

Court No. - 3

Case :- WRIT - C No. - 42039 of 2023

Petitioner :- Radha Charan

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Nand Kishor Mishra

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

Hon'ble Siddhartha Varma,J.

Hon'ble Shekhar B. Saraf,J.

1. Instructions filed in Court today be kept on record.
2. This writ petition has been filed against the recovery certificate dated 15.10.2023.
3. Learned counsel for the petitioner states that without passing any final assessment order, recovery proceedings have been initiated and, therefore, the recovery is absolutely illegal.
4. Learned counsel for the Electricity Department, Sri Gaurav Singh, on the basis of instructions, submits that the same do not reveal that the final assessment order was passed after the provisional assessment notice dated 19.11.2020 was served upon the petitioner.
5. Under such circumstances, we are of the view that the petitioner be given an opportunity to file reply to the provisional assessment notice. The petitioner may file a fresh representation/objection to the provisional notice dated 19.11.2023 within two weeks from today. Thereafter, the petitioner may appear before the Executive Engineer/concerned authority on 21.12.2023. On that date at 11.00 A.M., the petitioner shall be given personal hearing and representation/objection of the petitioner shall also be considered. This exercise may be completed within a period of two months from today. Since, we have given the petitioner further opportunity to object the provisional assessment order dated 19.11.2020, the recovery certificate dated 15.10.2023 issued against the petitioner shall stand quashed. If there is any scheme for one time settlement, that may also be availed of by the petitioner.
6. The writ petition is, accordingly, allowed.

Order Date :- 6.12.2023

Rakesh

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