



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CWP-2730-2023(O&M)

Date of decision: 04.09.2024

T.V. Today Network Ltd.

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Ms. Jasneet Kaur, Advocate and
Ms. Himani Mukkad, Advocate for the petitioner.

Mr. Suneel Ranga, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The prayer in the present petition is for seeking directions to the respondent registration authorities to register the name of the petitioner company as the owner of the bike Harley Davidson XG750 (hereinafter referred to as 'bike'), which could not be registered prior to the cut-off date of 30.04.2022.

Facts Of The Case

2. The petitioner is a company incorporated under the Companies Act, 1956 having its registered office at F-26, 1st Floor, Connaught Circus, New Delhi and is in the business of broadcasting/telecasting news by running and operating various news channels and web portals named and



245

CWP-2730-2023 (O&M)

styled as 'Aaj Tak'; 'India Today Television' and 'www.aajtak.in', 'www.indiatoday.in' respectively.

3. The petitioner had purchased one luxury bike Harley Davidson XG750 (Street 750) Chassis No. MEG4NRBNSKN507437 from the dealership of M/s Sterling Mobikes Pvt. Ltd., Plot No. 26, Sector 34, Gurgaon, Haryana, being the authorized dealer for Harley Davidson India Ltd., now no longer in existence, for its promotional scheme. The said bike was delivered at petitioner's office on 18.09.2019 and was purchased by the petitioner to be given away as a prize for a pan-India contest, to be held by the petitioner company. Unfortunately due to internal issues privy to the company, the said contest for which the bike was brought, was postponed and rescheduled to be conducted in the end of February 2020.

4. The registration of the bike was hence put on hold since the same was required to be got done in the name of the winner of the said contest and hence it could not be foreseen as to where and in which state the bike would be eventually registered. Unfortunately, due to the outbreak of Covid-19 pandemic in February-March 2020 and in view of the nationwide lockdown, the contest was further put on hold and ultimately cancelled due to the then prevailing situation in the country.

5. That in addition to the foregoing, the authorized dealership located at Sector 34, Gurgaon, upon whom it was incumbent to initiate the process for registration of the bike, at least provisionally, was shut down. Thus, the process of registration of the bike was unduly delayed at the very outset itself.



245

CWP-2730-2023 (O&M)

6. The Hon'ble Supreme Court eventually, vide order dated 27.03.2020 (Annexure P7), in the matter of **M C Mehta v. Union of India** reported as Writ Petition(Civil) No. 13029/1985, held that already sold vehicles which are compliant to the BS-IV emission standard norms be registered by the concerned authorities by 30.04.2020, in compliance of the order of the court dated 24.10.2018 directing that no motor vehicles conforming to the emission standard BS-IV shall be sold or registered in the entire country w.e.f 01.04.2020.

7. That the petitioner company undertook steps to register the said bike, however, it was faced with rejection due to the bike not being registered on the e-Vahan portal, temporarily. By this time, the last date of registration i.e. 30.04.2020, as stipulated by the Hon'ble Supreme Court had expired, leaving no possible way to get the said bike registered.

Arguments of the Petitioner

8. The counsel for the petitioner contends that the delay in registration of the vehicle is bona fide and beyond the control of the petitioner company, having arisen due to unforeseeable circumstances. She submits that due to the Covid-19 Pandemic and the consequential lockdown, which delayed the registration of BS-IV vehicle, along with failure of the authorized dealer to provisionally register the said bike, caused the delay in registration for circumstances beyond the petitioner's control.

9. The counsel places reliance on the provisions of the Motor Vehicles Act and incidental rules including, inter alia Rule 43 of the Haryana Motor Vehicles Rules, 1993, which clearly provides that the



245

CWP-2730-2023 (O&M)

responsibility to register a new motor vehicle and the application process is to be initiated by the dealership from where the vehicle has been initially purchased. She also refers to the proviso of Section 41 of the Motor Vehicle Act, 1988 which provides that “in the case of a new motor vehicle, the application for registration in the state shall be made by the dealer of such motor vehicle, if the new motor vehicle is being registered in the same state in which the dealer is situated.”

