

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 23649 of 2023

**Paul Tractor Service
Vs.**

The State of West Bengal & Ors.

**For the petitioner : Mr. Soumya Majumder,
Mr. Manoj Malhotra,
Mr. Ravi Kumar Dubey,
Ms. Srijita Nath**

**For the State : Mr. Pantu Deb Roy, AGP
Mr. Subrata Guha Biswas**

Judgement on : 17.10.2023.

Bibek Chaudhuri, J.

Affidavit of service be kept with the record.

Memo No.01/1(51)/Tdte.e-rickshaws/2022 dated 13th January, 2022 is assailed by the writ petitioner in the instant writ petition. The said order dated 13th January, 2022 imposes certain restrictions with regard to registration of battery operated eco-friendly e-rickshaws in terms of the order passed in Title Suit No.27 of 2018 by the learned Additional District Judge, 13th Court at Alipore on 24th February, 2020. The petitioner is the dealer of battery operated eco-friendly e-

rickshaw. In the said e-rickshaw, the manufacturer uses battery manufactured by EXIDE and the said battery is distinct and different from the battery manufactured by the plaintiff of Title Suit No.27 of 2018.

A Co-ordinate Bench of this Court in an order passed on 16th February, 2022 in WPA No.2070 of 2022 has dealt with the similar issue and directed the Transport Directorate, Government of West Bengal to instruct the concerned Regional Transport Officers to grant registration to the e-vehicles manufactured by the petitioner therein subject to the said vehicle being different and distinct from the subject matter of the title suit.

Mr. Soumya Majumder, the learned Advocate for the petitioner submits that another Co-ordinate Bench in WPA No.2754 of 2023 passed an order on 11th April, 2023 in respect of similarly circumstance petitioner making certain directions upon the State respondents. It is submitted by Mr. Majumder that the petitioner also seeks similar direction in respect of e-rickshaws which he sells as a dealer . It is also submitted by Mr. Majumder that the e-rickshaws in question are manufactured in compliance of Rule 126 of the Central Motor Vehicles Rule.

In view of such circumstances and relying on the order passed by the Co-ordinate Bench on 11th April, 2023 in WPA 2754 of 2023,

the instant writ petition is disposed of directing the Director, Transport Directorate, Government of West Bengal, respondent No.3 herein to issue necessary instruction upon the concerned Regional Transport Officer to grant registration to the e-rickshaws manufactured by the petitioner subject to the said e-rickshaws being different and distinct from the category forming subject matter of the title suit pending before the learned Additional District Judge, 13th Court, Alipore and also subject to the compliance of Rule 126 of the Central Motor Vehicles Rules, 1989 and all other formalities prescribed under the Act/Rules by the petitioner and also upon consideration of the relevant documents to be placed before the authority.

The Registering Authority shall be at liberty to consider all the relevant material regarding the pending proceeding in the Title Suit No.27 of 2018 at the time of registration of the e-vehicles. The entire exercise should be completed within two months from the date of communication of this order.

(Bibek Chaudhuri, J.)

***Mithun.
A.R. (Ct).
SI No.13.***