

**IN THE HIGH COURT OF KARNATAKA AT
DHARWAD BENCH**

DATED THIS THE 03RD DAY OF SEPTEMBER 2021

BEFORE

THE HON'BLE MR.JUSTICE S. SUNIL DUTT YADAV

WRIT PETITION NO.101244/2016 (GM-RES)

C/W

WRIT PETITION NOS.65436/2010, 65233/2011,

69018/2012, 84288/2013, 85394/2013,
100327/2014, 100799/2014, 103610/2014,
104033/2014, 104034/2014, 104035/2014,
104036/2014, 104428/2014, 104429/2014,
104430/2014, 105842/2014, 105843/2014,
111489/2014, 111620/2014, 113060/2014,
100959/2015, 100960/2015, 104305/2015,
104306/2015, 104307/2015, 104308/2015,
104309/2015, 104310/2015, 104311/2015,
104312/2015, 104313/2015, 104314/2015,
104315/2015, 104316/2015, 104317/2015,
104318/2015, 104319/2015, 104320/2015,
104321/2015, 104322/2015, 104323/2015,
104324/2015, 105325/2015, 105326/2015,
105327/2015, 105328/2015, 105329/2015,
105330/2015, 105331/2015, 106823/2015,
107375/2015, 107376/2015, 107377/2015,

107378/2015, 110438/2015, 110951/2015,
114374/2015, 114418/2015, 114653/2015,
114654/2015, 114655/2015, 114656/2015,
114657/2015, 114658/2015, 114659/2015,
102458/2016, 103465/2016, 103466/2016,
103467/2016, 103468/2016, 103469/2016,
103949/2016, 105146/2016, 106802/2016,
106830/2016, 106898/2016, 100285/2018

IN W.P. NO.101244/2016

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubballi – 580 020.
2. The Superintendent Engineer,
HESCOM, Neharu Nagar,
Belagavi – 590 001.
3. The Executive Engineer,
HESCOM,
Gandhi Nagar,
Belagavi – 590 001.
4. Assistant Executive Engineer,
HESCOM, Khanapur,
(Dist: Belagavi) – 591 302.
5. Section Officer,
HESCOM, Khanapur,
(Dist: Belagavi) – 591 302.

... Petitioners

(By Sri M.B. Kanavi, Advocate)

AND:

1. Shri Nagappa Manneppa Naik,
Age Major,
Occ: Agriculture,
R/o Ashok Nagar
Village of Khanapur Taluk,
Dist: Belagavi – 591 302. ... Deleted v/o
dt: 20.09.2017
2. Smt. Shivakka Nagapa Naik,
Age: Major, Occ: Agriculture,
R/o Ashok Nagar
Village of Khanapur Taluk,
Dist: Belagavi – 591 302.
3. Smt. Kamalawwa Bakappa Naik,
Age: Major, Occ: Agriculture,
R/o Ashok Nagar
Village of Khanapur Taluk,
Dist: Belagavi – 591 302.
4. Smt. Laxmi Bakappa Naik,
Age: Major, Occ: Agriculture,
R/o Ashok Nagar
Village of Khanapur Taluk,
Dist: Belagavi – 591 302.
5. Shri Basavaraj Bakappa Naik,
Age: Major, Occ: Agriculture,
R/o Ashok Nagar
Village of Khanapur Taluk,
Dist: Belagavi – 591 302.
6. Fakireppa Moteppa Patil,
Age: Major, Occ: Business,
R/o Khanapur, Tq. Khanapur,
Dist: Belagavi – 591 302.
(Amended as per order on IA No.1) ... Respondents

(By Sri A.G.Mulawadmath, Advocate for R2 to R5;
Service of Notice to R6 is Held sufficient)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned order passed by the Permanent Lok Adalat, Belagavi in Petition OP No.49/2013, dated 25.02.2015, vide Annexure-A and etc.

IN W.P. NO.65436/2010

BETWEEN:

1. The Assistant Executive Engineer,
GESCOM,
At Munirabad,
Dist: Koppal.
2. The Assistant Executive Engineer
Koppal
Dist: Koppal. ... Petitioners

(By Sri Anoop G. Deshpande, Advocate)

AND:

1. Sri N. Srinivas
S/o Venkat Swamy,
Age: 40 years,
Occ: Business.
2. Kumari N. Poornima
D/o N. Srinivas
Age: 11 years,
Occ: Student.
3. N. Rajesh
S/o Srinivas
Age: 14 years,
Occ: Student

All are R/o Tlwar Street,
Near Yallamma Temple,
Kampli, Tq: Hospet,
Dist: Bellary

R2 & R3 are represented by
Respondent No.1 Namely
Sri N. Srinivas
S/o Venkat Swamy.

... Respondents

(By Sri Aravind D. Kulkarni, Advocate for R1;
R2 & R3 are minors represented by R1)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to call for records on the file of the Permanent Lok Adalat, Dharwad, in PLA Petition No.1252/2009 and quash the order passed by the Permanent Lok Adalat, Dharwad, in PLA Petition No.1252/2009, dated 23/12/2009, vide Annexure-E, by allowing this writ petition and etc.

IN W.P. NO.65233/2011

BETWEEN:

1. Section Officer - Rural,
Hubli Electricity Supply Company Limited
(HESCOM) Kakati,
Tq: Belgaum,
Dist: Belgaum.
2. The Executive Engineer (Ele.)
Hubli Electricity Supply Company Limited,
O & M Division, Belgaum.
Dist: Belgaum.

... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

1. Shri Gangappa
S/o Shattuppa Chougala,
Age: 62 years,
Occ: NIL,
R/o Bhutaramanatti,
Tq: Belgaum.

2. Smt. Parawwa
W/o Gangappa Chougala,
Age: 57 years,
Occ: House hold work,
R/o Bhutaramanatti,
Tq: Belgaum.
Dis: Belgaum.
3. Smt. Renuka,
W/o Basavaraj Chougala,
Age: 27 years,
Occ: House hold work,
R/o Bhutaramanatti,
Tq & Dist.: Belgaum.
4. Kum. Chandan
S/o Basavaraj Chougala,
Age: 3 years,
Minor
Represented by Minor Guardian
Respondent No.3 Renuka Age: 27 ... Respondents

(By Sri Raviraj C. Patil, Advocate for C/R1, R2 to R4)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned order dated 20/05/2011 in Petition No.183/2009 passed by the Permanent Lok Adalat, Belgaum vide Annexure-D and etc.

IN W.P. No.69018/2012

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubli – 580 020.
2. The Executive Engineer,
HESCOM,
Bailhongal.

3. The Assistant Executive Engineer,
HESCOM,
Ramdurg.
4. The Section Officer,
HESCOM,
Sureban,
Tq. Ramdurg. ... Petitioners

(By Sri M.B. Kanavi, Advocate)

AND:

Kumari Megha,
D/o Krishnaji Bagale,
Age: 14 Years, Occ: Nil
R/o: Manihal (Sure ban),
Tq: Ramdurg,
Since Minor R/by her natural father
Shri Krishnaji,
S/o Ramachandra Bagale,
Age: 37 years, Occ: Coolie,
R/o: Manihal (Sureban),
Tq: Ramdurg. ... Respondent

(By Sri Prashant F. Goudar, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned order passed by the Permanent Lok Adalat in Petition No.15/2011, dated 23.05.2012, vide Annexure-A and etc.

IN W.P. NO.84288/2013

BETWEEN:

1. The Executive Engineer,
Hubli Electricity Supply Co.
Vidyagiri, HESCOM,
Dharwad – 580 004.

2. The Assistant Executive Engg. (O & M),
Kalaghatagi Sub-Division,
(Hubli Electricity Supply Co.),
Kalaghatagi,
HESCOM,
Dist: Dharwad.

3. The Section Officer,
Hubli Electricity Supply Co.
Kalaghatagi,
HESCOM,
Dist: Dharwad.

... Petitioners

(By Sri M.B. Kanavi, Advocate)

AND:

1. Sri Manoj Jivaji Patilkulkarni,
Age: 61 years,
Occ: Agriculturist/Journalist

2. Smt. Pankaja,
D/o Manoj Patilkulkarni,
Age: 29 years,
Occ: house hold
(Respondent No.2 is rep. by
Respondent No.1 as
Special Power of Attorney holder)

Both residents of 'Shri Mahalaxmi',
Sanmati Marg,
Dharwad – 580 001.

... Respondents

(By Sri Gangadhar S. Hosakeri, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned order passed by the Permanent Lok Adalat in petition No.135/2012, dated 04.07.2013, vide Annexure-A and etc.

IN W.P. NO.85394/2013**BETWEEN:**

1. Section Officer,
HESCOM,
Athani,
Taluk - Athani,
Dist.: Belgaum.
 2. The Assistant Executive Engineer (Ele)
O & M Division,
HESCOM,
Sub-Division, Athani,
Dist.: Belgaum.
 3. The Executive Engineer (Ele)
O & M Division,
HESCOM,
Athani,
Dist.: Belgaum.
 4. The Managing Director
HESCOM, Corporate Office,
Navanagar, Hubli,
Dist.: Dharwad.
- ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

1. Bhimagouda,
S/o Nagappa Sakthagoudar @ Desai,
Age: 73 years,
Occ: Agriculture
R/o Hulagbali,
Tq: Athani,
Dist.: Belgaum.
2. Sri Subray
S/o Shivagouda Sakthagoudar @ Desai,
Age: 64 years,

Occ: Retired Lecturer
R/o Hulagbali,
Tq: Athani,
Dist.: Belgaum.

3. The Manager,
The Siddeswar Cable Networks,
Tangadi Complex, Athani,
Tq: Athani,
Dist.: Belgaum.

... Respondents

(By Sri Santosh S. Hattikatagi, Advocate for R1 & R2;
R3 - Served)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned award dated 24.08.2013 in OP No.26/2011 passed by the Permanent Lok Adalat, Belgaum vide Annexure-A and etc.

IN W.P. NO.100327/2014

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubli
Dist: Dharwad.
2. The Chief Engineer,
HESCOM, Belgaum,
Dist: Belgaum.
3. The Assistant Executive Engineer,
HESCOM,
Saundatti,
Tq: Soundatti,
Dist: Belgaum.

... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Shri Sunil Ningappa Honyal,
 Age: 32 years,
 Occ: Software Engineer,
 R/o: Keyhaven Close Derby,
 DE 21 4SQ UK
 By his Power of attorney holder,
 Ningappa
 S/o Mallapa Honyal,
 Age: 60 years,
 Occ: Retired Govt. Servant,
 R/o: CCB No.95, Nehru Nagar,
 Belgaum,
 Dist: Belgaum.

... Respondent

(By Sri Raviraj C. Patil, Advocate for C/R1)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned award dated 04.09.2012 in O.P. No.24/2011 passed by the Permanent Lok Adalat, Belgaum vide Annexure-A and etc.

IN W.P. NO.100799/2014**BETWEEN:**

1. Section Officer,
HESCOM, Kakati Rural,
Tq. & Dist. Belgaum.
2. The Executive Engineer (Ele),
HESCOM, O & M Division,
Belgaum.
3. The Managing Director.
HESCOM, Eureka Tower,
Hubli,
Dist. Belgaum.

... Petitioners

(By Sri M.B. Kanavi, Advocate)

AND:

1. Smt. Gouri @ Rukmini Pandu Shahapurkar,
Age: 40 years,
Occ: Household work,
R/o Ucchukar Galli,
Kadoli,
Tq. & Dist. Belgaum.
2. Kum. Mayur,
S/o Pandu Shahapurkar,
Age: 14 years,
Occ: Student, Rest-do-
3. Kum. Poonam,
D/o Pandu Shahapurkar,
Age: 12 years,
Occ: Student, Rest-do-
Since Respondents No.2 & 3 being minors
Represented by their
Natural mother Respondent No.1 ... Respondents

(By Sri Raviraj C. Patil, Advocate for R1;
R2 & R3 are minors rep. by R1)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quashing the impugned order passed by the Permanent Lok Adalat, Belgaum in Petition No.14/2012, dated 16.09.2013, vide Annexure-A and etc.

IN W.P. NO.103610/2014**BETWEEN:**

The Executive Engineer, (Elec.)
O & M Rural Division,
Hubli. ... Petitioner

(By Smt. Sharmila M. Patil, Advocate)

AND:

1. Sri Ningappa
S/o Siddappa Kuri,
Age: 57 years,
Occ: Agriculture & Dairy Farming,
R/o Annigeri,
Tq:Navalagund,
Dist: Dharwad.
 2. The Chief Engineer (Elec.),
Zonal Office, HESCOM,
Hubli.
 3. The Superintendent Engineer (Ele.)
HESCOM
O & M Ltd., Hubli.
 4. The Executive Engineer (Ele.)
O & M Division, No.1, Vidyagiri.
Dharwad.
- ... Respondents

(By Sri Mahesh Wodeyar, Advocate for R1;
R2, R3 & R4 - Served)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash Annexure-C the award passed by the Court of Permanent Lok Adalat Dharwad in PLA Petition No.1/2012 dated 02.09.2013 and etc.

IN W.P. NO.104033/2014**BETWEEN:**

1. The Hubli Electricity Supply Company Limited
Corporate Office,
Navanagar, Hubli,
District: Dharwad
Represented by its
Managing Director.

2. The Assistant Executive Engineer (EE)
O and M Division
HESCOM,
Belgaum Taluk
Dist: Belgaum.

3. The Section Officer
HESCOM Office,
Hirebagewadi
Taluk & Dist: Belgaum.

... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Shrikant
S/o Rudragouda Patil,
Age: 47 years,
Occ: Agriculture,
R/o: Bhendigeri,
Tq: Belgaum,
Dist: Belgaum.

... Respondent

(By Sri S.S. Patil, Advocate for C/R)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to issue writ in the nature of certiorari to quash the impugned award dated 20.07.2013 in Petition No.18/2011 passed by the Permanent Lok Adalat Belagaum vide Annexure-A by allowing this writ petition and etc.

IN W.P. NO.104034/2014

BETWEEN:

1. The Hubli Electricity Supply Company Limited
Corporate Office,
Navanagar, Hubli,
District: Dharwad
Represented by its
Managing Director.

2. The Assistant Executive Engineer (EE)
O and M Division
HESCOM, Belgaum
Taluk & Dist: Belgaum.

3. The Section Officer
HESCOM Office,
Hirebagewadi
Taluk & Dist: Belgaum.

... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Irangouda
S/o Appasaheb Patil,
Age: 40 years,
Occ: Agriculture,
R/o: Bhendigeri,
Tq: Belgaum,
Dist: Belgaum.

... Respondent

(By Sri S.S. Patil, Advocate for C/R)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to issue writ in the nature of certiorari to quash the impugned award dated 20.07.2013 in Petition No.19/2011 passed by the Permanent Lok Adalat Belagaum vide Annexure-A by allowing this writ petition and etc.

IN W.P. NO.104035/2014

BETWEEN:

1. The Hubli Electricity Supply Company Limited
Corporate Office,
Navanagar, Hubli,
District: Dharwad
Represented by its
Managing Director.

2. The Assistant Executive Engineer (EE)
O and M Division
HESCOM,
Belgaum Taluk
Dist: Belgaum.

3. The Section Officer
HESCOM Office,
Hirebagewadi
Taluk & Dist: Belgaum.

... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Ramanagouda
S/o Basalingappa Patil,
Age: 71 years,
Occ: Agriculture,
R/o: Bhendigeri,
Tq: Belgaum,
Dist: Belgaum.

... Respondent

(By Sri S.S. Patil, Advocate for C/R)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quashing the impugned award dated 20.07.2013 in Petition No.20/2011 passed by the Permanent Lok Adalat Belgaum vide Annexure-A, by allowing this writ petition.

IN W.P. NO.104036/2014

BETWEEN:

1. The Hubli Electricity Supply Company Limited
Corporate Office,
Navanagar, Hubli,
District: Dharwad
Represented by its
Managing Director.

2. The Assistant Executive Engineer (EE)
O and M Division,
HESCOM,
Belgaum
Taluk & Dist: Belgaum.

3. The Section Officer
HESCOM Office,
Hirebagewadi
Taluk & Dist: Belgaum.

... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Siddanagouda
S/o Basavantappa Patil,
Age: 71 years,
Occ: Agriculture,
R/o: Bhendigeri,
Tq: Belgaum,
Dist: Belgaum.

... Respondent

(By Sri S.S. Patil, Advocate for C/R1)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 20.07.2013 in Petition No.21/2011 passed by the Permanent Lok Adalat, Belgaum vide Annexure-A by allowing this writ petition.

IN W.P. No.104428/2014

BETWEEN:

1. The Managing Director,
HESCOM, Navanagar,
Hubli,
Tq: Hubli,
Dist: Dharwad.

2. The Asst. Executive Engineer (Ele)
HESCOM, Kalghatagi,
Tq: Kalghatagi,
Dist: Dharwad. ... Petitioners

(By Sri Bhushan B. Kulkarni, Advocate)

AND:

Sri Chandrappa Basappa Sutagatti,
Age: 50 years,
Occ: Agriculture,
R/o Hindasageri,
Tq: Kalghatagi,
Dist: Dharwad. ... Respondent

(By Sri Rajashekhar R. Gunjalli, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned award passed by the Permanent Lok Adalat, Dharwad in PLA No.186/2013 dated 09.01.2014 vide Annexure-C and etc.

IN W.P. NO.104429/2014

BETWEEN:

1. The Managing Director,
HESCOM,
Navanagar, Hubli,
Tq: Hubli,
Dist: Dharwad.
2. The Asst. Executive Engineer (Ele)
HESCOM,
Kalghatagi,
Tq: Kalghatagi,
Dist: Dharwad. ... Petitioners

(By Sri Bhushan B. Kulkarni, Advocate)

AND:

Sri Chandrappa Basappa Sutagatti,
 Age: 50 years,
 Occ: Agriculture,
 R/o Hindasageri,
 Tq: Kalghatagi,
 Dist: Dharwad.

... Respondent

(By Sri Rajashekhar R. Gunjalli, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned award passed by the Permanent Lok Adalat, Dharwad in PLA No.135/2013 dated 09.01.2014 vide Annexure-C and etc.

IN W.P. NO.104430/2014**BETWEEN:**

1. The Managing Director,
 HESCOM,
 Navanagar,
 Hubli,
 Tq: Hubli,
 Dist: Dharwad.

2. The Asst. Executive Engineer (Ele)
 HESCOM,
 Kalghatagi,
 Tq: Kalghatagi,
 Dist: Dharwad.

... Petitioners

(By Sri Bhushan B. Kulakarni, Advocate)

AND:

Sri Chandrappa Basappa Sutagatti,
 Age: 50 years,
 Occ: Agriculture,
 R/o Hindasageri,

Tq: Kalghatagi,
Dist: Dharwad.

... Respondent

(By Sri Rajashekhar R. Gunjalli, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned award and order passed by the Permanent Lok Adalat, Dharwad in PLA No.134/2013 dated 09.01.2014 vide Annexure-C and etc.

IN W.P. NO.105842/2014

BETWEEN:

1. The Managing Director,
HESCOM,
Corporate Office,
Navanagar,
Hubli,
Dist.: Dharwad
2. The Assistant Executive Engineer,
HESCOM, Ramdurg,
Dist: Belgaum. ... Petitioners

(By Smt. Sharmila M. Patil, Advocate)

AND:

1. Shri Chandrashekar Govindappa Lamani,
Age: 28 years,
Occ: Agriculture,
R/o Obalapur, Tanda,
Tq: Ramdurg,
Dist: Belgaum.
2. The Chief Engineer,
HESCOM,
Belgaum. ... Respondents

(By Sri Sanjay S. Katageri, Advocate for R1;
R2 - Notice dispensed with)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to set aside the judgment and award passed by the Permanent Lok Adalat, Belagaum dated 17.01.2014 in OP No.80/2011, vide Annexure-F and etc.

IN W.P. No.105843/2014

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar, Hubli,
Dist.: Dharwad
2. The Assistant Executive Engineer,
HESCOM, Ramdurg,
Dist: Belagaum. ... Petitioners

(By Smt. Sharmila M. Patil, Advocate)

AND:

1. Shri Govindappa Nagappa Lamani,
Age: 58 years,
Occ: Agriculture,
R/o Obalapur, Tanda,
Tq: Ramdurg,
Dist: Belagaum.
2. The Chief Engineer,
HESCOM, Belgaum. ... Respondents

(By Sri Sanjay S. Katageri, Advocate for R1;
R2 - Notice dispensed with)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to set aside the judgment and award passed by the Permanent Lok Adalat, Belgaum dated 17.01.2014 in OP No.81/2011, vide Annexure-F and etc.

IN W.P. No.111489/2014**BETWEEN:**

1. The Managing Director,
GESCOM,
Gulbarga.
 2. Executive Engineer,
O & M Division,
GESCOM,
Bellary.
 3. Assistant Executive Engineer (Division)
GESCOM, Sandur,
Dist: Bellary.
 4. Branch Manager,
GESCOM,
Toranagallu
Tq: Sandur,
Dist: Bellary.
- ... Petitioners

(By Sri Anoop G. Deshpande, Advocate)

AND:

1. Smt. U. Lakshmi
W/o Late U Honnuraswamy
2. Kum. Shivarudramma
D/o Late U Honnuraswamy.

Since Minor, Represented by
Mother - Respondent No.1
3. Sri Sannahanumantappa
S/o Sannatammappa.
4. Smt. U. Mallamma
W/o Sannahanumantappa.

All R/o Ward No.02, Kurekuppa Village,
Tq: Sandur,
Dist: Bellary.

... Respondents

(By Sri Vinayak S. Kulkarni, Advocate for R1 to R4)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the order and award dated 12.08.2013 passed by the Permanent Lok Adalat, Dharwad in PLA PET No.19/2013 as per Annexure-E and etc.

IN W.P. No.111620/2014

BETWEEN:

1. Assistant Executive Engineer (Electrical)
O & M Sub-Division, HESCOM,
Soundatti,
Dist: Belgaum.

2. The Section Officer,
HESCOM, Branch Murgod
Tal: Savadatti,
Dist: Belgaum.

... Petitioners

(By Smt. Sharmila M. Patil, Advocate)

AND:

1. Kumar Yallappa
S/o Siddappa Kuri,
15 years,
Occ: Shepard. Now Nil.
R/o: Kotur Village,
Tq: Savadatti
Dist: Belagaum
Represented by Natural Guardian Father
Shri Siddappa
S/o Nagappa Kuri,
Age: Major,
Occ: Shepard,

R/o: Kotur,
Tq: Savadatti,
Dist: Belgaum.

2. Executive Engineer (Electrical),
O & M Division,
HESCOM,
Bailhongal. ... Respondents

(By Sri Hanamant R. Latur, Advocate for R1;
Service of notice to R2 is dispensed with)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the judgment passed by the permanent Lok Adalat, Belgaum, dated 29.04.2014 in OP No.37/2013 vide Annexure-K and etc.

IN W.P. NO.113060/2014

BETWEEN:

1. The Managing Director,
HESCOM, Navanagar,
Hubli – 580 025.
2. The Executive Engineer (Ele, - O&M),
HESCOM,
Dharwad Rural Section-1,
Vidyagiri,
Dharwad – 580 004.
3. The Asst. Executive Engineer (Ele. – O & M),
HESCOM, Dharwad Rural Section-1,
Vidyagiri,
Dharwad – 580 004.
4. The Section Officer (Ele. – O & M)
HESCOM, Rural Sub-Division,
Unit-1, Near Vijay Talkies,
Dharwad – 580 001. ... Petitioners

(By Sri M.B. Kanavi, Advocate)

AND:

1. Sri Kalyan,
S/o Shankar Navalgundakar,
Age: 60 years,
Occ: Cooli.
2. Smt.Shobha,
W/o Kalyan Navalgundakar,
Age: 58 years,
Occ: Household.

Both are R/o
Dist./Tq.: Dharwad,
At/Post: Mugad.

... Respondents

(By Sri Hanamant R. Latur, Advocate for R1 & R2)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned order passed by the Permanent Lok Adalat, Dharwad in PLA Petition No.163/2014, dated 22.09.2014, vide Annexure-A and etc.

IN W.P. NO.100959/2015

BETWEEN:

1. Section Officer,
HESCOM,
Bidi, Taluka Khanapur,
Dist: Belgaum.
2. Asst. Executive Engineer,
HESCOM, O & M Division,
Nehru Nagar,
Belgaum.
3. The Managing Director,
HESCOM, Corporation Office,

Navanagar, Hubli,
Dist: Dharwad.

4. The A.E.E. (O & M),
Sub Division, HESCOM,
Khanapur,
Dist: Belgaum. ... Petitioners

(By Sri Bhushan B. Kulkarni, Advocate)

AND:

Govind,
S/o Kedari Kumbaragani,
Age: 65 years,
Occ: Agriculture,
R/o Handur village,
Khanapur Taluka,
Dist: Belgaum. ... Respondent

(By Sri Sanjay S. Katageri, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to issue a writ of certiorari and quash the impugned order and award passed by the Permanent Lok Adalat, Belgaum in O.P. No.80/2012, dated 31.01.2014 & award dated 05.02.2014 vide Annexures - H & J and etc.

IN W.P. NO. 100960/2015

BETWEEN:

1. Section Officer,
HESCOM,
Bidi, Taluka Khanapur,
Dist: Belgaum.
2. Asst. Executive Engineer,
HESCOM, O & M Division,
Nehru Nagar, Belgaum.

3. The Managing Director,
HESCOM,
Corporation Office,
Navanagar,
Hubli,
Dist: Dharwad.
4. The A.E.E. (O & M),
Sub Division,
HESCOM,
Khanapur,
Dist: Belgaum. ... Petitioners

(By Sri Bhushan B. Kulkarni, Advocate)

AND:

1. Siddappa Ramappa Badiger,
R/o. Handur,
"Age Major",
Occ: Agriculture,
Tq: Khanapur,
Dist: Belgaum.
2. Basappa Ramappa Badiger,
R/o Handur,
"Age Major",
Occ: Agriculture,
Tq: Khanapur,
Dist: Belgaum. ... Respondents

(By Sri Sanjay S. Katageri, Advocate for R2;
R1 - Served)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to issue a Writ of Certiorari and quash the impugned order and award passed by the Permanent Lok Adalat, Belgaum in O.P. No.81/2012, dated 31.01.2014 & award dated 05.02.2014 vide Annexures - C and D and etc.

IN W.P. NO.104305/2015**BETWEEN:**

1. The Managing Director,
HESCOM,
Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi. ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Shivayogi @ Mallikarjun Hoolikatti
Age: 38 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal - 591 102
Dist: Belagavi. ... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to issue a writ in the nature of certiorari or any other writ or order or direction, quashing the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.15/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104306/2015**BETWEEN:**

1. The Managing Director,
HESCOM,
Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi. ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Basappa Babu Betageri
Age:63 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal - 591 102
Dist: Belagavi. ... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to issue a writ in the nature of certiorari or any other writ or order or direction, quashing the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.24/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104307/2015**BETWEEN:**

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
 2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi.
- ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Shri Kallappa Ningappa Pujari,
By his LRs

1. Smt. Kashavva Kallappa Pujari,
Age: 67 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.
2. Smt. Laxmi Ashok Arabedar,
(Laxmi D/o. Kallappa Pujari),
Age: 64 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.
3. Smt. Parvati Fakkeerappa Marakatti,
(Parvati D/o Kallappa Pujari),
Age: 43 years,

Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.

4. Gamappa Kallappa Pujeri,
Age: 42 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.
5. Smt. Savitri Fakkeerappa Sidli,
(Savitri D/o Kallappa Pujeri),
Age: 41 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.
6. Smt. Basavva Suresh Balanannavar,
(Basavva D/o Kallappa Pujeri),
Age: 40 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.
7. Smt. Girija Kallappa Jooti,
(Girija D/o Kallappa Pujeri),
Age: 39 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.
8. Kumari Bhagya,
D/o Kallappa Pujeri
Age: 37 years,
Occ: Agriculture,
R/o Devarasigihalli Village,

Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondents

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to issue a writ in the nature of certiorari or any other writ or order or direction, quashing the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.26/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104308/2015

BETWEEN:

1. The Managing Director,
HESCOM,
Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
 2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi.
- ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Mallappa Ningappa Gundagavi,
Age: 48 years,
Occ: Agriculture,
R/o Devarasigihalli Village,

Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to issue a writ in the nature of certiorari or any other writ or order or direction, quashing the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.28/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104309/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar, Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
 2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi.
- ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Yallappa Neelappa Naikar @ Pujari,
Age: 43 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to issue a writ in the nature of certiorari or any other writ or order or direction, quashing the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.31/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104310/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar, Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi. ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Basavaraj Yallappa Pujari,
Age: 33 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi. ... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively,

passed by the Permanent Lok Adalat, Belagavi, in O.P. No.32/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104311/2015

BETWEEN:

1. The Managing Director,
HESCOM,
Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
 2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi.
- ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Smt. Sarashwatevva Payappa Shebannavar,
Age: 71 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.33/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104312/2015**BETWEEN:**

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar, Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi. ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Irayya Channayya Hiremath,
Age: 61 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi. ... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.34/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104313/2015**BETWEEN:**

1. The Managing Director,
HESCOM, Corporate Office,

Navanagar, Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.

