

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14679 of 2021**

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M/s Ashish Motors through one of its Partner namely Vinay Agarwal, (Male), aged about 58 Years, Son of Late Ram Sharan Agarwal, Resident of Ram Krishna Mission Road, P.S. - Katihar, District - Katihar. At present Resident of N-4, 3rd floor, Kailash Colony, P.S. Greater Kailash -1, District - South Delhi, New Delhi - 110048.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Transport Department, Government of Bihar, Patna.
2. The Transport Commissioner, Government of Bihar, Patna.
3. The Deputy Secretary Transport Department, Government of Bihar, Patna.
4. The District Transport Officer, Katihar.

... .. Respondent/s

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**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. N.K. Agrawal, Sr. Advocate    |
|                      | : | Mr. Amish Kumar, Advocate         |
|                      | : | Mr. Krishna Chandra Jha, Advocate |
|                      | : | Mr. S.K. Choudhary, Advocate      |
| For the Respondent/s | : | Mr. Raghwendra Kumar (SC 22)      |

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**CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA**  
**and**  
**HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)**

2      08-03-2022                      The petitioner has preferred this writ petition for the following reliefs :-

*“ (i) For quashing the show cause notice bearing Memo no. 983/परि. dated 15<sup>th</sup> April, 2021 (Annexure 2) issued by the respondent no. 4 asking the petitioner to deposit a sum of Rs. 11,81,200/- towards Trade Certificate Fee @ Rs. 50/- each motorcycle for total number of 23,624 motorcycle sold by the petitioner during April, 2013 to July, 2014.*



*(ii) For further declaration that the show cause notice bearing Memo no. 983/परि. dated 15<sup>th</sup> April, 2021 (Annexure 2) issued by the respondent no. 4 against the petitioner is itself not maintainable in terms of the provisions of Motor Vehicle Act, 1988 read with Central Motor Vehicle Rules, 1989.*

*(iii) For direction to the respondent no. 4 to consider and dispose of the reply dated 30.04.2021 submitted on 13.07.2021 (Annexure-3) in accordance with law and in terms of the provisions of Motor Vehicle Act, 1988 read with Central Motor Vehicle Rules, 1989.*

At the outset, on a query being put to the learned counsel for the petitioner as to whether he has filed a reply to the show cause notice, the answer is in the affirmative. However, no decision has been taken thereon.

Accordingly, we dispose of the writ petition with a direction to the concerned authority to take a decision on the issue at the earliest, in any case, not later than four weeks.

**(Rajan Gupta, J)**

**( Mohit Kumar Shah, J)**

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