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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ MAC.APP. 430/2022 & CM APPL. 55782/2022

SUNIL .....Appellant

Through: Mr. Omkar Kushwaha and Mr. Yogesh Pachauri, Advs.

versus

MAYA & ORS. .....Respondents

Through: Mr. Ravi Sabharwal and Mr. Vivan Garg, Advs. for Insurance Company.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% 15.01.2026

1. This appeal has been filed assailing impugned award dated 05th August 2022 passed by Motor Accidents Claims Tribunal ('***MACT***'), North District, Rohini Courts in case titled *'Maya & Ors. v. Arvind Kumar & Ors.'* in MACP No.452/2018. Appellant/Owner of offending vehicle has filed this appeal challenging the recovery rights, which were granted against them by the MACT.

2. MACT's finding in this regard is contained in paragraph 32 of impugned award, which is extracted as under:

> 32. Now turning back to the facts of the case. The respondent no. 2 i.e. registered owner has relied upon a Checkpost e-Receipt Ex. R2W1/2 in order to substantiate his plea that the offending vehicle was having valid permit for the State of Haryana at the time of accident. It is relevant to note here that document Ex. R2W1/2 is merely a checkpost e-Receipt having validity from 09.04.2018 to 30.06.2018. It is nowhere written in the said document that the same was issued as a permit of offending vehicle for its

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> being plied in the State of Haryana by any of the concerned Authority. In these circumstances, it is held that there was fundamental breach in terms and conditions of the insurance policy on the part of insured i.e. respondent no. 2. Hence, insurance company is entitled to recovery rights against the respondent no. 2. (Reliance placed on decision dated 26.09.2017 in FAO no.7555/2015 in the matter titled as ***"MS Middle High School and another Vs. Usha and others"*** by Hon'ble High Court of Punjab and Haryana and as upheld by Hon'ble Apex Court in SLP no.31406/2017 titled as ***"MS Middle High School Vs. HDFC ERGO General Insurance Company Ltd. & others"*** decided on 22.11.2017). Issue no. 2 is decided accordingly.

3. As per the Right to Information (***'RTI'***), application moved before Road Transport Authority, Rohtak, Haryana, responses have been received which seem to affirm that appellant/owner indeed had a valid permit while entering the State of Haryana.

4. It is an admitted position that the offending vehicle already had a valid permit issued by the Delhi Government. The only issue is, whether it was applying with a valid permit when it was entering the State of Haryana.

5. It is also an admitted position that the amount had been deposited, which was required by the State of Haryana and checkpost receipt was issued for the period 09th April 2018 till 30th June 2018. The accident occurred on 23rd June 2018 and, therefore, the permit would have been valid.

6. An additional issue arose, whether the checkpost receipt would amount to a valid permit, to which question, responses received in the RTI, are tabulated as under:

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Sl. No.	Information Sought by you	Information as per office records
1.	When vehicles with permits issued by the Delhi Government enter Haryana, a receipt is issued after collecting tax. What is the purpose of issuing this receipt? Please provide details.	The vehicles which has no national permit, those vehicles before entering another state has to pay tax of that state. Otherwise, there is no other purpose.
2.	When contract carriage vehicles with permits issued by the Delhi Government enter Haryana, the Haryana Transport Department collects tax through e-receipt. For how many days/hours this receipt valid?	It depends on the vehicle owner how many days/hours he keeps the vehicle in the state. On that basis, the vehicle owner pays tax.
	After vehicles with permits issued by the Delhi Government pay tax to the Haryana State Transport Department, what facilities/ benefits are provided by the Haryana Government? Please provide details.	After issuing permit by Delhi Govt. and collection of Tax by Haryana State Transport Department, a facility is provided so that the vehicle is not considered to be running illegally and its tax and permit challan are not done.

7. In view of the same, finding recorded by impugned award needs to be set aside.

8. Right of recovery, as held against appellant/owner, in para 32, extracted above, will therefore, not subsist.

9. Accordingly, the appeal is allowed and is disposed of in the above terms.

10. Pending applications, if any, are also disposed of as being rendered infructuous.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 15, 2026/MK/*sp*

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