2. The Assistant Executive Engineer (Ele.),
HESCOM, Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi.

... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Paris Nimanna Agashimani,
Age: 73 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.36/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104314/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
2. The Assistant Executive Engineer (Ele.),
HESCOM,

Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi.

... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Rajendra Paris Agasimani
Age: 45 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.37/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104315/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
 2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi.
- ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Smt. Kallawwa,
W/o Yamanappa Pujari
Deceased by her LRs

1. Smt. Shantawwa Yallappa Pujari,
(Shantavva D/o Yamanappa Pujari),
Age: 48 years, Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.
2. Shri Junjappa Yamanappa Pujari,
Age: 33 years, Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondents

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.38/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104316/2015**BETWEEN:**

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,

Tq: Bailhongal,
Dist: Belagavi.

... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Shri Hoovappa Tavanappa Agasimani,
Age: 53 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.39/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104317/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
 2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi.
- ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Ashok Annappa Agasimani,
 Age: 53 years,
 Occ: Agriculture,
 R/o Devarasigihalli Village,
 Tq: Bailhongal – 591 102,
 Dist: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.40/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104318/2015**BETWEEN:**

1. The Managing Director,
 HESCOM, Corporate Office,
 Navanagar,
 Hubballi – 580 025,
 Tq: Hubballi,
 Dist: Dharwad.

2. The Assistant Executive Engineer (Ele.),
 HESCOM,
 Bailhongal – 591 102,
 Tq: Bailhongal,
 Dist: Belagavi.

... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Maruti Junjappa Pujari,
 Age: 48 years,
 Occ: Agriculture,

R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.42/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104319/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
 2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi.
- ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Kallappa Payappa Shebannavar
Age: 43 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quashing the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.50/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104320/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
 2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi.
- ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Rudrappa Jinnappa Betageri,
Age: 57 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.53/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104321/2015**BETWEEN:**

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar, Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
2. The Assistant Executive Engineer (Ele.),
HESCOM, Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi. ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Yallappa Rayappa Sangolli,
Age: 73 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi. ... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.54/2012, produced at Annexures-B and C and etc.

IN W.P. NO.104322/2015**BETWEEN:**

1. The Managing Director,
HESCOM,

Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.

2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal
Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Tanashan Rudrappa Gundagavi,
Age: 45 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.96/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104323/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.

2. The Assistant Executive Engineer (Ele.),
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi. ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Madiwalappa Sedappa Gundagavi,
Age: 50 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi. ... Respondent

(By Sri Vinayaka S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.99/2012, produced at Annexures-C and D and etc.

IN W.P. NO.104324/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar, Hubballi,
Tq: Hubballi,
Dist: Dharwad.
2. The Assistant Executive Engineer (Ele.),
HESCOM, Bailhongal,
Tq: Bailhongal,
Dist: Belagavi. ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Shri Sanjeev,
 S/o Ashok Agasimani,
 Age: 31 years,
 Occ: Agriculture,
 R/o Devarasigihalli Village,
 Tq: Bailhongal,
 Dist: Belagavi.

... Respondent

(By Sri R M Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to issue a writ in the nature of certiorari or any other writ or order or direction, quashing the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.108/2012, produced at Annexures-C and D and etc.

IN W.P. NO.105325/2015**BETWEEN:**

1. The Managing Director,
 HESCOM,
 Corporate Office,
 Navanagar,
 Hubballi – 580 025
 Dist: Dharwad.
2. The Assistant Executive Engineer (Ele.),
 HESCOM,
 Bailhongal – 591 102
 Tq: Bailhongal,
 Dist: Belagavi.

... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Shri Sankappa,
 S/o Padmappa Shebannavar,
 Age: 48 years,
 Occ: Agriculture,
 R/o Devarasigihalli – 591 102,
 Tq: Bailhongal,
 Dist: Belagavi.

... Respondent

(By Sri R M Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.4/2012, produced at Annexures-C and D and etc.

IN W.P. NO.105326/2015**BETWEEN:**

1. The Managing Director,
 HESCOM, Corporate Office,
 Navanagar,
 Hubballi,
 Tq: Hubballi,
 Dist: Dharwad.
2. The Assistant Executive Engineer (Ele.),
 HESCOM, Bailhongal – 591 102
 Tq: Bailhongal,
 Dist: Belagavi.

... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Shri Mahaveer,
 S/o Padmappa Shebannavar,
 Age: 53 years,

Occ: Agriculture,
R/o Devarasigihalli Village – 591 102,
Tq: Bailhongal,
Dist: Belagavi.

... Respondent

(By Sri R. M. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quashing the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.5/2012, produced at Annexures-C and D and etc.

IN W.P. NO.105327/2015

BETWEEN:

1. The Managing Director,
HESCOM,
Corporate Office,
Navanagar,
Hubballi – 580 025,
District: Dharwad.
 2. The Assistant Executive Engineer (Ele)
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
District: Belagavi.
- ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Shri Raveendra
S/o Gangappa Betageri,
Age: 48 years,
Occ: Agriculture,
R/o Devarasigihalli Village – 591 102,

Tq: Bailhongal,

Dist: Belagavi,

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.18/2012, produced at Annexures C and D and etc.

IN W.P. NO.105328/2015

BETWEEN:

1. The Managing Director,
HESCOM,
Corporate Office,
Navanagar,
Hubballi – 580 025,
District: Dharwad.

2. The Assistant Executive Engineer (Ele)
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
District: Belagavi.

... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Shri Paris
S/o Irappa Betageri
Age: 43 years,
Occ: Agriculture,
R/o Devarasigihalli Village – 591 102,
Tq: Bailhongal,
Dist: Belagavi,

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.19/2012, produced at Annexures C and D and etc.

IN W.P. NO.105329/2015

BETWEEN:

1. The Managing Director,
HESCOM,
Corporate Office,
Navanagar,
Hubballi – 580 025,
District: Dharwad.

2. The Assistant Executive Engineer (Ele)
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
District: Belagavi. ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Shri Suresh
S/o Ningappa Gundagavi,
Age: 55 years,
Occ: Agriculture,
R/o Devarasigihalli Village – 591 102,
Tq: Bailhongal,
Dist: Belagavi, ... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively,

passed by the Permanent Lok Adalat, Belagavi, in O.P. No.52/2012, produced at Annexures C and D and etc.

IN W.P. NO.105330/2015

BETWEEN:

1. The Managing Director,
HESCOM,
Corporate Office,
Navanagar,
Hubballi – 580 025,
District: Dharwad.
2. The Assistant Executive Engineer (Ele)
HESCOM,
Bailhongal – 591 102,
Tq: Bailhongal,
District: Belagavi. ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Shri Basavaraj
S/o Balayya Hiremath,
Age: 60 years,
Occ: Agriculture,
R/o Devarasigihalli Village – 591 102,
Tq: Bailhongal,
Dist: Belagavi, ... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quashing the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.57/2012, produced at Annexures C and D and etc.

IN W.P. NO.105331/2015**BETWEEN:**

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubballi – 580 025,
Tq: Hubballi,
Dist: Dharwad.
2. The Assistant Executive Engineer (Ele.),
HESCOM, Bailhongal – 591 102,
Tq: Bailhongal,
Dist: Belagavi. ... Petitioners

(By Sri B.S. Kamate, Advocate)

AND:

Ashok Basappa Gundagavi,
Age: 53 years,
Occ: Agriculture,
R/o Devarasigihalli Village,
Tq: Bailhongal – 591 102,
Dist: Belagavi. ... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 31.12.2014 and 08.01.2015 respectively, passed by the Permanent Lok Adalat, Belagavi, in O.P. No.65/2012, produced at Annexures-C and D and etc.

IN W.P. NO.106823/2015**BETWEEN:**

1. Managing Director/
General Manager,

Hubli Electricity Supply Company,
Navanagar,
Hubli,
Dist: Dharwad.

2. Assistant Executive Engineer (Elect),
O & M Division,
HESCOM,
Laxmeshwar,
Tq: Shirahatti,
Dist: Gadag.

... Petitioners

(By Smt. Sharmila M. Patil, Advocate)

AND:

1. Smt. Demakka Vasu Karabari,
Age: 24 years,
Occ: Household,
R/o Suvarnagiri
Post: Soornagi,
Tq: Shirahatti
Dist: Gadag.
2. Kumar. Parthiva Vasu Karabari,
Age: 10 years,
Occ: Nil,
R/by Minor guardian
Mother Respondent No.1.
3. Sri Somalappa Hemallappa
Karabari,
Age: 73 years
Occ: Agriculture,
R/o Suvarnagiri,
Post: Soornagi,
Tq: Shirahatti,
Dist: Gadag.
4. Smt. Meghalavva Somalappa Karabari,
Age: 66 years,
Occ: Household work,

R/o Suvarnagiri,
Post: Soornagi,
Tq: Shirahatti,
Dist: Gadag.

... Respondents

(R2 is minor rep. by R1;
R1, R3, and R4 - Served)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash Annexure-C the order and the award passed by the Court of Permanent Lok Adalat Dharwad in PLA Petition No.240/2014 dated 23.04.2015.

IN W.P.107375/2015

BETWEEN:

1. The Hubli Electricity Supply Company Limited,
Corporate Office,
Navanagar, Hubballi
Dist: Dharwad
Represented by its
Managing Director.
 2. The Executive Engineer (Ele)
O & M Division,
HESCOM, Bailhongal,
Tq. & Dist: Belagavi.
 3. The Section Officer,
HESCOM Office,
Belavadi,
Tq: Bailhongal,
Taluk & Dist.: Belagavi.
- ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Basayya
S/o Madiwalayya Pujeri,

Age: 72 years,
Occ: Agriculture,
R/o Belawadi,
Tq: Bailhongal,
Dist.: Belagavi.

... Respondent

(By Sri Hanumanth R. Latur, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned order dated 29.03.2014 in original Petition No.45/2013 passed by the Permanent Lok Adalat, Belgaum vide Annexure-A by allowing the writ petition and etc.

IN W.P. NO.107376/2015

BETWEEN:

1. The Hubli Electricity Supply Company Limited,
Corporate Office,
Navanagar,
Hubballi
Dist: Dharwad
Represented by its
Managing Director.
 2. The Executive Engineer,
HESCOM Office,
Bailhongal,
Tq: Bailhongal,
Dist: Belagavi.
 3. The Assistant Executive Engineer,
Hubli Electricity Supply Co. Ltd.,
Office at Soundatti,
At: Soundatti,
Dist: Belagavi.
- ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

1. Siddappa
S/o Yallappa Jakabal,
Age: 40 years,
Occ: Agriculture,
R/o Benakatti,
Tq: Soundatti,
Dist: Belagavi.
2. Adivappa
S/o Yallappa Jakabal,
Age: 34 years,
Occ: Agriculture,
R/o Benakatti,
Tq: Soundatti,
Dist: Belagavi.
3. Somappa,
S/o Yallappa Jakabal,
Age: 30 years,
Occ: Agriculture,
R/o Benakatti,
Tq: Soundatti,
Dist: Belagavi.
4. Mahadevappa,
S/o Siddappa Jakabal,
Age: 55 years,
Occ: Agriculture,
R/o Benakatti,
Tq: Soundatti,
Dist: Belagavi.
5. Mallappa,
S/o Siddappa Jakabal,
Age: 48 years,
Occ: Agriculture,
R/o Benakatti,
Tq: Soundatti,
Dist: Belagavi.

6. Kashappa,
S/o Adivappa Jakabal,
Age: 38 years,
Occ: Agriculture,
R/o Benakatti,
Tq: Soundatti,
Dist: Belagavi.
 7. Girish
S/o Yallappa Jakabal,
Age: 38 years,
Occ: Agriculture,
R/o Benakatti,
Tq: Soundatti,
Dist: Belagavi.
- ... Respondents

(By Sri Hanamant R. Latur, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned order dated 30.01.2014 in original Petition No.106/2011 passed by the Permanent Lok Adalat, Belagaum vide Annexure-A by allowing the writ petition and etc.

IN W.P. NO. 107377/2015

BETWEEN:

1. The Hubli Electricity Supply Company Limited,
Corporate Office,
Navanagar, Hubballi
Dist: Dharwad
Represented by its
Managing Director.
2. The Executive Engineer,
HESCOM Office,
Bailhongal,
Tq: Bailhongal,
Dist: Belagavi.

3. The Assistant Executive Engineer,
Hubli Electricity Supply Co. Ltd.,
Office at Soundatti,
At: Soundatti,
Dist: Belagavi. ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Siddappa
S/o Irappa Irashetty @ Veershetty
Age: 30 years,
Occ: Agriculture,
R/o Benakatti,
Tq: Soundatti,
Dist: Belagavi. ... Respondent

(By Sri Hanamant R Latur, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned award dated 30.01.2014 in original Petition No.107/2011 passed by the Permanent Lok Adalat, Belagaum vide Annexure-A and etc.

IN W.P. NO.107378/2015

BETWEEN:

1. The Hubli Electricity Supply Company Limited
Corporate Office,
Navanagar, Hubballi,
District: Dharwad
Represented by its
Managing Director.
2. The Chief Executive Engineer (EE)
HESCOM,
Belgaum,
Taluk & Dist: Belagavi.

3. The Executive Engineer (V)
HESCOM Office,
Bailhongal
Tq: Bailhongal,
Dist: Belagavi.

... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

1. Veerayya
S/o Patrayya Hiremath
Age: 48 years,
Occ: Agriculture,
R/o: Holi-Hosur,
Tq: Bailhongal,
Dist: Belagavi.

2. Shri Gurusiddayya
S/o Patrayya Hiremath
Age: 42 years,
Occ: Agriculture,
R/o: Holi-Hosur,
Tq: Bailhongal,
Dist: Belagavi.

... Respondents

(By Sri S.S. Hegde, Advocate for R1 & R2)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned order dated 11.04.2014 in O.P. No.11/2012 passed by the Permanent Lok Adalat Belgaum vide Annexure-A by allowing this writ petition.

IN W.P. NO.110438/2015

BETWEEN:

1. Section Officer (Rural),
HESCOM,

Athani – 591 304,
Tq. Athani,
Dist: Belgavi.

2. The Executive Engineer (Elec.),
O & M Divison,
HESCOM, Athani,
Tq. Athani,
Dist. Belgavi -591 304.

3. The Managing Director,
Eureka Towers Hubli,
Present Address: HESCOM,
Corporate Office,
Navanagar,
Hubli – 580 020.

... Petitioners

(By Sri M.B. Kanavi, Advocate)

AND:

1. Smt. Ranitai @ Rani,
W/o Shivaram Patil,
Age: 28 years,
Occ: Household Work,
R/o: Gugade Wasti,
Athani Road,
At/Post: Tangadi,
Tal. Athani,
Dist: Belagavi – 591 304.

2. Rutujit,
S/o Shivaram Patil,
Age: 7 years,
Occ: Student,
Since petitioner No.2 being
(Minor represented by their
Natural Mother – Petitioner No.1)

3. Vaishnavi,
D/o Shivaram Patil,
Age: 5 years,

Occ: Student,
 Since petitioner No.3 being
 (Minor represented by their
 Natural Mother – Petitioner No.1).

4. Tukaram Shivaram Patil,
 Age: 52 years,
 Occ: Agriculture,
 R/o Gugade Wasti,
 Athani Road,
 At/Post: Tangadi,
 Tal: Athani,
 Dist: Belagavi – 591 304.

5. Smt. Sajabai,
 W/o Tukaram Patil,
 Age: 48 years,
 Occ: Household work,
 R/o Gugade Wasti,
 Athani Road,
 At/Post: Tangadi,
 Tal. Athani,
 Dist Belagavi – 591 304.

... Respondents

(By Sri Sanjay S. Katageri, Advocate for C/R1-R5)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned order passed by the Permanent Lok Adalat, Belagavi in OP No.53/2013, dated 30.05.2015, vide Annexure-A and etc.

IN W.P. NO.110951/2015

BETWEEN:

1. The Managing Director,
 HESCOM,
 Navanagar,
 Hubballi,
 Dist: Dharwad.

2. The Assistant Executive Engineer (Electrical)
O & M Division,
HESCOM,
Raibag,
Dist: Belagavi.
3. The Section Officer (Ele),
O & M Division,
HESCOM,
Harugeri,
Tq: Raibag,
Dist: Belagavi. ... Petitioners

(By Sri Shivakumar S. Badawadagi, Advocate)

AND:

1. Smt. Gouravva,
W/o Chidanand Halabar @ Kamble
Aged about 38 years,
Occ: Household & Agri.
2. Smt. Bharati,
D/o Chidanand Halabar @ Kamble,
(After marriage Bharati
W/o Jitendra Rayannavar),
Aged about 19 years,
Occ: Household & Agri.
3. Smt. Jayashree,
D/o Chidanand Halabar @ Kamble,
(After marriage Jayashree
W/o Dhanapal Asube),
Aged about 18 years,
Occ: Household & Agri.
4. Kumari Vidyashree,
D/o Chidanand Halabar @ Kamble,
Aged about 16 years,
Occ: Student.

5. Kumari Sandyshee,
D/o Chidanand Halabar @ Kamble,
Aged about 14 years,
Occ: Student.
6. Kumar Vinod,
S/o Chidanand Halabar @ Kamble,
Aged about 12 years,
Occ: Student.

The respondents 4-6 are minors
Represented by natural guardian
Respondent No.1 their mother.

7. Smt. Shiddawwa,
W/o Jinnappa Halabar @ Kamble,
Aged about 72 years,
Occ: Household & agri

All R/o Vadaki Tot,
Harugeri,
Tq: Raibag,
Dist: Belagavi.

... Respondents

(By Sri Vinayak S. Kulkarni, Advocate for R1 to R3 & R7;
R4 to R6 are minor rep. by R1)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the award dated 19.05.2015 passed by the Permanent Lok Adalath, Belagavi in OP No.30/2014 and the copy of the same is produced at Annexure-C and consequently be pleased to dismiss the claim petition filed by the respondents i.e., OP No.30/2014 on the file of Permanent Lok Adalath, Belagavi.

IN W.P. NO.114374/2015

BETWEEN:

1. The Superintendent Engineer (Electrical),
EXOM Circle,

HESCOM,
Nehru Nagar,
Belagavi – 590 001.

2. The Executive Engineer,
Operation and Maintenance,
HESCOM,
Ghataprabha,
Tal. Gokak,
Dist. Belagavi – 591 307.

3. The Section Officer,
KPTCL, Rural Section,
Gokak – 591 307.

... Petitioners

(By Sri M.B. Kanavi, Advocate)

AND:

1. Smt. Yallavva,
W/o Mahantesh Maryappagol,
Age: 25 years,
Occ: Household work.
2. Kumari Laxmi,
D/o Mahantesh Maryappagol,
Age: 06 years,
Occ: Student.
3. Kumar Ravi,
S/o Mahantesh Maryappagol,
Age: 06 years,
Occ: Student
(Respondents No.2 & 3 being minors are
Represented by their next friend natural
Mother Respondent No.1 as above)
4. Shri Yamanappa,
S/o Shelarappa Maryappagol,
Age: 52 years,
Occ: Agriculture.

5. Smt. Suvarna,
W/o Yamanappa Maryappagol,
Age: 45 years,
Occ: Agriculture.

6. Shri Shrishail Laxman Kamat,
Age: Major,
Occ: Business

All the respondents are residents of
Mamadapur Village,
Taq. Gokak,
Dist. Belagavi – 591 307. ... Respondents

(By Smt. Geetha K.M. @ Pawar, Advocate for C/R1 to R5;
Sri Vithal S. Teli, Advocate for R6)

This Writ Petition is filed under Articles 226 & 227 of the
Constitution of India, praying to quash the impugned order
passed by the Permanent Lok Adalat, Belagavi in Petition OP
No.181/2012, dated 30.06.2015, vide Annexure-A and etc.

IN W.P. NO.114418/2015

BETWEEN:

1. Hubli Electricity Supply Company Ltd.,
HESCOM, Corporate Office,
Navnagar, Hubballi,
Dist: Dharwad
By its General Manager.

2. The Assistant Executive Engineer (Ele.)
O & M Division, (HESCOM),
Hubballi,
Dist: Dharwad.

... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

1. Smt. Shaila
W/o Somashekharayya Mathad,
Age: 40 years,
Occ: House hold work,
R/o: Harobelawadi
Taluk: Dharwad,
Dist: Dharwad.
2. Kumari Jyoti
D/o Somashekharayya Mathad,
Age: 24 years,
Occ: Student,
R/o: Harobelawadi
Taluk: Dharwad,
Dist: Dharwad.
3. Kumari Sowmya
D/o Somashekharayya Mathad,
Age: 18 years,
Occ: Student,
R/o: Harobelawadi
Taluk: Dharwad,
Dist: Dharwad.

Since deceased respondent No.1, 2 and 4
are LR's of deceased R-3

4. Kumar. Santosh
S/o Somashekharayya Mathad,
Age: 13 years,
Occ: Student,
R/o: Harobelawadi
Taluk: Dharwad,
Dist: Dharwad.

(Since the respondent No.4 is minor's
represented by their mother
Respondent No.1).

... Respondents

(By Sri Vinayak S. Kulkarni, Advocate for R1 to R4;

R4 is minor rep. by R1;
R1, R2 & R4 are treated as LR's of Deceased R3)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned award dated 08.09.2015 in PLA Petition No.251/2014, passed by the Permanent Lok Adalat, Dharwad vide Annexure-A and etc.

IN W.P. NO.114653/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubli.
2. The Assistant Executive Engineer,
O & M Division,
HESCOM,
Kalaghatagi,
Dist: Dharwad. ... Petitioners

(By Sri G.I. Gachchinamath, Advocate)

AND:

Sri Veerabhadrayya Gangayya Tegurmth,
Aged 68 years,
Occ: Agriculture,
R/o Bendigeri Oni,
Kalaghatagi,
Tq: Kalaghatagi,
Dist: Dharwad.

Since dead by his LRs

- 1(a) Shantavva,
W/o Veerabhadrayya Tegurmth,
Aged 58 years,
Occ: H.H. Work.

1(b) Shivayya,
S/o Veerabhadrayya Tegurmth,
Aged 38 years,
Occ: Agriculture.

Both R/o Bendigeri Oni,
Kalaghatagi,
Dist: Dharwad.

1(c) Shoba Basayya Hosmath,
Aged 32 years,
Occ: House Wife,
R/o Magadi,
Tq: Shirahatti,
Dist: Gadag.

... Respondents

(By Sri P.S. Antakkanavar, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 29.09.2015 made in PLA No.217/2014, passed by the Permanent Lok Adalat, Dharwad, produced as Annexure-A and etc.

IN W.P. NO.114654/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubli.
2. The Assistant Executive Engineer,
O & M Division,
HESCOM,
Kalaghatagi,
Dist: Dharwad.

... Petitioners

(By Sri G.I. Gachchinamath, Advocate)

AND:

1. Sri Jagadayya @ Jagadish,
S/o Nagayya Tegurmam,
Aged 30 years,
Occ: Agriculture.
2. Sri Mahantayya @ Mahantesh,
S/o Nagayya Tegurmam,
Aged 28 years,
Occ: Agriculture.

Both residents of Kalaghatagi,
Tq: Kalaghatagi,
Dist: Dharwad.

... Respondents

(By Sri P.S. Antakkanavar, Advocate for R1 & R2)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 29.09.2015 made in PLA No.218/2014, passed by the Permanent Lok Adalat, Dharwad, produced as Annexure-A and etc.

IN W.P. NO.114655/2015**BETWEEN:**

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubli.
2. The Assistant Executive Engineer,
O & M Division,
HESCOM,
Kalaghatagi,
Dist: Dharwad.

... Petitioners

(By Sri G.I. Gachchinamath, Advocate)

AND:

Sri Shankarayya,
 S/o Channamallayya Hiremath,
 Aged about 41 years,
 Occ: Agriculture,
 R/o Machapur,
 Tq:Kalaghatagi,
 Dist: Dharwad.

... Respondent

(By Sri P.S. Antakkanavar, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 29.09.2015 made in PLA No.220/2014, passed by the Permanent Lok Adalat, Dharwad, produced as Annexure-A and etc.

IN W.P. NO.114656/2015**BETWEEN:**

1. The Managing Director,
 HESCOM, Corporate Office,
 Navanagar,
 Hubli.
2. The Assistant Executive Engineer,
 O & M Division,
 HESCOM,
 Kalaghatagi,
 Dist: Dharwad.

... Petitioners

(By Sri G.I. Gachchinamath, Advocate)

AND:

Sri Channabasayya,
 S/o Channamallayya Hiremath,
 Aged about 38 years,
 Occ: Agriculture,

R/o Machapur,
Tq:Kalaghatagi,
Dist: Dharwad.

... Respondent

(By Sri P.S. Antakkanavar, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 29.09.2015 made in PLA No.221/2014, passed by the Permanent Lok Adalat, Dharwad, produced as Annexure-A and etc.

IN W.P. NO.114657/2015

BETWEEN:

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubli.
 2. The Assistant Executive Engineer,
O & M Division,
HESCOM,
Kalaghatagi,
Dist: Dharwad.
- ... Petitioners

(By Sri G.I. Gachchinamath, Advocate)

AND:

Sri Sandeep,
S/o Annappa Chavan & Lamani,
Aged 32 years,
Occ: Agriculture,
R/o Machapur Thanda,
Tq:Kalaghatagi,
Dist: Dharwad.

... Respondent

(By Sri P.S. Antakkanavar, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 29.09.2015 made in PLA No.219/2014, passed by the Permanent Lok Adalat, Dharwad, produced as Annexure-A and etc.

IN W.P. NO.114658/2015

BETWEEN:

1. The Managing Director,
HESCOM,
Corporate Office,
Navanagar,
Hubli.
2. The Assistant Executive Engineer,
O & M Division,
HESCOM,
Kalaghatagi,
Dist: Dharwad. ... Petitioners

(By Sri G.I. Gachchinamath, Advocate)

AND:

Sri Basavannayya,
S/o Gurubasayya Balikai,
Aged about 63 years,
Occ: Agriculture,
R/o TMC Road,
Tq:Kalaghatagi,
Dist: Dharwad. ... Respondent

(By Sri P.S. Antakkanavar, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 29.09.2015 made in PLA No.222/2014, passed by the Permanent Lok Adalat, Dharwad, produced as Annexure-A and etc.

IN W.P. NO.114659/2015**BETWEEN:**

1. The Managing Director,
HESCOM, Corporate Office,
Navanagar,
Hubli.
2. The Assistant Executive Engineer,
O & M Division,
HESCOM,
Kalaghatagi,
Dist: Dharwad. ... Petitioners

(By Sri G.I. Gachchinamath, Advocate)

AND:

Sri Basayya Gangayya Tegurmth,
Aged 47 years,
Occ: Agriculture,
R/o Bendigeri Oni,
Kalaghatagi,
Tq:Kalaghatagi,
Dist: Dharwad. ... Respondent

(By Sri P.S. Antakkanavar, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 29.09.2015 made in PLA No.216/2014, passed by the Permanent Lok Adalat, Dharwad, produced as Annexure-A and etc.

IN W.P. NO.102458/2016**BETWEEN:**

1. The Hubli Electricity Supply Company Ltd.,
HESCOM,

Corporate Office,
Navnagar, Hubli,
Dist: Dharwad
Represented by its Managing Director/
General Manager.

2. The Superintending Engineer (Ele.)
HESCOM Office,
Works and Supervision Circle,
Bagalkot,
Dist: Bagalkot.
3. Superintendent of Engineer
HESCOM Office,
Works and Supervision Circle,
Bagewadi Road, Bijapur,
Dist: Bijapur. ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

1. Shaila
W/o Gurappa Hadapad,
Age: 36 years
Occ: House Hold Work,
R/o KHB Colony, Dasanakoppa,
Dharwad,
Dist: Dharwad.
2. Shivanand
S/o Gurappa Hadapad,
Age: 16 years, Occ: Student
3. Anand
S/o Gurappa Hadapad
Age: 14 years, Occ: Student
4. Kavya
D/o Gurappa Hadapad
Age: 11 years,
Occ: Student

5. Harish
S/o Gurappa Hadapad
Age: 7 years, Occ: NIL

Respondents No.2 to 5 are minors
represented by their mother

Respondent No.1
R/o: KHB Colony,
Dasanakoppa,
Dharwad
Tq: Dharwad,
Dist: Dharwad

... Respondents

(By Sri Laxman T Mantagani, Advocate for R1 to R5)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned award dated 17.08.2015 in OP No.156/2014, passed by the Permanent Lok Adalat, Belagavi vide Annexure-A and etc.

IN W.P. NO.103465/2016

BETWEEN:

1. The Hubli Electricity Supply Company Limited,
Corporate Office,
Navanagar, Hubli,
At: Hubli,
Dist: Dharwad
Represented by its
Managing Director/General Manager.
 2. The Assistant Executive Engineer (Ele)
Hubli Electricity Supply Co. Ltd., (HESCOM),
O & M Division, Athani,
At: Athani,
Taluk: Athani,
District: Belagavi.
- ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Shri Dhanapal,
 S/o Paris Dugge,
 Age: 70 years,
 Occ: Agriculture,
 R/o Mulawad,
 Taluk: Athani,
 District: Belagavi.

