



W.P. No. 17910 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 17910 of 2020

M/s. IndusInd Bank Limited
Rep. by its Manager-Legal
N.Veeraragavan
Having Office at Nos. 115 & 116
G.N.Chetty Road, T.Nagar
Chennai - 600 017.

... Petitioner

-VS-

1. The Joint Transport Commissioner (Rules)
Office of the Transport Commissioner
Ezhilagam, Chepauk
Chennai-05.
2. The Deputy Transport Commissioner
Office of the Deputy Transport Commissioner
No.4, Anderson Salai
Near Ayanavaram Bus Terminus
Ayanavaram, Chennai – 600 023.
3. The Regional Transport Officer
Regional Transport Office, Chennai (Central)
No.4, Anderson Road
Ayanavaram, Chennai - 600 023.
4. The Assistant Registering Authority
Assistant Registering Authority
Poonamalee, Chennai - 600 056.



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5. Sre Gnanambal Transport
Rep. its Proprietor
Mr. N.Chandrasekaran
Having office at No.39
Kannappan Nagar, Meettukuppam Road
Maduravoyal, Chennai - 600 095.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Third Respondents to permit the Petitioner for online E Vahaan portal /manual permanent registration of BS-IV Heavy Goods Commercial Vehicles bearing temporary registration Nos. TN-12-TMP-13889, TN-12-TMP-13890 and TN-12-TMP-13891 dated 21.08.2017 within a time frame that may be fixed by the Court.

For Petitioner : Ms. Meera Gnanasekar

For Respondents : Mr. Yogesh Kannadasan
Special Government Pleader (For R1 to R4)

No appearance (for R5)

ORDER

Heard Ms. Meera Gnanasekar, Learned Counsel for the Petitioner, Mr. Yogesh Kannadasan, Learned Special Government Pleader appearing for the First and Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Fifth Respondent had obtained loans from the Petitioner for purchase of heavy goods vehicles and there had been default in repayment of the said loans. In that backdrop, the Fifth Respondent had surrendered the lorries bearing temporary Registration Nos. TN 12 TMP 13889, TN 12 TMP 13890 and TN 12 TMP 13891 by letter dated 20.08.2020 to the Petitioner, who had, in turn, made applications before the Third and Fourth Respondents on 25.08.2020 for permanent registration of those vehicles. As no action has been taken thereon, the Writ Petition has been filed.

3. It has been brought to notice by Learned Special Government Pleader appearing for the First to Fourth Respondents that registration of BS-IV compliant vehicles in this case could not be made after 31.03.2020 in view of the order dated 27.03.2020 in I.A. Nos. 45883, 45912 and 48113 of 2020 in Writ Petition (Civil) No. 13029 of 1985 passed by the Hon'ble Supreme Court of India, in which it has been held as follows:-

“ It is stated by Mr. K.V. Vishwanathan, learned senior counsel appearing on behalf of the applicant/Federation of Automobile Dealers Association that 1,05,000 two-wheelers, 2250 passenger cars and 2000 commercial vehicles are there which have been sold but not registered through out India. Unsold



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vehicles are stated to be 7,00,000 two wheelers, 15,000 passenger cars and 12,000 commercial vehicles.

With the consent of Mr. A.N.S. Nadkarni, Learned Additional Solicitor General and Mr. K.V. Vishwanathan, Learned Senior Counsel, it is ordered that sold vehicles be registered by the concerned authorities by 30.04.2020. However, at the same time we direct the applicant to furnish details of the purchasers, on affidavit, of the aforesaid vehicles through e-mail, within seven days from today. Details of registration shall also be furnished to this Court.

With respect to unsold vehicles as the manufacturer should have been ready because of deadline set for BS-VI compliant vehicles, there is no justification to extend the time which was fixed long time ago. This is not something new which has occurred, it would be further injurious and further burden on human health to be caused by pollution of BS-IV vehicles when BS-VI vehicles are supposed to be produced by the manufacturers well in advance considering the deadline of 31st March, 2020.



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It is stated that there are 7,00,000 two-wheelers which are unsold through out India with different dealers. Similarly, passenger vehicles are 15,000 and commercial vehicles are 12,000. In Delhi and NCR region, we are not allowing sale and registration of these kind of vehicles any more. However, in the remaining part of the country, due to the situation which has arisen due to lockdown, it is ordered that not beyond 10% of the vehicles, except with the Dealers in Delhi and NCR region, are permitted to be sold out of the aforesaid number of vehicles to make up the good of six days which were available before the lock-down has been ordered in the country. Details of the sale shall be furnished by the applicant and there shall be no violation of the order passed by this Court. Sales to be done within ten days of the lifting of the lock-down operating in the concerned cities and not beyond it and on an affidavit number of vehicles sold shall be stated by the applicant/Federation of Automobile Dealers Association and only those vehicles shall be permitted to be registered about which affidavit is filed. If out of the vehicles which are permitted to be sold some of them remain unsold then



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obviously there is no question of any further extension of time for sale of these kind of vehicles. Particulars shall be given on an affidavit with engine and chassis numbers by the applicant/Federation of Automobile Dealers Association of the sale of vehicles before the registration is made, within seven days of the sale."

It is further stated that by another order dated 09.04.2021 in Writ Petition (Civil) No. 13029 of 1985, the Hon'ble Supreme Court of India had passed orders relating to certain specific BS-IV compliant vehicles, and the Petitioner could seek necessary orders only from the Hon'ble Supreme Court of India in that regard.

4. Having regard to the aforesaid legal position, it is not possible for this Court to grant any relief as sought by the Petitioner in the Writ Petition.

In fine, the Writ Petition is dismissed. No costs.

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Index: Yes/No

Note: Issue order copy by 14.11.2022.



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P.D. AUDIKESAVALU, J.

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