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19.05.2023
Ct. No.10
b.das

W.P.A. 12041 of 2023
Jayshree & Company
vs.
The State of West Bengal & Ors.

Mr. Farook M. Razzak
Mr. M. Malhotra
Mr. R. K. Dubey ...for the petitioner.

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas ...for the State.

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsels for the parties.

The petitioner has assailed the notice issued by the respondents on 13th January, 2022 restricting registration of echo friendly e-rickshaws in terms of the order passed in Title Suit no. 26 of 2018 by the learned Additional District Judge, 13th Court, Alipore on 24th February, 2020. The said order restrains the authority from registration of battery operated echo friendly e-rickshaws till disposal of the suit. In the said Title Suit the plaintiff being manufacturer of fuel cell battery alleged infringement of his patent.

Learned counsel submits that the battery manufactured by the petitioner is lead cell battery

which is distinct and different from the battery manufactured by the plaintiff in the Title Suit.

A coordinate Bench of this Court in an order passed on 16th February, 2022 in WPA 2070 of 2022 has dealt with a similar issue and has directed the Transport Directorate, Government of West Bengal to instruct the concerned Regional Transport offices to grant registration to the e-vehicles manufactured by the petitioner therein subject to the said vehicles being different or distinctive from the category forming subject matter of the Title Suit. The petitioner claim to be similar circumstanced with the petitioner in the earlier writ petition since the battery manufactured by them are distinct and different from that of the battery which is subject matter of the Title Suit.

The petitioner further submits that Rule 126 of the Central Motor Vehicles Rules, 1989 has been complied with by the petitioner.

Accordingly, the writ petition is disposed of directing the Director, Transport Directorate being the 3rd respondent herein to issue necessary direction upon the concerned Regional Transport offices to grant registration to the e-rickshaws manufactured by the petitioner subject to the said vehicles being different and distinct from the vehicles forming the subject matter of the Title Suit pending before the learned Additional District Judge, 13th Court, Alipore and also

subject to compliance with Rule 126 of the Central Motor Vehicles Rules, 1989 and all other formalities prescribed under the Act/Rules by the petitioner and upon consideration of relevant documents to be placed by the petitioner before the authority.

The entire exercise should be completed within two months from the date of communication of this order.

With the above observations and directions this writ petition being WPA 12041 of 2023 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)