

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 17362 OF 2023**

***Khimji Super Bikes LLP, Bhubaneswar .... Petitioner***

Mr. Janaki Kanta Mohapatra, Advocate  
on behalf of Mr. Biswajit Pasayat, Advocate

*-versus-*

***State of Odisha and others***

***.... Opp. Parties***

Mr. Pravakar Behera,  
Standing Counsel  
(For Transport Department)

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**21.07.2023**

**Order No.**

3. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Regional Transport Officer, Bhubaneswar-Opposite Party No.3 to implement the order dated 17<sup>th</sup> February, 2023 passed by this Court in W.P.(C) No.1267 of 2023 and further direct the R.T.O., Bhubaneswar to permit the Petitioner to sale and register the said vehicle in question in the name of the customer to whom the vehicle would be sold.
3. While disposing of W.P.(C) No.1267 of 2023, this Court directed as under:

*“5. Taking into consideration the submissions made by learned counsel for the parties, this writ petition is disposed of with a direction that registration process in respect of the vehicle (Z900 Motorcycle BS-IV) shall be cancelled forthwith by the R.T.O., Puri. Refund, if any, pursuant to such cancellation shall be subject to making an application to that effect to the R.T.O., Puri, which shall be considered in accordance with law.”*

In course of hearing of the said writ petition, learned counsel appearing for the Petitioner-Dealer prayed for

cancellation of registration process of the said vehicle. Accordingly, the direction as above was issued.

4. In the present case, the Petitioner prayed for a direction to the R.T.O., Bhubaneswar-Opposite Party No.3 to register the said vehicle after cancellation process by the R.T.O., Puri is over. Learned counsel for the Petitioner submits that he is ready and willing to deposit the entire tax of the said vehicle for registration with Opposite Party No.3. Hence, this present writ petition has been filed.

5. Mr. Behera, learned Standing Counsel for the Transport Department submits that the Petitioner has not yet complied with his part of obligation, as directed in order dated 17<sup>th</sup> February, 2023, whereby W.P.(C) No.1267 of 2023 was disposed of. The Petitioner has not yet filed Form-F under Rule 17 of the Odisha Motor Vehicles Taxation Rules, 1976. Thus, the process of cancellation could not be completed, as Form-F relates to refund of tax amount.

6. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that the Petitioner-Dealer cannot register the vehicle with any Regional Transport Officer of his choice. He has to act in accordance with law. Since the Petitioner has not yet complied with the direction made in W.P.(C) No.1267 of 2023, I am not inclined to entertain this writ petition.

7. Accordingly, the writ petition stands dismissed.

Urgent certified copy of this order be granted on proper application.

**(K.R. Mohapatra)**  
**Judge**