

(1975) 03 PAT CK 0015

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No's. 40, 56 to 58, 60, 75 and 101 to 109 of 1972

Binod Kumar Dugar and Others

APPELLANT

Vs

Superintendent of Police and Registering Authority and Others

RESPONDENT

Date of Decision : 06-03-1975

Acts Referred:

Bihar Motor Vehicles Rules, 1940 — Rule 24

Motor Vehicles Act, 1939 — Section 24, 32, 36(1), 36(3)

Citation : AIR 1975 Patna 227

Hon'ble Judges : S.N.P. Singh, C.J;S.K. Jha, J

Bench : Division Bench

Advocate : Basudev Prasad Saptami Jha Narendra Prasad, Bibhuti Pandey and Anil Kumar Sinha, for the Appellant; B.S. Sinha and Vinay Kumar Narain Singh, Shashank Kumar Singh, Keshav Shrivastava, Nagendra Rai, S.N. Jha and U.P. Singh, for the Respondent

Final Decision : Dismissed

Judgement

S.K. Jha, J.—In all these applications under Articles 226 and 227 of the Constitution of India are involved common questions of law arising from, more or less identical facts. Hence, they have been heard together and are being disposed of by this common judgment.

2. The petitioners of all these writ applications are owners of trucks bearing various registration marks which are not material for the disposal of these cases. The grievance of all of them is against the issuance of notice to them by the Motor Vehicles Inspector (respondent No. 2), as incorporated in Annexure 1 to each of the writ applications and the final orders passed by the Superintendent of Police and Registering Authority under the Motor Vehicles Act, 1939 (respondent No. 1), as incorporated in Annexure 3 to each of these applications. A prayer has been made for the issuance of an appropriate writ quashing Annexures 1 and 3 aforesaid.

3. The facts are not at all in controversy. From the petitions and the counter-affidavits filed on behalf of the respondents emerge these basic facts. The petitioner's goods vehicles, otherwise called trucks, were registered u/s 24 of the Motor Vehicles Act, 1939 (hereinafter to be referred to as the Act). Before Section 36 (3) of the Act was amended by Act 56 of 1969 which came into effect from the 2nd of March 1970, in the petitioners' registration certificates relating to the trucks in question, the registered laden weight (R. L. W. for the sake of brevity) was entered at various figures of weight. The figures are of no consequence. After the amending Act 56 of 1969 mentioned above came into force from the 2nd March 1970, Rule 24 of the Bihar Motor Vehicles Rules, 1940 (hereinafter referred to as the Rules) was also amended by a notification dated the 7th of September 1970 published in the Bihar Gazette (Extraordinary) on the 7th of October 1970. After the rule was amended the petitioners were called upon to show cause as to why the registered laden weights entered in the registration certificates should not be increased in accordance with the Government notification issued u/s 36 (1) of the Act. The petitioners showed cause, and ultimately by Annexure 3 in each of these cases the Registering Authority increased the registered laden weight with regard to each of the petitioner's trucks in conformity with the aforesaid Government notification. The petitioners challenged the legality of the notification of the State Government which is a part of the counter-affidavit and incorporated in Annexure A thereto, in so far as the provisions thereof have been made applicable to the cases of the petitioners vehicles.

4. The main point urged by Mr. Saptami Jha appearing for all the petitioners is that the amended Section 36 (3) is merely prospective in operation. So also is Rule 24 as amended in 1970. As such, the registered laden weights as mentioned in their registration certificates which were issued to them before these amendments came into force, could not be altered to their prejudice without their consent. It was alternatively argued that if Rule 24 of the Rules be so construed as to give it a retrospective operation, then to that extent it is ultra vires the provisions of the Act. In the event of either of the points succeeding, Annexure A to the counter-affidavit, which is the Government notification fixing the maximum safe laden weight and the maximum safe axle weight, must be struck down as being inapplicable to the cases of the petitioners. In order to appreciate the contentions raised it is worthwhile to notice some of the provisions of the Act. Section 22 of the Act provides for the necessity for registration of motor vehicles. Section 24 lays down the procedure, according to which the registration has to be made. Section 36 of the Act, as it stood before the amendment, may be usefully quoted here :

"36. (i) Having regard to the number, nature and size of the tyres attached to the wheels of a transport vehicle, other than a motor cab. and its make and the model and other relevant considerations, a State Government may, with the approval of the Central Government, by notification in the official Gazette, specify in relation to each make and model of a transport vehicle the maximum safe

laden weight of such vehicle and the maximum safe axle weight of each axle of such vehicle.

(2) A registering authority, when registering a transport vehicle other than a motor, shall enter in the record of registration and shall also enter in the certificate of registration of the vehicle the following particulars, namely:--

(a) the unladen weight of the vehicle;

(b) the number, nature and size of the tyres attached to each wheel.

(c) the registered laden weight of the vehicle and the registered axle weights pertaining to the several axles thereof; and

(d) if the vehicle is used or adapted to be used for the carriage of passengers solely or in addition to goods, the number of passengers for whom accommodation is provided;

and the owner of the vehicle shall have the same particulars exhibited in the prescribed manner on the vehicle:

(3) There shall not be entered in the certificate of registration of any such vehicle any laden weight of the vehicle or a registered axle weight of any of its axle in excess of that specified in notification under Sub-section (1) in relation to the make and model of the vehicle and to the number, nature and size of the tyres attached to its wheels;

Provided that where it appears to a State Government that heavier weights than those specified in the notification under Sub-section (i) may be permitted in a particular locality for vehicles of particular type, the State Government may, by order in the official Gazette, direct that the provisions of this sub-section shall apply with such modifications as may be specified in the order.

(4) When by reason of any alteration in such vehicle including an alteration in the number, nature or size of its tyres, the registered laden weight of the vehicle or the registered axle weight of any of its axle no longer accords with the provisions of Sub-section (3), the provisions of Section 32 shall apply and registering authority shall enter in the certificate of registration of the vehicle revised registered weights which accords with the said sub-section.

(5) In order that the registered weight, entered in the certificate of registration of a vehicle may be revised in accordance with the provisions of Subsection (3), the registering authority may require the owners of transport vehicles in accordance with such procedure as may be prescribed, to produce the certificates of registration within such time as may be specified by the registering authority."

It will be noticed from the provisions of this section that the State Government may, with the approval of the Central Government by notification in the Official Gazette, specify the maximum safe laden weight of a vehicle and the maximum safe axle weight of each axle of any vehicle having regard to the number, nature

and size of tyres attached to the wheels of a motor vehicle. Sub-section (2) enjoins upon the registering authority at the time of registering a transport vehicle to enter in the record of registration and the registration certificate of the vehicle such particulars as the unladen weight of the vehicle, the number, nature and size of the tyres attached to each wheel, the registered laden weight of the vehicle and the registered axle weights pertaining to the several axles thereof. Subsection (3), as it stood before the amendment, prescribed that no entry shall be made in the certificate of registration of any such vehicle any laden weight or a registered axle weight in excess of that which was specified in the notification issued under Sub-section (1). The proviso to Sub-section (3) made an exception to the rule by laying down that if it appeared to the State Government that heavier weights than those specified in the notification may be permitted in a particular locality for vehicles of a particular type, the Government may direct that the provisions of Sub-section (3) shall apply with such modifications as may be thought fit and specified in the order. Sub-section (4) authorises the registering authority to make changes in the registration certificates, including alteration in the number, nature or size of the tyres, the registered laden weight of the vehicle, the registered axle weight, etc., if the owner of any vehicle had made alterations in such vehicle in accordance with the provisions of Section 32, to which I shall make a reference hereinafter. Subsection (5) provided that before the registered weight entered in the certificate of registration of a vehicle was revised in accordance with the provisions of Subsection (3), the registering authority may require the owners of transport vehicles to produce their certificates of registration within such time as may be specified and in accordance with such procedure as may be prescribed by the rules. The only other provisions of the Act which need be noticed here is Section 32 which prescribed the manner in which the owner of a motor vehicle could make alterations in any vehicle. If the procedure prescribed in Section 32 was adopted and the requisite permission was granted to the owner of a motor vehicle, he could make such alterations as he had been permitted to make. In the event of such alterations having been made in consonance with the provisions of Section 32. Section 36 (4) provided for necessary alterations to be made in the registration certificates with regard to the particulars which had been entered therein at the time of registration in accordance with Section 36 (3). Rule 24 as it stood before the amendment read thus:

"Registered weights -- assignment of -- In assigning any weight other than the unladen weight to a transport vehicle u/s 37 of the Act, the registering authority may, if the owner so desires, assign a weight less than the maximum permitted by the provisions of that section as the registered laden weight or the registered axle weight of any axle."

It may be mentioned here with the reference to Section 37 in the rule which is quoted above is on account of the fact that Section 36 was substituted by amalgamating the provisions of the two sections, viz., Sections 36 and 37. That amendment in the Act was made in 1956, long before the amendment with

which we are concerned. It will thus be noticed that the Act, as it stood before the amending Act of 1969, and Rule 24, as it stood before the amendment of 1970, merely prescribed the maximum laden weight which could be notified under Sub-section (1) of Section 36 and Sub-section (3) of Section 36 also laid down that the registered laden weight to be entered in any registration certificate shall not be in excess of the maximum prescribed. These being the statutory provisions, it has been held by a Bench of this Court in a batch of writ cases of *A. Manan v. State of Bihar*, (C. W. J. C. No. 681 of 1969 (Pat) and analogous cases) decided on the 24th of September 1969, that reading of Sections 24, 32 and 36 of the Act together with Rule 24 of the Rules clearly indicated that the registered laden weight could not be increased except in cases where there had been any alteration made by the owner of a motor vehicle in accordance with the provisions of Section 32. In that case it was decided that in view of the then existing law no owner of a motor vehicle could be compelled to have the registered laden weight increased in his registration certificate without his consent.

Learned counsel for the petitioners placed great reliance on this Bench decision, and it was contended that in no circumstance the registered laden weights entered at the time of registration in the registration certificates, as enjoined by Sub-section (2) of Section 36, could be increased unilaterally by the registering authority or, for that matter, by the State Government once the vehicle was duly registered and a particular registered laden weight entered in the registration certificate relating thereto. The decision which has been relied upon by learned counsel for the petitioners is merely an authority for the proposition that as the statutory provisions stood then there was no particular provision in the Act compelling an owner to get his maximum load capacity suitably increased. That being so and the language of Sub-sections (1) and (3) being merely enabling in so far as they authorised the State Government to fix the maximum laden weight in a notification and the registering authority to enter a particular registered laden weight not in excess of the maximum laden weight and there being provisions in Sub-sections (4) and (5) indicative of the only contingency in which such registered laden weight could be increased in the registration certificates, as was contemplated by Section 32, it could not be held that there was any power in the registering authority to unilaterally make any entry in the registration certificates increasing the registered laden weight entered at the time of the registration. I shall have occasion to advert to some portions of the Bench decision relied upon by learned counsel for the petitioner a little later. Before I do that it is worthwhile to notice the amendments in Section 36 (3) of the Act and Rule 24 of the Rules in 1969 and 1970, respectively. I may at once mention that the only relevant provision of Section 36 which was the subject-matter of amendment was Sub-section (3). In other respects all the other provisions remained the same. Section 36 (3), as it stands after the amendment, reads thus:

"There shall not be entered in the certificate of registration of any such vehicle

any laden weight of the vehicle or a registered axle weight of any of its axles different from that specified in the notification under Sub-section (1) in relation to the make and model of the vehicle and to the number, nature and size of the tyres attached to its wheels:

Provided"

It will be noticed from the aforesaid amendment that the expression "in excess of" was substituted by the expression "different from". After the amendment therefore, in the certificate of registration of any vehicle no laden weight nor the; registered axle weight of any of its axle could be entered which was different from the maximum weight specified in the notification under Sub-section (1) of Section 36 in relation to the make and model of the vehicle. Thus, prior to the amendment, the registering authorities could make an entry in the certificate of registration of any laden weight of the vehicle not in excess of the maximum notified under Sub-section (1). This change in the expression brought about by the amending Act makes all the difference, for now no discretion is left to the registering authority to make any entry with regard to the laden weight in the registration certificate different from that prescribed as the maximum in the notification under Sub-section (1). Before the amendment the registering authority had the discretion, on being satisfied at the time of the registration, to enter any laden weight below the maximum prescribed. It was under those circumstances that it had been held in the cases of A. Manan aforesaid that there was no particular provision compelling the owner to get his maximum load capacity increased against his wishes, and the only contingency envisaged for such an alteration could be if there had been any alteration made in the vehicle itself by the owner under the provisions of Section 32. While dealing with this point, the Bench deciding those cases took notice of Sub-section (3) of Section 36 and observed as follows:

"Clause (3) prohibits entry in the certificate of registration any laden weight or registered axle weight of any of the axle of vehicles in excess of the maximum published in the notification under Clause (1) unless the maximum so fixed has itself been altered by the State Government under the proviso to that clause."

