

S. No. 227
Before Notice Causelist

IN THE HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

Case: CCP (D) 16/2021

Zahoor Ahmad Bhat

... Petitioner/Appellant(s)

Through: Mr. Faisal Qadiri, Advocate
Ms. Jasiya Ali, Advocate

V/s

Hirdesh Kumar and others

... Respondent(s)

Through: Mr. D. C. Raina, Advocate General, with
Mr. Hakeem Aman Ali, DAG

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
12.07.2021

The Division Bench judgment of this court dated 29.4.2021 passed in WP(C) No. 669/2021 connected with WP(C) No. 777/2021 *inter alia* provides as under:

- i) That a vehicle once registered in any state of India, shall not be required to be registered elsewhere in India;
- ii) However, a motor vehicle registered in one state and, if kept for a period exceeding 12 months in another state, shall apply to the Registering Authority of the new state for the assignment of the new registration mark; and
- iii) Where the life time tax has been levied and paid on a motor vehicle at the point of the registration of a vehicle, no further tax can be levied and demanded on the said vehicle, on it being removed from one state to another.

The argument of learned counsel for the petitioner is that despite the above judgment and order, the respondents are demanding 9% token tax

from the owners of the vehicles, who have applied for assignment of new registration mark in the UT of J&K even though their vehicles are duly registered outside J&K and have already paid life time tax on those vehicles.

Mr. Aman Ali, learned counsel appearing for the Transport Department has filed statement of facts. The same is taken on record. However, the said statement of facts falls short of indicating a provision under which the Transport Department can realize tax again on a motor vehicle on which a life time tax has already been paid in a different state.

In view of the aforesaid facts and circumstances, we direct for issuing notice to respondents 1, 2 and 3 in person, who may file their response within one month.

List on 24.8.2021.

(SANJAY DHAR)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

Srinagar
12-07-2021
N Ahmad

