

**Court No. - 3**

**Case :-** WRIT - C No. - 8635 of 2023

**Petitioner :-** Vijay Kumar Singh

**Respondent :-** U.P. Power Corporation Ltd. Thru. Its Chairman Cum Managing Director Lko. And Others

**Counsel for Petitioner :-** Rajendra Singh Chauhan, Manish Kumar Srivastava

**Counsel for Respondent :-** Manish Jauhari

**Hon'ble Vivek Chaudhary, J.**

**Hon'ble Manish Kumar, J.**

1. Heard learned counsel for the petitioner and learned counsel for respondents.
2. To the provisional assessment order of electricity made against the petitioner on the ground of theft, a reply was submitted by petitioner on 12.06.2023 by hand to the executive engineer concerned. Today, learned counsel for respondent-corporation has placed reliance on final assessment order dated 10.08.2023 raising the demand which is annexed as Annexure No. 1 to the writ petition.
3. A perusal of assessment order shows that the reply of petitioner is nowhere considered in the same. In reply petitioner had submitted that he is having valid electricity connection and no checking was conducted in presence of petitioner nor anything was recovered and the entire story of electricity theft is false. There is absolutely no consideration of reply of petitioner in the final assessment order. Hence, respondents are restrained from making any recovery on the basis of final assessment order.
4. Petitioner is permitted to appear before the respondent

no.4/Executive Engineer (Prescribed Authority) (Madhyanchal Vidyut Vitran Nigam Ltd.) Vidyut Vitran Khand Tiloi, District Amethi, within one week from today and again submit his reply. Thereafter respondent no.4 shall pass fresh assessment order after taking into consideration reply submitted by petitioner. Any final demand raised against petitioner shall be subject to said final assessment order passed by respondent no.4.

5. With the aforesaid, the writ petition is **disposed of.**

**Order Date :- 10.10.2023**

Arti/-

**[Manish Kumar, J.] [Vivek Chaudhary, J.]**