

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.22885 OF 2011

ORDER:

Heard Mr.Vedula Sinivas for petitioner and the learned Government Pleader for Labour, Finance and Planning.

The petitioner challenges demand notice issued under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the Building and Other Construction Worker's Welfare Cess Act, 1996 and the Cess Rules, 1998 primarily on the ground that these enactments have no application to the establishment or operation of petitioner-industry.

Counsel for petitioner submits that the question of jurisdiction and applicability of these two enactments raised in the writ petition is covered against the petitioner in LANCO ANPORA POWER LIMITED V. STATE OF UTTAR PRADESH AND OTHERS¹ and requests the Court to dismiss the writ petition. On facts, he submits that the respondent issued notice determining the cess payable by petitioner without following the procedure stipulated by the Act/Rules in this behalf and requests the Court to permit the petitioner to file explanation on all the factual objections on the determination of cess available in this regard.

Learned Government Pleader submits that if the petitioner files explanation, the authorities will consider and pass orders in accordance with law. The statements are placed on record.

¹ 2016(10) SCC 239

The writ petition is, accordingly, dismissed. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

25th January, 2017
Lrkm

