

Received on :

Registered on :

Decided on :

Duration :

D M Y

Exh.

IN THE COURT OF JUDGE SMALL CAUSE COURT

AT SURAT

SUMMARY SUIT NO. 28 OF 2020

Plaintiff :

Dakshin Gujarat Vij Company Ltd.

Reorganised under Gujarat Electricity Industry.

Registered office- at Limbayat Sub-Division, Udhna Road no.3,

Udhna Railway Station, Surat

Through Executive engineer

Mr. Rakesh Rampal Chaudhari

Versus

Defendants :

1 Surti Jagdishbhai Ranchodbbhai

Age- Adult,

Resi.- Plot No. 31, Jawahar Mohalla,

Nilgiri Dindoli

Surat

Sub: Suit for recovery of Rs.15447.30/- (Fifteen thousand Four hundred forty seven and thrity paise) along with delay payment charges

Mrs.F.H.Dhanai, Ld. advocate for the plaintiff.

Ex-parte against the defendant

JUDGMENT

1. The facts of the case of the plaintiff institute in brief are as under:-
 1. The plaintiff is an organisation established under Gujarat Electricity Industry (Re-organisation and Regulation) Act, and indulge in business of production and supply of Electricity, and the defendant is the consumer of the plaintiff company, has consumer no. 16021297415 RGPU.
 2. That the defendant being the consumer of the plaintiff organisation was liable to pay the electricity charges accruing time to time and claimed by the plaintiff organisation. But he made defaults in making timely payment hence became liable to pay the electricity charges with the delay payment charges and interest. Hence the plaintiff filed this suit.
2. As the suit was filed, defendant was served with summons, but he did not appeared even though dully served, hence the suit was ordered to proceed further Ex-parte under Order 9 rule 6 of the Civil Procedure Code.
3. After that the issues were framed under Or.14 of CPC, which are as follows-

ISSUES

1. Whether the plaintiff proves that the defendant has availed electricity consumption from the plaintiff?

2. Whether the plaintiff proves that an amount of Rs.15,447.30 is due and payable by the defendant towards consumption of electrical supply?
3. Whether the plaintiff is entitled to get relief as prayed for?
4. What order and decree?

4. Findings of this Court are as follows for the above said issues-

1. In Affirmative.
2. In Affirmative.
3. In Affirmative
4. As per final order

5. To prove the above said issues the plaintiff produced following documents before this Court-

Exhibit	Documents
11	Affidavit of Examination in Chief of the Pw-1 R.R. Chaudhari
12	Authority Letter
13	Notice of 345
14	Proforma-12
15	Unpaid Bill
16	Legal Notice
17	Post Acknowledgement for service of notice
18	15% DPC Circular
19	Closing Pursis

REASONS

Issues no. 1 to 4

6. As the issues no.1 to 4 are intertwined, hence to avoid repetition, all are discussed together. The plaintiff's case is that-

1. The plaintiff is an organisation established under Gujarat Electricity Industry (Re-organisation and Regulation) Act, and indulge in business of production and supply of Electricity, and the defendant is the consumer of the plaintiff company, has consumer no. 16021297415 RGPU.
2. That the defendant being the consumer of the plaintiff organisation was liable to pay the electricity charges accruing time to time and claimed by the plaintiff organisation. But he made defaults in making timely payment hence became liable to pay the electricity charges with the delay payment charges and interest. Hence the plaintiff filed this suit.
7. The plaintiff supported his claim with the affidavit of Exh-11. He submitted that the defendant was the consumer of the plaintiff company and was supplied with electricity connection. The fact that the defendant was the consumer of the plaintiff company is proved by the proforma-12 produced at Exh-14, which shows the electricity connection in the name of the defendant. The defendant is served the notice for payment of electricity charges Rs.15,447.30/- due upon him. Such notice is produced at Exh-13. The ledger kept with the plaintiff company in the electricity connection in the name of the defendant is also produced at exh-15. Further the defendant was also served with legal notice produced at Exh-16. All above said documents are supported by the oral version of pw-1 R.R.Chaudhary who is authorised person of the plaintiff company and such authority letter is produced at Exh-12. The plaintiff claimed the Delay Payment Charges and the Circular of the plaintiff company is produced at Exh-18.

1. It is proved by the plaintiff that the defendant was the consumer of the plaintiff company and had the electric connection in his name. He made fault in paying the user charges for the alleged connection. He was served notice by the plaintiff and the summons by this Court. The summons produced at exh-7 shows the endorsement made by the balliff which shows that the defendant was properly and dully served yet he did not remain present. Hence the evidence of the plaintiff remain unchallenged. All the documents produced at exh-12 to 18 are the public documents, hence there arise a rebutable presumption about their genuineness. As the defendant did not appear to rebut them these are presumed to be genuine, hence there seems no reason to discard them.
2. Hence issues no. 1 to 3 are answered in affirmative, and issue no4 is answered as follows-

ORDER

- (1) The plaintiff suit is hereby granted.
- (2) The plaintiff is entitled to recover Rs. 15,447.30/- from the defendant personally and from his property, with delay payment charges at a rate of 15% till the date of realization of the decree.
- (2) No Order as to Cost.
- (3) Decree be drawn accordingly.

Pronounced in open court on this 30th day of September, 2021.

Date: 30.09.2021

(Bindu G.Awasthi)

Surat

Judge,Small Cause Court,Surat

UID NO.GJ00810