

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
JAIPUR BENCH AT JAIPUR

22725  
1817112

10696

S. B. CIVIL WRIT PETITION NO. \_\_\_\_\_ OF 2012

1. M/S. AGRIBIOTECH INDUSTRIES

LIMITED, a private Limited company incorporated within the provisions of the companies Act, 1956 having its registered office Ajitgarh, District- Sikar, Rajasthan.

2. ASHUTOSH BAJORIA, one of the directors of the M/s. Agribiotech Industries Limited, working for gain at Ajitgarh, District- Sikar, Rajasthan

..... Petitioners

Versus

1. THE STATE OF RAJASTHAN through its Chief Secretary, Government of Rajasthan, Secretariat Building, Jaipur, Rajasthan - 302 005.

2. CHIEF SECRETARY, Government of Rajasthan, having his office at Secretariat Building, Jaipur, Rajasthan.

For Agribiotech Industries Limited

Authorized Signatory

OATH COMMISSIONER  
Rajasthan High Court Branch  
JAIPUR

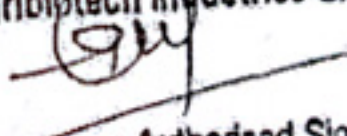




3. **FINANCE SECRETARY**, Revenue,  
Government of Rajasthan, having his  
office at Secretariat Building, Jaipur,  
Rajasthan- 302 005.
4. **PRINCIPAL SECRETARY**, Finance,  
Government of Rajasthan, having his  
office at Secretariat Building, Jaipur,  
Rajasthan- 302 005.
5. **THE EXCISE COMMISSIONER**, Excise  
Building, 2, Gumaniyamala, Panchvati,  
Udaipur, Rajasthan- 313 001.
6. **DISTRICT EXCISE OFFICER** Sikar,  
Department of Excise, Jila Aabkari  
Karyalay, Jaipur Jhunjhunu Bypass,  
Kudli Ktrathal, Sikar 332 001,  
Rajasthan.
7. **DGP, JAIPUR**, Police Headquarters, Opp  
Hawa Mahal, Room No. 308, Jaipur  
302002, Rajasthan.
8. **EXCISE INSPECTOR**, Neem Ka Thana,  
near Kapil hospital, Vart Neem Ka Thana,  
Dist. Sikar - 332 713, Rajasthan.
9. **S.H.O. AJITGARH**, Police Station  
Ajitgarh, Tahsil Shrimadhapur, District  
Sikar - 332701, Rajasthan.

... Respondents

For Agribiotech Industries Limited

  
Authorised Signatory

  
**OATH COMMISSIONER**  
Rajasthan High Court  
JAIPUR

S.B. Civil Writ Petition under Article 226  
of the Constitution of India

A n d

In the matter of Article 14, 19 (1)(g), 21  
and 300-A of the Constitution of India

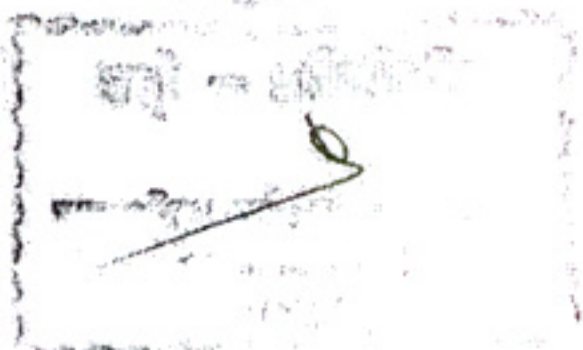
A n d

In the matter of Rajasthan Excise Act 1954

A n d

In the matter of Rajasthan Excise Rules 1956

To





SB CIVIL WRIT PETITION NO.10696/2012.

DATE OF ORDER:

24<sup>th</sup> July, 2012.

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE

Mr. Utpal Majumdar with  
Mr. Sanjay Bose for the petitioner.  
Mr. G.S. Bapna, Advocate General with  
Mr. Sarvesh Jain for the State of Rajasthan.  
Mr. R.B. Mathur for the respondents.

The counsel for the respondents submits that the reply to the writ petition is going to be filed by them soon.

