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BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,

NEW DELHI

MA NO. 112 /2023

IN

Original Application No. 21/2014

IN THE MATTER OF:

Vardhaman Kaushik...Applicant

Versus

Union of India &Ors....Respondents

I N D E X

S.NO.	PARTICULARS	PAGES
1.	Reply on behalf of Transport Department, Government of NCT of Delhi	

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NEW DELHI

17.01.2024

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REPLY ON BEHALF OF THE TRANSPORT DEPARTMENT GOVT.
OF NCT OF DELHI

MOST RESPECTFULLY SHOWETH:

1. That the applicant has sought a direction to the present respondent to allow extension of three Specialized Armoured Vehicles bearing No. DL1GC3511, DL1GC3512, & DL1GC3513 for a further period of 05 years.
2. That the answering respondent had denied the said request of the applicant by order dated 06.06.2023, keeping in view the notification issued by the Ministry of Road Transport and Highways, GSR 29(E) under Rule 52(A) of CMVR 1989, annexed with the Application at Annexure "A-7", on the following grounds:
 - (a) The above mentioned vehicles were registered on 11.06.2013 and the registration of the vehicles was valid upto


SANJAY AILAWADI
Deputy Commissioner
Transport Department
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5/9, Under Hill Road Delhi-110054

10.06.2023 being the diesel vehicles in terms of the restriction of validity of registration for 10 years for diesel vehicles in Delhi & NCR as imposed by this Hon'ble Tribunal and subsequently endorsed by the Hon'ble Supreme Court.

(b) That the life of the special purpose vehicles (Armoured and other specialized vehicles) used for operational purposes for the maintenance of laws and order and internal security may be extended as per the provisions available in the CMVR 1989

(c) That this Hon'ble NGT vide order dated 16.10.2017, had placed a blanket ban with respect to extension of registration in respect of vehicles. The prescribed age to ply in Delhi & NCR has been fixed for 10 years in case of Diesel Vehicles and 15 years for Petrol/CNG. However, certain relaxations have been given in respect of the registration of BS-IV Diesel Vehicle in certain of categories of the vehicles which are used for essential public utility services

but no relaxation with respect to extension of the registration of the vehicle under Rule 52 of CMVR 1989 for period of 05 years beyond 10 years. The said vehicles being BS-III Diesel vehicles, no relaxation can be granted with regard to either their registration or extension of their registration. As such, the order dated 22.11.2021 passed by the Hon'ble the Supreme Court in Civil Appeal No. 3092/2020 permitting registration of SPG Diesel vehicles may not be applicable to extension of registration of such vehicles.

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(d) That as far as the notification of the MoRTH vide GSR 29(E) dated 16.01.2023 is concerned, which permits the extension of the registration after 15 years from the date of registration of the vehicle as provided under sub section of 41 of MV Act for certain categories of the vehicles, details of which are given in para- 2 of said notification, it is respectfully submitted that the same is applicable to the States other than Delhi & NCR States because the said notification makes no reference with regard to any exemption to the above order of this Hon'ble Tribunal. Therefore, under this circumstance the notification G.S.R 29(E) dated 16.01.2023 is not applicable to the subject vehicles which are registered in Delhi & NCR.

It is thus prayed that the present application may be decided accordingly.



RESPONDENT

SANJAY AILAWADI

Deputy Commissioner

Transport Department

Govt. of NCT of Delhi

5/9, Under Pill Road Delhi-110054

THROUGH



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AFFIDAVIT

I, Sanjay Ailawadi, Deputy Commissioner, Transport Department, Govt. of NCT of Delhi, 5/9 Under Hill Road, Delhi-54 do hereby solemnly affirm and state as under:

1. That I am Deputy Commissioner, Transport Department, Govt. of NCT of Delhi and therefore, in that capacity, I am well conversant with the facts and circumstances of this case and as such I am competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying reply and I state that the facts contained therein are true to my knowledge, and submissions made therein are based on legal advice received from my counsel and believed by me to be correct.



Verification:

I, the above named deponent, do hereby verify that the contents of the aforesaid affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.


DEPONENT
SANJAY AILAWADI
Deputy Commissioner
Transport Department
Govt. of NCT of Delhi
5/9, Under Hill Road Delhi-110054