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

+ W.P.(C) 135/2024 & CM APPL. 621/2024 (*stay*)

PARULH G MAHAJAN

.....Petitioner

Through: Mr. Disharth Barua, Mr. Vipin,
Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Tushar Sannu, Mr. Manoviraj
Singh, Advocates for GNCTD.
Mr. Kartik Kaushal, SC for MCD.
Mr. Dhruv Gautam, Mr. Tushar
Tyagi, Mr. Abhishek Tongar,
Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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15.10.2024

1. The petitioner has filed this petition under Article 226 of the Constitution for an order directing the respondents to release her vehicle, bearing registration No. DL9CAG6066 and for issuance of a No Objection Certificate ["NOC"] for transfer of her registration to a different State.
2. The petitioner's vehicle is a diesel vehicle and was registered on 14.05.2013. Under the Guidelines for Scrapping of Motor Vehicles in Delhi, 2018 ["the Policy"] framed under the Motor Vehicles (Registration and Functions of Vehicles Scrapping Facility) Rules, 2021, diesel



vehicles of over ten years of age, are classified as end-of-life vehicles and are not entitled to ply on the roads of NCT of Delhi.

3. Several vehicles were seized by the Government of National Capital Territory of Delhi [“GNCTD”] and by the Municipal Corporation of Delhi [“MCD”] (acting under powers delegated to it by GNCTD) in furtherance of the aforesaid Policy. By an order dated 22.08.2023 in W.P.(C) 10749/2023 and connected matters, this Court disposed of several writ petitions filed by vehicle owners seeking release of their seized vehicles. The Court directed release of the vehicles subject to the conditions enumerated in the said judgment, including an undertaking by the owner that the vehicles would not be plied in Delhi, and would be removed from Delhi or parked in a private parking place.

4. The petitioner’s vehicle was seized by MCD on 21.08.2023, as evidenced by a removal order annexed to the writ petition. It was handed over to respondent No. 4, which is a scrapping agency, on the same day. The petitioner addressed a communication dated 29.08.2023 to MCD in this regard and also addressed a communication dated 28.09.2023, relying upon the order dated 22.08.2023. She undertook not to ply the car in the NCT of Delhi and to tow it away. The petitioner received a reply dated 10.10.2023 stating that she had not enclosed any documentary evidence regarding her application for issuance of the NOC for transportation of the vehicle outside Delhi in terms of the judgment of this Court. She was requested to provide the documents at the earliest. The petitioner has also annexed to the writ petition a communication dated 06.12.2023 addressed by the District Transport Officer to the scrapping agency directing the agency not to scrap the vehicle until further orders.



5. The present writ petition was thereafter filed on 30.12.2023, seeking the following reliefs:

“A. pass the order to release the petitioner's vehicle bearing no. DL9CAG6066, pursuant to the aforementioned judgment;

B. seeking direction to the respondent no.3 to issue the NOC in favour of the petitioner;

C. Pass any other order which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.”

6. On the very first date of hearing i.e., 05.01.2024, a submission was recorded on behalf of the scrapping agency – respondent No. 4, that the vehicle had already been scrapped and time was granted to take instructions as to the actual date of scrapping. In the order dated 10.01.2024, the contentions of learned counsel for respondent No. 4 was recorded that the vehicle has been scrapped on 27.11.2023. Respondent No. 4 was directed to file an affidavit in this regard alongwith the relevant documents.

7. By a further order dated 02.08.2024, MCD was also directed to file an affidavit. Learned counsel for the MCD has filed an affidavit under Diary No. 4556419/2024, a copy whereof has been handed over in Court and is taken on record. The only documents annexed to the said affidavit are the removal order dated 21.08.2023 and MCD's letter dated 10.10.2023 referred to above.

8. In the affidavit filed by respondent No. 4, it is stated that respondent No. 4 is empanelled for scrapping of vehicles seized by the MCD. The petitioner's car was handed over to it by MCD on 21.08.2023. The respondent No. 4 thereafter informed the concerned Deputy Commissioner of Police by an email dated 22.08.2023 of the list of vehicles in its custody, and a list of vehicles was also published in the



Pioneer Newspaper dated 24.08.2023, which included the petitioner's vehicle. A further advertisement was issued in this regard on 08.10.2023 and the vehicle was scrapped on 27.11.2023, i.e., ninety-five days after it was seized.

9. The relevant guidelines of the GNCTD stipulate that a vehicle may be scrapped 90 days after it is seized. In the present case, the aforesaid aspect has been complied with. The proposal with regard to scrapping the vehicle was also advertised twice. Further, despite the communication dated 10.10.2023, no documentary evidence was furnished by the petitioner before the lapse of ninety days from the date of the vehicle was seized. The present petition was also filed more than four months after the seizure. The communication of the District Transport Officer dated 06.12.2023 is also of little assistance, as the vehicle had already been scrapped.

10. In these circumstances, there is no legal infirmity in the action taken by the respondents with respect to the petitioner's vehicle.

11. The writ petition, alongwith pending application, is, therefore, dismissed.

PRATEEK JALAN, J

OCTOBER 15, 2024

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