TRUPTI SADANAND BAMNE
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Date: 2026.08.20 13:07:20 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7198 OF 2026

Mona Harsh Kotak, POA Holder
Harsh Pravin Kotak
Age: 58, Occu: Business Proprietor of Modern Tours & Travels 10, Business Plaza, Near Rozwood Hotel, Tardeo, Mumbai – 400 034,
POA Holder, Harsh Pravin Kotak,
Age 63 years. … Petitioner

Versus

1. State of Maharashtra,
   Through Its Principal Secretary (Transport), Home Department, Mantralaya, Mumbai
2. Transport Commissioner,
   Maharashtra State Having its Office at- M.T.N.L.Building, Fort, Mumbai
3. Regional Transport Officer, (Mumbai Central),
   Old Bodyguard Lane, Tulsiwadi, Tardeo, Mumbai 400 034
4. Dy. Regional Transport Officer,
   (Pimpari -Chinchwad) Having Office Address At Dy. Regional Transport Office,
   Pimpari- Chinchwad, Pune. … Respondents

……

Mr.Suhas S. Deokar for the Petitioner.
Mr.P.P.Kakade, Addl.GP with Mr.S.P.Kamble, AGP for the Respondent - State.

…...

CORAM : RAVINDRA V. GHUGE, ACJ
&
GAUTAM A. ANKHAD, J.

DATE : 19 AUGUST, 2026

ORAL JUDGMENT (*Per : The Hon'ble the Acting Chief Justice)*

1. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

2. The Petitioner has put forth prayer clauses (a) and (b), as under:

> *'a) That by Writ of Mandamus and or by appropriate Writ, Direction and Order of similar nature, Your Lordships be pleased to direct the Respondent No. 3 to issue the no objection certificate as per Section 48 of the Motor Vehicles Act, 1988 by removing the flagging off by Respondent No. 3 due to reason enforcement if any and thereby allow the Petitioner to transfer the vehicles in favour of the transferee;*
>
> *b) That by Writ of Mandamus and or by appropriate Writ, Direction and Order of similar nature, Your Lordships be pleased to direct the Respondent No. 3 not to insist the no objection certificate as per section 48 of the motor vehicle act 1988 for transfer of ownership of the vehicle within the state.'*

3. We have heard the learned Advocates for the respective sides. There is no dispute that there are two vehicles involved in this matter, the details of which are as under:

(a) A tourist bus bearing registration No. MH-01-CV-6385, which has suffered 280 challans, and the outstanding payment of fine is Rs. 10,63,002/-;

(b) The second vehicle bearing registration No. MH-01-CV-7794, which has suffered 310 E-challans, and the outstanding payment of fine is Rs. 11,19,000/-.

4. The learned Addl. GP submits that the concerned Court, i.e., 9th Joint Civil Judge Junior Division First Class, Pune, is already dealing with these cases.

5. The learned Advocate for the Petitioner submits, on instructions, that the Petitioner desires to sell these two vehicles. He would deposit the entire amount of Rs. 10,63,002/- and Rs. 11,19,000/-, before the concerned Court, without prejudice to his right to oppose the challans. Once these amounts are deposited, no dues certificate may be issued by the authorities and the Petitioner be permitted to dispose off the said two vehicles. The Petitioner desires to deposit the entire amount in both these cases, within seven days from today.

6. The learned Addl.GP submits that if the entire amount is deposited in this Court, the Regional Transport Officer would remove the flagging on the two vehicles as being defaulter vehicles. Thereafter,

the Petitioner may create third-party rights in such vehicles.

7. The above statements are recorded.

8. Once these amounts are deposited, the concerned authorities would release the vehicles from the flagging which has been attached. Consequent thereto, the Petitioner may create third-party rights in the said vehicles, but, by intimating prospective buyers in writing as regards the two pending criminal cases. After these amounts are deposited, NOC with regard to these two vehicles be granted by Respondent No. 3 within a period of three weeks from today. Needless to state, that if the Petitioner succeeds in the pending proceedings and if it is concluded that she was not liable to pay the fines, she would be entitled for a refund.

9. In light of the above, **this Writ Petition is disposed off.** Rule is discharged.

(GAUTAM A. ANKHAD, J.) **(ACTING CHIEF JUSTICE)**