
(2025) 04 DEL CK 1057

In the Delhi High Court

Case No : Writ Petition (C) No. 5114 Of 2025 & Civil Miscellaneous Application
No. 23370 Of 2025

Dr Sanjay Wadhawan

APPELLANT

Vs

Municipal Corporation Of Delhi And Ors

RESPONDENT

Date of Decision : 22-04-2025

Acts Referred:

Citation : (2025) 04 DEL CK 1057

Hon'ble Judges : Mini Pushkarna, J

Bench : Single Bench

Advocate : Harinder Kumar Bakshi, Sunil Goyal, Nitin Kala, Rachit Gupta, Ankit Chauhan, Madhu Sudan Bhayana

Final Decision : Disposed Of

Judgement

Mini Pushkarna, J

1. The present writ petition has been filed with prayer for release of the vehicle bearing no. DL-9CT-2534 to the petitioner, having been seized by the respondent/ Municipal Corporation of Delhi ("MCD").
2. It is submitted that the petitioner is the owner of the Chevrolet car numbered as aforesaid, which has completed 15 years of life. The petitioner was not using the car and had kept it parked in front of his clinic, as the petitioner inadvertently could not get the No Objection Certificate, for selling the car outside Delhi.
3. It is submitted that the car of the petitioner is in an extremely good condition and has run less than 50,000 km.
4. It is submitted that on 26th March, 2025, when the car of the petitioner was parked outside his clinic, the same was seized by the MCD, on the ground that it had completed 15 years of life. It is submitted that the car of the petitioner is now in possession of Nirvana Scrappers, i.e., respondent no. 3 herein.

5. It is submitted that despite the petitioner having approached the respondents, the car of the petitioner has not been released. Thus, the present writ petition has been filed.

6. Issue notice. Notice is accepted by learned counsel for the respondents.

7. Learned counsel for the respondents had brought the attention of this Court to the 'Guidelines for Handling End of Life Vehicles in Public Places of Delhi, 2024', issued by Government of NCT of Delhi, Transport Department.

8. It is submitted that in case the petitioner submits the requisite undertaking and documents, and pays penalty, in terms of the said guidelines, the car of the petitioner shall be released.

9. Having heard learned counsels for the parties, this Court notes that as per Clause 6 of the aforesaid Guidelines issued by Government of NCT of Delhi, it is stipulated as under:

"xxx xxx xxx

6. RELEASE PROCEDURE OF IMPOUNDED VEHICLES (Registered in Delhi-NCR)

Category 1: Those who wish to Shift their vehicle out of Delhi-NCR

(i) On plying and parking of ELVs in public place in NCT of Delhi, once impounded for the first time it can be released on the basis of submission of below documents:

a) An undertaking that vehicle will not be plied or parked in any public place within the territory of NCT of Delhi and will be removed from the NCT of Delhi.

b) A copy of the Registration Certificate of the vehicle.

c) NOC of the vehicles to shift the vehicle outside of Delhi-NCR, in case vehicle registered in Delhi-NCR

d) In the case of 4-wheeler, a penalty of Rs 10,000 along with towing charge and parking fee as notified in Delhi Maintenance and Management of Parking Places Rules, 2019 (hereinafter "Parking Rules 2019"), shall be charged before releasing of such ELVs.

e) In the case of 2-wheeler, a penalty of Rs 5,000 along with towing charge and parking fee as notified in Parking Rules 2019 shall be charged before releasing of such ELVs.

(ii) On submission of above document, Enforcement agency will issue releasing order based on which concerned RVSF can release the vehicle from their scrapping yard.

In case, vehicle is already outside of Delhi-NCR after seizure, it shall not be allowed to enter in Delhi -NCR and should be shifted outside of Delhi-NCR from scrapping yard itself.

xxx xxx xxx''

10. Since the vehicle of the petitioner has completed 15 years of life, it falls within the definition of 'End of life vehicle' under the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021.

11. Learned counsel appearing for respondent no. 3 submits that the vehicle of the petitioner has not been scrapped.

12. This Court notes the submission made by learned counsel for the petitioner that the petitioner shall abide by the guidelines issued by the Government of NCT of Delhi and pay the requisite penalty and file an undertaking in terms of the aforesaid Guidelines.

13. Accordingly, it is directed as follows:

I. The petitioner shall apply for release of his vehicle in terms of the 'Guidelines for Handling End of Life Vehicles in Public Places of Delhi, 2024'.

II. The petitioner shall file an undertaking in terms of the Guidelines issued by the Government of NCT of Delhi, that the petitioner shall not ply or park the vehicle in question in any public place within the territory of NCT of Delhi.

III. The petitioner shall also file a copy of the Registration Certificate of the vehicle with the MCD.

IV. Since it is the submission of learned counsel for the petitioner that the petitioner intends to park the car within his own premises, it is directed that the petitioner shall neither ply nor park the vehicle, in any public place within the territory of NCT of Delhi.

V. Petitioner shall also deposit requisite charges with the MCD, as well as with the scrapping authority, for the purpose of release of his vehicle.

VI. The vehicle of the petitioner shall not be scrapped during the pendency of the request of the petitioner for release of his vehicle.

VII. Petitioner shall comply with all the formalities within a period of two weeks from today. Upon the petitioner complying with all the requisite formalities and depositing the requisite charges/documents and undertakings, the vehicle of the petitioner shall be released by the respondents, within a period of two weeks thereafter.

VIII. In case, after release of the vehicle, the petitioner is found to be flouting the aforesaid Guidelines by plying the vehicle or parking the same in a public place, within the territory of NCT of Delhi, the respondents shall be at liberty to take appropriate action against the vehicle of the petitioner.

14. With the aforesaid directions, the present petition, along with pending application, stands disposed of.