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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12422/2018 & CM APPLs.48157/2018 & 2454/2019**

COMMERCIAL DRIVERS WELFARE ASSOCIATION

..... Petitioner

Through: Mr. Subodh Kr. Pathak & Mr. Akash Swami, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. B.S. Shukla, CGSC with Mr. Sawan Kumar Shukla, Advocate for UOI.

Mr. Anupam Srivastava, ASC for GNCTD with Ms. Divya Joshi, Advocate for R-2 & R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **14.08.2020**

Proceedings in the matter have been conducted through video conferencing.

1. This Public Interest Litigation has been preferred with the following prayers:-

“(i) *Pass an appropriate writ, order or direction in the nature of Certiorari to quash the Gazette Notification dated 17.07.2018 issued by the Govt. of N.C.T. of Delhi with regard to the Commercial Cabs/ Taxies being unconstitutional, unlawful, arbitrary and ultra vires to the provisions under Constitution of India as well as violative of right to equality under Article 14 of the Constitution of India; and/or*

(ii) *May pass an appropriate writ, order or direction in the nature of Mandamus against the Respondents to exempt the Commercial Cabs/ Taxies manufactured/purchased*

after 01.10.2015 from installation/fitting of speed governor; and/or

(iii) May pass such other and further order as may be deemed just and appropriate by this Hon'ble Court in the premises of this case."

2. Learned counsel appearing for the petitioner submitted that this petition is restricted only for the members of the petitioner association who have purchased their commercial cabs/motor cabs which are registered after 01.10.2015. It is submitted by learned counsel for the petitioner that for the type of vehicles referred in the petition, registered after 01.10.2015, the impugned notification dated 17.07.2018 issued under Rule 118 of the Central Motor Vehicle Rules, 1989 (Annexure P-7 to the memo of this petition), is not applicable.

4. Learned counsel appearing for the respondents No.2 and 3/Government of NCT of Delhi accepts that, for the vehicles in question (which are motorcabs as per Section 2(25) of the Motor Vehicles Act, 1988) and registered after 01.10.2015, the impugned notification dated 17.07.2018 is not applicable.

5. According to these submissions, the grievances ventilated by the petitioner have been brought to an end.

6. In view of the aforesaid submission of learned counsel for respondents No.2 and 3, this writ petition is disposed of alongwith the pending applications.

CHIEF JUSTICE

PRATEEK JALAN, J

AUGUST 14, 2020
kks

W.P.(C) 12422/2018

Page 2 of 2