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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 03rd March, 2021

+ W.P.(C) 2855/2021& CM APPLN. 8599/2021

DELHI CONTRACT BUS ASSOCIATION Petitioner

versus

HONBLE LT. GOVERNOR & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Parmod Kr. Sharma, Advocate

For the Respondents: Mr. Gautam Narayan, ASC with Ms. Asmita Singh, Advocate
for GNCT of Delhi

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to the respondent to grant exemptions from payment of road tax and levy of penalty post 31.12.2020 under the provisions of Delhi Motor Vehicular Taxation Act, 1962.
3. It is contended by learned counsel for the petitioner that petitioner Association is an association of commercial bus owners catering primarily to schools, colleges and educational institutions for transportation of students and staff of the said institutions as well as to office goers of MNCs and industrial establishments.

4. It is contended by learned counsel for the petitioner that in view of the Lockdown, closure of schools and work from home culture, petitioners have not been able to ply their buses and the busses are lying stationary. It is, in these circumstances, that petitioners seek exemptions from payment of road taxes and penalty as also refund/ adjustment of the amount already paid by some of the bus operators.

5. Issue notice. Notice is accepted by Mr. Gautam Narayan, Standing Counsel appearing for the respondent.

6. Learned counsel appearing for the respondent submits that a decision has already been taken on 24.12.2020 to grant exemption from payment of penalty till 31.12.2020. He further submits that in a similar writ petition being W.P. (C) 8912/2020 this Court, by its order dated 11.12.2020 directed the petition to be considered as a representation.

7. He submits that said petition was filed by another association of similarly situated bus operators – Indian Tourist Transporters Association.

8. Learned counsel submits that the hearing as per the directions of the Court has already been concluded and a decision is likely to be taken shortly.

9. Learned counsel for the petitioner further submits that the petitioners seek exemption from payment of road tax and levy of penalty even post 31.12.2020 as the schools and educational institutions have not yet been reopened and some of the offices have still not commenced full operations.

10. In view of the above, this petition is directed to be treated as

representation by the respondent.

11. Respondent shall decide the representation after affording an opportunity of hearing to the petitioners and take a decision preferably within a period of six weeks from today.

12. All rights and contentions of the parties are reserved.

13. Petitioners would be at liberty to take further recourse if so required after the decision is taken.

14. In the meantime, in case there is a direction of the Government to reopen schools/educational institutions, respondent shall consider issuing appropriate interim directions, pending consideration of the representation.

15. Petition is disposed of in the above terms.

16. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

MARCH 3, 2021
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