

**Court No. - 3**

**Case :-** WRIT - C No. - 30497 of 2023

**Petitioner :-** Mohammad Junaid

**Respondent :-** State Of U.P. And 4 Others

**Counsel for Petitioner :-** A.K. Maurya I

**Counsel for Respondent :-** C.S.C., Udit Chandra

**Hon'ble Siddhartha Varma, J.**

**Hon'ble Manoj Bajaj, J.**

1. When the recovery was being made in pursuance of the final assessment order dated 14.10.2022, the petitioner had filed the instant writ petition.

2. On 22.9.2023, we passed the following order :-

*"1. Allegation of the petitioner is that notice dated 24.9.2022 to appear was sent to him on 11.10.2022. Further allegation is that this notice was received by the petitioner even after the final assessment order was made on 14.10.2022 and, therefore, order dated 14.10.2022 was an ex parte order.*

*2. Sri Udit Chandra, learned counsel for the Electricity Department may verify these facts.*

*3. List this case on 10.10.2023 as fresh.*

*4. Till the next date of listing, no coercive action shall be taken against the petitioner."*

3. Today, Sri Nitesh Patel, Advocate holding brief of Sri Udit Chandra, learned counsel for the Electricity Department has stated that by order/communication dated 10.10.2023 the final assessment order dated 14.10.2022 was recalled and the petitioner was being given one more opportunity to appear before the Electricity Department on 25.10.2023. The communication dated

10.10.2023 be kept on record.

4. Learned counsel for the petitioner, however, has stated that the date 25.10.2023 was no more available to the petitioner to appear before the Electricity Department and, therefore, prays that a further date be provided to the petitioner to enable him to appear before the Electricity Department.

5. Under such circumstances, without going into the merits of the case, we direct that in view of the communication dated 10.10.2023, if the petitioner now appears before the Electricity Department on 6.12.2023, then the final assessment order shall be passed after hearing the petitioner and also after looking into the objections, if any, filed by the petitioner. This exercise shall be completed within a period of two months. For a period of two months or till a decision is taken in the matter, no coercive action shall be taken against the petitioner with regard to the final assessment order dated 14.10.2022.

6. With these observations, the writ petition stands disposed of.

**Order Date :- 7.11.2023**

GS

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