10. The counsel further cites Rule 47 of the Motor Vehicle Rules, 1988 which provides for the sale certificate to be presented along with the application for registration and the same is to be issued by the manufacturer or dealer or a registered association or any agency authorized by the state government.

11. The counsel, on the basis of the abovementioned rules and provisions, vehemently argues that the concerned authorized dealer had not taken the necessary steps to initiate the process of documentation for registration and had not updated the same on the e-Vahan Portal. In the meanwhile, the registration of BS-IV vehicles was disallowed by the order of the Supreme Court and the lockdown due to Covid-19 added to the delay in the petitioner’s ability to take steps for registration of the said vehicle.

12. The counsel contends that vide order dated 30.11.2021 (Annexure P9) the Hon’ble Supreme Court had permitted the registration of certain private vehicles, including imported motorcycles which were purchased prior to 31.03.2020 but could not be registered, as a one-time



245

CWP-2730-2023 (O&M)

measure, upon recommendation of the Environment Pollution Control Authority (EPCA).

13. The counsel states that representations were also sent to the respondent authorities dated 16.06.2022 and 30.11.2022 seeking relaxation and permitting registration of the said bike but received no positive response. She submits that the petitioner company also requested the respondent authorities regarding scrapping of the bike or alternatively to donate the unused bike for its use by the Military and Para-Military forces, so that the same may be put to some substantive use. However, there was no positive response from the respondent authorities.

14. The counsel places reliance on the order passed by this court on 22.02.2024 in the matter of Heena Talwar v. U. T. Chandigarh reported as CWP No. 21562 of 2020 wherein this court directed the concerned Registration Authority in the Department of Transport, U.T. Chandigarh, to conduct an inquiry as to whether the transactions submitted by the petitioner are genuine and satisfactory with respect to the incident of sale being prior to 31.03.2020 and if satisfied with genuineness and legality of the transaction, then to register the vehicle without insisting on the transaction having not been uploaded on the e-Vahan portal.

15. The counsel contends that the petitioner is left with no alternative or more efficacious remedy as the non-registration of the bike was not willful and is a result of circumstances beyond the control of the petitioner.

**Arguments of the Respondent**

16. The counsel for the respondent contends that the said bike was neither registered by the petitioner nor the details of the same was uploaded on e-Vahan portal. He places reliance on the order of the Hon'ble Supreme Court in the matter of **M.C. Mehta v. Union of India** reported as **Writ Petition (Civil) No. 13029/1985 dated 24.10.2018** which held that no motor vehicle conforming to the BS-IV emission standard shall be sold or registered in the entire country w.e.f. 01.04.2020.

17. He further contends that the Ministry of Road Transport and Highways, Government of India vide notification dated 16.09.2016 had mandated the BS-VI emission standard throughout the country w.e.f 01.04.2020. Transport Commissioner, Haryana vide letter dated 06.03.2020 issued direction to all the registering authorities in the state of Haryana that no motor vehicle conforming to BS-IV emission standard shall be sold or registered w.e.f 01.04.2020. He also contends that the Transport Commissioner, Haryana vide letter dated 28.03.2020 and 24.04.2020, had again issued the directions for strict compliance of the advisories issued by the Ministry of Road Transport and Highways and the order of the Hon'ble Supreme Court.

18. The counsel also relies on the Hon'ble Supreme Court order dated 13.08.2020 wherein the court reiterated that registration of BS-IV vehicles shall not be allowed after 31.03.2020. And that the Ministry of Road Transport and Highways vide instructions dated 19.08.2020 further clarified that no registration of vehicles are to be allowed, sales of which



245

CWP-2730-2023 (O&M)

have not been uploaded on the e-Vahan portal of the Central Government or the State Government.

19. The counsel further clarifies that the Hon'ble Supreme Court vide order dated 18.09.2020 allowed registration of certain vehicles for limited purposes to carry out essential public utility services. However, the relief was only provided to those vehicles that had already been registered on the e-Vahan portal before the cutoff date of 31.03.2020 and not to those vehicles that had never been registered with the e-Vahan portal, as is the case with the petitioner's bike.

