

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-28542-2018

Date of decision: 26.02.2024

BABURAMPetitioner

VERSUS

STATE OF HARYANA & OTHERSRespondents

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

Present: - Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present writ petition is against the decision taken by the respondents whereby the Department of Transport has prescribed registration in service charges for the services of e-Disha Centre, to the tune of Rs. 260/-.

Learned counsel for the petition has contended that the above said charges have been determined by the respondent-authorities at a flat rate notwithstanding the financial position of the service recipient and that the said charges ought to have been determined on the basis of a percentage so that the same are proportionately applied to the beneficiary.

Reply has been filed by the respondent-authorities wherein they have averred as under:-

“2. That the amount of Rs. 300/- has been charged from the petitioner as a registration charges according to the notification No. G.S.R.1183(E), dated 29.12.2016 issued by the Ministry of Road Transport and Highways. It is submitted that proviso of Rule 81 of the Central Motor Vehicles Rules, 1989 provided that the State may charge additional amounts to cover the cost of automation and technology utilized for conducting the testing or providing value added services. Accordingly, the facilitation charges has been charged as per the notification which was circulated vide letter dated 03.05.2018 by the Secretariat for Information Technology Department, Government of Haryana.

3. That State of Haryana is gearing up to deliver citizen services in electronic mode on an ambitious scale and hence Common Services Centres (CSCs) has become very essential as key citizen interface points. Further to provide delivery of various citizen services in electronics mode at affordable charges the "Haryana e-Seva" has been notified. The Government has established Common Service Centers in the State for delivering of citizen services in electronic mode in the terms of National e-Governance Plan (NeGP). Accordingly, Information and Technology Department notified the Scheme namely "Haryana e-Seva Scheme for Common Service Centers" on 02.12.2015 containing the facilitation charges. These facilitation charges used to be revised from time to time in consultation with the concerned Department. The latest/revised notification which was circulated via letter dated 03.05.2018. These facilitation charges are collected by the concerned District IT Society (in the present case District IT society, Bhiwani) which used to be utilized for meeting the operational expenses, training up gradation of network maintenance of software etc.

4. That it is submitted that an amount of Rs 250/- has been charged from the petitioner as services charges as per the instructions No. Admn/299/ISIT/6588, dated 03.05.2018 issued by the Secretariat for Information Technology, Department, Government of Haryana. At page No. 6, Rule 4(2) of the above said Rules dealt with the service charges for registration of new vehicles, which is reproduced as under:-

"At present, a total of about 102 e-Disha centers are functioning in the State and delivering services to the citizens. These are being managed through the District I.T. Societies (DITS). These would continue to be operated by the respective District Societies under the existing arrangements. However, the service delivery mechanism, software/technology platform and the service charges would be standardized with the norms applicable to the CSC."

In this way, the said services charges would be levied by the District I.T. Society (D.I.T.S.) and the service charges would be standardized with the norms applicable to Common Service Centers. In continuation of the same the Principal Secretary, Government of Haryana, Electronic & Information Technology Department has issued a letter No. Admn./299/ISIT/4541 dated 28.02.2017, vide which the service charges for issuance to registration certificates of new vehicles has been fixed as Rs. 250/- and the point of service is designated as e-Disha Center, which is governed by District I.T. Society, a copy of the same is annexed as Annexure R-1. In this regard, the Transport Commissioner Haryana, Chandigarh issued a letter Ends. No. 14390-14393/AT- 1/ST-1 dated 08.03.2017 vide which it has been motioned that citizens pays Government fees, service fees and file cover charges of Rs. 10 only. A copy of Ce same is annexed as Annexure R-2. In this way the total facilitation charges 260/- has been charged from

the applicant at the time of registration of new vehicle in addition to the registration fee. It is submitted that petitioner has prayed for quashing the notification dated 02.12.2015, where the facilitation charges were Rs. 200/- whereas the District IT Society, Bhiwani had charged Rs. 250/- 10/- (Rs. 260/-). In this regard, It is submitted that these facilitation charges were revised from Rs. 200/- to Rs. 250/- vide letter dated 07.08.2017. A copy of the letter dated 07.08.2017 is annexed herewith as Annexure R-3. The charges of Rs. 260/- as demanded by Registration Authority (Motor Vehicles), Bhiwani for registration of the new vehicles was as per Government Notification and same was as per the Rule 81 of the Central Motor Vehicles Rules, 1989 provided that the State may charge additional amounts to cover the cost of automation and technology utilized for conducting the testing or providing value added services.”

In view of the aforesaid stand of the respondents, counsel for the petitioner was confronted with the following issues:-

- i) Whether such decision of the respondents is in conflict with the provisions of Constitution of India or any statutory provision;
- ii) Whether the respondents are competent authority to determine the charges as per the power vested therein.
- iii) Whether the procedure required as per the applicable statutory provision has been followed in the instant case or not.

Counsel for the petitioner fairly submits that there is no such breach/violation on the part of the respondents. He also is not in a position to refer to any law on the basis whereof the administrative decision as regards determination of any charge can be interfered by the Court in exercise of its powers of judicial review notwithstanding that the competent authority has

determined such charge as per the statutory provision and procedure known to the law.

In view of the above, the present writ petition is dismissed as the High Court would not be in a position to exercise its power of judicial review to determine the applicable charges required to be claimed/demanded by the State for offering service of registration of new vehicles.

The petitioner may however pursue his remedies before the authorities and dismissal of the writ petition would not operate as a bar to pursue with State.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 26, 2024
Vishal Sharma

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