

**MOTOR VEHICLES DEPARTMENT, KERALA  
TRANSPORT COMMISSIONERATE**

Dated: **22/06/2022**

From: Transport Commissioner  
Kerala

To: All Deputy Transport Commissioners  
All Regional Transport Officers  
All Regional Transport Officers (Enforcement)  
All Joint Regional Transport Officers

Sir,

Sub:- Motor Vehicles Department-Additional fee for delayed application for renewal of Certificate of Registration-stayed- Interim order of Hon'ble High Court of Kerala in WP(c) No 18619/2022 - directions issued -reg

Ref:- Order dtd.14/06/2022 of Hon'ble High Court of Kerala in WP(c) No 18619/2022

Attention is invited to the subject matter above.

Hon'ble High Court of Kerala in their order dtd.14/06/2022 in WP(c) No 18619/2022, have granted interim relief by directing all the RTOs/JRTOs in the state of Kerala to accept the application for renewal of the Certificate of Registration without insisting for additional fees of Rs 300/- per month for Two wheelers and Rs.500/- for other class of non transport vehicles for delayed submission of the application with an undertaking from any applicant to pay the additional fees in case the decision rendered by the Supreme Court is against them.

Therefore all RTOs and Joint RTOs are hereby directed to accept applications for renewal of Registration Certificate without insisting for additional fee as per the amended Rule 81 of CMVR,1989 with an undertaking from the applicant to pay the additional fee in case the decision rendered by Hon'ble Supreme Court is against them.It is also directed that the vehicles shall be black listed in VAHAN .

Since the additional fee as per Rule 81 of CMVR,1989 has been stayed till the final decision of the Hon'ble Supreme Court,the fine for delayed application for renewal of Certificate of Registration as specified as per Rule 102 of Kerala Motor Vehicles Rules,1989 shall be collected.

Yours faithfully

**Digitally signed by K  
MANOJKUMAR  
Date:Wed Jun 22 14:50:54 IST  
2022  
Reason: Approved**

**K Manojkumar  
Senior Deputy Transport Commissioner(tax) In Charge**

Transport Commissionerate, 2<sup>nd</sup> Floor, Trans Towers, Vazhuthacaud,

Thiruvananthapuram-14  
phone:0471-2333337/2333317 0471-2333314  
web: [www.mvd.kerala.gov.in](http://www.mvd.kerala.gov.in) e-mail: [tcoffice.mvd@kerala.gov.in](mailto:tcoffice.mvd@kerala.gov.in)

Copy to,

Nodal Officer

SSG Cell (for making necessary changes in VAHAN)

Enclosure:- Copy of the interim order of Hon'ble HC of Kerala for ready reference.

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

Tuesday, the 14<sup>th</sup> day of June 2022 / 24th Jyaishta, 1944  
WP(C) NO. 18619 OF 2022 (B)

**PETITIONER:**

KERALA STATE USED VEHICLE DEALERS & BROKERS ASSOCIATION,  
REG.NO.C.A.292/07, 27/509(7), VAHANABHAVAN, NURANI JUNCTION,  
PALAKKAD DISTRICT, PIN - 678004  
REPRESENTED BY ITS GENERAL SECRETARY, V.M.THOMAS @ SONY  
VALIYAKATTIL,

**RESPONDENTS:**

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY (TRANSPORT),  
SECRETARIAT, PALAYAM.P.O, THIRUVANANTHAPURAM DISTRICT, PIN - 695001
2. UNION OF INDIA, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT  
BHAVAN, NEW DELHI, REPRESENTED BY THE SECRETARY, PIN - 110001
3. THE SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT  
BHAVAN, NEW DELHI PIN - 110001
4. THE SECRETARY, DEPARTMENT OF TRANSPORT, GOVERNMENT OF KERALA,  
SECRETARIAT, PALAYAM.P.O, THIRUVANANTHAPURAM DISTRICT, PIN - 695001
5. THE TRANSPORT COMMISSIONER, OFFICE OF THE TRANSPORT COMMISSIONER,  
2ND FLOOR, TRANS TOWERS. VAZHUTHACAUD, THYCAUD P.O.,  
THIRUVANANTHAPURAM, PIN - 695014

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the direction in Exhibit P2 to collect additional fee of Rs.300/- per month for two wheelers and Rs.500/- for other class of non-transport vehicles for delay for renewal of registration and additional fee of Rs.50/- per day of delay in renewal of certificate of fitness after expiry of certificate of fitness levied as per rule 81 of the Central Motor Vehicle (23rd amendment) Rules, 2021, pending disposal of the Writ Petition (Civil).

