



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(s). OF 2026
(Arising out of SLP(C) No(s).24849 of 2025)

**KARNATAKA POWER TRANSMISSION
CORPORATION LIMITED**

...APPELLANT(S)

VERSUS

REKHA & ORS.

...RESPONDENT(S)

With

Civil Appeal No(s). of 2026
(Arising out of SLP(C) No(s). 24854 of 2025)

J U D G M E N T

SANJAY KAROL, J.

1. Leave granted.
2. Karnataka Power Transmission Corporation¹ challenges the imputation of liability upon itself, and the consequent order to pay compensation made by a learned Single Judge of the High Court of Karnataka at Bengaluru² and its

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Reason:

¹ KPTC

² In WP No. 1383 of 2020

subsequent confirmation by a Division Bench of the High Court in Writ Appeals preferred thereagainst³.

3. It has to be noted, right at the outset, that the impugned judgement of the Division Bench of the High Court disposed of three appeals out of which the KPTC has chosen to file the present appeal against only two of the three. In the present case, respondent No. 1, namely Rekha, is the widow of one N. Subramanya who died due to an incident of electrocution on 22 February 2018. A first information report was registered the same day, setting into motion the law, the outcome thereof is not part of the record. Apparently, the respondent no.1 filed a writ petition, the subject matter of these appeals. The Appellant herein opposed the petitions on the ground of *inter alia* maintainability; lack of fault on the part of the Appellant; and the presence of disputed questions of fact. Rejecting these objections, both the learned single Judge and Division Bench held the writ petitions to be maintainable since what was sought by the writ petitioners is a remedy for tortious act of the State and such a prayer not requiring exhausting of private law remedy before the Civil Court. On merits the court held the appellant liable, to grant compensation for which the framework of the Motor Vehicles Act, 1988⁴ was adopted. Both the Courts awarded Rs. 25,52,500/- with interest payable at the rate of 6% after three months of the date of judgment.

4. In Civil Appeal @ SLP(C) 24854 of 2025, the facts in brief were that the Respondent therein, namely Muizz Ahmad Shariff, had jumped onto the roof of a neighboring building to retrieve a cricket ball, when in the process of doing so, he came in contact with a 66KV Line and was severely injured. The learned Single Judge awarded Rs. 44,32,050/- which was upheld by the Division Bench.

5. The questions to be decided by us are the maintainability of the writ petition and the yardstick that is to be used in determining compensation in cases of electrocution.

³ WA No. 861 of 2022

⁴ MVA

We have heard the learned Solicitor General, learned senior counsel/counsel for the parties.

6. The question of maintainability of the writ petition is no longer *res-integra*. Numerous judgments of this Court have delineated on this question. We may refer to one such judgment where the principles regarding maintainability have been culled out. In ***Radha Krishan Industries v. State of H.P.***⁵, it has been observed:

“27. The principles of law which emerge are that:

27.1. The power under Article 226 of the Constitution to issue writs can be exercised not only for the enforcement of fundamental rights, but for any other purpose as well.

27.2. The High Court has the discretion not to entertain a writ petition. One of the restrictions placed on the power of the High Court is where an effective alternate remedy is available to the aggrieved person.

27.3. Exceptions to the rule of alternate remedy arise where : (a) the writ petition has been filed for the enforcement of a fundamental right protected by Part III of the Constitution; (b) there has been a violation of the principles of natural justice; (c) the order or proceedings are wholly without jurisdiction; or (d) the vires of a legislation is challenged.

27.4. An alternate remedy by itself does not divest the High Court of its powers under Article 226 of the Constitution in an appropriate case though ordinarily, a writ petition should not be entertained when an efficacious alternate remedy is provided by law.

27.5. When a right is created by a statute, which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before invoking the discretionary remedy under Article 226 of the Constitution. This rule of exhaustion of statutory remedies is a rule of policy, convenience and discretion.

