

GJJN080012832024



Received on 17-10-2024
Registered on 17-10-2024
Decided on 13-03-2026
Duration YY – MM – DD
01 - 05 - 03

**IN THE COURT OF
ADDITIONAL SENIOR CIVIL JUDGE & ADDL. CJM AT
KESHOD, JUNAGADH**

RCS/156/2024

Exhibit No. -30

Plaintiff: The Paschim Gujarat Vij Co. Ltd.
Through its Deputy Engineer,
Rural Sub Division Office No.2 , Keshod
V/S.

Defendant : Dineshbhai Ranabhai Makwana
Age: 50 , Occupation : Farming
Address: Indira Awas Yojna plot, Movana Ta-
Keshod
Contact : - 9510787778

**Claim : Suit for recovery of Money valued at Rs 46,265.05/-
towards electricity consumption bills Under Section 9
of the C.P.C.**

Appearance for the Plaintiff : Ld. Adv. H D Devani
Appearance for the Defendant : Ex-parte

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

1. The Plaintiff has filed this suit under Section 9 of the Civil Procedure Code (C.P.C.) for the recovery of **Rs. 46,265.05/-** towards electricity consumption bills, D.P.C. charges, and legal notice fees from the defendant in the suit application.
2. **The concise statement of the fact of the plaintiff's case :**

The plaintiff organization, Paschim Gujarat Vij Co. Ltd., is an autonomous body established under the Indian Electricity Act. Its function is to generate and supply electricity for industrial, agricultural, commercial, domestic, and general use throughout the state of Gujarat and its operational Rural Sub-Division Office No. 2 is located in **Keshod**, District Junagadh. Plaintiff has filed suit against **Dineshbhai Ranabhai Makwana**.

On **29/07/2022**, the checking squad comprising **Deputy Engineer, Rajkot, B.B. Jadeja, Lineman; and A.R. Pithdiya, Electrical Assistant**, of the Plaintiff Company carried out inspection at the premises of the defendant and

found that the defendant was consuming electricity **illegally by directly connecting an aluminium twin core wire of about 20 meters to the LT line of the plaintiff company without any authorized electricity meter**, thereby committing theft of electricity. At the time of checking, the defendant himself was present at the site and admitted that he was the owner and user of the premises. The checking officers immediately removed the illegal connection and discontinued the electricity supply. Thereafter, a **Single Phase Meter Verification / Checking Report No. RCC-852171** was prepared on the spot along with the rough sketch and photographs of the premises.

Thereafter, a complaint under **Section 135 of the Electricity Act, 2003** was lodged at UGVCL Police Station, Junagadh, and the necessary documents including the **spot inspection report, daily checking report, and Annexure-4 regarding the seized wire along with the deposit gate pass** were prepared. Thereafter, the Plaintiff Company issued a **supplementary power theft bill dated 29/07/2022 for Rs. 33,087.46/- along with compounding charges of Rs. 2,000/-** to the defendant. However, the defendant failed to make payment of the said amount. Therefore, the plaintiff company issued a **legal notice dated 08/07/2024 through its learned advocate**, which was duly served upon the defendant, but the defendant neither replied to the notice nor paid the outstanding amount.

As per the records of the plaintiff company, the defendant is liable to pay **Rs. 33,087.46/- towards power theft assessment bill, Rs. 12,177.59/- towards D.P.C. charges from July-2022 to August-2024, and Rs. 1,000/- towards legal notice charges, totaling Rs. 46,265.05/- (Rupees Forty Six Thousand Two Hundred Sixty Five and Five Paisa only).**

Because the defendants have not paid the outstanding amount, the plaintiff is now filing this suit for the following reasons:

- (A) They requested that an order be passed to recover the amount due from the defendant, amounting to **Rs. 46,265.05/-** from all types of immovable, movable and personal property of the defendant.
 - (B) They requested to pay D. P. C. charge at the rate of **16% per annum** from **September 2024** on the above amount due from the date of claim till the amount is recovered and also requested to pay the cost of the claim.
 - (C) It is humbly requested any other relief that the court deems appropriate.
3. Summons of this suit is duly served upon the defendant vide **exhibit no. 05** with an endorsement of Bailiff. The defendant failed to appear in response to the summons.

