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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-4248 of 2020 (O&M)
Date of Decision: 12.01.2021.**

**Meham Chaubisi Cooperative Transport Society Limited & Ors.
...Petitioners**

V/S

State of Haryana & Ors.Respondents

With

CWP-8541 of 2020

Aman Singh & Ors. ... Petitioners

V/S

State of Haryana & Ors. ... Respondents

and

CWP-12851 of 2020

Amit Kumar ... Petitioner

V/S

State of Haryana & Ors. ... Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

**Present : Mr. Amit Jhanji, Advocate
for the petitioner in CWP-4248 of 2020.**

**Mr. Shakti Singh, Advocate
for petitioner in CWP-8541 of 2020.**

**Mr. Nonish Kumar, Advocate
for petitioner in CWP-12851 of 2020.**

Ms. Mamta Talwar, DAG Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. Since similar issue is involved in this bunch of petitions, the same are all being disposed of through this common order.
2. Grievance of the petitioners is that despite the Transport Commissioner having issued a communication dated 30.11.2017 to the Secretaries of respective Regional Transport Authorities, to grant permit to all those transporters who have already purchased their vehicles and got the same registered with the concerned Regional Transport Authority, their applications for grant of permit, are not being entertained/considered.
3. Per Mr. Amit Jhanji, learned counsel, the ostensible reason thereof is stated to be that the petitioners had not approached the Competent Authority, for the needful, within the time limit permitted by the Supreme Court vide its order dated 21.01.2020. For ready reference, the said order of Apex Court is reproduced hereinbelow:-

*“Applications for impleadment/intervention are allowed.
Leave granted.*

These matters were heard on 13.10.2017 when this Court passed the following order:

‘Having heard learned counsel for the parties, the order of status quo is modified to the following extent:

a) the respondent-State is at liberty to call for objections and offer hearing to the objectors in respect of the Draft Scheme of 2017 but shall not finalise the same.

b) The transporters who are continuing on the basis of 2016 Scheme shall be allowed to operate

and if any permit has expired, the same shall be renewed in accordance with law.

If any transporter is eligible to obtain the permit in pursuance of the directions given by the High Court, his case shall be considered and shall not be refused on the ground that a new policy/scheme is coming.'

In response to the above order, the State Government has examined the matter at the highest level and it is stated across the Bar by the counsel for the State that the State Government has decided to withdraw the Draft Scheme of 2017 and all the dispensations afforded under that Scheme. In other words, the Draft Scheme of 2017, which was the subject matter of challenge in the present proceedings stands completely nullified. We accept this statement.

The State Government has sought permission to take lawful, permissible action under Section 102 of the Motor Vehicles Act, 1988 to cancel or modify the State Carriage Scheme 2016 by following the prescribed procedure under the law in order to remove all the defects therein.

We find no reason to refuse this permission. The State Government may proceed in the matter in accordance with law after giving due opportunity to all concerned.

In view of the statement made on behalf of the State Government, referred to above, which we have accepted, nothing remains for consideration in these appeals. However, we make it clear that all future actions be proceeded in accordance with law.

The appellant(s)/applicant(s) or any other eligible person will be free to make application(s) to the concerned authority, if already not made, for registration and for grant of permit within one week from today, and if so made, the competent authority may consider the same as per law expeditiously and in any case before 20th March, 2020.

If the appellants(s)/applicant(s) are aggrieved by any decision taken by the competent authority, it will be open to them to pursue such other remedies as may be permissible in law including under Section 100(2) of the Motor Vehicles Act, 1988. In view of the above, nothing survives for consideration in these appeals. Accordingly, the appeals and pending applications, if any, are disposed of."

5. Subsequent to the passing of above order, the matter was taken up again by Apex Court and following order dated 07.07.2020 was passed:-

“Application(s) for impleadment are allowed.

The competent authority is directed to treat these application(s) as representation(s) by the applicant(s) and take appropriate decision in accordance with law, as may be advised.

We are not expressing any opinion either way about the claim set up in the application(s).

This observation is being made in light of the penultimate paragraph of order dated 21.01.2020 that if any person is aggrieved by any decision taken by the competent authority, it will be open to them to pursue such other remedies as may be permissible in law including under Section 100(2) of the Motor Vehicles Act, 1988.

The competent authority shall take appropriate decision within four weeks from today and inform the decision so taken forthwith to the applicant(s). We say no more.

The application(s) are disposed of accordingly.”

6. From a conjoint reading of the above two orders, it appears that the competent authority is at liberty to entertain/consider the applications and pass appropriate orders, in accordance with law. In case the applicants are aggrieved, on whatever grounds, whether having not approached within time or even otherwise on merits, they can challenge the said orders as per their remedy, permissible in law.

7. That being so, without adverting to the issue of limitation, which is left open to be decided by the competent authority and/or expressing any opinion thereof and/or on the merits of the case, these petitions are disposed of with a direction to the competent authority to consider the pending applications of the petitioners as

representations and take appropriate decisions/pass orders thereon, in accordance with law, keeping in mind observations made by the Apex Court, *ibid*.

8. It would be appreciated if the needful is done within a period of two months from today.

January 12, 2021
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No