

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 4254/2024

R-Tech Infra Capital Gallaria Llp

-----Petitioner

Versus

Union Of India

-----Respondent

For Petitioner(s)	:	Mr. Anuroop Singh with Mr. N.S. Bhati & Mr. Aditya Khandelwal
For Respondent(s)	:	Mr. Devesh Yadav Ms. Mahi Yadav, AAG Mr. Rahul Kamwar Mr. Raghav Sharma for Mr. Ajay Shukla

HON'BLE MR. JUSTICE AVNEESH JHINGAN
HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

26/05/2025

1. The challenge involved in this petition is to the vires of rule 14(2)(b) of the Building and Other Construction Workers' Welfare Cess Rules, 1998.
2. The reliance of counsel for the petitioner is on the decision of Delhi High Court in **M.T.N.L. vs. Deuty Labour Commissioner (South)** reported in **2022 SCC Online Del 3704** wherein, the rule was held to be ultra vires and the SLP against the said decision has been dismissed.
3. Learned counsel for the respondent submits that the vires of the rule was upheld by the Allahabad High Court in **M/s KRBL Infrastructure Ltd. vs. Union of India and others** reported in **2016 LLR 308**.

4. The surviving issue is that once a central legislation has been quashed by one of the High Courts, does the issue of the challenge to the vires survives and can the appellate authority insist upon compliance of the rules.

5. Put up on 07.07.2025 along with DBCWP Nos.6843/2024 & 675/2025.

(MUKESH RAJPUROHIT),J

(AVNEESH JHINGAN),J

RIYA/Garima/54