

ENQUIRY REPORT

1. CWP (PIL) No. 154 of 2021 as well as the COCP No. 1915 of 2021 was filed in the Hon'ble Punjab & Haryana High Court, Chandigarh, alleging unauthorised registration of BS-IV vehicles. These allegations need to be gone into and thereby, the committee was constituted under the orders of the Worthy State Transport Commissioner, Punjab, vide endorsement No. STC-P(P-2)/24559-61 dated: 30/09/2021.
2. The Ministry of Road Transport & Highways, Union of India, vide notification GSR 889 (E) dated: 16/09/2016 had amended the Centre Motor Vehicle Rules, 1989, after having called the objections by the publication of the draft rules and by the powers conferred by section 110 of the Motor Vehicle Act, 1988 (59 of 1988) the central government amended and brought into effect the Centre Motor Vehicle (11th Amendment) Rules, 2016. It came into force from the date of its publication in the official Gazette i.e. 16th September, 2016.
3. The amendment of Rule 115 in CMVR was brought into effect that the vehicles to be manufactured thereupon after to be Bharat Stage-VI. The amendment : -

In the Central Motor Vehicles Rules, 1989, in Rule 115,-

(A) In sub-rule (2),-

(a) in clause (i), in the proviso, for the entry "Bharat Stage-IV", wherever it occurs, the entry "Bharat Stage IV or Bharat Stage VI" shall, respectively, be substituted;

(b) in clause (ii), in the Table, for the entry "Bharat Stage-IV", wherever it occurs, the entry "Bharat Stage IV or Bharat Stage VI" shall, respectively, be substituted;

(B) In sub-rule (7), in the proviso, for the entry "Bharat Stage-IV", the entry "Bharat Stage IV or Bharat Stage VI" shall be substituted;

(C) After sub-rule (17), the following sub-rules shall be inserted, namely,-

“(18) (i) The Emission Standards for Bharat Stage VI (BS-VI).....

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4. The central government by notification No. GSR 178 (E) dated: 20/02/2018 further amended the Central Motor Vehicle Rules, 1989 in the following manner: –

(1) These rules may be called the Central Motor Vehicles (First Amendment) Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Motor Vehicle Rules, 1989, in rule 115, after sub-rule (20), the following sub-rule shall be inserted, namely: -

“(21) New motor vehicles conforming to Emission Standard Bharat Stage-IV, manufactured before the 1st April, 2020 shall not be registered after the 30th June, 2020:

Provided that the new Motor Vehicles of categories M & N conforming to Emission Standard Bharat Stage-IV, manufactured before the 1st April, 2020 and sold in the form of drive away chassis, shall not be registered after the 30th September, 2020.”.

5. The Hon’ble Supreme Court of India has been examining the issues of public importance, also as regards the rise of pollution during the past 3 decades in the pending Writ Petitions (Civil) No. 13029 of 1985, titled as ‘MC Mehta Vs. Union of India & others’.

6. The issue related to the above notified amendments, carried out in the Centre Motor Vehicle Rules, related to the Vehicular pollution. The Hon’ble Supreme Court passed the judgement dated: 24/10/2018 in the following terms: –

“Therefore, in the exercise of the power vested in this court under Article 142 of the Constitution, we read down sub-rule 21 of the Rule 115 and direct the sub-rule of Rule 115

shall be interpreted and understood to read that no motor vehicle conforming to the emission standard Bharat Stage-IV shall be sold or registered in the entire country w.e.f. 01/04/2020."

7. That the office of the State Transport Commissioner, Punjab, had written to the registering authorities regarding the above judgment by its letter No. STC - P (P - 2)/4550 - 62 dated: 27/02/2020. The letter is subjected as follows:

1. All the Secretary, Regional Transport Authorities (State of Punjab),
2. All Sub-Divisional Magistrates - cum - Registering & Licensing Authorities (Motor Vehicles) (State of Punjab);
3. National Informatics Centre, Punjab Civil Secretariat, Chandigarh.

Letter No. STC - P (P - 2)/4550 - 62 dated: 27/02/2020.

Subject: Registration of only BS-VI vehicle is from 1st April, 2020.

Ref (i) Judgement dated: 24/10/2018 passed by the Hon'ble Supreme Court in WP © No. 13029 of 1985 filed by MC Mehta vs Union of India and others (copy enclosed).

(ii) Letter No. RT - 11036/16/2018 - MVL, dated: 04/02/2020 issued by the government of India, Ministry of Road Transport & Highways, New Delhi (MVL section) (copy enclosed).

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You are therefore, directed to ensure to implement aforesaid judgement passed by the Hon'ble Supreme Court as above that no motor vehicle conforming to the emission standard Bharat - IV shall be sold or registered in the State of Punjab with effect from 01/04/2020. You are also

directed to intimate the Motor Vehicle Dealers under your jurisdiction for implementing the aforesaid judgement passed by the Hon'ble Supreme Court of India.

Endorsement STC - P (P - 2)/4663 dated: 27/02/2020.

Sd/- State Transport Commissioner, Punjab.

8. The registering authorities and the Automobile Dealers under their respective jurisdiction within the state at the District/Sub-Divisional level were informed accordingly, regarding the order having been passed by the Hon'ble Supreme Court. The last date fixed as 31/03/2020 whereupon which, thereafter, no vehicle conforming to Bharat Stage -IV would be permitted to be sold or registered.
9. The office of the STC, Punjab, continued to inform the authorities at the District/Sub-Division level regarding the manner in which the registration of the BS-IV vehicles would be carried out. Vide letter No. STC - P (P - 2)/5231 - 5331 dated: 04/03/2020, which was in continuation of the earlier letter memo No. 4550 - 650 dated: 27/02/2020. The communication provided that all the files regarding the registration of BS -IV vehicles shall be submitted by dated: 25/03/2020 so that the process of registration was finalised by dated: 31/03/2020. It was also ordered that the offices of the registering authority would remain open on 21/03/2020 (Saturday) as regular working day so that the public may not face any difficulty as the last date for registration of BS -IV vehicles was approaching fast. The public was also ordered to be informed through the pasting of the notices on the notice board of the offices of the RTA/SDM and there was no miscommunication. It was also ordered that all those files

which would be submitted by dated: 25/03/2020 would be possessed by dated: 28/03/2020.

10. The office of the State Transport Commissioner, Punjab, had also given wide publicity to the above by advertising the notice with regard to the fact that the last date for submission of the files for registration of BS -IV was known to the public and that the offices of the registering authority's would remain open on that Saturday.
11. Due to the prevalence of Covid-19 pandemic and its spread, Coronavirus was declared as a pandemic by the World Health Organization on dated: 11/03/2020. The central government assumed powers under the Disaster Management Act, 2004. So as to save the general public from exposure to the virus, lockdown/curfew was imposed. All public services and business activities were ordered to be closed from 25/03/2020.
12. In view of the lockdown/curfew w.e.f. 25/03/2020, and the last date for the sale and registration of BS-IV emission norm vehicles fixed under the judgment dated: 24/10/2018, fixing the last date of 31/03/2020 for sale & registration of BS-IV vehicles, the Hon'ble court being seized of this issue passed the following direction: -

"It is stated by Mr. VK Visvanathan, Ld. Senior Counsel appearing on behalf of the applicant/Federation of Automobile Dealers Association that 1,05,002 wheelers, 2250 passenger cars and 2000 commercial vehicles are there which have been sold out but not registered throughout India. Unsold vehicles are stated to be 7,00,000 two-wheelers, 15,000 passenger cars and 12,000 commercial vehicles.

With the consent of Mr. ANS Nadkarni, Ld. Additional Solicitor General and Mr. KV Visvanathan, Ld.

Senior Counsel, it is ordered that the sold vehicle to be registered by the concerned authorities by 30/04/2020. However, at the same time we direct the applicant to furnish detail of the purchasers, an affidavit of the aforesaid vehicles through email, within 7 days from today. Details of the registration shall also be furnished to this court."

13. The Union Government is a party of the above writ and was conscious of the orders and was addressing and informing the state authorities and by letter dated: 20/04/2020 from the Ministry of Road Transport & Highways, New Delhi, wrote a letter subjected as follows: –

No. RT - 11036/16/2018 - MVL

GOVERNMENT OF INDIA

Ministry of Road Transport & Highways

(MVL SECTION)

Transport Bhawan, 1, Parliament Street, New Delhi, 110001.

Dated the, 20th April, 2020

To,

The Principal Secretary/the Secretary/Department of Transport,

The Commissioners of all the States & Union Territories.

Subject: Compliance to the Hon'ble Supreme Court orders in regard to the registration of BS-IV vehicles.

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14. The office of the State Transport Commissioner, Punjab at Chandigarh, upon receiving the above communication from MoRTH, vide letter No. STC – P (P-2)/8306-8405 dated: 22/04/2020, which was in continuation of the earlier letters/memos, No. 4550 – 62 dated: 27/02/2020 and No. 7758–59 dated: 30/03/2020, it was written down to the registering authorities in Punjab dealing with the registration of the vehicles, in view of the order dated: 27/03/2020 as passed in IA No. 45883/2020, 45192/2020 and 45912/2020 by the Hon'ble

Supreme Court of India, only those BS –IV vehicles sold, which were yet to be registered by the authorities, be registered by 30/04/2020.

Detailed information of

- i. the BS –IV vehicles sold, but not yet to be registered;
- ii. unsold BS –IV vehicles;

were sought from the Chief Executive Officer, Federation of Automobile Dealers Association, New Delhi vide the letter No. STC–P (P-2)/7976 dated: 01/04/2020. No information was received from the Federation of Automobile Dealers Association, New Delhi.

Thereby, for compliance of the orders passed by the Hon'ble Court, it was directed to the RTA/SDMs that they obtain the information from the Motor Vehicle Dealers under their jurisdiction as a undertaking-cum-declaration.

The detail report regarding the registration of the above referred vehicles by mentioning the dealer, owner details, type of vehicle, Engine No., Chassis No., date of sale and registration mark assigned was to be sent by 1st of May, 2020, through email to the office of the STC in PDF and Excel Sheet form.

15. The MC Mehta writ petition again came up for hearing before the Hon'ble Supreme Court of India and on dated: 13/08/2020, the following order was passed: –

Considered the rival arguments. The lockdown was imposed from 25.03.2020. The sales data has been furnished for the lockdown period by FADA and Non-FADA Members for the period with effect from 15.03.2020. There are unusually a large number of transactions, which had taken place during the lockdown period *inter se* dealers, which cannot be recognised for the purpose of actual sales and registration.

