IN THE COURT OF NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI
Original Applicaton No. 183 / 2016(SZ)

Between:

Shri. Vinay Shivanand Naik, --- **Applicant(S)**

And:
State of Karnataka and others --- **Respondent(S)**

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Date: Advocate for Respondent

Place:

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Shri. Vinay Shivanand Naik. .....**Applicant(S).**

And:

State of Karnataka and others. .....**Respondent(S).**

AFFIDAVIT

I, J. PURUSHOTHAM S/o K.N.JUNJAPPA aged 49years presently working as Additional commissioner for Transport (E & EG), do hereby solemnly affirm and swear on oath as follows:

1). I have been authorized by the State Government to file this affidavit on behalf of the State. I know the facts of this case being the Addl. Commissioner for Transport (Environment & e-governance) for the Transport Department. Hence, I am filing this affidavit on behalf of the State.

2). I submit that the State Government has introduced various policies to promote and for implementation of Green Fuel to reduce the air pollution in Bangalore city and in the entire State by encouraging usage of Electric Vehicles by providing concession phase-wise.

3). Government of Karnataka issued notification dated 31.03.2016 in exercise of powers conferred by Sub-Section (1) of Section 16 of the Karnataka Motor Vehicle Taxation Act, 1957 (Karnataka Act 35 of 1957). In the said notification the Government exempts from payment of taxes on

NOTARY Chandrashekar Bangalore Urban & Rural Dist, Karnataka Reg. No. 10099 Expiry Date 24.09.2023 GOVT. OF INDIA

all electric vehicles i.e., Transport and non-Transport Vehicles including e-rickshaws and e-carts etc.., with effect from 01.04.2016 in the entire state of Karnataka. The copy of the said Notification dated 31.03.2016 is produced herewith and marked as **Annexure-R1.**

4). Government of Karnataka announced Karnataka Electric Vehicle and Energy Storage Policy 2017, by providing special tariff and commercially viable rates for installation of Electric Vehicles Charging Stations by excluding duty/tax on electricity tariff for initial period of 5 years from the date of installation and also by providing incentives and concessions to encourage the usage of electric vehicles in the State. The copy of the said Policy is produced herewith and marked as **Annexure-R2**.

5). Further, in the year 2018-19, the State Transport Department entered into an agreement with Bangalore Electricity Supply Company Limited (for short 'BESCOM') by executing Memorandum of Understanding ('MOU' for short) and released Rs. 4.00 crores for installation of 100 AC charging Units and 26 DC Charging Units within Bangalore Metropolitan City. The copies of the G.Os dated 31.08.2018 and 22.02.2019 issued by the Government in connection with the aforesaid matter are produced herewith and marked as **Annexures- R3 & R4** respectively.

6). I submit that the State Government issued Circular dated 14.02.2019, by imposing conditions for the purpose of issuance of permits/renewal of permits only if the transport motor vehicles are within 15 years from the date of registration and further such of those permit holders whose transport motor vehicle is 15 years were permitted to replace such old vehicles with the later model vehicles. But, the said

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circular has been set aside by the Hon'ble High Court of Karnataka by order dated 20.08.2019 passed in W. P. No. 21991/2019(MV) and connected matters on the ground that the State Government is not empowered to issue such circular by imposing condition and also permitted the State Government to frame appropriate rules by invoking sub-section (2) of Section 72 of the Motor Vehicles Act 1988. The copy of the order dated 20.08.2019 is produced herewith and marked as **Annexure-R5**.

7). I submit that the State Government has made budget provision of Rupees 100 crores to the Bangalore Metropolitan Transport Corporation ('BMTC' for short) for the year 2021-22, as a subsidy combined with the demand incentive to be provided by Government of India, Department of Heavy Industries, for operation of electric buses, under FAME-II Scheme, with an object to reduce the air pollution in Bangalore Metropolitan City.

8). I submit that the State Government introduced Electric Bike Taxi Scheme-2021 to implement clean and green fuel policy in the Bangalore Metropolitan City with an object of reducing the air pollution in the city and promoting environmental friendly solutions. The copy of the Electric Bike Taxi Scheme-2021 is produced herewith and marked as **Annexure-R6.**

9). I submit that the Central Government has issued Draft Notification dated 12.03.2021 for amending the Central Motor Vehicle Rules, 1989 ('CMV' Rules for short) by inserting Rule 52-A non-renewal of certificates of registration of Government Vehicles owned by the authorities hereunder mentioned after the lapse of 15 years from the date of registration:

NOTARY Chandrashekaraiah. Bangalore Urban & Rural Dist, Karnataka Reg. No. 10099 Expiry Date 24.09.2023 GOVT. OF INDIA

a) Central Government and its Departments
b) State/Union Territory Government and their Departments.
c) Local Government Institutions namely, Municipal Corporations or Municipalities or Panchayaths.
d) **State Transport Undertakings established under RTC Act, 1950** and Companies Act 1913.
e) Public Sector Undertakings.
f) Autonomous Bodies with Central and State Government.

After finalization of the aforesaid Notification, necessary action will be taken to replace the old vehicles by new vehicles to reduce the emission level. The copy of the draft notification is produced herewith and marked as **Annexure-R7.**

10). I submit that the Central Government has issued the Draft Notification dated 15.03.2021 for introducing the Motor Vehicles (Registration and Functions of Vehicle Scraping Facility) Rules, 2021. After finalization of the Notification necessary action will be taken to implement the same. The said notification is produced herewith and marked as **Annexure-R8.** In pursuance of the same, the Government has allocated the budget for the year 2021-22 that the "State government will take action to establish and manage Authorized Vehicle Scrapping Facility" in tune with the draft guidelines issued by the Central Government.

11). Further it is submitted that in addition to the above schemes implemented by the State Government to reduce the air pollution in Bangalore city and entire Karnataka State. The Bangalore Metropolitan

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Transport Corporation Respondent No.3 is also filing Affidavit in compliance with the order of the Hon'ble Tribunal dated 16.07.2021 by submitting the action plan for replacing the old vehicles with new environmental friendly vehicles at Bangalore city may kindly be taken into consideration and dispose the application. The copy of the affidavit filed by the BMTC is also produced herewith and marked as **Annexure-R9.**

I, the deponent do hereby verify and declare that the contents of Paras 1 to 11 are true and correct, **Annexures R1** to **R9** are true copies of the originals to the best of my knowledge, information and belief.

Identified by me

Advocate

Bangalore.
Date: 25.08.2021
No. of Corrections

Deponent

NOTARY Chandrashekaraiah. S Bangalore Urban & Rural Dist, Karnataka Reg. No. 10099 Expiry Date 24.09.2023 GOVT. OF INDIA

SWORN TO BEFORE ME 25/8/2021
CHANDRASHEKARAIAH. S
Advocate & Notary
No. 9/7, Kempegowda Nilaya
3rd Cross, Muthurayaswamy Extention
Sunkadakatte, Bangalore - 560091

Book 2 Page 69
Reg No. 1715 Dated 25/8/2021

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R1

GOVERNMENT OF KARNATAKA

No. SARIE 76 SAEPA 2016

Karnataka Government Secretariat,
M.S. Building,
Bangalore, Dated: 31-03-2016

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 16 of the Karnataka Motor Vehicles Taxation Act, 1957 (Karnataka Act 35 of 1957) the Government of Karnataka being of the opinion that it is necessary in public interest to do so hereby exempts from payment of taxes on all electric non-transport and transport vehicles including e-rickshaws and e-carts with effect from 1st day of April 2016.

By order and in the name of the
Governor of Karnataka

(K. BEERESH)
Under Secretary to Government,
Transport Department.

To:

The Compiler, Karnataka Gazette, Bangalore for publication in the Karnataka Extraordinary Gazette and to supply 200 copies to the Desk Officer, Transport Department, M.S.Building, Bangalore.

Copy to:

1. The Principal Secretary, Finance Department, Vidhana Soudha.
2. The Commissioner, Transport and Road Safety, Shanthinagar, Bangalore.
3. The Secretary to Government (Budget and Resources), Finance Department, Vidhana Soudha, Bangalore.
4. The Secretary to Government, Parliamentary affairs, Vidhana Soudha.
5. All Additional Commissioner's of Transport.
6. All Joint Commissioner's / DCT / Senior RTO's and RTO's / ARTO's of Transport.
7. Private Secretary to Minister for Transport, Vikasa Soudha. Bangalore.
8. P.S. to Principal Secretary to Government, Transport Department.
9. Guard file/Spare Copies.

This Document is Refferd to as
Annexure.....R1.....in The
Affidavit of Smt/Sri...J. Purushotham.....

Notary

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-7-

R-2

Commerce & Industries Department
Government of Karnataka

Karnataka Electric Vehicle & Energy Storage Policy-2017

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PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Karnataka Electric Vehicle & Energy Storage Policy 2017
Ref: Hon'ble Chief Minister's Budget Speech 2017-18.

PREAMBLE:

The twentieth century has been an era of Internal Combustion Engines (ICE) primarily on account of accessibility - ease of use and affordability-low-cost of fossil fuels. The shift to electric mobility has become necessary due to the fast depletion of fossil fuels, increase in energy costs, impact of transportation on the environment and concerns over climate change.

Electric Vehicles (EVs) are becoming increasingly popular because of important advantages they offer: eco-friendliness from a systemic standpoint; cheaper fuel cost; lower maintenance expenses etc. Government of India (GoI) has been supporting electric mobility efforts in the Country. It has been funding research, design, development, demonstration projects and also spearheading the electric mobility initiative in the Country.

Karnataka has a ready eco system for a vibrant automotive sector with large pool of technical manpower, robust R&D capabilities and manufacturing expertise. Hon'ble Chief Minister during his Budget Speech 2017-18 had announced that Government of Karnataka wishes to make **Bengaluru**-*the Electrical Vehicle Capital of India.*

It is estimated that from 2006 to 2030, the global energy consumption is likely to rise by 54% and about three quarter of the projected increase in oil demand will come from transportation sector. These concerns are driving Governments and Industry alike to invest towards developing vehicles based on alternate propulsion systems including electric mobility. Government of India has plans to introduce electric vehicles in a very big way and to produce only electric vehicles by 2030.

With the Government of India endorsing and supporting the electric vehicle boom, there is a real possibility that electric vehicles will become widely available and cheaper too. Karnataka, being the home to many advanced engineering and high tech firms and research institutions, is best place to take the first mover advantage. However, there is a need for a comprehensive and well-designed policy push that enables the electric vehicle sector to bloom in the State.

In the light of the above, a decision has been taken by the Government to formulate and adopt a **Karnataka Electric Vehicle & Energy Storage Policy -2017.** Karnataka Electric Vehicle & Energy Storage Policy 2017 is expected to give the necessary impetus to the electric mobility sector in the State and also attract investments.

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Hence the following order:

GOVERNMENT ORDER No: CI 117 SPI 2017, BENGALURU, DATED 25.09.2017

In the circumstances explained in the preamble, Government is pleased to announce the **Karnataka Electric Vehicle & Energy Storage Policy 2017** as detailed in Annexure to this Government Order.

The Karnataka Electric Vehicle & Energy Storage Policy 2017 and package of incentives & concessions shall come into effect from the date of issue of Government Order and will be valid for a period of five years or till a new policy is announced.

This order issues with the concurrence of Finance Department vide Note No. FD 342 Exp-1/17, dated 07.09.2017, Transport Department Vide File No. CI 117 SPI 2017 (P-4), dated 12.9.2017, Revenue Department Vide Note No. ಕಂಇ 60 ಮುನೋಮು 2017, dated 12.09.2017, Skill Development, Entrepreneurship and Livelihood Department vide Note No. ಕೌಉಜೀಇ 7 ಕೌಗುಪ 2017, dated 12.09.2017, Forest Ecology & Environment Department vide File No. CI 117 SPI 2017 (P-5), dated 10.8.2017, Energy Department vide File No. CI 117 SPI 2017 (P-3), dated 18.8.2017, Urban Development Department vide File No. CI 117 SPI 2017 (P-2), dated 11.8.2017, Planning Department vide File No. CI 117 SPI 2017 (P-8), dated 18.8.2017, IT/BT Department vide Letter No. ITD 07 PRM 2017, dated 21.08.2017 and Cabinet approval dated 13.09.2017.

By Order and in the name of the
Governor of Karnataka,

(D.V. PRASAD)
Additional Chief Secretary to Govt.,
Commerce & Industries Department.

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Annexure to GO No: CI 117 SPI 2017, Bengaluru, Dtd 25.09.2017

Preamble:

Globally, automotive industry is passing through a paradigm shift. The twentieth century has been an era of Internal Combustion Engines (ICE) primarily on account of accessibility - ease of use and affordability-low-cost of fossil fuels. The shift to electric mobility has become necessary due to the fast depletion of fossil fuels, increase in energy costs, impact of transportation on the environment and concerns over climate change.

As per International Energy Agency (IEA) report of 2009, globally the fossil fuel based transportation is the second largest source of CO_2 emissions. From 2006 to 2030, the global energy consumption is estimated to increase by 53% and about three quarters of this projected increase will be due to the oil demand in transportation. Against these changing landscape, Government and automotive industries are transitioning to invest heavily towards developing vehicles based on alternate propulsion systems, including electric mobility.

Electric vehicles (EVs) of all types lie at the heart of future sustainable transport system due to the advantages they offer: eco-friendliness from a systemic standpoint; cheaper fuel cost; lower maintenance expenses. The deployment of EVs across all models is also in line with the 2030 UN Sustainability Agenda.

Industry, Governments and early adopters have succeeded in demonstrating that electric vehicles can deliver the practicality, sustainability, safety and affordability characteristics expected from them. The global overview is mentioned below:

- **Norway-** *EVs accounted for 23% of all new car sales in 2015. All EVs are exempt from non-recurring vehicle taxes, including road tax and VAT. They are also exempt from paying any toll and parking fees.*

- **Netherlands-** *EVs accounted for 9% of all new car sales in 2015. All EVs are exempt from registration fees and road taxes. Free charging is also provided in public parking spaces.*

- **China-** *China is the world's single largest electric bus market, with 173,000 such buses plying on the roads. It also became the top selling electric passenger car market in the world in 2015. Direct subsidies are provided to consumers buying EVs where EVs are exempt from Beijing's road rationing scheme and are provided with distinctive number plates.*

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For a rapidly growing economy like India with an objective to achieve inclusive growth and balanced development the need to find sustainable and eco-friendly transportation / mobility solutions is imperative.

However, the adoption of EV uptake in India has been comparatively low. Therefore, there is a strong need for transparent and incentive mechanism for manufactures and consumers to address the EV adoption and deployment gap.

Given that in India, the transportation sector alone accounts for about one-third of the total crude oil consumption and road transportation accounts for more than 80% of this consumption, the Government will need to focus on the sector and initiate strategic industry collaborations to invest in sustainable mobility solutions and make electric mobility a reality in India.

The first electric three wheeler Vikram SAFA was developed by Scooters India Ltd., Lucknow in 1996. Mahindra Ltd. launched its 1st electric three wheeler in 1999. In 2001, REVA, Bengaluru entered the EV sector in the Car category built with a state of the art battery management system. Hero Cycles launched two wheelers in 2007; other Companies such as Electrotherm India, TVS Motor, Hero Electric etc. are also manufacturing and selling electric two wheelers.

Government of India has been spearheading the electric mobility initiative in the country. The Faster Adoption and Manufacturing of Electric Vehicle (FAME) Scheme was introduced and according to the report, eight two wheeler manufacturers and three four wheeler manufacturers have registered and availed benefits under the scheme. The Government of India has also been supporting the transition to electric mobility in the country through funding research, design, development, demonstration projects.

A rapidly developing Karnataka is at the cusp of making a transition to new mobility solutions. Karnataka has a ready eco system for a vibrant automotive sector with large pool of technical manpower, robust R&D capabilities and manufacturing expertise. The sector has deep backward linkages with metal industries, capital equipment, trucking, warehousing and logistics. In addition, it also has a strong forward linkage with dealership, retails, credit and financing, advertising, repair and maintenance, petroleum products, gas stations and service parts etc.,.

Therefore, to explore the available opportunity and to allow EV sector to bloom in Karnataka, a comprehensive and well-designed policy is formulated based broadly on the principles of Karnataka Industrial Policy 2014-19 with a focus on creating enabling environment for investors in EV segment.

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Need for EV Policy of Karnataka:

Every day, nearly 50,000 new motor vehicles (two, three and four wheelers) are registered in India, with a 10% increase in registration annually. As on May-2017, Bengaluru alone witnessed the registration of 69,31,873 vehicles of different categories out of which the two wheeler segment had a major share of 48,00,298 followed by the private cars whose share stood at 13,40,424. Bengaluru is also known as a city which registers maximum number of two wheelers in the Country. According to the 2016 World Health Organization Study, India is home to 10 of the World's 20 most polluted Cities. In 2015, India imported more than 80% of its oil at a cost of Rs 4.2 lakh crore.

The various initiatives taken nationally to promote electric mobility could not yield the much desired results mainly due to higher cost of EVs, challenges in battery technology, limited range of EVs, lack of charging infrastructure and consumer mindset. In addition, the past efforts also did not have the desired level of synergy, continued top level support & ownership both in the Government and Industry. As such, most of the efforts undertaken faded and fizzled out since they were isolated in nature, lacked collaborative approach and did not tackle all the issues holistically.

Now, Government of India is endorsing and supporting the EV boom, with a real possibility that EVs could become widely available and cheaper. In line with this, Karnataka, being home to many advanced engineering and high tech firms and research institutions, is best placed to take the first mover advantage. Therefore, in order to achieve the potential, a well designed, systemic and collaborative approach is required with a clear long term roadmap to develop a robust, pro-growth landscape for the EV sector to bloom in the State.

Today, the convergence of low cost technologies, smart design and integration, innovative business models with supportive policies will establish certain market segments as economically viable. Capturing these segments, electric vehicles can play an important role in cleaning the air, reducing congestion and strengthening the State's economy.

Government of Karnataka intends to make Bengaluru-the Electrical Vehicle Capital of India. In this regard, a round table conference in association with Carnegie India was held along with the Stakeholders from EV Industry, Academia, Center for Study of Science, Technology and Policy (CSTEP), Taxi aggregators to discuss and drive the growth of EV in Karnataka, taking into account global trends and existing challenges in the manufacturing sector etc. With the valuable recommendations, suggestions, interventions from the round table conference, Government of Karnataka is desirous of formulating the Karnataka Electric Vehicle & Energy Storage Policy which would enable growth of the electric mobility sector in the State.

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1. Vision

To make Karnataka, a preferred investment destination for manufacturing of Electric Vehicles (EVs) by leveraging advantages and opportunities available for sustained development of this promising segment".

2. Mission

- *To make Karnataka, a preferred destination for development of Electric Mobility*
- *To promote a conducive manufacturing ecosystem in collaboration with the industry*
- *To develop human capital to meet the need of the Industry*

3. Objectives

- *To maintain the lead share of Karnataka as a preferred destination for attracting investments in manufacture of Electric Vehicles.*
- *To attract investments of Rs 31,000 crore and create employment opportunities to 55,000 persons both from supply & demand side.*
- *To create a conducive environment for transition to Electric Vehicle environment from Internal Combustion (IC) engines.*
- *To provide opportunities for developing R&D in Electric Mobility.*

4. Strategies

- Special Initiatives for EV manufacturing
- Support for charging infrastructure
- Support for Research Development and Skill Development
- Incentives and Concessions

5. Policy Measures

5.1 Special Initiatives for EV manufacturing

5.1.1 EV manufacturing Parks / Zones

Quality infrastructure with comprehensive facilities is the pre-requisite for rapid development of any industry. Realizing this, following measures are proposed:

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a) *Make industrial land available, preferably in clusters so that EV manufacturing zones can be created.*

b) *Infrastructure in the form of readymade flatted factories with power, water, sewage and testing facilities on a ready built basis to enable ancillaries to be set up through PPP mode.*

c) *Encourage establishment of a dedicated testing track and facility for electric vehicles and associated technologies, to make it easier for researchers and start-ups to test new technologies in a safe environment through PPP mode.*

5.1.2 Migrating to EV environment

5.1.2.1 EV in non-transport and transport vehicles

In order to promote adoptability of EVs, Government of Karnataka has exempted from payment of taxes on all electric non-transport and transport vehicles including e-rickshaws and e-carts under Karnataka Motor Vehicles Taxation Act 1957 with effect from 01/04/2016 vide Notification No. SARIE 76 SAEPA 2016 dtd 31/03/2016.

5.1.2.2 EV in Private Transport

In order to promote adoptability of EV in private transport the following measures will be taken in line with the announcements of Government of India.

a) *To support short distance shared mobility, electric two wheeler taxies will be encouraged.*

b) *Existing auto rickshaws will be encouraged for retrofitting and move towards EV segment.*

c) *The following segments of vehicles in Bengaluru will be encouraged to move towards EVs with an intention to achieve 100% electric mobility by 2030.*

- *Auto Rickshaws*
- *Cab Aggregators*
- *Corporate Fleets*
- *School Buses/ Vans*

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d) *To encourage adoption of EV in short route public transport, a flexible stage carrier permit policy for electric buses allowing multiple/variable routes outside the BMTC Area will be examined.*

5.1.2.3 EV in Public Transport

In order to promote adoptability of EV in public transport the following measures will be taken in line with the announcements of Government of India.:

a) *BMTC, KSRTC, NWKSRTC and NEKRTC will introduce 1,000 EV buses during the policy period.*

b) *As a pilot project, BMTC will introduce "EV Vaayu Vajra" services in select routes to Kempegowda International Airport by the end of 2018.*

5.1.2.4 EV in Goods Transport

In order to promote adoptability of EV in goods transport the following measures will be taken in line with the announcements of Government of India.:

a) *EV-Three wheelers / Four wheelers mini Goods vehicle in Bengaluru will be encouraged to move towards EVs in a phased manner with an intention to achieve 100% electric mobility by 2030.*

b) *E-commerce and delivery companies in Bengaluru will be encouraged to replace their fleet of two wheelers/ three wheelers to EVs in a phased manner with an intention to achieve 100% electric mobility by 2030.*

5.1.3 Facilitation to EV, Battery & Charging Equipment Manufacturing

In order to promote investments in the EV, Battery & Charging Equipment Manufacturing, the following measures will be taken:

a) *Karnataka Udyoga Mitra will facilitate, speed-track and enable a combined online application in order to get the clearances from environmental, labour and other line departments.*

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b) *Battery component contribute a substantial part of the total cost of EVs. Government of Karnataka will offer incentives to encourage manufacture of modular design lithium ion batteries with higher mileage per charge in the State.*

5.2 Support for Charging Infrastructure

Availability of charging infrastructure is a prerequisite for electric mobility. Government of Karnataka will develop charging infrastructure as a commercially viable business venture that attracts private investment. It is proposed to adopt BIS standards for charging equipment, mandating charging infrastructure in public buildings, amending building bylaws for provision of charging outlets, regular electricity supply etc.

To support charging infrastructure the following measures will be taken:

a) *Government of Karnataka in association with Industry & Academia will come out with standards for battery, charging infrastructure & swapping mechanism etc with a view to build interoperable network where different vehicles from different OEMs can participate; and recommend to Government of India.*

b) *Government of Karnataka will encourage private players to set up Automotive Research Association of India (ARAI)-compliant/BIS Standard, EV charging Systems/ infrastructure.*

c) *Government of Karnataka will identify potential places and provide land belonging to Government / Government agencies, wherever available, on long lease basis for setting up of EV fast charging stations and battery swapping infrastructure by following a transparent bidding process.*

d) *A Special Purpose Vehicle (SPV) involving BBMP,BMTC, BESCOM, KREDL, KIADB and other related agencies will be mooted for creation of Charging infrastructure in Bengaluru.*

e) *Government of Karnataka will offer incentives by way of investment subsidy for setting up of the first lot of 100 fast charging stations.*

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f) Government of Karnataka will facilitate providing required electricity supply from grid and examine special tariff at commercially viable rates for EV charging stations.

g) ESCOMs will examine bringing in amendments to their policies and allow re-sale of power to encourage setting up of charging stations.

h) ESCOMs will examine permitting use of solar energy / renewable energy at low connection cost and offer zero wheeling charges by EV charging stations.

i) To facilitate EV mobility on highways between prominent cities with heavy density of vehicles such as the Bengaluru-Mysuru highway and others, fast charging station/ battery swapping infrastructure will be provided at every 50 kilometers.

j) Amendments will be made to building bye-laws for providing charging infrastructure for EVs in all high rise buildings/ new SEZ / Technology Park / Apartments in the State.

k) Existing apartment associations will be encouraged to provide special dedicated plug/ charging station facilitating adoption of EVs by their members.

l) BMRCL / BMTC / KSRTC / BBMP will provide charging stations for two wheelers at their parking stations to encourage EVs for last mile commute.

m) Charging infrastructure for personal transport vehicles of Government employees would be made available at Vikasa Soudha Basement / Multistoried Building parking area and covered parking areas in all Government buildings across the State.

n) Encourage lease / or pay-per-use business models with battery-swapping station network, integrated payment and tracking system in partnership with BMTC and other private players.

o) Government of Karnataka will facilitate deploying used EV batteries for solar application, create a secondary market and provide battery disposal infrastructure an PPP mode.

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5.3 Support for Research & Development

Rapidly evolving technologies / convergence of low cost technologies, smart design and integration are the driving forces for encouraging penetration of electric vehicles. In order to encourage participation of industry, academia etc. the following initiatives are proposed.

a) *Government of Karnataka will constitute working groups for development of necessary technologies from concept to market in the areas of Drive technologies; Battery technologies; Charging infrastructure & network integration; standards and certification; materials and recycling; quality & training etc.,*

b) *Government of Karnataka will commission the 'Karnataka Electric Mobility Research & Innovation Centre' and extend necessary support to make it a world class research hub. It will have a state of the art laboratory along with an incubation centre for budding EV engineers and entrepreneurs and will be commissioned on a PPP mode.*

c) *A start up incubation centre will be set up to facilitate developments in EV mobility.*

d) *Start ups will be encouraged to develop business models focused on electric vehicles.*

e) *Research program in collaboration of EV industry with a focus on battery innovation will be introduced in Engineering College / Universities.*

f) *A Venture Capital fund will be setup for research in EV mobility.*

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5.4 Support for Skill Development

An EV skill development centre will be set up in collaboration with the industry for up-skilling the work force to augment the manpower required for the EV industry which will implement the following:

- *Introduce curricula and courses suited to the EV industry in professional institutes, polytechnics as well as vocational education institutions.*
- *A short term course on electric mobility.*
- *To encourage in-plant training provided by the EV Manufacturers in the State by offering a stipend up to 50% of the cost of training subject to a limit of Rs.10,000/- per month per trainee. This incentive shall be available for maximum of 50 trainees per company. The benefit shall be available for 1,000 candidates per annum.*

5.5 Incentives and concessions

To attract investments in Electric Vehicle Manufacturing, EV Battery Manufacturing/Assembly and EV charging/Swapping Infrastructure Equipment Manufacturing Enterprises, attractive package of incentives and concessions will be offered by the Government.

It is also proposed to offer subsidies to EV charging infrastructure providers like charging stations, lithium ion battery switching/swapping stations etc. to popularize use of EVs in the State.

The details of incentives and concessions are at Appendix-1.

6. Special Package of Incentives & Concessions

Special package of incentives/concessions will be considered for Ultra Mega and Super Mega EV Enterprises/ lithium ion Battery manufacturers catering exclusively for EVs & EV charging/Swapping Infrastructure Equipment Manufacturing Enterprises, by giving due weightage to investment, location of the project, direct and indirect employment to be generated and potential for attracting further investment through vendors and ancillaries etc.

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7. Technical Committee to define/certify an EV enterprise

A Technical Committee will be constituted under the Chairmanship of a Sector expert along with a maximum of 4 other members with Additional Director (ID), Department of Industries & Commerce as Member Secretary with a mandate to define/ certify EV components including EV lithium ion battery suppliers to EV manufacturing enterprises etc claiming incentives and concessions under the Karnataka Electric Vehicle & Energy Storage Policy.

Electric Vehicle manufacturing units will be automatically eligible to avail incentives and concessions without coming before the Technical Committee for certification.

8. Review, monitoring & course correction mechanism

A High Level Inter Departmental Review Committee will be constituted under the Chairmanship of Chief Secretary to regularly review implementation of all provisions of the policy and achieving the targets, suggest mid course corrections etc. Interpretation of provisions of the policy and decisions thereon of this committee shall be final.

Separate operational guidelines for administration of the policy with the approval of the High Level inter departmental review committee will be issued for the guidance of the concerned agencies and officers.

A Working Sub-Committee under the Chairmanship of Commissioner for ID and Director of I&C will also be constituted in the Department of I&C to regularly monitor implementation of the Policy. This Committee will ensure that, necessary facilitation is extended to investors and provide feedback to the High Level Committee on the progress at regular intervals.

9. Validity of the Policy

The Karnataka Electric Vehicle & Energy Storage Policy and package of incentives and concessions shall come into effect from the date of approval / issue of Government Order and will be valid for a period of five years or till a new policy is announced.

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Appendix-1

Incentives & Concessions

Electric Vehicle Sector in the State is still in nascent stage and requires support & encouragement. In order to give fillip to the sector in all parts of the State, the entire State has been classified as a single zone and incentives and concessions proposed will be applicable equally in all parts of the State.

I. Incentives and Concessions to Electric Vehicle & its Components Manufacturing Enterprises

All the EV manufacturing Enterprises will be eligible for the incentives and concessions.

Manufacturing Enterprises of components required for Electric Vehicles such as Motors, Power Trains, Power Electronics kits etc. will be eligible for incentives and concessions as per the policy subject to approval of the Technical Committee which would be constituted & mandated to define / certify EV component manufacturing enterprises.

The following incentives & concessions shall be offered:

1. **Micro, Small & Medium Enterprises**

   A. **Investment Promotion Subsidy**

      a) **Micro Enterprises**

      25% of the Value of Fixed Assets (VFA) (max. Rs. 15.00 lakh)

      b) **Small Enterprises**

      20% of the Value of Fixed Assets (VFA) (max. Rs.40.00 lakh)

      c) **Medium Manufacturing Enterprises**
      Rs.50.00 lakh

   Note:

   i. *The Investment Promotion Subsidy will be available only to enterprises availing a minimum of 50% of term loans on eligible fixed assets from Financial Institution/Banks. Such eligible units shall claim Investment Promotion subsidy within one year from the date of commencement of commercial production.*

   ii. *There is no restriction on the quantum of loan to be availed from the financial institutions for availing other incentives and tax based incentives. Own financed units are also eligible for other incentives and tax based incentives.*

   iii. *This Investment Promotion Subsidy will be available over and above any other subsidy as announced by the Government of India.*

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B. Exemption from Stamp Duty

100 % Stamp duty to be paid in respect of (i) loan agreements, credit deeds, mortgage and hypothecation deeds executed for availing loans from State Government and/or State Financial Corporation, National Level Financial Institutions, Commercial Banks, RRBs, Co-operative Banks, KVIB/KVIC, Karnataka State SC/ST Development Corporation, Karnataka State Minority Development Corporation and other institutions which may be notified by the Government from time to time and (ii) for lease deeds, lease-cum-sale, sub-lease and absolute sale deeds executed in respect of industrial plots, sheds, industrial tenements by KIADB, KSSIDC, KEONICS, Industrial Co-operatives and approved private industrial estates/parks shall be exempted.

C. Concessional Registration Charges

For all loan documents, lease deeds and sale deeds as specified in B above, the registration charges shall be at a concessional rate of Rs.1 per Rs.1000.

Note:

i. *The exemption of stamp duty and concessional registration charges are also applicable to lands purchased under Section 109 of the KLR Act 1964 and also for direct purchase of industrially converted lands for the projects approved by SLSWCC / DLSWCC.*

ii. *The exemption of stamp duty and concessional registration charges are also available for registration of final sale deed in respect of lands, sheds, plots, industrial tenements after the expiry of lease period at the rate as specified which was in vogue at the time of execution of lease-cum-sale deed.*

D. Reimbursement of Land Conversion Fee

100% of the land conversion fee for converting the land from agriculture use to industrial use will be reimbursed.

E. Subsidy for Setting up Effluent Treatment Plant (ETP)

One time capital subsidy up to 50% of the cost of ETP, subject to a ceiling of Rs. 50 lakh.

F. Exemption from Tax on Electricity Tariff

100% exemption of duty / tax on electricity tariff for the initial period of Five years.

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2. **Incentives and Concessions to Large, Mega, Ultra Mega and Super Mega Enterprises**

   A. **Exemption from Stamp Duty**

   100 % Stamp duty to be paid in respect of (i) loan agreements, credit deeds, mortgage and hypothecation deeds executed for availing loans from State Government including VAT /SGST loan from Department and / or State Financial Corporation, Industrial Investment Development Corporation, National Level Financial Institutions, Commercial Banks, RRBs, Co-operative Banks, and other institutions which may be notified by the Government from time to time only and (ii) for lease deeds, lease-cum-sale, sub-lease and absolute sale deeds executed in respect of industrial plots, sheds, industrial tenements, by KIADB, KEONICS, KSIIDC, Industrial Co-operatives and approved private industrial estates/parks shall be exempted.

   B. **Concessional Registration Charges**

   For all loan documents, lease deeds and sale deeds as specified in A above, the registration charges shall be at a concessional rate of Rs.1.00 per Rs.1,000.

   Note:

   i. *The exemption of stamp duty and concessional registration charges are also applicable to lands purchased under Section 109 of the KLR Act 1964 and also for direct purchase of industrially converted lands for the projects approved by SHLCC / SLSWCC.*

   ii. *The exemption of stamp duty and concessional registration charges are also available for registration of final sale deed in respect of lands, sheds, plots, industrial tenements after the expiry of lease period at the rate as specified which was in vogue at the time of execution of lease-cum-sale deed.*

   C. **Reimbursement of Land Conversion Fee**

   100% of the land conversion fee for converting the land from agriculture use to industrial use will be reimbursed.

   D. **Subsidy for Setting up ETPs**

   One time capital subsidy up to 50% of the cost of Effluent Treatment Plants (ETPs), subject to a ceiling of Rs. 200 lakh.

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E. Interest free loan on Net SGST to Large, Mega, Ultra Mega and Super Mega Enterprises.

All Large, Mega, Ultra Mega & Super Mega Enterprises established will be eligible for an interest free loan on Net SGST as below:

Investment range on fixed assets	Interest free loan	
Large Enterprises: *(i.e. investment on fixed assets above Rs.10 crore to Rs.250 crore)*	100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial production as follows	
	Max. Period	Loan limit
	8	60% of VFA
	The loan shall be repaid as follows: The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on. This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.	
Mega Enterprises : *(i.e. investment on fixed assets above Rs.250crore to Rs.500 crore)*	100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial production as follows	
	Max. Period	Loan limit
	10	70% of VFA
	The loan shall be repaid as follows: The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on. This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.	

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<table>
<tr><td>Ultra Mega Enterprises:
(i.e. investment on fixed assets above Rs.500 crore to Rs.1,000 crore)</td><td>100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial production as follows
<table><tr><td>Max. Period</td><td>Loan limit</td></tr><tr><td>11</td><td>80% of VFA</td></tr></table>The loan shall be repaid as follows:
The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on.
This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.</td></tr>
<tr><td>Super Mega Enterprises :
(i.e. investment on fixed assets above Rs.1,000 crore)</td><td>100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial production as follows
<table><tr><td>Max. Period</td><td>Loan limit</td></tr><tr><td>13</td><td>95% of VFA</td></tr></table>The loan shall be repaid as follows:
The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on.
This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.</td></tr>
</table>

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II. Incentives and Concessions to EV Battery Manufacturing/Assembly Enterprises

The State has set itself a target of inviting investments in setting up to 5 GWh of EV Battery manufacturing capacity which is expected to generate 5,000 direct employment in this industry and around 7,500 more in the overall EV Battery manufacturing/assembly supply chain. All the EV Battery manufacturing/ Assembly Enterprises will be eligible for the incentives and concessions.

Manufacturing and assembly of the major component required for Electric Vehicles such as lithium ion batteries, will be eligible for incentives as per the policy subject to approval of the Technical Committee which would be constituted & mandated to certify / define EV battery manufacturing enterprises.

Note:

These incentives are applicable to advanced battery chemistries only as defined by the technical committee and applicable to both battery cell manufacturing and battery pack/ module assembly.

The following incentives & concessions shall be offered:

1 Investment Promotion Subsidy

A. Micro, Small & Medium Enterprises

a) **Micro Enterprises**
25% of the Value of Fixed Assets (VFA) (max. Rs. 15.00 lakh)

b) **Small Enterprises**
20% of the Value of Fixed Assets (VFA) (max. Rs.40.00 lakh)

c) **Medium Manufacturing Enterprises**
Rs.50.00 lakh

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B. Large/Mega/Ultra/Super Mega EV Cell Manufacturing, EV Battery Pack / Module Manufacturing Enterprises

Investment Subsidy of 20% of the Value of Fixed Assets (VFA) (max. Rs. 20 crore per project) will be available for first TWO units in the State.

Note:

i. *The Investment Promotion Subsidy will be available only to enterprises availing a minimum of 50% term loans on eligible fixed assets from Financial Institution/Banks. Such eligible units shall claim Investment Promotion subsidy within one year from the date of commencement of commercial production.*

ii. *There is no restriction on the quantum of loan to be availed from the financial institutions for availing other incentives and tax based incentives. Own financed units are also eligible for other incentives and tax based incentives.*

iii. *This Investment Promotion Subsidy will be available over and above any other subsidy as announced by the Government of India.*

2 Exemption from Stamp Duty for all EV Cell Manufacturing, EV Battery Pack/Module Manufacturing & Assembly Enterprises

100 % Stamp duty to be paid in respect of (i) loan agreements, credit deeds, mortgage and hypothecation deeds executed for availing loans from State Government including VAT /SGST loan from Department and / or State Financial Corporation, Industrial Investment Development Corporation, National Level Financial Institutions, Commercial Banks, RRBs, Co-operative Banks, and other institutions which may be notified by the Government from time to time only and (ii) for lease deeds, lease-cum-sale, sub-lease and absolute sale deeds executed in respect of industrial plots, sheds, industrial tenements, by KIADB, KEONICS, KSIIDC, Industrial Co-operatives and approved private industrial estates/parks shall be exempted.

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3 Concessional Registration Charges for all EV Cell Manufacturing, EV Battery Pack/Module Manufacturing & Assembly Enterprises

For all loan documents, lease deeds and sale deeds as specified in 2 above, the registration charges shall be at a concessional rate of Rs. 1.00 per Rs. 1,000.

Note:

i. *The exemption of stamp duty and concessional registration charges are also applicable to lands purchased under Section 109 of the KLR Act 1964 and also for direct purchase of industrially converted lands for the projects approved by SHLCC / SLSWCC.*

ii. *The exemption of stamp duty and concessional registration charges are also available for registration of final sale deed in respect of lands, sheds, plots, industrial tenements after the expiry of lease period at the rate as specified which was in vogue at the time of execution of lease-cum-sale deed.*

4 Reimbursement of Land Conversion Fee for all EV Cell Manufacturing, EV Battery Pack/Module Manufacturing & Assembly Enterprises

100% of the land conversion fee for converting the land from agriculture use to industrial use will be reimbursed.

5 Exemption from Electricity duty for EV Cell Manufacturing MSMEs, EV Battery Pack/Module Manufacturing & Assembly MSMEs

100% exemption of electricity duty / tax on electricity tariff shall be available for initial period Five years for MSMEs.

6 Subsidy for Setting up ETPs for all EV Cell Manufacturing , EV Battery Pack/ Module Manufacturing & Assembly Enterprises

MSMEs:

One-time capital subsidy up to 50% of the cost of Effluent Treatment Plants (ETPs), subject to a ceiling of Rs. 50 lakhs.

Large/Mega/Ultra/Super Mega Enterprises:

One-timecapitalsubsidyupto50%ofthecostofEffluentTreatmentPlants (ETPs), subject to a ceiling of Rs. 200 lakhs.

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7 Interest free loan on Net SGST to Large, Mega, Ultra Mega and Super Mega -all EV Cell Manufacturing, EV Battery Pack/Module Manufacturing & Assembly Enterprises.

All Large, Mega, Ultra Mega & Super Mega Enterprises established will be eligible for an interest free loan on Net SGST as below:

Investment range on fixed assets	Interest free loan	
Large Enterprises: *(i.e. investment on fixed assets above Rs.10 crore to Rs.250 crore)*	100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial production as follows	
	Max. Period	Loan limit
	8	60% of VFA
	The loan shall be repaid as follows: The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on. This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.	
Mega Enterprises : *(i.e. investment on fixed assets above Rs.250crore to Rs.500 crore)*	100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial productionas follows	
	Max. Period	Loan limit
	10	70% of VFA
	The loan shall be repaid as follows: The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on. This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.	

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<table>
<tr><td rowspan="4">Ultra Mega Enterprises:
(i.e. investment on fixed assets above Rs.500 crore to Rs.1,000 crore)</td><td colspan="2">100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial production as follows</td></tr>
<tr><td>Max. Period</td><td>Loan limit</td></tr>
<tr><td>11</td><td>80% of VFA</td></tr>
<tr><td colspan="2">The loan shall be repaid as follows:
The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on.
This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.</td></tr>
<tr><td rowspan="4">Super Mega Enterprises :
(i.e. investment on fixed assets above Rs.1,000 crore)</td><td colspan="2">100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial production as follows</td></tr>
<tr><td>Max. Period</td><td>Loan limit</td></tr>
<tr><td>13</td><td>95% of VFA</td></tr>
<tr><td colspan="2">The loan shall be repaid as follows:
The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on.
This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.</td></tr>
</table>

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III. Incentives and Concessions to EV Charging/Swapping Infrastructure Equipment Manufacturing Enterprises

Manufacturing of EV charging or EV battery swapping infrastructure equipment and/or components will be eligible for incentives as per the policy subject to approval of the Technical Committee which would be constituted & mandated to certify / define EV charging or EV battery swapping infrastructure equipment and/or components enterprises.

The following incentives and concessions shall be offered:

1 **Investment Promotion Subsidy**

A. Micro, Small & Medium Enterprises

a) Micro Enterprises
25% of the Value of Fixed Assets (VFA) (max. Rs. 15.00 lakh)

b) Small Enterprises
20% of the Value of Fixed Assets (VFA) (max. Rs.40.00 lakh)

c) Medium Manufacturing Enterprises
Rs.50.00 lakh

B. Large/Mega/Ultra/Super Mega EV Charging Infrastructure Equipment /Components Manufacturing, EV Battery Swapping Infrastructure Equipment/Components Manufacturing Enterprises

Investment Subsidy of 20% Value of Fixed Assets (VFA) (max. Rs. 5 crore per project) will be available for first FIVE units in the State.

Note:

i. The Investment Promotion Subsidy will be available only to enterprises availing a minimum of 50% term loans on eligible fixed assets from Financial Institution/Banks. Such eligible units shall claim Investment Promotion subsidy within one year from the date of commencement of commercial production.

ii. There is no restriction on the quantum of loan to be availed from the financial institutions for availing other incentives and tax based incentives. Own financed units are also eligible for other incentives and tax based incentives.

iii. This Investment Promotion Subsidy will be available over and above any other subsidy as announced by the Government of India.