27.6. In cases where there are disputed questions of fact, the High Court may decide to decline jurisdiction in a writ petition. However, if the High Court is objectively of the view that the nature of the controversy requires the exercise of its writ jurisdiction, such a view would not readily be interfered with.”

These principles have been referred to with approval by a bench of three judges in ***T.N. Cements Corpn. Ltd. v. Unicon Engineers***⁶ where it further stood clarified that:

“55. It has been well-settled through a legion of judicial pronouncements of this Court that the writ courts, despite the

⁵ (2021) 6 SCC 771

⁶ (2025) 4 SCC 1.

availability of alternative remedies, may exercise writ jurisdiction at least in three contingencies — (i) where there is a violation of principles of natural justice or fundamental rights; (ii) where an order in a proceeding is wholly without jurisdiction; or (iii) where the vires of an Act is challenged... ”

7. Specifically in the context of cases of electrocution, whether or not a petition under Article 226 is maintainable, is also in the realm of the well-settled law. In *Chairman, Grid Corpn. of Orissa Ltd. (Gridco) v. Sukamani Das*⁷, G.T. Nanavati J. made observations directly relevant for us:

“6. In our opinion, the High Court committed an error in entertaining the writ petitions even though they were not fit cases for exercising power under Article 226 of the Constitution. The High Court went wrong in proceeding on the basis that as the deaths had taken place because of electrocution as a result of the deceased coming into contact with snapped live wires of the electric transmission lines of the appellants, that “admittedly/prima facie amounted to negligence on the part of the appellants”. The High Court failed to appreciate that all these cases were actions in tort and negligence was required to be established firstly by the claimants. The mere fact that the wire of the electric transmission line belonging to Appellant 1 had snapped and the deceased had come in contact with it and had died was not by itself sufficient for awarding compensation. It also required to be examined whether the wire had snapped as a result of any negligence of the appellants and under which circumstances the deceased had come in contact with the wire. In view of the specific defences raised by the appellants in each of these cases they deserved an opportunity to prove that proper care and precautions were taken in maintaining the transmission lines and yet the wires had snapped because of circumstances beyond their control or unauthorised intervention of third parties or that the deceased had not died in the manner stated by the petitioners. These questions could not have been decided properly on the basis of affidavits only. It is the settled legal position that where disputed questions of facts are involved a petition under Article 226 of the Constitution is not a proper remedy. The High Court has not and could not have held that the disputes in these cases were raised for the sake of raising them and that there was no substance therein. The High Court should have directed the writ petitioners to approach the civil court as it was done in OJC No. 5229 of 1995.”

8. What is been held here is that if questions of fact are disputed, then Article 226 would not be an appropriate remedy in cases of electrocution.

⁷ (1999) 7 SCC 298

9. The record reveals the following facts to be disputed in respect of :

(A) Civil Appeal @ SLP (C) No. 24849 of 2025:

- (i) Whether using an aluminium ladder while working in a coffee plantation, in such a manner that it came in contact with an 11 KV Line, constitutes negligence on the part of the respondent?
- (ii) Whether the owner of the coffee plantation was himself negligent for having provided the respondent with the aluminium ladder, in the first instance?
- (iii) Whether the backup relays, which according to the report of the Assistant Executive Engineer, were in satisfactory condition, were actually so or not?
- (iv) Whether the appellant escapes liability because it was responsible for maintenance of electric lines only above a certain voltage and as such, if at all, liability would be on the Respondent No. 2 in the present case?

(B) Civil Appeal @ SLP(C) No. 24854 of 2025 :

- (i) Whether the statutorily mandated distance between the electric line and the building, at 4 metres, was complied with or not;
- (ii) In terms of the undertaking dated 19th April 2000, would make the building owner solely liable for payment of compensation;
- (iii) Whether negligence can be imputed to the appellant since it provided connection to the building in question, if it indeed was the case that the statutorily mandated minimum distance was complied with or not;

10. The High Court had, in effect, held the disputed facts to not be of much relevance because, according to it, it is the standard of absolute liability that is applicable and not strict liability. Since absolute liability obviously has no exceptions, the presence of disputed facts, if at all, would not absolve the

appellant herein. In deciding the correctness of this finding, we must then go to the meaning of absolute liability and strict liability.

11. Absolute liability, as the name itself suggests, is a kind of liability that leaves no scope for exception from such liability. To put it simply, the person who has been deemed to be absolutely liable shall be so liable irrespective of the facts and circumstances in which such imputation has been made upon them. It is applied only to enterprises and comes into play when the activity in which the enterprise is engaged, is inherently dangerous or hazardous and someone has been harmed as a result of the accident that has taken place in performing such activity. The classic case in this regard is the Constitution Bench decision in Oleum Gas Leak Case (*M.C. Mehta v. Union of India (Shriram - Oleum Gas)*)⁸ where an industrial unit of Shriram Foods and Fertilisers, located in Delhi, suffered a leak of Oleum Gas leading to danger to the lives of the people in the area. **Bhagwati C.J.** held thus:

“31. ...We no longer need the crutches of a foreign legal order. We are certainly prepared to receive light from whatever source it comes but we have to build our own jurisprudence and we cannot countenance an argument that merely because the law in England does not recognise the rule of strict and absolute liability in cases of hazardous or inherently dangerous activities or the rule laid down in *Rylands v. Fletcher* [(1868) LR 3 HL 330 : 19 LT 220 : (1861-73) All ER Rep 1] as developed in England recognises certain limitations and exceptions, we in India must hold back our hands and not venture to evolve a new principle of liability since English courts have not done so. We have to develop our own law and if we find that it is necessary to construct a new principle of liability to deal with an unusual situation which has arisen and which is likely to arise in future on account of hazardous or inherently dangerous industries which are concomitant to an industrial economy, there is no reason why we should hesitate to evolve such principle of liability merely because it has not been so done in England. We are of the view that an enterprise which is engaged in a hazardous or inherently dangerous industry which poses a potential threat to the health and safety of the persons working in the factory and residing in the surrounding areas owes an absolute and non-delegable duty to the community to ensure that no harm results to anyone on account of hazardous or inherently dangerous nature of the activity which it has undertaken. The enterprise must be held to be under an

⁸ (1987) 1 SCC 395

obligation to provide that the hazardous or inherently dangerous activity in which it is engaged must be conducted with the highest standards of safety and if any harm results on account of such activity, the enterprise must be absolutely liable to compensate for such harm and it should be no answer to the enterprise to say that it had taken all reasonable care and that the harm occurred without any negligence on its part... We would therefore hold that where in enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous or inherently dangerous activity resulting, for example, in escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability under the rule in *Rylands v. Fletcher* [(1868) LR 3 HL 330 : 19 LT 220 : (1861-73) All ER Rep 1]”

(emphasis supplied)

12. Now let us look to the concept of strict liability. The general rule is that when a person collects or brings upon his land anything that is likely to cause mischief and if such thing escapes, then this person is liable for all natural consequences that follow. (See *Rylands v. Fletcher*⁹ ; *Rajkot Municipal Corpn. v. Manjulben Jayantilal Nakum*¹⁰). Relevant observations of the Privy Council in this regard made in *Quebec Railway, Light, Heat & Power Co. Ltd. v. Vandry*¹¹, are reproduced as under:

