggrieved by the said order, the BESCOM has preferred the present appeal.

Contentions

11. Learned counsel appearing for the appellants would contend that the learned Single Judge was not justified in entertaining the writ petition and determining compensation in proceedings under Article 226 of the Constitution of India particularly when the liability of the BESCOM and the circumstances surrounding the accident were seriously disputed. It is submitted that the accident occurred on 09.06.2015, whereas the claim for compensation was initiated several years thereafter. According to the appellants, the question of limitation was a material consideration which ought to have been examined before entertaining the claim. It is further contended that the accident occurred on a private property, where respondent No.1 allegedly approached the transformer and came in contact

with the live electric wires. Whether the accident occurred on account of any defect in electrical installation, failure to maintain the equipment, unauthorized interference with the installation or the conduct of the injured person are disputed questions requiring examination of evidence.

12. Learned counsel for the appellants submits that neither the Electricity Act, 2003 [**the Act**] nor the applicable safety regulations impose absolute liability upon the BESCOM for every electrical accident, irrespective of its cause. It is contended that the principle of strict liability is subject to recognized exceptions and that circumstances necessary to determine whether any such exception is attracted cannot be conclusively decided in writ proceedings, where material facts are disputed. It is further submitted that, the learned Single Judge erred in mechanically adopting the principles governing assessment of compensation under the MV Act, which constitute a distinct statutory framework. The assessment of income, functional disability, future prospects and multiplier, according to the appellants, ought to have been made on the basis of evidence.

13. Learned counsel for the appellants particularly places reliance upon the subsequent judgment of the Hon'ble Supreme

Court in **Karnataka Power Transmission Corporation Ltd. v. Rekha and Others**[2], whereby the judgment of the Division Bench in W.A.No.861/2022 and connected appeals was set aside. It is contended that the very legal foundation upon which the learned Single Judge proceeded no longer survives in view of the law declared by the Supreme Court. He also relies upon the KPTCL corporate order dated 05.11.2013, prescribing compensation/ x-gratia for fatal and non-fatal electrical accidents. It is submitted that the amount of ₹1,20,000/- sanctioned to respondent No.1 was in terms of the administrative compensation scheme and cannot be construed as an unequivocal admission of a tortious liability or an acceptance of the higher compensation claimed by him.

14. It is further submitted that the criminal proceedings initiated against the concerned BESCOM officials culminated in their acquittal, as the prosecution failed to establish the charges beyond reasonable doubt. The appellants therefore contend that the liability could not have been presumed without independent adjudication.

15. *Per contra*, learned counsel appearing for respondent No.1 would submit that the transmission and distribution of electricity constitute inherently dangerous activities and that an electricity

[2] 2026 INSC 847

undertaking owes a duty to ensure safety of persons who come in contact with its installation. He relies upon the principles laid down in **M. C. Mehta and Another v. Union of India and Others**[3]. He further relies upon the decision of the Division Bench of this Court in W.A.No.861/2022 and connected appeals, wherein the compensation was awarded in cases of electrocution.

16. It is further contended that the BESCOM having itself sanctioned compensation of ₹1,20,000/- cannot now dispute its liability altogether. According to respondent No.1, the dispute is essentially confined to the adequacy of compensation and therefore there is no justification for relegating respondent No.1 to civil Court after the lapse of several years as contended by the learned counsel for the appellants.

Reasons and conclusion

Principles governing negligence, strict liability and absolute liability

17. Liability in tort arise on account of intentional wrongdoing, negligence, or independently of negligence under the principles of strict or absolute liability. In an action founded upon negligence, the claimant is ordinarily required to establish the existence of a duty of

[3] (1987) 1 SCC 395

care, breach of that duty and damage resulting from such breach. Strict liability, on the other hand, does not require proof of negligence, although the person sought to be made liable may invoke recognized exceptions.

18. The foundational principle of strict liability was laid down in **Rylands v. Fletcher**[4]. Under the said rule, a person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his peril, and, if he does not do so, is *prima facie* answerable for all the damage which is the natural consequence of its escape.

19. The rule proceeds on the principle that a person who creates an unusual or dangerous condition by accumulating a potentially harmful substance or thing must bear responsibility for consequences of its escape, even in the absence of negligence. However, the liability so imposed is not absolute. The recognized exceptions include an act of God, an act of stranger, the injured person's own default, consent and statutory authority, subject to the requirements governing their application. The doctrine of absolute liability was subsequently evolved by the Constitution Bench of the Hon'ble Supreme Court in **M. C. Mehta** (*supra*), arising out of the

[4] (1868) LR 3 HL 330

Oleum gas leak incident. The Hon'ble Supreme Court considered whether the traditional rule in **Rylands** (*supra*), developed in 19th century, adequately addressed the risk created by modern hazardous industries.