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 08.02.2016 in Petition No.10/2015 passed by the Permanent Lok Adalat, Belagavi, vide Annexure-A by allowing this writ petition and etc.

IN W.P. NO.103466/2016**BETWEEN:**

1. The Hubli Electricity Supply Company Limited,
 Corporate Office,
 Navanagar, Hubli,
 At: Hubli, Dist: Dharwad
 Represented by its
 Managing Director/General Manager.

2. The Assistant Executive Engineer (Ele)
 Hubli Electricity Supply Co. Ltd., (HESCOM),
 O & M Division, Athani,
 At: Athani, Taluk: Athani,
 District: Belagavi.

... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Shri Shripal,
 S/o Yashwant Dugge,

Age: 55 years,
 Occ: Agriculture,
 R/o Mulawad,
 Taluk: Athani,
 District: Belagavi.

... Respondent

(Respondent - Served)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 08.02.2016 in Petition No.11/2015 passed by the Permanent Lok Adalat, Belagavi, vide Annexure-A by allowing this writ petition and etc.

IN W.P. NO.103467/2016

BETWEEN:

1. The Hubli Electricity Supply Company Limited,
 Corporate Office,
 Navanagar, Hubli,
 At: Hubli, Dist: Dharwad
 Represented by its
 Managing Director/General Manager.
 2. The Assistant Executive Engineer (Ele)
 Hubli Electricity Supply Co. Ltd., (HESCOM),
 O & M Division, Athani,
 At: Athani, Taluk: Athani,
 District: Belagavi.
- ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

1. Shri Annasaheb,
 S/o Yashwant Dugge,
 Age: 65 years,
 Occ: Agriculture,
 R/o: Mulawad, Taluk: Athani,
 District: Belagavi.

2. Shri Nirmal,
S/o Yashwant Dugge,
Age: 50 years,
Occ: Agriculture,
R/o: Mulawad,
Taluk: Athani,
District: Belagavi. ... Respondents

(By Sri Vinayak S. Kulkarni, Advocate for R1 & R2)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned award dated 08.02.2016 in Petition No.12/2015 passed by the Permanent Lok Adalat, Belagavi, vide Annexure-A by allowing this writ petition and etc.

IN W.P. NO.103468/2016

BETWEEN:

1. The Hubli Electricity Supply Company Limited,
Corporate Office,
Navanagar, Hubli,
At: Hubli, Dist: Dharwad
Represented by its
Managing Director/General Manager.
2. The Assistant Executive Engineer (Ele)
Hubli Electricity Supply Co. Ltd., (HESCOM),
O & M Division, Athani,
At: Athani,
Taluk: Athani,
District: Belagavi. ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Shri Rahul @ Ratnakar
S/o Annasaheb Dugge,

Age: 25 years,
 Occ: Agriculture,
 R/o Mulawad,
 Taluk: Athani,
 District: Belagavi.

... Respondent

(Respondent - Served)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 08.02.2016 in Petition No.13/2015 passed by the Permanent Lok Adalat, Belagavi, vide Annexure-A by allowing this writ petition and etc.

IN W.P. NO.103469/2016

BETWEEN:

1. The Hubli Electricity Supply Company Limited,
 Corporate Office,
 Navanagar, Hubli,
 At: Hubli,
 Dist: Dharwad
 Represented by its
 Managing Director.
 2. The Assistant Executive Engineer (Ele)
 Hubli Electricity Supply Co. Ltd., (HESCOM),
 O & M Division, Athani,
 At: Athani,
 Taluk: Athani,
 District: Belagavi.
- ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Shri Shrikant,
 S/o Satteppa Dugge,
 Age: 68 years,

Occ: Agriculture,
R/o Mulawad,
Taluk: Athani,
District: Belagavi,

... Respondent

(By Sri Vinayak S. Kulkarni, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned award dated 08.02.2016 in Petition No.14/2015 passed by the Permanent Lok Adalat, Belagavi, vide Annexure-A by allowing this writ petition and etc.

IN W.P. NO.103949/2016

BETWEEN:

1. Hubli Electricity Supply Company Limited
Corporate Office,
Navanagar, Hubli,
District: Dharwad
Represented by its
Managing Director/General Manager.
2. The Superetendent Engineer (SE)
HESCOM Office
At: Chikodi,
Taluk: Chikodi
District: Belagavi.
3. The Executive Engineer (EE)
O and M Division
HESCOM Office,
Raibag,
Taluk: Raibag,
Dist: Belagavi.
4. The Assistant Executive Engineer (EE)
HESCOM Office,
Raibag, Taluk: Raibag,
Dist: Belagavi.

5. The Section Officer
HESCOM Office, Kudachi
At: Kudachi,
Taluk: Raibag,
District: Belagavi. ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

1. Smt. Siddavva @ Pratibha
W/o Raju Munje
Age: 26 years,
Occ: House hold Work
R/o: Chindhalli,
Taluk: Raibag,
District: Belagavi.
2. Kumar Kartik
S/o Raju Manje
Age: 7 years,
Occ: NIL,
Minor represented by his minor
Guardian his mother
Petitioner No.1.
3. Kumari Maheswari
D/o Raju Munje,
Age: 4 years,
Occ: NIL
Minor, represented by his minor
Guardian his mother
Respondent No.1.
4. Shri Balasaheb @ Balappa Dharma Munje
Age: 68 years,
Occ: Agriculture
R/o Navalihal,
Tq: Athani,
District: Belagavi.

5. Smt. Suvarna
W/o Balasaheb Munje,
Age: 63 years,
Occ: House hold work
R/o: Navalihai,
Taluk: Athani
District: Belagavi. ... Respondents

(By Sri Sanjay S. Katageri, Advocate for R1;
R2 & R3 are minors rep. by R1;
R4 & R5 - Served)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned award dated 19.02.2015 in Petition No.71/2012 passed by the Permanent Lok Adalat Belagavi vide Annexure-A by allowing this writ petition.

IN W.P. NO.105146/2016

BETWEEN:

1. The Hubli Electricity Supply Company Ltd.,
HESCOM, Corporate Office,
Navanagar,
Hubli,
Dist: Dharwad
Represented by its
Principal Officer/
Managing Director.
2. The Executive Engineer (Ele)
HESCOM,
O & M Division,
Ghataprabha,
Taluk: Gokak,
Dist: Belagavi.
3. The Assistant Executive Engineer (Ele),
HESCOM,
O & M Division,

Raibag,
Taluk: Raibag,
Dist: Belagavi

... Petitioners

(By Sri Shivaraj P. Mudhol and
Sri Anand Bagewadi, Advocates)

AND:

1. Babu,
S/o Laxman Belagali,
Age: 40 years,
Occ: Agriculture,
R/o Belagali Tota,
Hiadakal,
Taluk: Raibag,
Dist: Belagavi.

2. Gajanan,
S/o Babu Belagali,
Age: 13 years,
Occ: Student,
R/o Belagali Tota,
Hiadakal,
Taluk: Raibag,
Dist: Belagavi.

3. Gopal,
S/o Babu Belagali,
Age: 11 years,
Occ: Student,
R/o Belagali Tota,
Hiadakal,
Taluk: Raibag,
Dist: Belagavi.

Respondent Nos.2 and 3 are minors
represented by their father
i.e., Respondent No.1

... Respondents

(By Sri Vinayak S. Kulkarni, Advocate for R1 to R3)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 11.04.2016 in O.P. No.46/2014, passed by the Permanent Lok Adalat, Belagavi, vide Annexure-A and etc.

IN W.P. NO.106802/2016

BETWEEN:

1. The Managing Director/
General Manager,
Corporate Office,
HESCOM,
Navanagar, Hubli,
Hubli
Dist: Dharwad.
 2. The Executive Engineer,
HESCOM,
O & M Division,
Raibag
Tq: Raibag,
Dist: Belagavi.
 3. The Section Officer,
HESCOM, Division No.II,
Raibag
Tq: Raibag,
Dist: Belagavi.
- ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

1. Shri Mallappa Ramachandra Maisale,
Age: 48 years,
Occ: Agriculture,
R/o: Diggewadi Village,
Taluk: Raibag,
District: Belagavi.

2. Shri Chidanand Ramachandra Maisale,
Age: 33 years, Occ: Agriculture,
R/o: Diggewadi Village,
Taluk: Raibag,
District: Belagavi.

... Respondents

(By Sri Ramesh B. Chigari, Advocate)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India, praying to quash the impugned judgment award dated 30.04.2016 in O.P. No.45/2014, passed by the Permanent Lok Adalat, Belagavi, vide Annexure-A and etc.

IN W.P. NO.106830/2016

BETWEEN:

1. The Managing Director/
General Manager,
HESCOM,
Eureha Tower,
I.B. Road,
Hubballi,
Dist.: Dharwad.
2. The Executive Engineer,
Divisional Office,
HESCOM,
Bailhongal,
Tq.: Bailhongal,
Dist.: Belagavi
3. The Assistant Executive Engineer,
HESCOM,
Kittur
Tq.: Bailhongal,
Dist.: Belagavi.

... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

1. Smt. Sushila
W/o Siddayya Hiremath
Age: 55 years,
Occ: Agriculture,
R/o: Giriyal Village,
Tq.: Bailhongal,
Dist.: Belagavi.
 2. The Secretary KPTCL
Kaveri Bhavan,
Bengaluru
At: Bengaluru
Now redesignated as
The Director ADM and HRD
KPTCL Corporate Office
Kaveri Bhavan,
Bengaluru.
- ... Respondents

(By Sri Chandrashekar M. Hosamane, Advocate for R1;
R2 - Served)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment award dated 11.04.2016 in O.P. No.119/2014 passed by the Permanent Lok Adalat, Belagavi vide Annexure-A and etc.

IN W.P. NO.106898/2016**BETWEEN:**

1. The Managing Director/
General Manager
HESCOM,
Corporate Office,
Navanagar, Hubballi
Tq: Hubballi,
Dist: Dharwad.

2. The Assistant Executive Engineer (Ele.),
HESCOM,
Ramdurg,
Tq: Ramdurg,
Dist.: Belagavi.
3. The Assistant Executive Engineer (Ele)
HESCOM,
O & M Division,
Rural Sub-Division,
Neharu Nagar,
Belagavi,
Tq & Dist.: Belagavi. ... Petitioners

(By Sri Shivaraj P. Mudhol, Advocate)

AND:

Shri Mahadevappa,
S/o Gurupadappa Maradi,
Age: 50 years,
Occ: Agriculture,
R/o: Ujjankoppa Village,
Tq.: Ramdurg,
Dist.: Belagavi. ... Respondent

(By Sri Prakash R. Badiger, Advocate)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the impugned judgment and award dated 17.03.2016 in O.P. No.13/2014 passed by the Permanent Lok Adalat, Belagavi, vide Annexure-A and etc.

IN W.P. NO.100285/2018

BETWEEN:

Kumar Yallappa
S/o Siddappa Kuri,
Age: 19 years,
Occ: Shepherd.

Now Nil.
 R/o: Kotur,
 Pin - 591 126
 Tq: Savadatti,
 Dist: Belagavi.

... Petitioner

(By Sri Hanamant R. Latur, Advocate)

AND:

1. The Section Officer,
 HESCOM, Branch Murgod
 Pin - 591 119
 Tal: Savadatti,
 Dist: Belagavi.
2. The Executive Engineer (Electrical),
 O & M Division,
 HESCOM,
 Bailhongal
 Pin - 591 102
 Dist: Belagavi.
3. Assistant Executive Engineer (Electrical)
 O & M Division,
 HESCOM,
 Savadatti,
 Pin - 591 129.

... Respondents

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India, praying to issue a Writ of mandamus directing the respondents to pay the remaining compensation of Rs.6,50,000/- as per prayer of petitioner i.e., as per Annexure-A petition in O.P. No.37/2013 and etc.

These Writ Petitions pertaining to the **Dharwad Bench** having been heard and reserved on 13.08.2021 and coming on for pronouncement of orders at **Principal Bench, Bengaluru, through video conference**, this day, the Court made the following:

ORDER

S. SUNIL DUTT YADAV. J

This Order has been divided into the following Sections to facilitate analysis:

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V	<u>Analysis :</u> A) Jurisdiction and power to adjudicate B) Availment of redressal mechanism under Chapter VI A of the Legal Services Authorities Act, 1987 at the instance of party to a dispute C) Nature of liability of Power Supply Companies D) Non-compliance of procedure prescribed under Section 161 of the Electricity Act, 2003 E) Scope of interference with the order of the Permanent Lok Adalat in exercise of power under Article 226/227 of the Constitution of India	103
VI	<u>Findings :</u> (i) Matters relating to Loss of Crop (ii) Matters relating to Destruction of Property (iii) Matters relating to Disability & Enhancement of Compensation (iv) Matter relating to Loss of Livestock (v) Matters relating to Loss of Life	129
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I PREAMBLE :

In this batch of petitions, the Power Supply Companies have called in question the orders of the Permanent Lok Adalat ("PLA" for short) passed under Section 22C of the Legal Services Authorities Act, 1987 whereby the PLA after recording failure of settlement has proceeded to adjudicate and pass orders granting compensation for: Loss of life and disability, Loss of property, Loss of Crops, Loss of Livestock and destruction of properties. There is a sole petition filed by the claimant seeking for enhancement of compensation awarded by the PLA.

II CATEGORIES OF CLAIM PETITIONS :

2. The petitions filed as regards to the various claims are categorised as herein below:

- (i) Matters relating to Loss of Crop
- (ii) Matters relating to Destruction of Property
- (iii) Matters relating to Disability & Enhancement of Compensation
- (iv) Matter relating to Loss of Livestock
- (v) Matters relating to Loss of Life

MATTERS RELATING TO LOSS OF CROP:

Sl.No.	Petition Number
1	W.P.No.104305/2015
2	W.P.No.105327/2015
3	W.P.No.105328/2015
4	W.P.No.105329/2015
5	W.P.No.105330/2015
6	W.P.No.104306/2015
7	W.P.No.104307/2015
8	W.P.No.104308/2015
9	W.P.No.104309/2015
10	W.P.No.104310/2015
11	W.P.No.104311/2015
12	W.P.No.104312/2015
13	W.P.No.104313/2015
14	W.P.No.104314/2015
15	W.P.No.104315/2015
16	W.P.No.104316/2015
17	W.P.No.104317/2015
18	W.P.No.104318/2015
19	W.P.No.104319/2015
20	W.P.No.104320/2015
21	W.P.No.104321/2015
22	W.P.No.104322/2015
23	W.P.No.104323/2015

24	W.P.No.105331/2015
25	W.P.No.104324/2015
26	W.P.No.105325/2015
27	W.P.No.105326/2015
28	W.P.No.100959/2015
29	W.P.No.100960/2015
30	W.P.No.104428/2014
31	W.P.No.104429/2014
32	W.P.No.104430/2014
33	W.P.No.114653/2015
34	W.P.No.114654/2015
35	W.P.No.114655/2015
36	W.P.No.114656/2015
37	W.P.No.114657/2015
38	W.P.No.114659/2015
39	W.P.No.114658/2015
40	W.P.No.107375/2015
41	W.P.No.85394/2013
42	W.P.No.105842/2014
43	W.P.No.105843/2014
44	W.P.No.104033/2014
45	W.P.No.104034/2014
46	W.P.No.104035/2014
47	W.P.No.104036/2014
48	W.P.No.107376/2015

49	W.P.No.107377/2015
50	W.P.No.107378/2015
51	W.P.No.106830/2016
52	W.P.No.100327/2014
53	W.P.No.84288/2013
54	W.P.No.106898/2016

MATTERS RELATING TO DESTRUCTION OF PROPERTY:

Sl.No.	Petition Number
1	W.P.No.103467/2016
2	W.P.No.103468/2016
3	W.P.No.103469/2016
4	W.P.No.103465/2016
5	W.P.No.103466/2016
6	W.P.No.106802/2016

**MATTERS RELATING TO DISABILITY &
ENHANCEMENT OF COMPENSATION :**

Sl.No.	Petition Number
1	W.P.No.69018/2012
2	W.P.No.100285/2018
3	W.P.No.111620/2014

MATTER RELATING TO LOSS OF LIVESTOCK :

Sl.No.	Petition Number
1	W.P.No.103610/2014

MATTERS RELATING TO LOSS OF LIFE :

Sl.No.	Petition Number
1	W.P.No.110951/2015
2	W.P.No.111489/2014
3	W.P.No.65436/2010
4	W.P.No.105146/2016
5	W.P.No.114374/2015
6	W.P.No.100799/2014
7	W.P.No.106823/2015
8	W.P.No.114418/2015
9	W.P.No.65233/2011
10	W.P.No.102458/2016
11	W.P.No.103949/2016
12	W.P.No.113060/2014
13	W.P.No.110438/2015
14	W.P.No.101244/2016

III CONTENTIONS OF PETITIONERS :

3. Sri. Sanjay Katageri, learned counsel appearing on behalf of Hubli Electric Supply company (hereinafter referred to as "HESCOM") has contended that the petition at the first instance ought to have been presented seeking settlement in keeping with the scheme provided under Chapter VI-A of the Legal Services Authorities Act, 1987 ("the Act", for short) instead of filing a claim petition seeking adjudication as in the present case. While placing reliance on the judgment in ***Bar Council of India v. Union of India (2012) 8 SCC 243***, it is contended that only where efforts for such settlement have failed, the question of adjudication could be considered.

4. Sri.B.S.Kamte, learned counsel appearing for HESCOM has submitted that Chapter VI-A of the Act inserted by way of an amendment in 2002 pertains to "Pre-litigation conciliation and settlement". Hence, Section 22-C (8) of the Act which provides for a decision by adjudication is to be preceded by efforts to settle the dispute. It is

further contended that the power to decide conferred under Section 22-C (8) of the Act cannot be construed as enabling full fledged adjudication in the absence of Rules of procedure prescribed for the purpose of adjudication.

5. It is submitted that as Chapter VI-A pertains to matters relating to "public utility service" as defined in Section 22A (b) (iii) of the Act viz., "(iii) supply of power, light or water to the public by any establishment", it is only a 'party to the dispute' who could only invoke the mechanism of dispute redressal as is clear from Section 22-C of the Act. In light of the definition of "public utility" while referring to 'supply of power,' the aggrieved should be a party to a contract of supply of power and only if dispute is raised by such a party could it be entertained and the aggrieved parties herein, being third parties, cannot be permitted to invoke the mechanism of redressal under Section 22-C of the Act. Reliance is placed on the judgment of this Court in the case of ***Bajaj Allianz Insurance Company Limited, Akurdi Pune v. Madhava Nair and***

Others reported in **2011 (1) Kar.L.J.77**, wherein the Court has held that the claim petition under the Motor Vehicles Act is against the Insured and driver and not against the public utility at the first instance and hence the Permanent Lok Adalath has no jurisdiction to entertain the disputes.

6. It is also contended that the Power Supply Company cannot be held liable for accidents caused due to reasons beyond ones control, such as weather/environmental conditions, as long as there was no deficiency attributable to the companies and reliance is placed on the judgment of the Apex Court in the case of **Inter Globe Aviation Ltd. v. N. Satchidanand** reported in **(2011) 7 SCC 463**.

7. It is submitted that in the event of an electrical accident the procedure of informing the Electrical Inspector/Designated Authority, as contemplated under Section 161 of the Electricity Act, 2003 not having been

followed, such lapse would disentitle the claimants claim for compensation.

8. Sri.M.B.Kanavi, learned counsel appearing on behalf of HESCOM has contended that in many of the matters there has been no record of serious conciliation having been attempted, and as Section 22-C comes within Chapter VI-A of the Act, a holistic interpretation would mandate that recourse to exercise adjudicatory power as conferred must be only as a last resort. Reliance is placed on the judgment of the Apex Court in the case of ***United India Insurance Company Limited v. Ajay Sinha and Another*** reported in ***(2008)7 SCC 454*** and it is contended that the approach of the Permanent Lok Adalath in the present matters is not in consonance with the objective of 'Pre-litigation, Conciliation and Settlement' and the parties herein having resorted to adjudication from the very beginning which is impermissible.

9. It is also contended that in all of the claims the negligence was that of the claimants for which the Power Supply Company cannot be held liable.

10. Sri.Shivaraj P. Mudhol, learned counsel appearing for HESCOM, while advancing similar contentions as noticed above has further contended that though the claim in many of the petitions was below Rs.10,00,000/-, the Permanent Lok Adalath has awarded compensation beyond the amount claimed which is untenable in law.

11. It is also contended that the jurisdiction of the Tribunal was originally below Rs.10,00,000/- and in such of the cases where the claim as made out in the petition was itself beyond Rs.10,00,000/- such petitions could not have been entertained and orders passed, which are without jurisdiction.

12. Smt. Sharmila Patil, and Sri.S.S.Patil, learned counsel appearing on behalf of HESCOM and Sri. Aravind D. Kulkarni, Sri.Anoop G. Deshpande, learned counsel

appearing in W.P.No.111489/2014 and W.P.No.65436/2010 on behalf of GESCOM, Sri. Bhushan B. Kulkarni, learned counsel appearing for HESCOM and Sri. Laxman T. Mantagani, learned counsel appearing for respondents in W.P.No.102458/2016 have advanced contentions on similar lines.

13. The petitioners have further contended in common that the evidence available to prove occurrence of accident and consequent loss is by itself not sufficient for entertaining claims by the Permanent Lok Adalat and that where complicated questions arise as in the present cases, the adjudication of such matters is best left to the Civil Courts.

IV CONTENTIONS OF RESPONDENTS :

14. Sri Sanjay S. Katageri, learned counsel appearing for the respondents in W.P.No.110438/2015 has contended that the Permanent Lok Adalats constituted under Section 22B (1) of the Act are specifically authorized

to adjudicate, which power is conferred under Section 22-C (8) which becomes apparent on a perusal of Section 22-E of the Act.

15. It is further contended that the present proceedings are not related to adjudication relating to criminal offences and is limited to adjudication of claims for compensation. It is submitted that the issue of exercise of power to adjudicate is no longer *res-integra* and has been affirmed by the Apex Court in the case of **Bar Council of India (supra)**.

16. As regards the defence raised by the Power Supply Company seeking to repudiate liability on the ground of 'Act of Stranger', it is contended that the said exception to the principle of strict liability is not available to be raised in light of the law laid down in **M.P.Electricity Board v. Shail Kumar and Others** reported in **AIR 2002 SC 551**.

17. As regards pecuniary jurisdiction, it is contended that by virtue of the Notification No.SO 803(E) dated

20.03.2015 as the Central Government has increased the limit from Rs.10 Lakhs to Rs.1 Crore, petitions filed claiming compensation beyond Rs.10 Lakhs could be maintainable. It is further submitted that there is no jurisdictional error justifying interference with the impugned orders.

18. Sri. Gangadhar Hosakeri, learned counsel appearing for the respondents in W.P.No.84288/2013 and Ramesh B. Chigari appearing for respondent nos.1 and 2 in W.P.No.106802/2016 adopt the arguments of the other counsel.

V Analysis:

The following points arise for consideration:

- A) Jurisdiction and power to adjudicate**
- B) Availment of redressal mechanism under Chapter VI A of the Legal Services Authorities Act, 1987 at the instance of 'party to a dispute'**
- C) Nature of liability of Power Supply Company**
- D) Non-compliance of procedure prescribed under Section 161 of the Electricity Act, 2003**
- E) Scope of interference with the order of the Permanent Lok Adalat in exercise of power under Article 226/227 of the Constitution of India**

A) Jurisdiction and power to adjudicate:

19. Section 22C (8) of the Legal Services Authorities Act, 1987 reads as follows:

"when the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute."

Section 22C (8) inserted by 2002 Amendment Act unequivocally confers the power to decide the dispute as long as:

(a) it does not relate to any offence

(b) where parties fail to reach a settlement under sub-section 7.

The question cannot also be said to be *res-integra* in light of judgment in the case of **Bar Council of India v. Union of India (2012) 8 SCC 243**.

20. The Apex Court has upheld the legislative competence as regards the insertion of the provisions of Chapter VI-A which includes Section 22-C (8) of the Act.

The Apex Court has also observed as follows:

22. *".....The disputes relating to public utility service like transport service for carriage of passengers or goods by air, road or water or postal, telegraph or telephone service or supply of power, light or water or public conservancy system or sanitation or service in hospital or dispensary or insurance service etc., in the very scheme of things deserve to be settled expeditiously. Prolonged dispute in respect of the above matters between the service provider and an aggrieved party may result in irretrievable damage to either party to the dispute. Today with increasing number of cases, the judicial courts are not able to cope up with the heavy burden of inflow of case and the matters coming before them. The disputes in relation to public utility service need urgent attention with focus on their resolution at the threshold by conciliation and settlement and if for any reason such effort fails, then to have such disputes adjudicated through an appropriate mechanism as early as may be possible.*

"24. Parliament can definitely set up effective alternative institutional mechanisms or make arrangements which may be more efficacious than the ordinary mechanism of adjudication of disputes through the judicial courts. Such institutional mechanisms or arrangements by no stretch of imagination can be said to be contrary to constitutional scheme or against the rule of law. The establishment of Permanent Lok Adalats and conferring them jurisdiction upto a specific pecuniary limit in respect of one or more public utility services as defined in Section 22-A(b) before the dispute is brought before any court by any party to the dispute is not anathema to the rule of law. Instead of ordinary civil courts, if other institutional mechanisms are set up or arrangements are made by the Parliament with an adjudicatory power, in our view, such institutional mechanisms or arrangements cannot be faulted on the ground of arbitrariness or irrationality".

25. The Permanent Lok Adalats under the 1987 Act (as amended by the 2002 Amendment Act) are in addition to and not in derogation of fora provided under various statutes. This

position is accepted by the Central Government in their counter-affidavit."

21. The contention of the learned counsel for petitioners led by Sri.B.S.Kamte that power to adjudicate is to be assigned a restrictive scope in the context of arriving at a settlement and cannot be read as conferring power to adjudicate a dispute on its merits, cannot be accepted.

22. It ought to be noted that the scheme envisaged under Section 22-C is that efforts ought to be made to facilitate settlement and the Legislative Scheme envisages, that failure of settlement is to be followed by adjudication.

Section 22-D provides for the procedure to be followed by the Permanent Lok Adalat while conducting conciliation proceedings or "deciding a dispute on merit under the Act." **(emphasis supplied).**

Section 22-E (1) further makes it clear that "every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall

be final and binding on all the parties thereto and on persons claiming under them." (**emphasis supplied**)

23. Accordingly, it cannot be stated that the power to adjudicate cannot be understood in the plain literal sense as conveyed by the words used. In fact, the literal meaning of the words are clear and the context in which it is used admits of no ambiguity and hence, it can be concluded that wherever settlement fails, the Permanent Lok Adalat has power to decide the dispute on merits.

24. The reliance by the petitioners on the judgment of the Apex Court in the case of ***State of Punjab and Another v. Jalour Singh and Others*** reported in **(2008) 2 SCC 660** is of no avail as the facts narrated in the aforesaid case would make it clear that the challenge related to an order of the Lok Adalat passed on 03.08.2001 awarding compensation in the absence of a settlement which was held to be impermissible. Insertion of Chapter VI-A which includes Section 22C (8) was in the year 2002

and hence judgment rendered before the insertion of Chapter VI-A would be of no avail.

25. Similarly the judgment of this Court in the case of ***the Commissioner, Karnataka State Public Instruction (Education) and Others v. Nirupadi Virbhadrappa Shiva Simpi*** reported in ***ILR 2001 KAR 4338*** would not be applicable extending the same reasoning referred to above.

26. It thus becomes clear that the PLA has the power to design its own procedure as detailed in Section 22D. Further, in light of the observations made by the Apex Court in the case of ***Bar Council of India (supra)***, clearly the question of the PLA having the power to adjudicate is a settled position.

27. Though the power of adjudication is conferred, the objective of Chapter VI-A being settlement and conciliation at the inception, while invoking the redressal

mechanism under Section 22C, the Permanent Lok Adalat must take note of the aspect of settlement and conciliation.

28. However, the power to adjudicate is not absolute. The consideration of limitation on the power of adjudication could be prefaced with the observation of the Apex Court in the case of **United India Insurance Co. Limited v. Ajay Sinha and Another** reported in **(2008) 7 SCC 454**, wherein at Para 41, the Apex Court has held as under:

"41. We must guard against construction of a statute which would confer such a wide power in the Permanent Lok Adalat having regard to sub-section (8) of Section 22-C of the Act. The Permanent Lok Adalat must at the outset formulate the questions. We, however, do not intend to lay down a law, as at present advised, that Permanent Lok Adalat would refuse to exercise its jurisdiction to entertain such cases but emphasise that it must exercise its power with due care and caution. It must not give an impression to any of the disputants that it, from the very beginning has an adjudicatory role to play in relation to its jurisdiction without

going into the statutory provisions and restrictions imposed there under.”

Hence, it is clear that the power of the Court to set into motion the process of consideration of an application under Section 22C requires the presence of **‘an element of settlement’** at the outset. It must be noted that in all matters which are subject of consideration herein being claims for compensation, it can be construed that such claims possess an element of settlement as contemplated.

29. While considering the aspect of jurisdiction it ought to be noted that the Legislative framework regarding the constitution of Permanent Lok Adalat viz., Section 22B, providing for power to take cognizance and to decide as provided under Section 22C, to adopt procedure while deciding as detailed under Section 22D, make out for a self-contained scheme which confers power to adjudicate.