We disallow the registration on the basis of such kind of transactions *inter se* dealers. As they are not sales to the customers and registration of these kinds of vehicles cannot be allowed, there is a ploy to misuse of the order and such vehicles cannot be permitted to be sold in market now. They are not genuine transactions of the sale to the customers. Hence, no registration of such kind of vehicles shall be made, which were sold *inter se* dealers during the lockdown period.

Apart from that, there are large number of vehicles, sales of which were not uploaded on E-Vaahan Portal. Since, sales were not uploaded, as required, the transactions cannot be recognised as genuine sales. The order passed by this Court on 24.10.2018 is clear that sale and registration of BS-IV vehicles shall not be allowed after 31.03.2020. We cannot allow the registration of such vehicles, sales of which were not uploaded on E-Vaahan Portal of the Central Government or the portal of the concerned State Government.

There are still stated to be a large number of sales which have been made and uploaded on the E-Vaahan Portal, even temporary registrations were made. Their registration during the lockdown period could not be made. Hence, we allow registration of such vehicles only which could not be registered during lockdown in the month of March, 2020 and for no other reason. However, the position of Delhi and NCR is different.

We clarify our order dated 27.03.2020 to the effect that no registration of BS-IV vehicles is to be made in Delhi and NCR as people are suffering from severe air pollution and the order passed by this Court in 2018 was clear. No vehicle of BS-IV in Delhi and NCR to be registered. We order that in the Delhi and NCR, no registration of the vehicles of BS-IV is to be made after 31.03.2020.

This order is for the rest of the country and only due to lockdown, not to be used for any other purpose/reason and for registration of other vehicles of which registration was not done for any other reason.

16. MoRTH by letter dated: 19/08/2020, had communicated the decision of the Hon'ble Supreme Court to the State Transport Commissioner, Punjab at Chandigarh, vide letter No. STC - P (P - 2)/20784 - 885 dated: 31/08/2020. The office of STC, Punjab, ordered and instructed

the registering authorities in the state for the strict compliance of the orders with regard to registration of BS -IV vehicles and that the registering authority shall be personally responsible for any non-compliance.

This letter dated: 31/08/2020 was also communicated to the State Head Punjab (NIC) so as to ensure the registering authorities are provided the necessary assistance in the VAHAN web application to enable registration of the BS-IV vehicle/s.

17. The office of the STC, Punjab, had from time to time communicated the orders passed in the above writ petition re: BS-IV vehicle sale & registration and also issued the necessary instructions, orders and directions as to the manner in which the registration of the BS -IV vehicles was to be carried out and repeated emails were also written down to the NIC, who manages the Vahan portal. These emails and issues arising thereupon are dealt in the VAHAN part of this report.

18. CWP (PIL) No. 154 of 2021 as well as the COCP No. 1915 of 2021 was filed in the Hon'ble Punjab & Haryana High Court, Chandigarh, alleging unauthorised registration of BS-IV vehicles. The documents appended with the writ petition and contents therein alleging registration of BS-IV vehicles after the last date, a decision was taken and vide endorsement No. STC - P (P-2)/24559 - 61 dated: 30/09/2021, the committee of 4 officers was formed in the following manner: -

A petition has been filed in the Hon'ble Punjab and Haryana High Court vide PIL No. 154 of 2021 along with contempt petition No. 1915 of 2021 regarding unauthorised registration of BS -IV vehicles.

A committee is hereby constituted to scrutinise the registration of BS -IV vehicles with effect from 01/04/2020 in order

to ascertain if any BS - IV vehicles have been registered in violation of the order of the Hon'ble Supreme Court passed in CWP (Civil) 13029 of 1985 dated: 27/03/2020, 13/08/2020 and 18/09/2020 and instructions issued by the office of the State Transport Commissioner vide letter No. STC P (P-2)/4550 - 62 dated: 27/02/2020, STC P (P - 2)/5332 - 56 dated: 04/03/2020, STC P (P-2)/20784 - 885 dated: 31/05/2020 and STC P (P-2)/23104-23204 dated: 10/09/2021.

In case of any violation is detected then the committee shall also fix the responsibility of the officials responsible for the same. The committee will also examine if there are any shortcomings, lack of safeguards which were required to be put in place by the NIC in VAHAN application in context of the letter issued by the government of India vide letter No. RT - 11036/16/2018 - MVI dated: 20/04/2020 letter No. RT - 11036/16/2018 - MVI dated: 06/03/2020 and RT - 11021/47/2014 - MVL dated: 19/08/2020 and letter issued by the office of the State Transport Commissioner bearing No. STC - P (P - 2)/4550 - 62 dated: 27/02/2020 and STC P (P - 2)/02/03/2004 - 23204 dated: 10/09/2021.

The committee shall comprise of the following and will submit its report within 6 weeks, positively: -

- i. Additional State Transport Commissioner, Punjab;
- ii. Sh. Ajay Rampal, Deputy Director-General and State Informatics Officer, NIC, Punjab
- iii. Deputy Controller (F & A) Head Office.
- iv. Secretary, Regional Transport Authority, Gurdaspur.

Sd/- State Transport Commissioner, Pb.

Endst. No. STC - P (P-2)/24559 - 61 dated: 30/09/2021.

19. The aspect of manner of registration of vehicles under the Motor Vehicle Act, 1988, the issuance of orders, communications, directions and instructions, specifically re: BS-IV, and in case of any violation, the manner in which such registration certificates, could be dealt with are relevant to the enquiry. These provisions are as follows: -

LAW RELATED TO REGISTRATION OF VEHICLES

20. The provisions for obtaining the registration mark, suspension and cancellation under The Motor Vehicle Act, 1988, the following provisions are relevant: —

CHAPTER IV

REGISTRATION OF MOTOR VEHICLES

39. Necessity for registration.—No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner:

Corresponding Law: S. 22(1) of Act IV of 1939

Provided that nothing in this section shall apply to a motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government.

40. Registration, where to be made.—Subject to the provisions of Section 42, Section 43 and Section 60, every owner of a motor vehicle shall cause the vehicle to be registered by ⁶²[any registering authority in the State] in whose jurisdiction he has the residence or place of business where the vehicle is normally kept.

41. Registration, how to be made.—(1) An application by or on behalf of the owner of a motor vehicle for registration shall be in such form and shall be accompanied by such documents, particulars and information and shall be made within such period as may be prescribed by the Central Government:

Provided that where a motor vehicle is jointly owned by more persons than one, the application shall be made by one of them on behalf of all the owners and such applicant shall be deemed to be the owner of the motor vehicle for the purposes of this Act:

²⁰[Provided further that in the case of a new motor vehicle, the application for registration in the State shall be made by the dealer of such motor vehicle, if the new motor vehicle is being registered in the same State in which the dealer is situated.]

(2) An application referred to in sub-section (1) shall be accompanied by such fee as may be prescribed by the Central Government.

(3) The registering authority shall issue ²¹[a certificate of registration in the name of the owner] in such form and containing such particulars and information and in such manner as may be prescribed by the Central Government.

(4) In addition to the other particulars required to be included in the certificate of registration, it shall also specify the type of the motor vehicle, being a type as the Central Government may, having regard to the design, construction and use of the motor vehicle, by notification in the Official Gazette, specify.

(5) The registering authority shall enter the particulars of the certificate referred to in sub-section (3) in a register to be maintained

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in such form and manner as may be prescribed by the Central Government.

(6) The registering authority shall assign to the vehicle, for display thereon, a distinguishing mark (in this Act referred to as the registration mark) consisting of one of the groups of such of those letters and followed by such letters and figures as are allotted to the State by the Central Government from time to time by notification in the Official Gazette, and displayed and shown on the motor vehicle in such form and in such manner as may be prescribed by the Central Government:

²²[Provided that in case of a new motor vehicle, the application for the registration of which is made under the second proviso to sub-section (1), such motor vehicle shall not be delivered to the owner until such registration mark is displayed on the motor vehicle in such form and manner as may be prescribed by the Central Government.]

(7) A certificate of registration issued under sub-section (3), whether before or after the commencement of this Act, in respect of a motor vehicle, ²³[* * *], shall, subject to the provisions contained in this Act, be valid only for a period of fifteen years from the date of issue of such certificate ²⁴[or for such period as may be prescribed by the Central Government] and shall be renewable.

(8) An application by or on behalf of the owner of a motor vehicle, ²⁵[* * *], for the renewal of a certificate of registration shall be made within such period and in such form, containing such particulars and information as may be prescribed by the Central Government.

(9) An application referred to in sub-section (8) shall be accompanied by such fee as may be prescribed by the Central Government.

(10) Subject to the provisions of Section 56, the registering authority may, on receipt of an application under sub-section (8), renew the certificate of registration ²⁶[for such period, as may be prescribed by the Central Government] and intimate the fact to the original registering authority, if it is not the original registering authority.

²⁷[Provided that the Central Government may prescribe different period of renewal for different types of motor vehicles.]

(11) ²⁸[* * *]

(12) ²⁹[* * *]

(13) ³⁰[* * *]

(14) An application for the issue of a duplicate certificate of registration shall be made to the [Last]³¹ registering authority in such form, containing such particulars and information along with such fee as may be prescribed by the Central Government.

42. Special provision for registration of motor vehicles of diplomatic officers etc.—(1) Where an application for registration of a motor vehicle is made under sub-section (1) of Section 41 by or on behalf of any diplomatic officer or consular officer, then, notwithstanding anything contained in sub-section (3) or sub-section (6) of that section, the registering authority shall register the vehicle in such manner and in accordance with such procedure as may be provided by rules made in this behalf by the Central Government under sub-section (3) and shall assign to the vehicle for display thereon a special registration mark in accordance with the provisions

contained in those rules and shall issue a certificate (hereafter in this section referred to as the certificate of registration) that the vehicle has been registered under this section; and any vehicle so registered shall not, so long as it remains the property of any diplomatic officer or consular officer, require to be registered otherwise under this Act.

(2) If any vehicle registered under this section ceases to be the property of any diplomatic officer or consular officer, the certificate of registration issued under this section shall also cease to be effective, and the provisions of Sections 39 and 40 shall thereupon apply.

(3) The Central Government may make rules for the registration of motor vehicles belonging to diplomatic officers and consular officers regarding the procedure to be followed by the registering authority for registering such vehicles, the form in which the certificates of registration of such vehicles are to be issued, the manner in which such certificates of registration are to be sent to the owners of the vehicles and the special registration marks to be assigned to such vehicles.

(4) For the purposes of this section, "diplomatic officer" or "consular officer" means any person who is recognised as such by the Central Government and if any question arises as to whether a person is or is not such an officer, the decision of the Central Government thereon shall be final.

⁸²**[43. Temporary registration.**—Notwithstanding anything contained in Section 40, the owner of a motor vehicle may apply to any registering authority or other authority as may be prescribed by the State Government to have the motor vehicle temporarily registered and such authority shall issue a temporary certificate of registration and temporary registration mark in accordance with such rules as may be made by the Central Government:

Provided that the State Government may register a motor vehicle that plies, temporarily, within the State and issue a certificate of registration and registration mark for a period of one month in such manner as may be prescribed by the State Government.]

[44. Production of vehicle at the time of registration.—(1) Subject to such terms and conditions as may be prescribed by the Central Government in this behalf, a motor vehicle sold by an authorised dealer shall not require production before a registering authority for the purposes of registration for the first time.

(2) Subject to such terms and conditions as may be prescribed by the State Government, a person in whose name a certificate of registration has been issued shall not be required to produce the vehicle registered or transferred before a registering authority.]

45. Refusal of registration or renewal of the certificate of registration.—The registering authority may, by order, refuse to register any motor vehicle, or renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle), if in either case, the registering authority has reason to believe that it is a stolen motor vehicle or the vehicle is mechanically defective or fails to comply with the requirements of this Act or of the rules made thereunder, or if the applicant fails to furnish particulars of any previous registration of the vehicle or furnishes inaccurate particulars in the application for registration of the vehicle or, as the case may be, for renewal of the certificate of registration thereof and the registering authority shall furnish the applicant whose vehicle is refused registration, or whose application for renewal of the

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certificate of registration is refused, a copy of such order, together with the reasons for such refusal.

46. Effectiveness in India of registration.—Subject to the provisions of Section 47, a motor vehicle registered in accordance with this Chapter in any State shall not require to be registered elsewhere in India and a certificate of registration issued or in force under this Act in respect of such vehicle shall be effective throughout India.

47. Assignment of new registration mark on removal to another State.—(1) When a motor vehicle registered in one State has been kept in another State, for a period exceeding twelve months, the owner of the vehicle shall, within such period and in such form containing such particulars as may be prescribed by the Central Government, apply to the registering authority, within whose jurisdiction the vehicle then is, for the assignment of a new registration mark and shall present the certificate of registration to that registering authority:

Provided that an application under this sub-section shall be accompanied—

- (i) by the no objection certificate obtained under Section 48, or
- (ii) in a case where no such certificate has been obtained, by—
 - (a) the receipt obtained under sub-section (2) of Section 48; or
 - (b) the postal acknowledgement received by the owner of the vehicle if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in Section 48,

together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted:

Provided further that, in a case where a motor vehicle is held under a hire-purchase, lease or hypothecation agreement, an application under this sub-section shall be accompanied by a no objection certificate from the person with whom such agreement has been entered into, and the provisions of Section 51, so far as may be, regarding obtaining of such certificate from the person with whom such agreement has been entered into, shall apply.

(2) The registering authority, to which application is made under sub-section (1), shall after making such verification, as it thinks fit, of the returns, if any, received under Section 62, assign the vehicle a registration mark as specified in sub-section (6) of Section 41 to be displayed and shown thereafter on the vehicle and shall enter the mark upon the certificate of registration before returning it to the applicant and shall, in communication with registering authority by whom the vehicle was previously registered, arrange for the transfer of the registration of the vehicle from the records of that registering authority to its own records.

(3) Where a motor vehicle is held under a hire-purchase or lease or hypothecation agreement, the registering authority shall, after assigning the vehicle a registration mark under sub-section (2), inform the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the hire-purchase or lease or hypothecation agreement

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(by sending to such person a notice by registered post acknowledgement due at the address of such person entered in the certificate of registration the fact of assignment of the said registration mark).

(4) A State Government may make rules under Section 65 requiring the owner of a motor vehicle not registered within the State, which is brought into or is for the time being in the State, to furnish to the prescribed authority in the State such information with respect to the motor vehicle and its registration as may be prescribed.

(5) If the owner fails to make an application under sub-section (1) within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under Section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (7):

Provided that action under Section 177 shall be taken against the owner where the owner fails to pay the said amount.

(6) Where the owner has paid the amount under sub-section (5), no action shall be taken against him under Section 177.

(7) For the purposes of sub-section (5), the State Government may prescribe different amounts having regard to the period of delay on the part of the owner in making an application under sub-section (1).

48. No objection certificate.—(1) The owner of a motor vehicle when applying for the assignment of a new registration mark under sub-section (1) of Section 47, or where the transfer of a motor vehicle is to be effected in a State other than the State of its registration, the transferor of such vehicle when reporting the transfer under sub-section (1) of Section 50, shall make an application in such form and in such manner as may be prescribed by the Central Government to the registering authority by which the vehicle was registered for the issue of a certificate (hereafter in this section referred to as the no objection certificate), to the effect that the registering authority has no objection for assigning a new registration mark to the vehicle or, as the case may be, for entering the particulars of the transfer of ownership in the certificate of registration.

(2) The registering authority shall, on receipt of an application under sub-section (1), issue a receipt in such form as may be prescribed by the Central Government.

(3) On receipt of an application under sub-section (1), the registering authority may, after making such inquiry and requiring the applicant to comply with such directions as it deems fit and within thirty days of the receipt thereof, by order in writing, communicate to the applicant that it has granted or refused to grant the no objection certificate:

Provided that a registering authority shall not refuse to grant the no objection certificate unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(4) Where within a period of thirty days referred to in sub-section (3), the registering authority does not refuse to grant the no objection certificate or does not communicate the refusal to the applicant, the registering authority shall be deemed to have granted the no objection certificate.

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(5) Before granting or refusing to grant the no objection certificate, the registering authority shall obtain a report in writing from the police that no case relating to the theft of the motor vehicle concerned has been reported or is pending, verify whether all the amounts due to Government including road tax in respect of that motor vehicle have been paid and take into account such other factors as may be prescribed by the Central Government.

⁸⁴[(6) The owner of the vehicle shall also inform at the earliest, in writing, the registering authority about the theft of his vehicle together with the name of the police station where the theft report was lodged, and the registering authority shall take into account such report while disposing of any application for no objection certification, registration, transfer of ownership or issue of duplicate registration certificate.]

50. Transfer of ownership.—(1) Where the ownership of any motor vehicle registered under this Chapter is transferred,—

(a) the transferor shall,—

(i) in the case of a vehicle registered within the same State, within fourteen days of the transfer, report the fact of transfer, in such form with such documents and in such manner, as may be prescribed by the Central Government to the registering authority within whose jurisdiction the transfer is to be effected and shall simultaneously send a copy of the said report to the transferee; and

(ii) in the case of a vehicle registered outside the State, within forty-five days of the transfer, forward to the registering authority referred to in sub-clause (i)—

(A) the no objection certificate obtained under Section 48; or

(B) in a case where no such certificate has been obtained,—

(I) the receipt obtained under sub-section (2) of Section 48; or

(II) the postal acknowledgement received by the transferor if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in Section 48,

together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted;

(b) the transferee shall, within thirty days of the transfer, report the transfer to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward the certificate of registration to that registering authority together with the prescribed fee and a copy of the report received by him from the transferor in order that particulars of the transfer of ownership may be entered in the certificate of registration.

(2) Where—

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(a) the person in whose name a motor vehicle stands registered dies, or

(b) a motor vehicle has been purchased or acquired at a public auction conducted by, or on behalf of Government,

the person succeeding to the possession of the vehicle or, as the case may be, who has purchased or acquired the motor vehicle, shall make an application for the purpose of transferring the ownership of the vehicle in his name, to the registering authority in whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, in such manner, accompanied with such fee, and within such period as may be prescribed by the Central Government.

(3) If the transferor or the transferee fails to report to the registering authority the fact of transfer within the period specified in clause (a) or clause (b) of sub-section (1), as the case may be, or if the person who is required to make an application under sub-section (2) (hereafter in this section referred to as the other person) fails to make such application within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the transferor or the transferee, or the other person, as the case may be, to pay, in lieu of any action that may be taken against him under Section 177 such amount not exceeding one hundred rupees as may be prescribed under sub-section (5):

Provided that action under Section 177 shall be taken against the transferor or the transferee or the other person, as the case may be, where he fails to pay the said amount.

(4) Where a person has paid the amount under sub-section (3), no action shall be taken against him under Section 177.

(5) For the purposes of sub-section (3), a State Government may prescribe different amounts having regard to the period of delay on the part of the transferor or the transferee in reporting the fact of transfer of ownership of the motor vehicle or of the other person in making the application under sub-section (2).

(6) On receipt of a report under sub-section (1), or an application under sub-section (2), the registering authority may cause the transfer of ownership to be entered in the certificate of registration.

(7) A registering authority making any such entry shall communicate the transfer of ownership to the transferor and to the original registering authority, if it is not the original registering authority.

53. Suspension of registration.—(1) If any registering authority or other prescribed authority has reason to believe that any motor vehicle within its jurisdiction—

(a) is in such a condition that its use in a public place would constitute a danger to the public, or that it fails to comply with the requirements of this Act or of the rules made thereunder, or

(b) has been, or is being, used for hire or reward without a valid permit for being used as such,

the authority may, after giving the owner an opportunity of making any representation he may wish to make (by sending to the owner a notice by registered post acknowledgment due at his address entered in the certificate of registration), for reasons to be recorded in writing, suspend the certificate of registration of the vehicle—

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- (i) in any case falling under clause (a), until the defects are rectified to its satisfaction; and
- (ii) in any case falling under clause (b), for a period not exceeding four months.

(2) An authority other than a registering authority shall, when making a suspension order under sub-section (1), intimate in writing the fact of such suspension and the reasons therefor to the registering authority within whose jurisdiction the vehicle is at the time of the suspension.

(3) Where the registration of a motor vehicle has been suspended under sub-section (1) for a continuous period of not less than one month, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension.

(4) The owner of a motor vehicle shall, on the demand of a registering authority or other prescribed authority which has suspended the certificate of registration of the vehicle under this section, surrender the certificate of registration.

(5) A certificate of registration surrendered under sub-section (4) shall be returned to the owner when the order suspending registration has been rescinded and not before.

