

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41369 of 2021

M/s. Utility Transport Company.

....

Petitioner

-versus-

R.T.O., Chandikhole.

....

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

03.01.2022

Order
No.

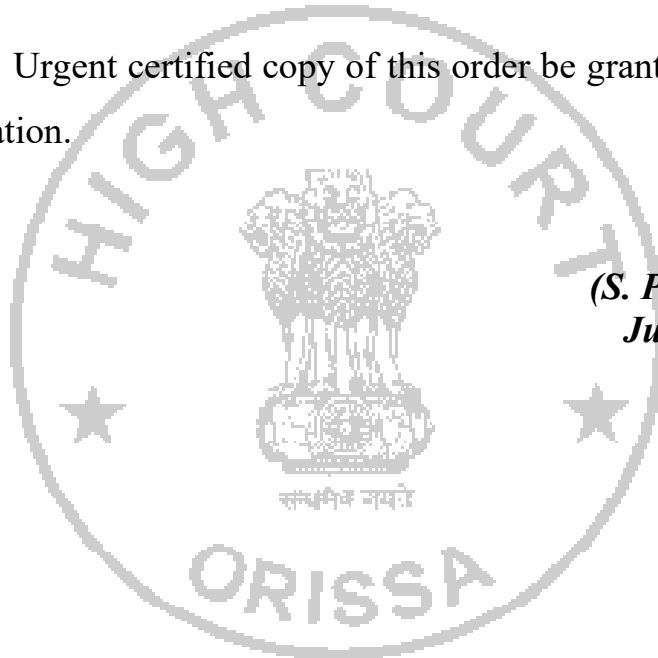
- 01.
1. This matter is taken up through Hybrid mode.
 2. Defect, as per S.R., is ignored and case is taken up for final disposal on the consent of both parties.
 3. Heard the learned counsel for the parties.
 4. The grievance of the petitioner is that he has been imposed penalty without giving him any show-cause notice and the opposite party did not accept the M.V. tax.
 5. Considering the limited grievance of the petitioner, so also in view of the settled position of law that penalty cannot be imposed without giving any show-cause notice, decided in the case of *Sujit Kumar Dhir and others vrs. Regional Transport Office, Keonjhar and others*, reported in 2014 (II) OLR 1070, this Court directs the sole opposite party to accept the M.V. tax

from the petitioner. But, so far as the imposition of penalty is concerned, the opposite party shall ask the petitioner for a show-cause and after filing such show-cause, the same shall be disposed of in the manner known to law with regard to the liability of penalty to be imposed on the petitioner.

6. With the aforesaid order, this writ petition stands disposed of.

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

(S. Pujahari)
Judge



MRS