

19-12-2025
ct no. 10
Sl.18
RP

WPA 27883 of 2025

Yatri Automobiles and Anr.

-Versus-

State of West Bengal & Ors.

Mr. R.C. Saha,
Ms. Payel Mitra,
Ms. Rakhi Chakraborty

...for the petitioner

Mr. Swapan Kr. Dutta, Sr. Adv.,
Mr. Pantu Deb Rai, AGP
Mr. Dipankar Das Gupta

...for the State

1. The petitioner in the instant case is a Proprietorship Business engaged in manufacturing and selling of TOTO/ E-Rickshaw and or E-Cart since 2019 in compliance of all the norms and regulations as per the guidelines provided under the Motor Vehicles Act.
2. Main grievance of the petitioner is that in spite of their being an order passed by this Court in WPA 3907 of 2025, the authorized remains inactive in not acting in terms of the order. Frequent inspections are not conducted for selling the approved model of E-Rickshaw to the operators. There are certain E-Rickshaws which are unregistered and still plying on roads unauthorizedly without following the extant rules and regulations of the Transport Department.

3. The petitioner has already made a representation on 11.09.2025 before the authority concerned for taking necessary actions against those operators violating the impugned order of the respondent no. 4 dated 08.07.2025 which is reproduced below:-

*“Considering the above, it is by directed that the
 (i) MV Section Asansol & MV Section Durgapur to make frequent inspections to the authorized dealers selling the approved model of E-rickshaw and take necessary action as per the outcome of the inspection. The inspections invariably should focus on the pointes raised by the petitioners vide his representations dated 04.09.2024, 23.10.2024, 04.02.2025 and 28.04.2025.
 (ii) also the MV Section Asansol and Durgapur is here by directed to issue a communication to all such authorized dealers sensitizing them about the guidelines to be followed by them, including the ones raised by the petitioner in this representation, during the sale of approved models of E-rickshaw.
 RTO, Paschim Bardhaman is directed to co-ordinate and monitor the above-mentioned activities.
 This order is issued in compliance with order of Hon’ble Court vide WPA 3907 of 2025.”*

4. The petitioner submits that till date the Regional Transport Officer, Paschim Burdwan has failed to act in terms of the order dated 08.07.2025.
5. The State/respondent submits that since the Transport Department has already initiated necessary actions in view of the order dated 08.07.2025 passed by the respondent no. 4 therefore, further direction is not required for compliance of the same.
6. After careful consideration of the case, I am of the considered view that the State/respondents have not been able to show any documents with regard to the action taken for complying the order dated 08.07.2025.

7. I direct the respondent no. 4 to revisit the issue by considering the representation dated 11.09.2025 within 8 weeks and pass a reasoned in accordance with law upon affording opportunity of hearing to the petitioner along with other interested parties if any, and communicate such decision within a week thereafter.
8. The writ petition being WPA 27883 of 2025 is disposed of without taking an exception to the merits of the case.
9. It is made clear that though the respondent no. 4 has already taken a decision vide order dated 08.07.2025, the order still remains pending for implementation. The respondent no. 4 shall take appropriate action for non-compliance of such directions as mentioned in the order dated 08.07.2025 to arrive at a logical conclusion. In the event, if it is found that the E-Rickshaws are plying on road unauthorizedly and illegally respondent no 4 shall direct the RTO, Paschim Burdwan to cancel the permit in accordance with law.

(Smita Das Dey, J.)