

Court No. - 3

Case :- WRIT - C No. - 36839 of 2023

Petitioner :- Deepak Pawar

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

Counsel for Petitioner :- Haya Rizvi

Counsel for Respondent :- CSC, Narendra Kumar Tiwari

Hon'ble Siddhartha Varma, J.

Hon'ble Shekhar B. Saraf, J.

This writ petition has been filed against the recovery notice dated 2.6.2023.

It is the case of the petitioner that the demand and the consequential recovery which was to be done from Narendra who was the predecessor in interest of the petitioner and had died on 13.4.2015 could not be done from the petitioner. He has further relied upon a judgement of this Court reported in **AIR 1999 Allahabad 369 (Gopal Swarup Chaturvedi vs. U.P. State Electricity Board, Lucknow and another)**.

Learned counsel for the Electricity Department, however, has submitted that no information was sent to the Electricity Department with regard to the death of Narendra and, therefore, there was nothing wrong in sending the notice to Narendra.

Having heard learned counsel for the parties, we are of the view that no recovery can be done from a dead person. The judgement relied upon by the learned counsel squarely covers the case of the petitioner.

Under such circumstances, the recovery proceedings initiated by the demand notice dated 2.6.2023 are quashed.

However, it shall be open for the Electricity Department to proceed against the legal heirs after giving due notice to them.

With these observations, the writ petition is partly allowed.

Order Date :- 23.11.2023

PK

(Shekhar B. Saraf, J.) (Siddhartha Varma, J.)