

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC NO. 2625 OF 2020**

M/s Jai Ambey Emergency Services (I) Pvt. Ltd., a company registered under the Companies Act, 2013, having its Registered Office at Jay Ambey Group Campus, I-37, Anupam Nagar, Shankar Nagar, Raipur, Chhattisgarh-492001, through its Director, Mr. Jogendra Singh.

... Petitioner(s)

versus

1. State of Chhattisgarh, through its Secretary, Ministry of Transport, Government of Chhattisgarh, Mahanadi Bhawan, Raipur, Chhattisgarh- 492002.
2. The Commissioner, Department of Transport, Government of Chhattisgarh, Indrawati Bhawan, Raipur, Chhattisgarh-492002.
3. The Transport Officer, Regional Transport Office (RTO), Raipur, near Banjari Mandir, Rawabhata, Raipur (CG) 493221.

... Respondent(s)

For Petitioner	:	Mr. Keshav Shankar Nande, Advocate.
For Respondents/State	:	Mr. Siddharth Dubey, Dy. A.G.

Hon'ble Mr. Justice P. Sam Koshy

Order on Board

06.11.2020

1. Grievance of the Petitioner in the present Writ Petition is the inaction on the part of Respondents No. 2 and 3 in not registering the ten vehicles belonging to the Petitioner purchased prior to 31.3.2020.
2. According to learned Counsel for Petitioner, vide order dated 13.8.2020 passed in Writ Petition (Civil) No.13029/1985, the Hon'ble Supreme Court has allowed the registration of the vehicles which were purchased prior to 31.3.2020 even though the vehicles are of BS-IV make.
3. Contention of learned Counsel for Petitioner is that the Petitioner is Ambulance service provider and has purchased ten vehicles for the purpose of converting them into Ambulance and unless these vehicles are converted into Ambulance registration is not granted by the Respondents and in the process some time took place and thereafter the State authorities refused to grant registration to the Petitioner.

4. According to learned Counsel for Petitioner, vide the aforesaid order dated 13.8.2020, the Hon'ble Supreme Court has now directed the State authorities to grant registration to all those vehicles which were purchased prior to 31.3.2020 and were of BS-IV make. In the light of the said order of the Hon'ble Supreme Court, the Petitioner has again approached the authorities but till date no action has been taken.

5. Learned State Counsel at this juncture submits that in the light of the aforesaid order of the Hon'ble Supreme Court, the matter may be disposed of directing the authorities to take a decision in accordance with law.

6. It is relevant at this juncture to consider the order dated 13.8.2020 passed by the Supreme Court in the case of *M.C. Mehta Vs. Union of India & Ors.* The Hon'ble Supreme Court in the said order has observed as follows:

“There are still stated to be a large number of sales which have been made and uploaded on the E-Vahan 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 27.3.2020 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.”

7. Given the fact that the Hon'ble Supreme Court has now permitted the registration of BS-IV make vehicles which were purchased prior to 31.3.2020, there does not seem to be any ground why the vehicles of the Petitioner should not be granted registration unless they are not entitled for registration for any other reason under the Act.

8. Let the authorities therefore take an appropriate decision in accordance with law and keeping in view the order dated 13.8.2020 passed by the Hon'ble Supreme Court, at the earliest, preferably within a period of 30 days from the date of receipt of copy of this order.

9. Petitioner is also required to ensure that all the other formalities of the registration part are fulfilled in accordance with.

10. Writ Petition is allowed and disposed of accordingly.

/Sharad/

Sd/-
(P. Sam Koshy)
Judge