

22nd February, 2022
(D/L No.54)
(SKB)

WPA 19188 of 2021
(Via Video Conference)

Subrata Automobiles and others
Vs.
The State of West Bengal & Ors.

Mr. Supratik Dhar,
Mr. Kazi M. Rahman
.....for the petitioner.

Mr. Amal Kumar Sen, AGP,
Mr. Suman Sengupta,
Mr. Lal Mohan Basu
... for the State.

Md. zubair Alam
... for the Union of India.

The petitioners are a group of dealers and sub-dealers of motor cycle companies who have sold vehicles with BS-IV Emission Standard to various purchasers before 31st March, 2020. This is the stated position in the writ petition. Learned counsel prays that a representation made by the petitioners dated 15th November, 2021 be considered by the appropriate authority. The representation is for registration of those vehicles in compliance with the notifications issued by the Government of India and the orders passed by the Supreme Court.

Learned counsel appearing for the State respondents submits that the State is not in a position to consider the representation since the whole issue is now before the Supreme Court.

From the orders handed up by learned counsel appearing for the parties in *Writ Petition (Civil No.13029 of 1985 [M.C. Mehta Vs. Union of India and others]*), it appears that the Supreme Court has passed several orders from 27th March, 2020 to 13th August, 2020 taking note of the large number of vehicles which have been sold after the cut-off date of 31st March, 2020. The order dated 15th June, 2020 records that the Supreme Court granted registration of vehicles which were not mentioned in its earlier orders as a onetime relaxation measure. The Supreme Court hence called for details of vehicles which were sold up to 31st March, 2020 after lifting of the lockdown and was of the clear view that such registration could not have been done without informing the court. It is evident from the orders passed by the Supreme Court that relaxing the timelines for registration of BS-IV vehicles were made only for reasons specified in the orders taking into account an emergent situation like the lockdown caused by the pandemic.

Since the order dated 15th June, 2020 makes it clear that registration of BS-IV vehicles could not have been made without informing the Supreme Court, this court is of the view that the prayer of the writ petitioners cannot be entertained by this court. Since the petitioners are not parties before the Supreme Court,

they shall have the liberty of approaching the Supreme Court for appropriate orders.

W.P.A.19188 of 2021 is accordingly dismissed as withdrawn.

(Moushumi Bhattacharya, J.)