

Court No. - 3

Case :- WRIT - C No. - 34708 of 2023

Petitioner :- Smt. Lalita Srivastava

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

Counsel for Petitioner :- Dhirendra Kumar Srivastava

Counsel for Respondent :- CSC, Krishna Agarawal, Udit Chandra

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

1. The petitioner has assailed the recovery notice dated 18.10.2022 which was as per her sent in pursuance of the provisional assessment order dated 21.5.2022 of the electricity department.

2. Learned counsel for the electricity department states that the petitioner was given an opportunity to rebut the allegations made in the provisional assessment order, but she did not avail the same. Sri Udit Chandra, learned counsel for the Electricity Department, however, states that the petitioner if is ready to co-operate can be given one more opportunity to submit her reply in pursuance of the aforementioned provisional assessment order.

3. In such circumstances, we provide that if the petitioner files her reply to provisional assessment order dated 21.5.2022 then the concerned respondent shall consider the case of the petitioner in accordance with law and shall pass a final assessment order within the next two months. Since the petitioner has an opportunity now to rebut the provisional assessment order, recovery proceedings as had been initiated against the petitioner by recovery notice dated 18. 10.2022 shall remain in abeyance, till the respondents pass a final assessment order after considering the reply of the petitioner.

4. The writ petition accordingly stands disposed of.

Order Date :- 17.10.2023

S.K.S.