

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11466 OF 2019

DATE : 12.06.2019

Between :

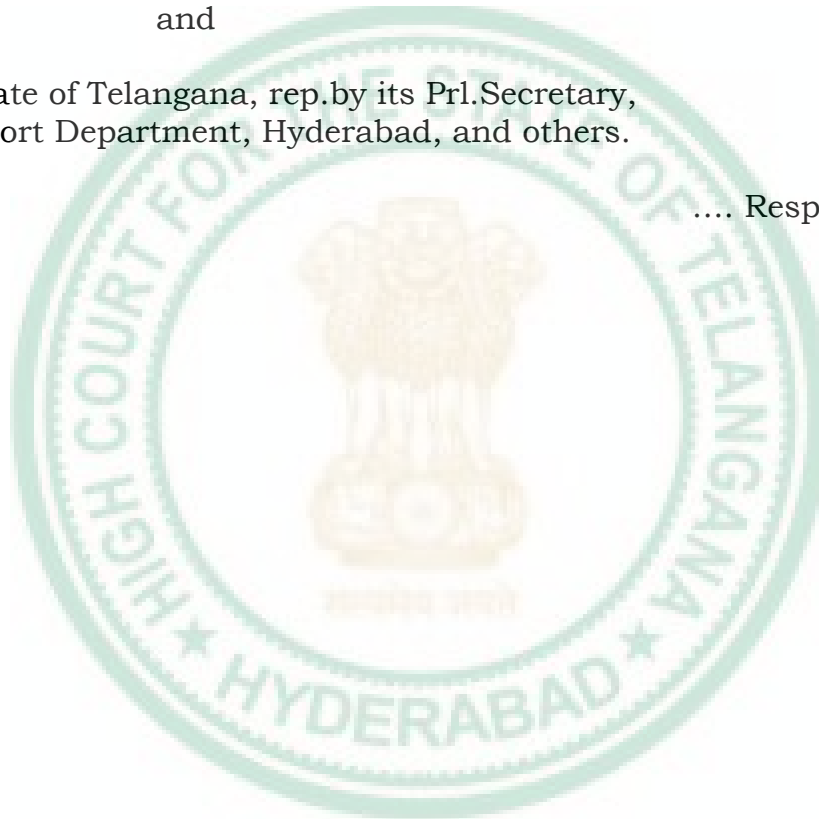
India Infoline Finance Limited, 124/10,
13th floor, Parinee Crescenzo, C 38 & 39,
G Block, Bandra Kurla Complex,
Bandra (East) Mumbai, having its Branch
Office at # 5-9-22/B/501, 5th & 6th Floor,
My Home Sarovar Plaza, Secretariat Road,
Hyderabad, rep.by its authorized signatory
Mr. Dasaradha Ramu Mallepudi.

..... Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Transport Department, Hyderabad, and others.

..... Respondents



This Court made the following :

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Petitioner in this Writ Petition claims that he has financed an amount of 4,08,250/- to the 4th respondent to purchase SUPRO MINI Van bearing registration No.TS-11-UA-8498 by entering into Loan-Hypothecation Agreement vide Agreement No.1000094971. Though 4th respondent agreed to repay the amount borrowed in equitable monthly instalments at 12,756/- per month, he defaulted in payment. Petitioner thereon applied to the 2nd respondent to issue fresh registration certificate in the name petitioner-company. This Writ Petition is filed praying to direct the respondents 2 and 3 to issue fresh registration certificate in the name of petitioner-company.

2. Learned Assistant Government Pleader, on instructions furnished by the Assistant Secretary (I/c), RTA, Hyderabad East Zone, submits that whenever there is a request for change of registration by the financer, three requirements are to be fulfilled. Firstly, the company has to take possession of the vehicle; secondly, the company has to apply in Form-36 prescribed under Rule 61(2)(3) of CMV Rules; and thirdly, if there are any arrears of life tax payable, those arrears have to be cleared. According to learned Assistant Government Pleader, the application is not made in Form-36, but a general request is made and arrears of tax dues are not cleared.

3. Exhibit P4 at page no.16 of the writ petition paper book would disclose that on 01.02.2019, the competent authority addressed a letter to the petitioner asking him to clear the arrears. Apparently arrears are not cleared.

4. At this stage, learned counsel for petitioner fairly submits that petitioner will comply with the objections raised by the RTA, as noted above.

5. Having regard to these submissions, subject to petitioner applying for issuance of fresh registration certificate by complying all the requirements, the respondents 2 and 3 are directed to process the said application as required, and issue fresh registration certificate in the name of petitioner-company, within a period of three weeks from the date of receipt of such application. Writ Petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE P.NAVEEN RAO

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