



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7593-2023 (O&M)
Date of Decision: 19.05.2026

Arun Kumar @ Arun Kumar Aggarwal ...Petitioner(s)

Versus

State of Haryana and Others ...Respondent(s)

And

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-16927-2025 (O&M)	Sanjeev Kumar	Union of India and Others
3.	CWP-17080-2025 (O&M)	Shamsher Singh	Union of India and Others
4.	CWP-2022-2022 (O&M)	Mukesh Kumar Mittal	State of Haryana and Another
5.	CWP-1069-2020 (O&M)	Shweta Saini	State of Haryana and Another
6.	CWP-1418-2020 (O&M)	Narender Singh	State of Haryana and Another
7.	CWP-1816-2020 (O&M)	Swaran Singh	State of Haryana and Another
8.	CWP-23885-2022 (O&M)	Sumit Kumar	State of Haryana and Another
9.	CWP-30294-2022 (O&M)	Rajender Singh Yadav	State of Haryana and Another
10.	CWP-9924-2020 (O&M)	Ravinder Kumar Chihgal	State of Haryana and Another
11.	CWP-10048-2020 (O&M)	Rekha Naresh Mittal	State of Haryana and Another
12.	CWP-29158-2024 (O&M)	Rajinder Singh	Union of India and Others
13.	CWP-9664-2023 (O&M)	Rajender Singh Yadav	State of Haryana and Another
14.	CWP-31271-2024 (O&M)	Ritu Tanwar	State of Haryana and Others

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Abhinav Aggarwal, Advocate and
Mr. Rishabh Aggarwal, Advocate
for the petitioner in **CWP-7593-2023**.

Mr. Himanshu Raj, Advocate
for the petitioner in **CWP-16927-2025, CWP-17080-2025**
and **CWP-29158-2024** (Through V.C.).

Mr. Surender Dhull, Advocate
for the petitioner in **CWP-2022-2022**.

Mr. A.V.S. Parmar, Advocate and
Mr. S.K. Aggarwal, Advocate
for the petitioner in **CWP-1069-2020, CWP-1418-2020**
CWP-1816-2020, CWP-9924-2020 and **CWP-10048-2020**.

Mr. R.D. Yadav, Advocate
for the petitioner in
CWP-30294-2022 and **CWP-9664-2023**.

Mr. Akshit Pathania, AAG, Haryana.

Ms. Shalini Atri, Senior Panel Counsel
for the respondent UOI in **CWP-16927-2025,**
CWP-17080-2025 and **CWP-29158-2024**.

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from **CWP-7593-2023**.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of circular/memo dated 08.11.2019 whereby respondent has withdrawn its earlier memo dated 28.05.2019 and asked the vehicle owners holding old registration number to pay charges for preferential number.

3. This is third round of litigation. The petitioner is having vehicle make Hyundai i-10 bearing Registration No.HNM-9 issued by Registering Authority, Haryana. The Union Legislature w.e.f. 14.10.1988 introduced Motor Vehicles Act, 1988 (for short '1988 Act'). Section 41(7) of 1988 Act provides that registration mark issued prior to commencement of the 1988 Act shall remain valid for 15 years from the date of certificate. The vehicle owner would be free to apply for renewal of old registration mark. The respondent issued circular dated 21.11.2008 mandating that no registration mark of old series shall be permitted to be retained by any vehicle owner. Retention of old series number is not allowed. The vehicle owners approached this Court and matter came up for consideration before a Division Bench of this Court which vide order dated 12.08.2010 disposed of **CWP-6732-2010**. The petition was disposed of on the basis of circular issued by State Government wherein it was clarified that registration marks of old series may continue to be retained.

4. The matter with respect to retention of old series numbers or transfer to new vehicles came up for consideration before learned Single Judge of this Court. The petition filed by Parmender Singh Khasa was allowed and order dated 20.01.2017 passed by respondent was set aside. The State preferred intra-court appeal and matter came up for consideration before a Division Bench of this Court which vide order dated 23.05.2019 made it clear that old registration numbers would be replaced with new numbers of same series subject to availability and without charges.

5. The respondent issued memo dated 28.05.2019 clarifying that registration mark under old series would be allowed to be replaced with registration mark under any new series without charging any fee. The respondent by impugned memo has withdrawn its letter dated 28.05.2019 and formed an opinion that if any vehicle owner wants a preferential number, he will have to make payment as prescribed despite having preferential number in old series.

