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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4013/2017**

AUTOMOBILES TRADERS ASSOCIATION OF DELHI (ATAD)

..... Petitioner

Through: Mr. Vipin Singhanian, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Anuj Aggarwal, ASC for
GNCTD

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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16.07.2018

1. The present petition has been filed by the petitioner with the following prayers:

“In the above stated facts and circumstances, it is most respectfully prayed that this Hon’ble Court may most graciously be pleased to pass in favour of the present petitioner and against the afore arrayed respondents,

A) *A writ in the nature of certiorari or any other appropriate writ, direction or order directing the quashment / appropriate modification of the Terms and Conditions for Empowerment of Dealers to extent make it obligatory for self-registering dealers to park fifteen days’ advance of registration & road-tax with the transport department– respondent no.2; this has reference to*

Section C: Clauses 6 & 7 of the Terms & Conditions for Empowerment of Dealers as Registering Authorities;

- B) A writ in the nature of mandamus or any other appropriate writ, direction or order directing respondent no.2 to release / return security / deposit back to respective dealers with interest; the details of deposit held along with respective dealer details appear at Annexure "P-6" to the present Writ Petition, and*
- C) Such further order (s), which this Hon'ble Court under facts and circumstances of the present case deems just and fit."*

2. A short affidavit has been filed by the respondent No.2 wherein they have stated that a Committee constituted by the Commissioner, Transport has recommended that the provisions of advance tax deposit of road tax and registration fee of 15 days sale may be substituted by security deposit in the form of bank guarantee of ₹5,00,000/- in the case of two-wheeler dealers and ₹10,00,000/- in the case of four-wheeler dealers in favour of the Commissioner, Transport to be deposited in the accounts branch at the Transport Department. It is also stated that as the policy has been amended, security deposit as deposited by the dealers is being returned to the concerned dealers.

3. Learned counsel for the petitioner states that the amended policy

satisfies the grievance of the members of the petitioner association but, the respondents should, refund, the deposits to the members in a time bound manner.

4. Mr. Anuj Aggarwal, learned counsel for the respondents on instructions states, the same can be refunded only on the verification of the Bank Guarantees deposited by the dealers in terms of the amended policy. He states, the respondents shall make endeavour to refund the security deposit within 60 days from the receipt of the Bank Guarantee and pursuant to verification of the same. The statement is taken on record.

5. In view of the above, nothing further survives in the writ petition. The same is disposed of.

V. KAMESWAR RAO, J

JULY 16, 2018/aky