

GAHC010044162024



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**THE GAUHATI HIGH COURT  
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/2517/2024**

JYOTI KALITA AND 60 ORS.  
W/O PUTU KALITA  
AGE 31 YEARS,  
DULIYAOAM GAON,  
PO- JEC JORHAT- 785007

2: SAJJAD HUSSAIN  
S/O RAHIM ALI

AGE 28 YEARS

FANCY ALI  
WARD NO-3

JORHAT- 785001

3: NOREN SAIKIA  
S/O SONAI SAIKIA

AGE 49 YEARS

NAUBAISHA  
PO-POTIA GAON-785106

4: JINTU BORA  
S/O LILESWAR BORA

AGE 40 YEARS

BAPUJI NAGAR BOHOTIA GAON

PO-RRL- 7850 01

5: BIMAN BAURAH

S/O PRAFULLA BARUAH

AGE 57 YEARS

BAHATIYA GAON  
PO- RRL- 7850 06

6: ZAMAL AMHED  
S/O LATE N AMHED

AGE 52 YEARS

TARAJAN SONARI GAON

PO- TARAJAN- 7850 01

7: PRADIP KUMAR GOGOI  
S/O INDRESWAR GOGOI

AGE 57 YEARS

TEOK BANGAL GAON

PO- TEOK- 7851 12

8: BIJAY KRISHNA SAIKIA  
S/O BENU SAIKIA

AGE 27 YEARS

BORBHETA MAZGAON

PO-CINNAMARA- 7850 08

9: SALEHA BEGUM KAZI  
W/O SAMSHER UDIN KAJI

AGE 41 YEARS

SONARI GAON

PO- TARAJAN- 7850 01

10: SHUBHAM KUMAR GAUR  
S/O HARI PRASAD GAUR

AGE 29 YEARS

DANTARAM SIKHAR LOSAL

PO- LOSAL - 332025

11: SAMIRAN SAIKIA  
S/O SHANTI RAM SAIKIA

AGE 39 YEARS

ASSAM GAS COMPANY LTD.  
PO- DULIAJAN- 786602

12: RAVI SHANKAR PATHAK  
S/O RAVI SHANKAR PATHAK

AGE 36 YEARS

DUMARIYA DUMARIYAGHAT  
BIHAR- 845423

13: ANITA BANSAL  
W/O RAVI BANSAL  
AGE 38 YEARS

BORDUBI  
PO-TINSUKIA- 786151

14: CHINTU SAHA  
S/O CHAITAN SAHA

AGE 29 YEARS

DOCTOR LEN  
RAJABARI- 785014

15: NOGEN SAIKIA  
S/O LT. LAKHI RAM SAIKIA

AGE 61 YEARS

DHAPKATA BOR SATRA  
PO- RRL- 785001

16: JATIN CHANDRA BORUAH  
S/O MOHENDRA BORUAH  
AGE 55 YEARS

BHOGAMUKH CHARINGIA

BHOGAMUKH- 785682

17: HANNAN AHMED  
S/O HASIMUDDIN AHMED

AGE 51 YEARSS

BOLIMARA NAGADHARA

NAKACHARI- 396466

18: JUMPA BORA DUTTA  
S/O PRODIP BORA

AGE 48 YEARS

NO 1 KUKURACHOWA

CHELEGHAT- 785636

19: BIPUL BORUAH  
S/O GANGARAM BORUAH

AGE 26 YEARS

NATUN BOKORA

KAMALABARI- 785106

20: JINTU HANDIQUE  
S/O PUNIRAM HANDIQUE

AGE 26 YEARS

MAUT GAON

PO- NAZIRA- 785686

21: BALIN BORA  
S/O RANGAI BORA

AGE 56 YEARS

BORA GAON

PO- BAMUNPUKHURI- 785685

22: ANUJ AHMED

S/O PRINCE AHMED

AGE 31 YEARS

BAHEK GAON

POKAMURA- 785004

23: TAPASH SHOME  
S/O BARADA KISHORE SHOME

AGE 68 YEARS

JPR ROAD  
PO- JORHAT  
785001

24: PORISMITA SAIKIA  
D/O HOREN SAIKIA

AGE 29 YEARS

NO 1 SENSHOWA GAON

PO- BORBHETA- 785004

