

JAIPUR VIDYUT VITRAN NIGAM LIMITED

Office of the Chief Engineer (Commercial)

No. JPD Discom/ CE(C)/SE(C)/HTB/D.1655

Dt. 8.11.2002

To,

The Executive Engineers (JPR Discom).....

Asstt. Engineers (JPR Discom).....

To Facilitate and help understanding the process of recovery under EUDR & LR Act, a few reference points are given below:-

DO's

1. Please acquaint yourself well with Rajasthan Govt. Electrical undertakings (Dues Recovery) Act, 1960. Sections from 224 to 257 as mentioned under chapter 10 of the Rajasthan Land Revenue Act, 1956. Payments, credits, Refunds & Recovery Rules 1958 and the provision of section 60 & 62 of C.P.C.
2. At the time of making DC (disconnection) information regarding address of defaulter, details about movable and immovable property, other electric connections of defaulter elsewhere (if any), office address (if serving somewhere), bank account, land and property owned should also be collected.
3. If dues to be recovered amounts to be Rs.5000/- and above, a sketchy site plan of domestic, commercial and industrial units (with measurements taken, directions shown for open and occupied land etc.) should be prepared by A.En./J.En and if the defaulter is an agriculturist, a latest copy of Zamabandi should be procured from local Patwari/ Tehsil office. This information should be collected in respect of other cases likely to be attached even when dues are below Rs.5000/-
4. Pl. personally check and ensure that every Notice of Demand/Writ of Demand/Citation to appear is duly served upon a defaulting consumer.
5. Full particulars of property with a site plan/copy of Zamabandi (after being satisfied with a clear and right title) should be sent to Ex.En. under section 6(2) of EUDR Act. along with a form of application for recovery duly filled in.
6. In the warrant of attachment issuing authority should clearly spell out the description, dimensions, directions, title of movable/immovable property etc.

7. The officer executing the warrant should go to site in person, prepare a possession letter, a list of articles/items taken under his possession in the presence of witnesses.
8. To begin with, it may be advisable that in the initial stages of recovery preferably open land premises of industrial units, offices and such structures should be attached which may not need expenses to be incurred on watch & ward, nor the units involving heavy plant, machinery and equipments should be attached. An artificial line of demarcation may be drawn in the site plan showing and stating the area and the structures which may be attached and sold through auction.
9. If an immovable property/ land is attached, proclamation of attachment should be affixed in a conspicuous place where property is situated and notified by beat of drum. This may be got published in a local/state newspaper with the permission of recovery officer.
10. Before putting a property to sale, proclamation of sale should be affixed at the outer door of the premises where property is situated, the place of residence of defaulter, the Notice Board of court office of recovery officer, Tehsil office, Municipal corporation board, Gram Panchayat, prominent places etc. If amount to be recovered is substantial it may be got published in local/state newspaper so as to attract potential bidders through wide publicity.
11. Before conduct of sale, assessment of attached property should be got done by the committee constituted by H'ble CMD (Jaipur Discom)'s letter No.JPD/CAO/REV/F.40/D.944, dated may 18, 2001 so that reserve price may be determined.
12. In respect of immovable property, after conduct of sale 25% of sale price should be got deposited by the successful bidder then and there on completion of sale and balance amount within 15 days thereof.
13. In case defaulter pays the dues any time before the day fixed for sale, the sale should be stayed.
14. The sale should be confirmed by the competent committee/recovery officer after an expiry of 30 days calculated from the date of sale.

#### Don'ts

1. As a process of recovery, either a writ of demand or a citation to appear should be issued by the recovery officer. Both the processes should not be resorted to.
2. While attaching the property we should not enter any dwelling house after sunset and before sunrise.
3. Articles set aside for religious use should not be attached.