
(1999) 05 AHC CK 0157

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 41217 of 1992

Stallion Shox Limited

APPELLANT

Vs

Additional Labour Commissioner U.P.Ghaziabad and Others

RESPONDENT

Date of Decision : 03-05-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 05 AHC CK 0157

Hon'ble Judges : Binod Kumar Roy, J and Onkareshwar Bhatt, J

Final Decision : Dismissed

Judgement

1. On 17th May, 1993 following order was passed in this writ petition by the Division Bench:

?Heard learned counsel on the question of admission and stay.

Let show cause notice to the other side be issued as to why this petition be not admitted. Notices be made returnable within six weeks.

In the meanwhile if the petitioner deposit a sum of Rs. 7,41,524 (Rupees seven lacs fortyone thousand five hundred twentyfour only) with the respondent No.1 within two weeks from today i.e. on or before 31st May, 1993, the recovery proceedings with coercive process shall remain stayed.

It is further made clear subject to petitioner's depositing Rs. 7,41,524 (Rupees Seven lacs forty one thousand five hundred twenty four only) Diesel Engine set if attached be released.?

2. On 17th April, 1999 we have passed the following order:

?Put up this writ petition on 3rd May, 1999 to enable the petitioner to file an affidavit as to whether it has complied with the direction as contained in Court's order .dated 17.5.93 or not.?

3. The learned counsel appearing on behalf of the petitioner states that he is not

in a position to inform as to whether the petitioner had complied with the order dated 17th May, 1993 or not.

4. It is unfortunate on the part of the petitioner that despite expiry of six years by now he has not intimated to his learned counsel as to whether the order dated 17th May, 1993 has been complied with by him or not.

5. Accordingly, we refuse to exercise our discretionary jurisdiction under Article 226 of the Constitution of India in favour of the petitioner and dismiss the writ petition.

The office is directed to handover a copy of this order to Sri H.R.Misra, learned standing Counsel within two weeks for its intimation to the authority concerned. Petition dismissed.