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

+ W.P.(C) 145/2024

(2) MANJIT SINGH Petitioner

Through:

versus

TRANSPORT DEPARTMENT(GOVT OF NCT OF DELHI)

..... Respondent

Through:

+ W.P.(C) 15742/2023 and CM APPL.63245/2023 (for releasing of vehicle impounded)

(40) SANJAY GUPTA Petitioner

Through:

versus

GOVERNMENT OF NCT OF DELHI THROUGH ITS
SECRETARY & ANR.

..... Respondents

Through:

+ W.P.(C) 15885/2023

(41) BUNDU SHAH Petitioner

Through:

versus

THE TRANSPORT DEPARTMENT ENFORCEMENT BRANCH

..... Respondent

Through:

+ W.P.(C) 16140/2023

(42) EITA LOGISTICS LTD Petitioner

Through:

versus

TRANSPORT DEPARTMENT

..... Respondent

Through:

+ W.P.(C) 16321/2023

(43) SABA@ SAHAB SINGH Petitioner



Through:
versus
GOVT. OF NCT OF DELHI Respondent
Through:

+ W.P.(C) 16397/2023
(44) RAJEEV KUMAR JAIN Petitioner
Through:
versus
GOVERNMENT OF NCT OF DELHI & ANR. Respondents
Through:

+ W.P.(C) 16469/2023
(45) M/S AVG LOGISTICS PVT LTD Petitioner
Through:
versus
THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents
Through:

Presence:

Advocate for the petitioner in Item Nos.2 and 42: Mr. Vishnu Deo Yadav, Adv.

Advocate for GNCTD in Item Nos.2, 41, 43, 45: Mr. Mohit Bhardwaj, Panel Counsel

Advocate for the petitioner in Item No.43: Mr. Dinesh Kothari, Adv.
s: Mr. Vinod Kumar Pandey and Mr. B.K. Mishra, Adv.

Advocate for GNCTD: Mr. Tushar Sannu and Mr. Naveen Bhati, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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10.01.2024

CM APPL.1521/2024 (filed on behalf of R-1 seeking condonation of delay of 21 days in filing the reply) in **W.P.(C) 15742/2023**

CM APPL.1521/2024 (filed on behalf of R-1 seeking condonation of delay of 15 days in filing the reply) in **W.P.(C) 16140/2023**

1. These applications filed on behalf of respondent no.1 seek



condonation of delay in filing the reply.

2. Considering the averments made in the application, the same are allowed. Consequently, the delay in filing the replies is condoned.

W.P.(C) 145/2024

W.P.(C) 15742/2023

W.P.(C) 15885/2023

W.P.(C) 16140/2023

W.P.(C) 16321/2023

W.P.(C) 16469/2023

3. The petitioners, in these petitions have sought for a direction seeking release of their vehicles which have been impounded by the Transport Department, GNCTD.

4. It is the case of the petitioners that they are entitled for release of the vehicles for transporting them out of Delhi. The petitioners claim to be covered by the judgment of the Coordinate Bench of this court in W.P.(C) 10749/2023 titled as *Ms. Seema Chopra vs. GNCTD & Ors.*

5. On the contrary, learned counsel for the respondent submits that the judgment dated 22.08.2023 in W.P.(C) 10749/2023 would not enure to the benefit of the petitioners inasmuch as the petitioners' vehicles were found to be plying on the roads, instead of being parked as in the case of W.P.(C) 10749/2023.

6. Having perused the reply filed on behalf of the respondent and the aforesaid judgment dated 22.08.2023 passed by the coordinate bench, the distinction sought to be made by the learned counsel for the respondent is of no avail.

7. While deciding W.P. (C) 10749/2023, this court did not go into the issue as to whether the parked vehicles could be treated "deemed to be



plying”, in terms of office memorandum dated 27.06.2023, referred to in para-12 of the aforesaid judgment dated 22.08.2023. In para-13 of the said judgment, it was noticed by the court that it was not necessary to decide the issue inasmuch as the petitioners therein, undertook that the vehicles shall be removed from NCT of Delhi to other states or parked in a private parking space available with the owners. It was on that basis that the court proceeded to issue appropriate directions.

8. In the present case also, the petitioners are ready to give an undertaking that the concerned vehicles shall be removed from NCT of Delhi. Accordingly, there is no impediment in issuing identical directions as in the case of the aforesaid judgment dated 22.08.2023.

9. Accordingly, in line with the aforesaid judgment dated 22.08.2023, 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.

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

11. It is made clear that the aforesaid undertaking recorded on behalf of the petitioners will be treated as undertaking given to this court and any breach of this undertaking will entail appropriate action for committing contempt of directions issued by this court.

12. The present writ petitions along with the pending applications stand disposed of with the aforesaid directions.

SACHIN DATTA, J

JANUARY 10, 2024/cl