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

+ W.P.(C) 219/2022

AJIT KUMAR

..... Petitioner

Through: Ms. Vanshika, Mr. Abhishek Gupta &
Mr. Vishal Khanna, Advocates.

versus

THE GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Satyakam, Additional Standing
Counsel for the respondent/ GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

18.07.2022

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1. The petitioner before this Court has filed the present petition as a Public Interest Litigation (PIL) being aggrieved by inaction of the Government of National Capital Territory of Delhi (GNCTD) in not taking action against unregistered e-Auto Rickshaws plying in the Union Territory.
2. Various orders have passed from time to time in the writ petition and the action taken in the matter has been brought to the notice of this Court.
3. This Court by order dated 11.05.2022 has directed the respondent/ State to file a status report in respect of the action taken against the Auto, TSR and e-Rickshaws which are not registered and those that which do not have Fitness Certificate(s). A detailed report has been filed as directed by this Court, and paragraphs 4, 5, 6, 7 & 8 of the same are reproduced as

under:

“4. The present Status Report being filed in faithful compliance of the abovesaid order seeks to place before this Hon’ble Court the remedial measures taken in terms of the abovesaid directions.

5. The Enforcement wing of Transport Department vide letter dispatch No. 2287-89/60727 dated 04.07.2022 provided the details of challans issued in respect of TSR & E-rickshaws and reproduced as under:

Month	TSR Auto		E-rickshaws	
	Without Driving License	Without fitness of Certificate	Without Driving License	Without fitness of Certificate
<i>01.01.2022 to 30.06.2022</i>	<i>1351</i>	<i>250</i>	<i>3713</i>	<i>1763</i>

6. The e-Rickshaw/ E-cart owners being informed repeatedly through SMSs in Hindi about requirement of fitness certificate as per the text message (Hindi). Such SMS are being sent every week since 01.04.2022.

7. On the request of various re-rickshaws unions to extend the date of waiving off the additional fee on account of delay in renewal of certificate of fitness in respect of E-Rickshaw and E-Cart the Transport Department extended the same upto 31.07.2022 vide order dated 04.07.2022. A copy of the order dated 04.07.2022 is annexed herewith and marked as Annexure A.

8. The Information regarding waiving of additional fee on account of delayed fitness is also being sent to the E-Rickshaw and E-Cart owners through text of SMSs attached herewith. A copy of sample sms is annexed herewith as Annexure B.”

4. The status report filed in the matter makes it very clear that the Enforcement Wing of the Transport Department is carrying out surprise checks and e-Rickshaw and e-Carts are being informed repeatedly by SMSs

in Hindi about the requirement of Fitness Certificate. The date of obtaining Fitness Certificate has been extended, i.e. up to 31.07.2022.

5. The Government has also waived the additional fees being levied on account of the delay in obtaining a Fitness Certificate, meaning thereby the respondents have already taken steps to ensure that no e-Rickshaw/ e-Cart in the Union Territory is being operated without the Fitness Certificate.

6. Learned counsel for the respondent has also stated that registration of e-Rickshaws/ procurement of Fitness Certificate and checking of violation of the aforesaid conditions is a regular ongoing process and they are regularly conducting checks at various places in the Union Territory to ensure that each & every e-Rickshaw and e-Cart is plying only after obtaining the Fitness Certificate.

7. In the light of the aforesaid, no further orders are called for in the present PIL. However, the authorities will continue with the drive which they have initiated to ensure that the statutory provisions are complied with as stated by them.

8. With the aforesaid, the PIL stands disposed of.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

JULY 18, 2022

B.S. Rohella