

AFR

Court No. - 5

Case :- WRIT - A No. - 7938 of 2020

Petitioner :- Rajesh Gaur

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Bhanu Prakash Verma

Counsel for Respondent :- C.S.C.

Hon'ble Surya Prakash Kesarwani,J.

Hon'ble Dr. Yogendra Kumar Srivastava,J.

1. Heard learned counsel for the petitioner as well as Sri Ghanshyam Dwivedi and Sri Girish Chandra Vishwakarma learned Standing Counsel for the State respondents.

2. This writ petition has been filed praying for a direction to the respondent no. 2 to provide Registration No. U.P.85BQ-0001 of LMV (four wheeler) to the petitioner and extend the period of two weeks for getting the aforesaid registration number.

3. Learned counsel for the petitioner submits that the petitioner had applied for getting a V.I.P. number of vehicle by depositing Rs. 1,00,000/- as fee on 06.03.2020, however he has not been able to purchase the vehicle so far. Now, the petitioner wants to purchase the vehicle and therefore a direction may be issued to the respondent no. 2 to grant two weeks time to purchase the vehicle and accordingly the vehicle may be allotted the aforesaid V.I.P. number.

4. Learned Standing Counsel submits that in view of the provisions of clauses (v) and (vi) of sub-rule (2) of Rule 51-A of the U.P. Motor Vehicles Rules, 1998¹, neither registration number can be allotted to the petitioner nor

1. the Rules, 1998

reservation fee can be refunded to him.

5. We have carefully considered the submissions of the learned counsel for the parties.

6. The registration of motor vehicles is provided for under Chapter IV of the Motor Vehicles Act, 1988² and the necessity for registration is as per Section 39 thereof in terms of which no person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with the provisions under Chapter IV of the Act.

7. Section 41 of the Act, 1988 provides the manner in which registration is to be made. As per sub-section (6) of Section 41, the registering authority is to assign to the vehicle, for display thereon, a distinguishing mark, referred to as the registration mark, consisting of one of the groups of such of those letters and followed by such letters and figures as are allotted to the State by the Central Government from time to time by notification in the Official Gazette, and displayed and shown on the motor vehicle in such form and in such manner as may be provided by the Central Government. For ease of reference, sub-section (6) of Section 41, referred to above, is being extracted below :-

“(6) The registering authority shall assign to the vehicle, for display thereon, a distinguishing mark (in this Act referred to as the registration mark) consisting of one of the groups of such of those letters and followed by such letters and figures as are allotted to the State by the Central Government from time to time by notification in the Official Gazette, and displayed and shown on the motor vehicle in such form and in such manner as may be prescribed by the Central Government.”

2. the Act, 1988

8. Rule 51-A of the Uttar Pradesh Motor Vehicle Rules, 1998 relates to the allotment of registration marks. Rule 51-A of the Rules, 1998 is being reproduced below :-

“51-A. Allotment at registration marks – (1) The registration mark to Motor Vehicles be assigned, shall be as per the notification issued by the Central Government under sub-section (6) of Section 41 of the Act.

(2) On receipt of an application in the prescribed Form 20 of the Central Motor Vehicles Rules, 1989, the Registering Authority shall assign the registration number which falls in serial order after the last registration mark assigned subject to the provisions of the following rules -

(i) The Transport Commissioner may reserve any registration number as are considered necessary to be assigned to the vehicles of Government.

(ii) The Transport Commissioner may notify in local newspapers from time to time, the registration numbers as are considered attractive, to be reserved for any person who made an application therefore and make the payments as prescribed in sub-rule (iv) of this rule.

...

(v) The reservation fee once paid shall on no account be refunded.

(vi) The number reserved shall be allotted on production of a vehicle along with the application in Form-20 of the Central Motor Vehicles Rules, 1989. The reservation of the registration number shall be cancelled if the vehicle is not produced within 30 days from the date of reserving the registration number and the number so cancelled can be allotted to any other person by Registering Authority who makes an application along with the fees prescribed under sub-rule (iii) or this rule.”