6. Learned counsel representing the petitioners submit that respondent despite making statements before this Court are changing their stand. They third time have attempted to charge from vehicle owners having preferential numbers in old series. The respondents are acting beyond their jurisdiction. As per Sections 41(7) and 41(8) of 1988 Act, the respondent is bound to renew old number. The State Government has no authority to issue any circular or frame rules with respect to registration mark contemplated under Section 41(7). Power to deal with registration mark contemplated under Section 41(7) is vested in Central Government as per Section 64(da) and 64(e). Section 65 further makes it clear that State Government cannot make rules with respect to matters specified in Section 64.

7. *Per contra*, learned State counsel submits that petitioners have right to get registration number in new series, however, they cannot claim preferential number. They are supposed to pay for preferential number. The State has never made statement before this Court that old numbers would be replaced with new numbers irrespective of nature of registration mark. A preferential number cannot be replaced with

preferential number without charges. The State Government has been allotted group of letters “HR” whereas the petitioners are having registration marks other than commencing with “HR”. The old series have been scrapped, thus, petitioners cannot be permitted to continue with old numbers. They are bound to apply for new numbers. The State Government has power to issue circular/memo where there is ambiguity. There is no bar to issue circular/memo.

8. Heard the arguments and perused the record.

9. The conceded position emerging from record is that the petitioners are having registration marks commencing with letters other than “HR”. They were issued registration number prior to notification issued by Central Government under Section 41(4) whereby State Government was assigned group letters “HR”. The respondent has time and again issued instructions to the effect that vehicle owners having old registration numbers are supposed to apply for registration marks of new series. The respondent issued memo dated 28.05.2019 whereby stand of petitioners was accepted, however, said memo was withdrawn by impugned memo dated 08.11.2019.

10. The Union legislature introduced Motor Vehicles Act, 1988 w.e.f. 14.10.1988. Section 41(7) provides that registration certificate issued before the commencement of the Act shall be valid for a period of 15 years from the date of issuance of said certificate. The said certificate may be renewed. Relevant extract of Section 41 are reproduced as below:

“(6) The registering authority shall assign to the vehicle, for display thereon, a distinguishing mark (in this Act referred to as the registration mark) consisting of one of

the groups of such of those letters and followed by such letters and figures as are allotted to the State by the Central Government from time to time by notification in the Official Gazette, and displayed and shown on the motor vehicle in such form and in such manner as may be prescribed by the Central Government:

Provided that in case of a new motor vehicle, the application for the registration of which is made under the second proviso to sub-section (1), such motor vehicle shall not be delivered to the owner until such registration mark is displayed on the motor vehicle in such form and manner as may prescribed by the Central Government.

(7) A certificate of registration issued under sub-section (3), whether before or after the commencement of this Act, in respect of a motor vehicle shall subject to the provisions contained in this Act, be valid only for a period of fifteen years from the date of issue of such certificate or for such period as may be prescribed by the Central Government and shall be renewable.

(8) An application by or on behalf of the owner of a motor vehicle for the renewal of a certificate of registration shall be made within such period and in such form, containing such particulars and information as may be prescribed by the Central Government.

(9) An application referred to in sub-section (8) shall be accompanied by such fee as may be prescribed by the Central Government.

(10) Subject to the provisions of section 56, the registering authority may, on receipt of an application under sub-section (8), renew the certificate of registration for such period, as may be prescribed by the Central Government and intimate the fact to the original registering authority, if it is not the original registering authority:

Provided that the Central Government may prescribe different period of renewal for different types of motor vehicles.”

11. From the perusal of above quoted Section, it is evident that a registration certificate issued prior to 1988 Act is valid and may be got renewed. The registering authority may renew registration certificate for such period as may be prescribed by the Central Government. Section 41(10) was amended w.e.f. 01.04.2021 and prior to said amendment, certificate could be renewed for a period of five years.

12. The parties have not pointed out any rule made by Central Government which governs aspect of renewal of registration certificate. Section 217 provides for repeal of Motor Vehicles Act, 1939. Section 217(2)(b) provides that registration certificate issued prior to enactment of 1988 Act shall continue to have effect as per provisions of repealed Act. Section 217A which was inserted on 11.08.2000 provides that registration certificate issued under repealed Act may be renewed under 1988 Act. Relevant extracts of Sections 217 and 217A read as:

“217. Repeal and savings.- (1) The Motor Vehicles Act, 1939 (4 of 1939) and any law corresponding to that Act in force in any State immediately before the commencement of this Act in that State (hereafter in this section referred to as the repealed enactments) are hereby repealed.

(2) Notwithstanding the repeal by sub-section (1) of the repealed enactments,-

(a) any notification, rule, regulation, order or notice issued, or any appointment or declaration made, or exemption granted or any confiscation made, or any penalty or fine imposed, any forfeiture, cancellation

or any other thing done or any other action taken under the repealed enactments, and in force immediately before such commencement shall, so far as it is not inconsistent with the provisions of the Act, be deemed to have been issued, made, granted, done or taken under the corresponding provision of this Act;

(b) any certificate of fitness or registration or licence or permit issued or granted under the repealed enactments shall continue to have effect after such commencement under the same conditions and for the same period as if this Act had not been passed.

(c) any document referring to any of the repealed enactments or the provisions thereof, shall be construed as referring to this Act or to the corresponding provisions of this Act;

(d) the assignment of distinguishing marks by the registering authority and the manner of display on motor vehicles in accordance with the provision of the repealed enactments shall, after the commencement of this Act, continue to remain in force until a notification under sub-section (6) of section 41 of this Act is issued.”

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217A. Renewal of permits, driving licences and registration granted under the Motor Vehicles Act, 1939.-
Notwithstanding the repeal by sub-section (1) of section 217 of the enactments referred to in that sub-section, any certificate of fitness or registration or licence or permit issued or granted under the said enactments may be renewed under this Act.”

[Emphasis supplied]

13. As per Section 217(2)(b), old registration certificate shall remain in force, however, as per Clause (d) of Section 217(2) assignment of distinguishing marks under repealed Act would cease to exist after notification by the Central Government under Section 41(6). As per Section 41(6), the Central Government by notification would allot group of letters to the State. The Central Government has allotted group of letter “HR” to State of Haryana. In view of Section 41(6) read with Clauses (b) and (d) of Section 217(2), after allotment of group letters “HR” to the State of Haryana by the Central Government, the vehicles having registration certificates issued under repealed Act by any registering authority within State of Haryana (including joint Punjab) must have registration mark commencing with “HR”.

14. As per Section 64, the Central Government may make rules for the period of validity of certificate of registration under Section 41(7), the period within which application shall be filed under Section 41(8), the period of renewal of certificate under Section 41(10). Relevant extracts of Section 64 read as:

“64. Power of Central Government to make rules.- The Central Government may make rules to provide for all or any of the following matters, namely:-

(a) the period within which and the form in which an application shall be made and the documents, particulars and information it shall accompany under sub-section (1) of section 41;

(b) the form in which the certificate of registration shall be made and the particulars and information it shall contain and the manner in which it shall be issued under sub-section (3) of section 41;

(c) the form and manner in which the particulars of the certificate of registration shall be entered in the records of the registering authority under sub-section (5) of section 41;

(d) the manner in which and the form in which the registration mark, the letters and figures and other particulars referred to in sub-section (6) of section 41 shall be displayed and shown;

(da) providing for the period of validity of a certificate of registration under sub-section (7) of section 41;

(e) the period within which and the form in which the application shall be made and the particulars and information it shall contain under sub-section (8) of section 41.

(ea) the period of renewal of certificate of registration of different types of motor vehicles under sub-section (10) of section 41”

15. Section 65 (1) provides that State Government may make rules for the purpose of carrying into effect the provisions of Chapter IV other than the matters specified in Section 64. Section 65(1) reads as:

“65. Power of State Government to make rules. (1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 64.”

16. From the conjoint reading of Sections 41, 64 and 65, it is evident beyond the pale of doubt that Central Government has exclusive power to make rules with respect to validity of registration mark and its renewal. The State Government has no power to make rules with respect to validity of marks and its renewal. Despite said fact, the respondent has issued circulars. It is apt to notice here that State Government has not

made any rule in exercise of power conferred by Section 65 whereas has issued memos without any provision in the 1988 Act empowering the State to issue such circulars/memos. The impugned memo is bad in the eye of law on the ground of jurisdiction. It is liable to be declared invalid.

17. The matter needs to be examined from another angle. The respondent issued memo dated 21.11.2008 wherein it was provided that no registration number of old series shall be permitted to be retained by any vehicle owner. The relevant extracts of said memo read as:

“3. It is reiterated that the Registering Authorities are fully responsible for implementing the provisions regarding registration by ensuring that no registration number belonging to old series referred to above is allotted to non transport or transport vehicles. It is further strongly reiterated that in accordance with the legal provisions, no registration number of old series shall be permitted to be retained by any vehicle owner. Retention of old series - numbers as above is not allowed. It is clarified that the old series allotted under the Act of 1939 has been withdrawn and extinguished as per provisions of the Motor Vehicles Act, 1988.”

