S/L 43
03.8.2021
Court No.26
SD

WPA 11136 of 2021
(Via Video Conference)

Ranajit Karmakar
Vs.
State of West Bengal & Ors.

Mr. Barun Kumar Samanta
... for the Petitioner.

Mr. Amal Kumar Sen
Ms. Ashima Das (Sil)
... for the State Respondent.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the non-consideration of his representation dated June 12, 2021 for exemption/waiver of Road Tax and C.F. fees along with penalty on the ground of non-plying of the vehicle concerned.

From the perusal of the petition, it appears that Road Tax and C.F. fees are payable for a period of three years.

I have heard counsel appearing on behalf of the parties and perused the materials placed on record.

Upon consideration of the facts, I direct the petitioner to make payment of the Road Tax and C.F. fees and additional tax as applicable along with penalty of the 50% of the tax payable (keeping in mind the pandemic situation).

Upon payment of the above, the petitioner shall be at liberty to make an application for refund in the manner prescribed under Section 13 of the West Bengal Motor

Vehicles Tax Act, 1979 and Section 21 of the West Bengal Additional Tax Act and One Time Tax of Motor Vehicles Act, 1989.

Upon such application being made by the petitioner, the respondent no.3 is directed to consider the application favourably upon granting an opportunity of hearing to the parties and pass a reasoned order within a period of four weeks from the date of making of the application.

The reasoned order should be communicated to the petitioner within a period of one week from the date of passing of the same.

With these above observations and directions, this writ petition stands disposed of.

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.)