

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 3501 of 2018**

- Mukesh Sharma, S/o Shri Dharnidhar Sharma, aged about 51 years, R/o Ward No. 17, Village Krishnapur, Surajpur, District Surguja, C.G.

---- Petitioner

Versus

1. Union of India through Secretary, Ministry of Road Transport and Highways, Govt. of India, New Delhi.
2. State of Chhattisgarh Through Transport Commissioner, Department of Transport, Mantralaya, Mahanadi Bhawan, New Raipur (C.G.)
3. Registering Authority / Regional Transport Officer, Ambikapur, District Surguja, C.G.

---- Respondents

For Petitioner	:	Ms. Sareena Khan, Advocate.
For Respondent/UOI	:	Shri R.K. Kesharwani, Advocate.
For Respondent/State	:	Shri R.S. Baghel, Deputy Advocate General.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**Per Ajay Kumar Tripathi, Chief Justice****04.01.2019**

1. Heard counsel for the parties.
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 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**.
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 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.
7. The writ application stands disposed off in view of the above.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge