

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
TRANSPORT DEPARTMENT
5/9, UNDER HILL ROAD, DELHI- 110054

No. F.9/235/DTO/SWZ/2024/CD-075783560/ 11688

Dated: 11.03.2025

ORDER

In accordance with the directions of Hon'ble High Court in WP(C) 13551/2024 in Sai Motors v/s Govt. of NCT of Delhi and Ors, show cause notices were issued to all the authorized dealers holding trade certificates whose vehicles were found at the unauthorized premises/Multi Brand Outlays. Accordingly, show cause notice was issued to M/s Shiv Ganga Automobiles vide show cause notice dated 12.12.2024 and reply dated 26.12.2024 has been received. Subsequently, the dealer was called for personal hearing on 06.03.2025 and Shri Sunil Raheja, Proprietor of M/s Shiv Ganga Automobiles was present in the hearing. DTO, Dwarka along with MVI concerned was present.

Shri Sunil Raheja, Proprietor of M/s Shiv Ganga Automobiles stated that out of 10 vehicles, 4 vehicles, were registered and 6 vehicles were black listed. The Proprietor of the firm stated that the manager of agency gave these vehicles to the multi brand outlet as he was not well at that time and assured that it won't happen again and that it is a bonafide mistake on their part. In this case the DTO (SW) Shri P M Rao who was also present during the proceedings who drew the attention to the remarks made by the then Pr. Secretary-cum-Commissioner (Tpt.) in an earlier file in which his Trade Certificate had been suspended for three months and then suspension was revoked, which is given as under :-

"We may revoke the suspension with a warning. Penalty should never be disproportionate to offense but be a deterrent. We can also write to FADA to advise their dealers not to do acts which would invite indulge in harsh action".

Shri Jitender Kumar, MVI stated that the dealer was found violating the provisions of Rule 39, 40, 41, 42 and 43 and hence the action against them were taken.

Although, the said dealer pleaded guilty requesting that such mistake will not happen in future. It also remains a fact, duly admitted by the dealer that he had committed an offence which was in violation of provisions of CMVR Rules, 1989, particularly those of Rule 40. There is no iota of doubt that violations have been committed. However, the fact also remains that the dealer has stated that he will not repeat the offence despite the fact that on an earlier occasion his Trade Certificate had been suspended. It is also worth considering that the vehicles which were identified

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at the given Multi Brand Outlet have been blacklisted, the action has been completed against the violators and the fact that the order of Hon'ble High Court in WP(C)13551/2024 in Sai Motors v/s Govt. of NCT of Delhi and Ors. have been complied with by way of intimating the counsel of petitioners vide mail dated 30.12.2024 sending the action taken report, indicating that inspection of premises of respondents 2 to 7 of the case, locking of 92 vehicles out of 105 vehicles, issuance of SCN against the dealers who had given the vehicle to unauthorized dealers and finally after receipt of reply action will be taken against these authorized dealers.

In view of the above, taking a view that action must be taken so that a deterrence be created, therefore, the trade certificates of the dealer M/s Shiv Ganga Automobiles be suspended for a period of 180 days being a repeat offence for the same violation and directions be issued to concerned DTOs to block the Trade Certificate with the help of IT Branch.

This issues with the approval of Competent Authority.

Vishwendra

(VISHWENDRA)

SPECIAL COMMISSIONER (OPERATIONS), TRANSPORT

To

M/s Shiv Ganga Automobiles, A-1/2, Rohtak Road, Near Peeragarhi, Delhi-110063

Copy for information and necessary action to:-

1. PA to ACS-cum-Commissioner, Transport Department, GNCTD.
2. PA to Joint Commissioner, Transport Department, GNCTD.
3. Dy. Commissioner (OPS), Transport Department, GNCTD.
- ✓ 4. Sr. System Analyst (IT Branch), Transport Department, GNCTD.
5. DTO-Dwarka (SWZ), Transport Department, GNCTD.

12/02/2025
SAC(PW)