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**13.02.2024**

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**WPA 3430 of 2023  
(CAN 1 of 2023)**

**Mr. Basabraj Chakraborty  
Ms. Tirumala Chakraborty  
Mr. Satyaki Chaudhuri  
Mr. Shubham Banerjee  
Mr. Indrajit Roy  
... For the Petitioner**

**Mr. Amal Kr. Sen  
Mr. Lal Mohan Basu  
... For State**

**Re: CAN 1 of 2023**

None appears for the applicant in CAN 1 of 2023.

No accommodation is sought.

Hence, the application being CAN 1 of 2023 is dismissed for default.

**Re: WPA 3430 of 2023**

Heard learned counsels for the parties.

The petitioner has challenged the notification issued on 14<sup>th</sup> July, 2022 which allows registration of e-rickshaws manufactured by Mahindra & Mahindra Limited.

Learned counsel for the petitioner 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 title suit being T.S. 27 of 2018

A co-ordinate Bench of this Court in an order passed on 16<sup>th</sup> February, 2022 in WPA 2070 of 2022 has dealt with the 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 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 him 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 by him.

The order passed on 16<sup>th</sup> February, 2022 was modified to the extent that the registering authority shall be at liberty to consider all the relevant materials with regard to the pending proceedings in the title suit at the time of registration of the e-vehicles.

Learned counsel for the parties consent to an order in the present writ petition in terms of the modified order passed by the co-ordinate Bench.

In view of the above, the writ petition is disposed of directing the concerned authority to grant

registration of the e-vehicles manufactured by the petitioner subject to the said vehicles being different and distinct from the category forming the subject matter of the title suit pending before the learned Additional District Judge, 13<sup>th</sup> 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 materials in connection with the pending proceedings in the title suit at the time of registration of the vehicles.

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

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

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

**(Suvra Ghosh, J.)**