IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPEALLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 197 OF 2010

Akhil Bhartatiya Grahak Panchayat,
Nashik Mahanagar ... Petitioner
V/s.
Union of India through the Secretary,
Ministry of Surface Transport and ors. … Respondents

Mr.S.S.Patwardhan, Advocate for the Petitioner.
Mr.V.P.Malvankar,APP for Respondent Nos.2 to 6.

CORAM : V.M.KANADE AND

P.R.BORA, JJ.

DATE : 13th FEBRUARY, 2017.

P.C.:

1. The Petitioner has filed this Petition, seeking the following reliefs:-

> (A) That this Hon'ble Court be Pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing the respondents to act and prosecute the defaulting dealers on the complaint made by the petitioner on 2nd March, 2009 and 12th July, 2009 which are marked as Exhibits G and H respectively and pass appropriate orders.
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> (B) That this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing the respondents herein to constitute a committee for reconciliation of the invoices submitted to respondent no.4 in sale transactions of motor vehicles with the invoices submitted to respondent no.2 for sale of such vehicles in the said transactions and to report to this Hon'ble Court about the illegal evasion of tax

payable to respondent nos. 2 and 6 under the provisions of the Bombay Motor Vehicles Act, 1958.

(C) That this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing the respondents herein to recover the evaded tax payable to respondent nos. 2 and 6 under the provisions of the Bombay Motor Vehicles Act, 1958 from the defaulters."

2. We are informed by the learned Counsel appearing on behalf of the Respondent/State that as the Goods and Services Tax (GST) Act has been passed, the present Petition has practically become infructuous. It is also submitted that RTO has now started collecting Sales Tax on the full value of the vehicle. The Petition, therefore, practically has become infructuous and as such we are not inclined to issue directions, which are sought by the Petitioners. The Petition is disposed of accordingly. No costs.

(P.R.BORA,J.) **(V.M.KANADE,J.)**

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