

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 16 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 28 OF 2013**

State of Maharashtra

...Applicant

In the matter of

Mr. Shrikant Karve

...Petitioner

Versus

**The Secretary (Parivahan IV)
Ministry of Home Affairs & Ors.**

...Respondents

Mr. Uday P. Warunjikar, Advocate Amicus Curiae.

Ms. Nikita Javob, i/by Ms. Shruti Tulpule, for the Applicant in
CAIST/25308/17.

Mr. A.B. Vagyani, G.P., a/w Mrs. R.A. Salunkhe, AGP, for the
Applicant.

Mrs. S.V. Bharucha a/w Mr. A.A. Ansari, for the Respondent
No.5.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 1 August 2018

ORDER :

1. As one of the two learned Judges (Shri. V.I. Achliya, J.) is not available in Mumbai, as per Sub-Rule 2 of Rule 3 of Chapter XXX of the Bombay High Court Appellate Side Rules, 1960, this Application will have to be heard by this Bench.
2. Heard the learned Government Pleader for the Applicant. Prayer (a) of this Application reads thus:-

“That, in view of the report of ARAI the directions in Para 49(f) of the operative part of the Order dated 18th February, 2017 be suitably reviewed and modified for conducting Brake Test of M1, N1, M2, N3 and L5m categories vehicles on brake test track of 100 meters length as per Rule 96(8) of Central Motor Vehicles Rules, 1989.”

3. This Civil Application is based only on report of Automotive Research Association of India (ARAI), a copy of which is annexed at Exhibit 2. The learned Government Pleader relied upon pages 10 and 11 of the said report. Page 10 refers to Annexure 1. In the report, a conclusion is recorded that a longitudinal track length of 150 meters would be sufficient to verify the braking performance of vehicles. The entire application as well as the letter dated 6th January 2018 proceed on the footings that the opinion of ARAI is that for the light motor vehicles, it will be enough if the length of brake testing track is 100 meters. The said contention is completely baseless, as the report which is relied upon the records that an opinion of the ARAI that the length of 150 meters should be sufficient. Hence, going by the report of ARAI on which reliance is placed, no case is made out for modification as prayed. Application is rejected.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]