

No. B2/17387/TC/2010

Transport Commissionerate, Kerala,
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Dated, 10.10.2012.

From

The Transport Commissioner,
Thiruvananthapuram.

To

All Deputy Transport Commissioners/
Regional Transport Officers/
Joint Regional Transport Officers.

Sir,

Sub:- Motor Vehicles Department - Common judgment in W P (C) No. 19835/2008
and others - Motor Driving School and Kerala Motor Transport Workers
Welfare fund - reg.

Ref:- Government Letter No. 11222/B3/2010/Tran dated, 08.09.2012.

Your attention is invited to the subject matter and bring it to your notice that the Hon'ble High Court Division Bench, vide judgment cited; dated 27th February 2009, had held that driving schools does not comes under the description of 'Motor Transport Undertaking' and hence they are not covered by the statute laid down by the Kerala Motor Transport Workers Welfare Fund Act, 1985. Consequently the vehicles owned by the driving schools are exempted from paying contribution to the mentioned welfare fund and thus can be exempted from the purview of sub sections 7 and 8 of section 4 of Kerala Motor Vehicle Taxation Act, 1976, as well.

The Government also, vide reference cited, have advised to execute the decision of the Hon'ble High Court. Hence, you are requested not to insist upon production of receipt from Kerala Motor Transport Workers Welfare Fund for accepting Motor Vehicle tax for the vehicle used, for imparting instruction in driving owned by the Driving Schools.

Yours faithfully,
Sd/-

Senior Deputy Transport Commissioner,
for Transport Commissioner

Approved for issue

Senior Superintendent

[Handwritten signature]
14/10/12