

ITEM NO.34

COURT NO.6

SECTION XI

S U P R E M E                      C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).9365/2012

(From the judgement and order                      dated 22/12/2011 in WPMB  
No.12858/2011 of The HIGH COURT OF ALLAHABAD, BENCH AT LUCKNOW)

ASHOK KUMAR

Petitioner(s)

VERSUS

STATE OF U.P. &amp; ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim  
relief)

Date: 30/03/2012                      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)                      Mr. Vishwajit Singh, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

This petition is directed against order dated  
22.12.2011 passed by the Division Bench of the Allahabad  
High Court, whereby the petitioner's challenge to the  
communication dated 19.11.2011 sent by Executive Engineer,  
Urban Electricity Distribution Division, Lucknow,  
Madhyanchal Vidyut Vitran Nigam Ltd., was dismissed.

At the hearing, we pointed out to the learned  
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counsel for the petitioner that the writ petition filed by  
his client was misconceived and the same should have been  
dismissed at the threshold because he had failed to avail  
the statutory alternative remedy of appeal available under  
Section 127 of the Electricity Act, 2003. Thereupon, the  
learned counsel made a request that his client may be

permitted to withdraw the special leave petition with liberty to avail alternative remedy of appeal.

The request of the learned counsel is accepted and the special leave petition is dismissed as withdrawn with liberty in terms of the prayer made.

However, it is made clear that liberty given to the petitioner shall not be construed as a mandate of this Court to the Appellate Authority to condone the delay in the filing of appeal or to allow the same on merits.

(Parveen Kr.Chawla)  
Court Master

(Phoolan Wati Arora)  
Court Master