

Court No. - 3

Case :- WRIT - C No. - 36594 of 2023

Petitioner :- Om Babu Kesharwani

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Suresh Pratap Singh, Jay Shree Tripathi

Counsel for Respondent :- C.S.C., Narendra Kumar Tiwari

Hon'ble Siddhartha Varma, J.

Hon'ble Shekhar B. Saraf, J.

1. Instructions filed today in Court be kept on record.
2. A perusal of the instructions shows that the provisional assessment order was dated 15th July, 2021. The writ petition shows that the final assessment order was of 29th June, 2021.
3. On 26.10.2023, when learned counsel for the petitioner argued that final assessment order was passed without any opportunity of hearing, the Court had asked the counsel for the Electricity Department to take instructions.
4. Now, the instructions have been placed and we find that the final assessment order has been passed even before passing of the provisional assessment order.
5. Under such circumstances, we have no option but to quash the final assessment order dated 29th June, 2021. The final assessment order dated 29th June, 2021 is, accordingly, quashed. If the Electricity Department is of the view that petitioner's electricity consumption has to be assessed then they may pass a fresh final assessment order after considering the reply of the petitioner.
6. With these observations, the writ petition is disposed of.

Order Date :- 29.11.2023

Rakesh

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