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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1820/2016 and CM No.7810/2016

% Date of Decision : 01st June, 2016

KURUVILA KURIAKOSE Petitioner
Through: Mr. Wills Mathews and Mr.
Gaurav Kumar, Advs.
versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Sanjeev Uniyal and Mr.
R.M. Tripathi, Adv. for
R1/UIO.
Mr. Peeyoosh Kalra, ASC for
GNCTD with Mr. Ankit
Khurana, Mr. Shiva Sharma
and Ms. Sona Babbar, Advs.
Mr. Jogy Scaria and Ms. Beena
Victor, Advs. for State of
Kerala.

**CORAM :-
HON'BLE MR. JUSTICE J.R. MIDHA**

JUDGMENT (ORAL)

1. The petitioner, a senior citizen, is the owner of Mercedes Benz car bearing registration No. DL-3CQ-3467 registered with the Road Transport Authority, Delhi on 08th May, 2000. The petitioner who was earlier residing in Delhi, shifted to Kottayam in Kerala one year back along with his Mercedes Benz car.
2. On 10th May, 2015, the petitioner applied for No Objection

Certificate (NOC) to the Road Transport Authority, Delhi for registering his car at Kerala. However, no action has been taken by the Road Transport Authority, Delhi whereupon the petitioner filed this writ petition seeking NOC for registration by Road Transport Authority, Kerala.

3. Mr. Peeyoosh Kalra, learned additional standing counsel for GNCTD, submits that petitioner's car is more than 15 years old and, therefore, the car has to be re-registered before the issuance of NOC. It is submitted that vide order dated 26th November, 2014, the National Green Tribunal has directed that the vehicles more than 15 years old are not permitted to ply in Delhi. The National Green Tribunal has further directed the Authority not to issue/renew registration of vehicles which are more than 15 years old.

4. Learned counsel for the petitioner submits that there is no bar to the petitioner shifting and plying his Mercedes Benz car in Kerala. It is further submitted that there is no impediment either under the Motor Vehicles Act or under the order passed by National Green Tribunal for his registering the vehicle with the Road Transport Authority, Kerala. It is further submitted that the petitioner had already shifted his car to Kerala and there is no impediment in the issuance of NOC to the petitioner.

5. Learned counsel for the petitioner on instructions undertakes that the petitioner shall not ply the Mercedes Benz in National Capital Region. The undertaking of the petitioner is hereby accepted.

6. Learned additional standing counsel for GNCTD submits on instructions that the petitioner has to produce the car for fitness before

the Road Transport Authority, Delhi in terms of the Section 56 of the Motor Vehicles Act read with Rules 62 and 63 of the Motor Vehicles Rules.

7. Learned counsel for the petitioner submits that the petitioner has already been shifted his car to Kerala. It is further submitted that the petitioner would be put to unnecessary burden and expense for bringing the car to Delhi just for fitness and therefore, he may be permitted to produce the car for fitness before the Road Transport Authority, Kottayam, Kerala.

8. In the facts and circumstances of this case, this petition is allowed. The petitioner shall produce his car before Road Transport Authority, Kottayam, Kerala for fitness within four weeks from today. If the car is found fit, the Road Transport Authority, Kottayam, Kerala shall issue a fitness certificate to the petitioner whereupon the petitioner shall submit the same before the Road Transport Authority, Delhi. The Road Transport Authority, Delhi shall re-register the car and issue a NOC to the petitioner within a period of four weeks for registration of the car with Kottayam, Kerala. The Petitioner shall remain bound by his undertaking not to ply his car in the National Capital Region.

9. The pending application is disposed of.

10. Copy of this judgment be given *dasti* to learned counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

JUNE 01, 2016/ak