

Case law

Case Details

National ID: No 4843

Member State: Bulgaria

Common Name: „Ч.Е.Б.” AG und der Kunde B.Б.И.

Decision type: Other

Decision date: 18/08/2011

Court: Софийски градски съд (Appellate court, Sofia)

Subject:

Plaintiff:

Defendant:

Keywords:

Directive Articles

Unfair Contract Terms Directive, [Article 2](#) Unfair Contract Terms Directive, [Article 6, 1](#).

Headnote

Unfair terms in general business conditions are void.

Facts

At first instance, the regional court ruled against the consumer of electricity who wanted a declaratory judgment that he did not owe the amount of 1546.44 BGL.

The claimant appealed against this decision to the Court of the city of Sofia for being unlawful. He claimed that the decision at first instance, that the company had the right to modify the bills for the consumed electricity, had been made unlawfully. The Court of Appeal gave the following judgment: The decision at first instance was not correct; The company as seller of electricity had the right under the general business conditions to correct bills retroactively; The conditions for this correction were that the client had used more electricity than he had paid for and that the cause of this had been his unlawful influence on the device that measured the electricity consumption. In this case, the company could correct the price with a protocol. The protocol had to be signed by the client or by two witnesses.

The court ruled that this clause in the general business conditions was unfair and therefore void. Additionally, the defendant had not proved that the client had unduly consumed electricity and that the cause for this had been his influence on the device. The protocol was only signed by one representative of the company.

The Court of Appeal at second instance did not confirm the decision of the court at first instance. The decision of the Court of Appeal was later confirmed by the Court of Cassation.

Legal issue

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Decision

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