

**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE MR. JUSTICE GOPINATH P.****WEDNESDAY, THE 26<sup>TH</sup> DAY OF MARCH 2025 / 5TH CHAITHRA, 1947****WP(C) NO. 3876 OF 2025****PETITIONER/S:**

**PRINCY K., AGED 42 YEARS  
W/O. SURESH R., 15/835 KRISHNARPANAM,  
ROSE GARDEN, PIRAYIRI, PALAKKAD, KERALA, PIN - 678004**

**BY ADVS.  
KRISHNA PRASAD. S  
SINDHU S KAMATH  
SWAPNA S.K.  
ROHINI NAIR  
SURAJ KUMAR D.  
SUNILKUMAR K.K.  
A.KARTHIKA SIVAN**

**RESPONDENT/S:**

- 1 THE REGIONAL TRANSPORT OFFICER,  
REGIONAL TRANSPORT OFFICE, CIVIL STATION,  
PALAKKAD, KERALA, PIN - 678001**
- 2 THE TRANSPORT COMMISSIONER,  
OFFICE OF THE TRANSPORT COMMISSIONER,  
THIRUVANANTHAPURAM, PIN - 695001**
- 3 STATE OF KERALA,  
REPRESENTED BY THE SECRETARY,  
TRANSPORT DEPARTMENT,  
THIRUVANANTHAPURAM, PIN - 695001**
- 4 ADDL.R4: ANISH MOHAN,  
AGED 36 YEARS, S/O.MOHANAN GOPALAKRISHNAN, DIRECTOR,  
M/S. OMEGA MOTORS PVT. LTD., M2 BUSINESS CENTRE,  
KINASSERY, KANNADI P. O., PALAKKAD-678 701,**



2025:KEP-25-75

WP(C) NO. 3876 OF 2025

2

RESIDING AT: DHANYA, KINASSERY, KANNADI P. O.,  
PALAKKAD-678 701  
(ADDL.R4 IS IMPEADED AS PER ORDER DATED 05.02.2025 IN  
IA NO.1/2025 IN WP(C) NO.3876/2025)

BY ADVS.  
P.T.MOHANKUMAR  
GEORGE CHERIAN  
RAJESH CHERIAN KARIPPAPARAMBIL

SRI. SREEJITH V.S., GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
26.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



### **JUDGMENT**

The petitioner purchased a '*Toyota Vellfire Hybrid VIP*' vehicle on 26.06.2024. With the intention of obtaining a fancy registration number for the vehicle, the petitioner registered her interest in the numbers KL 09 AY 9999 and KL 09 AZ 0001. The petitioner participated in the online auction for the aforesaid registration numbers. The auction was conducted on 27.01.2025. According to the petitioner, the petitioner paid the reserve price notified for each of the above registration numbers and had actively participated in the bidding. According to the petitioner, there were only two bidders for each of the aforesaid numbers, including the petitioner. The petitioner states that during the process of bidding, the petitioner encountered certain technical difficulties, including severe network glitches and server downtime on the auction website, which rendered it impossible for the petitioner to increase her bids further. According to the petitioner, Registration No. KL 09 AY 9999 was auctioned for Rs.78,000/- while the registration No. KL 09 AZ 0001 was auctioned for a sum of Rs.1,25,000/-. The petitioner filed a complaint via *email* before respondent Nos.1 and 2, requesting for conducting a re-



auction in respect of the above registration numbers. It is stated that the allotment status of the registration No. KL 09 AY 9999 is shown as 'assignment pending', while the allotment status of registration No. KL 09 AZ 0001 is shown as 'assigned'. It is stated in the writ petition that if the intending bidders are denied the opportunity to increase their bid on account of technical glitches, the same will result in loss of Government revenue. It is submitted that the petitioner has information that there were technical glitches in similar auctions conducted by other Regional Transport Offices. During the course of the arguments, the challenge was limited to the assignment of the Registration mark KL 09 AY 9999, as the other number has already been assigned.

2. A counter affidavit has been filed by the 1<sup>st</sup> respondent. It is *inter alia* stated that the online bidding for the registration numbers referred to above was open from 4.00 pm on 25.01.2025 till 10.30 am on 27.01.2025. It is stated that there is a last-minute extension facility available in the bidding portal to provide a chance for the bidders to offer a higher amount. It is submitted that the online bid portal is maintained and controlled by the National Informatics Centre (NIC), New Delhi. It is submitted that, in respect of both the registration numbers,



after 10.30 am on 27.01.2025, the petitioner and the other applicant had submitted ten online bids in respect of registration No. KL 09 AY 9999, during the time from 10:30:28 am to 10:32:39 am. It is submitted that, on going through the bidding history for registration No. KL 09 AZ 0001, after 10.30 am on 27.01.2025, the petitioner and the other applicant had submitted seven online bids in total from 10:30:06 am till 10:31:55 am. It is submitted that this itself shows that there were no technical glitches or server issues after 10.30 am on 27.01.2025. It is submitted that Registration No. KL 09 AY 9999 is allotted to the Director, Omega Motors Pvt. Ltd and Registration No. KL 09 AZ 0001 is allotted to one Piyoosh U.

