

Court No. - 3

Case :- WRIT - C No. - 9902 of 2023

Petitioner :- Ramesh Nishad

Respondent :- Collector , Ambedkar Nagar And Others

Counsel for Petitioner :- Kamlesh Kumar

Counsel for Respondent :- C.S.C.,Manish Jauhari

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State and Sri Manish Jauhari, learned counsel for the respondent nos. 3 & 4.

2. To the provisional assessment order of electricity made against the petitioner on the ground of theft, a reply was submitted by petitioner in the Office of the Executive Engineer concerned. Today, learned counsel for respondent corporation has placed before this Court the final assessment order dated 19.07.2023 raising the demand.

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. It appears that no reasons are assigned and hence the order dated 19.07.2023 is without application.

4. Order dated 19.07.2023 issued by the opposite party no. 4 is hereby set aside.

5. Writ petition is allowed.

6. Petitioner is permitted to appear before the respondent no. 4 Executive Engineer, Vidyut Vitran Khand, Madhyanchal Vidyut Vitaran Khand Nigam Ltd., Jalalpur, District Ambedkar Nagar within one week from today and again submit his reply. Thereafter respondent no.3 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.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 8.11.2023

Nitesh