

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 1598 OF 2022**

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|--------------------------------|----------------|
| Currency Note Press            | ...Petitioner  |
| <i>Versus</i>                  |                |
| The State of Maharashtra & Ors | ...Respondents |

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**Dr Lata Patne, with Dr Vinod Joshi and Shivani Chandolkar, for the  
Petitioner.**

**Mr RP Kadam, AGP, for the State/Respondent No.1.**

**Mr Amit Sharma, DM Legal for Petitioner present.**

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**CORAM    G.S. Patel &  
                 Madhav J. Jamdar, JJ.**

**DATED:    18th February 2022**

**PC:-**

1.     Rule. Respondents waive service. By consent, the Petition is taken up forthwith for hearing and final disposal.

2.     The Petitioner is the Currency Note Press, a unit of the Security Printing and Minting Corporation of India Limited, an entity that is wholly owned by the Government of India.

3.     The dispute relates to a Mahindra Bolero Camper, with Bharat Stage-IV compliance. This vehicle has not been allowed to be

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registered by the Transport Authorities in Maharashtra. Hence this writ petition.

4. The refusal by the Respondents is, in our view wholly unjustified, and appears to have been an error on the part of the Authorities.

5. The Petitioner bought this vehicle through GeM portal for use by the Central Industrial Security Force (“CISF”) as a Quick Reaction Team (“QRT”) vehicle. This is an essential security service while moving currency notes from the press to the required destination. This vehicle was supplied by its manufacturer Mahindra & Mahindra Ltd from its Telangana plant through an authorised dealer at Nashik on 19th December 2019. The authorised dealer declined to carry out the RTO passing certification since the procurement was through the GeM portal and this carries no obligation on the vehicle dealer for vehicle registration. The vehicle had to be produced before RTO, Nashik before 27th December 2019 for passing. But it was only after much follow up that the vehicle dealer provided the necessary documents as late as on 6th March 2020. It was inspected by the RTO, Nashik on 17th March 2020. An online challan for Rs.21,749/- was issued on that date by the RTO, Nashik. However, the sanction for this came only on 21st March 2020.

6. By that time global events had over taken everyone: there was the onset of the first Covid-2019 lockdown and pandemic. The Government of Maharashtra issued various directives including under Section 144 of the Code of Criminal Procedure. A nation-

wide lockdown came the very next day, 22nd March 2020. The Currency Note Press went itself into lockdown. It resumed working only on 8th June 2020. The result, unfortunately, was that the process for release of RTO fees from the Petitioner could not be completed, and the Petitioner could not present the vehicle to the RTO with a deposit of RTO fees until the lifting of the lockdown on 6th August 2020. After that, the Petitioner approached the RTO, Nashik several times. The RTO contacted the Transport Commissioner.

7. The e-vahan portal was activated or re-activated by the State of Maharashtra on 8th October 2020. The Petitioner presented the vehicle and papers to RTO, Nashik along with fees on that very day. The challan itself was accepted. It seems that by orders of 20th October 2020 and 4th May 2021, Respondents Nos. 2 and 3 rejected the Petitioners' claim for registration on the ground that it was now beyond the cut-off date specified in various orders of the Supreme Court in regard to the Writ Petition (Civil) No. 13029 of 1985 (*MC Mehta v Union of India And Ors*).

8. The impugned orders do not seem to take into account the quite extraordinary circumstances that attach to this case. They also do not accept the guidelines that we find in the Supreme Court order of 30th November 2021. At page 22 of that order, the Supreme Court took up an IA that related to two BS-IV vehicles being used for essential public utility services. This was of course in the context of the Government of NCT of Delhi, but we see no reason why the same principle should not apply to the State of Maharashtra.

9. The Supreme Court found that two BS IV vehicle in that area were being used for essential public utility services. They had not been registered on the ground that they had only a temporary registration and their details had not been uploaded on the e-vahan portal. The vehicles have been purchased in 2019. They were being used for public utility services. The Supreme Court directed the transport government department of the Government of NCT of Delhi to register these two BS-IV vehicles.

10. We find it difficult to accept the proposition that when the Supreme Court has set out a principle, but done so in the context of an application before it by one government, another government should decline to follow the principle. If it is being suggested that the Supreme Court should be troubled and further burdened with multiple identical applications by different governments although covered by principle already laid down, then we have no hesitation in rejecting any such suggestion.

11. We believe the present case stands on an identical footing. The vehicle in question also had temporary registration. We have set out the circumstances in which final registration could not take place. The vehicle in question is also used for an essential service.

12. Our attention is drawn to the Affidavit in Reply where reference is made to a previous order of the Supreme Court of 27th March 2020. It would not be apposite to accept the submission as framed in the Affidavit in Reply, which seems to suggest that after 27th March 2020, there have been no further orders of the Supreme Court or as if all BS-IV registrations have been completely

prohibited. As we have noted this is in fact not so, and there is a later Supreme Court order to the contrary.

13. Accordingly, and consistent with the Supreme Court order of 30th November 2021, we make Rule absolute in terms of prayer clause (a) which reads thus:

“(a) this Hon’ble Court may be pleased to call for the relevant records of both the Respondents Nos. 2 and 3 and, after going through the same, be further pleased to set aside and/or quash the said impugned orders dtd. 4.5.2021 and 20.10.2020 at Exhibit “A” and Exhibit “B” and thereby direct them to register Vehicle – Mahindra Bolero Camper, 4WDPS, Bharat Stage-IV; Chasis No. MA1RUTBKK3L96057; Engine No.TBK4L84984;”

14. Given the nature of the use of this vehicle, the Authorities are directed to proceed with the registration forthwith upon presentation of an authenticated copy of this order and in any event to complete that registration on or before 28th February 2022.

15. There will be no order as to costs.

16. All concerned will act on production of a digitally signed copy of this order.

**(Madhav J. Jamdar, J)**

**(G. S. Patel, J)**