30. It is for the Permanent Lok Adalat to judge whether the defence taken often of fraud etc., is a moonshine defence and if so to reject such defence and still

entertain the matter. It is clear that the jurisdiction cannot be ousted at the mere asking by a party as the very purpose of having disputes relating to public utilities being settled by a separate scheme as envisaged under Chapter VI-A in a speedy manner without necessarily in all cases going through a cumbersome process of a many layered adjudication should not be defeated.

B) Availment of redressal mechanism under Chapter VI A of the Legal Services Authorities Act, 1987 at the instance of 'party to a dispute'

31. The contention that the disputes relating to 'public utility' and in specific relating to 'supply of power' ought to be construed as being limited to a dispute between, the Power Supply Company and the recipient of service and hence the disputes by the petitioners fall outside the purview of Chapter VI A deserves consideration. Reliance has been placed by the counsel for the Power Supply Company on the judgment of this court in the case of ***Bajaj Allianz Insurance Co. Ltd. (supra)***. However it ought to be noted that the scheme of the provisions do not

seek to restrict adjudication only to disputes arising out of a contractual relationship. Keeping in mind the beneficial nature of the Legislation, '**any dispute**' relating to a public utility can be stated to fall within the ambit of the redressal mechanism envisaged in Section 22-C. The words '**any party**' is in relation to a 'dispute' and not in relation to the contract of service by the utility. The judgment in the case of **Bajaj Allianz (supra)** does not militate against such interpretation. In fact, the above mentioned case was decided on the premise that the liability of the Insurance Company would only arise where the contract of indemnity becomes operational and that would be only on the passing of the judgment/award/decreed fastening liability on the owner. Hence, it was held that there was no dispute between the claimant and the insurance company against which a claim under Section 22-C i.e., against a public utility was sought to be made. However, in the present case, the dispute being one between the claimants and the entity that supplies power whose actions have given rise to

the claim, the same would indeed fall within the purview of Chapter VI-A.

C) Nature of liability of Power Supply Company

32. The Power Supply Companies have sought to repudiate liability on the ground that the claimant by his/her acts of negligence was responsible for the accident and hence the company was not liable, that there were intervening acts by strangers/third parties which were responsible for the accident. All such contentions raised are no longer available for being canvassed in light of the law laid down by the Apex Court in the case of ***Madhya Pradesh Electricity Board (supra)***. The facts of the case was that the deceased who was riding a bicycle rode over a live wire, lying on the road which was inundated with water and the victim died of electrocution. The defence taken was that one Hari Gaikwad had taken a wire from the main supply line to pilfer power and the line got unfastened from the hook and it fell over the road which caused the accident. While the court reiterated the applicability of strict liability

but explicitly ruled the inapplicability of the defences available to 'strict liability' including that of an "an act of stranger".

33. The Court while approving the law laid down in the case of ***M.C.Mehta v. Union of India*** reported in **1987 1 SCR 819** has in effect declared that there would be absolute liability i.e., strict liability as per the rule of ***Rylands and Fletcher*** without any of the exceptions.

34. This position of law has been reiterated by the Division Bench of this court in the case of ***Bhagyabai v. Principal Secretary, Department of Energy and Others*** in W.A.No.3249/2010 and W.A.No.3540-43/2010 dated 25.10.2010. Accordingly, the contention of the Power Supply Companies regarding absence of liability while raising defences is liable to be rejected.

D) Non-compliance of procedure prescribed under Section 161 of the Electricity Act

35. It is contended that Section 161 of the Electricity Act, 2003 ("the Electricity Act", for short) which provides

reporting of occurrence of loss or injury caused to human being or animal by accident, to the Electrical Inspector or such other person as may be specified and non-adherence to such procedure would disentitle the claimant from claiming compensation. While the claimants on the other hand would contend that procedural violation, if any, ought not to defeat the substantive rights to claim compensation.

36. Section 161 of the Electricity Act, 2003 reads as follows:

"161 - Notice of accidents and inquiries –

1) If any accident occurs in connection with the generation, transmission, distribution, supply or use of electricity in or in connection with, any part of the electric lines or electrical plant of any person and the accident results or is likely to have resulted in loss of human or animal life or in any injury to a human being or an animal, such person shall give notice of the occurrence and of any such loss or injury actually caused by the accident, in such form and within such time as may be prescribed, to the Electrical Inspector or such other person as aforesaid and to such

other authorities as the Appropriate Government may by general or special order, direct.

2) The Appropriate Government may, if it thinks fit, require any Electrical Inspector, or any other person appointed by it in this behalf, to inquire and report-

a) as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with, the generation, transmission, distribution, supply or use of electricity, or

b) as to the manner in, and extent to, which the provisions of this Act or rules and regulations made thereunder or of any license, so far as those provisions affect the safety of any person, have been complied with.

3) Every Electrical Inspector or other person holding an inquiry under sub-section (2) shall have all the powers of a civil court under the Code of Civil Procedure, 1908 for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects, and every person required by an Electrical Inspector be legally bound to do so

within the meaning of section 176 of the Indian Penal Code.

37. In several of the matters there has been no reporting of the accidents as such, by the claimants to the Electrical Inspector or the officer designated under Section 161 of the Electricity Act. Hence, the holding of an inquiry as contemplated under Section 161 (2) is absent. In some of the matters it comes out from the evidence on record that the lineman/official of the Power Supply Company has been informed of such accident. While in a few matters the reporting of the accident has been made to the local revenue officials such as Village Accountant, Tahsildar etc. Whether the procedure for reporting the occurrence of the accident as required under Section 161 of the Electricity Act is mandatory or directory and the implication of breach of the procedure prescribed on the claimants right to claim compensation requires to be examined.

38. Similar question had come up for consideration before the High Court of Patna in the case of ***Muniya Devi***

v. Bihar Electricity Board through its Chairman, Vidyut Bhavan, Patna and Others [(2012) SCC Online Patna 1247]. The facts of the said case was that the petitioner had sought for direction to pay compensation of Rs.5 Lakhs for death of petitioner's husband caused by electrocution. One of the defences raised was that in the absence of an enquiry as contemplated under Section 161 of the Act, compensation could not be granted. The Court at Para 15 while referring to the case of ***Meenakshi Patra v. Secretary, Irrigation and Power, Government of Orissa [AIR 1999 ORISSA 137]*** has held that there is no requirement under Section 161 of Act for information of the accident to be given by the legal representatives of the deceased, though holding that in fact, there had been a failure on the part of the respondent (Electricity Board) to comply with the provisions of Section 161 of the Act. The court has approved of the law laid down in 'Meenakshi Patra' case referred to supra wherein the High Court of Orissa has clarified that it is the duty cast upon the person responsible for generation, supply of energy to bring to the

notice of the electrical department facts relating to occurrence of the accident. It was further held that non-compliance with the procedural requirement under the Electricity Act has nothing to do with the cause of action of the victim or legal representative of the victim to claim damages. The Chattisgarh High Court has reiterated the same conclusion in the case of ***Chairman, Chattisgarh State Electricity Board and Another v. Ghasiram and Another [(2011) SCC Online Chh 316 Para 11]***.

39. Even without adverting to the specific contentions relating to non-adherence to Section 161 of the Act, suffice it to say that when the Power Supply Company has been barred from taking up defences including the exceptions to the principle of strict liability, the non-adherence to the procedure of enquiry provided for under Section 161 of the Act will not by itself defeat the substantive right of the claimant to claim compensation. In fact, as rightly observed by the High Court of Patna and Orissa as noticed above, the non-adherence to the

procedure prescribed under Section 161 has nothing to do with the claim as such of the claimants for damages. What needs to be examined is as to whether there was sufficient material to indicate that the accident was indeed caused due to an accident that could be attributed to have occurred during the course of activity of power generation and supply.

40. As rightly noticed by the High Court of Orissa in all of the cases where occurrence of accident has been brought to the notice of a public official, be an official of the revenue department or local body, duty would be cast upon such official to have adhered to the procedure prescribed under Section 161 of the Act. Accordingly, the defence that non-holding of an enquiry as contemplated under Section 161 (2) of the Act, will not by itself lead to defeating the claim for compensation. In light of the observation made above the question as to whether there exists legally acceptable material obtained and placed before the Permanent Lok Adalat which would establish occurrence of

an accident though such material may not have been obtained pursuant to the enquiry as contemplated under Section 161 (2) of the Act needs to be seen. It is also to be noted that the requirement under Section 161 of the Act is contemplated only as regards loss of human or animal life or injury to human being or animal and accordingly, the question of non-adherence to the procedure prescribed under Section 161 (2) of the Act would not arise in case of loss to property due to an accident as in the case of destruction of sugarcane crops which is the subject matter of claims in many of the matters.

E) Scope of interference with the order of the Permanent Lok Adalat in exercise of power under Article 226/227 of the Constitution of India

It needs to be kept in mind that the scope of interference being restricted in light of settled principles, the impugned orders ought to make out a case justifying exercise of judicial review.

41. The Apex Court in the case of ***Surya Dev Rai v. Ram Chander Rai and Others*** reported in ***[(2003) 6 SCC 675 Para 38]*** while dealing with the scope of judicial review has encapsulated the law as follows:-

"38. Such like matters frequently arise before the High Courts. We sum up our conclusions in a nutshell, even at the risk of repetition and state the same as hereunder:-

(3) Certiorari, under Article 226 of the Constitution, is issued for correcting gross errors of jurisdiction, i.e., when a subordinate court is found to have acted (i) without jurisdiction - by assuming jurisdiction where there exists none, or (ii) in excess of its jurisdiction - by overstepping or crossing the limits of jurisdiction, or (iii) acting in flagrant disregard of law or the rules of procedure or acting in violation of principles of natural justice where there is no procedure specified, and thereby occasioning failure of justice.

(4) Supervisory jurisdiction under Article 227 of the Constitution is exercised for keeping the subordinate courts within the bounds of their

jurisdiction. When the subordinate Court has assumed a jurisdiction which it does not have or has failed to exercise a jurisdiction which it does have or the jurisdiction though available is being exercised by the Court in a manner not permitted by law and failure of justice or grave injustice has occasioned thereby, the High Court may step in to exercise its supervisory jurisdiction.

(5) Be it a writ of certiorari or the exercise of supervisory jurisdiction, none is available to correct mere errors of fact or of law unless the following requirements are satisfied: (i) the error is manifest and apparent on the face of the proceedings such as when it is based on clear ignorance or utter disregard of the provisions of law, and (iii) a grave injustice or gross failure of justice has occasioned thereby.

(6) A patent error is an error which is self-evident, i.e., which can be perceived or demonstrated without involving into any lengthy or complicated argument or a long-drawn process of reasoning. Where two inferences are reasonably possible and the subordinate court

has chosen to take one view, the error cannot be called gross or patent.

(8) The High Court in exercise of certiorari or supervisory jurisdiction will not convert itself into a Court of Appeal and indulge in re-appreciation or evaluation of evidence or correct errors in drawing inferences or correct errors of mere formal or technical character.

42. The learned counsel for the Power Supply Companies in their written submission have also assailed the quantum of compensation granted to the respondents as being excessive and arbitrary. In this regard, it must be noted that the orders of the Permanent Lok Adalat cannot be assailed merely on the ground of awarding compensation on a higher scale and the relevant observations in the case of **Yadava Kumar v. Divisional Manager, National Insurance Co.Ltd.** reported in **(2010) 10 SCC 341 Paras 14 to 17**, are as follows:

14. While assessing compensation in accident cases, the High Court or the Tribunal must take a reasonably compassionate view of

things. It cannot be disputed that the appellant being a painter has to earn his livelihood by virtue of physical work. The nature of injuries which he admittedly suffered, and about which the evidence of PW 2 is quite adequate, amply demonstrate that carrying those injuries he is bound to suffer loss of earning capacity as a painter and a consequential loss of income is the natural outcome.

15. It goes without saying that in matters of determination of compensation both the tribunal and the court are statutorily charged with a responsibility of fixing a "just compensation". It is obviously true that determination of a just compensation cannot be equated to a bonanza. At the same time the concept of "just compensation" obviously suggests application of fair and equitable principles and a reasonable approach on the part of the tribunals and the courts. This reasonableness on the part of the tribunal and the court must be on a large peripheral field. Both the courts and the tribunals in the matter of this exercise should be guided by principles of good conscience so that the ultimate result becomes just and equitable (see Helen C.

Rebello v. Maharashtra State Road Transport Corpn. and another - AIR 1998 SC 3191).

16. This Court also held that in the determination of the quantum of compensation, the court must be liberal and not niggardly inasmuch as in a free country law must value life and limb on a generous scale (see *Hardeo Kaur v. Rajasthan State Transport Corpn.* [(1992) 2 SCC 567

17. The High Court and the Tribunal must realise that there is a distinction between compensation and damages. The expression compensation may include a claim for damages but compensation is more comprehensive. Normally damages are given for an injury which is suffered, whereas compensation stands on a slightly higher footing. It is given for the atonement of injury caused and the intention behind grant of compensation is to put back the injured party as far as possible in the same position, as if the injury has not taken place, by way of grant of pecuniary relief. Thus, in the matter of computation of compensation, the approach will be slightly more broad based than what is done in the matter of assessment of

damages. At the same time it is true that there cannot be any rigid or mathematical precision in the matter of determination of compensation.

(emphasis supplied)

Therefore, with regard to computation of compensation in accident cases such as the present, it must be noted that limited flexibility is granted to the adjudicating authority in order to meet the 'just' standard requirement. Further the burden should be on the Power Supply Companies to prove that the amount granted by the Permanent Lok Adalat is 'excessive' or 'arbitrary'.

Accordingly, the court is required to examine as to whether any grounds are made out for judicial review in light of the position of law referred to above in the context of the factual matrix as made out in the different writ petitions.

43. In light of the discussion relating to jurisdiction to adjudicate, liability of the Power Company vis-à-vis the defences pleaded by them, effect of non-compliance with

the procedure prescribed under Section 161 of the Electricity Act, scope of interference by the High Court in exercise of revisional jurisdiction under Article 226 and 227 of the Constitution of India, what remains for adjudication in the present writs is limited to the following points for consideration :

- 1) Whether there is a record of settlement having failed?
- 2) Whether the quantification of damages calls for interference?

Accordingly, while considering the writ petitions the aforementioned aspects are duly considered.

VI FINDINGS:

(i) MATTERS RELATING TO LOSS OF CROP:

Serial No.1

W.P.Nos.104305/2015, 105327/2015, 105328/2015, 105329/2015 and 105330/2015

44. These petitions have been filed calling in question the order dated 31.12.2014 passed in O.P.No.15/2012, O.P.No.18/2012, O.P.No.19/2012, O.P.52/2012 and 57/2012. All the petitions have been

clubbed and decided by way of a common order. The Permanent Lok Adalat has recorded that settlement as failed in all the matters in the proceedings as follows:

Details regarding recording of failure of settlement

Writ Petition Number	O.P. Number	Date on which failure of settlement is recorded
W.P.No.104305/2015	15/2012	26.09.2012
W.P.No.104327/2015	18/2012	26.09.2012
W.P.No.104328/2015	19/2012	26.09.2012
W.P.No.104329/2015	52/2012	03.08.2012
W.P.No.104330/2015	57/2012	03.08.2012

In light of the findings recorded on the larger issues, concluding that the Permanent Lok Adalath had power to adjudicate, the impugned order is now subjected to scrutiny to examine if grounds are made out for judicial review in light of the guidelines in the case of ***Surya Dev (supra)***.

45. In all these matters the petitioners before the Permanent Lok Adalat are stated to have owned lands in Devarashigihalli Village. It is stated as the overhead

electric wires had brushed against each other emanating sparks which fell on the sugarcane crop resulting in the crop catching fire. The Tahasildar, Bailhongal was informed, who is stated to have deputed the Revenue Inspector and Village Accountant who have visited the spot and drawn up mahazar in respect of the damage to the sugar cane crop in the presence of the witnesses.

46. As per the letter at Ex.P1 in all the matters, the Tahasildar after valuing the loss to the crop on the basis of the report of the Revenue Inspector, has however rejected the representation to pay compensation on the ground that there was no provision to pay compensation while directing them to seek satisfaction of their claim by approaching the Power Supply Company.

47. Despite issuance of legal notices regarding their claims, on failure of the Power Supply Company to respond to the requests of the land owners, petitions have been filed before the Permanent Lok Adalat. The petitions were allowed granting compensation challenging such orders. The

present batch of petitions have been filed by the Power Supply Company.

48. A perusal of the judgment would reveal that the Permanent Lok Adalat has relied on the evidence of RW.1 who is the Mechanic Grade II, HESCOM who categorically states that on 25.01.2011, he had visited the site on the information provided by Jinnappa Betageri.

49. Point No.1 framed by the Permanent Lok Adalat deals with the occurrence of the fire accident by sparks emanating from the electrical wires. The Permanent Lok Adalat has relied on its order passed in O.P. No.24/2012, wherein under an identical factual matrix, the PLA had found in the affirmative regarding the occurrence of the fire accident causing loss to the sugar cane crop on 24.01.2011.

50. The PLA has referred to the evidence of the lineman RW1 who has stated in the evidence that he visited the site on 25.01.2011. The PLA has rightly observed that it was the duty of the officials of the Power Supply Company

to have informed the Electrical Inspector of the accident in terms of the obligation under Section 161 of Electricity Act, 2003.

51. In the reply notice dated 04.02.2012 issued on behalf of the Executive Engineer, HESCOM, there is a reference to the inspection of the site in question by the officials. In fact, it is stated that the fire accident leading to destruction of crop could have happened due to some other reason and not due to electric short-circuit. The PLA has rejected the contention that the evidence of the revenue officials in the form of mahazar and report could not have been looked into as they have no power to enquire into electrical accidents in light of Section 161 of Electricity Act, 2003. In fact, the PLA refers to Government Order No. RD 279 BSC 94, Bangalore dated 25.03.1995 which authorizes the revenue officials to prepare reports/files regarding providing compensation in case of fire accidents. Accordingly, the PLA has found that the proceedings drawn up by the revenue officials could be looked into at least for the limited purpose of occurrence of accident.

52. Though the endorsement at Ex.P.1 issued to the claimants observes that the revenue department is not authorized to grant compensation for loss caused due to short circuit, but nevertheless it refers to the report of the Revenue Inspector and village accountant, which refers to occurrence of accident.

53. Taking note of the above said facts, the finding by the PLA of the accident having occurred having been accepted by the Authority, the said finding cannot be stated to be perverse, calling interference.

54. 'Point No.2' framed by the PLA deals with the contention that the accident was caused due to the negligence of Power Supply Company. The said aspect has already been considered supra.

55. Insofar as the award of compensation considered by the PLA at point No.3, compensation has been calculated at the rate of Rs.1,800/- per ton by accepting the valuation so made in the earlier matters pertaining to the year 2011.

The average yield per acre is taken as 40 tones. There is no reason to disagree with rate of sugarcane per ton or with the average yield per acre as determined by the Permanent Lok Adalath. It is also seen that the Permanent Lok Adalath has relied upon the report of the revenue officials and the revenue records relating to the extent of land while quantifying the loss caused to the sugarcane crop. Such determination cannot be stated to be perverse occasioning interference under Article 226 and 227 of the Constitution of India.

56. The Permanent Lok Adalath has taken note of the evidence of the Additional Cane Development Officer, RW.3-Babu Madiwalappa Tigadi who has clarified that except the claimants in O.P.17/2012 and 55/2012, none of the other claimants have sent the burnt sugarcane to the factory. Thereby, the contention that some of the claimants were attempting to make unlawful gain by having sold the burnt sugar cane crop has been rejected appropriately.

Accordingly, the findings of the Permanent Lok Adalath on all counts does not warrant any interference.

Serial No.2

W.P.No.104306 to 104323/2015 & W.P.104331/2015

Details regarding recording of failure of settlement

Writ Petition Number	O.P. Number	Date on which failure of settlement is recorded
W.P.No.104306/2015	24/2012	26.09.2012
W.P.No.104307/2015	26/2012	22.08.2012
W.P.No.104308/2015	28/2012	22.08.2012
W.P.No.104309/2015	31/2012	22.08.2012
W.P.No.104310/2015	32/2012	22.08.2012
W.P.No.104311/2015	33/2012	22.08.2012
W.P.No.104312/2015	34/2012	22.08.2012
W.P.No.104313/2015	36/2012	22.08.2012
W.P.No.104314/2015	37/2012	22.08.2012
W.P.No.104315/2015	38/2012	22.08.2012
W.P.No.104316/2015	39/2012	22.08.2012
W.P.No.104317/2015	40/2012	22.08.2012
W.P.No.104318/2015	42/2012	22.08.2012
W.P.No.104319/2015	50/2012	03.08.2012
W.P.No.104320/2015	53/2012	03.08.2012
W.P.No.104321/2015	54/2012	03.08.2012

W.P.No.104322/2015	96/2012	18.02.2013
W.P.No.104323/2015	99/2012	18.02.2013
W.P.No.105331/2015	65/2012	01.09.2012

57. In all these petitions, the common order disposing off the O.P.'s on 31.12.2014 has been challenged and relate to the claim for loss caused to the sugarcane crops in a fire accident on 24.01.2011.

58. The factual matrix and contentions raised are identical to that discussed at Sl.No.1 above. Evidence led in is also on the same lines. The claimants have produced various documents in support of their claims and have produced the representations to the Tahsildar, the Panchanama drawn up by the Revenue Inspector, endorsement to the claimants estimating the loss, reply to the legal notice. All the documents produced and marked are identical to those which are produced and marked by the claimants in the petitions referred at Sl.No.1. The Assistant Engineer, HESCOM has led in evidence as RW.1 and the lineman Rudrappa Basappa Appaji has examined

himself as RW.2 and both have led in identical evidence raising the same defence as in the cases referred to at Sl.No.1.

59. In the cross-examination of RW.2 found at Page 115 of the proceedings before the Permanent Lok Adalat, RW.2 has specifically affirmed that the answers to the queries in O.P.No.15/2012 is correct. In his cross-examination in O.P.No.15/2012, he has admitted that he has visited the lands on 24.01.2011.

60. By placing reliance on the above said material and evidence, the Permanent Lok Adalat has allowed the petitions. In light of the same reasoning as regards the batch of petitions at Sl.No.1, this court does not find any reason to interfere with the order of the Permanent Lok Adalat and the petitions are dismissed.

Sl.No.3

W.P.No.104324/2015, W.P.Nos.105325/2015 & 105326/2015

Details regarding recording of failure of settlement

Writ Petition Number	O.P. Number	Date on which failure of settlement is recorded
W.P.No.104324/2015	108/2011	13.04.2012
W.P.No.105325/2015	04/2012	Record of failure of conciliation and directed to be clubbed with O.P.108/2011
W.P.No.105326/2015	05/2012	Record of failure of conciliation and directed to be clubbed with O.P.108/2011 as per order dated 11.06.2012 and proceeded with

61. All these writ petitions have been filed calling in question the order passed on 31.12.2014 disposing off O.P.Nos.108/2011, 04/2012 and 05/2012 by way of a common order allowing the petitions and granting compensation.

62. The factual matrix is the same as in the petitions at Sl.No.1 and 2. Claim petitions had been filed seeking compensation for loss caused due to damage to the sugarcane crop by fire accident that occurred due to

brushing of the electric supply overhead lines resulting in sparks which fell on the crops and damaging it. The Revenue Inspector has drawn up mahazars, Ex.P3 and Ex.P4 (in O.P.No.108/2011) recording damage to the crops by fire quantifying the loss by way of damage to the sugarcane crop. The report of the Fire Station at Ex.P15 is also an important piece of evidence that fortifies the conclusion regarding the occurrence of the fire accident. Further, it is pertinent to note that the official of HESCOM has been examined as RW.1 and has relied on the same documents as produced in O.P.No.15/2012 and the oral evidence adduced is on the same lines. He has admitted his visit to the site of accident on 24.01.2011. All these aspects have been taken note by the Permanent Lok Adalat while passing the impugned order. Accordingly, no ground is made out for interference with the impugned order as regards O.P.No.108/2011 (W.P.No.104324/2015).

63. Insofar as the orders passed in O.P.No.04/2012 and 05/2012, it is noticed that matters were set out for

conciliation when both matters were directed to be clubbed along with O.P.No.108/2011. There is no record of failure of conciliation in both the disputes till the date it was directed to be clubbed with O.P.No.108/2011. Proceedings have been proceeded on merits and order has been passed.

64. In light of the discussion at supra, the matter could not have been taken up on merits without recording failure of conciliation and accordingly the impugned orders passed in O.P.No.04/2012 and 05/2012 are wholly without jurisdiction and such lapse cannot be condoned though the courts sympathies are with the claimants. The impugned orders are set aside, the matters are remanded for fresh consideration. In light of the peculiar facts of the case and noticing that the impugned order in O.P.No.108/2011 is upheld and that common evidence has been recorded in O.P.Nos.04/2012, 05/2012 and 108/2011, the Permanent Lok Adalat after exploring the possibility of settlement, if it were to come to the conclusion that settlement has failed, parties may be at liberty to adopt the evidence already led

without requiring to lead fresh evidence. The Permanent Lok Adalat could then proceed to dispose off the matter.

Serial No.4

W.P.No.100959/2015 and W.P.No.100960/2015

Details regarding recording of failure of settlement

Writ Petition Number	O.P. Number	Date on which failure of settlement is recorded
W.P.No.100959/2015	80/2012	09.04.2013
W.P.No.100960/2015	81/2012	09.04.2013

65. These writ petitions have been filed by HESCOM challenging the orders passed in O.P.No.80/2012 and O.P.No.81/2012, whereby the petitions were partially allowed granting compensation for loss caused to the sugarcane crop of the farmers.

66. The claims have arisen due to the loss of sugarcane crop as a result of fire caused by the electric

sparks emanating from the overhead electric lines on 09.02.2011.

67. The Permanent Lok Adalat at the outset has recorded the preliminary finding that efforts were made to conciliate and settle the matter at Para 6 of the impugned order before taking up the matter for adjudication.

68. The Permanent Lok Adalat has taken note of the mahazars prepared at Ex.P13 (prepared on 12.02.2011) and Ex.P14 (prepared on 09.02.2011) in the presence of the Village Accountant both of which record the extent of loss to the sugarcane crop.

69. It is to be noticed that Ex.P14 was prepared on the same day of the incident by the Government Official. The Permanent Lok Adalat has rightly relied on the said documents to arrive at a conclusion regarding occurrence of the incident.

70. As regards the contention of the petitioner herein with respect to non-adherence to the procedure of reporting

the accident in terms of Section 161 of the Electricity Act as well as the defence of the Power Supply Company as regards its liability, the said matters stand decided as per the discussion on point (D) supra.

71. As regards the loss to the sugarcane crop the average yield is taken as 40 tons per acre and the rate of procurement of sugarcane is taken as Rs.1800/- per ton. Both such conclusions as regards output and rate being a finding of fact do not call for interference.

72. The Permanent Lok Adalat has given credit to the amount received by the land owner from the factory before quantifying the loss to the sugarcane crop. As regards the claimant in O.P.No.80/2012 and such finding being one of fact, this court does not deem it appropriate to interfere with such finding arrived at on the basis of material available regarding supply of sugarcane to the factory. The only other contention relates to delay in invoking the provisions of Chapter VI-A of the Legal Services Authorities Act. However, both claims are initiated in the year 2012

whereas the incident giving rise to cause of action has arisen in 2011. The claims are within the time prescribed under Article 113 of the Limitation Act and cannot be stated to be barred by law. Accordingly, no ground is made out for interference with the order of the Permanent Lok Adalat in exercise of jurisdiction under Article 226 and 227 of the Constitution of India in both the matters and the petitions are dismissed.

Sl.No.5

W.P.No.104428/2014

73. The Power Supply Company has challenged the award of the PLA whereby the PLA has granted compensation of Rs.1,60,000/- with interest at the rate of 6% per annum from the date of the petition till realisation of the amount, being the compensation for loss caused to the sugarcane crop due to the fire accident attributed to the spark emanating from the 11 KV electric supply line maintained by the respondent Company.

74. The facts as made out in the claim petition is that the petitioner had grown sugarcane which was ready for harvest and that on 13.01.2013 at about 1.00 p.m., due to the electric spark emanating from the electric supply line passing over his land ,the sugarcane crop in an area of 2 acres was burnt and damage was caused to the pipes in the said accident.

75. The claim petition has been resisted by the respondent by denying the accident, and contending that the report of the electrical inspector would make it clear that spark from the said wire resulting in the fire accident was as a result of heavy winds leading to a jump in the 11 KV line becoming loose. Hence it is contended that the accident was an "Act of God". The PLA after taking note of the material on record has allowed the petition and awarded compensation.

76. At the outset it is to be pointed out that the PLA has recorded that efforts for conciliation have failed at para 5 of the impugned order. The proceedings of the PLA also

records on 28.12.2013 that efforts for conciliation have failed. In light of the discussion at point (A) supra, it is clear that the PLA had power to decide once conciliation has failed.

77. The PLA has taken note of the complaint filed before the police authority at Ex.P2, the detailed panchanama at Ex.P3, report of the Police authorities to the Tahasildar at Ex.P4, report of the fire department at Ex.P7, and the report of the Electrical Inspector at Ex.R3 and has recorded the finding that there was indeed a fire accident causing loss to the sugarcane crop.

78. The contention regarding negligence has been negatived, even otherwise the defence of "act of God" is no longer available to be pleaded by the Power Supply Company in light of the considered discussion on point (C).

79. The PLA has taken note of the average production of 40 tons per acre and also that the price of sugarcane supplied to government run factories was

Rs.2,000/- per ton for the crop for the year 2010-11 and has quantified the compensation at Rs.1,60,000/-.

80. Perused the lower court records available in the file. There is no serious dispute as regards to the occurrence of the accident. The second respondent in the statement of objections filed before the PLA at para 12 has stated that the electrical inspector's report reveals, of accident being caused by the spark as one jump from the 11 KV line had become loose. This by itself amounts to an admission as regards to the occurrence of the fire accident. That apart, the material on record that has been taken note of by the PLA which includes the complaint made to the police authority Ex.P2, the detailed panchanama at Ex.P3, report of the Police authorities to the Tahasildar at Ex.P4 and report by the office of the Fire Brigade at Ex.P7. In fact, the report of the electrical inspector marked as Ex.R3 is self-explanatory and points out to the spark emanating from the supply line of the respondent-Company. Accordingly the

conclusion as regards to occurrence of the accident is well-founded and does not call for any interference.

81. As regards the quantification of loss in monetary terms, the average yield of 40 tons per acre that has been taken has been accepted by the PLA in other matters, while the procurement rate is taken as Rs.2,000/- which is also reasonable considering that the rate of Rs.1,800/- per ton has been taken note of as the procurement price for the sugarcane crop for the year 2011. The extent of land is taken note of by placing reliance on Ex.R3. All such findings are on the basis of documents and evidence available on record and this court finds no reason to interfere with such findings. Accordingly the petition is dismissed. It is to be noted that the entire amount awarded by the PLA along with accrued interest had been deposited before this court and the said amount has been withdrawn.

Sl.No.6**W.P.No.104429/2014**

82. The Power Supply Company has challenged the award of the PLA whereby compensation of Rs.3,20,000/- has been awarded towards damage to the sugarcane crop due to fire accident attributable to a spark from the overhead electric lines of the Power Supply Company.

83. It is made out in the petition that on 16.01.2012 due to fire accident as referred to above the sugarcane crop was destroyed. Police complaint was lodged, Mahazar was drawn and the fire department which had doused the fire had also issued a certificate relating to the accident and loss caused.

84. The claim petition was filed as the respondent Power Supply Company had disputed its liability and the said petition was resisted by the Power Supply Company which had taken the stand that the feeder line when it was charged was functioning in perfect condition and hence claim of negligence in not maintaining the power supply line

in good condition could not be accepted. The PLA has allowed the claim petition by its order dated 09.01.2014.

85. At the outset it is to be noted that the PLA has recorded failure of conciliation in its proceedings on 28.12.2013. Further in the common order passed by the PLA in petition Nos.134/2013, 135/2013 and 186/2013 (claim petitions before the PLA) at para 5 of the impugned order there is a specific observation that conciliation talks have failed, and it is only thereafter that matter has been decided.

86. As regards the question relating to power of the PLA to adjudicate matter on merits, the said aspect has been discussed while holding that the PLA does have power to adjudicate once conciliation proceedings have failed as per the discussion at point (A) supra.

87. The order of the PLA has been challenged in the present proceedings by the Power Supply Company contending that the proof of loss has not been sufficiently

proved, that supporting evidence as regards loss is insufficient, that the asserted loss caused and compensation sought for is disproportionate to the actual facts as revealed at the site.

88. The counsel for the Power Supply Company has also adopted arguments made by the other counsel appearing for the Power Supply Company.

89. The PLA has taken note of Ex.P2 police complaint, Panchanama as per Ex.P4, report of the Fire Brigade at Ex.P7 while coming to the conclusion relating to occurrence of the fire accident.

90. Though the Power Supply Company before the Tribunal has denied any negligence and asserts that the 11 KV feeder was in good condition, the PLA has relied on the report at Ex.R3 by the Electrical Inspector who has specifically asserted that the spark emanated from the 11 KV line which fell on the sugarcane crop causing loss to the crop upto an extent of 04 acres. It is also clearly opined

that the feeder line was more than 20 years old and that the B phase blade in the GOL was burnt and melted. Accordingly the PLA has negated the contention of the Power Supply Company regarding absence of negligence, while relying on Ex.R3. In light of the supporting material at Ex.P7 and Ex.R3, the findings of the PLA on this aspect does not call for interference.

91. Insofar as the damage to the sugarcane crop the PLA has taken the extent of sugarcane crop damaged as crop grown in an extent of 4 acres. The said finding of fact is supported by the finding recorded in Ex.R3 which is a report by the Electrical Inspector and accordingly no grounds are made out for interference as regards such factual finding.

92. As regards the quantification of loss in monetary terms, the average yield of 40 tons per acre that has been taken has been accepted by the PLA in other matters ,while the procurement rate is taken as Rs.2,000/- which is also reasonable considering that the rate of Rs.1,800/- per ton

has been taken note of as the procurement price for the sugarcane crop for the year 2011 . The extent of land is taken note of by placing reliance on exhibit R3. All such findings are on the basis of documents and evidence available on record and this court finds no reason to interfere with such findings. Accordingly the petition is dismissed. It is to be noted that the total compensation amount has been deposited before this court on 22.04.2014 and the said amount has been withdrawn by the claimants.

Sl.No.7

W.P.No.104430/2014

93. The Power Supply Company has challenged the award of the PLA granting compensation to the claimant towards loss of sugarcane crop due to the fire accident resulting from spark emanating from overhead electric supply line.

94. The facts as made out in the petition is that the petitioner had grown sugarcane crop in an extent of 5 acres

and on 18.02.2011 at about 5 p.m., due to a spark emanating from the overhead electric supply lines running across the petitioners property the sugarcane crop ready for harvest caught fire resulting in its destruction along with 30 pipes and sprinklers. It is submitted that the Fire Brigade arrived and extinguished the fire. The subsequent claim by the claimant made to the respondent Power Company not being honoured claim petition is filed.

95. The claim petition was objected to by denying all the factual assertions made while specifically adverting to the report of the electrical inspector, it was contended that the claimant was himself guilty of violating the Indian Electricity Rules, 1956 by growing crops in the area of 1.5 meters around GOS structure. It was also contended that the Electrical Inspector had opined that the incident was due to "act of God".

96. At the outset it must be noted that the PLA in its impugned order at para 5 has recorded the finding that conciliation proceedings had failed. Even in the daily record

of proceedings the PLA has recorded on 28.12.2013 regarding failure of the conciliation proceedings.

97. As regards the contention that the PLA does not possess the power to decide, the said aspect has been adverted to and it has been held that the PLA has power to decide as per the discussion supra as regards point (A).

98. The PLA has recorded the finding that the accident had in fact occurred and has relied upon the report of the Electrical Inspector marked as Ex.R1 as well as the certificate issued by the Fire Brigade marked as Ex.P2. In light of the material, the finding as regards occurrence of the fire accident does not call for interference.

99. As regards the cause for occurrence of accident, the PLA has rightly relied upon the report of the Electrical Inspector Ex.R1, wherein the Electrical Inspector has opined that the spark may have emanated due to the loose contact between the blade and the contacts above the insulator. Though the Electrical Inspector has opined that the claimant

is to be blamed for growing crops within the impermissible limits and also that the spark can be attributed to "act of God", the PLA has appreciated the entirety of the report and concluded that the obligation of the Power Supply Company was such that liability is still to be fastened. The PLA has rightly observed that the causation for the accident is due to the spark emanating from the "B Phase Blade of the GOS Unit" and that the report would reveal that the defect was rectified by giving bypass connection. Such conclusion of the PLA does not call for interference in exercise of the limited jurisdiction of review being exercised in the present proceedings.

100. Insofar as quantification of loss of sugarcane crop is concerned the PLA has quantified the loss by taking the average output from 1 acre of sugarcane as 40 tonnes and rate has been arrived at by taking note of the Government procurement price as noted in the conclusion arrived at as regards the quantification of monetary compensation in the orders passed in W.P.No.104428/2014.

I find no reason to disagree with such conclusion accordingly the petition is dismissed. It is to be noted that the entirety of compensation was deposited before this court as per the order passed on 07.04.2014 and the compensation amount has been withdrawn.

Sl.No.8

**W.P.No.114653/2015, W.P.No.114654/2015,
W.P.No.114655/2015, W.P.No.114656/2015
W.P.No.114657/2015, W.P.No.114659/2015 and
W.P.No.114658/2015**

101. The Power Supply Company in all these matters have challenged the award of the PLA passed in PLA petition Nos. 216/2014, 217/2014, 218/2014, 219/2014, 220/2014, 221/2014 and to 222/2014, whereby compensation was granted to the farmers who had suffered loss of the sugarcane crop by fire due to electrocution. It was alleged that the electric supply lines passing over their lands being old and not properly maintained by the respondents came in contact with each other resulting in a spark leading to a fire of the sugarcane crops and destruction of the same. It is

also alleged that various fruit bearing and other trees and pipes installed in the lands were also burnt.

102. It was asserted that on 10.02.2014 at about 11 a.m., in the morning, the electric wires brushed against each other causing spark leading to the fire accident. It is stated that the claimant in PLA petition No. 216/2014 had lodged a police complaint on behalf of all the land owners. The claimants had estimated production of 50 tons of sugarcane per acre and had sought the procurement price to be fixed at Rs.2,500/- per ton and accordingly claim petition was filed with some of the claimants also estimating loss due to damage to the fruit bearing trees and pipes.

103. At the outset it is to be noted that the PLA has observed at para 7 of the impugned order that conciliation was not possible in light of the defence put forth by the Power Supply Company and has recorded failure of conciliation and has proceeded to decide the matter.

104. The Power Supply Company in all these matters has filed objections on the same lines, while denying the averments of the petition including the averment relating to the average production and procurement price of the sugarcane. It is specifically asserted that there was no possibility of the electrical wire coming in contact with each other. It was further asserted that there was no entry in the logbook regarding feeder trip on verification of the book maintained at the sub-electric Centre. Accordingly it is asserted that electric short-circuit could not be the reason for the fire accident.

105. The claimant's have led in evidence, the eyewitnesses to the said incident have been examined as PW.3 and PW.4. A common police complaint at Ex.P7 in PLA 216/2004 has been marked and copy of the said complaint has been addressed to the Assistant Executive Engineer, HESCOM. The claimant's have also relied upon spot panchanama drawn up by the police authorities.

106. In these matters, the Assistant Executive Engineer, HESCOM has filed similar affidavits and has been examined as RW-1, wherein apart from a denial of the averments in the petition the same assertion as made in the statement of objections has been reiterated.

107. Insofar as the cause of accident is concerned the PLA has relied on the evidence of PW-3 and PW-4 who are the eyewitnesses who have deposed that fire was caused due to the spark emanating from the electric lines. The PLA has further observed that the names of PW-3 and PW-4 have been specifically mentioned in the police complaint at Ex.P5 at the earliest point of time and hence has assigned due credibility to the said version of the eyewitnesses. The PLA has rejected the contention of the respondents that they were intimated of the accident only on 19.02.2014 and 20.02.2014, and has concluded that the claimants have informed the concerned police as per Ex.P5 on the date of the incident i.e., 10.02.2014. The reasons assigned for coming to such conclusion as spelt out in para 23 is based

on sound reasoning and does not warrant any interference in exercise of writ jurisdiction.

108. Insofar as the report at Ex.R1 which points out that the fire accident could not be attributed to the Power Supply Company, the PLA has observed that RW-1 had visited the spot only on 20.02.2014 10 days after the incident and there was no material to demonstrate that any of the officials of HESCOM had visited the spot on 10.02.2014 when intimation of the incident was given to the authorities and the said delay of 10 days in visiting the spot would result in assigning no evidentiary value to Ex.R1 to R4.

109. On similar lines the evidence of PW.2 the Electrical Inspector has been rejected by noting that he visited the spot 11 days after the incident and on the basis of his answers in the cross-examination to the effect that within the said period of 11 days there was a possibility of replacing the fuse of the transformer and the LT Electric lines. Such conclusion by the PLA on appreciation of the

evidence on record and taking note of relevant facts does not call for interference.

110. The PLA after elaborate discussion and taking note of the contents of Ex.P5-police complaint, report of the concerned police as per Ex.P7, spot panchanama at Ex.P8 and taking note of the corroborating evidence has concluded that the fire accident was due to the spark emanating from the electric supply lines. As regards such conclusion being arrived at on the basis of appreciation of material on record, no grounds made out for interference.

111. As regards the question of negligence it is clear as per the discussion at point (C) supra that the liability of the Power Supply Company cannot be avoided by taking up any defence.

112. Coming to the concluding part relating to quantification of damages the average output is taken as 44 tons per acre taking note of the conclusion arrived by the PLA in petition No.135/2012 decided on 04.07.2013 and the

price of sugarcane is taken at Rs.2,500/- per metric ton in light of the notification of the State Government dated 23.11.2013 which has been accepted and compensation is directed to be paid in accordance with the said notification as per the order passed in W.P.No.54865-54867/2013 and connected matters. Though it is noticed that as regards claim petitions filed in the year 2012 average output is taken as 40 tons and rate at Rs.1,800/- per tonne, in light of the present claim being of the 2014 variation in the output as well as price of sugarcane taken by the PLA cannot be faulted and such conclusion does not call for interference. Accordingly the petitions are rejected and the Power Supply Company is directed to satisfy remaining portion of the award after taking note of the deposit and withdrawal of 75% of the award amount in all the matters.

Sl.No.9

W.P.No.107375/2015

113. The writ petition is filed by HESCOM challenging the order passed on 29.03.2014 in O.P.No.45/2013 partly

allowing the claim petition and granting compensation of Rs.2,08,000/-. The PLA has recorded that settlement has failed in its proceedings on 16.07.2013.

114. The claim petition was objected to by denying all the factual assertions made while specifically contending that there was no negligence and liability on part of the respondents and disputing the occurrence of the incident.

115. As concluded supra that non-compliance of procedure prescribed u/s 161 of Electricity Act would not arise in case of loss to property due to an accident in the case of destruction of sugarcane crop as per the discussion at point (D). Further as concluded supra at point (A), the PLA had power to adjudicate. The impugned order is subjected to scrutiny to examine if grounds are made out for judicial review in light of the guidelines in **Surya Dev's** case.

116. The petitioner before the PLA is stated to have owned land in Belavadi Village. It is stated that on 22.02.2011 at about 3.30 p.m., the wires of the TC got

connected to each other resulting in electric sparks which fell on the sugarcane crop and the crop caught fire.

117. Despite issuance of legal notice regarding the claim, on failure of the Power Supply Company to respond to the request of land owner, petition has been filed before the PLA and the PLA has allowed the petition granting compensation.

118. A perusal of judgment would reveal that PLA has relied on the report of the Deputy Electrical Inspector marked as per Ex.R2, which categorically states that the fire incident has taken place on 22.02.2011 at about 4.00 p.m. The investigation of the Electrical Inspector has been done on 26.02.2011 who has found that sugarcane crop grown in 2 acre 30 guntas has been burnt.

119. Point No.1 framed by the PLA deals with the occurrence of the fire incident by sparks from the electrical wires. The PLA has relied on evidence of PW1, Ex.P2 (spot panchnama), deposition of RW1, Ex.R2 and found in the

affirmative regarding the occurrence of the fire accident causing loss to the sugar cane crop.

120. Point No.2 framed by the PLA deals with the contention as to whether the accident was caused due to negligence of the Power Supply Company. The PLA has relied on Ex.R2 report of Deputy Electrical Inspector which states that due to heavy winds, the 63 KV electric wires brushed against each other resulting in short circuit emanating sparks which fell on the dry sugarcane crops resulting in the fire accident. The report concludes that the Power Supply Company has violated Rule 29 of Indian Electricity Rules, 1956. Further the said report has remained unchallenged and unquestioned by the HESCOM. Therefore, the PLA has arrived at a finding that there was negligence on part of the respondents. Hence the said finding cannot be stated to be perverse, calling for interference.

121. Insofar as the award of compensation considered by the PLA at point No.3 and 4, compensation has been calculated at the rate of Rs.1,800/- per ton by accepting the

valuation so made in the earlier matters pertaining to the year 2011. By relying upon the report at Ex.R2, the loss of sugarcane crop is calculated for the entire extent of 2 Acres 30 guntas. The average yield per acre is taken as 40 tonnes and there is no reason to disagree with the rate of sugarcane per ton or with the average yield per acre as determined by the PLA which has been taken note of by the PLA in other matters as well. It is also seen that the PLA has relied upon the report of Electrical Inspector (Ex.R2) while quantifying the loss caused to the sugarcane crop. As regards the allegation of supply of burnt sugar to the factory, the respondent has failed to produce the evidence by summoning records from the factory or led any other evidence to substantiate such defence and hence, the aforesaid contention is rejected. Such determination cannot be stated to be perverse calling for interference under Article 226 and 227 of the Constitution of India.

Sl. No.10**W.P.No.85394/2013**

122. The writ petition is filed by HESCOM challenging the order dated 24.08.2013 passed in O.P.No.26/2011 allowing the claim petition and granting compensation of Rs.1,08,000/-.

123. The facts as made out in the petition is that both the petitioners had grown sugarcane crop in their lands, that electrical wire and cable TV wire is passing over their lands and the cable TV wire was fixed to the electric pole and on 09.09.2010 at about 1.35 p.m., the electrical wire and cable TV wire which were passing over their lands got short-circuited emanating sparks which fell on the crops, due to which there was fire which burnt the entire sugarcane crop.

124. The claim petition was objected to by denying all the factual assertions while specifically contending that there was no negligence and no liability on the part of the respondents No.1 to 4 (Power Supply Company) and that the respondent No.5, Cable TV owner is responsible for the

incident. It was also contended that the respondent Power Supply Company had issued notice to the Respondent no.5 (Cable TV owner) to remove the illegal attachment of Cable TV wire to the electric pole.

125. The Permanent Lok Adalat at the outset has recorded a preliminary finding that efforts were made to conciliate and settle the matter as found in Para 5 of the impugned order, and has recorded that conciliation proceedings had failed before proceeding further.

126. The PLA has recorded the finding that the accident had in fact occurred due to short circuit when the Cable TV wire came in contact with electrical wire and has relied upon the documents such as spot panchanama marked as Ex.P6, FIR by Athani PS marked as Ex.P3. The statement of Section officer was marked as Ex.P16 and the report of the Electrical Inspector was marked as Ex.R1. By placing reliance on the above said material and evidence the PLA has allowed the petition.

127. Perused the records available in the file. Ex.P8 and P9 would clearly indicate that the Power Supply Company had knowledge of the alleged illegal attachment of the Cable TV wire to the electrical wire pole. It is pertinent to note that RW1 in his cross-examination admits that when electric live wires and cable wire 'clash with each other', spark may be caused. Further during the deposition of RW2, the PLA has rightly questioned the Electrical Inspector as to whose responsibility it is to remove illegal attachments from electrical pole used to carry electrical wires, and in response to such query, RW2 has answered stating that it is the responsibility of HESCOM. Therefore, it is pointed out by the PLA that it was the duty of HESCOM to remove the illegal cable wires once it came to their knowledge and it is such negligent attitude of the respondents which has resulted in the accident. Such approach of the PLA does not call for interference.

128. Insofar as the damage to the sugarcane crop the PLA has taken the extent of sugarcane crop damaged as crop grown in an extent of 1 Acre 20 guntas. The said

finding of fact is based on the report by the electrical inspector marked as Ex. R1.

129. As regards the loss to the sugarcane crop, the average yield is taken as 40 tonnes per acre and the rate of procurement of sugarcane is taken as Rs.1,800/- per ton by accepting the valuation so made in the earlier matters pertaining to the year 2011. There is no reason to disagree with the rate of sugarcane per ton or with the average yield per acre as determined by the PLA. The PLA has quantified the compensation at Rs.1,08,000/-. Both such conclusions as regards output rate and damages suffered being finding of fact, no ground is made out for interference.

Sl.No.11

W.P. No.105842/2014 and W.P. No. 105843/2014

130. These writ petitions have been filed by HESCOM challenging the judgment passed on 17.01.2014 disposing off O.P.Nos.80/2011 and 81/2011 by way of a common order allowing the petitions in part and granting compensation.

131. The Permanent Lok Adalat at the outset has recorded a preliminary finding that efforts were made to conciliate and settle the matter at Para 7 of the impugned order before taking up the matter for adjudication.

132. The factual matrix is that the claim petitions have been filed seeking compensation for the loss caused due to damage to the sugarcane crop by fire accident that occurred on 07.03.2011 due to brushing of the 11KV electric supply overhead lines resulting in sparks which fell on the crops causing damage.

133. The Claimants have produced various documents in support of their claim and have produced the report drawn up by the Deputy Electrical Inspector, spot mahazar and statement of officials.

134. The Permanent Lok Adalat has taken note of and have strongly relied on the oral evidence and report at Ex.R5 (prepared by RW2 Deputy Electrical Inspector Belgaum) and evidence of RW.1, both of which acknowledge

occurrence of the fire incident and the loss to the sugarcane crop.

135. A bare perusal of the judgment would reveal that the report as per Ex.R5 prepared by RW2 (Deputy Electrical Inspector) categorically states that he had inspected the spot on the very next day of the incident and that both the respondents and the officials of the Power Supply Company were present at the time of spot inspection. RW2 has clearly stated that the petitioners had violated Rule 29 of the Electricity Rules 1956 and has attributed negligence to the petitioners herein. By placing reliance on the above said material and evidence, the PLA has allowed the claim petitions.

136. Perused the lower court records. There is no serious dispute as regards to the occurrence of the incident. The report of the Electric Inspector (Ex.R4) would reveal that the accident had occurred on 07.03.2011 at 12.30 p.m., and includes the name of the claimants as one of the injured parties. The report further states that the accident

occurred due to technical error in the connection of wire which caused sparks from the 11 KV line and the sparks fell on the surrounding dry grass which resulted in the fire incident. The report further reveals that there was clear violation in terms of Rule 29 of the Electricity Rules 1956, that the surrounding 25 acres and 20 guntas land was enveloped in the fire accident. Hence there is no need to interfere with the findings of PLA.

137. As regards the loss to the sugarcane crop, the average yield is taken as 40 tonnes per acre and the rate of procurement of sugarcane is taken as Rs.1,800/- per ton. The PLA has considered various other expenses and damages based on the factual findings and has quantified the compensation at Rs.5,10,000/- in O.P.No.80/2011 and Rs.1,95,802/- in O.P.No.81/2011. In so far as O.P. No.81/2011 is concerned, appropriate deduction has been made as regards burnt sugarcane. Both such conclusions as regards output rate and damages being finding of fact, no grounds are made out for interference.

Sl.No.12**W.P.No.104033/2014, W.P.No. 104034/2014,****W.P.No. 104035/2014 and W.P.No. 104036/2014**

138. These writ petitions have been filed by HESCOM challenging the order dated 20.07.2013 disposing off O.P.Nos.18/2011, 19/2011, 20/2011 and 21/2011 by a common order allowing the petitions in part and granting compensation.

139. The Permanent Lok Adalat at the outset has recorded a preliminary finding that efforts were made to conciliate and settle the matter at Para 13 of the impugned order, and on failure of such effort, adjudication has been proceeded with.

140. The factual matrix is that the claim petition had been filed seeking compensation for loss caused due to damage to the sugarcane crop by fire accident that occurred on 08.01.2011 at 11.00 a.m., due to brushing of the electric supply overhead lines resulting in sparks which fell on the crops and damaging it.

141. The claim petitions were objected to by denying all the factual assertions made while specifically contending that there was no negligence and hence, no liability on part of the respondents, while also disputing the occurrence of the incident.

142. The PLA has recorded a finding that the accident had in fact occurred due to short circuit of the electrical lines and has relied upon depositions of RW.1 and RW.2, accident certificate issued by fire station officer marked as Ex.P3, Ex.P4 being the report of RW.1, letter written by RW1 to RW2 marked as Ex.R4, report of lineman marked as Ex.R5, letter written by Deputy Chief Electrical Inspector marked as Ex.R6 and report of the Electrical Inspector marked as Ex.R7. By placing reliance on the above said material and evidence the PLA has allowed the claim petitions.

143. Perused the lower court records. Ex.P3, report of the Fire Station Officer would clearly reveal that on 08.01.2011 at 11.09 a.m., the fire incident has occurred. The report of RW1, as per Ex.P4 reveals that grown

sugarcane crops coming in contact with the LT wire and upon wires coming in contact with each other due to wind, short circuit has occurred and caused burning of the crops. Moreover the said cause for the accident is accepted by RW1 during the cross-examination.

144. Similarly Ex.R6 and R7 points out the occurrence of the fire incident. The report of the Electrical inspector as per Ex.R7 points out that the accident has taken place due to the negligence of the respondents and the respondents have violated Rule 29 of Indian Electricity Rules, 1956. The PLA has concluded on the basis of such facts and material that the fire incident has taken place due to negligence on part of the respondents.

145. Insofar as the damage to the sugarcane crop, the PLA has taken the extent of sugarcane crop damaged as per the materials placed before PLA marked as Ex.R6 and Ex.R7 which reveals the amount of damage caused in the fire accident. Regarding the burnt sugar being lifted by sugar factories, the PLA has placed its reliance on Ex.R3.

146. As regards the loss to the sugarcane crop, the average yield is taken as 35 tonnes per acre and the rate of procurement of sugarcane is taken as Rs.1,800/- per ton by accepting the valuation so made in the earlier matters pertaining to the year 2011. The PLA has quantified the compensation at Rs.1,89,000/- for PW.1; Rs.1,26,000/- for PW.2; Rs.20,262/- for PW.3 and Rs.63,000/- for PW.4. Both such conclusion as regards output rate and damages suffered being finding of fact, no grounds are made out for interference with such finding of fact.

Sl.No.13

W.P. No. 107376/2015 & 107377/2015

147. These writ petitions have been filed by HESCOM challenging the order dated 30.01.2014 passed in O.P.Nos.106/2011 and 107/2011 whereby the petitions were allowed in part by granting compensation.

148. The Permanent Lok Adalat at the outset has recorded a preliminary finding that efforts were made to

conciliate and settle the matter at Para 6 of the impugned order before taking up the matter for adjudication.

149. The factual matrix is that claim petitions have been filed seeking compensation for the loss caused due to damage to the sugarcane crop by a fire accident that is stated to have occurred on 21.01.2011 due to brushing of the electric supply overhead lines resulting in sparks which is stated to have fallen on the crops leading to a fire accident and resulting in loss.

150. The claim petition was objected to by denying all the factual assertions made while specifically contending that there was no negligence and liability on part of the respondents and who also disputed the occurrence of the incident.

151. The Permanent Lok Adalat has taken note and relied on the oral evidence of PW1, PW2, and PW3. The PLA has also placed reliance on Ex.P3 which is the certificate issued by the officer of the Fire Station at Soundatti which reveals that the fire fighters were sent to extinguish fire on

the lands of PW.1 and PW.2. It has disbelieved the evidence of RW.1 after assigning reasons and observing various contradictions in the cross-examination.

152. On perusal of the judgment it would reveal that the fire accident occurred due to the sparks that emanated from the H.T. wires. The PLA adopts the principle of strict liability while holding the respondents liable.

153. With respect to the extent of loss caused to the sugarcane crop, the PLA has relied on the RTC's produced as Ex.P15, P.25 to P.27 which indicates that PW2 and the petitioners in O.P.No.106/2011 had grown sugarcane in 8 acres which evidence has not been rebutted. As regards PW1, though there were no entries in the RTC, reliance has been placed on Panchanama (Ex.P2) and it was concluded that PW1 had grown sugarcane crop.

154. Such finding of fact and appreciation of evidence not being perverse, no ground is made out for interference. In fact, the PLA has also made a fair deduction from

compensation to be awarded to PW2 by placing reliance on Ex.R2 which indicates that sugarcane was supplied by PW2.

155. As regards the loss to the sugarcane crop the average yield is taken as 40 tons per acre and the rate of procurement of sugarcane is taken as Rs.1,800/- per ton by accepting the valuation so made in the earlier matters pertaining to the year 2011. The PLA has quantified the compensation at Rs.4,07,131/- in O.P.No.106/2011 and Rs.2,17,000/- in O.P.No.107/2011. Such conclusion as regards output, rate and damages suffered being a finding of fact, no ground is made out for interference.

Sl.No.14

W.P.No.107378/2015

156. The writ petition is filed by HESCOM challenging the order passed on 11.04.2014 in O.P.No.11/2012 allowing the claim petition and granting compensation of Rs.2,36,000/-.

157. On 30.07.2012, the PLA has recorded that settlement has failed and then proceeded with the matter.

158. The claim petition was objected to by denying all the factual assertions made while specifically contending that there was no negligence and liability on the part of the respondents and disputed the occurrence of incident.

159. The petitioners before the PLA are stated to have owned land bearing R.S.No.80/1 of Holi-Hosur village in Bailhongal Taluk. It is stated that on 17.12.2010 at about 5.00 p.m., electric sparks were generated at Dolo section of the transformer which fell on the sugarcane crop grown in the agricultural land bearing R.S.No.80/2 resulting in fire and the fire spread to petitioners' land which resulted in fire accident.

