

Court No. - 3

Case :- WRIT - C No. - 39495 of 2023

Petitioner :- Lalji

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

Counsel for Petitioner :- Suneel Kumar Mishra, Pramod Kumar Mishra

Counsel for Respondent :- C.S.C., Sushil Kumar Pandey

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

1. From the record we find that when a final assessment order was passed on 27.05.2023 the petitioner had objected to it on 28.06.2023. From a perusal of the reply of the petitioner it appears that the petitioner had not been served with any provisional assessment. Learned counsel for the petitioner has submitted that if the petitioner had not received any provisional assessment then no occasion arose for the petitioner to file any reply/objection to it.

2. Learned counsel appearing for the Electricity Department has, looking to the fact that no provisional assessment order was served on the petitioner, submitted that if the petitioner replies now to the provisional assessment then the same shall be decided in accordance with law.

3. Learned counsel for the Electricity Department has in the Court supplied the provisional assessment order dated 11.09.2020 to the petitioner. The petitioner may now reply to the provisional assessment within a period of fifteen days. Thereafter, the petitioner be heard on 19.12.2023 and the Electricity Department after hearing the petitioner may decide the case of the petitioner and pass the final assessment order within a period of two months

from 19.12.2023.

4. For a period of two months or till the final decision is taken, no coercive action shall be taken against the petitioner. Since we have directed the Electricity Department to once again look into the reply of the petitioner, the final assessment order dated 27.05.2023 shall remain in abeyance till a decision is taken.

5. With these observations, the writ petitioner stands **disposed of**.

Order Date :- 17.11.2023

M.S. Ansari

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