

W.P.(C) No.17009 of 2013

02. 31.07.2013

Heard learned counsel for the petitioner and learned Standing Counsel appearing for the Transport Department.

It is submitted by the learned counsel for the petitioner that the petitioner is the owner of the vehicle bearing Registration No.OR-14-W/7505 (Tata Ace Magic) and the opposite party is not granting permit and fitness certificate in respect of the said vehicle as the petitioner is in default of paying tax and penalty for some period. Learned counsel for the petitioner further submits that the petitioner is willing to deposit the tax, but the penalty amount being excessive, the same may be reduced.

Considering the submissions made, it is directed that if the petitioner pays the tax demanded by 16.08.2013 and undertakes before the opposite party to pay 60% of the penalty amount in three equal consecutive instalments, i.e., by 31.08.2013, 16.09.2013 and 01.10.2013, then on payment of tax and the first instalment of the penalty, the petitioner's application shall be considered and permit and fitness certificate shall be granted in favour of the petitioner, provided that the petitioner has not incurred any other dues in the meantime and the vehicle is otherwise fit to ply on the road. It is further observed that such permit and fitness certificate may be cancelled by the opposite party in the event of default in payment of the aforesaid instalments of penalty amount by the dates stipulated above or default in payment of any other dues accrued against the petitioner. In that event, the petitioner shall be able to pay the whole of the amount of penalty imposed. If the 60% of the penalty amount is paid by the dates stipulated, the balance penalty amount shall stand waived.

The writ petition is accordingly disposed of.

Issue urgent certified copy as per rules.

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S.C. Parija, J.