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

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Date of Decision: 26.05.2026

Tajinder Kaur and others**...Petitioners****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Rahul Singla, Advocate for the petitioners

Mr. Deepak Vashishth, Deputy Advocate General, Haryana

Mr. Ravish Kaushik, Advocate for respondent Nos.2 to 6

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 24.11.2025 whereby respondent No.2-Chief Engineer (Operation), Uttar Haryana Bijli Vitran Nigam Limited has rejected their claim for compensation.

2. Petitioner No.1's husband-Baljeet Singh died on 05.11.2023 due to electrocution. He came in the contact of live wires lying on the roadside. The petitioners lodged claim which was not considered. They approached this Court by *CWP No.27575 of 2025* which was disposed of vide order dated 16.09.2025 with a direction to respondent to consider petitioner's claim. The respondent has rejected petitioner's claim on the ground that as per amendment dated 05.04.2024 carried out in the compensation policy, Uttar Hayana Bijli Vitran Nigam Limited (for short '**Nigam**') is not liable in case of negligence on the part of deceased/victim.

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3. Learned counsel for the petitioners submits that in the present case victim passed away on 05.11.2023 and compensation policy was amended on 05.04.2024. The amendment, in no manner, can be called as retrospective. Date of adjudication of claim is irrelevant.

4. Learned counsel for respondent-Nigam expressed his inability to controvert that amendment dated 05.04.2024 is not retrospective and in the present case, victim had died on 05.11.2023.

5. Heard the arguments and perused the record.

6. Nigam has framed policy dated 08.07.2019 with respect to fatal and non-fatal accidents which take place on account of high voltage wires laid down by Nigam. As per Paragraph No.11 of the said policy, there is strict liability of Nigam. Paragraph No.11 of the policy which creates strict liability of Nigam reads as:

“11. Private Person for Fatal Accident & Non-Fatal Accidents

UHBVN is engaged in the hazardous activity and risky for the human life and thus UHBVN owns strict liability for compensation to the private person. Accordingly, the compensation to the private person shall be payable in case of fatal as well as non-fatal accident irrespective of the reasons for such accident as the electricity system is open to the public. The compensation amount shall be payable as per provision of the Employees Compensation Act, 1923. However, this compensation shall be applicable for the accident cases occurring with the electrical network of the UHBVN and not in private premises.”

7. Respondent-Nigam has not disputed that victim/deceased was electrocuted and fatal accident took place with its 11 KV wire. In view of



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aforesaid paragraph of the policy, respondent-Nigam is liable to pay compensation. Nigam cannot deflect from its liability on the ground that there was negligence on the part of deceased. The amendment dated 05.04.2024, in no manner, can be called retrospective. It is settled proposition of law that executive instructions cannot be applied retrospectively.

8. In the backdrop, this Court is of the considered opinion that petition deserves to be allowed and accordingly allowed. Order dated 24.11.2025 is hereby set aside. Respondent-Nigam is directed to determine the amount of compensation as per aforesaid policy within 4 weeks from today and release to the petitioners.

(JAGMOHAN BANSAL)
JUDGE

26.05.2026
Mohit Kumar

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