
(2000) 02 AHC CK 0127

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 54912 of 1999

Shankar Prasad

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 04-02-2000

Acts Referred:

Citation : (2000) 02 AHC CK 0127

Hon'ble Judges : Palok Basu, J and U.S.Tripathi, J

Final Decision : Allowed

Judgement

1. The petitioner is aggrieved by the recovery proceeding initially started against the petitioner on some wrong advice as the petitioner never obtained any power connection and still a bill was forwarded showing the arrears of electricity charges. Sri Dharendra Kumar, learned counsel for the petitioner argued that if the initial demand was without any basis, no question of paying any recovery charges arises.

2. Sri Sudhir Agarwal has been heard for the Electricity Board and its officials, while Sri S.C. Rai, Additional Chief Standing Counsel has appeared for the State of U.P. and the Tehsildar Chail (Sadar) Allahabad.

3. Normally a counteraffidavit might have been called, but the photo state copy of the letter of the Executive Engineer Sri A.P. Mishra indicates that the petitioner has not to pay any due towards the electricity charges. Some official of the Board wrongly issued a certificate in the name of the petitioner against whom departmental proceedings have been directed to be initiated.

4. In view of the aforesaid discussion, the writ petition is allowed at the admission stage and it is directed that no recovery proceeding against the petitioner shall be initiated or continued concerning the electricity charges or its recovery charges. Let a certified copy of this order be issued to the learned counsel for the parties on payment of usual charges within a week from today.