

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.3154 of 2022

Usha Rani Jena

....

Petitioner

-versus-

***Transport Commissioner, Odisha
State Transport Authority, Cuttack
& another***

....

Opposite Parties

CORAM:

THE JUSTICE S.PUJAHARI

ORDER

07.03.2022

**Order
No.**

01.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the parties.
3. The Petitioner has filed this writ petition praying for a direction to the Regional Transport Commissioner, Rourkela, opposite party no.2, to adjudicate T.R. Case No.3790/2015-2016 pursuant to the order dated 19.03.2021 passed by the Transport Commissioner, Odisha, opposite party no.1, in Tax Recovery Appeal No.14 of 2018 for exemption of tax and additional tax in respect of the vehicle bearing registration number OR-14-M-4983 within a stipulated period.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner had challenged the demand notice of tax and penalty in respect of the goods carriage bearing registration

number OR-14-M-4983 on the ground that the said vehicle was seized by the police in connection with Rugudi P.S Case No.133 dated 25.12.2012 and not plying on the road. On consideration of her application the appellate authority vide order dated 19.03.2021 in T.R.A No.14 of 2018 passed the order, operative portion of which reads, as thus :

“xxx xxx xxx

Under such circumstances, the appellant is directed to produce certified copy/letter in original issued by Rugudi P.S to the effect that the vehicle OR14M-4983 was under seizure in P.S. Case No.133 dated 25.12.2012. After receipt of any one of above document, if it is found that claim of the appellant is genuine, the RTO, Rouekal will revise the demand in T.R Case No.3790/2015-2016 pertaining to period 01/2013 to 12/2015. The matter is remanded to RTO, Rourkela for adjudication afresh. This order shall not be cited as precedent in other cases.”

5. Pursuant to the said order, the Petitioner made a representation, vide Annxure-8 to the R.T.O., Rourkela to revise the demand made in T.R Case No.3790/2015-2016 with effect from 01/2013 to 12/2015 in compliance to the aforesaid direction made by the Transport Commissioner in TRA No.14 of 2018. But no order having been passed, she has approached this Court to direct the R.T.O, Rourkela to pass necessary order on the same.

6. After considering the facts and the submissions made by both the parties, especially the concession of Mr. Behera, learned Standing Counsel for the Transport Department that he

has no objection if a direction is given to the R.T.O., Rourkela, opposite party no.2, to pass necessary order on the representation made by the Petitioner, vide Annexure-8, if the same is pending, in the manner known to law, this Court disposes of the writ petition with an observation that if Annexure-8 is still pending before the R.T.O., Rourkela, opposite party no.2, he shall pass necessary order in the light of the order passed by the Transport Commissioner in TRA No.14 of 2018 not later than one month from the date of receipt of a certified copy of this order.

7. Urgent certified copy of the order be granted on proper application.

(S. Pujahari)
Judge

PKS

