

Ct. 05
Item No.20
20.01.2022
(suvendu)

WPA 18942 of 2021

[Via Video Conference]

Debasish Mondal
Vs.
State of West Bengal & Ors.

Mr. Sreekumar Chakraborty
Mr. Jagannath Ganguly
.....for the petitioner
Mr. Pantu Deb Roy
.....for the State

The petitioner has challenged a communication of the Regional Transport Officer dated 8th October, 2021 by which the petitioner's prayer for Certificate of Fitness has been rejected on the basis that the petitioner's commercial vehicle is more than fifteen years old from the date of registration.

According to learned counsel appearing for the petitioner, the petitioner is not plying his vehicle within the Kolkata Metropolitan Area and hence the denial of Certificate of Fitness would not apply to the petitioner.

Learned counsel appearing for the State-respondents places an order of the Transport Department dated 13th August, 2012 which provides that Certificate of Fitness shall not be granted to any commercial vehicle plying within Kolkata Metropolitan Area after it attains fifteen years from the date of initial registration. Counsel, however, submits that although the petitioner is plying his vehicle outside Kolkata Metropolitan Area the

registering authority is in Chinsurah and hence the petitioner's lack of eligibility was updated on the E-Vahan Portal. Counsel submits that necessary directions may be given to the Managing Authority, National Informatics Centre for correction.

Upon hearing learned counsel, this Court is of the view that since the petitioner admittedly does not fall within the KMA, the impugned order and the concerned Notification of 13th August, 2012 do not apply to the petitioner.

The communication dated 8th October, 2021 is set aside.

The State respondents are, therefore, directed to make necessary corrections on the portal so as to modify the status of the petitioner. The NIC is also directed to render assistance to the State-respondents in this regard.

WPA 18942 of 2021 is disposed of in terms of the above.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)