

(2022) 12 RAJ CK 0115

In the Rajasthan High Court

Case No : S.B. Civil Writ Petition No. 15147 Of 2022

Paras Kanwaar

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 21-12-2022

Acts Referred:

Citation : (2022) 12 RAJ CK 0115

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Chhavi Kalla

Final Decision : Dismissed

Judgement

Arun Bhansali, J

This writ petition has been filed by the petitioner aggrieved against the order dated 11.7.2022 (Annex.1), wherein, the District Excise Officer has issued notice to the petitioner requiring the petitioner to deposit a sum of Rs.29,82,093/-.

Submissions have been made that the contract in the case pertaining to the shop in question was taken by someone else in the name of petitioner, the petitioner is not the contractor and, therefore, the recovery against the petitioner is wholly illegal.

Further submissions have been made that in this regard the petitioner has already lodged a complaint with the police on 29.9.2022. It is also submitted that the bank accounts of the petitioner have been attached and that the salary of the petitioner also has been attached by the Department and, therefore, the matter requires interference by this Court.

On a query made, learned counsel submits that a response has been sent by post to the notice issued. The record also discloses that the so-called complaint (Annex.2) also has been sent by post to the police.

In a case, wherein, the demand raised is to the extent of about Rs.30 lakhs, sending a response to the respondents and instead of lodging an FIR, sending complaint by post to the police, clearly shows that the petitioner is not serious qua the cause sought to be projected by the petitioner.

In that view of the matter, as the petitioner is seeking to raise disputed questions of fact as to whether the contract was granted to the petitioner or somebody else, the said aspect cannot be examined in writ jurisdiction.

In view thereof, no case for interference by this Court in this writ petition is made out. The same is, therefore, dismissed.