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

WRIT PETITION NO.3450 OF 2022

Raman Roadways Pvt.Ltd.

..... Petitioner

Vs.

The State of Maharashtra and Ors.

..... Respondents

WITH

WRIT PETITION NO.3452 OF 2022

Shivani Carriers P.Ltd. Thr.

Authorised Officer Hemand Laddha

..... Petitioner

Vs.

State of Maharashtra and Ors.

..... Respondents

Mr. Suhas Deokar for the Petitioner in Writ Petition No.3450 of 2022

Mr.S.S.Panchpor, A.G.P. for the State

**CORAM: S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : JULY 26, 2022

P.C.

1 Heard the learned Counsel for the Petitioner.

2 The Petitioner is an auction purchaser. Demand is made under section 8 of the Maharashtra Motor Vehicles Tax Act, 1958.

3 The issue in the present matter it appears is considered and decided by the Division Bench of this court under Judgment dated 06.04.2021 in Writ Petition (ST.) No.280 of 2021. In light of that, we follow the same course.

A) Rule is made absolute in terms of prayer clauses (a) and (b), which read thus:-

(a) That by Writ of Mandamus and or by appropriate Writ, Direction and Order of similar nature, Your Lordships be pleased to direct the Respondents to transfer the ownership of the 153 vehicles (List annexed at Exhibit "H") in favour or in name of Petitioner and further pleased to quash and set aside the impugned tax demand notices dated 16th June, 2020 & 19th June, 2020 issued by the Respondent No.3.

(b) That by Writ of Mandamus and or by appropriate Writ, Direction and Order of similar nature, Your Lordships be pleased to direct the Respondents to allow Petitioner to approach local RTO office within whose jurisdiction the vehicles are at a standstill for, physical verification, fitment of trolley wherever necessary and issuance of renewal of fitness certificate under Rule 62(1) of Central Motor Vehicles Rule and submit form No.38(A) in the office of Respondent No.3.

B) The Petitioner shall pay the Respondent Nos.1 to 3 -

State, the 50% of statutory dues in respect of the subject vehicles purchased by the Petitioner from the date of their purchase. This will be subject to the outcome of the Application made by the Petitioner for non-use of the subject vehicles under Section 3 (3) of the MMVT Act which is pending determination before Respondent Nos.2 and 3.

C) Respondent Nos.1 to 3 – State is directed to inform the Petitioner in writing the statutory dues in respect of the subject vehicles purchased by the Petitioner from the date of their purchase, on or before 25.08.2022

D) If dues are informed in writing on or before 25.08.2022, in that case Petitioner to make payment of 50% within two weeks from the date of communication.

E) Respondent Nos.2 and 3 shall complete the hearing of the Application of the Petitioner under Section 3 (3) of the MMVT Act and communicate the order to the Petitioner within four weeks from the date of this order.

F) Liberty granted to the Respondent Nos.1 to 3 – State to move before Respondent No.4 for their dues by making appropriate application as required by law.

G) Both the Writ Petitions are accordingly disposed of in the above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)