



Exhibit : 26
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 Ds. M Yr.

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

REGULAR CIVIL SUIT No: 758/2025

(To recover due amount of electricity bill of Rs.37,261/- with interest & cost)

PLAINTIFF	:	PASCHIM GUJARAT VIJ COMPANY LTD. Through its Deputy Engineer, Rambaug Sub-Division Adipur-Kachchh
Vs.		
DEFENDANTS	:	NANGAMARA DAUD KASAM, Adult Residing at:- Mandir Faniyu Village: Kharirohar, Tal. 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, Rambaug Sub-Division, Adipur-Kachhh for recovery of electricity arrears of theft of Rs.37,261/- 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 defendant is not the consumer of the plaintiff company. On 22/08/2023, the checking squad of the plaintiff company visited to the resident of the defendant & found that the defendant was 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 on the spot & issued the supplementary bill of Rs.27,977.23/- u/S.135 of the Electricity Act,2003 to the defendant. They have also lodged a FIR against him before the GUVNL Police Station, Bhuj. Even though, he failed to make payment of the same. Therefore, the plaintiff has issued a notice by RPAD through Advocate dtd. 02/01/2025 which was served to him but, he neglected to pay the same. Hence, cause of action has been arisen to file this suit & the plaintiff has filed the same with a prayer to direct the defendant to pay **Rs.37,261.57/- (including DPC upto June,2025)** alongwith interest @15% p.a./DPC from the 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 him. Therefore, the Ld. Advocate for the plaintiff has filed an application vide Exh.06 to issue public notice in newspaper which was allowed and further urged vide Exh.08 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. In this respect, the Ld. Advocate has passed pursis vide Exh.09. Even though, the defendant has failed to remain present before the Court. Therefore, the plaintiff has urged vide Exh.10 to proceed the matter “ex-parte” against the defendant. Considering the same, the said application has been allowed & the matter has been proceeded “ex-parte” against him since 16/02/2026.

4. The following issues have been framed vide Exh.11 on 16/02/2026 for the determination of the suit.
1. Whether the plaintiff proves that the defendant had committed theft, as alleged ?
 2. Whether the plaintiff proves that the defendant has an arrears of Rs.37,261.57/- 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	Exhibit
01.	Affidavit for evidence of P.W No.01 Deputy Engineer Mr. Hitesh Pratapsinh Chudasama	12
02.	Affidavit for evidence of P.W No.02 Deputy Engineer Mr. Alpesh Babubhai Prajapati	23

DOCUMENTARY EVIDENCE :-

Sr. No.	Particulars	Exhibit
1.	Checking sheet No.6194 dtd. 22/08/2023	14
2.	Rojkam	15
3.	True copy of Annexure-C	16
4.	True copy of Annexure-G	17
5.	True copy of consumer supplementary bill	18
6.	True copy of letter to P.I., GUVNL Police Station, Bhuj-Kachchh for lodging of FIR dtd. 23/08/2023	19
7.	True copy of FIR	20
8.	Notice through Advocate dated 02/01/2025	21

Thereafter, the plaintiff has filed closing pursis vide Exh.24 to declare not to produce further evidence & the matter is proceeded on the stage of defendants' evidence. But, the defendant has not produced any evidence as well as has not cross-examined the plaintiff witness.

6. The Ld. Advocate for the plaintiff has submitted written arguments vide Exh.25 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, he prayed to allow the suit as well. On the other side, at this stage, neither the defendant nor on behalf of him 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 and to 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, Rambaug Sub-Division **Mr. H. P. Chudasama** examined vide Exh-12 wherein he has reiterated the facts of the plaint. To prove the averments of plaint, he has produced the checking report & rojkam vide Exh.14 & 15 respectively which proves that the defendant has committed the act of theft electricity illegally. The plaintiff has also produced the detailed bill calculation sheet, Annexure-G & consumer supplementary bill vide Exh.16 to 18 respectively which proves that the amount of electricity arrears of **Rs.27,977.23/-** is being due against the defendant. The plaintiff has also given the complaint to P.I., GUVNL Police Station, Bhuj for lodging FIR against the defendant regarding theft of electricity. Thereafter, the FIR has been lodged against him. The same have been produced the same vide Exh.19 & 20. Even though, the defendant failed to pay the same. After repeated demands, the legal demand

notice has been issued to the defendant through their Advocate by RPAD dtd. 02/01/2025 vide Exh.21.

8.3 Furthermore, the plaintiff has examined another witness viz. **Mr. Alpesh Babubhai Prajapati**, Dy. Engineer Paladi Sub Division vide Exh.23 who has supported the facts & evidence of plaintiff side.

8.4 Moreover, the plaintiff has claimed DPC of **Rs.9,284.34/-** upto June,2025. The matter has been unchallenged from the defendant. He 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 electricity dues round off **Rs.37,262/-** 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 get interest @15% p.a./DPC over the due electricity arrears. But, the plaintiff has failed to adduce any reliable evidence on record regarding the rate of interest as well as he has not brought the referred resolution of arguments on record. Thus, the plaintiff will be entitled for quantum and prevailing bank interest rate as per the market situation and also under Section 34 of Code of Civil Procedure,1908 which is on discretion of the Court. Therefore, considering the facts & circumstances as well as record of the case, the plaintiff is entitled to recover electricity arrears of **Rs.37,262/- 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.37,262/- (Rupees Thirty Seven Thousand Two Hundred Sixty Two 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 08th, May 2026.

-/SD/-

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

D.N.Dave Eng. Steno