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**In the Court of
Principal Senior Civil Judge,
At.Jasdan. Dist.Rajkot
Presided Over by D. C. RAVAL**

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Regular Civil Suit No.38 of 2025

Exhibit-....

PLAINTIFF:

PASCHIM GUJARAT VIJ COMPANY LIMITED,
SUB DIVISION - ATKOT,
DIST- RAJKOT

VERSUS

DEFENDANT:

GOVINDBHAI MOHANBHAI KHAMBHLA.
AT-PAREVALA, MAIN ROAD, TAL-JASDAN, DIS-RAJKOT.

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Appearance:-

Learned Advocate for the Plaintiff :

M.D.TOGADIYA.

learned Advocate for the Defendant :

R. S. NAGANI.

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Subject :-	Suit for Recovery of Rs.49560-04 PS.
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-:: J U D G E M E N T ::-

Suit valued for RS. 49560-04 PS.

1. The plaintiff herein is the Government statutory company enacted under the Gujarat Electricity Industry (Re-organization and Regulation) Act 2003, mainly engaged in the distribution of electricity and having registered office at Rajkot and popularly known as **Paschim Gujarat Vij Company Limited (PGVCL)** (hereinafter referred as "**Plaintiff Company**"). It is stated in the plaint that defendant here in is non consumer and even though unauthorizedly using power energy by unauthorizedly pilferage the electrical energy by using one distribution board. The plaintiff company has registered said unauthorized person. It is further stated in the plaint that on 09/05/2023 on surprise check by the officials of the plaintiff company it has found that defendant has used total **00.410 Kwatt** in unofficial utilized the electric energy and there for on spot

panchnama carried out and checking report prepared and as per provision of section 135 of electricity act 2003 bill prepared to the tune of rupees **RS. 49560-04 PS** and one FIR registered against the defendant and when defendant remain fail to pay **RS. 49560-04 PS** when defendant remain failed not to answered the legal notice dated 19/04/2024 and there for present suit became necessary to recover **RS. 49560-04 PS**. Hence, present suit has been made.

2. Plaintiff has instituted present suit on Dt.09/06/2025 and on the same day Summons issued to the defendant and defendant though duly served but did not turn up and there for this court has passed order to proceed ex parte against defendant.
3. By considering pleadings of the plaint and in absence of written statement only issue remaining to decide is as.

I S S U E S

1. Whether the plaintiff prove that defendant herein has committed theft of the electric energy ?
2. Whether the plaintiff proves that it is entitled to recover **RS. 49560-04 PS** from the defendant ?
3. Whether the plaintiff is entitled to get any interest on suit claim ? if yes, at what rate ?
4. What order and decree ?
4. My answer on above issues are as under :
 1. In Affirmative.
 2. In Affirmative.
 3. Partly in Affirmative.
 4. As per final order
5. The plaintiff has produced following documentary evidence in support of his claim.

Sr. No.	Particular	Exh.
1.	PROFORMA.	14

2.	OFFICE NOTE.	15
3.	LEDGER COPY.	16
4.	NOTICE.	17
5.	POST RECEIPT.	18
6.	GATE PASS.	19
7.	F.I.R.	20
8.	PUVANI BILL.	21
9.	ANNEXURE-C.	22
10.	SUPPLIMENTARY BILL.	23
11.	COMPOUNDING BILL.	24
12.	CHECKING REPORT.	25
13.	ROJKAM.	26
14.	ANNEXURE-4.	28
15.	PHOTOGRAPH.	29
16.	PHOTOGRAPH.	30
17.	PHOTOGRAPH.	31
18.	ROJKAM.	32

Though defendant duly serve but did not remain present and not given any evidence so there is no evidence of defendant.

6. Heard, the Learned Advocate Shri **M.D.TOGADIYA** for the plaintiff and no

one is there for the defendant and so no one has argued for the defendant.

-:: R E A S O N S ::-

7. Issue Nos.1 To 3 .

As all issue are inter connected all are decided together by giving reasons jointly. Looking to the pleadings of the plaint and also documentary evidence produced by the present plaintiff, it is stated that, defendant has committed theft of electricity to the tune of **RS. 49560-04 PS** and the plaintiff company has produce Copy of Ledger at Exhibit-16. The defendant has not remained present in the court after notice served to him and hence the evidence of plaintiff, on record is not challenged by him. The documentary evidence is the part of the records kept by the plaintiff, all the documents are original documents and there is no reason for not believing the documentary and the oral evidence on record. From the documents

on record it is very clear that the defendant is not the consumer of plaintiff he has not paid the outstanding dues of plaintiff. Hence the Issue No.2 is answered in affirmative. The plaintiff has requested for **18%** interest. Merely the defendant has not remained present in court and the suit is tried ex-party against him, the interest claimed by plaintiff cannot be allowed as prayed, from the entire record it doesn't seem that there was any contract between the parties regarding rate of interest, no rules or law has been shown by the plaintiff for claiming **18%** interest, the interest claimed by the plaintiff seems very high and therefore considering Sec.34, of Code of Civil Procedure, **6%** interest would be reasonable, hence Issue no.2 is answered as partly affirmative. Hence as discussed above the plaintiff succeeds and has proved the suit partly and is entitled for the amount mentioned in suit with **18%** interest and hence Issue No.3 is answered as Partly Affirmative. Looking to the Annexure-C at Exhibit-22 and Legal Notice

also perusing document at Exhibit-17 it has specifically ask for penal interest on recoverable amount and there for an interest of **6%** is justifiable.

8. Issue No.4.

As per final order.

-:: F I N A L O R D E R ::-

- 1.** The suit has partly succeeded. The plaintiff firm is entitled to recover **RS. 49560-04 PS** at rate of **6%** interest p.a., from the defendant from the date of institution of the suit till recovery.
- 2.** The defendant shall bear its own cost along with the cost of plaintiff company.
- 3.** Decree to be drawn accordingly.

Signed and pronounced in open Court today on 28th day of July, 2026 at Jasdan.

Date: 28/07/2026
Place: Jasdan.

(Devang Chandravadan Raval)
Principal Senior Civil Judge,
Jasdan. Code GJ-01209

V. D. THAKER
STENOGRAPHER