3. When the writ petition was pending before this Court, one Anish Mohan, Director of M/s. Omega Motors Pvt. Ltd got himself impleaded as the additional 4th respondent to the writ petition. The additional 4th respondent has filed a counter affidavit *inter alia* stating that there were absolutely no technical glitches at the time of bidding. It is stated that the amount of Rs.1,28,000/- offered by the additional 4th respondent (after giving credit to the amount already paid) was remitted on 28.01.2025. It is stated that as per Ext.R4(d) communication, the additional 4<sup>th</sup> respondent was called upon



to remit the balance amount within five days from 27.01.2025.

It is stated that there is absolutely no ground made out for the grant of the relief sought in the writ petition.

4. The learned counsel appearing for the petitioner submits that in terms of Rule 95(7) of the Kerala Motor Vehicle Rules, 1989 (hereinafter referred to as 'the 1989 Rules'), the amount to be paid by a successful bidder in an auction conducted for reserving a registration mark has to be paid immediately after the auction is over. It is submitted that insofar as the allotment of registration mark in favour of the additional 4<sup>th</sup> respondent is concerned, the remittance was admittedly made only on 28.01.2025. It is submitted that on this short ground, the allotment of the registration mark to the additional 4<sup>th</sup> respondent is liable to be set aside. The learned counsel placed reliance on the judgment of the Supreme Court in ***Rosali V v. Taico Bank and Others; 2007 KHC 3152*** to contend that the word 'immediately' used in the 1989 Rules is imperative and there cannot be any doubt that the remittance of the amount by the additional 4<sup>th</sup> respondent on 28.01.2025 cannot satisfy the requirement of 'immediate' as specified in the 1989 Rules. Specific reference was made to paragraphs 31, 32 and 33 of the judgment of the Supreme Court in ***Rosali***



(*supra*) in support of this contention. The learned counsel also submits that though it is stated in the counter affidavit of the first respondent that last-minute bidding was permitted after 10.30 on 27.01.2025, the bidding details as contained in the Parivahan site indicate that in many cases, the auction was stopped even prior to 10.30 a.m. It is submitted that in such circumstances, it is necessary that a direction be issued to the respondents concerned to see that there is a full proof system in place for ensuring that there is transparency in the bidding process for allotment of registration marks. It is reiterated that in the facts and circumstances noticed above, the petitioner is entitled to an order directing that there be a re-auction in respect of the registration mark KL 09 AY 9999.

5. The learned Government Pleader and the learned counsel for the additional 4<sup>th</sup> respondent reiterated the contentions taken in the counter affidavits filed by them. The learned counsel for the additional 4<sup>th</sup> respondent also submits, with reference to the judgment of the Supreme Court in ***Rao Mahmood Amed Khan v. Ranbir Singh and Others; 1995 KHC 695***, that the word 'immediately' in Rule 95(7) of the 1989 Rules, does not mean that the amount had to be remitted immediately after 10.30 a.m. on 27.01.2025 and the remittance



of the amount payable by the additional 4<sup>th</sup> respondent on 28.01.2025 is in full compliance of the requirements of the 1989 Rules.

6. Having heard the learned counsel appearing for the petitioner, the learned Government Pleader and the learned counsel appearing for the additional 4<sup>th</sup> respondent, I am of the view that the petitioner has not made out any case for grant of relief. The case of the petitioner that there were technical glitches and server downtime on account of which the petitioner was not able to place her bid in a proper manner cannot be accepted. Firstly, it must be noted that the online portal is maintained by the NIC, New Delhi. The petitioner has no reliable material to suggest that there were any technical glitches or server downtime preventing the petitioner from placing her bid in a proper manner. The counter affidavit filed by the 1<sup>st</sup> respondent indicates that even after the closing time of 10.30 a.m on 27.01.2025, both the petitioner and the other bidders had submitted further bids (last minute bids), in respect of both the registration numbers in question. This is sufficient proof to show that there were no technical glitches or server downtime as alleged by the petitioner in the writ petition.



