Signature Not Verified
Digitally Signed
Signed by: ROJALIN NAYAK
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 03-Jan-2024 17:28:42

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41864 OF 2023

Ashok Kumar Rout .... ***Petitioner***

Mr. Chandan Mishra, Advocate

-versus-

R.T.O., Cuttack and another .... ***Opp. Parties***

Mr. Pravakar Behera,
Standing Counsel
(For Transport Department)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No. **02.01.2024**

01. 1. This matter is taken up through hybrid mode.

2. The Petitioner in this writ petition prays for a direction for acceptance of arrear MV tax amount by exempting penalties due to non-payment of tax of the vehicle bearing Registration No.OD-05-BK-9015 (Tipper) for the period from 1st October, 2021 to 31th December, 2023 within the stipulated period.

3. Learned counsel for the Petitioner submits that the Petitioner may be permitted to pay the arrear MV tax and move the appellate authority challenging imposition of penalties. He further submits that due to some inadvertence, the Petitioner could not pay the MV tax in time in respect of the aforesaid vehicle for which the authorities have imposed penalties. He, therefore, prays for a direction for waiver of the penalties and acceptance of the arrear tax in question.

4. Mr. Behera, learned Standing Counsel for the Transport Department submits that similar writ petitions have been disposed of granting liberty to the Petitioner to pay the arrear MV tax and file an appeal before the appellate authority

Signature Not Verified
Digitally Signed
Signed by: ROJALIN NAYAK
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 03-Jan-2024 17:28:42

assailing imposition of penalties.

5. Taking into consideration the submissions of learned counsel for the parties, this writ petition is disposed of with a direction that in the event the Petitioner pays the arrear MV tax in respect of the vehicle bearing registration No. OD-05-BK-9015 (Tipper) within a period of four weeks and gives an undertaking to the effect that he will file an appeal before the appellate authority for waiver of the penalties, the appropriate authority shall accept the same and proceed in accordance with law. On payment of outstanding MV tax amount and upon filing of an application, if any, the authority shall consider issuance of permit and fitness certificate in respect of the aforesaid vehicle in accordance with law.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

Rojalin