160. The PLA has recorded a finding that the accident had in fact occurred due to short-circuit by placing reliance, on depositions of PW.1 (petitioner No.2) and RW.2-Electrical Inspector and report of the Chief Electrical Inspector as per

Ex.R2. By placing reliance on the above said material the PLA has allowed the claim petition.

161. On perusal of the judgment it would reveal that the PLA has placed strong reliance on deposition of RW.2-Electrical Inspector and Ex.R2. The Electrical Inspector visited the spot of incident on 20.12.2010 and has prepared a report marked as Ex.R2 which clearly reveals that on 17.02.2010 at about 5.00 p.m., due to strong wind, electrical wires brushed against each other emanating sparks from DOLO Section at 63 KV transformer which fell on sugarcane crop resulting in fire accident. The report further states that the incident occurred due to negligence of the respondents and a finding has been recorded that the respondents have violated Rule 29 of the Indian Electricity Rules, 1956. Hence the PLA has come to the finding that the fire incident is the outcome of short-circuit and as a result there was loss of sugarcane crop while attributing negligence on the part of HESCOM.

162. Insofar as the damage is concerned, the PLA has placed reliance on Ex.P1-Record of Rights which mentions that petitioners were growing sugarcane crop. PW1 has admitted in his cross-examination that about 60 tons of burnt sugarcane was sent to sugar factory and 50% of the total value was deducted by the sugar factory. The said aspect has been taken note of while quantifying the compensation.

163. As regards the loss to the sugarcane crop the average yield is taken as 40 tons per acre and the rate of procurement of sugarcane is taken as Rs.1,800/- per ton by accepting the valuation so made in the earlier matters pertaining to the year 2011. The PLA has quantified the compensation at Rs.2,36,000/-. Both such conclusion as regards output rate and damages suffered being a finding of fact, no ground is made out for interference with such finding.

Sl.No.15**W.P. No. 106830/2016**

164. The writ petition is filed by HESCOM challenging the order dated 11.04.2016 passed in O.P. No.119/2014 allowing the claim petition and granting compensation of Rs.3,55,000/-.

165. The claim petition was objected to by denying all the factual assertions made while specifically contending that there was no negligence and hence, no liability on the part of the respondents while disputing the occurrence of the incident.

166. The factual matrix of the case is that the petitioner before PLA is stated to have owned land measuring 4 Acres 34 Guntas in R.S.No.146/6, 146/7 and 146/9. It is asserted that on 10.01.2014 at about 2.30 p.m., due to negligence of the respondent authorities, the electric wires drawn over lands of petitioner brushed against each other emanating sparks and the wires which were connected to the T.C. fell on the sugarcane crop resulting in

the fire accident. As a result, entire sugarcane crop and mango trees and coconut trees grown in the land were completely burnt.

167. The PLA at the outset has recorded a preliminary finding that there were no possibility of settlement at para 5 of the impugned order before taking up the matter for adjudication.

168. The PLA has recorded a finding that the accident had in fact occurred due to short-circuit by placing reliance on the evidence and cross-examination of PW1. It has further recorded a finding that even in the absence of investigation report of Electrical Inspector, the petitioner is entitled to prove the case.

169. A bare perusal of the judgment would reveal that the petitioner has neither intimated the respondents in writing nor has issued a notice. The respondent (HESCOM) upon receiving the claim notice on 02.04.2014, has failed to comply with provisions of Rule 161 of the Electricity Act, 2003 by not informing the Electrical Inspector to conduct

spot inspection and prepare a report. The PLA has recorded that RW.1-Maruthi Pundalik Bhovi, Section Officer, HESCOM has been reckless as even after intimation of the incident by way of legal notice, he has not intimated the same to the higher authorities. Placing reliance on the above mentioned facts the PLA has concluded that the fire accident was caused due to brushing of High tension wires emanating sparks resulting in fire and burning of crops.

170. Insofar as the damage is concerned, the PLA has placed reliance on the deposition of PW.1 and relied on Ex.P2 and Ex.P12, Panchanamas. While Ex.P2 refers to the burning of the sugarcane crop, mango trees and coconut trees, Ex.P12 drawn in the presence of the Village Accountant and Revenue Inspector indicates the extent of damage and approximate loss caused. Accordingly, the conclusion arrived at on the basis of the aforesaid Panchanamas cannot be disturbed, notwithstanding the absence of any report by the Electrical Inspector which does not disentitle the claimants to claim compensation. It has further taken note of the letter submitted by the sugar

factory which states that no burnt sugarcane was lifted by the factory.

171. As regards the loss to the sugarcane crop the average yield is taken as 40 tonnes per acre and the rate of procurement of sugarcane is taken as Rs.2,000/- per ton by accepting the valuation so made in the year 2014. The PLA has quantified the compensation at Rs.3,55,000/-. Both such conclusion as regards output rate and damages suffered being a finding of fact, no legal grounds are made out for interference with the finding of fact by the PLA, accordingly, the petition is dismissed.

Sl.No.16

W.P. No. 100327/2014

172. The writ petition is filed by HESCOM challenging the order dated 04.09.2012 passed in O.P. No.24/2011 allowing the claim petition and granting compensation of Rs.83,200/-.

173. The petitioner before the PLA is stated to be the G.P.A. holder of the owner of the land bearing Sy.No.291/2

measuring 7 acres 18 guntas situated at Rainapur village. It is stated that on 04.02.2011 at about 3.00 p.m., due to brushing of the electric supply overhead lines resulting in sparks which fell on the crops causing fire and damaging sugarcane crop, coconut trees, chikku trees, mango trees and peru trees causing loss to the petitioner.

174. The claim petition was objected to by denying all the factual assertions while specifically contending that there was no negligence and hence, no liability can be fixed on part of the respondents. The Respondents contended that the petitioner is not a consumer and that the petitioner had tampered with the connection by using auto single phase converter to three phase converter of single phase electricity for irrigation purpose which resulted in the fire accident.

175. The PLA at the outset has recorded a preliminary finding that there were no possibility of settlement at Para 7 of the impugned order before taking up the matter for adjudication.

176. The PLA has recorded the finding that the fire accident occurred due to the negligence of the respondents by placing reliance on police complaint marked as Ex.P2, spot panchanama marked as Ex. P10, photographs marked as Ex.P11 to P16. It is pertinent to note that Ex.P10 is the Panchanama drawn up in the presence of the police authorities which records the version of the witnesses regarding fire accident. The conclusion arrived at by the PLA regarding the occurrence of the fire accident by reliance on Ex.P10 cannot be faulted.

177. As regards the contention that claimant's name has not been entered in the records after purchase of land from the previous owner and hence not being the consumer, the claim petition could not have been entertained, the PLA has rightly rejected the said contention.

178. The PLA has concluded though not in so many words that in the facts of the present case where the question of negligence is being determined, whether the person is a consumer or not would be of no relevance. In

fact, as per the discussion in the earlier part of this order, it is clear that a person need not be a consumer to fall within the ambit of the redressal mechanism under Section 22C of the Act. Accordingly, the said finding of the PLA also does not call for interference.

179. Insofar as the damage is concerned, the PLA has placed reliance on Ex.P11 to Ex.P16 (photographs) and Ex.R7 (bill of sugar factory). Taking into consideration the quantity of sugarcane lifted by sugar factory and documents placed before the PLA, it has concluded that the petitioner is entitled for compensation of sum Rs.83,200/- from respondents. This finding is based on the factual assertions. Accordingly, no ground is made out for interference.

Sl.No.17

W.P.No. 84288/2013

180. The writ petition is filed by HESCOM challenging the order dated 04.07.2013 passed in PLA No.135/2012 allowing the claim petition and granting compensation of Rs.7,15,000/-.

181. The Permanent Lok Adalat at the outset has recorded the preliminary finding that efforts were made to conciliate and settle the matter at Para 4 and 11 of the impugned order before taking up the matter for adjudication.

182. The facts as made out in the petition is that the petitioners have grown sugarcane crop in their lands, that 11 KV electrical wire was passing through their lands and on 24.12.2011 at about 11.00 am., the electrical wire got cut and fell on the crops emanating sparks due to which there was fire and the entire sugarcane crop along with 150 mango trees and 10 sapota trees, were destroyed in the ensuing fire.

183. The claim petition was objected to by denying all the factual assertions made while specifically contending that there was no negligence and liability on part of the respondents.

184. The Claimants have produced various documents in support of their claims and have produced the report drawn up by the Electrical Inspector, spot mahazar and statement of witnesses.

185. The PLA has placed reliance on the letter written by the petitioners to respondent no.3 as per Ex.P4, letter addressed to the Tahsildar as per Ex.P5, Newspaper report as per Ex.P6, spot mahazar as per Ex.P7, photographs of burnt crop as per Ex.P8 and the report of the electrical inspector as per Ex.P10. By placing reliance on the above said material, the PLA has allowed the claim petition.

186. A perusal of the judgment would reveal that PLA has arrived at a finding that the fire accident is attributable to the respondent (HESCOM) by strongly placing reliance on the report of the Electrical Inspector marked as Ex.P10. The report categorically reveals that on 24.12.2011 at 11.00 a.m., 11 KV electrical wire got cut and fell emanating sparks which caused fire and resulted in the fire accident. The PLA

has further concluded that the respondents have violated Rule 29 of Indian Electricity Rules, 1956.

187. Insofar as the damage is concerned, the PLA has placed reliance on Ex.P9 which reveals that the fire damaged crops grown in 08 acres of land and about 100 mango plants were burnt.

188. As regards the loss to the sugarcane crop the average yield is taken as 110 tonnes per hectare and the rate of procurement of sugarcane is taken as Rs.2,000/- per ton by accepting the valuation so made by the Government for the year 2011-2012 and the PLA has considered that the yield from petitioners land would amount to 350 tons of sugar cane. Even though there may be a marginal variation in fixing the price of sugarcane vis-a-vis other claim petitions, this by itself does not make out a case for interference. In fact the PLA has relied on the Government's fixation of price for sugarcane as is available in the public domain. Moreover, it has also considered the loss suffered as regards the mango plantation by awarding

Rs.100 per plant. The PLA has quantified the compensation at Rs.7,15,000/-. Both such conclusion as regards output rate and damages suffered being a finding of fact does not call for any interference.

Sl.No.18

W.P. No. 106898/2016

189. The writ petition is filed by HESCOM challenging the order passed on 17.03.2016 in O.P.No.13/2014 partly allowing the claim petition and granting compensation of Rs.81,000/-. The PLA has recorded that settlement has failed in para 4 of the impugned order.

190. With regard to the contention of the learned counsel for petitioner before this court that the PLA has no power and jurisdiction to entertain the claim petition, as concluded supra while considering point (A) that the PLA had power to adjudicate. The impugned order is now subjected to scrutiny to examine if grounds are made out for judicial review in light of the guidelines in ***Surya Dev's case (supra)***.

191. The facts made out in the petition is that the petitioner had grown sugarcane crop in the land bearing R.S.No.50/2 measuring 6 acres situated at Ujjankopp village, Ramdurg Taluk, Belagavi District. On 18.11.2012 at about 12.30 p.m., there was a storm and resultant friction between the electric live wires resulting in emanating sparks which fell on the sugarcane crop resulting in the crop catching fire.

192. The claim petition was objected to by denying all the factual assertions made while specifically contending that there was no negligence and liability on part of the Respondents.

193. The PLA has recorded a finding that the accident had in fact occurred due to short circuit by placing reliance on deposition of PW1 in his affidavit along with the police complaint marked as EX.P1. It has further recorded a finding that even in the absence of investigation report of

electrical inspector the petitioner is entitled and legally empowered to prove the case.

194. The PLA has recorded a finding that despite having knowledge of the occurrence of the electrical accident as per Ex.P3, the Section Officer has failed to inform the higher authorities and ask for investigation resulting in violation of Rule 44 (A) of the Indian Electricity Rules, 1956. Placing reliance on the above mentioned facts the PLA has concluded that the Section Officer failed to inform the higher authorities, which was a default on their part and concluded that the accident occurred due to the negligence on part of the respondents. The PLA has further relied on the doctrine of 'strict liability' as laid down in the case of ***M.P.Electricity Board v. Shail Kumar and Others*** reported in ***AIR 2002 SC 551***. The PLA has rightly attributed due weightage to Ex.P3 and has accordingly held in the affirmative regarding the occurrence of the accident. No case is made out for interference on such finding of fact.

195. Insofar as award of compensation for damage to the sugarcane crop which is considered at point nos.3 and 4, compensation has been calculated at the rate of Rs.2,000/- per ton by accepting the valuation so made in the year 2012 which has been taken note of by the PLA in other matters as well. The PLA has also taken into consideration the burnt sugarcane sent to factory as per Ex.P2 and taking into consideration mental shock and agony, the PLA has quantified the compensation at Rs. 81,000/- as per the discussion at Para 10 of the order. Such determination cannot be stated to be perverse calling for interference under Article 226 and 227 of Constitution of India.

(ii) **MATTERS RELATING TO DESTRUCTION OF PROPERTY**

Sl.No.19

W.P.Nos.103467/2016, 103468/2016, 103469/2016, 103465/2016 and 103466/2016

196. These petitions are filed calling in question the order passed in O.P.10/2015, 11/2015, 12/2015, 13/2015 and 14/2015 dated 08.02.2016, whereby the petitioners herein who were respondents before the PLA were directed to pay jointly and severally compensation of Rs.75,000/- to the petitioners before the Permanent Lok Adalat with interest at 6% per annum from the date of the petition till realization of the amount.

197. The facts being that the petitioners have their residential houses in various survey numbers of the village of Mulawad, Athani Taluka, Belagavi District and it is stated that there was a fire accident in the house of the petitioner Dhanapal Paris Dugge (O.P.10/2015) and the fire is stated to have spread to the other houses of the petitioners

causing loss to the property as well as to the loss of household articles.

198. It is stated that on 17.12.2013, after restoration of power supply to the house of Dhanpal sparks were generated in the service wire which led to fire in his house and it spread to the neighbouring houses destroying property.

199. The claim of the petitioners was resisted by contending that the petitioners were residing illegally in the houses that were acquired for the Hipparagi Barrage and that cause for the accident was not clear.

200. The PLA has recorded a finding at Para 5 of the order that efforts to settle cases by conciliation having failed, matter was proceeded with. Insofar as the Issue no.1 and 2, with respect to the occurrence of the accident and the attribution of negligence to the respondents, the PLA has held in the affirmative. The PLA has relied upon the evidence of eyewitnesses viz., PW.5-Kallu Annappa

Kagawade who was the neighbour of Dhanpal who has stated that he had seen the incident and also had observed that fire accident had occurred because of short circuit. The respondents had led evidence through RW.1 who had stated that he had received information from the Lineman and that he had conveyed such information to the superior officers and RW.2. RW.2 who was the Electrical Inspector during the relevant period of time had visited the place of accident after three days and hence it is observed that the delayed visit and report concluding that no definitive opinion could be given about the cause of accident could not be attached with much credence. The PLA has also observed that the non-examination of the Lineman Santhosh Talwar went against the case of the respondent as he was a material witness.

201. The statement of RW.1 and RW.2 that the electricity supply wires were about 30 – 40 years old was also taken note of, so also Rule 30(2) of the Indian Electricity Rules, 1956, which provides that service lines

placed by the supplier on the premises of the consumer are required to be protected. Accordingly, the PLA has probabalised the occurrence of the fire accident and concluded in the affirmative on Issue No.1 and 2. The PLA has also recorded a finding that though the properties of the petitioners were acquired it was established that they were in physical possession and has relied on the admission of RW.1.

202. Such finding of fact on the basis of available material and appreciation of evidence cannot be interfered with in the absence of any grounds available and made out for exercise of judicial review in light of the law laid down in **Surya Dev's case (supra)**.

203. Insofar as destruction to the property namely house structure is concerned, in light of acquisition of such properties, no compensation has been awarded. However, as regards to the destruction of household utensils, electrical gadgets such as Televisions, Refrigerators, kitchen articles, grains and apparel, the PLA has taken note of the

normal household articles that may have been destroyed and awarded global compensation of Rs.75,000/- in each case. Though the claims had detailed loss of properties to the tune of several lakhs, the conclusion arrived at by the PLA is conservative and in the light of undisputed occurrence of fire accident and conclusion that accident was due to fault in service wire, award of compensation is meagre and does not call for interference and accordingly, the petitions are dismissed.

204. The ground urged in the writ petition that there was no power to grant damages by the PLA has been answered supra while considering similar contention while upholding the power of the PLA to grant damages. The other contention raised is that the structure which was destroyed in fire was acquired has already been taken note of and no compensation has been granted as regards destruction of property. As noticed above, the contention regarding report of the Electrical Inspector has been taken note of by the PLA and conclusion arrived at on the basis of

appreciation of evidence which does not call for interference.

205. The power supply bills indicate the names of the consumers, which is sufficient to indicate the occupancy of the structures. Accordingly, the petitions are dismissed.

Sl.No.20

W.P. No. 106802/2016

206. This writ petition is filed calling in question the legality of the order passed in O.P.No.45/2014, whereby the petitioners herein who are respondents before the PLA were directed to pay jointly and severally compensation of Rs.2,00,000/-to the petitioners with interest at 6% per annum from the date of the petition till realization of the amount.

207. The facts being that the petitioners have their farm houses in R.S.No.119/2A of Diggewadi village and it is stated that there was fire accident in the farm of the

petitioners causing loss to the property as well as to household articles.

208. It is stated that on 10.11.2013 at about 2.00 p.m., two high tension electricity wires got entangled due to wind resulting in short circuit and sparks were generated which fell on the farm leading to fire, destroying the property.

209. The claim of the petitioners was resisted by contending that the petitioners had illegally constructed the house under high tension electric lines and that the accident was not due to an electric accident.

210. At the outset the PLA has recorded a finding at Para 5 of the impugned order that there was no possibility of settlement in this case by conciliation and the matter was proceeded with. Insofar as the issue No.1 and 2, with respect to the occurrence of the accident and the attribution of negligence to respondents, the PLA has held in the affirmative. The PLA has relied upon the evidence of

eyewitness viz., PW2 - Krishnappa Kedari Salagare, who had stated that on 10.11.2013 he had seen the incident and also had observed that fire accident was because of short circuit. The respondents had led evidence through RW1 who had stated that he had received information from lineman and that he had conveyed such information to the superior officers and RW2. RW2 who was the Electrical Inspector during the relevant period of time had visited the place of accident two days after the incident and observed that the fire accident in question was not due to an electric accident.

211. The PLA has also observed that the non-examination of the Lineman Basu Belleshi went against the case of the respondent as he was a material witness.

212. The PLA has taken note that nowhere in the report of RW2 marked as Ex.R1, it is stated that he had examined the wires at the spot so as to notice any marks to evidence generation of sparks. Accordingly, the PLA has probabalised the occurrence of the fire incident and concluded in the affirmative on Issue No.1 and 2. The PLA

has also recorded a finding that though the petitioner had built the houses under the High tension electric wires and violated Rule 82A(3) of the Indian Electricity Rules 1956, it was the duty of the respondents to cause a notice for removal of illegal structures and the respondents had failed to take any action against the petitioners under the said rule. Though it is stated that on the ground of violation of Rule 82A (3), there would be no absolving of liability, however the Tribunal has reduced the compensation awarded by 1/3rd, in light of violation by the claimant.

213. Such a conclusion arrived at after appreciation of evidence cannot be interfered with in the absence of any grounds available and made out for exercise of judicial review in light of the law laid down in **Surya Dev's case (supra)**.

214. Insofar as destruction of the property, the PLA has taken note of Ex.P3- Spot panchanama and considered contributory negligence attributable to the petitioners in violation of Rule 82A(3) of the Indian Electricity Rules 1956

and awarded compensation of Rs. 2,00,000/-. The conclusion arrived at by the PLA in light of undisputed occurrence of fire incident and concluding that accident was due to negligence of the Respondent authorities in not properly maintaining the high tension electricity wire passing over the farm houses. Noticing that the award of compensation is on the conservative side, the order does not call for interference and accordingly, the petitions are dismissed.

215. The ground urged in the writ petition that there was no power to grant damages by the PLA has been answered supra while considering similar contention while upholding the power of the PLA to grant damages.

(iii) MATTERS RELATING TO DISABILITY & ENHANCEMENT OF COMPENSATION :

Sl.No.21

W.P.No.69018/2012

216. The Power Supply Company has filed the present writ petition challenging the order of the PLA in

O.P.No.15/2011 whereby compensation of an amount of Rs.9,00,000/- has been awarded for the permanent disability suffered by the petitioner.

217. The facts made out in the petition are that on 10.05.2010 at about 5.00 p.m., the petitioner along with her friends while playing on the terrace of the house went to take her veil which had fallen on the main electrical wire passing in front of the house. While taking the veil the petitioner came in contact with the live wire and sustained severe burn injuries due to electrocution. After the accident, private complaint came to be filed before the Judicial Magistrate First Class, Ramadurg.

218. The claim of the petitioner is that the accident was solely attributable to the negligence of the Power Supply Company in not maintaining the electrical live wires in good condition.

219. The respondent-Power Supply Company has denied liability and contended that the incident was due to the negligence of the petitioner and the owner of the house

for illegally constructing the house by encroachment and not leaving adequate distance from the electrical main line.

220. There is no serious dispute as regards to occurrence of the accident and disability suffered by the petitioner and the said fact is supported by the documents produced and marked as exhibits which include the copies of complaint (Ex.P1), spot panchanama (Ex.P2), medical certificate (Ex.P4), certificate issued by S.D.M. Hospital (Ex.P14), photographs (Ex.P18) and disability certificate (Ex.P28).

221. At the outset the PLA has recorded a preliminary finding at paragraph 6 of the impugned order that conciliation had failed and accordingly has proceeded with adjudication.

222. The primary defence was that the suit is bad for non-joinder of necessary parties as the owner of the house was not made a party to the proceedings. However the PLA has recorded a finding by placing reliance on the judgment of the Hon'ble High Court of Gujarat in ***Gujarat State Road***

Transport Company v. Sarojben and Others reported in ***AIR 1994 GUJ 59***, that the non-joinder of party would not affect the admissibility of the petition. It was observed that the liability of the owner of the house could be proportionately apportioned and deducted and compensation could be awarded after making appropriate deduction.

223. It was further contended that the accident was caused due to the negligence of the petitioner and the owner of the house for illegally constructing the house by encroachment without permission from the concerned authority and by not maintaining adequate distance between the house and the electrical main wire. However, the PLA has placed reliance on the judgment of the Apex Court in the case of ***H.S.E.B. and Others v. Ram Nath and Others*** reported in **2005 ACJ 342 Para 6**, wherein the Apex Court has recorded a finding that '..... if they find that unauthorised constructions have been put up close to the wires it is their duty to ensure that, that construction is got demolished by moving the appropriate authorities and if

necessary by moving a court of law. Otherwise, they would take the consequences of their inaction...' Accordingly, it was held that such a defence is no longer available.

224. As regards quantification of damages, the PLA has taken note of "no income", loss of career prospects, loss of future income, loss of marriage prospects, pain and suffering and adopted '13' multiplier. It has further considered the medical bills produced, other costs relating to fixation of artificial hand system and calculated the compensation amount of Rs.9,00,000/- along with interest of 6% p.a. to be borne by the Power Supply Company. It also ought to be noted that the PLA had only notionally calculated the compensation at Rs.12,00,000/- and after notionally apportioning the liability had awarded compensation of Rs.9,00,000/-. In fact the compensation eventually awarded was Rs.9,00,000/- well within the pecuniary jurisdiction of the PLA.

Sl.No.22**W.P. No.111620/2014 & W.P.No. 100285/2018**

225. These writ petitions are filed by the Power Supply Company as well as by the claimant, calling in question the correctness of the judgment & award dated 29.04.2014 in O.P.No.37/2013 by the Permanent Lok Adalat, Belgaum.

226. The claim petition proceeded on the allegation that on 04.03.2012 at about 7.30 p.m., Kumar Yallappa while walking with his mother along with their sheep, near the land of one Subbannavar, sustained injuries due to electrocution after the livewire got cut and fell on him. The claim petition came to be filed seeking compensation on the premise that the accident was solely attributable to the negligence of the Power Supply Company in not maintaining the electrical wires in good condition. The Power Supply Company had filed its written statement contending that the accident was a result of the negligence attributable to the petitioner. It was further contended that the petitioner had sustained injuries for the reason unknown to respondent

Power Supply Company. The claim petition filed in this behalf was allowed in part by awarding a compensation of Rs.2,50,000/- with interest at 6% per annum from the date of petition till realization.

227. The Power Supply Company has contended through its counsel in support of its writ petition in W.P.No.111620/2014 that the petitioner had made out a false case seeking compensation. It is further contended that there was no negligence of the Power Supply Company and that the quantum of compensation was excessive and without basis.

228. Learned counsel for the claimant/petitioner in W.P.No.100285/2018 *per contra* has contended that the PLA without considering the entire claim has awarded a meager amount of compensation of Rs.2,50,000/- and have sought for just and reasonable compensation.

229. Upon perusal of the lower court records, it comes out clearly that the PLA has proceeded after recording a

finding that conciliation has failed as per the proceedings dated 17.06.2013. At paragraph 6 of the impugned order, there is a finding that conciliation had failed and in light of S.22(c)(8) adjudication was proceeded with.

230. Issues were framed as regards the injuries suffered by the petitioner resulting from electrocution, as to whether claimant has proved that the injury was due to negligent act of the Power Supply Company and as to the entitlement of compensation and its quantum.

(a) Regarding Negligence of Power Supply Company

231. The PLA has recorded a finding that the accident had in fact occurred and the petitioner had sustained injuries due to electrocution and cause of the accident was attributable to the negligence of the respondent Power Supply Company by placing reliance on the deposition made by PW1 to PW5, RW1 and CW1 after referring to the material on record. The PLA has relied on the report of the Deputy Electrical Inspector marked as Ex.P85 which clearly reveals that the accident had in fact occurred and that the

Power Supply Company had violated Rule 29 of the Indian Electricity Rules, 1956.

232. Even otherwise, the PLA has rightly rejected the contention that the accident was caused due to the negligent act of the deceased and that there were intervening acts which are responsible for the accident. In light of discussion at point (C) as per law laid down by the Apex Court in ***Madhya Pradesh Electricity Board (supra)***, such a defence cannot be entertained.

(b) Regarding Quantum of Compensation

233. The Hon'ble Supreme Court in the case of ***Kajal v. Jagdish Chand*** reported in ***(2020) 4 SCC 413 Para 6*** has observed thus:

"6. It is impossible to equate human suffering and personal deprivation with money. However, this is what the Act enjoins upon the courts to do. The court has to make a judicious attempt to award damages, so as to compensate the claimant for the loss suffered by the victim. On the one hand, the compensation should not be assessed very

conservatively, but on the other hand, the compensation should also not be assessed in so liberal a fashion so as to make it a bounty to the claimant. The court while assessing the compensation should have regard to the degree of deprivation and the loss caused by such deprivation. Such compensation is what is termed as just compensation. The compensation or damages assessed for personal injuries should be substantial to compensate the injured for the deprivation suffered by the injured throughout his/her life. They should not be just token damages."

234. In the present case, as regards the question of quantification of compensation, the PLA has adopted the principles as available under the Motor Vehicles Act to calculate compensation. Compensation has been awarded by the PLA under various heads such as towards pain and suffering, loss of amenities, medical treatment, compensation for disfigurement, loss of marriage prospects, loss of earning capacity in future due to disability, future medical treatment and loss of income during treatment period and sundry expenses by taking note of evidence and

materials placed. However the award of compensation by the PLA under certain heads calls for interference by this court as such an award does not amount to grant of just compensation in light of the law laid down by the Hon'ble Supreme Court in the case of ***Kajal (supra)***.

235. Upon perusal of lower court records it reveals that the claimant was aged about 10 years at the time of the accident. The voluminous case sheets produced from Lakeview Hospital, Belgaum, wound certificate (Ex.P2), C.T Scan report (Ex.P6), deposition of PW4 Dr. Vijayalaxmi and also the assessment of the bodily disability made by PW5 Dr.A.B.Patil and marked as Ex.P53, and his evidence before the PLA pointing out that the petitioner had sustained injuries on the head and left fore-arm, 30% disability of left upper limb are matters that are required to be taken note of. Further, evidence of PW4-Dr.Vijayalaxmi shows that two operations were performed, one on left fore-arm and scalp, second for skin grafting. It is further made out from the Disability Certificate that on account of the injuries caused to the left wrist, there are restrictions on left wrist and hand

movements and muscle wasting left forearm which are the functional disability that is observed.

(c) Examining Quantum of Compensation awarded by the PLA

Expenses relating to treatment, Hospitalisation, Attendant Charges, Transportation and Medicine etc.

236. The PLA under these heads has awarded an amount of Rs.82,000/- by placing reliance on Discharge Card (Ex.P5) and receipts/bills (Ex.P7 to Ex.P52, Ex.P54 and Ex.P84). The PLA has also taken into consideration diet charges of the petitioner and attender and has fixed the rate at Rs.500/- per day. Further the PLA has awarded compensation towards travelling charges of attenders and has awarded a sum of Rs.3,450/-. Such being finding of fact, no ground is made out for interference.

