

(2021) 12 DEL CK 0062

In the Delhi High Court

Case No : Civil Writ Petition No. 14026 Of 2021, Civil Miscellaneous Application No. 44254-44255 Of 2021

Amit Nagpal

APPELLANT

Vs

BSES Yamuna Power Limited

RESPONDENT

Date of Decision : 09-12-2021

Acts Referred:

Citation : (2021) 12 DEL CK 0062

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

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 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.