

S. B. CIVIL WRIT PETITION NO. 10295/2007.

Mahendra Singh Vs. State of Rajasthan & Ors.

Date of order : 20/12/2007.

HON' BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri R.P. Garg for the petitioner.

Shri J.M. Saxena for the respondents.

Grievance that has been raised by the petitioner is that he should be given adjustment of the amount of tax deposited by the registered dealers with the department which according to Rule 39(5) is required to be deposited with the contractor.

Having heard learned counsel for the parties and perused the material on record, I find that such an issue would require determination on the part of the Commissioner, Department of Commercial Taxes, Government of Rajasthan, Jaipur in terms of clause 18 of the agreement and therefore cannot be allowed to be agitated directly before this court.

The petitioner may approach the Commissioner and make representation before him and if such a representation is made, the Commissioner shall consider and decide the same as per law.

The writ petition is accordingly dismissed as being not maintainable in view of availability of alternative remedy.

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(MOHAMMAD RAFIQ), J.