25: LAKHYA JYOTI DAS  
S/O JOGEN CH DAS

AGE 37 YEARS

NAPAMUA GAON

PO- BOR AHOM KATHANI- 785006

26: DUSMANTA GOSWAMI  
S/O PRODIP GOSWAMI

AGE 26 YEARS

MAHABANDHA GAON  
PO- SATRIYA- 415013

27: AMIYA GOGOI  
S/O KHAGESHWAR GOGOI  
AGE 38 YEARS

SARDAR ALI

NEAR WATER SUPPLY  
PO- KONWARI PUKHURI- 784115

28: RANJIT BHUYAN  
S/O MONESWAR BHUYAN  
AGE 58 YEARS

KATIKUCHIA DA-GUWAL GAON  
PO- TEOK- 785112

29: AMAL SAIKIA  
S/O PUNESHWAR SAIKIA  
AGE 39 YEARS

BARBAM CHUNGI

PO- CHUNGI- 785616

30: DULAL LAHAN  
S/O INDRESWAR LAHON  
AGE 53 YEARS

CHETIA GAON  
MELENG  
785634

31: MUNIN SHARMAH  
S/O NAREN SHARMAH  
AGE 56 YEARS

KARANGA BORUAH GAON  
PO- KORONGA- 785008

32: SANTANU KHOUND  
S/O JAGAT CHANDRA KHOUND  
AGE 52 YEARS

BAMUN GAON  
PO-KACHAGARAL  
785010

33: JOGENDRA PRASAD  
S/O JANARDAN PRASAD  
AGE 43 YEARS  
HATKHOLA  
PO- SELENGHAT  
785636

34: PRAFULLA DAS  
S/O GONDHESWAR DAS  
AGE 61 YEARS

PANICHAKUWA  
PO- PANICHAKUWA- 785006

35: MOHENDRA PEGU  
S/O JAGAT PEGU

AGE 57 YEARS  
BAGHMARA  
PO- CHARIGHORIA  
794102

36: PRIYAJITA BORAH  
D/O RAJAT BORAH  
AGE 28 YEARS  
CHENIJAN MAUT GAON  
PO- CHENIJAN- 785010

37: DIBYAJYOTI SAIKIA  
S/O GOLOK SAIKIA  
AGE 38 YEARS  
CHITUA KARI GAON

PO- CHALIHA- 785004

38: DIPAK DAS  
S/O LT. SARULARA DAS  
AGE 34 YEARS  
GARUMARA KOIBARTA

JORHAT- 785006

39: SUREN GOGOI  
S/O LT. BAPIRAM GOGOI  
AGE 59 YEARS

BURA GAON  
JORHAT  
785101

40: BISWA JYOTI BORAH  
S/O PROJIT KUMAR BORAH  
AGE 28 YEARS

BHOGONIA CHUK GAON

NAMDEURI- 785108

41: SANJAY BHATTACHARJEE  
S/O S BHATTACHARJEE  
AGE 52 YEARS

SHAYMA COLONY JORHAT  
PO- CHALIHA GAON - 785004

42: SURAJ GOGOI  
S/O SUMNATH GOGOI  
AGE 31 YEARS

UJANI HABUNGIA GAON

PO- CHALIHA- 785004

43: RIKU DAS  
S/O PADMADHAR DAS  
AGE 34 YEARS  
PANI CHAKUA

PO- PANI CHAKUA- 785006

44: PRASANTA KALITA  
S/O BABA KALITA  
AGE 23 YEARS

SARBAIBANDHA  
PO- JORHAT  
785001

45: SARANGA PANI DUTTA  
S/O J N DUTTA  
AGE 48 YEARS

NA ALI DHEKIAJULI SONARI GAON

PO-NA ALI DHEKIAJILI- 785009

46: SUBHAM DAS  
S/O UTTAM DAS

AGE 28 YEARS

NATUNMATI  
PO- MARIANI

785634

47: BISWAJIT HAZARIKA  
S/O PRAMOD HAZARIKA  
AGE 36 YEARS

DAYJANGGIJA GOBAL GAON

PO- MUDOI JAN - 785112

48: MOCHUMI BEDIA  
D/O ARUN BEDIA  
AGE 30 YEARS

SOTANI URANG LINE

PO- MOGROI- 785635

49: PRANABJYOTI BORAH  
S/O KAMAL BORAH  
AGE 36 YEARS

SHALMARA GAON

PO- MAOW PATHER- 785108