54. Cancellation of registration suspended under Section 53.—Where the suspension of registration of a vehicle under Section 53 has continued without interruption for a period not less than six months, the registering authority within whose jurisdiction the vehicle was when the registration was suspended, may, if it is the original registering authority, cancel the registration, and if it is not the original registering authority, shall forward the certificate of registration to that authority which may cancel the registration.

55. Cancellation of registration.—(1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, within fourteen days or as soon as may be, report the fact to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward to that authority the certificate of registration of the vehicle.

(2) The registering authority shall, if it is the original registering authority, cancel the registration and the certificate of registration, or, if it is not, shall forward the report and the certificate of registration to the original registering authority and that authority shall cancel the registration.

(3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as the State Government may by order appoint and, if, upon such examination and after giving the owner an opportunity to make any representation he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), it is satisfied that the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may cancel the registration.

(4) If a registering authority is satisfied that a motor vehicle has been permanently removed out of India, the registering authority shall cancel the registration.

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(5) If a registering authority is satisfied that the registration of a motor vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular, or the engine number or the chassis number embossed thereon are different from such number entered in the certificate of registration, the registering authority shall after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), and for reasons to be recorded in writing, cancel the registration.

¹⁰¹[(5-A) If any registering authority or other prescribed authority has reason to believe that any motor vehicle within its jurisdiction has been used in the commission of an offence punishable under Section 199-A, the authority may, after giving the owner an opportunity of making a representation in writing, cancel the certificate of registration of the vehicle for a period of one year:

Provided that the owner of the motor vehicle may apply for fresh registration in accordance with the provisions of Section 40 and Section 41.]

(6) A registering authority cancelling the registration of a motor vehicle under Section 54 or under this section shall communicate such fact in writing to the owner of the vehicle, and the owner of the vehicle shall forthwith surrender to that authority the certificate of registration of the vehicle.

(7) A registering authority making an order of cancellation under Section 54 or under this section shall, if it is the original registering authority, cancel the certificate of registration and the entry relating to the vehicle in its records, and, if it is not the original registering authority, forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

(8) The expression "original registering authority" in this section and in Sections 41, 49, 50, 51, 52, 53 and 54 means the registering authority in whose records the registration of the vehicle is recorded.

(9) In this section, "certificate of registration" includes a certificate of registration renewed under the provisions of this Act.

[62-B. National Register of Motor Vehicles.—(1) The Central Government shall maintain a National Register of Motor Vehicles in such form and manner as may be prescribed by it:

Provided that all State Registers of Motor Vehicles shall be subsumed under the National Register of Motor Vehicles by such date as may be notified in the Official Gazette by the Central Government.

(2) No certificate of registration issued, or renewed, under this Act shall be valid unless it has been issued a unique registration number under the National Register of Motor Vehicles.

(3) In order to maintain the National Register of Motor Vehicles, all State Governments and registering authorities under this Act shall transmit all information and data in the State Register of Motor Vehicles to the Central Government in such form and manner as may be prescribed by the Central Government.

(4) State Governments shall be able to access the National Register of Motor Vehicles and update records in accordance with the provisions of this Act and the rules made by the Central Government thereunder.]

[63. Maintenance of State Registers of Motor Vehicles.— Each State Government shall maintain in such form as may be prescribed by the Central Government a register to be known as the State Register of Motor Vehicles, in respect of the motor vehicles in that State, containing the particulars including—

- (a) registration numbers;
- (b) years of manufacture;
- (c) classes and types;
- (d) names and addresses of registered owners; and
- (e) such other particulars as may be prescribed by the Central Government.]

21. The documents for registration as Form No. 20, 21, 22, 22-A, Tax Invoice, Insurance Homologation and other such acts are carried out at the dealers end in view of the change in law. The notification dated: 17/11/2014 as issued by MoRTH as GSR 810 (E) provides as follows:

1. (1). These rules may be called the Central motor vehicle's (7th Amendment) rules, 2014.
(2). Save as otherwise specifically provided in these rules, they shall come into force on the date of their final publication in the official Gazette.
2. In the Central Motor Vehicle Rules, 1989 (herein after referred to as the principal rules) in Rule 47, after sub rule (2) the following sub rule shall be inserted, namely: -
“(3) On and from the 1st January, 2015, every vehicle manufacturer shall, in accordance with the Form 20, Form 22 and Form 22 - A, upload the vehicle details on the portal [https://www.vahan.nic. In/maker model/](https://www.vahan.nic.in/maker model/)”.
3. Rule 49 of the principal rules shall be numbered as sub rule 1 of rule 49 and sub rule 1 as shown No. 2, the following sub rule shall be inserted, namely: -
(2) Every registering authority shall after registration of the vehicle, including agriculture tractor, power triller and

construction equipment vehicle, upload the registration details of the vehicle on the portal [https://www.vahan.nic. In/maker model/](https://www.vahan.nic.in/makermodel/)"

Provided that such that entry processing through the portal for registration of motor vehicle shall be effective from the 1st January, 2015:

Provided further that the State government may continue to practice of existing registration procedure till the 1st October, 2015."

4. After rule 126-B of the principal rules, the following rule shall be inserted, namely: -

"126 C. On and from the date of final publication of this notification, the testing agencies specified in Rule 126 shall, in accordance with the procedure laid down by the central government, upload information regarding vehicle type approval on the portal <https://www.vahan.nic. In/maker model/>"

Provided that the test agencies shall also enter the legacy data of type approvals for the period from the 1st January, 2013 till the 7th November, 2014."

22. It is at the 'manufacturers end' (Original Equipment Manufacturer), that the data is to be uploaded in the VAHAN software of every vehicle manufactured, so that at the time of registration at the dealers end, the registration of the vehicle is carried out by uploading of the relevant documents, information and the payment of the taxes, after which the registering authority grants its due approval. Thereupon registration of the vehicle & the process is completed. The Registration Certificate is printed and sent by mail.

23. The manner & relevant law re: registration of the vehicle being the 1st part and now the 2nd part re: the High Security Number Plates (HSRP), which has a bearing on this enquiry.

HIGH SECURITY NUMBER PLATES (HSRP):

24. The Motor Vehicle (High Security Registration Plates) Order, 2018 was promulgated and as per the said provisions, since 2019 onwards, the vehicle manufacturer has to comply with the procedure for the providing the High Security Registration Plates from 01/04/2019.

It is now between the Original Vehicle Manufacturer (OVM) and the Motor Vehicle Dealer (MVD) to affix the registration mark on High Security Registration Plates at the dealership itself. The cost of the High Security Registration Plate and it is a fixture on the vehicle is included in the price of the new vehicle and no additional or itemised cost is payable.

25. Furthermore, the unique High Security Registration Plate is linked electronically to the vehicle after it's fixture on the vehicle on its first sale. The manufacturer of the motor vehicle is to exercise complete control over all the security features. The OVM is responsible for the use of any security feature on registration plate in the open market. The manufacturer of the motor vehicle is not authorised to sell incomplete plates or the security feature separately to anyone.

26. Thus, the control of the registering authority with that of the high security number plate vendor is no longer in existence as the same now stands placed in the hand of the vehicle manufacturer.

VAHAN 4.0

(The portal with 35 services related to vehicles as operated by the NIC for registration of the vehicles)

27. The 3rd issue which has the bearing as to why the vehicle is with BS-IV emission norms were permitted to be registered after dated:

31/03/2020. The VAHAN 4.0 portal is the service through which the registration of the vehicle, payment of the taxes and other such services related thereto are carried out. In view of the Constitution of the committee, the information as would be required so as to carry out the enquiry since the entire data with regard to the registration of the vehicles is now carried out in the VAHAN-4 Software/Portal, as handled by the National Informatics Centre through the State government, State Informatic Officer, Punjab.

28. The project In charge, NIC, Punjab, letter No. 16916 dated: 26/06/2019 are letter was written for business process re-engineering in VAHAN 4.0 web application. The contents of the letter are quoted herein below for the ready reference: –

To,
Incharge, NIC,
Punjab.

Letter No. 16916

Dated: 26/06/2019

This has reference to the meeting held on dated 05/06/2019 at the office of the undersigned. As per discussion in the meeting, an immediate action is required at your end on the below mentioned points: –

1. Dealer Point Registration Application:

- a. The data entry of a vehicle registered a dealer point should be minimal. The category of vehicle as new, colour, model, variant, technical details and sale price should be freeze in VAHAN 4.0. The dealer should be able to get all above mentioned details prefilled by entering Engine No. and Chassis No. of the vehicle.
- b. When a dealer select vehicle category as "Transport" while registering, the VAHAN 4.0 web services should not allow dealer to proceed further in the system, as he can only able to generate invoice for Transport Category.
- c. MIS report of dealer point: –
The MIS reports of dealer point should include detailed reports of SDN/district level. The reports about the registration, name, email ID, location, contact details should also be available in the MIS.

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2. Removal of payment collection option:

It has been observed that during transition phase of the Department service from Vahan 3.0 to Vahan 4.0 web services, in Vahan 4.0 (i.e. fancy No. receipt, taxes etc.) and Vahan 4.0 accept these in the application. The department is providing online payment gateway option for the fees, taxes, user charges etc. but during demonstration of application it was observed that there is a payment collection tab and application for accepting challan, receipts and cash & old receipts nos. This may allow tax pilferage on web application need to be disabled on immediate basis in the Vahan 4.0.

3. Mapping of address in Vahan 4.0

The web-based application of Sarathi at present is working via mapping of address with pin code, the same should be implemented in Vahan 4.0 (RC services) dealer point application.

4. Modification in Vahan 4.0: -

During demonstrations of RC process, the modification of all fields in Vahan 4.0 application where tax evasion is possible should be disabled or freeze. In case of non-transport vehicle, the class of the vehicle like to be left or for vehicle should be freeze/disabled. Whereas in case of transport vehicle's, the vehicle class i.e. MCV/LCV/HCV/etc. Laden/Unladen weight exceeding capacity etc. fields in the application where tax evasion is possible needs to be disabled or freeze.

5. The report on jumping registration marks allotted from other district/same district for the last 3 months.

6. The meeting in Vahan/Sarathi web application process improvement to be held on every Friday in a week, in which your presence is required.

In view of the above, it is requested to submit compliance report to the undersigned after incorporation of the above in the application.

State Transport Commissioner.

29. That another letter to the Technical Director, National Informatics Centre, Chandigarh, Punjab vide No. 1729 dated: 23/01/2021 was also written, requesting to freeze the column affecting tax collection of the vehicle in the Vahan 4.0 web application. The same is quoted herein below:-

To,

Via Email

The Technical Director
National Informatics Centre,
Chandigarh, Punjab.

No. 1729

Dated: 23-01-2021

Subject: Freeze Columns effecting tax calculation of a vehicle in Vahan 4.0 web application.

Please refer to subject cited above, the Vahan 4.0 & Sarathi web applications of MoRTH, Govt. of India (Designed, Developed & implemented & Supported by NIC) are being used at all Licensing & Registering Authorities of the Punjab for providing Driving License, Registration Certification, Fees & taxes related services.

It has been brought to the notice that there is neither any provision in the Vahan application nor any tool to generate alerts on the dashboard of the concerned Registering Authorities for any editing /modification done in the columns of the vehicle, which may effect the tax calculation i.e. vehicle category, class of vehicle, model, gross weight, laden weight etc. In this regard, the provision to edit /modify any vehicle details may be withdrawn immediately.

Sd/-

State Transport Commissioner, Punjab

30. At the time when the enquiry was being carried out, specific information was sought from the NIC, as this letter memo No. SPC/B-2/25755 - 57 dated: 13/10/2021 had been written to the State Informatics Officer, NIC, Punjab. The SIC, NIC is a member of this committee. The letter is provided herein under: -

To,

Sh. Ajay Rampal,
State Informatics Officer,
NIC, Punjab.

Letter No

dated:

Subject:

Regarding the registration of BSIV vehicles in Vahan 4.0.

Please refer to the subject captioned above and various communication is done in the past regarding the registration of BSIV vehicle is in compliance of the Hon'ble Supreme Court direction/instructions of MoRTH, Government of India.

- 1) With reference to the above, NIC shall bring all the instructions are received directly from MoRTH, Government of India and Apex Court regarding implementation of BSIV emission norms for vehicle registration.
- 2) The copy of the direction/notification of MoRTH, government of India where mandatory directions were issued to fetch the data of new vehicle from homologation Portal of OEM (vehicle manufacturer) managed by NIC.
- 3) The list of adequate safeguards taken by NIC in VAHAN 4.0 web application in order to implement Hon'ble Supreme Court directions in letter and spirit.
- 4) The instructions/emails received by NIC, Delhi and State NIC team regarding implementation of BS IV norms in VAHAN 4.0 web application from state government/MoRTH.
- 5) The information regarding any alerts/incorporated by NIC at state level in VAHAN 4.0 web application regarding BSIV registration.

It is requested to share the above-mentioned information with the undersigned on immediate basis.

Additional State Transport Commissioner, Punjab

Endorsement No. SPC/B-2/25755 - 57

dated: 13/10/2021.

31. That thereafter, for the collection of the relevant data so as to analysis and reach a conclusion regarding which the enquiry was being held, the following information from NIC was sought: -

To,

Sh. Ajay Rampal,
State Informatics Officer,
NIC, Punjab.

Letter No.26258

Dated: 19-10-2021

Subject: Regarding registration of BSIV Vehicles in VAHAN 4 0

Please refer to subject captioned above, a meeting of committee constituted for BSIV vehicles registered in VAHAN was held on 13-10-2021 at 4:15 PM, the following are

the observations of the Committee for which the information of BSIV vehicles is required for scrutiny f analysis,

- 1) All vehicles, with Manufacturing date prior to 01-04-2020 and have been registered w.e.f. 01-04-2020 and are BSIV.
- 2) All new vehicles with Manufacturing date prior to 01-04-2020 and have been registered w e f 01-04-2020 and are reflecting as BSVI.
- 3) All new vehicles details registered w.e.f. 01-04-2020 whose data has not been fetched from homologation portal of NIC.
- 4) All new vehicles details which have no information mentioned of dealer and are registered w.e.f. 01-04-2020.
- 5) All new vehicles details registered w.e.f. 01-04-2020 which have no information of vehicle emission norms.
- 6) In all the above information the details of the dealer and the authority which originally registered the vehicle for the first should be mentioned and present name of the authority also be provided, transferred
- 7) NIC shall provide the data with all details related to the vehicle in below mention format

Name of the Vehicle Original authority	Name of Present Authority	No of Dealer	Date of Manuf acturing XXX	Date of Sale	Date of Reflection of Sale in Vahan	Date of Tax Deposited	Date of Insurance	Engine No of Vehicle	Chassis No of Vehicle	Name of the Manu facturer	Model of the Vehicle	Name of Vehicle Owner
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It is requested to share the above mentioned information with the undersigned on immediate basis

Sd/-
Additional State Transport Commissioner, Punjab

32. That the committee continued to work since it was formed and had written the communications to the SIC, NIC as well as registering authorities (RTA/SDM) in the entire of Punjab so as to collate the necessary data as regards the registration of such vehicles of BS -IV after the cut-off date. Vide letter STC - P (P - 2) 30461 - 563 dated: 09/12/2021 the following information was sought: -

Subject: Verification of BSIV vehicle registration details.

Please refer to the subject cited above, in order to possess registration of BSIV vehicle/s in VAHAN 4.0 web application which are as per guidelines laid by Hon'ble Supreme Court of India by its order dated: 24/12/2018, 27/03/2020 and 13/08/2020 and sold prior to dated 31/03/2020 and reflected on VAHAN Portal before 31/03/2020 and not sold by the dealer through inter se sale, should be verified by the Licensing & Registering Authority in the format attached along with complete registration documents of the vehicle.

You are therefore requested to send the required information to this office in the prescribed format at the earliest for necessary action.

DA: Format of verification of BS for vehicle registration details.

33. That the committee had written numerous letters so as to receive the required information and vide letter dated: 17/06/2022, individual letters all the Sub-Divisional Magistrate – Cum – Licensing Authority and to the Secretary, Regional Transport Authorities were written.
34. That the committee had by then received the details of the vehicles which had been registered and the information regarding 1410 BSIV vehicles registered after 01/04/2020 by the 46 registering authorities had been received (out of 92 registering authorities) and from the NIC. The necessary information regarding each of the districts was separately collected at the head office level for each of the registering authority upon the information regarding those vehicles specific vehicle was sought by the letter No. P (P-2)/16310 – 16355 dated: 29/07/2022.
35. That there upon after some information was received and the information was tried to be collated and upon having further received such information regarding the illegal registration of the BSIV vehicles in the Vahan Portal, the entries regarding to 32 BS-IV vehicles, registered after 01/04/2020 by the 21 registering authorities

was received and the information was sought from those 21 registering authorities by a letter No. 3 (P-2)/17921 – 41 dated: 26/08/2022.

36. These entries were finally narrowed down to that of 1300 suspicious entries existing in the Vahan Portal regarding the registration of BS – IV vehicles, on the different parameters, including that of

- i. Registration after 01/04/2020,
- ii. Inter se dealers sale,
- iii. Tax paid prior to 31/03/2020,
- iv. The sale having been reflected in the Vahan Portal prior to 31/03/2020,
- v. Registration of vehicles where NOC had been given by the previous owner.
- vi. Sale of tractor/construction equipment etc.

37. The correspondence between the office of the STC and that of the NIC for the manner in which the orders of the Hon'ble Supreme Court, including the order passed on dated: 13/08/2020 as regards the registration of the BS-IV vehicles' details of which were available on the Vahan Portal would also provide some insight in the working of the NIC and that of their officials in the STC Office. The email starting from 31/08/2020 upon having received the advisory from MoRTH. The guidance given to the registering authority, Punjab by the office of the STC was not taken as a guidance/specific instruction for the NIC. In 1 of the emails dated: 01/09/2020, the NIC has refused to enable the registration process without reasonable restrictions and had provided 2 points which would provide the necessary restrictions in the system.

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38. The *inter se* emails between the software operators NIC, Technical Director, NIC, in the office of the STC, Punjab and the project head NIC are quoted herein below for ready reference: –

From: STC Punjab 04@gmail.com
To: Transportpunjab2016@gmail.com and Vahan.pb@nic.in
 (Vahan Support Tarminder Singh)
Sent: Monday, others 31, 2020 at 5:25 PM.

From: Vahan.pb@nic.in (Vahan Support Tarminder Singh)
To: Tarminder Singh <t.singh@nic.in>,
Sent: Tuesday, 01/09/2020 at 10 1 AM
Subject: forward:

Respected Sir,

Letter from STC office regarding BS – 4.

Regards
 Vahan Team.

From: Tarminder Singh
Subject: Forward Tuesday, dated: 01/09/2020 at 10:19 AM
To: STC Punjab 04;
Subject: forward:

Sir,

In view of this Hon'ble Supreme Court order dated: Aug 13, 2020 and subsequent advisory of MoRTH dated 19 Aug2020, the registration process of BSIV vehicles need to be opened up in VAHAN4 subject to compliance of the court instructions/restrictions.

We had submitted a number of queries to MoRTH for clarification in this matter. In the meantime, a number of states have sent request for opening up the process in Vahan4 to process the pending cases. So, in consultation with MoRTH, it is decided that the process related to BS – IV vehicle registration will be allowed in Vahan with the consent of the state and under the following conditions:

a) The BS – IV vehicle is already entered in Vahan4 having purchased it up to 31/03/2020 and for which taxes and fees have already been paid, will be opened up for verification, approval and subsequent processes by the concerned authorities.

b) The BS – IV vehicles for which temporary registration process has already been completed or will be completed as per point (a), will be allowed for permanent registration process.

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The registration authorities will verify and approved each case in compliance of the court instructions and system cannot ensure the same. However, if any state wants to put additional checks and restrictions, or want to provide more relaxation for other cases, same may be communicated in writing so necessary implementation in the system.

It is requested to please provide the requirement of the state in writing loud and clear so that it may be taken care in Vahan for registration of BS - IV vehicles.

From: STC

To: Tarminder Singh <P. Singh@ nic. in>

Sent: Tuesday, 01, Sept. 2020 at 2:57 PM.

Subject: Compliance.

Respected Sir,

Please find attached letter No. 20784 - 885 dated: 01/09/2020.

From: Tarminder Singh

To: Joydeep Shome

Sent: Tuesday, 01/09/2020 at 3:26 PM

subject: forward: compliance

Sir,

May please find the request received from state transport Commissioner's office regarding registration of BS - IV vehicles. Forwarded as received.

