



Sanjay Sood Versus State of H.P. & others

CWP No.2466 of 2019

16.11.2022 Present: Mr. Nitin Thakur, Advocate, for the petitioner.

Mr. Sumesh Raj, Mr. Dinesh Thakur, Additional Advocates General, with Mr. Amit Kumar Dhumal, Deputy Advocate General, for the respondents-State.

Heard for sometime. The grievance of the petitioner primarily is that in terms of notification dated 26.12.2011, issued by the Department of Transport, to the Government of Himachal Pradesh under the provisions of Section 211 of the Motor Vehicles Act, 1988. the petitioner had applied for grant of registration No.HP 62C 0006 against payment of Rs.50,000/-, which amount was deposited by way of bank drafts, yet allotment of the said number was arbitrarily denied to him by the Department. A perusal of the documents appended with the petition demonstrates that in terms of this notification dated 26.12.2011, Rule 69-B of the existing Himachal Pradesh Motor Vehicles Rules, 1999 was substituted to the effect that an amount of Rs.75,000/- was chargeable



as special registration fee for allotment of number '0001' of any series to a vehicle owner and an amount of Rs.50,000/- was chargeable as special registration fee for serial No.0002 to 0009. Similarly, an amount of Rs.35,000/- was chargeable from serial No.0010 to 0100 and Rs.5,000/- from 0101 to 9999. The rationale behind the same appears to be simple and cogent that if the owner of vehicle wanted number of his choice which was available, then he or she can have it after paying special registration fee.

There is also on record a subsequent notification issued by the Department of Transport, dated 18.11.2015, in which the amount of special registration fee has been enhanced to Rs.1,00,000/- for serial No.0001 to 0010 and also for serial No.0011 to 0100. Beyond serial No.0101 to 0999 the amount of special registration fee is Rs.25,000/- and from serial No. 1000 onwards, it is Rs.5,000/-.

Incidentally, the registration marks or serial or registration No.0001 to 0010 have been reflected to be as "reserved" and it is also mentioned in the



notification that registration marks specified against serial No.0001 shall be reserved for the motor vehicles owned by the Government and shall be allotted only after payment of fix charge of Rs.1,00,000/- by the concerned Government agency.

The Court fails to understand as to what is so special about these numbers that a Government vehicle can not do without it, be it a Government vehicle belonging to any Department, or any functionary. If the intent behind issuance of the notification is that the exchequer of the Government should be enriched in the event of an owner of motor vehicle intending to have a number of his choice, then this Court is of the considered view that this doctrine of election cannot be exercised by the Government on the same analogy as any other private individual. In other words, the Government cannot have number of choice on the Government vehicles at the cost of tax payer's money. However, before any further observation is made on this issue by the Court, learned Additional Additional Advocate General is directed to



file an affidavit of Chief Secretary, to the Government of Himachal Pradesh, as to what is so sacrosanct about serial No.0001 to 0010 that a Government vehicle cannot do without these numbers and further, how does the Government justify allotment of these numbers to a Government vehicle against payment of money which money obviously is of tax payer.

As prayed for, list on **12.12.2022**.

(Ajay Mohan Goel)
Judge

November 16, 2022
(Rishi)

Hindal