

Court No. - 3

Case :- WRIT - C No. - 34645 of 2023

Petitioner :- Hari Prasad Singh

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Moeez Uddin

Counsel for Respondent :- CSC, Narendra Kumar Tiwari

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

1. Instructions provided by learned counsel for the respondent is taken on record.
2. The petitioner's provisional assessment has been prepared after an inspection conducted on 9.6.2017. Thereafter the notice was sent to the petitioner on 6.10.2017 for the theft of electricity.
3. The petitioner had earlier approached this Court by filing a Civil Misc. Writ Petition No. 17231 of 2023 and on 22.5.2023 this Court had disposed of the writ petition directing the respondents to pass a final assessment order in accordance with law after providing opportunity of hearing to the petitioner. Thereafter on 16.6.2023 when the final assessment order was passed, the instant writ petition has been filed.
4. Sri Narendra Kumar Tiwari, learned counsel for the Electricity Department submits that if the petitioner is aggrieved by the final assessment order, he may file an appeal under Section 127 of the Electricity Act, 2003.
5. We, therefore, provide that if the petitioner files an appeal within the next 15 days from today before the appellate court, the appeal filed by the petitioner shall be decided by the appellate court in accordance with law within the next two months, thereafter, without going into the question of limitation. It is further provided that if petitioner applies for interim relief before the appellate court, the same shall also be considered within one week from the date of filing of the application.
6. The writ petition accordingly stands disposed of.

Order Date :- 17.10.2023

S.K.S.