From: Joydeep Shome

To: Tarminder

Sent: Tuesday, 01/09/2020 5:41 PM

Subject: re-: Compliance - BS - 4

Dear Tarminder,

This is a guidance to the RTOs. What about the specific instructions/guidance for NIC? I had given 2 basic points on which the Transport Department's consent was requested. Did you submit this to SPA? What is the response on this?

Most of the states have already given this and their services have been enabled. A letter from Tamil Nadu Transport Department is attached for reference.

Regards,

Joydeep Shome,

DDG & HoD

Transport MMP Project

National Informatics Centre.

From: Tarminder Singh

To: Joydeep Shome

Sent: Tuesday, Sept., 1, 2020 at 9:40 PM

Subject: re-: compliance - BS for

Sir,

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The mail sent by you was forwarded as per your instruction and also had a talk with STC after receiving this letter. He said that I have given instructions to the registering authorities to compliance as per the orders of the Hon'ble court. NIC has to do their job to open the registration of BS - IV and authorities has to comply with the same. I will not give anything in writing as per the mail.

Tarminder Singh/Technical Director.

NIC

From: Joydeep Shome
To: Tarminder Singh
Sent: Tuesday, Sept., 1, 2020 at 10:00 PM
Subject: re-: compliance - BS - 4.

Dear Tarminder,

Without clear instructions, we cannot enable the registration process as it is a legal matter. Unless the system puts reasonable restrictions, then in case of any violation by field staff, NIC will be held responsible. The order of the Supreme Court has to be interpreted by the concerned authority and necessary checks/restrictions, as feasible in the system, may be advised. We have given 2 points which provide necessary restrictions on the system. This may or may not be acceptable to the state and so they have to either consent to these points OR give necessary instructions as per their own interpretation, which will be applied in the system. If there is any issue in this, MoRTH may be consulted. You may please take further advice from Ghosh Sir and SIO Sir.

Regards,

Joydeep Shome,
 DDG & HoD
 Transport MMP Project
 National Informatics Centre.

From: Tarminder Singh
To: Joydeep Shome

Sent: Wednesday, 02/09/2020 4:45 PM

Subject: Compliance - BSIV.

Sir, may please refer to WhatsApp message received from the STC Punjab in continuation to the mail regarding BS -IV

"Instructions are very clear. The registration authority has to comply with the orders of this Hon'ble Supreme Court. As per directions issued to them the registering authority is personally responsible for its implementation. If NIC has got any direction or power to override the registering authority it may use those powers or authority otherwise the letter issued to

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registering authority in the state with copy to NIC is the direction.

May please guide.

From: STC Punjab
subject: re:- BS - IV vehicle registration
To: Tarminder Singh
Sent: Wednesday, 02/09/2020 10:07 PM

As is evident from your mail that the mentioned to conditions have been put in place in consultation with marked, therefore, the same may be followed. It should also be ensured that all assistance is extended to the registering authorities to implement the order of this Hon'ble court dated 13/08/2020.

From: STC Punjab
subject: re: BS - IV vehicle registration
To: Tarminder Singh
Sent: Thursday 03/09/2020 3:11 PM

Please refer to your letter attached with the email. It has already been conveyed through the email dated 02/09/2020 that the 2 conditions mentioned in para 2 of your letter, which have been put in place in consultation with MoRTH may be followed. If any other condition is required to be imposed same will be conveyed to you if required but at present the conditions mentioned in para 2 be followed. It has been conveyed that all assistance be extended to the registering authorities to implement the orders of this Hon'ble Supreme Court dated 13/08/2020.

Amarpal Singh, IAS
 State Transport Commissioner,
 Punjab

39. The office of the state transport Commissioner, Punjab, by letter No.

22737 - 3 dated: 29/09/2020 had issued a communication to the SIO,

NIC Punjab and also the Technical Director, NIC, Punjab for sharing

of Admin Log and user credentials with the contract staff. The letter

is verbatim below:

To, via email
 1. State Information Officer, NIC, Punjab;
 2. Technical Director, NIC, Punjab.
 Letter No. 22737 - 38 dated: 29/09/2020.

Subject: Sharing of Admin Log in the user credentials with contractual staff.

It has been brought to my notice that NIC Punjab team is sharing the admin login user credentials with the contractual employees deployed in the NIC office thereby compromising the security of the system.

Hence, logging in the system gives total access to such employees making it vulnerable to manipulation as Admin ID and password and they are not supervised by NIC officials at all time.

In this regard it is requested to conduct a complete audit of the admin ID & password used to give access to the system by these officials in order to check any unauthorised activity done by them. Further, for future it should be ensured that the access to the admin login is protected through a double security system with the access generating through password and OTP for every time login for two-person one official and one designated officer of the State Transport Commissioner, Punjab. You are requested to put the system in place immediately to prevent any unauthorised access to VAHAN & SARTHI web application.

Sd/- State Transport Commissioner, Punjab

40. That furthermore, as regards the issue of the mapping of wrong chassis/engine numbers, the office of the STC, Punjab had written the letter No. 3191 – 92 dated: 28/01/2021 and the same is as follows: –

To, via email
 1. State Information Officer, NIC, Punjab;
 2. Technical Director, NIC, Punjab.
 Letter No. 3191 – 92 at dated: 23/01/2021.

Subject: Enabling access to licensing and registering authorities to approve or reject any file processed in VAHAN 4.0 on SARATHI application.

On the subject captioned above, presently or services of driving licenses and registration of vehicle's are available through VAHAN 4.0 and SARTHI (designed, developed and maintained by NIC under MoRTH, government of India guidelines)

2. The Motor Vehicle Act, 1988, chapter – II, "Licensing of drivers of Motor Vehicles" provides for grant of learner's license, driving license and suspension of driving license in certain cases. Similarly, in case of registration of motor vehicle, the Motor Vehicle

Jr.

Wf





Act, 1988, chapter IV, "Registration of Motor Vehicles", Section 41 and section 45 give powers to the Registering Authority to decide on the application for registration of a Vehicle.

3. However, it is observed that in VAHAN 4.0 and SARATHI applications no provision has been made for the Licensing and Registering Authorities to reject an application seeking Driving License or Registration of a vehicle. The following scenario are indicative of such refusal/rejection to be done in the software:

- a. Chassis and engine No. are mapped wrongly by the dealer.
- b. In case of duplication, some registration mark mapped to 2 vehicles.
- c. Submission of forged/fake documents were driving license and registration of a vehicle.
- d. Adverse report of National Crime Records Bureau (NCRB)
- e. Required document, fee or taxes not paid.
- f. Other reasons.

4. In the absence of this there is a very high No. of pendency of driving license and registration of vehicle certificates in the licensing and registering authority user IDs, due to which final disposal of applications cannot be done in VAHAN 4.0 & SARATHI web applications. This is causing harassment of Citizens and it entails complaints/grievances of public.

5. Therefore, in view of above, you are directed to immediately enable the provisions to raise objections at the level of verifying staff and provision of rejection of any application under MV Act, 1988 as enumerated above, in the user ID's of all Licensing & Registering Authorities in VAHAN 4.0 & SARATHI applications.

Sd/- State Transport Commissioner, Punjab.

41. The above email exchange between the office of the STC, Punjab and that of the NIC clearly establishes that nowhere in the emails it was provided that while dealing with the BS -IV vehicles, either the Homologation or that of backlog entries and/or modifications or any

corrections could be carried out with regard to the registration of the BS-IV vehicles. The 2 points which had been made the basis for the registration process, clearly provided that either the vehicle should find its entry in the Vahan 4.0 Portal prior to dated: 31/03/2020 or there was a temporary registration of the vehicle. Except for these 2 conditions, the registration of the BS-IV vehicle could not have been carried out. The highlighted and key parts/words were '*the already entered*' data. It was further provided that except for these above stated parameters, no further relaxation was granted by the office of the STC, Punjab in dealing with the pending issue of BS – IV vehicles.

42. The above letter dated: 28/01/2021 clearly establishes the fact that the office of the STC was trying to improve upon the services which were lacking so that the citizens do not suffer, as well as impose restrictions and checks in the VAHAN software to prevent dummy, fictitious, manipulated and fraudulent entries. In the said letter it is also provided that there was a wrong mapping of the chassis and engine numbers and duplication and submission of false/fake documents etc. These are the reasons which have subsequently come to the notice for the wrong registration of the BS – IV vehicles. This letter containing the reasons is quite loud and clear for the NIC to follow.

JUDGMENT IN M/s. DV AUTOMOBILES WRIT PETITION:

43. That as the above-mentioned suspicious entries were being looked into, it came to the knowledge of the Transport Department, Punjab, being a party respondent in CWP No. 5656 and 5671 of 2021, which had been filed regarding the issue of whether Bharat Stage-IV compliant vehicles should be permitted to be sold in India after

31/03/2020 and came up for hearing before the Hon'ble Punjab and Haryana High Court, Chandigarh.

44. The issue that was raised by the petitioner in these writs was that they were the sole proprietors and being the dealers of 2 wheelers, were governed under the Motor Vehicle Act and Central Motor Vehicle Rules and dealt with 2 wheelers purchased from it by M/s Hero Motor Corp Ltd. which was the manufacturer of the 2 wheelers.
45. The Hon'ble court after having considered the aspect of the issue and the import of the judgement passed by the Hon'ble Supreme Court on dated: 24/10/2018 in the writ petition (civil) No. 13029 of 1985, keeping in view the unprecedented situation having arisen due to the outbreak of Covid - 19 pandemic across India and the lockdown having been imposed from 25/03/2020 and there being strict restrictions imposed on movement of persons, closing of government offices and businesses, including that of automobile dealers during the lockdown.
46. That during the pendency of the above writ petition, IA No. 101822/2020 was filed in which the order dated: 24/11/2020 was passed and the same is quoted herein below: -

IA No. 101822/2020

The Federation of Automobile Dealers Association has come up with this application seeking a direction to the transport department of the government of National Capital Territory of Delhi to issue certificate of registration in terms of form 23 -A for vehicle sold and registered by the self-registering dealers in Delhi and for vehicle is which have been uploaded on E1 Portal on or before 31/03/2020.

According to Mr. Ranjit Kumar, the Ld. Senior Counsel appearing for the petitioner, the vehicle sold a registered by the

self-registering dealers in Delhi before 31/03/2020 were already granted permanent registration numbers before 31/03/2020. The details having also been uploaded in E-Vahan Portal of the government. What is now pending is only the issue of the certificate of registration.

Mrs Aishwarya Rai Bhati, Ld. Additional Solicitor General appearing for the government states that there is no objection for the grant of certificate of registration of the vehicle.

