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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 8294/2016 & CM APPL. 34316/2016

B.I. PUBLICATIONS PVT. LTD. Petitioner
Through: Mr. Charanjeet Singh, Advocate.

versus

TRANSPORT DEPARTMENT, GNCTD & ORS Respondents
Through: Ms. Niharika, Advocate for Mr. Anupam
Srivastava, Advocate with Mr. Vimal
Rao, Head Clerk.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
27.02.2017

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Present writ petition has been filed challenging the letter dated 20th May, 2017 whereby respondent No.3 had rejected petitioner's application for retention of its registration No. DDK 0009 for the new vehicle.

Today, learned counsel for respondents has handed over a photo copy of the Circular dated 15th February, 2017. The relevant portion of the said Circular reads as under:-

“Accordingly, in continuation of this office orders F.No.DC/Ops/Tpt./2009/1758-88 dated 18.03.2014 and No.DC/OPS/Misc./2014/8216-33 dated 15.01.2015 of regarding retention of Registration mark (copies enclosed), the following clarifications are issued:-

- 1. The vehicles covered by directions of Hon'ble National Green Tribunal in the matter of M.A. No.284 of 2015 in the*

Original Application No.21/2014 titled Vardhaman Kaushik v/s UOI & Others, Diesel Vehicles and Petrol Vehicles older than 10 years and 15 years respectively can be allowed for retention of their registration mark.

- 2. The Registered vehicle owner shall seek prior permission of the Registering Authority for Retention of Registration Mark and produce the old vehicle before the Registering Authority for obtaining prior permission in writing for scrapping. The Registering Authority will himself inspect the vehicle and will also make a note of the inspection in the register. MLO concerned should also safeguard the physical evidence of scrapped vehicle i.e. cut piece of Chassis number.*
- 3. Only those registration marks which are in accordance with the Motor Vehicles Act and Rules made thereunder are permissible for retention.*
- 4. The Registering Authority shall ensure that all the pending dues including the applicable taxes, fees, re-registration charges after expiry of registration of the old vehicle and penalty, if any are deposited by the applicant, before retention of Registration Mark is allowed.*
- 5. It is again reiterated that the registration certificate to the new vehicle shall only be issued on delivery of the chassis portion of the old vehicle on which vehicle identification (Chassis) number is embossed/engraved by the manufacturer by the vehicle to the registering authority. The physical evidence should be duly preserved in the safe custody of MLO.*

This issues with the prior approval of the Competent Authority.”

Learned counsel for respondents states that in view of the aforesaid Circular, petitioner is at liberty to apply for retention of the registration number.

Learned counsel for petitioner states that the petitioner satisfies all the

conditions mentioned in the said Circular.

Accordingly, present writ petition and application are disposed of with a direction to the petitioner to apply for retention of the registration number in accordance with the Circular dated 15th February, 2017.

In the event, petitioner applies for retention of the registration number in accordance with the Circular dated 15th February, 2017 within a period of one week, the same shall be disposed of by the respondents in accordance with law within a period of three weeks thereafter.

Order dasti.

MANMOHAN, J

FEBRUARY 27, 2017

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