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OFFICE OF THE TRANSPORT COMMISSIONER: ANDHRA PRADESH: VIJAYAWADA

Circular Memo No.734/R/2020

dated: **21/04/2020****Sub:** Transport Department –Hon'ble Supreme Court decree &

MORTH advisory regarding compliance of BS VI emission standards w.e.f 1-4-2020 - DTC's sought clarifications on certain points – clarifications issued- Regarding.

- Ref:**
1. Notification G.S.R. 889(E) dated 16.09.2016 of MORTH
 2. Notification GSR 178 (E) dated 20th February, 2018 of MORTH
 3. The Hon'ble Supreme Court's order dt 24.10.2018 in W.P (C) No. 13029 of 1985, M.C. Mehta V/s Union of India .
 4. This office Memo No. 734/R/2017 dated 20-02-2020
 5. Advisory No. RT-1 1036/16/2018-MVLMoRTH (MVL Section) dt 6-3-2020
 6. Advisory No. RT-11036/13/2020-MVLMoRTH dt: 17-03-2020.
 7. Hon'ble Supreme Court order in IA No 45883/2020, 45912/2020 dt: 27-3-2020 in W.P.(Civil) No.13029/1985

. . .

It is informed that in the reference 1st cited, the Ministry of Road Transport and Highways, vide Notification G.S.R. 889(E) dated 16.09.2016, mandated BS-VI mass emission norms for M and N Categories of vehicles manufactured on or after 1st April, 2020 for all models to bring down pollution across the Country.

It is further informed that the MORTH has amended Central Motor Vehicles Rules, 1989 and issued GSR 178 (E) dated 20th February, 2018 inserting a new sub-rule (21) to CMR Rule 115 that new motor vehicles conforming to Emission Standard Bharat Stage-IV manufactured before the 1st April, 2020 shall not be registered after 30th June, 2020. Further the new motor vehicles of categories of M & N of BS-IV manufactured before the 1st April, 2020 and also in the form of drive away chassis shall not be registered after 30th September 2020.

However, the Hon'ble Supreme Court vide its order dated 24th October 2018 in W.P. (Civil) No. 13029 of 1985 has directed that no new motor vehicle conforming to the emission standard Bharat Stage- IV shall be sold or registered in the entire Country with effect from 01.04.2020. The Hon'ble Supreme Court in its order dated 24.10.2018 in the matter of W.P (C) No. 13029 of 1985, M.C. Mehta V/s Union of India has passed following directions:-

"Therefore, in exercise of the power vested in this Court under Article 142 of the Constitution, we read down sub-rule 21 of rule 115 and direct that sub-

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rule 21 of Rule115 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 with effect from 01-04-2020."

The MoRTH in it's advisory on 6-3-2020 has instructed all the States to comply with the Hon'ble Supreme Court orders.

Therefore, in the reference 4th cited, instructions were issued to all the Registering Authorities not to register any motor vehicle which is not conforming to Bharat Stage-VI emission standards after 31-03-2020.

It is informed that on a clarification sought for by certain Manufacturer's Associations with regard to registration of CEVs and Agirucultural Tractors etc., the MoRTH, vide reference 6th cited, has clarified that Rule 115 of CMV Rules, 1989 pertains to Emission norms for M, N and L Categories of vehicles, whereas Rule 115-A pertains to Construction Equipment Vehicles (CEVs), Agricultural Tractors, Combined Harvesters and Power Tillers which are separate vehicles and do not fall under M, N and L Category of vehicles. Therefore, the MoRTH requested to register the Construction Equipment Vehicles (CEVs), Agricultural Tractors, Combined Harvesters and Power Tillers in accordance with the provision 115-A of the CMV Rules, 1989.

Keeping in view of complete lockdown w.e.f.22-03-2020 throughout the Country in view of containment of spread of Covid-19, Federation of Automobile Dealer's Association have filed I.As before the Hon'ble Supreme Court. The Hon'ble supreme court in IA NOs 45883/2020,45912/2020 dated 27-3-2020 has decreed that,-

"..sold vehicles be registered by the concerned authorities by 30.04.2020. However, at the same time we direct the applicant to furnish details of the purchasers,on affidavit, of the aforesaid vehicles through e-mail, within sevendays from today.Details of registration shall also be furnished to this Court."

And With respect to unsold vehicles,-

" It is ordered that not beyond 10% of the vehicles,except with the Dealers in Delhi/NCR region, are permitted to be sold out of the aforesaid number of vehicles to make up good of six days which were available before the lock-down has been ordered in the country. Details of the sale shall be furnished by the applicant and there shall be no violation of the order passed by this Court. Sales to be done within ten days of the liftingof the lock-down operating in the concerned cities and not beyond it and on an affidavit number of vehicles sold shall be stated by the applicant/Federation of AutomobileDealers Association and only those vehicles shall be permitted to be registered about which affidavit is filed. If out of the vehicles which are permitted to be sold, some of them remain unsold then obviously,there is no question of any further extension of time for sale of these kind of vehicles.Particulars shall be given on an affidavit with engine and chassis numbers by theapplicant/Federation of Automobile Dealers Association of the sale of vehicles beforethe registration is made, within seven days of the sale"

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It is informed that certain Deputy Transport commissioners in the State have sought clarifications on certain points during the Video conference held by Transport commissioner on 8-4-2020.

As seen from our database, it is found that there are lot of vehicles which are on Temporary Registration (TR) as on 31.03.2020, but yet to be permanently registered.

These vehicles can be categorized into three categories:

I. Vehicles which were purchased long back with TRs done in 2-tier / 3-tier software:

Even though we have provided for automatic registration of all TR vehicles after lapse of one month in case of all online cases, we could not do it for earlier vehicles as the owners have not approached us and have not paid the fee and not submitted the required documents. There are around 95,000 such vehicles in our database. These vehicles, though they were sold and TRs generated before 31.03.2020, cannot be registered after 30.04.2020.

As the owners had not approached us with transaction fee and document required, we have to remind the owners that they have to get the registration done before 30.04.2020 by paying appropriate fee and submitting the relevant documents.

The IT Team at TC office will send text messages to the registered mobiles of the all such owners every day till 27th April asking them to comply, failing which the registration can never be done and the vehicles are to be seized if found plying on roads. The messages will also go to the financiers of the vehicles. The DTCs also can send notices by post to all the owners for compliance.

The district wise list of such vehicles with addresses of the owners will also be circulated to all the enforcement officials in the state for enforcement against such vehicles plying without permanent registration. The enforcement officials will seize all such vehicles and facilitate registration before 30.04.2020. if found plying after that date, the vehicles will have to be seized and they cannot be registered further and if released they need to be released as scrap only.

II. There are 4054 vehicles which are done TR online but not yet registered due to the following reasons:

A. The applications/ files which are pending consideration at various levels of our official log ins (CCO/AO/MVI/RTO):

All the RTOs/AOs shall be directed to complete disposal of all such application pending before them or their staff by 21.04.2020. If the files are approved, the registration will be done immediately. If rejected or kept pending for any reason, the files will fall under B or C categories mentioned below, which will be disposed of as mentioned below.

B. The applications are rejected/ pending due to finding by the

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officials that some of the documents filed by the owners through the dealers were found inadequate or inappropriate.

The IT Team at TC office will send text messages every day till 27th April to all the owners and dealers to upload proper documents failing which the registration of the vehicles, for which TR is valid only for one month, can never be done after 30.04.2020.

The DTCs also can send notices to all the owners and dealers and financiers, if any.

No transaction for registration of these vehicles shall be entertained after 30.04.2020 for these vehicles.

c.The applications are rejected/pending due to finding of requirement of difference of tax due for the second vehicle owned by any person or any other tax inadequacy:

These are all files rejected or kept pending as the system is showing that the owner is already having one vehicle in his name at the time of TR of the new vehicle and that additional tax for having a second vehicle is due against these vehicles.

The IT Team at TC office will send text messages to owners, dealers and financiers for payment of the difference of tax before 31.04.2020 failing which the registration of the vehicle can never be done. These messages will go every day till 27.04.2020.

There may be some cases where the difference of tax is also paid through dealer but is not getting reflected against the vehicle in our system. All such cases shall be escalated to IT team at TC office by raising tickets on priority basis before 27.04.2020. the IT team at TC office shall clear all such tickets on priority basis before 27.04.2020.

For every vehicle for which the demand of difference of tax stays, the RTO shall raise the demand before 27.04.2020. The IT team at TC office will inform the RTOs, the software flow that needs to be followed by them for this purpose which will enable the Head office to decide about these vehicles.

The TC office will take a call on 28.04.2020 what further action is to be taken against those who did not respond.

III. CLARIFICATION ON PERMANENT REGISTRATION OF OTHER STATE T.Rs OF BS IV VEHICLES DONE BEFORE 31.03.2020:

Whenever permanent registration is sought by citizen entry online, producing TR done in other State, the following steps shall be followed:

- A. Verify from VAHAN portal about genuineness of the TR , for TRs issued by any State other than Telangana and Madhya Pradesh (these two States are not into Vahan software). TRs issued by MP and TS shall be verified independently with the

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concerned. Physical file of the entire transaction shall be maintained. The login into Vahan for this purpose of verification is being provided to the RTOs by the IT Team of TC office.

- B. The data can be edited for correctness for details other than physical features of the vehicle at CCO level.
- C. The data relating to technical specifications of the vehicle can be edited by the AMVI/MVI for correctness of the data after physical inspection.
- D. Then, Permanent Registration shall be allowed by AO after tax is also collected.
- E. All these pending files shall be cleared before 31.04.2020.

IV. Please give instructions to the concerned to reject if emission norms of vehicle received from VAHAN are displayed as BS4/BS6.

All the Registering Authorities are requested to take further necessary action in the matter.

**PSR ANJANEYULU IPS
COMMISSIONER**

To

All the Registering Authorities in the State.

All the Addl.Registering Authorities in the State.

Copy submitted to the Principal Secretary to the Government, Transport, R&B Department, Government of Andhra Pradesh, 5th Building, 1st Floor, A.P.Secretariat, Velagapudi, Guntur District.