Therefore, this application is allowed."

47. During the pendency of the writ before the Hon'ble Apex Court, IA No. 138633 of 2022 was submitted for clarification of the order dated: 24/11/2022 as to whether the vehicles sold between 27/03/2020 to 31/03/2020 should be registered. The Hon'ble Supreme Court vide its order dated: 30/11/2021 had clarified its earlier order dated: 24/11/2020 and had directed that all vehicles sold on or before dated: 31/03/2020 which were uploaded on the E-Vahan Portal should be registered, which includes the vehicles purchased by the dealers in their own name.

The Hon'ble Bombay High Court had also passed the judgement and had interpreted the inter se sales by the dealers and interpretation of the orders passed by the Hon'ble Supreme Court in the judgement dated: 28/06/2021 as passed in the case of *M/s Infiniti Cars Private Limited Vs. State of Maharashtra & others*.

48. That in view of the above, and having appended the relevant information, duly tabulated with the writ petition, all those vehicles which were reflected on the Vahan 4.0 Portal were permitted to be issued the necessary registration certificates by the Regional Transport Authority/Officer, Patiala. The legal opinion of the office of the Advocate General, Punjab vide memo No. WG/1987/1988 – 2022

dated: 04/08/2022 had also been received by the office of the State Transport Commissioner, Punjab.

49. As per the said opinion, no further appeal was to be filed challenging the above judgement dated: 07/04/2022 as passed in CWP No. 5656 of 2021.

DATA REGARDING THE REGISTRATION OF THE BSIV VEHICLES:

50. The data which was received regarding the registration of BSIV vehicles showing the suspicious entry of about 1300 such vehicles was thereafter, assessed on the parameters of the subsequent orders having been passed by the Hon'ble courts thereby, all those vehicles the data was already available on the Vahan Portal were permitted to be registered and thereby, about 688 entries remain for registering authorities, which were for one aspect of the other not conforming to the parameters permitted for such BSIV vehicles and the details, Authority wise, is as under: -

SUMMARY	
RTA-Amritsar	2
RTA-Bathinda	2
RTA-Ferozpur	5
RTA-Hoshiarpur	1
RTA-Jalandhar	21
RTA-Ludhiana	8
RTA-Mohali	70
RTA-Patiala	9
RTA-Sangrur	60
SDM-Abohar	2
SDM-Ahmedgarh	3
SDM-Ajnala	6
SDM-Amloh	3
SDM-Baba Bakala	3
SDM-Bagha Purana	2
SDM-Banga	1
SDM-Barnala	1
SDM-Batala	37

SDM-Bhikhiwind	41
SDM-Bholath	3
SDM-Derabassi	6
SDM-Dina nagar	1
SDM-Jagraon	5
SDM-Kharar	1
SDM-Kotkapura	1
SDM-Ludhiana East (North)	2
SDM-Majitha	6
SDM-Malout	2
SDM-Moga	5
SDM-Mukerian	1
SDM-Nawanshahr	1
SDM-Pathankot	158
SDM-Patran	1
SDM-Patti	174
SDM-Phagwara	28
SDM-Rajpura	1
SDM-Samana	1
SDM-Shri Muktsar	2
SDM-Sunam	2
SDM-Tarantaran	10
Total	688

51. That it has also come on record of the office of the STC, Punjab that notices for cancellation of the registration certificates issued to the vehicle owners where the registration certificate has been issued for BS -IV vehicle by some manipulation or the other in the Vahan Portal. The registering authority at Patti has issued 139 notices and the registering authority at Bhikhiwind has issued 109 notices for cancellation of the registration certificates by initiating the process under section 53/55 of the Motor Vehicle Act, 1988. These registering authorities have in essence accepted their culpability with regard to the wrong registration of the vehicle is with emission norms of BS - IV. Thereby, appropriate disciplinary proceedings would be initiated, in case having not been initiated earlier.

52. That an interesting case arises out of the act and conduct of the registering authority at TarnTaran. The SDM, TarnTaran, was issued the notice for providing the relevant information vide notice letter No. 3 (P-2)/11441 dated: 17/06/2022 and, the earlier mentioned 3 more letters. In response thereto by letter No. 64/MTC dated: 08/08/2022, the SDM, TarnTaran, has filed a completely evasive reply and the relevant information has not been provided. It is stated that due to the fact that incomplete papers had been submitted physically in the office, and upon having inspected the records, all the registration certificates issued for the year 2020 stands cancelled. The information as regards those vehicles for which the information had been specifically demanded, it was stated that there are registration also stands cancelled. In those cases where there was an issue of the wrong data entry, there the registration certificates are on hold and are likely to be cancelled. The information with regard to the cancellation of the registration certificates are available online.

53. The issue was with regard to the registration of the BS-IV vehicles, and approvals having been granted by the said authority and has not submitted any information with regard to having disabled the Homologation and permitted editing of all fields/columns leading to the manner of manipulation for filling up the columns as regards the manufacturer, the chassis No. and the engine No. In case Homologation was not disabled, and the whole data would have flown from the OEM and dealers to the online portal and should have been frozen and made non-editable at every level of access. Thereby, all the required information would have automatically flown into the system

from OEM and would have automatically filled the given template, requiring no further human intervention.

54. The response enquiries which were being solicited from the NIC, through Sh. Tarminder Singh, Technical Director, NIC, and attached with the government of Punjab and assisting the Transport Department, Punjab, was also sought. The information which was provided as regards some of the forms which are submitted by the dealers and approved by the registering authorities, even as on dated: 09/09/2022 showed the registration of the vehicles on the basis of incorrect Chassis No. or/and Engine No. In some of the cases there were no relevant documents having been appended and yet, the approval had been granted, meaning no restrictions or checks were in place. This fact established that the data which is available on the VAHAN Portal is not reliable and can be easily manipulated and such false and manipulated data remains accessible as if the records have been maintained as per established practices and law. The motor vehicles are movable properties and thereby, the data as regards the ownership should have been maintained in the Vahan Portal with immaculate precision and authenticity. Email exchange would clearly establish the fact that the office of the STC, Punjab had never permitted any such unrestricted filling up of the fields/columns in the Vahan 4.0 portal for such corrections, whereas, the office of the STC, Punjab had specifically ordered/instructed that the data which existed of the vehicles entered prior to dated: 31/03/2020 be taken into account for registration of BS-IV vehicles.

55. The information from NIC for the purpose of enquiry was demanded, as available in the VAHAN Portal related to all registering Authorities. For TarnTaran in conclusive data has been provided.
56. It has also come on record that the registering authority at TarnTaran, Sh. Rajnesh Arora, SDM-cum-Registering Authority, TarnTaran, alongwith Sh. Sivkarn Singh, Motor Vehicle Clerk, TarnTaran has issued notices for cancellation of the registration certificates issued after the enquiry was initiated and thereby, the admission of the wrongful registration certificates having been issued against the instructions becomes quite apparent as they have knowingly carried out the illegal registration process of the vehicles which could not have been granted the registration certificates.
57. The *modus operandi* that was used by the registering authority at TarnTaran, being in connivance with the dealer is that the fields which are mandatorily required to be filled up in the Vahan Portal at the time of new registration has been left completely editable. In the test case, it was seen that usually where the entry for the following editable:
- A. **Manufacturer** is required to be made; it is made editable in case the manufacturer is entered as SMV or Ex-Army/Auction, despite the vehicle having recent date of manufacturing.
 - B. **Homologation**: Overruled/Bye-passed/Circumvented; (in case this is mandatory, no false data would have entered the system as the data as provided by the manufacturers, under the notification No. GSR 810 (E) dated: 17/11/2014, would have automatically filled up the columns in the VAHAN template).
 - C. **Dealers**: where the option for 'OTHERS' is entered the data can be manipulated and no trace/trail of the dealer remains;
 - D. **Emission Norms**: in case the entry would require homologation, the emission norms could not have been changed/made editable. Even on having provided the incorrect entry as BS -VI and

thereafter the information is edited, it freezes the changes that could be made in the emission norms at BS-VI, despite the vehicle being BS-IV of course by manipulating other unique details i.e. engine/chassis number.

- E. **Engine No.:** Fictitious engine numbers can be entered for the registration of the vehicle as, instead of entering 1, the operator can enter l and instead of entering '0' the operator can enter alphabet 'O' and yet, the Vahan Portal would accept the said entry.
- F. **Chassis No.:** Same *modus operandi* as in engine No.;
- G. **Fitness:** the motor vehicle act, specifically under section 59 requires the validity and fitness of the vehicle to be 15 years from the date of manufacture, however, in the Vahan Portal, the same is from the date of registration. Thereby, upon the new registration of a vehicle after having obtained the same from any auction process/ex-army, the system automatically provides the registration to be valid for the next 15 years from the date of registration, which is against law and needs correction.
- H. **Value of the vehicle/TAX:** the office of the STC, Punjab, had twice communicated the fact for freezing the column of the value of the vehicle. The same having not been done, even highly valuable motor vehicle/cars have been registered with the meagre value.

58. The test sample is the registration of Rolls-Royce car at Bhikhiwind bearing PB 88 – 9911 where the value has been provided as 3.5 lakhs and MV Tax Lifetime payment of Tax is issued for Es. 35000/-. Surprisingly, it is registered in the name of the 1st owner as a new registration after a gap of over 11 years from the date of its manufacture. Yet, it is edited as Bharat Stage VI in the Vahan portal.

59. The above would show that the manner that these entries are in existence or the modifications having been carried out and those entries which are not bona fide to regularize/facilitate the process of registration for any class of vehicle or any category of owner, but, these are patently illegal/fictitious modifications which have corrupted

and contaminated the various data Homologation fields and thereby, no longer can be relied upon. The biggest beneficiaries of these fraudulent manner of registration and the scam are the owners/dealers and the respective registration authorities.

60. Such rampant violations could have been prevented had the NIC must not allow the change in the column of '*Homologation*' and no entries without homologation should have been accepted at any level of registration. This would in fact check the manipulation that can be carried out at the Registering Authority level. In most of the officers, the registering authority of the SDM and 1 clerk, is all that it takes to allow the approval of a registration certificate to be issued with incomplete information or manipulated.

61. In most of the cases, even at TarnTaran, the registration was carried out through the process of providing the manufacturer as 'Ex-army Vehicle', despite the registration showing that it was a 'New Vehicle'. These manipulations could have been restrictions by freezing the '*unique identity details*' of '*vehicles and emission norms*' and stopped by updating the Vahan software, as regards the relevant columns that would require to be filled in case of a '*New Registration*' and in case of '*Ex-Army Vehicle*'.

