

F/No. ESTA-106/1/2024-T(MV)-TPT
GOVERNMENT OF MANIPUR
DIRECTORATE OF TRANSPORT

ORDERS

Imphal, the 20th March, 2024

No. ESTA-106/1/2024-T(MV)-TPT : Whereas, the petitioner, Shri B. Dhanabir Sharma (Secretary General) of the United Bus Owner's Association, Manipur (UBOWA) filed a writ petition being **W.P.(C) No. 893 of 2023** before the Hon'ble High Court, Manipur praying for considering and disposing the representation dated 11-12-2023 in which the Secretary (Transport), Government of Manipur and the Director (Transport), Manipur were requested for immediate compliance to restrain/ halt/ stop collecting Rs 50/- penalty fees levied for delay in renewal of certificate of fitness for motor vehicle.

2. Whereas, the Hon'ble High Court, Manipur was pleased to dispose of the writ petition on 19.12.2023. The operative portion is reproduced hereunder:

"In view of the submission made by the counsel appearing for the parties, the present writ petition is disposed of by directing the respondents to consider the said representation dated 11-12-2023 submitted by the petitioner on its own merit and strictly in terms of the applicable law and to dispose of the same by issuing a speaking order within a period of two months from the date of receipt of certified copy of this order."

3. Whereas, **Section 56 of Motor Vehicles Act, 1988** provides the provision of issue of certificate of fitness of transport vehicles that it is mandatory for a vehicle not to ply on the road without a fitness certificate.

4. Whereas, **Rule 62(1) of the Central Motor Vehicles Rules, 1989** provides the validity of certificate of fitness for transport vehicles up to 8 (eight) years old for 2 (two) years while for vehicles older than eight years is 1 (one) year.

5. Whereas, **Rule 62(2) of the Central Motor Vehicles Rules, 1989** provides the fee for grant or renewal of certificate of fitness for motor vehicle which are specified at Rule 81 of the Central Motor Vehicles Rules, 1989.

As per **Rule 81[11] of the Central Motor Vehicles Rules, 1989**, the fee for grant or renewal of certificate of fitness for motor vehicle is Rs. 200/- (two hundred) **with additional fee of Rs. 50/- (fifty rupees) for each day of delay after expiry of certificate of fitness.** This provision was inserted as per notification of the MoRTH vide G.S.R. 1183(E) dated 29-12-2016.

6. Whereas, the current outstanding penalties/fines accrued for delayed renewal of certificate of fitness for motor vehicles in VAHAN database is inclusive of COVID-19 period.



The exemption of fines during COVID-19 would be deducted automatically by the VAHAN database system at the time of payment/renewal of the certificate of fitness.

7. Whereas, the petitioner took example of relaxation of the levied penalty of Rs.50/- per day to those vehicles after expiry of certificate of fitness in some states like Punjab, West Bengal, etc. It is to be informed that those States exempted the penalty under the provision of their own State Motor Vehicle Act & Rules. However, Government of Manipur is following the Central Motor Vehicles Rules, 1989 and the Central Motor Vehicles Act, 1988.

8. Thus, the petitioners are requested to comply the provisions given under the Central Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 in connection with the fitness of vehicles.

9. Now, therefore, in view of the facts above, the representation of Secretary, United Bus Owner Welfare Association has been examined and the petitioner is advised to adhere to the provisions of the Central Motor Vehicles Rules, 1989 and the Central Motor Vehicles Act, 1988 and the matter stands disposed of.

10. This order is issued in compliance with order dated 19.12.2023 passed in W.P.(C) No. 893 of 2023 of the Hon'ble High Court of Manipur.

This issues with the approval of Competent Authority



(Dr. David Elangbam)
Joint Secretary Transport,
Government of Manipur

Copy to:

1. PS to the Hon'ble Minister (Transport), Manipur.
2. Staff Officer to Chief Secretary, Government of Manipur
3. Registrar General (Judl.), High Court of Manipur, Imphal. Speaking order is issued in compliance of the direction of the Hon'ble High Court in its judgment dated 19.12.2023 against the WP (C) No. 893 of 2023
4. Director (Transport), Manipur
5. Government Advocate, Manipur
6. The Ld. Advocates concerned
7. The Petitioner concerned
8. Guard File.