50: MACDONEL BORA  
S/O SACHIN BORA  
AGE 27 YEARS

BIJULIBARI  
PO- MAROI  
784145

51: ABANI KUMAR BORUAH  
S/O DIMBESWAR BORUAH  
AGE 54 YEARS  
PULI NAHARANI

PO-BAILUNG - 784165

52: BHOLANATH DUTTA  
S/O KERKON DUTTA  
AGE 66 YEARS  
WARD NO.14  
JORHAT- 785001

53: RIJUMONI BORDOLOI

S/O HIRA NATH BORDOLI  
AGE 57 YEARS  
KAKATI GAON  
PO- JORHAT  
785001

54: NABAJYOTI BORA  
S/O JADAV CH BORAH  
AGE 55 YEARS

PANICHAKUWA  
PO- PANICHAKUWA  
785006

55: AMULYA BORAH  
S/O BHABA BORA  
AGE 27 YEARS

BARUAH KALITA

PO- POTIYA- 785106

56: PRATYOSH PRATIM SAIKIA  
S/O ARUN SAIKIA  
AGE 23 YEARS

BORKHAT DA GAON

PO- HATIGARH - 785007

57: AJAY DAS  
S/O PHANI DAS  
AGE 33 YEARS

NOWSALIA GAON  
PO- BORBHETA  
785006

58: MANASH NATH  
S/O DHANESWAR NATH  
AGE 28 YEARS  
SONARIATI

PO- RANGACHAHI (MAJULI)  
785104

59: DIJEN GOGOI  
S/O PROBIN GOGOI

AGE 33 YEARS

BARBHETA  
PO- AAU- 785004

60: SWAPANITA BHUYAN  
W/O MANTA BHUYAN  
AGE 44 YEARS

PURANA HATUKHOLANARA

JORHAT- 785 107

61: JAY BEE ENERGY PVT. LTD.  
THROUGH ITS AUTHORISED REPRESENTATIVE  
VARUN GARG  
AGED 43 YEARS

HAVING ITS REGISTERED OFFICE AT HOUSE NO. 350  
MOTHER TERESA ROAD  
OPPOSITE GEETANAGAR POLICE STATION  
GUWAHATI-7810 2

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TRANSPORT  
DEPARTMENT, JANATA BHAWAN BLOCK-D, 3RD FLOOR, DISPUR,  
GUWAHATI-7810 06

2:REGIONAL DISTRICT TRANSPORT OFFICE  
REPRESENTED BY THE DISTRICT TRANSPORT OFFICER REP. BY THE  
DISTRICT TRANSPORT OFFICER KAMRUP (R AND L) BETKUCHI N.H.37  
GUWAHATI-781034

3:IFFCO-TOKIO GENERAL INS. CO. LTD.  
REP. BY THE BRANCH MANAGER  
24 KEOT VILLA 2ND FLOOR NEAR PIBCO SHOWROOM NILOMONI  
PHUKAN PATH CHRISTIAN BASTI DISPUR GUWAHATI-781005

4:HDFC ERGO GENERAL INS. CO. LTD.  
REP. BY THE BRANCH MANAGER 6TH FLOOR ADITYAM BUILDING  
LACHIT NAGAR G.S. ROAD GUWAHATI-781007

5:THE DISTRICT TRANSPORT OFFICER  
JORHAT  
GAR ALI  
P.O. JORHAT

DISTRICT- JORHAT- 7850 10 ASSAM

6:THE SUPERINTENDENT OF POLICE JORHAT  
KONWARIPUKHURI B.O. JORHAT-785001  
ASSA

**Advocate for the Petitioner : MS. B CHOWDHURY, IMSENKALA**

**Advocate for the Respondent : SC, TRANSPORT DEPARTMENT, ASSAM, GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**27.11.2024**

Heard Ms. B. Choudhury, learned counsel for the petitioner. Also heard Ms. M.D. Bora, learned Standing Counsel, Transport Department for the respondent Nos. 1, 2 and 5.

