IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C) No. 17138 of 2022

Girish Chandra Behera ….. ***Petitioner***

Mr. Subash Ch. Pani, Advocate

-versus-

Taxing Officer/Tax Recovery Officer-cum-RTO, Chandikhole …. ***Opp. Party***

Mr.Pravakar Behera,
StandingCounsel (Transport)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No.	**13.07.2022**
1.	1. This matter is taken up through Hybrid mode.

2. The Petitioner who is a owner of vehicle bearing Registration No.OD-04-M-8788 (A Trailer) challenges the notice to show cause dated 18.01.2022 vide penalty proceeding case in TRC No.2580 of 2022, notice of demand of M.V. tax and penalty amount of Rs.92,750/- dated 18.01.2022 and the Certificate of Recovery dated 18.01.2022 for the period from 01.04.2020 to 31.12.2021 in respect of the aforesaid vehicle.

3. It is submitted by the learned counsel that the Petitioner has already paid a sum of Rs.66,250/- (rupees sixty-six thousand two hundred fifty) only for the period April, 2020 to June, 2021. He further submits that the amount paid should be adjusted from the outstanding tax amount. He also undertakes that the current MV tax shall be paid regularly. Petitioner is also ready and willing to pay the balance of the Certificate amount, i.e., Rs.26,500/- (Rs.92,750/- --

Rs.66,250/-) as mentioned in Annexures -1, and 2 within a period of three weeks hence.

4. In view of the fact that the Petitioner is ready and willing to pay the balance outstanding tax amount of Rs.26,500/- (rupees twenty-six thousand five hundred only), this Court disposes of the writ petition with a direction that in the event the Petitioner deposits the aforesaid balance amount of Rs.26,500/-(rupees twenty-six thousand five hundred only) within a period of three weeks hence along with the receipt acknowledging payment of Rs.66,250/- for the period from April, 2020 to June, 2021, no coercive measure pursuant to the certificate issued shall be taken against him. On payment of the outstanding dues, the authority shall consider issuance of permit and fitness certificate in respect of the aforesaid vehicle in accordance with law.

5. The notice under Section 13(2) of OMVT Act, 1975 shall be replied by the Petitioner within a period of three weeks and in that event, the authority shall consider the case of the Petitioner sympathetically and decide the same in accordance with law within a period of six weeks thereafter.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy