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

+ W.P.(C) 11749/2024 & CM APPL. 48855/2024

RUMIT KUMARPetitioner

Through: Mr. Devesh Chauhan, Advocate.

versus

TRANSPORT DEPARTMENT, GOVERNMENT
OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Mohit Bhardwaj, Advocate for
R-1 & 3.
SI Virender.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **02.12.2024**

1. The petitioner has filed this writ petition for the following reliefs:-

“a) Issue a writ of Mandamus or any other appropriate Writ thereby, setting aside the impugned order(s) passed by the Transport Authority (Appellate) dated 16.07.2024 and 26.03.2024 and Transport Department dated 26.04.2023 whereby the registration of Black Mahindra Scorpio of the Petitioner bearing registration number DL8CAX-3715 was cancelled due to alleged illegal modifications/alterations.

b) Issue a writ of Mandamus or any other appropriate Writ thereby calling upon the Respondents to put on record the Procedure for taking necessary permission/license for getting a vehicle bulletproof.

c) Pass any other order as this Hon'ble Court deems fit in the interest of justice, equity and good conscience in favour of the Petitioners as the Hon'ble Court deems fit and in accordance with the facts and circumstances of the case. Prayed accordingly,”

2. The contention of the petitioner is that he was compelled to modify his vehicle, bearing Registration No. DL8CAX-3715, by bullet proofing the vehicle on account of a threat perception. The work was carried out



by Chanakya Service Station.

3. On 19.09.2024, the Court required the Transport Department to consider whether, as a special case, the petitioner's application for alteration to the extent of bullet proofing of the vehicle can be considered *ex-post-facto*. The respondents were directed to keep in mind aspects recorded in an order passed by the Magistrate and also the facts mentioned in the writ petition. By order dated 23.09.2024, it was further recorded as follows:-

“18. However, the issue which is required to be dealt with by the appropriate authority is as to whether, the alteration to the extent of bullet proofing can be regularised, subject to conditions and/or payment of additional charges. As per Rule 47A of the Rules of 1989, the owner, if he desires to alter or retro fit the motor vehicle, is required to make an application through the portal or in digital form, under Form 22C of the Rules of 1989. The Registration Authority, within 7 days from the date of receipt of Part I of Form 22C, grants the prior approval as prescribed therein. Normally, the Court does not direct for ex-post facto exercise.

19. However, keeping in mind the peculiar facts of the instant case and the controversy involved herein, the Court directs the respondents to accept the petitioner's application as per Rule 47A of the Rules of 1989 and to deal with the same in accordance with law and the observations made hereinabove. The Court further directs that this direction shall not be treated as a precedent.

20. Let the appropriate application be submitted by the petitioner within 7 days from today before the Special Commissioner (Transport).

21. On receipt of the aforesaid application, let the respondents to proceed with the same without being influenced by the fact that the petitioner did not make an application before proceeding for bullet proofing.”

4. The matter has been pending for further consideration.

5. The status, as of now, is that the Government of National Capital Territory of Delhi [“GNCTD”] is willing to accede to the relief, subject to submission of two further documents. Mr. Mohit Bhardwaj, learned counsel for GNCTD, states that the deficiency documents have been



communicated to the petitioner time and again, lastly by letter dated 23.11.2024. The deficiency documents are as follows:-

- “1. Form 22A(Part-II) as per MC Act 1988 and CMVR Rules 1989 from Authorized workshop for bullet proofing.
2. Requisite fee receipt deposited at “privahan.gov.in”.”

6. Mr. Devesh Chauhan, learned counsel for the petitioner, states that the petitioner has deposited the required fees, and is also coordinating with Chankya Service Station for filling of Form 22A.

7. Mr. Bhardwaj states that upon submission of the above documents, the petitioner’s request would be processed further, in accordance with law, within a period of two weeks thereafter.

8. The writ petition is disposed of in terms of the aforesaid statements of learned counsel for the parties.

PRATEEK JALAN, J

DECEMBER 2, 2024
‘bh/AD’/