

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1357 of 2020

Jaswant Singh S/o Mr. Prem Singh Aged About 46 Years Address Plot No. 41, G/8, Transport Nagar, Hathkhoj, Bhilai , Durg Chhattisgarh. Resident Of Mig 197, Housing Board , Ward No. 15, Bhilai , le, Bhilai Durg Chhattisgarh

---- Petitioner

Versus

- 1.** State Of Chhattisgarh Through The Secretary Of Transport Department , Mahanadi Bhawan, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- 2.** Transport Commissioner Chhattisgarh Government Transport Department , Indrawati Bhawan Atal Nagar, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- 3.** Additional Commissioner Chhattisgarh Government Transport Department , C - Block , 3rd Floor, Indrawati Bhawan Atal Nagar, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- 4.** Regional Transport Office Durg Through The Commissioner, Durg Chhattisgarh., District : Durg, Chhattisgarh
- 5.** National Informatics Centre Through In Charge Officer, Room No. 14, 15, 16 2nd Floor, Administrative Block, Mantralay, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- 6.** Jaika Automobiles And Finance Through Owner / Manager , Ring Road No. 01 Raipura, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Raza Ali, Advocate.
----------------	---	-------------------------

For State	:	Mr. Raghvendra Verma, GA
-----------	---	--------------------------

Hon'ble Shri Justice P. Sam Koshy
Order on Board

20.08.2020

1. The grievance of the petitioner in the present writ petition seems to be the refusal of the respondents for registering the vehicle belonging to the petitioner i.e. 16 wheeler truck TATA LPT 4A23 BS-IV Model.
2. According to the petitioner he had purchased the said vehicle along with three more vehicles on the 24.02.2020 chasis No. of the petitioner and the engine No. of the aforementioned vehicle of the petitioner is as under :-

“Chasis No. MAT541203L3B03857

Engine No. ISB5.9B4S230T102B63832132”
3. The petitioner had applied for the registration of the four vehicles on the same day in February, 2020 itself. However, the petitioner could get registration of the only three vehicles and when the registration of the 4th vehicle was in the process there arose a technical glitch in the office of the registering authority inasmuch as OTP (One time Password) could not be generated and which was required for depositing of the requisite registration fees for registration. Counsel for the petitioner submits that for all the four vehicles the petitioner had also paid extra money for obtaining the choice number. The deposit fees for the choice no. shows that it was deposited on 27.02.2020, similarly the temporary registration certificate also was issued on 25.02.2020.
4. Meanwhile, under instructions the registration of all BS-IV model vehicles were not being done beyond 30.04.2020 and in the process the petitioner's vehicle could not be registered. Moreover, from the

middle of March, 2020 lockdown was also imposed through out the nation on account of COVID-19 Pandemic which also resulted in non registration of the vehicle during the said period.

5. It is relevant at this juncture to consider the order of the Hon'ble Supreme Court dated 13.08.2020 in case of M.C. Mehta Vs. Union of India & Ors. The Hon'ble Supreme Court in the said judgment has observed as under :-

“There are still stated to be a large number of sales which have been made and uploaded on the E-Vaahan Portal, even temporary registrations were made. Their registration during the lockdown period could not be made. Hence, we allow registration of such vehicles only which could not be registered during lockdown in the month of March, 2020 and for no other reason. However, the position of Delhi and NCR is different. We clarify our order dated 27.03.2020 to the effect that no registration of BS-IV vehicles is to be made in Delhi and NCR as people are suffering from severe air pollution and the order passed by this Court in 2018 was clear. No vehicle of BS-IV in Delhi and NCR to be registered. We order that in the Delhi and NCR, no registration of the vehicles of BS-IV is to be made after 31.03.2020. This order is for the rest of the country and only due to lockdown, not to be used for any other purpose/reason and for registration of other vehicles of which registration was not done for any other reason.”

6. Given the fact that Hon'ble Supreme Court also now in the said judgment has permitted the registration of the Vehicle which were purchased prior to March, 2020, this Court does not find any good reason why the vehicle of the petitioner should not be granted registration, unless it is not entitled for registration for any other reason. The fact that petitioner had submitted his application for registration stands established from the fact that there were in all four vehicles which were purchased of which three could get

registration and for those vehicles also petitioner had also deposited the fees for the choice number also. That from the plain reading of the Annexure P-1 the respondents themselves admitted of there being a technical glitch at the Transport Department C-block between 20.04.2020 to 30.04.2020.

7. Taking all these facts and circumstances of the case, considering the judgement of the Supreme Court, respondents are directed to entertain the application of the petitioner in accordance with law keeping in view the judgment of the Supreme Court quoted in the preceding paragraphs so far as his prayer for registration of the vehicle is concerned, Of course, subject to the petitioner fulfilling of other requisite formalities required for the same.
8. Let this exercise be done within a period of 15 days from the date of receipt of copy of this order.
9. The writ petition accordingly stand disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit