15 -ാം കേരള നിയമസഭ

14 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 1890 **29-09-2025 - ൽ മറുപടിയ്ക്ക്**

ഗുരുവായൂർ മണ്ഡലത്തിലെ ജനകീയ സദസ്സ്

ചോദ്യം		ഉത്തരം	
ശ്രീ. എൻ. കെ. അക്ബർ		**ശ്രീ കെ ബി ഗണേഷ് കുമാർ (ഗതാഗത വകുപ്പ് മന്ത്രി)**	
(എ)	ഗുരുവായൂർ മണ്ഡലത്തിൽ ഗതാഗത പ്രശ്നങ്ങൾ ചർച്ച ചെയ്യുന്നതിനായി ചേർന്ന ജനകീയ സദസ്സിന്റെ തുടർപ്രവർത്തനങ്ങൾ ഏതു ഘട്ടത്തിലാണെന്ന് വിശദമാക്കാമോ;	(എ)	**യാത്രാസൗകര്യം മെച്ചപ്പെടുത്തുന്നതിനായി സംസ്ഥാനത്ത് ആകെ പുതിയ 503 റൂട്ടുകൾ തിരഞ്ഞെടുക്കുകയും ആയതിന്റെ കരട് സ്കീം പരിശോധിച്ചുവരുകയും ചെയ്യുന്നു.**
(ബി)	യോഗത്തിൽ ഉയർന്നു വന്ന ഏതൊക്കെ പ്രശ്നങ്ങൾക്കാണ് പരിഹാരം ഉണ്ടായിട്ടുള്ളതെന്ന് അറിയിക്കാമോ?	(ബി)	**യാത്രാസൗകര്യം മെച്ചപ്പെടുത്തുന്നതിനായി സംസ്ഥാനത്ത് ആകെ പുതിയ 503 റൂട്ടുകൾ തിരഞ്ഞെടുക്കുകയും ആയതിന്റെ കരട് സ്കീം പരിശോധിച്ചു വരുകയും ചെയ്യുന്നു.**

സെക്ഷൻ ഓഫീസർ

Note # 1

NOTES

Sub: Fitment of High Security Registration Plates on old vehicles-reg.

As per the Minutes of the Meeting chaired by the Hon'ble Minister for Transport on 15/02/2022 (decision no.4), it has been decided to implement HSRP fitment in old vehicles by ensuring that the Government may get maximum revenue.

Kindly see the letter of Transport Commissioner, in this regards.

For the better implementation of scheme of High Security Registration Plates (HSRP), MoRTH has issued the following notifications:-

(1) G.S.R.No. 1162(E) dated 04.12.2018 regarding amendment in Rule 50 and Rule 124 of Central Motor Vehicles Rules, 1989

(2) S.O 6052(E) dated 06.12.2018 regarding Motor Vehicles (High Security Registration Plates) Order, 2018.

As per the above mentioned notifications, it has been mandated that, on or after 1st April, 2019, the type approved HSRP, including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobile.

Further, Clause 5 of HSRP, Order, 2018 has made provisions for affixation of HSRP on existing vehicles as under:-

(i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing
the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorized by the state concerned, may also supply the high security registration plate including the third registration mark on old
vehicles after placing the registration mark.

As per Clause 6 (i) of the said Order, the manufacturer of the
motor vehicle and their dealers or the manufactures or supplier of HSRP shall have a certification to the HSRP from the CIRT or any one of the testing agencies authorized by the Central

Government under Rule126 of CMV Rules, 1989.

Further, MoRTH has issued G.S.R.No.104(E) dated 11th February, 2020 regarding specification of HSRP, vide which Rule 50 of Central Motor Vehicles Rules, 1989 has been amended and clause (v) of Rule 50(1) has been substituted as under:

“(v) the plate shall be fastened with non-removable / non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved license plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorized under rule 126 shall approve the security registration as per the provisions of this rule."

As per the information issued by MoRTH which is available in the Website of MoRTH, the role of Central Government as well as State Government for the implementation of HSRP are defined.

Transport Commissioner informed that Motor Vehicles Department can proceed with the steps to float tenders for selecting the vendors for fixing HSRP on old vehicle subject to the following condition.

(1) The vendors quote lowest rate for HSRP may be fixed or

(2) The vendors quoting highest royalty rate to Government may be fixed or

(3) The vendors quoting both lowest rate for HSRP and highest royalty rate to Government may be fixed.

(4) A security deposit or desired amount can be fixed so as to ensure that the vendors are fixing high quality HSRP.

(5) A time limit may be framed for fixing HSRP on old vehicle

In view of the above, file may be circulated to Hon'ble Min (Tran) for an order as to whether Transport Commissioner may directed to proceed with the tendering activities for selecting the vendors for fixing HSRP on old vehicle.

24/08/2022 04:45 PM

MITHUN P
ASST (B2) TRANS

File No. TRANS-B2/349/2022-TRANS (Computer No. 2184481)

Generated from eOffice by RATHEESH R, SO(B)TRANS, SO (B) TRANS, Transport Department on 27/09/2025 03:32 PM

Note # 2

25/08/2022 11:45 AM **RATHEESH R**
SO (B) TRANS

Note # 3

25/08/2022 12:41 PM **BINDU R**
US (B) TRANS

Note # 4

26/08/2022 07:26 AM **BINOD K**
JS (B) TRANS

Note # 5
Please get the opinion of FD before sending file to the MT

26/08/2022 08:43 AM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 6

26/08/2022 06:07 PM **BINOD K**
JS (B) TRANS

Note # 7

27/08/2022 11:20 AM **BINDU R**
US (B) TRANS

Note # 8

27/08/2022 12:29 PM **MITHUN P**
ASST (B2) TRANS

Note # 9

27/08/2022 12:42 PM **CRU.FIN**
OS(RMU,FIN)

Note # 10

27/08/2022 05:09 PM **ASHA.M.S**
SO (IND&PW-A, FIN)

Note # 11

I&PW-A1/287/2022-FIN **Finance (I&PW-A) Dept**
TRANS-B2/349/2022-TRANS **Dated: 16.09.2022**

AD is requested to direct TC to select Vendor through transparent bidding from among those who have been given Type approval Certificate by the Authorised testing agencies under Central Motor Vehicles Rules 1989 and to ensure that proper controls are exercised at the time of issuance of these plates after selection of the vendor. AD is also requested to ensure AS before initiating tender process

For Additional Chief Secretary (Finance)

17/09/2022 03:12 PM **ASHA.M.S**
SO (IND&PW-A, FIN)

Note # 12

22/09/2022 11:12 AM **ASHA.M.S**
SO (IND&PW-A, FIN)

Note # 13

Note # 14

CIRCULATION NOTE

As per the Minutes of the Meeting chaired by the Hon'ble Minister for Transport on 15/02/2022 (decision no.4), it has been decided to implement HSRP fitment in old vehicles by ensuring that the Government may get maximum revenue.

Kindly see the letter of Transport Commissioner, in this regards.

For the better implementation of scheme of High Security Registration Plates (HSRP), MoRTH has issued the following notifications:-

(1) G.S.R.No. 1162(E) dated 04.12.2018 regarding amendment in Rule 50 and Rule 124 of Central Motor Vehicles Rules, 1989

(2) S.O 6052(E) dated 06.12.2018 regarding Motor Vehicles (High Security Registration Plates) Order, 2018.

As per the above mentioned notifications, it has been mandated that, on or after 1st April, 2019, the type approved HSRP, including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobile.

Further, Clause 5 of HSRP, Order, 2018 has made provisions for affixation of HSRP on existing vehicles as under:-

(i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing
the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorized by the state concerned, may also supply the high security registration plate including the third registration mark on old
vehicles after placing the registration mark.

As per Clause 6 (i) of the said Order, the manufacturer of

the
motor vehicle and their dealers or the manufactures or supplier of HSRP shall have a certification to the HSRP from the CIRT or any one of the testing agencies authorized by the Central Government under Rule126 of CMV Rules, 1989.

Further, MoRTH has issued G.S.R.No.104(E) dated 11th February, 2020 regarding specification of HSRP, vide which Rule 50 of Central Motor Vehicles Rules, 1989 has been amended and clause (v) of Rule 50(1) has been substituted as under:

"(v) the plate shall be fastened with non-removable / non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved license plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorized under rule 126 shall approve the security registration as per the provisions of this rule."

As per the information issued by MoRTH which is available in the Website of MoRTH, the role of Central Government as well as State Government for the implementation of HSRP are defined.

Transport Commissioner informed that Motor Vehicles Department can proceed with the steps to float tenders for selecting the vendors for fixing HSRP on old vehicle subject to the following condition.

(1) The vendors quote lowest rate for HSRP may be fixed or

(2) The vendors quoting highest royalty rate to Government may be fixed or

(3) The vendors quoting both lowest rate for HSRP and highest royalty rate to Government may be fixed.

(4) A security deposit or desired amount can be fixed so as to ensure that the vendors are fixing high quality HSRP.

(5) A time limit may be framed for fixing HSRP on old vehicle

As per the order of the Secretary, file forwarded to Finance Department for remarks. FD opined as follows:-

"AD is requested to direct TC to select Vendor through

transparent bidding from among those who have been given Type approval Certificate by the Authorised testing agencies under Central Motor Vehicles Rules 1989 and to ensure that proper controls are exercised at the time of issuance of these plates after selection of the vendor. AD is also requested to ensure AS before initiating tender process."

In view of the above circumstances file may be circulated to Hon'ble Min (Tran) for an order as to whether Transport Commissioner may directed to proceed with the tendering activities for selecting the vendors for fixing HSRP on old vehicle.

06/10/2022 02:34 PM **MITHUN P**
ASST (B2) TRANS

Note # 15

06/10/2022 04:41 PM **RATHEESH R**
SO (B) TRANS

Note # 16

As opined by Finance Department, sanction may be accorded to the TC to select Vendor for fitment of HSRP in existing vehicles through transparent bidding from among those who have been given Type approval Certificate by the Authorised testing agencies under Central Motor Vehicles Rules 1989 and to ensure that proper controls are exercised at the time of issuance of these plates after selection of the vendor.

May be circulated to the Hon. Min(Tran) for orders.

07/10/2022 11:07 AM **BINDU R**
US (B) TRANS

Note # 17

10/10/2022 03:00 PM **SHEELA M**
JS (B) TRANS

Note # 18

11/10/2022 10:35 AM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 19

The role of the State Govt. relating to introduction of HSRP is to implement the scheme in accordance with the rules framed by Central Govt. It is the State Govt. to select vendors. It is seen that suggestions have been submitted by the Transport Commissioner for selecting the vendors.

Govt. has to take a policy decisions on the matter of introducing HSRP at first. The action in having sent the file to F.D. without seeking orders of the Minister (Tr.) is highly irregular and improper, vide Note # 5 above which is contrary to the suggestions seen from Note # 1 to 4 N.F.

Ask the Transport Commissioner as to whether any further or fresh option can be suggested to implement the scheme.

01/03/2023 10:04 AM **ANTONY RAJU**
MIN (TRANS)

Note # 20

01/03/2023 11:01 AM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 21

01/03/2023 01:20 PM **SHEELA M**
JS (B) TRANS

Note # 22

01/03/2023 01:56 PM **BINDU R**
US (B) TRANS

Note # 23

01/03/2023 04:27 PM **RATHEESH R**
SO (B) TRANS

Note # 24

Vide order at Note#19; draft letter to TC may be submitted for approval.

08/03/2023 10:50 AM **MITHUN P**
ASST (B2) TRANS

Note # 25

08/03/2023 11:08 AM **RATHEESH R**
SO (B) TRANS

Note # 26

08/03/2023 02:46 PM **BINDU R**
US (B) TRANS

Note # 27

08/03/2023 05:04 PM **BINDU R**
US (B) TRANS

Note # 28

09/03/2023 09:11 AM **RATHEESH R**
SO (B) TRANS

Note # 29

As per the Minutes of the Meeting chaired by the Hon'ble Minister for Transport on 15/02/2022 (decision no.4), it has been decided to implement HSRP fitment in old vehicles. Transport Commissioner had
suggested that Motor Vehicles Department could proceed with the steps to float tenders for selecting the vendors for fixing

HSRP on old vehicle subject to the following condition.
(1) The vendors quote lowest rate for HSRP may be fixed or
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(4) A security deposit or desired amount can be fixed so as to ensure that the vendors are fixing high quality HSRP.
(5) A time limit may be framed for fixing HSRP on old vehicle

When file was submitted along with theremarks of FD; Hon'ble Minister has ordered to ask the Transport Commissioner as to whether any further or fresh option can be suggested to implement the scheme (Note#19).

Based on the letter dated 08/03/2023 sent to TC, TC has informed that, 3 months time is necessary for the process of selecting vendors who can be granted approval to affix HSRP on existing motor vehicle registered in Kerala before 01-04-2019.

In the interim order dated 14/03/2023 of the Hon'ble High Court of Kerala in WP(C)No.10761/2022, the Hon'ble Court directed to report a time frame within which licensed vendors with Type Approval Certificates can be granted approval to affix HSRP on existing motor vehicles registered in Kerala before 1.4.2019 and also, provide them access to Vahan Portal.

In view of the above circumstances file may be circulated to Hon'ble Min (Tran) for an order as to whether Transport Commissioner may directed to proceed with the tendering activities for selecting the vendors for fitment of HSRP in existing old vehicles through transparent bidding from among those who have been given Type approval Certificate by the Authorised testing agencies under Central Motor Vehicles Rules, 1989 and also to ensure that proper controls are exercised at the time of issuance of these plates after selection of the vendor.

22/03/2023 12:38 PM

MITHUN P
ASST (B2) TRANS

Note # 30

Generated from eOffice by RATHEESH R, SO(B)TRANS, SO (B) TRANS, Transport Department on 27/09/2025 03:32 PM

22/03/2023 04:24 PM **RATHEESH R**
SO (B) TRANS

Note # 31

24/03/2023 10:48 AM **BINDU R**
US (B) TRANS

Note # 32

Please add the WP(c) file (10761/22) and resubmit.

27/03/2023 03:51 PM **SHEELA M**
JS (B) TRANS

Note # 33

27/03/2023 05:26 PM **BINDU R**
US (B) TRANS

Note # 34

28/03/2023 12:08 PM **RATHEESH R**
SO (B) TRANS

Note # 35

Circulation Note

As per the Minutes of the Meeting chaired by the Hon'ble Minister for Transport on 15/02/2022 (decision no.4), it has been decided to implement HSRP fitment in old vehicles. Transport Commissioner had
suggested that Motor Vehicles Department could proceed with the steps to float tenders for selecting the vendors for fixing HSRP on old vehicle subject to the following condition.
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In view of the above circumstances, file may be circulated to Hon'ble Min(Tran) for an order as to whether Transport Commissioner may directed to proceed with the tendering activities for selecting the vendors for fitment of HSRP in existing old vehicles through transparent bidding from among those who have been given Type approval Certificate by the authorised testing agencies under Central Motor Vehicles Rules, 1989. If agreed, may inform the Hon'ble High Court that, 3 months time is necessary for the process of selecting vendors who can be granted approval to affix HSRP on existing motor vehicle registered in Kerala before 01-04-2019.

28/03/2023 04:55 PM **MITHUN P**
ASST (B2) TRANS

Note # 36

29/03/2023 10:49 AM **BINDU R**
US (B) TRANS

Note # 37

29/03/2023 06:53 PM **SHEELA M**
JS (B) TRANS

Note # 38

For orders

31/03/2023 11:28 PM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 39

Report to the Advocate Genl the time required for selecting the vendors , immediately.

13/04/2023 10:19 AM **ANTONY RAJU**
MIN (TRANS)

Note # 40

Seek 3 months time for the selection of vendor. Give directions to TC to report the details of selected vendor and rates obtained in the tender within 2 and half months . Please issue directions to the AG with the copy of the letter to TC today itself .

13/04/2023 10:53 AM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 41

13/04/2023 10:58 AM **SHEELA M**
JS (B) TRANS

Note # 42

13/04/2023 10:59 AM **BINDU R**
US (B) TRANS

Note # 43

As per orders above, draft letter submitted for approval.

13/04/2023 11:36 AM **AKHIL V L**
ASST (B1) TRANS

Note # 44

13/04/2023 11:40 AM **BINDU R**
US (B) TRANS

Note # 45

13/04/2023 11:44 AM **SHEELA M**
JS (B) TRANS

Note # 46

13/04/2023 11:52 AM **BINDU R**
US (B) TRANS

Note # 47

Kindly see the Judgment dated 13/04/2023 of the Hon'ble High Court of Kerala in WP(C)No.35549 of 2022, 10761 of 2022 & 7089 of 2023.

Hon'ble Court had opined that manufacturers of HSRPs who have obtained Type Approval Certificate issued by the Government of India or other Testing Agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government. Only dealers of the approved licensed manufacturers are required to obtain approval from the State Government.

Also the Hon'ble Court had directed that,

(1) the respondents in W.P.(C) No. 10761/2022 to allow and authorize the petitioner therein to issue and affix HSRP (High Security Registration Plates) on vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate issue to them. Their request for providing access to the National Registry for electronically linking HSRP details in the "VAHAN" portal shall also be considered, and expeditious orders shall be issued to enable them to issue and affix HSRP plates without any impediment whatsoever.

(2) The petitioners in W.P.(C) No.35549/2022 and 7089/2023 shall

appear before the Transport Commissioner and place materials to establish that they are merely service partners/online booking, fitment, and delivery points and are not dealers. The Transport Commissioner shall consider the materials and take a decision within a period of one month from 13/04/2023. If the petitioners are not dealers, they are not bound to get approval from the State Government in terms of Rule 50 of the Central Motor Vehicles Rules.

In view of the above circumstances, file may be circulated to Hon'ble Minister (Transport) for an order as to whether Transport Commissioner may directed to comply with the Judgment dated 13/04/2023 of the Hon'ble High Court of Kerala in WP(C)No.35549 of 2022, 10761 of 2022 & 7089 of 2023.

27/04/2023 10:42 AM **MITHUN P**
ASST (B2) TRANS

Note # 48

27/04/2023 11:26 AM **RATHEESH R**
SO (B) TRANS

Note # 49

The TC may be directed to furnish his remarks on the order of the Hon.HC, by return .

27/04/2023 12:33 PM **BINDU R**
US (B) TRANS

Note # 50

Yes

09/05/2023 11:57 AM **SHEELA M**
JS (B) TRANS

Note # 51

09/05/2023 12:14 PM **BINDU R**
US (B) TRANS

Note # 52

09/05/2023 12:16 PM **RATHEESH R**
SO (B) TRANS

Note # 53

Vide orders above, draft letter to TC may be submitted for approval.

09/05/2023 12:54 PM **MITHUN P**
ASST (B2) TRANS

Note # 54

09/05/2023 02:31 PM **RATHEESH R**
SO (B) TRANS

Note # 55

09/05/2023 05:06 PM **BINDU R**
US (B) TRANS

Note # 56

10/05/2023 09:09 AM **RATHEESH R**
SO (B) TRANS

Note # 57

Kindly see the representation submitted by President, All India Motor Vehicles Security Association. The representation may be forwarded to TC for further necessary action. S/o, DFA.

26/05/2023 12:57 PM **MITHUN P**
ASST (B2) TRANS

Note # 58

27/05/2023 01:57 PM **RATHEESH R**
SO (B) TRANS

Note # 59

29/05/2023 12:36 PM **BINDU R**
US (B) TRANS

Note # 60

29/05/2023 03:25 PM **RATHEESH R**
SO (B) TRANS

Note # 61

Kindly see the Judgment dated 13/04/2023 of the Hon'ble High Court of Kerala in WP(C)No.35549 of 2022, 10761 of 2022 & 7089 of 2023.

Hon'ble Court had opined that manufacturers of HSRPs who have obtained Type Approval Certificate issued by the Government of India or other Testing Agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government. Only dealers of the approved licensed manufacturers are required to obtain approval from the State Government.

Also the Hon'ble Court had directed that,

(1) the respondents in W.P.(C) No. 10761/2022 to allow and authorize the petitioner therein to issue and affix HSRP (High Security Registration Plates) on vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate issue to them. Their request for providing access to the National Registry for electronically linking HSRP details in the "VAHAN" portal shall also be considered, and expeditious orders shall be issued to enable them to issue and affix HSRP plates without any impediment whatsoever.

(2) The petitioners in W.P.(C) No.35549/2022 and 7089/2023 shall appear before the Transport Commissioner and place materials to establish that they are merely service partners/online booking,

fitment, and delivery points and are not dealers. The Transport Commissioner shall consider the materials and take a decision within a period of one month from 13/04/2023. If the petitioners are not dealers, they are not bound to get approval from the State Government in terms of Rule 50 of the Central Motor Vehicles Rules.

In rule 50 of the Central Motor Vehicles Rules, 1989 sub-rule (1) in clause (v) describes that "the license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufactures and their dealers or by the license plate manufactures or their dealers approved by the State Government or Union Territory Administration. The central road research institute, New Delhi or any agency authorized under rule 126 shall approve the security registration as per the provisions of the rule".

In the above circumstances, it is necessary that the common order dated 13/04/2023 in WPC No.10761/2022, WPC No. 35549/2022 and 7089 of 2023, may challenged before the Honble High Court.

TC in his letter dated 11/05/2023, informed that considering the urgency, he had directly requested the AG to file appeal against common order along with stay petition. Also TC has requested to ratify the above action.

A copy of writ appeal (WA No.999/2023) filed can be seen at p 410-704,cf. As per the order dated 29/05/2023 in WA No.999/2023, the Hon'ble High Court of Kerala stayed the order impugned in the appeal for a period of four weeks.

The files dealing with the WP(C)No.35549 of 2022, 10761 of 2022 & 7089 of 2023 are also attached along with this file.

In view of the above circumstances, file may be submitted for perusal and further orders.

01/06/2023 05:07 PM **MITHUN P**
ASST (B2) TRANS

Note # 62

Notes above may kindly be perused. Steps taken by Transport Commissioner to file appeal against the common order dated 13/04/2023 in WPC

No.10761/2022, WPC No. 35549/2022 and 7089 of 2023 along with stay petition, may be ratified. File submitted for further orders

02/06/2023 04:24 PM **RATHEESH R**
SO (B) TRANS

Note # 63

02/06/2023 05:22 PM **BINDU R**
US (B) TRANS

Note # 64

Please see the notes above.The letter seeking three months time for the process of selecting vendors for affixing HSRP in the motor vehicles registered in Kerala before 1.4.2019,was issued in 13.4.2023.The events after that has been narrated in pre paras.A judgement was pronounced, an appeal was filed against it and an interim stay was obtained.The action of TC in filing appeal may be ratified in the first instance.

Government is yet to arrive at a decision in this regard,hence it will be appropriate to seek further extension.

13/06/2023 05:22 PM **SHEELA M**
JS (B) TRANS

Note # 65

16/06/2023 08:09 AM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 66

Approved

19/06/2023 03:22 PM **ANTONY RAJU**
MIN (TRANS)

Note # 67

21/06/2023 11:11 AM **BIJU PRABHAKAR**

SECY (TRANS)

Note # 68

21/06/2023 11:20 AM **SHEELA M**
JS (B) TRANS

Note # 69

21/06/2023 11:25 AM **BINDU R**
US (B) TRANS

Note # 70

Vide orders above, TC may be informed that the steps taken to file appeal against the common order dated 13/04/2023 in WP(C) No.10761/2022,35549/2022 and 7089 of 2023 is ratified by the Government. DFA.

22/06/2023 04:27 PM **MITHUN P**
ASST (B2) TRANS

Note # 71

22/06/2023 04:31 PM **RATHEESH R**
SO (B) TRANS

Note # 72

23/06/2023 05:18 PM **BINDU R**
US (B) TRANS

Note # 73

24/06/2023 10:46 AM **RATHEESH R**
SO (B) TRANS

Note # 74

Circulation Note

As per the Minutes of the Meeting chaired by the Hon'ble Minister for Transport on 15/02/2022 (decision no.4), it has been decided to implement HSRP fitment in old vehicles.

Transport Commissioner had suggested that Motor Vehicles Department could proceed with the steps to float tenders for selecting the vendors for fixing HSRP on old vehicle subject to the following condition.

(1) The vendors quote lowest rate for HSRP may be fixed or

(2) The vendors quoting highest royalty rate to Government may be fixed or

(3) The vendors quoting both lowest rate for HSRP and highest royalty rate to Government may be fixed.

(4) A security deposit or desired amount can be fixed so as to ensure that the vendors are fixing high quality HSRP.

(5) A time limit may be framed for fixing HSRP on old vehicle

When file was submitted along with theremarks of FD; Hon'ble Minister has ordered to ask the Transport Commissioner as to whether any further or fresh option can be suggested to implement the scheme (Note#19).

Transport Commissioner in his letter dated 04/08/2023 has informed that a committee was constituted in this regard and no further suggestions received from the committee. Hence it has informed that there is no further option is being offered and can select any of the options already submitted to Government.

MoRTH has informed that the High Security Number Plates on old vehicles shall be issued by

a) Registering Authority

b) Vehicle Manufacturer and their dealers

c) License plate manufacturers or their dealers approved by the State Govt.

MoRTH has also requested to furnish the details of HSRP vendors notified by the State Govt.

In view of the above circumstances, file may be circulated to Hon'ble Min(Tran) for an order as to whether Transport Commissioner may directed to proceed with the tendering activities for selecting the vendors for fitment of HSRP in existing old vehicles through transparent bidding from among

those who have been given Type approval Certificate by the authorised testing agencies under Central Motor Vehicles Rules, 1989.

18/08/2023 09:52 AM **MITHUN P**
ASST (B2) TRANS

Note # 75

Notes above may kindly be perused. As per letter dated 13/04/2023 , Government have informed the Advocate General that three (3)months time is required for the process of selecting vendors, who can be granted approval, to affix High Security Registration Plates on existing motor vehicles registered in Kerala, before 01/04/2019.

As per Judgment dated 13/04/2023 the Hon'ble Court had directed that, the respondents in W.P.(C) No. 10761/2022 to allow and authorize the petitioner therein to issue and affix HSRP (High Security Registration Plates) on vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate issue to them. The Transport Commissioner has filed appeal against common order along with stay petition. As per the order dated 29/05/2023 in WA No.999/2023, the Hon'ble High Court of Kerala ordered that taking note of the fact that the writ petition is already listed and ripe for hearing before one of the learned Single Judges, the Hon'ble High Court prefer to maintain the position viz-a-viz the right claimed by the petitioner as it stood on the date of filing of the writ petition till the issues presented for decision are comprehensively considered and adjudicated in W.P.(C) No.10761 of 2022. Hence, stayed the order impugned in the appeal for a period of four weeks and request the learned Single Judge to consider giving out of turn hearing to the writ petition at the earliest

At this stage whether is it desirable to go for selecting vendor ?

18/08/2023 01:34 PM **RATHEESH R**
SO (B) TRANS

Note # 76

05/09/2023 02:09 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 77

Present position of the writ appeal in which interim stay was obtained may

be ascertained.

16/09/2023 05:49 PM — **SHEELA M**
JS (B) TRANS

Note # 78

18/09/2023 01:03 PM — **BIJU PRABHAKAR**
SECY (TRANS)

Note # 79

18/09/2023 01:10 PM — **SHEELA M**
JS (B) TRANS

Note # 80

18/09/2023 01:21 PM — **CHITHRALEKHA R G**
US (B) TRANS

Note # 81

18/09/2023 02:40 PM — **RATHEESH R**
SO (B) TRANS

Note # 82

Vide orders above, draft letter to AG may be submitted for approval.

20/09/2023 12:33 PM — **MITHUN P**
ASST (B2) TRANS

Note # 83

22/09/2023 11:25 AM — **RATHEESH R**
SO (B) TRANS

Note # 84

24/09/2023 08:17 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 85

25/09/2023 05:43 PM **RATHEESH R**
SO (B) TRANS

Note # 86

Kindly see the order dated 27/11/2023 of the Hon'ble High Court of Kerala in WP(C)No.10761/2022.

2. The State is directed to file an affidavit on behalf of the responsible officer regarding the policy or framework envisaged for selection/authorisation of approved vendors/manufactures of High Security Registration Plates (HSRP) for implementing Rule 50 of the Central Motor Vehicle Rules, 1989 for affixing the High Security Number Plates on vehicles manufactured prior to 01.04.2019.

3. Prima facie, I am of the view that the words 'approved by the State Government' in the notification dated 09.06.2023 would mean authorisation of the selected dealers by the State Government. The approval for manufacturing facility is accorded by the Central Road Research Institute (CRRI) and other agencies as mentioned in the Rule itself and there is no approval of the State Government contemplated for manufacturing facility of HSRP under the Rules.

As per the Minutes of the Meeting chaired by the Hon'ble Minister for Transport on 15/02/2022 (decision no.4), it has been decided to implement HSRP fitment in old vehicles.

Transport Commissioner had suggested that Motor Vehicles Department could proceed with the steps to float tenders for selecting the vendors for fixing HSRP on old vehicle subject to the following condition.

(1) The vendors quote lowest rate for HSRP may be fixed or

(2) The vendors quoting highest royalty rate to Government may be fixed or

(3) The vendors quoting both lowest rate for HSRP and highest royalty rate to Government may be fixed.

(4) A security deposit or desired amount can be fixed so as to ensure that the vendors are fixing high quality HSRP.

(5) A time limit may be framed for fixing HSRP on old vehicle

When file was submitted along with theremarks of FD; Hon'ble Minister has ordered to ask the Transport Commissioner as to whether any further or fresh option can be suggested to implement the scheme (Note#19).

Transport Commissioner in his letter dated 04/08/2023 has informed that a committee was constituted in this regard and no further suggestions received from the committee. Hence it has informed that there is no further option is being offered and can select any of the options already submitted to Government.

MoRTH has informed that the High Security Number Plates on old vehicles shall be issued by

a) Registering Authority

b) Vehicle Manufacturer and their dealers

c) License plate manufacturers or their dealers approved by the State Govt.

As per letter dated 13/04/2023, Government have informed the Advocate General that three (3) months time is required for the process of selecting vendors, who can be granted approval, to affix High Security Registration Plates on existing motor vehicles registered in Kerala, before 01/04/2019.

However a policy decision in this matter is not taken so far. In view of the above circumstances, file may be circulated to Hon'ble Min(Tran) for an order as to whether Transport Commissioner may directed to proceed with the tendering activities for selecting the vendors for fitment of HSRP in existing old vehicles through transparent bidding from among those who have been given Type approval Certificate by the authorised testing agencies under Central Motor Vehicles Rules, 1989.

01/12/2023 10:47 AM **MITHUN P**
ASST (B2) TRANS

Note # 87

pl with the report of TC received .

02/12/2023 10:07 AM **CHITHRALEKHA R G**
US (B) TRANS

Note # 88

Kindly see the order dated 27/11/2023 of the Hon'ble High Court

of Kerala in WP(C)No.10761/2022.

2. The State is directed to file an affidavit on behalf of the responsible officer regarding the policy or framework envisaged for selection/authorisation of approved vendors/manufactures of High Security Registration Plates (HSRP) for implementing Rule 50 of the Central Motor Vehicle Rules, 1989 for affixing the High Security Number Plates on vehicles manufactured prior to 01.04.2019.

3. Prima facie, I am of the view that the words 'approved by the State Government' in the notification dated 09.06.2023 would mean authorisation of the selected dealers by the State Government. The approval for manufacturing facility is accorded by the Central Road Research Institute (CRRI) and other agencies as mentioned in the Rule itself and there is no approval of the State Government contemplated for manufacturing facility of HSRP under the Rules.

As per the Minutes of the Meeting chaired by the Hon'ble Minister for Transport on 15/02/2022 (decision no.4), it has been decided to implement HSRP fitment in old vehicles.

Transport Commissioner had suggested that Motor Vehicles Department could proceed with the steps to float tenders for selecting the vendors for fixing HSRP on old vehicle subject to the following condition.

(1) The vendors quote lowest rate for HSRP may be fixed or

(2) The vendors quoting highest royalty rate to Government may be fixed or

(3) The vendors quoting both lowest rate for HSRP and highest royalty rate to Government may be fixed.

File No. TRANS-B2/349/2022-TRANS (Computer No. 2184481)

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(4) A security deposit or desired amount can be fixed so as to ensure that the vendors are fixing high quality HSRP.
(5) A time limit may be framed for fixing HSRP on old vehicle

When file was submitted along with theremarks of FD; Hon'ble Minister has ordered to ask the Transport Commissioner as to whether any further or fresh option can be suggested to implement the scheme (Note#19).

Transport Commissioner in his letter dated 04/08/2023 has informed that a committee was constituted in this regard and no further suggestions received from the committee. Hence it has informed that there is no further option is being offered and can select any of the options already submitted to Government.

MoRTH has informed that the High Security Number Plates on old vehicles shall be issued by

a) Registering Authority
b) Vehicle Manufacturer and their dealers
c) License plate manufacturers or their dealers approved by the State Govt.

As per letter dated 13/04/2023, Government have informed the Advocate General that three (3) months time is required for the process of selecting vendors, who can be granted approval, to affix High Security Registration Plates on existing motor vehicles registered in Kerala, before 01/04/2019.

As per Judgment dated 13/04/2023 the Hon'ble Court had directed that, the respondents in W.P.(C) No. 10761/2022 to allow and authorize the petitioner therein to issue and affix HSRP (High Security Registration Plates) on vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate issue to them. The Transport Commissioner has filed appeal against common order along with stay petition. As per the order dated 29/05/2023 in WA No.999/2023, the Hon'ble High Court of Kerala stayed the impugned order.

The Hon'ble High Court in the order dated 27.11.2023 in the WP(C)No.10761/2022, directed the State to file an affidavit on behalf of the responsible officers regarding the policy for frame work envisaged for selection/authorisation of approved vendors /manufacturers of HSRP for implementing Rule 50 of CMVR for affixing HSRP on vehicles manufactured prior to 01.04.2019.

However a policy decision in this matter is not taken so far

and also the State Government has not yet authorised any HSRP manufacture or the dealer to fix HSRP on old vehicles in the State.

TC in his letter dated 01/12/2023, has requested to take a policy decision on the implementation of HSRP on old vehicles. TC has suggested three options to select the manufacturers of HSRP or their dealers.

Option1:-Open to All

Authorisation shall be given to all HSRP manufacturers who had obtained approval from CIRT or any other testing agencies specified under Rule 126 of CMVR subject to the condition that the cost of fixing HSRP shall not be exceed the price fixed by Government.

Option 2:-Floating Tenders

Government can proceed with steps to float tenders for selecting the HSRP manufacturers subject to the following conditions:

a) The manufacturers of HSRP quoting lowest rate for HSRP may be fixed.

b) The manufacturers of HSRP quoting highest royalty rate to Government may be fixed

c) The manufacturers of HSRP quoting both lowest rate for HSRP and highest Royalty rate to Government may be fixed

d) A security deposit or desired amount can be fixed so as to ensure that the manufacturers are fixing high quality HSRP.

e) A time limit may be framed for fixing HSRP on old vehicles

Option3:- Selection for a particular HSRP manufacturer

Government can authorise a particular HSRP manufacturer or a

Government agency for fixing HSRP on old vehicles, subject to the

conditions specified by the Government.

TC has requested that an appropriate decision in this regard may be taken at the earliest and the same may be apprised to the Hon'ble High Court **before 8th December 2023.**

In view of the above circumstances, file may be circulated to Hon'ble Min(Tran) for perusal and further orders.

02/12/2023 10:47 AM **MITHUN P**

File No. TRANS-B2/349/2022-TRANS (Computer No. 2184481)

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ASST (B2) TRANS

Note # 89

02/12/2023 11:10 AM **RATHEESH R**
SO (B) TRANS

Note # 90

02/12/2023 11:44 AM **CHITHRALEKHA R G**
US (B) TRANS

Note # 91

03/12/2023 06:07 PM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 92

According to Rule 50 (1)(v) of the CMV Rules, for existing old registered vehicles, the license plate shall be issued by the registering authority or vehicle manufacturers and their dealers or by the license plate manufacturers or their dealers **approved by the state government** or U.T Administration. The Central Road Research Institute, New Delhi, or any agency authorized under rule 126 shall approve the security registration as per the provisions of this rule.

Hence the Registering Authority is authorised to fix HSRP on old vehicles, before 01.04.2019, through any of the affiliated/accredited agencies of the Government which have a Type Approval Certificate of HSRP from any agency specified under Rule 126 of CMVR. The Registering Authority shall exercise

proper control at the time of issuance of these plates.

Intimate the above before the Hon. H.C. when the WP(c) comes for a hearing.

07/12/2023 09:47 AM **ANTONY RAJU**
MIN (TRANS)

Note # 93

Put up a draft today itself. I understand the case is coming up for hearing tomorrow

07/12/2023 10:19 AM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 94

07/12/2023 10:30 AM **CHITHRALEKHA R G**
US (B) TRANS

Note # 95

07/12/2023 10:33 AM **RATHEESH R**
SO (B) TRANS

Note # 96

Vide orders above, draft letter to TC (DFA/3372060) and AG (DFA/3371839) may be submitted for approval.

07/12/2023 11:34 AM **MITHUN P**
ASST (B2) TRANS

Note # 97

07/12/2023 01:04 PM **RATHEESH R**

SO (B) TRANS

Note # 98

07/12/2023 02:13 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 99

07/12/2023 11:25 PM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 100

08/12/2023 06:25 AM **CHITHRALEKHA R G**
US (B) TRANS

Note # 101

08/12/2023 03:53 PM **RATHEESH R**
SO (B) TRANS

Note # 102

Kindly see the Note from Principal Secretary, Industries regarding the fitment of HSRP in vehicles and permission for HSRP manufactures to directly compete in the open market.

It has been requested that urgent necessary steps may be taken to issue clear directives that enable home-grown manufacturers of HSRP, who have obtained Type Approval Certificate from Central Government authorised testing agencies, to directly compete in the open market in the State.

The Hon'ble High Court in theorder dated 27.11.2023 in the WP(C)No.10761/2022, directed the State to file an affidavit on behalf of the responsible officers regarding the policy for frame work envisaged for selection/authorisation of approved

vendors /manufacturers of HSRP for implementing Rule 50 of CMVR for affixing HSRP on vehicles manufactured prior to 01.04.2019.

Vide orders of the Hon'ble Min(Tran) atNote#92, it was decided to authorise the Registering Authority to fix HSRP on old vehicles registered before 01.04.2019, through any of the affiliated/accredited agencies of the Government which have a Type Approval Certificate of HSRP from any agency specified under Rule 126 of CMVR,1989. A copy of the letter issued to the Transport Commissioner is also forwarded to AG to apprise the matter before the Hon'ble High Court.

In view of the above circumstances, the decision taken by the department in this regard may be furnished as reply to Principal Secretary, Industries department. File may be submitted to Secretary for perusal and further orders.

19/12/2023 05:13 PM **MITHUN P**
ASST (B2) TRANS

Note # 103

20/12/2023 11:50 AM **RATHEESH R**
SO (B) TRANS

Note # 104

22/12/2023 07:11 AM **CHITHRALEKHA R G**
US (B) TRANS

Note # 105

22/12/2023 11:44 AM **SHEELA M**
JS (B) TRANS

Note # 106

This is a policy matter to be taken by the Government. Submit file after new

MT takes over

26/12/2023 12:57 PM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 107

26/12/2023 04:04 PM **SHEELA M**
JS (B) TRANS

Note # 108

26/12/2023 08:24 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 109

27/12/2023 04:37 PM **RATHEESH R**
SO (B) TRANS

Note # 110

CIRCULATION NOTE

As per Rule 50 of Central Motor Vehicles Rule,1989, every motor vehicles shall be fitted with High Security Registration Plate (HSRP). For new vehicles registered on or after 01.04.2019, the Registering Authority or Manufacturer of motor vehicles or their dealers are authorised to fix HSRP at the time of registration. But,for old vehicles registered prior to 01.04.2019,the Registering Authority,Manufacturer or their dealers of the vehicles or the Licence Plate Manufacturers or their dealers approved by the State Government are empowered to fix HSRP. The HSRP Manufacturer shall obtain Type Approval Certificate from Central Institute of Road Transport (CIRT) or any other testing agencies specified in Rule 126 of CMVR,1989.

But the State Government has not yet authorised any HSRP

manufacture or the dealer to fix HSRP on old vehicles in the State. Against this Certain HSRP manufacturers approached the Hon'ble High Court of Kerala.

The Hon'ble High Court in theorder dated 27.11.2023 in the WP(C)No.10761/2022, directed the State to file an affidavit on behalf of the responsible officers regarding the policy for frame work envisaged for selection/authorisation of approved vendors /manufacturers of HSRP for implementing Rule 50 of CMVR for affixing HSRP on vehicles manufactured prior to 01.04.2019.

Vide orders of the Hon'ble Min(Tran) atNote#92, it was decided to authorise the Registering Authority to fix HSRP on old vehicles registered before 01.04.2019, through any of the affiliated/accredited agencies of the Government which have a Type Approval Certificate of HSRP from any agency specified under Rule 126 of CMVR,1989. A copy of the letter issued to the Transport Commissioner is also forwarded to AG to apprise the matter before the Hon'ble High Court.

Kindly see the interim order dated 08/12/2023 of the Hon'ble High Court in WP(C)No.10761/2022.

2.No affidavit in terms of the said order has been filed on behalf of the State Government, rather a written communication from the State Government to the Transport Commission has been tendered during the hearing.

3.This court is not satisfied with the said communication as it does not answer the issue flagged in the order. Let an affidavit of the Secretary of the Transport / Commission be filed in terms of the order dated 27.11.2023 passed by this court.

The Hon'ble High Court made his displeasure on lack of filing affidavit by the Secretary Transport / Transport Commissioner in

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terms of the interim order dated 27/11/2023. The writ petition is next posted on 09/01/2024. Hon'ble Court it is made clear that no agency should be authorised by the State Government for affixing the HSRP on vehicles manufactured prior to 01/04/2019, till the court takes decision in the writ petition.

Hence, an affidavit shall be filed before 09/01/2024, regarding the policy for frame work envisaged for selection / authorization of approved vendors/ manufacturer of HSRP for implementing Rule 50 of CMVR for affixing HSRP on vehicles manufactured prior to 01.04.2019

A meeting was held by the Secretary(Tran) with Transport Commissioner on 03/01/2024 to discuss the action to be taken for filing affidavit in terms of the interim order dated 27/11/2023. In the meeting Transport Commissioner suggested that,

1.HSRP scheme in the State is implemented by the Registering Authority through an authorizing agency.

2.Authorizing agency shall establish manufacturing plants for HSRP & obtain type approval certificate from Central Government agencies specified in Rule 126 in CMVR,1989.

3.The price of HSRP shall be fixed by Government in accordance with the guidelines of Central Government.

4.Registering authority shall fit HSRP through Government approved workshop.

5. HSRP shall be fitted on old vehicles by step by step w.e.f 01/04/2024 and completed within 31/03/2025.

Based on the discussion, Transport Commissioner has furnish a draft statements for filing affidavit before the Hon'ble High Court. **The same is being attached in draft.**

In the above circumstances, file may be circulated to Hon'ble Min (Tran) for perusal and further orders.

04/01/2024 02:45 PM **MITHUN P**
ASST (B2) TRANS

Note # 111

04/01/2024 02:45 PM **RATHEESH R**

SO (B) TRANS

Note # 112

05/01/2024 12:33 PM **SHEELA M**
JS (B) TRANS

Note # 113

05/01/2024 02:38 PM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 114

05/01/2024 03:53 PM **SHEELA M**
JS (B) TRANS

Note # 115

Approved copy of Statement may be forwarded to AG. Draft covering letter may be approved.

05/01/2024 05:09 PM **MITHUN P**
ASST (B2) TRANS

Note # 116

05/01/2024 05:16 PM **SHEELA M**
JS (B) TRANS

Note # 117

As per the instruction, draft G.O. for entrusting Institute of Driver Training Research (IDTR), Edappal to fix HSRP on vehicles registered prior to 01/04/2019 in the state in accordance with the conditions stipulated in Rule 50 CMVR and Motor Vehicle (HSRP) Rules 2018, is put up for approval

18/01/2024 07:35 PM **RATHEESH R**

SO (B) TRANS

Note # 118

18/01/2024 08:42 PM — **SHEELA M**
JS (B) TRANS

Note # 119

As per the discussions with MT in presence of the TC, note # 117 may be kindly approved.

19/01/2024 11:36 AM — **BIJU PRABHAKAR**
SECY (TRANS)

Note # 120

Approved.

24/01/2024 05:27 PM — **K B GANESH KUMAR**
MIN (TRANS)

Note # 121

24/01/2024 05:47 PM — **SHEELA M**
JS (C) TRANS

Note # 122

Kindly see the e mail and enclosure there to received from Advocate General at page 970 to 976 of correspondence. The Honorable High Court of Kerala as per Order dated 27/11/2023 directed the state Government to file an affidavit on behalf of responsible officer regarding policy framework envisaged for selection /authorisation of approved vendors /manufacturers of High Security Registration Plates (HSRP) for implementing Rule 50 of Central Motor Vehicle Rule, 1989 for affixing High Security Number Plates on vehicles manufactured prior to 01/04/2019. Advocate General has forwarded draft additional affidavit in response to Order dated 27/11/2023 based on G.O.(Rt) No 39/2024/Trans dated 24/01/2024. Additional Affidavit may be approved and file may be submitted for Orders on assigning an officer to swear affidavit.

29/01/2024 03:48 PM — **RATHEESH R**
SO (B) TRANS

Note # 123

Please see the notes above. The Additional Affidavit forwarded from the office of the AG may be seen at pages 973-978cf .Submitted for approval of the same and also for authorizing a competent officer to swear the additional Affidavit.

29/01/2024 04:46 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 124

29/01/2024 04:57 PM **SHEELA M**
JS (B) TRANS

Note # 125

JS/US authorised. Approved. After issuance to AG, submit file for kind perusal of the MT

29/01/2024 05:03 PM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 126

29/01/2024 05:06 PM **SHEELA M**
JS (B) TRANS

Note # 127

The Honorable High Court of Kerala as per Order dated 27/11/2023 directed the state Government to file an affidavit on behalf of responsible officer regarding policy framework envisaged for selection /authorisation of approved vendors /manufacturers of High Security Registration Plates (HSRP) for implementing Rule 50 of Central Motor Vehicle Rule, 1989 for affixing High Security Number Plates on vehicles manufactured prior to 01/04/2019. Accordingly Joint Secretary has filed affidavit on behalf of respondents, ie, Secretary Transport and Transport Commissioner. Copy of the additional affidavit may kindly seen at page 979-983 of cf. File may be circulated to Honourable Minister for Transport as directed by Secretary Transport in note#125

29/01/2024 06:06 PM **RATHEESH R**

SO (B) TRANS

Note # 128

30/01/2024 09:28 AM **CHITHRALEKHA R G**
US (B) TRANS

Note # 129

Notes above and the interim order of the Hon'ble High Court may be seen.The decision taken by Govt in the matter as well as the affidavit filed has been accepted.May be circulated to Hon.ble Minister (Transport) for perusal.

30/01/2024 10:07 PM **SHEELA M**
JS (B) TRANS

Note # 130

31/01/2024 11:59 AM **BIJU PRABHAKAR**
SECY (TRANS)

Note # 131

31/01/2024 12:09 PM **SHEELA M**
JS (B) TRANS

Note # 132

31/01/2024 01:39 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 133

20/03/2024 09:13 PM **RATHEESH R**
SO (B) TRANS

Note # 134

A draft letter to TC is put up seeking the implementation status of HSRP in old vehicles. For approval.

05/04/2024 12:31 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 135

To strengthen vehicle security, G.O. (Rt) No 39/2024/Trans, dated 24/01/2024, authorizes the Registering Authority (Motor Vehicles Department) to issue High Security Registration Plates (HSRP) for vehicles registered before April 1, 2019. The Institute of Driver Training and Research (IDTR) will provide technical and infrastructural support to ensure compliance with Rule 50 of the Central Motor Vehicle Rules (CMVR) and the Motor Vehicle (HSRP) Rules 2018.In response to a Kerala High Court order dated 27/11/2023, requiring details on the selection process for vendors of High Security Registration Plates (HSRP) for vehicles registered before April 1, 2019, the state government has filed an affidavit with the court

2) In view of the above facts Transport Commissioner may be requested furnish a statement on the present status of the implementation of HSRP in the existing old registered vehicles prior to 1/4/2019

3) Given the aforementioned, Transport Commissioner may be requested to furnish a status update on the implementation of HSRP for vehicles registered before April 1, 2019. Draft letter may be approved

05/04/2024 03:12 PM **RATHEESH R**
SO (B) TRANS

Note # 136

05/04/2024 03:51 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 137

08/04/2024 10:54 AM **SHEELA M**
JS (B) TRANS

Note # 138

08/04/2024 11:20 AM **CHITHRALEKHA R G**
US (B) TRANS

Note # 139

08/04/2024 11:28 AM **RATHEESH R**
SO (B) TRANS

Note # 140

Kindly see the letter from AG's Office regarding WP (C) 14467/2024 filed by M/s Orbiz Automotivez. an interim order has been passed in the WPC on 09/04/2024, in which it is directed to file a counter affidavit.

The Synopsis may be seen:-

If approved, TC may be directed to furnish points/remarks for filing counter affidavit in this matter. DFA

20/06/2024 02:29 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 141

20/06/2024 02:42 PM **RATHEESH R**
SO (B) TRANS

Note # 142

21/06/2024 04:05 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 143

21/06/2024 04:45 PM **RATHEESH R**
SO (B) TRANS

Note # 144

As instructed by J.S. file is submitted for perusal.

08/07/2024 11:01 AM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 145

08/07/2024 12:04 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 146

The CA filed by TC has been emailed.Attach a copy examine and put up.

08/07/2024 09:38 PM **SHEELA M**
JS (B) TRANS

Note # 147

09/07/2024 11:34 AM **CHITHRALEKHA R G**
US (B) TRANS

Note # 148

Kindly see the S/F from TC furnished to AG, Kerala in connection with WP (C) No. 14467/2024 filed by M/s Orbiz Automotivez.

TC has submitted that the petitioner has no locus standi to challenge the impugned actions as detailed in the writ petition and hence it is not maintainable either in law or on facts.

The detailed parawise reply given by TC to AG may be seen:-

TC has submitted that no fundamental or constitutional right of the petitioner is violated and there is no arbitrariness or procedural impropriety in the matter and the writ petition is liable to be dismissed and devoid of any merit. The tender called for selecting a total service provider to takeover all the activities of IDTR, including HSRP construction and received bids from companies related to total service providers. Also shortlisteed the applications received. EOI has been invited for the procurement of HSRP machinery by IDTR. TC has

requested the Hon'ble court to permit and grant time for the further tender proceedings to be finalised. Also requested the Hon'ble High Court to allow him to proceed further in the matter of HSRP with the technical assistance of IDTR and assured that the necessary accreditation will be obtained in due course after procuring the machinery.

File submitted for perusal.

11/07/2024 11:36 AM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 149

12/07/2024 05:08 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 150

Please get a copy of the Tender floated today and put up.

17/07/2024 05:06 PM **SHEELA M**
JS (B) TRANS

Note # 151

17/07/2024 05:48 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 152

Kindly see the tender floated on Establishment of a plant for manufacturing of the High Security Registration Plates (HSRP) Project and related software in the State of Kerala at Institute of Driver Training & Research (IDTR), Edappal, Malappuram premises.

20/07/2024 05:08 PM **RATHEESH R**
SO (B) TRANS

Note # 153

22/07/2024 02:33 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 154

Notes above may be seen.Bids are invited for the manufacture and supply of HSRP ie for assembling, establishing,procuring technology,designing,developing,producing and maintaining the machinery and software,as well as operating the necessary infrastructure and services in the space or infrastructure provided with in the existing IDTR,edappal premises.Since it has been decided in the meeting to float global tender,submitted for orders whether necessary directions may be issued to TC to revise and submit new tender document.

22/07/2024 05:24 PM — **SHEELA M**
JS (B) TRANS

Note # 155

22/07/2024 05:39 PM — **Dr Vasuki K I A S**
SECY (TRANS)

Note # 156

22/07/2024 05:45 PM — **SHEELA M**
JS (B) TRANS

Note # 157

Please see the notes above. As per G.O. (Rt) No 39/2024/Trans, dated 24/01/2024, Registering Authority (Motor Vehicles Department) has been authorized to issue High Security Registration Plates (HSRP) for vehicles registered before April 1, 2019 in accordance with the conditions stipulated in Rule 50 of the Central Motor Vehicle Rules (CMVR) and the Motor Vehicle (HSRP) Rules 2018. The Institute of Driver Training and Research (IDTR) will provide technical and infrastructural support.Now it has been decided to float global tender. Therefore orders may be issued accordingly

May be circulated to Hon'ble Minister Transport for orders.

25/07/2024 11:02 AM — **CHITHRALEKHA R G**
US (B) TRANS

Note # 158

25/07/2024 12:10 PM **SHEELA M**
JS (B) TRANS

Note # 159

As instructed by Honorable Minister during the governing body meeting of IDTR held on 22.7.2024, it was decided to go for a global tender to ensure that the best quality of machinery can be procured in a transparent manner and that manufacturers across the world are given a fair chance to participate in the tender. Considering the fact that a global tender would ensure a transparent and fair process, Honorable Minister may accordingly give directions to go ahead for the same.

26/07/2024 12:01 PM **Dr Vasuki K I A S**
SECY (TRANS)

Note # 160

Transport secretary's suggestion approved

29/07/2024 02:50 PM **K B GANESH KUMAR**
MIN (TRANS)

Note # 161

29/07/2024 04:59 PM **Dr Vasuki K I A S**
SECY (TRANS)

Note # 162

29/07/2024 05:24 PM **SHEELA M**
JS (C) TRANS

Note # 163

A draft G.O. is put up for approval.

29/07/2024 06:10 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 164

29/07/2024 06:24 PM **RATHEESH R**
SO (B) TRANS

Note # 165

30/07/2024 12:02 AM **SHEELA M**
JS (B) TRANS

Note # 166

30/07/2024 11:05 AM **Dr Vasuki K I A S**
SECY (TRANS)

Note # 167

30/07/2024 11:26 AM **SHEELA M**
JS (B) TRANS

Note # 168

30/07/2024 11:31 AM **RATHEESH R**
SO (B) TRANS

Note # 169

30/07/2024 12:22 PM **BISMI G R**
COMP-ASST (B) TRANS

Note # 170

Government as per G.O. (Rt.) No. 285/2024/Trans dated 30/07/2024 has directed the registering authority to float a global tender for setting up of HSRP in Vehicles Registered Prior to 01/04/2019 and cancelled the technical and infrastructural support of IDTR mandated in the G.O. (Rt.) No. 39/2024/Trans.

The copy of the G.O.(Rt.) No. 285/2024/Trans dated 30/07/2024 may be forwarded to Advocate General Office for information. A draft letter is also put up for approval.

30/07/2024 01:00 PM — **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 171

In view of G.O.(Rt) No 285/2024/Trans dated 30/07/2024, in which Government directed the Registering Authority to float global tender, instruction may be issued to Advocate General. Draft letter is put up for approval

30/07/2024 03:55 PM — **RATHEESH R**
SO (B) TRANS

Note # 172

Draft letter may be approved.

30/07/2024 04:57 PM — **SHEELA M**
JS (B) TRANS

Note # 173

30/07/2024 05:29 PM — **Dr Vasuki K I A S**
SECY (TRANS)

Note # 174

30/07/2024 05:33 PM — **SHEELA M**
JS (B) TRANS

Note # 175

30/07/2024 05:39 PM — **RATHEESH R**
SO (B) TRANS

Note # 176

Kindly see the letter received from TC regarding floating of

global tender for fixing HSRP in vehicles registered prior to 01/04/2019.

Government as per G.O., has directed the registering authority to issue a global tender in compliance with the norms stipulated in the Store Purchase Manual.

Now TC has stated in hisletter that according to Section 7.19 of the Store Purchase Manual, and the latest guidelines therein attached as annexure 1 & 2, the Department may go in for a global tender only if stores sought are not available domestically and it is necessary to seek competitive offers from abroad. It further states that no global tenders shall be invited for value less than 200 crores, and in exceptional cases the department may do so only with the prior approval of the Government of India.

Also, If a Department believes that the required quality and specifications of the stores may not be available domestically, or if it is necessary to seek competitive offers from abroad, the department may distribute copies of the tender notice to Indian Embassies abroad and Foreign Embassies in India, requesting them to publicize the requirement widely in those countries as per the latest directions.

As per the revised Stores Purchase Manual, the Government incorporated the following points under sub-para 7.19 - Global Tender Enquiry of the Stores Purchase Manual:

(a) No Global Tender Enquiry shall be invited for tenders up to ₹200 Cr. For tenders below ₹200 Cr, in exceptional cases where the Ministry or Department feels that there are special reasons for a Global Tender Enquiry, it may record its detailed justification and seek prior approval for relaxation of the above rule from the competent authority specified by the Department of Expenditure, Ministry of Finance, Government of India.

Currently, all newly registered vehicles in the country are fitted with HSRP, and the required quality specifications are available domestically. The total estimated cost of machinery is around 2 crores only.

Hence TC has stated that, it would betotally violative of the rules and norms prescribed in the Store Purchase Manual for machinery and equipment valued at ₹ 2 crore only and which is currently domestically available with car dealers and accredited vendors all over the country. So the TC has opined thatfloating a global tender abiding by the norms prescribed in the Store Purchase Manual as specified in the

Government Order is not legally tenable.

File submitted for perusal and orders.

02/08/2024 04:39 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 177

Notes above may kindly be perused. File may be submitted for perusal and orders on the suggestions of Transport Commissioner. A comprehensive action plan for launching a global tender to be prepared for ensuring adherence to all procedures, if Government bypass the suggestion of of Transport Commissioner . File submitted for Orders

05/08/2024 10:09 AM **RATHEESH R**
SO (B) TRANS

Note # 178

Please with the affidavit given by AG.

08/08/2024 02:48 PM **SHEELA M**
JS (B) TRANS

Note # 179

Orders above may kindly be perused.Counter affidavit prepared from the O/o Advocate General may kindly be seen at page 1158-1165 of correspondence. File submitted as directed

08/08/2024 03:05 PM **RATHEESH R**
SO (B) TRANS

Note # 180

Notes above and the draft affidavit furnished by AG may be seen. The case in this regard is coming up for final hearing on august 13.Since decision has already been taken to float global tender,an affidavit need be filed on the plan of Government in proceeding further.There fore the Affidavit furnished may be modified by incorporating the action plan pursuant to the GO dated 30.7.2024.(Secretary is on leave).Submitted to Hon'ble Minister(Transport) for discussion and orders.

08/08/2024 03:33 PM **SHEELA M**
JS (B) TRANS

Note # 181

Modify and file the Affidavit as discussed

12/08/2024 01:33 PM **K B GANESH KUMAR**
MIN (TRANS)

Note # 182

12/08/2024 03:36 PM **SHEELA M**
JS (B) TRANS

Note # 183

12/08/2024 03:56 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 184

17/08/2024 04:30 PM **RATHEESH R**
SO (B) TRANS

Note # 185

19/08/2024 12:12 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 186

19/08/2024 01:02 PM **BISMI G R**
COMP-ASST (B) TRANS

Note # 187

Kindly see the notes and orders above. As per the letter dated 30/07/2024, Government has directed to call for floating of global tender for fixing HSRP in vehicles registered prior to 01/04/2019.

Later TC has stated the letter that according to Section 7.19 of the Store Purchase Manual, and the latest guidelines therein attached as

annexure 1 & 2, the Department may go in for a global tender only if stores sought are not available domestically and it is necessary to seek competitive offers from abroad. It further states that no global tenders shall be invited for value less than 200 crores, and in exceptional cases the department may do so only with the prior approval of the Government of India.

Also, If a Department believes that the required quality and specifications of the stores may not be available domestically, or if it is necessary to seek competitive offers from abroad, the department may distribute copies of the tender notice to Indian Embassies abroad and Foreign Embassies in India, requesting them to publicize the requirement widely in those countries as per the latest directions.

As per the revised Stores Purchase Manual, the Government incorporated the following points under sub-para 7.19 - Global Tender Enquiry of the Stores Purchase Manual:

(a) No Global Tender Enquiry shall be invited for tenders up to ₹200 Cr. For tenders below ₹200 Cr, in exceptional cases where the Ministry or Department feels that there are special reasons for a Global Tender Enquiry, it may record its detailed justification and seek prior approval for relaxation of the above rule from the competent authority specified by the Department of Expenditure, Ministry of Finance, Government of India.

Currently, all newly registered vehicles in the country are fitted with HSRP, and the required quality specifications are available domestically. The total estimated cost of machinery is around 2 crores only.

Hence TC has stated that, it would be violation of the rules and norms prescribed in the Store Purchase Manual for machinery and equipment valued at ₹ 2 crore only and which is currently domestically available with car dealers and accredited vendors all over the country. So the TC has opined that floating a global tender abiding by the norms prescribed in the Store Purchase Manual as specified in the Government Order is not legally tenable.

File submitted for perusal and orders.

30/10/2024 10:47 AM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 188

Notes above may kindly be perused. A comprehensive action plan for launching a global tender to be prepared for ensuring adherence to all procedures, if Government bypass the suggestion of of Transport Commissioner. File submitted for Orders on plan of action to be take on

30/10/2024 11:32 AM **RATHEESH R**
SO (B) TRANS

Note # 189

30/10/2024 11:56 AM **CHITHRALEKHA R G**
US (B) TRANS

Note # 190
Lets get the update on the instruction issued in this regard.

02/11/2024 10:27 AM **SHEELA M**
AS (B) TRANS

Note # 191

05/11/2024 10:18 AM **CHITHRALEKHA R G**
US (B) TRANS

Note # 192

05/11/2024 10:29 AM **RATHEESH R**
SO (B) TRANS

Note # 193
Draft letter is put up for approval.

19/11/2024 04:07 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 194

19/11/2024 04:09 PM **RATHEESH R**
SO (B) TRANS

Note # 195

19/11/2024 04:52 PM **CHITHRALEKHA R G**
US (B) TRANS

Note # 196

21/11/2024 04:38 PM **RATHEESH R**
SO (B) TRANS

Note # 197

28/12/2024 04:31 PM **RATHEESH R**
SO (B) TRANS

Note # 198

A judgement was pronounced by the Hon'ble HC in this regard.Please get a copy examine and put up.

01/01/2025 04:23 PM **SHEELA M**
AS (B) TRANS

Note # 199

01/01/2025 04:54 PM **RATHEESH R**
SO (B) TRANS

Note # 200

Kindly see the order above. The copy of the judgment in WP(C) 10761/2022 dated 29/11/2024 is attached in CF. The concluded part of the order of High Court is:

> Thus, the present writ petitions, are disposed of on the following terms:
> (i) So far as the prayer for allowing the license plate manufacturers and their dealers, having a Type Approval Certificate issued by the central agency, to affix HSRP without any further approval/selection by
> the State Government, is rejected.

(ii) The Advisory/Letter No.Rt-11036/99/2020-MVL dated 09.06.2023 issued by the Central Government is upheld.

(iii) Advisory/Letter No. RT-11036/99/2020-MVL dated 08.01.2024 issued by the Central Government is upheld.

(iv) The notification G.O.(Rt) No.285/2024/Trans dated 30.07.2024 is set aside.

(v) The Original Equipment Manufacturers and their dealers are permitted to affix the HSRP on old vehicles manufactured prior to 01.04.2019 till the Government takes the necessary steps to select/approve/authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection/authorization process by an open, transparent, and fair tendering process.

All Interlocutory Applications regarding interim matters stand closed.

File submitted for perusal and orders.

04/01/2025 12:30 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 201

Kindly see the copy of judgment in WP(C) 10761/2022 dated 29/11/2024 at page 1174-1277 of correspondence. The Honourable Court has rejected the prayer of petitioner for allowing the license plate manufacturer and their dealers , having Type Approval Certificate issued by the central agency, to affix HSRP without any further approval/selection by the State Government.

2) The Court has upheld the advisories issued by Central Government vide letter no RT 11036/99/2020-MVL dated 09/06/2023 and 08/01/2024 and also set aside the G.O.(Rt) No 285/2024/Trans dated 30/07/2024, wherein Registering Authority is directed to float global tender for procurement of best quality machinery

3) The Court has permitted Original Equipment Manufacturer and their dealers to affix the HSRP on old vehicles manufactured prior to 01/04/2019 till Government take the necessary steps to select/approve/authorise one or more license plate manufacturer/their dealers for affixing HSRP on old vehicles by carrying out the selection /authorisation process by an open, transparent, and fair tendering process.

4) File may be submitted for Orders whether Government prefer appeal against judgement or to go with tender process suggested by the Court

1-MVL-Issuance-RT 11036 99 2020 MVL.pdf
HSRP Global Tender GO.pdf

15/01/2025 10:36 AM **RATHEESH R**
SO (B) TRANS

Note # 202

15/01/2025 10:57 AM **BINU S**
US (B) TRANS

Note # 203

Division bench of HC,on yesterday,pronounced a judgement in this regard.Get a copy and put up.

16/01/2025 10:40 AM **SHEELA M**
AS (B) TRANS

Note # 204

16/01/2025 10:49 AM **BINU S**
US (B) TRANS

Note # 205

16/01/2025 11:02 AM **RATHEESH R**
SO (B) TRANS

Note # 206

Kindly see the order at Note #203. The copy of the judgment mentioned above has been received and attached.

23/01/2025 01:22 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 207

28/01/2025 02:17 PM **RATHEESH R**
SO (B) TRANS

Note # 208
Please with a brief circulation note.

10/02/2025 11:12 AM **SHEELA M**
AS (B) TRANS

Note # 209

Kindly see the copy of judgment inWP(C) 10761/2022 dated 29/11/2024 at page 1174-1277 of correspondence. The Honourable Court has rejected the prayer of petitioner for allowing the license plate manufacturer and their dealers, having Type Approval Certificate issued by the central agency, to affix HSRP without any further approval/selection by the State Government. (Para 31 of the Judgement)

2) The Court has upheld the advisories issued by Central Government vide letter no RT 11036/99/2020-MVL dated 09/06/2023 and 08/01/2024 and also set aside the G.O.(Rt) No 285/2024/Trans dated 30/07/2024, wherein Registering Authority is directed to float global tender for procurement of best quality machinery

3) The Court has permitted Original Equipment Manufacturer and their dealers to affix the HSRP on old vehicles manufactured prior to 01/04/2019 till Government take the necessary steps to select/approve/authorise one or more license plate manufacturer/their dealers for affixing HSRP on old vehicles by carrying out the selection /authorisation process by an open, transparent, and fair tendering process.

4) Motorsigns India filed appeal against the judgment dated 29/11/2024 and the the court as per their Order dated 15/01/2025 stayed the direction no (v) in para 31 of the judgement dated 29/11/2024 . The direction is as follows;

The Original Equipment Manufacturers and their dealers are permitted to affix the HSRP on old vehicles manufactured prior to 01.04.2019 till the Government takes the necessary steps to select/approve/authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection/authorization process by an open,transparent, and fair tendering process.

5) The Order is also clarified that in the State of Kerala, the provisions of Rule 50(v) of the Central Motor Vehicles Rules, 1989, in its application to the icence plate manufacturers or their dealers shall not stand qualified by the requirement of getting an approval from the State Government. It is also state that the order shall operate until further orders are passed consequent to the State Government prescribing criteria for the grant of approval, and bringing the same to the notice of this Court in these proceedings.

6) Therefore eligibility criteria for OEM and their dealers to be fixed by Government. It is informed over telephone from the O/o Minister for Transport a meeting in this regard is scheduled on **10.30 AM in his chamber at Legislative Secretariat on 13/02/2024**. File may be submitted for convening the meeting

HSRP MEETING NOTE.pdf

11/02/2025 04:21 PM **RATHEESH R**
SO (B) TRANS

Note # 210

File submitted to Hon'ble Minister (Transport) for the meeting scheduled at 10.30 AM on 13.02.2025 for fixing the criteria as per the statutory provisions for selection/authorization process of High Security Registration Plates.

Agenda notes for the meeting enclosed.

HSRP - Meeting on 13.02.2025 by Honble Minsiter (Transport).pdf

12/02/2025 12:30 PM **BINU VARGHESE**
US (B) TRANS

Note # 211

1.Detailed note at pre paras may be seen.As per G.O. (Rt) No 39/2024/Trans, dated 24/01/2024, the Registering Authority was authorised to issue High Security Registration Plates (HSRP) for vehicles registered prior to April 1, 2019.The technical and Infrastructure support in this regard was to be provided by IDTR.

2.The above decision was altered and Registering Authority was instructed to float Global tender vide G.O.(Rt) No 285/2024/Trans dated 30/07/2024.

3.Hon'ble HC set aside the above government decision and held that "the Original Equipment Manufacturers and their dealers are permitted to affix

HSRP on old vehicles registered prior to 1.4.2019 till the Government takes the necessary steps to select/approve/authorise one or more license plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection / authorisation process by an open,transparent and fair tendering process".

4.This direction was stayed by the Division Bench instructing the State Government to prescribe criteria for the grant of approval,and to bring the same to the notice of the Court.

5.In the above circumstances,the eligibility criteria for grant of approval to the license plate manufacturers and their dealers,for the right to issue HSRP for the existing old registered vehicles (prior to 1.4.2019) may be fixed and the same may be brought to the notice of the Court by filing a statement. File may be circulated to Hon'ble Minister Transport for the meeting scheduled at 10.30 a m on 13.2.2025.

12/02/2025 05:18 PM — **SHEELA M**
AS (B) TRANS

Note # 212

submitted for the meeting.

13/02/2025 11:55 AM — **P B NOOH I A S**
SPL SECY (TRANS)

Note # 213

Submit minutes

17/02/2025 11:12 AM — **K B GANESH KUMAR**
MIN (TRANS)

Note # 214

17/02/2025 11:47 AM — **SHEELA M**
AS (B) TRANS

Note # 215

17/02/2025 11:57 AM **BINU VARGHESE**
US (B) TRANS

Note # 216

17/02/2025 11:59 AM **RATHEESH R**
SO (B) TRANS

Note # 217

A draft letter to forward the minutes of the meeting is put up for approval.

06/03/2025 12:02 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 218

06/03/2025 12:14 PM **RATHEESH R**
SO (B) TRANS

Note # 219

07/03/2025 09:11 AM **BINU VARGHESE**
US (B) TRANS

Note # 220

07/03/2025 11:00 AM **RATHEESH R**
SO (B) TRANS

Note # 221

Kindly see the letter received from TC regarding filing of compliance report before Supreme Court in WP(C) 13029/1985 M.C. Mehta V. Union of India, Implementation of HSRP on Old vehicles.

The honourable Court in their judgment has observed that "The

Original Equipment Manufacturers and their dealers are permitted to affix the HSRP on old vehicles manufactured prior to 01.04.2019 till the Government takes the necessary steps to select / approve / authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection/authorization process by an open, transparent, and fair tendering process".

In WA number 76/2025, against WPC 10761/2022 and on 15/01/2025 the Hon'ble Division Bench of the Hon. High Court has stayed the direction number (V) in para number 31 of the above said writ petition and also held that, "as also to clarify that in the State of Kerala, the provisions of rule 50(v) of the Central Motor Vehicles Rules, in its operation to the 3rd category of persons referred above, shall not stand qualified by the requirement of getting an approval from the State Government. This order shall operate until further orders are passed consequent to the State Government prescribing criteria for the grant of approval, and bringing the same to the notice of this Court in these proceedings."

In these circumstances, the TC has requested the Government to consider the matter and prescribe criteria / rates for grant of approval of HSRP manufactures of the third category (license plate manufacturers or their dealers) and further action if any, could only be taken after bringing the same to the notice of the Hon'ble High Court. The Hon. High Court of Kerala stayed the above single bench order on 21.01.2025. Later, MORTH has requested to take appropriate action and furnish a compliance report as per the attached proforma. The last date of submission of compliance report is 17th March 2025.

If approved, the proforma forwarded by TC may be sent to MoRTH. For orders.

15/03/2025 12:34 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 222

Please do process the receipt no 9368834/2025 in file no B2/8/2024-Trans

15/03/2025 05:14 PM **RATHEESH R**
SO (B) TRANS

Note # 223

1) As per judgment dated 29/11/2024 in WP(C) 10761/2022, the Honourable Court has permitted Original Equipment Manufacturer and their dealers to affix the HSRP on old vehicles manufactured prior to 01/04/2019 till Government take the necessary steps to select/approve/authorise one or more license plate manufacturer/their dealers for affixing HSRP on old vehicles by carrying out the selection /authorisation process by an open, transparent, and fair tendering process.

2) Motorsigns India filed appeal against the judgment dated 29/11/2024 and the the court as per their Order dated 15/01/2025 stayed the direction no (v) in para 31 of the judgement dated 29/11/2024 . The direction is as follows;

The Original Equipment Manufacturers and their dealers are permitted to affix the HSRP on old vehicles manufactured prior to 01.04.2019 till the Government takes the necessary steps to select/approve/authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection/authorization process by an open,transparent, and fair tendering process.

3) The Order is also clarified that in the State of Kerala, the provisions of Rule 50(v) of the Central Motor Vehicles Rules, 1989, in its application to the icence plate manufacturers or their dealers shall not stand qualified by the requirement of getting an approval from the State Government. It is also state that the order shall operate until further orders are passed consequent to the State Government prescribing criteria for the grant of approval, and bringing the same to the notice of this Court in these proceedings.

4) In obedience to the judgment , Government has fixed the criteria as follows;

i) To avoid any situation where the public is exploited, a maximum amount to be levied for attaching HSRP to be fixed, by ensuring revenue to State Government

ii)Preference should be given to companies, start up and public sector institutions that manufacture in Kerala.

iii) Preference will be given to those with 25 years of experience in the automobile industry. Special consideration will be given to those who were capable of fixing HSRP with in 24 hours of receiving the order.

5) It has informed over telephone from the O/o Advocate General that Government need to file a statement regarding the criteria that fixed based on the judgment dated 29/11/2024. A statement regarding criteria fixed for the selecting vendors for affixing HSRP may be forwarded to Advocate General along with a copy of minutes of the meeting held on 13/02/2025 by Honourable Minister for Transport

09/04/2025 03:06 PM **RATHEESH R**
SO (B) TRANS

Note # 224

Please prepare a statement and submit file.

11/04/2025 11:54 AM **BINU VARGHESE**
US (B) TRANS

Note # 225

Orders above may kindly be perused. File re submitted with statement in obedience to the order dated 15/01/2025 in WA 76/2025 filed by Motor Signs India

11/04/2025 01:09 PM **RATHEESH R**
SO (B) TRANS

Note # 226

The Motor Vehicles (High Security Registration Plates) Order, 2018 (for short, "the 2018 Order") was issued laying down the obligation of a vehicle manufacturer to follow the procedure laid down therein in regard to the High Security Registration Plate (for short, "the HSRP") for new vehicles to be sold on or after 1st April, 2019.

Clauses 4, 5 and 6(ix)(a) and (b) of the 2018 Order read thus:

"4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-
(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.
(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.
(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by
the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of

registration thereon.
(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely—

(ix)(a) The background color for the self- destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles:
Provided that, vehicles complying with BS VI emission norms shall have a 1 cm green strip at the top in the third registration plate.
(b) For all other vehicles, the background shall be of grey colour."

It is pointed out that for new vehicles registered on or after 01.04.2019, the Registering Authority or Manufacturer of motor vehicles or their dealers are authorized to fix HSRP at the time of registration. But, for old vehicles registered prior to 01.04.2019, the Registering Authority, Manufacturer or their dealers of the vehicles or the License Plate Manufacturers or their dealers approved by the State Government are empowered to fix HSRP. The HSRP Manufacturer shall obtain Type Approval Certificate from Central Institute of Road Transport (CIRT) or any other testing agencies specified in Rule 126 of CMVR,1989.

As per G.O(Rt) No. 39/2024/Trans dated 24.01.2024, Govt. have authorized the Registering Authority for issuance of HSRP in existing old registered vehicles prior to 01/01/2019 in the state in accordance with Rule 50 CMVR and Motor Vehicle (HSRP) Rules, 2018. The Institute of Driver Training and Research (IDTR) was entrusted to provide technical and infrastructural support. Since IDTR, is intended to impart trainings, it was decide later to abstain the institute from providing the required support.

As per G.O(Rt) No. 285/2024/Trans dated 30.07.2024, the Registering Authority was entrusted to float Global tender for fixing of HSRP in vehicles registered prior to 01.04.2019.

WP(c) No.10761/2022 has been filed by M/s MOTORSIGNS INDIA holding "Type Approval Certificate" to manufacture and supply High Security Registration Plate. The writ petition has been filed primarily in respect of the implementation of High-Security Registration Plates (HSRP) in the State of Kerala on old vehicles manufactured prior to 01.04.2019 and the restrictions imposed by the State Government on implementing the HSRP on such vehicles. As per the petitioners' case, Rule 50 of the Central Motor Vehicle Rules 1989 read with HSRP Order, 2018 (as amended), the HSRPs are to be fixed by only those entities who are authorised by the State Government/Union Territories. Despite having the Type Approval Certificate (TAC), the State Government is

File No. TRANS-B2/349/2022-TRANS (Computer No. 2184481)

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not allowing the petitioners to affix HSRPs on motor vehicles manufactured prior to 01.04.2019

The Hon'ble High Court in the order dated 29.11.2024 in WP(c) No.10761/2022 filed by M/s MOTORSIGNS INDIA and connected cases has disposed of the case on the following terms:

(i) So far as the prayer for allowing the license plate manufacturers and their dealers, having a Type Approval Certificate issued by the central agency, to affix HSRP without any further approval/selection by the State Government, is rejected.

(ii) The Advisory/Letter No.Rt-11036/99/2020-MVL dated 09.06.2023 issued by the Central Government is upheld.

(iii) Advisory/Letter No. RT-11036/99/2020-MVL dated 08.01.2024 issued by the Central Government is upheld.

(iv) The notification G.O.(Rt) No.285/2024/Trans dated 30.07.2024 is set aside.

(v) The Original Equipment Manufacturers and their dealers are permitted to affix the HSRP on old vehicles manufactured prior to 01.04.2019 till the Government takes the necessary steps to select/approve/authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection/authorization process by an open, transparent, and fair tendering process.

Motorsigns India filed WA 76/2025 against the judgement dated 29/11/2024 of the single judge and the division bench in the judgement dated 15/01/2025 stayed the direction no (v) in paragraph No.31 of the impugned judgement, as also to clarify that in the State of Kerala, the provisions of Rule 50(v) of the Central Motor Vehicles Rules, 1989, in its application to the 3rd category of persons referred above (license plate manufactures or their dealers), shall not stand qualified by the requirement of getting an approval from the State Government. This order shall operate until further orders are passed consequent to the State Government prescribing criteria for the grant of approval, and bringing the same to the notice of this Court in these proceedings.

The Hon'ble Court has directed the State to file a statement on behalf of the responsible officer regarding the criteria fixed to select/approve/authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection/authorization process by an open, transparent, and fair tendering process in compliance of the directions contained in the judgment dated 15.01.2015 in WA 76/2025 filed by M/s MOTORSIGNS INDIA.

It is pointed out that pursuant to the above direction of the Hon'ble Court,

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the matter was taken up at the Government level. A meeting was convened by the Hon'ble Minister on 13.02.2025 inviting all stakeholders wherein the following decisions were taken.

1. The maximum price for HSRP affixation need to be fixed in order to prevent public exploitation and to ensure state revenue.

2. Preference will be given to Kerala-based manufacturers, startups, and public sector institutions.

3. Preference will be given to those who have more than 25 years of automobile industry experience

4. Priority be given to those firms/companies who are capable of affixing HSRP within 24 hours of order receipt.

Based on the above, steps has been initiated by the Transport Commissioner to prepare the Tender document. Once the tender document has been approved, steps will be initiated to invite e-tenders to select licence plate manufacturers/their dealers for affixing HSRP.

In the circumstances the above facts may be brought to the notice of the Hon'ble High Court in compliance of the judgment.

Subject to orders, draft statement to be filed before the Hon'ble High Court put up for approval.

11/04/2025 02:28 PM **BINU VARGHESE**
US (B) TRANS

Note # 227

16/04/2025 02:25 PM **SHEELA M**
AS (B) TRANS

Note # 228

02/05/2025 05:36 PM **P B NOOH I A S**
SPL SECY (TRANS)

Note # 229

05/05/2025 11:26 AM **SHEELA M**
AS (B) TRANS

Note # 230

05/05/2025 11:55 AM **BINU VARGHESE**
US (B) TRANS

Note # 231

05/05/2025 12:02 PM **RATHEESH R**
SO (B) TRANS

Note # 232

A draft covering letter is put up for approval.

05/05/2025 12:34 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 233

05/05/2025 04:41 PM **RATHEESH R**
SO (B) TRANS

Note # 234

05/05/2025 04:59 PM **BINU VARGHESE**
US (B) TRANS

Note # 235

Note # 236

Kindly see the letter dated 15/02/2025 received from TC regarding interim order of Hon'ble High Court of Kerala in WA 76/2025 in connection with affixation of HSRP for old vehicles. As per the order in WA 76/2025 that it is highly necessary for the State Government to prescribe criteria and rates for granting approval to HSRP manufacturers of the third category (license plate manufacturers or their dealers). Further action, if any, can only be taken after bringing the matter to the notice of the Hon'ble High Court.

In paragraph No. 31 of the impugned judgment, as well as to clarify that in the State of Kerala, the provisions of Rule 50(v) of the Central Motor Vehicles Rules, 1989, in its application to the third category of persons mentioned above, shall not be subject to the requirement of obtaining approval from the State Government. This order shall remain in effect until further orders are issued following the State Government's prescription of criteria for granting approval and its submission to this Court in these proceedings. The matter is to be listed after three months."

The TC has informed that, the underlined portion means that, for the third category of persons mentioned [license plate manufacturers or their dealers], the usual requirement of obtaining approval from the State Government does not apply in Kerala until further orders. Additionally, the Hon'ble High Court has directed that steps be taken to select, approve, or authorize one or more license plate manufacturers or dealers for affixing HSRP on old vehicles through an open, transparent, and fair tendering process.

The Motor Signs India, a type-approvedmanufacturer of HSRP, requested access to the VAHAN system through the state vehicle registry to electronically upload information whenever a High Security Registration Plate is affixed to a motor vehicle, in accordance with Rule 50 of CMVR, 1989. This request is similar to the access granted by the MVD of Kerala for other components, such as Vehicle Location Tracking Devices (VLTD), speed limiting devices, Pollution Under Control (PUC) certificates, and reflective tapes, through the process of empanelment / enlistment.

The TC has opined that, since State Government approval is

not required at the moment based on the interim order of the Hon'ble High Court in WA 76/2025, Motorsigns could directly approach the Ministry of Road Transport and Highways (MoRTH) for access to the VAHAN portal. This could lead to potential revenue loss for the state; That is, if the state decides to adopt a revenue sharing model, but MORTH decides to give direct permission access from Vahan to the vendor, it will render state's decision infructuous.

Further, to avoid a potential contempt of court petition, based on the latest court order, it is requested that permission be given for tenders to be invited for high security number plates.

The TC has stated that State may also consider a policy decision if and whether to proceed for any appeal against the order of the Hon. High court.

In this regard, Government have already filed a statement in compliance of the directions contained in the judgment dated 15/01/2025 in WA 76/2025 filed by M/s Motor Signs India.

File submitted for perusal.

13/05/2025 05:37 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 237

Kindly see the letter from the Transport Commissioner seeking clarification on the interim order of the Hon'ble High Court in WA 76/2025 regarding affixation of HSRP for old vehicles.

In this connection the following are brought on record for kind consideration:

The Motor Vehicles (High Security Registration Plates) Order, 2018 (for short, “the 2018 Order”) was issued laying down the obligation of a vehicle manufacturer to follow the procedure laid down therein in regard to the High Security Registration Plate (for short, “the HSRP”) for new vehicles to be sold on or after 1st April, 2019.

It is pointed out that for new vehicles registered on or after 01.04.2019, the Registering Authority or Manufacturer of motor vehicles or their dealers are authorized to fix HSRP at the time of registration. But, for old vehicles registered prior to 01.04.2019, the Registering Authority, Manufacturer or their dealers of the vehicles or the License Plate Manufacturers or their dealers approved by the State Government are empowered to fix HSRP. The HSRP Manufacturer shall obtain Type Approval Certificate from Central Institute of

Road Transport (CIRT) or any other testing agencies specified in Rule 126 of CMVR,1989.

As per G.O(Rt) No. 285/2024/Trans dated 30.07.2024, the Registering Authority was entrusted to float Global tender for fixing of HSRP in vehicles registered prior to 01.04.2019.

WP(c) No.10761/2022 has been filed by M/s MOTORSIGNS INDIA holding "Type Approval Certificate" to manufacture and supply High Security Registration Plate. The writ petition has been filed primarily in respect of the implementation of High-Security Registration Plates (HSRP) in the State of Kerala on old vehicles manufactured prior to 01.04.2019 and the restrictions imposed by the State Government on implementing the HSRP on such vehicles. As per the petitioners' case, Rule 50 of the Central Motor Vehicle Rules 1989 read with HSRP Order, 2018 (as amended), the HSRPs are to be fixed by only those entities who are authorised by the State Government/Union Territories. Despite having the Type Approval Certificate (TAC), the State Government is not allowing the petitioners to affix HSRPs on motor vehicles manufactured prior to 01.04.2019.

The Hon'ble High Court in the order dated 29.11.2024 in WP(c) No.10761/2022 filed by M/s MOTORSIGNS INDIA and connected cases has disposed of the case on the following terms:

(i) So far as the prayer for allowing the license plate manufacturers and their dealers, having a Type Approval Certificate issued by the central agency, to affix HSRP without any further approval/selection by the State Government, is rejected.

(ii) The Advisory/Letter No.Rt-11036/99/2020-MVL dated 09.06.2023 issued by the Central Government is upheld.

(iii) Advisory/Letter No. RT-11036/99/2020-MVL dated 08.01.2024 issued by the Central Government is upheld.

(iv) The notification G.O.(Rt) No.285/2024/Trans dated 30.07.2024 is set aside.

(v) The Original Equipment Manufacturers and their dealers are permitted to affix the HSRP on old vehicles manufactured prior to 01.04.2019 till the Government takes the necessary steps to select/approve/authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection/authorization process by an open, transparent, and fair tendering process.

Motorsigns India filed WA 76/2025 against the judgement dated 29/11/2024 of the single judge and the division bench in the **judgement dated 15/01/2025 stayed the direction no (v) in paragraph No.31 of the impugned**

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judgement, as also to clarify that in the State of Kerala, the provisions of Rule 50(v) of the Central Motor Vehicles Rules, 1989, in its application to the 3rd category of persons referred above (license plate manufactures or their dealers), shall not stand qualified by the requirement of getting an approval from the State Government. This order shall operate until further orders are passed consequent to the State Government prescribing criteria for the grant of approval, and bringing the same to the notice of this Court in these proceedings.

It is pointed out that pursuant to the above direction of the Hon'ble Court, the matter was taken up at the Government level. A meeting was convened by the Hon'ble Minister on 13.02.2025 inviting all stakeholders wherein the following decisions were taken.

1. The maximum price for HSRP affixation need to be fixed in order to prevent public exploitation and to ensure state revenue.

2. Preference will be given to Kerala-based manufacturers, startups, and public sector institutions.

3. Preference will be given to those who have more than 25 years of automobile industry experience

4. Priority be given to those firms/companies who are capable of affixing HSRP within 24 hours of order receipt.

The Hon'ble Court has directed the State to file a statement on behalf of the responsible officer regarding the criteria fixed to select/approve/authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection/authorization process by an open, transparent, and fair tendering process in compliance of the directions contained in the judgment dated 15.01.2015 in WA 76/2025 filed by M/s MOTORSIGNS INDIA.

Based on the above, statement has been forwarded to AG, Ekm stating that steps has been initiated by the Transport Commissioner to prepare the Tender document. Once the tender document has been approved, steps will be initiated to invite e-tenders to select licence plate manufacturers/their dealers for affixing HSRP.

The Transport Commissioner has informed that Motor Signs India, a type-approved manufacturer of HSRP, requested access to the VAHAN system through the state vehicle registry to electronically upload information whenever a High Security Registration Plate is affixed to a motor vehicle, in accordance with Rule 50 of CMVR, 1989. It is informed that the request is similar to the access granted by the MVD of Kerala for other components, such as Vehicle Location Tracking Devices (VLTD), speed-limiting devices, Pollution Under Control (PUC) certificates, and reflective tapes, through the process of empanelment / enlistment. It is also informed that the State

Government approval is not required at the moment based on the interim order of the Hon'ble High Court in WA 76/2025, Motorsigns could directly approach the Ministry of Road Transport and Highways (MoRTH) for access to the VAHAN portal. This could lead to potential revenue loss for the state; That is, if the state decides to adopt a revenue sharing model, but MORTH decides to give direct permission access from Vahan to the vendor, it will render state's decision infructuous.

Further, to avoid a potential contempt of court petition, based on the latest court order, it is requested that permission be given for tenders to be invited for high-security number plates. State may also consider a policy decision if and whether to proceed for any appeal against the order of the Hon. High court.

In this case statement has been forwarded to AG, Ekm stating that steps has been initiated by the Transport Commissioner to prepare the Tender document. Once the tender document has been approved, steps will be initiated to invite e-tenders to select licence plate manufacturers/their dealers for affixing HSRP.

Further pursuant to the above direction of the Hon’ble Court in WA 76/2025 a meeting was convened by the Hon’ble Minister on 13.02.2025 inviting all stakeholders wherein the following decisions were taken.

1. The maximum price for HSRP affixation need to be fixed in order to prevent public exploitation and to ensure state revenue.

2. Preference will be given to Kerala-based manufacturers, startups, and public sector institutions.

3. Preference will be given to those who have more than 25 years of automobile industry experience

4. Priority be given to those firms/companies who are capable of affixing HSRP within 24 hours of order receipt.

Here necessary direction may be given to the Transport Commissioner to prepare the Tender document to select licence plate manufacturers/their dealers for affixing HSRP on the old vehicles based on the minutes of the meeting convened by Hon’ble Minister on 13.02.2025.

Further the matter be brought to the notice of the MoRTH and request them not to give access to the VAHAN portal by providing user name and password to any of the HSRP manufacturers in view of the steps taken by the State Govt. to invite e-tenders to select licence plate manufacturers/their dealers for affixing HSRP.

File submitted for orders on pre para.

14/05/2025 03:29 PM **BINU VARGHESE**
US (B) TRANS

Note # 238

1.The lengthy note at pre paras and the request of TC may be seen.In the Order passed by the Hon'ble Court in the Writ Appeal,para no 31 item 5 was stayed and State Government was instructed to fix and inform the Court the eligibility/selection criteria for the third category manufacturers.The same was fixed and informed .The case is posted for hearing on 21.5.2025.

2.In the circumstances it will be appropriate to instruct TC to prepare tender document as decided in the meeting .Out come of the hearing may be awaited.

17/05/2025 04:39 PM **SHEELA M**
AS (B) TRANS

Note # 239

Approved

17/05/2025 05:42 PM **P B NOOH I A S**
SPL SECY (TRANS)

Note # 240

17/05/2025 05:44 PM **SHEELA M**
AS (B) TRANS

Note # 241

17/05/2025 05:52 PM **BINU VARGHESE**
US (C) TRANS

Note # 242

A draft letter to TC is put up for approval.

19/05/2025 11:11 AM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 243

19/05/2025 02:39 PM **BINU VARGHESE**
US (B) TRANS

Note # 244

Government have forwarded a statement to file before Hon'ble High Court of Kerala in compliance of the directions contained in the judgment dated 15/01/2025 in in W.A. 76/2025 filed by M/s Motor Signs India.

Now the High Court Liaison has forwarded the statement in the format for furnishing before the Hon'ble Court. The copy of the same is attached below.

File is submitted for perusing the draft statement and for entrusting a competent officer for signing the statement on behalf of the 1st respondent.

WA 76-2025 21.05.2025.docx

21/05/2025 04:45 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 245

Kindly see the email message from the Liaison Officer forwarding the statement to be file before the Hon'ble High Court regarding the criteria fixed to select/approve/authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the

selection/authorization process by an open, transparent, and fair tendering process in compliance of the directions contained in the judgment dated 15.01.2015 in WA 76/2025 filed by M/s MOTORSIGNS INDIA.

In the circumstances file submitted to authorize a competent officer to sign the statement in compliance of the directions contained in the judgment dated 15.01.2015 in WA 76/2025 filed by M/s MOTORSIGNS INDIA.

File submitted for orders on pre para.

22/05/2025 10:11 AM **BINU VARGHESE**
US (B) TRANS

Note # 246

26/05/2025 10:20 AM **SHEELA M**
AS (B) TRANS

Note # 247

AS pls sign the statement.

27/05/2025 10:56 AM **P B NOOH I A S**
SPL SECY (TRANS)

Note # 248

Please submit hard copy of the statement.

27/05/2025 11:08 AM **SHEELA M**
AS (B) TRANS

Note # 249

27/05/2025 11:13 AM **BINU VARGHESE**
US (B) TRANS

Note # 250

Kindly see the letter received from TC dated 17/06/202. It is stated that, as per the direction of the Hon'ble Minister in the meeting held on 13/05/2025, to discuss the issues related to the immediate implementation of the High-Security Registration Number Plate (HSRP), TC has forwarded the details.

It is stated that Hon'ble Minister has given instructions such as checking whether the number plates of vehicles fitted with HSRP on 01.04.2019 are as per the norms. To avoid a situation of exploitation of the public, a maximum amount should be fixed for fitting HSRP and the revenue received by the government should be included while fixing the rate accordingly, Priority should be given to companies, startups and public sector undertakings, manufacturing in Kerala, Priority should be given to those with 25 years of experience in the automobile sector, Special priority should be given to companies that can fit HSRP to customers within 24 hours of receiving the order.

After examining the HSRP rates of neighboring states(annexure enclosed), the proposed rate of HSRP for old vehicles (pre 2019) in Kerala on revenue sharing basis is as follows:-

No	Vehicle Category	Base Dealer Share	Base Government Share	Upper Limit of Price of HSRP for Public
A	B	C	D	C+D = E
1	Two Wheeler	400	100	500
2	Three Wheeler	500	100	600
3	Four Wheeler	700	300	1000
4	Medium & Heavy Motor Vehicle	700	300	1000
5	Tractor & Agriculture Equipments	700	300	1000

The agencies having Type Approval Certificate from the following agencies can set up HSRP:

1. Central Road Research Institute (CRRI), Delhi,Mathura Road, P.O. CRRI, New Delhi-20
2. Automotive Research Association of India(ARAI), P.B. 832, Pune- 411004
3. Vehicle Research & Development Establishment(VRDE), Vahan Nagar, Ahmednagar-414006

There is a list of 18 companies having Type Approval Certificate for HSRP as declared on the website of MoRTH. However, in light of the court orders and the situation where non-HSRP vehicles are plying in the State and are being penalised in the neighboring states, the TC stated that this matter needs to be decided upon urgently.

TC has stated that they have created the proposed rate after examining the HSRP rates of the neighboring states.

Hence, TC has requested to suggest abovementioned base prices and allow only MORTH authorised 18 HSRP companies with Type Approval certificate. The companies may be allowed to bid for sharing higher amount of revenue to Government (D) from the base price mentioned above, with upper limit of price for public being constant (E)

File submitted for orders.

08/07/2025 05:57 PM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 251

Notes on pre-para may kindly be perused. The Transport Commissioner has submitted a proposal for approving a unified rate for affixing High-Security Registration Plates (HSRP) on vehicles of all categories registered before 01/04/2019. This rate was determined by the Transport Commissioner after reviewing prevailing rates in states such as Andhra Pradesh, Maharashtra, Goa, Gujarat, and Rajasthan. Establishing a fixed rate for HSRP will allow the Transport Commissioner to publish an open tender, in accordance with the criteria set during the meeting on 13/02/2025.

File may be circulated to Honourable Minister for Transport for orders on approving rate proposed by Transport Commissioner in the table of Note #250

09/07/2025 10:40 AM **RATHEESH R**
SO (B) TRANS

Note # 252

Notes above may be seen. In themeeting was convened by the Hon'ble Minister on 13.02.2025 inviting all stakeholders for the implementation of HSRP in vehicles registered before 01.04.2019, the following decisions were taken.

1. The maximum price for HSRP affixationneed to be fixedin order to prevent public exploitation and to ensure state revenue.

2. Preference will be given to Kerala-based manufacturers, startups, and public sector institutions.

3. Preference will be given to those who have more than 25 years of automobile industry experience

4. Priority be given to those firms/companies who are capable of affixing HSRP within 24 hours of order receipt.

As per letter dated 19.05.2025, the Transport Commissioner was directed to prepare the Tender document to select licence plate manufacturers/their dealers for affixing HSRP on the old vehicles based on the minutes of the meeting convened by Hon'ble Minister on 13.02.2025.

The Transport Commissioner in theletter dated 17.06.2025 has proposed the following rate of HSRP (before 01.04.2019) in Kerala on revenue sharing basis after examining the rates of neighboring states ie. Karnataka, Andhra Pradesh, Maharashtra, Goa, Gujarath & Rajasthan.

No	Vehicle Category	Base Dealer Share	Base Government Share	Upper Limit of Price of HSRP for Public
A	B	C	D	C+D = E
1	Two Wheeler	400	100	500
2	Three Wheeler	500	100	600
3	Four Wheeler	700	300	1000
4	Medium & Heavy Motor Vehicle	700	300	1000
5	Tractor & Agriculture Equipment's	700	300	1000

It is reported that there is a list of 18 companies having Type Approval Certificate for HSRP as declared on the website of MoRTH.

The Transport Commissioner has requested Government to suggest whether they may go ahead with the above mentioned base prices and allow only MoRTH authorized 18 companies having Type Approval Certificate for HSRP. The companies may be allowed to bid for sharing higher amount of revenue to Government (D) from the base price mentioned above, with upper limit of price for public being constant (E).

It is noticed that the upper limit of price for public will be constant (E). The 18 companies having Type Approval Certificate for HSRP will be allowed to bid for sharing higher amount of revenue to Government (D) and if any company bids revenue share to Govt. above than that is shown in (D), the tender will be finalized to them. However there wont be any change in upper limit of price for public (E).

In the circumstances file submitted for orders on the following:

1. The following base prices proposed by the Transport Commissioner may be approved and they may be requested to go ahead with the tendering process allowing companies to bid for sharing higher amount of revenue to Government (D).

N		Base Dealer	**Base**	Upper Limit of

o	Vehicle Category	Share	**Government Share**	Price of HSRP for Public
A	B	C	**D**	C+D = E
1	Two Wheeler	400	**100**	500
2	Three Wheeler	500	**100**	600
3	Four Wheeler	700	**300**	1000
4	Medium & Heavy Motor Vehicle	700	**300**	1000
5	Tractor & Agriculture Equipment's	700	**300**	1000

2. The Transport Commissioner may be directed to allow only MoRTH authorized l8 companies having Type Approval Certificate for HSRP to took part in the tendering process.

File submitted to Hon'ble Minister (Transport) for orders on pre para.

09/07/2025 12:13 PM **BINU VARGHESE**
US (B) TRANS

Note # 253

10/07/2025 04:17 PM **SHEELA M**
AS (B) TRANS

Note # 254
For Orders

14/07/2025 04:34 PM **P B NOOH I A S**
SPL SECY (TRANS)

Note # 255
Note # 252 Approved.ടെൻഡർ വിളിയ്ക്കുമ്പോൾ മേൽപ്പറഞ്ഞ ലിസ്റ്റിലെ' **D** ' യിൽ സൂചിപ്പിയ്ക്കുന്ന **Base Govt .Share** തുകയിൽ വർദ്ധനവ് വരുത്താൻ ശ്രമിയ്ക്കണം .അതെ സമയം **'C +D =E ' Upper Limit of Price of HSRP for Public** ൽ സൂചിപ്പിയ്ക്കുന്ന തുകയിൽ നിന്നും കൂടാൻ പാടില്ല .

16/07/2025 10:12 AM **K B GANESH KUMAR**
MIN (TRANS)

Note # 256

16/07/2025 03:10 PM **P B NOOH I A S**
SPL SECY (TRANS)

Note # 257

17/07/2025 10:10 AM **SHEELA M**
AS (B) TRANS

Note # 258

17/07/2025 10:27 AM **BINU VARGHESE**
US (B) TRANS

Note # 259

17/07/2025 11:15 AM **RATHEESH R**
SO (B) TRANS

Note # 260

a draft letter is put up for approval.

17/07/2025 11:48 AM **KHAN M JAHANGIR**
ASO (B2) TRANS

Note # 261

17/07/2025 12:09 PM **RATHEESH R**
SO (B) TRANS

Note # 262

17/07/2025 01:10 PM **BINU VARGHESE**
US (B) TRANS

Note # 263

17/07/2025 02:44 PM **SHEELA M**
AS (B) TRANS

Note # 264
Approved

23/07/2025 12:58 PM **P B NOOH I A S**
SPL SECY (TRANS)

Note # 265

23/07/2025 02:34 PM **SHEELA M**
AS (B) TRANS

Note # 266

23/07/2025 03:24 PM **BINU VARGHESE**
US (B) TRANS

Note # 267

23/07/2025 03:32 PM **SUSILKUMARY S**
SO (C) TRANS

Note # 268

Kindly see the letter dated11/09/2025 from Transport Commissioner in connection with implementation of HSRP through limited tender process.

As per the letter dated 23/07/2025, Government have Approved the base dealer share + base government share + public upper

price limit (Two-wheeler ₹400+₹100=₹500; Three-wheeler ₹500+₹100=₹600; Four-wheeler ₹700+₹300=₹1000; etc.) and directed TC to allow only MoRTH-authorized 18 companies with Type Approval Certificate. Also stated that in tender, efforts should be made to increase Govt. Share (D), but without exceeding the public price cap (E).

Now TC has forwarded the draft tender document HSRP Approved Bid Document, RFP No. MIT2/16/2025-TC

Eligibility is restricted to the same 18 MoRTH-approved vendors. A full list of all 18 is annexed

Base pricing structure matches Government-approved table (Dealer share + Govt. share + Public cap).

Financial bid instructions explicitly state: bidders must quote higher Govt. Share (D), public price cap (E) remains constant, and tender will finalize on highest Govt. share quoted (H1 bidder).

So both conditions — restricting participants and ensuring only revenue share varies — are built into the bid terms.

Tendering Process

The evaluation process is designed to select the bidder who offers the maximum share of revenue to Government, exactly as Government directed.

Provision is included for tie-breaker through negotiation and, failing that, net-worth evaluation, ensuring transparency.

Public Price Protection: Explicit clause that public upper limit price cannot be exceeded is clearly included.

Collection of HSRP fees will be routed through VAHAN and escrow account to ensure compliance.

Transport Commissioner also confirms the draft tender was prepared based on Government letter dated 23.07.2025 and requests Government's sanction to proceed with the limited tender process accordingly.

File submitted for perusal and orders.

Note # 269

In the meeting held by Honorable Minister for Transport on 13/02/2025 , it has decided to select a qualified and type-approved vendors for the supply, affixation, and implementation of HSRPs on vehicles registered prior to April 2019 in Kerala, based on the following criteria

i) To avoid any situation where the public is exploited, a maximum amount to be levied for attaching HSRP to be fixed, by ensuring revenue to State Government .

ii) Preference should be given to companies, start up and public sector institutions that manufacture in Kerala.

iii) Preference will be given to those with 25 years of experience in the automobile industry. Special consideration will be given to those who were capable of fixing HSRP with in 24 hours of receiving the order.

2) Thereafter Government have approved the base price for implementation of High Security Registration Plates (HSRP) in vehicles registered prior to 01/04/2019 vide letter dated 23/07/2025 and directed the Transport Commissioner to go ahead with the tendering process allowing companies to bid for sharing higher amount of revenue to Government

3) Transport commissioner prepared and forward the draft tender document for the selection of a qualified bidder from among the MORTH approved eighteen (18) vendors currently holding valid Type Approval Certificates from authorized testing agencies, for the supply, affixation, and implementation of High Security Registration Plates (HSRP) for motor vehicles registered prior to April 2019 in the State of Kerala.

4) The Motor Vehicles Department, Government of Kerala has issued an RFP inviting bids for selecting a qualified vendor from among the eighteen High Security Registration Plates (HSRP) type-approved vendors notified by authorized testing agencies like the Automotive Research Association of India, Central Road Research Institute, and Vehicle Research & Development Establishment, for the supply, affixation and implementation of HSRPs on motor vehicles registered prior to 01/04/2019 in Kerala. The project will be executed on a Build-Own-Operate & Revenue-Share (BOO-RS) model for a contract period of five years. The bidding process will be through the eTender Kerala

portal in two parts—Technical and Financial bids—with an Earnest Money Deposit of ₹5 lakh, a non-refundable bid processing fee of ₹2,500, and a Performance Guarantee of ₹50 lakh from the selected bidder. The bidder quoting the highest revenue share to the Government (within the fixed upper price ceiling of ₹500 for two-wheelers, ₹600 for three-wheelers, and ₹1,000 for four-wheelers, heavy vehicles and tractors) will be selected as H-1, and in case of a tie, the bidder with higher net worth will be chosen. The successful bidder must establish infrastructure across the state, ensure supply and affixation of HSRPs within 48 hours of request, maintain an online appointment system, and submit monthly reports, while complying with Central Motor Vehicles Rules 50 and 51 and all relevant guidelines of the Ministry of Road Transport and Highways.

5) File may be circulated to Honourable Minister for Transport for perusal and approval of the tender document prepared by Transport Commissioner

12/09/2025 01:59 PM **RATHEESH R**
SO (B) TRANS

Note # 270

Kindly see the letter from Transport Commissioner requesting to accord sanction for approval of the draft tender document prepared for the selection of a qualified bidder from among the MORTH approved eighteen (18) vendors currently holding valid Type Approval Certificates from authorized testing agencies, for the supply, affixation, and implementation of High Security Registration Plates (HSRP) for motor vehicles registered prior to April 2019 in the State of Kerala.

In this connection the following are brought on record for kind consideration:

In the meeting was convened by the Hon'ble Minister on 13.02.2025 inviting all stakeholders for the implementation of HSRP in vehicles registered before 01.04.2019, the following decisions were taken.

1. The maximum price for HSRP affixation need to be fixed in order to prevent public exploitation and to ensure state revenue.

2. Preference will be given to Kerala-based manufacturers, startups, and public sector institutions.

3. Preference will be given to those who have more than 25 years of automobile industry experience

4 . Priority be given to those firms/companies who are capable of affixing HSRP within 24 hours of order receipt.

As per letter dated 19.05.2025, the Transport Commissioner was directed to prepare the Tender document to select licence plate manufacturers/their dealers for affixing HSRP on the old vehicles based on the minutes of the meeting convened by Hon'ble Minister on 13.02.2025.

The Transport Commissioner in theletter dated 17.06.2025 has proposed the following rate of HSRP (before 01.04.2019) in Kerala on revenue sharing basis after examining the rates of neighboring states ie. Karnataka, Andhra Pradesh, Maharashtra, Goa, Gujarath & Rajasthan.

No	Vehicle Category	Base Dealer Share	Base Government Share	Upper Limit of Price of HSRP for Public
A	B	C	D	C+D = E
1	Two Wheeler	400	100	500
2	Three Wheeler	500	100	600
3	Four Wheeler	700	300	1000
4	Medium & Heavy Motor Vehicle	700	300	1000
5	Tractor & Agriculture Equipment's	700	300	1000

As per letter dated 23.07.2025, the above base prices proposed by the Transport Commissioner was approved and it was requested to go ahead with the tendering process allowing companies to bid for sharing higher amount of revenue to Government. Further the Transport Commissioner was directed to allow only MoRTH authorized 18 companies having Type Approval Certificate for HSRP to took part in the tendering process.

In tune with the directions conveyed by Govt. the draft tender document has been submitted by the TC.

Performance Guarantee/ Security Deposit for successful Bidder

Rs. 50,00,000/- (Rupees Fifty lakhs only) - Successful Bidder should deposit an amount of ₹50,00,000/ (Rupees Fifty Lakhs only) as Security Deposit to Motor Vehicle Department within 15 days of awarding the Letter of Intent (LOI). The Security Deposit will be refunded upon completion of the contract period.

Earnest Deposit Refundable Money (EMD)

Bidder shall have to submit Rs. 5,00,000/- (Rs. Five Lakhs only) as EMD.

Payment of Earnest Money Deposit: -

An amount of ₹5,00,000/- (Rupees Five Lakhs only) as EMD shall be paid in online mode through the e-GP portal www.etenders.kerala.gov.in at the time of bid submission. No other mode of remittance shall be accepted. EMD of the unsuccessful bidders will be returned within 15 days of awarding the work to the successful bidder. EMD of the successful bidders will be returned upon signing the contract within 15 days of furnishing Performance Guarantee of value of Rs 50,00,000/- in the favour of Transport Commissioner.

Bid Processing Fee Non-Refundable

Rs. 2500/- (Rupees Two thousand Five hundred only)
Payment of tender fees: - A non- refundable tender fee of ₹2500/- [Rupees Two thousand Five hundred only] shall be paid in online mode through the e-Tender website www.etenders.kerala.gov.in at the time of bid submission. No other mode of payment shall be accepted. The tenders of bidders who do not remit fees through online will be rejected outright.

In the circumstances file submitted for orders whether the draft tender document prepared by the Transport Commissioner for the selection of a qualified bidder from among the MORTH approved eighteen (18) vendors currently holding valid Type Approval Certificates from authorized testing agencies, for the supply, affixation, and implementation of High Security Registration Plates (HSRP) for motor vehicles registered prior to April 2019 in the State of Kerala may be approved.

File submitted to Hon'ble Minister (Transport) for orders on pre para.

15/09/2025 09:46 AM **BINU VARGHESE**
US (B) TRANS

Note # 271

17/09/2025 11:23 AM **SHEELA M**
AS (B) TRANS

Note # 272

17/09/2025 02:51 PM **P B NOOH I A S**
SPL SECY (TRANS)

Note # 273

Approved.

27/09/2025 10:29 AM **K B GANESH KUMAR**
MIN (TRANS)

Note # 274

27/09/2025 12:08 PM **P B NOOH I A S**
SPL SECY (TRANS)

Note # 275

27/09/2025 12:42 PM **SHEELA M**
AS (B) TRANS

08/06/2022

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thycaud P.O, Thiruvananthapuram - 695 014

e-mail:tcoffice.mvd@kerala.gov.in|web: www.mvd.kerala.gov.in| ☎0471-2333317

From

Transport Commissioner,
Motor Vehicles Department,
Government of Kerala

To

The Secretary to Transport
Government Secretariat
Thiruvananthapuram

Sir,

Sub:- Motor Vehicles Department-Fitment of High Security Registration Plates on old vehicles-reg.

Ref:- 1.Rule 50 of Central Motor Vehicle Rules, 1989
2.S.O.6052(E) dated 06/12/2018 issued b MoRTH
3.Letter No.FNO.RT-11036/56/2019-MVL dated 1/9/2021 of MoRTH
4.Minutes Of Meeting by Hon.Transport Minister dated 15/02/2022

Kind attention of the Government is invited to the references cited.

Rule 50 of the Central Motor Vehicle Rules, 1989 stipulates that all vehicles must be fitted with High Security Registration Plates. As per the 1st proviso of the said rule, the HSRP including the third registration mark, wherever required shall be supplied by the vehicle manufactures along with the vehicles manufactured on or after 1st day of April 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on vehicle.

As per the second proviso, the dealers of vehicle manufacturer may also affix HSRP, supplied by the vehicle manufacturer, on old vehicles after placing the registration mark of registration there on. [Extract of Rule 50 which was amended vide GSR1162(E)to 4/12/2018 is enclosed herewith.]

Government of India have issued an order for implementing High Security registration Plate in Motor Vehicles vide S.O.6052(E) dtd 06.12.2018 [Copy enclosed].

The clause 4 of the said Order read as,

"4. A vehicle manufacturer shall comply with the following procedure in regard to HSRP for a New Vehicle to be sold on or after 1st

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April, 2019 namely:-

(a) The type approved HSRP including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicle shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plates are available with their dealers.

(c) The cost of HSRP and its affixure on the vehicle after placing the mark of registration shall be included in the price of the vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same."

The clause 5 of the said Order read as,

"(i) For the affixation HSRP on existing vehicle, the HSRP including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of HSRP, if so authorized by the State Government concerned, may also supply the HSRP including third registration mark on old vehicles after placing the registration mark."

As per Clause 6(i) of the said Order, the manufacturer of the motor vehicle and their dealers or the manufactures or supplier of HSRP shall have a certification to the HSRP from the CIRT or any one of the testing agencies authorised by the Central Government under Rule126 of CMV Rules, 1989.

MoRTH has issued certain instructions to Secretaries/Principal Secretaries and Transport Commissioners of all States/UTs for the implementation of HSRP on vehicles vide letter No.F.No.RT-11036/56/2019-MVL dated 01/09/2021.[Copy enclosed]

The letter read as,

"It has been brought to the notice of the Ministry that the Motor Vehicle owners are facing problems in getting HSRP; heavy charges are levied for getting HSRP with advance payments and poor quality of service.

2. In this connection, the provisions with regard to fitment of KSRP on new and older vehicles are as under:-

A. For the better implementation of scheme of High Security Registration Plates(HSRP), this Ministry has issued the following notifications:-

i. GSR 1162(E) dated 04.12.2018 regarding amendment in Rule 50 and Rule 124 of Central Motor Vehicles Rules, 1989.

ii. SO 6052(E) dated 06.12.2018 regarding Motor Vehicles (High Security Registration Plates) Order, 2018.

As per the above mentioned notifications, it has been mandated that, on or after 1st April, 2019, the type approved HSRP, including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobile.

B. Further, Rule 5 of HSRP, Order, 2018 has made provisions for affixation of HSRP on existing vehicles as under:-

i. The HSRP, including the third registration mark, may be supplied and affixed by the dealers of vehicle manufacturers after placing the mark of registration thereon.

ii. The manufacturers or suppliers of HSRP, if so authorized by the State concerned, may also supply the HSRP including the third registration mark on old vehicles.

C. The issue was also discussed in a meeting held on 24.09.2019, Wherein it was clarified that:-

"As per the amendments in the rules, issued through notification dated 04.12.2018 and the detailed procedure issued through the HSRP Order, 2018 on 06.12.2018, the responsibility of procuring and supplying is with OEMs only. Their dealers can have them affixed. For the older vehicles if so directed by the State Government, it was discussed and clarified that the dealers of the particular OEM can supply for their brand as the spirit of the amendment is that the OEM shall be responsible for the security features of the HSRP. When they supply to different brand not being owned, then control of security features is lost."

The above said Minutes were also forwarded to all the States/UTs for compliance.

D. This Ministry has received grievances that the vehicle owners are facing problem with regards to issuance of new HSRP in case of damage/breakage of HSRP. The issue was examined in the Ministry and this Ministry, vide advisory dated 21.10.2020, had issued the procedure for replacement of damaged HSRP to all the States/UTs.

E. Implementation of provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 comes under the purview of Transport Authorities of States/UTs. Therefore, it is for the States/UTs to select any of the type approved vendors to carry out the work of affixation of HSRP on older motor vehicles in the respective State/UTs.

F. Further, this Ministry has issued GSR 104(E) dated 11th Feb, 2020 regarding specification of HSRP, vide which Rule 50 of Central Motor Vehicles Rules, 1989 has been amended and clause(v) of Rule 50(1) has been substituted as under:-

"(v) the plate shall be fastened with non-removable / non-reusable snap lock fitting system on rear of the vehicle.

The licence plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and ***for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers****. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule.*

3. In view of the above mentioned provisions,, it is requested to implement the provisions of High Security Registration Plates in letter and spirit and to make the process of fitment of HSRP vehicle owner friendly and easy accessible, as well as avoiding any monopolistic situation."

As per the information issued by MoRTH which is available in the Website of MoRTH, the role of Central Government as well as State Government for the implementation of HSRP are defined.(Copy enclosed).

As per the Minutes of the Meeting chaired by the Hon'ble Minister for Transport on 15/02/2022, it has been decided to implement HSRP fitment in old vehicles by ensuring that the Government may get maximum revenue. Hence the following suggestions are furnished for consideration and for favour of necessary action.

The department can proceed with steps to float tender for selecting the Vendors for fixing HSRP on old vehicle subject to the following condition.

1. The vendors quote lowest rate for HSRP may be fixed or
2. The vendors quoting highest royalty rate to Government may be fixed or
3. The vendors quoting both lowest rate for HSRP and highest royalty rate to Government may be fixed.
4. A security deposit or desired amount can be fixed so as to ensure that the vendors are fixing high quality HSRP.
5. A time limit may be framed for fixing HSRP on old vehicle.

Based on the above directions from the Government of India and MoRTH ,the State Government may take appropriate action for the implementation of HSRP to be fitted in old vehicles in the state. This is for favour of information and further necessary action.

Yours Faithfully

Digitally signed by S SREEJITH I P S
Date:Wed Jun 08 16:25:05 IST 2022
Reason: Approved

S Sreejith I P S
Transport Commissioner

മോട്ടോർ വാഹന വകുപ്പ്, കേരളം

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ANNEXURE-1(B)

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 4823] नई दिल्ली, बृहस्पतिवार, दिसम्बर 6, 2018/अग्रहायण 15, 1940
No. 4823] NEW DELHI, THURSDAY, DECEMBER 6, 2018/AGRAHAYANA 15, 1940

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 6 दिसम्बर, 2018

का.आ. 6052(अ).—जबकि, केंद्रीय सरकार की यह राय है कि लोकहित में यह अधिसूचित किया जाना आवश्यक और समीचीन है कि किसी मोटर वाहन में अति सुरक्षा रजिस्ट्रीकरण प्लेट के संबंध में विनिर्माता द्वारा उपयोग की जाने वाली प्रक्रिया केंद्रीय मोटर यान नियम, 1989 के संदर्भ में कतिपय मानकों के अनुरूप होगी;

अब, इसलिए, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 109 की उप-धारा (3) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए और मोटर यान (नई अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2001 के उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हे ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया, केंद्रीय सरकार एतद्द्वारा ऐसे मानकों को विनिर्दिष्ट करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात्:—

आदेश

1. संक्षिप्त नाम और प्रारंभ: -

(1) इस आदेश का संक्षिप्त नाम मोटर यान (अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2018 है।

(2) यह आदेश 1 अप्रैल, 2019 को प्रवृत्त होगा।

2. लागू होना - यह आदेश मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 2 के खंड (28) में यथा-परिभाषित मोटर वाहनों पर लागू होगा।

3. किसी वाहन निर्माता द्वारा 1 अप्रैल, 2019 को या उसके बाद बेचे जाने वाले नए वाहनों के लिए अति सुरक्षा रजिस्ट्रीकरण प्लेट (एचएसआरपी) के संबंध में निम्नलिखित प्रक्रियाओं का अनुपालन किया जाएगा, अर्थात्: -

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 6th December, 2018

S.O. 6052(E).—Whereas, the Central Government is of the opinion that it is necessary and expedient in the public interest to notify that the process used by a manufacturer in regard to a high security registration plate for a motor vehicle shall conform to certain standards with reference to the Central Motor Vehicles Rule, 1989;

Now, therefore, in exercise of the power conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the Motor Vehicles (New High Security Registration Plates) Order, 2001, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following order to specify such standards, namely:—

ORDER

1. Short title and commencement:-

(1) This Order may be called as the Motor Vehicles (High Security Registration Plates) Order, 2018.

(2) It shall come into force on the 1st day of April, 2019.

3. Application. —This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.

(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely: —

(i) The high security registration plates shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

(ii) The Registration Plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989.

(iii) The Registration Plate shall be guaranteed for imperishable nature for a period mentioned in rule 50 of the Central Motor Vehicles Rules, 1989 and in case of damage or withering due to natural usage before such period, it shall be replaced by the motor vehicles manufacturer or their dealers in respect of vehicles mentioned under para 4 above, or the licence plate manufacturer or suppliers or their dealers, as the case may be, in other cases.

(iv) The replacement for any existing registration plate may be made by the motor vehicles dealers or the authorised high security registration plate manufacturer or supplier, only after ensuring that the old plate has been surrendered and destroyed.

File No. TRANS-B2/349/2022-TRANS (Computer No. 2184481)

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(v) (a) To protect against counterfeiting, a chromium-based hologram of the size 20 mm x 20 mm shall be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates.

(b) The hologram shall contain CHAKRA in blue colour as specified in the Annexure appended to this Order.

(vi) The permanent identification number of minimum 10 digits shall be laser branded into the reflective sheeting on the bottom left-hand side of the registration plate with the letter size being 5 mm:

Provided that the permanent consecutive identification number shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate shall be issued by the test agencies:

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) and (4) of the said Table as under:—

Table

Sl. No.	Name of Test Agency	First Alphabet	Second Alphabet
(1)	(2)	(3)	(4)
1.	Automotive Research Association of India, Pune	A to H	A to Z
2.	Central Road Research Institute, New Delhi	I to P	A to Z
3.	Vehicles Research Development Establishment, Ahmednagar	Q to S	A to Z
4.	International Centre for Automotive Technology, Manesar	T to V	A to Z
5.	Central Institute of Road Transport, Pune	X	A to Z
6.	Global Automotive Research Centre, Chennai	Y	A to Z:

Provided also that the height of the digits shall be 5mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.

(vii) (a) The hot stamping film to be applied on the letters or numerals of the licence number shall bear the inscription "INDIA".

(b) The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees' inclination with sequential lines being the mirror image of the other.

(viii) (A) The third registration plate in the form of a self-destructive type chromium based hologram sticker shall be of the size of 100 mm x 60 mm is to be affixed on the inner side of left hand corner of windshield of the vehicle.

(B) The sticker shall be required to be a diffraction foil film with high reflective index and shall have the chromium based hologram embedded.

(C) The details on the sticker shall be-

(a) Name of registering authority;

(b) registration number of the vehicle;

(c) laser branded permanent identification number; and

(d) Date of first registration of the vehicle.

(D) On the bottom of the right corner of the sticker, the chromium based hologram of size of 10 mm x10 mm shall be embedded and in the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height.

(E) The laser branded permanent identification number shall come in the bottom left side of the sticker with numeral size being 2.5mm.

(F) A depiction of the sticker shall be as specified in the Annexure appended to this Order.

(ix) (a) The background colour for the self-destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles.

(b) For all other vehicles, the background shall be of grey colour.

(x) A proper record of the registration plates issued should be maintained on a daily basis by manufacturer of motor vehicle or dealer.

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6454246/2022/Transport (B)

(xi) The unique high security registration plate shall be linked electronically to the vehicle after its affixture on the vehicle on registration.

(xii) The complete record of all the security features in their possession shall be maintained by manufacturer of motor vehicle or dealer which may be audited by the concerned testing agencies from time to time.

(xiii) The manufacturer of a motor vehicle shall exercise complete control over all the security features in their possession and shall be responsible for the use of any of the security feature on registration plate in the open market either by themselves or by any other person on their behalf.

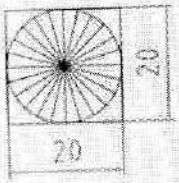
(xiv) The manufacturer of a motor vehicle shall not be authorized to sell incomplete plates or the security features separately to anyone:

Provided that they shall be authorised to replace the third number plate in form of the self-destructive tape sticker for the already registered vehicles as the case may be as per specification specified in sub-para (ix).

(xv) The type approval certificate issued shall be liable for suspension or cancellation by the concerned testing agency for failure to comply with these provisions.

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



ALL DIMENSIONS ARE IN MM

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

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ANNEXURE-1(B)

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भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
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सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 6 दिसम्बर, 2018

का.आ. 6052(अ).—जबकि, केंद्रीय सरकार की यह राय है कि लोकहित में यह अधिसूचित किया जाना आवश्यक और समीचीन है कि किसी मोटर वाहन में अति सुरक्षा रजिस्ट्रीकरण प्लेट के संबंध में विनिर्माता द्वारा उपयोग की जाने वाली प्रक्रिया केंद्रीय मोटर यान नियम, 1989 के संदर्भ में कतिपय मानकों के अनुरूप होगी;

अब, इसलिए, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 109 की उप-धारा (3) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए और मोटर यान (नई अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2001 के उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हे ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया, केंद्रीय सरकार एतद्द्वारा ऐसे मानकों को विनिर्दिष्ट करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात्:—

आदेश

1. संक्षिप्त नाम और प्रारंभ: -

(1) इस आदेश का संक्षिप्त नाम मोटर यान (अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2018 है।

(2) यह आदेश 1 अप्रैल, 2019 को प्रवृत्त होगा।

2. लागू होना - यह आदेश मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 2 के खंड (28) में यथा-परिभाषित मोटर वाहनों पर लागू होगा।

3. किसी वाहन निर्माता द्वारा 1 अप्रैल, 2019 को या उसके बाद बेचे जाने वाले नए वाहनों के लिए अति सुरक्षा रजिस्ट्रीकरण प्लेट (एचएसआरपी) के संबंध में निम्नलिखित प्रक्रियाओं का अनुपालन किया जाएगा, अर्थात्: -

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MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 6th December, 2018

S.O. 6052(E).—Whereas, the Central Government is of the opinion that it is necessary and expedient in the public interest to notify that the process used by a manufacturer in regard to a high security registration plate for a motor vehicle shall conform to certain standards with reference to the Central Motor Vehicles Rule, 1989;

Now, therefore, in exercise of the power conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the Motor Vehicles (New High Security Registration Plates) Order, 2001, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following order to specify such standards, namely:—

ORDER

1. Short title and commencement:-

(1) This Order may be called as the Motor Vehicles (High Security Registration Plates) Order, 2018.

(2) It shall come into force on the 1st day of April, 2019.

3. Application. —This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.

(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely: —

(i) The high security registration plates shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

(ii) The Registration Plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989.

(iii) The Registration Plate shall be guaranteed for imperishable nature for a period mentioned in rule 50 of the Central Motor Vehicles Rules, 1989 and in case of damage or withering due to natural usage before such period, it shall be replaced by the motor vehicles manufacturer or their dealers in respect of vehicles mentioned under para 4 above, or the licence plate manufacturer or suppliers or their dealers, as the case may be, in other cases.

(iv) The replacement for any existing registration plate may be made by the motor vehicles dealers or the authorised high security registration plate manufacturer or supplier, only after ensuring that the old plate has been surrendered and destroyed.

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(v) (a) To protect against counterfeiting, a chromium-based hologram of the size 20 mm x 20 mm shall be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates.

(b) The hologram shall contain CHAKRA in blue colour as specified in the Annexure appended to this Order.

(vi) The permanent identification number of minimum 10 digits shall be laser branded into the reflective sheeting on the bottom left-hand side of the registration plate with the letter size being 5 mm:

Provided that the permanent consecutive identification number shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate shall be issued by the test agencies:

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) and (4) of the said Table as under:—

Table

Sl. No.	Name of Test Agency	First Alphabet	Second Alphabet
(1)	(2)	(3)	(4)
1.	Automotive Research Association of India, Pune	A to H	A to Z
2.	Central Road Research Institute, New Delhi	I to P	A to Z
3.	Vehicles Research Development Establishment, Ahmednagar	Q to S	A to Z
4.	International Centre for Automotive Technology, Manesar	T to V	A to Z
5.	Central Institute of Road Transport, Pune	X	A to Z
6.	Global Automotive Research Centre, Chennai	Y	A to Z:

Provided also that the height of the digits shall be 5mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.

(vii) (a) The hot stamping film to be applied on the letters or numerals of the licence number shall bear the inscription "INDIA".

(b) The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees' inclination with sequential lines being the mirror image of the other.

(viii) (A) The third registration plate in the form of a self-destructive type chromium based hologram sticker shall be of the size of 100 mm x 60 mm is to be affixed on the inner side of left hand corner of windshield of the vehicle.

(B) The sticker shall be required to be a diffraction foil film with high reflective index and shall have the chromium based hologram embedded.

(C) The details on the sticker shall be-

(a) Name of registering authority;

(b) registration number of the vehicle;

(c) laser branded permanent identification number; and

(d) Date of first registration of the vehicle.

(D) On the bottom of the right corner of the sticker, the chromium based hologram of size of 10 mm x10 mm shall be embedded and in the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height.

(E) The laser branded permanent identification number shall come in the bottom left side of the sticker with numeral size being 2.5mm.

(F) A depiction of the sticker shall be as specified in the Annexure appended to this Order.

(ix) (a) The background colour for the self-destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles.

(b) For all other vehicles, the background shall be of grey colour.

(x) A proper record of the registration plates issued should be maintained on a daily basis by manufacturer of motor vehicle or dealer.

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(xi) The unique high security registration plate shall be linked electronically to the vehicle after its affixture on the vehicle on registration.

(xii) The complete record of all the security features in their possession shall be maintained by manufacturer of motor vehicle or dealer which may be audited by the concerned testing agencies from time to time.

(xiii) The manufacturer of a motor vehicle shall exercise complete control over all the security features in their possession and shall be responsible for the use of any of the security feature on registration plate in the open market either by themselves or by any other person on their behalf.

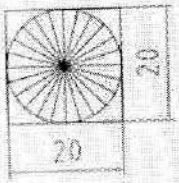
(xiv) The manufacturer of a motor vehicle shall not be authorized to sell incomplete plates or the security features separately to anyone:

Provided that they shall be authorised to replace the third number plate in form of the self-destructive tape sticker for the already registered vehicles as the case may be as per specification specified in sub-para (ix).

(xv) The type approval certificate issued shall be liable for suspension or cancellation by the concerned testing agency for failure to comply with these provisions.

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

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सड़क परिवहन और राजमार्ग मंत्रालय
Ministry of Road Transport and Highways

- **What is the role of Central Government relating to introduction of HSRP**

The role of Central Govt. is limited to:

- Notifying the standards and specifications of High Security Registration Plates.
- Notifying the testing agencies who are to test the plates and give Type Approval to vendors based on these specifications.
- Notifying the date of implementation .

- **What is the role of State Government relating to introduction of HSRP**

- To implement the scheme in accordance with the rules framed by Central Government.
- To select the vendors from among those who have been given Type Approval Certificate by the authorized testing agencies under Central Motor Vehicles Rules, 1989 .
- After selection of vendor, to make sure that proper controls are being exercised at the time of issuance of these plates.

- **Which testing agencies have been authorized to give Type Approval certificate:**

They are :

- Central Road Research Institute (CRRI), Delhi, Mathura Road, P.O. CRRI, New Delhi-20
- Automotive Research Association of India (ARAI) , P.B. 832, Pune- 411004
- Vehicle Research & Development Establishment (VRDE), Vahan Nagar, Ahmed Nagar-414006

- **Who can be selected by State to sell/affix HSRP ?**

Any prospective vendor can obtain type approval certificate from any of the authorized testing agencies and thereafter can participate in the selection procedure by the State Governments. It is for the State Govt. to select a vendor or vendors.

- **Does Central Government grant Licence/appoint distributor/give franchise:**

The Central Government does not grant licence or appoint distributor/ give franchise to any vendor.

The new High Security Registration Plate scheme is to be introduced throughout the country in respect of new vehicles from 31.5.2005 or any earlier date as may be notified by any State for their own State. In-use vehicles have been given a further time of 2 years thereafter to switch over to the new plates.

- **How many vendors have got type approval:**

Ans: As on date following 18 vendors have got type approval certificate from authorized testing agencies.

1.	M/s Shimnit Utsch India pvt. Ltd, 8thfloor, Regent Chambers, Nariman Point, Mumbai-400021 Maharashtra. From CRRI	2.	M/s Utsav Safety System (P) Ltd. E-1/12, Vasant Vihar, New Delhi-110 057 From ARAI

3.	M/s Real Industries India Ltd. 34,Rama Road, New Delhi-110 015 From CRRI	4.	Promuk Hoffmann, International Limited, 204,Swapnalok Complex, 92,S.D.Road,Secunderabad-500003. From ARAI
5.	Eastern (Steel & Saws) Industries Pvt. Ltd. B-10,Deonar village Road, Deonar,Mumbai-400038, From CRRI	6.	M/s Omish Traders, Social Compound , Marol Pipline, Andheri-Kurla Road, Andheri (E),Mumbai-400059From ARAI
7.	M/s Metro Wilhem Grewe Ltd. , B-92, Mayapuri Industrial Area, Phase-I, New Delhi-110064 From ARAI	8.	M/s Almighty Impex Pvt. Ltd., C-791, New Friends Colony, New Delhi-110065 From ARAI
9.	M/s. D.D.Licence Plates, Div. of D.D.Ind. Ltd. F1/9.Okla Industrial Area Phase-I New Delhi-110020From ARAI	10.	M/s. Emperor Granites Pvt. Ltd. Uttam House, 69, P.D. Mellow Road, Carnac Bundr,Mumbai-400009 Maharahstra, From ARAI
11.	M/s Signs India Ltd. 810 (Old 406), Anna Salai, Mount Road, Nandanam, Chennai-600 035. From ARAI	12.	Rayson's Mid Road Sign Craft Pvt. Ltd. 39-A, First floor, B.J.B Nagar Bhubaneswar-751014 From ARAI
13.	M/s. Celex Technologies Pvt. Ltd. Poddar Pont, 10th floor, Block 'A', 113, Park Street, Kolkatta – 700 016.From ARAI	14.	M/s. Road Sketch Pvt. Ltd. Flat No.80, MIG Flats, Loni Road, Shahdara, Delhi-110 032 From ARAI

15.	Hind Industries Limited, A-1, Phase-I, Okhla Industrial Area, New Delhi-110 020From ARAI	16.	Agros Impex (P) Pvt. Ltd. 202, Composite House, 170, Prajapat Nagar, Opp:B-2, Gulmohar Park, New Delhi – 110 049 From VRDE
17.	M/S.Arch Promoters Pvt. Ltd., D-103, Defence Colony, New Delhi-110 024From CRRI	18.	RSD Security Solutions Pvt. Ltd., B-68, Sector 36, NOIDA-201301. From ARAI.

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F.No. RT-11036/56/2019-MVL
Government of India
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated: 01 Sept, 2021

To

The Principal Secretaries/ Secretaries, Departments of Transport,
Transport Commissioners of All States/UTs.

Subject: Implementation of provisions of High Security Registration Plates for Older Vehicles.

Sir/Madam,

It has been brought the notice of the Ministry that the Motor Vehicle Owners are facing problems in getting High Security Registration Plates; heavy charges are levied for getting HSRP with advance payments and poor quality of service.

2. In this connection, the provisions with regard to fitment of HSRP on new and older vehicles are as under:-

A. For the better implementation of scheme of High Security Registration Plates (HSRP), this Ministry has issued the following notifications:-

i. GSR 1162(E) dated 04.12.2018 regarding amendment in Rule 50 and Rule 124 of Central Motor Vehicles Rules, 1989.

ii. SO 6052(E) dated 06.12.2018 regarding Motor Vehicles (High Security Registration Plates) Order, 2018

As per the above mentioned notifications, it has been mandated that, on or after 1st April, 2019, the type approved HSRP, including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobile.

B. Further, Rule 5 of HSRP, Order, 2018 has made provisions for affixation of HSRP on existing vehicles as under:-

i. The HSRP, including the third registration mark, may be supplied and affixed by the dealers of vehicle manufacturers after placing the mark of registration thereon.

ii. The manufacturers or suppliers of HSRP, if so authorised by the State concerned, may also supply the HSRP including the third registration mark on old vehicles.

C. The issue was also discussed in a meeting held on 24.09.2019, wherein it was clarified that:-

"As per the amendments in the rules, issued through notification dated 04.12.2018 and the detailed procedure issued through the HSRP Order, 2018 on 06.12.2018, the

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responsibility of procuring and supplying is with OEMs only. Their dealers can have them affixed. ***For the older vehicles if so directed by the State Government, it was discussed and clarified that the dealers of the particular OEM can supply for their brand as the spirit of the amendment is that the OEM shall be responsible for the security features of the HSRP****. When they supply to different brand not being owned, then control of security features is lost. "*

The above said Minutes were also forwarded to all the States/UTs for compliance.

D. This Ministry has received grievances that the vehicle owners are facing problem with regards to issuance of new HSRP in case of damage/breakage of HSRP. The issue was examined in the Ministry and this Ministry, vide advisory dated 21.10.2020, had issued the procedure for replacement of damaged HSRP to all the States/UTs.

E. Implementation of provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 comes under the purview of Transport Authorities of States/UTs. Therefore, it is for the States/UTs to select any of the type approved vendors to carry out the work of affixation of HSRP on older motor vehicles in the respective State/UT.

F. Further, this Ministry has issued GSR 104 (E) dated 11th Feb, 2020 regarding specification of HSRP, vide which Rule 50 of Central Motor Vehicles Rules, 1989 has been amended and clause (v) of Rule 50 (1) has been substituted as under:-

"(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and ***for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers.*** *The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule"*

3. In view of the above mentioned provisions, it is requested to implement the provisions of High Security Registration Plates in letter and spirit, and to make the process of fitment of HSRP vehicle owner friendly and easy accessible, as well as avoiding any monopolistic situation.

Yours faithfully

(Dr. Piyush Jain)
Director (MVL)
Ph.:- 011-23714974
Email:- director-morth@gov.in

Copy to: Society of Indian Automobile Manufacturers, Core 4-B, 5th Floor, India Habitat Centre, Lodhi Road, New Delhi-110003.

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भारत का राजपत्र
The Gazette of India

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सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 4 दिसम्बर, 2018

सा.का.नि.1162(अ).— केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए कतिपय नियमों का प्रारूप, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 212 की उपधारा (1) की अपेक्षानुसार, भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की अधिसूचना संख्यांक सा.का.नि. 365(अ) तारीख 10 अप्रैल, 2018 द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में प्रकाशित किए गए थे, जिसमें उन सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना थी, उस तारीख से, जिसको प्रारूप नियमों वाले राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी, तीस दिन की अवधि के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 10 अप्रैल, 2018 को उपलब्ध करा दी गई थीं ;

और उक्त प्रारूप नियमों की बाबत जनता से प्राप्त आक्षेपों और सुझावों पर केंद्रीय सरकार द्वारा सम्यक रूप से विचार कर लिया गया है ;

अतः, अब केन्द्रीय सरकार, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 110 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. **संक्षिप्त नाम और प्रारम्भ-**

(1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (सोलहवां संशोधन) नियम, 2018 है।

(2) ये 1 अप्रैल, 2019 से प्रवृत्त होंगे।

2- केन्द्रीय मोटर यान नियम, 1989 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 50 के, उप-नियम (1) में,-

(i) पहले परन्तुक के स्थान पर निम्नलिखित रखा जायेगा, अर्थात :-

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"परन्तु डीलरों को, जहाँ कहीं अपेक्षित हो, तीसरे रजिस्ट्रीकरण चिन्ह सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट का प्रदान यान विनिर्माताओं द्वारा 1 अप्रैल, 2019 को या उसके पश्चात् निर्मित सभी यानो के साथ की जायेगी और डीलर ऐसे प्लेटों पर रजिस्ट्रीकरण चिन्ह बनाएंगे और उसे यान पर लगाएंगे।

परन्तु यह और कि यान विनिर्माताओं के डीलर भी पुराने यानों पर यान विनिर्माताओं द्वारा दी गई ऐसी प्लेटों को उस पर रजिस्ट्रीकरण का चिन्ह बनाने के पश्चात लगा सकते हैं।";

(ii) दूसरे परन्तुक में "और" शब्द के स्थान पर "भी" शब्द रखा जायेगा।

3- उक्त नियमों के, नियम 124 के उप-नियम (4) के सारणी में क्रम संख्या 21 और उससे सम्बंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्या अन्तः स्थापित की जाएगी :-

"22	अति सुरक्षा रजिस्ट्रीकरण प्लेट	नियम 50	1 अप्रैल, 2019".

[फा. सं. आर.टी.-11028/01/2018-एम.वी.एल.]

प्रियांक भारती, संयुक्त सचिव

टिप्पणः- मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना सं. सा.का.नि. 590(अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और अंतिम संशोधन सा.का.नि. सं. 1151(अ), तारीख 29 नवंबर, 2018 द्वारा किया गया।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 4th December, 2018

G.S.R. 1162(E).—Whereas, the draft of certain rules further to amend the Central Motor Vehicles Rules, 1989 were published, as required by sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), *vide* notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 365(E), dated the 10th April, 2018, in the Gazette of India, Extraordinary, Part II, Section (3), Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Official Gazette containing the draft rules were made available to the public;

And whereas, copies of the said Gazette notification were made available to the public on the 10th April, 2018;

And whereas, the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. **Short title and commencement:-**

(1) These rules may be called the Central Motor Vehicles (Sixteenth Amendment) Rules, 2018.

(2) They shall come into force w.e.f 1st April, 2019.

2. In the Central Motor Vehicles Rules, 1989 (hereinafter referred to as the said rules), in rule 50, in sub-rule (1),-

(i) for the first proviso, the following provisos shall be substituted, namely:-

"Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicles manufactured on or after the 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

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Provided further that the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles after placing the registration mark of registration thereon";

(ii) in the second proviso, for the word "further", the word "also" shall be substituted.

3. In the said rules, in rule 124, in sub-rule (4), in the TABLE after serial number. 21, and the entries relating thereto, the following serial number shall be inserted, namely: –

"22	High Security Registration Plate	Rule 50	1st April, 2019".

[No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification number G.S.R. 590(E), dated the 2nd June, 1989 and last amended *vide* notification number G.S.R. 1151 (E), dated the 29th November, 2018.

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"(अ आ) किराए पर कैब स्कीम, 1989 के अधीन मोटर कैब या किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल (एल-1 और एल-2 प्रवर्ग दो पहिया), काले रंग की पृष्ठ भूमि पर पीला रंग, तथापि किराए पर कैब स्कीम 1989 के अधीन बैटरी प्रचालित या इलेक्ट्रॉनिकी पावर की मोटर अथवा किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल के मामले में, हरे पृष्ठभूमि पर काले रंग में ; और"।

4. उक्त नियम में, नियम 50 में, उप-नियम (3) में पहले परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा अर्थात:-

"परन्तु यह कि रजिस्ट्रीकृत चिन्ह सामने एक पंक्ति में हो सकता है, 200 मिमी×100 मिमी साइज की प्लेट के मामले में यह दर्शाने का कोई पर्याप्त स्थान नहीं कि रजिस्ट्रीकृत चिन्ह एक पंक्ति में हो, रजिस्ट्रीकरण चिन्ह दो पंक्तियों में प्रदर्शित किया जा सकता है।"।

5. उक्त नियम में निमय 51 में,-

(क) आरंभिक पैरा के पश्चात, निम्नलिखित शीर्ष अन्तःस्थापित किया जाएगा, अर्थात:-

"सारणी" ;

(ख) नीचे शीर्ष सारणी को इस प्रकार अन्तःस्थापित किया जाएगा, जिसके सामने क्रम संख्या से संबंधित पंक्ति से सामने, "से अन्यून आयाम " प्रविष्टी के स्थान पर "से अन्यून आयाम (मिमी में)" निम्नलिखित प्रविष्टी रखी जाएगी ;

(ग) सारणी में, क्रम संख्या 11 और उससे संबंधित प्रविष्टियों के पश्चात निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएगी, अर्थात:-

"12	निर्माण उपकरण वाहन	सामने और पीछे के अक्षर और अंक (क) प्लेट आकार 500×120 मिमी. या 340×200 मिमी.	65	10	10
		(ख) प्लेट आकार 200×100 मिमी.	35	7	5
		(ग) प्लेट आकार 285×45 मिमी.	30	5	5"

[फा. सं. आरटी-11028/01/2018 एमवीएल]

प्रियांक भारती, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, असाराधारण भाग-II खंड 3 उपखंड (i) अधिसूचना संख्या सा.का.नि. 590 (अ) तारीख 2 जून, 1989 द्वारा संशोधित किए गए थे और अंतिम संशोधन अधिसूचना संख्या सा.का.नि. 37 (अ) तारीख 17 फरवरी, 2019 द्वारा किया गया था।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 11th February, 2020

G.S.R. 104(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989 were published as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways *vide* number G.S.R. 512 (E), dated the 18th day of July, 2019, in the Gazette of India, Extraordinary, Part II, Section (3), Sub-section (i), inviting objections and suggestions from all persons likely to be affected

Communicate the rule to all the Concerned for information and necessary action

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thereby before the expiry of the period of thirty days from the date of which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said Gazette notification were made available to the public on the 18th July, 2019;

And whereas, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. **Short title and commencement.** -(1) These rules may be called as the Central Motor Vehicles (Second Amendment) Rules, 2019.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In the Central Motor Vehicles Rules, 1989 (herein after referred as the said rules); in rule 50, in sub-rule 1,-

(a) in clause (i), for the words and figurers "DIN 1745/DIN 1783 or ISO 7591" the following words, figures and brackets "AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO:7591" shall be substituted;

(b) in clause (iii) for the word "seven" the word "ten" shall be substituted;

(c) in clause (iv),-

(i) for the words "registering authorities/approved dealers of the licence plates manufacturers", the following words "registering authority/vehicle manufacturer and their dealers" shall be substituted;

(ii) for the words "licence plate manufactured or his dealers" the following words "registering authority/vehicles manufacturer and their dealers: shall be substituted;

(d) for clause (v), the following clause shall be substituted, namely: -

"(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule"

(e) in clause (vi),-

(i) for the words and figures and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340 x 200 mm" the following words, figure and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340x200 mm/500 x 120 mm" shall be substituted;

(ii) after the fifth proviso the following proviso shall be inserted namely, -

"Provided also that in case of Construction Equipment Vehicles, the size of plate shall be 500x120 mm or 340x200 mm or 200x100mm or 285x45mm, depending on the equipment size and availability of space.".

3. In the said rules, in rule 50, in sub-rule (2), in clause (d), after the sub-clause (A), following sub- clause shall be inserted, namely. -

"(AB) in case of motor cab under rent a cab scheme, 1989 or motor cycle (L1 and L2 category two wheeler) under rent a motor cycle scheme 1997, in yellow colour on black background, however in case of battery operated or electrically powered motor cab under rent a cab scheme 1989 or motor cycle under rent a motor cycle scheme 1997, in black colour on green background; and".

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4. In the said rules, in rule 50, in sub-rule (3) for first proviso, the following proviso shall be substituted, namely. -

"Provided that the registration mark in the front may be in one line, in case, in 200mm x 100mm size plate, there is no sufficient place to exhibit the registration mark in one line, the registration mark may be exhibited in two lines:".

5. In the said rules, in rule 51, -

(a) after the opening paragraph, the following heading shall be inserted, namely: -

"Table";

(b) below the heading Table as so inserted, against the row relating to Serial number (S.No.), for the entry "Dimensions not less than" the following entry shall be substituted "Dimensions (in mm) not less than ;

(c) in the Table, after S.No.11 and entries relating thereto, the following S.No. and entries shall be inserted, namely: -

"12	Construction Equipment Vehicles	Front and rear letters and numerals.- a) With plate size 500x120 mm or 340x200 mm	65	10	10
		b) With plate size 200x100 mm	35	7	5
		c) With plate size 285x45 mm	30	5	5"

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i),*vide* notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended *vide* notification number G.S.R 37 (E) dated 17th January, 2020.

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മോട്ടോർ വാഹന വകുപ്പുമായി ബന്ധപ്പെട്ട വിവിധ വിഷയങ്ങൾ ചർച്ച ചെയ്യുന്നതിനായി ബഹു. ഗതാഗത വകുപ്പ് മന്ത്രിയുടെ അദ്ധ്യക്ഷതയിൽ 15/02/2022 തീയതിയിൽ ചേർന്ന യോഗത്തിന്റെ നടപടിക്കുറിപ്പ്.

യോഗം ഉച്ചയ്ക്ക് 2.45 pm ന് ബഹു. ഗതാഗത വകുപ്പ് മന്ത്രിയുടെ ചേംബറിൽ വച്ച് ആരംഭിച്ചു. യോഗത്തിൽ പങ്കെടുത്തവരുടെ പേര് വിവരങ്ങൾ ചുവടെ ചേർക്കുന്നു.

നം.	പേര്	ഉദ്യോഗപ്പേര്
1	ശ്രീ ബിജു പ്രഭാകർ	ഗതാഗത വകുപ്പ് സെക്രട്ടറി
2	ശ്രീ അജിത്ത്കുമാർ	ട്രാൻസ്പോർട്ട് കമ്മീഷണർ
3	ശ്രീമതി ജോസഫൈൻ കെ	ജോയിന്റ് സെക്രട്ടറി, ഗതാഗത വകുപ്പ്
4	ശ്രീമതി ബിന്ദു ആർ	അണ്ടർ സെക്രട്ടറി, ഗതാഗത വകുപ്പ്
5	ശ്രീ. പ്രമോജ് ശങ്കർ	അഡീഷണൽ ട്രാൻസ്പോർട്ട് കമ്മീഷണർ

മോട്ടോർ വാഹന വകുപ്പുമായി ബന്ധപ്പെട്ട അടിയന്തിര പ്രാധാന്യമുള്ള വിഷയങ്ങൾ ചർച്ച ചെയ്യുന്നതിനാണ് യോഗം വിളിച്ചു ചേർത്തിട്ടുള്ളതെന്ന് ബഹു.മന്ത്രി ആമുഖമായി അറിയിച്ചു. തുടർന്ന് വിവിധ വിഷയങ്ങൾ സംബന്ധിച്ച് നടന്ന ചർച്ചയുടെ വിശദാംശങ്ങളും തീരുമാനങ്ങളും ചുവടെ ചേർക്കുന്നു.

1) മട്ടാഞ്ചേരിയിൽ CDTT(Computerised Driver Testing Track) യും I&C സെന്ററും സ്ഥാപിക്കുന്നതിനായി സ്ഥലം ഒരുക്കുന്ന പ്രവൃത്തി പൂർത്തീകരിച്ച KITCO — യ്ക്ക് ബാക്കി തുക നൽകുന്നതും I&C സെന്റർ നിർമ്മാണ പ്രവർത്തി തുടങ്ങുന്നതും സംബന്ധിച്ച്.

KITCO യ്ക്ക് നൽകാനുള്ള ബാക്കി തുകയുടെ വിശദാംശങ്ങൾ ബഹു. മന്ത്രി ആരാഞ്ഞു. തുക സംബന്ധിച്ച കൃത്യമായ വിവരങ്ങൾ യോഗത്തെ ധരിപ്പിയ്ക്കുവാൻ KITCO — യുടെ ഉത്തരവാദിത്തപ്പെട്ട പ്രതിനിധി ഹാജരാകാത്തതിനാൽ ബഹു. മന്ത്രി കടുത്ത അതൃപ്തി പ്രകടിപ്പിച്ചു. I&C സെന്ററിന്റെ നിർമ്മാണം സംബന്ധിച്ച് ARAI ആദ്യം സമർപ്പിച്ച എസ്റ്റിമേറ്റ് പ്രകാരം പണി പൂർത്തീകരിക്കാൻ സാധിക്കുമോയെന്ന് പരിശോധിക്കുവാൻ ബഹു. മന്ത്രി ഗതാഗത കമ്മീഷണറോട് ആവശ്യപ്പെട്ടു.

തീരുമാനം: നിലവിൽ സ്ഥലം തയ്യാറാക്കുന്നതിനായി ചെലവഴിച്ച തുക സംസ്ഥാന വിഹിതമായി പരിഗണിക്കുവാൻ MORTH നോട് ആവശ്യപ്പെടാൻ കഴിയുമോ എന്ന കാര്യം പരിശോധിച്ച്, ARAI മുഖേന മട്ടാഞ്ചേരിയിൽ I&C സെന്റർ സ്ഥാപിക്കുന്നതിനാവശ്യമായ അനുമതിയും ഫണ്ടും MoRTH — ൽ നിന്നും ലഭ്യമാക്കുവാൻ ആവശ്യമായ നടപടി സ്വീകരിക്കണം.
(നടപടി : ഗതാഗത കമ്മീഷണർ / ഗതാഗത വകുപ്പ്)

2.PUCC — യുമായി ബന്ധപ്പെട്ട വിഷയങ്ങൾ ചർച്ച ചെയ്യുന്നതിന് 15/09/2021 ൽ ബഹു.ഗതാഗത വകുപ്പ് മന്ത്രിയുടെ അദ്ധ്യക്ഷതയിൽ ചേർന്ന യോഗതീരുമാനങ്ങൾ സംബന്ധിച്ച്

PUCC — യുമായി ബന്ധപ്പെട്ട വിഷയങ്ങൾ ചർച്ച ചെയ്യുന്നതിന് 15/09/2021 ൽ ബഹു.ഗതാഗത വകുപ്പ് മന്ത്രിയുടെ അദ്ധ്യക്ഷതയിൽ ചേർന്ന യോഗത്തിലെടുത്ത തീരുമാനങ്ങൾക്ക് വിരുദ്ധമായ നടപടി ഗതാഗത കമ്മീഷണർ നിയോഗിച്ച ടെക്നിക്കൽ കമ്മിറ്റി സ്വീകരിച്ചതായി ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടെന്ന് ബഹു. മന്ത്രി യോഗത്തെ അറിയിച്ചു. സർക്കാർ യോഗങ്ങളിൽ തീരുമാനിക്കുന്ന കാര്യങ്ങൾ സമയബന്ധിതമായി നടപ്പിലാക്കേണ്ടതാണ്.

തീരുമാനം: യോഗതീരുമാനങ്ങളുടെ Action Taken Statement ഉടൻ സമർപ്പിക്കേണ്ടതാണ്.(നടപടി : ഗതാഗത കമ്മീഷണർ)

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3. ഡ്രൈവിംഗ് ലൈസൻസ് കാർഡ് ആധുനീകരിക്കുന്നത് സംബന്ധിച്ച്

ഡ്രൈവിംഗ് ലൈസൻസ് കാർഡ് ആധുനീകരിക്കുന്നതിന് തടസ്സമായി നിലനിൽക്കുന്ന കാരണങ്ങൾ സംബന്ധിച്ച് യോഗത്തിൽ വിശദമായ ചർച്ച നടന്നു. മൂന്നുമാസത്തിനകം ഡ്രൈവിംഗ് ലൈസൻസ് കാർഡ് പരിഷ്കരിക്കുന്നതിന് ആവശ്യമായ നടപടികൾ സ്വീകരിക്കണമെന്ന് ബഹു. മന്ത്രി നിർദ്ദേശിച്ചു. ആധുനിക ഡ്രൈവിംഗ് ലൈസൻസ് കാർഡ് MoRTH-ന്റെ guidelines അനുസരിച്ച് എപ്രകാരം ആയിരിക്കണമെന്നത് സംബന്ധിച്ച് ഗതാഗത കമ്മീഷണർ വിശദീകരിച്ചു. ബഹു.ഹൈക്കോടതിയിൽ നിലവിലുള്ള കേസിലെ stay vacate ചെയ്യുന്നതിന് വിശദമായ വിവരങ്ങൾ സഹിതം അഡ്വക്കേറ്റ് ജനറലിന് കത്തയയ്ക്കണമെന്ന് ഗതാഗത സെക്രട്ടറി അറിയിച്ചു.

തീരുമാനം: ഡ്രൈവിംഗ് ലൈസൻസ് കാർഡ് ആധുനീകരിക്കുന്ന വിഷയം നിലവിലുള്ള ബഹു.കോടതി ഉത്തരവുകളുടെ വെളിച്ചത്തിൽ ഒരാഴ്ചയ്ക്കകം വിശദമായി പരിശോധിയ്ക്കണം. 2007 മുതൽ കേസ് അനാഥമായി നീളുന്ന സാഹചര്യത്തിൽ വ്യക്തമായ നിയമോപദേശം നല്കാൻ അഡ്വക്കേറ്റ് ജനറലിനോട് അഭ്യർത്ഥിക്കാൻ ഗതാഗത വകുപ്പ് സെക്രട്ടറിയെ ചുമതലപ്പെടുത്തി

(നടപടി : ഗതാഗത വകുപ്പ്)

4.HSRP (ഹൈ സെക്യൂരിറ്റി രജിസ്ട്രേഷൻ പ്ലേറ്റ്):

01/04/2019 ന് ശേഷം രജിസ്റ്റർ ചെയ്ത വാഹനങ്ങളിൽ മാത്രമേ ഡീലർ എച്ച്എസ്ആർപി പ്ലേറ്റുകൾ സ്ഥാപിച്ചിട്ടുള്ളൂ. MoRTH പുറപ്പെടുവിച്ച 04/12/2018 ലെ GSR 1162(E) നമ്പർ വിജ്ഞാപനം പ്രകാരം 01/04/2019 ന് മുമ്പ് രജിസ്റ്റർ ചെയ്ത വാഹനങ്ങളിലും HSRP പ്ലേറ്റുകൾ ഘടിപ്പിച്ചിരിക്കണം. ടെൻഡർ വഴി തിരഞ്ഞെടുത്ത ഏജൻസികൾ മുഖേനയാണ് ഈ പ്രവർത്തനം സംസ്ഥാനം ഏറ്റെടുക്കേണ്ടത്. സർക്കാരിന് പരമാവധി വരുമാനം ഉറപ്പാക്കുന്ന വിധത്തിലായിരിക്കണം HSRP വിതരണം ചെയ്യുന്ന വെൻഡറെ കണ്ടെത്തേണ്ടതെന്ന് ബഹു. മന്ത്രി അഭിപ്രായപ്പെട്ടു. പ്രസ്തുത അഭിപ്രായത്തോട് യോജിച്ച ഗതാഗത സെക്രട്ടറിയും, ഗതാഗത കമ്മീഷണറും വെൻഡറെ കണ്ടെത്തുന്നതിന് ആവശ്യമായ വിവിധ മാർഗ്ഗങ്ങൾ വിശദീകരിച്ചു.

തീരുമാനം: MoRTH-ന്റെ നിബന്ധനകൾക്ക് വിധേയമായി സർക്കാരിന് പരമാവധി വരുമാനം ഉറപ്പാക്കിക്കൊണ്ട് HSRP വിതരണം ചെയ്യുന്ന വെൻഡറെ കണ്ടെത്തുന്നതിനാവശ്യമായ വിശദമായ പ്രൊപ്പോസൽ സർക്കാരിൽ സമർപ്പിക്കണം. (നടപടി: ഗതാഗത കമ്മീഷണർ)

5.CVTS (കമ്പ്യൂട്ടറൈസ്ഡ് വെഹിക്കിൾ ടെസ്റ്റിംഗ് സ്റ്റേഷൻ)

2023 മുതൽ CVTS നിർബന്ധമാക്കുന്ന പശ്ചാത്തലത്തിൽ എല്ലാ ജില്ലകളിലും CVTS സ്ഥാപിക്കുന്നതിനുള്ള അടിയന്തിര നടപടികൾ സംബന്ധിച്ച് യോഗം ചർച്ച ചെയ്തു.

തീരുമാനം: CVTS സ്ഥാപിക്കുന്നത് സംബന്ധിച്ച് ബഹു. മന്ത്രി മുമ്പാകെ ഒരു പ്രസന്റേഷൻ 28/02/2022 ന് 10.30 a.m ന് നടത്തുവാൻ i-cat കമ്പനിയെ ചുമതലപ്പെടുത്തണം. (നടപടി : ഗതാഗത കമ്മീഷണർ).

6. റീജിയണൽ ടെയിനിംഗ് സെന്ററുകൾ സ്ഥാപിക്കുന്നത് സംബന്ധിച്ച്.

ഡ്രൈവിംഗ് പരിശീലനം നൽകുന്ന സെന്ററുകൾ കേന്ദ്ര സർക്കാരിന്റെ സഹായത്തോടെ സ്ഥാപിക്കുന്നത് സംബന്ധിച്ച വിശദാംശങ്ങൾ ബഹു. ഗതാഗത വകുപ്പ് മന്ത്രി ആരാഞ്ഞു. വിവിധ സെന്ററുകൾ സ്ഥാപിക്കുന്നതിന്റെ മാനദണ്ഡങ്ങൾ, ഫണ്ട് ലഭ്യത തുടങ്ങിയ കാര്യങ്ങൾ ഗതാഗത കമ്മീഷണറും

അഡീഷണൽ ഗതാഗത കമ്മീഷണറും വിശദീകരിച്ചു.

തീരുമാനം: ഡ്രൈവിംഗ് പരിശീലനം നൽകുന്നതിനായി കേന്ദ്ര സർക്കാരിന്റെ സഹായത്തോടെ റീജിയണൽ സെന്ററും, ജില്ലാതല സെന്ററും സ്ഥാപിക്കാനാകുമോയെന്നത് സംബന്ധിച്ച് പരിശോധിച്ച് സർക്കാരിൽ റിപ്പോർട്ട് ലഭ്യമാക്കണം. ഈ വിഷയവും 28/02/2022 തീയതിയിൽ 10:30 മണിക്ക് ബഹു. ഗതാഗത വകുപ്പ് മന്ത്രിയുടെ അധ്യക്ഷതയിൽ ചേരുന്ന യോഗത്തിൽ ചർച്ച ചെയ്യണം. (നടപടി : ഗതാഗത കമ്മീഷണർ)

7.മോട്ടോർ വാഹന ചെക്ക് പോസ്റ്റുകൾ നിർത്തലാക്കുന്നത് സംബന്ധിച്ച്

മോട്ടോർ വാഹന വകുപ്പിന്റെ 19 മോട്ടോർ വാഹന ചെക്ക് പോസ്റ്റുകളിലായി 150-ഓളം ജീവനക്കാർ നിലവിലുണ്ടെന്നും, ഏകദേശം 65-കോടി രൂപയോളം വരുമാനമുണ്ടെന്നും ഗതാഗത കമ്മീഷണർ അറിയിച്ചു. കേന്ദ്ര സർക്കാർ നിർദ്ദേശപ്രകാരം ചെക്ക് പോസ്റ്റുകൾ നിർത്തലാക്കുന്നത് മൂലം സർക്കാരിന്റെ വരുമാനത്തെ പ്രതികൂലമായി ബാധിക്കാനുള്ള സാധ്യത കുറവാണെന്നും ഗതാഗത കമ്മീഷണർ അഭിപ്രായപ്പെട്ടു. ചെക്ക് പോസ്റ്റുകൾ നിർത്തലാക്കുന്നത് സംബന്ധിച്ച് ചീഫ് സെക്രട്ടറി വിളിച്ചു ചേർത്ത യോഗത്തിന്റെ വിശദാംശങ്ങൾ ഗതാഗത സെക്രട്ടറി വിശദീകരിച്ചു. ഇക്കാര്യത്തിൽ, സർക്കാർ ഇപ്പോൾ സ്വീകരിച്ചു വരുന്ന നടപടികൾ തുടരാവുന്നതാണെന്ന് ബഹു. മന്ത്രി അറിയിച്ചു.

തീരുമാനം: മോട്ടോർ വാഹന വകുപ്പ് ചെക്ക് പോസ്റ്റുകൾ നിർത്തലാക്കുന്നത് സംബന്ധിച്ച് ചീഫ് സെക്രട്ടറിയുടെ യോഗ തീരുമാന പ്രകാരം നിലവിൽ സ്വീകരിച്ചു വരുന്ന നടപടികൾ തുടരാവുന്നതാണ്. (നടപടി: ഗതാഗത കമ്മീഷണർ / ഗതാഗത വകുപ്പ്)

8.കോൺട്രാക്ട് കാര്യേജുകൾക്ക് ഏകീകൃത കളർ നിശ്ചയിക്കുന്നത് സംബന്ധിച്ച്:

കോൺട്രാക്ട് കാര്യേജുകളുടെ കളർ ഏകീകരിക്കാൻ ഇടയായ സാഹചര്യമെന്താണെന്ന് ബഹു. മന്ത്രി ആരാഞ്ഞു. ബഹു. ഹൈക്കോടതി വിധി അനുസരിച്ചാണ് STA കളർ ഏകീകരിക്കുന്നതിനുള്ള തീരുമാനം കൈക്കൊണ്ടിട്ടുള്ളതെന്ന് ഗതാഗത കമ്മീഷണർ അറിയിച്ചു. 01/06/2022 മുതൽ കളർ ഏകീകരണം നടപ്പാക്കാനാണ് തീരുമാനമെടുത്തിട്ടുള്ളതെന്നും ഗതാഗത കമ്മീഷണർ അറിയിച്ചു. കെ.എസ്.ആർ.ടി.സി-യുടെ ബസുകൾക്കും സ്വകാര്യ ബസുകൾക്കും ഏകീകൃത കളർ നിർബന്ധമാക്കണമെന്ന് ബഹു. കോടതി നിർദേശിച്ചിട്ടുണ്ടോയെന്ന് ഗതാഗത സെക്രട്ടറി ആരാഞ്ഞു. ഡ്രൈവർമാരുടെ ശ്രദ്ധ തിരിക്കുന്ന തരത്തിലുള്ള കളറുകളും പാറ്റേണുകളും ടൂറിസ്റ്റ് ബസുകളുടെ ബോഡികളിൽ നിന്നും ഒഴിവാക്കുവാനായിരിക്കും ബഹു. കോടതി ഉദ്ദേശിച്ചിരിക്കുന്നതെന്ന് ഗതാഗത സെക്രട്ടറി കൂട്ടിച്ചേർത്തു. തുടർന്ന്, കോടതി വിധിയുടെ വിശദാംശങ്ങൾ ബഹു. മന്ത്രി ആവശ്യപ്പെട്ടു. **വിധി വിശദമായി വിലയിരുത്തിയ ശേഷം,** കളർ ഏകീകരിക്കുവാൻ STA എടുത്ത തീരുമാനം പുനഃപരിശോധനയ്ക്ക് വിധേയമാക്കണമെന്ന് ബഹു. മന്ത്രി ആവശ്യപ്പെട്ടു.

തീരുമാനം: കോൺട്രാക്ട് കാര്യേജുകൾക്ക് ഏകീകൃതമായ കളർ കോഡ് നടപ്പിലാക്കുന്നതിനായി STA കൈക്കൊണ്ട തീരുമാനം പുനഃപരിശോധിക്കണം. (നടപടി : ഗതാഗത കമ്മീഷണർ)

9.വാഹനങ്ങളിൽ നിന്നും പരസ്യ നികുതി ഈടാക്കുന്നത് സംബന്ധിച്ച്:

അശാസ്ത്രീയമായ രീതിയിൽ വാഹനങ്ങളിൽ നിന്നും പരസ്യ നികുതി ഈടാക്കുന്നുണ്ടോയെന്ന് പരിശോധിക്കണമെന്നും ഇത് സംബന്ധിച്ച പരാതികൾ അടിയന്തിരമായി പരിഹരിക്കുന്നതിനാവശ്യമായ നടപടി സ്വീകരിക്കണമെന്നും ബഹു. മന്ത്രി ഗതാഗത കമ്മീഷണർക്ക് നിർദ്ദേശം നൽകി. വിഷയം പരിശോധിക്കാമെന്ന് ഗതാഗത കമ്മീഷണർ ഉറപ്പു നൽകി.

തീരുമാനം: അശാസ്ത്രീയമായ രീതിയിൽ വാഹനങ്ങളിൽ നിന്നും പരസ്യ നികുതി ഈടാക്കുന്നുണ്ടോയെന്നത് സംബന്ധിച്ച് പരിശോധിച്ച് ആവശ്യമായ നടപടി സ്വീകരിക്കണം. കേരള മോട്ടോർ വെഹിക്കിൾസ് റൂൾ 1989-ലെ ചട്ടം 191 പ്രകാരം കെ.എസ്.ആർ.ടി.സി ബസ്സുകളിൽ പരസ്യം പതിക്കുന്നതിനുള്ള ഫീസ്

ഒഴിവാക്കുന്നതിനായി പ്രൊപോസൽ സമർപ്പിക്കണം (നടപടി : ഗതാഗത കമ്മീഷണർ)

10.വാഹന നികുതി ഒഴിവാക്കിയ കാലഘട്ടത്തിലെ ഒടുക്കിയ നികുതി തിരികെ നൽകുന്നതിനുള്ള കാലതാമസവും നികുതി അടച്ചവർക്ക് പിന്നീട് അടയ്ക്കേണ്ടതായ നികുതിയിൽ നിന്നും കുറവ് വരുത്തുന്നതിനുള്ള ക്രമീകരണവും സംബന്ധിച്ച്.

വാഹനനികുതി ഒഴിവാക്കി സർക്കാർ ഉത്തരവായ കാലയളവിലെ നികുതി അടച്ചവർക്ക് പിന്നീട് അടയ്ക്കേണ്ടതായ നികുതിയിൽ ടി ഇക അഡ്ജസ്റ്റ് വരുത്തുന്നതിന് ആവശ്യമായ ക്രമീകരണം ഇല്ലാത്തത് കൃത്യമായി നികുതി അടയ്ക്കുന്നവർക്ക് പ്രയാസം സൃഷ്ടിക്കുന്ന വിഷയം ബഹു. മന്ത്രി ചൂണ്ടിക്കാട്ടി. ആയതിന് ആവശ്യമായ ക്രമീകരണം ഏർപ്പെടുത്തുന്നത് സംബന്ധിച്ച് പരിശോധിയ്ക്കുവാൻ ബഹു. മന്ത്രി ഗതാഗത കമ്മീഷണർക്ക് നിർദ്ദേശം നൽകി. ഒടുക്കിയ നികുതി തിരികെ നൽകുന്നത് വേഗത്തിലാക്കുവാൻ നടപടി സ്വീകരിച്ചിട്ടുണ്ടെന്ന് ഗതാഗത കമ്മീഷണർ അറിയിച്ചു.

തീരുമാനം: വാഹനനികുതി ഒഴിവാക്കി സർക്കാർ ഉത്തരവായ കാലയളവിലെ നികുതി അടച്ചവർക്ക് പിന്നീട് അടയ്ക്കേണ്ടതായ നികുതിയിൽ അഡ്ജസ്റ്റ് വരുത്തുന്നതിന് ആവശ്യമായ ക്രമീകരണം ഏർപ്പെടുത്തുന്നതിന് നടപടി സ്വീകരിക്കണം (നടപടി : ഗതാഗത കമ്മീഷണർ / ഗതാഗത വകുപ്പ്)

11.ലേണേഴ്സ് ലൈസൻസിന് അപേക്ഷിക്കുമ്പോൾ നേരിടുന്ന ബുദ്ധിമുട്ട് സംബന്ധിച്ച്

ടു വീലർ ലൈസൻസുള്ളവർ ഫോർ വീലർ ലൈസൻസ് ലഭിക്കുന്നതിനായി ലേണേഴ്സ് ലൈസൻസിന് അപേക്ഷിക്കുമ്പോൾ മേൽ വിലാസം നൽകുന്നതുമായി ബന്ധപ്പെട്ട് ബുദ്ധിമുട്ട് നേരിടുന്നുണ്ടെന്ന പരാതി ബഹു. മന്ത്രി ശ്രദ്ധയിൽപ്പെടുത്തി. ഇക്കാര്യം പരിശോധിയ്ക്കണമെന്ന് ബഹു. മന്ത്രി നിർദ്ദേശം നൽകി.

തീരുമാനം: ടു വീലർ ലൈസൻസുള്ളവർ ഫോർ വീലർ ലൈസൻസ് കരസ്ഥമാക്കാനായുള്ള ലേണേഴ്സ് ടെസ്റ്റിന് അപേക്ഷിക്കുമ്പോൾ മേൽവിലാസം രേഖപ്പെടുത്തുന്നതുമായി ബന്ധപ്പെട്ട് സാങ്കേതികമായതോ അല്ലാതെയോ ഉള്ള പിഴവുകൾ ഉണ്ടെങ്കിൽ പരിഹരിയ്ക്കുവാൻ നടപടി സ്വീകരിക്കണം. (നടപടി : ഗതാഗത കമ്മീഷണർ)

12.BH സീരീസ് രജിസ്ട്രേഷൻ നടപ്പാക്കുന്നത് സംബന്ധിച്ച്

കേരളത്തിൽ BH സീരീസ് രജിസ്ട്രേഷൻ നടപ്പിലാക്കിയാൽ ഉണ്ടാകുന്ന റവന്യൂ നഷ്ടമുൾപ്പെടെയുള്ള വിവിധ പ്രതിസന്ധികൾ യോഗം വിലയിരുത്തി. BH സീരീസ് രജിസ്ട്രേഷൻ നടപ്പാക്കുന്നതുമായി ബന്ധപ്പെട്ട വിഷയങ്ങൾ ദക്ഷിണേന്ത്യൻ സംസ്ഥാനങ്ങളിലെ ഗതാഗത വകുപ്പ് മന്ത്രിമാരുടെ യോഗത്തിൽ അവതരിപ്പിക്കാമെന്ന് ഗതാഗത വകുപ്പ് സെക്രട്ടറി അറിയിച്ചു. ബഹു. മന്ത്രി പ്രസ്തുത നിർദ്ദേശം അംഗീകരിച്ചു.

തീരുമാനം: BH സീരീസ് രജിസ്ട്രേഷനുമായി ബന്ധപ്പെട്ട വിവിധ വിഷയങ്ങൾ ചർച്ച ചെയ്യുന്നതിനായി ദക്ഷിണേന്ത്യൻ സംസ്ഥാനങ്ങളിലെ ഗതാഗത വകുപ്പ് മന്ത്രിമാരുടെ യോഗം 2022 ഏപ്രിൽ 22-23 തീയതികളിൽ നടത്തുന്നതിനാവശ്യമായ നടപടി **വകുപ്പ് സെക്രട്ടറി സ്വീകരിക്കണം.** (നടപടി : ഗതാഗത വകുപ്പ്)

13.സംസ്ഥാനമൊട്ടാകെ ഒരേ സീരീസ് രജിസ്ട്രേഷൻ നമ്പറും, സർക്കാർ / അർദ്ധ സർക്കാർ / പൊതുമേഖലാ സ്ഥാപനങ്ങളിലെ വാഹനങ്ങൾ പ്രത്യേക രജിസ്ട്രേഷൻ നമ്പറും ഏർപ്പെടുത്തുന്നത് സംബന്ധിച്ച്.

സംസ്ഥാനമൊട്ടാകെ ഒരേ സീരീസ് വാഹന രജിസ്ട്രേഷൻ നമ്പർ സംവിധാനം ഏർപ്പെടുത്തുന്നത് വരുമാനം വർദ്ധിപ്പിക്കുന്നതിന് സഹായകരമായിരിക്കുമെന്ന് ഗതാഗത സെക്രട്ടറി അഭിപ്രായപ്പെട്ടു. എന്നാൽ വരുമാനം വർദ്ധിക്കുന്ന വിഷയത്തിൽ ഗതാഗത കമ്മീഷണർ സംശയം പ്രകടിപ്പിച്ചു. കേന്ദ്ര മോട്ടോർ വാഹന നിയമം/ചട്ടം അനുസരിച്ച് ഇത് പരിശോധിക്കേണ്ടതുണ്ട്. സർക്കാർ /തദ്ദേശ സ്വയംഭരണ/പൊതുമേഖലാ സ്ഥാപനങ്ങൾക്ക് പ്രത്യേക സീരീസ് വാഹന രജിസ്ട്രേഷൻ ഏർപ്പെടുത്തുന്ന വിഷയവും പരിഗണനാർഹമാണെന്ന് ഗതാഗത സെക്രട്ടറി അഭിപ്രായപ്പെട്ടു. ഇക്കാര്യങ്ങൾ സംബന്ധിച്ച്

വിശദമായ പരിശോധന നടത്താവുന്നതാണെന്ന് ബഹു. മന്ത്രി അറിയിച്ചു.

തീരുമാനം: സംസ്ഥാനമൊട്ടാകെ ഒരേ സീരീസ് വാഹന രജിസ്ട്രേഷൻ നമ്പറും, സർക്കാർ / തദ്ദേശ സ്വയംഭരണ/ പൊതുമേഖലാ സ്ഥാപനങ്ങളുടെ വാഹനങ്ങൾക്ക് പ്രത്യേക സീരീസ് രജിസ്ട്രേഷൻ നമ്പറും ഏർപ്പെടുത്തേണ്ടതുണ്ടോയെന്ന് സംബന്ധിച്ചുള്ള നിയമസാധുത പരിശോധിച്ച് റിപ്പോർട്ട് സർക്കാരിൽ ലഭ്യമാക്കണം.
(നടപടി : ഗതാഗത കമ്മീഷണർ)

14.ലോറികളുടെ മുൻഭാഗത്ത് മഞ്ഞ നിറം നിർബന്ധമാക്കിയത് സംബന്ധിച്ച്.

ലോറികളുടെ മുൻഭാഗത്ത് മഞ്ഞ നിറം നിർബന്ധമാക്കിയ നടപടി പുനഃപരിശോധിക്കണമെന്ന് ഗതാഗത സെക്രട്ടറി നിർദ്ദേശിച്ചു. പ്രസ്തുത നിർദ്ദേശം ബഹു.മന്ത്രി അംഗീകരിച്ചു.
തീരുമാനം: ലോറികളുടെ മുൻഭാഗത്ത് മഞ്ഞ നിറം വേണമെന്ന നിബന്ധന ഒഴിവാക്കാൻ തീരുമാനിച്ചു. ഇതനുസരിച്ച ആവശ്യമായ നോട്ടിഫിക്കേഷൻ നൽകാനുള്ള പ്രൊപോസൽസ് രണ്ടാഴ്ചക്കുള്ളിൽ ഗവണ്മെന്റ്ന് സമർപ്പിക്കണം (നടപടി : ഗതാഗത കമ്മീഷണർ)

15.ഡീസൽ / പെട്രോൾ വാഹനങ്ങൾ ഇലക്ട്രിക് വാഹനമായി പരിവർത്തനം ചെയ്യുന്നതിന് കിറ്റ് ഘടിപ്പിക്കുന്നത് സംബന്ധിച്ച്.
ഡീസൽ / പെട്രോൾ വാഹനങ്ങൾ ഇലക്ട്രിക് വാഹനമായി പരിവർത്തനം ചെയ്യുന്നതിന് കിറ്റ് ഘടിപ്പിക്കുന്നതിന് endorsement നൽകുന്നില്ലായെന്ന പരാതി ഗതാഗത വകുപ്പ് സെക്രട്ടറി ശ്രദ്ധയിൽപ്പെടുത്തി. ARAI അംഗീകാരമുള്ള കിറ്റ് ഘടിപ്പിച്ചാൽ endorsement നൽകുന്നതിന് തടസ്സമില്ലായെന്ന് ഗതാഗത കമ്മീഷണർ അറിയിച്ചു. Endorsement നൽകുന്നതിനാവശ്യമായ നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കാൻ ബഹു. മന്ത്രി ഗതാഗത കമ്മീഷണർക്ക് നിർദ്ദേശം നൽകി.

തീരുമാനം: ഡീസൽ / പെട്രോൾ വാഹനങ്ങൾ ഇലക്ട്രിക് വാഹനമായി പരിവർത്തനം ചെയ്യുന്നതിനാവശ്യമായ ARAI അംഗീകാരമുള്ള കിറ്റ് ഘടിപ്പിച്ചാൽ ആയത് endorse ചെയ്യുന്നതിനാവശ്യമായ നിർദ്ദേശം പുറപ്പെടുവിക്കണം. (നടപടി : ഗതാഗത കമ്മീഷണർ)

യോഗം വൈകിട്ട് 7.45 ന് അവസാനിച്ചു.

Urgent

GOVERNMENT OF KERALA

Transport (B) Department

No.B2/349/2022-Trans. 08-03-2023,Thiruvananthapuram

From

Secretary to Government

To

Transport Commissioner, Thiruvananthapuram

Sir,

Sub: Transport Department-Fitment of High Security Registration Plates on old vehicles-Reg.

Ref: Your letter No.MIT2/13/2017-TC dated 08/06/2022

I am to invite your attention to the reference cited and to inform you that the role of the State Govt. relating to introduction of HSRP is to implement the scheme in accordance with the rules framed by Central Govt. It is the State Govt. to select vendors. In this connection, I am to request you to suggest any further or fresh option to implement the scheme for installation of High Security Registration Plates on old vehicles.

Yours Faithfully,
BINDU R
UNDER SECRETARY
For Secretary to Government.

Approved for Issue,

Section Officer.

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MIT2/13/2017-TC

I/115292/2023

MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **21-03-2023**

From: Transport Commissioner
Kerala

To: The Secretary to Government
Transport Department
Government Secretariat
Thiruvanathapuram

Sir,

Sub:- Motor Vehicles Dept- High Security registration plates on old vehicles- Reg.

Ref:- Govt Letter number B2/349/2022/Trans- dated 08/03/2023

Kind attention is invited to the reference cited, it is informed that 3 months time is necessary for the process of selecting vendors who can be granted approval to affix HSRP on existing motor vehicle registered in Kerala before 01-04-2019.

Yours faithfully

K Manojkumar
JOINT TRANSPORT COMMISSIONER & SECRETARY S T A IN CHARGE

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Tuesday, the 14th day of March 2023 / 23rd Phalguna, 1944

WP(C) NO. 10761 OF 2022

PETITIONER:

MOTORSIGNS INDIA, 810 ANNA SALAI, NANDANAM, CHENNAI 600035, TAMIL NADU, INDIA REPRESENTED BY ITS SOLE PROPRIETOR, THOMAS CHERIAN.

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVRNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.**
2. **THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERLA, THIRUVANANTHAPURAM 695 001.**
3. **THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE, TRANS TOWER-2ND FLOOR, VAZHUTHACAUD, P.O. THYCAUD, THIRUVANANTHAPURAM, KERALA 695 014.**
4. **ADDL. ACCIDENT RESCUE 24X7 SOUGHT TO BE IMPLEADED**

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim direction to the respondents to allow and authorize the petitioner to issue and affix HSRP (High Security Registration Plates) on existing/old vehicles registered prior to 01.04.2019 on the strength of his Exhibits P1 and P1(a) licence/Type Approval issued under Rule 124 of Central MotorVehicles Rules 1989 and to provide access to the National Registry for Electronically linking HSRP details in Vahan Portal, pending disposal of the above Writ Petition.

This Petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 24.08.2022 and upon hearing the arguments of M/S.K.RAMAKUMAR (SR.), S.M.PRASANTH,G.RENJITH, ASWINI SANKAR R.S.,T.H.ARAVIND & T.RAMPRASAD UNNI, Advocates for the petitioner and M/S.P.A.MOHAMMED SHAH, RENOY VINCENT, HELEN P.A., ARUN ROY, SHAHIR SHOWKATH ALI & ALEESHA SHEREEF, Advocates for R4,the court passed the following:

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RAJA VIJAYARAGHAVAN V, J.

W.P.(C) No. 10761 of 2022

Dated this the 14th day of March, 2023

ORDER

I have heard Sri. S.M. Prasanth, the learned counsel appearing for the petitioner and the learned Special Government Pleader.

2. The petitioner claims that he is a duly licensed, Type Approved manufacturer of High-Security Registration Plates (HSRP). He refers to Exts.P1 and P1(a) Type Approval Certificates and contends that they are one among the 16 licensees who have been issued with Type Approval Certificates issued by the Testing Agencies authorized by the Government of India. According to the petitioner, it was in the year 2001 that the Government of India had come up with the Motor Vehicles (New High-Security Registration Plates) Order, fixing standards in respect of a new system of High-Security Registration Plates for Motor Vehicles. It is stated that the amendment to Rule 50 of Central Motor Vehicles Rules was brought out into effect on 12.2.2020, as per which HSRP for existing old registered vehicles is required to be issued by the registering authority or vehicle manufacturers or by the approved license plate manufacturers or their dealers.

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3. According to the learned counsel, HSRPs on vehicles are insisted upon to curb cases of vehicle theft, to prevent duplicating of number plates, to enable easy tracking by law enforcement agencies, and for easy reading of the number plates at all times, irrespective of weather conditions. It is submitted that failure to fix HSRPs also invites a fine for violation of Rule 51 of the Central Motor Vehicle Rules and Regulation 36 of the Motor Vehicle (Driving) Regulations, 2017. The grievance of the petitioner is that though the Central Government has framed Rules and Regulations, the respondents are not enforcing the statutory requirement and are not insisting on the implementation of affixation of HSRPs. Due to the failure on the part of the State Government to insist upon compliance, number plates that do not conform to the rules are being affixed illegally on all types of vehicles. The learned counsel submits that the duty is cast upon the respondents to strictly ensure and implement the affixing of HSRP on every motor vehicle, new and existing, in accordance with Section 41 (6) Motor Vehicles Act, 1988 and Rules 50, 51, and 124 of the Central Motor Vehicles Rules, 1989 r/w Regulation 36 of the Motor Vehicles (Driving) Regulations, 2017 and in strict compliance and conformance to the Type Approval Certificate.

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4. In paragraph No. 8 of the counter affidavit filed by the 2nd respondent, it is stated that the proposal of the Transport Commissioner for selecting the vendors for fixing HSRP and for appropriate action for implementation of HSRP to be fitted in old vehicles registered prior to 01.04.2019 in the State is being examined at the Government level. However, the Government is yet to take a policy decision on the matter. It is also stated therein that as per the guidelines issued by the Ministry of Road Transport and Highways, the State Government has to implement the scheme in accordance with the rules framed by the Central Government, and it is for the State Government to select the vendors from among those who have been given Type Approval Certificate by the authorized testing agencies under Central Motor Vehicles Rules, 1989.

5. Relying on the notification issued vide G.S.R. 640 (E) dated 18.08.2022 of the Ministry of Road Transport and Highways, it is submitted by the learned Special Government Pleader that approval by the State Government or the Union Territory Administration is a mandatory formality in view of Rule 50 of the Central Motor Vehicles Rules, 1989.

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6. Having considered the submissions, prima facie, I am of the considered opinion that there is absolutely no justification on the part of the official respondents in delaying the implementation of HSRPs on motor vehicles, despite the Central Government coming out with Motor Vehicles (New High-Security Registration Plates) Order, 2001 as early as on 22.08.2001.

7. Let the respondents respond and give a time frame before this Court within which licensed vendors with Type Approval Certificates can be granted approval to affix HSRPs on existing motor vehicles registered in Kerala before 1.4.2019 and also, provide them access to Vahan Portal.

Post on 24.03.2023.

Sd/-

RAJA VIJAYARAGHAVAN V,
JUDGE

avs

File No. TRANS-B2/349/2022-TRANS (Computer No. 2184481)

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APPENDIX OF WP(C) 10761/2022

Exhibit P1	**TRUE COPY OF LICENSE IN THE FORM OF TYPE APPROVAL CERTIFICATE NO. GK0043 DATED 15.10.2019 ISSUED TO THE PETITIONER.**
Exhibit P1(A)	**TRUE COPY OF LICENSE IN THE FORM OF TYPE APPROVAL CERTIFICATE NO GK0044 DATED 15.10.2019 ISSUED TO THE PETITIONER.**

MIT2/13/2017-TC

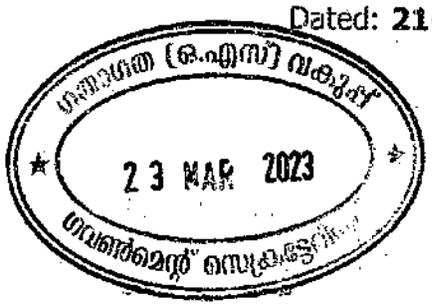
I/115292/2023

MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE

Dated: **21-03-2023**

From: Transport Commissioner
Kerala

To: The Secretary to Government
Transport Department
Government Secretariat
Thiruvanathapuram



Sir,

Sub:- Motor Vehicles Dept- High Security registration plates on old vehicles- Reg.

Ref:- Govt Letter number B2/349/2022/Trans- dated 08/03/2023

Kind attention is invited to the reference cited, it is informed that 3 months time is necessary for the process of selecting vendors who can be granted approval to affix HSRP on existing motor vehicle registered in Kerala before 01-04-2019.

Signed by
K Manojkumar
Date: 21-03-2023 17:16:29

Yours faithfully

K Manojkumar
JOINT TRANSPORT COMMISSIONER & SECRETARY S T A IN CHARGE

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

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GOVERNMENT OF KERALA

Transport(B) Department

No. B2/349/2022-Trans. 13-04-2023,Thiruvananthapuram

From
Secretary to Government

To
Advocate General, Kerala
Ernakulam.

Sir,

Sub: Transport Department- W.P.(C)No.10761/2022 filed before the Hon'ble High Court of Kerala- Reg.

Ref: Order of the Hon'ble High Court of Kerala in W.P.(C)No.10761/2022 dated 14/03/2023.

I am to invite your attention to the Order cited and to request you to take necessary actions for appraising the Hon'ble Court that three (3) months time is required for the process of selecting vendors, who can be granted approval, to affix High Security Registration Plates on existing motor vehicles registered in Kerala, before 01/04/2019.

Yours Faithfully,
SHEELA M
JOINT SECRETARY

For Secretary to Government.

Approved for Issue,

Section Officer.

Copy to: Transport Commissioner, Thiruvananthapuram (for furnishing the details of selected vendor and rates obtained in the tender within two and a half months, to Government).

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Thursday, the 13th day of April 2023 / 23rd Chaithra, 1945

WP(C) NO. 7089 OF 2023

PETITIONER:

ORBIZ AUTOMOTIVEZ, PLOT NO. 23/A AND 23/C, INKEL CITY, PANAKKAD VILLAGE, MALAPPURAM-676519; REPRESENTED BY ITS MANAGING PARTNER, SHRI. JABIR M,

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001**
2. **TRANSPORT COMMISSIONER, 2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM.-695014**
3. **ADDL.R3: UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,NEW DELHI- 110 001.(IS IMPLEADED AS PER ORDER DATED 21/03/2023 IN IA 1/23 IN WP(C))**

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the respondents not to take any coercive action against the petitioner and its service partners / online booking, fitment and delivery centers and permit them to continue to function, pending the disposal of the writ petition .

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 21.03.2023 and upon hearing the arguments of M/S. P.A.MOHAMMED SHAH, SHAHIR SHOWKATH ALI, HELEN P.A. & ARUN ROY, Advocates for the petitioner and of GOVERNMENT PLEADER for R1, the court passed the following:

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RAJA VIJAYARAGHAVAN V, J.

W.P.(C) No. 35549 of 2022, 10761 of 2022 & 7089 of 2023

Dated this the 13th day of April, 2023

ORDER

I have heard the submissions of Sri. S.M.Prasanth, the learned counsel appearing for the petitioner in W.P.(C) No. 10761/2022, Sri.Mohammed Shah, the learned counsel appearing for the petitioner in W.P.(C) No. 7089/2023, Sri.Renoy Vincent, the learned counsel appearing for the petitioner in W.P.(C) No.35549 of 2022 and the learned Special Government Pleader.

2. The petitioner in W.P.(C) No. 10761/2022 and the 4th respondent in W.P.(C) No.35549/2022 are licensees holding "Type Approval Certificate" to manufacture and supply High-Security Registration Plate (HSRP). "MotorSigns India" has been issued Type Approval Certificate by Global Automotive Research Centre (GARC), and "Orbiz Automotivez" has been issued Type Approval Certificate by the International Centre for Automotive Technology, Manesar. They are among the 17 approved license plate manufacturers granted approval strictly in terms of Rule 126 of the Central Motor Vehicles Rules.

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3. Sub Section (6) of Section 41 of the Motor Vehicles Act, 1988, clearly stipulates that the registering authority shall assign to the vehicle, for display thereon, a distinguished mark, otherwise referred to as the registration mark in such manner as may be prescribed by the Central Government.

4. Rule 50 of the Central Motor Vehicles Rules, 1989 provides for the manner of display or registration marks on motor vehicles. The said provision reads thus:

> 50. Form and manner of display of registration marks on the motor vehicles.—
>
> (1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security license plate of the following specifications, namely:—
>
> (i) the plate shall be a solid unit made of 1.0 mm aluminium conforming to AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standards Act, 2016 (11 of 2016) or ISO:7591. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approx. 10 mm, and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The fast colouring of legend and border to be done by hot stamping;
>
> (ii) the plate should bear the letters "IND" in blue colour on the extreme left centre of the plate. The letter should be one-fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate;
>
> (iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a

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permanent consecutive identification number of minimum ten digits, to be laser branded into the reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authority/vehicle manufacturer and their dealers along with regular registration marks and thereafter if such sticker is destroyed it shall be used by the registering authority/vehicles manufacturer and their dealers

(v) the plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the license plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency authorized under Rule 126 shall approve the security registration as per the provisions of the rule.

XXXXXXXXX XXXXXXXX

5. It would be pertinent to note that it was as per notification dated 18.08.2022 that Rule 50(1)(v) was amended, and for the words "approved license plate manufactures or their dealers," the words "license plate

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manufacturers or their dealers approved by the State Government or Union territory Administration" was substituted. In other words, so far as dealers are concerned, approval of the State Government would be required. But no such requirement is there for the license plate manufacturers. Furthermore, Section 111 of the Act only enables the State Government to make rules relating to the subjects mentioned therein.

6. Rule 50 of the Central Motor Vehicles Rules, coupled with the subsequent notification No.GSR 140(E) dated 11.02.2020 and GSR 640(E) dated 18.08.2022 makes it clear that the registering authority or the vehicle manufacturers and their dealers, or the license plate manufacturers, are empowered to fix HSRP on old vehicles. The dealers of the license plate manufacturers are also empowered, provided they have approval from the State Government or Union Territory Administration.

7. The Government of Kerala, recognizing the above fact and the directions issued by the Central Government, has issued Circular No. B2/125/2019/Trans. Dated 09.05.2019 making it clear that the Ministry of Road Transport and Highways (MoRTH) has made the HSRP mandatory throughout the country as per notification dated 06.12.2018. As per the Central Government notification, all existing vehicles were also to be fitted with HSRP.

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8. The grievance of the petitioner in W.P.(C) No.10761/2022 is that no measures are being taken by the State Government to ensure immediate compliance of Rule 51 of the Central Motor Vehicles Rules while implementing the affixation of HSRPs registered before, on and after 01.04.2019.

9. The grievance of the petitioner in W.P.(C) Nos.7089/2023 and 35549/2022 is that despite the fact that the petitioners therein are not dealers but are only service partners of M/s. Orbiz Automotivez, an authorized manufacturer of HSRPs with Type Approval Certificate issued by a recognized agency and only does online booking delivery and acts as fitment centers, they are not being permitted to operate on the premise that approval from the State Government is required. They contend that the respondents 1 to 3 are shutting down their establishments on the ground that they are dealers.

10. After having heard the submissions of the learned counsel in detail, this Court issued an interim order on 14.03.2023, the operative portion of which reads as under:

> 6. Having considered the submissions, prima facie, I am of the considered opinion that there is absolutely no justification on the part of the official respondents in delaying the implementation of HSRPs on motor vehicles, despite the Central Government coming out with Motor Vehicles (New High-Security Registration Plates) Order, 2001 as early as on 22.08.2001.

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> 7. Let the respondents respond and give a time frame before this Court within which licensed vendors with Type Approval Certificates can be granted approval to affix HSRPs on existing motor vehicles registered in Kerala before 1.4.2019 and also, provide them access to Vahan Portal.

11. In response, the learned Special Government Pleader submits that three months time is required for the process of selecting vendors who can be granted approval to affix High-Security Registration Plates on existing motor vehicles registered in Kerala before 01.04.2019.

12. Having considered the submissions, I am of the considered opinion that manufacturers of HSRPs who have obtained Type Approval Certificate issued by the Government of India or other Testing Agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government. Only dealers of the approved licensed manufacturers are required to obtain approval from the State Government.

13. In that view of the matter, as an interim measure and to ensure effective implementation of the provisions of the Central Motor Vehicles Rules and Circular No.B2/125/2019/Trans. dated 09.05.2019 issued by the State Government, the following directions are issued:

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a) There will be a direction to the respondents in W.P.(C) No. 10761/2022 to allow and authorize the petitioner therein to issue and affix HSRP (High Security Registration Plates) on vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate issue to them. Their request for providing access to the National Registry for electronically linking HSRP details in the "VAHAN" portal shall also be considered, and expeditious orders shall be issued to enable them to issue and affix HSRP plates without any impediment whatsoever.

b) The petitioners in W.P.(C) No.35549/2022 and 7089/2023 shall appear before the Transport Commissioner and place materials to establish that they are merely service partners/online booking, fitment, and delivery points and are not dealers. The Transport Commissioner shall consider the materials and take a decision within a period of one month from today. If the petitioners are not dealers, they are not bound to get approval from the State Government in terms of Rule 50 of the Central Motor Vehicles Rules.

sd/-

RAJA VIJAYARAGHAVAN V,
JUDGE

ps/17/4/2023

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Most Urgent

GOVERNMENT OF KERALA

Transport (B) Department

No.B2/349/2022-Trans. 09-05-2023,Thiruvananthapuram

From

Secretary to Government

To

Transport Commissioner, Thiruvananthapuram

Sir,

Sub: Transport Department- Fitment of HSRP (High Security Registration Plates) on vehicles registered prior to 01.04.2019-Reg.

Ref: Order dated 13/04/2023 of the Hon'ble High Court of Kerala in WP(C)No.35549 of 2022, 10761 of 2022 & 7089 of 2023.

I am to invite your attention to the reference cited and request you to offer remarks on the order dated 13/04/2023 of the Hon'ble High Court, by return, to Government.

Yours Faithfully,
BINDU R
UNDER SECRETARY
For Secretary to Government.

Approved for Issue,

Section Officer.

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Thursday, the 13th day of April 2023 / 23rd Chaithra, 1945

WP(C) NO. 35549 OF 2022

PETITIONER:

SIDHIKHU, AGED 54 YEARS, S/O. JAMALUDEEN KUNJU, PROPRIETOR, M/S. KALARICKAL ALFA NUMERICS, BUILDING NO. 6/389/4, KOTTARAKKARA, KOLLAM-691506.

RESPONDENTS

1. STATE OF KERALA, REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695001.
2. REGIONAL TRANSPORT OFFICER, OFFICE OF THE REGIONAL TRANSPORT OFFICER, CIVIL STATION, KOLLAM-691013.
3. MOTOR VEHICLE INSPECTOR, MOTOR VEHICLE DEPARTMENT, PUTHOOR ROAD, KOTTARAKKARA, KOLLAM-691506.
4. ORBIZ AUTOMOTIVEZ, PLOT NO.23/A AND 23/C, INKEL CITY, PANAKKAD VILLAGE, MALAPPURAM - 676519; REPRESENTED BY ITS MANAGING PARTNER, SHRI. JABIR M.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation of Exhibit P12 and all further proceedings thereon, pending the disposal of the Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 08/02/2023 upon hearing the arguments of M/S.RENOY VINCENT & ATHUL ROY, Advocates for the petitioner, the court passed the following:

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RAJA VIJAYARAGHAVAN V, J.

W.P.(C) No. 35549 of 2022, 10761 of 2022 & 7089 of 2023

Dated this the 13th day of April, 2023

ORDER

I have heard the submissions of Sri. S.M.Prasanth, the learned counsel appearing for the petitioner in W.P.(C) No. 10761/2022, Sri.Mohammed Shah, the learned counsel appearing for the petitioner in W.P.(C) No. 7089/2023, Sri.Renoy Vincent, the learned counsel appearing for the petitioner in W.P.(C) No.35549 of 2022 and the learned Special Government Pleader.

2. The petitioner in W.P.(C) No. 10761/2022 and the 4th respondent in W.P.(C) No.35549/2022 are licensees holding "Type Approval Certificate" to manufacture and supply High-Security Registration Plate (HSRP). "MotorSigns India" has been issued Type Approval Certificate by Global Automotive Research Centre (GARC), and "Orbiz Automotivez" has been issued Type Approval Certificate by the International Centre for Automotive Technology, Manesar. They are among the 17 approved license plate manufacturers granted approval strictly in terms of Rule 126 of the Central Motor Vehicles Rules.

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3. Sub Section (6) of Section 41 of the Motor Vehicles Act, 1988, clearly stipulates that the registering authority shall assign to the vehicle, for display thereon, a distinguished mark, otherwise referred to as the registration mark in such manner as may be prescribed by the Central Government.

4. Rule 50 of the Central Motor Vehicles Rules, 1989 provides for the manner of display or registration marks on motor vehicles. The said provision reads thus:

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> (1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security license plate of the following specifications, namely:—
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> (i) the plate shall be a solid unit made of 1.0 mm aluminium conforming to AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standards Act, 2016 (11 of 2016) or ISO:7591. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approx. 10 mm, and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The fast colouring of legend and border to be done by hot stamping;
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> (ii) the plate should bear the letters "IND" in blue colour on the extreme left centre of the plate. The letter should be one-fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate;
>
> (iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a

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permanent consecutive identification number of minimum ten digits, to be laser branded into the reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authority/vehicle manufacturer and their dealers along with regular registration marks and thereafter if such sticker is destroyed it shall be used by the registering authority/vehicles manufacturer and their dealers

(v) the plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing/old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the license plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency authorized under Rule 126 shall approve the security registration as per the provisions of the rule.

xxxxxxxxx xxxxxxxx

5. It would be pertinent to note that it was as per notification dated 18.08.2022 that Rule 50(1)(v) was amended, and for the words "approved license plate manufactures or their dealers," the words "license plate

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manufacturers or their dealers approved by the State Government or Union territory Administration" was substituted. In other words, so far as dealers are concerned, approval of the State Government would be required. But no such requirement is there for the license plate manufacturers. Furthermore, Section 111 of the Act only enables the State Government to make rules relating to the subjects mentioned therein.

6. Rule 50 of the Central Motor Vehicles Rules, coupled with the subsequent notification No.GSR 140(E) dated 11.02.2020 and GSR 640(E) dated 18.08.2022 makes it clear that the registering authority or the vehicle manufacturers and their dealers, or the license plate manufacturers, are empowered to fix HSRP on old vehicles. The dealers of the license plate manufacturers are also empowered, provided they have approval from the State Government or Union Territory Administration.

7. The Government of Kerala, recognizing the above fact and the directions issued by the Central Government, has issued Circular No. B2/125/2019/Trans. Dated 09.05.2019 making it clear that the Ministry of Road Transport and Highways (MoRTH) has made the HSRP mandatory throughout the country as per notification dated 06.12.2018. As per the Central Government notification, all existing vehicles were also to be fitted with HSRP.

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8. The grievance of the petitioner in W.P.(C) No.10761/2022 is that no measures are being taken by the State Government to ensure immediate compliance of Rule 51 of the Central Motor Vehicles Rules while implementing the affixation of HSRPs registered before, on and after 01.04.2019.

9. The grievance of the petitioner in W.P.(C) Nos.7089/2023 and 35549/2022 is that despite the fact that the petitioners therein are not dealers but are only service partners of M/s. Orbiz Automotivez, an authorized manufacturer of HSRPs with Type Approval Certificate issued by a recognized agency and only does online booking,delivery and acts as fitment centers, they are not being permitted to operate on the premise that approval from the State Government is required. They contend that the respondents 1 to 3 are shutting down their establishments on the ground that they are dealers.

10. After having heard the submissions of the learned counsel in detail, this Court issued an interim order on 14.03.2023, the operative portion of which reads as under:

> 6. Having considered the submissions, prima facie, I am of the considered opinion that there is absolutely no justification on the part of the official respondents in delaying the implementation of HSRPs on motor vehicles, despite the Central Government coming out with Motor Vehicles (New High-Security Registration Plates) Order, 2001 as early as on 22.08.2001.

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7. Let the respondents respond and give a time frame before this Court within which licensed vendors with Type Approval Certificates can be granted approval to affix HSRPs on existing motor vehicles registered in Kerala before 1.4.2019 and also, provide them access to Vahan Portal.

11. In response, the learned Special Government Pleader submits that three months time is required for the process of selecting vendors who can be granted approval to affix High-Security Registration Plates on existing motor vehicles registered in Kerala before 01.04.2019.

12. Having considered the submissions, I am of the considered opinion that manufacturers of HSRPs who have obtained Type Approval Certificate issued by the Government of India or other Testing Agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government. Only dealers of the approved licensed manufacturers are required to obtain approval from the State Government.

13. In that view of the matter, as an interim measure and to ensure effective implementation of the provisions of the Central Motor Vehicles Rules and Circular No.B2/125/2019/Trans. dated 09.05.2019 issued by the State Government, the following directions are issued:

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a) There will be a direction to the respondents in W.P.(C) No. 10761/2022 to allow and authorize the petitioner therein to issue and affix HSRP (High Security Registration Plates) on vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate issue to them. Their request for providing access to the National Registry for electronically linking HSRP details in the "VAHAN" portal shall also be considered, and expeditious orders shall be issued to enable them to issue and affix HSRP plates without any impediment whatsoever.

b) The petitioners in W.P.(C) No.35549/2022 and 7089/2023 shall appear before the Transport Commissioner and place materials to establish that they are merely service partners/online booking, fitment, and delivery points and are not dealers. The Transport Commissioner shall consider the materials and take a decision within a period of one month from today. If the petitioners are not dealers, they are not bound to get approval from the State Government in terms of Rule 50 of the Central Motor Vehicles Rules.

sd/-

RAJA VIJAYARAGHAVAN V,
JUDGE

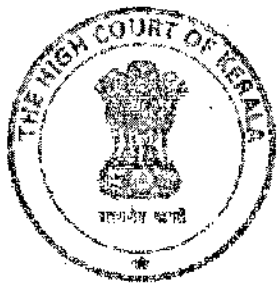
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APPENDIX OF WP(C) 35549/2022

Exhibit P12 **TRUE COPY OF THE ORDER PASSED BY THE RESPONDENT NO.2 DATED 28.10.2022.**



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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

R-684

WRIT PETITION (C) No. 41 OF 2003

Association of Registration Plates ..... Petitioner

Vs.

828037

Union of India & Ors. ..... Respondents

WITH

WP (c) No. 24/03, TC (c) 30-31/03, TC (c) 32/03, TC (c) 38/03 TC (c) 39-40/03, TC (c) 41/03 TC (c) 42/03, TC (c) 62/03, WP(c) 56/03, WP(c) 395/03, WP (c) 77/03.

Certified to be true copy
Assistant Registrar (Judl.)
10/12/04
Supreme Court of India

JUDGMENT

Dharmadhikari J.

The present writ petition along with the cases transferred from various High Courts have been placed before this Bench on a difference of opinion between Hon'ble Judges constituting the Division Bench.

The dispute concerns the terms and conditions of Notices Inviting Tenders [NITs] for supply of High Security Registration Plates to motor vehicles. The tenders have been issued by various State Governments on the guidelines circulated by the Central Government

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for implementing the provisions of Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') and the newly amended Central Motor Vehicles Rules, 1989 (hereinafter referred to as 'the Rules').

The main grievance of the petitioner is that all Notices Inviting Tenders (NITs) which have been issued by various State Governments contain conditions which seem to have been tailored to favour companies having foreign collaboration. The tender conditions are described to be discriminatory under Article 14 of the Constitution of India being aimed at excluding indigenous manufacturers from the tender process. In all the cases the grievance is that the work of supply of High Security Registration Plates for all existing vehicles and new vehicles is being entrusted to a single license plates manufacturer in a State or a region and for a long period of 15 years thus creating monopoly in favour of selected bidders to the complete exclusion of all others in the field. The contention advanced is that creation of monopoly in favour of few parties having connection with foreign concerns is violative of fundamental right of trade under Articles 19 (1) (g) and discriminatory under Article 14 of Constitution of India.

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A survey of the relevant provisions of the Act and Rules continuing the Scheme of High Security Registration Plates is necessary for considering the merit of the petitioners' grievances.

The object of the new scheme is to curb the increasing menace of vehicle thefts and their usage in commission of crimes like murder, dacoity, kidnapping etc. It is felt urgent to check usage of motor vehicles in terrorists activities. The Central Government on the recommendation of its Technical Committee has devised a system of High Security Registration Plates which will ensure public safety and security. With the above purpose, Rule 50 of the Motor Vehicles Rules has been amended. Rule 50 was first amended on 28.03.2001, then on 24.09.2001 and lastly on 21.01.2003 w.e.f. 01.01.2004. The relevant part of the rule in its amended form reads as under:

> "Rule 50- **Form and manner of display of registration marks on the motor vehicles** - (1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of Section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security license plate of the following specifications, namely: -
>
> (i) the plate shall be a solid unit made of 1.0 mm aluminium conforming to DIN 1745/DIN 1783 or ISO 7591. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approx. 10 mm and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The fast colouring of legend and border to be done by hot stamping;
>
> (ii) the plate should bear the letters "IND" in blue colour on the extreme left center of the plate. The letter should be one fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate;

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(iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a permanent consecutive identification number of minimum seven digits, to be laser branded into a reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self destructive type, chromium based hologram sticker shall be affixed on the left hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authorities/approved dealers of the license plates manufacturer along with the regular registration marks, and thereafter if such sticker is destroyed it shall be issued by the license plate manufacturer or his dealer;

(v) **the plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle at the premises of the registering authority;** The licence plates with all the above specifications and the specified registrations for a vehicle shall be issued by the registering authority or approved the licence plates manufacturers or their dealers. The Central Road Research Institute, New Delhi or any of the agency authorized by the Central Government shall approve the license plates manufacturers to the above specification;

(vi) the size of the plate for different categories of vehicles shall be as follows:-

For two and three wheelers	200 x 100 mm
For light motor vehicles and Passenger cars	340 x 200 mm/ 500 x 120 mm
For medium commercial vehicles Heavy commercial vehicles and Trailer/combination	340 x 200 mm

Provided that this sub-rule shall apply to already registered vehicles two years from the date of commencement:

Provided further that the size of the registration plates for agricultural tractors shall be as follows:-

	Front	-	285 x 45 mm
	Rear	-	200 x 100 mm

2 to 6. .....

[Underlining for pointed attention]

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The rule in the above manner requires manufacture of such registration plates which would be non-reusable and non-replaceable. The technical specifications of the registration plates are such as to make identification of the vehicle and its tracking easier and certain. The other requirements contained in Rule 50 are that apart from regulating the aspect of issuing registration mark with use of specific kinds of letters and numerals, it seeks to ensure its safety and security by regulating issuance and fixation of number plate from the premises of the Regional Transport Office of the concerned area. The RTO will issue registration number and also issue the plate itself. Thus a high security number plate with specified technical features is to be issued under Governmental control and supervision. The Scheme contained in Rule. 50 substitutes the existing system where the registration number was given by the RTO and ordinary plate obtained from the open market. The implementation of the rule requires cooperation and coordination between the authorities of the State and the manufacturer of registration plates.

The source of power for providing Scheme of High Registration Plates by Rule 50 is traceable to Rule Making Power of Central Government contained in Section 64, clauses (a) to (e) of the Act which read as under:-

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"**Section 64. Power of Central Govt. to make rules.** - The Central Government may make rules to provide for all or any of the following matter namely :-

(a) the period within which and the form in which an application shall be made and the documents, particulars and information it shall accompany under sub-section (1) of Section 41;

(b) the form in which the certificate of registration shall be made and the particulars and information it shall contain and the manner in which it shall be issued under sub-section (3) of Section 41;

(c) the form and manner in which the particulars of the certificate of registration shall be entered in the records of the registering authority under sub-section (5) of Section 41;

(d) the manner in which and the form in which the registration mark, the letters and figures and other particulars referred to in sub-section (6) of Section 41 shall be displayed and shown;

(e) the period within which and the form in which the application shall be made and the particulars and information it shall contain under sub-section (8) of Section 41

(f) to (o) .....

The Central Government has also issued the Motor Vehicles (New High Security Registration Plates) Order, 2001 in purported exercise of power under sub-section (3) of Section 109 of the Act. The relevant parts of the order of 2001 contained in sub-clauses (viii) to (xiv) read as under:-

"(i) to (vii) ....

(viii) The registration plates fitted in the rear of the vehicles shall be fastened with non-removable/non-resuable snap lock-system. For the sake of better security, at least two such snap locks shall be fitted.

(ix) No high security plate shall be affixed outside the premises of the registering authority.

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(x) **The manufacturer or the vendor selected by the State Transport Department for supply of such registration plates may be for the State as a whole or for any region of the State.**

(xi) The registration plate will be supplied to the motor vehicle owners by the vendor against the authorization by the Road Transport Officer or any other designated for the purpose by the State Transport Department.

(xii) The replacement for any existing registration plate may be made by the concerned transport authority only after ensuring that the old plate has been surrendered and destroyed.

(xiii) A proper record of the registration plates issued by the manufacturer or the vendor, authorized by the State Government, should be maintained on a daily basis and got tallied periodically with the records of the Transport Office.

(xiv) Periodic audit shall be carried out by concerned testing agencies to ensure compliance of the requirements of the High Security Registration Plates."

[Highlighted for emphasis]

According to the respondents, the source of power to issue the New High Security Registration Plates Order, 2001 is to be found in sub-section 3 of Section 109. The petitioners have challenged the validity of the Registration Plates Order, 2001 (hereinafter shortly referred to as Order of 2001) which according to them is beyond provisions of the Act and has no legal efficacy.

The main features of the High Security Registration Plates as provided in Rule 50 and the order of 2001 are as follows:-

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1. It provides for a solid aluminium plate.
2. The plate should be suitable for hot stamping and would be a reflective sheet.
3. The plate should bear the letters "IND" in blue colour.
4. It should have a chromium based hologram which shall also be hot stamped.
5. There would be third registration mark which would be self-reflective being a chromium based hologram sticker and which would be affixed on the windshield of the vehicle.
6. The plate on the rear shall be fastened with non-removable/non-resuable snap lock fitting system

The above-mentioned features to the High Security Registration Plates have been insisted upon for the following reasons:-

1. Hot Chromium based hologram would prevent counterfeiting.
2. The ingress letter "IND" on the plate would secure national identity and standardization.
3. The laser etched 7 digits code to be given by the manufacturer to each plate is with a view that there should

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be a sequential identification of individual registration plate across the country. This would act as a watermark and not erasable by any mechanical or technical process.

4. Snap lock to be fitted on the rear portions of the vehicle would be temper proof. Any attempt to remove the plate would break it.

5. The reflective sheet of superior grade would be visible from a minimum of 200 meters.

6. The alpha-numeral would be easily readable and identifiable.

7. On alpha-numeral border, ingress letters "IND" would prevent painting and screen printing which would act as protection and counterfeiting.

8. The sticker to be affixed on the windshield would have 7 digit laser code containing the engine number and the chassis number. This was so designed to be self-destructive upon removal.

After Rule 50 was amended and New High Registration Plates (amendment) Order, 2001 was issued in purported exercise of power under Section 109(3) of the Act. The Ministry of Road Transport and Highways vide its letter dated 6.3.2002 circulated the minutes of

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meeting of 4.3.2001 held between the representatives of all States and Union Territories on introduction of the new system of the registration plates. A series of meetings were held by the Union with the States. Eventually, on 6.3.2002 the Union laid down guidelines for incorporating necessary conditions in the Notices Inviting Tenders to be issued by the various States. In substance, the guidelines suggest as follows:-

1. The tender document would specify whether the appointment of vendor was for the whole State or for certain parts.
2. The tender document would specify the terms of the bank guarantee .
3. The tender document would require report back on certain aspects on "a periodic and regular basis".
4. The bidder must furnish proof of past experience/expertise in this area or proof of the same with a collaborator.

