

Court No. - 1

Case :- WRIT - C No. - 10473 of 2023

Petitioner :- Anuragh Tiwari

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

Counsel for Petitioner :- Meva Lal Yadav

Counsel for Respondent :- Neerav Chitravanshi, Aprajita
Bansal, C.S.C.

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for the petitioner, Mr. Aprajita Bansal, learned counsel for respondent No.2- Madyanchal Vidhut Vitran Nigam Ltd. and learned Standing Counsel for State-respondent Nos.3, 4.

2. By means of instant writ petition, the petitioner has sought the following reliefs:-

*"I. Issue a writ, order or direction in the nature of certiorari quash the recovery certificate of amount of Rs.26,130.00/- and recovery certificate of amount of Rs.4,68,886.00/- issued on 18.09.2023 by opp. party no.4 against the petitioner, contained in **annexure no.1 & 2** to this writ petition, in the interest of justice.*

II. Issue a writ, order or direction in the nature of mandamus commanding and directing the concern opposite parties to deposit the recovery amount in easy installment by which his life and liberty may not be disturbed at any rate, in the interest of justice."

3. Mr. Aprajita Bansal, learned counsel for respondent No.2, on the basis of instructions, has placed before us two orders passed by the competent authority i.e. Executive Engineer, whereby the final assessment in a case of theft of electricity was passed. The said orders are taken on record.

4. On a plain reading of the order placed before this Court, it is evident that the objections raised by the petitioner have not been addressed at all. In a case of theft of electricity, the cryptic

orders of this description are impermissible. Even the amount in the provisional assessment has come to be reduced. A case of theft of electricity proceeds on a different premise. Either the act of pilferage of electricity is committed by a person having its implications as per law or he may be innocent.

5. At this stage, learned counsel for the respondents has submitted that the impugned recovery shall not be proceeded with and the competent authority may be granted an opportunity of passing fresh assessment orders after due consideration of the objections raised by the petitioner.

6. We, accordingly, set aside the orders dated 25.07.2023 passed by Executive Engineer in respect of both the connections i.e. commercial and domestic and leave it open to the competent authority for passing fresh orders after affording due opportunity to the petitioner.

7. This exercise shall be completed not later than a period of three months from the date of production of a copy of this order.

8. The writ petition is **disposed of** accordingly.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 6.12.2023
Shubhankar