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

+ **W.P.(C) 9/2024**

ANIL KUMAR SINGH

..... Petitioner

Through: Mr. Vaibhav Sinha and Mr. Pankaj
Sharma, Advs. (through v/c)

versus

**GOVERNMENT OF NCT OF DELHI THROUGH SPECIAL
COMMISSIONER (ENFORCEMENT) TRANSPORT
DEPARTMENT & ANR** Respondents

Through: Mr. Mohit Bhardwaj, Panel Counsel
for R-1.

Mr. Harsh Singhal, Ms. Mugdha
Avnish Sharma and Mr. Utkarsh
Singhal, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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03.01.2024

CM APPL.41/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 9/2024

1. Vide the present writ petition, it has been prayed as under:

“(a) Issue a Writ, order and directions in the nature of Mandamus by directing the Respondents to issue the NOC in favor of the Petitioner and also Release his Maruti SX4 (Petrol) Bearing No. UP32NM6295, so that the Petitioner can move the same out of the boundaries of Delhi, permanently.

(b) That till the Pendency of this Writ no Corrosive action be taken against the Vehicle of the Petitioner i.e., Maruti SX4 (Petrol) Bearing No. UP32NM6295.”



2. Issue notice.
3. Learned counsel, as aforesaid, appears and accepts notice on behalf of the respondents.
4. Respective counsel for the parties are in agreement that the present matter is covered by judgment of a coordinate bench of this court in W.P.(C) 10749/2023, whereby, this court has permitted the concerned vehicles to be released on certain conditions.
5. In the circumstances, in line with directions issued by this court in similar matters, it would be apposite to direct that the concerned vehicles of the petitioner be released to the petitioner so that it can be moved out of the boundaries of Delhi to Lucknow, Uttar Pradesh, as prayed, if the vehicle has not already been scrapped.
6. Accordingly, it is directed as under:
 - a. The petitioners will file affidavits of undertakings with the Enforcement Officer, Department of Transport, GNCTD within two weeks from today to the effect that if the vehicles are released to them, they will not be plied or parked in any public space within the territory of NCT of Delhi, and will be removed from the NCT of Delhi within two weeks after release.
 - b. The undertaking will also state that the vehicles will be towed or otherwise transported to the borders of the NCT of Delhi.
 - c. Upon the affidavit of undertaking being received by the Enforcement Officer, he/she will facilitate the release of the vehicle by the scrapping agency to the petitioners within one week thereafter.
 - d. The petitioners will also file an affidavit before the Enforcement Officer within four weeks after the release of the vehicle stating that the vehicle has been removed from the territory of the NCT of Delhi.



e. In the case of vehicles registered in Delhi, the petitioners may apply for issuance of NOC's for transport of vehicles outside Delhi. The NOCs will be processed in accordance with law, within a period of two weeks from the date of the application.

7. Further, in line with the directions issued in W.P.(C) 10749/2023, the petitioner shall be liable for towing charges of approximately Rs.2,000 or Rs.2,500/- per vehicle. However, no parking charges will be payable to the scrapping agencies.

8. The present writ petition along with the pending applications stands disposed of with the aforesaid directions.

SACHIN DATTA, J

JANUARY 3, 2024/cl