

IMMEDIATE

TRANSPORT DEPARTMENT, GOVT. OF NCT OF DELHI,
5/9 UNDER HILL ROAD, DELHI-110054
(OPERATION BRANCH)

DC/OPS/TPT/545/2015/ 1644-54

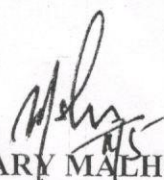
Dated: May 11, 2017

OFFICE ORDER

In compliance of Order dated 08.05.2017 passed by the Hon'ble Delhi High Court in the matters titled as Sandeep Sindhvani & Others v/s Govt. of NCT of Delhi & Others (WPC 3791/2017) and M/s Sabharwal Automobiles Partnership Concern Vs GNCTD & Ors. (WPC 3719/2017) on 08.05.2017, the following directions are issued for registration of BS-III vehicles sold on or before 31.03.2017:-

- (i) The Registering Authority would permit registration of vehicles in terms of order dated 29.03.2017 of the Hon'ble Supreme Court of India in the matter **M.C.Mehta (supra)** as clarified in para 35 of the judgment dated 13.04.2017.
- (ii) A proof would be required to be submitted by the dealer that **he is a non self-registering dealer**, i.e. does not have the online registering facility. This aspect would then be verified by the Registering Authority and only where it is found that the dealer is non registering dealer, the Registering Authority would take steps to verify the factum of the sale having been completed on or before 31.03.2017.
- (iii) The dealer is required to submit all the requisite details as also the proof of the sale having been completed on or before 31.03.2017.
- (iv) While considering that the sale has been completed prior to 31.03.2017, the Registering Authority would, inter alia, take into account the proof of **online premium payment having been made on or before 31.03.2017** and/or issuance of an online insurance policy on or before 31.03.2017, in the name of the purchaser.
- (v) In case **online payment has not been made** and/or **online insurance policy has not been issued on or before 31.03.2017**, the onus and responsibility of verifying the proof, for the vehicle offered for registration that it was sold on or before 31.03.2017 would lie with the Registering Authority/MLO. **The verification is to done based on proof of sale generated from a statutory or regulatory authority and not based on a mere invoice generated by the dealer.**
- (vi) The concerned Registering Authority would have to examine each individual sale transaction to ascertain whether the said transaction is in compliance with the directions of the Supreme Court and only in case the Registering Authority is satisfied that the transaction was completed on or before 31.03.2017, the registration would be permitted.
- (vii) The time for production of vehicles for physical verification is extended till 15.05.2017.
- (viii) Record of each case of Registration of such cases should be maintained by the Registering Authorities carefully.

This issues with the prior approval of the competent authority.


(ASHA CHAUDHARY MALHOTRA)
DY. COMMISSIONER (OPERATIONS)

All Registering Authorities / MLOs
(including Burari & HQ)

Contd/...

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Copy forwarded for information & necessary action to:-

1. All Dy. Commissioners of Transport Department.
2. OSD to Commissioner (Transport)
3. PAs to Special Commissioner (Transport)
4. Dy. Controller of Accounts, Transport Department
5. Sr. System Analyst to take up the matter with NIC to make modifications in Vahan-4 for registration of vehicles purchased on or before 31.03.2017 duly approved by the Registering Authorities, without any penalty, upto 15.05.2017.
6. System Analyst to upload the orders on the website of the department.
7. Mr. Rahul Sharma, Advocate for GNCTD, Delhi High Court, Chamber No 163, Lawyers Chambers Block - 1, Delhi High Court, New Delhi -110003.
8. M/s Kumar Garg & Associates, Counsel for EPCA, W-99, Greater Kailash-I, New Delhi-110 048.
9. Guard File.


(ASHA CHAUDHARY MALHOTRA)
DY. COMMISSIONER (OPERATIONS)