

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3530 OF 2022

Ankit Ashok Jain Thr. POA

...Petitioner

Nikhil Kumar Choudhary

Versus

The State of Maharashtra & Ors.

...Respondents

Ms. A. P. Madhuri, for the Petitioner.

Mr. R. P. Kadam, AGP for the State.

CORAM : REVATI MOHITE DERE &

MADHAV J. JAMDAR, JJ.

DATED : 26th APRIL, 2022

P.C. :

1. This Court has passed following common order on 11th April, 2022 in above Writ Petition and companion Writ Petition No. 4240 of 2022

“1. These are two more cases where vehicles of more than eight years old entered the city and have been attempted to be used. They will need to conform to the previous orders. In particular, we reference our order of 12th January 2022 in Kataria Carriers v State of Maharashtra & Ors, Writ

Petition (L) 23102 of 2021. The order in that matter reads thus:

1. There is an undertaking dated 5th January 2022 from the Petitioner. We take this on record and we accept it. The undertaking in paragraph 3 reads thus:

“I say that, as per the Order dtd. 03rd January, 2022 passed by this Hon’ble Court [Coram : Shri. G. S. Patel and Shri. Madhav J. Jamdar, JJ] I am submitting present Undertaking to this Hon’ble Court as under:

- i) “said vehicle” shall not be plied within the municipal limits of Greater Mumbai,*
- ii) “said vehicle” is already taken beyond the limits of Greater Mumbai, and, at present it is in Kanpur (Uttar Pradesh),*
- iii) Petitioner shall not bring “said vehicle” in the municipal limits of Greater Mumbai,*
- iv) Petitioner shall deposit Rs. 25,000/- with Respondent No. 2 – Regional Transport Officer – Mumbai (East) within a period as*

will be directed by this Hon'ble Court."

2. *The vehicle in question is a Volvo Puller vehicle No. MH-06-AQ-5181.*

3. *The undertakings are accepted as undertakings to the Court. The Petitioner will deposit the amount of Rs. 25,000/- with the Regional Transport Office, Mumbai (East) by 21st January 2022. In view of these undertakings being accepted by the Court, we quash and set aside the communication dated 7th January 2021 issued by the 2nd Respondent, RTO, Mumbai and direct Respondents Nos. 3 and 4, RTO Kalyan and Registration Authority, Motor Vehicles Department, Panvel, District Raigad, Maharashtra to transfer the registration of the subject vehicle to the RTO Kanpur (Uttar Pradesh) as per the auction documents.*

2. *We expect a similar affirmed undertaking in this matter also. The undertaking must be recent.*

3. *List the matter on 26th April 2022."*

2. Pursuant to said order dated 11th April, 2022, the Petitioner has filed undertaking dated 16th April, 2022. In view of said undertaking we pass the following order:

ORDER

(a) The Vehicle, being subject matter of this Petition bearing Registration No. MH-04-HY-2914, shall be released to the Petitioner subject to the following conditions:

(i) The Petitioner shall not ply in the city of Mumbai, the said vehicle and shall take the same out of the limits of city of Mumbai; and

(ii) The Petitioner shall deposit a sum of Rs. 25,000/- as fine with the concerned Regional Transport Office in respect of vehicle.

(b) Only upon deposit of the sum of Rs. 25,000/- (Rupees Twenty-Five Thousand Only) with the concerned R. T. O. and on production of an authenticated copy of this order alongwith true copy of the Undertaking given in the Court, the subject vehicle shall be released to the Petitioner.

- (c) The undertakings given by the Petitioner are accepted.
- (d) The Petition is disposed of in above terms.
- (e) All parties to act on an authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.