

January 13, 2023
ARDR
(112)

WPA 26764 of 2022
CAN 1 of 2023

Lectric EV Private Limited
Vs.
The State of West Bengal & Ors.

Adv. Nikunj Berlia,
Adv. Surojit Dasgupta,
Adv. Sarah Haque,
...for the petitioner.
Adv. Md. T. M. Siddiqui,
Adv. Nilotpall Chatterjee,
...for the State.

Re : CAN 1 of 2023

None appears for the applicant.

It is submitted by both the parties that the copy of
the application has not been served to them.

In view of the same, CAN 1 of 2023 is dismissed for
default.

Re : WPA 26764 of 2022

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

On prayer of the petitioner, liberty is granted to
implead the Director, Transport Directorate, Government
of West Bengal as respondent no.9 herein.

The cause title of the writ petition be amended
accordingly.

Heard learned counsels for the parties.

The petitioner prays for issuance of writ in the nature
of mandamus directing the respondent authorities to
grant registration of e-vehicles in favour of the petitioner

on the premise that the vehicles manufactured by the petitioner are distinct and different from ones referred to in Title Suit no.27 of 2018.

Learned counsel for the petitioner takes this Court to two notices issued by the Director, Transport Directorate on 2nd January, 2023 which demonstrate that e-rickshaws having type approval from the appropriate authority and being different and distinct from the category of vehicles forming the subject matter of Title Suit no.27 of 2018 before the learned Additional District Judge, 13th Court at Alipore are allowed to be registered by the registering authority of the State.

Since the petitioner is similarly circumstanced with the persons in favour of whom such notices have been issued, the concerned authority, being the 9th respondent be directed to issue similar approval orders in favour of the petitioner.

Accordingly, the writ petition being WPA 26764 of 2022 is disposed of directing the 9th respondent to issue order for registration of the e-vehicles manufactured by the petitioner upon the petitioner complying with all necessary formalities and also the said vehicle being distinct and different from the vehicles forming subject matter of the pending Title Suit no.27 of 2018, in consonance with memos issued by the authority earlier on 2nd January, 2023.

The said exercise is expected to be completed within one month from the date of communication of this order.

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 this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)