(Clause has been wrongly typed for subsection).

It was further observed in that case that "unless there is a particular provision compelling an owner to get his maximum load capacity suitably increased", he could not be compelled to have the laden weight increased in his registration certificate. Here, the change in Rule 24 of the Rules may usefully be noticed. By the notification dated the 7th September, 1970 published in the Bihar Gazette dated the 7th October 1970 the old Rule 24 was substituted by the following;

"24. Registered weights, assignment of, and revision of entries. In order that the registered laden weights in the certificate of registration of a goods vehicle may be revised to conform to the provisions of Sub-section (3) of Section 36 of the Motor Vehicles Act, 1939 the Registering Authority or an authority authorised in

this behalf, by the State Government shall issue a written notice to the owner of the goods vehicle concerned intimating the reason for revision of the registered laden weights. After having considered representation, if any the owner may wish to make and after inspection of the vehicle either at the time of renewal of certificate of fitness or payment of road tax when the certificate of registration of the vehicle is produced, the Registering Authority shall revise the registered laden weights, wherever the Registering Authority is satisfied that a revision is necessary and shall enter in the certificate of registration the revised registered laden weights of the vehicle."

It will thus be seen that Rule 24 was suitably amended to be in conformity with the amended Sub-section (3) of Section 36 of the Act. A reading of Section 36 (3) and Rule 24 together as they stand after the amendment clearly indicate that the registering authority has no discretion left to make any entry in the registration certificate regarding any laden weight which is different from that specified in the notification under Sub-section (1) and after giving the owner of a motor vehicle an opportunity to show cause and after considering his representation in accordance with the provisions of Rule 24. the registering authority may make necessary changes in the certificate of registration at the time of renewal of the certificate of fitness or payment of road tax when the certificate of the registration of the vehicle is produced before the registering authority.

5. Learned Counsel for the petitioners drew our special attention to Subsection (2) of Section 36 of the Act for the purpose of showing that the time when entries in regard to the particulars mentioned in Clauses (a) to (d) of Sub-section (2) in the certificate of registration has been fixed as the time when the transport vehicle is sought to be registered. On that basis it was argued that it necessarily follows that whatever entry has to be made in respect of the registered laden weight regarding any goods vehicle has to be so done only at the time when the vehicle was being registered and at no subsequent time. Learned counsel argued that this provision conferred a right on the owner of any goods vehicle to have a particular registered laden weight entered in the certificate of registration at the time of the registration of the vehicle which could not be changed to his prejudice at any subsequent time unless he himself chose to make alterations in accordance with the provisions of Section 32. I do not see any force in this argument. The provision contained in Sub-section (2) of Section 36 merely casts an obligation upon the registering authority in the public interest to make the entries regarding the particulars mentioned in Clauses (a) to (d) in the certificate of registration at the time when the registration is made. In other words, when a transport vehicle is being sought to be registered the law enjoins upon the registering authority to make the relevant entries at the time when he is issuing a certificate of registration. That, however, by itself does not preclude the registering authority from revising the same at any subsequent appropriate time and in appropriate circumstances. The fallacy in the argument can be seen from the submission itself that revision can be made at a subsequent stage if

alterations had been made in consonance with provisions of Section 32. If, as was contended, in case of alterations in the vehicle itself revision could be made at a subsequent time, there is no reason why such a revision cannot be made at any subsequent time if other provisions in the Act warrant such a revision. That provision of law, as already noticed above, has been incorporated in the statute by the amendment of Sub-section (3) of Section 36 where, the expression "in excess of" has been substituted by the expression "different from".

Reading all the sub-sections of Section 36 as they stand after the amendment and Rule 24 of the Rules after its amendment in 1970. I have no hesitation in holding that the enabling provisions or the discretionary powers which were conferred on the registering authority under Sub-section (3) before the amendment was made have been converted into a legal obligation, leaving no scope for any discretion to be exercised by the registering authority after the amendment. The Bench decision of this Court referred to above on which reliance was placed by learned counsel for the petitioners was based upon a reading of all the relevant provisions of the Act and the Rules together. So also after the amendment, we must not lose sight of the principles that in construing the Act we must take the whole of the Act together. It requires in order that we may be certain that we omit nothing, that we should look carefully at it altogether and consider all the sub-sections and sections enumerated above, for it is one of the settled principles of the construction of any statute. As observed by Maxwell on the Interpretation of Statutes, Twelfth Edition, at p. 58, "Passing from the external aspects of the statute to its contents, it is an elementary rule that construction is to be made of all the parts together, and not of one part only by itself." Another well-settled principle which ought to be borne in mind while construing any statute is that an Act ought not be so construed as to convict the legislature of having used a redundant expression. Ordinarily, no interpretation should be placed on a provision which would have the effect of making the provision either otiose or a dead-letter.

