18-11-2025
ct no. 10
Sl.7
RP

WPA 5688 of 2024

Surojit Biswas
-Versus-
State of West Bengal & Ors..

Mr. Suparna Dutta
...for the petitioner
Mr. Pantu Deb Roy,
Mr. Subrata Guha Biswas
...for the State

1. Heard the parties through their learned respective Counsels.
2. The petitioner in the instant case is an owner of one tractor being Registration No. WB41G4297. The Government of West Bengal introduced a Scheme for Waiver of due tax and fitness certificate. There was an advertisement that the owner of the vehicle can avail the 100 per cent benefit of the scheme subject to the payment of the dues within January 2024.
3. The petitioner made an application on 25th of January to avail the benefit of the waiver of the tax and the fitness certificate under the scheme and upon payment of the fees to the concerned Regional Transport Officer (RTO), Purba Bardhaman on 25th January, 2024.

The petitioner submits that despite making an application before the concerned RTO the same remains pending for consideration. As a result of which cannot avail the entire 100 per cent benefit of the waiver of the tax and the fitness certificate under scheme.

4. The respondent submits that the the Government introduced a "Waiver Scheme 2023-24 which was officially gazetted on 28th December, 2023 which is reproduced below:-

> *"Under this scheme the penalty on due taxes, additional fee for delay in renewal of Certificate of Fitness and penalty specified in Scheme E3 of West Bengal Motor Vehicles Rules, 1989 will be realized in the following manner form the owners of transport vehicles who will apply for renewal of documents within this period:*
> *1.100% waiver of penalty accrued on taxes due up to 31st December, 2023, if availed within the period from 1st January, 2024 to 29th February, 2024*
> *2.Waiver of Additional Fees for not obtaining Certificate of Fitness (CF) in due time and Waiver of penalty on delayed renewal/issuance of Permit:*
> *If paid between 1st January, 2024 to 30th January, 2024 – 100%.*
> *If paid between 31st January, 2014 to 29th February, 2024 – 80%.*
> *This has approval of Finance Department, Government of West Bengal vide their U.O. No. Group R/2023-2024/0263 dated 22nd Devember,2023 and approval of Cabinet, Government of West Bengal."*

5. Subsequently, by another notification being no. 5375-WT/TPT-18011/176/2023 dated 28th December, 2023, the time to make payment for the waiver of the additional fees was extended from 20.12.2023 till 31.03.2024.

6. The State/respondent further submits that the order of the vehicle applied for the renewal of the certificate of fitness upon payment of the renewal fees on 25.01.2024 and the mobile inspection in the CF ground was done on the same date but due to heavy congestion of the system coupled with heavy work load, the remaining vehicle owners who have applied for scheme could not be done. Since, there were only two working days to close the said scheme, verification and approval of the renewal certificate of fitness of the vehicle could not be done within the extended time period i.e. 30^{th} January, as stipulated in the said notification.
7. It is further submitted that verification of the renewal of the certificate of fitness could have been done by the motor vehicle inspector on 07.02.2024 after the expiry of the cut of date for getting relaxation i.e. 30^{th} January, 2024. An attempt of approval was made for the transaction, e-vahan which reflected a difference of Fees of Rs.10250 on 12.02.2024.
8. The petitioner submits that despite depositing of the differential amount of Rs. 10250 on 12.02.2024 the entire process has

not been completed consequently could not avail 100 per cent benefit of the Waiver Scheme.

9. The respondent submits that the delay caused in completing the whole transaction was technical in nature. The Transport Department vide notification no. 6154-WT/TPT-18011/176/2023 dated 27th February, 2024 has already done for granting certification of fitness. The approval of the same was made before the promulgation of the said notification that is before 27th February, 2024.

10. The respondent submits that the petitioner had deposited the differential amount to the tune of Rs.10250 after the expiry of the validity of the Waiver Scheme.

11. After hearing the rival contention of the parties and perusing the materials on record, I am of the considered view that the Regional Transport Officer, Purba Bardhaman should revisit the case of the petitioner and shall arrive at a logical conclusion as expeditiously as possible. The petitioner shall make a comprehensive detailed representation within a week from the date of the communication of

the order to the authority concerned. The respondent no. 3 being the competent authority shall consider the representation and pass a reasoned order in accordance with law upon affording an opportunity of hearing to the interested parties preferably within a period of 60 days and communicate such decision upon compliance of all the formalities within a week thereafter.

12. It is needless to mention that the Regional Transport Officer, Purba Bardhaman being the respondent no. 3 shall not keep the matter pending unnecessarily creating any inconvenience to the petitioner in availing the benefit of the Waiver Scheme.

13. The said writ petition being WPA 5688 of 2024 is disposed of without taking any exception to the merits of the case.

14. The report filed by the respondent be kept on record.

(Smita Das De, J.)