

Received on : 22.08.2025
Registered on : 22.08.2025
Decided on : 30.03.2026
Duration : YY MM DD

**IN THE COURT OF PRINCIPAL SENIOR CIVIL
JUDGE AT DHANDHUKA, AHMEDABAD (RURAL)**

**Regular Civil Suit No.88/2025
Exhibit :-**

**PLAINTIFF :The Deputy Engineer, On behalf
of -
Uttar Gujarat Vij Company Ltd.,
Dhandhuka Sub-Division.
Age: 42 yrs, Occupation:
Service,
Address: Office of UGVCL,
Dhandhuka Sub-Division, At
Post: Dhandhuka,
Tal. Dhandhuka, Dist.
Ahmedabad.**

V/s.

**DEFENDANT :Bathibhai Kamabhai Butiya,
Age: 55 yrs, Occupation:
Labour work,
R/o: Bajarda,
At Dhandhuka, Dist. Ahmedabad.**

**Subject:- Suit for recovery of
Rs.15,388.86/-**

APPEARANCE:

Ms. N. H. Vaishnav - Ld. Advocate for the
Plaintiff.
Ex-parte for the Defendant.

:- J U D G M E N T :-

1. The brief facts of the plaintiff's case are such

that the plaintiff has filed the present suit for its recovery amount of Rs.15,388.86 /- (Rupees fifteen thousand three hundred eighty-eighty and eighty six paise only) from the defendant. In this case, the plaintiff is a Gujarat Energy Development Corporation Limited Company engaged in producing and supplying electricity in the State of Gujarat and among its various sub-branches, Uttar Gujarati Vij Company Ltd. (U.G.V.C.L) works under the provisions of the Electricity Act and one of its branches, situated at Dhandhuka, Tal. Dhandhuka, Dist. Ahmedabad as Dhandhuka Sub-Division Office.

2. In this case, the defendant is a registered customer of the plaintiff company (UGVCL) bearing No. 27385101054 for which he is liable to pay the electricity consumption bill regularly and the plaintiff company is entitled to recover the same but during spot checking, it was found that the defendant has not paid the arrears as well as electricity consumption amount. In this regard, necessary procedures were conducted by the

company officials and therefore, to take legal action against the defendant, electricity connection has been disconnected. Therefore, the plaintiff company has debited the total charges amounting to Rs.15,388.86/- from the defendant and the same has not paid by the defendant till date. At this stage, the plaintiff company has to recover the aforesaid amount from the defendant.

3. Thereafter, the plaintiff had issued a legal notice through RPAD on 24.04.2025 vide Sr. No. 493 which was duly served to him but the defendant did not comply the same. Therefore, the cause of action has been arisen in the jurisdiction of this Court and hence, the plaintiff has filed the present suit to recover its due amount from the defendant in respect of electricity consumption as well as arrears wherein it has prayed for a decree and order that, an outstanding amount of Rs.15,388.86/- along with interest of 12% per annum be recovered from the immovable-movable properties of the defendant or her heirs from the date of filing of the suit.

4. The summons/notice was duly served to the defendant but she has neither appeared in person or through her Ld. Advocate nor filed any report/submission before the Court. Therefore, the proceedings of the said suit was ordered to be proceeded Ex-parte against the defendant.

5. Considering the materials available on record, following issues have been framed at Exh.7 :

- (1) Whether the plaintiff is entitled to recover the suit amount as prayed for ?
- (2) Whether the plaintiff is entitled to get interest on the said due amount ? if yes, then at what rate ?
- (3) Whether the present suit is barred by any law ?
- (4) Whether the plaintiff is entitled to get the relief as prayed for ?
- (5) What order and decree ?

6. My findings for the above stated issues are as under :

- (1) In the Affirmative.

- (2) In the Negative.
- (3) In the Affirmative.
- (4) In the Negative.
- (5) As per Final Order.

7. In support of its case, the plaintiff company has produced following oral as well as the documentary evidences :-

ORAL EVIDENCE

Sr. No.	Particulars	Exh.
01	Affidavit-in-chief of Deputy Engineer of U.G.V.C.L., (Dhandhuka Sub-Division) namely Mr. Mehdihasan Abdulhasan Ansari	19

DOCUMENTARY EVIDENCE

Sr. No.	Particulars	Exh.
01	Statement of consumer	11
02	Copy of annexure C	12
03	Copy of police complaint	13
04	copy of DPC Calculation Sheet.	14
05	Copy of ledger	15
06	Copy of legal notice to defendant.	16
07	Original Acknowledgment cover	17
08	Certified copy of Proforma No.12.	18

8. The Ld. Advocate for the plaintiff has produced closing pursis at Exh.20. Thereafter, Ld. Advocate for the plaintiff has orally argued out at length and also contended that the case of the plaintiff is proved by the oral as well as documentary evidences therefore, the relief as prayed for in this suit should be granted.