Keeping these well-settled principles in view, I must give fullest effect to the expression "different from" which has been brought about by the amendment of 1969 in Sub-section (3) of Section 36 of the Act. I do not agree with learned counsel for the petitioners that I am taking any view contrav in principle to that which has been taken by the earlier Bench decision referred to above, for, I repeat, the difference in that little expression brought about by the amending Act of 1969 changes the entire complexion of the matter. There is thus no substance in the argument of learned counsel that in respect of the amendment there is no power in the registering authority to make any revision regarding the entry of registered laden weight in any certificate of registration of a vehicle once the registration certificate bears a particular entry.

6. So far as the amended Rule 24 of the Rules is concerned, learned counsel fairly conceded that by itself it may not be ultra vires, but if it be construed to be given a retrospective operation to the amended Sub-section (3) of Section 36,

then to that extent it must be struck down as being not in conformity with the provisions of Sub-section (3) of Section 36 which is admittedly prospective in operation. So also with regard to the notification contained in Annexure A, learned counsel argued that if it be construed to apply only to cases of registration regarding the type and make of the vehicles mentioned therein at the time when they are sought to be registered after the amending Act came into force with effect from the 2nd of March 1970, there is no flaw in it. But it was contended that if the notification be so construed as to be retrospective in operation and as covering also them which were registered before the amending Act came into force, then to that extent it should also be held to be ultra vires.

This, therefore, leads us to the main question bearing upon the point in issue as to whether the amended rule or the notification under Sub-section (1) of Section 36 as contained in Annexure A to the counter-affidavit is retrospective in operation and, if not, whether they can still be said to govern the cases of revision of entries regarding registered laden weight, etc., in the certificate of registration at any future date, although such vehicles were registered before the amending Act came into force. There is, in my view, no substance in the contention of learned counsel that by applying the provisions of Rule 24 and the Government notification as contained in Annexure A to their vehicles which were registered before the coming into force of the amending Act, they have been given any retrospective operation. It is true that there is no presumption of retrospectivity in any Act or subordinate legislation; it must be held to be prospective in operation unless the statute expressly declares it to be retrospective. But "before the presumption against retrospectivity is applied," as observed by Maxwell on the Interpretation of Statutes. Twelfth Edition, at pages 216-17, "a Court must be satisfied that the statute is in fact retrospective." In the words of Craies on Statute Law (6th Ed. P. 386), a statute is retrospective "which takes away or impairs any vested right acquired under existing laws, or creates a new obligation, or imposes a new duty, or attached a new disability in respect to transaction or considerations already past. Other statutes, though they may relate to acts or events which are past, are not retrospective in the sense in which the word is used for the purpose of the rule under consideration." The fact that the prospective obligation or liability is created in respect of vehicles registered earlier does not make the provision retrospective in operation; to call it retrospective would be a misnomer. As has been observed by Craies on Statute. Law. Seventh Edition, at page 387:

"But a statute is not properly called a retrospective statute because a part of the requisites for its action is drawn from a time antecedent to its passing."

Authorities in this regard and in support of this proposition are numerous, but I shall make a reference only to some of the decisions.

7. In the Queen v. The Inhabitants of St. Mary. White Chapel (1848) 12 QB 120 : 116 ER 811) a question similar to that with which we are concerned was raised. In that case Section 2 of the Poor Removal Act, 1846, was being considered and

construed. That section provided that no woman residing in any parish with her husband at the time of his death shall be removed from such parish for twelve calendar months next after his death, if she so long continued a widow. It was sought to remove within the twelve months a widow whose husband had died before the Act came into force. It was argued that to make the Act apply in such a case was to construe it retrospectively. The right to remove was it was argued, a vested right which accrued on his death. The Court held otherwise, and Lord Denman, C. J. used these words at page 127 of 12 Queen's Bench;

"..... We have before shown that the statute is in its operation prospective, as it relates to future removals only, and that it is not properly called a retrospective statute because a part of the requisites for its action is drawn from time antecedent to its passing."

