

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3356 of 2018

Budhe Lal Chakradhari S/o Late Guha Ram Chakradhari Aged About 59 Years
R/o Tigadda Chowk, Hirmi, Simga, District Baloda Bazar, Chhattisgarh., District :
Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner

Versus

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

---- Respondent

For Petitioner	:	Shri Anshul R. Shrivastava, Advocate
For Union of India	:	Shri B. Gopa Kumar, Assistant Solicitor General
For State	:	Ms. Richa Shukla, Dy. Govt. Advocate

**D.B. : Hon'ble Mr. Justice Manindra Mohan Shrivastava &
Hon'ble Mrs. Justice Rajani Dubey**

Judgment On Board

31/01/2019

1. Learned counsel for the respective parties do not dispute that the issue raised in this case is squarely covered by the order dated 14.12.2018 passed in WPC No.3462 of 2018.
2. 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.
3. In the present case, 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.

4. Reliance has been placed by counsel representing the petitioner on a decision rendered by the Division Bench of High Court of Madras in case of **Chennai City Auto Outunagral 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.
5. 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.
6. 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 petition 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.
7. The writ petition stands disposed of in view of the above.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge