

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5057 of 2018

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M/s Mangal Motors, a Dealer of Hero Motocorp. Ltd. having its office at Balua Tal, Motihari, District East Champaran through its Partner Ashok Kumar Singh Son of Ram Ratan Singh, Resident of Balua Tal, Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the4 Principal Secretary, Department of Transport, Bihar, Patna
2. The District Transport Officer, East Champaran, Motihari.
3. The Accountant General Audit, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Gupta, Advocate
For the Respondent/s : Smt. Anuradha Singh- SC21

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 18-08-2025

1. The petitioner has filed the instant application for the following reliefs:

“(i) For issuing a writ preferably in the nature of certiorari for quashing the order/direction as contained in Memo No. 24 dated 08.01.2018 with regard to the petitioner, whereby and where under pursuant to the objection made by Auditor General (Audit) vide Objection No. RS-V/17-18/9 dated 28.12.2017, the Respondent No. 2 has directed the petitioner to deposit a total amount of Rs. 25,60,000/-(Rupees



Twenty Five Lakh Sixty Thousand only) i.e. Rs. 5,000/- per vehicle, for breaking the serial of the registration number and allotting 512 vehicles the choice number from the Dealer point and further for any other relief/reliefs to which the petitioner is found entitled in the facts and circumstances of the case.”

2. The short facts of the case are that the petitioner is a dealer of Hero Motocorp Limited, operating under the name and style of M/s Mangal Motors, a partnership firm situated at Balua Tal, Motihari in the district of East Champaran. It is submitted that one of the partners is Ashok Kumar Singh (the petitioner) and the other partner is his brother, Birendra Prasad Singh.

3. It is further submitted that the petitioner-firm appointed seven sub-dealers within the district of East Champaran, under the dealership granted by Hero Motocorp Limited. These sub-dealers operated within a radius of 30-60 kilometers from the petitioner's principal place of business, and all vehicles supplied to these sub-



dealers are routed through the petitioner. Necessary services, including registration processes, are also handled by the petitioner for these sub-dealers. The details of the sub-dealers are mentioned in the Writ petition as follows:

- i. Shanti Motors at Ghora Shan
- ii. Mangalam Auto Agency at Chakiya
- iii. Asha Motors at Areraj
- iv. Sagar Motors at Prasurampur
- v. Ganesh Motors at Lakhaura
- vi. Bajrang Motors at Madhuban
- vii. Sri Shyam Motors at Kesharia

4. It is further contended that as per the directions of the Transport Department, Government of Bihar vide Memo No. 3415 dated 28.07.2009 and the District Transport Office, Motihari, vide Memo No. 214 dated 20.03.2010, all motor vehicle dealers/agencies were mandated to allot registration numbers, to all private vehicles at the time of sale and prior to delivery and dealers have accordingly been allotted a specific series of registration numbers by the District Transport



Officer for this purpose.

5. The Learned counsel for the petitioner submitted that the petitioner has been allotted various series of registration numbers by the District Transport Officer, East Champaran, Motihari from time to time, including but not limited to:

(I) Series BR05T-3501 to BR05T-5500
dated 09.04.2016

(II) Series BR05T-9001 to BR05T-9500
(excluding choice number and BR05T 9009) vide
Memo No. 660 dated 19.05.2016

(III) Series BR05T-9501 to BR05T-9800
(excluding choice numbers) vide Memo No. 712
dated 08.06.2016

(IV) Series BR05U-0201 to BR05U-1200
(excluding choice numbers and numbers BR05U-
0615 & BR05U-0786) vide Memo No. 193 dated
27.06.2016

(V) Series BR05U-1201 to BR05U-2200
(excluding choice numbers) vide Memo No. 920
dated 15.07.2016



(VI) Series BR05U-5001 to BR05U-7000
(excluding choice numbers) vide Memo No. 1340
dated 27.08.2016

6. It is further submitted that the District Transport Officer, East Champaran, Motihari issued a letter vide Memo No. 24 dated 08.01.2018 addressed to six dealers/agencies, including the petitioner. It referred to an objection raised by the Accountant General (Audit), alleging that the petitioner and others had broken the serial of registration numbers and allotted choice numbers to customers, thereby making them liable to pay Rs. 5,000/- per choice number and the petitioner has been alleged to have sold 512 vehicles by allotting such choice numbers and, was thus liable to pay Rs. 25,60,000/-. The said memo further asked for clarification and submission of receipts, for compliance with Audit Objection No. RS-V/17-18/9 dated 28.12.2017.

7. The Learned counsel for the petitioner also submitted that the allegations made by the respondents are wholly arbitrary, whimsical, and



without proper basis. The petitioner has only allotted registration numbers from the series stated above. It is further submitted that in cases where there is any break in the serial of the series allotted to him, there is a valid reason for the same. It is further submitted that the petitioner is responsible for the allocation of registration numbers for the seven (07) sub-dealers located in rural areas, 30-60 km away. Due to logistical and practical constraints, it is not possible for sub-dealers to approach the petitioner daily, with sale certificates and related documents.

8. It is further submitted that Sub-dealers approach the petitioner 2-3 days after the sale of vehicle for registration member. Therefore, the date of sale and the date of registration do not tally. Further, during peak seasons, more than 50 vehicles are sold in a day. If a customer receives the bill in the morning and approaches for registration in the evening, or after a few days, the sequence of registration numbers may change. In many instances, customers delay the registration



process due to financial constraints, despite having purchased the vehicle and received the sale certificate, leading to further discrepancies in the serial sequence.

9. It is contended by the Learned counsel for the petitioner that the impugned direction contained in Memo No. 24 dated 08.01.2018 issued by the Respondent No. 2 is not only arbitrary and illegal but also a glare examples of colourable exercise of power. The demand raised is without proper inquiry, in violation of the principles of natural justice, and deserves to be set aside.

10. The respondent No. 2 has filed a counter affidavit stating that while it is true that the petitioner was allotted registration number series by the District Transport Office but such allotments were conditional. Each allotment letter explicitly mentioned, within brackets, the words "excluding the choice number." This condition is clearly reflected in the allotment letters dated between 19.05.2016 and 27.08.2016, which is Annexure-1 to the writ petition.



11. It is contended by the Learned counsel for the respondents that the petitioner has violated the direction as well as the meaning and definition of choice number as explained by the Transport Department. The Auditor, in Paragraph 4 of the Audit Report, clarified that " the allotment of number done with the breaking of serial will be treated as a choice number as "A fee of Rs. 5000 will also be chargeable if any particular or out-of-sequence registration number preferred by a vehicle owner.

12. The Learned counsel for the respondents further contended that although the petitioner acknowledges the orders and notifications of the Transport Department, he failed to adhere to the condition mentioned there and breaking the serial number and as per choice of purchaser of vehicles which is essential under the category of choice number.

13. It is further submitted that the petitioner failed to deposit the applicable "choice number fee" of Rs. 5,000/- per vehicle in the



Government Treasury or on the counter of District Transport Office, East Champaran. Consequently, a demand of Rs. 25,60,000/- was raised for 512 such unauthorized allotments, which remains unpaid. Further several communications and reminders were issued to ensure compliance with the audit objections vide Letter No. Rajaswa II-431 dated 29.01.2018 from the Auditor General (Audit), Bihar, Patna, Memo No. 1374 dated 22.02.2018 from the Deputy Secretary, A reminder issued to all concerned dealers by vide Memo No. 363 dated 26.03.2018 and Memo No. 2274 dated 02.04.2018 from the District Transport Officer, East Champaran, Motihari. It is further submitted that Certificate Case was also initiated in the Court of District Certificate Officer, East Champaran which was communicated vide Memo No. 809 dated 27.06.2018.

