IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C) No. 22694 of 2022

Upendra Kumar Shaw ….. ***Petitioner***

Mr. Prasanta Kumar Mohanty-2, Advocate

-versus-

Taxing Officer-cum-RTO, Balasore and another …. ***Opp. Parties***

Mr.Pravakar Behera,
StandingCounsel (Transport)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
15.09.2022

Order No.

1.

1. This matter is taken up through Hybrid mode.

2. The Petitioner who is a owner of vehicle bearing Registration No.TN-27-U-5500 (Goods Carrier HGV) challenges the notice to show cause dated 18.01.2022 vide penalty proceeding case in TRC No.1514 of 2022, notice of demand of M.V. tax and penalty amount of Rs.39,150/- dated 18.01.2022 and the Certificate of Recovery dated 18.01.2022 for the period from 01.04.2018 to 31.12.2021 in respect of the aforesaid vehicle.

3. It is submitted by the learned counsel that the Petitioner is ready and willing to pay the Certificate amount of Rs.39,150/- as mentioned in Annexures - and 3 within a period of three weeks hence.

4. In view of the fact that the Petitioner is ready and willing to pay the outstanding tax amount of Rs.39,150/- this Court disposes of the writ petition with a direction that in the event the Petitioner deposits the aforesaid amount within a

period of three weeks hence, no coercive measure pursuant to the certificate issued shall be taken against him. On payment of the outstanding dues, if any, the authority shall consider issuance of permit and fitness certificate in respect of the aforesaid vehicle in accordance with law.

6. 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