20. The Constitution Bench held that an enterprise engaged in hazardous or inherently dangerous activity owes an absolute and non-delegable duty to the community to ensure that no harm results from such activity. Where harm results from hazardous activity, the enterprise is liable to compensate those affected, irrespective of whether reasonable care was exercised. It was explained that the traditional exceptions to the rule in **Rylands** (*supra*) would not apply to the doctrine of absolute liability. It also emphasized that compensation should bear a relationship to the magnitude and financial capacity of the enterprise so as to have deterrent effect.

21. The distinction between the two doctrines is therefore significant. Neither strict liability nor absolute liability necessarily requires proof of negligence. However, strict liability permits the recognized defences, while absolute liability, in the class of hazardous activities to which the doctrine applies, excludes such defences.

22. In **Rajkot Municipal Corporation v. Manjulben Jayantilal Nakum**[5], the Hon'ble Supreme Court considered the principles governing liability in tort, including the nature of duty of care, foreseeability of harm, breach of statutory duty and circumstances in which liability may arise. The Hon'ble Supreme Court explained that mere occurrence of an accident or existence of a statutory obligation does not, by itself, establish actionable negligence. The nature of duty and the applicable standard of liability must be examined in the context of relevant facts and statutory framework.

23. In **M.P. Electricity Board v. Shail Kumari and Others**[6], the Hon'ble Supreme Court considered a case where a person died upon coming into contact with a live electric wire which had fallen on a public road. The Electricity Board sought to avoid liability by contending that the accident was attributable to unauthorized intervention of a third party.

24. The Hon'ble Supreme Court held that supply of electricity is inherently dangerous activity and applied the principle of strict liability. It was further held that an electricity undertaking cannot escape liability merely by attributing the dangerous condition to third party. The defence based upon act of stranger cannot

[5] (1997) 9 SCC 552
[6] (2002) 2 SCC 162

succeed where interference was reasonably foreseeable and precautions could have been taken to prevent the resulting harm.

25. The principles laid down in aforesaid decision make it clear that absence of negligence does not necessarily absolve an electricity undertaking of liability. Equally, the mere fact that an injury was caused by electricity does not dispense with the need to examine the circumstances of accident and the applicability of the recognized exceptions to the doctrine of strict liability.

Subsequent decision of the Supreme Court in the Rekha (*supra*)

26. The question concerning the nature of liability of electricity transmission and distribution undertakings has now been considered by the Hon'ble Supreme Court in **Rekha** (supra).

27. The said decision arose from the judgment of this Court in W.A.No.861/2022 and connected appeals, wherein the Division Bench had affirmed the award of compensation in writ proceedings arising from electrical accidents. The Division Bench had proceeded upon the principles of absolute liability and applicability of the methodology adopted for assessment of compensation under the MV Act. The Hon'ble Supreme Court after examining the decisions in **Rylands** (*supra*), **M.C.Mehta** (*supra*) and

M.P.Electricity Board (*supra*), clarified that the principle applicable to electricity transmission and distribution undertakings is that of strict liability, subject to the recognized exceptions and not absolute liability.

28. The Hon'ble Supreme Court recognized that transmission of electricity is undoubtedly an inherently dangerous activity and that an undertaking engaged in such activity bears a high degree of responsibility. The State and its instrumentalities are not exempt from the operation of the principle of strict liability merely because electricity is supplied as an essential public service. At the same time, the Hon'ble Supreme Court clarified that it would not be correct to proceed on the assumption that electricity undertaking is invariably liable for every accident involving electricity, regardless of the circumstances. The recognized exemptions to strict liability remain relevant and their applicability must be determined upon examination of the facts of the particular case. The Hon'ble Supreme Court further held that where material questions concerning the manner of occurrence of the accident, responsibility for dangerous conditions, the conduct of the injured person or involvement of third parties are seriously disputed, adjudication of such questions may require oral and documentary evidence. In

such circumstances, the remedy of a writ petition under Article 226 would ordinarily be inappropriate for determining contested claims for compensation.

29. The Hon'ble Supreme Court, following **Raman v. Uttar Haryana Bijli Vitran Nigam Ltd.**[7], also held that the multiplier method cannot be applied to determine compensation in cases of electrocution, and that the computation under the MV Act could not have been applied *mutatis mutandis* to such claims. It was clarified that the statutory framework governing motor accident compensation cannot be mechanically imported into claims involving electrical accident. The compensation where liability is established must be determined in accordance with the applicable legal principles and evidence relevant to the claim. The judgment of the Hon'ble Supreme Court in **Rekha** (*supra*) thus directly governs the legal questions arising in the present appeal. The learned Single Judge had relied upon the Division Bench judgment in W.A.No.861/2022 and connected appeals, which, insofar as W.A.No.861/2022 and W.A.No.865/2022 are concerned, has since been set aside by the Hon'ble Supreme Court in **Rekha** (*supra*). Therefore, the principles upon which the impugned order was

[7] (2014) 15 SCC 1

founded, insofar as they relate to absolute liability and automatic application of the MV Act methodology, cannot be sustained.

Maintainability of the writ petition and disputed questions of fact

30. In **Chairman Grid Corporation of Orissa Ltd. (Gridco) v. Sukamani Das**[8], the Hon'ble Supreme Court held that where the claim for compensation on account of electrocution involves disputed questions of fact concerning the cause of the accident and negligence or responsibility of the electricity undertaking such questions cannot ordinarily be adjudicated in proceedings under Article 226. The appropriate remedy would be to institute proceedings before the competent civil Court.

31. Similarly in **S.D.O. Grid Corporation of Orissa Ltd. and Others v. Timudu Oram**[9], the Hon'ble Supreme Court reiterated that claims for compensation arising from electrical accidents where material facts are disputed and evidence is necessary to determine the liability are ordinarily required to be adjudicated before the competent civil Court.

32. It is equally necessary to observe that existence of disputed facts does not operate as an absolute bar to the exercise of

[8] (1999) 7 SCC 298
[9] (2005) 6 SCC 156

jurisdiction. However, where dispute goes to the very foundation of liability and cannot satisfactorily be resolved on admitted or incontrovertible material the writ Court would ordinarily decline to undertake an adjudication requiring a trial. In the present case, although the factum of electrical accident and the serious injuries suffered by respondent No.1 are not in dispute, several material questions bearing upon the liability of the BESCOM remain contested.

33. The learned Single Judge proceeded to determine compensation principally on the basis of the earlier Division Bench decision. In view of the subsequent declaration of law by the Hon'ble Supreme Court in the **Rekha** (*supra*), such an approach cannot be sustained.

Effect of payment under KPTCL Circular

34. Learned counsel for respondent No.1 has contended that the BESCOM having sanctioned compensation of ₹1,20,000/- must be deemed to have admitted liability and respondent No.1 ought not to be relegated to a civil Court merely for determination of enhanced compensation.

35. The said contention cannot be accepted in the broad manner suggested. The KPTCL Corporate order dated 05.11.2013 provides an administrative mechanism for payment of compensation/ex-gratia in cases of fatal and non-fatal electrical accidents involving non-departmental persons. It prescribes specified amounts, percentage of loss of earning capacity and conditions governing payment.

36. The sanction of compensation under such an administrative scheme cannot, without more, be equated with an unequivocal admission of liability in tort for all consequential damages claimed by the injured person. The nature and effect of the sanction must be determined with reference to the terms of the circular and circumstances in which the payment is made.

37. In the present case, the amount of ₹1,20,000/- was sanctioned under the administrative scheme applicable to the electrical accident.

38. The entitlement to any further compensation, if established, must be determined by the competent forum in accordance with law.

Effect of acquittal in criminal proceedings

39. The appellants have also placed reliance upon the acquittal of the concerned BESCOM officials in criminal proceedings arising from the accident. The standard of proof in criminal proceedings is proof beyond reasonable doubt, whereas liability in civil proceedings is ordinarily determined upon the preponderance of probabilities. Moreover, a strict liability does not depend upon proof of negligence. Therefore, acquittal in criminal proceedings does not by itself establish that the BESCOM is free from civil liability.

Determination

40. Respondent No.1 has undoubtedly suffered grievous injuries resulting in permanent disability. The hardship caused by such injuries cannot be overlooked. However, sympathy for the injured person, however justified, cannot substitute the legal requirements governing determination of liability and assessment of compensation. The question is not whether respondent No.1 is necessarily disentitled to compensation beyond the amount already sanctioned. The question is whether liability of the BESCOM, and quantum of compensation could have been conclusively determined in the writ proceedings, notwithstanding the material

dispute concerning the cause of accident and the responsibility of the parties.

41. Having regard to the principles laid down in **Sukamani Das** (*supra*), **S.D.O. Grid Corporation** (*supra*) and more particularly, the subsequent judgment of the Hon'ble Supreme Court in **Rekha** (*supra*), we are of the considered view that the learned Single Judge was not justified in determining compensation when adjudication of the disputed questions bearing upon liability was involved. In the circumstances, the impugned order needs to be set aside while reserving liberty to respondent No.1 to pursue such remedy as may be available before the competent forum for determination of his claim for compensation.

42. For the foregoing reasons, the writ appeal is allowed. The order dated 12.02.2025 passed by the learned Single Judge in W.P.No.11558/2024 [GM-KEB] is hereby set aside and W.P.No.11558/2024 is dismissed, reserving liberty to respondent No.1 to approach the competent civil Court or the other competent forum as may be permissible in law seeking compensation on account of the injuries suffered in the electrical accident dated 09.06.2015. All contentions are kept open.

43. In the event respondent No.1 initiates appropriate proceedings, the competent forum shall consider the claim independently and in accordance with law, uninfluenced by any of the observations made herein.

44. No order as to costs.

45. Pending interlocutory applications stand disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

AT