18. The matter came up for consideration before a Division Bench of this Court with respect to validity of aforesaid memo. The State Government issued memo to the effect that registration number of old series may continue to be retained. Order dated 12.08.2010 being a short order passed by a Division Bench of this Court in **CWP-6732-2010** in *toto* is reproduced as below:

“Learned State Counsel has filed a copy of letter bearing Memo No. 494 dated 11.08.2010 along with the copy of Notification No. RT- 11036/21/2009-MVL dated 9.2.2010

issued by the Government of India. The Notification inter alia states as follows-

“The matter has, however, been reconsidered in this Ministry. Keeping in view the persistent request made by motor vehicle owners and also to keep pace with such a practice in many other countries,, it is felt that the State Governments may allow motor vehicle owners to retain the registration mark of his vehicle on a new vehicle owned in his name after the sale or scraping of old vehicle, However, in cases where old vehicle is not being scrapped, State Government would need to assign new registration mark to the old vehicle to make it eligible to ply on the road. Proper record of such portability would also need to be kept for enforcement on road.”

Pursuant to the aforesaid Notification issued by the Government of India, the State of Haryana has also decided to the following effect:-

“In this regard, it is stated that the matter has been reviewed by the State Govt. on the receipt of the communication to this effect from the Central Govt. and it has been decided that the registration numbers of old series may continue to be retained to the vehicles. A copy of the letter addressed to all the Sub Divisional Officers-cum-Registering authority(Motors) and all Secretary, Regional Transport Authorities in the State of Haryana is inclosed.”

We are satisfied that in view of the above directions issued by the Government of India which have been adopted by the State of Haryana, no further orders are called for in this petition which seeks retention of old registration numbers for new vehicles. The petition stands disposed of accordingly.”

19. The matter again came up for consideration before Single Judge of this Court. Memo dated 20.01.2017 issued by respondent was set aside. The respondent-State preferred an intra court appeal which was

disposed of vide order dated 23.05.2019. A Division Bench of this Court observed that old registration number would be replaced by new number without any extra charge from the owner of the vehicle. Relevant extracts of order dated 23.05.2019 read as:

“In view of the change in the technology and security concern like high security number plate etc. and also various scheme like 'Vahan' which is run on a software having details of all the vehicles on the basis of the registration marked on the vehicle, which may not be possible with the old registration number and therefore a policy decision has been taken to replace the old registration number to a new number of the same series subject to its availability without any extra charges from the owner of the vehicle. It is also stated that the transfer of the vehicle on the death of a registered owner of the vehicle shall be made in favour of the legal heirs with a new registration number.

In view of the above, the impugned order and judgment passed by the learned Single judge stands modified to the extent directed above.”

20. The respondent issued memo dated 28.05.2019 wherein it was made clear in so many words that registration marks under old series would be replaced with same registration marks under new series without charging any fee. Relevant extracts of memo dated 28.05.2019 read as:

“The matter has been considered at the level of the State Government and it has been observed that the Central Government in exercise of the powers conferred by sub-section (6) of section 41 of the Motor Vehicle Act, 1988 has allotted to the State and Union Territories, the group of letters to be used as registration mark. The State of Haryana has been allotted "HR" as group of letter to be used as such. Therefore, the registration marks granted

under the old series have become absolute and allowing the same to continue is a contravention of the provisions of Central Motor Vehicles Act, 1988 and rules made thereunder. Hence, it has been considered necessary by the State Government that the said registration marks should not be allowed to be used further on the motor vehicles and only road worthy vehicles having registration marks under old series should be allowed to replace the said registration marks under old series with the same registration marks under any new series without charging any fee. For instance, the registration mark like HRK-4, HRO-10 shall be replaced by say HR-0004, HR-0010 for registration marks having same value of any series subject to availability of the same.”

21. The above narrated sequence of events reveals that the State was always of the opinion that old series registration marks should be replaced by new series. The said opinion was based upon correct reading of Section 41(6) read with Section 217(2)(d) of 1988 Act. The State can replace old series marks, however, in view of above noted orders of this Court and instructions issued by the Central and State Government cannot charge any fee. Therefore, there was no occasion to withdraw aforesaid memo, nevertheless, respondent by impugned memo has withdrawn memo dated 28.05.2019. Action of respondent is unjustified and contrary to statements made before this Court. The said memo deserves to be set aside on this score as well.

22. In the wake of above discussion and findings, this Court is of the considered opinion that impugned memo dated 08.11.2019 is bad in the eye of law and deserves to be declared invalid and accordingly hereby declared invalid. The respondent in terms of Section 41(6) read with

Section 217(2)(d) of 1988 Act may proceed for replacement of old series registration marks with “HR” series marks, however, without charging fee even for preferential registration marks.

23. *Allowed.*
24. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

19.05.2026

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No