$~60

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

\# **CNR No. DLHC010517172026**

\+ W.P.(C) 15889/2026

SH. HEMANT BATRA .....Petitioner

Through: Mr. Pankaj Arya, Adv.

versus

GOVT. OF N.C.T. OF DELHI AND ANR. .....Respondents

Through: Mr. Sunil Goyal, ASC with Ms. Deepa Rathore and Ms. Tanveet Kaur, Advocates

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

O R D E R

% 28.10.2026

CM APPL. 74406/2026 *(for exemption)*

1. Allowed, subject to all just exceptions.

2. The application is disposed of.

W.P.(C) 15889/2026

3. By virtue of the present petition, the petitioner *inter alia* seeks direction to the respondents to release its refrigerated truck bearing Registration No. NL01Q4216, Chassis No. MAT466442G5F10237 and Engine No. 61F84313467 ("***truck***").

4. Learned counsel for the petitioner in order to buttress his submission qua the petitioner's truck having been unlawfully and arbitrarily impounded, has drawn the attention of this Court to the decision of the Co-ordinate Bench in W.P.(C) No. 3124/2024 entitled '***Sunil***

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:45:14

Rathore vs. Government of NCT of Delhi & Anr.', wherein it has been held as under:

> *"4. Respondent/ GNCTD has taken an objection that the aforesaid vehicles cannot be released in view of Clause 8(ii) of the Guidelines For Handling End Of Life Vehicles In Public Places Of Delhi, 2024 ("2024 Guidelines"), which Guidelines have been framed on 20.02.2024 as directed vide the judgement dated 22.08.2023. In W.P.(C) 7796/2024 and W.P.(C) 6049/2024, the vires of the said Clause 8(ii) has been challenged by the petitioners. It is further prayed that the said clause be declared to have a prospective operation and the vehicles impounded before coming into force of the said Guidelines, be released in terms of the judgement dated 22.08.2023.*
>
> *5. Clause 8(ii) of 2024 Guidelines reads as under:*
>
> *"8. IMPOUNDED VEHICLE WHICH CAN NOT BE RELEASED*
>
> *(i)*
>
> *(ii) Transport vehicles running on diesel fuel and aged more than 10 years old."*
>
> ***XXX XXX XXX***
>
> *22. Once vehicles have been classified on the basis of type of fuel/ pollution emissions-diesel vehicle more than 10 years old and petrol vehicle more than 15 years old - and certain rights/obligations have been imposed thereon, there is no intelligible differentia, discernable from the guidelines, in prescribing a further sub-classification of the diesel vehicles on the basis of the vehicle being a transport vehicle or otherwise. Such exclusion of one sub-category of vehicles from Clause 6 and 7 is impermissible, especially when the excluded sub-category belongs to the same genus. In Union of India v. N.S. Rathnam, (2015) 10 SCC 681, it has been held as under:*

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:45:14

> *"12...When the exemption is granted to a particular class of persons, then the benefit thereof is to be extended to all similarly situated persons. The notification has to apply to the entire class and the Government cannot create sub-classification thereby excluding one sub-category, even when both the sub-categories are of same genus. If that is done, it would be considered as violating the equality clause enshrined in Article 14 of the Constitution. Therefore, judicial review of such notifications is permissible in order to undertake the scrutiny as to whether the notification results in invidious discrimination between two persons though they belong to the same class."*
>
> ***XXX*** ***XXX*** ***XXX***
>
> *25. Consequently, Clause 8(ii) of the 2024 Guidelines is held to be violative of Article 14, and not in consonance with law."*

5. Learned counsel for the petitioner also submits that the petitioner has an apprehension that his truck may be scrapped.

6. Issue notice.

7. Learned counsels for respondent nos.1 and 2 accepts notice.

8. Considering the aforesaid legal position as also the dictum of the Hon'ble Supreme Court in ***Union of India Vs. N.S. Rathnam : (2015) 10 SCC 68***, the respondent no.2/ MCD is directed to treat the present writ petition as a representation on behalf of the petitioner, and dispose of the same in accordance with law as expeditiously as possible, preferably within a period of *four weeks*, and after according a hearing to the petitioner if, as and when required, and may further subject the petitioner to appropriate condition(s), including but not limited to levy of requisite charges/ fees.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:45:14

9. Since learned counsel for respondent no. 2 submits that the refrigerated truck has already been sent to the scraper, the respondent no. 2 shall direct the said scraper, today itself, to withhold its action *qua* scraping till the pendency of the aforesaid representation.

10. Accordingly, the present petition disposed of in the aforesaid terms.

SAURABH BANERJEE, J

OCTOBER 28, 2026/*da*

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 30/10/2026 at 11:45:14