

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(T) No. 2960 of 2023

M/s. Shree Krishna Traders, office at 626, Industrial Area,
Ashangi Gamharia, Saraikela-Kharsawan, through its Proprietor
Ajay Kumar Agarwal **Petitioner**

Versus

Union of India and Another **Respondents**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : M/s. N.K. Pasari, Sidhi Jalan, Advocates
For the Resp.-CGST : Mr. P.A.S. Pati, Advocate

02/03.07.2023 The vires of Rule 26(2) of the Central Excise Rules, 2002 notified w.e.f. 11.05.2007 vide notification dated 01.03.2007 is under challenge in the instant writ petition along with other reliefs.

Learned counsel for the petitioner submits that the instant rule which seeks to impose penalty is in teeth of the substantive provision of the Parent Act. It is submitted that similar issue has been raised in W.P.(T) No. 5917 of 2016 and other analogous cases. He submits that there are other writ petitions which have also raised the same issue.

Learned counsel for the respondent-CGST, Mr. P.A.S. Pati is allowed three weeks' time to file counter affidavit.

List this case along with W.P.(T) No. 5917 of 2016 and analogous cases on 17.08.2023, so that the petitioner, if so advised, may file reply thereto, in the meantime.

(Rongon Mukhopadhyay, J.)

(Deepak Roshan, J.)