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.DINESH MATHEW J.MURICKEN, K.A.ABHILASH, VINOD S. PILLAI, MOHAMMED THAYIB N.M., NAYANA VARGHESE, AHAMMAD SACHIN K. & K.S.SANGEETHA (KOOMBEL), Advocates for the petitioner, SRI.P.SANTHOSH KUMAR, SPECIAL GOVERNMENT PLEADER for R1, R4 & R5 and of SRI.S.MANU, ASSISTANT SOLICITOR GENERAL OF INDIA for R2 & R3, the court passed the following:

(p. t. o)

**AMIT RAWAL, J.**

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W.P.(C) No.18619 of 2022

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Dated this the 14<sup>th</sup> day of June, 2022

**ORDER**

Petitioner, who is an Association registered under Travancore Cochin Literary Scientific and Charitable Societies Registration Act, 1955 and dealing with the sale and purchase of old cars, through the instant writ petition have assailed the 23<sup>rd</sup> amendment caused in Central Motor Vehicles Rule, 2021 whereby under the Rule 81 an additional fees over and above the prescribed fees for renewal of the registration of the vehicle has been introduced. It is contended that the said condition is inconsistent and contrary to the provisions of Section 211 of the Central Act which does not empower the Government to frame the rules for charging additional fees. Similar amendment was caused in the Central Motor Vehicle Rules in 2016, which was challenged in the Madras High Court and vide judgment dated 3.4.2017, Ext.P4 said rule was struck down. Though an S.L.P bearing No.23648 of 2017 is pending but there is no interim stay. Similar amendment of 2016 was also challenged in this Court vide W.P.(C) No.4911 of 2018 and vide order dated 4<sup>th</sup> April

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2018, as an interim measure respondents were directed to accept the application for renewal of certificate of registration without insisting on the payment of additional fee. It is therefore prayed that during the pendency of the writ petition there should be an interim order in the same terms till the controversy of charging the additional fees is settled in the pending S.L.P as the rules in existence, by way of previous amendment are pari materia.

2. Issue notice before admission. Special Government Pleader Sri.P. Santhosh Kumar takes notice for R1, R4 and R5. Sri.S.Manu for ASGI takes notice for R2 and R3.

3. Learned Government Pleader submits that petitioner has no locus standi to file a writ petition as they are not affected party being the dealers. It is the person who would submit a fees for seeking renewal of the registration, would only have a cause of action when being confronted with the additional fees. Moreover the State of Kerala has already implemented Rule 81 introduced by amendment as per the notification dated 4.10.2021 with effect from 1.4.2022 as per the contents of the letter issued by the 5<sup>th</sup> respondent, Ext.P2 and additional fees is being levied as and when such applications for renewal of the certificates are received and entertained; thus opposed the interim prayer.

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The contention of the counsel prima facie appears to be just and equitable for the reason that even the dealers would have a cause of action to file the petition as for making the livelihood they purchase the car from an original owner and retain it for some time to fetch an appropriate price by selling it in open market. During the interregnum, with the introduction of the amendment in the Rule 81 and the period of registration of the vehicle such owners, expired condition of additional fees is fastened and burdened on such dealers. Since the matter is already pending adjudication in Supreme Court with no interim stay and previous amendment viz-a-viz the present amendment are pari materia introducing charging of additional fees for renewal of the registration. By looking at the provisions of Section 211 of the MV Act, there is no power for imposition of additional fees as the expression used is 'levy and fees'. The expression 'additional' whether would fall within the definition of fees or not, in my view, is the subject matter of the pending S.L.P. In this view of the matter, I deem it appropriate to grant interim relief by directing the all RTOs in the State of Kerala to accept the application for renewal of the certificate of registration without insisting for additional fees with an undertaking from any applicant to pay the additional fees in case the decision

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rendered by the Supreme Court is against them. Registry is directed to group the connected cases. Post on 26.9.2022.

sd/-

sab

**AMIT RAWAL, JUDGE**

**APPENDIX OF WP(C) 18619/2022**

Exhibit P2  
Exhibit P4

TRUE COPY OF THE LETTER ISSUED BY THE 5TH RESPONDENT TO  
THE REGIONAL TRANSPORT OFFICERS DATED 22.03.2022  
TRUE COPY OF THE COMMON ORDER IN WPC NO 1598/18 AND  
CONNECTED CASES PASSED BY THE HIGH COURT OF MADRAS  
DATED 03.04.2017