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2 Exemption from Stamp Duty for all EV Charging Infrastructure Equipment /Components Manufacturing, EV Battery Swapping Infrastructure Equipment/Components Manufacturing Enterprises

100 % Stamp duty to be paid in respect of (i) loan agreements, credit deeds, mortgage and hypothecation deeds executed for availing loans from State Government including VAT /SGST loan from Department and / or State Financial Corporation, Industrial Investment Development Corporation, National Level Financial Institutions, Commercial Banks, RRBs, Co-operative Banks, and other institutions which may be notified by the Government from time to time only and (ii) for lease deeds, lease-cum-sale, sub-lease and absolute sale deeds executed in respect of industrial plots, sheds, industrial tenements, by KIADB, KEONICS, KSIIDC, Industrial Co-operatives and approved private industrial estates/parks shall be exempted.

3 Concessional Registration Charges for all EV Charging Infrastructure Equipment/Components Manufacturing, EV Battery Swapping Infrastructure Equipment/Components Manufacturing Enterprises

For all loan documents, lease deeds and sale deeds as specified in 2 above, the registration charges shall be at a concessional rate of Rs. 1.00 per Rs. 1,000.

Note:

i. *The exemption of stamp duty and concessional registration charges are also applicable to lands purchased under Section 109 of the KLR Act 1964 and also for direct purchase of industrially converted lands for the projects approved by SHLCC / SLSWCC.*

ii. *The exemption of stamp duty and concessional registration charges are also available for registration of final sale deed in respect of lands, sheds, plots, industrial tenements after the expiry of lease period at the rate as specified which was in vogue at the time of execution of lease-cum-sale deed.*

4 Reimbursement of Land Conversion Fee for all EV Charging Infrastructure Equipment/Components Manufacturing, EV Battery Swapping Infrastructure Equipment/ Components Manufacturing Enterprises

100% of the land conversion fee for converting the land from agriculture use to industrial use will be reimbursed.

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5 **Exemption from Electricity duty for MSMEs - EV Charging Infrastructure Equipment / Components Manufacturing, EV Battery Swapping Infrastructure Equipment/ Components Manufacturing.**

100% exemption of electricity duty / tax on electricity tariff shall be available for initial period Five years for MSMEs.

6 **Subsidy for Setting up ETPs for all EV Charging Infrastructure Equipment / Components Manufacturing, EV Battery Swapping Infrastructure Equipment/ Components Manufacturing Enterprises**

MSMEs:

One-time capital subsidy up to 50% of the cost of Effluent Treatment Plants (ETPs), subject to a ceiling of Rs. 50 lakh.

Large/Mega/Ultra/Super Mega Enterprises:

One-time capital subsidy up to 50% of the cost of Effluent Treatment Plants (ETPs), subject to a ceiling of Rs. 200 lakh.

7 **Interest free loan on Net SGST to Large, Mega, Ultra Mega and Super Mega - all EV Charging Infrastructure Equipment /Components Manufacturing, EV Battery Swapping Infrastructure Equipment/ Components Manufacturing Enterprises.**

All Large, Mega, Ultra Mega & Super Mega Enterprises established will be eligible for an interest free loan on Net SGST as below:

<table>
<tr><th>Investment range on fixed assets</th><th colspan="2">Interest free loan</th></tr>
<tr><td rowspan="4">Large Enterprises:
(i.e. investment on fixed assets above Rs.10 crore to Rs.250 crore)</td><td colspan="2">100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial production as follows</td></tr>
<tr><td>Max. Period</td><td>Loan limit</td></tr>
<tr><td>8</td><td>60% of VFA</td></tr>
<tr><td colspan="2">The loan shall be repaid as follows:
The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on.
This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.</td></tr>
</table>

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<table>
<tr><td>Mega Enterprises :
(i.e. investment on fixed assets above Rs.250crore to Rs.500 crore)</td><td>100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial productionas follows
<table><tr><td>Max. Period</td><td>Loan limit</td></tr><tr><td>10</td><td>70% of VFA</td></tr></table>The loan shall be repaid as follows:
The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on.
This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.</td></tr>
<tr><td>Ultra Mega Enterprises:
(i.e. investment on fixed assets above Rs.500 crore to Rs.1,000 crore)</td><td>100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial production as follows
<table><tr><td>Max. Period</td><td>Loan limit</td></tr><tr><td>11</td><td>80% of VFA</td></tr></table>The loan shall be repaid as follows:
The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on.
This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.</td></tr>
<tr><td>Super Mega Enterprises :
(i.e. investment on fixed assets above Rs.1,000 crore)</td><td>100% of Net SGST will be sanctioned as interest free loan from the date of commencement of commercial production as follows
<table><tr><td>Max. Period</td><td>Loan limit</td></tr><tr><td>13</td><td>95% of VFA</td></tr></table>The loan shall be repaid as follows:
The loan availed in the first year shall be repaid in the 11th year and the second year in the 12th year & so on.
This incentive is limited to either the period or loan limits whichever is reached earlier and no carry forward is permitted.</td></tr>
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IV. Incentives and Concessions to EV in non-transport and transport vehicles, Service Providers for EV Mobility

To facilitate penetration and use of EV, it is proposed to provide the following incentives to EV in non-transport and transport vehicles & service providers.

1. EV in non-transport and transport vehicles

a) In order to promote adoptability of EVs, Government of Karnataka has exempted from payment of taxes on all electric non-transport and transport vehicles including e-rickshaws and e-cart under Karnataka Motor Vehicles Taxation Act 1957 with effect from 01/04/2016 vide Notification No. SARIE 76 SAEPA 2016 dtd 31/03/2016.

2. Service Providers for EV mobility

a) All fast charging stations for electric 2-wheelers, 3-wheelers, cars and buses will be offered the following incentives

Capital subsidy of 25% on the equipments /Machinery subject to maximum of Rs 10,00,000/- per station for the first 100 fast charging stations in the State.

b) All EV battery switching/swapping stations for electric 2-wheelers and 3-wheelers

Capital subsidy of 25% on the charging equipments/machinery subject to maximum of Rs. 3,00,000 per station for the first 100 battery switching/swapping stations in the State.

c) All EV battery switching/swapping stations for electric cars

Capital subsidy of 25% on the charging equipments/machinery subject to maximum of Rs. 5,00,000 per station for the first 50 battery switching/swapping stations in the State.

d) All EV battery switching/swapping stations for electric buses

Capital subsidy of 25% on the charging equipments/machinery subject to maximum of Rs. 10,00,000 per station for the first 50 battery switching/swapping stations in the State.

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Appendix-2

Definitions and Terms & Conditions for sanction of Incentives and Concessions under Karnataka Electric Vehicle & Energy Storage Policy 2017

1 Definition of Micro, Small and Medium EV Enterprises shall be as defined in the MSMED Act, 2006 of Govt. of India.

2 Large EV Enterprises is one where investment on plant & machinery is more than Rs.10 crore in respect of manufacturing activities and Rs. 5 crore in respect of service oriented activities and the upper limit is up to Rs. 250 crore of the project cost.

3 Mega EV Enterprise is one where the project cost of the proposed project is more than Rs. 250 crore and up to Rs. 500 crore and employment for at least 150 persons.

4 Ultra Mega EV Enterprise is one where the investment on the project is more than Rs. 500 crore and up to Rs. 1,000 crore and employment for at least 250 persons.

5 Super Mega EV Enterprise is one where the investment on the project is more than Rs.1,000 crore and direct employment for at least 500 persons.

6 Project cost includes the investment on land, building, plant & machinery, preoperative expenses, working capital margin, investment in Technology for design & manufacturing etc.

7 Fixed Asset: Fixed assets shall mean the total investment made on land, building and plant and machinery and any such other productive assets like tools, jigs and fixtures, dies, utilities like boilers, compressors, diesel generating sets, cranes, material handling equipments and such other equipments directly related to production purposes.

8 Sanction of Incentives & Concessions as per this Government Order is subject to the following terms and Conditions:

a) *All new EV Enterprises shall create maximum possible employment opportunities and provide a minimum 70% of employment to the local people on overall basis [100% employment to local people in case of Group D category will be insisted] and this will be monitored during disbursement of incentives and concessions.*

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b) *The above requirements regarding employment to local people will be monitored by the DIC for a period of 5 years. Failure of the industries to provide employment to local people as stipulated above will be reported to the concerned DLSWCC/ SLSWCC/SHLCC, which will recommend for recovery of incentives and concessions sanctioned to the unit, for which purpose a suitable under-taking will have to be furnished by the unit concerned before sanctioning incentives and concessions.*

c) *The incentives and concessions under this policy will be available to all new investments both for establishment of new Enterprises or for expansion, diversification and modernization of existing industries. To be eligible for considering as expansion/diversification/ modernization, enterprises shall make an additional investment of at least 50% of the original investment of the existing unit.*

d) *The quantum of investment subsidy shall be computed on the value of fixed assets as approved by the financial institutions or commercial banks.*

e) *The definition of Micro, Small, Medium Enterprises and Large Enterprises as indicated above shall automatically stand revised as and when Government of India makes any changes in such definition and benefits under this package shall be available to the Micro, Small, Medium Enterprises and Large Enterprises as per the new definition from the respective dates.*

e) *The incentives and concessions under this policy will come into force from the date of issue of the Government Order.*

f) *Separate guidelines for administration of these incentives and concessions will be issued for the guidance of the concerned agencies and officers with the approval of the High Level Inter Departmental Review Committee under the Chairmanship of the Chief Secretary to Government, Interpretation of Government Order/ policy and the decision thereon of this Committee shall be final.*

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Fax: 08472-456842
E-mail: mdgesco@gmail.com
website: www.gesco.in

Managing Director
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AB Shetty Circle, Mangalore 57500.
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E-mail: md@mesco.in
website: www.mesco.in

Managing Director
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No. 927, LJ Avenue, Saraswathipuram,
Mysore 570 009.
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E-mail: mdcescmys@rediffmail.com

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Contact details of Joint Directors of District Industries Centers, Department of Industries and Commerce, Government of Karnataka

District	Contact Details
Bagalakote	Joint Director, District Industries Centre, Room No.135, Administrative Building, Navanagar, Bagalakote 587 101. Off Ph : 08354- 235294/235245, Fax: 235294 E-mail: jd-bagalkote@karnatakaindustry.gov.in
Bangalore (R)	Joint Director, District Industries Centre, Rajajinagar Industrial Estate, West of ChordRoad, Bangalore 560 044. Off Ph: 080 -23145216/23142151/23142152, Fax :23145216, E-mail: jd-bang-r@karnatakaindustry.gov.in
Bangalore (U)	Joint Director, District Industries Centre, 1st floor, Rajajinagar Industrial Estate, West of Chord Road, Bangalore 560 044. Off Ph : 080 - 23501481, Fax: 080-23501478 E-mail: jd-bang-u@karnatakaindustry.gov.in
Belgaum	Joint Director, District Industries Centre, Udyambagh Belgaum - 590 008. Off Ph : 2440430/2440852 Fax: 2441209, E-mail: jd-belgaum@karnatakaindustry.gov.in
Bellary	Joint Director, District Industries Centre, Hospet Road, Bellary-583 103. Off Ph : 08392 242370/242643/ 242369, Fax: 242370, E-mail: jd-bellary@karnatakaindustry.gov.in
Bidar	Joint Director, District Industries CentreBeside BUDA office, Naubad, Bidar - 585 401 Ph: 08482/232769/233129, E-mail: jd-bidar@karnatakaindustry.gov.in
Bijapur	Joint Director, District Industries, Centre Industrial Estate, Station Back Road, Shikhara Khana, Bijapur - 586 101. Off Ph: 08352-250976/257125 Fax: 250607 E-mail: jd-bijapur@karnatakaindustry.gov.in
Chamarajanagar	Joint Director, District Industries Centre, Room No.323, 3rd Floor, District Office Complex, B.Rachaiah Double Road, Chamarajanagar 571 313, Off Ph: 08226-224916/224915, Fax: 224916 E-mail: jd-cmagalur@karnatakaindustry.gov.in
Chickmagalur	Joint Director, District Industries Centre, Near Zilla Panchayat, Kadur Road, Chickmagalur 577102, Off Ph : 08262-220921/220726 Fax: 220476, E-mail: jd-cnagar@karnatakaindustry.gov.
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Dharwad	Joint Director, District Industries Centre, Rayapura, Dharwad - 580 009.Off Ph : 0836-2322986/2322627 Fax: 2322627, e-mail: jd-dharwad@karnatakaindustry.gov.in
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Madikeri	Joint Director, District Industries Centre, Kohinur Road, Industrial Estate, Madikeri - 571 121. Off Ph: 08272-228746/ 228748/ 228431 Fax: 228746, E-mail: jd-kodagu@karnatakaindustry.gov.in
Kolar	Joint Director, District Industries Centre, DC Office Compound, Kolar- 563101.Off Ph: 08152-222402/222403 Fax: 224920, E-mail: jd-kolar@karnatakaindustry.gov.in
Koppal	Joint Director, District Industries Centre, Opposite Mayur Hotel, Hospet Road, Koppal 583231. Off Ph: 08539-231101, Fax: 231548 E-mail: jd-koppal@karnatakaindustry.gov.in
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Mysore	Joint Director, District Industries Centre, CTI Building Sayyaji Rao Road,Mysore - 570 001. Off Ph: 0821-2446885/ 2449810 Fax: 2446885, E-mail: jd-mysore@karnatakaindustry.gov.in
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Yadgir	Joint Director, District Industries Centre, Yadgir District, Yadgir- Off Ph: 08472-223988, E-mail:jd-yadagiri@karnatakaindustry.gov.in

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and Director of Industries & Commerce
Government of Karnataka
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This Document is Refferd to as
Annexure.....R2.....in The
Affidavit of Smt/Sri.....J. PURUSHOTHAM

Notary

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R3

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು

ವಿಷಯ: 2018-19ನೇ ಸಾಲಿನ ಆಯವ್ಯಯದಲ್ಲಿ ಎಲೆಕ್ಟ್ರಿಕ್ ವಾಹನಗಳ ಚಾರ್ಜಿಂಗ್ ಕೇಂದ್ರಗಳನ್ನು ರಾಜ್ಯದಲ್ಲಿ ಸ್ಥಾಪಿಸುವ ಸಲುವಾಗಿ ಸರ್ಕಾರದ ಅನುಮತಿ ನೀಡುವ ಕುರಿತು.

ಓದಲಾಗಿದೆ:
1. 2018-19ನೇ ಸಾಲಿನ ಆಯವ್ಯಯ ಭಾಷಣದಲ್ಲಿನ ಘೋಷಣೆಗಳು.
2. ಆಯುಕ್ತರು, ಸಾರಿಗೆ ಮತ್ತು ರಸ್ತೆ ಸುರಕ್ಷತೆ ಇವರ ಅರೆ ಸರ್ಕಾರಿ ಪತ್ರ ಸಂಖ್ಯೆ:ಸಾಆ/ಪ್ರವರ್ತನ-1/ಪಿಆರ್-83/2018-19, ದಿ:21-06-2018.

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ಪ್ರಸ್ತಾವನೆ:-

2018-19ನೇ ಸಾಲಿನ ಆಯವ್ಯಯದ ಭಾಷಣದ ಕಂಡಿಕೆ 142 ರಲ್ಲಿ ಬೆಂಗಳೂರು ನಗರದಲ್ಲಿ ಏರುತ್ತಿರುವ ವಾಯುಮಾಲಿನ್ಯವನ್ನು ನಿಯಂತ್ರಿಸುವ ನಿಟ್ಟಿನಲ್ಲಿ ಎಲೆಕ್ಟ್ರಿಕ್ ವಾಹನಗಳ ಬಳಕೆಯನ್ನು ಪ್ರೋತ್ಸಾಹಿಸಲು ರೂ.4.00 ಕೋಟಿ ವೆಚ್ಚದಲ್ಲಿ 100 ಚಾರ್ಜಿಂಗ್ ಘಟಕಗಳನ್ನು ಸ್ಥಾಪಿಸಲು ಉದ್ದೇಶಿಸಿದೆ ಎಂದು ಘೋಷಿಸಲಾಗಿರುತ್ತದೆ.

ಮೇಲೆ ಕ್ರ.ಸಂ. (2) ರಲ್ಲಿ ಓದಲಾದ ಸಾರಿಗೆ ಆಯುಕ್ತರ ಪತ್ರದಲ್ಲಿ ಪರಿಸರ ನೈರ್ಮಲ್ಯ ಕಾಪಾಡಲು ವಾಹನಗಳಿಂದುಂಟಾಗುವ ವಾಯುಮಾಲಿನ್ಯವನ್ನು ನಿಯಂತ್ರಿಸಲು ಸಾರಿಗೆ ಇಲಾಖೆಯ ವತಿಯಿಂದ ಹಲವಾರು ಯೋಜನೆಗಳನ್ನು ರೂಪಿಸಿ ರಾಜ್ಯದಾದ್ಯಂತ ಜಾರಿಗೊಳಿಸಲಾಗಿದ್ದು, ಹಲವಾರು ನಿಯಂತ್ರಣ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಂಡರೂ ಸಹ, ವಾಹನಗಳ ಹೆಚ್ಚಳದಿಂದಾಗಿ ಬೆಂಗಳೂರು ನಗರ ಸೇರಿದಂತೆ ರಾಜ್ಯಾದ್ಯಂತ ವಾಹನಗಳಿಂದುಟಾಗುವ ಪರಿಸರ ಮಾಲಿನ್ಯವನ್ನು ನಿಯಂತ್ರಿಸಲು ಎಲೆಕ್ಟ್ರಿಕ್ ಮೋಟಾರ್ ಚಾಲಿತ ವಾಹನಗಳನ್ನು ಸಾರ್ವಜನಿಕ ಸಾರಿಗೆ ಸೇರಿದಂತೆ, ಎಲ್ಲಾ ಸಾರಿಗೇತರ ವರ್ಗದ ವಾಹನಗಳಲ್ಲಿ ಬಳಸಿಕೊಳ್ಳುವ ಮೂಲಕ ಪರಿಸರ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಿಸುವುದು ಅವಶ್ಯಕವಾಗಿದೆ. ಪರಿಸರ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಿಸುವ ನಿಟ್ಟಿನಲ್ಲಿ, ಪೆಟ್ರೋಲ್ ಮತ್ತು ಡೀಸಲ್ ಇಂಧನ ದೊರೆಯುವ ಮಾದರಿಯಲ್ಲಿ ಎಲೆಕ್ಟ್ರಿಕ್ ಬ್ಯಾಟರಿ ಚಾರ್ಜಿಂಗ್ ಕೇಂದ್ರಗಳನ್ನು ಸಾಕಷ್ಟು ಸಂಖ್ಯೆಯಲ್ಲಿ ಸ್ಥಾಪಿಸಿದಲ್ಲಿ ಈ ವಾಹನಗಳನ್ನು ಹೆಚ್ಚಿನ ಸಂಖ್ಯೆಯಲ್ಲಿ ಸಾರ್ವಜನಿಕರು ಬಳಸಲು ಅನುಕೂಲವಾಗುತ್ತದೆ.

ಸಾರಿಗೆ ಇಲಾಖೆ ವತಿಯಿಂದ ಎಲೆಕ್ಟ್ರಿಕ್ ಬ್ಯಾಟರಿ ಚಾಲಿತ ವಾಹನಗಳ ಆಚರಣೆಯನ್ನು ನಗರ ಮತ್ತು ಗ್ರಾಮಾಂತರ ಪ್ರದೇಶಗಳಲ್ಲಿ ಪ್ರೋತ್ಸಾಹಿಸಲು ಯೋಜಿಸಲಾಗಿದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಎಲೆಕ್ಟ್ರಿಕ್ ಬ್ಯಾಟರಿ ಚಾಲಿತ ವಾಹನಗಳ ಬ್ಯಾಟರಿಗಳನ್ನು ಬೆಂಗಳೂರು ನಗರ ಮತ್ತು ರಾಜ್ಯಾದ್ಯಂತ ಶೀಘ್ರವಾಗಿ ಚಾರ್ಜಿಂಗ್ ಮಾಡಿಕೊಳ್ಳಲು ಅನುವಾಗುವಂತೆ, 100 ಎಲೆಕ್ಟ್ರಿಕ್ ವಾಹನಗಳ ಚಾರ್ಜಿಂಗ್ ಕೇಂದ್ರಗಳನ್ನು ರೂ.4.00 ಕೋಟಿಗಳ ವೆಚ್ಚದಲ್ಲಿ ಸ್ಥಾಪಿಸಲು ಸರ್ಕಾರದ ಮಂಜೂರಾತಿ ನೀಡುವಂತೆ ಕೋರಿರುತ್ತಾರೆ.

ಸಾರಿಗೆ ಆಯುಕ್ತರ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ:

ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಸಾರಿಇ 205 ಸಾಇಪ 2018
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 31-08-2018.

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಎಲೆಕ್ಟ್ರಿಕ್ ಬ್ಯಾಟರಿ ಚಾಲಿತ ವಾಹನಗಳ ಬ್ಯಾಟರಿಗಳನ್ನು ಬೆಂಗಳೂರು ನಗರ ಮತ್ತು ರಾಜ್ಯಾದ್ಯಂತ ಶೀಘ್ರವಾಗಿ ಚಾರ್ಜಿಂಗ್ ಮಾಡಿಕೊಳ್ಳಲು ಅನುವಾಗುವಂತೆ, 100 ಎಲೆಕ್ಟ್ರಿಕ್ ವಾಹನಗಳ ಚಾರ್ಜಿಂಗ್ ಕೇಂದ್ರಗಳನ್ನು ಸ್ಥಾಪಿಸಲು ಸರ್ಕಾರದ ಆಡಳಿತಾತ್ಮಕ ಮಂಜೂರಾತಿ ನೀಡಿ ಆದೇಶಿಸಿದೆ.

