



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.13720 of 2020

WEB COPY

SVS Motors,
Rep.by its Managing Partner
SVS.Jayakumar

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Pudukkottai, Pudukkottai District.

2.The Regional Transport Officer,
Regional Transport Office,
Alangudi, Pudukkottai District.

3.The Regional Transport Officer,
Regional Transport Office,
Illuppur, Pudukkottai District.

4.The Regional Transport Officer,
Regional Transport Office,
Aranthangi, Pudukkottai District.

5.The Regional Transport Officer,
Regional Transport Office,
Srirangam, Trichy District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to register and to issue certificate of Registration forthwith to the below mentioned vehicles which are sold within the cut off date as fixed by the Honourable Apex Court in WP(Civil) No.13029 of 1985 (M.C Metha Vs Union of India and others case) vide order dt.24.10.2018.

For Petitioner
For Respondents

: Mr.AN.Ramanathan
: Mr.C.Ramesh
Special Government Pleader



ORDER

Heard the learned counsel on either side.

2. The petitioner is a partnership firm engaged in the business of selling two wheelers. The petitioner had sold a number of vehicles which were not BS-IV compliant. But then, the sales had taken place before 31.03.2020. The respondents have however not registered the same. Hence, this writ petition has been filed.

3. When the matter was taken up for hearing, the learned Special Government Pleader strongly opposes the writ prayer. According to him, the writ petition has to be dismissed in view of the order passed by the Hon'ble Supreme Court on 13.08.2020 in Writ Petition(s) (Civil) No(s).13029 of 1985. In Paragraph No.7 of the counter, the operative portion of the order passed by the Hon'ble Supreme Court has been extracted. The learned Special Government Pleader drew my attention to Para 4(c) of the counter affidavit which reads as under :

"4(c). By the order of the Apex Court, if sales is not uploaded on E-Vaahan Portal with full process of sales before the deadline allowed by the Apex Court, the portal will not allow the process of registration. It is submitted the petitioner failed to complete the process of sales. The uploading of sales process consists of five stages to be completed by a dealer.

1. Entry : Just making entry of the personal details of the purchaser by the dealer.

2. Verify : The entered details to be verified by the dealer with relevant documents such as address proof, personal mobile number etc.,

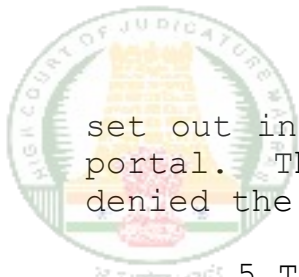
3. Dealer Regn- Fees and Tax : the dealer has to select proper fees and tax for payment through e-payment to Government account.

4. Dealer Cart Payment : The dealer has to remit the fees and tax payable through e-payment in Government Account ;

5. Dealer Upload : The dealer has to upload the above completed document for registration.

It is submitted that at Entry stage any changes about the personal details could be done at dealer point itself. The petitioner has not completed and uploaded any of the application for the purpose of registration."

4. I called upon the petitioner's counsel to confirm if the sales of the vehicles have already been uploaded on E-Vaahan Portal. The learned counsel for the petitioner drew my attention to the applications enclosed in the typed set of papers, from pages 4 to 26. It is seen therefrom that the sales details such as the names of the vehicles, engine numbers, chassis details have already been



set out in the applications and they have been duly uploaded in the portal. Therefore, I am of the view that the petitioners cannot be denied the benefit of the order passed by the Hon'ble Supreme Court.

5. The operative portion of the order passed by the Hon'ble Supreme Court in Writ Petition(s) (Civil) No(s).13029 of 1985 dated 13.08.2020 is as follows :

"Apart from that, there are large number of vehicles, sales of which were not uploaded on E-Vaahan Portal. Since, sales were not uploaded, as required, the transactions cannot be recognised as genuine sales. The order passed by this Court on 24.10.2018 is clear that sale and registration of BS-IV vehicles shall not be allowed after 31.03.2020. We cannot allow the registration of such vehicles, sales of which were not uploaded on E-Vaahan Portal of the Central Government or the portal of the concerned State Government.

There are still stated to be a large number of sales which have been made and uploaded on the E-Vaahan Portal, even temporary registrations were made. Their registration during the lockdown period could not be made. Hence, we allow registration of such vehicles only which could not be registered during lockdown in the month of March, 2020 and for no other reason....."

6. In view of the direction of the Hon'ble Supreme Court, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

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+1 CC to M/s.GP (SR-1837[F] dated 22/01/2021)

WP(MD)No.13720 of 2020
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