

Received On	24/06/2025		
Registered On	24/06/2025		
Decided On	27/07/2026		
Duration	Year	Month	Day
	01	01	03

**IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE,
SANTRAMPUR.**

**RCS No.230/2025
Exh. :25**

Plaintiff

Deputy Engineer,
M.G.V.C.L.
H/o.Vadodara.
Having address at: Sub-Division No.1,
At Po.: Santrampur
District: Mahisagar.

V E R S U S

Defendant

Baria Rameshbhai Budhabhai
Adult, Occupation - Agriculture,
Having address at: Mu.Po.Fachar faliyu, Satkunda,
Tal.: Santrampur.Dist: Mahisagar.

Appearance :-

Ld. Advocate **Mr. H. R. Panchal** for the plaintiff.
The defendant Exparte

: J U D G E M E N T :

1. Brief facts of the plaintiff case are that the plaintiff company is carried out the business of electricity distribution (administration and maintenance) Madhy Gujarat Vij-Company Limited (MGVCL) is registered under the Companies Act and its corporate office is situated at Baroda. In the subordination of company, the local office situated at Sub-division No.1 Santrampur, Dist.:Mahisagar. The defendant is residing at Fachar

faliyu, Satkunda, Tal.: Santrampur, Dist.: Mahisagar and it is come within the jurisdiction of plaintiff company. Defendant is not the consumer of plaintiff company. The authorized officers of the company had checked and inspected the electricity connection as well as electricity lines in the Fachar faliyu, Satkunda, Tal.: Santrampur on dated 28/06/2023. The defendant had connected private electricity wire with the electricity lines of defendant passing near the defendant's premises, said electricity lines of plaintiff company has been consumed by the way of dishonest manner for the purpose of the domestic use. Defendant has connected his private wire with low tension electricity line of plaintiff company. According to the Annexure-A-2 illegal wire connection has been directly joined by the defendant with the private wire through joining anchor (langar) and thereby electricity load consumed for the domestic purpose and consumed 0.824 k.w. electricity and committed an act of theft. It came to the notice of the inspection team of the company in pursuant to that the officers of the company has conducted procedure under the provisions of the electricity Act and completed entire procedure of inspection and ultimately filed the complaint in proper jurisdictional police station. Plaintiff has sent a letter to the defendant for the illegal act of electricity theft and according to the prescribed procedure under electricity act, plaintiff company has sent a forwarding letter along with electricity theft bill, compounding bill as well as calculation proforma and the plaintiff has given the opportunity to pay the outstanding amount of electricity theft act, defendant was failed to pay the Rs.21,838.00/- paise, as a result, the defendant is liable to pay delay payment charge as per the rules,

regulations and by-laws of the company, eventually, the company has sent the legal demand notice on dated 24.05.2024, legal notice was duly served dated 01.06.2024 despite the defendant has not paid the some of Rs.18,556.00/- Paisa to the office of the plaintiff company. Defendant has not given any reply to the plaintiff company at this juncture, plaintiff company has filed the suit to recover the money sum of Rs.21,838.00/- Paisa according to the delay charges. Plaintiff has sought the relief to recover the money of Rs.21,838.00/- Paisa along with 15% interest from the defendant.

2. Summons was duly served to the defendant and defendant did not present before the Court therefore by order dated 03/11/2025, the suit was directed to proceed ex parte against the Defendant and the Court has framed the issue under Order 14 of the CPC :-
3. The oral as well as documentary list produced before this Court:

Sr.No	Particular	Exhibit
1.	Inquiry report at Annexure-A-2	14
2.	Forwarding letter at Annexure-G	15
3.	Supplementary bill of theft of electricity	16
4.	Compounding Bill	17
5.	Calculation sheet of Annexure-C	18
6.	Letter of Police Complaint	19
7.	Legal notice through Advocate	20
8.	Receipt of R.P.A.D.	21
9.	Claim amount including interest till 28/06/2025	22
10.	Site Inspaction	23

--	--	--

4. Points for determination:-

- i. Whether the plaintiff proves that defendant has committed power theft and the same was detected on the date of checking?
- ii. Whether the plaintiff proves that plaintiff is entitled to recover the amount as claimed from the defendant?
- iii. Whether the plaintiff proves that the supplementary bill issued to the defendant for power theft is just, proper and legal?
- iv. Whether the plaintiff proves that suit filed by plaintiff is brought within the period of limitation?
- v. Whether the plaintiff proves that plaintiff is entitled to delay payment charges ?
- vi. Whether the plaintiff proves that the plaintiff has filed suit after obtaining necessary permission from the competent authority?
- vii. Whether the plaintiff is entitled to get interest as claimed?
- viii. What order and decree?

5. My findings on the above points are as under with the reasons mentioned herein under.

- i. In Affirmative.
- ii. In Partly affirmative.
- iii. In Affirmative.
- iv. In Affirmative.
- v. In Negative.
- vi. In Affirmative.

- vii. In Partly Affirmative.
- viii. As per final order.

