

29.08.2023
rc/ct.no.10
Item No.227

WPA No. 13906 of 2023
M/s Mrityunjay Transport Company
Versus
The State of West Bengal & Ors.

Mr. S.N.Mukherjee
Mr. S.K.Samim Akhater
Mr. Niraj Gupta
Mrs. Jahanara Begum
Mrs. Afroja Nusrat ...for the petitioner

Mr. Amal Kumar Sen
Mr. Jaladhi Dasfor the State

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

The petitioner is a holder of a permanent stage carriage permit in the route Howrah Station to Tarakeswar which was valid upto February 13, 2018. The petitioner applied before the concerned authority on January 29, 2018 for renewal of the permit upon replacement of the existing vehicle by a new one, which not being considered, the petitioner approached this Court in a writ petition being WPA No. 3679 of 2022. By an order passed on March 14, 2022, a coordinate Bench of this Court granted liberty to the petitioner to produce the new vehicle as replacement of his old vehicle in terms of the provision laid down in Section 83 of the Motor Vehicles Act, 1988. The Court directed the respondent authority to consider the case of replacement within the next four weeks in accordance with the statutory terms and conditions and dispose of the application within the outer limit of 5 weeks. The petitioner

was allowed to apply for renewal of permit thereafter. In compliance with the said order, the Secretary, Regional Transport Authority, Howrah, by a letter issued on June 21, 2022, informed the petitioner that the prayer for replacement was allowed subject to placing a new BS-VI compliant vehicle. The petitioner submitted a further representation before the concerned authority on July 04, 2022 requesting the authority to allow him to place BS-IV compliant vehicle instead of BS-VI. The said representation is yet to be considered.

Learned counsel for the petitioner takes this Court to a notification issued by the Government of West Bengal, Transport Department on June 02, 2023 which indicates that if the route is exclusively within the Kolkata Metropolitan Area, new permit being issued by the STA or by any RTA the vehicle to be placed in permit, may preferably be BS-VI emission norms compliant but not less than BS-IV emission norms compliant. The notification also says that the replacement of vehicle should be encouraged to be made by higher model vehicle or at least by similar technical specification including BS norms/ age of the existing vehicle.

The petitioner seeks a direction upon the concerned authority to consider his representation in terms of the notification dated June 02, 2023.

Upon consideration of the submission made on behalf of the parties, the writ petition is disposed of by directing the concerned authority being the 4th respondent herein, to consider and dispose of the representation filed by the petitioner on July 04, 2022 within a period of six weeks from the date of communication of this order, after giving reasonable opportunity of hearing to the petitioner and in the light of the notification dated June 02, 2023, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observation and direction this writ petition being WPA No. 13906 of 2023 is disposed of.

There shall however 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 this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)