

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(107)

CWP-29199-2023

Date of decision: - 12.02.2024

Amandeep Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amit Jhanji, Senior Advocate, with
Mr. Sachit Singla, Advocate
for the petitioner.

Mr. Rajesh Sehgal, Additional Advocate General, Punjab.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed for the issuance of a writ in the nature of certiorari for quashing the impugned order dated 21.03.2023 (Annexure P-15) passed by respondent No.4 and order dated 04.10.2023 (Annexure P-17) passed by respondent No.3, whereby the representation No.868 dated 27.06.2022 (Annexure P-13) has been rejected.

2. On 22.12.2023, this Court was pleased to pass the following order: -

Inter alia contends that in the present case, the petitioner was granted one permit with half return trip on the said route and the letter dated 28.12.2021 intimating the grant of permit has been issued to the petitioner. It is further submitted that vide letter dated 25.03.2022 (Annexure P-8), the request of the petitioner for extension

of three months time to produce the valid Registration Certificate of fit bus was accepted and thus, the petitioner was granted time uptill 27.06.2022.

Learned Senior Counsel for the petitioner has submitted that vide agreement deed dated 17.06.2022 (Annexure P-9), the petitioner had purchased bus bearing registration No.PB-11CF-5116 for an amount of Rs.4,35,000/- and thereafter, on 21.06.2022 (Annexure P-10), the petitioner had deposited permit fee/MV Taxes amounting to Rs.7,97,320/- and on 27.06.2022 (Annexure P-13), he had moved an application to the Secretary, Regional Transport Authority, Mohali which was received vide diary No.868 dated 27.06.2022 mentioning the fact that he had purchased the said bus and has thus, submitted that from the said documents, it is clear that prior to the last date, the bus had been purchased but however, on account of procedural delays, the registration of the said bus was done on 01.07.2022 which was three days beyond the last date i.e., 27.06.2022. It is also submitted that at any rate, now the petitioner has the bus and in case the permit is not granted to the petitioner then the authority would have to readvertise the same which would result in expense on the public exchequer and would also cause an irreparable loss to the petitioner.

*Learned Senior Counsel for the petitioner, in support of his arguments, has relied upon **order dated 29.04.2023 passed in CWP-14328-2022 titled as Lavish Arora Vs. State of Punjab and another**, to contend that in the similar circumstances, the plea of the petitioner therein was accepted.*

Learned State Counsel prays for an adjournment to get instructions in the matter.

Adjourned to 06.02.2024.

To be taken up at 11:45 am.

22.12.2023

(VIKAS BAHL)
JUDGE

A perusal of the above-said order as well as the facts which emerge from the impugned order dated 21.03.2023 (Annexure P-15) would show that the petitioner was granted time till 27.06.2022 to take

the permit for which he had to show the purchase of the bus and also deposit the amount of motor vehicle tax and thereafter, the registration certificate.

3. As per the stand of the petitioner, which is *prima facie* established from the impugned order dated 21.03.2023, the amount of tax was deposited by the petitioner within time i.e. upto 27.06.2022. After the purchase of the bus bearing registration No.PB-11-CF-5116 vide an agreement dated 17.06.2022, an application dated 27.06.2022 (Annexure P-13) was given to the Secretary, Regional Transport Authority, Mohali, specifically mentioning about the purchase of the said bus and annexing the documents with respect to the said purchase and thus, everything required for the issuance of the permit was done except annexing the registration certificate as the same was not issued by then and was issued on 01.07.2022 on account of procedural delay. In the judgment dated 29.04.2023 passed in CWP-14328-2022 titled as “**Lavish Arora Vs. State of Punjab and another**”, similar facts were there, inasmuch as, in the said case also, the time for collecting the permit was extended till 26.06.2022 and the registration certificate was issued on 28.06.2022 i.e. two days after the last date and the Co-ordinate Bench of this Court while passing the said judgment had observed that the said delay was apparently a transactional delay and had directed that the respondent authority to do the needful in the context of releasing the regular stage carriage permit forthwith in case the pleas of the petitioner therein were found to be factually correct. It is the case of the present petitioner that the said order has been implemented and the necessary relief has been granted to the

petitioner therein i.e. Lavish Arora. Thus, *prima facie*, the case of the petitioner is on the same footing as the case of the petitioner in CWP-14328-2022 titled as “**Lavish Arora Vs. State of Punjab and another**”.

4. In pursuance of the order dated 22.12.2023 passed by this Court, learned State counsel has submitted that a similar relief as has been granted to the petitioner in **Lovish Arora's case (supra)** would be granted to the petitioner herein after confirming the facts as urged on behalf of the petitioner and noticed in the present order. It is further submitted that the said reconsideration would be done *dehors* the orders dated 21.03.2023 (Annexure P-15) and 04.10.2023 (Annexure P-17) and in case the facts urged on behalf of the petitioner are found to be incorrect, then, a speaking order on the said aspect would be passed.

5. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of in the same terms as CWP-14328-2022 titled as “**Lavish Arora Vs. State of Punjab and another**”, decided on 29.04.2023.

6. It is made clear that in case the pleas of the petitioner are found to be correct, the necessary relief be granted to the petitioner, as has been granted in the above-said case, within a period of one month from today and in case the pleas of the petitioner are found to be incorrect, then, the respondent authority would pass a speaking order giving the reasons for rejecting the case of the petitioner within the aforesaid period of one month.

7. It is also made clear that the said reconsideration would be done in the light of the judgment dated 29.04.2023 passed in CWP-

14328-2022 titled as “Lavish Arora Vs. State of Punjab and another”
and dehors the observations made in the orders dated 21.03.2023
(Annexure P-15) and dated 04.10.2023 (Annexure P-17).

February 12, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No