Pain and suffering

237. As pointed out by the Hon'ble Supreme Court, in the case of ***Kajal (supra)***, the compensation or damages assessed for personal injuries should be substantial to

compensate the injured for the deprivation suffered by the injured throughout his/her life. Despite the fact that the petitioner was hospitalized for a period of about 10 days, but his pain and suffering continues. Yet, the PLA has granted a compensation of merely Rs.50,000/- which cannot be stated to be sufficient to ameliorate the pain and suffering. Therefore, this court enhances the compensation in the category of "pain and suffering" from Rs.50,000/- to Rs.75,000/-.

Loss of amenities and Compensation for disfigurement

238. The PLA has awarded Rs.80,000/- under this head by recording a finding that the victim is not a delicate person but rough and tough village lad and the scars and disfigurement suffered are in such areas that they can be easily covered. Such an inference cannot be sustained as logical and legally justifiable. The boy has undergone scalp operation and skin grafting. PW4-Dr.Vijayalaxmi has deposed that the petitioner will not have growth of hair on the grafted scalp. It is the case of the young boy suffering

from distortion of external appearance. The sense of agony, frustration, depression generally haunts the existence of a person who is physically disfigured, and psychologically shattered. Therefore, this Court enhances the compensation from Rs.80,000/- to Rs.1,25,000/-.

Loss of earning capacity

239. The PLA has not awarded any compensation under this head by recording a finding that the victim boy is a shepherd and the injuries suffered are likely to improve as he grows. However, such a finding of the PLA is based on conjecture. Upon perusal of the records, it is noticed that the boy has suffered disability, it is just and fair to award certain amount of compensation. As per the claim petition the petitioner was assisting his parents in looking after the cattle. Therefore, even if the whole body disability is considered at 7.5%, there would functional disability as noticed in Ex.P53. The potential of contributing economically to his own livelihood and to his dependants is to be taken

note of and an amount of Rs.1,00,000/- could be awarded on this head.

Future medical expenses & loss of income during treatment period.

240. The PLA after taking into consideration the depositions made and materials placed on record has awarded an amount of Rs.8,000/- under this head, which appears to be conservative and considering continuing advances in medicine there would be possibility of further treatment to rectify the deformities and accordingly a sum of Rs.50,000/- can be awarded under this head.

241. In the result, W.P.No.111620/2014 filed by the Power Supply Company is dismissed. The W.P.No.100285/2018 filed by the petitioner is allowed in part. The award passed by the PLA dated 29.04.2014 in O.P.No.37/2013 is modified. The compensation awarded by the PLA is enhanced from Rs.2,50,000/- to Rs.4,32,000/- with interest thereon at 6% per annum on the enhanced amount from the date of petition till the date of payment.

(iv) MATTER RELATING TO LOSS OF LIVESTOCK**Sl.No.23****W.P.No.103610/2014**

242. The Power Supply Company has challenged the award of the PLA whereby compensation of Rs.1,25,000/- has been granted to the petitioners to be recovered from the respondent No.4. The compensation was granted for the loss suffered by the petitioner due to death of two buffaloes and one calf by electrocution after coming in contact with the livewire maintained by the respondent HESCOM which snapped and fell down. After the incident a complaint came to be filed at Annigeri Police Station and the concerned police authorities have investigated into the matter, conducted spot panchanama and subjected the corpse to post mortem.

243. The claimant is the owner of the dead animals and had lodged the claim on the premise that the accident was solely attributable to the negligence of the Power

Supply Company in not maintaining the electric supply wires in good condition.

244. At the outset the respondents No.1 to 3 have contended that the incident occurred within the jurisdiction of respondent No.4, hence the PLA relieved the liability on respondents Nos.1 to 3.

245. The respondent-Power Supply Company has denied the liability and primarily contended that the incident was due to 'act of God' and not due to any negligence on the part of the respondents. It was contended that due to heavy rain and wind the conductor got cut and fell down.

246. At the outset the PLA has recorded a finding at paragraph 5 of the impugned order that efforts were made to settle the matter but the respondents were not ready for conciliation and hence in light of S.22-C (8) of the Act adjudication was proceeded with.

247. There is no serious dispute as regards to occurrence of the accident and the said fact is supported by the documents produced and marked as exhibits which

include the copies of the F.I.R., complaint, post-mortem report, spot panchanama and photos of dead animals.

248. The primary defence was that the accident was caused due to heavy wind and rain. However, the defence of 'act of God' is no longer available to be pleaded by the Power Supply Companies in the light of the considered discussion at point no.(C) supra.

249. As regards the quantification of damages the PLA has taken the age of two buffaloes as 6 and 7 years and the value of two buffaloes and a calf at Rs.40,000/-, Rs.35,000/- and Rs.4,000/- respectively by placing reliance on the assessment made by Director, Animal Husbandry marked at Ex.P3, P3(a) and P3(b). The PLA has further reckoned that the buffaloes would give 150 litters of milk per month and selling price of milk at Rs.20/- per litre. Compensation was awarded towards loss of manure from animals as Rs.10,000/-. Hence, the award calculated amounts to Rs.1,25,000/-. All the above are findings on fact and taking note of law laid down by ***Surya Dev's case***

(supra) no grounds are made out for interference with the quantifications of compensation.

250. No grounds are made out for interference with the impugned order.

(v) MATTERS RELATING TO LOSS OF LIFE

Sl.No.24

W.P. No.110951/2015

251. The Power Supply Company has challenged the order passed in O.P.No.30/2014 by the Permanent Lok Adalath passed under Chapter VI-A of the Legal Services Authorities Act, 1987.

252. The facts that were made out in the petition is that on 05.11.2013 at about 9.45 a.m., while he was irrigating his fields, the live electric wire fell down and the claimant died due to electrocution. The claim petition was filed claiming compensation.

253. The Power Supply Company has filed its objections and contended that the accident was as a result

of the negligence attributable to Dhanapal Nemanna Kannawadi, who is the neighbouring land owner. It is contended that the neighbouring land owner had taken illegal power supply connection from the electric pole situated in the claimants land which had fallen causing the accident and hence there was no negligence on the part of the Power Supply Company and had repudiated their liability.

254. The Permanent Lok Adalat after recording failure of settlement at Para 4 of the impugned judgment has proceeded to adjudicate the matter. The PLA has rejected the defence of the Power Supply Company and taking note of the report of the Electrical Inspector has awarded compensation. While awarding compensation, the income was taken as Rs.8,000/- per month, multiplier of '16' was taken in light of his age, a sum of Rs.4,000/- was added towards supervision, 1/4th was deducted towards personal expenses and by awarding compensation on conventional

heads, an aggregate compensation of Rs.13,95,000/- came to be awarded.

255. At the outset, it is to be noted that the Permanent Lok Adalath has proceeded after recording a finding that settlement has failed as per the proceedings dated 06.06.2014.

256. The question as to the power to decide and adjudicate once failure of settlement is recorded has been decided by the discussion on point (A) supra.

257. As regards the defence that accident was due to the act of stranger and during the course of pilferage of power, the Permanent Lok Adalat has rightly rejected such defence.

258. Insofar as the occurrence of the accident, there appears to be no serious dispute as RW.2 is the Assistant Electrical Inspector has deposed accepting the occurrence of the accident. Ex.P1 is the report. Further in light of the

inquiry, there has been substantial compliance with the mandate of Section 161 of the Indian Electricity Act.

259. While discussing the question relating to nature of liability *supra* at point no.(C), it has clearly been held that liability is strict liability without any exceptions.

260. The Apex Court in the case of ***M.P.Electricity Board (supra)*** under identical factual matrix has rejected the defense of 'act of stranger', accordingly, the rejection of defence of the Power Supply Company by the Permanent Lok Adalat does not call for interference.

261. Insofar as the quantification of compensation, the Permanent Lok Adalat has taken note of the notification bearing No.1258 (E) dated 31.05.2010 passed in the Gazette of India under The Employees Compensation Act, 1923 and has taken the income as Rs.8,000/- per month. Further, it has added a sum of Rs.4,000/- p.a. towards supervision of agriculture.

262. In fact, judicial notice could also be taken of the income taken by the Lok Adalat which also prescribes that income with respect to accidents of the year 2012-2013 would be Rs.7,000/- to Rs,8,000/-. Accordingly, the income of Rs.1,00,000/- per annum taken by the permanent Lok Adalat does not call for interference.

263. After taking note of the dependants as being 5, 1/4th of the income has been deducted taking note of the judgment in the case of **Reshmakumari vs. Madanmohan & Another** reported in **(2013) 9 SCC 65**.

264. As the age of the deceased was 35 years, the appropriate multiplier of '16' has been adopted and the compensation is arrived at Rs.12,00,000/- (Rs.75,000/- X 16).

265. Though the compensation of Rs.1,95,000/- awarded under the conventional heads is contended to be excessive, taking note of the judgment of the Apex Court in the case of **National Insurance Co. Ltd., vs. Pranay**

Sethi reported in **2017 ACJ 2700**, which provides for addition to income by way of future prospects at 40% as would be in the present case, the compensation awarded cannot be said to be excessive. While compensation on conventional heads in excess of Rs.70,000/- may not be justified, taking note of the component of future prospects which has not been awarded, the compensation awarded does not call for interference.

266. Keeping in mind, the scope of interference in **Surya Devis's** case discussed supra, no grounds are made out for interference. Accordingly, the petition is rejected.

Sl.No.25

W.P.111489/2014

267. The Power Supply Company has challenged the order dated 12.08.2013, passed by the Permanent Lok Adalat in PLA No.19/2013, whereby compensation of Rs.8,94,000/- with interest at 6% per annum was awarded

for the death of U.Honnuraswamy payable by the Power Supply Company.

268. The facts made out in the petition are that on 09.11.2012 at about 9.45 p.m., when the claimant was proceeding on the main road, his right hand came in contact with the live electric wire of 11 KVA which was hanging on the road, he was electrocuted and died after succumbing to the injuries.

269. Immediately after the accident complaint came to be filed by the brother of the deceased at the Gadiganur police Station and the concerned police authorities have investigated into the matter, conducted spot Panchanama and prepared inquest. Claim petition came to be filed by the legal representatives of the deceased seeking compensation.

270. The respondents No.2 to 4 filed the written statement contending that the PLA did not have jurisdiction to entertain the petition as the accident had occurred

within the jurisdiction of Bellary district. It was further contended that the deceased had attempted to draw power supply illegally and had attempted power theft.

271. The PLA after taking note of the evidence on record including the documents has allowed the petition, granted compensation while apportioning the same amongst the legal representatives of the deceased.

272. The present petition has been filed contending that the PLA has no jurisdiction to take up matters which involve adjudication, that the PLA did not have territorial jurisdiction, that there was no negligence of the Power Supply Company, that the implication of Section 168 of the Electricity Act was not appreciated and the quantum of compensation was excessive and without basis.

273. Perused the lower court records. At the outset, it must be noted that the PLA has recorded at paragraph 5 of the impugned order that conciliation had failed and in light of sec 22(C) (8) adjudication was proceeded with. In fact,

the PLA has recorded that conciliation has failed in its proceedings on 23.07.2013. Prior to the said date, the matter was adjourned on many occasions for conciliation.

274. As regards the contention relating to absence of power to adjudicate, this court has already held that under chapter VI A once the authority records the failure of settlement it could proceed with adjudication. Reference could be made to the discussion supra.

275. Insofar as the question of territorial jurisdiction, the PLA has held that the notification under Section 22B establishing the PLA at Dharwad could exercise jurisdiction even with respect to matters pertaining to the local limits of Bellary District. Judicial notice is also taken of the Notification bearing No.KSLSA1/PLA/42/ADM/01/2007 Dated 29.01.2007 according to which the PLA at Dharwad would have jurisdiction even as regards Bellary District. In light of the same, the PLA has rightly rejected objection as regards territorial jurisdiction.

276. Section 168 of the Electricity Act, merely protects action taken by the officials in good faith while holding that Section 168 which would not come in the way of considering grant of compensation, which finding does not call for interference.

277. There is no serious dispute as regards to the occurrence of the accident in light of the material on record which is taken note of by the PLA. Exhibit P.3 is the Inquest Panchanama prepared on the very next day which indicates that the dead body was lying with injuries caused by electrocution from the live electric wire. The PLA has relied on photographs at Exhibit P.6 and P.7 to arrive at the conclusion that death was due to electrocution. Such conclusion does not call for any interference while exercising jurisdiction under Article 226 and 227 of the Constitution of India.

278. The PLA has rejected the contention that the accident was caused due to the negligent act of the deceased who had attempted to commit theft of power.

Even otherwise in light of the discussion as regards point (C) supra, liability of the power company is in effect strict liability sans the defence in ***Rylands vs. Fletcher***. Accordingly the rejection of the contention regarding negligence of the claimant contributing to the accident does not call for interference.

279. As regards the question of quantification of compensation, the PLA has adopted the principles as available under the motor vehicles act to calculate compensation.

280. The PLA has taken note of the age of the claimant to be 35 years and while noticing the averments of the claim petition that he was working as a driver of a tractor and agriculturist, the monthly income has been taken as Rs.6,000/-. Taking note of the number of dependants, 1/4th has been deducted towards personal expenses of the deceased and accordingly monthly income is taken as Rs.4,500/-. The multiplier of '16' has been taken and a sum of Rs.10,000/- is provided for loss of consortium,

Rs.10,000/- towards loss of affection and Rs.10,000/- for funeral expenses and accordingly the total compensation of Rs.8,94,000/- has been granted and apportionment has been made amongst the dependants.

281. Keeping in mind the limited jurisdiction inherent in exercise of power under article 226 and 227 and also taking note of law laid down in **Surya Dev's** case and the discussion supra, it is clear that the quantification of compensation is as per settled principles and no grounds made out for interference with the quantification of compensation.

282. Accordingly the petition is dismissed as devoid of merits. The respondents after giving credit to the amount in deposit is to ensure remaining amount as per the impugned award is paid.

Sl.No.26

W.P.No.65436/2010

283. The Power Supply Company has challenged the award of the PLA whereby compensation of Rs.3,10,000 has

been granted to the petitioners to be recovered from the respondents. The deceased Ambamma had died due to electrocution when she came in contact with the livewire maintained by the respondent GESCOM, which snapped and fell down. After the accident an F.I.R. was registered and proceedings were subsequently initiated before the PLA.

284. The claimants are the legal representatives of late Ambamma, and had lodged the claim on the premise that the accident was solely attributable to the negligence of the Power Supply Company in not maintaining the electric supply wires in good condition.

285. At the outset the respondents had contended that the PLA did not have jurisdiction to adjudicate the matter and the claim petition ought to have been filed before the Civil Court seeking damages.

286. The respondent-Company has denied the liability and primarily contended that the incident was due to an 'act of God' and not due to any negligence on the part of the

respondents. It was contended that due to heavy wind the coconut frond fell on the electric supply wire and the electric wire snapped and fell down on the deceased causing the accident.

287. The PLA has framed points for consideration and has held that the it had jurisdiction to decide, that the dispute related to supply of power and being a dispute relating to a public utility service, claim was maintainable; that it was the duty of the Power Supply Company to maintain the supply line in good condition and the defence that the accident was caused due to heavy wind was not substantiated.

288. As regards quantification the PLA has taken the income at Rs.80/-per day and awarded compensation of Rs.310,000/- by adopting multiplier of '15'.

289. At the outset it must be noted that the PLA has recorded on 04.12.2009 that there was no possibility of conciliation, and proceeded to decide the matter. In light of

the discussion supra at point (A) , it is clear that the PLA had power to decide once conciliation has failed.

290. There is no serious dispute as regards to occurrence of the accident and the said fact is supported by the documents produced and marked as exhibits which include the copies of the F.I.R., complaint, charge sheet, post-mortem report and spot panchanama.

291. The primary defence was that the accident was caused due to falling of coconut frond as there was strong winds. However the defence of "act of God "is no longer available to be pleaded by the Power Supply Company in light of the considered discussion on point (C) supra.

292. As regards quantification of damages, the PLA has taken the income of Rs.80/- per day and after providing for deduction at 1/3 and taking note of the age of the deceased multiplier of '15' has been adopted. The PLA has awarded an amount of Rs.15,000/- towards loss of love and

affection, Rs.2,000/- for transportation of dead body and has arrived at the final figure of Rs.3,10,000/-.

293. There is no reason made out for interference as regards the quantum of compensation as the calculation reflects application of settled principles as are made use of while calculating compensation in case of motor vehicle accidents. In light of the narrow conspectus relating to exercise of jurisdiction, this court declines to interfere with the well reasoned findings of the PLA and accordingly the petition is dismissed as being devoid of merits.

294. The petitioners to satisfy the award after giving credit to the amount that has been deposited. The respondents are at liberty to withdraw the amount in deposit if not already withdrawn.

Sl.No.27

W.P.105146/2016

295. The Power Supply Company has filed the present petition challenging the order of the Permanent Lok Adalat

whereby compensation of an amount of Rs.12,88,000/- has been awarded to be paid to the legal representatives of the deceased Mallawwa.

296. It is stated that Mallawwa while passing through the lands of Vasanth the electric wire snapped and fell on her causing an electric accident and she died. After the accident complaint was filed before the local police authorities who have registered the case and after investigation charge sheet has been filed against the Lineman and officials of HESCOM.

297. The PLA has recorded a finding at paragraph 4 that in light of the report of the Electrical Inspector, settlement was not possible and hence proceeded to adjudicate the matter on merits. Issues were framed as regards proof of death of Mallawwa as resulting from electrocution, as to whether claimant's proved that the death was due to negligent act of the company and as to entitlement of compensation and its quantum.

298. The claimants and the respondents had adduced evidence. It is noticed that the post-mortem report marked as Ex.P4 reveals that the cause of death was due to failure of cardio respiratory system due to electric shock. The PLA has also noticed Ex.P7 the chargesheet filed against the officials of HESCOM and concludes that death was due to 'heavy electric shock'. As regards such finding no interference is called for as the report of the Electrical Inspector at Ex.R2 also clearly mentions that death was due to an electrical accident though it is stated that the electrical accident was due to the negligence of the deceased herself as attempt was made to hook the service wire to the LT wire in order to obtain power supply to the pump set.

299. As regards to the fact of negligence the PLA has referred to the judgment in the case of **Madhya Pradesh Electricity Board (supra)** and concludes that defence as made out cannot be accepted as liability was on the basis of strict liability. This aspect has been discussed supra and

requires no reiteration and accordingly conclusion arrived at is on the basis of the correct legal principle.

300. As regards quantum of compensation the PLA has reckoned the income of the deceased at Rs.8,000/- per month while considering her to be an unskilled worker and has relied on the notification No.1258 dated 31-05-2010 which has specified income to be taken note of for the purpose of Employees Compensation Act 1923. Taking note of the age of the deceased multiplier of '17' was adopted, compensation was awarded towards loss of consortium, loss of love and affection, funeral expenses, loss of a estate and transportation of dead body. Though the claim was Rs.6 Lakhs, compensation of Rs.12,88,000/- was ordered as being just and fair compensation.

301. In light of the discussion made above, it is clear that the finding that death was due to an electrical accident, that the defence of negligence by the deceased being unavailable, the Power Supply Company was responsible and is required to compensate the deceased's dependants is

clear and such of the findings do not call for interference. Insofar as the calculation of compensation the adoption of wages of an unskilled worker in terms of the Government Notification under the Employees Insurance Act cannot be faulted. Even otherwise, the deceased being a housewife, her contribution calculated in economic terms as done by the PLA cannot be faulted.

302. Though the claimants themselves had claimed a sum of Rs.6 Lakhs, while arriving at the quantum, the PLA having adopted the wages payable as per the notification has quantified the compensation at a little above Rs.12 Lakhs. In all beneficial legislations including under the Motor Vehicles Act, Courts have held that the test as regards payment of compensation is just compensation and if that were to be so, the grant of compensation beyond that which has been sought for is justified and does not call for interference. Accordingly in light of the settled legal principles applicable, no grounds are made out for interference with the order of the PLA. Accordingly the writ

petition is dismissed and the petitioners are required to satisfy the award of the PLA.

Sl.No.28

W.P.No.114374/2015

303. The Power Supply Company has filed this writ petition challenging the order of the PLA in O.P.No.181/2012 whereby compensation of an amount of Rs.14,75,000/- has been awarded to be paid to the legal representatives of the deceased Mahantesh Yamanappa Maryappagol.

304. The facts made out in the petition is that on 30.11.2011 Mahantesh Yamanappa Maryappagol, who was doing coolie work in the land of Respondent No.4 went to extinguish the fire along with his co-workers with the help of wet coconut leaves stalk (frond). While extinguishing the fire, Mahantesh raised his hand and the 'wet coconut leaves stalk' came in contact with the electrical wire resulting in electrocution causing death.

305. The Power Supply Company had filed their objections and contended that the accident was as a result

of the negligence attributable to the deceased and Respondent No.4 who is the owner of the land. It is contended that the Respondent No.4 erected an illegal bund of 5 feet under the High Tension wires which caused the accident and hence there was no negligence of the Power Supply Company and had thus repudiated their liability.

306. As regards the contention that the PLA has failed to conduct conciliation proceeding, the Permanent Lok Adalat at the outset after recording the preliminary finding on 18.06.2013 that conciliation is not possible, and recording that efforts were made to conciliate and settle the matter (at Para 10 and 11 of the impugned order) had failed as the counsel for the respondents had taken the stand that they were not ready for settlement.

307. Issues were framed as regards proof of death of Mahantesh as resulting from electrocution, as to whether claimants proved that the death was due to negligent act of the company, and as to entitlement of compensation and its quantum.

308. The claimants and the respondents had adduced evidence. Insofar as the occurrence of the accident, there appears to be no serious dispute as RW.2 has deposed accepting the occurrence of the accident. Ex.R1 is the report of Deputy Electrical Inspector which affirms to the occurrence of the accident.

309. As regards to the fact of negligence, the PLA has referred to the Judgment of **Madhya Pradesh Electricity Board (supra)** and rightly concludes that defence as made out cannot be accepted as liability was on the basis of strict liability.

310. As regards quantum of compensation the PLA has reckoned the income of the deceased at Rs.8,000/- per month while considering him to be an unskilled employee and has relied on the notification No.1258 (E) dated 31.05.2010. Taking note of the age of the deceased multiplier of '17' was adopted, compensation was awarded towards loss of consortium, loss of love and affection, funeral expenses, loss of estate and transportation of dead

body. Though the claim was for Rs.10,00,000/- compensation of Rs.14,75,000/- was ordered as being just and fair compensation.

311. With regards the contention that the PLA has awarded compensation more than the amount of claim in the light of the discussion supra, taking note that the legislation is a beneficial legislation, the grant of just compensation being a legitimate object, grant of compensation beyond what is sought for but within pecuniary jurisdiction does not call for interference.

Sl.No.29

W.P.No.100799/2014

312. The HESCOM has challenged the order dated 16.09.2013 passed in O.P.No.14/2012 by the PLA whereby compensation of Rs.5,82,000/- (Rs.6,82,000 - 1,00,000/-) with interest at 6% per annum was awarded for the death of Sri.Pandu Devappa Shahapurkar payable by the HESCOM.

313. The facts made out in the petition are that on 09.10.2011 Sri. Pandu Devappa Shahapurkar had died due

to electrocution when he came in contact with the electric wires fallen on his land maintained by the respondent HESCOM which had fallen down. Immediately after the accident complaint came to be filed by the petitioners at Kakati Police Station and the concerned police authorities investigated into the matter, conducted spot panchanama and prepared inquest panchanama.

314. The claimants are the legal representatives of late Pandu Devappa Shahapurkar and had lodged the claim on the premise that the accident was solely attributable to the negligence of the Power Supply Company in not maintaining the electrical poles in good condition.

315. The respondent-Company has denied the liability and primarily contended that the incident was due to an "act of God" and not due to any negligence on the part of the respondents. It was contended that due to heavy wind and rain, the wires snapped and fell on the ground coming in contact with the dead wires on the claimants land energising power supply in the dead wires causing the accident.

Further, that the Respondent has granted what appears to be 'exgratia compensation' amount of Rs.1,00,000/- to the claimants as per available provision on humanitarian grounds on the premise that negligence shall not be attributable upon the Respondent Power Supply Company.

316. There is no serious dispute as regards to occurrence of the accident and the said fact is supported by the documents produced and marked as exhibits which include the copies of F.I.R (Ex.P2) and Complaint (Ex.P1), Charge Sheet (Ex.P6), post-mortem report (Ex.P5), Spot Panchanama (Ex.P3) and inquest panchama (Ex.P4) and inspection report of Deputy Electrical Inspector (Ex.P13).

317. At the outset, the PLA has recorded a preliminary finding at paragraph 4 of the impugned order that conciliation had failed and in light of S. 22-C (8) of the Act of the Act, adjudication was proceeded with.

318. Perused the trial court records. Ex.P13, inspection report of Deputy Electrical Inspector would clearly reveal that the incident had in fact occurred on 09.10.2011

due to negligence of the Respondent Power Supply Company for not replacing the broken electrical wire pole which has resulted in the accident.

319. The primary defence was that the accident was caused due to natural calamity as there was heavy winds and rain. However, the defence of "act of God" is no longer available to be pleaded by the Power Supply Company in light of the considered discussion on point (C) supra.

320. As regards quantification of damages, the PLA has taken note of the age of the deceased to be 46 years and after deducting 1/3rd of the income, a sum of Rs.48,000/- is taken as annual income and multiplier of '13' has been adopted. Compensation was awarded towards loss of consortium, loss of love and affection, funeral expenses and loss of estate. Though the PLA has recorded the entitlement as Rs.6,82,000/-, the amount of Rs.1,00,000/- which was already received by claimants was deducted and the balance amount of Rs.5,82,000/- is awarded as compensation. The award of exgratia compensation cannot

have the effect of extinguishing the right to claim compensation even if the compensation is paid under the authority of a Notification which provides that the claimant cannot plead negligence in any further proceeding as regards the company, amounting to effectively give up all claims.

321. It must be noted that the right to claim compensation particularly in the case of death is a constitutional right that flows from Article 21 of the Constitution of India which, even when being exercised seeking to enforce a statutory right cannot be waived. The compensation given under any notification would at the most be treated to be exgratia compensation which however could be set off from the eventual compensation awarded. Accordingly, the contention of the company as regards this aspect is rejected.

322. There is no reason made out for interference as regards the quantum of compensation as the calculation reflects application of settled principles as are made use

while calculating compensation in case of motor vehicle accidents.

Sl.No.30

W.P. No. 106823/2015

323. The Power Supply Company has filed the writ petition challenging the order of the PLA in PLA No.240/2014 whereby compensation of Rs.14,67,000/- has been awarded to be paid to the legal representatives of the deceased Vasu.

324. The factual matrix of the case is that on 13.06.2014 at about 7.15 a.m., deceased Vasu was watering the crops on his land, it is stated that accidentally he came in contact with the electrical pole and electrical wires resulting in electrocution eventually leading to his death. After the accident, complaint came to be filed by the petitioners at the Police Station and the concerned police authorities have investigated into the matter, after registering an F.I.R, conducted spot panchanama and the body was subjected to postmortem.

325. The claimants are the legal representatives of Late Vasu and had lodged the claim on the premise that the accident was solely attributable to the negligence of the Power Supply Company in not maintaining the electrical poles and wires in good condition.

326. The respondent-Company had denied the liability and primarily contended that the incident was due to an 'act of God' and not due any negligence on the part of the respondents. It was contented that due to heavy wind and rain the "jump got cut and fell on the LT Pole causing power transmission through the said LT Pole" and the deceased Vasu coming in contact with the said electrical pole and wires on the claimants land died due to electrocution. It was further asserted that the respondents had offered a global compensation amount of Rs.3,14,000/- to the claimants as per the applicable scheme on humanitarian grounds but the petitioners had not received the compensation amount.

327. The claimants and the respondents had adduced evidence. Insofar as the occurrence of the accident, it can

be said that there was no serious dispute as the deposition of PW1 and RW1 along with the exhibits marked as Ex.P1 (F.I.R), Ex.P3 (post-mortem report) and Ex.R1 (report of electrical inspector) has affirmed the occurrence of the accident.

328. At the outset, PLA has recorded a preliminary finding at paragraph 5 of the impugned order that conciliation had failed and in light of Section 22-C (8) of the Act, adjudication was proceeded with.

329. Perused the order of the PLA, reliance has been placed on Ex.R1, inspection report of Electrical Inspector which would clearly reveal that the incident had in fact occurred on 13.06.2014 due to negligence of the Respondent Power Supply Company for not replacing the materials used for connectors/fuse/jump and failing to maintain the electrical pole which had caused the accident.

330. The primary defence was that the accident was caused due to the falling of electrical wires as there was heavy winds and rain. However, the defence of "act of God"

is no longer available to be pleaded by the Power Supply Company in light of the considered discussion on point (C) (supra).

331. As regards to the factum of negligence, the PLA has rightly referred to the Judgment of ***Madhya Pradesh Electricity Board (supra)*** and concludes that defence as made out cannot be accepted as liability was on the basis of the principle of strict liability.

