

Court No. - 3

Case :- WRIT - C No. - 34660 of 2023

Petitioner :- Rajpal Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ajay Kumar Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

This writ petition has been filed against the recovery citation dated 29.5.2023.

Learned counsel for petitioner states that neither he was served with the provisional assessment notice nor was he given the final assessment order.

Learned counsel for Electricity Department however states that the provisional assessment order was sent on 19.11.2022 and when there was no reply received from the petitioner, the final assessment order was passed and therefore, the recovery was being made.

Having heard learned counsel for petitioner and learned counsel for Electricity Department, we are of the view that when the petitioner has denied the receipt of the provisional assessment order, he could not definitely have replied to the same.

Under such circumstances, we provide that the provisional assessment order be supplied to the petitioner within a period of two weeks and the petitioner shall thereafter reply to the same within a period of one month and within the next one month, the final assessment order may be passed. Needless to mention that petitioner shall be given a personal hearing.

For a period of three months or till the passing of the final assessment order, whichever is earlier, no recovery shall be done against the petitioner.

With these observations, the writ petition is disposed of.

Order Date :- 2.11.2023

P.S.Parihar