



Exhibit : 28  
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 Duration : 07 00 01  
 Ds. M Yr.

**IN THE COURT OF  
 ADDITIONAL CIVIL JUDGE  
 AT GANDHIDHAM - KACHCHH**

**REGULAR CIVIL SUIT No: 459/2025**

(To recover due amount of electricity bill of Rs.35,457/- with interest & cost)

<b>PLAINTIFF</b>	<b>:</b>	<b>PASCHIM GUJARAT VIJ COMPANY LTD.</b> Through its Deputy Engineer, Gandhidham Sub-Division Gandhidham-Kachchh
<b>Vs.</b>		
<b>DEFENDANT</b>	<b>:</b>	<b>MAHESHWARI DAMYANTIBEN SHANKARLAL @ SHANKARBHAI, Adult</b> Residing at:- Plot No.5, Maheshwari Nagar, Gandhidham-Kachchh

<b>APPEARANCE:-</b>		
Ld Advocate of Plaintiff	<b>:</b>	<b>Mr. H. N. ASNANI</b>
Ld Advocate of Defendant	<b>:</b>	--

## 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.35,457/- 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 plaintiff is the electricity company which provided electricity in the Kachchh District. The defendant is not the consumer of the plaintiff company. On 20/06/2024, the checking squad of the plaintiff company visited to the resident of the defendant & found that the defendant was tempered the service line and get electric connection directly from L.T. line and committed the act of theft of electricity. The checking squad prepared the checking report and made rojkam on the spot & issued the supplementary bill of Rs.33,305.38/- u/S.135 of the Electricity Act,2003 to the defendant. They also lodged a FIR against the defendant before the GUVNL Police Station, Bhuj but, she failed to make payment of the same. Therefore, the plaintiff served a notice by RPAD through Advocate dtd. 04/12/2024 which was served to her. Even though, the defendant neglected to pay the same. Hence, cause of action has been arisen to file the suit. Thus, the suit has been filed with prayer to direct defendant to pay **Rs.35,457/- (including DPC upto October,2024)** alongwith interest @15% p.a./DPC from date of filing till its realization & cost of the suit.

3. Summons was issued to the defendant but, the same has not been served to her. Therefore, the Ld. Advocate for the plaintiff has made an application vide Exh.09 to issue public notice in local newspaper

which was allowed and further urged vide Exh.10 to publish the notice in the newspaper “Kachchh-Uday” which was also granted. 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 defendant failed to remain present before the Court. Therefore, the plaintiff has urged vide Exh.12 to proceed the matter “ex-parte” against the defendant. Looking to negligence of the defendant side, the said application has been allowed & the matter has been proceeded “ex-parte” against defendant 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 defendant had committed theft, as alleged ?
  2. Whether the plaintiff proves that the defendant has an arrears of Rs.37,457/- 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 produced the following oral as well as documentary evidence:-

**ORAL EVIDENCE:-**

Sr. No.	Particular	Exhibit
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. Pratikkumar Pravinbhai Patel	25

**DOCUMENTARY EVIDENCE :-**

Sr. No.	Particulars	Exhibit
1.	Checking sheet No.3701	16
2.	Rojkam	17
3.	True copy of Annexure-C	18
4.	True copy of Annexure-G	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. 21/06/2024	21
7.	Notice through Advocate dated 04/12/2024	22
8.	Tracking report of notice	23

Thereafter, the plaintiff has filed closing pursis vide Exh.26 to declare not to produce further evidence and the matter is proceeded on the stage of defendant's 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.27 wherein it has been referred the resolution of notification no.05/2005 of GERC which is as follows:-

***“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. On the other side, no one has appeared before the Court for arguement.

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:-**

9.1 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.

9.2 To prove the same, the plaintiff side has examined **Ms. Jyotsanaben Hareshbhai Maheshwari Dy. Engineer, PGVCL, Gandhidham Sub-Division** on oath vide Exh-14 wherein she has reiterated the facts of the plaint. In support of the averments of the plaint, she has produced the checking report & rojkam vide Exh.16 & 17 which proves that the defendant has committed the act of theft electricity illegally. The plaintiff has also produced the Annexure-C, Annexure-G & consumer supplementary bill vide Exh.18 to 20 respectively which proves that the amount of electricity arrears of **Rs.33,305.38/-** is being due against the defendant. The plaintiff has also written a letter vide Exh.21 to P.I., GUVNL Police Station, Bhuj-Kachhh for lodging the complaint against the defendant regarding the theft of electricity illegally. Even though, the defendant failed to make payment of the same. After repeated demands, the legal demand notice was issued to her through their Advocate dtd.

04/12/2024 together with tracking report of notice vide Exh.22 & 23 respectively.

9.3 Furthermore, the plaintiff has examined another witness viz. **Mr. Pratikkumar Pravinbhai Patel**, Dy. Engineer Navsari Sub Division vide Exh.25 who has supported the facts & evidence of plaintiff side.

9.4 Moreover, the plaintiff has claimed DPC of **Rs.2,151.62/-** upto October,2024. The matter has been remained to be unchallenged from the defendant. She has failed to bring any evidence on record as well as 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.35,457/-** from the defendant. Hence, the answer of the issue no.1 & 2 are **IN THE AFFIRMATIVE**.

**9. ISSUE No.3:-**

The plaintiff has also prayed to obtain the interest @15% p.a./DPC over the due electricity arrears but, the plaintiff has failed to adduce any reliable on record regarding the facts of interest over the due amount as well as has not adduced the referred resolution of arguments on record. Thus, the plaintiff will be entitled for quantum rate of interest under Section 34 of the Code of Civil Procedure, 1908 which is on discretion of the Court. Thus, considering facts & circumstances as well as record of the case, the plaintiff is entitled to recover electricity arrears of **Rs.35,457/- with interest @6% p.a.** which would just & proper. Hence, 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.35,457/- (Rupees Thirty Five Thousand Four Hundred Fifty Seven Only) with interest @6% p.a from the defendant from the date of filing of the suit till its realization.*
- 3.** *All the costs of the suit shall be bear by the defendant;*
- 4.** *Decree be drawn accordingly.*

**Pronounced & signed in open court on 08<sup>th</sup>, May 2026.**

**-/SD/-**

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