

Court No. - 3

Case :- WRIT - C No. - 30303 of 2023

Petitioner :- Jitendra Singh

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

Counsel for Petitioner :- Vikrant Neeraj,Rajesh Chandra Jaiswal

Counsel for Respondent :- C.S.C.,Alok Mishra

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

This writ petition has been filed against the citation to appear dated 15th May, 2023.

Learned counsel for the petitioner in his argument has stated that neither any provisional assessment was made nor any final assessment order was passed and yet the recovery was being done from the petitioner.

Sri Alok Mishra, learned counsel for the Electricity Department has stated that a provisional assessment was made on 17th August, 2022 and a notice was also issued to the petitioner to appear on 6th September, 2022 for making a final assessment. When the petitioner did not appear, a final assessment was made on 7th September, 2022.

Learned counsel for the Electricity Department has further stated that even that final assessment was not pressed and when the petitioner on 22nd June, 2023 filed an objection then again a final assessment dated 11th September, 2023 had been made. He has passed on the final assessment order to the Court which is being retained along with the record. A copy of the final assessment has also been handed over to the learned counsel for the petitioner.

Under such circumstances, we provide that now since the final assessment has been made, the petitioner may challenge the same. However, since the recovery which has been challenged in the instant writ petition is prior to the final assessment order dated 11th September, 2023, the same may be kept in abeyance.

With these observations, this writ petition is disposed of.

Order Date :- 26.10.2023

Raj