

10-03-2026
ct no. 10
Sl. 17
RP

WPA 2206 of 2026

Sisir Kumar Ghosh
-Versus-

State of West Bengal & Ors..

Mr. Barun Kr.Samanta

...for the petitioner

Mr. Sadhan Kr. Haldar,
Ms. Chandana Ghosh

...for the State.

1. The petitioner in the instant case challenges inter alia, the non-consideration of the prayer for renewal of permit upon passing an order of replacement of the vehicle in connection of permit bearing no. P.St.P. 110/09(I/R) dated 13.11.2024.
2. Apropos the facts of the case is that the petitioner is the holder of a permit bearing no. P.St.P. 110/09(I/R) in a route from Kolkata to Muchighat via Howrah Fire Service Station (Express Service) which remains valid till 27.08.2024.
3. Due to some family constraints specially his own illness and his brother's illness, he has not been able to make an application within the prescribed period of fifteen days from the date of expiry of the permit.
4. Subsequently an application has been made on 13.11.2024 with the prayer for entertaining the application for renewal of permit by condoning

the delay in filing the same beyond the statutory period as prescribed under the statute but the same remains pending for consideration.

5. In this context the petitioner places reliance upon Section 81 of (3) of the Motor vehicles Act, 1988 to demonstrate that there is no statutory bar to accept an application for the renewal of permit at a belated stage.
6. The petitioner draws the attention to Section 81 of Sub-Section 3 of the Motor Vehicles Rules which is reproduced below:-

“Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority as the case may be entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.”

7. The learned Counsel for the State/respondent does not object to the same and fairly submits that the said representation can be considered by the authority concerned within a stipulated period.
8. In view of the above, this Court is prima facie satisfied that sufficient cause has been meted out as per the averments made in paragraph 5 of the writ petition.
9. However, it is made clear that the authority concerned shall consider the application for renewal of permit on merits upon condoning the

delay in making the application at a belated stage.

10. Having heard the parties and upon perusing the records made available I am of the considered view that respondent no. 2 shall preferably within a period of 60 days in the light of Section 81 sub-section (3) of Motor Vehicle Act, 1988 shall pass a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner and other stake holders, if any and communicate such decision within a week thereafter.
11. It is further made clear that if the respondent no. 2 arrives at a finding that the renewal of the permit is permissible under law, in that event the authority concerned shall forthwith renew the permit by allowing the replacement of the vehicle in question as per Schedule E-3 of the Motor Vehicles Rules, 1989.
12. The writ petition being WPA 2206 of 2026 is disposed of without going into the merits of the case.

(Smita Das De, J.)