NIT guidelines were later modified by letter dated 14.6.2002 sent by the Ministry. It was suggested that the bidders may be asked to provide details about the experience/capability of its collaborator to the satisfaction of the State Authorities.

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On 16.9.2002, meeting was held between officials of Ministry, representatives of States/Union Territories and manufacturers of New Registration Plats wherein several issues pertaining to the introduction of the new system as well as the terms of NIT were discussed. The minutes of the said meeting resulted in issuance of a clarificatory letter on 13.11.2002 wherein it is reiterated that the guidelines are suggestive in nature. The main features of the guidelines issued after due deliberations between Union and States officials and the representatives of manufacturers are as follows:-

"The determination of the physical and financial capability of the bidder was to be done by the State. A suggestion was voiced that instead of tender process the market process should be given and all manufacturers would obtain technical approval certificate for being allowed to sell their product. This led to clarification by the Secretary of Road Transport and Highways that the State Transport Authorities will have to exercise control over issuance of registration plates. Representatives of certain States opposed to free open market situation having large vehicular population of cities and likelihood of successful tenderer neglecting the rural area having low vehicular population."

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The Ministry of Road Transport and Highways left the discretion to the States in the matter of issuing NIT but reiterated security and rural concerns. On the guidelines given by Central Government and pursuant to joint deliberations between the officials of the Union, States and the manufacturers, several States issued Notices Inviting Tenders which led to filing of petitions in the High Courts of several States. The petitioners have challenged the terms and conditions of the NITs. All those cases have been transferred to this Court for decision along with the writ petitions directly filed here. It is not necessary to reproduce all the conditions in various Notices Inviting tenders issued by different States. The gist of impugned conditions in various NITs may be summerised as under:-

Condition (a) Tenderer/bidder or the promoter or any of the members of joint venture should have sufficient **experience** in the field of registration plates and should be working **at least in 5 countries for license plates and in a minimum of 3 countries with license plates having security features world-wide** (necessary credentials from the Government of such country should be attached along with a performa as per annexure XIII duly filed in) . Apart from the above credentials the tenderer/bidder should furnish "Type Approved Certificate" from Testing Agencies".

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Condition (b): The tenderers/bidders of the joint venture partners together must have **a minimum annual turnover equivalent to INR 30 crores** in the immediately preceding last year. **At least 25% of this turnover must be from the license plate business.** Certificate confirming and the certification of the minimum 25% turnover being from licensed plates business will have to be provided duly attested by a Chartered Accountant/any bank to be attached in support of fulfillment of this condition.

Condition (c): **The contract will be for a period of fifteen years** commencing from the date of commencement of the scheme. A detailed agreement shall be entered into between the successful bidder and the Government for a period of fifteen years and government ensures that no second bidder will be approved during the currency of the contract in the State except in the case of termination of the contract in view of the strictest of adherence to High Security Features and to impose answerability on to the successful bidder. ***[Portions highlighted being under specific challenge]***

We shall now take up for consideration the various submissions made by the counsel appearing for the petitioners in assailing certain

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conditions of the Notices Inviting Tenders issued by various States, provisions of the Rule 50 and the statutory order of 2001 issued to implement the scheme of High Security Registration Plates.

1) **Challenge to the impugned tender conditions.**

The learned counsel appearing for the petitioners submit that the three conditions concerning experience and extent of business (the gist of which has been mentioned above) contained in the Notices Inviting Tenders, are per se discriminatory and unreasonable. They are apparently tailor-made to sub-serve the business interests of a class of manufacturers having foreign collaboration and for a cartel of companies. He further submitted that the above mentioned three clauses which are substantially same in all the NITs issued by many of the States, make it mandatory for the bidders to enter into collaboration with the foreign collaborators. It becomes a pre-condition to participate in the bidding process. It envisages collaboration with few known foreign companies in the field of manufacture which alone can satisfy the tender conditions. It is known to tendering authorities that there are not more than 1 or 2 companies that could satisfy the stringent eligibility conditions laid down in the NITs.

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It is submitted that Rule 50 as amended has inbuilt safeguards to ensure the technical competence of the prospective manufacturer and for controlled issuance of registration plates. The manufacturers can manufacture the said plates only after it has got type approved certificate from one of the autonomous certifying agencies. Supply of the plates to the vehicle users can be made only after the grant of certificate of conformity of the standard of the production. The States, therefore, can have no jurisdiction to decide or declare any of the manufacturers as competent or incompetent with respect to their technical competence.

To reinforce the challenge to the conditions and describing them as highly unreasonable and resulting in complete exclusion of indigenous manufacturers, it is submitted that at present, registration plates with specified security features are in use only in some of the countries which are much smaller than India. They are Armenia, Columbia, Congo, Curacao, Ethiopia, Georgia, Iraq, Mali, Malta Oman, Palestine, Sri Lanka, Tanzania, Uganda, Uragua, and Zambia. The learned counsel argues that it is difficult to understand as to how the experience of working in the above mentioned small countries with a very small vehicular population would be of any help as an experience for supplying registration plates for large vehicular population of India

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whose needs and requirements are of far greater magnitude and in no way comparable to the above mentioned small countries. The total vehicular population of all above mentioned nations accumulated does not match the vehicular population of Delhi alone. Indigenous manufacturers of High Security Plates can manufacture and supply registration plates on their own strength by complying with all standards and in conformity with all norms laid down in Rule 50 without entering into collaboration with any foreign partner.

It is contended that in the name of implementing the amended Rule 50, the States are imposing conditions in the tender that would take away the existing rights of the manufacturers of plates in India. The implication of conditions is that indigenous manufacturers, although capable of fulfilling the requirements of Rule 50, are prohibited to do the business of manufacturing and supplying the High Security plates. This violates their fundamental right under Article 19 (1) (g) of the Constitution of India.

The further contention is that all security features for number plates have been specified for the first time in India and, therefore, insistence on possessing experience in five countries from the manufacturers is to eliminate manufacturers of India. It is pointed out

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that as per the requirements of Rule 50 the plates are required to conform to DIN 1745/DIN 1783 or ISO 7591 standards (DIN of the German Standards and ISO of the World standards). The other security features are the additional features. It is submitted that these standards have been used to suit only one or two manufacturers. It is submitted that the laid down standards and security features are so laid down as to wipe out indigenous manufacturers from the field although Indian-manufacturers are fully competent to be involved in the implementation of the new scheme of High Security plates.

To the condition laid down of prescribed minimum turnover of business, the challenge made on behalf of the petitioners is that fixing such high turnover for such a new business is only for the purpose of advancing the business interests of a group of companies having foreign links and support. It is impossible for any indigenous manufacturers of security plates to have a turnover of approximately 12.5 crores from the High Security Registration Plates which are sought to be introduced in India for the first time and the implementation of the project has not yet started in any of the States.

On the question of condition of a period of 15 years for supply of High Security Registration Plates the contention advanced is

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that it is an attempt to create monopoly in favour of one private company or a cartel of companies. This is against public interest as it would leave the consumers/vehicle owners at the mercy of a sole successful bidder. Award of a contract for a long term of 15 years would eliminate indigenous Type Approved manufacturers for a long period of time and would deprive the vehicle users of the number plates from the benefits of the competitive market. In the event of further development of the technology of security plates, the State Government would be obliged to involve the same manufacturers who had been awarded the contract first of all. The process of grant of Type Approved Certificate is a continuing process and award of contract for a long period of 15 years in favour of a single manufacturer would render grant of Type Approved Certificate to other manufacturers, inconsequential. Referring to the relevant data of the business of the respondent group companies working in collaboration with foreign companies as joint venture concerns, the petitioners highlights that if indigenous manufacturers are involved in implementation of scheme the plates can be made available only for Rs. 200-250 for two plates whereas creating monopoly right in favour of joint venture companies in foreign collaboration would hike the cost of plates to not less than Rs. 2,000/- per pair in contrast to the market price of Rs. 800 to Rs. 900 per pair by the Indian

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manufacturers. In conclusion, learned counsel for the petitioner submits that the tender conditions are arbitrary, irrelevant and tailor-made to involve only certain joint venture companies in foreign collaboration. They aim at eliminating the indigenous manufacturers of plates. The petitioners seek quashing of the impugned tender conditions. Reliance is placed on ***Sterling Computers*** Vs. ***M.and N. Publications*** [1993 (1) SCC 445 and ***Union of India*** Vs. ***Dinesh Engineering*** [2001 (8) SCC 491]

The other counsel appearing in connected cases for the petitioners have submitted that selection of sole manufacturer for supply of registration plates has no justification either in law or on facts. On behalf of the petitioners, it is contended that grant of contract to more than one manufacturer would, in fact, ensure better and prompt services to the vehicle owners and minimize their inconvenience and possibility of black-marketing which might be there in case of monopoly. The submission is that regulated and disciplined multi-vendors system with registration of operating manufacturers and making them answerable and accountable is the only permissible method of implementation of the policy akin to that followed in other developed countries where no monopoly is created in favour of a sole manufacturer in the name of control and security.

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On the economics of the project, the contention is that keeping in view large vehicular population of the country, benefits of a lucrative business are being unjustly conferred on a sole manufacturer for a long period of 15 years which is likely to give a profit of Rs.2500 crores to the sole manufacturer in the first two years itself.

The learned counsel appearing for the Union of India, State Authorities and counsel appearing for the contesting manufacturers, in their replies, have tried to justify the manner and implementation of the policy contained in Rule 50. On behalf of the Union of India, learned Addl. Solicitor-General submitted that under Rule 50 read with the statutory order of 2001 issued under section 109(3) of the Act, the State Governments are legally competent to formulate an appropriate policy for choosing a sole or more manufacturers in order to fulfill the object of affixation of security plates. The registration plates have to be issued and affixed on the premises of the registering authority and with its permission. It is submitted that the scheme contained in rule 50 read with a statutory order of 2001 leaves it to the discretion of the State concerned to even choose a single manufacturer for the entire State or more that one manufacturer regionwise. Such a selection cannot be said to confer any monopoly right by the State to any

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private individual or concern. It is just like selection of an appropriate person for grant of a contract or largesse by the State on laid down criteria of experience and technical qualifications. A fair process of selection may eliminate persons or parties who may not be found technically, financially and on the basis of past experience sound to be awarded the contract. Reliance is placed on ***Krishnan Kakkanth vs. Govt. of Kerala*** *[1997 (5) SCC 495];* ***Ugar Sugar Works Ltd., vs. Delhi Administration & Ors.*** *[2001 (3) SCC 635];* *and* ***M.R.F. Ltd., vs. Inspector Kerala Govt. & Ors.*** *[1998 (8) SCC 227].*

On behalf of State of West Bengal, the learned senior counsel appearing supported the manner of implementation of scheme contained in rule 50 and the conditions contained in the Notice Inviting Tenders [NITs]. It is submitted that the main objective of the competitive bidder process was to ensure that such manufacturers as selected by the State would be able to comply with the requirements of rule 50. In selecting a suitable manufacturer, his capability and capacity to invest and build necessary infrastructure, has to be assessed so that through him, the scheme becomes operationable from the targeted date 28.2.2003 and without any difficulty it remains so operational for a longer period so that all existing vehicles switch over to high security registration plates as also the newly purchased

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vehicles are fitted with such plates. The tender conditions are deliberately so framed as to eliminate newly floated companies commonly described as '**fly-by night companies**' which merely compete to obtain the contract but have neither technical nor financial capacity to fulfil the contract of such vast dimensions.

It is submitted that the tender conditions are formulated keeping into account the public interest consideration and aspects of high security. The States do not possess the requisite resources of its own to implement the scheme. It has, therefore, to search and select a dependable manufacturer. It is submitted that the tender conditions specifically require the manufacturer to conform to the technical specification of high security registration plates. It should be able to prove existence of requisite financial resources to integrate large number of RTOs in the State on an on-line platform. The manufacturer should have a permanent technical partner to the venture so that the technology support is assured for the entire period of contract. The manufacturer to be selected should have access to the requisite technology and should be in a position to upgrade, expand and upscale operation on a continuous and sustainable basis. It is necessary to have a long term contractual relationship so that State can fix liability on the manufacturer and make him answerable for damages or any

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defects in the registration plates or for improper implementation of the project. The requirement of the rule that registration number and plates will be issued on the premises of the RTO, is to maintain secrecy and security. For the above purpose, selection of one single manufacturer would ensure security aspects instead of more than one manufacturers operating from different points.

With regard to 15 years long term contract, it is submitted that it is also in public interest. The manufacturer who has to stake the money would have to make huge investment by installing high technology based networking at each RTO's office. A short-term contract would not, therefore, attract an experienced and reliable manufacturer. Long-term contract with fixed price for entire 15 years period is beneficial to the customers as there would be no price increase for the stipulated period irrespective of inflation. Fifteen years period has been chosen in proportion to the average road-worthy life of a vehicle in India.

Looking to the huge vehicular population of the country, the capacity of the manufacturer has to be as great because plates are to be fitted to a very large number of existing vehicles within first two years. Thereafter, every year about one lakh vehicles in each State

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would be required to be entrusted with the plates. If the bulk of contract is exhausted in the first two years, fresh manufacturers would not come forward to undertake the remaining work as it would not be cost-effective. A long-term contract was necessitated for various reasons such as necessity of huge investment for building infrastructure, uninterrupted supply of plates in the first two years and thereafter every year and the investment of such infrastructure requiring recovery over a long duration by way of supply. If the contract period is lowered, the cost of plate might go up as the huge investment will have to be recovered in a shorter period.

Justifying the selection of a single manufacturer for a region or an entire State, to ensure security considerations, the following factors have been highlighted as sub-serving the public interest :-

1. That it would not be possible to implement the scheme since the scheme provides that the approved manufacturer would use the premises of the State RTO and lay down V-Sat links so that the entire state is networked on a common platform.

2. It would be impossible for the State to provide all the TAC holders space and infrastructure in the RTO premises.

3. It would be difficult for the state to identify the source of any counterfeiting in case there are multiple manufacturers. This would severely compromise the security considerations involved in the scheme.

4. Different manufacturers would lead to variations in price between different manufacturers.

5. The State is at disadvantage since all the manufacturers would prefer to concentrate on supplying only in Kolkata and would

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not go to the other far flung RTOs where he would recover the returns on his investment.

6. In case more that one manufacturer operates within one state, it will lead to disparity and non-uniformity in price structure prevailing in different regions.

7. Difficulty in assimilation of data from more than one manufacturer thus leading to disaggregated and confusing database signals. Such sensitive and security related business must be governed by uniform database management processes and unified standardized coding practices.

8. Different manufacturers would mean that there would be variation in quality of the material and in terms of workmanship.

9. Possible duplication of Registration Plates due to competition between manufacturer of different regions and lack of aggregated security controlled database management systems.

10. Non-conformity of data of different manufacturers would lead to confusion and integration of data from the State RTOs.

11. Difficulty in fixing up the answerability on any one manufacturer for not following the prescribed procedure.

12. Confidentiality of the public database would be severely compromised.

13. Provision of Training of RTO personnel by each manufacturer would be a logistic nightmare and would lead to confusion and further lead to the system being compromised severely.

14. It is also important to note that each registration plate has a unique number, and consequently, all the RTOs are required to be electronically connected to each other, if the vendors are allowed to proliferate, this connection would not be possible, and would lead to complete chaos.

By highlighting the above factors, it is submitted that if multiple manufacturers are involved in implementation of the policy, it is not likely to work satisfactorily. It is submitted that a single selected manufacturer would not just be marketing, servicing and providing a new product but would engage in assisting the State in fulfillment of

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statutory obligations to grant through security registrations to the owners of motor-vehicles in accordance with the provisions of the Act and the Rules. It is submitted that tender conditions are suitably formulated for performance guarantee, experience and understanding of business, financial strength, and capacity of creating and installing the entire infrastructure and networking. Finally, it is submitted that the eligibility criteria prescribed by the State is commensurate not only with the scale of operation and size of network to be created by the operator but also with statutory requirement of States' continued delivery of its obligations to vehicle owners without any interruption. It is contended that through open tender, identifying and selecting an approved manufacturer to discharge statutory duty of RTO is not an act of the State creating any monopoly in favour of any private party . The grievance of infringement of fundamental rights under Article 19(1)(g) of the Constitution of India is misconceived. Reliance is placed on ***Air India vs. Cochin International Airport Ltd.,*** *[2000(2) SCC 617]* and ***Asia Foundation & Construction Ltd. Vs. Trafalgar House Construction Ltd.*** *[1997 (1) SCC 738].*

The learned senior counsel appearing for the respondent no. 5, has supported the submissions made on behalf of the Union of India

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and the State of W[illegible]ngal by advancing separate arguments with additional r[illegible]

We shall separately deal with the submissions made on behalf of the petitioners on the interpretation of the provisions of rule 50 and the statutory order of 2001 issued under the provisions of the Act.

Taking up first the challenge to the impugned conditions in the Notices Inviting Tenders issued by various State authorities, we find sufficient force in submissions advanced on behalf of the Union and the State authorities and the contesting manufacturers. The State as the implementing authority has to ensure that scheme of high security plates is effectively implemented. Keeping in view the enormous work involved in switching over to new plates within two years for existing vehicles of such large numbers in each State, resort to 'trial and error' method would prove hazardous. Its concern to get the right and most competent person cannot be questioned. It has to eliminate manufacturers who have developed recently just to enter into the new field. The insistence of the State to search for an experienced manufacturer with sound financial and technical capacity cannot be misunderstood. The relevant terms and conditions quoted above are so formulated to enable the State to adjudge the capability of a

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particular tenderer who can provide a fail-safe and sustainable delivery capacity. Only such tenderer has to be selected who can take responsibility for marketing, servicing and providing continuously the specified plates for vehicles in large number firstly in initial two years and annually in the next 13 years. The manufacturer chosen would, in fact, be a sort of an agent or medium of the RTOs concerned for fulfillment of the statutory obligations on them of providing high security plates to vehicles in accordance with rule 50. Capacity and capability are two most relevant criteria for framing suitable conditions of any Notices Inviting Tenders. The impugned clauses by which it is stipulated that the tenderer individually or as a member of joint-venture must have an experience in the field of registration plates in at least three countries, a common minimum net worth of Rs. 40 crores and either joint-venture partner having a minimum annual turnover of at least Rs. 50 crores and a minimum of 15% turnover of registration plates business have been, as stated, incorporated as essential conditions to ensure that the manufacturer selected would be technically and financially competent to fulfil the contractual obligations which looking to the magnitude of the job requires huge investment qualitatively and quantitively.

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In the course of hearing, it could not be seriously disputed by the parties that technical know-how for the high security registration plates is outside the country. It is true that many indigenous manufacturers are in a position to supply the plates on the basis of technical assistance available in and outside the country. There are many tenderer who possess Type Approval Certificates [TACs] but to ensure major quantity of supply in initial two years and periodical supply for new vehicles for a long period, only a manufacturer who is sound both technically and financially, is required. Learned Brother G. P. Mathur J., in his elaborate opinion expressed by him [See 2004(5) SCC 364] found a serious vice in the tender conditions that they necessarily intend to promote such companies which have foreign collaborations and exclude indigenous manufacturers.

It is not controverted that the technical 'know-how' for the manufacture of high security registration plates presently is available outside India. Technically and financially, competent indigenous manufacturers are mostly those who are in collaborations with foreign companies engaged in such manufacturing activities. The scheme contemplated under rule 50 of registration plates is a new experiment for India. In the initial stages of its implementation, tender conditions encouraging such manufacturers who are in foreign collaborations

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cannot be held to be discriminatory to indigenous manufacturers. Keeping in view the nature of the contract and job involved particularly its magnitude and the huge investment for infrastructure required, attempt to select such manufacturer - may be having collaboration with foreign companies and experience in foreign countries cannot be held to be a deliberate attempt on the part of the State authorities to eliminate indigenous manufacturers.

In the matter of formulating conditions of a tender document and awarding a contract of the nature of ensuring supply of high security registration plates, greater latitude is required to be conceded to the State authorities. Unless the action of tendering Authority is found to be malicious and misuse of its statutory powers, tender conditions are unassailable. On intensive examination of tender conditions, we do not find that they violate the equality clause under Article 14 or encroach on fundamental rights of a class of intending tenderer under Article 19 of the Constitution. On the basis of the submissions made on behalf of the Union and State authorities and the justification shown for the terms of the impugned tender conditions, we do not find that the clauses requiring experience in the field of supplying registration plates in foreign countries and the quantum of business turnover are intended only to keep out of field indigenous

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manufacturers. It is explained that on the date of formulation of scheme in rule 50 and issuance of guidelines thereunder by Central Government, there were not many indigenous manufacturers in India with technical and financial capability to undertake the job of supply of such high-dimension, on a long term basis and in a manner to ensure safety and security which is the prime object to be achieved by the introduction of new sophisticated registration plates.

The notice inviting tender is open to response by all and even if one single manufacture is ultimately selected for a region or State, it cannot be said that the State has created monopoly of business in favour of a private party. Rule 50 permits, the RTOs concerned themselves to implement the policy or to get it implemented through a selected approved manufacturer.

Selecting one manufacturer through a process of open competition is not creation of any monopoly, as contended, in violation of Article 19(1)(g) of the Constitution read with clause (6) of the said Article. As is sought to be pointed out, the implementation involves large network of operations of highly sophisticated materials. The manufacturer has to have embossing stations within the premises of the RTO. He has to maintain a data of each plate which he would be

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getting from his main unit. It has to be cross-checked by the RTO data. There has to be a server in the RTO's office which is linked with all RTOs' in each State and thereon linked to the whole nation. Maintenance of record by one and supervision over its activity would be simpler for the State if there is one manufacturer instead of multi-manufacturers as suppliers. The actual operation of the scheme through the RTOs in their premises would get complicated and confused if multi-manufacturers are involved. That would also seriously impair the high security concept in affixation of new plates on the vehicles. If there is a single manufacturer he can be forced to go and serve rural areas with thin vehicular population and less volume of business. Multi-manufacturers might concentrate only on urban areas with higher vehicular population.

The fifteen years contract period has also been supported by Union of Indian and State authorities. We find great substance in the submissions made on the data supplied as a justification for awarding contract for long period of 15 years. There would be a huge investment required towards the infrastructure by the selected manufacturer and the major return would be expected in initial period of two years although he would be bound down to render his services for future vehicles on periodically for a long period. Looking to the

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huge investment required and the nature of the job which is most sophisticated requiring network and infrastructure, a long term contract, if thought viable and feasible, cannot be faulted by the court. If there are two alternatives available of giving a short-term or a long-term contract, it is not for the court to suggest that the short-term contract should be given. On the subject of business management, expertise is available with the State authorities. The policy has been chalked out and the tender conditions have been formulated after joint deliberations of authorities of the State and the intending manufacturers. Contract providing technical expertise, financial capability and experience qualifications with a long term of 15 years would serve a dual purpose of attracting sound parties to stake their money in undertaking the job of supply and safeguard public interest by ensuring that for a long period the work of affixation of security plates would continue uninterrupted in fulfillment of the object of the scheme contained in rule 50. Our considered opinion, therefore, is that none of the impugned clauses in the tender conditions can be held to be arbitrary or discriminatory deserving its striking down as prayed for on behalf of the petitioners.

There is no material on record to infer any mala fide design on the part of the tendering authority to favour parties having foreign collaborations and keep out of fray indigenous manufacturers. The

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high security plates is a sophisticated article - new for manufacturer in India. It is being introduced for the first time under the scheme contained in rule 50 of the Rules and the Act. At the time of issuance of Notices of Tender, technical know-how for manufacture of plates and its further development was undoubtedly outside the country. Only a few concerns in India having collaboration with foreign parties possessed the expertise and were available in the market. The terms of the notice inviting tender were formulated after joint deliberations of Central and State Authorities and the available manufacturers in the field. The terms of the tender prescribing quantum of turnover of its business and business in plates with fixation of long term period of the contract are said to have been incorporated to ensure uninterrupted supply of plates to a large number of existing vehicles within a period of two years and new vehicles for a long period in the coming years. It is easy to allege but difficult to accept that terms of the Notices Inviting Tenders which were fixed after joint deliberations between State authorities and intending tenderers were so tailored as to benefit only a certain identified manufacturers having foreign collaboration. Merely because few manufacturers like the petitioners do not qualify to submit tender, being not in a position to satisfy the terms and conditions laid down, the tender conditions cannot be held to be discriminatory.

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Certain preconditions or qualifications for tenders have to be laid down to ensure that the contractor has the capacity and the resources to successfully execute the work. Article 14 of the Constitution prohibits the government from arbitrarily choosing a contractor at its will and pleasure. It has to act reasonably, fairly and in public interest in awarding contract. At the same time, no person can claim fundamental right to carry on business with the government. All that he can claim is that in competing for the contract, he should not be unfairly treated and discriminated to the detriment of public interest. Undisputedly, the legal position which has been firmly established from various decisions of this Court, cited at the Bar (supra) is that government contracts are highly valuable assets and the court should be prepared to enforce standards of fairness on government in its dealings with tenderers and contractors.

The grievance that the terms of notice inviting tender in the present cases virtually creates a monopoly in favour of parties having foreign collaborations, is without substance. Selection of a competent contractor for assigning job of supply of a sophisticated article through an open tender procedure, is not an act of creating monopoly, as is sought to be suggested on behalf of the petitioners. What has been

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argued is that the terms of the Notices Inviting Tenders deliberately exclude domestic manufacturers and new-entrepreneurs in the field. In the absence of any indication from the record that the terms and conditions were tailor-made to promote parties with foreign collaborations and to exclude indigenous manufacturers, judicial interference is uncalled for.

Challenge to the tender conditions on Paragraph 2 of Rule 50(1)(v).

On behalf of the petitioners, paragraph 2 of rule 50(1)(v), which is reproduced below, has been interpreted. The contention is that it does not contemplate selection of sole manufacturer for a State or a Region. The relevant paragraph 2 of rule 50(1)(v) reads thus :-

> "Rule 50(1)(v). Form and manner of display of registration marks on the motor vehicles. – (1).....
>
> (I) to (IV) .....
>
> .....
>
> (v) .....
>
> The licence plates with all the above specifications and the specified registrations for a vehicle shall be issued by the registering authority **or approved licence plates manufacturers or their dealers**. The Central Road Research Institute, New Delhi or any of the agency authorized by the Central Government shall **approve the license plates manufacturers** to above specification.
>
> ***[Emphasis supplied]***

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Learned counsel for the petitioners argues that the use of the word "approved" in para 2 of clause (v) of rule 50(1) has to be given its natural meaning and cannot be read to mean "selected" through notice inviting tender. In this respect, it is further submitted that the rule making authority has used the word 'approved' and 'approve' twice in the same paragraph. The rule read harmoniously rules out selection of sole manufacturer through a tender process. The argument in substance is that every approved licence plate manufacturer can be entrusted with the job of supplying the registration plates and selection of one manufacturer for the job is against the intendment of the rule.

The above argument seems attractive but on closer scrutiny is unacceptable. The rule is interpreted to mean that the registration plates can either be issued by RTO to the exclusion of all others or all type approval certificate holders must be allowed to do business of supply in open market. In other words, according to the petitioners, the rule contemplates that if the registering authority does not supply the plates itself, it allows all TAC holders to do the business without any restriction.

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In interpreting the rule, the object of the scheme providing for affixation of high security plates has to be kept in view. Where the RTO himself is not making the supply of plates, an approved registration plate manufacturer can be selected for supply. The legal obligation on the registering authority under rule 50(1)(v) to issue specified kinds of registration plates implies issuance of such registration plates through a selected approved plate manufacturer. Paragraph 2 of clause (v) of rule 50(1), if reasonably construed, does not indicate any prohibition of selection of an approved plate manufacturer for assisting the registering authority to implement the scheme of affixation high security registration plates to existing vehicles and new vehicles. Such an interpretation fulfils the object of the scheme. The interpretation sought to be placed by the petitioners on the said para of the rule would result in frustrating the high security aspect and object of the scheme of affixation of high security registration plates on vehicles.

Challenge to Para 4(x) of the Motor-Vehicels [New High Security Registration Plates] Order, 2001 issued in purported exercise of powers under section 109(3) of the Act.

Para 4(x) of the statutory Order, 2001 mentioned above, reads as under :-

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"The manufacturer or the vendors selected by the State Transport Department for supply of such registration plates may be **for the State as a whole or for any region of the State**."

On behalf of the petitioners, it is submitted that para 4(x) of the statutory Order, 2001 is *ultra vires* section 109 (3) of the Act under which it is purported to have been issued. Section 109 with its heading and the relevant sub-section (3) reads as under:-

"**Section 109. General provision regarding construction and maintenance of vehicles.** (1) Every motor vehicle shall be so constructed and so maintained as to be at all times under the effective control of the person driving the vehicle.

(2) Every motor vehicle shall be so constructed as to have right hand steering control unless it is equipped with a mechanical or electrical signaling device of a prescribed nature.

(3) If the Central Government is of the opinion that it is necessary or expedient so to do in public interest, it may by order published in the Official Gazette, **notify that any article or process used by a manufacturer shall conform to such standard as may be specified in that order**.

[Highlighted for interpretation].

It is contended that section 109(3) falls under Chapter VII which deals with construction, equipment and maintenance of motor vehicles. Registration of motor-vehicles falls under Chapter IV of the Act. Under section 109(3), a direction or order can be issued only to a 'manufacturer' defined in section 2(21A) to mean **manufacturer of motor vehicles**. It is submitted that a motor-vehicle manufactured by a manufacturer is sold to a dealer without a registration plate.

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Thereafter, the dealer sells the motor vehicle to a customer without registration plate. Chapter IV containing section 39 to 65 deal with registration of motor vehicles of different types. The proviso to section 39 of the Act says : 'nothing in this section shall apply to motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government'. Section 41 also points to the same position. It casts an obligation on the owner of a motor vehicle to obtain registration. The question of issuing a certificate of registration and assigning to a motor vehicle a registration mark arises only after sale of motor vehicle. Therefore, until the motor vehicle has been sold to a person by a dealer, the registering authority would not come into the picture and there is no occasion for assigning it a registration mark. A manufacturer of motor vehicle is not at all concerned with registration thereof by the registering authority. On the basis of above interpretation of provisions of the Act, the submission made is that under section 109(3), the Central Government can only prescribe standards for any article or process used by the manufacturer in the manufacturing **of the vehicle** and not for selecting any manufacturer of registration plates to the exclusion of others. It is submitted that reading sub-section (3) with sub-section (1) & (2) of section 109 of the Act, the position is that the provisions have nothing to do with registration plates of the vehicles.

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It is further submitted that power to issue directions as contained in para 4(x) of the statutory order of 2001, cannot be traced to any provision in chapter IV of the Act **dealing with registration of motor vehicles or to the rule making power under section 64(d)**. It is submitted that any provision regarding registration plates can only be made by rule framed by Central Government in accordance with provisions of the Act. Sub-section (4) of section 212 of the Act, prescribes a mandatory requirement of first publishing draft rule before making a final rule on any subject. Since in promulgating para 4(x) of the statutory order of 2001, mandatory requirement of section 212(4) has not been complied with, the impugned para of the said statutory order of 2001 cannot be supported even as a statutory rule. The other submission made on the subject is that provisions for selecting only one manufacturer for registration plates in a region or a State is not a subject of 'prescribing manner and form in which the registration mark' would be displayed on the motor vehicles. On the above ground, it is submitted that para 4(x) of the statutory order of 2001 deserves to be struck down as *ultra vires* the Act. It is violative of the Article 19(1)(g) of the Constitution.

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The above argument based on section 109(3) and the other provisions in Chapter IV of the Act have been suitably replied by the counsel appearing for the respondents. The reasoning advanced on behalf of the respondents is worthy of acceptance. The statutory order of 2001 is expressly issued under section 109 (3) of the Act which no doubt is concerned with construction, equipment and maintenance of motor vehicles. Sub-section (3) of section 109 permits Central Government to "notify that any article or process used by a manufacturer shall conform to such standard as prescribed". The word "manufacturer" is defined in section 2(21A) of the Act to mean a person engaged in the manufacture of the motor vehicles but the definition clause is prefixed by the words "unless the context otherwise requires". In the context of sub-section (3) of section 109, an article to be affixed to the motor vehicle like a high security registration plates is covered by the use of expression "any article or process used by a manufacturer". 'In the context' if the provision contained in sub-section 3 is read reasonably, an article' which is adjunct or necessarily attachable to a motor vehicle, would also be covered in the said expression. The statutory order of 2001 is published in the official gazette. It does not fall outside the scope of sub-section (3) of section 109 of the Act. The expression 'any article or process used by a manufacturer' has to be construed 'in the context' as not to restrict the

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expression 'manufacturer' to only manufacturer of motor vehicles as defined under section 2 (21A) of the Act. The definition in the Act has to be construed according to the 'context' and if the 'context' otherwise indicates a meaningful interpretation is to be given to the words 'any article or process used by any manufacturer' as used in sub-section 3 of section 109 of the Act. Registration plates are not manufactured by the manufacturer of motor vehicles but for maintenance and operations of motor vehicles, registration plates are necessary. Therefore, manufacturer of registration plates can be subjected to certain standards by a statutory order to be notified and published in accordance with sub-section (3) of section 109 of the Act. Any restrictive interpretation of the said sub-section is neither called for from the language of the sub-section nor the object of the provision. Reference is made to the opinion of learned Brother G.P. Mathur J., in these cases. For the reasons mentioned by us above, in our opinion, the statutory order of 2001 and clause 4(x) thereof cannot be held to be beyond the purview of sub-section 3 of section 109 of the Act. Clause 4(x) of the statutory order of 2001, could be issued under section 109(3), as an aid to the fulfillment of provisions of high security registration plates contained in rule 50. Such power of the State to issue order containing clause 4(x) is not only supported by sub-section 3 of section 109 but by rule 50 itself. Clause 4(x) of

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the statutory order of 2001 is merely enabling one and re-states what rule 50 contemplates. We also find force in the alternative submission made on behalf of the respondents that the statutory order including clause 4(x) can be supported as having been issued in exercise of executive power of the Central Government which is co-extensive with its legislative power.

For the above reasons, all the challenges made to the provisions of the rule, statutory order or the tender conditions fail. All the petitions directly filed in this Court and transferred to this Court from High Courts are, hereby, dismissed.

In the circumstances, we direct that the parties shall bear their own costs in all these cases.

.....J
[Y. K. Sabharwal]

.....J
[D. M. Dharmadhikari]

.....J
[Tarun Chatterjee]

New Delhi.
30th November, 2004.

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

IA NOS.10 – 11 OF 2010

IN

IA No.10 OF 2010

IN

Certified to be true copy
Assistant Registrar (Judl.)
Supreme Court of India

WRIT PETITION (CIVIL) NO.510 OF 2005

Maninderjit Singh Bitta ... **Petitioner**

Versus

Union of India & Ors. ... **Respondents**

AND

IA NOS. 12 OF 2010

IN

IA No.10 OF 2010

IN

WRIT PETITION (CIVIL) NO.510 OF 2005

O R D E R

1. We had passed a detailed order on 7th April, 2011 referring to the judgments and directions of this Court in the cases of *Association of Registration Plates v. Union of India* [(2005) 1 SCC 679] and *Maninderjit Singh Bitta* v. *Union of India* [(2008) 7 SCC 328]. As is evident, the main judgment of this Court in the aforementioned case of *Association*

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of Plates (supra) was pronounced on 30th November, 2004 and further directions were issued on 8th May, 2008 in case of *Maninderjit Singh Bitta* (supra) to secure implementation of various statutory requirements as per the earlier judgment of this Court. The present order has to be read in continuation of our order dated 7th April, 2011 and the judgments referred supra.

2. Sufficient time has elapsed but default on the part of some States in complying with the directions of this Court still persists. In fact, seven years have elapsed but it appears to us that some States have not even taken initial steps to implement the scheme of High Security Registration Plates (for short, 'HSRP') in their respective States. We regretfully note that the situation in the present case is the converse of compliance. There is no State in the entire country which has successfully, in accordance with the statutory provisions and scheme, as approved by this Court, implemented the scheme in its entirety. As far as the financial limitations faced by different States are concerned, the matter was examined by this Court and their prayer for exemption was declined. However, they were permitted to complete the implementation of the scheme in phases. Of course, even such request was subsequently withdrawn.

3. The other matter with regard to permitting the HSRP to

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be fixed by private vendors, even if approved by the Government, was considered and for appropriate reasons, as stated in paragraphs 40 and 46 to 48 in the case of *Association of Registration Plates* (supra), rejected by this Court. It was held that "the interpretation sought to be placed by the petitioner on the said paragraphs of the Rule would result in frustrating the high security aspect and the object of the scheme of affixation of High Security Registration Plates on vehicles." In terms of paragraph 4 of clause 9 of the Motor Vehicle (New High Security Registration Plates) Order, 2001 "no high security plate shall be affixed outside the premises of the Registering Authority".

4. Another important facet of these cases is that in the process of selection, the States were expected to invite tenders and were even given liberty to consult experts prior to finalizing such tenders. The registration plates were then to be affixed by the selected tenderers at the Regional Transport Office of a District or State. The object of the ordinance and the judgment of this Court was to preserve public security and safety by ensuring that every vehicle in the State is fixed with HSRP and no part of the country remains where the scheme is not implemented.

5. On the basis of the implementation of the scheme, the

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States can be classified into four categories. In the first category there are four States/Union Territories : Nagaland, West Bengal, Manipur and Puducherry, where the tender process was followed, the successful tenderer has been awarded the contract for supplying security registration plates and the predicted date of enforcement of the scheme in the State has been fixed. But, no affidavit has been filed on behalf of these States confirming that the scheme has been successfully completed in all the districts of the respective States and also that the States would ensure complete and comprehensive implementation of the scheme in future as well. Let such affidavits be filed by the Secretary, Transport of the respective States within four weeks from the date of the passing of this order.

6. Then there is a second category of U.T./States i.e. the U.T. of Chandigarh and the States of Jharkhand and Bihar which have not followed the procedure for selection and have approved certain vendors with Type Approval Certificate (TAC) from the Central Government, who would be permitted to affix the HSRP at their own premises or at the office of the RTO. As we have already indicated, this is not in compliance with the directions of the Court, the scheme and provisions of the Motor Vehicles Act, 1988. If these States are permitted to adopt their own procedure,

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then it is bound to defeat the very purpose of security and uniform affixation of HSRP all over the country. Hence, this cannot be permitted as it would defeat the entire exercise undertaken by this Court over number of years. The aforesaid States are, therefore, directed to:

a. Immediately invite tenders;

b. Finalize the entire tender process within six weeks from today;

c. File compliance report in this Court, in the form of affidavit stating that tenders have been finalized and the work of affixation of security registration plates has begun in every district or part thereof, within two weeks thereafter.

7. The third category include the defaulting States of Andhra Pradesh, Himachal Pradesh, Jammu and Kashmir, Tamil Nadu, Madhya Pradesh and Haryana. These States again can further be divided into two sub-categories. In the first sub-category, there are States of Tamil Nadu, Andhra Pradesh and Madhya Pradesh which have informed this Court, by filing of affidavits that they have fixed the dates for publication of tenders. They have estimated the period of publication of tender being the months of August and September of this year. These States have surprisingly taken not only months but years to even fix a date for publication of tender. Despite our order dated 7th April, 2011, even

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the tenders have not been published as yet, though we had granted six weeks time for completing the process. Besides fixing the time limits for filing of the affidavits, we had also indicated that this Court would be compelled to take action against default the defaulting States under the Contempt of Court Act, 1971 as well as impose exemplary costs personally recoverable from the erring officers. However, before we take both these actions against the above category of defaulting States, we would give them another opportunity to complete the entire process of publication and issue tender within six weeks from today and commence the implementation of the scheme for fixation of HSRP in their States immediately thereafter. The affidavits to that effect should be filed within eight weeks from today.

8. Now, we come to the second sub-category of defaulting States, i.e. the States of Haryana, Arunachal Pradesh and Jammu and Kashmir. These are the States which have taken no action at all or have merely initiated the process without any effective result. They have not filed any affidavit to show why the directions of the Court have not been complied with, or, if complied with, to what extent the said compliance has been successful and finally whether they have followed the due process as directed to be followed by the Courts, in the implementation of the scheme. All these States have done nothing except praying for extension of

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time before this Court. The State of Haryana, firstly, took no steps for years and thereafter, on 5th May, 2011, filed an affidavit to the effect that they have constituted a Committee of Secretaries to approve the draft of the tender notice and approval was to be granted on 6th May, 2011. There is nothing on record to show whether such approval has been granted or not and what steps have been taken by the State thereafter to comply with the directions of this Court. All the other States in this category have prayed for extension of time before this Court and some States have not even done so. Vide order dated 7th April, 2011, we had put at notice, not only these States but all concerned authorities in each State throughout the country, requiring them to show compliance to the orders of this Court. The conduct of these States clearly reflects their callousness and lack of will to obey the orders of this Court. Their attitude is one of disobedience rather than compliance. Thus, in our considered view, these are the defaulting states which have, with impunity, flouted the orders of this Court, despite warnings being issued, including the directions contained in order dated 7th April, 2011.

9. From the record before us, it is clear that there is apparent and intentional default on the part of the concerned officers of these defaulting States. Consequently, we issue notice to show cause why proceedings under the Contempt of Courts

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Act, 1971 be not initiated, if found guilty, why they be not punished in accordance with law and why exemplary costs, personally recoverable from the erring officers/officials, be not imposed. Notice shall be issued to:

a. Secretary (Transport) of the defaulting States.
b. Commissioner, State Transport Authority of the respective States.

10. Now, we will come to the last category of States, i.e., the ones that have taken certain effective steps to secure compliance with the statutory provisions and the scheme. These are the States which have invited tenders in accordance with the selection process that has been approved by this Court. Some of these States have even opened the tender bids however, awarding of tender has not been finalized. The States of Assam, Punjab, Chhattisgarh, Delhi, Gujarat, Tripura, Uttar Pradesh, Uttarakhand and Kerala and the Union Territories of Lakshadweep and Andaman & Nicobar, have prayed for further extension of time to complete the process, which is already at an advanced stage. We may notice here that the State of Kerala had invited tenders earlier and it had received a single tender within the time provided. The matter remained pending at that stage for a considerable time and thereafter, the State of Kerala filed I.A. No. 13 of 2011 praying for certain directions, including the permission to re-open applications

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for fresh tenders which was dismissed by this Court vide its order dated 12th August, 2011. We are reluctant to agree to further extension of time for the reason that all these States/U.Ts had enough time to comply with the requirements and some of these States/U.Ts were even cautioned vide our previous order. Some of these States/U.Ts have even given reasons for their non-compliance, including that they had invited tenders earlier but had to cancel the same for one reason or the other. Keeping in view the fact that all these States have at least taken some steps to finalize the proper implementation of the scheme, we consider it appropriate, though as mentioned above, with reluctance, to grant further extension of eight weeks time to these States/U.Ts to complete the entire process and implement the scheme in its entirety, in accordance with law. Thus, while granting them such extension, to complete the entire process for implementation of the scheme, we direct that vehicles in all the districts of the respective States/U.Ts shall install the HSRP within eight weeks from today without exception and default. An affidavit of compliance in that regard be filed immediately thereafter.

11. List the matter for directions, *qua* the States to whom we have issued show cause notice for initiation of proceedings under the Contempt of Courts Act, 1971 and imposition of exemplary costs as aforestated, after two weeks while the matters in relation

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to all the other States shall be listed immediately on the expiry of eight weeks from today.

.....CJI.
(S.H. Kapadia)

.....J.
(K.S. Radhakrishnan)

.....J.
(Swatanter Kumar)

New Delhi
August 30, 2011

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REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL CONTEMPT JURISDICTION

CONTEMPT PETITION (C) NO. 483 OF 2013
IN
WRIT PETITION (C) NO. 510 OF 2005

MANINDERJIT SINGH BITTA ...Petitioner

VERSUS

VIJAY CHHIBBER & ORS. ...Respondents

WITH

CONTEMPT PETITION (C) NO. 3 OF 2015
IN
WRIT PETITION (C) NO.510 OF 2005

MANINDERJIT SINGH BITTA ...Petitioner

VERSUS

DR. SHAILESH KR. SHARMA & ORS. ...Respondents

J U D G M E N T

R. BANUMATHI, J.

JUDGMENT

The instant contempt petitions have been filed by the petitioner herein highlighting the issue of implementation of Scheme of High Security Registration Plates (HSRP) in disobedience of this Court's order dated 08.12.2011 reported in (2012) 1 SCC 707 titled *Maninderjit Singh Bitta* vs. *Union of India & Ors.* and order dated 07.02.2012 reported in (2012) 4 SCC 568 titled *Maninderjit Singh Bitta* vs. *Union of India &*

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Ors. passed in W.P. No.510 of 2005 and connected matters. In these contempt petitions, the petitioner alleges that the respondents-contemnors have not ensured the implementation of the orders of this Court and have failed to discharge the statutory duty imposed upon them by law by not taking any appropriate action against M/s. Utsav Safety Systems Pvt. Ltd and its consortium partners for violating the terms of tender conditions and directions of this Court.

2. The matter was heard at length on various dates. Having regard to the arguments advanced *in extenso*, it is necessary to refer to the factual matrix of the case which led to the filing of these contempt petitions:- After the terrorist attack on the Parliament in 2002, urgency was felt to check usage of motor vehicles in terrorists' activities. Therefore, the Central Government on the recommendation of its Technical Committee devised the scheme of HSRP, so as to ensure public safety, security and to curb the increasing menace of vehicle thefts and their usage in commission of crimes like murder, dacoity, kidnapping etc. With this avowed object, Rule 50 of the Central Motor Vehicles Rules, 1989 (for brevity 'CMV Rules') which deals with "*Form and manner of display of registration marks on the motor vehicles*" was amended by the Central Government in exercise of its rule making power

SUPREME COURT OF INDIA
JUDGMENT

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under Section 64 of the MV Rules. The amended scheme of rule 50 substituted the erstwhile system where the registration number was given by the RTO and the ordinary registration plates obtained from the open market were installed on the vehicles. Rule 50 was amended to ensure the technical competence of the prospective manufacturers, controlled issuance of registration plates and a manufacturer can manufacture the said plates only after it has got Type Approved Certificate (TAC) from one of the autonomous certifying agencies. Supply of the plates to the vehicular users can be made only after the grant of certificate of Conformity of Production (CoP).

3. The Government of India on 28.03.2001 issued a notification under Section 41(6) of the Motor Vehicles Act, 1988 (for short "the Act") read with Rule 50 of the MV Rules for implementation of the provisions of the Act in terms of sub-Section (3) of Section 109 of the Act. The Central Government issued an order dated 22.08.2001 which deals with various facets of manufacture, supply and fixation of new high security registration plates. The Central Government also issued a notification dated 16.10.2001 for further implementation of the said order and HSRP scheme.

SUPREME COURT OF INDIA
JUDGMENT

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In order to implement the scheme, various States also invited tenders for manufacture and supply of HSRP.

4. A Writ Petition being W.P. (C) No.41 of 2003 was filed in this Court by the Association of Registration Plates, challenging the Central Government's power to issue such notification as well as the terms and conditions of the tender process. In addition to the aforesaid writ petition, various other writ petitions were filed before the different High Courts, raising the same challenge and those writ petitions came to be transferred to this Court. By the Judgment reported in (2005) 1 SCC 679 titled *Association of Registration Plates* vs. *Union of India & Ors.*, this Court dismissed the Writ Petition(C) No. 41 of 2003 and other connected matters, and upheld the validity of rule 50 as well as tender conditions. While doing so, this Court also issued certain directions for appropriate implementation of the scheme. The relevant para (31) reads as under:-

> **"31.** Justifying the selection of a single manufacturer for a region or an entire State, to ensure security considerations, the following factors have been highlighted as subserving the public interest:
>
> 1. That it would not be possible to implement the scheme since the scheme provides that the approved manufacturer would use the premises of the State RTO and lay down V-Sat links so that the entire State is networked on a common platform.
> 2. It would be impossible for the State to provide all the TAC-holders space and infrastructure in the RTO premises.
> 3. It would be difficult for the State to identify the source of any counterfeiting in case there are multiple manufacturers.

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This would severely compromise the security considerations involved in the scheme.

4. Different manufacturers would lead to variations in price between different manufacturers.

5. The State is at a disadvantage since all the manufacturers would prefer to concentrate on supplying only in Kolkata and would not go to the other far-flung RTOs where he would not recover the returns on his investment.

6. In case more than one manufacturer operates within the State, it will lead to discrepancy and non-uniformity in price structure prevailing in different regions.

7. Difficulty in assimilation of data from more than one manufacturer would lead to disaggregated and confusing database signals. Such sensitive and security-related business must be governed by uniform database management processes and unified standardised coding practices.

8. Different manufacturers would mean that there would be variation in quality of the material and in terms of workmanship.

9. Possible duplication of registration plates due to competition between manufacturers of different regions and lack of aggregated security controlled database management systems.

10. Non-conformity of data of different manufacturers would lead to confusion and integration of data from the State RTOs.

11. Difficulty in fixing up the answerability on any one manufacturer for not following the prescribed procedure.

12. Confidentiality of the public database would be severely compromised.

13. Provision of training of RTO personnel by each manufacturer would be a logistic nightmare and would lead to confusion and further lead to the system being compromised severely.

14. It is also important to note that each registration plate has a unique number, and consequently, all the RTOs are required to be electronically connected to each other; if the vendors are allowed to proliferate, this connection would not be possible, and would lead to complete chaos."

5. It was observed that none of the tender conditions were arbitrary and discriminatory and in para (40), it was held as under:-

"**40.** Selecting one manufacturer through a process of open competition is not creation of any monopoly, as contended, in violation of Article 19(1)(*g*) of the Constitution read with clause

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(6) of the said article. As is sought to be pointed out, the implementation involves large network of operations of highly sophisticated materials. The manufacturer has to have embossing stations within the premises of the RTO. He has to maintain the data of each plate which he would be getting from his main unit. It has to be cross-checked by the RTO data. There has to be a server in the RTO's office which is linked with all RTOs in each State and thereon linked to the whole nation. Maintenance of the record by one and supervision over its activity would be simpler for the State if there is one manufacturer instead of multi-manufacturers as suppliers. The actual operation of the scheme through the RTOs in their premises would get complicated and confused if multi-manufacturers are involved. That would also seriously impair the high security concept in affixation of new plates on the vehicles. If there is a single manufacturer he can be forced to go and serve rural areas with thin vehicular population and less volume of business. Multi-manufacturers might concentrate only on urban areas with higher vehicular population."

6. After the decision in *Association of Registration Plates* (supra), the petitioner herein being aggrieved with the non-implementation of HSRP scheme in its true letter and spirit, launched the second round of litigation by filing Writ Petition (C) No.510 of 2005, wherein, this Court passed various orders dated 08.05.2008, 05.05.2009, 07.04.2011, 30.08.2011, 13.10.2011, 08.12.2011 and 07.02.2012, so as to ensure the integrity and implementation of the scheme and gave various directions to the States and manufacturers. This Court vide Order dated 08.05.2008 reported in (2008) 7 SCC 328 observed as under:

"...we feel it would be in the interest of all concerned if the States and the Union Territories take definite decision as to whether there is need for giving effect to the amended Rule 50 and the Scheme of HSRP and the modalities to be followed."

SUPREME COURT JUDGMENT

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7. Despite the above order of this Court, most of the States have failed to implement the scheme in its true spirit. This resulted in filing of I.A. No.5 in Writ Petition (C) No.510 of 2005 wherein the applicant prayed for a clarification of order dated 08.05.2008 stating that some of the States were carrying the impression as if they had the discretion to give effect to the amended rules and the scheme. Vide the Order dated 05.05.2009, this Court held that there is no discretion given to the States/Union Territories in implementation of the amended rules.

8. Further, by an order dated 07.04.2011 of this Court, reported in (2011) 11 SCC 315, passed in I.A Nos.10-11 of 2010, wherein the States sought extension of time for implementation of the HSRP scheme, this Court took serious view of the matter that there are certain States which have not even started the process of implementing the HSRP Scheme and directed such States to file affidavits explaining why contempt proceedings should not be initiated. It was observed by this Court that despite tenders being issued long back, no further step was taken.

9. Thereafter, vide Order dated 30.08.2011 reported in (2011) 14 SCC 273, this Court again took the serious view

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of the non-implementation of HSRP scheme. The Court observed that:-

> "...We regretfully note that the situation in the present case is the converse of compliance. There is no State in the entire country which has successfully, in accordance with the statutory provisions and scheme, as approved by this Court, implemented the scheme in its entirety..."

10. Vide Order dated 13.10.2011 reported in (2012) 1 SCC 273 titled *Maninderjit Singh Bitta* vs. *Union of India And Ors.*, this Court again noted the disobedience of earlier order of this Court by the State of Haryana and punished them for contempt, imposing a fine of Rs.2,000/- each on those who were responsible for disobedience of this Court's order and exemplary cost of Rs.50,000/- on the State. Vide Order dated 08.12.2011 reported in (2012) 1 SCC 707 titled *Maninderjit Singh Bitta* vs. *Union of India And Ors.*, this Court referred to the affidavits filed by the various States and in order to ensure proper implementation of the HSRP Scheme, gave general directions in para (53). It is apposite to refer to the relevant direction in para (53.5) which reads as under:-

> "5. On behalf of the petitioner and some of the States, a question has been raised before us that contractors have responded to the notices for tender in consortium. This is being done primarily for the purpose of satisfying the condition of specialised experience for manufacture and affixation of HSRP. However, after award of the contract, the partner possessing expertise (Type Approval Certificate, approval, etc.) in the consortium may walk out from the performance of the contract. In this circumstance, the very purpose would stand frustrated. We find merit in this submission but would refrain from issuing any direction in that behalf, at this stage. It will

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be for the State/Union Territory concerned to take appropriate decision with reference to the facts of a given case and in accordance with law. *Prima facie*, it appears to us that it would be in the interest of all concerned that all the members of the consortium including the member possessing the expertise should continue as such till the performance of the contract."

11. By the aforesaid order dated 08.12.2011 in paras (4) to (6), this Court has also set aside the approach adopted by the State of Andhra Pradesh in tender proceedings and directed the State of Andhra Pradesh to issue fresh tender, award the contract and commence implementation of the HSRP Scheme positively by 29.02.2012. Paras (4) to (6) of Order dated 08.12.2011 read as under:-

"**4.** It is the case of the State of Andhra Pradesh that it published the notice inviting the tenders on 8-10-2011 and the due date of the tender bids was 26-11-2011. The State claims that it has prepared a comprehensive framework to implement the HSRP scheme and authorised Andhra Pradesh State Road Transport Corporation to roll out the end to end solution for the project. It has decided to have a competitive bidding process by segregating the tender into different sections i.e. one for manufacturing, another for embossing, hot stamping and printing of HSRP and yet another to supply the same to the Corporation for installation.

5. Again, the process adopted by the State of Andhra Pradesh is not only in violation of the directions contained in paras 39 and 40 of the judgment of this Court in *Assn. of Registration Plates v. Union of India* but is also contrary to the Notification dated 16.09.2011 which was issued under sub-section (3) of Section 109 of the Motor Vehicles Act, 1988 and called the Motor Vehicles (New High Security Registration Plates) Order, 2001. This Order does not permit the completion of the HSRP scheme in the manner sought to be adopted by the State of Andhra Pradesh. The State was to award the contract but the same has not so far been awarded.

6. In the circumstances aforementioned, we direct the State of Andhra Pradesh to issue fresh tender, award the contract and commence the implementation of the scheme positively by 29.02.2012. It has assured this Court that now it would positively abide by the time schedule and do the needful."

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12. In the said order the approach adopted by the Government of NCT of Delhi was commented upon and this Court observed that the procedure adopted by them, is not in conformity with the judgments of this Court. The directions relating to the Government of NCT of Delhi in paras (19) and (20) read as under:-

> **"19.** Be that as it may, to some extent, the procedure adopted by the Delhi Government is not in conformity with the judgments of this Court. From the documents now filed on record, it appears that DIMTS has reserved onto itself the power to select more than one vendor for the project. It is also stipulated in the draft agreement that the supplier of the plate shall notify the purchaser in writing of all sub-contracts awarded under the contract. We make it clear that neither Rule 50 of the Motor Vehicles Rules, 1989 (for short "the Rules"), the Motor Vehicles (New High Security Registration Plates) Order, 2001 nor the judgments of this Court permit sub-contracts to be awarded by the contractor to whom the award for manufacture and fixation of HSRP is awarded.
>
> **20.** Furthermore, in their affidavit dated 26-11-2011 it has been stated that DIMTS is also taking other steps and it has divided the implementation process into two parts: Firstly, procurement of blank HSRP conforming to Rule 50 of the Rules and personalisation of plates by embossing, hot stamping of number plates, quality checking, printing of third number plate, set matching, dispatch, transportation and installation of HSRP. Secondly, it is not permissible to bifurcate the process under different heads or in parts. It is a mandatory requirement that one person should exclusively be responsible for the entire process in the interest of security. Thus, we make it clear that DIMTS, when it is getting the HSRP manufactured from the contractor, such manufacture should be firstly from a single contractor and secondly it should, without fail, be under the direct supervision and control of DIMTS. They should not let the sub-contractors or other parties to have control over the manufacturing processing and fixation of HSRP in any manner, whatsoever. They should ensure that one single person is responsible for manufacturing, affixation of seals, imprinting of numbers and affixation of HSRP on the vehicles in the NCT of Delhi."

13. Finally, vide an Order dated 07.02.2012 reported in (2012) 4 SCC 568 titled *Maninderjit Singh Bitta* vs. *Union of*

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India And Ors., this Court disposed of the W.P.(C) 510/2005 by sending the files to respective High Courts to take action as per law and in para (17), it was held as under:-

> **"17.** Having perused the report of the Registrar and the affidavits filed on behalf of different States, we issue the following directions:
>
> (*a*) All States which have invited tenders, have completed the process of finalising the successful bidder and issued the letter of intent, but have not yet signed agreements with the successful bidder, shall sign such agreements within four weeks from today. These States are Assam, Bihar, Gujarat, Haryana, Jammu and Kashmir, Jharkhand, Punjab, Tripura and Uttar Pradesh.
>
> (*b*) The States which have so far not even finalised the tender process, they should do so, again, within four weeks from today. Amongst others these States and Union Territories are Chhattisgarh, Madhya Pradesh, Chandigarh, Delhi (NCT) and Puducherry.
>
> (*c*) Installation of HSRP is a statutory command which is not only in the interest of the security of State, but also serves a much larger public interest. Therefore, it is not only desirable, but mandatory, for every State to comply with the statutory provisions/orders of this Court in terms of Article 129 of the Constitution of India, 1950. All States, therefore, are mandated to fully implement the Scheme of fixation of HSRP in their entire State, positively by 30-4-2012 in relation to new vehicles and 15-6-2012 for old vehicles. We make it clear that they shall not be allowed any further extension of time for implementation of this direction.
>
> (*d*) The directions contained in the earlier judgments of this Court and more particularly, the orders dated 30-8-2011, 13-10-2011, 8-12-2011 and this order, should be implemented within the extended period without default.
>
> (*e*) In the event of default, Secretary (Transport)/Commissioner, State Transport Authority and/or any other person or authority concerned responsible for such default shall be liable to be proceeded against under the provisions of the Contempt of Courts Act, 1971."

This Court further gave liberty to approach this Court again, in case of violation of HSRP scheme. It was pertinently observed:-

> **"18.** We grant liberty to the petitioner and/or any other person to take out contempt proceedings, if now there is any non-compliance with the orders of this Court and the statutory

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duty imposed upon the authorities concerned with regard to implementation and completion of the scheme and process of fixation of HSRP, in any State/Union Territory."

14. Based on the liberty so granted, the petitioner has now launched the third round of litigation by filing the instant contempt petitions alleging the disobedience of the various Orders of this Court discussed hereinabove, specifically orders dated 08.12.2011 and 07.02.2012. This Court vide Order dated 01.05.2014 observed that as per the bid document, the location of the factory of M/s. Utsav Safety Systems Pvt. Ltd. (the technical partner) is disclosed at Plot No.3A, Phase-IV, Industrial Area, Golemath, District Bilaspur, Himachal Pradesh. Petitioner alleges that though M/s Utsav has informed ARAI (testing agency) only about the existence of two manufacturing plants i.e. Himachal Pradesh and Delhi, Blank High Security Plates are manufactured by M/s. Utsav Safety Systems Pvt. Ltd. at a plant in Assam by outsourcing the work to M/s Rosmerta Technologies Pvt. Ltd. The Order dated 08.12.2011 reported in (2012) 1 SCC 707 does not permit sub-contracts to be awarded by the contractor to whom the contract for manufacturing and fixation of HSRP is awarded and accordingly this Court took the cognizance of the contempt petitions.

SUPREME COURT OF INDIA
JUDGMENT

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15. Petitioner has alleged that M/s. Utsav in utter violation of Rule 50, terms of bid and TAC and various orders passed by this Court has manufactured HSR plates through job work at an unauthorised unit in Assam and by doing so, M/s. Utsav has deliberately disobeyed the various orders passed by this Court from time to time and the respondents have deliberately chosen not to take any action against M/s. Utsav and private contractors despite there being clear violation of the rules and orders passed by this Court and such omission in not initiating action against the violators amounts to contempt of court and the respondents are liable to be punished on account of their having committed wilful disobedience of the orders of this Court. It is further averred that the petitioner had filed the complaint against M/s. Utsav, M/s. Rosmerta and M/s. Linkpoint pursuant to which a meeting was held in the Ministry of Road Transport and Highways on 29.10.2013. Referring to the manufacture and supply of HSR Plates from the Assam unit, in the meeting, decision was taken to constitute a team of three members to inspect and verify the procedure and manufacturing activities in the plant located at Assam *inter-alia* on various aspects i.e. quantity of HSR Plates produced till date which includes: (i) sizes and colours of plates; (ii) laser code records; (iii)

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security feature records and (iv) status of plants at Assam including where the job work is done etc. The three members committee gave its inspection report dated 29.11.2013. As per the report, the team observed that there is only one building in the same compound having the address of 54, Brahmaputra Industrial Park, Sila, Sila Sinduri Ghopa Changsari, Kamrup, Assam and the same is divided into two parts; one part is registered in the name of M/s. Utsav and other part is registered in the name of M/s. Rosmerta. The committee observed that M/s. Utsav was supplying raw material to M/s. Rosmerta who in turn was manufacturing blank plates as a job work with the material supplied by M/s. Utsav. Based on the inspection, the team recorded its conclusion as under:

SUPREME COURT OF INDIA

"Conclusion:

- Utsav is outsourcing the HSRP blank operation through job work from ROSMERTA. Laser coding as well as security features control was executed by Utsav from beginning to till date.
- Utsav Guwahati plant dispatched a total of 5673391 Pcs HSRP plates since December 2012 onwards and they are given as under:-
  - ✓ Himachal Pradesh factory with and without laser coding
  - ✓ Delhi for laser coding and distribution
  - ✓ All State consortium partners after laser coding
  - Out of a total 5673391 Pcs HSRP plates, 19,19,550 HSRP plates were dispatched in the month of November, 2013 by Utsav to various implementing companies while 51830 Pcs HSRP is stock at the Guwahati factory of Utsav."

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Petitioner alleges that as per bid document of M/s. Utsav, HSRPs ought to have been manufactured at Himachal Pradesh Plant of M/s. Utsav. However, the plates were manufactured at an unauthorized unit in Assam and thus it is a clear case of sub-contracting of work carried without control and supervision of M/s. Utsav which has been conferred TAC and CoP and a clear case of violation of Rule 50 and Orders of this Court emerges.

16. The petitioner's counsel also relies upon the report of the Inquiry Committee of NCT of Delhi dated 31.01.2014 which reported large scale violations committed by the approved manufacturer in the NCT of Delhi (i.e., consortium of M/s. Utsav–Technical Partner and M/s. Rosmerta–Financial Partner). It is stated that NCT of Delhi had also issued show cause notice dated 10.03.2014 to the consortium of M/s. Utsav i.e. M/s. Rosmerta stating that "M/s. Utsav Safety Systems Pvt. Ltd. Technical Partner of SPB are not supplying any blank HSR Plates after 10.08.2013 and also alleged that uncertified HSRPs are being procured/supplied/affixed by M/s. Rosmerta Technologies.

17. Furthermore, the petitioner relies upon the Utsav's letter dated 17.10.2013 addressed to the Transport Commissioner, Government of Delhi wherein M/s. Utsav has

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admitted that its concessionaire partners have supplied uncertified and unauthorized HSRPs. The relevant portion of the said letter dated 17.10.2013 addressed to the Transport Commissioner, Government of Delhi, reads as under:-

> "...It is to bring to your kind notice that M/s. Rosmerta Technologies Ltd. which is the other stake-holder, in the SPV has been concerned with the purchase of Blank number plates from M/s. Utsav Safety Systems Pvt. Ltd. and the supply embossment and fixing of the same to the vehicles in the State. It is noteworthy that M/s. Rosmerta Technologies Ltd. under the guise of the Concession agreement has supplied huge quantities of HSRP in the name of M/s. Utsav Safety Systems Pvt. Ltd. to the Vehicle owners of the State without taking M/s. Utsav Safety Systems Pvt. Ltd. manufactured HSRP and by resorting to the supply of uncertified and unauthorized HSRP's. I would like to bring to your kind notice that the manufacturing establishment that has been laid at Guwahati, Assam by M/s. Rosmerta Technologies Limited has not been approved by Automotive Research Association of India (hereinafter referred to as 'ARAI'), hence any supplies of HSRP made from there would be a prima facie violation of the Rule 50 and its inherent norms of selection of Type Approved Manufacturer for the supplies of HSRP in any of the States of India."

The counsel averred that on the same line, M/s. Utsav had also issued notice to M/s. Linkpoint Infrastructure Pvt. Ltd. stating that under the guise of Concession Agreement, M/s. Linkpoint Infrastructure had unauthorisedly manufactured and supplied uncertified number plates in the respective States and thereby committed material breach of Rule 50 of the CMV Rules and also the Orders passed by this Court. Subsequently, M/s. Utsav and M/s. Linkpoint Infrastructure Pvt. Ltd. by the settlement dated 19.03.2014 have resolved

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and settled all their disputes and arrived at final settlement regarding their *inter-se* disputes.

18. Learned counsel for the petitioner submitted that as per the bid document the only plant which was approved was Bilaspur, Himachal Pradesh Plant and there is enough material on record to show that 5725221 blank HSR Plates were manufactured and supplied from the unauthorised and unapproved plant in Assam and there was no approval granted to the said plant at Assam and the same is in violation of Rule 50 and orders of this Court and such violation is due to lack of respondent's administrative conviction to abide by the existing statutory norms and the petitioner therefore prayed for initiating contempt proceeding against respondents and also *inter alia* prayed for various directions for strict compliance of HSRP Order 2001.

19. Per Contra, counsel for the respondents have in response to the allegations in the contempt petitions, filed various affidavits denying that there has been any disregard to the orders of this Court. In the affidavit filed onbehalf of respondents No. 1 to 4, it is averred that Rule 50 of CMV Rules of 2001 does not place a specific bar on 'job work' or sub-contracting and the same would however be subject to sub-clauses (xvii) and (xviii) of Clause 4 of the Motor Vehicles

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New HSRP Order that the manufacturer or the supplier would all times be in control over all the security features and that he shall not sell any incomplete plate or security features to anyone. It is further averred that the complete bar on the job work may hinder implementation of HSRP scheme in a time bound manner. It has been contended that in the process of implementation of HSRP Scheme, it may be possible to get the certain items of work executed on 'jobwork' basis without compromising security of the process. It is further submitted that the issue of 'outsourcing' was examined in the Ministry of Road Transport and Highways in a meeting of the representatives of ARAI and CRRI held on 03.02.2014. It was decided that the provisions of the Motor Vehicles (New High Security Registration Plates) Order 2001 with its amendments cannot be interpreted to prevent outsourcing of manufacturing activities to other firms when all security features are in control of TAC manufacturer or the supplier.

20. The statutory agency viz., ARAI in its counter affidavit stated that M/s. Utsav is outsourcing its work through jobwork done from M/s. Rosmerta Infrastructure Pvt. Ltd. States have also filed various affidavits stating that they have taken sufficient action to comply with the orders of this Court to implement HSRP scheme. Many States in their

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counter affidavits have referred to the action taken against M/s. Utsav by issuing show cause notices for violation of Rule 50.

21. We have considered the rival submissions and perused the averments in the counter affidavits and other material on record.

22. At the outset, it is necessary to note that M/s. Utsav Safety Systems Pvt. Ltd. (for short "M/s. Utsav") has got a tender for manufacturing HSRPs at least in seven states by entering into Special Purpose Vehicle (SPV) either with M/s. Linkpoint or with M/s. Rosmerta. The details of the contracts awarded to M/s Utsav and the SPVs/consortium partners are as under:-

Sl. No.	State	Details of SPV/Consortium Partners
i.	Himachal Pradesh	SPV M/s. Link Utsav Ventures (P) Ltd. (SPV Partners M/s. Link Point Infrastructure Pvt. Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.)
ii.	Haryana	SPV M/s. Link Utsav Registration Plates Pvt. Ltd. (SPV Partners M/s. Link Point Infrastructure Pvt. Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.)
iii.	Uttarakhand	SPV M/s. Link Utsav HSRP Pvt. Ltd. (SPV Partners M/s. Link Point Infrastructure Pvt. Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.)
iv.	Delhi	SPV M/s. Rosmerta HSRP Ventures Pvt. Ltd. (SPV Partners M/s. Rosmerta Technology Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.)
v.	Andhra Pradesh & Telangana	SPV M/s. Link Autotech Pvt. Ltd. (SPV Partners M/s. Link Point Infrastructure Pvt. Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.)
vi.	West Bengal	Consortium Partners M/s. Utsav Safety Systems Pvt. Ltd., M/s. Subba Microsystems Ltd. and M/s. M.S. Associates.
vii.	Bihar	Consortium Partners M/s. Link Point Infrastructure Pvt. Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.).

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In so far as the State of Madhya Pradesh is concerned, M/s. Utsav is in SPV partnership with M/s. Linkpoint. Due to violations of Rule 50 plus terms and conditions of the contract, the contract awarded to SPV–M/s. Linkpoint Infrastructure Pvt. Ltd. had been cancelled and the matter is *sub-judice* in the High Court of Madhya Pradesh.

23. Before we proceed to consider the merits of the contentions raised by the petitioner, it is imperative to discuss what are TAC and CoP:-

Type of Approval Certificate (TAC) and Conformity of Production (CoP): Once a person has been declared successful bidder for the manufacturing of HSRPs then such bidder has to obtain TAC and CoP from the testing agency before starting manufacturing. Rule 50 of the Central Motor Vehicles Rules 1989 provides for form and manner of display of registration marks. Rule 50 authorizes the testing agency to give TAC to individual manufacturer for the manufacture of HSRPs. In conformity with the specifications prescribed under the rules. At present there are four testing agencies to issue TAC which include the Automative Research Association of India (ARAI); Vehicle Research and Development Establishment (VRDE); Central Road Research Institute (CRRI), New Delhi. The successful bidder for the manufacturing of HSR plates after

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completion of manufacturing of HSR plates to apply for TAC, has to pay the prescribed fee and submit prototype samples of licensed plates conforming to the specifications under the rules. After brief checking of approval of drawings, each manufacturer will have to submit prototype samples of the licensed plates conforming to the drawing approved by the institute. The testing and evaluation of HSRP samples shall be as per the specifications laid down in the gazette notifications. M/s. Utsav was initially issued the TAC on 08.07.2002 by ARAI and received the first conformity of the production on 07.08.2003 and the same were subsequently renewed.

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24. In the counter affidavit filed by sixth respondent (ARAI), it is stated that there are two stages of manufacturing process–first carried out in a plant/factory of the TAC holder and thereafter the processes like embossing of registration allocated by the concerned RTO which is to be undertaken in RTO premises. Details of two stages of manufacturing and installation process are as under:-

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Processes which are to be carried out in the plant/factory of TAC holder:

- Purchase of Raw material namely reflective sheet, Aluminium Plate, Chromium based hologram, hot stamping black foil film and non-removable snap lock for fixing plates etc.

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- Lamination of reflective sheet having blue endorsement of IND on the aluminium plate.
- Hot Stamping of Hologram on the reflective sheet after lamination.
- Stamping of blank plate.
- Edge formation of the plate.
- Etching unique security laser coding number running serially having two allocated alphabets prefixed to the unique number as given in TAC.

Processes which are to be taken in RTO premises:

- Embossing of registration number allocated by RTO along with hot stamping of black foil with blue pigment inscription on the number allocated and also on the border of plate.
- Making of the third sticker on a destructive film having hologram, laser coding numbers, name of RTO, engine number, chasis number, registration number allocated by RTO for front and rear plates.
- Fixation of finished HSRP on the vehicle using Snap Lock and fixing of third sticker on the wind screen for 4-wheeled vehicles.

25. From the report of the minutes of the various meetings and report of the inspection team, it is seen that M/s. Rosmerta is not a Technical Partner or a Financial Partner (except in the NCT of Delhi) in any of the States where M/s. Utsav has got a tender of manufacturing HSRPs. As per the HSRP Order of 2001, HSRPs have to be certified by the testing agencies. Manufacturing unit of M/s. Rosmerta in the State of Assam has not been certified by any of the testing agencies. As per the CoP guidelines, the manufacturer of HSRPs has to inform the testing agency which had granted the TAC within one month of commencement of

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manufacturing and thereafter has to inform after every fifteen lakhs plates manufactured or two years whichever is earlier. As noticed earlier, as per the report of the inspecting team dated 29.11.2013, M/s. Rosmerta–Assam Plant had manufactured a total number of 5725221 blank HSRPs and distributed to consortium partners of all States. However, M/s. Rosmerta has not been granted the CoP certificate from the testing agency, evidently the HSRPs manufactured at M/s Rosmerta Assam Plant could not have been verified by the testing agency.

26. M/s. Utsav filed IA No.3/14 dated 25.02.2014 stating that joint venture consortium of M/s. Utsav with M/s. Rosmerta in the NCT of Delhi is the approved manufacturer. While M/s. Utsav in consortium with M/s. Linkpoint (SPV partners) is the approved manufacturer in the States of Haryana, Madhya Pradesh, Himachal Pradesh, Uttarakhand, Bihar, Delhi and Andhra Pradesh, in I.A.No.3/14 M/s. Utsav has highlighted how it has lost control over the manufacturing process, is in violation of CoP, and also manufacture and supply of HSRPs by M/s. Rosmerta situated in the State of Assam which has not been certified by any of the testing agencies and that there is clear violation of Rule 50 of CMV Rules and CoP guidelines. Though, subsequently

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M/s. Utsav filed the application to recall the said I.A.No.3/14, the averments made in I.A.No.3/14 speak volumes about the actual truth of the Concessionaire Agreement between M/s. Utsav Technical Partner on the one hand and M/s. Rosmerta and M/s. Linkpoint on the other.

27. In the light of the above discussion, in our view, there seems to be *prima facie* violation of Rule 50 of CMV Rules and orders passed by this Court. The question is whether the respondents/officials are to be proceeded against for wilful disobedience of the various orders passed by this Court. In the facts and circumstances of the case discussed infra, we are not inclined to initiate contempt proceedings against the respondents. M/s. Utsav has given an undertaking to the effect that in future it shall not outsource the blank plate manufacturing as jobwork and that the HSRP scheme will be implemented as per the terms and conditions of the contract. The undertaking of M/s Utsav reads as under:

- That Utsav is a holder of Type Approval Certificate (TAC) and Conformity of Production (CoP) having a manufacturing facility as on date at Plot No.3A, Phase IV, Industrial Area, Golemath, District Bilaspur, Himachal Pradesh-174201.

- I hereby state that Utsav shall not outsource the blank plate manufacturing (as was being done at Assam till November 2013) as job work for the purpose of implementation of the terms and conditions of the contract. Utsav who holds TAC Certificate will be

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manufacturing blank plates at its plant in Himachal Pradesh and the implementation of the HSRP Scheme will be done by the Concessionaire at the place designated by the State transport authorities in accordance with the terms and conditions of the contract and the MV Rules/Order.

- ....In the event, any such other/additional unit/s of Utsav commences manufacturing activity in any other location, due process of law will be followed and necessary approvals would be taken as envisaged under the applicable norms and requirements flowing from Act, Rules, Order etc. and the conditions stipulated under respective tenders, as accepted. In that eventuality, Utsav may manufacture not only at Himachal Pradesh but at any other place duly approved by the competent authority/ies. The statement made in Para 4 hereinabove shall equally apply to any such manufacturing activity.

Having regard to the undertaking filed by M/s. Utsav and considering the passage of time, we are not inclined to proceed with the contempt proceedings.

28. Though, we are not proceeding against the contemnors, it is open to the respective states to proceed against M/s. Utsav or the respective SPV for violation, if any, noticed or brought to its notice. Be it noted that in view of the continued non-compliance of Authority's instructions and statutory violations, the State of Madhya Pradesh has terminated the Concessionaire Agreement by its Order No.1538 dated 19.06.2014. M/s. Link Utsav Auto Systems Pvt. Ltd. filed W.P. No.3654/2014 before the High Court and the said termination was quashed by the High Court by its order dated 05.08.2014 on the ground that M/s. Link Utsav

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Auto Systems Pvt. Ltd. did not get adequate opportunity to explain its conduct and the Court granted liberty to the State Government to issue a fresh show cause notice within a period of three months. After issuing fresh notice dated 29.08.2014 and after affording fresh opportunity to M/s. Link Utsav Auto Systems Pvt. Ltd., the State of Madhya Pradesh terminated the Concessionaire Agreement by its order dated 17.10.2014. The Delhi Government also issued show cause notice dated 10.03.2014 to M/s. Rosmerta HSRP Ventures Pvt. Ltd. for non-compliance/violation of the statutory scheme and orders of this Court. We make it clear that it is open to the Delhi Government and other States to proceed against the holders of concessionaire agreements in case of any violation of the statutory scheme and orders of this Court.

29. In the counter affidavit filed by the DGM on behalf of ARAI, it has been mentioned that ARAI approves the prototype motor vehicles and safety critical components thereof, as per the notified Central Motor Vehicle Rules (CMVR) and standards referred therein. On verification of documents including testing, TAC is granted after compliance of CMVR is established. Government of India, MoRT&H vide letter No.RT-11028/5/2002 MVL dated 04.09.2002 issued

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the Conformity of Production (CoP) procedure and the aforesaid letter provides for the checks to be carried out by the test agency during the first CoP and the subsequent CoPs. In the absence of any specific notification on the subject, this was construed as guidelines for issuing the CoP. The said letter reads as under:-

> The CoP procedure will comprise the following:-
>
> - The prospective vendors after establishing manufacturing plant in the country shall inform the concerned Testing Agency which had granted Type Approval Certificate within one month of commencement of manufacturing. The Testing Agency will draw samples of the plates from the plant within three months of date of Commencement of Production (CoP) and carry out all the tests, which were carried out at the Type Approval stage.
> - First CoP will be conducted at the manufacturer's plant and subsequent CoPs would be done on the basis of samples drawn at random from the vendor's premises. Checks as per Annexure-I may be carried out at the first and subsequent CoPs.
> - At the time of CoP all the tests, such as, visual test, status of laser branded permanent identification number of the plate, vis-à-vis, records of the RTO regarding issue of plates etc. shall be carried out, except weathering test which may be carried out once in two years. Details of checks to be carried out at the first and subsequent CoPs are at Annexure-I.
> - The CoP frequency shall be 5 lakh number plates or six months whichever is earlier.

30. The main concern of the petitioner is that M/s. Utsav Safety Systems Pvt. Ltd. which is holding TAC issued by ARAI has to manufacture the HSRP in its own plant and it cannot give incomplete plates or jobwork to other consortium partners namely M/s. Linkpoint Infrastructure Pvt. Ltd. and M/s Rosmerta Technologies Ltd. who are selling illegal HSRPs in various States. ARAI has no role to play so far as activities

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of M/s. Linkpoint Infrastructure Pvt. Ltd. and M/s. Rosmerta Technologies Ltd. are concerned. ARAI has stated that it has no role to play in job work and that M/s. Utsav Safety Systems Pvt. Ltd. shall exercise complete control over all security features in its possession and shall be responsible for the use of any security feature on registration plate in the open market either by himself or by any other person on his behalf.

31. In the counter affidavit filed by the Director, CRRI it is stated that CRRI is one of the agencies empowered by law to issue Type Approval Certificate. Consequent to the issuance of the TAC, the CRRI has to undertake the Conformity of Production (CoP) proceedings for every TAC holder. This is to ensure that the HSR Plates so manufactured by the TAC holding companies are indeed in conformity with the conditions of the TAC and the HSRP Scheme.

32. In the counter affidavit filed on behalf of Union of India on 05.09.2014, it has been specifically mentioned that the role of the Union of India is limited to notifying the Rules mandating installation of HSRP on vehicles, notifying the standards and specifications of HSRP and the testing agencies which are to test the plates, type approval of vendors

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based on the above specifications and to notify the date of implementation. The Union of India has modified the Standard and Specifications vide 'The Motor Vehicle (New High Security Registration Plates) Order-2001' and has notified the testing agencies also. In the counter affidavit filed by Union of India, it is averred that the implementation of the scheme in accordance with the rules framed by the Union of India and 'The Motor Vehicles (New High Security Registration Plates) Order, 2001' is the responsibility of the States/Union Territories which is being implemented by the respective States.

33. Even though Union of India has stated that the implementation of the scheme in accordance with the rules framed by Union of India is the responsibility of the States/Union Territories, in our view, the Union of India has to ensure that there is regular check of manufacturing units which are engaged in the HSRP project by coordinating with the various States/Union Territories. Likewise, as per the guidelines issued in the letter dated 04.09.2002, it is for ARAI to check the plates as per Annexure-I enclosed with the said letter and that it takes stern action as and when there are violations/deviations.

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34. Though we are not inclined to initiate the contempt proceedings yet in order to enable the statutory authorities to keep a control over the implementation of the scheme, it is necessary to issue directions/guidelines for proper implementation of the HSRP Scheme as under :-

i. The State Governments shall ensure the strict adherence of Rule 50 of CMV Rules and various orders issued by this Court in Writ Petition No. 510 of 2005 and shall ensure that the selected manufactures are able to satisfactorily build the requisite capacity and infrastructure thereby ensuring smooth implementation at the grass root level. The State Governments shall ensure selection and authorisation only of those TAC manufactures who have been financially and technically competent to manufacture and supply the requisite number of HSRP in the State.

ii. Manufacturing of HSRP starts with the grant of TAC and CoP. Hence, periodic assessment, review and audit by the testing agencies of all the aspects involved in the HSRP product specifications, process compliances and operational procedures in totality is warranted. The testing agencies shall ensure that quality and specifications is not being compromised.

iii. Furthermore, the HSRP contracts should be awarded pursuant to a transparent tender process. The factors such as topographical and geographical conditions, vehicular population, adequate infrastructure, cost of managing logistics, equipments and human resources etc. must be considered before accepting any bid and entering into the contract.

iv. The authorized HRSP manufacturer shall not outsource the blank plate manufacturing as job work for the purpose of implementation of terms and condition of the Contract signed. HSRP Scheme should be done by the Concessionaire at the place designated by the State Transport authorities in accordance with the terms and conditions of the Contract and MV Rules/Order.

v. The authorized manufacturer shall be permitted set up other/additional manufacturing units in accordance with the Acts and Rules. In any event, it is directed that any such other/additional units of Utsav commences manufacturing activity in any other location, due process of law will be followed and necessary approvals would be taken as envisaged under the applicable norms and

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requirement flowing from Act, Rules, Order etc. and the Conditions stipulated under respective Tenders, as accepted.

vi. HSRP manufacturers should carry out all the processes of HSRP project in the plant as indicated in the tender documents, namely:

(a) purchase of raw materials, such as, reflective sheet, aluminium plate, chromium based hologram, hot stamping black foil film and non-removable snap lock for fixing plates, etc;

(b) lamination of reflective sheet having blue endorsement of IND on the aluminium plate;

(c) hot stamping of Hologram on the reflective sheet after lamination;

(d) stamping of blank plate;

(e) edge formation of the plate;

(f) etching unique security laser coding number running serially having two allocated alphabets prefixed to the unique number as given in TAC;

(g) the selected manufacturers should ensure that every process of the work is being done under its control with the help of trained workers and not to sub-contract or outsource any part of the process of the work to forgo security norms.

Note:- All the above processes ought to be carried out in the plant of the manufacturer as indicated in the tender documents.

vii. The State Government should ensure that successful bidders or sub-contractors or other parties do not have control over the manufacturing processing and fixation of HSRP in any manner unless authorized under law. It must be ensured that one single person is responsible for manufacturing, affixation of seals, imprinting of umbers and affixation of HSRP on vehicles.

viii. The record must be maintained by the manufacturer of HSRP as to the number of plates manufactured and made ready everyday alongwith weekly and monthly statements.

ix. The manufacturing unit must strictly govern and control the implementation of the process of production and fixation of HSRP. All the concerned authorities are directed to look after the aforesaid process being adopted for fixation of HSRPs and State must report back if the violation continues.

x. The testing agencies along with the team comprising of State level officer (not below the rank of RTO) and one expert as nominated by the Transport Commissioner of

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the respective State shall inspect the unit and certify the manufactured HSRP and manufactured HSRP shall leave the factory premises of the manufacturer only after being cleared by the testing agencies.

xi. The transport officials of the State Government shall ensure that manufacturing units are periodically inspected and ensure compliance of Rule 50 of the CMV Rules and also the terms and conditions of the Contract. Additionally the Central Government should form Committees in collaboration with the State Governments in order to keep regular check on the manufacturing units which are engaged in HSRP project. The manufacturing units must be periodically inspected by the Committee so constituted and report be sent to MoRTH and also to the Transport Commissioner of the concerned State highlighting the compliance or otherwise of Rule 50 of the CMV Rules, the terms and conditions of the contract and also any shortcomings noticed during inspection and suggestions by the team.

xii. The Central Government and the State Governments should strictly implement HSRP policy in all the States in a time bound manner.

xiii. The Central Government and the State Governments should register complaints regarding the violation and, in case of violations, both the Central Government and the State Governments should take strict action in accordance with law.

xiv. The Central Government should create a nationwide common repository of Vehicular Registration Data for achieving the basic objective behind the idea of HSRP scheme and thereby ensuring smooth implementation at the grassroot level.

xv. It is directed that the concerned shall strictly implement the rules and also orders of this Court in letter and spirit and not dilute any standards of HSRP, voluntarily or otherwise. All the authorities must take proactive measures to implement the HSRP Order according to the provisions stated.

xvi. The HSRP process initiated by States for implementation of the Scheme must be such that even in the case, where parties had bid in the capacity of a consortium or a joint venture, the State are under obligation in respect of tenders floated by the respective states to create a Special Purpose Vehicle which would finally enter into a Concession Agreement, but in any event the State must ensure that entire responsibility of HSRP project would remain with one entity/SPV which would be responsible

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for manufacturing, affixation of seals, imprinting of numbers etc. It is directed that Concessionaire would be exclusively responsible for the entire process.

xvii. A specific direction is issued to Additional Commissioner (Traffic) and DCP (Traffic) to organize a special drive and compliance thereto must be recorded.

xviii. The Central Government and State Government are directed to strictly regulate as well as monitor the implementation as per the provisions of law including the provisions of Motor Vehicles (New High Security Registration Plates) Order, 2001 and aforesaid directions issued by this Court.

35. With the above directions and observations, contempt petitions are disposed of. It will not however, prevent the respective States to proceed against M/s. Utsav or the respective SPV for the violation of the terms and conditions of the contract, if any, Rule 50 of the CMV Rules and directions/orders of the respective State Governments.

.....CJI.
(T.S. THAKUR)

JUDGMENT

.....J.
(R.K. AGRAWAL)

.....J.
(R. BANUMATHI)

New Delhi;
July 13, 2016

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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 27440 OF 2022

M/s. Orbiz Automotivez .... *Petitioner*

Mr. S.K. Padhi, Senior Advocate,
being assisted by
Mr. Ipsit Aurobindo Acharya, Advocate

-versus-

Union of India and others .... *Opp. Parties*

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No. **19.04.2023**

8. 1. This matter is taken up through hybrid mode.

2. This writ petition has been filed for a direction to the Opposite Party Nos.2 and 3 to modify the order dated 26th May, 2022 (Annexure-1) to the effect that manufacturers of High-Security Registration Plates having obtained Type Approval Certificate from the competent testing agencies prescribed under Rule 126 of the Central Motor Vehicles Rules should be allowed to fix HSR Plates on old and existing vehicles registered before 1st April, 2019.

3. In course of hearing, Mr. Padhi, learned Senior Advocate appearing for the Petitioner prays for withdrawal of the writ petition submitting that the Petitioner will redress its grievance before the concerned authorities. A memo to that effect has been filed in Court, which is taken on record.

4. In view of the submission made by Mr. Padhi, learned Senior Advocate appearing for the Petitioner and the memo filed, this writ petition is disposed of as withdrawn.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED DATE : 01.03.2021

PRONOUNCED DATE : .2021

CORAM

THE HONOURABLE THIRU JUSTICE **B.PUGALENDHI**

W.P.No.4139 of 2021
&
W.M.P.Nos.4722 & 4724 of 2021

M/s.Yarya Sekur Pvt.Ltd.,
Rep by its Director Mrs.K.Senthamarai. ... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by the Secretary, Transport Department,
Fort St.George, Chennai - 600 009.

2.The Additional Chief Secretary/Transport
Commissioner, Transport Department,
Ezhilagam, Chepauk, Chennai - 600 005.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the 2nd respondent in 'INVITATION FOR BIDS (IFB)' dated 13.01.2021 for, High Security Number Plates and quash the same.

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For Petitioner : Mr.T.Gowthaman

For Respondents : Mr.Vijay Narayan,
Advocate General
Mr.Kumaresh Babu,
Additional Advocate General
Assisted by
Mr.P.S.Siva Shanmuga Sundaram
Special Government Pleader

COURT OF JUDICATURE MADRAS

ORDER

The petitioner/Company, a licensee for manufacturing High Security Registration Plate by the Central Road Research Institute, New Delhi, filed this Writ Petition as against the tender notification called for by the second respondent on 13.01.2021 for implementing the High Security Registration Plates project for the old vehicles manufactured prior to 01.04.2019.

2. The High Security Registration Plates (hereinafter referred as HSRP) was introduced in the year 2001, by amending Rule 50 of the Central Motor Vehicles Rules, 1989, by imposing certain conditions on displaying the number plates at the front and at the rear of all motor vehicles. The object of HSRP is to ensure safety and to curb out crimes committed through vehicles, such as kidnapping, dacoity, terrorist

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activity and murder.

3. Mr.T.Gowthaman, learned counsel for the petitioner submits that every State and Union Territory in India is bound to implement the HSRP scheme through the approved licensee of the Central Government. The petitioner company has been approved as a licensee for manufacturing and supply of the HSRP in India as per the Central Motor Vehicles Rules. Neither the State Government nor the State Transport Authority is having any powers in selecting a vendor for implementing HSRP scheme in the State. He would further submit that pursuant to the Notification of the Central Government, the petitioner has made heavy investments for the HSRP project. As per the Regulations of the Central Government in G.S.R.No.221(E) 2001, S.O.6052 and G.S.R.104, there is no discretion vested with the State Authority to call for a tender. Therefore, this act of the State Government in identifying the suppliers through tender is contrary to the scheme and the Notification of the Central Government and this impugned tender would defeat the very object for which the scheme has been introduced.

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4. Learned Counsel further submits that vide G.S.R.221(E)2001, Rule 4(x), the manufacturer or the vendor selected by the State Transport Department for supply of such registration of HSRP plates was permitted for the State as a whole or for any region of the State. The Rule that gave exclusive discretionary powers for HSRP vendors was first amended by S.O.6052, as follows:

"S.O.6052 (5)(ii) the manufacturers of suppliers of high Security registration plates, if so authorized by the State concerned, may also supply the high Security registration plates including the third registration mark on old vehicles after placing the registration mark.

This was further amended by G.S.R.104 and the relevant clauses reads as follow:

"G.S.R.104(E)(d) for clause (v), the following clauses shall be substituted, namely:

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers or by approved license plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency

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authorized under Rule 126."

5. Learned Counsel for the petitioner further submits that as per this amendment in G.S.R.104, the State Government is not having any authority to authorize any vendor for the old vehicles and it can be effected only through the approved license plate manufacturers or their dealers and therefore the present tender floated by the second respondent is against the provisions of G.S.R.104.

6. In response to the same, Mr.Vijay Narayan, learned Advocate General submits that the Central Motor Vehicles Act empowers the State Government to appoint and authorize persons to implement the Act and the Rules. The State Government has promulgated Rules appointing various Officers for effective implementation of the Act and Rules. He further submits that after the amendment of the Central Motor Vehicle Rules, 1989, by introducing HSRP scheme throughout the Country in the year 2001, the State Governments issued Notifications calling for tenders for implementation of the HSRP Scheme.

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7. Learned Advocate General further submits that those

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Notifications were subject matter of writ petitions before various High Courts and the Hon'ble Supreme Court of India vide its judgment dated 30.11.2004 in the case of ***Association of Registration Plates Manufactures of India Vs. Union of India reported in 2005(1)SCC 679*** has held that the State, as the implementing authority has to ensure that the scheme of the high security plates is effectively implemented and that keeping in view of the enormous work involved in switching over to new plates within two years for existing vehicles of such large numbers in each State, the resort to a "trial-and-error" method would prove hazardous. The Hon'ble Apex Court further held that the State's concern to get the right and most competent person cannot be questioned and that no person can claim Fundamental Right to carry on business with the Government and a selection of one manufacturer through the process of open competition is not a creation of any monopoly in violation of Article 19(1)(g) r/w. Article 19(6) of the Constitution.

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8. He further submits that the State Government has issued IFB dated 18.01.2021 for the conversion of old vehicles into HSRP and the same has been issued as mentioned under S.O.No.6052 (E) dated

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06.12.2018, Clause No.5(ii) - (HSRP Order 2018), G.S.R.104(E) - dated 11.02.2020, Clause 2(d), Circular dated 16.09.2020 issued by Ministry of Road Transport and Highways, Section 41(6), Section 47, Section 48, Section 64, Section 65, Chapter IV of the Motor Vehicles Act, 1988 and the directions of the Hon'ble Supreme Court of India vide its judgment dated 30.11.2004 passed in W.P(C).No.41 of 2003, judgment passed in W.P.(C).No.510 of 2005, C.P(C).No.483 of 2013 and W.P.(C).No.13029 of 1985 titled M.C.Mehta Vs. UOI.

9. According to the learned Advocate General, the selection of HSRP vendor for the purpose of conversion of old vehicles into HSRP line with the State Government as directed by the Central Government and the State has been bestowed with the responsibility by the Central Government to authorize any vendor for the purpose of implementation of the scheme and it has been confirmed by the Hon'ble Apex Court in several judgments. He has relied on the following judgments in support of his contentions:

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(i) (2005) 1 SCC 679 [W.P.(C).41 of 2003 dated 30.11.2004].

(ii) (2011) 11 SCC 315 [I.A.Nos.10 & 11 of 2010 in W.P(C).No.510 of 2005 dated 08.05.2008].

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(iii) (2011) 11 SCC 273 [W.P(C).No.510 of 2005 dated 07.04.2011].

(iv) (2011) 14 SCC 273 [W.P.(C).No.510 of 2012 dated 30.08.2011].

(v) (2012) 1 SCC 273 [W.P.(C).No.510 of 2005 dated 13.10.2011].

(vi) (2012) 1 SCC 707 [W.P.(C).No.510 of 2005 dated 08.12.2011]

(vii) (2012) 4 SCC 568 [W.P.(C).No.510 of 2005 dated 07.02.2012]

(viii) C.P.(C).No.483 of 2013 dated 13.07.2016, of the Hon'ble Supreme Court.

(ix) W.P.(C).No.13029 of 1985 dated 10.12.2018, of the Hon'ble Supreme Court.

सत्यमेव जयते

10. In the case of ***Association of Registration Plates Vs. Union of India & others*** reported in ***2005(1) SCC 679***, the Hon'ble Apex Court has held as follows:

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> *"40.Selecting one manufacturer through a process of open competition is not creation of any monopoly, as contended, in violation of Article 19(1)(g) of the*

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Constitution read with clause (6) of the said Article. As is sought to be pointed out, the implementation involves large network of operations of highly sophisticated materials. The manufacturer has to have embossing stations within the premises of the RTO. He has to maintain a data of each plate which he would be getting from his main unit. It has to be cross-checked by the RTO data. There has to be a server in the RTO's office which is linked with all RTOs' in each State and thereon linked to the whole nation. Maintenance of record by one and supervision over its activity would be simpler for the State if there is one manufacturer instead of multi-manufacturers as suppliers. The actual operation of the scheme through the RTOs in their premises would get complicated and confused if multi-manufacturers are involved. That would also seriously impair the high security concept in affixation of new plates on the vehicles. If there is a single manufacturer he can be forced to go and serve rural areas with thin vehicular population and less volume of business. Multi-manufacturers might concentrate only on urban areas with higher vehicular population.

45.On behalf of the petitioners, paragraph 2 of rule 50(1)(v), which is reproduced below, has been interpreted. The contention is that it does not contemplate selection of sole manufacturer for a State or a Region. The relevant paragraph 2 of rule 50(1)(v) reads thus :-

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"Rule 50(1)(v). Form and manner of display of registration marks on the motor vehicles. (1).....

(i) to (iv) .....

(v) .....

The licence plates with all the above specifications and the specified registrations for a vehicle shall be issued by the registering authority or approved licence plates manufacturers or their dealers.

The Central Road Research Institute, New Delhi or any of the agency authorized by the Central Government shall approve the license plates manufacturers to above specification. [Emphasis supplied]

46.Learned counsel for the petitioners argues that the use of the word "approved" in para 2 of clause (v) of rule 50(1) has to be given its natural meaning and cannot be read to mean "selected" through notice inviting tender. In this respect, it is further submitted that the rule making authority has used the word 'approved' and 'approve' twice in the same paragraph. The rule read harmoniously rules out selection of sole manufacturer through a tender process. The argument in substance is that every approved licence plate manufacturer can be entrusted with the job of supplying the registration plates and selection of

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one manufacturer for the job is against the intendment of the rule.

47.The above argument seems attractive but on closer scrutiny is unacceptable. The rule is interpreted to mean that the registration plates can either be issued by RTO to the exclusion of all others or all type approval certificate holders must be allowed to do business of supply in open market. In other words, according to the petitioners, the rule contemplates that if the registering authority does not supply the plates itself, it allows all TAC holders to do the business without any restriction.

48.In interpreting the rule, the object of the scheme providing for affixation of high security plates has to be kept in view. Where the RTO himself is not making the supply of plates, any approved registration plate manufacturer can be selected for supply. The legal obligation on the registering authority under rule 50(1)(v) to issue specified kinds of registration plates implies issuance of such registration plates through a selected approved plate manufacturer. Paragraph 2 of clause (v) of rule 50(1), if reasonably construed, does not indicate any prohibition of selection of an approved plate manufacturer for assisting the registering authority to implement the scheme of affixation high security registration plates to existing vehicles and new vehicles. Such an interpretation fulfils the object of the scheme. The interpretation sought to be placed by the petitioners on the said para of the rule

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would result in frustrating the high security aspect and object of the scheme of affixation of high security registration plates on vehicles."

11. This Court paid its anxious consideration to the rival submissions made and also perused the materials available on record.

12. The Government of India introduced High Security Registration Plates scheme throughout the Country in order to ensure public safety and security in order to prevent crimes committed through vehicles by amending the Central Motor Vehicle Act, 1988 and Central Motor Vehicle Rules, 1989. Pursuant to the same, several States issued notices inviting tenders for implementing this HSRP scheme and the said notifications were challenged before various High Courts and finally the Hon'ble Apex Court in the case of ***Association of Registration Plates*** (cited supra) held that the State, as the implementing agency has to ensure that the scheme of the high security plates is effectively implemented. Keeping in view the enormous work involved in switching over to new plates within two years for existing vehicles of such large numbers in each State, resort to a "trial-and-error" method would prove hazardous and the concern

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of the State to get the right and most competent person cannot be questioned. It has to eliminate the manufacturers who have developed recently, just to enter into the new field. The insistence of the State to search for an experienced manufacturer with sound financial and technical capacity cannot be misunderstood.

13. Thereafter, in order to confirm certain standards, the Ministry of Road Transport and Highways issued a Notification in S.O.6052(E) on 06.12.2018, in suppression of the Motor Vehicles (New High Security Registration Plates) Order, 2001, with certain conditions such as:

> *"4.A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-*
>
> *(a)The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.*
>
> *(b)A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the*

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mark of registration on the security license plates and printing the third registration plate are available with their dealers.

(c)The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5.(i)For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii)The manufacturers or suppliers of high security registration plates, if so authorised by the State concerned may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

14. As per this new Motor Vehicles High Security Registration order 2018, the State Governments can authorize the manufacturers or suppliers of high security registration plates for the supply of high security registration plates on old vehicles as per Clause 5(ii) of the said order.

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15. The Notification in G.S.R.104(E) was issued on 11.04.2020 and certain amendments have been done to the Central Motor Vehicle Rules 1989 by amending the Rule 50, which reads as follows;

"2.In the Central Motor Vehicles Rules, 1989 (herein after referred as the said rules), in Rule 50, Sub-Rule 1:-

(a)In Clause (i), for the words and figures "DIN 1745/DIN 1783 or ISO 7591" the following words, figures and brackets "AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO 7591" shall be substituted; notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO: 7591" shall be substituted;

(b)in clause (iii) for the word "seven" the word "ten" shall be substituted;

(c)in clause (iv):-

(i)for the words "registering authorities/approved dealers of the license plates manufacturers", the following words "registering authority/vehicle manufacturer and their dealers" shall be substituted;

(ii)for the words "license plate manufactured or his dealers" the following words "registering authority/vehicles manufacturer and their dealers" shall be substituted;

(d)for clause (v), the following clause shall be substituted, namely:-

"(v)the plate shall be fastened with non-removable/

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non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved license plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorized under Rule 126 shall approve the security registration as per the provisions of this Rule."

16.The Government of India, Ministry of Road Transport and Highways issued an Advisory to all the States Union Territories on the High Security Registration Plates on 16.09.2020. The paragraphs 3 & 4 of the State Advisory are extracted as under:

"3.The Ministry's notifications G.S.R.1162(E) dated 04.12.2018 and S.O.6052 (E) dated 06.12.2018 provides that the High Security Registration Plate including the vehicle manufacturers along with the vehicle manufactured on or after 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

4.For the affixation of HSRP on existing vehicles, the

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High Security Registration Plate including the third registration mark may be supplied and affixed either by the dealers of the vehicle manufactured after placing the mark of registration thereon or by the manufacturers or suppliers of HSRP, if so authorized by the State concerned."

17. The learned Advocate General has also relied on certain other informations provided by the Government of India as a clarifications in their website on the High Security Registration Plates that on the question, it is mentioned as follows:

"Who can be selected by State to sell/affix HSRP?
Any prospective vendor can obtain type approval certificate from any of the authorized testing agencies and thereafter can participate in the selection procedure by the State Governments. It is for the State Government to select a vendor or vendors."

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18. In the Motor Vehicles High Security Registration Plates order 2018, the State Governments were also authorized to supply the High

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Security Registration Plates on old vehicles. However, in the amendments issued vide G.S.R.104(E), there is no specific reference to the State Government. However, in the Advisory issued by the Government of India, Ministry of Road Transport and Highways, it is clarified that the fixation of high security registration plate on existing vehicles may be supplied and affixed either by the dealers or by the manufacturers or suppliers authorized by the State concern. On a similar Tender Notification which was challenged earlier in the year 2005, the Hon'ble Apex Court in the aforementioned judgment has stated that no person can claim a Fundamental Right to carry on business with the Government and the State, as the implementing authority has to ensure the scheme is effectively implemented.

19. In view of the ratio laid down by the Hon'ble Apex Court and the Advisory issued by the Union Government, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

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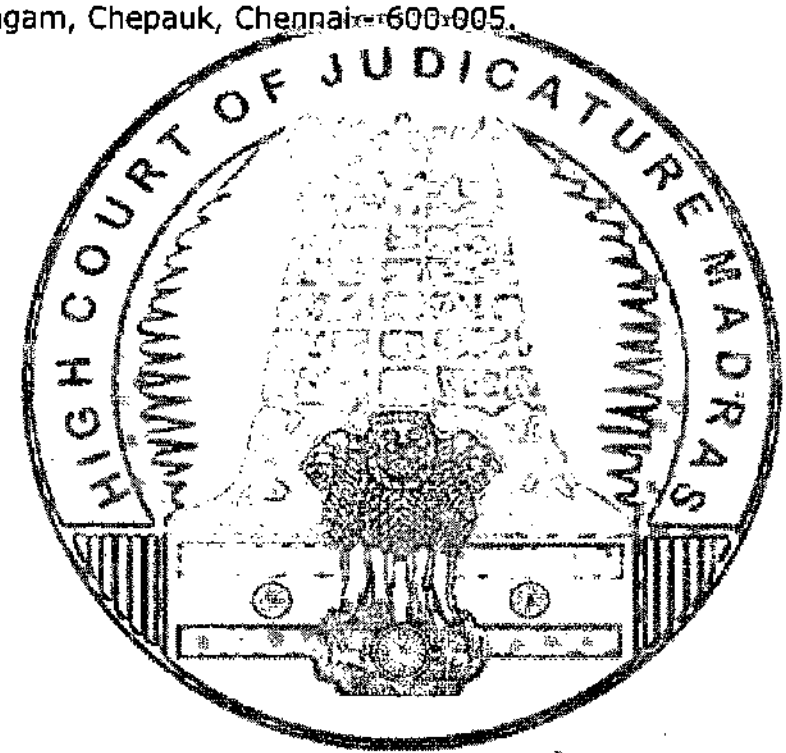
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To

1.The State of Tamil Nadu,
Rep by the Secretary, Transport Department,
Fort St.George, Chennai - 600 009.

2.The Additional Chief Secretary/Transport
Commissioner, Transport Department,
Ezhilagam, Chepauk, Chennai - 600 005.



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B.PUGALENDHI,J.

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HIGH COURT OF JUDICATURE MADRAS

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No. RT-11028/01/2018-MVL
भारत सरकार
Government of India
सड़क परिवहन और राजमार्ग मंत्रालय
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001
Dated the, 04 October, 2019

OFFICE MEMORANDUM

Sub: Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers

The undersigned is directed to forward herewith the minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

2. This issues with the approval of competent authority.

Encls- As above.

(Dr. Piyush Jain)
Director(MVL)
Tele/Fax: 23714974
e-mail: director-morth@gov.in

To

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratta, Technical Director
3. Shri P.K. Banerjee, Executive Director, SIAM
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

Copy to:

Transport Commissioners of all the States and UTs

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RT-11026/01/2018-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, New Delhi 110001

Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

List of the participants is attached at Annexure 1.

Background

1. Meeting was held in order to discuss the issues in Integration of details of High Security Registration Plates (HSRP) with VAHAN database by Vehicle Manufacturers (OEMs) as per the process decided in the meeting held on 04.04.2019 and further to the directions issued in regard to its implementation through memo dated 1st July 2019. Only as a stop gap arrangement the uploading of the HSRP details on VAHAN through the dealers or the registering authority was provided by the Ministry.

Current scenario

2. Joint Secretary (MVL) took a review of the same from NIC and SIAM, wherein it was told that the OEMs have not been uploading the inventory on the HSRP VAHAN system as developed by NIC. The system of updating of VAHAN for HSRP fitment being followed was asked to be clarified by the JS MVL from SIAM and NIC. It was clarified by SIAM that as per the amendment of the Central Motor Vehicles Rules, 1989 through GSR1162 (E) dated 4th of Dec 2018, the OEMs have themselves given the contract of HSRP supplies to the HSRP manufacturers. It was further stated by SIAM that the HSRPs are being procured through their authorised HSRP supplier and being affixed on the vehicles through their dealers. As in a State an HSRP supplier may have a contract from more than one OEM for various models, and similarly the OEM may have given a supply order to more than one HSRP supplier in the State, the SIAM said that uploading of the inventories on the HSRP VAHAN system is difficult as of now by SIAM. SIAM further stated that they are aware of their responsibilities and in support of this regulation have been working hard to make it a smooth affair but there are some difficulties on the ground.
3. Currently, the OEMs dealers provides the details of the new vehicle sold to the HSRP supplier who after embossing etc. provides the physical plates to the dealers and further provides the information of the plates to the dealer mainly

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through a mobile app or a web portal. The dealer after having affixed the HSRP to the new vehicles, has the HSRP number details manually feed on the VAHAN where there is no IT based system of tracking of HSRP details. This sometimes leads to incorrect entries made in VAHAN.

4. The JS (MVL) highlighted that as per the amendments in the Rules, issued through 4th of December, 2018, and the detailed procedure issued through the HSRP Order 2018 on 6th of December, 2018, the responsibility of procuring and supplying is with OEMs only. Their dealers can have them affixed. For the older vehicles if so directed by the State Government, it was discussed and clarified that the dealers of the particular OEM can supply for their brand as the spirit of the amendment is that the OEM shall be responsible for the security features of the HSRP. When they supply to different brand not being owned, then control of security features is lost.

5. JS (MVL) asked SIAM to provide the tabulated list and copies of "contract order" placed by OEMs for supply of HSRP, for Ministry's record. SIAM agreed to provide the copies of the same on the condition that some part especially relating to the proprietary items like price, in the document, would be blackened which SIAM think is confidential. -(Action by SIAM)

Way ahead

6. SIAM informed that in light of the difficulties as discussed, they have discussed the issues and difficulties of uploading of HSRP inventory with VAHAN database with NIC and further updating of HSRP details on new vehicles on VAHAN data and suggested a solution to streamline the process.

7. The mechanism proposed was then discussed and agreed with the members present and the representatives of NIC which would be as under-

   i. On the existing VAHAN system, NIC would provide the option to enable OEMs to configure its type approved selected HSRP supplier(s) who would be assigned the State and the RTO by the OEM. NIC would ensure that only type approved HSRP supplier is listed. -(Action by NIC)

   ii. OEMs would configure their contracted HSRP suppliers and assign them the State and RTO. -(Action by SIAM)

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iii. The dealers of the OEMs would supply the vehicle registration number and other required details to the OEM contracted HSRP supplier through their internal online mechanism. -(Action by SIAM)

iv. The OEM's contracted HSRP supplier would have the HSRP physical plates embossed and provide them to the OEMs dealers for affixation. -(Action by SIAM)

v. NIC would provide an API/Web Services to the OEMs/OEM selected HSRP suppliers for uploading the vehicle registration number, chassis number (last 5 characters), Front/Rear Laser Code (LIDs), Order type associated with each HSRP. - (Action by NIC)

vi. With regard to validation of LIDs mapping with the vehicle registration number, API would validate the data uploaded by OEM / OEMs selected HSRP supplier with authorisation provided by OEM with respect to the para 7(ii) above with the data for the vehicle sold and available in VAHAN. Only in cases of validation confirmation the HSRP details with the registration details of the vehicles would be updated.

8. NIC would make necessary changes in the VAHAN system within a month and the OEMs would also have the necessary supporting system ready for the implementation.

9. SIAM requested to amend Rule 50 of Central Motor Vehicles Rules, 1989 to look into amendment for word "along with" with "for" regarding HSRPs supplied by OEMs to the dealers. JS (MVL) agrees to examine the proposal for amendment of the Rule 50 of CMVR1989.

10. For the issue of providing and fixation of HSRP on existing vehicles, JS (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 20187, State Government has to take a decision that either the HSRP plates be supplied through authorised OEMs dealers or select HSRP manufacturers.

Meeting ended with thanks to chair.

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RT-11026/01/2018-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, New Delhi 110001

Annexure 1

From the Ministry:-

1. Shri Priyank Bharti, Joint Secretary (MVL)
2. Shri Piyush Jain, Director(MVL)
3. Shri K.C. Sharma, S.E.(Transport)
4. Shri. D.P. Saste, Consultant

From the NIC:-

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratha, Technical Director

From the Testing Agency:-

1. Shri Rajan Verma, CRRI
2. Shri Ajay D. Dekate, ARAI

From the SIAM:-

1. Shri P.K. Banerjee, Executive Director
2. Shri Amit Kr. Sharma
3. Shri Navrika Sood
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

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भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-20082022-238212
CG-DL-E-20082022-238212

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 566] नई दिल्ली, बृहस्पतिवार, अगस्त 18, 2022/श्रावण 27, 1944
No. 566] NEW DELHI, THURSDAY, AUGUST 18, 2022/SHRAVANA 27, 1944

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 18 अगस्त, 2022

सा.का.नि. 640(अ).—केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए प्रारुप नियम, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 212 की उपधारा (1) के अधीन यथा अपेक्षित, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में प्रकाशित भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की अधिसूचना संख्यांक सा.का.नि. 277 (अ), तारीख 6 अप्रैल, 2022 द्वारा प्रकाशित किए गए थे, जिसमें उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त अधिसूचना को अंतर्विष्ट करने वाली राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी, तीस दिन की अवधि के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 6 अप्रैल, 2022 को उपलब्ध करा दी गई थीं;

और केन्द्रीय सरकार द्वारा उक्त प्रारुप नियमों के बाबत जनता से प्राप्त आक्षेपों और सुझावों पर विचार कर लिया गया है;

अतः अब, केन्द्रीय सरकार, मोटर यान अधिनियम 1988 (1988 का 59) की धारा 110 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1.(1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (तेरहवां संशोधन) नियम, 2022 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

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2. केन्द्रीय मोटर यान नियम, 1989 के नियम 50 के, उपनियम (1) में, खंड (v) में "अनुज्ञप्त प्लेट के विनिर्माता के अनुमोदित डीलरों" शब्दों के स्थान पर "राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा अनुमोदित अनुज्ञप्त प्लेट के विनिर्माता या उनके डीलरों" शब्द रखे जाएंगे।

[फा. सं. आरटी-11036/99/2020-एमवीएल]

महमूद अहमद, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना संख्यांक सा.का.नि. 590 (अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और अधिसूचना संख्यांक सा.का.नि. 625(अ), तारीख 11 अगस्त, 2022 द्वारा अंतिम बार संशोधित किए गए थे।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 18th August, 2022

G.S.R. 640(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), *vide* notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 277 (E), dated the 6th April, 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Official Gazette containing the said notification were made available to the public;

AND WHEREAS, copies of the said Official Gazette notification were made available to the public on the 6th April, 2022;

AND WHEREAS, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. (1) These rules may be called the Central Motor Vehicles (Thirteenth Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 50 of the Central Motor Vehicles Rules, 1989, in sub-rule (1), in clause (v), for the words "approved licence plate manufacturers or their dealers", the words "licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration" shall be substituted.

[F. No. RT-11036/99/2020-MVL]

MAHMOOD AHMED, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i),vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended vide notification number G.S.R. 625(E), dated 11th August,2022.

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भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
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सं. 4823] नई दिल्ली, बृहस्पतिवार, दिसम्बर 6, 2018/अग्रहायण 15, 1940
No. 4823] NEW DELHI, THURSDAY, DECEMBER 6, 2018/AGRAHAYANA 15, 1940

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 6 दिसम्बर, 2018

का.आ. 6052(अ).—जबकि, केंद्रीय सरकार की यह राय है कि लोकहित में यह अधिसूचित किया जाना आवश्यक और समीचीन है कि किसी मोटर वाहन में अति सुरक्षा रजिस्ट्रीकरण प्लेट के संबंध में विनिर्माता द्वारा उपयोग की जाने वाली प्रक्रिया केंद्रीय मोटर यान नियम, 1989 के संदर्भ में कतिपय मानकों के अनुरूप होगी;

अब, इसलिए, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 109 की उप-धारा (3) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए और मोटर यान (नई अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2001 के उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हे ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया, केंद्रीय सरकार एतद्द्वारा ऐसे मानकों को विनिर्दिष्ट करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात्:—

आदेश

1. संक्षिप्त नाम और प्रारंभ: -

(1) इस आदेश का संक्षिप्त नाम मोटर यान (अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2018 है।

(2) यह आदेश 1 अप्रैल, 2019 को प्रवृत्त होगा।

2. लागू होना - यह आदेश मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 2 के खंड (28) में यथा-परिभाषित मोटर वाहनों पर लागू होगा।

3. किसी वाहन निर्माता द्वारा 1 अप्रैल, 2019 को या उसके बाद बेचे जाने वाले नए वाहनों के लिए अति सुरक्षा रजिस्ट्रीकरण प्लेट (एचएसआरपी) के संबंध में निम्नलिखित प्रक्रियाओं का अनुपालन किया जाएगा, अर्थात्: -

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(क) वाहन विनिर्माताओं द्वारा उनके डीलरों को तीसरे रजिस्ट्रीकरण चिह्न सहित टाइप अनुमोदित अति सुरक्षा रजिस्ट्रीकरण प्लेटों की आपूर्ति की जाएगी जो ऐसी प्लेटों पर रजिस्ट्रीकरण का चिह्न लगाएंगे और इन्हें मोटर वाहनों पर चिपकाएंगे।

(ख) मोटर वाहनों के विनिर्माता द्वारा यह सुनिश्चित किया जाएगा कि सुरक्षा लाइसेंस प्लेटों पर रजिस्ट्रीकरण का चिह्न लगाने और तीसरी रजिस्ट्रीकरण प्लेट को मुद्रित करने के लिए अपेक्षित अवसंरचना उनके डीलरों के पास उपलब्ध है।

(ग) अति सुरक्षा रजिस्ट्रीकरण प्लेट और रजिस्ट्रीकरण चिह्न को लगाने के पश्चात इसे वाहन पर चिपकाने की लागत को नए वाहन की कीमत में शामिल किया जाएगा और इसके लिए डीलर द्वारा वाहन खरीदार से कोई अतिरिक्त या वस्तुबद्ध लागत प्रभारित नहीं की जाएगी।

4. (i) मौजूदा वाहनों पर एचएसआरपी लगाने के लिए, तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की आपूर्ति उस पर रजिस्ट्रीकरण चिह्न लगाए जाने के पश्चात वाहन निर्माताओं के डीलरों द्वारा की जाएगी और इसे लगाया जाएगा।

(ii) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माता या आपूर्तिकर्ता, यदि संबंधित राज्य द्वारा अधिकृत हैं, तो रजिस्ट्रीकरण चिह्न लगाने के पश्चात पुराने वाहनों पर तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की भी आपूर्ति कर सकते हैं।

5. मोटर वाहनों के विनिर्माता और उनके डीलरों या अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माताओं या आपूर्तिकर्ताओं द्वारा निम्नलिखित विनिर्देशों का अनुपालन किया जाएगा, अर्थात्: -

(i) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के लिए केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली या केंद्रीय मोटर यान नियम, 1989 के नियम 126 के तहत केंद्रीय सरकार द्वारा अधिकृत किसी परीक्षण एजेंसी से एक प्रमाण-पत्र प्राप्त किया जाएगा।

(ii) रजिस्ट्रीकरण प्लेट केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उपवर्णित विनिर्देशों के अनुरूप होगी।

(iii) केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उल्लिखित, अति सुरक्षा रजिस्ट्रीकरण प्लेट की अवधि अविनश्वर प्रकृति के लिए प्रत्याभूति दी गई होगी और इस अवधि से पूर्व प्लेट या रजिस्ट्रीकरण चिह्न के क्षतिग्रस्त होने या प्राकृतिक रूप से नष्ट होने के मामले में इसे उपर्युक्त पैरा 4 में उल्लिखित वाहनों के संबंध में मोटर वाहन विनिर्माता या उनके डीलरों द्वारा या अन्य मामलों में लाइसेंस प्लेट विनिर्माता या आपूर्तिकर्ता या उनके डीलरों जैसा भी मामला हो, द्वारा प्रतिस्थापित किया जाएगा।

(iv) किसी भी विद्यमान रजिस्ट्रीकरण प्लेट का प्रतिस्थापन मोटर वाहनों के डीलरों या अधिकृत अति सुरक्षा रजिस्ट्रीकरण प्लेट विनिर्माता या आपूर्तिकर्ता द्वारा पुरानी प्लेट को अभ्यर्पित या विनष्ट सुनिश्चित किए जाने के पश्चात किया जा सकेगा।

(v) (क) कूट रचना से संरक्षण के लिए 20 मिमी x 20 मिमी आकार का एक क्रोमियम आधारित होलोग्राम प्लेट के शीर्षस्थ बाईं ओर के कोने पर सामने और पीछे दोनों प्लेटों का ताप स्टांपन द्वारा लगाया जाएगा ।

(ख) होलोग्राम में इस आदेश में यथाविनिर्दिष्ट उपाबंध के अनुसार नीले रंग में चक्र बना होगा।

(vi) कम-से-कम 10 अंकों की स्थायी पहचान संख्यांक, रजिस्ट्रीकरण प्लेट के तल के बाईं ओर परावर्ती परत में लेजर ब्रेंड की जानी है जिसमें अंक आकार 5 मिमी का होगा:

परन्तु यह है कि स्थायी क्रमागत पहचान संख्यांक के पहले विक्रेता या विनिर्माता या आपूर्तिकर्ता, जैसा मामला हो, जिसके लिए प्रकार अनुमोदन प्रमाण-पत्र परीक्षण एजेंसियों द्वारा जारी किए गए हैं के नाम का व्यपदेशन करते हुए दो अक्षर होंगे:

परन्तु अग्रेतर यह है कि नीचे दी गई सारणी के स्तम्भ (2) में विनिर्दिष्ट परीक्षण अभिकरण बताई गई उक्त सारणी के स्तम्भ (3) और (4) में विनिर्दिष्ट अक्षरों का प्रयोग निम्नवत करेंगे:

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सारणी

क्र. सं.	परीक्षण अभिकरण का नाम	प्रथम वर्ण	द्वितीय वर्ण
(1)	(2)	(3)	(4)
1.	ऑटोमोटिव रिसर्च एसोसिएशन ऑफ इंडिया, पुणे	ए से एच	ए से जेड
2.	केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली	आई से पी	ए से जेड
3.	यान अनुसंधान विकास स्थापना, अहमदनगर	क्यू से एस	ए से जेड
4.	अंतरराष्ट्रीय ऑटोमोटिव प्रौद्योगिकी केंद्र, मानेसर	टी से वी	ए से जेड
5.	केंद्रीय सड़क परिवहन संस्थान, पुणे	एक्स	ए से जेड
6.	ग्लोबल ऑटोमोटिव रिसर्च सेंटर, चेन्नई	वाई	ए से जेड:

परन्तु प्रतिबंध यह भी है कि सामने की और पीछे की रजिस्ट्रीकरण प्लेटों के लिए अंकों की ऊंचाई 5 मिमी. और तीसरी रजिस्ट्रीकरण प्लेट के लिए 2.5 मिमी. होगी, जो एक स्टिकर के प्ररूप में होगी।

(vii) (क) अनुज्ञापन संख्यांक के अक्षरों या अंकों पर लगाई जाने वाली ताप स्टापन फिल्म में "इंडिया" उत्कीर्णित होगा।

(ख) अक्षर "इंडिया" अन्य का दर्पण प्रतिबिंब होती हुई क्रमागत रेखाओं के साथ 45⁰अंश के झुकाव पर एरियल बोल्ड टाइप की लिपि में 10 (दस) आकार के अक्षर के साथ नीले रंग के होंगे।

(viii) (क) स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के रूप में तीसरी रजिस्ट्रीकरण प्लेट 100 मिमी. x 60 मिमी. के आकार की होगी जिसे यान के विंडशील्ड के बाईं ओर के भीतरी भाग पर लगाई जानी है।

(ख) स्टिकर की फिल्म अनिवार्यत: उच्च परावर्ती अभिसूचक सहित विवर्तन पर्णों की होनी चाहिए और उसमें क्रोमियम आधारित होलोग्राम जुड़ा हुआ होगा।

(ग) स्टिकर पर विवरण होगा :

(क) रजिस्ट्रीकर्ता प्राधिकारी का नाम;

(ख) वाहन की रजिस्ट्रीकरण संख्या ;

(ग) लेजर ब्रांड की स्थायी पहचान संख्या; और

(घ) वाहन की पहली रजिस्ट्रीकरण की तारीख ।

(घ) स्टिकर के दाएं कोने के तल पर क्रोमियम आधारित होलोग्राम लगाया जाएगा किंतु यह10 मिमी. x 10 मिमी. के आकार का होगा और उक्त स्टिकर में वाहन का रजिस्ट्रीकरण संख्यांक केंद्र में होगा और अक्षरों की ऊंचाई 10 मिमी. होगी।

(ड.) लेजर ब्रांड वाला स्थायी पहचान संख्यांक स्टिकर के तल में बाईं ओर आएंगे और अंकों का आकार 2.5 मिमी. का होगा।

(च) स्टिकर का चित्र इस आदेश से संलग्न उपाबंध में यथाविनिर्दिष्ट रेखाचित्र में दिया गया है।

(ix)(क) डीजल वाहनों के लिए स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के लिए पृष्ठभूमि का रंग नारंगी होगा तथा पेट्रोल और सीएनजी वाहनों के लिए ये हल्के नीले रंग के होंगे।

(ख) अन्य सभी वाहनों के लिए पृष्ठभूमि स्लेटी रंग की होगी।

(x) मोटर यान के विनिर्माता या विक्रेता द्वारा जारी की गई रजिस्ट्रीकरण प्लेटों का समुचित अभिलेख दैनिक आधार पर रखा जाना चाहिए।

(xi) रजिस्ट्रीकरण पर रजिस्ट्रीकरण प्लेट वाहनों पर लगाए जाने के पश्चात् विशिष्ट अति सुरक्षा रजिस्ट्रीकरण प्लेट को वाहन से इलेक्ट्रॉनिकली जोड़ दिया जाएगा।

(xii) उनके अधीनस्थ सभी सुरक्षा विशिष्टताओं का संपूर्ण अभिलेख मोटर वाहन के विनिर्माता या डीलर द्वारा अनुरक्षित किए जाएंगे जिनका सावधिक लेखा परीक्षा समय समय से संबंधित परीक्षण अभिकरण द्वारा की जाएगी।

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(xiii) मोटर वाहन के विनिर्माताओं का अपने अधीनस्थ सभी सुरक्षा विशिष्टताओं पर संपूर्ण नियंत्रण होगा और या तो वह स्वयं या उनकी ओर से नियुक्त अन्य कोई व्यक्ति खुले बाजार में रजिस्ट्रीकरण प्लेट पर किसी भी प्रकार की सुरक्षा विशिष्टता उपयोग के लिए उत्तरदायी होगा।

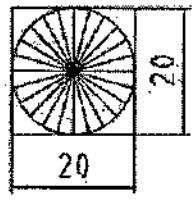
(xiv) मोटर वाहन के विनिर्माता किसी को भी अपूर्ण प्लेट या अपूर्ण सुरक्षा मानकों वाले प्लेट्स की पृथक बिक्री करने के लिए अधिकृत नहीं होंगे :

परन्तु यह भी है कि उप-पैरा (ix) में विनिर्दिष्ट विशिष्टताओं के अनुसार जो भी मामला हो, के अनुरूप पहले से रजिस्ट्रीकृत वाहनों के लिए स्व-विध्वंसक प्रकार के स्टिकर के रूप में तीसरी संख्या प्लेट को बदलने के लिए वे अधिकृत होंगे।

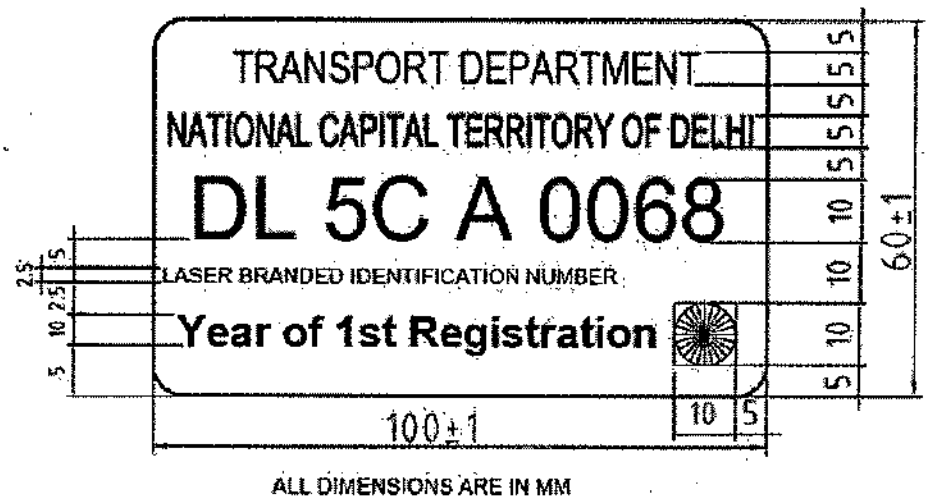
(xv) इन प्रावधानों का अनुपालन न करने पर संबंधित परीक्षण अभिकरण प्रकार अनुमोदन प्रमाणपत्र का निलंबन या निरस्तीकरण जारी करने के लिए उत्तरदायी होगा।

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



[फा. सं. आरटी-11028/01/2018-एमवीएल]

प्रियांक भारती, संयुक्त सचिव

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7230575/2023/HOME(OS)

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 6th December, 2018

S.O. 6052(E).—Whereas, the Central Government is of the opinion that it is necessary and expedient in the public interest to notify that the process used by a manufacturer in regard to a high security registration plate for a motor vehicle shall conform to certain standards with reference to the Central Motor Vehicles Rule, 1989;

Now, therefore, in exercise of the power conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the Motor Vehicles (New High Security Registration Plates) Order, 2001, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following order to specify such standards, namely:—

ORDER

1. Short title and commencement:-

(1) This Order may be called as the Motor Vehicles (High Security Registration Plates) Order, 2018.

(2) It shall come into force on the 1st day of April, 2019.

3. Application. —This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.

(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely: —

(i) The high security registration plates shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

(ii) The Registration Plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989.

(iii) The Registration Plate shall be guaranteed for imperishable nature for a period mentioned in rule 50 of the Central Motor Vehicles Rules, 1989 and in case of damage or withering due to natural usage before such period, it shall be replaced by the motor vehicles manufacturer or their dealers in respect of vehicles mentioned under para 4 above, or the licence plate manufacturer or suppliers or their dealers, as the case may be, in other cases.

(iv) The replacement for any existing registration plate may be made by the motor vehicles dealers or the authorised high security registration plate manufacturer or supplier, only after ensuring that the old plate has been surrendered and destroyed.

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(v) (a) To protect against counterfeiting, a chromium-based hologram of the size 20 mm x 20 mm shall be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates.

(b) The hologram shall contain CHAKRA in blue colour as specified in the Annexure appended to this Order.

(vi) The permanent identification number of minimum 10 digits shall be laser branded into the reflective sheeting on the bottom left-hand side of the registration plate with the letter size being 5 mm:

Provided that the permanent consecutive identification number shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate shall be issued by the test agencies:

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) and (4) of the said Table as under:—

Table

Sl. No.	Name of Test Agency	First Alphabet	Second Alphabet
(1)	(2)	(3)	(4)
1.	Automotive Research Association of India, Pune	A to H	A to Z
2.	Central Road Research Institute, New Delhi	I to P	A to Z
3.	Vehicles Research Development Establishment, Ahmednagar	Q to S	A to Z
4.	International Centre for Automotive Technology, Manesar	T to V	A to Z
5.	Central Institute of Road Transport, Pune	X	A to Z
6.	Global Automotive Research Centre, Chennai	Y	A to Z:

Provided also that the height of the digits shall be 5mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.

(vii) (a) The hot stamping film to be applied on the letters or numerals of the licence number shall bear the inscription "INDIA".

(b) The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees' inclination with sequential lines being the mirror image of the other.

(viii) (A) The third registration plate in the form of a self-destructive type chromium based hologram sticker shall be of the size of 100 mm x 60 mm is to be affixed on the inner side of left hand corner of windshield of the vehicle.

(B) The sticker shall be required to be a diffraction foil film with high reflective index and shall have the chromium based hologram embedded.

(C) The details on the sticker shall be-

(a) Name of registering authority;

(b) registration number of the vehicle;

(c) laser branded permanent identification number; and

(d) Date of first registration of the vehicle.

(D) On the bottom of the right corner of the sticker, the chromium based hologram of size of 10 mm x10 mm shall be embedded and in the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height.

(E) The laser branded permanent identification number shall come in the bottom left side of the sticker with numeral size being 2.5mm.

(F) A depiction of the sticker shall be as specified in the Annexure appended to this Order.

(ix) (a) The background colour for the self-destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles.

(b) For all other vehicles, the background shall be of grey colour.

(x) A proper record of the registration plates issued should be maintained on a daily basis by manufacturer of motor vehicle or dealer.

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(xi) The unique high security registration plate shall be linked electronically to the vehicle after its affixture on the vehicle on registration.

(xii) The complete record of all the security features in their possession shall be maintained by manufacturer of motor vehicle or dealer which may be audited by the concerned testing agencies from time to time.

(xiii) The manufacturer of a motor vehicle shall exercise complete control over all the security features in their possession and shall be responsible for the use of any of the security feature on registration plate in the open market either by themselves or by any other person on their behalf.

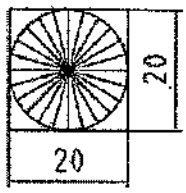
(xiv) The manufacturer of a motor vehicle shall not be authorized to sell incomplete plates or the security features separately to anyone:

Provided that they shall be authorised to replace the third number plate in form of the self-destructive tape sticker for the already registered vehicles as the case may be as per specification specified in sub-para (ix).

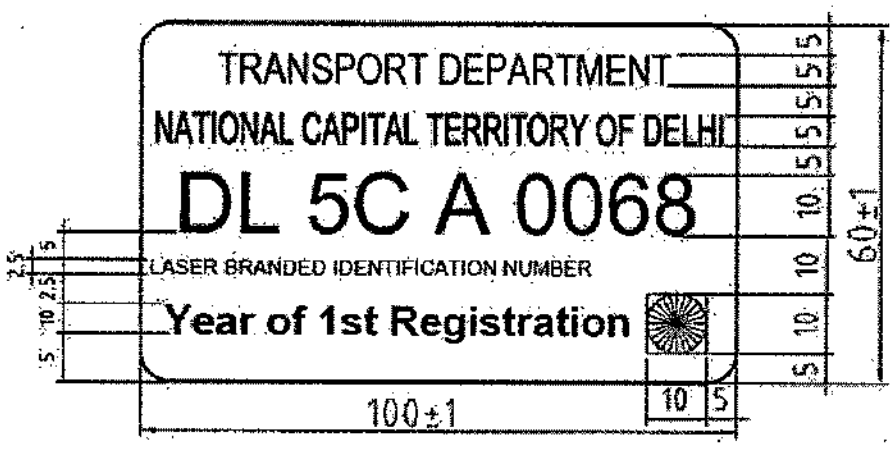
(xv) The type approval certificate issued shall be liable for suspension or cancellation by the concerned testing agency for failure to comply with these provisions.

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



ALL DIMENSIONS ARE IN MM

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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संघ परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 11 फरवरी, 2020

सा.का.नि. 104(अ).— केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए भारत सरकार के संघ परिवहन और राजमार्ग मंत्रालय की भारत के राजपत्र असाधारण, भाग II, खंड (3), उपखंड (i) अधिसूचना सा.का.नि. 512(अ) तारीख 18 जुलाई 2019 द्वारा प्रारुप नियम प्रकाशित किए गए थे जिसमें उन सभी व्यक्तियों से जिनके उनसे प्रभावित होने की संभावना थी, उस तारीख से जिसको उक्त अधिसूचना में संलग्न राजपत्र की प्रतियां जनता को उपलब्ध करा दी थी, तीस दिन की अवधि के अवसान के पूर्व आक्षेप और सुझाव आमंत्रित किए गये थे;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को 18 जुलाई 2019 को उपलब्ध करा दी गई थी;

और उक्त प्रारुप नियमों के संबंध में जनता से प्राप्त आक्षेपों और सुझावों पर केंद्रीय सरकार द्वारा विचार किया गया है;

अतः अब केंद्रीय सरकार मोटर यान अधिनियम,1988 (1988 का 59) की धारा 110 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय मोटर यान नियम 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात:-

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1. संक्षिप्त नाम और प्रारंभ – (1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (द्वितीय संशोधन) नियम, 2019 है।

(2) ये नियम राजपत्र में अपने प्रकाशन की तारीख को प्रवृत होंगे।

2. केन्द्रीय मोटर यान नियम, 1989 में (जिसे इसमें इसके पश्चात उक्त नियम कहा गया है), नियम 50 में उपनियम 1 में,-

(क) खंड (i) में "डीआईएन 1745/ डीआईएन 1783 या आईएसओ 7591" शब्दों और आकड़ों के स्थान पर समय-समय पर यथा-संशोधित एआईएसः 159: 2019 (ऐसे समय तक बीआईएस विनिर्दिष्ट भारतीय मानक ब्यूरो अधिनियम, 2016 (2016 का 11) अथवा आईएसओः 7591 के अधीन अधिसूचित किया गया है)" निम्नलिखित शब्द आकड़े और कोष्ठक रखे जाएंगे;

(ख) खंड (iii) "सात" शब्द के स्थान पर "दस" शब्द रखा जाएगा ;

(ग) खंड (iv) में,

(i) "अनुज्ञप्ति प्लेट विनिर्माता का रजिस्ट्रीकृत प्राधिकारी/अनुमोदित डीलर" शब्दों के स्थान पर " रजिस्ट्रीकृत प्राधिकारी/वाहन विनिर्माता और उसके डीलर" निम्नलिखित शब्द रखे जाएगे ;

(ii) " विनिर्मित अनुज्ञप्ति प्लेट या उसके डीलर" शब्दों के स्थान पर "रजिस्ट्रीकृत प्राधिकारी / वाहन के विनिर्माता और उसके डीलर" निम्नलिखित शब्द रखे जाएगे ;

(घ) खंड (v) के स्थान पर निम्नलिखित खंड रखा जाएगा अर्थातः-

"(v) प्लेट को वाहन के रीयर पर अस्थानानतरणीय/गैर –पुनःप्रयोग करने वाले स्नेप लॉक फिटिंग प्रणाली के साथ बंधन किया जाएगा ;

नये वाहन के लिए सभी उपर्युक्त विनिर्देश और विनिर्दिष्ट रजिस्ट्रीकरण के साथ अनुज्ञप्ति प्लेट को रजिसट्रीकरण प्राधिकारी अथवा वाहन विनिर्माताओं और उनके डीलरों द्वारा जारी किया जाएगा और विद्यमान पुराने रजिस्ट्रीकृत वाहन को लिए रजिसट्रीकरण प्राधिकारी अथवा वाहन विनिर्माताओं और उनके डीलरों अथवा अनुमोदित अनुज्ञप्ति प्लेट विनिर्माताओं या उनके डीलरों द्वारा जारी किया जाएगा । नियम 26 के अधीन केन्द्रीय सड़क अनुसंधान संस्थान, नई दिल्ली अथवा किसी प्राधिकृत अभिकरण को इस नियम के उपबंधों के अनुसार सुरक्षा रजिस्ट्रीकरण का अनुमोदन किया जाएगा ।"

(ङ) खंड (VI) में,-

(i) "मध्यम वाणिज्यिक वाहनों, भारी वाणिज्यिक वाहनों और ट्रेलर/संयोजनः 340×200 मिलीमीटर" शब्दों आंकड़ों और अक्षरों के स्थान पर "मध्यम वाणिज्यिक वाहनों, भारी वाणिज्यिक वाहनों और ट्रेलर/संयोजनः 340×200 मिलीमीटर/ 500×120 मिलीमीटर" निम्नलिखित शब्द आंकड़े और शब्द रखे जाएगे ;

(ii) पांचवे परन्तुक के पश्चात निम्नलिखित परन्तुक अंतस्थापित किया जाएगा अर्थात,-

"परन्तु यह और कि निर्माण उपकरण वाहन के मामले में उपकरण आकार और स्थान की उपलब्धा के आधार पर प्लेट का आकार 500×120 मिलीमटर या 340×200 मिलीमीटर या 200×100 मिलीमीटर या 285×45 मिलीमीटर होगा ।"

3. उक्त नियम में , नियम 50 में उप-नियम (2) में खंड (घ) में उप-नियम (अ) के पश्चात निम्नलिखित उप-नियम रखा जाएगा, अर्थातः-

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"(अ आ) किराए पर कैब स्कीम, 1989 के अधीन मोटर कैब या किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल (एल-1 और एल-2 प्रवर्ग दो पहिया), काले रंग की पृष्ठ भूमि पर पीला रंग, तथापि किराए पर कैब स्कीम 1989 के अधीन बैटरी प्रचालित या इलेक्ट्रॉनिकी पावर की मोटर अथवा किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल के मामले में, हरे पृष्ठभूमि पर काले रंग में ; और"।

4. उक्त नियम में, नियम 50 में, उप-नियम (3) में पहले परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा अर्थात:-

"परन्तु यह कि रजिस्ट्रीकृत चिन्ह सामने एक पंक्ति में हो सकता है, 200 मिमी×100 मिमी साइज की प्लेट के मामले में यह दर्शाने का कोई पर्याप्त स्थान नहीं कि रजिस्ट्रीकृत चिन्ह एक पंक्ति में हो, रजिस्ट्रीकरण चिन्ह दो पंक्तियों में प्रदर्शित किया जा सकता है।"।

5. उक्त नियम में नियम 51 में,-

(क) आरंभिक पैरा के पश्चात, निम्नलिखित शीर्ष अन्तःस्थापित किया जाएगा, अर्थात:-

"सारणी" ;

(ख) नीचे शीर्ष सारणी को इस प्रकार अन्तःस्थापित किया जाएगा, जिसके सामने क्रम संख्या से संबंधित पंक्ति से सामने, "से अन्यून आयाम" प्रविष्टी के स्थान पर "से अन्यून आयाम (मिमी में)" निम्नलिखित प्रविष्टी रखी जाएगी ;

(ग) सारणी में, क्रम संख्या 11 और उससे संबंधित प्रविष्टियों के पश्चात निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएगी, अर्थात:-

"12	निर्माण उपकरण वाहन	सामने और पीछे के अक्षर और अंक (क) प्लेट आकार 500×120 मिमी. या 340×200 मिमी.	65	10	10
		(ख) प्लेट आकार 200×100 मिमी.	35	7	5
		(ग) प्लेट आकार 285×45 मिमी.	30	5	5"

[फा. सं. आरटी-11028/01/2018 एमवीएल]

प्रियांक भारती, संयुक्त सचिव

टिप्पणः- मूल नियम भारत के राजपत्र, असाराधारण भाग-II खंड 3 उपखंड (i) अधिसूचना संख्या सा.का.नि. 590 (अ) तारीख 2 जून, 1989 द्वारा संशोधित किए गए थे और अंतिम संशोधन अधिसूचना संख्या सा.का.नि. 37 (अ) तारीख 17 फरवरी, 2019 द्वारा किया गया था।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 11th February, 2020

G.S.R. 104(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989 were published as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways *vide* number G.S.R. 512 (E), dated the 18th day of July, 2019, in the Gazette of India, Extraordinary, Part II, Section (3), Sub-section (i), inviting objections and suggestions from all persons likely to be affected

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thereby before the expiry of the period of thirty days from the date of which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said Gazette notification were made available to the public on the 18th July, 2019;

And whereas, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. **Short title and commencement.** -(1) These rules may be called as the Central Motor Vehicles (Second Amendment) Rules, 2019.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In the Central Motor Vehicles Rules, 1989 (herein after referred as the said rules); in rule 50, in sub-rule 1,-

(a) in clause (i), for the words and figurers "DIN 1745/DIN 1783 or ISO 7591" the following words, figures and brackets "AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO:7591" shall be substituted;

(b) in clause (iii) for the word "seven" the word "ten" shall be substituted;

(c) in clause (iv),-

(i) for the words "registering authorities/approved dealers of the licence plates manufacturers", the following words "registering authority/vehicle manufacturer and their dealers" shall be substituted;

(ii) for the words "licence plate manufactured or his dealers" the following words "registering authority/vehicles manufacturer and their dealers: shall be substituted;

(d) for clause (v), the following clause shall be substituted, namely: -

"(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule"

(e) in clause (vi),-

(i) for the words and figures and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340 x 200 mm" the following words, figure and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340x200 mm/500 x 120 mm" shall be substituted;

(ii) after the fifth proviso the following proviso shall be inserted namely, -

"Provided also that in case of Construction Equipment Vehicles, the size of plate shall be 500x120 mm or 340x200 mm or 200x100mm or 285x45mm, depending on the equipment size and availability of space.".

3. In the said rules, in rule 50, in sub-rule (2), in clause (d), after the sub-clause (A), following sub- clause shall be inserted, namely. -

"(AB) in case of motor cab under rent a cab scheme, 1989 or motor cycle (L1 and L2 category two wheeler) under rent a motor cycle scheme 1997, in yellow colour on black background, however in case of battery operated or electrically powered motor cab under rent a cab scheme 1989 or motor cycle under rent a motor cycle scheme 1997, in black colour on green background; and".

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4. In the said rules, in rule 50, in sub-rule (3) for first proviso, the following proviso shall be substituted, namely. -

"Provided that the registration mark in the front may be in one line, in case, in 200mm x 100mm size plate, there is no sufficient place to exhibit the registration mark in one line, the registration mark may be exhibited in two lines:".

5. In the said rules, in rule 51, -

(a) after the opening paragraph, the following heading shall be inserted, namely: -

"Table";

(b) below the heading Table as so inserted, against the row relating to Serial number (S.No.), for the entry "Dimensions not less than" the following entry shall be substituted "Dimensions (in mm) not less than ;

(c) in the Table, after S.No.11 and entries relating thereto, the following S.No. and entries shall be inserted, namely: -

"12	Construction Equipment Vehicles	Front and rear letters and numerals.- a) With plate size 500x120 mm or 340x200 mm	65	10	10
		b) With plate size 200x100 mm	35	7	5
		c) With plate size 285x45 mm	30	5	5"

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i),*vide* notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended *vide* notification number G.S.R 37 (E) dated 17th January, 2020.

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Dt. 10.08.2022

N.C.R.B (एन.सी.आर.बी)
I.I.F.-I (एकीकृत अपि कार्य -I)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)
प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (जिला): UPD,BHUBANESWAR P.S. (थाना): Cyber Crime & Economic Offences Year (वर्ष): 2022
FIR No. (प्र.सू.रि. सं.): 0033 Date and Time of FIR (प्रथम सूचना रिपोर्ट दिनांक और समय): 10/08/2022 20:00 hrs

2. S.No.(क्र. सं.) Acts (अधिनियम) Sections (धारा(एँ))
1 IPC 1860 419
2 IPC 1860 420

3. (a)Occurrence of offence (अपराध की घटना):
1. Day (दिवस): Wednesday Date From (दिनांक से):08/06/2022 Date To (दिनांक तक): 08/06/2022
Time Period (समय अवधि): Time From (समय से): 00.00 hrs Time To (समय तक): 23:59 hrs
(b)Information received at P.S. (थाना जहां सूचना प्राप्त हुई): Date (दिनांक): 10/08/2022 Time (समय): 20:00 hrs
(c)General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.):005 Date & Time: 10/08/2022 21:44 hrs

4. Type of Information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):
1. (a) Direction and distance from P.S.(थाना से दूरी और दिशा): NORTH-EAST 10 Km(s) Beat No. :
(b) Address (पता): Block- 4,Kalyan Plaza Sundarpada,Bhubaneswar, 751002
(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो):
Name of P.S.(थाना का नाम): District(State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):
(a) Name (नाम): Kapileswar Behera
(b) Father's/Husband's Name(पिता / पति का नाम) :
(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1954 (d) Nationality (राष्ट्रीयता): INDIA
(e) UID No. (यूआईडी सं.): (f) Passport No.(पासपोर्ट सं.): Date of Issue (जारी करने की तिथि):
Place of Issue (जारी करने का स्थान):
(g) Id details (Ration Card,Voter ID Card,Passport,UID No.,Driving License,PAN)
S.No.(क्र.सं.) Id Type (पहचान पत्र का प्रकार) Id Number (पहचान संख्या)
1
(h) Address (पता):
S.No.(क्र.सं.) Address Type (पता का प्रकार) Address (पता)
1 Present Address Block- 4,Kalyan Plaza,Sundarpada,Bhubaneswar,DCP, BHUBANESWAR,ODISHA,751002,INDIA
2 Permanent Address Block- 4,Kalyan Plaza,Sundarpada,Bhubaneswar,DCP, BHUBANESWAR,ODISHA,751002,INDIA

1

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N.C.R.B (एन.सी.आ.
I.I.F.L (एकीकृत जांच फा.

(i) Occupation (व्यवसाय): BUSINESS

(j) Phone number (दूरभाष सं.): Mobile (मोबाइल सं.): 91-8595949756

7. Details of known/suspected/unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

S.No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)
1	Unknown1			

8. Reasons for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देने में देर करने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S.No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति का प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))
1	CYBER CRIME	Software Piracy		0 Rs

10. Total value of property (In Rs/-)-सम्पत्ति का कुल मूल्य(रु में): 0 Rs.

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):

S.No. (क्र.सं.) UIDB Number (यू.डी.प्रकरण सं.)

12. First Information contents (प्रथम सूचना सार):

On dtd 06.08.2022 Complainant Kapilendra Behera, R/O Block-04, Kalyan Plaza 2, Sundarpada, Near Hi- Tech Road, PS Airfield, Bhubaneswar, Khorda appeared at PS with written report alleging therein that some unknown person has been created a fake website namely www.bookhsrponline.com have cheated publics in the name of gov. by illegal booking , manufacturing affixing the invalid HSRP. The fraudulent modus operandi adopted by the fraudsters is depriving the state with revenue which the state is entitled to get by way of royalty from approved vendor. The operator all the connected /associated persons of the website www. bookhsrponline.com who have neither the authorization nor the requisite licenses to manufacture affix HSRP in the state of Odisha have breach the security of the HSRP.

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.
(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है ।)

(1) Registered the case and took up the investigation: or (या)
(प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम):JYOTIRANJAN Rank (पद): SI (Sub-Inspector)
No.(सं.): Mobile No.(मोबाइल. सं.): 9861566187 to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए):

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Dated: 06.08.2022.

To,
The Police Commissioner,
Bhubaneswar.

Sub: Request for initiating actions and lodging FIR against M/s Godawari Techno Solutions Pvt. Ltd. and all connected/associated persons of the website www.bookhsrponline.com.

Sir,

I, Kapilendra Behera, R/o Block-4,Kalyan Plaza 2, sundarpada, Near Hi-tech road,Bhubaneswar, Khorda, Odisha- 751002 am filing this complaint for necessary actions against M/s Godawari Techno Solutions Pvt. Ltd. and all connected/associated persons of the website www.bookhsrponline.com as they are unauthorized booking HSRP and cheating innocent vehicle owners and also charging exorbitant prices for HSRP booking from innocent vehicle owner.

The operator and all the connected/associated persons of the website "www.bookhsrponline.com" neither have the authorization nor the requisite licenses to manufacture and affix HSRP in the state of Odisha.

This is to be bring to your notice that the implementation of HSRP is mandated as per guidelines of CMVR and Notifications issued by MoRTH and is to be followed in its true letter and spirit otherwise the entire object of HSRP scheme will be frustrated.The Scheme is introduced with an object of safety and security of vehicle and for solemn object to curb terrorist activities misusing motor vehicles.

As mandated, and directed, vide Ministry of Road Transport & Highways' Notification dated 04-10-2019, and also minute of meeting in support of this it was clarified that **for the issuance of providing the fixation of HSRP on existing vehicle, there are only two modes-**

a) **Either the HSRP plates be supplied through State Government authorised OEMs dealers; or**

b) **By State Government's selecting HSRP manufacturer.**

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Subseq parcel

Further the implementation of the scheme is supervised by Hon'ble Supreme
Court of India and it concerns with safety and security of vehicle.

However the binding directions/orders of Hon'ble Supreme Court regarding its proper implementation and also government notifications are being flouted by scrupulous persons such as M/s Godawri Techno Solutions Pvt. Ltd. and all connected/associated persons of the website www.[illegible].com.

As per the process the Laser coded HSRP plates are to be affixed by the vehicle dealers directly for their own brands and sourced from the authorized source of their manufacturers.

- **HSRP's unique safety and security features such as laser codes are to be maintained in Government Portal and web site of Vahan-4 is following the above process for which the vehicle manufacturers are authorized.**

- **However nothing of this sort is followed and M/s Godawari Techno Solutions Pvt. Ltd. and all connected/associated persons of the website www.[illegible].com is illegality booking HSRP contrary and in violation of HSRP law.**

The operators of the website in question are falsely creating an impression that they are authorized to book the HSRP and accept charges for the same and therefore are making illegal and unlawful gains. **The website www.[illegible].com falsely claim on the web site that they are "Government Approved High Security Registration Plate Manufacturer in India" which is completely false and therefore M/s Godawari Techno Solutions Pvt. Ltd. is cheating public at large by claiming that they are Government Approved.**

I also with a view to confirm that the said website is actually illegally booking and charging monies towards manufacturing and affixation of HSRP booked a HSRP on the website in question on 08.06.2022;

- The web site then directed me to a payment portal wherein I made a payment of Rs.507.99 and subsequently an Order reference number being 55458 was generated and a bill was issued in my name.

- It mentioned that "HSRP booking successfully. Date: 08-06-2022 Receipt:-55458 Name :- KAPILENDRA BEHERA Vehicle No: - OD11F7914 Chasis No: MDZA1CZUFCH80066 Engine No: - DHZCFH61890 Thanks:"

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Subsequently got a fake HSRP from the said website through parcel from the website www.[illegible]

By such illegal booking & supplies of HSRP , website www.bookhsrponline.com the security features of the HSRP are also at risk of being distributed which is barred under Rule 50 of the Central Motor Vehicles Rules, 1989 and prohibited as per orders of Hon'ble Supreme Court of India.

Besides, HSRP affixation without it being integrated with Vaahan software of Government is invalid as per Rule 50 and therefore such HSRPs cannot be used in vehicles, as only the authorized suppliers are given the link and access to integrate vehicle details into the government's Vahan portal.

Thus if the actions of unknown officials of "www.bookhsrponline.com" are not stopped from illegally manufacturing and affixing the invalid HSRP a serious security breach may happen which will in turn lead to the whole purpose of installing HSRP with a Unique Identification Number being frustrated at the hands of such unscrupulous entities.

Not only are the unknown officials of "www.bookhsrponline.com" are making unlawful gains, the fraudulent modus operandi adopted by them is depriving the State with revenue which the State is entitled to get by way of Royalty from approved vendor.

Request –

In light of the above, it is requested that the Police Authority take immediate and necessary action and lodge an F.I.R. against the operators and perpetrators of "Www.bookhsrponline.com", M/s Godavari Techno Solutions Pvt. Ltd. and other unknown officials, who are without any authorization booking and supplying orders of illegal and fake HSRP's frustrating the entire object of the HSRP scheme of the Central Government.

Thanking You Sir,

Kapilendra Behera

Kapilendra Behera,
R/o Block-1, Kalyan Plaza 2,
Sundarpada, Near Hi-tech road,
Bhubaneswar, Khordha,
Odisha 751002
Ph: 8595949750.

8PM/10.8.2022 Received the report. As per reveals a cog. case U/s 419/4 registered PS case No - 33 dt. 9.8.22 & directed C.I. J.R. Pandab to do the investigation of the case. Handle a copy of FIR & the compl. time of Cost. Take immediate actions as mentioned above.

10.8.2022

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N.C.R.B (ए.सी.आर.बी)
I.I.F. I (प्रपत्र सं. 1)

or (के कारण इत्तार किया या)

(4) Transferred to P.S.(थाना): District (जिला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित) .

F.I.R. read over to the complainant / informant,admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई पाना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी ।)

R.O.A.C.(आर. ओ .ए .सी.)

14.Signature/Thumb impression of the complainant / informant.
(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

15.Date and time of dispatch to the court
(अदालत में प्रेषण की दिनांक और समय):

Signature of Officer in charge, Police Station
(थाना प्रभारी के हस्ताक्षर)

Name (नाम):Rasmita Jena

Rank(पद):I (Inspector)

No.(सं.): 110071184033

Mobile No.(मोबाइल सं.):8249321500

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N.C.R.B (ए.ए.पी. आर.बी)
I.I.F.-I (एफ़ीयूज़ा ऑफ़ फार्म -I)

Attachment (to item 7 of First Information Report (प्रथम सूचना रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the suspect/accused: (if known / seen)

(शारीरिक / अंगोपांग संबंधित विशेषताएं, विकृतियां और अन्य विवरण : (यदि ज्ञात / देखा गया))

S.No.(क्र.सं.)	Sex (लिंग)	Date/Year of Birth (जन्म तिथि / वर्ष)	Build (संगठन)	Height (cms.) (ऊंचाई (से.मी.))	Complexion (रंग)	Identification Mark(s) (पहचान चिन्ह)
1	2	3	4	5	6	7
1						Paxpitled: NO

Deformities/ Peculiarities (विकृतियां/ विशेषताएं)	Tooth (दांत)	Hair (बाल)	Eyes (आंख)	Habit(s) (आदतें)	Dress Habit(s) (पहनावा)
8	9	10	11	12	13

Language /Dialect (भाषा/बोली)	Place Of (का स्थान)					Others (अन्य)
	Birth Mark (जन्म से हुए का निशान)	Leucoderma (ल्यूकोडर्मा(शरीर का सफेद दाग))	Mole (तिल)	Scar (घाव)	Tattoo (गुदे हुए चित्र)	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.
(यह क्षेत्र भरी हुई किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या अधिक जानकारी देता है)

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Form : 1-A

Number : 176609

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C)

1. District : **Thane** , P.S. **Wagale Estate**, Year : **2019** FIR No. **I152/2019**, Date **07.12.2019**

2.	(i)	* Act : **IPC**	Section : **420**
	(ii)	* Act :	Sections : .....

(iii) *Act.....*Sections .....

(iv) * Other Acts & Sections .....

3.(a)Occurrence of Offence:

*Day- ..... *Date **04.11.2019** from Date to **04.11.2019**

* Time period:*Time from ..... Time to .....

(1) 00.00 to 03.00, (2) 03.00 to 06.00, (3) 06.00to 09.00 (4) 09.00 to 12.00 (5) 12.00 to 15.00 (6) 15.00 to 18.00 (7) 18.00 to 21.00 (8) 21.00 to 24.00 (9) 06.00 to 18.00 (10) 18.00 to 06.00

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(b) Information received at P.S. Date **07.12.2019,** Time .....

(c) General Diary Reference: Entry No(s) **46** Date ..... Time **23.24 hours.**

4. Type of information : ..... Written/Oral: ***in writing.**

5. Place of occurrence:

(a) Direction and Distance from P.S. ..... Chouki/Beat /O.P. Name and No .....

(b) Address of Occurrence place : **B/4, Road No.01, Near Rayaladevi Talao, Wagale Estate, Thane**

Nearest Identifiable place : ----

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(c) * In case outside limit of this Police Station, then the name of P.S . ..... Taulka..... Dist. ---------- State .....

6. Complainant / Informant : Permanent Address :

(a) Name : **Sandeep Changoji Gaikwad**

(b) Father's/Husband's Name **Changoji Gaikwad**

(c) Date / Year of Birth : **29 years**

(d) Nationality : **Indian**

Phone No. .....

(e) Passport... Date of Issue..Place of Issue

(f) Occupation : .....

(g) Religion : ..... Caste .....

Subcaste .....

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(h) Address : **Room No.1342A, Near Sainath Masjid, Pipeline Pokharan Road No.1, Vartak Nagar, Thane.**

7. Details of known / suspected / unknown / accused with full particulars (Attach separate sheet if necessary) (If suspect particular of physical feature write on Form I-B of attach FIR-I-B to case diary):

.....

8. Reasons for delay in reporting by the Complainant / Informant. **Immediately**

9. Particulars of properties stolen and involved (Attach necessary proforma) write down details on blank back page. .....

10. (a) Total value of properties stolen and involved **Rs.2750/-**

(b) Recovered Properties : ------

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11. Unnatural / Accident Death Case No., if any ------

12. First Information brief contents (Attach separate sheet, if require) : Detail write down back blank page.

On aforesaid date, time and place, Deepak Golpanwar the owner of D.G.Ventures, B/4, road No.1, Near Rayaldevi Talao, Wagale Estate Thane constituted his company at aforesaid place in the context of creating number plates with fraudulent intention and persuaded regarding to set up the H.S.R.P.number plates on old vehicles telling enchanting and false information regarding to set up the H.S.R.P. number plates on old vehicles of prosecution and made financial cheating of prosecution taking Rs.2750/- through Paytm and it is strong possibility that the financial cheating of other consumers like prosecution may be made, hence the crime.

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13. Action taken :1) Since the above information reveals Commission of offence(s) under section as mentioned at item No.2

a) Registered case and took up the investigation or Directed (Name of I.O.) ..... Rank ---- No. .... to take up the Investigation OR

b) Refused Investigation due to OR

c) Transferred to P.S. .... District ..... on point of jurisdiction.

F.I.R. read over to the Complainant / Informant, admitted to be correctly recorded and copy given to the Complainant / informant, free of cost. (R.O.A.C.)

Sd/-xxxxx

14. Signature and Thumb impression of the Complainant

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15. Date and time to submitted to the Court

Sd/-xxxxxxxxxx

Signature of Officer Incharge, Police Station.

Name : **A.J.Valavi**

Rank : **Assistant Inspector of Police**

Posting Coding No. of I.O. .....

Copy to 2. Complainant, 3) Supdt.of Police, 4) Inv.Officer, 5) Office copy

Attachment to item 7 of First Information Report.

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Attachment to item 7 of First Information Report

9. Physical features, deformities and other details of the accused:

*Sex	*Date / Year of Birth	*Build	*Height in Cms.	*Complexion	*Identification Marks
1	2	3	4	5	6

(For Modus Operandi offences only)

*Deformities / peculiarities	*Tech	*Hair	*Eye	*Habit(s)	*Dress habits
7	8	9	10	11	12

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*Languages / Dialect	PLACE OF				
	*Burn Mark	*Leucoderma	*Mole	*Scar	*Tattoo
13	14	15	16	17	18

These fields will be entered only if complainant / informant gives anyone or more particulars about the suspect / accused.

A databse created will subseqntly link one suspect in several cases, if any.

A comprehensive and complete data on all fields will again be prepared when any accused is arrested irrespective of previous suspicion.

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Statement

I Sandeep Changoji Gaikwad, age 29 years, occupation - business, residing at Room No.1342/A, Sainath Nagar, Near Masjid, Pipeline, Pokharan Road No.1, Vartak Nagar Thane, Mob.No.9967814563 give statement in writing as asked remaining present in police station that

I am as above and I am residing along with family at aforesaid place, I have a car wash centre in the name of S.S.Service Centre at Tenement No.3, Thackeray Compound, Near Oscar Hospital, Tikujini wadi Road, Manpada Chitalsar. In the course of the said business, I have two motorcycles and one car in itself ownership. Out of that, there is 1) Unicorn Motorcycle Registration Number MH-04-EK-4890 of Honda Company, 2) Motor Cycle Registration Number MH-04-JW-2223 of Honda Company Activa

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125 CC. However I have a tourist four wheeler Maruti Suzuki WagonR Car Registration Number MH-04-HY-2223 and the three vehicles are in my possession as mentioned.

Since my service centre at Manpada as mentioned, vehicles come for washing four wheeler and two wheeler vehicles from various places to service centre. While I was washing the car, I have seen unique laser mark number plates of new types on front and rear side to many four wheeler vehicles before some days. When I inquired to two / four consumers in that regard, I knew from them that the said number plates were being sold at M/s.D.G.Ventures, Near Railadevi Pond, Wagale Estate, Thane and those were set up to the vehicle there only. Thereafter, I went near Rayalodevi Talao having in area of Wagale Estate on 22.10.2019 for setting up plates of new types for my three vehicles.

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Then, the boys working in the D.G.Venture Company there said me for contacting in that regard contacting with a person namely Shubham, mobile number 9322909299, I immediately contacted on the said mobile number and said that I have to set up new number plates on my old vehicles and asked regarding what is process in that regard.

The person namely Shubham answered me on mobile phone that the new number plates are high security registration plates and those are known as H.S.R.P. (High Security Registration Plates), there is unique laser mark on the said plates and if the vehicle having set up the said number plates passes from toll plaza and if the said vehicle is stolen, the plates benefit for searching the same immediately since thereof information is kept scanning thereof photo. Shubham also informed that there is a permit of the Commissioner, Maharashtra State to his

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company for fitting the said H.S.R.P. plates to old vehicles and for setting up the same on new vehicles and the information as given regarding they have sole permit of such type in Thane City.

Shubham gave additional information in this regard to his owner Deepak Golapanwar and requested me for making inquiry to him. On the basis of information as above, when I asked in respect of H.S.R.P.Plates going in the Rayaladevi premises to Deepak Golpanwar the company chief, he also confirmed the information telling the enchanting information in respect of the said plate that he has an authorized permit of the Commissioner for Transport and persuaded my mind for setting up the plate having new feature as above on my vehicles understanding and telling the feature regarding unique laser mark, accordingly I said him regarding

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to change plates of my three vehicles as mentioned above.

Thereafter, the labour Shubham said to send the R.C.Book of my three vehicles and my own Aadhaar card on whatsapp. Accordingly, I sent information of the R.C.Book of vehicles, information of Aadhaar Card on whatsapps of Shubham and Deepak Golpanwar the owner of D.G.Venture Company on 23.10.2019. At the said time, Shubham said that there will be Rs.700/- for two-wheeler, Rs.1350/- for four wheeler vehicle each such total 2750/-, I got ready for giving the said information. I was sent Paytm number 976919404 of Deepak Golapanwar as process to give the amount to M/s.D.G.Venture. I have paid Rs.1,800/- on aforesaid number on 31.10.2019. And the balance Rs.950/- is sent on 02.11.2019. In such way, I have sent the same on

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Paytm account having in the name of Deepak Golpanwar the owner of D.G.Ventures.

On 04.11.2019, Shubham came in Service Centre at Manpada and gave number plates of two vehicles 1) Maruti Suzuki WagonR Car Registration Number MH-04-HY-2223 and 2) Motor Cycle Registration number MH-04-JW-2223 of Honda Company Activa 125 CC and he came on another day and said that he would fit the said number plates to vehicles and went away giving two number plates of my vehicles to me. Thereafter, I was asking Shubham in respect of balance number plate and bill. But he was avoiding to give number plate and bill. Thereafter, while I was doing the work at my Service Centre after two/three days and while Girish Karadkar residing in the said area and acquainted by me has come for making car wash to my service centre, when he asked seeing H.S.R.P.number plates set up to my vehicle that from

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where the said number plates were installed, I said him that the same were set up from D.G.Venture, Rayaldevi Talao, Wagale Estate Thane. Then he said me that your vehicle is old and any permission has not been given from the State Government regarding to set up the H.S.R.P. number plates to old vehicles till date. He also gave information that the Government of Maharashtra has not appointed the Manufacturers or Suppliers of high security registration plates regarding to set up H.S.R.P. to old vehicles till date as per information of the office of the Commissioner of Transport, Government of Maharashtra. He informed me that M/s.D.G.Venture has cheated me by misguiding. Then when the information was collected regarding to change number plates of old vehicles in such way. Then I ensured that Deepak Golapanwar the owner of D.G.Ventures is cheating misguiding peoples setting up H.S.R.P.number plates to old vehicles for itself

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benefit. He has also cheated me in such way, hence I have given complaint application that a necessary action shall be taken against concerns making deep inquiry to Deepak Golapanwar the owner of D.G.Ventures. Mr.Girish Pandurang Karadkar the person acquainted by me has a detailed information regarding the Central Government Rules and Gazette regarding to setup H.S.R.P. number plates to old vehicles in this regard and a detailed information in respect of the order given by the Maharashtra Transport Commissioner in that context.

However, Deepak Golpanwar the owner of D.G.Venture, B/4, road No.1, Near Rayaldevi Talao, Wagale Estate Thane constituted his company at the said place in the context of setting up number plates with fraudulent intention while the Government of Maharashtra has not appointed the Manufacturers or Suppliers of high security registration plates in

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respect of setting up the H.S.R.P. High Security Registration plates to old vehicles till date and persuaded me regarding to set the HSRP number plates on old vehicles telling the enchanting and false information regarding to set up the H.S.R.P.number plates on my old vehicles to me and made my financial cheating taking total Rs.2750 through Paytm from me and it is possible that he may have also made financial cheating of other customers like me. However, I have legal complaint against the D.G.Ventures.

My above statement has been typed on computer in Marathi and it is true and correct as per my say.

Before
Sd/-xxx
Station Officer,
Wagale Estate Police
Station, Thane

This is given in writing
Sd/-xxxx

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पंजीकृत/ई–मेल

कार्यालय परिवहन आयुक्त
उत्तर प्रदेश।

संख्या–826सा०प्र०/2021–टी–48ए(8)/2021, लखनऊ : दिनांक 13 सितम्बर, 2021

सम्भागीय परिवहन अधिकारी,
लखनऊ।

विषय–: हाई सिक्योरिटी रजिस्ट्रेशन प्लेट बुकिंग हेतु संचालित फर्जी/कूटरचित वेबसाइट **https://hsrpservice.online** के संचालकों के विरूद्ध साइबर सुरक्षा नियमों के तहत प्राथमिकी दर्ज कराने के सम्बन्ध में।

महोदय,

कृपया **ऑल इण्डिया मोटर व्हीकल सिक्योरिटी एसो०** के पत्र दिनांक 17.08.2021 *(प्रतिसंलग्न)* का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा अवगत कराया गया है कि हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की आड़ में एक ऐसी फर्जी/कूटरचित वेबसाइट https://hsrpservice.online प्रचलित है, जिसमें सभी ऑटोमोबाइल डीलरों को अपने पोर्टल में मैप किया गया है तथा उक्त वेबसाइट द्वारा उत्तर प्रदेश राज्य में वाहन स्वामियों से हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की ऑनलाइन बुकिंग ली जा रही है तथा इसके सापेक्ष भुगतान प्राप्त करते हुए बड़े पैमाने पर जनता को धोखा दिया जा रहा है। उक्त पत्र के साथ एक बुकिंग का विवरण संलग्न कर प्रेषित करते हुए उक्त वेबसाइट के निर्माता के विरूद्ध प्राथमिकी दर्ज कराते हुए कठोर कार्यवाही कराये जाने का अनुरोध किया गया है। उक्त पत्र के साथ संलग्न विवरण में वाहन संख्या–यूपी 57वाई–3334 की हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की उक्त वेबसाइट के माध्यम से बुकिंग की गयी है, जिसके सापेक्ष आवेदक द्वारा रू० 475 का ऑनलाइन भुगतान भी किया गया है।

2– अवगत कराना है कि उत्तर प्रदेश शासन, परिवहन अनुभाग–3 के शासनादेश संख्या–3434/तीस–3–2020–125एम/2017, दिनांक 05.10.2020 द्वारा मौजूदा वाहनों में हाई सिक्योरिटी रजिस्ट्रेशन प्लेट लगाने के निर्देश निर्गत किये गये, किन्तु इसके क्रियान्वयन में आ रही कठिनाई के दृष्टिगत प्रमुख सचिव, परिवहन, उत्तर प्रदेश शासन एवं वाहन निर्माताओं के संगठन "सोसाइटी ऑफ इण्डियन ऑटो मोबाइल्स एसो०" के मध्य दिनांक 28.10.2020 को बैठक आयोजित की गयी, जिसमें हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की ऑनलाइन बुकिंग हेतु कॉमन पोर्टल बनाने पर सहमति बनी। उक्त के क्रम में "सोसाइटी ऑफ इण्डियन ऑटो मोबाइल्स एसो०" द्वारा हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की बुकिंग हेतु वेबसाइट www.siam.in विकसित की गयी, जिसके क्रम में शासनादेश दिनांक 03.12.2020 *(संलग्नक–1)* एवं दिनांक 07.01.2021 *(संलग्नक–2)* द्वारा उक्त वेबसाइट को प्रारम्भ करने की अनुमति प्रदान की गयी। उक्त अनुमति के क्रम में उक्त वेबसाइट का लिंक परिवहन विभाग की वेबसाइट http://uptransport.upsdc.gov.in/ पर उपलब्ध करा दी गयी तथा इस सम्बन्ध में विज्ञापन *(संलग्नक–3)* भी प्रकाशित कराते हुए हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की

Letter engl. 21 Hindi

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बुकिंग हेतु "सोसाइटी ऑफ इण्डियन ऑटो मोबाइल्स एसो०" की उक्त वेबसाइट www.siam.in को अधिकृत किया गया।

अतः उपरोक्त से स्पष्ट है कि वर्तमान में मौजूदा वाहनों में हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की बुकिंग हेतु "सोसाइटी ऑफ इण्डियन ऑटो मोबाइल्स एसो०" की उक्त वेबसाइट www.siam.in ही परिवहन विभाग द्वारा अधिकृत है तथा ऑल इण्डिया मोटर व्हीकल सिक्योरिटी एसो० के पत्र दिनांक 17.08.2021 में उल्लिखित शिकायत सत्य प्रतीत होती है। उक्त फर्जी/कूटरचित वेबसाइट https://hsrpservice.online द्वारा उत्तर प्रदेश राज्य में वाहन स्वामियों से हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की ऑनलाइन बुकिंग ली जा रही है तथा इसके सापेक्ष भुगतान प्राप्त करते हुए जनता को धोखा दिया जा रहा है।

शासकीय तथा जनहित में उक्त फर्जी वेबसाइट https://hsrpservice.online प्रचलित के संचालकों के विरूद्ध साइबर सुरक्षा नियमों के तहत कार्यवाही किया जाना आवश्यक है।

उक्त के दृष्टिगत मौजूदा वाहनों की हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की बुकिंग से संबंधित सेवा हेतु संचालित फर्जी/कूटरचित वेबसाइट https://hsrpservice.online के संचालकों के विरूद्ध साइबर सुरक्षा नियमों के तहत प्राथमिकी दर्ज कराने हेतु प्रमुख सचिव महोदय द्वारा आपको नामित किया गया है। अतः तद्नुसार तत्काल आवश्यक कार्यवाही कराते हुए अधोस्ताक्षरी को सूचित करना सुनिश्चित करें।

संलग्नक : यथोक्त।

(देवेन्द्र कुमार त्रिपाठी),
अपर परिवहन आयुक्त (आई०टी०),
उत्तर प्रदेश।

पृ०सं०–816(1)सा०प्र०/2021–समदिनांकित।

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित–

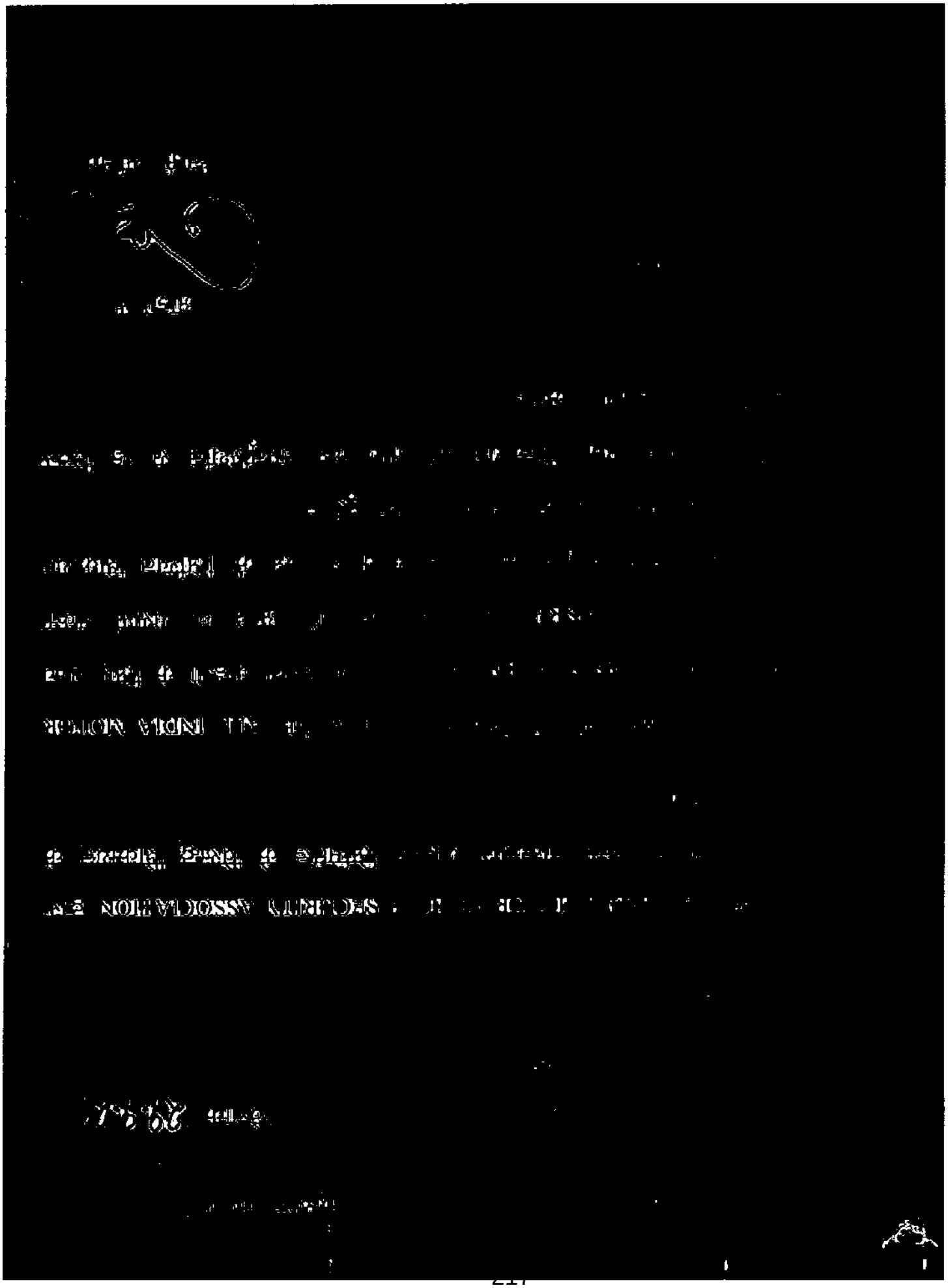
1. श्री पीयूष श्रीवास्तव, वरिष्ठ तकनीकी निदेशक, एनआईसी योजना भवन, लखनऊ को उक्त वेबसाइट को तत्काल प्रभाव से निष्क्रिय कराये जाने तथा साइबर सुरक्षा नियमों के तहत कार्यवाही किये जाने के अनुरोध के साथ प्रेषित।
2. ऑल इण्डिया मोटर व्हीकल सिक्योरिटी एसो० को उनके पत्र दिनांक 17.08.2021 के अनुक्रम में सूचनार्थ प्रेषित।

(देवेन्द्र कुमार त्रिपाठी),
अपर परिवहन आयुक्त (आई०टी०),
उत्तर प्रदेश।

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भारत सरकार
Government of India
सड़क परिवहन और राजमार्ग मंत्रालय
Ministry of Road Transport and Highways

सत्यमेव जयते

No. RT-11036/57/2016-MVL

Transport Bhawan, 1, Parliament Street,
New Delhi the 29 November, 2017

To,

1. The Director, Automotive Research Association of India (ARAI), S. No. 102, Vetal Hill, Off Paud Road, Kothrud, Pune-411038. Email: director@araiindia.com.
2. The Director, Central Road Research Institute (CRRI), Mathura Road, P.O. CRRI, New Delhi-110020. Email: director.crri@nic.in.
3. The Director, International Centre for Automotive Technology (iCAT), Plot – 26, Sector-3, IMT Manesar, Gurgaon-122050. E-mail: -director@icat.in
4. The Director, Vehicle Research & Development Establishment (VRDE), Vahannagar (PO), Ahmednagar (MS) – 414 006, e-mail: director@vrde.drdo.in

Subject:- Blowing the whistle on ORBIZ AUTOMOTIVEZ, a counterfeit HSRP manufacturer based in Kerala.

Madam/Sir,

I am directed to refer to subject mentioned above and to say that a letter dated 02.11.2017 has been received from All India Motor Vehicle Security Association. All India Motor Vehicle Security Association (AIMVSA) has intimated that registration plate manufactures namely, Orbiz Automotivez, a Kerala Based company is indulging in supplying plates with restricted security features illegally to the unsuspecting public. The company's website purports to provide all kinds of counterfeit registration plates with retro-reflective sheeting having the IND legend and a chromium hologram through online orders in several States which is defeating the purpose of national safety and security. Orbiz Automotivez is neither approved nor authorized by any of the State authorities to use any of the security features and ORBIZ is planning to obtain TAC through one testing agencies.

2. In view of above, it is requested to intimate, if any Type Approval Certificate has been granted to Orbiz Automotivez by any testing agency.

Yours faithfully,

(Dharkat. R. Lalkang)
Under Secretary to the Government of Idnai
Ph. No. 011-23715211
Email: dharkat@nic.in

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Reg. No. 44038 of 2002

ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION

[Society registered under Societies Registration Act XXI of 1850]

G 3230501316

Date: 27.04.2023



To,

✓ **Shri Pinarayi Vijayan**
Hon'ble Chief Minister & Home Minister
Govt. of Kerala

Dr V.P. JOY IAS
Chief Secretary
Govt. of Kerala

Shri. P. Rajeeve
Hon'ble Law Minister
Govt. of Kerala

Shri V. Vennu IAS
Additional Chief Secretary
(Home and Vigilance)
Govt. of Kerala

Ph. Invited
Physically present.

ഉചിതമായ നടപടിക്ക്

പിണറായി വിജയൻ
മുഖ്യമന്ത്രി

Adv. Antony Raju
Hon'ble Transport Minister
Govt. of Kerala

Shri. V. Hari Nair
Law Secretary
Govt. of Kerala

Shri. Biju Prabhakar IAS
Secretary, Transport Department
Govt. of Kerala

Shri. S. Sreejith IPS
Transport Commissioner
Govt. of Kerala

CMO22096470

Subject: Request to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the directions made are in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).

Dear Sir,

We, All India Motor Vehicle Security Association (AIMVSA) writes this letter in reference to the above captioned subject requesting your good self to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the same are in contradiction to the judgments passed by the Hon'ble Supreme Court of India with respect to project of High Security Registration Plates (HSRP). (Copy of the order dated 13.04.2023, Annexure – 1)

We would like to bring to your kind notice that the judgments passed by the Hon'ble Supreme Court of India's related to the HSRP scheme have been deliberately kept away by the Petitioner and the respondent No.4 from the Hon'ble High Court of Kerala, due to which the Hon'ble High Court of Kerala has made an error while passing the order dated 13.04.2023.The order dated 13.04.2013 is in contrary to the judgements passed by the Hon'ble Supreme Court from time to time and furthermore, it would render the HSRP scheme completely ineffective.

Below are the order/ judgments passed by the Hon'ble Supreme Court of India in the HSRP project that are as below: -

A. ***Firstly,*** *that the Hon'ble Supreme Court of India prohibits* to supply and affix HSRP merely on the basis of possessing Type Approval Certificate (TAC) by the HSRP manufacturers.

B. ***Secondly*** *that the Hon'ble Supreme Court of India prohibits* the State Governments to authorize multiple TAC manufacturers.

45, I[st] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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C. ***Thirdly*** *the Hon'ble High courts of Odisha and Madras has summarily dismissed the contentions of supply and affix HSRP on the basis of having merely TAC.*

D. ***Fourthly*** *the Ministry of Road Transport and Highways has bestowed the responsibility onto the State Government to take decision with regard to conversion of old vehicles either through OEM model or through authorizing HSRP manufacturer through tender model.*

E. ***Fifthly*** *the* Notification dated 18.08.2022 was issued by the Ministry of Road Transport and Highways after having being received representations with regard to selling of HSRPs for the old vehicles by the Non automobile dealers and HSRP manufacturers in the open market without having any approval/authorization either from the vehicle manufacturing companies or from the State Authority. Accordingly MORT&H in its Notification no. ***G.S.R 640 (E), dated 18.08.2022*** categorically empowered the State authorities ***to approve/authorize the licence plate manufacturers and their dealers*** and not just dealers for the purpose of conversion of old vehicles into HSRP.

Hon'ble Supreme Court Judgments are herein below which prohibits the condition of supply and affixation of HSRP merely on the basis of having TAC and to select/authorize multiple HSRP manufacturer having TAC:-

1) Judgement dated 30.11.2004 in W.P (C) 41 of 2003 reported in ***(2005) 1 SCC 679, Para 46- "every approved license plate manufacturer can be entrusted with the job of supplying the registration plates".*** On such averment, the Hon'ble Supreme Court held that the abovementioned interpretation would result in frustrating the high security aspect and object of the scheme of affixation of high security registration plates on vehicles. (**Refer para 2 on page 37,** Copy of the Judgement dated 30.11.2004 in W.P (C) 41 of 2003, Annexure - 2)

ii) Judgment dated 30.08.2011 in W.P(c) 510/2005, reported in ***(2011) 14 SCC 273***, has clearly mentioned that the court has put in effort over the years to ensure security and consistency, and therefore, it is explicitly stated that multiple vendors will not be permitted, even if they have received type approval from either the Central Government or the testing agency. This is to prevent the defeat of the court's purpose. (**Refer Para 6 on page 4**, Copy of the Judgment dated 30.08.2011 in W.P(c) 510/2005, Annexure - 3)

iii) Judgment dated 13.07.2016 in C.P(C) 483/2013, reported in ***(2016) 14 SCC 72,*** The Hon'ble Supreme Court has assigned the responsibility of selecting/authorizing HSRP manufacturers with Type Approval Certificate to the State Government as part of the guidelines for issuance control of HSRP. (Refer Para 34(i) on page 30, Copy of the Judgment dated 13.07.2016 in C.P(C) 483/2013, Annexure - 4)

The contention of supply and affixation of HSRP merely on the basis of TAC –withdrawn by the Respondent No.4 (Orbiz) in Odisha High Court and Dismissal of the petition filed by Yarya Sekur by the Hon'ble High Court of Madras.

2) That similar identical ***(to supply and affix HSRP merely on the basis having TAC)*** issues have already been settled by the Hon'ble High Court of Odisha and Madras vide order dated 19.04.2023 in the matter bearing number W.P(C) 27440 of 2022 and order dated 01.03.2021 in the matter bearing number W.P(C) 4139 of 2021. It has been made clear that the manufacturers, suppliers or dealers are permitted to supply and affix high security registration plates on existing vehicles only upon approval/authorization of the State Government and the submission made with regard to do so merely on the basis of possessing TAC was summarily dismissed . (Copy of the orders dated 19.04.2023 and 01.03.2021, Annexure - 5 and 6)

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Responsibility to State Government to take decision for the purpose of old conversion of vehicles into HSRP

3) That the ***circular dated 04.10.2019 issued by the Ministry of Road Transport and Highways*** empowers the State authorities to take decisions with regard to HSRP for the old vehicles. Simply possessing a Type Approval Certificate is not enough to take order, supply and affix HSRPs for old vehicles. (Copy of the Circular dated 04.10.2019, Annexure - 7)

4) That the ***Ministry of Road Transport and Highways, issued G.S.R 640 (E), dated 18.08.2022*** categorically to empower the State authorities ***to approve/authorize the licence plate manufacturers and their dealers*** and not just dealers and to ensure the implementation of HSRP in a control manner and to stop unauthorized selling of HSRPs in the open market. (Annexure - 8)

5) That the order dated 13.04.2023 shall undermine the entire objective of HSRP scheme. Despite the Hon'ble Supreme Court's repeated instructions for efficient and appropriate execution, the FIRs filed and measures taken by State Governments will be rendered useless. Moreover, there will be no regulation or oversight over the HSRP and its security features.

6) That the order issued on 13.04.2023 will remove the authority of state officials to oversee the HSRP project and its issuance. This is because all HSRP manufacturers will be allowed to supply and affix HSRPs across the country based solely on TAC, which could jeopardize national safety and security. As a result, the overall purpose of the HSRP scheme will be undermined.

7) It is to be noted that the 4th respondent deliberately concealed information that they had previously filed a similar petition with the Hon'ble High Court of Orissa, Cuttack, on October 14th, 2022, via W.P(C) 27440 of 2022. That the petitioner made a submission before the Hon'ble Court that it has TAC but is unable to implement. The purpose of the petition was to prevent the Odisha government from implementing the HSRP scheme for old vehicles. However, on April 19th, 2023, the petition was withdrawn.

In December 2018, the Ministry of Road Transport and Highways issued a notification (S.O. 6052 (E)) which assigned the task of High-Security Registration Plates (HSRPs) to Vehicle manufacturing companies/OEMs and their dealers and additionally onto the State Government in case it authorizes manufacturer of HSRPs for vehicles produced before April 1, 2019. This responsibility came into effect on April 1, 2019. The following is the pertinent section of the HSRP Order 2018 (S.O No.6052 (E) dated 06.12.2018). (Copy of the notification dated 06.12.2018, Annexure - 9)

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

Subsequently, the Ministry of Road Transport and Highways (MoRTH) issued several notifications, i.e., G.S.R. 104(E) dated 11.02.2020, G.S.R 640 (E), dated 18.08.2022 mentioning the fact that the licence plate manufacturers or their dealers can supply and affix HSRPs onto the old vehicles only of authorized by the State Government or Union Territory Administration. The reason for publishing these

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notifications was basically to prevent the unlawful, unapproved, and unauthorized distribution of HSRPs for old vehicles. (Copy of the notifications dated 11.02.2022, Annexure - 10)

It is submitted that the purpose to issue the above Notification **(G.S.R 640 (E), dated 18.08.2022)** was to stop the illegal, unapproved and unauthorized supply of HSRPs for the old vehicles , as it was observed and found that that the HSRPs and its security features were being sold illegally in the open market either by an individual/non-automobile dealer and by the unapproved /unauthorized HSRP vendors/manufacturer (without being approved to sell either by the vehicle manufacturers or by the respective State authorities) categorically for the old vehicles. The same was defeating the objective of the HSRP Scheme and was violating the order/judgments passed by the Hon'ble Supreme Court of India in W.P (c) 41 of 2003, W.P(C) 510 of 2005 and C.P(C) 483 OF 2013. Copies of the FIRs registered by Odisha Police, Maharashtra Police and letters issued by Uttar Pradesh Government, Rajasthan Government are enclosed and marked as Annexure – 11, 12, 13 and 14)

We would like to draw your attention to the fact that the Respondent number 4 (Orbiz) was previously engaged in the unlawful sale of HSRPs without proper approval or authorization from the relevant authorities. In response to this issue, the Ministry of Road Transport and Highways issued a letter on November 29, 2017, instructing the testing agency to address the matter. (Copy of the MoRTH letter dated 29.11.2017, Annexure - 15)

It is pertinent to mention here that both the petitioner and respondent no. 4 have knowledge of the rulings outlined in (2005) 1 SCC 679, (2011) 14 SCC 273, (2016) 14 SCC 72, the order dated 19.04.2023 from the High Court of Odisha, the order dated 01.03.2021 from the Court of Madras in W.P (C) No.4139 of 2021, and the accurate interpretation of G.S.R 640 (E) issued on 18.08.2022. These judgments indicate that possessing TAC under Rule 126 alone does not authorize them to supply and affix HSRP as possessing TAC is just a pre requisite for manufacturing of HSRPs and not for supply and affixation of the same. However, despite being aware of these facts and rulings, the petitioner and respondent no. 4 concealed them from the Hon'ble High Court of Kerala due to which the Hon'ble Court made an error while passing the order dated 13.04.2023.

It is essential to note that in the case of M.C Mehta Vs. UOI and Ors. with reference number W.P (C) 13029 /1985, the Hon'ble Supreme Court of India declared in its order dated 10.12.2018 that any dispute regarding the GSR 1162 (E) dated 4th December and a statutory order S.O. 6052 (E) dated 6th December, 2018 can only be addressed in front of the Hon'ble Supreme Court of India. Annexure - 16

That even without considering other factors, the fact that the petitioner is not a dealer and his business partner (referred to as respondent no.4) possesses a Type Approval Certificate (TAC), shall be considered by the Hon'ble Court to issue a writ of mandamus directing the state government to allow him to supply and affix the High-Security Registration Plate (HSRP) without requiring any authorization or permission from the state government would be in violation of the judgments passed by the Hon'ble Supreme Court of India. The HSRP order of 2018, and the basic principles of law, which prohibit carrying out any activities listed in the 7th schedule under list 1 and 2 and the concurrent list of the Indian Constitution.

It appears that the petitioner and respondent no.4, who possess the TAC, have a vested business interest and have misled this Hon'ble Court by showing that possessing a TAC entitles them to carry out this business, which is otherwise restricted as per the HSRP order of 2018 and the directions of the Hon'ble Supreme Court of India. Therefore, the order, particularly the directions in para 12, 13(a), and the consequential direction 13(b), are completely violative of the judgments passed by the Hon'ble Supreme Court of India.

In light of the above mentioned facts and judgments of the Hon'ble Supreme Court of India, We request your good self to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the said directions made are

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in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).

Yours Faithfully

For All India Motor Vehicle Security Association

Sanjay Ganjoor

Sanjay Ganjoor
President

Encl: Above mentioned Annexures

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Annex-1

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Annex

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Thursday, the 13th day of April 2023 / 23rd Chaithra, 1945

WP(C) NO. 35549 OF 2022

PETITIONER:

SIDHIKHU, AGED 54 YEARS, S/O. JAMALUDEEN KUNJU, PROPRIETOR, M/S. KALARICKAL ALFA NUMERICS, BUILDING NO. 6/389/4, KOTTARAKKARA, KOLLAM-691506.

RESPONDENTS

1. STATE OF KERALA, REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695001.
2. REGIONAL TRANSPORT OFFICER, OFFICE OF THE REGIONAL TRANSPORT OFFICER, CIVIL STATION, KOLLAM-691013.
3. MOTOR VEHICLE INSPECTOR, MOTOR VEHICLE DEPARTMENT, PUTHOOR ROAD, KOTTARAKKARA, KOLLAM-691506.
4. ORBIZ AUTOMOTIVEZ, PLOT NO.23/A AND 23/C, INKEL CITY, PANAKKAD VILLAGE, MALAPPURAM - 676519; REPRESENTED BY ITS MANAGING PARTNER, SHRI. JABIR M.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation of Exhibit P12 and all further proceedings thereon, pending the disposal of the Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 08/02/2023 upon hearing the arguments of M/S.RENOY VINCENT & ATHUL ROY, Advocates for the petitioner, the court passed the following:

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RAJA VIJAYARAGHAVAN V, J.

W.P.(C) No. 35549 of 2022, 10761 of 2022 & 7089 of 2023

Dated this the 13th day of April, 2023

ORDER

I have heard the submissions of Sri. S.M.Prasanth, the learned counsel appearing for the petitioner in W.P.(C) No. 10761/2022, Sri.Mohammed Shah, the learned counsel appearing for the petitioner in W.P.(C) No. 7089/2023, Sri.Renoy Vincent, the learned counsel appearing for the petitioner in W.P.(C) No.35549 of 2022 and the learned Special Government Pleader.

2. The petitioner in W.P.(C) No. 10761/2022 and the 4th respondent in W.P.(C) No.35549/2022 are licensees holding "Type Approval Certificate" to manufacture and supply High-Security Registration Plate (HSRP). "MotorSigns India" has been issued Type Approval Certificate by Global Automotive Research Centre (GARC), and "Orbiz Automotivez" has been issued Type Approval Certificate by the International Centre for Automotive Technology, Manesar. They are among the 17 approved license plate manufacturers granted approval strictly in terms of Rule 126 of the Central Motor Vehicles Rules.

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3. Sub Section (6) of Section 41 of the Motor Vehicles Act, 1988, clearly stipulates that the registering authority shall assign to the vehicle, for display thereon, a distinguished mark, otherwise referred to as the registration mark in such manner as may be prescribed by the Central Government.

4. Rule 50 of the Central Motor Vehicles Rules, 1989 provides for the manner of display or registration marks on motor vehicles. The said provision reads thus:

> 50. Form and manner of display of registration marks on the motor vehicles.—
>
> (1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security license plate of the following specifications, namely:—
>
> (i) the plate shall be a solid unit made of 1.0 mm aluminium conforming to AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standards Act, 2016 (11 of 2016) or ISO:7591. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approx. 10 mm, and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The fast colouring of legend and border to be done by hot stamping;
>
> (ii) the plate should bear the letters "IND" in blue colour on the extreme left centre of the plate. The letter should be one-fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate;
>
> (iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a

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permanent consecutive identification number of minimum ten digits, to be laser branded into the reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authority/vehicle manufacturer and their dealers along with regular registration marks and thereafter if such sticker is destroyed it shall be used by the registering authority/vehicles manufacturer and their dealers

(v) the plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the license plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency authorized under Rule 126 shall approve the security registration as per the provisions of the rule.

XXXXXXXXX XXXXXXXX

5. It would be pertinent to note that it was as per notification dated 18.08.2022 that Rule 50(1)(v) was amended, and for the words "approved license plate manufactures or their dealers," the words "license plate

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manufacturers or their dealers approved by the State Government or Union territory Administration" was substituted. In other words, so far as dealers are concerned, approval of the State Government would be required. But no such requirement is there for the license plate manufacturers. Furthermore, Section 111 of the Act only enables the State Government to make rules relating to the subjects mentioned therein.

6. Rule 50 of the Central Motor Vehicles Rules, coupled with the subsequent notification No.GSR 140(E) dated 11.02.2020 and GSR 640(E) dated 18.08.2022 makes it clear that the registering authority or the vehicle manufacturers and their dealers, or the license plate manufacturers, are empowered to fix HSRP on old vehicles. The dealers of the license plate manufacturers are also empowered, provided they have approval from the State Government or Union Territory Administration.

7. The Government of Kerala, recognizing the above fact and the directions issued by the Central Government, has issued Circular No. B2/125/2019/Trans. Dated 09.05.2019 making it clear that the Ministry of Road Transport and Highways (MoRTH) has made the HSRP mandatory throughout the country as per notification dated 06.12.2018. As per the Central Government notification, all existing vehicles were also to be fitted with HSRP.

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8. The grievance of the petitioner in W.P.(C) No.10761/2022 is that no measures are being taken by the State Government to ensure immediate compliance of Rule 51 of the Central Motor Vehicles Rules while implementing the affixation of HSRPs registered before, on and after 01.04.2019.

9. The grievance of the petitioner in W.P.(C) Nos.7089/2023 and 35549/2022 is that despite the fact that the petitioners therein are not dealers but are only service partners of M/s. Orbiz Automotivez, an authorized manufacturer of HSRPs with Type Approval Certificate issued by a recognized agency and only does online booking delivery and acts as fitment centers, they are not being permitted to operate on the premise that approval from the State Government is required. They contend that the respondents 1 to 3 are shutting down their establishments on the ground that they are dealers.

10. After having heard the submissions of the learned counsel in detail, this Court issued an interim order on 14.03.2023, the operative portion of which reads as under:

> 6. Having considered the submissions, prima facie, I am of the considered opinion that there is absolutely no justification on the part of the official respondents in delaying the implementation of HSRPs on motor vehicles, despite the Central Government coming out with Motor Vehicles (New High-Security Registration Plates) Order, 2001 as early as on 22.08.2001.

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7. Let the respondents respond and give a time frame before this Court within which licensed vendors with Type Approval Certificates can be granted approval to affix HSRPs on existing motor vehicles registered in Kerala before 1.4.2019 and also, provide them access to Vahan Portal.

11. In response, the learned Special Government Pleader submits that three months time is required for the process of selecting vendors who can be granted approval to affix High-Security Registration Plates on existing motor vehicles registered in Kerala before 01.04.2019.

12. Having considered the submissions, I am of the considered opinion that manufacturers of HSRPs who have obtained Type Approval Certificate issued by the Government of India or other Testing Agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government. Only dealers of the approved licensed manufacturers are required to obtain approval from the State Government.

13. In that view of the matter, as an interim measure and to ensure effective implementation of the provisions of the Central Motor Vehicles Rules and Circular No.B2/125/2019/Trans. dated 09.05.2019 issued by the State Government, the following directions are issued:

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a) There will be a direction to the respondents in W.P.(C) No. 10761/2022 to allow and authorize the petitioner therein to issue and affix HSRP (High Security Registration Plates) on vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate issue to them. Their request for providing access to the National Registry for electronically linking HSRP details in the "VAHAN" portal shall also be considered, and expeditious orders shall be issued to enable them to issue and affix HSRP plates without any impediment whatsoever.

b) The petitioners in W.P.(C) No.35549/2022 and 7089/2023 shall appear before the Transport Commissioner and place materials to establish that they are merely service partners/online booking, fitment, and delivery points and are not dealers. The Transport Commissioner shall consider the materials and take a decision within a period of one month from today. If the petitioners are not dealers, they are not bound to get approval from the State Government in terms of Rule 50 of the Central Motor Vehicles Rules.

sd/-

RAJA VIJAYARAGHAVAN V,
JUDGE

ps/17/4/2023

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APPENDIX OF WP(C) 35549/2022

Exhibit P12	**TRUE COPY OF THE ORDER PASSED BY THE RESPONDENT NO.2 DATED 28.10.2022.**



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2

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

R-684

WRIT PETITION (C) No. 41 OF 2003

Association of Registration Plates ..... Petitioner

Vs.

828037

Union of India & Ors. ..... Respondents

WITH

WP (c) No. 24/03, TC (c) 30-31/03, TC (c) 32/03, TC (c) 38/03 TC (c) 39-40/03, TC (c) 41/03 TC (c) 42/03, TC (c) 62/03, WP(c) 56/03, WP(c) 395/03, WP (c) 77/03.

Certified to the true copy
Assistant Registrar (Judl.)
10/12/04
Supreme Court of India

JUDGMENT

Dharmadhikari J.

The present writ petition along with the cases transferred from various High Courts have been placed before this Bench on a difference of opinion between Hon'ble Judges constituting the Division Bench.

The dispute concerns the terms and conditions of Notices Inviting Tenders [NITs] for supply of High Security Registration Plates to motor vehicles. The tenders have been issued by various State Governments on the guidelines circulated by the Central Government

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for implementing the provisions of Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') and the newly amended Central Motor Vehicles Rules, 1989 (hereinafter referred to as 'the Rules').

The main grievance of the petitioner is that all Notices Inviting Tenders (NITs) which have been issued by various State Governments contain conditions which seem to have been tailored to favour companies having foreign collaboration. The tender conditions are described to be discriminatory under Article 14 of the Constitution of India being aimed at excluding indigenous manufacturers from the tender process. In all the cases the grievance is that the work of supply of High Security Registration Plates for all existing vehicles and new vehicles is being entrusted to a single license plates manufacturer in a State or a region and for a long period of 15 years thus creating monopoly in favour of selected bidders to the complete exclusion of all others in the field. The contention advanced is that creation of monopoly in favour of few parties having connection with foreign concerns is violative of fundamental right of trade under Articles 19 (1) (g) and discriminatory under Article 14 of Constitution of India.

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A survey of the relevant provisions of the Act and Rules continuing the Scheme of High Security Registration Plates is necessary for considering the merit of the petitioners' grievances.

The object of the new scheme is to curb the increasing menace of vehicle thefts and their usage in commission of crimes like murder, dacoity, kidnapping etc. It is felt urgent to check usage of motor vehicles in terrorists activities. The Central Government on the recommendation of its Technical Committee has devised a system of High Security Registration Plates which will ensure public safety and security. With the above purpose, Rule 50 of the Motor Vehicles Rules has been amended. Rule 50 was first amended on 28.03.2001, then on 24.09.2001 and lastly on 21.01.2003 w.e.f. 01.01.2004. The relevant part of the rule in its amended form reads as under:

> "Rule 50- **Form and manner of display of registration marks on the motor vehicles** - (1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of Section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security license plate of the following specifications, namely: -
>
> (i) the plate shall be a solid unit made of 1.0 mm aluminium conforming to DIN 1745/DIN 1783 or ISO 7591. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approx. 10 mm and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The fast colouring of legend and border to be done by hot stamping;
>
> (ii) the plate should bear the letters "IND" in blue colour on the extreme left center of the plate. The letter should be one fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate;

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(iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a permanent consecutive identification number of minimum seven digits, to be laser branded into a reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self destructive type, chromium based hologram sticker shall be affixed on the left hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authorities/approved dealers of the license plates manufacturer along with the regular registration marks, and thereafter if such sticker is destroyed it shall be issued by the license plate manufacturer or his dealer;

(v) **the plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle at the premises of the registering authority;** The licence plates with all the above specifications and the specified registrations for a vehicle shall be issued by the registering authority or approved the licence plates manufacturers or their dealers. The Central Road Research Institute, New Delhi or any of the agency authorized by the Central Government shall approve the license plates manufacturers to the above specification;

(vi) the size of the plate for different categories of vehicles shall be as follows:-

For two and three wheelers	200 x 100 mm
For light motor vehicles and Passenger cars	340 x 200 mm/ 500 x 120 mm
For medium commercial vehicles Heavy commercial vehicles and Trailer/combination	340 x 200 mm

Provided that this sub-rule shall apply to already registered vehicles two years from the date of commencement:

Provided further that the size of the registration plates for agricultural tractors shall be as follows:-

Front	-	285 x 45 mm
Rear	-	200 x 100 mm

2 to 6. .....

[Underlining for pointed attention]

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The rule in the above manner requires manufacture of such registration plates which would be non-reusable and non-replaceable. The technical specifications of the registration plates are such as to make identification of the vehicle and its tracking easier and certain. The other requirements contained in Rule 50 are that apart from regulating the aspect of issuing registration mark with use of specific kinds of letters and numerals, it seeks to ensure its safety and security by regulating issuance and fixation of number plate from the premises of the Regional Transport Office of the concerned area. The RTO will issue registration number and also issue the plate itself. Thus a high security number plate with specified technical features is to be issued under Governmental control and supervision. The Scheme contained in Rule 50 substitutes the existing system where the registration number was given by the RTO and ordinary plate obtained from the open market. The implementation of the rule requires cooperation and coordination between the authorities of the State and the manufacturer of registration plates.

The source of power for providing Scheme of High Registration Plates by Rule 50 is traceable to Rule Making Power of Central Government contained in Section 64, clauses (a) to (e) of the Act which read as under:-

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"**Section 64. Power of Central Govt. to make rules.** - The Central Government may make rules to provide for all or any of the following matter namely :-

(a) the period within which and the form in which an application shall be made and the documents, particulars and information it shall accompany under sub-section (1) of Section 41;

(b) the form in which the certificate of registration shall be made and the particulars and information it shall contain and the manner in which it shall be issued under sub-section (3) of Section 41;

(c) the form and manner in which the particulars of the certificate of registration shall be entered in the records of the registering authority under sub-section (5) of Section 41;

(d) the manner in which and the form in which the registration mark, the letters and figures and other particulars referred to in sub-section (6) of Section 41 shall be displayed and shown;

(e) the period within which and the form in which the application shall be made and the particulars and information it shall contain under sub-section (8) of Section 41

(f) to (o) .....

The Central Government has also issued the Motor Vehicles (New High Security Registration Plates) Order, 2001 in purported exercise of power under sub-section (3) of Section 109 of the Act. The relevant parts of the order of 2001 contained in sub-clauses (viii) to (xiv) read as under:-

"(i) to (vii) ....

(viii) The registration plates fitted in the rear of the vehicles shall be fastened with non-removable/non-resuable snap lock system. For the sake of better security, at least two such snap locks shall be fitted

(ix) No high security plate shall be affixed outside the premises of the registering authority.

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(x) **The manufacturer or the vendor selected by the State Transport Department for supply of such registration plates may be for the State as a whole or for any region of the State.**

(xi) The registration plate will be supplied to the motor vehicle owners by the vendor against the authorization by the Road Transport Officer or any other designated for the purpose by the State Transport Department.

(xii) The replacement for any existing registration plate may be made by the concerned transport authority only after ensuring that the old plate has been surrendered and destroyed.

(xiii) A proper record of the registration plates issued by the manufacturer or the vendor, authorized by the State Government, should be maintained on a daily basis and got tallied periodically with the records of the Transport Office.

(xiv) Periodic audit shall be carried out by concerned testing agencies to ensure compliance of the requirements of the High Security Registration Plates. "

[Highlighted for emphasis]

According to the respondents, the source of power to issue the New High Security Registration Plates Order, 2001 is to be found in sub-section 3 of Section 109. The petitioners have challenged the validity of the Registration Plates Order, 2001 (hereinafter shortly referred to as Order of 2001) which according to them is beyond provisions of the Act and has no legal efficacy.

The main features of the High Security Registration Plates as provided in Rule 50 and the order of 2001 are as follows:-

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1. It provides for a solid aluminium plate.
2. The plate should be suitable for hot stamping and would be a reflective sheet.
3. The plate should bear the letters "IND" in blue colour.
4. It should have a chromium based hologram which shall also be hot stamped.
5. There would be third registration mark which would be self-reflective being a chromium based hologram sticker and which would be affixed on the windshield of the vehicle.
6. The plate on the rear shall be fastened with non-removable/non-resuable snap lock fitting system

The above-mentioned features to the High Security Registration Plates have been insisted upon for the following reasons:-

1. Hot Chromium based hologram would prevent counterfeiting.
2. The ingress letter "IND" on the plate would secure national identity and standardization.
3. The laser etched 7 digits code to be given by the manufacturer to each plate is with a view that there should

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be a sequential identification of individual registration plate across the country. This would act as a watermark and not erasable by any mechanical or technical process.

4. Snap lock to be fitted on the rear portions of the vehicle would be temper proof. Any attempt to remove the plate would break it.

5. The reflective sheet of superior grade would be visible from a minimum of 200 meters.

6. The alpha-numeral would be easily readable and identifiable.

7. On alpha-numeral border, ingress letters "IND" would prevent painting and screen printing which would act as protection and counterfeiting.

8. The sticker to be affixed on the windshield would have 7 digit laser code containing the engine number and the chassis number. This was so designed to be self-destructive upon removal.

After Rule 50 was amended and New High Registration Plates (amendment) Order, 2001 was issued in purported exercise of power under Section 109(3) of the Act. The Ministry of Road Transport and Highways vide its letter dated 6.3.2002 circulated the minutes of

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meeting of 4.3.2001 held between the representatives of all States and Union Territories on introduction of the new system of the registration plates. A series of meetings were held by the Union with the States. Eventually, on 6.3.2002 the Union laid down guidelines for incorporating necessary conditions in the Notices Inviting Tenders to be issued by the various States. In substance, the guidelines suggest as follows:-

1. The tender document would specify whether the appointment of vendor was for the whole State or for certain parts.
2. The tender document would specify the terms of the bank guarantee .
3. The tender document would require report back on certain aspects on "a periodic and regular basis".
4. The bidder must furnish proof of past experience/expertise in this area or proof of the same with a collaborator.

NIT guidelines were later modified by letter dated 14.6.2002 sent by the Ministry. It was suggested that the bidders may be asked to provide details about the experience/capability of its collaborator to the satisfaction of the State Authorities.

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On 16.9.2002, meeting was held between officials of Ministry, representatives of States/Union Territories and manufacturers of New Registration Plats wherein several issues pertaining to the introduction of the new system as well as the terms of NIT were discussed. The minutes of the said meeting resulted in issuance of a clarificatory letter on 13.11.2002 wherein it is reiterated that the guidelines are suggestive in nature. The main features of the guidelines issued after due deliberations between Union and States officials and the representatives of manufacturers are as follows:-

"The determination of the physical and financial capability of the bidder was to be done by the State. A suggestion was voiced that instead of tender process the market process should be given and all manufacturers would obtain technical approval certificate for being allowed to sell their product. This led to clarification by the Secretary of Road Transport and Highways that the State Transport Authorities will have to exercise control over issuance of registration plates. Representatives of certain States opposed to free open market situation having large vehicular population of cities and likelihood of successful tenderer neglecting the rural area having low vehicular population."

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The Ministry of Road Transport and Highways left the discretion to the States in the matter of issuing NIT but reiterated security and rural concerns. On the guidelines given by Central Government and pursuant to joint deliberations between the officials of the Union, States and the manufacturers, several States issued Notices Inviting Tenders which led to filing of petitions in the High Courts of several States. The petitioners have challenged the terms and conditions of the NITs. All those cases have been transferred to this Court for decision along with the writ petitions directly filed here. It is not necessary to reproduce all the conditions in various Notices Inviting tenders issued by different States. The gist of impugned conditions in various NITs may be summerised as under:-

Condition (a) Tenderer/bidder or the promoter or any of the members of joint venture should have sufficient **experience** in the field of registration plates and should be working **at least in 5 countries for license plates and in a minimum of 3 countries with license plates having security features world-wide** (necessary credentials from the Government of such country should be attached along with a performa as per annexure XIII duly filed in) . Apart from the above credentials the tenderer/bidder should furnish "Type Approved Certificate" from Testing Agencies".

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Condition (b): The tenderers/bidders of the joint venture partners together must have **a minimum annual turnover equivalent to INR 30 crores** in the immediately preceding last year. **At least 25% of this turnover must be from the license plate business**. Certificate confirming and the certification of the minimum 25% turnover being from licensed plates business will have to be provided duly attested by a Chartered Accountant/any bank to be attached in support of fulfillment of this condition.

Condition (c): **The contract will be for a period of fifteen years** commencing from the date of commencement of the scheme. A detailed agreement shall be entered into between the successful bidder and the Government for a period of fifteen years and government ensures that no second bidder will be approved during the currency of the contract in the State except in the case of termination of the contract in view of the strictest of adherence to High Security Features and to impose answerability on to the successful bidder. ***[Portions highlighted being under specific challenge]***

We shall now take up for consideration the various submissions made by the counsel appearing for the petitioners in assailing certain

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conditions of the Notices Inviting Tenders issued by various States, provisions of the Rule 50 and the statutory order of 2001 issued to implement the scheme of High Security Registration Plates.