4. Then, it was an order was passed below **Exhibit No. 01** to close the defendant's right to file reply.
5. The plaintiff side has led the oral evidence and produced the documentary evidence as under:

Oral Evidence

Sr. No.	Details	Exhibit
1	Affidavit of examination in chief of the plaintiff through Piyush K Ambaliya, Dy. Engineer, PGVCL, Rural Sub division office No. 2, Junagadh.	09

Documentary Evidence

Sr. No.	Details	Exhibit
1	Proforma No. 12	11
2	Case history of non-consumer	12
3	DPC Calculation Sheet	13
4	Gujarat Government's Gazette regarding interest rates	14
5	Single phase meter verification report of the respondent's meter	15
6	Place Rojkam	16
7	Annexure-4	17
8	Gate Pass	18
9	Consumer supplementary bill details under sec-135	19
10	Consumer supplementary bill details for compounding charges	20
11	Forwarding letter sent to the defendant	21
12	Written complaint against the defendant	22

13	Annexure-C	23
14	Legal notice sent by the plaintiff company to the defendant	24
15	Legal Notice Reg. Ad. Window Slip	25
16	Acknowledgment of notice being served	26
17	Ledger copy of the Non-consumer	27

6. The defendant side has neither submitted any documentary evidence nor led any oral evidence. The plaintiff-side has submitted closing pursis at **Exhibit 28**. Heard, the arguments of Learned Advocate on behalf of the plaintiff.
7. The following issues were framed vide **Exh.07** which are as under:

Sr. No.	Issues
1	શુ વાદી પુરવાર કરે છે કે, પ્રતિવાદી એ કહેવાતી વિજ ચોરી કરેલ છે?
2	શુ વાદી પુરવાર કરે છે કે, તેઓ પ્રતિવાદી પાસેથી રૂપીયા ૪૬,૨૬૫.૦૫ / – વસુલ મેળવવા હકદાર બને છે? જો હા તો કેટલા વ્યાજે?
3	શુ વાદી માગ્યા મુજબની દાદ મેળવવા હકદાર બને છે?
4	શું હુકમ ? શું હુકમનામું ?

8. The reply of the above issue are as under;

1. In Affirmative.
2. In Partly, Affirmative, simple interest @ 6% p.a.
3. In Partly, Affirmative.
4. As per final order.

-. Reasons :-

Issue no. 1, 2 , and 3 altogether :

Since all the issues are interconnected and arise out of the same set of facts and evidence on record and to avoid repetition of facts and evidence, they are required to be decided together as they are based on the same set of evidence and are interlinked with each other.

9. The plaintiff has filed the affidavit of examination-in-chief of its witness **Piyush K. Ambaliya, Deputy Engineer of the plaintiff Company** at **Exh.09**. In his evidence, the said witness has reiterated the substantial contents of the plaint and has duly proved the documentary evidence produced in support of the case. The plaintiff has relied upon the documentary evidence produced at **Exh.11 to Exh.27** in support of its claim.
10. In his evidence, the witness has deposed that on 29/07/2022 the officers of the plaintiff Company, **Deputy Engineer, Rajkot; B.B. Jadeja, Lineman; and A.R. Pithdiya, Electrical Assistant**, carried out checking of the premises of the defendant. During the inspection it was found that the defendant was illegally consuming electricity by directly connecting an aluminium twin core wire of about 20 meters to the LT line of the plaintiff Company without any authorized electricity meter, thereby

committing theft of electricity. The checking officers removed the illegal connection and discontinued the electricity supply. Thereafter, the **Single Phase Meter Verification Report No. RCC-852171 dated 29/07/2022** was prepared on the spot, and a rough sketch and photographs of the premises were also taken and included in the checking record.

