

S/L 9
11.12.2025
Court No.10
Swd

WPA 19474 of 2025

**Sarkar Auto Mart & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Md. Younush Mondal.

... for the Petitioner.

Ms. Deboleena Ghosh.

... for the State.

1. Heard the learned Counsels for both the parties.
2. The petitioner is an authorized dealer of the Hero MotoCorp Ltd. An application before the respondent No.5 was made to obtain trade certificate as per the permission granted by the company through Form No.16A. The said application remains pending for consideration.
3. In the instant case, the petitioner prays, inter alia, for the following reliefs:

“a) writ in the nature of Mandamus commanding the respondent authorities specially, the Respondent No. 5 to consider the application of the petitioner and issue Trade Certificate;

b) A writ in the nature of Mandamus commanding the Respondent authorities to forthwith issue Trade Certificates issued in favour of the petitioner after considering all documents;

c) A writ in the nature of Certiorari directing the respondents to produce the records of this case so

that conscionable justice may be meted out to the petitioner;

d) Ad interim directing the authorities to respondent forthwith to issue the Trade Certificate and not to disturb the business of the petitioner;”

4. The learned Counsel for the petitioner submits that since Sarkar Auto Mart is an associate dealer, he is entitled to have that trade certificate.
5. The learned Counsel for the State strenuously argues that the petitioner is not a dealer or manufacturer to obtain the trade certificate as per Rule 35(1) of the Central Vehicles Rules, 1989 and the same is reproduced below:-

“35. Grant or renewal of trade certificate.—(1)

On receipt of an application for the grant or renewal of a trade certificate in respect of a vehicle, the registering authority may, if satisfied that the applicant is a bona fide dealer and requires the certificates specified in the application, issue to the applicant one or more certificates, as the case may be, in Form 17 71[within thirty days from the date of receipt of such an application] and shall assign in respect of each certificate a trade registration mark consisting of the registration mark referred to in the notification made under sub-section (6) of section 41 and followed by two letters and a

number containing not more than three digits for each vehicle, for example:-

AB—Represent State Code.

12—Registration District Code.

TCI—Trade certificate number for the vehicle.”

6. It is also submitted that the trade certificate can be granted only to a Dealer or to its agencies as specified under Rule 126.
7. Since the petitioner herein is an Associate Dealer he is not entitled to be benefited with the trade certificate.
8. It is further submitted that if the sub-dealers in future are able to produce L01 issued by the manufacturers in the name of dealer (Not ‘Associate Delaer’) and Form 16A, then the concerned registering authority may consider the same for granting Trade Certificate to the concerned parties electronically.
9. The learned Counsel for the State further submits that L01 furnished by the petitioner was issued by the manufacturer, Hero MotoCorp Ltd having No.MK:CAD:EZ:2024-25 dated 22.07.2024 as “Letter of Intent Associate Dealership” in contravention to the order of the Director, Transport Directorate, Government of West Bengal communicate vide Memo No.338/1(8)/Tr.Dte./2024 dated 06/09/2024.

10. Having heard the parties, I am of the considered view that already an online application has been made through 'Vahan Portal' with requisite fees which is annexed being annexure P4 of pages 24 to 26 of the writ petition.
11. In view of such, I direct the respondent No.4 to consider the representation within a period of 30 days and pass a reasoned order in accordance with law upon affording opportunity of hearing to the petitioner along with all other interested parties, if any, and communicate such decision within a week thereafter.
12. With the above observation and directions, this writ petition WPA 19474 of 2025 is disposed of without exception of the merits of the case.
13. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Smita Das De, J.)