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ಈ ಯೋಜನೆಗೆ ತಗಲುವ ವೆಚ್ಚವನ್ನು 2018-19ನೇ ಸಾಲಿನ ಲೆಕ್ಕಶೀರ್ಷಿಕೆ:2041-00-001-0-01-125 ಆಧುನೀಕರಣ ಅಡಿ ಲಭ್ಯವಿರುವ ಅನುದಾನದಲ್ಲಿ ಭರಿಸತಕ್ಕದ್ದು.

ಈ ಆದೇಶವನ್ನು ಆರ್ಥಿಕ ಇಲಾಖೆ (ವೆಚ್ಚ 12) ರವರ ಟಿಪ್ಪಣಿ ಸಂ: ಆಇ 830 ವೆಚ್ಚ 12/2018, ದಿನಾಂಕ:02-08-2018ರಲ್ಲಿ ಮತ್ತು ಯೋಜನೆ ಇಲಾಖೆಯ ಟಿಪ್ಪಣಿ ಸಂಖ್ಯೆ: ಪಿಡಿ 30 ಎಂಸಿಎಂ 2018, ದಿನಾಂಕ:31-07-2018ರಲ್ಲಿ ನೀಡಿರುವ ಸಹಮತಿಯನ್ವಯ ಹೊರಡಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

(ಎಂ. ಸತ್ಯವತಿ)
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಾರಿಗೆ ಇಲಾಖೆ.

ಇವರಿಗೆ:

1. ಪ್ರಧಾನ ಮಹಾಲೇಖಪಾಲರು (ಜಿ ಅಂಡ್ ಎಸ್ಎಸ್ಎ), (ಇ ಅಂಡ್ ಆರ್ಎಸ್ಎ) ಮತ್ತು (ಎ ಅಂಡ್ ಇ), ಕರ್ನಾಟಕ, ಬೆಂಗಳೂರು.
2. ಆಯುಕ್ತರು, ಸಾರಿಗೆ ಮತ್ತು ರಸ್ತೆ ಸುರಕ್ಷತೆ, ಟಿಟಿಎಂಸಿ ಸಂಕೀರ್ಣ, ಶಾಂತಿನಗರ, ಬೆಂಗಳೂರು.
3. ಖಜಾನಾಧಿಕಾರಿಗಳು, ರಾಜ್ಯ ಹುಜೂರ್ ಖಜಾನೆ, ಬೆಂಗಳೂರು.
4. ಸರ್ಕಾರದ ವಿಶೇಷಾಧಿಕಾರಿ(ಜಿ.ಪಂ.), ಆರ್ಥಿಕ ಇಲಾಖೆ (ವೆಚ್ಚ-12), ವಿಧಾನಸೌಧ, ಬೆಂಗಳೂರು.
5. ನಿರ್ದೇಶಕರು (ಪ್ರ), ಸಂಪೂರ್ಣ ಯೋಜನಾ ವಿಭಾಗ, ಯೋಜನೆ, ಕಾರ್ಯಕ್ರಮ ಸಂಯೋಜನೆ ಮತ್ತು ಸಾಂಖ್ಯಿಕ ಇಲಾಖೆ, ಬಹುಮಹಡಿ ಕಟ್ಟಡ, ಬೆಂಗಳೂರು.

ಪ್ರತಿ:

1. ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳ ಆಪ್ತ ಸಹಾಯಕರು, ಸಾರಿಗೆ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.
2. ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿಗಳ ಆಪ್ತ ಸಹಾಯಕರು, ಸಾರಿಗೆ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.
3. ಶಾಖಾಧಿಕಾರಿಗಳು, ಸಮನ್ವಯ ಶಾಖೆ, ಸಾರಿಗೆ ಇಲಾಖೆ, ಬಹುಮಹಡಿ ಕಟ್ಟಡ, ಬೆಂಗಳೂರು.
4. ಶಾಖಾ ರಕ್ಷಾ ಕಡತ/ಹೆಚ್ಚುವರಿ ಪ್ರತಿಗಳು.

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44 R-4

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು

ವಿಷಯ: ರಾಜ್ಯದಲ್ಲಿ ಎಲೆಕ್ಟ್ರಿಕ್ ವಾಹನಗಳ ಚಾರ್ಜಿಂಗ್ ಕೇಂದ್ರಗಳನ್ನು ಸ್ಥಾಪಿಸುವ ಸಂಬಂಧವಾಗಿ ಅನುದಾನ ಬಿಡುಗಡೆ ಮಾಡುವ ಕುರಿತು – ಆದೇಶ.

ಓದಲಾಗಿದೆ:
1. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ:ಸಾರಿಇ 205 ಸಾಇಪ 2018, ದಿನಾಂಕ:31-08-2018.
2. ಆಯುಕ್ತರು, ಸಾರಿಗೆ ಮತ್ತು ರಸ್ತೆ ಸುರಕ್ಷತೆ ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಸಾಆ/ಪ್ರವರ್ತನ-1/ವೈವ-83/2018-19, ದಿನಾಂಕ:30-10-2018 & 19-11-2018.

****

ಪ್ರಸ್ತಾವನೆ:-

ಮೇಲೆ ಓದಲಾದ ಕ್ರಮ ಸಂಖ್ಯೆ (1) ರ ಸರ್ಕಾರದ ಆದೇಶದಲ್ಲಿ, ಎಲೆಕ್ಟ್ರಿಕ್ ಬ್ಯಾಟರಿ ಚಾಲಿತ ವಾಹನಗಳ ಬ್ಯಾಟರಿಗಳನ್ನು ಬೆಂಗಳೂರು ನಗರ ಮತ್ತು ರಾಜ್ಯಾದ್ಯಂತ ಶೀಘ್ರವಾಗಿ ಚಾರ್ಜಿಂಗ್ ಮಾಡಿಕೊಳ್ಳಲು ಅನುವಾಗುವಂತೆ 100 ಎಲೆಕ್ಟ್ರಿಕ್ ವಾಹನಗಳ ಚಾರ್ಜಿಂಗ್ ಕೇಂದ್ರಗಳನ್ನು ಸ್ಥಾಪಿಸಲು ಆಡಳಿತಾತ್ಮಕ ಮಂಜೂರಾತಿ ನೀಡಲಾಗಿದೆ.

ಮೇಲೆ ಓದಲಾದ ಕ್ರಮ ಸಂಖ್ಯೆ (2)ರ ಪತ್ರಗಳಲ್ಲಿ, ಎಲೆಕ್ಟ್ರಿಕ್ ಬ್ಯಾಟರಿ ಚಾಲಿತ ವಾಹನಗಳ ಬ್ಯಾಟರಿಗಳನ್ನು ಶೀಘ್ರವಾಗಿ ಚಾರ್ಜಿಂಗ್ ಮಾಡಿಕೊಳ್ಳಲು ಅನುವಾಗುವಂತೆ ಬೆಂಗಳೂರು ವಿದ್ಯುತ್ ಸರಬರಾಜು ಕಂಪನಿ ನೀಡಿರುವ ಕ್ರಿಯಾಯೋಜನೆಯಂತೆ ಚಾರ್ಜಿಂಗ್ ಕೇಂದ್ರಗಳನ್ನು ಸ್ಥಾಪಿಸಲು 2018-19ನೇ ಸಾಲಿನ ಲೆಕ್ಕಶೀರ್ಷಿಕೆ:2041-00-001-0-01-125 ಆಧುನೀಕರಣ ಅಡಿ ಲಭ್ಯವಿರುವ ರೂ.4.00 ಕೋಟಿಗಳನ್ನು ಬೆಸ್ಕಾಂ ಸಂಸ್ಥೆಗೆ ಠೇವಣಿ ಕೊಡುಗೆ (Deposit Contribution) ಮಾಡಲು ಮಂಜೂರಾತಿ ನೀಡಿ ಅನುದಾನವನ್ನು ಬಿಡುಗಡೆ ಮಾಡುವಂತೆ ಕೋರಿ ಆಯುಕ್ತರು, ಸಾರಿಗೆ ಮತ್ತು ರಸ್ತೆ ಸುರಕ್ಷತೆ, ಬೆಂಗಳೂರು ರವರು ಸರ್ಕಾರಕ್ಕೆ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಸದರಿ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿ ಸರ್ಕಾರವು, ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ:

ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಸಾರಿಇ 205 ಸಾಇಪ 2018,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:22-02-2019.

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಎಲೆಕ್ಟ್ರಿಕ್ ಬ್ಯಾಟರಿ ಚಾಲಿತ ವಾಹನಗಳ ಬ್ಯಾಟರಿಗಳನ್ನು ಶೀಘ್ರವಾಗಿ ಚಾರ್ಜಿಂಗ್ ಮಾಡಿಕೊಳ್ಳಲು ಅನುವಾಗುವಂತೆ ಬೆಂಗಳೂರು ವಿದ್ಯುತ್ ಸರಬರಾಜು ಕಂಪನಿ ನೀಡಿರುವ ಕ್ರಿಯಾಯೋಜನೆಯಂತೆ ಚಾರ್ಜಿಂಗ್ ಕೇಂದ್ರಗಳನ್ನು ಸ್ಥಾಪಿಸಲು ರೂ.4.00 ಕೋಟಿಗಳನ್ನು ಬೆಸ್ಕಾಂ ಸಂಸ್ಥೆಗೆ ಠೇವಣಿ ಕೊಡುಗೆ (Deposit Contribution) ಮಾಡಲು ಈ ಕೆಳಕಂಡ ಷರತ್ತಿಗೊಳಪಟ್ಟು ಮಂಜೂರಾತಿ ನೀಡಿ ಅನುದಾನವನ್ನು ಬಿಡುಗಡೆ ಮಾಡಿ ಆದೇಶಿಸಿದೆ.

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512(A)

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1. ಈ ವೆಚ್ಚವನ್ನು 2018-19ನೇ ಸಾಲಿನ ಲೆಕ್ಕಶೀರ್ಷಿಕೆ:2041-00-001-0-01-125 ಆಧುನೀಕರಣ ಅಡಿ ಲಭ್ಯವಿರುವ ಅನುದಾನದಲ್ಲಿ ಭರಿಸತಕ್ಕದ್ದು.
2. ಆಯುಕ್ತರು, ಸಾರಿಗೆ ಮತ್ತು ರಸ್ತೆ ಸುರಕ್ಷತೆ ಇವರು ಎಲೆಕ್ಟ್ರಿಕ್ ಬ್ಯಾಟರಿ ಚಾಲಿತಾ ವಾಹನಗಳ ಚಾರ್ಜಿಂಗ್ ಕೇಂದ್ರಗಳ ಸ್ಥಾಪಿಸುವ ವಿಧಿವಿಧಾನಗಳ ಕುರಿತಂತೆ ಬೆಂಗಳೂರು ವಿದ್ಯುತ್ ಸರಬರಾಜು ಕಂಪನಿಯೊಂದಿಗೆ ಕೂಡಲೇ ಎಂ.ಒ.ಯು. (Memorandum of Understanding) ಮಾಡಿಕೊಂಡು ತದನಂತರ, ಠೇವಣಿ ಕೊಡುಗೆ ಮಾಡಲು ಅಗತ್ಯಕ್ರಮ ವಹಿಸುವುದು.

ಈ ಆದೇಶವನ್ನು ಆರ್ಥಿಕ ಇಲಾಖೆಯ ಟಿಪ್ಪಣಿ ಸಂಖ್ಯೆ:ಆಇ 54 ವೆಚ್ಚ-11/2016, ದಿನಾಂಕ:05-02-2019 ರಲ್ಲಿ ನೀಡಿರುವ ಸಹಮತಿಯನ್ವಯ ಹೊರಡಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

(ನಂದಕುಮಾರ್ ಬಿ.)
ಪೀಠಾಧಿಕಾರಿ, ಸಾರಿಗೆ-2,
ಸಾರಿಗೆ ಇಲಾಖೆ.

ಇವರಿಗೆ:

1. ಪ್ರಧಾನ ಮಹಾಲೇಖಪಾಲರು (ಜಿ & ಎಸ್ಎಸ್ಎ)/(ಇ & ಎಸ್ಎಸ್ಎ) ಕರ್ನಾಟಕ, ಹೊಸ ಕಟ್ಟಡ, ಅಡಿಟ್ ಭವನ, ಅಂಚೆ ಪೆಟ್ಟಿಗೆ ಸಂಖ್ಯೆ:5398 ಹಾಗೂ ಪ್ರಧಾನ ಮಹಾಲೇಖಪಾಲರು (ಎ & ಇ), ಕರ್ನಾಟಕ, ಪಾರ್ಕ್ ಹೌಸ್ ರಸ್ತೆ, ಅಂಚೆ ಪೆಟ್ಟಿಗೆ ಸಂಖ್ಯೆ: 5359, ಬೆಂಗಳೂರು-560001.
2. ಆಯುಕ್ತರು, ಸಾರಿಗೆ ಮತ್ತು ರಸ್ತೆ ಸುರಕ್ಷತೆ, ಟಿಟಿಎಂಸಿ ಸಂಕೀರ್ಣ, ಶಾಂತಿನಗರ, ಬೆಂಗಳೂರು.
3. ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಬೆಂಗಳೂರು ವಿದ್ಯುತ್ ಸರಬರಾಜು ಕಂಪನಿ ನಿಯಮಿತ, ~~ಕೆ.ಆರ್.ವೃತ್ತ, ಬೆಂಗಳೂರು-560-001.~~
4. ಖಜಾನಾಧಿಕಾರಿಗಳು, ರಾಜ್ಯ ಹುಜೂರ್ ಖಜಾನೆ, ಬೆಂಗಳೂರು.
5. ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ (ಜಿಲ್ಲಾ ಪಂಚಾಯತ್), ಆರ್ಥಿಕ ಇಲಾಖೆ (ವೆಚ್ಚ-11), ವಿಧಾನಸೌಧ, ಬೆಂಗಳೂರು.
6. ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ ರವರ ಆಪ್ತ ಸಹಾಯಕರು, ಸಾರಿಗೆ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.
7. ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿಗಳ ಆಪ್ತ ಸಹಾಯಕರು, ಸಾರಿಗೆ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.
8. ಶಾಖಾ ರಕ್ಷಾ ಕಡತ/ಹೆಚ್ಚುವರಿ ಪ್ರತಿಗಳು / ಒ.ಡಿ.ಜಿ.ಸಿ.,

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46 R5

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2019

BEFORE

THE HON'BLE MR.JUSTICE P.B. BAJANTHRI

W.P. NO.21991 OF 2019 C/W

W.P.NOS.18343-18344/2019,

AND W.P.NOS.28150-28151 OF 2019 (MV)

IN W.P.NO.21991 OF 2019

BETWEEN:

SMT SHARADAMMA
W/O LATE V. VENKATARAMANAPPA
AGED ABOUT 66 YEARS,
R/AT RAGUTTAHALLI VILLAGE & POST,
CHINTAMANI TALUK,
CHICKBALLAPUR DISTRICT 563 123.

... PETITIONER

(BY SRI. SUBASH REDDY V., ADV.)

AND

1. THE STATE OF KARNATAKA
TRANSPORT DEPARTMENT,
M.S. BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BANGLAORE 560 001.
REPRESENTED BY ITS
PRINCIPAL SECRETAWRY,

2. THE KARNATAKA STATE TRANSPORT AUTHORITY
BMTC-TMCC BUILDING,
K.H. ROAD,
BANGALORE 560 027
REPRESENTED BY ITS SECRETARY

3. THE REGIONAL TRANSPORT AUTHORITY
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA 562 101

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REPRESENTED BY ITS
SECRETARY & RTO ... RESPONDENTS

(BY SRI.SANDESH J. CHOUTA, AAG
SRI.M.MUNIGANGAPPA, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE CIRCULAR DTD: 14.02.2019 IN (VIDE ANNEXURE-H) ISSUED BY THE R-1 AND ETC.

IN W.P.NOS.18343-18344 OF 2019

BETWEEN:

M VENKATESH
AGE 58 YEARS,
S/O LATE B P GANGADHAR
SRI VENKATESHWARA MOTOR SERVICE
NO.9-A, MADHAVANAGAR
BENGALURU-560 001 .. PETITIONER

(BY SRI.M.E.NAGESH, ADV.)

AND

1. THE STATE OF KARNATAKA
BY ITS DEPUTY SECRETARY
TRANSPORT DEPARTMENT
M.S. BUILDING BENGALURU
PIN-560 001

2. THE SECRETARY
STATE TRANSPORT AUTHORITY
TTMC BUILDING K H ROAD,
BENGALURU-560 027

3. THE STATE TRANSPORT AUTHORITY
TTMC BUILDING K H ROAD,
BENGALURU-5600527

4. THE REGISTERING AUTHORITY &
REGIONAL TRANSPORT OFFICER
YESHWANTHPUR BENGALURU (NORTH)
BENGALURU-560 022

5. THE INSPECTOR OF MOTOR VEHICLES
OFFICE OF THE RTO YESHWANTHPUR
BENGALURU-560 022 ... RESPONDENTS

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(BY SRI.SANDESH J. CHOUTA AAG
SRI.M.MUNIGANGAPPA, HCGP)

THESE WRIIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT ISSUED BY THE R-2 DATED: 21.03.2019 AS PER ANNEXUREOE AND AS PER ANNEXURE-F AND AS PER THE CIRCULAR ISSUED BY THE R-1 DATED: 14.02.2019 AS PER ANNEXURE-H AND ETC.

IN W.P.NOS.28150-28151 OF 2019

BETWEEN:

SMT SHANTHI SUBRAMANYAM
W/O SRI P SUBRAMANYAM
AGED ABOUT 40 YEARS,
PROP: S P N MOTOR SERVICE,
NO 7 11,
MAHADESHWARA COLLEGE ROAD,
KOLLEGAL
CHAMARAJANAGAR DISTRICT - 571313 ... PETITIONER

(BY SRI.MADANAN PILLAI R., CGC)

AND

1. THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY
MINISTRY OF SURFACE TRANSPORT,
PARIVAHAN BHAVAN NEW DELHI - 110001

2. THE STATE OF KARNATAKA
BY ITS DEPUTY SECRETARY
TRANSPORT DEPARTMENT,
MULTI -STORIED BUILDING ,
DR AMBEDKAR VEEDHI
BANGALORE - 560001

4. THE REGIONAL TRANSPORT OFFICER
CHAMARAJANAGAR MAIN ROAD,
NEAR GALIPURAM
CHAMARAJANAGAR - 571313
CHAMARAJANAGAR DISTRICT ... RESPONDENTS

(BY SRI.SANDESH J. CHOUTA AAG
SRI.M.MUNIGANGAPPA, HCGP)

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THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE CIRCULAR ISSUED BY THE R-2 DT: 14.02.2019 VIDE ANNEXURE-M AND THE ORDER/ENDORSEMENTS PASSED BY THE R-3 DATED: 18.06.2019 IN REFUSE TO RENEW THE PERMIT NO.26/99-00 VALID UPTO 19.07.2019 AND 27/99-00 VALID UPTO 19.07.2019 COVERED UNDER VEHICLE KA-10/A-1760 AND KA-10/B/9696 VIDE ANNEXURE-K AND L AND ETC.

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED ON **07.08.2019** AND COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, MADE THE FOLLOWING:

ORDER

The question of law raised in all these petitions being common, all the petitions have been heard together and are being decided by this common order. For deciding these petitioners, it shall be refer the facts and pleadings in W.P.No.21991/2019.

2. In WP No.21991/2019, petitioner has questioned the validity of Circular dated 14.2.2019 vide Annexure-H and endorsement dated 7.3.2019 and order dated 24.5.2019 vide Annexures-J and J1 respectively. Similarly, in WP Nos.18343-18344/2019, petitioner has assailed endorsement

dated 21.3.2019 and circular dated 14.2.2019 vide Annexure-E and H respectively and in WP Nos.28150-28151/2019, petitioner has assailed endorsement dated 18.6.2019 and circular dated 14.2.2019 vide Annexures-K and M respectively.

3. In these bunch of petitions, common grievance of the petitioners is to set aside the circular dated 14.2.2019, by which State Government imposed conditions for the purpose of issuance of permit/renewal of permit only if transport motor vehicle is within fifteen years from the date of registration and further such of those permit holders whose transport motor vehicle is fifteen years old were permitted to replace such old vehicle to later model vehicles. Thus, each of the petitioners' grievance relating to renewal of permit has not been allowed on the sole ground that their vehicle crossed fifteen years from the date of registration of their each vehicle. Further, official –

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respondent has issued endorsements/order in terms of circular dated: 14.02.2019. Hence, petitioners are before this Court.

4. In all these bunch of petitions, petitioners' shove of arguments is that circular dated 14.2.2019 issued by the Government restricting issuance of permit only to such of those vehicles, which are within fifteen years and permitted to replace vehicle, such of those vehicle, which has crossed fifteen years from the date of registration by later model vehicle is without authority of law and contrary to Section 59 of the Motor Vehicles Act, 1988 (for short `Act, 1988').

5. Learned counsel for the petitioners relied on the following provisions:

1. Sub-section 7 of Section 2 relates to 'contract carriage';

2. Sub-section 43 of Section 2 relates to 'tourist vehicle';

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3. Section 59 relates to 'power to fix the age limit of motor vehicle';

4. Section 95 relates to 'power of State Government to make rules as to stage carriages and contract carriages'.

5. Section 96 relates to 'State Government to make rules for the purposes of this Chapter (Chapter – V);

6. Learned counsel vehemently contended that State Government has no power to issue any Rules or order or circular to cover the age limit of motor vehicle since such power is identified at Section 59 of the Act, 1988, which empowers only the Central Government. Officials/respondents' contention that source of power under Section 72(2)(xxiv) of the Act, 1988, under this provision, there is no specific power vested with the State Government insofar as touching the issue relating to the age limit of motor vehicle. It was further contended that Rule 82 of the Central Motor Vehicles Rules, 1989 (for short `Rules, 1989') assigns nine years in the case of a motor cab and

eight years for other than motor cab, unless the motor vehicle is replaced. Therefore Central Government is the competent authority to fix the age of the motor vehicle. It is also contended that Central Government issued a draft Rules called the Central Motor Vehicles (Amendment) Rules, 2019 in respect of Rule 62(b) on 24.7.2019. Therefore, it is evident that power is vested with Central Government and not with the State Government. Thus, impugned circular dated 14.2.2019 and consequential endorsement/order are liable to be set aside.