20. The counsel while referring to the order of the Hon'ble Supreme Court dated 30.11.2021 clarifies that in a different IA No. directed that registration of vehicles of BS-IV emission standards be allowed for vehicles sold in the State of Manipur prior to 31.03.2020 without insisting on the transactions being uploaded on e-Vahan portal as in the State of Manipur, the e-Vahan portal started w.e.f. 28.09.2020. The Hon'ble Supreme Court has specifically mentioned in the order that *"This order which is passed for the State of Manipur is in the peculiar facts and circumstances of this case."*

21. The counsel also places reliance on the direction of the Transport Commissioner, Haryana vide letter dated 07.12.2021 which states that only those vehicles can be registered by the transport authorities whose sale were uploaded on the e-vahan portal before 31.03.2020.

22. The counsel for the respondents, thus concludes that several opportunities were available to the petitioner to get the said bike registered.



245

CWP-2730-2023 (O&M)

Ministry of Road Transport and Highways, The Transport Commissioner, Haryana and the Hon'ble Supreme Court had time and again reiterated that no registration of BS-IV vehicles will be allowed after 31.03.2020. And thus, the said bike cannot be registered in view of the Order of the Hon'ble Supreme Court of India.

Consideration

23. I have heard the arguments of both the parties and have gone through the appended documents with their able assistance.

24. The issue which arises before this court is whether the action of the respondent authorities to not allow registration of the said vehicle is unjustifiable, arbitrary and unfair, and further if registration of the vehicle can be allowed in view of the special facts and circumstances of the present case.

25. Hon'ble Supreme Court vide order dated 30.11.2021 directed that an exception can be granted to registration of those BS-IV vehicles whose purchase had been made on or before 31.03.2020. Similar orders were also passed in various IA's even later in point in time.

26. Considering the facts and circumstances of the present case, I am of the view that the petitioner had *prima facie* not committed a willful default, which led to non-registration of the said bike. The said bike was apparently purchased, to be given away as a prize for a contest, to be held by the petitioner company, in 2019. The said competition was statedly rescheduled to be conducted in February 2020. Registration of the said bike was put on hold as the same was required to be done in the name of the



245

CWP-2730-2023 (O&M)

winner of the contest. The petitioner could not have predicted that there would be a Covid-19 pandemic and lockdown would be imposed, resulting into complete standstill of the day to day affairs. The petitioner was further put in a position of agony when the authorized dealership was shut down, upon whom it was incumbent to initiate the process of provisional registration of the bike.

27. Taking into consideration various orders passed by the Hon'ble Supreme Court in the matter of **M.C. Mehta vs. Union of India (supra)** and the peculiar facts and circumstances of the present case, the present petition is disposed of with a direction to the concerned Registration Authority in the Department of Transport, Haryana, to conduct an inquiry as to whether the transactions done by the petitioner are genuine and satisfactory with respect to the incidence of sale being prior to 31.03.2020. Directions are also issued to the Environment Pollution Control Authority (EPCA), to check whether the said bike is following the appropriate emission standard norms and send a recommendation to the Department of Transport regarding the same.

28. In case the transaction is found to be legal and genuine and the EPCA recommends registration of the said bike, then to register the said bike Harley Davidson XG750 (Street 750) Chassis No MEG4NRBNSKN507437 and Engine No. NBBK507437 purchased by the petitioner from the authorized dealership of M/s Sterling Mobikes Pvt. Ltd., Plot No 26, Sector 34, Gurgaon, Haryana (now no longer in existence) on 12.09.2019 without insisting on the transaction having not been uploaded on the e-Vahan portal.



245 CWP-2730-2023 (O&M)

29. Further, if the said bike is declared as “end-of-life vehicle”, in view of the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021 dated 23.09.2021, then in such a case the said bike be scrapped.

30. Let the needful be done within a period of two months of receipt of certified copy of this order.

31. The writ petition is disposed of in above terms.

(VINOD S. BHARDWAJ)
JUDGE

04.09.2024

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No