-: R E A S O N S :-

Issue Nos.1 and 2:

9. Issue Nos.1 and 2 are correlated with each other and therefore, to avoid the repetition of facts, the same are discussed together. Considering the facts and circumstances of the present case as well as on perusal of the materials available on record, it is very much cleared that although the defendant is a registered customer of the plaintiff company but during spot checking, it was found that the defendant has not paid the arrears as well as electricity consumption bill amount. In this

regard, necessary procedures were conducted by the company officials and therefore, to take legal action against the defendant, electricity connection has been disconnected. Therefore, the plaintiff company has debited the minimum charges as due amount of Rs.15,388.86/- from the defendant and the same has not been paid by the defendant till date. At this stage, the plaintiff company has to recover the aforesaid due amount from the defendant. Thereafter, plaintiff company had issued a legal notice to the defendant vide Exh.16 which was duly served but defendant did not complied the same. Thus, considering the aforesaid facts, it appears that the defendant has failed to make the payment of her electricity consumption bill as well as arrears against her even after she was informed in person through a notice given by the plaintiff side. Moreover, to take legal action against the defendant, Proforma 12 was prepared and on the basis of site verification,

the plaintiff company has to recover the total amount of Rs.15,388.86/-. The Deputy Engineer of the plaintiff company has deposed the same facts as narrated in this suit through his affidavit-in-chief produced at Exh.19. Moreover, the documentary evidences produced at Exhibit Nos. 11 to 18 but it is not contended by the defendant therefore, there is no reason to disbelieve the facts that the defendant has malafide intention for not making the dues as well as arrears of the plaintiff company. Now, considering the materials available on records, it reveals that defendant did not take care to come before the Court and to put her defense or produce any rebuttal evidences before the Court hence, there is no reason to disbelieve the claim of the plaintiff. At this stage, after taking into consideration all the documents produced by the plaintiff company, it transpires that the plaintiff company is entitled to recover the electricity consumption bill charges along

with the interest on it from the defendant.

9.1 Further, in this case, the plaintiff has asked 12 % interest on its due amount to be recovered from the defendant and as per aforesaid discussion in Issue Nos.1 & 2, the plaintiff proves that Rs.15,388.86/- became the due amount to be recovered from the defendant. Moreover, it appears from the pleadings of the plaintiff company that the defendant is a registered consumer of the plaintiff company and he has used electricity supply from the plaintiff company so the rate of interest is required to be calculated as per the Section 34 of CPC. Thus, considering the said provisions, the bank interest rate i.e. 6% interest p.a. can be granted on the due amount till the repayment. Thus, the answer of the **Issue Nos.1 in affirmative and Issue 2** is given in the **Negative**.

Issue No.3:

10. Now, perusing the documents produced by the plaintiff vide Exhibit Nos.11 to 18, it clearly transpires that the PDC (permanent disconnection) date is shown as **18.05.2023** and the present suit is filed on **22.08.2025**. So, as per the Electricity Act-2003, Section 56(2), a money suit should be filed within two years from the date of Permanent Disconnection of electricity supply. But herein this case, the present suit is filed after its proper limitation. So as per the Section 56(2) of The Electricity Act-2003, the suit is **barred by the law of limitation**. And as the suit is barred by law of limitation, the amount as prayed by the plaintiff company is not legal one. Hence, the issue-3 is answered in affirmative.

11. Under these circumstances, when the suit is barred by the proper limitation, the plaintiff is not entitled to recover the due amount therefore, the issue-4 is answered in negative. And in reply to issue No.05, following final order

is passed in the greater interest of justice :-

:- O R D E R :-

- (1) The present suit is hereby **rejected**.
- (2) No order to costs.
- (3) Decree to be drawn accordingly.

Pronounced in the Open Court today i.e. on 30th day
of March, 2026.

Date :30/03/2026
Place:Dhandhuka

**[Yunusahmed
Iqbalhussain Shaikh]**
Principal Sr. Civil Judge,
Dhandhuka, Ahmedabad
(Rural)
UID : GJ00967