

Sunil Kumar Soni vs Tata Power Delhi Distribution Ltd and Anr

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Court : Delhi

Decided On : Apr-29-2026

Judge : Hon'Ble Mr. Justice Amit Bansal

Appeal No. : W.P.(C)/9272/2017

Appellant : Sunil Kumar Soni

Respondent : Tata Power Delhi Distribution Ltd and Anr

Advocate for Def. : Mr. Manish Srivastava, Mr. Moksh Arora, Mr. Santosh Ramdurg, Mr. Amit Singh

Advocate for Pet/Ap. : Mr. Brahmanand Gupta

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 29th April, 2026 + W.P.(C) 9272/2017 SUNIL KUMAR SONIPetitioner Through: Mr. Brahmanand Gupta, Advocate.

versus

TATA POWER DELHI DISTRIBUTION LTD AND ANRRespondents Through: Mr. Manish Srivastava, Mr. Moksh Arora, Mr. Santosh

Ramdurg, Advocates with Mr. Amit Singh, AGM (Legal).

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present writ petition has been filed seeking the following reliefs:

A. Direct respondent No. 1 to remove the high tension wires carrying electric current of 11000 volt from vicinity of the houses/buildings of the people of Pratap Vihar part- I, Kirari Suleman Nagar, Delhi-110086 and to take protective steps for preventing further disaster; and B. Direct the respondent No.1 to pay a compensation of Rupees Ten Crore to the petitioner and his family for the loss of precious life of son of petitioner namely Luv Kumar Soni aged 27 years

2. Briefly stated, the facts of the present case are set out hereinafter:

(i) The petitioner and his family members, including two (2) sons,

namely Mr. Inder Kumar, Mr. Luv Kumar Soni, one daughter, Gayatri and his wife, have been residing at the property bearing Khasra No.350, Pratap Vihar-1, Main Nithari Road, Near PSM Signed By:DHARMENDER W.P.(C) 9272/2017 Page 1 of 8 Public School, Kirari, Delhi-110086 (hereinafter subject property) for the last several years. The petitioner has a jewellery shop on the ground floor, residence on the first floor and there is an open roof above the first floor of the subject property.

(ii) On 11th August, 2017, the son of the petitioner, Mr. Luv Kumar

Soni, died unfortunately due to an electric shock from high tension wire carrying an electric current of 11,000 Volts, while fixing the flex board of the aforesaid jewellery shop on the roof of the subject property. The son

of the petitioner, at the time of his unfortunate demise, was 27-years old and was a well-known bodybuilder.

(iii) On the date of the incident, the son of the petitioner had gone to

the roof of the subject property, as the flex board of his jewellery shop measuring 6 inches in width had come off from one side and it was hanging in the air. While fixing it, the son of the petitioner came in contact with the high-tension wire and got electrocuted. The aforesaid electric wire was only at a gap of 0.6 metres from the house of the petitioner, whereas in terms of the applicable norms, the gap should have been 1.2 metres.

(iv) The petitioners son was immediately taken to the hospital but was declared dead. Subsequently, on 12th August, 2017, an FIR in this regard was registered with the concerned Police Station.

3. Accordingly, the present writ petition has been filed seeking compensation.

4. Notice in the present petition was issued vide order dated 8th January
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2019. Counter-affidavits/status reports have been filed on behalf of the respondents.

5. In the counter-affidavit filed on behalf of respondent no.1/TPDDL, it

is stated that, as per Clause No.61, CEA (Central Electricity Authority) Regulations 2010, the electricity lines should be at a horizontal distance of 1.2 metres from the building. It is further stated that the electric lines were laid by the erstwhile Delhi Vidyut Board (hereinafter DVB) while maintaining the necessary distance from the building. The distance of the building, i.e. the subject property, was approximately 1.5 meters from the overhead conductors. However, the distance has been reduced to 0.6

metres because of the illegal extension of the balcony of the petitioners house. Along with the counter-affidavit, the respondent no.1/BSES have filed photographs to show that there is an illegal extension of the balcony of the petitioners premises, as compared to other properties in the vicinity, thereby reducing the distance between the high tension wire and the petitioners premises. In this regard, an Accessibility Notice dated 17th July, 2017 was served at and pasted on the wall of the subject property.

