05. 08.2024
Item No.23
BR

WPA 14632 of 2024
Suresh Kumar Sinha
-vs-
The State of West Bengal and Ors.

Mr. Dilip Kumar Samanta,
Mr.Biswapriya Samanta
... for the petitioner

Mr. Mr. Srijan Nayak,
Mrs. Rituparna Maitra
... for the State

The writ petitioner being aggrieved with the alleged inaction by the respondent no. 2, regarding countersignature to be granted in respect of the permit earlier granted by the RTA, Bihar for the two vehicles, originally registered at Bihar, has filed the present case.

It is submitted that after demise of the original permit holder/wife of the present writ petitioner, he has replaced the old vehicles being Nos. BR- 21P-9007 and BR -21P- 9008 by substituting these with two new vehicles being Nos.BR-21C-7774 and BR-21D-7774.

The writ petitioner's contention is that, after grant of permit by the State Transport Authority, Bihar, the same is required to be countersigned by the State Transport Authority, West Bengal, since the vehicles would be plying through an interstate route. Allegedly at the time of grant of countersignature the STA, West Bengal has raised demand as regards tax with respect to the two old vehicles.

On behalf of the writ petitioner, it is submitted further that a representation of the petitioner seeking redress of his grievance as above is now pending for consideration by the respondent no. 2.

. The respondent-State is represented. Learned advocate appearing for the respondent-State has submitted, that with respect to the previous vehicles which the petitioner seeks replacement of, the tax is due since after 3rd August, 2019 (of vehicle No. BR- 21P-9007) and from 13th October, 2018 to 31st August, 2019 (of vehicle No. BR -21P- 9008).

This fact is not denied by the writ petitioner. As a matter of fact, in the supplementary affidavit the petitioner has asserted the fact regarding the non-payment of the tax as above with respect to the earlier vehicles and the same being outstanding and due till date.

Accordingly, in view of the facts and circumstances of the case, I find it proper to dispose of the present writ petition with the following directions :

I) The writ petitioner is directed to pay the duly assessed, outstanding, statutory motor vehicle tax amount with respect to the two old vehicles being nos. BR- 21P-9007 and BR -21P- 9008.

II) The concerned respondent no. 2 shall be remitted with the tax, subject to proper assessment and without prejudice to the rights and contentions of the writ petitioner with regard to the same.

III) Upon receipt of the duly assessed outstanding statutory tax amount with respect to the old vehicles numbers BR- 21P-9007 and BR -21P- 9008, the concerned respondent no. 2 shall immediately take appropriate steps for countersignature of the permit of the writ petitioner as prayed for .

IV) The exercise as above shall be concluded within a period of six weeks from the date of communication of copy of this order to its office.

The writ petition being WPA 14632 of 2024 is disposed of.

Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)