IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CWP-21562-2020 (O&M)
Date of decision: 22.02.2024

Heena Talwar

...Petitioner

VERSUS

U.T. Chandigarh and others

...Respondents

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

Present :- Mr. Rajiv Joshi, Advocate and
Ms. Srishti Shkula, Advocate for the petitioner.

Mr. Maheshinder Sidhu, Advocate and
Mr. Rohit Kaushik, Advocate for respondents No. 1 to 3.

Ms. Puneeta Sethi, Senior Panel Counsel,
for respondent No.4-UOI.

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VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents for registration of the new Motor Vehicle/Car bearing Temp. No.CH44(T)0177, Make Maruti Swift VXI AMT, bearing Chassis No.MBHCZC6SKA339867 and Engine No.K12MN 7407720 purchased from the authorized Maruti Suzuki dealer namely Auto Pace Network Pvt. Ltd. 112-113, Industrial Area, Phase-I, Chandigarh on 28.03.2019.

2. Learned counsel for the petitioner contends that the petitioner had purchased the aforesaid vehicle vide sale certificate dated 28.03.2019 (Form No. 21) and an application for registration of the car had been

submitted by the petitioner. Along with the sale certificate, the petitioner has also appended the statutory form No.22 in relation to the compliance with pollution standards, safety standards of components and road worthiness, Tax invoice dated 28.03.2019 as well as the insurance policy dated 30.03.2019 subsequently renewed on 29.03.2020.

3. After purchase of the said vehicle, the petitioner waited for the auction to be conducted by the respondents of the reserved/fancy numbers. On account of multiple persons' being interested in the number sought by the petitioner, there was a waiting for some time. Hoping to strike her luck in the next auction at a modest consideration, the petitioner waited for getting a vehicular registration at the regular number. She had taken an online appointment twice to get the vehicle registered in the year 2019 but could not visit the office of the respondents due to her field duties in the Department of Excise and Taxation. The last date for registration of the motor vehicle having BS-4 Engine was 31.03.2020, however, the petitioner had initiated the registration of her vehicle much prior in point of time and vehicle in question had also been inspected by the concerned motor vehicle Inspector at Sector-43, Chandigarh, on 13.03.2020 vide reference No.5937 and an amount of Rs.5,000/- was also deposited by the petitioner as a security to be a bidder for the number i.e. CH-01CA-0801.

4. When the petitioner went to deposit the road tax at the office of Registering Authority, she was informed by the concerned employee that the invoice value of her vehicle had changed and asked her to bring the updated invoice from the seller/dealer. However, due to a break of Covid-19 Pandemic and the impediments/restrictions imposed including lockdown on

24.03.2020, no further compliance could be made by the petitioner. It is contended that after the relaxation of the lockdown and reopening of the public office, the petitioner visited the office of Registering Authority on 17.11.2020, however, the respondents refused to register the vehicle on the ground that the vehicle was a BS-IV variant.

5. Learned counsel for the petitioner further contends that the vehicle in question could not registered not on account of any lapse on the part of the petitioner but on the account of the intervening circumstances and notwithstanding the fact that the vehicle in question had been purchased by her much prior to the last date i.e. 31.03.2020.

6. The Registering Authority has filed compliance and made a reference to the order dated 24.10.2018 passed by the Hon'ble Supreme Court of India in **WP(C) No.13029 of 1985** titled as '**M.C. Mehta Vs. Union of India and ors**', whereby it has been directed that no motor vehicle conforming to the emission standard Bharat State-IV shall be sold or registered in the entire country with effect from 01.04.2020. It is submitted that the respondent authorities were thus not in a position to carry out the registration of the vehicle. It is apparent from a perusal of the response filed by the respondents that the documents appended by the petitioner with the petition have not been disputed or controverted.

7. Responding to the above, the learned counsel for the petitioner refers to the order dated 30.11.2021 passed by the Hon'ble Supreme Court in IA Nos. 116007 and 115987/2020, as well as IA No. 129302 and 129306/2020, wherein it was noticed that the vehicles had been sold much prior to the cut-off date i.e. 31.03.2020 and directions were issued to the

concerned authorities to register the BS-IV vehicles that were sold prior to the cut-off date and without insisting on the transactions being uploaded on the *e-Vahan* portal. The relevant extract of the same is as under:-

> ***"IA Nos. 116007 & 115987/2020, IA No. 129302 & 129306/2020 (S.Nos.4 ,6).***
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> ***These applications are filed seeking a direction to the concerned authorities of the State of Manipur to register BS-IV vehicles sold before 31.03.2020 but their registrations are not done. Learned counsel appearing for the applicants submitted that the e-Vahan portal was started only on 28.09.2020 and one of the conditions for registration of BS-IV vehicles which were sold prior to 31.03.2020 is registration of sales on e-Vahan portal. Mr. Tushar Mehta, learned Solicitor General submitted that the permission may be granted for registration of vehicles which were sold prior to 31.03.2020 as a one time measure.***
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> ***The concerned authorities of the transport department of the State of Manipur are directed to register BS-IV vehicles which were sold prior to 31.03.2020 without insisting on the transactions being uploaded on e-Vahan portal. A careful scrutiny shall be done by the transport authorities to find out that the transactions are genuine and the sales were done prior to 31.03.2020. This order which is passed for the State of Manipur is in the peculiar facts and circumstances of this case.***

***Interlocutory Applications stand disposed of*."

8. Taking into consideration the said directions issued by the Hon'ble Supreme Court in the above said IAs in its order dated 30.11.2021, the present writ petition is disposed of with a direction to the concerned Registered Authority in the Department of Transport, U.T. Chandigarh, to conduct an enquiry 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. In case the transaction is found to be legal and genuine, then to register the BS-IV vehicle bearing Chassis No.MBHCZC6SKA339867 and Engine No.K12MN 7407720 purchased by the petitioner from the authorized Maruti Suzuki dealer namely Auto Pace Network Pvt. Ltd. 112-113, Industrial Area, Phase-I, Chandigarh on 28.03.2019 without insisting on the transaction having not been uploaded on the *e-Vahan* portal. Let the needful be done within a period of two months of receipt of certified copy of this order.

9. The writ petition is **disposed of** in above terms.

(VINOD S. BHARDWAJ)
JUDGE

22.02.2024
Mangal Singh

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