7. Learned counsel for the petitioners cited the following decisions:

1) WP No.26988/2002 (DD 31.7.2002) in the case of D L Suresh –vs- Secretary, RTA, Mandya.

2) AIR 2018 Chattisgarh 158 in the case of Dr.Sandeep Jain and ors. –vs- State of Chhattisgarh and ors. (para-14);

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8. On the other hand, Sri Sandesh J Chouta, learned Additional Advocate General for the respondents/State while supporting circular dated 14.2.2019 and endorsement/order relied on Sub-Sections 7, 40 and 47 of Section 2 of the Act, 1988 relate to contract carriage, stage carriage and transport vehicle respectively. Section 28 of the Act, 1988 relates to power of State Government to make Rules. Under Chapter-IV - relevant Section 56 relates to certificate of fitness of transport vehicle and Section 59 relates to power to fix the age limit of motor vehicle. Between Sections 56 to 59, Central Government can invoke the aforesaid provisions, whereas Chapter V relates to control of transport vehicles both by the Central and State governments.

9. Sub-section 47 of Section 2 of the Act, 1988 relates to 'transport vehicle'; Section 66 relates to 'necessity for permits'; Section 70 relates

to 'application for stage carriage permit'; Section 72 relates to 'grant of stage carriage permit'.

10. Sub-Section 2 of Section 72 of the Act, 1988 empowers the Regional Transport Authority, if it decides to grant a stage carriage permit, may grant the permit for a stage carriage of a specified description and may, subject to any rule that may be made under this Act, attach to the permit any one or more of the conditions in Clauses (xix) to (xxiv). Insofar as Clause (xxiv) empowers Regional Transport Authority to impose any other conditions, which may be prescribed. Similarly, under Sub-section 2 of Section 74 of the Act, 1988 relates to 'grant of contract carriage permit', which empower Regional Transport Authority, if it decides to grant a contract carriage permit, may, subject to any rules that may be made under this Act, attach to the permit any one or more of the condition in Clause

(xiii) relates to any other conditions, which may be prescribed.

11. In view of the aforesaid provisions, State Government has issued circular dated 14.2.2019 stipulating conditions therein. Petitioners do not fulfill the conditions stipulated in the circular to the extent that their vehicles crossed fifteen years from the date of registration and further they have not sought for permit in respect of replacing the vehicle, like later model vehicle. Source of power of State Government is established in terms of the above provisions. Therefore, petitioners have not made out a case so as to interfere with circular dated 14.2.2019 and consequently endorsement/order issued to all the petitioners in respect of rejecting their claims for renewal of their permit are in order.

12. Learned Additional Advocate General relied on the following decisions:

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1) WP No.10600/2019 (DD 2.4.2019) in the case of K B Subbaiah –vs- State of Karnataka and others;

2) (1980) 2 SCC 324 in the case of Subhash Chandra and others –vs- State of UP and others (paras – 3 and 4), wherein the Supreme Court has interpreted Section 51 of the Motor Vehicles Act, 1939, which is identical to that of Section 72 of the Act, 1988 that any other conditions could be imposed.

3) WP No.2237/2008 (DD 16.4.2009) in the case of Shivadhar Yadav –vs- State of Maharashtra;

4) WP No.2023/2018 (DD 5.2.2018) in the cae of Tipati Travels –vs- State of Madhya Pradesh.

13. Heard the learned counsel appearing for the parties.

14. Question for consideration in the present bunch of writ petitions is: whether State Government is empowered to issue circular relating to fixation of age of the vehicle for the purpose of issuing grant of stage carriage - permit under Section 72(2) read with (xxiv) of the Act, 1988 and to replace such of those vehicle, which has crossed fifteen years by replacing later model vehicle or not?

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15. Before adverting to whether State is empowered to issue circular dated 14.2.2019, it will be fruitful to reproduce some of the reletant provisions of the Act, 1988 read with Rules, 1989.

> **Sub-section 7 of Section 2**.-'contract carriage' means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorized by him in this behalf on a fixed or an agreed rate or sum-
>
> (a) on a time basis, whether or not with reference to any route or distance; or
>
> (b) from one point to another,
>
> and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes-
>
> (i) a maxicab; and
>
> (ii) a motor cab notwithstanding that separate fares are charged for its passengers;

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Sub-section 40 of Section 2.- 'stage carriage' means a motor vehicle constructed or adapted to carry more than six passengers excluding the driver for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey;

Sub-section 43 of Section 2.- 'tourist vehicle' means a contract carriage, constructed or adapted and equipped and maintained in accordance with such specifications as may be prescribed in this behalf.

Sub-section 47 of Section 2.- 'transport vehicle' means a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle.

Section 56. Certificate of fitness of transport vehicle.-(1) Subject to the provisions of sections 59 and 60, a transport vehicle shall not be deemed to be validly registered for the purposes of section 39, unless it carries a certificate of fitness in such form containing such particulars and information as may be prescribed by the Central Government, issued by the prescribed authority, or by an authorized testing station mentioned in sub-section92), to the effect that the vehicle complies for the time being with all the requirements of this Act and the rules made there under:

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Provided that where the prescribed authority or the "authorized testing station' refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal.

(2) The "authorized testing station" referred to in sub-section (1) means a vehicle service station or public or private garage which the State Government having regard to the experience, training and ability of the operator of such station or garage and the testing equipment and the testing personnel therein, may specify in accordance with the rules made by the Central Government for regulation and control of such stations or garages.

(3) Subject to the provisions of sub-section 94), certificate of fitness shall remain effective for such period as may be prescribed by the Central Government having regard to the objects of this Act.

(4) The prescribed authority may for reasons to be recorded in writing cancel a certificate of fitness at any time, if satisfied that the vehicle to which it relates no longer complies with all the requirements of this Act and the rules made thereunder; and on such cancellation the certificate of registration of the vehicle and any permit granted in respect of the vehicle under Chapter V shall be deemed to be suspended until a

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new certificate of fitness has been obtained;

[Provided that no such cancellation shall be made by the prescribed authority unless such prescribed authority holds such technical qualification as may be prescribed or where the prescribed authority does not hold such technical qualification on the basis of the report of an officer having such qualification]

(5) A certificate of fitness issued under this Act shall, while it remains effective valid throughout India.

Section 59.- Power to fix the age limit of motor vehicle.- (1) The central Government may, having regard to the public safety, convenience and objects of this Act, by notification in the Official Gazette, specify the life of a motor vehicle reckoned from the date of its manufacture, after the expiry of which the motor vehicle shall not be deemed to comply with the requirements of this Act and the rules made thereunder:

Provided that the Central Government may specify different ages for different classes or different types of motor vehicles.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, having regard to the purpose of a motor vehicle, such as, display or use for the purposes of a

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demonstration in any exhibition, use for the purposes of technical research or taking part in a vintage car rally, by notification in the Official Gazette, exempt, by a general or special order, subject to such conditions as may be specific in such notification, any class or type of motor vehicle from the operation of sub-section (1) for the purpose to be stated in the notification.

(3) Notwithstanding anything contained in section 56, no prescribed authority or authorized testing station shall grant a certificate of fitness to a motor vehicle in contravention of the provisions of any notification issued under sub-section (1).

Section 66. Necessity for permits.-(1) No owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle in any public place whether or not such vehicle is actually carrying any passengers or goods save in accordance with the conditions of a permit granted or countersigned by a Regional or State Transport Authority or any prescribed authority authorizing him the use of the vehicle in that place in the manner in which the vehicle is being used:

Provided that a stage carriage permit shall, subject to any conditions that may be specified in the permit, authorize the use of the vehicle as a contract carriage:

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Provided further that a stage carriage permit may, subject to any conditions that may be specified in the permit, authorize the use of the vehicle as a goods carriage either when carrying passengers or not:

Provided also that a goods carriage permit shall, subject to any conditions that may be specified in the permit, authorize the holder to use the vehicle for the carriage of goods for or in connection with a trade or business carried on by him.

(2) The holder of a goods carriage permit may use the vehicle, for the drawing of any trailer or semi-trailer not owned by him, subject to such conditions as may be prescribed:

[Provided that the holder of a permit of any articulated vehicle may use the prime-mover of that articulated vehicle for any other semi-trailor.]

(3) The provisions of sub-section (1) shall not apply-

(a) to an transport vehicle owned by the Central Government or a Stage Government and used for Government purposes unconnected with any commercial enterprise;

(b) to any transport vehicle owned by a local authority or by a person acting

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under contract with a local authority and used solely for road cleansing, road watering or conservancy purposes;

(c) to an transport vehicle used solely for police, fire brigade or ambulance purpose;

(d) to any transport vehicle used solely for the conveyance of corpses and the mourners accompanying the corpses;

(e) to any transport vehicle used for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety;

(f) to any transport vehicle used for any other public purpose as may be prescribed by the State Government in this behalf;

(g) to any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment to chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf;

[***]

(i) to any goods vehicle, the gross vehicle weight of which does not exceed 3,000 kilograms;

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(j) subject to such conditions as the Central Government may, by notification in the Official Gazette, specify, to any transport vehicle purchased in one State and proceeding to a place, situated in that State or in any other State, without carrying any passenger or goods;

(k) to any transport vehicle which has been temporarily registered under section 43 which proceeding empty to any place for the purpose of registration of the vehicle;

[***]

(m) to any transport vehicle which, owing to flood, earthquake or any other natural calamity, obstruction on road, or unforeseen circumstances, is required to be diverted through any other route, whether within or outside the State, with a view to enabling it to reach its destination;

(n) to any transport vehicle used for such purposes as the Central or State Government may, by order, specify;

(o) to any transport vehicle which is subject to a hire-purchase, lease or hypothecation agreement and which owning to the default of the owner has been taken possession of by or on behalf of the person with whom the owner has entered into such agreement, to enable such motor vehicle to reach its destination; or

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(p) to any transport vehicle while proceeding empty to any place for purpose of repair.

(4) Subject to the provisions of sub-section 93), sub-section (1) shall, if the Statement Government by rule made under section 96 so prescribes, apply to any motor vehicle adapted to carry more than nine persons excluding the driver.

Section 70. Application for stage carriage permit.-(1) An application for a permit in respect of a stage carriage (in this Chapter referred to as a stage carriage permit) or as a reserve stage carriage shall, as far as may be contain the following particulars, namely:-

(a) the route or routes or the area or areas to which the application relates;

(b) the type and seating capacity of each such vehicle;

(c) the minimum and maximum number of daily trips proposed to be provided and the time-table of the normal trips.

Explanation.- For the purposes of this section 72, section 80 and section 102, "trip" means a single journey from one point to another, and every return journey shall be deemed to be a separate trip;

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(d) the number of vehicles intended to be kept in reserve to maintain the service and to provide for special occasions;

(e) the arrangements intended to be made for the housing, maintenance and repair of the vehicles, for the comfort and convenience of passengers and for the storage and safe custody of luggage;

(f) such other matters as may be prescribed.

(2) An application referred to in sub-section (1) shall be accompanied by such documents as may be prescribed.

Section 71.- Procedure of Regional Transport Authority in considering application for stage carriage permit.-

(1) xxxxxx
(2) xxxxxx

(3)(a) The State Government shall, if so directed by the Central Government having regard to the number of vehicles, road conditions and other relevant matters, by notification in the Official Gazette, direct a State Transport Authority and a Regional Transport Authority to limit the number of stage carriages generally or of any specified type, as may be fixed and specified in the notification, operating on city routes in towns with a population of not less than five lakhs.

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72. Grant of stage carriage permit-

(1) Subject to the provisions of section 71, a Regional Transport Authority may, on an application made to it under section 70, grant a stage carriage permit in accordance with the application or with such modification as it deems fit or refuse to grant such a permit.

Provided that no such permit shall be granted in respect of any route or area not specified in the application.

(2) The Regional Transport Authority, if it decides to grant a stage carriage permit, may grant the permit for a stage carriage of a specified description and may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely:-

(i) that the vehicles shall be used only in a specified area, or on a specified route or routes;

(xxiv) any other conditions which may be prescribed.

74. Grant of contract carriage permit-

(1) Subject to the provisions of sub-section (3) a Regional Transport Authority may, on an application made to it under section 73, grant a contract carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit:

Provided that no such permit shall be granted in respect of any area not specified in the application.

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(2) The Regional Transport Authority, if it decides to grant a contract carriage permit, may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely-

(i) that the vehicles shall be used only in a specified area or on a specified route or routes;

95. Power of State Government to make rules as to stage carriages and contract carriages-

(1) A State Government may **make rules to regulate,** in respect of stage carriages and contract carriages and the conduct of passengers in such vehicles.

96. Power of State Government to make rules for the purpose of this Chapter-

(1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely-

(i) the period of appointment and the terms of appointment of and the conduct of business by Regional and State Transport Authorities and the reports to be furnished by them;

(xxxiii) any other matter which is to be or may be prescribed.

Rule 62 of Rules, 1989.- Validity of certificate of fitness.-(1) A certificate

of fitness in respect of a transport vehicle granted under section 56 shall be in Form 38 and such certificate when granted or renewed shall be valid for the period as indicated below:

(a)	New transport vehicle	two years
	Renewal of certificate of fitness in respect of vehicles mentioned in (a) above [xxx)	one year
	Renewal of certificate of fitness in respect of E-rickshaw and E-cart	three years]
	Renewal of certificate of fitness in respect of vehicles covered under rule 82 of these rules	one year]
	Fresh registration of imported vehicles	Same period as in the case of vehicles manufactured in India having regard to the date of manufacture:

82. Tourist permits

(1) An application for the grant of permit in respect of a tourist vehicle (hereinafter referred to in these rules as a

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tourist permit) shall be made in Form 45 to the State Transport Authority.

(2) [1][* * *]

[2][[3][(a)] A tourist permit shall be deemed to be invalid from the date on which the motor vehicle covered by the permit completes 9 years in the case of a motor cab and 8 years where the motor vehicle is other than a motor cab, unless the motor vehicle is replaced];

[3][(b)] Where a vehicle covered by a tourist permit is proposed to be replaced by another, the latter vehicle shall not be more than two years old on the date of such replacement.

Explanation : For the purposes of this sub-rule, the period of [2][9 years or 8 years] shall be computed from the date of initial registration of the motor vehicle.

16. Question for consideration in these petitions is whether State is empowered issue circular dated: 14.02.2019 is in order or not? The ambit of Section 72(2) of Act, 1988 came up for consideration before the Supreme Court in the case of K M Ismeth Ummar –vs- Regional Transport Authority reported in (2011) 15 SCC 288 (para-5), wherein the Supreme Court interpreted Section

72(2) of the Act, 1988 to the extent that Regional Transport Authority may grant permit for stage carriage of a 'specific description' which includes age of the vehicle also in the public interest. Para-5 of the decision read thus:

> "5. Under Section 72(2) of the Motor Vehicles Act, 1988 the Regional Transport Authority may grant the permit for a stage carriage of a "specified description". The expression "specified description" is very wide and, in our opinion, this would include fixing the age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicles can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act, 1988 are perfectly justified in placing such a restriction for grant of the permit."

17. Relevant provisions to interfere with circular dated 14.2.2019 are Sections 56 and 59 of the Act, 1988 under Chapter IV. Section 59 empowers the Central Government to fix the age limit of motor vehicle, whereas under the very same Chapter, Sections 64 and 65 empower the Central Government and State Government to make Rules,

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whereas in Chapter V, relevant provision is Section 72 relates to 'grant of stage carriage permit' and Section 95 empowers the **State Government to make Rules as to stage carriages** and contract carriages. Further, Section 96 empowers the State Government to make rules for the purposes of this Chapter (Chapter-V). Reading of Chapters-IV and **V relate to registration of motor vehicle and control of Transport Vehicle**. The issue relating to grant of stage carriage permit and contract carriage permit fall under Chapter-V. Sub-section 2 of Section 72 empowers the Regional Transport Authority to decide to grant a stage carriage permit, **may grant the permit for a stage carriage of a specified description and may, subject to any rule that may be made under this Act**, attach to the permit any one or more of the conditions stipulated therein. Clauses (i) to (xxiii) of Sub-section 2 Section 72 are not related to age of

determination of vehicle or replacing fifteen years old vehicle to that of later model vehicle. Even though Clause (xxiv) stipulates that any other conditions which may be prescribed. If the State Government intends to invoke those Clauses in such an event it is necessary and proper to issue Rules as is empowered under Sub-section 2 of Section 72 of the Act, 1988. Therefore, issuance of circular dated: 14.02.2019 by the respondent no.1 is without authority of law. At the best, State can frame rules instead of issuing circular/order to impose conditions that permit vehicle which crosses 15 years shall not be renewed, such vehicle could be replaced by later model vehicle.

18. On this score read with the decision of the supreme court in the case of K M Ismeth Ummar –vs- Regional Transport Authority (supra), state is empowered to impose any other conditions

under Clause (xxiv) of sub section 2 of section 72 of the act, 1988.

19. Learned counsel for the petitioners vehemently relied on decisions rendered in following cases:-

a) D.L.Suresh Vs. The Secretary, Regional Transport Authority, Mandya and others disposed off on 31.07.2002 in W.P.No.26988 of 2002 (Para 4).

b) Dr.Sandeep Jain and Ors. Vs. State of Chattisgarh and Ors. Reported in AIR 2018 CHHATTISGARH 158 in Para 14.

In so far as D.L.Suresh's Case is concerned, it is to be noted that it is no more good law in view of the decision of the Supreme Court in K M Ismeth Ummar cited at Supra.

Similarly in the case of Dr.Sandeep Jain cited Supra, Court has not taken note of the decision rendered in K M Ismeth Ummar. Hence, the decisions cited on behalf of the petitioners have no assistance to their case.

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20. Prima facie, Circular dated 14.2.2019 would be contrary to Sub-Rule (b)(i) of Rule 62 of Rules, 1989 relates to renewal of a certificate of fitness in respect of transport vehicle upto fifteen years old – two years for vehicles upto eight years old and one for vehicles older than eight years. Sub-Rule (ii) renewal of certificate of fitness in respect of transport vehicle older than fifteen years – six months. It is to be noted that for the purpose of grant of permit like stage carriage and contract carriage permit would be issued under Sections 72 and 74 of the Act, 1988. Certificate of fitness is one of the criteria for issuance of permit. In such eventuality, there should be prohibition Clause in issuing certificate of fitness to such transport vehicle which has crossed 15 years. In other words, there is no age criteria of the transport vehicle for issuance of fitness certificate. On the otherhand, by means of Circular dated 14.2.2019, State

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Government has incorporated grant of permit both under stage carriage and contract carriage is impermissible in the event of transport vehicle is more than fifteen years old. Therefore, this Court is of the view that unless and until, amendment is brought to Section 56, which relates to certificate of fitness of transport vehicle and appropriate rules under sub-section (2) of Section 72 of the Act, 1988. Hence, question of imposing conditions for issuance of stage carriage and contract carriage permit restricted to such of those transport vehicle, which have not completed fifteen years from the date of registration would be absurd. Further, if conditions imposed in Circular 14.2.2019 are traceable under Sections 72(2)(xxiv) and 74(2)(xiii), in such eventuality subject to any Rule that may be made under the Act, 1988 in terms of Sub-Section 2 of Section 72 and Sub-Section 2 of Section 74 and not by means of issuing Circular.

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21. Specified and Description under Sub-Section 2 of Section 72 of the Act, 1988 by means of Rule only, similarly under Sub-Section 2 of Section 74 of the Act, 1988 and not by issuing circular. That apart, under Sections 95 and 96 of the Act, 1988, provides for framing of Rules, power of State Government to make Rules as to stage carriage and contract carriage and power of State Government to make Rules for the purpose of this Chapter (Chapter-V). Admittedly, circular cannot substitute a mandate of Rules in terms of aforementioned provisions. Supreme Court time and again held that authorities are required to follow strictly statutes and there cannot be any side tracking of a statute. In the present case, statutes empower to State Government for framing of Rules. Such of those conditions, which are not covered, were permitted to prescribe – specified description by means of issuing Rules. Consequently, impugned

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Circular dated 14.2.2019 and further action in issuing impugned endorsement are liable to be set aside. On this score read with the decision of the Supreme Court in the case of K M Ismeth Ummar – vs- Regional Transport Authority (supra), State is empowered to impose any other conditions under Clause (xxiv) of Sub-section 2 of Section 72 of the Act, 1988.

22. Contention of the petitioners that State is not empowered to issue circular and so also impose conditions that fifteen years old vehicles are not permitted to issue permit route and it can be replaced by later model vehicle is hereby accepted.

RESULT

(i) In view of the above analysis on both factual and legal aspects circular dated 14.2.2019 and consequential endorsements dated 7.3.2019 and dated 24.5.2019 (Annexures-

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J and J1 in WP No.21991/2019), both endorsements dated 21.3.2019 (Annexures-E and F in WP Nos.18343-18344/2019) and both endorsement dated 18.6.2019 (Annexures-K and L in WP Nos.28150 – 28151/2019 are set aside.

