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: -- Months
: 29 Days

IN THE COURT OF 3rd JT. CIVIL JUDGE,

JUNIOR DIVISION, AT NAGPUR

(Presided over by G.R. Patil)

R.C.S. No.1329/2014

Exh.No.

PLAINTIFF:

Maharashtra State Electricity
Distribution Company Ltd.,
Through its Superintending
Engineer, Nagpur Rural Circle,
Vidyut Bhavan, Katol Road,
Nagpur. 440 013.

// V E R S U S //

DEFENDANT:

M/s. Suyrakiran Paper and Board
Industries, Through its
Directors/Partners Kiran D. Kholkute,
Viresh P. Sune and Sunil Lalwani,
Factory at- Survey No. 34/2 Mouza
Shirpur, Dhamna Road, G.P.House
no.85, Ward No.3, Village- Shirpur
(Bhuyari), Tah. And Distt.Nagpur,
Office at Plot No. 34, Arvind Layout,
Narendra Nagar, Nagpur- 440 013.

SUIT FOR RECOVERY OF ARREARS OF ELECTRICITY

CHARGES OF AN AMOUNT OF RS. 91,621/-

Mrs. S.A.Dave

Advocate for the plaintiff.

Ex parte

for the defendant.

J U D G M E N T

(Delivered on 16th December, 2016)

Plaintiff filed main suit for recovery of arrears of Electricity Charges of an amount of Rs. 91,621/-.

2] In short, it is the case of the plaintiffs that it is a Body Corporate duly constituted under the Provisions of New Electricity Act 2003, having its Head Office at Mumbai and one of its field office at Nagpur. The defendant is a Industry acting through its Director/partners. As per request of defendant, plaintiff supplied electric energy for its unit located at village Shirpur, Distt. Nagpur. The plaintiff gave electricity supply to the premises of defendant as per agreement dated 22.12.2006. Defendant had agreed to make payment of electricity charges as per bills issued by the plaintiff. However, it failed to keep its words. The defendant made last part payment of bill on 25.11.2013 for Rs. 67,239/- towards the use of electricity. The defendant was in arrears of electricity charges for Rs. 4,26,168.81. The outstanding amount was demanded by plaintiff but in vain which constrained plaintiff for filing present suit. The required particulars of claim is mentioned in para No. 7 of the plaint. Plaintiff prayed for recovery of arrears an amount of Rs. 91,621.47 and interest amount thereon from defendant.

3] After receipt of suit, process was issued to the defendant but in vain. Therefore, notice was issued against defendant which was published in daily News paper "The Hitavada". Copy of paper is filed at Exh.11 despite of it, defendant failed to appear resulted in suit

proceeded ex parte vide order dated 7.9.2016 passed below Exh. 1.

4] Heard Ld. counsel for plaintiff. Perused record, from it following points arose for my determination on which I have recorded my findings thereon as under :-

	POINTS	FINDINGS
1.	Does the plaintiff prove that an amount of Rs.91,621/- is outstanding due against defendant ?	In the Affirmative
2.	Does the plaintiff further prove that it is entitled for interest amount on due outstanding amount ? If yes at what rate ?	Yes, plaintiffs entitled for interest amount @ 18 % p.a.
3.	What order ?	As per final order.

REASONS

AS TO POINT NOS.1 & 2:-

5] These points being interconnected with each other they are taken up simultaneously for discussions.

6] In order to prove its case, plaintiff examined its PW. No.1 Shrirang Deshpande at Exh.17 and also relied on documentary evidence i.e. copy of notices dated 1.7.2014 & 22.7.2014 filed at Exh. 18, 19 and Consumer Personal Ledger entries in the name of defendant filed at Exh.21.

7] The plaintiff witness deposed that he was working in the office of M.S.E.D.C.L.Ltd, Rural, Nagpur. Defendant is a industry having

factory premises at Survey No. 34/2, Mouza Shirpur, Dhamna Road, village Shirpur, Tah. and Distt. Nagpur approached plaintiff for electricity connection. After making all formalities, the plaintiff supplied electricity connection to the defendant. As per agreement, defendant had agreed to make payment of electricity bill issued by plaintiff. The defendant made last payment of electricity bill as on 25.11.2013 for Rs. 67,239/-. Since 25.11.2013 defendant failed to pay electricity charges to plaintiff. Thereby, plaintiff issued notice to defendant for calling it to make payment of electricity charges but in vain. Therefore, plaintiff disconnected electricity supply of defendant on temporary basis on or about 3.1.2014 followed by permanent disconnection on 28.5.2014. The plaintiff filed main suit for recovery of Rs. 91,621/- only after adjusting security deposit amount of Rs. 3,66,510/-. The evidence adduced by plaintiff witness got support from the copies of notices and entries mentioned in Consumer Personal Ledger filed at Exh. 21. The Consumer Personal Ledger entries are in the name of defendant. The plaintiff has given required particulars arrears of due amount from defendant. Besides the evidence placed by plaintiff remained unchallenged. There is no circumstances which create doubt about the version of plaintiff witness. The plaintiff witness has no cause to depose against defendant. The available evidence is sufficient to conclude that the defendant is liable for making due payment of Rs. 91,621/-. The defendant failed to make payment of electricity charges to plaintiff and caused financial loss to the plaintiff. The plaintiff counsel submits that the Special Status, Rules and Notification thereunder

authorized plaintiff for charging interest @ 18% p.a. on the due outstanding amount. Considering submission of plaintiff counsel and authority under section 34 of the Code of Civil Procedure it appear proper to grant interest amount @ 18% per annum on the due amount from the date of filing suit till the date of its realization. Hence I gave my affirmative finding to point nos. 1 and 2.

AS TO POINT NO. 3:-

8] Plaintiff has established its case against defendant. Therefore suit is liable for decreed. So by giving such answer to this point I pass following order.

-: O R D E R :-

1. The suit is decreed with costs.
2. Defendant is hereby directed to pay an amount of Rs.91,621/- (Rs. Ninety One Thousand Six Hundred Twenty One only) to plaintiff with interest thereon @ 18 % P.A.from the date of filing suit to the date of its realization.
Decree be drawn up accordingly.

Nagpur
Dt.: 16/12/2016

(G.R. Patil)
3rd Jt.Civil Judge, Jr.Dn.,
Nagpur

CERTIFICATE

I affirm that the contents of this PDF file of Judgment are word to word as per original judgment.

Mrs.M.D.Singh
Stenographer(Lr.Gd)