9. Sub-rule (1) of Rule 51-A of the Rules, 1998 provides that the assignment of registration mark to motor vehicles shall be as per the notification issued by the Central Government under sub-section (6) of Section 41 of the Act, 1988. As per the procedure under sub-rule (2), on receipt of an application in the prescribed format under the Central Motor Vehicles Rules, 1989³, the Registering Authority shall assign a registration number

3. the Central Rules, 1989

which falls in serial order after the last registration mark assigned subject to the provision for reservation of any registration number as considered necessary to be assigned to the vehicles of Government, as provided under clause (i) of sub-rule (2), or to reserve registration numbers considered attractive as per the procedure provided under sub-rule (2).

10. In terms of clause (ii) of sub-rule (2) of Rule 51-A, the Transport Commissioner may notify in the local newspapers from time to time, the registration numbers as are considered attractive, to be reserved for any person who has made an application and has made the payments as prescribed in sub-rule (iv). Clause (v) stipulates that the reservation fee once paid shall on no account be refunded. In terms of clause (vi), the number reserved shall be allotted on production of a vehicle along with the application in Form-20 of the Central Motor Vehicles Rules, 1989. It further provides that the reservation of the registration number shall be cancelled if the vehicle is not produced within thirty days from the date of reserving the registration number and the number so cancelled can be allotted to any other person by Registering Authority who makes an application along with the fees prescribed.

11. It is admitted case of the petitioner that although the reservation of the registration number was obtained by him by depositing the prescribed fee on 06.03.2020 but he has not purchased the vehicle so far. The thirty days' period prescribed under clause (vi) within which the vehicle was required to be produced along with the application in Form-20 of the Central Motor Vehicles Rules, 1989, has thus expired. Accordingly, in view of the

provisions under clause 6 of sub-rule (2) of Rule 51-A, the reservation of the registration number granted to the petitioner is to be cancelled. The registration fee deposited also cannot be refunded in view of the bar contained in clause (v) of Rule 51-A (2).

12. The allotment of registration marks under Rule 51-A of the Rules, 1998, are to be as per the notification issued by the Central Government under sub-section (6) of Section 41 of the Act, 1988. The procedure prescribed under sub-rule (2) provides that on receipt of an application in the prescribed format of the Central Rules, 1989, the Registering Authority is to assign the registration number which falls in serial order after the last registration mark assigned subject to the reservation of any registration number as are considered necessary to be assigned to the vehicles of Government and also reservation of registration numbers as are considered attractive in favour of any person who has made an application and the payments as prescribed, as per the procedure.

13. It is therefore seen that the assignment of registration numbers as per the statutory provisions are to be made in serial order after the last registration mark assigned, and reservation of registration numbers can be made only as are considered necessary to be assigned to the vehicles of the Government, or in case of registration number considered attractive, the reservation may be made for any person who submits an application and makes the payment as per the procedure prescribed.

14. The reservation of registration numbers considered attractive is only as an exception to the general procedure

of assignment of registration numbers falling in serial order after the last registration mark assigned, and the same is to be made as per the procedure prescribed under sub-rule (2) of Rule 51-A. The conditions prescribed in respect of reservation of registration numbers, as are considered attractive, include a clear stipulation under clause (vi) of sub-rule (2) that the reservation of registration number shall be cancelled if the vehicle is not produced within thirty days from the date of reserving the registration number and the number so cancelled can be allotted to any other person by Registering Authority who makes an application along with the fees prescribed. Further, there is also a condition under clause (v) that registration fee once paid shall on no account be refunded.

15. The application of the petitioner for reservation of a V.I.P. number i.e. a registration number considered attractive, is therefore subject to the conditions provided with regard to the same under sub-rule (2) of Rule 51-A of the Rules, 1998.

16. The petitioner having admittedly not purchased the vehicle so far and the thirty days' period for which the reservation of a registration could continue having expired, no relief, as prayed for can be granted.

17. The writ petition thus fails and is accordingly dismissed.

Order Date :- 15.10.2020
Pratima