

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23182 of 2017

and

W.M.P.No.24284 of 2017

M/s.Powers Pickup
Rep. by its Managing Partner
T.Chandrasekaran
S/o.Thirumalaisamy
No.45, T.S.R. Layout Main Road
Kongu Nagar, Tiruppur
Tiruppur District ... Petitioner

Vs.

1.The Secretary to Government
Transport Department Fort St. George
Chennai 600 009

2.The Commissioner
Transport Department
Chepauk, Chennai 600 005

3.The Director General of Police
Mylapore, Chennai -4 ...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 to register the E-Rickshaws and E-Carts and consequently permit the said vehicles to ply on the roads in Tamil Nadu by passing necessary orders.

For Petitioner : No Appearance

For Respondents : Mr.M.D.Ilayaraja, GA

ORDER

(The case has been heard through video conference)

<https://hcservices.ecourts.gov.in/hcservices/>
The petition has been filed, seeking for a direction,

directing the respondents 1 and 2 to register the E-Rickshaws and E-Carts and consequently permit the said vehicles to ply on the roads in Tamil Nadu by passing necessary orders.

2. There is no representation on behalf of the petitioner. The matter is however taken up for final hearing, in the light of the subsequent development and in view of averments in the counter filed by the second respondent. In the counter, It is stated that the petitioner has not modified the E-Rickshaw and E-Cart as per requirements of the Central Motor Vehicles Rules, 1989. Paragraph 5 of counter stated as follows:

"5. With regard to the averments made in the paragraphs 5 to 12 of the affidavit, it is submitted that, the petitioner has admitted the fact that the second respondent has rejected the representation of the petitioner, dated 22.09.2016 that E-Rickshaw & E-Cart manufactured by his company are in contravention of the Rules 100 and 101 of the Central Motor Vehicles Rules, 1989. The petitioner has not modified the E-Rickshaw and E-cart. The petitioner has also not produced the prototype of the E-Rickshaw & E-Cart before the Auto Research Association of India the Testing Agencies under Rule 126 of Central Motor Vehicles Rules, 1989. The E-Rickshaw and E-Cart manufactured by the petitioner were not fixed with safety glass as mentioned under Rule 100 of Central Motor Vehicles Rules, 1989 and Wind Screen Wiper as mentioned under Rule 101 of the Central Motor Vehicles Rules, 1989. The petitioner has not produced any specification as to the safety to the passengers travel in E-Rickshaw and carrying of Goods in E-Cart. The Government has to identify the route to allow to ply. The Registration fee, Collection of Tax etc. have to be decided. It is further submitted that, necessary proposal was submitted by the Second Respondent to the Government and it is under process of the Government. Hence, the contentions are denied.

4. Mr.M.D.Ilayaraj, learned Government Advocate appearing for the respondents submits that the Government has also issued notification in G.O.(Ms).No.311 dated 09.05.2018 and has decided to confirm the draft amendment to Rule 88A and Rule 132 of the Tamil Nadu Motor Vehicles Rules, 1989 issued in G.O.(Ms).No.65, Home (Transport -V) Department, dated 01.02.2018.

5. Pursuant to the above, the Government of Tamil Nadu has also issued permit to register two models, viz. "Electro Kato Plus (Batter Operated Vehicle) and TREO ZOR (Battery Operated Vehicle)" to M/s.Reep Industries Private Limited and M/s.Mahindra & Mahindra Ltd., vide Letter No.000194-HA2-2021, dated 06.01.2021, Letter No.000195-HA2-2021, dated 06.01.2021 and Letter No.031768-HA2-2020, dated 26.12.2020 respectively.

6.It is submitted that if the petitioner complies with the requirements of the Government Orders issued in this regard, same permission will be given to the petitioner also.

7. Recording the same, this Writ Petition is closed. The petitioner is given liberty to remove the defects pointed out and approach the respondents for grant of permit to ply the vehicles proposed to be manufactured by it. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To.

1.The Secretary to Government
Transport Department Fort St. George
Chennai 600 009

2.The Commissioner
Transport Department
Chepauk, Chennai 600 005

3.The Director General of Police
Mylapore, Chennai -4

+1cc to the Government Pleader, S.R.No.2738

SR(CO)
SM/19/02/2021

सत्यमेव जयते

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