

Court No. - 3

Case :- WRIT - C No. - 36715 of 2023

Petitioner :- Sudarshan Rajput

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

Counsel for Petitioner :- Chandra Prakash Kushwaha

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

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

1. Heard learned counsel for the petitioner; learned Standing Counsel for the State-respondents and Sri Gaurav Singh for the Electricity Department.

2. Instructions filed today be kept on record.

3. This writ petition has been filed against a demand notice dated 28.5.2022. Learned counsel for the petitioner states that there is no final assessment, yet the demand notice had been sent to the petitioner. Learned counsel for the petitioner further submits that when the provisional assessment was made and a notice was sent to the petitioner, the petitioner had also replied on 6.9.2023. Learned counsel for the petitioner states that without advertting to the reply of the petitioner, the demand notice had been sent even prior to the date when the reply was sent by the petitioner.

4. Learned counsel for the Electricity Department, however, states that the reply of the petitioner shall be considered and only thereafter the recovery of the electricity dues shall be made.

5. Under such circumstances, we provide that no recovery be done from the petitioner as per the demand notice dated 28.5.2022 and

the Electricity Department, after considering the reply of the petitioner which was filed on 6.9.2023, shall pass a final assessment order within the next one month and if any dues are found with regard to the theft as has been alleged, then the same shall be communicated to the petitioner.

6. With these observations, the writ petition stands disposed of.

Order Date :- 26.10.2023

GS

(Manoj Bajaj, J.) (Siddhartha Varma, J.)