

13.08.2021.
Item no. 49.
Court No.13
ap

**W.P.A. No. 9462 of 2021
(Through Video Conference)**

**Manisha Agarwal & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Shaunak Ghosh,
Mr. Rajib Mullick,
Mr. Rakesh Sarkar.

...For the petitioners.

Mr. Srijan Nayak,
Ms. Rituparna Moitra.

...For the State.

The petitioners are engaged in the business of tour and travels and they have about 299 vehicles in operation.

It is submitted that road tax and fitness certificates of the vehicles could not be renewed in view of the COVID-19 Pandemic.

The petitioners claim that they have done absolutely no business during the COVID-19 Pandemic and their vehicles were all lying idle.

Counsel for the petitioners relies upon a judgment of the Hon'ble Supreme Court in this regard that are annexed to the writ petition. While the said judgment did not specifically refer to any waiver of penalty or road tax, there is also some endeavour on the part of the Hon'ble Supreme Court to prevail upon the State authorities to consider the Pandemic while imposing penalties.

The petitioners are ready and willing to pay applicable fees for renewal of the documents of validity of their vehicles.

Counsel for the petitioners prays for reduction and/or waiver of penalty for delay in making application of such renewal of their businesses and fitness certificates.

In that view of the matter, the concerned Regional Transport Officer, before whom the vehicles of the petitioners are registered, shall upon receipt of a comprehensive application decide on the waiver of penalty and penal charges for the purpose of renewing the documents relating to the petitioners' vehicles in accordance with law and in accordance with any Circular or Guidelines of the State Government in this regard.

The petitioners shall make such application within a period of one month from date. The concerned Regional Transport Officer may take suitable decision within a period of two months thereof.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)

