

Court No. - 3

Case :- WRIT - C No. - 35178 of 2023

Petitioner :- Rajesh Alias Bhurku

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

Counsel for Petitioner :- Atul Kumar Pandey,Indradeep Dubey

Counsel for Respondent :- CSC,Chandra Shekhar Singh

Hon'ble Siddhartha Varma,J.

Hon'ble Shekhar B. Saraf,J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and Sri Chandra Shekhar Singh, learned counsel for the Electricity Department.
2. Present writ petition has been filed challenging the recovery certificate dated 30.11.2021.
3. Learned counsel for the petitioner states that there is no final assessment order after the provisional assessment order, which was sent to the petitioner on 22.10.2019.
4. Learned counsel for the Electricity Department does not deny the aforesaid fact.
5. We are of the view, that recovery certificate has wrongly been issued against the petitioner. Accordingly, the recovery certificate dated 30.11.2021 is quashed.
6. The writ petition is allowed.
7. The petitioner may now represent/object pursuant to provisional assessment, which was sent to him on 22.10.2019. If the petitioner files the representation/objections within a period of one month from date, he be provided opportunity of personal hearing by the authority concerned on 24.01.2024. Thereafter, the matter shall be finally decided within a period of next two months. Till a decision is taken by the authority concerned, no coercive action shall be taken against the petitioner.
8. It shall also be open to the petitioner to approach the Electricity Department under the One Time Settlement scheme as has been floated by the Government vide Government Order dated 04.11.2023.

Order Date :- 14.12.2023

Kuldeep

(Shekhar B. Saraf,J.)

(Siddhartha Varma, J.)