

\$~45

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Judgment delivered on: 09.12.2021

+ W.P.(C) 14026/2021 & CM. APPL. 44254-55/2021

AMIT NAGPAL

..... Petitioner

versus

BSES YAMUNA POWER LIMITED

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Fanish K.Jain, Advocate (through VC).

For the Respondent: Mr. Manish Srivastava, Advocate (through VC).

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns assessment order dated 24.11.2021 and the consequential bill dated 24.11.2021.
2. Learned counsel for the petitioner submits that no show cause notice was given to the petitioner and the advisory notice itself was bereft of any reasoning or material.
3. He submits that advisory notice was given on 13.09.2021 requiring the petitioner to respond by 17.09.2021. He submits that the impugned order dated 24.11.2021 relies on a lab report dated 01.10.2021 which came into existence after the reply was filed and in view of the above there is a

Signature Not Verified

Digital Signed By: KUNAL
MAGGU
Signing Date: 10.12.2021 11:34:08
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

W.P(C) 14026/2021

Digitally Signed 1
By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 09.12.2021
21:17

clear violation of the principles of natural justice.

4. Issue notice. Notice is accepted by learned counsel for the respondent.

5. Learned counsel for the respondent without prejudice submits that as a technical plea is being raised by the petitioner, respondents are willing to issue a fresh show cause notice and provide to the petitioner, the entire material that is sought to be relied on and thereafter pass a fresh speaking order after giving an opportunity of personal hearing.

6. In view of the above, the impugned assessment order dated 24.11.2021 and the impugned bill also dated 24.11.2021 are set aside.

7. Respondents shall issue a fresh show cause notice to the petitioner enclosing therewith the entire material that they seek to rely on.

8. Petitioner shall file a reply to the show cause notice within one week and respondents would then pass a fresh speaking order after giving an opportunity of personal hearing to the petitioner.

9. The petition is accordingly allowed in the above terms. All rights and contentions of parties are reserved.

SANJEEV SACHDEVA, J.

DECEMBER 09, 2021

rk

Signature Not Verified

Digital Signed By: KUNAL
MAGGU
Signing Date: 10-12-2021 11:34:08
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

W.P(C) 14026/2021

Digitally Signed
By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 09.12.2021
21:17

2