

Urmila Ingale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2209 OF 2021

M/s.Infinity Cars Pvt.Ltd.Petitioner
Vs.
State of Maharashtra and ors. Respondents

Mr.Pradeep J. Thorat a/w Mr.Aniesh S.Jadhav, for the Petitioner.
Mr.Manish Pabale, AGP for the Respondent – State.

**CORAM : S.C.GUPTA &
M. S.KARNIK, JJ.**

DATE : 28th JUNE, 2021

P.C. :

. Heard learned Counsel for the Petitioner and learned
AGP for the Respondent – State.

2. Rule. Rule is taken up for hearing forthwith by
consent of learned Counsel.

3. The controversy in this Petition concerns registration
of about 15 four wheeler vehicles and 5 two wheeler vehicles
which are registered by the Petitioner, who is a dealer in BMW,
Mini Cooper, Porsche Cars and Ducati Bikes, in its own name prior

to 31/03/2020. The State's objection to the registration of these vehicles arises from an order passed by the Supreme Court on 24/10/2018 directing the Union and the States not to permit sale or registration of motor vehicles conforming to the emission standard BS -IV in the entire country with effect from 01/04/2020. This order has since been clarified by the Supreme Court by orders dated 27/03/2020 and 13/08/2020. The need for those clarifications arose as a result of the present Covid -19 pandemic, which held up registrations of vehicles which were sold prior to, but could not be registered as a result of the pandemic, and also for those vehicles whose sales were not reflected in E-Vaahan portals of the RTOs in addition to the lost opportunity to the dealers to sell vehicles during the 10 - day period of actual lockdown. In the Petitioner's case, the Petitioner had purchased these vehicles and registered them in its own name prior to 31/03/2020. The registration is, therefore, not in breach of the Supreme Court order of 24/10/2018. As for registration in the name of a dealer, there is no bar in law for the same. A dealer is within his rights to purchase and register any vehicle in his own name. There is no prescribed number of vehicles which the dealer can so purchase and register. The observations of the Supreme Court in its clarificatory orders of 27/03/2020 and 13/08/2020 are a result of sales, which were neither conducted

nor registered or placed on the portal before 30/03/2020. The Court was mindful of the fact that the dealers were conducting *inter se* sales and registering vehicles in their own name under the extension granted by the Supreme Court in its order dated 27/03/2020 as a result of the peculiar situation arising out of the pandemic. The dealers attempted to get over the bar in the order of 24/10/2018 by conducting *inter se* sales and register vehicles in the ten - day window opened by the Court for registration of sales of Bharat Stage IV compliant vehicles as a result of the pandemic. It was these sales and registrations which were frowned upon by the Supreme Court and not permitted in its orders dated 27/03/2020 and 13/08/2020. The observations of the Supreme Court in these two orders have nothing to do with those vehicles, which were sold prior to 31/03/2020, and which sales were registered and put on the portal before 31/03/2020.

4. The Respondent - State's objections, accordingly, to the registration of these vehicles are not in order. In the premises, Rule is made absolute and the Petition is allowed by quashing and setting aside the order of the Transport Commissioner, State of Maharashtra dated 04/05/2021 passed in Appeal No. 19 of 21, and by quashing and setting aside

respective orders of blacklisting of 20 vehicles owned by the Petitioner, which are listed at page 72 (Exhibit 1) of the Respondent - State's reply dated 31/05/2021. The Petition is disposed of accordingly.

(M.S.KARNIK, J.)

(S.C.GUPTE, J.)