(ii) Respondents/State is permitted to frame appropriate Rules if it is warranted while invoking Sub-Section 2 of Section 72 of the Act, 1988 read with the decision of the Supreme Court in the case of K M Ismeth Ummar –vs- Regional Transport Authority (supra), but issuance of circular dated: 14.02.2019 is without source of power. Supreme Court in the case of Captain Sube Singh –vs- Lt. Governor of Delhi reported in (2004) 6 SCC 440 held as under:

> "**29.** In *Anjum M.H. Ghaswala* [*CIT* v. *Anjum M.H. Ghaswala*, (2002) 1 SCC 633] a Constitution Bench of this Court reaffirmed the general rule that when a statute vests certain

power in an authority to be exercised in a particular manner then the said authority has to exercise it only in the manner provided in the statute itself. (See also in this connection *Dhanajaya Reddy* v. *State of Karnataka* [(2001) 4 SCC 9 : 2001 SCC (Cri) 652] .) The statute in question requires the authority to act in accordance with the rules for variation of the conditions attached to the permit. In our view, it is not permissible to the State Government to purport to alter these conditions by issuing a notification under Section 67(1)(*d*) read with sub-clause (*i*) thereof."

Writ petitions stand allowed in the above terms.

No order as to cost.

Sd/-
JUDGE

Bkm/Brn

This Document is Refferd to as
Annexure.....R5.....in The
Affidavit of Smt/Sri...J. PURUSHOTHAM.
Notary

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R-6

GOVERNMENT OF KARNATAKA

No: TD 160 TDO 2020

Karnataka Government Secretariat,
M.S. Building,
Bengaluru, Dated:14-07-2021.

NOTIFICATION

Whereas, in the last few decades, Indian cities have made substantial progress in putting an affordable mode of public transport. Earlier the focus was on the city bus service however over a period of time many cities have started the metro operations which is playing an extremely important role in the faster movement of the people and in turn leading to faster economic growth of the cities. In addition to these the cities are having taxi services, auto services for point to point movement. Many aggregators of taxis have come in the market of mobility and are playing an extremely important role in most of the cities. On one hand there is phenomenal progress in public transport facilities as well as massive entry of aggregators in the system, on the other hand the cities are still grappling with the issues of massive traffic jams. It is happening due to large number of middle-class people still using the private vehicles for the movement. The gap in the market for the first mile and last mile connectivity is working as the main bottleneck in further use of public transport. There is an urgent need for putting up a system which can provide affordable first and last mile connectivity.

And whereas, Bike Taxi is one of the options available and many states have already started it in one form or other. Bike Taxi will promote urban mobility and will act as a first and last mile connectivity solution for citizens which in turn assist people to access the Public Transport and specially for accessing Metro Services. It will also create a flexible entrepreneurship opportunities. The Government of India in the last few years have come up with many policy framework and amendments in the Motor Vehicle Act, 1988 with the aim of enabling the states in introducing Bike Taxi in urban areas with certain restrictions to be decided by the states. The Government of India has also brought many provisions to promote electric vehicles with the aim of reducing the pollution in the cities and in promoting environmentally friendly transport solutions. The state of Karnataka has many urban centers which are grappling with the issue of traffic jam and problem of first and last mile connectivity.

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And whereas, clause (27) of Section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) provides the definition of a Motor Cycle which "means a two-wheeled motor vehicle, inclusive of any detachable side-car having an extra wheel, attached to the motor vehicle". S.O. number 1248(E) dated 05.11.2014 allows registration of "Motor Cycles" both under transport and non-transport categories. In terms of clause (27) of section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) Transport Vehicle inter alia means a Public Service Vehicle and in terms of clause (35) of section 2 of the Motor Vehicles Act, 1988 "Public Service Vehicle" means any Motor Vehicle used or adapted to be used for the carriage of passenger for hire or reward.

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And whereas, Section 73 and 74 of the Motor Vehicle Act, 1988 (Central Act 59 of 1988) empowers the States to issue contract carriage permits for all kinds of vehicles including two wheelers. The Motor Vehicles (Amendment) Act, 2019 dated 09.08.2019 brings app-based mobility solution providers under the ambit of the Motor Vehicles, Act 1988 through the amendment to Section 93 of the Motor Vehicle Act, 1988 (Central Act 59 of 1988). The Government of India by Notification No. S.O. 5333 (E) dated 18.10.2018 has exempted the battery-operated vehicles from the provisions of sub-section (1) of section 66 which mandates every vehicle to get a permit to use it as a goods or passenger vehicle.

Whereas, the aim of providing the first and last mile connectivity for public transport and to generate self-employment opportunity, the Government of Karnataka, in public interest hereby makes the following scheme for regulating the Electric Bike Taxi and matters connected therewith, namely:-

Now therefore, in exercise of the powers conferred by clause (38A) of sub-section (1) of section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988). The Government of Karnataka hereby makes the following scheme; namely:-

1. **Title, Extent, Commencement and Application.-**

(1) This scheme may be called the Karnataka Electric Bike Taxi Scheme, 2021.
(2) It shall extend to the Urban Areas in the whole of the State of Karnataka.
(3) It shall come into force on the date of its publication in the official Gazette.
(4) This scheme shall apply only for the Battery operated Electric motor cycle or electric bike.
(5) It shall apply to a person who acts as an agent or a canvasser in the manner as provided in clause (i) of sub-section (1) of section 93 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and where such person is exclusively engaged in the business of providing electric motor cycle or electric bike to persons or passengers desiring to hire the same for undertaking a journey.
(6) It shall apply to an individual who himself is engaged in the business of providing his own electric motor cycle or electric bike to persons or passengers desiring to hire the same for undertaking a journey.
(7) The electric bike taxi for the purpose of this scheme shall be registered as a Motor Cycle in transport category and shall be used as public service vehicle.

2. **Definitions.-** (1) In this scheme unless the context otherwise requires,-

(a) "Act" means Motor Vehicles Act, 1988 (Central Act No.59 of 1988);
(b) "Authority" means the following authority competent to issue license under this scheme;
   (i) State Transport Authority in respect of 100 or more bikes;
   (ii) Regional Transport Authority in respect of less than 100 bikes, excluding individual Bikes; and
   (iii) Jurisdictional Secretary, RTA in respect of individual bikes case.

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(c) "Electric Bike" means a Battery Operated Motor Cycle under the category of Battery-Operated Vehicle as defined under clause (u) of rule 2 of the Central Motor Vehicles Rules, 1989;

(d) "Form" means a form appended to this scheme;

(e) "Individual Bike Case" means the case where an individual owns an Electric Bike and himself works as driver and provides the service under this scheme;

(f) "License" means a license granted or renewed under this scheme for principal establishment and includes the supplementary license granted to the applicant for any establishment or branch office specified in such supplementary license;

(g) "Licensee or operator" means the holder of a license under this scheme;

(h) "Section" means section of the Act; and

(i) "Service provider" means the person who is the owner of the vehicle.

(2) Words and expressions used but not defined in the scheme and defined in the Act, Central Motor Vehicles Rules, 1989; and the Karnataka on demand Transportation Technology Aggregators Rules, 2016 shall have meanings assigned to them therein.

3. **Licensing of operator.-**

(i) No person shall engage himself in the business of operating a bike taxi or run a bike taxi agency unless he obtains a license from the concerned authority.

(ii) The concerned authority shall issue license under this scheme.

(iii) Any person who obtains a license under this scheme shall be deemed to be an agent under section 93 of the Act.

(iv) Any license under this scheme shall be only for Electric Bike (Motorcycle).

(v) Any license given under this scheme shall be valid only for one particular city.

4. **Application for grant or renewal of license.-**

(i) An application for the grant or renewal of a license under the scheme shall be made in Form 1 to the concerned Authority and shall be accompanied with appropriate application fees as provided in rule 13 of the Karnataka on demand Transportation Technology Aggregators Rules, 2016;

Provided that, in Individual Bike Case, application for the grant or renewal of a license under the scheme shall be made in Form 3 and no fee shall be charged.

(ii) The licensing authority, after being satisfied that the applicant fulfils all the conditions of the scheme and the provision of rule 7 of the Karnataka on demand Transportation Technology Aggregators Rules, 2016 may issue the license in Form 2. In Individual Bike Case the license shall be issued in Form 4.

(iii) The application for renewal shall be made 30 days before the expiry of the license.

(iv) In case of refusal to grant the license, the licensing authority shall after giving the applicant an opportunity of hearing pass an order recording the reasons of refusing the license.

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5. **Period of validity of license.-** The license issued by the competent authority for this scheme shall be valid for a period of five years from the date of issue of license.

6. **Security deposit.-** The licensee shall deposit cash security of rupees five thousand provided Individual Bike case shall be exempted from security deposit.

7. **Conditions governing operation of Motor Cycle or Bike-Taxi services:-**

(1) Any service provider whether individual, firm registered under the Partnership Act, 1932 or a company registered under the Companies Act, 2013 or desirous of providing such service shall obtain license under the scheme.

(2) The service provider must own or have agreements of an Electric Bike Taxi to undertake commencement of such services. The tax payable under the Karnataka Motor Vehicle Taxation Act, 1957 and rules made thereunder shall be duly paid.

(3) The Electric Bike Taxi shall be duly registered and shall require obtaining fitness certificate as per provisions of section 56 of the Act and rules made thereunder.

(4) Adequate facility for garage or parking of all such Bike Taxi along with provision of their reasonable maintenance shall be provided by the licensee.

(5) The Electric Motorcycle shall be duly insured under the provisions of Act.

(6) The distance between the origin and the destination of a trip shall not be more than 10 Kms.

(7) The concerned Authority shall decide from time to time, about the routes which shall be excluded from the operation of Bike Taxi scheme.

(8) Helmet as specified under the Act and rules made there under shall be used by driver and to be provided to passenger. The helmets shall be of yellow color. Driver shall wear jacket with reflective color marked as "ELECTRIC BIKE TAXI".

(9) No permits are required for Electric Motorcycle as it is exempted as per Government of India Notification no. SO. 5333 (E) dated: 18-10-2018. Bike-taxi shall be used as a "Contract Carriage" as defined in section 2(7) of the Motor Vehicles Act, 1988.

(10) Various measures on safety and security of the passenger as may be specified by Transport Department from time to time shall be complied with by the Service Provider.

(11) Driver, either individual or appointed by the service provider, shall have valid license to drive a two-wheeler vehicle and adhere to the provisions under the Act and rules made there under and an authorization from the licensee to drive the Bike Taxi.

(12) Antecedents of all appointed drivers shall be thoroughly checked by the service provider and a report of antecedents of drivers engaged by him shall be forwarded to the Police Station of the area where the office of the service provider is located or the city in which it is operated. In case any adverse report about the antecedents of a driver is received from the concerned Police Station then the services of the driver

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shall be terminated immediately by the service provider on receiving of such report. In case of individual, the applicant shall submit the antecedents report from police department at the time of filing application for license.

(13) Journeys preferred by passenger shall be offered on a direct and shortest route basis only.

(14) Carrying of persons below 15 years of age as hirers shall not be allowed. More than one Pillion rider shall not be allowed.

(15) Carriage of personal effects by the hirer shall be allowed on a very limited basis, like a normal size backpack or handheld briefcase, etc. of reasonable weight.

(16) Color of all such Bike Taxis shall be painted in such a color as specified by the Transport Commissioner. The words "Bike-Taxi" shall be painted prominently on both sides of the vehicle using reflective colors only and shall also display the words "Bike-Taxi" on additional plates on a white base color both at the front and at the back of the vehicle.

8. **Other Conditions.-**

(1) The Vehicle shall carry a first aid box.

(2) The vehicle shall meet the emission standards as laid down from time to time.

(3) The dangerous or hazardous goods as specified in rule 137 of the Central Motor Vehicles Rules, 1989 or any other goods as may be specified from time to time shall not be carried in the vehicle.

(4) The name and phone number of the service provider or individual and Bike Driver shall be painted or otherwise firmly affixed on the exterior of the body of the Electric Bike in a color vividly contrasting to the color of such bike.

(5) The licensee shall charge flat fare in two slabs, (i) upto 5 Kms (ii) above 5 and upto 10 Kms as specified by the State Government from time to time.

(6) No advertisement shall be displayed in a manner that it becomes hazardous or a disturbance to the safety of traffic and must be strictly in accordance with the guidelines issued by the State Transport Authority in this regard from time to time.

(7) The distance of the journey traveled by the hirer shall be measured on the basis of odometer fitted in the bike. Fare shall be collected on the basis of distance and not on the basis of journey time.

(8) Use of vehicles shall be as per traffic laws and especially shall not ride on footpath.

(9) GPS tracking of vehicle shall be adopted by the service provider having more than 50 Bike Taxis and links or feeds shall be shared with enforcement or administrative authority whenever required.

9. **General conditions to be observed by the Electrical Bike taxi.-** While riding the Electric Bike Taxi rider shall not,-

(i) Smoke or drink alcohol or be under the influence of alcohol while riding;

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(ii) Misbehave in uncivilized or dis-orderly manner towards passenger;
(iii) Willfully or negligently damage the bike taxi or any of its fittings; and
(iv) Drive the vehicle in contravention of the provisions of the notified speed limits.

10. **General conditions to be observed by the Passenger.-** While travelling the Electric Bike Taxi the passenger shall not,-

(i) Smoke or drink alcohol or consume alcoholic substances;
(ii) Misbehave in uncivilized and dis-orderly manner towards driver;
(iii) Willfully or negligently damage the bike taxi or any of its fittings; and
(iv) Cause a driver to drive the vehicle in contravention of the provisions of the notified speed limits.

11. **Power of Licensing Authority to Suspend or Cancel License.-** (1) If the license holder violates the para 7, 8 and 10, the licensing authority, after giving the licensee an opportunity to be heard, is of the opinion that,-

(a) A licensee has failed to comply with any of terms and conditions as detailed in the scheme; or
(b) The licensee has failed to maintain the Bike Taxi in compliance with the provisions of the Act and rules made thereunder;

The licensing authority may suspend the license for a period up to six months but not less than 30 days or may cancel the license under rule 11 of **the Karnataka on demand Transportation Technology Aggregators Rules, 2016.**

(2) Every licensee whose license has been cancelled shall be permitted to apply for another license to the licensing authority after a period of six months from the date of cancellation.

(3) When the license is suspended or cancelled under sub-clause (1), the holder of the license shall surrender the license to the licensing authority and discontinue the service.

12. **Forfeiting of Security Deposit.-** If the holder of a license fails to comply with the terms and conditions as mentioned under this scheme or any employee of licensee is guilty of any misbehavior or misconduct with any passenger travelling, then the licensing authority shall be free to suspend or revoke the license or and forfeit the complete security deposit or appropriate portion looking to the seriousness of the offence.

13. **Issue of Duplicate License.-**

(a) If at any time the license is lost or destroyed, the holder shall report to the police station in the jurisdiction of which the loss or destruction has occurred and intimate the fact in writing to the licensing authority and apply in writing to the said licensing authority for a duplicate license or supplementary license accompanied by the fees as specified in sub-rule (7) of rule 4 of the Karnataka on demand Transportation Technology Aggregators Rules, 2016. In case of individual (Single Electric Bike Taxi), no fees shall be collected.

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(b) On receipt of an application along with the specified fee in sub-clause (a), the licensing authority may issue a duplicate license clearly marked as "Duplicate".

(c) After the issue of a duplicate license if the original is traced, the same shall be surrendered forthwith to the licensing authority.

14. **Appeal.-** Any person aggrieved by any order of the licensing authority under clause 8,9 and 10 of the scheme may prefer within thirty days of the receipt of the order, an appeal to the Karnataka State Transport Appellate Tribunal under Rule 12 of the Karnataka on demand Transportation Technology Aggregators Rules, 2016.

15. **Voluntary surrender of the license.-** The holder of a license may at any time surrender the license issued to him by the licensing authority which granted the license and on such surrender the licensing authority shall cancel the license. The holder of the license before surrendering the license shall clear all the dues if any under this scheme.

16. **Additional Conditions.-** The State Government may at any time attach additional conditions to be followed by the licensee and may also direct the licensee to furnish such returns as directed by it from time to time.

By order and in the name of
Governor of Karnataka

(ANJUM PARWEZ)
Principal Secretary to Government,
Transport Department

To.
The Compiler, Karnataka Gazette, Vikasa Soudha, Bangalore – to publish this notification in today's Extra Ordinary Gazette.

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FORM – 1

[(See sub-clause (i) of Clause 4]
Application for the grant/renewal of Aggregator's Licence

To,

The Secretary,
Karnataka State Transport Authority/Regional Transport Authority.

I, the undersigned hereby apply for grant/renewal of a Licence for operation as an Aggregator under The Karnataka on demand Transportation Technology Aggregators Rules, 2016

1.	Name in full	
2.	Address of the main office	
3.	Number of branches and their addresses	
4.	a) If a registered company, enclose a copy of certificate of incorporation / registration along with a copy of memorandum of association. b) If a firm, enclose a copy of certificate of registration of the firm.	
5.	Telephone Number, web address and e-mail id	
6.	Number of Electric Bike Taxies proposed to be operated. (Enclose a separate list containing vehicle number particulars of each vehicle)	
7.	Details of GPS/GPRS facility	
8.	Details of other infrastructure	
9.	Details of Financial condition	
10.	Details of fee paid	
11.	Details of Security Deposit by way of Bank Guarantee	

I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the Licence granted to me is liable to be cancelled, besides initiating other legal action/actions against me. I have gone through the provisions of The Karnataka on demand Transportation Technology Aggregators Rules, 2016; I accept the same and agree to abide by the said Rules.

Place:
Date:

Signature of the Applicant/
Authorized signatory

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FORM – 2

[See sub-clause (iii) of Clause 4]

Licence for Aggregator

Mr./Mrs./Miss _____ is hereby licensed to function as an operator under The Karnataka on demand Transportation Technology Aggregators Rules, 2016, subject to conditions contained in the Rules.

1.	Name of the aggregator in full	
2.	Address of the main office	
3.	Addresses of branches	
4.	Telephone Number, web address and e-mail id	
5.	Number of Electric Bike Taxies (As per the list enclosed)	
6.	Particulars of the network through which the operator shall function	
7.	Details of fee paid	
8.	Details of bank guarantee	

The licence shall observe all the conditions contained in The Karnataka on demand Transportation Technology Aggregators Rules, 2016.

This licence is valid from ..... to .....

Place:
Date:

Secretary,
State Transport Authority/
Regional Transport Authority.

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FORM – 3

[(See sub-clause (ii) of clause 4]

Application for the grant/renewal of Licence for Electric Bike Taxi in Individual Case

To,

The Regional Transport Officer,
Regional Transport Office (Jurisdictional),
City Name.

I, the undersigned hereby apply for grant/renewal of a Licence for operation of my own Electric Bike Taxi.

1.	Name in full	
2.	Address	
3.	Telephone Number and e-mail id	
4.	Vehicle particulars	

I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the Licence granted to me is liable to be cancelled, besides initiating other legal action/actions against me.

Place:
Date:

Signature of the Applicant

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FORM – 4

[See sub-clause (iii) of Rule 4]
Licence for Individual Case

Mr./Mrs./Miss _____ is hereby licensed to operate his/her Electric Bike as Electric Bike Taxi under Karnataka Electric Bike Taxi Scheme, 2021, subject to conditions contained in the scheme.

1.	Name of the operator	
2.	Address	
3.	Telephone Number	

The licencee shall observe all the conditions contained in the Karnataka Electric Bike Taxi Scheme, 2021.

This licence is valid from ..... to .....

Place:
Date:

Secretary,
Regional Transport Authority

(ANJUM PARWEZ)
Principal Secretary to Government,
Transport Department

This Document is Refferd to as
Annexure.....R.6.....in The
Affidavit of Smt/Sri.....J. PURUSHOTHAM
Notary

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रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-12032021-225856
CG-DL-E-12032021-225856

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 136] नई दिल्ली, शुक्रवार, मार्च 12, 2021/फाल्गुन 21, 1942
No. 136] NEW DELHI, FRIDAY, MARCH 12, 2021/PHALGUNA 21, 1942

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 12 मार्च, 2021

सा.का.नि. 177(अ).—केंद्रीय मोटर यान नियम, 1989, जिनमें केंद्र सरकार मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 41 की उप-धारा (7) और (10) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कतिपय नियमों का संशोधन करने का प्रस्ताव करती है, इस अधिनियम की धारा 212 की उप-धारा (1) के द्वारा यथावश्यक इसके द्वारा प्रभावित होने की संभावना वाले सभी व्यक्तियों की जानकारी के लिए एतदद्वारा प्रकाशित किया जाता है; और एतदद्वारा नोटिस दिया जाता है कि प्रारूप नियमों को उस तारीख से तीस दिन की अवधि समाप्त होने के बाद विचारार्थ स्वीकार कर लिया जाएगा जिसको सरकारी राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता के लिए उपलब्ध करायी जाती हैं।

इन प्रारूप नियमों के प्रति आपत्तियों एवं सुझावों, यदि कोई हो, को संयुक्त सचिव (एमवीएल, परिवहन, टोल), सड़क परिवहन और राजमार्ग मंत्रालय, परिवहन भवन, संसद मार्ग, नई दिल्ली-110001, ईमेल: comments-morth@gov.in, के पास भेजा जा सकता है।

उपरोक्त अवधि समाप्त होने से पहले उक्त प्रारूप नियमों के संबंध में किसी भी व्यक्ति से प्राप्त होने वाली आपत्तियों या सुझावों पर केंद्र सरकार द्वारा विचार किया जाएगा;

प्रारूप नियम

1. संक्षिप्त नाम एवं प्रारंभ - (1) इन नियमों को केन्द्रीय मोटर यान (... ... .. संशोधन) नियम, 2021 कहा जाएगा।

(2) ये नियम 1 अप्रैल, 2022 की तिथि से लागू होंगे।

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2. केंद्रीय मोटर यान नियम, 1989 में, नियम 52 के पश्चात निम्नलिखित नियम को अंत:स्थापित किया जाएगा, अर्थात: -

"52क: सरकारी वाहनों का पंजीकरण प्रमाण-पत्र का नवीकरण नहीं किया जाना : नियम 52 में सन्निहित किसी बात के होते हुए, निम्नलिखित के स्वामित्व वाले मोटर वाहनों के मामले में

(i) केंद्रीय सरकार और इसके विभाग;

(ii) राज्य/संघ शासित प्रदेश की सरकारें और उनके विभाग;

(iii) स्थानीय सरकारी संस्थान अर्थात, नगर निगम अथवा नगर पालिकाएं अथवा पंचायतें;

(iv) सड़क परिवहन निगम अधिनियम, 1950 (1950 का 64) और कंपनी अधिनियम, 2013 (2013 का 18) के तहत स्थापित राज्य परिवहन उपक्रम;

(v) सार्वजनिक क्षेत्र के उपक्रम;

(vi) केंद्र सरकार और राज्य सरकार के स्वायत्तशासी निकाय,

ऐसे प्रमाण-पत्र के जारी करने की तिथि से 15 वर्ष बीत जाने के पश्चात पंजीकरण प्रमाण-पत्र का नवीकरण नहीं किया जाएगा जैसा कि धारा 41 की उप-धारा (7) में प्रदान किया गया है।"

[फा. सं. आरटी-23013/1/2021-टी]

अमित वरदान, संयुक्त सचिव

नोट : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खड 3, उप खंड (i) में अधिसूचना संख्या सा. का. नि. 590(अ), दिनांक 02 जून, 1989 द्वारा प्रकाशित किए गए थे और पिछली बार अधिसूचना संख्या सा.का.नि.....(अ), दिनांक ..... के माध्यम से संशोधित की गई थी।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 12th March, 2021

G.S.R. 177(E).—The following draft of certain rules further to amend the Central Motor Vehicles Rules, 1989, which the Central Government proposes to make in exercise of the powers conferred by sub sections (7) and (10) of section 41 of the Motor Vehicles Act, 1988 (59 of 1988), is hereby published as required by sub-section (1) of section 212 of the said Act for information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of thirty days from the date on which the copies of this notification, as published in the Official Gazette, are made available to the public;

Objections and suggestions to these draft rules, if any, may be sent to the Joint Secretary (MVL, Transport & Toll), Ministry of Road Transport and Highways, Transport Bhawan, Parliament Street, New Delhi-110 001 or on the email: comments-morth@gov.in;

The objections or suggestions which may be received from any person in respect of the said draft rules before the expiry of the aforesaid period will be considered by the Central Government.

