

2025:PHHC:031910



CWP-11821 of 2023 :1:

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

109+282

**CWP-11821 of 2023 (O&M)
Date of decision : 06.03.2025**

Karamjeet Singh

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Balraj Singh Dhull, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

CM-17906-CWP of 2024

This application is for placing on record National Permit as
Annexure P-7.

Application is allowed as prayed for.

Annexure P-7 annexed with the application is taken on record,
subject to just exceptions.

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1. In the present petition, the grievance being raised by the
petitioner is that the respondents have denied the petitioner the benefit of
using the National Permit and granting authorization to use the same as a



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till July 2022 has not been deposited. The petitioner has been directed to deposit the said authorization fee first for the said period as well so as to grant him the authorization prospectively.

2. Learned counsel for the petitioner argues that the truck/tanker bearing No.HR37D-3715 which was being used on the National Permit issued to the petitioner, was in the custody of the Karnataka Police from 03.10.2018 till 07.07.2022 and was not being used for any purpose and the National Permit was also not used due to the aforementioned fact and therefore, demanding the authorization fee for the years when the truck was in the custody of the Karnataka Police, before granting the authorization for the current year, is arbitrary and illegal.

3. Learned counsel for the petitioner further submits that the factum that the truck/tanker had been impounded by the Karnataka Police and was in their custody was brought to the notice of the Motor Vehicle Authorities by the petitioner itself and therefore, it is not a disputed fact that the truck/tanker remained in the custody of the Karnataka Police for a period of approximately 4 years. Hence, the petitioner is not liable to pay the authorization fee when the truck was not being used and the consequent National Permit was also not in operation, the respondents be directed to accept the authorization fee prospectively without demanding the arrears of authorization fee for the earlier period from 2018 to 2022.

4. Learned counsel appearing on behalf of the respondents submits that once the National Permit was not got suspended or cancelled, it is deemed that the same was being used and therefore, the authorization fee has



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to be deposited by the petitioner even for the years for which the vehicle was in the custody of Karnataka Police as the same has not been deposited so as to grant him the prospective authorization for using the National Permit issued in favour of the petitioner.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The factual position that the National Permit issued to the petitioner was being operated on vehicle No. HR37D-3715 which was being used as a tanker. The said tanker was taken into custody by the Karnataka Police in FIR No.19 of 2018-2019 dated 03.10.2018 registered at Police Station Kengeri Excise, Sub Division Gandhinagara, District Bengaluru West, Karnataka. The said facts have not been disputed. Once, the truck/tanker was not in operation, the authorization fee, which is only to be charged for plying the truck outside the jurisdiction of State of Haryana, cannot be demanded, as the National Permit was not being used by the petitioner for the period in question, hence, the demand of authorization fee for the use of National Permit in the other State for the period starting from 2018 to 2023, does not arise.

7. Further, in case the National Permit is being used unauthorizedly without depositing the authorization fee, the authorities can take action for violating the provisions of the Motor Vehicles Act, 1988 but, the authorization fee cannot be demanded with retrospective effect especially when the permit holder is on record to say that for the period from 2018 to 2022 when the authorization fee was not deposited, the National



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Permit was not being used as the vehicle was concededly with the Karnataka Police Authority having been impounded.

8. Keeping in view the totality of the circumstances, the demand of the authorization fee retrospectively for the period from 2018 to 2022 when the truck/tanker was in the custody of the Karnataka Police, is held to be bad. The petitioner is only liable to pay the authorization fee prospectively as well as the consolidated fee for the issuance of National Permit.

9. The writ petition is allowed in the above terms.

10. Pending applications, if any, also stand disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

06.03.2025

Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No