

Court No. - 3

Case :- WRIT - C No. - 9921 of 2023

Petitioner :- Bhupendra Nath Sharma

Respondent :- Chairman , U.P. Power Corporation Ltd. Lko. And Others

Counsel for Petitioner :- Anoop Vajpayee, Atul Kumar Yadav

Counsel for Respondent :- Neerav Chitravanshi, Aprajita Bansal

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Heard learned counsel for petitioner and Ms. Surbhi Rawat holding brief of Ms. Aprajita Bansal, learned counsel for respondents.
2. Petitioner has approached this Court challenging the recovery notice dated 10.10.2023 issued to the petitioner without deciding his objections filed to the provisional assessment order dated 9.8.2023.
3. Learned counsel for the petitioner submits that provisional assessment order was raised and deeming it final assessment order and without deciding petitioner's objections to the same, recovery notice has been issued.
4. Ms. Aprajita Bansal, learned counsel for the respondent corporation fairly accepts that petitioner's objections were not considered and without following the procedure, deeming provisional assessment order to be final assessment order recovery citation was issued. She submits that petitioner may submit fresh objections against the said assessment order dated 9.8.2023 within a period of two weeks before the respondent no.5-Assessing Officer, Office of Executive Engineer, Vidyut Nagriya- Vitran Nigam Ltd., Sinha Market, Nirala Nagar, Lesa, Lucknow, who shall consider and decide the same by passing reasoned and speaking order after hearing all the parties concerned within a period of four weeks, thereafter. Any final demand raised against the petitioner shall be subject to the final order passed by the respondent no.5. In case petitioner does not file his objections within the aforesaid period, benefit of this order will not be available to petitioner.
5. In view of the aforesaid, recovery notice dated 10.10.2023 is hereby quashed.
6. Writ petition is ***disposed of***.

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

Order Date :- 8.11.2023

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