1) **Challenge to the impugned tender conditions.**

The learned counsel appearing for the petitioners submit that the three conditions concerning experience and extent of business (the gist of which has been mentioned above) contained in the Notices Inviting Tenders, are per se discriminatory and unreasonable. They are apparently tailor-made to sub-serve the business interests of a class of manufacturers having foreign collaboration and for a cartel of companies. He further submitted that the above mentioned three clauses which are substantially same in all the NITs issued by many of the States, make it mandatory for the bidders to enter into collaboration with the foreign collaborators. It becomes a pre-condition to participate in the bidding process. It envisages collaboration with few known foreign companies in the field of manufacture which alone can satisfy the tender conditions. It is known to tendering authorities that there are not more than 1 or 2 companies that could satisfy the stringent eligibility conditions laid down in the NITs.

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It is submitted that Rule 50 as amended has inbuilt safeguards to ensure the technical competence of the prospective manufacturer and for controlled issuance of registration plates. The manufacturers can manufacture the said plates only after it has got type approved certificate from one of the autonomous certifying agencies. Supply of the plates to the vehicle users can be made only after the grant of certificate of conformity of the standard of the production. The States, therefore, can have no jurisdiction to decide or declare any of the manufacturers as competent or incompetent with respect to their technical competence.

To reinforce the challenge to the conditions and describing them as highly unreasonable and resulting in complete exclusion of indigenous manufacturers, it is submitted that at present, registration plates with specified security features are in use only in some of the countries which are much smaller than India. They are Armenia, Columbia, Congo, Curacao, Ethiopia, Georgia, Iraq, Mali, Malta Oman, Palestine, Sri Lanka, Tanzania, Uganda, Uragua, and Zambia. The learned counsel argues that it is difficult to understand as to how the experience of working in the above mentioned small countries with a very small vehicular population would be of any help as an experience for supplying registration plates for large vehicular population of India

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whose needs and requirements are of far greater magnitude and in no way comparable to the above mentioned small countries. The total vehicular population of all above mentioned nations accumulated does not match the vehicular population of Delhi alone. Indigenous manufacturers of High Security Plates can manufacture and supply registration plates on their own strength by complying with all standards and in conformity with all norms laid down in Rule 50 without entering into collaboration with any foreign partner.

It is contended that in the name of implementing the amended Rule 50, the States are imposing conditions in the tender that would take away the existing rights of the manufacturers of plates in India. The implication of conditions is that indigenous manufacturers, although capable of fulfilling the requirements of Rule 50, are prohibited to do the business of manufacturing and supplying the High Security plates. This violates their fundamental right under Article 19 (1) (g) of the Constitution of India.

The further contention is that all security features for number plates have been specified for the first time in India and, therefore, insistence on possessing experience in five countries from the manufacturers is to eliminate manufacturers of India. It is pointed out

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that as per the requirements of Rule 50 the plates are required to conform to DIN 1745/DIN 1783 or ISO 7591 standards (DIN of the German Standards and ISO of the World standards). The other security features are the additional features. It is submitted that these standards have been used to suit only one or two manufacturers. It is submitted that the laid down standards and security features are so laid down as to wipe out indigenous manufacturers from the field although Indian-manufacturers are fully competent to be involved in the implementation of the new scheme of High Security plates.

To the condition laid down of prescribed minimum turnover of business, the challenge made on behalf of the petitioners is that fixing such high turnover for such a new business is only for the purpose of advancing the business interests of a group of companies having foreign links and support. It is impossible for any indigenous manufacturers of security plates to have a turnover of approximately 12.5 crores from the High Security Registration Plates which are sought to be introduced in India for the first time and the implementation of the project has not yet started in any of the States.

On the question of condition of a period of 15 years for supply of High Security Registration Plates the contention advanced is

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that it is an attempt to create monopoly in favour of one private company or a cartel of companies. This is against public interest as it would leave the consumers/vehicle owners at the mercy of a sole successful bidder. Award of a contract for a long term of 15 years would eliminate indigenous Type Approved manufacturers for a long period of time and would deprive the vehicle users of the number plates from the benefits of the competitive market. In the event of further development of the technology of security plates, the State Government would be obliged to involve the same manufacturers who had been awarded the contract first of all. The process of grant of Type Approved Certificate is a continuing process and award of contract for a long period of 15 years in favour of a single manufacturer would render grant of Type Approved Certificate to other manufacturers, inconsequential. Referring to the relevant data of the business of the respondent group companies working in collaboration with foreign companies as joint venture concerns, the petitioners highlights that if indigenous manufacturers are involved in implementation of scheme the plates can be made available only for Rs. 200-250 for two plates whereas creating monopoly right in favour of joint venture companies in foreign collaboration would hike the cost of plates to not less than Rs. 2,000/- per pair in contrast to the market price of Rs. 800 to Rs. 900 per pair by the Indian

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manufacturers. In conclusion, learned counsel for the petitioner submits that the tender conditions are arbitrary, irrelevant and tailor-made to involve only certain joint venture companies in foreign collaboration. They aim at eliminating the indigenous manufacturers of plates. The petitioners seek quashing of the impugned tender conditions. Reliance is placed on ***Sterling Computers*** Vs. ***M.and N. Publications*** [1993 (1) SCC 445 and ***Union of India*** Vs. ***Dinesh Engineering*** [2001 (8) SCC 491]

The other counsel appearing in connected cases for the petitioners have submitted that selection of sole manufacturer for supply of registration plates has no justification either in law or on facts. On behalf of the petitioners, it is contended that grant of contract to more than one manufacturer would, in fact, ensure better and prompt services to the vehicle owners and minimize their inconvenience and possibility of black-marketing which might be there in case of monopoly. The submission is that regulated and disciplined multi-vendors system with registration of operating manufacturers and making them answerable and accountable is the only permissible method of implementation of the policy akin to that followed in other developed countries where no monopoly is created in favour of a sole manufacturer in the name of control and security.

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On the economics of the project, the contention is that keeping in view large vehicular population of the country, benefits of a lucrative business are being unjustly conferred on a sole manufacturer for a long period of 15 years which is likely to give a profit of Rs.2500 crores to the sole manufacturer in the first two years itself.

The learned counsel appearing for the Union of India, State Authorities and counsel appearing for the contesting manufacturers, in their replies, have tried to justify the manner and implementation of the policy contained in Rule 50. On behalf of the Union of India, learned Addl. Solicitor-General submitted that under Rule 50 read with the statutory order of 2001 issued under section 109(3) of the Act, the State Governments are legally competent to formulate an appropriate policy for choosing a sole or more manufacturers in order to fulfill the object of affixation of security plates. The registration plates have to be issued and affixed on the premises of the registering authority and with its permission. It is submitted that the scheme contained in rule 50 read with a statutory order of 2001 leaves it to the discretion of the State concerned to even choose a single manufacturer for the entire State or more that one manufacturer regionwise. Such a selection cannot be said to confer any monopoly right by the State to any

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private individual or concern. It is just like selection of an appropriate person for grant of a contract or largesse by the State on laid down criteria of experience and technical qualifications. A fair process of selection may eliminate persons or parties who may not be found technically, financially and on the basis of past experience sound to be awarded the contract. Reliance is placed on ***Krishnan Kakkanth vs. Govt. of Kerala*** *[1997 (5) SCC 495];* ***Ugar Sugar Works Ltd., vs. Delhi Administration & Ors.*** *[2001 (3) SCC 635]; and* ***M.R.F. Ltd., vs. Inspector Kerala Govt. & Ors.*** *[1998 (8) SCC 227].*

On behalf of State of West Bengal, the learned senior counsel appearing supported the manner of implementation of scheme contained in rule 50 and the conditions contained in the Notice Inviting Tenders [NITs]. It is submitted that the main objective of the competitive bidder process was to ensure that such manufacturers as selected by the State would be able to comply with the requirements of rule 50. In selecting a suitable manufacturer, his capability and capacity to invest and build necessary infrastructure, has to be assessed so that through him, the scheme becomes operationable from the targeted date 28.2.2003 and without any difficulty it remains so operational for a longer period so that all existing vehicles switch over to high security registration plates as also the newly purchased

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vehicles are fitted with such plates. The tender conditions are deliberately so framed as to eliminate newly floated companies commonly described as **'fly-by night companies'** which merely compete to obtain the contract but have neither technical nor financial capacity to fulfil the contract of such vast dimensions.

It is submitted that the tender conditions are formulated keeping into account the public interest consideration and aspects of high security. The States do not possess the requisite resources of its own to implement the scheme. It has, therefore, to search and select a dependable manufacturer. It is submitted that the tender conditions specifically require the manufacturer to conform to the technical specification of high security registration plates. It should be able to prove existence of requisite financial resources to integrate large number of RTOs in the State on an on-line platform. The manufacturer should have a permanent technical partner to the venture so that the technology support is assured for the entire period of contract. The manufacturer to be selected should have access to the requisite technology and should be in a position to upgrade, expand and upscale operation on a continuous and sustainable basis. It is necessary to have a long term contractual relationship so that State can fix liability on the manufacturer and make him answerable for damages or any

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defects in the registration plate or for improper implementation of the project. The requirement of the rule that registration number and plates will be issued on the premises of the RTO, is to maintain secrecy and security. For the above purpose, selection of one single manufacturer would ensure security aspects instead of more than one manufacturers operating from different points.

With regard to 15 years long term contract, it is submitted that it is also in public interest. The manufacturer who has to stake the money would have to make huge investment by installing high technology based networking at each RTO's office. A short-term contract would not, therefore, attract an experienced and reliable manufacturer. Long-term contract with fixed price for entire 15 years period is beneficial to the customers as there would be no price increase for the stipulated period irrespective of inflation. Fifteen years period has been chosen in proportion to the average road-worthy life of a vehicle in India.

Looking to the huge vehicular population of the country, the capacity of the manufacturer has to be as great because plates are to be fitted to a very large number of existing vehicles within first two years. Thereafter, every year about one lakh vehicles in each State

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would be required to be entrusted with the plates. If the bulk of contract is exhausted in the first two years, fresh manufacturers would not come forward to undertake the remaining work as it would not be cost-effective. A long-term contract was necessitated for various reasons such as necessity of huge investment for building infrastructure, uninterrupted supply of plates in the first two years and thereafter every year and the investment of such infrastructure requiring recovery over a long duration by way of supply. If the contract period is lowered, the cost of plate might go up as the huge investment will have to be recovered in a shorter period.

Justifying the selection of a single manufacturer for a region or an entire State, to ensure security considerations, the following factors have been highlighted as sub-serving the public interest :-

1. That it would not be possible to implement the scheme since the scheme provides that the approved manufacturer would use the premises of the State RTO and lay down V-Sat links so that the entire state is networked on a common platform.

2. It would be impossible for the State to provide all the TAC holders space and infrastructure in the RTO premises.

3. It would be difficult for the state to identify the source of any counterfeiting in case there are multiple manufacturers. This would severely compromise the security considerations involved in the scheme.

4. Different manufacturers would lead to variations in price between different manufacturers.

5. The State is at disadvantage since all the manufacturers would prefer to concentrate on supplying only in Kolkata and would

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not go to the other far flung RTOs where he would recover the returns on his investment.

6. In case more that one manufacturer operate within the state, it will lead to discrepancy and non-uniformity in price structure prevailing in different regions.

7. Difficulty in assimilation of data from more than one manufacturer thus leading to disaggregated and confusing database signals. Such sensitive and security related business must be governed by uniform database management processes and unified standardized coding practices.

8. Different manufacturers would mean that there would be variation in quality of the material and in terms of workmanship.

9. Possible duplication of Registration Plates due to competition between manufacturer of different regions and lack of aggregated security controlled database management systems.

10. Non-conformity of data of different manufacturers would lead to confusion and integration of data from the State RTOs.

11. Difficulty in fixing up the answerability on any one manufacturer for not following the prescribed procedure.

12. Confidentiality of the public database would be severely compromised.

13. Provision of Training of RTO personnel by each manufacturer would be a logistic nightmare and would lead to confusion and further lead to the system being compromised severely.

14. It is also important to note that each registration plate has a unique number, and consequently, all the RTOs are required to be electronically connected to each other, if the vendors are allowed to proliferate, this connection would not be possible, and would lead to complete chaos.

By highlighting the above factors, it is submitted that if multiple manufacturers are involved in implementation of the policy, it is not likely to work satisfactorily. It is submitted that a single selected manufacturer would not just be marketing, servicing and providing a new product but would engage in assisting the State in fulfillment of

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statutory obligations to grant the high security registrations to the owners of motor-vehicles in accordance with the provisions of the Act and the Rules. It is submitted that tender conditions are suitably formulated for performance guarantee, experience and understanding of business, financial strength, and capacity of creating and installing the entire infrastructure and networking. Finally, it is submitted that the eligibility criteria prescribed by the State is commensurate not only with the scale of operation and size of network to be created by the operator but also with statutory requirement of States' continued delivery of its obligations to vehicle owners without any interruption. It is contended that through open tender, identifying and selecting an approved manufacturer to discharge statutory duty of RTO is not an act of the State creating any monopoly in favour of any private party . The grievance of infringement of fundamental rights under Article 19(1)(g) of the Constitution of India is misconceived. Reliance is placed on ***Air India vs. Cochin International Airport Ltd.,*** *[2000(2) SCC 617]* and ***Asia Foundation & Construction Ltd. Vs. Trafalgar House Construction Ltd.*** *[1997 (1) SCC 738].*

The learned senior counsel appearing for the respondent no. 5, has supported the submissions made on behalf of the Union of India

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and the State of W[illegible]ngal by advancing separate arguments with additional r[illegible]

We shall separately deal with the submissions made on behalf of the petitioners on the interpretation of the provisions of rule 50 and the statutory order of 2001 issued under the provisions of the Act.

Taking up first the challenge to the impugned conditions in the Notices Inviting Tenders issued by various State authorities, we find sufficient force in submissions advanced on behalf of the Union and the State authorities and the contesting manufacturers. The State as the implementing authority has to ensure that scheme of high security plates is effectively implemented. Keeping in view the enormous work involved in switching over to new plates within two years for existing vehicles of such large numbers in each State, resort to 'trial and error' method would prove hazardous. Its concern to get the right and most competent person cannot be questioned. It has to eliminate manufacturers who have developed recently just to enter into the new field. The insistence of the State to search for an experienced manufacturer with sound financial and technical capacity cannot be misunderstood. The relevant terms and conditions quoted above are so formulated to enable the State to adjudge the capability of a

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particular tenderer who can provide a fail-safe and sustainable delivery capacity. Only such tenderer has to be selected who can take responsibility for marketing, servicing and providing continuously the specified plates for vehicles in large number firstly in initial two years and annually in the next 13 years. The manufacturer chosen would, in fact, be a sort of an agent or medium of the RTOs concerned for fulfillment of the statutory obligations on them of providing high security plates to vehicles in accordance with rule 50. Capacity and capability are two most relevant criteria for framing suitable conditions of any Notices Inviting Tenders. The impugned clauses by which it is stipulated that the tenderer individually or as a member of joint-venture must have an experience in the field of registration plates in at least three countries, a common minimum net worth of Rs. 40 crores and either joint-venture partner having a minimum annual turnover of at least Rs. 50 crores and a minimum of 15% turnover of registration plates business have been, as stated, incorporated as essential conditions to ensure that the manufacturer selected would be technically and financially competent to fulfil the contractual obligations which looking to the magnitude of the job requires huge investment qualitatively and quantitively.

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In the course of hearing, it could not be seriously disputed by the parties that technical know-how for the high security registration plates is outside the country. It is true that many indigenous manufacturers are in a position to supply the plates on the basis of technical assistance available in and outside the country. There are many tenderer who possess Type Approval Certificates [TACs] but to ensure major quantity of supply in initial two years and periodical supply for new vehicles for a long period, only a manufacturer who is sound both technically and financially, is required. Learned Brother G. P. Mathur J., in his elaborate opinion expressed by him [See 2004(5) SCC 364] found a serious vice in the tender conditions that they necessarily intend to promote such companies which have foreign collaborations and exclude indigenous manufacturers.

It is not controverted that the technical 'know-how' for the manufacture of high security registration plates presently is available outside India. Technically and financially, competent indigenous manufacturers are mostly those who are in collaborations with foreign companies engaged in such manufacturing activities. The scheme contemplated under rule 50 of registration plates is a new experiment for India. In the initial stages of its implementation, tender conditions encouraging such manufacturers who are in foreign collaborations

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cannot be held to be discriminatory to indigenous manufacturers. Keeping in view the nature of the contract and job involved particularly its magnitude and the huge investment for infrastructure required, attempt to select such manufacturer - may be having collaboration with foreign companies and experience in foreign countries cannot be held to be a deliberate attempt on the part of the State authorities to eliminate indigenous manufacturers.

In the matter of formulating conditions of a tender document and awarding a contract of the nature of ensuring supply of high security registration plates, greater latitude is required to be conceded to the State authorities. Unless the action of tendering Authority is found to be malicious and misuse of its statutory powers, tender conditions are unassailable. On intensive examination of tender conditions, we do not find that they violate the equality clause under Article 14 or encroach on fundamental rights of a class of intending tenderer under Article 19 of the Constitution. On the basis of the submissions made on behalf of the Union and State authorities and the justification shown for the terms of the impugned tender conditions, we do not find that the clauses requiring experience in the field of supplying registration plates in foreign countries and the quantum of business turnover are intended only to keep out of field indigenous

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manufacturers. It is explained that on the date of formulation of scheme in rule 50 and issuance of guidelines thereunder by Central Government, there were not many indigenous manufacturers in India with technical and financial capability to undertake the job of supply of such high dimension, on a long term basis and in a manner to ensure safety and security which is the prime object to be achieved by the introduction of new sophisticated registration plates.

The notice inviting tender is open to response by all and even if one single manufacture is ultimately selected for a region or State, it cannot be said that the State has created monopoly of business in favour of a private party. Rule 50 permits, the RTOs concerned themselves to implement the policy or to get it implemented through a selected approved manufacturer.

Selecting one manufacturer through a process of open competition is not creation of any monopoly, as contended, in violation of Article 19(1)(g) of the Constitution read with clause (6) of the said Article. As is sought to be pointed out, the implementation involves large network of operations of highly sophisticated materials. The manufacturer has to have embossing stations within the premises of the RTO. He has to maintain a data of each plate which he would be

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getting from his main unit. It has to be cross-checked by the RTO data. There has to be a server in the RTO's office which is linked with all RTOs' in each State and thereon linked to the whole nation. Maintenance of record by one and supervision over its activity would be simpler for the State if there is one manufacturer instead of multi-manufacturers as suppliers. The actual operation of the scheme through the RTOs in their premises would get complicated and confused if multi-manufacturers are involved. That would also seriously impair the high security concept in affixation of new plates on the vehicles. If there is a single manufacturer he can be forced to go and serve rural areas with thin vehicular population and less volume of business. Multi-manufacturers might concentrate only on urban areas with higher vehicular population.

The fifteen years contract period has also been supported by Union of Indian and State authorities. We find great substance in the submissions made on the data supplied as a justification for awarding contract for long period of 15 years. There would be a huge investment required towards the infrastructure by the selected manufacturer and the major return would be expected in initial period of two years although he would be bound down to render his services for future vehicles on periodically for a long period. Looking to the

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huge investment required and the nature of the job which is most sophisticated requiring network and infrastructure, a long term contract, if thought viable and feasible, cannot be faulted by the court. If there are two alternatives available of giving a short-term or a long-term contract, it is not for the court to suggest that the short-term contract should be given. On the subject of business management, expertise is available with the State authorities. The policy has been chalked out and the tender conditions have been formulated after joint deliberations of authorities of the State and the intending manufacturers. Contract providing technical expertise, financial capability and experience qualifications with a long term of 15 years would serve a dual purpose of attracting sound parties to stake their money in undertaking the job of supply and safeguard public interest by ensuring that for a long period the work of affixation of security plates would continue uninterrupted in fulfillment of the object of the scheme contained in rule 50. Our considered opinion, therefore, is that none of the impugned clauses in the tender conditions can be held to be arbitrary or discriminatory deserving its striking down as prayed for on behalf of the petitioners.

There is no material on record to infer any mala fide design on the part of the tendering authority to favour parties having foreign collaborations and keep out of fray indigenous manufacturers. The

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high security plates is a sophisticated article - new for manufacturer in India. It is being introduced for the first time under the scheme contained in rule 50 of the Rules and the Act. At the time of issuance of Notices of Tender, technical know-how for manufacture of plates and its further development was undoubtedly outside the country. Only a few concerns in India having collaboration with foreign parties possessed the expertise and were available in the market. The terms of the notice inviting tender were formulated after joint deliberations of Central and State Authorities and the available manufacturers in the field. The terms of the tender prescribing quantum of turnover of its business and business in plates with fixation of long term period of the contract are said to have been incorporated to ensure uninterrupted supply of plates to a large number of existing vehicles within a period of two years and new vehicles for a long period in the coming years. It is easy to allege but difficult to accept that terms of the Notices Inviting Tenders which were fixed after joint deliberations between State authorities and intending tenderers were so tailored as to benefit only a certain identified manufacturers having foreign collaboration. Merely because few manufacturers like the petitioners do not qualify to submit tender, being not in a position to satisfy the terms and conditions laid down, the tender conditions cannot be held to be discriminatory.

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Certain preconditions or qualifications for tenders have to be laid down to ensure that the contractor has the capacity and the resources to successfully execute the work. Article 14 of the Constitution prohibits the government from arbitrarily choosing a contractor at its will and pleasure. It has to act reasonably, fairly and in public interest in awarding contract. At the same time, no person can claim fundamental right to carry on business with the government. All that he can claim is that in competing for the contract, he should not be unfairly treated and discriminated to the detriment of public interest. Undisputedly, the legal position which has been firmly established from various decisions of this Court, cited at the Bar (supra) is that government contracts are highly valuable assets and the court should be prepared to enforce standards of fairness on government in its dealings with tenderers and contractors.

The grievance that the terms of notice inviting tender in the present cases virtually creates a monopoly in favour of parties having foreign collaborations, is without substance. Selection of a competent contractor for assigning job of supply of a sophisticated article through an open tender procedure, is not an act of creating monopoly, as is sought to be suggested on behalf of the petitioners. What has been

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argued is that the terms of the Notices Inviting Tenders deliberately exclude domestic manufacturers and new entrepreneurs in the field. In the absence of any indication from the record that the terms and conditions were tailor-made to promote parties with foreign collaborations and to exclude indigenous manufacturers, judicial interference is uncalled for.

Challenge to the tender conditions on Paragraph 2 of Rule 50(1)(v).

On behalf of the petitioners, paragraph 2 of rule 50(1)(v), which is reproduced below, has been interpreted. The contention is that it does not contemplate selection of sole manufacturer for a State or a Region. The relevant paragraph 2 of rule 50(1)(v) reads thus :-

> "Rule 50(1)(v). Form and manner of display of registration marks on the motor vehicles. – (1).....
> (I) to (Iv) .....
> .....
> (v) .....
>
> The licence plates with all the above specifications and the specified registrations for a vehicle shall be issued by the registering authority **or approved licence plates manufacturers or their dealers**. The Central Road Research Institute, New Delhi or any of the agency authorized by the Central Government shall **approve the license plates manufacturers** to above specification.
>
> ***[Emphasis supplied]***

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Learned counsel for the petitioners argues that the use of the word "approved" in para 2 of clause (v) of rule 50(1) has to be given its natural meaning and cannot be read to mean "selected" through notice inviting tender. In this respect, it is further submitted that the rule making authority has used the word 'approved' and 'approve' twice in the same paragraph. The rule read harmoniously rules out selection of sole manufacturer through a tender process. The argument in substance is that every approved licence plate manufacturer can be entrusted with the job of supplying the registration plates and selection of one manufacturer for the job is against the intendment of the rule.

The above argument seems attractive but on closer scrutiny is unacceptable. The rule is interpreted to mean that the registration plates can either be issued by RTO to the exclusion of all others or all type approval certificate holders must be allowed to do business of supply in open market. In other words, according to the petitioners, the rule contemplates that if the registering authority does not supply the plates itself, it allows all TAC holders to do the business without any restriction.

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In interpreting the rule, the object of the scheme providing for affixation of high security plates has to be kept in view. Where the RTO himself is not making the supply of plates, an approved registration plate manufacturer can be selected for supply. The legal obligation on the registering authority under rule 50(1)(v) to issue specified kinds of registration plates implies issuance of such registration plates through a selected approved plate manufacturer. Paragraph 2 of clause (v) of rule 50(1), if reasonably construed, does not indicate any prohibition of selection of an approved plate manufacturer for assisting the registering authority to implement the scheme of affixation high security registration plates to existing vehicles and new vehicles. Such an interpretation fulfils the object of the scheme. The interpretation sought to be placed by the petitioners on the said para of the rule would result in frustrating the high security aspect and object of the scheme of affixation of high security registration plates on vehicles.

Challenge to Para 4(x) of the Motor-Vehicels [New High Security Registration Plates] Order, 2001 issued in purported exercise of powers under section 109(3) of the Act.

Para 4(x) of the statutory Order, 2001 mentioned above, reads as under :-

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"The manufacturer or the vendors selected by the State Transport Department for supply of such registration plates may be **for the State as a whole or for any region of the State**."

On behalf of the petitioners, it is submitted that para 4(x) of the statutory Order, 2001 is *ultra vires* section 109 (3) of the Act under which it is purported to have been issued. Section 109 with its heading and the relevant sub-section (3) reads as under :-

"**Section 109. General provision regarding construction and maintenance of vehicles.** (1) Every motor vehicle shall be so constructed and so maintained as to be at all times under the effective control of the person driving the vehicle.

(2) Every motor vehicle shall be so constructed as to have right hand steering control unless it is equipped with a mechanical or electrical signaling device of a prescribed nature.

(3) If the Central Government is of the opinion that it is necessary or expedient so to do in public interest, it may by order published in the Official Gazette, **notify that any article or process used by a manufacturer shall conform to such standard as may be specified in that order**.

[Highlighted for Interpretation].

It is contended that section 109(3) falls under Chapter VII which deals with construction, equipment and maintenance of motor vehicles. Registration of motor-vehicles falls under Chapter IV of the Act. Under section 109(3), a direction or order can be issued only to a 'manufacturer' defined in section 2(21A) to mean **manufacturer of motor vehicles**. It is submitted that a motor-vehicle manufactured by a manufacturer is sold to a dealer without a registration plate.

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Thereafter, the dealer sells the motor vehicle to a customer without registration plate. Chapter IV containing section 39 to 65 deal with registration of motor vehicles of different types. The proviso to section 39 of the Act says : 'nothing in this section shall apply to motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government'. Section 41 also points to the same position. It casts an obligation on the owner of a motor vehicle to obtain registration. The question of issuing a certificate of registration and assigning to a motor vehicle a registration mark arises only after sale of motor vehicle. Therefore, until the motor vehicle has been sold to a person by a dealer, the registering authority would not come into the picture and there is no occasion for assigning it a registration mark. A manufacturer of motor vehicle is not at all concerned with registration thereof by the registering authority. On the basis of above interpretation of provisions of the Act, the submission made is that under section 109(3), the Central Government can only prescribe standards for any article or process used by the manufacturer in the manufacturing **of the vehicle** and not for selecting any manufacturer of registration plates to the exclusion of others. It is submitted that reading sub-section (3) with sub-section (1) & (2) of section 109 of the Act, the position is that the provisions have nothing to do with registration plates of the vehicles.

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It is further submitted that power to issue directions as contained in para 4(x) of the statutory order of 2001, cannot be traced to any provision in chapter IV of the Act **dealing with registration of motor vehicles or to the rule making power under section 64(d)**. It is submitted that any provision regarding registration plates can only be made by rule framed by Central Government in accordance with provisions of the Act. Sub-section (4) of section 212 of the Act, prescribes a mandatory requirement of first publishing draft rule before making a final rule on any subject. Since in promulgating para 4(x) of the statutory order of 2001, mandatory requirement of section 212(4) has not been complied with, the impugned para of the said statutory order of 2001 cannot be supported even as a statutory rule. The other submission made on the subject is that provisions for selecting only one manufacturer for registration plates in a region or a State is not a subject of 'prescribing manner and form in which the registration mark' would be displayed on the motor vehicles. On the above ground, it is submitted that para 4(x) of the statutory order of 2001 deserves to be struck down as *ultra vires* the Act. It is violative of the Article 19(1)(g) of the Constitution.

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The above argument based on section 109(3) and the other provisions in Chapter IV of the Act have been suitably replied by the counsel appearing for the respondents. The reasoning advanced on behalf of the respondents is worthy of acceptance. The statutory order of 2001 is expressly issued under section 109 (3) of the Act which no doubt is concerned with construction, equipment and maintenance of motor vehicles. Sub-section (3) of section 109 permits Central Government to "notify that any article or process used by a manufacturer shall conform to such standard as prescribed". The word "manufacturer" is defined in section 2(21A) of the Act to mean a person engaged in the manufacture of the motor vehicles but the definition clause is prefixed by the words "unless the context otherwise requires". In the context of sub-section (3) of section 109, an article to be affixed to the motor vehicle like a high security registration plates is covered by the use of expression "any article or process used by a manufacturer". 'In the context' if the provision contained in sub-section 3 is read reasonably, an article' which is adjunct or necessarily attachable to a motor vehicle, would also be covered in the said expression. The statutory order of 2001 is published in the official gazette. It does not fall outside the scope of sub-section (3) of section 109 of the Act. The expression 'any article or process used by a manufacturer' has to be construed 'in the context' as not to restrict the

expression 'manufacturer' to only manufacturer of motor vehicles as defined under section 2 (21A) of the Act. The definition in the Act has to be construed according to the 'context' and if the 'context' otherwise indicates a meaningful interpretation is to be given to the words 'any article or process used by any manufacturer' as used in sub-section 3 of section 109 of the Act. Registration plates are not manufactured by the manufacturer of motor vehicles but for maintenance and operations of motor vehicles, registration plates are necessary. Therefore, manufacturer of registration plates can be subjected to certain standards by a statutory order to be notified and published in accordance with sub-section (3) of section 109 of the Act. Any restrictive interpretation of the said sub-section is neither called for from the language of the sub-section nor the object of the provision. Reference is made to the opinion of learned Brother G.P. Mathur J., in these cases. For the reasons mentioned by us above, in our opinion, the statutory order of 2001 and clause 4(x) thereof cannot be held to be beyond the purview of sub-section 3 of section 109 of the Act. Clause 4(x) of the statutory order of 2001, could be issued under section 109(3), as an aid to the fulfillment of provisions of high security registration plates contained in rule 50. Such power of the State to issue order containing clause 4(x) is not only supported by sub-section 3 of section 109 but by rule 50 itself. Clause 4(x) of

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the statutory order of 2001 is merely enabling one and re-states what rule 50 contemplates. We also find force in the alternative submission made on behalf of the respondents that the statutory order including clause 4(x) can be supported as having been issued in exercise of executive power of the Central Government which is co-extensive with its legislative power.

For the above reasons, all the challenges made to the provisions of the rule, statutory order or the tender conditions fail. All the petitions directly filed in this Court and transferred to this Court from High Courts are, hereby, dismissed.

In the circumstances, we direct that the parties shall bear their own costs in all these cases.

.....J
[Y. K. Sabharwal]

.....J
[D. M. Dharmadhikari]

.....J
[Tarun Chatterjee]

New Delhi.
30th November, 2004.

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

IA NOS.10 – 11 OF 2010

IN

IA No.10 OF 2010

IN

Certified to be true copy
Bakshi
Assistant Registrar (Judl.)
02.09.11
Supreme Court of India

WRIT PETITION (CIVIL) NO.510 OF 2005

Maninderjit Singh Bitta ... Petitioner

Versus

Union of India & Ors. ... Respondents

AND

IA NOS. 12 OF 2010

IN

IA No.10 OF 2010

IN

WRIT PETITION (CIVIL) NO.510 OF 2005

O R D E R

1. We had passed a detailed order on 7th April, 2011 referring to the judgments and directions of this Court in the cases of *Association of Registration Plates v. Union of India* [(2005) 1 SCC 679] and *Maninderjit Singh Bitta* v. *Union of India* [(2008) 7 SCC 328]. As is evident, the main judgment of this Court in the aforementioned case of *Association*

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of Plates (supra) was pronounced on 30th November, 2004 and further directions were issued on 8th May, 2008 in case of *Maninderjit Singh Bitta* (supra) to secure implementation of various statutory requirements as per the earlier judgment of this Court. The present order has to be read in continuation of our order dated 7th April, 2011 and the judgments referred supra.

2. Sufficient time has elapsed but default on the part of some States in complying with the directions of this Court still persists. In fact, seven years have elapsed but it appears to us that some States have not even taken initial steps to implement the scheme of High Security Registration Plates (for short, 'HSRP') in their respective States. We regretfully note that the situation in the present case is the converse of compliance. There is no State in the entire country which has successfully, in accordance with the statutory provisions and scheme, as approved by this Court, implemented the scheme in its entirety. As far as the financial limitations faced by different States are concerned, the matter was examined by this Court and their prayer for exemption was declined. However, they were permitted to complete the implementation of the scheme in phases. Of course, even such request was subsequently withdrawn.

3. The other matter with regard to permitting the HSRP to

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be fixed by private vendors, even if approved by the Government, was considered and for appropriate reasons, as stated in paragraphs 40 and 46 to 48 in the case of *Association of Registration Plates* (supra), rejected by this Court. It was held that "the interpretation sought to be placed by the petitioner on the said paragraphs of the Rule would result in frustrating the high security aspect and the object of the scheme of affixation of High Security Registration Plates on vehicles." In terms of paragraph 4 of clause 9 of the Motor Vehicle (New High Security Registration Plates) Order, 2001 "no high security plate shall be affixed outside the premises of the Registering Authority".

4. Another important facet of these cases is that in the process of selection, the States were expected to invite tenders and were even given liberty to consult experts prior to finalizing such tenders. The registration plates were then to be affixed by the selected tenderers at the Regional Transport Office of a District or State. The object of the ordinance and the judgment of this Court was to preserve public security and safety by ensuring that every vehicle in the State is fixed with HSRP and no part of the country remains where the scheme is not implemented.

5. On the basis of the implementation of the scheme, the

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States can be classified into four categories. In the first category there are four States/Union Territories : Nagaland, West Bengal, Manipur and Puducherry, where the tender process was followed, the successful tenderer has been awarded the contract for supplying security registration plates and the predicted date of enforcement of the scheme in the State has been fixed. But, no affidavit has been filed on behalf of these States confirming that the scheme has been successfully completed in all the districts of the respective States and also that the States would ensure complete and comprehensive implementation of the scheme in future as well. Let such affidavits be filed by the Secretary, Transport of the respective States within four weeks from the date of the passing of this order.

6. Then there is a second category of U.T./States i.e. the U.T. of Chandigarh and the States of Jharkhand and Bihar which have not followed the procedure for selection and have approved certain vendors with Type Approval Certificate (TAC) from the Central Government, who would be permitted to affix the HSRP at their own premises or at the office of the RTO. As we have already indicated, this is not in compliance with the directions of the Court, the scheme and provisions of the Motor Vehicles Act, 1988. If these States are permitted to adopt their own procedure,

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then it is bound to defeat the very purpose of security and uniform affixation of HSRP all over the country. Hence, this cannot be permitted as it would defeat the entire exercise undertaken by this Court over number of years. The aforesaid States are, therefore, directed to:

a. Immediately invite tenders;

b. Finalize the entire tender process within six weeks from today;

c. File compliance report in this Court, in the form of affidavit stating that tenders have been finalized and the work of affixation of security registration plates has begun in every district or part thereof, within two weeks thereafter.

7. The third category include the defaulting States of Andhra Pradesh, Himachal Pradesh, Jammu and Kashmir, Tamil Nadu, Madhya Pradesh and Haryana. These States again can further be divided into two sub-categories. In the first sub-category, there are States of Tamil Nadu, Andhra Pradesh and Madhya Pradesh which have informed this Court, by filing of affidavits that they have fixed the dates for publication of tenders. They have estimated the period of publication of tender being the months of August and September of this year. These States have surprisingly taken not only months but years to even fix a date for publication of tender. Despite our order dated 7th April, 2011, even

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the tenders have not been published as yet, though we had granted six weeks time for completing the process. Besides fixing the time limits for filing of the affidavits, we had also indicated that this Court would be compelled to take action against default the defaulting States under the Contempt of Court Act, 1971 as well as impose exemplary costs personally recoverable from the erring officers. However, before we take both these actions against the above category of defaulting States, we would give them another opportunity to complete the entire process of publication and issue tender within six weeks from today and commence the implementation of the scheme for fixation of HSRP in their States immediately thereafter. The affidavits to that effect should be filed within eight weeks from today.

8. Now, we come to the second sub-category of defaulting States, i.e. the States of Haryana, Arunachal Pradesh and Jammu and Kashmir. These are the States which have taken no action at all or have merely initiated the process without any effective result. They have not filed any affidavit to show why the directions of the Court have not been complied with, or, if complied with, to what extent the said compliance has been successful and finally whether they have followed the due process as directed to be followed by the Courts, in the implementation of the scheme. All these States have done nothing except praying for extension of

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time before this Court. The State of Haryana, firstly, took no steps for years and thereafter, on 5th May, 2011, filed an affidavit to the effect that they have constituted a Committee of Secretaries to approve the draft of the tender notice and approval was to be granted on 6th May, 2011. There is nothing on record to show whether such approval has been granted or not and what steps have been taken by the State thereafter to comply with the directions of this Court. All the other States in this category have prayed for extension of time before this Court and some States have not even done so. Vide order dated 7th April, 2011, we had put at notice, not only these States but all concerned authorities in each State throughout the country, requiring them to show compliance to the orders of this Court. The conduct of these States clearly reflects their callousness and lack of will to obey the orders of this Court. Their attitude is one of disobedience rather than compliance. Thus, in our considered view, these are the defaulting states which have, with impunity, flouted the orders of this Court, despite warnings being issued, including the directions contained in order dated 7th April, 2011.

9. From the record before us, it is clear that there is apparent and intentional default on the part of the concerned officers of these defaulting States. Consequently, we issue notice to show cause why proceedings under the Contempt of Courts

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Act, 1971 be not initiated, if found guilty, why they be not punished in accordance with law and why exemplary costs, personally recoverable from the erring officers/officials, be not imposed. Notice shall be issued to:

a. Secretary (Transport) of the defaulting States.
b. Commissioner, State Transport Authority of the respective States.

10. Now, we will come to the last category of States, i.e., the ones that have taken certain effective steps to secure compliance with the statutory provisions and the scheme. These are the States which have invited tenders in accordance with the selection process that has been approved by this Court. Some of these States have even opened the tender bids however, awarding of tender has not been finalized. The States of Assam, Punjab, Chhattisgarh, Delhi, Gujarat, Tripura, Uttar Pradesh, Uttarakhand and Kerala and the Union Territories of Lakshadweep and Andaman & Nicobar, have prayed for further extension of time to complete the process, which is already at an advanced stage. We may notice here that the State of Kerala had invited tenders earlier and it had received a single tender within the time provided. The matter remained pending at that stage for a considerable time and thereafter, the State of Kerala filed I.A. No. 13 of 2011 praying for certain directions, including the permission to re-open applications

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for fresh tenders which was dismissed by this Court vide its order dated 12th August, 2011. We are reluctant to agree to further extension of time for the reason that all these States/U.Ts had enough time to comply with the requirements and some of these States/U.Ts were even cautioned vide our previous order. Some of these States/U.Ts have even given reasons for their non-compliance, including that they had invited tenders earlier but had to cancel the same for one reason or the other. Keeping in view the fact that all these States have at least taken some steps to finalize the proper implementation of the scheme, we consider it appropriate, though as mentioned above, with reluctance, to grant further extension of eight weeks time to these States/U.Ts to complete the entire process and implement the scheme in its entirety, in accordance with law. Thus, while granting them such extension, to complete the entire process for implementation of the scheme, we direct that vehicles in all the districts of the respective States/U.Ts shall install the HSRP within eight weeks from today without exception and default. An affidavit of compliance in that regard be filed immediately thereafter.

11. List the matter for directions, *qua* the States to whom we have issued show cause notice for initiation of proceedings under the Contempt of Courts Act, 1971 and imposition of exemplary costs as aforestated, after two weeks while the matters in relation

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to all the other States shall be listed immediately on the expiry of eight weeks from today.

.....CJI.
(S.H. Kapadia)

.....J.
(K.S. Radhakrishnan)

.....J.
(Swatanter Kumar)

New Delhi
August 30, 2011

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REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL CONTEMPT JURISDICTION

4

CONTEMPT PETITION (C) NO. 483 OF 2013
IN
WRIT PETITION (C) NO. 510 OF 2005

MANINDERJIT SINGH BITTA ...Petitioner

VERSUS

VIJAY CHHIBBER & ORS. ...Respondents

WITH

CONTEMPT PETITION (C) NO. 3 OF 2015
IN
WRIT PETITION (C) NO.510 OF 2005

MANINDERJIT SINGH BITTA ...Petitioner

VERSUS

DR. SHAILESH KR. SHARMA & ORS. ...Respondents

J U D G M E N T

R. BANUMATHI, J.

JUDGMENT

The instant contempt petitions have been filed by the petitioner herein highlighting the issue of implementation of Scheme of High Security Registration Plates (HSRP) in disobedience of this Court's order dated 08.12.2011 reported in (2012) 1 SCC 707 titled *Maninderjit Singh Bitta* vs. *Union of India & Ors.* and order dated 07.02.2012 reported in (2012) 4 SCC 568 titled *Maninderjit Singh Bitta* vs. *Union of India &*

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Ors. passed in W.P. No.510 of 2005 and connected matters. In these contempt petitions, the petitioner alleges that the respondents-contemnors have not ensured the implementation of the orders of this Court and have failed to discharge the statutory duty imposed upon them by law by not taking any appropriate action against M/s. Utsav Safety Systems Pvt. Ltd and its consortium partners for violating the terms of tender conditions and directions of this Court.

2. The matter was heard at length on various dates. Having regard to the arguments advanced *in extenso,* it is necessary to refer to the factual matrix of the case which led to the filing of these contempt petitions:- After the terrorist attack on the Parliament in 2002, urgency was felt to check usage of motor vehicles in terrorists' activities. Therefore, the Central Government on the recommendation of its Technical Committee devised the scheme of HSRP, so as to ensure public safety, security and to curb the increasing menace of vehicle thefts and their usage in commission of crimes like murder, dacoity, kidnapping etc. With this avowed object, Rule 50 of the Central Motor Vehicles Rules, 1989 (for brevity 'CMV Rules') which deals with "*Form and manner of display of registration marks on the motor vehicles*" was amended by the Central Government in exercise of its rule making power

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under Section 64 of the MV Rules. The amended scheme of rule 50 substituted the erstwhile system where the registration number was given by the RTO and the ordinary registration plates obtained from the open market were installed on the vehicles. Rule 50 was amended to ensure the technical competence of the prospective manufacturers, controlled issuance of registration plates and a manufacturer can manufacture the said plates only after it has got Type Approved Certificate (TAC) from one of the autonomous certifying agencies. Supply of the plates to the vehicular users can be made only after the grant of certificate of Conformity of Production (CoP).

3. The Government of India on 28.03.2001 issued a notification under Section 41(6) of the Motor Vehicles Act, 1988 (for short "the Act") read with Rule 50 of the MV Rules for implementation of the provisions of the Act in terms of sub-Section (3) of Section 109 of the Act. The Central Government issued an order dated 22.08.2001 which deals with various facets of manufacture, supply and fixation of new high security registration plates. The Central Government also issued a notification dated 16.10.2001 for further implementation of the said order and HSRP scheme.

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JUDGMENT

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In order to implement the scheme, various States also invited tenders for manufacture and supply of HSRP.

4. A Writ Petition being W.P. (C) No.41 of 2003 was filed in this Court by the Association of Registration Plates, challenging the Central Government's power to issue such notification as well as the terms and conditions of the tender process. In addition to the aforesaid writ petition, various other writ petitions were filed before the different High Courts, raising the same challenge and those writ petitions came to be transferred to this Court. By the Judgment reported in (2005) 1 SCC 679 titled *Association of Registration Plates* vs. *Union of India & Ors.*, this Court dismissed the Writ Petition(C) No. 41 of 2003 and other connected matters, and upheld the validity of rule 50 as well as tender conditions. While doing so, this Court also issued certain directions for appropriate implementation of the scheme. The relevant para (31) reads as under:-

> "**31.** Justifying the selection of a single manufacturer for a region or an entire State, to ensure security considerations, the following factors have been highlighted as subserving the public interest:
>
> 1. That it would not be possible to implement the scheme since the scheme provides that the approved manufacturer would use the premises ,of the State RTO and lay down V-Sat links so that the entire State is networked on a common platform.
> 2. It would be impossible for the State to provide all the TAC-holders space and infrastructure in the RTO premises.
> 3. It would be difficult for the State to identify the source of any counterfeiting in case there are multiple manufacturers.

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This would severely compromise the security considerations involved in the scheme.

4. Different manufacturers would lead to variations in price between different manufacturers.

5. The State is at a disadvantage since all the manufacturers would prefer to concentrate on supplying only in Kolkata and would not go to the other far-flung RTOs where he would not recover the returns on his investment.

6. In case more than one manufacturer operates within the State, it will lead to discrepancy and non-uniformity in price structure prevailing in different regions.

7. Difficulty in assimilation of data from more than one manufacturer would lead to disaggregated and confusing database signals. Such sensitive and security-related business must be governed by uniform database management processes and unified standardised coding practices.

8. Different manufacturers would mean that there would be variation in quality of the material and in terms of workmanship.

9. Possible duplication of registration plates due to competition between manufacturers of different regions and lack of aggregated security-controlled database management systems.

10. Non-conformity of data of different manufacturers would lead to confusion and integration of data from the State RTOs.

11. Difficulty in fixing up the answerability on any one manufacturer for not following the prescribed procedure.

12. Confidentiality of the public database would be severely compromised.

13. Provision of training of RTO personnel by each manufacturer would be a logistic nightmare and would lead to confusion and further lead to the system being compromised severely.

14. It is also important to note that each registration plate has a unique number, and consequently, all the RTOs are required to be electronically connected to each other; if the vendors are allowed to proliferate, this connection would not be possible, and would lead to complete chaos."

5. It was observed that none of the tender conditions were arbitrary and discriminatory and in para (40), it was held as under:-

"**40.** Selecting one manufacturer through a process of open competition is not creation of any monopoly, as contended, in violation of Article 19(1)(*g*) of the Constitution read with clause

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> (6) of the said article. As is sought to be pointed out, the implementation involves large network of operations of highly sophisticated materials. The manufacturer has to have embossing stations within the premises of the RTO. He has to maintain the data of each plate which he would be getting from his main unit. It has to be cross-checked by the RTO data. There has to be a server in the RTO's office which is linked with all RTOs in each State and thereon linked to the whole nation. Maintenance of the record by one and supervision over its activity would be simpler for the State if there is one manufacturer instead of multi-manufacturers as suppliers. The actual operation of the scheme through the RTOs in their premises would get complicated and confused if multi-manufacturers are involved. That would also seriously impair the high security concept in affixation of new plates on the vehicles. If there is a single manufacturer he can be forced to go and serve rural areas with thin vehicular population and less volume of business. Multi-manufacturers might concentrate only on urban areas with higher vehicular population."

6. After the decision in *Association of Registration Plates* (supra), the petitioner herein being aggrieved with the non-implementation of HSRP scheme in its true letter and spirit, launched the second round of litigation by filing Writ Petition (C) No.510 of 2005, wherein, this Court passed various orders dated 08.05.2008, 05.05.2009, 07.04.2011, 30.08.2011, 13.10.2011, 08.12.2011 and 07.02.2012, so as to ensure the integrity and implementation of the scheme and gave various directions to the States and manufacturers. This Court vide Order dated 08.05.2008 reported in (2008) 7 SCC 328 observed as under:

> "...we feel it would be in the interest of all concerned if the States and the Union Territories take definite decision as to whether there is need for giving effect to the amended Rule 50 and the Scheme of HSRP and the modalities to be followed."

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7. Despite the above order of this Court, most of the States have failed to implement the scheme in its true spirit. This resulted in filing of I.A. No.5 in Writ Petition (C) No.510 of 2005 wherein the applicant prayed for a clarification of order dated 08.05.2008 stating that some of the States were carrying the impression as if they had the discretion to give effect to the amended rules and the scheme. Vide the Order dated 05.05.2009, this Court held that there is no discretion given to the States/Union Territories in implementation of the amended rules.

8. Further, by an order dated 07.04.2011 of this Court, reported in (2011) 11 SCC 315, passed in I.A Nos.10-11 of 2010, wherein the States sought extension of time for implementation of the HSRP scheme, this Court took serious view of the matter that there are certain States which have not even started the process of implementing the HSRP Scheme and directed such States to file affidavits explaining why contempt proceedings should not be initiated. It was observed by this Court that despite tenders being issued long back, no further step was taken.

9. Thereafter, vide Order dated 30.08.2011 reported in (2011) 14 SCC 273, this Court again took the serious view

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of the non-implementation of HSRP scheme. The Court observed that:-

> "...We regretfully note that the situation in the present case is the converse of compliance. There is no State in the entire country which has successfully, in accordance with the statutory provisions and scheme, as approved by this Court, implemented the scheme in its entirety..."

10. Vide Order dated 13.10.2011 reported in (2012) 1 SCC 273 titled *Maninderjit Singh Bitta* vs. *Union of India And Ors.*, this Court again noted the disobedience of earlier order of this Court by the State of Haryana and punished them for contempt, imposing a fine of Rs.2,000/- each on those who were responsible for disobedience of this Court's order and exemplary cost of Rs.50,000/- on the State. Vide Order dated 08.12.2011 reported in (2012) 1 SCC 707 titled *Maninderjit Singh Bitta* vs. *Union of India And Ors.*, this Court referred to the affidavits filed by the various States and in order to ensure proper implementation of the HSRP Scheme, gave general directions in para (53). It is apposite to refer to the relevant direction in para (53.5) which reads as under:-

> *"5.* On behalf of the petitioner and some of the States, a question has been raised before us that contractors have responded to the notices for tender in consortium. This is being done primarily for the purpose of satisfying the condition of specialised experience for manufacture and affixation of HSRP. However, after award of the contract, the partner possessing expertise (Type Approval Certificate, approval, etc.) in the consortium may walk out from the performance of the contract. In this circumstance, the very purpose would stand frustrated. We find merit in this submission but would refrain from issuing any direction in that behalf, at this stage. It will

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be for the State/Union Territory concerned to take appropriate decision with reference to the facts of a given case and in accordance with law. *Prima facie*, it appears to us that it would be in .the interest of all concerned that all the members of the consortium including the member possessing the expertise should continue as such till the performance of the contract."

11. By the aforesaid order dated 08.12.2011 in paras (4) to (6), this Court has also set aside the approach adopted by the State of Andhra Pradesh in tender proceedings and directed the State of Andhra Pradesh to issue fresh tender, award the contract and commence implementation of the HSRP Scheme positively by 29.02.2012. Paras (4) to (6) of Order dated 08.12.2011 read as under:-

"**4.** It is the case of the State of Andhra Pradesh that it published the notice inviting the tenders on 8-10-2011 and the due date of the tender bids was 26-11-2011. The State claims that it has prepared a comprehensive framework to implement the HSRP scheme and authorised Andhra Pradesh State Road Transport Corporation to roll out the end to end solution for the project. It has decided to have a competitive bidding process by segregating the tender into different sections i.e. one for manufacturing, another for embossing, hot stamping and printing of HSRP and yet another to supply the same to the Corporation for installation.

5. Again, the process adopted by the State of Andhra Pradesh is not only in violation of the directions contained in paras 39 and 40 of the judgment of this Court in *Assn. of Registration Plates v. Union of India* but is also contrary to the Notification dated 16.09.2011 which was issued under sub-section (3) of Section 109 of the Motor Vehicles Act, 1988 and called the Motor Vehicles (New High Security Registration Plates) Order, 2001. This Order does not permit the completion of the HSRP scheme in the manner sought to be adopted by the State of Andhra Pradesh. The State was to award the contract but the same has not so far been awarded.

6. In the circumstances aforementioned, we direct the State of Andhra Pradesh to issue fresh tender, award the contract and commence the implementation of the scheme positively by 29.02.2012. It has assured this Court that now it would positively abide by the time schedule and do the needful."

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12. In the said order the approach adopted by the Government of NCT of Delhi was commented upon and this Court observed that the procedure adopted by them, is not in conformity with the judgments of this Court. The directions relating to the Government of NCT of Delhi in paras (19) and (20) read as under:-

> **"19.** Be that as it may, to some extent, the procedure adopted by the Delhi Government is not in conformity with the judgments of this Court. From the documents now filed on record, it appears that DIMTS has reserved onto itself the power to select more than one vendor for the project. It is also stipulated in the draft agreement that the supplier of the plate shall notify the purchaser in writing of all sub-contracts awarded under the contract. We make it clear that neither Rule 50 of the Motor Vehicles Rules, 1989 (for short "the Rules"), the Motor Vehicles (New High Security Registration Plates) Order, 2001 nor the judgments of this Court permit sub-contracts to be awarded by the contractor to whom the award for manufacture and fixation of HSRP is awarded.
>
> **20.** Furthermore, in their affidavit dated 26-11-2011 it has been stated that DIMTS is also taking other steps and it has divided the implementation process into two parts: Firstly, procurement of blank HSRP conforming to Rule 50 of the Rules and personalisation of plates by embossing, hot stamping of number plates, quality checking, printing of third number plate, set matching, dispatch, transportation and installation of HSRP. Secondly, it is not permissible to bifurcate the process under different heads or in parts. It is a mandatory requirement that one person should exclusively be responsible for the entire process in the interest of security. Thus, we make it clear that DIMTS, when it is getting the HSRP manufactured from the contractor, such manufacture should be firstly from a single contractor and secondly it should, without fail, be under the direct supervision and control of DIMTS. They should not let the sub-contractors or other parties to have control over the manufacturing processing and fixation of HSRP in any manner, whatsoever. They should ensure that one single person is responsible for manufacturing, affixation of seals, imprinting of numbers and affixation of HSRP on the vehicles in the NCT of Delhi."

13. Finally, vide an Order dated 07.02.2012 reported in (2012) 4 SCC 568 titled *Maninderjit Singh Bitta* vs. *Union of*

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India And Ors., this Court disposed of the W.P.(C) 510/2005 by sending the files to respective High Courts to take action as per law and in para (17), it was held as under:-

> **"17.** Having perused the report of the Registrar and the affidavits filed on behalf of different States, we issue the following directions:
>
> (*a*) All States which have invited tenders, have completed the process of finalising the successful bidder and issued the letter of intent, but have not yet signed agreements with the successful bidder, shall sign such agreements within four weeks from today. These States are Assam, Bihar, Gujarat, Haryana, Jammu and Kashmir, Jharkhand, Punjab, Tripura and Uttar Pradesh.
>
> (*b*) The States which have so far not even finalised the tender process, they should do so, again, within four weeks from today. Amongst others these States and Union Territories are Chhattisgarh, Madhya Pradesh, Chandigarh, Delhi (NCT) and Puducherry.
>
> (*c*) Installation of HSRP is a statutory command which is not only in the interest of the security of State, but also serves a much larger public interest. Therefore, it is not only desirable, but mandatory, for every State to comply with the statutory provisions/orders of this Court in terms of Article 129 of the Constitution of India, 1950. All States, therefore, are mandated to fully implement the Scheme of fixation of HSRP in their entire State, positively by 30-4-2012 in relation to new vehicles and 15-6-2012 for old vehicles. We make it clear that they shall not be allowed any further extension of time for implementation of this direction.
>
> (*d*) The directions contained in the earlier judgments of this Court and more particularly, the orders dated 30-8-2011, 13-10-2011, 8-12-2011 and this order, should be implemented within the extended period without default.
>
> (*e*) In the event of default, Secretary (Transport)/Commissioner, State Transport Authority and/or any other person or authority concerned responsible for such default shall be liable to be proceeded against under the provisions of the Contempt of Courts Act, 1971."

This Court further gave liberty to approach this Court again, in case of violation of HSRP scheme. It was pertinently observed:-

> **"18.** We grant liberty to the petitioner and/or any other person to take out contempt proceedings, if now there is any non-compliance with the orders of this Court and the statutory

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duty imposed upon the authorities concerned with regard to implementation and completion of the scheme and process of fixation of HSRP, in any State/Union Territory."

14. Based on the liberty so granted, the petitioner has now launched the third round of litigation by filing the instant contempt petitions alleging the disobedience of the various Orders of this Court discussed hereinabove, specifically orders dated 08.12.2011 and 07.02.2012. This Court vide Order dated 01.05.2014 observed that as per the bid document, the location of the factory of M/s. Utsav Safety Systems Pvt. Ltd. (the technical partner) is disclosed at Plot No.3A, Phase-IV, Industrial Area, Golemath, District Bilaspur, Himachal Pradesh. Petitioner alleges that though M/s Utsav has informed ARAI (testing agency) only about the existence of two manufacturing plants i.e. Himachal Pradesh and Delhi, Blank High Security Plates are manufactured by M/s. Utsav Safety Systems Pvt. Ltd. at a plant in Assam by outsourcing the work to M/s Rosmerta Technologies Pvt. Ltd. The Order dated 08.12.2011 reported in (2012) 1 SCC 707 does not permit sub-contracts to be awarded by the contractor to whom the contract for manufacturing and fixation of HSRP is awarded and accordingly this Court took the cognizance of the contempt petitions.

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15. Petitioner has alleged that M/s. Utsav in utter violation of Rule 50, terms of bid and TAC and various orders passed by this Court has manufactured HSR plates through job work at an unauthorised unit in Assam and by doing so, M/s. Utsav has deliberately disobeyed the various orders passed by this Court from time to time and the respondents have deliberately chosen not to take any action against M/s. Utsav and private contractors despite there being clear violation of the rules and orders passed by this Court and such omission in not initiating action against the violators amounts to contempt of court and the respondents are liable to be punished on account of their having committed wilful disobedience of the orders of this Court. It is further averred that the petitioner had filed the complaint against M/s. Utsav, M/s. Rosmerta and M/s. Linkpoint pursuant to which a meeting was held in the Ministry of Road Transport and Highways on 29.10.2013. Referring to the manufacture and supply of HSR Plates from the Assam unit, in the meeting, decision was taken to constitute a team of three members to inspect and verify the procedure and manufacturing activities in the plant located at Assam *inter-alia* on various aspects i.e. quantity of HSR Plates produced till date which includes: (i) sizes and colours of plates; (ii) laser code records; (iii)

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security feature records and (iv) status of plants at Assam including where the job work is done etc. The three members committee gave its inspection report dated 29.11.2013. As per the report, the team observed that there is only one building in the same compound having the address of 54, Brahmaputra Industrial Park, Sila, Sila Sinduri Ghopa Changsari, Kamrup, Assam and the same is divided into two parts; one part is registered in the name of M/s. Utsav and other part is registered in the name of M/s. Rosmerta. The committee observed that M/s. Utsav was supplying raw material to M/s. Rosmerta who in turn was manufacturing blank plates as a job work with the material supplied by M/s. Utsav. Based on the inspection, the team recorded its conclusion as under:

"Conclusion:

- Utsav is outsourcing the HSRP blank operation through job work from ROSMERTA. Laser coding as well as security features control was executed by Utsav-from-beginning-to till date.
- Utsav Guwahati plant dispatched a total of 5673391 Pcs HSRP plates since December 2012 onwards and they are given as under:-
  - ✓ Himachal Pradesh factory with and without laser coding
  - ✓ Delhi for laser coding and distribution
  - ✓ All State consortium partners after laser coding
  - Out of a total 5673391 Pcs HSRP plates, 19,19,550 HSRP plates were dispatched in the month of November, 2013 by Utsav to various implementing companies while 51830 Pcs HSRP is stock at the Guwahati factory of Utsav."

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Petitioner alleges that as per bid document of M/s. Utsav, HSRPs ought to have been manufactured at Himachal Pradesh Plant of M/s. Utsav. However, the plates were manufactured at an unauthorized unit in Assam and thus it is a clear case of sub-contracting of work carried without control and supervision of M/s. Utsav which has been conferred TAC and CoP and a clear case of violation of Rule 50 and Orders of this Court emerges.

16. The petitioner's counsel also relies upon the report of the Inquiry Committee of NCT of Delhi dated 31.01.2014 which reported large-scale violations committed by the approved manufacturer in the NCT of Delhi (i.e., consortium of M/s. Utsav–Technical Partner and M/s. Rosmerta–Financial Partner). It is stated that NCT of Delhi had also issued show cause notice dated 10.03.2014 to the consortium of M/s. Utsav i.e. M/s. Rosmerta stating that "M/s. Utsav Safety Systems Pvt. Ltd. Technical Partner of SPB are not supplying any blank HSR Plates after 10.08.2013 and also alleged that uncertified HSRPs are being procured/supplied/affixed by M/s. Rosmerta Technologies.

17. Furthermore, the petitioner relies upon the Utsav's letter dated 17.10.2013 addressed to the Transport Commissioner, Government of Delhi wherein M/s. Utsav has

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admitted that its concessionaire partners have supplied uncertified and unauthorized HSRPs. The relevant portion of the said letter dated 17.10.2013 addressed to the Transport Commissioner, Government of Delhi, reads as under:-

> "...It is to bring to your kind notice that M/s. Rosmerta Technologies Ltd. which is the other stake-holder, in the SPV has been concerned with the purchase of Blank number plates from M/s. Utsav Safety Systems Pvt. Ltd. and the supply embossment and fixing of the same to the vehicles in the State. It is noteworthy that M/s. Rosmerta Technologies Ltd. under the guise of the Concession agreement has supplied huge quantities of HSRP in the name of M/s. Utsav Safety Systems Pvt. Ltd. to the Vehicle owners of the State without taking M/s. Utsav Safety Systems Pvt. Ltd. manufactured HSRP and by resorting to the supply of uncertified and unauthorized HSRP's. I would like to bring to your kind notice that the manufacturing establishment that has been laid at Guwahati, Assam by M/s. Rosmerta Technologies Limited has not been approved by Automotive Research Association of India (hereinafter referred to as 'ARAI'), hence any supplies of HSRP made from there would be a prima facie violation of the Rule 50 and its inherent norms of selection of Type Approved Manufacturer for the supplies of HSRP in any of the States of India."

The counsel averred that on the same line, M/s. Utsav had also issued notice to M/s. Linkpoint Infrastructure Pvt. Ltd. stating that under the guise of Concession Agreement, M/s. Linkpoint Infrastructure had unauthorisedly manufactured and supplied uncertified number plates in the respective States and thereby committed material breach of Rule 50 of the CMV Rules and also the Orders passed by this Court. Subsequently, M/s. Utsav and M/s. Linkpoint Infrastructure Pvt. Ltd. by the settlement dated 19.03.2014 have resolved

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and settled all their disputes and arrived at final settlement regarding their *inter-se* disputes.

18. Learned counsel for the petitioner submitted that as per the bid document the only plant which was approved was Bilaspur, Himachal-Pradesh Plant and there is enough material on record to show that 5725221 blank HSR Plates were manufactured and supplied from the unauthorised and unapproved plant in Assam and there was no approval granted to the said plant at Assam and the same is in violation of Rule 50 and orders of this Court and such violation is due to lack of respondent's administrative conviction to abide by the existing statutory norms and the petitioner therefore prayed for initiating contempt proceeding against respondents and also *inter alia* prayed for various directions for strict compliance of HSRP Order 2001.

19. Per Contra, counsel for the respondents have in response to the allegations in the contempt petitions, filed various affidavits denying that there has been any disregard to the orders of this Court. In the affidavit filed onbehalf of respondents No. 1 to 4, it is averred that Rule 50 of CMV Rules of 2001 does not place a specific bar on 'job work' or sub-contracting and the same would however be subject to sub-clauses (xvii) and (xviii) of Clause 4 of the Motor Vehicles

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New HSRP Order that the manufacturer or the supplier would all times be in control over all the security features and that he shall not sell any incomplete plate or security features to anyone. It is further averred that the complete bar on the job work may hinder implementation of HSRP scheme in a time bound manner. It has been contended that in the process of implementation of HSRP Scheme, it may be possible to get the certain items of work executed on 'jobwork' basis without compromising security of the process. It is further submitted that the issue of 'outsourcing' was examined in the Ministry of Road Transport and Highways in a meeting of the representatives of ARAI and CRRI held on 03.02.2014. It was decided that the provisions of the Motor Vehicles (New High Security Registration Plates) Order 2001 with its amendments cannot be interpreted to prevent outsourcing of manufacturing activities to other firms when all security features are in control of TAC manufacturer or the supplier.

20. The statutory agency viz., ARAI in its counter affidavit stated that M/s. Utsav is outsourcing its work through jobwork done from M/s. Rosmerta Infrastructure Pvt. Ltd. States have also filed various affidavits stating that they have taken sufficient action to comply with the orders of this Court to implement HSRP scheme. Many States in their

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counter affidavits have referred to the action taken against M/s. Utsav by issuing show cause notices for violation of Rule 50.

21. We have considered the rival submissions and perused the averments in the counter affidavits and other material on record.

22. At the outset, it is necessary to note that M/s. Utsav Safety Systems Pvt. Ltd. (for short "M/s. Utsav") has got a tender for manufacturing HSRPs at least in seven states by entering into Special Purpose Vehicle (SPV) either with M/s. Linkpoint or with M/s. Rosmerta. The details of the contracts awarded to M/s Utsav and the SPVs/consortium partners are as under:-

Sl. No.	State	Details of SPV/Consortium Partners
i.	Himachal Pradesh	SPV M/s. Link Utsav Ventures (P) Ltd. (SPV Partners M/s. Link Point Infrastructure Pvt. Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.)
ii.	Haryana	SPV M/s. Link Utsav Registration Plates Pvt. Ltd. (SPV Partners M/s. Link Point Infrastructure Pvt. Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.)
iii.	Uttarakhand	SPV M/s. Link Utsav HSRP Pvt. Ltd. (SPV Partners M/s. Link Point Infrastructure Pvt. Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.)
iv.	Delhi	SPV M/s. Rosmerta HSRP Ventures Pvt. Ltd. (SPV Partners M/s. Rosmerta Technology Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.)
v.	Andhra Pradesh & Telangana	SPV M/s. Link Autotech Pvt. Ltd. (SPV Partners M/s. Link Point Infrastructure Pvt. Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.)
vi.	West Bengal	Consortium Partners M/s. Utsav Safety Systems Pvt. Ltd., M/s. Subba Microsystems Ltd. and M/s. M.S. Associates.
vii.	Bihar	Consortium Partners M/s. Link Point Infrastructure Pvt. Ltd. and M/s. Utsav Safety Systems Pvt. Ltd.).

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In so far as the State of Madhya Pradesh is concerned, M/s. Utsav is in SPV partnership with M/s. Linkpoint. Due to violations of Rule 50 plus terms and conditions of the contract, the contract awarded to SPV-M/s. Linkpoint Infrastructure Pvt. Ltd. had been cancelled and the matter is *sub-judice* in the High Court of Madhya Pradesh.

23. Before we proceed to consider the merits of the contentions raised by the petitioner, it is imperative to discuss what are TAC and CoP:-

Type of Approval Certificate (TAC) and Conformity of Production (CoP): Once a person has been declared successful bidder for the manufacturing of HSRPs then such bidder has to obtain TAC and CoP from the testing agency before starting manufacturing. Rule 50 of the Central Motor Vehicles Rules 1989 provides for form and manner of display of registration marks. Rule 50 authorizes the testing agency to give TAC to individual manufacturer for the manufacture of HSRPs. In conformity with the specifications prescribed under the rules. At present there are four testing agencies to issue TAC which include the Automative Research Association of India (ARAI); Vehicle Research and Development Establishment (VRDE); Central Road Research Institute (CRRI), New Delhi. The successful bidder for the manufacturing of HSR plates after

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completion of manufacturing of HSR plates to apply for TAC, has to pay the prescribed fee and submit prototype samples of licensed plates conforming to the specifications under the rules. After brief checking of approval of drawings, each manufacturer will have to submit prototype samples of the licensed plates conforming to the drawing approved by the institute. The testing and evaluation of HSRP samples shall be as per the specifications laid down in the gazette notifications. M/s. Utsav was initially issued the TAC on 08.07.2002 by ARAI and received the first conformity of the production on 07.08.2003 and the same were subsequently renewed.

24. In the counter affidavit filed by sixth respondent (ARAI), it is stated that there are two stages of manufacturing process–first carried out in a plant/factory of the TAC holder and thereafter the processes like embossing of registration allocated by the concerned RTO which is to be undertaken in RTO premises. Details of two stages of manufacturing and installation process are as under:-

Processes which are to be carried out in the plant/factory of TAC holder:

- Purchase of Raw material namely reflective sheet, Aluminium Plate, Chromium based hologram, hot stamping black foil film and non-removable snap lock for fixing plates etc.

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- Lamination of reflective sheet having blue endorsement of IND on the aluminium plate.
- Hot Stamping of Hologram on the reflective sheet after lamination.
- Stamping of blank plate.
- Edge formation of the plate.
- Etching unique security laser coding number running serially having two allocated alphabets prefixed to the unique number as given in TAC.

Processes which are to be taken in RTO premises:

- Embossing of registration number allocated by RTO along with hot stamping of black foil with blue pigment inscription on the number allocated and also on the border of plate.
- Making of the third sticker on a destructive film having hologram, laser coding numbers, name of RTO, engine number, chasis number, registration number allocated by RTO for front and rear plates.
- Fixation of finished HSRP on the vehicle using Snap Lock and fixing of third sticker on the wind screen for 4-wheeled vehicles.

25. From the report of the minutes of the various meetings and report of the inspection team, it is seen that M/s. Rosmerta is not a Technical Partner or a Financial Partner (except in the NCT of Delhi) in any of the States where M/s. Utsav has got a tender of manufacturing HSRPs. As per the HSRP Order of 2001, HSRPs have to be certified by the testing agencies. Manufacturing unit of M/s. Rosmerta in the State of Assam has not been certified by any of the testing agencies. As per the CoP guidelines, the manufacturer of HSRPs has to inform the testing agency which had granted the TAC within one month of commencement of

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manufacturing and thereafter has to inform after every fifteen lakhs plates manufactured or two years whichever is earlier. As noticed earlier, as per the report of the inspecting team dated 29.11.2013, M/s. Rosmerta-Assam Plant had manufactured a total number of 5725221 blank HSRPs and distributed to consortium partners of all States. However, M/s. Rosmerta has not been granted the CoP certificate from the testing agency, evidently the HSRPs manufactured at M/s Rosmerta Assam Plant could not have been verified by the testing agency.

26. M/s. Utsav filed IA No.3/14 dated 25.02.2014 stating that joint venture consortium of M/s. Utsav with M/s. Rosmerta in the NCT of Delhi is the approved manufacturer. While M/s. Utsav in consortium with M/s. Linkpoint (SPV partners) is the approved manufacturer in the States of Haryana, Madhya Pradesh, Himachal Pradesh, Uttarakhand, Bihar, Delhi and Andhra Pradesh, in I.A.No.3/14 M/s. Utsav has highlighted how it has lost control over the manufacturing process, is in violation of CoP, and also manufacture and supply of HSRPs by M/s. Rosmerta situated in the State of Assam which has not been certified by any of the testing agencies and that there is clear violation of Rule 50 of CMV Rules and CoP guidelines. Though, subsequently

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M/s. Utsav filed the application to recall the said I.A.No.3/14, the averments made in I.A.No.3/14 speak volumes about the actual truth of the Concessionaire Agreement between M/s. Utsav Technical Partner on the one hand and M/s. Rosmerta and M/s. Linkpoint on the other.

27. In the light of the above discussion, in our view, there seems to be *prima facie* violation of Rule 50 of CMV Rules and orders passed by this Court. The question is whether the respondents/officials are to be proceeded against for wilful disobedience of the various orders passed by this Court. In the facts and circumstances of the case discussed infra, we are not inclined to initiate contempt proceedings against the respondents. M/s. Utsav has given an undertaking to the effect that in future it shall not outsource the blank plate manufacturing as jobwork and that the HSRP scheme will be implemented as per the terms and conditions of the contract. The undertaking of M/s Utsav reads as under:

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- That Utsav is a holder of Type Approval Certificate (TAC) and Conformity of Production (CoP) having a manufacturing facility as on date at Plot No.3A, Phase IV, Industrial Area, Golemath, District Bilaspur, Himachal Pradesh-174201.

- I hereby state that Utsav shall not outsource the blank plate manufacturing (as was being done at Assam till November 2013) as job work for the purpose of implementation of the terms and conditions of the contract. Utsav who holds TAC Certificate will be

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manufacturing blank plates at its plant in Himachal Pradesh and the implementation of the HSRP Scheme will be done by the Concessionaire at the place designated by the State transport authorities in accordance with the terms and conditions of the contract and the MV Rules/Order.

- ....In the event, any such other/additional unit/s of Utsav commences manufacturing activity in any other location, due process of law will be followed and necessary approvals would be taken as envisaged under the applicable norms and requirements flowing from Act, Rules, Order etc. and the conditions stipulated under respective tenders, as accepted. In that eventuality, Utsav may manufacture not only at Himachal Pradesh but at any other place duly approved by the competent authority/ies. The statement made in Para 4 hereinabove shall equally apply to any such manufacturing activity.

Having regard to the undertaking filed by M/s. Utsav and considering the passage of time, we are not inclined to proceed with the contempt proceedings.

28. Though, we are not proceeding against the contemnors, it is open to the respective states to proceed against M/s. Utsav or the respective SPV for violation, if any, noticed or brought to its notice. Be it noted that in view of the continued non-compliance of Authority's instructions and statutory violations, the State of Madhya Pradesh has terminated the Concessionaire Agreement by its Order No.1538 dated 19.06.2014. M/s. Link Utsav Auto Systems Pvt. Ltd. filed W.P. No.3654/2014 before the High Court and the said termination was quashed by the High Court by its order dated 05.08.2014 on the ground that M/s. Link Utsav

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Auto Systems Pvt. Ltd. did not get adequate opportunity to explain its conduct and the Court granted liberty to the State Government to issue a fresh show cause notice within a period of three months. After issuing fresh notice dated 29.08.2014 and after affording fresh opportunity to M/s. Link Utsav Auto Systems Pvt. Ltd., the State of Madhya Pradesh terminated the Concessionaire Agreement by its order dated 17.10.2014. The Delhi Government also issued show cause notice dated 10.03.2014 to M/s. Rosmerta HSRP Ventures Pvt. Ltd. for non-compliance/violation of the statutory scheme and orders of this Court. We make it clear that it is open to the Delhi Government and other States to proceed against the holders of concessionaire agreements in case of any violation of the statutory scheme and orders of this Court.

29. In the counter affidavit filed by the DGM on behalf of ARAI, it has been mentioned that ARAI approves the prototype motor vehicles and safety critical components thereof, as per the notified Central Motor Vehicle Rules (CMVR) and standards referred therein. On verification of documents including testing, TAC is granted after compliance of CMVR is established. Government of India, MoRT&H vide letter No.RT-11028/5/2002 MVL dated 04.09.2002 issued

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the Conformity of Production (CoP) procedure and the aforesaid letter provides for the checks to be carried out by the test agency during the first CoP and the subsequent CoPs. In the absence of any specific notification on the subject, this was construed as guidelines for issuing the CoP. The said letter reads as under:-

> The CoP procedure will comprise the following:-
>
> - The prospective vendors after establishing manufacturing plant in the country shall inform the concerned Testing Agency which had granted Type Approval Certificate within one month of commencement of manufacturing. The Testing Agency will draw samples of the plates from the plant within three months of date of Commencement of Production (CoP) and carry out all the tests, which were carried out at the Type Approval stage.
> - First CoP will be conducted at the manufacturer's plant and subsequent CoPs would be done on the basis of samples drawn at random from the vendor's premises. Checks as per Annexure-I may be carried out at the first and subsequent CoPs.
> - At the time of CoP all the tests, such as, visual test, status of laser branded permanent identification number of the plate, vis-à-vis, records of the RTO regarding issue of plates etc. shall be carried out, except weathering test which may be carried out once in two years. Details of checks to be carried out at the first and subsequent CoPs are at Annexure-I.
> - The CoP frequency shall be 5 lakh number plates or six months whichever is earlier.

30. The main concern of the petitioner is that M/s. Utsav Safety Systems Pvt. Ltd. which is holding TAC issued by ARAI has to manufacture the HSRP in its own plant and it cannot give incomplete plates or jobwork to other consortium partners namely M/s. Linkpoint Infrastructure Pvt. Ltd. and M/s Rosmerta Technologies Ltd. who are selling illegal HSRPs in various States. ARAI has no role to play so far as activities

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of M/s. Linkpoint Infrastructure Pvt. Ltd. and M/s. Rosmerta Technologies Ltd. are concerned. ARAI has stated that it has no role to play in job work and that M/s. Utsav Safety Systems Pvt. Ltd. shall exercise complete control over all security features in its possession and shall be responsible for the use of any security feature on registration plate in the open market either by himself or by any other person on his behalf.

31. In the counter affidavit filed by the Director, CRRI it is stated that CRRI is one of the agencies empowered by law to issue Type Approval Certificate. Consequent to the issuance of the TAC, the CRRI has to undertake the Conformity of Production (CoP) proceedings for every TAC holder. This is to ensure that the HSR Plates so manufactured by the TAC holding companies are indeed in conformity with the conditions of the TAC and the HSRP Scheme.

32. In the counter affidavit filed on behalf of Union of India on 05.09.2014, it has been specifically mentioned that the role of the Union of India is limited to notifying the Rules mandating installation of HSRP on vehicles, notifying the standards and specifications of HSRP and the testing agencies which are to test the plates, type approval of vendors

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based on the above specifications and to notify the date of implementation. The Union of India has modified the Standard and Specifications vide 'The Motor Vehicle (New High Security Registration Plates) Order-2001' and has notified the testing agencies also. In the counter affidavit filed by Union of India, it is averred that the implementation of the scheme in accordance with the rules framed by the Union of India and 'The Motor Vehicles (New High Security Registration Plates) Order, 2001' is the responsibility of the States/Union Territories which is being implemented by the respective States.

33. Even though Union of India has stated that the implementation of the scheme in accordance with the rules framed by Union of India is the responsibility of the States/Union Territories, in our view, the Union of India has to ensure that there is regular check of manufacturing units which are engaged in the HSRP project by coordinating with the various States/Union Territories. Likewise, as per the guidelines issued in the letter dated 04.09.2002, it is for ARAI to check the plates as per Annexure-I enclosed with the said letter and that it takes stern action as and when there are violations/deviations.

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34. Though we are not inclined to initiate the contempt proceedings yet in order to enable the statutory authorities to keep a control over the implementation of the scheme, it is necessary to issue directions/guidelines for proper implementation of the HSRP Scheme as under :-

i. The State Governments shall ensure the strict adherence of Rule 50 of CMV Rules and various orders issued by this Court in Writ Petition No. 510 of 2005 and shall ensure that the selected manufactures are able to satisfactorily build the requisite capacity and infrastructure thereby ensuring smooth implementation at the grass root level. The State Governments shall ensure selection and authorisation only of those TAC manufactures who have been financially and technically competent to manufacture and supply the requisite number of HSRP in the State.

ii. Manufacturing of HSRP starts with the grant of TAC and CoP. Hence, periodic assessment, review and audit by the testing agencies of all the aspects involved in the HSRP product specifications, process compliances and operational procedures in totality is warranted. The testing agencies shall ensure that quality and specifications is not being compromised.

iii. Furthermore, the HSRP contracts should be awarded pursuant to a transparent tender process. The factors such as topographical and geographical conditions, vehicular population, adequate infrastructure, cost of managing logistics, equipments and human resources etc. must be considered before accepting any bid and entering into the contract.

iv. The authorized HRSP manufacturer shall not outsource the blank plate manufacturing as job work for the purpose of implementation of terms and condition of the Contract signed. HSRP Scheme should be done by the Concessionaire at the place designated by the State Transport authorities in accordance with the terms and conditions of the Contract and MV Rules/Order.

v. The authorized manufacturer shall be permitted set up other/additional manufacturing units in accordance with the Acts and Rules. In any event, it is directed that any such other/additional units of Utsav commences manufacturing activity in any other location, due process of law will be followed and necessary approvals would be taken as envisaged under the applicable norms and

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requirement flowing from Act, Rules, Order etc. and the Conditions stipulated under respective Tenders, as accepted.

vi. HSRP manufacturers should carry out all the processes of HSRP project in the plant as indicated in the tender documents, namely:

(a) purchase of raw materials, such as, reflective sheet, aluminium plate, chromium based hologram, hot stamping black foil film and non-removable snap lock for fixing plates, etc;
(b) lamination of reflective sheet having blue endorsement of IND on the aluminium plate;
(c) hot stamping of Hologram on the reflective sheet after lamination;
(d) stamping of blank plate;
(e) edge formation of the plate;
(f) etching unique security laser coding number running serially having two allocated alphabets prefixed to the unique number as given in TAC;
(g) the selected manufacturers should ensure that every process of the work is being done under its control with the help of trained workers and not to sub-contract or outsource any part of the process of the work to forgo security norms.

Note:- All the above processes ought to be carried out in the plant of the manufacturer as indicated in the tender documents.

vii. The State Government should ensure that successful bidders or sub-contractors or other parties do not have control over the manufacturing processing and fixation of HSRP in any manner unless authorized under law. It must be ensured that one single person is responsible for manufacturing, affixation of seals, imprinting of numbers and affixation of HSRP on vehicles.

viii. The record must be maintained by the manufacturer of HSRP as to the number of plates manufactured and made ready everyday alongwith weekly and monthly statements.

ix. The manufacturing unit must strictly govern and control the implementation of the process of production and fixation of HSRP. All the concerned authorities are directed to look after the aforesaid process being adopted for fixation of HSRPs and State must report back if the violation continues.

x. The testing agencies along with the team comprising of State level officer (not below the rank of RTO) and one expert as nominated by the Transport Commissioner of

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the respective State shall inspect the unit and certify the manufactured HSRP and manufactured HSRP shall leave the factory premises of the manufacturer only after being cleared by the testing agencies.

xi. The transport officials of the State Government shall ensure that manufacturing units are periodically inspected and ensure compliance of Rule 50 of the CMV Rules and also the terms and conditions of the Contract. Additionally the Central Government should form Committees in collaboration with the State Governments in order to keep regular check on the manufacturing units which are engaged in HSRP project. The manufacturing units must be periodically inspected by the Committee so constituted and report be sent to MoRTH and also to the Transport Commissioner of the concerned State highlighting the compliance or otherwise of Rule 50 of the CMV Rules, the terms and conditions of the contract and also any shortcomings noticed during inspection and suggestions by the team.

xii. The Central Government and the State Governments should strictly implement HSRP policy in all the States in a time bound manner.

xiii. The Central Government and the State Governments should register complaints regarding the violation and, in case of violations, both the Central Government and the State Governments should take strict action in accordance with law.

xiv. The Central Government should create a nationwide common repository of Vehicular Registration Data for achieving the basic objective behind the idea of HSRP scheme and thereby ensuring smooth implementation at the grass root level.

xv. It is directed that the concerned shall strictly implement the rules and also orders of this Court in letter and spirit and not dilute any standards of HSRP, voluntarily or otherwise. All the authorities must take proactive measures to implement the HSRP Order according to the provisions stated.

xvi. The HSRP process initiated by States for implementation of the Scheme must be such that even in the case, where parties had bid in the capacity of a consortium or a joint venture, the State are under obligation in respect of tenders floated by the respective states to create a Special Purpose Vehicle which would finally enter into a Concession Agreement, but in any event the State must ensure that entire responsibility of HSRP project would remain with one entity/SPV which would be responsible

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for manufacturing, affixation of seals, imprinting of numbers etc. It is directed that Concessionaire would be exclusively responsible for the entire process.

xvii. A specific direction is issued to Additional Commissioner (Traffic) and DCP (Traffic) to organize a special drive and compliance thereto must be recorded.

xviii. The Central Government and State Government are directed to strictly regulate as well as monitor the implementation as per the provisions of law including the provisions of Motor Vehicles (New High Security Registration Plates) Order, 2001 and aforesaid directions issued by this Court.

35. With the above directions and observations, contempt petitions are disposed of. It will not however, prevent the respective States to proceed against M/s. Utsav or the respective SPV for the violation of the terms and conditions of the contract, if any, Rule 50 of the CMV Rules and directions/orders of the respective State Governments.

.....CJI.
(T.S. THAKUR)

JUDGMENT

.....J.
(R.K. AGRAWAL)

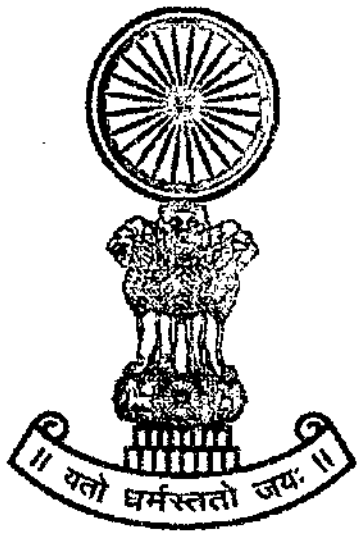
.....J.
(R. BANUMATHI)

New Delhi;
July 13, 2016

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IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO. 27440 OF 2022

M/s. Orbiz Automotivez .... ***Petitioner***

Mr. S.K. Padhi, Senior Advocate,
being assisted by
Mr. Ipsit Aurobindo Acharya, Advocate

-versus-

Union of India and others .... ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No. **19.04.2023**

8. 1. This matter is taken up through hybrid mode.

2. This writ petition has been filed for a direction to the Opposite Party Nos.2 and 3 to modify the order dated 26th May, 2022 (Annexure-1) to the effect that manufacturers of High-Security Registration Plates having obtained Type Approval Certificate from the competent testing agencies prescribed under Rule 126 of the Central Motor Vehicles Rules should be allowed to fix HSR Plates on old and existing vehicles registered before 1st April, 2019.

3. In course of hearing, Mr. Padhi, learned Senior Advocate appearing for the Petitioner prays for withdrawal of the writ petition submitting that the Petitioner will redress its grievance before the concerned authorities. A memo to that effect has been filed in Court, which is taken on record.

4. In view of the submission made by Mr. Padhi, learned Senior Advocate appearing for the Petitioner and the memo filed, this writ petition is disposed of as withdrawn.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED DATE : 01.03.2021

PRONOUNCED DATE : .2021

CORAM

THE HONOURABLE THIRU JUSTICE **B.PUGALENDHI**

W.P.No.4139 of 2021
&
W.M.P.Nos.4722 & 4724 of 2021

M/s.Yarya Sekur Pvt.Ltd.,
Rep by its Director Mrs.K.Senthamarai, ... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by the Secretary, Transport Department,
Fort St.George, Chennai - 600 009.

2.The Additional Chief Secretary/Transport
Commissioner, Transport Department,
Ezhilagam, Chepauk, Chennai - 600005.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the 2nd respondent in 'INVITATION FOR BIDS (IFB)' dated 13.01.2021 for High Security Number Plates and quash the same.

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For Petitioner : Mr.T.Gowthaman

For Respondents : Mr.Vijay Narayan,
Advocate General
Mr.Kumaresh Babu,
Additional Advocate General
Assisted by
Mr.P.S.Siva Shanmuga Sundaram
Special Government Pleader

ORDER

The petitioner/Company, a licensee for manufacturing High Security Registration Plate by the Central Road Research Institute, New Delhi, filed this Writ Petition as against the tender notification called for by the second respondent on 13.01.2021 for implementing the High Security Registration Plates project for the old vehicles manufactured prior to 01.04.2019.

2. The High Security Registration Plates (hereinafter referred as HSRP) was introduced in the year 2001, by amending Rule 50 of the Central Motor Vehicles Rules, 1989, by imposing certain conditions on displaying the number plates at the front and at the rear of all motor vehicles. The object of HSRP is to ensure safety and to curb out crimes committed through vehicles, such as kidnapping, dacoity, terrorist

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activity and murder.

3. Mr.T.Gowthaman, learned counsel for the petitioner submits that every State and Union Territory in India is bound to implement the HSRP scheme through the approved licensee of the Central Government. The petitioner company has been approved as a licensee for manufacturing and supply of the HSRP in India as per the Central Motor Vehicles Rules. Neither the State Government nor the State Transport Authority is having any powers in selecting a vendor for implementing HSRP scheme in the State. He would further submit that pursuant to the Notification of the Central Government, the petitioner has made heavy investments for the HSRP project. As per the Regulations of the Central Government in G.S.R.No.221(E) 2001, S.O.6052 and G.S.R.104, there is no discretion vested with the State Authority to call for a tender. Therefore, this act of the State Government in identifying the suppliers through tender is contrary to the scheme and the Notification of the Central Government and this impugned tender would defeat the very object for which the scheme has been introduced.

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4. Learned Counsel further submits that vide G.S.R.221(E)2001, Rule 4(x), the manufacturer or the vendor selected by the State Transport Department for supply of such registration of HSRP plates was permitted for the State as a whole or for any region of the State. The Rule that gave exclusive discretionary powers for HSRP vendors was first amended by S.O.6052, as follows:

"S.O.6052 (5)(ii) the manufacturers of suppliers of high Security registration plates, if so authorized by the State concerned, may also supply the high Security registration plates including the third registration mark on old vehicles after placing the registration mark.

This was further amended by G.S.R.104 and the relevant clauses reads as follow:

"G.S.R.104(E)(d) for clause (v), the following clauses shall be substituted, namely:

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers or by approved license plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency

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authorized under Rule 126."

5. Learned Counsel for the petitioner further submits that as per this amendment in G.S.R.104, the State Government is not having any authority to authorize any vendor for the old vehicles and it can be effected only through the approved license plate manufacturers or their dealers and therefore the present tender floated by the second respondent is against the provisions of G.S.R.104.

6. In response to the same, Mr.Vijay Narayan, learned Advocate General submits that the Central Motor Vehicles Act empowers the State Government to appoint and authorize persons to implement the Act and the Rules. The State Government has promulgated Rules appointing various Officers for effective implementation of the Act and Rules. He further submits that after the amendment of the Central Motor Vehicle Rules, 1989, by introducing HSRP scheme throughout the Country in the year 2001, the State Governments issued Notifications calling for tenders for implementation of the HSRP Scheme.

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7. Learned Advocate General further submits that those

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Notifications were subject matter of writ petitions before various High Courts and the Hon'ble Supreme Court of India vide its judgment dated 30.11.2004 in the case of ***Association of Registration Plates Manufactures of India Vs. Union of India reported in 2005(1)SCC 679*** has held that the State, as the implementing authority has to ensure that the scheme of the high security plates is effectively implemented and that keeping in view of the enormous work involved in switching over to new plates within two years for existing vehicles of such large numbers in each State, the resort to a "trial-and-error" method would prove hazardous. The Hon'ble Apex Court further held that the State's concern to get the right and most competent person cannot be questioned and that no person can claim Fundamental Right to carry on business with the Government and a selection of one manufacturer through the process of open competition is not a creation of any monopoly in violation of Article 19(1)(g) r/w Article 19(6) of the Constitution.

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8. He further submits that the State Government has issued IFB dated 18.01.2021 for the conversion of old vehicles into HSRP and the same has been issued as mentioned under S.O.No.6052 (E) dated

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06.12.2018, Clause No.5(ii) - (HSRP Order 2018), G.S.R.104(E) - dated 11.02.2020, Clause 2(d), Circular dated 16.09.2020 issued by Ministry of Road Transport and Highways, Section 41(6), Section 47, Section 48, Section 64, Section 65, Chapter IV of the Motor Vehicles Act, 1988 and the directions of the Hon'ble Supreme Court of India vide its judgment dated 30.11.2004 passed in W.P(C).No.41 of 2003, judgment passed in W.P.(C).No.510 of 2005, C.P(C).No.483 of 2013 and W.P.(C).No.13029 of 1985 titled M.C.Mehta Vs. UOI.

9. According to the learned Advocate General, the selection of HSRP vendor for the purpose of conversion of old vehicles into HSRP line with the State Government as directed by the Central Government and the State has been bestowed with the responsibility by the Central Government to authorize any vendor for the purpose of implementation of the scheme and it has been confirmed by the Hon'ble Apex Court in several judgments. He has relied on the following judgments in support of his contentions:

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(i) (2005) 1 SCC 679 [W.P.(C).41 of 2003 dated 30.11.2004].

(ii) (2011) 11 SCC 315 [I.A.Nos.10 & 11 of 2010 in W.P(C).No.510 of 2005 dated 08.05.2008].

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(iii) (2011) 11 SCC 273 [W.P(C).No.510 of 2005 dated 07.04.2011].

(iv) (2011) 14 SCC 273 [W.P.(C).No.510 of 2012 dated 30.08.2011].

(v) (2012) 1 SCC 273 [W.P.(C).No.510 of 2005 dated 13.10.2011].

(vi) (2012) 1 SCC 707 [W.P.(C).No.510 of 2005 dated 08.12.2011].

(vii) (2012) 4 SCC 568 [W.P.(C).No.510 of 2005 dated 07.02.2012].

(viii) C.P.(C).No.483 of 2013 dated 13.07.2016 of the Hon'ble Supreme Court.

(ix) W.P.(C).No.13029 of 1985 dated 10.12.2018 of the Hon'ble Supreme Court.

सत्यमेव जयते

10. In the case of ***Association of Registration Plates Vs. Union of India & others*** reported in ***2005(1) SCC 679***, the Hon'ble Apex Court has held as follows:

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> *"40.Selecting one manufacturer through a process of open competition is not creation of any monopoly, as contended, in violation of Article 19(1)(g) of the*

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Constitution read with clause (6) of the said Article. As is sought to be pointed out, the implementation involves large network of operations of highly sophisticated materials. The manufacturer has to have embossing stations within the premises of the RTO. He has to maintain a data of each plate which he would be getting from his main unit. It has to be cross-checked by the RTO data. There has to be a server in the RTO's office which is linked with all RTOs' in each State and thereon linked to the whole nation. Maintenance of record by one and supervision over its activity would be simpler for the State if there is one manufacturer instead of multi-manufacturers as suppliers. The actual operation of the scheme through the RTOs in their premises would get complicated, and confused if multi-manufacturers are involved. That would also seriously impair the high security concept in affixation of new plates on the vehicles. If there is a single manufacturer he can be forced to go and serve rural areas with thin vehicular population and less volume of business. Multi-manufacturers might concentrate only on urban areas with higher vehicular population.

45.On behalf of the petitioners, paragraph 2 of rule 50(1)(v), which is reproduced below, has been interpreted. The contention is that it does not contemplate selection of sole manufacturer for a State or a Region. The relevant paragraph 2 of rule 50(1)(v) reads thus :-

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"Rule 50(1)(v). Form and manner of display of registration marks on the motor vehicles. (1).....

(i) to (iv) .....

(v) .....

The licence plates with all the above specifications and the specified registrations for a vehicle shall be issued by the registering authority or approved licence plates manufacturers or their dealers.

The Central Road Research Institute, New Delhi or any of the agency authorized by the Central Government shall approve the license plates manufacturers to above specification. [Emphasis supplied]

46. Learned counsel for the petitioners argues that the use of the word 'approved' in para 2 of clause (v) of rule 50(1) has to be given its natural meaning and cannot be read to mean "selected" through notice inviting tender. In this respect, it is further submitted that the rule making authority has used the word 'approved' and 'approve' twice in the same paragraph. The rule read harmoniously rules out selection of sole manufacturer through a tender process. The argument in substance is that every approved licence plate manufacturer can be entrusted with the job of supplying the registration plates and selection of

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one manufacturer for the job is against the intendment of the rule.

47.The above argument seems attractive but on closer scrutiny is unacceptable. The rule is interpreted to mean that the registration plates can either be issued by RTO to the exclusion of all others or all type approval certificate holders must be allowed to do business of supply in open market. In other words, according to the petitioners, the rule contemplates that if the registering authority does not supply the plates itself, it allows all TAC holders to do the business without any restriction.

48.In interpreting the rule, the object of the scheme providing for affixation of high security plates has to be kept in view. Where the RTO himself is not making the supply of plates, anti approved registration plate manufacturer can be selected for supply. The legal obligation on the registering authority under rule 50(1)(v) to issue specified kinds of registration plates implies issuance of such registration plates through a selected approved plate manufacturer. Paragraph 2 of clause (v) of rule 50(1), if reasonably construed, does not indicate any prohibition of selection of an approved plate manufacturer for assisting the registering authority to implement the scheme of affixation high security registration plates to existing vehicles and new vehicles. Such an interpretation fulfils the object of the scheme. The interpretation sought to be placed by the petitioners on the said para of the rule

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would result in frustrating the high security aspect and object of the scheme of affixation of high security registration plates on vehicles."

11. This Court paid its anxious consideration to the rival submissions made and also perused the materials available on record.

12. The Government of India introduced High Security Registration Plates scheme throughout the Country in order to ensure public safety and security in order to prevent crimes committed through vehicles by amending the Central Motor Vehicle Act, 1988 and Central Motor Vehicle Rules, 1989. Pursuant to the same, several States issued notices inviting tenders for implementing this HSRP scheme and the said notifications were challenged before various High Courts and finally the Hon'ble Apex Court in the case of ***Association of Registration Plates*** (cited supra) held that the State, as the implementing agency has to ensure that the scheme of the high security plates is effectively implemented. Keeping in view the enormous work involved in switching over to new plates within two years for existing vehicles of such large numbers in each State, resort to a "trial-and-error" method would prove hazardous and the concern

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of the State to get the right and most competent person cannot be questioned. It has to eliminate the manufacturers who have developed recently, just to enter into the new field. The insistence of the State to search for an experienced manufacturer with sound financial and technical capacity cannot be misunderstood.

13. Thereafter, in order to confirm certain standards, the Ministry of Road Transport and Highways issued a Notification in S.O.6052(E) on 06.12.2018, in suppression of the Motor Vehicles (New High Security Registration Plates) Order, 2001, with certain conditions such as:

"4.A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a)The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b)A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the

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mark of registration on the security license plates and printing the third registration plate are available with their dealers.

(c)The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5.(i)For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii)The manufacturers or suppliers of high security registration plates, if so authorised by the State concerned may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

14. As per this new Motor Vehicles High Security Registration order 2018, the State Governments can authorize the manufacturers or suppliers of high security registration plates for the supply of high security registration plates on old vehicles as per Clause 5(ii) of the said order.

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15. The Notification in G.S.R.104(E) was issued on 11.04.2020 and certain amendments have been done to the Central Motor Vehicle Rules 1989 by amending the Rule 50, which reads as follows;

"2.In the Central Motor Vehicles Rules, 1989 (herein after referred as the said rules), in Rule 50, Sub-Rule 1:-

(a)In Clause (i), for the words and figures "DIN 1745/DIN 1783 or ISO 7591", the following words, figures and brackets "AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO:7591" shall be substituted; notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO: 7591" shall be substituted;

(b)in clause (iii) for the words "seven" the word "ten" shall be substituted;

(c)in clause (iv):-

(i)for the words "registering authorities/approved dealers of the license plates manufacturers", the following words "registering authority/vehicle manufacturer and their dealers" shall be substituted;

(ii)for the words "license plate manufactured or his dealers" the following words "registering authority/vehicles manufacturer and their dealers" shall be substituted;

(d)for clause (v), the following clause shall be substituted, namely:-

"(v)the plate shall be fastened with non-removable/

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non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved license plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorized under Rule 126 shall approve the security registration as per the provisions of this Rule."

16.The Government of India, Ministry of Road Transport and Highways issued an Advisory to all the States Union Territories on the High Security Registration Plates on 16.09.2020. The paragraphs 3 & 4 of the State Advisory are extracted as under:

"3.The Ministry's notifications G.S.R.1162(E) dated 04.12.2018 and S.O.6052 (E) dated 06.12.2018 provides that the High Security Registration Plate including the vehicle manufacturers along with the vehicle manufactured on or after 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

4.For the affixation of HSRP on existing vehicles, the

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High Security Registration Plate including the third registration mark may be supplied and affixed either by the dealers of the vehicle manufactured after placing the mark of registration thereon or by the manufacturers or suppliers of HSRP, if so authorized by the State concerned."

17. The learned Advocate General has also relied on certain other informations provided by the Government of India as a clarifications in their website on the High Security Registration Plates that on the question, it is mentioned as follows:

"Who can be selected by State to sell/affix HSRP?
Any prospective vendor can obtain type approval certificate from any of the authorized testing agencies and thereafter can participate in the selection procedure by the State Governments. It is for the State Government to select a vendor or vendors."

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18. In the Motor Vehicles High Security Registration Plates order 2018, the State Governments were also authorized to supply the High

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Security Registration Plates on old vehicles. However, in the amendments issued vide G.S.R.104(E), there is no specific reference to the State Government. However, in the Advisory issued by the Government of India, Ministry of Road Transport and Highways, it is clarified that the fixation of high security registration plate on existing vehicles may be supplied and affixed either by the dealers or by the manufacturers or suppliers authorized by the State concern. On a similar Tender Notification which was challenged earlier in the year 2005, the Hon'ble Apex Court in the aforementioned judgment has stated that no person can claim a Fundamental Right to carry on business with the Government and the State, as the implementing authority has to ensure the scheme is effectively implemented.

19. In view of the ratio laid down by the Hon'ble Apex Court and the Advisory issued by the Union Government, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

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7234190/2023/CM-COMP

To

1.The State of Tamil Nadu,
Rep by the Secretary, Transport Department,
Fort St.George, Chennai - 600 009.

2.The Additional Chief Secretary/Transport
Commissioner, Transport Department,
Ezhilagam, Chepauk, Chennai-600 005.

HIGH COURT OF JUDICATURE MADRAS
सत्यमेव जयते
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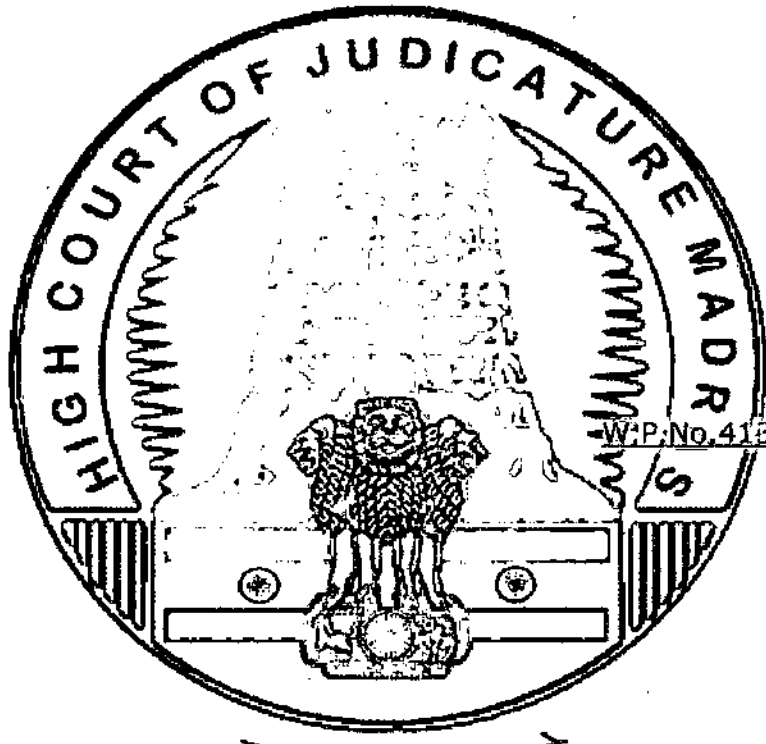
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No. RT-11028/01/2018-MVL
भारत सरकार
Government of India
सड़क परिवहन और राजमार्ग मंत्रालय
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001
Dated the, 04 October, 2019

OFFICE MEMORANDUM

Sub: Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers

The undersigned is directed to forward herewith the minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

7

2. This issues with the approval of competent authority.

Encls- As above.

(Dr. Piyush Jain)
Director(MVL)
Tele/Fax: 23714974
e-mail: director-morth@gov.in

To

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratha, Technical Director
3. Shri P.K. Banerjee, Executive Director, SIAM
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

Copy to:

Transport Commissioners of all the States and UTs

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RT-11026/01/2018-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, New Delhi 110001

Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

List of the participants is attached at Annexure 1.

Background

1. Meeting was held in order to discuss the issues in Integration of details of High Security Registration Plates (HSRP) with VAHAN database by Vehicle Manufacturers (OEMs) as per the process decided in the meeting held on 04.04.2019 and further to the directions issued in regard to its implementation through memo dated 1st July 2019. Only as a stop gap arrangement the uploading of the HSRP details on VAHAN through the dealers or the registering authority was provided by the Ministry.

Current scenario

2. Joint Secretary (MVL) took a review of the same from NIC and SIAM, wherein it was told that the OEMs have not been uploading the inventory on the HSRP VAHAN system as developed by NIC. The system of updating of VAHAN for HSRP fitment being followed was asked to be clarified by the JS MVL from SIAM and NIC. It was clarified by SIAM that as per the amendment of the Central Motor Vehicles Rules, 1989 through GSR1162 (E) dated 4th of Dec 2018, the OEMs have themselves given the contract of HSRP supplies to the HSRP manufacturers. It was further stated by SIAM that the HSRPs are being procured through their authorised HSRP supplier and being affixed on the vehicles through their dealers. As in a State an HSRP supplier may have a contract from more than one OEM for various models, and similarly the OEM may have given a supply order to more than one HSRP supplier in the State, the SIAM said that uploading of the inventories on the HSRP VAHAN system is difficult as of now by SIAM. SIAM further stated that they are aware of their responsibilities and in support of this regulation have been working hard to make it a smooth affair but there are some difficulties on the ground.
3. Currently, the OEMs dealers provides the details of the new vehicle sold to the HSRP supplier who after embossing etc. provides the physical plates to the dealers and further provides the information of the plates to the dealer mainly

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through a mobile app or a web portal. The dealer after having affixed the HSRP to the new vehicles, has the HSRP number details manually feed on the VAHAN where there is no IT based system of tracking of HSRP details. This sometimes leads to incorrect entries made in VAHAN.

4. The JS (MVL) highlighted that as per the amendments in the Rules, issued through 4th of December, 2018, and the detailed procedure issued through the HSRP Order 2018 on 6th of December, 2018, the responsibility of procuring and supplying is with OEMs only. Their dealers can have them affixed. For the older vehicles if so directed by the State Government, it was discussed and clarified that the dealers of the particular OEM can supply for their brand as the spirit of the amendment is that the OEM shall be responsible for the security features of the HSRP. When they supply to different brand not being owned, then control of security features is lost.
5. JS (MVL) asked SIAM to provide the tabulated list and copies of "contract order" placed by OEMs for supply of HSRP, for Ministry's record. SIAM agreed to provide the copies of the same on the condition that some part especially relating to the proprietary items like price, in the document, would be blackened which SIAM think is confidential. **-(Action by SIAM)**

Way ahead

6. SIAM informed that in light of the difficulties as discussed, they have discussed the issues and difficulties of uploading of HSRP inventory with VAHAN database with NIC and further updating of HSRP details on new vehicles on VAHAN data and suggested a solution to streamline the process.
7. The mechanism proposed was then discussed and agreed with the members present and the representatives of NIC which would be as under-
   i. On the existing VAHAN system, NIC would provide the option to enable OEMs to configure its type approved selected HSRP supplier(s) who would be assigned the State and the RTO by the OEM. NIC would ensure that only type approved HSRP supplier is listed. **-(Action by NIC)**
   ii. OEMs would configure their contracted HSRP suppliers and assign them the State and RTO. **-(Action by SIAM)**

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iii. The dealers of the OEMs would supply the vehicle registration number and other required details to the OEM contracted HSRP supplier through their internal online mechanism. -(Action by SIAM)

iv. The OEM's contracted HSRP supplier would have the HSRP physical plates embossed and provide them to the OEMs dealers for affixation. -(Action by SIAM)

v. NIC would provide an API/Web Services to the OEMs/OEM selected HSRP suppliers for uploading the vehicle registration number, chassis number (last 5 characters), Front/Rear Laser Code (LIDs), Order type associated with each HSRP. - (Action by NIC)

vi. With regard to validation of LIDs mapping with the vehicle registration number, API would validate the data uploaded by OEM / OEMs selected HSRP supplier with authorisation provided by OEM with respect to the para 7(ii) above with the data for the vehicle sold and available in VAHAN. Only in cases of validation confirmation the HSRP details with the registration details of the vehicles would be updated.

8. NIC would make necessary changes in the VAHAN system within a month and the OEMs would also have the necessary supporting system ready for the implementation.

9. SIAM requested to amend Rule 50 of Central Motor Vehicles Rules, 1989 to look into amendment for word "along with" with "for" regarding HSRPs supplied by OEMs to the dealers. JS (MVL) agrees to examine the proposal for amendment of the Rule 50 of CMVR1989.

10. For the issue of providing and fixation of HSRP on existing vehicles, JS (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 20187, State Government has to take a decision that either the HSRP plates be supplied through authorised OEMs dealers or select HSRP manufacturers.

Meeting ended with thanks to chair.

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RT-11026/01/2018-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, New Delhi 110001

Annexure 1

From the Ministry:-

1. Shri Priyank Bharti, Joint Secretary (MVL)
2. Shri Piyush Jain, Director(MVL)
3. Shri K.C. Sharma, S.E.(Transport)
4. Shri. D.P. Saste, Consultant

From the NIC:-

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratha, Technical Director

From the Testing Agency:-

1. Shri Rajan Verma, CRRI
2. Shri Ajay D. Dekate, ARAI

From the SIAM:-

1. Shri P.K. Banerjee, Executive Director
2. Shri Amit Kr. Sharma
3. Shri Navrika Sood
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

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भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 566] NEW DELHI, THURSDAY, AUGUST 18, 2022/SHRAVANA 27, 1944

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 18 अगस्त, 2022

सा.का.नि. 640(अ).—केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए प्रारुप नियम, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 212 की उपधारा (1) के अधीन यथा अपेक्षित, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में प्रकाशित भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की अधिसूचना संख्यांक सा.का.नि. 277 (अ), तारीख 6 अप्रैल, 2022 द्वारा प्रकाशित किए गए थे, जिसमें उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त अधिसूचना को अंतर्विष्ट करने वाली राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी, तीस दिन की अवधि के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 6 अप्रैल, 2022 को उपलब्ध करा दी गई थीं;

और केन्द्रीय सरकार द्वारा उक्त प्रारुप नियमों के बाबत जनता से प्राप्त आक्षेपों और सुझावों पर विचार कर लिया गया है;

अतः अब, केन्द्रीय सरकार, मोटर यान अधिनियम 1988 (1988 का 59) की धारा 110 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1.(1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (तेरहवां संशोधन) नियम, 2022 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

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2. केन्द्रीय मोटर यान नियम, 1989 के नियम 50 के, उपनियम (1) में, खंड (v) में "अनुज्ञप्त प्लेट के विनिर्माता के अनुमोदित डीलरों" शब्दों के स्थान पर "राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा अनुमोदित अनुज्ञप्त प्लेट के विनिर्माता या उनके डीलरों" शब्द रखे जाएंगे।

[फा. सं. आरटी-11036/99/2020-एमवीएल]

महमूद अहमद, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना संख्यांक सा.का.नि. 590 (अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और अधिसूचना संख्यांक सा.का.नि. 625(अ), तारीख 11 अगस्त, 2022 द्वारा अंतिम बार संशोधित किए गए थे।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 18th August, 2022

G.S.R. 640(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), *vide* notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 277 (E), dated the 6th April, 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Official Gazette containing the said notification were made available to the public;

AND WHEREAS, copies of the said Official Gazette notification were made available to the public on the 6th April, 2022;

AND WHEREAS, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. (1) These rules may be called the Central Motor Vehicles (Thirteenth Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 50 of the Central Motor Vehicles Rules, 1989, in sub-rule (1), in clause (v), for the words "approved licence plate manufacturers or their dealers", the words "licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration" shall be substituted.

[F. No. RT-11036/99/2020-MVL]

MAHMOOD AHMED, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i),vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended vide notification number G.S.R. 625(E), dated 11th August,2022.

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रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
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सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 6 दिसम्बर, 2018

का.आ. 6052(अ).—जबकि, केंद्रीय सरकार की यह राय है कि लोकहित में यह अधिसूचित किया जाना आवश्यक और समीचीन है कि किसी मोटर वाहन में अति सुरक्षा रजिस्ट्रीकरण प्लेट के संबंध में विनिर्माता द्वारा उपयोग की जाने वाली प्रक्रिया केंद्रीय मोटर यान नियम, 1989 के संदर्भ में कतिपय मानकों के अनुरूप होगी;

अब, इसलिए, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 109 की उप-धारा (3) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए और मोटर यान (नई अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2001 के उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हे ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया, केंद्रीय सरकार एतद्द्वारा ऐसे मानकों को विनिर्दिष्ट करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात्:—

आदेश

1. संक्षिप्त नाम और प्रारंभ: -

(1) इस आदेश का संक्षिप्त नाम मोटर यान (अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2018 है।

(2) यह आदेश 1 अप्रैल, 2019 को प्रवृत्त होगा।

2. लागू होना - यह आदेश मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 2 के खंड (28) में यथा-परिभाषित मोटर वाहनों पर लागू होगा।

3. किसी वाहन निर्माता द्वारा 1 अप्रैल, 2019 को या उसके बाद बेचे जाने वाले नए वाहनों के लिए अति सुरक्षा रजिस्ट्रीकरण प्लेट (एचएसआरपी) के संबंध में निम्नलिखित प्रक्रियाओं का अनुपालन किया जाएगा, अर्थात्: -

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(क) वाहन विनिर्माताओं द्वारा उनके डीलरों को तीसरे रजिस्ट्रीकरण चिह्न सहित टाइप अनुमोदित अति सुरक्षा रजिस्ट्रीकरण प्लेटों की आपूर्ति की जाएगी जो ऐसी प्लेटों पर रजिस्ट्रीकरण का चिह्न लगाएंगे और इन्हें मोटर वाहनों पर चिपकाएंगे।

(ख) मोटर वाहनों के विनिर्माता द्वारा यह सुनिश्चित किया जाएगा कि सुरक्षा लाइसेंस प्लेटों पर रजिस्ट्रीकरण का चिह्न लगाने और तीसरी रजिस्ट्रीकरण प्लेट को मुद्रित करने के लिए अपेक्षित अवसंरचना उनके डीलरों के पास उपलब्ध है।

(ग) अति सुरक्षा रजिस्ट्रीकरण प्लेट और रजिस्ट्रीकरण चिह्न को लगाने के पश्चात इसे वाहन पर चिपकाने की लागत को नए वाहन की कीमत में शामिल किया जाएगा और इसके लिए डीलर द्वारा वाहन खरीदार से कोई अतिरिक्त या वस्तुबद्ध लागत प्रभारित नहीं की जाएगी।

4. (i) मौजूदा वाहनों पर एचएसआरपी लगाने के लिए, तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की आपूर्ति उस पर रजिस्ट्रीकरण चिह्न लगाए जाने के पश्चात वाहन निर्माताओं के डीलरों द्वारा की जाएगी और इसे लगाया जाएगा।

(ii) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माता या आपूर्तिकर्ता, यदि संबंधित राज्य द्वारा अधिकृत हैं, तो रजिस्ट्रीकरण चिह्न लगाने के पश्चात पुराने वाहनों पर तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की भी आपूर्ति कर सकते हैं।

5. मोटर वाहनों के विनिर्माता और उनके डीलरों या अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माताओं या आपूर्तिकर्ताओं द्वारा निम्नलिखित विनिर्देशों का अनुपालन किया जाएगा, अर्थात्: -

(i) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के लिए केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली या केंद्रीय मोटर यान नियम, 1989 के नियम 126 के तहत केंद्रीय सरकार द्वारा अधिकृत किसी परीक्षण एजेंसी से एक प्रमाण-पत्र प्राप्त किया जाएगा।

(ii) रजिस्ट्रीकरण प्लेट केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उपवर्णित विनिर्देशों के अनुरूप होगी।

(iii) केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उल्लिखित, अति सुरक्षा रजिस्ट्रीकरण प्लेट की अवधि अविनश्वर प्रकृति के लिए प्रत्याभूति दी गई होगी और इस अवधि से पूर्व प्लेट या रजिस्ट्रीकरण चिह्न के क्षतिग्रस्त होने या प्राकृतिक रूप से नष्ट होने के मामले में इसे उपर्युक्त पैरा 4 में उल्लिखित वाहनों के संबंध में मोटर वाहन विनिर्माता या उनके डीलरों द्वारा या अन्य मामलों में लाइसेंस प्लेट विनिर्माता या आपूर्तिकर्ता या उनके डीलरों जैसा भी मामला हो, द्वारा प्रतिस्थापित किया जाएगा।

(iv) किसी भी विद्यमान रजिस्ट्रीकरण प्लेट का प्रतिस्थापन मोटर वाहनों के डीलरों या अधिकृत अति सुरक्षा रजिस्ट्रीकरण प्लेट विनिर्माता या आपूर्तिकर्ता द्वारा पुरानी प्लेट को अभ्यर्पित या विनष्ट सुनिश्चित किए जाने के पश्चात किया जा सकेगा।

(v) (क) कूट रचना से संरक्षण के लिए 20 मिमी x 20 मिमी आकार का एक क्रोमियम आधारित होलोग्राम प्लेट के शीर्षस्थ बाईं ओर के कोने पर सामने और पीछे दोनों प्लेटों का ताप स्टांपन द्वारा लगाया जाएगा ।

(ख) होलोग्राम में इस आदेश में यथाविनिर्दिष्ट उपाबंध के अनुसार नीले रंग में चक्र बना होगा।

(vi) कम-से-कम 10 अंकों की स्थायी पहचान संख्यांक, रजिस्ट्रीकरण प्लेट के तल के बाईं ओर परावर्ती परत में लेजर ब्रेंड की जानी है जिसमें अंक आकार 5 मिमी का होगा:

परन्तु यह है कि स्थायी क्रमागत पहचान संख्यांक के पहले विक्रेता या विनिर्माता या आपूर्तिकर्ता, जैसा मामला हो, जिसके लिए प्रकार अनुमोदन प्रमाण-पत्र परीक्षण एजेंसियों द्वारा जारी किए गए हैं के नाम का व्यपदेशन करते हुए दो अक्षर होंगे:

परन्तु अग्रेतर यह है कि नीचे दी गई सारणी के स्तम्भ (2) में विनिर्दिष्ट परीक्षण अभिकरण बताई गई उक्त सारणी के स्तम्भ (3) और (4) में विनिर्दिष्ट अक्षरों का प्रयोग निम्नवत करेंगे:

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सारणी

क्र. सं.	परीक्षण अभिकरण का नाम	प्रथम वर्ण	द्वितीय वर्ण
(1)	(2)	(3)	(4)
1.	ऑटोमोटिव रिसर्च एसोसिएशन ऑफ इंडिया, पुणे	ए से एच	ए से जेड
2.	केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली	आई से पी	ए से जेड
3.	यान अनुसंधान विकास स्थापना, अहमदनगर	क्यू से एस	ए से जेड
4.	अंतरराष्ट्रीय ऑटोमोटिव प्रौद्योगिकी केंद्र, मानेसर	टी से वी	ए से जेड
5.	केंद्रीय सड़क परिवहन संस्थान, पुणे	एक्स	ए से जेड
6.	ग्लोबल ऑटोमोटिव रिसर्च सेंटर, चेन्नई	वाई	ए से जेड:

परन्तु प्रतिबंध यह भी है कि सामने की और पीछे की रजिस्ट्रीकरण प्लेटों के लिए अंकों की ऊंचाई 5 मिमी. और तीसरी रजिस्ट्रीकरण प्लेट के लिए 2.5 मिमी. होगी, जो एक स्टिकर के प्ररूप में होगी।

(vii) (क) अनुज्ञापन संख्यांक के अक्षरों या अंकों पर लगाई जाने वाली ताप स्टापन फिल्म में "इंडिया" उत्कीर्णित होगा।

(ख) अक्षर "इंडिया" अन्य का दर्पण प्रतिबिंब होती हुई क्रमागत रेखाओं के साथ 45°अंश के झुकाव पर एरियल बोल्ड टाइप की लिपि में 10 (दस) आकार के अक्षर के साथ नीले रंग के होंगे।

(viii) (क) स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के रूप में तीसरी रजिस्ट्रीकरण प्लेट 100 मिमी. x 60 मिमी. के आकार की होगी जिसे यान के विंडशील्ड के बाईं ओर के भीतरी भाग पर लगाई जानी है।

(ख) स्टिकर की फिल्म अनिवार्यत: उच्च परावर्ती अभिसूचक सहित विवर्तन पर्णों की होनी चाहिए और उसमें क्रोमियम आधारित होलोग्राम जुड़ा हुआ होगा।

(ग) स्टिकर पर विवरण होगा :

(क) रजिस्ट्रीकर्ता प्राधिकारी का नाम;

(ख) वाहन की रजिस्ट्रीकरण संख्या ;

(ग) लेजर ब्रांड की स्थायी पहचान संख्या; और

(घ) वाहन की पहली रजिस्ट्रीकरण की तारीख ।

(घ) स्टिकर के दाएं कोने के तल पर क्रोमियम आधारित होलोग्राम लगाया जाएगा किंतु यह10 मिमी. x 10 मिमी. के आकार का होगा और उक्त स्टिकर में वाहन का रजिस्ट्रीकरण संख्यांक केंद्र में होगा और अक्षरों की ऊंचाई 10 मिमी. होगी।

(ङ) लेजर ब्रांड वाला स्थायी पहचान संख्यांक स्टिकर के तल में बाईं ओर आएंगे और अंकों का आकार 2.5 मिमी. का होगा।

(च) स्टिकर का चित्र इस आदेश से संलग्न उपाबंध में यथाविनिर्दिष्ट रेखाचित्र में दिया गया है।

(ix)(क) डीजल वाहनों के लिए स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के लिए पृष्ठभूमि का रंग नारंगी होगा तथा पेट्रोल और सीएनजी वाहनों के लिए ये हल्के नीले रंग के होंगे।

(ख) अन्य सभी वाहनों के लिए पृष्ठभूमि स्लेटी रंग की होगी।

(x) मोटर यान के विनिर्माता या विक्रेता द्वारा जारी की गई रजिस्ट्रीकरण प्लेटों का समुचित अभिलेख दैनिक आधार पर रखा जाना चाहिए।

(xi) रजिस्ट्रीकरण पर रजिस्ट्रीकरण प्लेट वाहनों पर लगाए जाने के पश्चात् विशिष्ट अति सुरक्षा रजिस्ट्रीकरण प्लेट को वाहन से इलेक्ट्रॉनिकली जोड़ दिया जाएगा।

(xii) उनके अधीनस्थ सभी सुरक्षा विशिष्टताओं का संपूर्ण अभिलेख मोटर वाहन के विनिर्माता या डीलर द्वारा अनुरक्षित किए जाएंगे जिनका सावधिक लेखा परीक्षा समय समय से संबंधित परीक्षण अभिकरण द्वारा की जाएगी।

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(xiii) मोटर वाहन के विनिर्माताओं का अपने अधीनस्थ सभी सुरक्षा विशिष्टताओं पर संपूर्ण नियंत्रण होगा और या तो वह स्वयं या उनकी ओर से नियुक्त अन्य कोई व्यक्ति खुले बाजार में रजिस्ट्रीकरण प्लेट पर किसी भी प्रकार की सुरक्षा विशिष्टता उपयोग के लिए उत्तरदायी होगा।

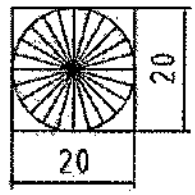
(xiv) मोटर वाहन के विनिर्माता किसी को भी अपूर्ण प्लेट या अपूर्ण सुरक्षा मानकों वाले प्लेट्स की पृथक बिक्री करने के लिए अधिकृत नहीं होंगे :

परन्तु यह भी है कि उप-पैरा (ix) में विनिर्दिष्ट विशिष्टताओं के अनुसार जो भी मामला हो, के अनुरूप पहले से रजिस्ट्रीकृत वाहनों के लिए स्व-विध्वंसक प्रकार के स्टिकर के रूप में तीसरी संख्या प्लेट को बदलने के लिए वे अधिकृत होंगे।

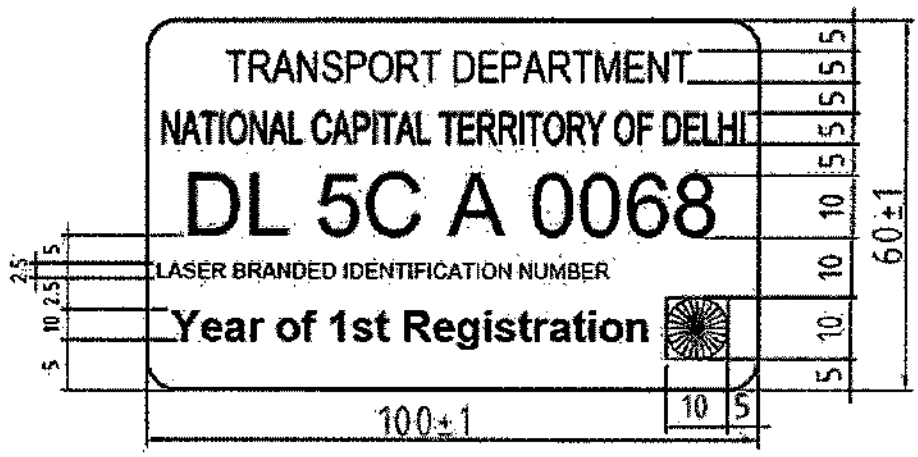
(xv) इन प्रावधानों का अनुपालन न करने पर संबंधित परीक्षण अभिकरण प्रकार अनुमोदन प्रमाणपत्र का निलंबन या निरस्तीकरण जारी करने के लिए उत्तरदायी होगा।

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



ALL DIMENSIONS ARE IN MM

[फा. सं. आरटी-11028/01/2018-एमवीएल]

प्रियांक भारती, संयुक्त सचिव

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MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 6th December, 2018

S.O. 6052(E).—Whereas, the Central Government is of the opinion that it is necessary and expedient in the public interest to notify that the process used by a manufacturer in regard to a high security registration plate for a motor vehicle shall conform to certain standards with reference to the Central Motor Vehicles Rule, 1989;

Now, therefore, in exercise of the power conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the Motor Vehicles (New High Security Registration Plates) Order, 2001, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following order to specify such standards, namely:—

ORDER

1. Short title and commencement:-

(1) This Order may be called as the Motor Vehicles (High Security Registration Plates) Order, 2018.

(2) It shall come into force on the 1st day of April, 2019.

3. Application. —This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.

(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely: —

(i) The high security registration plates shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

(ii) The Registration Plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989.

(iii) The Registration Plate shall be guaranteed for imperishable nature for a period mentioned in rule 50 of the Central Motor Vehicles Rules, 1989 and in case of damage or withering due to natural usage before such period, it shall be replaced by the motor vehicles manufacturer or their dealers in respect of vehicles mentioned under para 4 above, or the licence plate manufacturer or suppliers or their dealers, as the case may be, in other cases.

(iv) The replacement for any existing registration plate may be made by the motor vehicles dealers or the authorised high security registration plate manufacturer or supplier, only after ensuring that the old plate has been surrendered and destroyed.

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(v) (a) To protect against counterfeiting, a chromium-based hologram of the size 20 mm x 20 mm shall be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates.

(b) The hologram shall contain CHAKRA in blue colour as specified in the Annexure appended to this Order.

(vi) The permanent identification number of minimum 10 digits shall be laser branded into the reflective sheeting on the bottom left-hand side of the registration plate with the letter size being 5 mm:

Provided that the permanent consecutive identification number shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate shall be issued by the test agencies:

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) and (4) of the said Table as under:—

Table

Sl. No.	Name of Test Agency	First Alphabet	Second Alphabet
(1)	(2)	(3)	(4)
1.	Automotive Research Association of India, Pune	A to H	A to Z
2.	Central Road Research Institute, New Delhi	I to P	A to Z
3.	Vehicles Research Development Establishment, Ahmednagar	Q to S	A to Z
4.	International Centre for Automotive Technology, Manesar	T to V	A to Z
5.	Central Institute of Road Transport, Pune	X	A to Z
6.	Global Automotive Research Centre, Chennai	Y	A to Z:

Provided also that the height of the digits shall be 5mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.

(vii) (a) The hot stamping film to be applied on the letters or numerals of the licence number shall bear the inscription "INDIA".

(b) The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees' inclination with sequential lines being the mirror image of the other.

(viii) (A) The third registration plate in the form of a self-destructive type chromium based hologram sticker shall be of the size of 100 mm x 60 mm is to be affixed on the inner side of left hand corner of windshield of the vehicle.

(B) The sticker shall be required to be a diffraction foil film with high reflective index and shall have the chromium based hologram embedded.

(C) The details on the sticker shall be-

(a) Name of registering authority;

(b) registration number of the vehicle;

(c) laser branded permanent identification number; and

(d) Date of first registration of the vehicle.

(D) On the bottom of the right corner of the sticker, the chromium based hologram of size of 10 mm x10 mm shall be embedded and in the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height.

(E) The laser branded permanent identification number shall come in the bottom left side of the sticker with numeral size being 2.5mm.

(F) A depiction of the sticker shall be as specified in the Annexure appended to this Order.

(ix) (a) The background colour for the self-destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles.

(b) For all other vehicles, the background shall be of grey colour.

(x) A proper record of the registration plates issued should be maintained on a daily basis by manufacturer of motor vehicle or dealer.

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(xi) The unique high security registration plate shall be linked electronically to the vehicle after its affixture on the vehicle on registration.

(xii) The complete record of all the security features in their possession shall be maintained by manufacturer of motor vehicle or dealer which may be audited by the concerned testing agencies from time to time.

(xiii) The manufacturer of a motor vehicle shall exercise complete control over all the security features in their possession and shall be responsible for the use of any of the security feature on registration plate in the open market either by themselves or by any other person on their behalf.

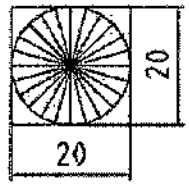
(xiv) The manufacturer of a motor vehicle shall not be authorized to sell incomplete plates or the security features separately to anyone:

Provided that they shall be authorised to replace the third number plate in form of the self-destructive tape sticker for the already registered vehicles as the case may be as per specification specified in sub-para (ix).

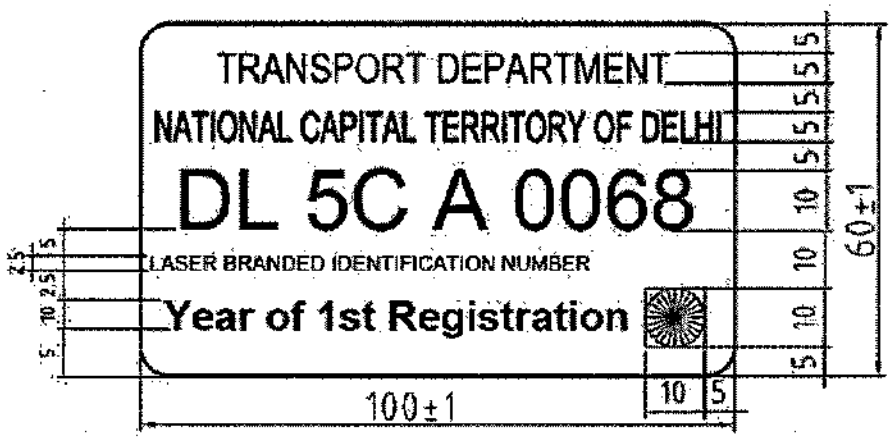
(xv) The type approval certificate issued shall be liable for suspension or cancellation by the concerned testing agency for failure to comply with these provisions.

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



ALL DIMENSIONS ARE IN MM

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

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भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 86] नई दिल्ली, मंगलवार, फरवरी 11, 2020/माघ 22, 1941
No. 86] NEW DELHI, TUESDAY, FEBRUARY 11, 2020/MAGHA 22, 1941

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 11 फरवरी, 2020

सा.का.नि. 104(अ).— केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की भारत के राजपत्र असाधारण, भाग II, खंड (3), उपखंड (i) अधिसूचना सा.का.नि. 512(अ) तारीख 18 जुलाई 2019 द्वारा प्रारुप नियम प्रकाशित किए गए थे जिसमे उन सभी व्यक्तियों से जिनके उनसे प्रभावित होने की संभावना थी, उस तारीख से जिसको उक्त अधिसूचना में अंतर्विष्ट राजपत्र की प्रतियां जनता को उपलब्ध करा दी थी, तीस दिन की अवधि के अवसान के पूर्व आक्षेप और सूझाव आमंत्रित किए गये थे;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को 18 जुलाई 2019 को उपलब्ध करा दी गई थी;

और उक्त प्रारुप नियमों के संबंध में जनता से प्राप्त आक्षेपों और सूझावों पर केंद्रीय सरकार द्वारा विचार किया गया है;

अतः अब केंद्रीय सरकार मोटर यान अधिनियम,1988 (1988 का 59) की धारा 110 द्वारा प्रदत शक्तियों का प्रयोग करते हुए केन्द्रीय मोटर यान नियम 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थातः-

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1. संक्षिप्त नाम और प्रारंभ – (1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (द्वितीय संशोधन) नियम, 2019 है।

(2) ये नियम राजपत्र में अपने प्रकाशन की तारीख को प्रवृत होंगे।

2. केन्द्रीय मोटर यान नियम, 1989 में (जिसे इसमें इसके पश्चात उक्त नियम कहा गया है), नियम 50 में उपनियम 1 में,-

(क) खंड (i) में "डीआईएन 1745/ डीआईएन 1783 या आईएसओ 7591" शब्दों और आकड़ों के स्थान पर समय-समय पर यथा-संशोधित एआईएसः 159: 2019 (ऐसे समय तक बीआईएस विनिर्दिष्ट भारतीय मानक ब्यूरो अधिनियम, 2016 (2016 का 11) अथवा आईएसओः 7591 के अधीन अधिसूचित किया गया है)" निम्नलिखित शब्द आकड़े और कोष्ठक रखे जाएंगे;

(ख) खंड (iii) "सात" शब्द के स्थान पर "दस" शब्द रखा जाएगा ;

(ग) खंड (iv) में,

(i) "अनुज्ञप्ति प्लेट विनिर्माता का रजिस्ट्रीकृत प्राधिकारी/अनुमोदित डीलर" शब्दों के स्थान पर " रजिस्ट्रीकृत प्राधिकारी/वाहन विनिर्माता और उसके डीलर" निम्नलिखित शब्द रखे जाएगे ;

(ii) " विनिर्मित अनुज्ञप्ति प्लेट या उसके डीलर" शब्दों के स्थान पर "रजिस्ट्रीकृत प्राधिकारी / वाहन के विनिर्माता और उसके डीलर" निम्नलिखित शब्द रखे जाएगे ;

(घ) खंड (v) के स्थान पर निम्नलिखित खंड रखा जाएगा अर्थातः-

"(v) प्लेट को वाहन के रीयर पर अस्थानानतरणीय/गैर –पुनःप्रयोग करने वाले स्नेप लॉक फिटिंग प्रणाली के साथ बंधन किया जाएगा ;

नये वाहन के लिए सभी उपर्युक्त विनिर्देश और विनिर्दिष्ट रजिस्ट्रीकरण के साथ अनुज्ञप्ति प्लेट को रजिसट्रीकरण प्राधिकारी अथवा वाहन विनिर्माताओं और उनके डीलरों द्वारा जारी किया जाएगा और विद्यमान पुराने रजिस्ट्रीकृत वाहन को लिए रजिसट्रीकरण प्राधिकारी अथवा वाहन विनिर्माताओं और उनके डीलरों अथवा अनुमोदित अनुज्ञप्ति प्लेट विनिर्माताओं या उनके डीलरों द्वारा जारी किया जाएगा। नियम 26 के अधीन केन्द्रीय सड़क अनुसंधान संस्थान, नई दिल्ली अथवा किसी प्राधिकृत अभिकरण को इस नियम के उपबंधों के अनुसार सुरक्षा रजिस्ट्रीकरण का अनुमोदन किया जाएगा।"

(ङ) खंड (VI) में,-

(i) "मध्यम वाणिज्यिक वाहनों, भारी वाणिज्यिक वाहनों और ट्रेलर/संयोजनः 340×200 मिलीमीटर" शब्दों आंकड़ों और अक्षरों के स्थान पर "मध्यम वाणिज्यिक वाहनों, भारी वाणिज्यिक वाहनों और ट्रेलर/संयोजनः 340×200 मिलीमीटर/ 500×120 मिलीमीटर" निम्नलिखित शब्द आंकड़े और शब्द रखे जाएगे ;

(ii) पांचवे परन्तुक के पश्चात निम्नलिखित परन्तुक अंतस्थापित किया जाएगा अर्थात,-

"परन्तु यह और कि निर्माण उपकरण वाहन के मामले में उपकरण आकार और स्थान की उपलब्धा के आधार पर प्लेट का आकार 500×120 मिलीमटर या 340×200 मिलीमीटर या 200×100 मिलीमीटर या 285×45 मिलीमीटर होगा।"

3. उक्त नियम में , नियम 50 में उप-नियम (2) में खंड (घ) में उप-नियम (अ) के पश्चात निम्नलिखित उप-नियम रखा जाएगा, अर्थातः-

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"(अ आ) किराए पर कैब स्कीम, 1989 के अधीन मोटर कैब या किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल (एल-1 और एल-2 प्रवर्ग दो पहिया), काले रंग की पृष्ठ भूमि पर पीला रंग, तथापि किराए पर कैब स्कीम 1989 के अधीन बैटरी प्रचालित या इलेक्ट्रॉनिकी पावर की मोटर अथवा किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल के मामले में, हरे पृष्ठभूमि पर काले रंग में ; और"।

4. उक्त नियम में, नियम 50 में, उप-नियम (3) में पहले परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा अर्थात:-

"परन्तु यह कि रजिस्ट्रीकृत चिन्ह सामने एक पंक्ति में हो सकता है, 200 मिमी×100 मिमी साइज की प्लेट के मामले में यह दर्शाने का कोई पर्याप्त स्थान नहीं कि रजिस्ट्रीकृत चिन्ह एक पंक्ति में हो, रजिस्ट्रीकरण चिन्ह दो पंक्तियों में प्रदर्शित किया जा सकता है।"।

5. उक्त नियम में निमय 51 में,-

(क) आरंभिक पैरा के पश्चात, निम्नलिखित शीर्ष अन्तःस्थापित किया जाएगा, अर्थात:-

"सारणी" ;

(ख) नीचे शीर्ष सारणी को इस प्रकार अन्तःस्थापित किया जाएगा, जिसके सामने क्रम संख्या से संबंधित पंक्ति से सामने, "से अन्यून आयाम" प्रविष्टी के स्थान पर "से अन्यून आयाम (मिमी में)" निम्नलिखित प्रविष्टी रखी जाएगी ;

(ग) सारणी में, क्रम संख्या 11 और उससे संबंधित प्रविष्टियों के पश्चात निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएगी, अर्थात:-

"12	निर्माण उपकरण वाहन	सामने और पीछे के अक्षर और अंक (क) प्लेट आकार 500×120 मिमी. या 340×200 मिमी.	65	10	10
		(ख) प्लेट आकार 200×100 मिमी.	35	7	5
		(ग) प्लेट आकार 285×45 मिमी.	30	5	5"

[फा. सं. आरटी-11028/01/2018 एमवीएल]

प्रियांक भारती, संयुक्त सचिव

टिप्पणः- मूल नियम भारत के राजपत्र, असाराधारण भाग-II खंड 3 उपखंड (i) अधिसूचना संख्या सा.का.नि. 590 (अ) तारीख 2 जून, 1989 द्वारा संशोधित किए गए थे और अंतिम संशोधन अधिसूचना संख्या सा.का.नि. 37 (अ) तारीख 17 फरवरी, 2019 द्वारा किया गया था।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 11th February, 2020

G.S.R. 104(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989 were published as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways *vide* number G.S.R. 512 (E), dated the 18th day of July, 2019, in the Gazette of India, Extraordinary, Part II, Section (3), Sub-section (i), inviting objections and suggestions from all persons likely to be affected

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thereby before the expiry of the period of thirty days from the date of which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said Gazette notification were made available to the public on the 18th July, 2019;

And whereas, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. **Short title and commencement.** -(1) These rules may be called as the Central Motor Vehicles (Second Amendment) Rules, 2019.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In the Central Motor Vehicles Rules, 1989 (herein after referred as the said rules), in rule 50, in sub-rule 1,-

(a) in clause (i), for the words and figurers "DIN 1745/DIN 1783 or ISO 7591" the following words, figures and brackets "AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO 7591" shall be substituted;

(b) in clause (iii) for the word "seven" the word "ten" shall be substituted;

(c) in clause (iv),-

(i) for the words "registering authorities/approved dealers of the licence plates manufacturers", the following words "registering authority/vehicle manufacturer and their dealers" shall be substituted;

(ii) for the words "licence plate manufactured or his dealers" the following words "registering authority/vehicles manufacturer and their dealers: shall be substituted;

(d) for clause (v), the following clause shall be substituted, namely: -

"(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule"

(e) in clause (vi),-

(i) for the words and figures and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340 x 200 mm" the following words, figure and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340x200 mm/500 x 120 mm" shall be substituted;

(ii) after the fifth proviso the following proviso shall be inserted namely, -

"Provided also that in case of Construction Equipment Vehicles, the size of plate shall be 500x120 mm or 340x200 mm or 200x100mm or 285x45mm, depending on the equipment size and availability of space.".

3. In the said rules, in rule 50, in sub-rule (2), in clause (d), after the sub-clause (A), following sub- clause shall be inserted, namely. -

"(AB) in case of motor cab under rent a cab scheme, 1989 or motor cycle (L1 and L2 category two wheeler) under rent a motor cycle scheme 1997, in yellow colour on black background, however in case of battery operated or electrically powered motor cab under rent a cab scheme 1989 or motor cycle under rent a motor cycle scheme 1997, in black colour on green background; and".

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4. In the said rules, in rule 50, in sub-rule (3) for first proviso, the following proviso shall be substituted, namely. -

"Provided that the registration mark in the front may be in one line, in case, in 200mm x 100mm size plate, there is no sufficient place to exhibit the registration mark in one line, the registration mark may be exhibited in two lines:".

5. In the said rules, in rule 51, -

(a) after the opening paragraph, the following heading shall be inserted, namely: -

"Table";

(b) below the heading Table as so inserted, against the row relating to Serial number (S.No.), for the entry "Dimensions not less than" the following entry shall be substituted "Dimensions (in mm) not less than ;

(c) in the Table, after S.No.11 and entries relating thereto, the following S.No. and entries shall be inserted, namely: -

"12	Construction Equipment Vehicles	Front and rear letters and numerals.- a) With plate size 500x120 mm or 340x200 mm	65	10	10
		b) With plate size 200x100 mm	35	7	5
		c) With plate size 285x45 mm	30	5	5"

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i),*vide* notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended *vide* notification number G.S.R 37 (E) dated 17th January, 2020.

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Dt. 10.08.2022

N.C.R.B (एन.सी.आर.बी)
I.I.F.-I (एकीकृत जाँच फार्म -I)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)
प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (जिला): UPD.BHUBANESWAR P.S. (थाना): Cyber Crime & Economic Offences Year (वर्ष): 2022
FIR No. (प्र.सू.रि. सं.): 0000 Date and Time of FIR (प्रथम सूचना रिपोर्ट की तिथि और समय): 10/08/2022 20:00 hrs

2. S.No.(क्र. सं.) Acts (अधिनियम) Sections (धारा(एँ))

1	IPC 1860	419
2	IPC 1860	420

3. (a)Occurrence of offence (अपराध की घटना):
1. Day (दिन):Wednesday Date From (दिनांक से):08/06/2022 Date To (दिनांक तक):08/06/2022
Time Period (समय अवधि): Time From (समय से): 00.00 hrs Time To (समय तक): 23:59 hrs
(b)Information received at P.S. (थाना जहां सूचना प्राप्त हुई):Date (दिनांक): 10/08/2022 Time (समय): 20:00 hrs
(c)General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.):005 Date & Time: 10/08/2022 21:44 hrs

4. Type of Information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):
1. (a) Direction and distance from P.S.(थाना से दूरी और दिशा): NORTH-EAST, 10 Km(s) Beat No. :
(b) Address (पता): Block- 4,Kalyan Plaza Sundarpada,Bhubaneswar, 751002
(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो):
Name of P.S.(थाना का नाम): District(State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):
(a) Name (नाम): Kapileedia Bihara
(b Father's/Husband's Name(पिता / पति का नाम) :
(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1984 (d) Nationality (राष्ट्रीयता): INDIA
(e) UID No. (यूआईडी सं.):
(f) Passport No.(पासपोर्ट सं.): Date of Issue (जारी करने की तिथि):
Place of Issue (जारी करने का स्थान):
(g) Id details (Ration Card,Voter ID Card,Passport,UID No.,Driving License,PAN)
S.No.(क्र.सं.) Id Type (पहचान पत्र का प्रकार) Id Number (पहचान संख्या)
1

(h) Address (पता):

S.No.(क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	Present Address	Block- 4,Kalyan Plaza,Sundarpada,Bhubaneswar,DCP, BHUBANESWAR,ODISHA,751002,INDIA
2	Permanent Address	Block- 4,Kalyan Plaza,Sundarpada,Bhubaneswar,DCP, BHUBANESWAR,ODISHA,751002,INDIA

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N.C.R.B (एन.सी.आर.बी.)
I.I.F.-I (आईआईएफ-I)

(i) Occupation (व्यवसाय): BUSINESS

(j) Phone number (दूरभाष सं.): Mobile (मोबाइल सं.): 91-8595949756

7. Details of known/suspected/unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

S.No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)
1	Unknown1			

8. Reasons for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देने में देर कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S.No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति का प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))
1	CYBER CRIME	Software Piracy		0 Rs.

10. Total value of property (In Rs/-)-सम्पत्ति का कुल मूल्य(रु में): 0 Rs.

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):

S.No. (क्र.सं.) UIDB Number (यू.डी.-प्रकरण सं.)

12. First Information contents (प्रथम सूचना तथ्य):

On dtd 06.08.2022 Complainant Kapilendra Behera, R/O Block-04, Kalyan Plaza 2, Sundarpada, Near Hi- Tech Road, PS Airfield, Bhubaneswar, Khorda appeared at PS with written report alleging therein that some unknown person has been created a fake website namely www.bookhsrponline.com have cheated publics in the name of gov. by illegal booking , manufacturing affixing the invalid HSRP. The fraudulent modus operandi adopted by the fraudsters is depriving the state with revenue which the state is entitled to get by way of royalty from approved vendor. The operator all the connected /associated persons of the website www. bookhsrponline.com who have neither the authorization nor the requisite licenses to manufacture affix HSRP in the state of Odisha have breach the security of the HSRP.

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.
(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है ।)

(1) Registered the case and took up the investigation: or (या)
(प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम):JYOTIRANJAN Rank (पद): SI (Sub-Inspector)
No.(सं.): Mobile No.(मोबाइल सं.): 9861566187 to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या).

(3) Refused investigation due to (जांच के लिए):

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Dated: 06.08.2022.

To,
The Police Commissioner,
Bhubaneswar.

Sub: Request for initiating actions and lodging FIR against M/s Godawari Techno Solutions Pvt. Ltd. and all connected/associated persons of the website www.bookhsrponline.com.

Sir,

I, Kapilendra Behera, R/o Block-4,Kalyan Plaza 2, sundarpada, Near Hi-tech road,Bhubaneswar, Khorda, Odisha- 751002 am filing this complaint for necessary actions against M/s Godawari Techno Solutions Pvt. Ltd. and all connected/associated persons of the website www.bookhsrponline.com as they are unauthorized booking HSRP and cheating innocent vehicle owners and also charging exorbitant prices for HSRP booking from innocent vehicle owner.

The operator and all the connected/associated persons of the website "www.bookhsrponline.com" neither have the authorization nor the requisite licenses to manufacture and affix HSRP in the state of Odisha.

This is to be bring to your notice that the implementation of HSRP is mandated as per guidelines of CMVR and Notifications issued by MoRTH and is to be followed in its true letter and spirit otherwise the entire object of HSRP scheme will be frustrated.The Scheme is introduced with an object of safety and security of vehicle and for solemn object to curb terrorist activities misusing motor vehicles.

As mandated, and directed, vide Ministry of Road Transport & Highways' Notification dated 04-10-2019, and also minute of meeting in support of this it was clarified that **for the issuance of providing the fixation of HSRP on existing vehicle, there are only two modes-**

a) **Either the HSRP plates be supplied through State Government authorised OEMs dealers; or**

b) **By State Government's selecting HSRP manufacturer.**

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Subseq parcel

Further the implementation of the scheme is supervised by Hon'ble Supreme
Court of India and it concerns with safety and security of vehicle.

However the binding directions/orders of Hon'ble Supreme Court regarding its proper implementation and also government notifications are being flouted by scrupulous persons such as M/s Godawri Techno Solutions Pvt. Ltd. and all connected/associated persons of the website www.[illegible].com.

As per the process the Laser coded HSRP plates are to be affixed by the vehicle dealers directly for their own brands and sourced from the authorized source of their manufacturers.

- **HSRP's unique safety and security features such as laser codes are to be maintained in Government Portal and web site of Vahan-4 is following the above process for which the vehicle manufacturers are authorized.**

- **However nothing of this sort is followed and M/s Godawari Techno Solutions Pvt. Ltd. and all connected/associated persons of the website www.[illegible] is illegality booking HSRP contrary and in violation of HSRP law.**

The operators of the website in qustion are falsely creating an impression that they are authorized to book the HSRP and accept charges for the same and therefore are making illegal and unlawful gains. **The website www.[illegible] falsely claim on the web site that they are "Government Approved High Security Registration Plate Manufacturer in India" which is completely false and therefore M/s Godawari Techno Solutions Pvt. Ltd. is cheating public at large by claiming that they are Government Approved.**

I also with a view to confirm that the said website is actually illegally booking and charging monies towards manufacturing and affixation of HSRP booked a HSRP on the website in question on 08.06.2022;

- The web site then directed me to a payment portal wherein I made a payment of Rs.507.99 and subsequently an Order reference number being 55458 was generated and a bill was issued in my name.

- It mentioned that "HSRP booking successfully. Date: 08-06-2022 Receipt:-55458 Name :- KAPILENDRA BEHERA Vehicle No: - OD11F7914 Chasis No: - MDZA1CZUPCH89066 Engine No: - DHZCFH61890 Thanks."

Subsequently got a fake HSRP from the said website through parcel from the website www. [illegible]

By such illegal booking & supplies of HSRP , website www.bookhsrponline.com the security features of the HSRP are also at risk of being distributed which is barred under Rule 50 of the Central Motor Vehicles Rules, 1989 and prohibited as per orders of Hon'ble Supreme Court of India.

Besides, HSRP affixation without it being integrated with Vaahan software of Government is invalid as per Rule 50 and therefore such HSRPs cannot be used in vehicles, as only the authorized suppliers are given the link and access to integrate vehicle details into the government's Vahan portal.

Thus if the actions of unknown officials of "www.bookhsrponline.com" are not stopped from illegally manufacturing and affixing the invalid HSRP a serious security breach may happen which will in turn lead to the whole purpose of installing HSRP with a Unique Identification Number being frustrated at the hands of such unscrupulous entities.

Not only are the unknown officials of "www.bookhsrponline.com" are making unlawful gains, the fraudulent modus operandi adopted by them is depriving the State with revenue which the State is entitled to get by way of Royalty from approved vendor.

Request –

In light of the above, it is requested that the Police Authority take immediate and necessary action and lodge an F.I.R. against the operators and perpetrators of "www.bookhsrponline.com", M/s Godavari Techno Solutions Pvt. Ltd. and other unknown officials, who are without any authorization booking and supplying orders of illegal and fake HSRP's frustrating the entire object of the HSRP scheme of the Central Government.

Thanking You Sir,

Kapilendra Behera

Kapilendra Behera,
R/o Block-4,Kalyan Plaza 2,
Sundarpada, Near Hi-tech road,
Bhubaneswar, Khorda,
Odisha 751002
Ph: 8595949756

8PM/8.8.2022 Received this report. As it reveals a cog case U/s 419/4 regd here. A Case No - 33 dt. 9.8.22 is directed to S.I. J.R. Parida to do the investigation of the case. Made a copy of FIR in the compl. Annexure Case. Take immediate action as matter urgent.

10.8.2022

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N.C.R.B (ए.सी.आर.बी)
I.I.F.-I (प्रपत्र संख्या-I)

or (के कारण इत्तर किया या)

(4) Transferred to P.S.(थाना): District (जिला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तान्तरित).

F.I.R. read over to the complainant / informant,admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई पाना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी ।)

R.O.A.C.(आर. ओ .ए .सी.)

14.Signature/Thumb impression of the complainant / informant.
(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

15.Date and time of dispatch to the court
(अदालत में प्रेषण की दिनांक और समय):

10.12.23

Signature of Officer in charge, Police Station
(थाना प्रभारी के हस्ताक्षर)

Name (नाम):Rasmita Jena

Rank(पद):I (Inspector)

No.(स.):110071184033

Mobile No.(मोबाइल स.):8249321500

N.C.R.B (एन.सी.आर.बी)
I.I.F.-I (एफ़िडेविट अंश भाग-I)

Attachment to Item 7 of First Information Report (प्रथम सूचना रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the suspect/accused: (if known / seen)

(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और अन्य विवरण : (यदि ज्ञात / देखा गया))

S.No.(क्र.सं.)	Sex (लिंग)	Date/Year of Birth (जन्म तिथि / वर्ष)	Build (बनावट)	Height (cms.) (ऊंचाई (से.मी.))	Complexion (रंग)	Identification Mark(s) (पहचान चिन्ह)
1	2	3	4	5	6	7
1						Poxpitted:NO

Deformities/ Peculiarities (विकृतियाँ/ विशेषताएँ)	Tooth (दाँत)	Hair (बाल)	Eyes (आँखें)	Habit(s) (आदतें)	Dress Habit(s) (पहनावा)
8	9	10	11	12	13

Language /Dialect (भाषा/बोली)	Place Of (का स्थान)					Others (अन्य)
	Birth Mark (जन्म चिह्न का विवरण.)	Leucoderma (श्वेतकुष्ठ (सफेद दाग))	Mole (मस्सा)	Scar (निशान)	Tattoo (गुदने का चिह्न)	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(यह क्षेत्र तभी भरा जाएगा यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध /अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है)

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Form : 1-A

Number : 176609

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C)

1. District : **Thane** , P.S. **Wagale Estate**, Year : **2019** FIR No. **I152/2019,** Date **07.12.2019**

2.	(i)	* Act : **IPC**	Section : **420**
	(ii)	* Act :	Sections : .....

(iii) *Act.....*Sections .....

(iv) * Other Acts & Sections .....

3.(a)Occurrence of Offence:

*Day- ..... *Date **04.11.2019** from Date to **04.11.2019**

* Time period:*Time from ..... Time to .....

(1) 00.00 to 03.00, (2) 03.00 to 06.00, (3) 06.00to 09.00 (4) 09.00 to 12.00 (5) 12.00 to 15.00 (6) 15.00 to 18.00 (7) 18.00 to 21.00 (8) 21.00 to 24.00 (9) 06.00 to 18.00 (10) 18.00 to 06.00

12

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(b) Information received at P.S. Date **07.12.2019,** Time .....

(c) General Diary Reference: Entry No(s) **46** Date ..... Time **23.24 hours.**

4. Type of information : ..... Written/Oral: ***in writing.**

5. Place of occurrence:

(a) Direction and Distance from P.S. ..... Chouki/Beat /O.P. Name and No .....

(b) Address of Occurrence place : **B/4, Road No.01, Near Rayaladevi Talao, Wagale Estate, Thane**

Nearest Identifiable place : ----

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(c) * In case outside limit of this Police Station, then the name of P.S . ..... Taulka..... Dist. ---------- State .....

6. Complainant / Informant : Permanent Address :

(a) Name : **Sandeep Changoji Gaikwad**

(b) Father's/Husband's Name **Changoji Gaikwad**

(c) Date / Year of Birth : **29 years**

(d) Nationality : **Indian**

Phone No. .....

(e) Passport... Date of Issue..Place of Issue

(f) Occupation : .....

(g) Religion : ..... Caste ..... Subcaste .....

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(h) Address : **Room No.1342A, Near Sainath Masjid, Pipeline Pokharan Road No.1, Vartak Nagar, Thane.**

7. Details of known / suspected / unknown / accused with full particulars (Attach separate sheet if necessary) (If suspect particular of physical feature write on Form I-B of attach FIR-I-B to case diary):

.....

8. Reasons for delay in reporting by the Complainant / Informant. **Immediately**

9. Particulars of properties stolen and involved (Attach necessary proforma) write down details on blank back page. .....

10. (a) Total value of properties stolen and involved **Rs.2750/-**

(b) Recovered Properties : ------

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11. Unnatural / Accident Death Case No., if any ------

12. First Information brief contents (Attach separate sheet, if require) : Detail write down back blank page.

On aforesaid date, time and place, Deepak Golpanwar the owner of D.G.Ventures, B/4, road No.1, Near Rayaldevi Talao, Wagale Estate Thane constituted his company at aforesaid place in the context of creating number plates with fraudulent intention and persuaded regarding to set up the H.S.R.P.number plates on old vehicles telling enchanting and false information regarding to set up the H.S.R.P. number plates on old vehicles of prosecution and made financial cheating of prosecution taking Rs.2750/- through Paytm and it is strong possibility that the financial cheating of other consumers like prosecution may be made, hence the crime.

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13. Action taken :1) Since the above information reveals Commission of offence(s) under section as mentioned at item No.2

a) Registered case and took up the investigation or Directed (Name of I.O.) ..... Rank -- -- No. .... to take up the Investigation OR

b) Refused Investigation due to OR

c) Transferred to P.S. .... District ..... on point of jurisdiction.

F.I.R. read over to the Complainant / Informant, admitted to be correctly recorded and copy given to the Complainant / informant, free of cost. (R.O.A.C.)

Sd/-xxxxx

14. Signature and Thumb impression of the Complainant

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15. Date and time to submitted to the Court

Sd/-xxxxxxxxxx

Signature of Officer Incharge, Police Station.

Name : **A.J.Valavi**

Rank : **Assistant Inspector of Police**

Posting Coding No. of I.O. .....

Copy to 2. Complainant, 3) Supdt.of Police, 4) Inv.Officer, 5) Office copy

Attachment to item 7 of First Information Report.

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Attachment to item 7 of First Information Report

9. Physical features, deformities and other details of the accused:

*Sex	*Date / Year of Birth	*Build	*Height in Cms.	*Complexion	*Identification Marks
1	2	3	4	5	6

(For Modus Operandi offences only)

*Deformities / peculiarities	*Tech	*Hair	*Eye	*Habit(s)	*Dress habits
7	8	9	10	11	12

8

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*Languages / Dialect	PLACE OF				
	*Burn Mark	*Leucoderma	*Mole	*Scar	*Tattoo
13	14	15	16	17	18

These fields will be entered only if complainant / informant gives anyone or more particulars about the suspect / accused.

A databse created will subseqntly link one suspect in several cases, if any.

A comprehensive and complete data on all fields will again be prepared when any accused is arrested irrespective of previous suspicion.

Statement

I Sandeep Changoji Gaikwad, age 29 years, occupation – business, residing at Room No.1342/A, Sainath Nagar, Near Masjid, Pipeline, Pokharan Road No.1, Vartak Nagar Thane, Mob.No.9967814563 give statement in writing as asked remaining present in police station that

I am as above and I am residing along with family at aforesaid place, I have a car wash centre in the name of S.S.Service Centre at Tenement No.3, Thackeray Compound, Near Oscar Hospital, Tikujini wadi Road, Manpada Chitalsar. In the course of the said business, I have two motorcycles and one car in itself ownership. Out of that, there is 1) Unicorn Motorcycle Registration Number MH-04-EK-4890 of Honda Company, 2) Motor Cycle Registration Number MH-04-JW-2223 of Honda Company Activa

10

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125 CC. However I have a tourist four wheeler Maruti Suzuki WagonR Car Registration Number MH-04-HY-2223 and the three vehicles are in my possession as mentioned.

Since my service centre at Manpada as mentioned, vehicles come for washing four wheeler and two wheeler vehicles from various places to service centre. While I was washing the car, I have seen unique laser mark number plates of new types on front and rear side to many four wheeler vehicles before some days. When I inquired to two / four consumers in that regard, I knew from them that the said number plates were being sold at M/s.D.G.Ventures, Near Railadevi Pond, Wagale Estate, Thane and those were set up to the vehicle there only. Thereafter, I went near Rayalodevi Talao having in area of Wagale Estate on 22.10.2019 for setting up plates of new types for my three vehicles.

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Then, the boys working in the D.G.Venture Company there said me for contacting in that regard contacting with a person namely Shubham, mobile number 9322909299, I immediately contacted on the said mobile number and said that I have to set up new number plates on my old vehicles and asked regarding what is process in that regard.

The person namely Shubham answered me on mobile phone that the new number plates are high security registration plates and those are known as H.S.R.P. (High Security Registration Plates), there is unique laser mark on the said plates and if the vehicle having set up the said number plates passes from toll plaza and if the said vehicle is stolen, the plates benefit for searching the same immediately since thereof information is kept scanning thereof photo. Shubham also informed that there is a permit of the Commissioner, Maharashtra State to his

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company for fitting the said H.S.R.P. plates to old vehicles and for setting up the same on new vehicles and the information as given regarding they have sole permit of such type in Thane City.

Shubham gave additional information in this regard to his owner Deepak Golapanwar and requested me for making inquiry to him. On the basis of information as above, when I asked in respect of H.S.R.P.Plates going in the Rayaladevi premises to Deepak Golpanwar the company chief, he also confirmed the information telling the enchanting information in respect of the said plate that he has an authorized permit of the Commissioner for Transport and persuaded my mind for setting up the plate having new feature as above on my vehicles understanding and telling the feature regarding unique laser mark, accordingly I said him regarding

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to change plates of my three vehicles as mentioned above.

Thereafter, the labour Shubham said to send the R.C.Book of my three vehicles and my own Aadhaar card on whatsapp. Accordingly, I sent information of the R.C.Book of vehicles, information of Aadhaar Card on whatsapps of Shubham and Deepak Golpanwar the owner of D.G.Venture Company on 23.10.2019. At the said time, Shubham said that there will be Rs.700/- for two-wheeler, Rs.1350/- for four wheeler vehicle each such total 2750/-, I got ready for giving the said information. I was sent Paytm number 976919404 of Deepak Golapanwar as process to give the amount to M/s.D.G.Venture. I have paid Rs.1,800/- on aforesaid number on 31.10.2019. And the balance Rs.950/- is sent on 02.11.2019. In such way, I have sent the same on

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Paytm account having in the name of Deepak Golpanwar the owner of D.G.Ventures.

On 04.11.2019, Shubham came in Service Centre at Manpada and gave number plates of two vehicles 1) Maruti Suzuki WagonR Car Registration Number MH-04-HY-2223 and 2) Motor Cycle Registration number MH-04-JW-2223 of Honda Company Activa 125 CC and he came on another day and said that he would fit the said number plates to vehicles and went away giving two number plates of my vehicles to me. Thereafter, I was asking Shubham in respect of balance number plate and bill. But he was avoiding to give number plate and bill. Thereafter, while I was doing the work at my Service Centre after two/three days and while Girish Karadkar residing in the said area and acquainted by me has come for making car wash to my service centre, when he asked seeing H.S.R.P.number plates set up to my vehicle that from

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where the said number plates were installed, I said him that the same were set up from D.G.Venture, Rayaldevi Talao, Wagale Estate Thane. Then he said me that your vehicle is old and any permission has not been given from the State Government regarding to set up the H.S.R.P. number plates to old vehicles till date. He also gave information that the Government of Maharashtra has not appointed the Manufacturers or Suppliers of high security registration plates regarding to set up H.S.R.P. to old vehicles till date as per information of the office of the Commissioner of Transport, Government of Maharashtra. He informed me that M/s.D.G.Venture has cheated me by misguiding. Then when the information was collected regarding to change number plates of old vehicles in such way. Then I ensured that Deepak Golapanwar the owner of D.G.Ventures is cheating misguiding peoples setting up H.S.R.P.number plates to old vehicles for itself

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benefit. He has also cheated me in such way, hence I have given complaint application that a necessary action shall be taken against concerns making deep inquiry to Deepak Golapanwar the owner of D.G.Ventures. Mr.Girish Pandurang Karadkar the person acquainted by me has a detailed information regarding the Central Government Rules and Gazette regarding to setup H.S.R.P. number plates to old vehicles in this regard and a detailed information in respect of the order given by the Maharashtra Transport Commissioner in that context.

However, Deepak Golpanwar the owner of D.G.Venture, B/4, road No.1, Near Rayaldevi Talao, Wagale Estate Thane constituted his company at the said place in the context of setting up number plates with fraudulent intention while the Government of Maharashtra has not appointed the Manufacturers or Suppliers of high security registration plates in

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respect of setting up the H.S.R.P. High Security Registration plates to old vehicles till date and persuaded me regarding to set the HSRP number plates on old vehicles telling the enchanting and false information regarding to set up the H.S.R.P.number plates on my old vehicles to me and made my financial cheating taking total Rs.2750 through Paytm from me and it is possible that he may have also made financial cheating of other customers like me. However, I have legal complaint against the D.G.Ventures.

My above statement has been typed on computer in Marathi and it is true and correct as per my say.

Before
Sd/-xxx
Station Officer,
Wagale Estate Police
Station, Thane

This is given in writing
Sd/-xxxx

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पंजीकृत/ई–मेल

कार्यालय परिवहन आयुक्त
उत्तर प्रदेश।

संख्या–826सा०प्र०/2021–टी–48ए(8)/2021, लखनऊ : दिनांक 13 सितम्बर, 2021

सम्भागीय परिवहन अधिकारी,
लखनऊ।

विषय–: हाई सिक्योरिटी रजिस्ट्रेशन प्लेट बुकिंग हेतु संचालित फर्जी/कूटरचित वेबसाइट **https://hsrpservice.online** के संचालकों के विरूद्ध साइबर सुरक्षा नियमों के तहत प्राथमिकी दर्ज कराने के सम्बन्ध में।

महोदय,

कृपया **ऑल इण्डिया मोटर व्हीकल सिक्योरिटी एसो०** के पत्र दिनांक 17.08.2021 *(प्रतिसंलग्न)* का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा अवगत कराया गया है कि हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की आड़ में एक ऐसी फर्जी/कूटरचित वेबसाइट https://hsrpservice.online प्रचलित है, जिसमें सभी ऑटोमोबाइल डीलरों को अपने पोर्टल में मैप किया गया है तथा उक्त वेबसाइट द्वारा उत्तर प्रदेश राज्य में वाहन स्वामियों से हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की ऑनलाइन बुकिंग ली जा रही है तथा इसके सापेक्ष भुगतान प्राप्त करते हुए बड़े पैमाने पर जनता को धोखा दिया जा रहा है। उक्त पत्र के साथ एक बुकिंग का विवरण संलग्न कर प्रेषित करते हुए उक्त वेबसाइट के निर्माता के विरूद्ध प्राथमिकी दर्ज कराते हुए कठोर कार्यवाही कराये जाने का अनुरोध किया गया है। उक्त पत्र के साथ संलग्न विवरण में वाहन संख्या–यूपी 57वाई–3334 की हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की उक्त वेबसाइट के माध्यम से बुकिंग की गयी है, जिसके सापेक्ष आवेदक द्वारा रू० 475 का ऑनलाइन भुगतान भी किया गया है।

2– अवगत कराना है कि उत्तर प्रदेश शासन, परिवहन अनुभाग–3 के शासनादेश संख्या–3434/तीस–3–2020–125एम/2017, दिनांक 05.10.2020 द्वारा मौजूदा वाहनों में हाई सिक्योरिटी रजिस्ट्रेशन प्लेट लगाने के निर्देश निर्गत किये गये, किन्तु इसके क्रियान्वयन में आ रही कठिनाई के दृष्टिगत प्रमुख सचिव, परिवहन, उत्तर प्रदेश शासन एवं वाहन निर्माताओं के संगठन "सोसाइटी ऑफ इण्डियन ऑटो मोबाइल्स एसो०" के मध्य दिनांक 28.10.2020 को बैठक आयोजित की गयी, जिसमें हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की ऑनलाइन बुकिंग हेतु कॉमन पोर्टल बनाने पर सहमति बनी। उक्त के क्रम में "सोसाइटी ऑफ इण्डियन ऑटो मोबाइल्स एसो०" द्वारा हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की बुकिंग हेतु वेबसाइट www.siam.in विकसित की गयी, जिसके क्रम में शासनादेश दिनांक 03.12.2020 *(संलग्नक–1)* एवं दिनांक 07.01.2021 *(संलग्नक–2)* द्वारा उक्त वेबसाइट को प्रारम्भ करने की अनुमति प्रदान की गयी। उक्त अनुमति के क्रम में उक्त वेबसाइट का लिंक परिवहन विभाग की वेबसाइट http://uptransport.upsdc.gov.in/ पर उपलब्ध करा दी गयी तथा इस सम्बन्ध में विज्ञापन *(संलग्नक–3)* भी प्रकाशित कराते हुए हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की

Letter dtg. 23 Ifnd

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बुकिंग हेतु "सोसाइटी ऑफ इण्डियन ऑटो मोबाइल्स एसो०" की उक्त वेबसाइट www.siam.in को अधिकृत किया गया।

अतः उपरोक्त से स्पष्ट है कि वर्तमान में मौजूदा वाहनों में हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की बुकिंग हेतु "सोसाइटी ऑफ इण्डियन ऑटो मोबाइल्स एसो०" की उक्त वेबसाइट www.siam.in ही परिवहन विभाग द्वारा अधिकृत है तथा ऑल इण्डिया मोटर व्हीकल सिक्योरिटी एसो० के पत्र दिनांक 17.08.2021 में उल्लिखित शिकायत सत्य प्रतीत होती है। उक्त फर्जी/कूटरचित वेबसाइट https://hsrpservice.online द्वारा उत्तर प्रदेश राज्य में वाहन स्वामियों से हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की ऑनलाइन बुकिंग ली जा रही है तथा इसके सापेक्ष भुगतान प्राप्त करते हुए जनता को धोखा दिया जा रहा है।

शासकीय तथा जनहित में उक्त फर्जी वेबसाइट https://hsrpservice.online प्रचलित के संचालकों के विरूद्ध साइबर सुरक्षा नियमों के तहत कार्यवाही किया जाना आवश्यक है।

उक्त के दृष्टिगत मौजूदा वाहनों की हाई सिक्योरिटी रजिस्ट्रेशन प्लेट की बुकिंग से संबंधित सेवा हेतु संचालित फर्जी/कूटरचित वेबसाइट https://hsrpservice.online के संचालकों के विरूद्ध साइबर सुरक्षा नियमों के तहत प्राथमिकी दर्ज कराने हेतु प्रमुख सचिव महोदय द्वारा आपको नामित किया गया है। अतः तद्नुसार तत्काल आवश्यक कार्यवाही कराते हुए अधोहस्ताक्षरी को सूचित करना सुनिश्चित करें।

संलग्नक : यथोक्त।

(देवेन्द्र कुमार त्रिपाठी),
अपर परिवहन आयुक्त (आई०टी०),
उत्तर प्रदेश।

पृ०सं०-816(1)सा०प्र०/2021-समदिनांकित।

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. श्री पीयूष श्रीवास्तव, वरिष्ठ तकनीकी निदेशक, एनआईसी योजना भवन, लखनऊ को उक्त वेबसाइट को तत्काल प्रभाव से निष्क्रिय कराये जाने तथा साइबर सुरक्षा नियमों के तहत कार्यवाही किये जाने के अनुरोध के साथ प्रेषित।
2. ऑल इण्डिया मोटर व्हीकल सिक्योरिटी एसो० को उनके पत्र दिनांक 17.08.2021 के अनुक्रम में सूचनार्थ प्रेषित।

(देवेन्द्र कुमार त्रिपाठी),
अपर परिवहन आयुक्त (आई०टी०),
उत्तर प्रदेश।

Letter aug. 21.indd

7234190/2023/CM-COMP

राजस्थान सरकार

कार्यालय मंत्री, परिवहन एवं सैनिक कल्याण विभाग

क्रमांक/मं/परि. एवं सै.क./2021/550 दिनांक 29.9.21

विशिष्ठ शासन सचिव एवं आयुक्त,
परिवहन विभाग,
राजस्थान, जयपुर।

विषयः—ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION द्वारा मेसर्स टेक्नो सॉल्यूशंस प्राइवेट लिमिटेड के विरूद्ध शिकायत् के संबंध में।

उपरोक्त विषयान्तर्गत निर्देशानुसार लेख है कि ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION द्वारा राज्य में पुराने वाहनों के लिए उच्च सुरक्षा पंजीकरण प्लेट (HSRP) के कार्यान्वयन की आड़ में, मेसर्स टेक्नो सॉल्यूशस प्राइवेट लिमिटेड द्वारा करोड़ो रूपये के घोटाले की लिखित शिकायत (मय दस्तावेज एवं 03 नंबर प्लेट संलग्न) प्राप्त हुई है।

निर्देशानुसार, उक्त शिकायत की जांच कर, वस्तुस्थिति से 15 दिवस में इस कार्यालय को अवगत करावें।

आज्ञा से,

संलग्नः—उपरोक्तानुसार।

29/09/21

निजी सचिव

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भारत सरकार
Government of India
सड़क परिवहन और राजमार्ग मंत्रालय
Ministry of Road Transport and Highways

No. RT-11036/57/2016-MVL

Transport Bhawan, 1, Parliament Street,
New Delhi the 29 November, 2017

To,

1. The Director, Automotive Research Association of India (ARAI), S. No. 102, Vetal Hill, Off Paud Road, Kothrud, Pune-411038. Email: director@araiindia.com.
2. The Director, Central Road Research Institute (CRRI), Mathura Road, P.O. CRRI, New Delhi-110020. Email: director.crri@nic.in.
3. The Director, International Centre for Automotive Technology (iCAT), Plot – 26, Sector-3, IMT Manesar, Gurgaon-122050. E-mail: -director@icat.in
4. The Director, Vehicle Research & Development Establishment (VRDE),Vahannagar (PO), Ahmednagar (MS) – 414 006, e-mail: director@vrde.drdo.in

Subject:- Blowing the whistle on ORBIZ AUTOMOTIVEZ, a counterfeit HSRP manufacturer based in Kerala.

Madam/Sir,

I am directed to refer to subject mentioned above and to say that a letter dated 02.11.2017 has been received from All India Motor Vehicle Security Association. All India Motor Vehicle Security Association (AIMVSA) has intimated that registration plate manufactures namely, Orbiz Automotivez, a Kerala Based company is indulging in supplying plates with restricted security features illegally to the unsuspecting public. The company's website purports to provide all kinds of counterfeit registration plates with retro-reflective sheeting having the IND legend and a chromium hologram through online orders in several States which is defeating the purpose of national safety and security. Orbiz Automotivez is neither approved nor authorized by any of the State authorities to use any of the security features and ORBIZ is planning to obtain TAC through one testing agencies.

2. In view of above, it is requested to intimate, if any Type Approval Certificate has been granted to Orbiz Automotivez by any testing agency.

Yours faithfully,

(Dharkat. R. Luikang)
Under Secretary to the Government of Idnai
Ph. No. 011-23715211
Email: dharkat@nic.in

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GOVERNMENT OF KERALA

Transport (B) Department

No.B2/349/2022-Trans. 29-05-2023,Thiruvananthapuram

From

Secretary to Government

To

Transport Commissioner, Thiruvananthapuram

Sir,

Sub: Transport Department-Fitment of High Security Registration Plate in vehicles registered prior to 01/04/2019-Reg.

Ref: Representation dated 27/04/2023, submitted by President, All India Motor Vehicles Security Association.

I am to forward herewith the copy of the representation under reference cited for further necessary action.

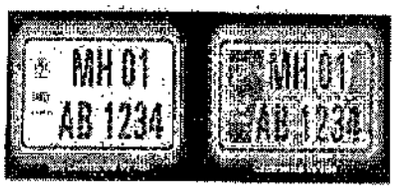
Yours Faithfully,
BINDU R
UNDER SECRETARY
For Secretary to Government.

Approved for Issue,

Section Officer.

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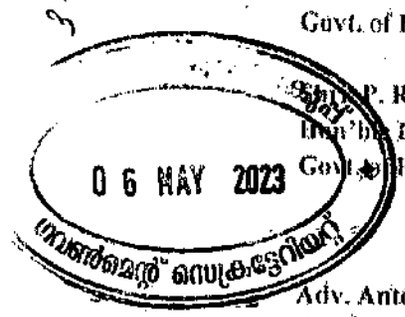
~~Reg. No. 44038~~ of 2002

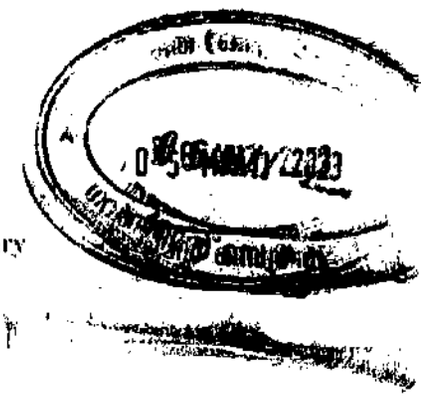
ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION

[Society registered under Societies Registration Act XXI of 1850]

3-5-43-4

Date: 27.04.2023





To,

Shri Pinarayi Vijayan
Hon'ble Chief Minister & Home Minister
Govt. of Kerala

Dr V.P. JOY IAS
Chief Secretary
Govt. of Kerala

Shri. P. Rajeeve
Hon'ble Law Minister
Govt. of Kerala

Shri V. Venu IAS
Additional Chief Secretary
(Home and Vigilance)
Govt. of Kerala

Adv. Antony Raju
Hon'ble Transport Minister
Govt. of Kerala

Shri. V. Hari Nair
Law Secretary
Govt. of Kerala

Shri. Biju Prabhakar IAS
Secretary, Transport Department
Govt. of Kerala

Shri. S. Sreejith IPS
Transport Commissioner
Govt. of Kerala

Subject: Request to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the directions made are in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).

Dear Sir,

We, All India Motor Vehicle Security Association (AIMVSA) writes this letter in reference to the above captioned subject requesting your good self to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the same are in contradiction to the judgments passed by the Hon'ble Supreme Court of India with respect to project of High Security Registration Plates (HSRP). (Copy of the order dated 13.04.2023, Annexure – 1)

We would like to bring to your kind notice that the judgments passed by the Hon'ble Supreme Court of India's related to the HSRP scheme have been deliberately kept away by the Petitioner and the respondent No.4 from the Hon'ble High Court of Kerala, due to which the Hon'ble High Court of Kerala has made an error while passing the order dated 13.04.2023. The order dated 13.04.2013 is in contrary to the judgements passed by the Hon'ble Supreme Court from time to time and furthermore, it would render the HSRP scheme completely ineffective.

Below are the order/ judgments passed by the Hon'ble Supreme Court of India in the HSRP project that are as below: -

A. *Firstly, that the Hon'ble Supreme Court of India prohibits* to supply and affix HSRP merely on the basis of possessing Type Approval Certificate (TAC) by the HSRP manufacturers.

B. *Secondly that the Hon'ble Supreme Court of India prohibits* the State Governments to authorize multiple TAC manufacturers.

45, I[ST] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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C. *Thirdly the Hon'ble High courts of Odisha and Madras has summarily dismissed the contentions of supply and affix HSRP on the basis of having merely TAC.*

D. *Fourthly the Ministry of Road Transport and Highways has bestowed the responsibility onto the State Government to take decision with regard to conversion of old vehicles either through OEM model or through authorizing HSRP manufacturer through tender model.*

E. *Fifthly the* Notification dated 18.08.2022 was issued by the Ministry of Road Transport and Highways after having being received representations with regard to selling of HSRPs for the old vehicles by the Non automobile dealers and HSRP manufacturers in the open market without having any approval/authorization either from the vehicle manufacturing companies or from the State Authority. Accordingly MORT&H in its Notification no. *G.S.R 640 (E), dated 18.08.2022* categorically empowered the State authorities *to approve/authorize the licence plate manufacturers and their dealers* and not just dealers for the purpose of conversion of old vehicles into HSRP.

Hon'ble Supreme Court Judgments are herein below which prohibits the condition of supply and affixation of HSRP merely on the basis of having TAC and to select/authorize multiple HSRP manufacturer having TAC:-

1) Judgement dated 30.11.2004 in W.P (C) 41 of 2003 reported in *(2005) 1 SCC 679, Para 46- "every approved license plate manufacturer can be entrusted with the job of supplying the registration plates"*. On such averment, the Hon'ble Supreme Court held that the abovementioned interpretation would result in frustrating the high security aspect and object of the scheme of affixation of high security registration plates on vehicles. (Refer para 2 on page 37, Copy of the Judgement dated 30.11.2004 in W.P (C) 41 of 2003, Annexure - 2)

ii) Judgment dated 30.08.2011 in W.P(c) 510/2005, reported in *(2011) 14 SCC 273*, has clearly mentioned that the court has put in effort over the years to ensure security and consistency, and therefore, it is explicitly stated that multiple vendors will not be permitted, even if they have received type approval from either the Central Government or the testing agency. This is to prevent the defeat of the court's purpose. (Refer Para 6 on page 4, Copy of the Judgment dated 30.08.2011 in W.P(c) 510/2005, Annexure - 3)

iii) Judgment dated 13.07.2016 in C.P(C) 483/2013, reported in *(2016) 14 SCC 72*, The Hon'ble Supreme Court has assigned the responsibility of selecting/authorizing HSRP manufacturers with Type Approval Certificate to the State Government as part of the guidelines for issuance control of HSRP. (Refer Para 34(i) on page 30, Copy of the Judgment dated 13.07.2016 in C.P(C) 483/2013, Annexure - 4)

The contention of supply and affixation of HSRP merely on the basis of TAC –withdrawn by the Respondent No.4 (Orbiz) in Odisha High Court and Dismissal of the petition filed by Yarva Sekar by the Hon'ble High Court of Madras.

2) That similar identical *(to supply and affix HSRP merely on the basis having TAC)* issues have already been settled by the Hon'ble High Court of Odisha and Madras vide order dated 19.04.2023 in the matter bearing number W.P(C) 27440 of 2022 and order dated 01.03.2021 in the matter bearing number W.P(C) 4139 of 2021. It has been made clear that the manufacturers, suppliers or dealers are permitted to supply and affix high security registration plates on existing vehicles only upon approval/authorization of the State Government and the submission made with regard to do so merely on the basis of possessing TAC was summarily dismissed . (Copy of the orders dated 19.04.2023 and 01.03.2021, Annexure - 5 and 6)

Responsibility to State Government to take decision for the purpose of old conversion of vehicles into HSRP

3) That the *circular dated 04.10.2019 issued by the Ministry of Road Transport and Highways* empowers the State authorities to take decisions with regard to HSRP for the old vehicles. Simply possessing a Type Approval Certificate is not enough to take order, supply and affix HSRPs for old vehicles. (Copy of the Circular dated 04.10.2019, Annexure - 7)

4) That the *Ministry of Road Transport and Highways, issued G.S.R 640 (E), dated 18.08.2022* categorically to empower the State authorities *to approve/authorize the licence plate manufacturers and their dealers* and not just dealers and to ensure the implementation of HSRP in a control manner and to stop unauthorized selling of HSRPs in the open market. (Annexure - 8)

5) That the order dated 13.04.2023 shall undermine the entire objective of HSRP scheme. Despite the Hon'ble Supreme Court's repeated instructions for efficient and appropriate execution, the FIRs filed and measures taken by State Governments will be rendered useless. Moreover, there will be no regulation or oversight over the HSRP and its security features.

6) That the order issued on 13.04.2023 will remove the authority of state officials to oversee the HSRP project and its issuance. This is because all HSRP manufacturers will be allowed to supply and affix HSRPs across the country based solely on TAC, which could jeopardize national safety and security. As a result, the overall purpose of the HSRP scheme will be undermined.

7) It is to be noted that the 4th respondent deliberately concealed information that they had previously filed a similar petition with the Hon'ble High Court of Orissa, Cuttack, on October 14th, 2022, via W.P(C) 27440 of 2022. That the petitioner made a submission before the Hon'ble Court that it has TAC but is unable to implement. The purpose of the petition was to prevent the Odisha government from implementing the HSRP scheme for old vehicles. However, on April 19th, 2023, the petition was withdrawn.

In December 2018, the Ministry of Road Transport and Highways issued a notification (S.O. 6052 (E)) which assigned the task of High-Security Registration Plates (HSRPs) to Vehicle manufacturing companies/OEMs and their dealers and additionally onto the State Government in case it authorizes manufacturer of HSRPs for vehicles produced before April 1, 2019. This responsibility came into effect on April 1, 2019. The following is the pertinent section of the HSRP Order 2018 (S.O No.6052 (E) dated 06.12.2018). (Copy of the notification dated 06.12.2018, Annexure - 9)

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

Subsequently, the Ministry of Road Transport and Highways (MoRTH) issued several notifications, i.e., G.S.R. 104(E) dated 11.02.2020, G.S.R 640 (E), dated 18.08.2022 mentioning the fact that the licence plate manufacturers or their dealers can supply and affix HSRPs onto the old vehicles only of authorized by the State Government or Union Territory Administration. The reason for publishing these

notifications was basically to prevent the unlawful, unapproved, and unauthorized distribution of HSRPs for old vehicles. (Copy of the notifications dated 11.02.2022, Annexure - 10)

It is submitted that the purpose to issue the above Notification (G.S.R 640 (E), dated 18.08.2022) was to stop the illegal, unapproved and unauthorized supply of HSRPs for the old vehicles , as it was observed and found that that the HSRPs and its security features were being sold illegally in the open market either by an individual/non-automobile dealer and by the unapproved /unauthorized HSRP vendors/manufacturer (without being approved to sell either by the vehicle manufacturers or by the respective State authorities) categorically for the old vehicles. The same was defeating the objective of the HSRP Scheme and was violating the order/judgments passed by the Hon'ble Supreme Court of India in W.P.(c) 41 of 2003, W.P(C) 510 of 2005 and C.P(C) 483 OF 2013. Copies of the FIRs registered by Odisha Police, Maharashtra Police and letters issued by Uttar Pradesh Government, Rajasthan Government are enclosed and marked as Annexure – 11, 12, 13 and 14)

We would like to draw your attention to the fact that the Respondent number 4 (Orbiz) was previously engaged in the unlawful sale of HSRPs without proper approval or authorization from the relevant authorities. In response to this issue, the Ministry of Road Transport and Highways issued a letter on November 29, 2017, instructing the testing agency to address the matter. (Copy of the MoRTH letter dated 29.11.2017, Annexure - 15)

It is pertinent to mention here that both the petitioner and respondent no. 4 have knowledge of the rulings outlined in (2005) 1 SCC 679, (2011) 14 SCC 273, (2016) 14 SCC 72, the order dated 19.04.2023 from the High Court of Odisha, the order dated 01.03.2021 from the Court of Madras in W.P (C) No.4139 of 2021, and the accurate interpretation of G.S.R 640 (E) issued on 18.08.2022. These judgments indicate that possessing TAC under Rule 126 alone does not authorize them to supply and affix HSRP as possessing TAC is just a pre requisite for manufacturing of HSRPs and not for supply and affixation of the same. However, despite being aware of these facts and rulings, the petitioner and respondent no. 4 concealed them from the Hon'ble High Court of Kerala due to which the Hon'ble Court made an error while passing the order dated 13.04.2023.

It is essential to note that in the case of M.C Mehta Vs. UOI and Ors. with reference number W.P (C) 13029/1985, the Hon'ble Supreme Court of India declared in its order dated 10.12.2018 that any dispute regarding the GSR 1162 (E) dated 4th December and a statutory order S.O. 6052 (E) dated 6th December, 2018 can only be addressed in front of the Hon'ble Supreme Court of India. Annexure - 16

That even without considering other factors, the fact that the petitioner is not a dealer and his business partner (referred to as respondent no.4) possesses a Type Approval Certificate (TAC), shall be considered by the Hon'ble Court to issue a writ of mandamus directing the state government to allow him to supply and affix the High-Security Registration Plate (HSRP) without requiring any authorization or permission from the state government would be in violation of the judgments passed by the Hon'ble Supreme Court of India. The HSRP order of 2018, and the basic principles of law, which prohibit carrying out any activities listed in the 7th schedule under list 1 and 2 and the concurrent list of the Indian Constitution.

It appears that the petitioner and respondent no.4, who possess the TAC, have a vested business interest and have misled this Hon'ble Court by showing that possessing a TAC entitles them to carry out this business, which is otherwise restricted as per the HSRP order of 2018 and the directions of the Hon'ble Supreme Court of India. Therefore, the order, particularly the directions in para 12, 13(a), and the consequential direction 13(b), are completely violative of the judgments passed by the Hon'ble Supreme Court of India.

In light of the above mentioned facts and judgments of the Hon'ble Supreme Court of India, We request your good self to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the said directions made are

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in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).

Yours Faithfully

For All India Motor Vehicle Security Association

Sanjay Ganjoor

Sanjay Ganjoor
President

Encl: Above mentioned Annexures

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I/5711295/2023

"ഭരണഭാഷ- മാതൃഭാഷ"

കേരള സർക്കാർ

നമ്പർ. 73/എഫ്3/2023/നിയമം
നിയമ (ഒപ്പീനിയൻ-എഫ്)വകുപ്പ്
തിരുവനന്തപുരം
തിയതി: 05-05-2023

അനൗദ്യോഗിക കുറിപ്പ്

വിഷയം:- **High Security Registration Plates** സംബന്ധിച്ച് ബഹു. കേരള ഹൈക്കോടതി വിധിയ്ക്കെതിരെയുള്ള നിവേദനം - സംബന്ധിച്ച്.

സൂചന:- ബഹു. നിയമ സെക്രട്ടറിയ്ക്ക് **28.04.2023** തീയതി ലഭ്യമായ **AIMVSA, Kerala**-യുടെ **e-mail.**

സൂചനയിലേയ്ക്ക് ഗതാഗത വകുപ്പിന്റെ ശ്രദ്ധ ക്ഷണിക്കാവുന്നതും, പ്രസ്തുത നിവേദനം തുടർനടപടികൾക്കായി ടി വകുപ്പിന് കൈമാറാവുന്നതുമാണ്.

ഗോപീകൃഷ്ണൻ ജി
ഡെപ്യൂട്ടിസെക്രട്ടറി

ഗതാഗത വകുപ്പിന്

ഉള്ളടക്കം:-സൂചന നിവേദനം

ഉത്തരവിൻ പ്രകാരം

സെക്ഷൻ ഓഫീസർ.

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F

Email **Law Secretary, Law Dept**

Representation against the order dated 13.04.2013 passed by the Hon'ble High Court of Kerala with respect to High Security Registration Plates (HSRP)

From : aimvsa@gmail.com Fri, Apr 28, 2023 04:44 PM

Subject : Representation against the order dated 13.04.2013 passed by the Hon'ble High Court of Kerala with respect to High Security Registration Plates (HSRP)

1 attachment



To : Chief Minister, Government of Kerala <chiefminister@kerala.gov.in>, Dr.V.P.Joy IAS <chiefsecy@kerala.gov.in>, Principal Secretary Planning <prlsecy.plan@kerala.gov.in>, P. RAJEEVE <min.law@kerala.gov.in>, Law Secretary, Law Dept <secy.law@kerala.gov.in>, ANTONY RAJU <min.transport@kerala.gov.in>, bpias2004@gmail.com, Transport Commissioner MVD <tc.mvd@kerala.gov.in>

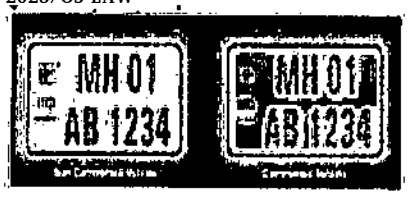
837/2023

Dear Sir

Please find the attached representation with regard to **requesting your good offices to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the directions made are in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).**

Thanking you
All India Motor Vehicle Security Association

AIMVSA Kerala letter (complete).pdf
11 MB



Reg. No. 44038 of 2002
ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION
(Society registered under Societies Registration Act XXI of 1850)

Date: 27.04.2023

To,

Shri Pinarayi Vijayan
Hon'ble Chief Minister & Home Minister
Govt. of Kerala

Dr V.P. JOY IAS
Chief Secretary
Govt. of Kerala

Shri. P. Rajeeve
Hon'ble Law Minister
Govt. of Kerala

Shri V. Vennu IAS
Additional Chief Secretary
(Home and Vigilance)
Govt. of Kerala

Adv. Antony Raju
Hon'ble Transport Minister
Govt. of Kerala

Shri. V. Hari Nair
Law Secretary
Govt. of Kerala

Shri. Biju Prabhakar IAS
Secretary, Transport Department
Govt. of Kerala

Shri. S. Sreejith IPS
Transport Commissioner
Govt. of Kerala

Subject: Request to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the directions made are in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).

Dear Sir,

We, All India Motor Vehicle Security Association (AIMVSA) writes this letter in reference to the above captioned subject requesting your good self to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the same are in contradiction to the judgments passed by the Hon'ble Supreme Court of India with respect to project of High Security Registration Plates (HSRP). (Copy of the order dated 13.04.2023, Annexure – 1)

We would like to bring to your kind notice that the judgments passed by the Hon'ble Supreme Court of India's related to the HSRP scheme have been deliberately kept away by the Petitioner and the respondent No.4 from the Hon'ble High Court of Kerala, due to which the Hon'ble High Court of Kerala has made an error while passing the order dated 13.04.2023. The order dated 13.04.2013 is in contrary to the judgements passed by the Hon'ble Supreme Court from time to time and furthermore, it would render the HSRP scheme completely ineffective.

Below are the order/ judgments passed by the Hon'ble Supreme Court of India in the HSRP project that are as below: -

A. *Firstly, that the Hon'ble Supreme Court of India prohibits* to supply and affix HSRP merely on the basis of possessing Type Approval Certificate (TAC) by the HSRP manufacturers.

B. *Secondly that the Hon'ble Supreme Court of India prohibits* the State Governments to authorize multiple TAC manufacturers.

45, I[st] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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C. *Thirdly the Hon'ble High courts of Odisha and Madras has summarily dismissed the contentions of supply and affix HSRP on the basis of having merely TAC.*

D. *Fourthly the Ministry of Road Transport and Highways has bestowed the responsibility onto the State Government to take decision with regard to conversion of old vehicles either through OEM model or through authorizing HSRP manufacturer through tender model.*

E. *Fifthly the* Notification dated 18.08.2022 was issued by the Ministry of Road Transport and Highways after having being received representations with regard to selling of HSRPs for the old vehicles by the Non automobile dealers and HSRP manufacturers in the open market without having any approval/authorization either from the vehicle manufacturing companies or from the State Authority. Accordingly MORT&H in its Notification no: *G.S.R 640 (E), dated 18.08.2022* categorically empowered the State authorities *to approve/authorize the licence plate manufacturers and their dealers* and not just dealers for the purpose of conversion of old vehicles into HSRP.

Hon'ble Supreme Court Judgments are herein below which prohibits the condition of supply and affixation of HSRP merely on the basis of having TAC and to select/authorize multiple HSRP manufacturer having TAC:-

1) Judgement dated 30.11.2004 in W.P.(C) 41 of 2003 reported in *(2005) 1 SCC 679, Para 46- "every approved license plate manufacturer can be entrusted with the job of supplying the registration plates"*. On such averment, the Hon'ble Supreme Court held that the abovementioned interpretation would result in frustrating the high security aspect and object of the scheme of affixation of high security registration plates on vehicles. (Refer para 2 on page 37, Copy of the Judgement dated 30.11.2004 in W.P (C) 41 of 2003, Annexure - 2)

ii) Judgment dated 30.08.2011 in W.P(c) 510/2005, reported in *(2011) 14 SCC 273*, has clearly mentioned that the court has put in effort over the years to ensure security and consistency, and therefore, it is explicitly stated that multiple vendors will not be permitted, even if they have received type approval from either the Central Government or the testing agency. This is to prevent the defeat of the court's purpose. (Refer Para 6 on page 4, Copy of the Judgment dated 30.08.2011 in W.P(c) 510/2005, Annexure - 3)

iii) Judgment dated 13.07.2016 in C.P(C) 483/2013, reported in *(2016) 14 SCC 72*, The Hon'ble Supreme Court has assigned the responsibility of selecting/authorizing HSRP manufacturers with Type Approval Certificate to the State Government as part of the guidelines for issuance control of HSRP. (Refer Para 34(i) on page 30, Copy of the Judgment dated 13.07.2016 in C.P(C) 483/2013, Annexure - 4)

The contention of supply and affixation of HSRP merely on the basis of TAC –withdrawn by the Respondent No.4 (Orbiz) in Odisha High Court and Dismissal of the petition filed by Yarva Sekar by the Hon'ble High Court of Madras.

2) That similar identical *(to supply and affix HSRP merely on the basis having TAC)* issues have already been settled by the Hon'ble High Court of Odisha and Madras vide order dated 19.04.2023 in the matter bearing number W.P(C) 27440 of 2022 and order dated 01.03.2021 in the matter bearing number W.P(C) 4139 of 2021. It has been made clear that the manufacturers, suppliers or dealers are permitted to supply and affix high security registration plates on existing vehicles only upon approval/authorization of the State Government and the submission made with regard to do so merely on the basis of possessing TAC was summarily dismissed . (Copy of the orders dated 19.04.2023 and 01.03.2021, Annexure - 5 and 6)

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Responsibility to State Government to take decision for the purpose of old conversion of vehicles into HSRP

3) That the *circular dated 04.10.2019 issued by the Ministry of Road Transport and Highways* empowers the State authorities to take decisions with regard to HSRP for the old vehicles. Simply possessing a Type Approval Certificate is not enough to take order, supply and affix HSRPs for old vehicles. (Copy of the Circular dated 04.10.2019, Annexure - 7)

4) That the *Ministry of Road Transport and Highways, issued G.S.R 640 (E), dated 18.08.2022* categorically to empower the State authorities *to approve/authorize the licence plate manufacturers and their dealers* and not just dealers and to ensure the implementation of HSRP in a control manner and to stop unauthorized selling of HSRPs in the open market. (Annexure - 8)

5). That the order dated 13.04.2023 shall undermine the entire objective of HSRP scheme. Despite the Hon'ble Supreme Court's repeated instructions for efficient and appropriate execution, the FIRs filed and measures taken by State Governments will be rendered useless. Moreover, there will be no regulation or oversight over the HSRP and its security features.

6). That the order issued on 13.04.2023 will remove the authority of state officials to oversee the HSRP project and its issuance. This is because all HSRP manufacturers will be allowed to supply and affix HSRPs across the country based solely on TAC, which could jeopardize national safety and security. As a result, the overall purpose of the HSRP scheme will be undermined.

7) It is to be noted that the 4th respondent deliberately concealed information that they had previously filed a similar petition with the Hon'ble High Court of Orissa, Cuttack, on October 14th, 2022, via W.P(C) 27440 of 2022. That the petitioner made a submission before the Hon'ble Court that it has TAC but is unable to implement. The purpose of the petition was to prevent the Odisha government from implementing the HSRP scheme for old vehicles. However, on April 19th, 2023, the petition was withdrawn.

In December 2018, the Ministry of Road Transport and Highways issued a notification (S.O. 6052 (E)) which assigned the task of High-Security Registration Plates (HSRPs) to Vehicle manufacturing companies/OEMs and their dealers and additionally onto the State Government in case it authorizes manufacturer of HSRPs for vehicles produced before April 1, 2019. This responsibility came into effect on April 1, 2019. The following is the pertinent section of the HSRP Order 2018 (S.O No.6052 (E) dated 06.12.2018). (Copy of the notification dated 06.12.2018, Annexure - 9)

5: (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

Subsequently, the Ministry of Road Transport and Highways (MoRTH) issued several notifications, i.e., G.S.R. 104(E) dated 11.02.2020, G.S.R 640 (E), dated 18.08.2022 mentioning the fact that the licence plate manufacturers or their dealers can supply and affix HSRPs onto the old vehicles only of authorized by the State Government or Union Territory Administration. The reason for publishing these

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notifications was basically to prevent the unlawful, unapproved, and unauthorized distribution of HSRPs for old vehicles. (Copy of the notifications dated 11.02.2022, Annexure - 10)

It is submitted that the purpose to issue the above Notification (G.S.R 640 (E), dated 18.08.2022) was to stop the illegal, unapproved and unauthorized supply of HSRPs for the old vehicles , as it was observed and found that that the HSRPs and its security features were being sold illegally in the open market either by an individual/non-automobile dealer and by the unapproved /unauthorized HSRP vendors/manufacturer (without being approved to sell either by the vehicle manufacturers or by the respective State authorities) categorically for the old vehicles. The same was defeating the objective of the HSRP Scheme and was violating the order/judgments passed by the Hon'ble Supreme Court of India in W.P (c) 41 of 2003, W.P(C) 510 of 2005 and C.P(C) 483 OF 2013. Copies of the FIRs registered by Odisha Police, Maharashtra Police and letters issued by Uttar Pradesh Government, Rajasthan Government are enclosed and marked as Annexure – 11, 12, 13 and 14)

We would like to draw your attention to the fact that the Respondent number 4 (Orbiz) was previously engaged in the unlawful sale of HSRPs without proper approval or authorization from the relevant authorities. In response to this issue, the Ministry of Road Transport and Highways issued a letter on November 29, 2017, instructing the testing agency to address the matter. (Copy of the MoRTH letter dated 29.11.2017, Annexure - 15)

It is pertinent to mention here that both the petitioner and respondent no. 4 have knowledge of the rulings outlined in (2005) 1 SCC 679, (2011) 14 SCC 273, (2016) 14 SCC 72, the order dated 19.04.2023 from the High Court of Odisha, the order dated 01.03.2021 from the Court of Madras in W.P (C) No.4139 of 2021, and the accurate interpretation of G.S.R 640 (E) issued on 18.08.2022. These judgments indicate that possessing TAC under Rule 126 alone does not authorize them to supply and affix HSRP as possessing TAC is just a pre requisite for manufacturing of HSRPs and not for supply and affixation of the same. However, despite being aware of these facts and rulings, the petitioner and respondent no. 4 concealed them from the Hon'ble High Court of Kerala due to which the Hon'ble Court made an error while passing the order dated 13.04.2023.

It is essential to note that in the case of M.C Mehta Vs. UOI and Ors. with reference number W.P (C) 13029/1985, the Hon'ble Supreme Court of India declared in its order dated 10.12.2018 that any dispute regarding the GSR 1162 (E) dated 4th December and a statutory order S.O. 6052 (E) dated 6th December, 2018 can only be addressed in front of the Hon'ble Supreme Court of India. Annexure - 16

That even without considering other factors, the fact that the petitioner is not a dealer and his business partner (referred to as respondent no.4) possesses a Type Approval Certificate (TAC), shall be considered by the Hon'ble Court to issue a writ of mandamus directing the state government to allow him to supply and affix the High-Security Registration Plate (HSRP) without requiring any authorization or permission from the state government would be in violation of the judgments passed by the Hon'ble Supreme Court of India. The HSRP order of 2018, and the basic principles of law, which prohibit carrying out any activities listed in the 7th schedule under list 1 and 2 and the concurrent list of the Indian Constitution.

It appears that the petitioner and respondent no.4, who possess the TAC, have a vested business interest and have misled this Hon'ble Court by showing that possessing a TAC entitles them to carry out this business, which is otherwise restricted as per the HSRP order of 2018 and the directions of the Hon'ble Supreme Court of India. Therefore, the order, particularly the directions in para 12, 13(a), and the consequential direction 13(b), are completely violative of the judgments passed by the Hon'ble Supreme Court of India.

In light of the above mentioned facts and judgments of the Hon'ble Supreme Court of India, We request your good self to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the said directions made are

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in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).

Yours Faithfully

For All India Motor Vehicle Security Association

Sanjay Ganjoor

Sanjay Ganjoor
President

Encl: Above mentioned Annexures

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Thursday, the 13th day of April 2023 / 23rd Chaithra, 1945

WP(C) NO. 35549 OF 2022

PETITIONER:

SIDHIKHU, AGED 54 YEARS, S/O. JAMALUDEEN KUNJU, PROPRIETOR, M/S. KALARICKAL ALFA NUMERICS, BUILDING NO. 6/389/4, KOTTARAKKARA, KOLLAM-691506.

RESPONDENTS

1. STATE OF KERALA, REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695001.
2. REGIONAL TRANSPORT OFFICER, OFFICE OF THE REGIONAL TRANSPORT OFFICER, CIVIL STATION, KOLLAM-691013.
3. MOTOR VEHICLE INSPECTOR, MOTOR VEHICLE DEPARTMENT, PUTHOOR ROAD, KOTTARAKKARA, KOLLAM-691506.
4. ORBIZ AUTOMOTIVEZ, PLOT NO.23/A AND 23/C, INKEL CITY, PANAKKAD VILLAGE, MALAPPURAM - 676519; REPRESENTED BY ITS MANAGING PARTNER, SHRI. JABIR M.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation of Exhibit P12 and all further proceedings thereon, pending the disposal of the Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 08/02/2023 upon hearing the arguments of M/S.RENOY VINCENT & ATHUL ROY, Advocates for the petitioner, the court passed the following:

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"ഭരണഭാഷ- മാതൃഭാഷ"

കേരള സർക്കാർ

നമ്പർ. **73**/എഫ്**3**/**2023**/നിയമം
നിയമ (ഒപ്പീനിയൻ-എഫ്)വകുപ്പ്
തിരുവനന്തപുരം
തിയതി: **05-05-2023**

അനൗദ്യോഗിക കുറിപ്പ്

വിഷയം:- **High Security Registration Plates** സംബന്ധിച്ച് ബഹു. കേരള ഹൈക്കോടതി വിധിയ്ക്കെതിരെയുള്ള നിവേദനം - സംബന്ധിച്ച്.

സൂചന:- ബഹു. നിയമ സെക്രട്ടറിയ്ക്ക് **28.04.2023** തീയതി ലഭ്യമായ **AIMVSA, Kerala**-യുടെ **e-mail.**

സൂചനയിലേയ്ക്ക് ഗതാഗത വകുപ്പിന്റെ ശ്രദ്ധ ക്ഷണിക്കാവുന്നതും, പ്രസ്തുത നിവേദനം തുടർനടപടികൾക്കായി ടി വകുപ്പിന് കൈമാറാവുന്നതുമാണ്.

ഗോപീകൃഷ്ണൻ ജി
ഡെപ്യൂട്ടിസെക്രട്ടറി

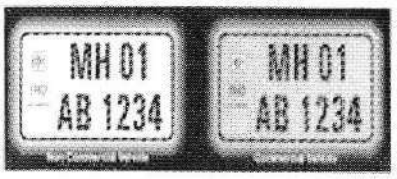
ഗതാഗത വകുപ്പിന്

ഉള്ളടക്കം:-സൂചന നിവേദനം

ഉത്തരവിൻ പ്രകാരം

സെക്ഷൻ ഓഫീസർ.

Secy (Trans) May-2 4:33 pm



Reg. No. 44038 of 2002

ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION

[Society registered under Societies Registration Act XXI of 1850]

Date: 27.04.2023

To,

Shri Pinarayi Vijayan
Hon'ble Chief Minister & Home Minister
Govt. of Kerala

Dr V.P. JOY IAS
Chief Secretary
Govt. of Kerala

Shri. P. Rajeeve
Hon'ble Law Minister
Govt. of Kerala

Shri V. Vennu IAS
Additional Chief Secretary
(Home and Vigilance)
Govt. of Kerala

Adv. Antony Raju
Hon'ble Transport Minister
Govt. of Kerala

Shri. V. Hari Nair
Law Secretary
Govt. of Kerala

Shri. Biju Prabhakar IAS
Secretary, Transport Department
Govt. of Kerala

Shri. S. Sreejith IPS
Transport Commissioner
Govt. of Kerala

Subject: Request to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the directions made are in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).

Dear Sir,

We, All India Motor Vehicle Security Association (AIMVSA) writes this letter in reference to the above captioned subject requesting your good self to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the same are in contradiction to the judgments passed by the Hon'ble Supreme Court of India with respect to project of High Security Registration Plates (HSRP). (Copy of the order dated 13.04.2023, Annexure – 1)

We would like to bring to your kind notice that the judgments passed by the Hon'ble Supreme Court of India's related to the HSRP scheme have been deliberately kept away by the Petitioner and the respondent No.4 from the Hon'ble High Court of Kerala, due to which the Hon'ble High Court of Kerala has made an error while passing the order dated 13.04.2023.The order dated 13.04.2013 is in contrary to the judgements passed by the Hon'ble Supreme Court from time to time and furthermore, it would render the HSRP scheme completely ineffective.

Below are the order/ judgments passed by the Hon'ble Supreme Court of India in the HSRP project that are as below: -

A. ***Firstly, that the Hon'ble Supreme Court of India prohibits*** to supply and affix HSRP merely on the basis of possessing Type Approval Certificate (TAC) by the HSRP manufacturers.

B. ***Secondly that the Hon'ble Supreme Court of India prohibits*** the State Governments to authorize multiple TAC manufacturers.

45, I[st] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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C. ***Thirdly*** *the Hon'ble High courts of Odisha and Madras has summarily dismissed the contentions of supply and affix HSRP on the basis of having merely TAC.*

D. ***Fourthly*** *the Ministry of Road Transport and Highways has bestowed the responsibility onto the State Government to take decision with regard to conversion of old vehicles either through OEM model or through authorizing HSRP manufacturer through tender model.*

E. ***Fifthly*** *the* Notification dated 18.08.2022 was issued by the Ministry of Road Transport and Highways after having being received representations with regard to selling of HSRPs for the old vehicles by the Non automobile dealers and HSRP manufacturers in the open market without having any approval/authorization either from the vehicle manufacturing companies or from the State Authority. Accordingly MORT&H in its Notification no. ***G.S.R 640 (E), dated 18.08.2022*** categorically empowered the State authorities ***to approve/authorize the licence plate manufacturers and their dealers*** and not just dealers for the purpose of conversion of old vehicles into HSRP.

Hon'ble Supreme Court Judgments are herein below which prohibits the condition of supply and affixation of HSRP merely on the basis of having TAC and to select/authorize multiple HSRP manufacturer having TAC:-

1) Judgement dated 30.11.2004 in W.P (C) 41 of 2003 reported in ***(2005) 1 SCC 679, Para 46- "every approved license plate manufacturer can be entrusted with the job of supplying the registration plates"***. On such averment, the Hon'ble Supreme Court held that the abovementioned interpretation would result in frustrating the high security aspect and object of the scheme of affixation of high security registration plates on vehicles. **(Refer para 2 on page 37,** Copy of the Judgement dated 30.11.2004 in W.P (C) 41 of 2003, Annexure - 2)

ii) Judgment dated 30.08.2011 in W.P(c) 510/2005, reported in ***(2011) 14 SCC 273***, has clearly mentioned that the court has put in effort over the years to ensure security and consistency, and therefore, it is explicitly stated that multiple vendors will not be permitted, even if they have received type approval from either the Central Government or the testing agency. This is to prevent the defeat of the court's purpose. **(Refer Para 6 on page 4**, Copy of the Judgment dated 30.08.2011 in W.P(c) 510/2005, Annexure - 3)

iii) Judgment dated 13.07.2016 in C.P(C) 483/2013, reported in ***(2016) 14 SCC 72***, The Hon'ble Supreme Court has assigned the responsibility of selecting/authorizing HSRP manufacturers with Type Approval Certificate to the State Government as part of the guidelines for issuance control of HSRP. (Refer Para 34(i) on page 30, Copy of the Judgment dated 13.07.2016 in C.P(C) 483/2013, Annexure - 4)

The contention of supply and affixation of HSRP merely on the basis of TAC –withdrawn by the Respondent No.4 (Orbiz) in Odisha High Court and Dismissal of the petition filed by Yarya Sekur by the Hon'ble High Court of Madras.

2) That similar identical ***(to supply and affix HSRP merely on the basis having TAC)*** issues have already been settled by the Hon'ble High Court of Odisha and Madras vide order dated 19.04.2023 in the matter bearing number W.P(C) 27440 of 2022 and order dated 01.03.2021 in the matter bearing number W.P(C) 4139 of 2021. It has been made clear that the manufacturers, suppliers or dealers are permitted to supply and affix high security registration plates on existing vehicles only upon approval/authorization of the State Government and the submission made with regard to do so merely on the basis of possessing TAC was summarily dismissed . (Copy of the orders dated 19.04.2023 and 01.03.2021, Annexure - 5 and 6)

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Responsibility to State Government to take decision for the purpose of old conversion of vehicles into HSRP

3) That the *circular dated 04.10.2019 issued by the Ministry of Road Transport and Highways* empowers the State authorities to take decisions with regard to HSRP for the old vehicles. Simply possessing a Type Approval Certificate is not enough to take order, supply and affix HSRPs for old vehicles. (Copy of the Circular dated 04.10.2019, Annexure - 7)

4) That the *Ministry of Road Transport and Highways, issued G.S.R 640 (E), dated 18.08.2022* categorically to empower the State authorities *to approve/authorize the licence plate manufacturers and their dealers* and not just dealers and to ensure the implementation of HSRP in a control manner and to stop unauthorized selling of HSRPs in the open market. (Annexure - 8)

5) That the order dated 13.04.2023 shall undermine the entire objective of HSRP scheme. Despite the Hon'ble Supreme Court's repeated instructions for efficient and appropriate execution, the FIRs filed and measures taken by State Governments will be rendered useless. Moreover, there will be no regulation or oversight over the HSRP and its security features.

6) That the order issued on 13.04.2023 will remove the authority of state officials to oversee the HSRP project and its issuance. This is because all HSRP manufacturers will be allowed to supply and affix HSRPs across the country based solely on TAC, which could jeopardize national safety and security. As a result, the overall purpose of the HSRP scheme will be undermined.

7) It is to be noted that the 4th respondent deliberately concealed information that they had previously filed a similar petition with the Hon'ble High Court of Orissa, Cuttack, on October 14th, 2022, via W.P(C) 27440 of 2022. That the petitioner made a submission before the Hon'ble Court that it has TAC but is unable to implement. The purpose of the petition was to prevent the Odisha government from implementing the HSRP scheme for old vehicles. However, on April 19th, 2023, the petition was withdrawn.

