
(2001) 10 RAJ CK 0025
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2397 of 2001

Kanhaiya Lal

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 30-10-2001

Acts Referred:

Citation : (2002) 2 WLC 353 : (2002) 2 WLN 192

Hon'ble Judges : Rajesh Balia, J; Harbans Lal, J

Bench : Division Bench

Judgement

Rajesh Balia, J.—Heard learned Counsel for the parties.

2. Through this petition, the petitioner has challenged the vires of Section 54(KA) and Sub-sections (4) to (9) of Section 69 of the Excise Act as well as Section 9-B which was incorporated in the Act of 1950 by amendment and consequently the demand raised in exercise of the power by the Excise Commissioner is sought to be quashed.

3. Now it is a common ground that the validity of the aforesaid provision and the demand raised thereunder has been upheld by the Division Bench of this Court in D.B. Civil Writ Petition No. 760 of 2000 (Pabu Ram v. State of Rajasthan and Ors.) and connected matters vide judgment dated 13.8.2001.

4. In view thereof this petition fails and is hereby dismissed.

Since the vehicles have already been released by interim orders of the Court, therefore, the petitioners are directed to make payment of the remaining amount due under the orders passed by the excise authorities. In view of the present order, the parties are now at liberty to move the authority competent under the amended provisions of the Act by invoking their jurisdiction either by filing a fresh petition or by prosecuting their petitions which are filed earlier. If such a petition is filed or a request is made, the authority constituted under the provisions of the Act shall take up the petitions filed already or to be filed

hereinafter and dispose of the same on merits and after affording an opportunity of hearing to the parties concerned without rejecting the same on the plea of limitation.

5. There shall be no order as to costs.