

AD. 156.
June 20, 2022.
MNS.

WPA No. 10026 of 2022

Dipankar Ram
Vs.
The State of West Bengal and others

Mr. Biswaroop Bhattacharya,
Ms. Mayuri Ghosh

...for the petitioner.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

...for the State.

Learned counsel for the petitioner contends that on a previous writ petition having been moved by the writ petitioner with the grievance that the petitioner's applications for registration and issuance of permanent contract carriage permit were not being decided by the respondents authorities, this Court vide order dated April 19, 2022 passed in the said writ petition, bearing WPA 6204 of 2022, had clearly recorded the submissions made on behalf of the respondent authorities, on instruction, that the petitioner's applications had already been approved in a Board Meeting dated December 9, 2019, for which it was observed by the Court that the grievance of the petitioner had already been resolved by allowing the applications of the petitioner for registration and issuance of permanent contract

carriage permit, and consequently disposing of the writ petition in the light of the said observations.

However, subsequently, the petitioner was communicated in writing by the Regional Transport Officer and Secretary, Regional Transport Authority (RTA), Malda, that, having gone through the documents furnished by the petitioner it was purportedly found that the vehicles-in-question against which the petitioner was approaching for registration/permit were under the category of vehicle with BS-IV norms, registration of which could not be considered at that moment as per order dated October 24, 2018 passed by the Hon'ble Supreme Court in the matter of *M. C. Mehta Vs. Union of India and others*.

The said judgment was sought to be referred in the impugned communication dated May 6, 2022 in a manner as if as per the same, no motor vehicle conforming to the emission standard BS-IV shall be sold or registered in the entire country with effect from April 1, 2020.

However, learned counsel for the petitioner, by placing reliance on the judgement which was cited by the respondent authority, reported at (2019) 17 Supreme Court Cases 490 (*M. C. Mehta Vs. Union of India and others*), points out that the Supreme Court specifically held in paragraph 22 thereof that every vehicle sold after the cut-off date of 1-4-2020 is

bound to cause more pollution and, therefore, the manufacturers cannot be permitted to sell any non-BS VI compliant vehicle on or after dated April 1, 2020.

In the present case, however, the petitioner purchased the vehicle, prior to the cut-off date, that is, April 1, 2020. Moreover, the alleged delay in presenting the necessary documents by the petitioner occurred during the period of the pandemic, which was entirely covered by the several judgments of the Supreme Court and the Larger Bench of this Court on the question of extending the limitation periods in terms of all relevant statutes and law.

Hence, there could not be any occasion at all within the scope of law to refuse the petitioner's applications for registration and permit on the score as cited in the impugned communication dated May 6, 2022 by the respondent authorities.

Moreover, it is unimaginable as to how, even after having specifically communicated through counsel to this court on April 19, 2022 that the petitioner's applications had already been approved in a Board meeting on a specific date, that is, December 9, 2019, the respondent authorities could resile from such position and further refuse the petitioner's applications. Such conduct on the part of the Regional Transport Authority, Malda, is strongly

deprecated. It is expected that such patent gaps in decision-making will not occur in future in decisions taken by the Regional Transport Authority, Malda.

In view of the above facts and circumstances, WPA 10026 of 2022 is allowed, thereby setting aside the purported rejection of the applications filed by the petitioner for obtaining registration and permit (as annexure P12 at page 72 of the writ petition) dated May 6, 2022 and directing the respondent authorities to take necessary consequential steps in treating the applications filed by the petitioner for permanent registration as well as grant of permit by the petitioner as already allowed. Such steps shall be taken by the respondent authorities as expeditiously as possible and be communicated by the respondent nos. 2 to 4 immediately thereafter to the petitioner.

It is made clear that if such *mala fide* action is repeated on the part of the Regional Transport Authority, Malda, strong penal steps shall be taken against the said authority by this Court.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)