

Court No. - 3

Case :- WRIT - C No. - 33291 of 2023

Petitioner :- Naseem

Respondent :- Purvanchal Vidyut Vitran Nigam Ltd. Varanasi And 2 Others

Counsel for Petitioner :- Mohd Irteqa

Counsel for Respondent :- Narendra Kumar Tiwari

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

1. Learned counsel for the petitioner states that after the provisional assessment order dated 26.09.2022 was passed a notice was served upon the petitioner and a detailed reply was also given by the petitioner on 25.11.2022. He submits that as without considering the reply, the impugned order dated 28.12.2022 was passed, the same be set aside. He further states that the petitioner be given one more opportunity to give a reply to the notice which may be considered before the final assessment order is passed.

2. Learned counsel appearing for the Electricity Department does not dispute the fact that the representation of the petitioner was not considered before the final assessment order was passed.

3. Under such circumstances, we quash the order dated 28.12.2022. Now the Electricity Department may pass a fresh order after considering the reply of the petitioner which was given on 25.11.2022.

4. Needless to mention that the petitioner would be given an opportunity of hearing before the final assessment order is passed.

5. With these observations, the writ petition stands **disposed of**.

Order Date :- 6.11.2023

M.S. Ansari

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