

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.41811 of 2016

ORDER:

Heard Mr. Ganta Rama Rao, learned senior counsel, for petitioner and Mr. Vinod Reddy for respondents.

2. Petitioner challenges final assessment order dated 15.11.2016 of second respondent, primarily, on the ground that the final assessment order does not refer to representation of petitioner and also that no reason whatsoever for disagreeing with the reply given by petitioner is set out in the assessment impugned in the writ petition.

3. At request of respondents, the writ petition was adjourned on 01.12.2016 and 02.12.2016.

4. Learned standing counsel, after taking note of the infirmity, which cannot be improved by filing counter affidavit, fairly states that relegating the petitioner to remedy of appeal may not also satisfy the requirement of adjudication in the case on hand, and submits that the final assessment order dated 15.11.2016 can be set aside, matter remitted to second respondent for disposal in accordance with law and in accordance with the material available on record.

5. The statement is placed on record. Normally this Court does not interfere with the final assessment order because the aggrieved party has remedy of appeal before the Superintending Engineer (Operations). However, in the case on hand, on the admitted infirmity, the final assessment order dated 15.11.2016 is set aside,

matter remitted to second respondent for fresh disposal within three (3) weeks from the date of receipt of copy of this order.

The writ petition is ordered. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

December 5, 2016
DSK

S. V. BHATT, J

