

(2025) 03 SHI CK 1181
In the High Court Of Himachal Pradesh
Case No : CWP No.1078 Of 2023

Smt. Santosh Kumari

APPELLANT

Vs

H.P. State Electricity Boards Ltd. & Others

RESPONDENT

Date of Decision : 20-03-2025

Acts Referred:

Citation : (2025) 03 SHI CK 1181

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Manohar Lal Sharma, Vikas Rajput

Final Decision : Allowed

Judgement

Ajay Mohan Goel, J

1. By way of this petition, the petitioner has prayed for the following relief:-

"i) That the respondents may kindly be directed to pay compensation to the present petitioner on account of their sheer negligence in maintaining the HT Line in the area where the son of the present petitioner died on account of electrocution."

2. The case of the petitioner is that she is mother of late Ajay Sagar, who died on 18.06.2021, due to electrocution. As per the petitioner, on the fateful day Ajay Sagar had gone to feed his goats in the fields. Around 9:00 a.m., one Lokender Singh informed the family members of Ajay Sagar that he had been electrocuted. At the spot, it was found that besides Ajay Sagar goats were also lying dead on account of electrocution which was on account of the acts of omission of Himachal Pradesh State Electricity Board (HPSEB).

3. Learned counsel for the petitioner submitted that the unfortunate incident took place on account of one HT Line slacking down on account of negligence of the respondent-Board, which at the time of incident was just about two feet above the ground. Learned counsel also submitted that an FIR was immediately

lodged on 18.06.2021 (Annexure P-1) and perusal thereof as well as perusal of other documents demonstrates clearly and categorically that the unfortunate incident took place on account of negligence of the respondent-Board. Learned counsel has drawn the attention of the Court to the Scheme formulated by the respondent-Board for providing compensation/relief to the private persons and submitted that in terms of this Scheme in case of death the family members are entitled for an amount of Rs.1,50,000/- to Rs.2,00,000/- as may be decided by the Board Management and at this stage the petitioner shall be satisfied in case this Court directs the respondents to pay at least an amount of Rs.2,00,000/- to the petitioner with liberty to her to pursue larger relief in the Civil Court.

4. Learned Senior Counsel appearing for the respondent- Board submitted that the Board does not admits any negligence as is alleged by the petitioner. Learned Senior Counsel submitted that the unfortunate death of the deceased as well as livestock was not attributable to the Board, as the Board was not negligent in maintaining the HT Line. She has drawn the attention of the Court to the investigation report appended with the reply and submitted that it is evident therefrom that on account of inclement weather, as it was raining for the previous two days, the same resulted in the deposition of debris on the road. The debris was removed by the Public Works Department and deposited below the HT Line near dead pole structure, which caused reclining of structure and ground clearance of the line as well. Accordingly, she submitted that as the unfortunate incident cannot be attributed to the negligence of the respondent-Board, the petition being devoid of any merit be dismissed.

5. I have heard learned counsel for the parties and have also carefully gone through the pleadings as well as documents appended with the petition.

6. It is not in dispute that the son of the petitioner lost his life on account of electrocution on the fateful day. Learned counsel for the petitioner informed the Court that age of the petitioner was 32 years and he was an I.T.I. Graduate in the trade of Motor Mechanic. In fact, this Court is of the considered view that the investigation report which has been appended by the respondent-Board with its reply is self-speaking and the same clearly demonstrates that the death of Shri Ajay Sagar and the livestock was not on account of any negligence on the part of the deceased at least. It is evident from the said report that as the ground clearance of 22 K.V. HT Line was very low and as Shri Ajay Sagar had an umbrella with him which might have touched the HT Line, this resulted in his electrocution alongwith his livestock.

7. Be that as it may, as it is evident form the investigation report of Himachal Pradesh State Electricity Board itself, that the ground clearance of 22 K.V. HT Line was low, may be on account of reasons which stand mentioned in the investigation report, fact of the matter remains that it is on account of this particular fact that Shri Ajay Sagar lost his life. Be it the act of omission of the Himachal Pradesh Public Words Department or Himachal Pradesh State Electricity Board, the onus to maintain the HT Line obviously is of Himachal Pradesh State

Electricity Board and it should have been careful in ensuring that the HT Lines were properly maintained so that they had not become hazardous to the human life.

8. Now, in this backdrop as this Court has no hesitation in holding that the electrocution was on account of acts of omission which can be attributed to the respondent-Board, in the interest of justice this Writ Petition is disposed of with the direction that let the respondent-Board pay an amount of Rs.2,00,000/- as compensation to the petitioner for unfortunate death of her son and further, liberty is granted to the petitioner to pursue the matter qua compensation before such Fora as may be advised, in accordance with law. The amount be paid by the respondent-Board within a period of eight weeks from today. In case, the same is not paid within the said period, then it will entail interest @ 6% from the date of filing of this petition. If the amount is paid within a period of eight weeks from today, it will not entail any interest. Pending miscellaneous application(s), if any also stand disposed of accordingly.