

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.108 of 2019

A K G Propmarts Pvt Ltd Narhada Through Director Abhishek Verma, Son Of
Shiv Kumar Verma, Aged About 36 Years, Resident Of B-7, LIC Colony Mova
Raipur, District Raipur Chhattisgarh
---- **Petitioner**

Versus

1. Union Of India Through The Secretary, Ministry Of Road Transport And
Highways Govt. Of India New Delhi., District : New Delhi
2. State Of Chhattisgarh Through Transport Commissioner, Mahanadi Bhawan,
Mantralaya, Naya Raipur, District Raipur Chhattisgarh
3. Regional Transport Authority Raipur, District Raipur Chhattisgarh

--- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Ms. Fouzia Mirza, Additional A.G.
For Union of India	:	Mr. B. Gopa Kumar, Assistant Solicitor General

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

15/01/2019

Learned counsel for the parties jointly submit that the issue involved in the present case is squarely covered by order dated 30.11.2018 passed in WPC No.841 of 2018 and batch of petitions.

In view of the above, following order is passed :

1. The notification dated 29.12.2016 issued by the Union of India bringing about certain amendments in relation to the kind of fee which can be charged for various services, is under challenge.

2. In the present cases, we are not concerned about the other fees which have been notified. The issue is limited to Sr. No.11 which deals with grant or refusal of fitness certificate for which the fees fixed is Rs.200/-, however, the note adds that additional fees of Rs.50/- for each day of delay after expiry shall be levied, which is

subject matter of challenge.

3. Reliance has been placed by counsel representing the various Petitioners on a decision rendered by the Division Bench of High Court of Madras in case of Chennai City Auto Ootunagral Sangam represented by its Secretary Tamilnadu Driving School owners federation represented by its General Secretary, Madra Metro Auto Drivers Association (Affiliated with AITUC) represented by its General Secretary, Vada Chennai Maavatta Auto Ottunargal Padugappu Nalasangam, represented by its General Secretary, Tamilnadu Lorry Owners Federation represented by its President v. Secretary, Ministry of Road Transport and Highways, Secretary, Home (Transport), Transport Commissioner, reported in 2017 (3) MadLJ 769.

4. Vide the above decision dated 03.04.2017, the said notification has been quashed in part and the matter is now awaiting adjudication by the Hon'ble Apex Court in Civil Appeal No.011216 of 2017.

5. In view of the above situation and position, since the final word in relation to the validity of the central notification is yet to come from the Apex Court, this writ application stands disposed off with an observation that the additional fees in terms of Sr. No.11 in relation to the fitness certificate to be levied after its expiry shall remain in abeyance, however, the obligation and the liabilities to pay the same will depend upon the final opinion which may be rendered by the Apex Court in Civil Appeal No.011216 of 2017.

6. The writ applications stand disposed off in view of the above.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge