Court No. - 3

Case :- WRIT - C No. - 32264 of 2023

Petitioner :- Mohsin Khan
Respondent :- State of U.P. and Another
Counsel for Petitioner :- Avdhesh Narayan Tiwari
Counsel for Respondent :- C.S.C.,Jai Krishna Upadhyay

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

1. Heard learned counsel for the petitioner, learned Standing Counsel and Sri Ankit Prakash, Advocate holding brief of Sri Jai Krishna Upadhyay, learned counsel for the Electricity Department.

2. This writ petition has been filed for quashing of the final assessment order and the consequent bill dated 22.7.2023.

3. Learned counsel for the petitioner has stated that neither the provisional notice was served upon the petitioner, nor was any notice served upon him to place his side of the case.

4. Since learned counsel for the Electricity Department had on an earlier date stated that the provisional assessment was sent to the petitioner by registered post on 19.5.2023, we, by order dated 26.9.2023, had directed the Electricity Department to place on record the tracking report to ascertain whether that notice was served upon the petitioner. Today, learned counsel for the Electricity Department has stated that the tracking report was not available on the postal website as it is an old one.

5. Since we are unable to decipher as to whether the provisional assessment was served upon the petitioner or not, we direct the

Electricity Department to serve the same upon learned counsel for the petitioner in the Court itself. The petitioner may now, within a period of one month, reply to the notice and the Electricity Department shall, after considering the reply of the petitioner, pass a fresh order within a month thereafter. Till the disposal of the reply of the notice, no recovery be done from the petitioner.

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

Order Date :- 30.10.2023
GS

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

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