HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Civil Writ Petition No. 8839/2023

Sorabh Agriculture College, Village Kheda, Tehsil Hindaun City, District Karauli (Under The Management of Rajasthan Delhi Education Society, 357, Laxmi Nagar, Paota B Road, Jodhpur, Rajasthan Through Its Secretary Mahesh Singh Beniwal S/o Vijay Singh Beniwal, Aged 43 Years, R/o 357, Laxmi Nagar, Paota B Road, Jodhpur, Rajasthan.

----Petitioner

Versus

1. The Agriculture University, Kota, Rajasthan.
2. State of Rajasthan, Through The Joint Secretary (Tax), Finance Department, 1T Floor, Main Building, Government Secretariat, Jaipur 302005, Rajasthan.
3. Central Excise and CGST Commissionerate, Through The Commissioner, 142-B, Hiran Magri, Sector-11, Udaipur, Rajasthan.

----Respondents

For Petitioner(s) : Mr. C.S. Kotwani

HON'BLE THE CHIEF JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

07/07/2023

Issue notice to the respondents.

Reply to the writ petition be filed within a period of four weeks with an advance copy to the counsel for the petitioner. Rejoinder, if any, be filed within a period of six weeks.

The prayer made by learned counsel for the petitioner for staying deposit of GST during the process of admission which is being sought to be resorted to by the petitioner cannot be accepted in light of various orders passed by a Division Bench of this Court, one of which being order dated 04.08.2022 in D.B. Civil Writ Petition No.7559/2022 (Swa Poshit Shikshak Prashikshan Mahavidyalaya Samiti Vs. Mohanlal Sukhadia University, Udaipur and Ors.), where following order was passed:-

> *"In D.B.Civil Writ Petition No.7559/2022, all the respondents are served through their respective counsel. Reply may be filed/ similar reply in other cases may be adopted, within one week.*
>
> *In D.B.Civil Writ Petition No.2906/2022, pleadings are complete.*
>
> *Instead of considering various interim applications which are pending, on the prayer for grant of interim relief, the petition itself be listed for final hearing in the first week of September, 2022.*
>
> *After hearing learned counsel for the parties, we reiterate our earlier order passed that any payment towards GST shall be subject to the final outcome of the writ petition.*"

In light of the above, the prayer made by the learned counsel for the petitioner is not accepted in toto, however, the amount to be deposited as payable under the GST shall be subject to the final outcome of the writ petition.

List for consideration on 25.08.2023 along with D.B. Civil Writ Petition No. 2906/2022.

(VINIT KUMAR MATHUR),J **(AUGUSTINE GEORGE MASIH),CJ**

8-Anil Singh/Shahenshah/-