

ITEM NO.7

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: BS IV VEHICLES(1) IA NOS. 32789 AND 32783/2021
 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O BATRA AUTOMOBILES

(2) IA NOS. 34355 AND 34358/2021
 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O SWETA SHARMA)

(3) IA NOS. 136354 AND 136893/2021
 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O S. RAMALINGAM AND
 ORS.)

(4) IA NOS. 1287 AND 1288/2022
 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O FEDERATION OF
 AUTOMOBILE DEALERS ASSN.)

(5) I.A. NOS. 5961 AND 5967/2022
 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O RAHUL SERVICES) ONLY"
 IN W.P.(C) NO. 13029/1985 ARE LISTED.

Date : 06-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For the parties:

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UPON hearing the counsel the Court made the following
O R D E R

Several applications are filed seeking directions for registration of their vehicles. All vehicles which have been uploaded on e-Vahan portal for permanent/temporary registration numbers on or before 31.03.2020 shall be registered without insisting on the applicants approaching this Court for suitable orders.

IA Nos.32789 and 32783/2021

These applications relate to three wheeler sold and registered by the self registering dealers in Delhi and uploaded on E-Vahan portal with permanent registration numbers on or before 31.03.2020.

The applications are allowed in terms of the Order dated 24.11.2021.

IA Nos.34355 and 34358/2021

Adjourned.

IA Nos.13654 and 136893/2021

These applications relate to registration of 4 passenger vehicles belonging to the applicants, the details of which were not uploaded on the e-Vahan portal. We are informed by the learned counsel for applicant No.2 that applicant Nos.1,3 and 4 have withdrawn their applications and it is only applicant No.2 who is interested in pursuing his application. It is submitted on behalf of the applicant that e-Vahan portal was not working in the State of Tamil Nadu for which reason, the sale was not uploaded on the portal.

Applicant No.2 is permitted to withdraw the application with liberty to approach the Madras High Court and pursue the remedy. The applications are treated to be withdrawn accordingly. All questions are left open.

IA Nos.1287 and 1288/2022

Adjourned.

IA Nos.5961 and 5967 of 2022

IA No.5967/2022 has been filed by an authorized dealer of motor cycles seeking a direction to the concerned Road Transport Officer of District Kanker, State of Chhattisgarh to register vehicles sold prior to 23.03.2020 after collecting the requisite taxes

and fees and issuing insurance certificate in respect of these vehicles, details of which have been uploaded on e-Vahan portal before 31.03.2020.

It is admitted that the registration fee was not paid within time for which reason, the registration was not done.

Ms. Aparajita Singh, learned Amicus Curiae submitted that there are several sale transactions which were made during the year 2019. Most of the transactions are prior to the onset of Covid-19 and there is no explanation as to why the registration fee was not paid within time.

Learned counsel for the applicant submitted that motor vehicles were sold prior to 23.03.2020 and even after uploading the sale transactions on e-Vahan portal prior to the cut-off date, registration fee could not be paid as a nation-wide lockdown was imposed.

In the peculiar facts and circumstances of this case, we direct permanent registration certificates to be issued to 187 two wheelers, the details of which have been given at Annexure A-3 of the application.

The applications are allowed accordingly.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master