In December 2018, the Ministry of Road Transport and Highways issued a notification (S.O. 6052 (E)) which assigned the task of High-Security Registration Plates (HSRPs) to Vehicle manufacturing companies/OEMs and their dealers and additionally onto the State Government in case it authorizes manufacturer of HSRPs for vehicles produced before April 1, 2019. This responsibility came into effect on April 1, 2019. The following is the pertinent section of the HSRP Order 2018 (S.O No.6052 (E) dated 06.12.2018). (Copy of the notification dated 06.12.2018, Annexure - 9)

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

Subsequently, the Ministry of Road Transport and Highways (MoRTH) issued several notifications, i.e., G.S.R. 104(E) dated 11.02.2020, G.S.R 640 (E), dated 18.08.2022 mentioning the fact that the licence plate manufacturers or their dealers can supply and affix HSRPs onto the old vehicles only of authorized by the State Government or Union Territory Administration. The reason for publishing these

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notifications was basically to prevent the unlawful, unapproved, and unauthorized distribution of HSRPs for old vehicles. (Copy of the notifications dated 11.02.2022, Annexure - 10)

It is submitted that the purpose to issue the above Notification **(G.S.R 640 (E), dated 18.08.2022)** was to stop the illegal, unapproved and unauthorized supply of HSRPs for the old vehicles , as it was observed and found that that the HSRPs and its security features were being sold illegally in the open market either by an individual/non-automobile dealer and by the unapproved /unauthorized HSRP vendors/manufacturer (without being approved to sell either by the vehicle manufacturers or by the respective State authorities) categorically for the old vehicles. The same was defeating the objective of the HSRP Scheme and was violating the order/judgments passed by the Hon'ble Supreme Court of India in W.P (c) 41 of 2003, W.P(C) 510 of 2005 and C.P(C) 483 OF 2013. Copies of the FIRs registered by Odisha Police, Maharashtra Police and letters issued by Uttar Pradesh Government, Rajasthan Government are enclosed and marked as Annexure – 11, 12, 13 and 14)

We would like to draw your attention to the fact that the Respondent number 4 (Orbiz) was previously engaged in the unlawful sale of HSRPs without proper approval or authorization from the relevant authorities. In response to this issue, the Ministry of Road Transport and Highways issued a letter on November 29, 2017, instructing the testing agency to address the matter. (Copy of the MoRTH letter dated 29.11.2017, Annexure - 15)

It is pertinent to mention here that both the petitioner and respondent no. 4 have knowledge of the rulings outlined in (2005) 1 SCC 679, (2011) 14 SCC 273, (2016) 14 SCC 72, the order dated 19.04.2023 from the High Court of Odisha, the order dated 01.03.2021 from the Court of Madras in W.P (C) No.4139 of 2021, and the accurate interpretation of G.S.R 640 (E) issued on 18.08.2022. These judgments indicate that possessing TAC under Rule 126 alone does not authorize them to supply and affix HSRP as possessing TAC is just a pre requisite for manufacturing of HSRPs and not for supply and affixation of the same. However, despite being aware of these facts and rulings, the petitioner and respondent no. 4 concealed them from the Hon'ble High Court of Kerala due to which the Hon'ble Court made an error while passing the order dated 13.04.2023.

It is essential to note that in the case of M.C Mehta Vs. UOI and Ors. with reference number W.P (C) 13029/1985, the Hon'ble Supreme Court of India declared in its order dated 10.12.2018 that any dispute regarding the GSR 1162 (E) dated 4th December and a statutory order S.O. 6052 (E) dated 6th December, 2018 can only be addressed in front of the Hon'ble Supreme Court of India. Annexure - 16

That even without considering other factors, the fact that the petitioner is not a dealer and his business partner (referred to as respondent no.4) possesses a Type Approval Certificate (TAC), shall be considered by the Hon'ble Court to issue a writ of mandamus directing the state government to allow him to supply and affix the High-Security Registration Plate (HSRP) without requiring any authorization or permission from the state government would be in violation of the judgments passed by the Hon'ble Supreme Court of India. The HSRP order of 2018, and the basic principles of law, which prohibit carrying out any activities listed in the 7th schedule under list 1 and 2 and the concurrent list of the Indian Constitution.

It appears that the petitioner and respondent no.4, who possess the TAC, have a vested business interest and have misled this Hon'ble Court by showing that possessing a TAC entitles them to carry out this business, which is otherwise restricted as per the HSRP order of 2018 and the directions of the Hon'ble Supreme Court of India. Therefore, the order, particularly the directions in para 12, 13(a), and the consequential direction 13(b), are completely violative of the judgments passed by the Hon'ble Supreme Court of India.

In light of the above mentioned facts and judgments of the Hon'ble Supreme Court of India, We request your good self to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the said directions made are

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in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).

Yours Faithfully

For All India Motor Vehicle Security Association

Sanjay Ganjoor

Sanjay Ganjoor
President

Encl: Above mentioned Annexures

April 28
4.44 PM

aimvsa@gmail.com.

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MIT2/23/2022-TC

I/123855/2023

മോട്ടോർ വാഹന വകുപ്പ് , കേരളം
ട്രാൻസ്പോർട്ട് കമ്മീഷണറുടെ കാര്യാലയം
തീയതി: 11-05-2023

പ്രേഷകൻ : ട്രാൻസ്പോർട്ട് കമ്മീഷണർ
കേരളം

സ്വീകർത്താവ്: സെക്രട്ടറി ,
ട്രാൻസ്പോർട്ട് ഡിപ്പാർട്മെന്റ് ,
ഗവണ്മെന്റ് സെക്രെട്ടറിയേറ്റ്
തിരുവനന്തപുരം



സർ,

വിഷയം:- മോട്ടോർ വാഹന വകുപ്പ് - എന്നീ കേസുകളിൽ അപ്പീൽ സമർപ്പിക്കുന്നത് - സംബന്ധിച്ച്

സൂചന :- Common Order dated 13/04/2022 of Hon'ble High Court of Kerala in WP(C) No. 10761/2022, WPC NO. 35549/2022 and 7089/2023

സൂചനയിലെ കേസുകളിൽ തീർപ്പ കൽപ്പിക്കാൻ ബഹുമാനപ്പെട്ട കോടതി അനുവദിച്ചതന്ന സമയപരിധി 12-5-2023 നു അവസാനിക്കുകയാണ് . ഡി കേസുകളിൽ സമയപരിധിക്കുള്ളിൽ അപ്പീൽ പോകേണ്ടതുള്ളതിനാൽ ഈ ഓഫീസിൽ നിന്ന് നേരിട്ട് AG ക്കു കത്ത് നല്കിയിട്ടുള്ളതാണ് . ആയതിനാൽ ഡി നടപടി അംഗീകരിച്ചു സാധുവാക്കി നൽകണമെന്ന് അപേക്ഷിക്കുന്നു. കത്തിന്റെ പകർപ്പ് ഇതോടൊപ്പം ഉള്ളടക്കം ചെയ്യുന്നു.

Signed by
Pramoj Sanker P S
Date: 11-05-2023 16:40:38

വിശ്വസ്തതയോടെ,

PRAMOJ SANKER P S
ADDITIONAL TRANSPORT COMMISSIONER

ട്രാൻസ്പോർട്ട് കമ്മീഷണറേറ്റ് ,കേരളം, രണ്ടാം നില, ട്രാൻസ് ടവേഴ്സ്, വഴുതക്കാട്,തിരുവനന്തപുരം-14
ഫോൺ: 0471-2333337/2333317 0471-2333314 വെബ്സൈറ്റ്: www.mvd.kerala.gov.in ഇമെയിൽ: tcoffice.mvd@kerala.gov.in

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I/122621/2023

MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **05-05-2023**

From: Transport Commissioner
Kerala

To: The Advocate General
Kerala
Ernakulam

Sir,

Sub:- Motor Vehicles Dept- HSRP- on old Vehicles – Order of Hon'ble High Court in WP(C) No. 10761/2022, WPC NO. 35549/2022 and 7089/2023 dated 13/04/2023- filing of appeal- reg.

Ref:- Common Order dated 13/04/2022 of Hon'ble High Court of Kerala in WP(C) No. 10761/2022, WPC NO. 35549/2022 and 7089/2023

Kind attention is invited to the reference cited.

As per rule 50 (1)(v) Central Motor Vehicles Rules,1989, as amended by GSR 640(E) dated 18-08-2022,

"....license plates for existing old registered vehicles shall be issued by registering authority or the vehicle manufactures and their dealers or b y the **license plates manufacturers or their dealers approved by the State Government or Union Territory Administration.** The CRRI New Delhi or any agency authorised under rule 126 shall approve the security registration as per the rule."

Vide common order dated 13-4-23 in wp(c) 35549/2022, 10761 /2022 and 7089 of 2023, the respondents have been directed to allow the petitioner in wp(c) 10761/2022 (MotorSigns India) to affix HSRP on vehicles registered prior to 01-04-2019 on the strength of type approval certificate and to consider their request to provide access to VAHAN portal. It has been held that amendment made to rule 50 (1)(v) CMVR by GSR 640(E) dated 18-08-2022, where by the words **"license plate manufacturers or their dealers approved by the state Government"** has been substituted for the words **"approved license plate manufacturers or their dealers"** would mean that approval of State Government for affixing HSRP in old registered vehicles is required so far as dealers are concerned, but no such requirement is necessary for license plate manufacturers. So, as per the judgment, if the petitioners are not dealers, they are not bound to get approval from state Government as per rule 50 CMVR.

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In fact the amendment has made clear that approval **from State Government** is required for both licence plate manufacturers and their dealers. It may be noted that, if State approval is limited to delears alone and the manufactures of HSRP does not require approval of state Government, there will be no control over HSRP manufacturer or over the price of HSRP to be fitted on old vehicles, or uploading HSRP details in Vahan Portal.

Moreover, clause 5(ii) of the Motor Vehicles (HSRP) order, 2018 issued vide SO No.6052(E) dated 6th December 2018, also clearly states that the manufacturer or supplier of HSRP, **if so authorized by the State Government** may supply HSRP including third registration mark on old vehicles.

In the above circumstances it is necessary that the common order dated 13/04/2023 in WPC No.10761/2022, WPC NO. 35549/2022 and 7089 of 2023, may be challenged before the Hon'ble High Court. Hence it is requested to file appeal against the common order along with stay petition.

Please expedite the matter as the time limit for compliance of judgment is to expire on 12-5-23.

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

Presented on :20-05-2023 WA 999/2023-Docket

E-FILING NO - EF-HCK-2023-040546

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WA No ..... Of Year 2023

Against the Order dated,13.04.2023 in WP(C) 10761/2022

102.00 MOTOR VEHICLES ACT

APPELLANTS/RESPONDENTS 1 TO 3 IN WP(C)

1. STATE OF KERALA AND OTHERS

VS

RESPONDENTS/PETITIONER AND 4TH RESPONDENT IN WP(C)

1. MOTORSIGNS INDIA AND ANOTHER

MEMORANDUM OF WRIT APPEAL FILED BY THE SPECIAL GOVERNMENT PLEADER
UNDER SECTION 5 OF THE KERALA HIGH COURT ACT 1958

FILING NATURE : URGENT

FEES PAID & STATUS - 0 (SUCCESS)

SERVED ON K.RAMAKUMAR (SR.)
P.A. MOHAMMED SHAH

FILED BY

1. ADVOCATE GENERAL OFFICE KERALA

Sd/-
E-VERIFIED
ADVOCATE GENERAL OFFICE KERALA

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WA No ..... Of Year 2023

PETITIONER : STATE OF KERALA

V/S

RESPONDENT : MOTORSIGNS INDIA,

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Sd/-

E-VERIFIED

ADVOCATE GENERAL OFFICE KERALA

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WRIT APPEAL No. OF 2023

(Against the Order dated 13.04.2023 in WP(C) No. 10761/2022)

State of Kerala and others : **Appellants**/Respondents 1 to 3 in W.P.(C)

Vs.

Motorsigns India and another : **Respondents**/ Petitioner & 4th Respondent in W.P.(C)

SYNOPSIS

The appellants herein are the respondents 1 to 3 in the Writ Petition (C) No. 17061/2022 and the 1st respondent herein is the writ petitioner and the 2nd respondent herein is the additional 4th respondent in the writ petition. The writ petition was filed seeking a writ of mandamus commanding the respondents/appellants to allow and authorize the petitioner to issue HSRP for existing motor vehicles registered in Kerala prior to 01.04.2019 on the strength of Ext. P1, the Type Approval Certificate and provide access to Vahan Portal, the National Registry for electronically uploading HSRP details to be linked with motor vehicle registration. Petitioner has also prayed for other reliefs in the writ petition. The 2nd appellant filed a Counter Affidavit meeting the contentions of the petitioner. The appellants canvassed that in the light of Ext. P3 and P4, the authorization from the State Government is necessary for the implementation of HSRP on old vehicles registered prior to 01.04.2019. The 2nd appellant also stated in the counter affidavit that steps have been initiated by the Motor Vehicle Department to issue authorization to the manufactures or suppliers of HSRP including the petitioner company. Taking note of

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the contentions of the petitioner as well as the appellants, the learned Single Judge passed an order on 14.03.2023 directing the appellants to respond and give a time frame before the Honourable Court within which licensed vendors with Type Approval Certificates can be granted approval to affix HSRPs on existing motor vehicles registered in Kerala before 01.04.2019 and also provide them access to Vahan Portal. It is submitted that subsequently petitioner filed a Reply affidavit and additional affidavits and produced several other documents. The 2nd appellant also filed an Additional Counter Affidavit meeting the contentions of the petitioner in the reply affidavit and the affidavits. In the additional counter affidavit the 2nd appellant has specifically pointed out the proposal for selecting the vendors for fixing HSRP and for appropriate action for implementation of HSRP to be fitted in old vehicles registered prior to 01.04.2019 in the State is being examined at Government level and yet to arrive at a policy decision. when the matter came up for further consideration on 13.04.2023, the appellants submitted that 3 months time is required for the process of selecting vendors who can be grated approval to affix HSRP on existing motor vehicles registered in Kerala before 01.04.2019. But without considering the request of the appellants, and without appreciating the effect of the relevant rules and circulars issued by the MoRTH, the learned Singe Judge passed an Interim Order on that day by holding that the manufactures of HSRPs who have obtained Type Approval Certificate issued by the Government of India or other Testing Agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government. Only dealers of the approved licensed manufactures are required to obtain approval from the State Government. The order passed by the learned Single Judge is patently wrong and opposed to the law. The finding of the learned Single Judge that the approval of the State Government is not

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necessary for the issue of HSRP by the manufacture is against the rule position as envisaged in Rule 50 Sub Rule 1 in Clause 5. The order passed by the learned Single Judge is contrary to the judgments of the Honourable Supreme Court in the case of **Association of Registration Plates Vs. Union of India and others reported in 2005 (1) SCC 679, 2011 (14) SCC 272** and in the case of **Maninder Jith Singh Bita Vs. Vijay Chhibber and others reported in 2016 KHC 6470**. The order passed by the learned Single Judge is also against the circular dated 04.10.019 issued by the MoRTH. The order passed by the learned Single Judge is also against HSRP scheme. It shall undermine the entire objective of the HSRP scheme. If State approval is limited to dealers alone, and the manufactures of HSRP does not require approval of State Government, there will be no control over HSRP manufactures or over the price of HSRP to be fitted on old vehicles of uploading HSRP details in Vahan Portal. If the order of learned Single Judge is allowed to stand, it will remove the authority of the State officials to oversee the HSRP project and its issuance. Hence, aggrieved by the order of learned Single Judge dated 13.04.2023, this Writ Appeal is filed.

Chronology of Events

Date	Events
22.08.2001	Notification issued by the MoRTH as S.O.814(E) specifying standards in respect of High Security Registration Plates.
16.10.2001	New High Security Registration Plates (Amendment) Order, 2001.
06.12.2018	Notification issued by the MoRTH as S.O.6052(E) - (High Security Registration Plates) Order, 2018.
12.02.2020	Notification issued by the MoRTH as G.S.R. 104(E) Central Motor Vehicle (2nd Amendment) Rules, 2019.

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01.09.2021	Circular issued by the MoRTH to the Principal Secretaries/Secretaries, Department of Transport, Transport Commissioners of all States/UTs for implementation of provisions of HSRP for older vehicles.
18.08.2022	Notification issued by the MoRTH as G.S.R. 640(E) Central Motor Vehicles (13th Amendment) Rules, 2022.
14.03.2023	Interim Order passed by the learned Single Judge.
13.04.2023	Impugned order passed by the learned Single Judge.

Points to be urged:-

The order dated 13.04.2023 passed by the learned Single Judge is against the notification as G.S.R. 1162(E) dated 4th December, 2018 issued by the MoRTH and also the Circular dated 01.09.2021 issued by the MoRTH evidenced by R2(b) and also against the guidelines published by the MoRTH in web site evidenced by R2(c) and circular dated 04.10.2019 issued by the MoRTH. It is also against the rule position envisaged as per G.S.R 640(E) 18th August, 2022 issued by the MoRTH evidenced by R2(a). The direction issued by the learned Single Judge is also violative of the judgments of the Honourable Supreme Court reported in 2005 (1) SCC 679, 2011 (14) SCC 272 and 2016 KHC 6470.

Rules Referred herein:-

Rule 50 and 51 of the Central Motor Vehicles Rule, 1989 as amended from time to time.

Dated this the 20th day of May, 2023.

P. SANTHOSH KUMAR
SPECIAL GOVERNMENT PLEADER

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WRIT APPEAL No. OF 2023

(Against the Order dated 13.04.2023 in WP(C) No. 10761/2022)

Appellants/Respondents 1 to 3 in W.P.(C)

1) State of Kerala, Represented by the Secretary to Government, Department of Motor Vehicles, Government of Kerala, Thiruvananthapuram-695 001.
2) The Secretary to Government, Department of Motor Vehicles, Government of Kerala, Thiruvananthapuram-695 001.
3) The Transport Commissioner, Transport Commissionerate, Trans Tower, 2nd Floor, Vazhuthacaud P.O., Thycaud, Thiruvananthapuram, Kerala-695 014.

Vs.

Respondents/Petitioner & 4th Respondent in W.P.(C)

1) Motorsigns India, 810 Anna Salai, Nandanam, Chennai – 600035, Tamil Nadu, India, Represented by its sole Proprietor, Thomas Cherian.

2) Addl. R4, Accident Rescue 24x7 (sought to be impleaded)

MEMORANDUM OF WRIT APPEAL FILED BY THE SPECIAL GOVERNMENT PLEADER UNDER SECTION 5 OF THE KERALA HIGH COURT ACT, 1958

1. Address for service of the appellants are C/o. Office of the Advocate General, Ernakulam.

2. The Address for service of the respondent is as shown above.

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STATEMENT OF FACTS

1. The appellants herein are the respondents 1 to 3 in the Writ Petition and the 1st respondent herein is the writ petitioner and the 2nd respondent herein is the additional 4th respondent. The writ petition was filed praying to issue a writ of mandamus commanding the appellants herein to allow and authorize the petitioner to issue High Security Registration Plates for existing motor vehicles registered in Kerala prior to 01.04.2019 on the strength of his license of Type Approval Certificate evidenced by Exhibit P1 and also provide access to Vahan Portal, the National Registry for electronically uploading HSRP details to be linked with motor vehicle registration. The petitioner also sought for directions for the implementation of mandatory rules relating to High Security Registration Plate (HSRP) framed by the Central Government and introduced under the Central Motor Vehicles Act and Rules framed thereunder as amended from time to time. The petitioner also averred in the writ petition that the provisions are incorporated in Sub Section 6 of Section 41 of the Central Motor Vehicles Act, 1988 and Rule 50 and 51 of Central Motor Vehicles, 1988. The petitioner has also prayed for other reliefs mentioned in the prayer portion of the writ petition. Petitioner has produced along with writ petition Ext. P1 to P11 documents and subsequently along with Reply Affidavit Ext. P12(a) and P12(b) to P18 were produced and thereafter along with another Affidavit Ext. P19 to P23 documents are produced. Thereafter along with an Additional Reply Affidavit dated 09.02.2023 petitioner also produced Ext. P24 to P29 documents in support of his contentions. The main averment of the petitioner is that he is duly licensed, type approved manufacturer of High Security Registration Plates. He manufactures them strictly in accordance with Rule 51 and other mandatory provisions and safety regulations under the Act and Rules made thereunder. Though

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the petitioner has received type approval for manufacture of High Security Registration Plates strictly in accordance with the relevant rules and safety regulations, he has not been able to sell/issue/affix them because the State Governments and other registering authorities particularly in the State of Kerala are creating restrictions and impediments to issue HSRP to old existing vehicles registered prior to 01.04.2019 in the State. His further averment is that the Vahan Portal where all the particulars of HSRP are to be electronically uploaded denies permission to the petitioner to issue HSRP for old existing vehicles registered prior to 01.04.2019 in the State which is submitted totally arbitrary and in violation of Rule 50(1)(V) of Central Motor Vehicle Rules, 1989. According to the petitioner by Ext. P7, the Central Government have written to all States to implement HSRPs and not to create any monopolistic situation in accessing HSRPs for fitment and referred to various notifications in the interest of wider coverage of affixation of HSRP on to all motor vehicles across the country.

2. It is submitted that the further contention of the petitioner is that he has submitted Ext. P9 and P10 representation on 18.02.2020 and 01.11.2021 respectively pointing out that safety reasons also demand the immediate compliance of Rules 51 of CMVR, 1989 while implementing affixation of HSRP to Motor Vehicles and only such of those registration marks that comply with the specifications shall be permitted for fitment on motor vehicles registered on and after 01.04.2019 in any part of the country and also on existing motor vehicles registered prior to 01.04.2019.

3. It is respectfully submitted that according to the petitioner by Ext. P4, amendment was made to Rule 50 of Central Motor Vehicle Rules, 1989 and was brought into effect from 11.02.2020 onwards which provides that 'HSRP for existing old registered vehicles shall be issued by registering authorities or vehicle

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manufactures and their dealers or by the approved licensed plate manufactures or their dealers'. Therefore the respondents are under statutory obligation to not only allow the petitioner to issue Type Approved HSRP in the State of Kerala but also allow all manufactures with a Type Approval Certificate for HSRP to issue HSRP for existing vehicles registered prior to 01.04.2019 in the State subject to confirmation of compliance to standards and in confirmation with the Type Approved Certificate issued and he submitted that there is no other condition or requirement to be fulfilled by a manufacturer of HSRP other than a certificate of type approval from a testing agency authorized under Rule 126 to do business of supply/issue affixation of HSRP, including the Third Registration Mark for affixing on old, existing vehicles registered prior to 01.04.2019 in the State. Therefore, after Ext.P4 the petitioner does not require any other or separate authorization for selling, fixing HSRP on existing vehicles.

4. His further averment is that since the representation did not evoke any response from the concerned authorities, on 07.02.2022 he has sent another detailed representation evidenced by Ext. P11 to the Transport Commissioner, Kerala explaining all aspects of violations and requested immediate enforcement of compliance to Rule 51 of CMVR, 1989 while implementing affixation of HSRP on Motor Vehicles in the State, but he contended that the 3rd respondent, Transport Commissioner has neither responded in the affirmative or in the negative and is keeping the matter pending. So, the petitioner is not able to sell/issue/affix High Security Registration Plates manufactured strictly in accordance with the Act and Rules in any parts of the State of Kerala for reasons mentioned in the writ petition. The petitioner has also stated several aspects in the writ petition and also levelled allegation against the department against inaction on the part of the appellants herein to implement the High Security

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Registration Plates as envisaged under Rule 50 and 51 of the Central Motor Vehicle Rules.

5. It is respectfully submitted that the 2nd appellant through the Under Secretary, Transport (B) Department, has filed a Counter Affidavit meeting the contentions and averments in the writ petition. In Para-5 of the Counter Affidavit dated 27.08.2022, the 2nd appellant has categorically stated that the argument of the petitioner that the requirement for authorization from the State Government is not necessary for the implementation of HSRP on old vehicle registered prior to 01.04.2019 in the light of Ext. P3 and P4 is not true to the facts.

6. Against the Counter Affidavit filed by the 2nd appellant, the writ petitioner filed a Reply Affidavit dated 26.10.2022 producing Ext.P12(a) and P12(b) to P18 documents and thereafter petitioner also filed an Additional Reply Affidavit dated 05.12.2022 by which Ext. P19 to P23 documents were also produced. Thereafter, petitioner also filed an Additional Reply Affidavit dated 09.02.2023 by which Ext. P24 to P29 were also produced. Subsequently, in the light of the Reply Affidavit and documents filed and produced by the writ petitioner, the 2nd appellant also filed an Additional Counter Affidavit dated 27.02.2023 by which Ext. R2(a), R2(b) and R2(c) were marked and produced in support of the contentions of the appellants substantiating the role of the State Government.

7. In para-5 of Ext. P3 order, it is specifically stated that for the affixation of HSRP on existing vehicle, the HSRP including Third Registration Mark may be supplied and affixed by the dealer of the vehicle and manufacturer or suppliers of HSRP, if so authorized by the State Government and it is stated that from the above it is evident that the manufacturer and suppliers of HSRP shall require an authorization from the State Government and further stated that steps have been initiated by the Motor Vehicle Department to issue

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authorization to the manufacturer or suppliers of HSRP including the petitioner concerned. In the Counter Affidavit, the 2nd appellant has also answered the allegations made by the petitioner against the Department.

8. It is submitted that taking note of the averments and allegations in the writ petition and also statement made in the Counter Affidavit filed by the 2nd appellant, the learned Single Judge passed an Interim Order on 14.03.2023. The learned Single Judge in Para-6 of the order held that there is absolutely no justification on the part of the official respondents in delaying the implementation of HSRPs on motor vehicles, despite Central Government coming out with Motor Vehicle (High Security Registration Plates) Order, 2001 as early as on 22.08.2001 and directed the appellants to respond and give a time frame before the Honourable Court within which licensed vendors with Type Approval Certificates can be granted approval to affix HSRPs on existing motor vehicles registered in Kerala before 01.04.2019 and also provide them access to Vahan Portal.

9. It is respectfully submitted that pursuant to the Interim Order dated 14.03.2023, the proposal of the Transport Commissioner for selecting vendors for fixing HSRP and for appropriate action for implementation of HSRP to be fitted in old vehicles (vehicles registered prior to 01.04.2019) in the State is being examined at Government level and to arrive at a policy decision. It is submitted that in the Additional Counter Affidavit filed for and on behalf of the 2nd appellant dated 27.02.2023, it has been specifically held in Para-4 that as per Clause E of the advisory dated 01.09.2021 of MoRTH evidenced by Ext. R2(b) that the implementation of HSRP to old vehicles, the Central Government had clarified that implementation of provisions of Motor Vehicle Act and Rules comes within the purview of Transport Authorities of States/UTs and therefore it is for the States/UTs to

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select any of the type approved vendors to carry out the work of affixation of HSRP on old motor vehicles in the respective State/UTs. Thus approval from the State Government is necessary for license plate manufacturers for affixing HSRP in old vehicles. Moreover, it has been specifically mentioned in the said Counter Affidavit that so far the State has not given approval to any license plate manufacturer or dealer for affixing HSRP in old vehicles registered prior to 01.04.2019. Since the rate for fixing HSRP in various types of vehicles has not been fixed by the Central Government, the State Government have to fix the rate of the HSRP and time limit within which it is to be affixed in all vehicles registered prior to 01.04.2019 and the guidelines for approval of license plate manufactures. It has also been mentioned in Para-9 of the Additional Counter Affidavit dated 27.02.2023 that the guidelines published in the web site of the Ministry of Road Transport and Highways explains the role of State Government relating to the implementation of HSRP. As per the said guidelines, the State Government is to implement the scheme in accordance with the rules framed by the Central Government and the State Government is to select the vendors from among those who have been given type approval certificate by the authorized testing agencies under Central Motor Vehicle Rules, 1989 and after selection of vendor to make sure that proper controls are being exercised at the time of issuance of these plates. The above said guidelines published in the web site of the MoRTH has also been produced as Ext. R2(c) along with the Additional Counter Affidavit.

10. It is submitted that when the matter came up for further consideration on 13.04.2023 before the learned Single Judge, the appellants requested to grant three months time for the process of selecting vendors, who can be granted approval to affix High Security Registration Plates on the existing motor vehicles registered in Kerala prior to 01.04.2019. During the course of arguments, the intention of

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the appellants were appraised the learned Singe Judge. But the learned Single Judge relying on the amendment brought in Rule 50 Sub Rule (1) in Clause 5 published as per G.S.R 640 (E) dated 18th August, 2022, without properly appreciating the effect of the amendment and the role of the State Government passed an order on 13.04.2023 with a direction to the appellants in WP(C) No. 10761/2022 to allow and authorize the petitioner therein to issue and affix HSRP (High Security Registration Plates) on the vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate issued to them and their request for providing access to the national registry for electronically linking HSRP details in the Vahan Portal shall also be considered and expeditious orders shall be issued to enable them to issue and affix HSRP without any impediment whatsoever. In Para-12 of the Interim Order, the learned Single Judge has also held that the manufactures of HSRP who have obtained Type Approval Certificate issued by the Government of India or other testing agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government and also held that the dealers of approved license manufactures are required to obtain approval from the State Government. Though the appellants herein substantiated and canvassed the correct rule position, the learned Single Judge without properly appreciating the same, passed the above said Interim Order. The definite contention of the appellants during the course of argument was that going by Ext. P3 produced by the writ petitioner and also by virtue of Central Motor Vehicles IInd amendment Rules, 2019 published as per G.S.R 104 (E) dated 11.02.2020 by which it has been stipulated that the license plates for existing old registered vehicles shall be issued by registering authority or vehicle manufactures and their dealers or by the approved license plate manufactures or their dealers. But the said stipulation has been

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again amended as per G.S.R 640 (E) dated 18th August, 2022 by which in Rule 50 of the Central Motor Vehicle Rules, 1989, in Sub Rule (1) in Clause (5) for the words "approved license plate manufactures or their dealers", the words "license plate manufacturer or their dealers approved by the State Government or Union Territory Administration" shall be substituted. So a careful reading of G.S.R 640 (E) dated 18th August, 2022 produced along with the Additional Counter Affidavit filed by the appellants dated 27.02.2023 would clearly indicate that to issue HSRP to the old vehicles registered prior to 01.04.2019, the approval is to be obtained by the license plate manufacturers or their dealers from the State Government or Union Territory Administration. The above aspect is explicit and unambiguous. Hence the order passed by the learned Single Judge is patently wrong and unsustainable in the eye of law. Hence aggrieved by the same, this Memorandum of Writ Appeal is filed on the following among other:

GROUNDS

A. The Anneuxre A2 order is opposed to law, facts and circumstances of the case.

B. The Annexure A2 order is passed without appreciating the correct rule position in Rule 50 in Sub Rule 1 in Clause 5 of the Central Motor Vehicle Rules, 1989 as published as per G.S.R. 640(E) dated 18.08.2022. Therefore the order of the learned Single Judge is patently wrong, illegal and unjust.

C. The learned Single Judge failed to appreciate the effect of the amendment of Rule 50 of Central Motor Vehicle Rules brought in as per G.S.R. 640(E) dated 18.08.2022. It is crystal clear from the stipulation mentioned in Clause 5 of Sub Rule 1 of Rule 50, that license plate manufactures or their dealers approved by the State Government or Union Territory

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Administration is only eligible to issue HSRP to fix in the old vehicles registered prior to 01.04.2019. Hence the order of the learned Single Judge is contrary to the rule position and therefore it is liable to be reversed.

D. The finding of the learned Single Judge that the manufactures of HSRPs who have obtained Type Approval Certificate issued by the Government of India or other testing agencies authorized by the Government of India and made mentioned in Rule 126 are not required to obtain any approval from the State Government is wrong and unsustainable. The learned Single Judge failed to consider the effect of notification of MoRTH dated 6th December, 2018 as S.O. 6052(E), wherein under Sub Clause II in Clause (5), it has been specifically mentioned that the manufactures or suppliers of High Security Registration Plates, if so authorized by the State concerned, may also supply the High Security Registration Plates including the Third Registration Mark on old vehicles after placing the registration mark. Infact, this aspect has been only reiterated in the order dated 18.08.2022 as per G.S.R. 640 (E). The Ministry of Road Transport and Highways as per its directives dated 1st September, 2021 has also explained the role of the State Government under Clause (F) of the said directives. The leaned Single Judge while passing the impugned order, this specific aspect is not considered. So the order is patently illegal and unsustainable. In Ext. R2(c) also, the Ministry of Road Transport and Highways has dealt with the role of State Government in the matter of issue of HSRP. It has been clearly mentioned that the State Government is to select the vendors from among those who have been given Type Approval Certificate by the authorized testing agencies under Central Motor Vehicle Rules, 1989 and after selection of vendors, to

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make sure that proper controls are being exercised at the time of issuance of these plates. So the role of the State Government in selecting the vendors has been clearly stipulated by the Ministry of Road Transport and Highways of the Central Government. So the order passed by the learned Single Judge is without any justification and therefore it is liable to be set aside.

E. The Hon'ble Supreme Court in the case of **Association of Registration Plates Vs. Union of India and others** reported in **[2005 (1) SCC 679]** has categorically held in Para-48 as follows:

"In interpreting the rule, the object of the scheme providing for affixation of High Security Plates has to be kept in view. Where the RTO himself is not making the supply of Plates, an approved Registration Plate Manufacturer can be selected for supply. The legal obligation on the registering authority under Rule 50(1)(V) to issue specified kinds of registration plates implies issuance of such registration plates through **selected approved Plate manufacturers**. Para-2 of Clause 5 of Rule 51, if reasonably construed, does not indicate any prohibition of selection of an approved Plate manufacturer for assisting authority to implement the scheme of affixation of High Security Plates to existing vehicles and new vehicles. Such an interpretation fulfills the object of the scheme. The interpretation sough to be placed by the petitioners on the said Para of Rule 50 would result in frustrating the High Security aspect and object of the scheme of affixation of High Security Registration Plates on the vehicles. So in view of the interpretation of the rule by the Hon'ble Supreme Court, it is

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clear that the approved manufactures are to be selected by the authority under the State Government. Hence the order passed by the learned Single Judge holding that the manufactures of HSRP who have obtained Type Approval Certificate issued by the Government of India or other testing agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government is violative of the order passed by the Honourable Supreme Court and therefore it is unsustainable in the eye of law is contrary to the interpretation given by the Hon'ble Supreme Court and therefore it is liable to be set aside.

F. In the case of **Maninder Jith Singh Bita Vs. Union of India reported in [2011 (14) SCC 272]** the Hon'ble Supreme in Para-4 of the said judgment has been reiterated the authority of the State Government in the matter of selection of vendors for the HSRP on the vehicles.

G. The Hon'ble Supreme Court in the case **of Maninder Jith Singh Bita Vs. Vijay Chhibber and others reported in 2016 KHC 6470** has upheld the role of the State in the matter. in Para-34 of the judgment it is held as follows:

"The State Government shall ensure the strict adherence of Rule 50 of Central Motor Vehicle Rules and various orders issued by this Court in WP(C) No. 510/2005 and shall ensure that the **selected manufactures** are able to satisfactorily build the requisite capacity and infrastructure thereby ensuring smooth implementation at the grass root level. **The State Government shall ensure selection and authorization only of those Type Approval Certificate manufactures** who have been financially and technically competent to manufacture and supply the requisite number of HSRP in the State."

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H. The Hon'ble Supreme Court in the above order has also issued various guidelines in the matter for the proper implementation of High Security Registration Plates. It is submitted that in the above case also the Hon'ble Supreme Court has upheld the role of the State Government in selecting the vendors for issue/affix HSRPs in the States. All the above referred orders of the Hon'ble Supreme Court clearly upheld the role of the State Government in selecting the vendors of HSRP. So the order passed by the learned Single Judge is clearly against the orders passed by the Hon'ble Supreme Court and therefore it is liable to be set aside.

I. In fact the amendment notified as per G.S.R 640 (E) dated 18th August, 2022 has made clear that approval from the State Government is required for both license plate manufactures and their dealers. It may be noted that, if State approval is limited to dealers alone and the manufactures of HSRP does not require approval of State Government, there will be no control over HSRP manufactures or over the price of HSRP to be fitted on old vehicles, or uploading HSRP details in Vahan Portal. Hence the order of the learned Single Judge is irrational, illegal and therefore it is liable to be reversed.

J. The All India Motor Vehicle Security Association, a society registered under Societies Registration Act 21 of 1850 has filed a representation before the appellants requesting to refrain from consideration of any representation, taking decision, passing any order or any authorization pursuant to the direction issued as per order dated 13.04.2023 in WP(C) No. 35549/2022 as the direction made are in contrary to the judgments passed by the Honourable Supreme Court of India and the guidelines issued by the Ministry of Road Transport and Highways (MoRTH).

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K. The Office Memorandum dated 04.10.2019 issued by the Ministry of Road Transport and Highways empowers the State authorities to take decisions with regard to HSRP for the old vehicles. Simply possessing a Type Approval Certificate is not enough to take order, supply and affix HSRPs for old vehicles.

L. The order dated 15.04.2023 passed by the learned Single Judge is against the HSRP scheme. It shall undermine the entire objective of the HSRP scheme. Despite the Honourable Supreme Court's repeated instructions for efficient and appropriate execution, the FIRs filed and measures taken by State Governments will be rendered useless. Moreover, there will be no regulation or oversight over the HSRP and its security features.

M. The order issued on 13.04.2023 will remove the authority of state officials to oversee the HSRP project and its issuance. This is because of HSRP manufactures will be allowed to supply and affix HSRPs across the country based solely on Type Approval Certificate which could jeopardize national safety and security. As a result, the overall purpose of the HSRP scheme will be undermined.

N. As per Rule 124 of Central Motor Vehicle Rules, the security features of HSRP has been mandated for vehicles registered with effect from 01.04.2019 onwards only. Hence for old vehicles the State Government is free to decide the cut of date from which HSRP is to be implemented and to select the license plate manufacturer.

For these and other grounds to be urged at the time of hearing, it is most humbly prayed that this Honourable Court may be pleased to set aside the Order of the learned Single Judge dated 13.04.2023 in WP(C) No. 10761/2022 and allow the Writ Appeal.

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INTERIM RELIEF:

For the reasons stated in the Memorandum of Writ Appeal, it is humbly prayed that this Honourable Court may be pleased to stay the operation and implementation of the Interim Order dated 13.04.2023 in WP(C) No. 10761/2022 pending disposal of the Writ Appeal.

VALUATION

Court Fee is not paid under Section 73 A of the Court Fees and Suits Valuations Act.

Dated this the 20th day of May, 2023.

P.SANTHOSH KUMAR
SPECIAL GOVERNMENT PLEADER

Pr/U2/16.5.23

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Thursday, the 13th day of April 2023 / 23rd Chaithra, 1945

WP(C) NO. 10761 OF 2022

PETITIONER:

MOTORSIGNS INDIA, 810 ANNA SALAI, NANDANAM, CHENNAI-600 035, TAMIL NADU, INDIA, REPRESENTED BY ITS SOLE PROPRIETOR, THOMAS CHERIAN.

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVRNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.
2. THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERLA, THIRUVANANTHAPURAM 695 001.
3. THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE,TRANS TOWER-2ND FLOOR,VAZHUTHACAUD, P.O.THYCAUD,THIRUVANANTHAPURAM, KERALA-695 014.
4. ADDL.R4: ACCIDENT RESCUE 24X7 (SOUGHT TO BE IMPLEADED).

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim direction to the respondents to allow and authorize the petitioner to issue and affix HSRP(High Security Registration Plates) on existing/old vehicles registered prior to 01.04.2019 on the strength of his Exhibits P1 and P1(a) licence/Type Approval issued under Rule 124 of Central Motor Vehicles Rules 1989 and to provide access to the National Registry for Electronically linking HSRP details in Vahan Portal, pending disposal of the above Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 14.03.2023 and upon hearing the arguments of SRI.K.RAMAKUMAR (SENIOR ADVOCATE) along with M/s. S.M.PRASANTH, G.RENJITH, ASWINI SANKAR R.S., T.H.ARAVIND & T.RAMPRASAD UNNI, Advocates for the petitioner, GOVERNMENT PLEADER for R1 (B/O) and of M/s. P.A.MOHAMMED SHAH, RENOY VINCENT, HELEN P.A., ARUN ROY, SHAHIR SHOWKATH ALI, ALEESHA SHEREEF, Advocates for the R4, the court passed the following:

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RAJA VIJAYARAGHAVAN V, J.

W.P.(C) No. 35549 of 2022, 10761 of 2022 & 7089 of 2023

Dated this the 13th day of April, 2023

ORDER

I have heard the submissions of Sri. S.M.Prasanth, the learned counsel appearing for the petitioner in W.P.(C) No. 10761/2022, Sri.Mohammed Shah, the learned counsel appearing for the petitioner in W.P.(C) No. 7089/2023, Sri.Renoy Vincent, the learned counsel appearing for the petitioner in W.P.(C) No.35549 of 2022 and the learned Special Government Pleader.

2. The petitioner in W.P.(C) No. 10761/2022 and the 4th respondent in W.P.(C) No.35549/2022 are licensees holding "Type Approval Certificate" to manufacture and supply High-Security Registration Plate (HSRP). "MotorSigns India" has been issued Type Approval Certificate by Global Automotive Research Centre (GARC), and "Orbiz Automotivez" has been issued Type Approval Certificate by the International Centre for Automotive Technology, Manesar. They are among the 17 approved license plate manufacturers granted approval strictly in terms of Rule 126 of the Central Motor Vehicles Rules.

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3. Sub Section (6) of Section 41 of the Motor Vehicles Act, 1988, clearly stipulates that the registering authority shall assign to the vehicle, for display thereon, a distinguished mark, otherwise referred to as the registration mark in such manner as may be prescribed by the Central Government.

4. Rule 50 of the Central Motor Vehicles Rules, 1989 provides for the manner of display or registration marks on motor vehicles. The said provision reads thus:

> 50. Form and manner of display of registration marks on the motor vehicles.—
>
> (1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security license plate of the following specifications, namely:—
>
> (i) the plate shall be a solid unit made of 1.0 mm aluminium conforming to AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standards Act, 2016 (11 of 2016) or ISO:7591. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approx. 10 mm, and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The fast colouring of legend and border to be done by hot stamping;
>
> (ii) the plate should bear the letters "IND" in blue colour on the extreme left centre of the plate. The letter should be one-fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate;
>
> (iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a

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permanent consecutive identification number of minimum ten digits, to be laser branded into the reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authority/vehicle manufacturer and their dealers along with regular registration marks and thereafter if such sticker is destroyed it shall be used by the registering authority/vehicles manufacturer and their dealers

(v) the plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority/vehicle manufacturers and their dealers and for existing and registered vehicle shall be issued by registering authority/vehicle manufacturers and their dealers or by the license plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency authorized under Rule 126 shall approve the security registration as per the provisions of the rule.

xxxxxxxxx xxxxxxxx

5. It would be pertinent to note that it was as per notification dated 18.08.2022 that Rule 50(1)(v) was amended, and for the words "approved license plate manufactures or their dealers," the words "license plate

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manufacturers or their dealers approved by the State Government or Union territory Administration" was substituted. In other words, so far as dealers are concerned, approval of the State Government would be required. But no such requirement is there for the license plate manufacturers. Furthermore, Section 111 of the Act only enables the State Government to make rules relating to the subjects mentioned therein.

6. Rule 50 of the Central Motor Vehicles Rules, coupled with the subsequent notification No.GSR 140(E) dated 11.02.2020 and GSR 640(E) dated 18.08.2022 makes it clear that the registering authority or the vehicle manufacturers and their dealers, or the license plate manufacturers, are empowered to fix HSRP on old vehicles. The dealers of the license plate manufacturers are also empowered, provided they have approval from the State Government or Union Territory Administration.

7. The Government of Kerala, recognizing the above fact and the directions issued by the Central Government, has issued Circular No. B2/125/2019/Trans. Dated 09.05.2019 making it clear that the Ministry of Road Transport and Highways (MoRTH) has made the HSRP mandatory throughout the country as per notification dated 06.12.2018. As per the Central Government notification, all existing vehicles were also to be fitted with HSRP.

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8. The grievance of the petitioner in W.P.(C) No.10761/2022 is that no measures are being taken by the State Government to ensure immediate compliance of Rule 51 of the Central Motor Vehicles Rules while implementing the affixation of HSRPs registered before, on and after 01.04.2019.

9. The grievance of the petitioner in W.P.(C) Nos.7089/2023 and 35549/2022 is that despite the fact that the petitioners therein are not dealers but are only service partners of M/s. Orbiz Automotivez, an authorized manufacturer of HSRPs with Type Approval Certificate issued by a recognized agency and only does online booking delivery and acts as fitment centers, they are not being permitted to operate on the premise that approval from the State Government is required. They contend that the respondents 1 to 3 are shutting down their establishments on the ground that they are dealers.

10. After having heard the submissions of the learned counsel in detail, this Court issued an interim order on 14.03.2023, the operative portion of which reads as under:

> 6. Having considered the submissions, prima facie, I am of the considered opinion that there is absolutely no justification on the part of the official respondents in delaying the implementation of HSRPs on motor vehicles, despite the Central Government coming out with Motor Vehicles (New High-Security Registration Plates) Order, 2001 as early as on 22.08.2001.

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7. Let the respondents respond and give a time frame before this Court within which licensed vendors with Type Approval Certificates can be granted approval to affix HSRPs on existing motor vehicles registered in Kerala before 1.4.2019 and also, provide them access to Vahan Portal.

11. In response, the learned Special Government Pleader submits that three months time is required for the process of selecting vendors who can be granted approval to affix High-Security Registration Plates on existing motor vehicles registered in Kerala before 01.04.2019.

12. Having considered the submissions, I am of the considered opinion that manufacturers of HSRPs who have obtained Type Approval Certificate issued by the Government of India or other Testing Agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government. Only dealers of the approved licensed manufacturers are required to obtain approval from the State Government.

13. In that view of the matter, as an interim measure and to ensure effective implementation of the provisions of the Central Motor Vehicles Rules and Circular No.B2/125/2019/Trans. dated 09.05.2019 issued by the State Government, the following directions are issued:

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a) There will be a direction to the respondents in W.P.(C) No. 10761/2022 to allow and authorize the petitioner therein to issue and affix HSRP (High Security Registration Plates) on vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate issue to them. Their request for providing access to the National Registry for electronically linking HSRP details in the "VAHAN" portal shall also be considered, and expeditious orders shall be issued to enable them to issue and affix HSRP plates without any impediment whatsoever.

b) The petitioners in W.P.(C) No.35549/2022 and 7089/2023 shall appear before the Transport Commissioner and place materials to establish that they are merely service partners/online booking, fitment, and delivery points and are not dealers. The Transport Commissioner shall consider the materials and take a decision within a period of one month from today. If the petitioners are not dealers, they are not bound to get approval from the State Government in terms of Rule 50 of the Central Motor Vehicles Rules.

sd/-

RAJA VIJAYARAGHAVAN V,
JUDGE

ps/17/4/2023

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APPENDIX OF WP(C) 10761/2022

Exhibit P1	TRUE COPY OF LICENSE IN THE FORM OF TYPE APPROVAL CERTIFICATE NO. GK0043 DATED 15.10.2019 ISSUED TO THE PETITIONER.
Exhibit P1(A)	TRUE COPY OF LICENSE IN THE FORM OF TYPE APPROVAL CERTIFICATE NO GK0044 DATED 15.10.2019 ISSUED TO THE PETITIONER.

Signature valid
Digitally Signed by:
T G SREEKUMAR
HIGH COURT OF KERALA ERNAKULAM
OFFICE SUPERINTENDENT
Date: 2023-05-17T12:56:23.5880294+05:30

Urgent

Q.3.

HIGH COURT OF KERALA
AT ERNAKULAM

Number and Year of the Case	**: WP(C) 10761/2022**
Name Of Applicant	**: ADVOCATE GENERAL KERALA**
Number and Date of Application	**: E 5059/2023 , 17-05-2023**
Date when the copy was delivered	**: 17-05-2023**

Examiner

THE HIGH COURT OF KERALA
सत्यमेव जयते

Signature valid
Digitally Signed by
T G SHEERKUMAR
HIGH COURT OF KERALA,ERNAKULAM
OFFICE SUPERINTENDENT
Date: 2023-05-17T12:56:28.9460375+05:30

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(c) No.10761 of 2022

MotorSigns India : Petitioner

v.

State of Kerala and others : Respondents

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	Transport Commissioners of all States and Union Territories	
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Dated this the 16th day of March, 2022

COUNSEL FOR THE PETITIONER

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~~31~~ A

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(c) No. of 2022

MotorSigns India : Petitioner

v.

State of Kerala and others : Respondents

SYNOPSIS

The above writ petition is filed to enforce the petitioner's right to sell/issue/affix High Security Number Plates in view of his licence/Type Approval Certificate produced as Ext.P1 and Rules 50, 51 and 124 of the Central Motor Vehicles Rules. The petitioner further seeks implementation of mandatory rules relating to High Security Registration Plate (HSRP) framed by the Central Government and introduced under the Central Motor Vehicles Act and Rules framed thereunder as amended from time to time. The provisions are incorporated in Sub-section (6) of Sec 41 of the Central Motor Vehicle Act, 59 of 1988 (the Act), Rule 50 and 51Central Motor Vehicle Rules, 1989 (CMVR, 1989).

Hence this writ petition.

Dates and events:-

04.12.2018. Ext. P2 The Government of India in the exercise of powers conferred by Section 110 of the Motor Vehicle Act 1988 issued Notification regarding amendment in Rule 50 and Rule 124 of Central Motor Vehicle Rules, 1989 called the Central Motor Vehicles (Sixteenth Amendment) Rules, coming into force with effect from 1st April 2019.

04.12.2018. Rule 124 CMVR, 1989 High Security Registration Plates – HSRP categorised as a Safety component of Motor Vehicle.

06.12.2018. Ext. P3 The Ministry of Road Transport & Highways notified the process to be used by a manufacturer in regards to HSRP shall conform to certain standards with reference to CMVR1989 in the exercise of powers conferred by sub-section (3) of Section 109 of the Motor Vehicles Act 1988

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which would come onto force on the 01.04.2019. First Day of April 2019.

01.07.2019. Ext P7. Communication by, Government of India, Ministry of Road Transport and Highways regarding Compliance to Central Motor Vehicle Rules,1989 for High Security Registration Plates.

11.02.2020. Ext P4. The Ministry of Road Transport & Highways (in the exercise of powers conferred by Section 110 of the Motor Vehicle Act 1988 issued Notification by which AIS-159 was Introduced and Rule 50 of CMVR1989 was amended inter alia specifying that HSRP for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers.

12.02.2020. The date on which Ext P4 become operative

18.02.2020. Ext. P9. MotorSigns India requests for Authorisation from the 3rd respondent to issue HSRP for existing vehicles registered in the state of Kerala in a personal meeting

01.11.2021. Ext. P10. MotorSigns India submits a representation to the 3rd respondent to regarding defective HSRP being affixed on to new vehicles registered after 01.04.2019.

07.02.2022. Ext. P11. MotorSigns India submits a representation to the 3rd respondent regarding fitment of defective HSRP on Motor, Vehicles in the state of Kerala, regulate and enforce the law as mandated and permit Motor Signs India being a Type Approved vendor to sell/issue/affix HSRP for existing old registered vehicles in the state.

Rules/Regulations/Statutes applicable in the case:-

1. Constitution of India (2) Motor Vehicles Act (3) Central Motor Vehicles Rules

Decisions relied on:

Jithin and others v. State of Kerala (2019(1) KHC 463.

Judgment dated 28.10.2019 in ***W P (C)No.23021 of 2018***

Avishek Goenka v. Union of India [(2012) 5 SCC 321],

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C

S. Rajaseekaran v. Union of India [(2018) 13 SCC 516].

Points urged:-

1. Whether the denial of opportunity to sell/issue/affix High Security Registration Plates to the petitioner is not violative of the fundamental rights guaranteed to him under Articles 14 and 21 of the Constitution of India ?
2. Whether the respondents are duty bound to implement Sections 41(6) of the Motor Vehicles Act, 1988, Rules 50, 51 and 124 of the Central Motor Vehicles Rules 1989 and Regulation 36 of the Motor Vehicles (Driving) Regulations, 2017 ?

Dated this the 16th day of March, 2022

COUNSEL FOR THE PETITIONER

THE HIGH COURT OF KERALA
सत्यमेव जयते

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W. P. (C) No. 1076 of 2022

PETITIONERS:

MotorSigns India, 810 Anna Salai, Nandanam, Chennai 600035, Tamil Nadu, India represented by its Sole Proprietor Thomas Cherian.

RESPONDENTS: -

1. The State of Kerala represented by the Secretary to Government, Department of Motor Vehicles, Government of Kerala, Thiruvananthapuram 695001.
2. The Secretary to Government, Department of Motor Vehicles, Government of Kerala, Thiruvananthapuram – 695 001.
3. The Transport Commissioner, Transport Commissionerate, Trans Tower – 2nd Floor, Vazhuthacaud, P.O. Thycaud, Thiruvananthapuram, Kerala 695014.

MEMORANDUM OF WRIT PETITION FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

A. The address for service of the petitioner is that of their Counsel M/s Ramprasad Unni T, S M Prasanth, Renjith G, AswinSankar R.S. and Aravind T.H., of M/s K Ramakumar & Associates, Advocates, "Sumthrupthi", Kalathiparamba Cross Road, Valanjambalam, Ernakulam, Kochi 16.

B. The address for service of the respondents is as shown above.

STATEMENT OF FACTS

1. This is an application seeking enforcement of mandatory rules relating to affixation of High Security Registration Plates (HSRP for brevity) on to Motor Vehicles framed by the Central Government and introduced under the Central Motor Vehicles Act and Rules thereunder as amended from time to time. The provisions are incorporated in Sub-

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section (6) of Sec 41 of the Central Motor Vehicle Act, 59 of 1988 (the Act), Rules 50, 51, 124 and 126 of the Central Motor Vehicle Rules, 1989 (CMVR, 1989) read with Regulation 36 of the Motor Vehicle (Driving) Regulations 2017. Petitioner is one among the 16 licensees with a Type Approval Certificate issued by Government of India authorised Testing Agencies who can manufacture and issue HSRP, a safety component of a Motor Vehicle referred to as registration mark in the Act, 1988 and CMVR,1989. True copies of the License in the form of Type Approval Certificate Nos. GK0043 and GK0044 dated 15..10..2019 issued to the petitioner is produced herewith and marked as **Exhibit P1** and **P1(a)** respectively.

2. Clause (6) of Section 41 of the Motor Vehicles Act 1998 reads as follows:

> *"6) The registering authority shall assign to the vehicle, for display thereon, distinguishing mark (in this Act referred to as the registration mark) consisting of one of the groups of such of those letters and followed by such letters and figures as are allotted to the State by the Central Government from time to time by notification in the Official Gazette, and displayed and shown on the motor vehicle in such form and in such manner as may be prescribed by the Central Government."*

3. It is respectfully submitted that Rules 50 and 51 of CMVR, 1989 have undergone series of amendments in order to improve the coverage of HSRP on all Motor vehicles across the country defined as a completely finished vehicle registration plate along with 3rd registration plate sticker (wherever applicable) and snap lock ready to be mounted on a vehicle. Government of India through The Ministry of Road Transport and

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Highways (MoRTH) has issued GSR 1162(E) dated 04.12.2018 amending Rule 50 to mandate supply and affixation of HSRP by the manufactures of Motor vehicles and their dealers and have categorized HSRP as a Safety component of a Motor Vehicle by adding serial No. 22 in the Table in Rule 124 of CMVR, 1989, a true copy of which is produced herewith and marked as **Exhibit P2.**

4. In supersession of The Motor Vehicles (New High Security Registration Plates) order of 2001, the Central Government issued the Motor Vehicles (High Security Registration Plates) order, 2018 vide S.O.6052(E) dated 06.12.2018, stipulating that the process used by a manufacturer in regard to HSRP for a motor vehicle that shall among other things conform to the specification spelt out in Rule 50 of CMVR 1989, the procedure to be complied with in regard to affixation of HSRP for a new vehicle sold on or after 01.04.2019 and procedure applicable for affixation of HSRP for old existing vehicles registered prior to 01.04.2019 and that the Type Approval Certificate issued shall be liable for suspension or cancellation by the concerned Testing agency for failure to comply with the afore said provisions, a true copy of which is produced herewith and marked as **Exhibit P3**. Similarly, the Central Government vide G.S.R 104(E) dated 11.02.2020 called the Central Motor Vehicles (Second Amendment) Rules 2019, with effect from the date of its publication i.e., 12.02.2020, amended Rule 50 of CMVR, 1989, a true copy of which is produced herewith and marked as **Exhibit P4** and affirmed that the HSRP with all the specifications and the Registration (Mark) for a new vehicle registered on or after 01.04.2019 shall be issued by the (i) registering authority or (ii) vehicle manufacturers and their dealers and for existing

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old registered vehicles shall be issued by (i) registering authority or (ii) vehicle manufacturers and their dealers or (iii) by the approved licence plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of the said Rule.

5. It is submitted that Rule 50 of CMVR, 1989 as of now after the amendments, stands as follows:

> ***"[50. Form and manner of display of registration marks on the motor vehicles]. –***
>
> [(1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security license plate of the following specifications, namely:
>
> (i) The plate shall be a solid unit made of 1.0mm aluminium conforming to [AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO:7591]. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approx. 10 mm and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The fast colouring of legend and border to be done by hot stamping;
>
> (ii) the plate should bear the letters IND in blue colour on the extreme left centre of the plate. The letter should be one-fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate;
>
> (iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and

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adhesive labels are not permitted. The plate shall bear a permanent consecutive identification number of minimum [ten] digits, to be laser branded into the reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium based hologram sticker shall be affixed on the left-hand topside of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the [registering authority/vehicle manufacturer and their dealers] along with the regular registration marks, and thereafter if such sticker is destroyed it shall be issued by the [registering authority/vehicles manufacturer and their dealers:];

[(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on rear of the vehicle;

'The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and ***for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers***. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule]'

(vi) the size of the plate for different categories of vehicles shall be as follows:

For two and three-wheelers	200 x100 mm
For Light Motor Vehicles/Passenger cars	340 x 200 mm/500 x 120 mm
[For medium commercial vehicles	340 x 200 mm/500 x 120 mm]

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heavy commercial vehicles and Trailer/combination:]	

[Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicles manufactured on or after the 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

Provided further that the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles after placing the registration mark of registration thereon];

[Provided [also] that the size of the registration plates for agricultural tractors shall be as follows] :-

Front -	285x45 mm
Rear -	200x100mm]:

[Provided also that the size of registration plate for combine harvester shall be 340mm X 200 mm and exhibited at the front and at the rear of combine harvester and at the rear of trailer for header assembly used during transport:]

[Provided also that the size of registration plate for power tiller shall be 285x45 mm and shall be exhibited at the front. Further, in case of trailer coupled to power tiller, the size of registration plate shall be 200x100 mm and shall be exhibited on its rear:]

[Provided also that in case of a motor cycle, the size of 285x45 mm for front registration plate shall also be permitted.]

[Provided also that in case of Construction Equipment Vehicles, the size of plate shall be 500x120 mm or 340x200 mm or 200x100mm or 285x45mm, depending on the equipment size and availability of space.]

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(2) In the case of motor cycles the registration mark in the front shall be displayed parallel to the handle bar or on any part of the vehicle including mudguard facing the front instead of, on a plate in line with the axis of the vehicle:

Provided that -

(a) the registration mark exhibited at the rear of a transport vehicle shall be affixed to the vehicle on the right hand side at a distance not exceeding one metre from the ground as may be reasonably possible having regard to the type of the body of the vehicle;

(b) the registration mark shall also be painted on the right and left side on the body of the vehicle in the case of a transport vehicle;

(c) the registration mark shall also be painted and exhibited on the partition provided between the driver and the passengers, facing the passengers seats or, where there is no such partition, on the front interior of the vehicle near the roof to the left side of the drivers seat facing the passengers seats in the case of a stage carriage or a contract carriage and in the case of a motor cab or a taxi cab it shall be sufficient if the registration mark is painted on the dash-board;

[(d) the letters of the registration mark shall be in English and the figures shall be in Arabic numerals and shall be shown:

(A) in the case of transport vehicles in black colour on yellow background; and

[(AB) in case of motor cab under rent a cab scheme, 1989 or motor cycle (L1 and L2 category two wheeler) under rent a motor cycle scheme 1997, in yellow colour on black background, however in case of battery operated or electrically powered motor cab under rent a cab scheme 1989 or motor cycle under rent a motor cycle scheme 1997, in black colour on green background; and]

(B) in other cases, in black colour on white background, the registration mark on the trailer shall be exhibited on the left hand side in black colour on yellow background. In addition, the

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registration mark on the drawing vehicle shall be exhibited on the trailer also and this shall be done on the right hand side at the rear of the trailer or the last trailer as the case may be, in black colour on retro-reflective type yellow background:

Provided that where provisions of this clause have not been complied with in respect of motor vehicle, on or before the commencement of the Central Motor Vehicles (8th Amendment) Rules, 2001, then the provisions shall be complied with,

(i) in respect of transport vehicle, on or before 1st February, 2002; and

(ii) in other cases, on or before 1st July, 2002.]

[2A. In case of Battery Operated Vehicles, the registration mark shall be exhibited in Yellow colour on Green background for transport vehicles and for all other cases, in White colour on Green background.]

[(3) The registration mark shall be exhibited in two lines, the State code and registering authority code forming the first line and the rest forming the second line, one below the other:

[Provided that the registration mark in the front may be in one line, in case, in 200mm x 100mm size plate, there is no sufficient place to exhibit the registration mark in one line, the registration mark may be exhibited in two lines:]

(i) where the total number of alpha numeric characters in the registration mark is even, then, equal number of alpha numeric character in each line; and

(ii) where the total number of alpha numeric characters in the registration mark is odd, then any extra alpha numeric character shall be exhibited on the second line, and all dimensions shall be maintained as per rule 51 without disturbing security features in the plate:

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Provided further that in models of vehicles having no sufficient provision at the rear to exhibit the registration mark in two lines, it shall be sufficient if in such vehicles registration mark is exhibited in a single line:

Provided further that registration mark on a light motor vehicle may be in the centre with illumination.

(4) Every motor vehicle, except motor cab and motor car, manufactured on and from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1993, shall be provided with sufficient space in the rear for display of registration mark in two lines.

(5) In case of agricultural tractors, the registration mark need not be inclined to the [vertical plane by more than 45 degrees].

(6) The registration mark of the drawing agricultural tractor may not be exhibited on the agricultural trailer or trailers.]

[(7) The registration mark of the modular hydraulic trailer may not be exhibited on the puller tractor.]

6. And rule 51 of CMVR, 1989 reads as follows;

"51. Size of letters and numerals of the registration mark.

The dimension of letters and figures of the registration mark and the space between different letters and numerals and letters and edge of the plain surface shall be as follows:]

[Table]

Sl.No.	Class of vehicle		[Dimensions (in mm) not less than ;]		
			Height	Thickness	Space between
(1)	(2)		(3)	(4)	(5)
1	All motor cycles and three-wheeled invalid carriages	Rear-letter	35	7	5

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2	All motor cycles and three -wheeled invalid carriages	Rear-numeral	40	7	5
3	Motor cycles with engine capacity less than 70cc	Front-letters and numerals	15	2.5	2.5
4	Other motor cycles	Front-letters and numerals	30	5	5
[5	Three-wheelers of engine capacity not exceeding 500 cc [E-rickshaws and E-carts]	Rear and Front numerals and letters	35	7	5
6	Three-wheelers of engine capacity exceeding 500 cc	Rear and Front numerals and letters	40	7	5]
7	All other motor vehicles	Rear and Front numerals and letters	65	10	10
[8	Power tillers	Front numerals and letters	15	2.5	2.5
9	Trailers coupled to power tillers	Rear letters and numerals	30	5	5]
[10	Combine harvester	Font and rear letters and numerals	65	10	10
11	Trailer for header	Rear letters and	65	10	10]

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	assembly of combine harvesters	numerals			
[12	Construction Equipment Vehicles	Front and rear letters and numerals. - a) With plate size 500x120 mm or 340x200 mm	65	10	10
		b) With plate size 200x100 mm	35	7	5
		c) With plate size 285x45 mm	30	5	5]

THE HIGH COURT OF KERALA
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7. The Petitioner respectfully submits that according to the amended Rule 50 of CMVR,1989, the registration mark referred to in Clause (6) of Section 41 of the Act shall be displayed both at the front and rear of all motor Vehicles clearly and legibly in the form of a security licence plate with specifications mentioned therein from 01.04.2019, as per Exhibit P3 and the security License plate called the High Security Registration Plate (HSRP) categorised as a safety component under serial No. 22 of Rule 124 of the Central Motor Vehicle Rules, 1989 is to be affixed on every new motor vehicle registered on and after 01.04.2019 by the Automobile manufacturer or his dealer, and the HSRP has to comply with and conform to the specifications and standards in Rule 50, Rule 51 of CMVR,1989 and

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the Type Approval Certificate for HSRP issued by Government Authorised Testing agencies with regards to specifications of the Motor Vehicle Act and Rules made thereunder from time to time.

8. It is submitted that Rule 124 of CMVR, 1989 deals with the following among other things. As per clause (1) the Central Government may, from time to time, specify, by notification in the Official Gazette, the standards or the relevant standards specified by the Bureau of Indian Standards of any part, component or assembly to be used in the manufacture of a vehicle including construction equipment vehicle and the date from which such parts, components or assemblies are to be used in the manufacture of such vehicle and on publication of such notification every manufacturer shall use only such of these parts, components or assemblies in manufacture of the vehicle and shall be maintained as such. As per clause (2) every manufacturer shall get the prototype of the part, component or sub-assembly for which standards have been notified, approved from CRRI or any testing agency approved by the Central Government under Rule 126. On the basis of such approval, every manufacturer shall also certify compliance with the provisions of this rule in Form 22. The section also stipulates that the Central Government may, by notification in the Official Gazette, frame a scheme for marking to be affixed on any part or component or assembly to be used in the manufacture of the vehicle and specify the date from which such parts, components or assemblies are to be used in the manufacture of the vehicle. It further says that the procedure for type approval and establishing conformity of production for components, shall be in accordance with AIS:037-2004 and, till the corresponding BIS

specifications are notified under the Bureau of Indian Standards Act. The said section contains a table of safety components of a motor vehicle and the relevant portion of the table is as follows:

TABLE

Sl. No.	Component	Reference Rule	Effective for vehicles manufactured on and from
1.	2.	3.	4.
***	*****	*******	******
22.	High Security Registration Plate	Rule 50	1st April, 2019

It is further submitted that the standards for the HSRP have been stipulated in Rule 50 CMVR, 1989 by introducing an amendment by Ext.P4 to Clause 1 in Sub-rule 1 of the said Rule and stated that the specifications and requirements would be Automotive Industry Standard (AIS:159:2019) for automotive vehicles high security registration plates (HSRP) as amended from time to time.

9. The Petitioner submitted prototype samples of HSRP made indigenously without a foreign collaborator, that is fully compliant and conforming to the standards as prescribed in Rules 50 and 51 of CMVR,1989 to Global Automotive Research Centre, Tamil Nadu,(GARC for brevity) an authorised testing agency appointed under Rule 126 of

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CMVR, 1989 and upon successful completion of tests as per testing procedures prescribed under the Act and rules as it existed on the dates of testing, the said testing agency GARC, issued Type Approval Certificates in October 2019 to MotorSignsIndia. The said license/Type Approval Certificate is already produced as Exhibits P1 and P1(a).

10. The Petitioner respectfully submits that the Type Approved HSRP, to be affixed on every Motor Vehicle as a safety component has to comply with and conform to the Type Approval Certificate of HSRP issued. It is further submitted that the Type Approved HSRP being the Registration Mark of a Vehicle has to be displayed in such form and manner as per Rules 50 of CMVR 1989 with the size of the Alphabets and Numerals embossed and coated with 'INDIA' in script and the space between them must be in compliance with the 'minimum' "Not Less than" dimensions in 'mm' specified in the Table under Rule 51. In view of Clause (1) of Regulation 36 of the Motor Vehicle (Driving) Regulations 2017, no vehicle shall be driven or parked on a public road which does not satisfy the said requirements prescribed by the Act and the rules made thereunder.

Regulation 36 reads as follows;

> ***36. Registration plates***
>
> (1) No vehicle shall be driven or parked on a public road without displaying registration plates as prescribed by the Act and the rules made thereunder.
>
> (2) The registration plates on the front and at the rear of the vehicle shall be clearly visible and legible and no object whatsoever or dirt shall obstruct clear view of the entire registration place.

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(3) No letter, word, figure, picture or symbol other than the registration number shall be displayed or inscribed or written on the registration plates.

(4) No load or other goods shall be placed on a motor vehicle in such manner as to fully or partly hide the registration plate.

11. The petitioner became a certified Type Approved manufacturer of HSRP high from the year 2019 in the name and style of MotorSigns India. The Petitioner respectfully submits that the Type Approval issued to his erstwhile Partnership Firm, Signs India on 02 June 2003 is no more in use by him after dissolution of the firm in 2014. The highest court of the country found that it is the bounden duty of all States to implement the Rules regarding affixation of HSRP on all Motor Vehicles as it is essential and necessary in the interest of its citizens, Road Safety and the safety of Road Users. The petitioner has been waiting for the State of Kerala to implement affixation of HSRP on to existing motor vehicles registered prior to 01.04.2019 and to ensure and enforce compliance to the provisions of the Rule 50 and 51 of CMVR, 1989 so that his business in manufacturing HSRP in tune with amended provisions can be made use of serving the public good ensuring compliance with the directions of this Hon'ble Court .and the Supreme Court. His HSRP have been approved and certified by the competent authorities but he is not being permitted to issue HSRP even after he sought an authorisation from the 3rd respondent. Exhibits P3 and P4 permit him to issue HSRP to old existing vehicles registered prior to 01.04.2019 in the state without the need of any further authorisation from the state. The inaction on the part of the State of Kerala is violative of Articles 14 and 21 of the Constitution of India. The petitioner's own

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fundamental rights to carry on business in terms of the legal provisions without being discriminated arbitrarily, is also interrupted, interfered with and practically prevented. He is seeking relief to operate his business in accordance with law as the business is based on the statutory rules. The State of Kerala therefore, is bound to implement forthwith affixation of HSRP on existing Motor Vehicles registered prior to 01.04.2019 ensuring and enforcing compliance with the statutory rules. Petitioner respectfully submits that there is no justification or reason on the part of the State of Kerala in not implementing the directions of the Supreme Court or of the Government of India regarding affixation of HSRP on existing vehicles registered in the state of Kerala as per law. Statutory compliance by the State is a compulsory legal requirement. If the State is failed to do so in violations of statutory requirements particularly in violation of Fundamental Rights under the Constitution, the petitioner is entitled to seek a Writ of Mandamus from this Hon'ble Court.

12. The Petitioner most respectfully submits that neither the Motor Vehicle Manufacturers nor the dealers of Motor Vehicle manufacturers have a Type Approval Certificate for HSRP. In terms of the Central Motor Vehicles Rules as amended from time to time, he started engaging himself in the manufacture of HSRP strictly in compliance of the dimension, size etc as prescribed in Rule 51 of CMVR, 1989 and the Type Approval Certificate for HSRP. In view of the failure of the State Government to ensure affixation of HSRP that comply with the Motor Vehicle Act and Rules thereunder as amended from time to time, that has been already held to be mandatory by this Hon'ble Court, the petitioner is unable to supply or issue High Security Registration Plates manufactured while

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those not conforming to Rules and the type approval for HSRP issued by testing agencies are illegally being affixed on Motor Vehicles in the State of Kerala. Large number of vehicles registered in the State of Kerala, conservatively estimated at 4000 every day from 01.04.2019, are affixed with HSRP that do not comply with the provisions of the Motor Vehicle Act and rules thereunder and the Type Approval Certificate issued. It is causing safety hazards on the road to passengers as well as riders. This it is submitted, is patently illegal and liable to be declared so and stopped forthwith.

13. The Petitioner respectfully submits that HSRP being a safety component of a motor vehicle under Rule 124 of CMVR 1989 if proved to be defective has to be recalled and replaced at the cost and consequence of the provider, in the instant case being Motor Vehicle manufacturers affixing HSRP through their respective dealers. A true copy of representative photographs, showing vehicles with HSRP not complying to Rule 51 of CMVR1989 and not in compliance with and conformance to the Type Approval Certificate issued that are illegal is produced herewith and marked as **Exhibit P5.** It is submitted that the respondents through the social media published the mandatory requirement of HSRP, the exact dimension and standards to fulfilled for valid HSRP and that the violation of the law in this regard would attract penal consequences, a true copy of which appearson the facebook page of the Motor Vehicles Department, Kerala is produced herewith and marked as **Exhibit P6**

14. The Ministry of Road Transport and Highways in the nature of an advisory vide F.No.RT-11036/56/2019-MVL dated 01.09.2021 has written to the Principal Secretaries/Secretaries, Department of Transport,

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Transport Commissioners of all States and Union Territories that Rules relating to HSRP has to be implemented avoiding any monopolistic situation, a true copy of which is produced herewith and marked as **Exhibit P7**. The Petitioner respectfully submits that attempt to suggest that the Government of India through Director (MVL) permitted the state to selectany of the type approved vendors to carry out the work of affixation of HSRP on old existing motor vehicles in the respective State/UT is a preposterous statement since the right to do business in supply of Type Approved HSRP is enshrined in the amended Rule 50 of CMVR, 1989 and available to the petitioner and also open to all Type approved HSRP vendors. The Petitioner respectfully submits that the States power to procure HSRP by Invitation for bids or a tender was taken away by Exhibit P4. The petitioner states that there is no other condition or requirement to be fulfilled by a manufacturer of HSRP other than a Certificate of Type Approval from a Testing agency authorised under Rule 126. The respondents herein are therefore, under the statutory obligation to allow the Petitioner to issue Type Approved HSRP in the State of Kerala.

15. The Petitioner respectfully submits that sometime prior to 01.04.2019, the Motor Vehicles Department, Kerala by an order of the Transport Commissioner, the third respondent herein, released what appears to be in public interest an information Bulletin on HSRP with pictorial representation of it with the dimensional specification that has created public awareness about the form and manner of Display of the Registration Mark on a Motor Vehicle as per Rule 50 of CMVR 1989 and the dimension of letters and numerals and the space between on the HSRP as per Rule 51 and also the background colour of the HSRP with

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the Colour of the letters and numerals on the HSRP and further that the said Information Bulletin mentioned the Penalty for Non-Compliance.Petitioner respectfully submits that the said information bulletins of the MVD-Kerala issues a warning to Motor Vehicle Owners of penalties between Rs.2000 to Rs.5000 for non-compliance of Rules 50 and 51 of CMVR 1989. It is also submitted that the Transport Department, Government of Kerala has issued Circular bearing No. B2/125/2019/Trans dated 09.05.2019 directing all its Departments to affix HSRP on all their existing vehicles while acknowledging that by Central Government notification all existing Vehicles are also to be installed with HSRP, a true copy of which is produced herewith and marked as **Exhibit P8.**

16. One of the reasons for introducing HSRP with specified dimension in Rule 50 and 51 of CMVR, 1989 is keeping in mind road safety as such and the safety of road users and quick identification of the motor vehicles and therefore, not conforming to the said provisions of the Motor Vehicle and the Type Approval Certificate issued is a safety hazard and will lead to suspension or cancellation of the Type Approval Issued apart from an offence under the provisions of the Act and the rules. The defective HSRP has to be recalled since it is a safety component of a Motor Vehicle under Section 110A of the Act.

17. Rule 51 had come up for consideration particularly in relation to the safety requirements before this Hon'ble Court in the decision reported in ***Jithin and others*** v. ***State of Kerala*** (2019 (1) KHC 463). After examining the rules this Hon'ble Court took the view that at the time of certificate of fitness issued to Transport Vehicles, compliance with the provisions of the Motor Vehicles Act and the rules framed under is

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mandatory. This means that all Motor vehicles before being run on the road, have to comply with those rules mandatorily. This means even registration mark of a Motor Vehicle is to be mandatorily complied with. It may be pointed out that rules relating to driving regulations also mandate that the vehicles shall comply with the said requirements. It may therefore, be seen that this Hon'ble Court has already declared that compliance with the mandatory safety rules in respect of manufacture of the motor vehicles includes registration marks in the form of HSRP as a safety component before a motor vehicle reaches the road. The above position is affirmed by this Hon'ble Court by Judgment dated 28.10.2019 in W P (C) No.23021 of 2018. Unfortunately, none of the Governments in the country including the State of Kerala is sticking to the rules which have been held mandatory already by this Hon'ble Court in the decisions referred to above.

18. The petitioner is a duly licensed, Type Approved manufacturer of HSRP. He manufacturers them strictly in accordance with Rule 51 and other mandatory provisions and safety regulations under the Act and rules made thereunder Though the petitioner has received Type Approval for manufacture of High Security Registration plates strictly in accordance with the relevant rules and safety regulations he has not been able to sell/issue/affix them because the State Governments and other registering authorities particularly in the State of Kerala are creating restrictions and impediments to issue HSRP to old Existing vehicles registered prior to 01.04.2019 in the state. The Vahan portal where all the particulars of HSRP are to be Electronically uploaded denies permission to the petitioner to issue the HSRP for old existing vehicles registered prior to

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01.04.2019 in the state which it is submitted totally arbitrary and in violation of Rule 50(1)(v) of CMVR, 1989. In Exhibit P7 the Central Government have written to all States to implement HSRP and not to create any monopolistic situation in accessing HSRPs for fitment and referred to various notifications in the interest of wider coverage of affixation of HSRP on to all motor Vehicles across the country.

19. The petitioner in the circumstances, has made number of representations to the 3rd respondent herein, one of the first among them dated 18.02.2020 is produced herewith and marked as **Exhibit P9.** This was followed by another representation dated 01.11.2021, a true copy of which is produced herewith and marked as **Exhibit P10,** pointing out that safety reasons also demand the immediate compliance of Rule 51 of CMVR,1989 while implementing affixation of HSRP on to Motor Vehicles and only those such of those Registration marks that comply with the specifications shall be permitted for fitment on Motor Vehicles registered on and after 01.04.2019 on in any part of the country and also on existing motor vehicles registered prior to 01.04.2019.

20. Since the representation did not evoke any response from the concerned authorities, the petitioner on 07.02.2022 sent another detailed representation to the Transport Commissioner, Kerala explaining all aspects of violations and requested immediate enforcement of compliance to Rule 51 of CMVR, 1989 while implementing affixation of HSRP on Motor Vehicles in the state. A true copy of representation date 07.02.2022 is produced herewith and marked as **Exhibit P11**. Till date, 3rd respondent, the Transport Commissioner has neither responded in the affirmative or in the negative and is keeping the matter pending. In the

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meantime, the petitioner is not able to sell/issue/affix High Security Registration Plates manufactured strictly in accordance with the Act and rules in any parts of the State of Kerala for reasons already mentioned above.

21. The Petitioner respectfully submits that an estimated 28 lakhs of Motor Vehicles have been affixed with HSRP that do not comply with the provisions of Rule 51 of CMVR, 1989 and do not conform to the Type Approval Certificate Issued by testing agencies by Automobile Manufacturers and their dealers since 01.04.2019 in the state of Kerala that need to be recalled and replaced being a defective safety component of a Motor Vehicle. Petitioner respectfully submits that conservatively estimated 4000 Two Wheelers and Three Wheelers are registered every working day in the state of Kerala that are affixed with illegal HSRP in violation of Rule 51 of the CMVR, 1989 and the Type Approval Certificate issued.The Motor Vehicle Owner who has no knowledge of the said violation is not aware that he will be penalised for violation of Rule 51. Such vehicles cannot be even driven or parked in a public road under Regulation 36 of the Motor Vehicle (Driving) Regulations 2017.

In the above circumstances the petitioner is now left with no other alternative efficacious remedy than to invoke the extra ordinary jurisdiction of this Hon'ble Court and prays for reliefs on the following mainly among other:

GROUNDS

A. The petitioner is admittedly licensed to manufacture HSRP. His business is based on the License/Type Approval for manufacture of HSRP. The National Registry in the Vahan Portal of the Union

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Government does not permit the Petitioner to sell/issue/affix HSRP manufactured by him for existing registered Motor Vehicles in a state unless the state will issue an authorization as is done in the case of Automobile Manufacturers and their dealers in the state of Kerala by the respondents herein. This has totally disabled the petitioner to sell /issue HSRP manufactured by him under a licence/Type Approval for affixation of HSRP on existing motor vehicles registered prior to 01.04.2019 as per the amended Rule 50 of CMVR, 1989 brought into effect by Exhibit P4. At the same time the state of Kerala has authorised Automobile manufacturers and their dealers who do not have a Type Approval Certificate for HSRP to affix HSRP on existing vehicles registered prior to 01.04.2019 in the state thereby clearly making an invidious discrimination restricting the petitioner from issuing HSRP for existing vehicles among the licensees who form one class. The petitioner respectfully submits that the state of Kerala has discriminated the petitioner Licensed with a Type Approval Certificate by not allowing the issue of HSRP for affixation on old vehicles registered in the state, whereas dealers of motor vehicles have been authorised to do so. This it is submitted, amounts to clear violation of Articles 14 and 21 of the Constitution of India. The petitioner has a right to carry on business in accordance with the Central Motor Vehicles Act and the Rules made thereunder. Though the Central Government have framed rules and regulations, in violation of the orders of the superior courts like this Hon'ble Court and the Supreme Court of India, the respondents are not enforcing those statutory requirements while implementing the affixation of HSRP. They are failing to enforce Regulation 36 of the Motor Vehicles (Driving) regulations of 2017 also, in spite of the warning declared by the Supreme

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Court of India and this Hon'ble Court that it is hazardous and impermissible to permit vehicles to ply with HSRP that do not conform to the Act and Rules thereunder . Thus the petitioner is put to manifest injustice and prejudice as a result of the failure of the State of Kerala and the other States in implementing affixation of HSRP.

B. The petitioner has also a right to ensure the implementation of safety rules framed by the Government particularly after the declaration of law on the point and the directions issued by the superior courts of the country. The failure to comply with the decisions of the superior courts is patently illegal. The petitioner, who is subjected to discrimination, is entitled to raise the failure of the State Government to implement a safety measure, which is brought into effect in larger public interest as has been noted by the Supreme Court of India and this Hon'ble Court in number of decisions. The continued failure of the State Government to ensure compliance to Rule 51of CMVR, 1989 and issuance of HSRP without conforming to the Type Approval Certificate is to be prohibited and therefore, liable to be declared altogether bad in law and violative of the fundamental rights of the petitioner.

C. The Petitioner further respectfully submits that 3rd respondent who acknowledges the receipt of Exhibit P11 is fully aware that Type Approved HSRP supplied by Motor Vehicle Manufacturers procured from approved vendors and fitted on to Motor Vehicles by their respective dealers, more so in the case of Two-Wheelers and Three-Wheelers, do not comply with the standards prescribed in Rule 51 of CMVR,1989 and Type Approval Issued and yet has not taken any action to curb the same. And as a

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consequence, Motor Vehicle Manufacturers continue to affix an estimated 4000 HSRP per working day that do not comply with the standards. The 3rd respondent who is occupying a public office is bound by duty to ensure road safety and safety of the road users by exercising the authority vested in him and should not permit such motor vehicles to be driven or parked on a public road under Regulation 36 of the Motor Vehicles (Driving) Regulations, 2017. More so, since the said respondents themselves have been advocating for affixation of HSRP complying to Rules 50 and 51 of CMVR, 1989 through information Bulletins in publications and social media with a warning that failure to comply will attract penalty between 2000 to Rs. 5000. The petitioner respectfully submits that the lack of supervision and control by the respondents have led to affixation of defective HSRP on an estimated 28 lakhs new vehicles registered on and after 01.04.2019 in the state of Kerala. The respondents can no longer turn a blind eye on the issue, endangering Road Safety and safety of the road users. Therefore, it is most humbly prayed that directions may be issued to the respondents to ensure the affixing of Registration Mark/High Security Registration Plate on every Motor Vehicle new and existing complying with the provisions of the Motor Vehicle Act and Rules thereunder read with Regulation 36 (1) of the Motor Vehicles (Driving Regulations) 2017.

D. The petitioner respectfully submits that amendment to Rule 50 of CMVR,1989 by Exhibit P4 and brought into effect from 12.02.2020 onwards provides that the HSRP "***for existing old registered vehicles shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved license plate manufacturers or their***

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dealers". The Respondents therefore, are under statutory obligation to not only allow the Petitioner to issue Type Approved HSRP in the state of Kerala but also allow all manufacturers with a Type Approval Certificate for HSRP to issue HSRP for existing vehicle registered prior to 01.04.2019 in the State subject to confirmation of compliance to standards and in conformance with the Type Approval Certificate issued. It is submitted that there is no other condition or requirement to be fulfilled by a manufacturer of HSRP other than a Certificate of Type Approval from a Testing agency authorised under Rule 126 to do business of supply/issue affixation of HSRP, including the third Registration Mark for affixing on old, existing vehicles registered prior to 01.04.2019 in the State. It is submitted that after Exhibit P4 the petitioner does not require any other or separate authorisation for selling/fixing HSRP on existing vehicles. It is submitted that by Exhibit P4 amendment to Rule 50 all licensees are legally entitled to affix HSRP on existing vehicles registered prior to 01.04.2019 which is now allowed only in favour of a few among the 16 licensees. The Petitioner respectfully submits that the Circular of MVD Kerala permits Automobile manufacturers and their dealers to affix HSRP on existing old vehicles and this would amount to discrimination more so because no automobile manufacturer or their dealers have a Type Approval for HSRP in their own name. This it is submitted, is a clear case of discrimination and hit by Article 14 of the Constitution of India. Exhibit P4 confers the right on all Type approved vendors/licensees including the petitioner to issue/affix HSRP and therefore, the respondents are liable to be issued with appropriate direction to enable the petitioner exercise a statutorily

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conferred right apart from the Fundamental Rights under Articles 14 and 21 of the Constitution.

E. The petitioner respectfully submits that he therefore, has a right to carry on business under Articles14 and 21 of the Constitution of India. In terms of the amended Central Motor Vehicles Rules, he started engaging himself in the manufacture of high security registration plates strictly in terms of the dimension, size etc as prescribed in Rule 51 as amended from time to time. In spite of having a Type approval from an authorised testing agency, in view of the failure of the Central and State Governments to implement the rules that have been already held to be mandatory by this Hon'ble Court, the petitioner is unable to supply/issue/affix HSRP permitted to be manufactured by him on existing vehicles registered prior to 01.04.2019 in accordance with law. This is while those HSRPs not conforming to the rules are being affixed illegally on new vehicles registered on and after 01.04.2019, more so in the case of two-wheelers and three-wheelers in the State of Kerala. It is submitted that the Fundamental and legal rights of the petitioner have been infringed due to the failure of discharging statutory duties vested in the respondents. In the light of above facts and circumstances the Respondents are under statuary obligation to consider grant relief to the petitioner, in the interest of justice.

The petitioner has no other remedy provided in law than to invoke the extra ordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India. The petitioner therefore, is praying for reliefs from this Hon'ble Court including appropriate interim orders.

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For the foregoing reasons the petitioner most humbly prays that this Hon'ble Court may be pleased:

i) To issue a Writ of Mandamus commanding the respondents to allow and authorise the Petitioner to issue HSRP for existing Motor Vehicles registered in Kerala prior to 01.04.2019 on the strength of Exhibit P1, The Type Approval Certificate and provide access to Vahan Portal, the National Registry for electronically uploading HSRP details to be linked with Motor Vehicle Registration;

ii) To issue a Writ of Mandamus commanding the respondents to strictly ensure and implement the affixation the registration mark/HSRP on every motor vehicles, new and existing as per Section 41(6) of the Motor Vehicles Act 1988 and Rules 50, 51 and 124 of the Central Motor Vehicles Rules, 1989 read with regulation 36 of the Motor Vehicles (Driving) Regulations 2017 and strictly in compliance with and conformance to the Type approval Certificate issued;

iii) To issue a Writ of Mandamus commanding the 3rd respondent to restrain the Motor Vehicle Manufacturers and their dealers in the state of Kerala from affixing defective HSRP which are not conforming to the Type Approval Certificate issued by Testing Agencies and not complying with Section 41(6) of the Motor Vehicles Act and Rules 50, 51 and 124 of Central Motor Vehicles Rules, with immediate effect;

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iv) To issue a Writ of Mandamus commanding the 3rd respondent to inform the testing agencies immediately to suspend or cancel the Type Approval granted to manufacturers for issuance of HSRP for non-compliance of standards statutorily fixed and non-conformance to the Type Approval Certificate as per provisions of Rules 50 and 51 of CMVR 1989;

v) To issue such other writs, orders or directions as this Hon'ble Court may deem fit and proper in the circumstances of the case.

THE HIGH COURT OF KERALA
सत्यमेव जयते

INTERIM RELIEF

For the reasons stated in the above Writ Petition and the affidavit filed in support thereof it is most humbly prayed that this Hon'ble Court may be pleased to issue an interim direction to the respondents to allow and authorize the petitioner to issue and affix HSRP (High Security Registration Plates) on existing/old vehicles registered prior to 01..04..2019 on the strength of his Exhibits P1 and P1(a) licence/Type Approval issued under Rule 124 of Central Motor Vehicles Rules 1989 and to provide access to the National Registry for Electronically linking HSRP details in Vahan Portal, pending disposal of the above Writ Petition.

Dated this the 16th day of March, 2022

PETITIONER

el for the Petitioner

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(c) No. of 2022

MotorSigns India : Petitioner

v.

State of Kerala and others : Respondents

AFFIDAVIT

I, Thomas Cherian, aged 69 years, S/o. Late P Cherian, Sole Proprietor, MotorSigns India, 810 Anna Salai, Nandanam, Chennai 600 035, Tamil Nadu, now residing at 11, 1st Street, Off 3rd Main Road, CIT Nagar East, Nandanam, Chennai 600035, do hereby solemnly affirm and state as follows: -

1. I am the Sole Proprietor of the petitioner firm in the above Writ Petition and I know the facts of the case. I am authorized and instructed to swear to this affidavit on its behalf as Sole Proprietor of the petitioner firm.

2. The statement of facts contained in the above Writ Petition is true to the best of my knowledge, information and belief. The questions of law are raised on the advice of my Counsel. I am advised to submit that I am entitled to all the reliefs as prayed for in the above Writ Petition. The documents produced in the writ petition are the true copies of the original.

3. The petitioner has not filed any petition seeking similar and identical reliefs in respect of the same subject matter.

It is therefore humbly prayed that this Hon'ble Court may be pleased to grant all the reliefs as prayed for in the above writ petition.

What is stated above are true.

Dated this the 16thday of March, 2022

(Deponent)

Solemnly affirmed and signed before me by the deponent who is personally known to me on this the 16thday of March, 2022 at Ernakulam.

ADVOCATE

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-31- Ext 81

GLOBAL AUTOMOTIVE RESEARCH CENTRE (GARC)

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Authorised Test Centre under CMVR 126 by Ministry of Road Transport & Highways, Govt. of India & NABL Accredited

GLOBAL AUTOMOTIVE RESEARCH CENTRE

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Non-Transferable

TYPE APPROVAL CERTIFICATE

(COMPLIANCE TO THE CENTRAL MOTOR VEHICLE RULES)

TAC No: G K 0 0 4 3

Date: 15.10.2019

1.0	Name of Applicant	M/s. MotorSigns India
2.0	Address & Contact Details of Applicant:	
	Address	No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India.
	Contact Person	Mr. Thomas Cherian, Sole Proprietor
	Telephone No.	+91-9176431673 / 044-24330857
	E-Mail	motorsignsindia@gmail.com
3.0	Name and Address of the Collaborator	No Collaborator, Indigenous
4.0	Manufacturing / Assembly Plant Address	Same as in Sr. No. 1.0 above
5.0	Customer Letter / Application Reference No. & Date	Application Dated: 17.06.2019
6.0	G-HTC Reference No.	GHO000125
7.0	Details of the Component under Type Approval:	
	Nomenclature	High Security Registration Plate (HSRP)
	Colour of the Plate	Black on White Background
8.0	Applicable Notified Standard	CMVR 50 & 51, IS0:7591 – 1982(E)

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI *

GLOBAL AUTOMOTIVE RESEARCH CENTRE GARC * CHENNAI *

Karthikeyan. K
Homologation & Technical Cell
(Prepared By)

V. M. Dhanasekar
Homologation & Technical Cell
(Checked By)

M.V. Ramachandran
Officer on Special Duty - GARC
(Approved By)

File No. TRANS-B2/349/2022-TRANS (Computer No. 2184481)

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TAC No: G K 0 0 4 3 Date: 15.10.2019

9.0	Based on the verification of documents, inspection at the plants and necessary testing was carried out on the prototype samples of Indigenous origin submitted by **M/s MotorSigns India**, (to be manufactured in India by M/s. **MotorSigns India, No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India**). It is certified that the following sizes of the **High Security Registration plate**, comply with the specifications referred in Rule 50, 51 of the Central motor Vehicle Rules 1989 / the motor vehicles (High Security Registration Plates), order 2001 as applicable with effect from 1st January 2004, and vide notification no. S.O.59 (E) dated 21st January 2003 & order 2018 as applicable with effect from 1st April 2019, and vide notification no. S.O.6052 (E) dated 06th December 2018 issued by the ministry of Road Transport & Highways.
10.0	The certificate covers the following sizes of the High Security Registration Plates, to be manufactured in India. Each plate will have to carry a prefix two alphabets "YA", followed by a laser branded Permanent Consecutive Identification Number to be allotted by **M/s. MotorSigns India, No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India.**

Drawings:

HSRP Size (mm)	Drawing No.
Plate Size: 500x120mm	MSI/005/1/LP-2019
Plate Size: 340X200mm	MSI/006/1/LP-2019
Plate Size: 200X100mm	MSI/007/1/LP-2019
Plate Size:285X45mm	MSI/008/1/LP-2019
Third Number Plate (Sticker Type) - 100X60	MSI/016A/1/LP-2019
India Inscription	MSI/012/LP-2019
Snap Lock	MSI/010/LP-2019 & MSI/014/LP-2019
Hologram	MSI/011/LP-2019 & MSI/024/LP-2019

11.0	Further any changes in the documentation submitted for specifications/manufacturing processes & controls/undertakings / declarations or any other relevant documents referred in type approval for the above samples, shall call for re-certification. The responsibility of informing such changes lies with **M/s. MotorSigns India, No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India.**

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI * GARC

Karthikeyan. K	V. M. Dhanasekar	M.V. Ramachandran
Homologation & Technical Cell	Homologation & Technical Cell	Officer on Special Duty - GARC
(Prepared By)	(Checked By)	(Approved By)

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GLOBAL AUTOMOTIVE RESEARCH CENTRE
ENSURING SAFE DRIVE

TAC No: G K 0 0 4 3

Date: 15.10.2019

12.0	Site Audit Report No.	GPOS00138, Dated: 03.10.2019
13.0	Test Report Considered for TAC	GTOS00139, Dated: 14.10.2019
14.0	Next COP would be applicable for individual plant	• Every 15 lakhs samples from 01st Oct 2019 or • Once in two years i.e. 01st Oct 2019 to 31st Sep 2021 whichever is earlier as prescribed vide: MoRTH letter references RT-11028/5/2002 - MVL dated 04.09.2002 and RT-11028/5/2002-MVL dated 20.06.2011 or any further amendment therein. The responsibility of informing production volume along with laser series number without fail, lies with M/s. MotorSigns India.
15.0	Type Approval (Granted / Refused / Extended)	GRANTED

DISCLAIMER

1. GARC issues "Type Approval Certificates" (TAC) for vehicles / engines / assemblies / components / parts etc., based on the documents produced and/or prototype(s) / vehicle(s) submitted by the applicant and testing / plant(s) or site(s) auditing thereof.
2. GARC issues TAC in compliance to Motor Vehicle Act / Central Motor Vehicle Rules and their provisions as amended from time to time or any other statutory orders under which GARC is authorised. Other Rules / Acts are outside the purview / scope of the TAC.
3. Test(s) on prototype(s) is / are carried out on the basis of standard procedures as notified under specific rules. Results of such tests / audits are the property of bearer of TAC. These results cannot be disclosed unless specifically so ordered by Government, Court, etc.
4. The bearer of the TAC is under the obligation to ensure production strictly as per the provisions of the specific TAC.
5. GARC is not responsible for testing / auditing each vehicles / engines / assemblies / components / parts / plants / site etc. for which TAC is issued. Further, GARC is not responsible for ensuring manufacturing quality of the type approved vehicles / engines / assemblies / components / parts etc.
6. GARC is in no way responsible for any misuse or copying of any design / type / system in connection with entire vehicles / engines / assemblies / components / parts etc. covered under the TAC.
7. Breach of any statutory provision of Indian laws or laws of other countries will be sole responsibility of the bearer of the TAC and GARC shall not be liable for any claims or damages, whatsoever. The bearer shall alone be liable for the same, and shall undertake to indemnify GARC in this regard.
8. GARC has the right, but not under obligation to initiate cancellation / withdrawal of the certificate issued, in case of any fraud, misrepresentation, when it surfaces and comes in the knowledge of GARC.

The appropriate local court at Chennai shall have the jurisdiction in respect of any dispute, claim or liability arising out of this certificate / report.

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI * GARC

Karthikeyan. K	V. M. Dhanasekar	M.V. Ramachandran
Homologation & Technical Cell	Homologation & Technical Cell	Officer on Special Duty - GARC
(Prepared By)	(Checked By)	(Approved By)

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GLOBAL AUTOMOTIVE RESEARCH CENTRE
ENSURING SAFE DRIVE

REPORT NO.: G T O S 0 0 1 3 9

Date: 14.10.2019

Annexure-I

General Requirements:

Plate Size	500x120mm 340X200mm 200X100mm 285X45mm
Colour of Plate	Black on White background

Particulars	Reference Standard / Gazette Notification	Specifications	Remarks
Over all dimensions of the plate	GSR 221(E) S.O. 1041(E) CMVR Rule 50	500x120mm 340X200mm 200X100mm 285X45mm	All plates met the requirements
Thickness of the plate	GSR 221(E)	1.0 mm	Satisfactory
Material	GSR 221(E)	Aluminium	Satisfactory as per declaration of manufacturer
Border edges and corners	GSR 221(E)	Border edges and corners of the plate shall be rounded to approx. 10mm. Plate must have embossed border	All plates met the requirements

Letters [GSR 221(E) CMVR Rule No.: 51 (Minimum Dimensions)

	500x120mm	340X200mm	200X100mm	285X45mm	
Height	65mm	65mm	40mm	30mm	All plates met the requirements
Thickness	10mm	10mm	07mm	05mm	
Distance between two letters	10mm	10mm	05mm	05mm	

Letters of the registration Mark	S.O. 814 (E)	Letters of registration mark shall be in English and figures shall be Arabic. The Letters and numerals shall be embossed and hot stamped.	Satisfactory

IND			
"IND" in blue colour on the extreme left centre of the plate. The letter should be one-fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate	GSR 221(E) CMVR Rule 51	One-fourth of the size of letters mentioned in rule no. 51 500x120mm = 16.25mm 340X200mm = 16.25mm 200X100mm = 10mm 285X45mm = 7.5mm	Met the requirements

Karthikeyan.K
Supervisor-Certification Lab
(Prepared by)

S.Nagarajan
Manager-Certification Lab
(Reviewed by)

M.V.Ramachandran
Officer on Special Duty - GARC
(Approved by)

GLOBAL AUTOMOTIVE RESEARCH CENTRE GARC CHENNAI

Page 5 of 12 + 10 Nos. Drawing Sheet + 05 pages of Declarations Attached

This is the true copy of the document marked as Exhibit. P- in the above W.P.(C).

Advocate

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GLOBAL AUTOMOTIVE RESEARCH CENTRE

ENSURING SAFE DRIVE

Non-Transferable

TYPE APPROVAL CERTIFICATE

(COMPLIANCE TO THE CENTRAL MOTOR VEHICLE RULES)

TAC No: G K 0 0 4 4

Date: 15.10.2019

1.0	Name of Applicant	M/s. MotorSigns India
2.0	Address & Contact Details of Applicant:	
	Address	No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035. Tamilnadu, India.
	Contact Person	Mr. Thomas Cherian, Sole Proprietor
	Telephone No.	+91-9176431673 / 044-24330857
	E-Mail	motorsignsindia@gmail.com
3.0	Name and Address of the Collaborator	No Collaborator, Indigenous
4.0	Manufacturing / Assembly Plant Address	Same as in Sr. No. 1.0 above
5.0	Customer Letter / Application Reference No. & Date	Application Dated. 17.06.2019
6.0	G-HTC Reference No.	GHO000126
	Details of the Component under Type Approval:	
7.0	Nomenclature	High Security Registration Plate (HSRP)
	Colour of the Plate	Black on Yellow Background
8.0	Applicable Notified Standard	CMVR 50 & 51 IS0.7591 – 1982(E)

THE HIGH COURT OF KERALA

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI *

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI * GARC

Karthikeyan K
Homologation & Technical Cell
(Prepared By)

V. M. Dhanasekar
Homologation & Technical Cell
(Checked By)

M.V. Ramachandran
Officer on Special Duty - GARC
(Approved By)

Page 1 of 3

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GLOBAL AUTOMOTIVE RESEARCH CENTRE
ENSURING SAFE DRIV

TAC No: G K 0 0 4 4

Date: 15.10.2019

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10.0	The certificate covers the following sizes of the High Security Registration Plates, to be manufactured in India. Each plate will have to carry a prefix two alphabets **"YA"**, followed by a laser branded Permanent Consecutive Identification Number to be allotted by **M/s. MotorSigns India, No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India.** Drawings:

HSRP Size (mm)	Drawing No.
Plate Size: 500x120mm	MSI/005/1/LP-2019
Plate Size: 340X200mm	MSI/006/1/LP-2019
Plate Size: 200X100mm	MSI/007/1/LP-2019
Plate Size:285X45mm	MSI/008/1/LP-2019
Third Number Plate (Sticker Type) - 100X60	MSI/016A/1/LP-2019
India Inscription	MSI/012/LP-2019
Snap Lock	MSI/010/LP-2019 & MSI/014/LP-2019
Hologram	MSI/011/LP-2019 & MSI/024/LP-2019

11.0	Further any changes in the documentation submitted for specifications/manufacturing processes & controls/undertakings / declarations or any other relevant documents referred in type approval for the above samples, shall call for re-certification. The responsibility of informing such changes lies with **M/s. MotorSigns India, No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India.**

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI * GARC

Karthikeyan. K
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M.V. Ramachandran
Officer on Special Duty - GARC
(Approved By)

37 P1(a)3

GLOBAL AUTOMOTIVE RESEARCH CENTRE (GARC)

A Division of NATRiP Implementation Society (NATIS), Under MoHI & PE, Govt. of India
Authorised Test Centre under CMVR 126 by Ministry of Road Transport & Highways, Govt. of India & NABL Accredited

GLOBAL AUTOMOTIVE RESEARCH CENTRE
ENSURING SAFE DRIVE

TAC No G K 0 0 4 4

Date: 15.10.2019

12.0	Site Audit Report No.	GPOS00138, Dated: 03.10.2019
13.0	Test Report Considered for TAC	GTOS00140, Dated: 14.10.2019
14.0	Next COP would be applicable for individual plant	• Every 15 lakhs samples from **01st Oct 2019** or • Once in two years i.e. **01st Oct 2019 to 31st Sep 2021** whichever is earlier as prescribed vide: MoRTH letter references RT-11028/5/2002 - MVL dated 04.09.2002 and RT-11028/5/2002-MVL dated 20.06.2011 or any further amendment therein. The responsibility of informing production volume along with laser series number without fail, lies with M/s. MotorSigns India.
15.0	Type Approval (Granted / Refused / Extended)	GRANTED

DISCLAIMER

1. GARC issues "Type Approval Certificates" (TAC) for vehicles / engines / assemblies / components / parts etc., based on the documents produced and/or prototype(s) / vehicle(s) submitted by the applicant and testing / plant(s) or site(s) auditing thereof.
2. GARC issues TAC in compliance to Motor Vehicle Act / Central Motor Vehicle Rules and their provisions as amended from time to time or any other statutory orders under which GARC is authorised. Other Rules / Acts are outside the purview / scope of the TAC.
3. Test(s) on prototype(s) is / are carried out on the basis of standard procedures as notified under specific rules. Results of such tests / audits are the property of bearer of TAC. These results cannot be disclosed unless specifically so ordered by Government, Court, etc.
4. The bearer of the TAC is under the obligation to ensure production strictly as per the provisions of the specific TAC.
5. GARC is not responsible for testing / auditing each vehicles / engines / assemblies / components / parts / plants / site etc. for which TAC is issued. Further, GARC is not responsible for ensuring manufacturing quality of the type approved vehicles / engines / assemblies / components / parts etc.
6. GARC is in no way responsible for any misuse or copying of any design / type / system in connection with entire vehicles / engines / assemblies / components / parts etc. covered under the TAC.
7. Breach of any statutory provision of Indian laws or laws of other countries will be sole responsibility of the bearer of the TAC and GARC shall not be liable for any claims or damages, whatsoever. The bearer shall alone be liable for the same, and shall undertake to indemnify GARC in this regard.
8. GARC has the right, but not under obligation to initiate cancellation / withdrawal of the certificate issued, in case of any fraud, misrepresentation when it surfaces and comes in the knowledge of GARC.

The appropriate local court at Chennai shall have the jurisdiction in respect of any dispute, claim or liability arising out of this certificate / report.

GLOBAL AUTOMOTIVE RESEARCH CENTRE GARC CHENNAI

Karthikeyan. K
Homologation & Technical Cell
(Prepared By)

V. M. Dhanasekar
Homologation & Technical Cell
(Checked By)

M.V. Ramachandran
Officer on Special Duty - GARC
(Approved By)

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GLOBAL AUTOMOTIVE RESEARCH CENTRE (GARC)

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Authorised Test Centre under CMVR 126 by Ministry of Road Transport & Highways, Govt. of India & NABL Accredited

GLOBAL AUTOMOTIVE RESEARCH CENTRE
ENSURING SAFE DRIVE

REPORT NO.: G T O S 0 0 1 4 0 Date: 14.10.2019

Annexure-I

General Requirements:

Plate Size:	500x120mm 340X200mm 200X100mm 285X45mm
Colour of Plate	Black on Yellow background

Particulars	Reference Standard / Gazette Notification	Specifications	Remarks
Over all dimensions of the plate	GSR 221(E) S.O. 1041(E) CMVR Rule 50	500x120mm 340X200mm 200X100mm 285X45mm	All plates met the requirements
Thickness of the plate	GSR 221(E)	1.0 mm	Satisfactory.
Material	GSR 221(E)	Aluminium	Satisfactory as per declaration of manufacturer
Border edges and corners	GSR 221(E)	Border edges and corners of the plate shall be rounded to approx. 10mm Plate must have embossed border	All plates met the requirements

Letters [GSR 221(E) CMVR Rule No.: 51 (Minimum Dimensions)					
	500x120mm	340X200mm	200X100mm	285X45mm	All plates met the requirements
Height	65mm	65mm	40mm	30mm	
Thickness	10mm	10mm	07mm	05mm	
Distance between two letters	10mm	10mm	05mm	05mm	

Letters of the registration Mark	S.O. 814 (E)	Letters of registration mark shall be in English and figures shall be Arabic. The Letters and numerals shall be embossed and hot stamped.	Satisfactory
IND			
"IND" in blue colour on the extreme left centre of the plate. The letter should be one-fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate	GSR 221(E) CMVR Rule 51	One-fourth of the size of letters mentioned in rule no. 51 500x120mm = 16.25mm 340X200mm = 16.25mm 200X100mm = 10mm 285X45mm = 7.5mm	Met the requirements

Karthikeyan.K
Supervisor-Certification Lab
(Prepared by)

S.Nagarajan
Manager-Certification Lab
(Reviewed by)

GLOBAL AUTOMOTIVE RESEARCH CENTRE GARC CHENNAI

M.V.Ramachandran
Officer on Special Duty - GARC
(Approved by)

Page 5 of 12 + 10 Nos. Drawing Sheet + 05 pages of Declarations Attached

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Ext P2

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 4th December, 2018

G.S.R. 1162(E).—Whereas, the draft of certain rules further to amend the Central Motor Vehicles Rules, 1989 were published, as required by sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), *vide* notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 365(E), dated the 10th April, 2018, in the Gazette of India, Extraordinary, Part II, Section (3), Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Official Gazette containing the draft rules were made available to the public;

And whereas, copies of the said Gazette notification were made available to the public on the 10th April, 2018;

And whereas, the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. **Short title and commencement:-**

(1) These rules may be called the Central Motor Vehicles (Sixteenth Amendment) Rules, 2018.

(2) They shall come into force w.e.f 1st April, 2019.

2. In the Central Motor Vehicles Rules, 1989 (hereinafter referred to as the said rules), in rule 50, in sub-rule (1),-

(i) for the first proviso, the following provisos shall be substituted, namely:-

"Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicles manufactured on or after the 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

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Provided further that the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles after placing the registration mark of registration thereon";

(ii) in the second proviso, for the word "further", the word "also" shall be substituted.

3. In the said rules, in rule 124, in sub-rule (4), in the TABLE after serial number. 21, and the entries relating thereto, the following serial number shall be inserted, namely: –

"22	High Security Registration Plate	Rule 50	1st April, 2019".

[No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification number G.S.R. 590(E), dated the 2nd June, 1989 and last amended *vide* notification number G.S.R. 1151 (E), dated the 29th November, 2018.

THE HIGH COURT OF KERALA
सत्यमेव जयते

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ALOK KUMAR
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Advocate

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Ext. P3

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10

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 6th December, 2018

S.O. 6052(E).—Whereas, the Central Government is of the opinion that it is necessary and expedient in the public interest to notify that the process used by a manufacturer in regard to a high security registration plate for a motor vehicle shall conform to certain standards with reference to the Central Motor Vehicles Rule, 1989;

Now, therefore, in exercise of the power conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the Motor Vehicles (New High Security Registration Plates) Order, 2001, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following order to specify such standards, namely:—

ORDER

1. Short title and commencement:-

(1) This Order may be called as the Motor Vehicles (High Security Registration Plates) Order, 2018.

(2) It shall come into force on the 1st day of April, 2019.

3. Application. —This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.

(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely: —

(i) The high security registration plates shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

(ii) The Registration Plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989.

(iii) The Registration Plate shall be guaranteed for imperishable nature for a period mentioned in rule 50 of the Central Motor Vehicles Rules, 1989 and in case of damage or withering due to natural usage before such period, it shall be replaced by the motor vehicles manufacturer or their dealers in respect of vehicles mentioned under para 4 above, or the licence plate manufacturer or suppliers or their dealers, as the case may be, in other cases.

(iv) The replacement for any existing registration plate may be made by the motor vehicles dealers or the authorised high security registration plate manufacturer or supplier, only after ensuring that the old plate has been surrendered and destroyed.

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(v) (a) To protect against counterfeiting, a chromium-based hologram of the size 20 mm x 20 mm shall be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates.

(b) The hologram shall contain CHAKRA in blue colour as specified in the Annexure appended to this Order.

(vi) The permanent identification number of minimum 10 digits shall be laser branded into the reflective sheeting on the bottom left-hand side of the registration plate with the letter size being 5 mm:

Provided that the permanent consecutive identification number shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate shall be issued by the test agencies:

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) and (4) of the said Table as under:—

Table

Sl. No.	Name of Test Agency	First Alphabet	Second Alphabet
(1)	(2)	(3)	(4)
1.	Automotive Research Association of India, Pune	A to H	A to Z
2.	Central Road Research Institute, New Delhi	I to P	A to Z
3.	Vehicles Research Development Establishment, Ahmednagar	Q to S	A to Z
4.	International Centre for Automotive Technology, Manesar	T to V	A to Z
5.	Central Institute of Road Transport, Pune	X	A to Z
6.	Global Automotive Research Centre, Chennai	Y	A to Z:

Provided also that the height of the digits shall be 5mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.

(vii) (a) The hot stamping film to be applied on the letters or numerals of the licence number shall bear the inscription "INDIA".

(b) The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees' inclination with sequential lines being the mirror image of the other.

(viii) (A) The third registration plate in the form of a self-destructive type chromium based hologram sticker shall be of the size of 100 mm x 60 mm is to be affixed on the inner side of left hand corner of windshield of the vehicle.

(B) The sticker shall be required to be a diffraction foil film with high reflective index and shall have the chromium based hologram embedded.

(C) The details on the sticker shall be-

(a) Name of registering authority;

(b) registration number of the vehicle;

(c) laser branded permanent identification number; and

(d) Date of first registration of the vehicle.

(D) On the bottom of the right corner of the sticker, the chromium based hologram of size of 10 mm x10 mm shall be embedded and in the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height.

(E) The laser branded permanent identification number shall come in the bottom left side of the sticker with numeral size being 2.5mm.

(F) A depiction of the sticker shall be as specified in the Annexure appended to this Order.

(ix) (a) The background colour for the self-destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles.

(b) For all other vehicles, the background shall be of grey colour.

(x) A proper record of the registration plates issued should be maintained on a daily basis by manufacturer of motor vehicle or dealer.

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(xi) The unique high security registration plate shall be linked electronically to the vehicle after its affixture on the vehicle on registration.

(xii) The complete record of all the security features in their possession shall be maintained by manufacturer of motor vehicle or dealer which may be audited by the concerned testing agencies from time to time.

(xiii) The manufacturer of a motor vehicle shall exercise complete control over all the security features in their possession and shall be responsible for the use of any of the security feature on registration plate in the open market either by themselves or by any other person on their behalf.

(xiv) The manufacturer of a motor vehicle shall not be authorized to sell incomplete plates or the security features separately to anyone:

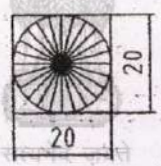
Provided that they shall be authorised to replace the third number plate in form of the self-destructive tape sticker for the already registered vehicles as the case may be as per specification specified in sub-para (ix).

(xv) The type approval certificate issued shall be liable for suspension or cancellation by the concerned testing agency for failure to comply with these provisions.

THE HIGH COURT OF KERALA

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



ALL DIMENSIONS ARE IN MM

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

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Advocate

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Ext. P4

THE HIGH COURT OF KERALA

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 11th February, 2020

G.S.R. 104(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989 were published as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways *vide* number G.S.R. 512 (E), dated the 18th day of July, 2019, in the Gazette of India, Extraordinary, Part II, Section (3), Sub-section (i), inviting objections and suggestions from all persons likely to be affected

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thereby before the expiry of the period of thirty days from the date of which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said Gazette notification were made available to the public on the 18th July, 2019;

And whereas, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. **Short title and commencement**. -(1) These rules may be called as the Central Motor Vehicles (Second Amendment) Rules, 2019.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In the Central Motor Vehicles Rules, 1989 (herein after referred as the said rules); in rule 50, in sub-rule 1,-

(a) in clause (i), for the words and figurers "DIN 1745/DIN 1783 or ISO 7591" the following words, figures and brackets "AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO:7591" shall be substituted;

(b) in clause (iii) for the word "seven" the word "ten" shall be substituted;

(c) in clause (iv),-

(i) for the words "registering authorities/approved dealers of the licence plates manufacturers", the following words "registering authority/vehicle manufacturer and their dealers" shall be substituted;

(ii) for the words "licence plate manufactured or his dealers" the following words "registering authority/vehicles manufacturer and their dealers: shall be substituted;

(d) for clause (v), the following clause shall be substituted, namely: -

"(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule"

(e) in clause (vi),-

(i) for the words and figures and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340 x 200 mm" the following words, figure and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340x200 mm/500 x 120 mm" shall be substituted;

(ii) after the fifth proviso the following proviso shall be inserted namely, -

"Provided also that in case of Construction Equipment Vehicles, the size of plate shall be 500x120 mm or 340x200 mm or 200x100mm or 285x45mm, depending on the equipment size and availability of space.".

3. In the said rules, in rule 50, in sub-rule (2), in clause (d), after the sub-clause (A), following sub- clause shall be inserted, namely. -

"(AB) in case of motor cab under rent a cab scheme, 1989 or motor cycle (L1 and L2 category two wheeler) under rent a motor cycle scheme 1997, in yellow colour on black background, however in case of battery operated or electrically powered motor cab under rent a cab scheme 1989 or motor cycle under rent a motor cycle scheme 1997, in black colour on green background; and".

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4. In the said rules, in rule 50, in sub-rule (3) for first proviso, the following proviso shall be substituted, namely. -

"Provided that the registration mark in the front may be in one line, in case, in 200mm x 100mm size plate, there is no sufficient place to exhibit the registration mark in one line, the registration mark may be exhibited in two lines:".

5. In the said rules, in rule 51, -

(a) after the opening paragraph, the following heading shall be inserted, namely: -

"Table";

(b) below the heading Table as so inserted, against the row relating to Serial number (S.No.), for the entry "Dimensions not less than" the following entry shall be substituted "Dimensions (in mm) not less than ;

(c) in the Table, after S.No.11 and entries relating thereto, the following S.No. and entries shall be inserted, namely: -

"12	Construction Equipment Vehicles	Front and rear letters and numerals.- a) With plate size 500x120 mm or 340x200 mm	65	10	10
		b) With plate size 200x100 mm	35	7	5
		c) With plate size 285x45 mm	30	5	5"

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i),*vide* notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended *vide* notification number G.S.R 37 (E) dated 17th January, 2020.

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Ext. P6

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Kerala MVD on Facebook

കേരള മോട്ടോർ വാഹന വകുപ്പ്

Together we can save millions of lives.

വാഹനങ്ങളുടെ നിറമാനുസൃത അളവിലുള്ള രജി. നമ്പർ ബോർഡുകൾ (അളവുകൾ മി.മീറ്ററിൽ)

കേന്ദ്ര മോട്ടോർ വാഹന നിയമത്തിലെ 50,51 ചട്ടങ്ങൾ പ്രകാരം വാഹനങ്ങളുടെ രജിസ്ട്രേഷൻ നമ്പർ പ്രദർശിപ്പിക്കുന്ന വിധം

	നമ്പർ പ്ലേറ്റിന്റെ വലിപ്പം (മി.മീ.)	അക്കങ്ങളുടേയും അക്ഷരങ്ങളുടേയും അളവുകൾ			
			ഉയരം	ഘനം	തമ്മിലുള്ള അകലം
ഇരുചക്രവാഹനങ്ങൾ		പിൻവശം (അക്കങ്ങൾ)	35	7	5
		പിൻവശം (അക്ഷരങ്ങൾ)	40	7	5
		മുൻവശം (അക്കവും അക്ഷരങ്ങളും)	30	5	5
മൂന്നുചക്ര വാഹനങ്ങൾ	200 x 100	മുൻ,പിൻ (അക്കവും അക്ഷരങ്ങളും)	35	7	5
ലൈറ്റ് വാഹനങ്ങളും സ്വകാര്യ കാറുകളും	500 x 120 അല്ലെങ്കിൽ 340 x 200	മുൻ,പിൻ (അക്കവും അക്ഷരങ്ങളും)	65	10	10
മീഡിയം ഹെവി വാഹനങ്ങൾ	340 x 200	മുൻ,പിൻ (അക്കവും അക്ഷരങ്ങളും)	65	10	10

- ട്രാൻസ്പോർട്ട് വാഹനങ്ങളുടെ നമ്പർ കറുത്ത നിറത്തിൽ മഞ്ഞ പ്രതലത്തിലും സ്വകാര്യ വാഹനങ്ങളുടേത് കറുത്ത നിറത്തിൽ വെളുത്ത പ്രതലത്തിലും ആയിരിക്കണം എഴുതേണ്ടത്.
- ട്രാൻസ്പോർട്ട് വാഹനങ്ങളുടെ പിൻവശത്തെ നമ്പർ വലതുവശത്തുനിന്നും ഒരു മീറ്റർ ഉയരത്തിൽ പ്രദർശിപ്പിക്കണം. ഇത്തരം വാഹനങ്ങളുടെ ഇരുവശത്തും അകത്തും നമ്പർ വ്യക്തമായി എഴുതിയിരിക്കണം.
- രജിസ്ട്രേഷൻ നമ്പരിലുള്ള അക്ഷരങ്ങൾ ഇംഗ്ലീഷിലും അക്കങ്ങൾ അറബിക്കിലും ആയിരിക്കണം.
- രജിസ്ട്രേഷൻ നമ്പർ രണ്ടുവരിയായ് വേണം എഴുതുവാൻ. സംസ്ഥാനകോഡും (ഉദാ: KL) രജിസ്റ്ററിംഗ് അതോറിറ്റി കോഡും (ഉദാ:42) ആദ്യവരിയിലും ബാക്കി രണ്ടാമത്തെ വരിയിലും എഴുതണം. അതേസമയം മുൻവശത്തെ നമ്പർ ഒരുവരിയിൽ എഴുതിയാലും മതിയാകും. (ഇരുചക്ര – മൂന്നുചക്രവാഹനങ്ങൾക്ക് 200 x 100 മി.മീ. മറ്റു വാഹനങ്ങൾക്ക് 500 x 120 മി.മീറ്റർ വലുപ്പത്തിൽ).
- രജിസ്റ്ററിംഗ് അതോറിറ്റി കോഡ് രണ്ടക്കത്തിൽ വേണം എഴുതുവാൻ (ഉദാ: 01,02,03 എന്നിങ്ങനെ)
- നമ്പർപ്ലേറ്റിലെ അക്ഷരങ്ങളും അക്കങ്ങളും 'Bold Font' ൽ വേണം എഴുതുവാൻ, നമ്പർ പ്ലേറ്റിൽ മറ്റൊരു ചിത്രമോ എംബ്ലമോ പ്രദർശിപ്പിക്കുവാൻ പാടുള്ളതല്ല.



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HIGH COURT OF KERALA
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P6/3

MVD Kerala

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അതി സുരക്ഷാ റജിസ്ട്രേഷൻ പ്ലേറ്റ് (High Security Registration Plate - HSRP) പ്രത്യേകതകൾ :
01/04/2019 മുതൽ നിർമ്മിക്കപ്പെട്ട വാഹനങ്ങൾക്ക് രാജ്യത്താകമാനം അതി സുരക്ഷാ നമ്പർ പ്ലേറ്റ് നിർബന്ധമാക്കി കേന്ദ്ര ഗവ: ഉത്തരവായി.

- HSRP യും 3rd റജിസ്ട്രേഷൻ മാർക്കും വാഹന നിർമ്മാതാക്കൾ നിയോഗിച്ച ഡീലർമാർ ഘടിപ്പിച്ച് നൽകും.
- പ്ലേറ്റ് ഘടിപ്പിച്ച് ആ ഡാറ്റ വാഹൻ സോഫ്റ്റ് വെയറിൽ അപ് ഡേറ്റ് ചെയ്താൽ മാത്രമേ RT ഓഫീസിൽ RC പ്രിൻറ് ചെയ്യാൻ സാധിക്കുകയുള്ളൂ.
- ഇത്തരം പ്ലേറ്റുകളുടെ വിലയും ഫിറ്റിംഗ് ചാർജും വാഹന വിലയിൽ ഉൾപ്പെടുത്തുകയല്ലാതെ പ്രത്യേക വില ഈടാക്കില്ല.
- പ്ലേറ്റ് 1 mm കനമുള്ള അലുമിനിയം ഷീറ്റ് കൊണ്ടുണ്ടാക്കിയതും ടെസ്റ്റിംഗ് ഏജൻസി ടെസ്റ്റ് ചെയ്ത് പാസായതും AIS:159:2019 പ്രകാരം നിർമ്മിച്ചവയും ആണ്.
- പ്ലേറ്റിൻറെ 4 അരികുകളും മൂലകളും റൗണ്ട് ചെയ്തിട്ടുണ്ട്. കൂടാതെ embossed ബോർഡറും ഉണ്ട്.
- വ്യാജ പ്ലേറ്റുകൾ ഉണ്ടാക്കുന്നത് തടയാനായി 20 x 20 mm സൈസിലുള്ള ഒരു ക്രോമിയം ബേസ്ഡ് ഹോളോഗ്രാം പ്ലേറ്റിൻറെ മുകളിൽ ഇടത് ഭാഗത്തായി ഹോട്ട് സ്റ്റാമ്പ് ചെയ്തിട്ടുണ്ട്.
- ഹോളോഗ്രാമിൽ നീല നിറത്തിൽ അശോക ചക്രം ഉണ്ട്.
- പ്ലേറ്റുകൾക്ക് മിനിമം 5 വർഷത്തിനിടയിൽ നശിച്ച് പോവാതിരിക്കാനുള്ള ഗ്യാരണ്ടി ഉണ്ട്.
- ഇടത് ഭാഗം താഴെ 10 അക്ക ലേസർ ബ്രാൻറ് ഐഡൻറിഫിക്കേഷൻ നമ്പർ ഉണ്ട്.
- വാഹന നമ്പറിൻറെയും അക്ഷരങ്ങളുടെയും മുകളിൽ INDIA എന്ന് 45° ചരിച്ച് എഴുതിയ ഹോട്ട് സ്റ്റാമ്പിംഗ് ഫിലിം ഉണ്ട്.
- പ്ലേറ്റിൽ ഇടത് ഭാഗത്ത് നടുവിലായി IND എന്ന് നീല കളറിൽ ഹോട്ട് സ്റ്റാമ്പ് ചെയ്തിട്ടുണ്ട്.
- ഈ പ്ലേറ്റുകൾ ഊരിമാറ്റാനാവാത്ത വിധവും / ഊരിമാറ്റിയാൽ പിന്നീട് ഉപയോഗിക്കാനാവാത്ത വിധവും സ്നാപ് ലോക്കിംഗ് സിസ്റ്റം ഉപയോഗിച്ചാണ് ഘടിപ്പിക്കുക. തേർഡ് റജിസ്ട്രേഷൻ പ്ലേറ്റ് (ഗ്ലാസിൽ ഒട്ടിക്കാനുള്ളത്) :
- ക്രോമിയം ബേസ്ഡ് ഹോളോഗ്രാം സ്റ്റിക്കർ രൂപത്തിലുള്ള 100 x 60 mm വലുപ്പത്തിലുള്ളതും ഇളക്കി മാറ്റാൻ ശ്രമിച്ചാൽ നശിച്ച് പോവുന്നതാണ് ഇവ.
- മുൻപിലെ വിൻഡ് ഷീൽഡ് ഗ്ലാസിൻറെ ഉള്ളിൽ ഇടത് മൂലയിൽ ഒട്ടിക്കണം.
- റജിസ്റ്ററിംഗ് അതോറിറ്റിയുടെ പേര്, വാഹന നമ്പർ, ലേസർ നമ്പർ , വാഹന റജിസ്ട്രേഷൻ തീയ്യതി എന്നിവയാണിതിൽ ഉള്ളത്.
- താഴെ വലത് മൂലയിൽ 10 x 10 mm വലുപ്പത്തിൽ ക്രോമിയം ബേസ്ഡ് ഹോളോഗ്രാം ഉണ്ട്.
- സ്റ്റിക്കർ കളർ : ഡീസൽ വാഹനം - ഓറഞ്ച് , പെട്രോൾ / CNG വാഹനം - ഇളം നീല , മറ്റുള്ളവ - ഗ്രേ കളർ

⊘മേൽപ്പറഞ്ഞ രീതിയിലല്ലാതെ നമ്പർ പ്ലേറ്റ് ഘടിപ്പിച്ച് വാഹനം ഓടിച്ചാൽ 2000 രൂപ മുതൽ 5000 വരെ പിഴ അടക്കേണ്ടി വരും⊘

#mvdkerala #HSRP #informative

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English Translation from Facebook

High Security Registration Plate (High Security Registration Plate - HSRP):
Central Government has ordered to make high security number plates mandatory for vehicles manufactured from 01/04/2019

- HSRP and 3rd registration marks will be attached by dealers appointed by vehicle manufacturers.
- RC can be printed in RT office only if the data is attached to the plate and updated in that data vehicle software.
- No special price will be charged unless the price of such plates and fitting charges are included in the vehicle price.
- The plate is made of 1mm thick aluminum sheet, tested and passed by the testing agency and manufactured according to AIS:159:2019
- The 4 edges and corners of the plate are rounded. And there is an embossed border.
- A 20 x 20 mm chromium based hologram plate is hot stamped on the top left to prevent the creation of fake plates.
- The hologram has the Ashoka chakra in blue.
- Plates are guaranteed not to spoil for at least 5 years.
- There is a 10 digit laser brand identification number in the bottom left section.
- There is a hot stamping film written INDIA by 45° on the vehicle number and letters.
- In the middle left side of the plate, IND is hot stamped in blue.
- These plates will be attached using snap locking system in a way that can't be removed / can't be used later when removed.

Third registration plate (to be pasted on glass):

- Chromium based hologram sticker shape 100 x 60 mm size and will be destroyed if you try to remove them.
- The front windshield should be pasted in the left corner of the glass.
- Name of Registration Authority, Vehicle Number, Laser Number. This contains the vehicle registration date.
- Bottom right corner has a chromium based hologram in size 10 x 10 mm.
- Sticker Color: Diesel Vehicle - Orange, Petrol/CNG Vehicle - Light Blue, Others - Gray Color

If you drive a vehicle with a number plate attached other than the above method, you will have to pay a fine of Rs. 2000 to Rs. 5000
#mvdkerala #HSRP #informative

Hide Translation

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Advocate

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Ext P7

F.No. RT-11036/56/2019-MVL
Government of India
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated: 01 Sept, 2021

To

The Principal Secretaries/ Secretaries, Departments of Transport,
Transport Commissioners of All States/UTs.

Subject: Implementation of provisions of High Security Registration Plates for Older Vehicles.

Sir/Madam,

It has been brought the notice of the Ministry that the Motor Vehicle Owners are facing problems in getting High Security Registration Plates; heavy charges are levied for getting HSRP with advance payments and poor quality of service.

2. In this connection, the provisions with regard to fitment of HSRP on new and older vehicles are as under:-

A. For the better implementation of scheme of High Security Registration Plates (HSRP), this Ministry has issued the following notifications:-

i. GSR 1162(E) dated 04.12.2018 regarding amendment in Rule 50 and Rule 124 of Central Motor Vehicles Rules, 1989.

ii. SO 6052(E) dated 06.12.2018 regarding Motor Vehicles (High Security Registration Plates) Order, 2018

As per the above mentioned notifications, it has been mandated that, on or after 1st April, 2019, the type approved HSRP, including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobile.

B. Further, Rule 5 of HSRP, Order, 2018 has made provisions for affixation of HSRP on existing vehicles as under:-

i. The HSRP, including the third registration mark, may be supplied and affixed by the dealers of vehicle manufacturers after placing the mark of registration thereon.

ii. The manufacturers or suppliers of HSRP, if so authorised by the State concerned, may also supply the HSRP including the third registration mark on old vehicles.

C. The issue was also discussed in a meeting held on 24.09.2019, wherein it was clarified that:-

"As per the amendments in the rules, issued through notification dated 04.12.2018 and the detailed procedure issued through the HSRP Order, 2018 on 06.12.2018, the

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responsibility of procuring and supplying is with OEMs only. Their dealers can have them affixed. ***For the older vehicles if so directed by the State Government, it was discussed and clarified that the dealers of the particular OEM can supply for their brand as the spirit of the amendment is that the OEM shall be responsible for the security features of the HSRP****. When they supply to different brand not being owned, then control of security features is lost. "*

The above said Minutes were also forwarded to all the States/UTs for compliance.

D. This Ministry has received grievances that the vehicle owners are facing problem with regards to issuance of new HSRP in case of damage/breakage of HSRP. The issue was examined in the Ministry and this Ministry, vide advisory dated 21.10.2020, had issued the procedure for replacement of damaged HSRP to all the States/UTs.

E. Implementation of provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 comes under the purview of Transport Authorities of States/UTs. Therefore, it is for the States/UTs to select any of the type approved vendors to carry out the work of affixation of HSRP on older motor vehicles in the respective State/UT.

F. Further, this Ministry has issued GSR 104 (E) dated 11th Feb, 2020 regarding specification of HSRP, vide which Rule 50 of Central Motor Vehicles Rules, 1989 has been amended and clause (v) of Rule 50 (1) has been substituted as under:-

"(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and ***for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers.*** *The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule"*

3. In view of the above mentioned provisions, it is requested to implement the provisions of High Security Registration Plates in letter and spirit, and to make the process of fitment of HSRP vehicle owner friendly and easy accessible, as well as avoiding any monopolistic situation.

Yours faithfully

(Dr. Piyush Jain)
Director (MVL)
Ph.:- 011-23714974
Email:- director-morth@gov.in

Copy to: Society of Indian Automobile Manufacturers, Core 4-B, 5th Floor, India Habitat Centre, Lodhi Road, New Delhi-110003.

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Advocate

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Ext-P8

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GOVERNMENT OF KERALA
Transport(B) Department

No. B2/125/2019/Trans. Dated, Thiruvanathapuram, 09.05.2019.

THE HIGH COURT OF KERALA

CIRCULAR

Sub:- Trans - Installation of High Security Number Plates in Government Vehicles – reg.

Ref:- 1. SO. 6052(E) dated 06/12/2018 issued by Ministry of Road Transport and Highways.
2. Minutes of the meeting convened by Hon'ble Minister (Transport) on 22/03/2019.

*****

The Ministry of Road Transport and Highways (MoRTH) have made the High Security Number Plates (HSRP) mandatory throughout the Country as per the notification read as 1st paper above. Subsequently the State Government have entrusted all authorized dealers of vehicle manufacturers to install the High Security Number Plates supplied by the Vehicle manufacturers. As per the Central Government notification, the existing vehicles also to be installed with HSRP.

In this circumstances, the Government of Kerala hereby direct all Departments to implement the scheme by installing High Security Number Plates on their vehicles including third registration mark supplied

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and affixed by the dealers of vehicle manufacturers as per the guidelines issued by MoRTH.

K.R. JYOTHILAL,
PRINCIPAL SECRETARY TO GOVERNMENT

To

All Departments

THE HIGH COURT OF KERALA
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Ext-P9

MotorSigns India
810, Anna Salai, Nandanam, Chennai - 600 035.
Mob +91-76959 39249 +91 73585 27677
Tel 044 - 24330857 E-mail motorsign@gmail.com

HIGH SECURITY REGISTRATION PLAT

MADE IN INDIA
TN 01 AA 1234
WITH PRIDE

18 Feb 2020

The Transport Commissioner
2nd Floor, Trans Tower
Vazhuthacaud, Thycaud PO
Thiruvananthapuram 695014

Re: High Security Registration Plates (HSRP) for Motor Vehicles
Supply the high security registration plate including the third registration mark on old vehicles in terms of Para.5 (ii) of S.O.6052(E) dated 06 December 2018 of the Ministry of Road Transport and Highways Notification.

Madam Commissioner,

Greetings

THE HIGH COURT OF KERALA

MotorSigns India has been awarded a TYPE APPROVAL FOR HIGH SECURITY REGISTRATION PLATES (HSRP) on samples made Indigenously without a foreign Collaborator. – 15TH Oct 2019

An earlier Type Approval Certificate dated 02 June 2003 was issued in the name of Signs India founded by the undersigned in 1983 also on samples made Indigenously without a foreign Collaborator

A combined experience of 35 Years in Business of Manufacturing and sale of Reflective Embossed License plates (similar to HSRP but WITHOUT SECURITY FEATURES) to Motor Vehicle Dealers of OEM's (as stipulated currently by the GOI) and State Transport Undertakings in Tamil Nadu is our Hall Mark.

In terms of Lr. No RT 11028/01/2018-MVL dated 01 July 2019 on the subject of Compliance to Central Motor Vehicle Rules 1989 for High Security Registration Plates, the HSRP is to be provided the OEM's for New Vehicles W.E.F. 01 April 2019 and further that the dealers may be authorised by the Motor Vehicles Department (of States) to affix such plates on Old(Existing) Vehicles. (Copy Attached)

In terms of Para.5 (ii) of S.O.6052(E) dated 06 December 2018 of the Ministry of Road Transport and Highways Notification, it is stipulated that the Manufacturers or Suppliers of High Security registration Plates **if so authorised by the state concerned,** may also supply the high security registration plate including the third registration mark on old vehicles after placing the Registration Mark.

MotorSigns India is in a position to cater to the needs of the State of Kerala with reference to Manufacture, supply and Fitment of HSRP on the existing old Motor Vehicles in Kerala.

57 A9/2

MotorSigns India has the potential to create over One Hundred Direct and Indirect employment opportunities in the State of Kerala, most of whom will be women

At ***MotorSigns India***, Quality and durability is guaranteed to be **BEST IN CLASS**. When it comes to COMPLIANCE OF HSRP standards and specifications, **WE HAVE NO EQUALS**

We submit this request to authorize us in terms of Para.5 (ii) of S.O.6052(E) dated 06 December 2018 of the Ministry of Road Transport and Highways Notification, to Supply the High Security Registration Plate-HSRP including the third registration mark on old vehicles registered in the State of Kerala.

Within 45 days of such authorization, we will establish a network of Offices and Fitment centers throughout the state of Kerala .

We request we be given an opportunity to serve state of Kerala and assure you of world class standards.

We shall make ourselves available for any further information or clarifications you desire.

Sincerely

THE HIGH COURT OF KERALA
सत्यमेव जयते

Thomas Cherian
MotorSigns India
810 Anna Salai, Nandanam
Chennai 600035
Mob: +91 76959 39249 , + 91 73585 27677
Email: motorsign@gmail.com

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GLOBAL AUTOMOTIVE RESEARCH CENTRE (GARC)

A Division of NATRiP Implementation Society (NATIS), Under MoHI & PE, Govt. of India
Authorised Test Centre under CMVR 126 by Ministry of Road Transport & Highways, Govt. of India & NABL Accredited

58 89/3

TYPE APPROVAL CERTIFICATE

(COMPLIANCE TO THE CENTRAL MOTOR VEHICLE RULES)

TAC No: GK0043 Date: 15.10.2019

1.0	Name of Applicant	M/s. MotorSigns India
2.0	Address & Contact Details of Applicant:	
	Address	No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India.
	Contact Person	Mr. Thomas Cherian, Sole Proprietor
	Telephone No.	+91-9176431673 / 044-24330857
	E-Mail	motorsignsindia@gmail.com
3.0	Name and Address of the Collaborator	No Collaborator, Indigenous
4.0	Manufacturing / Assembly Plant Address	Same as in Sr. No. 1.0 above
5.0	Customer Letter / Application Reference No. & Date	Application Dated: 17.06.2019
6.0	G-HTC Reference No.	GHO000125
7.0	Details of the Component under Type Approval:	
	Nomenclature	High Security Registration Plate (HSRP)
	Colour of the Plate	Black on White Background
8.0	Applicable Notified Standard	CMVR 50 & 51, IS0:7591 – 1982(E)

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI * GK0043

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI * GARC

Karthikeyan. K
Homologation & Technical Cell
(Prepared By)

V. M. Dhanasekar
Homologation & Technical Cell
(Checked By)

M.V. Ramachandran
Officer on Special Duty - GARC
(Approved By)

Plot E1, SIPCOT Industrial Growth Centre, Oragadam, Mathur Post, Sriperumbudur Taluk, Kancheepuram Dist. - 602105, Tamil Nadu, India.
Ph: +91-44-27163500 E-mail: garcity@garc.co.in Web: www.garc.co.in

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Authorised Test Centre under CMVR 126 by Ministry of Road Transport & Highways, Govt. of India & NABL Accredited

59 A914

TAC No: GK 0 0 4 3 Date: 15.10.2019

9.0	Based on the verification of documents, inspection at the plants and necessary testing was carried out on the prototype samples of Indigenous origin submitted by M/s MotorSigns India, (to be manufactured in India by **M/s. MotorSigns India, No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India**). It is certified that the following sizes of the High Security Registration plate, comply with the specifications referred in Rule 50, 51 of the Central motor Vehicle Rules 1989 / the motor vehicles (High Security Registration Plates), order 2001 as applicable with effect from 1st January 2004, and vide notification no S.O.59 (E) dated 21st January 2003 & order 2018 as applicable with effect from 1st April 2019, and vide notification no: S.O.6052 (E) dated 06th December 2018 issued by the ministry of Road Transport & Highways.
10.0	The certificate covers the following sizes of the High Security Registration Plates, to be manufactured in India. Each plate will have to carry a prefix two alphabets "YA", followed by a laser branded Permanent Consecutive Identification Number to be allotted by **M/s. MotorSigns India, No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India.** Drawings:

HSRP Size (mm)	Drawing No.
Plate Size: 500x120mm	MSI/005/1/LP-2019
Plate Size: 340X200mm	MSI/006/1/LP-2019
Plate Size: 200X100mm	MSI/007/1/LP-2019
Plate Size:285X45mm	MSI/008/1/LP-2019
Third Number Plate (Sticker Type) - 100X60	MSI/016A/1/LP-2019
India Inscription	MSI/012/LP-2019
Snap Lock	MSI/010/LP-2019 & MSI/014/LP-2019
Hologram	MSI/011/LP-2019 & MSI/024/LP-2019

11.0	Further any changes in the documentation submitted for specifications/manufacturing processes & controls/undertakings / declarations or any other relevant documents referred in type approval for the above samples, shall call for re-certification. The responsibility of informing such changes lies with **M/s. MotorSigns India, No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India.**

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI * GARC

Karthikeyan. K
Homologation & Technical Cell
(Prepared By)

V. M. Dhanasekar
Homologation & Technical Cell
(Checked By)

M.V. Ramachandran
Officer on Special Duty - GARC
(Approved By)

Page 2 of 3

Plot E1, SIPCOT Industrial Growth Centre, Oragadam, Mathur Post, Sriperumbudur Taluk, Kancheepuram Dist. - 602105, Tamil Nadu, India
P: +91-44-27143500 E-mail: enquiry@garc.co.in Web: www.garc.co.in

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GLOBAL AUTOMOTIVE RESEARCH CENTRE

60

P9/5

TAC No | G | K | 0 | 0 | 4 | 3 |

Date: 15.10.2019

12.0	Site Audit Report No.	GPOS00138, Dated. 03.10.2019
13.0	Test Report Considered for TAC	GTOS00139, Dated. 14.10.2019
14.0	Next COP would be applicable for individual plant	• Every 15 lakhs samples from 01st Oct 2019 or • Once in two years i.e. 01st Oct 2019 to 31st Sep 2021 whichever is earlier as prescribed vide: MoRTH letter references RT-11028/5/2002 - MVL dated 04.09.2002 and RT-11028/5/2002-MVL dated 20.06.2011 or any further amendment therein. The responsibility of informing production volume along with laser series number without fail, lies with M/s. MotorSigns India.
15.0	Type Approval (Granted / Refused / Extended)	GRANTED

DISCLAIMER

1. GARC issues "Type Approval Certificates" (TAC) for vehicles / engines / assemblies / components / parts etc., based on the documents produced and/or prototype(s) / vehicle(s) submitted by the applicant and testing / plant(s) or site(s) auditing thereof.
2. GARC issues TAC in compliance to Motor Vehicle Act / Central Motor Vehicle Rules and their provisions as amended from time to time or any other statutory orders under which GARC is authorised. Other Rules / Acts are outside the purview / scope of the TAC.
3. Test(s) on prototype(s) is / are carried out on the basis of standard procedures as notified under specific rules. Results of such tests / audits are the property of bearer of TAC. These results cannot be disclosed unless specifically so ordered by Government, Court, etc.
4. The bearer of the TAC is under the obligation to ensure production strictly as per the provisions of the specific TAC.
5. GARC is not responsible for testing / auditing each vehicles / engines / assemblies / components / parts / plants / site etc. for which TAC is issued. Further, GARC is not responsible for ensuring manufacturing quality of the type approved vehicles / engines / assemblies / components / parts etc.
6. GARC is in no way responsible for any misuse or copying of any design / type / system in connection with entire vehicles / engines / assemblies / components / parts etc. covered under the TAC.
7. Breach of any statutory provision of Indian laws or laws of other countries will be sole responsibility of the bearer of the TAC and GARC shall not be liable for any claims or damages, whatsoever. The bearer shall alone be liable for the same, and shall undertake to indemnify GARC in this regard.
8. GARC has the right, but not under obligation to initiate cancellation / withdrawal of the certificate issued, in case of any fraud, misrepresentation, when it surfaces and comes in the knowledge of GARC.

The appropriate local court at Chennai shall have the jurisdiction in respect of any dispute, claim or liability arising out of this certificate / report.

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI * GARC

Karthikeyan. K Homologation & Technical Cell (Prepared By)	V. M. Dhanasekar Homologation & Technical Cell (Checked By)	M.V. Ramachandran Officer on Special Duty - GARC (Approved By)

Page 3 of 3

Plot E1, SIPCOT Industrial Growth Centre, Oragadam, Mathur Post, Sriperumbudur Taluk, Kancheepuram Dist. - 602105, Tamil Nadu, India.
Ph: +91-44-2234 3500 E-mail: enquiry@garc.co.in Web: www.garc.co.in

GLOBAL AUTOMOTIVE RESEARCH CENTRE (GARC)

A Division of NATRiP Implementation Society (NATIS), Under MoHI & PE, Govt. of India
Authorised Test Centre under CMVR 126 by Ministry of Road Transport & Highways, Govt. of India & NABL Accredited

GLOBAL AUTOMOTIVE RESEARCH CENTRE
ENSURING SAFE DRIVE

61 Non-Transferable 9/16

TYPE APPROVAL CERTIFICATE

(COMPLIANCE TO THE CENTRAL MOTOR VEHICLE RULES)

TAC No: G K 0 0 4 4 Date: 15.10.2019

1.0	Name of Applicant	M/s. MotorSigns India
2.0	**Address & Contact Details of Applicant:**	
	Address	No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India.
	Contact Person	Mr. Thomas Cherian, Sole Proprietor
	Telephone No.	+91-9176431673 / 044-24330857
	E-Mail	motorsignsindia@gmail.com
3.0	**Name and Address of the Collaborator**	No Collaborator, Indigenous
4.0	**Manufacturing / Assembly Plant Address**	Same as in Sr. No. 1.0 above
5.0	**Customer Letter / Application Reference No. & Date**	Application Dated: 17.06.2019
6.0	**G-HTC Reference No.**	GHO000126
7.0	**Details of the Component under Type Approval:**	
	Nomenclature	**High Security Registration Plate (HSRP)**
	Colour of the Plate	Black on Yellow Background
8.0	**Applicable Notified Standard**	CMVR 50 & 51 IS0:7591 – 1982(E)

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI * GK0044

GLOBAL AUTOMOTIVE RESEARCH CENTRE * CHENNAI * GARC

Karthikeyan. K
Homologation & Technical Cell
(Prepared By)

V. M. Dhanasekar
Homologation & Technical Cell
(Checked By)

M.V. Ramachandran
Officer on Special Duty - GARC
(Approved By)

Plot E1, SIPCOT Industrial Growth Centre, Oragadam, Mathur Post, Sriperumputhur Taluk, Kancheepuram Dist. - 602105. Tamil Nadu, India.
T.No. +91-44-27143500 E-mail: enquiry@garc.co.in Web: www.garc.co.in

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GLOBAL AUTOMOTIVE RESEARCH CENTRE
ENSURING SAFE DRIVE

TAC No: G K 0 0 4 4 62

Date: 15.10.2019 89/7

9.0	Based on the verification of documents, inspection at the plants and necessary testing was carried out on the prototype samples of indigenous origin submitted by **M/s MotorSigns India**, (to be manufactured in India by **M/s. MotorSigns India, No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India**). It is certified that the following sizes of the **High Security Registration plate**, comply with the specifications referred in Rule 50, 51 of the Central motor Vehicle Rules 1989 / the motor vehicles (High Security Registration Plates), order 2001 as applicable with effect from 1st January 2004, and vide notification no. S.O.59 (E) dated 21st January 2003 & order 2018 as applicable with effect from 1st April 2019, and vide notification no. S.O.6052 (E) dated 06th December 2018 issued by the ministry of Road Transport & Highways.
10.0	The certificate covers the following sizes of the High Security Registration Plates, to be manufactured in India. Each plate will have to carry a prefix two alphabets **"YA"**, followed by a laser branded Permanent Consecutive Identification Number to be allotted by **M/s. MotorSigns India, No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India.** **Drawings:**

HSRP Size (mm)	Drawing No.
Plate Size: 500x120mm	MSI/005/1/LP-2019
Plate Size: 340X200mm	MSI/006/1/LP-2019
Plate Size: 200X100mm	MSI/007/1/LP-2019
Plate Size:285X45mm	MSI/008/1/LP-2019
Third Number Plate (Sticker Type) - 100X60	MSI/016A/1/LP-2019
India Inscription	MSI/012/LP-2019
Snap Lock	MSI/010/LP-2019 & MSI/014/LP-2019
Hologram	MSI/011/LP-2019 & MSI/024/LP-2019

11.0	Further any changes in the documentation submitted for specifications/manufacturing processes & controls/undertakings / declarations or any other relevant documents referred in type approval for the above samples, shall call for re-certification. The responsibility of informing such changes lies with **M/s. MotorSigns India, No.810, (Old No – 406), Anna Salai, Nandanam, Chennai – 600035, Tamilnadu, India.**

GLOBAL AUTOMOTIVE RESEARCH CENTRE GARC CHENNAI

Karthikeyan. K
Homologation & Technical Cell
(Prepared By)

V. M. Dhanasekar
Homologation & Technical Cell
(Checked By)

M.V. Ramachandran
Officer on Special Duty - GARC
(Approved By)

GLOBAL AUTOMOTIVE RESEARCH CENTRE (GARC)

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Authorised Test Centre under CMVR 126 by Ministry of Road Transport & Highways, Govt. of India & NABL Accredited

GLOBAL AUTOMOTIVE RESEARCH CENTRE
ENSURING SAFE DRIVE

TAC No: G K 0 0 4 4 63

Date: 15.10.2019 198

12.0	Site Audit Report No.	GPOS00138, Dated: 03.10.2019
13.0	Test Report Considered for TAC	GTOS00140, Dated: 14.10.2019
14.0	Next COP would be applicable for individual plant	• Every 15 lakhs samples from 01st Oct 2019 or • Once in two years i.e. 01st Oct 2019 to 31st Sep 2021 whichever is earlier as prescribed vide: MoRTH letter references RT-11028/5/2002 - MVL dated 04.09.2002 and RT-11028/5/2002-MVL dated 20.06.2011 or any further amendment therein. The responsibility of informing production volume along with laser series number without fail, lies with M/s. MotorSigns India.
15.0	Type Approval (Granted / Refused / Extended)	**GRANTED**

DISCLAIMER

1. GARC issues "Type Approval Certificates" (TAC) for vehicles / engines / assemblies / components / parts etc., based on the documents produced and/or prototype(s) / vehicle(s) submitted by the applicant and testing / plant(s) or site(s) auditing thereof.
2. GARC issues TAC in compliance to Motor Vehicle Act / Central Motor Vehicle Rules and their provisions as amended from time to time or any other statutory orders under which GARC is authorised. Other Rules / Acts are outside the purview / scope of the TAC.
3. Test(s) on prototype(s) is / are carried out on the basis of standard procedures as notified under specific rules. Results of such tests / audits are the property of bearer of TAC. These results cannot be disclosed unless specifically so ordered by Government, Court, etc.
4. The bearer of the TAC is under the obligation to ensure production strictly as per the provisions of the specific TAC.
5. GARC is not responsible for testing / auditing each vehicles / engines / assemblies / components / parts / plants / site etc. for which TAC is issued. Further, GARC is not responsible for ensuring manufacturing quality of the type approved vehicles / engines / assemblies / components / parts etc.
6. GARC is in no way responsible for any misuse or copying of any design / type / system in connection with entire vehicles / engines / assemblies / components / parts etc. covered under the TAC.
7. Breach of any statutory provision of Indian laws or laws of other countries will be sole responsibility of the bearer of the TAC and GARC shall not be liable for any claims or damages, whatsoever. The bearer shall alone be liable for the same, and shall undertake to indemnify GARC in this regard.
8. GARC has the right, but not under obligation to initiate cancellation / withdrawal of the certificate issued, in case of any fraud, misrepresentation, when it surfaces and comes in the knowledge of GARC.

The appropriate local court at Chennai shall have the jurisdiction in respect of any dispute, claim or liability arising out of this certificate / report.

GLOBAL AUTOMOTIVE RESEARCH CENTRE GARC CHENNAI

Karthikeyan. K Homologation & Technical Cell (Prepared By)	V. M. Dhanasekar Homologation & Technical Cell (Checked By)	M.V. Ramachandran Officer on Special Duty - GARC (Approved By)

Plot E1, SIPCOT Industrial Growth Centre, Oragadam, Mathur Post, Sriperumbudur Taluk, Kancheepuram Dist. - 602105. Tamil Nadu, India.
Ph: +91-44-27163500 E-mail: enquiry@garc.co.in Web: www.garc.co.in

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R1/9

ABT PRIVATE LIMITED

DEALERS FOR MARUTI VEHICLES
102, MOUNT ROAD, GUINDY, MADRAS-600 032
PHONE: 432449 GRAMS: MINI CAR TELEX: 041 570 ABT IN



13/3/86

TO WHOM IT MAY CONCERN:

We certify that reflective number plates manufactured by SIGNS INDIA is used as standard for all cars sold by us and that they have been in use on over 1800 Marutis since December 1984 and have registered no complaints to date.

The plates are sold ex. ABT at Rs. 250/- per set to the customer.

MANAGER

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65

ARAI

THE AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA

(Research Institution of the Automotive Industry with the Ministry of Commerce & Industry, Govt. of India)

P9/10

Web Site : http://www.aralindia.com

ARAI/CMVR/SRP/2003-192

Date: 2 JUN 2003

CERTIFICATE

FOR

COMPLIANCE TO THE CENTRAL MOTOR VEHICLES RULES

(FOR THE NEW HIGH SECURITY REGISTRATION PLATES)

1. Based on the verification of documents and trials conducted on the prototype samples of Indigenous origin submitted by **M/s. Signs India, 810 (old 406), Anna Salai, Nandanam, Chennai - 35**, (to be manufactured in India by **M/s. Signs India, 810 (old 406), Anna Salai, Nandanam, Chennai - 35**), it is certified that the following sizes of the **New High Security Registration Plates**, comply with the specifications referred in **Rule 50, 51 of the Central Motor Vehicles Rules, 1989 / the Motor Vehicles (New High Security Registration Plates), order, 2001**, as applicable with effect from **1st January 2004**, vide Notification No. **S.O. 59(E)** dated **21st January 2003**, issued by the Ministry of Road Transport & Highways.

2. This Certificate covers the following Sizes of the New High Security Registration Plates, to be manufactured in India. Each plate will have to carry a prefix two alphabets **"AH"**, followed by a laser branded Permanent Consecutive Identification Number to be allotted by **M/s. Signs India, 810 (old 406), Anna Salai, Nandanam, Chennai - 35**.

Sr. No.	High Security Registration Plates		Third Number Plate (Sticker Type)	
	Drawing No.	Size mm	Drawing No: SI/009/1/LP-2002	Size mm: 100 x 60
1	SI/005/1/LP-2002	500 x 120		
2	SI/006/1/LP-2002	340 x 200	SI/0012/1/LP-2002	INDIA INSCRIPTION
3	SI/007/1/LP-2002	200 x 100	SI/0010/1/LP-2002	SNAP LOCK
4	SI/008/1/LP-2002	285 x 45	SI/0011/1/LP-2002	HOLOGRAM

3. Further ARAI issues Type Approval Certificates based on the documents produced / submitted by the customer and on these basis, the test samples are examined and if approved, the certificate is issued. ARAI is in no way responsible for any misuse of copying of any design / type / system in connection with entire vehicle / components / parts and assemblies. Breach of any statutory provision of Indian laws or laws of other countries, will be the sole responsibility of the customer and ARAI shall not be liable for any claims or damages, made by the party, whatsoever, the customer shall alone be liable for the same, and undertakes to indemnify ARAI in this regard. Further, the ARAI has the right to initiate cancellation / withdrawal of the certificate issued, in case of any fraud, misrepresentation, when it surfaces and comes in the knowledge of ARAI.

4. Any change in the declared specifications / manufacturing process contained in the Report(*) enclosed for the above samples, would call for recertification.

5. Conformity of Production (CoP) as per the procedure prescribed, will be applicable once in every six months as may be prescribed, with first CoP being carried out within 3 months of date of commencement of the Production, when location of the production units will also be verified. Party will be required to intimate the date of commencement of production, once facilities are established within the country, and thereafter regularly send production volume every quarter within 15 days of the expiry of quarter, without fail.

AUTHORISED SIGNATORY,

S. M. HARAGAPURKAR,
DEPUTY DIRECTOR,
SHL, ARAI, PUNE.

B. BHANOT,
DIRECTOR,
ARAI, PUNE.

(*) Report No: SHL/252/2002-03/3520 dt. 26th May 2003. (No. of Pages: 39)

Registered Office

S. No. 102, Vetal Hill, Off. Paud Road, Kothrud, Pune - 411 038. P.B. No. 832, Pune - 411 004. Phone : 91 - 20 - 5431819, 5437180 / 2 / 3 / 5. Fax : 91 - 20 - 5434190. E-Mail : arai@vsnl.com

Regional Centres

This is the true copy of the document marked as Exhibit. P- in the above W.P.(C).

Advocate

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66 Ext P1

01 November 2021

The Transport Commissioner
2nd Floor, Trans Tower
Vazhuthacaud, Thycaud PO
Thiruvananthapuram 695014

Re: High Security Registration Plates (HSRP) for Motor Vehicles
Your office Awareness Publication on HSRP - Refer Page 30-31 of Attached email
Violation of Rule 51 of |CMVR -1989
Defective HSRP : Replacement under Rule 124 of CMVR 1989
Action against Violators of TAC and COP
Amnesty to Motor Vehicle Owners with Non-Compliant HSRP affixed by OEM's

Sir

1. Please be informed that HSRP affixed on Newly registered vehicles on and after 01 April 2019, more particularly of 2 Wheeler and 3 Wheeler are in violation of Rule 51 of CMVR-1989 , do not comply with the |Type Approval and are not in conformance with the COP issued to HSRP vendors.

- ***Refer Page 30-31 Kerala MVD Rule 51 Awareness Publication ,***
- ***Page 23 to 28 Test reports of ARAI, Comparison***
- ***Page 32 to 36 Image representation from Citizen Reporters***

2. This issue when taken to the notice of ARAI revealed that HSRP vendors made written submissions to ARAI requesting for a negative tolerance of (-2mm) in order to comply with the requirements of Rule 51 of CMVR-1989 admitting that HSRP manufactured by them, acquired and and affixed by OEMs do not comply and therefore are in violation of Rule 51 of CMVR-1989 :

- ***Page 37 -38 Written submissions of HSRP vendors for -2mm Tolerance to comply***

3. In a virtual meeting held on 01 Sept 2021, one Mr. Bhanot representing an entity called Rosmerta argued that HSRP more particularly of Dimension 285x45mm and 200x100mm cannot be made and thereafter submitted written justifications that are now on record of the minutes of the meeting called by ARAI.
Mr. Bhanot in his written submission has stated that the dimensions of the Alphabets and Numerals are to be measured from the Back of the plate .

- ***Refer Page 39 and 40 of email***

4. Mr. Bhanot identified as the former Director of ARAI, Chairman of AISC issued TAC under his signature, FALSELY CERTIFYING HSRP as having met the requirements of Rule 51 of CMVR-1989 when they actually NEVER EVER DID

- ***Refer Page 39 and of email attachment.***

4.(a) A copy of the email to Dr. Piyush Jain , Director MVL is attached herein for your information and action as deemed fit.

5. By my personal meeting with Madam Transport Commissioner and letter dated 18 Feb 2020, I had requested permission to supply HSRP for old existing vehicles in the state. Copy attached

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67 P10/2

6. The amendment of CMVR-1989 vide GSR104(E) dated 11 Feb 2020 coming into effect on 12 Feb 2020 the date of its publication cited below :-

Quote

2. In the Central Motor Vehicles Rules, 1989 (herein after referred as the said rules); in rule 50, in
sub-rule 1,-

d) for clause (v), the following clause shall be substituted, namely: -
"(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on
rear of the vehicle;
The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old, registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorised under rule
126 shall approve the security registration as per the provisions of this rule"

End of Quote

permits by reason of the amended CMVR vide GSR104(E) cited, eligibility as an approved HSRP manufacturer to issue HSRP for old, existing registered vehicles in the state.

We request the Transport Commissioner to kindly grant permission to supply/issue HSRP for old, Existing registered vehicles in the state of Kerala please.

We will be pleased to offer clarifications when required.

Thomas Cherian
MotorSigns India
Global Standards. Indian Expertise
Swagatham : Visit www.motorsign.in

Mob: +91 76959 39249 , + 91 73585 27677
Email: motorsign@gmail.com

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810, Anna Salai, Nandanam, Chennai - 600 035.
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Tel : 044 - 24330857, E- mail : info@motorsign.in

HSRP : WagenTag
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22 Oct 2021

To

Dr. Piyush Jain
Director MVL M/oRT&H
Room No 233, Transport Bhavan
1, Parliament Street, New Delhi-110 001

Sub: HSRP :High Security Registration Plates.
A complaint & Appeal for investigation by Competent Authority
Testing Malpractice in ARAI and Cover-up activities
Restoration of Credibility in ARAI

THE HIGH COURT OF KERALA

Dear Dr. Piyush Jain,

I have been in correspondence with ARAI since April 2021 on the subject of Violation of Rule 51 of CMVR-1989 by Type approved HSRP Vendors.

After the 3rd and 4th meeting of AISC convened by ARAI, evidence has emerged of Testing Malpractice in ARAI over the last 20 years, ongoing and widening with tacit support. ARAI has been issuing False TAC and COP Certification to entities as having "met the requirements" under Rule 51 of CMVR-1989 when they NEVER , EVER, DID.

ARAI is now pursuing what appears to be a quid pro quo arrangement to cover up its OWN wrongdoings by the proposed acceptance " without the need for re-certification" of a negative tolerance of (-2mm) to the dimensions of Alphabets and Numerals specified "NOT LESS THAN" in the Table under Rule 51 of CMVR 1989 and to protect Violators penal action for non-conformance of COP.

It does not appear to be within the powers of ARAI represented by its convenor, to extend the extraordinary concession "without the need of re-certification " since violation of Rule 51 of CMVR-1989 has been established arising out of Testing Malpractice in ARAI .

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When there are entities manufacturing HSRP that are dimensionally perfect and compliant with Rule 51 of CMVR 1989 without the need of any negative tolerance [which in any event is not permissible under Rule 51], ARAI instead of informing the competent authority and initiating action to Violators under Rule124 of CMVR 1989 for Non-Conformance of COP and issuing a notice for re-certification is doing the opposite of its mandate by the proposed acceptance of a negative tolerance via an unauthorised amendment in AIS:159. ARAI is therefore acting in consort with violators in what appears to be a conspiracy against public interest.

ARAI is intentionally crafting misleading statements through the minutes of its meeting of 1st Sep 2021 besides redacting the most important points and counter arguments raised against the arguments of one Mr. Bhanot representing an entity called Rosmerta who has been identified as the Former Director of ARAI , Chairman AISC and Chairman TSC who under his signature was issuing TAC to entities that did not meet the requirements of Rule 51 of CMVR-1989 by False Certification.

It must be pointed out here , that ARAI intentionally omitted Rule 51 from AIS:159 to keep the controversy away from Public scrutiny. AIS:036 on HSRP , it appears was abandoned for the same reason in or around Year 2003.

Under the circumstances, I am submitting this evidence-based complaint and representation to M/oRTH, the Competent Authority for

(a) An investigation in Public Interest
(b) Action against Violators of Rule 51 for Non-Compliance to TAC and COP issued
(c) Order for investigation and recall of Defective HSRP and replacement under Sec 124 of CVMR 1989
(d) Investigate and declare status of Type Approvals and COP of Violators deemed Void and order re-certification.
(e) Investigate violations under section 126 by Testing agency for testing malpractice
(f) Provide amnesty from violation of Rule CMVR 1989 to over 7 crore motor vehicle owners who bear the potential burden of a penalty if Rule 51 is enforced
(g) Investigate the omission of Rule 51 of CMVR1989 from AIS:159

And such other matters the competent Authority may deem fit to restore credibility in the Testing agencies appointed by the Government.

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Herein is the predicament that it is ARAI that has issued False Certification as having met the requirements of Rule 51 when in fact it never did and has to find a way out by deceit , misleading statements and information in order to keep the controversy away from public scrutiny and action initiated against itself .

FACTS.

1.COMPLAINT TO ARAI

HSRP Not in compliance with Type Approvals Issued ; Violation of Rule 51 CMVR-1989

On or around the 26th of April 2021, the undersigned complained to ARAI that:-

(a) HSRP on Motor Vehicles, more particularly of Two and Three Wheelers supplied by OEMs' and affixed on Newly Registered Motor Vehicles on and after 01 April 2019 in their respective dealer showrooms were NOT IN COMPLIANCE with the Type Approval Certificate issued by Testing agencies with reference to Specifications in Rule 51 of CMVR 1989 referring to the " **Not Less Than** " size of letters and numerals and the space between them

And questioned;

(b) How and under what circumstances, AIS:159, The Automotive Industry Standard for Automotive Vehicles High Security Registration Plate (HSRP) Specifications and Requirements **OMITTED Rule 51 of CMVR 1989** relating to dimensions of letters and numerals stipulated in 'mm' as **" NOT LESS THAN**" in the Table Under Rule 51 that is the subject matter of controversy for the last 20 years.

2 . ARAI in its response to communications mentioned among other matters that:-

"It is the responsibility of individual manufacturer to strictly comply the requirements as defined in rule. "

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3. ARAI Test Report : Controversies and Inconsistencies

The undersigned then wrote to ARAI among other matters the following:-

"Testing agencies have certified that HSRP have 'Met the requirements" of Rule 51 of CMVR-1989 relating to Size of the 'Alphabets' and 'Numerals' with reference to its height, thickness and space between them.

The Test report is taken at its face value as true and correct."

3.1 "Accountability." : "If the Testing agencies are in a position to hold ground that the HSRP Type Approved manufacturer has not complied with the requirements under Rule 51 of CMVR-1989 after COP-Conformity of Production Certification was issued and the HSRP supplied and affixed on newly registered vehicles by OEM's effective 01 April 2019 are not in conformance with the TAC: Type Approval Certificate granted , it will entail an enquiry for recall of DEFECTIVE HSRP and the onus will be on the OEM's to recall and replace the safety component , under Rule 124 of CMVR-1989. "

3.2. "Complying to TAC is the responsibility of the Manufacturer holding the TAC as per ARAI

On the other hand, if the HSRP Type Approved Manufacturer is in a position to prove that HSRP affixed on over 3 Crore vehicles plying on road since 01 April 2019 and over 80000 continuing to be registered each working day, are IDENTICAL to the HSRP that were certified by the Testing agencies, the onus will shift back to the testing agencies and call into question the methodology of measurement of the Dimensions of the Alphabets and numerals with reference to its height, Thickness and the space between them specified as " NOT LESS THAN" in rule 51 of CMVR 1989 with no room for other interpretation.

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4. ARAI Test Report Comparison : Inconsistencies – PROOF **Annexure 1**

ARAI was provided with TWO of their own Test reports issued in or around year 2002-2003 with Pictures of HSRP that were certified by them for reference to probe the complaint of inconsistencies and it was submitted;

4.1. In this context, please see the images of the TWO Test reports of ARAI in the attachment for your reference wherein the Images in Colour belong to Signs India, Chennai and the images in Grey belong to a third party that is in the public domain/court documents.

4.2. On visual examination of the images , I state that the images in colour are of HSRP samples submitted by me on behalf of Signs India in ARAI Test Report No. **SHL 252/2002-03/3520** *, made indigenously without a collaborator as ARAI is aware and is PERFECT to the "mm" with reference to the "NOT LESS THAN " Height and Thickness" of the Alphabets and Numerals and the "Space " (Distance between two letters/numerals) between them as mandated in Rule 51 of CMVR and rightly certified in the accompanying Test Report of ARAI.*

4.3. On visual examination of the Greyscale (Black/White) images in ARAI Test Report No. **SHL/252/2001-2002/2867** *in comparison with the images in colour mentioned above with reference " Height and Thickness" of the Alphabets and Numerals as mandated in Rule 51 of CMVR , they appear to be "LESS " than the mandated " NOT LESS THAN" dimensions in mm in Rule 51 of CMVR.*

This discrepancy across the board appears in the case of almost all HSRP Type Approved entities with foreign collaboration.

4.4 (a) The question therefore arises as to what methodology was adopted by ARAI, the premier Testing and Certifying agency to certify that the "height and thickness" of the Alphabets and numerals , "Met the Requirements of Rule 51 of CMVR-1989 " when as seen from the Images presented in the attachment, actually do not appear so.

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(b) It is Important to remember here that the Alphabets and Numerals that have to be measured for certification are in Black colour on White or Yellow Background or as specified by GOI notifications from time to time.

5.0 This is a matter of great public importance since an infraction involving potential penal action of crores of innocent motor vehicle owners is involved.

ARAI was provided a Publication of the Motor Vehicles Department of State of Kerala on HSRP providing Information, Clarity and the penalty that will be imposed for Non-Compliance of Rule 51 of CMVR1989. Annexure 2

ARAI went silent and did not acknowledge receipt of this complaint.

6.0 Having received a written complaint, ARAI failed in its bounden duty to address the complaint according to protocol of accreditation of Testing agencies under Rule 126 of CMVR 1989 and keep the complainant informed on the action taken.

7.0 ARAI convenes 3rd Panel meeting of AISC : Proposed Amendment to AIS-159.

7.1 The undersigned complainant came to know that on or around the 13th of July 2021, ARAI called for the 3rd Panel Meeting of AISC: Automotive Industry Standard Committee, received a proposal for a negative tolerance of (-2mm) from 3 entities Violating Rule 51 of CMVR 1989 and accepted to introduce it by way of Amendment-1 to AIS-159: without a *"call for any re-certification of Certified HSRP TACs".*

7.2 Having come to know about the 3rd AISC panel meeting convened by ARAI on or around the 13th of July 2021, it appears, was pursuant to the complaint filed by the undersigned in April 2021 and thereafter , ARAI was informed among other matters that the proposal to accept a negative tolerance of (-2mm) to accommodate violators and help them circumvent the law under Rule 51 is

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unacceptable **SINCE** other Type approved vendors have complied with the requirements of Rule 51 of CMVR1989 and are manufacturing HSRP without the need for a negative tolerance.

8.0 Rule 51 CMVR

The Table annexed to Rule 51 stipulates that the Dimensions are in "mm" and " NOT LESS THAN" as specified for each corresponding class of vehicle

8.1 Ref AIS-159 . Para 6.8 *The hot stamping film (black / white / yellow as the case may be) to be applied on the letters/numerals of the registration number shall bear the inscription "INDIA".*

8.2 Ref: Test Reports of HSRP : Test reports of ARAI specifically confirms that the Alphabets and numerals are coated WITH India Inscript.

8.3 Methodology of measurement : It follows that the dimensions of the Alphabets and numerals that are Hot-Stamped with the prescribed colour are measured for compliance to Rule 51 of CMVR 1989. There was NEVER, EVER any ambiguity on this requirement.

9.Question of LAW

9.1 There does not appear any power or authority for the convenor of the AISC meeting, acting on behalf of ARAI to state that an amendment be introduced without a "call for re-certification" when a complaint in writing has been made with a request to initiate action for non-conformance of COP for the very purpose of Violation of Rule 51 .

9.2 The Convenor must cite the Authority vested in him to take a decision to override the provisions of CMVR-1989 Rule 51 to introduce a negative Tolerance when the law does not permit it. There appears nothing in AIS: 000 that empowers the convenor to be a law unto himself.

9.3 There is no scope to introduce a "Negative Tolerance" by way of an amendment in AIS:159 when Rule 51 of CMVR 1989 has the minimum dimensions prescribed as " NOT LESS THAN' in the table under it for different class of vehicles.

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9.4 ARAI was further informed that it has no authority to accept a negative tolerance and introduce it via an amendment to AIS 159 without first amending Rule 51 CMVR 1989 with the assent of Parliament.

10. An extract of Rule 51 of CMVR1989 is reproduced herein for reference and a proper appreciation of facts and interpretation.

Extract of Rule 51 as it appears in CMVR 1989 for reference :

1. **Size of letters and numerals of the registration mark.** - The dimension of letters and figures of the registration mark and the space between different letters and numerals and letters and edge of the plain surface shall be as follows:] **[Table]**

S.No.	Class of vehicle		[Dimensions (in mm) not less than ;]		
			Height	Thickness	Space between
(1)	(2)		(3)	(4)	(5)
[12	Construction Equipment Vehicles	Front and rear letters and numerals. - a) With plate size 500x120 mm or 340x200 mm	65	10	10
		b) With plate size 200x100mm	35	7	5
		c) With plate size 285x45 mm	30	5	5]

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9.0 TESTING MALPRACTICE IN ARAI - EMERGING EVIDENCE :-

4th AISC Panel meeting on 01 Sept 2021- Minutes

On or around the 6th of Sept 2021, ARAI circulated a heavily redacted , deceptive and misleading version of the minutes of the 4th AISC Panel meeting of 1st Sept 2021 omitting the counter points to the arguments of Mr. Bhanot and everything that went against the agenda ARAI is pursuing . The undersigned has objected to it in writing.

ARAI has however, **brought on record** the arguments of one Shri B. Bhanot for a " NEGATIVE TOLERANCE OF (-2mm) supported by his Justification in Annexure II (that was hitherto unknown) and Annexure III of the minutes with the ingenious demand as follows

Extract from Annexure II attached to the Minutes of the meeting Ref : Slide 31/36

Note:

1. Width and height of Character as prescribed in Rule 51 is to be measured from the bottom edge of recess of the character embossment i.e., measured from back of the plate.

9.1 In the course of the Virtual meeting , the stakeholder who introduced himself as Bhanot of Rosmerta has been identified from his brief profile in the public domain as , **Shri B. Bhanot, the FORMER Director of Automotive Research Association of India, Pune,** an organisation which is the primary homologation body in respect of vehicles for Ministry of Road Transport and Vehicles ; **also, the founder Chairman of CMVR-Technical Standing Committee , Chairman TEDC (BIS), DDG D/o Heavy Industry , GOI and also involved in the Implementation of High Security Registration Plates in the Country besides heading the Automotive Industry Standards (AIS)** and the Chairman of SAE Western India.

9.2 Shri Bhanot , it is important to note, as the then Director of ARAI , issued Type Approvals for HSRP under his signature from its year of inception in or around 2001 till his exit.

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9.3 Shri B. Bhanot appeared for the 4th AISC panel virtual meeting representing Rosmerta, a HSRP Type Approval Holder and argued for the necessity to introduce negative tolerance of (-2mm) and sought to highlight among other things that, at the Time of Type Approval (20 years ago during HIS tenure as Director ARAI and Chairman of TSC) there was no methodology to decide whether the measurement was to be taken from the 'TOP' or 'Bottom" ; and made the startling revelation that ;

A HSRP cannot be made with the specifications of Rule 51 of CMVR citing specific case of the 285x45mm Size with drawings in Support of his arguments

9.4 The argument of Shri Bhanot was then and there countered , proved wrong and demolished when the undersigned displayed a Type Approved HSRP of the same dimensions 285mmx45mm and 200mmx100mm that are in full compliance and conforming to the requirements of Rule 51 of CMVR-1989 and that ARAI under the signature of Shri Bhanot himself had granted Type Approval for the same after he having witnessed its manufacture in Signs India, Chennai, the Unit of the undersigned in year 2003.

All attendees of the virtual meeting of the 4th AISC panel have seen the said HSRP that are manufacturered in full compliance of Rule 51 CMVR.

9.5 It is pertinent to note that ARAI has deliberately redacted this important counter argument of the undersigned since it does not support the narrative of the former Director of ARAI now representing Rosmerta , a violator of Rule 51 of CMVR-1989 who was issued a Type Approval Certificate by Mr. Bhanot himself and the agenda ARAI is pursuing to save itself for its wrongdoing spreading over 20 years.

9.6 It is important to be reminded here that Shri B. Bhanot was the then Director of ARAI, The Chairman of AISC and the Chairman of TSC: Technical Standards Committee that the Government of India looks to ARAI for advice in formulating Automotive standards and Regulations.

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9.7 CMVR-1989 stipulates that the **Alphabets and numerals** on the Registration plate shall be embossed and all embossed areas and surfaces shall be coated **Black** with INDIA Inscript on a **White or yellow background** or as stipulated by the Government from time to time.

9.8 It is therefore well known that the Black Coating with India Inscript on the alpha numeric characters have to comply with specifications in the table under Rule 51 of CMVR1989 for compliance. **Ref AIS-159 . Para 6.8**

Test reports of ARAI specifically confirms that the Alphabets and numerals are coated WITH India Inscript.

9.9 TWENTY years on, when Shri B. Bhanot lobbying for Rosmerta he represents, argues that there was no methodology to measure the dimensions of letters and numerals as per Rule 51,Mr. Bhanot is admitting that he, as the then Director ARAI having realised that entities with foreign collaboration **would not qualify for type approval** if the alphabets and numerals coated Black with India Inscript is measured , by passed the requirement and issued Type approval Certificates **at his discretion, will and pleasure to entities that did not comply with the requirements of Rule 51 of CMVR 1989 by measuring the dimensions of letters and figures from the Back Side of the Plate and thereby accommodated them.**

CONFLICT OF INTEREST IS ESTABLISHED

Origin of Testing Malpractice and the individual behind it is confirmed.

ARAI acting in Consort against public interest established.

10.0 Evidence of IMPROPRIETY & Testing malpractice in ARAI

ARAI has brought on record , written confirmation dated 13 July 2021 from 3 HSRP vendors holding Type Approval Certificates from ARAI with reference to Rule 51, that

'All measurements be done in visible hot stamped visible black foil area'

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10.1 It was therefore inadvertently confirmed that this was not the practice ARAI followed all these 20 years in the case of some entities such as Rosmerta, and that ARAI measured the impressions of letters and figures from the **'BACK SIDE OF THE PLATE'** (as per the annexure II of the minutes of the meeting mentioned above) and issued Type Approval Certificates to chosen entities that they are not entitled to. **Testing malpractice in ARAI Established.**

11. False certification by GOI Nominated Testing ARAI CONFIRMED

11.1 If the Certification by ARAI and other testing agencies that HSRP OF THE VIOLATORS **'MET THE REQUIREMENTS "as per Rule 51 of CMVR 1989 WAS EVER TRUE AND CORRECT, the need to introduce a 'NEGATIVE TOLERANCE LIMIT"** via an amendment to AIS-159 would never arise after 20 years of HSRP manufacture in India. **Incontrovertible EVIDENCE of False Certification Established**

11.2 ARAI has brought on record evidence in Annexure II and II of the minutes if the meeting of 01 Sept 2021 that ARAI themselves have issued Type Approval of HSRP and subsequent COP: Conformity of Production to violators of CMVR Rule 51 **Falsely Certifying** [over a period of 20 years] that the HSRP samples **"met the requirements** "of the provisions of Rule 51 of CMVR-1989 **when they actually never did.**

11.3 Additionally. by the admission, the arguments and the written submissions in support presented by Shri Bhanot representing Rosmerta in the 3rd and 4th AISC panel meeting in July 2021 and 1st Sept 2021 requesting for a negative tolerance of (-2mm) and the measurement to be taken from the back of the plate.

(a) INCONTROVERTIBLE EVIDENCE that the TAC: Type Approval Certificate and COP : Conformity of Production Certification of Testing that ARAI has given to Rosmerta for HSRP [for the last 20 years] **were not TRUE but FALSE has been established and that**

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(b) ARAI , the premier Testing and Certifying agency the Government of India relies upon for advice, inappropriately **GRANTED** Type Approval Certificates and issued Conformity of Production on HSRP, that were **SHORT** of the Minimum **'NOT LESS THAN'** dimensions in 'mm' stipulated in the Table under Rule 51 of CMVR 1989 by negative(-2mm) corresponding in percentage values to :-

(i) 40% in the case of Motor Cycle front plates and

(ii) 28.57 % in the case of Two and Three-Wheeler Rear Plates and

(iii) 20% in the case of a certain percentage of 4 wheelers and others for the last 20 years and that

(iv) 100% production of Rosmerta running to CRORES in number are **Defective HSRP** in violation of Rule 51 of CMVR 1989 and in terms of Rule 124 of CMVR, all defective components have to be replaced by Automobile Manufacturers or by the Type Approved Vendors as the case may be.

(v) Illustration : Percentage Impact on Proposed amendment 1 AIS-159 Violating CMVR Rule 51

(vi) Rule 51 : Dimensions in mm " NOT LESS THAN " specified in the table annexed to Rule 51CMVR-1989

(vii)

Sl. No	Class of Vehicle	HSRP Plate Size (in mm)	Dimensions in mm NOT LESS THAN			Proposed Tolerance (-) 2mm	Percentage Difference (-2mm)		
			Height	Thickness	Space between		Height	Thickness	Space
1.	Two Wheeler	285x45mm	40mm	05 mm	05 mm	-2mm	5%	40%	40%
2.	Two/Three Wheeler	200x100mm	40mm	07 mm	05 mm	-2mm	5%	28.57%	40%
3.	LMV/HMV	500x120mm	65mm	10mm	10 mm	-2mm	3.07%	20%	20%
4	LMV/HMV	340x200mm	65mm	10mm	10 mm	-2mm	3.07%	20%	20%
5	Construction	200x100mm	35mm	07mm	05mm	-2mm	5.71%	28.57%	40%

(viii) Normative Standard : IS14224(1995) INDIAN STANDARD -Automotive Vehicles Registration Plate requirements: Annexure- 1

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11.3 Justification as to why a Negative Tolerance is Unacceptable

12.1 Nothing has changed in the last 20 years in Rule 51 of CMVR 1989 to warrant the introduction of a negative tolerance that is not permissible in law except by an assent of Parliament.

12.2 Further, when **other HSRP manufacturers have fully complied with and MET THE REQUIREMENTS OF Rule 51 CMVR 1989 as mandated**, there is no scope for an extending an inadmissible negative tolerance of (-2mm) to accommodate violators for their technical incompetence **" without the need for re-certification" as suggested by ARAI .**

12.3 ARAI acting without Authority

It is not within the powers of ARAI or for that matter the AISC committee even to "SUGGEST' that a negative tolerance in Rule 51 be accepted 'without the need for re-certification' when the law does not permit it , more so when ARAI represented by its convenor was solely responsible for Omitting Rule 51 of CMVR 1989 from the Nations Standard AIS:159 on HSRP.

HIGH COURT OF KERALA
सत्यमेव जयते

NEXUS , COLLUSSION AND CONNIVANCE ESTABLISHED

12.4 Investigation by Competent Authority Warranted

It must be mentioned here that ARAI is a testing agency accredited under Rule 126 of CMVR and is an Authority entrusted with Testing and Certification.

13.1 ARAI has failed in its responsibility in initiating an investigation against the complaint. Investigation under Rule 126 of CMVR 1989 read with Section 110A and 110B of the amended Central Motor Vehicle Act 2019 is warranted

13.0 Testing Agency ARAI Covering up Violations

13.1 The proposal to accept a negative -2mm as reported at the conclusion of the 3rd AISC panel meeting on or around the 13th of July 2021 appears to be the attempted cover up operation of awrong doing over a period of 20 years and continuing to date and with oblique motive to aid CMVR Rule 51 Violators circumvent the law.

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13.2 In September 2021, after the 4th AISC meeting , there appears a cover up operation by ARAI , seeking cooperation from other testing agencies for support of its suggestions to introduce a negative tolerance of (-2mm) since, it is believed , by convention, is M/oRTH will accept whatever is tabled to them by ARAI being the premier testing agency as one coming from the AISC panel even if it cannot stand legal scrutiny.

13.3 ARAI appears to act in consort with Violators of Rule 51 of CMVR-1989 leading to a what appears to be in the nature of a Conspiracy usurping into itself authority that it does not have ; i.e., to accept a negative tolerance of (-2 mm) to turn a blind eye to a shortage of 40% , 28.5 % and 20% of the minimum requirement for a Type Approval or a COP of HSRP for different class of vehicles stipulated under Rule 51 of CMVR-1989 that it has been CERTIFYING for 20 years and ongoing falsely as having 'MET THE REQUIREMENTS' when it 'NEVER DID'

Tolerance Limits if ever are to be considered are governed by IS 2102-2 (1993): General tolerances, Part 2: Geometrical tolerances for features without individual tolerance indications [PGD 20: Engineering Standards} and justifiably backed by authority and not according to the whims of ARAI represented by its convenor Dr. Shamsundara.

Illustration

Ref: AIS:159 3rd Registration Plate. The Tolerance Limit for Hologram 10mm x 10mm embedded in the 3rd Registration plate/sticker is ±0.5mm which is 0.5 in percentage terms. In comparison:-

(a) The Proposed acceptance of a negative Tolerance Limit of -2mm for 10 mm dimensional Thickness of alphabets and numerals is 20 % LESS THAN THE MINIMUM STIPULATED standard in Rule 51 of CMVR1989

(b) The Proposed acceptance of a negative Tolerance Limit of -2mm for 7 mm dimensional Thickness of alphabets and numerals is 28.5% LESS THAN THE MINIMUM STIPULATED standard in Rule 51 of CMVR1989

(c) The Proposed acceptance of a negative Tolerance Limit of -2mm for 5 mm dimensional Thickness of alphabets and numerals is 40 % LESS THAN THE MINIMUM STIPULATED standard in Rule 51 of CMVR1989 . Kindly refer to Table in 11.3 b (vi) for details please.

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13.4 Conclusive Evidence has emerged that ARAI is acting in consort with entities violating Rule 51 of CMVR1989 to whom it has issued False Certifications in a way now proven that is unlawful in its purpose, against public interest and is causing damage to entities who deal with HSRP as well as Public who are mandated to use HSRP and the matter being extremely serious in nature and consequences enormous, immediate enquiry appears necessary to fix responsibility and accountability to set matters right.

13.5 As on Oct 01, 2021, ARAI has collected data from testing agencies to ascertain the consistency of Dimensional requirements under Rule 51 pf CMVR-1989. The results may be brought on record to ascertain facts relating to an investigation on Testing malpractices existing in Test Agencies nominated by the Government.

14.0 ARAI omitting evidence from the Video/audio transcript of AISC panel meeting of Sept 01, 2021: AISC Panel Decision as per minutes of the meeting

Quote-

"Panel noted the facts from all stake holders. It was decided to put-up the proposal to MoRTH to look into for the revision of Rule 51 for incorporating measurement methodology in case of embossing technique of letters and numerals along with tolerances if any." -

Unquote

14.1 The panel decision quoted above is a distorted version of that which transpired in the meeting and the intentional act of redacting vital portions of the proceedings of the minutes of the meeting of 01 Sept 2021, ARAI subtly exposes that ARAI is relentlessly pursuing an agenda to continue to accommodate violators of Rule 51 of CMVR 1989 instead of informing the competent authority that is the Ministry vested with powers to take action for Violation of Rule 51 of CMVR1989 and Non-Conformance of COP.

14.2 When other Type approved vendors manufacture HSRP that comply and conform to the provisions of Rule 51 and that standardization and a Uniform 'NATIONAL FONT for HSRP is the ONLY solution and the complaint of violation of Rule 51 of CMVR-1989 has been established, ARAI is bound by protocol to initiate an enquiry and communicate its findings and there is no justification whatsoever for a review of rule 51 or for a methodology of measurement to come from MoRTH when it is deduced from the content in AIS:159 relating to the Colour coated on the embossed letters and numerals on the HSRP except to pursue an agenda to accommodate violators circumvent violation of Rule 51 of CMVR-1989 and action under Rule 124 of CMVR-1989.

84 P10/15

14.3 In the instant case, it has been established that ARAI, the premier testing and certifying agency has cheated the nation , acted against public interest and is continuing to making statements and recording events that are intentionally misleading and therefore it can no more be relied upon. Consequently, it is imperative, it appears, that an enquiry be initiated by the competent authority and ARAI be accountable under Rule 126 of CMVR-1989 for its actions.

14.4 The 'SYSTEM' in place reveals that GOI depends on ARAI for its decisions and tends to accept " Generally' what is presented to it as one having come from the Automotive Standards Committee comprising of Testing Agencies, SIAM , Manufacturers of Automobiles, ACMA etc. ARAI cannot cover itself under a collective cloak of responsibility of AISC and vice versa, the AISC Panel cannot henceforth , to say the least, claim of not knowing Testing malpractice in ARAI and in its representations to M/oRTH.

14.5 Herein is the predicament that it is ARAI that has issued False Certification as having met the requirements of Rule 51 of CMVR-1989 when in fact it never did and has to find a way out by , misleading statements and information in order to keep the controversy away from public scrutiny and action initiated against itself .

15.0 Entities are using remote control to influence decisions in Testing agencies

Everything relating to HSRP appears to be managed" by entities with power and wield enormous influence and it appears that it is under their writ , HSRP is being implemented at their will, command and time of their choosing.

15.1 An ex-employee of a HSRP vendor has been planted since July 2021, as a 'Consultant" in the Testing Agency, GARC : Global Automotive Research Centre - established by the Ministry of Heavy Industry in Tamil Nadu.
Testing agencies appear to be wilting under pressures and appear to be remote controlled by powerful entities.

15.2 The reason for **INTENTIONALLY OMMITTING reference to Rule 51** from the Nations Automotive standard for HSRP AIS:159 now stands confirmed , since the subject being controversial, ARAI has made every effort to keep the issue out of Public scrutiny for 20 long years. AIS 036 first written around the years 2002-2003 was abandoned for the same reason.

85 P10/20

15.3 VAHAN, the National Registry of Registration of Motor Vehicles does not appear to have a protocol for HSRP registration as it has for other components such as Vehicle Tracking and Pollution control devices and appears has no module for acceptance and approval of HSRP registration of existing (prior to 01 April 2019) old motor vehicles and thereby all existing motor vehicle owners are driven to the Automobile manufacturers of the brand of vehicle owned by them if they are to procure a HSRP which eventually lands in the hands of FIVE MONOPOLIST HSRP Vendors ALL WHO HAVE NOW PROVEN TO BE VIOLATORS OF RULE 51 OF CMVR1989 and whose Type Approvals are now deemed VOID.

15.4 Vahan appears to follow the Delhi Model for tender and there appears no module for approval of HSRP for existing vehicles in terms of GSR 104(E) dated 11 Feb 2020. When OEM's such as General Motors have closed and Ford India following, , there is no provision for existing customers of the said OEMs for changeover to HSRP except by some unknown circumvention that is not publicly known since there is NO Protocol to be followed that Vahan administrators are providing.

15.5 This appears to be controlled by vested interests since GSR104(E) dated 11 Feb 2020 wherein CMVR-1989 was amended that permits Type Approved Vendors issue HSRP to existing vehicles was/is missing from " India Code" the repository of Government notifications and was not known until it surfaced in a Tender of the Tamilnadu Government in Feb 2021 wherein tender conditions were so crafted to drive the tender in favour of TWO entities who are violators of Rule 51 of CMVR .

16.0 The undersigned has informed via email addressed to

1. The Office of the Honorable Transport Minister through the Jt. Sec MoRTH in the Ministry of this subject matter
2. The Office of the Ministry of Heavy Industries under which all the Testing Agencies are formed
3. The Directors of Testing Agencies such as ARAI, CRRI, ICAT, CIRT, VRDE , GARC and others
4. Director General of SIAM and some of its members
5. Representative of ACMA
6. Representatives from Automobile Manufacturers in the AISC Panel

Pertinent to note is that Not one person has acknowledged receipt of the communication on this subject

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17.0 Urgent Intervention of Competent Authority

17.1 Evidence is now on record of violations of Rule 51 CMVR by Type Approved HSRP Vendors who were inappropriately issued Type Approval Certificates by False Certification as having met the requirements by ARAI, the Premier Testing and Certification agency and other testing agencies.

17.2 Consequently, the Type Approvals are deemed VOID and there can be no further manufacture and supply of HSRP without re-certification by Violators.

17.3 The Registration of Motor Vehicles is essential for the nation and HSRP is to be affixed on to newly registered Motor Vehicles at the point of sale.
The process has to go and a decision by intervention by the Competent Authority appears to be the only relief possible in the interest of the nation since the powers that be are managing matters at every level is evident.

17.4 However, 4 major players who have monopolized the New vehicle HSRP market by entering into long term agreements are all proven violators of Rule 51 of CMVR-1989 and therefore:
(a) The validity of the HSRP Type Approval Certificate and Conformity of Production issued by ARAI and Other Testing Agencies to violators are to be deemed VOID and INVALID and HSRP will have to be re-certified to comply with the said Rule 51 of CMVR-1989 before it can be further supplied to OEMs and ARAI is to be restrained by accountability from pursuing an agenda to circumvent the Law under Rule 51 and accommodate the violators without re-certification and compliance . Intervention by the Competent Authority appears to be is the only solution.

18. Over 7 crore HSRP affixed on to Two Wheelers and Three wheelers till date and continuing at about 80000 per working day are defective Safety components and are to be recalled and replaced if Rule 124 of CMVR-1989 is enforced.

87 9/10/22

19. Over 7 crore Motor Vehicle Owners whose vehicles have been fitted with defective HSRP by OEMs, face the potential of a penalty if Rule 51 is enforced by the States and therefore intervention by the Competent Authority is paramount in this matter of Public interest affecting innocent people for a violation that they are not responsible.

20. HSRP Rule 51 violators are liable for penal action for non-conformance of Conformity of Production and therefore intervention by the Competent Authority appears to be is the only solution for justice since the ARAI , the nation's premier testing agency has abandoned its duty of taking action against violators and is seen on record, aiding , abetting and acting in consort with the violators of Rule 51 of CMVR1989 to circumvent the law and to save themselves since it is ARAI that has falsely issued Type Approval Certificates and subsequent Conformity of Production.

21. ARAI, The Nations Autonomous Premier Testing and Certifying agency the Government of India relies upon for advice has come on record as one that is tainted, involving Testing malpractice and False Certifications and as one acting in consort with violators of Rule 51 of CMVR-1989 in the nature of a conspiracy against public interest. The accreditation of ARAI under Rule 126 has come into question and intervention by the Competent Authority appears to be is the only solution for enquiry of accountability and restoration of credibility in public interest to prevent the infraction from being 'managed' and misrepresented to the Government .

18. The simple solution of compliance to Rule 51 will be ONE STANDARD NATIONAL FONT FOR HSRP. The nation cannot have as many fonts as there are vendors. intervention by the Competent Authority appears to be is the only solution in Public interest since ARAI is pursuing a different agenda with vested interest other than standardization in National Interest . This suggestion supported by a lady on the AISC panel was redacted by ARAI since it does not suit the agenda pursued by it.

88 A10/23

19. I do not have the wherewithal but yet , I am pursuing this matter at the peril of my business interests and risk to my life, involving a conservative estimate of over 7 crore of innocent motor vehicle owners, several Motor Vehicle Manufacturers, and a conservative Estimate of over a Thousand Crores in Rupee terms all because a handful of entities are able to manage the system and have the testing agencies work to their benefit and against the nations interest and nothing can stop them other that urgent intervention by the Competent Authority for justice, accountability and restoration of credibility of test agencies.

20. Greatly encouraged by the Lectures of the Honorable Chief Justice and Honorable Companion Justices that people should stand up for what is right and not assume that the government will always speak the truth, I have taken this step of submitting this Evidence based representation/appeal for urgent intervention in Public Interest that has affected motor vehicle owners across every state and union territory of the nation .

21. I declare that the contents of this petition are true to the best of my knowledge and belief and that adequate documentary evidence is available on record to substantiate the contents of this appeal for urgent intervention by the Competent Authority due to the sensitive nature of the subject and the enormous implications involved.

Thomas Cherian
MotorSigns India
Global Standards. Indian Expertise
Swagatham : Visit www.motorsign.in

cc to
Shri Dr. Reji Mathai Chairman AISCV & Chairman TSC
Shri A. Badusha ARAI
Shri K.C. Sharma SE(MVL) M/oRTH
Shri S.K. Geeva US (MVL)

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Declaration of Thomas Cherian

S/o Late P. Cherian : Date of Birth 02 June 1952

Proprietor:

MotorSigns India founded in 2019 : HSRP Type Approval Certificate Holder

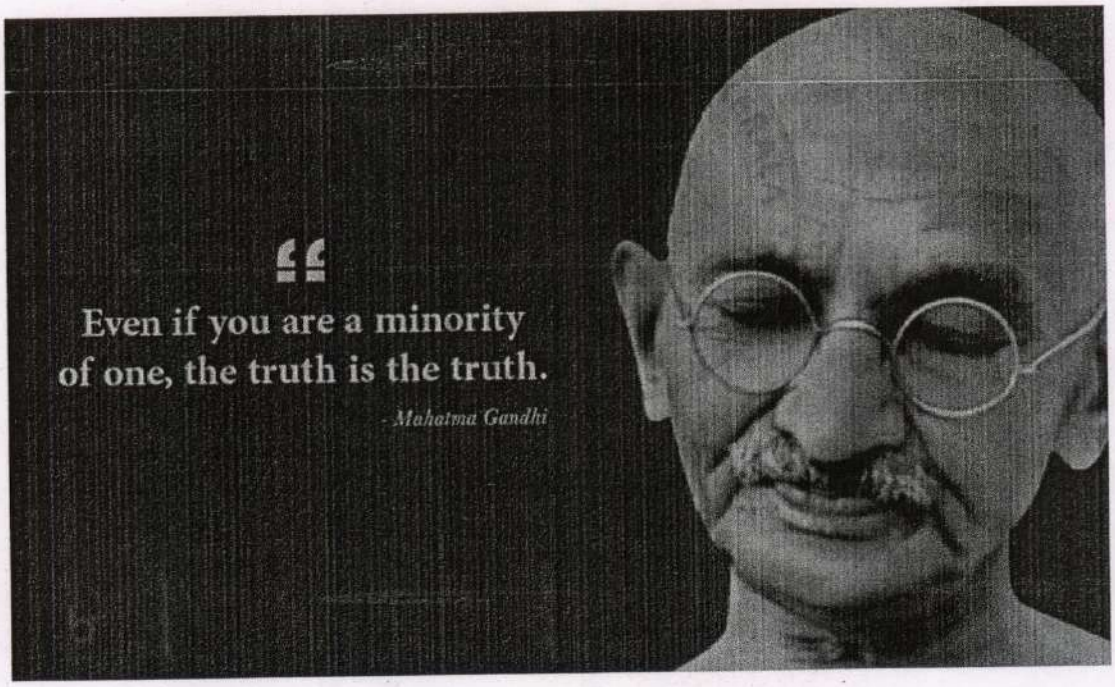
Founder/Mg Partner Signs India -1983 Firm Dissolved in 2014

HSRP Type Approval Certificate issued by ARAI dt. 02June 2003 - NOT IN USE

Email: cheriantmr@gmail.com

Mob: +91 7695939249

810 Anna Salai, Nandanam, Chennai 600035



Dedicated.

Test Report No. SHL/252/2001-02/2867

Annexure-I

ARAI/CMVR/ 2002-275

8 JUL 2002

GENERAL REQUIREMENTS:

Plate size : 500 X 120 mm
340 X 200 mm
200 X 100 mm
285 X 45 mm

Colour of the plate : Black on Yellow background and Black on White background.

Particulars	Reference standard / Gazette Notifications	Specified in the standard / Gazette notifications	Remarks
Overall plate size, material, thickness:			
Overall dimensions of the plate	GSR 221 (E) S.O 1041 (E)	500 X 120 mm 340 X 200 mm 200 X 100 mm 285 X 45 mm	All plates met the requirements
Thickness of the plate	GSR 221 (E)	1.0 mm	Satisfactory.
Material	GSR 221 (E)	Aluminum	Satisfactory.
Border edges and corners	GSR 221 (E)	Border edges and corners of the plate shall be rounded to approx. 10 mm. Plate must have embossed border	All plates met the requirements
Letters			
Height	GSR 221 (E) CMVR Rule No. 51 Minimum dimensions	65 mm/ 65mm/ 40 mm / 30 mm	All plates met the requirements.
Thickness		10 mm/ 10 mm/ 7 mm / 5 mm	
Distance between two letters		10 mm/ 10mm/ 5 mm / 5 mm	

THE HIGH COURT OF KERALA

Test Report No. SHL/252/2001-02/2867

ANNEXURE –I contd... ARAI/CMVR/ 2002 275 8 JUL 2002

Particulars	Reference standard / Gazette notifications	Specified in the standard / Gazette notifications	Remarks
Laser Brand			
The permanent consecutive identification number of minimum of 7 digits in Arabic numbers shall be preceded by two alphabets is to be laser branded in to the reflective sheeting on the bottom left hand side of the registration plate with the numeral size 5 mm.	GSR 221 (E) S. O. 814 (E) GSR 1041(E)	No. of digits: 7 minimum (2 Alphabets) Height: 5mm Laser branded	Met the requirements.
INIDIA Inscription			
All embossed areas and surfaces shall bear the inscription "INDIA" in font size 10 and type Arial Bold. The inscriptions shall be at 45° inclination blue colour with sequential lines being the mirror image of the other.	GSR 221 (E) S.O. 814(E) GSR 1041(E) IS:1 & 5 for blue colour	Inscription is on all embossed area Font size: 10 = 2.5 mm Type :Arial Inclination : 45° and sequential mirror image Colour : Blue	Met the requirements.

THE HIGH COURT OF KERALA

ARAI
AUTOMOTIVE RESEARCH
ASSOCIATION OF INDIA

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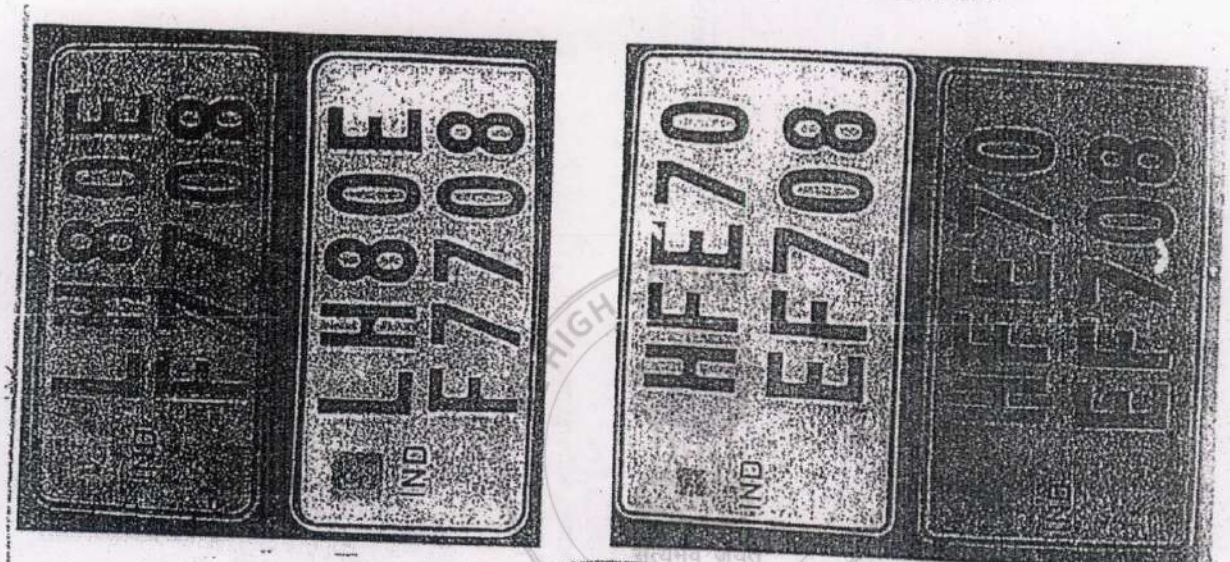
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ARAI ARAI/CMVR/ 2002-275

ANNEXURE-V

TEST REPORT NO.SHL/252/2001-02/2867 8 JUL 2002

Typical photographs of number plates submitted by the manufacturer





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Annexure-I

ARAI/CMVR/2003-192

12 JUN 2003

Test Report No. SHL/252/2002-03/3520

GENERAL REQUIREMENTS:

Plate size : 500 X 120 mm
340 X 200 mm
200 X 100 mm
285 X 45 mm

Colour of the plate : Black on Yellow background and Black on White background.

Particulars	Reference standard / Gazette Notifications	Specified in the standard / Gazette notifications				Remarks
Overall plate size, material, thickness:						
Overall dimensions of the plate	GSR 221 (E) S.O 1041 (E) CMVR Rule No. 50	500 X 120 mm 340 X 200 mm 200 X 100 mm 285 X 45 mm				All plates met the requirements
Thickness of the plate	GSR 221 (E)	1.0 mm				Satisfactory.
Material	GSR 221 (E)	Aluminum				Satisfactory.
Border edges and corners	GSR 221 (E)	Border edges and corners of the plate shall be rounded to approx, 10 mm. Plate must have embossed border				All plates met the requirements
Letters		500X120mm	340x200mm	200x100mm	285x45mm	
Height	GSR 221 (E) CMVR Rule No. 51 Minimum dimensions	85 mm	65 mm	40 mm	30 mm	All plates met the requirements.
Thickness		10 mm	10 mm	7 mm	5 mm	
Distance between two letters		10 mm	10 mm	5 mm	5 mm	

HIGH COURT OF KERALA

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Test Report No. SHL/252/2002-03/3520 ARAI/CMVR 2003-192 12 JUN 2003

ANNEXURE –I contd...

Particulars	Reference standard / Gazette notifications	Specified in the standard / Gazette notifications	Remarks
Laser Brand			
The permanent consecutive identification number of minimum of 7 digits in Arabic numbers shall be preceded by two alphabets is to be laser branded in to the reflective sheeting on the bottom left hand side of the registration plate with the numeral size 5 mm.	GSR 221 (E) S. O. 814 (E) GSR 1041(E)	Height: 5mm Laser branded	Met the requirements.
INIDIA Inscription			
Letters and numerals of the license number shall bear the inscription "INDIA" in font size 10 and type Arial Bold. The inscriptions shall be at 45° inclination blue colour with sequential lines being the mirror image of the other.	GSR 221 (E) S.O. 814(E) GSR 1041(E)	Inscription is on all embossed area Font size:10 Type :Arial bold Inclination : 45° and sequential lines of mirror images of the other Colour : Blue (Visual observation)	Met the requirements.

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ANNEXURE Contd... ARAI

TEST REPORT NO. SHL/252/2002-03/3520

Typical photographs of number plates submitted by the manufacturer
NUMBER PLATE SIZE:200 MM x 100 MM

ARAI/CM : 2003-192 12 JUN 2003



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AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA

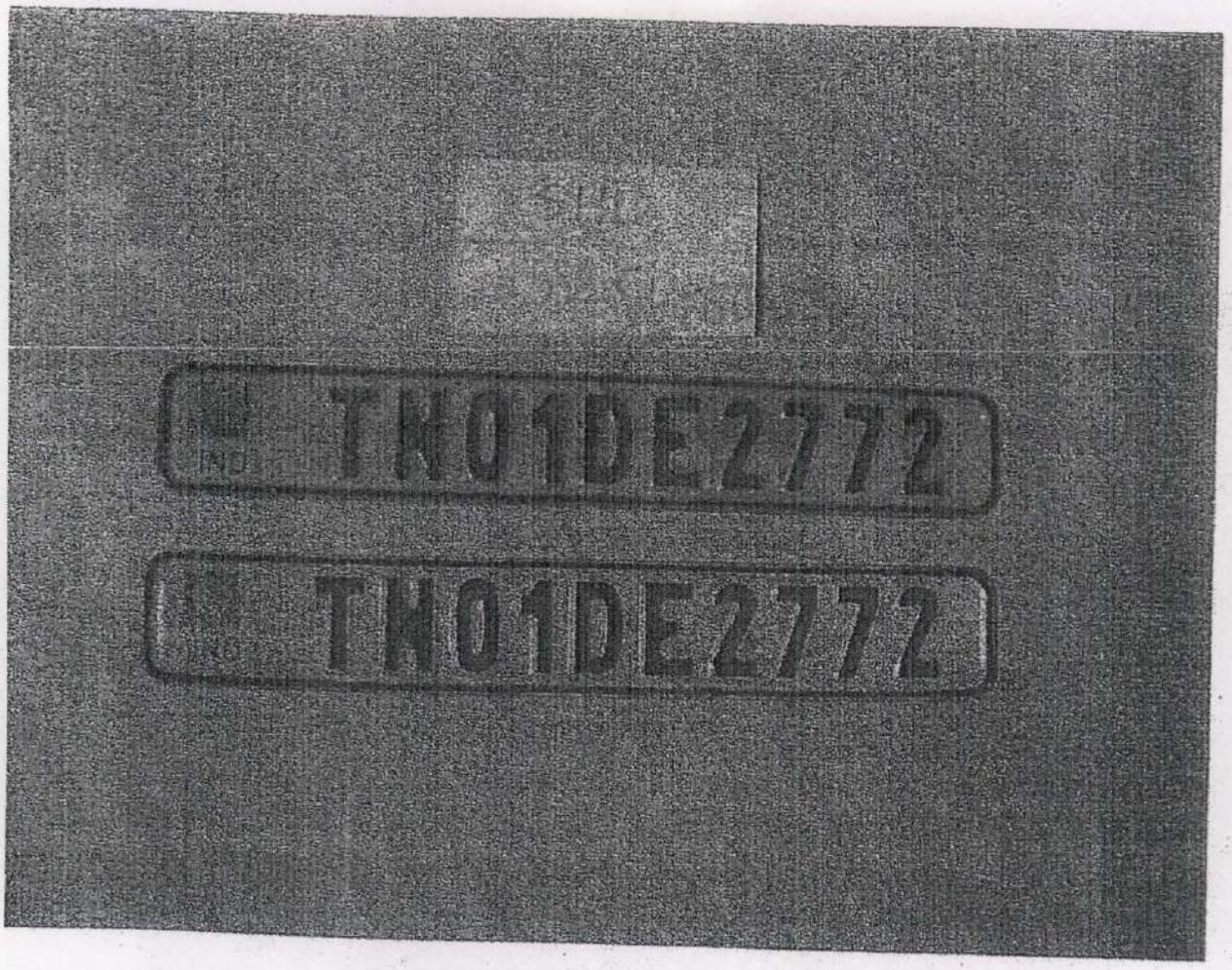
ARAI

ANNEXURE-V contd...

TEST REPORT NO. SHL/252/2002-03/3520

Typical photographs of number plates submitted by the manufacturer
NUMBER PLATE SIZE: 285 MM x 45 MM

ARAI/CMVR/ 2003-192 2 JUN 2003



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Annexure 1 (Page 1/2)

Motor Vehicles Department - Kerala



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Annexure 2 (Page 2/2)

Motor Vehicles Department - Kerala



NOTE

1. The dimensions of 2 Wheeler Rear mentions a letter height of 35 mm and a Digit(numeral) height of 40 mm which is an ERROR and not in accordance with the Test report of the Test Agencies.

Thickness 7 mm . Space Between 5mm

2. The Dimensions of Letter height 40mm and Digit(Numeral) Height 40 mm as in the case of 3 wheeler is CORRECT.

Thickness 7 mm . Space Between 5mm

3. Designated Testing agencies require all plates of size 200mm x 100 mm to maintain uniform height for Letters and Numerals of NOT LESS THAN 40 mm IN USE FOR Two Wheelers AND Three Wheelers.

Thickness 7 mm . Space Between 5mm

4. A new Dimension for Front and Rear Plate Letter Height 35mm has been prescribed for Construction Vehicles.

Thickness 7 mm . Space Between 5mm.

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HSRP: Non-Compliant

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Violation of Rule 51- CMVR 1989

Image by Citizen Reporter





HSRP: Non-Compliant

Violation of Rule 51- CMVR 1989

100

P10/35-

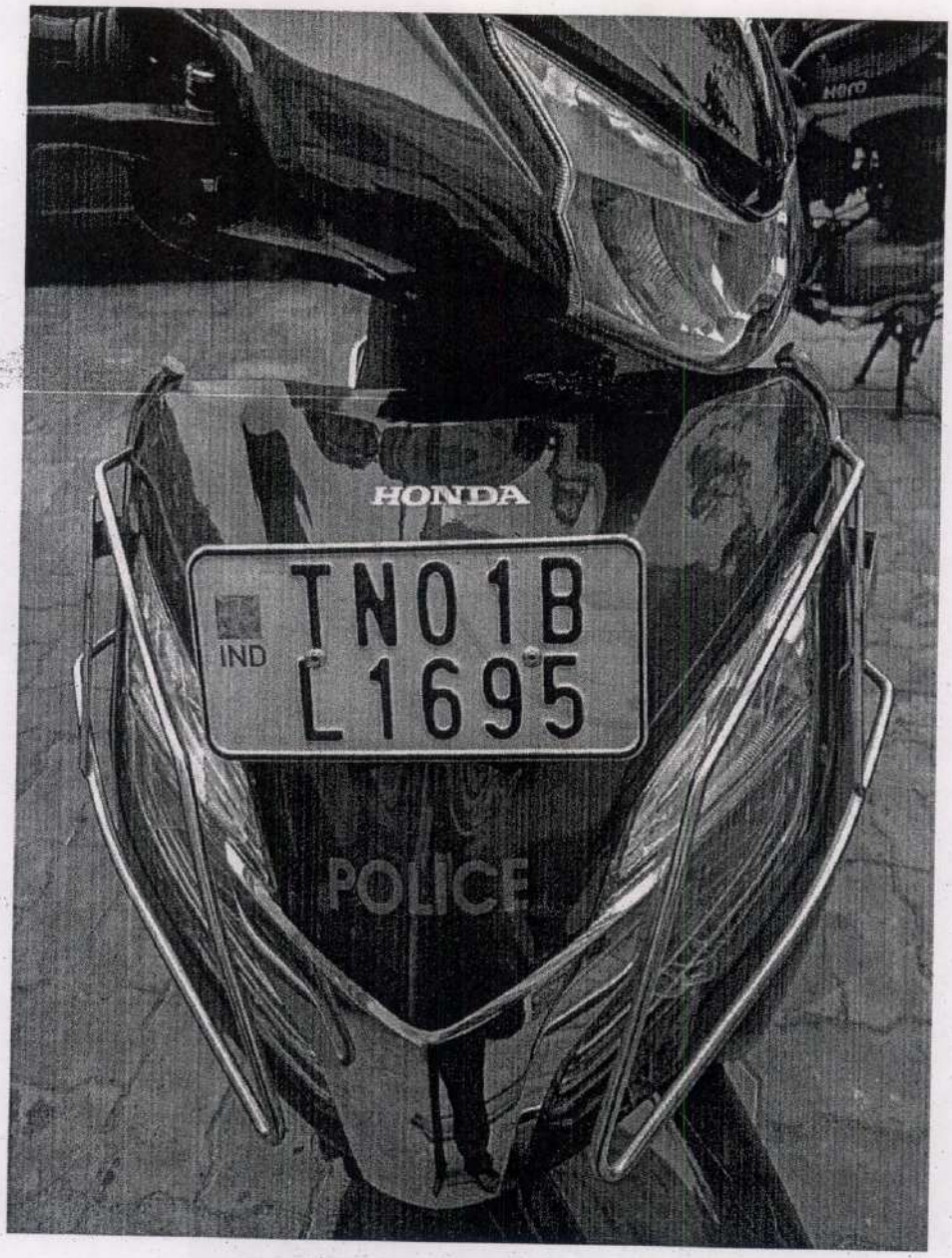


Image by Citizen Reporter

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HSRP: Non-Compliant

Violation of Rule 51- CMVR 1989



Image by Citizen Reporter

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HSRP: Non-Compliant

Violation of Rule 51- CMVR 1989



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HSRP: Non-Compliant

Violation of Rule 51- CMVR 1989



Image by Citizen Reporter

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Further proposal were received from

Email dated: 13.07.2021 from **Rosmerta Safety Systems Pvt. Ltd.**

1. All measurements be done in visible hot stamped black foil area.
2. Tolerances of - 2mm be allowed in dimensions specified in Rule 51.

