

C3/16009/TC/2011

Transport Commissionerate
Trans Towers, Thiruvananthapuram,
Dated,31/10/2011.

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- further clarification issued -reg-

Ref:- (1) Judgment of Hon'ble High Court in WP(C) No.4630/2011 and WP(C) No.34622/2010.

(2) This Office letter of even No dated 05/09/2011.

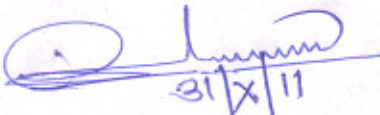
(3) Judgment of Hon'ble High Court dated 18/07/2011 in WA No.441/2011.

A direction referred as (2) above was issued by the Transport Commissioner on the basis of the Single Bench Judgment of the Hon'ble High Court of Kerala in WPC No.4630/11 dated 18/03/2011 wherein it was stated that the alteration of a Goods Vehicle into a generator van shall not be violative of Section 52 of MV Act and directed all RTOs and Joint RTOs to allow permission to mount the generator on a goods vehicle without altering the class of vehicle as Non Transport Vehicles. Against the Judgment of Hon'ble High Court in WP(C)s aggrieved vehicle owners approached the Division Bench in WA No.441/11 and obtained a direction to the respondent to consider the application for categorizing their vehicles as NTV on the basis of Central Government notification SO No. 1248 dated 05/11/2004 and also viewed that this notification might not been brought into the notice of Hon'ble Single Judge. Several other documents produced by them showing that these types of vehicles are categorized as NTV in other States also. Considering all these documents and also considering the judgment of the Hon'ble Division Bench referred as 3 above, it is further clarified that Goods Vehicles fitted with generator can be categorized as NTV as per notification SO No.1248/2004 dated 05/11/2004 issued by the surface Transport Ministry, Government of India.

Sd/-

Transport Commissioner

Approved for issue



31/10/11

Senior DTC (Taxation) i/c