

Court No. - 3

Case :- WRIT - C No. - 32777 of 2023

Petitioner :- Gauhar Ali

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Chandra Bhan Kushwaha

Counsel for Respondent :- C.S.C., Mukesh Kumar Singh

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

1. This writ petition has been filed with a prayer to quash the demand notice dated 14.9.2020 issued by the respondent no.3 demanding from the petitioner Rs.1,62,413/- as electricity dues.
2. Learned counsel for the petitioner states that demand was being made on the basis of the provisional assessment bill.
3. On 31.10.2023, the case was adjourned on the request of learned counsel for the Electricity Department.
4. Today, when the case was taken up, learned counsel for the Electricity Department has stated that inadvertently the demand notice was issued on the basis of the provisional assessment order and that now the final assessment bill would be sent after hearing the petitioner and after giving him an opportunity of giving a reply to the provisional assessment.
5. Under such circumstances, the demand notice dated 14.9.2020 which has been issued, as per the statement of learned counsel for the Electricity Department, on the basis of the provisional assessment bill, is quashed. The petitioner shall now be given an

opportunity to file his objection to the provisional assessment notice and thereafter the final assessment order would be passed. This exercise shall be completed within a period of two months. For a period of two months or till a decision is taken in the matter, whichever is earlier, no coercive action shall be taken against the petitioner.

6. With these observations, the writ petition stands allowed.

Order Date :- 7.11.2023

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