



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8768 OF 2018

Parvatrao Limbaji Mhaske

....Petitioner

VERSUS

The State Of Maharashtra And Others

.....Respondents

.....

Ms. Shubhangi D. More, Advocate for the Petitioner

Mr. A.R. Kale, AGP for State

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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.**

DATE : 10th DECEMBER, 2025

ORDER :

1. By this petition filed under Article 226 of the Constitution of India, petitioner seeks direction to respondent No. 3 to hold inquiry as per the application of petitioner dated 18.12.2017 and 06.01.2018. He further seeks direction to respondents to pay the compensation to the petitioner for delaying the issuance of fitness certificate of his vehicle as he could not do the business for 83 days for want of fitness certificate.

2. It is the case of the petitioner that for the first time he applied for renewal of fitness certificate of his vehicle bearing registration No. MH-20-BT-7695 on 01.09.2017. He was called on 14.9.2017 for inspection. In the inspection it was found that head lamp of petitioner's vehicle was not in working condition, hence, his vehicle

was not passed. Again the petitioner took his vehicle for inspection on 15.09.2017 and the inspection was done and he was told that fitness certificate will be issued. But he received a communication dated 07.12.2017 that fitness certificate is issued on 31.10.2017. Petitioner could not use his vehicle from 14.09.2017 to 07.12.2017 due to which he has suffered economic loss and therefore he has sought compensation from the RTO authorities. Petitioner made representation to the respondents raising his grievance. The Assistant Transport Commissioner directed RTO, Aurangabad to verify the contentions of applicant and take appropriate action and informed the petitioner accordingly.

3. Respondents have filed affidavit in reply contending that even before filing of present petition petitioner has sold and transferred his vehicle to M/s. Varad Tours & Travels, Prop. Prashant Deshmukh. It is further stated that petitioner's vehicle was inspected on 14.09.2017 and during the inspection it was found that headlights of vehicle were not working. Therefore, the certificate was not issued. Thereafter, petitioner paid vehicle inspection fee of Rs. 400/- on 15.09.2017. Again the vehicle was inspected on the same day, but still the headlights were not working, therefore, no renewal was granted to the petitioner. Thereafter, petitioner paid inspection fees of Rs. 400/- on 27.10.2017 and brought the vehicle for inspection on 31.10.2017.

The vehicle was inspected and since the vehicle was found to be in order, fitness certificate of petitioner's vehicle was renewed in form 38 for the period from 31.10.2017 to 30.10.2018. Though, the fitness certificate was kept ready and was to be handed over to the petitioner after producing proof of payment of professional tax as it is the duty of the vehicle owner, petitioner did not collect the fitness certificate. Since the petitioner did not approach the authorities for collecting the certificate as per the prevailing practice, transport office does not send fitness certificate by post. Petitioner deposited permit renewal fees on 02.12.2017 after 70 days of its expiry and authorization fees on 04.12.2017 as per provisions of Rule 83 of the Central Motor Vehicles Rules, 1989. Thereafter, permit of petitioner's vehicle was renewed for the period from 02.12.2017 to 05.09.2021. The petitioner visited the office on 07.12.2017 and renewed fitness certificate was handed over to the petitioner. It is therefore contended that petitioner himself is responsible for the delay in receiving the fitness certificate.

4. In the backdrop of above it appears that delay cannot be attributed to the respondents and petitioner has to blame himself for the same. Therefore, there is no merit in the case of the petitioner. Writ petition is therefore dismissed.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)