

Received on : 12.08.2025  
Registered on : 12.08.2025  
Decided on : 24.04.2026  
Duration : D - M - Y

**IN THE COURT OF ADDL. CIVIL JUDGE,**  
**AT - SIHOR, DIST. - BHAVNAGAR.**

**REGULAR CIVIL SUIT NO.: 250 of 2025**

**Exh. -**

**Plaintiff**

Paschim Gujarat Vij Co. Ltd.,  
Constituted under Gujarat Electricity Industries  
(Reorganization & Regulation) Act, 2003  
having its Head Office at Laxminagar, Rajkot  
through Deputy Engineer,  
Sanosara Sub-Division Office,  
Tal. Sihor, Dist. - Bhavnagar.

***Versus***

**Defendant**

Dhirajlal Parbatbhai,  
Age: adult, Occu.: Agriculture - labour, religion: Hindu,  
Add. Vill. Sarvedi,  
Tal. - Sihor, Dist. - Bhavnagar.

**Subject :- Suit for Recovery of Amount of Rs. 68,479.95**

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**ADVOCATES :**

L. A. Mr. G. T. Bhatt for the Plaintiff.

Ex - parte against the defendant.

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**- :: J U D G M E N T :: -**

(1) The case of the plaintiff in nutshell is that plaintiff is a Company registered under the Gujarat Electricity Industries (Reorganisation and Regulation) Act-2003. That the plaintiff company is engaged in producing, distribution and supply of electricity and having its administrative and corporate office at Laxminagar Main Road, Rajkot and having its circle office at Bhavnagar.

(2) That the defendant herein has preferred application with the plaintiff company for availing electricity connection for **residential** purpose and accordingly, the electricity connection was provided to the defendant, defendant consumer no is **87827001092**. However, while checking conducted by the officials of the plaintiff company on the Dt. 19/05/2023, at the premises of the defendant, it was found that the defendant was using electric energy by illegal means. **i. e. with another direct parallel line from low power line**. Therefore officers of the Plaintiff Company has carried out necessary proceedings on the site and after that company has issued supplementary bill,

including D. P. charges of **Rs. 68,479.95** to the defendant. Therefore, a legal notice was given to the defendant, inspite of the legal notice, the defendant did not pay the outstanding amount of the plaintiff. The defendant has not made any payment till date, and therefore, the plaintiff company has filed the present suit for recovery of Rs. **68,479.95** along with interest @ **15%** from the date of filing of the suit from the defendant and has also prayed for passing an order for recovery of cost of this suit from the defendant.

(4) After registration of the suit, this court has issued summons on defendant that has been duly served on Defendant, however, the defendant has not appeared before the Court either party in person or through his learned advocate. Hence, my predecessor was ordered to be proceeded ex - parte against the defendant.

(5) From the pleadings following issues have been framed to determine the present suit by this court vide **Ex - 06**, Which are as under:-

**-. ISSUES :-**

1. Whether the plaintiff proves that the defendant has committed theft of electric energy?
2. Whether the plaintiff proves that Rs. **68,479.95** are due from the defendant towards electric charges?

3. Whether the plaintiff is entitled to get interest? if yes, at what rate?
4. Whether the plaintiff is entitled for the reliefs as prayed for?
5. What order and decree?

(5) My findings thereon are as under :

1. In affirmative
2. In Negative
3. In Negative
4. In Negative
5. As per final order

(6) The plaintiff has produced the following evidences :

**- :: ORAL EVIDENCE :: -**

1. Ex - 07      The deposition of authorised officer of the plaintiff company – **Mr. Gopalbhai Poonamchand Ganva.**

**- :: DOCUMENTARY EVIDENCE :: -**

- 1      Ex - 09      Proforma No. 12
- 2      Ex - 10      Certificate
- 3      Ex - 11      Certificate
- 4      Ex - 12      Internal C.R.
- 5      Ex - 13      Notice

|    |         |                                   |
|----|---------|-----------------------------------|
| 6  | Ex - 14 | Acknowledgment of RPAD            |
| 7  | Ex - 15 | Supplementary Billl               |
| 8  | Ex - 16 | Annexure XI                       |
| 9  | Ex - 17 | Annexure A2                       |
| 10 | Ex - 18 | Office Note                       |
| 11 | Ex - 19 | Consumer Personal Ledger          |
| 12 | Ex - 20 | Physical Site verification report |

(7) After adducing documentary and oral evidence, the plaintiff has filed evidence closure pursis at Exh. - 21. The defendant has not produced any oral or documentary evidences in support of his case. The case was proceeded ex-parte against the defendant. Further arguments of Ld. Advocate of the plaintiff has been heard.

