

Court No. - 3

Case :- WRIT - C No. - 34726 of 2023

Petitioner :- Mool Chandra Nishad

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

Counsel for Petitioner :- Hans Pratap Singh

Counsel for Respondent :- C.S.C.,Gaurav Singh

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

Instructions filed today be kept on record.

When the petitioner had been served with the recovery citation dated 31.01.2022 issued by respondent no.3 for recovering sum of Rs.23,97,841/- for recovering the electricity dues, the petitioner had filed writ petition being Writ-C No.35243 of 2022 and in that writ petition following order was passed:

"The petitioner is aggrieved by issuance of recovery citation dated 31.01.2022 for a sum of Rs.23,97,841/- for recovery of electricity dues.

The petitioner has tried to raise dispute in relation to the extent of amount sought to be recovered from him.

Having regard to the facts of the case and the submission made, we grant liberty to the petitioner to file fresh objection along with true attested copy of the instant order before the respondent No.4 within two weeks from today and in that event, it shall be decided by means of a speaking order within next four weeks.

Until the objection is decided, the impugned recovery shall remain in abeyance and will thereafter abide by the decision that would be taken by the respondent No.4 on the objection of the petitioner. The writ petition stands disposed of accordingly."

The order clearly stated that the petitioner had to file an objection with regard to the bill before the Electricity Department within a period of two weeks' and till the objection was decided, no

recovery was to take place.

It is the case of the petitioner that the petitioner had filed the objection on 17.01.2023. Thereafter he has also sent a reminder on 06.04.2023. To substantiate that the reminder was sent, the post office receipt has been filed along with the writ petition. However, when the objection was not decided and the recovery dated 31.01.2022 was again being pressed, the instant writ petition has been filed.

Sri Gaurav Singh, learned for the Electricity Department, however, has submitted that infact the objections as were to be filed by the petitioner were never received by the Electricity Department. He submits that infact the Department had sent reminders to the petitioner to send the objection and he, therefore, states that infact no objection was filed by the petitioner.

Having heard the learned counsel for the petitioner and having regard to the fact that the petitioner had filed a post office receipt, we are prima facie of the view that an objection was filed. It is the another matter that the objection probably did not reach the relevant official who was required to decide the objection.

Under such circumstances in the interest of justice, we provide that one more opportunity be given to the petitioner to file a fresh objection. The petitioner will now within a period of ten days file a fresh objection raising all his grievances against the recovery, which was being sought to be made from the petitioner. This representation would be handed over to the respondent no.4 in person by the petitioner. After the receipt of the representation, the same shall be decided within a period of two months.

For a period of two months or till the decision is taken, the recovery shall not be pressed.

With these observations, this petition is disposed of.

Order Date :- 1.11.2023
Raj