

**Court No. - 9**

**Case :-** CONTEMPT APPLICATION (CIVIL) No. - 6701 of 2023

**Applicant :-** Shivnath Vishwakarma

**Opposite Party :-** Aaditya Nath Pandey, Executive Engineer

**Counsel for Applicant :-** Alok Kumar Gupta

**Hon'ble Rohit Ranjan Agarwal,J.**

The writ Court on 23.01.2023 while disposing off Writ-C No. 34899 of 2022 passed the following order;

*"The instant petition has been filed challenging the recovery citation dated 26.5.2022 issued by Tehsildar, Bhadohi and the order dated 5.03.2021 passed by Executive Engineer, Electricity Distribution Division Gopiganj, Bhadohi addressed to District Magistrate, Bhadohi requesting for amendment of the recovery certificate.*

*Initially, it seems that a recovery certificate was issued by the Electricity Department on 5.02.2021 for a sum of Rs.4,86,810/-. It was in the name of Sri Nath Vishwakarma. By impugned communication dated 11.5.2022, the Executive Engineer has requested the District Magistrate to amend the recovery certificate and in place of Sri Nath Vishwakarma, name of the petitioner-Shiv Nath Vishwakarma be substituted as it is stated that at the time of local inspection, it was found that the electricity connection in respect of which electricity dues are sought to be recovered, is being used by the petitioner.*

*Learned counsel for the petitioner submits that the petitioner had never taken the said connection and has no concern with the same. The electricity connection in his house is in the name of his son Manoj Kumar in respect of which there is no electricity dues.*

*Learned counsel for the respondents was granted time to obtain instructions on 5.01.2023. Today, he seeks further time to obtain instructions.*

*In our opinion, no purpose will be served in keeping the matter pending, as the objection of the petitioner that he has no concern with the electricity connection in question, requires to be decided at the first instance by respondent no.3.*

*Accordingly, we dispose of the instant petition by providing that the petitioner shall file objection alongwith true attested copy of the instant order within two weeks from today before respondent no.3 and in which event, he will decide the same by means of a speaking order within next two weeks. For a period of four weeks, the impugned recovery will remain in abeyance and thereafter will abide by the decision that would be taken by respondent no.3 on the objection of the petitioner.*

*In case, the petitioner fails to file the objection within time frame stipulated above, the instant order will lapse automatically and it will be open to the respondents to proceed further in the matter in accordance with law."*

From perusal of the order of writ Court it is clear that a direction was issued giving liberty to the applicant to file objection which was to be decided by the opposite party.

Today when the case was taken up Sri Sushil Kumar Pandey, learned counsel appearing for the electricity department has placed before the Court the letter written by the Executive Engineer to the District Magistrate Bhadohi dated 20.01.2023 whereby a request has been made for withdrawing the recovery certificate issued in the name of the applicant as RC itself has been withdrawn prior to passing of the order of writ Court and, as such, no case for contempt is made out as there is no dispute remains.

In view of the said fact, contempt application stands dismissed.

Contempt notice stands discharged.

File consign to record.

**Order Date :- 7.11.2023**  
Shekhar