

S/L 46
26.8.2021
Court No.26
SD

WPA 5243 of 2020
(Via Video Conference)

Kakali Ghosal
Vs.
The State of West Bengal & Anr.

Mr. Avijit Chakraborty

...for the Petitioner.

Mr. Srijan Nayak
Mrs. Rituparna Maitra

...for the State.

The petitioner by way of a supplementary affidavit has filed certain documents including the sale certificate and insurance policy that were issued to him in the year 2016. He accordingly submits that the Supreme Court judgment that bars the sale of vehicles that are not BS-IV compliant does not apply to his vehicle as his vehicle was sold prior to April 1, 2017.

Mr. Srijan Nayak, counsel appearing on behalf of the State, submits that these documents were not produced to the department earlier and if the said documents are produced before the department, the same would be verified and the needful shall be done.

In light of the above, I dispose of this writ petition with a direction upon the respondent authority to consider all the documents produced by the petitioner in his supplementary affidavit and pass a reasoned order within a period of three weeks from date.

If the order is in favour of the petitioner, the registration certificate should be issued in favour of the petitioner within a week thereafter.

Since, no affidavit-in-opposition has been called for the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)