

31.3.2026
ct no. 10
Sl. 7
AGM

WPA 2210 of 2026

Sisir Kumar Ghosh

-Versus-

State of West Bengal & Ors..

Mr. Barun Kr.Samanta

...for the petitioner

Mr. Pantu Deb Roy. Ld. A.G.P.

Mr. Subrata Guha Biswas.

...for the State.

1. The petitioner in the instant case challenges inter alia, the non-consideration of the prayer for renewal of permit upon passing an order of replacement of the vehicle in connection of permit bearing no. P.St.P. 1087 dated 23.4.1997.
2. Apropos the facts of the case is that the petitioner is the holder of a permit bearing no. P.St.P. 1087 in a route from Howrah Station to Tarakeswar express survey, which remains valid till 17.4.2002.
3. The petitioner submits that the permit expired on 17.4.2002 and he could have applied for its renewal within a stipulated period. However, due to several medical emergencies of his brother, who ultimately passed away after prolonged costly treatment, he has been unable to do so. It is further stated, that owing to the Covid-19 pandemic from 2020 to 2022, the petitioner has not been able to operate his

transport business, which also contributed to the delay in submitting the renewal application for the permit.

4. Subsequently an application has been made on 18.3.2024 with the prayer for entertaining the application for renewal of permit by condoning the delay in filing the same beyond the statutory period as prescribed under the statute but the same remains pending for consideration.
5. In this context the petitioner places a reliance upon Section 81 of (3) of the Motor vehicles Act, 1988 to demonstrate that there is no statutory bar to accept an application for the renewal of permit at a belated stage.
6. The petitioner draws the attention to Section 81 of Sub-Section 3 of the Motor Vehicles Rules which is reproduced below:-

“Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority as the case may be entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.”

7. The learned Counsel for the State/respondent vehemently opposes the same and submits that the permit expired on 17.4.2002 and the renewal application has been filed on 18.3.2024, after a long gap of 22 years.
8. In view of the above, this Court is prima facie satisfied that sufficient cause has been meted

out as per the averments made in paragraph 5 of the writ petition.

9. However, it is made clear the authority concerned shall consider the application for renewal for permit on merits upon condoning the delay in making the application at a belated stage.

10. Having heard the parties and upon perusing the records made available I am of the considered view that respondent no. 2 shall preferably within a period of 60 days in the light of Section 81 along with the Notification dated 6th August, 2004 issued by the Transport Department, Government of West Bengal by passing a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner and other stake holders, if any and communicate such decision within a week thereafter.

11. It is further made clear that if the respondent no. 2 arrives at a finding that the renewal of the petitioner's is permissible under law, in that event the authority concerned shall forthwith renew the permit by allowing the replacement of the vehicle in question as per Schedule E-3 of the Motor Vehicles Rules, 1989.

12. The writ petition being WPA 2210 of 2026 is disposed of without going into the merits of the case.
13. Urgent photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Smita Das De, J.)