



\$~50

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 24.04.2024***

+ W.P.(C) 5690/2024

RUMIT KUMAR

..... Petitioner

Through: Mr. Avi Kalra and Mr. Prateek Lakra,
Advvs.

versus

TRANSPORT DEPARTMENT GNCTD AND ORS..... Respondents

Through: Mr. Tushar Sannu and Mr. Manoviraj
Singh, Advvs. along with Mr. Sanjeev
Kumar, Jr. Asst.

Mr. Jatin Singh, SPC (through v/c),
along with Mr. Yogesh Kumar and
Mr. Shivam Dwivedi, Advvs. for R-
2/UOI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

CM APPL. 23493/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 5690/2024 and CM APPL.23494/2024 (Stay)

1. The present petition has been filed by the petitioner assailing the order dated 26.03.2024 passed by Transport Department, Government of NCT of Delhi (Appellate Authority), whereby the appeal preferred by the petitioner under Section 53 of the Motor Vehicles Act, 1988 has been dismissed.

2. *Vide* the said appeal, the petitioner has assailed an order dated

W.P.(C) 5690/2024

Page 1 of 5



26.04.2023, whereby the registration of motor vehicle of the petitioner *i.e.*, Vehicle No.DL8CAX-3715 was suspended.

3. Initially, the petitioner had preferred a writ petition challenging the aforesaid suspension of his vehicle *vide* W.P.(C) 1033/2024. The same was disposed of vide order dated 23.01.2024 in the following terms:

“3. The present petition assails an order dated 26.04.2023 vide F. No. MLO/NWZI/Tpt./2023/39043 passed by Wazirpur Zonal Office, Transport Department, Government of NCT of Delhi whereby the registration of Black Mahindra Scorpio of the petitioner bearing registration number DL8CAX-3715 was cancelled due to illegal modifications/alterations.

4. After some hearing, learned counsel for the petitioner seeks leave to withdraw the present petition with liberty to file an appeal under Section 57 of the Motor Vehicle Act, 1988 before the Special Commissioner Operations, Transport Department.

5. Accordingly, the present petition stands disposed of with liberty to the petitioner to file an appeal and to urge all the grounds available under the law before the appellate authority.

6. In the event of any appeal being filed by the petitioner, the appellate authority shall endeavour to decide the same expeditiously and preferably within a period of 2 months.”

4. Pursuant thereto, the impugned order dated 26.03.2024 came to be passed, which reads as under:

**“GOVERNMENT OF NCT OF DELHI
TRANSPORT DEPARTMENT
(APPELLANTE AUTHORITY)
5/9 UNDER HILL ROAD
CIVIL LINES, DELHI 110054**

Appeal No. SCOT/AA/Tpt/2024/9926

Dated: 26.03.2024

IN THE MATTER OF

*Sh. Rumi Kumar
s/o Sh. Raj Kumar
r/o H. No.609, Khera Khurd,
North West, Delhi-110082
VS
MLO (Wazirpur), Transport Department, Delhi.*



“Appeal of 53 Under Motor Vehicle Act, 1988

This order shall dispose of an appeal file under Section 53 of Motor Vehicle Act, 1988 by Sh.Sh. Rumit Kumar s/o Sh. Raj Kumar r/o H.NO. 609, Khera Khurd, North West, Delhi 110082 against order No. MLO/NWZ-I/TPT/2023/39043 dated 26.04.2023 by MLO(NWZ-I), Transport Department, GNCT of Delhi, regarding suspension of registration of Motor Vehicle Number DL8CAX-3715.

Present Sh. Rumit Kumar (Appellant) and Sh. Joginder Dabas, DTO/MLO Wazirpur on 22.03.2024.

DTO/MLO submitted that an appeal was received regarding revocation of suspension Order of vehicle No. DL8CAX-3715, which was suspended under section 53 of MV Act, vide order dated 26.04.2023 for illegal alteration/modification (Bullet proofing) of the Vehicle.

Whereas, Section 52 of Motor Vehicle Act, 1988 does not allow any alteration/modification regarding bullet proofing of any vehicle.

MLO/DTO received the information regarding illegal modification of the aforesaid vehicle by Investigation Officer Sh. Omvir Dabas, P.S Bawana, Delhi vide diary No. 722 dated 15.03.2023, wherein it is clearly stated that during investigation of case FIR No. 706/2022 U/s 25/35 Arms Act the vehicle bearing registration number DL8CAX-3715 was found illegally modified as bullet proof vehicle and request was made to take the necessary action as per the MV Act and to inform accordingly.

As per Motor Vehicle Act, MLO/DTO (NWZ-I), Wazirpur Zonal Office, Transport Department, GNCT of Delhi issued Showcause notice vide notice number MLO/(NWZ-I)/TPT/2023/29227 dated 24.03.2023 under Section 53 to called upon within 10 days with proper justification as to why the registration of the vehicle be not suspended.

The appellant did not respond the notice within stipulated time, so this office issued Order of Suspension on 26.04.2023.

In view of the above, the appeal of the appellant is disposed of as there is no any provision of modification/alteration of vehicle in terms of Bullet Proofing in Motor Vehicle Act.

Sd/-

Appellate Authority/SCOT (Tpt)

Copy to:

1. MLO(NWZ-I), Wazirpur, Transport Department, GNCT of Delhi.”

5. Learned counsel for the petitioner submits that the impugned order is in bereft of any reason whatsoever insofar as the various submissions made by the petitioner giving justification for bullet proofing of the vehicle, have not been considered and instead, the appeal has been dismissed on cryptic



and untenable grounds which are inconsistent with the statutory provisions.

6. A perusal of Section 53 of the Motor Vehicles Act, 1988 reveals that suspension of registration of vehicle is permissible on the following grounds:

- (i) The vehicle is in such a condition that its use in public place would constitute a danger to the public, or that it fails to comply with the requirements of this Act or of the rules made thereunder, or
- (ii) The vehicle has been, or is being, used for hire or reward without a valid permit for being used as such.

7. A perusal of the suspension order, as also the appellate order reveal that the same does not disclose as to how the conditions enumerated in Section 53 (1) of the Motor Vehicles Act, 1988 are satisfied in the present case.

8. The fact that the Section 52 of the Motor Vehicles Act, 1988 does not incorporate any provision allowing alteration/modification regarding bullet proofing of any vehicle does not imply that bullet proofing of a vehicle results in a situation whereby use of a vehicle in public place would constitute a danger to the public.

9. Moreover, the absence of any stipulation/provision regarding bullet proofing cannot by itself be a ground for suspension of registration of the vehicle, unless a finding is rendered as regards the statutorily prescribed parameters for suspension of registration, as set out in Section 53 (1) of Motor Vehicle Act, 1988.

10. Significantly, the impugned order does not say that the bullet proofing of any vehicle is impermissible within the framework of the Motor Vehicles



Act, 1988.

11. I find merit in the submissions of the learned counsel for the petitioner that the aforesaid aspects are required to be dealt with by the Appellate Authority and a speaking/reasoned order is required to be passed, taking into account the aforesaid aspects.

12. Consequently, the impugned order dated 26.03.2024 is set aside. The matter is remanded to the concerned Appellate Authority, who is directed to pass a reasoned and speaking order, taking note of the statutory provisions and the observations made hereinabove. Let a fresh order be passed within a period of four weeks from today.

13. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

APRIL 24, 2024/cl