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(Via Video Conference)

W.P.A. 12347 OF 2021

Arjun Palit

Vs.

Union of India & Ors.

Mr. Biswapriya Samanta

Mr. Debapriya Samanta.

.... For the Petitioner

Mr. Amal Kumar Sen

Mr. Jaladhi Das.

.....For the State

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the delay in grant of Trade Certificate by the Additional Regional Transport Officer, Bishnupur, Bankura.

By a letter dated November 4, 2020, the Additional Regional Transport Officer has informed Hero Motocorp Ltd. of the requirement of issuing the trade certificate as a “*bona fide* dealer” and requested the Hero Motocorp Ltd. to issue an authorised letter to the petitioner for the same.

In reply, a letter has been issued on April 28, 2021 by the petitioner explaining its own stand and challenging the rule that requires the word “*bona fide*”.

I have heard counsel appearing for the parties and perused the materials on record. In my view, the authorities should grant an opportunity of hearing to the

petitioner under Rule 35(2) of the Central Motor Vehicles Rules, 1989 and, thereafter, pass a reasoned order.

Accordingly, I direct the authorities to grant an opportunity of hearing to the petitioner within a period of six weeks and thereafter pass a reasoned order. The reasoned order is to be communicated to the petitioner within a week from passing of the same.

The petitioner is granted liberty to further submit relevant documents, if he so wishes, before the relevant authority.

With the above direction, the writ petition is disposed of. There will be no order as to costs.

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

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.)