10.02.2026
Ct. No. 30
SL No.**20**
MKP

WPA 23835 of 2025

Chandra Devi And Anr

Vs.

The State Of West Bengal And Ors

Mr. Shambhu Kumar Choudhary (in-Person)
.....for the Petitioner

Mr. Biplab Guha
Mr. Jaladhi Das
.....for the State

1. The writ application has been preferred challenging an order dated 04.06.2025, passed by the Regional Transport Authority, Paschim Bardhaman, being the Respondent no.2 herein.

2. Both parties have filed their short notes and it is the petitioner's case that the petitioner is an owner of a commercial goods vehicle bearing No.WB-23B-8166, registered at ARTO Barrackpore (KMA area). It completed its 15th year on February 18, 2025. That due to a 2012 ban on 15+ year-old commercial vehicles in the Kolkata Metropolitan Area (KMA), the VAHAN portal was locked, preventing the petitioner from paying the Certificate of Fitness (CF) fees.

3. The petitioner has approached the High Court on earlier occasions, when his case was directed to be considered by the Authorities concerned,

who have from time to time passed similar orders and finally the impugned order rejecting the petitioner's prayer.

4. The petitioner now submits that the impunged order was passed on 11th August, 2025 and On **November 17, 2025,** the Government of West Bengal issued a landmark notification as per which commercial vehicles older than 15 years are now eligible for CF renewal and permit extensions as per new Mandatory Testing i.e *KMA Vehicles (like WB-23B-8166): Must undergo fitness checks bi-annually (every 6 months) and Non-KMA Vehicles: Must undergo checks annually,etc.

5. That the notification specifically ordered the NIC to update the VAHAN software to allow these transactions.

6. It is thus submitted, the grounds for the August 2025 rejection (impugned order) no longer exist. The State's new policy (Nov 2025) explicitly allows what the petitioner is seeking.

7. That denying the CF renewal under these new rules violates the petitioner's Right to Livelihood (Article 21).

8. It is further stated that the notification 5304-WT (17.11.2025) is the primary legal authority for Renewal of CF and as such, the order dated

11.08.2025 shows the previous rejection was purely technical/portal-based.

9. The petitioner states that he now squarely falls under the new State policy i.e Notification No.5304-WT dated 17.11.2025. Para 1(b) of the policy mandates bi-annual (6-month) CF checks for KMA-registered vehicles.

10. Para 4 of the Notification No.5304-WT/TPT-18011/25/2025, dated 17.11.2025 expressly directs the Director of IT, NIC, to update the VAHAN software to allow these renewals.

11. The Learned Counsel for the State/Respondent has also filed written notes wherein, it is stated that prior to this instant petition, two other writ petitions being No.WPA 7199 of 2025 (Chandra Devi Chowdhuri-Vs.-State of West Bengal and Others) and WPA No.13654 of 2025 (Smt.Chandra Devi Chaudhury and Others – Vs.-State of West Bengal and Others) were preferred. The cruxe of the cases was whether permit granted in favour of a commercial vehicle being No.WB 23138166 remains valid after a specified period of 15 years or not.

12. This writ petition is nothing but the repetition of earlier events and as such the same is not tenable, in as much as the decision has already been taken by this Hon'ble Court by different benches.

13. Admittedly, the petitioner's prayer for renewal of his 15 year old vehicle has been considered and rejected by the Authority concerned in compliance of the direction of the High Court.

14. The last such order has been passed on 11.08.2025, the Learned Counsel for the petitioner has placed the notification No.5304-WT dated 17.11.2025 wherein, it appears that the Government of West Bengal, has taken into consideration, the ban applying to vehicles beyond 15 years of age and has issued the said notification wherein, it has been noted as follows:

> *"In view of the writ petitions as stated above having self same cause of action this Hon'ble High Court pleased to direct the concerned Department to take steps in accordance with law and therefore the Secretary, Regional Transport Authority, Paschim Burdwan District was pleased to passed the necessary reason orders disallowing the vehicle to ply on the road with the same permit due to the efflux of 15 years from its initial registration as per the decision taken by the Transport Department being Order No. 2827-WT-3M-86/2009 dated 13.08.2012 and by the dint of the said order the authority has*

liberty to impose penalty to the person infringing the order.

This is humble and respectful submissions before this Hon'ble Court that the authority to whom the power for passing the decision was entrusted cannot travel beyond the order as dated above by the Transport Department of West Bengal excepting to expound the statute in the light of prevailing situation as such this authority cannot but to turned down the pray has short for by the petitioner."

15. Accordingly, in view of the fresh notification dated 15.04.2025, the petitioner herein has made out a case where his prayer for re-consideration of issuance of permit in respect of his 15 years of old vehicle is required to be reconsidered by the Authority concerned, as per the guidelines in the not notification dated 19th November, 2025.

16. The writ application is thus **disposed of,** with the direction that the writ petitioner shall file an application within 15 days from the date of this order before the appropriate authority, as per the notification dated 17th of November, 2025 and the Authority concerned shall consider his prayer for fresh permit, in accordance with the notification dated 17th of November, 2025 and

dispose of the same within 30 days from the date of his application by passing a reasoned order in accordance with law.

17. The writ application stands **disposed of**.

18. Applications, if any, connected thereto stand disposed of consequently.

19. Interim order, if any, stands vacated.

20. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]