Draft Rules

1. Short Title and commencement.-(1) These rules may be called the Central Motor Vehicles (.....Amendment) Rules, 2021.

(2) They shall come into force on the 1st day of April, 2022.

In Central Motor Vehicle Rules, 1989, after rule 52, the following rule shall be inserted, namely:-

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"52A: Non-Renewal of Certificate of registration of Government Vehicles: Notwithstanding anything contained in Rule 52, in the case of motor vehicles, owned by-

(i) Central Government and its Departments;

(ii) State/UT Governments and their Departments;

(iii) Local Government Institutions namely, the Municipal Corporations or Municipalities or Panchayats;

(iv) State Transport Undertakings established under the Road Transport Corporation Act, 1950 (64 of 1950) and the Companies Act, 2013 (18 of 2013);

(v) Public Sector Undertakings;

(vi) Autonomous bodies with the Central Government and State Governments,

the certificate of registration shall not be renewed after the lapse of fifteen years, as provided in Sub section (7) of Section 41, from the date of such certificate."

[F. No. RT 23013/1/2021-T]

AMIT VARADAN, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification number G.S.R. 590(E), dated the 2ndJune, 1989 and last amended vide notification number G.S.R. _____(E) dated _____.

This Document is Refferd to as Annexure R-7 in The Affidavit of Smt/Sri J. PURUSHOTHAM

Notary

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
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ALOK KUMAR Digitally signed by ALOK KUMAR Date: 2021.03.12 22:46:39 +05'30'

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रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-18032021-225972
CG-DL-E-18032021-225972

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 141] नई दिल्ली, मंगलवार, मार्च 16, 2021/फाल्गुन 25, 1942
No. 141] NEW DELHI, TUESDAY, MARCH 16, 2021/PHALGUNA 25, 1942

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 15 मार्च, 2021

सा.का.नि. **190(अ)**.—मोटर यान (वाहन स्क्रैपिंग सुविधा का पंजीकरण और कार्य) नियम, 2021, जिनमें केंद्र सरकार मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 59(4) के द्वारा प्रदत्त शक्तियों का प्रयोग करने का प्रस्ताव करती है, के निम्नलिखित प्रारूप कतिपय नियमों को इस अधिनियम की धारा 212 की उप-धारा (1) के द्वारा यथावश्यक इसके द्वारा प्रभावित होने की संभावना वाले सभी व्यक्तियों की जानकारी के लिए एतद्द्वारा प्रकाशित किया जाता है; और एतद्द्वारा नोटिस दिया जाता है कि प्रारूप नियमों को उस तारीख से तीस दिन की अवधि समाप्त होने के बाद विचारार्थ स्वीकार कर लिया जाएगा जिसको सरकारी राजपत्र में यथा-प्रकाशित इस अधिसूचना की प्रतियां जनता के लिए उपलब्ध करायी जाती हैं;

इन प्रारूप नियमों के बारे में आक्षेपों एवं सुझावों, यदि कोई हो, को संयुक्त सचिव (परिवहन), comments-morth@gov.in, सड़क परिवहन और राजमार्ग मंत्रालय, 1 परिवहन भवन, संसद मार्ग, नई दिल्ली-110001 कोभेजे जा सकेंगे।

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5	मालिक का विवरण		
	क	नाम	
	ख	आईडी प्रमाण विवरण	
	ग	पता	
	घ	पता प्रमाण विवरण प्रस्तुतिकरण	

6	पूर्वगामी के अवलोकन में यह अनुरोध किया गया है कि उपरोक्त वाहन के संबंध में रिकॉर्ड अपडेट किया जा सकता है।

दिनांक:

अधिकृत हस्ताक्षरकर्ता

कंपनी मोहर

स्थान:

[फा. सं. RT-23013/1/2018-T]

अमित वरदान, संयुक्त सचिव

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 15th March, 2021

G.S.R. 190(E).— The following draft of the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021, which the Central Government proposes to make in exercise of the powers conferred by section 59(4) of the Motor Vehicles Act, 1988 (59 of 1988), is hereby published as required by sub-section (1) of section 212 of the said Act for information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of thirty days from the date on which the copies of this notification as published in the Official Gazette, are made available to the public;

Objections and suggestions to these draft rules, if any, may be sent to the Joint Secretary (Transport), email: comments-morth@gov.in, Ministry of Road Transport and Highways, Transport Bhawan, Parliament Street, New Delhi-110 001;

The objections or suggestions which may be received from any person in respect of the said draft rules before the expiry of the aforesaid period will be considered by the Central Government,

Draft Rules

In exercise of the powers conferred under Section 59(4) of the Motor Vehicles Act, 1988, the Central Government hereby makes the following rules, namely:-

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1. **Short Title and commencement-** (1) These rules may be called the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021.

   (2) They shall come into force on the date of their final publication in the Official Gazette

2. **Application**

These provisions shall lay down the procedure for establishment of Registered Vehicle Scrapping Facility (RVSF). These will apply to all vehicles and their last registered owners, Automobile collection centres, Automotive Dismantling, Scrapping and Recycling Facilities and recyclers of all types of automotive waste products.

3. **Definitions: -**

In these rules, unless the context otherwise requires-

a. "Act" means the Motor Vehicles Act, 1988.

b. "Registered Scrapper" means a person, firm, society, trust or company owning and operating a Registered Vehicle Scrapping Facility (hereinafter referred to as "**RVSF**").

c. "Registered Vehicle Scrapping Facility (RVSF)" means any establishment which holds a 'Registration for Vehicle Scrapping' issued under this Chapter for carrying out dismantling and scrapping operations.

d. "Certificate of Deposit" means the certificate issued by the RVSF to recognize the transfer of ownership of the vehicle from the registered owner to the Registered Scrapper for further treatment.

e. "Certificate of Vehicle Scrapping" means the certificate issued by an RVSF to recognize the final disposal of a vehicle.

f. "End of Life - Vehicles (ELV)" refers to all vehicles which are no longer validly registered; or declared unfit through Automated Fitness Centres; or their registrations have been cancelled under Chapter IV of the Act; or due to an order of a Court of Law; or are self-declared by the legitimate registered owner as a waste vehicle due to any circumstances that may arise from fire, damage, natural disaster, riots or accident etc.

g. "Final Disposal" refers to the treatment of the vehicle so that the vehicle is no longer capable of being used as such, the evidence for which is the cut out of the Chassis and the disposal of its engine in accordance with CPCB Guidelines.

h. "Registration Authority" means the Commissioner (Transport) or any other Officer designated by the Government of the State/UT for this purpose.

i. "Recycling" means the reprocessing in a production process of the waste materials for the original purpose or for other purposes but excluding energy recovery.

j. "Registered owner of an End of Life Vehicle" means: -

   i. the person in whose name the vehicle is formally registered in the National Register for Vehicles (VAHAN) or on the records of the State/UT transport department; or

   ii. the authorised representative of such person supported by documentary evidence; or

   iii. person who has gained ownership of the vehicle in a public auction in accordance with Rule 57 of the CMVR;

   iv. Person who has inherited the vehicle in accordance with Rule 56 of the CMVR; or

   v. In relation to a motor vehicle which is the subject of a hire-purchase, agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;

k. "Rules" means the Central Motor Vehicle Rules (CMVR) and State specific Motor Vehicle Regulation (State MVR).

l. "Scrapping" means the entire process from receipt and record of the 'ELV' including depolluting, dismantling, segregation of material, safe disposal of non-reusable parts, and issuance of 'Certificate of Vehicle Scrapping' to the registered owner of a motor vehicle.

m. "Scrapping yard" means the designated location within the premises of the RVSF where dismantled vehicle parts are processed for further treatment including recycling.

n. "Treatment" means any activity after the end of life vehicle has been handed over to a collection centre of an RVSF for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of the shredder

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wastes, and any other operation carried out for the recovery and/or disposal of the end of life vehicle and its components;

o. "Vehicle" means a motor vehicle as defined in the Act;

4. Powers and obligations of RVSF

The RVSF shall be provided connectivity and access to the VAHAN database of vehicle registration with password protected user ID and shall be authorized to make suitable entries regarding scrapping of the vehicle and issuance of Certificate of Deposit and Certificate of Scrapping, either directly or through their collection centre.

(1) The RVSF must have necessary cyber security certifications for the IT Systems for safe access to the VAHAN database.

(2) The RVSF shall be provided the necessary connectivity to verify the records of the vehicles produced for scrapping with the database of the stolen vehicles, held by NCRB as well with the local Police. It would be obligatory on the part of the RVSF to carry out such verification before scrapping a vehicle.

(3) The RVSF shall undertake verification of the persons handing over the vehicle for scrapping to determine the bona fide of the vehicle owner or his authorized representative and retain a copy of the same for record for a minimum period of 6 months.

5. Conditions of Eligibility for RVSF

The State Government/ Union Territory Governments shall take into account the eligibility criteria specified below when granting authorization to any RVSF making an application under clause 6:

a. The RVSF may be owned and operated by any legal entity, be it a person, firm, society or trust established in accordance with the applicable laws.

b. The entity must possess the following documents: -

(i) Certificate of Incorporation

(ii) Valid GST registration

(iii) Valid PAN

c. Additionally, the entity: -

(i) Should have applied for or be in possession of an approval for consent to establish from the competent authority of the State or Union Territory Government in which the RVSF is intended to be located.

(ii) Shall undertake to meet the minimum technical requirement for collection and dismantling centres as per Central Pollution Control Board Guidelines.

(iii) Should have competent manpower and appropriate equipment to carry out the depollution and dismantling activities in a safe and environmentally responsible manner.

(iv) Shall undertake to obtain the required quality certifications of ISO 9001(quality management system)/ISO 14001(environmental certification)/ISO 45001 (occupational health and safety) within 12 months of commencement of operations.

(v) Should possess, or provide an undertaking to obtain, a consent to operate from State Pollution Control Board, within a period of six months from commencement of operations

(vi) Should Undertake to abide by the Provisions of all applicable Labour codes and all other Acts/Rules as applicable.

(vii) Shall provide evidence of availability of an adequate useable area of land in the Orange category industrial zone of the State/UT by way of ownership or agreement to sell or agreement for lease of a minimum period of three years.

(viii) Should be in possession of necessary cyber security certifications as per clause 4 (2).

(ix) Should provide approved plant layout and the building plan.

6. Registration Procedure for RVSF

(1) An applicant may make an application in the prescribed Form-1, or any other form as may be prescribed by the designated Registration Authority of the State or Union Territory Government, addressed to the

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'Registration Authority' of the concerned State or Union Territory Government where the RVSF is intended to be located along with:

(i) A Processing Fee of Rs. 1,00,000/- (Rupees One Lakh only) for each RVSF proposed to be established, or such fee as may be prescribed by the State or Union Territory Government for this purpose.

(ii) An Earnest Money Deposit by way of a bank guarantee of Rs. 10,00,000/- (Rupees Ten Lakhs) each RVSF proposed to be established, in favour of the designated Registration Authority or designated officer as notified by the State or Union Territory Government as a non-interest-bearing Security deposit for a period, co-terminus with the validity of the initial authorization period, plus 90 days.

(2) All applications for grant of registration are to be disposed of by the Registration Authority within a period of 60 days from the date of application.

(3) Applicants that are accepted are to be issued a Registration Certificate in Form-1A, or such other form as prescribed by the State or Union Territory Government for this purpose.

(4) Applicants whose applications are rejected shall be refunded their Earnest Money/Bank Guarantee, however, the processing fee will not be refunded.

(5) The State or Union Territory Government may notify additional eligibility requirements for the facility to ensure sustainability, adequate capacity and environment protection.

(6) The Government of India will develop a portal for Single Window Clearance on which the applicant will apply with all necessary documents and required fee for registration. States or Union Territory Government would clear the proposal in time bound manner within 60 days including the internal approval from various State agencies (Labour, Pollution etc.) after submitting such application else the proposal would be deemed approved. Such portal shall be operationalized within 6-months from the date of notification of these rules.

(7) After the operationalization of the portal referred to in clause 6, all subsequent approvals etc. should be granted through the portal and reports regarding the inspection and audit of RVSF should be made available on the portal. The necessary approvals by the State Pollution Control Board, Labour Department and any other department deemed necessary for the establishing/operation of such RVSF must be provided through that portal only.

(8) The State or Union Territory Government must also publish a Citizen's Charter with respect to the functioning of the portal and grant of approvals on such portal. The process should be made transparent and seamless and all the notifications, guidelines, forms, etc. are made available on the portal established in clause 6, and the applications are electronically made and disposed-off in time-bound manner.

7. Validity and renewal of Registration

(1) The Registration issued under Clause 6 shall be valid for an initial period of 10 years, which shall be renewable for another 10 years at a time, subject to the condition that the Registered Scrapper has not been in default of these provisions or applicable Laws and Acts as specified in Clause 14.

(2) Application for renewal shall be in Form-1, or in any other form as may be prescribed by the State or Union Territory Government. The application shall carry such renewal fee and security deposit as may be specified by the State or Union Territory Government for this purpose.

(3) The renewal of registration shall be issued as per Form-1A.

(4) The registration issued under this rule shall not be transferable.

8. Criteria for Scrapping of Vehicles

The following vehicles may be offered for scrapping to the Registered Scrapper:

(i) Vehicles which have not renewed their Certificate of Registration in accordance with Rule 52 of the CMVR, 1989.

(ii) Vehicles which have not been granted a certificate of fitness in accordance with Section 62 of the Motor Vehicles Act, 1988.

(iii) Vehicles which have been damaged due to fire, riot, natural disaster, accident or any calamity, following which the registered owner self certifies the same as scrap.

(iv) Vehicles that have been declared obsolete or surplus or beyond economic repair by the Central/State Organizations of the government and have been offered for scrapping.

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(v) Vehicles bought by any agency including RVSF in an auction for scrapping the vehicles.

(vi) Vehicles which have outlived their utility or application particularly for projects in mining, highways, power, farms etc. as may be self-certified by the owner.

(vii) Manufacturing rejects and test vehicles as may be certified by the Vehicle OEM.

(viii) Auctioned, impounded and abandoned vehicles by any Enforcement Agency.

9. Right to Inspection

(1) In order to ensure compliance of the provisions in this Chapter, the Registered Scrapper should keep in the RVSF, the records regarding the transaction of vehicles and scrap generation and its responsible disposal to authorized recyclers, and all the machinery, equipment and apparatus in the RVSF premises, ready for inspection by the Registration Authority or Designated Officer of the State or Union Territory Government.

(2) Physical Inspection and Site visits should only be carried out: -

i. When a report of non-compliance by the appropriate authority or a public complaint has been received by the Registration Authority in respect of the Registered Scrapper.

ii. Such complaint has been forwarded to the Registered Scrapper to file a written response within 3 working days.

iii. The response has been scrutinized and an opportunity has been provided to the Registered Scrapper to provide further clarifications within three working days.

iv. The response and clarifications provided are inadequate in the opinion of the Registration Authority, and a site inspection is warranted.

v. Such site visit should be duly authorized by the Registration Authority or the Designated Officer in the State or Union Territory Government.

(3) The Report of the Inspection Team is to be submitted to the Registration Authority or Designated Officer for further processing and a copy of the same provided to the Registered Scrapper.

(4) The Registration Authority may after providing an opportunity to the Registered Scrapper of being heard, pass a speaking order to cancel or suspend the authorization for the facility.

Provided that the violations noticed in respect of Guidelines of CPCB shall be reported to the concerned Pollution Control Board for necessary action. The registration would remain suspended during the period while the requisite licences/NOC/Authorizations for the facility have been withdrawn or suspended by any other authority under the law.

10. Scrapping Procedure

(1) The scrapping of vehicles shall be carried out by a Registered Scrapper by following the procedure outlined as mentioned below in respect of all ELVs, except impounded/ abandoned vehicles.

(2) The registered owner or the authorized representative shall hand over the vehicle together with an Application as per Form-2 in two originals to the Registered Scrapper or the designated collection centre for deposit/treatment of the vehicle.

(3) If the vehicle does not have a valid registration, then the Registered Scrapper or its designated centre, shall match the identity of the registered owner as per the VAHAN database with the person handing over the vehicle and receive the vehicle and issue a receipt through digital platform linked to VAHAN database.

(4) Vehicles impounded by an Enforcement Agency shall be handed over to the Registered Scrapper as per procedure duly prescribed by the State or Union Territory Government.

(5) It would be obligatory on the part of the RVSF to verify the records of the vehicles produced for scrapping with the database of the stolen vehicles, held by NCRB as well with the local Police, before scrapping a vehicle.

(6) The Registered Scrapper shall require, along the Form-2, the following applicable original documents from the owner or the authorized representative:

i. Original Certificate of Registration.

ii. Authorization from the registered owner.

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iii. In case of inheritance, the death certificate of the registered owner accompanied with any proof of succession.

iv. Certificate or order confirming the sale of the vehicle in a public auction in his favour duly signed by the person authorized to conduct the auction.

v. An undertaking from the owner/representative, indicating that vehicle has no pending criminal record or litigation.

(7) It shall be verified that the hire-purchase, lease or hypothecation agreement in the certificate of registration of a motor vehicle required under sub-section (2) of section 51 of the Act has been duly discharged.

(8) The Registered Scrapper shall accept self-certified copies from the owner or through authorized representative of the following documents: -

i. Copy of the PAN Card of the owner,

ii. Crossed cheque of the bank account of the owner.

iii. Identity Proof of the authorized representative (if applicable) such as Passport, Voter Card, Aadhar Card, Driving Licence, Photo Identity card issued by the State/Central Government Organizations.

iv. Address Proof of the owner such as Electricity Bill, Water Bill, Land Line Telephone Bill, piped cooking gas bill etc.

v. Digital photograph of the owner or authorized representative physically handing over the ELV to the Registered Scrapper, or a photograph of the owner/representative duly pasted in Form-2 and countersigned by the owner/representative.

(9) The Registered Scrapper will return the second Form-2, duly receipted, to the owner or his authorized representative and issue the Certificate of Deposit as evidence of transfer of ownership of the vehicle.

(10) The RVSF established in a State can accept and scrap the vehicles registered in any of the State/UTs under the jurisdiction of any Registering authority. The whole process shall be smooth linked with VAHAN and on PAN India basis irrespective of the location of any vehicle registering authority.

(11) The 'Certificate of Deposit' will be a necessary and sufficient document for the owner to avail incentives and benefits for purchase of a new vehicle as may be promulgated from time to time.

(12) The Certificate of Deposit will be tradeable and once utilized will be stamped as "Cancelled" by the agency providing the benefits to the holder of the said certificate. Matching entries in this regard shall also be made by the RVSF on VAHAN Portal.

(13) The Registered Scrapper shall digitally remit or pay by an account payee cheque, the agreed consideration for the vehicle and obtain a receipt for the same from the owner or his authorized representative for record.

(14) Safe-custody of cut piece of the Chassis Number for a period of six months from the date of issue of 'Certificate of Vehicle Scrapping' as per Clause 11 will be the responsibility of the Registered Scrapper.

(15) The Registered Scrapper shall maintain a physical and computerized scanned copy of all documents, digitally certified by the Registration Officer or Designated Officer of the RVSF for record and examination during inspection, for a period as required by the Companies Act, 2013, as amended from time to time.

(16) The Registered Scrapper shall ensure that removal / re-cycle or disposal of hazardous parts of the scrapped vehicle is done as per extant guidelines.

(17) Vehicles will not be scrapped until the fuel, oil, antifreeze, and other gases, fluids etc. are drained and collected in certified standard containers.

(18) A yearly report on vehicles scrapped shall be furnished in Form-3 or as prescribed by the Transport Department of the State or Union Territory Government.

