

Court No. - 3

Case :- WRIT - C No. - 30942 of 2023

Petitioner :- Arvind Kumar Dwivedi

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Sunil Kumar Dwivedi, Vishal Agarwal

Counsel for Respondent :- C.S.C., Narendra Kumar Tiwari

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

This writ petition has been filed against the recovery certificate which was sent to the petitioner for recovering Rs. 1,81,057/-.

Learned counsel for the petitioner states that the petitioner is a poor person and would be able to pay off the entire amount demanded only in installments.

Learned counsel for the Electricity Department Sri Narendra Kumar Tiwari even though initially opposed the fixing of installments, subsequently agreed to it seeing that the petitioner was a poor person. He has agreed to the fact that if the petitioner pays the entire amount in six equal installments then the Electricity Department would accept the installments.

Having regard to the fact that the petitioner has offered to pay the entire amount due against him and the Electricity Department has agreed to accept the amount, in our view, ends of justice require that the petitioner be granted an opportunity to deposit the entire outstanding amount due against them in the following manner:-

(i) Petitioners shall deposit 25% of the amount sought to be recovered within a period of three weeks from today with the Electricity Department.

(ii) In case the amount, as indicated above, is deposited by the period prescribed, the Electricity Department shall provide a fresh schedule for re-payment of balance amount, after adjusting the amount already deposited. That amount shall thereafter be deposited in six equal instalments in a period of six months. Statement of account shall also be furnished to the petitioner.

(iii) Till the period prescribed for depositing the aforesaid amount and thereafter during the period of deposit of instalments, the recovery proceedings will be kept in abeyance. In case the petitioner defaults in depositing the initial amount or thereafter instalments within the stipulated period, it will be open for the respondents to start recovery proceedings against the petitioner.

With the aforesaid observations/directions, the writ petition stands **disposed of.**

Order Date :- 18.10.2023

PK

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