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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.47 OF 2017**

Pradeep S. Bhalerao & Anr.	... Petitioners
Vs.	
Union of India and Anr.	... Respondents

Mr. Ramesh S. Bhalerao for the Petitioners.
Mr. A.B. Vagyani, Government Pleader a/w Mr. R.S. Sawant, Assistant Government Pleader and Ms. G.R. Golatkar, Assistant Government Pleader for the Respondent No.2.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 18th AUGUST, 2017

PC.

1 Heard the learned counsel appearing for the petitioners.
Prayers (A) to (E) are the substantive prayers in this Public Interest Litigation. The said prayers read thus :-

“[A] Direct the RTO authorities to re-consider various fees and charges being claimed and recovered from the public, and accordingly re-issue the Government Circular dated 29.12.2016, and ensure that the rates of services are reasonable.

[B] Cancel and abolish the method of double taxation i.e. State and Central Government charges and form such a

system by which public will pay the road tax, fees, charges to one government.

[C] Abolish the fine, penalty, late fee etc charged to the vehicle owners who attend the RTO on time, but are forced to go back and come again on next day due to rush and limited working hours.

[D] Issue necessary instructions to the Respondents for increasing present strength of staff and officers in RTO offices to cope with the work-load.

[E] The execution/implementation of the impugned circular/ Central Government gazette dated 29.12.2016 issued by the Surface Transport Ministry regarding revision of service rates may kindly be stayed during the pendency of this proceeding.”

2 By a notification dated 29th December, 2016 issued by the Ministry of Road Transport and Highways of the Government of India, fees payable under Rules 32 and 81 of the Central Motor Vehicle Rules, 1989 were revised. The Regional Transport Officer, Pune published a schedule of rates prescribed under the notification dated 29th December, 2016. There is a reply filed by Shri Babasaheb Ishwarappa Ajri, Regional Transport Officer, Pune in which it is rightly stated that power to specify fees payable as per the Rules 32 and 81 of the Central Motor Vehicles Rules, 1989 is vesting in the Union of India and that the said

power has been exercised. In paragraph 6 of the affidavit, it is stated that the schedule notified under the notification dated 29th December, 2016 has been communicated to all Deputy/ Regional Transport Offices on 6th January, 2017. In the affidavit, it is stated that on 26th September, 2016 the State Government issued a Government Resolution for charging certain amounts for late renewal of certificate of fitness. The affidavit records that by a Government decision dated 5th April, 2017 the Government Resolution dated 26th September, 2016 has been cancelled.

3 According to us, prayer clause A is meaningless inasmuch as the Central Government notification dated 29th December, 2016 continues to operate. Prayer clause B will not survive in the light of the Government decision dated 5th April, 2017 which is annexed as Exhibit – A to the affidavit of Shri Ajri. Even prayer clause C will not survive in view of the same Government decision. As far as the prayer clause D is concerned, necessary directions have been already issued while disposing of Public Interest Litigation No.28 of 2013 for increasing the staff strength of the Regional Transport offices. Prayer clause E is for interim relief during the pendency of this Petition.

4 The occupation of both the petitioners is shown as business and in fact in the first paragraph of the Petition it is stated that the

petitioners are representatives of owners/ license holders of various types of vehicles. The petitioners are relying upon a representation made by Pune City Auto Rickshaw Federation to the Government of India. Therefore, it appears that the petitioners have personal interest in the subject matter of this PIL.

5 Apart from the fact that none of the prayers in this Public Interest Litigation can be granted, we are of the view that the petitioners have no locus to maintain this Petition as a Public Interest Litigation. Subject to what is observed above, the Petition is rejected.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)