

WPA 27803 of 2022

Pratyancha Jain
Vs.
The State of W.B. & Ors.

Mr. Rishabh Karnani
Mr. S. Chorasias
Mr. R. Banerjee ...for the petitioner.

Mr. Amal Kr. Sen
Mr. Jaladhi Das ...for the State.

On prayer of the petitioner liberty is granted to implead the Director, Transport Directorate, Government of West Bengal as respondent No.3 in the writ petition. 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 commanding the respondents to register electric/battery operated vehicles including e-rickshaws manufactured and sold by the petitioner.

It is submitted on behalf of the petitioner that the battery manufactured by the petitioner is lead acid battery which is distinct and different from the battery manufactured by the plaintiff in Title Suit No.27 of 2018 pending before the learned Additional District Judge, 13th Court, Alipore.

A co-ordinate 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 registering authorities to grant registration to the e-vehicles manufactured by the petitioner therein subject to the said vehicles being different and distinct from the category forming the subject matter of the title suit.

The petitioner claims to be similarly circumstanced with the petitioner in the earlier writ petition since the battery manufactured by them is distinct and different from that of the battery which is the subject matter of the title suit.

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

In view of the above, the writ petition is disposed of directing the Director, Transport Directorate, Government of West Bengal, being the 3rd respondent herein, to issue necessary direction upon the concerned registering authorities to grant registration to the e-vehicles manufactured by the petitioner subject to the said vehicles being different and distinct from the category forming 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 also

upon consideration of relevant documents to be placed by the petitioner before the authority. The registering authority shall be at liberty to consider all relevant material regarding the pending proceedings in the title suit No.27 of 2018 at the time of registration of e-vehicles of the petitioner.

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 27803 of 2022 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 this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)