

D/L. 13.
July 20, 2023.
MNS.

WPA No. 6458 of 2023

EEVEE Engineering Private Limited
Vs.
The State of West Bengal and others

Mr. Tarique Qauasimuddin,
Mr. Ram Narain Rajak

... for the petitioner.

Affidavit-of-service filed in Court today be
kept on record.

Despite service, none appears on behalf of
the respondents.

The grievance of the petitioner is that the
petitioner applied for registration of an e-vehicle
(electronic vehicle)/e-loader (electronic loader),
which is not being processed by the respondent
authorities.

It is contended that the premise on which
the same is not being processed is apparently an
order passed in Title Suit No. 27 of 2018 and an
order passed by a co-ordinate Bench of this Court
granting injunction in that regard.

Learned counsel places the order dated
February 24, 2020 passed in Title Suit No. 27 of
2018 by the 13th Court of Additional District Judge

at Alipore, where the petitioner was not a party, in which an order of injunction was passed restraining the respondents from repeating any infringement of the patent of the plaintiff therein.

Learned counsel also submits that the same was passed on the basis of an order of a co-ordinate Bench by this Court passed in CS No. 388 of 2014. However, subsequently, the said order of the co-ordinate Bench was modified, recalling the injunction order, subject to certain conditions being imposed.

It transpires from paragraph 66 of the judgement passed in *Jasper Motors Private Limited and another Vs. The Proprietor, Basantee Battery Operated Richshaw and others*, reported at 2018 SCC OnLine Cal 4795, that the court observed that the applicant shall furnish true and faithful quarterly statement of accounts to the Registrar, Original Side, High Court at Calcutta, with regard to the business in relation to the device/apparatus already manufactured by them since inception. Apart from that, certain other riders were also imposed, subject to which the interim order dated June 17, 2015, on which the Civil Court relied, was recalled.

A perusal of the said order indicates that the conditions stipulated therein did not affect the present petitioner.

Learned counsel for the petitioner also places reliance on an another co-ordinate bench judgment passed on September 29, 2022 in WPA 22109 of 2022, where it was observed that the other orders shown to the said court do not indicate any existing embargo on the Registering Authorities to register e-vehicles of concerned entities. It was further observed that the court was not inclined to accept all the contentions of the private respondent therein to enjoy with certain rights for restricting the petitioners therein from registering their e-vehicles. The court went on to observe that the Registering Authorities are directed in the meantime to proceed with registration of e-vehicles of the petitioners therein in accordance with the applicable statutory provisions.

Learned counsel for the petitioner further contends that certain other States are permitting registration of e-vehicles.

A comprehensive perusal of the materials annexed to the writ petition, including the orders of courts, it is clear that there is no embargo on

the writ petitioner's application for registration of e-vehicle/e-loader being processed and acted upon by the respondent authorities.

Since there is no impediment in registration of e-vehicles/e-loaders, the petitioner's application for such purpose should also have been processed expeditiously.

Accordingly, WPA No. 6458 of 2023 is disposed of by directing the respondent authorities to ensure that the petitioner's application for registration of the petitioner's e-vehicle/e-loader be processed expeditiously and appropriate registration be granted to the petitioner, subject, of course, to compliance of all due legal procedures and formalities by the petitioner.

Such exercise shall be completed by the respondent authorities as expeditiously as possible, positively within two months from the communication of this order to the said authorities.

The parties shall act on the communication of this order by the petitioner, coupled with server copy of this order, for the purpose of compliance.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)