

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

D.B. Civil Writ Petition No. 18564/2022

R-Tech Capital Highstreet (Jaipur) LLP

-----Petitioner

Versus

Union Of India & Ors.

-----Respondents

For Petitioner(s) : Mr. Sandeep Pathak with
Ms. Vartika Mehra

**HON'BLE THE CHIEF JUSTICE MR. PANKAJ MITHAL
HON'BLE MRS. JUSTICE SHUBHA MEHTA**

Order

20/12/2022

Heard learned counsel for the petitioner.

The petitioner through the medium of this writ petition is challenging the validity of Rule 14(2)(b) of the Building & Other Construction Workers' Welfare Cess Rules, 1998 as *ultra vires* to Sections 11 & 14 of the Building & Other Construction Workers' Welfare Cess Act, 1996.

It is submitted that the framing of the aforesaid Rule is beyond the legislative competence and that at the same time, *ultra vires* to the provisions of Sections 14 & 21 of the Constitution of India as well. A similar matter i.e. D.B. Civil Writ Petition No.16679/2022 (R-Tech Capital Gallaria (Jaipur) LLP vs. Union of India & Ors.), has already been entertained by this Court vide order dated 21.11.2022 and it is submitted that the aforesaid provisions have been declared to be *ultra vires* by the Division Bench of Hon'ble Delhi High Court.

