IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 21992 OF 2022

Sumitra Kumari Panigrahy .... ***Petitioner***
Mr. M.K. Rath, Advocate

-versus-

R.T.O., Ganjam and another .... ***Opp. Parties***

Mr. Pravakar Behera, Standing Counsel
(For Transport Department)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No. **14.09.2022**

01. 1. This matter is taken up through hybrid mode.

2. The Petitioner in this writ petition prays for a direction for acceptance of arrear MV tax amount by exempting penalties due to non-payment of MV tax in respect of vehicles bearing Registration Nos.OD-07-Q-4307 (Tipper), OD-07-Q-4308 (Tipper), OD-07-Q-4310 (Tipper) and OD-07-V-9708 (CB Chassis) within the stipulated period.

3. Learned counsel for the Petitioner submits that the Petitioner may be permitted to pay the arrear MV tax and move the appellate authority challenging imposition of penalties. He further submits that due to some inadvertency, the Petitioner could not pay the MV tax in time in respect of the aforesaid vehicle for which the authorities have imposed penalties. He, therefore, prays for a direction for waiver of the penalties and acceptance of the arrear MV tax in question.

4. Mr. Behera, learned Standing Counsel for the Transport Department submits that similar writ petitions have been

disposed of granting liberty to the Petitioner to pay the arrear MV tax and file an appeal before the appellate authority assailing imposition of penalties.

5. Taking into consideration the submissions of learned counsel for the parties, this writ petition is disposed of with a direction that in the event the Petitioner pays the arrear MV tax in respect of the vehicles bearing Registration Nos.OD-07-Q-4307 (Tipper), OD-07-Q-4308 (Tipper), OD-07-Q-4310 (Tipper) and OD-07-V-9708 (CB Chassis) within a period of four weeks and gives an undertaking to the effect that he will file appeals before the appellate authority for waiver of the penalties, the appropriate authority shall accept the same and proceed in accordance with law. On payment of outstanding MV tax amount and upon filing of an application, if any, the authority shall consider issuance of permit and fitness certificate in respect of the aforesaid vehicles in accordance with law.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks