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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 10.01.2022

+ W.P.(C) 175/2022

SMT. ARADHYA

..... Petitioner

versus

TRANSPORT DEPARTMENT  
GOVT. OF NCT OF DELHI

..... Respondent

**Advocates who appeared in this case:**

For the Petitioner: Mr. Sumit Chander, Advocate

For the Respondents: Mr. Sameer Vashisht ASC Civil GNCTD with Ms. Sanjana Nangia, Advocate

**CORAM:-**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**SANJEEV SACHDEVA, J.**

1. The hearing was conducted through video conferencing.

2. Petitioner seeks a direction to the respondent to issue a fresh or rectified No Objection Certificate (NOC for short) for transfer of the vehicle GETZ HYUNDAI bearing registration No. DL 9CH 2611 from Delhi to Farrukhabad, Uttar Pradesh.

3. The vehicle of the petitioner is a petrol vehicle which was



originally registered on 18.09.2005 with RTO, Delhi.

4. Petitioner had initially sought an NOC for transfer of the vehicle to District Prayagraj in Uttar Pradesh. NOC was issued by the Transport Department, however, subsequently RTO District Prayagraj refused registration of the vehicle on the ground that area was identified by the State as a restricted area in terms of the order of the National Green Tribunal dated 20.07.2016.

5. Accordingly, petitioner seeks rectification/modification of the NOC so that the same can be registered in District Farrukhabad, Uttar Pradesh which has not been identified by the State as a restricted area. He submits that the vehicle is presently in Farrukhabad, UP and not in Delhi NCR.

6. Learned counsel appearing for the respondent – Transport Department submits that in view of the amended policy dated 14.12.2021 notified by the Transport Department of Government of NCT of Delhi, NOC can be issued for a diesel vehicle which has completed 10 years and less than 15 years and petrol vehicles which have completed 15 years for an area that has not been identified by a State as a restricted area in terms of the order of the National Green Tribunal dated 20.07.2016.

7. Learned counsel, however, submits that the online portal will



not accept any application after the expiry of 10 years for a diesel vehicle and 15 years for a petrol vehicle because of the lock put by the NIC which hosts the site. He submits that in case directions were issued to NIC for removal of the lock temporarily to enable the re-registration of the vehicle and simultaneous issuance of a NOC, the rectified NOC could be issued.

8. Learned counsel further submits that since, presently the vehicle is in Farrukhabad, UP, the vehicle will not be required to be brought to Delhi for inspection purposes and the NOC will be issued on the undertaking and assurances given by the petitioner as recorded in the petition.

9. The Order dated 14.12.2021 issued by the Government of NCT of Delhi *inter alia* stipulates as under:

*“5. No objection certificate (NOC) for diesel and petrol vehicles will be issued as under:*

- I. No NOC will be issued for diesel vehicles which have completed 15 years or more on the date of applying for NOC.*
- II. NOC for diesel vehicles upto 10 years / less than 15 years old petrol vehicles can be issued for any place in the country.*



*III. NOC for diesel vehicles above 10 years and petrol vehicles above 15 years will be issued for other states subject to condition that such NOC will not be issued for the places which are identified by the states as restricted area in terms of order of Hon'ble NGT, which had directed the states to identify areas where the dispersion of the air is higher and vehicular density is least."*

10. Clearly the Vehicle of the Petitioner, which is a Petrol Vehicle and has completed 15 years cannot be permitted to ply in Delhi NCR and has to be deregistered.

11. However, in terms of the orders of the NGT and the office order of the Respondent, NOC can be issued for the said vehicle for other States i.e. for places which have not been identified by the States as restricted area in terms of the order of the NGT and have been identified as an area where the dispersion of the air is higher and vehicular density is least. Farrukhabad, Uttar Pradesh is a district, as per the office order dated 05.08.2020 of the Respondent, for which NOC can be issued.

12. In view of the above, this petition is disposed of with the following directions: -



- i) Respondent shall grant a temporary registration for a period of 10 days to the subject vehicle GETZ HYUNDAI bearing registration No. DL 9CH 2611;
- ii) NIC shall lift the lock on the online portal for a limited time to enable the respondent – Transport Department to grant the temporary registration and simultaneous issuance of a fresh NOC for transfer of the subject vehicle to District Farrukhabad, Uttar Pradesh. Thereafter, the lock shall be once again imposed by the NIC.
- iii) Petitioner shall be under an obligation to have the vehicle re-registered at the transferred place within a period of 10 days, after which period, the temporary registration shall lapse and the vehicle shall be deemed to be de-registered.
- iv) Petitioner shall not ply the vehicle within Delhi and NCR region as prohibited by the NGT even during the period of temporary registration. In case the vehicle is to be brought within the said region, same shall be brought on a transport vehicle and not by running the vehicle.
- v) The process be completed by the NIC and the respondent – Transport Department expeditiously preferably within a



period of four weeks from today.

13. Petition is allowed and disposed of in the above terms.

14. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

**JANUARY 10, 2022/‘rs’**

**SANJEEV SACHDEVA, J**

