

Court No. - 3

Case :- WRIT - C No. - 41063 of 2023

Petitioner :- Israr Ahmad

Respondent :- Purvanchal Vidyut Vitran Nigam Ltd. And Another

Counsel for Petitioner :- Bidhan Chandra Rai, Irfan Alim Siddiqui

Counsel for Respondent :- Narendra Kumar Tiwari

Hon'ble Siddhartha Varma, J.

Hon'ble Shekhar B. Saraf, J.

1. From the record we find that there were two provisional assessment notices issued to the petitioner i.e. one on 08.03.2019 and the other on 23.05.2019. From the record we also find that with regard to some assessment, the petitioner had approached the Electricity Consumer Forum, Allahabad and that matter had been settled on 28.06.2019.

2. At the moment, the only grievance, which appears to be subsisting of the petitioner is that, when on 23.05.2019 a provisional assessment order was passed, the same was never received by the petitioner and on 10.06.2019 a final assessment order was passed.

3. The petitioner, who has appeared through Sri Bidhan Chandra Rai, Advocate, has submitted that the petitioner, in fact, never received the provisional assessment order dated 23.05.2019 and, therefore, could not represent against the provisional assessment.

4. Learned counsel for the petitioner states that the *ex-parte* order, which was passed on 23.10.2023, had not considered the fact that the petitioner had never represented against the provisional assessments dated 23.05.2019.

5. Learned counsel for the electricity department Sri Narendra Kumar Tiwari submits that the petitioner be given an opportunity to represent against the provisional assessment order dated 23.05.2019 as from the record it is clear that the petitioner had never represented against the provisional assessment order dated 23.05.2019.

6. Under such circumstances, we provide that if the petitioner approaches the electricity department on 20.12.2023 and

represents afresh then on that date the petitioner shall be given an opportunity of hearing and the final assessment order shall thereafter be passed.

7. Since we are giving the petitioner a fresh opportunity to reply to the provisional assessment dated 23.05.2019, the final assessment order dated 10.06.2019 and the consequential order dated 03.10.2023 are being quashed.

8. With these observations, the writ petition is **allowed**.

Order Date :- 6.12.2023

Vijay