



\$~ 4

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

+ **W.P.(C) 11802/2024**

RAVI KANT GOEL

.....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. This writ petition is against the order dated 17.08.2022, whereby, the permit of the petitioner's vehicle has been suspended for three months. However, in terms of Paragraph no.10 of the said order, the period of three months was to be reckoned on the day of production of the vehicle for detention at the Inspection Unit, Burari.
2. Learned counsel appearing for the petitioner submits that he has not produced the vehicle for detention and instead, preferred an appeal before the State Transport Appellate Tribunal (*hereinafter* "STAT"). According to him, since the STAT is non-functional therefore, he is constrained to approach this Court in the instant writ petition.
3. When the matter was called out for hearing on 28.08.2024, the Court directed for issuance of notice.



4. Learned counsel who appeared for the respondent on the subsequent date of hearing has placed on record an order dated 06.09.2024, whereby, the respondent has imposed the penalty of Rs.1,00,000/- to be deposited within 15 days from the issuance of the said order.
5. Learned counsel who appears for the petitioner contends that a penalty of Rs.1,00,000/- is illegal and arbitrary. According to him, the respondent while imposing the said penalty has taken into consideration various challans which were issued against the vehicle in question for the last many years. He, therefore, submits that so long as the validity of the impugned action which is admittedly under challenge before the STAT is adjudicated on merits, the petitioner shall not be subjected to such an onerous condition.
6. The petitioner counsel also points out from an order dated 27.08.2021 passed by STAT, wherein, appellant in that case was subjected to pay a fine of Rs.2,500/-.
7. I have considered the submissions made by the parties and perused the record.
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.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 17, 2024/KG