IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30524 of 2022

Bijay Kumar Biswal .... ***Petitioner***
Mr.C.K.Rout, Advocate

-versus-

RTO, Cuttack .... ***Opp. Party***
Mr. Pravakar Behera,
Standing Counsel, Transport Department

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No. **09.12.2022**

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

2. Mr. Rout, learned counsel for the Petitioner submits that inadvertently the Opposite Party has been wrongly described as RTO, Chandikhole instead of RTO, Cuttack and prays for correction of description of the Opposite Party in the cause title of the brief.

3. Prayer is allowed. Correction be carried in the Court itself.

4. 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 tax of the vehicle bearing Registration No.OR-05-AU-3499 for the period from 01.07.2018 to till date within the stipulated period.

5. 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 inadvertence, 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 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 vehicle bearing registration No.OR-05-AU-3499 within a period of four weeks and gives an undertaking to the effect that he will file an appeal 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 vehicle in accordance with law.

Issue urgent certified copy of the Order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy