

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 16679/2022

R-Tech Capital Gallaria (Jaipur) LLP

-----Petitioner

Versus

Union Of India & Ors.

-----Respondents

For Petitioner(s) : Mr. Sandeep Pathak with
Ms. Vartika Mehra
For Respondent(s) : Mr. C.L. Saini, AAG

**HON'BLE MR. JUSTICE PANKAJ BHANDARI
HON'BLE MR. JUSTICE SAMEER JAIN**

Order

21/11/2022

Learned counsel for the petitioner has relied upon order dated 31.10.2022 which contains similar controversy decided by Hon'ble Delhi High Court wherein provisions of Rule 14(2)(b) of the Building & Other Construction Workers' Welfare Cess Act, 1996 are declared *ultra vires*. He has also drawn attention of this Court to one of the interim orders passed in DBCWP No.18750/2017 on 1.11.2017 whereby in the facts and circumstances which were akin to the present case, a pre-deposit of Rs.25,00,000/- was directed to be made. Though the same petition was finally decided and was dismissed as has become infructuous.

Let notices be issued upon the respondents. Rule is made returnable within a period of four weeks.

In the meantime, if a sum of Rs.25,00,000/- is deposited in the impugned matter, demand will be kept in abeyance and no recovery will be initiated qua the balance amount.

Learned counsel for the petitioner has drawn attention of this Court that advance notice was duly served upon Union of India, one of the respondents.

Let name of Mr. C.L. Saini, learned AAG may also be reflected in the cause list.

Amount of Rs.25,00,000/- be deposited within 3 weeks.

List the matter after four weeks.

(SAMEER JAIN),J

(PANKAJ BHANDARI),J

CHARU SONI /26



सत्यमेव जयते