7. The contention of the learned counsel for the petitioner that the word 'immediately' in Rule 95(7) of the 1989 Rules indicates that the balance amount payable by the additional 4<sup>th</sup> respondent had to be remitted immediately after the bidding was closed on 27.01.2025 cannot be accepted. Rule 95(7) of the 1989 Rules reads thus:

***“Rule 95. Reservation of fancy registration mark.--***

*(7) The registration mark shall be allotted to the highest bidder only after remitting the bid amount immediately after the auction is over.”*

Ext.R4(d) communication issued to the additional 4<sup>th</sup> respondent indicates that the competent authority had given five days time to the additional 4<sup>th</sup> respondent to remit the amount. The fact remains that the additional 4<sup>th</sup> respondent had remitted the amount on the next day itself i.e., on 28.01.2025. In the absence of any indication in the 1989 Rules that the word 'immediately' meant within a particular time on 27.01.2025 itself, there is no reason to hold that the word 'immediately' should be interpreted as meaning that the amount had to be remitted on 27.01.2025 itself. The decision of the Supreme Court in ***Rosali*** (*supra*) itself is the authority for the proposition that the word 'immediately' is required to be construed as meaning 'with all reasonable speed', considering



the circumstances of the case. In the facts of the present case, as already noted, the competent authority had itself issued Ext.R4(d) communication to the additional 4<sup>th</sup> respondent requiring him to remit the amount within a period of five days. Therefore, I find no reason to hold that the remittance of the amount by the additional 4th respondent on 28.01.2025 vitiates the auction process.

8. The contention of the learned counsel for the petitioner that the petitioner was given only 6 seconds to submit last minute bid also cannot be accepted as there is nothing to indicate that within the time specified for submitting last minutes bids, the petitioner had made any attempt to submit a bid higher than the final bid of the additional 4th respondent for the registration No.KL-09 AY 9999.

The writ petition fails and is accordingly dismissed.

**Sd/-**

**GOPINATH P .**

**JUDGE**

ajt/scl

**APPENDIX OF WP(C) 3876/2025****PETITIONER EXHIBITS**

- Exhibit P1**                      **A TRUE COPY OF THE TEMPORARY CERTIFICATE OF REGISTRATION DATED 26-06-2024**
- Exhibit P2**                      **A TRUE COPY OF THE EARNEST MONEY DEPOSITION RECEIPT MADE BY THE PETITIONER FOR VEHICLE REGISTRATION MARK ( REGISTRATION NUMBER ) KL 09 AY 9999 DATED 20-01-2025**
- Exhibit P3**                      **A TRUE COPY OF THE EARNEST MONEY DEPOSITION RECEIPT MADE BY THE PETITIONER FOR VEHICLE REGISTRATION MARK( REGISTRATION NUMBER )KL 09 AZ 0001 DATED 25-01-2025**
- Exhibit P4**                      **A TRUE COPY OF THE SCREENSHOT OF THE BID AMOUNT OF RS.77,000/- ALONG WITH RESERVE PRICE OF RS.50,000/- ( RS. FIFTY THOUSAND) FOR KL 09 AY 9999 WHICH IS UNDATED**
- Exhibit P5**                      **A TRUE COPY OF THE SCREENSHOT OF THE WEBSITE SHOWING TIME OUT FOR THE INCREMENT IN KL 09 AY 9999 WHICH IS UNDATED**
- Exhibit P6**                      **A TRUE COPY OF THE SCREENSHOT OF THE WEBSITE SHOWING TIME OUT FOR THE INCREMENT IN KL 09 AZ 0001 WHICH IS UNDATED**
- Exhibit P7**                      **A TRUE COPY OF THE BIDDING UPDATES WHICH IS UNDATED**
- Exhibit P8**                      **A TRUE COPY OF THE COMPLAINT SENT BY THE PETITIONER TO THE 1ST AND 2ND RESPONDENT VIA EMAIL DATED 27-01-2025**
- Exhibit P9**                      **A TRUE COPY OF THE ALLOTMENT STATUS OF THE VEHICLE REGISTRATION NUMBER KL 09 AY 9999 DATED 27-01-2025**
- Exhibit P10**                      **A TRUE COPY OF THE ALLOTMENT STATUS OF THE VEHICLE REGISTRATION NUMBER KL 09 AZ 0001 DATED 27-01-2025**

**RESPONDENT EXHIBITS**

- Exhibit R-4 [A]** True copy of the Temporary Registration Certificate issued by the Respondent, No.1, dated 15-01-2025
- Exhibit R-4 [B]** True copy of the Earnest Money Deposit Receipt of Rs.50,000/- issued by the State Transport Department, dated 20-01-2025,
- Exhibit R-4 [C]** True copy of the screen shot taken from the computer at the time of bidding
- Exhibit R-4 [D]** True copy of the communication issued from Parivahan Portel, intimating acceptance of the bid, dated 27-01-2025
- Exhibit R-4 [E]** True copy of the certificate issued by the Chief Manager, State Bank of India, SME, Kalamassery showing remittance of the balance amount on 28-01-2025
- Exhibit R-4 [F]** True copy of the communication, issued by the Respondent No.1 to the Respondent No.4, regarding the pendency of the above writ petition, dated 31-01-2025,