IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17851-2022 (O&M)
Date of decision:21.09.2022

M/s Jagdish Kumar Sehgal

..... Petitioner

versus

State of Punjab and others

......Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present:- Mr. Gautam Sehgal, Advocate for the petitioner.

Mr. Gurpreet Singh, Addl. A.G. Punjab.

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<u>TEJINDER SINGH DHINDSA, J. (ORAL)</u>

As per pleadings on record a motor vehicle bearing registration No.PB-08-DB-0097 (paid number)–Innova Crysta, was purchased in the ownership of M/s Jagdish Kumar Sehgal (a proprietor concern).

Lump sum road tax for a period of 15 years is stated to have been paid on 21.12.2018.

Vehicle is asserted to have met with an accident on 07.05.2021. Since it was a case of total loss of the vehicle, an application was moved by the proprietor of the petitioner-concern to the Regional Transport Authority, Jalandhar, Punjab, raising a two fold prayer; (i) cancellation of the certificate of registration (RC) of the vehicle in question was sought; (ii) it is prayed that since one time road tax for 15 years till 20.12.2033 already stands deposited and now vehicle cannot ply on the road, refund of the amount of excess road tax/in the alternative to adjust excess road tax against paid No. PB-08-DB-0097 to a vehicle which was intended to be purchased was raised.

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It so transpires that insofar as the prayer noticed at (i) above, the same has been accepted and vide order dated 22.12.2021 (Annexure P-6) the registration of the vehicle stands cancelled.

The short grievance that has led to the filing of the instant petition is that the second prayer as regards refund of the excess amount/to be adjusted against a prospective purchase of a new vehicle in the name of the proprietorship firm has not been dealt with.

Counsel submits that a representation in this regard dated 11.11.2021 at Annexure P-5 had been made to the Secretary, Regional Transport Authority, Jalandhar, Punjab and he would be satisfied if the writ petition were to be disposed of with a direction to the respondents- authority to consider the prayer as culled out at (ii) above within a stipulated time frame.

We find such prayer to be just and reasonable.

In view of the above and without even ascertaining the correctness of the averments made in the petition, the same is disposed of with a direction to the 3rd respondent i.e. Regional Transport Authority, Tehsil Complex, Jalandhar, to examine the application/representation dated 11.11.2021 (Annexure P-5) as regards refund of the amount of the excess road tax pertaining to vehicle No.PB-08-DB-0097 (the RC of which already stands cancelled) or to adjust the excess road tax against a prospective purchase of a vehicle in the name of the same very proprietorship firm.

It is directed that upon consideration, a speaking and reasoned order be passed within a period of 08 weeks from today and the same

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be conveyed to the petitioner.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

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Whether speaking/reasoned? Yes/No

Whether Reportable? Yes/No

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