



Exhibit : 29
 Received on : 18.04.2025
 Registered on : 18.04.2025
 Decide on : 08.05.2026
 Duration : 20 00 01
 Ds. M Yr.

**IN THE COURT OF
 ADDITIONAL CIVIL JUDGE
 AT GANDHIDHAM – KACHCHH
 REGULAR CIVIL SUIT No: 401/2025**

(To recover due amount of electricity bill of Rs.1,72,034/- with interest & cost)

PLAINTIFF	:	PASCHIM GUJARAT VIJ COMPANY LTD. Through its Deputy Engineer, Gandhidham Sub-Division Gandhidham-Kachchh
Vs.		
DEFENDANTS	:	1. DINESHBHAI RANCHHODBHAI PANCHAL, Adult
	:	2. GULABBHAI, Adult
	:	3. AMIT SHANKARBHAI GADHAVI, Adult All are residing at: Nr. House No.129, Prajapati Samaj Vikas Trust Opp. Ramdevpir Mandir, Bharatnagar Railway Jhupadpatti, Gandhidham-Kachchh

APPEARANCE:-	
Ld Advocate of Plaintiff	Mr. H. N. ASNANI
Ld Advocate of Defendant	--

J U D G M E N T

1. The plaintiff has filed the present suit through their Dy. Engineer, Gandhidham Sub-Division for recovery of electricity arrears of theft of Rs.1,72,034/- alongwith DPC from the defendant with interest @15% p.a. & costs of the suit.

2. The brief facts of the present suit is as under:-

The defendants are not the consumer of the plaintiff company. On 12/04/2024, the checking squad of the plaintiff company visited to the resident of the defendants & found that the defendants were tempered the service line & get electric connection directly from L.T. line and committed the act of theft of electricity. The checking squad prepared the checking report & rojkam on the spot and issued the supplementary bill of Rs.1,58,655.36/- u/S.135 of the Electricity Act,2003 to the defendants. They have also lodged a FIR against them before the GUVNL Police Station, Bhuj. Even though, they failed to make payment of the same. Therefore, the plaintiff has served a notice by RPAD through Advocate dtd. 25/10/2024 which was served to them. But, the defendants have neglected to pay the same. Hence, cause of action has been arisen to file the present suit & the suit has been filed with a prayer to direct the defendants to pay **Rs.1,72,034.57/- (including DPC upto September,2024)** alongwith interest @15% p.a./DPC from the date of filing till its realization & cost of the suit.

3. Summons was issued to the defendants but the same has not been served to them. Therefore, the Ld. Advocate for the plaintiff has made an application vide Exh.08 to issue public notice in local

newspaper which was allowed. Thereafter, the public notice has been published in local newspaper “Kachchh-Uday” dtd. 26/12/2025 at page no.7. Regarding the same, the Ld. Advocate also passed pursis vide Exh.11. Even though, the defendants failed to remain present before the Court. Therefore, the plaintiff has urged vide Exh.12 to proceed the matter “ex-parte” against the defendants. Looking to negligence of defendant side, the said application has been allowed & the matter has been proceeded “ex-parte” against defendants since 16/02/2026.

4. The following issues have been framed vide Exh.13 on 16/02/2026 for the determination of the suit.

1. Whether the plaintiff proves that the plaintiff and defendants had committed theft, as alleged ?
2. Whether the plaintiff proves that the defendants have an arrears of Rs.1,72,034.57/- as due for electricity usage and the defendant has failed to pay the amount, as alleged ?
3. Whether the relief may be granted as prayed ?
4. What order and decree ?

5. The plaintiff has produced following oral as well as documentary evidence:-

ORAL EVIDENCE:-

Sr. No.	Particular	Exh.
01.	Affidavit for evidence of P.W No.01 Deputy Engineer Ms. Jyotsanaben Hareshbhai Maheshwari	14
02.	Affidavit for evidence of P.W No.02 Dy. Engineer Mr. Mahendra Parmanand Chaudhary	26

DOCUMENTARY EVIDENCE :-

Sr. No.	Particulars	Exh.
1.	Checking sheet No.5439 dtd. 12/04/2024	16
2.	Rojkam	17
3.	True copy of detailed bill calculation sheet	18
4.	True copy of Annexure-G dtd. 12/04/2024	19
5.	True copy of consumer supplementary bill	20
6.	True copy of letter to P.I., GUVNL Police Station, Bhuj-Kachchh for lodging of FIR dtd. 12/04/2024	21
7.	True copy of FIR	22
8.	Notice through Advocate dated 25/10/2024	23
9.	Cover of notice	24

Thereafter, the plaintiff has filed closing pursis vide Exh.27 to declare not to produce further evidence & the matter is proceeded on the stage of defendants' evidence. But, the defendant failed to adduce any evidence as well as cross-examined the plaintiff witness as well. Thus, the matter proceeded on arguments stage.

