

Court No. - 3

Case :- WRIT - C No. - 10272 of 2023

Petitioner :- Mahendra Kumar Upadhyay

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Energy Civil Sect. Lko. And Others

Counsel for Petitioner :- Manoj Kumar Mishra, Anubhav Awasthi, Raj Deo Singh

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

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard learned counsel for the petitioner, learned Standing Counsel for State and Sri Manish Jauhari, learned counsel for respondent nos. 2 to 4.

Petitioner has approached this Court challenging the final assessment order dated 17.10.2023 whereby the objections filed by the petitioner are rejected and final demand is raised against the petitioner.

Learned counsel for petitioner submits that though the said order itself notes that the objections filed by the petitioner are considered but no reasons are provided for rejecting the same.

It goes without saying that the authority concerned has to apply its mind and record reasons in the order so that the Court can understand as to why the said order is passed. The same is also mandated under Section 126 of the Electricity Act.

In the present case, since the impugned order 17.10.2023, does not indicate any reason, hence the same cannot stand and is hereby set aside.

The respondent no.2/Executive Engineer, Madhyanchal Vidyut Vitran Nigam Ltd., Ambedkar Nagar, is directed to reconsider the case of the petitioner and pass a fresh reasoned and speaking order after hearing the parties concerned, in accordance with law.

With the aforesaid directions, the writ petition is **allowed.**

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

Order Date :- 23.11.2023
Arjun/-