

C3/16009/TC/2011

Transport Commissionerate,
Trans Towers, Thiruvananthapuram,
Dated, 05.09.2011.

From

The Transport Commissioner,
Thiruvananthapuram.

To

All Deputy Transport Commissioners
All Regional Transport Officers
All Joint Regional Transport Officers

Sir,

Sub:- M.Vs.Dept. - Alteration of Goods Vehicles in to Generator
Van - clarification issued - reg -

Ref:- Judgment of Hon'ble High Court in WP(C) No.4630/2011
and WP(C) No.34622/2010.

As per SO No.1248 dated 05.11.2004 issued by Government of India, Ministry of Transport and Highways a vehicle fitted with equipments like generator has been classified in the category of non transport vehicle. It does not mean a generator mounted on a Goods Vehicle can be classified in the category of non-transport vehicles. Instances have been noticed that certain Regional Transport Officers/Joint Regional Transport Officers have accorded sanction to alter the Goods Vehicle into generator van and there by categorized the Goods Vehicle into a non transport vehicle. This action of Regional Transport Officers/Joint Regional Transport Officers is a clear violation of section 52 of the M.V.Act which prohibits the alteration of vehicle in such a way that the particulars contained in the Certificate of Registration are at variance with those originally specified by the manufacturer. But, mere mounting of a generator on a goods vehicle shall not be deemed to an alteration as per section 52 of the M.V.Act subject to the condition that such mounting does not change the

classification of vehicle as Non transport vehicle. This was also declared by the Hon'ble High Court in the judgment reference cited. Hon'ble High Court has observed that mounting a generator on a Goods vehicle would not change the basic feature of the vehicle and also it would not change the classification of the vehicle.

In the above circumstance all Regional Transport Officers and Joint Regional Transport Officers are directed to allow permission to mount the generator on a Goods Vehicle without altering the class of vehicle as Non Transport Vehicle. If any permission has been granted earlier for altering any Goods Vehicle as Non Transport Vehicle while mounting a generator on the vehicle such permission for changing the class of vehicle shall be withdrawn and tax at the rate applicable to Goods Vehicles shall be realized from that date of alteration onwards.

Yours faithfully,

Sd/-

Senior Deputy Transport Commissioner,
(Taxation)

For Transport Commissioner.

Approved for issue

Senior Superintendent.

mn