

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 3208/2021

Chanda Kunwar W/o Shri Nirbhay Singh, Aged About 29 Years,
R/o Village Post Tokwasa, Tehsil- Aspur, District- Dungarpur.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Finance (Excise) Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Joint Secretary, Finance (Excise) Department, Government Of Rajasthan, Secretariat, Jaipur.
3. The Commissioner, Excise Department, Government Of Rajasthan, Secretariat, Udaipur.
4. The District Excise Officer, Dungarpur.

-----Respondents

For Petitioner(s)	:	Mr. Jayant Joshi
For Respondent(s)	:	Mr. Girish Sankhla

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

24/02/2021

In wake of onslaught of COVID-19, abundant caution is being taken while hearing the matters in Court.

On 04.02.2021, the Hon'ble Division Bench of this Court had passed the following order in D.B. Spl. Appl. Writ No.50/2021:-

"1. Heard learned counsel for the petitioners and Mr. M.S. Singhvi, learned Advocate General appearing for the respondent-State.

2. Learned counsel for the petitioners submits that in identical matter, a Division Bench at Jaipur dismissed the writ petition, challenging the validity of various clauses of

the Excise and Temperance Policy for 2020-21, in particular clauses – 3.1(i) and 4.6.

3. It appears that the petitioners therein have approached Hon'ble the Supreme Court and by order dated 25.01.2021, passed in Special Leave to Appeal (c) Nos.837-838/2021; Het Ram Meel etc. Vs. The State of Rajasthan & Ors., the Bench presided by Hon'ble Mr. Justice A.M. Khanwilkar, an interim direction was given as follows:

"Issue notice, returnable in four weeks. Dasti Service, in addition, is permitted.

No coercive steps to be taken with regard to the subject of the petitions qua the petitioners till the next date of hearing."

4. Learned Advocate General appearing for the State, while accepting the fact that the matter is pending before Hon'ble the Supreme Court, however submits that petitioners be called upon to furnish security so that State may not lose the revenue, in the event the matter is decided against the petitioners by Hon'ble the Supreme Court.

5. Learned counsel for the petitioners are directed to obtain instructions and nature of security, the petitioners can offer by the next date.

6. List these matters on 10.03.2021.

7. No coercive action be taken against the petitioners till the next date of hearing. "

Issue notice to the respondents.

Mr. Girish Sankhla is directed to accept notice on behalf of the respondents and he accepts notice and seeks some time to complete his instructions.

Time prayed for is allowed.

List on 17.03.2021 alongwith CW No.2530/2021.

In the meanwhile, in light of the aforesaid order passed by Hon'ble Division Bench of this Court, the petitioner shall be

Learned counsel for the petitioner submits that petitioner will deposit the security amount within a week.

Learned counsel for the respondents assures this Court that if such security is deposited, the appropriate supply shall be restored.

(DR.PUSHPENDRA SINGH BHATI),J.

155-Sanjay/-



सत्यमेव जयते