6. The Ld. Advocate for the plaintiff has submitted written arguments vide Exh.28 wherein the resolution of notification no.05/2005 of GERC has been referred that:-

“DPC shall be levied if the bill is paid within 10 days from the date of billing. DPC will be levied @15% p.a. in case of all consumers except agricultural category for the period from due date till date of payment if the bill is paid after due date and DPC will be levied @12% p.a. for the consumer governed under Rate AG from due date till the date of payment if bill is paid after due date. For Govt. Dues, the DPC will be levied at the rate provided under the relevant Electricity Duty Act.”

As per the say, the Ld. Advocate prayed to allow the suit as well. On the other side, at this stage, neither the defenants nor on behalf of them has appeared before the Court.

7. Findings for the above mentioned issues are as under :-

- (1) IN THE AFFIRMATIVE
- (2) IN THE AFFIRMATIVE
- (3) PARTLY IN THE AFFIRMATIVE
- (4) AS PER THE FINAL ORDER

-:: REASONS ::-

8. **ISSUE No 1 & 2:-**

8.1 Both issues have been interconnected with each other hence, for the sake of brevity as well as for avoid the repetition of facts, they will be discussed together.

8.2 To prove the same, on behalf of the plaintiff company, Dy. Engineer, PGVCL, Gandhidham Sub-Division **Ms. Jyotsanaben Hareshbhai Maheshwari** has examined on oath vide Exh-14 wherein she has reiterated the facts of the plaint and in support of her averments of plaint, she has produced the checking report and rojkam vide Exh.16 & 17 respectively which proves that the defendants have committed the act of theft electricity illegally. The plaintiff has also produced the detailed bill calculation sheet, Annexure-G & consumer supplementary bill vide Exh.18 to 20 respectively which proves that the amount of electricity arrears of **Rs.1,58,655.36/-** is being due against the defendants. The plaintiff has also written a letter dtd. 12/04/2024 vide Exh.21 to P.I., GUVNL Police Station, Bhuj-Kachchh for lodging FIR against the defendants regarding theft of electricity. Thereafter, the FIR has been lodged against them which has been produced the same vide Exh.22 on record. Even though, the defendants failed to make payment of the

same. After repeated demands, the legal demand notice has been issued to them through their Advocate dtd. 25/10/2024 alongwith cover of notice vide Exh.23 & 24 respectively.

8.3 Furthermore, the plaintiff has examined another witness viz. **Mahendra Parmanand Chaudhary**, Dy. Engineer Shihori Sub Division vide Exh.26 who supported the facts & evidence of plaintiff.

8.4 Moreover, the plaintiff has claimed DPC of **Rs.13,379.21/-** upto September,2024. The matter has been unchallenged from the defendants. They failed to bring any evidence on record & also failed to cross-examine the plaintiff witnesses. Thus, there is no any reason to disbelieve the version of plaintiff. Therefore, the plaintiff is entitled to recover the electricity dues of **Rs.1,72,035/-** from the defendants. Hence, the answer of the issue no.1 & 2 are **IN THE AFFIRMATIVE**.

9. ISSUE No.3:-

The plaintiff has also prayed to get interest @15% p.a./DPC over the due electricity arrears but, she failed to adduce any reliable on record regarding the same & she has not adduced the referred resolution of arguments on record. Therefore, the plaintiff will be entitled for quantum rate of interest under Section 34 of Code of Civil Procedure, 1908 which is on discretion of the Court. Thus, considering the facts & circumstances as well as record of the case, the plaintiff is entitled to recover the electricity arrears of **Rs.1,72,035/- with interest @6% p.a.** which would just & proper. Hence, in that event the issue no.3 is proved **PARTLY IN AFFIRMATIVE** & for issue no.4, I pass the following order the interest of justice:-

FINAL ORDER

- 1.** *The Plaintiff's suit is hereby partly allowed.*
- 2.** *The plaintiff is entitled to recover of Rs.1,72,035/- (Rupees One Lac Seventy Two Thousand Thirty Five Only) with interest @6% p.a from the defendants from the date of filing of the suit till its realization.*
- 3.** *All the costs of the suit shall be bear by the defendants;*
- 4.** *Decree be drawn accordingly.*

Pronounced & signed in open court on 08th, May 2026.

-/SD/-

**(Abhishek Sahu)
Additional Civil Judge
Gandhidham-Kachchh
(Code:GJ01429)**

D.N.Dave Eng. Steno