

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.902 of 2022

Manish Enterprises, Rayagada *Petitioner*

-versus-

*Regional Transport Officer,
Rayagada* *Opposite Party*

CORAM: THE JUSTICE S. PUJAHARI

ORDER

19.01.2022

Order
No.

01. 1. This matter is taken up through Hybrid mode.
2. The defects pointed out by the S.R are ignored. The matter is taken up for final disposal on the consent of both the parties.
3. Heard leaned counsel for the Parties.
4. The grievance of the Petitioner is that he has been imposed penalty without giving him any show cause notice and the opposite party did not accept the M.V. Tax.
5. Considering the limited grievance of the Petitioner, so also in view of the settled position of law that penalty cannot be imposed without giving any show cause notice, decided in the case of *Sujit Kumar Dhir and Others vrs. Regional Transport Office, Keonjhar and Others*, reported in 2014 (II) OLR 1070,

this Court directs the opposite party to accept the M.V. Tax from the Petitioner. But, so far as the imposition of penalty is concerned, the opposite party shall ask the Petitioner for a show cause and after filing such show cause, the same shall be disposed of in the manner known to law with regard to the liability of penalty to be imposed on the Petitioner.

6. With the aforesaid order, this Writ Petition stands disposed of.

7. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos. 514 & 515 dated 7th January, 2022.

(S. Pujahari)
Judge

SKB