Email dated: 13.07.2021 from **Celex Technologies Pvt. Ltd.**

1. All measurements be done in visible hot stamped black foil area.
2. 2.Tolerances of - 2mm be allowed in dimensions specified in Rule 51.

Email dated: 22.07.2021 from **FTA HSRP Solutions Pvt. Ltd.**

1. All measurements to be done from the visible hot stamped foiled area.
2. Tolerance of -2mm be allowed in the dimensions specified in Rule 51.

After deliberation following decision was drawn;

1. Principally agreed the proposed amendment by all panel members for adding only CMVR Rule 5 reference in the standard under clause No. 6.4.

2. Mr. Sandeep Agrwal from Celex briefed again regarding tolerance requirements.

3. Mr. Bhanot from Rosmerta Safety Systems Pvt. Ltd. further briefed again to the panel regarding th tolerance requirements in absence of measurement methodology to be followed for embossin letters as against plain letters and same is attached as an aneexure III. He also mention tha accommodating embossed 10 digits registration number with same size of plate what followed earlie is difficult particularly for 200x100 mm and 285x45 mm plates.

4. The following proposal for incorporating tolerance was also agreed by HSRP manufacturer. *No furthe counter comments were received by any other members viz; testing agencies, SIAM, ACMA, TMA etc.*

   - All measurements be done in visible hot stamped black foil area.
   - Tolerances of - 2mm be allowed in dimensions specified in Rule 51.

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Sr. No.	Proposed Amendments	Comments	Panel decision
	Page No. 4/15, clause 6.4 At the end of clause 6.4, insert the following new paragraph The letters of the registration mark shall be in English and the figures shall be in Arabic Numerals. The dimension of letters and figures of the registration mark and the space between different letters and numerals and letters and edge of the plain surface shall be as per rule 51 of the Central Motor Vehicles Rules, 1989. Justification: In line with CMVR 50 & 51	**Rosmerta Safety Systems Pvt. Ltd.** Insert note as follows; Note 1. Width and height of Character as prescribed in Rule 51 is to be measured from the bottom edge of recess of the character embossment i.e., measured from back of the plate. 2. Visual readable zone width of hot stamped black portion of the character, will have a negative tolerance of 2mm. 3. Visual Spacing between the two characters, be measured from the edge of hot stamped blackened portion of the character on the top of the plate. 4. Applicable tolerance of about "minus 1mm" will be permissible in all dimensions i.e., height, width and spacing between characters. Justification Refer Attached annexure – 1 to this sheet	Principally agreed the proposed amendment by all panel members however proposed tolerance was not agreed. HSRP manufacturers will discuss and come back for new proposal without compromising the Rule No. 51.

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Annexure III

Justification to Cl. No. 6.4 for addition of Rule 51 with tolerances submitted by Rosmerta Safety Systems Pvt. Ltd.

Follow up to discussions held in AIS panel for AIS 159, dated 12.7.21, following proposal is submitted for compliance to dimensions mentioned in Rule 51.

- Originally when rules were framed, one was supposed to fix/paste stickers of Alpha Numerals on a plain registration plate without any borders. It was easy to maintain height and width of different characters along with spacing between the characters.
- After the introduction of HSRP, one was supposed to make the alpha numeric characters by **Embossing** them on **an aluminum plate pasted with reflective tape** having corner edges.
- One has to redefine the parameters of character height, width and in between spacing as there are numerous elements of process of embossment, to be considered. (Subsequently, explained in detail).
- Besides one has to also consider practical difficulty of availability of space in the prescribed length and width of the registration plate keeping in view the fact that earlier there were **8 alpha numeric numerals** in registration numbers which has now increased **to 10 alpha numeric numbers.**
- **For two wheelers specially,** it has become difficult to accommodate the same in the given length and width while complying with the regulations. While making the alpha numeric character with embossing process on the HSRP plate, a few of the aspects enumerated below, are required to be taken into consideration:

i. HSRP **contains an embossed border on all sides of the plate and hence consumes some space.**
ii. **One is required to hot stamp a Hologram on left side as well as laser etch a unique 12-digit alpha numeric code assigned to each HSRP by the supplier.**
iii. Also, **IND logo in blue colour is also required.**
iv. One has to **also leave a space for insertion of snap lock for mounting the plate as per specific requirements of all manufacturers.**
v. Embossing of a character with a die requires placement of 10 alpha numeral blocks of die on the plate along with spacers for blank places for Snap lock, IND/Hologram/Laser code.
vi. **Embossing die is tapered and is wider at the bottom and narrower at the top for easy ejection. Dies are also clapper type i.e., open from side to facilitate insertion of blank HSRP to be embossed. Top edges also have a radius at the edge.** Width of the flat area differs from manufacturer to manufacturer depending upon design of each die. Same is equally applicable to other dimensions mentioned in Rule 51.
vii. **Readable Zone** i.e., Blackened portion width and height of the character, will vary from manufacturer to manufacturer, depending upon design of die.
viii. **Hence a margin of - 2mm has to be allowed in its readable zone for height, thickness and space between two characters visa-a-vis given in the Rule 51.**

In view of justification given above following notes be added in the AIS 159 at appropriate place:

Note:

1.All measurements be done in visible hot stamped black foil area.

2.Tolerances of - 2mm be allowed in dimensions specified in Rule 51.

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After deliberation following decision was drawn;

5. Mr. Thomas Cherian from MotorSigns tabled the following facts;

- CMVR 51 clearly defines the dimensions (in mm) for height, thickness and space between not less than as specified in Table.
- Measurement shall be carried out on blackening portion of registration number
- He mention that, IS: 14224-1995 which specify the dimensional requirements which is similar to Rule 51. He also specify that Rule 51 of CMVR1989 appears to be a derivative of IS14224:1995. (*However this standard is not refereed in rule or any standards presently following)*
- He mentioned that, in the absence of specific guidelines for the embossing of letters and numerals, last 20 years all stake holders are following the rule 51 with deviation. He strongly recommended to note and sought guidelines.
- However, he also mention that CMVR 51 not clear about the methodology for the measurement of dimensions in case of embossing of letters and numerals.
- He strongly insisting revision of Rule incorporating the measurement methodology as well tolerance if required first, subsequently it shall be considered in AIS:159.
- AIS:159 panel don't have any wright to take a deviation with Rule.

Panel Decision: Panel noted the facts from all stake holders. It was decided to put-up the proposal to MoRT&H to look into for the revision of Rule 51 for incorporating measurement methodology in case of embossing technique of letters and numerals along with tolerances if any.

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MotorSigns India
810, Anna Salai, Nandanam, Chennai - 600 035.
Mob : +91-76959 39249, +91-73585 27677
Tel : 044 - 24330857, E- mail : motorsign@gmail.com

HIGH SECURITY REGISTRATION PLATE



18 Feb 2020

The Transport Commissioner
2nd Floor, Trans Tower
Vazhuthacaud, Thycaud PO
Thiruvananthapuram 695014

Re: High Security Registration Plates (HSRP) for Motor Vehicles
Supply the high security registration plate including the third registration mark on old vehicles in terms of Para.5 (ii) of S.O.6052(E) dated 06 December 2018 of the Ministry of Road Transport and Highways Notification.

THE HIGH COURT OF KERALA

Madam Commissioner,

Greetings

MotorSigns India has been awarded a TYPE APPROVAL FOR HIGH SECURITY REGISTRATION PLATES (HSRP) on samples made Indigenously without a foreign Collaborator. – 15TH Oct 2019

An earlier Type Approval Certificate dated 02 June 2003 was issued in the name of Signs India founded by the undersigned in 1983 also on samples made Indigenously without a foreign Collaborator

A combined experience of 35 Years in Business of Manufacturing and sale of Reflective Embossed License plates (similar to HSRP but WITHOUT SECURITY FEATURES) to Motor Vehicle Dealers of OEM's (as stipulated currently by the GOI) and State Transport Undertakings in Tamil Nadu is our Hall Mark.

In terms of Lr. No RT 11028/01/2018-MVL dated 01 July 2019 on the subject of Compliance to Central Motor Vehicle Rules 1989 for High Security Registration Plates, the HSRP is to be provided the OEM's for New Vehicles W.E.F. 01 April 2019 and further that the dealers may be authorised by the Motor Vehicles Department (of States) to affix such plates on Old(Existing) Vehicles. (Copy Attached)

In terms of Para.5 (ii) of S.O.6052(E) dated 06 December 2018 of the Ministry of Road Transport and Highways Notification, it is stipulated that the Manufacturers or Suppliers of High Security registration Plates **if so authorised by the state concerned,** may also supply the high security registration plate including the third registration mark on old vehicles after placing the Registration Mark.

MotorSigns India is in a position to cater to the needs of the State of Kerala with reference to Manufacture, supply and Fitment of HSRP on the existing old Motor Vehicles in Kerala.

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110 P10/45

MotorSigns India has the potential to create over One Hundred Direct and Indirect employment opportunities in the State of Kerala, most of whom will be women

At ***MotorSigns India***, Quality and durability is guaranteed to be **BEST IN CLASS**. When it comes to COMPLIANCE OF HSRP standards and specifications, **WE HAVE NO EQUALS**

We submit this request to authorize us in terms of Para.5 (ii) of S.O.6052(E) dated 06 December 2018 of the Ministry of Road Transport and Highways Notification, to Supply the High Security Registration Plate-HSRP including the third registration mark on old vehicles registered in the State of Kerala.

Within 45 days of such authorization, we will establish a network of Offices and Fitment centers throughout the state of Kerala .

We request we be given an opportunity to serve state of Kerala and assure you of world class standards.

We shall make ourselves available for any further information or clarifications you desire.

Sincerely

Thomas Cherian
MotorSigns India
810 Anna Salai, Nandanam
Chennai 600035
Mob: +91 76959 39249 , + 91 73585 27677
Email: motorsign@gmail.com

THE HIGH COURT OF KERALA
सत्यमेव जयते

This is the true copy of the document marked as Exhibit. P-939 in the above W.P.(C).

Advocate

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Ext-P11

MotorSigns India
810, Anna Salai, Nandanam, Chennai - 600 035.
Mob : +91-76959 39249, +91-73585 27677
Tel : 044 - 24330857, E- mail : motorsign@gmail.com

HIGH SECURITY REGISTRATION PLATES

07 Feb 2022

Shri MR Ajith Kumar IPS
The Transport Commissioner
2nd Floor, Trans Tower
Vazhuthacaud, Thycaud PO
Thiruvananthapuram 695014

Re: High Security Registration Plates (HSRP) for Motor Vehicles
MVD Kerala Correspondence No.266807/2021/INWARDTC
A. Fitment of Defective HSRP by OEM's on Newly Registered Vehicles in Kerala WEF 01 April 2019
B. Defective HSRP: Recall and Replacement. Onus on OEMs
C. Enforcement for Violation of Rule 51 of CMVR -1989
D. Amnesty to Motor Vehicle Owners with Non-Compliant HSRP affixed by OEM's
E. Implementation of HSRP in Kerala: Existing Old Registered Vehicles

Dear Shri Ajithkumar,

I had the privilege of meeting the Honorable Minister of Transport Shri Antony Raju on 03 February 2022 and on his advice, I am submitting this representation for a fact-finding investigation, action as deemed fit and redressal.
This communication is in continuation to my letter dated 01 Nov. acknowledged by MVD Kerala vide Correspondence No.266807/2021/INWARDTC,

A. Fitment of Defective HSRP by OEM's on Newly Registered Vehicles in Kerala WEF 01 April 2019
Violation of Rule 51 of CMVR -1989

CONFIRMED in absolute terms with irrefutable evidence is that HSRP issued by OEM's and affixed by their respective dealers on approximately 1.5 crore newly registered Motor Vehicles in the state of Kerala WEF 01 April 2019, more particularly in respect of Two-wheelers and Three-wheelers DO NOT COMPLY WITH THE REQUIREMENTS OF Rule 51 of CMVR-1989 and DO NOT CONFORM TO the HSRP Type Approval Certificate and COP issued by Testing Agencies.

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EVIDENCE ON RECORD

In the course of a Virtual meeting of the Automotive Industry Standards Committee-AISC on 03 Sept 2021, one Mr. Bhanot representing an entity called M/s Rosmerta, stated, made presentations and submissions with reference to their INABILITY TO COMPLY WITH THE MINIMUM Dimensional requirements of the Alphabets and Numerals and the Space between them specified in RULE 51 OF CMVR-1989 as follows (reproduced in part) that are now a part of the minutes of the AISC meeting drafted by ARAI: -

Methodology of Measurement to comply with Minimum Requirements of Rule 51.

(a) *Width and height of Character as prescribed in Rule 51 of CMVR 1989 is to be measured from Back of the Plate.* Evidence Attached

Note: Herein surfaced evidence of

(a) Non-Compliance to MINIMUM DIMENSION prescribed and Non-Conformance to TAC-Type Approval Certificate Requirements by M/s Rosmerta (and some others)

(b) TESTING MALPRACTICE IN ARAI applying dubious methodology of measurement accommodating Ineligible HSRP manufacturers.

Justification: Written submissions by M/s Rosmerta mentions among others: -

(a) Practical Difficulty due to lack of space: -

"Besides one has to also consider practical difficulty of availability of space in the prescribed length and width of the Registration Plate keeping in view the fact that earlier there were 8 alpha numeric numerals in registration numbers which has now increased to 10 alpha numeric numbers.

For Two wheelers specially, it has become difficult to accommodate the same in the given length and width while complying with regulations"

Note: M/s Rosmerta Admits INABILITY to manufacture HSRP and FAILURE to COMPLY WITH AND CONFORM TO Rule 51 of CMVR-1989.

(b) *"Readable Zone "i.e., Blackened portion width and height of the character will vary from manufacturer depending upon design of the die.*

Note: M/s Rosmerta "suggests" 'depending on the size of the die', other HSRP Vendors could have complied with the minimum requirements that M/s Rosmerta has been unable to achieve.

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(c)Proposal of M/s Rosmerta:

Hence a Margin of -2mm has to be allowed in its readable zone for height, thickness and space between two characters visa-a-vis in the Rule 51

Note: M/s Rosmerta admits BY CONFESSION through its proposal that 100% HSRP manufactured by them and affixed on Motor Vehicles through OEMs, more particularly of Two Wheelers and Three Wheelers in the state of Kerala are SHORT OF THE MINIMUM 'NOT LESS THAN "dimensions in "mm" requirements in respect of "Thickness of Alphabets and Numerals specified in the Table under Rule 51 of CMVR-1989 by

(a) 40 % in the case of HSRP of Dimension 285mm x 45mm (5 mm – 2mm = 3mm)

(b) 28.5% in the case of HSRP of Dimension 200mmx100mm (7mm-2mm=5mm)

(c) 20% in the case of HSRP of Dimension 500mmx120mm and 340mmx200mm (10mm-2mm=8mm)

Kindly refer Table attached for complete details as regards Height, Thickness and space between Alphabets and Numerals please.

HSRP: NO NEGATIVE TOLERANCE FOR COMPLIANCE TO Rule 51 of CMVR-1989 is required

MVD Kerala to kindly take important note that other HSRP Type Approved Vendors such as *MotorSigns India* have achieved the Minimum standards prescribed in Rule 51 of CMVR-1989 WITHOUT THE NEED FOR ANY NEGATIVE TOLERANCE and therefore there is NO SCOPE WHATSOEVER to heed to any request or concede to any proposal to accommodate entities for their TECHNICAL INCOMPETENCE and FAILURE to manufacture HSRP that complies to Rule 51 of CMVR-1989. It may tantamount to aiding and abetting circumventing the Law.

Former Director of TESTING AGENCY ARAI representing M/s Rosmerta presented justifications.

It must be mentioned that Mr. Bhanot now representing M/s Rosmerta has been identified as the Former Director of ARAI, Former Chairman of the AISC – Automotive Industry Standards Committee and member CMVR-TSC-Technical Standards Committee set up by MoRTH and admittedly, in his tenure and under his Signature has been issuing HSRP Type Approval Certificates accommodating entities whose HSRP NEVER MET THE REQUIREMENTS under Rule 51 of CMVR 1989 BY THE INGENIOUS METHODOLOGY OF MEASUREMENT OF ALPHABETS AND NUMERALS ON THE HSRP FROM THE BACK SIDE OF THE PLATE as per his statement on record cited above and therefore the existence of testing MALPRACTICE in issuing TAC- Type Approval Certificate in ARAI by FALSE CERTIFICATION surfaced from his statements . Admittedly, this has been going on for the last 20 years. ARAI appears to continue this legacy of accommodating violators.

It is believed that ICAT and few other testing agencies are also involved in similar practice.

114 P11/4

Pertinent to highlight here is that there is no mention whatsoever of Rule 51 of CMVR-1989, its requirement and its compliance in, the Automotive Industry Standard AIS-159: Automotive Vehicles High Security Registration Plates (HSRP) Specifications and requirements.
It has been intentionally omitted by ARAI and kept out of the knowledge of AISC and CMVR-TSC to keep the controversy from public eye and scrutiny.

MVD-Kerala my please take important note that ARAI / ICAT and other testing agencies have in or around the First week of November 2021 undertaken an audit to ascertain dimensional consistency of Alphabets and Numerals for compliance to Rule 51 of CMVR-1989 of all Type Approved Vendors on the instructions of the AISC- Automotive Industry Standards Committee. The results will reveal the entities that were accommodated by Testing Agencies and the identities of the Testing Agencies that indulged in Testing Malpractice.

B. Defective HSRP in Kerala State: Recall and Replacement under Section 110A (2) of the Motor Vehicles (Amendment Act), 2019, N0 32 OF 2019 READ WITH Rule 124 of CMVR 1989
HSRP is a Safety Standards component under Rule 124 and warrants replacement if proved to be defective.
The OUTSTANDING AND COMMENDABLE bulletin of the MVD Kerala educating and informing public the Specifications of HSRP along with Dimensions under Rule 50 and 51 of CMVR-1989 and the penalty for its non-compliance may please be referred to. Placed herein as an attachment

The statement and written submissions of Mr. Bhanot CONFIRMED that 100%, more particularly HSRP of Two-wheeler and Three- Wheeler, supplied by M/s Rosmerta to OEM's and fitted through their dealers in the STATE OF KERALA (and across India, it appears) do not comply with the "NOT LESS THAN "dimensions in "mm" specified in the Table Under Rule 51 of CMVR 1989 and are therefore, as CONFESSED BY OWN ADMISSION, proven to be DEFECTIVE.
Evidence is there for all to witness on the roads of Kerala under the Jurisdiction of MVD-Kerala

The minutes of the AISC Panel meeting of 03 Sept 2021 attached to this email mentions TWO other entities whose Type Approvals are from ARAI. It is believed that these two entities as well as other entities with Type Approval Certificates some other testing agencies such as ICAT too have supplied DEFECTIVE HSRP in the State of Kerala totaling an approximate 1.5 crores, more particularly of Two Wheelers and Three Wheelers that warrant INVESTIGATION AND replacement.

115 P11/5

C. Enforcement of Rule 51: MVD Kerala.

EVIDENCE BASED HARD FACTS with IRREFUTABLE EVIDENCE as regards DEFECTIVE HSRP fitted on approximately 1.5 crore Newly Registered Motor Vehicles in KERALA WEF 01 April 2019, more particularly HSRP of Two Wheelers and Three Wheelers have been brought to the attention of The Transport Commissioner, MVD Kerala with a request to kindly initiate investigation in public interest and enforce the law as it exists and order for recall and replacement of defective HSRP as mandated in under Section 110A (2) of the Motor Vehicles (Amendment Act), 2019, No 32 OF 2019 READ WITH Rule 124 of CMVR 1989

In moderate estimates, the cost of Defective HSRP that warrants replacement is to the value of Rs.375 crores

D. Amnesty to Motor Vehicle Owners with Non-Compliant HSRP affixed by OEM's

It is unfortunate that Motor Vehicle owners for no fault of theirs will be compelled to pay penalty for DEFECTIVE HSRP fitted by OEMs at their dealers' end if Rule 51-CMVR-1989 is enforced by MVD Kerala.

The state may kindly consider providing amnesty in Public Interest to innocent Motor Vehicle Owners whose Motor Vehicles have been fitted with Defective HSRP please and ensure COST FREE REPLACEMENTS ARE PROVIDED AS MANDATED BY LAW.

Responsibility of the State:

Given the circumstances and evidence on record, it will be incumbent on MVD-Kerala IN PUBLIC INTEREST to enforce fitment of HSRP by OEMs strictly in compliance with Rule 51 of CMVR-1989 and initiate an investigation and action against HSRP Vendors under Section 110A (2) of the Motor Vehicles (Amendment Act), 2019, N0 32 OF 2019 READ WITH Rule 124 of CMVR 1989

E. Implementation of HSRP in Kerala: Existing Old Registered Vehicles

I draw your kind attention to GSR 104(E) dated 11 Feb 2020 wherein the Central Motor Vehicles (Second Amendment) Rules 2019 mandates that HSRP for existing old registered vehicles shall be issued by

(a) The Registering Authority or
(b) Vehicle Manufacturers and their dealers or
(c) Approved License Plate Manufacturers or their dealers.

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In my humble opinion, the three entities having been equated, the state has an obligation to permit/authorize HSRP Type Approved Vendors to issue HSRP for old Registered vehicles in the state.

The inherent right of the state to procure via tender that was available vide HSRP order of 2001 appears to have been taken away vide the Central Motor Vehicle (Second Amendment) Rule 1989 vide GSR 104 (E)dated 11 Feb 2020 that has mandated issue of HSRP by THREE equally empowered entities.

The Implementation of HSRP for Old registered vehicles in the state by means of a tender to issue HSRP for whole of the state to the exclusion of any Type Approved vendor is no more available, it appears.

However, should the Registering Authority decide to issue HSRP through its own office on par with the other permitted entities such as vehicle manufacturers and HSRP Type Approved Vendors, the right of the state to invite tenders for its own requirement to market/issue HSRP by the Registering authority as mentioned in GSR 104(E) may be in order.

ELIGIBLE BIDDER CONDITIOINS TAILOR MADE FOR PRE-DETERMINED ENTITIES

It may not be in public interest for the state invite bids to create a "duopoly" (monopoly being despised) with tailor made eligible bidder conditions specifically introduced as a process of elimination of otherwise competent and capable HSRP Type Approved Certificate Holders in an effort to drive the tender in favor of a couple of "pre-determined entities" as has been seen in the since year 2002 WHEN THE STATE OF Kerala First invited bids.

Tailor made eligible bidder conditions have surfaced in the recent past in the state of Tamil Nadu which has been taken to court and Karnataka where the "favorable" eligible bidder conditions have been ordered to be withdrawn by the Honorable Chief Minister on Complaints.

The Origin of the eligible conditions can be traced as one being authored by entities to whom the tender is intended to be driven.

VENDORS OF DEFECTIVE HSRP:

In the light of evidence of supply and fitment of an approximate 1.5 Crore DEFECTIVE HSRP that has surfaced regarding violation of Rule 51 of CMVR 1989, the Validity of the Type Approval Certificate of HSRP vendors hitherto permitted to issue HSRP for newly registered vehicles in Kerala has become questionable. In the present circumstances, it warrants suspension if Law is to take its course.

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HSRP affixed on Motor Vehicles in Kerala to comply with Rule 51 of CMVR-1989

It appears imperative and incumbent on MVD Kerala to enforce fitment of HSRP by OEMs in compliance with Rule 51 of CMVR-1989 as mentioned in the information bulletin of MVD-Kerala with immediate effect, investigate the infraction reported and order for the recall and replacement of approximately 1.5 crore Defective HSRP affixed on Motor Vehicles in Kerala, more particularly of Two Wheelers and Three Wheelers WEF 01 April 2019 to set right a wrong that is in existence.

On the aforesaid count, it may not be in public interest for MVD Kerala to permit HSRP vendors who have been and are continuing to supply Defective HSRP for fitment through OEMs to be permitted to issue HSRP in the state of Kerala for old Registered vehicles in the State until such time that all the DEFECTIVE HSRP supplied and affixed hitherto from 01 April 2019 in Kerala are recalled/replaced and Type Approvals Re-Certified.

MVD Kerala to also kindly note that the Experience and Turnovers relating to supply fitment of DEFECTIVE HSRP ARE VOID and cannot be considered as qualification or to extend concession or preference or accepted to qualify eligible bidder tender conditions for pre-qualification or other purposes since HSRP hitherto supplied in the state of Kerala is proven by self-confession to be defective for non-compliance of Rule 51 of CMVR 1989 and proved falling short of the minimum dimensions of Alphabets and numerals specified in the table under Rule 51 of CMVR-1989.

Kindly refer Table attached please

It is unfortunate that MVD Kerala did not verify HSRP issued by OEMs for fitment on newly registered vehicles for compliance to Rule 51 of CMVR-1989 despite an information Bulletin of MVD Kerala highlighting the same for awareness of public that is COMMENDABLE being the only state in the country to do so.

UNIFORMITY OF ALPHABETS AND NUMERALS

Standardization of Alphabets and numerals is the only way forward for uniformity and I am more than willing to co-operate with the Government of Kerala if so desired.

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REPRESENTATION FOR REDRESSAL

This Representation is Submitted for redressal and consideration of setting right the practice of Fitment of Defective HSRP on Motor Vehicles in the state of Kerala, regulate and enforce the Law as mandated in Public Interest and permit MotorSigns India being Type Approved HSRP Vendor registered in Vahan to issue HSRP in the state of Kerala as per GSR 104(E) dated 11 Feb 2020 wherein the Central Motor Vehicles (Second Amendment) Rules 2019 mandates that HSRP for existing old registered vehicles shall be issued by

a. The Registering Authority or

b. Vehicle Manufacturers and their dealers or

c. Approved License Plate Manufacturers or their dealers.

MotorSigns India has been awarded a TYPE APPROVAL FOR HIGH SECURITY REGISTRATION PLATES (HSRP) on samples made Indigenously without a foreign Collaborator. – 15TH Oct 2019

Kindly visit www motorsign.in for further information please.

By way of this representation, we have highlighted to MVD-Kerala the need to enforce Law as mandated since a project in National Interest and the security of the nation has been scandalised and is in silent operation across the nation.

The state of Kerala hailed as one with the best Governance may kindly investigate as deemed fit.

We shall make ourselves available for any further information or clarifications you desire.

In the earnest hope of Justice,

Sincerely

Thomas Cherian
MotorSigns India
Mob. 7695939249
Email: motorsign@gmail.com
Swagatham: Visit www.motorsign.in

119 8/11/9

Percentage Impact on Violation of HSRP Rule 51: SHORTAGE OF DIMENSION AS PER PROPOSAL recorded in AISC panel meeting of 03 Sept 2021.

Dimensions in mm " NOT LESS THAN " specified in the table annexed to Rule 51 CMVR-1989

Illustration :

Sl. No	Class of Vehicle	HSRP Plate Size (in mm)	Dimensions in mm NOT LESS THAN			Proposed Tolerance (-) 2mm	Percentage Difference (-2mm) SHORTAGE OF DIMENSION		
			Height	Thickness	Space between		Height	Thickness	[redacted]
1.	Two Wheeler	285x45mm	40mm	05 mm	05 mm	-2mm	5%	40%	40%
2.	Two/Three Wheeler	200x100mm	40mm	07 mm	05 mm	-2mm	5%	28.57%	40%
3.	LMV/HMV	500x120mm	65mm	10mm	10 mm	-2mm	3.07%	20%	20%
4	LMV/HMV	340x200mm	65mm	10mm	10 mm	-2mm	3.07%	20%	20%
5	Construction	200x100mm	35mm	07mm	05mm	-2mm	5.71%	28.57%	40%

Thomas Cherian
MotorSigns India
Mob. 7695939249
Email: motorsign@gmail.com
Swagatham: Visit www.motorsign.in

Encl: MVD Kerala Information Bulletin 2 pages
Minutes of Meeting and Justification submitted by Mr. Bhanot representing M/s Rosmerta 3 pages

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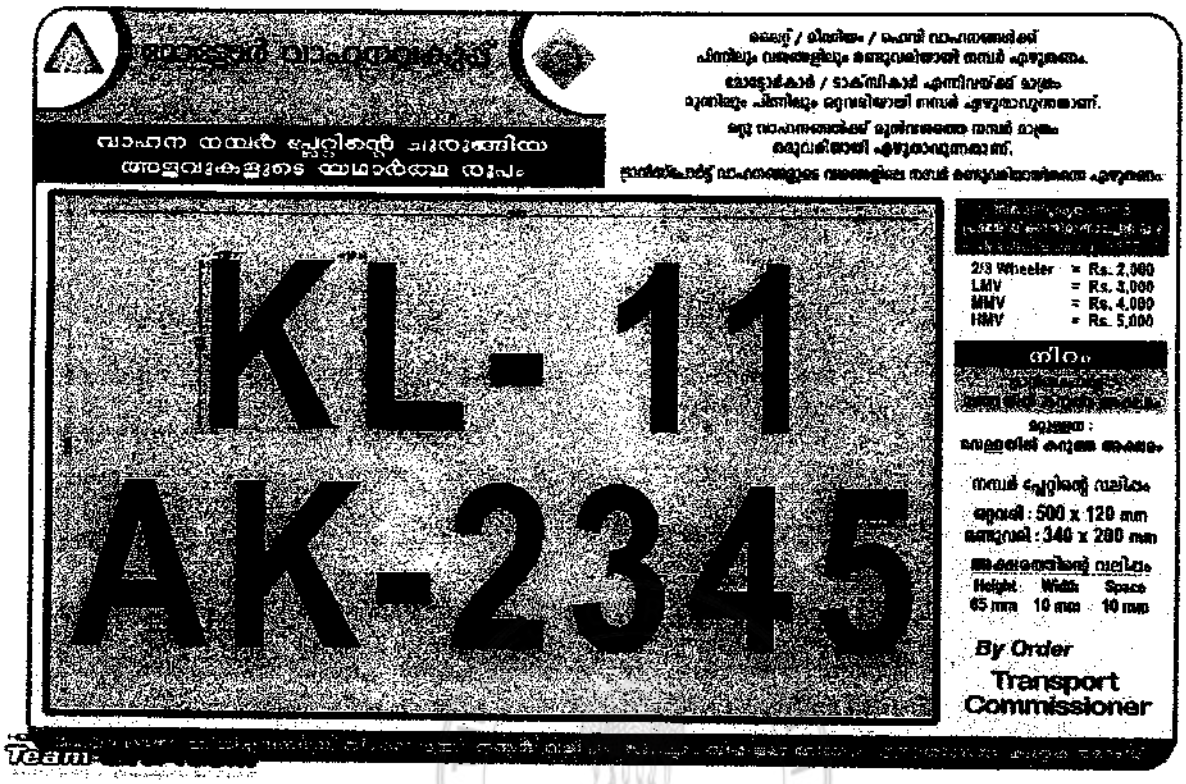
120 MVD - Kerala P11/10



Note: 2 wheeler Rear is same as 3-Wheeler Rear

ERROR in publication:- Letter height & Digit height are same (i.e) 40mm.

121 M.V.D. Kerala P111/11



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Minutes of meeting

Further proposal were received from

Email dated: 13.07.2021 from **Rosmerta Safety Systems Pvt. Ltd.**

1. All measurements be done in visible hot stamped black foil area.
2. Tolerances of - 2mm be allowed in dimensions specified in Rule 51.

Email dated: 13.07.2021 from **Celex Technologies Pvt. Ltd.**

1. All measurements be done in visible hot stamped black foil area.
2. 2.Tolerances of - 2mm be allowed in dimensions specified in Rule 51.

Email dated: 22.07.2021 from **FTA HSRP Solutions Pvt. Ltd.**

1. All measurements to be done from the visible hot stamped foiled area.
2. Tolerance of -2mm be allowed in the dimensions specified in Rule 51.

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Sr. No.	Proposed Amendments	Comments	Panel decision
	Page No. 4/15, clause 6.4 At the end of clause 6.4, insert the following new paragraph The letters of the registration mark shall be in English and the figures shall be in Arabic Numerals. The dimension of letters and figures of the registration mark and the space between different letters and numerals and letters and edge of the plain surface shall be as per rule 51 of the Central Motor Vehicles Rules, 1989. Justification: In line with CMVR 50 & 51	**Rosmerta Safety Systems Pvt. Ltd.** Insert note as follows; Note 1. Width and height of Character as prescribed in Rule 51 is to be measured from the bottom edge of recess of the character embossment i.e, measured from back of the plate. 2. Visual readable zone width of hot stamped black portion of the character, will have a negative tolerance of 2mm. 3. Visual Spacing between the two characters, be measured from the edge of hot stamped blackened portion of the character on the top of the plate. 4. Applicable tolerance of about "minus 1mm" will be permissible in all dimensions i.e., height, width and spacing between characters. Justification Refer Attached annexure – 1 to this sheet	Principally agreed the proposed amendment by all panel members however proposed tolerance was not agreed. HSRP manufacturers will discuss and come back for new proposal without compromising the Rule No. 51.

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Pulle

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Minutes of Meeting

Annexure III

Justification to Cl. No. 6.4 for addition of Rule 51 with tolerances submitted by Rosmerta Safety Systems Pvt. Ltd.

Follow up to discussions held in AIS panel for AIS 159, dated 12.7.21, following proposal is submitted for compliance to dimensions mentioned in Rule 51.

- Originally when rules were framed, one was supposed to fix/paste stickers of Alpha Numerals on a plain registration plate without any borders. It was easy to maintain height and width of different characters along with spacing between the characters.
- After the introduction of HSRP, one was supposed to make the alpha numeric characters by **Embossing** them on **an aluminum plate pasted with reflective tape** having corner edges.
- One has to redefine the parameters of character height, width and in between spacing as there are numerous elements of process of embossment, to be considered. (Subsequently, explained in detail).
- Besides one has to also consider practical difficulty of availability of space in the prescribed length and width of the registration plate keeping in view the fact that earlier there were **8 alpha numeric numerals** in registration numbers which has now increased **to 10 alpha numeric numbers.**
- **For two wheelers specially,** it has become difficult to accommodate the same in the given length and width while complying with the regulations. While making the alpha numeric character with embossing process on the HSRP plate, a few of the aspects enumerated below, are required to be taken into consideration:

  i. **HSRP contains an embossed border on all sides of the plate** and hence **consumes some space.**
  ii. **One is required to hot stamp a Hologram on left side as well as laser etch a unique 12-digit alpha numeric code assigned to each HSRP by the supplier.**
  iii. Also, **IND logo in blue colour is also required.**
  iv. One has to **also leave a space for insertion of snap lock for mounting the plate as per specific requirements of all manufacturers.**
  v. Embossing of a character with a die requires placement of 10 alpha numeral blocks of die on the plate along with spacers for blank places for Snap lock, IND/Hologram/Laser code.
  vi. **Embossing die is tapered and is wider at the bottom and narrower at the top for easy ejection. Dies are also clapper type i.e., open from side to facilitate insertion of blank HSRP to be embossed. Top edges also have a radius at the edge.** Width of the flat area differs from manufacturer to manufacturer depending upon design of each die. Same is equally applicable to other dimensions mentioned in Rule 51.
  vii. **Readable Zone** i.e., Blackened portion width and height of the character, will vary from manufacturer to manufacturer, depending upon design of die.
  viii. **Hence a margin of - 2mm has to be allowed in its readable zone for height, thickness and space between two characters visa-a-vis given in the Rule 51.**

In view of justification given above following notes be added in the AIS 159 at appropriate place:

Note:

1.All measurements be done in visible hot stamped black foil area.

2.Tolerances of - 2mm be allowed in dimensions specified in Rule 51.

This is the true copy of the document marked as Exhibit. P- in the above W.P.(C).

Advocate

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E-filed on - 27/8/22
physically filed on - 30/8/22

E-CA NO : CA-2022-011944

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

Document No: 1 Of Year 2022

In

WP(C) No.10761/2022

MOTORSIGNS INDIA, : Petitioner

Vs

STATE OF KERALA, : Respondent

Sd/-
E-VERIFIED
GOVERNMENT PLEADER
GP-2

FSO VERIFIED 26

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

_____ Of Year 2022

In

WP(C) No.10761/2022

MOTORSIGNS INDIA, : Petitioner

V/S

STATE OF KERALA, : Respondent

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1

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(C) No.10761 OF 2022

MotorSigns India : Petitioner

Vs.

State of Kerala & Others : Respondents

COUNTER AFFIDAVIT FILED FOR AND ON BEHALF OF THE SECOND RESPONDENT IN THE ABOVE WRIT PETITION

I, Bindu R., aged 49 years, D/o. V. Raveendran, residing at House No. 37, Mosque Lane, Kumarapuram, Medical College P.O., Thiruvananthapuram, do hereby solemnly affirm and state as follows:

1. I am the Under Secretary, Transport (B) Department, Government of Kerala, Government Secretariat, Thiruvananthapuram. I am swearing this affidavit for and on behalf of the 2nd in the above Writ Petition. I am conversant with the facts of the case as disclosed from the relevant records. All the allegations and averments contained in the writ petition

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are denied except those that are specifically admitted hereunder.

2. It is respectfully submitted that, Rule 50 of Central Motor Vehicle Rules, 1989 stipulates that all vehicles must be fitted with High Security Registration Plate. As per the 1st proviso to sub-rule(1) of rule 50 of the said rule, the HSRP including the third registration mark, wherever required shall be supplied by the vehicle manufacturers along with the vehicles manufactured on or after 1st day of April 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on vehicle.

3. It is submitted that in compliance to the above rule, the Government of Kerala had implemented HSRP to the vehicle registered with effect from 01.04.2019 onwards. As per the second proviso to sub-rule (1) of rule 50, the dealers of vehicle manufacturer may also affix HSRP, supplied by the vehicle manufacturer, on old vehicles after placing the registration mark of registration there on.

4. It is submitted that the Central Government have notified the process and standards regarding HSRP as per Exhibit P3. The State Government have initiated steps to

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implement HSRP on old vehicles registered prior to 01.04.2019, as per the second proviso to rule 50 of Central Motor Vehicles Rules and the order published as per S.O. No. 6052(E) dated 06.12.2018.

5. It is submitted that the argument of the petitioner that the requirement for authorization from the State Government is not necessary for the implementation of HSRP on old vehicle registered prior to 01.04.2019 in the light of Exhibit P3 and P4 is not true to the facts. In para 5 of Exhibit P3 order, it is specifically stated that for the affixation of HSRP on existing vehicle, the HSRP plate including third registration mark may be supplied and affixed by the dealer of the vehicle and manufacturer or suppliers of HSRP, if so authorized by the State Government. From this it is evident that the manufacturer and suppliers of HSRP shall require an authorization from State Government. Steps have been initiated by the Motor Vehicles Department to issue authorization to the manufacturer or suppliers of HSRP including the petitioner's company.

6. It is submitted that it is the responsibility of the manufacturer of every motor vehicle to ensure that the HSRP is

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fitted on motor vehicles registered on or after 01.04.2019 through their dealers. It is also the responsibility of the manufacturer as well as the dealer to ensure that the HSRP fitted on vehicles are in compliance with all the security features prescribed in Motor Vehicle Act and Rules and as per notifications issued by Central Government time to time. If any genuine complaint, the petitioner can approach the Central Government agencies specified in Rule 126 of the Central Motor Vehicles Rule, 1989.

7. The Exhibit P6 produced along with this Writ Petition is related to the guidelines issued by the Motor Vehicles Department to implement the HSRP on vehicles registered on or after 01.04.2019. Implementation of provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 comes under the purview of transport Authorities of States/UTs. Therefore it is for the States/UTs to select any of the type approved vendors to carry out the work of affixation of HSRP on older motor vehicles in the respective State/Uts.

8. It is submitted that the State Government is empowered to select the approved vendors, impose the conditions to be incorporated in authorization issued to the

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vendors so as to ensure the features of HSRP. It may be noted that the rate for fixing HSRP in various types of vehicles has not been specified by Central Government and State Government have the power to fix the rates of HSRP, time limit for the fitment of HSRP and such other conditions. Hence the contention in the petition that there is no role of State Government other than the conditions prescribed by Central Government is not true to the facts.

9. It is submitted that as per the second proviso of Rule 50 of Central Motor Vehicle Rules, the dealers of vehicle manufacturer may also affix HSRP, supplied by the vehicle manufacturer, on old vehicles after placing the registration mark of registration there on. The State Government have initiated steps to implement HSRP on old vehicles registered prior to 01.04.2019 as per the second proviso to rule 50 of Central Motor Vehicle Rules and order published vide S.O. No.6052(E) dated 06.12.2018.

10. It is submitted that the argument of the petitioner that the requirement for authorization from the State government is not necessary for the implementation of HSRP on old vehicle registered prior to 01.04.2019 in the light of Exhibit

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P3 and P4 is not true. In the Exhibit P3 order, it is specifically stated that for the affixation of HSRP on existing vehicle, the HSRP plate including third registration mark may be supplied and affixed by the dealer of the vehicle and manufacturer or suppliers of HSRP, if so authorized by the State Government. From this it is evident that the manufacturer and suppliers of HSRP shall require an authorization from State Government.

11. It may be noted that the petitioner has failed to submit any substantive evidence to prove that the HSRP fitted on vehicles registered on or after 01.04.2019 does not comply the provisions of Rule 51 of CMV Rules and do not conform to type approval certificates of testing agency specified in Rule 126 of CMV Rules. As per Rule 50 of the CMV Rules the HSRP including the third registration mark shall be supplied by the vehicle manufacturer along with the vehicles which are manufactured on or after 01.04.2019 to their dealers and dealers shall place the mark of registration on such plates and affix on the vehicles. It is the sole responsibility of the manufacturer of every motor vehicle to ensure that HSRP fitted on motor vehicles are in compliance with the security features prescribed in the Act and Rules.

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12. Therefore, it is humbly submitted that the petitioner is not entitled for any of the reliefs sought for in the writ petition. Hence, it is prayed that this Hon'ble Court may be pleased to accept this Counter Affidavit filed by the 2nd respondent to file and dismiss the writ petition.

What is stated above in Paragraphs 1 to 4 are true to my knowledge and what is stated in paragraphs 5 to 11 stated on information and belief derived from records and I believe the same to be true.

Dated this the 27th day of August, 2022.

DEPONENT

Solemnly affirmed and signed before me by the deponent whom I know on this the 27th day of August, 2022 at the Office of the Secretary to Government, Government Secretariat, Thiruvananthapuram.

RATHEESH. R
Section Officer
Transport (B) Dept.
Government Secretariat
Thiruvananthapuram

P. SANTHOSH KUMAR
SPECIAL GOVERNMENT PLEADER

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C.M.APPLICATION 8 / 9 WP(C) No.10761/2022 (CA-2022-01194

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

C. M. Appln. No. OF 2022

IN

WP(C) - 10761 OF 2022

Motor Signs India .. Applicants/Respondents

Vs.

State of Kerala and others .. Respondent/Petitioner

C. M. Application to condone the delay in filing the counter-affidavit

Government Pleader

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

C. M. Applrn. No. OF 2022

IN

WP(C)- 10761 OF 2022

Motor Signs India .. Applicants/Respondents

Vs.

State of Kerala and others .. Respondent/Petitioner

C. M. Application submitted by Government Pleader on behalf of the applicants under Section 5 of the Limitation Act read with Rule 153 (1) of the Kerala High Court Rules.

Notice of the above writ petition was served on the respondent on 29/03/2022 The delay in filing the counter-affidavit was due to the exigencies of administration in collecting the necessary files and preparing the statement of facts. It is submitted that the delay in filing the counter-affidavit was not due to any laches or wilful default on the part of the respondent. It is, therefore, highly necessary in the interests of justice that this Honourable Court be pleased to condone the delay in filing the counter-affidavit and to receive the same on the file and it is prayed accordingly.

Dated this the 27th day of August 2022

Government Pleader

What is stated above are true to the best of my knowledge, belief and information.

Government Pleader

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(c) No. 10761 of 2022

MotorSigns India : Petitioner

v.

State of Kerala and others : Respondents

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Dated this the 26th day of October, 2022.

Counsel for the Petitioner.

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(c) No. 10761 of 2022

MotorSigns India : Petitioner

v.

State of Kerala and others : Respondents

REPLY AFFIDAVIT

I, Thomas Cherian, aged 70 years, S/o. Late P Cherian, Sole Proprietor, MotorSigns India, 810 Anna Salai, Nandanam, Chennai 600 035, Tamil Nadu, now residing at J410 TVS Green Acres Phase II, Kolapakkam, Chennai 600127 do hereby solemnly affirm and state as follows: -

1. I am the sole Proprietor of the petitioner firm in the above Writ Petition and I know the facts of the case. I am authorized to swear to this affidavit on its behalf as sole Proprietor of the petitioner firm.

2. All the averments and allegations in the counter affidavit filed on behalf of the second respondent are denied except those that are expressly admitted and explained hereunder. The Petitioner respectfully submits that the Counter Affidavit of the second Respondent is devoid of any merits, more fictitious than on facts and fails to meet the case made out in the above Writ Petition.

3. The Petitioner respectfully submits that the 2nd Respondent is taking all possible steps and efforts to improve the case by making incorrect and misleading statements that are wrong on facts in an attempt to justify that they are empowered or have the authority to "select" from among HSRP Vendors when they have none. Such authority which was available in the Motor Vehicles (New High Security Registration Plates) Order of 2001 was taken away by the amendment to Rule 50 of CMVR,1989 vide Exhibit P3 of the Writ Petition. True copies of notification No. S.O. 814(E) dated

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22..08..2001 called the Motor Vehicles (New High Security Registration Plates) Order of 2001 and notification No. S.O. 1041(E) dated 16..10..2001 of Ministry of Road Transports and Highways are produced herewith and marked as **Exhibits P12 and P12 (a)** respectively.

4. The petitioner respectfully submits that the second Respondent has not ensured compliance to Rule 50 of CMVR, 1989 in implementation of the HSRP on to vehicles registered on or after 01.04.2019 as per the First Proviso to sub-rule (1) of Rule 50 of CMVR, 1989 as asserted in Para 2.

5. The Petitioner respectfully submits that the vehicle manufacturer and their respective dealers are entwined and mandated together by the procedures laid down in Exhibit P3 and that the dealers of Motor Vehicles can affix HSRP including Third Registration Mark wherever applicable that are supplied by the vehicle manufacturers along with the vehicles manufactured on or after 1st day of April, 2019 to the dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

6. The Petitioner submits that it is publicly known that vehicle manufacturers are not supplying HSRP Blanks (Without the registration marks called Blanks) along with Third Registration Mark to their dealers and neither are the dealers placing the registration mark on any License plate Blanks since the dealers are not equipped with the required machinery/equipment to place the Registration mark on HSRP Blanks. Evidently, the practice for affixation of HSRP on vehicles registered on or after 01.04.2019 that is going on is within the full knowledge of the respondents and is something else other than the procedures prescribed

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in Ext.P3 and therefore in violation of the same. The Respondents cannot deny the fact of non-compliance of procedure as laid down in the First Proviso to sub-rule (1) of Rule 50 of CMVR, 1989 as asserted.

7. The petitioner respectfully submits that the respondents are bound to implement fitment of HSRP as per procedures as stipulated in the regulations and it is not open to the respondents to extend concessions or tweak the requirements to suit conditions favoring a certain group of entities. The apex court in Contempt Petition (Civil) No. 483 of 2013 in W.P. (C) No. 510 of 2005 by an order 13..07..2016 has strictly observed that there cannot be any dilution of specifications of HSRP as follows:

> "xii. The Central Government and the State Governments should strictly implement HSRP Policy in all the States in a time bound manner
>
> xiii. The Central Government and the State Governments should register complaints regarding the violation and, in case of violations, both the Central Government and the State Governments should take strict action in accordance with law
>
> xiv. The Central Government should create a common repository of Vehicle Registration Data for achieving the basic objective behind the idea of HSRP scheme and thereby ensure smooth implementation at the grass root level
>
> xv. It is directed that the concerned shall strictly implement the rules and also orders of this court in letter and spirit and not dilute any standards of HSRP, voluntary or otherwise. All the authorities must

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take proactive measures to implement the HSRP Order according to provisions stated. "

8. The 2nd respondent, it appears has permitted by authorization as seen from Exhibit P8, the dealers of vehicle manufacturers to affix HSRP on old existing vehicles registered before 01.04.2019 that are not supplied by the vehicle manufacturer mandated as per the Second Proviso to sub-rule (1) of Rule 50 of CMVR,1989 as asserted but supplied directly by some HSRP Manufacturers/suppliers to the dealers and therefore the second respondent having provided permission have themselves assisted a "certain group" of HSRP suppliers in violating and by-passing procedures laid down in Exhibit P3 for extraneous reasons which must be stopped forthwith being an unlawful violation. No vehicle manufacturer takes responsibility for HSRP so affixed on old Vehicles Registered prior to 01.04.2019 or stands guarantee for defect liability should it arise as it has in the case of HSRP affixed in the State of Kerala.

9. The petitioner respectfully submits that the 2nd respondent may be directed to produce proof to show that the vehicle manufacturers themselves are supplying HSRP to their dealers for affixation on to old vehicles registered in the State of Kerala and the dealers are placing a mark of registration on them and are affixing only HSRP supplied by the Vehicle manufactures as per the Second Proviso to sub-rule (1) of Rule 50 of CMVR,1989 as asserted and are accountable for the same.

10. The petitioner respectfully submits that averment of the 2nd respondent that the State Government have initiated steps to implement HSRP on old vehicles registered prior to 01.04.2019 is disputed. The

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petitioner respectfully submits that it is pertinent to note that the Central Government in public interest issued Exhibit P3 in supersession of Exts. P12 and P12(a) that took away the power of the State to 'select' a HSRP vendor and therefore the second Respondent cannot rely on a power that no longer exists to contend that it can select HSRP Vendors from amongst the licensed plates HSRP manufacturers.

11. The 2nd Respondent is continuing to assert that it is initiating steps for implementation of HSRP for Old Existing Vehicle in terms of Ext. P3 despite being in full knowledge of the fact that Exhibit P4 has come into effect that has empowered the petitioner to issue HSRP in the State without being discriminated on equal terms along with (a) the Registering Authority and (b) Vehicle manufacturers and their dealers with no requirement from the State for any authorization.

12. The petitioner respectfully submits that the Respondents are attempting to give extraneous reasons to drive the business of HSRP in the State of Kerala to pre-determined entities with such permutation and combination of eligible bidder conditions to intentionally eliminate all other HSRP Type approved vendors as has been evidently going on for the last 20 years since 2002. The petitioner has on 20..07..2022 received a communication bearing file No. MIT2/23/2022-TC from the third respondent stating that the HSRP manufacturers can sell the same only if they are so authorized by the State Government and the Government have the power to select approved license plates manufacturers, a true copy of which is produced herewith and marked as **Exhibit P13**. It is

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submitted that the said communication has been issued by the third respondent after adverting to Ext.P4 which authorizes all type approved manufacturers of HSRP to issue and affix HSRP on all existing motor vehicles.

13. The petitioner submits that the intention of the Respondents is to continue the 'selection process' until the predetermined entities are awarded the work of affixing HSRP on old vehicles for extraneous reasons and will continue as claimed in the counter affidavit that the Respondents have the power to 'Select' the HSRP vendors when no such power exists since such power has been taken away by Ext.P4.

14. The petitioner respectfully submits that in Ext. P9 he has requested the 3rd Respondent in writing for authorization to supply HSRP in the State of Kerala as provided in Ext.P3 and the respondents did not act on the said request thereby denying him the legitimate opportunity to do business of supply of HSRP in the State of Kerala while the said respondent permitted some others such as dealers of vehicle manufacturers in an act of discrimination.

15. The petitioner respectfully submits that vide Ext.P10 he once again requested for authorization to supply HSRP in the State of Kerala and the 3rd Respondent neither responded in the affirmative nor denied permission for supply of HSRP in the State of Kerala. It is submitted that the third respondent is duty bound in terms of and P4 to allow / permit the petitioner also to issue and affix HSRP on existing all motor vehicles. The failure on the part of the 2nd respondent in this regard is totally discriminatory in

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nature violating the petitioner's fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India.

16. The petitioner respectfully submits that the 3rd respondent issued intentionally Ext.P13 communication to mislead and create confusion in an effort to draw power to **'select'** from Type Approved Vendors when no such power exists since Ext.P3 has been amended and modified by Ext.P4 and since the date of Exhibit P4 no such power exists with the respondents.

17. The Petitioner respectfully submits that words such as authorisation / approved etc. by no stretch of imagination mean to confer a right to or give authority to "select" from among approved vendors and it is this quest to "select" from among pre-determined entities' that has restrained the Respondents from implementing HSRP in the State of Kerala.

18. The averment of the 2nd respondent that the Motor Vehicles Department has initiated steps to issue authorization to the manufacturer or suppliers of HSRP including the petitioner is a statement to intentionally mislead the court since the office of the third respondent has communicated to the petitioner by Ext.P13 that they have the 'power to select a HSRP Vendor'. It is in the public domain that the State of Tamil Nadu issued tender for selecting from among HSRP vendors and when challenged by interested parties, the tendering procedure initiated for selecting HSRP vendors was cancelled. A true copy of the cancellation of the tendering procedure by the State of Tamil Nadu by vide Tender

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Cancellation Notice R.No.33432/HB2/2019dated 01.04.2022 is produced herewith and marked as **Exhibit P14**.

19. It is submitted that the Ministry of Road Transport and Highways has further amended Ext.P4 by G.S.R. 640 (E) dated 18th August 2022, a true copy of which is produced herewith and marked as **Exhibit P15**. The second respondent has intentionally not produced the same along with the counter affidavit. It is submitted that even the said latest amendment to the Rules will not authorize the State to select and discriminately authorize HSRP manufacturers for issuing and affixing HSRP on existing old motor vehicles.

20. The Respondents are therefore duty bound in terms of Ext. P4 to allow / permit the petitioner also to issue and affix HSRP on existing all motor vehicles and to permit the petitioner to access the State Registry of Motor Vehicles for Electronically linking HSRP to the National Registry for implementation of HSRP in the State of Kerala, in the interest of safety and security of the State , National Security and the interest and safety of its people since no authorisation is required from the state for issuance of HSRP to old existing vehicles in the State registered prior to 01.04.2019. The petitioner respectfully submits that it is the responsibility of their MVD-Kerala to ensure that the affixation of HSRP is electronically linked to the National Registry through the state Registry of vehicles and it is up to the Respondent to do so at the time of their choosing and this procedure must not be allowed as a tool to deny the petitioner to do business in the State of Kerala. The Central Government have amended the Motor Vehicles Act in 2019 and inserted Sections for 62B and 63 creating a State Registry of

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Motor Vehicles. The State Government is therefore, bound to create the said registry and all vehicles registered in the State has to be entered in the said registry and thereafter transferred to National Registry of Vehicles. This was done under the directions of the Apex Court quoted above. Therefore, it is the second and third respondents, who are bound in law to provide the petitioner access to the said State Registry for electronically linking affixation of HSRP on all existing vehicles. It is respectfully submitted that the State Government is losing substantial revenue that they could have charged from HSRP vendors as a fee for electronically linking affixation of HSRP on motor vehicles provided under Sec 65(h) of Motor Vehicles Act. Instead, the Government is attempting to confer the right of selling the HSRP on a few pre-determined entities of their choice. The State has now permitted only about five type approved manufacturers for selling the HSRP because they have some kind of agreement with the automobile manufacturers. The rest of the type approved manufacturers are not able to sell their products because of the illegal stand adopted by the State. The States like Andhra Pradesh is generating crores of rupees by charging fee for electronically linking HSRPs. A true copy of the news item appeared in the website of the Economic Times daily dated 14..06..2022 is marked as **Exhibit P16**. The present stand adopted by the Government of Kerala to favour a few of the type approved manufacturers to supply HSRP through dealers of motor vehicle manufacturers and having all government vehicles retro-fit HSRP through some Private Vendors has thus resulted in substantial loss to the Government.

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21. The Petitioner respectfully submits that the onus is on the Respondents to ensure that their averments in Paragraph 6 are scrupulously followed and for failure or contravention, more particularly when a defect in HSRP, a Safety Component under Rule 124 of CMVR, 1989 has been brought to their notice by any source, the respondents are duty bound to initiate action as per amended Sections 110A and 110B of the Motor Vehicles Act, 1988. The direction of the Hon'ble Apex Court is quoted in paragraph 7. It is incumbent upon the State to inform the Testing Agencies for suspension/cancellation of the Type Approval Certificate issued. Section 110B (5) of the Motor Vehicles Act stipulates that even the testing agency also would lose the accreditation for issuing type approved certificates. Therefore, it is all the more incumbent upon the testing agency to look into the complaint, if any, they receive regarding the defective HSRPs. It is evident from the vehicles plying on the road that the HSRPs. fixed on them are not in accordance with the stipulations in Rule 51 of CMVR, 1989. The Government is resorting to all methods even compelling police and enforcing officials under the Motor Vehicles Department to impose penalty for violation of law for generating revenue. If the implementation/affixation of the HSRPs. is in violation of the statutory prescriptions, which is an offence punishable under the provisions of the Motor Vehicles Act and rules thereunder it can result in imposing penalties. The motor vehicle owners, HSRP vendors as also the motor vehicle manufacturers and their dealers will be equally liable for the violation of law and liable to be penalized for the same. The penalty is thus imposed on such violators going by the proportion of the violation of law, the amount would have run into crores. Even the advisory guidelines

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issued by the Motor Vehicles Department produced as Exhibit P6 driving a vehicle with an improper HSRP would invite payment of fine from Rs. 2,000/- to Rs. 5,000/-. The innocent motor vehicle owner believes that the HSRP affixed on their motor vehicle is in due compliance of the statutory restrictions. He has no idea as to whether the same is in compliance of the same. In cases of defective HSRPs. the motor vehicle owner is cheated by all those who are responsible for affixation of such defective HSRPs. In the cases of new vehicles, the registered owner is taking delivery of his vehicle after affixing the HSRP on it. He has no knowledge or option in regard to the affixation of HSRP on his motor vehicle. He has no control whatsoever in this regard and thus become liable to pay penalty for the violation of law without being a party to the illegality committed.

22. The Petitioner respectfully submits and reiterates that the Petitioner has made no reference whatsoever regarding 'security features' of the HSRP in the writ petition and therefore the averment of Respondent 2 in para 6 suggesting the petitioner approach the Central Government agencies specified in Rule 126 of the Central Motor Vehicle Rules " if there is a genuine complaint' regarding 'security features' is a tactic of the 2nd respondent to deliberately mislead this Honorable Court in an attempt to cover up the fact that it has failed in its primary responsibility of enforcement of the provisions of the Central Motor Vehicle Act and Rules made thereunder from time to time.

23. The Petitioner respectfully submits that the Counter Affidavit of the 2nd Respondent reveals their 'reluctance' to enforce the provisions of the Motor Vehicle Act and the Rules framed thereunder from time to time

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against a 'certain group' of entities that are manufacturing and supplying HSRP complete with Registration Mark directly to dealers of vehicle manufacturers in violation of the First Proviso to sub-rule (1) of Rule 50 of CMVR, 1989, who affix them on to vehicles registered on or after 01.04.2019 and/or in violation of the Second Proviso to sub-rule (1) of Rule 50 of CMVR,1989 on those registered prior to 01.04.2019 that do not meet the stipulated requirement of "NOT LESS THAN" Minimum Dimensions in 'mm' of the size of Alphabets and Numerals and the space between them as certified in the confidential Test Report annexed to the Type Approval for HSRP issued by Central Government approved testing agencies accredited under Rule 126 of CMVR, 1989 with particular reference to the said Rule 51 of CMVR 1989, more so in the case of Two Wheelers and Three Wheelers that is going on with full knowledge of the Respondent as also in violation of guidelines issued by their own MVD-Motor Vehicles Department. The Respondents' failure to adhere to their own MVD- Motor Vehicle Departments guidelines relating to Rule 51 of CMVR-1989 issued in public interest placed as Exhibit P6 has given rise to a situation where approximately 30 lakh Motor Vehicles in the State of Kerala, more so in the case of Two Wheelers and Three Wheelers will have to replace the defective HSRP affixed on their vehicles with those that comply with the Motor Vehicle Act and Rules thereunder therefore, have to be recalled and replaced at the cost and consequence of the Supplier being the Vehicle Manufacturer AND their respective dealers OR the Type Approved HSRP Manufacturers who manufactured and supplied the said Defective HSRP categorised as a Safety Component under Rule 124 of CMVR, 1989 since such motor vehicles with registration plates that

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do not comply with the requirements of the Motor Vehicle Act and Rules thereunder made from time to time as per regulation 36 of The Motor Vehicle (Driving) Regulations 2017, cannot even be parked on a Road, let alone Driving.

23. It is not open to the respondents to turn a blind eye to violations of Rule 51 of CMVR, 1989 after having issued guidelines mentioned above and additionally, violations of Rule 50 of CMVR, 1989 with reference to affixation of Color-Coded 3rd Registration Mark that are applicable only in the Union Territory of Delhi and the National Capital Region falling in Uttar Pradesh, Rajasthan and Haryana as per an order of the Honorable Supreme court. A true copy of the letter No. RT-11021/47/2014-MVL dated 01..10..2018 issued by the Ministry of Road Transport and Highways, is produced herewith and marked as **Exhibit P17**. It will show that the color coded third registration mark is applicable only to the NCR Region by order of the Hon'ble Supreme Court.

24. The Petitioner respectfully submits that implementation of the Motor Vehicle Act,1988 and Central Motor Vehicle Rules,1989 are under the purview of the Transport authority of the State and that enforcement of the Provisions of the Motor Vehicle Act and rules thereunder is the main function of the Motor Vehicle Department that is regulated by the Government of Kerala in terms of Policy and Implementation administered by the Transport Commissioner, the 3rd Respondent herein who has preferred to remain silent on the Writ Petition. Admitting the issuance of guidelines by the Motor Vehicles Department to implement HSRP on

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Vehicles and the averment of the Respondent that the Implementation of provisions of Motor Vehicle Act,1988 and Central Motor Vehicle Rules, 1989 comes under the purview of Transport Authorities of States/UTs and therefore it is for the States/UTs to select any of the type approved vendors to carry out the work of affixation of HSRP on older motor vehicles in the respective State/UTs. has no legal sanction, a figment of imagination and the contention has to be rejected outright as one without merit after Ext-P4 has come into effect on which the Respondent intentionally chooses to remain silent.

25. This averment of the 2nd Respondent in paragraph 7 is an open admission of the intent of the Respondent State to 'select' and therefore the averment in Para 5 of the counter affidavit of the 2nd respondent regarding steps taken to issue and authorization to the manufacturers or suppliers of HSRP including the petitioner company is false and not true and an assertion intended to mislead and divert the attention of the court and that the respondent is taking contradictory stands in their averment is proof of intention that is not bona fide.

26. The Petitioner respectfully submits that the extraordinary interest of the Respondent State in claiming it is empowered to 'select' from among Type Approved vendors has no legal backing after the series of amendments in Rule 50 of CMVR,1989 that it is aware of but choosing to ignore and therefore to be rejected at the outset with costs.

27. The Petitioner respectfully submits that the HSRP is a one-of-a-kind safety component with a unique registration mark assigned to a particular Motor Vehicle on which it has to be affixed and the details of the Motor

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Vehicle such as Engine number and Chassis number are interlinked with the registration mark and therefore, cannot be affixed on any other vehicle.

28. The Petitioner respectfully submits that the rate of fixing HSRP in various Types of Vehicles is neither the responsibility of the Central Government nor of the state government but market forces. The Respondents have lost track of the fact that the government is not dealing with state largesse and its role cannot be the same as that of a private individual.

29. The Petitioner respectfully submits that the cost price of HSRP in the case of old existing vehicles registered in the State of Kerala prior to 01.04.2019 is paid out of the pocket of each motor vehicle owner and therefore has the freedom and Liberty to buy purely by their choice, one of a kind HSRP' that is the registration mark of a motor Vehicle' from any among Type Approved vendors of HSRP and each Sale and fitment of HSRP on a motor vehicle is an Independent Contract between the HSRP Manufacturer or one acting on its behalf and the purchaser being the Motor Vehicle Owner. There is no role on the part of the Respondents in the procurement of HSRP by the Motor Vehicle Owner other than Implementation and Enforcement as per the Law and in public interest , give wide publicity of the identities of HSRP Type approved Manufacturers for Information of Public being genuine sources of Supply of HSRP in the State.

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30. The Petitioner respectfully submits further that the Government is not providing HSRP for FREE to all Motor Vehicle Owners , Government funds are not involved and neither it is distributing largesse and therefore the state has no power whatsoever to invite bids or call for tenders for a component of a Motor Vehicle paid for by the Motor Vehicle Owner and further and more so , no right whatsoever to fix the Rate/cost of HSRP an essential safety component of any or every motor vehicle since 01.04.2019 that is determined by market forces. It is submitted that the Environmental Protection Control Agency (EPCA) No. 103 has in its report dated 25..09..2019 recorded the submission of Joint Secretary, Ministry of Road Transport and Highways that the prices of HSRPs for all vehicles shall be determined by market forces. A true copy of the relevant pages of the EPCA report No. 103 dated 25..09..2019, is produced herewith and marked as **Exhibit P18**.

31. The Petitioner respectfully submits that it is significant to note that Respondent State government in a parallel, did not call for tenders in the (1) Case of Helmets (2) GPS & Location Tracking devices (3) Automobile Pollution control Devices and (4) Mandatory Reflective stripes for Commercial Vehicles and the like that are paid for from the pocket of respective motor vehicle owners whose names and identities are made public by the transport department official website in many States and union territories for public to purchase as they prefer by choice.

32. The right to do business under statutory rules when the petitioner is qualified cannot be denied, more so when the Respondent / State/Government is not procuring HSRP out of its funds but are paid for

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by individual Motor Vehicle Owners .The market is open to 16 vendors at this point in time and for more to come as well as the Registering Authority, should it be interested in entering the open market in competition alongside 16 other Vendors and Vehicle Manufacturers and their dealers. It is submitted that the petitioner is discriminated in violation of his fundamental rights under Articles 14 and 21 of the Constitution of India.

33. The Petitioner respectfully submits that if the Respondent/Registering Authority in the absence of a Type Approval Certificate in its own name wishes to enter the business of 'issue of HSRP for existing Vehicles' in competition alongside and on par with

(a) Automobile manufacturers AND their dealers ;

OR

(b) Type Approved License Plate (HSRP) Manufacturers

it may be just and proper for the Respondents to procure HSRP by invitation of Bids or tender on such terms and conditions including fixing of rates for HSRP as the Respondent deems fit to "SELECT' any HSRP vendor for the activity of issuance of HSRP by the "Registering Authority" as permitted in Exhibit P4, coming into effect on 12 Feb 2020 the date of its publication.

34. The Petitioner respectfully submits that it is not the prerogative of the Respondents to be concerned whether a Type Approved HSRP manufacturer has the wherewithal to make Five, Five thousand or Fifty thousand HSRP on a given day or for that matter, what the turnover of an entity is or where all it has done business after the publication of Exhibit P4 that confers the right to allow all type approved vendors who are

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placed on an equal footing unless proved otherwise, 16 in all as per the information on the Vahan Dashboard for extensive coverage of issuance of HSRP that has not been possible in 20 years since 2002.

35. The Petitioner respectfully submits that The Central government fixed a two-year time limit for changeover of HSRP for existing vehicles registered in a State in the New High Security Registration Plates order of 2001 placed as Exhibits P12 and 12(a) and that time period of "Two Years" being the legislative intent, the State cannot shorten the time limit for affixation of HSRP and thrust undue hardship on public at large.

36. Assuming without conceding that an authorization from the State is required for affixation of HSRP on old, existing registered Vehicles in the State, the request for such authorization from the Petitioner is pending since 18.02.2020 but kept in abeyance since the Respondents are not interested in providing authorization or in other words, approval, since it is relentlessly pursuing the efforts put in since the first tender in year 2002 and continuing its efforts "to select" from among Type Approved vendors who are pre-determined entities as evidenced in the averments and assertions in the counter affidavit claiming of having "powers to Select" when the powers have been taken away by repeated amendments of Rule 50 of CMVR, 1989 after Exhibit P4 has come into effect that the respondent is aware of and evidences extraneous reasons are at play.

37. It is significant to note and take on record that Respondent 2 has neither denied nor disputed the evidence available in the Writ Petition to prove that HSRP fitted on vehicles on or after 01.04.2019 does not comply

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with the provisions of law in Kerala and that too with the full knowledge of the Respondents but has opined that the 'evidence' is not 'Substantive'.

38. The Petitioner respectfully submits that it is the sole responsibility of the Vehicle manufacturer and their dealers to ensure that HSRP fitted on Motor Vehicles are in compliance with not only the security features as averred but also Rules 50 and 51 of the Central Motor Vehicle Rules 1989 and having averred so, the Respondents cannot avoid the responsibility of Enforcement of the Motor Vehicle Act and Rules thereunder made from time to time when they have acknowledged receipt of information in the nature of a complaint as per Exhibits P10 and P11 of HSRP that does not comply with the provisions of Rule 51 of CMV Rules and do not conform to the Type Approval Certificates of Testing agencies specified in Rule 126 of CMV Rules that do not comply to the Motor Vehicle Act and rules thereunder made from time to time read with Rule 36 of the Motor Vehicle Driving Regulations 2017 are being supplied and affixed on Motor Vehicles in Kerala and also regarding affixation of the Third Registration plate on windshields of vehicles applicable exclusively for UT of Delhi and the NCR Region as per on Order of the Honorable Supreme Court that is not applicable in Kerala and the rest of India , that is not in Rule 50 of CMVR, 1989 and its mention in Exhibit P3 is applicable only as per the Order of the Hon'ble Supreme Court mentioned above.

39. The Petitioner respectfully submits that Substantive Evidence in the Writ petition is highlighted below and it will no more be open to the Respondent to be in denial to avoid enforcement of the Provisions of the Motor Vehicle Act and rules thereunder on entities whomsoever it may be.

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(A) The Petitioner respectfully submits that Exhibit P5 to the Writ Petition have typical photographs for illustration showing some vehicles fitted with HSRP not complying to Rule 51 of CMVR,1989 that are not in compliance with and conformance to the Type Approval issued by testing agencies read with their confidential Test report issued placed as Exhibit P 10.

(B) Vide Ext-P10 it was informed that HSRP affixed on New vehicles registered on and after 01.04.2019, more particularly of 2-Wheeler and 3-Wheeler are in violation of Rule 51 of CMVR,1989 and do not comply with the Type Approval and are not in conformance with the COP issued to HSRP Vendors and provided substantive evidence as follows:-

i. The confidential Test report of ARAI annexed to the Type Approval Certificate produced along with Ext P10 certify compliance to Rule 51 as having '/met the requirement' whereas in reality, those that are affixed in the state of Kerala, more so in the case of Two Wheelers and Three Wheelers by dealers of Motor Vehicles are not in compliance with this Type Approval Certificate and no action whatsoever was taken to look into the complaint which only will reveal the truth. The 3rd respondent or authority subordinate to him has not done it so far.

ii. Extract from the Minutes of Meeting recorded by Testing agency ARAI produced along with Ext-P10 with Confessions of 3 HSRP Vendors with Written submissions requesting for -2 mm (Negative) Tolerance to comply with Rule 51 of CMVR 1989 thereby admitting HSRP manufactured by them and affixed on

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Motor Vehicles in the State of Kerala (and also other states and Union Territories in the country) more so in the case of Two Wheelers and Three Wheelers do not comply with rule 51 of CMVR, 1989 and do not conform to the Type Approval Certificate issued to them.

iii. The admission by Type Approved by HSRP manufacturers so recorded by ARAI, the premier testing agency of India is proof of Violation of Rule 51 of CMVR, 1989 that warrants suspension and cancellation of Type Approval issued as stipulated in Ext. P3.

iv. Justification for negative Tolerance provided by a Type Approved HSRP manufacturer whose name mentioned in the minutes of the meeting of ARAI, identified as a Former Director of testing Agency ARAI who, under his signature was issuing Type Approvals confessing that the size of alphabets and numerals (Coated Black on white or yellow Background) was measured from the BACK OF THE PLATE admitting that HSRP manufactured by the entity he represents have been and are continuing to supply HSRP that are in Violation of Rule 51 of CMVR,1989 not only in Kerala, but also across the country.

v. The Percentage impact on HSRP Violation of Rule 51: Shortage of Dimension as per proposal recorded AISC: Automotive Industry Standards Committee panel meeting on or about the of 3rd of Sept , explains the extent of violation and exposes the technical incompetence of most of the Type Approved HSRP vendors with foreign collaborations and

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experience of working in five or more countries abroad whose Type approvals have to be suspended and all such defective HSRP affixed, recalled and replaced at the Cost and consequences of the suppliers.

vi. Copy of Letter addressed to Dr. Piyush Jain , Director MVL, MoRTH dated 22 Oct 2021 regarding High Security Registration Plates, produced along with Ext-P10, a complaint and appeal for investigation by competent authority, regarding Violations of Rule 51 of CMVR,1989 ,Malpractice and cover up activities etc.

vii. Exhibit P11 addressed to the Transport Commissioner, 3rd Respondent herein Regarding High Security Registration Plates (HSRP) for Motor Vehicles MVD Kerala regarding;

A. A. Fitment of Defective HSRP by OEM's on Newly Registered Vehicles in Kerala WEF 01 April 2019

B. Defective HSRP: Recall and Replacement. Onus on OEMs

C. Enforcement for Violation of Rule 51 of CMVR -1989

D. Amnesty to Motor Vehicle Owners with Non-Compliant HSRP affixed by OEM's

E. Implementation of HSRP in Kerala: Existing Old Registered Vehicles Fitment of Defective HSRP by OEM's were provided.

40. It is further submitted that the High Court of Allahabad has also by its Judgment in Public Interest Litigation (PIL) NO. 3127 of 2016 dated 23.02.2016 directed strict implementation of HSRP with reference to the Rules.

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Therefore, it is most humbly prayed that the Writ Petition may be allowed as prayed for, in the interest of justice.

What is stated above in paragraph 1 are true to my knowledge and what is stated in paragraphs 2 to 40 stated on information and belief derived from records and I believe the same to be true.

Dated this the 26th day of October, 2022

(Deponent)

Solemnly affirmed and signed before me by the deponent who is personally known to me on this the 26th day of October, 2022 at Ernakulam.

ADVOCATE

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Ext P12

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 22nd August, 2001

S.O. 814(E).— Whereas the Central Government is of the opinion that it is necessary and expedient in the public interest to notify certain standards in respect of the new system of high security registration plates for motor vehicles and the process used by a manufacturer or vendor for manufacturing or supplying such plates with reference to the amendments made in the Central Motor Vehicles Rules, 1989 by the Central Motor Vehicles (Ist Amendment) Rules, 2001; it, therefore, in exercise of the powers conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) makes the following order to specify such standards, namely:-

THE HIGH COURT OF KERALA

ORDER

1. This Order may be called as the Motor Vehicles (New High Security Registration Plates) Order, 2001.

2. It shall come into force on the 28 day of September, 2001 in case of new registered vehicles from that date and in case of already registered vehicles, two years from the date of publication of this Order in the Official Gazette.

3. Application – This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

4. A manufacturer or supplier of new high security registration plates shall comply with the following specifications, namely:-

(i) The manufacturer or supplier shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

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THE GAZETTE OF INDIA EXTRAORDINARY [PART II—SEC. 3(ii)]

(ii) The registration plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989; and shall conform to DIN 1745 / DIN 1783 or ISO 7591, as updated from time to time. The Registration Plate has to be guaranteed for imperishable nature for a minimum of five years.

(iii) The background colour of the letters in the High Security Registration Plates shall be the same as per the colour scheme prescribed in the Notification of the Government of India in the Ministry of Road Transport & Highways No.G.S.R.221(E) dated 28.3.2001 namely in black colour on yellow background in case of transport vehicles and in black colour on white background in other cases. The letters of registration mark shall be in English and the figures shall be in Arabic numerals, and the letters and numerals shall be embossed and hot stamped.

(iv) To protect against counterfeiting, a chromium-based hologram of the size of 20 mm X 20 mm is to be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates. The hologram shall contain Ashoka emblem with "Bharat Sarkar" and "Government of India" on each side, on left and right side respectively on Ashoka emblem vertically, as specified in the sketch, as given in the Annexure annexed to this Order.

(v) The permanent identification number of minimum 7 digits is to be laser branded into the reflective sheeting on the bottom left-hand side of the registration plate with the numeral size being 2.5 mm.

(vi) The hot stamping film to be applied on the letters/numerals of the license number shall bear the inscription "INDIA".

(vii) The third registration plate in the form of a self destructive type chromium based hologram sticker shall be of the size of 100 mm X 60 mm is to be affixed on the inner side of left hand corner of windshield of the vehicle. The details on the sticker shall be (i) name of registering authority, (ii)

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[भाग II—खण्ड 3(ii)] भारत का राजपत्र : असाधारण 5

registration number of the vehicle, (iii) laser branded permanent identification number, (iv) engine number and (v) chassis number of the vehicle. On the bottom of the right corner of the sticker, the chromium based hologram shall be applied but of a smaller size of 10 mm X 10 mm. In the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height. The name of registering authority would be on top part of sticker in letter size of 5 mm, while, laser branded permanent identification number, then engine number followed by chassis number shall come in the bottom left side of the sticker with numeral size being 2.5 mm in each case. A depiction of the sticker is given in the sketch as specified in the Annexure annexed to this Order.

(viii) The registration plate fitted in the rear of the vehicle shall be fastened with non-removable/non-reusable snap lock system. For that sake of better security, at least two such snap locks shall be fitted.

(ix) No high security plate shall be affixed outside the premises of the registering authority.

(x) The manufacturer or the vendor selected by the State Transport Department for supply of such registration plates may be for the State as a whole or for any region of the State.

(xi) The registration plate will be supplied to the motor vehicle owners by the vendor against the authorization by the Road Transport Officer or any officer designated for the purpose by the State Transport Department.

(xii) The replacement for any existing registration plate may be made by the concerned transport authority only after ensuring that the old plate has been surrendered and destroyed.

(xiii) A proper record of the registration plates issued by the manufacturer or the vendor, authorized by the State Government, should be maintained on a daily basis and got tallied periodically with the records of the Transport Office.

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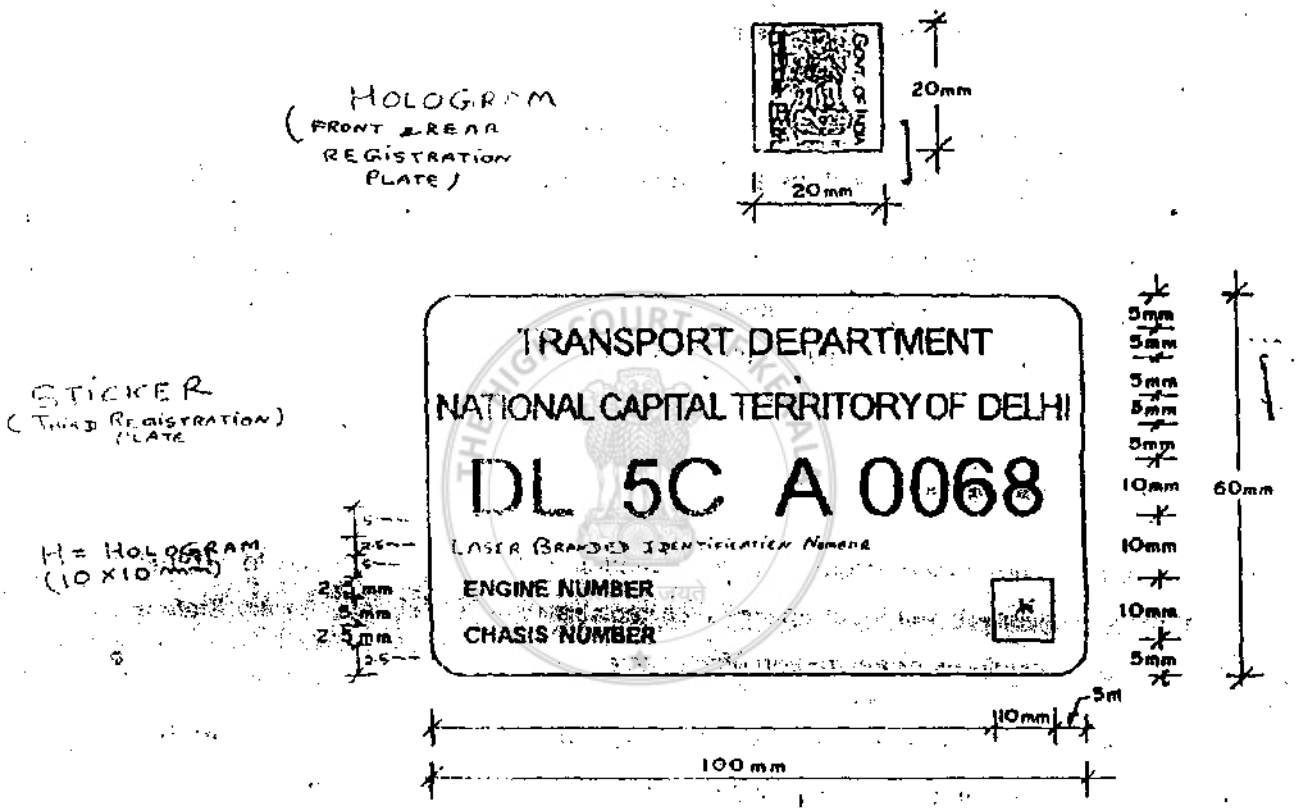
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(xiv) Periodic audit shall be carried out by concerned testing agency to ensure compliance of the requirements of the high security registration plate.

[F. No. RT-11028/3/2000-MVL]
ALOK RAWAT, Jt. Secy.

ANNEXURE



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This is the true copy of the document marked as Exhibit. P- referred to in the above W.P.(C).

Advocate

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28 Ext-P12(G)

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 16th October, 2001

S.O. 1041(E).—Whereas the Central Government is of the opinion that it is necessary and expedient in the public interest to notify certain standards in respect of the new system of high security registration plates for motor vehicles and the process used by a manufacturer or vendor for manufacturing or supplying such plates with reference to the amendments made in the Central Motor Vehicles Rules, 1989;

Now, therefore, in exercise of the powers conferred by sub-section (3) of Section 109 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following Order to amend the Motor Vehicles (New High Security Registration Plates) Order, 2001, namely :—

1. (1) This order may be called the Motor Vehicles (New High Security Registration Plates) (Amendment) Order, 2001.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Motor Vehicles (New High Security Registration Plates) Order, 2001, in clause 4,—

(a) in sub-caluse (ii), for the letters, figures and words "DIN 1745/DIN 1783 or ISO 7591, as updated from time to time", the letters, figures and words "DIN 74069—1975 and ISO 7591—1982, as amended from time to time till such time as the corresponding BIS specifications are notified." shall be substituted;

(b) after sub-clause (ii), the following clause shall be inserted, namely :—

(iii) "The size of the registration plate for different categories of vehicles shall be in accordance with clause (vi) to sub-rule (1) of rule 50 of the Central Motor Vehicles Rules, 1989. However, in case of motorcycles, the size of the plate may be used 285 × 45 mm.";

(c) for sub-clause (iv), the following sub-clause shall be substituted, namely :—

"(iv) To protect against counterfeiting, a chromium-based hologram of the size 20 mm × 20 mm is to be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates. The hologram shall contain CHAKRA in blue colour as given in the Annexure annexed to this order.";

(d) in sub-clause (v), the following proviso shall be inserted, namely :—

"Provided that the permanent consecutive identification number in Arabic numbers shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate is issued by the test agencies :

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) of the said Table as under :

TABLE

Sl. No.	Name of Test Agency	Alphabets
(1)	(2)	(3)
1	Automotive Research Association of India, Pune	A to H
2	Central Road Research Institute, New Delhi	I to P
3	Vehicles Research Development Establishment, Ahmednagar	Q to S

Provided also that the height of the digits shall be 5mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.";

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29 P12(a)2

THE GAZETTE OF INDIA EXTRAORDINARY [PART II—SEC. 3 (ii)]

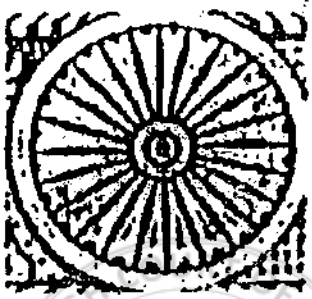
(e) in sub-clause (vi), the following shall be added at the end, namely :—

"The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees inclination with sequential lines being the mirror image of the other";

(f) in sub-clause (vii), the following shall be added at the end, namely :—

"The sticker should be essentially a diffraction foil film with high reflective index and shall have the chromium based hologram embedded";

(g) in the Annexure, for the hologram, the following hologram shall be substituted, namely :—



[F. No. RTY-11028/3/2000-MVL]

ALOK RAWAT, Jt. Secy.

Note : The principal order was published vide Gazette Extraordinary, Part II, Section 3, Sub-section (ii) notification number S.O. 814(E), dated 22nd August, 2001

This is the true copy of the document marked as Exhibit. P- referred to in the above W.P.(C).

Advocate

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File No.MIT2/23/2022-TC

30 Ext P13

Dated: **20/07/2022**

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thycaud P.O, Thiruvananthapuram - 695 014

e-mail:tcoffice.mvd@kerala.gov.in|web: www.mvd.kerala.gov.in| ☎0471-2333317

From

Transport Commissioner,
Motor Vehicles Department,
Government of Kerala

To

Thomas Cherian
MotorSigns India
810 Anna Salai, Nandanam,
Chennai, 60003, Tamil Nadu IN.

Sir,

Sub:- Motor Vehicles Department-high Security Registration plates for Motor Vehicles-reg.

Ref:- Your e mail dated 01/11/2021 & Your letter dated 13/4/2022

Referring to the above, it is informed that Rule 50(1) (v) of the Central Motor Vehicles Rules, HSRP for existing old registered vehicles shall be issued by registering authority or vehicle manufactures and their dealers or by the approved license plate manufacturers or their dealers and the Central Road Research Institute, New Delhi or any agency authorized under Rule 126 shall approve the security registrations as per the provisions of the Rule

*Para 5 of the HSRP order 2018, has specified that the manufacturers or suppliers of HSRP , **if so authorised by the state Government**, may supply the HSRP including the third registration mark in old vehicles after placing the registration mark.*

Central Government vide letter dated 01.09.2021 has made clear that implementation of provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Act, 1989 comes under the preview of States/UTs and therefore it is for the States /UTs to select any type of approved vendors to carry out the work of affixing HSRP on old motor vehicles in the respective State/UT.

Hence State Government has authority to select approval licence plate manufacturers for affixing HSRP in old vehicles.

Digitally signed by K MANOJKUMAR
Date:Wed Jul 20 17:16:23 IST 2022
Reason: Approved

Your's Faithfully

K Manojkumar
Joint Transport Commissioner & Secretary S T A In Charge

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Advocate

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31 Ex.P14.

GOVERNMENT OF TAMIL NADU
COMMISSIONERATE OF TRANSPORT & ROAD SAFETY COMMISSIONER,
CHEPAUK, CHENNAI-5

TENDER CANCELLATION NOTICE

R.No.33432/HB2/2019 dated: 01.04.2022

Sub: Motor Vehicles – High Security Registration Plates for the Motor Vehicles in Tamil Nadu – Tender called for – Tender Cancellation Notice - Uploading in Government Websites - Reg.

Ref: 1. Tender Bid Document Published on 13.01.2021.
2. Letter received from the Additional Advocate General-1, High Court of Madras dated 31.03.2022

*****

The Transport Commissioner has invited bids for the selection of eligible bidders for the implementation of High Security Registration Plates for the old vehicles manufacture prior to 01.04.2019 in the State of Tamil Nadu. The Tender Notification was called for by the Transport Commissioner on 13.01.2021. The Bid hosting in the website was made on 18.01.2021 and technical bid was opened on 23.03.2021. In this circumstances M/s.Yarya Sekur Pvt Ltd, Chennai has filed a Writ Petition No.4139 of 2021 before the Hon'ble High Court of Chennai to squash the tender notification. Since the case was dismissed Writ Appeal No.251 of 2022 was filed by the M/s.Yarya Sekur Pvt Ltd before the Hon'ble High Court of Chennai. The Additional Advocate General 1 has advised to cancel the tender in terms of amended rule 50 of Central Motor vehicle Rule 1989.

Hence, the tender notification invited bids for the selection of eligible bidders for the implementation of High Security Registration Plates for the old vehicles manufacture prior to 01.04.2019 in the State of Tamil Nadu is hereby cancelled. Subsequent hosts in Transport Department website www.tn.gov.in/sta and Tamil Nadu Government website www.tenders.tn.gov.in are hereby cancelled.

This is issued with the concurrence of the Government of Tamil Nadu.

Place: Chennai
Date: 01.04.2022

Transport Commissioner,
Chepauk, Chennai-5.

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Advocate

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रजिस्ट्री सं. डी.एल.-33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-20082022-238212
CG-DL-E-20082022-238212

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 566] नई दिल्ली, बृहस्पतिवार, अगस्त 18, 2022/श्रावण 27, 1944
No. 566] NEW DELHI, THURSDAY, AUGUST 18, 2022/SHRAVANA 27, 1944

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 18 अगस्त, 2022

सा.का.नि. 640(अ).—केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए प्रारुप नियम, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 212 की उपधारा (1) के अधीन यथा अपेक्षित, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में प्रकाशित भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की अधिसूचना संख्यांक सा.का.नि. 277 (अ), तारीख 6 अप्रैल, 2022 द्वारा प्रकाशित किए गए थे, जिसमें उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त अधिसूचना को अंतर्विष्ट करने वाली राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी, तीस दिन की अवधि के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 6 अप्रैल, 2022 को उपलब्ध करा दी गई थीं;

और केन्द्रीय सरकार द्वारा उक्त प्रारुप नियमों के बाबत जनता से प्राप्त आक्षेपों और सुझावों पर विचार कर लिया गया है;

अतः अब, केन्द्रीय सरकार, मोटर यान अधिनियम 1988 (1988 का 59) की धारा 110 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1.(1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (तेरहवां संशोधन) नियम, 2022 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

33 P15/2

2. केन्द्रीय मोटर यान नियम, 1989 के नियम 50 के, उपनियम (1) में, खंड (v) में "अनुज्ञप्त प्लेट के विनिर्माता के अनुमोदित डीलरों" शब्दों के स्थान पर "राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा अनुमोदित अनुज्ञप्त प्लेट के विनिर्माता या उनके डीलरों" शब्द रखे जाएंगे।

[फा. सं. आरटी-11036/99/2020-एमवीएल]

महमूद अहमद, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना संख्यांक सा.का.नि. 590 (अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और अधिसूचना संख्यांक सा.का.नि. 625(अ), तारीख 11 अगस्त, 2022 द्वारा अंतिम बार संशोधित किए गए थे।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 18th August, 2022

G.S.R. 640(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), *vide* notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 277 (E), dated the 6th April, 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Official Gazette containing the said notification were made available to the public;

AND WHEREAS, copies of the said Official Gazette notification were made available to the public on the 6th April, 2022;

AND WHEREAS, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. (1) These rules may be called the Central Motor Vehicles (Thirteenth Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 50 of the Central Motor Vehicles Rules, 1989, in sub-rule (1), in clause (v), for the words "approved licence plate manufacturers or their dealers", the words "licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration" shall be substituted.

[F. No. RT-11036/99/2020-MVL]

MAHMOOD AHMED, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended vide notification number G.S.R. 625(E), dated 11th August, 2022.

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

ALOK KUMAR Digitally signed by ALOK KUMAR Date: 2022.08.20 11:53:58 +05'30'

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Advocate

618

34 Ext P16

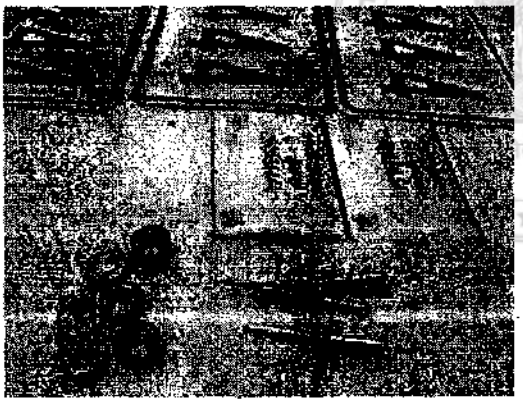
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Andhra Pradesh seeks to raise over Rs 500 crore through HSRPs

Andhra Pradesh seeks to raise over Rs 500 crore through HSRPs

PTI Last Updated: Jun 14, 2022, 08:38 PM IST

Synopsis

The cash-starved state government hopes to net over Rs 500 crore from HSRP as each set will cost Rs 245 to Rs 649 for different classes of vehicles. Sources in the Transport Department said of the 150 lakh vehicles (transport and non-transport) in the state, about 70 lakh were fitted with HSRPs. "We have been fixing the HSRPs only from January 2014 though the Supreme Court verdict was delivered in 2011. So many vehicles were still left over," a senior official of the Transport Department said.



As part of its continued efforts to raise additional resources, the Andhra Pradesh government has decided to make High Security Registration Plates (HSRP) mandatory for all vehicles, including older ones, in line with the Supreme Court judgment.

The cash-starved state government hopes to net over Rs 500 crore from HSRP as each set will cost Rs 245 to Rs 649 for different classes of vehicles. Sources in the Transport Department said of the 150 lakh vehicles (transport and non-transport) in the state, about 70 lakh were fitted with HSRPs. "We have been fixing the HSRPs only from January

SECTIONS Andhra Pradesh seeks to raise over Rs 500 crore through HSRPs

No other state is said to be insisting on HSRPs for old vehicles but the AP government decided to go ahead with the plan to generate the much-needed additional revenue.

35 P16/2

In a memo to all District Transport Officers, state Transport Commissioner Katamneni Bhaskar pointed out that many vehicle owners were using "fancy number plates" as per their whims. "HSRP is compulsory for all vehicles and any deviation will be liable for penalty of Rs 1,000 each," Bhaskar said.

"It is directed to fix the HSRP for in-use and old transport vehicles also. For non-transport vehicles, owners could seek time for a slot to get the HSRP affixed by paying the prescribed fee online," the Commissioner added.

So far, owners of 8,95,081 vehicles have paid the requisite fee for fixing the HSRP in the first phase. The remaining would be covered in the second phase.

THE HIGH COURT OF KERALA
सत्यमेव जयते

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Advocate

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36 Ext P17

No.RT-11021/47/2014-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan,1, Parliament Street, New Delhi-110001.

October 01, 2018

To

The Principal Secretaries/ Secretaries, Department of Transport
The Transport Commissioners of Delhi, Haryana, Rajasthan and Uttar Pradesh.

Subject: Compliance of Hon'ble Supreme Court's order dated 13.08.2018 passed in the matter of W.P (C) No. 13029 of 1985, M.C. Mehta V/s Union of India.

Sir/Madam,

Please refer to the Hon'ble Supreme Court's order dated 13.08.2018 (copy enclosed) passed in the matter of W.P (C) No. 13029 of 1985, M.C. Mehta V/s Union of India. The Hon'ble Court had directed that:-

> *"The suggestion given by learned amicus curiae was to effect that colour stickers should be placed on the windshield of the vehicles to give an indication of the nature of fuel being used.*
>
> *The suggestions given by learned amicus curiae is acceptable both to the learned Additional Solicitor General appearing on behalf of the Union of India as well as to learned counsel for SIAM.*
>
> *It is agreed that a hologram based stickers of light blue colour should be used for petrol/CNG vehicles and a hologram based stickers of orange colour should be used for diesel vehicles. Of course, this would be applicable only for the NCR Region. The decision for stickers of light blue colour and orange colour should be implemented in the NCR Region by 2nd October, 2018 latest."*

2. In this regard, it is informed that: -

(i) This Ministry is in the process of an amendment in Rule 50 of the Central Motor Vehicles Rules, 1989 and in the HSRP Order, 2001. This Ministry had submitted the design of the stickers in the Hon'ble Supreme Court. The Hon'ble Court has passed the above orders in the light of the proposal of the Ministry.

(ii) This Ministry has already notified for a number plate with a green background for the Electric Vehicles. Accordingly, Rule 50 of the Central Motor Vehicles Rules, 1989 has been amended vide notification GSR 749 (E) dated 07.08.2018. Therefore, the requirement of putting up stickers will not be required in the case of electric vehicles.

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(iii) Following is the colour scheme of the background colour of the third number plate for adoption in the form of "self-destructive type" hologram based sticker for quick identification of the vehicles -

(a) A background of Light Blue colour for Petrol/ CNG vehicles.

(b) A background of Orange colour for the diesel vehicles.

(c) A background of Gray colour for all other vehicles.

3. In view of the directions of Hon'ble Supreme Court, it is requested to ensure compliance of the above directions of Hon'ble Supreme Court and to use colour coded stickers as mentioned in para 2 above.

Encls: As above.

Yours faithfully,

10/2018

(Ram Raj Meena)
Under Secretary to the Govt. of India
Ph. No. 011-23715211

THE HIGH COURT OF KERALA
सत्यमेव जयते

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Advocate

38 Ext P18 1

EPCA Report No 103

Special Report: Delay in implementation of colour-coded stickers on vehicles as directed by the Hon'ble Court vide its order dated 13.8.2018

September 25, 2019

1. Background

This matter is regarding the placement of stickers on all vehicles in NCR, which would be colour coded based on the fuel used. This colour-coding of vehicles would then be used to identify vehicles that run on diesel fuel and during high pollution days, these vehicles could be asked to stop plying on roads.

13.8.2018: The Hon'ble Supreme Court directed

> *"the suggestion given by the amicus curiae was to the effect that colour stickers should be placed on the windshield of vehicles to given an indication of the nature of fuel being used. The suggestion given by the learned amicus curiae is acceptable to both the learned Additional Solicitor General appearing on behalf of the Union of India as well as to the learned counsel for SIAM.*
>
> *It is agreed that a hologram sticker of light blue colour should be used for petrol/CNG vehicles and a hologram based sticker of orange colour should be used for diesel vehicles.*
>
> *This would be applicable only for the NCR region.*
>
> *The decision for sticker of light blue and orange colour should be implemented in the NCR region by October 2, 2018 latest."*[1]

10.10.2018: Matter was heard again and Hon'ble Court noted progress was being made to amend the Motor Vehicles (High Security Registration Plates) Order 2001 and that necessary steps would be taken to give wide publicity to the stickers and procedures for implementing the amendments that are proposed.

[1]The issue of green sticker for strong hybrid vehicles similar to that for battery vehicles was raised by Toyota Kirloskar Motors and subsequently the matter was dismissed on 10.10.2018.

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10.12.2018: The Hon'ble Court noted that the Learned ASG had placed on record the new amendment to the Central Motor Vehicles Rules 1989 issued vide GSR 1162 (E) dated 4th December and a statutory order SO 6052 (E) dated 6th December 2018. This was done in compliance with the orders of the Hon'ble Court. The issue of stickers for vehicles was disposed of with the direction that any challenge to the validity of the notification would lie only in this court and not in any other court.

2. Progress made to implement colour-coded stickers

The Ministry of Road Transport and Highways (MoRTH) on December 4, 2018 (GSR 1162 (E) and on December 6, 2018 (SO 6052 (E)) issued directions to implement colour-coded stickers on old and new vehicles as the third sticker of the High Security Registration Plate (HSRP). The key elements of this draft, which lays out the colour and size and type of the colour coded third registration plate are as follows (see Annexure 1 and 2):

On existing vehicles:

1. HSRP, including third registration mark ***may be*** supplied and affixed *by the dealer* of the vehicle manufacturers

And/Or

2. The *manufacturers or suppliers of HRSP*, if so authorised by the state concerned, ***may also*** supply HSRP including third registration mark on old vehicles

The dealer of the vehicle manufacturers ***may also*** affix such plates, supplied by the vehicle manufacturers, on old vehicles.

For new vehicles:

The HSRP including the third registration mark, wherever required, ***shall be*** supplied by the vehicle manufacturers along with the vehicle manufactured on or after April 1, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicles.

The notification also sets out the details of the registration – make, type, font and colour and procedure for ensuring its manufacture and placement.

The background colour for the self-destructive type chromium based hologram sticker for diesel shall be orange; light blue for petrol and CNG and for all other vehicles it would be grey (see below):

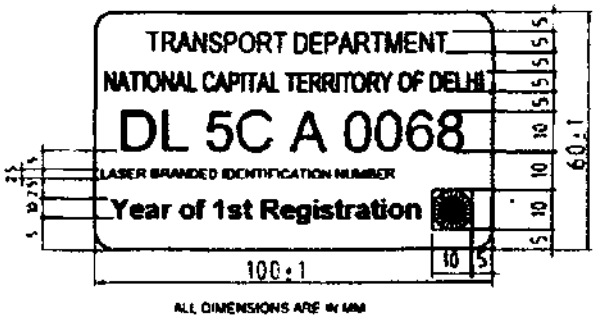
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2. STICKER (THIRD REGISTRATION PLATE)



[फा॰ सं॰ आरटी-11028/01/2018-गवर्नमेन्ट]

विनोद आनंदी, संयुक्त सचिव

EPCA called meeting on **January 31, 2019** and in March 11, 2019 to ensure implementation of the directions of the Hon'ble Court and to resolve issues that were outstanding. Based on this on **March 11, 2019**, Chairman EPCA wrote to NCR state transport commissioners informing them of the position of the Government of India that without the link to HSRP it would not be possible to provide the legislative framework for implementation of the colour-coded fuel-based stickers, which were required as per the suggestions of the Amicus and the directions of the Hon'ble Supreme Court. By linking the colour-coded sticker to HSRP, the chances of fraud in issuing the sticker was also sought to be minimized.

EPCA issued the following directions for implementation.

1. Implementation in the case of new vehicles in Delhi and Haryana as of April 1, 2019

State transport authorities informed EPCA that new cars that are being registered in Delhi and Haryana are provided with colour-coded stickers. The representative of SIAM concurred with this view. EPCA therefore, noted that there is no problem in implementation in this case. The only difference is that the compliance will be through vehicle manufacturers and or their dealers and that they will set up a procedure to ensure that this is done as per the notification.

2. Implementation in UP and Rajasthan for new vehicles as of April 1, 2019

It was agreed that the Rajasthan and UP state transport departments shall direct vehicle manufacturers to comply with the MoRTH notification dated 6.12.2018 as of April 1, 2019.

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3. Implementation for existing vehicles with or without HSRP

It was agreed that the notification provides different options to implement the directions in the case of existing/old vehicles, which are large in number. It provides that the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers; It also provides that manufacturers or suppliers of high security registration plates, if so authorized by the state concerned, may also supply high security registration plate, including the third registration mark on old vehicles after placing the registration mark.

In other words, there are different options available to the state transport authorities and vehicle manufacturers to ensure implementation of these directions. The states were directed to ensure compliance based on the above options (see Annexure 3 for EPCA letter), without further delay by either directing OEMs/vehicle manufacturers to affix HSRP or by appointing an authorised dealer for HSRP.

On **June 26, 2019,** MoRTH wrote to all transport secretaries of the NCR states explaining the procedures and directing them to ensure compliance of the above directions of the Hon'ble Supreme Court and to ensure colour coded stickers were placed in new and old vehicles (See Annexure 4).

On **June 27, 2019,** EPCA convened a meeting to review implementation and found that NCR states were unclear how they should price the HSRP (including the colour-coded stickers) that would be affixed on old vehicles. They said that while in new vehicles (registered post April 2019), vehicle manufacturers (OEMs) were absorbing the cost of the HSRP (including third registration/colour coded sticker), the price for HSRP for old vehicles was not apparent and this was leading to problems. EPCA requested MoRTH to resolve this, based on the existing rates.

It also directed transport departments to issue public notice to owners of existing vehicles to go to dealers/manufacturers and to get the stickers and HSRP fixed on their vehicles by October 2019 (see Annexure 5).

3. Compliance status as of September 2019

EPCA convened a meeting on September 19, 2019 to take stock of compliance of this direction of the Hon'ble Supreme Court in wake of the impending winter season.

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Status as of September 19, 2019

	State	
1	Haryana (Annexure 6a-e)	On 31.10.2018 it directed that registration/fitness certificate should not be issued to new/old vehicles unless HSRP by authorised vendor is affixed on the vehicle. If any vehicle is found plying with HSRP it would be challaned as per section 177 of CMVA On 14.11.2018 it directed that pursuant to the orders of the Hon'ble Supreme Court, hologram based colour stickers would be placed on new vehicles of Haryana NCR registered on or after 2.10.2018 (public notices were issued as well). On 29.12.2018 it notified the price for the HSRP for different category of vehicles (6d) – Rs 405.71 for light motor vehicles/passenger cars+3rd sticker By 19.9.2019, over 2,50,000 vehicles registered between 14.11.2018 and 18.9.2019 had been given colour-coded stickers. Of this, 105,928 vehicles were diesel. The state has, as yet, not issued any directions for vehicle registered before 2.10.2018 as per the information given to EPCA.
	UP (annexure 7)	Informed EPCA as follows: a. New vehicles were being issued HSRP (including colour coded third plate) through OEMs and their dealers b. On September 20, 2019 the transport department has sent a proposal to the government that even for old vehicles, manufactured before April 1, 2019, the OEMs and their dealers would be required to put the HSRP and colour coded sticker.
	Rajasthan (Annexure 8)	Informed EPCA as follows: a. New Vehicles are being issued HSRP (including colour

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U3 P18/6

		coded third plate) through OEMs and their dealers. b. For old vehicles, state government issued tender for this work but the bidder took the matter to Court. The court decision has been received and now bid has been opened and process of finalisation of bidder is in process.
	Delhi (Annexure 9 a-b)	The January 29, 2019 Delhi Transport Department plan for implementation says that the transport department has issued a termination notice to its vendor M/S Rosemerta HSRP ventures and has initiated a process for appointment of new vendor. The vendor has obtained a stay from the Arbitrator, the award of which is awaited. However, based on the December notification of MoRTH, all new vehicles would be given HRSP by the vehicle manufacturers (OEMs) and their dealers. On September 3, 2019 it has written to the MoRTH asking it to amend its GSR/CMVR to substitute the words, *dealer may* to *dealer shall* and to fix a reasonable maximum rate for HSRP and colour stickers to be charged by dealers of old vehicles. It also informed EPCA that its tenders (issued twice) for new manufacturer of HSRP have not succeeded. Therefore in Delhi: Vehicles registered as of April 1, 2019 are being issued HSRP (including colour coded number plate) by OEMs and their dealers The issue of old vehicles is still pending.

The issue of pricing for HSRP was discussed at the EPCA meeting on 19.9.2019 (see Annexure 10 for list of participants). Joint Secretary, MoRTH explained that the market price discovery was the best way to fix the maximum rate of HSRP (including colour sticker) for old vehicles. The range of price is between what existed in in Delhi (before the cancellation of the tender for the concessionaire) of Rs 228 (without colour coded sticker) and what has been

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WU P15/7

agreed in Haryana of Rs 405.71. However, stategovernments are concerned that the scale of the business is enormous and that without guidance on the price, it will be difficult to ensure that customers are not charged unreasonable amounts by the manufacturers or the OEM/dealers. ***This is leading to a stalemate and is resulting in the non-compliance of the critical directions of the Hon'ble Supreme Court – critically necessary for the upcoming winter pollution season.***

4. Recommendations for the consideration of the Hon'ble Court

The directions of the Hon'ble Court are being complied with in all NCR states as far as vehicles registered as of April 1, 2019 are concerned. Vehicle manufacturers (OEMs) and their dealers are issuing the HSRP (including the third colour coded number plate) at the time of registration of new vehicles.

However, there is little movement on the matter of affixing HSRP (and colour coded stickers as the third plate) on older vehicles. This is crucial as it is well understood that large numbers of **diesel vehicles** have been registered and continue to ply in NCR, which is greatly contributing to pollution. ***The objective of the sticker scheme was to identify diesel vehicles, which could be taken off the road during high pollution days. This is a common global practice and has been effective in controlling pollution emergencies.***

MoRTH, through the notifications has provided the legislative framework for implementing the scheme. The notifications provide flexibility to state governments to ensure execution – either through OEMs and their dealers or through authorised manufacturers of HSRP.

However, there has been less than satisfactory progress in affixing stickers on vehicles registered before 1.4.2019. This is despite all the efforts of MoRTH and EPCA.

EPCA has no option but to approach the Hon'ble Court to seek anurgent direction to the states of Delhi, Haryana, Rajasthan and UP to comply with the order of this Hon'ble Court dated 13.8.2018 by November 1, 2019.

This will ensure that during the high-pollution days of the upcoming winter, colour-coded stickers are used to identify diesel vehicles and restraints are put on their movement.

This is the true copy of the document marked as Exhibit. P-
referred to in the above W.P.(C).

Advocate

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

C.M. Appln. No. of 2022

in

W.P.(c) No. 10761 of 2022

MotorSigns India : Petitioner

v.

State of Kerala and others : Respondents

Verified Petition under Section 5 of the Limitation Act submitted by the counsel for the petitioners/R1 to R3.

Copy of the counter affidavit was received on 30..08..2022. Since the petitioner herein has to collect certain details to prepare a reply affidavit, the petitioner could not file the reply affidavit in time. There is therefore, some delay occurred in filing of the reply affidavit. There is no wilful laches or omission on the part of the petitioner herein in filing the reply affidavit in time. Unless the delay is condoned in filing the reply affidavit, the petitioner herein will be put to manifest injustice and prejudice.

It is therefore, humbly prayed that this Hon'ble Court may be pleased to condone the delay in filing the reply affidavit and accept the same to file in the interest of justice as otherwise the petitioner will be put to irreparable injury and injustice.

Dated this the 27th day of October, 2022.

Advocate.

What is stated above are true to the best of my knowledge, information and belief.

Advocate.

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Presented on: ..10..2022

BEFORE THE HON'BLE HIGH COURT OF KERALA

AT ERNAKULAM

CMBm /22

W.P.(c) No. 10761 of 2022

MotorSigns India	:	Petitioner
	v.	
State of Kerala and others	:	Respondents

THE HIGH COURT OF KERALA
सत्यमेव जयते

Reply affidavit filed by the petitioner along with verified petition to condone the delay in filing the reply affidavit

M/s Ramprasad Unni T (R 290) (K 962/92)
S M Prasanth (P 296) (K957/94)
Aswini Sankar R.S.
&
Aravind T.H.
Advocates
M/S. K. RAMAKUMAR & ASSOCIATES

Counsel for the Petitioner

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E. filed on
02.03.2023.
with - I.A.

E-CA NO : CA-2023-006635

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No.10761/2022

MOTORSIGNS INDIA : Petitioner

Vs

STATE OF KERALA AND OTHERS : Respondents

ADDITIONAL COUNTER AFFIDAVIT FILED FOR AND ON BEHALF OF THE SECOND RESPONDENT AGAINST THE REPLY AFFIDAVIT FILED BY THE PETITIONER [illegible]

Revised Cum Compensated Unit Cost
1/3/2023

Sd/-
E-VERIFIED
GOVERNMENT PLEADER
GP-2

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No.10761/2022

MOTORSIGNS INDIA, : Petitioner

V/S

STATE OF KERALA & OTHERS. : Respondents

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Sd/-
E-VERIFIED

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1

BEFORE THE HONOURABLE HIGH COURT OF KERALA

AT ERNAKULAM

W.P(C). No. 10761 OF 2022

Motor Signs India : Petitioner

Vs.

State of Kerala & Others : Respondents

ADDITIONAL COUNTER AFFIDAVIT FILED FOR AND ON BEHALF OF THE 2ND RESPONDENT AGAINST THE REPLY AFFIDAVIT FILED BY THE PETITIONER AS DIRECTED BY THE HON'BLE COURT ON 20.01.2023.

I Bindu R., aged 49 years, D/o V. Raveendran, residing at House No. 37, Mosque Lane, Kumarapuram, Medical College P.O., Thiruvananthaporam, do hereby solemnly affirm and state as follows:

1. I am the Under Secretary, Transport (B) Department, Government of Kerala, Government Secretariat, Thiruvananthapuram and I have been authorized to swear this additional counter affidavit for and on behalf of the 2nd respondent in the above writ petition. I am conversant with the facts of the case as disclosed from the files relating thereto. All the averments made in the reply affidavit filed by the petitioner is incorrect and unsustainable.

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2. It is submitted that the Rule 50(1) of the Central Motor Vehicles Rules, 1989 as amended by G.S.R 640(E) dated 18.08.2022 provides that the license plates for existing old registered authority or vehicle manufacturers and their dealers or by the license plate manufacturers or their dealers approved by State Government. Hence approval from the State Government is necessary for license plat manufactures or their dealers for affixing HSRP on vehicles registered prior to 01.04.2019. True copy of the above referred G.S.R 640(E) dated 18.08.2022 is produced herewith and may be marked as **Exhibit R2(a).**

3. It is submitted that Ext.P13 dated 20.07.2022 is not misleading and was issued by the 3rd respondent in good faith stating the rule position in rule 50(1) (v) as it existed prior to G.S.R 640(E) dated 18.08.2022 and as per the advisory dated 1.9.2021 of MoRTH. A true copy of the above referred advisory of MoRTH dated 1st September, 2021 is produced herewith and may be marked as **Exhibit R2(b).**

4. It is also submitted that as per the clause E of the above said communication regarding the implementation of HSRP of old vehicles, the Central Government had clarified that implementation of provisions of Motor Vehicles Act and Rules comes within the purview of Transport Authorities of States/UTs

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and therefore it is for the States/UTs to select any of the type approved vendors to carry out the work of affixation of HSRTP on older motor Vehicles in the respective State/UTs. Thus approval from the State Government is necessary for license plate manufacturers for affixing HSRP in old vehicles. So far, State has not given approval to any license plate manufacturer or dealer for affixing HSRP in old vehicles registered prior to 01.04.2019.

5. It is respectfully submitted that the rate for fixing HSRP in various types of vehicles has not been fixed by the Central Government. The State Government have to fix the rate of the HSRP and time limit within which it is to be affixed in all vehicles registered prior to 01.04.2019 and the guide lines for approval of license plate manufacturers. The contention of the petitioner that the respondents have not ensured compliance of Rule 50 Central Motor Vehicles Rules, 1989 is not correct. In compliance with Rule 50 of Central Motor Vehicles Rules, 1989, Government of Kerala have implemented HSRP on vehicles manufactured on or after 01.04.2019. All authorized dealers of vehicle manufactures are entrusted to instal HSRP supplied by the Vehicle Manufactures (Circular No.B2/159/2017/Trans dated 23.03.2019).

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6. It is submitted that as per the 2nd proviso of sub rule (1) of Rule 50 of Central Motor Vehicles Rules, 1989, the dealers of vehicle manufactures may also affix HSRP supplied by the vehicle manufacturers on old vehicles after placing the registration mark thereon.

7. It is submitted that the HSRP order 2018 explains the specification to be complied by manufactures of motor vehicles and their dealers in regard to HSRP for new vehicles sold after 01.04.2019 and also for existing vehicles registered prior to 01.04.2019. As per para 6(xiii) of the HSRP order 2018, the manufacturer of the motor vehicle shall exercise complete control over all the security features in their possession and shall be responsible for the use of any of the security feature on registration plate in the open market either by themselves or by any person on their behalf. Para 6(xiv) of the HSRP order 2018, specifically provides that the manufacturer of motor vehicle shall not be authorized to sell incomplete security features to any one.

8. It is also submitted that the proposal of the Transport Commissioner for selecting the vendors for fixing HSRP and for appropriate action for implementation HSRP to be fitted in old vehicles registered prior to 01.04.2019 in the State is being

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examined at Government level and yet to arrive at a policy decision.

9. It is also pertinent to state here that the guidelines published in the web site of the Ministry of Road Transport and Highways explains the role of State Government relating to the implementation of HSRP. As per the said guidelines, the State Government is to implement the scheme in accordance with the rules framed by the Central Government and the State Government is to select the vendors from among those who have been given type approval certificate by the authorized testing agencies under Central Motor Vehicle Rules, 1989 and after selection of vendor, to make sure that proper controls are being exercised at the time of issuance of these plates.

10. In the said guidelines, the Central Government have also mentioned various aspects regarding the agencies who are authorized to give type approval certificate and who can be selected by State to sell/affix HSRP and the number of vendors who have got type approval certificate. A true copy of the above said guidelines of the Ministry of Road Transport and Highways regarding the High Security Registration plate is produced herewith and may be marked as **Exhibit R2(c)**.

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11. In the facts and circumstances stated above, the averments and contentions made by the writ petitioner in reply affidavit is baseless and the same is liable to be rejected. Hence it is prayed that this Hon'ble Court may pleased to accept this affidavit in the file, in the interest of justice.

It is therefore humbly prayed that this Honorable Court may be pleased to dismiss this writ petition.

All the facts stated above are true to the best of my knowledge, belief and information.

Dated this the 27th of February, 2023.

DEPONENT

Solemnly affirmed and signed before me by the deponent whom I know on this the 27th day of February, 2023 at the

RATHEESH R.
PEN: 309686
Section Officer
Transport (B) Dept.
Government Secretariat
Thiruvananthapuram

P. SANTHOSHKUMAR
SPECIAL GOVERNMENT PLEADER

hp/u3

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Exhibit R2(a)

रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-20082022-238212
CG-DL-E-20082022-238212

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 566] नई दिल्ली, बृहस्पतिवार, अगस्त 18, 2022/श्रावण 27, 1944
No. 566] NEW DELHI, THURSDAY, AUGUST 18, 2022/SHRAVANA 27, 1944

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 18 अगस्त, 2022

सा.का.नि. 640(अ).—केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए प्रारुप नियम, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 212 की उपधारा (1) के अधीन यथा अपेक्षित, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में प्रकाशित भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की अधिसूचना संख्यांक सा.का.नि. 277 (अ), तारीख 6 अप्रैल, 2022 द्वारा प्रकाशित किए गए थे, जिसमें उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त अधिसूचना को अंतर्विष्ट करने वाली राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी, तीस दिन की अवधि के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 6 अप्रैल, 2022 को उपलब्ध करा दी गई थीं;

और केन्द्रीय सरकार द्वारा उक्त प्रारुप नियमों के बाबत जनता से प्राप्त आक्षेपों और सुझावों पर विचार कर लिया गया है;

अतः अब, केन्द्रीय सरकार, मोटर यान अधिनियम 1988 (1988 का 59) की धारा 110 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1.(1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (तेरहवां संशोधन) नियम, 2022 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

Exhibit R2(a)

2. केन्द्रीय मोटर यान नियम, 1989 के नियम 50 के, उपनियम (1) में, खंड (v) में "अनुज्ञप्त प्लेट के विनिर्माता के अनुमोदित डीलरों" शब्दों के स्थान पर "राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा अनुमोदित अनुज्ञप्त प्लेट के विनिर्माता या उनके डीलरों" शब्द रखे जाएंगे।

[फा. सं. आरटी-11036/99/2020-एमवीएल]

महमूद अहमद, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना संख्यांक सा.का.नि. 590 (अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और अधिसूचना संख्यांक सा.का.नि. 625(अ), तारीख 11 अगस्त, 2022 द्वारा अंतिम बार संशोधित किए गए थे।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 18th August, 2022

G.S.R. 640(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), *vide* notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 277 (E), dated the 6th April, 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Official Gazette containing the said notification were made available to the public;

AND WHEREAS, copies of the said Official Gazette notification were made available to the public on the 6th April, 2022;

AND WHEREAS, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. (1) These rules may be called the Central Motor Vehicles (Thirteenth Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 50 of the Central Motor Vehicles Rules, 1989, in sub-rule (1), in clause (v), for the words "approved licence plate manufacturers or their dealers", the words "licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration" shall be substituted.

[F. No. RT-11036/99/2020-MVL]

MAHMOOD AHMED, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i),vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended vide notification number G.S.R. 625(E), dated 11th August,2022.

This is true copy of Exhibit R2(a)

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

ALOK KUMAR Digitally signed by ALOK KUMAR Date: 2022.09.20 11:32:34 +01'30'

Exhibit R2(b)

F.No. RT-11036/56/2019-MVL
Government of India
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated: 01 Sept, 2021

To

The Principal Secretaries/ Secretaries, Departments of Transport,
Transport Commissioners of All States/UTs.

Subject: Implementation of provisions of High Security Registration Plates for Older Vehicles.

Sir/Madam,

It has been brought the notice of the Ministry that the Motor Vehicle Owners are facing problems in getting High Security Registration Plates, heavy charges are levied for getting HSRP with advance payments and poor quality of service.

2. In this connection, the provisions with regard to fitment of HSRP on new and older vehicles are as under:-

A. For the better implementation of scheme of High Security Registration Plates (HSRP), this Ministry has issued the following notifications:-

i. GSR 1162(E) dated 04.12.2018 regarding amendment in Rule 50 and Rule 124 of Central Motor Vehicles Rules, 1989.

ii. SO 6052(E) dated 06.12.2018 regarding Motor Vehicles (High Security Registration Plates) Order, 2018

As per the above mentioned notifications, it has been mandated that, on or after 1st April, 2019, the type approved HSRP, including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobile.

B. Further, Rule 5 of HSRP, Order, 2018 has made provisions for affixation of HSRP on existing vehicles as under:-

i. The HSRP, including the third registration mark, may be supplied and affixed by the dealers of vehicle manufacturers after placing the mark of registration thereon.

ii. The manufacturers or suppliers of HSRP, if so authorised by the State concerned, may also supply the HSRP including the third registration mark on old vehicles.

C. The issue was also discussed in a meeting held on 24.09.2019, wherein it was clarified that:-

"As per the amendments in the rules, issued through notification dated 04.12.2018 and the detailed procedure issued through the HSRP Order, 2018 on 06.12.2018, the

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Exhibit P2 (b) 2

responsibility of procuring and supplying is with OEMs only. Their dealers can have them affixed. ***For the older vehicles if so directed by the State Government, it was discussed and clarified that the dealers of the particular OEM can supply for their brand as the spirit of the amendment is that the OEM shall be responsible for the security features of the HSRP****. When they supply to different brand not being owned, then control of security features is lost. "*

The above said Minutes were also forwarded to all the States/UTs for compliance.

D. This Ministry has received grievances that the vehicle owners are facing problem with regards to issuance of new HSRP in case of damage/breakage of HSRP. The issue was examined in the Ministry and this Ministry, vide advisory dated 21.10.2020, had issued the procedure for replacement of damaged HSRP to all the States/UTs.

E. Implementation of provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 comes under the purview of Transport Authorities of States/UTs. Therefore, it is for the States/UTs to select any of the type approved vendors to carry out the work of affixation of HSRP on older motor vehicles in the respective State/UT.

F. Further, this Ministry has issued GSR 104 (E) dated 11th Feb, 2020 regarding specification of HSRP, vide which Rule 50 of Central Motor Vehicles Rules, 1989 has been amended and clause (v) of Rule 50 (1) has been substituted as under:-

"(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and ***for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers.*** *The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule"*

3. In view of the above mentioned provisions, it is requested to implement the provisions of High Security Registration Plates in letter and spirit, and to make the process of fitment of HSRP vehicle owner friendly and easy accessible, as well as avoiding any monopolistic situation.

Yours faithfully

(Dr. Piyush Jain)
Director (MVL)
Ph.:- 011-23714974
Email.- director-morth@gov.in

Copy to: Society of Indian Automobile Manufacturers, Core 4-B, 5th Floor, India Habitat Centre, Lodhi Road, New Delhi-110003.

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Exhibit R2(C)

14/29

TRANS-B2/349/2022-TRANS

सड़क परिवहन और राजमार्ग मंत्रालय
Ministry of Road Transport and Highways

Dashboard

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Home » HIGH SECURITY REGISTRATION PLATES (HSRP)

- **What is the role of Central Government relating to introduction of HSRP**

The role of Central Govt. is limited to:

- Notifying the standards and specifications of High Security Registration Plates.
- Notifying the testing agencies who are to test the plates and give Type Approval to vendors based on these specifications.
- Notifying the date of implementation.

- **What is the role of State Government relating to introduction of HSRP**

- To implement the scheme in accordance with the rules framed by Central Government.
- To select the vendors from among those who have been given Type Approval Certificate by the authorized testing agencies under Central Motor Vehicles Rules, 1989.
- After selection of vendor, to make sure that proper controls are being exercised at the time of issuance of these plates.

- **Which testing agencies have been authorized to give Type Approval certificate:**

They are:

- Central Road Research Institute (CRRI), Delhi, Mathura Road, P.O. CRRI, New Delhi-20
- Automotive Research Association of India (ARAI), P.B. 832, Pune- 411004
- Vehicle Research & Development Establishment (VRDE), Vahan Nagar, Ahmed Nagar-414006

- **Who can be selected by State to sell/affix HSRP ?**

Any prospective vendor can obtain type approval certificate from any of the authorized testing agencies and thereafter can participate in the selection procedure by the State Governments. It is for the State Govt. to select a vendor or vendors.

- **Does Central Government grant Licence/appoint distributor/give franchise:**

The Central Government does not grant licence or appoint distributor/ give franchise to any vendor.

The new High Security Registration Plate scheme is to be introduced throughout the country in respect of new vehicles from 31.5.2005 or any earlier date as may be notified by any State for their own State. In-use vehicles have been given a further time of 2 years thereafter to switch over to the new plates.

- **How many vendors have got type approval:**

Ans: As on date following 18 vendors have got type approval certificate from authorized testing agencies.

1. M/s Shimnit Utsch India pvt. Ltd.
8thfloor, Regent Chambers, Nariman Point,
Mumbai-400021
Maharashtra. From CRRI

2. M/s Utsav Safety System (P) Ltd.
E-1/12, Vasant Vihar,
New Delhi-110 057
From ARAI

Exhibit R2(c)2

TRANS-B2/349/2022/TRANS

6454246/2022/Transport (B)

3. M/s Real Industries India Ltd.,
34,Rama Road,
New Delhi-110 015
From CRRI

4. Patrick Hofmann,
International Limited,
204,Swapnalok Complex,
92,S.D.Road,Secunderabad-500003.
From ARAI

5. Eastern (Steel & Saws) Industries Pvt. Ltd.
B-10,Deonar village Road,
Deonar,Mumbai-400038.
From CRRI

6. M/s Omish Traders,
Social Compound , Marol Pipline,
Andheri-Kurla Road, Andheri (E),Mumbai-400059From ARAI

7. M/s Metro Wilhem Grewe Ltd. ,
B-92, Mayapuri Industrial Area, Phase-I,
New Delhi-110064
From ARAI

8. M/s Almighty Impex Pvt. Ltd.,
C-79, New Friends Colony,
New Delhi-110065
From ARAI

9. M/s. D.D.Licence Plates, Div. of
D.D.Ind. Ltd.
F1/9,Okla Industrial Area Phase-I
New Delhi-110020From ARAI

10. M/s. Emperor Granites Pvt. Ltd.
Uttam House, 69, P.D. Mellow Road, Carnac Bundr,Mumbai-400009
Maharashtra,
From ARAI

11. M/s Signs India Ltd.
810 (Old 406), Anna Salai,
Mount Road, Nandanam,
Chennai-600 035.
From ARAI

12. Rayson's Mid Road Sign Craft
Pvt. Ltd.
39-A, First floor, B.J.B Nagar
Bhubaneswar-751014
From ARAI

13. M/s. Celex Technologies Pvt. Ltd.
Poddar Pont, 10th floor,
Block 'A',
113, Park Street,
Kolkata - 700 016.From ARAI

14. M/s. Road Sketch Pvt. Ltd.
Flat No.80, MIG Flats,
Loni Road, Shahdara,
Delhi-110 032
From ARAI

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Exhibit R2(c) 13 / 13 WP(C) No.10761/2022 (CA-2023-006635)

Exhibit R2(C)3

12. Hind Industries Limited,
6454246/2022/Transport (B)
A-1, Phase-I,
Okhla Industrial Area,
New Delhi-110 020From ARAI

TRANS-B2/349/2022-TRANS
202, Composite House,
170, Prajapat Nagar,
Opp:B-2, Gulmohar Park,
New Delhi - 110 049
From VRDE

17. M/S.Arch Promoters Pvt. Ltd.,
D-103, Defence Colony,
New Delhi-110 024From CRRI

18. RSD Security Solutions Pvt. Ltd.,
B-68, Sector 36,
NOIDA-201301.
From ARAI.

THE HIGH COURT OF KERALA

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BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM

I A No. of 2023

in

W.P(C) No. 10761 OF 2022

Applicants/Respondents in WP(C):

1. State of Kerala, Represented by the Secretary to Government, Department of Motor Vehicles, Government of Kerala, Thiruvananthapuram - 695 001.
2. The Secretary to Government, Department of Motor Vehicles, Government of Kerala, Thiruvananthapuram-695 001.
3. The Transport Commissioner, Transport Commissionerate, Trans Tower- 2nd Floor, Vazhuthacaud, P.O. Thycaud, Thiruvananthapuram, Kerala 695 014.

Vs.

Respondent/Petitioner in WP(C)

Motor Signs India, 810 Anna Salai, Nandanam, Chennai 600035, Tamil Nadu, India represented by its sole proprietor, Thomas Cherian.

APPLICATION FILED UNDER RULE 84 OF THE HIGH COURT RULES

For the reasons stated in the accompanying affidavit, it is humbly prayed that this Hon'ble Court may be pleased to accept this additional counter affidavit, on record, in the interest of justice.

Dated this the 28th day of February, 2023

P. SANTHOSHKUMAR
SPECIAL GOVERNMENT PLEADER

FSO VERIFIED 43

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

I.A. No. of 2022

in

W.P.(c) No. 10761 of 2022

MotorSigns India : Petitioner

v.

State of Kerala and others : Respondents

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Dated this the 5th day of December, 2022.

Counsel for the Petitioner/Petitioner.

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1

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

I. A. No. of 2022

in
W. P. (C) No.10761 of 2022

MotorSigns India	:	Petitioner/Petitioner
		v.
State of Kerala and others	:	Respondents/Respondents

AFFIDAVIT

I, Thomas Cherian, aged 70years, S/o. Late P Cherian, Sole Proprietor, MotorSigns India, 810 Anna Salai, Nandanam, Chennai 600 035, Tamil Nadu,now residing at J410 TVS Green Acres Phase II, Kolapakkam, Chennai 600127 do hereby solemnly affirm and state as follows: -

1. I am the Sole Proprietor of the petitioner firm in the above Writ Petition and I know the facts of the case. I am authorized to swear to this affidavit on its behalf as Sole Proprietor of the petitioner firm.

2. The above writ petition is filed seeking enforcement of mandatory rules relating to affixation of High Security Registration Plates (HSRP for brevity) on to Motor Vehicles stipulated under the Central Motor Vehicles Act and Rules thereunder as amended from time to time.

3. It is submitted that the petitioner has contended in the writ petition that all type approval certificate holders are entitled to manufacture, supply and issue HSRPs. The competent authorities are only permitting a few of those who have type approval certificates excluding entities like the petitioner subjecting them to adverse discrimination. The interested

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persons who are supplying HSRP directly to dealers of Automobile manufacturers in violation of the First and Second Proviso of Rule 50 of CMVR, were seeking amendment to Rule 50 of CMVR, 1989 to authorize directly the dealers of original equipment manufacturers (OEM) to procure and affix HSRPs. The amendments were suggested by the Society of Indian Automobile Manufacturers (SIAM) on behalf of such entities. The minutes of the meeting held on 24..09..2019 under the Chairmanship of Joint Secretary (MVL), Ministry of Road Transport and Highways in this regard, is produced herewith and marked as **Exhibit P19**. Since then, Ext.P4 and P15 have come into effect, but in any of those amendments, the suggestions made by SIAM have not been carried out. Petitioner respectfully submits that the Issue and affixation of HSRP in the state of Kerala is in full violation of the First and Second Proviso of Rule 50 of CMVR 1989 and not as averred by Respondent 2.

4. A communication bearing RT-11036/56/2019-MVL dated 21..10..2020 has been issued by the Government of India, Ministry of Road Transport and Highways on the subject of Replacement of High Security Registration Plate in case of damage stating that in case of *"updation of information with respect to replacement with the reason in the VAHAN software shall be carried out by the Authorised dealer / vendor designated by OEM's or state"*, a true copy of which is produced herewith and marked as **Exhibit P20**. It shows that other than an authorized dealer or vendor designated by OEMs it is the responsibility of the state to update with reason, the information in

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the VAHAN software as regards issue of HSRP in the case of replacement of damaged HSRP or authorise Type Approved manufacturers of HSRP to do the same by providing access to the State Registry of Vehicles for integration into VAHAN Software in a manner the State has provided authorisation to dealers of Motor Vehicle Manufacturers. However, the persons like the petitioner are not even authorized to access the State registry of Vehicles in spite of having a duly authorized type approval certificate with them. The Petitioner respectfully submits that in respect of old existing vehicles in the state of Kerala, registered prior to 01.04.2019, public at large are turning to counterfeit HSRPs since they have no access to the issue of Type Approved HSRP in the market. In the case of Automobile Manufacturers who have closed their operations such as Ford India, the Public has no OEM or a dealer to provide a Type Approved HSRP and the Counterfeit HSRP market referred to as "Look Alike" is therefore thriving under full knowledge of the Respondents.

5. It is submitted that the petitioner has in detail stated the reasons against the attempt of the second respondent to establish that the State has the authority even to fix the price of an HSRP. The case of a speed limiting device, a safety component under Sl. No. 9 of Rule 124 of CMVR1989 like HSRP under Sl.No.22 of Rule 124, to be fitted on to Transport vehicles is identical, where the Ministry of Road Transport and Highways responding to a number of grievances with regard to undue restrictions placed on

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vendors leading to supply issues and increased prices has issued 'Procedure and guidelines for fitment of speed limiting devices (SLD in brevity) wherein it is stated;

> " ..... *in supersession of all earlier communications regarding installation of speed limiting devices, it is clarified that a vehicle owner should be at his liberty to choose the Speed Limiting Device from any source/vendor as long as it is duly type approved by any of the testing agencies under Rule 126 of CMVR. It is strongly recommended that the State Governments do not restrict the freedom of the vehicle owners to choose the type approved speed limiting device of any manufacturer. It will be the responsibility of the manufacturer to comply with the requirements of AIS018 along with the guidelines prescribed in the letter dated 16th June 2016. The state Government would have to ensure the effective implementation of the notification for fitment of a speed limiting device".*
>
> *"The State governments may, however, choose to impose eligibility and price criteria while selecting the vendors for fitment of speed governors on the vehicles owned by it or any transport undertakings, corporations or local bodies under its control"*

True copies of the said communications bearing Nos. RT-11017/13/2005-MVL dated 16..06..2016 and RT-11017/13/2005-MVL dated 02.08..2016 issued by the Ministry of Road Transport & Highways, Government of India, are produced herewith and marked as **Exhibits P21** and **P22** respectively.

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6. The petitioner therefore respectfully submits that the respondents have neither any power to select from among Type Approved HSRP vendors and cannot place any restriction on the freedom of choice available to a Motor Vehicle Owner buying a HSRP out of his own money and not largesse. The Price is therefore determined by market forces. Petitioner respectfully submits that the respondents cannot have different yardsticks when it comes to implementation of HSRP in the state merely because 100 percent of the Vehicle population of the state needs to be affixed with HSRP whereas an approximate 18% of the vehicle population being Transport vehicles are to be fitted with SLD. Extraneous reasons are evident and going on for 20 years since 2002 leading to discrimination of the petitioner and others in a similar position. Petitioner respectfully submits that the said Letter from MoRTH dated 16th June 2016 also mentions that the Type Approval and Serial Number of the SLD shall be integrated with the VAHAN database just as is mandated for HSRP which is done by the Type Approved vendor and there is no such protocol for HSRP information to be electronically linked with VAHAN for all Type Approved HSRP vendors since it is blocked by NIC except for those with some kind of agreement with OEM's. Significant to note is that Speed Limiting devices, GPS devices and Pollution control devices have protocols for electronic linking details into VAHAN software but no such thing exists in the case of HSRP evidencing extraneous reasons at play.

7. It is also submitted that the Ministry of Road Transport and Highways has communicated by D.O. Rt-11028/3/2000-MVL(Pt.) dated 14..12..2001 that the dimensions of the alphabets and numerals prescribed for HSRP under Rule 51 need not be changed, a true copy of which is produced

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herewith and marked as **Exhibit P23**. The Petitioner respectfully submits that the respondents are intentionally causing harm and undue hardship to the petitioner by discrimination in not enforcing the provisions of Rule 51 of CMVR, 1989 relating to the Size of Alphabets and numerals on the HSRP that is in violation of the Type Approval Certificate issued by Testing agencies that needs to be reported to the testing agencies. The Petitioner submits that as early as in year 2001, the Ministry had informed the Testing agencies that the dimensions of Alphabets and numerals do not warrant a change since they have been adequately defined in Rule 51 and therefore violation by Type Approved vendors on this account being ignored by the Respondents amounts to accommodating violating entities for extraneous reasons that needs to stop forthwith and is an act of discrimination of the petitioner and his business. The Petitioner respectfully submits that the respondents in supporting Type approved HSRP manufacturers supplying approximately 4000 defective HSRP registered per working day in Kerala are doing so for extraneous reasons, acting against public interest and exposing innocent Motor Vehicle Owners to the potential of being levied penalty for Registration Plates that do not comply with CMVR 1989 when read with Regulation 36 of the Motor Vehicle (Driving) Regulations 2017 cannot even be parked on the Road, let alone driving. This is after the respondents themselves issued notices in public interest in regard to Rule 51 of CMVR, 1989 and its penalties for non-compliance.

8. I therefore, respectfully submit that the aforesaid documents are very vital and important for a proper adjudication of the issues involved in the

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I therefore, respectfully pray that this Hon'ble Court may be pleased to permit me to produce the aforesaid additional documents, mark them as Exhibits P 19 to P23 and to accept it to file and rely on it for a proper disposal of the above writ petition, in the interest of justice.

What is stated above in paragraphs 1 and 2 are true to my knowledge and what is stated in paragraphs 3 to 6 stated on information and belief derived from records and I believe the same to be true.

Dated this the 5th day of December, 2022.

(Deponent)

Solemnly affirmed and signed before me by the deponent who is personally known to me on this the 5th day of December, 2022 at Ernakulam.

ADVOCATE

-8- Ext P19

No. RT-11028/01/2018-MVL
भारत सरकार
Government of India
सड़क परिवहन और राजमार्ग मंत्रालय
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001
Dated the, 04 October, 2019

OFFICE MEMORANDUM

Sub: Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers

The undersigned is directed to forward herewith the minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

2. This issues with the approval of competent authority.

Encls- As above.

(Dr. Piyush Jain)
Director(MVL)
Tele/Fax: 23714974
e-mail: director-morth@gov.in

THE HIGH COURT OF KERALA
सत्यमेव जयते

To

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratha, Technical Director
3. Shri P.K. Banerjee, Executive Director, SIAM
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

Copy to:

Transport Commissioners of all the States and UTs

9

RT-11026/01/2018-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, New Delhi 110001

P19/2

Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

List of the participants is attached at Annexure 1.

Background

1. Meeting was held in order to discuss the issues in Integration of details of High Security Registration Plates (HSRP) with VAHAN database by Vehicle Manufacturers (OEMs) as per the process decided in the meeting held on 04.04.2019 and further to the directions issued in regard to its implementation through memo dated 1st July 2019. Only as a stop gap arrangement the uploading of the HSRP details on VAHAN through the dealers or the registering authority was provided by the Ministry.

Current scenario

2. Joint Secretary (MVL) took a review of the same from NIC and SIAM, wherein it was told that the OEMs have not been uploading the inventory on the HSRP VAHAN system as developed by NIC. The system of updating of VAHAN for HSRP fitment being followed was asked to be clarified by the JS MVL from SIAM and NIC. It was clarified by SIAM that as per the amendment of the Central Motor Vehicles Rules, 1989 through GSR1162 (E) dated 4th of Dec 2018, the OEMs have themselves given the contract of HSRP supplies to the HSRP manufacturers. It was further stated by SIAM that the HSRPs are being procured through their authorised HSRP supplier and being affixed on the vehicles through their dealers. As in a State an HSRP supplier may have a contract from more than one OEM for various models, and similarly the OEM may have given a supply order to more than one HSRP supplier in the State, the SIAM said that uploading of the inventories on the HSRP VAHAN system is difficult as of now by SIAM. SIAM further stated that they are aware of their responsibilities and in support of this regulation have been working hard to make it a smooth affair but there are some difficulties on the ground.
3. Currently, the OEMs dealers provides the details of the new vehicle sold to the HSRP supplier who after embossing etc. provides the physical plates to the dealers and further provides the information of the plates to the dealer mainly

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Transport Bhawan, New Delhi 110001

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through a mobile app or a web portal. The dealer after having affixed the HSRP to the new vehicles, has the HSRP number details manually feed on the VAHAN where there is no IT based system of tracking of HSRP details. This sometimes leads to incorrect entries made in VAHAN.

4. The JS (MVL) highlighted that as per the amendments in the Rules, issued through 4th of December, 2018, and the detailed procedure issued through the HSRP Order 2018 on 6th of December, 2018, the responsibility of procuring and supplying is with OEMs only. Their dealers can have them affixed. For the older vehicles if so directed by the State Government, it was discussed and clarified that the dealers of the particular OEM can supply for their brand as the spirit of the amendment is that the OEM shall be responsible for the security features of the HSRP. When they supply to different brand not being owned, then control of security features is lost.
5. JS (MVL) asked SIAM to provide the tabulated list and copies of "contract order" placed by OEMs for supply of HSRP, for Ministry's record. SIAM agreed to provide the copies of the same on the condition that some part especially relating to the proprietary items like price, in the document, would be blackened which SIAM think is confidential. -**(Action by SIAM)**

Way ahead

6. SIAM informed that in light of the difficulties as discussed, they have discussed the issues and difficulties of uploading of HSRP inventory with VAHAN database with NIC and further updating of HSRP details on new vehicles on VAHAN data and suggested a solution to streamline the process.
7. The mechanism proposed was then discussed and agreed with the members present and the representatives of NIC which would be as under-
   i. On the existing VAHAN system, NIC would provide the option to enable OEMs to configure its type approved selected HSRP supplier(s) who would be assigned the State and the RTO by the OEM. NIC would ensure that only type approved HSRP supplier is listed. -**(Action by NIC)**
   ii. OEMs would configure their contracted HSRP suppliers and assign them the State and RTO. -**(Action by SIAM)**

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Transport Bhawan, New Delhi 110001

P19/4

iii. The dealers of the OEMs would supply the vehicle registration number and other required details to the OEM contracted HSRP supplier through their internal online mechanism. -(Action by SIAM)

iv. The OEM's contracted HSRP supplier would have the HSRP physical plates embossed and provide them to the OEMs dealers for affixation. -(Action by SIAM)

v. NIC would provide an API/Web Services to the OEMs/OEM selected HSRP suppliers for uploading the vehicle registration number, chassis number (last 5 characters), Front/Rear Laser Code (LIDs), Order type associated with each HSRP. - (Action by NIC)

vi. With regard to validation of LIDs mapping with the vehicle registration number, API would validate the data uploaded by OEM / OEMs selected HSRP supplier with authorisation provided by OEM with respect to the para 7(ii) above with the data for the vehicle sold and available in VAHAN. Only in cases of validation confirmation the HSRP details with the registration details of the vehicles would be updated.

8. NIC would make necessary changes in the VAHAN system within a month and the OEMs would also have the necessary supporting system ready for the implementation.

9. SIAM requested to amend Rule 50 of Central Motor Vehicles Rules, 1989 to look into amendment for word "along with" with "for" regarding HSRPs supplied by OEMs to the dealers. JS (MVL) agrees to examine the proposal for amendment of the Rule 50 of CMVR1989.

10. For the issue of providing and fixation of HSRP on existing vehicles, JS (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 20187, State Government has to take a decision that either the HSRP plates be supplied through authorised OEMs dealers or select HSRP manufacturers.

Meeting ended with thanks to chair.

*****

12 P19/5

RT-11026/01/2018-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, New Delhi 110001

Annexure 1

From the Ministry:-

1. Shri Priyank Bharti, Joint Secretary (MVL)
2. Shri Piyush Jain, Director(MVL)
3. Shri K.C. Sharma, S.E.(Transport)
4. Shri. D.P. Saste, Consultant

From the NIC:-

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratha, Technical Director

From the Testing Agency:-

1. Shri Rajan Verma, CRRI
2. Shri Ajay D. Dekate, ARAI

From the SIAM:-

1. Shri P.K. Banerjee, Executive Director
2. Shri Amit Kr. Sharma
3. Shri Navrika Sood
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

This is the true copy of the document marked as Exhibit. P- 19 in the above W.P.(C).

660 Advocate

File No.RT-11036/56/2019-MVL-Part(1) Ext P20

13

No.RT-11036/56/2019-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan,1, Parliament Street, New Delhi-110001.

Dated The 21st October, 2020

To

1. **The Principal Secretaries/ Secretaries, Departments of Transport of all the States / UTs**
2. **The Transport Commissioners of all the States/UTs.**

Subject: Replacement of High Security Registration Plates in case of damage.

Sir/Madam,

It has been brought to the notice of the Ministry for issues pertaining to the damage/breakage of a single or all High Security Registration Plates (HSRP).

2. In this connection, replacement of damaged High Security Registration Plates be carried out as under :-

i. For a two wheeler, in case of damage to one HSRP, single HSRP (front or rear) be replaced and payment be taken for one HSRP only.

ii. For the vehicles where 3rd registration plate/sticker is applicable, in case of damage to one Metal HSRP, single HSRP along with 3rd registration plate/sticker be replaced and charges be taken for one Metal HSRP and 3rd registration plate/sticker only.

iii. For the vehicles where 3rd registration plate/sticker is applicable, in case of damage to both the Metal HSRP, both the metal HSRP along with 3rd registration plate/sticker be replaced and charges be taken accordingly.

iv. Where 3rd registration plate i.e. only the sticker is damaged, only 3rd registration plate i.e. the sticker be replaced and charges be taken for 3rd registration plate/sticker only.

v. Updation of information with respect to replacement with the reason in the VAHAN software shall be carried out by the Authorised Dealer/vendor designated by OEMs or State.

v. The replacement for any existing registration plate may be made by the motor vehicles dealers or the authorised high security registration plate manufacturer or supplier, only after ensuring that the old plate has been surrendered and shredded. The destruction of the registration plate shall be carried out by registration plate issuance agency before allotment of new registration plate. The destruction records shall be generated with suitable evidence and linked /stored electronically in the database and shall be made available to competent authority as and when required.

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File No.RT-11036/55/2019-MVL-Part(1)

14 P20h

In case of lost / theft of registration plate, FIR should be filed with police station by the vehicle owner and copy of the FIR must be submitted to registration plate issuance agency to maintain the record.

3. Proper record of the damaged HSRPs be maintained.

Yours faithfully,

(S.K Geeva)
Under Secretary to the Govt. of India
Tel/Fax: 011-23739074
Email: geeva.sk@gov.in

Copy to :
Sh Gautam Ghosh, DDG, NIC for inforamation and n/a

THE HIGH COURT OF KERALA
सत्यमेव जयते

This is the true copy of the document marked as Exhibit. P20 in the above W.P.(C).

Advocate

15 12

Ext-P22

No. RT-11017/13/2005-MVL
Government of India
Ministry of Road Transport & Highways

Transport Bhawan, 1, Parliament Street,
New Delhi -110001.
Dated 16 June, 2016.

To

1) The Principal Secretaries (Transport)/The Secretaries (Transport)/The Transport Commissioners of all the States/UT Administrations except Govt. of Tamil Nadu and Gujarat.
2) The Secretary (Home/Transport), Government of Tamil Nadu and Gujarat.

Subject: Procedure and guidelines to be followed for fitment of speed limiting devices

Sir/Madam,

Please refer to the notification G.S.R 290(E) dated 15th April, 2015 wherein Speed Limiting Device or Speed Limiting Functions are mandated to be fitted in certain categories of transport vehicles. Subsequent notifications vide S.O 2687(E) dated 01st October, 2015 and S.O 1472 (E) dated 22nd April 2016 may also be referred to. It has come to the notice of this Ministry that there are difficulties in implementing fitment of Speed Governors.

2. In view of above, the following procedures and guidelines for the fitment of Speed Limiting device (SLD) may be adhered to:-

(i) The Speed Limiting Device (SLD) shall be type approved by any of the following test agencies authorised under Rule 126 of CMVR, namely:-

1. Automotive Research Association of India (ARAI)
2. Central Institute of Road Technology (CIRT)
3. International Centre for Automotive Technology (ICAT)
4. Vehicle Research & Development Establishment (VRDE)

for compliance to AIS-018 along with,

(a) Valid Type Approval Certificate or COP as prescribed in AIS-037/2004, as amended from time to time.
(b)Performance test report on different vehicle models and their variants approved as per AIS-018/2001 as amended from time to time.

(ii) Speed Limiting Device (SLD) shall conform to Electromagnetic Compatibility (EMC) requirements as per AIS-004 (Part 3)/ 1999 as amended from time to time.

(iii) Every Speed Limiting Device (SLD) component(s) to be fitted shall be verified for the markings (may be in the shape of sticker having barcode) containing following information-

(a) The trademark/ manufacturer emblem.
(b) The serial number assigned by the manufacturer.

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(c) Reference Alphanumeric number of the type approval shall be indicated by a mark having six characters allotted by the test agency as per AIS-037/2004 as amended from time to time

(iv) Type approval and Serial number of the Speed Limiting device shall be integrated with the VAHAN database for Audit/ Surveillance purposes, as and when NIC incorporates such a facility in Vahan data base, so that it can be verified by Transport authority.

(v) A sticker of standardized size of 100mmX60mm has to be fixed on the left upper side of front windscreen from inside indicating the set speed limit in a circle of 55mm and the balance space to be used for the information as mentioned in (iii) above. Destructible sticker containing the information of marking as mentioned in (iii) above shall be fixed on the windscreen for quick audit purposes without reference to RC book.

(vi) Speed Limiting Device has to be sealed at the appropriate points by the manufacturer(s) or their authorised dealer(s), any tampering of the speed governor, for which the responsibility will be with the vehicle owner. The Enforcement Authority may take appropriate action, in case of such instances.

(vii) Individual State(s) shall take steps to ensure implementation of Speed Limiting Device (SLD) on vehicles. If required, State(s) may frame appropriate eligibility criteria for effective implementation.

(viii) Each Speed Limiting Device manufacturer will be required to maintain a Management Information System (MIS) to keep record of each Speed Limiting Device (SLD) installed on the vehicle for audit/quick retrieval at any time.

(ix) The concerned State(s) Authority shall ensure proper installation of the Speed Limiting Device before granting fitness certificate to the vehicle owner. Any deviation(s) with respect to marking, sealing and performance etc., shall be intimated to Ministry of Road Transport & Highways (MoRTH) for appropriate action, including withdrawal of Type Approval Certificate (TAC) based on the received deviation(s)/ report(s).

(x) Individual State(s) may incorporate /mandate any additional condition to ensure effective implementation of Speed Limiting Device (SLD) fitment including submission of periodic reports, process, audit etc.

3. The above has been approved by the Hon'ble Minister (RTH& S)

(Priyank Bharti)
Director (MVL)
011-23314316
E-mail: dirmvl-morth@gov.in

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Advocate

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17 19

Ext-P22

No.RT-11017/13/2005-MVL
Government of India
Ministry of Road Transport & Highways

Transport Bhavan, 1, Parliament Street,
New Delhi-110001
Dated 2nd August 2016

To

1) The Principal Secretaries (Transport)/The Secretaries (Transport)/The Transport Commissioners of all the States/UT Administrations except Government of Tamil Nadu & Gujarat.
2) The Secretary (Home/Transport), Government of Tamil Nadu & Gujarat.

Subject : Procedure and guidelines to be followed for fitment of speed limiting devices.

Sir/Madam,

Please refer to the notification G.S.R. 290(E) dated 15th April, 2015 wherein Speed Limiting Device or Speed Limiting Functions are mandated to be fitted in certain categories of transport vehicles.

Ministry of RTH has received a number of grievances with regard to undue restrictions placed on vendors leading to supply issues and increased prices. In this regard, the Ministry has issued detailed procedure and guidelines on 16th June 2016 vide File No.RT-11017/13/2005-MVL.

In continuation of the guidelines dated 16th June 2016 and in supersession of all earlier communications regarding installation of speed limiting devices, it is clarified that a vehicle owner should be at his liberty to choose the Speed Limiting Device from any source/vendor as long as it is duly type approved by any of the test agencies under Rule 126 of CMVR. It is strongly recommended that the State Governments do not restrict the freedom of the vehicle owners to choose the type approved speed limiting device of any manufacturer. It will be the responsibility of the manufacturer to comply with the requirements of the AIS 018 along with the guidelines prescribed in the letter dated 16th June 2016. The State Government would have to ensure the effective implementation of the notification for fitment of the speed limiting device.

The State Governments may, however, choose to impose eligibility and price criteria while selecting the vendors for fitment of speed governors on the vehicles owned by it or any transport undertakings, corporations or a local authority under its control.

The above has been approved by the Hon'ble Minister (RTH&S).

(Abhay Damle)
Joint Secretary (Transport)
Email : abhay.damle@gov.in

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आलोक रावत
ALOK RAWAT, I.A.S.
संयुक्त सचिव
Joint Secretary
Phone : 3717294
Fax : 3311802
Email : alokr@mail.nic.in

भारत सरकार
GOVERNMENT OF INDIA
सड़क परिवहन और राजमार्ग मंत्रालय
MINISTRY OF ROAD TRANSPORT & HIGHWA
1, संसद मार्ग, 1, Parliament Street
परिवहन भवन, Parivahan Bhawan
नई दिल्ली-110001, New Delhi-110001

D.O.No.RT-11028/3/2000-MVL(Pt.) Dated, the 14th December, 2001

Dear Shri Bhanot,

Kindly refer to your letter No.DIR/MORTH/28 dated 3.12.2001 which has been received on 13.12.2001 in response to our letter of even number dated 13.11.2001 regarding issues relating to chromium based hologram to be installed in the proposed retro reflective number plates.

2. The four number of suggestions contained *vide* your letter under reference have been examined in great detail. Our item-wise response is as under :

Issue No.1 : The size of hologram suggested by you for the three high security number plates already stands notified *vide* Gazette Notification No.S.O.814(E) dated 22.8.2001 under Clause 4 (IV) and 4 (VII) of Motor Vehicles (New High Security Registration Plates) Order, 2001. Your suggestion for putting hologram in a disc format at this juncture is not deemed to be viable for the simple reason that within the guidelines prescribed in respect of Rule 50 and Rule 51 of CMVR as also New High Security Registration Plates Order, 2001 referred to above and its first amendment issued by us *vide* Notification No.S.O.1041(E) dated 16.10.2001, specifications/guidelines have already been laid down based on which products have already been submitted to more than one testing agency by more than one potential vendor/supplier. At this juncture, to incorporate your suggestion would be against natural justice and fair play and can be construed as an attempt, no matter how-so inadvertent, to discriminate against one or more vendors. Moreover, the aspect of delay, which the suggestion under reference, would entail at this juncture, is another factor. It is recognized that there might be some variations in the art work of the hologram design from vendor to vendor but so long as the basic tenets prescribed in the Notification are met, it is felt to be adequate.

Issue No.2 : The High Security Registration Plates Order, 2001 dated 22.8.2001 and its first amendment dated 16.10.2001, when read with the existing Rule 51 under CMVR, it is felt that the dimensions of letters, thickness and spacing in between have been adequately defined in respect of the front and the rear registration plates, as also for the third registration plates. As such, a further definition of the same is not relevant. In case of third registration plate, keeping in view the smaller size of the same and the smaller dimensions of letters as defined in the Gazette Notification, the spacing and the thickness of the letters would need to be correspondingly adjusted. All the testing agencies entrusted with testing of the high security registration plates as also the potential vendor, are deemed to be competent to be able to take care of this aspect.

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Issue No.3 : As regards the snap lock, the requirement for the same has to be seen in terms of the wording of Gazette Notification dated 28.3.2001, which states that "plate shall be fastened with non-removable/non-re-useable". Obviously, the intention is to have a locking system, which is non-removable and is tamper proof. There can be any number of permutations and combinations of the same and it would not be appropriate to freeze any particular design. On the contrary, what is required to be seen by the testing agencies is the effectiveness and implementability of the proposed system.

Issue No.4 : Regarding COP procedure, your suggestion is in accordance with Clause 4, sub-clause XIV of New High Security Registration Plates Order, 2001 issued *vide* Gazette Notification No.S.O.814(E) dated 22.8.2001. This, however, has to be seen in the context of Clause 4, sub-clause X and sub-clause XIII of the said Notification, whereby, the vendor/supplier could be for any region of the State or the State as a whole or for that matter more than one State. The auditing of the registration number plates obviously has to be at the discretion of the State Government. However, so far as audit by the concerned testing agency is concerned, your suggestion to have an annual audit of the same by the respective testing agency in respect of the product certified by it is perfectly acceptable and in fact same could be specifically mentioned by the testing agency in the certificate provided to the vendor/supplier also.

3. In the light of above, the question of integration of the above suggestions with AIS:036 standard logically does not arise.

4. A copy of this letter is being endorsed to the other testing agencies so that they may also adopt the similar approach on these issues.

With regards,

Yours sincerely,

(ALOK RAWAT)

Shri B. Bhanot,
Director,
The Automotive Research Association of India,
P.B.No.832,
Pune-411 004.

Copy to : 1) Major General U.S. Abrol, Director, Vehicle Research & Development Establishment, Vahan Nagar, Ahmednagar-414 006 (Maharashtra).

2) Shri R.K. Bajpai, Head, Environment & Road Traffic Safety, Mathura Road, P.O.CRRI, New Delhi-110 020

(ALOK RAWAT)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

This is the true copy of the document marked as Exhibit. P-23 in the above W.P.(C).

667 Advocate

-20-

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

I. A. No. of 2022
in

W. P. (C) No. 10761 of 2022

PETITIONER/PETITIONER:

MotorSigns India, 810 Anna Salai, Nandanam, Chennai 600035, Tamil Nadu, India represented by its Sole Proprietor Thomas Cherian.

RESPONDENTS: -

1. The State of Kerala represented by the Secretary to Government, Department of Motor Vehicles, Government of Kerala, Thiruvananthapuram 695001.
2. The Secretary to Government, Department of Motor Vehicles, Government of Kerala, Thiruvananthapuram – 695 001.
3. The Transport Commissioner, Transport Commissionerate, Trans Tower – 2nd Floor, Vazhuthacaud, P.O. Thycaud, Thiruvananthapuram, Kerala 695014.

Petition under Rule 154 of the Kerala High Court Rules.

For the reasons stated in the accompanying affidavit, it is most humbly prayed that this Hon'ble Court may be pleased to permit the petitioner to produce Exhibits P19, P20, P21, P22 & P23 additional document as mentioned in the affidavit, mark it as Exhibits P19, P20, P21, P22 & P23 and accept them to file, in the interest of justice.

Dated this the 5th day of December, 2022.

Counsel for the Petitioner/Petitioner.

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

I. A. No. of 2022

in

W. P. (C) No.10761 of 2022

MotorSigns India	:	Petitioner/Petitioner
		v.
State of Kerala and others	:	Respondents/Respondents

THE HIGH COURT OF KERALA
सत्यमेव जयते

Petition to produce additional documents under Rule 154 of the Kerala High Court Rules

M/s Ramprasad Unni T (R 290) (K 962/92)
S M Prasanth (P 296) (K957/94)
Aswini Sankar R.S.
&
Aravind T.H.
Advocates
M/S. K. RAMAKUMAR & ASSOCIATES

Counsel for the Petitioner/Petitioner

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Presented on : 12-03-2023

FR PBR(312) 14/3/23

E-CA NO : CA-2023-008106

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No.10761/2022

MOTORSIGNS INDIA, : Petitioner

Vs

STATE OF KERALA AND OTHERS : Respondents

ADDITIONAL REPLY AFFIDAVIT FILED BY THE PETITIONER IN REPLY TO THE ADDITIONAL COUNTER AFFIDAVIT FILED ON BEHALF OF THE SECOND RESPONDENT ALONG WITH A PETITION TO ACCEPT THE SAME.

Sd/-
E-VERIFIED
ASWINI SANKAR R.S.
K/333/2013

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Presented on : 12-03-2023

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No.10761/2022

MOTORSIGNS INDIA, : Petitioner

V/S

STATE OF KERALA AND OTHERS : Respondents

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(c) No. 10761 of 2022

MotorSigns India : Petitioner

v.

State of Kerala and others : Respondents

ADDITIONAL REPLY AFFIDAVIT FILED BY THE PETITIONER IN REPLY TO THE ADDITIONAL COUNTER AFFIDAVIT FILED ON BEHALF OF THE SECOND RESPONDENT

I, Thomas Cherian, aged 70 years, S/o. Late P Cherian, Sole Proprietor, MotorSigns India, 810 Anna Salai, Nandanam, Chennai 600 035, Tamil Nadu, now residing at J410 TVS Green Acres Phase II, Kolapakkam, Chennai 600127 do hereby solemnly affirm and state as follows:-

1. I am the sole Proprietor of the petitioner firm in the above Writ Petition and I know the facts of the case. I am authorized to swear to this affidavit on its behalf as sole Proprietor of the petitioner firm.

2. All the averments and allegations in the Additional counter affidavit filed on behalf of the second respondent are denied except those that are expressly admitted and explained hereunder. The Petitioner respectfully submits that the additional Counter Affidavit of the second Respondent is devoid of any merits either on facts or in law and liable to be rejected.

For MotorSigns India

Thomas Cherian
Proprietor

MotorSign. Chennai-600035

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3. The Petitioner respectfully submits that the averment of the Respondent in Paragraph 2 of the additional counter affidavit is not in terms of Exhibits P3, P4 and P15 and an attempt to mislead this Hon'ble court. Petitioner respectfully submits that Exhibit P15 amending Rule 50(1) (v) of the Central Motor Vehicles Rules, 1989, in unambiguous terms clarifies that the *"dealers of License Plate manufacturers" only* need an approval from the state Government to issue HSRP for old existing vehicles registered in the state of Kerala prior to 01.04.2019.

4. It is pertinent to note that the names of agencies, including that of the petitioner, that have the Type Approval Certificate from Testing Agencies appointed under Rue126 of CMVR, 1989 are listed in the Vahan Homologation dashboard of the Portal of Ministry of Road Transport and Highways. Therefore, no further approval of the state is required for issue of HSRP for existing vehicles registered in Kerala prior to 01.04.2019 and the contention of the respondent is to be dismissed outright. It is submitted that the second paragraph of Rule 50 of CMVR says that the Central Road Research Institute, New Delhi or any of the agencies authorised by the Central Government shall approve License Plate Manufacturers to the specifications given in clauses (i) to (iv) of the sub-rule. Therefore, in terms of the Rules, once approval is given to a license plate manufacturer by the Central

For MotorSigns India
Thomas Cherian
Proprietor

MotorSigns India Chennai-600035

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Road Research Institute or any other agency authorised by the Central Government, it becomes eligible to supply HSRP. In view of the above, the petitioner respectfully submits that the contention of the respondent that 'approval of the State Government is necessary for license plate manufacturers' for affixing HSRP on to vehicles registered prior to 01.04.2020 is a figment of imagination introduced to intentionally to mislead this Hon'ble Court.

5. The Petitioner respectfully submits that the averment in Para 3 regarding Ext.P13 dated 20.07.2022 is intentionally misleading in as much as it is at variance with the averments in the counter affidavit of the Respondents and a revelation of the true intent of the Respondents to select from among the type approved vendors (pre-determined entities in an act of favouritism) claiming to have some powers, when they have none ever since 06.12 2018 when Rule 50, CMVR,1989 was first amended by Ext P3 and 12.02.2020 when the same was further amended by Ext P4 empowering the petitioner to issue HSRP for existing vehicles registered in the state prior to 01.04.2019.

6. The Petitioner respectfully submits that in the case of speed limiting devices, a safety component under Rule 124, like HSRP, the Ministry of Road Transport & Highways (MoRTH) having received a number of grievances with regard to undue restrictions

For MotorSigns India
Thomas Cherian
Proprietor

MotorSigns Ir
Chennai-600035

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placed on vendors leading to supply issues and increased prices issued detailed guidelines in Exts.P21 and P22 with respect to fitment of Speed Limiting devices, stating that a vehicle owner should be at his liberty to choose the Speed Limiting Device from any source/vendor as long as it is duly type approved by any of the test agencies under Rule 126 of CMVR,1989. It is strongly recommended that State Governments do not restrict the freedom of the vehicle owners to choose the Type Approved speed limiting devise of any manufacturer. It will be the responsibility of the manufacturer to comply with the requirements of the AIS018 along with the guidelines prescribed in the letter dated 16th June 2016. The Petitioner respectfully submits that the Respondents followed the procedure prescribed by the central government on the subject of Speed limiting Device and without any selection, approved all type approved vendors as evidenced herein. The Petitioner respectfully submits that the respondents did not resort to Selection from among Type Approved Vendors in the case of speed limiting device but are continuing their attempts doing so in the case of HSRP since 2002. For the last 22 years, the respondents are relentlessly pursuing the scope of a selection process to narrow it and award to pre-determined entities for extraneous reasons and each occasion and till date the respondent has not succeeded. The averments of the Respondent strongly

For MotorSigns India
Thomas Cherian
Proprietor

MotorSigns Ind. Chennai-5

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evidence partisan attitude of high handed arbitrariness and display of favouritism for extraneous reasons.

7. The Petitioner respectfully submits that in another similar case of affixation of Retro-reflective tapes on to motor vehicles no selection process was adopted by the Respondents and clarified that the vehicle owners may get affixed the retro-reflective tape from any vendor if the retro reflective tape has been type approved as per AIS-090 by any of the Testing agencies specified under Rule 126 of the Central Motor Vehicles Rules,1989 and a list of approved suppliers were also provided. This is evident from the Circular dated 17.12.2010 bearing No. C2/9549/TC/2010 of the 3rd respondent and Communication bearing No. RT-11036/19/2021-MVL dated 06.09.2021 of MoRTH, and true copies of which are produced here with and marked as **Exhibits P24 and P25** respectively. A true copy of the Order R.No.14731/HB2/2020 is also produced herewith and marked as **Exhibit P26** to show how and in what manner such permission is granted by the 3rd respondent in this regard. Whereas the respondents are clinging on to the method of selection in the case of HSRP which cannot be done in terms of Ext. P4. The averment in Paragraph 4 citing Clause E of communication in Ext R2(b) exposes the respondent's obsession of "SELECTION' as regards affixation of HSRP for existing vehicles citing advisories, which are obsolete and are

For MotorSigns India
Thomas Cherian
Proprietor

MotorSigns India Chennai-600035

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suggestive of a desperate attempt by the respondents for extraneous reasons.

8. Therefore, the petitioner respectfully submits that the Central Government does not approve the selection from among Type Approved manufacturers and the same is against public interest and that the motor vehicle owner must have the liberty of procuring the component paid for from his pocket from any Type Approved vendor of his choice and therefore, the respondent cannot deviate from the standard procedures adopted them in similar cases cited above. Extraordinary interest of the Respondent to select from among the type approved vendors, being repeatedly averred by the respondent, is an evidence of extraneous reasons are at play.

9. The Petitioner respectfully submits that the respondent's citing in paragraph E of the advisory is futile since it refers to the situation as it existed prior to 06.12.2018 wherein an authorisation from the state was required for issue of HSRP. After Exhibits P3, P4 and P15 all Type Approved vendors are eligible to issue HSRP in the state as well as across the country.

10. The statutory provisions namely the Act and the rules does not lay down that there has to be only one or couple or a limited group of manufacturers in the entire State when there is to be a level playing field among equals. The attempt of the State

For MotorSigns India
Thomas Cherian
Proprietor

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Government to exclude the petitioner and all other license plate manufacturers, who are satisfying the statutory requirement, namely of the second para of clause (v) of Sub-rule (1) of Rule 50 of the Rules who have got type approval Certificate from the Central Road research institute or authorised agency, is clearly violative of the statutory and fundamental rights of the writ petitioner and others.

11. It is submitted, with reference to paragraph 7, that the HSRP order of 2018 explains the specification of HSRP and procedures to be complied by manufacturers of Motor Vehicles and their dealers in regard to HSRP for new vehicles sold after 01.04.2019 and also for existing vehicles prior to 01.04.2019. The respondent as implementing and enforcement authority has to ensure compliance to the said order and has no right to tweak or ignore the statutory rules or extend any concession to favour pre-determined entities and cover up their wrong doings. The respondents have failed in their duty to ensure compliance to Rule 51 of CMVR, 1989 relating to size of the letters and numbers of the registration mark on the registration plate. In view of their failure to act on their own Information bulletin in the website of the Motor Vehicles Department, a true copy of the relevant of which is produced here with and marked as **Exhibit P27,** and more so when the petitioner has made a specific complaint to the

For MotorSigns India
Thomas Cherian
Proprietor

MotorSigns India Chennai-600035

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3rd respondent by Exts. P10 and P11 which remain unaddressed, the respondents are intentionally ignoring the complaint of the petitioner for extraneous reasons, in a case of dereliction of duty, acting against public interest and exposing Motor Vehicle owners to potential penalties for defective HSRP. Even the Hon'ble Minister for the Department of Motor Vehicles have given a posting in his social media page to adhere to the stipulations for HSRP, a true copy of which is produce herewith and marked as **Exhibit P28.** Therefore, the respondents have failed in discharging their statutory duty to enforce Rule 50 and 51 of CMVR, 1989 compelling the petitioner seek appropriate direction from this Hon'ble Court to forthwith stop the affixation of defective HSRP and ensure HSRP that complies with statutory rules are alone affixed on to every motor vehicle in the state of Kerala. The respondents are making every effort to cover up the violating entities, about which whom they are aware of, and the intention is to "select" from among them for issue of HSRP in the state of Kerala to the exclusion of the petitioner and others in the same position.

12. With reference to paragraph 8, the petitioner respectfully submits that Ext P4 gives no room for any selection of vendors by the respondents that existed until Ext. P3 dated 06.012.2018 came into effect on 01.04.2019 and therefore, the averment of 2nd

For MotorSigns India

Thomas Cherian
Proprietor

MotorSigns India Chennai-600035

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respondent that the proposal of the Transport Commissioner for selecting the vendors for fixing HSRP and for appropriate action for implementation of HSRP to be fitted in Old vehicles registered prior to 01.04.2019 in the state is being examined at government level is without authority, after Ext P4 has come into effect, which empowers the petitioner and all others placed in the same position to issue HSRP in the State of Kerala and elsewhere in the country. The said attempt is clearly violative of Article 14 of the Constitution of India since it discriminates the petitioner from doing business as per statutory rules.

13. It is submitted that a website has appeared in the internet titled as RTO Service soliciting services relating Motor Vehicles Department. A true copy of the relevant pages from the said website is produced herewith and marked as **Exhibit P29**. It is submitted that the said website has given certain misleading information on the public domain that makes public to believe that the information provider is the government itself outlining the entire procedure for booking an order for HSRP through its portal in anticipation of an order from the respondents before the end of year 2022. It shows that certain entities are attempting to drive the business through the hands of dealers of Motor Vehicles intentionally in collusion with the respondents.

14. The Petitioner respectfully submits that the respondent in paragraph 9, is attempting to take refuge in Exhibit R2(c) Guidelines found in the website of the MoRTH published in or around the year 2004-2005 in the form of FAQ – Information Bulletin for citizens looking for information on HSRP clarifying the Role of the Central Government, role of the State Government based on statutory rules as it existed in or around year 2005, when rule 50 of CMVR, 1989 existed prior to Exhibit P3 and the consent

for MotorSigns India

Thomas Charles
Proprietor

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is no longer relevant and valid owing to repeated amendments to Rule 50 of CMVR,1989. It is a clear attempt to mislead this Hon'ble court. It is not a legal document that can be relied upon to act with authority.

15. The Petitioner submits that for 18 years from 2001 the State had the power to select from among Type Approved vendors until Ext.P3 coming into effect which superseded the High Security Registration Plates Order, 2001, that took away the power of the state to select from among the type approved vendors and further amendments Ext P4 and Ext P15 empowered the petitioner and all others in the same position to issue HSRP for existing vehicles registered in the state without the need for any authorisation or approval. The Petitioner respectfully submits that save as a matter of record, the said Ext R2(C) lists the number of Type approved manufacturers as they existed in or around the year 2005 which includes the erstwhile the petitioner firm Signs India and the said Exhibit R2(c) does not support the contention of the petitioner that the respondents have the authority to select from among Type approved manufacturers. Therefore, the contentions of the respondents citing information that is no longer valid due to repeated amendments to Rule 50 of CMVR, 1989 is to intentionally mislead the court and is to be dismissed outright.

16. The petitioner respectfully submit that the respondents have failed in their statutory duty to ensure compliance to the First Proviso to Rule 50 of CMVR,1989 and therefore, affixation of HSRP on new vehicles is to be open to all type approved vendors. Petitioner brought it to the attention of the respondents the Information bulletin of the respondents on the subject that they did not act upon. As a consequence of dereliction of duty, the State

For MotorSigns India

Thomas Cherian
Proprietor

MotorSigns India Chennai-600035

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of Kerala has over 30 lakhs motor vehicles affixed with HSRP that do not comply with the provisions of the Motor Vehicle act and rules made there under. And consequently, they have to be taken off the road until such time defective HSRP are recalled and replaced at the cost and consequence of the supplier.

What is stated above in paragraphs 1 and 2 are true to my knowledge and what is stated in paragraphs 3 to 16 stated on information and belief derived from records and I believe the same to be true.

Dated this the 9th day of February, 2023.

THE HIGH COURT OF KERALA
सत्यमेव जयते

For MotorSigns India

Thomas Cherian
Proprietor

MotorSigns India
Chennai-600035

(Deponent)

Solemnly affirmed and signed before me by the deponent who is personally known to me on this the 9th day of February, 2023 at Ernakulam.

ADVOCATE

Aswini Sankar. R.S

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Ext P24

C2/9549/TC/2010

Transport Commissionerate
Kerala, Thiruvananthapuram
Dated: 17.12.2010

Circular No 14/2010

Sub: Motor Vehicles Department :- Affixing reflective tape in vehicles according to AIS:90 - 2005 – Instructions issued – reg.

Ref:- 1.G.S.R 784 (E) dated 12.11.2008
2. This office letter No. C2/12369/TC/09 dated 15.09.2009 and letter of even number date 24.05.2010

As per G.S.R 784 (E) dated 12.11.2008 , rule 104 of the Central Motor Vehicles Rules 1989 has been amended by substituting the following proviso to sub-rule (1)

" Provided that in respect of the vehicles of

(i) category N1 and category N2 , 3.5 tonnes and above but less than 7.5 tonnes Gross Vehicle Weight, manufactured on and after 1st day of April, 2009 shall be affixed at the front with a white reflective tape and at the rear with a red reflective tape running across the width of the body and the tapes affixed at front and rear shall be not less than 20 mm width and shall conform to the requirement of Annuexure-4, 5 and 6 of AIS : 090 - 2005 till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).

(ii) category N3 and category N2 , 7.5 tonnes and above Gross Vehicle Weight, manufactured on and after 1st day of April, 2009, shall be affixed at the front with a white reflective tape running across the width of the body and the tape affixed at the front shall not be less than 50 mm width and shall conform to the requirement of Annexure-4, 5 and 6 of AIS : 090-

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Exd P24/2

2005 till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).

(iii) category N3 including trailers or semi-trailers and category N2) 7.5 tonnes and above GVW along with trailers or semi-trailers, manufactured on and after 1st day of April 2009, shall be affixed with reflective contour marking at the rear and side in accordance with AIS: 090 - 2005 till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act 1986 (63 of 1986).

(iv) category M2 and M3, manufactured on and after 1st October 2009 shall be affixed at the front with white reflective tape and at the rear with red reflective tape running across the width of the body and the sides of M3 category vehicles shall be affixed with yellow reflective tape running across the length of the body but tapes so affixed shall not be less than 50 mm width and shall conform to Annexures 4, 5 and 6 of AIS: 090 -2005 . till the corresponding BIS specifications are notified under the Bureau of Indian Standards ..Act. 1986 (63 of 1986)."

Regional Transport Officers & Joint Regional Transport Officers were directed to watch the compliance of the fitment of reflective tapes in vehicles as per the Central Government Notification and to ensue that the reflective tape shall conform to the requirement of AIS : 090 – 2005 till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act. But it is noticed that the above provisions are not being scrupulously implemented and reflective tapes of substandard quality which do not have the approval of testing agencies specified in Rule 126 of CMV Rules, 1989 are being affixed on vehicles, contrary to the above provisions. Hence the need to strictly

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enforce the provisions of Rule 104 of CMV Rules, 1989 is once more reiterated and **all Regional Transport Officers and Joint Regional Transport Officers are directed to ensure that the reflective tape shall conform to the requirement of AIS : 090 – 2005 till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act.**

The list of suppliers whose approval certificates have been communicated from this office is furnished below for ready reference

1. 3 M India Ltd. Bangalore
2. Avery Dennison (India) Ltd. Gurgaon, Haryana
3. Reflexite Safety India Pvt.Ltd, Mumbai

Sd/-

Transport Commissioner

To

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

Copy to : CA to Transport Commissioner, Addl. TC, Secretary, STA, Sr. DTC (Taxation), Sr. AO, Sr. FO, ATC, Asst. Sey. STA, SF & Spares

Approved for issue

18/11

Senior Deputy Transport Commissioner (Taxation)

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Ext P25

No. RT-11036/19/2021-MVL
Government of India
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated the, 06 September, 2021

To,

1) The Principal Secretaries/ The Secretaries, Department of Transport
2) The Transport Commissioners of all the States/UT Administrations

Subject: Fixation of Retro-reflective tape - reg.

Sir / Madam,

I am directed to refer to subject mentioned above and to say that it has been brought to the notice that some states are asking the owners of the transport vehicles to get the retro-reflective tapes affixed from the selected vendors and shall also produce the slip of fixation at the time of fitness.

2. In this regard, it is clarified that the vehicle owner may get affixed the retro-reflective tape from any vendor if the retro-reflective tape has been type-approved as per AIS-090 by any of the testing agencies specified under rule 126 of the Central Motor Vehicles Rules, 1989. Some of such approvals may be seen at https://www.araiindia.com/pages/downloads and https://icat.in/pdf/List-of-approved-supplier-of-AIS-090.pdf.

3. This issues with the approval of the Competent Authority.

Yours faithfully,

(Dr. Piyush Jain)
Director (MVL)
Tel-23714974
E-mail: director-morth@gov.in

Copy to: -

1. Chairman (CMV Rules Committee), Bus and Car Operators Confederation of India.

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Ext P26

TRANSPORT DEPARTMENT

From

The Transport Commissioner
Commissionerate of Transport & Road Safety,
Ezhilagam, Chepauk,
Chennai – 600 005.

To

All Zonal Officers,
All the Regional Transport Officers and Motor Vehicles Inspectors in Unit Office,
Tamil Nadu.

R.No.14731/HB2/2020 **Dated: 11.08.2022**

Sir,

Sub: Motor Vehicles –Fixation of Reflective Tapes and Rear Marking Plates – Application Received from from M/s.3M India limited, Bengaluru – Authorize to sell or Install reflectors in Tamil Nadu – Requested – Regarding.

Ref:
1. MoRTH Notification GSR No.784(E), dated 12.11.2008.
2. Gazette No.19, Dated 20.05.2009, Published by the Government of Tamil Nadu.
3. This office letter No.57163/H3/2010 dated 27.10.2010.
4 .MoRTH Notification GSR No.291(E), dated 24.04.2014.
5. This office letter No.16205/HB2/2020 dated 03.08.2020.
6. This office letter No.23666/HB2/2020 dated 19.12.2020.
7. This office letter No.23666/HB2/2021 dated 09.05.2022
8. Application Received from M/s.3M India limited, plot No 48-51 Electronic City , Hosur road, Bengaluru-560 100 dated 08.08.2022

*****

India has recorded the largest number of road accident fatalities in the world and the same is increasing at an alarming level every year. It is a matter of great concern for all of us. The Motor Vehicle Act, 1988 and Central Motor Vehicle Rules, 1989, made there under provide various provisions to check road accidents.

To increase visibility at night, all public service vehicles mentioned below, as per CMVR 104 are mandated to affix Reflector/ Reflective Tapes confirming to AIS :090 Standards and Rear Marking Plates conforming to AIS:089 Standards:

1. Two wheeler vehicle (if commercial).
2. Goods vehicles (along with three wheelers) bearing 3.5 tons GVW
3. Goods vehicles weighing 3.5 tons to 7.5 tons.

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Exhibit P26/2

4. Goods vehicle weighing 7.5 tons.
5. Motor Cars, Omni bus and passenger vehicle which can carry upto 8 passengers (Commercial Category).
6. Goods vehicle weighing gross vehicle weight of 5 tons and capacity of carrying 9 or more than 9 passengers.
7. Goods vehicle weighing gross vehicle weight more than 5 tons and capacity of carrying 9 or more than 9 passengers.
8. Agriculture tractor.
9. Power Tiller.
10. Trailer attached with Power Tiller
11. Construction Equipment Vehicle.

In order to reduce and control the road accidents it is important that good quality Reflectors, Reflective Tapes and Rear Marking Plates are affixed and in this regard the following instructions may be issued.

The Reflective Tapes should be compliant to AIS 090 and Rear Marking Plates compliant to AIS:089 standards under the provisions of law, and these should be clearly visible on vehicles at night from all sides. These Reflectors, Reflective Tapes and Rear Marking Plates manufacturers should possess Type Approved Certificate (TAC) Conformity of Production (COP) by any one of the below mentioned testing agencies:

(1) ARAI, Pune.
(2) VRDI, Ahmednagar.
(3) CIRT, Pune.
(4) ICAT, Manesar (Harayana).

In this regard, from M/s. 3M India limited, Bengaluru-560 100vide letter referred above have requested and applied for approval of Retro Reflecting Tapes and Rear Marking Plates by producing the Test Certificates and Type Approval Certificates (TAC) issued by ARAI, Pune.

The ARAI has certificated that the Retro Reflecting Tapes manufactured by the above said company are in compliance to the standards of AIS: 090 and Rear Marking Plates are in compliance to the standards of AIS: 089.

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Ext P26/3

1.	Name and Address of applicant	3M India limited, plot No 48-51,Electronic City , Hosur road , Bengaluru-560 100
2.	Manufacturer name and address	3M Company, 3M Brownwood Plant, 4501 High Way, 377 South Brownwood , Texas-76801, USA.
3.	Reflective Tapes Rear Marking Plates	3M Scotchlite reflective Sheeting 983 Retro Reflective tape colours - Red, White and Yellow (Size 50mm width and 20mm width) Drawing No RMP/3M/1(Class3 and Class 4)
4.	Marking on the sample Reflective Tape Rear Marking Plates	3M A 94495 OR C-E1- 104R- 00 821 Class 3 3M 983 C3 Class 4 3M 983 C4
5.	TAC no ./ Date Retro Reflective Tape	A94495 Dated 08.09.2009 Addendum No -01 dated 27.03.2013. SHL/16/2012-2013/8095/748
6.	CoP no. /Date Retro Reflective Tape.	5th COP SHL No:SHL/16/2020-s2021/3000013406/COP/2621 Dated 24.09.2020
7.	Rear Marking Plate Test Report No	SHL/16/2013-2014/9149/2783 dated 17.12.2014
8.	Authorized Distributor	M/s Sai Sukran Ventures Private Limited 2nd Floor,No 45 Flat A ,Bazullah Road, T Nagar,Chennai-600 017.

Hence, permission is hereby granted to affix the Reflective Tapes and Rear Marking Plates as mentioned above.

The authority reserves the right to cancel / withdraw the permission without assigning any reason.

Sd/- L.Nirmal Raj
Transport Commissioner,
Chepauk, Chennai-5

Copy to:

3M India limited,plot No 48-51,Electronic City Hosur road ,Bengaluru-560 100.

//By Order// 10/1/2022

Deputy Transport Commissioner-I
Chepauk, Chennai-5

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Exd P27

വാഹനങ്ങളുടെ രെജിസ്ട്രേഷൻ മാർക്ക് മോട്ടോർ വാഹന നിയമം CMVR Sec.51 പ്രകാരം താഴെ കാണിച്ചിരിക്കുന്ന രീതിയിൽ മാത്രം വ്യക്തമായി എഴുതേണ്ടതാണ്

നം:	വാഹനങ്ങളുടെ ക്ലാസ്	സ്ഥാനം	വലുപ്പം താഴെ കൊടുത്തിരിക്കുന്നതിലും കുറയാത്ത വിധത്തിൽ		
			പൊക്കം	വണ്ണം	അതിലുള്ള അകലം
1	[illegible] കുതിരകളും	[illegible]	35mm	7mm	5mm
		പിന്നിലുള്ള അക്കങ്ങൾ	40mm	7mm	5mm
3	എൻജിൻ കപ്പാസിറ്റി 70ccയിലും കുറഞ്ഞ മോട്ടോർ സൈക്കിളുകൾ	മുന്നിലുള്ള അക്ഷരങ്ങളും, അക്കങ്ങളും	15mm	2.5mm	2.5mm
4	മറ്റുള്ള മോട്ടോർ സൈക്കിളുകൾ	മുന്നിലുള്ള അക്ഷരങ്ങളും, അക്കങ്ങളും	30mm	5mm	5mm
5	500ccയിലും കൂടാത്ത എൻജിൻ കപ്പാസിറ്റിയുള്ള മൂന്ന് ചക്ര വാഹനങ്ങൾ	മുന്നിലുള്ളതും, പിന്നിലുള്ളതുമായ അക്ഷരങ്ങളും, അക്കങ്ങളും	35mm	7mm	5mm
6	500ccയിലും കൂടുതൽ എൻജിൻ കപ്പാസിറ്റിയുള്ള മൂന്ന് ചക്ര വാഹനങ്ങൾ	മുന്നിലുള്ളതും, പിന്നിലുള്ളതുമായ അക്ഷരങ്ങളും, അക്കങ്ങളും	40mm	7mm	5mm
7	മറ്റെല്ലാ വാഹനങ്ങളും	മുന്നിലുള്ളതും, പിന്നിലുള്ളതുമായ അക്ഷരങ്ങളും, അക്കങ്ങളും	65mm	10mm	10mm
8	പവർ ടില്ലറുകൾ	മുന്നിലുള്ള അക്ഷരങ്ങളും, അക്കങ്ങളും	15mm	2.5mm	2.5mm
9	പവർ ടില്ലറുകളുമായി ഘടിപ്പിച്ച ട്രയിലറുകൾ	പിന്നിലുള്ള അക്ഷരങ്ങളും, അക്കങ്ങളും	30mm	5mm	5mm



MOTOR VEHICLES DEPARTMENT KERALA

mvdkerala

mvd.kerala.gov.in

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Antony Raju's post

Antony Raju

Feb 20 ·

വ്യക്തമല്ലാത്ത നമ്പർ പ്ലേറ്റുകളുള്ള വാഹനങ്ങൾക്കെതിരെ കർശനമായ നടപടി സ്വീകരിക്കും. വാഹനങ്ങളുടെ മുൻ-പിൻ നമ്പർ പ്ലേറ്റുകൾക്ക് സുതാര്യത ഉറപ്പു വരുത്തണമെന്ന് കേന്ദ്ര മോട്ടോർ വാഹന ചട്ടത്തിര വ്യക്തമാക്കിയിട്ടുണ്ട്. ഓരോതരം വാഹനങ്ങളിലും ഫിറ്റ് ചെയ്യേണ്ട നമ്പർ പ്ലേറ്റുകളെ കുറിച്ചും അവയുടെ വലിപ്പവും അക്ഷരങ്ങളുടെ വലിപ്പവും നിറവും സംബന്ധിച്ചമുള്ള മാനദണ്ഡങ്ങൾ മോട്ടോ വാഹന വകുപ്പ് കൃത്യമായി നിഷ്കർഷിച്ചിട്ടുണ്ട്. അവ്യക്തവും ആശയക്കുഴപ്പവും ഉണ്ടാകുന്ന രീതിയിലും മാറ്റം വരുത്തുവാൻ ആർക്കും അവകാശമില്ല. കാഴ്ച മറയുന്ന തരത്തിൽ നമ്പർ പ്ലേറ്റുകൾക്ക് മുൻപിൽ ഗ്രില്ലുകളും സേഫ്റ്റി ബാറുകളും ഫിക്സ് ചെയ്യാനും പാടില്ല. ഇത്തരം പ്രവണതകൾക്കെതിരെ പരിശോധന നടത്തി കർശന നടപടി സ്വീകരിക്കാൻ ട്രാൻസ്പോർട്ട് കമ്മീഷണർക്ക് നിർദ്ദേശം നൽകി.

See translation

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Ref P29

RTO Service

KL Book My HSRP & Kerala Number Plate Booking 2023 | Kerala Bike & Car Number Plate Booking | Kerala Old Number to New Number Plate Booking

December 19, 2022 by Ananya

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Ext P29/2

Book My HSRP(Number Plate) in Kerala & KL Book My HSRP , **Kerala** High Security Number Plate Booking . Kerala Number Plate Booking 2022

KL Book My HSRP (Number Plate) Kerala 2022 | KA HSRP Online Application 2022 | Kerala HSRP Online Registration 2022 | KL Book My HSRP(Number Plate) Status 2022. The government. Bookmyhsrp.com launches the application process for Kerala High Security Registration Plates (HSRPs). As per CMVR 1989 Rule 50, all owners of two-wheelers and four-wheelers must install HSRP number plates. It is expected that these plates will be installed by their respective automobile dealers by the end of the month. The purpose of this article is to explain how to fill out the HSRP Application Form. KL-**book my-hsrp online**

The Kerala online HSRP registration process in all states started on 1st November 2020. The bookmyhsrp.com website now offers online HSRP applications for new and old vehicles.

https://mail.google.com/mail/u/0/#inbox/QgrcJHmvDFTWwMkJTVsHlxRTxBwwhnDWVG?projector=1&messagePartId=0.1 1/1

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Ext P29/3

Kerala High-Security Registration Plate Details & KL Book My HSRP | Kerala Bike & Car Number Plate Booking | Kerala Old Number to New Number Plate Booking

Organization	Kerala Transport Department
HSRP	High-Security Registration Plates
Introduced by	Ministry of Road Transport and Highway (MORTH)
Application Mode	Dealer & Online Mode
UP Book My HSRP	Anytime online Mode
Official web site	www.saim.in www.bookmyhsrp.com www.bookhsrponline.com

HIGH COURT OF KERALA

https://mail.google.com/mail/u/0/#inbox/KtbxLthVbvpxgKlqJgbaVqWRSPWPKBwnSq?projector=1&messagePartId=0.1 1/1

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Ext P29/4

KL Book My HSRP High Security Number Plate Online Registration Book My HSRP(Number Plate) Kerala

By entering the vehicle's information on the bookmyhsrp.com website, vehicle owners in **Kerala** can apply for High Security Number Plates online. The HSRP online application procedure at Book MY HSRP Portal is very simple and anyone can complete it. To check dilation of number plates, the central government introduced High Security Registration Plates (HSRP) in 2012. It also ensures that fonts, sizes, and colors are uniform. The following steps are required to apply online for High Security Registration Plates (HSRP) in all states:- KL Book My HSRP number plate for old vehicle.

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Ext P29/5

Online Registration for KL High Security Number Plate Registration for Private and Commercial Vehicles 2022 is now available from Parivahan Vibhag.

STEP 1: Visit https://bookmyhsrp.com/ to access the official Book My HSRP portal

STEP 2: On the homepage, click either the "High Security Registration Plate with Colour Sticker" or "Only Colour Sticker" tab.

KL Book My HSRP(Number Plate)

Kerala Book My HSRP(Number Plate) with Color sticker can be applied for online

In the above section, the first two steps are discussed, and the rest are described below.

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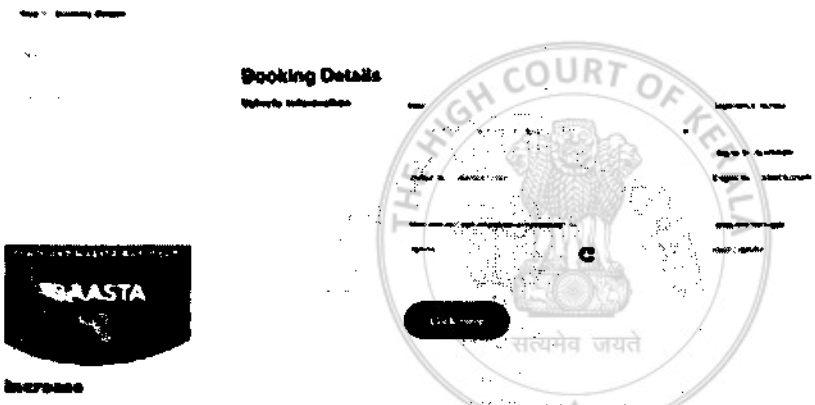
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STEP 3: Click on "High Security Registration Plate with Colour Sticker" or directly visit https://bookmyhsrp.com/plate/VahanBookingDetail.aspx.

STEP 4: Next, the Vahan Booking Details page for HSRP Plate will appear as follows:



STEP 5: The applicant fills out the Booking Details section by entering information such as vehicle registration state, registration number, chassis number, engine number, then clicks the "Click Here" button.

STEP 6: Select your fitting location where you want your High Security Number Plate fitted in All State.

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STEP 7: Choosing an appointment slot is the next step. Your HSRP Number Plate will be fixed on your vehicle at the time of your choosing at the nearest fitment location.

STEP 8:In the previous two steps, you selected the place and time (as per your preference). Once the Booking Summary of High Security Number Plate has been opened, it will show the entire detail of the booking.

STEP 9:The next step is to verify and confirm the date and time you entered. As soon as your application has been confirmed, you will be required to pay for the installation of your HSRP plate. You can use Internet Banking, a debit card, a credit card, or any other mode of payment online. HSRP Plates can only be applied for online by prepaid customers since HSRP installation centers do not accept cash.

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STEP 10:The last step is to download the HSRP Plate receipt. As well as the confirmation of payment, this receipt will include details about your vehicle. You can print or download this receipt.

In order to get your vehicle fixed with a high security number plate, you must bring this receipt along with your Aadhar card to the HSRP installation centers during the specified time slot.

KL Book My HSRP Track the status of your KL HSRP Number plate registration (Track Order)

Kerala HSRP Registration Status can be checked in All States via the following link: https://www.bookmyhsrp.com/TrackOrder.aspx. As shown below, the page for checking the status of High Security Registration Plates is displayed:

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Eof P29/9

Track Your Order

Order number: *

DLHSRP1221XXXXXX

Vehicle Reg No: *

DL01ABXXXX

Captcha::

95 1 10

By entering the Order ID, the Vehicle Registration Number, the Captcha, and clicking the "Search" button, applicants can check their appointment status. Book My HSRP(Number Plate) **book my-hsrp status** , hsrp number plate online, KL Book My HSRP

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STEP 1: Go to https://bookmyhsrp.com/ to visit the official website

STEP 2: Go to the homepage and click the "Replacement Booking (HSRP Already Fitted)" tab or click https://bookmyhsrp.com/Plate/ReplacementBooking.aspx.

THE HIGH COURT OF KERALA सत्यमेव जयते

https://mail.google.com/mail/u/0/#inbox/KtbxLwHDhHGmdGZwjSdDbskdGBDZZvWkCg?projector=1&messagePartId=0.1 1/1

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Ext P29/11

Reschedule Your Appointment

Order number *

DLHSRP1221XXXXXX

Vehicle Reg No *

DL01ABXXXX

Captcha:

6 1 10 7

Input Captcha:

STEP 3: You will then be redirected to the High Security Number Plate Replacement Booking page, which looks like this:

The fourth step is to enter booking details, to select a fitting location, to choose an appointment time slot, to check the booking summary, to verify details, and to pay. The receipt for HSRP Replacement can be downloaded by clicking the "Download Receipt" link.

https://mail.google.com/mail/u/0/#inbox/KtbxLxGcBDdzVcwjcSwQJNJHwMChkDHbkL?projector=1&messagePartId=0.1 1/1

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Ext P29/12

- 2 wheelers approx. price range including fitment charges is Rs. 320 to Rs. 380 + 18% GST
- 2 wheelers – imported / high end approx. price range including fitment charges is Rs. 400 to Rs. 500 + 18% GST
- 3 wheeler approx. price range including fitment charges is Rs. 350 to Rs. 450 + 18% GST
- 4 wheeler approx. price range including fitment charges is Rs. 590 to Rs. 700 + 18% GST
- 4 wheeler – imported / high end approx. price range including fitment charges is Rs. 700 to Rs. 860 + 18% GST
- Commercial vehicles approx. price range including fitment charges is Rs. 600 to Rs. 800 + 18% GST

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GdP29/13

Fine without HSRP in Kerala KL ?

Fine is 5500 INR but currently, state governments giving time and allowing people to replace their vehicle's number plates, soon everybody will fall under it, Delhi has already started fining people without HSRP.

Official Website	Click Here
Home Page	Click Here

Frequently Asked Questions (FAQ's) on KL Book My HSRP

KL High Security Registration Number Plates are mandatory .

The answer is yes. High Security Number Plates must be registered in Kerala by all vehicle owners

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Exd P29/14

Kerala Book My HSRP(Number Plate) Portal allows me to select the dealer of my choice

Through the Book My HSRP Portal, KL applicants can select a dealer of their choice

Contact Number For Book My HSRP Customer Care for General Enquiry in Kerala KL

Toll Free

Customer Care Email of High Security Number Plate Kerala ?

KL Book My HSRP Email ID :online@bookmyhsrp.com

Fine without HSRP in Kerala KL ?

Fine is 5500 INR but currently, state governments giving time and allowing people to replace

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

I.A. No. of 2023

In

W.P.(c) No. 10761 of 2022

MotorSigns India : Petitioner/Petitioner

v.

State of Kerala and others : Respondents/Respondents

Verified Petition submitted by the counsel for the Petitioner/Petitioner under Rules 82 and 154 of the Kerala High Court Rules.

For the reasons stated in the additional reply affidavit, it is most humbly prayed that this Hon'ble Court may be pleased to accept the additional reply affidavit and the documents relied on by the petitioner in the said affidavit and permit him to mark them as Exhibits P24 to P29, for a proper disposal of the above writ petition.

Dated this the 11th day of March, 2023.

Advocate.

What is stated above are true to the best of my knowledge, information and belief.

Advocate.

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BEFORE THE HONOURABLE
HIGH COURT OF KERALA
AT ERNAKULAM

WA No. .....of 2023

MEMO OF APPEARANCE

THE HIGH COURT OF KERALA
सत्यमेव जयते

Government Pleader.

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Advocate General 100,000 16/454 2 5 2015 GPE © Govt. of Kerala

BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM

WA No. .....of 20...23

PETITIONER/S: State of Kerala & others

Vs.

RESPONDENT/S: Moloi Signs India & another

MEMO OF APPEARANCE FILED BY THE GOVERNMENT PLEADER IN THE ABOVE CASE

THE HIGH COURT OF KERALA
सत्यमेव जयते

It is submitted that one of the Government Pleaders is appearing in the above case on behalf of the ~~respondent~~(s). Appellants

Dated this the 20th day of May 2023

Government Pleader.

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE MR.S.V.N.BHATTI

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

Monday, the 29th day of May 2023 / 8th Jyaishta, 1945

WA NO. 999 OF 2023

AGAINST ORDER DATED 13/04/2023 IN WP(C) 10761/2022 OF THIS COURT

APPELLANTS/RESPONDENTS 1 TO 3 IN W.P.(C):

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.**
2. **THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.**
3. **THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE, TRANS TOWER-2ND FLOOR, VAZHUTHACAUD P.O., THYCAUD, THIRUVANANTHAPURAM, KERALA 695 014.**

BY SPECIAL GOVERNMENT PLEADER SRI.P.N.SANTHOSH KUMAR

RESPONDENTS/PETITIONER & 4TH RESPONDENT IN W.P.(C):

1. **MOTORSIGNS INDIA, 810 ANNA SALAI, NANDANAM, CHENNAI 600035, TAMIL NADU, INDIA, REPRESENTED BY ITS SOLE PROPRIETOR, THOMAS CHERIAN.**
2. **ADDL. R4,ACCIDENT RESCUE 24X7 (SOUGHT TO BE IMPLEADED).**

BY ADV.SRI.S.M.PRASANTH

Prayer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum, the High Court be pleased to stay the operation and implementation of the Interim order dated 13.04.2023 in WP(C) No.10761/2022 pending disposal of the Writ Appeal.

This Writ Appeal coming on for orders on 29/05/2023 upon perusing the appeal memorandum, the court on the same day passed the following:

P.T.O.

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S.V.N. BHATTI, ACTING C.J
&
BASANT BALAJI, J.

W.A. No.999 of 2023

Dated this the 29th day of May, 2023

ORDER

S.V.N. BHATTI, ACTING C.J

Notice before admission. Adv. S.M. Prasanth accepts notice for the respondents.

2. We have heard the Special Government Pleader Adv. P.N. Santhosh Kumar and perused the writ prayers and the interim reliefs prayed for and granted by the order under appeal. For the present, we notice that the interim reliefs granted by the order under appeal substantially deal with or answer the main prayers as well.

3. The Special Government Pleader invited our attention to rule position and contended that the interim order is against the letter and spirit of the applicable rules. According to him, the role of the State Government is preserved in the present scheme of rules. Therefore the writ

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petitioner, if allowed to carry forward with the directives issued in the order under appeal, the complying with the direction may result in a contradictory position.

4. Adv. S.M. Prasanth referring to the amendment made to Rule 50 of the Central Motor Vehicles Rules, 1989 interprets that the simultaneous power claimed by the State is not available in the case on hand and the amendment illustrates in clear terms the case pleaded by the writ petitioner. He informs this Court that the writ petition is ripe for hearing before one of the learned Single Judges and instead of interdicting the interim order, the learned Single Judge may be requested to hear and dispose of the writ petition expeditiously.

5. For the present, we are persuaded not to express our view on the interpretation of applicable rules by both counsel. Taking note of the fact that the writ petition is already listed and ripe for hearing before one of the learned Single Judges, we prefer to maintain the position viz-a-viz the right claimed by the petitioner as it stood on the date of filing of the writ petition till the issues presented for

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decision are comprehensively considered and adjudicated in W.P.(C) No.10761 of 2022. Hence, we stay the order impugned in the appeal for a period of four weeks. We request the learned Single Judge to consider giving out of turn hearing to the writ petition at the earliest when a request is made by Adv. S.M. Prasanth.

6. Adv. Mohammed Shah though is not a counsel appearing for one of the respondents in the appeal on hand, still requests the court to give him the same liberty to seek for expeditious hearing of W.P.(C) No.7089 of 2023 and W.P.(C) No.35549 of 2023. Accommodation granted to Adv. S.M. Prasanth is extended to Adv. Mohammed Shah as well.

Post after three weeks.

Hand over copies to both sides.

Sd/-
S.V.N. BHATTI
ACTING CHIEF JUSTICE

Sd/-
BASANT BALAJI
JUDGE

bpr

29-05-2023 /True Copy/ Assistant Registrar

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GOVERNMENT OF KERALA

Transport (B) Department

No.B2/349/2022-Trans. 23-06-2023,Thiruvananthapuram

From

Secretary to Government

To

Transport Commissioner, Thiruvananthapuram

Sir,

Sub: Transport Department-HSRP on Old Vehicles-Appeal filed against order of Hon'ble High Court of Kerala in WP(C)No.10761/2022-ratification-Reg.

Ref: Your letter No. MIT2/23/2022-TC dated 11/05/2023

I am to invite your attention to the reference cited and to inform you that the steps taken to file appeal against the common order dated 13/04/2023 in WP(C) No.10761/2022, 35549/2022 and 7089 of 2023 is ratified by the Government.

Yours Faithfully,
BINDU R
UNDER SECRETARY
For Secretary to Government.

Approved for Issue,

Section Officer.

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1894/P/2023/M(TRANS)

Zimbra ANTONY RAJU

Representation against the order dated 13.04.2013 passed by the Hon'ble High Court of Kerala with respect to High Security Registration Plates (HSRP)

From : aimvsa@gmail.com Fri, 28 Apr, 2023 16:44

Subject : Representation against the order dated 13.04.2013 passed by the Hon'ble High Court of Kerala with respect to High Security Registration Plates (HSRP) 1 attachment

To : Chief Minister, Government of Kerala <chiefminister@kerala.gov.in>, Dr.V.P.Joy IAS <chiefsecy@kerala.gov.in>, Principal Secretary Planning <prlsecy.plan@kerala.gov.in>, P. RAJEEVE <min.law@kerala.gov.in>, Law Secretary, Law Dept <secy.law@kerala.gov.in>, ANTONY RAJU <min.transport@kerala.gov.in>, bpias2004@gmail.com, Transport Commissioner MVD <tc.mvd@kerala.gov.in>

0 5 MAY 2023

Dear Sir

Please find the attached representation with regard to **requesting your good offices to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the directions made are in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).**

Thanking you
All India Motor Vehicle Security Association

AIMVSA Kerala letter (complete).pdf
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Reg. No. 44038 of 2002

ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION

[Society registered under Societies Registration Act XXI of 1850]

Date: 27.04.2023

To,

Shri Pinarayi Vijayan
Hon'ble Chief Minister & Home Minister
Govt. of Kerala

Dr V.P. JOY IAS
Chief Secretary
Govt. of Kerala

Shri. P. Rajeeve
Hon'ble Law Minister
Govt. of Kerala

Shri V. Vennu IAS
Additional Chief Secretary
(Home and Vigilance)
Govt. of Kerala

Adv. Antony Raju
Hon'ble Transport Minister
Govt. of Kerala

Shri. V. Hari Nair
Law Secretary
Govt. of Kerala

Shri. Biju Prabhakar IAS
Secretary, Transport Department
Govt. of Kerala

Shri. S. Sreejith IPS
Transport Commissioner
Govt. of Kerala

Subject: Request to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kernla at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the directions made are in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).

Dear Sir,

We, All India Motor Vehicle Security Association (AIMVSA) writes this letter in reference to the above captioned subject requesting your good self to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the same are in contradiction to the judgments passed by the Hon'ble Supreme Court of India with respect to project of High Security Registration Plates (HSRP). (Copy of the order dated 13.04.2023, Annexure – 1)

We would like to bring to your kind notice that the judgments passed by the Hon'ble Supreme Court of India's related to the HSRP scheme have been deliberately kept away by the Petitioner and the respondent No.4 from the Hon'ble High Court of Kerala, due to which the Hon'ble High Court of Kerala has made an error while passing the order dated 13.04.2023.The order dated 13.04.2013 is in contrary to the judgements passed by the Hon'ble Supreme Court from time to time and furthermore, it would render the HSRP scheme completely ineffective.

Below are the order/ judgments passed by the Hon'ble Supreme Court of India in the HSRP project that are as below: -

A. *Firstly, that the Hon'ble Supreme Court of India prohibits* to supply and affix HSRP merely on the basis of possessing Type Approval Certificate (TAC) by the HSRP manufacturers.

B. *Secondly that the Hon'ble Supreme Court of India prohibits* the State Governments to authorize multiple TAC manufacturers.

45, I[st] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
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C. *Thirdly the Hon'ble High courts of Odisha and Madras has summarily dismissed the contentions of supply and affix HSRP on the basis of having merely TAC.*

D. *Fourthly the Ministry of Road Transport and Highways has bestowed the responsibility onto the State Government to take decision with regard to conversion of old vehicles either through OEM model or through authorizing HSRP manufacturer through tender model.*

E. *Fifthly the* Notification dated 18.08.2022 was issued by the Ministry of Road Transport and Highways after having being received representations with regard to selling of HSRPs for the old vehicles by the Non automobile dealers and HSRP manufacturers in the open market without having any approval/authorization either from the vehicle manufacturing companies or from the State Authority. Accordingly MORT&H in its Notification no. *G.S.R 640 (E), dated 18.08.2022* categorically empowered the State authorities *to approve/authorize the licence plate manufacturers and their dealers* and not just dealers for the purpose of conversion of old vehicles into HSRP.

Hon'ble Supreme Court Judgments are herein below which prohibits the condition of supply and affixation of HSRP merely on the basis of having TAC and to select/authorize multiple HSRP manufacturer having TAC:-

1) Judgement dated 30.11.2004 in W.P (C) 41 of 2003 reported in *(2005) 1 SCC 679, Para 46- "every approved license plate manufacturer can be entrusted with the job of supplying the registration plates"*. On such averment, the Hon'ble Supreme Court held that the abovementioned interpretation would result in frustrating the high security aspect and object of the scheme of affixation of high security registration plates on vehicles. **(Refer para 2 on page 37, Copy of the Judgement dated 30.11.2004 in W.P (C) 41 of 2003, Annexure - 2)**

ii) Judgment dated 30.08.2011 in W.P(c) 510/2005, reported in *(2011) 14 SCC 273*, has clearly mentioned that the court has put in effort over the years to ensure security and consistency, and therefore, it is explicitly stated that multiple vendors will not be permitted, even if they have received type approval from either the Central Government or the testing agency. This is to prevent the defeat of the court's purpose. **(Refer Para 6 on page 4, Copy of the Judgment dated 30.08.2011 in W.P(c) 510/2005, Annexure - 3)**

iii) Judgment dated 13.07.2016 in C.P(C) 483/2013, reported in *(2016) 14 SCC 72*. The Hon'ble Supreme Court has assigned the responsibility of selecting/authorizing HSRP manufacturers with Type Approval Certificate to the State Government as part of the guidelines for issuance control of HSRP. (Refer Para 34(i) on page 30; Copy of the Judgment dated 13.07.2016 in C.P(C) 483/2013, Annexure - 4)

The contention of supply and affixation of HSRP merely on the basis of TAC –withdrawn by the Respondent No.4 (Orbiz) in Odisha High Court and Dismissal of the petition filed by Yarya Sekar by the Hon'ble High Court of Madras.

2) That similar identical *(to supply and affix HSRP merely on the basis having TAC)* issues have already been settled by the Hon'ble High Court of Odisha and Madras vide order dated 19.04.2023 in the matter bearing number W.P(C) 27440 of 2022 and order dated 01.03.2021 in the matter bearing number W.P(C) 4139 of 2021. It has been made clear that the manufacturers, suppliers or dealers are permitted to supply and affix high security registration plates on existing vehicles only upon approval/authorization of the State Government and the submission made with regard to do so merely on the basis of possessing TAC was summarily dismissed . (Copy of the orders dated 19.04.2023 and 01.03.2021, Annexure - 5 and 6)

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Responsibility to State Government to take decision for the purpose of old conversion of vehicles into HSRP

3) That the *circular dated 04.10.2019 issued by the Ministry of Road Transport and Highways* empowers the State authorities to take decisions with regard to HSRP for the old vehicles. Simply possessing a Type Approval Certificate is not enough to take order, supply and affix HSRPs for old vehicles. (Copy of the Circular dated 04.10.2019, Annexure - 7)

4) That the *Ministry of Road Transport and Highways, issued G.S.R 640 (E), dated 18.08.2022* categorically to empower the State authorities *to approve/authorize the licence plate manufacturers and their dealers* and not just dealers and to ensure the implementation of HSRP in a control manner and to stop unauthorized selling of HSRPs in the open market. (Annexure - 8)

5) That the order dated 13.04.2023 shall undermine the entire objective of HSRP scheme. Despite the Hon'ble Supreme Court's repeated instructions for efficient and appropriate execution, the FIRs filed and measures taken by State Governments will be rendered useless. Moreover, there will be no regulation or oversight over the HSRP and its security features.

6) That the order issued on 13.04.2023 will remove the authority of state officials to oversee the HSRP project and its issuance. This is because all HSRP manufacturers will be allowed to supply and affix HSRPs across the country based solely on TAC, which could jeopardize national safety and security. As a result, the overall purpose of the HSRP scheme will be undermined.

7) It is to be noted that the 4th respondent deliberately concealed information that they had previously filed a similar petition with the Hon'ble High Court of Orissa, Cuttack, on October 14th, 2022, via W.P(C) 27440 of 2022. That the petitioner made a submission before the Hon'ble Court that it has TAC but is unable to implement. The purpose of the petition was to prevent the Odisha government from implementing the HSRP scheme for old vehicles. However, on April 19th, 2023, the petition was withdrawn.

In December 2018, the Ministry of Road Transport and Highways issued a notification (S.O. 6052 (E)) which assigned the task of High-Security Registration Plates (HSRPs) to Vehicle manufacturing companies/OEMs and their dealers and additionally onto the State Government in case it authorizes manufacturer of HSRPs for vehicles produced before April 1, 2019. This responsibility came into effect on April 1, 2019. The following is the pertinent section of the HSRP Order 2018 (S.O No.6052 (E) dated 06.12.2018). (Copy of the notification dated 06.12.2018, Annexure - 9)

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

Subsequently, the Ministry of Road Transport and Highways (MoRTH) issued several notifications, i.e., G.S.R. 104(E) dated 11.02.2020, G.S.R 640 (E), dated 18.08.2022 mentioning the fact that the licence plate manufacturers or their dealers can supply and affix HSRPs onto the old vehicles only of authorized by the State Government or Union Territory Administration. The reason for publishing these

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notifications was basically to prevent the unlawful, unapproved, and unauthorized distribution of HSRPs for old vehicles. (Copy of the notifications dated 11.02.2022, Annexure - 10)

It is submitted that the purpose to issue the above Notification (G.S.R 640 (E), dated 18.08.2022) was to stop the illegal, unapproved and unauthorized supply of HSRPs for the old vehicles , as it was observed and found that that the HSRPs and its security features were being sold illegally in the open market either by an individual/non-automobile dealer and by the unapproved /unauthorized HSRP vendors/manufacturer (without being approved to sell either by the vehicle manufacturers or by the respective State authorities) categorically for the old vehicles. The same was defeating the objective of the HSRP Scheme and was violating the order/judgments passed by the Hon'ble Supreme Court of India in W.P (c) 41 of 2003, W.P(C) 510 of 2005 and C.P(C) 483 OF 2013. Copies of the FIRs registered by Odisha Police, Maharashtra Police and letters issued by Uttar Pradesh Government, Rajasthan Government are enclosed and marked as Annexure – 11, 12, 13 and 14)

We would like to draw your attention to the fact that the Respondent number 4 (Orbiz) was previously engaged in the unlawful sale of HSRPs without proper approval or authorization from the relevant authorities. In response to this issue, the Ministry of Road Transport and Highways issued a letter on November 29, 2017, instructing the testing agency to address the matter. (Copy of the MoRTH letter dated 29.11.2017, Annexure - 15)

It is pertinent to mention here that both the petitioner and respondent no. 4 have knowledge of the rulings outlined in (2005) 1 SCC 679, (2011) 14 SCC 273, (2016) 14 SCC 72, the order dated 19.04.2023 from the High Court of Odisha, the order dated 01.03.2021 from the Court of Madras in W.P (C) No.4139 of 2021, and the accurate interpretation of G.S.R 640 (E) issued on 18.08.2022. These judgments indicate that possessing TAC under Rule 126 alone does not authorize them to supply and affix HSRP as possessing TAC is just a pre requisite for manufacturing of HSRPs and not for supply and affixation of the same. However, despite being aware of these facts and rulings, the petitioner and respondent no. 4 concealed them from the Hon'ble High Court of Kerala due to which the Hon'ble Court made an error while passing the order dated 13.04.2023.