This writ petition has been filed by 61 petitioners. Petitioner Nos. 1 to 60 are the purchasers of two wheeler from the petitioner No. 61, who is the authorized dealer. By reason of mischief played by two employees of the petitioner No. 61 who did not deposit the amounts collected from the petitioner Nos. 1 to 60 for registration and eventually they went missing with the deposited money without depositing the same before the Registration Authority and thereafter, the COVID 19 Pandemic situation prevailed throughout the country. Although the petitioner Nos. 1 to 60 had deposited the money to employees of petitioner No.61, the two wheelers which were purchased by the petitioner Nos. 1 to 60 could not be registered as the amounts collected from them were not deposited. Pursuant to the COVID 19 pandemic situation returning to normalcy, in a proceeding before the Apex Court being Writ Petition

No. 13029 of 1985 the Apex Court passed an order dated 24.10.2018 directing that no motor vehicle confirming to the emission standard BHARAT Stage-IV shall be sold or registered to the entire country w.e.f. 01.04.2020. Subsequently, in the I.A. which was filed in the said petition, by order dated 27.03.2020 the Court permitted sale of BHARAT Stage-IV vehicles upto 10% of the unsold vehicles across the country except Delhi and N.C.R. This order again came to be altered by order dated 13.08.2020 that the registration of the vehicles which were sold and uploaded on E-Vaahan portal and temporary registration issued and where their registration could not be carried out during the lockdown period, the Apex Court permitted registration of such vehicles only (after the cut off date) which could not be registered during the lockdown in the month of March, 2020 and for no other reason. The position however, was not made applicable to Delhi and NCR. Subsequently, an I.A. was filed by some customers of petitioner No. 61 before the Apex Court and by order dated 02.11.2020 the Apex Court permitted the applicants therein to approach the Jurisdictional High Court for filing fresh applications and their interlocutory applications were dismissed as before.

In the applications which were filed before the Court being I.A. 110988 of 2020 the present petitioner No. 61 was also an applicant in representative capacity in respect of all the customers before the Apex Court and which included the present writ petitioner Nos. 1 to 60, as submitted by the counsel for the petitioners. In pursuance to the leave granted by the Apex Court, some of the vehicle owners approached this Court by filing WP(C) 5271 of 2020 and this Court by order dated 19.07.2020 allowed the writ petition directing them to deposit the fee to the concerned DTO and thereafter carry out the steps for the registration of the vehicles. It is submitted that pursuant to the order passed by

this Court those vehicles were registered.

The present writ petitioner Nos. 1 to 60 are praying before this Court for a similar order.

It is submitted that since the petitioner No. 61 was also an applicant in I.A. No.110988 of 2020 in representative capacity in respect of all the other purchasers who were not before the Apex Court in their individual capacity, the counsel for the petitioners submits that similar order as passed in WP(C) 5271 of 2020 should also be passed allowing the writ petitioner Nos. 1 to 60 to proceed for registration of the vehicles.

During the pendency of writ petition, by an order dated 17.05.2024 passed by the Court while issuing Notice, the State respondent namely Transport Department was directed to verify the genuineness of the purchases made by the petitioner Nos. 1 to 60. The Transport Department pursuant to the order has filed their affidavit dated 25.06.2024 and has made a statement on oath that the petitioner Nos. 1 to 60's genuineness have been verified and they have been found to be genuine purchasers who had purchased the vehicles prior to 31.03.2020 and a complete list of the purchasers along with particulars contained in the make of the vehicles, engine numbers, chassis numbers, date of purchases, insurance certificates, sale certificates etc. are enclosed to the affidavit. The relevant paragraphs of the affidavit extracted below:

*“3. That the deponent begs to submit that the Hon'ble High Court vide Order dated 17/05/2024 directed to verify the genuineness of the 60 numbers of vehicles that are the subject matter of the writ petition*

*4. That the deponent begs to bring on record that as per the details as provided by the concerned dealer, the 60 nos. of vehicles that are subject matter of the instant writ petition are genuine that they were purchased before 31/03/2020.”*

Having considered the submissions made before this Court and upon

careful perusal of the orders passed by the Apex Court and also the affidavit filed by the Transport Department certifying that the petitioner Nos. 1 to 60 are genuine purchasers of their vehicles, the writ petition stands disposed of with a direction to the respondent No.5 namely DTO, Jorhat to complete the process of registration of the individual vehicles of the writ petitioner Nos. 1 to 60 subject to the deposit of necessary fees and charges as required.

In terms of the above direction writ petition stands allowed and disposed of.

The entire exercise be completed within a specific time period after the necessary fees and charges are deposited.

**JUDGE**

**Comparing Assistant**