IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227-1

CWP-14329-2022
Decided on : 03.09.2024

Alankar Narula

. . . Petitioner(s)

Versus

Union Territory, Chandigarh and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rana Gurtej Singh, Advocate and
Mr. Nikhil Goyal, Advocate along with
Mr. Alankar Narula, petitioner in-person.

Ms. Madhu Dayal, Advocate
for respondents No.1 and 2.

Mr. Arvind Seth, Sr. Panel Counsel
for respondents No.5 and 6.

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SANJEEV PRAKASH SHARMA, J. (Oral)

1. By way of present writ petition, petitioner has *inter alia* sought a writ of *Mandamus*, directing respondents No.1 and 2 to register the vehicle of the petitioner, subject to deposit of 6% road tax, on the invoiced amount.

2. The brief facts, which need to be noticed for adjudication of this case are that the petitioner had purchased a new vehicle i.e. Skoda Octavia L&K 2.0 TSI AT from respondent No.3 i.e. Krishna Auto Sales (authorized dealer) on 03.12.2021, for an actual price of the vehicle as Rs.19,79,054/-. The petitioner applied for registration of the vehicle for formal registration on 10.06.2022, however, in the meanwhile, the price of the vehicle was increased and on the Vahan Portal, the actual price of the vehicle was reflected as Rs.20,16,892/-, which resulted in the demand of 8% motor

vehicle tax instead of 6%, which was available to a vehicle costing less than Rs.20.00 lakhs.

Resultantly, petitioner was asked to deposit 8% of the price of the vehicle, and therefore, he has preferred present writ petition. By interim, the Court directed that the petitioner may deposit amount @ 8%, subject to the final outcome of this writ petition.

3. It was also pointed out by the State authorities that they are unable to charge the tax @ 6%, since the value of the vehicle was being shown on the Portal on a higher price, after the change of price accrued in between. It was also pointed out that the said cost is being reflected at the level of the Central Government and the State was not authorized to tinker with the Portal.

4. Respondent No.5 has filed their reply, wherein, they also expressed their inability by pointing out that the demand is basically on account of the exhausting price of the vehicle on the Portal, when the registration has been asked for.

5. We have considered the submissions. Admittedly, so far as the temporary certificate issued to the petitioner is concerned, same was at the value of the original price, on which the petitioner had purchased the vehicle i.e. Rs.19,79,054/-, however, it is only caused when the application for permanent registration was filed, after some period, as during the interregnum period, the price having been increased, and thus, the registration price was demanded @ 8%, as the base price of the vehicle has increased beyond Rs.20.00 lakhs.

6. While we do not propose to interfere with the method and

manner in which the Portal reflects the price of the vehicle and the same is PAN India would apply to all the people, who may apply for temporary registration as well as for permanent registration, if the price increased. Considering that in the present case, the petitioner should have been allowed manually to pay the registration charges as per the original price, which he had paid for the vehicle, which was less than Rs.20.00 lakhs. We allow the petitioner to claim refund of the excess tax, which he has paid.

7. Accordingly, this writ petition is allowed with the facts and circumstances of the present case and we direct the respondents to refund the excess amount paid upto 2% of the new price, whereas, amount, which is required to be deducted as registration charges as 6% of the vehicle price, as it existed on the day, when he purchased it. The difference shall be returned to the petitioner within a period of three weeks from the date of passing of this order along with interest @ 6%.

Writ petition stands allowed in aforesaid terms.

Pending Misc. application(s), if any, also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SANJAY VASHISTH)
JUDGE

September 03, 2024
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No