11. The plaintiff has produced the **Single Phase Meter Verification Report at Exh.15, Place Rojkam at Exh.16, Annexure-4 at Exh.17, and Gate Pass at Exh.18**, which clearly establish that the defendant had drawn electricity directly from the LT line of the plaintiff Company without installing any authorized electricity meter.
12. The plaintiff has further produced the **Consumer Supplementary Bill under Section 135 at Exh.19, Compounding Charges Bill at Exh.20, Forwarding Letter at Exh.21, and Written Complaint at Exh.22**, which reveal that after the inspection, the plaintiff Company issued a supplementary power theft bill dated **29/07/2022 for Rs. 33,087.46/-** against the defendant for unauthorized consumption of electricity under **Section 135 of the Electricity Act, 2003**.
13. The plaintiff has also produced the **Legal Notice at Exh.24, Registered A.D. Slip at Exh.25, Acknowledgment Receipt at Exh.26, and Ledger Copy at Exh.27**, which show that

despite service of legal notice, the defendant failed to pay the outstanding dues.

14. It is pertinent to note that the defendant has not appeared before the Court despite due service of summons and the matter has proceeded **ex-parte** against him. The defendant has neither filed any written statement nor produced any documentary evidence to rebut the evidence led by the plaintiff.
15. Therefore, the oral evidence of the plaintiff's witness and the documentary evidence produced on record remain **unchallenged and unrebutted**. In absence of any rebuttal evidence, there is no reason to disbelieve the case of the plaintiff. From the documents produced on record, it is proved that the defendant had committed electricity theft and was liable to pay the supplementary bill raised by the plaintiff Company.
16. However, with regard to the claim of **D.P.C. charges**, it is pertinent to note that the plaintiff has not produced any contractual agreement, statutory rule, or binding provision which entitles the plaintiff Company to recover such delayed payment charges in a civil recovery suit of this nature. In absence of any specific legal basis, the claim towards **D.P.C. charges amounting to Rs. 12,177.59/- cannot be allowed**.

17. However, with regard to the claim of **Rs. 1,000/- towards legal notice charges**, it is pertinent to note that the plaintiff has not produced any documentary proof or contractual provision to show that the defendant is legally liable to pay such legal notice charges. In absence of any legal basis, the said claim of **Rs. 1,000/-** cannot be allowed. Therefore, after disallowing **D.P.C. charges and legal notice charges**, the plaintiff Company is held entitled to recover only **Rs. 33,087.46/-**, which is the amount of the power theft supplementary bill.
18. On perusal of the entire record, it transpires that there is no agreement between the parties regarding payment of interest. In view of **Section 34 of the Civil Procedure Code**, when there is no contractual rate of interest, the Court may grant reasonable interest considering the circumstances of the case. Considering the principle laid down by the Hon'ble Apex Court of India regarding interest charges, prevailing rate of interest i.e. 6 % per annum may be granted from the date of filing of the suit till the realization of the decretal amount. Hence, I answer the relevant issues accordingly and award interest at the rate of 6 % p.a. on the decretal amount from the date of the suit till its realization. Therefore, **Issue No.1 is answered in the Affirmative, Issue No.2 is answered Partly in the Affirmative, and Issue No.3 is answered Partly in the Affirmative.**

19. In view of above findings, I hold that plaintiff has successfully established his claim by adducing sufficient evidence, In sequel to my earlier finding, in answer to **point No. 4**, I pass the following order in the interest of justice :-

∴ FINAL ORDER ∴

1. The suit of the plaintiff is hereby partly allowed.
2. The defendant is hereby ordered to pay the outstanding amount of **Rs. 33,087.46/- (Rupees Thirty Three Thousand Eighty Seven and Forty Six Paise Only)** along with simple interest @ 6% p.a. from the date of the suit till its realization.
3. The defendant has to pay the cost of this suit to the plaintiff company.
4. Decree be drawn accordingly.

Pronounced today in open Court on 13th March 2026.

Date: March 13, 2026

Place: Keshod

#AAV

(T. M. Shrimali)

Additional Senior Civil Judge and

Addl. Chief Judicial Magistrate,

Keshod.

Code No. GJ 01306.

Visit ecourts.gov.in for updates or download mobile app “eCourts Services” from Android or iOS