It is essential to note that in the case of M.C Mehta Vs. UOI and Ors. with reference number W.P (C) 13029/1985, the Hon'ble Supreme Court of India declared in its order dated 10.12.2018 that any dispute regarding the GSR 1162 (E) dated 4th December and a statutory order S.O. 6052 (E) dated 6th December, 2018 can only be addressed in front of the Hon'ble Supreme Court of India. Annexure - 16

That even without considering other factors, the fact that the petitioner is not a dealer and his business partner (referred to as respondent no.4) possesses a Type Approval Certificate (TAC), shall be considered by the Hon'ble Court to issue a writ of mandamus directing the state government to allow him to supply and affix the High-Security Registration Plate (HSRP) without requiring any authorization or permission from the state government would be in violation of the judgments passed by the Hon'ble Supreme Court of India. The HSRP order of 2018, and the basic principles of law, which prohibit carrying out any activities listed in the 7th schedule under list 1 and 2 and the concurrent list of the Indian Constitution.

It appears that the petitioner and respondent no.4, who possess the TAC, have a vested business interest and have misled this Hon'ble Court by showing that possessing a TAC entitles them to carry out this business, which is otherwise restricted as per the HSRP order of 2018 and the directions of the Hon'ble Supreme Court of India. Therefore, the order, particularly the directions in para 12, 13(a), and the consequential direction 13(b), are completely violative of the judgments passed by the Hon'ble Supreme Court of India.

In light of the above mentioned facts and judgments of the Hon'ble Supreme Court of India, We request your good self to refrain yourself from consideration of any representation, taking decision, passing any order or any authorization as per the direction made vide order dated 13.04.2023 by the Hon'ble High court of Kerala at Ernakulam in the matter WP(C) NO. 35549 of 2022 as the said directions made are

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in contrary to the judgments passed by the Hon'ble Supreme Court of India and the guidelines passed by Ministry of Road Transport and Highways (MORT&H).

Yours Faithfully

For All India Motor Vehicle Security Association

Sanjay Ganjoor

Sanjay Ganjoor
President

Encl: Above mentioned Annexures

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20 JUL 2023

No. RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport & Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi - 110001

Dated, the 14 July, 2023

To,

i. Principal Secretaries/ Secretaries (Transport) of all States/ UTs;
ii. Transport Commissioners of all States/ UTs.

Subject: Penalisation of vehicles not having High Security Registration Plates (HSRP).

Madam/Sir,

This Ministry, vide GSR 221(E) dt 28.03.2001 amended rule 50, which governs the form and manner of display of registration marks on the motor vehicles, mandating the fixing of security license plates. The HSRP scheme is imperative to the country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and in prevention of tampering and counterfeiting. Considering the significant role of HSRP from enforcement and security standpoint, it is imperative that vehicles be fitted with HSRP at the earliest.

2. As per clause (v) of sub-rule (1) of rule 50 of CMV Rules, 1989, The HSRPs with all the requisite specifications-

a. for a new vehicle, shall be issued by the registering authority of vehicle manufacturers and their dealers and;
b. for existing old registered vehicle, shall be issued by registering authority,
or
vehicle manufacturers and their dealer, o r by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

3. It has been brought to the notice of this Ministry that some States/UTs are yet to notify authorised vendors for HSRP for their respective State/UT, in line with para 2. It is requested that the details of the HSRP vendors notified in respective States/UTs till date may please be submitted to this Ministry at comments-morth@gov.in, latest by 31.07.2023.

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4. However, it is advised that till such time a particular State/UT issues the notification authorising HSRP vendors, vehicles of that State/UT may not be penalized on account of lack of HSRP while plying in/through other States/UTs.

This issues with the approval of the Competent Authority.

Yours faithfully,

(Dr. Piyush Jain)
Director (MVL)
Tel: 011-2371 4974
Email: director-morth@gov.in

Copy to -

SIAM- Please forward the details of HSRP vendors which are authorized to fix HSRP on vehicles registered on or after the 1st day of April, 2019 State/UT wise, OEM wise and date wise.

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MIT2/13/2017-TC

I/141407/2023

MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **04-08-2023**

From: Transport Commissioner
Kerala

To: Secretary To Transport
Transport (B) Department
Government Secretariate
Thiruvananthapuram

Sir,

Sub:- Motor Vehicles Dept- Fitment of High Security Number Plates on old vehicles registered prior to 2019 Reg

Ref:- 1. This office letter of even number dated 08/06/2022
2. Letter Number B2/349/2022 /Trans Dated 08/03/2023

Kind attention is invited to the references cited. Vide reference 1st cited, various options to be adopted for the fitment of High Security Number Plates in old vehicles were furnished to Government. Vide reference 2nd cited Government has requested to suggest any further or fresh option to implement the scheme for installation of High Security Number Plates on old vehicles. A committee was constituted in this regard and no further suggestions received from the committee. Hence it is informed that there is no further option is being offered and can select any of the options already submitted to Government.

It is also informed that in letter No.RT-11036/99/2020-MVL dtd 14.07.2023, MoRTH has informed that the High Security Number Plates on old vehicles shall be issued by

☐☐ a)Registering Authority
☐ ☐b) Vehicle Manufacturer and their dealers
☐ ☐c) License plate manufacturers or their dealers approved by the State Govt.

MoRTH has also requested to furnish the details of HSRP vendors notified by the State Govt. This is for your kind information.

Yours faithfully

K MANOJKUMAR
JOINT TRANSPORT COMMISSIONER & SECRETARY STA

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

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GOVERNMENT OF KERALA

Transport (B) Department

No.B2/349/2022-Trans. 24-09-2023,Thiruvananthapuram

From

Secretary to Government

To

Advocate General, Kerala
Eranakulam

Sir,

Sub: Transport Department-Fitment of HSRP in vehicles registered prior to 01/04/2019- appeal filed-status report sought for- Reg.

Ref: 1) Judgment dated 13/04/2023 of the Hon'ble High Court of Kerala in WP(C)No.35549 of 2022, 10761 of 2022 & 7089 of 2023.

2) Interim order dated 29/05/2023 of the Hon'ble High Court of Kerala in WA No.999/2023

I am to invite your attention to the references cited and to request you to furnish the present status of the writ appeal filed against the order dated 13/04/2023 of the Hon'ble High Court of Kerala in WP(C)No.35549 of 2022, to Government by return itself.

Yours Faithfully,
CHITHRALEKHA R G
UNDER SECRETARY
For Secretary to Government.

Approved for Issue,

Section Officer.

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Secy (Trans)

सत्यमेव जयते

Please forward

Chief Secretary

Adv. A.M. ARIFF

Member of Parliament (Lok Sabha) Alappuzha, Kerala

Member : Standing Committee on Housing and Urban Affairs | Consultative Committee on Culture and Tourism

ALP/MP/471/2023 17.08.2023

ചീഫ് സെക്രട്ടറി
കേരള സർക്കാർ

പ്രിയപ്പെട്ട ചീഫ് സെക്രട്ടറി,

ആൾ ഇന്ത്യ മോട്ടോർ വെഹിക്കിൾ സെക്യൂരിറ്റി അസീസിയേഷൻ സമർപ്പിക്കുന്ന നിവേദനമാണ് ഈ കത്തിനോടൊപ്പമുള്ളത്. 01.04.2019നു മുൻപ് രജിസ്റ്റർ ചെയ്തിട്ടുള്ള എല്ലാ മോട്ടോർ വാഹനങ്ങൾക്കും ഹൈ സെക്യൂരിറ്റി രജിസ്ട്രേഷൻ പ്ലേറ്റ് (HSRP) ഘടിപ്പിക്കുന്നതു സംബന്ധിച്ച് കേന്ദ്ര സർക്കാർ പുറത്തിറക്കിയിട്ടുള്ള നിർദ്ദേശം സംസ്ഥാനത്ത് നടപ്പിലാക്കുന്നതുമായി ബന്ധപ്പെട്ടാണ് ഈ നിവേദനം സമർപ്പിക്കുന്നത്. മനസ്സിലാക്കിയിടത്തോളം, മോട്ടോർ വാഹനങ്ങളുടെ സുരക്ഷ് ഉറപ്പാക്കുന്നതോടൊപ്പം സംസ്ഥാന സർക്കാരിന് വരുമാനം ലഭിക്കുന്നതിനും ഈ പദ്ധതി നടപ്പിലാക്കുന്നതിലൂടെ സാധിക്കും എന്നാണ് മനസ്സിലാക്കുന്നത്. ആയതിനാൽ പദ്ധതി സംസ്ഥാനത്തു നടപ്പാക്കുന്നതിനുള്ള സാധ്യതകൾ പരിശോധിച്ച് തുടർ നടപടികൾ സ്വീകരിക്കണമെന്ന് താത്പര്യപ്പെടുന്നു

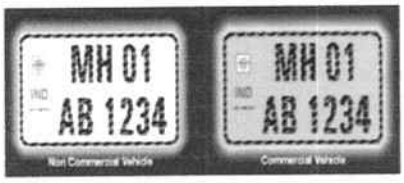
വിശ്വസ്തതയോടെ,

Adv. A.M. ARIFF
Member of Parliament
Lok Sabha
Alappuzha, Kerala

MP Office. Thriuvampady P.O., Alappuzha, Kerela-688 002, Ph : +91 477 2230665, Fax : +91 477 2950665
Delhi Address: 408, Vithalbhai Patel House, Rafi Marg, New Delhi-110001, Ph: 011-23313031, Mob: +91 9447260665
Res. Arunyam, Thiruvampady P.O. Alappuzha, Kerela-688 002
E-mail: amariff@gmail.com / alappuzhamoffice@gmail.com / am.ariff@sansad.nic.in / Web: www.amariff.com

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ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION
[Society registered under Societies Registration Act XXI of 1850]



Date: 18.08.2023

To,
Dr. Venu.V IAS
The Chief Secretary
Room No. 202,
North Sandwich Block, Secretairat
Government of Kerala
Thiruvananthapuram,
Kerala - 695001

Subject: Request to issue an order with regard to implementation the project of High Security Registration Plates (HSRP) Project onto the old vehicles (registered prior to 01.04.2019) for the State of Kerala through OEM/dealers model as per mandate of HSRP Order 2018 (S.O 6052(E) dated 06.12.20218) as is already done by the State Government of Uttar Pradesh, Madhya Pradesh, Odisha, NCT of Delhi, Andaman, West Bengal, Himachal Pradesh, Uttarakhand, Sikkim.

Ref: Letter dated 14th July 2023 issued by Ministry of Road Transport and Highways.

Dear Sir,

1. We all India Motor Vehicle Security Association (AIMVSA) comprising of Type Approved HSRP manufacturers as our members writes this letter in reference to the letter /circular dated 14th July 2023 issued by the Ministry of Road Transport and Highways with regard to implementation of HSRP not only for the new vehicles but importantly onto the old vehicles (registered prior to 01.04.2019).

2. That Ministry of Road Transport and Highways vide its letter /circular dated 14th July 2023 has stated that the HSRP scheme is imperative to the Country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicle plying on the roads and in prevention of tampering and counterfeiting. Considering the significant role of HSRP from enforcement and security standpoint, it is imperative that the vehicles be fitted with HSRP at the earliest and have stated as below:-

   (a) For a new vehicle, shall be issued by the registering authority of vehicle manufacturers and their dealers and:
   (b) For existing old registered vehicle, shall be issued by registering authority,
   Or

45, Ist Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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Vehicle manufacturers and their dealers, or by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

3. To expedite the implementation of the HSRP categorically for the old vehicles for those states that have still not implemented , the Ministry has directed as below:

"It has been brought to the notice of this Ministry that some State/Ut, are yet to notify authorized HSRP vendors for HSRP for their respective State/UT, in line with Para 2. It is requested that the details of the HSRP vendors notified in respective State/Uts till date may please be submitted to this Ministry at comments-morth@gov.in , latest by 31.07.2023".

Copy of the Letter/ Circular dated 14th July 2023 issued by Ministry of Road Transport and Highways is enclosed and marked as **Annexure-1**

ORDERS ISSUED BY THE STATES/UT's FOR CONVERSION OF OLD VEHICLES THROUGH OEM MODEL

Accordingly we would like to bring to your kind notice with regard to States that have already issued the orders for the implemented the HSRP scheme for the old vehicles through OEM model and is being already implemented successfully. **The states are Odisha, Uttar Pradesh, Madhya Pradesh, NCT of Delhi, Andaman, Uttarakhand, West Bengal, Bihar, Himachal Pradesh and Sikkim.**

Copy of the orders of Odisha, Uttar Pradesh, Madhya Pradesh, NCT of Delhi, Andaman, Bihar, Himachal Pradesh and Sikkim for old vehicles conversion through OEM model are enclosed and marked as Annexure-2, 3,4,5,6,7,8 and 9

GIST AND EXTRACTS OF NOTIFICATIONS AND CIRCULARS ISSUED BY MORT&H WITH REGARD TO THE HSRP PROJECT:-

A. It is submitted that on 04.12.2018 and 06.12.2018 vide Gazette Notification bearing number 1162(E) and S.O No. 6052 (E) respectively, the Ministry of Road Transport and Highways amended the Rule 50 of CMVR 1989 and HSRP Order 2001. Through the said notification and S.O, Ministry bestowed the responsibility of HSRP to the vehicle manufacturing companies/OEMs and their dealers for the vehicle manufactured onwards 01.04.2019, and there shall be no additional charge for the same, **whereas for the vehicles manufactured prior to 01.04.2019, the OEM/ their authorized dealers and additionally the State Government has**

45, I[st] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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been bestowed with the responsibility for the conversion of all old vehicle into HSRP.. Below is the relevant clause of S.O no. 1162(E) dated 06.12.2018:-

5. (i) ***For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon***.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark. ***(Copy of* S.O No. 6052 (E) dated 06.12.2018 is attached-Annexure-10)**

B. That Ministry of Road Transport and Highways issued an office Memorandum on 04.10.2019 along with MOM dated 24.09.2021 wherein at Para 10 Ministry of Road Transport and Highways empowered the state Government to take decision with regard to implementation of HSRP for old vehicles either through OEM model or through HSRP manufacturer through tender. The relevant extract is mentioned below

"For the issue of providing and fixation of HSRP on existing vehicles, Js (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 2011, state Government has to take a decision that either the HSRP plates be supplied through authorised OEMs dealers or select HSRP manufacturers". **Copy of Memorandum on 04.10.2019 along with MOM dated 24.09.2021 is enclosed-Annexure-11**

C. The instructions so stated were further notified in the GSR 104 (E) dated 11.02.2020 at Point Number 2 (d).:

"...and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers *or by the approved license plate manufacturers or their dealers. Further approved license plate manufacturers or their dealers was substituted with* approved license plate manufacturers or their dealers approved by State Government or Union Territory Administration. *(Copy of* **GSR 104 (E) dated 11.02.2020 and 18.08.2022 are attached-Annexure-12, 12a)**

WHY OEM MODEL FOR OLD VEHICLE CONVERSION INTO HSRP:-

1. Speedy conversion of old vehicles into HSRP.
2. No chance of litigations or challenge in the court of law.
3. No needs for price discovery as prices are already settled with the OEMs.
4. Responsibility shall be with OEMs, their dealers and their approved/authorized Type approved HSRP Vendors.
5. Online HSRP booking, Customer need not require to visit RTOs/DTOs for booking HSRP and thereafter for fitment.
6. Fitment at customers nearest dealers Point, no Involvement of RTOs or its space for the purpose of Booking and fitment.
7. Is already being implemented successfully in **Odisha, Uttar Pradesh, Madhya Pradesh, NCT of Delhi, Andaman, West Bengal, Uttarakhand, Bihar, Himachal Pradesh and Sikkim.**

HON'BLE SUPREME COURT DIRECTIONS WITH REGARD TO HSRP PROJECT : PROHIBITING EMPANELMENT PROCESS:

It is submitted that the method of empanelment of multiple HSRP vendors that was adopted by the states of Jharkhand, Bihar, and the Union Territory of Chandigarh was immediately turned down by the Hon'ble Supreme Court of India vide its judgment dated 30.08.2011 in W.P(c) 510 of 2005, so that the objective of the HSRP scheme is not defeated. The extracts of the **Judgment dated 30.08.2011 in W.P(C) 510 of 2005, titled "M.S Bitta Vs. UOI and Ors"- Which restricts** empanelment of multiple HSRP vendors by the State authority is herein below:-

> 6. ***"Then there is a second category of U.T./States i.e., the U.T. of Chandigarh and the States of Jharkhand and Bihar which have not followed the procedure for selection and have approved certain vendors with "Type Approval Certificate (TAC) from the Central Government, who would be permitted to affix the HSRP at own premises or at the office of the RIO. As we have indicated, this is not in compliance with the directions of the scheme and provisions of the Motor Vehicles Act, 1988. If these States are permitted to adopt their own procedure, then it is bound to defeat the very purpose of security and uniform affixation of HSRP all over the county. Hence, this be permitted as it would defeat the entire exercise undertaken by this Court over number of years.***

45, 1st Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
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Copy of the order dated 30.08.2011 passed by the Hon'ble Supreme Court of India is enclosed-Annexure-13

WHY HON'BLE SUPREME COURT OF INDIA PROHIBHITED EMPANELMENT PROCESS OR AUTHORIZING MULTIPLE HSRP MANUFACTURERS BY THE STATE /UT GOVERNMENT:

As it may jeopardize the entire project and lead to the following disadvantages and defeat the objective of HSRP project:-

A. Flooding of multiple HSRPs for same registration numbers of same vehicles, same brands within a State/UT.
B. Objective of the HSRP scheme shall be defeated completely.
C. Violation of the Hon'ble Supreme Court Judgment and its directions given in W.P © 510 of 2005.
D. Invitation to crime and criminal activities.
E. Non updation of Laser codes of HSRP's to Vahan.
F. Responsibility / accountability cannot be fixed.

In light of the above-mentioned facts, judgments ***the State of Kerala to implement the scheme of HSRP onto the old vehicles in a speedy manner and without any legal hassle, needs to implement the scheme through OEM model as has been done by*** NCT of Delhi, State of Odisha, Uttar Pradesh, Madhya Pradesh, Bihar, Himachal Pradesh, Andaman, Uttarakhand, Sikkim, West Bengal.

Thanking You

Sanjay Ganjoor

Sanjay Ganjoor

President-All India Moor Vehicle Security Association

45, I[st] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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Annexure 1

No. RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport & Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi - 110001

Dated, the 14 July, 2023

To,

i. Principal Secretaries/ Secretaries (Transport) of all States/ UTs;
ii. Transport Commissioners of all States/ UTs.

Subject: Penalisation of vehicles not having High Security Registration Plates (HSRP).

Madam/Sir,

This Ministry, vide GSR 221(E) dt 28.03.2001 amended rule 50, which governs the form and manner of display of registration marks on the motor vehicles, mandating the fixing of security license plates. The HSRP scheme is imperative to the country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and in prevention of tampering and counterfeiting. Considering the significant role of HSRP from enforcement and security standpoint, it is imperative that vehicles be fitted with HSRP at the earliest.

2. As per clause (v) of sub-rule (1) of rule 50 of CMV Rules, 1989, The HSRPs with all the requisite specifications-

a. for a new vehicle, shall be issued by the registering authority of vehicle manufacturers and their dealers and;
b. for existing old registered vehicle, shall be issued by registering authority,
or
vehicle manufacturers and their dealer, o r by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

3. It has been brought to the notice of this Ministry that some States/UTs are yet to notify authorised vendors for HSRP for their respective State/UT, in line with para 2. It is requested that the details of the HSRP vendors notified in respective States/UTs till date may please be submitted to this Ministry at comments-morth@gov.in, latest by 31.07.2023.

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4. However, it is advised that till such time a particular State/UT issues the notification authorising HSRP vendors, vehicles of that State/UT may not be penalized on account of lack of HSRP while plying in/through other States/UTs.

This issues with the approval of the Competent Authority.

Yours faithfully,

(Dr. Piyush Jain)
Director (MVL)
Tel: 011-2371 4974
Email: director-morth@gov.in

Copy to -

SIAM- Please forward the details of HSRP vendors which are authorized to fix HSRP on vehicles registered on or after the 1st day of April, 2019 State/UT wise, OEM wise and date wise.

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Annexure 2

OFFICE OF THE TRANSPORT COMMISSIONER-CUM-CHAIRMAN, STATE TRANSPORT AUTHORITY, ODISHA, CUTTACK.

No.LX-168/2019(Tech.) 7058 /TC, Dated: 24-05-2022

ORDER

Sub: Affixation of High Security Registration Plates (HSRP) with third registration mark on old vehicles registered prior to 01.04.2019.

Rule 50 of CMV Rules, 1989 prescribes for fixation of High Security Registration Plates (HSRP) and third registration mark on motor vehicles. In this connection and with reference to the Central Government amended Rule 50 of CMVR and Notifications/Statutory Orders from Ministry of Road Transport & Highways dated 4.12.2018 and 6.12.2018 and 11.02.2020 with respect to affixing HSRP for old vehicles registered prior to the 01.04.2019, it has been decided by the State Govt. that :

- To control and check the substandard material, only OEMs / Authorized dealers of OEM will be allowed to fix the HSRP on the old vehicles.
- The OEM/ Authorized dealers of OEM shall ensure that only authorized and type approved HSRPs as mandated by the Government of India are affixed on the old vehicles, which shall be verified by the Transport officials, time to time.
- All OEMs/Authorized dealers of OEMs will be allowed to fix HSRP on old vehicles of any make.
- Vehicle owners will be given at least 3 months' time from the date of issue of this order to fix the HSRP on old vehicles before enforcement is undertaken by the Transport Department officials/Police officials.

Following guidelines are to be adhered regarding affixation of HSRP on old vehicles.

1. HSRP would be affixed by the vehicle manufacturers (OEMs) and their Authorized dealers only. Only the HSRP vendor authorized by the vehicle

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manufacturers (OEMs) shall supply the HSRPs only to their authorized dealers. Affixation of HSRP on old vehicles shall be carried by authorized dealers of OEMs.

2. The vehicle owner shall book for fitment of HSRP and make payment for the purpose through online portal authorized by the OEM to maintain the transparency and to prevent excess chargingfrom the vehicle owners. The portal authorized by the OEMs shall offer the facility to the vehicle owner for selection of any dealer, location and date for affixing of HSRP as per his convenience.

3. The portal authorized by the OEM shall have the capability to inform the vehicle owner status of the order placed for fitment of HSRP through SMS.

4. The OEMs or its authorizeddealers shall display board at a conspicuous place at their showroom indicating charges to be paid by the vehicle owner for affixation of HSRP and alsoon the HSRP portal to maintain transparency at all times.

5. The OEMs or its authorizedvendor/dealer may offer the services to the vehicle owners for fitment of the HSRP where the owner resides or has his place of business on payment of extra charges subject to willingness of the vehicle owner.

6. The OEMs or its authorized dealers after affixing the HSRP on the vehicle shall ensure that the laser code is updated in VAHAN portal.

7. The vehicle not having valid Registration Certificate and Fitness Certificate (for Transport Vehicle)and the vehicles having arrear tax due shall not be allowed to affix HSRP by OEMs or its authorised dealers. The OEMs shall customizetheir portal accordingly.

Timeline for affixing HSRP:

A. For all class of vehicles registered prior to 1st April, 2019, the vehicle owners shall have to take necessary steps to get the HSRP affixed on their vehicle as per timeline given below.

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Sl. No.	All vehicles	Dateline by which HSRP shall be fitted.
1.	Vehicles carrying Odisha Registration mark and registration number ending with 1 and 2	31st August, 2022
2.	Vehicles carrying Odisha Registration mark and registration number ending with 3 and 4	30th Sept., 2022
3.	Vehicles carrying Odisha Registration mark and registration number ending with 5 and 6	31st Oct., 2022
4.	Vehicles carrying Odisha Registration mark and registration number ending with 7 and 8	30th Nov., 2022
5.	Vehicles carrying Odisha Registration mark and registration number ending with 9 and 0	31st Dec., 2022

B. No e-challan shall be issued and no fine shall be collected or no penal action shall be taken against any old vehicle registered prior to 1st April, 2019 for plying vehicles without HSRP till 31.08.2022. After that challans will be issued in accordance with the last date given in the para A above for various series of vehicle nos. e.g. vehicles carrying Odisha Registration mark and registration number ending with 1 and 2 will be liable for challan from 01.09.2022 if they are fail to affix HSRP.

However, to avoid last minute rush, vehicle owners should be encouraged / sensitized to affix HSRP on their vehicles as soon as possible but not later than the above schedule. In case the vehicle is not affixed with HSRP within the scheduled date mentioned above, e-challan shall be issued against the offending vehicleand attract fine of Rs. 5000/- or Rs.10,000/- under Section 192 of M.V. Act, 1988 as the case may be.

C. Legal action shall be initiated against Dealers / any other person found to be selling and supplying HSRPs in the State without being authorized by the OEMs.

All Regional Transport Officers are instructed to comply with the above order to ensure that HSRP are fitted on all motor vehicles registered prior to 01.04.2019 in a

seamless manner. They are directed to convene meeting with the all dealers functioning under their jurisdiction to sensitize them about the modalities for fitment of HSRP on old vehicles within the scheduled date.

Transport Commissioner
Odisha

Memo No. 7059 dated 26-05-2022

Copy to the Principal Secretary to Government, Commerce and Transport Department for favor of information.

Transport Commissioner
Odisha.

Memo No. 7060 dated 26-05-2022

Copy to the D.G. & I.G. of Police, Odisha, Cuttack for favor of information.

Transport Commissioner
Odisha.

Memo No. 7061 /TC dated 26-05-2022

Copy to all Collector & District Magistrates/ All Superintendents of Police/ all DCPs, Bhubaneswar- Cuttack / all DCTs / all RTOs / Addl. RTO, Barbil / Rairangpur/ Asst. RTO, Khurda for information and necessary action.

Transport Commissioner
Odisha.

Memo No. 7062 /TC dated 26-05-2022

Copy to all Senior Officers of STA / Standing Counsel (Transport) / Addl. Standing Counsel (Transport) for information and necessary action.

Copy to Computer Cell, STA / Communication Cell, STA for information and necessary action and to host in the website/ twitter/ face book.

Transport Commissioner
Odisha.

Annexure 3

OFFICE OF THE TRANSPORT COMMISSIONER

UTTAR PRADESH

NO. 45/Ha.Si/Sa.Pra/2019-38A(8)/2017 Dated: 01 January 2019

1. All the Asstt. Regional Transport Officers (Admin), Uttar Pradesh.

Sub: in regard to Install the High Security Registration Plate in present vehicles:

permission was granted by Road Transport and Highway Ministry, Government of India, in order to Government Order No. 4176/30-3-2019-123M/2017, dated 19.10.2019 (copy attached), under the provisions existed in Clause-4 of Ka.Aa. 6052(A) dated 06.12.2018 issued in connection to install high security plate with Third Registration Sign in the in present vehicles.

In connection to install high security plate with Third Registration Sign on the present vehicles through dealer of related vehicle manufacturer, in view of permission received vide Government Order No. 4789/30-3-2019-125M/2017, dated 28.11.2019 following process has been prescribed:

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1. Every dealer and vehicle manufacturing companies will ensure to comply strictly the guidelines given order No. A 6062(a) dated 06.12.2018 issued by Road Transport and Highway Ministry, Government of India in relation to install High Security Registration Plate with Third Registration Sign.
2. To make this process too much effective and transparent the vehicle manufacturer or their dealer will develop online portal, in which the applicant submitting online application to the dealer as per process mentioned in Clause No. 3 to 9 will perform the process to fix High Security Registration Plate with Third Registration Sign in their vehicles.
3. Every vehicle owners will submit online application form in attached format (Annexure-1) to its district dealer of the vehicle manufacturing company in relation to the install High Security Registration Plate with Third Registration Sign in

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their vehicle. If there is any dealership in this District/Janpad then the vehicle owner will submit application to the nearby district dealer. Annexure

4. Vehicle owner will ensure prior to submit application form that no any challan is pending on the vehicle and the registration book of the vehicle is not suspended or cancelled.

5. After receipt of online application form dealer will verify details of the vehicle with the vehicle portal. Dealer in any situation will not raise any demand of format from vehicle owner and on finding the vehicle appropriate he will inform about it to the vehicle owner through the mode of online portal or S.M.S.

6. If details submitted by vehicle owner is not matched with the details available on vehicle software then the information to that effect would be provided immediately to the vehicle owner through the mode of online portal or S.M.S. that he may ensure

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to update details of vehicle visiting to the related transport office and the disputed application would be canceled.

7. On receipt information from vehicle owner about being matched the vehicle details, he will pay the fees payable to the vehicle dealer through online mode. The fees payable will also be demonstrated clearly at the showroom by dealer. Facility will be granted to take print of receipt of fees paid and and application on online portal. Annexure 6

8. After receipt of online fees vehicle owner will select the date on online portal so that the vehicle owner will install high security registration plate on his vehicle visiting to the dealer.

9. Every dealer after installation of plate will upload details related with the High Security Registration Plate on vehicle portal and will grant a copy of which to the vehicle owner. Prior to installation of the High Security Registration Plate

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will also made available a signed copy of application form to the dealer also. The dealer will ensure prior installation of High Security Registration Plate that the application received for which the vehicle, number plate should also be fixed on the same vehicle means dealer on submission of vehicle he will fix the High Security Registration Plate only after matching the engine number and chasis number.

Annexure 6

10. Every dealer will use High Security Registration Plate with Third Registration Sign made available by the vehicle manufacturer.

11. Proceeding from the receipt of applciaiton till the fixation of High Security Registration Plate on vehicle will only be done by online portal. No any dealer will act on manual application.

Every Asstt. Regional Transport Officer (Admin) acquainting the dealer with the entire process by holding a meeting of dealers of their own

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district, so compliance of this process could be ensured.

Sd/-
(Dhiraj Sahu)
Transport Commissioner
Uttar Pradesh

NO. 45(1)/H.S/Co.Se/2019 even dated:

Cc to the following for information and necessary action:

1. For information to the Chief Secretary, Transport, Government of Uttar Pradesh in reference to the Government Order 4176/30-3-2019-125M/2017, dated 20.10.2019
2. Directors(MVL) Road Transport and Highway Ministry, Government of India, New Delhi.
3. All the Vehicle Manufacturing Compnanies, Uttar Pradesh C/o Society of Indian Automobile Manufacturers, New Delhi.
4. All the Addl. Transport Commissioner, Uttar Pradesh.
5. All the Dy. Transport Commissioner (Regional) U.P.
6. All the Regional Transport Officer Uttar Pradesh.
7. To Asstt. Regional Transport Officer for purpose to update on website.
8. Guard File

Sd/-
(A K Pandey)
Addl.Transport Commissioner (Reenue)
Uttar Pradesh

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(Annexure-1)

1	Name of vehicle owner	
2	Address of vehicle owner	
3	Registration No. of vehicle	
4	Mob. No.	
5	E-mail	
6	Type of Vehicle: 1. Motorcylce 2. Light Motor Car/Geep 3. E-Rickshaw 4. Three wheeler passenger vehicle 5. Three wheeler goods vehicle 6. Light goods vehicle (upto 7.5 GBW) 7. Medium Goods Vehicle (upto 12 ton GBW) 8. Heavy Vehicle (more than 12 ton GBW) 9. Bus 10. Tractor 11. Crane 12. Other	
7	Vehicle Chesis No.	
8	Vehicle Engine No.	
9	Type of Vehicle Engine: 1. Petrol 2. Diesel 3. C.N.G. 4. L.P.G. 5. ELECTRIC 6. Other	

Signature of Vehicle Owner

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Annexure 4

कार्यालय परिवहन आयुक्त, मध्यप्रदेश, ग्वालियर

क्रमांक 59 / टीसी / 2023 भोपाल, दिनांक 06/7/2023

—आदेश—

सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार द्वारा निर्गत अधिसूचना सं.—सा.का.नि. 1162(अ), दिनांक 04.12.2018 सह—पठित—अधिसूचना संख्या—का.आ.6052(अ), दिनांक 06.12.2018 सह—पठित अधिसूचना संख्या—का.आ.1018(अ), दिनांक 25.02.2019 के प्रावधानों के आलोक में दिनांक 01.04.2019 से पूर्व या उसके बाद निर्मित वाहनों में संबंधित वाहन निर्माता एवं उनके डीलरों को HSRP तीसरे रजिस्ट्रेशन सहित लगाने का निर्देश दिया गया है। दिनांक 01.04.2019 के बाद निर्मित वाहनों में मोटरयान विनिर्माताओं / अधिकृत डीलरों द्वारा HSRP लगाया जा रहा है।

उपर्युक्त के क्रम में दिनांक 01.04.2019 के पूर्व निर्मित वाहनों पर HSRP लगाये जाने हेतु भी वाहन विनिर्माता एवं उनके डीलरों को प्राधिकृत किया जाता है एवं HSRP लगाये जाने हेतु निम्नलिखित प्रक्रिया निर्धारित की जाती है:—

1— मध्यप्रदेश के अंतर्गत कार्य करने वाले प्रत्येक वाहन के निर्माता कंपनियों एवं उनके अधिकृत डीलरों के द्वारा HSRP एवं तीसरे रजिस्ट्रेशन चिन्ह के संबंध में सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार द्वारा निर्गत उपर्युक्त अधिसूचनाओं में दिए गये निर्देशों का अक्षरशः अनुपालन सुनिश्चित किया जायेगा।

2— इस प्रक्रिया को अधिक प्रभावी एवं पारदर्शी बनाने के लिए वाहन निर्माता अथवा उनके अधिकृत डीलरों द्वारा ऑनलाईन पोर्टल विकसित किया जायेगा, जिसमें आवेदक डीलर को ऑनलाइन आवेदन प्रस्तुत कर अपने वाहन में हाई सिक्योरिटी रजिस्ट्रेशन प्लेट Affix कराने का अनुरोध करेगा एवं इस हेतु स्लॉट बुक करने की सुविधा विनिर्माता / अधिकृत डीलर के द्वारा उपलब्ध करायी जायेगी।

3— प्रत्येक वाहन स्वामी, जिस कंपनी का वाहन है, उसके किसी भी डीलर को अपने वाहन पर तीसरे रजिस्ट्रेशन चिन्ह सहित हाई सिक्योरिटी रजिस्ट्रेशन प्लेट लगाने के संबंध में निर्धारित प्रारूप में ऑनलाइन आवेदन पत्र प्रस्तुत करेगा।

4— डीलर द्वारा पुराने वाहनों पर HSRP हेतु देय फीस की सूचना स्पष्ट रूप से अपने शोरूम में प्रदर्शित करेंगे एवं उससे अधिक राशि वे इस हेतु नहीं लेंगे।

5— ऑनलाइन आवेदन प्राप्त होने के पश्चात् डीलर वाहन के विवरण का सत्यापन वाहन 4.0 पोर्टल से करेगा। वाहन का विवरण सॉफ्टवेयर से मिलान करने एवं अभिलेख उपर्युक्त पाये जाने पर ऑनलाइन पोर्टल तथा एस.एम.एस. के माध्यम से वाहन स्वामी को इसकी सूचना देगा। विवरण मैच नहीं होंगे तो इस आशय की सूचना डीलर द्वारा वाहन स्वामी को ऑनलाइन पोर्टल तथा एस.एम.एस. के माध्यम से देगा तथा प्रश्नगत आवेदन पत्र निरस्त कर दिया जायेगा। आवेदक की जिम्मेवारी होगी कि वे अपने वाहन का विवरण अपडेट करायें।

6— प्रत्येक डीलर वाहन पर प्लेट Affix करने के पश्चात् वाहन—4.0 पोर्टल पर हाई सिक्योरिटी रजिस्ट्रेशन प्लेट से संबंधित Laser Code सहित विवरण को अपलोड करेगा तथा उसका प्रिन्ट आउट सुरक्षित रखेगा।

निरंतर.....02

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7- वाहन-4.0 पोर्टल पर हाई सिक्योरिटी रजिस्ट्रेशन प्लेट से संबंधित Laser Code सहित विवरण को अपलोड करने एव इससे संबधित रिपोर्ट प्राप्त करने हेतु सॉफ्टवेयर में आवश्यक व्यवस्था NIC द्वारा की जायेगी।

8- प्रत्येक डीलर वाहन निर्माता द्वारा उपलब्ध कराये गये Type Approved हाई सिक्योरिटी रजिस्ट्रेशन प्लेट एवं तीसरे रजिस्ट्रेशन चिन्ह का ही प्रयोग करेगा। परिवहन विभाग के अधिकारियों द्वारा Authorised testing agency से जांच करायी जा सकेगी।

9- परिवहन विभाग के अधिकारियो द्वारा अपने क्षेत्रांतर्गत उक्त कार्य का मॉनिटरिंग किया जायेगा एवं डीलर द्वारा उपरोक्त निर्देश का अनुपालन नहीं होने तथा किसी गलत कार्य अथवा वाहन विनिर्माता की अनुमति के बिना एचएसआरपी लगाये जाने पर दंडात्मक कार्यवाही की जा सकेगी।

10- प्रत्येक डीलर हाई सिक्योरिटी रजिस्ट्रेशन प्लेट Affix करने से पूर्व यह सुनिश्चित करेगा कि जिस वाहन के लिए आवेदन प्राप्त हुआ है, नंबर प्लेट भी उसी वाहन पर फिक्स की जाए अर्थात् डीलर वाहन प्रस्तुत होने पर चैसिस एवं इंजन नंबर के मिलान करने के पश्चात् ही हाई सिक्योरिटी रजिस्ट्रेशन प्लेट लगायेगा।

11- समस्त शासकीय वाहनों में आगामी 6 माह में HSRP लगाना सुनिश्चित किया जावे।

12- शासकीय विभागों में अनुबंध पर लिए जाने वाले वाहनों में भी 6 माह में HSRP लगाया जाना सुनिश्चित करें।

प्रत्येक जिला परिवहन अधिकारी अपने जिलों के डीलरों की बैठक कर उन्हें पूरी प्रक्रिया से अवगत कराते हुए इस आदेश की प्रति उन्हें प्राप्त करा दे एवं इसका क्रियान्वयन सुनिश्चित कराये।

6/7

(संजय कुमार झा)
परिवहन आयुक्त
मध्यप्रदेश

पृष्ठा. क्रमांक 59 / टीसी / 2023 भोपाल, दिनांक 06/7/23

प्रतिलिपि:-

1-प्रमुख सचिव, परिवहन विभाग, मंत्रालय, वल्लभ भवन, भोपाल की ओर चर्चानुसार सूचनार्थ प्रेषित। कृपया शासकीय विभागों के वाहनों में HSRP लगाए जाने हेतु निर्देश प्रसारित किए जाने हेतु अनुरोध है।

2-अपर परिवहन आयुक्त (प्रवर्तन), मध्यप्रदेश, मुख्यालय ग्वालियर की ओर सूचनार्थ ।

3-संयुक्त परिवहन आयुक्त (प्रशा./वित्त), मध्यप्रदेश, मुख्यालय ग्वालियर की ओर सूचनार्थ ।

4-समस्त क्षेत्रीय उप परिवहन आयुक्त की ओर सूचनार्थ।

निरंतर.....03

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Annexure 6

5–क्षेत्रीय परिवहन अधिकारी, जबलपुर– अतिरिक्त महाधिवक्ता,जबलपुर को रिट पिटीशन 7436/21 के संदर्भ में प्रति उपलब्ध कराने हेतु।

6–समस्त क्षेत्रीय/अति.क्षेत्रीय/जिला परिवहन अधिकारी की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

7– तकनीकी निदेशक, एनआईसी परिवहन मुख्यालय, ग्वालियर की ओर सूचनार्थ एवं वाहन 4.0 पोर्टल से आवश्यक इंटीग्रेशन हेतु।

8–The President, Society of Indian Automobile Manufactures (SIAM), Core 4-B, 5th Floor, India Habitat Center, Lodhi Road, New Delhi-110003, email: siam@siam.in

9– श्री महेश मल्होत्रा(सी.ई.ओ.) मेसर्स लिंक उत्सव ऑटो सिस्टम प्रा.लि.– दिनांक 23.07.2021, 24.08.2022 एवं समय–समय पर Foreclosure के प्रस्ताव एवं सडक परिवहन और राजमार्ग मंत्रालय, भारत सरकार द्वारा अधिसूचना दिनांक 06.12.2018 की कंडिका 4 एवं पत्र क्रमांक RT –11036/56/2019–एमव्हीएल, दिनांक 01.09.2021 के अनुक्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु।

परिवहन आयुक्त
मध्य प्रदेश

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Annexure 5

IMMEDIATE

TRANSPORT DEPARTMENT, GOVT. OF NCT OF DELHI
5/9 UNDER HILL ROAD, DELHI-110 054.

No.DC/OPS/TPT/1321/2018/ 12577 Dated: October 16, 2019

ORDER

1. The Ministry of Road Transport & Highways, Govt. of India vide G.S.R. 1162(E) dated 04.12.2018 and S.O. 6052(E) dated 06.12.2018 notified that vehicle manufacturer shall comply with the procedure in regard to High Security Registration Plate (HSRP) including the third registration mark, for a new vehicle to be sold on or after 1st April, 2019. In the said notification dated 06.12.2018, it was also notified that:-

(i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

2. The Environment Pollution (Prevention & Control) Authority (EPCA) and the Hon'ble Supreme Court are also monitoring the progress of affixation of colour stickers in WPC No.13029/1985 titled M.C. Mehta v/s UOI & Others.

3. In the meeting held on 24.09.2019 at 1500 hrs under the chairmanship of Jt. Secretary (MVL) regarding integration of High Security Registration Plates with VAHAN database by vehicle manufacturers, it was *interalia* decided that *'For the issue of providing and fixation of HSRP on existing vehicles, State Government has to take a decision that either the HSRP plates be supplied through authorised OEMs dealers or select HSRP manufacturers'.*

4. Vide GSR 1162 dated 04.12.2018, the following has been prescribed by MoRTH:-

"Provided that the High Security Registration Platte including the third registration mark, wherever required shall be supplied by the vehicle manufacturers alongwith the vehicles manufactured on or after the 1st April, 2019 to their dealers and the dealers shall place a mark of registration on such plates and affix them on the vehicle."

Contd/...

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5. In accordance with the notification of MoRTH, GOI vide GSR 1162 dated 04.12.2018 and order dated 06.12.2018 , it has been decided *for affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.* The dealer shall obtain the HSRP and hologram based colour sticker only through authorised source of concerned OEMs in NCT of Delhi and the affixation of HSRP shall be made by using the data through the VAHAN software.

6. The dealers of OEMs shall be required to strictly comply with the notification dated 04.12.2018 and specifications prescribed in S.O.6052 dated 06.12.2018 regarding HSRP and third registration mark / colour stickers.

7. In case of old vehicles already affixed with HSRP, only the hologram based colour stickers will be affixed by the vehicle dealers as per arrangements already made by OEMs.

8. HSRP alongwith hologram based colour stickers shall not be affixed through any other source at all except through the dealers authorised by OEMs.

9. This issues with the prior approval of the competent authority.

16/10/19

(S.S. CHAUHAN)
DY. COMMISSIONER (OPERATIONS)

No.DC/OPS/TPT/1321/2018/ 72577 Dated: October 16, 2019

Copy forwarded for information to:-

1. The Chairman, Environment Pollution (Prevention & Control) Authority (EPCA), Core VIA, 3rd Floor, India Habitat Centre, Lodhi Road, New Delhi-110 003.
2. Director (MVL), Ministry of Road Transport & Highways, GOI, Transport Bhawan, 1 Parliament Street, New Delhi-01.
3. Secretary to Hon'ble Minister (Transport), Delhi Secretariat, I.P. Estate, New Delhi.
4. OSD to Commissioner (Transport).
5. PA to Special Commissioner (Operations)
6. All Dy. Commissioners /MLOs / PCO (HQs).
7. All Motor Vehicle Manufacturers, through Society of Indian Automobile Manufacturers (SIAM), Core 4-B, 5th Floor, India Habitat Centre, Lodhi Road, New Delhi – 110003. *siam@siam.in*
8. Sr. SA for co-ordination with NIC to ensure effective implementation
9. System Analyst for uploading on the website of this department.
10. All Motor vehicle Dealers through Registering Authorities / MLOs.
11. Guard file.

16/10/19

(S.S. CHAUHAN)
DY. COMMISSIONER (OPERATIONS)

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e-mail: rtoani.and@nic.in Ph No.03192-235277

Annexure 6

No.MVD/RMIL/2021/ 590 7

OFFICE OF THE MOTOR VEHICLE DEPARTMENT

Andaman & Nicobar Islands

.....

Port Blair dated 31st August, 2021

To,

M/s. Real Mazon India Limited
304, 3rd Floor, Nirmal Tower,
26, Barakhamba Road,
New Delhi-110001.

Sub: - Winding up/ Closure of project under contract agreement of HSRP affixation in vehicles of A&N Islands Reg.

Ref: Ministry notification no. GSR 1162(E) dated 04.12.2018 and SO 6053(E) dated 06.12.2018

Madam/Sir,

It is to inform that the Govt. Of India (GoI) vide its gazette notification No. GSR 221 E dt 28.03.2001 S.O 814 E dt 22.08.2001, S.O. 938(E) dt 24.09.2001, S.O 1041(E) dt 16.10.2001 and S.O. 499 (E) dt 09.05.2002 had made it mandatory for all vehicles in India to affix with HSRP in the premises of Registering Authority. Accordingly, to comply the order the UT of A&N Islands had selected M/s. RMIL to carry out the manufacture, distribution, sales & affixation of HSRP in this Union Territory of A&N Islands through competitive bidding process executed as contract agreement for implementing the project for a period of 15 years w.e.f. 21.10.2011.

Now, in the recent amendment in Rule 50 of CMVR, 1989 and HSRP order of 2001 from the Ministry of Road Transport & Highways (MoRTH) by way of notification under above reference, the HSRP has to be affixed by the respective OEM/dealers of the vehicles.

By complying with the Ministry's orders as referred above, the automobile dealers have started affixing the HSRP in their premises for the vehicles manufactured by them.

Considering the above, this department intends to wind up the HSRP implement project in the premises under the contract agreement dated 21.10.2011 and requires you to vacate the space provided for Embossing Station within 15 days from the date of receipt of this letter.

This has the approval of competent authority.

Yours faithfully,

30/8/21

Registering Authority

Copy to:

1. The PA to Secretary(Trpt), for kind information of Secretary please.
2. The PA to Director (Trpt), for kind information of DOT please.

30/8/21

Port Blair (A&N Islands)

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Annexure 7

बिहार सरकार
परिवहन विभाग

पत्रांक–02/HSRP –01/2021, परि0 5504 पटना, दिनांक–30/8/2022

प्रेषक,

राज्य परिवहन आयुक्त,
बिहार, पटना।

सेवा में,

सभी जिला परिवहन पदाधिकारी,
बिहार।

विषय :– दिनांक–01.04.2019 के पूर्व निर्मित यानों पर HSRP (हाई सिक्योरिटी रजिस्ट्रेशन प्लेट) लगाये जाने हेतु वाहन विर्निमाता एवं उनके डीलरों को प्राधिकृत किये जाने के संबंध में।

प्रसंग :– इस विभाग का पत्रांक–2385, दिनांक–01.04.2019

महाशय,

निदेशानुसार उपर्युक्त विषयक प्रासंगिक पत्र का संदर्भ लें, जिसके द्वारा सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार द्वारा निर्गत अधिसूचना सं0–सा.का.नि.–1162(अ), दिनांक–04.12.2018 सह–पठित– अधिसूचना संख्या–का.आ.-6052 (अ), दिनांक–06.12.2018 सह–पठित अधिसूचना संख्या–का. आ.1018(अ), दिनांक–25.02.2019 के प्रावधानों के आलोक में दिनांक–01.04.2019 या उसके बाद निर्मित वाहनों में संबंधित वाहन निर्माता एवं उनके डीलरों को HSRP तीसरे रजिस्ट्रेशन सहित लगाने का निदेश दिया गया है।

उपर्युक्त के क्रम में दिनांक–01.04.2019 के पूर्व निर्मित यानों पर HSRP लगाये जाने हेतु वाहन विर्निमाता एवं उनके डीलरों को प्राधिकृत किया जाता है एवं HSRP लगाये जाने हेतु निम्नलिखित प्रक्रिया निर्धारित की जाती है :–

1. बिहार राज्य के अन्तर्गत कार्य करने वाले प्रत्येक वाहन के निर्माता कम्पनियाँ एवं उनके अधिकृत डीलरों के द्वारा HSRP एवं तीसरे रजिस्ट्रेशन चिन्ह के संबंध में सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार द्वारा निर्गत उपर्युक्त अधिसूचनाओं में दिये गये निर्देशों का अक्षरशः अनुपालन सुनिश्चित करेगा।

2. इस प्रक्रिया को अधिक प्रभावी एवं पारदर्शी बनाने के लिए वाहन निर्माता अथवा उनके अधिकृत डीलरों द्वारा ऑनलाईन पोर्टल विकसित किया जायेगा, जिसमें आवेदक डीलर को ऑनलाईन आवेदन प्रस्तुत कर अपने वाहन में हाई सिक्योरिटी रजिस्ट्रेशन प्लेट Affix कराने की अनुरोध करेगा एवं इस हेतु स्लॉट बुक करने की सुविधा विनिर्माता/अधिकृत डीलर के द्वारा उपलब्ध करायी जायेगी ।

3. प्रत्येक वाहन स्वामी, जिस कंपनी का वाहन है, उसके किसी भी डीलर को अपने वाहन पर तीसरे रजिस्ट्रेशन चिन्ह सहित हाई सिक्योरिटी रजिस्ट्रेशन प्लेट लगाने के संबंध में संलग्न प्रारुप (परिशिष्ट–क) में ऑनलाईन आवेदन पत्र प्रस्तुत करेगा ।

4. डीलर द्वारा पुराने वाहनों पर HSRP हेतु देय फीस की सूचना स्पष्ट रुप से अपने शोरुम में प्रदर्शित करेंगे एवं उससे अधिक राशि वे इस हेतु नहीं लेंगे।

5. ऑनलाईन आवेदन प्राप्त होने के पश्चात् डीलर वाहन के विवरण का सत्यापन वाहन 4.0 पोर्टल से करेगा । वाहन का विवरण सॉफ्टवेयर से मिलान करने एवं अभिलेख उपर्युक्त पाये जाने पर ऑनलाईन पोर्टल तथा एस.एम.एस के माध्यम से वाहन स्वामी को इसकी सूचना देगा । विवरण मैच नहीं होने तो इस आशय की सूचना डीलर द्वारा वाहन स्वामी को ऑनलाईन पोर्टल तथा एस.एम.एस के माध्यम से देगा तथा प्रश्नगत आवेदन पत्र निरस्त कर दिया जायेगा। आवेदक की जिम्मेवारी होगी कि वे अपने वाहन का विवरण अपडेट करायें ।

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6. प्रत्येक डीलर वाहन पर प्लेट Affix करने के पश्चात् वाहन–4.0 पोर्टल पर हाई सिक्योरिटी रजिस्ट्रेशन प्लेट से संबंधित Laser Code सहित विवरण को अपलोड करेगा तथा उसका प्रिन्ट आउट सुरक्षित रखेगा ।

7. वाहन–4.0 पोर्टल पर हाई सिक्योरिटी रजिरट्रेशन प्लेट से संबंधित Laser Code सहित विवरण को अपलोड करने एवं इससे संबंधित रिपोर्ट प्राप्त करने हेतु सॉफ्टवेयर में आवश्यक व्यवस्था NIC द्वारा की जायेगी।

8. प्रत्येक डीलर वाहन निर्माता द्वारा उपलब्ध कराये गये Type Approved हाई सिक्योरिटी रजिस्ट्रेशन प्लेट एवं तीसरे रजिस्ट्रेशन चिन्ह का ही प्रयोग करेगा। परिवहन विभाग के पदाधिकारियों के द्वारा Authorised testing agency से जांच करायी जा सकेगी।

9. परिवहन विभाग के पदाधिकारी द्वारा अपने क्षेत्रान्तर्गत उपरोक्त कार्य का अनुश्रवण किया जायेगा एवं डीलर द्वारा उपरोक्त निदेश का अनुपालन नहीं होने तथा किसी गलत कार्य अथवा वाहन विनिर्माता की अनुमति के बिना HSRP लआये जाने पर दंडात्मक कार्रवाई किया जा सकेगा ।

10. प्रत्येक डीलर हाई सिक्योरिटी रजिस्ट्रेशन प्लेट Affix करने से पूर्व यह सुनिश्चित करेगा कि जिस वाहन के लिए आवेदन प्राप्त हुआ है, नम्बर प्लेट भी उसी वाहन पर फिक्स की जाय अर्थात् डीलर वाहन प्रस्तुत होने पर चेसिस एवं इंजन नम्बर के मिलान करने के पश्चात् ही हाई सिक्योरिटी रजिस्ट्रेशन प्लेट लगायेगा।

प्रत्येक जिला परिवहन पदाधिकारी अपने जिलों के डीलरों की बैठक कर उन्हें पूरी प्रक्रिया से अवगत कराते हुए इस आदेश के प्रति उन्हें प्राप्त करा दें एवं इसका क्रियान्वयन सुनिश्चित करायें।

अनुलग्नक–यथोक्त।

विश्वासभाजन

29/8/2

राज्य परिवहन आयुक्त,
बिहार पटना।

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Annexure 8

Government of Himachal Pradesh
Transport Department

Sanjay Sharma 8.5.2020

No.TPT-F(5)-4/2011 Dated: Shimla the 16-04--2020

CIRCULAR

1. In accordance with the notification of the Ministry of Road Transport & Highways, Government of India, vide G.S.R. 1162(E) dated 04.12.2018 and S.O. 6052(E) dated 06.12.2018, it has been decided that for affixation of HSRP on existing vehicles (excluding those vehicles in which HSRPs has been affixed earlier), the high security registration plate including the third registration mark may be supplied and affixed by the dealer of the vehicle manufacturers after placing the mark of registration thereon. The dealer shall obtain the HSRP and hologram based colour sticker only through authorised source of concerned OEMs in Himachal Pradesh and the affixation of HSRP shall be made by using the data through the VAHAN software.
2. The dealer of the OEMs are required to strictly comply with the notification dated 04.12.2018 and specification prescribed in S.O. 6052(E) dated 06.12.2018, regarding HSRP and third registration mark/hologram based colour sticker.
3. In case of old vehicles already affixed with HSRP, only the hologram based colour stickers will be affixed by the vehicle dealer as per arrangement already made by OEMs with HSRP manufacturer.
4. Guidelines for the vehicle owners:
   (a) It is the responsibility of the vehicle owner to get vehicles fitted with high security registration plates (HSRP) and hologram based colour sticker.
   (b) Vehicles plying on the road fitted with simple registration number plates shall replace their existing simple registration plates with high security registration plates conforming to the Rule 50 of CMVR 1989 to avoid penalty under provision of the Motor Vehicles Act.
   (c) The vehicles owner before visiting the concerned dealer for HSRP request has to ensure that its vehicle is not restricted by the RLA's/RTO's for pending challans, de-registered or blocked etc.
5. Process for affixation through authorised OEM dealers.
   i. Vehicle owner will visit the nearest dealer of its vehicle make/ model and submit the HSRP request in writing for its vehicle.

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ii. Vehicle dealer will verify the vehicle registration No., engine No and chassis No. of the vehicle. The vehicle dealer shall not ask for any other document from the vehicle owner i.e. PUC/fitness/permit/insurance certificate of the vehicle etc.

iii. Vehicle dealer will enter the desired information in software provided by OEMs i.e. vehicle number, chassis number, engine number, fuel-type, name of the model, registered owner and mobile no or as per arrangement with the HSRP manufacturer.

iv. The vehicle dealer will process the order from the authorised source of concerned OEM.

v. On receipt of the HSRP from authorised supplier of HSRP, the vehicle dealer will affix the HSRP to the vehicle.The source of concerned OEM/vehicle dealerwill update the affixation details along with the Laser Branded Identification Number (LID) details and affixation date will be updated on the VAHAN.

By order

Jagdish Chander Sharma
Principal Secretary (Transport) to the
Government of Himachal Pradesh

Endst. No. TPT-F(5)-4/2011 Dated: Shimla-2, 16-06 -2020

Copy for information and necessary action forwarded to:-

1. The Director (MVL) Ministry of Road Transport &Highways Government of India, Transport Bhawan-1, Parliamnet Street, New Delhi.
2. The Director Transport, Himachal Pradesh, Parivahan Bhawan, Shimla-171004.
3. All the Regional Transport Officer in Himachal Pradesh.
4. All the Registering & licensing Authorities/RTOs in Himachal Pradesh.
5. All Motor Vehicles manufacturers, through Society of Indian Automobile. Manufacturer (SIAM) Core 4-B, 5th Floor, India Habitat Centre Lodhi Road, New Delhi -110003 for information and with the request to ensure that there shall be no overcharging by the concerned authorised OEMs dealers. (siam@siam.in).
6. All auto mobile dealers in Himachal Pradesh for necessary action as per request forwarded to SIAM.
7. Guard File.

Om Prakash Bhandari
Deputy Secretary (Transport) to the
Government of Himachal Pradesh

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Annexure 9

TRANSPORT DEPARTMENT
GOVERNMENT OF SIKKIM
YATAYAT BHAWAN, GANGTOK-737101
Ph.no. 03592-202483, email-secy-transport-skm@sikkim.gov.in

No. GoS/Transport/Secy/943 Dated: 12.01.2023.

ORDER

In supersession of Notification No. GoS/MVD/T/150-153 dated 03.12.2022 and as per the Order under GSR S.O. 6052 (E) dated 16.12.2018 and other related directions notified by the MoRTH from time to time, for affixation of High Security Registration Plate (HSRP), it is hereby notified that;

1. For the affixation of HSRP on existing registered vehicles, the High Security Registration Plate including the third registration mark may be supplied and affixed by the vehicle manufactures and the authorized dealers.
2. The vehicle manufactures and the authorized dealers shall obtain HSRP and hologram-based color sticker only through authorized source of concerned OEM's.
3. The vehicle manufactures and the authorized dealers shall comply with all the specifications detailed under sl.no. 6 of the Order under GSR S.O. 6052 (E) dated 16.12.2018.
4. The vehicle manufactures and the authorized dealers shall display a board at the conspicuous place indicating the charges to be paid by the vehicle owners for affixation of HSRP.
5. The vehicle manufactures and the authorized dealers after affixing the HSRP on the vehicle shall ensure that the laser code is updated in Vahan Portal.
6. The vehicles not having valid registration certificates and fitness certificates and the vehicles having tax arrears due shall not be allowed to affix HSRP.
7. HSRP along with hologram-based color sticker shall not be affixed through any other source at all except through the dealers authorized by the OEM's.
8. The replacement of any existing registration plate may be made by the vehicle manufactures and the authorized dealers only after ensuring that the old plate has been surrendered and destroyed.
9. This issues with the prior approval of Competent Authority.

Sd/-
Raj Yadav, IAS
Secretary to the Government of Sikkim
Transport Department.

Copy to:-

1. Secretary to Hon'ble Chief Minister, Govt. of Sikkim for favour of kind information of Hon'ble Chief Minister.
2. P.S to Minister In-charge, Transport Department, Govt. of Sikkim for favour of kind information of Hon'ble Minister.
3. P.S to Chief Secretary to Govt. of Sikkim for kind information of Chief Secretary.
4. Secretary, Transport Department for information.
5. All RTO, ARTO/ all offices of RTO, ARTO.
6. File
7. G/file.

Secretary, State Transport Authority

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Annexure 10

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 6 दिसम्बर, 2018

का.आ. 6052(अ).—जबकि, केंद्रीय सरकार की यह राय है कि लोकहित में यह अधिसूचित किया जाना आवश्यक और समीचीन है कि किसी मोटर वाहन में अति सुरक्षा रजिस्ट्रीकरण प्लेट के संबंध में विनिर्माता द्वारा उपयोग की जाने वाली प्रक्रिया केंद्रीय मोटर यान नियम, 1989 के संदर्भ में कतिपय मानकों के अनुरूप होगी;

अब, इसलिए, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 109 की उप-धारा (3) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए और मोटर यान (नई अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2001 के उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हे ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया, केंद्रीय सरकार एतद्द्वारा ऐसे मानकों को विनिर्दिष्ट करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात्:—

आदेश

1. संक्षिप्त नाम और प्रारंभ: -

(1) इस आदेश का संक्षिप्त नाम मोटर यान (अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2018 है।

(2) यह आदेश 1 अप्रैल, 2019 को प्रवृत्त होगा।

2. लागू होना - यह आदेश मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 2 के खंड (28) में यथा-परिभाषित मोटर वाहनों पर लागू होगा।

3. किसी वाहन निर्माता द्वारा 1 अप्रैल, 2019 को या उसके बाद बेचे जाने वाले नए वाहनों के लिए अति सुरक्षा रजिस्ट्रीकरण प्लेट (एचएसआरपी) के संबंध में निम्नलिखित प्रक्रियाओं का अनुपालन किया जाएगा, अर्थात्: -

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(क) वाहन विनिर्माताओं द्वारा उनके डीलरों को तीसरे रजिस्ट्रीकरण चिह्न सहित टाइप अनुमोदित अति सुरक्षा रजिस्ट्रीकरण प्लेटों की आपूर्ति की जाएगी जो ऐसी प्लेटों पर रजिस्ट्रीकरण का चिह्न लगाएंगे और इन्हें मोटर वाहनों पर चिपकाएंगे।

(ख) मोटर वाहनों के विनिर्माता द्वारा यह सुनिश्चित किया जाएगा कि सुरक्षा लाइसेंस प्लेटों पर रजिस्ट्रीकरण का चिह्न लगाने और तीसरी रजिस्ट्रीकरण प्लेट को मुद्रित करने के लिए अपेक्षित अवसंरचना उनके डीलरों के पास उपलब्ध है।

(ग) अति सुरक्षा रजिस्ट्रीकरण प्लेट और रजिस्ट्रीकरण चिह्न को लगाने के पश्चात इसे वाहन पर चिपकाने की लागत को नए वाहन की कीमत में शामिल किया जाएगा और इसके लिए डीलर द्वारा वाहन खरीदार से कोई अतिरिक्त या वस्तुबद्ध लागत प्रभारित नहीं की जाएगी।

4. (i) मौजूदा वाहनों पर एचएसआरपी लगाने के लिए, तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की आपूर्ति उस पर रजिस्ट्रीकरण चिह्न लगाए जाने के पश्चात वाहन निर्माताओं के डीलरों द्वारा की जाएगी और इसे लगाया जाएगा।

(ii) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माता या आपूर्तिकर्ता, यदि संबंधित राज्य द्वारा अधिकृत हैं, तो रजिस्ट्रीकरण चिह्न लगाने के पश्चात पुराने वाहनों पर तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की भी आपूर्ति कर सकते हैं।

5. मोटर वाहनों के विनिर्माता और उनके डीलरों या अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माताओं या आपूर्तिकर्ताओं द्वारा निम्नलिखित विनिर्देशों का अनुपालन किया जाएगा, अर्थात्: -

(i) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के लिए केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली या केंद्रीय मोटर यान नियम, 1989 के नियम 126 के तहत केंद्रीय सरकार द्वारा अधिकृत किसी परीक्षण एजेंसी से एक प्रमाण-पत्र प्राप्त किया जाएगा।

(ii) रजिस्ट्रीकरण प्लेट केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उपवर्णित विनिर्देशों के अनुरूप होगी।

(iii) केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उल्लिखित, अति सुरक्षा रजिस्ट्रीकरण प्लेट की अवधि अविनश्वर प्रकृति के लिए प्रत्याभूति दी गई होगी और इस अवधि से पूर्व प्लेट या रजिस्ट्रीकरण चिह्न के क्षतिग्रस्त होने या प्राकृतिक रूप से नष्ट होने के मामले में इसे उपर्युक्त पैरा 4 में उल्लिखित वाहनों के संबंध में मोटर वाहन विनिर्माता या उनके डीलरों द्वारा या अन्य मामलों में लाइसेंस प्लेट विनिर्माता या आपूर्तिकर्ता या उनके डीलरों जैसा भी मामला हो, द्वारा प्रतिस्थापित किया जाएगा।

(iv) किसी भी विद्यमान रजिस्ट्रीकरण प्लेट का प्रतिस्थापन मोटर वाहनों के डीलरों या अधिकृत अति सुरक्षा रजिस्ट्रीकरण प्लेट विनिर्माता या आपूर्तिकर्ता द्वारा पुरानी प्लेट को अभ्यर्पित या विनष्ट सुनिश्चित किए जाने के पश्चात किया जा सकेगा।

(v) (क) कूट रचना से संरक्षण के लिए 20 मिमी x 20 मिमी आकार का एक क्रोमियम आधारित होलोग्राम प्लेट के शीर्षस्थ बाईं ओर के कोने पर सामने और पीछे दोनों प्लेटों का ताप स्टांपन द्वारा लगाया जाएगा ।

(ख) होलोग्राम में इस आदेश में यथाविनिर्दिष्ट उपाबंध के अनुसार नीले रंग में चक्र बना होगा।

(vi) कम-से-कम 10 अंकों की स्थायी पहचान संख्यांक, रजिस्ट्रीकरण प्लेट के तल के बाईं ओर परावर्ती परत में लेजर ब्रेंड की जानी है जिसमें अंक आकार 5 मिमी का होगा:

परन्तु यह है कि स्थायी क्रमागत पहचान संख्यांक के पहले विक्रेता या विनिर्माता या आपूर्तिकर्ता, जैसा मामला हो, जिसके लिए प्रकार अनुमोदन प्रमाण-पत्र परीक्षण एजेंसियों द्वारा जारी किए गए हैं के नाम का व्यपदेशन करते हुए दो अक्षर होंगे:

परन्तु अग्रेतर यह है कि नीचे दी गई सारणी के स्तम्भ (2) में विनिर्दिष्ट परीक्षण अभिकरण बताई गई उक्त सारणी के स्तम्भ (3) और (4) में विनिर्दिष्ट अक्षरों का प्रयोग निम्नवत करेंगे:

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सारणी

क्र. सं.	परीक्षण अभिकरण का नाम	प्रथम वर्ण	द्वितीय वर्ण
(1)	(2)	(3)	(4)
1.	ऑटोमोटिव रिसर्च एसोसिएशन ऑफ इंडिया, पुणे	ए से एच	ए से जेड
2.	केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली	आई से पी	ए से जेड
3.	यान अनुसंधान विकास स्थापना, अहमदनगर	क्यू से एस	ए से जेड
4.	अंतरराष्ट्रीय ऑटोमोटिव प्रौद्योगिकी केंद्र, मानेसर	टी से वी	ए से जेड
5.	केंद्रीय सड़क परिवहन संस्थान, पुणे	एक्स	ए से जेड
6.	ग्लोबल ऑटोमोटिव रिसर्च सेंटर, चेन्नई	वाई	ए से जेड:

परन्तु प्रतिबंध यह भी है कि सामने की और पीछे की रजिस्ट्रीकरण प्लेटों के लिए अंकों की ऊंचाई 5 मिमी. और तीसरी रजिस्ट्रीकरण प्लेट के लिए 2.5 मिमी. होगी, जो एक स्टिकर के प्ररूप में होगी।

(vii) (क) अनुज्ञापन संख्यांक के अक्षरों या अंकों पर लगाई जाने वाली ताप स्टापन फिल्म में "इंडिया" उत्कीर्णित होगा।

(ख) अक्षर "इंडिया" अन्य का दर्पण प्रतिबिंब होती हुई क्रमागत रेखाओं के साथ 45⁰अंश के झुकाव पर एरियल बोल्ड टाइप की लिपि में 10 (दस) आकार के अक्षर के साथ नीले रंग के होंगे।

(viii) (क) स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के रूप में तीसरी रजिस्ट्रीकरण प्लेट 100 मिमी. x 60 मिमी. के आकार की होगी जिसे यान के विंडशील्ड के बाई ओर के भीतरी भाग पर लगाई जानी है।

(ख) स्टिकर की फिल्म अनिवार्यत: उच्च परावर्ती अभिसूचक सहित विवर्तन पर्णो की होनी चाहिए और उसमें क्रोमियम आधारित होलोग्राम जुड़ा हुआ होगा।

(ग) स्टिकर पर विवरण होगा :

(क) रजिस्ट्रीकर्ता प्राधिकारी का नाम;

(ख) वाहन की रजिस्ट्रीकरण संख्या ;

(ग) लेजर ब्रांड की स्थायी पहचान संख्या; और

(घ) वाहन की पहली रजिस्ट्रीकरण की तारीख ।

(घ) स्टिकर के दाएं कोने के तल पर क्रोमियम आधारित होलोग्राम लगाया जाएगा किंतु यह10 मिमी. x 10 मिमी. के आकार का होगा और उक्त स्टिकर में वाहन का रजिस्ट्रीकरण संख्यांक केंद्र में होगा और अक्षरों की ऊंचाई 10 मिमी. होगी।

(ड.) लेजर ब्रांड वाला स्थायी पहचान संख्यांक स्टिकर के तल में बाई ओर आएंगे और अंकों का आकार 2.5 मिमी. का होगा।

(च) स्टिकर का चित्र इस आदेश से संलग्न उपाबंध में यथाविनिर्दिष्ट रेखाचित्र में दिया गया है।

(ix)(क) डीजल वाहनों के लिए स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के लिए पृष्ठभूमि का रंग नारंगी होगा तथा पेट्रोल और सीएनजी वाहनों के लिए ये हल्के नीले रंग के होंगे।

(ख) अन्य सभी वाहनों के लिए पृष्ठभूमि स्लेटी रंग की होगी।

(x) मोटर यान के विनिर्माता या विक्रेता द्वारा जारी की गई रजिस्ट्रीकरण प्लेटों का समुचित अभिलेख दैनिक आधार पर रखा जाना चाहिए।

(xi) रजिस्ट्रीकरण पर रजिस्ट्रीकरण प्लेट वाहनों पर लगाए जाने के पश्चात् विशिष्ट अति सुरक्षा रजिस्ट्रीकरण प्लेट को वाहन से इलेक्ट्रॉनिकली जोड़ दिया जाएगा।

(xii) उनके अधीनस्थ सभी सुरक्षा विशिष्टताओं का संपूर्ण अभिलेख मोटर वाहन के विनिर्माता या डीलर द्वारा अनुरक्षित किए जाएंगे जिनका सावधिक लेखा परीक्षा समय समय से संबंधित परीक्षण अभिकरण द्वारा की जाएगी।

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(xiii) मोटर वाहन के विनिर्माताओं का अपने अधीनस्थ सभी सुरक्षा विशिष्टताओं पर संपूर्ण नियंत्रण होगा और या तो वह स्वयं या उनकी ओर से नियुक्त अन्य कोई व्यक्ति खुले बाजार में रजिस्ट्रीकरण प्लेट पर किसी भी प्रकार की सुरक्षा विशिष्टता उपयोग के लिए उत्तरदायी होगा।

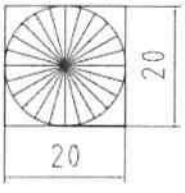
(xiv) मोटर वाहन के विनिर्माता किसी को भी अपूर्ण प्लेट या अपूर्ण सुरक्षा मानकों वाले प्लेट्स की पृथक बिक्री करने के लिए अधिकृत नहीं होंगे :

परन्तु यह भी है कि उप-पैरा (ix) में विनिर्दिष्ट विशिष्टताओं के अनुसार जो भी मामला हो, के अनुरूप पहले से रजिस्ट्रीकृत वाहनों के लिए स्व-विध्वंसक प्रकार के स्टिकर के रूप में तीसरी संख्या प्लेट को बदलने के लिए वे अधिकृत होंगे।

(xv) इन प्रावधानों का अनुपालन न करने पर संबंधित परीक्षण अभिकरण प्रकार अनुमोदन प्रमाणपत्र का निलंबन या निरस्तीकरण जारी करने के लिए उत्तरदायी होगा।

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



[फा. सं. आरटी-11028/01/2018-एमवीएल]

प्रियांक भारती, संयुक्त सचिव

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MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 6th December, 2018

S.O. 6052(E).—Whereas, the Central Government is of the opinion that it is necessary and expedient in the public interest to notify that the process used by a manufacturer in regard to a high security registration plate for a motor vehicle shall conform to certain standards with reference to the Central Motor Vehicles Rule, 1989;

Now, therefore, in exercise of the power conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the Motor Vehicles (New High Security Registration Plates) Order, 2001, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following order to specify such standards, namely:—

ORDER

1. Short title and commencement:-

(1) This Order may be called as the Motor Vehicles (High Security Registration Plates) Order, 2018.

(2) It shall come into force on the 1st day of April, 2019.

3. Application. —This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.

(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely: —

(i) The high security registration plates shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

(ii) The Registration Plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989.

(iii) The Registration Plate shall be guaranteed for imperishable nature for a period mentioned in rule 50 of the Central Motor Vehicles Rules, 1989 and in case of damage or withering due to natural usage before such period, it shall be replaced by the motor vehicles manufacturer or their dealers in respect of vehicles mentioned under para 4 above, or the licence plate manufacturer or suppliers or their dealers, as the case may be, in other cases.

(iv) The replacement for any existing registration plate may be made by the motor vehicles dealers or the authorised high security registration plate manufacturer or supplier, only after ensuring that the old plate has been surrendered and destroyed.

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(v) (a) To protect against counterfeiting, a chromium-based hologram of the size 20 mm x 20 mm shall be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates.

(b) The hologram shall contain CHAKRA in blue colour as specified in the Annexure appended to this Order.

(vi) The permanent identification number of minimum 10 digits shall be laser branded into the reflective sheeting on the bottom left-hand side of the registration plate with the letter size being 5 mm:

Provided that the permanent consecutive identification number shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate shall be issued by the test agencies:

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) and (4) of the said Table as under:—

Table

Sl. No.	Name of Test Agency	First Alphabet	Second Alphabet
(1)	(2)	(3)	(4)
1.	Automotive Research Association of India, Pune	A to H	A to Z
2.	Central Road Research Institute, New Delhi	I to P	A to Z
3.	Vehicles Research Development Establishment, Ahmednagar	Q to S	A to Z
4.	International Centre for Automotive Technology, Manesar	T to V	A to Z
5.	Central Institute of Road Transport, Pune	X	A to Z
6.	Global Automotive Research Centre, Chennai	Y	A to Z:

Provided also that the height of the digits shall be 5mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.

(vii) (a) The hot stamping film to be applied on the letters or numerals of the licence number shall bear the inscription "INDIA".

(b) The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees' inclination with sequential lines being the mirror image of the other.

(viii) (A) The third registration plate in the form of a self-destructive type chromium based hologram sticker shall be of the size of 100 mm x 60 mm is to be affixed on the inner side of left hand corner of windshield of the vehicle.

(B) The sticker shall be required to be a diffraction foil film with high reflective index and shall have the chromium based hologram embedded.

(C) The details on the sticker shall be-

(a) Name of registering authority;

(b) registration number of the vehicle;

(c) laser branded permanent identification number; and

(d) Date of first registration of the vehicle.

(D) On the bottom of the right corner of the sticker, the chromium based hologram of size of 10 mm x10 mm shall be embedded and in the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height.

(E) The laser branded permanent identification number shall come in the bottom left side of the sticker with numeral size being 2.5mm.

(F) A depiction of the sticker shall be as specified in the Annexure appended to this Order.

(ix) (a) The background colour for the self-destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles.

(b) For all other vehicles, the background shall be of grey colour.

(x) A proper record of the registration plates issued should be maintained on a daily basis by manufacturer of motor vehicle or dealer.

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(xi) The unique high security registration plate shall be linked electronically to the vehicle after its affixture on the vehicle on registration.

(xii) The complete record of all the security features in their possession shall be maintained by manufacturer of motor vehicle or dealer which may be audited by the concerned testing agencies from time to time.

(xiii) The manufacturer of a motor vehicle shall exercise complete control over all the security features in their possession and shall be responsible for the use of any of the security feature on registration plate in the open market either by themselves or by any other person on their behalf.

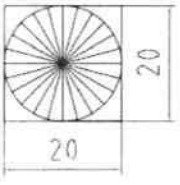
(xiv) The manufacturer of a motor vehicle shall not be authorized to sell incomplete plates or the security features separately to anyone:

Provided that they shall be authorised to replace the third number plate in form of the self-destructive tape sticker for the already registered vehicles as the case may be as per specification specified in sub-para (ix).

(xv) The type approval certificate issued shall be liable for suspension or cancellation by the concerned testing agency for failure to comply with these provisions.

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

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Annexure 11

No. RT-11028/01/2018-MVL
भारत सरकार
Government of India
सड़क परिवहन और राजमार्ग मंत्रालय
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001
Dated the, 04 October, 2019

OFFICE MEMORANDUM

Sub: Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers

The undersigned is directed to forward herewith the minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

2. This issues with the approval of competent authority.

Encls- As above.

(Dr. Piyush Jain)
Director(MVL)
Tele/Fax: 23714974
e-mail: director-morth@gov.in

To

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratha, Technical Director
3. Shri P.K. Banerjee, Executive Director, SIAM
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

Copy to:

Transport Commissioners of all the States and UTs

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RT-11026/01/2018-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, New Delhi 110001

Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

List of the participants is attached at Annexure 1.

Background

1. Meeting was held in order to discuss the issues in Integration of details of High Security Registration Plates (HSRP) with VAHAN database by Vehicle Manufacturers (OEMs) as per the process decided in the meeting held on 04.04.2019 and further to the directions issued in regard to its implementation through memo dated 1st July 2019. Only as a stop gap arrangement the uploading of the HSRP details on VAHAN through the dealers or the registering authority was provided by the Ministry.

Current scenario

2. Joint Secretary (MVL) took a review of the same from NIC and SIAM, wherein it was told that the OEMs have not been uploading the inventory on the HSRP VAHAN system as developed by NIC. The system of updating of VAHAN for HSRP fitment being followed was asked to be clarified by the JS MVL from SIAM and NIC. It was clarified by SIAM that as per the amendment of the Central Motor Vehicles Rules, 1989 through GSR1162 (E) dated 4th of Dec 2018, the OEMs have themselves given the contract of HSRP supplies to the HSRP manufacturers. It was further stated by SIAM that the HSRPs are being procured through their authorised HSRP supplier and being affixed on the vehicles through their dealers. As in a State an HSRP supplier may have a contract from more than one OEM for various models, and similarly the OEM may have given a supply order to more than one HSRP supplier in the State, the SIAM said that uploading of the inventories on the HSRP VAHAN system is difficult as of now by SIAM. SIAM further stated that they are aware of their responsibilities and in support of this regulation have been working hard to make it a smooth affair but there are some difficulties on the ground.
3. Currently, the OEMs dealers provides the details of the new vehicle sold to the HSRP supplier who after embossing etc. provides the physical plates to the dealers and further provides the information of the plates to the dealer mainly

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through a mobile app or a web portal. The dealer after having affixed the HSRP to the new vehicles, has the HSRP number details manually feed on the VAHAN where there is no IT based system of tracking of HSRP details. This sometimes leads to incorrect entries made in VAHAN.

4. The JS (MVL) highlighted that as per the amendments in the Rules, issued through 4th of December, 2018, and the detailed procedure issued through the HSRP Order 2018 on 6th of December, 2018, the responsibility of procuring and supplying is with OEMs only. Their dealers can have them affixed. For the older vehicles if so directed by the State Government, it was discussed and clarified that the dealers of the particular OEM can supply for their brand as the spirit of the amendment is that the OEM shall be responsible for the security features of the HSRP. When they supply to different brand not being owned, then control of security features is lost.

5. JS (MVL) asked SIAM to provide the tabulated list and copies of "contract order" placed by OEMs for supply of HSRP, for Ministry's record. SIAM agreed to provide the copies of the same on the condition that some part especially relating to the proprietary items like price, in the document, would be blackened which SIAM think is confidential. -(Action by SIAM)

Way ahead

6. SIAM informed that in light of the difficulties as discussed, they have discussed the issues and difficulties of uploading of HSRP inventory with VAHAN database with NIC and further updating of HSRP details on new vehicles on VAHAN data and suggested a solution to streamline the process.

7. The mechanism proposed was then discussed and agreed with the members present and the representatives of NIC which would be as under-

   i. On the existing VAHAN system, NIC would provide the option to enable OEMs to configure its type approved selected HSRP supplier(s) who would be assigned the State and the RTO by the OEM. NIC would ensure that only type approved HSRP supplier is listed. -(Action by NIC)

   ii. OEMs would configure their contracted HSRP suppliers and assign them the State and RTO. -(Action by SIAM)

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iii. The dealers of the OEMs would supply the vehicle registration number and other required details to the OEM contracted HSRP supplier through their internal online mechanism. -(Action by SIAM)

iv. The OEM's contracted HSRP supplier would have the HSRP physical plates embossed and provide them to the OEMs dealers for affixation. -(Action by SIAM)

v. NIC would provide an API/Web Services to the OEMs/OEM selected HSRP suppliers for uploading the vehicle registration number, chassis number (last 5 characters), Front/Rear Laser Code (LIDs), Order type associated with each HSRP. - (Action by NIC)

vi. With regard to validation of LIDs mapping with the vehicle registration number, API would validate the data uploaded by OEM / OEMs selected HSRP supplier with authorisation provided by OEM with respect to the para 7(ii) above with the data for the vehicle sold and available in VAHAN. Only in cases of validation confirmation the HSRP details with the registration details of the vehicles would be updated.

8. NIC would make necessary changes in the VAHAN system within a month and the OEMs would also have the necessary supporting system ready for the implementation.

9. SIAM requested to amend Rule 50 of Central Motor Vehicles Rules, 1989 to look into amendment for word "along with" with "for" regarding HSRPs supplied by OEMs to the dealers. JS (MVL) agrees to examine the proposal for amendment of the Rule 50 of CMVR1989.

10. For the issue of providing and fixation of HSRP on existing vehicles, JS (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 20187, State Government has to take a decision that either the HSRP plates be supplied through authorised OEMs dealers or select HSRP manufacturers.

Meeting ended with thanks to chair.

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Annexure 1

From the Ministry:-

1. Shri Priyank Bharti, Joint Secretary (MVL)
2. Shri Piyush Jain, Director(MVL)
3. Shri K.C. Sharma, S.E.(Transport)
4. Shri. D.P. Saste, Consultant

From the NIC:-

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratha, Technical Director

From the Testing Agency:-

1. Shri Rajan Verma, CRRI
2. Shri Ajay D. Dekate, ARAI

From the SIAM:-

1. Shri P.K. Banerjee, Executive Director
2. Shri Amit Kr. Sharma
3. Shri Navrika Sood
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

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Annexure 12

रजिस्ट्री सं. डी.एल.- 33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-12022020-216087
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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 86] नई दिल्ली, मंगलवार, फरवरी 11, 2020/माघ 22, 1941
No. 86] NEW DELHI, TUESDAY, FEBRUARY 11, 2020/MAGHA 22, 1941

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 11 फरवरी, 2020

सा.का.नि. 104(अ).— केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की भारत के राजपत्र असाधारण, भाग II, खंड (3), उपखंड (i) अधिसूचना सा.का.नि. 512(अ) तारीख 18 जुलाई 2019 द्वारा प्रारुप नियम प्रकाशित किए गए थे जिसमे उन सभी व्यक्तियों से जिनके उनसे प्रभावित होने की संभावना थी, उस तारीख से जिसको उक्त अधिसूचना में अंतर्विष्ट राजपत्र की प्रतियां जनता को उपलब्ध करा दी थी, तीस दिन की अवधि के अवसान के पूर्व आक्षेप और सुझाव आमंत्रित किए गये थे;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को 18 जुलाई 2019 को उपलब्ध करा दी गई थी;

और उक्त प्रारुप नियमों के संबंध में जनता से प्राप्त आक्षेपों और सुझावों पर केंद्रीय सरकार द्वारा विचार किया गया है;

अतः अब केंद्रीय सरकार मोटर यान अधिनियम,1988 (1988 का 59) की धारा 110 द्वारा प्रदत शक्तियों का प्रयोग करते हुए केन्द्रीय मोटर यान नियम 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात:-

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1. **संक्षिप्त नाम और प्रारंभ** – (1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (द्वितीय संशोधन) नियम, 2019 है।

(2) ये नियम राजपत्र में अपने प्रकाशन की तारीख को प्रवृत होंगे।

2. केन्द्रीय मोटर यान नियम, 1989 में (जिसे इसमें इसके पश्चात उक्त नियम कहा गया है), नियम 50 में उपनियम 1 में,-

(क) खंड (i) में "डीआईएन 1745/ डीआईएन 1783 या आईएसओ 7591" शब्दों और आकड़ों के स्थान पर समय-समय पर यथा-संशोधित एआईएस: 159: 2019 (ऐसे समय तक बीआईएस विनिर्दिष्ट भारतीय मानक ब्यूरो अधिनियम, 2016 (2016 का 11) अथवा आईएसओ: 7591 के अधीन अधिसूचित किया गया है)" निम्नलिखित शब्द आकड़े और कोष्ठक रखे जाएंगे;

(ख) खंड (iii) "सात" शब्द के स्थान पर "दस" शब्द रखा जाएगा ;

(ग) खंड (iv) में,

(i) "अनुज्ञप्ति प्लेट विनिर्माता का रजिस्ट्रीकृत प्राधिकारी/अनुमोदित डीलर" शब्दों के स्थान पर " रजिस्ट्रीकृत प्राधिकारी/वाहन विनिर्माता और उसके डीलर" निम्नलिखित शब्द रखे जाएंगे ;

(ii) " विनिर्मित अनुज्ञप्ति प्लेट या उसके डीलर" शब्दों के स्थान पर "रजिस्ट्रीकृत प्राधिकारी / वाहन के विनिर्माता और उसके डीलर" निम्नलिखित शब्द रखे जाएंगे ;

(घ) खंड (v) के स्थान पर निम्नलिखित खंड रखा जाएगा अर्थात:-

"(v) प्लेट को वाहन के रीयर पर अस्थानानतरणीय/गैर –पुन:प्रयोग करने वाले स्क्रेप लॉक फिटिंग प्रणाली के साथ बंधन किया जाएगा ;

नये वाहन के लिए सभी उपर्युक्त विनिर्देश और विनिर्दिष्ट रजिस्ट्रीकरण के साथ अनुज्ञप्ति प्लेट को रजिसट्रीकरण प्राधिकारी अथवा वाहन विनिर्माताओं और उनके डीलरों द्वारा जारी किया जाएगा और विद्यमान पुराने रजिस्ट्रीकृत वाहन को लिए रजिसट्रीकरण प्राधिकारी अथवा वाहन विनिर्माताओं और उनके डीलरों अथवा अनुमोदित अनुज्ञप्ति प्लेट विनिर्माताओं या उनके डीलरों द्वारा जारी किया जाएगा । नियम 26 के अधीन केन्द्रीय सड़क अनुसंधान संस्थान, नई दिल्ली अथवा किसी प्राधिकृत अभिकरण को इस नियम के उपबंधों के अनुसार सुरक्षा रजिस्ट्रीकरण का अनुमोदन किया जाएगा ।"

(ङ) खंड (VI) में,-

(i) "मध्यम वाणिज्यिक वाहनों, भारी वाणिज्यिक वाहनों और ट्रेलर/संयोजन: 340×200 मिलीमीटर" शब्दों आंकड़ों और अक्षरों के स्थान पर "मध्यम वाणिज्यिक वाहनों, भारी वाणिज्यिक वाहनों और ट्रेलर/संयोजन: 340×200 मिलीमीटर/ 500×120 मिलीमीटर" निम्नलिखित शब्द आंकड़े और शब्द रखे जाएंगे ;

(ii) पांचवे परन्तुक के पश्चात निम्नलिखित परन्तुक अंतस्थापित किया जाएगा अर्थात,-

"परन्तु यह और कि निर्माण उपकरण वाहन के मामले में उपकरण आकार और स्थान की उपलब्धा के आधार पर प्लेट का आकार 500×120 मिलीमटर या 340×200 मिलीमीटर या 200×100 मिलीमीटर या 285×45 मिलीमीटर होगा ।"

3. उक्त नियम में , नियम 50 में उप-नियम (2) में खंड (घ) में उप-नियम (अ) के पश्चात निम्नलिखित उप-नियम रखा जाएगा, अर्थात:-

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"(अ आ) किराए पर कैब स्कीम, 1989 के अधीन मोटर कैब या किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल (एल-1 और एल-2 प्रवर्ग दो पहिया), काले रंग की पृष्ठ भूमि पर पीला रंग, तथापि किराए पर कैब स्कीम 1989 के अधीन बैटरी प्रचालित या इलेक्ट्रॉनिकी पावर की मोटर अथवा किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल के मामले में, हरे पृष्ठभूमि पर काले रंग में ; और"।

4. उक्त नियम में, नियम 50 में, उप-नियम (3) में पहले परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा अर्थात:-

"परन्तु यह कि रजिस्ट्रीकृत चिन्ह सामने एक पंक्ति में हो सकता है, 200 मिमी×100 मिमी साइज की प्लेट के मामले में यह दर्शाने का कोई पर्याप्त स्थान नहीं कि रजिस्ट्रीकृत चिन्ह एक पंक्ति में हो, रजिस्ट्रीकरण चिन्ह दो पंक्तियों में प्रदर्शित किया जा सकता है।"।

5. उक्त नियम में निमय 51 में,-

(क) आरंभिक पैरा के पश्चात, निम्नलिखित शीर्ष अन्तःस्थापित किया जाएगा, अर्थात:-

"सारणी" ;

(ख) नीचे शीर्ष सारणी को इस प्रकार अन्तःस्थापित किया जाएगा, जिसके सामने क्रम संख्या से संबंधित पंक्ति से सामने, "से अन्यून आयाम " प्रविष्टी के स्थान पर "से अन्यून आयाम (मिमी में)" निम्नलिखित प्रविष्टी रखी जाएगी ;

(ग) सारणी में, क्रम संख्या 11 और उससे संबंधित प्रविष्टियों के पश्चात निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएगी, अर्थात:-

"12	निर्माण उपकरण वाहन	सामने और पीछे के अक्षर और अंक (क) प्लेट आकार 500×120 मिमी. या 340×200 मिमी.	65	10	10
		(ख) प्लेट आकार 200×100 मिमी.	35	7	5
		(ग) प्लेट आकार 285×45 मिमी.	30	5	5"

[फा. सं. आरटी-11028/01/2018 एमवीएल]

प्रियांक भारती, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, असाराधारण भाग-II खंड 3 उपखंड (i) अधिसूचना संख्या सा.का.नि. 590 (अ) तारीख 2 जून, 1989 द्वारा संशोधित किए गए थे और अंतिम संशोधन अधिसूचना संख्या सा.का.नि. 37 (अ) तारीख 17 फरवरी, 2019 द्वारा किया गया था।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 11th February, 2020

G.S.R. 104(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989 were published as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways *vide* number G.S.R. 512 (E), dated the 18th day of July, 2019, in the Gazette of India, Extraordinary, Part II, Section (3), Sub-section (i), inviting objections and suggestions from all persons likely to be affected

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thereby before the expiry of the period of thirty days from the date of which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said Gazette notification were made available to the public on the 18th July, 2019;

And whereas, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. **Short title and commencement**. -(1) These rules may be called as the Central Motor Vehicles (Second Amendment) Rules, 2019.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In the Central Motor Vehicles Rules, 1989 (herein after referred as the said rules); in rule 50, in sub-rule 1,-

(a) in clause (i), for the words and figurers "DIN 1745/DIN 1783 or ISO 7591" the following words, figures and brackets "AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO:7591" shall be substituted;

(b) in clause (iii) for the word "seven" the word "ten" shall be substituted;

(c) in clause (iv),-

(i) for the words "registering authorities/approved dealers of the licence plates manufacturers", the following words "registering authority/vehicle manufacturer and their dealers" shall be substituted;

(ii) for the words "licence plate manufactured or his dealers" the following words "registering authority/vehicles manufacturer and their dealers: shall be substituted;

(d) for clause (v), the following clause shall be substituted, namely: -

"(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule"

(e) in clause (vi),-

(i) for the words and figures and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340 x 200 mm" the following words, figure and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340x200 mm/500 x 120 mm" shall be substituted;

(ii) after the fifth proviso the following proviso shall be inserted namely, -

"Provided also that in case of Construction Equipment Vehicles, the size of plate shall be 500x120 mm or 340x200 mm or 200x100mm or 285x45mm, depending on the equipment size and availability of space.".

3. In the said rules, in rule 50, in sub-rule (2), in clause (d), after the sub-clause (A), following sub- clause shall be inserted, namely. -

"(AB) in case of motor cab under rent a cab scheme, 1989 or motor cycle (L1 and L2 category two wheeler) under rent a motor cycle scheme 1997, in yellow colour on black background, however in case of battery operated or electrically powered motor cab under rent a cab scheme 1989 or motor cycle under rent a motor cycle scheme 1997, in black colour on green background; and".

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4. In the said rules, in rule 50, in sub-rule (3) for first proviso, the following proviso shall be substituted, namely. -

"Provided that the registration mark in the front may be in one line, in case, in 200mm x 100mm size plate, there is no sufficient place to exhibit the registration mark in one line, the registration mark may be exhibited in two lines:".

5. In the said rules, in rule 51, -

(a) after the opening paragraph, the following heading shall be inserted, namely: -

"Table";

(b) below the heading Table as so inserted, against the row relating to Serial number (S.No.), for the entry "Dimensions not less than" the following entry shall be substituted "Dimensions (in mm) not - less than ;

(c) in the Table, after S.No.11 and entries relating thereto, the following S.No. and entries shall be inserted, namely: -

"12	Construction Equipment Vehicles	Front and rear letters and numerals.- a) With plate size 500x120 mm or 340x200 mm	65	10	10
		b) With plate size 200x100 mm	35	7	5
		c) With plate size 285x45 mm	30	5	5"

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i),*vide* notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended *vide* notification number G.S.R 37 (E) dated 17th January, 2020.

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Annexure 12 a

रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-20082022-238212
CG-DL-E-20082022-238212

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 566] नई दिल्ली, बृहस्पतिवार, अगस्त 18, 2022/श्रावण 27, 1944
No. 566] NEW DELHI, THURSDAY, AUGUST 18, 2022/SHRAVANA 27, 1944

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 18 अगस्त, 2022

सा.का.नि. 640(अ).—केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए प्रारुप नियम, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 212 की उपधारा (1) के अधीन यथा अपेक्षित, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में प्रकाशित भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की अधिसूचना संख्यांक सा.का.नि. 277 (अ), तारीख 6 अप्रैल, 2022 द्वारा प्रकाशित किए गए थे, जिसमें उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त अधिसूचना को अंतर्विष्ट करने वाली राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी, तीस दिन की अवधि के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 6 अप्रैल, 2022 को उपलब्ध करा दी गई थीं;

और केन्द्रीय सरकार द्वारा उक्त प्रारुप नियमों के बाबत जनता से प्राप्त आक्षेपों और सुझावों पर विचार कर लिया गया है;

अत: अब, केन्द्रीय सरकार, मोटर यान अधिनियम 1988 (1988 का 59) की धारा 110 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1.(1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (तेरहवां संशोधन) नियम, 2022 है ।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. केन्द्रीय मोटर यान नियम, 1989 के नियम 50 के, उपनियम (1) में, खंड (v) में "अनुज्ञप्ति प्लेट के विनिर्माता के अनुमोदित डीलरों" शब्दों के स्थान पर "राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा अनुमोदित अनुज्ञप्ति प्लेट के विनिर्माता या उनके डीलरों" शब्द रखे जाएंगे ।

[फा. सं. आरटी-11036/99/2020-एमवीएल]

महमूद अहमद, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना संख्यांक सा.का.नि. 590 (अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और अधिसूचना संख्यांक सा.का.नि. 625(अ), तारीख 11 अगस्त, 2022 द्वारा अंतिम बार संशोधित किए गए थे ।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 18th August, 2022

G.S.R. 640(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), *vide* notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 277 (E), dated the 6th April, 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Official Gazette containing the said notification were made available to the public;

AND WHEREAS, copies of the said Official Gazette notification were made available to the public on the 6th April, 2022;

AND WHEREAS, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. (1) These rules may be called the Central Motor Vehicles (Thirteenth Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 50 of the Central Motor Vehicles Rules, 1989, in sub-rule (1), in clause (v), for the words "approved licence plate manufacturers or their dealers", the words "licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration" shall be substituted.

[F. No. RT-11036/99/2020-MVL]

MAHMOOD AHMED, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i),vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended vide notification number G.S.R. 625(E), dated 11th August,2022.

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ALOK KUMAR Digitally signed by ALOK KUMAR Date: 2022.08.20 11:53:56 +05:30

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Annexure 13

652613

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

IA NOS.10 – 11 OF 2010

IN

IA No.10 OF 2010

IN

WRIT PETITION (CIVIL) NO.510 OF 2005

Maninderjit Singh Bitta ... Petitioner

Versus

Union of India & Ors. ... Respondents

AND

IA NOS. 12 OF 2010

IN

IA No.10 OF 2010

IN

WRIT PETITION (CIVIL) NO.510 OF 2005

ORDER

1. We had passed a detailed order on 7th April, 2011 referring to the judgments and directions of this Court in the cases of *Association of Registration Plates v. Union of India* [(2005) 1 SCC 679] and *Maninderjit Singh Bitta v. Union of India* [(2008) 7 SCC 328]. As is evident, the main judgment of this Court in the aforementioned case of *Association*

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of Plates (supra) was pronounced on 30th November, 2004 and further directions were issued on 8th May, 2008 in case of *Maninderjit Singh Bitta* (supra) to secure implementation of various statutory requirements as per the earlier judgment of this Court. The present order has to be read in continuation of our order dated 7th April, 2011 and the judgments referred supra.

2. Sufficient time has elapsed but default on the part of some States in complying with the directions of this Court still persists. In fact, seven years have elapsed but it appears to us that some States have not even taken initial steps to implement the scheme of High Security Registration Plates (for short, 'HSRP') in their respective States. We regretfully note that the situation in the present case is the converse of compliance. There is no State in the entire country which has successfully, in accordance with the statutory provisions and scheme, as approved by this Court, implemented the scheme in its entirety. As far as the financial limitations faced by different States are concerned, the matter was examined by this Court and their prayer for exemption was declined. However, they were permitted to complete the implementation of the scheme in phases. Of course, even such request was subsequently withdrawn.

3. The other matter with regard to permitting the HSRP to

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be fixed by private vendors, even if approved by the Government, was considered and for appropriate reasons, as stated in paragraphs 40 and 46 to 48 in the case of *Association of Registration Plates* (supra), rejected by this Court. It was held that "the interpretation sought to be placed by the petitioner on the said paragraphs of the Rule would result in frustrating the high security aspect and the object of the scheme of affixation of High Security Registration Plates on vehicles." In terms of paragraph 4 of clause 9 of the Motor Vehicle (New High Security Registration Plates) Order, 2001 "no high security plate shall be affixed outside the premises of the Registering Authority".

4. Another important facet of these cases is that in the process of selection, the States were expected to invite tenders and were even given liberty to consult experts prior to finalizing such tenders. The registration plates were then to be affixed by the selected tenderers at the Regional Transport Office of a District or State. The object of the ordinance and the judgment of this Court was to preserve public security and safety by ensuring that every vehicle in the State is fixed with HSRP and no part of the country remains where the scheme is not implemented.

5. On the basis of the implementation of the scheme, the

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States can be classified into four categories. In the first category there are four States/Union Territories : Nagaland, West Bengal, Manipur and Puducherry, where the tender process was followed, the successful tenderer has been awarded the contract for supplying security registration plates and the predicted date of enforcement of the scheme in the State has been fixed. But, no affidavit has been filed on behalf of these States confirming that the scheme has been successfully completed in all the districts of the respective States and also that the States would ensure complete and comprehensive implementation of the scheme in future as well. Let such affidavits be filed by the Secretary, Transport of the respective States within four weeks from the date of the passing of this order.

6. Then there is a second category of U.T./States i.e. the U.T. of Chandigarh and the States of Jharkhand and Bihar which have not followed the procedure for selection and have approved certain vendors with Type Approval Certificate (TAC) from the Central Government, who would be permitted to affix the HSRP at their own premises or at the office of the RTO. As we have already indicated, this is not in compliance with the directions of the Court, the scheme and provisions of the Motor Vehicles Act, 1988. If these States are permitted to adopt their own procedure,

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then it is bound to defeat the very purpose of security and uniform affixation of HSRP all over the country. Hence, this cannot be permitted as it would defeat the entire exercise undertaken by this Court over number of years. The aforesaid States are, therefore, directed to:

a. Immediately invite tenders;

b. Finalize the entire tender process within six weeks from today;

c. File compliance report in this Court, in the form of affidavit stating that tenders have been finalized and the work of affixation of security registration plates has begun in every district or part thereof, within two weeks thereafter.

7. The third category include the defaulting States of Andhra Pradesh, Himachal Pradesh, Jammu and Kashmir, Tamil Nadu, Madhya Pradesh and Haryana. These States again can further be divided into two sub-categories. In the first sub-category, there are States of Tamil Nadu, Andhra Pradesh and Madhya Pradesh which have informed this Court, by filing of affidavits that they have fixed the dates for publication of tenders. They have estimated the period of publication of tender being the months of August and September of this year. These States have surprisingly taken not only months but years to even fix a date for publication of tender. Despite our order dated 7th April, 2011, even

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the tenders have not been published as yet, though we had granted six weeks time for completing the process. Besides fixing the time limits for filing of the affidavits, we had also indicated that this Court would be compelled to take action against default the defaulting States under the Contempt of Court Act, 1971 as well as impose exemplary costs personally recoverable from the erring officers. However, before we take both these actions against the above category of defaulting States, we would give them another opportunity to complete the entire process of publication and issue tender within six weeks from today and commence the implementation of the scheme for fixation of HSRP in their States immediately thereafter. The affidavits to that effect should be filed within eight weeks from today.

8. Now, we come to the second sub-category of defaulting States, i.e. the States of Haryana, Arunachal Pradesh and Jammu and Kashmir. These are the States which have taken no action at all or have merely initiated the process without any effective result. They have not filed any affidavit to show why the directions of the Court have not been complied with, or, if complied with, to what extent the said compliance has been successful and finally whether they have followed the due process as directed to be followed by the Courts, in the implementation of the scheme. All these States have done nothing except praying for extension of

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time before this Court. The State of Haryana, firstly, took no steps for years and thereafter, on 5th May, 2011, filed an affidavit to the effect that they have constituted a Committee of Secretaries to approve the draft of the tender notice and approval was to be granted on 6th May, 2011. There is nothing on record to show whether such approval has been granted or not and what steps have been taken by the State thereafter to comply with the directions of this Court. All the other States in this category have prayed for extension of time before this Court and some States have not even done so. Vide order dated 7th April, 2011, we had put at notice, not only these States but all concerned authorities in each State throughout the country, requiring them to show compliance to the orders of this Court. The conduct of these States clearly reflects their callousness and lack of will to obey the orders of this Court. Their attitude is one of disobedience rather than compliance. Thus, in our considered view, these are the defaulting states which have, with impunity, flouted the orders of this Court, despite warnings being issued, including the directions contained in order dated 7th April, 2011.

9. From the record before us, it is clear that there is apparent and intentional default on the part of the concerned officers of these defaulting States. Consequently, we issue notice to show cause why proceedings under the Contempt of Courts

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Act, 1971 be not initiated, if found guilty, why they be not punished in accordance with law and why exemplary costs, personally recoverable from the erring officers/officials, be not imposed. Notice shall be issued to:

a. Secretary (Transport) of the defaulting States.
b. Commissioner, State Transport Authority of the respective States.

10. Now, we will come to the last category of States, i.e., the ones that have taken certain effective steps to secure compliance with the statutory provisions and the scheme. These are the States which have invited tenders in accordance with the selection process that has been approved by this Court. Some of these States have even opened the tender bids however, awarding of tender has not been finalized. The States of Assam, Punjab, Chhattisgarh, Delhi, Gujarat, Tripura, Uttar Pradesh, Uttarakhand and Kerala and the Union Territories of Lakshadweep and Andaman & Nicobar, have prayed for further extension of time to complete the process, which is already at an advanced stage. We may notice here that the State of Kerala had invited tenders earlier and it had received a single tender within the time provided. The matter remained pending at that stage for a considerable time and thereafter, the State of Kerala filed I.A. No. 13 of 2011 praying for certain directions, including the permission to re-open applications

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for fresh tenders which was dismissed by this Court vide its order dated 12th August, 2011. We are reluctant to agree to further extension of time for the reason that all these States/U.Ts had enough time to comply with the requirements and some of these States/U.Ts were even cautioned vide our previous order. Some of these States/U.Ts have even given reasons for their non-compliance, including that they had invited tenders earlier but had to cancel the same for one reason or the other. Keeping in view the fact that all these States have at least taken some steps to finalize the proper implementation of the scheme, we consider it appropriate, though as mentioned above, with reluctance, to grant further extension of eight weeks time to these States/U.Ts to complete the entire process and implement the scheme in its entirety, in accordance with law. Thus, while granting them such extension, to complete the entire process for implementation of the scheme, we direct that vehicles in all the districts of the respective States/U.Ts shall install the HSRP within eight weeks from today without exception and default. An affidavit of compliance in that regard be filed immediately thereafter.

11. List the matter for directions, *qua* the States to whom we have issued show cause notice for initiation of proceedings under the Contempt of Courts Act, 1971 and imposition of exemplary costs as aforestated, after two weeks while the matters in relation

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to all the other States shall be listed immediately on the expiry of eight weeks from today.

.....CJI.
(S.H. Kapadia)

.....J.
(K.S. Radhakrishnan)

.....J.
(Swatanter Kumar)

New Delhi
August 30, 2011

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Secy (Trans)

सत्यमेव जयते

Chief Secretary

Adv. A.M. ARIFF

Member of Parliament (Lok Sabha) Alappuzha, Kerala

Member : Standing Committee on Housing and Urban Affairs | Consultative Committee on Culture and Tourism

ALP/MP/471/2023 17.08.2023

ചീഫ് സെക്രട്ടറി
കേരള സർക്കാർ

പ്രിയപ്പെട്ട ചീഫ് സെക്രട്ടറി,

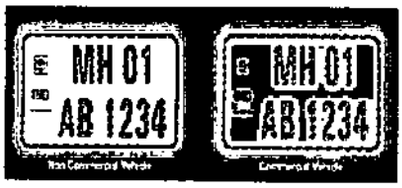
ആൾ ഇന്ത്യ മോട്ടോർ വെഹിക്കിൾ സെക്യൂരിറ്റി അസോസിയേഷൻ സമർപ്പിക്കുന്ന നിവേദനമാണ് ഈ കത്തിനോടൊപ്പമുള്ളത്. 01.04.2019നു മുൻപ് രജിസ്റ്റർ ചെയ്തിട്ടുള്ള എല്ലാ മോട്ടോർ വാഹനങ്ങൾക്കും ഹൈ സെക്യൂരിറ്റി രജിസ്ട്രേഷൻ പ്ലേറ്റ് (HSRP) ഘടിപ്പിക്കുന്നതു സംബന്ധിച്ച് കേന്ദ്ര സർക്കാർ പുറത്തിറക്കിയിട്ടുള്ള നിർദ്ദേശം സംസ്ഥാനത്ത് നടപ്പിലാക്കുന്നതുമായി ബന്ധപ്പെട്ടാണ് ഈ നിവേദനം സമർപ്പിക്കുന്നത്. മനസ്സിലാക്കിയിടത്തോളം, മോട്ടോർ വാഹനങ്ങളുടെ സുരക്ഷ് ഉറപ്പാക്കുന്നതോടൊപ്പം സംസ്ഥാന സർക്കാരിന് വരുമാനം ലഭിക്കുന്നതിനും ഈ പദ്ധതി നടപ്പിലാക്കുന്നതിലൂടെ സാധിക്കും എന്നാണ് മനസ്സിലാക്കുന്നത്. ആയതിനാൽ പദ്ധതി സംസ്ഥാനത്തു നടപ്പാക്കുന്നതിനുള്ള സാധ്യതകൾ പരിശോധിച്ച് തുടർ നടപടികൾ സ്വീകരിക്കണമെന്ന് താത്പര്യപ്പെടുന്നു

വിശ്വസ്തതയോടെ,

Adv. A.M. ARIFF
Member of Parliament
Lok Sabha
Alappuzha, Kerala.

MP Office. Thriuvampady P.O., Alappuzha, Kerela-688 002, Ph : +91 477 2230665, Fax : +91 477 2950665
Delhi Address: 408, Vithalbhai Patel House, Rafi Marg, New Delhi-110001, Ph: 011-23313031, Mob: +91 9447260665
Res. Arunyam, Thiruvampady P.O. Alappuzha, Kerela-688 002
E-mail: amarifmp@gmail.com / alappuzhamoffice@gmail.com / am.ariff@sansad.nic.in / Web: www.amariff.com

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Reg. No. 44038 of 2002

ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION

[Society registered under Societies Registration Act XXI of 1850]

Date: 18.08.2023

To,
Dr. Venu.V IAS
The Chief Secretary
Room No. 202,
North Sandwich Block, Secretairat
Government of Kerala
Thiruvananthapuram,
Kerala - 695001

Subject: Request to issue an order with regard to implementation the project of High Security Registration Plates (HSRP) Project onto the old vehicles (registered prior to 01.04.2019) for the State of Kerala through OEM/dealers model as per mandate of HSRP Order 2018 (S.O 6052(E) dated 06.12.20218) as is already done by the State Government of Uttar Pradesh, Madhya Pradesh, Odisha, NCT of Delhi, Andaman, West Bengal, Himachal Pradesh, Uttarakhand, Sikkim.

Ref: Letter dated 14th July 2023 issued by Ministry of Road Transport and Highways.

Dear Sir,

1. We all India Motor Vehicle Security Association (AIMVSA) comprising of Type Approved HSRP manufacturers as our members writes this letter in reference to the letter /circular dated 14th July 2023 issued by the Ministry of Road Transport and Highways with regard to implementation of HSRP not only for the new vehicles but importantly onto the old vehicles (registered prior to 01.04.2019).

2. That Ministry of Road Transport and Highways vide its letter /circular dated 14th July 2023 has stated that the HSRP scheme is imperative to the Country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicle plying on the roads and in prevention of tampering and counterfeiting. Considering the significant role of HSRP from enforcement and security standpoint, it is imperative that the vehicles be fitted with HSRP at the earliest and have stated as below:-

   (a) For a new vehicle, shall be issued by the registering authority of vehicle manufacturers and their dealers and:
   (b) For existing old registered vehicle, shall be issued by registering authority,
   Or

45, Ist Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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Vehicle manufacturers and their dealers, or by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

3. To expedite the implementation of the HSRP categorically for the old vehicles for those states that have still not implemented , the Ministry has directed as below:

"It has been brought to the notice of this Ministry that some State/Ut, are yet to notify authorized HSRP vendors for HSRP for their respective State/UT, in line with Para 2. It is requested that the details of the HSRP vendors notified in respective State/Uts till date may please be submitted to this Ministry at comments-morth@gov.in , latest by 31.07.2023".

Copy of the Letter/ Circular dated 14th July 2023 issued by Ministry of Road Transport and Highways is enclosed and marked as **Annexure-1**

ORDERS ISSUED BY THE STATES/UT's FOR CONVERSION OF OLD VEHICLES THROUGH OEM MODEL

Accordingly we would like to bring to your kind notice with regard to States that have already issued the orders for the implemented the HSRP scheme for the old vehicles through OEM model and is being already implemented successfully. **The states are Odisha, Uttar Pradesh, Madhya Pradesh, NCT of Delhi, Andaman, Uttarakhand, West Bengal, Bihar, Himachal Pradesh and Sikkim.**

Copy of the orders of Odisha, Uttar Pradesh, Madhya Pradesh, NCT of Delhi, Andaman, Bihar, Himachal Pradesh and Sikkim for old vehicles conversion through OEM model are enclosed and marked as Annexure-2, 3,4,5,6,7,8 and 9

GIST AND EXTRACTS OF NOTIFICATIONS AND CIRCULARS ISSUED BY MORT&H WITH REGARD TO THE HSRP PROJECT:-

A. It is submitted that on 04.12.2018 and 06.12.2018 vide Gazette Notification bearing number 1162(E) and S.O No. 6052 (E) respectively, the Ministry of Road Transport and Highways amended the Rule 50 of CMVR 1989 and HSRP Order 2001. Through the said notification and S.O, Ministry bestowed the responsibility of HSRP to the vehicle manufacturing companies/OEMs and their dealers for the vehicle manufactured onwards 01.04.2019, and there shall be no additional charge for the same, **whereas for the vehicles manufactured prior to 01.04.2019, the OEM/ their authorized dealers and additionally the State Government has**

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been bestowed with the responsibility for the conversion of all old vehicle into HSRP.. Below is the relevant clause of S.O no. 1162(E) dated 06.12.2018:-

*5. (i) **For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after** placing the mark of registration thereon.*

*(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.**(Copy of* S.O No. 6052 (E) dated 06.12.2018 is attached-Annexure-10)**

B. That Ministry of Road Transport and Highways issued an office Memorandum on 04.10.2019 along with MOM dated 24.09.2021 wherein at Para 10 Ministry of Road Transport and Highways empowered the state Government to take decision with regard to implementation of HSRP for old vehicles either through OEM model or through HSRP manufacturer through tender. The relevant extract is mentioned below

"For the issue of providing and fixation of HSRP on existing vehicles, Js (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 2011, state Government has to take a decision that either the HSRP plates be supplied through authorised OEMs dealers or select HSRP manufacturers". **Copy of Memorandum on 04.10.2019 along with MOM dated 24.09.2021 is enclosed-Annexure-11**

C. The instructions so stated were further notified in the GSR 104 (E) dated 11.02.2020 at Point Number 2 (d).:

*"...**and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers** or by the approved license plate manufacturers or their dealers. Further approved license plate manufacturers or their dealers was substituted with* approved license plate manufacturers or their dealers approved by State Government or Union Territory Administration. *(Copy of* GSR 104 (E) dated 11.02.2020 and 18.08.2022 are attached-Annexure-12, 12a)**

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WHY OEM MODEL FOR OLD VEHICLE CONVERSION INTO HSRP:-

1. Speedy conversion of old vehicles into HSRP.
2. No chance of litigations or challenge in the court of law.
3. No needs for price discovery as prices are already settled with the OEMs.
4. Responsibility shall be with OEMs, their dealers and their approved/authorized Type approved HSRP Vendors.
5. Online HSRP booking. Customer need not require to visit RTOs/DTOs for booking HSRP and thereafter for fitment.
6. Fitment at customers nearest dealers Point, no Involvement of RTOs or its space for the purpose of Booking and fitment.
7. Is already being implemented successfully in **Odisha, Uttar Pradesh, Madhya Pradesh, NCT of Delhi, Andaman, West Bengal, Uttarakhand, Bihar, Himachal Pradesh and Sikkim.**

HON'BLE SUPREME COURT DIRECTIONS WITH REGARD TO HSRP PROJECT : PROHIBITING EMPANELMENT PROCESS:

It is submitted that the method of empanelment of multiple HSRP vendors that was adopted by the states of Jharkhand, Bihar, and the Union Territory of Chandigarh was immediately turned down by the Hon'ble Supreme Court of India vide its judgment dated 30.08.2011 in W.P(c) 510 of 2005, so that the objective of the HSRP scheme is not defeated. The extracts of the **Judgment dated 30.08.2011 in W.P(C) 510 of 2005, titled "M.S .Bitta Vs. UOI and Ors"- Which restricts** empanelment of multiple HSRP vendors by the State authority is herein below:-

> *6."Then there is a second category of U.T./States i.e., the U.T. of Chandigarh and the States of Jharkhand and Bihar which have not followed the procedure for selection and have approved. certain vendors with "Type Approval Certificate (TAC) from the Central Government, who would be permitted to affix the HSRP at own premises or at the office of the RIO. As we have indicated, this is not in compliance with the directions of the scheme and provisions of the Motor Vehicles Act, 1988. If these States are permitted to adopt their own procedure, then it is bound to defeat the very purpose of security and uniform affixation of HSRP all over the county. Hence, this be permitted as it would defeat the entire exercise undertaken by this Court over number of years.*

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Copy of the order dated 30.08.2011 passed by the Hon'ble Supreme Court of India is enclosed-Annexure-13

WHY HON'BLE SUPREME COURT OF INDIA PROHIBHITED EMPANELMENT PROCESS OR AUTHORIZING MULTIPLE HSRP MANUFACTURERS BY THE STATE /UT GOVERNMENT:

As it may jeopardize the entire project and lead to the following disadvantages and defeat the objective of HSRP project:-

A. Flooding of multiple HSRPs for same registration numbers of same vehicles, same brands within a State/UT.
B. Objective of the HSRP scheme shall be defeated completely.
C. Violation of the Hon'ble Supreme Court Judgment and its directions given in W.P © 510 of 2005.
D. Invitation to crime and criminal activities.
E. Non updation of Laser codes of HSRP's to Vahan.
F. Responsibility / accountability cannot be fixed.

In light of the above-mentioned facts, judgments ***the State of Kerala to implement the scheme of HSRP onto the old vehicles in a speedy manner and without any legal hassle, needs to implement the scheme through OEM model as has been done by*** NCT of Delhi, State of Odisha. Uttar Pradesh, Madhya Pradesh, Bihar, Himachal Pradesh, Andaman, Uttarakhand, Sikkim, West Bengal.

Thanking You

Sanjay Ganjoor

Sanjay Ganjoor

President-All India Moor Vehicle Security Association

45, I[st] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
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Annexure 1

No. RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport & Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi--110001

Dated, the 14 July, 2023

To,

i. Principal Secretaries/ Secretaries (Transport) of all States/ UTs;
ii. Transport Commissioners of all States/ UTs.

Subject: Penalisation of vehicles not having High Security Registration Plates (HSRP).

Madam/Sir,

This Ministry, vide GSR 221(E) dt 28.03.2001 amended rule 50, which governs the form and manner of display of registration marks on the motor vehicles, mandating the fixing of security license plates. The HSRP scheme is imperative to the country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and in prevention of tampering and counterfeiting. Considering the significant role of HSRP from enforcement and security standpoint, it is imperative that vehicles be fitted with HSRP at the earliest.

2. As per clause (v) of sub-rule (1) of rule 50 of CMV Rules, 1989, The HSRPs with all the requisite specifications-

a. for a new vehicle, shall be issued by the registering authority of vehicle manufacturers and their dealers and;
b. for existing old registered vehicle, shall be issued by registering authority,
or
vehicle manufacturers and their dealer, o r by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

3. It has been brought to the notice of this Ministry that some States/UTs are yet to notify authorised vendors for HSRP for their respective State/UT, in line with para 2. It is requested that the details of the HSRP vendors notified in respective States/UTs till date may please be submitted to this Ministry at comments-morth@gov.in, latest by 31.07.2023.

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4. However, it is advised that till such time a particular State/UT issues the notification authorising HSRP vendors, vehicles of that State/UT may not be penalized on account of lack of HSRP while plying in/through other States/UTs.

This issues with the approval of the Competent Authority.

Yours faithfully,

(Dr. Piyush Jain)
Director (MVL)
Tel: 011-2371 4974
Email: director-morth@gov.in

Copy to -

SIAM- Please forward the details of HSRP vendors which are authorized to fix HSRP on vehicles registered on or after the 1st day of April, 2019 State/UT wise, OEM wise and date wise.

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Annexure 2

OFFICE OF THE TRANSPORT COMMISSIONER-CUM-CHAIRMAN, STATE TRANSPORT AUTHORITY, ODISHA, CUTTACK.

No.LX-168/2019(Tech.) 7058 /TC, Dated: 26-05-2022

ORDER

Sub: Affixation of High Security Registration Plates (HSRP) with third registration mark on old vehicles registered prior to 01.04.2019.

Rule 50 of CMV Rules, 1989 prescribes for fixation of High Security Registration Plates (HSRP) and third registration mark on motor vehicles. In this connection and with reference to the Central Government amended Rule 50 of CMVR and Notifications/Statutory Orders from Ministry of Road Transport & Highways dated 4.12.2018 and 6.12.2018 and 11.02.2020 with respect to affixing HSRP for old vehicles registered prior to the 01.04.2019, it has been decided by the State Govt. that :

- To control and check the substandard material, only OEMs / Authorized dealers of OEM will be allowed to fix the HSRP on the old vehicles.

- The OEM/ Authorized dealers of OEM shall ensure that only authorized and type approved HSRPs as mandated by the Government of India are affixed on the old vehicles, which shall be verified by the Transport officials, time to time.

- All OEMs/Authorized dealers of OEMs will be allowed to fix HSRP on old vehicles of any make.

- Vehicle owners will be given at least 3 months' time from the date of issue of this order to fix the HSRP on old vehicles before enforcement is undertaken by the Transport Department officials/Police officials.

Following guidelines are to be adhered regarding affixation of HSRP on old vehicles.

1. HSRP would be affixed by the vehicle manufacturers (OEMs) and their Authorized dealers only. Only the HSRP vendor authorized by the vehicle

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manufacturers (OEMs) shall supply the HSRPs only to their authorized dealers. Affixation of HSRP on old vehicles shall be carried by authorized dealers of OEMs.

2. The vehicle owner shall book for fitment of HSRP and make payment for the purpose through online portal authorized by the OEM to maintain the transparency and to prevent excess chargingfrom the vehicle owners. The portal authorized by the OEMs shall offer the facility to the vehicle owner for selection of any dealer, location and date for affixing of HSRP as per his convenience.

3. The portal authorized by the OEM shall have the capability to inform the vehicle owner status of the order placed for fitment of HSRP through SMS.

4. The OEMs or its authorizeddealers shall display board at a conspicuous place at their showroom indicating charges to be paid by the vehicle owner for affixation of HSRP and alsoon the HSRP portal to maintain transparency at all times.

5. The OEMs or its authorizedvendor/dealer may offer the services to the vehicle owners for fitment of the HSRP where the owner resides or has his place of business on payment of extra charges subject to willingness of the vehicle owner.

6. The OEMs or its authorized dealers after affixing the HSRP on the vehicle shall ensure that the laser code is updated in VAHAN portal.

7. The vehicle not having valid Registration Certificate and Fitness Certificate (for Transport Vehicle)and the vehicles having arrear tax due shall not be allowed to affix HSRP by OEMs or its authorised dealers. The OEMs shall customizetheir portal accordingly.

Timeline for affixing HSRP:

A. For all class of vehicles registered prior to 1st April, 2019, the vehicle owners shall have to take necessary steps to get the HSRP affixed on their vehicle as per timeline given below.

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Sl. No.	All vehicles	Dateline by which HSRP shall be fitted.
1.	Vehicles carrying Odisha Registration mark and registration number ending with 1 and 2	31st August, 2022
2.	Vehicles carrying Odisha Registration mark and registration number ending with 3 and 4	30th Sept., 2022
3.	Vehicles carrying Odisha Registration mark and registration number ending with 5 and 6	31st Oct., 2022
4.	Vehicles carrying Odisha Registration mark and registration number ending with 7 and 8	30th Nov., 2022
5.	Vehicles carrying Odisha Registration mark and registration number ending with 9 and 0	31st Dec., 2022

B. No e-challan shall be issued and no fine shall be collected or no penal action shall be taken against any old vehicle registered prior to 1st April, 2019 for plying vehicles without HSRP till 31.08.2022. After that challans will be issued in accordance with the last date given in the para A above for various series of vehicle nos. e.g. vehicles carrying Odisha Registration mark and registration number ending with 1 and 2 will be liable for challan from 01.09.2022 if they are fail to affix HSRP.

However, to avoid last minute rush, vehicle owners should be encouraged / sensitized to affix HSRP on their vehicles as soon as possible but not later than the above schedule. In case the vehicle is not affixed with HSRP within the scheduled date mentioned above, e-challan shall be issued against the offending vehicleand attract fine of Rs. 5000/- or Rs.10,000/- under Section 192 of M.V. Act, 1988 as the case may be.

C. Legal action shall be initiated against Dealers / any other person found to be selling and supplying HSRPs in the State without being authorized by the OEMs.

All Regional Transport Officers are instructed to comply with the above order to ensure that HSRP are fitted on all motor vehicles registered prior to 01.04.2019 in a

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seamless manner. They are directed to convene meeting with the all dealers functioning under their jurisdiction to sensitize them about the modalities for fitment of HSRP on old vehicles within the scheduled date.

Transport Commissioner
Odisha

Memo No. 7059 dated 26-05-2022

Copy to the Principal Secretary to Government, Commerce and Transport Department for favor of information.

Transport Commissioner
Odisha.

Memo No. 7060 dated 26-05-2022

Copy to the D.G. & I.G. of Police, Odisha, Cuttack for favor of information.

Transport Commissioner
Odisha.

Memo No. 7061 /TC dated 26-05-2022

Copy to all Collector & District Magistrates/ All Superintendents of Police/ all DCPs, Bhubaneswar- Cuttack / all DCTs / all RTOs / Addl. RTO, Barbil / Rairangpur/ Asst. RTO, Khurda for information and necessary action.

Transport Commissioner
Odisha.

Memo No. 7062 /TC dated 26-05-2022

Copy to all Senior Officers of STA / Standing Counsel (Transport) / Addl. Standing Counsel (Transport) for information and necessary action.

Copy to Computer Cell, STA / Communication Cell, STA for information and necessary action and to host in the website/ twitter/ face book.

Transport Commissioner
Odisha.

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Annexure 3

OFFICE OF THE TRANSPORT COMMISSIONER

UTTAR PRADESH

NO. 45/Ha.Si/Sa.Pra/2019-38A(8)/2017 Dated: 01 January 2019

1.All the Asstt. Regional Transport Officers (Admin), Uttar Pradesh.

Sub: in regard to Install the High Security Registration Plate in present vehicles:

permission was granted by Road Transport and Highway Ministry, Government of India, in order to Government Order No. 4176/30-3-2019-123M/2017, dated 19.10.2019 (copy attached), under the provisions existed in Clause-4 of Ka.Aa. 6052(A) dated 06.12.2018 issued in connection to install high security plate with Third Registration Sign in the in present vehicles.

In connection to install high security plate with Third Registration Sign on the present vehicles through dealer of related vehicle manufacturer, in view of permission received vide Government Order No. 4789/30-3-2019-125M/2017, dated 28.11.2019 following process has been prescribed:

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1. Every dealer and vehicle manufacturing companies will ensure to comply strictly the guidelines given order No. A 6062(a) dated 06.12.2018 issued by Road Transport and Highway Ministry, Government of India in relation to install High Security Registration Plate with Third Registration Sign.

2. To make this process too much effective and transparent the vehicle manufacturer or their dealer will develop online portal, in which the applicant submitting online application to the dealer as per process mentioned in Clause No. 3 to 9 will perform the process to fix High Security Registration Plate with Third Registration Sign in their vehicles.

3. Every vehicle owners will submit online application form in attached format (Annexure-1) to its district dealer of the vehicle manufacturing company in relation to the install High Security Registration Plate with Third Registration Sign in

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their vehicle. If there is any dealership in this District/Janpad then the vehicle owner will submit application to the nearby district dealer. Annexure

4. Vehicle owner will ensure prior to submit application form that no any challan is pending on the vehicle and the registration book of the vehicle is not suspended or cancelled.

5. After receipt of online application form dealer will verify details of the vehicle with the vehicle portal. Dealer in any situation will not raise any demand of format from vehicle owner and on finding the vehicle appropriate he will inform about it to the vehicle owner through the mode of online portal or S.M.S.

6. If details submitted by vehicle owner is not matched with the details available on vehicle software then the information to that effect would be provided immediately to the vehicle owner through the mode of online portal or S.M.S. that he may ensure

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to update details of vehicle visiting to the related transport office and the disputed application would be canceled.

7. On receipt information from vehicle owner about being matched the vehicle details, he will pay the fees payable to the vehicle dealer through online mode. The fees payable will also be demonstrated clearly at the showroom by dealer. Facility will be granted to take print of receipt of fees paid and and application on online portal. Annexure 6

8. After receipt of online fees vehicle owner will select the date on online portal so that the vehicle owner will install high security registration plate on his vehicle visiting to the dealer.

9. Every dealer after installation of plate will upload details related with the High Security Registration Plate on vehicle portal and will grant a copy of which to the vehicle owner. Prior to installation of the High Security Registration Plate

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will also made available a signed copy of application form to the dealer also. The dealer will ensure prior installation of High Security Registration Plate that the Annexure 6 application received for which the vehicle, number plate should also be fixed on the same vehicle means dealer on submission of vehicle he will fix the High Security Registration Plate only after matching the engine number and chasis number.

10. Every dealer will use High Security Registration Plate with Third Registration Sign made available by the vehicle manufacturer.

11. Proceeding from the receipt of applciaiton till the fixation of High Security Registration Plate on vehicle will only be done by online portal. No any dealer will act on manual application.

Every Asstt. Regional Transport Officer (Admin) acquainting the dealer with the entire process by holding a meeting of dealers of their own

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district, so compliance of this process could be ensured.

Sd/-

(Dhiraj Sahu)

Transport Commissioner

Uttar Pradesh

NO. 45(1)/H.S/Co.Se/2019 even dated:

Cc to the following for information and necessary action:

1. For information to the Chief Secretary, Transport, Government of Uttar Pradesh in reference to the Government Order 4176/30-3-2019-125M/2017, dated 20.10.2019
2. Directors(MVL) Road Transport and Highway Ministry, Government of India, New Delhi.
3. All the Vehicle Manufacturing Compnanies, Uttar Pradesh C/o Society of Indian Automobile Manufacturers, New Delhi.
4. All the Addl. Transport Commissioner, Uttar Pradesh.
5. All the Dy. Transport Commissioner (Regional) U.P.
6. All the Regional Transport Officer Uttar Pradesh.
7. To Asstt. Regional Transport Officer for purpose to update on website.
8. Guard File

Sd/-

(A K Pandey)

Addl.Transport Commissioner (Reenue)

Uttar Pradesh

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(Annexure-1)

1	Name of vehicle owner	
2	Address of vehicle owner	
3	Registration No. of vehicle	
4	Mob. No.	
5	E-mail	
6	Type of Vehicle: 1. Motorcylce 2. Light Motor Car/Geep 3. E-Rickshaw 4. Three wheeler passenger vehicle 5. Three wheeler goods vehicle 6. Light goods vehicle (upto 7.5 GBW) 7. Medium Goods Vehicle (upto 12 ton GBW) 8. Heavy Vehicle (more than 12 ton GBW) 9. Bus 10. Tractor 11. Crane 12. Other	
7	Vehicle Chesis No.	
8	Vehicle Engine No.	
9	Type of Vehicle Engine: 1. Petrol 2. Diesel 3. C.N.G. 4. L.P.G. 5. ELECTRIC 6. Other	

Signature of Vehicle Owner

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Annexure 4

कार्यालय परिवहन आयुक्त, मध्यप्रदेश, ग्वालियर

क्रमांक 59 / टीसी / 2023 भोपाल, दिनांक 06/7/2023

—आदेश—

सडक परिवहन और राजमार्ग मंत्रालय, भारत सरकार द्वारा निर्गत अधिसूचना सं.–सा.का.नि. 1162(अ), दिनांक 04.12.2018 सह–पठित–अधिसूचना संख्या–का.आ.6052(अ), दिनांक 06.12.2018 सह–पठित अधिसूचना संख्या–का.आ.1018(अ), दिनांक 25.02.2019 के प्रावधानों के आलोक में दिनांक 01.04.2019 से पूर्व या उसके बाद निर्मित वाहनों में संबंधित वाहन निर्माता एवं उनके डीलरों को HSRP तीसरे रजिस्ट्रेशन सहित लगाने का निर्देश दिया गया है। दिनांक 01.04.2019 के बाद निर्मित वाहनों में मोटरयान विनिर्माताओं / अधिकृत डीलरों द्वारा HSRP लगाया जा रहा है।

उपर्युक्त के क्रम में दिनांक 01.04.2019 के पूर्व निर्मित वाहनों पर HSRP लगाये जाने हेतु भी वाहन विनिर्माता एवं उनके डीलरों को प्राधिकृत किया जाता है एवं HSRP लगाये जाने हेतु निम्नलिखित प्रक्रिया निर्धारित की जाती है:–

1– मध्यप्रदेश के अंतर्गत कार्य करने वाले प्रत्येक वाहन के निर्माता कंपनियों एवं उनके अधिकृत डीलरों के द्वारा HSRP एवं तीसरे रजिस्ट्रेशन चिन्ह के संबंध में सडक परिवहन और राजमार्ग मंत्रालय, भारत सरकार द्वारा निर्गत उपर्युक्त अधिसूचनाओं में दिए गये निर्देशों का अक्षरशः अनुपालन सुनिश्चित किया जायेगा।

2– इस प्रक्रिया को अधिक प्रभावी एवं पारदर्शी बनाने के लिए वाहन निर्माता अथवा उनके अधिकृत डीलरों द्वारा ऑनलाईन पोर्टल विकसित किया जायेगा, जिसमें आवेदक डीलर को ऑनलाइन आवेदन प्रस्तुत कर अपने वाहन में हाई सिक्योरिटी रजिस्ट्रेशन प्लेट Affix कराने का अनुरोध करेगा एवं इस हेतु स्लॉट बुक करने की सुविधा विनिर्माता / अधिकृत डीलर के द्वारा उपलब्ध करायी जायेगी।

3– प्रत्येक वाहन स्वामी, जिस कंपनी का वाहन है, उसके किसी भी डीलर को अपने वाहन पर तीसरे रजिस्ट्रेशन चिन्ह सहित हाई सिक्योरिटी रजिस्ट्रेशन प्लेट लगाने के संबंध में निर्धारित प्रारूप में ऑनलाइन आवेदन पत्र प्रस्तुत करेगा।

4– डीलर द्वारा पुराने वाहनों पर HSRP हेतु देय फीस की सूचना स्पष्ट रूप से अपने शोरूम में प्रदर्शित करेंगे एवं उससे अधिक राशि वे इस हेतु नहीं लेंगे।

5– ऑनलाइन आवेदन प्राप्त होने के पश्चात् डीलर वाहन के विवरण का सत्यापन वाहन 4.0 पोर्टल से करेगा। वाहन का विवरण सॉफ्टवेयर से मिलान करने एवं अभिलेख उपर्युक्त पाये जाने पर ऑनलाइन पोर्टल तथा एस.एम.एस. के माध्यम से वाहन स्वामी को इसकी सूचना देगा। विवरण मैच नहीं होंगे तो इस आशय की सूचना डीलर द्वारा वाहन स्वामी को ऑनलाइन पोर्टल तथा एस.एम.एस. के माध्यम से देगा तथा प्रश्नगत आवेदन पत्र निरस्त कर दिया जायेगा। आवेदक की जिम्मेवारी होगी कि वे अपने वाहन का विवरण अपडेट करायें।

6– प्रत्येक डीलर वाहन पर प्लेट Affix करने के पश्चात् वाहन–4.0 पोर्टल पर हाई सिक्योरिटी रजिस्ट्रेशन प्लेट से संबंधित Laser Code सहित विवरण को अपलोड करेगा तथा उसका प्रिन्ट आउट सुरक्षित रखेगा।

निरंतर.....02

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7- वाहन-4.0 पोर्टल पर हाई सिक्योरिटी रजिस्ट्रेशन प्लेट से संबंधित Laser Code सहित विवरण को अपलोड करने एवं इससे संबंधित रिपोर्ट प्राप्त करने हेतु सॉफ्टवेयर में आवश्यक व्यवस्था NIC द्वारा की जायेगी।

8- प्रत्येक डीलर वाहन निर्माता द्वारा उपलब्ध कराये गये Type Approved हाई सिक्योरिटी रजिस्ट्रेशन प्लेट एवं तीसरे रजिस्ट्रेशन चिन्ह का ही प्रयोग करेगा। परिवहन विभाग के अधिकारियों द्वारा Authorised testing agency से जांच करायी जा सकेगी।

9- परिवहन विभाग के अधिकारियो द्वारा अपने क्षेत्रांतर्गत उक्त कार्य का मॉनिटरिंग किया जायेगा एवं डीलर द्वारा उपरोक्त निर्देश का अनुपालन नहीं होने तथा किसी गलत कार्य अथवा वाहन विनिर्माता की अनुमति के बिना एचएसआरपी लगाये जाने पर दंडात्मक कार्यवाही की जा सकेगी।

10- प्रत्येक डीलर हाई सिक्योरिटी रजिस्ट्रेशन प्लेट Affix करने से पूर्व यह सुनिश्चित करेगा कि जिस वाहन के लिए आवेदन प्राप्त हुआ है, नंबर प्लेट भी उसी वाहन पर फिक्स की जाए अर्थात् डीलर वाहन प्रस्तुत होने पर चैसिस एवं इंजन नंबर के मिलान करने के पश्चात् ही हाई सिक्योरिटी रजिस्ट्रेशन प्लेट लगायेगा।

11- समस्त शासकीय वाहनों में आगामी 6 माह में HSRP लगाना सुनिश्चित किया जावे।

12- शासकीय विभागों में अनुबंध पर लिए जाने वाले वाहनों में भी 6 माह में HSRP लगाया जाना सुनिश्चित करें।

प्रत्येक जिला परिवहन अधिकारी अपने जिलों के डीलरों की बैठक कर उन्हें पूरी प्रक्रिया से अवगत कराते हुए इस आदेश की प्रति उन्हें प्राप्त करा दे एवं इसका क्रियान्वयन सुनिश्चित करायें।

(संजय कुमार झा)
परिवहन आयुक्त
मध्यप्रदेश

पृष्ठा. क्रमांक 59 / टीसी / 2023 भोपाल, दिनांक 06/7/23

प्रतिलिपिः-

1-प्रमुख सचिव, परिवहन विभाग, मंत्रालय, वल्लभ भवन, भोपाल की ओर चर्चानुसार सूचनार्थ प्रेषित। कृपया शासकीय विभागों के वाहनों में HSRP लगाए जाने हेतु निर्देश प्रसारित किए जाने हेतु अनुरोध है।

2-अपर परिवहन आयुक्त (प्रवर्तन), मध्यप्रदेश, मुख्यालय ग्वालियर की ओर सूचनार्थ ।

3-संयुक्त परिवहन आयुक्त (प्रशा./वित्त), मध्यप्रदेश, मुख्यालय ग्वालियर की ओर सूचनार्थ ।

4-समस्त क्षेत्रीय उप परिवहन आयुक्त की ओर सूचनार्थ।

निरंतर.....03

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Annexure 6

5—क्षेत्रीय परिवहन अधिकारी, जबलपुर— अतिरिक्त महाधिवक्ता,जबलपुर को रिट पिटीशन 7436/21 के संदर्भ में प्रति उपलब्ध कराने हेतु।

6—समस्त क्षेत्रीय/अति.क्षेत्रीय/जिला परिवहन अधिकारी की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

7— तकनीकी निदेशक, एनआईसी परिवहन मुख्यालय, ग्वालियर की ओर सूचनार्थ एवं वाहन 4.0 पोर्टल से आवश्यक इंटीग्रेशन हेतु।

8—The President, Society of Indian Automobile Manufactures (SIAM), Core 4-B, 5th Floor, India Habitat Center, Lodhi Road, New Delhi-110003, email: siam@siam.in

9— श्री महेश मल्होत्रा(सी.ई.ओ.) मेसर्स लिंक उत्सव ऑटो सिस्टम प्रा.लि.— दिनांक 23.07.2021, 24.08.2022 एवं समय—समय पर Foreclosure के प्रस्ताव एवं सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार द्वारा अधिसूचना दिनांक 06.12.2018 की कंडिका 4 एवं पत्र क्रमांक RT —11036/56/2019—एमव्हीएल, दिनांक 01.09.2021 के अनुक्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु।

परिवहन आयुक्त
मध्य प्रदेश

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Annexure 5

IMMEDIATE

TRANSPORT DEPARTMENT, GOVT. OF NCT OF DELHI
5/9 UNDER HILL ROAD, DELHI-110 054.

No.DC/OPS/TPT/1321/2018/ 12577 **Dated: October** 16, **2019**

ORDER

1. The Ministry of Road Transport & Highways, Govt. of India vide G.S.R. 1162(E) dated 04.12.2018 and S.O. 6052(E) dated 06.12.2018 notified that vehicle manufacturer shall comply with the procedure in regard to High Security Registration Plate (HSRP) including the third registration mark, for a new vehicle to be sold on or after 1st April, 2019. In the said notification dated 06.12.2018, it was also notified that:-

(i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

2. The Environment Pollution (Prevention & Control) Authority (EPCA) and the Hon'ble Supreme Court are also monitoring the progress of affixation of colour stickers in WPC No.13029/1985 titled M.C. Mehta v/s UOI & Others.

3. In the meeting held on 24.09.2019 at 1500 hrs under the chairmanship of Jt. Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers, it was *interalia* decided that *'For the issue of providing and fixation of HSRP on existing vehicles, State Government has to take a decision that either the HSRP plates be supplied through authorised OEMs dealers or select HSRP manufacturers'.*

4. Vide GSR 1162 dated 04.12.2018, the following has been prescribed by MoRTH:-

"Provided that the High Security Registration Platte including the third registration mark, wherever required shall be supplied by the vehicle manufacturers alongwith the vehicles manufactured on or after the 1st April, 2019 to their dealers and the dealers shall place a mark of registration on such plates and affix them on the vehicle."

Contd/...

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5. In accordance with the notification of MoRTH, GOI vide GSR 1162 dated 04.12.2018 and order dated 06.12.2018 , it has been decided *for affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.* The dealer shall obtain the HSRP and hologram based colour sticker only through authorised source of concerned OEMs in NCT of Delhi and the affixation of HSRP shall be made by using the data through the VAHAN software.

6. The dealers of OEMs shall be required to strictly comply with the notification dated 04.12.2018 and specifications prescribed in S.O.6052 dated 06.12.2018 regarding HSRP and third registration mark / colour stickers.

7. In case of old vehicles already affixed with HSRP, only the hologram based colour stickers will be affixed by the vehicle dealers as per arrangements already made by OEMs.

8. HSRP alongwith hologram based colour stickers shall not be affixed through any other source at all except through the dealers authorised by OEMs.

9. This issues with the prior approval of the competent authority.

16/10/19

(S.S. CHAUHAN)
DY. COMMISSIONER (OPERATIONS)

No.DC/OPS/TPT/1321/2018/ T2577 **Dated: October** 16**, 2019**

Copy forwarded for information to:-

1. The Chairman, Environment Pollution (Prevention & Control) Authority (EPCA), Core VIA, 3rd Floor, India Habitat Centre, Lodhi Road, New Delhi-110 003.
2. Director (MVL), Ministry of Road Transport & Highways, GOI, Transport Bhawan, 1 Parliament Street, New Delhi-01.
3. Secretary to Hon'ble Minister (Transport), Delhi Secretariat, I.P. Estate, New Delhi.
4. OSD to Commissioner (Transport).
5. PA to Special Commissioner (Operations)
6. All Dy. Commissioners /MLOs / PCO (HQs).
7. All Motor Vehicle Manufacturers, through Society of Indian Automobile Manufacturers (SIAM), Core 4-B, 5th Floor, India Habitat Centre, Lodhi Road, New Delhi - 110003. *siam@siam.in*
8. Sr. SA for co-ordination with NIC to ensure effective implementation.
9. System Analyst for uploading on the website of this department.
10. All Motor vehicle Dealers through Registering Authorities / MLOs.
11. Guard file.

16/10/19

(S.S. CHAUHAN)
DY. COMMISSIONER (OPERATIONS)

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e-mail: rtoanj.and@nic.in Ph.No.03192-235279

Annexure 6

No.MVD/RMIL/2021/ 5907

OFFICE OF THE MOTOR VEHICLE DEPARTMENT

Andaman & Nicobar Islands

Port Blair dated 31st August, 2021

To.

M/s. Real Mazon Infra Limited
304, 3rd Floor, Nirmal Tower,
26, Barakhamba Road,
New Delhi-110001.

Sub: - Winding up/ Closure of project under contract agreement of HSRP affixation on vehicles of A&N Islands Reg.

Ref: Ministry notification no. GSR 1162(E) dated 04.12.2018 and S.O 6085(E) dated 06.12.2018

Madam/Sir,

It is to inform that the Govt. Of India (GoI) vide its gazette notification No. G.S.R. 221 E dt 28.03.2001 S.O 814 E dt 22.08.2001, S.O. 938(E) dt 24.09.2001, S.O. 1041(E) dt 16.10.2001 and S.O 499 (E) dt 09.05.2002 had made it mandatory for all vehicles in India to affix with HSRP in the premises of Registering Authority. Accordingly, to comply the order the UT of A&N Islands had selected M/s. RMIL to carry out the manufacture, distribution, sales & affixation of HSRP in this Union Territory of A&N Islands through competitive bidding process executed as contract agreement for implementing the project for a period of 15 years w.e.f. 21.10.2011.

Now, in the recent amendment in Rule 50 of CMVR, 1989 and HSRP order of 2001 from the Ministry of Road Transport & Highways (MoRTH) by way of notification under above reference, the HSRP has to be affixed by the respective OEM/dealers of the vehicles.

By complying with the Ministry's orders as referred above, the automobile dealers have started affixing the HSRP in their premises for the vehicles manufactured by them.

Considering the above, this department intends to wind up the HSRP fitment project in the premises under the contract agreement dated 21.10.2011 and require you to vacate the space provided for Embossing Station within 15 days from the date of receipt of this letter.

This has the approval of competent authority.

Yours faithfully,

30/8/21

Registering Authority

Copy to.

1. The PA to Secretary(Trpt), for kind information of Secretary please.
2. The PA to Director (Trpt), for kind information of DOT please.

30/8/21

Registering Authority

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Annexure 7

बिहार सरकार
परिवहन विभाग

पत्रांक–02/HSRP –01/2021, परि0 5504 पटना, दिनांक–30/8/2022

प्रेषक,

राज्य परिवहन आयुक्त,
बिहार, पटना।

सेवा में,

सभी जिला परिवहन पदाधिकारी,
बिहार।

विषय :– दिनांक–01.04.2019 के पूर्व निर्मित यानों पर HSRP (हाई सिक्योरिटी रजिस्ट्रेशन प्लेट) लगाये जाने हेतु वाहन विर्निमाता एवं उनके डीलरों को प्राधिकृत किये जाने के संबंध में।

प्रसंग :– इस विभाग का पत्रांक–2385, दिनांक–01.04.2019

महाशय,

निदेशानुसार उपर्युक्त विषयक प्रासंगिक पत्र का संदर्भ लें, जिसके द्वारा सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार द्वारा निर्गत अधिसूचना सं0–सा.का.नि.–1162(अ), दिनांक–04.12.2018 सह–पठित– अधिसूचना संख्या–का.आ.-6052 (अ), दिनांक–06.12.2018 सह–पठित अधिसूचना संख्या–का. आ.1018(अ), दिनांक–25.02.2019 के प्रावधानों के आलोक में दिनांक–01.04.2019 या उसके बाद निर्मित वाहनों में संबंधित वाहन निर्माता एवं उनके डीलरों को HSRP तीसरे रजिस्ट्रेशन सहित लगाने का निदेश दिया गया है।

उपर्युक्त के क्रम में दिनांक–01.04.2019 के पूर्व निर्मित यानों पर HSRP लगाये जाने हेतु वाहन विर्निमाता एवं उनके डीलरों को प्राधिकृत किया जाता है एवं HSRP लगाये जाने हेतु हेतु निम्नलिखित प्रक्रिया निर्धारित की जाती है :–

1. बिहार राज्य के अन्तर्गत कार्य करने वाले प्रत्येक वाहन के निर्माता कम्पनियाँ एवं उनके अधिकृत डीलरों के द्वारा HSRP एवं तीसरे रजिस्ट्रेशन चिन्ह् के संबंध में सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार द्वारा निर्गत उपर्युक्त अधिसूचनाओं में दिये गये निर्देशों का अक्षरशः अनुपालन सुनिश्चित करेगा।

2. इस प्रक्रिया को अधिक प्रभावी एवं पारदर्शी बनाने के लिए वाहन निर्माता अथवा उनके अधिकृत डीलरों द्वारा ऑनलाईन पोर्टल विकसित किया जायेगा, जिसमें आवेदक डीलर को ऑनलाईन आवेदन प्रस्तुत कर अपने वाहन में हाई सिक्योरिटी रजिस्ट्रेशन प्लेट Affix कराने की अनुरोध करेगा एवं इस हेतु स्लॉट बुक करने की सुविधा विनिर्माता/अधिकृत डीलर के द्वारा उपलब्ध करायी जायेगी।

3. प्रत्येक वाहन स्वामी, जिस कंपनी का वाहन है, उसके किसी भी डीलर को अपने वाहन पर तीसरे रजिस्ट्रेशन चिन्ह् सहित हाई सिक्योरिटी रजिस्ट्रेशन प्लेट लगाने के संबंध में संलग्न प्रारुप (परिशिष्ट–क) में ऑनलाईन आवेदन पत्र प्रस्तुत करेगा ।

4. डीलर द्वारा पुराने वाहनों पर HSRP हेतु देय फीस की सूचना स्पष्ट रुप से अपने शोरुम में प्रदर्शित करेंगे एवं उससे अधिक राशि वे इस हेतु नहीं लेंगे।

5. ऑनलाईन आवेदन प्राप्त होने के पश्चात् डीलर वाहन के विवरण का सत्यापन वाहन 4.0 पोर्टल से करेगा । वाहन का विवरण सॉफ्टवेयर से मिलान करने एवं अभिलेख उपर्युक्त पाये जाने पर ऑनलाईन पोर्टल तथा एस.एम.एस के माध्यम से वाहन स्वामी को इसकी सूचना देगा । विवरण मैच नहीं होने तो इस आशय की सूचना डीलर द्वारा वाहन स्वामी को ऑनलाईन पोर्टल तथा एस.एम.एस के माध्यम से देगा तथा प्रश्नगत आवेदन पत्र निरस्त कर दिया जायेगा। आवेदक की जिम्मेवारी होगी कि वे अपने वाहन का विवरण अपडेट करायें ।

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6. प्रत्येक डीलर वाहन पर प्लेट Affix करने के पश्चात् वाहन–4.0 पोर्टल पर हाई सिक्योरिटी रजिस्ट्रेशन प्लेट से संबंधित Laser Code सहित विवरण को अपलोड करेगा तथा उसका प्रिन्ट आउट सुरक्षित रखेगा ।

7. वाहन–4.0 पोर्टल पर हाई सिक्योरिटी रजिस्ट्रेशन प्लेट से संबंधित Laser Code सहित विवरण को अपलोड करने एवं इससे संबंधित रिपोर्ट प्राप्त करने हेतु सॉफ्टवेयर में आवश्यक व्यवस्था NIC द्वारा की जायेगी।

8. प्रत्येक डीलर वाहन निर्माता द्वारा उपलब्ध कराये गये Type Approved हाई सिक्योरिटी रजिस्ट्रेशन प्लेट एवं तीसरे रजिस्ट्रेशन चिन्ह का ही प्रयोग करेगा। परिवहन विभाग के पदाधिकारियों के द्वारा Authorised testing agency से जांच करायी जा सकेगी।

9. परिवहन विभाग के पदाधिकारी द्वारा अपने क्षेत्रान्तर्गत उपरोक्त कार्य का अनुश्रवण किया जायेगा एवं डीलर द्वारा उपरोक्त निदेश का अनुपालन नहीं होने तथा किसी गलत कार्य अथवा वाहन विनिर्माता की अनुमति के बिना HSRP लआये जाने पर दंडात्मक कार्रवाई किया जा सकेगा ।

10. प्रत्येक डीलर हाई सिक्योरिटी रजिस्ट्रेशन प्लेट Affix करने से पूर्व यह सुनिश्चित करेगा कि जिस वाहन के लिए आवेदन प्राप्त हुआ है, नम्बर प्लेट भी उसी वाहन पर फिक्स की जाय अर्थात् डीलर वाहन प्रस्तुत होने पर चेसिस एवं इंजन नम्बर के मिलान करने के पश्चात् ही हाई सिक्योरिटी रजिस्ट्रेशन प्लेट लगायेगा।

प्रत्येक जिला परिवहन पदाधिकारी अपने जिलों के डीलरों की बैठक कर उन्हें पूरी प्रक्रिया से अवगत कराते हुए इस आदेश के प्रति उन्हें प्राप्त करा दें एवं इसका क्रियान्वयन सुनिश्चित करायें।

अनुलग्नक–यथोक्त।

विश्वासभाजन

राज्य परिवहन आयुक्त,
बिहार पटना।

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Annexure 8

Government of Himachal Pradesh
Transport Department

No. TPT- F(5)-4/2011 Dated: Shimla the 16-04-2020

CIRCULAR

1. In accordance with the notification of the Ministry of Road Transport & Highways, Government of India, vide G.S.R. 1162(E) dated 04.12.2018 and S.O. 6052(E) dated 06.12.2018, it has been decided that for affixation of HSRP on existing vehicles (excluding those vehicles in which HSRPs has been affixed earlier), the high security registration plate including the third registration mark may be supplied and affixed by the dealer of the vehicle manufacturers after placing the mark of registration thereon. The dealer shall obtain the HSRP and hologram based colour sticker only through authorised source of concerned OEMs in Himachal Pradesh and the affixation of HSRP shall be made by using the data through the VAHAN software.
2. The dealer of the OEMs are required to strictly comply with the notification dated 04.12.2018 and specification prescribed in S.O. 6052(E) dated 06.12.2018, regarding HSRP and third registration mark/hologram based colour sticker.
3. In case of old vehicles already affixed with HSRP, only the hologram based colour stickers will be affixed by the vehicle dealer as per arrangement already made by OEMs with HSRP manufacturer.
4. Guidelines for the vehicle owners:
   (a) It is the responsibility of the vehicle owner to get vehicles fitted with high security registration plates (HSRP) and hologram based colour sticker.
   (b) Vehicles plying on the road fitted with simple registration number plates shall replace their existing simple registration plates with high security registration plates conforming to the Rule 50 of CMVR 1989 to avoid penalty under provision of the Motor Vehicles Act.
   (c) The vehicles owner before visiting the concerned dealer for HSRP request has to ensure that its vehicle is not restricted by the RLA's/RTO's for pending challans, de-registered or blocked etc.
5. Process for affixation through authorised OEM dealers.
   i. Vehicle owner will visit the nearest dealer of its vehicle make/ model and submit the HSRP request in writing for its vehicle.

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ii. Vehicle dealer will verify the vehicle registration No., engine No and chassis No. of the vehicle. The vehicle dealer shall not ask for any other document from the vehicle owner i.e. PUC/fitness/permit/insurance certificate of the vehicle etc.

iii. Vehicle dealer will enter the desired information in software provided by OEMs i.e. vehicle number, chassis number, engine number, fuel-type, name of the model, registered owner and mobile no or as per arrangement with the HSRP manufacturer.

iv. The vehicle dealer will process the order from the authorised source of concerned OEM.

v. On receipt of the HSRP from authorised supplier of HSRP, the vehicle dealer will affix the HSRP to the vehicle. The source of concerned OEM/vehicle dealerwill update the affixation details along with the Laser Branded Identification Number (LID) details and affixation date will be updated on the VAHAN.

By order

Jagdish Chander Sharma
Principal Secretary (Transport) to the
Government of Himachal Pradesh

Endst. No. TPT-F(5)-4/2011 Dated: Shimla-2, 16-04 -2020

Copy for information and necessary action forwarded to:-

1. The Director (MVL) Ministry of Road Transport &Highways Government of India, Transport Bhawan-1, Parliamnet Street, New Delhi.
2. The Director Transport, Himachal Pradesh, Parivahan Bhawan, Shimla-171004.
3. All the Regional Transport Officer in Himachal Pradesh.
4. All the Registering & licensing Authorities/RTOs in Himachal Pradesh.
5. All Motor Vehicles manufacturers, through Society of Indian Automobile Manufacturer (SIAM) Core 4-B, 5th Floor, India Habitat Centre Lodhi Road, New Delhi -110003 for information and with the request to ensure that there shall be no overcharging by the concerned authorised OEMs dealers. (siam@siam.in).
6. All auto mobile dealers in Himachal Pradesh for necessary action as per request forwarded to SIAM.
7. Guard File.

Om Prakash Bhandari
Deputy Secretary (Transport) to the
Government of Himachal Pradesh

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Annexure 9

TRANSPORT DEPARTMENT
GOVERNMENT OF SIKKIM
YATAYAT BHAWAN, GANGTOK-737101
Ph.no. 03592-202483, email-secy-transport-skm@sikkim.gov.in

No. GoS/Transport/Secy/943 Dated: 12.01.2023.

ORDER

In supersession of Notification No. GoS/MVD/T/150-153 dated 03.12.2022 and as per the Order under GSR S.O. 6052 (E) dated 16.12.2018 and other related directions notified by the MoRTH from time to time, for affixation of High Security Registration Plate (HSRP), it is hereby notified that;

1. For the affixation of HSRP on existing registered vehicles, the High Security Registration Plate including the third registration mark may be supplied and affixed by the vehicle manufactures and the authorized dealers.
2. The vehicle manufactures and the authorized dealers shall obtain HSRP and hologram-based color sticker only through authorized source of concerned OEM's.
3. The vehicle manufactures and the authorized dealers shall comply with all the specifications detailed under sl.no. 6 of the Order under GSR S.O. 6052 (E) dated 16.12.2018.
4. The vehicle manufactures and the authorized dealers shall display a board at the conspicuous place indicating the charges to be paid by the vehicle owners for affixation of HSRP.
5. The vehicle manufactures and the authorized dealers after affixing the HSRP on the vehicle shall ensure that the laser code is updated in Vahan Portal.
6. The vehicles not having valid registration certificates and fitness certificates and the vehicles having tax arrears due shall not be allowed to affix HSRP.
7. HSRP along with hologram-based color sticker shall not be affixed through any other source at all except through the dealers authorized by the OEM's.
8. The replacement of any existing registration plate may be made by the vehicle manufactures and the authorized dealers only after ensuring that the old plate has been surrendered and destroyed.
9. This issues with the prior approval of Competent Authority.

Sd/-
Raj Yadav, IAS
Secretary to the Government of Sikkim
Transport Department.

Copy to:-

1. Secretary to Hon'ble Chief Minister, Govt. of Sikkim for favour of kind information of Hon'ble Chief Minister.
2. P.S to Minister In-charge, Transport Department, Govt. of Sikkim for favour of kind information of Hon'ble Minister.
3. P.S to Chief Secretary to Govt. of Sikkim for kind information of Chief Secretary.
4. Secretary, Transport Department for information.
5. All RTO, ARTO/ all offices of RTO, ARTO.
6. File
7. G/file.

Secretary, State Transport Authority

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Annexure 10

रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
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No. 4823] NEW DELHI, THURSDAY, DECEMBER 6, 2018/AGRAHAYANA 15, 1940

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 6 दिसम्बर, 2018

का.आ. 6052(अ).—जबकि, केंद्रीय सरकार की यह राय है कि लोकहित में यह अधिसूचित किया जाना आवश्यक और समीचीन है कि किसी मोटर वाहन में अति सुरक्षा रजिस्ट्रीकरण प्लेट के संबंध में विनिर्माता द्वारा उपयोग की जाने वाली प्रक्रिया केंद्रीय मोटर यान नियम, 1989 के संदर्भ में कतिपय मानकों के अनुरूप होगी;

अब, इसलिए, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 109 की उप-धारा (3) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए और मोटर यान (नई अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2001 के उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हे ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया, केंद्रीय सरकार एतद्द्वारा ऐसे मानकों को विनिर्दिष्ट करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात्:—

आदेश

1. संक्षिप्त नाम और प्रारंभ: -

(1) इस आदेश का संक्षिप्त नाम मोटर यान (अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2018 है ।

(2) यह आदेश 1 अप्रैल, 2019 को प्रवृत्त होगा।

2. लागू होना - यह आदेश मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 2 के खंड (28) में यथा-परिभाषित मोटर वाहनों पर लागू होगा।

3. किसी वाहन निर्माता द्वारा 1 अप्रैल, 2019 को या उसके बाद बेचे जाने वाले नए वाहनों के लिए अति सुरक्षा रजिस्ट्रीकरण प्लेट (एचएसआरपी) के संबंध में निम्नलिखित प्रक्रियाओं का अनुपालन किया जाएगा, अर्थात्: -

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(क) वाहन विनिर्माताओं द्वारा उनके डीलरों को तीसरे रजिस्ट्रीकरण चिह्न सहित टाइप अनुमोदित अति सुरक्षा रजिस्ट्रीकरण प्लेटों की आपूर्ति की जाएगी जो ऐसी प्लेटो पर रजिस्ट्रीकरण का चिह्न लगाएंगे और इन्हें मोटर वाहनों पर चिपकाएंगे।

(ख) मोटर वाहनों के विनिर्माता द्वारा यह सुनिश्चित किया जाएगा कि सुरक्षा लाइसेंस प्लेटों पर रजिस्ट्रीकरण का चिह्न लगाने और तीसरी रजिस्ट्रीकरण प्लेट को मुद्रित करने के लिए अपेक्षित अवसंरचना उनके डीलरों के पास उपलब्ध है।

(ग) अति सुरक्षा रजिस्ट्रीकरण प्लेट और रजिस्ट्रीकरण चिह्न को लगाने के पश्चात इसे वाहन पर चिपकाने की लागत को नए वाहन की कीमत में शामिल किया जाएगा और इसके लिए डीलर द्वारा वाहन खरीदार से कोई अतिरिक्त या वस्तुबद्ध लागत प्रभारित नहीं की जाएगी।

4. (i) मौजूदा वाहनों पर एचएसआरपी लगाने के लिए, तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की आपूर्ति उस पर रजिस्ट्रीकरण चिह्न लगाए जाने के पश्चात वाहन निर्माताओं के डीलरों द्वारा की जाएगी और इसे लगाया जाएगा।

(ii) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माता या आपूर्तिकर्ता, यदि संबंधित राज्य द्वारा अधिकृत हैं, तो रजिस्ट्रीकरण चिह्न लगाने के पश्चात पुराने वाहनों पर तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की भी आपूर्ति कर सकते हैं।

5. मोटर वाहनों के विनिर्माता और उनके डीलरों या अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माताओं या आपूर्तिकर्ताओं द्वारा निम्नलिखित विनिर्देशों का अनुपालन किया जाएगा, अर्थात्: -

(i) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के लिए केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली या केंद्रीय मोटर यान नियम, 1989 के नियम 126 के तहत केंद्रीय सरकार द्वारा अधिकृत किसी परीक्षण एजेंसी से एक प्रमाण-पत्र प्राप्त किया जाएगा।

(ii) रजिस्ट्रीकरण प्लेट केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उपवर्णित विनिर्देशों के अनुरूप होगी।

(iii) केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उल्लिखित, अति सुरक्षा रजिस्ट्रीकरण प्लेट की अवधि अविनश्वर प्रकृति के लिए प्रत्याभूति दी गई होगी और इस अवधि से पूर्व प्लेट या रजिस्ट्रीकरण चिह्न के क्षतिग्रस्त होने या प्राकृतिक रूप से नष्ट होने के मामले में इसे उपर्युक्त पैरा 4 में उल्लिखित वाहनों के संबंध में मोटर वाहन विनिर्माता या उनके डीलरों द्वारा या अन्य मामलों में लाइसेंस प्लेट विनिर्माता या आपूर्तिकर्ता या उनके डीलरों जैसा भी मामला हो, द्वारा प्रतिस्थापित किया जाएगा।

(iv) किसी भी विद्यमान रजिस्ट्रीकरण प्लेट का प्रतिस्थापन मोटर वाहनों के डीलरों या अधिकृत अति सुरक्षा रजिस्ट्रीकरण प्लेट विनिर्माता या आपूर्तिकर्ता द्वारा पुरानी प्लेट को अभ्यर्पित या विनष्ट सुनिश्चित किए जाने के पश्चात किया जा सकेगा।

(v) (क) कूट रचना से संरक्षण के लिए 20 मिमी x 20 मिमी आकार का एक क्रोमियम आधारित होलोग्राम प्लेट के शीर्षस्थ बाईं ओर के कोने पर सामने और पीछे दोनों प्लेटों का ताप स्टांपन द्वारा लगाया जाएगा ।

(ख) होलोग्राम में इस आदेश में यथाविनिर्दिष्ट उपाबंध के अनुसार नीले रंग में चक्र बना होगा।

(vi) कम-से-कम 10 अंकों की स्थायी पहचान संख्यांक, रजिस्ट्रीकरण प्लेट के तल के बाईं ओर परावर्ती परत में लेजर ब्रेंड की जानी है जिसमें अंक आकार 5 मिमी का होगा:

परन्तु यह है कि स्थायी क्रमागत पहचान संख्यांक के पहले विक्रेता या विनिर्माता या आपूर्तिकर्ता, जैसा मामला हो, जिसके लिए प्रकार अनुमोदन प्रमाण-पत्र परीक्षण एजेंसियों द्वारा जारी किए गए हैं के नाम का व्यपदेशन करते हुए दो अक्षर होंगे:

परन्तु अग्रेतर यह है कि नीचे दी गई सारणी के स्तम्भ (2) में विनिर्दिष्ट परीक्षण अभिकरण बताई गई उक्त सारणी के स्तम्भ (3) और (4) में विनिर्दिष्ट अक्षरों का प्रयोग निम्नवत करेंगे:

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सारणी

क्र. सं.	परीक्षण अभिकरण का नाम	प्रथम वर्ण	द्वितीय वर्ण
(1)	(2)	(3)	(4)
1.	ऑटोमोटिव रिसर्च एसोसिएशन ऑफ इंडिया, पुणे	ए से एच	ए से जेड
2.	केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली	आई से पी	ए से जेड
3.	यान अनुसंधान विकास स्थापना, अहमदनगर	क्यू से एस	ए से जेड
4.	अंतरराष्ट्रीय ऑटोमोटिव प्रौद्योगिकी केंद्र, मानेसर	टी से वी	ए से जेड
5.	केंद्रीय सड़क परिवहन संस्थान, पुणे	एक्स	ए से जेड
6.	ग्लोबल ऑटोमोटिव रिसर्च सेंटर, चेन्नई	वाई	ए से जेड:

परन्तु प्रतिबंध यह भी है कि सामने की और पीछे की रजिस्ट्रीकरण प्लेटों के लिए अंकों की ऊंचाई 5 मिमी. और तीसरी रजिस्ट्रीकरण प्लेट के लिए 2.5 मिमी. होगी, जो एक स्टिकर के प्ररूप में होगी।

(vii) (क) अनुज्ञापन संख्यांक के अक्षरों या अंकों पर लगाई जाने वाली ताप स्टापन फिल्म में "इंडिया" उत्कीर्णित होगा।

(ख) अक्षर "इंडिया" अन्य का दर्पण प्रतिबिंब होती हुई क्रमागत रेखाओं के साथ 45⁰अंश के झुकाव पर एरियल बोल्ड टाइप की लिपि में 10 (दस) आकार के अक्षर के साथ नीले रंग के होंगे।

(viii) (क) स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के रूप में तीसरी रजिस्ट्रीकरण प्लेट 100 मिमी. x 60 मिमी. के आकार की होगी जिसे यान के विंडशील्ड के बाईं ओर के भीतरी भाग पर लगाई जानी है।

(ख) स्टिकर की फिल्म अनिवार्यत: उच्च परावर्ती अभिसूचक सहित विवर्तन पर्णों की होनी चाहिए और उसमें क्रोमियम आधारित होलोग्राम जुड़ा हुआ होगा।

(ग) स्टिकर पर विवरण होगा :

(क) रजिस्ट्रीकर्ता प्राधिकारी का नाम;

(ख) वाहन की रजिस्ट्रीकरण संख्या ;

(ग) लेजर ब्रांड की स्थायी पहचान संख्या; और

(घ) वाहन की पहली रजिस्ट्रीकरण की तारीख ।

(घ) स्टिकर के दाएं कोने के तल पर क्रोमियम आधारित होलोग्राम लगाया जाएगा किंतु यह10 मिमी. x 10 मिमी. के आकार का होगा और उक्त स्टिकर में वाहन का रजिस्ट्रीकरण संख्यांक केंद्र में होगा और अक्षरों की ऊंचाई 10 मिमी. होगी।

(ड.) लेजर ब्रांड वाला स्थायी पहचान संख्यांक स्टिकर के तल में बाईं ओर आएंगे और अंकों का आकार 2.5 मिमी. का होगा।

(च) स्टिकर का चित्र इस आदेश से संलग्न उपाबंध में यथाविनिर्दिष्ट रेखाचित्र में दिया गया है।

(ix)(क) डीजल वाहनों के लिए स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के लिए पृष्ठभूमि का रंग नारंगी होगा तथा पेट्रोल और सीएनजी वाहनों के लिए ये हल्के नीले रंग के होंगे।

(ख) अन्य सभी वाहनों के लिए पृष्ठभूमि स्लेटी रंग की होगी।

(x) मोटर यान के विनिर्माता या विक्रेता द्वारा जारी की गई रजिस्ट्रीकरण प्लेटों का समुचित अभिलेख दैनिक आधार पर रखा जाना चाहिए।

(xi) रजिस्ट्रीकरण पर रजिस्ट्रीकरण प्लेट वाहनों पर लगाए जाने के पश्चात् विशिष्ट अति सुरक्षा रजिस्ट्रीकरण प्लेट को वाहन से इलेक्ट्रॉनिकली जोड़ दिया जाएगा।

(xii) उनके अधीनस्थ सभी सुरक्षा विशिष्टताओं का संपूर्ण अभिलेख मोटर वाहन के विनिर्माता या डीलर द्वारा अनुरक्षित किए जाएंगे जिनका सांवधिक लेखा परीक्षा समय समय से संबंधित परीक्षण अभिकरण द्वारा की जाएगी।

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(xiii) मोटर वाहन के विनिर्माताओं का अपने अधीनस्थ सभी सुरक्षा विशिष्टताओं पर संपूर्ण नियंत्रण होगा और या तो वह स्वयं या उनकी ओर से नियुक्त अन्य कोई व्यक्ति खुले बाजार में रजिस्ट्रीकरण प्लेट पर किसी भी प्रकार की सुरक्षा विशिष्टता उपयोग के लिए उत्तरदायी होगा।

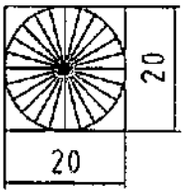
(xiv) मोटर वाहन के विनिर्माता किसी को भी अपूर्ण प्लेट या अपूर्ण सुरक्षा मानकों वाले प्लेट्स की पृथक विक्री करने के लिए अधिकृत नहीं होंगे :

परन्तु यह भी है कि उप-पैरा (ix) में विनिर्दिष्ट विशिष्टताओं के अनुसार जो भी मामला हो, के अनुरूप पहले से रजिस्ट्रीकृत वाहनों के लिए स्व-विध्वंसक प्रकार के स्टिकर के रूप में तीसरी संख्या प्लेट को बदलने के लिए वे अधिकृत होंगे।

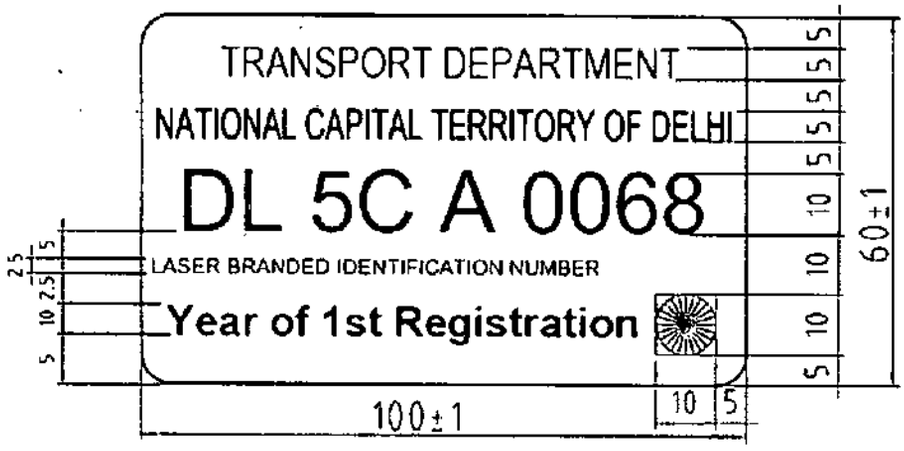
(xv) इन प्रावधानों का अनुपालन न करने पर संबंधित परीक्षण अभिकरण प्रकार अनुमोदन प्रमाणपत्र का निलंबन या निरस्तीकरण जारी करने के लिए उत्तरदायी होगा।

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



ALL DIMENSIONS ARE IN MM

[फा. सं. आरटी-11028/01/2018-एमवीएल]

प्रियांक भारती, संयुक्त सचिव

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MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 6th December, 2018

S.O. 6052(E).—Whereas, the Central Government is of the opinion that it is necessary and expedient in the public interest to notify that the process used by a manufacturer in regard to a high security registration plate for a motor vehicle shall conform to certain standards with reference to the Central Motor Vehicles Rule, 1989;

Now, therefore, in exercise of the power conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the Motor Vehicles (New High Security Registration Plates) Order, 2001, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following order to specify such standards, namely:—

ORDER

1. Short title and commencement:-

(1) This Order may be called as the Motor Vehicles (High Security Registration Plates) Order, 2018.

(2) It shall come into force on the 1st day of April, 2019.

3. Application. —This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.

(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely: —

(i) The high security registration plates shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

(ii) The Registration Plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989.

(iii) The Registration Plate shall be guaranteed for imperishable nature for a period mentioned in rule 50 of the Central Motor Vehicles Rules, 1989 and in case of damage or withering due to natural usage before such period, it shall be replaced by the motor vehicles manufacturer or their dealers in respect of vehicles mentioned under para 4 above, or the licence plate manufacturer or suppliers or their dealers, as the case may be, in other cases.

(iv) The replacement for any existing registration plate may be made by the motor vehicles dealers or the authorised high security registration plate manufacturer or supplier, only after ensuring that the old plate has been surrendered and destroyed.

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(v) (a) To protect against counterfeiting, a chromium-based hologram of the size 20 mm x 20 mm shall be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates.

(b) The hologram shall contain CHAKRA in blue colour as specified in the Annexure appended to this Order.

(vi) The permanent identification number of minimum 10 digits shall be laser branded into the reflective sheeting on the bottom left-hand side of the registration plate with the letter size being 5 mm:

Provided that the permanent consecutive identification number shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate shall be issued by the test agencies:

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) and (4) of the said Table as under:—

Table

Sl. No.	Name of Test Agency	First Alphabet	Second Alphabet
(1)	(2)	(3)	(4)
1.	Automotive Research Association of India, Pune	A to H	A to Z
2.	Central Road Research Institute, New Delhi	I to P	A to Z
3.	Vehicles Research Development Establishment, Ahmednagar	Q to S	A to Z
4.	International Centre for Automotive Technology, Manesar	T to V	A to Z
5.	Central Institute of Road Transport, Pune	X	A to Z
6.	Global Automotive Research Centre, Chennai	Y	A to Z:

Provided also that the height of the digits shall be 5mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.

(vii) (a) The hot stamping film to be applied on the letters or numerals of the licence number shall bear the inscription "INDIA".

(b) The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees' inclination with sequential lines being the mirror image of the other.

(viii) (A) The third registration plate in the form of a self-destructive type chromium based hologram sticker shall be of the size of 100 mm x 60 mm is to be affixed on the inner side of left hand corner of windshield of the vehicle.

(B) The sticker shall be required to be a diffraction foil film with high reflective index and shall have the chromium based hologram embedded.

(C) The details on the sticker shall be-

(a) Name of registering authority;

(b) registration number of the vehicle;

(c) laser branded permanent identification number; and

(d) Date of first registration of the vehicle.

(D) On the bottom of the right corner of the sticker, the chromium based hologram of size of 10 mm x10 mm shall be embedded and in the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height.

(E) The laser branded permanent identification number shall come in the bottom left side of the sticker with numeral size being 2.5mm.

(F) A depiction of the sticker shall be as specified in the Annexure appended to this Order.

(ix) (a) The background colour for the self-destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles.

(b) For all other vehicles, the background shall be of grey colour.

(x) A proper record of the registration plates issued should be maintained on a daily basis by manufacturer of motor vehicle or dealer.

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(xi) The unique high security registration plate shall be linked electronically to the vehicle after its affixture on the vehicle on registration.

(xii) The complete record of all the security features in their possession shall be maintained by manufacturer of motor vehicle or dealer which may be audited by the concerned testing agencies from time to time.

(xiii) The manufacturer of a motor vehicle shall exercise complete control over all the security features in their possession and shall be responsible for the use of any of the security feature on registration plate in the open market either by themselves or by any other person on their behalf.

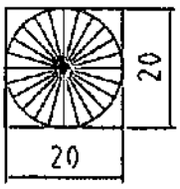
(xiv) The manufacturer of a motor vehicle shall not be authorized to sell incomplete plates or the security features separately to anyone:

Provided that they shall be authorised to replace the third number plate in form of the self-destructive tape sticker for the already registered vehicles as the case may be as per specification specified in sub-para (ix).

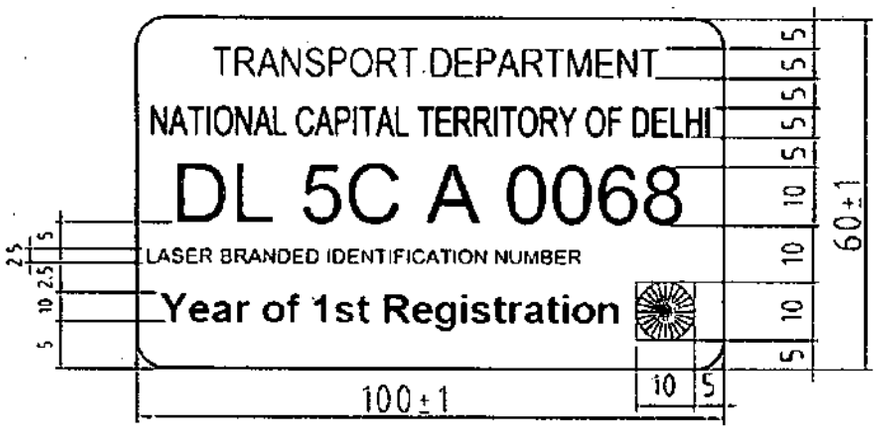
(xv) The type approval certificate issued shall be liable for suspension or cancellation by the concerned testing agency for failure to comply with these provisions.

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

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Annexure 11

No. RT-11028/01/2018-MVL
भारत सरकार
Government of India
सड़क परिवहन और राजमार्ग मंत्रालय
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001
Dated the, 04 October, 2019

OFFICE MEMORANDUM

Sub: Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers

The undersigned is directed to forward herewith the minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

2. This issues with the approval of competent authority.

Encls- As above.

(Dr. Piyush Jain)
Director(MVL)
Tele/Fax: 23714974
e-mail: director-morth@gov.in

To

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratha, Technical Director
3. Shri P.K. Banerjee, Executive Director, SIAM
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

Copy to:

Transport Commissioners of all the States and UTs

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RT-11026/01/2018-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, New Delhi 110001

Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

List of the participants is attached at Annexure 1.

Background

1. Meeting was held in order to discuss the issues in Integration of details of High Security Registration Plates (HSRP) with VAHAN database by Vehicle Manufacturers (OEMs) as per the process decided in the meeting held on 04.04.2019 and further to the directions issued in regard to its implementation through memo dated 1st July 2019. Only as a stop gap arrangement the uploading of the HSRP details on VAHAN through the dealers or the registering authority was provided by the Ministry.

Current scenario

2. Joint Secretary (MVL) took a review of the same from NIC and SIAM, wherein it was told that the OEMs have not been uploading the inventory on the HSRP VAHAN system as developed by NIC. The system of updating of VAHAN for HSRP fitment being followed was asked to be clarified by the JS MVL from SIAM and NIC. It was clarified by SIAM that as per the amendment of the Central Motor Vehicles Rules, 1989 through GSR1162 (E) dated 4th of Dec 2018, the OEMs have themselves given the contract of HSRP supplies to the HSRP manufacturers. It was further stated by SIAM that the HSRPs are being procured through their authorised HSRP supplier and being affixed on the vehicles through their dealers. As in a State an HSRP supplier may have a contract from more than one OEM for various models, and similarly the OEM may have given a supply order to more than one HSRP supplier in the State, the SIAM said that uploading of the inventories on the HSRP VAHAN system is difficult as of now by SIAM. SIAM further stated that they are aware of their responsibilities and in support of this regulation have been working hard to make it a smooth affair but there are some difficulties on the ground.
3. Currently, the OEMs dealers provides the details of the new vehicle sold to the HSRP supplier who after embossing etc. provides the physical plates to the dealers and further provides the information of the plates to the dealer mainly

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through a mobile app or a web portal. The dealer after having affixed the HSRP to the new vehicles, has the HSRP number details manually feed on the VAHAN where there is no IT based system of tracking of HSRP details. This sometimes leads to incorrect entries made in VAHAN.

4. The JS (MVL) highlighted that as per the amendments in the Rules, issued through 4th of December, 2018, and the detailed procedure issued through the HSRP Order 2018 on 6th of December, 2018, the responsibility of procuring and supplying is with OEMs only. Their dealers can have them affixed. For the older vehicles if so directed by the State Government, it was discussed and clarified that the dealers of the particular OEM can supply for their brand as the spirit of the amendment is that the OEM shall be responsible for the security features of the HSRP. When they supply to different brand not being owned, then control of security features is lost.

5. JS (MVL) asked SIAM to provide the tabulated list and copies of "contract order" placed by OEMs for supply of HSRP, for Ministry's record. SIAM agreed to provide the copies of the same on the condition that some part especially relating to the proprietary items like price, in the document, would be blackened which SIAM think is confidential. -(Action by SIAM)

Way ahead

6. SIAM informed that in light of the difficulties as discussed, they have discussed the issues and difficulties of uploading of HSRP inventory with VAHAN database with NIC and further updating of HSRP details on new vehicles on VAHAN data and suggested a solution to streamline the process.

7. The mechanism proposed was then discussed and agreed with the members present and the representatives of NIC which would be as under-

   i. On the existing VAHAN system, NIC would provide the option to enable OEMs to configure its type approved selected HSRP supplier(s) who would be assigned the State and the RTO by the OEM. NIC would ensure that only type approved HSRP supplier is listed. -(Action by NIC)

   ii. OEMs would configure their contracted HSRP suppliers and assign them the State and RTO. -(Action by SIAM)

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iii. The dealers of the OEMs would supply the vehicle registration number and other required details to the OEM contracted HSRP supplier through their internal online mechanism. -(Action by SIAM)

iv. The OEM's contracted HSRP supplier would have the HSRP physical plates embossed and provide them to the OEMs dealers for affixation. -(Action by SIAM)

v. NIC would provide an API/Web Services to the OEMs/OEM selected HSRP suppliers for uploading the vehicle registration number, chassis number (last 5 characters), Front/Rear Laser Code (LIDs), Order type associated with each HSRP. - (Action by NIC)

vi. With regard to validation of LIDs mapping with the vehicle registration number, API would validate the data uploaded by OEM / OEMs selected HSRP supplier with authorisation provided by OEM with respect to the para 7(ii) above with the data for the vehicle sold and available in VAHAN. Only in cases of validation confirmation the HSRP details with the registration details of the vehicles would be updated.

8. NIC would make necessary changes in the VAHAN system within a month and the OEMs would also have the necessary supporting system ready for the implementation.

9. SIAM requested to amend Rule 50 of Central Motor Vehicles Rules, 1989 to look into amendment for word "along with" with "for" regarding HSRPs supplied by OEMs to the dealers. JS (MVL) agrees to examine the proposal for amendment of the Rule 50 of CMVR1989.

10. For the issue of providing and fixation of HSRP on existing vehicles, JS (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 20187, State Government has to take a decision that either the HSRP plates be supplied through authorised OEMs dealers or select HSRP manufacturers.

Meeting ended with thanks to chair.

*****

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RT-11026/01/2018-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, New Delhi 110001

Annexure 1

From the Ministry:-

1. Shri Priyank Bharti, Joint Secretary (MVL)
2. Shri Piyush Jain, Director(MVL)
3. Shri K.C. Sharma, S.E.(Transport)
4. Shri. D.P. Saste, Consultant

From the NIC:-

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratha, Technical Director

From the Testing Agency:-

1. Shri Rajan Verma, CRRI
2. Shri Ajay D. Dekate, ARAI

From the SIAM:-

1. Shri P.K. Banerjee, Executive Director
2. Shri Amit Kr. Sharma
3. Shri Navrika Sood
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

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Annexure 12

रजिस्ट्री सं. डी.एल.- 33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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PART II—Section 3—Sub-section (i)
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PUBLISHED BY AUTHORITY

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सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 11 फरवरी, 2020

सा.का.नि. 104(अ).— केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की भारत के राजपत्र असाधारण, भाग II, खंड (3), उपखंड (i) अधिसूचना सा.का.नि. 512(अ) तारीख 18 जुलाई 2019 द्वारा प्रारुप नियम प्रकाशित किए गए थे जिसमे उन सभी व्यक्तियों से जिनके उनसे प्रभावित होने की संभावना थी, उस तारीख से जिसको उक्त अधिसूचना में अंतर्विष्ट राजपत्र की प्रतियां जनता को उपलब्ध करा दी थी, तीस दिन की अवधि के अवसान के पूर्व आक्षेप और सूझाव आमंत्रित किए गये थे;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को 18 जुलाई 2019 को उपलब्ध करा दी गई थी;

और उक्त प्रारुप नियमों के संबंध में जनता से प्राप्त आक्षेपों और सूझावों पर केंद्रीय सरकार द्वारा विचार किया गया है;

अतः अब केंद्रीय सरकार मोटर यान अधिनियम,1988 (1988 का 59) की धारा 110 द्वारा प्रदत शक्तियों का प्रयोग करते हुए केन्द्रीय मोटर यान नियम 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात:-

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1. संक्षिप्त नाम और प्रारंभ – (1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (द्वितीय संशोधन) नियम, 2019 है।

(2) ये नियम राजपत्र में अपने प्रकाशन की तारीख को प्रवृत होंगे।

2. केन्द्रीय मोटर यान नियम, 1989 में (जिसे इसमें इसके पश्चात उक्त नियम कहा गया है), नियम 50 में उपनियम 1 में,-

(क) खंड (i) में "डीआईएन 1745/ डीआईएन 1783 या आईएसओ 7591" शब्दों और आकड़ों के स्थान पर समय-समय पर यथा-संशोधित एआईएस: 159: 2019 (ऐसे समय तक बीआईएस विनिर्दिष्ट भारतीय मानक ब्यूरो अधिनियम, 2016 (2016 का 11) अथवा आईएसओ: 7591 के अधीन अधिसूचित किया गया है)" निम्नलिखित शब्द आकड़े और कोष्ठक रखे जाएंगे;

(ख) खंड (iii) "सात" शब्द के स्थान पर "दस" शब्द रखा जाएगा ;

(ग) खंड (iv) में,

(i) "अनुज्ञप्ति प्लेट विनिर्माता का रजिस्ट्रीकृत प्राधिकारी/अनुमोदित डीलर" शब्दों के स्थान पर " रजिस्ट्रीकृत प्राधिकारी/वाहन विनिर्माता और उसके डीलर" निम्नलिखित शब्द रखे जाएगे ;

(ii) " विनिर्मित अनुज्ञप्ति प्लेट या उसके डीलर" शब्दों के स्थान पर "रजिस्ट्रीकृत प्राधिकारी / वाहन के विनिर्माता और उसके डीलर" निम्नलिखित शब्द रखे जाएगे ;

(घ) खंड (v) के स्थान पर निम्नलिखित खंड रखा जाएगा अर्थात:-

"(v) प्लेट को वाहन के रीयर पर अस्थानानतरणीय/गैर –पुन:प्रयोग करने वाले स्नेप लॉक फिटिंग प्रणाली के साथ बंधन किया जाएगा ;

नये वाहन के लिए सभी उपर्युक्त विनिर्देश और विनिर्दिष्ट रजिस्ट्रीकरण के साथ अनुज्ञप्ति प्लेट को रजिसट्रीकरण प्राधिकारी अथवा वाहन विनिर्माताओं और उनके डीलरों द्वारा जारी किया जाएगा और विद्यमान पुराने रजिस्ट्रीकृत वाहन को लिए रजिसट्रीकरण प्राधिकारी अथवा वाहन विनिर्माताओं और उनके डीलरों अथवा अनुमोदित अनुज्ञप्ति प्लेट विनिर्माताओं या उनके डीलरों द्वारा जारी किया जाएगा । नियम 26 के अधीन केन्द्रीय सड़क अनुसंधान संस्थान, नई दिल्ली अथवा किसी प्राधिकृत अभिकरण को इस नियम के उपबंधों के अनुसार सुरक्षा रजिस्ट्रीकरण का अनुमोदन किया जाएगा ।"

(ङ) खंड (VI) में,-

(i) "मध्यम वाणिज्यिक वाहनों, भारी वाणिज्यिक वाहनों और ट्रेलर/संयोजन: 340×200 मिलीमीटर" शब्दों आंकड़ों और अक्षरों के स्थान पर "मध्यम वाणिज्यिक वाहनों, भारी वाणिज्यिक वाहनों और ट्रेलर/संयोजन: 340×200 मिलीमीटर/ 500×120 मिलीमीटर" निम्नलिखित शब्द आंकड़े और शब्द रखे जाएगे ;

(ii) पांचवे परन्तुक के पश्चात निम्नलिखित परन्तुक अंतस्थापित किया जाएगा अर्थात,-

"परन्तु यह और कि निर्माण उपकरण वाहन के मामले में उपकरण आकार और स्थान की उपलब्धा के आधार पर प्लेट का आकार 500×120 मिलीमटर या 340×200 मिलीमीटर या 200×100 मिलीमीटर या 285×45 मिलीमीटर होगा ।"

3. उक्त नियम में , नियम 50 में उप-नियम (2) में खंड (घ) में उप-नियम (अ) के पश्चात निम्नलिखित उप-नियम रखा जाएगा, अर्थात:-

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"(अ आ) किराए पर कैब स्कीम, 1989 के अधीन मोटर कैब या किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल (एल-1 और एल-2 प्रवर्ग दो पहिया), काले रंग की पृष्ठ भूमि पर पीला रंग, तथापि किराए पर कैब स्कीम 1989 के अधीन बैटरी प्रचालित या इलेक्ट्रॉनिकी पावर की मोटर अथवा किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल के मामले में, हरे पृष्ठभूमि पर काले रंग में ; और"।

4. उक्त नियम में, नियम 50 में, उप-नियम (3) में पहले परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा अर्थात:-

"परन्तु यह कि रजिस्ट्रीकृत चिन्ह सामने एक पंक्ति में हो सकता है, 200 मिमी×100 मिमी साइज की प्लेट के मामले में यह दर्शाने का कोई पर्याप्त स्थान नहीं कि रजिस्ट्रीकृत चिन्ह एक पंक्ति में हो, रजिस्ट्रीकरण चिन्ह दो पंक्तियों में प्रदर्शित किया जा सकता है।"।

5. उक्त नियम में नियम 51 में,-

(क) आरंभिक पैरा के पश्चात, निम्नलिखित शीर्ष अन्तःस्थापित किया जाएगा, अर्थात:-

"सारणी" ;

(ख) नीचे शीर्ष सारणी को इस प्रकार अन्तःस्थापित किया जाएगा, जिसके सामने क्रम संख्या से संबंधित पंक्ति से सामने, "से अन्यून आयाम " प्रविष्टी के स्थान पर "से अन्यून आयाम (मिमी में)" निम्नलिखित प्रविष्टी रखी जाएगी ;

(ग) सारणी में, क्रम संख्या 11 और उससे संबंधित प्रविष्टियों के पश्चात निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएगी, अर्थात:-

"12	निर्माण उपकरण वाहन	सामने और पीछे के अक्षर और अंक (क) प्लेट आकार 500×120 मिमी. या 340×200 मिमी.	65	10	10
		(ख) प्लेट आकार 200×100 मिमी.	35	7	5
		(ग) प्लेट आकार 285×45 मिमी.	30	5	5"

[फा. सं. आरटी-11028/01/2018 एमवीएल]

प्रियांक भारती, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, असाराधारण भाग-II खंड 3 उपखंड (i) अधिसूचना संख्या सा.का.नि. 590 (अ) तारीख 2 जून, 1989 द्वारा संशोधित किए गए थे और अंतिम संशोधन अधिसूचना संख्या सा.का.नि. 37 (अ) तारीख 17 फरवरी, 2019 द्वारा किया गया था।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 11th February, 2020

G.S.R. 104(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989 were published as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways *vide* number G.S.R. 512 (E), dated the 18th day of July, 2019, in the Gazette of India, Extraordinary, Part II, Section (3), Sub-section (i), inviting objections and suggestions from all persons likely to be affected

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thereby before the expiry of the period of thirty days from the date of which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said Gazette notification were made available to the public on the 18th July, 2019;

And whereas, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. **Short title and commencement.** -(1) These rules may be called as the Central Motor Vehicles (Second Amendment) Rules, 2019.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In the Central Motor Vehicles Rules, 1989 (herein after referred as the said rules); in rule 50, in sub-rule 1.-

(a) in clause (i), for the words and figurers "DIN 1745/DIN 1783 or ISO 7591" the following words, figures and brackets "AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO:7591" shall be substituted;

(b) in clause (iii) for the word "seven" the word "ten" shall be substituted;

(c) in clause (iv).-

(i) for the words "registering authorities/approved dealers of the licence plates manufacturers", the following words "registering authority/vehicle manufacturer and their dealers" shall be substituted;

(ii) for the words "licence plate manufactured or his dealers" the following words "registering authority/vehicles manufacturer and their dealers: shall be substituted;

(d) for clause (v), the following clause shall be substituted, namely: -

"(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule"

(e) in clause (vi),-

(i) for the words and figures and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340 x 200 mm" the following words, figure and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340x200 mm/500 x 120 mm" shall be substituted;

(ii) after the fifth proviso the following proviso shall be inserted namely, -

"Provided also that in case of Construction Equipment Vehicles, the size of plate shall be 500x120 mm or 340x200 mm or 200x100mm or 285x45mm, depending on the equipment size and availability of space.".

3. In the said rules, in rule 50, in sub-rule (2), in clause (d), after the sub-clause (A), following sub- clause shall be inserted, namely. -

"(AB) in case of motor cab under rent a cab scheme, 1989 or motor cycle (L1 and L2 category two wheeler) under rent a motor cycle scheme 1997, in yellow colour on black background, however in case of battery operated or electrically powered motor cab under rent a cab scheme 1989 or motor cycle under rent a motor cycle scheme 1997, in black colour on green background; and".

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4. In the said rules, in rule 50, in sub-rule (3) for first proviso, the following proviso shall be substituted, namely. -

"Provided that the registration mark in the front may be in one line, in case, in 200mm x 100mm size plate, there is no sufficient place to exhibit the registration mark in one line, the registration mark may be exhibited in two lines:".

5. In the said rules, in rule 51, -

(a) after the opening paragraph, the following heading shall be inserted, namely: -

"Table";

(b) below the heading Table as so inserted, against the row relating to Serial number (S.No.), for the entry "Dimensions not less than" the following entry shall be substituted "Dimensions (in mm) not less than ;

(c) in the Table, after S.No.11 and entries relating thereto, the following S.No. and entries shall be inserted, namely: -

"12	Construction Equipment Vehicles	Front and rear letters and numerals.- a) With plate size 500x120 mm or 340x200 mm	65	10	10
		b) With plate size 200x100 mm	35	7	5
		c) With plate size 285x45 mm	30	5	5"

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i),*vide* notification number G.S.R. 590(E). dated the 2nd June, 1989 and lastly amended *vide* notification number G.S.R 37 (E) dated 17th January, 2020.

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Annexure 12 a

रजिस्ट्री सं. डी.एल.- 33004/99 REGD. No. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-20082022-238212
CG-DL-E-20082022-238212

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 566] नई दिल्ली, बृहस्पतिवार, अगस्त 18, 2022/श्रावण 27, 1944
No. 566] NEW DELHI, THURSDAY, AUGUST 18, 2022/SHRAVANA 27, 1944

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 18 अगस्त, 2022

सा.का.नि. 640(अ).—केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए प्रारुप नियम, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 212 की उपधारा (1) के अधीन यथा अपेक्षित, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में प्रकाशित भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की अधिसूचना संख्यांक सा.का.नि. 277 (अ), तारीख 6 अप्रैल, 2022 द्वारा प्रकाशित किए गए थे, जिसमें उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त अधिसूचना को अंतर्विष्ट करने वाली राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी, तीस दिन की अवधि के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 6 अप्रैल, 2022 को उपलब्ध करा दी गई थीं;

और केन्द्रीय सरकार द्वारा उक्त प्रारुप नियमों के बाबत जनता से प्राप्त आक्षेपों और सुझावों पर विचार कर लिया गया है;

अतः अब, केन्द्रीय सरकार, मोटर यान अधिनियम 1988 (1988 का 59) की धारा 110 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1.(1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (तेरहवां संशोधन) नियम, 2022 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

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2. केन्द्रीय मोटर यान नियम, 1989 के नियम 50 के, उपनियम (1) में, खंड (v) में "अनुज्ञप्ति प्लेट के विनिर्माता के अनुमोदित डीलरों" शब्दों के स्थान पर "राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा अनुमोदित अनुज्ञप्ति प्लेट के विनिर्माता या उनके डीलरों" शब्द रखे जाएंगे ।.

[फा. सं. आरटी-11036/99/2020-एमवीएल]

महमूद अहमद, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना संख्यांक सा.का.नि. 590 (अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और अधिसूचना संख्यांक सा.का.नि. 625(अ), तारीख 11 अगस्त, 2022 द्वारा अंतिम बार संशोधित किए गए थे ।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 18th August, 2022

G.S.R. 640(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), *vide* notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 277 (E), dated the 6th April, 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Official Gazette containing the said notification were made available to the public:

AND WHEREAS, copies of the said Official Gazette notification were made available to the public on the 6th April, 2022;

AND WHEREAS, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. (1) These rules may be called the Central Motor Vehicles (Thirteenth Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 50 of the Central Motor Vehicles Rules, 1989, in sub-rule (1), in clause (v), for the words "approved licence plate manufacturers or their dealers", the words "licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration" shall be substituted.

[F. No. RT-11036/99/2020-MVL]

MAHMOOD AHMED, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i),vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended vide notification number G.S.R. 625(E), dated 11th August,2022.

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Annexure 13

652613

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

IA NOS.10 – 11 OF 2010

IN

IA No.10 OF 2010

IN

Certified to be true copy
Bakeel
Assistant Registrar (Judl.)
02.09.11
Supreme Court of India

WRIT PETITION (CIVIL) NO.510 OF 2005

Maninderjit Singh Bitta ... **Petitioner**

Versus

Union of India & Ors. ... **Respondents**

AND

IA NOS. 12 OF 2010

IN

IA No.10 OF 2010

IN

WRIT PETITION (CIVIL) NO.510 OF 2005

O R D E R

1. We had passed a detailed order on 7th April, 2011 referring to the judgments and directions of this Court in the cases of *Association of Registration Plates v. Union of India* [(2005) 1 SCC 679] and *Maninderjit Singh Bitta* v. *Union of India* [(2008) 7 SCC 328]. As is evident, the main judgment of this Court in the aforementioned case of *Association*

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of Plates (supra) was pronounced on 30th November, 2004 and further directions were issued on 8th May, 2008 in case of *Maninderjit Singh Bitta* (supra) to secure implementation of various statutory requirements as per the earlier judgment of this Court. The present order has to be read in continuation of our order dated 7th April, 2011 and the judgments referred supra.

2. Sufficient time has elapsed but default on the part of some States in complying with the directions of this Court still persists. In fact, seven years have elapsed but it appears to us that some States have not even taken initial steps to implement the scheme of High Security Registration Plates (for short, 'HSRP') in their respective States. We regretfully note that the situation in the present case is the converse of compliance. There is no State in the entire country which has successfully, in accordance with the statutory provisions and scheme, as approved by this Court, implemented the scheme in its entirety. As far as the financial limitations faced by different States are concerned, the matter was examined by this Court and their prayer for exemption was declined. However, they were permitted to complete the implementation of the scheme in phases. Of course, even such request was subsequently withdrawn.

3. The other matter with regard to permitting the HSRP to

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be fixed by private vendors, even if approved by the Government, was considered and for appropriate reasons, as stated in paragraphs 40 and 46 to 48 in the case of *Association of Registration Plates* (supra), rejected by this Court. It was held that "the interpretation sought to be placed by the petitioner on the said paragraphs of the Rule would result in frustrating the high security aspect and the object of the scheme of affixation of High Security Registration Plates on vehicles." In terms of paragraph 4 of clause 9 of the Motor Vehicle (New High Security Registration Plates) Order, 2001 "no high security plate shall be affixed outside the premises of the Registering Authority".

4. Another important facet of these cases is that in the process of selection, the States were expected to invite tenders and were even given liberty to consult experts prior to finalizing such tenders. The registration plates were then to be affixed by the selected tenderers at the Regional Transport Office of a District or State. The object of the ordinance and the judgment of this Court was to preserve public security and safety by ensuring that every vehicle in the State is fixed with HSRP and no part of the country remains where the scheme is not implemented.

5. On the basis of the implementation of the scheme, the

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States can be classified into four categories. In the first category there are four States/Union Territories : Nagaland, West Bengal, Manipur and Puducherry, where the tender process was followed, the successful tenderer has been awarded the contract for supplying security registration plates and the predicted date of enforcement of the scheme in the State has been fixed. But, no affidavit has been filed on behalf of these States confirming that the scheme has been successfully completed in all the districts of the respective States and also that the States would ensure complete and comprehensive implementation of the scheme in future as well. Let such affidavits be filed by the Secretary, Transport of the respective States within four weeks from the date of the passing of this order.

6. Then there is a second category of U.T./States i.e. the U.T. of Chandigarh and the States of Jharkhand and Bihar which have not followed the procedure for selection and have approved certain vendors with Type Approval Certificate (TAC) from the Central Government, who would be permitted to affix the HSRP at their own premises or at the office of the RTO. As we have already indicated, this is not in compliance with the directions of the Court, the scheme and provisions of the Motor Vehicles Act, 1988. If these States are permitted to adopt their own procedure,

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then it is bound to defeat the very purpose of security and uniform affixation of HSRP all over the country. Hence, this cannot be permitted as it would defeat the entire exercise undertaken by this Court over number of years. The aforesaid States are, therefore, directed to:

a. Immediately invite tenders;

b. Finalize the entire tender process within six weeks from today;

c. File compliance report in this Court, in the form of affidavit stating that tenders have been finalized and the work of affixation of security registration plates has begun in every district or part thereof, within two weeks thereafter.

7. The third category include the defaulting States of Andhra Pradesh, Himachal Pradesh, Jammu and Kashmir, Tamil Nadu, Madhya Pradesh and Haryana. These States again can further be divided into two sub-categories. In the first sub-category, there are States of Tamil Nadu, Andhra Pradesh and Madhya Pradesh which have informed this Court, by filing of affidavits that they have fixed the dates for publication of tenders. They have estimated the period of publication of tender being the months of August and September of this year. These States have surprisingly taken not only months but years to even fix a date for publication of tender. Despite our order dated 7th April, 2011, even

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the tenders have not been published as yet, though we had granted six weeks time for completing the process. Besides fixing the time limits for filing of the affidavits, we had also indicated that this Court would be compelled to take action against default the defaulting States under the Contempt of Court Act, 1971 as well as impose exemplary costs personally recoverable from the erring officers. However, before we take both these actions against the above category of defaulting States, we would give them another opportunity to complete the entire process of publication and issue tender within six weeks from today and commence the implementation of the scheme for fixation of HSRP in their States immediately thereafter. The affidavits to that effect should be filed within eight weeks from today.

8. Now, we come to the second sub-category of defaulting States, i.e. the States of Haryana, Arunachal Pradesh and Jammu and Kashmir. These are the States which have taken no action at all or have merely initiated the process without any effective result. They have not filed any affidavit to show why the directions of the Court have not been complied with, or, if complied with, to what extent the said compliance has been successful and finally whether they have followed the due process as directed to be followed by the Courts, in the implementation of the scheme. All these States have done nothing except praying for extension of

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time before this Court. The State of Haryana, firstly, took no steps for years and thereafter, on 5th May, 2011, filed an affidavit to the effect that they have constituted a Committee of Secretaries to approve the draft of the tender notice and approval was to be granted on 6th May, 2011. There is nothing on record to show whether such approval has been granted or not and what steps have been taken by the State thereafter to comply with the directions of this Court. All the other States in this category have prayed for extension of time before this Court and some States have not even done so. Vide order dated 7th April, 2011, we had put at notice, not only these States but all concerned authorities in each State throughout the country, requiring them to show compliance to the orders of this Court. The conduct of these States clearly reflects their callousness and lack of will to obey the orders of this Court. Their attitude is one of disobedience rather than compliance. Thus, in our considered view, these are the defaulting states which have, with impunity, flouted the orders of this Court, despite warnings being issued, including the directions contained in order dated 7th April, 2011.

9. From the record before us, it is clear that there is apparent and intentional default on the part of the concerned officers of these defaulting States. Consequently, we issue notice to show cause why proceedings under the Contempt of Courts

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Act, 1971 be not initiated, if found guilty, why they be not punished in accordance with law and why exemplary costs, personally recoverable from the erring officers/officials, be not imposed. Notice shall be issued to:

a. Secretary (Transport) of the defaulting States.
b. Commissioner, State Transport Authority of the respective States.

10. Now, we will come to the last category of States, i.e., the ones that have taken certain effective steps to secure compliance with the statutory provisions and the scheme. These are the States which have invited tenders in accordance with the selection process that has been approved by this Court. Some of these States have even opened the tender bids however, awarding of tender has not been finalized. The States of Assam, Punjab, Chhattisgarh, Delhi, Gujarat, Tripura, Uttar Pradesh, Uttarakhand and Kerala and the Union Territories of Lakshadweep and Andaman & Nicobar, have prayed for further extension of time to complete the process, which is already at an advanced stage. We may notice here that the State of Kerala had invited tenders earlier and it had received a single tender within the time provided. The matter remained pending at that stage for a considerable time and thereafter, the State of Kerala filed I.A. No. 13 of 2011 praying for certain directions, including the permission to re-open applications

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for fresh tenders which was dismissed by this Court vide its order dated 12th August, 2011. We are reluctant to agree to further extension of time for the reason that all these States/U.Ts had enough time to comply with the requirements and some of these States/U.Ts were even cautioned vide our previous order. Some of these States/U.Ts have even given reasons for their non-compliance, including that they had invited tenders earlier but had to cancel the same for one reason or the other. Keeping in view the fact that all these States have at least taken some steps to finalize the proper implementation of the scheme, we consider it appropriate, though as mentioned above, with reluctance, to grant further extension of eight weeks time to these States/U.Ts to complete the entire process and implement the scheme in its entirety, in accordance with law. Thus, while granting them such extension, to complete the entire process for implementation of the scheme, we direct that vehicles in all the districts of the respective States/U.Ts shall install the HSRP within eight weeks from today without exception and default. An affidavit of compliance in that regard be filed immediately thereafter.

11. List the matter for directions, *qua* the States to whom we have issued show cause notice for initiation of proceedings under the Contempt of Courts Act, 1971 and imposition of exemplary costs as aforestated, after two weeks while the matters in relation

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to all the other States shall be listed immediately on the expiry of eight weeks from today.

.....CJI.
(S.H. Kapadia)

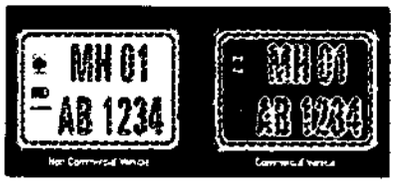
.....J.
(K.S. Radhakrishnan)

.....J.
(Swatanter Kumar)

New Delhi
August 30, 2011

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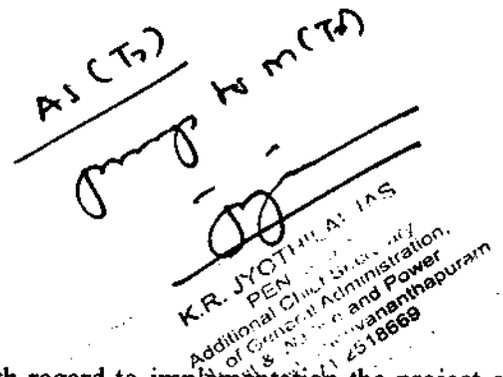
Reg. No. 44038 of 2002



ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION
[Society registered under Societies Registration Act XXI of 1850]

Date: 07.10.2023

To,
Shri.K R Jyothilal IAS,
Secretary Transport
3rd Floor, South Block
Secretariat, Thiruvananthapuram
Government of Kerala
Kerala - 695001



Subject: Request to issue an order with regard to implementation the project of High Security Registration Plates (HSRP) Project onto the old vehicles (registered prior to 01.04.2019) for the State of Kerala through OEM/dealers model as per mandate of HSRP Order 2018 (S.O 6052(E) dated 06.12.20218) as is already done by the State Government of Uttar Pradesh, Madhya Pradesh, Odisha, NCT of Delhi, Andaman, West Bengal, Himachal Pradesh, Uttarakhand, Sikkim.

Ref: Letter dated 14th July 2023 issued by Ministry of Road Transport and Highways.

Dear Sir,

1. We all India Motor Vehicle Security Association (AIMVSA) comprising of Type Approved HSRP manufacturers as our members writes this letter in reference to the letter /circular dated 14th July 2023 issued by the Ministry of Road Transport and Highways with regard to implementation of HSRP not only for the new vehicles but importantly onto the old vehicles (registered prior to 01.04.2019).

2. That Ministry of Road Transport and Highways vide its letter /circular dated 14th July 2023 has stated that the HSRP scheme is imperative to the Country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicle plying on the roads and in prevention of tampering and counterfeiting. Considering the significant role of HSRP from enforcement and security standpoint, it is imperative that the vehicles be fitted with HSRP at the earliest and have stated as below:-

   (a) For a new vehicle, shall be issued by the registering authority of vehicle manufacturers and their dealers and:
   (b) For existing old registered vehicle, shall be issued by registering authority,
   Or

45, Ist Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
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Vehicle manufacturers and their dealers, or by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

3. To expedite the implementation of the HSRP categorically for the old vehicles for those states that have still not implemented , the Ministry has directed as below:

"It has been brought to the notice of this Ministry that some State/Ut, are yet to notify authorized HSRP vendors for HSRP for their respective State/UT, in line with Para 2. It is requested that the details of the HSRP vendors notified in respective State/Uts till date may please be submitted to this Ministry at comments-morth@gov.in , latest by 31.07.2023".