REASONS

Issue No.1 to 7 :-

6. All the issues are connected, therefore, the discussion made herein together. The plaintiff has submitted the affidavit of examination-in-chief under Order 18 Rule 4 of the CPC and on behalf of the plaintiff company in charge of Deputy Engineer - Kapadiya Abhijit Pravinchandra who is ex-officio respondent person of plaintiff company has deposed at Exh.12 and the fact of the plaintiff suit has categorically mentioned in his deposition. Looking to the statement of non-consumer/defendant, it transpires that on dated 28/06/2023 in the Fachar faliyu, Satkunda, Tal.:Santrampur, Dist.:Mahisagar, non-consumer Office of Baria Rameshbhai Budhabhai has introduced him and the officers of electricity company have inspected spot and according to the picture and map mentioned in Exh.14, low tension line of plaintiff company's passing near defendant's premises and attached an anchor at the second end of wire connected the domestic load. Defendant has committed the direct electricity theft and cable private wire seized on the spot, it shows that the officers of the company has conducted the inspection. Non-consumer defendant bears his signature, defendant has not challenged procedure conducted by the plaintiff. Statement recorded by the inspection team of plaintiff company has not challenged by defendant. Schedule-G supplementary bill has been sent by the plaintiff company to the non-

consumer defendant under Section 135 of the Electricity Act, 2003 and supplementary bill along with compounding charge was Rs.16,263.85/- Paise but, said bill was not paid by the defendant. On perusing the Exh.15, supplementary bill of non-consumer of the details as to non-consumed electricity inspection conducted by the plaintiff company on dated 28/06/2023 is categorically denoted 7 days time has been given to pay the outstanding amount of direct theft bill, but it is not paid by the defendant. On perusing Exh.18, it is Annexure-C and assessment of supplementary bill for the case detected under Section 135 of the Indian Electricity Act. A category of consumer is mentioned as LT, tariff of connected load found At. Fachar faliyu, Satkunda, Tal.:Santrampur time of checking.The code of denoted in the assessment of supplementary bill at Exh.18 total connected load found at the time of checking was 00.824 KW and 1173 units of electricity recorded by meter reading during assessment period the previous reading date was 28/06/2022. On the date of current reading which mentioned as 28/06/2023. The formula for the adopted for assessing unit during the chargeable period, and given during the inspection kilowatt load factor as well as number of period which is considered total assessed units. As per A, B, C, D formula was 1173 units and the chargeable period was taken for the unit was 365 days and eventually connecting entire procedure inspection team as probable calculation of supplementary bill concerned of (1) chargeable unit assessed (2) numbers of times at which penalty rate applied, (3) fixed charges, (4) amount of energy charges, (5) minimum charges, (6) fuel charges. Thereafter, calculating total and adding compounding charges and thereafter the

total amount of bill mentioned and deputy superintendent A/C, deputy engineer and three persons bears their signature in the documents at Exh.18. Considering the documentary evidences, at Exh.14 to 23 show that whatever procedure conducted by the checking team is up to mark no infirmity found and whatever procedure adopted and calculation mentioned in the documents are just and proper defendant was not stepped into witness box and said procedure bill has not challenged or contested and in pursuant to that FIR registered against the defendant under Section 135 of Indian Electricity Act, 2003 and for the recovery of bill, the notice sent to the defendant it was duly served by the registered AD post on perusing the legal demand notice at Exh.20 the registered Post AD at Exh.21 shows that RPAD notice was duly served despite the defendant has not paid the money of supplementary bill.

7. Discussed hereinabove, the plaintiff has proved that the defendant is not a consumer of MGVCL and the examination-in-chief at Exh.12 is corroborated by the documentary evidences. The plaintiff has filed the present suit under Article 113 of the Indian Limitation Act and the suit filed by the plaintiff for recovery of outstanding amount of bill from non-consumer. The plaintiff has checked at the premises on 28/06/2023. Suit filed by the plaintiff company on dated 24/06/2025, in the limitation period to file the present suit are 2 years and the plaintiff has filed the suit within the period of 2 years and therefore, plaintiff suit is not barred by limitation. According to the discussion hereinabove, the plaintiff has proved the documentary as well as oral evidences that the defendant was not

consumer and being her status, she has no right to connect the private wire with low tension connection load of plaintiff company and the such type of case is come within the purview of theft of electricity and it is absolutely mal-practice and direct theft and therefore she is liable to pay the amount of consumed electricity plaintiff is entitled to recover the amount of supplementary bill along with compounding charges which comes to Rs.16,263.85/-. Plaintiff has sought delay payment charges but plaintiff does not produce single evidence regarding this aspect so as per my view he is not entitled to get amount on head of delay payment charge.

- 8.** As far as the rate of interest is concerned, plaintiff has sought rate of interest on the outstanding amount 15% per annum, but, the said rate is a cruel and not proper because nowadays, period of globalization across the world and our country as adopted development of globalization in pursuant to that the Reserve Bank of India has reduced the rate of interest and all the banking institutions and commercial institutions have reduced the rate of interest in the lent money as well as deposited money. However, of course, in the commercial transaction rate of interest is fixed as 6% according to the provisions of CPC, but, herein this case, suit being a non-consumer whatever act and mal-practice done by the defendant as commission of direct electricity theft is concerned. The relation and act between the plaintiff and defendant is not come within the purview, commercial transaction but it is the duty of the Court to impose the rate of interest in reasonable manner therefore 6% rate of interest is just and proper. Hence, points Nos.1 to 7 are in accordingly.

Point No.8

9. To prove the case by plaintiff it is essential or condition precedent for the plaintiff to prove the following 3 ingredients simultaneously (i) plea, (ii) proof and (iii) prove. Plea of suit proved by the plaintiff with the support of cogent and clinching documentary evidence and defendant has not cross-examined by the plaintiff. Looking to the foregoing discussion, for point No.8, I pass the following order:-

: O R D E R :

(1) Plaintiff suit is hereby partly allowed.

(2) Defendant to pay amount of Rs.16,263.85/- Paisa with the running interest @6% from the date of filing of the present suit i.e 24/06/2025 till the realization.

(3) Defendant to pay the cost to the plaintiff.

(4) Decree be drawn accordingly.

Pronounced in open court today 27th Day of July 2026.

Date: 27/07/2026
Place: Santrampur

(Javedhusen Mohammadbhai Memon)
Principal Senior Civil Judge
Santrampur.
(GJ01077)