Court No. - 3

Case :- WRIT - C No. - 28713 of 2023

Petitioner :- Liyakat Ali
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Mohd. Aslam Khan,Mohd. Mateen Khan
Counsel for Respondent :- C.S.C.,Pranjal Mehrotra

Hon'ble Siddhartha Varma,J.
Hon'ble Manoj Bajaj,J.

1. Instructions filed today be kept on record.

2. This writ petition has been filed against the recovery proceedings initiated by the respondent no.3 in pursuance of the demand notice dated 15.4.2023.

3. Learned counsel for the petitioner has brought to the notice of the Court that earlier also a final assessment was made on 18.9.2020 which was set aside by this Court on 14.10.2022 in Writ-C No.28722 of 2022 as the objections of the petitioner had not been dealt with.

4. The petitioner, by the order dated 14.10.2022, had been given an opportunity to make objections and the Electricity Department was required to deal with all the objections.

5. Today, learned counsel for the Electricity Department Sri Pranjal Mehrotra has appeared and has brought to the notice of the Court the order dated 28.1.2023 which according to the learned counsel for the Electricity Department is the final assessment order.

6. A perusal of the order dated 28.1.2023 shows that the order is absolutely a non-speaking order and none of the petitioner's

objections has been dealt with. We, therefore, have no option but to quash the order dated 28.1.2023.

7. Under such circumstances, the order dated 28.1.2023 is quashed and the matter is remitted back to the authorities concerned for a fresh decision. The Electricity Department, after looking to the objections of the petitioner, shall decide the matter within two months from the date of presentation of this order. Needless to mention that since the final assessment order has been set aside, the demand notice dated 15.4.2023 is also being set aside.

8. With these observations, the writ petition stands allowed to the extent indicated above.

Order Date :- 12.10.2023
GS

(Manoj Bajaj, J.) (Siddhartha Varma, J.)

Digitally signed by :-
GAUTAM SONI
High Court of Judicature at Allahabad