Copy of the Letter/ Circular dated 14th July 2023 issued by Ministry of Road Transport and Highways is enclosed and marked as **Annexure-1**

ORDERS ISSUED BY THE STATES/UT's FOR CONVERSION OF OLD VEHICLES THROUGH OEM MODEL

Accordingly we would like to bring to your kind notice with regard to States that have already issued the orders for the implemented the HSRP scheme for the old vehicles through OEM model and is being already implemented successfully. **The states are Odisha, Uttar Pradesh, Madhya Pradesh, NCT of Delhi, Andaman, Uttarakhand, West Bengal, Bihar, Himachal Pradesh and Sikkim.**

Copy of the orders of Odisha, Uttar Pradesh, Madhya Pradesh, NCT of Delhi, Andaman, Bihar, Himachal Pradesh and Sikkim for old vehicles conversion through OEM model are enclosed and marked as Annexure-2, 3,4,5,6,7,8 and 9

GIST AND EXTRACTS OF NOTIFICATIONS AND CIRCULARS ISSUED BY MORT&H WITH REGARD TO THE HSRP PROJECT:-

A. It is submitted that on 04.12.2018 and 06.12.2018 vide Gazette Notification bearing number 1162(E) and S.O No. 6052 (E) respectively, the Ministry of Road Transport and Highways amended the Rule 50 of CMVR 1989 and HSRP Order 2001. Through the said notification and S.O, Ministry bestowed the responsibility of HSRP to the vehicle manufacturing companies/OEMs and their dealers for the vehicle manufactured onwards 01.04.2019, and there shall be no additional charge for the same, **whereas for the vehicles manufactured prior to 01.04.2019, the OEM/ their authorized dealers and additionally the State Government has**

been bestowed with the responsibility for the conversion of all old vehicle into HSRP.. Below is the relevant clause of S.O no. 1162(E) dated 06.12.2018:-

*5. (i) **For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after** placing the mark of registration thereon.*

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.(Copy of **S.O No. 6052 (E) dated 06.12.2018 is attached-Annexure-10)**

B. That Ministry of Road Transport and Highways issued an office Memorandum on 04.10.2019 along with MOM dated 24.09.2021 wherein at Para 10 Ministry of Road Transport and Highways empowered the state Government to take decision with regard to implementation of HSRP for old vehicles either through OEM model or through HSRP manufacturer through tender. The relevant extract is mentioned below

"For the issue of providing and fixation of HSRP on existing vehicles, Js (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 2011, state Government has to take a decision that either the HSRP plates be supplied through authorised OEMs dealers or select HSRP manufacturers". **Copy of Memorandum on 04.10.2019 along with MOM dated 24.09.2021 is enclosed-Annexure-11**

C. The instructions so stated were further notified in the GSR 104 (E) dated 11.02.2020 at Point Number 2 (d).:

*"...**and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers** or by the approved license plate manufacturers or their dealers. Further approved license plate manufacturers or their dealers was substituted with* approved license plate manufacturers or their dealers approved by State Government or Union Territory Administration. *(**Copy of** **GSR 104 (E) dated 11.02.2020 and 18.08.2022 are attached-Annexure-12, 12a)***

WHY OEM MODEL FOR OLD VEHICLE CONVERSION INTO HSRP:-

1. Speedy conversion of old vehicles into HSRP.
2. No chance of litigations or challenge in the court of law.
3. No needs for price discovery as prices are already settled with the OEMs.
4. Responsibility shall be with OEMs, their dealers and their approved/authorized Type approved HSRP Vendors.
5. Online HSRP booking, Customer need not require to visit RTOs/DTOs for booking HSRP and thereafter for fitment.
6. Fitment at customers nearest dealers Point, no Involvement of RTOs or its space for the purpose of Booking and fitment.
7. Is already being implemented successfully in **Odisha, Uttar Pradesh, Madhya Pradesh, NCT of Delhi, Andaman, West Bengal, Uttarakhand, Bihar, Himachal Pradesh and Sikkim.**

HON'BLE SUPREME COURT DIRECTIONS WITH REGARD TO HSRP PROJECT : PROHIBITING EMPANELMENT PROCESS:

It is submitted that the method of empanelment of multiple HSRP vendors that was adopted by the states of Jharkhand, Bihar, and the Union Territory of Chandigarh was immediately turned down by the Hon'ble Supreme Court of India vide its judgment dated 30.08.2011 in W.P(c) 510 of 2005, so that the objective of the HSRP scheme is not defeated. The extracts of the **Judgment dated 30.08.2011 in W.P(C) 510 of 2005, titled "M.S Bitta Vs. UOI and Ors"- Which restricts** empanelment of multiple HSRP vendors by the State authority is herein below:-

> 6. ***"Then there is a second category of U.T./States i.e., the U.T. of Chandigarh and the States of Jharkhand and Bihar which have not followed the procedure for selection and have approved certain vendors with "Type Approval Certificate (TAC) from the Central Government, who would be permitted to affix the HSRP at own premises or at the office of the RIO. As we have indicated, this is not in compliance with the directions of the scheme and provisions of the Motor Vehicles Act, 1988. If these States are permitted to adopt their own procedure, then it is bound to defeat the very purpose of security and uniform affixation of HSRP all over the county. Hence, this be permitted as it would defeat the entire exercise undertaken by this Court over number of years.***
>
> ***Copy of the order dated 30.08.2011 passed by the Hon'ble Supreme Court of India is enclosed-Annexure-13***

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WHY HON'BLE SUPREME COURT OF INDIA PROHIBHITED EMPANELMENT PROCESS OR AUTHORIZING MULTIPLE HSRP MANUFACTURERS BY THE STATE /UT GOVERNMENT:

As it may jeopardize the entire project and lead to the following disadvantages and defeat the objective of HSRP project:-

A. Flooding of multiple HSRPs for same registration numbers of same vehicles, same brands within a State/UT.
B. Objective of the HSRP scheme shall be defeated completely.
C. Violation of the Hon'ble Supreme Court Judgment and its directions given in W.P © 510 of 2005.
D. Invitation to crime and criminal activities.
E. Non updation of Laser codes of HSRP's to Vahan.
F. Responsibility / accountability cannot be fixed.

In light of the above-mentioned facts, judgments ***the State of Kerala to implement the scheme of HSRP onto the old vehicles in a speedy manner and without any legal hassle, needs to implement the scheme through OEM model as has been done by*** NCT of Delhi, State of Odisha, Uttar Pradesh, Madhya Pradesh, Bihar, Himachal Pradesh, Andaman, Uttarakhand, Sikkim, West Bengal.

Thanking You

Sanjay Ganjoor

Sanjay Ganjoor

President-All India Moor Vehicle Security Association

45, I[st] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Monday, the 27th day of November 2023 / 6th Agrahayana, 1945

WP(C) NO. 10761 OF 2022 (U)

PETITIONER:

MOTORSIGNS INDIA, 810 ANNA SALAI, NANDANAM, CHENNAI 600035, TAMIL NADU, INDIA REPRESENTED BY ITS SOLE PROPRIETOR, THOMAS CHERIAN.

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.**
2. **THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERLA, THIRUVANANTHAPURAM 695 001.**
3. **THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE, TRANS TOWER-2ND FLOOR, VAZHUTHACAUD, P.O. THYCAUD, THIRUVANANTHAPURAM, KERALA 695 014.**
4. **ADDL.R4 ACCIDENT RESCUE 24X7, PANAPUZHA, KAKKAD P.O., TIRURANGADI, MALAPPURAM - 676306; REPRESENTED BY ITS SECRETARY, SHRI.JAMSHEER KOORIYADAN [ADDL.R4 IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN I.A-1/2022 IN WP(C) 10761/2022]**
5. **ADDL.R5 ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION, 45, 1ST FLOOR, COMMUNITY CENTRE, NARAINA PHASE-1, NEW DELHI-110028 REPRESENTED BY ITS AUTHORIZED SIGNATORY SHRI. T.SUJITH MUGESH [ADDL.R5 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-3/2023 IN WP(C) 10761/2022]**
6. **ADDL.R6 ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA (REGD.) F-119, MAYAPURI INDUSTRIAL AREA, PHASE – II, NEW DELHI – 110064 REPRESENTED BY ITS PRESIDENT MR. MAHESH MALHOTRA [ADDL.R6 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-5/2023 IN WP(C) 10761/2022]**

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim direction to the respondents to allow and authorize the petitioner to issue and affix HSRP (High Security Registration Plates) on existing/old vehicles registered prior to 01.04.2019 on the strength of his Exhibits P1 and P1(a) licence/Type Approval issued under Rule 124 of Central Motor Vehicles Rules 1989 and to provide access to the National Registry for Electronically linking HSRP details in Vahan Portal, pending disposal of the above Writ Petition.

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This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 04.07.2023 and upon hearing the arguments of SHRI.K.RAMAKUMAR (SENIOR) along with M/S.T.RAMPRASAD UNNI, S.M.PRASANTH, G.RENJITH, R.S.ASWINI SANKAR & T.H.ARAVIND Advocates for the petitioner, GOVERNMENT PLEADER for R1 to R3, M/S.P.A.MOHAMMED SHAH, RENOY VINCENT, HELEN P.A., ARUN ROY, SHAHIR SHOWKATH ALI & ALEESHA SHEREEF Advocates for Addl.R4, SRI.G.HARIKUMAR (GOPINATHAN NAIR) Advocate for Addl.R5 and of SRI.MILLU DANDAPANI Advocate for Addl.R6, the court passed the following:

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DINESH KUMAR SINGH, J.

==========

W.P.(C.)Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023

==========

DATED THIS THE 27th DAY OF NOVEMBER, 2023.

O R D E R

Arguments heard.

2. The State is directed to file an affidavit on behalf of the responsible officer regarding the policy or framework envisaged for selection/authorisation of approved vendors/manufactures of High Security Registration Plates (HSRP) for implementing Rule 50 of the Central Motor Vehicle Rules, 1989 for affixing the High Security Number Plates on vehicles manufactured prior to 01.04.2019.

3. Prima facie, I am of the view that the words 'approved by the State Government' in the notification dated 09.06.2023 would mean authorisation of the selected dealers by the State Government. The approval for manufacturing facility is accorded by the Central Road Research Institute (CRRI) and other agencies as mentioned in the Rule itself and there is no approval of the State Government contemplated for manufacturing facility of HSRP under the Rules.

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4. The Central Government should also clarify its stand in this regard in the affidavit to be filed.

Treated as part heard. Post on 08.12.2023 in the 200 list, as Item No. 201.

sd/-

DINESH KUMAR SINGH
JUDGE

DCS/27.11.2023

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I/166198/2023

MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **01-12-2023**

From: Transport Commissioner
Kerala

To: Secretary
Transport Department
Government Secreteriat
Thiruvananthapuram

Sir,

Sub:- Motor Vehicles Dept- Fitment of HSRP on prior vehicles registered on 2019- reg.

Ref:- 1. This office letter of even No. dated 08/06/2023
2. Order of Hon'ble High Court dtd 27/11/2023 in WP(C) No. 10761/2022

As per Rule 50 of Central Motor Vehicles Rule,1989, every motor vehicles shall be fitted with High Security Registration Plate(HSRP). For new vehicles registered on or after 01.04.2019, the Registering Authority or Manufacturer of motor vehicles or their dealers are authorised to fix HSRP at the time of registration. *But,for old vehicles registered prior to 01.04.2019,the Registering Authority,Manufacturer or their dealers of the vehicles or the Licence Plate Manufacturers or their dealers* ***approved by the State Government*** *are empowered to fix HSRP.* The HSRP Manufacturer shall obtain Type Approval Certificate from Central Institute of Road Transport (CIRT) or any other testing agencies specified in Rule 126 of CMVR. But the State Government has not yet authorised any HSRP manufacture or the dealer to fix HSRP on old vehicles in the State. Against this Certain HSRP manufacturers approached the Hon'ble HighCourt and the Hon'ble High Court in WP(C)No: 10761/2022 and three other connected cases,directed the State Government to give time frame before the court which licenced vendors with type approved certificates can be granted approval to affix HSRP on existing motor vehicles registered in Kerala prior to 01.04.2019 and also provide them access to Vahan Portal.Against this, State of Kerala preferred an appeal and the Division Bench of Hon'ble High Court in WA No: 999/2023 stayed the order of

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Hon'ble High Court in WP(C) No:

10761/2022 and connected cases.The Hon'ble High Court in the order dated 27.11.2023 in the same WP(C) directed the State to file an affidavit on behalf of the responsible officers regarding the policy for frame work envisaged for selection/authorisation of approved vendors /manufacturers of HSRP for implementing Rule 50 of CMVR for affixing HSRP onvehicles manufactured prior to 01.04.2019 (Copy enclosed).

In the above circumstances,it is requested to take a policy decision on the implementation of HSRP on old vehicles.The manufacturers of HSRP or their dealers can be selected based on the following options:

Option1:-Open to All

Authorisation shall be given to all HSRP manufacturers who had obtained approval from CIRT or any other testing agencies specified under Rule 126 of CMVR subject to the condition that the cost of fixing HSRP shall not be exceed the price fixed by Government.

Option2:-Floating Tenders

Govt can proceed with steps to float tenders for selecting the HSRP manufacturers subject to the following conditions:

a) The manufacturers of HSRP quoting lowest rate for HSRP may be fixed.

b)The manufacturers of HSRP quoting highest royalty rate to Government may be fixed

c)The manufacturers of HSRP quoting both lowest rate for HSRP and highest Royalty rate to Government may be fixed

d) A security deposit or desired amount can be fixed so as to ensure that the manufacturers are fixing high quality HSRP.

e) A time limit may be framed for fixing HSRP on old vehicles

Option3:- Selection for a particular HSRP manufacturer

Government can authorise a particular HSRP manufacturer or a Government agency for fixing HSRP on old vehicles, subject to the conditions specified by the Government.

I/166198/2023

An appropriate decision regarding the same may be taken as the earliest and the Hon'ble High Court may be apprised of the same before 8th December2023.

Signed by
S Sreejith I P S
Date: 01-12-2023 14:55:20

Yours faithfully

S SREEJITH I P S
TRANSPORT COMMISSIONER

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Monday, the 27th day of November 2023 / 6th Agrahayana, 1945

WP(C) NO. 7089 OF 2023

PETITIONER:

ORBIZ AUTOMOTIVEZ, PLOT NO. 23/A AND 23/C, INKEL CITY, PANAKKAD VILLAGE, MALAPPURAM-676519; REPRESENTED BY ITS MANAGING PARTNER, SHRI. JABIR M,

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001**
2. **TRANSPORT COMMISSIONER, 2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM.-695014**
3. **ADDL.R3: UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,NEW DELHI- 110 001.(IS IMPLEADED AS PER ORDER DATED 21/03/2023 IN IA 1/23 IN WP(C))**
4. **ADDL.R4: ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA (REGD.), F-119, MAYAPURI INDUSTRIAL AREA, PHASE – II,NEW DELHI – 110 064, REPRESENTED BY ITS PRESIDENT MR. MAHESH MALHOTRA. (IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN IA 2/23 IN WP(C)).**
5. **ADDL.R5: BND ENERGY PVT. LTD., HAVING ITS REGISTERED OFFICE AT 23-24 BHURAKHIA ARCADE, 2ND FLOOR, NEAR NAVJIVAN RESTAURANT, SURAT KAMREJ ROAD, SURAT, GUJARAT - 395 006L; REPRESENTED BY ITS DIRECTOR SHRI. DESAI DHARMESHKUMAR LALJIBHAI. (IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN IA 4/23 IN WP(C))**
6. **TEDI (INDIA) PRIVATE LIMITED, PLOT NO. C54, SIDCO INDUSTRIAL ESTATE, MARAIMALAI NAGAR, CHENGALPATTU DISTRICT, TAMIL NADU. (SOUGHT TO BE IMPLEADED)**

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the Respondents not to take any coercive action against the Petitioner and its service partners / online booking, fitment and delivery centers and permit them to continue to function, pending the disposal of the writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 04.07.2023 and upon hearing the arguments of M/S P.A.MOHAMMED SHAH, SHAHIR SHOWKATH ALI, HELEN P.A. & ARUN ROY, Advocates for the petitioner, PUBLIC PROSECUTOR, for R1, SRI. MANU S. DEPUTY SOLICITOR GENERAL OF INDIA & SRI.S.KRISHNA, Advocate for R3, SRI. MILLU DANDAPANI, Advocate for R4, SRI. CHELSON CHEMBARATHY, Advocate for R5 and of SRI. MUHAMED JUNAID V, Advocate for R6, the court passed the following:

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DINESH KUMAR SINGH, J.

==========

W.P.(C.)Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023

==========

DATED THIS THE 27th DAY OF NOVEMBER, 2023.

O R D E R

Arguments heard.

2. The State is directed to file an affidavit on behalf of the responsible officer regarding the policy or framework envisaged for selection/authorisation of approved vendors/manufactures of High Security Registration Plates (HSRP) for implementing Rule 50 of the Central Motor Vehicle Rules, 1989 for affixing the High Security Number Plates on vehicles manufactured prior to 01.04.2019.

3. Prima facie, I am of the view that the words 'approved by the State Government' in the notification dated 09.06.2023 would mean authorisation of the selected dealers by the State Government. The approval for manufacturing facility is accorded by the Central Road Research Institute (CRRI) and other agencies as mentioned in the Rule itself and there is no approval of the State Government contemplated for manufacturing facility of HSRP under the Rules.

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4. The Central Government should also clarify its stand in this regard in the affidavit to be filed.

Treated as part heard. Post on 08.12.2023 in the 200 list, as Item No. 201.

sd/-

DINESH KUMAR SINGH
JUDGE

DCS/27.11.2023

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APPENDIX OF WP(C) 7089/2023

Exhibit R4(A)	**TRUE COPY OF BOARD RESOLUTION SHOWING AND EMPOWERING DEPONENT DATED 12.04.2023**
Exhibit R4(B)	**TRUE COPY OF CERTIFICATE OF REGISTRATION OF THE APPLICANT UNDER SOCIETIES REGISTRATION ACT XXI OF 1860**
Exhibit R5(a)	
Exhibit R5 (a)	**TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR**
Exhibit R5 (b)	**TRUE COPY OF THE CERTIFICATE FOR CONFORMITY OF PRODUCTION ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR**
Exhibit P1	**TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR**
Exhibit P2	**TRUE COPY OF THE RELEVANT PAGES OF THE GAZETTE NOTIFICATION G.S.R. NO. 104(E) DATED 11.02.2020 ISSUED BY THE CENTRAL GOVERNMENT**
Exhibit P3	**TRUE COPY OF THE RELEVANT PAGES OF THE GAZETTE NOTIFICATION G.S.R. NO. 640 (E) DATED 18.08.2022 ISSUED BY THE CENTRAL GOVERNMENT**
Exhibit P4	**TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 31.08.2022 WITH RESPECT TO A MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-41-M-8800**
Exhibit P5	**TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 24.10.2022 WITH RESPECT TO MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-25-E-8832**
Exhibit P6	**TRUE COPY OF THE SCREENSHOT TAKEN FROM THE WEBSITE: WWW.PARIVAHAN.GOV.IN**
Exhibit P7	**THE TRUE COPY OF A SERVICE LEVEL AGREEMENT EXECUTED BY THE PETITIONER WITH ONE OF ITS SERVICE PARTNERS DATED 05.10.2022**
Exhibit P8	**TRUE COPY OF THE CERTIFICATE ISSUED TO A SERVICE PARTNER OF THE PETITIONER BY THE NSDC DATED 27.10.2022**
Exhibit P9	**TRUE COPY OF THE INVOICE BEARING NO.R8/2223/350 ISSUED BY THE PETITIONER DATED 14.02.2023**
Exhibit P10	**TRUE COPY OF THE INVOICE BEARING NO.R56/2223/96 ISSUED BY THE PETITIONER DATED 14.02.2023**
Exhibit P11	**THE TRUE COPY OF THE LETTER ISSUED BY THE GOVERNMENT OF INDIA DATED 16.06.2016**
Exhibit P12	**THE TRUE COPY OF THE LETTER ISSUED BY THE GOVERNMENT OF INDIA DATED 02.08.2016**
Exhibit P13	**THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 29.04.2019**
Exhibit P14	**THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 14.05.2019**
Exhibit P15	**THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 22.03.2021**

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Exhibit P16	**THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 16.03.2022**
Exhibit P17	**THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 18.04.2022**
Exhibit P18	**THE TRUE COPY OF THE MOTOR VEHICLE (NEW HIGH SECURITY REGISTRATION PLATES), ORDER 2001**
Exhibit P19	**THE TRUE COPY OF RULE 50 OF CENTRAL MOTOR VEHICLES RULES, 1989 AS EXISTING IN THE YEAR 2001**
Exhibit P20	**THE TRUE COPY OF THE MOTOR VEHICLES (HIGH SECURITY REGISTRATION PLATES) ORDER, 2018**
Exhibit P21	**THE TRUE COPY OF THE AIS:037:2004**
Exhibit P22	**THE TRUE COPY OF THE AIS:159:2019**
Exhibit P23	**THE TRUE COPY OF THE TABLE SHOWING THE HIGH SECURITY REGISTRATION PLATES SUPPLIED BY HSRP VENDORS AS OBTAINED FROM THE VAHAAN PORTAL**

THE HIGH COURT OF KERALA
सत्यमेव जयते

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GOVERNMENT OF KERALA

Transport (B) Department

No.B2/349/2022-Trans. 07-12-2023,Thiruvananthapuram

From

Secretary to Government

To

Transport Commissioner, Thiruvananthapuram

Sir,

Sub: Transport Department-WP(C)No.10761/2022-Fitment of High Security Registration Plates on old vehicles-Reg.

Ref:1) Your letter no. MIT2/13/2017-TC dated 08/06/2022 and MIT2/23/2022-TC dated 01/12/2023

2) Order dated 27/11/2023 of the Hon'ble High Court of Kerala in WP(C)No.10761/2022.

I am to invite your attention to the references cited .As per letter 1st cited , it has been requested Government to take appropriate decision on Rule 50 of Central Motor Vehicle Rules, 1989 which stipulates that all vehicles must be fitted with High Security Registration Plates, in view of notification and instructions issued by the Government of India as per S.O.6052 (E) dated 06/12/2018 and RT-11036/56/2019-MVL dated 01/09/2021 respectively.

The Hon'ble High Court of Kerala as per reference 2nd cited directed the State Government to file the policy for frame work envisaged for selection /authorisation of approved vendors/manufacturers of HSRP for implementing Rule 50 of CMVR for affixing HSRP on vehicles manufactured prior to 01.04.2019.

In these circumstances Government have examined the matter in detail. It is seen that Rule 50 (1)(v) of the CMV Rules, for existing old registered vehicles, the license plate shall be issued by the registering authority or vehicle manufacturers and their dealers or by the license plate manufacturers or their dealers approved by the State Government or U.T Administration. The Central Road Research Institute, New Delhi, or any agency authorized under rule 126 shall approve the security registration as per the provisions of this rule.

Therefore you are directed to authorise the Registering Authority to fix HSRP on old vehicles, before 01.04.2019, through any of the affiliated/accredited agencies of the Government which have a Type Approval

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Certificate of HSRP from any agency specified under Rule 126 of CMVR,1989. The Registering Authority shall exercise proper control at the time of issuance of these plates.

Yours Faithfully,
BIJU PRABHAKAR
SECRETARY
For Secretary to Government.

Approved for Issue,

Section Officer.

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GOVERNMENT OF KERALA

Transport (B) Department

No.B2/349/2022-Trans. 07-12-2023,Thiruvananthapuram

From

Secretary to Government

To

Advocate General,Kerala
Eranakulam

Sir,

Sub: Transport Department-WP(C)No.10761/2022-Fitment of High Security Registration Plates on old vehicles-Reg.

Ref: Order dated 27/11/2023 of the Hon'ble High Court of Kerala in WP(C)No.10761/2022.

I am to invite your attention to the reference cited. As per Rule 50 of Central Motor Vehicles Rule,1989, every motor vehicles shall be fitted with High Security Registration Plate (HSRP). For new vehicles registered on or after 01.04.2019, the Registering Authority or Manufacturer of motor vehicles or their dealers are authorised to fix HSRP at the time of registration. According to Rule 50 (1)(v) of the CMV Rules, for existing old registered vehicles, the license plate shall be issued by the registering authority or vehicle manufacturers and their dealers or by the license plate manufacturers or their dealers approved by the State Government or U.T Administration. The Central Road Research Institute, New Delhi, or any agency authorized under rule 126 shall approve the security registration as per the provisions of this rule.

As per the order cited above, , the Hon'ble High Court directed the State Government to file an affidavit on behalf of the responsible officers regarding the policy for frame work envisaged for selection/authorisation of approved vendors/manufacturers of HSRP for implementing Rule 50 of CMVR for affixing HSRP on vehicles manufactured prior to 01.04.2019.

Government have examined the matter in detail and have decided to authorise the Registering Authority to fix HSRP on old vehicles registered before 01.04.2019, through any of the affiliated/accredited

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agencies of the Government which have a Type Approval Certificate of HSRP from any agency specified under Rule 126 of CMVR. The Registering Authority shall exercise proper control at the time of issuance of these plates.A copy of the letter issued to the Transport Commissioner is also enclosed herewith for ready reference.

Hence, I am to request you to apprise the above matter before the Hon'ble High Court when the case comes up for hearing.

Yours Faithfully,
BIJU PRABHAKAR
SECRETARY
For Secretary to Government.

Approved for Issue,

Section Officer.

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Zimbra

5503/P/2023/M(TRANS)

ANTONY RAJU

AD 3045

Request to implement the HSRP project for the existing vehicles through vehicle manufacturers and their dealers

From : aimvsa@gmail.com Thu, 30 Nov, 2023 11:26

Subject : Request to implement the HSRP project for the existing vehicles through vehicle manufacturers and their dealers 1-attachment

To : Transport Commissioner MVD <tc.mvd@kerala.gov.in>, Transport Commissionerate <tcoffice.mvd@kerala.gov.in>

Cc : ANTONY RAJU <min.transport@kerala.gov.in>, scy transport <scy.transport@kerala.gov.in>, DR VENU V IAS <chiefsecy@kerala.gov.in>

0 8 DEC 2023

Dear Sir,

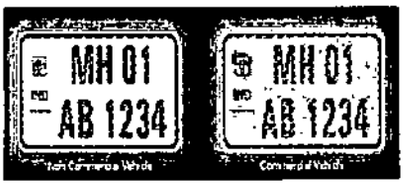
Please find the attached letter along with supporting annexures requesting your good office the following:-

1. To implement the HSRP project for the existing vehicles through vehicle manufacturers and their dealers in compliance with HSRP Order 2018 (GSR 1162 (E) dated 04.12.2018, clause 5 (i) of S.O 6052(E) dated 06.12.2018, G.S.R 104(E), dated 11.02.2020, GSR 640(E) dated 18.08.2022) and the memorandum/ advisory/ Circular dated 04.10.2019 (Para 10), 09.06.2023 and 14.07.2023 issued by the Ministry of Road Transport and Highways.

2. To ignore any kind of approval/ authorization to any HSRP manufacturers merley on the basis of having Type Approval Certificate as the same shall not only be in contrary to the judgement (2011) 14 SCC 273 of the Hon'ble Supreme Court of India but also the past and dubious credentials of HSRP manufacturer as highlighted by Ministry of Road Transport and Highways in past and in its recent letter dated 26.10.2023 addressed to ICAT against M/s Orbiz, M/s Godawari and M/s Rd Engineering shall get ignored. Importantly all three are members of *HIGH SECURITY REGISTRATION PLATE (HSRP) MANUFACTURERS ASSOCIATION OF INDIA) wherein the said Association and M/s Orbiz* are the petitioner before the Hon'ble High Court of Kerala.

Thanking you
All India Motor Vehicle Security Association
Dhruv M Patel
Secretary

KERALA LETTER (Complete).pdf
13 MB



Reg. No. 44038 of 2002
ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION
|Society registered under Societies Registration Act XXI of 1850|

Date: 29.11.2023

To,
The Transport Commissioner
Transport Department
Government of Kerala

Subject: Request for implementation of High Security Registration Plates (HSRP) Project for the old vehicles (registered prior to 01.04.2019) through vehicle manufacturers and their dealers model as per mandate of HSRP Order 2018.

Dear Sir,

We, the All-India Motor Vehicle Security Association (AIMVSA), representing Type Approved High-Security Registration Plate (HSRP) manufacturers as our esteemed members, would like to bring to your kind attention that we have been actively pursuing the implementation of HSRP throughout the India and have been impleader/intervener time to time before the Hon'ble Supreme Court of India to apprise the Hon'ble Court with regard to the status of implementation, so that the objective of this scheme is achieved and the process/ guidelines as directed are adhered and are not deviated.

We are writing this letter with regard to the Writ Petitions filed by certain High Security Registration Plate (HSRP) manufacturers. These petitions have been filed before the Hon'ble High Court of Kerala, Ernakulum requesting for an authorization or approval from your good office to carry out the implementation of HSRP in the State of Kerala for the **old vehicles (registered prior to 01.04.2019)**.

In this regard it is submitted that the credentials / background of the petitioner are dubious and doubtful as evident from the following facts:

Firstly, letter dated 26.10.2023 **(Annexure-1)** issued by the Ministry of Road & Transport Highways. The Ministry has explicitly outlined the violations committed by the HSRP companies as below, specifically stating the following instances.

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1. M/s RD Engineering Solutions Pvt. Ltd.,
2. M/s Godawari Techno Solutions Pvt. Ltd. and
3. M/s Orbiz Automotivez Pvt. Ltd.

a) Compromising with the Country's National Security
b) Subcontracting/ Outsourcing/ Job work thereby violating the mandate of Judgment dated 13.07.2016 passed by the Hon'ble Supreme Court of India in C.P(C) 483 of 2013.
c) Illegally Selling of HSRP's in the open market without having the authorizations of the State/UT Government merely on the basis of having Type Approval certificate.
d) Cheating the vehicle owners of various states by accepting the order for HSRPs, collecting fee, generating invoice but Non updating of LID codes in Vahan for the illegally sold HSRPs in the open market.
e) Violating the mandates of Gazette Notifications i.e. GSR 1162(E) dated 04.12.2018, S.O 6052(E) dated 06.12.2018 (HSRP Order 2018), G.S.R 104(E), dated 11.02.2020, GSR 640(E) dated 18.08.2022, circulars dated 09.06.2023, 14.07.2023 issued by MORT&H with regard to implementation of HSRP.

Secondly, it is submitted that the State of Haryana and State of Odisha have registered a FIR bearing number 0181 dated 20.04.2023, 0322 dated 18.05.2023 and 0033 dated 10.08.2022 against the said company i.e. M/s Godawari Techno Solutions Pvt. Ltd. for openly supplying unauthorized High Security Registration Plates (HSRPs) in the market to unsuspecting and gullible vehicle. **(Annexure-2, 3 and 4)**

Therefore the approval / authorization to HSRP manufacturers cannot be granted merely on the basis of TAC. For selection of HSRP manufacturer a tender has to be issued as per the directions mentioned in the judgment reported in **(2016) 14 SCC 72 – Below is the para:-**

"Para 34 (iii) Furthermore, the HSRP contracts should be awarded pursuant to a transparent tender process. The factors such as topographical and geographical conditions, vehicular population, adequate infrastructure, cost of managing logistics, equipments and human resources etc. must be considered before accepting any bid and entering into the contract.

The new rule/law with regard to implementation of HSRP for the new vehicle and old vehicle has already been envisaged by the Ministry of Road & Transport Highways and the Hon'ble Supreme Court of India. That as per the orders and notifications HSRP Order 2018 (GSR 1162 (E) dated 04.12.2018,S.O 6052(E) dated 06.12.2018, G.S.R 104(E), dated 11.02.2020, GSR 640(E) dated 18.08.2022) and the memorandum/ advisory/ Circular dated 04.10.2019, 09.06.2023 and 14.07.2023 issued by the Ministry of Road

Transport and Highways for the new vehicle (vehicles manufactured on or after 01.04.2019) has bestowed the responsibility of the HSRP implementation onto the vehicles manufacturers and their respective dealers and for the old vehicles (vehicles manufactured before 01.04.2019) the Ministry of Road Transport and Highways has empowered the State/UT Government to decide whether to implement HSRP for the old vehicle through the vehicle manufacturers and their dealers or to select HSRP manufacturer. Below are the relevant paras:

GSR 1162(E) dated 04.12.2018:-

"Provided further that the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles after placing the registration mark of registration thereon

S.O 6052(E) dated 06.12.2018:-

5(i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so, authorized by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

Memorandum dated 04.10.2019 along with MOM dated 24.09.2021 issued by Ministry of Road Transport

Para 10- *For the issue of providing and fixation of HSRP on existing vehicles, Js (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 2011, state Government has to take a decision that either the HSRP plates be supplied through authorized OEMs dealers or select HSRP manufacturers.*

GSR 104 (E) dated 11.02.2020 and G.S.R. 640(E) dated 18.08.2022:

"...and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved license plate manufacturers or their dealers. Further approved license plate manufacturers or their dealers was substituted with approved license plate manufacturers or their dealers approved by State Government or Union Territory Administration

MoRTH vide Circular dated 09.06.2023

"....merely having a Type Approval Certificate from any of the agencies authorized under Rule 126 does not authorize any manufacturer to supply the HSRP in the open market.

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It is submitted that the mode of HSRP being implemented on to the vehicles manufactured prior to 01.04.2019 in the other State/UT through Vehicle Manufacturers and their dealers is as below:

Sr. No.	States/UT's	Mode of HSRP implementation
1	Andaman and Nicobar Islands	HSRP is being implemented by vehicle manufacturers and their dealers as per clause 5(i) of SO No. 6052(E) dated 06.12.2018
2	Sikkim	
3	NCT of Delhi	
4	Uttarakhand	
5	Uttar Pradesh	
6	West Bengal	
7	Odisha	
8	Himachal Pradesh	
9	Dadra and Nagar Haveli and Daman & Diu	
10	Gujarat	
11	Andhra Pradesh	
12	Arunachal Pradesh	
13	Assam	
14	Bihar	
15	Karnataka	
16	Madhya Pradesh	
17	Meghalaya	
18	Rajasthan	
19	Lakshadweep	

Copy of orders are enclosed -5

It is submitted that to approve or to authorize HSRP manufacturers merely on the basis of having a Type Approval Certificate (TAC) from any of testing agencies by the State Government shall be in contrary to the judgement (2011) 14 SCC 273 of the Hon'ble Supreme Court of India. The relevant extract of the judgment, para 6 is mentioned below:

"Then there is a second category of U.T./States i.e., the U.T. of Chandigarh and the States of Jharkhand and Bihar which have not followed the procedure for selection and have approved certain vendors with "Type Approval Certificate (TAC) from the Central Government, who would be permitted to affix the HSRP at own premises or at the office of the RIO. As we have indicated, this is not in compliance with the directions of the scheme and provisions of the Motor Vehicles Act, 1988. If these States are permitted to

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adopt their own procedure, then it is bound to defeat the very purpose of security and uniform affixation of HSRP all over the county. Hence, this be permitted as it would defeat the entire exercise undertaken by this Court over number of years."

It is submitted that the approval / authorizing multiple HSRP manufacturers by the State/UT Government may jeopardize the entire project and lead to the following disadvantages and defeat the objective of HSRP project: -

a) Flooding of multiple HSRPs for same registration numbers of same vehicles, same brands within a State/UT.
b) Objective of the HSRP scheme shall be defeated completely.
c) Violation of the Hon'ble Supreme Court Judgment and its directions given in W.P (C) 510 of 2005 and C.P(C) 483 of 2013
d) Invitation to crime and criminal activities.
e) Non updation of Laser codes of HSRP's to Vahan.
f) Responsibility / accountability cannot be fixed.

Henceforth, as per the Hon'ble Supreme Court's directions and as per HSRP Order 2018 only 2 options are there either to implement HSRP through Vehicle Manufacturers and their dealers which is already in process by various states as per the above chart or selection of HSRP Manufacturer trough the tender process.

It is submitted that with regard to Tender Process it has been observed that time and again the tender conditions have been challenged in various court of law, resulting in delay and non-implementation of the said project. We request your good office to implement the HSRP project through Vehicle Manufacturers and their dealers and accordingly issue the order.

Thanking You

Dhruv Patel

Dhruv Patel
Secretary-All India Moor Vehicle Security Association

Cc: 1 – Hon'ble Transport Minister, Kerala
2 – Chief Transport Secretary, Kerala
3 – Transport Secretary, Kerala

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Annexure - 1

File No-RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport & Highways
Transport Bhawan, 1, Parliament Street, New Delhi- 110001

Dated: 26th October, 2023

To,

The Director
International Centre for Automotive Technology
Plot No. 26, Sector 3, HSIIDC, IMT- Manesar, Gurugram - 122050

Subject: Scrutiny required on an urgent basis into the alleged illegal activities of certain Type Approval Certificate (TAC) holders of High Security Registration Plates (HSRP), issued by the International Centre for Automotive Technology (ICAT).

Sir,

This Ministry, vide GSR 221(E) dt 28.03.2001 amended the Rule 50, which governs the form and manner of display of registration marks on the motor vehicles, mandating the fixing of security license plates. The HSRP scheme is imperative to the country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and in prevention of tampering and counterfeiting.

Recently, and in the past as well, this ministry has received certain representations regarding the breach of norms in the implementation of the HSRP scheme by certain entities. In particular, a few manufacturers of license plates that have been granted the Type Approval Certificate (TAC) have been reported to openly flout the guidelines that have been laid down for HSRP implementation from time to time by both, the Ministry of Road Transport and Highways and the Honourable Supreme Court of India in its judgement dated 13.07.2013 in C.P(C) 483 of 2013.

Earlier, on 09.06.2023, this Ministry had issued an advisory to all stakeholders (including testing agencies) with the subject "Issuance of the High Security Registration Plates (HSRP) by some HSRP manufacturers in an unauthorised and illegal manner." The purpose of the advisory was to highlight and put a check on violations of the norms by certain HSRP manufacturers. Time and again, various complaints had been received against the HSRP manufacturers having Type Approval Certificate issued by your organisation. It was alleged in the complaints that HSRPs are being sold in the open market by such manufacturers without having the authorisation of the vehicle manufacturers or having the authorisation of the State/UT Government. It was specified in the same advisory that merely having a valid Type Approval Certificate shall not be considered as authorisation by the vehicle manufacturer or the State/UT Government and that any HSRPs thus supplied in the open market without such authorisation are deemed to be illegal. In the same advisory, the testing agencies were also advised to establish

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strict measures and controls on the activities of the TAC holding companies and take strict action if any violations are observed.

Now, it appears that the neither the CMVR rules, nor the guidelines issued by the Honourable Supreme Court and this ministry, nor the various advisories issued from time to time have deterred the erring HSRP manufacturers from supplying HSRP plates illegally in the open market. Serious allegations of outsourcing/sub-contracting/job-work and openly selling HSRPs in the market have once again been brought to the attention of this Ministry.

Particularly, substantial evidence and documents pertaining to three HSRP manufacturers, involved in such illegalities, have been brought to the notice of this Ministry. These include:

1. M/s RD Engineering Solutions Pvt. Ltd.
2. M/s Godawari Techno Solutions Pvt. Ltd.,
3. M/s Orbiz Automotivez Pvt. Ltd.

Co-incidentally, it is observed that the Type Approval Certificate for all three companies has been issued by ICAT. Moreover, Conformity of Production (CoP) audit has also been carried out by ICAT for all such companies. The scope of CoP audits is not restricted to the evaluation of production process, sourcing of raw material, inspection of finished/ semi-finished goods but also includes the utilisation of the material so produced. The Ministry has received several complaints from the vehicle owners of different states wherein the above-mentioned companies have accepted the HSRP order, collected fee against the order and generated invoices in some cases. HSRPs were duly issued by these companies against such orders having Permanent Identification Number (PIN). Upon checking of data for these vehicles in VAHAN database, it was found that none of the PINs have been updated. It is amply clear that since these HSRP manufacturers were neither authorised by the vehicle manufacturers (OEMs) nor by State/ UT Government, they did not possess the necessary homologation rights required for integration in VAHAN database. This is blatant violation of the HSRP Scheme.

It is also observed that all the three companies have been granted the TAC post the order S.O no. 6052 (E) dated 06.12.2018. While it is always in the interest of the Nation where there is wider participation in the market in the spirit of fair competition, it is also critical that all the participants adhere to the rules and the guidelines laid down from time to time. Thus, this office strongly urges your organisation to conduct a due diligence into the activities of these companies to whom the TACs have been granted. Thorough audits need to be conducted into the alleged violations stated in the representation that is annexed herewith. The agency is responsible for not just issuing TAC on the manufacturing of HSRPs at the plant level, but also ensuring that each HSRP that leaves the TAC holder's premises is being affixed on vehicles in an authorised and legal manner.

It is also suggested that a review of the practices of other testing agencies namely ARAI, CRRI et al that have been issuing TACs and conducting CoP audits since the inception of HSRP scheme be understood and adopted to ensure

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that the TAC and CoP issuance process is free of lapses, if any. As stated in the previous advisory dated 09.06.23, if any irregularities are found in the implementation of the scheme by any TAC holder, then it is imperative to take strict action including the suspension / termination of license for such entities by the testing agency.

It is imperative that an in-depth review of the alleged violations as stated in the annexed representation should be conducted and a report may be submitted to this Ministry within four weeks from the date of receipt of this letter.

This issue with the approval of the Competent Authority.

Yours faithfully,

(Mayur Ratitai Govekar)
Deputy Secretary to the Government of India
Tele/Fax: 23736858
e-mail: mayur.govekar@ias.nic.in

Copy to:

1) PS to Hon'ble Minister, RT&H
2) PS to Hon'ble MoS, RT&H
3) PPS to Secretary, RT&H
4) PPS to AS, (MVL,T & RS)
5) PS to PS (Transport), Govt. of Haryana
6) PS to Transport Commissioner, Govt. of Haryana

Annexure - Z

Haryana Police (हरियाणा पुलिस)

I.I.F.-I (एकीकृत जाँच फार्म-I)

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)
प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (जिला): BHIWANI P.S. (थाना): BHIWANI CITY Year (वर्ष): 2023

FIR No. (प्र.सू.रि. सं.): 0181 Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 20/04/2023 20:35 hrs

2.

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	IPC 1860	420
2	IPC 1860	467
3	IPC 1860	468
4	IPC 1860	471
5	IPC 1860	472
6	IPC 1860	475

3. (a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): Date from (दिनांक से): Date To (दिनांक तक):

Time Period (समय अवधि): Time From (समय से): Time To (समय तक):

(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई): Date (दिनांक): 20/04/2023 Time (समय): 20:23 hrs

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 031 Date and Time (दिनांक और समय): 20/04/2023 20:23 hrs

4. Type of Information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): SOUTH, 1.8 Km Beat No. (बीट सं.): (s)

(b) Address (पता): ऑटो मार्केट लोहारु रोड़ भिवानी,

(c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

District (State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

(a) Name (नाम): महेश मल्होत्रा

(b) Father's Name (पिताका नाम): B. L. मल्होत्रा

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1973 (d) Nationality (राष्ट्रीयता): INDIA

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(e) UID No. (यूआईडी सं.):
Passport No. (पासपोर्ट सं.):

(f)

Date of Issue (जारी करने की दिनांक): Place of Issue (जारी करने का स्थान):

(g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (पहचान विवरण (राशन कार्ड ,मतदाता कार्ड ,पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S. No. (क्र.सं.)	ID Type (पहचान पत्र का प्रकार)	ID Number (पहचान संख्या)

(h) Occupation (व्यवसाय):

(i) Address
(पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	Present Address	F-119 Mayapuri Industrial Area, Phase-2 New Delhi-110064NEW DELHI, DELHI, INDIA
2	Permanent Address	F-119 Mayapuri Industrial Area, Phase-2 New Delhi-110064NEW DELHI, DELHI, INDIA

(j) Phone number (दूरभाष सं.): Mobile (मोबाइल सं.): 91-9810940004

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

S. No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address(वर्तमान पता)
1	Ms. Jai Durga Car Decoration			1. Auto Market,Loharu Road,Bhiwani,BHIWANI CITY,BHIWANI,HARYANA,INDIA
2	Ms. Godawari Techno Solutions Pvt. Ltd.			1. unknown,BHIWANI CITY,BHIWANI,HARYANA,INDIA

8. Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No. (क्र.सं.)	Propertty Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))

10. Total value of property (In Rs/-) (सम्पत्ति का कुल मूल्य(रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S. No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)

12. First Information contents (प्रथम सूचना तथ्य):

श्रीमान जी आज दिनांक 20.04.2023 को डाक के माध्यम से एक परिवाद न. 13-5D दिनांक 06.03.2023 पुलिस

MIT2/23/2022-TC

I/166198/2023

MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **01-12-2023**

From: Transport Commissioner
Kerala

To: Secretary
Transport Department
Government Secreteriat
Thiruvananthapuram

Sir,

Sub:- Motor Vehicles Dept- Fitment of HSRP on prior vehicles registered on 2019- reg.

Ref:- 1. This office letter of even No. dated 08/06/2023
2. Order of Hon'ble High Court dtd 27/11/2023 in WP(C) No. 10761/2022

As per Rule 50 of Central Motor Vehicles Rule,1989, every motor vehicles shall be fitted with High Security Registration Plate(HSRP). For new vehicles registered on or after 01.04.2019, the Registering Authority or Manufacturer of motor vehicles or their dealers are authorised to fix HSRP at the time of registration. *But,for old vehicles registered prior to 01.04.2019,the Registering Authority,Manufacturer or their dealers of the vehicles or the Licence Plate Manufacturers or their dealers* ***approved by the State Government*** *are empowered to fix HSRP* The HSRP Manufacturer shall obtain Type Approval Certificate from Central Institute of Road Transport (CIRT) or any other testing agencies specified in Rule 126 of CMVR. But the State Government has not yet authorised any HSRP manufacture or the dealer to fix HSRP on old vehicles in the State. Against this Certain HSRP manufacturers approached the Hon'ble HighCourt and the Hon'ble High Court in WP(C)No: 10761/2022 and three other connected cases,directed the State Government to give time frame before the court which licenced vendors with type approved certificates can be granted approval to affix HSRP on existing motor vehicles registered in Kerala prior to 01.04.2019 and also provide them access to Vahan Portal.Against this, State of Kerala preferred an appeal and the Division Bench of Hon'ble High Court in WA No: 999/2023 stayed the order of

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Hon'ble High Court in WP(C) No:

10761/2022 and connected cases.The Hon'ble High Court in the order dated 27.11.2023 in the same WP(C) directed the State to file an affidavit on behalf of the responsible officers regarding the policy for frame work envisaged for selection/authorisation of approved vendors /manufacturers of HSRP for implementing Rule 50 of CMVR for affixing HSRP onvehicles manufactured prior to 01.04.2019 (Copy enclosed).

In the above circumstances,it is requested to take a policy decision on the implementation of HSRP on old vehicles.The manufacturers of HSRP or their dealers can be selected based on the following options:

Option1:-Open to All

Authorisation shall be given to all HSRP manufacturers who had obtained approval from CIRT or any other testing agencies specified under Rule 126 of CMVR subject to the condition that the cost of fixing HSRP shall not be exceed the price fixed by Government.

Option2:-Floating Tenders

Govt can proceed with steps to float tenders for selecting the HSRP manufacturers subject to the following conditions:

a) The manufacturers of HSRP quoting lowest rate for HSRP may be fixed.

b)The manufacturers of HSRP quoting highest royalty rate to Government may be fixed

c)The manufacturers of HSRP quoting both lowest rate for HSRP and highest Royalty rate to Government may be fixed

d) A security deposit or desired amount can be fixed so as to ensure that the manufacturers are fixing high quality HSRP.

e) A time limit may be framed for fixing HSRP on old vehicles

Option3:- Selection for a particular HSRP manufacturer

Government can authorise a particular HSRP manufacturer or a Government agency for fixing HSRP on old vehicles, subject to the conditions specified by the Government.

I/166198/2023

An appropriate decision regarding the same may be taken as the earliest and the Hon'ble High Court may be apprised of the same before 8th December2023.

Signed by
S Sreejith I P S
Date: 01-12-2023 14:55:20

Yours faithfully

S SREEJITH I P S
TRANSPORT COMMISSIONER

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Monday, the 27th day of November 2023 / 6th Agrahayana, 1945

WP(C) NO. 7089 OF 2023

PETITIONER:

ORBIZ AUTOMOTIVEZ, PLOT NO. 23/A AND 23/C, INKEL CITY, PANAKKAD VILLAGE, MALAPPURAM-676519; REPRESENTED BY ITS MANAGING PARTNER, SHRI. JABIR M,

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001
2. TRANSPORT COMMISSIONER, 2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM.-695014
3. ADDL.R3: UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,NEW DELHI- 110 001.(IS IMPLEADED AS PER ORDER DATED 21/03/2023 IN IA 1/23 IN WP(C))
4. ADDL.R4: ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA (REGD.), F-119, MAYAPURI INDUSTRIAL AREA, PHASE – II,NEW DELHI – 110 064, REPRESENTED BY ITS PRESIDENT MR. MAHESH MALHOTRA. (IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN IA 2/23 IN WP(C)).
5. ADDL.R5: BND ENERGY PVT. LTD., HAVING ITS REGISTERED OFFICE AT 23-24 BHURAKHIA ARCADE, 2ND FLOOR, NEAR NAVJIVAN RESTAURANT, SURAT KAMREJ ROAD, SURAT, GUJARAT - 395 006, REPRESENTED BY ITS DIRECTOR SHRI. DESAI DHARMESHKUMAR LALJIBHAI. (IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN IA 4/23 IN WP(C))
6. TEDI (INDIA) PRIVATE LIMITED, PLOT NO. C54, SIDCO INDUSTRIAL ESTATE, MARAIMALAI NAGAR, CHENGALPATTU DISTRICT, TAMIL NADU. (SOUGHT TO BE IMPLEADED)

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the Respondents not to take any coercive action against the Petitioner and its service partners / online booking, fitment and delivery centers and permit them to continue to function, pending the disposal of the writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 04.07.2023 and upon hearing the arguments of M/S P.A.MOHAMMED SHAH, SHAHIR SHOWKATH ALI, HELEN P.A. & ARUN ROY, Advocates for the petitioner, PUBLIC PROSECUTOR, for R1, SRI. MANU S. DEPUTY SOLICITOR GENERAL OF INDIA & SRI.S.KRISHNA, Advocate for R3, SRI. MILLU DANDAPANI, Advocate for R4, SRI. CHELSON CHEMBARATHY, Advocate for R5 and of SRI. MUHAMED JUNAID V, Advocate for R6, the court passed the following:

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DINESH KUMAR SINGH, J.

W.P.(C.)Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023

DATED THIS THE 27th DAY OF NOVEMBER, 2023.

ORDER

Arguments heard.

2. The State is directed to file an affidavit on behalf of the responsible officer regarding the policy or framework envisaged for selection/authorisation of approved vendors/manufactures of High Security Registration Plates (HSRP) for implementing Rule 50 of the Central Motor Vehicle Rules, 1989 for affixing the High Security Number Plates on vehicles manufactured prior to 01.04.2019.

3. Prima facie, I am of the view that the words 'approved by the State Government' in the notification dated 09.06.2023 would mean authorisation of the selected dealers by the State Government. The approval for manufacturing facility is accorded by the Central Road Research Institute (CRRI) and other agencies as mentioned in the Rule itself and there is no approval of the State Government contemplated for manufacturing facility of HSRP under the Rules.

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4. The Central Government should also clarify its stand in this regard in the affidavit to be filed.

Treated as part heard. Post on 08.12.2023 in the 200 list, as Item No. 201.

sd/-

DINESH KUMAR SINGH
JUDGE

DCS/27.11.2023

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APPENDIX OF WP(C) 7089/2023

Exhibit R4(A)	TRUE COPY OF BOARD RESOLUTION SHOWING AND EMPOWERING DEPONENT DATED 12.04.2023
Exhibit R4(B)	TRUE COPY OF CERTIFICATE OF REGISTRATION OF THE APPLICANT UNDER SOCIETIES REGISTRATION ACT XXI OF 1860
Exhibit R5(a)	
Exhibit R5 (a)	TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR
Exhibit R5 (b)	TRUE COPY OF THE CERTIFICATE FOR CONFORMITY OF PRODUCTION ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR
Exhibit P1	TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR
Exhibit P2	TRUE COPY OF THE RELEVANT PAGES OF THE GAZETTE NOTIFICATION G.S.R. NO. 104(E) DATED 11.02.2020 ISSUED BY THE CENTRAL GOVERNMENT
Exhibit P3	TRUE COPY OF THE RELEVANT PAGES OF THE GAZETTE NOTIFICATION G.S.R. NO. 640 (E) DATED 18.08.2022 ISSUED BY THE CENTRAL GOVERNMENT
Exhibit P4	TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 31.08.2022 WITH RESPECT TO A MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-41-M-8800
Exhibit P5	TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 24.10.2022 WITH RESPECT TO MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-25-E-8832
Exhibit P6	TRUE COPY OF THE SCREENSHOT TAKEN FROM THE WEBSITE: WWW.PARIVAHAN.GOV.IN
Exhibit P7	THE TRUE COPY OF A SERVICE LEVEL AGREEMENT EXECUTED BY THE PETITIONER WITH ONE OF ITS SERVICE PARTNERS DATED 05.10.2022
Exhibit P8	TRUE COPY OF THE CERTIFICATE ISSUED TO A SERVICE PARTNER OF THE PETITIONER BY THE NSDC DATED 27.10.2022
Exhibit P9	TRUE COPY OF THE INVOICE BEARING NO.R8/2223/350 ISSUED BY THE PETITIONER DATED 14.02.2023
Exhibit P10	TRUE COPY OF THE INVOICE BEARING NO.R56/2223/96 ISSUED BY THE PETITIONER DATED 14.02.2023
Exhibit P11	THE TRUE COPY OF THE LETTER ISSUED BY THE GOVERNMENT OF INDIA DATED 16.06.2016
Exhibit P12	THE TRUE COPY OF THE LETTER ISSUED BY THE GOVERNMENT OF INDIA DATED 02.08.2016
Exhibit P13	THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 29.04.2019
Exhibit P14	THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 14.05.2019
Exhibit P15	THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 22.03.2021

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Exhibit P16	THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 16.03.2022
Exhibit P17	THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 18.04.2022
Exhibit P18	THE TRUE COPY OF THE MOTOR VEHICLE (NEW HIGH SECURITY REGISTRATION PLATES), ORDER 2001
Exhibit P19	THE TRUE COPY OF RULE 50 OF CENTRAL MOTOR VEHICLES RULES, 1989 AS EXISTING IN THE YEAR 2001
Exhibit P20	THE TRUE COPY OF THE MOTOR VEHICLES (HIGH SECURITY REGISTRATION PLATES) ORDER, 2018
Exhibit P21	THE TRUE COPY OF THE AIS:037:2004
Exhibit P22	THE TRUE COPY OF THE AIS:159:2019
Exhibit P23	THE TRUE COPY OF THE TABLE SHOWING THE HIGH SECURITY REGISTRATION PLATES SUPPLIED BY HSRP VENDORS AS OBTAINED FROM THE VAHAAN PORTAL

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Secretary, Transport Email Dec-1 12:08 PM

Ema...

DR VENU V IAS

Request to implement the HSRP project for the existing vehicles through vehicle manufacturers and their dealers

From : aimvsa@gmail.com

Thu, Nov 30, 2023 11:26 AM

1 attachment

Subject : Request to implement the HSRP project for the existing vehicles through vehicle manufacturers and their dealers

To : Transport Commissioner MVD <tc.mvd@kerala.gov.in>, Transport Commissionerate <tcoffice.mvd@kerala.gov.in>

Cc : ANTONY RAJU <min.transport@kerala.gov.in>, scy transport <scy.transport@kerala.gov.in>, DR VENU V IAS <chiefsecy@kerala.gov.in>

Dear Sir
Please find the attached letter along with supporting annexures requesting your good office the following:-

1. To implement the HSRP project for the existing vehicles through vehicle manufacturers and their dealers in compliance with HSRP Order 2018 (GSR 1162 (E) dated 04.12.2018, clause 5 (i) of S.O 6052(E) dated 06.12.2018, G.S.R 104(E), dated 11.02.2020, GSR 640(E) dated 18.08.2022) and the memorandum/ advisory/ Circular dated 04.10.2019 (Para 10), 09.06.2023 and 14.07.2023 issued by the Ministry of Road Transport and Highways.

2. To ignore any kind of approval/ authorization to any HSRP manufacturers merley on the basis of having Type Approval Certificate as the same shall not only be in contrary to the judgement (2011) 14 SCC 273 of the Hon'ble Supreme Court of India but also the past and dubious credentials of HSRP manufacturer as highlighted by Ministry of Road Transport and Highways in past and in its recent letter dated 26.10.2023 addressed to ICAT against M/s Orbiz, M/s Godawari and M/s Rd Engineering shall get ignored. Importantly all three are members of *HIGH SECURITY REGISTRATION PLATE (HSRP) MANUFACTURERS ASSOCIATION OF INDIA) wherein the said Association and M/s Orbiz* are the petitioner before the Hon'ble High Court of Kerala.

Thanking you
All India Motor Vehicle Security Association
Dhruv M Patel
Secretary

KERALA LETTER (Complete).pdf
13 MB



Reg. No. 44038 of 2002
ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION
[Society registered under Societies Registration Act XXI of 1850]

Date: 29.11.2023

To,
The Transport Commissioner
Transport Department
Government of Kerala

Subject: Request for implementation of High Security Registration Plates (HSRP) Project for the old vehicles (registered prior to 01.04.2019) through vehicle manufacturers and their dealers model as per mandate of HSRP Order 2018.

Dear Sir,

We, the All-India Motor Vehicle Security Association (AIMVSA), representing Type Approved High-Security Registration Plate (HSRP) manufacturers as our esteemed members, would like to bring to your kind attention that we have been actively pursuing the implementation of HSRP throughout the India and have been impleader/intervener time to time before the Hon'ble Supreme Court of India to apprise the Hon'ble Court with regard to the status of implementation, so that the objective of this scheme is achieved and the process/ guidelines as directed are adhered and are not deviated.

We are writing this letter with regard to the Writ Petitions filed by certain High Security Registration Plate (HSRP) manufacturers. These petitions have been filed before the Hon'ble High Court of Kerala, Ernakulum requesting for an authorization or approval from your good office to carry out the implementation of HSRP in the State of Kerala for the **old vehicles (registered prior to 01.04.2019)**.

In this regard it is submitted that the credentials / background of the petitioner are dubious and doubtful as evident from the following facts:

Firstly, letter dated 26.10.2023 **(Annexure-1)** issued by the Ministry of Road & Transport Highways. The Ministry has explicitly outlined the violations committed by the HSRP companies as below, specifically stating the following instances.

45, I[st] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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1. M/s RD Engineering Solutions Pvt. Ltd.,
2. M/s Godawari Techno Solutions Pvt. Ltd. and
3. M/s Orbiz Automotivez Pvt. Ltd.

a) Compromising with the Country's National Security
b) Subcontracting/ Outsourcing/ Job work thereby violating the mandate of Judgment dated 13.07.2016 passed by the Hon'ble Supreme Court of India in C.P(C) 483 of 2013.
c) Illegally Selling of HSRP's in the open market without having the authorizations of the State/UT Government merely on the basis of having Type Approval certificate.
d) Cheating the vehicle owners of various states by accepting the order for HSRPs, collecting fee, generating invoice but Non updating of LID codes in Vahan for the illegally sold HSRPs in the open market.
e) Violating the mandates of Gazette Notifications i.e. GSR 1162(E) dated 04.12.2018, S.O 6052(E) dated 06.12.2018 (HSRP Order 2018), G.S.R 104(E), dated 11.02.2020, GSR 640(E) dated 18.08.2022, circulars dated 09.06.2023, 14.07.2023 issued by MORT&H with regard to implementation of HSRP.

Secondly, it is submitted that the State of Haryana and State of Odisha have registered a FIR bearing number 0181 dated 20.04.2023, 0322 dated 18.05.2023 and 0033 dated 10.08.2022 against the said company i.e. M/s Godawari Techno Solutions Pvt. Ltd. for openly supplying unauthorized High Security Registration Plates (HSRPs) in the market to unsuspecting and gullible vehicle. (**Annexure-2, 3 and 4)**

Therefore the approval / authorization to HSRP manufacturers cannot be granted merely on the basis of TAC. For selection of HSRP manufacturer a tender has to be issued as per the directions mentioned in the judgment reported in **(2016) 14 SCC 72 – Below is the para:-**

"Para 34 (iii) Furthermore, the HSRP contracts should be awarded pursuant to a transparent tender process. The factors such as topographical and geographical conditions, vehicular population, adequate infrastructure, cost of managing logistics, equipments and human resources etc. must be considered before accepting any bid and entering into the contract.

The new rule/law with regard to implementation of HSRP for the new vehicle and old vehicle has already been envisaged by the Ministry of Road & Transport Highways and the Hon'ble Supreme Court of India. That as per the orders and notifications HSRP Order 2018 (GSR 1162 (E) dated 04.12.2018,S.O 6052(E) dated 06.12.2018, G.S.R 104(E), dated 11.02.2020, GSR 640(E) dated 18.08.2022) and the memorandum/ advisory/ Circular dated 04.10.2019, 09.06.2023 and 14.07.2023 issued by the Ministry of Road

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Transport and Highways for the new vehicle (vehicles manufactured on or after 01.04.2019) has bestowed the responsibility of the HSRP implementation onto the vehicles manufacturers and their respective dealers and for the old vehicles (vehicles manufactured before 01.04.2019) the Ministry of Road Transport and Highways has empowered the State/UT Government to decide whether to implement HSRP for the old vehicle through the vehicle manufacturers and their dealers or to select HSRP manufacturer. Below are the relevant paras:

GSR 1162(E) dated 04.12.2018:-

"Provided further that the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles after placing the registration mark of registration thereon

S.O 6052(E) dated 06.12.2018:-

5(i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so, authorized by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

Memorandum dated 04.10.2019 along with MOM dated 24.09.2021 issued by Ministry of Road Transport

Para 10- *For the issue of providing and fixation of HSRP on existing vehicles, Js (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 2011, state Government has to take a decision that either the HSRP plates be supplied through authorized OEMs dealers or select HSRP manufacturers.*

GSR 104 (E) dated 11.02.2020 and G.S.R. 640(E) dated 18.08.2022:

"...and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved license plate manufacturers or their dealers. Further approved license plate manufacturers or their dealers was substituted with approved license plate manufacturers or their dealers approved by State Government or Union Territory Administration

MoRTH vide Circular dated 09.06.2023

"....merely having a Type Approval Certificate from any of the agencies authorized under Rule 126 does not authorize any manufacturer to supply the HSRP in the open market.

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It is submitted that the mode of HSRP being implemented on to the vehicles manufactured prior to 01.04.2019 in the other State/UT through Vehicle Manufacturers and their dealers is as below:

Sr. No.	States/UT's	Mode of HSRP implementation
1	Andaman and Nicobar Islands	HSRP is being implemented by vehicle manufacturers and their dealers as per clause 5(i) of SO No. 6052(E) dated 06.12.2018
2	Sikkim	
3	NCT of Delhi	
4	Uttarakhand	
5	Uttar Pradesh	
6	West Bengal	
7	Odisha	
8	Himachal Pradesh	
9	Dadra and Nagar Haveli and Daman & Diu	
10	Gujarat	
11	Andhra Pradesh	
12	Arunachal Pradesh	
13	Assam	
14	Bihar	
15	Karnataka	
16	Madhya Pradesh	
17	Meghalaya	
18	Rajasthan	
19	Lakshadweep	

Copy of orders are enclosed -5

It is submitted that to approve or to authorize HSRP manufacturers merely on the basis of having a Type Approval Certificate (TAC) from any of testing agencies by the State Government shall be in contrary to the judgement (2011) 14 SCC 273 of the Hon'ble Supreme Court of India. The relevant extract of the judgment, para 6 is mentioned below:

"Then there is a second category of U.T./States i.e., the U.T. of Chandigarh and the States of Jharkhand and Bihar which have not followed the procedure for selection and have approved certain vendors with "Type Approval Certificate (TAC) from the Central Government, who would be permitted to affix the HSRP at own premises or at the office of the RIO. As we have indicated, this is not in compliance with the directions of the scheme and provisions of the Motor Vehicles Act, 1988. If these States are permitted to

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adopt their own procedure, then it is bound to defeat the very purpose of security and uniform affixation of HSRP all over the county. Hence, this be permitted as it would defeat the entire exercise undertaken by this Court over number of years."

It is submitted that the approval / authorizing multiple HSRP manufacturers by the State/UT Government may jeopardize the entire project and lead to the following disadvantages and defeat the objective of HSRP project: -

a) Flooding of multiple HSRPs for same registration numbers of same vehicles, same brands within a State/UT.
b) Objective of the HSRP scheme shall be defeated completely.
c) Violation of the Hon'ble Supreme Court Judgment and its directions given in W.P (C) 510 of 2005 and C.P(C) 483 of 2013
d) Invitation to crime and criminal activities.
e) Non updation of Laser codes of HSRP's to Vahan.
f) Responsibility / accountability cannot be fixed.

Henceforth, as per the Hon'ble Supreme Court's directions and as per HSRP Order 2018 only 2 options are there either to implement HSRP through Vehicle Manufacturers and their dealers which is already in process by various states as per the above chart or selection of HSRP Manufacturer trough the tender process.

It is submitted that with regard to Tender Process it has been observed that time and again the tender conditions have been challenged in various court of law, resulting in delay and non-implementation of the said project. We request your good office to implement the HSRP project through Vehicle Manufacturers and their dealers and accordingly issue the order.

Thanking You

Dhruv M. Patel

Dhruv Patel
Secretary-All India Moor Vehicle Security Association

Cc: 1 – Hon'ble Transport Minister, Kerala
2 – Chief Transport Secretary, Kerala
3 – Transport Secretary, Kerala

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SUMAN BILLA IAS
PRINCIPAL SECRETARY TO GOVERNMENT

INDUSTRIES & NORKA DEPARTMENT
GOVERNMENT OF KERALA

No.246/PrlSecy/Ind&Norka/2023 Dated 4th November 2023

Dear Biju,

Sub: High Security Registration Plate (HSRP) for motor vehicles - Permission for HSRP Manufacturers to directly compete in the open market- Reg.

Ref:- (1) Hon'ble High Court's Order dated 13.04.2023 on WPC No.35549/2022, 10766/2022 & 7089/2023.

(2) Circular No. B2/125/2019/Trans, dated 09.05.2019.

This is to bring to your attention a matter of concern faced by manufacturers of High Security Registration Plates (HSRPs) in the State.

As you are aware, Section 41 (6) of the Motor Vehicles Act, 1988 provides for display of registration mark in motor vehicles, in the form and manner as prescribed by the Central Government. Rule 50 of the Central Motor Vehicles Rules (CMVR), 1989, prescribes the display of such registration mark in the form of a High Security Registration Plate. Further, the CMVR, 1989 also provides for Type Approval (TA) and Conformity of Production (CoP) that are to be mandatorily secured by vehicle and component manufacturers as per set procedures.

As per the prevailing rules, it is understood that both manufacturers as well as dealers of HSRP can supply/ affix them in motor vehicles, including in existing vehicles. In the case of HSRP dealers, they have to further take approval from the State Government/ UT concerned for rendering the service. But HSRP manufacturers who have obtained TA and CoP certificates from authorised testing agencies immediately qualify to the supply/ installation of HSRPs in vehicles, including for existing vehicles.

Fact being so, it is understood that there is no clear guideline/ directive in the State with respect to installation of HSRP by manufacturers themselves. In the absence of such clear directives, the HSRP manufacturers are asked to obtain further approval from the State Government. They are also denied access to the National Registry for electronically linking HSRP details in the "Vahan" portal, for the above reason.

It is pertinent to note that vide Interim Order referred as (1) above, the Hon'ble High Court of Kerala had ruled that the manufacturers of HSRPs who have obtained Type Approval Certificate from Central Government authorised testing agencies are not required to obtain further approvals from the State Government.

However, vide Circular referred as (2) above, the State Government had directed all Departments to install HSRPs in existing vehicles, solely through dealers of vehicle manufacturers. This denies the opportunity for manufacturers of HSRP to compete directly in the open market. Since most of the dealers procure HSRP from manufacturers outside the State, home-grown units, especially MSMEs engaged in the manufacture of HSRPs do not even get a chance to sell their products in the State.

Room No. 121, First Floor, North Block, Government Secretariat
Thiruvananthapuram-695 001
Phone-Office : 0471-2518845, 0471-2327499
E-mail : prlsecy.ind@kerala.gov.in, prlsecy.norka@kerala.gov.in

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This goes against the declared policy of the State to promote local manufacturing under "Make in Kerala" scheme, as well as the emphasis given to MSMEs in the State through the Kerala Industrial Policy, 2023.

In light of the above, it is requested that urgent necessary steps may be taken to issue clear directives that enable home-grown manufacturers of HSRP, who have obtained Type Approval Certificate from Central Government authorised testing agencies, to directly compete in the open market in the State. They shall also be given access to the National Registry (Vahan portal) for electronically linking HSRP details. These would ensure fairness, promote local manufacturing, and align with the State's objectives under "Make in Kerala" scheme.

My Best,

Yours Sincerely,

(Suman Billa)

Sri. Biju Prabhakar IAS
Secretary
Transport Department
Room No: 388
Main Block
Government Secretariat
Thiruvananthapuram

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Thursday, the 13th day of April 2023 / 23rd Chaithra, 1945

WP(C) NO. 35549 OF 2022

PETITIONER:

SIDHIKHU, AGED 54 YEARS, S/O. JAMALUDEEN KUNJU, PROPRIETOR, M/S. KALARICKAL ALFA NUMERICS, BUILDING NO. 6/389/4, KOTTARAKKARA, KOLLAM-691506.

RESPONDENTS

1. STATE OF KERALA, REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695001.
2. REGIONAL TRANSPORT OFFICER, OFFICE OF THE REGIONAL TRANSPORT OFFICER, CIVIL STATION, KOLLAM-691013.
3. MOTOR VEHICLE INSPECTOR, MOTOR VEHICLE DEPARTMENT, PUTHOOR ROAD, KOTTARAKKARA, KOLLAM-691506.
4. ORBIZ AUTOMOTIVEZ, PLOT NO.23/A AND 23/C, INKEL CITY, PANAKKAD VILLAGE, MALAPPURAM - 676519; REPRESENTED BY ITS MANAGING PARTNER, SHRI. JABIR M.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation of Exhibit P12 and all further proceedings thereon, pending the disposal of the Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 08/02/2023 upon hearing the arguments of M/S.RENOY VINCENT & ATHUL ROY, Advocates for the petitioner, the court passed the following:

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RAJA VIJAYARAGHAVAN V, J.

W.P.(C) No. 35549 of 2022, 10761 of 2022 & 7089 of 2023

Dated this the 13th day of April, 2023

ORDER

I have heard the submissions of Sri. S.M.Prasanth, the learned counsel appearing for the petitioner in W.P.(C) No. 10761/2022, Sri.Mohammed Shah, the learned counsel appearing for the petitioner in W.P.(C) No. 7089/2023, Sri.Renoy Vincent, the learned counsel appearing for the petitioner in W.P.(C) No.35549 of 2022 and the learned Special Government Pleader.

2. The petitioner in W.P.(C) No. 10761/2022 and the 4th respondent in W.P.(C) No.35549/2022 are licensees holding "Type Approval Certificate" to manufacture and supply High-Security Registration Plate (HSRP). "MotorSigns India" has been issued Type Approval Certificate by Global Automotive Research Centre (GARC), and "Orbiz Automotivez" has been issued Type Approval Certificate by the International Centre for Automotive Technology, Manesar. They are among the 17 approved license plate manufacturers granted approval strictly in terms of Rule 126 of the Central Motor Vehicles Rules.

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3. Sub Section (6) of Section 41 of the Motor Vehicles Act, 1988, clearly stipulates that the registering authority shall assign to the vehicle, for display thereon, a distinguished mark, otherwise referred to as the registration mark in such manner as may be prescribed by the Central Government.

4. Rule 50 of the Central Motor Vehicles Rules, 1989 provides for the manner of display or registration marks on motor vehicles. The said provision reads thus:

> 50. Form and manner of display of registration marks on the motor vehicles.—
>
> (1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security license plate of the following specifications, namely:—
>
> (i) the plate shall be a solid unit made of 1.0 mm aluminium conforming to AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standards Act, 2016 (11 of 2016) or ISO:7591. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approx. 10 mm, and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The fast colouring of legend and border to be done by hot stamping;
>
> (ii) the plate should bear the letters "IND" in blue colour on the extreme left centre of the plate. The letter should be one-fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate;
>
> (iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a

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permanent consecutive identification number of minimum ten digits, to be laser branded into the reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authority/vehicle manufacturer and their dealers along with regular registration marks and thereafter if such sticker is destroyed it shall be used by the registering authority/vehicles manufacturer and their dealers

(v) the plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the license plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency authorized under Rule 126 shall approve the security registration as per the provisions of the rule.

XXXXXXXXX XXXXXXXX

5. It would be pertinent to note that it was as per notification dated 18.08.2022 that Rule 50(1)(v) was amended, and for the words "approved license plate manufactures or their dealers," the words "license plate

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manufacturers or their dealers approved by the State Government or Union territory Administration" was substituted. In other words, so far as dealers are concerned, approval of the State Government would be required. But no such requirement is there for the license plate manufacturers. Furthermore, Section 111 of the Act only enables the State Government to make rules relating to the subjects mentioned therein.

6. Rule 50 of the Central Motor Vehicles Rules, coupled with the subsequent notification No.GSR 140(E) dated 11.02.2020 and GSR 640(E) dated 18.08.2022 makes it clear that the registering authority or the vehicle manufacturers and their dealers, or the license plate manufacturers, are empowered to fix HSRP on old vehicles. The dealers of the license plate manufacturers are also empowered, provided they have approval from the State Government or Union Territory Administration.

7. The Government of Kerala, recognizing the above fact and the directions issued by the Central Government, has issued Circular No. B2/125/2019/Trans. Dated 09.05.2019 making it clear that the Ministry of Road Transport and Highways (MoRTH) has made the HSRP mandatory throughout the country as per notification dated 06.12.2018. As per the Central Government notification, all existing vehicles were also to be fitted with HSRP.

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8. The grievance of the petitioner in W.P.(C) No.10761/2022 is that no measures are being taken by the State Government to ensure immediate compliance of Rule 51 of the Central Motor Vehicles Rules while implementing the affixation of HSRPs registered before, on and after 01.04.2019.

9. The grievance of the petitioner in W.P.(C) Nos.7089/2023 and 35549/2022 is that despite the fact that the petitioners therein are not dealers but are only service partners of M/s. Orbiz Automotivez, an authorized manufacturer of HSRPs with Type Approval Certificate issued by a recognized agency and only does online booking,delivery and acts as fitment centers, they are not being permitted to operate on the premise that approval from the State Government is required. They contend that the respondents 1 to 3 are shutting down their establishments on the ground that they are dealers.

10. After having heard the submissions of the learned counsel in detail, this Court issued an interim order on 14.03.2023, the operative portion of which reads as under:

> 6. Having considered the submissions, prima facie, I am of the considered opinion that there is absolutely no justification on the part of the official respondents in delaying the implementation of HSRPs on motor vehicles, despite the Central Government coming out with Motor Vehicles (New High-Security Registration Plates) Order, 2001 as early as on 22.08.2001.

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7. Let the respondents respond and give a time frame before this Court within which licensed vendors with Type Approval Certificates can be granted approval to affix HSRPs on existing motor vehicles registered in Kerala before 1.4.2019 and also, provide them access to Vahan Portal.

11. In response, the learned Special Government Pleader submits that three months time is required for the process of selecting vendors who can be granted approval to affix High-Security Registration Plates on existing motor vehicles registered in Kerala before 01.04.2019.

12. Having considered the submissions, I am of the considered opinion that manufacturers of HSRPs who have obtained Type Approval Certificate issued by the Government of India or other Testing Agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government. Only dealers of the approved licensed manufacturers are required to obtain approval from the State Government.

13. In that view of the matter, as an interim measure and to ensure effective implementation of the provisions of the Central Motor Vehicles Rules and Circular No.B2/125/2019/Trans. dated 09.05.2019 issued by the State Government, the following directions are issued:

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a) There will be a direction to the respondents in W.P.(C) No. 10761/2022 to allow and authorize the petitioner therein to issue and affix HSRP (High Security Registration Plates) on vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate issue to them. Their request for providing access to the National Registry for electronically linking HSRP details in the "VAHAN" portal shall also be considered, and expeditious orders shall be issued to enable them to issue and affix HSRP plates without any impediment whatsoever.

b) The petitioners in W.P.(C) No.35549/2022 and 7089/2023 shall appear before the Transport Commissioner and place materials to establish that they are merely service partners/online booking, fitment, and delivery points and are not dealers. The Transport Commissioner shall consider the materials and take a decision within a period of one month from today. If the petitioners are not dealers, they are not bound to get approval from the State Government in terms of Rule 50 of the Central Motor Vehicles Rules.

sd/-

RAJA VIJAYARAGHAVAN V,
JUDGE

ps/17/4/2023

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APPENDIX OF WP(C) 35549/2022

Exhibit P12 **TRUE COPY OF THE ORDER PASSED BY THE RESPONDENT NO.2 DATED 28.10.2022.**



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GOVERNMENT OF KERALA
Transport(B) Department

No. B2/125/2019/Trans. Dated, Thiruvanathapuram, 09.05.2019.

CIRCULAR

Sub:- Trans - Installation of High Security Number Plates in Government Vehicles – reg.

Ref:- 1. SO. 6052(E) dated 06/12/2018 issued by Ministry of Road Transport and Highways.
2. Minutes of the meeting convened by Hon'ble Minister (Transport) on 22/03/2019.

*****

The Ministry of Road Transport and Highways (MoRTH) have made the High Security Number Plates (HSRP) mandatory throughout the Country as per the notification read as 1st paper above. Subsequently the State Government have entrusted all authorized dealers of vehicle manufacturers to install the High Security Number Plates supplied by the Vehicle manufacturers. As per the Central Government notification, the existing vehicles also to be installed with HSRP.

In this circumstances, the Government of Kerala hereby direct all Departments to implement the scheme by installing High Security Number Plates on their vehicles including third registration mark supplied

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and affixed by the dealers of vehicle manufacturers as per the guidelines issued by MoRTH.

K.R. JYOTHILAL,
PRINCIPAL SECRETARY TO GOVERNMENT

To

All Departments

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Friday, the 8th day of December 2023 / 17th Agrahayana, 1945

WP(C) NO. 10761 OF 2022

PETITIONER:

MOTORSIGNS INDIA,810 ANNA SALAI, NANDANAM, CHENNAI 600035, TAMIL NADU, INDIA REPRESENTED BY ITS SOLE PROPRIETOR, THOMAS CHERIAN.

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.**
2. **THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERLA, THIRUVANANTHAPURAM 695001.**
3. **THE TRANSPORT COMMISSIONER,TRANSPORT COMMISSIONERATE, TRANS TOWER-2ND FLOOR,VAZHUTHACAUD, P.O. THYCAUD, THIRUVANANTHAPURAM, KERALA 695014.**
4. **ADDL.R4 ACCIDENT RESCUE 24X7, PANAPUZHA, KAKKAD P.O., TIRURANGADI, MALAPPURAM - 676306, REPRESENTED BY ITS SECRETARY, SHRI.JAMSHEER KOORIYADAN [ADDL.R4 IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN I.A-1/2022 IN WP(C) 10761/2022]**
5. **ADDL.R5 ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION, 45, 1ST FLOOR, COMMUNITY CENTRE, NARAINA PHASE-1, NEW DELHI-110028 REPRESENTED BY ITS AUTHORIZED SIGNATORY SHRI. T.SUJITH MUGESH. [ADDL.R5 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-3/2023 IN WP(C) 10761/2022]**
6. **ADDL.R6 ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA (REGD.) F-119, MAYAPURI INDUSTRIAL AREA, PHASE – II, NEW DELHI – 110064 REPRESENTED BY ITS PRESIDENT MR. MAHESH MALHOTRA [ADDL.R6 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-5/2023 IN WP(C) 10761/2022]**
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11. **THE VEHICLES RESEARCH DEVELOPMENT ESTABLISHMENT (VRDE), REPRESENTED BY ITS DIRECTOR, P.O. VAHAN NAGAR, AHMEDNAGAR, MAHARASHTRA-414006. (SOUGHT TO BE IMPLEADED)**
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DIRECTOR, PUNE – NASIK ROAD, PUNE – 411026. (SOUGHT TO BE IMPLEADED)

13. THE GLOBAL AUTOMOTIVE RESEARCH CENTRE (GARC), PLOT E1, SIPCOT INDUSTRIAL GROWTH CENTRE, ORAGADAM, MATHUR P.O., SRIPERUMBUDUR TALUK, TIRUVALLUR DISTRICT, TAMIL NADU – 602 105 REPRESENTED BY ITS DIRECTOR. (SOUGHT TO BE IMPLEADED)

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim direction to the respondents to allow and authorize the petitioner to issue and affix HSRP (High Security Registration Plates) on existing/old vehicles registered prior to 01.04.2019 on the strength of his Exhibits P1 and P1(a) licence/Type Approval issued under Rule 124 of Central Motor Vehicles Rules 1989 and to provide access to the National Registry for Electronically linking HSRP details in Vahan Portal, pending disposal of the above Writ Petition.

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DINESH KUMAR SINGH, J.

.....

W.P(C) Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023

.....

Dated this the 8th day of December, 2023

O R D E R

1.This court on 27.11.2023, after hearing the matter at length, the counsels representing the parties had made their observations as mentioned in Paragraphs 3 and 4.

2.No affidavit in terms of the said order has been filed on behalf of the State Government, rather a written communication from the State Government to the Transport Commission has been tendered during the hearing.

3.This court is not satisfied with the said communication as it does not answer the issue flagged in the order. Let an affidavit of the Secretary of the Transport / Commission be filed in terms of the order dated 27.11.2023 passed by this court.

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Sd/-
DINESH KUMAR SINGH
JUDGE

SJ

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APPENDIX OF WP(C) 10761/2022

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Exhibit P8	**TRUE COPY OF CIRCULAR NO. B2/125/2019 /TRANS. DATED 09.05.2019 ISSUED BY THE TRANSPORT (B) DEPARTMENT, GOVERNMENT OF KERALA.**
Exhibit P9	**TRUE COPY OF REPRESENTATION DATED 18.02.2020 SUBMITTED BY THE PETITIONER BEFORE THE TRANSPORT COMMISSIONER, KERALA, THIRUVNANTHAPURAM.**
Exhibit P10	**TRUE COPY OF REPRESENTATION DATED 01.11.2021 SUBMITTED BY THE PETITIONER BEFORE THE TRASNPORT COMMISSIONER, KERALA, THIRUVANANTHAPURAM WITH RELEVANT DETAILS.**
Exhibit P11	**TRUE COPY OF REPRESENTATION DATED 07.02.2022 ALONG WITH RELEVANT DETAILS SUBMITTED BY THE PETITIONER BEFORE SHRI. AJITH KUMAR, IPS , TRANSPORT COMMISSIONER, KERALA, THIRUVANANTHAPURAM.**
Exhibit P12	**TRUE COPY OF COMMUNICATION NO.MIT2/23/2022-TC DATED 20.07.2022 SENT BY THE TRANSPORT COMMISSIONER TO THE PETITIONER.**
Exhibit P12(B)	**TRUE COPY OF NOTIFICATION NO. S.O. 814(E) DATED 22-08-2001 CALLED THE MOTOR VEHICLES (NEW HIGH SECURITY REGISTRATION PLATES) ORDER OF 2001 OF MINISTRY OF ROAD TRANSPORTS AND HIGHWAYS.**

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Exhibit P12(B)	**TRUE COPY OF NOTIFICATION NO. S.O. 1041(E) DATED 16-10-2001 OF MINISTRY OF ROAD TRANSPORTS AND HIGHWAYS.**
Exhibit P13	**TRUE COPY OF COMMUNICATION BEARING FILE NO. MIT2/23/2022-TC FROM THE THIRD RESPONDENT BY THE PETITIONER.**
Exhibit P14	**TRUE COPY OF TENDER CANCELLATION NOTICE R.NO.33432/HB2/2019 DATED 01-04-2022 ISSUED BY THE STATE OF TAMIL NADU.**
Exhibit P15	**TRUE COPY OF G.S.R. 640(E) DATED 18TH AUGUST 2022 MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.**
Exhibit P16	**TRUE COPY OF NEWS ITEM APPEARED IN THE WEBSITE OF THE ECONOMIC TIMES DAILY DATED 14-06-2022.**
Exhibit P17	**TRUE COPY OF LETTER NO. RT-11021/47/2014-MVL DATED 01-10-2018 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.**
Exhibit P18	**TRUE COPY OF RELEVANT PAGES OF THE EPCA REPORT NO.103 DATED 25-09-2019.**
Exhibit P19	**TRUE COPY OF MINUTES OF THE MEETING HELD ON 24.09.2019 UNDER THE CHAIRMANSHIP OF JOINT SECRETARY (MVL), MINISTRY OF ROAD TRANSPORT AND HIGHWAYS TRANSPORT COMMISSIONER.**
Exhibit P20	**TRUE COPY OF COMMUNICATION BEARING RT-11036/56/2019-MVL DATED 21.10.2020 HAS BEEN ISSUED BY THE GOVERNMENT OF INDIA, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS ON THE SUBJECT OF REPLACEMENT OF HIGH SECURITY REGISTRATION PLATE**
Exhibit P21	**TRUE COPY OF COMMUNICATION BEARING NOS. RT-11017/13/2005-MVL DATED 16.0.2016 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA**
Exhibit P22	**TRUE COPY OF THE COMMINICATION NO.RT-11017/13/2005-MVLDATED 02/08/2016 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA**
Exhibit P23	**TRUE COPY OF COMMUNICATION D.O.RT-11028/3/2000-MVL(PT) DATED 14.12.2001 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA**
EXHIBIT P24	**TRUE COPY OF CIRCULAR NO. C2/9549/TC/2010 DATED 17..12..2010 ISSUED BY THE THIRD RESPONDENT**
EXHIBIT P25	**COMMUNICATION NO. RT-11036/19/2021-MVL DATED 06..09..2021 OF THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI**
EXHIBIT P26	**TRUE COPY OF ORDER R.NO. 14731/HB2/2020 DATED 11..08..2022**
EXHIBIT P27	**TRUE EXTRACT OF RELEVANT PORTION OF INFORMATION BULLETING PUBLISHED BY THE MOTOR VEHICLES DEPARTMENT IN THEIR WEBSITE**
EXHIBIT P28	**TRUE COPY OF RELEVANT PAGE OF POST BY THE HONOURABLE MINISTER FOR DEPARTMENT OF MOTOR VEHICLES IN HIS SOCIAL MEDIA PAGE**
EXHIBIT P29	**TRUE COPY OF RELEVANT PAGES FROM THE WEBSITE AS RTO SERVICE SOLICITING SERVICES RELATING MOTOR VEHICLES DEPARTMENT**
Exhibit R5 (a)	**TRUE COPY OF REGISTRATION CERTIFICATE**

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Exhibit P30	**TRUE COPY OF RELEVANT PAGES OF MINUTES WITH ANNEXURES OF THE 60TH MEETING OF CMVR-TSC**
Exhibit P31	**TRUE COPY OF REPRESENTATION DATED 16..04..2023 SUBMITTED BEFORE THE CHAIRMAN OF CMVR-TSC BY THE PETITIONER**
Exhibit P32	**TRUE COPY OF REPRESENTATION DATED 27..04..2023 SUBMITTED BY THE PETITIONER BEFORE THE DIRECTOR OF AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA (ARAI) ALONG WITH SUPPORTING DOCUMENTS**
Exhibit P33	**TRUE COPY OF COMMUNICATION NO.SHL/LETTER/2023-24 DATED 12..06..2023 SENT BY THE DEPUTY DIRECTOR OF AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA, TO THE PETITIONER**
EXHIBIT P34	**TRUE COPY OF ADVISORY NO. RT-11036/99/2020-MVL DATED 09..06..2023 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI**
Exhibit R2(b)	**True copy of the Advisory letter of Ministry of Road Transport and Highways(MoRTH) to all States dated 01.09.2021**
Exhibit R2(c)	**A true copy of the guidelines of the Ministry of Road Transport and Highways regarding the High Security Registration plate**
Exhibit R2(a)	**True copy of G.S.R 640(E) dated 18.08.2022**
Exhibit R5 A	**TRUE COPY OF REGISTRATION CERTICATE**
Exhibit R6 A	**A TRUE COPY OF BOARD RESOLUTION SHOWING AND EMPOWERING DEPONENT DATED 12/4/2023**
Exhibit R6 B	**TRUE COPY OF CERTIFICATE OF REGISTRATION OF THE APPLICANT UNDER SOCIETIES REGISTRATION ACT XXI OF 1860**

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I/172105/2024

MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **01-01-2024**

From: Transport Commissioner
Kerala

To: The Secretary to Govt.
Transport Department
Govt Secreteriat
Thiruvananthapuram

Sir,

Sub:- Motor Vehicles Dept-Fitment of HSRP in vehicles registered prior to 31/03/2019- reg

Ref:- 1. Government letter no B2/349/2022 dt 07/12/2023
2.Order of Hon. High Court dated 27/11/2023 and 08/12/2023 in WP(C)'S 10761 of 2022, 7089, 22207 & 29866 of 2023 (Copies enclosed)

Kind attention is invited to the reference cited, on 27/11/2023 the Hon. High Court has ordered and directed the State to file an affidavit regarding the policy or frame work envisaged for selection / authorization of approved venders/ manufacturers of HSRP for implementing rule 50 of the CMVR 1989 for affixing HSRP on vehicles manufacturer prior to 1/4/2019.

On 07/12/2023 Vide reference 1st cited, Government has authorized Transport Commissioner to authorize the Registering Authority to fix HSRP on old vehicles registered before 01.04.2019, through any of the affiliated / accredited agencies of the Government which have a Type Approval Certificate of HSRP from any agency specified under Rule 126 of CMVR.

When the matter was came up for hearing on 08/12/2023 the Hon. High court (In para 2 & 3) has observed that " no affidavit in terms of the said order has been filed on behalf of the State Govt. , rather a written communication from State Govt. to that Transport Commission has been tendered during the hearing. This court is not satisfied with the said communication as it does not answer the issue flagged in the Order. Let an affidavit of the Secretary Of Transport / Commission be filed in terms of the Order dated 27/11/2023 passed by this Court.

The case is now stand posted to **09/01/2024**.

In the above circumstances it is requested that , necessary steps may kindly be taken to file counter affidavit explaining the policy/framework envisaged for selection / authorization of approved venders / manufacturers of HSRP for implementing rule 50 of the CMVR 1989 for affixing HSRP on vehicles

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manufacturer prior to 1/4/2019, before the next posting.

Yours faithfully

PRAMOJ SANKER P S
ADDITIONAL TRANSPORT COMMISSIONER

Signed by
Pramoj Sanker P S
Date: 01-01-2024 19:09:55

Email **Transport Commissionerate**

WPC No. 10761-2022 - Order dtd. 08-12-2023

From : kmvd007@gmail.com Mon, Dec 11, 2023 03:48 PM

Subject : WPC No. 10761-2022 - Order dtd. 08-12-2023 1 attachment

To : transportb7186@gmail.com, transportbce2cases@gmail.com, Transport Commissionerate <tcoffice.mvd@kerala.gov.in>, Sunilkumar VR <lo.mvd@kerala.gov.in>, Senior Deputy Transport Commissioner Tax <dtctax.mvd@kerala.gov.in>

Dear Sir

Please see the attachment.

NB

1. Please quote the case number in the reference and in the subject of email.

2. Please quote the relevant sections/rules in the SOF/Instruction.

Liaison Officer

Motor Vehicles Department

Advocate General's Office

Ernakulam 682031

0484 2392434,2564258

8547639098

10761-2022 Order 08-12-2023.pdf
141 KB

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Friday, the 8th day of December 2023 / 17th Agrahayana, 1945

WP(C) NO. 10761 OF 2022

PETITIONER:

MOTORSIGNS INDIA,810 ANNA SALAI, NANDANAM, CHENNAI 600035, TAMIL NADU, INDIA REPRESENTED BY ITS SOLE PROPRIETOR, THOMAS CHERIAN.

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.**
2. **THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERLA, THIRUVANANTHAPURAM 695001.**
3. **THE TRANSPORT COMMISSIONER,TRANSPORT COMMISSIONERATE, TRANS TOWER-2ND FLOOR,VAZHUTHACAUD, P.O. THYCAUD, THIRUVANANTHAPURAM, KERALA 695014.**
4. **ADDL.R4 ACCIDENT RESCUE 24X7, PANAPUZHA, KAKKAD P.O., TIRURANGADI, MALAPPURAM - 676306, REPRESENTED BY ITS SECRETARY, SHRI.JAMSHEER KOORIYADAN [ADDL.R4 IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN I.A-1/2022 IN WP(C) 10761/2022]**
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DINESH KUMAR SINGH, J.

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W.P(C) Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023

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Dated this the 8th day of December, 2023

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Sd/-
DINESH KUMAR SINGH
JUDGE

SJ

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Exhibit P6	**TRUE COPY OF PAGES RELATING TO HSRP AS THEY APPEAR IN THE FACEBOOK PAGE OF THE KERALA MOTOR VEHICLE DEPARTMENT.**
Exhibit P7	**TRUE COPY OF COMMUNICATION F. NO. RT 11036/56/2019- MVL DATED 01.09.2021 SENT BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS TO THE PRINCIPAL SECRETARIES/ SECRETARIES, DEPARTMENT OF TRANSPORT COMMISSIONERS OF ALL STATES AND UNION TERRITORIES.**
Exhibit P8	**TRUE COPY OF CIRCULAR NO. B2/125/2019 /TRANS. DATED 09.05.2019 ISSUED BY THE TRANSPORT (B) DEPARTMENT, GOVERNMENT OF KERALA.**
Exhibit P9	**TRUE COPY OF REPRESENTATION DATED 18.02.2020 SUBMITTED BY THE PETITIONER BEFORE THE TRANSPORT COMMISSIONER, KERALA, THIRUVNANTHAPURAM.**
Exhibit P10	**TRUE COPY OF REPRESENTATION DATED 01.11.2021 SUBMITTED BY THE PETITIONER BEFORE THE TRASNPORT COMMISSIONER, KERALA, THIRUVANANTHAPURAM WITH RELEVANT DETAILS.**
Exhibit P11	**TRUE COPY OF REPRESENTATION DATED 07.02.2022 ALONG WITH RELEVANT DETAILS SUBMITTED BY THE PETITIONER BEFORE SHRI. AJITH KUMAR, IPS , TRANSPORT COMMISSIONER, KERALA, THIRUVANANTHAPURAM.**
Exhibit P12	**TRUE COPY OF COMMUNICATION NO.MIT2/23/2022-TC DATED 20.07.2022 SENT BY THE TRANSPORT COMMISSIONER TO THE PETITIONER.**
Exhibit P12(B)	**TRUE COPY OF NOTIFICATION NO. S.O. 814(E) DATED 22-08-2001 CALLED THE MOTOR VEHICLES (NEW HIGH SECURITY REGISTRATION PLATES) ORDER OF 2001 OF MINISTRY OF ROAD TRANSPORTS AND HIGHWAYS.**

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Exhibit P12(B)	**TRUE COPY OF NOTIFICATION NO. S.O. 1041(E) DATED 16-10-2001 OF MINISTRY OF ROAD TRANSPORTS AND HIGHWAYS.**
Exhibit P13	**TRUE COPY OF COMMUNICATION BEARING FILE NO. MIT2/23/2022-TC FROM THE THIRD RESPONDENT BY THE PETITIONER.**
Exhibit P14	**TRUE COPY OF TENDER CANCELLATION NOTICE R.NO.33432/HB2/2019 DATED 01-04-2022 ISSUED BY THE STATE OF TAMIL NADU.**
Exhibit P15	**TRUE COPY OF G.S.R. 640(E) DATED 18TH AUGUST 2022 MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.**
Exhibit P16	**TRUE COPY OF NEWS ITEM APPEARED IN THE WEBSITE OF THE ECONOMIC TIMES DAILY DATED 14-06-2022.**
Exhibit P17	**TRUE COPY OF LETTER NO. RT-11021/47/2014-MVL DATED 01-10-2018 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.**
Exhibit P18	**TRUE COPY OF RELEVANT PAGES OF THE EPCA REPORT NO.103 DATED 25-09-2019.**
Exhibit P19	**TRUE COPY OF MINUTES OF THE MEETING HELD ON 24.09.2019 UNDER THE CHAIRMANSHIP OF JOINT SECRETARY (MVL), MINISTRY OF ROAD TRANSPORT AND HIGHWAYS TRANSPORT COMMISSIONER.**
Exhibit P20	**TRUE COPY OF COMMUNICATION BEARING RT-11036/56/2019-MVL DATED 21.10.2020 HAS BEEN ISSUED BY THE GOVERNMENT OF INDIA, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS ON THE SUBJECT OF REPLACEMENT OF HIGH SECURITY REGISTRATION PLATE**
Exhibit P21	**TRUE COPY OF COMMUNICATION BEARING NOS. RT-11017/13/2005-MVL DATED 16.0.2016 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA**
Exhibit P22	**TRUE COPY OF THE COMMINICATION NO.RT-11017/13/2005-MVLDATED 02/08/2016 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA**
Exhibit P23	**TRUE COPY OF COMMUNICATION D.O.RT-11028/3/2000-MVL(PT) DATED 14.12.2001 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA**
EXHIBIT P24	**TRUE COPY OF CIRCULAR NO. C2/9549/TC/2010 DATED 17..12..2010 ISSUED BY THE THIRD RESPONDENT**
EXHIBIT P25	**COMMUNICATION NO. RT-11036/19/2021-MVL DATED 06..09..2021 OF THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI**
EXHIBIT P26	**TRUE COPY OF ORDER R.NO. 14731/HB2/2020 DATED 11..08..2022**
EXHIBIT P27	**TRUE EXTRACT OF RELEVANT PORTION OF INFORMATION BULLETING PUBLISHED BY THE MOTOR VEHICLES DEPARTMENT IN THEIR WEBSITE**
EXHIBIT P28	**TRUE COPY OF RELEVANT PAGE OF POST BY THE HONOURABLE MINISTER FOR DEPARTMENT OF MOTOR VEHICLES IN HIS SOCIAL MEDIA PAGE**
EXHIBIT P29	**TRUE COPY OF RELEVANT PAGES FROM THE WEBSITE AS RTO SERVICE SOLICITING SERVICES RELATING MOTOR VEHICLES DEPARTMENT**
Exhibit R5 (a)	**TRUE COPY OF REGISTRATION CERTIFICATE**

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Exhibit P30	**TRUE COPY OF RELEVANT PAGES OF MINUTES WITH ANNEXURES OF THE 60TH MEETING OF CMVR-TSC**
Exhibit P31	**TRUE COPY OF REPRESENTATION DATED 16..04..2023 SUBMITTED BEFORE THE CHAIRMAN OF CMVR-TSC BY THE PETITIONER**
Exhibit P32	**TRUE COPY OF REPRESENTATION DATED 27..04..2023 SUBMITTED BY THE PETITIONER BEFORE THE DIRECTOR OF AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA (ARAI) ALONG WITH SUPPORTING DOCUMENTS**
Exhibit P33	**TRUE COPY OF COMMUNICATION NO.SHL/LETTER/2023-24 DATED 12..06..2023 SENT BY THE DEPUTY DIRECTOR OF AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA, TO THE PETITIONER**
EXHIBIT P34	**TRUE COPY OF ADVISORY NO. RT-11036/99/2020-MVL DATED 09..06..2023 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI**
Exhibit R2(b)	**True copy of the Advisory letter of Ministry of Road Transport and Highways(MoRTH) to all States dated 01.09.2021**
Exhibit R2(c)	**A true copy of the guidelines of the Ministry of Road Transport and Highways regarding the High Security Registration plate**
Exhibit R2(a)	**True copy of G.S.R 640(E) dated 18.08.2022**
Exhibit R5 A	**TRUE COPY OF REGISTRATION CERTICATE**
Exhibit R6 A	**A TRUE COPY OF BOARD RESOLUTION SHOWING AND EMPOWERING DEPONENT DATED 12/4/2023**
Exhibit R6 B	**TRUE COPY OF CERTIFICATE OF REGISTRATION OF THE APPLICANT UNDER SOCIETIES REGISTRATION ACT XXI OF 1860**

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Email **Transport Commissionerate**

WPC No. 10761-2022 - Order dtd. 27-11-2023

From : kmvd007@gmail.com Thu, Nov 30, 2023 07:04 PM

Subject : WPC No. 10761-2022 - Order dtd. 27-11-2023 1 attachment

To : transportb7186@gmail.com, transportbce2cases@gmail.com, Transport Commissionerate <tcoffice.mvd@kerala.gov.in>, Sunilkumar VR <lo.mvd@kerala.gov.in>

Dear Sir

Please see the attachment.

NB

1. Please quote the case number in the reference and in the subject of email.

2. Please quote the relevant sections/rules in the SOF/Instruction.

Liaison Officer

Motor Vehicles Department

Advocate General's Office

Ernakulam 682031

0484 2392434,2564258

8547639098

10761-2022 Order.pdf
144 KB

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Monday, the 27th day of November 2023 / 6th Agrahayana, 1945

WP(C) NO. 10761 OF 2022 (U)

PETITIONER:

MOTORSIGNS INDIA, 810 ANNA SALAI, NANDANAM, CHENNAI 600035, TAMIL NADU, INDIA REPRESENTED BY ITS SOLE PROPRIETOR, THOMAS CHERIAN.

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.**
2. **THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERLA, THIRUVANANTHAPURAM 695 001.**
3. **THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE, TRANS TOWER-2ND FLOOR, VAZHUTHACAUD, P.O. THYCAUD, THIRUVANANTHAPURAM, KERALA 695 014.**
4. **ADDL.R4 ACCIDENT RESCUE 24X7, PANAPUZHA, KAKKAD P.O., TIRURANGADI, MALAPPURAM - 676306; REPRESENTED BY ITS SECRETARY, SHRI.JAMSHEER KOORIYADAN [ADDL.R4 IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN I.A-1/2022 IN WP(C) 10761/2022]**
5. **ADDL.R5 ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION, 45, 1ST FLOOR, COMMUNITY CENTRE, NARAINA PHASE-1, NEW DELHI-110028 REPRESENTED BY ITS AUTHORIZED SIGNATORY SHRI. T.SUJITH MUGESH [ADDL.R5 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-3/2023 IN WP(C) 10761/2022]**
6. **ADDL.R6 ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA (REGD.) F-119, MAYAPURI INDUSTRIAL AREA, PHASE – II, NEW DELHI – 110064 REPRESENTED BY ITS PRESIDENT MR. MAHESH MALHOTRA [ADDL.R6 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-5/2023 IN WP(C) 10761/2022]**

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim direction to the respondents to allow and authorize the petitioner to issue and affix HSRP (High Security Registration Plates) on existing/old vehicles registered prior to 01.04.2019 on the strength of his Exhibits P1 and P1(a) licence/Type Approval issued under Rule 124 of Central Motor Vehicles Rules 1989 and to provide access to the National Registry for Electronically linking HSRP details in Vahan Portal, pending disposal of the above Writ Petition.

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This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 04.07.2023 and upon hearing the arguments of SHRI.K.RAMAKUMAR (SENIOR) along with M/S.T.RAMPRASAD UNNI, S.M.PRASANTH, G.RENJITH, R.S.ASWINI SANKAR & T.H.ARAVIND Advocates for the petitioner, GOVERNMENT PLEADER for R1 to R3, M/S.P.A.MOHAMMED SHAH, RENOY VINCENT, HELEN P.A., ARUN ROY, SHAHIR SHOWKATH ALI & ALEESHA SHEREEF Advocates for Addl.R4, SRI.G.HARIKUMAR (GOPINATHAN NAIR) Advocate for Addl.R5 and of SRI.MILLU DANDAPANI Advocate for Addl.R6, the court passed the following:

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DINESH KUMAR SINGH, J.

==========

W.P.(C.)Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023

==========

DATED THIS THE 27th DAY OF NOVEMBER, 2023.

O R D E R

Arguments heard.

2. The State is directed to file an affidavit on behalf of the responsible officer regarding the policy or framework envisaged for selection/authorisation of approved vendors/manufactures of High Security Registration Plates (HSRP) for implementing Rule 50 of the Central Motor Vehicle Rules, 1989 for affixing the High Security Number Plates on vehicles manufactured prior to 01.04.2019.

3. Prima facie, I am of the view that the words 'approved by the State Government' in the notification dated 09.06.2023 would mean authorisation of the selected dealers by the State Government. The approval for manufacturing facility is accorded by the Central Road Research Institute (CRRI) and other agencies as mentioned in the Rule itself and there is no approval of the State Government contemplated for manufacturing facility of HSRP under the Rules.

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4. The Central Government should also clarify its stand in this regard in the affidavit to be filed.

Treated as part heard. Post on 08.12.2023 in the 200 list, as Item No. 201.

sd/-

DINESH KUMAR SINGH
JUDGE

DCS/27.11.2023

27-11-2023 /True Copy/ Assistant Registrar
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MIT2/23/2022-TC

I/171791/2023

MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **29-12-2023**

From: Transport Commissioner
Kerala

To: The Secretary to Government
Transport Department
Government Secreteriate
Thiruvananthapuram

Sir,

Sub:- Motor Vehicles Dept. fitment of HSRP in vehicles registered prior to 31/03/2019 clarification sought for reg.

Ref:- Govt. Letter number B2349/2022/Trans dated 07/12/2023

Kind attention is invited to the reference cited, Government have directed Transport Commissioner to authorize the registering authority to fix HSRP on old vehicles registered before 01.04.2019, through any of the affiliated/accredited agencies of the Government which have a type approval certificate of HSRP from any agencies specified under rule 126 of CMVR.

According to the available data from the official website of MoRTH, three testing agencies have been authorized to give type approval certificates. They are CRRI, ARAI, VRDE, and so far 18 vendors all over India has been got type approval certificate from the above mentioned testing agencies. They are;

1. M/s Shimnit Utsch India pvt. Ltd, Maharashtra (CRRI).
2. M/s Utsav Safety System (P) Ltd., New Delhi (ARAI)
3. M/s Real Industries India Ltd., New Delhi (CRRI)
4. Promuk Hoffmann, Secunderabad (ARRAI)
5. Eastern (Steel & Saws) Industries Pvt. Ltd., Mumbai (CRRI)
6. M/s Omish Traders, Mumbai (ARAI).
7. M/s Metro Wilhem Grewe Ltd., New Delhi (ARAI)
8. M/s Almighty Impex Pvt. Ltd, New Delhi((ARAI)
9. M/s. D.D.Licence Plates, Div. of D.D.Ind. Ltd., New Delhi (ARAI)
10. M/s. Emperor Granites Pvt. Ltd., Maharashtra (ARAI)
11. M/s Signs India Ltd., Chennai (ARAI)
12. Rayson's Mid Road Sign Craft Pvt. Ltd., Bhubaneswar (ARAI)
13. M/s. Celex Technologies Pvt. Ltd., Kolkatta (ARAI)

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I/171791/2023

14. M/s. Road Sketch Pvt. Ltd., Delhi (ARAI)

15. Hind Industries Limited, New Delhi (ARAI)

16. Agros Impex (I) Pvt. Ltd., New Delhi (VRDE)

17. M/S.Arch Promoters Pvt. Ltd., New Delhi (CRRI)

18. RSD Security Solutions Pvt. Ltd., NOIDA (ARAI)

None of the above seems agencies of Government.

The MoRTH in its letter number RT-11036/99/2020-MVL dated 09.06.2023 has clearly stated that "merely having a type approval certificate from any of the agencies authorized under rule 126 does not authorize any manufacturer to supply the HSRP in the open market."*(copy attached)*

In this circumstance, clarification for further course of action in this regard may be ordered. It is also suggested that the authorization may be given by the Government to Transport Commissioner, since the same has to withstand judicial scrutiny if any, in case of litigation by any of the certified vendors of HSRP.

Signed by
Pramoj Sanker P S
Date: 29-12-2023 23:36:08

Yours faithfully

PRAMOJ SANKER P S
ADDITIONAL TRANSPORT COMMISSIONER

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

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No. RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated the 09 June, 2023

To,

1. The Principal Secretaries/Secretaries, Department of Transport of all the States/UTs
2. The Transport Commissioners of all the States/UTs

Subject: Issuance of the High Security Registration Plates (HSRP) by some HSRP manufacturers in an unauthorised and illegal manner.

Sir,

It has been brought to the notice of this Ministry that some HSRP vendors have been involved in the manufacturing and affixing of unauthorised High Security Registration Plates to the vehicles across various States in India. These manufacturers are neither authorised by the State/UTs nor are they approved by the respective OEMs to affix HSRPs to the OEM's brand of vehicle, thereby rendering the HSRP affixed as unauthorised.

2. The HSRP scheme is imperative to the country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and in prevention of tampering and counterfeiting.

3. Attention is drawn to Rule 50 of the Central Motor Vehicle Rules, 1989.

:
:

(V) The plate should be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule;

:
:

Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicle manufactured on or after 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

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Provided further that the dealers of the manufacturer may also affix such plates, supplied by the vehicle manufacturer on old vehicles.

:
:

4. HSRPs are integrated with the VAHAN portal and this type of unauthorised affixation of the plates voids the purpose of the scheme. It is further clarified that merely having a Type Approval Certificate from any of the agencies authorised under rule 126 does not authorise any manufacturer to supply the HSRP in the open market. As per clause (v) of sub-rule (1) of rule 50 of CMV Rules, 1989, The HSRPs with all the above specifications and the specified registrations -

a. for a new vehicle, shall be issued by the registering authority or vehicle manufacturers and their dealers and;

b. for existing old registered vehicle, shall be issued by registering authority,

or

vehicle manufacturers and their dealer,

or

by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

Further, the data in the VAHAN portal is also required to be updated accordingly by the authorized HSRP manufacturers.

5. States are advised to take strong punitive action including blacklisting/termination against such unauthorized HSRP agencies which are openly supplying unauthorised HSRPs in the market to unsuspecting and gullible vehicle owners.

6. All stakeholders are once again requested to implement the provisions of the HSRP in letter and spirit and to make the process of availability of authorised HSRPs (with proper VAHAN entries) to all vehicle owners of new and old vehicles in the country.

Yours faithfully,

(S.K. Geeva)
Under Secretary to the Govt. of India
Tele: 23739074
E- mail: geeva.sk@nic.in

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Copy to:

A. Testing Agencies-

1. Automotive Research Association of India, Pune.
2. Central Road Research Institute, New Delhi.
3. Vehicles Research Development Establishment, Ahmednagar.
4. International Centre for Automotive Technology; Manesar.
5. Central Institute of Road Transport, Pune.
6. Global Automotive Research Centre, Chennai.

You are requested to advise HSRP manufacturers suitably and keep tight control on the activities of HSRP manufacturers during the Conformity of Production audit and suspend/terminate the license if any illegal supplies of HSRP are brought to notice.

B. All OEMs through Society of Indian Automobile Manufacturers (SIAM)-

It is reiterated that any violations in the implementation of the HSRP scheme for new vehicles will make the vehicle manufacturers liable to punitive action. Therefore, all vehicle manufacturers are requested to ensure that the vendor selection is carried out with stringent due diligence and to disassociate with any erring HSRP vendors.

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WP(C) NOs. 10761/2022, 35549/2022 and 7089/2023

STATEMENT OF FACTS FOR COUNTER AFFIDAVIT

As perThe Central Motor Vehicles (2nd Amendment)Rules, 2019 made by MoRTH vide G.S.R No. 104(E) dated 11.02.2020 rule 50 of CMVR was amended and clause(v) of sub-rule (1) of rule 50 was substituted by the following;

"The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealer or by the **approved license plate manufacturers or their dealers**. The Central Road Research Institute, New Delhi or any agency authorized under rule 126 shall approve the security registration as per the provisions of this rule".

The MoRTH vide Central Motor Vehicles (13th amendment) Rules, 2022 [on 18.08.2022 vide G.S.R 640(E)] had further amended the said clause " *for the words "approved license Plate Manufacturers or their dealers*" the words *"license Plate Manufacturers or their dealers approved by the State Government or Union Territory Administration"* was substituted.

Thus, the rule position regarding affixing of HSRP in old vehicles registered before 01.04.2019 is as follows;

Shall be issued by registering authority,

Or

Vehicle manufacturers and their dealers,

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Or

By the license plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

Hence the State Registering Authority is empowered to affix HSRP in old vehicles. Further, the data in vahan portal is also required to be updated accordingly by the authorized HSRP manufacturers.

According to the available data from the official website of MoRTH there are three testing agencies authorized to give type approval certificate.They are CRRI, ARAI, and VRDE, and so far 18 vendors all over India has been got type approval certificate from the above mentioned testing agencies.

The MoRTH in its letter number RT-11036/99/2020-MVL dated 09.06.2023 (copy enclosed) has clearly stated that "merely having a type approval certificate from any of the agencies authorized under rule 126 does not authorize any manufacturer to supply the HSRP in the open market.

Further, the MoRTH in letter number RT-11036/99/2020-MVLdatd 26.10.2023*(copy enclosed)* addressed to the Director ICAT has informed that, few manufacturers of license plate, that have been granted Type Approval Certificate, have been reported to have openly flout the guidelines laid down for HSRP implementation such as issuance of HSRP in an unauthorized and illegal manner, selling of HSRP in open market by such manufacturers without having authorization of the vehicle manufacturers or having the authorization of State/UT Government. It was also found that though some manufacturers receive HSRP order, collected fee but not updated PIN in

VAHAN data base and the same is considered as blatant violation of the HSRP scheme.

Since the HSRP scheme is imperative to the country's national security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and in prevention of tampering and counterfeiting. The said scheme is also helpful in preventing vehicle theft. Further more the State is also duty bound to ensure safety, security and prompt after sales service to the vehicle owners with regard to fixation of HSRP. For that, the accountability of the HSRP manufacturers and their vendors has to be ensured.

It is seen that the Government have limited power to control the illegal activities of the licensed manufactures or their dealers and much time and effort of the enforcement agencies have to be utilized to prevent the same. If an accountable agency such as Government controlled agency/company is being entrusted with the Government Orderof affixing HSRP, the safety, security and proper after sales service can be ensured and the data protection in connection with VAHAN portal can also be secured.

In the minutes of the meeting convened under the chairmanship of joint secretary (MVL) regarding integration of HSRP with vahan data base, send through OM number RT-11028/01/2018-MVL dated 04.10.2019,*(copy enclosed)* it is clearly specified in item 10 that the State Government has to make a decision that either the HSRP be supplied through authorized OEMs dealers or select HSRP manufacturers. It made clear that the State Government is having administrative prerogative in the matter.

In the circumstances mentioned above, the Government after considering all the safety and security issues of the said

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scheme, it was decided in principle to implement the HSRP scheme in the State only through the Registering Authority as empowered by clause (v) of sub-rule(1) of rule 50 of CMVR , 1989 and also to authorize the Registering Authority to implement the scheme so that, the safety, accountability and proper after sales service to the vehicle owners can be secured and a proper supervision can also be properly monitored by the Government through its agencies. Hence the following is decided;

1. Registering authority through authorizing agency to implement fitment of HSRP
2. Authorizing agency shall establish manufacturing plants for HSRP & obtain type approval certificate from Central Government agencies specified in Rule 126 in CMVR
3. The price of HSRP shall be fixed by Government in accordance with the guidelines of Central Government
4. Registering authority shall fit HSRP through govt. approved workshop
5. HSRP shall be fitted on old vehicles by step by step w.e.f 01/04/2024

Merely having a type approval certificate from any of the agencies authorized under rule 126 does not authorize any manufacturer to supply the HSRP in the open market and hence no fundamental or other constitutional rights of the petitioners were violated and the writ petition is devoid of any merit and liable to be dismissed.

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WP(C) Nos. 10761/2022 and 7089/2023- STATEMENT OF FACTS FOR COUNTER AFFIDAVIT

As per the Central Motor Vehicles (2nd Amendment) Rules, 2019 vide G.S.R No. 104(E) dated 11.02.2020, rule 50 of CMVR,1989 was amended and clause (v) of sub-rule (1) of rule 50 was substituted by the following;

"The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealer or by the approved license plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorized under rule 126 shall approve the security registration as per the provisions of this rule".

The MoRTH vide Central Motor Vehicles (13th amendment) Rules, 2022 [vide G.S.R. 640(E) dated 18.08.2022] had further amended the said clause " for the words "approved license Plate Manufacturers or their dealers" the words "license Plate Manufacturers or their dealers approved by the State Government or Union Territory Administration" was substituted.

Thus, the rule position regarding affixing of HSRP in old vehicles registered before 01.04.2019 is as follows;

Shall be issued by registering authority or Vehicle manufacturers and their dealers or By the license plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

Hence the State Registering Authority is empowered to affix HSRP in old vehicles. Further, the data in vahan portal is also required to be updated accordingly by the authorized HSRP manufacturers.

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According to the available data from the official website of MoRTH there are three testing agencies authorized to give type approval certificate.They are CRRI, ARAI, and VRDE, and so far 18 vendors all over India has got type approval certificate from the above mentioned testing agencies.

The MoRTH in its letter number RT-11036/99/2020-MVL dated 09.06.2023 (copy enclosed) has clearly stated that "merely having a type approval certificate from any of the agencies authorized under rule 126 does not authorize any manufacturer to supply the HSRP in the open market.

Further, the MoRTH in letter number RT-11036/99/2020-MVL dated 26.10.2023 (copy enclosed) addressed to the Director ICAT has informed that, few manufacturers of license plate, that have been granted Type Approval Certificate, have been reported to have openly flout the guidelines laid down for HSRP implementation such as issuance of HSRP in an unauthorized and illegal manner, selling of HSRP in open market by such manufacturers without having authorization of the vehicle manufacturers or having the authorization of State/UT Government. It was also found that though some manufacturers receive HSRP order, collected fee but not updated PIN in VAHAN data base and the same is considered as blatant violation of the HSRP scheme.

HSRP scheme is imperative to the country's national security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and prevention of tampering and counterfeiting. The said scheme is also helpful in preventing vehicle theft. Further more the State is duty bound to ensure safety, security and prompt after sales service to the vehicle owners. For that, the accountability of the HSRP manufacturers and their vendors has to be ensured.

If an accountable agency such as Government controlled

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agency/company is being entrusted for affixing HSRP, the safety, security and proper after sales service can be monitored and ensured. The data in the VAHAN portal can also be secured.

In the minutes of the meeting convened under the chairmanship of Joint Secretary (MVL) regarding integration of HSRP with vahan data base, send through OM number RT-11028/01/2018-MVL dated 04.10.2019 (copy enclosed) it is clearly specified in item 10 that the State Government has to make a decision that either the HSRP be supplied through authorized OEMs dealers or select HSRP manufacturers. It made clear that the State Government is having administrative prerogative in the matter.

In the circumstances mentioned above, the Government after considering all the aspects of the scheme,decided in principle to implement the HSRP scheme in the State through the Registering Authority as empowered by clause (v) of sub-rule(1) of rule 50 of CMVR,1989 and also to authorize the Registering Authority to implement the scheme.

Hence the following has been decided;

1. HSRP to be under taken by the Registering authority through the agencies being authorised to implement the fitment of HSRP
2. Agencies being authorized shall establish manufacturing plants for HSRP & obtain type approval certificate from Central Government agencies specified in Rule 126 of CMVR, 1989.
3. The rates shall be fixed by Government in accordance with the guidelines of Central Government.
4. Registering authority shall fit HSRP through Government approved workshops/authorised dealers.
5. HSRP shall be fitted on old vehicles in a phased manner w.e.f

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01/04/2024.

Merely having a type approval certificate from any of the agencies authorized under rule 126 of CMVR,1989 does not authorize any manufacturer to supply the HSRP in the open market and hence no fundamental or other constitutional rights of the petitioners were violated and the writ petition is devoid of any merit and liable to be dismissed.

GOVERNMENT OF KERALA

Transport (B) Department

No.B2/349/2022-Trans. 05-01-2024,Thiruvananthapuram

From

Secretary to Government

To

Advocate General, Kerala
Eranakulam

Sir,

Sub: Transport Department- WP(C)No.10761/2022-Fitment of High Security Registration Plates on old vehicles-Statement forwarding of-Reg.

Ref: Interim Order dated 27/11/2023 & 08/12/2023 of the Hon'ble High Court of Kerala in WP(C)No.10761/2022.

I am to forward herewith the statement in WP(C)No.10761/2022 for further urgent action.

Yours Faithfully,
SHEELA M
JOINT SECRETARY
For Secretary to Government.

Approved for Issue,

Section Officer.

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No. RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated the 09 June, 2023

To,

1. The Principal Secretaries/Secretaries, Department of Transport of all the States/UTs
2. The Transport Commissioners of all the States/UTs

Subject: Issuance of the High Security Registration Plates (HSRP) by some HSRP manufacturers in an unauthorised and illegal manner.

Sir,

It has been brought to the notice of this Ministry that some HSRP vendors have been involved in the manufacturing and affixing of unauthorised High Security Registration Plates to the vehicles across various States in India. These manufacturers are neither authorised by the State/UTs nor are they approved by the respective OEMs to affix HSRPs to the OEM's brand of vehicle, thereby rendering the HSRP affixed as unauthorised.

2. The HSRP scheme is imperative to the country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and in prevention of tampering and counterfeiting.

3. Attention is drawn to Rule 50 of the Central Motor Vehicle Rules, 1989.

:
:

(V) The plate should be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule;

:
:

Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicle manufactured on or after 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

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Provided further that the dealers of the manufacturer may also affix such plates, supplied by the vehicle manufacturer on old vehicles.

:
:

4. HSRPs are integrated with the VAHAN portal and this type of unauthorised affixation of the plates voids the purpose of the scheme. It is further clarified that merely having a Type Approval Certificate from any of the agencies authorised under rule 126 does not authorise any manufacturer to supply the HSRP in the open market. As per clause (v) of sub-rule (1) of rule 50 of CMV Rules, 1989, The HSRPs with all the above specifications and the specified registrations -

a. for a new vehicle, shall be issued by the registering authority or vehicle manufacturers and their dealers and;

b. for existing old registered vehicle, shall be issued by registering authority,

or

vehicle manufacturers and their dealer,

or

by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

Further, the data in the VAHAN portal is also required to be updated accordingly by the authorized HSRP manufacturers.

5. States are advised to take strong punitive action including blacklisting/termination against such unauthorized HSRP agencies which are openly supplying unauthorised HSRPs in the market to unsuspecting and gullible vehicle owners.

6. All stakeholders are once again requested to implement the provisions of the HSRP in letter and spirit and to make the process of availability of authorised HSRPs (with proper VAHAN entries) to all vehicle owners of new and old vehicles in the country.

Yours faithfully,

(S.K. Geeva)
Under Secretary to the Govt. of India
Tele: 23739074
E- mail: geeva.sk@nic.in

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Copy to:

A. Testing Agencies-

1. Automotive Research Association of India, Pune.
2. Central Road Research Institute, New Delhi.
3. Vehicles Research Development Establishment, Ahmednagar.
4. International Centre for Automotive Technology; Manesar.
5. Central Institute of Road Transport, Pune.
6. Global Automotive Research Centre, Chennai.

You are requested to advise HSRP manufacturers suitably and keep tight control on the activities of HSRP manufacturers during the Conformity of Production audit and suspend/terminate the license if any illegal supplies of HSRP are brought to notice.

B. All OEMs through Society of Indian Automobile Manufacturers (SIAM)-

It is reiterated that any violations in the implementation of the HSRP scheme for new vehicles will make the vehicle manufacturers liable to punitive action. Therefore, all vehicle manufacturers are requested to ensure that the vendor selection is carried out with stringent due diligence and to disassociate with any erring HSRP vendors.

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File No-RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport & Highways
Transport Bhawan, 1, Parliament Street, New Delhi- 110001

Dated: 26th October, 2023

To,

The Director
International Centre for Automotive Technology
Plot No. 26, Sector 3, HSIIDC, IMT- Manesar, Gurugram - 122050

Subject: Scrutiny required on an urgent basis into the alleged illegal activities of certain Type Approval Certificate (TAC) holders of High Security Registration Plates (HSRP), issued by the International Centre for Automotive Technology (ICAT).

Sir,

This Ministry, vide GSR 221(E) dt 28.03.2001 amended the Rule 50, which governs the form and manner of display of registration marks on the motor vehicles, mandating the fixing of security license plates. The HSRP scheme is imperative to the country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and in prevention of tampering and counterfeiting.

Recently, and in the past as well, this ministry has received certain representations regarding the breach of norms in the implementation of the HSRP scheme by certain entities. In particular, a few manufacturers of license plates that have been granted the Type Approval Certificate (TAC) have been reported to openly flout the guidelines that have been laid down for HSRP implementation from time to time by both, the Ministry of Road Transport and Highways and the Honourable Supreme Court of India in its judgement dated 13.07.2013 in C.P(C) 483 of 2013.

Earlier, on 09.06.2023, this Ministry had issued an advisory to all stakeholders (including testing agencies) with the subject **"Issuance of the High Security Registration Plates (HSRP) by some HSRP manufacturers in an unauthorised and illegal manner."** The purpose of the advisory was to highlight and put a check on violations of the norms by certain HSRP manufacturers. Time and again, various complaints had been received against the HSRP manufacturers having Type Approval Certificate issued by your organisation. It was alleged in the complaints that HSRPs are being sold in the open market by such manufacturers without having the authorisation of the vehicle manufacturers or having the authorisation of the State/UT Government. It was specified in the same advisory that merely having a valid Type Approval Certificate shall not be considered as authorisation by the vehicle manufacturer or the State/UT Government and that any HSRPs thus supplied in the open market without such authorisation are deemed to be illegal. In the same advisory, the testing agencies were also advised to establish

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strict measures and controls on the activities of the TAC holding companies and take strict action if any violations are observed.

Now, it appears that the neither the CMVR rules, nor the guidelines issued by the Honourable Supreme Court and this ministry, nor the various advisories issued from time to time have deterred the erring HSRP manufacturers from supplying HSRP plates illegally in the open market. Serious allegations of outsourcing/sub-contracting/job-work and openly selling HSRPs in the market have once again been brought to the attention of this Ministry.

Particularly, substantial evidence and documents pertaining to three HSRP manufacturers, involved in such illegalities, have been brought to the notice of this Ministry. These include:

1. M/s RD Engineering Solutions Pvt. Ltd.
2. M/s Godawari Techno Solutions Pvt. Ltd.,
3. M/s Orbiz Automotivez Pvt. Ltd.

Co-incidentally, it is observed that the Type Approval Certificate for all three companies has been issued by ICAT. Moreover, Conformity of Production (CoP) audit has also been carried out by ICAT for all such companies. The scope of CoP audits is not restricted to the evaluation of production process, sourcing of raw material, inspection of finished/ semi-finished goods but also includes the utilisation of the material so produced. The Ministry has received several complaints from the vehicle owners of different states wherein the above-mentioned companies have accepted the HSRP order, collected fee against the order and generated invoices in some cases. HSRPs were duly issued by these companies against such orders having Permanent Identification Number (PIN). Upon checking of data for these vehicles in VAHAN database, it was found that none of the PINs have been updated. It is amply clear that since these HSRP manufacturers were neither authorised by the vehicle manufacturers (OEMs) nor by State/ UT Government, they did not possess the necessary homologation rights required for integration in VAHAN database. This is blatant violation of the HSRP Scheme.

It is also observed that all the three companies have been granted the TAC post the order S.O no. 6052 (E) dated 06.12.2018. While it is always in the interest of the Nation where there is wider participation in the market in the spirit of fair competition, it is also critical that all the participants adhere to the rules and the guidelines laid down from time to time. Thus, this office strongly urges your organisation to conduct a due diligence into the activities of these companies to whom the TACs have been granted. Thorough audits need to be conducted into the alleged violations stated in the representation that is annexed herewith. The agency is responsible for not just issuing TAC on the manufacturing of HSRPs at the plant level, but also ensuring that each HSRP that leaves the TAC holder's premises is being affixed on vehicles in an authorised and legal manner.

It is also suggested that a review of the practices of other testing agencies namely ARAI, CRRI et al that have been issuing TACs and conducting CoP audits since the inception of HSRP scheme be understood and adopted to ensure

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that the TAC and CoP issuance process is free of lapses, if any. As stated in the previous advisory dated 09.06.23, if any irregularities are found in the implementation of the scheme by any TAC holder, then it is imperative to take strict action including the suspension / termination of license for such entities by the testing agency.

It is imperative that an in-depth review of the alleged violations as stated in the annexed representation should be conducted and a report may be submitted to this Ministry within four weeks from the date of receipt of this letter.

This issue with the approval of the Competent Authority.

Yours faithfully,

(Mayur Ratilal Govekar)
Deputy Secretary to the Government of India
Tele/Fax: 23736858
e-mail: mayur.govekar@ias.nic.in

Copy to:

1) PS to Hon'ble Minister, RT&H
2) PS to Hon'ble MoS, RT&H
3) PPS to Secretary, RT&H
4) PPS to AS, (MVL,T & RS)
5) PS to PS (Transport), Govt. of Haryana
6) PS to Transport Commissioner, Govt. of Haryana

No. RT-11028/01/2018-MVL

भारत सरकार

Government of India

सड़क परिवहन और राजमार्ग मंत्रालय

Ministry of Road Transport and Highways

(MVL Section)

Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated the, 04 October, 2019

OFFICE MEMORANDUM

Sub: Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers

The undersigned is directed to forward herewith the minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

2. This issues with the approval of competent authority.

Encls- As above.

(Dr. Piyush Jain)
Director(MVL)
Tele/Fax: 23714974
e-mail: director-morth@gov.in

To

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratha, Technical Director
3. Shri P.K. Banerjee, Executive Director, SIAM
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

Copy to:

Transport Commissioners of all the States and UTs

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RT-11026/01/2018-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, New Delhi 110001

Minutes of the meeting held on 24th September, 2019 at 1500 hrs under the Chairmanship of Joint Secretary (MVL) regarding Integration of High Security Registration Plates with VAHAN database by vehicle manufacturers.

List of the participants is attached at Annexure 1.

Background

1. Meeting was held in order to discuss the issues in Integration of details of High Security Registration Plates (HSRP) with VAHAN database by Vehicle Manufacturers (OEMs) as per the process decided in the meeting held on 04.04.2019 and further to the directions issued in regard to its implementation through memo dated 1st July 2019. Only as a stop gap arrangement the uploading of the HSRP details on VAHAN through the dealers or the registering authority was provided by the Ministry.

Current scenario

2. Joint Secretary (MVL) took a review of the same from NIC and SIAM, wherein it was told that the OEMs have not been uploading the inventory on the HSRP VAHAN system as developed by NIC. The system of updating of VAHAN for HSRP fitment being followed was asked to be clarified by the JS MVL from SIAM and NIC. It was clarified by SIAM that as per the amendment of the Central Motor Vehicles Rules, 1989 through GSR1162 (E) dated 4th of Dec 2018, the OEMs have themselves given the contract of HSRP supplies to the HSRP manufacturers. It was further stated by SIAM that the HSRPs are being procured through their authorised HSRP supplier and being affixed on the vehicles through their dealers. As in a State an HSRP supplier may have a contract from more than one OEM for various models, and similarly the OEM may have given a supply order to more than one HSRP supplier in the State, the SIAM said that uploading of the inventories on the HSRP VAHAN system is difficult as of now by SIAM. SIAM further stated that they are aware of their responsibilities and in support of this regulation have been working hard to make it a smooth affair but there are some difficulties on the ground.
3. Currently, the OEMs dealers provides the details of the new vehicle sold to the HSRP supplier who after embossing etc. provides the physical plates to the dealers and further provides the information of the plates to the dealer mainly

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through a mobile app or a web portal. The dealer after having affixed the HSRP to the new vehicles, has the HSRP number details manually feed on the VAHAN where there is no IT based system of tracking of HSRP details. This sometimes leads to incorrect entries made in VAHAN.

4. The JS (MVL) highlighted that as per the amendments in the Rules, issued through 4th of December, 2018, and the detailed procedure issued through the HSRP Order 2018 on 6th of December, 2018, the responsibility of procuring and supplying is with OEMs only. Their dealers can have them affixed. For the older vehicles if so directed by the State Government, it was discussed and clarified that the dealers of the particular OEM can supply for their brand as the spirit of the amendment is that the OEM shall be responsible for the security features of the HSRP. When they supply to different brand not being owned, then control of security features is lost.
5. JS (MVL) asked SIAM to provide the tabulated list and copies of "contract order" placed by OEMs for supply of HSRP, for Ministry's record. SIAM agreed to provide the copies of the same on the condition that some part especially relating to the proprietary items like price, in the document, would be blackened which SIAM think is confidential. **-(Action by SIAM)**

Way ahead

6. SIAM informed that in light of the difficulties as discussed, they have discussed the issues and difficulties of uploading of HSRP inventory with VAHAN database with NIC and further updating of HSRP details on new vehicles on VAHAN data and suggested a solution to streamline the process.
7. The mechanism proposed was then discussed and agreed with the members present and the representatives of NIC which would be as under-
   i. On the existing VAHAN system, NIC would provide the option to enable OEMs to configure its type approved selected HSRP supplier(s) who would be assigned the State and the RTO by the OEM. NIC would ensure that only type approved HSRP supplier is listed. **-(Action by NIC)**
   ii. OEMs would configure their contracted HSRP suppliers and assign them the State and RTO. **-(Action by SIAM)**

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iii. The dealers of the OEMs would supply the vehicle registration number and other required details to the OEM contracted HSRP supplier through their internal online mechanism. -**(Action by SIAM)**

iv. The OEM's contracted HSRP supplier would have the HSRP physical plates embossed and provide them to the OEMs dealers for affixation. -**(Action by SIAM)**

v. NIC would provide an API/Web Services to the OEMs/OEM selected HSRP suppliers for uploading the vehicle registration number, chassis number (last 5 characters), Front/Rear Laser Code (LIDs), Order type associated with each HSRP. - **(Action by NIC)**

vi. With regard to validation of LIDs mapping with the vehicle registration number, API would validate the data uploaded by OEM / OEMs selected HSRP supplier with authorisation provided by OEM with respect to the para 7(ii) above with the data for the vehicle sold and available in VAHAN. Only in cases of validation confirmation the HSRP details with the registration details of the vehicles would be updated.

8. NIC would make necessary changes in the VAHAN system within a month and the OEMs would also have the necessary supporting system ready for the implementation.

9. SIAM requested to amend Rule 50 of Central Motor Vehicles Rules, 1989 to look into amendment for word "along with" with "for" regarding HSRPs supplied by OEMs to the dealers. JS (MVL) agrees to examine the proposal for amendment of the Rule 50 of CMVR1989.

10. For the issue of providing and fixation of HSRP on existing vehicles, JS (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 20187, State Government has to take a decision that either the HSRP plates be supplied through authorised OEMs dealers or select HSRP manufacturers.

Meeting ended with thanks to chair.

*****

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RT-11026/01/2018-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, New Delhi 110001

Annexure 1

From the Ministry:-

1. Shri Priyank Bharti, Joint Secretary (MVL)
2. Shri Piyush Jain, Director(MVL)
3. Shri K.C. Sharma, S.E.(Transport)
4. Shri. D.P. Saste, Consultant

From the NIC:-

1. Shri Joydeep Shome, Sr. Technical Director
2. Shri Sanjay Mendiratha, Technical Director

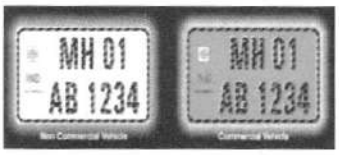
From the Testing Agency:-

1. Shri Rajan Verma, CRRI
2. Shri Ajay D. Dekate, ARAI

From the SIAM:-

1. Shri P.K. Banerjee, Executive Director
2. Shri Amit Kr. Sharma
3. Shri Navrika Sood
4. Shri Saurabh Chatterjee, Tata Motors Ltd.
5. Shri Naman Tyagi, Hero Moto Corp.
6. Shri Jatin Mehta, M&M
7. Shri Narasimha Hegde, Ashok Leyland

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Reg. No. 44038 of 2002
ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION
[Society registered under Societies Registration Act XXI of 1850]

To,
The Chief Secretary
Government of Kerala
North Sandwich Block, Secretariat

Date: 19.12.2023

Subject: Request for implementation of High Security Registration Plates (HSRP) Project for the old vehicles (registered prior to 01.04.2019) through vehicle manufacturers and their dealers model as per mandate of HSRP Order 2018 and apprise the same through an affidavit in the matter W.P(C) Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023 before Hon'ble High Court of Kerala at Ernakulam.

Ref: 1- Order dated 08.12.2023 passed by Hon'ble High Court of Kerala at Ernakulam in W.P(C) Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023.

Dear Sir,

We, the All-India Motor Vehicle Security Association (AIMVSA), representing Type Approved High-Security Registration Plate (HSRP) manufacturers as our esteemed members, would like to bring to your kind attention that we have been actively pursuing the implementation of HSRP throughout the India and have been impleader/intervener time to time before the Hon'ble Supreme Court of India to apprise the Hon'ble Court with regard to the status of implementation, so that the objective of this scheme is achieved and the process/ guidelines as directed are adhered and are not deviated.

The new rule/law with regard to implementation of HSRP for the new vehicle and old vehicle has already been envisaged by the Ministry of Road & Transport Highways and the Hon'ble Supreme Court of India. That as per the orders and notifications HSRP Order 2018 (GSR 1162 (E) dated 04.12.2018,S.O 6052(E) dated 06.12.2018, G.S.R 104(E), dated 11.02.2020, GSR 640(E) dated 18.08.2022) and the memorandum/ advisory/ Circular dated 04.10.2019, 09.06.2023 and 14.07.2023 issued by the Ministry of Road Transport and Highways for the new vehicle (vehicles manufactured on or after 01.04.2019) has bestowed the responsibility of the HSRP implementation onto the vehicles manufacturers and their respective dealers and for the old vehicles (vehicles manufactured before 01.04.2019) the Ministry of Road Transport and Highways has empowered the State/UT Government to decide whether to implement HSRP for the old vehicle through the vehicle manufacturers and their dealers or to select HSRP manufacturer through tender. Below are the relevant paras:

GSR 1162(E) dated 04.12.2018:-

"Provided further that the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles after placing the registration mark of registration thereon

45, I[st] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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S.O 6052(E) dated 06.12.2018:-Annexure-1

5(i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

Memorandum dated 04.10.2019 along with MOM dated 24.09.2021 issued by Ministry of Road Transport-Annexure-2

Para 10- *For the issue of providing and fixation of HSRP on existing vehicles, Js (MVL) brought to notice that as per the GSR 1162 (E) dated 4th Dec 2011, state Government has to take a decision that either the HSRP plates be supplied through authorized OEMs dealers or select HSRP manufacturers.*

GSR 104 (E) dated 11.02.2020 and G.S.R. 640(E) dated 18.08.2022:-Annexure-3

"...and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved license plate manufacturers or their dealers. Further approved license plate manufacturers or their dealers was substituted with approved license plate manufacturers or their dealers approved by State Government or Union Territory Administration.

MoRTH vide Circular dated 09.06.2023-Annexure-4

"....merely having a Type Approval Certificate from any of the agencies authorized under Rule 126 does not authorize any manufacturer to supply the HSRP in the open market.

Accordingly as per the above mandates, the below States/UTs are implementing the HSRP project for the vehicles manufactured prior to 01.04.2019 through Vehicle Manufacturers and their dealers:

S. No.	States/UTs
1	Rajasthan
2	Karnataka
3	Gujarat
4	Assam
5	Madhya Pradesh
6	Andhra Pradesh
7	Sikkim
8	Bihar
9	Odisha
10	Uttarakhand
11	Andaman & Nicobar Island
12	Himachal Pradesh
13	NCT of Delhi
14	Uttar Pradesh

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Copy of orders issued by the above states with regard to implementation of HSRP for the old vehicles through vehicle manufacturers and their dealers are enclosed –Annexure-5

Further we would like to bring to your kind notice with regard to the Writ Petitions filed by certain High Security Registration Plate (HSRP) manufacturers. These petitions have been filed before the Hon'ble High Court of Kerala, Ernakulum requesting for an authorization or approval from your good office to carry out the implementation of HSRP in the State of Kerala for the **old vehicles (registered prior to 01.04.2019) merely on the basis of having Type Approval Certificate (TAC).**

In this regard it is submitted that the credentials / background of the petitioner are not only dubious and doubtful as evident from the below mentioned facts, but importantly the prayers as sought in their respective Writ Petitions bearing number **W.P(C) Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023 filed before Hon'ble High Court of Kerala at Ernakulam.**

are misleading to the Hon'ble Court as any such approvals/authorization merely on the basis of having TAC is strictly prohibited by the Hon'ble Supreme Court of India. Below are the dubious and doubtful credentials of the petitioner.

1. ***Firstly,*** letter dated 26.10.2023 **(Annexure-6)** issued by the Ministry of Road & Transport Highways. The Ministry has explicitly outlined the violations committed by the HSRP companies as below, specifically stating the following instances.
   1. M/s RD Engineering Solutions Pvt. Ltd.,
   2. M/s Godawari Techno Solutions Pvt. Ltd. and
   3. M/s Orbiz Automotivez Pvt. Ltd.

   a) Compromising with the Country's National Security
   b) Subcontracting/ Outsourcing/ Job work thereby violating the mandate of Judgment dated 13.07.2016 passed by the Hon'ble Supreme Court of India in C.P(C) 483 of 2013.
   c) Illegally Selling of HSRP's in the open market without having the authorizations of the State/UT Government merely on the basis of having Type Approval certificate.
   d) Cheating the vehicle owners of various states by accepting the order for HSRPs, collecting fee, generating invoice but Non updating of LID codes in Vahan for the illegally sold HSRPs in the open market.
   e) Violating the mandates of Gazette Notifications i,e GSR 1162(E) dated 04.12.2018, S.O 6052(E) dated 06.12.2018 (HSRP Order 2018), , G.S.R 104(E), dated 11.02.2020, GSR 640(E) dated 18.08.2022 , circulars dated 09.06.2023, 14.07.2023 issued by MORT&H with regard to implementation of HSRP .

2. ***Secondly*** and importantly due to the above violations, the Type Approval certificate of **M/s RD Engineering Solutions Pvt. Ltd., M/s Godawari Techno Solutions Pvt. Ltd. and M/s Orbiz Automotivez Pvt. Ltd.** has been suspended by the ICAT (International Centre for Automotive Technology, Gurugram) vide its letter dated 15.12.2023. Copy of TAC Suspension are enclosed –**(Annexure-7)**

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Therefore the approval / authorization to HSRP manufacturers cannot be granted merely on the basis of TAC. For selection of HSRP manufacturer a tender has to be issued as per the directions mentioned in the judgment reported in **(2016) 14 SCC 72 –Annexure-8– Below is the para:-**

"Para 34 (iii) Furthermore, the HSRP contracts should be awarded pursuant to a transparent tender process. The factors such as topographical and geographical conditions, vehicular population, adequate infrastructure, cost of managing logistics, equipments and human resources etc. must be considered before accepting any bid and entering into the contract.

It is submitted that to approve or to authorize HSRP manufacturers merely on the basis of having a Type Approval Certificate (TAC) from any of testing agencies by the State Government shall be in contrary to the judgement (2011) 14 SCC 273-**(Annexure-9)** of the Hon'ble Supreme Court of India. The relevant extract of the judgment, para 6 is mentioned below:

"Then there is a second category of U.T./States i.e., the U.T. of Chandigarh and the States of Jharkhand and Bihar which have not followed the procedure for selection and have approved certain vendors with "Type Approval Certificate (TAC) from the Central Government, who would be permitted to affix the HSRP at own premises or at the office of the RIO. As we have indicated, this is not in compliance with the directions of the scheme and provisions of the Motor Vehicles Act, 1988. If these States are permitted to adopt their own procedure, then it is bound to defeat the very purpose of security and uniform affixation of HSRP all over the county. Hence, this be permitted as it would defeat the entire exercise undertaken by this Court over number of years."

It is submitted that as per the Hon'ble Supreme Court's directions and as per HSRP Order 2018 only two options are there , either to implement HSRP through Vehicle Manufacturers and their dealers which is already in process by various states as per the above chart or selection of HSRP Manufacturer trough the tender process.

Below are the process for implementation of HSRP on old vehicles through vehicle manufacturers and their dealer **or** For implementation of HSRP on old vehicles through HSRP manufacturers, which need to be apprised to the Hon'ble Court as per the order dated 27.11.2023 (**Annexure-10**) and 08.12.2023 (**Annexure-11**) passed by this Hon'ble High Court of Kerala.

a) For implementation of HSRP on old vehicles through vehicle manufacturers and their dealer, the entire responsibility will be with the vehicle manufacturers and their dealer. Below shall be the process in such scenario:

   i. The Kerala Government shall issue and order / Notification directing the vehicle manufacturers and their dealer for the purpose of conversion of old vehicles into HSRP, wherein vehicle manufacturers and their dealer and their Society i,e Society of India Automobile Manufacturers (SIAM) shall be asked jointly to provide an online single platform to the vehicle owners wherein HSRP can be booked for any brands for all types of vehicles manufactured prior to 01.04.2019 across the state.
   ii. The said online platform shall be having the provision for the display of all vehicle manufacturers, their respective dealerships name, address with City and districts, availability of time slots, SMS facility, validation of credentials of

vehicles with vahan, Prices as decided by the vehicle manufacturers, online payment facility, payment receipts and a customer redressal forum so that the vehicle owners having any brands can avail HSRPs for their old vehicles in a flawless manner.

iii. The HSRP order shall be processed only by the authorized vendor of the vehicle manufacturers and shall be delivered to their dealers as per the scheduled time slot.

iv. The dealers of vehicle manufacturers shall have a proper facility /infrastructure for the purpose of storage and affixation of HSRP.

v. The dealers of vehicle manufacturers shall do the fitment physically and shall update the data in vahan as per the arrangements made by their respective vehicle manufacturers with NIC/ Vahan.

b) For implementation of HSRP on old vehicles through HSRP manufacturers, a tender shall be issued and whosoever qualifies the technical and financial eligibility and basis the Price quoted in the financial Bid, the selection/ approval of the HSRP manufacturer shall be done. Below shall be the process of authorization/approval of HSRP manufacture:-

i. Notice Inviting tender (NIT) shall be issued and shall be uploaded in the online tender portal, wherein in the NIT schedule, the scope of work, Technical eligibility, Financial eligibility, obligation of the selected bidder, obligation of the answering respondent , Performance security, Ernest Money deposit , Period of contract, Royalty etc. shall be stipulated.

ii. Pre Bid queries shall be sought from the bidders, a pre bid meeting shall be called and accordingly clarification to the queries shall be uploaded in the online portal.

iii. The response to the tender (Bid) submitted on the Bid due date shall be examined by the committee.

iv. Upon scrutiny of the Technical Bid, opening of financial Bid shall be informed to the successful bidders.

v. The answering respondent shall do the selection/ authorization /approval of the successful bidder accordingly.

vi. Letter of intent shall be issued and a Performance security shall be sought during the signing of the agreement.

vii. The Kerala Government shall issue the order/ Notification notifying the schedule of conversion of old vehicles into HSRP, Prices of HSRPs and name of the successful bidder with regard to the implementation of the HSRP for the old vehicle.

It is submitted that with regard to Tender Process it has been observed that time and again the tender conditions have been challenged in various court of law, resulting in delay and non-implementation of the said project.

Henceforth we request your good office to implement the HSRP project through Vehicle Manufacturers and their dealers and accordingly **apprised the same and the above mentioned facts through an affidavit before Hon'ble High Court of Kerala at Ernakulam in the matter W.P(C) Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023.**

Thanking You

Sanjay Ganjoor
President-All India Moor Vehicle Security Association

45, I[st] Floor, Community Centre, Naraina Phase – I, New Delhi – 110028
Phone: 011-41412312-315, Fax: 011-41412316, email: AIMVSA@gmail.com

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GOVERNMENT OF KERALA

Abstract

Transport Department – Fixing of High Security Registration Plates in vehicles registered prior to 01/04/2019 – Registering Authority authorised - Orders issued.

TRANSPORT (B) DEPARTMENT

G.O.(Rt)No.39/2024/TRANS Dated,Thiruvananthapuram, 24-01-2024

Read (1) Order dated 27/11/2023 & 9/1/2024 of Hon'ble High Court in WP(C) 10761/2022.

(2) Government letter B2/349/2022-Trans. dated 07/12/2023.

(3) Notification number RT 11036/99/2020-MVL dated 9/6/2023 of Ministry of Road Transport and Highways.

ORDER

The Hon'ble High Court as per the interim order 1st cited directed the State Government to file the policy for frame work envisaged for selection/ authorization of approved vendors/ manufactures of High Security Registration Plates for implementing Rule 50 of CMVR for affixing HSRP in vehicles manufactured prior to 01/04/2019.

As per Rule 50 (1) (V) of the CMV Rules, for existing old registered vehicles, the licence plate shall be issued by the regulating authority or vehicle manufactures and their dealers or by the licence plate manufactures or their dealers approved by State Government or UT administration. The Central Road Research Institute, New Delhi or any agency authorized under Rule 126 shall approve the Security registration as per the provision of this rule.

Government after considering all the aspect of the scheme, decided in principle to implement the HSRP scheme in the state, through the Registering Authority as empowered by clause (v) of sub Rule 1 of Rule 50 of CMVR. As per the interim order read (1) dated 9.1.2024, the Hon'ble High Court has made it clear that "except for new vehicles, no other vendor shall be authorised by the State Government for installing HSRP in old vehicles till a decision is taken in these writ petitions "

Government have examined the matter in detail and authorize the Registering Authority (Motor Vehicles Department) for issuance of HSRP in the existing old registered vehicles prior to 1/4/2019 in the state in accordance with the conditions stipulated in Rule 50 CMVR and Motor Vehicle (HSRP) Rules 2018.The registering Authority shall take the required technical and infrastructural support of Institute of Driver Training and Research (IDTR),which is the primary training and research institute constituted by MoRTH,under

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MVD,Kerala.The governing body of IDTR has been constituted with the Minister for Transport as Ex-officio Chairman and the Director (Transport Commissioner) as Secretary.

(By order of the Governor)
SHEELA M
JOINT SECRETARY

To:

Transport Commissioner, Thiruvananthapuram.

Chairman and Managining Director, KSRTC, Thiruvananthapuram

Director,Institute of Driver Training and Research (IDTR),Edappal

The Advocate General, Kerala, Ernakulam,with C/L

Principal Accountant General (A&E/Audit), Thiruvananthapuram

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Section Officer

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GOVERNMENT OF KERALA

Abstract

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Read: (1) Order dated 27/11/2023 and 09/01/2024 of Hon'ble High Court in WP(C) 10761/2022.

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Government after considering all the aspect of the scheme, decided in principle to implement the HSRP scheme in the state, through the Registering Authority as empowered by clause (v) of sub Rule 1 of Rule 50 of CMVR. As per the interim order read (1) dated 9.1.2024, the Hon'ble High Court has made it clear that "except for new vehicles, no other vendor shall be authorised by the State Government for installing HSRP in old vehicles till a decision is taken in these writ petitions "

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Government have examined the matter in detail and authorize the Registering Authority (Motor Vehicles Department) for issuance of HSRP in the existing old registered vehicles prior to 1/4/2019 in the state in accordance with the conditions stipulated in Rule 50 CMVR and Motor Vehicle (HSRP) Rules 2018. The registering Authority shall take the required technical and infrastructural support of Institute of Driver Training and Research (IDTR),which is the primary training and research institute constituted by MoRTH,under MVD, Kerala.The governing body of IDTR has been constituted with the Minister for Transport as Ex-officio Chairman and the Director (Transport Commissioner) as Secretary.

(By Order of the Governor)
SHEELA M
JOINT SECRETARY
For Secretary to Government

To

Transport Commissioner, Thiruvananthapuram.

Chairman and Managing Director, KSRTC, Thiruvananthapuram

Director, Institute of Driver Training and Research (IDTR),Edappal

The Advocate General, Kerala, Ernakulam,with C/L

Principal Accountant General (A&E/Audit), Thiruvananthapuram

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ED 531878605TN

No.RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport &Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated the 8th January, 2024

To

1. The Principal Secretaries (Transport)/The Secretaries (Transport) of all the States / UTs
2. The Transport Commissioners of all the States / UTs

Subject: Clarification on affixation of HSRPs on Motor Vehicles - reg.

Sir/Madam,

I am directed to say that rule 50 of Central Motor Vehicle Rules (CMVR), 1989 (Annexure 1), read with S.O. 6052(E) dt 06.12.2018 (enclosed), governs the installation of High Security Registration Plates (HSRP) on motor vehicles.

2. It is evident from the above that the HSRPs, type approved by the Central Road Research Institute, New Delhi or any agency authorised under rule 126 of CMVR, shall be installed on motor vehicles in the following manner:

i. For vehicles manufactured on or after 01.04.2019, HSRP shall be issued by:
   a. the registering authority, or
   b. vehicle manufacturers and their dealers.
ii. For vehicles manufactured before 01.04.2019, the HSRP shall be issued at the option of State Government/UT by:
   a. registering authority, or
   b. vehicle manufacturers and their dealers, or
   c. licence plate manufacturers or their dealers, approved by the State Government or Union Territory Administration.

3. In this connection, it is stated that this Ministry have been receiving representations from various stakeholders mentioning that some HSRP vendors have been involved in the manufacturing and affixing of unauthorized HSRPs on the vehicles across various States in India. Taking it into cognizance, this Ministry issued advisory vide letter of even number dt 09.06.2023 (enclosed)requesting all the States and Union Territories to implement the provision of the HSRPs in letter and spirit and to make the process of availability of authorized HSRPs (with proper VAHAN entries) to all vehicle owners of new and old vehicles in the country.

4. Further, this Ministry vide letter dt 29.12.2023 (enclosed) has forwarded to all States / UTs the directions of Hon'ble Supreme Court vide its order dt 13.12.2023 in W.P. (Civil) No. 13029 of 1985, "M.C.Mehta vs Uoi) for enforcement of prescribed norms regarding colour coded stickers (third registration plate). It may be noted that this Ministry, vide S.O. 6052(E) dt 06.12.2018 has already provided specifications of such stickers, including dimensions, data to be printed, background colour of the self-destructive type chromium-based hologram sticker for respective fuel types, etc. In the aforesaid order, the Hon'ble Supreme Court has given directions to the States / UTs to comply with the extant regulatory provision by

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increasing penetration of third registration plates among old vehicles, thereby, giving clear picture regarding emissions standards and nature of fuel used in the vehicle.

5. You will appreciate that the scheme of HSRP has been devised to ensure public safety, security and to curb the increasing menace of vehicle thefts and their usage in commission of various crimes. However, as per the data available on Vahan (Annexure 2), only a limited number of States / UTs have made appreciable progress in installation of HSRPs in old vehicles, i.e., those manufactured prior to 01.04.2019. This raises grave concerns w.r.t. safety of vehicles, as such non-HSRP compliant vehicles are susceptible to be used for nefarious activities.

6. As highlighted above, while States / UTs can opt for the mode of installation involving type approved licence plate manufacturers approved by States / UTs for old vehicles, the option of affixing HSRPs through vehicle manufacturers is also available,which has been exercised by several States / UTs and has yielded positive results.

7. In view of the above, States / UTs are hereby advised to devise a plan to achieve 100% coverage of HSRPs in old vehicles also, i.e., those manufactured before 01.04.2019. Further, in case States / UTs are facing impediments in notifying authorized type approved licence plate manufacturers, appropriate steps may be taken to initiate the affixing of HSRPs through vehicle manufacturers and their dealers in an expeditious manner.

8. It is requested that the provisions of the HSRPs be implemented in true letter and spirit, with proper VAHAN entries of new and old vehicles in the country, in order to strengthen the on-ground enforcement.

9. States / UTs are also strongly urged to actively initiate the affixing of the colour coded stickers (third registration plate) on motor vehicles, to assist in easy identification of the nature of the fuel being used by that vehicle and enforcement of extant regulatory provisions thereon. Moreover, this will also assist State enforcement agencies to comply with directions, wherever applicable, issued by Hon'ble Supreme Court, Hon'ble High Courts, NGT, CPCB etc. regarding control of vehicle-borne air pollution.

10. All States/UT are requested to submit compliance report of HSRP implementation to this Ministry.

11. This issues with the approval of Competent authority.

Encl: As above.

Yours faithfully,

(S.K. Geeva)
Under Secretary to the Govt. of India
Tel/Fax: 011-23739074
Email: geeva.sk@nic.in

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Annexure 1

Extract of rule 50 of CMVR, 1989

...

(v) The plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency uthorized under rule 126 shall approve the security registration as per the provisions of this rule;

...

(vi)

...

Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicles manufactured on or after 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle:

Provided further that the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles, after placing the registration mark of registration thereon:

....

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Annexure 2

Coverage of HSRP for vehicles manufactured before 01.04.2019

State Name	Coverage
Andaman & Nicobar Island	5.30%
Andhra Pradesh	0.00%
Arunachal Pradesh	0.01%
Assam	58.57%
Bihar	1.82%
Chandigarh	3.46%
Chhattisgarh	0.00%
Delhi	16.40%
Goa	0.01%
Gujarat	48.43%
Haryana	10.98%
Himachal Pradesh	0.97%
Jammu and Kashmir	63.43%
Jharkhand	0.00%
Karnataka	0.00%
Kerala	0.00%
Ladakh	8.64%
Madhya Pradesh	0.00%
Maharashtra	0.00%
Manipur	1.36%
Meghalaya	7.10%
Mizoram	28.10%
Nagaland	0.80%
Odisha	0.00%
Puducherry	28.04%
Punjab	6.78%
Rajasthan	34.82%
Sikkim	3.99%
Tamil Nadu	0.00%
Tripura	0.00%
UT of DNH and DD	0.00%
Uttar Pradesh	0.03%
Uttarakhand	35.04%
West Bengal	45.84%
Pan India	10.04%

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रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
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सं. 4823] नई दिल्ली, बृहस्पतिवार, दिसम्बर 6, 2018/अग्रहायण 15, 1940
No. 4823] NEW DELHI, THURSDAY, DECEMBER 6, 2018/AGRAHAYANA 15, 1940

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 6 दिसम्बर, 2018

का.आ. 6052(अ).—जबकि, केंद्रीय सरकार की यह राय है कि लोकहित में यह अधिसूचित किया जाना आवश्यक और समीचीन है कि किसी मोटर वाहन में अति सुरक्षा रजिस्ट्रीकरण प्लेट के संबंध में विनिर्माता द्वारा उपयोग की जाने वाली प्रक्रिया केंद्रीय मोटर यान नियम, 1989 के संदर्भ में कतिपय मानकों के अनुरूप होगी;

अब, इसलिए, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 109 की उप-धारा (3) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए और मोटर यान (नई अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2001 के उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हे ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया, केंद्रीय सरकार एतद्द्वारा ऐसे मानकों को विनिर्दिष्ट करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात्:—

आदेश

1. संक्षिप्त नाम और प्रारंभ: -

(1) इस आदेश का संक्षिप्त नाम मोटर यान (अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2018 है।

(2) यह आदेश 1 अप्रैल, 2019 को प्रवृत्त होगा।

2. लागू होना - यह आदेश मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 2 के खंड (28) में यथा-परिभाषित मोटर वाहनों पर लागू होगा।

3. किसी वाहन निर्माता द्वारा 1 अप्रैल, 2019 को या उसके बाद बेचे जाने वाले नए वाहनों के लिए अति सुरक्षा रजिस्ट्रीकरण प्लेट (एचएसआरपी) के संबंध में निम्नलिखित प्रक्रियाओं का अनुपालन किया जाएगा, अर्थात्: -

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(क) वाहन विनिर्माताओं द्वारा उनके डीलरों को तीसरे रजिस्ट्रीकरण चिह्न सहित टाइप अनुमोदित अति सुरक्षा रजिस्ट्रीकरण प्लेटों की आपूर्ति की जाएगी जो ऐसी प्लेटों पर रजिस्ट्रीकरण का चिह्न लगाएंगे और इन्हें मोटर वाहनों पर चिपकाएंगे।

(ख) मोटर वाहनों के विनिर्माता द्वारा यह सुनिश्चित किया जाएगा कि सुरक्षा लाइसेंस प्लेटों पर रजिस्ट्रीकरण का चिह्न लगाने और तीसरी रजिस्ट्रीकरण प्लेट को मुद्रित करने के लिए अपेक्षित अवसंरचना उनके डीलरों के पास उपलब्ध है।

(ग) अति सुरक्षा रजिस्ट्रीकरण प्लेट और रजिस्ट्रीकरण चिह्न को लगाने के पश्चात इसे वाहन पर चिपकाने की लागत को नए वाहन की कीमत में शामिल किया जाएगा और इसके लिए डीलर द्वारा वाहन खरीदार से कोई अतिरिक्त या वस्तुबद्ध लागत प्रभारित नहीं की जाएगी।

4. (i) मौजूदा वाहनों पर एचएसआरपी लगाने के लिए, तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की आपूर्ति उस पर रजिस्ट्रीकरण चिह्न लगाए जाने के पश्चात वाहन निर्माताओं के डीलरों द्वारा की जाएगी और इसे लगाया जाएगा।

(ii) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माता या आपूर्तिकर्ता, यदि संबंधित राज्य द्वारा अधिकृत हैं, तो रजिस्ट्रीकरण चिह्न लगाने के पश्चात पुराने वाहनों पर तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की भी आपूर्ति कर सकते हैं।

5. मोटर वाहनों के विनिर्माता और उनके डीलरों या अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माताओं या आपूर्तिकर्ताओं द्वारा निम्नलिखित विनिर्देशों का अनुपालन किया जाएगा अर्थात्:

(i) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के लिए केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली या केंद्रीय मोटर यान नियम, 1989 के नियम 126 के तहत केंद्रीय सरकार द्वारा अधिसूचित किसी परीक्षण एजेंसी से एक प्रमाण-पत्र प्राप्त किया जाएगा।

(ii) रजिस्ट्रीकरण प्लेट केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उपवर्णित विनिर्देशों के अनुरूप होगी।

(iii) केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उल्लिखित अति सुरक्षा रजिस्ट्रीकरण प्लेट की अवधि अविनश्वर प्रकृति के लिए प्रत्याभूति दी गई होगी और इस अवधि से पूर्व प्लेट या रजिस्ट्रीकरण चिह्न के क्षतिग्रस्त होने या प्राकृतिक रूप से नष्ट होने के मामले में इसे उपयुक्त पैरा 2 में उल्लिखित वाहनों के संबंध में मोटर वाहन विनिर्माता या उनके डीलरों द्वारा या अन्य मामलों में लाइसेंस प्लेट विनिर्माता या आपूर्तिकर्ता या उनके डीलरों जैसा भी मामला हो, द्वारा प्रतिस्थापित किया जाएगा।

(iv) किसी भी विद्यमान रजिस्ट्रीकरण प्लेट का प्रतिस्थापन मोटर वाहनों के डीलरों या अधिकृत अति सुरक्षा रजिस्ट्रीकरण प्लेट विनिर्माता या आपूर्तिकर्ता द्वारा पुरानी प्लेट को अभ्यर्पित या विनष्ट सुनिश्चित किए जाने के पश्चात किया जा सकेगा।

(v) (क) कूट रचना से संरक्षण के लिए 20 मिमी x 20 मिमी आकार का एक क्रोमियम आधारित होलोग्राम प्लेट के शीर्षस्थ बाईं ओर के कोने पर सामने और पीछे दोनों प्लेटों का ताप स्टांपन द्वारा लगाया जाएगा ।

(ख) होलोग्राम में इस आदेश में यथाविनिर्दिष्ट उपाबंध के अनुसार नीले रंग में चक्र बना होगा।

(vi) कम-से-कम 10 अंकों की स्थायी पहचान संख्यांक, रजिस्ट्रीकरण प्लेट के तल के बाईं ओर परावर्ती परत में लेजर ब्रेंड की जानी है जिसमें अंक आकार 5 मिमी का होगा:

परन्तु यह है कि स्थायी क्रमागत पहचान संख्यांक के पहले विक्रेता या विनिर्माता या आपूर्तिकर्ता, जैसा मामला हो, जिसके लिए प्रकार अनुमोदन प्रमाण-पत्र परीक्षण एजेंसियों द्वारा जारी किए गए हैं के नाम का व्यपदेशन करते हुए दो अक्षर होंगे:

परन्तु अग्रेतर यह है कि नीचे दी गई सारणी के स्तम्भ (2) में विनिर्दिष्ट परीक्षण अभिकरण बताई गई उक्त सारणी के स्तम्भ (3) और (4) में विनिर्दिष्ट अक्षरों का प्रयोग निम्नवत करेंगे:

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सारणी

क्र. सं.	परीक्षण अभिकरण का नाम	प्रथम वर्ण	द्वितीय वर्ण
(1)	(2)	(3)	(4)
1.	ऑटोमोटिव रिसर्च एसोसिएशन ऑफ इंडिया, पुणे	ए से एच	ए से जेड
2.	केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली	आई से पी	ए से जेड
3.	यान अनुसंधान विकास स्थापना, अहमदनगर	क्यू से एस	ए से जेड
4.	अंतरराष्ट्रीय ऑटोमोटिव प्रौद्योगिकी केंद्र, मानेसर	टी से वी	ए से जेड
5.	केंद्रीय सड़क परिवहन संस्थान, पुणे	एक्स	ए से जेड
6.	ग्लोबल ऑटोमोटिव रिसर्च सेंटर, चेन्नई	वाई	ए से जेड;

परन्तु प्रतिबंध यह भी है कि सामने की और पीछे की रजिस्ट्रीकरण प्लेटों के लिए अंकों की ऊंचाई 5 मिमी. और तीसरी रजिस्ट्रीकरण प्लेट के लिए 2.5 मिमी. होगी, जो एक स्टिकर के प्ररूप में होगी।

(vii) (क) अनुज्ञापन संख्यांक के अक्षरों या अंकों पर लगाई जाने वाली ताप स्टापन फिल्म में "इंडिया" उत्कीर्णित होगा।

(ख) अक्षर "इंडिया" अन्य का दर्पण प्रतिबिंब होती हुई क्रमागत रेखाओं के साथ 45°अंश के झुकाव पर एरियल बोल्ड टाइप की लिपि में 10 (दस) आकार के अक्षर के साथ नीले रंग के होंगे।

(viii) (क) स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के रूप में तीसरी रजिस्ट्रीकरण प्लेट 100 मिमी. x 60 मिमी. के आकार की होगी जिसे यान की विंडशील्ड के बाईं ओर की भीतरी भाग पर लगाई जानी है।

(ख) स्टिकर की फिल्म अनिवार्यत: उच्च परावर्तीय अभिलक्षणसहित विविधवर्ण की होनी चाहिए और उसमें क्रोमियम आधारित होलोग्राम जुड़ा हुआ होगा।

(ग) स्टिकर पर विवरण होगा :

(क) रजिस्ट्रीकर्ता प्राधिकारी का नाम;

(ख) वाहन की रजिस्ट्रीकरण संख्या ;

(ग) लेजर ब्रांड की स्थायी पहचान संख्या; और

(घ) वाहन की पहली रजिस्ट्रीकरण की तारीख ।

(घ) स्टिकर के दाएं कोने के तल पर क्रोमियम आधारित होलोग्राम लगाया जाएगा किंतु यह10 मिमी. x 10 मिमी. के आकार का होगा और उक्त स्टिकर में वाहन का रजिस्ट्रीकरण संख्यांक केंद्र में होगा और अक्षरों की ऊंचाई 10 मिमी. होगी।

(ड.) लेजर ब्रांड वाला स्थायी पहचान संख्यांक स्टिकर के तल में बाईं ओर आएंगे और अंकों का आकार 2.5 मिमी. का होगा।

(च) स्टिकर का चित्र इस आदेश से संलग्न उपाबंध में यथाविनिर्दिष्ट रेखाचित्र में दिया गया है।

(ix)(क) डीजल वाहनों के लिए स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के लिए पृष्ठभूमि का रंग नारंगी होगा तथा पेट्रोल और सीएनजी वाहनों के लिए ये हल्के नीले रंग के होंगे।

(ख) अन्य सभी वाहनों के लिए पृष्ठभूमि स्लेटी रंग की होगी।

(x) मोटर यान के विनिर्माता या विक्रेता द्वारा जारी की गई रजिस्ट्रीकरण प्लेटों का समुचित अभिलेख दैनिक आधार पर रखा जाना चाहिए।

(xi) रजिस्ट्रीकरण पर रजिस्ट्रीकरण प्लेट वाहनों पर लगाए जाने के पश्चात् विशिष्ट अति सुरक्षा रजिस्ट्रीकरण प्लेट को वाहन से इलेक्ट्रॉनिकली जोड़ दिया जाएगा।

(xii) उनके अधीनस्थ सभी सुरक्षा विशिष्टताओं का संपूर्ण अभिलेख मोटर वाहन के विनिर्माता या डीलर द्वारा अनुरक्षित किए जाएंगे जिनका सावधिक लेखा परीक्षा समय समय से संबंधित परीक्षण अभिकरण द्वारा की जाएगी।

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(xiii) मोटर वाहन के विनिर्माताओं का अपने अधीनस्थ सभी सुरक्षा विशिष्टताओं पर संपूर्ण नियंत्रण होगा और या तो वह स्वयं या उनकी ओर से नियुक्त अन्य कोई व्यक्ति खुले बाजार में रजिस्ट्रीकरण प्लेट पर किसी भी प्रकार की सुरक्षा विशिष्टता उपयोग के लिए उत्तरदायी होगा।

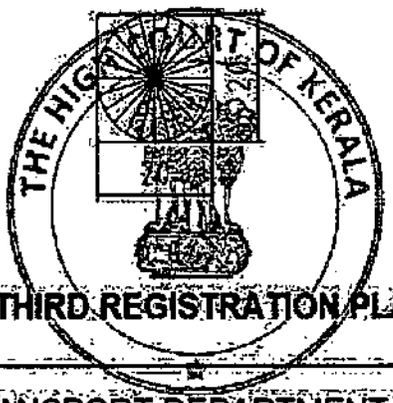
(xiv) मोटर वाहन के विनिर्माता किसी को भी अपूर्ण प्लेट या अपूर्ण सुरक्षा मानकों वाले प्लेट्स की पृथक बिक्री करने के लिए अधिकृत नहीं होंगे :

परन्तु यह भी है कि उप-पैरा (ix) में विनिर्दिष्ट विशिष्टताओं के अनुसार जो भी मामला हो, के अनुरूप पहले से रजिस्ट्रीकृत वाहनों के लिए स्व-विध्वंसक प्रकार के स्टिकर के रूप में तीसरी संख्या प्लेट को बदलने के लिए वे अधिकृत होंगे।

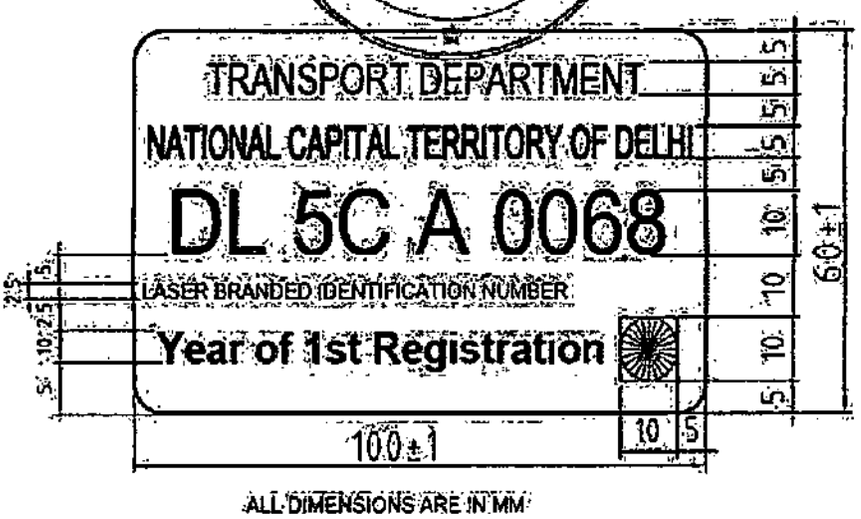
(xv) इन प्रावधानों का अनुपालन न करने पर संबंधित परीक्षण अभिकरण प्रकार अनुमोदन प्रमाणपत्र का निलंबन या निरस्तीकरण जारी करने के लिए उत्तरदायी होगा।

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



[फा. सं. आरटी-11028/01/2018-एमवीएल]

प्रियांक भारती, संयुक्त सचिव

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MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 6th December, 2018

S.O. 6052(E).—Whereas, the Central Government is of the opinion that it is necessary and expedient in the public interest to notify that the process used by a manufacturer in regard to a high security registration plate for a motor vehicle shall conform to certain standards with reference to the Central Motor Vehicles Rule, 1989;

Now, therefore, in exercise of the power conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the Motor Vehicles (New High Security Registration Plates) Order, 2001, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following order to specify such standards, namely:—

ORDER

1. Short title and commencement:-

(1) This Order may be called as the Motor Vehicles (High Security Registration Plates) Order, 2018.

(2) It shall come into force on the 1st day of April, 2019.

3. Application. —This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.

(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely: —

(i) The high security registration plates shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

(ii) The Registration Plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989.

(iii) The Registration Plate shall be guaranteed for imperishable nature for a period mentioned in rule 50 of the Central Motor Vehicles Rules, 1989 and in case of damage or withering due to natural usage before such period, it shall be replaced by the motor vehicles manufacturer or their dealers in respect of vehicles mentioned under para 4 above, or the licence plate manufacturer or suppliers or their dealers, as the case may be, in other cases.

(iv) The replacement for any existing registration plate may be made by the motor vehicles dealers or the authorised high security registration plate manufacturer or supplier, only after ensuring that the old plate has been surrendered and destroyed.

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(v) (a) To protect against counterfeiting, a chromium-based hologram of the size 20 mm x 20 mm shall be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates.

(b) The hologram shall contain CHAKRA in blue colour as specified in the Annexure appended to this Order.

(vi) The permanent identification number of minimum 10 digits shall be laser branded into the reflective sheeting on the bottom left-hand side of the registration plate with the letter size being 5 mm:

Provided that the permanent consecutive identification number shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate shall be issued by the test agencies:

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) and (4) of the said Table as under:—

Table

Sl. No.	Name of Test Agency	First Alphabet	Second Alphabet
(1)	(2)	(3)	(4)
1.	Automotive Research Association of India, Pune	A to H	A to Z
2.	Central Road Research Institute, New Delhi	I to P	A to Z
3.	Vehicles Research Development Establishment, Ahmednagar	Q to S	A to Z
4.	International Centre for Automotive Technology, Manesar	T to V	A to Z
5.	Central Institute of Road Transport, Pune	X	A to Z
6.	Global Automotive Research Centre, Chennai	Y	A to Z:

Provided also that the height of the digits shall be 5 mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.

(vii) (a) The hot stamping film to be applied on the letters or numerals of the licence number shall bear the inscription "INDIA".

(b) The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees' inclination with sequential lines being the mirror image of the other.

(viii) (A) The third registration plate in the form of a self-destructive type chromium based hologram sticker shall be of the size of 100 mm x 60 mm is to be affixed on the inner side of left hand corner of windshield of the vehicle.

(B) The sticker shall be required to be a diffraction foil film with high reflective index and shall have the chromium based hologram embedded.

(C) The details on the sticker shall be-

(a) Name of registering authority;

(b) registration number of the vehicle;

(c) laser branded permanent identification number; and

(d) Date of first registration of the vehicle.

(D) On the bottom of the right corner of the sticker, the chromium based hologram of size of 10 mm x10 mm shall be embedded and in the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height.

(E) The laser branded permanent identification number shall come in the bottom left side of the sticker with numeral size being 2.5mm.

(F) A depiction of the sticker shall be as specified in the Annexure appended to this Order.

(ix) (a) The background colour for the self-destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles.

(b) For all other vehicles, the background shall be of grey colour.

(x) A proper record of the registration plates issued should be maintained on a daily basis by manufacturer of motor vehicle or dealer.

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(xi) The unique high security registration plate shall be linked electronically to the vehicle after its affixture on the vehicle on registration.

(xii) The complete record of all the security features in their possession shall be maintained by manufacturer of motor vehicle or dealer which may be audited by the concerned testing agencies from time to time.

(xiii) The manufacturer of a motor vehicle shall exercise complete control over all the security features in their possession and shall be responsible for the use of any of the security feature on registration plate in the open market either by themselves or by any other person on their behalf.

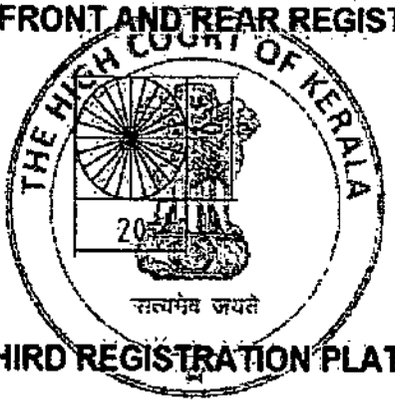
(xiv) The manufacturer of a motor vehicle shall not be authorized to sell incomplete plates or the security features separately to anyone:

Provided that they shall be authorised to replace the third number plate in form of the self-destructive tape sticker for the already registered vehicles as the case may be as per specification specified in sub-para (ix).

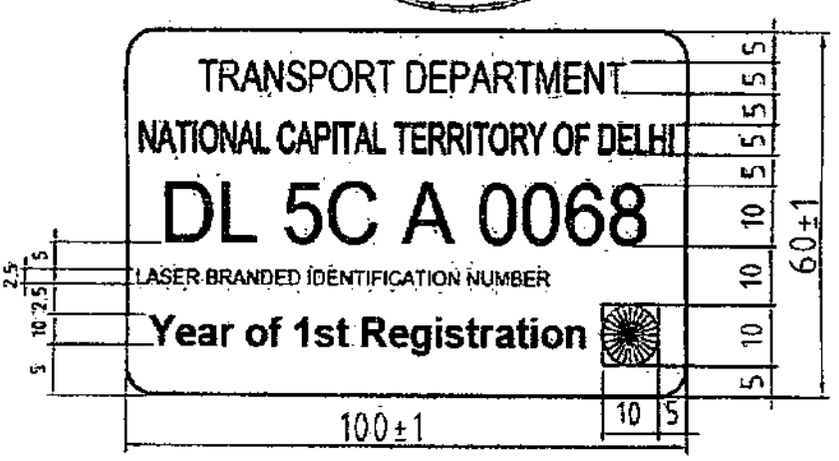
(xv) The type approval certificate issued shall be liable for suspension or cancellation by the concerned testing agency for failure to comply with these provisions.

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



ALL DIMENSIONS ARE IN MM

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

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रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 25 फरवरी, 2019

का.आ. 1018(अ).—केंद्रीय सरकार, मोटर यान अधिनियम, 1988 (1988 का 58) की धारा 109 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सड़क परिवहन और राजमार्ग मंत्रालय के मोटर यान (अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2018 का संशोधन करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ -

(1) इस आदेश का संक्षिप्त नाम मोटर यान (उच्च सुरक्षा रजिस्ट्रीकरण प्लेट) संशोधन आदेश, 2019 है ।

(2) यह राजपत्र में उसके प्रकाशन की तारीख को प्रवृत्त होगा ।

2. मोटर यान (अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2018 में, –

(i) खंड 4 में "बेचे जाने वाले नए वाहनों" शब्दों के स्थान पर "निर्मित यानों" शब्द रखे जाएंगे;

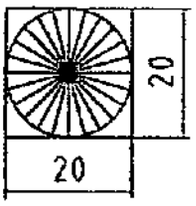
(ii) उपाबंध के स्थान पर निम्नलिखित उपाबंध रखा जाएगा, अर्थात्:

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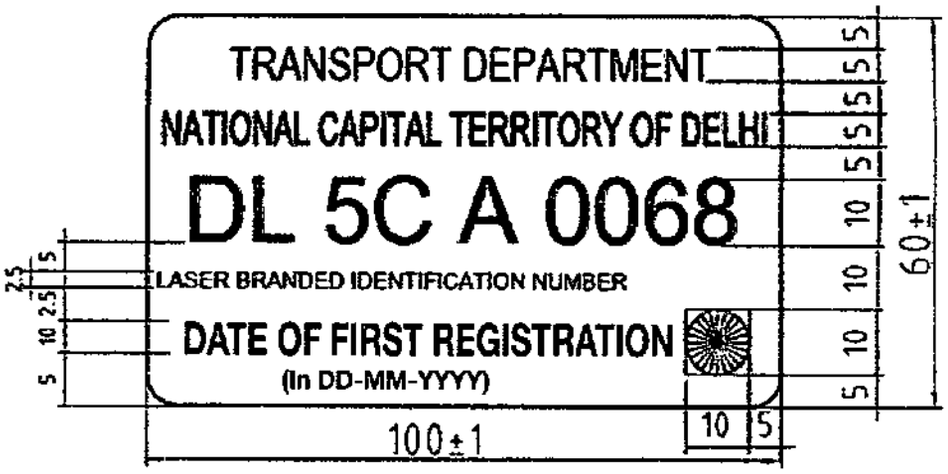
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उपाबंध

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



ALL DIMENSIONS ARE IN MM

[फा. सं. आरटी-11028/01/2018-एमवीएल]

प्रियांक भारती, संयुक्त सचिव

टिप्पण: मूल आदेश, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii), तारीख 6 दिसंबर, 2018 में प्रकाशित किया गया था।

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MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 25th February, 2019

S.O. 1018(E).—In exercise of the power conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government in the Ministry of Road Transport and Highways hereby makes the following order to amend the Motor Vehicles (High Security Registration Plates) Order, 2018, namely:-

1. Short title and commencement.-

(1) This Order may be called as the Motor Vehicles (High Security Registration Plates), Amendment, Order, 2019.

(2) It shall come into force on the date of its publication in the Official Gazette.

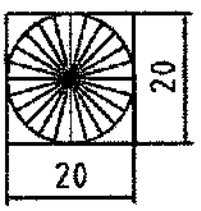
2. In the Motor Vehicles (High Security Registration Plates) Order, 2018,-

(i) In clause 4, for the words, "a new vehicle to be sold", the words "the vehicles manufactured" shall be substituted;

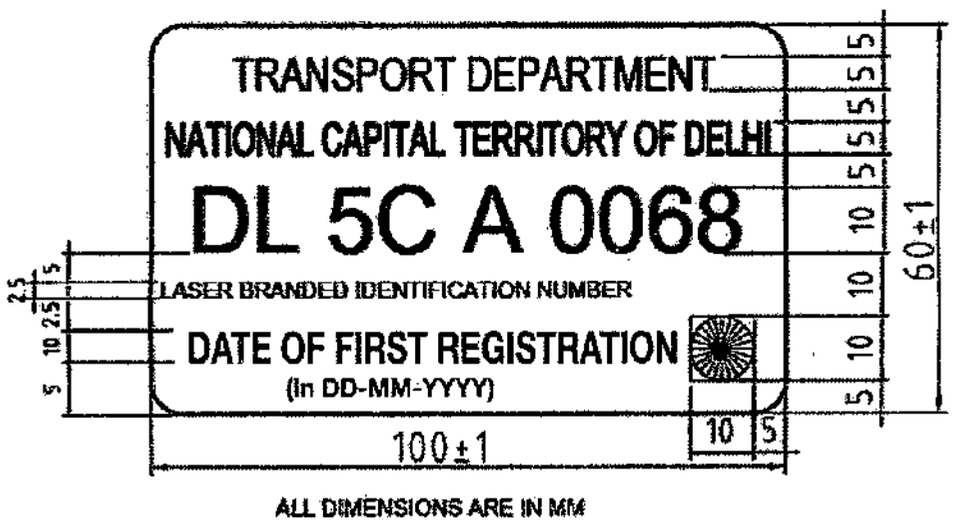
(ii) For the Annexure, the following Annexure shall be substituted, namely:

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



ALL DIMENSIONS ARE IN MM

[F. No. RT-11028/01/2018-MVL]
PRIYANK BHARTI, Jt Secy.

Note: The principal Order was published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), dated 6th December, 2018.

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and Published by the Controller of Publications, Delhi-110054.

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No. RT- 11036/99/2020-MVL
Government of India
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated 29th December, 2023

To

(i)The Principal Secretaries / The Secretaries, Department of Transport,
(ii)The Transport Commissioners Of all States/UTs.

Subject: Implementation of Order of Hon'ble Supreme Court with respect to hologram based colour coded stickers-reg

Madam/Sir,

I am directed to refer to the subject cited above and to say that the Hon'ble Supreme Court in its order dated 13/12/2023 in W.P. (Civil) No. 13029 of 1985, "M.C. Mehta Vs UOI" (copy enclosed) has inter-alia directed on the enforcement of norms prescribed regarding 'COLOUR-CODED STICKERS' as under:-

"The submission is that once the law exists, it must be implemented. To that extent there can be no cavil and it is the duty of all State Governments to ensure that the law is implemented without any caveat to it. The Committee of Secretaries may call for a report from all State Governments about the progress made in implementation of this aspect of law to ensure that if there are any delinquent states, they comply with the same and that aspect may be brought to the notice of this Court".

2. In this regard, it is submitted that Ministry of Road Transport and Highways has issued following regulations regarding third registration plate (sticker):-

(i) Motor Vehicle (High Security Registration Plate) Order, 2018 was issued vide S.O 6052(E) dated 6th December 2018 (copy enclosed). The order came into force from 1st April 2019. Besides the fixation of HSRP on vehicles, this order also mandates for fixation of third registration plate in the form of a self-destructive type chromium-based hologram sticker of size 100mm x 60mm on the inner side of left-hand corner of the windshield of the vehicle.

(ii) The specifications of the sticker including its dimensions, colour, data to be printed, etc., were specified in the Order. The specifications also included the background colour of the self-destructive type chromium-based hologram sticker viz., Orange for diesel Vehicles, Light Blue for Petrol and CNG Vehicles and grey for all other vehicles. Further, the Order was amended vide S.O. 1759 (E) dated 5th June 2020 (copy

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enclosed) to include a new proviso stating vehicles complying with BS VI emission norms shall have a 1 cm green strip at the top in the third registration plate.

(iii) The sub-rule (vi) of rule 50 of CMVR, 1989 provides that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicles manufactured on or after the 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle. Further the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles after placing the registration mark. The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

(iv) MORTH vide letter dated 1st September 2021 has issued clarification to all States and UTs (copy enclosed) with respect to the fitment of HSRP including third registration mark on older vehicles.

3. In light of the Hon'ble Supreme Court order dated 13/12/2023 in W.P. (Civil) No. 13029 of 1985, States and Union Territories are requested to take appropriate action and furnish compliance report to this Ministry about the progress made in implementation of norms notified by MORTH regarding third registration plate (sticker) by 2nd January, 2024.

4. It is further requested that the issue may be accorded 'TOP PRIORITY' in view of the consultation meeting scheduled to be held on 3rd January, 2024.

5. This is issued with the approval of Competent Authority.

Yours faithfully,

(S. K. Geeva)
Under Secretary to the Government of India
Tele/Fax: 23739074
e-mail: geeva.sk@nic.in

Encls- As above

Copy to:-

(i) Shri R. K. Agrawal,
Director(T),
Commission for Air Quality Management in NCR and Adjoining Areas,
17th Floor, Jawahar Vyapar Bhawan, Janpath, New Delhi-110001

(ii) PS to AS(MVL & T)

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No. RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated the 09 June, 2023

To,

1. The Principal Secretaries/Secretaries, Department of Transport of all the States/UTs
2. The Transport Commissioners of all the States/UTs

Subject: Issuance of the High Security Registration Plates (HSRP) by some HSRP manufacturers in an unauthorised and illegal manner.

Sir,

It has been brought to the notice of this Ministry that some HSRP vendors have been involved in the manufacturing and affixing of unauthorised High Security Registration Plates to the vehicles across various States in India. These manufacturers are neither authorised by the State/UTs nor are they approved by the respective OEMs to affix HSRPs to the OEM's brand of vehicle, thereby rendering the HSRP affixed as unauthorised.

2. The HSRP scheme is imperative to the country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and in prevention of tampering and counterfeiting.

3. Attention is drawn to Rule 50 of the Central Motor Vehicle Rules, 1989.

:
:

(V) The plate should be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule;

:
:

Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicle manufactured on or after 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

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Provided further that the dealers of the manufacturer may also affix such plates, supplied by the vehicle manufacturer on old vehicles.

:
:

4. HSRPs are integrated with the VAHAN portal and this type of unauthorised affixation of the plates voids the purpose of the scheme. It is further clarified that merely having a Type Approval Certificate from any of the agencies authorised under rule 126 does not authorise any manufacturer to supply the HSRP in the open market. As per clause (v) of sub-rule (1) of rule 50 of CMV Rules, 1989, The HSRPs with all the above specifications and the specified registrations -

a. for a new vehicle, shall be issued by the registering authority or vehicle manufacturers and their dealers and;

b. for existing old registered vehicle, shall be issued by registering authority,

or

vehicle manufacturers and their dealer,

or

by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

Further, the data in the VAHAN portal is also required to be updated accordingly by the authorized HSRP manufacturers.

5. States are advised to take strong punitive action including blacklisting/termination against such unauthorized HSRP agencies which are openly supplying unauthorised HSRPs in the market to unsuspecting and gullible vehicle owners.

6. All stakeholders are once again requested to implement the provisions of the HSRP in letter and spirit and to make the process of availability of authorised HSRPs (with proper VAHAN entries) to all vehicle owners of new and old vehicles in the country.

Yours faithfully,

(S.K. Geeva)
Under Secretary to the Govt. of India
Tele: 23739074
E- mail: geeva.sk@nic.in

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Copy to:

A. Testing Agencies-

1. Automotive Research Association of India, Pune.
2. Central Road Research Institute, New Delhi.
3. Vehicles Research Development Establishment, Ahmednagar.
4. International Centre for Automotive Technology; Manesar.
5. Central Institute of Road Transport, Pune.
6. Global Automotive Research Centre, Chennai.

You are requested to advise HSRP manufacturers suitably and keep tight control on the activities of HSRP manufacturers during the Conformity of Production audit and suspend/terminate the license if any illegal supplies of HSRP are brought to notice.

B. All OEMs through Society of Indian Automobile Manufacturers (SIAM)-

It is reiterated that any violations in the implementation of the HSRP scheme for new vehicles will make the vehicle manufacturers liable to punitive action. Therefore, all vehicle manufacturers are requested to ensure that the vendor selection is carried out with stringent due diligence and to disassociate with any erring HSRP vendors.

Gmail Transport_B Sect. <transportb7186@gmail.com>

Addl. Affidavit in WPC 10761/22

1 message

Motor Vehicles Liaison Officer,Advocate General's Office <kmvd007@gmail.com> Sat, Jan 27, 2024 at 3:41 PM
To: "Transport_B Sect." <transportb7186@gmail.com>

Sir,

Please find the attached file.

---------- Forwarded message ---------
From: capool g <capoolg2020@gmail.com>
Date: Sat, 27 Jan, 2024, 3:38 pm
Subject: Addl. Affidavit in WPC 10761/22
To: <kmvd007@gmail.com>

WPC No. 10761-2022 dated 27.1.24.docx
14K

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(C) No. 10761 OF 2022

Motorsigns India : Petitioner

Vs.

State of Kerala & others : Respondents

ADDITIONAL AFFIDAVIT FILED BY THE SECOND RESPONDENT AS DIRECTED BY THIS HON'BLE COURT DATED 27.11.2023 AND 09.01.2024.

I, aged years, /o. residing at do hereby solemnly affirm and state as follows:

1. I am the Secretary to Government, Department of Motor Vehicles, Government Secretariat, Thiruvananthapuram and the 2nd respondent in the above writ petition. I am conversant with the facts of the case as disclosed from the relevant records.

2. It is respectfully submitted that as per order dated 27.11.2023, this Hon'ble Court has directed the State to file an Affidavit on behalf of the responsible officer regarding the policy or framework envisaged for selection/authorization of approved vendors/manufacturers of High Security Registration Plates (HSRP) for implementing Rule 50 of the Central Motor Vehicle Rule, 1989 for affixing High Security Number Plates on vehicles manufactured prior to 01.04.2019.

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3. It is submitted that pursuant to the above direction of this Hon'ble Court, the matter was taken up at the Government level and considering the various aspects involved and after consultation with the Transport Commissioner, Government in principle decided to authorize the registering authority to implement the issue of HSRP in the state as contemplated by the MoRTH in its communication dated 09.06.2023 wherein the MoRTH has specifically mentioned that the HSRPs with all the specifications and the specified registrations, for a new vehicle shall be issued by the registering authority or vehicle manufactures and their dealers and; for existing old registered vehicles, shall be issued by registering authority or vehicle manufactures and their dealers, or by the license plate manufactures or their dealers approved by the State Government or Union Territory Administration. Further, the data in the Vahan Portal is also required to be updated accordingly by the authorized HSRP manufactures. The State Government has also considered the above observations of the MoRTH for the implementation of HSRPs in the old vehicles registered prior to 01.04.2019. Therefore, Government had requested before this Hon'ble Court to grant sufficient time to file Affidavit as directed by this Hon'ble Court in the order dated 27.11.2023 and when the matter again came up for consideration on 09.01.2024, this Hon'ble Court passed an order and thereby granted two weeks time to comply with the directions contained in the order dated 27.11.2023. It was also made clear by this Hon'ble Court that except for new vehicles, no other vendor shall be authorized by the State Government for installing HSRPs on old vehicles, till a decision is taken in the pending writ petitions.

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4. It is respectfully submitted that now the Ministry of Road Transport and Highways (MoRTH) in its letter dated 08.01.2024, wherein also the Central Government has reiterated and clarified that the HSRPs, type approved by the Central Road Research Institute, New Delhi or any agency authorized under Rule 126 of CMVR, shall be installed in motor vehicles in the following manner.

(i) For vehicles manufactured on or after 01.04.2019, HSRP shall be issued by;

(a) the Registering Authority, or vehicle manufactures and their dealers.

(ii) For vehicles manufactured before 01.04.2019, the HSRP shall be issued at the option of State Government/Union Territory by:

(a) Registering Authority, or

(b) Vehicle manufactures and their dealers, or

(c) License Plate Manufactures or their dealers approved by the State Government or Union Territory Administration.

5. It is submitted that taking note of the directions issued by the MoRTH dated 09.06.2023 and 08.01.2024, the Government has decided to authorize the registering authority for fixing of High Security Registration Plates on vehicles registered prior to 01.04.2019 and issued an order as G.O.(Rt) No. 39/2024/Trans dated 24.01.2024 and the mode of implementation of the same is as follows:

6. The Transport Commissioner as the administrative head of the 86 registering authorities spread all over Kerala, has been instructed to put up a plant for manufacturing the same and to obtain prior approval from any testing agencies specified in Rule 126 of

CMVR and ensure effective distribution of HSRPs as and when required to the different registering authorities all over the State. An IT based application has been developed for the process and the registered owners of the vehicles, manufactured on or before 01.04.2019, have to apply online and they will be allotted date, time and venue for fixing HSRP. The plant for the same will be put up through Institute of Driver Training and Research (IDTR) at Edappal and the requisite accreditation shall be obtained by the Transport Commissioner, who is the Director of IDTR. IDTR is the body set up by notification No. ……... issued by the MoRTH for training, research and development activities for Motor Vehicle Department. The requisite technical assistance and expertise shall be provided by IDTR which is the body under Motor Vehicle Department chaired by the Hon'ble Minister for Transport. The project is expected to implement from 01.04.2024 onwards. The fixation of HSRP is envisioned to be completed within a period of one year from 01.04.2024. The rate of fixing of HSRP will be as per the norms prescribed by MoRTH. It is submitted that the State Government, as stated above, has now decided that the provisions of the HSRPs will be implemented in true letter and spirit, with proper Vahan entries of new and old vehicles in the state in order to strengthen the on-ground enforcement. A true copy of the Government Order G.O.(Rt) No. 39/2024/Trans dated 24.01.2024 authorizing the registering authority (Motor Vehicle Department) for issuance of HSRP in the existing old registered vehicles prior to 01.04.2019 is produced herewith and marked as **Exhibit R2(d)**.

7. Hence in view of the facts and circumstance stated above, and in compliance to the direction of this Hon'ble Court, this Affidavit

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is being filed which may kindly be accepted in the file and adjudicate the matter accordingly.

Dated this the day of January, 2024.

D E P O N E N T

Solemnly affirmed and signed before me by the deponent whom I know on this the day of January, 2024 at the Office of the Secretary to Government, Department of Motor Vehicles, Government Secretariat, Thiruvananthapuram

P. SANTHOSH KUMAR
SPECIAL GOVERNMENT PLEADER
Pr/U2/27.1.24

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BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM

W.P.(C) No. 10761 OF 2022

MotorSigns India : Petitioner

Vs.

State of Kerala & others : Respondents

ADDITIONAL AFFIDAVIT FILED BY THE SECOND RESPONDENT AS DIRECTED BY THIS HON'BLE COURT DATED 27.11.2023 AND 09.01.2024.

I, Sheela M. aged 50 years, W/o. Ajith Kumar residing at Sree Chaithanyam, Maruthankuzhy, Thiruvananthapuram do hereby solemnly affirm and state as follows:

1. I am the Joint Secretary to Government, Transport Department, Government Secretariat, Thiruvananthapuram. I am conversant with the facts of the case as disclosed from the relevant records. I am swearing to this affidavit on behalf of the respondents herein.

2. It is respectfully submitted that as per order dated 27.11.2023, this Hon'ble Court has directed the State to file an Affidavit on behalf of the responsible officer regarding the policy or framework envisaged for selection/authorization of approved vendors/manufacturers of High Security Registration Plates (HSRP) for implementing Rule 50 of the Central Motor Vehicle

Sheela M

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Rule, 1989 for affixing High Security Number Plates on vehicles manufactured prior to 01.04.2019.

3. It is submitted that pursuant to the above direction of this Hon'ble Court, the matter was taken up at the Government level and considering the various aspects involved and after consultation with the Transport Commissioner, Government in principle decided to authorize the registering authority to implement the issue of HSRP in the state as contemplated by the MoRTH in its communication dated 09.06.2023 wherein the MoRTH has specifically mentioned that the HSRPs with all the specifications and the specified registrations, for a new vehicle shall be issued by the registering authority or vehicle manufactures and their dealers and; for existing old registered vehicles, shall be issued by registering authority or vehicle manufactures and their dealers, or by the license plate manufactures or their dealers approved by the State Government or Union Territory Administration. Further, the data in the Vahan Portal is also required to be updated accordingly by the authorized HSRP manufactures. The State Government has also considered the above observations of the MoRTH for the implementation of HSRPs in the old vehicles registered prior to 01.04.2019. Therefore, Government had requested before this Hon'ble Court to grant sufficient time to file Affidavit as directed by this Hon'ble Court in the order dated 27.11.2023 and when the matter again came up for consideration on 09.01.2024, this Hon'ble Court passed an order and thereby granted two weeks time to comply with the directions contained in the order dated 27.11.2023. It was also

Sheela M.

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made clear by this Hon'ble Court that except for new vehicles, no other vendor shall be authorized by the State Government for installing HSRPs on old vehicles, till a decision is taken in the pending writ petitions.

4. It is respectfully submitted that now the Ministry of Road Transport and Highways (MoRTH) in its letter dated 08.01.2024, wherein also the Central Government has reiterated and clarified that the HSRPs, type approved by the Central Road Research Institute, New Delhi or any agency authorized under Rule 126 of CMVR, shall be installed in motor vehicles in the following manner.

(i) For vehicles manufactured on or after 01.04.2019, HSRP shall be issued by;

(a) the Registering Authority, or vehicle manufactures and their dealers.

(ii) For vehicles manufactured before 01.04.2019, the HSRP shall be issued at the option of State Government/Union Territory by:

(a) Registering Authority, or

(b) Vehicle manufactures and their dealers, or

(c) License Plate Manufactures or their dealers approved by the State Government or Union Territory Administration.

5. It is submitted that taking note of the directions issued by the MoRTH dated 09.06.2023 and 08.01.2024, the Government has decided to authorize the registering authority for fixing of High Security Registration Plates on vehicles registered prior to 01.04.2019 and issued an order as G.O.(Rt)

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No. 39/2024/Trans dated 24.01.2024 and the mode of implementation of the same is as follows:

6. The Transport Commissioner being the administrative head of the 86 registering authorities spread all over Kerala, has been instructed to put up a plant for manufacturing HSRP and to obtain prior approval from any testing agencies specified in Rule 126 of CMVR and ensure effective distribution of HSRPs as and when required to the different registering authorities all over the State. An IT based application has been developed for the purpose and the registered owners of the vehicles, manufactured on or before 01.04.2019, have to apply for allotment of date, time and venue for fixing HSRP. The plant for the same will be put up through Institute of Driver Training and Research (IDTR) at Edappal and the requisite accreditation shall be obtained by the Transport Commissioner, who is the Director of IDTR. IDTR is the body set up by the MoRTH for training, research and development activities for Motor Vehicle Department. The requisite technical assistance and expertise shall be provided by IDTR which is the body under Motor Vehicle Department chaired by the Hon'ble Minister for Transport. The project will be to implemented from 01.04.2024 onwards. The fixation of HSRP is envisioned to be complete within a period of one year from 01.04.2024. The rate of fixing of HSRP will be as per the norms prescribed by MoRTH. A true copy of the Government Order G.O.(Rt) No. 39/2024/Trans dated 24.01.2024 authorizing the registering authority (Motor Vehicle Department) for issuance of HSRP in

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the existing old registered vehicles prior to 01.04.2019 is produced herewith and marked as **Exhibit R2(d)**.

7. Hence in view of the facts and circumstance stated above, and in compliance to the direction of this Hon'ble Court, this Affidavit is being filed which may kindly be accepted in the file and adjudicate the matter accordingly.

Dated this the 29th day of January, 2024.

DEPONENT

Solemnly affirmed and signed before me by the deponent whom I know on this the 29th day of January, 2024 at the Office of the Secretary to Government, Transport Department, Government Secretariat, Thiruvananthapuram

RATHEESH R.
PEN: 309686
Section Officer
Transport (B) Dept.
Government Secretariat
Thiruvananthapuram

P. SANTHOSH KUMAR
SPECIAL GOVERNMENT PLEADER

Pr/U2/27.1.24

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Tuesday, the 30th day of January 2024 / 10th Magha, 1945

WP(C) NO. 10761 OF 2022

PETITIONER:

MOTORSIGNS INDIA, 810 ANNA SALAI, NANDANAM, CHENNAI 600035, TAMIL NADU, INDIA REPRESENTED BY ITS SOLE PROPRIETOR, THOMAS CHERIAN.

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695001.**
2. **THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERLA, THIRUVANANTHAPURAM 695001.**
3. **THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE, TRANS TOWER-2ND FLOOR, VAZHUTHACAUD, P.O. THYCAUD, THIRUVANANTHAPURAM, KERALA 695014.**
4. **ADDL.R4 ACCIDENT RESCUE 24X7, PANAPUZHA, KAKKAD P.O., TIRURANGADI, MALAPPURAM - 676306; REPRESENTED BY ITS SECRETARY, SHRI.JAMSHEER KOORIYADAN. [ADDL.R4 IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN I.A-1/2022 IN WP(C) 10761/2022]**
5. **ADDL.R5 ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION, 45, 1ST FLOOR, COMMUNITY CENTRE, NARAINA PHASE-1, NEW DELHI-110028 REPRESENTED BY ITS AUTHORIZED SIGNATORY SHRI. T.SUJITH MUGESH [ADDL.R5 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-3/2023 IN WP(C) 10761/2022]**
6. **ADDL.R6 ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA (REGD.) F-119, MAYAPURI INDUSTRIAL AREA, PHASE – II, NEW DELHI – 110064 REPRESENTED BY ITS PRESIDENT MR. MAHESH MALHOTRA [ADDL.R6 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-5/2023 IN WP(C) 10761/2022]**
7. **UNION OF INDIA ,REPRESENTED BY THE SECRETARY TO MINISTRY OF ROADS, TRANSPORTS AND HIGHWAYS, TRANSPORT BHAWAN, 1, PARLIAMENT STREET, NEW DELHI - 110 001 (SOUGHT TO BE IMPLEADED)**
8. **THE AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA (ARAI), REPRESENTED BY ITS DIRECTOR, SURVEY NO. 2, VETAL HILL, OPP: PAUD ROAD, KOTHRUD, PUNE – 411038. (SOUGHT TO BE IMPLEADED)**
9. **THE INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY (ICAT), REPRESENTED BY ITS DIRECTOR, PLOT 26, SECTOR 3, IMT MANESAR, GURUGRAM, HARYANA – 122050. (SOUGHT TO BE IMPLEADED)**
10. **THE CENTRAL ROAD RESEARCH INSTITUTE (CRRI), REPRESENTED BY ITS DIRECTOR, DELHI – MATHURA ROAD, P.O. CRRI, NEW DELHI – 110 020. (SOUGHT TO BE IMPLEADED)**
11. **THE VEHICLES RESEARCH DEVELOPMENT ESTABLISHMENT (VRDE), REPRESENTED BY ITS DIRECTOR, P.O. VAHAN NAGAR, AHMEDNAGAR, MAHARASHTRA - 414006. (SOUGHT TO BE IMPLEADED)**
12. **THE CENTRAL INSTITUTE OF ROAD TRANSPORT (CIRT), REPRESENTED BY ITS DIRECTOR, PUNE – NASIK ROAD, PUNE – 411026. (SOUGHT TO BE IMPLEADED**

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13. THE GLOBAL AUTOMOTIVE RESEARCH CENTRE (GARC) PLOT E1, SIPCOT INDUSTRIAL GROWTH CENTRE, ORAGADAM, MATHUR P.O., SRIPERUMBUDUR TALUK, TIRUVALLUR DISTRICT, TAMIL NADU – 602 105 REPRESENTED BY ITS DIRECTOR. (SOUGHT TO BE IMPLEADED)

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim direction to the respondents to allow and authorize the petitioner to issue and affix HSRP (High Security Registration Plates) on existing/old vehicles registered prior to 01.04.2019 on the strength of his Exhibits P1 and P1(a) licence/Type Approval issued under rule 124 of central Motor Vehicles Rules 1989 and to provide access to the National Registry for Electronically Linking HSRP details in Vahan Portal, pending disposal of the above writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 09.01.2024 and upon hearing the arguments of SRI. K.RAMAKUMAR (SENIOR.) Advocate along with M/S. S.M.PRASANTH, G.RENJITH, ASWINI SANKAR R.S. & T.H.ARAVIND, T.RAMPRASAD UNNI, Advocates for the petitioner, M/S P.A.MOHAMMED SHAH, RENOY VINCENT, HELEN P.A., ARUN ROY, SHAHIR SHOWKATH ALI & ALEESHA SHEREEF, Advocates for R4, SRI G.HARIKUMAR (GOPINATHAN NAIR), Aedvocate for R5,SRI. MILLU DANDAPANI, Advocate for R6 and of SRI. N.N.GIRIJA, Advocate for R8, the court passed the following:

HIGH COURT OF KERALA
सत्यमेव जयते

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DINESH KUMAR SINGH, J.

.....

W.P(C) Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023

.....

Dated this the 30th day of January, 2024

O R D E R

Heard Sri. S.M.Prasanth, learned counsel appearing for the petitioner in WP(C) No.10761 of 2022; Sri.P.A.Mohammed Shah, learned counsel appearing for the petitioners in WP(C) Nos.7089, 18049 & 22207 of 2023; Dr.Aditya Sondhi learned Senior counsel assisted by Sri.P.A.Mohammed Shah, appearing for the petitioner in WP(C) No.29866 of 2023; Sri.S.Manu, learned Dy.Solicitor General of India and Sri.S.Krishna, Sri.K.V.Sree Vinayakan & Sri.P.R.Ajith Kumar, learned Central Government Counsel; Sri.Santhosh Kumar P., learned Special Government Pleader for Transport Department, State of Kerala; Sri.Suren Uppal assisted by Sri.Millu Dandapani, learned counsel appearing for the 6th respondent in WP(C) No.10761/2022, which is the 4th respondent in WP(C) Nos.7089, 18049 & 29866 of 2023; Sri.G.Harikumar, learned counsel for respondent Nos.5 and 4 in WP(C) Nos.10761 of 2022 and 22207 of 2023, respectively; and Sri.N.N.Girija, learned counsel for the 8th respondent in WP(C) No.10761 of 2022.

2.The State Government has filed additional affidavit in compliance of the order passed by this court on 27.11.2023 and

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09.01.2024. Along with the additional affidavit, a Government Order dated 24.01.2024 has been placed on record. As per the said Government Order, the Government has decided in principle to implement the HSRP Scheme in the Sate, through the Registering Authority and the State Government has decided to set up a Plant for manufacturing the HSRP and after taking approval, HSRP shall be supplied to the registering authorities for fixing on vehicles manufactured on or before 01.04.2019.

3.The petitioners / any other aggrieved person shall have liberty to challenge the said notification by taking recourse to the amendment in writ petitions / filing fresh writ petitions as may be advised.

As provided in the interim order dated 09.01.2024, that except for new vehicles, no other vendor shall be authorised by the State Government for installing HSRP on old vehicles, shall remain in operation till the next posting date.

Post on 09.04.2024.

Sd/-

DINESH KUMAR SINGH
JUDGE

SJ
H/O

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APPENDIX OF WP(C) 10761/2022

Exhibit R6(A)	**A TRUE COPY OF BOARD RESOLUTION SHOWING AND EMPOWERING DEPONENT DATED 12.04.2023**
Exhibit R6(B)	**TRUE COPY OF CERTIFICATE OF REGISTRATION OF THE APPLICANT UNDER SOCIETIES REGISTRATION ACT XXI OF 1860**
Exhibit P1	**TRUE COPY OF LICENSE IN THE FORM OF TYPE APPROVAL CERTIFICATE NO. GK0043 DATED 15.10.2019 ISSUED TO THE PETITIONER.**
Exhibit P1(A)	**TRUE COPY OF LICENSE IN THE FORM OF TYPE APPROVAL CERTIFICATE NO GK0044 DATED 15.10.2019 ISSUED TO THE PETITIONER.**
Exhibit P2	**TRUE COPY OF NOTIFICATION NO G.S.R 1162 (E) DATED 04.12.2018 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.**
Exhibit P3	**TRUE COPY OF NOTIFICATION NO. S.O. 6052 (E) DATED 06.12.2018 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.**
Exhibit P4	**TRUE COPY OF NOTIFICATION NO. GSR 104 (E) DATED 11.02.2020 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS**
Exhibit P5	**TRUE COPY OF THE PHOTOGRAPHS, SHOWING VEHICLES WITH HSRP NOT COMPLYING TO RULE 51 OF CMVR 1989 AND NOT COMPLYING TO RULE 51 OF CMVR 1989 AND NOT IN COMPLIANCE WITH AND CONFORMANCE TO THE TYPE APPROVAL CERTIFICATE ISSUED THAT ARE ILLEGAL.**
Exhibit P6	**TRUE COPY OF PAGES RELATING TO HSRP AS THEY APPEAR IN THE FACEBOOK PAGE OF THE KERALA MOTOR VEHICLE DEPARTMENT.**
Exhibit P7	**TRUE COPY OF COMMUNICATION F. NO. RT 11036/56/2019- MVL DATED 01.09.2021 SENT BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS TO THE PRINCIPAL SECRETARIES/ SECRETARIES, DEPARTMENT OF TRANSPORT COMMISSIONERS OF ALL STATES AND UNION TERRITORIES.**
Exhibit P8	**TRUE COPY OF CIRCULAR NO. B2/125/2019 /TRANS. DATED 09.05.2019 ISSUED BY THE TRANSPORT (B) DEPARTMENT, GOVERNMENT OF KERALA.**
Exhibit P9	**TRUE COPY OF REPRESENTATION DATED 18.02.2020 SUBMITTED BY THE PETITIONER BEFORE THE TRANSPORT COMMISSIONER, KERALA, THIRUVNANTHAPURAM.**
Exhibit P10	**TRUE COPY OF REPRESENTATION DATED 01.11.2021 SUBMITTED BY THE PETITIONER BEFORE THE TRASNPORT COMMISSIONER, KERALA, THIRUVANANTHAPURAM WITH RELEVANT DETAILS.**
Exhibit P11	**TRUE COPY OF REPRESENTATION DATED 07.02.2022 ALONG WITH RELEVANT DETAILS SUBMITTED BY THE PETITIONER BEFORE SHRI. AJITH KUMAR, IPS , TRANSPORT COMMISSIONER, KERALA, THIRUVANANTHAPURAM.**
Exhibit P12	**TRUE COPY OF COMMUNICATION NO.MIT2/23/2022-TC DATED 20.07.2022 SENT BY THE TRANSPORT COMMISSIONER TO THE PETITIONER.**
Exhibit P12(B)	**TRUE COPY OF NOTIFICATION NO. S.O. 814(E) DATED 22-08-2001 CALLED THE MOTOR VEHICLES (NEW HIGH SECURITY REGISTRATION PLATES) ORDER OF 2001 OF MINISTRY OF ROAD TRANSPORTS AND HIGHWAYS.**

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Exhibit P12(B)	**TRUE COPY OF NOTIFICATION NO. S.O. 1041(E) DATED 16-10-2001 OF MINISTRY OF ROAD TRANSPORTS AND HIGHWAYS.**
Exhibit P13	**TRUE COPY OF COMMUNICATION BEARING FILE NO. MIT2/23/2022-TC FROM THE THIRD RESPONDENT BY THE PETITIONER.**
Exhibit P14	**TRUE COPY OF TENDER CANCELLATION NOTICE R.NO.33432/HB2/2019 DATED 01-04-2022 ISSUED BY THE STATE OF TAMIL NADU.**
Exhibit P15	**TRUE COPY OF G.S.R. 640(E) DATED 18TH AUGUST 2022 MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.**
Exhibit P16	**TRUE COPY OF NEWS ITEM APPEARED IN THE WEBSITE OF THE ECONOMIC TIMES DAILY DATED 14-06-2022.**
Exhibit P17	**TRUE COPY OF LETTER NO. RT-11021/47/2014-MVL DATED 01-10-2018 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.**
Exhibit P18	**TRUE COPY OF RELEVANT PAGES OF THE EPCA REPORT NO.103 DATED 25-09-2019.**
Exhibit P19	**TRUE COPY OF MINUTES OF THE MEETING HELD ON 24.09.2019 UNDER THE CHAIRMANSHIP OF JOINT SECRETARY (MVL), MINISTRY OF ROAD TRANSPORT AND HIGHWAYS TRANSPORT COMMISSIONER.**
Exhibit P20	**TRUE COPY OF COMMUNICATION BEARING RT-11036/56/2019-MVL DATED 21.10.2020 HAS BEEN ISSUED BY THE GOVERNMENT OF INDIA, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS ON THE SUBJECT OF REPLACEMENT OF HIGH SECURITY REGISTRATION PLATE**
Exhibit P21	**TRUE COPY OF COMMUNICATION BEARING NOS. RT-11017/13/2005-MVL DATED 16.0.2016 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA**
Exhibit P22	**TRUE COPY OF THE COMMINICATION NO.RT-11017/13/2005-MVLDATED 02/08/2016 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA**
Exhibit P23	**TRUE COPY OF COMMUNICATION D.O.RT-11028/3/2000-MVL(PT) DATED 14.12.2001 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA**
EXHIBIT P24	**TRUE COPY OF CIRCULAR NO. C2/9549/TC/2010 DATED 17..12..2010 ISSUED BY THE THIRD RESPONDENT**
EXHIBIT P25	**COMMUNICATION NO. RT-11036/19/2021-MVL DATED 06..09..2021 OF THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI**
EXHIBIT P26	**TRUE COPY OF ORDER R.NO. 14731/HB2/2020 DATED 11..08..2022**
EXHIBIT P27	**TRUE EXTRACT OF RELEVANT PORTION OF INFORMATION BULLETING PUBLISHED BY THE MOTOR VEHICLES DEPARTMENT IN THEIR WEBSITE**
EXHIBIT P28	**TRUE COPY OF RELEVANT PAGE OF POST BY THE HONOURABLE MINISTER FOR DEPARTMENT OF MOTOR VEHICLES IN HIS SOCIAL MEDIA PAGE**
EXHIBIT P29	**TRUE COPY OF RELEVANT PAGES FROM THE WEBSITE AS RTO SERVICE SOLICITING SERVICES RELATING MOTOR VEHICLES DEPARTMENT**
Exhibit R5 (a)	**TRUE COPY OF REGISTRATION CERTIFICATE**

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Exhibit P30	**TRUE COPY OF RELEVANT PAGES OF MINUTES WITH ANNEXURES OF THE 60TH MEETING OF CMVR-TSC**
Exhibit P31	**TRUE COPY OF REPRESENTATION DATED 16..04..2023 SUBMITTED BEFORE THE CHAIRMAN OF CMVR-TSC BY THE PETITIONER**
Exhibit P32	**TRUE COPY OF REPRESENTATION DATED 27..04..2023 SUBMITTED BY THE PETITIONER BEFORE THE DIRECTOR OF AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA (ARAI) ALONG WITH SUPPORTING DOCUMENTS**
Exhibit P33	**TRUE COPY OF COMMUNICATION NO.SHL/LETTER/2023-24 DATED 12..06..2023 SENT BY THE DEPUTY DIRECTOR OF AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA, TO THE PETITIONER**
EXHIBIT P34	**TRUE COPY OF ADVISORY NO. RT-11036/99/2020-MVL DATED 09..06..2023 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI**
Exhibit R2(a)	**True copy of G.S.R 640(E) dated 18.08.2022**
Exhibit R2(c)	**A true copy of the guidelines of the Ministry of Road Transport and Highways regarding the High Security Registration plate**
Exhibit R2(b)	**True copy of the Advisory letter of Ministry of Road Transport and Highways(MoRTH) to all States dated 01.09.2021**
Exhibit R5 A	**TRUE COPY OF REGISTRATION CERTICATE**
Exhibit R6 A	**A TRUE COPY OF BOARD RESOLUTION SHOWING AND EMPOWERING DEPONENT DATED 12/4/2023**
Exhibit R6 B	**TRUE COPY OF CERTIFICATE OF REGISTRATION OF THE APPLICANT UNDER SOCIETIES REGISTRATION ACT XXI OF 1860**
Exhibit R2(d)	**True copy of Government Order G.O(Rt) No. 39/2024/Trans Dated 24.01.2024.**

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GOVERNMENT OF KERALA

Transport (B) Department

No: B2/349/2022/Trans 08-04-2024,Thiruvananthapuram

From

Secretary to Government

To

Transport Commissioner, Thiruvananthapuram

Sir,

Sub: Transport Department - Fitment of High Security Registration Plates (HSRP) on old Vehicles - Implementation Status Sought - Reg

Ref: (1) Order dated 27/11/2023 in WP (C) Nos 10761/2022, 7089,18049, 22207 & 29866 of 2023

(2) G.O.(Rt) No 39/2024/Trans dated 24/01/2024

(3) Affidavit dated 29/01/2024 filed before Honourable High Court

As per Government Order read (1), Government have authorised the Registering Authority (Motor Vehicles Department) to issue High Security Registration Plates (HSRP) for vehicles registered before April 1, 2019, with technical and infrastructural support from the Institute of Driver Training and Research (IDTR) to ensure compliance with Rule 50 of the Central Motor Vehicle Rules (CMVR) and the Motor Vehicle (HSRP) Rules 2018. In obedience to Order read (2) which requiring details on the selection process for vendors of High Security Registration Plates (HSRP) for vehicles registered before April 1, 2019, the state government has filed an affidavit with the court.

