



2025:CGHC:10043

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2089 of 2022

1. Royal Travels Through Its Managing Partner Sayyad Anwar Ali Son Of Sayyad Ahmad Ali, Aged About 53 Years, C/o Royal Travels, Shop No.03, Pagaria Complex, New Bus Stand, Pandri, Raipur, District : Raipur, Chhattisgarh

... Petitioner

versus

1. State Of Chhattisgarh Through Secretary, Department Of Transport, Mahanadi Bhawan, Atal Nagar, Nawa Raipur., District : Raipur, Chhattisgarh
2. Transport Commissioner Chhattisgarh, Indrawati Bhawan, Atal Nagar, Nawa Raipur., District : Raipur, Chhattisgarh
3. Taxation Authority/Regional Transport Commissioner RTO Office, Rawabhata, Near Banjari Mandir, Raipur, District : Raipur, Chhattisgarh

... Respondents

Cause title is taken from the Case Information System

For Petitioner : Shri Ajay Pal Singh, Advocate

For Respondent/State : Shri Kulesh Sahu, Panel Lawyer

Order on Board
ByBibhu Datta Guru, J.28/2/2025

1. By the present petition, the petitioner is seeking a direction towards the respondent No.3 to issue a proper No Dues Certificate to the petitioner as per Rule 72(3)(d) of the Chhattisgarh Motor Vehicle Rules, 1994¹.

¹ for brevity 'the Rules, 1994'

2. Learned counsel appearing for the petitioner would submit that the petitioner has approached the authority concerned i.e. RTO, Raipur, on 19-5-2021 for issuance of the No Dues Certificate under Rule 72(3)(d) of the Rules, 1994, however, till date the same has not been issued, despite the fact that the petitioner is running from pillar to post for redressal of his grievance.
3. Learned counsel appearing for the State, *ex adverso*, by referring the document Annexure-R/1 dated 17-6-2022 would submit that the requisite certificate has been issued by mentioning details of all the vehicles, which are owned by the petitioner, in accordance with Rule 72(3)(d) of the Rules, 1994 and hence the petition has become infructuous.
4. In response to the aforesaid submission of learned counsel for the State, learned counsel for the petitioner would submit that the document Annexure-R/1, which is issued by the State, is a conditional No Dues Certificate, which is certifying about previous 13 months whereas Rule 72(3)(d) specifically provides that the respondent has to issue a No Dues Certificate as on the date on which it is sought for. The respondent cannot issue the certificate for a limited period by putting conditions.
5. I have heard learned counsel appearing for the parties and perused the documents.
6. Rule 72 of the Rules, 1994 provides for forms of application for permits. Sub-Rule (3)(d) of Rule 72 read as under :

72. Forms of application for permits.---

xxx xxx xxx

(3) The application for stage carriage permit or reserved stage carriage permit as required under sub-section (1) of Section 70 shall be accompanied by the following documents namely;

xxx xxx xxx

(d) no dues certificate issued by the Regional Transport Officer concerned;

xxx xxx xxx

7. From the aforesaid provision, it is apparent that the respondent has to issue the No Dues Certificate on the date on which the application filed by the owner of the vehicle by specifying that on the date of application whether any dues is outstanding or not, however, the document Annexure – R/1 reflects that No Dues Certificate has been issued by certifying the dues regarding previous 13 months only.
8. In view of the above, it is directed that the respondent No.3 shall issue a proper No Dues Certificate in favour of the petitioner in accordance with Rule 72(3)(d) of the Rules, 1994 by certifying whether on the date of submission of application there is any dues outstanding against the owner of the vehicle or not.
9. With the aforesaid observation, the writ petition is disposed of.
10. The petitioner is at liberty to apprise the respondent authorities about the order of this Court.

Sd/-

(Bibhu Datta Guru)
Judge

Gowri

K GOWRI SANKARA RAO	Digitally signed by K GOWRI SANKARA RAO Date: 2025.02.28 17:50:23 +0530
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