

Court No. - 3

Case :- WRIT - C No. - 41997 of 2023

Petitioner :- Jhamman Yadav

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Awadhesh Kumar Malviya, Achche Lal Singh Yadav

Counsel for Respondent :- C.S.C., Udit Chandra

Hon'ble Siddhartha Varma, J.

Hon'ble Shekhar B. Saraf, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and Sri Udit Chandra, learned counsel for respondent Nos.2 and 3.
2. The petitioner is aggrieved by the recovery proceedings being initiated against him pursuant to provisional assessment order dated 15.10.2022.
3. Learned counsel for the petitioner states that provisional assessment order dated 15.10.2022 mentioned that the petitioner was to appear on 16.06.2022, however petitioner could not appear and definitely also could not file his reply. He further states that no final assessment order has been passed. He also states that now Prapatra-2 dated 25.02.2023 has been issued on the basis of provisional assessment order dated 15.10.2022 for recovering an amount of Rs.3,33,482/-.
4. Learned counsel for the Electricity Department has admitted that mistake has been committed by the Department and the recovery has been issued without there being any final assessment order.
5. Under such circumstances, we provide that the petitioner may now appear before respondent No.3 on 10.01.2024 in pursuance of provisional assessment order dated 15.10.2022 and submit his objections. Petitioner be also provided opportunity of personal hearing on the said date. Respondent No.3 may adjudicate on the objections filed by the petitioner and pass final assessment order within next two months.

6. In light of the above, recovery proceedings pursuant to Prapatra-2 dated 25.02.2023 shall stand quashed. The writ petition is allowed.

Order Date :- 13.12.2023

Kuldeep

(Shekhar B. Saraf,J.)

(Siddhartha Varma, J.)