

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

**CWP No.8065 of 2021 (O&M)
Date of Decision:08.04.2021**

Darshan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Balraj Singh Dhull, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

Petitioner is stated to be the owner of two commercial vehicles bearing registration No.PB07-AF-2113 and PB23-M-8961.

Counsel concedes that the fitness certificate issued by the competent authority in respect of the afore-noticed two vehicles expired on 23.09.2019 and 17.07.2019.

Grievance raised in the instant petition is that for purposes of renewal of the fitness certificate, the authorities concerned are insisting upon the petitioner to deposit additional fee of Rs.50/- for each day of delay after expiring of certificate of fitness. It is submitted that such demand is being raised on the strength of a notification dated 29.12.2016 issued by the Ministry of Road Transport and Highways.

Contention raised that such issue came up for consideration before a Division Bench of the Madras High Court in **Chennai City Auto Ootunargal Sangam and ors. Vs. The Secretary, Ministry of Road Transport and Highways and another 2017 (2) CTC 730** and whereby the imposition of additional fee was declared void. Further

contended that a similar view has been taken by Co-ordinate Bench of this Court in ***CWP No.5373 of 2020 Rajinder Parshad Vs. State of Haryana and others*** decided on 17.02.2021 (Annexure P-3).

It is asserted that in the light of the Division Bench judgment of the Madras High Court as also the judgment of this Court at Annexure P-3, the respondent authorities cannot demand the additional fee of Rs.50/- for each day of delay after expiry of certificate of fitness.

At this stage counsel makes a submission that he would be satisfied if the respondent-authorities are directed to look into the matter.

Statement made by counsel is found to be just and reasonable.

Without even ascertaining the correctness of the averments made in the petition and without opining on the merits of the case, the instant petition is disposed of in terms of granting liberty to the petitioner to approach the Regional Transport Authority (RTA) Patiala/concerned authority with a detailed representation and in the eventuality of the petitioner doing so, the competent authority would be obligated to examine the same and to take a decision there upon within a period of two weeks from the date of submission of the representation.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

April 08, 2021

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No