

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.308 of 2024

Piaggio Vehicles Private Limited

.....Petitioner(s);

Versus

State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. A. Pal, Advocate,
Mr. T. Sundar Ramanathan, Advocate.
For Respondent(s) : Mr. Kohinoor N. Bhattacharyya, G.A.,
Ms. Kahina Reang, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA**

Order

28/05/2024

Heard learned counsel for the petitioner Mr. T. Sundar Ramanathan assisted by learned counsel Mr. A. Pal.

The writ petition was preferred with the following prayer:

- “(i) Issue an appropriate writ or order or direction holding that the Notification bearing no. File No.5(11)-TRANS/2018 dated 25.01.2024 issued by the Transport Department, Government of Tripura is applicable only to “e-rickshaws” and is not applicable to “e-autos”;
- (ii) Alternatively, issue an appropriate writ or order or direction reading down the Notification bearing no. File No.5(11)-TRANS/2018 dated 25.01.2024 issued by the Transport Department, Government of Tripura to be applicable only to “e-rickshaws” and not “e-autos”;
- (iii) Issue an appropriate writ or order directing the Respondents to not deny registration to the “e-autos” manufactured by the Petitioner; and
- (iv) Call for the records appertaining to this petition;
- (v) Pass such further and other orders as may be deemed necessary in the facts and circumstances of the present case.”

2. After hearing learned counsel for the petitioner, this Court, vide order dated 13.05.2024, allowed time to Mr. Bhattacharyya, learned Government Advocate to seek instructions. The order dated 13.05.2024 is extracted hereunder:

“Mr. T. Sundar Ramanathan, learned counsel assisted by Mr. Krishan Singhal, learned counsel for the petitioner submits that in the garb of the notification dated 25.01.2024 issued by the Transport Department, Government of Tripura (Annexure-1) which only restricts plying of E-Rickshaws sold not before 1st February, 2024 and registered not before 7th February, 2024 in areas

falling under Sadar Sub-division under West Tripura District, the vehicles manufactured by the petitioner which are E-Autos falling under a different category under the Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989 in particular Rule 2(cb) and 2(id), are not being registered by the Transport Authorities within the jurisdiction of West Tripura. Though the petitioner has made a representation on 21.02.2024 (Annexure-2) before the respondent-authorities but they have not responded to it nor redressed the grievances. Therefore, the petitioner has been compelled to approach this Court.

It is submitted that the notification dated 25.01.2024 purportedly confines itself to one class of vehicles which are E-Rickshaws, which are not manufactured by the petitioner-company. The respondent-authorities could not lay a complete ban on registration of the E-Autos manufactured by the petitioner-company, technically specified as L5-M category, vehicles separate and distinct from E-Rickshaws. This has led to unreasonable restriction on the right to freedom to carry on business and trade in the specified areas in the State of Tripura.

Mr. Kohinoor N. Bhattacharyya, learned Government Advocate prays for and is allowed one week time to seek instructions.

Let the matter appear on **21.05.2024.**”

3. On 21.05.2024, Mr. Bhattacharyya, learned Government Advocate, on the basis of instructions furnished by the respondent authorities, made categorical statements which are captured in the order dated 21.05.2024 extracted hereunder:

“Heard learned counsel for the parties.

In view of the order dated 13.05.2024, Mr. Kohinoor N. Bhattacharyya, learned Government Advocate at the outset submits on instructions that respondent-Authorities had a rethink over the matter. They are of the considered view that the impugned notification dated 25.01.2024 (Annexure-1) needs to be revoked but since the Model Code of Conduct(MCC) is underway, they believe that a permission from the Election Commission of India is necessary. However, on being asked whether for the time being till the MCC is over or lifted, the impugned notification can be put in abeyance, learned Government Advocate seeks time to speak with the respondent-Authorities.

As such, on the request, let the matter appear on **28.05.2024.**”

4. Today when the matter has been taken up, learned Government Advocate has produced the order dated 27.05.2024 issued by the Additional Secretary, Transport Department, Government of Tripura to the effect “The order issued vide No.5(11)-TRANS/2018 dtd. 25th January, 2024 is hereby kept in abeyance temporarily until further order.” The instant order dated 27.05.2024 be kept on record.

5. It, therefore, appears that during pendency of the writ petition, the respondent-authorities have examined this issue and are of the considered view that the impugned notification dated 25.01.2024 needs to be revoked. However, on account of operation of the Model Code of Conduct, the same could not be revoked. Now the impugned order has been kept in abeyance by the order dated 27.05.2024 referred to hereinabove.

6. Mr. Kohinoor N. Bhattacharyya, learned Government Advocate for the respondents-State, submits that the grievances of the petitioner have been redressed. The impugned notification would be revoked once the election process is over and the Model Code of Conduct ceases to operate. Till then, the impugned notification has been kept in abeyance.

7. Learned counsel for the petitioner submits that in such circumstances, the grievances of the petitioner appear to be redressed. Therefore, the writ petition can be disposed of in that light.

8. Having regard to the developments recorded hereinabove, we are also of the considered view that the grievances of the petitioner are being redressed. Accordingly, the writ petition is disposed of.

9. Pending application(s), if any, shall also stand disposed of.

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

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