62. The checks and balances as required for the registration process which is carried out at the Motor Vehicle Dealers end would also show that the NIC in its VAHAN 4.0 Portal does not have enough checks and balances as the fake mobile numbers, fake/wrong addresses have been provided, which could have easily been avoided in case the OTP upon the mobile numbers had been enabled. Upon having received the

correct mobile No., the identity and the addresses can always be verified.

63. Even today, the data which has been received from the NIC, shows that wrong entries where there is neither the correct Chassis No. or the correct Engine No. is available leading to the conclusion that the data which has been stored and is available in VAHAN 4.0 is corrupted and cannot be utilised for authentication of the vehicles. Had the *Homologation* not been circumvented or it could not have been disabled at any level, where the original manufacturer of the vehicle provide these details (Engine/Chassis numbers), the fake registration of the vehicles as well as the change in the Bharat Stage emission norms by the Registering Authorities/Clerks at the time of the registration processes, deliberately or due to inadvertence, would not have arisen at all. Since the registration was made possible by carrying out a small manipulation in the column for giving the chassis No., the entire process stood vitiated and some of the data which is stored, is false in the VAHAN 4.0 Portal. Again, the process should have been made OTP based and most of the fake entries could have been easily avoided as the person whose mobile No. is provided would be responsible for the same.

RECOMMENDATIONS

64. All those vehicles which have been registered against the orders passed by the Hon'ble Supreme Court of India, this Hon'ble Punjab and Haryana High Court, the instructions issued by the Government of Punjab and the office of State Transport Commissioner, Punjab, and the registering authorities have violated these, specifically with regard

to the BS-IV emission norms and the Registration Certificates have been issued, all those registration certificates needs to be suspended as provided under section 53 of the Motor Vehicle Act and thereafter, after issuing the notices and the process, these needs to be cancelled as provided under section 55 thereof. Appropriate instructions in that regard may kindly be issued to the Registering Authorities, State of Punjab.

65. While concluding this report and for the action which is required to be taken and in the light of the *modus operandi* used, the law regarding the registration of the vehicle, as stated above, the committee concludes that not only the registering authorities, but their officers and employees working therein, the motor vehicle dealers, the owners of such vehicles, are all responsible and are required to be proceeded against appropriately and as per law.

66. It further comes on record that in the VAHAN 4.0 Portal the Tax could be easily paid to the liking of the payee as they payment of tax (Motor Vehicle Tax calculated on the value of the vehicle) is easily manipulated. The issue was flagged to NIC vide letter No. 16916 dated: 26/06/2019 and thereafter again, vide letter No. 1729 dated: 23/01/2021. Despite the request having been submitted, the call for tax was not frozen leading to the issue where the manipulations in the tax collection would be carried out at the field level at the time of the registration/re-registration of vehicles. In all those cases where the tax is found to have been not paid according to the notification issued by the government from time to time, appropriate proceedings for suspension and cancellation of these Registration Certificates are

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gr
[Signature]
[Signature]

advised and an order in that regard may kindly be issued to the registering authorities in the State of Punjab.

67. All those vehicles which have been registered from 01/04/2020 to 31/08/2022 needs to be verified and are required to be examined is as follows:

- i. **Manufacturer** (the actual manufacturer is not provided in the column);
- ii. The name of the **Dealer** is not mentioned;
- iii. **Embassy Vehicles**;
- iv. **Ex-Army vehicles**;
- v. Vehicles which have been registered and brought from **outside the state**;
- vi. **Emission Norms** of BS-IV vehicles and BS-VI vehicles edited/manipulated;
- vii. **Homologation data** is not available/disabled, in the Vahan Portal or overruled and circumvented;
- viii. **Value/Tax is not correctly** provided and paid;

68. All the Section Officers (SO) of the Finance Department deployed in the field and RTA offices be ordered to check the value of all those vehicles and the tax collected thereof so as to ascertain the value of loss that has been occasioned to the government for all the vehicles which stands registered between 01/04/2020 to 31/08/2022 where the above quoted data is missing.

69. As regards the backend corrections and entries which are subsequently carried out in the VAHAN 4.0 Portal, it is recommended that all such modifications/backlog circumventing and overruling of the Homologation data and other safety protocols, if any, must be stopped immediately. No such modification should be allowed unless the Aadhaar/mobile through OTP authentication and verification by the

all authorities at all levels themselves is done at a minimum of 4 levels, i.e. Office Staff, Section Officer/Accountants/Superintendent, Registering Authority & NIC as opposed to being carried out by the clerical staff only. Complete logs should be preserved.

70. All those vehicles where the above data is missing or manipulated should be flagged and blacklisted and marked as such on the VAHAN 4 portal and public notice be given in 3 Vernacular and English newspapers and the details of these vehicle should also be published on the website of the Department as well as NIC. It should also be published that those flagged vehicles owners should approach the registering authority within a period of 30 days to show their *bona fide* and *bona fide* registration credentials of the vehicle and after the period of 30 days, the list of the remaining vehicles be sent to the National Crime Report Bureau, Ministry of Road Transport & Highways as well as DG, NIC for appropriate action, as warranted under law.

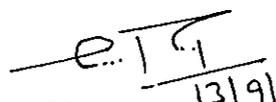
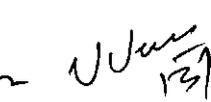
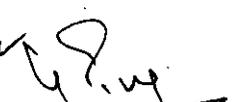
71. All the dealers whose acts have led to the manipulated manner of registration of such vehicles, where any of the above data is missing, should be proceeded against at the level of the government after reports from registering authorities.

72. Appropriate disciplinary proceedings against the registering authorities, their staff/clerks etc. at TarnTaran etc. whose names/logins are reflected in the Vahan Portal for the registration of the vehicles, flagged above, be immediately brought into effect, if not having earlier been carried out, and the manner of registration of the vehicles against approvals be checked against the IP addresses

locations provided and available in the VAHAN 4.0 while the registration of the vehicles was carried out. As regards the other registering authorities, as per the data which is checked and affirmed and such transgressions and flagrant violations of law while registering the vehicles is ascertained and made available, all those officers/clerks/office staff the proceeded against Departmentally, and as per law.

73. As regards the checking of the NIC data with regard to the registrations of vehicles, having been incompletely submitted, without the necessary records from NIC for registration carried out between dated: 01/04/2020 to that of 31/08/2022. In all the data which has been received from NIC, the NIC has never ever given a 'total authority-wise list' of BS-IV vehicles which were left pending for registration and were reflecting "as already entered" as mandated by MoRTH and had genuinely flown & auto filled from the Homologation portal as on dated: 01/04/2020. Therefore, an independent team must be constituted consisting of officers from the Department of Governance Reforms and Members from the Department of Information Technology, so as to ascertain and examine the record as enumerated above, in para 67. There should also be a technical & legal audit of VAHAN & SARATHI web applications in compliance to Motor Vehicle Act 1988 & rules thereof, must be got done from third party agencies certified by MoRTH, Govt. of India.

Chandigarh, Dated: September, 2022.

 [Gurmeet Singh]	 [Vivek Verma]	 [Alok Prabhakar]	 [Amarjit Singh]
Secretary, Regional Transport Authority, Gurdaspur.	State Informatics Officer, NIC, Punjab <i>My observations para wise are appended along with</i>	Dy. Controller (F & A), office of STC, Punjab.	PCS, Add. State Transport Commissioner, Punjab.

Observations to Enquiry Report:-
 CW (LIL) No 154 of 2011 & COLL. No 1918 of 2011

S No.	Point	Response
1.	54	Entry of incorrect Engine/Chasis Number resulted in non-fetching of data from Homologation portal as a result of which any detail could be entered by DEO. However, at the level of verifying and approving authority, it should have been checked and rejected.
2.	55	Completed data has been provided. Please provide details for it to be mentioned as inconclusive.
3.	57	Data not available on Homologation portal, may be because of wrongly filled engine and chassis numbers, results in provisioning of complete data entry screen for entering data. Here also, it should have been checked by the verifier and approver.
4.	58	Wrongly entered engine and chassis number results in complete entry screen.
5.	59	As above.
6.	60	Data not available on Homologation is given an option of making an entry with all details after giving an alert to facilitate other state/auctioned/embassy etc vehicles to be registered.
7.	61	If data is not from Homologation then any option can be selected. Ex-Army vehicle is registered as New Vehicle.
8.	62	OTP based mobile number verification is there in the system.
9.	63	Please provide details as data which is reflected is what is entered.
10.	66	Entry not through Homologation data would need to be entered. Any wrongly entered details can be checked at the level of approver or verifier.
11.	69	Will be analysed and taken up with the VAHAN team.
12.	73	Complete list as required was provided and necessary sorting/filtering can be done as per the requirements and any shortcoming communicated. As proposed the constitution of an independent team for ascertaining and examining the records, it may be taken up with MoRTH. SARATHI and VAHAN are security audited applications.

If State gives clear cut directions that the data would only be fetched from Homologation Portal, then it would be provisioned in VAHAN 4.0 that data would only come from there and no option to enter would be given.

J. Ven
 13/9/22

To,
The State Transport Commissioner,
Punjab.

No. 19045/PA/ASTC

Dated: 13.9.2022

The report is being submitted to the State Transport Commissioner, Punjab, in compliance of its letter issued vide endorsement No. STC - P (P-2)/24559 - 61 dated: 30/09/2021.


[Anarbir Singh], PCS.
Addl. State Transport Commissioner,
Punjab.

Department of Transport, Govt. of Punjab

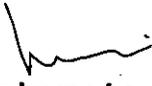
ORDER

No: 859 - 865

Dated: 13-09-2022

CWP (PIL) No 154 of 2021 as well as the COCP No. 1915 of 2021 was filed in the Hon'ble Punjab & Haryana High Court, Chandigarh, alleging unauthorized registration of BS-IV vehicles. In order to further taking action out of the report submitted, a committee of following officers has been constituted:

1. Additional State Transport Commissioner, Punjab
2. Deputy Controller, Finance & Accounts , Head Quarter
3. Secretary Regional Transport Authority , Head Quarter
4. State Informatics Officer, NIC, Punjab
5. Representative of Police Department /Cyber Crime ,Punjab
6. Representative of Information Technology /Governance Reforms, Punjab


**Secretary to Govt. of Punjab,
Department of Transport**