



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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I.

RSA-2174-2024 (O&M)

Sub Divisional Officer (OP) UHBVN Ltd.

.....Appellant

Vs.

M/s Mayur Electrical and another

.....Respondents

II.

RSA-2175-2024 (O&M)

Sub Divisional Officer (OP) UHBVN Ltd.

.....Appellant

Vs.

M/s Mayur Electrical and another

.....Respondents

Date of Decision.:13.05.2025

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

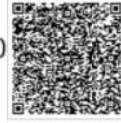
Present:- Mr. R.D. Bawa, Advocate and  
Mr. Rishabh Rana, Advocate  
for the appellant.

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**DEEPAK GUPTA, J. (ORAL)**

Both these appeals filed by the plaintiff of the case, have arisen out of the same proceedings. Suit for recovery of ₹16,05,000/- along with interest was filed by the plaintiff against defendants (*respondents herein*). Defendants not only disputed the claim of the plaintiff but further filed counter-claim to direct the plaintiff to release the amount of ₹16,91,025/- as withheld by the plaintiff. Trial Court dismissed the suit of the plaintiff; and decreed the counter-claim of defendants vide judgment dated 08.01.2019. Plaintiff filed two appeals, one against dismissal of the suit, and the other against decreeing of the counter-claim of the defendants. Both the appeals were dismissed by the first Appellate Court by way of common order dated 21.02.2024.

2. Assailing the aforesaid concurrent findings, it is contended by



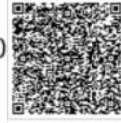
learned counsel that Courts below failed to take note of the fact that defendants of the case had not been impleaded as a party in CWP-14783 of 2011 decided by this Court on 01.07.2014, referred by the courts below and therefore, plaintiff had the right to claim the amount of compensation, which it had to pay to the legal heirs of deceased Subhash.

3. After going through the judgments passed by the Courts below, this Court does not find merit in the contention. Concededly, plaintiff had given the contract to defendant No.1 for installation of electricity lines, polls, transformers etc. in the area of Indri, District Karnal. Defendant No.1 started doing the work through defendant No.2 by engaging its labour. During the process of removing an electric wire on 26.06.2010, one Subhash Chand was electrocuted. At the instance of brother of deceased, FIR No.258 dated 26.06.2010 was registered at Police Station Butana under Section 304-A IPC. Legal heirs of Subhash Chand filed CWP-14783 of 2011 against the Nigam, wherein apart from the present plaintiff i.e., S.D.O. Sub Division, UHBVNL, Indri; M.D., UHBVNL Shakti Bhawan, Sector 6, Panchkula; and Executive Engineer Operation, City Sub Division, UHBVNL, Model Town, Karnal were also impleaded as party. This Court allowed the writ petition on 01.07.2014 granting compensation of ₹16,05,000/- to the legal heirs of Subhash Chand. Said amount has already been paid by the plaintiff to the legal heirs of Subhash Chand on 27.08.2014.

4. Plaintiff claims that it is due to the negligence on the part of the defendants that Subhash Chand had expired and therefore, they were liable to pay the amount to the plaintiff. Defendants not only resisted the suit but filed counter-claim stating that the amount of ₹16,91,025/- had been illegally withheld by plaintiff.

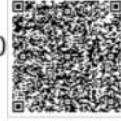
5. As noticed above, both the Courts below have dismissed suit and have decreed the counter-claim of the defendants. It will be relevant to reproduce the observations made by the first Appellate Court:

“In this regard, it is pertinent to mention here that from the perusal



of the evidence adduced by the plaintiff in the shape of oral testimonies of PW1 Dharampal, J.E. and PW2 S.P. Chandna, S.D.O., the plaintiff failed to prove that deceased Subhash Chand was the employee of defendant No.1 company. Except relying upon copies of Investigation Report Mark-F, Mark-G and Mark-A, which were not proved in accordance with law and were also got prepared by the Nigam through its own officials, the plaintiff also failed to adduce any evidence to show that Shri Subhash Chand had died due to negligence on the part of the defendants.

A careful perusal of the judgment dated 09.04.2015 Ex.DW1/C shows that defendant No.2 has been acquitted in the criminal case registered upon him in the shape of FIR No.258 dated 26.06.2010 under Section 304-A of IPC in P.S.Butana. Rather a careful perusal of the FIR Ex.P7 shows that Subhash Chand was working in the fields after removing his clothes. A copy of CWP No.14783 of 2011 filed before the Hon'ble High Court is available on record as Ex.DW1/C and copies of three photographs are attached with the same, in which, deceased Subhash Chand is seen lying in the agriculture fields entangled in the electricity wires and at that time, he was only wearing his undergarments. If Subhash Chand had been the employee of the defendant no.1 company and was engaged as labourer for the installation of electricity wires, he would not have gone to the fields without wearing proper uniform or full clothes. Moreover, in its judgment dated 01.07.2014 (Ex.DW1/D), the Hon'ble High Court has categorically held that deceased Subhash Chand had taken 4.5 acres of land at village Amargarh on lease from Balkar Singh and Ram Parshad and on 26.06.2010, he was working in the agriculture land. It was held by the Hon'ble High Court that even if the deceased was working in some company, the cause of death is not that he had died on account of performing his work with the company. He had gone to the fields to collect electric wires and suddenly came in contact with live wire and got electrocuted and hence, it was the electricity department who was negligent in not switching off the electricity supply to the live wire which was lying loose in the fields. This fact is evident from the photographs (Annexure-2) which were taken on the same day i.e., 26.06.2010. Hence, the electricity department is liable to compensate the entire family of



Subhash Chand with compensation.

Since the matter with regard to negligence at the time of happening of the incident as well as liability of the Nigam has already been adjudicated upon by the Hon'ble High Court, the learned trial court has rightly concluded that the plaintiff cannot be allowed to re-open the issues which have already been decided by the Hon'ble High Court."

6. It is clear from the aforesaid observations, based upon appreciation of evidence on record that plaintiff had failed to prove that Subhash Chand was employee of defendant No.1 company and rather, it was found that he had taken the land on lease, where he was working and electrocuted. This Court, in the order dated 01.07.2014 in CWP-14783 of 2011 had specifically held the electricity department to be negligent in not switching off the electricity supply to the wires lying loose in the fields, which resulted in electrocution of Subhash Chand and caused his death. Nigam was held liable to pay the compensation amount by this Court.

7. In the aforesaid facts and circumstances, this Court finds no ground to interfere in the concurrent findings of facts as recorded by the Courts below. Holding both the present appeals to be devoid of any merit, same are hereby dismissed.

A photocopy of this order be placed on the connected case file.

**(DEEPAK GUPTA)**  
**JUDGE**

**May 13, 2025**

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No