

Court No. - 34

Case :- WRIT - C No. - 13058 of 2020

Petitioner :- Gurusharan Kaur

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sanjai Kumar Pandey

Counsel for Respondent :- C.S.C.,Mahboob Ahmad

Hon'ble Mrs. Sunita Agarwal,J.

Hon'ble Ajay Bhanot,J.

A request has been made on behalf of Shri Sanjai Kumar Pandey, learned counsel for the petitioner to adjourn the matter for the day.

Shri Mahboob Ahmad, learned counsel for the respondent no. 4-Electricity Department, is present.

Heard Shri Vijay Prakash Chaturvedi, learned counsel for the petitioner.

The present writ petition has been filed for quashing of the recovery citation dated 07.01.2020 issued by the respondent no. 3 with respect to a certain dues of electricity.

Shri Mahboob Ahmad, learned counsel for the respondent no. 4 contends that the recovery citation had been issued after provisional assessment of charges, which the petitioner was liable to pay for the theft of electricity. Certain proceedings were undertaken by the Electricity Department after making some spot inspection and putting the petitioner to notice. It is contended that no objection has been filed against the provisional assessment and as such, the recovery is being pressed by the respondent no. 3.

In case of the assessment of electricity charges in the event

of theft of electricity, the petitioner herein has an alternative remedy of filing an appeal under Section 127 of the Electricity Act, 2003, read with Clause 8.1 of the Electricity Supply Code, 2005.

The writ petition is, accordingly, **dismissed** on the ground of alternative remedy.

Order Date :- 31.8.2020

Dhananjai