IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 25392 of 2015

Date of Decision: 4.12.2015

Punjab Unaided Technical Institutions Association (PUTIA), Mohali
....Petitioner.

Versus

State of Punjab and others
...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.

PRESENT: Mr. Vinod S. Bhardwaj, Advocate for
Mr. Kumar Vishav Aggarwal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents for exemption of tax levy on buses of colleges associated with the petitioner under Section 10 of the Passenger of Goods Tax Act, 1952 (in short “the Act”).

2. The colleges associated with the petitioner are imparting education in the fields of MSc., MCA, MBA, BBA and other subjects. The said colleges are AICTE approved, associated with the approved universities in the State of Punjab and duly approved by the Government of Punjab. They are providing transportation to the students studying

with their colleges at a nominal and concession rate without charging any profit by the petitioner. The petitioner is making huge amount every year to the respondents for renewal of permit which is an additional burden upon the students. For a period of one year, the tax liability comes to ₹ 60,000/- per vehicle. Besides road tax, there is passenger tax amounting to ₹ 4500/- per vehicle per year and the petitioner is required to pay a sum of ₹ 60/- per seat for a period of nine months in a year. In this way, the tax on each bus of the petitioner comes to ₹ 60,0000/70,000/- per year as depicted in the details of tax (Annexure P-2 Colly). According to Section 66(3) of the Motor Vehicles Act, 1988, the petitioner colleges are fully exempted from taking permit and are also exempted from paying road tax on vehicles used for the school, college and education purposes. Even the Government has powers to exempt any vehicle under Section 10 of the Act. Further, the passenger tax or road tax can be levied upon commercial vehicles or passenger vehicles. The vehicles used by the petitioner are not passenger vehicles as per definition of passenger specified in the Act. The petitioner made a representation dated 11.8.2015 (Annexure P-3) to respondent No.2 for exemption under Section 10 of the Act, on tax levy on buses running for colleges in the State of Punjab, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 11.8.2015 (Annexure P-3) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the

case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 11.8.2015 (Annexure P-3), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

December 4, 2015
gbs

(RAMENDRA JAIN)
JUDGE