

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 1847 of 2017

Decided on: 14.10.2025

Rajesh Guleria and another

... Petitioners

Versus

State of Himachal Pradesh and others

... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹

For the petitioners : Dr. Lalit Kumar Sharma, Advocate.

For the respondents : Mr. Rajat Chauhan, Assistant Advocate General, for respondent No. 1-State.

: Ms. Sunita Sharma, Senior Advocate with Ms. Sugandh Verma, Advocate for respondents No. 2 and 3.

Ajay Mohan Goel, Judge (Oral)

By way of this writ petition, the petitioners have *inter alia* prayed for the following reliefs:-

“i) (That the respondents may kindly be directed to pay sum of Rs. 1,00,00,000/- (One Crore) to the petitioners by way of compensation.

(ii). That the respondents may further be directed to install and maintain all electricity wires, conductors, apparatus etc. strictly in accordance with the Electricity Act, Rules & Regulations etc. so that in future, no such untoward accident takes place.”

¹ Whether reporters of the local papers may be allowed to see the judgment?

2. The case involves the unfortunate death of son of the petitioners, aged about 17 years, who lost his life on account of electrocution on 21.08.2016. The petitioners, who are the parents of the deceased, received information on the unfortunate day from the friends of their deceased son that their son had received burn injuries at a place behind the mortuary of the Hospital, which was adjacent to Transformer of the Electricity Board and later on they came to know that there was a 100 KV HT line, on account whereof, the deceased son of the petitioners was electrocuted. According to the petitioners, as the death of their son was attributable to the acts of omission of the Electricity Board, therefore, they filed this petition claiming compensation to the tune of Rs. One Crore on the grounds, as spelled out in the petition.

3. In the reply, the defense of the respondents is as under:-

“Preliminary Submissions:-

1. That the Petitioners herein by means of present Petition has inter-alia prayed for the following reliefs:-

"(i) That the respondents may kindly be directed to pay sum of Rs. 1,00,00,000/- (one Crore) to the Petitioners by way of compensation.

(ii) That the respondents may further be directed to install and maintain all electricity wires, conductors,

apparatus etc. strictly in accordance with the Electricity Act, Rules & Regulations etc. so that in future, no such untoward accident takes place."

In context, the Replying Respondents submit with utmost respect that in order to meet the requirement of electric supply to the Civil Hospital at Rohru Distt. Shimla, the Replying Respondents had erected the 22 KV HT Line from Samoli-Gangtoli Feeder to Civil Hospital at Rohru. It is further the humble and respectful submission of the Replying Respondents that for the purpose of installing the transformers at the premises of the Civil Hospital at Rohru, the Authorities of the medical department at Rohru had provided an isolated place behind mortuary of the Hospital, where RCC bed of about 1.5 mtrs. height was erected for placing the transformer. The area where the transformer was installed/situated site was further fenced properly so that any the person(s) of a common prudence may not have access near the transformer and even the caution board was appropriately affixed on the spot so that no one could enter the fenced area. The supply line i.e. 22 KV was erected in accordance with the provisions of the Indian Electricity Rules, inasmuch as due horizontal and vertical distances were duly and adequately maintained. It is further the humble and respectful submission of the Replying Respondents that the place where the transformer was kept on RCC bed was not a

public place, but a secluded/ isolated place provided by the Hospital Authorities taking into account the fact that it was a place not open for access either to the patients of the Hospital /General Public and or even to the passersby. Moreover it was properly fenced by the Replying Respondents by taking preventive measures. Since the alleged incident had taken place on 21.08.2016 i.e. during the rainy seasons, therefore, the wild bushes and vegetation had grown up in that secluded place like the grass and bhang etc. and 18 the person of a common prudence could not have even entered the said secluded place. On the fateful day i.e. 21.08.2016 allegedly the deceased namely master Rajat Guleria had gone to Rohru Bazar with his friends. Instead of going to the Bazar the deceased alongwith his friends went to the site of the Civil Hospital at Rohru and entered the secluded place where the transformer was kept and wild vegetation like the cannabis/bhang plants etc. had grown and perhaps to extract the Charas from the Bhang leaf. Not only this the deceased even climbed up on the fencing and entered the transformer area and must have tried to sit on the RCC bed where 100 KV transformer was kept. In the process of sitting on the bed and standing there the deceased namely master Rajesh Guleria may have come in contact with live electric wires and sustained burn injury on his person. Thus it was due the wanton and negligent acts and conduct of the

deceased-Master Rajat Guleria that he suffered burn injuries for which no negligence whatsoever can be attributed on the part of the Replying Respondents in any way or in any manner.”

4. This Court is of the considered view that in the backdrop of the defense taken by the respondents, as highly disputed questions of fact are involved in this case, this Court is not in a position to adjudicate the grievance of the petitioners in exercise of its jurisdiction under Article 226 of the Constitution of India. Though the contentions, as are raised in the reply have been rebutted by the petitioners in the rejoinder filed to the reply, but still this Court is of the considered view that it is not possible for this Court to decide the issue as to whether the unfortunate death of their son was on account of the omissions of the Electricity Board or otherwise. These facts will have to be proved by the parties by leading evidence which cannot be done before this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

5. Therefore, these proceedings are closed but with liberty to the petitioners to approach the Civil Court for the redressal of their grievance. The time period spent by the petitioners while pursuing this petition shall be excluded while computing the limitation.

6. However, taking into consideration the fact that the unfortunate death of the boy took place on account of the electrocution and the boy was 17 years old, this Court directs the

respondent-Board to pay an amount of Rs.50,000/- (Rs. Fifty Thousand) as compensation to the parents of the deceased boy, with the observation that in case the petitioners do approach the Civil Court and amount stands determined in favour of the petitioners as compensation, then this amount shall be deducted from the amount of compensation that the Civil Court may award in favour of the petitioners. However, if the Civil Court comes to the conclusion that the petitioners are not entitled to any compensation or less compensation, then the amount of Rs.50,000/- granted by this Court shall not be recovered from the petitioners. This amount of Rs. 50,000/- be paid to the petitioners within 60 days from today. Pending miscellaneous applications, if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

October 14, 2025
(narender)