**-.: REASONS :-**

(8) **Issue no. - 01 to 04 are discussed together:-**

(8.1) Since the above Issues are interrelated with each other, for the sake of brevity and with a view to avoid repetition they are being discussed together.

(8.2) In order to prove the said issues, the plaintiff - Company has examined **Mr. Gopalbhai Poonamchand Ganva** who is a Deputy Engineer in the plaintiff company and authorised officer of plaintiff. He has filed affidavit in examination in chief at **Exh. 07**, wherein he has reiterated all the

facts of his plaint and said that plaintiff is registered company under the law and he is the authorised officer of this company. While carrying out checking at the premises of the defendant by the officials of the plaintiff company, it was found that even though, defendant is consumer of the company, defendant was illegally using the electric energy of company. Therefore, officials of the Plaintiff Company has carried out necessary proceedings on the site and after that company has issued supplementary bill of **Rs. 68,479.95** including D. P. charges to the defendant. Further, it is stated that as per condition no.1(b) of "Condition of Supply of Electric Energy" and Section 2(c) of "Indian Electricity Act", a person uses electric energy illegally is also falls under the definition of consumer. Therefore, plaintiff company is entitled to receive the outstanding amount.

- (8.3) Moreover, from Exh. - **09 to 20** the plaintiff company has produced the documentary evidence viz. Proforma 12, DPC Statement, Internal CR, list of inventories recovered from site, forwarding letter of supplementary bill, copy of notice etc. As the matter is proceeded ex - parte, defendant has not appeared before the court and has not challenged any documents produced by the plaintiff. Therefore it can be said that the plaintiff company has

succeeded in proving that officials of the company have visited the premises occupied by the defendant and he was illegally using the electric energy and he was consumer of the company. Further, defendant committed the theft of electric energy by way of such illegal means.

(8.4) Upon conjoint reading of the said examination - in - chief as well as the documentary evidence, it is apparent that the defendant has preferred application for electric connection although it was found that the defendant was using electric energy by illegal means. **i.e. with another direct parallel line from low power electric line.**

(8.5) It is transpire from the plaint, the defendant committed the theft of electric energy by way of such illegal means on Dt. **19/05/2023**. This suit has been filed on **12/08/2025**. As per the provision of the Indian Electricity Act 2005 Sec. - 56 ...

**Section 56. (Disconnection of supply in default of payment): --**

(1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of

electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits, under protest,

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(a) an amount equal to the sum claimed from him, or  
(b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute between him and the licensee.

(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such



sum has been shown continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.

As per the provision it is clear that after two year the company is not entitle to recover the amount from the defendant. In this suit the time has been laps more then two year. In the light of the law it is transpire that the plaintiff is not legally entitle to recover the amount from the defendant. Therefore, the **issue No. - 01 answer in Affirmative and no - 02 answer is Negative.**

(8.6) Further, the plaintiff has claimed interest at the rate of **15%** per annum from the date of filing of the suit till realization of the decreetal amount. But the as the **issue no - 02 is answer in negative therefore the issue no - 03 in negative.**

In the light of above mentioned facts and circumstances of the case, I answer the issue No. - 01 in affirmative, issue no. - 02 to 04 is in negative and in respect of issue no. - 05, I pass the following final order :

**- :: FINAL ORDER :: -**

1. The present suit is hereby dismiss.

2. The parties are directed to bear their own cost.
3. Decree to be drawn accordingly.

Pronounced and signed in the open Court today, on this  
24<sup>th</sup> day of April, 2026.

**Date : 24/04/2026**

**Place : Sihor**

**Jeetkumar T. Patel**

**Addl. Civil Judge,**

**Sihor, Dist. - Bhavnagar.**

**Code No - GJ - 01665**

*(M.H.PANDYA)*