332. As regards quantification of damages, the PLA has taken note of the age of the deceased to be 30 years and reckoned the income of the deceased at Rs.9,000/- per month. After providing for deduction at 1/4th, total loss of dependency is quantified at Rs.13,77,000/- and multiplier of '17' has been adopted. Compensation was awarded towards loss of consortium, loss of love and affection, funeral expenses and loss of estate. Hence, the compensation was quantified at Rs.14,67,000/- and apportionment has been made amongst the dependants.

333. There is no reason made out for interference as regards the quantum of compensation as the calculation reflects application of settled principles as are made use while calculating compensation in case of motor vehicle accident cases.

Sl.No.31

W.P. No. 114418/2015

334. The Power Supply Company has filed this petition challenging the order of the PLA in PLA No.251/2014 whereby compensation of an amount of Rs.10,21,000/- has been awarded to be paid to the legal representatives of the deceased Sri. Somashekharayya Rudrayya Mathad.

335. The facts as made out in the petition are that on 25.07.2014 at about 11.30 a.m., the deceased died due to electrocution. It is stated that the deceased had gone to the terrace to clear the grass and leaves and was electrocuted as the wire temporarily fixed by the HESCOM had cut and the electricity had leaked charging the terrace. After the accident F.I.R was registered, the concerned police

authorities investigated into the matter, conducted spot panchanama, prepared inquest panchanama and the body was subjected to post-mortem.

336. The claimants are the legal representatives of late Somashekharayya and had lodged the claim on the premise that the accident was solely attributable to the negligence of the Power Supply Company in not maintaining the electrical wires in good condition.

337. The Power Supply Company had filed their objections and contended that the accident was as a result of the negligence attributable to the deceased. It is further contended that the deceased himself came in contact with the pipe tied to electrical wire amounting to contributory negligence.

338. At the outset, it is to be noted that the PLA has proceeded after recording a finding that settlement has failed as per para 4 of the impugned order.

339. The claimants and the respondents had adduced evidence. Insofar as the occurrence of the accident, there

appears to be no serious dispute as the deposition of PW1 and RW1 along with the exhibits marked as Ex.P1 (F.I.R), Ex.P3 (post-mortem report), Ex.P4 (spot panchanama), Ex.P5 (inquest panchanama) and Ex.R1 (report of Electrical Inspector) affirms the occurrence of the accident.

340. Perused the records. Ex.R1, inspection report of Electrical Inspector would clearly reveal that, Electrical Inspector had visited the spot on the following day and conducted the investigation and prepared a report. The report states that the incident had in fact occurred on 25.07.2014 due to negligence of the Respondent Power Supply Company for not fixing the electrical wires properly and insulating them.

341. As regards the contention relating to absence of power/jurisdiction to adjudicate, this court has already observed in the discussion supra and held that under Chapter VI-A once the authority records failure of settlement, it could proceed with adjudication.

342. The PLA has rejected the contention that the accident was caused due to negligent act of the deceased by placing reliance on the case of **Madhya Pradesh Electricity Board (supra)** and concludes that defence as made out cannot be accepted as liability was on the basis of strict liability sans the defenses. The discussion (supra) has already made it clear that the liability of the company is strict liability sans the defences.

343. As regards the question of quantification of compensation, the PLA has adopted the principles as available under the Motor Vehicles Act to calculate the compensation. The PLA has taken note of the age of the deceased to be 55 years while considering post-mortem report. While noticing the averments of the claim petition that he was an agriculturist, the monthly income has been taken as Rs.9,000/-. Taking note of the number of dependants, 1/4th has been deducted towards personal expenses of deceased and accordingly monthly income is taken as Rs.6,750/- per month. The multiplier of '11' has been taken and a sum of Rs.50,000/- is provided for loss of

consortium, Rs.20,000/- towards loss of estate, Rs.10,000/- funeral expenses and Rs.50,000/- for loss of love and affection and accordingly the total compensation of Rs.10,21,000/- has been granted and apportionment has been made amongst dependants. No grounds are made out for interference with the impugned order.

Sl.No.32

W.P. No.65233/2011

344. The Power Supply Company has filed this petition challenging the order of the PLA in O.P.No.183/2009 whereby compensation of Rs.5,22,000/- has been awarded to be paid to the legal representatives of the deceased Basavaraj.

345. The facts made out in the petition are that on 18.07.2008 at about 2.30 p.m., the Power Supply Company cut off power supply to Bhutaramanatti Village, at about 7.00 p.m., power supply was restored, there was high voltage supply which resulted in burning of transformer and other electrical appliances. Therefore, Basavaraj went to

switch off the power supply to his shop but due to electrocution suffered electrical shock and sustained injuries. Immediately after the accident, complaint came to be filed by the petitioners at Kakati Police Station and the concerned police authorities have investigated into the matter, conducted spot panchanama and prepared inquest panchanama and subjected the body to post-mortem.

346. The claimants are the legal representatives of late Basavaraj and had lodged the claim on the premise that the accident was solely attributable to the negligence of the Power Supply Company in not maintaining the electrical connections in good condition.

347. The Power Supply Company had filed their objections and contended that the accident was as a result of the negligence attributable to the deceased. It is further contended that the responsibility of the Power Supply Company ends at supply of power at the electricity meter, i.e., once the power is supplied to the consumer's meter,

there is no responsibility upon Power Supply Company for any accident that happens in the further supply.

348. At the outset, it is to be noted that the PLA has proceeded after recording a finding that settlement has failed as per para 6 of the impugned order.

349. The claimants and the respondents had adduced evidence. Insofar as occurrence of the accident, there appears to be no serious dispute as the deposition of PW1, PW2 and RW1 along with the exhibits marked as Ex.P2 (F.I.R), Ex.P9 (post-mortem report), Ex.P6 (spot panchanama), Ex.P8 (inquest panchanama) and Ex.R1 (report of Electrical Inspector) affirms the occurrence of the accident.

350. As regards to the factum of negligence, the PLA has relied on the cross-examination of RW.2 who is the Deputy Electrical Inspector and on the basis of his report marked as Ex.R1 which clearly states that the incident happened due to puncture of insulator of DOLO unit of the transformer. It is also concluded that it is the duty of the

respondents to check such puncture and the PLA has arrived at a finding that there was negligence on the part of the respondents in maintaining the electrical equipment in the village due to which accident has occurred. This being a finding on fact, hence the PLA was right in rejecting the defence of the respondents.

351. As regards the question of quantification of compensation, the PLA has adopted the principle as available under the Motor Vehicles Act to calculate the compensation. The PLA has taken note of the age of the deceased to be 31 years. Taking note of the number of dependants, 1/4th has been deducted towards personal expenses of deceased and accordingly net amount of dependency is taken as Rs.4,32,000/-. The multiplier of '16' has been taken and a sum of Rs.20,000/- is awarded for loss of consortium, Rs.8,000/- towards funeral expenses and Rs.20,000/- each (wife, child, mother and father) for loss of love and affection and accordingly the total compensation of Rs.5,22,000/- has been granted and

apportionment has been made amongst the dependants. The said aspect does not call for interference.

352. However, the direction of the PLA insofar as it directs the Company to hold enquiry and make the officers personally liable with a further direction that the same is to be recovered from them personally is set aside.

353. Neither an issue has been framed nor was such a direction at the instance of the claimants. Further such an exercise of power is beyond the jurisdiction of the PLA. We however make it clear that such a finding is made in the context of the case on hand and is not to be construed as a precedent as regards such finding. No ground is made out for interference except as regards direction of the PLA to hold enquiry to make officers personally liable which direction is set aside.

Sl.No.33

W.P. No. 102458/2016

354. The Power Supply Company has filed the writ petition challenging the order of the PLA in O.P.No.156/2014

whereby compensation of an amount of Rs.9,64,000/- has been awarded to be paid to the legal representatives of the deceased Gurappa Hadapad.

355. The facts made out in the petition is that on 24.04.2008 at about 9.30 p.m., the deceased came in contact with livewire and died due to electrocution. After the incident complaint came to be filed at Bilagi Police Station, F.I.R. was registered and the body was subjected to post-mortem.

356. The claim petition came to be filed by the legal representatives of the deceased seeking compensation. The respondent Power Supply Company filed the written statement contending that the PLA did not have jurisdiction to entertain the petition. It was further contended that the petition is barred by limitation and that the accident was as a result of the negligence attributable to the deceased and that there were intervening acts by strangers/third parties which were responsible for the accident.

357. The PLA after taking note of the evidence on record including the documents, has allowed the petition, granted compensation while apportioning the same amongst the legal representatives of the deceased. The present petition has been filed challenging the order of the PLA on various grounds while also contending that the compensation granted was excessive.

358. At the outset as it must be noted that the PLA has recorded at paragraph 4 of the impugned order that conciliation had failed and in light of Section 22-C (8) of the Act of the Act, adjudication was proceeded with.

359. As regards the contention relating to absence of power/jurisdiction to adjudicate, this court has already held that under chapter VI A once the authority records failure of settlement it could proceed with adjudication, as held at point (A) supra.

360. As regards the contention relating to claim petition being barred by limitation, the PLA has rejected the contention of the Power Supply Company regarding

limitation, the conclusion does not require any interference though the court is not in agreement with the reasons assigned for coming to such conclusion.

361. The incident occurred on 24.04.2008. After the incident the respondents paid Rs.1,00,000/- to the claimants on 12.12.2008 and had assured to make further payment of compensation to the claimants. Subsequently, when the Respondents failed to make the assured payment, on 30.11.2012 as per Ex.P7 claimant No.1 issued a legal notice. On 02.01.2013 the Respondent Power Supply Company replied to the said notice denying their liability to pay compensation. On such premise, the claim petition came to be filed on 05.12.2013 on the grounds discussed above. Accordingly, the right to sue arose on the date the Respondent Power Supply Company denied their liability to pay compensation. Therefore, as per article 113, the petition is well within limitation having been filed within the time permitted from dated of accrual of cause of action.

362. There is no serious dispute as regards to the occurrence of the accident in light of the materials on record which is taken note by the PLA. Ex.P2 is the post-mortem report which indicates that the deceased died due to electrocution. PLA has further relied on the report of the Electrical Inspector marked as Ex.R2 which is stated to affirm to the occurrence of the said accident. RW.2 (Electrical Inspector) in his evidence-in-chief has also admitted that there was a possibility of death due to electrocution.

363. The PLA has rejected the contention that the accident was caused due to the negligent act of the deceased and that there were intervening acts by strangers/third parties which are responsible for the accident. All such contentions raised are no longer available for being canvassed in light of law laid down by the Apex Court in the case of ***Madhya Pradesh Electricity Board (supra)***.

364. As regards the question of quantification of compensation, the PLA has adopted the principles as available under the Motor Vehicles Act to calculate compensation. The PLA has taken note of the age of the deceased to be 32 years by placing reliance on material placed (post-mortem report) and considering the deceased as an agriculturalist, has reckoned the income at Rs.6,000/- per month. After providing for deduction at 1/4 total loss of dependency taken as Rs.8,64,000/- and multiplier of '16' has been adopted. Compensation was awarded towards loss of consortium, loss of love and affection, funeral expenses and loss of estate. Hence, the award calculated amounts to Rs.10,64,000/- out of which the amount of Rs.1,00,000/- which was already received by claimants, was deducted and the balance amount of Rs.9,64,000/- is the compensation awarded and apportionment has been made amongst the dependants. No ground is made out for interference with the order of the PLA.

Sl.No.34**W.P. No.103949/2016**

365. The Power Supply Company has filed the writ petition challenging the order of the PLA in O.P. No. 71/2012 whereby compensation of an amount of Rs.14,70,000/- has been awarded to be paid to the legal representatives of the deceased Raju.

366. The facts made out in the petition is that on 19.10.2010 at about 6.30 p.m., Raju died due to electrocution while trying to charge his mobile phone. Immediately after the incident, complaint came to be filed at Kudachi Police Station and the concerned police authorities have investigated the matter, after registering the FIR, conducted spot panchanama and subjected the body to post-mortem.

367. The claim petition came to be filed by the legal representatives (petitioners & respondent 6 & 7 before PLA) of the deceased seeking compensation on the premise that the accident was solely attributable to the negligence of the

Power Supply Company in not maintaining the electrical wires in good condition.

368. The Power Supply Company filled the written statement contending that the accident was as a result of the negligence attributable to the deceased.

369. The present petition is filed contending that the PLA has no jurisdiction to take up matters which involve adjudication, that there was no negligence of the Power Supply Company, and that the quantum of compensation was excessive and without basis.

370. Perusal of the records would clearly reveal that the PLA has put in diligent efforts for conciliation and has recorded at paragraphs 4 and 17 of the impugned order that conciliation had failed and in light of S.22-C (8) of the Act, adjudication was proceeded with.

371. As regards the contention relating to absence of power/jurisdiction to adjudicate, this court has already held that under chapter VI A once the authority records failure of

settlement it could proceed with adjudication, as held in the discussion at point (A) supra.

372. The PLA has recorded a finding that the accident had in fact occurred and the deceased died due to electrocution and cause of the accident was attributable to the negligence of the Power Supply Company by placing reliance on the depositions made by PW1., RW.1 and RW.2 along with materials on record. Ex.P3 is the post-mortem report, which indicates that the deceased died due to electrocution. Ex.P4 is the spot panchanama which affirms occurrence of the accident. The PLA has relied on the report of the Electrical Inspector marked as Ex.P8 which clearly reveals that the accident had in fact occurred as the 11 K.V. electric wire cut and fell on the L.T line. It is further to be noticed that the Deputy Electrical Inspector in his report has concluded that the Power Supply Company had violated the Rules 29 & 91 of the Indian Electricity Rules, 1956.

373. Even otherwise, the PLA has rightly rejected the contention that the accident was caused due to the negligent act of the deceased and that there were intervening acts by strangers/third parties which are responsible for the accident, in light of settled position of law as per the discussion at point (C) supra, wherein the law laid down by the Apex Court in the cases of **Madhya Pradesh Electricity Board (supra)** has been noticed.

374. As regards the question of quantification of compensation, the PLA has adopted the principles as applicable in the case of Motor Vehicles Accident Cases. under the motor vehicles act to calculate compensation. The PLA has taken note of the age of the deceased to be 30 years by placing reliance on material placed (post-mortem report) and considering the deceased as a unskilled employee reckoned monthly income at Rs.8,000/- and has relied on the notification No.1258 (E) dated 31.05.2010, further considering him to be a part-time driver has added Rs.4,000/- towards his monthly income. After providing for deduction at 1/4th, total loss of dependency is quantified as

Rs.12,75,000/- and multiplier of '17' has been adopted. Compensation was awarded towards loss of consortium, loss of love and affection, funeral expenses and loss of estate. Hence, compensation of Rs.14,70,000/- has been awarded and apportionment has been made amongst dependants, i.e., petitioners and respondent No.6 & 7. No grounds are made out for interference with the impugned order.

Sl.No.35

W.P.No.113060/2014

375. The Power Supply Company has filed the writ petition challenging the order of the PLA in PLA No.163/2014 whereby compensation of an amount of Rs.2,70,000/- has been awarded to be paid to the legal representatives of the deceased Shankara.

376. The facts made out in the petition is that on 09.12.2012 at about 14.00 Hrs, Shankara died of electrocution due to unscheduled electricity supply during the period of load shedding. Immediately after the incident complaint came to be filed at Police Station and the

concerned police authorities investigated into the matter, registered F.I.R, conducted spot pamchanama and subjected the body to post mortem.

377. The claim petition came to be filed by the legal representatives of the deceased seeking compensation on the premise that the accident was solely attributable to the negligence of the Power Supply Company.

378. The Respondent Power Supply Company filed the written statement contending that the accident was as a result of negligence attributable to the deceased. It was further contended that the deceased was not authorised to carry out electrical repair works and due to his own negligence, the accident occurred.

379. Upon perusal of the lower court records, it clearly reveals that at the outset the PLA has recorded at paragraph 4 of the impugned order that conciliation had failed and in light of S.22-C (8) of the Act of the Act, adjudication was proceeded with.

380. As regards the contention relating to absence of power/jurisdiction to adjudicate, this court has already held that under chapter VI A once the authority records failure of settlement it could proceed with adjudication, as held supra at point (A) supra.

381. The PLA has recorded a finding that the accident had in fact occurred and the deceased died due to electrocution and cause of the accident was attributable to the negligence of the respondent Power Supply Company by placing reliance on the deposition made by witnesses along with the material on record. Ex.P4 is the post-mortem report which states that "death occurred due to cardiac arrest as a result of electrocution". Ex.P3 is the spot panchanama which affirms the occurrence of the accident. The PLA has relied on the report of load-shedding schedule, marked as Ex.R1 which clearly reveals that from 3/12/2012 to 9/12/2012 there was load shedding from 12.00-18.00 Hrs. Hence the PLA has rightly concluded that due to the negligent act of the respondents supplying power during scheduled load shedding, the accident has occurred.

382. Even otherwise, the PLA has rightly rejected the contention that the accident was caused due to the negligent act of the deceased which is responsible for the accident, in light of discussion at point (C) supra, which details the law laid down by the Apex Court in ***Madhya Pradesh Electricity Board***.

383. As regards the question of quantification of compensation, the PLA has adopted the principles as applicable under the Motor Vehicles Act to calculate the compensation. Considering the deceased to be a bachelor, 50% is deducted towards his personal expenses taking note of directions in the case of ***Sarala Verma v. Delhi Transport Company*** reported in ***AIR 2009 SC 3104***. The average age of the parents of the deceased is considered and multiplier of 8 is applied taking note of the law laid down in the case of ***National Insurance Company v. Shyam Singh and Others*** reported in ***(2011) 7 SCC 65***. Even otherwise, there is no jurisdictional error in such conclusion warranting interference.

384. After providing for deduction total loss of dependency amounts to Rs.2,40,000/-. Compensation was awarded towards loss of love and affection, funeral expenses and loss of estate. Hence, the award in its entirety grants compensation amounting to Rs.2,70,000/- and apportionment has been made amongst dependants. No ground is made out for interference in the order of the PLA.

Sl.No.36

W.P.No.110438/2015

385. The Power Supply Company has filed the writ petition challenging the order dated 30.05.2015 passed by the PLA in O.P.No.53/2013 whereby compensation of an amount of Rs.14,00,000/- has been awarded to be paid to the legal representatives of the deceased Shivaram Tukarama Patil.

386. The facts made out in the petition is that on 20.10.2011 Shivaram Tukarama Patil came in contact with the service wire drawn by the Power Supply Company from Vanajol T.C. to the I.P. set of the claimants and deceased,

causing electrocution leading to his death.

387. The claimants are the legal representatives of Late Shivaram Tukarama Patil and had lodged the claim on the premise that the accident was solely attributable to the negligence of the Power Supply Company in not erecting an electrical pole and maintaining the electrical lines in good condition.

388. The Power Supply Company had filed their objections and contended that the accident was, as a result of the negligence attributable to the deceased. It is contended that the incident took place as the deceased picked up service wire to make way and hence came in contact with the live wire, coating of which had peeled off.

389. As regards the contention of the learned counsel for Petitioner that the PLA failed to observe the mandatory provisions pertaining to conciliation, upon perusal of the impugned judgment it would reveal that the PLA has recorded a preliminary finding at paragraph 7 of the impugned order that conciliation had failed by placing

reliance on the submission of counsel for Power Supply Company and in light of section 22(c)(8) adjudication was proceeded with. Therefore the contention of the learned counsel for petitioner is liable to be rejected.

390. Issues were framed as regards to proof of death of Shivaram Tukarama Patil resulting from electrocution, as to whether claimants proved that the death was due to negligent act of the company and as to entitlement of compensation and its quantum.

391. The claimants and the respondents had adduced evidence. Insofar as the occurrence of the accident, there appears to be no serious dispute as RW.2 has deposed that the Assistant Executive Engineer had informed RW.2 regarding occurrence of the accident. Ex.R1 is the report of Deputy Electrical Inspector, Ex.P5 is the Post Mortem Report and Ex.P6 is the Final Report submitted by the police which affirms occurrence of the accident.

392. As regards the fact of negligence the PLA has placed reliance on the evidence of RW.2-Deputy Electrical

Inspector, who has admitted that it was the duty of the Power Supply Company to maintain the service wire. It was also submitted that the company had regularized the electric connection given to I.P.Set of claimants and deceased. In the report at Ex.R1, a finding has been recorded that the death of Shivaram Tukarama Patil by electrocution is attributable to the negligence of the Power Supply Company. Such conclusion being finding of fact no grounds are made out for interference.

393. As regards quantum of compensation the PLA has reckoned the age of the deceased to be 33 years by placing reliance on post-mortem report and considering the deceased as an unskilled employee reckoned monthly income at Rs. 8,000/- per month and has relied on the Government of India Notification No.1258 (E) dated 31.05.2010, which has fixed the monthly wages at Rs.8,000/- per month as regards unskilled employees. After providing deduction at 1/4th and by placing reliance on the ratio laid down in the case of **Reshmakumari (supra)** total

loss of dependency is quantified as Rs.75,000/- and multiplier of '16' has been adopted. Compensation was awarded towards loss of consortium, loss of love and affection, funeral expenses, loss of estate and transportation. The PLA has awarded total compensation of Rs.14,00,000/-. The calculation of compensation being according to settled principles, no grounds are made out for interference with the impugned order.

Sl.No.37

W.P.No.101244/2016

394. The Power Supply Company has filed the writ petition challenging the order of the PLA in O.P.No.49/2013 whereby compensation of an amount of Rs.14,75,000/- has been awarded out of which Rs.11,06,250/- is directed to be paid to the legal representatives of the deceased Bakappa by the Power Supply Company.

395. The facts made out in the petition is that deceased Bakappa and the claimants were cultivating on agricultural land belonging to R6 Fakirappa Tanaji Patil. On

02.07.2012 Bakappa came in contact with the electric live wire while trying to rescue his bullock resulting in electrocution leading to his death .

396. The claimants are the legal representatives of Late Bakappa and had lodged the claim on the premise that the accident was solely attributable to the negligence of the Power Supply Company.

397. The Power Supply Company had had filed their objections and contended that the accident was as a result of the negligence attributable to the deceased and R6. It is contended that R6 had illegally put a 25 meter long wire to his land connecting it to the panel box, and the accident occurred due to such illegal connection.

398. As regards the contention of the learned counsel for Petitioner that the PLA failed to observe the mandatory provisions pertaining to conciliation, upon perusal of the impugned judgment it would reveal that the PLA has recorded a preliminary finding at paragraph 5 of the impugned order that conciliation had failed by placing

reliance on the submission of counsel for Power Supply Company and in light of section 22(c)(8) adjudication was proceeded with. Therefore, the contention of the learned counsel for petitioner does not hold good.

399. Issues were framed as regards to proof of death of Bakappa resulting from electrocution, as to whether claimants proved that the death was due to negligent act of the company and as to entitlement of compensation and its quantum.

400. The claimants and the respondents had adduced evidence. Insofar as the occurrence of the accident, there appears to be no serious dispute as RW2 has deposed recording an affirmative finding regarding the occurrence of the accident. Ex.R14 is the report of Deputy Electrical Inspector and Ex.P8 is the post mortem report which affirms that death was due to electrocution.

401. As regards the fact of negligence the PLA has recorded a finding that there was contributory negligence on part of the deceased and the Power Supply Company and

had fixed the ratio as regards apportionment of liability of 75% on the Power Supply Company. A perusal of the impugned judgment would reveal that the PLA has placed reliance on the statement of RW.2. The conclusion arrived at by the PLA on facts is based on material on record and no grounds are made out to interfere with such findings.

402. As regards quantum of compensation, the PLA has reckoned the age of the deceased to be 26 years by placing reliance on Ex.P8- Post Mortem report and Ex.P4 - Election I.D Card and considering the deceased as an unskilled employee reckoned monthly income at Rs. 8,000/- per month by relying on the Government of India notification No.1258 (E) dated 31.05.2010 as regards the monthly wages of an unskilled worker, under the ESI Act. After providing for deduction at 1/4 by placing reliance on the ratio laid down in the case of **Reshmakumari (supra)** total loss of dependency is quantified as Rs. 75,000/- and multiplier of '17' has been adopted. Compensation was awarded towards loss of consortium, loss of love and

affection, funeral expenses, loss of estate and transportation of dead body. While quantifying the consortium, the PLA has relied on the case of ***Rajesh and others v. Rajbirsingh and Others 2013 ACJ 1403***. The PLA has awarded compensation of Rs.14,75,000/- and has apportioned the liability in the ratio of 75:25. The PLA has held that the Power Supply Company is liable to pay 75% of the compensation amount which is quantified as Rs. 11,06,205/-. Even otherwise, the PLA has not made an jurisdictional error warranting interference with the impugned order.

VII

ORDER

The following petitions preferred by the Power Supply Companies are dismissed.

Sl.No.	Petition Number
1	W.P.No.104305/2015
2	W.P.No.105327/2015
3	W.P.No.105328/2015

4	W.P.No.105329/2015
5	W.P.No.105330/2015
6	W.P.No.104306/2015
7	W.P.No.104307/2015
8	W.P.No.104308/2015
9	W.P.No.104309/2015
10	W.P.No.104310/2015
11	W.P.No.104311/2015
12	W.P.No.104312/2015
13	W.P.No.104313/2015
14	W.P.No.104314/2015
15	W.P.No.104315/2015
16	W.P.No.104316/2015
17	W.P.No.104317/2015
18	W.P.No.104318/2015
19	W.P.No.104319/2015
20	W.P.No.104320/2015
21	W.P.No.104321/2015
22	W.P.No.104322/2015
23	W.P.No.104323/2015
24	W.P.No.105331/2015
25	W.P.No.104324/2015
26	W.P.No.100959/2015
27	W.P.No.100960/2015
28	W.P.No.104428/2014

29	W.P.No.104429/2014
30	W.P.No.104430/2014
31	W.P.No.114653/2015
32	W.P.No.114654/2015
33	W.P.No.114655/2015
34	W.P.No.114656/2015
35	W.P.No.114657/2015
36	W.P.No.114659/2015
37	W.P.No.114658/2015
38	W.P.No.107375/2015
39	W.P.No.85394/2013
40	W.P.No.105842/2014
41	W.P.No.105843/2014
42	W.P.No.104033/2014
43	W.P.No.104034/2014
44	W.P.No.104035/2014
45	W.P.No.104036/2014
46	W.P.No.107376/2015
47	W.P.No.107377/2015
48	W.P.No.107378/2015
49	W.P.No.106830/2016
50	W.P.No.100327/2014
51	W.P.No.84288/2013
52	W.P.No.106898/2016
53	W.P.No.103467/2016

54	W.P.No.103468/2016
55	W.P.No.103469/2016
56	W.P.No.103465/2016
57	W.P.No.103466/2016
58	W.P.No.106802/2016
59	W.P.No.69018/2012
60	W.P.No.111620/2014
61	W.P.No.103610/2014
62	W.P.No.110951/2015
63	W.P.No.111489/2014
64	W.P.No.65436/2010
65	W.P.No.105146/2016
66	W.P.No.114374/2015
67	W.P.No.100799/2014
68	W.P.No.106823/2015
69	W.P.No.114418/2015
70	W.P.No.65233/2011
71	W.P.No.102458/2016
72	W.P.No.103949/2016
73	W.P.No.113060/2014
74	W.P.No.110438/2015
75	W.P.No.101244/2016

In light of dismissal of the writ petitions filed by the Power Supply Companies, the amount in deposit along with

accrued interest in such of the matters where the Power Supply Companies have deposited the amount **may be disbursed to the claimants-respondents as per the permissible procedure before this Court itself.*

If the Power Supply Companies have not disbursed the compensation already, they are directed to deposit the compensation amount awarded by the PLA with interest as awarded by the PLA within a period of 45 days **before this Court.* Upon such deposit, the respondents/claimants are entitled to withdraw the amount in deposit along with accrued interest, if any.

Though W.P.No.65233/2011 filed by the Power Supply Company is dismissed affirming the order passed by the PLA insofar as quantum of compensation is concerned, however, the direction that the Company is required to hold an enquiry and make the Officers personally liable with further direction for recovery from the officials personally is set aside. Accordingly, the order of the PLA is modified only as regards such direction.

** Corrected Vide order dated 12.4.2022.*

Sd/-
(SSDYJ)

W.P.No.100285/2018 filed seeking enhancement of compensation is partly allowed. The respondent Power Supply Company is directed to deposit **before this Court* the enhanced compensation of Rs.1,82,000/- with 6% interest from the date of the order of the PLA till the date of deposit. **Before this Court*, the claimant is entitled to withdraw the amount along with accrued interest.

The respondent-claimant in W.P.No.100327/2014 shall execute Indemnity Bond at the time of withdrawal of compensation undertaking to compensate the petitioner-Power Supply Company in the event of claim by any person other than the petitioner.

W.P.No.105325/2015 and W.P.No.105326/2015 are disposed off. The orders of the PLA in O.P.No.4/2012 and O.P.No.5/2012 are set aside and the matters are remanded for fresh consideration in terms of the observations made. The amount in deposit along with accrued interest in W.P.No.105325/2015 and

** Corrected Vide order dated 12.4.2022.*

Sd/-
(SSDYJ)

W.P.No.105326/2015 * *is refunded to the writ petitioners.*

**Sd/-
JUDGE**

**Np/-
CT:MHP**

* *Corrected Vide order dated 12.4.2022.*

**Sd/-
(SSDYJ)**