

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.16441 of 2017
Date of decision:19.09.2017**

Rohit Raghuvanshi

... Petitioner

Vs.

State Transport Authority Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Ms. Seema Pasricha, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (ORAL)

1. In this writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for setting aside/quashing the challan memo dated 27.05.2017 (Annexure P-8) issued on behalf respondent No.2 under Haryana Motor Vehicle Tax being illegal, arbitrary, contrary to Haryana Motor Vehicle Tax payment receipt No.HRLVI7051714418 dated 27.05.2017 for Delux Bus No.UP 17 AT 1881 (Annexure P-7).

2. On the last date of hearing, time was sought to examine the provisions whether the impugned action of the respondents is appealable or not. It was candidly admitted by learned counsel for the petitioner that under

Section 18 of The Haryana Motor Vehicles Taxation Act, 2016 (for short 'the Act'), any person aggrieved by an order relating to the assessment, imposition or recovery of the tax, can file an appeal to the appellate authority. The provisions of Section 18 of the Act, read thus:-

“18. (1) any person aggrieved by an order relating to the assessment, imposition or recovery of the tax or penalty may, within a period of thirty day from the date of such order, file an appeal to the appellate authority.

(2) Save as provided in sub-section(3), an order passed by the appellate authority shall be final and conclusive.

(3) The Transport Commissioner on his own motion or on receipt of an application from the owner, may call for the record of any proceedings which are pending before, or have been disposed of by the licensing officer or the appellate authority for the purpose of satisfying himself as to the legality or propriety of such proceedings or order made therein and may pass such order in relation thereto, as he may think fit.

(4) No order shall be passed under sub-section(3) which adversely affects any owner unless such owner have been given a reasonable opportunity of being heard.”

3. In view of the above, learned counsel for the petitioner submitted that she may be allowed to withdraw the present writ petition with liberty to approach the appellate authority in accordance with law.

4.
- Dismissed as withdrawn.
5.
- However, it shall be open to the petitioner to take recourse to the remedies as may be available to him, in accordance with law

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

September 19, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No