



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

102+229

CWP-11547-2023 (O&M)

Date of Decision: 21.04.2026

Ram Avtar

...Petitioner

Versus

Uttar Haryana Bijli Vitram Nigam Limited & others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sunil K. Tandon, Advocate, for the petitioner.

Mr. Arnav Goel, Advocate, for

Mr. Vivek Saini, Advocate, for respondents No.1 to 3/UHBVN.

None for respondent No.4/Municipal Corporation, Ambala.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 10.05.2023 whereby respondent No.2-Chief Engineer (Operation), UHBVN, Panchkula, Haryana, has rejected his claim for compensation on account of death of his daughter.

2. As per petition, petitioner's daughter on 29.05.2020 was playing near her house. Nearby, repair/construction work was going on. She came in the contact with 11 kV wire. Her hands and feet were completely scorched. She was shifted to Civil Hospital, Ambala from where she was referred to PGIMER, Chandigarh. She died in PGIMER, Chandigarh. The matter was reported to the police. A news in this regard published in local newspaper on 30.05.2020.



3. The petitioner moved representation dated 12.07.2021 seeking compensation from respondents No.1 to 3. The representation was not adjudicated, thus, he preferred CWP-26884-2022 before this Court which was disposed of with a direction to the competent authority i.e. respondent No.2 herein to decide his claim within 4 months. Respondent No.2 by impugned order dated 10.05.2023 has rejected his claim on the ground that there was lapse on the part of the Municipal Corporation, Ambala as well as the Contractor engaged by the Corporation. Respondents No.1 to 3 did not dispute that child died on account of electrocution. It was also not disputed that the fatal accident occurred with 11 kV wire of Uttar Haryana Bijli Vitran Nigam Ltd. (for short 'UHBVN').

4. Learned counsel for the petitioner submits that as per policy dated 08.07.2019, UHBVN has strict liability in case of fatal accident, thus, impugned order is contrary to the said policy.

5. Learned counsel representing respondents No.1 to 3-UHBVN reiterated contents of the impugned order, however, expressed his inability to controvert the fact that as per policy dated 08.07.2019, UHBVN has no fault liability.

6. Heard the arguments and perused the record.

7. UHBVN 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 UHBVN. As per paragraph No.11 of the said policy, there is strict liability of UHBVN. Paragraph No.11 of the policy which creates strict liability of UHBVN 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.*”

8. UHBVN has not disputed that child was electrocuted and fatal accident took place with its 11 kV wire. In view of aforesaid paragraph of the policy, respondents No.1 to 3-UHBVN are liable to pay compensation. UHBVN cannot deflect from its liability on the ground that there was lapse on the part of respondent No.4-Municipal Corporation, Ambala. UHBVN may initiate proceedings including recovery against the Municipal Corporation, however, carries strict liability *qua* the petitioner.

9. In the backdrop, the writ petition is allowed. The impugned order dated 10.05.2023 is hereby set aside. The respondent is hereby directed to determine the amount of compensation as per aforesaid policy within a period of 4 weeks from today and release to the petitioner.

10. Pending application(s), if any, also stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

21.04.2026

Vimal

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