

COMML/JDP/147

**JODHPUR VIDYUT VITRAN NIGAM LIMITED
(DEPTT.OF COMMERCIAL OPERATIONS)**

No.JdVVNL/SE(Comml)JU/S.CI/2k2/

D. 24/10 dt. 3/12/02

The Executive Engineer()
The Assistant Engineer (),
Jodhpur Discom,
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To facilitate and help understanding the process of recovery under E.U.D.R. & LR Act, a few reference points are given below:

DO's

1. Please acquaint yourself 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 and Recovery Rules 1958 and the provision of Section 60 & 62 of C.P.C.
2. At the time of making D.C. (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 Rs.5,000.00 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 AEN/JEN 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.5,000.00
4. Please 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 Executive Engineer under Section 6(2) of E.U.D.R. Act alongwith 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 and 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 to determine reserve price.
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.

Dont's

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.
4. Proviso to Section 60 of Civil Procedure Code (CPC) is restrictive therefore articles mentioned in this proviso should not be attached like :
 - a) Necessary wearing apparel, cooking vessels, beds and beddings of defaulter, his wife and children, personal ornaments with religious usages like borla, mangtika or mangal surtra which cannot be parted with by any woman.
 - b) Tools of an artisan, implements of an agriculturist (as may be deemed necessary by the court to enable his livelihood) and
 - c) All other articles which are not liable to attachment and sale as mentioned in proviso to section 60 of C.P.C.
5. Sale through auction of property should not be conducted on Sunday or a gazette holiday declared by Govt./Corporate body.
6. Sale of property through auction should not be conducted before expiry of atleast 30 days calculated from the date on which proclamation of sale has been served upon the defaulter.

Precautions:

1. If property to be attached and seized is a room/a dwelling house of a defaulter in which a woman resides who according to the customs and modes of the country does not appear in person, she should be allowed a reasonable time and facility to withdraw.

2. While effecting the process of recovery in respect of attachment and sale of property every precaution and care should be observed that law and order situation may not vitiate.


(H.S. DEORA)
DY.CHIEF ENGINEER(H/Q)
JODHPUR DISCOM:JODHPUR

Copy submitted/forwarded to the following, for information and necessary action:

- 1) The Secretary(Energy), Govt. of Rajasthan, Jaipur.
- 2) The Zonal Chief Engineer(O&M/JDZ/BKZ), JdVVNL, Jodhpur/Bikaner.
- 3) The Financial Advisor/Chief Accounts Officer, JdVVNL, Jodhpur.
- 4) The Addl. Chief Engineer(Power), RIICO, Jaipur.
- 5) The Superintending Engineer(O&M/CC/DC/PP&M/MM&C/M&P/BFL), JdVVNL, Barmer/Ganganagar/Bikaner/Jaisalmer/Jodhpur/Churu Hanumangarh/Pali.
- 6) The Sr.Accounts Officer(O&M/MM/Audit), JdVVNL, Jodhpur/Bikaner.
- 7) P.S. to Hon'ble Energy Minister, Govt. of Rajasthan, Jaipur.
- 8) Dy.Superintendant of Police(Vigilance(CC-DC-BC), JdVVNL, Jodhpur/Bikaner
- 9) The Company Secretary/Dy.Director(P&A), JdVVNL, Jodhpur/Bikaner.
- 10) The Executive Engineer(L.C./MIS./Training/IA/Vig(CC/DC.), JdVVNL, Jodhpur/.....
- 11) The Executive Engineer(O&M/REC/DD/City-I-II/A-B-C Zone), JdVVNL, Jodhpur/.....Withspare copies for distribution amongst all the AENs/JENs /AROs under your control.
- 12) The TA to Hon'ble Chairman and Managing Director, Jodhpur Discom/Ajmer Discom/Jaipur Discom:for kind perusal of Hon'ble C&MD.
- 13) The Public Relation Officer, JdVVNL, Jodhpur.
- 14) The Accounts Officer(Comml.), JdVVNL, Jodhpur.
- 15) The TA to Dy.Chief Engineer(H/Q), JdVVNL, Jodhpur.
- 16).....


DY.CHIEF ENGINEER(H/Q)
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