

**HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**WRIT PETITION No.11280 OF 2018**

**ORDER:**

Heard the learned counsel for the petitioner, learned Government Pleader for Prohibition and Excise for respondents 1 to 4, and learned Government Pleader for Transportation for respondents 5 and 6.

The petitioner purchased a vehicle bearing No.HR-61-B-8155 in an auction conducted on 16.05.2017 by the 4<sup>th</sup> respondent. He became the highest bidder for a sum of Rs.11,00,000/- which he paid on 19.05.2017 apart from V.A.T of Rs.1,65,000/- paid on 17.05.2017. Thereafter, the 4<sup>th</sup> respondent issued a letter in form No.32 with regard to transfer of ownership and also addressed a letter to the 5<sup>th</sup> respondent on 02.06.2017 intimating about purchase of the vehicle by the petitioner in the auction. The petitioner contends that the 4<sup>th</sup> respondent is refusing to register the vehicle in the petitioners favour and he is not assigning any reasons therefor. The petitioner contends that he made a representation to the 2<sup>nd</sup> respondent on 27.01.2018 that since the vehicle is not being registered, he wants the refund of the amount that he paid for purchase of the vehicle from the 4<sup>th</sup> respondent and that still the amount has not been refunded to him. According to the 5<sup>th</sup> respondent, he had issued proceedings on 06.02.2018 to the 4<sup>th</sup> respondent stating that the Transport Authorities would not register the vehicle and the sale is permitted by the Excise Department only for scrap value.

Since the very purpose for which the petitioner purchased the vehicle is for use by the petitioner and since refusal to register. On the part of the respondents 5 and 6 for transfer of the vehicle in the petitioners name prevented the petitioner from doing so, and since the petitioner

sought for refund of the amount paid by him to the 4<sup>th</sup> respondent of Rs.11,00,000/- on 19.05.2017 and V.A.T of Rs.1,65,000/- on 17.05.2017, on condition of the petitioner returning the vehicle to the 4<sup>th</sup> respondent within one week, the 4<sup>th</sup> respondent is directed to refund the said amount of consideration as well as V.A.T. paid by the petitioner, within two weeks of surrender of the said vehicle by the petitioner to the 4<sup>th</sup> respondent.

Accordingly, with the above observation, the Writ Petition is disposed of. No order as to costs.

In consequence, miscellaneous petitions, if any, pending in this Petition shall stand closed.

Date: 12.04.2018.  
Dsh

**M.S.RAMACHANDRA RAO, J**



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**138**



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**DSH**