11. Certificate of Vehicle Scrapping

(1) The Registered Scrapper, after completing the necessary treatment, will issue a Digital 'Certificate of Vehicle Scrapping', including a digital photograph of the cut out of the Chassis, in Form-4 to update the National Register, VAHAN Database and inform the competent authority of the State or Union Territory Government for updating of records.

(2) A separate record of the scrapped vehicles would be maintained on the VAHAN database by the Central Government.

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(3) The reuse/resale of any of the parts of an ELV including engines or any refurbished part, obtained from the scrapped vehicle shall be in accordance with the policy/guidelines/standards issued from time to time as applicable.

12. Installation of CCTV Cameras

(1) The Registered Scrapper shall install CCTV cameras at the scrapping yard, in the customer and vehicle reception area. The record of scrapping should be saved in the Registered Scrapper's IT system for a period of three calendar months.

(2) The access to the CCTV cameras installed in the facility may be provided to the authorized agencies as may be decided by the State or Union Territory Government.

13. Scrapping Yard

(1) In view of the large size and voluminous nature of the scraps to be handled, the dismantling facility should be set up in a large area having adequate space for vehicular movement, as well as storage for the Vehicles/products received and recyclable material recovered.

(2) It should fulfil the criteria of an adequate gated area to handle, depollute and dismantle ELVs, white goods and other scraps along with facility for measuring radiation as is followed for import of scrap. RVSF shall require material handling machines to minimize human intervention and create safe work places.

(3) To ensure that safe operating practices are followed, collection centres are expected to follow Occupational Health and Safety Standards, ISO 45001 (OHSAS). All collection centres shall engage competent and trained manpower to process the End of Life vehicles, goods and other scraps.

(4) The collection centres should have dry areas (free from water logging), impermeable surfaces like asphalt/concrete flooring, asphalt/concrete roads, adequate workshop facilities for in-house maintenance, fire protection systems etc. to maintain safe work places and all other required measures for keeping pollution under control.

(5) The collection centres shall be equipped with a depollution system, preferably with zero discharge system, and dismantling work shall be done by making use of best available technology for processing the end of life vehicles, goods and other scraps.

(6) The collection centres shall comply with relevant health and safety legislation/regulation and environmental norms as laid down by MoEF&CC, CPCB/SPCB for such operations and Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016.

(7) The Scrapping yard should have-

a. Suitable earmarked area for parking of waste vehicles on non-permeable concrete or epoxy coated flooring with adequate drainage facility. No waste or potentially waste vehicle is to be parked on roads or public spaces even during processing of applications for deposit and to be accommodated within the premises of the RVSF only.

b. Certified de-polluting equipment to ensure zero leakage of pollutants during draining of fuels/fluids/gases and liquids, Certified de-risking equipment for safe neutralization/removal of airbags, pre- tensioner etc., appropriate dismantling equipment for the activities defined (such as de-risking, de-polluting, dismantling, shredding, shearing, bailing etc.), designated areas for storing the segregated scrap, adequate space for storage and handling of segregated spares, designated space for temporary storage of automotive hazardous waste such as tyres, batteries, fuel, oils, liquids and gases, Suitable safety and occupational health equipment, material handling equipment for the safe transportation of spares, scrape etc.

c. Appropriate Industrial grade lighting and ventilation systems, conformity to noise pollution norms and appropriate effluent treatment plants or water recycling plants.

(8) These Scrapping yards should preferably accredit their centres/units with the latest version of quality standards viz. ISO 9001 (Quality management system), ISO14001 (Environmental Management System) and ISO 45001 (Occupational health and safety) within 12 months of commencement of operations.

(9) In case the RVSF do not have adequate capability/provisions for responsible recycling of hazardous waste (like e-waste, lead acid batteries, lithium ion components, or for recovery of rare earth metals, etc.), or for recycling of scrap material which is outside its scope, then such materials are to be sold to duly authorized recyclers/agencies, who have adequate capability and licence. A record of the transactions shall be

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maintained, clearly stating the volumes off-loaded and the name, authorization number, PAN, GST and other commercial details of the authorized recycler/agency. Such records shall be subjected to periodical audit.

14. Applicable Act /Rules

In addition to the laws in force in India, the provisions of the following Act/ Rules are applicable to these rules: -

i. The Motor Vehicle Act, 1988.

ii. The Central Motor Vehicles Rules, 1989.

iii. Various State and UT Motor Vehicles Rules, 1993

iv. The Hazardous Waste (Management, Handling and Transboundary movement) Rules, 2008 as amended from time to time.

v. The Ozone Depleting Substances (Regulation and Control) Rules, 2000.

vi. The Batteries (Management and handling) Rules, 2011 as amended in 2016.

vii. The Plastic Waste (Management and Handling) Rules, 2011 as amended in 2016.

viii. The e-waste (Management and Handling) Rules 2016.

15. Audits and Certifications

(1) The RVSF will be audited by the competent authority for compliance with this Chapter.

(2) On behalf of the competent authority, any of the agencies specified under Rule 126 of the CMVR or the Material Recycling Industry Associations (MRAI) or the Automotive Research Association of India (ARAI) or Society of Indian Automobile Manufacturers (SIAM), such list as modified by MoRTH from time to time, may undertake

a. Regulatory and Compliance Audit, and

b. Audit of the Mass Flow Statement filed in the Annual Returns by the RVSF as may be notified by the State or Union Territory Government.

(3) The Audit Report shall be uploaded on the VAHAN portal by the Audit agency annually for a financial year or part thereof and shall be submitted by 31st May (within two months of completion of financial year) of that financial year.

(4) The Audit Report shall also grade and evaluate the RVSF in terms of their performance and adherence to occupational health and safety compliances, regulatory, business, environment and labour standards and the respective recycling rates basis, the mass flow information, achieved by the Registered Scrapper.

(5) Observations of non-compliance as reported in the Audit Report should be resolved by the Registered Scrapper within two months of issue of the Audit Report which may be extended by a maximum of one-month days at the discretion of the competent authority.

(6) Certifications are to be revalidated at least 3 months before their expiry.

16. Appeal

(1) Any person aggrieved by an order of the Registration Authority of the State or Union Territory Government for forfeiture of security or issuance of cancellation of the registration, may within thirty days of the date of receipt of such order appeal to the designated authority of the State or Union Territory Government or the Commissioner/Secretary (Transport).

(2) The appeal shall be preferred in a plain application format, or, as may be prescribed by the Designated Authority of the State or Union Territory Government, setting forth the grounds of objections to the order of the Registration Authority and shall be accompanied by a certified copy of the order appealed against and fee of Rs 10,000/- (Rupees Ten Thousand only).

(3) It should be the endeavor of the Designated Authority to dispose the appeal within 14 working days of its rendition.

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FORM- 1

[Refer Clause 6(1)]

APPLICATION FOR REGISTERED VEHICLE SCRAPPING FACILITY (RVSF)

Application for	Please tick as applicable
Registration for a new RVSF	
Renewal of Registration for existing RVSF	
Modification in existing registration	

1. FOR OFFICE USE

APPLICATION NO	
APPLICATION DATE	
DATE	
FEE	
SECURITY DEPOSIT	

2. GENERAL INFORMATION

I	Name								
ii	Address								
iii	Tel								
iv	FAX								
v	Email								
vi	CIN								
vii	PAN								
viii	GST								
ix	Status	Company	Firm	Trust	Society	Proprietor	Govt	JV	PPP
x	Attach	MoA					AoA		
xi	Existing Activities of the Company (National Industrial Classification Code)								

3. PLANT DETAILS

a	Location (Provide Map)			
b	Area (sq m)			
c	Possession Details	Owned	Lease/Period	Years
d	State			
e	District			

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f	Category of industrial zone	

4. **Proposed Activities of the Company**	L Vehicles	Yes	No	Capacity		Nos
	M Vehicles	Yes	No	Capacity		Nos
	N Vehicles	Yes	No	Capacity		Nos
	Other	Yes	No	Capacity		Nos
5. **Proposed Capital Structure (INR lacs)**	Authorised					
	Subscribed					
	Paid-Up					
6. **Proposed No of Employees**						

7. **Availability of Space**

a	Plant Design and Layout, showing following spaces and areas (sqm):-	
b	Earmarked area for the safe and environmentally compliant parking of waste vehicles (sqm)	
c	Designated areas for storing the segregated scrap (sqm)	
d	Space for processed scrap and usable parts (sqm)	
e	Designated space for temporary storage of automotive hazardous waste (sqm)	
f	Provision of space for parking of safe transportation of spares, scrap and waste products (sqm)	

8. **Availability of Equipment**

a	Certified de-polluting equipment	Yes	No
b	Certified de-risking equipment	Yes	No
c	Safety and occupational health equipment	Yes	No
10	Security certifications for the IT Systems for safe access to VAHAN database	Yes	No

11. **Environmental Clearance**

a	Consent to Establish	

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b	Consent to Operate	

12.	**Application No for VAHAN Database**	

13. Undertaking

	The Applicant hereby undertakes to			
a	Comply with CPCB Guidelines for the Safe Disposal of scrapped vehicles		Yes	No
b	Obtain the Quality Certifications within 12 Months of Issue of Registration			
	i	ISO 9001	Yes	No
	ii	ISO 14001	Yes	No
	iii	ISO 45001	Yes	No
c	Comply with the Hazardous Waste Management Rules (2016)		Yes	No

Authorised Signatory

Date

Company Seal

FORM-1A

[*Refer Clause 6(3)*]

APPROVAL FOR SETTING UP OF

REGISTERED VEHICLE SCRAPPING FACILITY (RVSF)

The Registration Authority has approved the issue of Registration for setting up of Registered Vehicle Scrapping Facility as per details below:

1.	APPLICANT						
2.	LOCATION						
3.	APPLICATION NO						
4.	APPLICATION DATE						
5.	APPROVAL	YES		NO		RESUBMIT	
6.	CATEGORY	L Vehicles	Yes	No	Annual Capacity		Nos
		M Vehicles	Yes	No	Annual Capacity		Nos
		N Vehicles	Yes	No	Annual Capacity		Nos
		Others	Yes	No	Annual Capacity		Nos
7.	REGISTRATION NUMBER						

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8.	VALIDITY	FROM			TO		
9.	PROCESSING FEE	AMOUNT					
10.	SECURITY DEPOSIT	AMOUNT					
11.	BANK GUARANTEE	AMOUNT		Date		Validity	
12.	CONDITIONS						
	a	Registration is Non-Transferable					
	b	Undertaking are to be liquidated by			Date		
	c	Submit Compliance Self-Certification by			Date		
	d	Facility Inspection Due			Date		
	e	First Test Audit Due			Date		

Note: The Registration is Non-Transferable

Registration Authority

Stamp

Date

FORM – 2

(Refer Clause 10(2))

COMPOSITE APPLICATION FOR SCRAPPING AND CERTIFICATE OF VEHICLE DEPOSIT

1.	**OWNER DETAILS**				
	A	NAME			
	B	ADDRESS			
	C	MOBILE NO			
	D	E MAIL			
	E	PAN			
	F	BANK ACCOUNT			
		i	NAME OF BANK		
		ii	BRANCH		
		iii	ACCOUNT NUMBER		
		iv	IFSC		
		v	CROSSED CHEQUE		
		vi	CONSIDERATION RECEIVED (Rs)		
		vii	INVOICE NO AND DATE		
	G	PHOTOGRAPH	ATTACHED		

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2.	**VEHICLE DETAILS**	
	REGISTRATION NO	
	MAKE	
	MODEL	
	CHASSIS NO	
	ENGINE NO	
	MONTH/YEAR OF MANUFACTURE	

3.	**DOCUMENT**		
	A	Original Certificate of Registration.	
	B	Copy of Fitness Certificate following which the vehicle has been declared unfit for use, if applicable.	
	C	Authorization from the registered owner	
	D	In case of Inheritance, the death certificate of the registered owner accompanied with any proof of succession	
	E	Certificate or order confirming the sale of the vehicle in a public auction	

4.	**CERTIFICATION BY APPLICANT**
	I/We ,..... Resident of ..... hereby declare that all the particulars furnished by me / us in this form are true and correct; the subject vehicle is not engaged in any kind of criminal activity/litigation and realize that I/WE are fully liable for any false declaration furnished above.

DATE:	**SIGNATURE:**
PLACE:	

5.	**CERTIFICATE OF DEPOSIT**
	1. We certify that Vehicle Registration No.....has been accepted at our Facility vide our Inward No ..... dated.....for Treatment in accordance with Chapter VA for the Disposal of Vehicles and the agreed consideration of Rs.....has been paid to the owner vide our Payment Voucher No.....Dated..... **2. We further certify, that on completion of Treatment the National Register, VAHAN Database and the competent authority would be intimidated for updating of records.**

DATE:	**SIGNATURE:**
PLACE:	**STAMP:**
	RVSF No.

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	VALIDITY

On Company Letter Head

RVSF No. [ ] **VALIDITY** [ ]

FORM- 3

[*Refer Clause 10(17)*]

ANNUAL RETURN FOR FINANCIAL YEAR 20 -20

1.	**NAME**				
	REGISTRATION NUMBER				
	VALIDITY				
2.	**CAPACITY UTILISATION (NOS)**				
	A	**DEREGISTRATION**	COMPLETED (1)	IN PROCESS (2)	TOTAL (1+2)
	i	L VEHS			
	ii	M VEHS			
	iii	N VEHS			
	iv	OTHERS			
	v	TOTAL(A)			
	B	**TREATMENT**	AUTHORISED (1)	UTILISED (2)	% UTILISATION (1/2*100)
	i	L VEHS			
	ii	M VEHS			
	iii	N VEHS			
	iv	OTHERS			
	v	TOTAL(B)			
3.	**MASS FLOW**				KGS
	A	INWARDS			
	i	L VEHS			
	ii	M VEHS			
	iii	N VEHS			
	iv	OTHERS			
	v	GRAND TOTAL (i+ii+iii+iv =A)			
	B	**OUTWARDS**			
	i	FERROUS			
	ii	ALUMINIUM			
	iii	COPPER			

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	iv	PLASTICS			
	v	GLASS			
	vi	TYRES			
	vii	OTHERS			
	viii	SUB-TOTAL (i)			
	C	**HAZARDOUS WASTE FOR REPROCESSING**			
	i	FUEL			
	ii	OILS			
	iii	GASES			
	iv	BATTERIES			
	v	FLUIDS			
	vi	SUB-TOTAL (ii)			
	D	HAZARDOUS WASTE TO LANDFILL			
	i	RESIDUES RETAINED			
	ii	LANDFILL			
	iii	SUB-TOTAL (iii)			
	E	GRAND TOTAL (i+ii+iii =B)			
	F	MASS BALANCE(A-B)			
4.	**QUALITY CERTIFICATIONS STATUS**			VALIDITY	REMARKS
	A	ISO 9001			
	B	ISO 14001			
	C	ISO 45001			
5.	**AUDIT**				
	A	AGENCY			
	B	DATE			
	C	RESULT	PASS	FAIL	RESUBMIT
6.	**SAFETY**			Nos	REMARKS
	A	ACCIDENTS			
	B	INCIDENTS			

7. I.....
DESIGNATION.....

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hereby certify that the data submitted above is a true and accurate reflection of the activities of the company for the financial year 20 -20 .

Signature

Place

COMPANY
SEAL
DATE

FORM– 4

[Refer Clause 11(1)]

CERTIFICATE OF VEHICLE SCRAPPING

1.	**CERTIFICATE NUMBER:**			
2.	**DATE:**			
3.	This is to certify that the Final Disposal of the Vehicle held on Deposit with us vide our Certificate of Deposit No..... Dated.....has undergone Treatment according to the Annexure I of CMVR.			
4.	**VEHICLES DETAILS**			
	a	Registration Number		
	b	Make		
	c	Model		
	d	Month/Year of Manufacture	MM	YY
	e	Chassis Number	Cut Out Picture	
	f	Engine Number	Blanked Picture	
5.	**OWNER DETAILS**			
	a	Name		
	b	ID Proof Details		
	c	Address		
	d	Address Proof Details submitted		
6.	**View foregoing it is requested that the records in respect of above-mentioned vehicle may be updated.**			

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Date: **Authorized Signatory**

Company Seal
Date

Place:

[F. No. RT-23013/1/2018-T]

AMIT VARADAN, Jt. Secy.

This Document is Refferd to as
Annexure.....R. 8.....in The
Affidavit of Smt/Sri.....J. PURUSHOTHAM
Notary

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SURENDER MAHADASAM

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R-9

BEFORE THE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE) AT CHENNAI

O.A.No.183/2016 (SZ)

BETWEEN:

SHRI VINAY SHIVANAND NAIK <> **APPELLANT**

AND:

STATE OF KARNATAKA & OTHERS <> **RESPONDENTS**

AFFIDAVIT

I, M.N. Srinivasa, S/o late M. Narayanaswamy Aged about 57 years, working as Chief Mechanical Engineer, Bangalore Metropolitan Transport Corporation (BMTC), Kengal Hanumanthaiah Road, Shanthinagar, Bangalore do hereby solemnly affirm and state on oath as follows :

1. I am working as Chief Mechanical Engineer of the Bangalore Metropolitan Transport Corporation (BMTC) (Respondent No.3). I am aware of facts of the case, hence I am swearing to this Affidavit.

2. I submit that this respondent corporation due to covid pandemic was not able to operate the buses from March 2020 till now fully. The operations were completely closed from third week of March 2020 to May 2020. Thereafter the resumption of operations were made in a phased manner. Again during April 2021 to end of June 2021 the operations were completely suspended. Even now the BMTC is able to operate only 80% of buses. In view of said situation the BMTC is under financial strain. Even to pay the salaries of employees the State Government has been releasing funds from time to time.

3. I submit that arrangements are made to operate 90 electric buses in Bangalore City. These buses are introduced under Smart City scheme of Central Government. These buses will be owned by NVVN (NTPC Vidyuth Vyapar Nigam Limited), a company owned by Government of India. For each bus a sum of Rs.50,00,000/- will

NOTARY B.V.NAGABHUSHANA Bengaluru North Reg. No. 20274 Exp dt 7-3-2021 GOVT. OF INDIA

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be released from the funds provided by Central Government under the Bangalore Smart City scheme. The said amount will be paid to NVVN (NTPC Vidyuth Vyapar Nigam Limited), the said company as onetime non-refundable payment. The BMTC has to pay cost per Kilometers at the rate of Rs.51.67/-. These 90 electric buses will be introduced within December 2021.

4. I submit that the Central Government has promogulated FAME-II scheme, which enables the State Road Transport Corporation to avail incentives to hire electrical buses. The BMTC is propose to hire 300 electrical buses is in the process of tender. As per the said scheme the Central Government of India is providing incentive of Rs.55.00 lakhs per bus and the Government of Karnataka is also providing incentive of Rs 33.33 lakhs per bus. The total subsidy amount of each bus is Rs.88.33 lakhs to promote the electrical vehicles in the Bengaluru City.

5. I submit that there were 2813 BS-III buses as on date of filing affidavit dated 20-11-2020. Out of them 98 buses are already scrapped. At present there are 2715 buses of BS-III make.

6. I submit that 1033 BS-III make buses will be scrapped by end of 31st March 2022 and they will be changed by inducting BS-VI norm buses.

7. I submit that 550 BS-III make buses will be scrapped by the end of 31st March 2023 and they will be changed by inducting BS-VI norm buses.

8. I submit that 650 BS-III make buses will be scrapped and they will be changed by inducting BS-VI norm buses by end of 31st March 2024.

9. I submit that remaining 482 BS-III make buses will be scrapped and they will be changed by inducting BS-VI norm buses by end of 31st March, 2025.

NOTARY
B.V. NAGABHUSHANA
Bengaluru North
Reg. No. 20374
Exp on 7-3-2025
GOVT. OF INDIA

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10. I submit that the Corporation is having 3797 BS-IV make buses. Out of which 2158 BS-IV buses were purchased as per the permission granted by this Court dated 12-02-2017 and these buses are introduced during the years 2017, 2018 and 2019. All the BS-IV vehicles will be scrapped immediately after they cross either 11 years or 8.5 lakhs kilometers. Further, submitted that the emission norm in BSIV buses is meager compared to BS III buses.

11. I submit that the Central Government has announced scrapping policy and draft notification is issued dated 12-03-2021. As per the policy it is likely that the transport vehicles operated by State Road Transport Corporation are required to be scrapped within 15 years of life.

12. I submit that in all 45 depots of BMTC the modernized smoke emission testing equipments are provided and every bus in a Depot undergoes a standard emission check every month to ensure that the emission levels are maintained below permissible smoke levels. BMTC ensures to operate the buses only in which are within the permissible emission norms.

13. I submit that as per the policy of this respondents, the buses are scrapping even before 15 years by induction of BS-VI/electrical buses for replacing BS-III vehicles in the event of the funds being made available by State Government or Central Government.

WHEREFORE it is humbly prayed that this Hon'ble tribunal be pleased to accept the time line indicated as above for replacement of BS-III diesel buses, in the interest of justice and dispose off the above petition.

I, M.N. Srinivasa, the Deponent above named do hereby declare that the averments made in this Affidavit are true and correct to the best of my knowledge, belief and information.

Identified by me

Jagadeesha KAR 2711/04

Advocate

NOTARY B.V. NAGABHUSHANA Bengaluru North Reg. No. 30074 GOVT. OF INDIA

DEPONENT

Chief Mechanical Engineer
Bangalore Metropolitan Transport Corporation
Central Office, Bangalore-560027

Sworn to before me

SWORN TO BEFORE ME

24/8/21

B.V. NAGABHUSHANA B.A., LL.B.
ADVOCATE & NOTARY
Govt. of India
No.10, 1st Main, 2nd Cross, Neelakanteshwara Swamy Temple Road Sanjeevininagar, Hegganahalli Cross, Bengaluru - 560091.

Place: Bengaluru
Date : 24/08/2021

This Document is Refferd to as Annexure R-92 in The Affidavit of Smt/Sri J. PURUSHOTHAM

24 AUG 2021

Notary

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