

18.12.2025

Item No. 05

Crt.No.10

b.r.

WPA 27450 of 2025

M/s. Shri Barsana E-Vehicles Pvt. Ltd.

-vs-

The State of West Bengal & Ors.

Mr. Sanjib Dutta

.... For the petitioner.

Mr. Amal Kumar Sen, Ld. AAG

Ms. Ashima Das (Sil)

..... for the State.

Parties are represented through their respective learned counsels.

The matter appears under the heading “To Be Mentioned” at the instance of the petitioner.

The subject matter of the writ petition is with regard to the non-issuance of the Certificate of Registration of the E-rickshaw vehicle manufactured by the writ petitioner. The authority concerned has refused to grant such registration of the E-rickshaw vehicles due to an order of injunction passed by the Additional District Judge, 13th Court, Alipore dated 24.01.2020 in Title Suit No. 27/2018 regarding registration of the Battery operated eco friendly E-rickshaw.

Learned counsel for the petitioner prays, inter alia, for the following reliefs:-

“a) A writ in the nature of Mandamus commanding the Respondents Authorities, their men, agents and subordinates to show cause as to why the impugned Memo dated 13.01.2022 along with the Memo dated 13.07.2022 will not be set aside/quashed and/or rescinded and further to show cause as to why they are refusing to issue certificate of registration of the vehicle manufactured by the petitioner registered partnership firm while granting registration certificate in respect of vehicles of Mahindra & Mahindra make although the type of vehicles are similar while distinctly different from the patented vehicle as they are using Lead Cell Battery and not Fuel Cell Battery;

b) A writ in the nature of Mandamus commanding the Respondent Authorities to forthwith direct all the Regional Transport offices situated in the State of West Bengal to issue certificate of registration in respect of E-rickshaw manufactured by the petitioner while are manufactured under the certifications and specification of the Central Agency as per Rule 126 of the Central Motor Vehicles Rules, 1989 and as the technology of the manufactured vehicles is totally different to that of the Patented Produce as the petitioner uses Lead Cell Batteries and not Fuel Cell Batteries and thus there is no impediment regarding grant of registration

certificate as per the Motor Vehicles Act, 1988 and the Rules framed thereunder.”

This Court on the self-same issue has already taken a view in the dated 02.12.2025, which is reproduced below:-

‘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.

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.”

Learned State Counsel vehemently opposes the prayer “a and b” as prayed for in the instant writ petition.

Learned State counsel prays for filing affidavit in opposition, let affidavit in opposition be filed within four weeks after Vacation; reply, if any, thereto, shall be filed within two weeks thereafter.

The matter shall appear in the Combined Monthly List of February, 2026.

(Smita Das De, J.)