

DDR

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4026 OF 2021

MAYUR NANDKUMAR YELMAR ..PETITIONER
VS.
THE STATE OF MAHARASHTRA & ORS. ..RESPONDENTS

Mr. Nagesh Y. Chavan a/w. Rahul B. Khot for the petitioner.
Smt. M.K. Kajale, AGP 'B' Panel for the State.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 11, 2021

P.C.

Heard learned counsel for the petitioner.

2. It is the petitioner's case that he had purchased one Honda motorcycle Model CB Unicorn BS-IV. The petitioner applied for temporary registration which was granted on 17/2/2020. The permanent registration had to be done within a period of 30 days. However, for some reasons the petitioner could not register the vehicle. From 16/3/2020, the lockdown was imposed. The Registering authority refused to register the said vehicle in view of the decision of the Hon'ble Supreme Court passed in Writ Petition (s) (Civil) No(s).13029 of 1985 dated 13/8/2020. The appeal filed by the petitioner before the appellate authority came to be rejected by an order dated 18/6/2021.

3. Learned AGP supported the impugned order.

4. I have gone through the order passed by the Hon'ble Supreme Court dated 27/3/2020 in Writ Petition (s) (Civil) No(s).13029 of 1985. From the reading of the orders passed by the Hon'ble Supreme Court, it is clear that the Hon'ble Supreme Court was considering the transaction which had taken place during the lockdown period *inter se* dealers, which cannot be recognized for the purpose of actual sales and registration. What is prohibited is registration of vehicles which were sold *inter se* dealers during the lockdown period.

5. The petitioner had admittedly purchased the vehicle on 15/2/2020. The petitioner is not a dealer. Even the impugned order records that the date in respect of the sale transaction has been recorded as 28/2/2020 on the e-Portal.. The petitioner had produced the vehicle for inspection before RTO on 20/2/2020. In this view of the matter, the directions of the Hon'ble Supreme Court will not apply to the petitioner's case. The impugned orders are therefore quashed and set aside.

6. The Petition is allowed in terms of the prayer Clauses (b) and (c).

7. It is pointed out by learned counsel for the petitioner that he has already paid a sum of Rs.9882/- on 26/10/2020 for the purpose

of registration of the vehicle. The respondent to proceed and complete the formalities of registration expeditiously.

8. The Writ Petition is disposed of.

(M.S.KARNIK, J.)

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