HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Civil Writ Petition No. 10797/2023

Niji College Shikshan Sansthan Welfare Society, Through Its Secretary Jagdish Solanki S/o Mohan Lal Solanki, Aged About 59 Years, R/o 436-B Flat No.2B, Aakashdeep Colmplex, Sardarpura, D-Road, Jodhpur, Rajasthan.

----Petitioner

Versus

1. The Jai Narain Vyas University, Jodhpur, Through Its Registrar, University Campus, Jodhpur, Rajasthan.
2. State Of Rajasthan, Through The Joint Secretary (Tax), Finance Department, 1St 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.
4. Central Goods And Services Tax Department, 105, New Industrial Area Basni, Near Diesel Shed, Jodhpur-342003.

----Respondents

For Petitioner(s)	:	Mr. D.S. Sodha.
For Respondent No.2.	:	Mr. Sandeep Shah, AAG.
For Respondent No.3 & 4	:	Mr. Rajvendra Saraswat.

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

Order

02/09/2023

Issue notice to the respondents.

Reply to the writ petition be filed within a period of seven days with an advance copy to the counsel for the petitioner. Rejoinder, if any, be filed within a period of three days thereafter.

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 14.09.2023 along with D.B. Civil Writ Petition No. 2906/2022.

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

3-a.asopa/-