

02-12-2025
ct no. 10
Sl.6
RP

WPA 25950 of 2025

M/s. Creative Engineering & Anr.
-Versus-

State of West Bengal & Ors..

Mr. N.I. Khan,
Mr.Amlan Kr.Mukherjee,
Mr. Dilip Kr. Mandal

...for the petitioner

Mr. Asim Kr. Ganguly, AGP
Mr.Sanghamita Nandy

...for the State

1. The petitioner claim to be the manufacturers e-rickshaws. They are aggrieved by the non-issuance of certificate of registration in respect of vehicles (e-rickshaws) manufactured by the petitioner no.1.
2. The Additional Director, Transport Directorate vide Memo dated January 13,2022 requested the RTOs/ARTOs to follow the restraining direction of the Hon'ble High Court in connection with the registration of battery operated eco-friendly e-rickshaws until any further order is received from any other competent Court of law.
3. By a further Memo date July 13, 2022 the Special Secretary, Transport Department has requested the Director, Transport Directorate

to provide necessary instruction to the Registering Authority to take necessary action in compliance of the order dated June 3, 2022 in terms of Notification No. 612-WT/3-09/2013 dated February 25, 2013 and the terms and conditions as specified in the certificate as issued by the Certification Authority CAT.

4. The said instructions were passed as the private respondent herein claims to be the patent holder of the technology of the battery operated eco-friendly e-rickshaws.
5. It appears that several civil suits filed by the private respondent are pending consideration before the learned civil Court.
6. The private respondent has relied upon an order dated 25th August, 2025 passed by the Hon'ble Division Bench of this Court in MAT 1680 of 2022 with CAN 1 of 2022 (*Kanishk Sinha vs. State of West Bengal and Ors.*) wherein the Court took note of the fact that whether the appellant i.e., the private respondent herein is the patent holder with exclusive right to issue licence to manufacturers of e-vehicles under his patent or whether there is any compulsory licensing ordered by the State and to what extent the appellant is entitled to be compensated by the

manufacturers and users of the vehicles under question, are disputed questions of fact which can be decided in the pending civil suits.

7. The Court was pleased to vacate the interim stay order granted by the learned Single Bench restraining the Registering Authority to register the e-rickshaws/e-vehicles.
8. In view of the order passed by the Hon'ble Division Bench, there is no restriction of the e-rickshaws/e-vehicles provided the vehicles are different and distinct from the category forming subject matter of the title suit pending before the learned Additional District Judge, 13th Court, Alipore and subject to the compliance of Rules 126 of the Central Motor Vehicles Rules, 1989 and all other formalities prescribed under the governing Act/Rules by the petitioners.
9. The registering authority is, accordingly, directed to act strictly in terms of the direction passed by the Court and register the e-rickshaws/e-vehicles provided the vehicles are different and distinct from the category forming subject matter of the title suit pending before the learned Additional District Judge, 13th Court, Alipore and subject to the compliance of Rules 126 of the Central Motor

Vehicles Rules, 1989 and all other formalities prescribed under the governing Act/Rules by the petitioners. The writ petition stands disposed of. Since no affidavit has been called for, allegations contained in the writ petition are deemed not to have been admitted by the respondents.

10. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
11. Certified copy of this order, if applied for, shall be made available to the parties.

(Smita Das De, J.)