

Court No. - 3

Case :- WRIT - C No. - 22866 of 2023

Petitioner :- Ashok Babu @ Ashok Babu Prajapati

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Anil Kumar

Counsel for Respondent :- C.S.C.,Gaurav Singh

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

1. Instructions filed today be kept on record.
2. The petitioner has filed this writ petition against the recovery citation dated 21.05.2023. He has stated that the petitioner had applied for permanent dis-connection, yet the electricity dues were generated and the recovery proceedings had been initiated. Learned counsel submits that there were no dues as the petitioner had not consumed any electricity.
3. Learned counsel for the Electricity Department, however, submits that the petitioner earlier was involved in the theft of electricity and during trial he had also admitted that he had stolen electricity. This is also evident from the judgment of the Special Court dated 6.4.2015. Learned counsel for the Electricity Department had also stated that the petitioner had never applied for permanent dis-connection and in fact forced dis-connection of the petitioner's electricity connection was done on 25.04.2023 by the department.
4. Learned counsel for the Electricity Department has also stated that if the petitioner was aggrieved by the bills which were being sent then he could have applied for rectification of the bills under

Clause 6.5 of the Electricity Code, 2005.

5. Learned counsel for the Electricity Department has also stated that never before the filing of the writ petition any application was filed for the rectification of the electricity bills.

6. Having heard the learned counsel for the petitioner and the learned counsel for the Electricity Department we are of the view that if there were electricity bills vis-a-vis the petitioner then he was under an obligation to pay off all the dues. However, it is being provided that if the petitioner was aggrieved by the bills which were being sent to him then he can always approach the electricity department under Clause 6.5 of the Electricity Code, 2005.

7. No interference is warranted in the instant writ petition vis-a-vis the recovery.

8. The writ petition is, accordingly, disposed of.

Order Date :- 17.10.2023

vkj