14. It is also submitted that while some defaulters deposited the choice fee after the initiation of certificate proceedings, but the petitioner approached the Hon'ble Court by filing



the present writ petition.

15. It is submitted that the petitioner's justification regarding the delays caused by sub-dealers is not valid. The petitioner himself admits in Paragraph 6 of the writ petition that he allots the registration number at the time of sale and before the delivery of the vehicle. Any practice of allotting the registration number after several days or months from the delivery is contrary to the norms of Road Safety Regulations. Hence, the petitioner's sub dealers cannot be allowed to act against the rule and regulations as well as against the Road Safety Measures.

16. It is the contention of the Learned counsel for the respondent delayed or backdated registrations is illegal. The petitioner's sub-dealers cannot be allowed to act against the rules and regulations of the Road Safety Measures.

17. The Learned counsel for the respondents further submits that allotment of registration number is a inherent and natural right of the vehicle owner, which cannot be denied on



that ground of unpaid amount if any. The explanation offered by the petitioner regarding delayed registrations due to the difference between morning and evening billing is devoid of merit as it attracts the delay of only one day which is almost zero in audit objection. The rules mandate that registration must be completed before delivery, and no exception is provided even for a single day's delay.

18. The Learned counsel for the respondents further submitted that the petitioner has a record of previous violations, including failure to comply with Audit Objection Para 4.9 of of the year 2011-12 regarding non-deposit of arrear trade tax of Rs. 10,76,850 as per Serial No. 288 of Certificate Case Register No. 9 of the year 2017-18), audit objection of the year 2012-13 for Rs. 11,74,150, recorded at Serial No. 1 of Certificate Case Register No. 9 of 2013-14. He also failed comply the notice dated 09.07.2018 contained in Memo No. 888.

19. The Learned counsel for the



respondents lastly submitted that in view of the above the petitioner is not entitled for any relief as he has deliberately violated the conditions of registration number allotment, evaded the statutory dues, and failed to comply with departmental directions and prayed to the dismissed the Writ petition.

20. Heard the Learned counsel for the petitioner as well as the respondents and perused the record.

21. Upon consideration of the materials on record and the submissions made, it appears that the petitioner failed to deposit the applicable choice number fee of Rs. 5,000/- per vehicle either in the Government Treasury or at the District Transport Office, East Champaran. Consequently, a demand of Rs. 25,60,000/- was raised for 512 such unauthorized allotments, which remains unpaid as per the counter affidavit.

22. The counter affidavit reveals that several communications and reminders were issued by the respondents to the petitioner to



ensure compliance with the audit objections, including: Letter No. Rajaswa II-431 dated 29.01.2018 issued by the Auditor General (Audit), Bihar, Patna; Memo No. 1374 dated 22.02.2018 issued by the Deputy Secretary, Transport Department; Memo No. 363 dated 26.03.2018 and Memo No. 2274 dated 02.04.2018 issued by the District Transport Officer, East Champaran, Motihari.

23. Record also reveal that that a Certificate Case was initiated against the petitioner, which was communicated vide Memo No. 809 dated 27.06.2018 before the District Certificate Officer, East Champaran. The counter affidavit specifically disclose that other defaulting dealers deposited the required choice number fee following initiation of certificate proceedings but the petitioner alone, instead of complying with the demand, approached this Court by filing the present writ petition. The petitioner has every right to file his objection before the Certificate Officer, who inturn can pass appropriate order under



Section 10 of the P.D.R. Act. However, the record reveals that several reminders were issued to the petitioner for compliance of Audit Objection.

24. In light of the above discussion and having found no valid justification for the non-compliance of the statutory requirements and audit directions, this Court is of the view that the present writ petition is devoid of merit and not sustainable in law.

25. Accordingly, the writ petition is dismissed as devoid of merits.

26. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.09.2025
Transmission Date	

