

**CWP No. 2027 of 2019**

27.08.2019 Present:

Mr. Vijay Chaudhary, Advocate, for the petitioner.  
Mr. Rajesh Kumar Sharma, Assistant Solicitor General of India, for respondent No. 1.  
Mr. Ashok Sharma, Advocate General with M/s Ranjan Sharma, Ritta Goswami and Adarsh Sharma, Nand Lal Thakur and Ashwani Sharma, Additional Advocate Generals, for respondents No. 2 to 4.

**CMP No. 8321 of 2019**

Allowed. The application is disposed of.

**CWP No. 2027 of 2019 & CMP No. 8322 of 2019**

Notice. Mr. Rajesh Kumar Sharma, learned Assistant Solicitor General of India takes notice for respondent No. 1 and Mr. Ranjan Sharma, learned Additional Advocate General takes the same for respondents No. 2 to 4.

What is under challenge in this writ petition is the levy of additional fee for the grant or renewal of Certificate of Fitness for Motor Vehicles, imposed under the note in Column No. 3 as against Serial No. 11 of the Table under the proviso to Rule 81 of the Central Motor Vehicles Rules, 1989, incorporated by way of a Notification dated 29.12.2016, as an amendment, in exercise of the power conferred by Section 212 (1) of the Motor Vehicles Act, 1988. Under the note in Column No. 3 as against Serial No. 11 of the Table under Rule 81, an additional fee of ₹ 50/- for each day of delay after the expiry of the Certificate of Fitness was to be levied, for the grant or renewal of Certificate of Fitness for Motor Vehicles. This is in addition to the fee of ₹ 200/-, for the grant or renewal of Certificate of Fitness.

The petitioner is not aggrieved by the levy of ₹ 200, for the grant or renewal of Certificate of Fitness. He is only aggrieved by an additional levy of ₹ 50 for each day of delay.

The very same Rule became the subject matter of a batch of writ petitions before the Madras High Court in WP No. 1598/2017 in a batch of cases. By a judgment dated 03.04.2017, a Division Bench of the Madras High Court held the levy of additional fee to be without authority. Therefore, Rule 81 of the Central Motor Vehicles Rules, to the extent of imposition of additional fee was declared void by the Madras High Court.

It appears that the Union of India took the matter on appeal to the Supreme Court. Though the Supreme Court ordered notice in the Special Leave Petition and the matter was converted into Civil Appeal No. 11216/2017, no interim order was granted. The result is that as on date, the declaration made by the Madras High Court stands, without being stayed or suspended.

The upshot of the above discussion is that once a Central Rule is declared void by one High Court, the same would be in force throughout the country. Therefore, there will be an interim order as prayed for.

Post after six weeks for reply.

Copy dasti.

(V. Ramasubramanian)  
Chief Justice.

August 27, 2019  
(hemlata)

(Anoop Chitkara)  
Judge.

High Court of H.P.