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

+ **W.P.(C) 11795/2024**

SATISH CHAND

.....Petitioner

Through: Mr. Mohit Mudgal, Mr. Sandeep
Yadav, Advs.

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Tushar Sannu, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **17.09.2024**

1. The petitioner in the instant writ petition has prayed for the following reliefs:-

*“(a) set aside the Impugned Order dated 24.06.2022 vide which the permit of vehicle no. DL1LAA0191 (TATA LPT 407 EX2 CNG) has been suspended for three months by Respondent No. 2;
(b) impose minimum fine on the Petitioner in lieu of the suspension period of the permit of vehicle no. DL1LAA0191 (TATA LPT 407 EX2 CNG), as given under the provisions of Clauses (5) & (6) of Section 86 of the Motor Vehicles Act, 1988.”*

2. The impugned order dated 24.06.2022 in the instant petition is predicated on allegation of overloading i.e., 1765 kg of excess load (apart from the prescribed load) which is approximately 25 % above the prescribed limit (7250 kg), as stated in order dated in 06.09.2024.

3. *Vide* an order passed today in W.P.(C) 11802/2024, this Court has considered an almost similar controversy and has passed the following



order:-

“8. The impugned order dated 17.08.2022 is predicated on an allegation of overloading i.e., 4775 kg of excess load (apart from the prescribed load) which is approximately 80 % above the prescribed limit (5300 kg) as stated in order dated 06.09.2024. It also remains undisputed that against the impugned action, the appeal is pending before the STAT. Therefore, the submission raised by the petitioner has to be adjudicated by the STAT after affording proper opportunity of hearing to the respondent.

9. The Court, therefore, after taking into consideration the overall facts and circumstances, directs the petitioner to deposit a sum of Rs.25,000/- within a period of two weeks from today in the Treasury, as has been directed in order dated 06.09.2024. On doing so, the impugned order dated 17.08.2022 shall remain in abeyance till the appeal is decided by the STAT. The further penalty or action shall depend upon the final order to be passed by the STAT.

10. With the aforesaid directions, the petition stands disposed of. All Rights and contentions of respective parties are left open”

4. The directions passed in W.P.(C) 11802/2024 be made applicable in the instant case *mutatis-mutandis*.
5. Accordingly, the petition stands disposed of.
6. All rights and contentions of respective parties are left open.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 17, 2024/KG