6. Counsel appearing on behalf of the petitioner submits that the death of the petitioners son occurred due to the negligence of the respondents in failing to maintain an adequate distance of the high tension wires from residential buildings and in not taking necessary preventive measures despite the inherently dangerous nature of such installations. He places reliance on the order passed by the Supreme Court in H.S.E.B. v. Ram Nath¹.

7. He further submits that the aforesaid Accessibility notice is fabricated

Order dated 27th April, 2004 in C.A. No. 5577/1998.

Signed By:DHARMENDER W.P.(C) 9272/2017 Page 3 of 8 by the respondent as the fathers name of the deceased has been shown as Mr. Ishwar Singh, while the correct name of the father of the deceased is Sunil Kumar Soni, i.e. the petitioner herein. Mr. Ishwar Singh does not reside at the subject property.

8. Counsel appearing on behalf of the respondent no.1/BSES, questions

the maintainability of the present writ petition, as the same raises disputed questions of fact. He submits that the incident did not occur due to any negligence or omission on the part of the respondent no.1/BSES but due to the careless and negligent act of pulling the iron board that came in contact with the overhead bare conductor. He further submits that the overhead conductor was installed at a distance of 1.5 meters

away from the building in question, i.e. beyond the limits prescribed under Central Electricity Authority Regulation, 2010 however, due to unauthorised construction and illegal extension carried out by the petitioner in the subject property, the distance is reduced to 0.6 meters. He further submits that no income particulars of the petitioners son have been given in the petition, so as to claim compensation.

9. I have heard the counsel for the parties.

10. This is a very unfortunate case where a young son of the petitioner

aged 27 years, lost his life in completely avoidable circumstances. The petitioner submits that the death was caused on account of negligence on the part of the respondents and hence, the petitioner is entitled to compensation. Per contra, respondents denied that there was any negligence on their part.

11. It is an admitted position that the petitioners son got electrocuted on account of fixing the iron flex board (which was used for advertising purposes of the shop on the ground floor and which had come out) while Signed By:DHARMENDER
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standing on the terrace of the subject property. In the said process, the iron board came in contact with a high-tension wire, resulting in the electrocution of the petitioners son.

12. It is an undisputed position that the overhead line of the respondent no.1/BSES was installed by the erstwhile DVB prior to 2002.

13. The respondent no.1/BSES has specifically stated in the counter

affidavit that the overhead conductors of the respondent network are at a distance of 1.5 meters from the building, which is in compliance with the Central Electricity Authority Regulations, 2010. However, due to the illegal extension/alteration carried out by the petitioner, the distance has been reduced to 0.6 meters. This fact has not been denied by the petitioner.

14. The respondent no.1/BSES has also placed on record a notice dated

17th July, 2017, which was pasted at the subject property, which pointed out the unauthorised construction carried out by the petitioner close to the respondents overhead line. Despite the receipt of the aforesaid notice, the petitioner did not take steps to remove the unauthorised construction from the subject property.

15. The petitioner has denied the receipt of the aforesaid notice and

submits that the aforesaid notice has been manipulated by the respondents as it mentions the name of one Mr. Ishwar Singh whereas the name of the petitioner is Mr. Sunil Kumar Soni.

16. Whether the petitioner received the aforesaid notice or not would be a

disputed question of fact which cannot be decided in the present writ petition. Even if the name is wrongly mentioned in the said notice, so long as the notice was pasted at the subject property where the petitioner admittedly resides, the respondent no.1/BSES had fulfilled its obligation. Signed By:DHARMENDER
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17. The claim of the petitioner is premised under the law of torts of

negligence, for which the petitioner would have to prove negligence on the part of the respondents, as also the loss suffered on account of the negligence. It has been correctly pointed out by the respondents that no documents have been filed with the petitioner to show the income of the deceased son of the petitioner. The petitioner has not denied the fact that the high-tension line of the respondent no.1/BSES existed prior to the construction carried out by the petitioner.

18. At best, the issues raised by the petitioner are disputed questions of

fact that can only be determined in a trial. The same cannot be adjudicated by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India. [Please see Chairman, Grid Corporation of Orissa Ltd. (GRIDCO) & Ors. v. Sukamani Das (Smt.) and Anr.², and Tamil Nadu Electricity Board v. Sumathi and Others³].

19. In a similar case involving the death of a person on account of coming

into contact with a high-tension wire on the rooftop, a Coordinate Bench of this Court in Rina Devi v. Government of NCT of Delhi and Ors.⁴ had dismissed the writ petition relying upon the judgments of the Supreme Court in Grid Corporation (supra) and Tamil Nadu Electricity Board (supra). It was held that the writ petition is not maintainable on account of several disputed questions of fact. Paragraphs 16 and 17 of the said judgment are set out below:- 16. Therefore, in light of the aforesaid judgments and taking into consideration that Respondents have seriously disputed their liability as also that there was no deficiency in maintaining the transmission line and have also

(1999) 7 SCC 298.

(2000) 4 SCC 543.

Judgment dated 24th January 2025 in W.P.(C) 3442/2024.

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taken a categorical stand that the high tension transmission line was commissioned way-back in 1968 to 1971 in accordance with the 1956 Rules and thereafter the occupants of the colony in question have raised illegal constructions resulting in the height between the transmission line and the roof of the houses reducing, the question of alleged negligence cannot be decided in a writ petition. Significantly, a stand is also taken by BBMB that several notices have been issued to the occupants to

demolish the unauthorized constructions followed by notices to the MCD, but no action has been taken. This Court accordingly upholds the preliminary objection of the Respondents that writ petition is not maintainable and the same is accordingly dismissed.

17. It would be open to the Petitioner to avail of the appropriate remedy in

accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the case. It is also made clear that if the Petitioner takes recourse to a civil remedy where limitation may arise, the appropriate Court may while considering the delay, take into consideration the filing of this writ petition, in light of provisions of Section 14 of the Limitation Act, 1963. [Emphasis supplied]

20. In the present case also, it is the stand of the respondent no.1/BSES

that the high-tension transmission line was set up prior to 2002 in accordance with the regulatory approvals. It is also the contention of the respondent no.1/BSES that the petitioner has raised illegal construction, subsequently resulting in the distance between the subject property and the high-tension line becoming less than the prescribed norm.

21. The petitioner has placed reliance on the order passed by the Supreme

Court in H.S.E.B. (supra) to contend that even in cases of unauthorised construction, the duty remained on the respondents to ensure that the requisite safety distance from high tension wires was maintained. The relevant observation on which the petitioner has placed reliance is set out below:- 6. The appellants are carrying on a business which is inherently dangerous. If a person were to come into contact with a high-tension wire, he is bound to receive serious injury and/or die. As they are carrying on a business which is inherently dangerous, the appellants would have to ensure that no injury results from their activities. If they find that unauthorised constructions have

been put up close to their 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. If there are complaints that these wires are drooping and almost touching houses, they have to ensure that the required distance is kept between the houses and the wires, even though the houses be unauthorised. In this case we do not find any disputed question of fact.

22. In my view, the aforesaid observations would not be applicable in the

present case as the respondent no.1/BSES had already put the petitioner on notice that, on account of unauthorised construction in the petitioners property, the same has come in close contact with the high-tension line of the respondent no.1/BSES. Despite the issuance of the said notice, no steps were taken by the petitioner to remove or rectify the unauthorised construction.

23. In light of the aforesaid discussion, the petitioner has failed to prove that the death of the petitioners son occurred on account of the negligence of the respondents.

24. Accordingly, I do not find merit in the present writ petition and the same is dismissed.

25. It would be open for the petitioner to avail appropriate remedies in

accordance with law, if so advised. In the event the petitioner takes recourse to a civil remedy where limitation may arise, the appropriate Court may, while considering the delay, take into consideration the filing of this writ petition, in light of provisions of Section 14 of the Limitation Act, 1963. AMIT BANSAL, J APRIL 29, 2026 ds Signed By:DHARMENDER W.P.(C) 9272/2017 Page 8 of 8