Learned counsel for the petitioner has prayed that looking to the issue involved herein, in consequence of which everything has been brought to stand still, a limited protection to the petitioner be granted till the pleadings are complete and matter is heard on merits on the ensuing date of hearing.

The petitioner has filed this writ petition, being aggrieved of the orders dated 31.10.2011 and 8.12.2011. Earlier the petitioner had approached the Hon'ble Supreme Court under Article 32 of the Constitution of India (Writ Petition (Civil) No.491/2011) seeking to challenge the order dated 31.10.2011, impugned herein, where a conditional interim relief was granted to him on 2.12.2011 by staying the operation of the attachment order dated 31.10.2011, on further payment of amount of Rs.1,14,08,000/-, in addition to the amount of Rs. 4 crores already paid. Thereafter, the said petition was listed before the Hon'ble Supreme Court on 15.12.2011 and another interim order was passed in favour of the petitioner in the term that the operation of the letter dated 08.12.2011, also impugned herein, shall remain

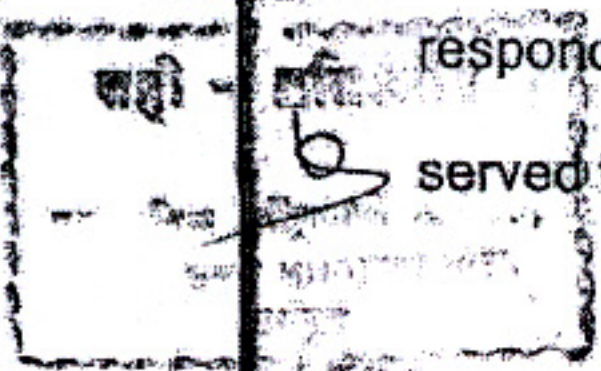
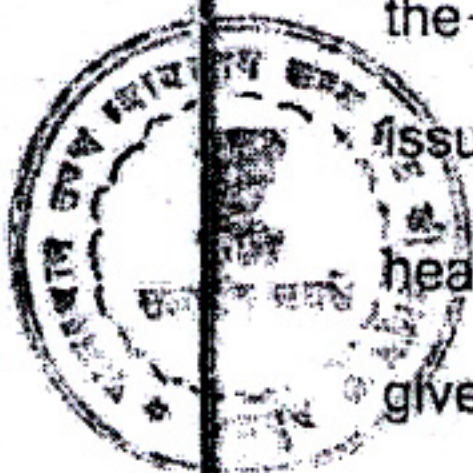



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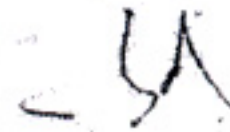
stayed. When the petition came up for hearing before the Hon'ble Supreme Court on 13.7.2012, it was dismissed as not pressed because the petitioner had sought to withdraw the petition so as to avail appropriate remedy as may be available in accordance to law. It has been made clear by the Hon'ble Supreme Court that they have not expressed any opinion on the submissions made by the learned counsel for the petitioner and when the petitioner takes recourse of other remedy, the same shall be considered on its own merits.

Subsequently, it is informed by the counsel for the respondents that an order for attachment was passed to the Excise Inspector, Circle Neem-ka-Thana on 18.7.2012 for doing the needful before 8.8.2012 and report on the same be returned immediately. In furtherance thereof, the Inspector had seized the factory of the petitioner on 21.7.2012. As submitted by the counsel for the petitioner, the court had enquired from the learned counsel for the respondents as to whether after the aforesaid orders and the proceedings before the Hon'ble Supreme Court and prior to issuance of the order dated 18.7.2012, any notice or opportunity of hearing was given to the petitioner, but no clear reply could be given by them. More over, nothing clearly came from the respondents as to when the copy of the order dated 18.7.2012 was served to the petitioner.





Looking to the over all facts and circumstances of the case including the amount already paid by the petitioner and in the interest of justice, it is deemed just and proper to let the respondents file the reply and the petitioner may also file rejoinder, if they so desire, before the next date and this petition be listed on 13.8.2012 and till then the operation of the impugned order dated 18.7.2012 shall remain stayed.



(RAGHUVENDRA S. RATHORE), J

bbm