The learned Chief Justice further went on to say at page 156 of 12 Queen's Bench :

"The Statute is prospective only: its direct operation is only on removals; after it has passed, it does not alter existing rights in respect of completed removals. A space of time is an essential ingredient in the case to which it applies: and this space of time may consist in part of time passed before the statute passed, as is the case with statutes in limitation and prescription, but they are not therefore classed with the retrospective statutes."

So also a much later case *In re a Solicitor's clerk* (1957) 1 WLR 1219 is in point. There the question was with regard to the retrospectivity of the Solicitors (Amendment) Act, 1956. Shortly stated, the facts were that on September 20, 1957, the disciplinary committee of the Law Society made an order u/s 16 (1) of the Solicitors Act, 1941, as amended by Section 11 (1) of the Solicitors (Amendment) Act, 1956. directing that no solicitor should thereafter employ the appellant, who was an unadmitted solicitor's clerk, who had been convicted of larceny in 1953 without the permission of the Law Society. The committee found that the case of the Clerk concerned was clearly covered by Section 16 (1) of the Act of 1941 as amended by Section 11 (1) of the amending Act of 1956. On appeal from the committee's order, the appellant contended that the committee was giving retrospective effect to the Act of 1956 by applying it to a conviction which took place in 1953. The Court of appeal dismissed the appeal holding as follows :

"In all editions of Maxwell on the Interpretation of Statutes it is stated that it is a fundamental rule of English Law that no statute should be construed to have retrospective operation unless such a construction appears very clearly in the terms of the Act or arises by a necessary or distinct implication and this passage has received judicial approval by the Court of appeal: see *West v. Gwynne* (1911) 2 Ch 1, per Kennedy L. J. (1911) 2 Ch 1.15, and there are other cases to the same effect. But in my opinion this Act is not in truth retrospective. It enables an order to be made disqualifying a person from acting as a solicitor's

clerk in the future and what happened in the past is the cause or reasons for the making of the order, but the order has no retrospective effect. It would be retrospective if the Act provided that anything done before the Act came into force or before the order was made should be void or voidable, or if a penalty were inflicted for having acted in this or any other capacity before the Act came into force or before the order was made. This act simply enables a disqualification to be imposed for the future which in no way effects anything done by the appellant in the past."

The principle of retrospectivity so enunciated by the English Law Courts is in no way different from that in this Country, as recently our Supreme Court in the case of *The State of Jammu and Kashmir Vs. Shri Triloki Nath Khosa and Others*, establishes the same principle. Certain amendments in the Service Code were brought about, by which promotions in future were to be affected. Before the amendment was brought about in the rule the Government servants who had entered the service were in a better position. By bringing about the amendment they were prejudicially affected in future in so far as the promotional avenues were concerned. The High Court accepted the Government servant's contention that the operation of the amendment would be retrospective in so far as the persons who were already previously in employment were concerned and that, therefore, it was bad. The Supreme Court, while allowing the State's appeal held:

"An argument which found favour with Mufti Bahauddin, J. one of the learned Judges of the Letters Patent Bench of the High Court, and, which was repeated before us is that the "retrospective" application of the impugned rules is violative of Articles 14 and 16 of the Constitution. It is difficult to appreciate this argument and impossible to accept it. It is wrong to characterise the operation of a service rule as retrospective for the reason that it applies to existing employees. A rule which classifies such employees for promotional purposes undoubtedly operates on those who entered service before the framing of the rule but it operates in future, in the sense that it governs the future right of promotion of those who are already in service."

It will thus be seen that merely because the rule makes the notification applicable to cases of such owners of goods vehicles whose vehicles were already registered before the amendment came into force, it cannot be termed as retrospective. It shall operate prospectively only but shall embrace within its sweep such goods vehicles which had already stood registered even before the date with effect from which the amending Act came into force. I thus find no substance in this argument of learned counsel for the petitioners either that the rule of the notification is retrospective in character. I hold that they are prospective, inasmuch as although they apply to cases of vehicles already registered before the amending Act, they apply only in future. It cannot, therefore, be said that no revision in the entries regarding the registered laden weight can be made in the cases of certificates of registration of the petitioners merely because such entries had been made at the time when their vehicles

were registered prior to the coming into force of the amending Act. I. therefore, find no substance in either of the submissions of learned counsel for the petitioners. Their applications, therefore, must fail and are dismissed, but in the circumstances of the cases I shall make no order as to costs.

S.N.P. Singh. C.J.

I agree.