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

CWP No. 21124 of 2021

Date of Decision: 29.10.2021

Abhishek

-Petitioner

Versus

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has prayed for issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the respondents to consider the representation dated 10.08.2021 for issuance of registration certificate in the light of the fact that all the documents including Form 20, Sale Certificate, Temporary Registration Number and Registration fees were deposited well within time.

Learned counsel for the petitioner submits that vide Annexure P-5, the requisite registration fee was deposited and

the deposit of said fee was also on account of due verification of nomenclature of the vehicle. The file was to be re-processed on re-deposit of file along with receipt and other documents by the petitioner. After deposit of the amount on 22.02.2020, the petitioner did not deposit the file along with other documents within time and also within the extended time given by the authority upto 31.05.2020.

Petitioner re-deposited the file only in the month of August, 2021.

In the meanwhile, the Hon'ble Apex Court in Writ Petition (C) No.13029 of 1985 titled 'M.C. Mehta vs Union of India and others' has passed an order dated 13.08.2020 that no registration of vehicle of BS-IV category is to be made after 31.03.2020. Operative part of order dated 13.08.2020 reads as under:-

“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. However, the position of Delhi and NCR is different. We clarify our order dated 27.03.2020 to the effect that no registration of BS-IV vehicles is to be made in Delhi and NCR as people are suffering from severe air pollution and the order passed by this Court in 2018 was clear. No vehicle of BS-IV in Delhi and NCR to be registered.

We order that in the Delhi and NCR, no registration of the vehicles of BS-IV is to be made after 31.03.2020.

This order is for the rest of the country and only due to lockdown, not to be used for any other purpose/reason and for registration of other vehicles of which registration was not done for any other reason.”

The respondent on the basis of advance notice had filed reply disclosing the aforesaid facts with reference to extension of time granted by the Transport Commissioner, Haryana vide memo No.14777-869/T-3/ST-II dated 28.03.2020 that no registration of BS-IV vehicle is to be made in Delhi and NCR as people are suffering from severe air pollution and the order passed by the Court in the year 2018 was clear. No

registration of vehicle of BS-IV is to be made after 31.05.2020. The order was for the rest of the country and only due to lockdown, not to be used for any other purpose/reason and for registration of other vehicles of which registration was not done for any other reason.

Since the petitioner did not deposit the file within the extended period, now the petitioner cannot be permitted to re-deposit the file after more than one year with a plea to take benefit of his initial deposit of amount.

In such a situation and in view of order passed by the Hon'ble Apex Court, re-deposit of the file cannot be allowed to relate back to the date of deposit of fine on 22.02.2020.

In view of aforesaid facts and circumstances of the case, no indulgence can be granted in favour of the petitioner.

Dismissed.

29.10.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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