

Ct. 05
Item No.57
01.12.2021
(suvendu)

WPA 16707 of 2021

[Via Video Conference]

**Ishika Packaging Pvt. Ltd.
Vs.
The State of West Bengal & Ors.**

Mr. Pranit Bag
Ms. Debdatta Saha
Mr. Manish Shukla
Ms. Debarati Das

.....for the petitioner

Affidavit of service filed on behalf of the petitioner is taken on record. This is the second time that the petitioner has been directed to serve the respondents.

The case of the petitioner is that the petitioner purchased a car in November, 2017 from an Automobile Dealer but was unable to obtain registration of the same due to mishap in the petitioner's factory. The final registration of the car was not done also by reason of financial difficulties faced by the petitioner. A temporary registration number was however given to the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is willing to

pay whatever amount of penalty is required to be paid for final registration of the car. Counsel relies on a decision of a Single Bench of Kerala High Court reported in 2020 SCC Online Ker 14162 (Kanif Motors Vs. Regional Transport Officer) where the Court considered an order passed by the Supreme court on 13th August, 2020 and clarified that vehicles which could not be registered within the cut off date of March, 2020 may be allowed to be registered because of the lock down. Counsel submits that in this case the registration could not be done by the concerned respondent by reason of lock down which should be evident from the several representations sent to the respondent for registration of the petitioner's vehicle.

On consideration of the submissions and the materials on record, this Court is of the view that the case of the petitioner would fall within the exceptions granted by the Supreme Court as noted by the Kerala High Court in Kanif Motors.

WPA 16707 of 2021 is hence disposed of with a direction on the respondent no. 2, being the Registering Authority, Public Vehicles Department, Beltala, to grant permanent registration of the petitioner's car bearing the details described in prayer – (e) of the writ petition without any further

delay, preferably within four weeks from the date of communication of this order. The said respondent shall intimate the penalty to be paid to the petitioner and the same shall be paid by the petitioner within the time stipulated by the respondent.

WPA 16707 of 2021 is disposed of in terms of the above.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)