

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5704 OF 2019**

All PUC Centre's Owners Association	...Petitioner
<i>Versus</i>	
Union of India & Ors	...Respondents

Ms Shraddha Dube Patil, *for the Petitioner.*
Mr Jitendra B Mishra, *for Respondent No. 1.*
Mr Vikas Mali, AGP, *for Respondent No. 2-State.*

**CORAM: S. C. Dharmadhikari &
G. S. Patel, JJ.**
DATED: 9th September 2019

PC:-

1. The Petitioner before us is an Association. The Petitioner says that the law requires a motor vehicle when registered and plying to display a certificate popularly known as PUC.
2. This certificate ensures that the vehicle in question does not pollute the environment and has all systems in place so as to prevent the same.
3. Such a certificate can be obtained and the facility in that behalf is given to the Association members. In other words, the members of the Petitioner who are owners of PUC Unit can be

approached by individual motor vehicle owners or motor vehicle operators for issuance of such certificates. However, the authorities realised that there is no record of application or issuance of such certificates and they were issued without adherence to the relevant laws.

4. In other words, proper machines and facilities were not in place and yet the certificates were issued.

5. In the light of the same, the Authorities decided to upgrade the systems. Thus, the Pollution Under Control (PUC for short) Centres would now have to adhere to to amended regime.

6. These are registered persons. The certificates have to be issued after the tests are undertaken on a particular vehicle. After the test is satisfactorily completed, this certificate has to be issued. However, now the systems would say that the emission results obtained during the testing as per clause (i) of Rule 115 of the Central Motor Vehicle Rules 1989 as amended would have to be electronically uploaded through on-line process of the State Register of Motor Vehicles or the Central Register of Motor Vehicles, as the case may be as laid down in a document as amended from time to time. The schedule for implementation of the uplinking of the emission results data insofar as the State of Maharashtra is concerned, would be 1st April 2019. The amendment was published in the Gazette of India on 6th June 2018. Now the linkage of PUC certificates with VAHAN database is mandatory.

7. Yet the petitioner says and very boldly before us that it had very little time to upgrade its facilities. The time be accordingly extended.

8. The Counsel would argue that the petitioner is not challenging the amended regime or the requirement as stipulated therein. It is not against such upgradation. However, individuals have to upgrade their systems so as to meet the amended rules. There was very little time available in that behalf. Therefore, that time factor and the financial burden would enable the petitioner to approach this Court on behalf of its members and seek an extension of time.

9. This petition was mentioned before us because after its filing on 2nd May 2019 it was listed on 3rd May 2019 before a Division Bench of this court which referred to the grievances and then made an ad-interim order of pro-tem measure by which the time for complying with the amended Rules in the State of Maharashtra is extended. The extension was till the matter is heard. However, when the matter was placed before us for a further extension of the ad-interim order, we decided to take up the petition itself for admission. That is how the petition was listed on 6th September 2019 but stood over to today to enable the petitioner's counsel, Ms Shraddha Dube Patil to take appropriate instructions.

10. She would submit that the hardship of the individual unit holders be taken into consideration and an extension be granted. She would submit that a representation was received by the President of

the PUC Centre Owners Association Mumbai regarding such complaints. One complaint is annexed at 23 of the paper-book. The requirements are very many according to her. Therefore, the extension should be granted is the request. The prayer in the writ petition is to grant a six months extension.

11. The writ petition was filed on 2nd May 2019 and with the ad-interim order passed on 3rd May 2019, a substantial extension has already been obtained.

12. There is no data or record of what progress has been made by the individual owners from May 2019 till September 2019. Thus, good five months after the order of this Court dated 3rd May 2019, we have no record of any upgradation.

13. In the garb of taking such extension, the petitioners and their members do not wish to implement the amended regime.

14. Once there is a concession that the amended Rules are not challenged nor can they be challenged as violative of any constitutional mandate or the Motor Vehicles Act 1988 then all the more we are disinclined to continue this extension granted by this Court.

15. The ad-interim order is, therefore, vacated forthwith and the writ petition is dismissed.

(G. S. Patel, J)

(S. C. Dharmadhikari, J)