“25. Two decisions which were pressed on their Lordships attention require particular examination namely *Canadian Pacific Ry. Co. v. Roy* [[1902] A.C. 220.] and *Dumphy v. Montreal Light Heat and Power Co.* [[1907] A.C. 454.] . The former is a case of damage by the escape of sparks from a locomotive engine and the decision in terms is in line with the well-known authorities of *Vaughan v. Taff Vale Ry. Co.* [[1860] 5 H. & N. 679.] and *Hammersmith and City Ry. Co. v. Brand* [L.R. 4 H.L. 171.] it is case of “plain words authorizing the doing of the very thing complained of”. *Dumphy v. Montreal Light Heat and Power Co.* [[1907] A.C. 454.] is a case of high-tension electricity released by the act of a third party's workman whom the jury acquitted of negligence. No specific article of the Code is mentioned and the presence of high tension current in the cable was only the *causa sine qua non* and the human action which released it was the *causa causans* of the accident. There was statutory authority to circulate high-tension electricity overhead but on the simple issue, whether the damage caused by the

⁹ (1868) LR 3 HL 330

¹⁰ (1997) 9 SCC 552

¹¹ 1920 SCC OnLine PC 10

escape of that electricity was caused by the company's negligence it was held that no negligence had been proved and indeed but for the act of a stranger who himself was not careless, the company's electricity would have done no harm to anybody.

26. Whether in the present cases the evidence established affirmatively a case of negligence against the defendants is a question on which the Supreme Court arrived at no definite conclusion. Had it been necessary the respondents would have been entitled to claim before their Lordships' Board that this issue should be decided now, since the terms imposed on the appellants under the special leave to appeal bound them to rely on points of law only, but did not preclude the respondents from meeting those points upon the facts in any way which the evidence warranted. In the view, however, above taken of the case no decision on this question is needed."

A subsequent decision in 2008 titled *Union of India v. Prabhakaran Vijaya Kumar*¹², discussed this rule in the following terms:

"22. Strict liability focuses on *the nature of the defendant's activity* rather than, as in negligence, the way in which it is carried on (vide *Torts* by Michael Jones, 4th Edn., p. 247). There are many activities which are so hazardous that they may constitute a danger to the person or property of another. The principle of strict liability states that the undertakers of these activities have to compensate for the damage caused by them *irrespective of any fault on their part*. As Fleming says "permission to conduct such activity is in effect made conditional on its absorbing the cost of the accidents it causes, as an appropriate item of its overheads" (see Fleming on *Torts*, 6th Edn., p. 302).

...

24. The basis of the doctrine of strict liability is twofold: (i) The people who engage in particularly hazardous activities should bear the burden of the risk of damage that their activities generate, and (ii) it operates as a loss distribution mechanism, the person who does such hazardous activity (usually a corporation) being in the best position to spread the loss via insurance and higher prices for its products (vide *Torts* by Michael Jones, 4th Edn., p. 267).

...

27. The rule in *Rylands v. Fletcher* [(1868) LR 3 HL 330 : (1861-73) All ER Rep 1] was subsequently interpreted to cover a variety of things likely to do mischief on escape, irrespective of whether they were dangerous per se e.g. water, electricity, explosions, oil, noxious fumes, colliery spoil, poisonous vegetation, a flagpole, etc. (see Winfield and Jolowicz on Tort, 13th Edn., p. 425) vide *National Telephone Co. v. Baker* [(1893) 2 Ch 186], *Eastern and South African Telegraph Co. Ltd. v. Cape Town Tramways Co. Ltd.* [(1902) AC 381 : (1900-03) All ER

¹² (2008) 9 SCC 527

Rep Ext 1316 (PC)] , Hillier v. Air Ministry [(1962) CLY 2084] , etc. In America, the rule was adapted and expressed in the following words “one who carried on an ultra-hazardous activity is liable to another whose person, land or chattels the actor should recognise as likely to be harmed by the unpreventable miscarriage of the activity for harm resulting thereto from that which makes the activity ultra-hazardous, although the utmost care is exercised to prevent the harm” (vide Restatement of the Law of Torts, Vol. 3, p. 41).

...

35. However, we are now witnessing a swing once again in favour of the principle of strict liability. The Bhopal Gas Tragedy, the Chernobyl nuclear disaster, the crude oil spill in 1988 on to the Alaska coastline from the oil tanker *Exxon Valdez*, and other similar incidents have shocked the conscience of people all over the world and have aroused thinkers to the dangers in industrial and other activities in modern society.

...

39. The decision in *M.C. Mehta case* [(1987) 1 SCC 395 : 1987 SCC (L&S) 37 : AIR 1987 SC 1086] related to a concern working for private profit. However, in our opinion the same principle will also apply to statutory authorities (like the Railways), public corporations or local bodies which may be social utility undertakings not working for private profit.

40. It is true that attempts to apply the principle of *Rylands v. Fletcher* against public bodies have not on the whole succeeded vide *Administrative Law* by P.P. Craig, 2nd Edn., p. 446, mainly because of the idea that a body which acts not for its own profit but for the benefit of the community should not be liable. However, in our opinion, this idea is based on a misconception. Strict liability has no element of moral censure. It is because such public bodies benefit the community that it is unfair to leave the result of a non-negligent accident to lie fortuitously on a particular individual rather than to spread it among the community generally.”

It has to be noted that the judgment in *M.P. Electricity Board v. Shail Kumari*¹³; which arose from a suit for damages filed in a case of electrocution, this court held the exception to the principle of strict liability not to be applicable. Since the present case is also dealing with a matter concerning electrocution, the discussion made therein is relevant for our purposes and accordingly reproduced below:

“7. It is an admitted fact that the responsibility to supply electric energy in the particular locality was statutorily conferred on the Board. If the energy so transmitted causes injury or death of a human being, who gets unknowingly trapped into it the primary liability to compensate the sufferer is that of the supplier of the electric energy. So long as the

¹³ (2002) 2 SCC 162

voltage of electricity transmitted through the wires is potentially of dangerous dimension the managers of its supply have the added duty to take all safety measures to prevent escape of such energy or to see that the wire snapped would not remain live on the road as users of such road would be under peril. It is no defence on the part of the management of the Board that somebody committed mischief by siphoning such energy to his private property and that the electrocution was from such diverted line. It is the lookout of the managers of the supply system to prevent such pilferage by installing necessary devices. At any rate, if any live wire got snapped and fell on the public road the electric current thereon should automatically have been disrupted. Authorities manning such dangerous commodities have extra duty to chalk out measures to prevent such mishaps.

8. Even assuming that all such measures have been adopted, a person undertaking an activity involving hazardous or risky exposure to human life, is liable under law of torts to compensate for the injury suffered by any other person, irrespective of any negligence or carelessness on the part of the managers of such undertakings. The basis of such liability is the foreseeable risk inherent in the very nature of such activity. The liability cast on such person is known, in law, as “strict liability”. It differs from the liability which arises on account of the negligence or fault in this way i.e. the concept of negligence comprehends that the foreseeable harm could be avoided by taking reasonable precautions. If the defendant did all that which could be done for avoiding the harm he cannot be held liable when the action is based on any negligence attributed. But such consideration is not relevant in cases of strict liability where the defendant is held liable irrespective of whether he could have avoided the particular harm by taking precautions.”

13. Exceptions to this rule have been recognised in numerous judgments. Among others, reference can be made to ***Kaushnuma Begum & Ors. vs New India Assurance Co. Ltd.***¹⁴ where the principles of the exception were reiterated. The relevant portion of Para 14 thereof is extracted hereunder:

“14. ... They are:

- (1) Consent of the plaintiff i.e. volenti non fit injuria.
- (2) Common benefit i.e. where the source of the danger is maintained for the common benefit of the plaintiff and the defendant, the defendant is not liable for its escape.
- (3) Act of stranger i.e. if the escape was caused by the unforeseeable act of a stranger, the rule does not apply.
- (4) Exercise of statutory authority i.e. the rule will stand excluded either when the act was done under a statutory duty or when a statute provides otherwise.

¹⁴ (2001) 2 SCC 9

- (5) Act of God or vis major i.e. circumstances which no human foresight can provide against and of which human prudence is not bound to recognise the possibility.
- (6) Default of the plaintiff i.e. if the damage is caused solely by the act or default of the plaintiff himself, the rule will not apply.
- (7) Remoteness of consequences i.e. the rule cannot be applied ad infinitum, because even according to the formulation of the rule made by Blackburn, J., the defendant is answerable only for all the damage “which is the natural consequence of its escape”.”

14. Now the question is whether in cases such as these i.e. electrocution of an individual, the standard of liability upon bodies such as the appellant is strict or absolute. We are of the considered view that to impose strict liability would be more appropriate, for not in all cases can it be said that the electricity boards are liable. The transmission of electricity is undoubtedly inherently dangerous. Those who carry out the inherently dangerous activity should bear the burden, and the State is no exception to that rule. Such enterprises operate on a loss distribution mechanism i.e. they are in the best position to spread the loss incurred through insurance or higher prices, as the case may be. It can also be said that they are expected to factor in these possibilities. It is for these reasons that they are liable to compensate the injured/deceased irrespective of any fault on their part, provided that none of the exceptions to the rule of strict liability apply to the case at hand. Granted that they would have taken all reasonable care to protect individuals from electrocution. We are supported in this view by the observations made in ***Prabhakaran Vijaya Kumar***, where it has been categorically held that the rule in ***Rylands (supra)*** applies to a number of different categories of cases *inter alia*, electricity also.

15. On the question of yardstick of compensation, we find this Court to have observed in a two-Judge Bench decision in ***Raman v. Uttar Haryana Bijli Vitran Nigam Ltd.***¹⁵, that the multiplier method cannot be applied to determine compensation in cases of electrocution. Since the calculation paradigm as

¹⁵ (2014) 15 SCC 1

provided for in connection with the Motor Vehicles Act, 1988 is dependent on the multiplier, the scenario thereunder could not have been applied *mutatis mutandis* to electrocution cases, as done by the High Court in the impugned judgment. It is a matter of law that the Electricity Act 2003 does not provide for the method to calculate compensation. What it does provide is the liability of the licensee to pay compensation in certain scenarios under Section 57 thereof but does not say anything regarding the method applicable to calculating the same. This holding in *Raman (supra)* relies on *Balram Prasad v. Kunal Saha*¹⁶. Be that as it may, the overarching principle of just and reasonable, fair compensation would govern the calculation here as well, based on the income of the person and other related claims.

16. Having held as above that there are disputed questions of facts involved, we are of the view that the Writ Petition seeking compensation filed by the respondent was not maintainable. While issuing notice, we had stayed the operation of the impugned judgment and by a subsequent order dated 18.12.2025, had ordered the payment of interim compensation to the tune of Rs. 5 Lakhs. The impugned judgment of the Learned Division Bench as also the Single Judge are quashed and set aside. However, the end result here would be of no consequence to the remedy available to the respondent to take recourse to such alternate remedies as are available against the appellant before the concerned forum. As and when filed, the same shall be decided in accordance with law, on an expeditious basis, uninfluenced by any observations made herein. It is further clarified that the amount of compensation paid in these proceedings shall not be recovered from the respondents and neither will it influence the total compensation as may be awarded in the appropriate proceedings, should it arrive at such a conclusion.

¹⁶ (2014) 1 SCC 384

Civil Appeal @ Arising out of SLP(C) No. 24854 of 2025

17. In view of the conclusion arrived at in the Civil Appeal @ arising out of SLP(C) No(s).24849 of 2025, the Respondents herein are also at liberty to take appropriate action in the above terms.
18. Both the Appeals are allowed. Pending application(s), if any, shall stand disposed of. Parties will bear their own costs.

.....J.
(SANJAY KAROL)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

**New Delhi;
August 12, 2026**