In the circumstances, You are requested to furnish a status update on the implementation of HSRP on vehicles registered before April 1, 2019, on the basis of the referred documents, to Government by return.

Yours Faithfully,
SHEELA M
JOINT SECRETARY
For Secretary to Government.

Approved for Issue,

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Section Officer.

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Office of the Advocate General, Kerala, Ernakulam

Phone (PABX): 0484-2393844,0484-2395050,0484-2395052
FAX: 0484-2394674 e-mail: advocategeneralkerala@gmail.com

Q3 - WP(C) 14467/2024/2024044997

2024044997

Dated : 16-04-2024

From

The Advocate General,
Kerala

To

1. THE SECRETARY
   TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001 EMAIL SECY.TSPT@KERALA.GOV.IN
2. THE TRANSPORT COMMISSIONER
   TRANSPORT COMMISSIONERATE, TRANS TOWERS, VAZHUTHACAUD, TYCAUD P.O., THIRUVANANTHAPURAM, PIN 695 014.. (EMAIL TCOFFICE.MVD@KERALA.GOV.IN)

Sir,

Sub:- WP(C) 14467/2024 filed by M/s ORBIZ AUTOMOTIVEZ before the Honourable HIGH COURT OF KERALA- Interim Order and WP(C) – Forwarding of – Reg.

The Honourable HIGH COURT OF KERALA passed an interim order on 09-04-2024 in WP(C) 14467/2024 filed by M/s ORBIZ AUTOMOTIVEZ . A copy of the same along with WP(C) is enclosed for information and necessary action. I am to request the Government/you to forward an action taken report in this regard. Further action if any through Court is found necessary, may be intimated to this office with relevant documents. Please forward detailed instructions/Statement of Facts in the matter to this Office urgently for defending the matter.

Please send reply email, if any, in this regard to **agokerala.qsection@gmail.com**. For further clarification, please contact the Section concerned over phone **(04842564702).**

Yours faithfully,
Sd/-
SAHIDA A (353612)
Under Secretary - XI
Phone : 04842564450
For ADVOCATE GENERAL

Enclosure :-

Memorandum dated 05-04-2024
Interim Order dated 09-04-2024

Approved for issue

Section Officer

Presented on :05-04-2024 12:23:30 WP(C) 14467/2024-Docket

MV Dept

5/4/24

E-FILING NO - EF-HCK-2024-033809

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No .....14467..... Of Year 2024

102.00 MOTOR VEHICLES ACT

PETITIONER(S)

1. ORBIZ AUTOMOTIVEZ

14467

VS

RESPONDENT(S)

1. UNION OF INDIA
   AND OTHERS

MEMORANDUM OF WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

FILING NATURE : URGENT
FEES PAID & STATUS - 272 (SUCCESS)
C.F : 100 Under Schedule II Article 11 (l) (iii) of the Kerala Court Fees and Suit valuation Act

SERVED ON
DSG OF INDIA
GOVERNMENT PLEADER
FILED BY

1. P.A.MOHAMMED SHAH
2. RENOY VINCENT
3. SHAHIR SHOWKATH ALI
4. CHELSON CHEMBARATHY
5. ABEE SHEJIRIK FASLA N.K
6. MUHAMED JUNAID V.
7. FATHIMA AFEEDA P.
8. ADITH KRISHNAN.U.
9. SHERIN SHERIYAR

Sd/-
E-VERIFIED
P.A.MOHAMMED SHAH(K/150/2000)

FSO VERIFIED -25

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No ..... Of Year 2024

PETITIONER : ORBIZ AUTOMOTIVEZ

V/S

RESPONDENTS : UNION OF INDIA & OTHERS

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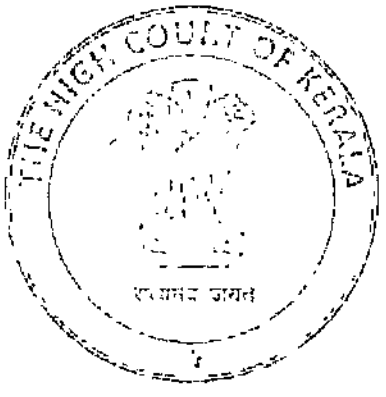
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Sd/-

E-VERIFIED

P.A.MOHAMMED SHAH

K/150/2000



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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P (C) No. Of 2024

Orbiz Automotivez	:	Petitioner
	Vs	
State of Kerala and Ors.	:	Respondents

SYNOPSIS

The Petitioner is a partnership firm registered under the provisions of the Indian Partnership Act, 1932, *inter alia,* engaged in the business of manufacture, sale and supply of High Security Registration Plate ('HSRP') displayed on motor vehicles approved by the Central Government.

Exhibit P11 and P20 advisories issued by the Respondent No.1 is *ultra vires,* arbitrary, illegal and violative of the fundamental rights guaranteed to the Petitioner for the basic reason that neither the Motor Vehicles Act, 1988 nor the Central Motor Vehicle Rules, 1989, mandate a license plate manufacturer to obtain the approval of a vehicle manufacturer / OEM for issuing HSRP on vehicles or it envisages a vendor selection process by vehicle manufacturers by excluding license plate manufactures having Type Approval Certificate. Exhibit P23 is violative and conflicting to the Central Motor Vehicle Rules, 1989 and is grossly tainted with *malafides,* without *intelligible differentia,* ex-facie discriminatory.

It is submitted that Rule 50 of Central Motor Vehicle Rules, 1989 ('CMV Rules'), even after successive amendments and as it stands now, permits Registering Authority or Vehicle Manufacturers (OEM) and their

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dealers or the license plate manufacturers to fix HSRP on old vehicles (vehicles registered prior to 01.04.2019) without further approval from State Government – Respondent No.2, while the said right is given to the dealers of the license plate manufacturers with approval from the State Governments. Therefore, in terms of Rule 50 of CMV Rules, the Type Approval Certificate ('TAC') of the Petitioner issued by an agency approved by the Respondent No.1 (produced as Exhibit P7 in the Writ Petition), does not require the prior approval of the Respondent No.2 to affix HSRP on old registered vehicles in the State of Kerala.

As a matter of fact, the issue as to whether a license plate manufacturer holding a Type Approval Certificate issued by an agency approved by the 1st Respondent requires the prior approval of the Respondent No.2 to affix HSRP on old registered vehicles in the State of Kerala is currently *sub-judice* before this Hon'ble Court in Writ Petition No. 10761/2022 (*Motorsigns India vs. State of Kerala & Ors*), Writ Petition No. 7089/2023 (*Orbiz Automotivez vs. State of Kerala & Ors*) and Writ Petition No.18049/2023 (*BND Energy Pvt. Ltd. vs. Union of India & Ors*). By virtue of Exhibit P9 interim order dated 13.04.2023, a learned single judge of this Hon'ble Court has interpreted the statutory provisions and held that State Governments approval is not required for a license plate manufacture holding TAC. However, in WA No.999/2023 filed by the State Government, the learned Division Bench, without going into the merits and after noticing that Exhibit P9 interim order is in the nature of a final order, stayed the operation of the impugned order along with a consequential direction to the learned single judge to give an out of order hearing to the Writ Petitions and comprehensively consider and adjudicate the issues

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projected therein vide Exhibit P10 order. The said Writ Petitions have been listed for final hearing and pending consideration before this Hon'ble Court.

While things stood thus, Respondent No.1, has issued Exhibit P11 stating that merely having a TAC from any of the agencies authorized under Rule 126 does not authorize any manufacturer to supply HSRP in the open market and that the license plate manufactures have to, *inter alia*, obtain approval from the OEMs to affix HSRPs to the OEM's brand of vehicle along with a consequential direction / request to the vehicle manufactures to carry out a vendor selection process. It is a well settled proposition of law that any notice, circular, guidelines, etc. which run contrary to statutory laws cannot be enforced. Exhibit P11 runs counter to statutory provisions and in particular, Rule 50 of CMV Rules, and therefore, is liable to be quashed by this Hon'ble Court. Exhibit P11 advisory issued by the 1st Respondent is only with the ulterior motive of helping a few influential HSRP manufacturers and excluding all other HSRP manufacturers who are not vendors of OEMs.

On 08.01.2024 the 1st Respondent issued Exhibit P20 directing the Principal Secretaries of the Transport Departments and Transport Commissioners of all the States to initiate appropriate steps for affixing HSRPs through vehicle manufacturers and their dealers in an expeditious manner. This is a step initiated to exclude a category namely 'license plate manufacturers' from the field of supplying license plates to the customers directly and to make sure that the supply can be made through the license plate manufacturers who created cartel with vehicle manufacturers and their dealers. The 2nd Respondent further issued Exhibit P23 stating that

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the State Government decided to authorize the registering authority to fix High Security Registration Plates in vehicles registered prior to 01.04.2019 and thereby excluded all other categories permitted under Rule 50 of the Central Motor Vehicle Rules, 1989. Hence, this Writ Petition is filed challenging Exhibit P11, P12, P20 and Exhibit P23.

Dates & Events

Sl. No.	Event	Date
1	Exhibit P11 issued by Respondent No.1	09.06.2023
2	Exhibit P12 communication issued by the 3rd Respondent	16.08.2023
3	Exhibit P20 advisory issued by Respondent No. 1	08.01.2024
4	Exhibit P23 order issued by Respondent No. 2	24.01.2024

Points to be urged

1. The Motor Vehicles Act, 1988 and the Central Motor Vehicle Rules, 1989, neither mandate a license plate manufacturer to obtain the approval of a vehicle manufacturer for issuing HSRP on vehicles nor does it envisage a vendor selection process by vehicle manufacturers by excluding license plate manufactures having Type Approval Certificate. Exhibit P11 and P20 advisories issued by the Respondent No.1, being contrary to the statutory provisions, is liable to be quashed by this Hon'ble Court.

2. Exhibit P12 circular is also liable to be set aside by this Hon'ble Court as it has stated therein that a license plate manufacture merely having a Type Approval Certificate from any of the agencies authorized under Rule

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126 does not authorize any manufacturer to supply the HSRP in the open market since it runs contrary to the statutory interpretation given by the learned single judge of this Hon'ble Court vide Exhibit P9 interim order.

3. This Hon'ble High Court in the case of *Kuthannur Service Co-operative Bank Limited and Ors. v. The Income Tax Officer, Ward 5 and Ors.* reported in **MANU/KE/0034/2020** has held that if a circular provides an interpretation of law that runs contrary to the interpretation given by the jurisdictional High Court, it no longer survives. Therefore, in the light of the dictum laid down by this Hon'ble Court in *Kuthannur Service Co-operative Bank Limited and Ors.* (supra) and also in the egregiously improper manner in which Exhibit P12 has been issued by the 1st Respondent without preferring an appeal or filing a counter in the subject matter writ petitions, it is submitted that Exhibit P12 cannot pass the muster of law.

4. Exhibit P11 and P20 advisories issued by the 1st Respondent is only with the ulterior motive of helping a few influential HSRP manufacturers and excluding all other HSRP manufacturers who are not vendors of OEMs.

5. By Exhibit P23 order the 2nd Respondent excludes the license plate manufacturers from supplying the license plates in total disregard to the provisions of Central Motor Vehicle Rules, 1989.

Dated this the 04th day of April, 2024.

Counsel for the Petitioner

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No ..... Of Year 2024

PETITIONER(S)

1. GRBIZ AUTOMOTIVEZ

   AGED 32 YEARS

   PLOT NO. 23/A AND 23/C, INKEL CITY, PANAKKAD VILLAGE, MALAPPURAM, REPRESENTED BY ITS MANAGING PARTNER, SHRI. JABIR M.

   , PIN-676519

VS

RESPONDENT(S)

1. UNION OF INDIA

   REPRESENTED BY SECRETARY MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI

   , PIN-110001

2. STATE OF KERALA

   REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM

   , PIN -695001

3. TRANSPORT COMMISSIONER

   2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM

   , PIN -695014

MEMORANDUM OF WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA BY

P.A.MOHAMMED SHAH,RENOY VINCENT,SHAHIR SHOWKATH ALI,CHELSON CHEMBARATHY,ABEE SHEJIRIK FASLA N.K,MUHAMED JUNAID V.,FATHIMA AFEEDA P.,ADITH KRISHNAN.U.,SHERIN SHERIYAR

M/S SHAH ASSOCIATES, ADVOCATES, 1ST FLOOR, ABIDAS ARCADE, PIYYOLI ROAD, ERNAKULAM, PIN-682018

PIN - 682018

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STATEMENT OF FACTS

1. The Petitioner is a partnership firm registered under the provisions of the Indian Partnership Act, 1932 bearing Registration No.4720/2018, *inter alia,* engaged in the business of manufacture, sale and supply of High Security Registration Plates displayed on motor vehicles. The true copy of the registration certificate issued to the Petitioner is produced herewith and marked as **Exhibit P1.** The Petitioner is represented in these proceedings by its Managing Partner. It is most respectfully submitted that the Petitioner, a firm with good reputation and an unblemished track record, carries on its business diligently and in full compliance of all applicable law, without giving room for complaint from any quarters.

2. The Respondent No.1 is the Union of India represented by its Secretary, Ministry of Road Transport and Highways ('MoRTH') and Respondent No.2 is the State of Kerala represented by its Secretary, Transport Department. Respondent No.3, who is the Transport Commissioner, is an officer of Respondent No.2 who *inter alia* exercises powers, performs functions and discharges duties and obligations under the Motor Vehicles Act, 1988 and allied legislation. Respondents fit the description of "State" as envisaged in Article 12 of the Constitution of India and are thus amenable to the Extraordinary Original Jurisdiction of this Hon'ble Court.

3. A brief factual backdrop necessary to be stated for the purpose of the disposal of the present Writ Petition is that the Respondent No.1, realizing the need to have stricter norms to ensure greater security against car thefts and the consequential crimes committed using stolen

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cars, had devised the new scheme of High Security Registration Plates ('HSRP') in the year 2001, on the recommendation of its Technical Committee. The object of the scheme was to curb the increasing menace of vehicle thefts and their usage in commission of crimes like murder, dacoity, kidnapping etc. It was with this avowed object, the Government of India issued the Motor Vehicle (New High Security Registration Plates), Order 2001 in exercise of its powers vested under Section 109(3) of the Motor Vehicles Act, 1989 ('MV Act'). The true copy of the Motor Vehicle (New High Security Registration Plates), Order 2001 is produced herewith and marked as **Exhibit P2.**

4. The Petitioner craves leave to most respectfully submit that by virtue of Exhibit P2 order, certain guidelines were issued by the Respondent No.1 regarding the standards in which the number plates should be manufactured and the manner in which the same should be displayed on each vehicle within the country. As per Exhibit P2 order, only the Registering Authority was given the authority to fix HSRP on vehicles and also it was mandated that such affixation has to be carried out within the premises of the Registering Authority. Since various HSRP manufacturers were unable to be accommodated in the premises of the Registering Authority, the State was permitted to choose a single vendor selected through tender process.

5. To break down the seminal events that transpired thereafter vis-à-vis implementation of HSRP regime in India, the Respondent No.1, amended Rules 50 and 51 of Central Motor Vehicle Rules ('CoMV Rules') to improve the coverage of HSRP and ensure availability for fitment on all Types and Classes of Motor vehicles across the country.

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The Respondent No.1 issued G.S.R. 1162(E) dated 04.12.2018 amending Rule 50 of CMVR, 1989 and further, categorizing HSRP as a Safety component of a Motor Vehicle by adding serial No. 22 in the Table in Rule 124 of CMVR, 1989. The true copy of G.S.R. 1162(E) issued by Respondent No.1 dated 04.12.2018 is produced herewith and marked as **Exhibit P3.** Presently, in terms of Exhibit P3 which came into effect from 01.04.2019, HSRP is one of the 22 safety devices to be fitted in motor vehicles like a safety glass, tyre, rear view mirror, fuel tanks, safety belt etc. Exhibit P3 also mandated the supply and affixation of HSRP on new vehicles to be registered on or after 01.04.2019 by the vehicle manufacturers and their dealers as per the first proviso of Rule 50 of CMV Rules.

6. Concomitantly, the 1st Respondent, in supersession of Exhibit P2 Order, issued another Order dated 06.12.2018 stating that apart from the Registering Authority, Vehicle Manufacturers ('OEM') and their dealers and HSRP manufacturers or their dealers were also given the power to fix High Security Registration Plates on vehicle registered prior to 01.04.2019 or old existing vehicles. The true copy of the Motor Vehicles (High Security Registration Plates) Order, 2018 is produced herewith and marked as **Exhibit P4.** The Respondent No.1, by virtue of Exhibits P3 and P4, brought out a paradigm shift in the implementation of HSRP regime in India by bringing in more players for its proper implementation.

7. It is submitted that on 11.02.2020, in tune with Exhibits P3 and P4, the Respondent No.1 amended CMV Rules by issuing another notification bearing No. G.S.R. 104(E) known as 'Central Motor

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Vehicles (Second Amendment) Rules 2019'. The true copy of the notification G.S.R. 104(E) dated 11.02.2020 issued by Respondent No.1 is produced herewith and marked as **Exhibit P5**. As a result of the above amendment, clause 5 (ii) of Exhibit P5 Order was replaced and the following was substituted: -

> *"(v) the plate shall be fastened with non-removable/ non-reusable snap lock fitting system on the rear of the vehicle;*
>
> *The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved license plate manufacturers or their dealers. The central Road Research Institute, New Delhi or any agency authorized under 126 shall approve the security registration as per the provisions of this rule."*

8. Subsequently, on 18.08.2022, the Respondent No.1 further amended the CMV Rules by issuing another notification, G.S.R. 640(E) known as 'Central Motor Vehicles (Thirteenth Amendment) Rules 2022'. The true copy of the notification G.S.R. 640(E) dated 18.08.2022 issued by the Respondent No.1 is produced herewith and marked as **Exhibit P6**. Clause (v) of Rule 50 of the CMV Rules after the amendment by GSR 640 (E) dated 18.08.2022 reads as follows:

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"(v) the plate shall be fastened with non-removable/ non-reusable snap lock fitting system on the rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing vehicle shall be issued by registering authority or vehicle manufacturers ***and*** *their dealers or by the license plate manufacturers* ***or*** *their dealers approved by the state government. The Central Road Research Institute, New Delhi or any agency authorized under 126 shall approve the security registration as per the provisions of this rule."*

Therefore, the extant statutory provisions, even after successive amendments to CMV Rules, permits Registering Authority or Vehicle Manufacturers and their dealers or the license plate manufacturers to fix High Security Registration Plates on old vehicles without further approval from State Governments, while the said right is given to the dealers of the license plate manufacturers with approval from the State Governments to safeguard the quality of HSRP [emphasis supplied].

9. The Petitioner craves leave to most respectfully submit that as per the extant statutory provisions and regulations, as delineated above, a manufacturer or supplier of license plates, in order to be a High Security Registration Plate manufacturer or supplier has to obtain a Type Approval Certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorized by

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the Central Government under Rule 126 of the CMV Rules. It is relevant to point out that Automotive Industry Standard (AIS 037) prescribes the procedure to be adopted for granting Type Approval Certificate and establishing Conformity of Production. AIS 159 prescribe the tests a High Security Registration Plate manufacturer has to undergo before it is granted a Type Approval Certificate. The High Security Registration Plates manufacturers had undergone such vigorous tests contemplated under AIS 159 and pertinently, after meeting the required standards, Type Approval Certificates have been issued to them by testing agencies approved under Rule 126 of the CMV Rules. Pertinently, Petitioner is the holder of a 'Type Approval Certificate' issued by the International Centre for Automotive Technology, Manesar, which is an authorized testing agency as stipulated under Rule 126 of the CMV Rules since 04.03.2021 and therefore, it is an approved license plate manufacturer. True copy of the type approval certificate issued to the Petitioner by International Centre for Automotive Technology, Manesar is produced herewith and marked as **Exhibit P7.** It is essential to emphasize that the Petitioner expended considerable finances, energy and resources to set up manufacturing unit having state-of-the-art machinery which can produce High Security Registration Plates, testing fee to the tune of more than Rs.25,00,000/- (Rupees Fifteen Lakhs only) for obtaining the Type Approval Certificate and Conformity of Production Certificate (COP) every year or for every 30 lakhs plates manufactured by it etc.

10. It merits mention that presently there are a total of 23 approved licensed plate manufactures that have been issued with a certificate by the Central Road Research Institute, New Delhi or an authorized

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testing agency in terms of Rule 126 of the CMV Rules. True copy of the screenshot taken from the website: www.parivahan.gov.in is produced herewith and marked as **Exhibit P8.** In view of the stringent statutory provisions that are in place for persons whose registration plates in their motor vehicles are not conforming to the provisions under the MV Act, CMV Rules etc. including Rule 50 thereof, there is a huge demand for affixation of HSRP on existing old registered motor vehicles by its owners. However, to the consternation of the Petitioner, despite having Type Approval Certificate issued by the 1st Respondent approved agency, various Regional Transport Officers in Kerala, purportedly acting on the instructions issued by the Respondent No.3, are not permitting licensed plate manufactures the Petitioner herein to supply and affix HSRP on old registered vehicles in the State on the erroneous premise that they are bound to get approval from the 2nd Respondent – State Government.

11. The Petitioner approached this Honorable Court challenging the actions initiated by the 2nd and 3rd Respondents against the Petitioner insisting for approval from the State Government filing WP(C) No. 7089 of 2023 which is now pending before this Honorable Court in which there are several interim orders. As a matter of fact, the issue as to whether a license plate manufacturer holding a Type Approval Certificate issued by an agency approved by the 1st Respondent requires the prior approval of the Respondent No.2 to affix HSRP on old registered vehicles in the State of Kerala is currently *sub-judice* before this Hon'ble Court in Writ Petition No. 10761/2022 (*Motorsigns India vs. State of Kerala & Ors*), Writ Petition No. 7089/2023 (*Orbiz Automotivez vs. State of Kerala & Ors*) and Writ

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Petition No.18049/2023 (*BND Energy Pvt. Ltd. vs. Union of India & Ors*). It is the specific consistent case of the Petitioner that a license plate manufacturer issued with a Type Approval Certificate by an agency approved by the 1st Respondent is not bound to get a prior approval of the Respondent No.2 to affix HSRP on old registered vehicles in the State of Kerala whereas the stance adopted by the 2nd Respondent is that its authorization is required for license plate manufactures to supply HSRP notwithstanding the Type Approval Certificates issued by the agencies approved by the 1st Respondent. Pertinently, the learned single judge of this Hon'ble Court in Writ Petition No.10761/2022 (*Motorsigns vs. Union of India & Ors*) and connected Writ Petitions bearing Nos. WPC No.7089/2023 and 35549/2023, had repelled the contentions of the Respondent No.2 herein pertaining to the fact whether a Type Approval Certificate holder requires the approval of the State Government or not to affix HSRPs on old registered vehicles in the State. The learned single judge, in no uncertain terms, held that *manufacturers of HSRPs who have obtained Type Approval Certificate issued by the Government of India or other Testing Agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government. Only dealers of the approved licensed manufacturers are required to obtain approval from the State Government* [emphasis supplied]. The true copy of the interim order passed in Writ Petition (Civil) No.10761/2022 dated 13.04.2023 is produced herewith and marked as **Exhibit P9.**

12. In the proceedings that ensued thereafter, in Writ Appeal bearing W.A. No.999/2023 filed by the Respondent No.2 herein

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challenging Exhibit P9 order, the learned Division Bench of this Hon'ble Court, without expressing any opinion on the merit of the case and after noticing that Exhibit P9 interim order is in the nature of a final order, stayed the operation of the impugned order along with a consequential direction to the learned single judge to give an out of order hearing to Writ Petition Nos. 10761/2022, 7089/2023 and 35549/2022 and comprehensively consider and adjudicate the issues projected therein. The true copy of the order passed in Writ Appeal No.999/2023 dated 29.05.2023 is produced herewith and marked as **Exhibit P10.** The above Writ Petitions dealing with the issue as to whether a Type Approval Certificate Holder has to obtain the approval from the State Government for affixing HSRP on old registered vehicles are pending consideration before this Hon'ble Court and has been listed for final hearing.

13. Matters remaining so, to the utter shock and dismay of the Petitioner, the Respondent No.1 has issued an advisory/letter dated 09.06.2023 whereby the 1st Respondent has directed Department of Transport of all States and Union Territories to take action against HSRP manufacturers who are fixing High Security Registration Plates *without authorization from the State Governments or approval from the OEM's* [emphasis supplied]. It is also further stated that merely having a Type Approval Certificate from any of the agencies authorized under Rule 126 does not authorize any manufacturer to supply HSRP in the open market and moreover, the vehicle manufactures were requested to carry out a vendor selection process and to disassociate with any erring HSRP vendors. The true copy of the advisory / letter issued by the Respondent No.1 dated 09.06.2023 is produced herewith

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and marked as **Exhibit P11.** Pursuant to Exhibit P11 advisory issued by the 1st Respondent, the Respondent No.3 has issued a communication to all Deputy Transport Commissioners, Regional Transport Officers etc. to take strong punitive action against the HSRP manufactures who do not comply with the directions contained in Exhibit P11. The true copy of the letter issued by the Respondent No.3 dated 16.08.2023 is produced herewith and marked as **Exhibit P12.**

14. At the very outset, it is most respectfully submitted that Exhibit P11 advisory / letter issued by the Respondent No.1 is *ultra vires*, arbitrary, untenable and violative of the fundamental rights guaranteed to the Petitioner for the basic reason that neither the Motor Vehicles Act, 1988 nor the Central Motor Vehicle Rules, 1989, mandate a license plate manufacturer to obtain the approval of a vehicle manufacturer / OEM for issuing HSRP on vehicles or it envisages a vendor selection process by vehicle manufacturers by excluding license plate manufactures having Type Approval Certificate. It is a well settled proposition of law that any notice, circular, guidelines, etc. which run contrary to statutory laws cannot be enforced. [Vide *B.N. Nagarajan v. State of Mysore* **AIR 1966 SC 1942**, *Sant Ram Sharma v. State of Rajasthan* **MR 1967 SC 1910**, *State of Karnataka v. Umadevi* **(2006) 4 SCC 1)**, *Mahadeo Bhau Khilare (Mane) v. State of Maharashtra* **(2007) 5 SCC 524** etc] Therefore, since Exhibit P11 issued by the Respondent No.1 runs counter to the provisions of the MV Act as well as the CMV Rules, in particular Rule 50 thereof, the High Security Registration Plate Manufacturers Association filed WP(C) 29886 of 2023 before this Honorable court which is also pending consideration.

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15. It is also pertinent to submit that Exhibit P11 issued by the Respondent No.1 has the trappings of a circular / advisory / communication and it is trite law that the same has no statutory force. The Hon'ble Apex Court in the case of *Food Corporation of India* v. *Jagdish Balaram Bahira* **(2017) 8 SCC 670** has categorically held that administrative circulars and government resolutions are subservient to legislative mandate and cannot be contrary either to constitutional norms or statutory principles. Viewed against the backdrop as to how the statutory provisions pertaining to the supply of High Security Registration Plates in our country has evolved, it is most respectfully submitted that Exhibit P11 communication issued by the Respondent No.1 in so far as it mandates a license plate manufacturer to obtain the approval of a vehicle manufacturer for issuing HSRP on vehicles registered prior to 01.04.2019 as well as it envisages a vendor selection process by vehicle manufacturers by excluding license plate manufactures having Type Approval Certificate contravenes the extant statutory provisions and therefore, cannot withstand judicial scrutiny.

16. *A fortiori,* it is most respectfully submitted that direction contained in Exhibit P11 communication to the effect it has stated that merely having a Type Approval Certificate from any of the agencies authorized under Rule 126 does not authorize any manufacturer to supply the HSRP in the open market runs contrary to the statutory interpretation given by the learned single judge of this Hon'ble Court vide Exhibit P9 interim order. Even though, Exhibit P9 interim order has been stayed by the learned Division Bench, the same has been done without expressing any view on the statutory interpretation of the rules for the issues presented in the Writ Petitions and also, solely

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for the purpose of the issues projected therein to be comprehensively and adjudicated by the learned single judge. Therefore, the 'interpretation' given by the 1st Respondent in the form of Exhibit P11 communication, without preferring an appeal or filing a counter affidavit in the subject matter writ petitions, has turned the statutory interpretation given by the learned single judge of this Hon'ble Court in Exhibit P9 interim order on its head and therefore, is liable to be quashed by this Hon'ble Court. This Hon'ble High Court in the case of *Kuthannur Service Co-operative Bank Limited and Ors.* v. *The Income Tax Officer, Ward - 5 and Ors.* reported in **MANU/KE/0034/2020** has held that circulars are issued by Government departments for the guidance of the officers. Such circulars or instructions do bind the department and its officers. But they do not bind the Court in interpretation of statutory provisions. Circulars issued by a Government department cannot have any primacy over the decision of the jurisdictional High Court. Circulars and instructions thus issued will not survive, if they are contrary to the decision of a Constitutional Court. *If a circular provides an interpretation of law that runs contrary to the interpretation given by the jurisdictional High Court, it no longer survives* [emphasis supplied]. Therefore, in the light of the dictum laid down by this Hon'ble Court in *Kuthannur Service Co-operative Bank Limited and Ors.* (supra), it is submitted that Exhibit P11 cannot pass the muster of law.

17. It is submitted that entrusting the OEM with the authority to fix HSR Plates on old vehicles registered before 01.04.2019 manufactured and sold by them may look transparent from outside but in reality it is

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different. However, none of the OEM manufacture HSR Plates, they appoint a single vendor for the supply and fixation of the plates on old vehicles sold by them. Thus, a single manufacturer who is similarly placed as the remaining approved manufacturer gets back door entry through this process. It is for giving such back door entry to influential manufacturers, the authorities are opting for this method. This model would result in creating a monopoly and cartelization. The true copy of the table showing the High Security Registration Plates supplied by HSRP vendors as obtained from the vahaan portal is produced herewith and marked as **Exhibit P13.** A bare perusal of Exhibit P13 table would denote that a lions' share of High Security Registration Plates fastened on vehicles manufactured by OEMs are supplied by a select few HSRP vendors. It goes without saying that nowhere in the CMV Rules or the Act, such power is given to OEMs to allow back door entry to a few HSRP manufacturers who are their vendors. Exhibit P11 communication issued by the 1st Respondent so far it allows back door entry to HSRP manufacturers, who are vendors of OEMs, to fix HSRP on old vehicles by totally excluding HSRP manufacturers including the Petitioner is illegal. Exhibit P11 clearly allows HSRP manufacturers who are supplying Blank Registration Plates HSRP to vehicle manufacturers for their new vehicles to fix HSR Plates on old vehicles registered before 01.04.2019 without any further authorization from the concerned State Government. Exhibit P11 advisory prescribes punitive action against HSRP manufacturers who are having the same Type Approval Certificate as that of those who supply Vehicle manufacturers for their new vehicles and this unreasonable

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classification is unlawful and violates Article 14 of the Constitution of India.

18. At this juncture, it is relevant to point out that the Respondent No.1 issued Exhibit P3 notification amending Rule 50 of CMVR, 1989 and has added HSRP as a Safety component of a Motor Vehicle by adding serial No. 22 in Table in Rule 124 of CMVR, 1989. All other safety components other than the HSR Plates can be purchased by any vehicle owner subject to the condition that the device must have a Type Approval Certificate issued by a competent certification agency. In fact, in the case of speed governor and retro-reflective tapes which are also safety components under the same list the 1st Respondent has issued a letter to the effect that the vehicle owners shall be free to procure the device having TAC to avoid monopoly. Pertinently, in the communication issued it was further clarified that the State Governments do not restrict the freedom of the vehicles owners to choose the type approved speed limiting device of any manufacturer. The true copy of the letter issued by the Respondent No.1 dated 16.06.2016 is produced herewith and marked as **Exhibit P14.** The true copy of the letter issued by the Respondent No.1 dated 02.08.2016 is produced herewith and marked as **Exhibit P15.** The true copy of the letter issued by the Respondent No.1 dated 10.02.2017 is produced herewith and marked as **Exhibit P16.** In Exhibit P16, it has been, *inter alia,* clearly stated that any empanelment / restrictive practice including the imposition of any additional criteria for SLD manufacturers would restrict competition, may lead to higher prices, hurt the interest of the consumers and raise legitimate concerns regarding unfair practices. Likewise, in the case of retro-reflective tape

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also, which is also another safety device, Respondent No.1 has issued a communication stating that a vehicle owner may get affixed the retro-reflective tapes from any vendor if the same has been type-approved by any of the agencies specified under Rule 126 of CMV Rules. The true copy of the letter issued by the Respondent No.1 dated 06.09.2021 is produced herewith and marked as **Exhibit P17.** By drawing an analogy with the scenario relating to the fitment of HSRPs, which is also another safety component as provided under Rule 124 of the CMV Rules, read along with Exhibits P14 to P16, it is submitted that the Exhibit P11 advisory issued by the Respondent No.1 in so far it mandates and prescribes the approval of OEM and authorization of State Government is grossly tainted with *malafides*, without *intelligible differentia*, ex-facie discriminatory and is liable to be struck down by this Hon'ble Court.

19. It is reiterated and emphatically maintained that Exhibit P11 advisory issued by the 1st Respondent is only with the ulterior motive of helping a few influential HSRP manufacturers and excluding all other HSRP manufacturers who are not vendors of OEMs. As the OEMs and their dealers do not manufacture HSRP the advisory issued by the 1st Respondent will give back door entry to a few HSRP manufacturers who are vendors of OEMs, whereas other HSRP manufacturers who have invested huge amounts will have to close their business. As per Exhibit P11 advisory issued by the Respondent No.1, if the approval of a Vehicle Manufacturer is made mandatory for affixing High Security Registration Plates on vehicles sold prior to 01.04.2019, since the Vehicle Manufactures and their dealers do not manufacture HSRP, it will give back door entry to a few HSRP

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manufacturers who are vendors of OEMs and create a monopolistic situation, whereas other HSRP manufacturers who have invested huge amounts including the Petitioner herein will have to close down their business. It is reiterated that Central Motor Vehicle Act or the Central Motor Rules does not provide such a right to any vehicle manufacturers / OEMs to select and approve High Security Registration Plates for old vehicles registered prior to 01.04.2019 and therefore, Exhibit P11 advisory that holds otherwise is liable to be interdicted by this Hon'ble Court.

20. The Single Bench of this Hon'ble Court passed an interim order on 27.11.2023 in WP(C) No. 29866 of 2023 and connected cases in which this Court categorically expressed the prima facie view that the words 'approved by the State Government' would mean authorization of the selected dealers by the State Government and not the approval of the manufacturer. The true copy of order of this Hon'ble Court in WP(C) No. 29866 of 2023 dated 27.11.2023 is produced herewith and marked as **Exhibit P18**.

21. On 08.12.2023 this Hon'ble Court passed another interim order in WP(C) No. 29866 of 2023 in which it is specifically stated that no agency shall be authorized by the State Government for affixing High Security Registration Plates on vehicles manufactured prior to 01.04.2019 until further orders from this Honourable Court. The true copy of the interim order in WP(C) No. 29866 of 2023 passed by this Hon'ble Court dated 08.12.2023 is produced herewith and marked as **Exhibit P19**.

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22. On 08.01.2024 the 1st Respondent issued another advisory directing the Principal Secretaries of the Transport Departments and Transport Commissioners of all the States to initiate appropriate steps for affixing HSRPs through vehicle manufacturers and their dealers in an expeditious manner. This advisory has been issued in the form of a clarification that if the State is not able to authorize the license plate manufacturers they can implement it through the vehicle manufacturers and dealers. This is a step initiated to exclude a category namely 'license plate manufacturers' from the field of supplying license plates to the customers directly and to make sure that the supply can be made through the license plate manufacturers who created cartel with vehicle manufacturers and their dealers. The true copy of the advisory issued by the 1st Respondent dated 08.01.2024 is produced herewith and marked as **Exhibit P20**.

23. On 09.01.2024 this Hon'ble Court passed another interim order in WP(C) No. 29866 of 2023 directing the special Government Pleader to file an affidavit as directed by the Court vide order dated 27.11.2023 before 30.01.2024. The true copy of interim order in WP(C) No. 29866 of 2023 of this Hon'ble Court dated 09.01.2024 is produced herewith and marked as **Exhibit P21**.

24. On 29.01.2024 the 2nd Respondent filed an affidavit in WP(C) No. 10761 of 2022 before this Hon'ble Court stating that the State Government decided to authorize the registering authority to fix High Security Registration Plates in vehicles registered prior to 01.04.2019 and thereby excluded all other categories permitted under Rule 50 of the Central Motor Vehicle Rules, 1989. The 2nd Respondent further

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issued an order to the said effect. The true copy of the affidavit filed by the 2nd Respondent in WP(C) No. 10761 of 2022 dated 29.01.2024 is produced herewith and marked as **Exhibit P22**. The true copy of the order issued by the 2nd Respondent numbered as G.O. (Rt) No. 39/2024/Trans dated 24.01.2024 is produced herewith and marked as **Exhibit P23**.

25. On 30.01.2024 this Hon'ble Court issued another interim order in which the submission that the State Government has decided to setup a plan for manufacturing the High Security Registration Plates and taking approval, HSRP shall be supplied to the registering authority for fixing on vehicles. The above case is posted for further hearing on 09.04.2024. The true copy of the interim order passed by this Hon'ble Court dated 30.01.2024 is produced herewith and marked as **Exhibit P24**. This Hon'ble Court further granted liberty to the Petitioners to challenge Exhibit P23 order.

26. Exhibit P23 order is absolutely illegal since the State Government cannot exclude the license plate manufacturers who are having Type Approval Certificate from supplying license plates to all vehicles as permitted under Rule 50 of the Central Motor Vehicle Rules, 1989. More over the registering authority is a permitted entity which does not require any authorization from the State Government for the affixation of license plates on all vehicles. The above order is conflicting the parent statutes and further infringement of fundamental rights guaranteed under Article 19(1)(g) of the Constitution of India.

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Under these circumstances, left with no other efficacious or alternative remedy than to approach this Hon'ble court, challenging Exhibit P11 and P20 Advisories issued by the 1st Respondent as well as Exhibit P12 and P23 orders issued by the 2nd Respondents by preferring this writ petition (civil) under Article 226 of the Constitution of India with following among other:

GROUNDS

A. Exhibit P11 and Exhibit P20 advisories issued by the Respondent No.1 mandating a license plate manufacture to obtain the approval of a vehicle manufacturer for issuing HSRP on vehicles registered prior to 01.04.2019 and also to the effect that it envisages a vendor selection process by vehicle manufacturers by excluding license plate manufactures having Type Approval Certificate chosen by the vehicle manufactures is *ultra vires*, arbitrary, illegal, unjust, unsustainable and violative of the fundamental rights guaranteed to the Petitioner under Articles 14, 19 and 21 of the Constitution of India. Exhibit P11 and P20, if not quashed by this Honourable Court, would occasion a travesty of justice and cause irreparable injuries and losses to the Petitioner.

B. It is a well settled proposition of law that any notice, circular, guidelines, etc. which run contrary to statutory laws cannot be enforced. [Vide *B.N. Nagarajan v. State of Mysore* **AIR 1966 SC 1942**, *Sant Ram Sharma v. State of Rajasthan* **MR 1967 SC 1910**, *State of Karnataka v. Umadevi* **(2006) 4 SCC 1**),

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Mahadeo Bhau Khilare (Mane) v. State of Maharashtra **(2007) 5 SCC 524** etc]. It is submitted neither the Motor Vehicles Act, 1988 nor the Central Motor Vehicle Rules, 1989, mandate a license plate manufacturer to obtain the approval of a vehicle manufacturer for issuing HSRP on vehicles nor it envisages a vendor selection process by vehicle manufacturers by excluding license plate manufactures having Type Approval Certificate. Therefore, Exhibit P11 and P20 advisories issued by the Respondent No.1, being contrary to the statutory provisions, is liable to be quashed by this Hon'ble Court.

C. The Hon'ble Apex Court in the case of *Food Corporation of India v. Jagdish Balaram Bahira* **(2017) 8 SCC 670** has categorically held that administrative circulars and government resolutions are subservient to legislative mandate and cannot be contrary either to constitutional norms or statutory principles. Viewed against the backdrop as to how the statutory provisions pertaining to the supply of High Security Registration Plates in our country has evolved, it is most respectfully submitted that Exhibit P11 and P20 communications issued by the Respondent No.1 in so far as it mandates a license plate manufacturer to obtain the approval of a vehicle manufacturer for issuing HSRP on vehicles as well as it envisages a vendor selection process by vehicle manufacturers by excluding license plate manufactures having Type Approval Certificate contravenes the extant statutory provisions and therefore, cannot withstand judicial scrutiny.

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D. Exhibit P11 and P20 is liable to be set aside by this Hon'ble Court as it has stated therein that a license plate manufacture merely having a Type Approval Certificate from any of the agencies authorized under Rule 126 does not authorize any manufacturer to supply the HSRP in the open market since it runs contrary to the statutory interpretation given by the learned single judge of this Hon'ble Court vide Exhibit P9 interim order. This Hon'ble High Court in the case of *Kuthannur Service Co-operative Bank Limited and Ors. v. The Income Tax Officer, Ward 5 and Ors.* reported in **MANU/KE/0034/2020** has held that circulars are issued by Government departments for the guidance of the officers. Such circulars or instructions do bind the department and its officers. But they do not bind the Court in interpretation of statutory provisions. Circulars issued by a Government department cannot have any primacy over the decision of the jurisdictional High Court. Circulars and instructions thus issued will not survive, if they are contrary to the decision of a Constitutional Court. If a circular provides an interpretation of law that runs contrary to the interpretation given by the jurisdictional High Court, it no longer survives [emphasis supplied]. Therefore, in the light of the dictum laid down by this Hon'ble Court *in Kuthannur Service Co-operative Bank Limited and Ors.* (supra) and also in the egregiously improper manner in which Exhibit P11 and P20 has been issued by the 1st Respondent without preferring an appeal or filing a counter in the subject matter writ petitions, it is submitted that Exhibit P11 and P20 cannot pass the muster of law.

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E. Exhibit P11 and P20 advisories / communications has been issued with an ulterior motive of promoting a few HSRP manufacturers who have obtained approval from vehicle manufacturers for supplying High Security Registration Plates for vehicles manufactured and sold after 01.04.2019 and eliminate all other manufacturers from the market. A bare perusal of Exhibit P13 table would evince that a lions' share of High Security Registration Plates fastened on vehicles manufactured by OEMs are done by a select few HSRP vendors and they have already impleaded themselves in Writ Petition (Civil) No. 22207/2023 filed before this Hon'ble Court challenging Exhibit P11 advisory. As per Exhibit P11 and P20 advisory issued by the Respondent No.1, if the approval of a Vehicle Manufacturer is made mandatory for affixing High Security Registration Plates on vehicles sold prior to 01.04.2019, since the Vehicle Manufactures and their dealers do not manufacture HSRP, it will give back door entry to a few HSRP manufacturers who are vendors of OEMs, whereas other HSRP manufacturers who have invested huge amounts including the Petitioner herein will have to close their business

F. It is most respectfully submitted that in the case of fitment and installation of Speed Limiting Device ('SLD'), one of the 22 safety devices to be fitted in a motor vehicle as provided under Rule 124 of the CMV Rules, the Government of India (Ministry of Road Transport & Highways) has unequivocally clarified that a vehicle owner is at liberty to choose the SLD from any source / vendor as long as it is duly type approved by any of the test agencies under

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Rule 126 of CMV Rules and the State Government. Pertinently, on a perusal of Exhibit P14, P15 and P16 communications issued, it was further clarified that the State Governments do not restrict the freedom of the vehicles owners to choose the type approved speed limiting device of any manufacturer. In Exhibit P16, it has been, *inter alia,* clearly stated that any empanelment / restrictive practice including the imposition of any additional criteria for SLD manufacturers would restrict competition, may lead to higher prices, hurt the interest of the consumers and raise legitimate concerns regarding unfair practices.

G. Likewise, in the case of retro-reflective tape also, which is also another safety device, Respondent No.1 has issued Exhibit P17 communication stating that a vehicle owner may get affixed the retro-reflective tapes from any vendor if the same has been type-approved by any of the agencies specified under Rule 126 of CMV Rules. By drawing an analogy with the scenario relating to the fitment of HSRPs, which is also another safety component as provided under Rule 124 of the CMV Rules, read along with Exhibits P14 to P16, it is submitted that the Exhibit P11 and P20 circulars issued by the Respondent No.1 in so far it mandates and prescribes the approval of OEM and authorization of State Government is grossly tainted with *malafides*, without *intelligible differentia*, ex-facie discriminatory and is liable to be struck down by this Hon'ble Court.

H. The Petitioner has expended considerable energy, finances and efforts to maintain its operations in due compliance with the

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requisite standards as required under the law. The action on the part of Respondent Nos. 2 and 3 in not permitting the members of the Petitioner from affixing HSRPs on old registered vehicles on the premise that the latter has not obtained approval from the former, warrants interference from this Hon'ble Court by issuance of appropriate declarations and directions.

I. The Hon'ble Apex Court in the case of *Maninderjit Singh Bitta vs. Union of India (UOI) and Ors.* reported in **(2012) 4 SCC 568** installation of HSRP is a statutory command which is not only in the interest of the security of State, but also serves a much larger public interest. It is the responsibility of the citizens to abide by the laws and regulations of the State and at the same time, it is the bounden duty of the state authorities including the Respondents herein, to ensure that there is a strict compliance of the provisions under the Motor Vehicles Act and Rules. The action on the part of the Respondents defeats the whole purpose and the salutary objective sought to be achieved by the introduction of HSRP regime. Even though the concept of HSRP was introduced in the year 2001, even after 22 years the process could not be completed due to the arbitrary and discriminatory manner in which various state governments granted permission to select few HSRP manufacturers.

J. The 2nd Respondent is having no authority to approve a license plate manufacturer who are having Type Approval Certificate and cannot exclude them from supplying the license plates to all vehicles. The 2nd Respondent is duty bound to provide Vahan

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Portal authorization to all license plate manufacturers. By Exhibit P23 order the 2nd Respondent excludes the license plate manufacturers from supplying the license plates in total disregard to the provisions of Central Motor Vehicle Rules, 1989. The Exhibit P23 is void ab initio, since it is violative and conflicting to the Central Motor Vehicle Rules, 1989 and is grossly tainted with *malafides*, without *intelligible differentia*, ex-facie discriminatory and is liable to be struck down by this Hon'ble Court.

K. The registering authority is one among the four categories who can supply license plates to the old vehicles who doesn't require approval or authorization from the State Government. Therefore, an exclusive authorization given to the registering authority by Exhibit P23 order is absolutely illegal arbitrary and discriminatory.

Having regard to the above-mentioned grounds and also such other grounds that may be urged at the time of hearing, it is most humbly prayed that this Hon'ble court may be pleased to call for the records leading to P1 to P24 and:

RELIEFS

(i) To declare that the Petitioner being the holders of Type Approval Certificate issued by a testing agency that has been authorized by the Respondent No.1 is not required to obtain approval from the Respondent No.2 or Vehicle Manufactures for issuing High Security Registration Plates on existing old registered vehicles in the State of Kerala; and

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(ii) Call for the records leading to issuance of Exhibit P11 and P20 issued by the Respondent No.1 and issue a writ of certiorari or any other appropriate writ, direction or order quashing the same being *ultra vires,* arbitrary, illegal and violative of the fundamental rights guaranteed by the Petitioner; and

(iii) Call for the records leading to issuance of Exhibit P23 issued by the Respondent No.2 and issue a writ of certiorari or any other appropriate writ, direction or order quashing the same being arbitrary and illegal; and

(iv) Call for the records leading to issuance of Exhibit P12 issued by the Respondent No.3 and issue a writ of certiorari or any other appropriate writ, direction or order quashing the same being arbitrary and illegal; and

(v) Pass such any other order, direction or reliefs as this Hon'ble Court may deem fit in the interest of justice, equity and good conscience.

(vi) Dispense with filing of the translation of vernacular documents.

INTERIM RELIEF SOUGHT FOR:

For the reasons stated in the memorandum of writ petition (civil) and its accompanying affidavit it is most humbly requested and prayed that this Hon'ble court may be pleased to stay the operation and implementation of Exhibit P11 and P20 circular issued by the

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Respondent No.1, Exhibit P12 communication issued by the Respondent No.3 and Exhibit P23 order issued by Respondent No.2 pending the disposal of the Writ Petition.

Dated this the 04th day of April, 2024

Petitioner :

For ORBIZ AUTOMOTIVEZ

Managing Partner

Counsel for the Petitioner

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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P (C) No. Of 2024

Orbiz Automotivez : Petitioner

Vs

State of Kerala and Anr : Respondents

AFFIDAVIT

I, Jabir M., aged 32 years, S/o. Abdul Razak M., residing at Anshi Manzil, Pantharangadi P.O., Malappuram - 676306, do hereby solemnly affirm and state as follows:

1. I am the Managing Partner of the Petitioner in the above Writ Petition (C) and am conversant with the facts of the caseand competent to swear this affidavit on behalf of the Petitioner.

2. The above Writ Petition (C) was prepared under my instructions.

3. The statement of facts contained in the above Writ Petition (C) is true to the best of my knowledge, information and belief.

4. The averments of law are made on the advice of my counsel and I believe them to be true, sustainable and sufficient to grant the reliefs prayed for in the above Writ Petition (Civil).

5. The documents produced in the above Writ Petition (C) are the true copies of the originals they represent

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6. I have not filed earlier petitions seeking similar and identical relief in the same subject.

7. What is stated above in paragraphs 1-10 is true to our knowledge and what is stated in paragraphs 11-13 is stated on information and belief derived from records and we believe the same to be true.

Dated this the 4th day of April, 2024

DEPONENT:

For ORBIZ AUTOMOTIVEZ

Managing Partner

Solemnly affirmed and signed by the deponent before me on this the 4th day of April, 2024 in my office at Ernakulam.

Mohammed Shah, Advocate

INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY

(A Division of NATRIP Implementation Society (NATIS), Govt. of India)

TAC/Reference No. CM6232

Date : 04th MARCH 2021

Cert	Dwg	Total
1	7	8 pgs

TYPE APPROVAL CERTIFICATE

(For compliance to AIS - 087)

Non- Transferable

1	Applicant's Name	M/s. ORBIZ AUTOMOTIVEZ
2	Applicant's Address	8/44F, J Mundakkure Building Calicut Road, Kaikad, Tirurangadi, Malappuram,676 306, Kerala, India
3	Manufacturing / Assembly Plant Address	M/s. ORBIZ AUTOMOTIVEZ XX1/378-C, Pulanthara,Mampuram post, Tirurangadi, 676 306, Malappuram, Kerala, India
4	Description of the Test Component(s)	High Security Registration Plates (White, Yellow & Green), Third Registration Plate Sticker (Background Color - Orange, Blue & Grey) and Snap Lock.
4.1	Applicability to Vehicle	1. Black Colour on Yellow Background (For Transport Vehicles) 2. Black Colour on White Background (For Private Vehicles). 3. White Colour on Green Background (For BOVs, except Transport Vehicles) 4. Yellow Colour on Green Background (For BOVs, only Transport Vehicles) 5. Black Colour on Green Background (For BOVs under Rent a cab scheme 1989 or Rent a motor cycle scheme 1997)
4.2	Permanent Identification Number	TB**
4.3	High Security Registration Plate Sizes (L x B)	500 x 120 (White, Yellow & Green), 340 x 200 (White, Yellow & Green), 200 x 100 (White, Yellow & Green) and 265 x 45 (White, Yellow & Green).
4.4	Third Registration Plate Sticker Size (L x B) (in mm)	100 x 60 (With Background Color - Orange, Blue & Gray)
5	Applicable Notified Standard	AIS-159 as published on August 2019.
6	Test Report No.	CTOLQ6231 dated 04.03.2021
6.1	List of supporting documents	Drawings attached.
7	FTIV Reference	CTOLP6152
8	Details of Quality Management System (QMS)	Type of QMS: ISO 9001: 2015 / Certifying Agency: IR CLASS / Certificate No.: IRQS/190100867 / Valid Up to: 03-Dec-22
9	Approval	√ Granted/ Not-Granted/Extended
10	The CoP period for the component mentioned in Sr. No. 4 above shall begin from the date of production & 1st CoP shall be completed before 31st March-2022 or the date on which the production quantity cross 30 lacs. (whichever is earlier)	

ICAT Reference: CCTNOAUTPGPHL.100298 dated 10-June-2020

Please turn over for DISCLAIMER

AUTHORISED SIGNATORY

GIRISH SINGH DY. MANAGER	PAMEELA TIKKU SENIOR GENERAL MANAGER		DINESH TYAGI DIRECTOR	Page 1 of 1

Office Address : Centre-I : Plot No.-26, Sector-3, HSIIDC, IMT-Manesar, Gurugram-122050, Haryana (India)
Centre-II : Plot No.-01, Sector-M-11, HSIIDC, IMT-Manesar, Gurugram-122051, Haryana (India)
Phone : 0124-4586111, Fax : +91-124-2290005, E-mail: tenn@icat.in, Website : www.icat.in
(An ISO 9001, ISO 14001 and OHSAS 18001 certified, scope wise NABL accredited and BIS recognised Test House).

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THE MOTOR VEHICLES (NEW HIGH SECURITY REGISTRATION PLATES) ORDER, 2001[1]

[*22nd August, 2001*]

Whereas the Central Government is of the opinion that it is necessary and expedient in the public interest to notify certain standards in respect of the new system of high security registration plates for motor vehicles and the process used by a manufacturer or vendor for manufacturing or supplying such plates with reference to the amendments made in the Central Motor Vehicles Rules, 1989 by the Central Motor Vehicles (1st Amendment) Rules, 2001, it, therefore, in exercise of the powers conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) makes the following order to specify such standards, namely:—

ORDER

1. This Order may be called as the Motor Vehicles (New High Security Registration Plates) Order, 2001.

2. It shall come into force on the 28th day of September, 2001 in case of new registered vehicles from that date and in case of already registered vehicles, two years from the date of publication of this Order in the Official Gazette.

3. **Application.**—This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1938 (59 of 1988).

4. A manufacturer or supplier of new high security registration plates shall comply with the following specifications, namely:—

(i) The manufacturer or supplier shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

(ii) The registration plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989; and shall conform to [2][DIN 74069—1975 and ISO 7591—1982, as amended from time to time till such time as the corresponding BIS specifications are notified]. The Registration Plate has to be guaranteed for imperishable nature for a minimum of five years.

[3][(iia) The size of the registration plate for different categories of vehicles shall be in accordance with clause (vi) to sub-rule (1) of rule 50 of the Central Motor Vehicles Rules, 1989. However, in case of motorcycles, the size of the plate may be used 285 x 45 mm.]

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1. *Vide* S.O. 814(E), dated 22nd August 2001, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii) dated 22nd August, 2001.

2. Subs. by S.O. 1041(E), dated 16th October, 2001, for the letters, figures and words,"DIN 1745/ DIN 1783 or ISO 7591, as updated from time to time" (w.e.f. 16-10-2001).

3. Ins. by S.O. 1041(E), dated 16th October, 2001 (w.e.f. 16-10-2001).

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(iii) The background colour of the letters in the High Security Registration Plates shall be the same as per the colour scheme prescribed in the Notification of the Government of India in the Ministry of Road Transport and Highways No. G.S.R. 221(E) dated 28.3.2001 namely in black colour on yellow background in case of transport vehicles and in black colour on white background in other cases. The letters of registration mark shall be in English and the figures shall be in Arabic numerals, and the letters and numerals shall be embossed and hot stamped.

[1][(iv) To protect against counterfeiting, a chromium-based hologram of the size 20 mm x 20 mm is to be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates. The hologram shall contain CHAKRA in blue colour as given in the Annexure annexed to this Order.]

(v) The permanent identification number of minimum 7 digits is to be laser branded into the reflective sheeting on the bottom left-hand side of the registration plate with the numeral size being 2.5 mm.

[2][Provided that the permanent consecutive identification number in Arabic numbers shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate is issued by the test agencies:

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) of the said Table as under:

TABLE

Sl. No.	Name of Test Agency	Alphabets
(1)	(2)	(3)
1.	Automotive Research Association of India, Pune	A to H
2.	Central Road Research Institute, New Delhi	I to P
3.	Vehicles Research Development Establishment, Ahmednagar	Q to S

Provided also that the height of the digits shall be 5mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.]

(vi) The hot stamping film to be applied on the letters/numerals of the licence number shall bear the inscription "INDIA". [3][The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees inclination with sequential lines being the mirror image of the other.]

(vii) The third registration plate in the form of a self destructive type chromium based hologram sticker shall be of the size of 100 mm x 60 mm is to be affixed on the inner side of left hand corner of windshield of the

1. Subs. by S.O. 1041(E), dated 16th October, 2001 (w.e.f. 16-10-2001).

2. Ins. by S.O. 1041(E), dated 16th October, 2001 (w.e.f. 16-10-2001).

3. Added by S.O. 1041(E), dated 16th October, 2001 (w.e.f. 16-10-2001).

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vehicle. The details on the sticker shall be (i) name of registering authority, (ii) registration number of the vehicle, (iii) laser branded permanent identification number, (v) engine number, and (v) chassis number of the vehicle. On the bottom of the right corner of the sticker, the chromium based hologram shall be applied but of a smaller size of 10 mm x10 mm. In the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height. The name of registering authority would be on top part of sticker in letter size of 5 mm, while, laser branded permanent identification number, then engine number followed by chassis number shall come in the bottom left side of the sticker with numeral size being 2.5 mm in the each case. A depiction of the sticker is given in the sketch as specified in the Annexure annexed to this Order. [1][The sticker should be essentially a diffraction foil film with high reflective index and shall have the chromium based hologram embedded.]

(viii) The registration plate fitted in the rear of the vehicle shall be fastened with non-removable/non-reusable snap lock system. For that sake of better security, at least two such snap locks shall be fitted.

(ix) No high security plate shall be affixed outside the premises of the registering authority.

(x) The manufacturer or the vendor selected by the State Transport Department for supply of such registration plates may be for the State as a whole or for any region of the State.

[2][(xa) The State Government or Union Territory Administration shall ensure that any person who has been,—

(a) convicted of a cognizable offence by any court of law with imprisonment for a term exceeding one year; or

(b) imposed a penalty of rupees one crore or more for violation of the provisions of the Foreign Exchange Regulation Act, 1973 (46 of 1973) (since repealed) or the Foreign Exchange Management Act, 1999 (42 of 1999); or

(c) detained under the National Security Act, 1980 (65 of 1980) or the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(d) adjudged guilty by the Stock Exchange Board of India or any other such Financial Regulatory Boards or Tribunals or Agencies; or

(e) found to be associated in any manner with an organized crime syndicate or its associate or with any Association declared unlawful under the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) or any other law for the time being in force; or

(f) found to be connected with activities prejudicial to the National Security, is not considered for selection as manufacturer or vendor for supply of High Security Registration Plates.

(xb) The person or firm selected for any State or any region of the State shall not change the ownership of the firm without prior permission of the State Government or Union Territory Administration.

(xc) The State Government or Union Territory Administration shall take necessary action to ensure compliance with the provisions of clause (xa), as so inserted, and complete the implementation of rule 50 of the Central Motor Vehicles Rules, 1989 on or before the 31st day of October, 2006 for the newly registered vehicles and within a period of two years thereafter for already registered vehicles:

1. Added by S.O. 1041(E), dated 15th October, 2001 (w.e.f. 16-10-2001).
2. Ins. by S.O. 833(E), dated 12th June, 2006 (w.e.f. 12-6-2006).

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Provided that before cancelling the selection of or disqualifying a manufacturer or vendor, the State Government or Union Territory Administration shall give such manufacturer or vendor, as the case may be, a reasonable opportunity to represent against such action and communicate in writing the reasons for such cancellation or disqualification.]

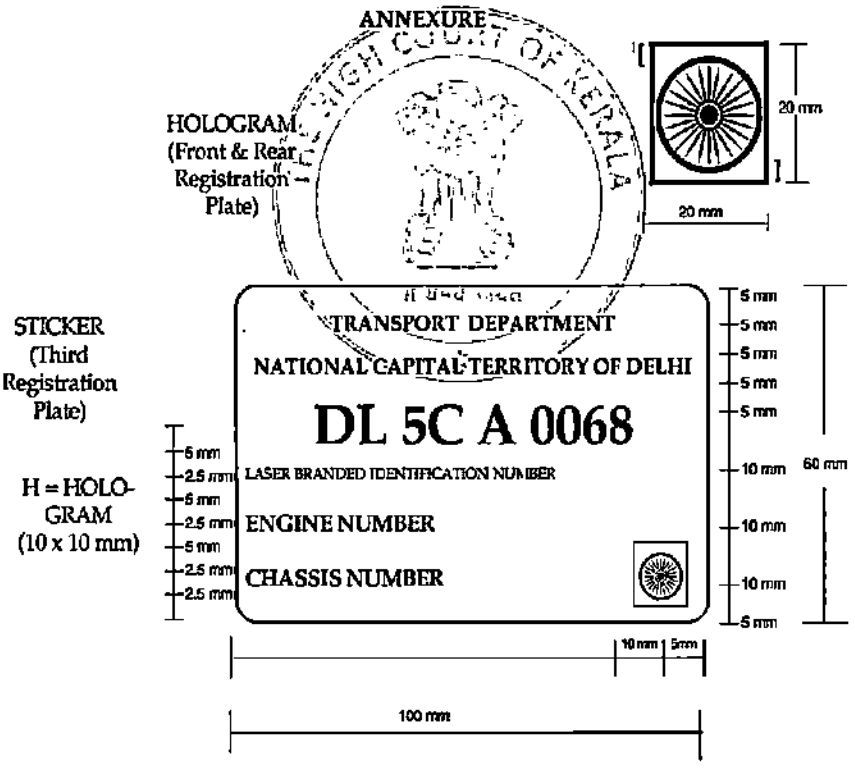
(xi) The registration plate will be supplied to the motor vehicle owners by the vendor against the authorization by the Road Transport Officer or any officer designated for the purpose by the State Transport Department.

(xii) The replacement for any existing registration plate may be made by the concerned transport authority only after ensuring that the old plate has been surrendered and destroyed.

(xiii) A proper record of the registration plates issued by the manufacturer or the vendor, authorised by the State Government, should be maintained on a daily basis and got tallied periodically with the records of the Transport Office.

(xiv) Periodic audit shall be carried out by concerned testing agency to ensure compliance of the requirements of the high security registration plate.

ANNEXURE



1. The hologram subs. by S.O. 1041(E), dated 16th October, 2001 (w.e.f. 16-10-2001).

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रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 855] नई दिल्ली, मंगलवार, दिसम्बर 4, 2018/अग्रहायण 13, 1940
No. 855] NEW DELHI, TUESDAY, DECEMBER 4, 2018/AGRAHAYANA 13, 1940

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 4 दिसम्बर, 2018

सा.का.नि.1162(अ).— केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए कतिपय नियमों का प्रारूप, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 212 की उपधारा (1) की अपेक्षानुसार, भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की अधिसूचना संख्यांक सा.का.नि. 365(अ) तारीख 10 अप्रैल, 2018 द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में प्रकाशित किए गए थे, जिसमें उन सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना थी, उस तारीख से, जिसको प्रारूप नियमों वाले राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी, तीस दिन की अवधि के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 10 अप्रैल, 2018 को उपलब्ध करा दी गई थीं ;

और उक्त प्रारूप नियमों की बाबत जनता से प्राप्त आक्षेपों और सुझावों पर केंद्रीय सरकार द्वारा सम्यक रूप से विचार कर लिया गया है ;

अतः, अब केन्द्रीय सरकार, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 110 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. **संक्षिप्त नाम और प्रारम्भ-**

(1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (सोलहवां संशोधन) नियम, 2018 है।

(2) ये 1 अप्रैल, 2019 से प्रवृत्त होंगे।

2- केन्द्रीय मोटर यान नियम, 1989 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 50 के, उप-नियम (1) में,-

(i) पहले परन्तुक के स्थान पर निम्नलिखित रखा जायेगा, अर्थात :-

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"परन्तु डीलरों को, जहाँ कहीं अपेक्षित हो, तीसरे रजिस्ट्रीकरण चिन्ह सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट का प्रदान यान विनिर्माताओं द्वारा 1 अप्रैल, 2019 को या उसके पश्चात् निर्मित सभी यानो के साथ की जायेगी और डीलर ऐसे प्लेटों पर रजिस्ट्रीकरण चिन्ह बनाएंगे और उसे यान पर लगाएंगे।

परन्तु यह और कि यान विनिर्माताओं के डीलर भी पुराने यानों पर यान विनिर्माताओं द्वारा दी गई ऐसी प्लेटों को उस पर रजिस्ट्रीकरण का चिन्ह बनाने के पश्चात लगा सकते हैं।";

(ii) दूसरे परन्तुक में "और" शब्द के स्थान पर "भी" शब्द रखा जायेगा।

3- उक्त नियमों के, नियम 124 के उप-नियम (4) के सारणी में क्रम संख्या 21 और उससे सम्बंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्या अन्तः स्थापित की जाएगी :-

"22	अति सुरक्षा रजिस्ट्रीकरण प्लेट	नियम 50	1 अप्रैल, 2019".

[फा. सं. आर.टी.-11028/01/2018-एम.वी.एल.]

प्रियांक भारती, संयुक्त सचिव

टिप्पणः- मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना सं. सा.का.नि. 590(अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और अंतिम संशोधन सा.का.नि. सं. 1151(अ), तारीख 29 नवंबर, 2018 द्वारा किया गया।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 4th December, 2018

G.S.R. 1162(E).—Whereas, the draft of certain rules further to amend the Central Motor Vehicles Rules, 1989 were published, as required by sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), *vide* notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 365(E), dated the 10th April, 2018, in the Gazette of India, Extraordinary, Part II, Section (3), Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Official Gazette containing the draft rules were made available to the public;

And whereas, copies of the said Gazette notification were made available to the public on the 10th April, 2018;

And whereas, the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. **Short title and commencement:-**

(1) These rules may be called the Central Motor Vehicles (Sixteenth Amendment) Rules, 2018.

(2) They shall come into force w.e.f 1st April, 2019.

2. In the Central Motor Vehicles Rules, 1989 (hereinafter referred to as the said rules), in rule 50, in sub-rule (1),-

(i) for the first proviso, the following provisos shall be substituted, namely:-

"Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicles manufactured on or after the 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

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Provided further that the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles after placing the registration mark of registration thereon";

(ii) in the second proviso, for the word "further", the word "also" shall be substituted.

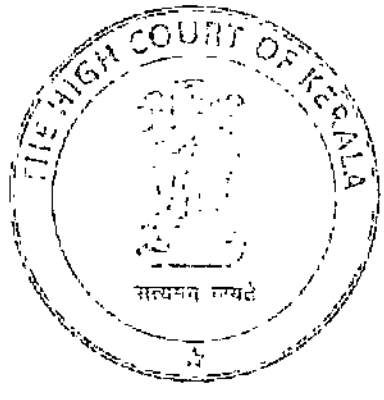
3. In the said rules, in rule 124, in sub-rule (4), in the TABLE after serial number. 21, and the entries relating thereto, the following serial number shall be inserted, namely: –

"22	High Security Registration Plate	Rule 50	1st April, 2019".

[No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification number G.S.R. 590(E), dated the 2nd June, 1989 and last amended *vide* notification number G.S.R. 1151 (E), dated the 29th November, 2018.



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सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 6 दिसम्बर, 2018

का.आ. 6052(अ).—जबकि, केंद्रीय सरकार की यह राय है कि लोकहित में यह अधिसूचित किया जाना आवश्यक और समीचीन है कि किसी मोटर वाहन में अति सुरक्षा रजिस्ट्रीकरण प्लेट के संबंध में विनिर्माता द्वारा उपयोग की जाने वाली प्रक्रिया केंद्रीय मोटर यान नियम, 1989 के संदर्भ में कतिपय मानकों के अनुरूप होगी;

अब, इसलिए, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 109 की उप-धारा (3) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए और मोटर यान (नई अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2001 के उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हे ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया, केंद्रीय सरकार एतद्द्वारा ऐसे मानकों को विनिर्दिष्ट करने के लिए निम्नलिखित आदेश जारी करती है, अर्थात्:—

आदेश

1. संक्षिप्त नाम और प्रारंभ: -

(1) इस आदेश का संक्षिप्त नाम मोटर यान (अति सुरक्षा रजिस्ट्रीकरण प्लेट) आदेश, 2018 है।

(2) यह आदेश 1 अप्रैल, 2019 को प्रवृत्त होगा।

2. लागू होना - यह आदेश मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 2 के खंड (28) में यथा-परिभाषित मोटर वाहनों पर लागू होगा।

3. किसी वाहन निर्माता द्वारा 1 अप्रैल, 2019 को या उसके बाद बेचे जाने वाले नए वाहनों के लिए अति सुरक्षा रजिस्ट्रीकरण प्लेट (एचएसआरपी) के संबंध में निम्नलिखित प्रक्रियाओं का अनुपालन किया जाएगा, अर्थात्: -

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(क) वाहन विनिर्माताओं द्वारा उनके डीलरों को तीसरे रजिस्ट्रीकरण चिह्न सहित टाइप अनुमोदित अति सुरक्षा रजिस्ट्रीकरण प्लेटों की आपूर्ति की जाएगी जो ऐसी प्लेटों पर रजिस्ट्रीकरण का चिह्न लगाएंगे और इन्हें मोटर वाहनों पर चिपकाएंगे।

(ख) मोटर वाहनों के विनिर्माता द्वारा यह सुनिश्चित किया जाएगा कि सुरक्षा लाइसेंस प्लेटों पर रजिस्ट्रीकरण का चिह्न लगाने और तीसरी रजिस्ट्रीकरण प्लेट को मुद्रित करने के लिए अपेक्षित अवसंरचना उनके डीलरों के पास उपलब्ध है।

(ग) अति सुरक्षा रजिस्ट्रीकरण प्लेट और रजिस्ट्रीकरण चिह्न को लगाने के पश्चात इसे वाहन पर चिपकाने की लागत को नए वाहन की कीमत में शामिल किया जाएगा और इसके लिए डीलर द्वारा वाहन खरीदार से कोई अतिरिक्त या वस्तुवद्ध लागत प्रभारित नहीं की जाएगी।

4. (i) मौजूदा वाहनों पर एचएसआरपी लगाने के लिए, तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की आपूर्ति उस पर रजिस्ट्रीकरण चिह्न लगाए जाने के पश्चात वाहन निर्माताओं के डीलरों द्वारा की जाएगी और इसे लगाया जाएगा।

(ii) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माता या आपूर्तिकर्ता, यदि संबंधित राज्य द्वारा अधिकृत हैं, तो रजिस्ट्रीकरण चिह्न लगाने के पश्चात पुराने वाहनों पर तीसरे रजिस्ट्रीकरण चिह्न सहित अति सुरक्षा रजिस्ट्रीकरण प्लेट की भी आपूर्ति कर सकते हैं।

5. मोटर वाहनों के विनिर्माता और उनके डीलरों या अति सुरक्षा रजिस्ट्रीकरण प्लेटों के विनिर्माताओं या आपूर्तिकर्ताओं द्वारा निम्नलिखित विनिर्देशों का अनुपालन किया जाएगा, अर्थात्: -

(i) अति सुरक्षा रजिस्ट्रीकरण प्लेटों के लिए केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली या केंद्रीय मोटर यान नियम, 1989 के नियम 126 के तहत केंद्रीय सरकार द्वारा अधिकृत किसी परीक्षण एजेंसी से एक प्रमाण-पत्र प्राप्त किया जाएगा।

(ii) रजिस्ट्रीकरण प्लेट केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उपवर्णित विनिर्देशों के अनुरूप होगी।

(iii) केंद्रीय मोटर यान नियम, 1989 के नियम 50 में उल्लिखित, अति सुरक्षा रजिस्ट्रीकरण प्लेट की अवधि अविनश्वर प्रकृति के लिए प्रत्याभूति दी गई होगी और इस अवधि से पूर्व प्लेट या रजिस्ट्रीकरण चिह्न के क्षतिग्रस्त होने या प्राकृतिक रूप से नष्ट होने के मामले में इसे उपर्युक्त पैरा 4 में उल्लिखित वाहनों के संबंध में मोटर वाहन विनिर्माता या उनके डीलरों द्वारा या अन्य मामलों में लाइसेंस प्लेट विनिर्माता या आपूर्तिकर्ता या उनके डीलरों जैसा भी मामला हो, द्वारा प्रतिस्थापित किया जाएगा।

(iv) किसी भी विद्यमान रजिस्ट्रीकरण प्लेट का प्रतिस्थापन मोटर वाहनों के डीलरों या अधिकृत अति सुरक्षा रजिस्ट्रीकरण प्लेट विनिर्माता या आपूर्तिकर्ता द्वारा पुरानी प्लेट को अभ्यर्पित या विनष्ट सुनिश्चित किए जाने के पश्चात किया जा सकेगा।

(v) (क) कूट रचना से संरक्षण के लिए 20 मिमी x 20 मिमी आकार का एक क्रोमियम आधारित होलोग्राम प्लेट के शीर्षस्थ बाईं ओर के कोने पर सामने और पीछे दोनों प्लेटों का ताप स्टांपन द्वारा लगाया जाएगा।

(ख) होलोग्राम में इस आदेश में यथाविनिर्दिष्ट उपाबंध के अनुसार नीले रंग में चक्र बना होगा।

(vi) कम-से-कम 10 अंकों की स्थायी पहचान संख्यांक, रजिस्ट्रीकरण प्लेट के तल के बाईं ओर परावर्ती परत में लेजर ब्रेंड की जानी है जिसमें अंक आकार 5 मिमी का होगा:

परन्तु यह है कि स्थायी क्रमागत पहचान संख्यांक के पहले विक्रेता या विनिर्माता या आपूर्तिकर्ता, जैसा मामला हो, जिसके लिए प्रकार अनुमोदन प्रमाण-पत्र परीक्षण एजेंसियों द्वारा जारी किए गए हैं के नाम का व्यपदेशन करते हुए दो अक्षर होंगे:

परन्तु अग्रेतर यह है कि नीचे दी गई सारणी के स्तम्भ (2) में विनिर्दिष्ट परीक्षण अभिकरण बताई गई उक्त सारणी के स्तम्भ (3) और (4) में विनिर्दिष्ट अक्षरों का प्रयोग निम्नवत करेंगे:

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सारणी

क्र. सं.	परीक्षण अभिकरण का नाम	प्रथम वर्ण	द्वितीय वर्ण
(1)	(2)	(3)	(4)
1.	ऑटोमोटिव रिसर्च एसोसिएशन ऑफ इंडिया, पुणे	ए से एच	ए से जेड
2.	केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली	आई से पी	ए से जेड
3.	यान अनुसंधान विकास स्थापना, अहमदनगर	क्यू से एस	ए से जेड
4.	अंतरराष्ट्रीय ऑटोमोटिव प्रौद्योगिकी केंद्र, मानेसर	टी से वी	ए से जेड
5.	केंद्रीय सड़क परिवहन संस्थान, पुणे	एक्स	ए से जेड
6.	ग्लोबल ऑटोमोटिव रिसर्च सेंटर, चेन्नई	वाई	ए से जेड;

परन्तु प्रतिबंध यह भी है कि सामने की और पीछे की रजिस्ट्रीकरण प्लेटों के लिए अंकों की ऊंचाई 5 मिमी. और तीसरी रजिस्ट्रीकरण प्लेट के लिए 2.5 मिमी. होगी, जो एक स्टिकर के प्ररूप में होगी।

(vii) (क) अनुज्ञापन संख्यांक के अक्षरों या अंकों पर लगाई जाने वाली ताप स्टापन फिल्म में "इंडिया" उत्कीर्णित होगा।

(ख) अक्षर "इंडिया" अन्य का दर्पण प्रतिबिंब होती हुई क्रमागत रेखाओं के साथ 45°अंश के झुकाव पर एरियल बोल्ड टाइप की लिपि में 10 (दस) आकार के अक्षर के साथ नीले रंग के होंगे।

(viii) (क) स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के रूप में तीसरी रजिस्ट्रीकरण प्लेट 100 मिमी. x 60 मिमी. के आकार की होगी जिसे यान के विंडशील्ड के बाईं ओर के भीतरी भाग पर लगाई जानी है।

(ख) स्टिकर की फिल्म अनिवार्यतः उच्च परावर्ती अभिसूचक सहित विवर्तन पर्णों की होनी चाहिए और उसमें क्रोमियम आधारित होलोग्राम जुड़ा हुआ होगा।

(ग) स्टिकर पर विवरण होगा :

(क) रजिस्ट्रीकर्ता प्राधिकारी का नाम;

(ख) वाहन की रजिस्ट्रीकरण संख्या ;

(ग) लेजर ब्रांड की स्थायी पहचान संख्या; और

(घ) वाहन की पहली रजिस्ट्रीकरण की तारीख ।

(घ) स्टिकर के दाएं कोने के तल पर क्रोमियम आधारित होलोग्राम लगाया जाएगा किंतु यह10 मिमी. x 10 मिमी. के आकार का होगा और उक्त स्टिकर में वाहन का रजिस्ट्रीकरण संख्यांक केंद्र में होगा और अक्षरों की ऊंचाई 10 मिमी. होगी।

(ङ.) लेजर ब्रांड वाला स्थायी पहचान संख्यांक स्टिकर के तल में बाईं ओर आएंगे और अंकों का आकार 2.5 मिमी. का होगा।

(च) स्टिकर का चित्र इस आदेश से संलग्न उपाबंध में यथाविनिर्दिष्ट रेखाचित्र में दिया गया है।

(ix)(क) डीजल वाहनों के लिए स्व-विध्वंसक के प्रकार के क्रोमियम आधारित होलोग्राम स्टिकर के लिए पृष्ठभूमि का रंग नारंगी होगा तथा पेट्रोल और सीएनजी वाहनों के लिए ये हल्के नीले रंग के होंगे।

(ख) अन्य सभी वाहनों के लिए पृष्ठभूमि स्लेटी रंग की होगी।

(x) मोटर यान के विनिर्माता या विक्रेता द्वारा जारी की गई रजिस्ट्रीकरण प्लेटों का समुचित अभिलेख दैनिक आधार पर रखा जाना चाहिए।

(xi) रजिस्ट्रीकरण पर रजिस्ट्रीकरण प्लेट वाहनों पर लगाए जाने के पश्चात् विशिष्ट अति सुरक्षा रजिस्ट्रीकरण प्लेट को वाहन से इलेक्ट्रॉनिकली जोड़ दिया जाएगा।

(xii) उनके अधीनस्थ सभी सुरक्षा विशिष्टताओं का संपूर्ण अभिलेख मोटर वाहन के विनिर्माता या डीलर द्वारा अनुरक्षित किए जाएंगे जिनका सावधिक लेखा परीक्षा समय समय से संबंधित परीक्षण अभिकरण द्वारा की जाएगी।

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(xiii) मोटर वाहन के विनिर्माताओं का अपने अधीनस्थ सभी सुरक्षा विशिष्टताओं पर संपूर्ण नियंत्रण होगा और या तो वह स्वयं या उनकी ओर से नियुक्त अन्य कोई व्यक्ति खुले बाजार में रजिस्ट्रीकरण प्लेट पर किसी भी प्रकार की सुरक्षा विशिष्टता उपयोग के लिए उत्तरदायी होगा।

(xiv) मोटर वाहन के विनिर्माता किसी को भी अपूर्ण प्लेट या अपूर्ण सुरक्षा मानकों वाले प्लेट्स की पृथक बिक्री करने के लिए अधिकृत नहीं होंगे :

परन्तु यह भी है कि उप-पैरा (ix) में विनिर्दिष्ट विशिष्टताओं के अनुसार जो भी मामला हो, के अनुरूप पहले से रजिस्ट्रीकृत वाहनों के लिए स्व-विध्वंसक प्रकार के स्टिकर के रूप में तीसरी संख्या प्लेट को बदलने के लिए वे अधिकृत होंगे।

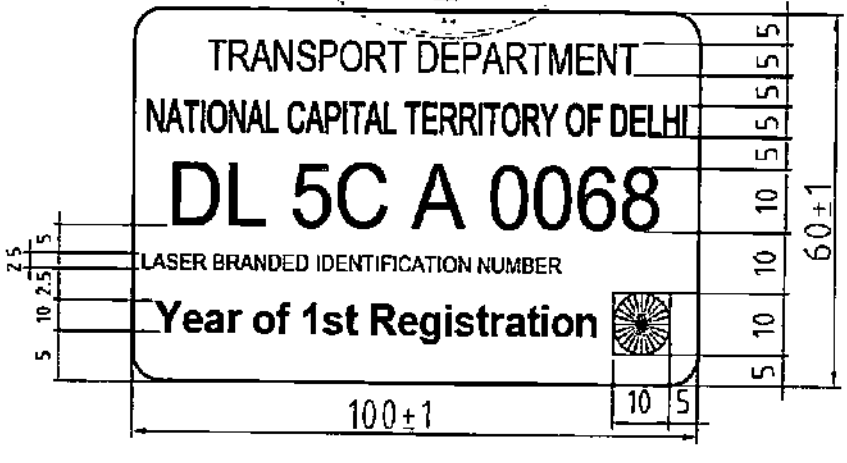
(xv) इन प्रावधानों का अनुपालन न करने पर संबंधित परीक्षण अभिकरण प्रकार अनुमोदन प्रमाणपत्र का निलंबन या निरस्तीकरण जारी करने के लिए उत्तरदायी होगा।

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



ALL DIMENSIONS ARE IN MM

[फा. सं. आरटी-11028/01/2018-एमवीएल]

प्रियांक भारती, संयुक्त सचिव

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MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 6th December, 2018

S.O. 6052(E).—Whereas, the Central Government is of the opinion that it is necessary and expedient in the public interest to notify that the process used by a manufacturer in regard to a high security registration plate for a motor vehicle shall conform to certain standards with reference to the Central Motor Vehicles Rule, 1989;

Now, therefore, in exercise of the power conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the Motor Vehicles (New High Security Registration Plates) Order, 2001, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following order to specify such standards, namely:—

ORDER

1. Short title and commencement:-

(1) This Order may be called as the Motor Vehicles (High Security Registration Plates) Order, 2018.

(2) It shall come into force on the 1st day of April, 2019.

3. Application. —This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.

(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely: —

(i) The high security registration plates shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

(ii) The Registration Plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989.

(iii) The Registration Plate shall be guaranteed for imperishable nature for a period mentioned in rule 50 of the Central Motor Vehicles Rules, 1989 and in case of damage or withering due to natural usage before such period, it shall be replaced by the motor vehicles manufacturer or their dealers in respect of vehicles mentioned under para 4 above, or the licence plate manufacturer or suppliers or their dealers, as the case may be, in other cases.

(iv) The replacement for any existing registration plate may be made by the motor vehicles dealers or the authorised high security registration plate manufacturer or supplier, only after ensuring that the old plate has been surrendered and destroyed.

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(v) (a) To protect against counterfeiting, a chromium-based hologram of the size 20 mm x 20 mm shall be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates.

(b) The hologram shall contain CHAKRA in blue colour as specified in the Annexure appended to this Order.

(vi) The permanent identification number of minimum 10 digits shall be laser branded into the reflective sheeting on the bottom left-hand side of the registration plate with the letter size being 5 mm:

Provided that the permanent consecutive identification number shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate shall be issued by the test agencies:

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) and (4) of the said Table as under:—

Table

Sl. No.	Name of Test Agency	First Alphabet	Second Alphabet
(1)	(2)	(3)	(4)
1.	Automotive Research Association of India, Pune	A to H	A to Z
2.	Central Road Research Institute, New Delhi	I to P	A to Z
3.	Vehicles Research Development Establishment, Ahmednagar	Q to S	A to Z
4.	International Centre for Automotive Technology, Manesar	T to V	A to Z
5.	Central Institute of Road Transport, Pune	X	A to Z
6.	Global Automotive Research Centre, Chennai	Y	A to Z:

Provided also that the height of the digits shall be 5mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.

(vii) (a) The hot stamping film to be applied on the letters or numerals of the licence number shall bear the inscription "INDIA".

(b) The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees' inclination with sequential lines being the mirror image of the other.

(viii) (A) The third registration plate in the form of a self-destructive type chromium based hologram sticker shall be of the size of 100 mm x 60 mm is to be affixed on the inner side of left hand corner of windshield of the vehicle.

(B) The sticker shall be required to be a diffraction foil film with high reflective index and shall have the chromium based hologram embedded.

(C) The details on the sticker shall be-

(a) Name of registering authority;

(b) registration number of the vehicle;

(c) laser branded permanent identification number; and

(d) Date of first registration of the vehicle.

(D) On the bottom of the right corner of the sticker, the chromium based hologram of size of 10 mm x10 mm shall be embedded and in the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height.

(E) The laser branded permanent identification number shall come in the bottom left side of the sticker with numeral size being 2.5mm.

(F) A depiction of the sticker shall be as specified in the Annexure appended to this Order.

(ix) (a) The background colour for the self-destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles.

(b) For all other vehicles, the background shall be of grey colour.

(x) A proper record of the registration plates issued should be maintained on a daily basis by manufacturer of motor vehicle or dealer.

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(xi) The unique high security registration plate shall be linked electronically to the vehicle after its affixture on the vehicle on registration.

(xii) The complete record of all the security features in their possession shall be maintained by manufacturer of motor vehicle or dealer which may be audited by the concerned testing agencies from time to time.

(xiii) The manufacturer of a motor vehicle shall exercise complete control over all the security features in their possession and shall be responsible for the use of any of the security feature on registration plate in the open market either by themselves or by any other person on their behalf.

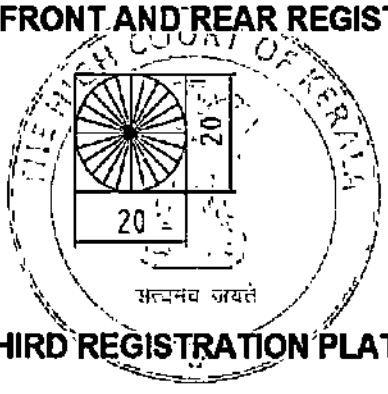
(xiv) The manufacturer of a motor vehicle shall not be authorized to sell incomplete plates or the security features separately to anyone:

Provided that they shall be authorised to replace the third number plate in form of the self-destructive tape sticker for the already registered vehicles as the case may be as per specification specified in sub-para (ix).

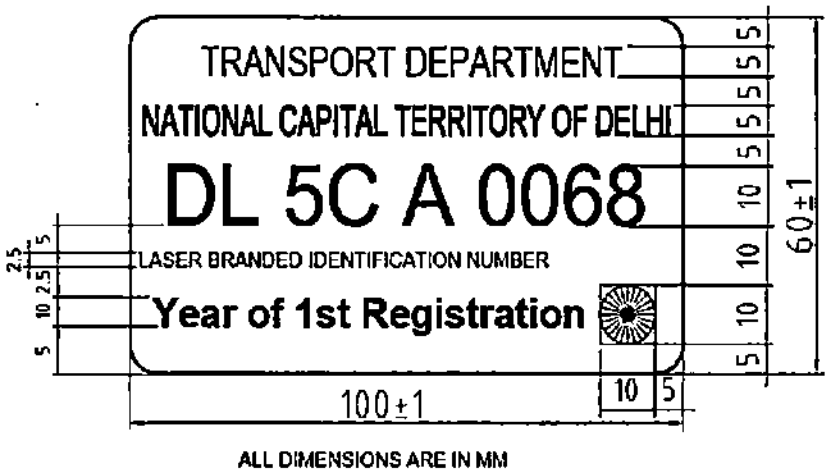
(xv) The type approval certificate issued shall be liable for suspension or cancellation by the concerned testing agency for failure to comply with these provisions.

ANNEXURE

1. HOLOGRAM (FRONT AND REAR REGISTRATION PLATE)



2. STICKER (THIRD REGISTRATION PLATE)



[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

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"(अ आ) किराए पर कैब स्कीम, 1989 के अधीन मोटर कैब या किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल (एल-1 और एल-2 प्रवर्ग दो पहिया), काले रंग की पृष्ठ भूमि पर पीला रंग, तथापि किराए पर कैब स्कीम 1989 के अधीन बैटरी प्रचालित या इलेक्ट्रॉनिकी पावर की मोटर अथवा किराए पर मोटर साईकिल स्कीम 1997 के अधीन मोटर साईकिल के मामले में, हरे पृष्ठभूमि पर काले रंग में; और"।

4. उक्त नियम में, नियम 50 में, उप-नियम (3) में पहले परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा अर्थात:-

"परन्तु यह कि रजिस्ट्रीकृत चिन्ह सामने एक पंक्ति में हो सकता है, 200 मिमी×100 मिमी साइज की प्लेट के मामले में यह दर्शाने का कोई पर्याप्त स्थान नहीं कि रजिस्ट्रीकृत चिन्ह एक पंक्ति में हो, रजिस्ट्रीकरण चिन्ह दो पंक्तियों में प्रदर्शित किया जा सकता है।"।

5. उक्त नियम में नियम 51 में,-

(क) आरंभिक पैरा के पश्चात, निम्नलिखित शीर्ष अन्तःस्थापित किया जाएगा, अर्थात:-

"सारणी";

(ख) नीचे शीर्ष सारणी को इस प्रकार अन्तःस्थापित किया जाएगा, जिसके सामने क्रम संख्या से संबंधित पंक्ति से सामने, "से अन्यून आयाम" प्रविष्टी के स्थान पर "से अन्यून आयाम (मिमी में)" निम्नलिखित प्रविष्टी रखी जाएगी;

(ग) सारणी में, क्रम संख्या 11 और उससे संबंधित प्रविष्टियों के पश्चात निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएगी, अर्थात:-

"12	निर्माण उपकरण वाहन	सामने और पीछे के अक्षर और अंक (क) प्लेट आकार 500×120 मिमी. या 340×200 मिमी.	65	10	10
		(ख) प्लेट आकार 200×100 मिमी.	35	7	5
		(ग) प्लेट आकार 285×45 मिमी.	30	5	5"

[फा. सं. आरटी-11028/01/2018 एमवीएल]

प्रियांक भारती, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, असाराधारण भाग-II खंड 3 उपखंड (i) अधिसूचना संख्या सा.का.नि. 590 (अ) तारीख 2 जून, 1989 द्वारा संशोधित किए गए थे और अंतिम संशोधन अधिसूचना संख्या सा.का.नि. 37 (अ) तारीख 17 फरवरी, 2019 द्वारा किया गया था।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 11th February, 2020

G.S.R. 104(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989 were published as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways *vide* number G.S.R. 512 (E), dated the 18th day of July, 2019, in the Gazette of India, Extraordinary, Part II, Section (3), Sub-section (i), inviting objections and suggestions from all persons likely to be affected

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thereby before the expiry of the period of thirty days from the date of which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said Gazette notification were made available to the public on the 18th July, 2019;

And whereas, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. Short title and commencement.- (1) These rules may be called as the Central Motor Vehicles (Second Amendment) Rules, 2019.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In the Central Motor Vehicles Rules, 1989 (herein after referred as the said rules); in rule 50, in sub-rule 1,-

(a) in clause (i), for the words and figurers "DIN 1745/DIN 1783 or ISO 7591" the following words, figures and brackets "AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standard Act, 2016 (11 of 2016) or ISO:7591" shall be substituted;

(b) in clause (iii) for the word "seven" the word "ten" shall be substituted;

(c) in clause (iv),-

(i) for the words "registering authorities/approved dealers of the licence plates manufacturers", the following words "registering authority/vehicle manufacturer and their dealers" shall be substituted;

(ii) for the words "licence plate manufactured or his dealers" the following words "registering authority/vehicles manufacturer and their dealers: shall be substituted;

(d) for clause (v) the following clause shall be substituted, namely:-

"(v) the plate shall be fastened with non-removable / non- reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers. The Central Road Research Institute, New Delhi or any agency authorised under rule 62 shall approve the security registration plate as per the provision of this rule;

(e) in clause (vi),-

(i) for the words and figures and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340 x 200 mm" the following words, figure and letters "For medium commercial vehicles, heavy commercial vehicles and Trailer/combination: 340x200 mm/500 x 120 mm" shall be substituted;

(ii) after the fifth proviso the following proviso shall be inserted namely, -

"Provided also that in case of Construction Equipment Vehicles, the size of plate shall be 500x120 mm or 340x200 mm or 200x100mm or 285x45mm, depending on the equipment size and availability of space.".

3. In the said rules, in rule 50, in sub-rule (2), in clause (d), after the sub-clause (A), following sub- clause shall be inserted, namely. -

"(AB) in case of motor cab under rent a cab scheme, 1989 or motor cycle (L1 and L2 category two wheeler) under rent a motor cycle scheme 1997, in yellow colour on black background, however in case of battery operated or electrically powered motor cab under rent a cab scheme 1989 or motor cycle under rent a motor cycle scheme 1997, in black colour on green background; and".

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4. In the said rules, in rule 50, in sub-rule (3) for first proviso, the following proviso shall be substituted, namely. -

"Provided that the registration mark in the front may be in one line, in case, in 200mm x 100mm size plate, there is no sufficient place to exhibit the registration mark in one line, the registration mark may be exhibited in two lines:".

5. In the said rules, in rule 51, -

(a) after the opening paragraph, the following heading shall be inserted, namely: -

"Table";

(b) below the heading Table as so inserted, against the row relating to Serial number (S.No.), for the entry "Dimensions not less than" the following entry shall be substituted "Dimensions (in mm) not less than ;

(c) in the Table, after S.No.11 and entries relating thereto, the following S.No. and entries shall be inserted, namely: -

"12	Construction Equipment Vehicles	Front and rear letters and numerals.- a) With plate size 500x120 mm or 340x200 mm	65	10	10
		b) With plate size 200x100 mm	35	7	5
		c) With plate size 285x45 mm	30	5	5"

[F. No. RT-11028/01/2018-MVL]

PRIYANK BHARTI, Jt. Secy.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i),*vide* notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended *vide* notification number G.S.R 37 (E) dated 17th January, 2020.

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2. केन्द्रीय मोटर यान नियम, 1989 के नियम 50 के, उपनियम (1) में, खंड (v) में "अनुज्ञप्ति प्लेट के विनिर्माता के अनुमोदित डीलरों" शब्दों के स्थान पर "राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा अनुमोदित अनुज्ञप्ति प्लेट के विनिर्माता या उनके डीलरों" शब्द रखे जाएंगे।

[फा. सं. आरटी-11036/99/2020-एमवीएल]

महमूद अहमद, संयुक्त सचिव

टिप्पण:- मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना संख्यांक सा.का.नि. 590 (अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और अधिसूचना संख्यांक सा.का.नि. 625(अ), तारीख 11 अगस्त, 2022 द्वारा अंतिम बार संशोधित किए गए थे।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 18th August, 2022

G.S.R. 640(E).—Whereas, the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), *vide* notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 277 (E), dated the 6th April, 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Official Gazette containing the said notification were made available to the public;

AND WHEREAS, copies of the said Official Gazette notification were made available to the public on the 6th April, 2022;

AND WHEREAS, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. (1) These rules may be called the Central Motor Vehicles (Thirteenth Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 50 of the Central Motor Vehicles Rules, 1989, in sub-rule (1), in clause (v), for the words "approved licence plate manufacturers or their dealers", the words "licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration" shall be substituted.

[F. No. RT-11036/99/2020-MVL]

MAHMOOD AHMED, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i),vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended vide notification number G.S.R. 625(E), dated 11th August,2022.

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(A Division of NATRIP Implementation Society (NATIS), Govt. of India)

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(For compliance to AIS - 087)

Non- Transferable

1	Applicant's Name	M/s. ORBIZ AUTOMOTIVEZ
2	Applicant's Address	8/441F, J Mundakkure Building Calicut Road, Kakkad, Thurungadi, Malappuram,676 306, Kerala, India
3	Manufacturing / Assembly Plant Address	M/s. ORBIZ AUTOMOTIVEZ XX1/878-C, Pulanthara,Mumpuram post, Tirurangadi, 676 306, Malappuram, Kerala, India
4	Description of the Test Component(s)	High Security Registration Plates (White, Yellow & Green), Third Registration Plate Sticker (Background Color - Orange, Blue & Grey) and Snap Lock.
4.1	Applicability to Vehicle	1. Black Colour on Yellow Background (For Transpt Vehicles) 2. Black Colour on White Background (For Private Vehicles). 3. White Colour on Green Background (For BOVs, except Transport Vehicles) 4. Yellow Colour on Green Background (For BOVs, only Transport Vehicles) 5. Black Colour on Green Background (For BOVs under Rent a cab scheme 1989 or Rent a motor cycle scheme 1997)
4.2	Permanent Identification Number	TB[illegible]
4.3	High Security Registration Plate Sizes (L x B)	500 x 120 (White, Yellow & Green), 340 x 200 (White, Yellow & Green), 200 x 100 (White, Yellow & Green) and 265 x 45 (White, Yellow & Green).
4.4	Third Registration Plate Sticker Size (L x B) (in mm)	100 x 60 (With Background Color - Orange, Blue & Grey)
5	Applicable Notified Standard	AIS-159 as published on August 2019.
6	Test Report No.	CTOLQ62321 dated 04.03.2021
6.1	List of supporting documents	Drawings attached.
7	PTV Reference	CTOLP6152
8	Details of Quality Management System (QMS)	Type of QMS: ISO 9001: 2015 / Certifying Agency: IRCLASS / Certificate No.: IRQS/190100867 / Valid Up to: 03-Dec-22
9	Approval	Granted/ Not-Granted/ Extended
10	The CoP period for the component mentioned in Sr. No. 4 above shall begin from the date of production & 1st CoP shall be completed before 31st March-2022 or the date on which the production quantity cross 30 lacs. (whichever is earlier)	

ICAT Reference: CCTINOAUTPGPHL100290 dated 10-June-2020

Please turn over for DISCLAIMER

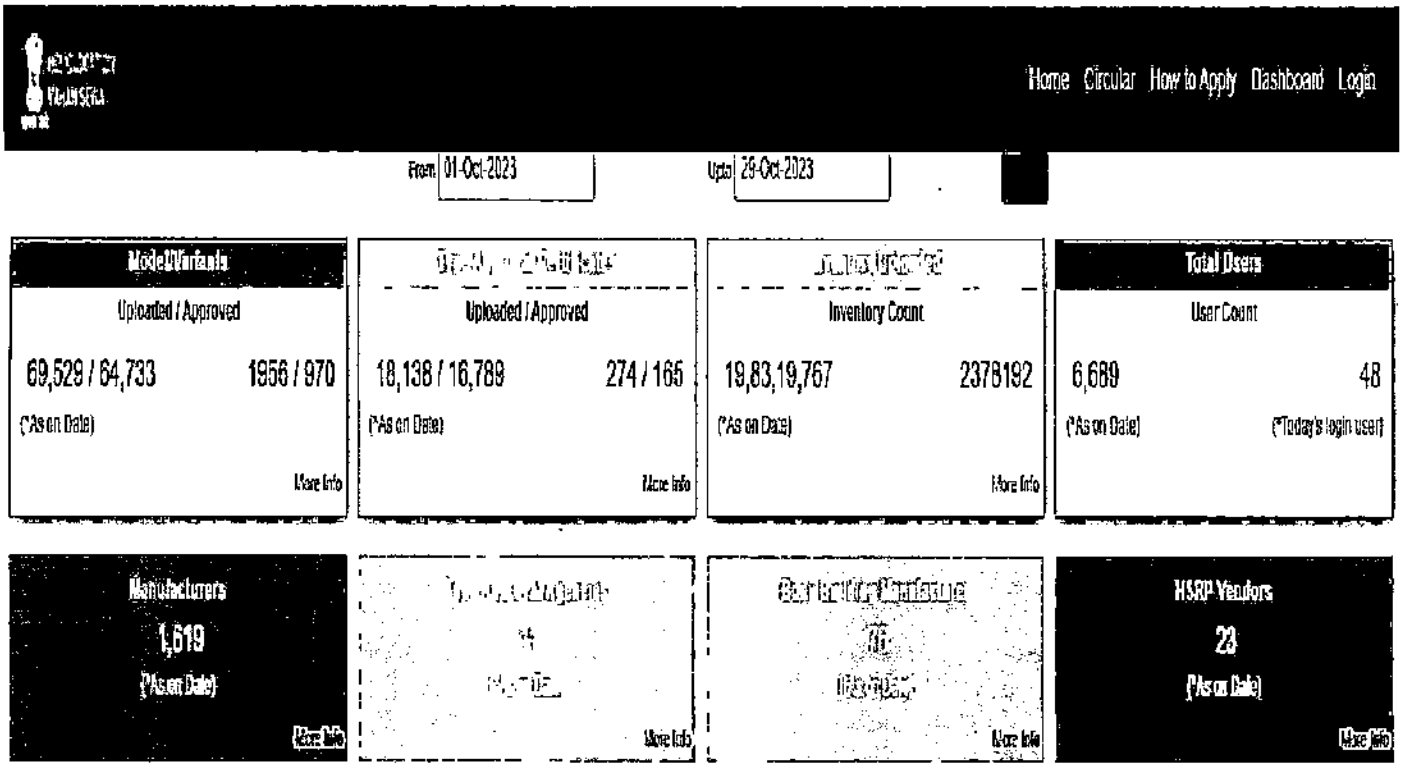
AUTHORISED SIGNATORY

GIRISH SINGH DY. MANAGER	PALVEEN TIKKU SENIOR GENERAL MANAGER	DINESH TYAGI DIRECTOR	Page 1 of 1

Office Address : Centre-I : Plot No.-26, Sector-3, HSIIDC, IMT-Manesar, Gurugram-122050, Haryana (India)
Centre-II : Plot No.-01, Sector-M-11, HSIIDC, IMT-Manesar, Gurugram-122051, Haryana (India)
Phone : 0124-4586111, Fax : +91-124-2290605, E-mail: team@icat.in, Website : www.icat.in

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HSRP Vendors

S. No	HSRP Vendor
1	3GB Technologies Pvt Ltd
2	Abhishek K Road Systems Pvt Ltd
3	Ashruti Safeguard Systems Pvt Ltd
4	AGROS INDEX (I) PVT LTD
5	Avantika Bloom Pvt Ltd
6	BMD Energy Pvt Ltd
7	Celex Technologies Pvt Ltd
8	FTA HSRP Solutions Pvt Ltd
9	Godawari Techno Solution Private Limited
10	MOTORSIGNS INDIA
11	Orbic Automotive
12	Promark Hoffman International Limited
13	R D Engineering Solutions Pvt Ltd
14	Real Wagon India Pvt Ltd
15	Rosmerta Safety Systems Pvt Ltd
16	SHIVMAT INDIA PVT. LTD
17	SV Autora Innovations Pvt Ltd
18	SVM Auto Solutions Pvt. Ltd
19	TECH INDIA PVT LTD
20	Test Security
21	Traxide Technologies
22	Varex Safar Mark Pvt Ltd
23	Zoom Engineering

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

Thursday, the 13th day of April 2023 / 23rd Chaithra, 1945

WP(C) NO. 10761 OF 2022

PETITIONER:

MOTORSIGNS INDIA, 810 ANNA SALAI, NANDANAM, CHENNAI-600 035, TAMIL NADU, INDIA, REPRESENTED BY ITS SOLE PROPRIETOR, THOMAS CHERIAN.

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVRNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.
2. THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERLA, THIRUVANANTHAPURAM 695 001.
3. THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE,TRANS TOWER-2ND FLOOR,VAZHUTHACAUD, P.O.THYCAUD,THIRUVANANTHAPURAM, KERALA-695 014.
4. ADDL.R4: ACCIDENT RESCUE 24X7 (SOUGHT TO BE IMPLEADED).

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim direction to the respondents to allow and authorize the petitioner to issue and affix HSRP(High Security Registration Plates) on existing/old vehicles registered prior to 01.04.2019 on the strength of his Exhibits P1 and P1(a) licence/Type Approval issued under Rule 124 of Central Motor Vehicles Rules 1989 and to provide access to the National Registry for Electronically linking HSRP details in Vahan Portal, pending disposal of the above Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 14.03.2023 and upon hearing the arguments of SRI.K.RAMAKUMAR (SENIOR ADVOCATE) along with M/s. S.M.PRASANTH, G.RENJITH, ASWINI SANKAR R.S., T.H.ARAVIND & T.RAMPRASAD UNNI, Advocates for the petitioner, GOVERNMENT PLEADER for R1 (B/O) and of M/s. P.A.MOHAMMED SHAH, RENOY VINCENT, HELEN P.A., ARUN ROY, SHAHIR SHOWKATH ALI, ALEESHA SHEREEF, Advocates for the R4, the court passed the following:

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RAJA VIJAYARAGHAVAN V, J.

W.P.(C) No. 35549 of 2022, 10761 of 2022 & 7089 of 2023

Dated this the 13th day of April, 2023

ORDER

I have heard the submissions of Sri. S.M.Prasanth, the learned counsel appearing for the petitioner in W.P.(C) No. 10761/2022, Sri.Mohammed Shah, the learned counsel appearing for the petitioner in W.P.(C) No. 7089/2023, Sri.Renoy Vincent, the learned counsel appearing for the petitioner in W.P.(C) No.35549 of 2022 and the learned Special Government Pleader.

2. The petitioner in W.P.(C) No. 10761/2022 and the 4th respondent in W.P.(C) No.35549/2022 are licensees holding "Type Approval Certificate" to manufacture and supply High-Security-Registration Plate (HSRP). "MotorSigns India" has been issued Type Approval Certificate by Global Automotive Research Centre (GARC), and "Orbiz Automotivez" has been issued Type Approval Certificate by the International Centre for Automotive Technology, Manesar. They are among the 17 approved license plate manufacturers granted approval strictly in terms of Rule 126 of the Central Motor Vehicles Rules.

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3. Sub Section (6) of Section 41 of the Motor Vehicles Act, 1988, clearly stipulates that the registering authority shall assign to the vehicle, for display thereon, a distinguished mark, otherwise referred to as the registration mark in such manner as may be prescribed by the Central Government.

4. Rule 50 of the Central Motor Vehicles Rules, 1989 provides for the manner of display or registration marks on motor vehicles. The said provision reads thus:

> 50. Form and manner of display of registration marks on the motor vehicles.—
>
> (1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security license plate of the following specifications, namely:—
>
> (i) the plate shall be a solid unit made of 1.0 mm aluminium conforming to AIS:159:2019 as amended from time to time (till such time BIS specification is notified under the Bureau of Indian Standards Act, 2016 (11 of 2016) or ISO:7591. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approx. 10 mm, and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The fast colouring of legend and border to be done by hot stamping;
>
> (ii) the plate should bear the letters "IND" in blue colour on the extreme left centre of the plate. The letter should be one-fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate;
>
> (iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a

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permanent consecutive identification number of minimum ten digits, to be laser branded into the reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authority/vehicle manufacturer and their dealers along with regular registration marks and thereafter if such sticker is destroyed it shall be used by the registering authority/vehicles manufacturer and their dealers

(v) the plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the license plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency authorized under Rule 126 shall approve the security registration as per the provisions of the rule.

xxxxxxxxx xxxxxxxx

5. It would be pertinent to note that it was as per notification dated 18.08.2022 that Rule 50(1)(v) was amended, and for the words "approved license plate manufactures or their dealers," the words "license plate

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manufacturers or their dealers approved by the State Government or Union territory Administration" was substituted. In other words, so far as dealers are concerned, approval of the State Government would be required. But no such requirement is there for the license plate manufacturers. Furthermore, Section 111 of the Act only enables the State Government to make rules relating to the subjects mentioned therein.

6. Rule 50 of the Central Motor Vehicles Rules, coupled with the subsequent notification No.GSR 140(E) dated 11.02.2020 and GSR 640(E) dated 18.08.2022 makes it clear that the registering authority or the vehicle manufacturers and their dealers, or the license plate manufacturers, are empowered to fix HSRP on old vehicles. The dealers of the license plate manufacturers are also empowered, provided they have approval from the State Government or Union Territory Administration.

7. The Government of Kerala, recognizing the above fact and the directions issued by the Central Government, has issued Circular No. B2/125/2019/Trans. Dated 09.05.2019 making it clear that the Ministry of Road Transport and Highways (MoRTH) has made the HSRP mandatory throughout the country as per notification dated 06.12.2018. As per the Central Government notification, all existing vehicles were also to be fitted with HSRP.

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8. The grievance of the petitioner in W.P.(C) No.10761/2022 is that no measures are being taken by the State Government to ensure immediate compliance of Rule 51 of the Central Motor Vehicles Rules while implementing the affixation of HSRPs registered before, on and after 01.04.2019.

9. The grievance of the petitioner in W.P.(C) Nos.7089/2023 and 35549/2022 is that despite the fact that the petitioners therein are not dealers but are only service partners of M/s. Orbiz Automotivez, an authorized manufacturer of HSRPs with Type Approval Certificate issued by a recognized agency and only does online booking delivery and acts as fitment centers, they are not being permitted to operate on the premise that approval from the State Government is required. They contend that the respondents 1 to 3 are shutting down their establishments on the ground that they are dealers.

10. After having heard the submissions of the learned counsel in detail, this Court issued an interim order on 14.03.2023, the operative portion of which reads as under:

> 6. Having considered the submissions, prima facie, I am of the considered opinion that there is absolutely no justification on the part of the official respondents in delaying the implementation of HSRPs on motor vehicles, despite the Central Government coming out with Motor Vehicles (New High-Security Registration Plates) Order, 2001 as early as on 22.08.2001.

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7. Let the respondents respond and give a time frame before this Court within which licensed vendors with Type Approval Certificates can be granted approval to affix HSRPs on existing motor vehicles registered in Kerala before 1.4.2019 and also, provide them access to Vahan Portal.

11. In response, the learned Special Government Pleader submits that three months time is required for the process of selecting vendors who can be granted approval to affix High-Security Registration Plates on existing motor vehicles registered in Kerala before 01.04.2019.

12. Having considered the submissions, I am of the considered opinion that manufacturers of HSRPs who have obtained Type Approval Certificate issued by the Government of India or other Testing Agencies authorized by the Government of India and made mention of in Rule 126 are not required to obtain any approval from the State Government. Only dealers of the approved licensed manufacturers are required to obtain approval from the State Government.

13. In that view of the matter, as an interim measure and to ensure effective implementation of the provisions of the Central Motor Vehicles Rules and Circular No.B2/125/2019/Trans. dated 09.05.2019 issued by the State Government, the following directions are issued:

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a) There will be a direction to the respondents in W.P.(C) No. 10761/2022 to allow and authorize the petitioner therein to issue and affix HSRP (High Security Registration Plates) on vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate issue to them. Their request for providing access to the National Registry for electronically linking HSRP details in the "VAHAN" portal shall also be considered, and expeditious orders shall be issued to enable them to issue and affix HSRP plates without any impediment whatsoever.

b) The petitioners in W.P.(C) No.35549/2022 and 7089/2023 shall appear before the Transport Commissioner and place materials to establish that they are merely service partners/online booking, fitment, and delivery points and are not dealers. The Transport Commissioner shall consider the materials and take a decision within a period of one month from today. If the petitioners are not dealers, they are not bound to get approval from the State Government in terms of Rule 50 of the Central Motor Vehicles Rules.

sd/-

RAJA VIJAYARAGHAVAN V,
JUDGE

ps/17/4/2023

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APPENDIX OF WP(C) 10761/2022

Exhibit P1	TRUE COPY OF LICENSE IN THE FORM OF TYPE APPROVAL CERTIFICATE NO. GK0043 DATED 15.10.2019 ISSUED TO THE PETITIONER.
Exhibit P1(A)	TRUE COPY OF LICENSE IN THE FORM OF TYPE APPROVAL CERTIFICATE NO GK0044 DATED 15.10.2019 ISSUED TO THE PETITIONER.

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE MR.S.V.N.BHATTI

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

Monday, the 29th day of May 2023 / 8th Jyaishta, 1945

WA NO. 999 OF 2023

AGAINST ORDER DATED 13/04/2023 IN WP(C) 10761/2022 OF THIS COURT

APPELLANTS/RESPONDENTS 1 TO 3 IN W.P.(C):

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.
2. THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695 001.
3. THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE, TRANS TOWER-2ND FLOOR, VAZHUTHACAUD P.O., THYCAUD, THIRUVANANTHAPURAM, KERALA 695 014.

BY SPECIAL GOVERNMENT PLEADER SRI.P.N.SANTHOSH KUMAR

RESPONDENTS/PETITIONER & 4TH RESPONDENT IN W.P.(C):

1. MOTORSIGNS INDIA, 810 ANNA SALAI, NANDANAM, CHENNAI 600035, TAMIL NADU, INDIA, REPRESENTED BY ITS SOLE-PROPRIETOR, THOMAS CHERIAN.
2. ADDL. R4,ACCIDENT RESCUE 24X7 (SOUGHT TO BE IMPLEADED).

BY ADV.SRI.S.M.PRASANTH

Prayer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum, the High Court be pleased to stay the operation and implementation of the Interim order dated 13.04.2023 in WP(C) No.10761/2022 pending disposal of the Writ Appeal.

This Writ Appeal coming on for orders on 29/05/2023 upon perusing the appeal memorandum, the court on the same day passed the following:

P.T.O.

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S.V.N. BHATTI, ACTING C.J
&
BASANT BALAJI, J.

W.A. No.999 of 2023

Dated this the 29th day of May, 2023

ORDER

S.V.N. BHATTI, ACTING C.J

Notice before admission. Adv. S.M. Prasanth accepts notice for the respondents.

2. We have heard the Special Government Pleader Adv. P.N. Santhosh Kumar and perused the writ prayers and the interim reliefs prayed for and granted by the order under appeal. For the present, we notice that the interim reliefs granted by the order under appeal substantially deal with or answer the main prayers as well.

3. The Special Government Pleader invited our attention to rule position and contended that the interim order is against the letter and spirit of the applicable rules. According to him, the role of the State Government is preserved in the present scheme of rules. Therefore the writ

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petitioner, if allowed to carry forward with the directives issued in the order under appeal, the complying with the direction may result in a contradictory position.

4. Adv. S.M. Prasanth referring to the amendment made to Rule 50 of the Central Motor Vehicles Rules, 1989 interprets that the simultaneous power claimed by the State is not available in the case on hand and the amendment illustrates in clear terms the case pleaded by the writ petitioner. He informs this Court that the writ petition is ripe for hearing before one of the learned Single Judges and instead of interdicting the interim order, the learned Single Judge may be requested to hear and dispose of the writ petition expeditiously.

5. For the present, we are persuaded not to express our view on the interpretation of applicable rules by both counsel. Taking note of the fact that the writ petition is already listed and ripe for hearing before one of the learned Single Judges, we prefer to maintain the position viz-a-viz the right claimed by the petitioner as it stood on the date of filing of the writ petition till the issues presented for

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decision are comprehensively considered and adjudicated in W.P.(C) No.10761 of 2022. Hence, we stay the order impugned in the appeal for a period of four weeks. We request the learned Single Judge to consider giving out of turn hearing to the writ petition at the earliest when a request is made by Adv. S.M. Prasanth.

6. Adv. Mohammed Shah though is not a counsel appearing for one of the respondents in the appeal on hand, still requests the court to give him the same liberty to seek for expeditious hearing of W.P.(C) No.7089 of 2023 and W.P. (C) No.35549 of 2023. Accommodation granted to Adv. S.M. Prasanth is extended to Adv. Mohammed Shah as well.

Post after three weeks.

Hand over copies to both sides.

Sd/-
S.V.N. BHATTI
ACTING CHIEF JUSTICE

Sd/-
BASANT BALAJI
JUDGE

bpr

29-05-2023 /True Copy/ Assistant Registrar

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No. RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated the 09 June, 2023

To,

1. The Principal Secretaries/Secretaries, Department of Transport of all the States/UTs
2. The Transport Commissioners of all the States/UTs

Subject: Issuance of the High Security Registration Plates (HSRP) by some HSRP manufacturers in an unauthorised and illegal manner.

Sir,

It has been brought to the notice of this Ministry that some HSRP vendors have been involved in the manufacturing and affixing of unauthorised High Security Registration Plates to the vehicles across various States in India. These manufacturers are neither authorised by the State/UTs nor are they approved by the respective OEMs to affix HSRPs to the OEM's brand of vehicle, thereby rendering the HSRP affixed as unauthorised.

2. The HSRP scheme is imperative to the country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and in prevention of tampering and counterfeiting.

3. Attention is drawn to Rule 50 of the Central Motor Vehicle Rules, 1989.

:
:

(V) The plate should be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule;

:
:

Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicle manufactured on or after 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

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Provided further that the dealers of the manufacturer may also affix such plates, supplied by the vehicle manufacturer on old vehicles.

:
:

4. HSRPs are integrated with the VAHAN portal and this type of unauthorised affixation of the plates voids the purpose of the scheme. It is further clarified that merely having a Type Approval Certificate from any of the agencies authorised under rule 126 does not authorise any manufacturer to supply the HSRP in the open market. As per clause (v) of sub-rule (1) of rule 50 of CMV Rules, 1989, The HSRPs with all the above specifications and the specified registrations -

a. for a new vehicle, shall be issued by the registering authority or vehicle manufacturers and their dealers and;

b. for existing old registered vehicle, shall be issued by registering authority,

or

vehicle manufacturers and their dealer,

or

by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

Further, the data in the VAHAN portal is also required to be updated accordingly by the authorized HSRP manufacturers.

5. States are advised to take strong punitive action including blacklisting/termination against such unauthorized HSRP agencies which are openly supplying unauthorised HSRPs in the market to unsuspecting and gullible vehicle owners.

6. All stakeholders are once again requested to implement the provisions of the HSRP in letter and spirit and to make the process of availability of authorised HSRPs (with proper VAHAN entries) to all vehicle owners of new and old vehicles in the country.

Yours faithfully,

(S.K. Geeva)
Under Secretary to the Govt. of India
Tele: 23739074
E- mail: geeva.sk@nic.in

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Copy to:

A. Testing Agencies-

1. Automotive Research Association of India, Pune.
2. Central Road Research Institute, New Delhi.
3. Vehicles Research Development Establishment, Ahmednagar.
4. International Centre for Automotive Technology; Manesar.
5. Central Institute of Road Transport, Pune.
6. Global Automotive Research Centre, Chennai.

You are requested to advise HSRP manufacturers suitably and keep tight control on the activities of HSRP manufacturers during the Conformity of Production audit and suspend/terminate the license if any illegal supplies of HSRP are brought to notice.

B. All OEMs through Society of Indian Automobile Manufacturers (SIAM)-

It is reiterated that any violations in the implementation of the HSRP scheme for new vehicles will make the vehicle manufacturers liable to punitive action. Therefore, all vehicle manufacturers are requested to ensure that the vendor selection is carried out with stringent due diligence and to disassociate with any erring HSRP vendors.

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MIT2/13/2017-TC

I/143998/2023

മോട്ടോർ വാഹന വകുപ്പ് , കേരളം
ട്രാൻസ്പോർട്ട് കമ്മിഷണറുടെ കാര്യാലയം
തീയതി: 16-08-2023

പ്രേഷകൻ : ട്രാൻസ്പോർട്ട് കമ്മിഷണർ
കേരളം

സ്വീകർത്താവ്: 1. എല്ലാ ഡെപ്യൂട്ടി ട്രാൻസ്പോർട്ട് കമ്മിഷനേർമാർക്കും
2. എല്ലാ റീജിയണൽ ട്രാൻസ്പോർട്ട് ഓഫീസർമാർക്കും
3. എല്ലാ റീജിയണൽ ട്രാൻസ്പോർട്ട് ഓഫീസർമാർക്കും (Enforcement)
4. എല്ലാ സബ് റീജിയണൽ ട്രാൻസ്പോർട്ട് ഓഫീസർമാർക്കും

വിഷയം:- മോട്ടോർ വാഹന വകുപ്പ് - ഹൈ സെക്യൂരിറ്റി നമ്പർ പ്ലേറ്റുകളുടെ അനധികൃത നിർമാണ കേന്ദ്രങ്ങളുടെ പ്രവർത്തനം - സംബന്ധിച്ച്

സൂചന :- 1. 13/8/2023 തീയതിയിലെ B3/338/2023-Trans നമ്പർ സർക്കാർ കത്ത്
2.09/6/2023 തീയതിയിലെ Morth ന്റെ FT-11036/99/2020-MVL നമ്പർ കത്ത്

മേൽസൂചനകൾ പ്രകാരം അനധികൃത എച്ച്എസ്ആർപി ഏജൻസികൾക്കെതിരെ ശക്തമായ നടപടികൾ സ്വീകരിക്കാൻ സർക്കാർ നിർദ്ദേശം നൽകിയിട്ടുണ്ട്. ഇക്കാര്യത്തിൽ ഉടൻ നടപടികൾ സ്വീകരിക്കേണ്ടതാണ്. നോട്ടിഫിക്കേഷന്റെ പകർപ്പ് ഇതോടൊപ്പം ഉള്ളടക്കം ചെയ്യുന്നു.

Signed by
K Manojkumar
Date: 16-08-2023 18:04:12

വിശ്വസ്തതയോടെ.

K MANOJKUMAR
JOINT TRANSPORT COMMISSIONER & SECRETARY STA

Copy: CA to TC/ Addl TC / JTC / Sr L.O , ATC For information

ട്രാൻസ്പോർട്ട് കമ്മിഷണറേറ്റ് ,കേരളം, രണ്ടാം നില, ട്രാൻസ് ടവേഴ്സ്, വഴുതക്കാട്,തിരുവനന്തപുരം-14
ഫോൺ: 0471-2333337-2333317 0471-2333314 വെബ്സൈറ്റ്: www.mvd.kerala.gov.in ഇമെയിൽ: tcoffice.mvd@kerala.gov.in

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English translation of Page No 1 (Ex P14)

Department of Motor Vehicles, Kerala
Office of the Transport Commissioner
Date: 16.08.2023

From,
Transport Commissioner,
Kerala

To,

1. All Deputy Transport Commissioners
2. All Regional Transport Officers
3. All Regional Transport Officers (Enforcement)
4. All Sub- Regional Transport Officers

Subject: - Department of Motor Vehicles – Working of unauthorized manufacturing centers of High Security Number Plates – Reg.

Reference: - 1. Letter of the Government Numbered B3/338/2023-Trans dated 13/8/2023.
2. Letter of MoRTH Numbered RT-11036/99/2020-MVL dated 09/6/2023

According to the above references the Government has directed to take strict actions against the unauthorized HSRP agencies. Further actions should be taken in this regard. Copy of the notification is enclosed with this.

Faithfully,

K MANOJKUMAR
JOINT TRANSPORT COMMISSIONER & SECRETARY STA

Transport commissionarate, Kerala, Second Floor, Trans Towers, Vazhuthakkad, Thiruvananthapuram, - 14, Phone: 0471-2333337/2333317 0471-2333314 Website: www.mvd.kerala.gov.in Email: tcoffice.mvd@kerala.gov.in

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7337681/2023/TRANS(OS)

TRANS-B2/349/2022-TRANS ED043804872501N 15/06/2023

16 JUN 2023

No. RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated the 09 June, 2023

To,

1. The Principal Secretaries/Secretaries, Department of Transport of all the States/UTs
2. The Transport Commissioners of all the States/UTs

Subject: Issuance of the High Security Registration Plates (HSRP) by some HSRP manufacturers in an unauthorised and illegal manner.

Sir,

It has been brought to the notice of this Ministry that some HSRP vendors have been involved in the manufacturing and affixing of unauthorised High Security Registration Plates to the vehicles across various States in India. These manufacturers are neither authorised by the State/UTs nor are they approved by the respective OEMs to affix HSRPs to the OEM's brand of vehicle, thereby rendering the HSRP affixed as unauthorised.

2. The HSRP scheme is imperative to the country's National Security, aiding in reduction of vehicular borne crime, identification of all vehicles plying on the roads and in prevention of tampering and counterfeiting.

3. Attention is drawn to Rule 50 of the Central Motor Vehicle Rules, 1989.

:
:

(V) The plate should be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency authorised under rule 126 shall approve the security registration as per the provisions of this rule;

:
:

Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicle manufactured on or after 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

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TRANS-B2/338/2023-TRANS

7337681/2023/TRANS(OS)

Provided further that the dealers of the manufacturer may also affix such plates, supplied by the vehicle manufacturer on old vehicles.

:
:

4. HSRPs are integrated with the VAHAN portal and this type of unauthorised affixation of the plates voids the purpose of the scheme. It is further clarified that merely having a Type Approval Certificate from any of the agencies authorised under rule 126 does not authorise any manufacturer to supply the HSRP in the open market. As per clause (v) of sub-rule (1) of rule 50 of CMV Rules, 1989, The HSRPs with all the above specifications and the specified registrations -

a. for a new vehicle, shall be issued by the registering authority or vehicle manufacturers and their dealers and;

b. for existing old registered vehicle, shall be issued by registering authority,

or

vehicle manufacturers and their dealer,

or

by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

Further, the data in the VAHAN portal is also required to be updated accordingly by the authorized HSRP manufacturers.

5. States are advised to take strong punitive action including blacklisting/termination against such unauthorized HSRP agencies which are openly supplying unauthorised HSRPs in the market to unsuspecting and gullible vehicle owners.

6. All stakeholders are once again requested to implement the provisions of the HSRP in letter and spirit and to make the process of availability of authorised HSRPs (with proper VAHAN entries) to all vehicle owners of new and old vehicles in the country.

Yours faithfully,

(S.K. Geeva)
Under Secretary to the Govt. of India
Tele: 23739074
E- mail: geeva.sk@nic.in

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Copy to:

A. Testing Agencies-

1. Automotive Research Association of India, Pune.
2. Central Road Research Institute, New Delhi.
3. Vehicles Research Development Establishment, Ahmednagar.
4. International Centre for Automotive Technology; Manesar.
5. Central Institute of Road Transport, Pune.
6. Global Automotive Research Centre, Chennai.

You are requested to advise HSRP manufacturers suitably and keep tight control on the activities of HSRP manufacturers during the Conformity of Production audit and suspend/terminate the license if any illegal supplies of HSRP are brought to notice.

B. All OEMs through Society of Indian Automobile Manufacturers (SIAM)-

It is reiterated that any violations in the implementation of the HSRP scheme for new vehicles will make the vehicle manufacturers liable to punitive action. Therefore, all vehicle manufacturers are requested to ensure that the vendor selection is carried out with stringent due diligence and to disassociate with any erring HSRP vendors.

Count of OEM	state									
Vendors	ROSMERTA	CELEX	FTA	SHIMNIT	REAL MAZON	RD ENGG	ABHISHEK	AKRUTI	AVANTHIKA	Grand Total
Uttar Pradesh	47	20	7	1		1		1		77
Maharashtra	36	8	20	2	4	1	1			72
West Bengal	31	40								71
Rajasthan	30	9	22	6	1	1				69
Haryana	57	7	4					1		69
Odisha	26	36	1	1	3		1			68
Uttarakhand	56	6	4					1		67
Gujarat	20	11	34	1			1			67
Tamil Nadu	29	28	4	6						67
Karnataka	37	19	8	3						67
Kerala	27	32	1	4	2					66
Delhi	52	8	3	2					1	66
Punjab	22	12	31							65
Madhya Pradesh	45	6	14							65
Himachal Pradesh	54	8	1		1					64
Chandigarh	29	18	14		2					63
Bihar	52	6	4			1				63
Puducherry	27	26	3	7						63
Andhra Pradesh	52	7	1	2						62
Assam	23	7	29	3						62
Chhattisgarh	25	30	2	3	2					62
Jharkhand	45	5	5	1	5					61
Telangana	55	6								61
Goa	23	10	18	1	9					61
UT of DNH and DD	21	7	31		1					60
Jammu & Kashmir	43	5		1	11					60
Meghalaya	19	7	22	10						58
Arunachal Pradesh	20	5	21	10						56
Tripura	17	6	24	9						56
Manipur	17	8	21	10						56
Mizoram	17	7	22	9						55
Nagaland	20	3	22	10						55
Sikkim	18	15	13	7						53
Andaman & Nicobar Island	21	14	6	1	9					51
Ladakh	25	6		1	10					42
Lakshadweep	19	13	2	6						40
Grand Total	**1157**	**461**	**414**	**117**	**60**	**4**	**3**	**3**	**1**	**2220**

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No. RT-11017/13/2005-MVL
Government of India
Ministry of Road Transport & Highways

Transport Bhawan, 1, Parliament Street,
New Delhi -110001.
Dated 16 June, 2016.

To

1) The Principal Secretaries (Transport)/The Secretaries (Transport)/The Transport Commissioners of all the States/UT Administrations except Govt. of Tamil Nadu and Gujarat.
2) The Secretary (Home/Transport), Government of Tamil Nadu and Gujarat.

Subject: Procedure and guidelines to be followed for fitment of speed limiting devices

Sir/Madam,

Please refer to the notification G.S.R 290(E) dated 15th April, 2015 wherein Speed Limiting Device or Speed Limiting Functions are mandated to be fitted in certain categories of transport vehicles. Subsequent notifications vide S.O 2687(E) dated 01st October, 2015 and S.O 1472 (E) dated 22nd April 2016 may also be referred to. It has come to the notice of this Ministry that there are difficulties in implementing fitment of Speed Governors.

2. In view of above, the following procedures and guidelines for the fitment of Speed Limiting device (SLD) may be adhered to:-

(i) The Speed Limiting Device (SLD) shall be type approved by any of the following test agencies authorised under Rule 126 of CMVR, namely:-

1. Automotive Research Association of India (ARAI)
2. Central Institute of Road Technology (CIRT)
3. International Centre for Automotive Technology (ICAT)
4. Vehicle Research & Development Establishment (VRDE)

for compliance to AIS-018 along with,

(a) Valid Type Approval Certificate or COP as prescribed in AIS-037/2004, as amended from time to time.
(b)Performance test report on different vehicle models and their variants approved as per AIS-018/2001 as amended from time to time.

(ii) Speed Limiting Device (SLD) shall conform to Electromagnetic Compatibility (EMC) requirements as per AIS-004 (Part 3)/ 1999 as amended from time to time.

(iii) Every Speed Limiting Device (SLD) component(s) to be fitted shall be verified for the markings (may be in the shape of sticker having barcode) containing following information-

(a) The trademark/ manufacturer emblem.
(b) The serial number assigned by the manufacturer.

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(c) Reference Alphanumeric number of the type approval shall be indicated by a mark having six characters allotted by the test agency as per AIS-037/2004 as amended from time to time

(iv) Type approval and Serial number of the Speed Limiting device shall be integrated with the VAHAN database for Audit/ Surveillance purposes, as and when NIC incorporates such a facility in Vahan data base, so that it can be verified by Transport authority.

(v) A sticker of standardized size of 100mmX60mm has to be fixed on the left upper side of front windscreen from inside indicating the set speed limit in a circle of 55mm and the balance space to be used for the information as mentioned in (iii) above. Destructible sticker containing the information of marking as mentioned in (iii) above shall be fixed on the windscreen for quick audit purposes without reference to RC book.

(vi) Speed Limiting Device has to be sealed at the appropriate points by the manufacturer(s) or their authorised dealer(s), any tampering of the speed governor, for which the responsibility will be with the vehicle owner. The Enforcement Authority may take appropriate action, in case of such instances.

(vii) Individual State(s) shall take steps to ensure implementation of Speed Limiting Device (SLD) on vehicles. If required, State(s) may frame appropriate eligibility criteria for effective implementation.

(viii) Each Speed Limiting Device manufacturer will be required to maintain a Management Information System (MIS) to keep record of each Speed Limiting Device (SLD) installed on the vehicle for audit/quick retrieval at any time.

(ix) The concerned State(s) Authority shall ensure proper installation of the Speed Limiting Device before granting fitness certificate to the vehicle owner. Any deviation(s) with respect to marking, sealing and performance etc., shall be intimated to Ministry of Road Transport & Highways (MoRTH) for appropriate action, including withdrawal of Type Approval Certificate (TAC) based on the received deviation(s)/ report(s).

(x) Individual State(s) may incorporate /mandate any additional condition to ensure effective implementation of Speed Limiting Device (SLD) fitment including submission of periodic reports, process, audit etc.

3. The above has been approved by the Hon'ble Minister (RTH& S)

(Priyank Bharti)
Director (MVL)
011-23314316
E-mail: dirmvl-morth@gov.in

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No.RT-11017/13/2005-MVL
Government of India
Ministry of Road Transport & Highways

Transport Bhavan, 1, Parliament Street,
New Delhi-110001
Dated 2nd August 2016

To

1) The Principal Secretaries (Transport)/The Secretaries (Transport)/The Transport Commissioners of all the States/UT Administrations except Government of Tamil Nadu & Gujarat.
2) The Secretary (Home/Transport), Government of Tamil Nadu & Gujarat.

Subject : Procedure and guidelines to be followed for fitment of speed limiting devices.

Sir/Madam,

Please refer to the notification G.S.R. 290(E) dated 15th April, 2015 wherein Speed Limiting Device or Speed Limiting Functions are mandated to be fitted in certain categories of transport vehicles.

Ministry of RTH has received a number of grievances with regard to undue restrictions placed on vendors leading to supply issues and increased prices. In this regard, the Ministry has issued detailed procedure and guidelines on 16th June 2016 vide File No.RT-11017/13/2005-MVL.

In continuation of the guidelines dated 16th June 2016 and in supersession of all earlier communications regarding installation of speed limiting devices, it is clarified that a vehicle owner should be at his liberty to choose the Speed Limiting Device from any source/vendor as long as it is duly type approved by any of the test agencies under Rule 126 of CMVR. It is strongly recommended that the State Governments do not restrict the freedom of the vehicle owners to choose the type approved speed limiting device of any manufacturer. It will be the responsibility of the manufacturer to comply with the requirements of the AIS 018 along with the guidelines prescribed in the letter dated 16th June 2016. The State Government would have to ensure the effective implementation of the notification for fitment of the speed limiting device.

The State Governments may, however, choose to impose eligibility and price criteria while selecting the vendors for fitment of speed governors on the vehicles owned by it or any transport undertakings, corporations or a local authority under its control.

The above has been approved by the Hon'ble Minister (RTH&S).

(Abhay Damle)
Joint Secretary (Transport)
Email : abhay.damle@gov.in

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No. RT-11017/13/2005 – MVL
Government of India
Ministry of Road Transport and Highways

Transport Bhawan, 1, Parliament Street
New Delhi – 110001,
Dated: 10.2.2017

To

The Principal Secretaries (Transport)/The Secretaries (Transport)/The Transport Commissioners of all the States/UT Administrations

Subject: Fitment of speed limiting devices – reg.

Sir /Madam,

Reference is invited to this Ministry's letter dated 2nd August 2016 on the above subject. Since then the MoRTH has received several references regarding the imposition of restrictive conditions on the supply of Speed Limiting Devices (SLD).

2. In continuation to the guidelines issued vide letter of even number dated 2nd August 2016 and in supersession of all earlier guidelines, the undersigned is directed to clarify further as follows:

a) there are no requirements for the registration/empanelment and/or selection of vendors by the State Governments for the fitment of SLDs in privately owned vehicles. The only requirement is that the SLD should be type approved by the authorized testing agencies as per CMVR. A list of such authorized testing agencies is enclosed.

b) any such empanelment/restrictive practices including the imposition of any additional criteria for SLD manufacturers would restrict competition, may lead to higher prices, hurt the interest of the consumers and raise legitimate concerns regarding unfair practices.

3. The State Governments may, however, choose to impose eligibility and price criteria while selecting the vendors for fitment of SLDs on their vehicles owned by it or any SRTUs, corporations or a local authority under their control.

4. It is requested that registering authorities be suitably advised to ensure strict compliance with the above guidelines.

(Abhay Damle)
Joint Secretary (Transport)
Email : abhay.damle@gov.in

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No. RT-11036/19/2021-MVL
Government of India
Ministry of Road Transport and Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated the, 06 September, 2021

To,

1) The Principal Secretaries/ The Secretaries, Department of Transport
2) The Transport Commissioners of all the States/UT Administrations

Subject: Fixation of Retro-reflective tape - reg.

Sir / Madam,

I am directed to refer to subject mentioned above and to say that it has been brought to the notice that some states are asking the owners of the transport vehicles to get the retro-reflective tapes affixed from the selected vendors and shall also produce the slip of fixation at the time of fitness.

2. In this regard, it is clarified that the vehicle owner may get affixed the retro-reflective tape from any vendor if the retro-reflective tape has been type-approved as per AIS-090 by any of the testing agencies specified under rule 126 of the Central Motor Vehicles Rules, 1989. Some of such approvals may be seen at https://www.araiindia.com/pages/downloads and https://icat.in/pdf/List-of-approved-supplier-of-AIS-090.pdf.

3. This issues with the approval of the Competent Authority.

Yours faithfully,

(Dr. Piyush Jain)
Director (MVL)
Tel-23714974
E-mail: director-morth@gov.in

Copy to: -

1. Chairman (CMV Rules Committee), Bus and Car Operators Confederation of India.

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Monday, the 27th day of November 2023 / 6th Agrahayana, 1945

WP(C) NO. 29866 OF 2023

PETITIONER:

HIGH SECURITY REGISTRATION PLATE (HSRP) MANUFACTURERS ASSOCIATION OF INDIA BUILDING NO. 66/1619, ABIDAS ARCADE, PIYOLI ROAD, ERNAKULAM, PIN - 682018 REPRESENTED BY ITS PRESIDENT, SHRI.M. JAHFAR.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI, PIN - 110001
2. STATE OF KERALA,REPRESENTED BY SECRETARY,TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
3. TRANSPORT COMMISSIONER, 2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM, PIN-695014

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation and implementation of Exhibit P13 circular issued by the Respondent No.1 and Exhibit P14 communication issued by the Respondent No.3, pending the disposal of the writ petition

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, ABEE SHEJIRIK FASLA N.K, MUHAMED JUNAID V., ADITH KRISHNAN.U. & FATHIMA AFEEDA P. Advocates for the petitioner,SRI. KRISHNA T C,CENTRAL GOVERNMENT STANDING COUNSEL, for R1 and of SRI.MILLU DANDAPANI, Advocate for R4, the court passed the following:

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DINESH KUMAR SINGH, J.

W.P.(C.)Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023

DATED THIS THE 27th DAY OF NOVEMBER, 2023.

ORDER

Arguments heard.

2. The State is directed to file an affidavit on behalf of the responsible officer regarding the policy or framework envisaged for selection/authorisation of approved vendors/manufactures of High Security Registration Plates (HSRP) for implementing Rule 50 of the Central Motor Vehicle Rules, 1989 for affixing the High Security Number Plates on vehicles manufactured prior to 01.04.2019.

3. Prima facie, I am of the view that the words 'approved by the State Government' in the notification dated 09.06.2023 would mean authorisation of the selected dealers by the State Government. The approval for manufacturing facility is accorded by the Central Road Research Institute (CRRI) and other agencies as mentioned in the Rule itself and there is no approval of the State Government contemplated for manufacturing facility of HSRP under the Rules.

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4. The Central Government should also clarify its stand in this regard in the affidavit to be filed.

Treated as part heard. Post on 08.12.2023 in the 200 list, as Item No. 201.

sd/-

DINESH KUMAR SINGH
JUDGE

DCS/27.11.2023

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APPENDIX OF WP(C) 29866/2023

Exhibit -P1	THE TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED TO THE PETITIONER DATED 19.07.2023 ALONG WITH ENGLISH TRANSLATION
Exhibit -P2	THE TRUE COPY OF THE MOTOR VEHICLE (NEW HIGH SECURITY REGISTRATION PLATES), ORDER 2001
Exhibit -P3	THE TRUE COPY OF G.S.R. 1162(E) ISSUED BY RESPONDENT NO.1 DATED 04.12.2018
Exhibit -P4	THE TRUE COPY OF THE MOTOR VEHICLES (HIGH SECURITY REGISTRATION PLATES) ORDER, 2018
Exhibit -P5	THE TRUE COPY OF THE NOTIFICATION G.S.R. 104(E) DATED 11.02.2020 ISSUED BY RESPONDENT NO.1
Exhibit -P6	THE TRUE COPY OF THE NOTIFICATION G.S.R. 640(E) DATED 18.08.2022 ISSUED BY THE RESPONDENT NO.1
Exhibit -P7	TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO A MEMBER OF THE PETITIONER ASSOCIATION
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Exhibit -P16	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 16.06.2016
Exhibit -P17	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 02.08.2016
Exhibit-P 18	THE TRUE COPY COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 10.02.2017
Exhibit -P19	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 06.09.2021

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Friday, the 8th day of December 2023 / 17th Agrahayana, 1945

WP(C) NO. 29866 OF 2023

PETITIONER:

HIGH SECURITY REGISTRATION PLATE (HSRP) MANUFACTURERS ASSOCIATION OF INDIA, BUILDING NO. 66/1619, ABIDAS ARCADE, PIYOLI ROAD, ERNAKULAM, PIN - 682018. REPRESENTED BY ITS PRESIDENT, SHRI.M. JAHFAR.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI, PIN - 110001
2. STATE OF KERALA, REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
3. TRANSPORT COMMISSIONER 2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014
4. ASSOCIATION OF REGISTRATION PLATES-MANUFACTIRES OF INDIA (REGD), MAYAPURI INDUSTRIAL AREA PHASE-II NEW DELHI (SOUGHT TO BE IMPLEADED)

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation and implementation of Exhibit P13 circular issued by the Respondent No.1 and Exhibit P14 communication issued by the Respondent No.3, pending the disposal of the writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 27.11.2023 and upon hearing the arguments of M/S.DR.ADITYA SONDHI (SENIOR) Advocate along with P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, ABEE SHEJIRIK FASLA N.K, MUHAMED JUNAID V., ADITH KRISHNAN.U. & FATHIMA AFEEDA P, Advocates for the petitioner, SRI. KRISHNA T C, CENTRAL GOVERNMENT COUNSEL for R1 and of SRI. MILLU DANDAPANI, Advocate for R4, the court passed the following:

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DINESH KUMAR SINGH, J.

.....

W.P(C) Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023

.....

Dated this the 8th day of December, 2023

O R D E R

1.This court on 27.11.2023, after hearing the matter at length, the counsels representing the parties had made their observations as mentioned in Paragraphs 3 and 4.

2.No affidavit in terms of the said order has been filed on behalf of the State Government, rather a written communication from the State Government to the Transport Commission has been tendered during the hearing.

3.This court is not satisfied with the said communication as it does not answer the issue flagged in the order. Let an affidavit of the Secretary of the Transport / Commission be filed in terms of the order dated 27.11.2023 passed by this court.

4.Sri. Santhosh Kumar P, learned Special Government Pleader submitted that the affidavit shall be filed before the next date of posting. Dr. Aditya Sondhi, learned Senior counsel also enters appearance for the

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petitioner in WP© No.29866 of 2023 through virtual mode.

5.Post these writ petitions on 09.01.2024. It is made clear that till the court takes decision in these writ petitions, no agency shall be authorised by the State Government for affixing the High Security Registration Plates on vehicles manufactured prior to 01.04.2019.

Sd/-
DINESH KUMAR SINGH
JUDGE

SJ

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APPENDIX OF WP(C) 29866/2023

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Exhibit R4(K)	A COPY OF THE AFFIDAVIT DATED 8.11.2019 FILED BY MORTH BEFORE THE HON'BLE SUPREME COURT WITH ANNEXURES IN W.P.(C) 13029 OF 1985.
Exhibit R4(L)	A TRUE COPY OF ADVISORY DATED 16.09.2020
Exhibit R4(M)	THE COPY OF THE AFFIDAVIT DATED 21.11.2019 (WITH ANNEXURES) IN W.P.(C). 13029 OF 1985
Exhibit R4(N)	- A COPY OF THE AFFIDAVIT OF W.P.(C) 13029 OF 1985 DATED 23.10.2019 (WITH ANNEXURES)
Exhibit R4(0)	A COPY OF THE ORDER PASSED BY THE STATE OF HIMACHAL PRADESH DATED 16.04.2020
Exhibit R4(P)	- A COPY OF THE CIRCULAR DATED 26.05.2022 ISSUED BY THE STATE OF UTTARAKAHAND , PRODUCED ALONG WITH ENGLISH TRANSLATION
Exhibit R4(Q)	A TRUE COPY OF THE CIRCULAR DATED 26.05.2022 ISSUED BY THE STATE OF BIHAR, PRODUCED ALONG WITH ENGLISH TRANSLATION
Exhibit R4(R)	- THE TRUE COPY OF THE ORDER IN WRIT PETITION FILED ORBIZ AUTOMOTIVEZ BEFORE THE HON'BLE HIGH COURT OF ORISSA DATED 19.04.2023
Exhibit R4(S)	- THE TRUE COPY OF THE ORDER OF HIGH COURT OF KARNATAKA AT BANGALURU IN MANUFACTURERS ASSOCIATION OF INDIA & ORS VS. STATE OF KARNATAKA & ORS. DATED 20.09.2023
Exhibit R4(T)	THE TRUE COPY OF THE ORDER DATED 25.10.2023
Exhibit R4(U)	COPY OF THE PROCEDURE FOLLOWED BY VEHICLE MANUFACTURERS FOR SELECTING THE SUITABLE HSRP SUPPLIERS

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Exhibit -P1	**THE TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED TO THE PETITIONER DATED 19.07.2023 ALONG WITH ENGLISH TRANSLATION**
Exhibit -P2	**THE TRUE COPY OF THE MOTOR VEHICLE (NEW HIGH SECURITY REGISTRATION PLATES), ORDER 2001**
Exhibit -P3	**THE TRUE COPY OF G.S.R. 1162(E) ISSUED BY RESPONDENT NO.1 DATED 04.12.2018**
Exhibit -P4	**THE TRUE COPY OF THE MOTOR VEHICLES (HIGH SECURITY REGISTRATION PLATES) ORDER, 2018**
Exhibit -P5	**THE TRUE COPY OF THE NOTIFICATION G.S.R. 104(E) DATED 11.02.2020 ISSUED BY RESPONDENT NO.1**
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No.RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport &Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated the 8th January, 2024

To

1. The Principal Secretaries (Transport)/The Secretaries (Transport) of all the States / UTs
2. The Transport Commissioners of all the States / UTs

Subject: Clarification on affixation of HSRPs on Motor Vehicles - reg.

Sir/Madam,

I am directed to say that rule 50 of Central Motor Vehicle Rules (CMVR), 1989 (Annexure 1), read with S.O. 6052(E) dt 06.12.2018 (enclosed), governs the installation of High Security Registration Plates (HSRP) on motor vehicles.

2. It is evident from the above that the HSRPs, type approved by the Central Road Research Institute, New Delhi or any agency authorised under rule 126 of CMVR, shall be installed on motor vehicles in the following manner:

i. For vehicles manufactured on or after 01.04.2019, HSRP shall be issued by:
   a. the registering authority, or
   b. vehicle manufacturers and their dealers.
ii. For vehicles manufactured before 01.04.2019, the HSRP shall be issued at the option of State Government/UT by:
   a. registering authority, or
   b. vehicle manufacturers and their dealers, or
   c. licence plate manufacturers or their dealers, approved by the State Government or Union Territory Administration.

3. In this connection, it is stated that this Ministry have been receiving representations from various stakeholders mentioning that some HSRP vendors have been involved in the manufacturing and affixing of unauthorized HSRPs on the vehicles across various States in India. Taking it into cognizance, this Ministry issued advisory vide letter of even number dt 09.06.2023 (enclosed)requesting all the States and Union Territories to implement the provision of the HSRPs in letter and spirit and to make the process of availability of authorized HSRPs (with proper VAHAN entries) to all vehicle owners of new and old vehicles in the country.

4. Further, this Ministry vide letter dt 29.12.2023 (enclosed) has forwarded to all States / UTs the directions of Hon'ble Supreme Court vide its order dt 13.12.2023 in W.P. (Civil) No. 13029 of 1985, "M.C.Mehta vs UoI) for enforcement of prescribed norms regarding colour coded stickers (third registration plate). It may be noted that this Ministry, vide S.O. 6052(E) dt 06.12.2018 has already provided specifications of such stickers, including dimensions, data to be printed, background colour of the self-cestructive type chromium-based hologram sticker for respective fuel types, etc. In the aforesaid order, the Hon'ble Supreme Court has given directions to the States / UTs to comply with the extant regulatory provision by

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increasing penetration of third registration plates among old vehicles, thereby, giving clear picture regarding emissions standards and nature of fuel used in the vehicle.

5. You will appreciate that the scheme of HSRP has been devised to ensure public safety, security and to curb the increasing menace of vehicle thefts and their usage in commission of various crimes. However, as per the data available on Vahan (Annexure 2), only a limited number of States / UTs have made appreciable progress in installation of HSRPs in old vehicles, i.e., those manufactured prior to 01.04.2019. This raises grave concerns w.r.t. safety of vehicles, as such non-HSRP compliant vehicles are susceptible to be used for nefarious activities.

6. As highlighted above, while States / UTs can opt for the mode of installation involving type approved licence plate manufacturers approved by States / UTs for old vehicles, the option of affixing HSRPs through vehicle manufacturers is also available,which has been exercised by several States / UTs and has yielded positive results.

7. In view of the above, States / UTs are hereby advised to devise a plan to achieve 100% coverage of HSRPs in old vehicles also, i.e., those manufactured before 01.04.2019. Further, in case States / UTs are facing impediments in notifying authorized type approved licence plate manufacturers, appropriate steps may be taken to initiate the affixing of HSRPs through vehicle manufacturers and their dealers in an expeditious manner.

8. It is requested that the provisions of the HSRPs be implemented in true letter and spirit, with proper VAHAN entries of new and old vehicles in the country, in order to strengthen the on-ground enforcement.

9. States / UTs are also strongly urged to actively initiate the affixing of the colour coded stickers (third registration plate) on motor vehicles, to assist in easy identification of the nature of the fuel being used by that vehicle and enforcement of extant regulatory provisions thereon. Moreover, this will also assist State enforcement agencies to comply with directions, wherever applicable, issued by Hon'ble Supreme Court, Hon'ble High Courts, NGT, CPCB etc. regarding control of vehicle-borne air pollution.

10. All States/UT are requested to submit compliance report of HSRP implementation to this Ministry.

11. This issues with the approval of Competent authority.

Encl: As above.

Yours faithfully,

(S.K. Geeva)
Under Secretary to the Govt. of India
Tel/Fax: 011-23739074
Email: geeva.sk@nic.in

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Annexure 1

Extract of rule 50 of CMVR, 1989

...

(v) The plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle;

The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers and for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration. The Central Road Research Institute, New Delhi or any agency uthorized under rule 126 shall approve the security registration as per the provisions of this rule;

...

(vi)

...

Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicles manufactured on or after 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle:

Provided further that the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles, after placing the registration mark of registration thereon:

....

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Annexure 2

Coverage of HSRP for vehicles manufactured before 01.04.2019

State Name	Coverage
Andaman & Nicobar Island	5.30%
Andhra Pradesh	0.00%
Arunachal Pradesh	0.01%
Assam	58.57%
Bihar	1.82%
Chandigarh	3.46%
Chhattisgarh	0.00%
Delhi	16.40%
Goa	0.01%
Gujarat	48.43%
Haryana	10.98%
Himachal Pradesh	0.97%
Jammu and Kashmir	63.43%
Jharkhand	0.00%
Karnataka	0.00%
Kerala	0.00%
Ladakh	8.64%
Madhya Pradesh	0.00%
Maharashtra	0.00%
Manipur	1.36%
Meghalaya	7.10%
Mizoram	28.10%
Nagaland	0.80%
Odisha	0.00%
Puducherry	28.04%
Punjab	6.78%
Rajasthan	34.82%
Sikkim	3.99%
Tamil Nadu	0.00%
Tripura	0.00%
UT of DNH and DD	0.00%
Uttar Pradesh	0.03%
Uttarakhand	35.04%
West Bengal	45.84%
Pan India	10.04%

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Tuesday, the 9th day of January 2024 / 19th Pousha, 1945

WP(C) NO. 29866 OF 2023

PETITIONER:

HIGH SECURITY REGISTRATION PLATE (HSRP) MANUFACTURERS ASSOCIATION OF INDIA BUILDING NO. 66/1619, ABIDAS ARCADE, PIYOLI ROAD, ERNAKULAM, PIN - 682018. REPRESENTED BY ITS PRESIDENT, SHRI.M. JAHFAR.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI, PIN - 110001
2. STATE OF KERALA, REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
3. TRANSPORT COMMISSIONER, 2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014
4. ASSOCIATION OF REGISTRATION PLATES-MANUFACTIRES OF INDIA (REGD) F-119 , MAYAPURI INDUSTRIAL AREA PHASE - II NEW DELHI (SOUGHT TO BE IMPLEADED)

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation and implementation of Exhibit P13 circular issued by the respondent no.1 and Exhibit P14 communication issued by the Respondent No.3, pending the disposal of the writ petition

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 08.12.2023 and upon hearing the arguments of M/S DR.ADITYA SONDHI (SENIOR) Advocate along with P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, ABEE SHEJIRIK FASLA N.K, MUHAMED JUNAID V., ADITH KRISHNAN.U & FATHIMA AFEEDA P, Advocates for the petitioner,SRI. KRISHNA T C, CENTRAL GOVERNMENT COUNSEL, for R1 SRI. MILLU DANDAPANI, Advocate for R4, the court passed the following:

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DINESH KUMAR SINGH, J.

WP(C) Nos.10761 of 2022,
7089, 18049, 22207 & 29866 of 2023

Dated this the 9th day of January, 2024

O R D E R

Heard Sri. S.M.Prasanth, learned counsel appearing for the petitioner in WP(C) No.10761 of 2022; Sri.P.A.Mohammed Shah, learned counsel appearing for the petitioners in WP(C) Nos.7089, 18049 & 22207 of 2023; Dr.Aditya Sondhi learned Senior counsel assisted by Sri.P.A.Mohammed Shah, appearing for the petitioner in WP(C) No.29866 of 2023; Sri.S.Manu, learned Dy.Solicitor General of India and Sri.S.Krishna, Sri.K.V.Sree Vinayakan & Sri.P.R.Ajith Kumar, learned Central Government Counsel; Sri.Santhosh Kumar P., learned Special Government Pleader for Transport Department, State of Kerala; Sri.Suren Uppal assisted by Sri.Millu Dandapani, learned counsel appearing for the 6th respondent in WP(C) No.10761/2022, which is the 4th respondent in WP(C) Nos.7089, 18049 & 29866 of 2023; Sri.G.Harikumar, learned counsel for respondent Nos.5 and 4 in WP(C) Nos.10761 of 2022 and 22207 of 2023, respectively; and

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Sri.N.N.Girija, learned counsel for the 8th respondent in WP(C) No.10761 of 2022.

2. A fresh notification dated 8.1.2024 has been issued by the Ministry of Road Transport & Highways, Government of India under Rule 50 of the Central Motor Vehicles Rules, 1989, r/w S.O.No.6052(E) dated 6.12.2018, in respect of installation of High Security Registration Plates (HSRPs) on motor vehicles manufactured on and after 1.4.2019. As requested by the learned Standing Counsel appearing for Union of India, he is permitted to place on record the aforesaid notification dated 8.1.2024 by filing a memo.

3. Sri.Santhosh Kumar P., learned Special Government Pleader, submits that because of some developments, the affidavit as directed by this Court could not be filed till date and that the same shall be filed within a period of two weeks.

4. Considering the said submission of the learned Special Government Pleader, State is

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granted two weeks time to file affidavit as directed by this Court vide its order dated 27.11.2023.

5. It is made clear that, except for new vehicles, no other vendor shall be authorised by the State Government for installing HSRPs on old vehicles, till a decision is taken in these writ petitions.

List on 30.1.2024.

Sd/-

DINESH KUMAR SINGH
JUDGE

jg

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Presented on : 30-01-2024

E-CA NO : CA-2024-003564

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No.10761/2022

MOTORSIGNS INDIA : Petitioner

Vs

STATE OF KERALA & OTHERS : Respondents

ADDITIONAL AFFIDAVIT FILED BY THE SECOND RESPONDENT AS DIRECTED BY THIS HONORABLE COURT DATED 27.11.2023 AND 09.01.2024

Sd/-
E-VERIFIED
GOVERNMENT PLEADER
GP-2

FSO VERIFIED-14

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No.10761/2022

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2	Exhibit R2(d) : True copy of Government Order G.O(Rt) No. 39/2024/Trans Dated 24.01.2024.	6-7

Sd/-
E-VERIFIED

FSO VERIFIED-14

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(C) No. 10761 OF 2022

MotorSigns India : Petitioner

Vs.

State of Kerala & others : Respondents

ADDITIONAL AFFIDAVIT FILED BY THE SECOND RESPONDENT AS DIRECTED BY THIS HON'BLE COURT DATED 27.11.2023 AND 09.01.2024.

I, Sheela M. aged 50 years, W/o. Ajith Kumar residing at Sree Chaithanyam, Maruthankuzhy, Thiruvananthapuram do hereby solemnly affirm and state as follows:

1. I am the Joint Secretary to Government, Transport Department, Government Secretariat, Thiruvananthapuram. I am conversant with the facts of the case as disclosed from the relevant records. I am swearing to this affidavit on behalf of the respondents herein.

2. It is respectfully submitted that as per order dated 27.11.2023, this Hon'ble Court has directed the State to file an Affidavit on behalf of the responsible officer regarding the policy or framework envisaged for selection/authorization of approved vendors/manufacturers of High Security Registration Plates (HSRP) for implementing Rule 50 of the Central Motor Vehicle

Sheela M

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Rule, 1989 for affixing High Security Number Plates on vehicles manufactured prior to 01.04.2019.

3. It is submitted that pursuant to the above direction of this Hon'ble Court, the matter was taken up at the Government level and considering the various aspects involved and after consultation with the Transport Commissioner, Government in principle decided to authorize the registering authority to implement the issue of HSRP in the state as contemplated by the MoRTH in its communication dated 09.06.2023 wherein the MoRTH has specifically mentioned that the HSRPs with all the specifications and the specified registrations, for a new vehicle shall be issued by the registering authority or vehicle manufactures and their dealers and; for existing old registered vehicles, shall be issued by registering authority or vehicle manufactures and their dealers, or by the license plate manufactures or their dealers approved by the State Government or Union Territory Administration. Further, the data in the Vahan Portal is also required to be updated accordingly by the authorized HSRP manufactures. The State Government has also considered the above observations of the MoRTH for the implementation of HSRPs in the old vehicles registered prior to 01.04.2019. Therefore, Government had requested before this Hon'ble Court to grant sufficient time to file Affidavit as directed by this Hon'ble Court in the order dated 27.11.2023 and when the matter again came up for consideration on 09.01.2024, this Hon'ble Court passed an order and thereby granted two weeks time to comply with the directions contained in the order dated 27.11.2023. It was also

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made clear by this Hon'ble Court that except for new vehicles, no other vendor shall be authorized by the State Government for installing HSRPs on old vehicles, till a decision is taken in the pending writ petitions.

4. It is respectfully submitted that now the Ministry of Road Transport and Highways (MoRTH) in its letter dated 08.01.2024, wherein also the Central Government has reiterated and clarified that the HSRPs, type approved by the Central Road Research Institute, New Delhi or any agency authorized under Rule 126 of CMVR, shall be installed in motor vehicles in the following manner.

(i) For vehicles manufactured on or after 01.04.2019, HSRP shall be issued by;

(a) the Registering Authority, or vehicle manufactures and their dealers.

(ii) For vehicles manufactured before 01.04.2019, the HSRP shall be issued at the option of State Government/Union Territory by:

(a) Registering Authority, or

(b) Vehicle manufactures and their dealers, or

(c) License Plate Manufactures or their dealers approved by the State Government or Union Territory Administration.

5. It is submitted that taking note of the directions issued by the MoRTH dated 09.06.2023 and 08.01.2024, the Government has decided to authorize the registering authority for fixing of High Security Registration Plates on vehicles registered prior to 01.04.2019 and issued an order as G.O.(Rt)

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No. 39/2024/Trans dated 24.01.2024 and the mode of implementation of the same is as follows:

6. The Transport Commissioner being the administrative head of the 86 registering authorities spread all over Kerala, has been instructed to put up a plant for manufacturing HSRP and to obtain prior approval from any testing agencies specified in Rule 126 of CMVR and ensure effective distribution of HSRPs as and when required to the different registering authorities all over the State. An IT based application has been developed for the purpose and the registered owners of the vehicles, manufactured on or before 01.04.2019, have to apply for allotment of date, time and venue for fixing HSRP. The plant for the same will be put up through Institute of Driver Training and Research (IDTR) at Edappal and the requisite accreditation shall be obtained by the Transport Commissioner, who is the Director of IDTR. IDTR is the body set up by the MoRTH for training, research and development activities for Motor Vehicle Department. The requisite technical assistance and expertise shall be provided by IDTR which is the body under Motor Vehicle Department chaired by the Hon'ble Minister for Transport. The project will be to implemented from 01.04.2024 onwards. The fixation of HSRP is envisioned to be complete within a period of one year from 01.04.2024. The rate of fixing of HSRP will be as per the norms prescribed by MoRTH. A true copy of the Government Order G.O.(Rt) No. 39/2024/Trans dated 24.01.2024 authorizing the registering authority (Motor Vehicle Department) for issuance of HSRP in

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the existing old registered vehicles prior to 01.04.2019 is produced herewith and marked as **Exhibit R2(d)**.

7. Hence in view of the facts and circumstance stated above, and in compliance to the direction of this Hon'ble Court, this Affidavit is being filed which may kindly be accepted in the file and adjudicate the matter accordingly.

Dated this the 29th day of January, 2024.

DEPONENT

Solemnly affirmed and signed before me by the deponent whom I know on this the 29th day of January, 2024 at the Office of the Secretary to Government, Transport Department, Government Secretariat, Thiruvananthapuram

RATHEESH R.
PEN: 809586
Section Officer
Transport (B) Dept.
Government Secretariat
Thiruvananthapuram

P. SANTHOSH KUMAR
SPECIAL GOVERNMENT PLEADER

Pr/U2/27.1.24

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GOVERNMENT OF KERALA

Abstract

Transport Department – Fixing of High Security Registration Plates in vehicles registered prior to 01/04/2019- Registering Authority authorised – Orders issued.

TRANSPORT (B) DEPARTMENT

G.O.(Rt) No.39/2024/Trans. Dated, Thiruvananthapuram, 24/01/2024

Read: (1) Order dated 27/11/2023 and 09/01/2024 of Hon'ble High Court in WP(C) 10761/2022.

(2) Government letter B2/349/2022-Trans. Dated 07/12/2023.

(3) Notification number RT 11036/99/2020-MVL dated 9/6/2023 of Ministry of Road Transport and Highways.

ORDER

The Hon'ble High Court as per the interim order 1st cited directed the State Government to file the policy for frame work envisaged for selection/authorization of approved vendors/manufactures of High Security Registration Plates for implementing Rule 50 of CMVR for affixing HSRP in vehicles manufactured prior to 01/04/2019.

As per Rule 50 (1) (V) of the CMV Rules, for existing old registered vehicles, the licence plate shall be issued by the registering authority or vehicle manufactures and their dealers or by the licence plate manufactures or their dealers approved by State Government or UT administration. The Central Road Research Institute, New Delhi or any agency authorized under Rule 126 shall approve the Security registration as per the provision of this rule.

Government after considering all the aspect of the scheme, decided in principle to implement the HSRP scheme in the state, through the Registering Authority as empowered by clause (v) of sub Rule 1 of Rule 50 of CMVR. As per the interim order read (1) dated 9.1.2024, the Hon'ble High Court has made it clear that "except for new vehicles, no other vendor shall be authorised by the State Government for installing HSRP in old vehicles till a decision is taken in these writ petitions"

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Government have examined the matter in detail and authorize the Registering Authority (Motor Vehicles Department) for issuance of HSRP in the existing old registered vehicles prior to 1/4/2019 in the state in accordance with the conditions stipulated in Rule 50 CMVR and Motor Vehicle (HSRP) Rules 2018. The registering Authority shall take the required technical and infrastructural support of Institute of Driver Training and Research (IDTR),which is the primary training and research institute constituted by MoRTH,under MVD, Kerala.The governing body of IDTR has been constituted with the Minister for Transport as Ex-officio Chairman and the Director (Transport Commissioner) as Secretary.

(By Order of the Governor)
SHEELA M
JOINT SECRETARY
For Secretary to Government

To

Transport Commissioner, Thiruvananthapuram.
Chairman and Managing Director, KSRTC, Thiruvananthapuram
Director, Institute of Driver Training and Research (IDTR),Edappal
The Advocate General, Kerala, Ernakulam,with C/L
Principal Accountant General (A&E/Audit), Thiruvananthapuram
I&PRD, Web & New Media (For publishing in the Govt.Website)
Stock file /Office Copy.

Forwarded / By order

Section Officer

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Tuesday, the 30th day of January 2024 / 10th Magha, 1945

WP(C) NO. 29866 OF 2023

PETITIONER:

HIGH SECURITY REGISTRATION PLATE (HSRP), MANUFACTURERS ASSOCIATION OF INDIA, BUILDING NO. 66/1619, ABIDAS ARCADE, PIYOLI ROAD, ERNAKULAM REPRESENTED BY ITS PRESIDENT, SHRI.M. JAHFAR, PIN - 682018.

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI, PIN - 110001.
2. STATE OF KERALA, REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
3. TRANSPORT COMMISSIONER, 2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014.
4. ASSOCIATION OF REGISTRATION PLATES MANUFACTIRES OF INDIA (REGD), F-119 , MAYAPURI INDUSTRIAL AREA PHASE -11 NEW DELHI (SOUGHT TO BE IMPLEADED).

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation and implementation of Exhibit P13 circular issued by the Respondent No.1 and Exhibit P14 communication issued by the Respondent No.3, pending the disposal of the Writ Petition

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 09/01/2024 and upon hearing the arguments of M/S. DR.ADITYA SONDHI (SENIOR), P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, ABEE SHEJIRIK FASLA N.K, MUHAMED JUNAID V., ADITH KRISHNAN.U. & FATHIMA AFEEDA P., Advocates for the petitioner and of SRI.T.C.KRISHNA, SCGC for R1 & SRI.MILLU DANDAPANI, Advocate for R4, the court passed the following:

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DINESH KUMAR SINGH, J.

.....

W.P(C) Nos.10761 of 2022, 7089, 18049, 22207 & 29866 of 2023

.....

Dated this the 30th day of January, 2024

O R D E R

Heard Sri. S.M.Prasanth, learned counsel appearing for the petitioner in WP(C) No.10761 of 2022; Sri.P.A.Mohammed Shah, learned counsel appearing for the petitioners in WP(C) Nos.7089, 18049 & 22207 of 2023; Dr.Aditya Sondhi learned Senior counsel assisted by Sri.P.A.Mohammed Shah, appearing for the petitioner in WP(C) No.29866 of 2023; Sri.S.Manu, learned Dy.Solicitor General of India and Sri.S.Krishna, Sri.K.V.Sree Vinayakan & Sri.P.R.Ajith Kumar, learned Central Government Counsel; Sri.Santhosh Kumar P., learned Special Government Pleader for Transport Department, State of Kerala; Sri.Suren Uppal assisted by Sri.Millu Dandapani, learned counsel appearing for the 6th respondent in WP(C) No.10761/2022, which is the 4th respondent in WP(C) Nos.7089, 18049 & 29866 of 2023; Sri.G.Harikumar, learned counsel for respondent Nos.5 and 4 in WP(C) Nos.10761 of 2022 and 22207 of 2023, respectively; and Sri.N.N.Girija, learned counsel for the 8th respondent in WP(C) No.10761 of 2022.

2.The State Government has filed additional affidavit in compliance of the order passed by this court on 27.11.2023 and

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09.01.2024. Along with the additional affidavit, a Government Order dated 24.01.2024 has been placed on record. As per the said Government Order, the Government has decided in principle to implement the HSRP Scheme in the Sate, through the Registering Authority and the State Government has decided to set up a Plant for manufacturing the HSRP and after taking approval, HSRP shall be supplied to the registering authorities for fixing on vehicles manufactured on or before 01.04.2019.

3.The petitioners / any other aggrieved person shall have liberty to challenge the said notification by taking recourse to the amendment in writ petitions / filing fresh writ petitions as may be advised.

As provided in the interim order dated 09.01.2024, that except for new vehicles, no other vendor shall be authorised by the State Government for installing HSRP on old vehicles, shall remain in operation till the next posting date.

Post on 09.04.2024.

Sd/-

DINESH KUMAR SINGH
JUDGE

SJ
H/O

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APPENDIX OF WP(C) 29866/2023

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Exhibit R4(B)	- THE TRUE COPY OF THE I.A NO 5 OF 2023 IN WRIT PETITION NO 10761/2022 WHICH WAS ALLOWED BY THIS HON'BLE COURT VIDE ORDER DATED 4.07.2023
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Exhibit R4(D)	- A COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN ASSN. OF REGISTARTION PLATES V UNION OF INDIA (2005) 1 SCC 679
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Exhibit R4(H)	THE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN MANINDERJITH SINGH BITTA VS UNION OF INDIA 2012(4) SCC 568
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Exhibit -P17	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 02.08.2016
Exhibit-P 18	THE TRUE COPY COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 10.02.2017
Exhibit -P19	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 06.09.2021
Exhibit R1A	True copy of the advisory dated 8.1.2024 issued by the Ministry of Road Transport and Highways, Government of India.

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

Tuesday, the 9th day of April 2024 / 20th Chaithra, 1946

WP(C) NO. 14467 OF 2024

PETITIONER:

ORBIZ AUTOMOTIVEZ, PLOT NO. 23/A AND 23/C, INKEL CITY, PANAKKAD VILLAGE, MALAPPURAM, REPRESENTED BY ITS MANAGING PARTNER, SHRI. JABIR M, PIN - 676519

RESPONDENTS:

1. **UNION OF INDIA, REPRESENTED BY SECRETARY MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI, PIN - 110001**
2. **STATE OF KERALA, REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.**
3. **TRANSPORT COMMISSIONER, 2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014**

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation and implementation of Exhibit P11 and P20 circular issued by the 34 respondent no.1, Exhibit P12 communication issued by the respondent no.3 and Exhibit P23 order issued by respondent No.2 pending the disposal of the writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, ABEE SHEJIRIK FASLA N.K, MUHAMED JUNAID V., FATHIMA AFEEDA P., ADITH KRISHNAN.U. & SHERIN SHERIYAR, Advocates for the petitioner and of SRI. VISHNU JAYAPALAN, CENTRAL GOVERNMENT COUNSEL for R1, the court passed the following:

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DINESH KUMAR SINGH, J.

W.P.(C) No. 14467 of 2024

Dated this the 9th day of April, 2024

ORDER

Mr. P. Santhoshkumar, learned Special Government Pleader seeks and granted four weeks time to file counter affidavit in the writ petition.

Post this matter after vacation.

Sd/-

DINESH KUMAR SINGH

JUDGE

Svn

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APPENDIX OF WP(C) 14467/2024

Exhibit P1	**THE TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED TO THE PETITIONER**
Exhibit P2	**THE TRUE COPY OF THE MOTOR VEHICLE (NEW HIGH SECURITY REGISTRATION PLATES), ORDER 2001**
Exhibit P3	**THE TRUE COPY OF G.S.R. 1162(E) ISSUED BY RESPONDENT NO.1 DATED 04.12.2018**
Exhibit P4	**THE TRUE COPY OF THE MOTOR VEHICLES (HIGH SECURITY REGISTRATION PLATES) ORDER, 2018**
Exhibit P5	**THE TRUE COPY OF THE NOTIFICATION G.S.R. 104(E) DATED 11.02.2020 ISSUED BY RESPONDENT NO.1**
Exhibit P6	**THE TRUE COPY OF THE NOTIFICATION G.S.R. 640(E) DATED 18.08.2022 ISSUED BY THE RESPONDENT NO.1**
Exhibit P7	**TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR**
Exhibit P8	**TRUE COPY OF THE SCREENSHOT TAKEN FROM THE WEBSITE: WWW.PARIVAHAN.GOV.IN**
Exhibit P9	**THE TRUE COPY OF THE INTERIM ORDER PASSED IN WRIT PETITION (CIVIL) NO.10761/2022 DATED 13.04.2023**
Exhibit 10	**THE TRUE COPY OF THE ORDER PASSED IN WRIT APPEAL NO.999/2023 DATED 29.05.2023**
Exhibit P11	**THE TRUE COPY OF THE ADVISORY / LETTER ISSUED BY THE RESPONDENT NO.1 DATED 09.06.2023**
Exhibit P12	**THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.3 DATED 16.08.2023**
Exhibit P13	**THE TRUE COPY OF THE TABLE SHOWING THE HIGH SECURITY REGISTRATION PLATES SUPPLIED BY HSRP VENDORS AS OBTAINED FROM THE VAHAAN PORTAL**
Exhibit P14	**THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 16.06.2016**
Exhibit P15	**THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 02.08.2016**
Exhibit P16	**THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 10.02.2017**
Exhibit P17	**THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 06.09.2021**
Exhibit P18	**THE TRUE COPY OF ORDER OF THIS HON'BLE COURT DATED 27.11.2023 IN W.P.(C) NO.29866/2023**
Exhibit P19	**THE TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT DATED 08.12.2023 IN W.P.(C) NO.29866/2023**
Exhibit P20	**THE TRUE COPY OF THE ADVISORY ISSUED BY THE 1ST RESPONDENT DATED 08.01.2024**
Exhibit P21	**THE TRUE COPY INTERIM ORDER OF THIS HON'BLE COURT DATED 09.01.2024 IN W.P.(C) NO.29866/2023**
Exhibit P22	**THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 29.01.2024 IN W.P.(C) NO.10761/2022**
Exhibit P23	**THE TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT NUMBERED AS G.O. (RT) NO. 39/2024/TRANS DATED 24.01.2024**
Exhibit P24	**THE TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT DATED 30.01.2024 IN W.P.(C) NO.29866/2023**

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GOVERNMENT OF KERALA

Transport (B) Department

No: B2/349/2022/TRANS 21-06-2024,Thiruvananthapuram

From

Secretary to Government

To

Transport Commissioner

Sir,

Sub: Transport Department - WP(C) 14467/2024 filed by M/s Orbiz Automotivez - Furnishing points for filing Counter Affidavit - Reg

Ref: WP(C) No. 14467/2024 filed by M/s Orbiz Automotivez before Hon'ble High Court of Kerala

I am to forward herewith a copy of the WP (C) 14467/2024 filed by M/s Orbiz Automotivez before the Hon'ble High Court of Kerala regarding HSRP on vehicles prior to 01/04/2019. You are requested to furnish statement of facts to Government urgently for filing counter affidavit in this regard .

Yours Faithfully,
CHITHRALEKHA R G
UNDER SECRETARY

For Secretary to Government.

Approved for Issue,

Section Officer.

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Gmail

Transport_B Sect. <transportb7186@gmail.com>

B2/349/2022/Trans - WP(C) 14467/2024 filed by M/s Orbiz Automotivez - Furnishing points for filing Counter Affidavit - etter Forwarding -

1 message

Transport_B Sect. <transportb7186@gmail.com> Sat, Jun 22, 2024 at 11:16 AM
To: tc.mvd@kerala.gov.in, tcoffice.mvd@kerala.gov.in, tcofficemvd@gmail.com

Kindly see the documents
attached below
for your urgent consideration

--
Transport(B) Department
Government Secretariat
Thiruvananthapuram

2 attachments

B2-349.pdf
206K

annexure B2-349.pdf
3403K

MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **09-07-2024**

From: Transport Commissioner
Kerala

To: The Advocate General of Kerala
Ernakulam

Sir,

Sub:- Motor Vehicles Dept- fitment of HSRP on Vehicles Registered prior to 01/4/2019- WPC (C) No. 14467/2024-Statements of Facts forwarding-Reg.

Ref:- 1. Government letter number B2/349/2022-Trans dated 21/06/2024
2. WPC (C) No.14467/2024 filed by M/S Orbiz Automotivez

I am in the receipt of the notice in WP(C) No.10761/2022. Union of India represented by its Secretary , MoRTH, State of Kerala represented by its Secretary, Transport Department and Transport Commissioner are the respondents. I request your Kindness to enter appearance on behalf of the respondent to defend the case.

1. The respondents respectfully submit that the writ petition is not maintainable either in law or on facts. The petitioner has no locus standi to challenge the impugned actions as detailed in the writ petition.

2. Reply to Paragraph 8:

The respondents deny the allegations made in paragraph 8 of the writ petition. The issuance of circulars and orders by the respondents are in compliance with the statutory provisions and aimed at ensuring road safety and uniformity in vehicle registration plates.

3. Reply to Paragraph 9:

It is submitted that the contents of paragraph 9 are misleading. The petitioner has misinterpreted the provisions of the Motor Vehicles (High Security Registration Plates) Order, 2018. The issuance of high-security registration plates (HSRP) is a mandatory requirement under the Central Motor Vehicles Rules, 1989.

4. Reply to Paragraph 10:

The averments in paragraph 10 are denied. The respondents have issued the relevant notifications (Exhibit P5, P6) to ensure compliance with the amended rules, which are binding on all vehicle owners and manufacturers.

5. Reply to Paragraph 11:

The respondents submit that the petitioner has selectively quoted the

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notifications and orders. Exhibit P11 and P12 have been issued to streamline the implementation process and to avoid any ambiguity.

6. Reply to Paragraph 12:

The allegations in paragraph 12 are baseless. The respondents have always acted in accordance with the law and the directions issued by the Ministry of Road Transport and Highways (MoRTH).

7. Reply to Paragraph 13:

The respondents deny the claims made in paragraph 13. The communication mentioned by the petitioner was intended to provide clarity on the procedural aspects of HSRP implementation.

8. Reply to Paragraph 14:

It is submitted that the petitioner's interpretation of the circulars is flawed. The respondents have consistently followed the guidelines laid down by the Central Government.

9. Reply to Paragraph 15:

The respondents categorically deny the allegations made in paragraph 15. The interim order referenced by the petitioner in Exhibit P9 was passed under specific circumstances and does not invalidate the general applicability of the HSRP rules.

10. Reply to Paragraph 16:

The contentions in paragraph 16 are denied. The respondents have issued communications (Exhibit P13) based on data available on the VAHAN portal to ensure transparency and accuracy.

11. Reply to Paragraph 17:

The respondents deny the allegations made in paragraph 17. The letters issued by the respondents (Exhibit P14 to P17) were in response to specific queries and do not contradict the statutory requirements.

12. Reply to Paragraph 18:

The averments in paragraph 18 are incorrect. The respondents have always adhered to the guidelines issued by the Central Government regarding the implementation of HSRP.

13. Reply to Paragraph 19:

The respondents deny the allegations in paragraph 19. The petitioner has not provided any substantial evidence to support their claims.

14. Reply to Paragraph 20:

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It is submitted that the respondents have acted in accordance with the law. The implementation of HSRP is crucial for enhancing vehicle security and reducing vehicular crimes.

15. Reply to Paragraph 21:

The allegations made in paragraph 21 are denied. The respondents have taken all necessary steps to ensure the smooth implementation of the HSRP scheme.

16. Reply to Paragraph 22:

The respondents submit that the petitioner has no grounds to challenge the validity of the orders issued. The circulars and notifications are in the interest of public safety and are legally binding.

17. Reply to Paragraph 23:

The contentions in paragraph 23 are denied. The respondents have issued orders and circulars after due consideration and following the legal procedures.

18. Reply to Paragraph 24:

The respondents deny the allegations made in paragraph 24. The orders issued by the respondents are aimed at ensuring compliance with the HSRP regulations and are not arbitrary.

19. Reply to Paragraph 25:

The averments in paragraph 25 are incorrect. The respondents have always acted in the best interest of public safety and have adhered to the statutory provisions.

20. Reply to Paragraph 26:

The respondents submit that the petitioner has not provided any valid reasons to challenge the orders issued. The HSRP scheme is a crucial initiative for enhancing vehicle security and has been implemented following due process.

21. In view of the above, the respondents respectfully submit that the writ petition is devoid of merit and deserves to be dismissed with costs.

The factors enumerated in the Statement of facts furnished for WP(C) 10761/2022 may also be considered as part of this SoF. (copy Attached)

Hence, it is submitted that no fundamental or constitutional right of the petitioner is violated and there is no arbitrariness or procedural impropriety in the matter and the writ petition is liable to be dismissed as devoid of any merit.

Tender called for selecting a total service provider to take over all the activities of IDTR, including HSRP construction, and received bids from companies related to Total service providers. Also shortlisted the applications received.

"EOI (Expression of Interest) has been invited for the procurement of HSRP

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machinery. (High-Security Registration Plate machinery) by IDTR.

The court may permit and grant time for the further tender proceedings to be finalised.

Hence the Hon.High Court may permit the Transport Commissioner to proceed further in this matter with the technical assistance of IDTR. Necessary accreditation will be obtained in due course after procuring the machinery. The whole process is proposed to be completed in a years' time.

Signed by
Sreejith S
Date: 09-07-2024 17:21:53

Yours faithfully

S SREEJITH I P S
TRANSPORT COMMISSIONER

Copy To: Secretary to Transport, Transport Department, Government Secreteriat, Thiruvananthapuram

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud, Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

MIT2/23/2022-TC

I/205254/2024

MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **04-06-2024**

From: Transport Commissioner
Kerala

To: The Advocate General of Kerala
Ernakulam

Sir,

Sub:- Motor Vehicles Dept-Fitment of HSRP on Vehicles registered prior to 01/4/2019-WP(C) No.10761/2022-Statement of Facts forwarding- Reg

Ref:- 1. Letter from AG'S office number WP(C)10761/2022/2024057581 dated 17/5/2024
2. WPC (No) 10761 of 2022

I am in the receipt of the notice in WP(C) No.10761/2022. Union of India represented by its Secretary, MoRTH, State of Kerala represented by its Secretary, Transport Department and Transport Commissioner are the respondents. I request your Kindness to enter appearance on behalf of the respondent to defend the case.

In compliance of the order passed by the Hon. High court on 27.11.2023 and 09.01.2024. Along with the additional affidavit, a Government Order dated (G.O. (Rt)No. 39/2024/Trans dated) 24/1/2024) (copy attached) has been placed on record. As per the said Government Order, Government has authorized the Registering Authority (Motor Vehicles Department) for issuance of HSRP in the existing old registered vehicles prior to 1/4/2019 in the state in accordance with the conditions stipulated in Rule 50 CMVR and Motor Vehicle (HSRP) Rules2018 and also directed that the registering Authority shall take the required technical and infrastructural support of Institute of Driver Training and Research (IDTR) , which is the primary training and research institute constituted by MoRTH, under MVD, Kerala.

•The G.O was forwarded to IDTR for further necessary actions vide Order Number MIT2/13/2017-TC dated 18/03/2024 a committee was constituted , under the chairmanship of Joint Transport Commissioner for evaluation of tender . Authorization was also given to Chairman to Co-opt other committee members.

As the model of conduct related to the Lok Sabha election is standing, the project related tothe high security number plate has not been finalized.After withdrawing the model of conduct, further proceedings will be resumed.

In addition to

1. No Remarks
2. No Remarks
3. No remarks
4. No Remarks

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5. No Remarks

6. No Remarks

7. No Remarks

8. No Remarks

9 . Averments in para 9 are not seems fully correct. As per the available information in the official web site of MoRTH regarding "testing agencies authorized to give type approval to prospective vendors" are Central Road Research Institute (CRRI) Delhi, Automotive Research Association of India (ARRAI) Pune, Vehicle Research Development and Establishment (VRDE) Ahmed Nagar, Indian Institute of Petrolium (IIP) Dehradum, Central Farm Machinery Training and Testing Institute (CFMTTI) Madyapradesh are the authorized type approval certificate issuing agencies and MoRTH also mentioned that only agencies 3 of the above agencies (CRRI, ARAI, VRDE) are conducting testing and certification work . According to petitioner his HSRP were authorized by Global Automotive Research Centre(GARC) Tamilnadu but which is not seen included in the list of MoRTH.

It is up to the MorTH to clarify whether the petitioner is an authorized vendor or not and the petitioner has not arrayed MoRTH as one of the respondents in the writ and hence the writ is bad for non joinder of necessary party.

10. No Remarks

11. No Remarks

12. No Remarks

13. NO remarks

14. No Remarks

15. No Remarks

16. No Remarks

17. No Remarks

18. No Remarks

19. No Remarks

20. NO Remarks

21. The manufacturer/dealer of Motor Vehicles and their dealers or manufacturers or supplier of HSRP from CIRT or any one of the testing agencies authorized by CMVR 126 of CMVR 1989.

22. Implementation of the provision of KMV Act 1988 and KMVR 1989 comes under the purview of State Transport Authorities of State/Union Territories. Therefore , it is for the State/Union Territory to select any of the type approval vendors to carry out the work of affixation of HSRP on older motor vehicles for respective states / union territories. Hence as per the direction of State Government issued G.O.(Rt) No.39/2024/Trans dated 24/1/2024 deciding to entrust the task of issuing and affixing HSRP's.

23. Denied. Directions are Given as per government order. There are no violations

24. Denied. Directions are Given as per government order. There are no violations

Grounds

The State Government is empowered to select approved vendors impose the conditions to be incorporated in authorization issued to the vendor so as to ensure the features of HSRP. it may be noted that the rate of fixing HSRP in various type of vehicles has not been specified by the Central Govt and State Govt have the power to fix the rate of HSRP time limit for the fitment of HSRP and such other conditions. Hence the contention in the petition that there is no role of the State Govt. other than the condition prescribed by the Central Govt is not true to the fact.

A. Advisory / Communication has been issued with no ulterior motive for promoting a few HSRP manufacturers for supplying HSRP of vehicles manufactured and sold after 01/4/2019

B. The State Government is empowered to select approved vendors, impose the conditions to be incorporated in authorization issued to vendors so as to ensure the features of HSRP.

C. The Standards fixing the HSRP in various type of vehicles has been specified by the Central Govt. Hence the contention in the petition is denied.

D. Denied. MoRTH in their official website clearly describes the role of State Government in HSRP.As per the CMVR 50, the State Government select vendors. After the selection of the vendor the state government make sure that the proper control are being exercised at the time of issuance of HSRP.

E. The Government of Kerala have not so far approved or enlisted any agency/vendor.

F. As per S.O.6052(E) the manufacturers or suppliers of HSRP, if so authorized by the sate concerned, may also supply HSRP including the third registration mark on old vehicles after placing the registration mark.Implementation of the provision of KMV act 1988 and KMVR 1989 comes under the purview of State Transport Authorities of State/union territories. Hence, fixation of HSRP without the authority of State Government is illegal.

G. The Government of Kerala have not so far approved or enlisted any agency/vendor.

Hence, it is submitted that no fundamental or constitutional right of the petitioner is violated and there is no arbitrariness or procedural impropriety in the matter and the writ petition is liable to be dismissed as devoid of any merit.

Signed by
S Sreejith I P S
Date: 04-06-2024 16:09:24

Yours faithfully

S SREEJITH I P S
TRANSPORT COMMISSIONER

Copy To: The Secretary, Transport(B) Department, Government Secreteriat, Thiruvananthapuram

MIT2/23/2022-TC

I/205254/2024

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

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eTendering System Government of Kerala

Kerala Tenders

Tender Details

Date : 17-Jul-2024 03:02 PM

Print

Basic Details

Organisation Chain	Motor Vehicles Dept,Transport Commissionerate		
Tender Reference Number	MIT2/13/2017		
Tender ID	2024_MVD_680865_1	**Withdrawal Allowed**	Yes
Tender Type	Open Tender	**Form of contract**	Supply and Service
Tender Category	Works	**No. of Covers**	2
General Technical Evaluation Allowed	No	**ItemWise Technical Evaluation Allowed**	No
Payment Mode	Online	**Is Multi Currency Allowed For BOQ**	No
Is Multi Currency Allowed For Fee	No	**Allow Two Stage Bidding**	No

Payment Instruments

	S.No	Bank Name
Online Bankers	1	SBI MOPS

Cover Details, No. Of Covers - 2

Cover No	Cover	Document Type	Description
1	Fee/PreQual/Technical	.pdf	Documents as specified in the bid document
2	Finance	.xls	boq

Other Important Documents

S.No	Category	Sub Category	Sub Category Description	Format/File
1	Certificate Details	Permanent Account Number	Permanent Account Number	
2	Certificate Details	Registration Certificate	Registration Certificate	
3	Certificate Details	Bidders Address Format	Bidders Address Format	
4	Certificate Details	Income Tax Certificate	Income Tax Certificate	
5	Certificate Details	Power of Attorney	Power of Attorney	
6	Certificate Details	Service tax registration No	Service tax registration No	
7	Financial Details	Annual Turn Over Details	Annual Turn Over Details	
8	Financial Details	Annual Turn over certificates from CA	Annual Turn over certificates from CA	
9	Litigation Details	Litigation Details	Litigation Details	
10	Machinery Details	Machinery Details	Machinery Details	
11	Man Power Details	Details of Technical Manpower Details	Details of Technical Manpower Details	
12	Miscellaneous	Company profile	Company profile	
13	Work Details	Works Completed Details	Works Completed Details	
14	Work Details	Existing Commitments Details	Existing Commitments Details	
15	Work Details	Existing Work Order Commitment	Ongoing Work Order Details with percentage of work completed	

Tender Fee Details, [Total Fee in ₹ * - 2,500]

Tender Fee in ₹	2,500		
Fee Payable To	Nil	**Fee Payable At**	Nil
Tender Fee Exemption Allowed	No		

EMD Fee Details

EMD Amount in ₹	50,000	**EMD Exemption Allowed**	No
EMD Fee Type	fixed	**EMD Percentage**	NA
EMD Payable To	Nil	**EMD Payable At**	Nil

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Work /Item(s)

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Title	Establishment of HSRP plant				
Work Description	Establishment of a plant for manufacturing of HSRP				
Pre Qualification Details	Please refer Tender documents.				
Independent External Monitor/Remarks	NA				
Tender Stage to disclose bid details to other bidders/public domain	Yes				
Tender Value in ₹	50,00,000	**Product Category**	Miscellaneous Works	**Sub category**	NA
Contract Type	Tender	**Bid Validity(Days)**	180	**Period Of Work (Days)**	180
Location	Edappal	**Pincode**	679576	**Pre Bid Meeting Place**	Trivandrum
Pre Bid Meeting Address	Transport Commissionerate, Trans Towers, Vazhuthacaud	**Pre Bid Meeting Date**	22-Jul-2024 11:00 AM	**Bid Opening Place**	Trivandrum
Should Allow NDA Tender	No	**Allow Preferential Bidder**	No		

Critical Dates

Publish Date	17-Jul-2024 05:00 PM	**Bid Opening Date**	26-Jul-2024 11:00 AM
Document Download / Sale Start Date	17-Jul-2024 05:00 PM	**Document Download / Sale End Date**	24-Jul-2024 05:00 PM
Clarification Start Date	17-Jul-2024 05:00 PM	**Clarification End Date**	20-Jul-2024 05:00 PM
Bid Submission Start Date	17-Jul-2024 05:00 PM	**Bid Submission End Date**	24-Jul-2024 05:00 PM

Tender Documents

NIT Document

S.No	Document Name	Description	Document Size (in KB)
1	Tendernotice_1.pdf	notice inviting tender	126.82

Work Item Documents

S.No	Document Type	Document Name	Description	Document Size (in KB)
1	Tender Documents	hsrptender.pdf	tender documents	126.50
2	BOQ	BOQ_1059056.xls	financial bid	285.00

Bid Openers List

S.No	Bid Opener Login Id	Bid Opener Name	Certificate Name
1.	tojo.382629@kerala.gov.in	Tojo M Thomas	TOJO M THOMAS
2.	sajitha.134948@kerala.gov.in	Sajitha J Lal	Sajitha J Lal
3.	soulgrn.134881@kerala.gov.in	SOULGEN M S	Soulgen M S

Tender Properties

Auto Tendering Process allowed	No	**Show Technical bid status**	Yes
Show Finance bid status	Yes	**Show Bid Details in Public Domain stage**	Technical Bid Opening
BoQ Comparative Chart model	Normal	**BoQ Compartive chart decimal places**	3
BoQ Comparative Chart Rank Type	L	**Form Based BoQ**	No

Tender Inviting Authority

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Name	Transport Commissioner
Address	Transport Commissionerate, Trans Towers, Vazhuthacaud

Tender Creator Details	
Created By	SOULGEN M S
Designation	Senior Superintendent
Created Date	17-Jul-2024 02:49 PM

File No. TRANS-B2/349/2022-TRANS (Computer No. 2184481)

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Bid Document for

Establishment of a plant for manufacturing of the High Security Registration Plates (HSRP) Project and related software in the State of Kerala at Institute of Driver Training & Research (IDTR), Edappal, Malappuram premises.

July 2024

Transport Commissioner

Motor Vehicles Department, Government of Kerala
Transport Commissionerate,
Trans Towers, Vazhuthacaud,
Thycaud P.O., Trivandrum – 695014
Ph: 0471-2333317
e-mail: tcoffice.mvd@kerala.gov.in

Invitation for Bids

Transport Commissioner, Motor Vehicles Department invites bids for the **Establishment of a plant for manufacturing of the High Security Registration Plates (HSRP) Project and related software in the State of Kerala,** in accordance with the specified requirements for the manufacture and supply of HSRP plates, by the Government of Kerala. The specifications of the machinery shall be in accordance with the details in the appendix herewith.

The selected supplier will be responsible for assembling, establishing, procuring technology, designing, developing, producing, and maintaining the machinery and software, as well as operating the necessary infrastructure and services in the space or infrastructure provided **within the existing IDTR, Edappal premises**. All other costs shall be borne by the bidder. All costs involved in establishing the required facilities within Kerala will be borne by the bidder.

Key parameters for BOQ are as given below:

Sr. No	General Criteria	Documents
1	Estimated Bid value	

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		₹ **50,00,000/-** (Rupees **Fifty Lakh** only)
2	Minimum Average Turnover over the last 3 years	Rs. 3 Cr
3	MSE Exemption for Years of Experience and Turnover	No
4	Start-up Exemption for Years of Experience and Turnover	No
5	Bid to RA enabled	NA
6	RA Qualification Rule	NA
7	Time allowed for Technical Clarifications during technical evaluation	3 Days
8	EMD Amount	₹**50,000**/- (Rupees **Fifty Thousand** only)

Disclaimer

The information contained in this Request for Qualification cum Request for Proposal document (the "RFQ cum RFP") or subsequently provided to Bidders, whether verbally, in documentary form, or any other format by or on behalf of the Authority or any of its employees or advisors, is provided to Bidders on the terms and conditions set out in this RFQ cum RFP and any other terms and conditions under which such information is provided.

This RFQ cum RFP is neither an agreement nor an offer or invitation by the Authority to the prospective Bidders or any other person. Its purpose is to provide interested parties with information that may be useful to them in making their financial offers (Bids) in response to this RFQ cum RFP. This RFQ cum RFP includes statements reflecting various assumptions and assessments made by the Authority in relation to the Project. These assumptions, assessments, and statements do not purport to contain all the information that each Bidder may require. This RFQ cum RFP may not be appropriate for all persons, and it is not possible for the Authority, its employees, or advisors to consider the investment objectives, financial situation, and particular needs of each party who reads or uses this RFQ cum RFP. Therefore, the assumptions, assessments, statements, and information contained in the Bidding Documents may not be complete, accurate, adequate, or correct. Each Bidder should conduct its own investigations and analysis and should check the accuracy, adequacy, correctness, reliability, and completeness of the assumptions, assessments, statements, and information contained in this RFQ cum RFP and obtain independent advice from appropriate sources.

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Information provided in this RFQ cum RFP to the Bidders covers a wide range of matters, some of which may depend upon the interpretation of law. The information given is not intended to be an exhaustive account of statutory requirements and should not be regarded as a complete or authoritative statement of law. The Authority accepts no responsibility for the accuracy or otherwise of any interpretation or opinion on law expressed herein.

The Authority may in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information, assessment or assumptions contained in this RFQ cum RFP.

The Authority, its employees, and advisors make no representation or warranty and shall have no liability to any person, including any Bidder, under any law, statute, rules, regulations, or tort, principles of restitution for unjust enrichment or otherwise for any loss, damage, cost, or expense which may arise from or be incurred or suffered on account of anything contained in this RFQ cum RFP or otherwise, including the accuracy, adequacy, correctness, completeness, or reliability of the RFQ cum RFP and any assessment, assumption, statement, or information contained therein or deemed to form part of this RFQ cum RFP or arising in any way for participation in this Bid Stage.

The Authority also accepts no liability of any nature, whether resulting from negligence or otherwise, arising from the reliance of any Bidder upon the statements contained in this RFQ cum RFP. The Authority may, in its absolute discretion, but without being under any obligation to do so, update, amend, or supplement the information, assessment, or assumptions contained in this RFQ cum RFP.

The issue of this RFQ cum RFP does not imply that the Authority is bound to select a Bidder or to appoint the Selected Bidder or Concessionaire, as the case may be, for the Project, and the Authority reserves the right to reject all or any of the Bidders or Bids without assigning any reason whatsoever.

The Bidder shall bear all its costs associated with or relating to the preparation and submission of its Bid, including but not limited to preparation, copying, postage, delivery fees, expenses associated with any demonstrations or presentations required by the Authority, or any other costs incurred in connection with or relating to its Bid. All such costs and expenses will remain with the Bidder, and the Authority shall not be liable in any manner whatsoever for the same or for any other costs or expenses incurred by a Bidder in the preparation or submission of the Bid, regardless of the conduct or outcome of the Bidding Process.

1. Introduction

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1.1 Background of the Project

1.1.1 Transport Commissioner, Government of Kerala, intends to invite applications from eligible Applicants (the "Bidders") for qualifying for awarding the Project through an open competitive bidding process in accordance with the procedure set out herein.

1.1.2 All Motor Vehicles are required to be registered under the provisions of the Motor Vehicle Act, 1988. Subsequent to registration, a motor vehicle is given a registration mark by the registration authority as per section 41 (6) of the Act. The registration mark is required to be displayed on the body of the vehicle following guidelines laid down in rule 50 read with 51 of the Central Motor Vehicle Rules. The Government of India has amended rule 50 of Central Motor Vehicle Rules 1989 and notified vide Gazette Notification No.221(E) dated 28.03.2001 (w.e.f. 28.09.2001) to introduce the High Security Registration Plate system in India for all types of Vehicles. Subsequently, the Ministry of Road Transport and Highways, Government of India, issued guidelines to the State Governments to introduce the High Security Registration Plate system in India for all types of Vehicles in the States.

1.1.3 The High Security Registration Plate has been introduced by the Ministry of Road Transport & Highways as a highly sensitive tool for the prevention of crimes. The system also involves high security features to prevent counterfeiting and duplication of High Security Registration Plates.

1.1.4 In order to ensure uniformity in size, colour, and specifications of the Registration Plates all over India for all types of vehicles being registered or those already registered, the specifications of plates on different types of vehicles have been laid down as per the order from the Ministry of Road Transport & Highways, New Delhi Gazette Notification dated 28th March 2001 and subsequent Gazette Notifications and various orders of the Hon'ble Supreme Court of India on the subject.

1.1.5 The scope of work will broadly include the finance, manufacture, supply of machinery and related software to enable the Government of Kerala to manufacture High Security Registration Plates (HSRP) for the state of Kerala and the warranty and replacement thereof (the "Project"). The machinery and related software shall adhere to the specifications indicated in the relevant appendices, as amended from time to time. The equipment will be required to be supplied to such an address as may be specified by the Authority.

1.2 Project Implementation Mechanism

1.2.1 The Selected Bidder, who shall be a company incorporated under the Companies Act, 1956, (the "Concessionaire") shall be responsible for the finance,

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manufacture, supply of the project on a Build, Own, and Operate ("BOO") basis in the Public-Private Partnership (PPP).

1.3 Concession Period

1.3.1 The High Security Registration Plate (HSRP) Project shall be awarded to the Successful Bidder/Concessionaire for a concession period of Five (5) years from the date of signing of the Concession Agreement (the "Concession Period"). Provided that if the Authority is satisfied with the performance of the Concessionaire during the concession period, it may by order extend the concession period by a maximum of 05 (five) years on such terms and conditions as may be mutually agreed.

2. Instructions to Bidders

(A) General

2.1 Scope of Application

2.1.1 The Authority wishes to receive Applications from experienced and capable Bidders for the supply of machinery and related software for High Security Registration Plates (HSRP) Project in the State of Kerala.

2.2 Eligibility of Bidders

Any Company registered under the Companies Act, 2013 or earlier, Central or State Government Company or Semi-Government Company, and any Company registered under a Special Act passed by the Indian Parliament will be eligible to participate in the bid process provided they fulfill the technical as well as financial eligibility criteria as applicable, as mentioned under clause 2.2.1 hereunder (hereinafter referred to as "Technical Capacity").

2.2.1 Technical Eligibility Criteria

Financial Strength of the Bidder:

a) The average annual turnover of the bidder should not be less than INR 3,00,00,000/- (Rupees Three Crores) during the last three years.

2.3 General Terms of Bidding

2.3.1 The Bidder shall be as defined in clause 2.2 of Bid document.

2.3.2 A Bidder may be a private entity, government-owned entity

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2.3.3 No Bidder shall submit more than one Bid for the Project.

2.3.4 Any entity whose members has been barred by the Central/State Government, or any entity controlled by it, from participating in any project (BOOT or otherwise), and the bar subsists as on the date of Application, would not be eligible to submit an Application.

2.3.5 A Bidder, should, in the last 5 (five) years, have neither failed to perform on any contract, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award against the Bidder, nor has been expelled from any project or contract by any public entity nor have had any contract terminated by any public entity for breach by such Bidder

2.3.6 The Bidder will not be considered for selection if he has been:

a. Convicted of a cognizable offense by any court of law with imprisonment for a term exceeding one year; or
b. Imposed a penalty of rupees ten million or more for violation of the provisions of the Foreign Exchange Regulation Act, 1973 (46 of 1973) (since repealed) or the Foreign Exchange Management Act, 1999(42 of1999); or
c. Detained under the National Security Act, 1980 (65 of 1980) or the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or
d. Adjudged guilty by the Stock Exchange Board of India or any other such Financial Regulatory Boards or Tribunals or Agencies; or
e. Found to be associated in any manner with an organized crime syndicate or its associate or with any association declared unlawful under the Unlawful Activities (Prevention) Act, 1967(37 of 1967) or any other law for the time being in force; or
f. Found to be connected with activities prejudicial to National Security.

2.3.7 Notwithstanding anything to the contrary contained in this RFQ cum RFP, the detailed terms specified in the draft Concession Agreement shall have overriding effect; provided, however, that any conditions or obligations imposed on the Bidder hereunder shall continue to have effect in addition to its obligations under the Concession Agreement.

2.3.8 The Financial Bid should be furnished in the specified format, clearly indicating the bid amount in both figures and words, in Indian Rupees, and signed by the Bidder's authorized signatory. In the event of any difference between figures and words, the amount indicated in words shall be taken into account.

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2.3.9 The Bidder shall deposit a Bid Security of INR 5,00,000/- (Rupees Five Lakhs only) in accordance with the provisions of this RFQ cum RFP. The Bidder shall provide the Bid Security in the form of a Demand Draft drawn from any Nationalised or Scheduled Bank payable at Thiruvananthapuram in favor of Commissioner of Transport, Kerala.

2.3.10 The validity period of the Demand Draft shall not be less than 90 (ninety) days from the Bid Due Date, inclusive of a claim period of 60 (sixty) days, and may be extended as may be mutually agreed between the Authority and the Bidder. The Bid shall be summarily rejected if it is not accompanied by the Bid Security. The Bid Security shall be refundable no later than 90 (ninety) days from the Bid Due Date, except in the case of the Selected Bidder whose Bid Security shall be retained till it has provided a Performance Security under the Concession Agreement.

2.3.11 The Bidder should submit a Power of Attorney, authorizing the signatory of the Bid to commit the Bidder.

2.3.12 Any condition or qualification or any other stipulation contained in the Bid shall render the Bid liable to rejection as a non-responsive Bid.

2.3.3 The Bid and all communications in relation to or concerning the Bidding Documents and the Bid shall be in the English language.

2.3.14 The documents, including this RFQ cum RFP and all attached documents, provided by the Authority are and shall remain or become the property of the Authority and are transmitted to the Bidders solely for the purpose of preparation and submission of a Bid in accordance herewith. Bidders are to treat all information as strictly confidential and shall not use it for any purpose other than for preparation and submission of their Bid. The provisions of this Clause 2.3.14 shall also apply mutatis mutandis to Bids and all other documents submitted by the Bidders, and the Authority will not return to the Bidders any Bid, document, or any information provided along therewith.

2.3.15 A Bidder shall not have a Conflict of Interest that affects the Bidding Process. Any Bidder found to have a Conflict of Interest shall be disqualified. In the event of disqualification, the Authority shall be entitled to forfeit and appropriate the Bid Security or Performance Security, as the case may be, as mutually agreed genuine pre-estimated loss and damage likely to be suffered and incurred by the Authority and not by way of penalty for, inter alia, the time, cost and effort of the Authority, including consideration of such Bidder's proposal (the "Damages"), without prejudice to any other right or remedy that may be available to the Authority under the Bidding Documents and/or the Concession Agreement or otherwise. Without limiting the generality of the above, a Bidder shall be deemed to have a Conflict of Interest affecting the Bidding Process, if a constituent of such

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Bidder is also a constituent of another Bidder.

2.3.16. Bidders should attach clearly marked and referenced continuation sheets in the event that the space provided in the prescribed forms in the Annexes is insufficient. Alternatively, Bidders may format the prescribed forms making due provision for incorporation of the requested information;

2. 3.17. This RFQ cum RFP is not transferable.

2.3.18. Any award of Concession pursuant to this RFQ cum RFP shall be subject to the terms of Bidding Documents.

2.3.19. It shall be deemed that by submitting a Bid, the Bidder has:

a. made a complete and careful examination of the Bidding Documents;

b. received all relevant information requested from the Authority;
c. accepted the risk of inadequacy, error or mistake in the information provided in the Bidding Documents or furnished by or on behalf of the Authority relating to any of the matters herein

2.3.20 The Authority shall not be liable for any omission, mistake or error in respect of any of the above or on account of any matter or thing arising out of or concerning or relating to RFQ cum RFP, the Bidding Documents or the Bidding Process, including any error or mistake therein or in any information or data given by the Authority.

2.4 Verification and Disqualification

2.4.1 The Authority reserves the right to verify all statements, information and documents submitted by the Bidder in response to the RFQ cum RFP or the Bidding Documents and the Bidder shall, when so required by the Authority, make available all such information, evidence and documents as may be necessary for such verification. Any such verification or lack of such verification, by the Authority shall not relieve the Bidder of its obligations or liabilities hereunder nor will it affect any rights of the Authority there under.

2.4.2 The Authority reserves the right to reject any Bid and appropriate the Bid Security if:

A. at any time, a material misrepresentation is made or uncovered, or

B. the Bidder does not provide, within the time specified by the Authority, the

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supplemental information sought by the Authority for evaluation of the Bid.

2.8.3. Such misrepresentation/ improper response shall lead to the disqualification of the Bidder. If such disqualification/ rejection occur after the Bids have been opened and the Selected Bidder gets disqualified / rejected, then the Authority reserves the right to:

(i) invite the remaining Bidders to submit their Bids or

(ii) take any such measure as may be deemed fit in the sole discretion of the Authority, including annulment of the Bidding Process.

2.5 Clarifications

2.5.1 Bidders requiring any clarification on the RFQ cum RFP may notify the Authority in writing or by fax and e-mail. They should send in their queries on or before the date mentioned in the Schedule of Bidding Process. The Authority shall endeavour to respond to the queries within the period specified therein. The responses will be sent by fax or e-mail. The Authority may forward all the queries and its responses thereto, to all Bidders without identifying the source of queries.

2.5.2 The Authority shall endeavour to respond to the questions raised or clarifications sought by the Bidders. However, the Authority reserves the right not to respond to any question or provide any clarification, in its sole discretion, and nothing in this Clause shall be taken or read as compelling or requiring the Authority to respond to any question or to provide any clarification.

2.5.3 The Authority may also on its own motion, if deemed necessary, issue interpretations and clarifications to all Bidders. All clarifications and interpretations issued by the Authority shall be deemed to be part of the Bidding Documents. Verbal clarifications and information given by Authority or its employees or representatives shall not in any way or manner be binding on the Authority.

2.6 Amendment of RFQ cum RFP

2.6.1 At any time prior to the Bid Due Date, the Authority may, for any reason, whether at its own initiative or in response to clarifications requested by a Bidder, modify the RFQ cum RFP by the issuance of Addenda.

2.6.2 Any Addendum issued hereunder will be in writing and shall be sent to all the Bidders.

2.6.3 In order to afford the Bidders a reasonable time for taking an Addendum into account, or for any other reason, the Authority may, in its sole discretion, extend the Bid Due Date.

Preparation and Submission of Applications/ Bids

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2.7 Language

2.7.1 The Application and all related correspondence and documents in relation to the Bidding Process shall be in English language. Supporting documents and printed literature furnished by the Bidder with the Application may be in any other language provided that they are accompanied by translations of all the pertinent passages in the English language, duly authenticated and certified by the Bidder. Supporting materials, which are not translated into English, may not be considered. For the purpose of interpretation and evaluation of the Application, the English language translation shall prevail.

2.8 Format and signing of Bids

2.8.1 The Bidder shall provide all the information sought under this RFQ cum RFP. The Authority will evaluate only those Applications that are received in the required formats and complete in all respects. Incomplete and /or conditional Applications shall be liable to rejection.

2.9 Submission of Applications/ Bids

Pre-Qualification & Technical Cover/Financial Cover

2.9.1. The Bidder shall upload the pre-qualification and technical documents in the Technical Cover.

2.9.2. The financial bid should be uploaded in the Financial Cover.

Appendix -1
Specifications of the Machinery

High Security Registration Plate (HSRP) Production Technical Specification

1. General Requirements

The HSRP production line shall be equipped with the following machineries:

7. DECOILER
8. STRAIGHTENER
9. LAMINATION
10. HOLOGRAM STAMPING
11. HYDRAULIC PRESS
12. EMBOSSING AND STAMPING

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*The production line must achieve a minimum output of 40 plates per minute. The final product output from **Embossing and Stamping** should match or exceed the output of the hydraulic press machine.*

The total output of HSRP from a single production line should not be less than 40 per minute.

2. Machineries Technical Specifications

2.1 DECOILER

7. **Motor:** 3 Phase, 2 HP
8. **Coil ID Size:** 300 mm to 700 mm
9. **Coil OD Size:** 800 mm to 1500 mm
10. **Loading Capacity:** Up to 1000 kg single side (Total 2000 kg both sides)
11. **Control System:** Automatic Loop Control with loop sensor

2.2 Straightener

7. **Motor Control:** 2 Phase, 3 Phase Motor controlled by Frequency Variable Drive (FVD)
8. **Straightening Rollers:** 7 rollers (3+4)
9. **Control System:** Automatic loop control by loop sensor
10. **Speed:** 50 to 60 plates per minute

2.3 Lamination

7. **Strip Feeder Motor:** 2 HP Induction Motor with encoder
8. **Maximum Lamination Width:** 350 mm
9. **Dimensions:** Length 1460 mm x Width 1065 mm x Height 2200 mm
10. **Roller Specifications:**
    - Aluminium Strip and Reflective Feeding Roller OD 80 mm with Silicon Coating
    - Reflective Roller Max OD up to 700 mm
7. **Sensors:**
    - Aluminium Strip Detector Sensor
    - Auto align Reflective sheet with web guider
7. **Control System:**
    - Servo Motor with Distance sensor for auto brake and auto

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rewind (1.5 kW)

2.4 Hologram Stamping

7. **Stamping Force:** 300 kgf
8. **Heater:** 300 watt, quantity 3
9. **Stamping Area:** 400 mm x 300 mm
10. **Foil Width:** 10 mm to 100 mm
11. **Speed:** 40 to 50 stampings per minute
12. **Stamping Temperature:** 0 to 300 °C
13. **Feeder:** Servo & Driver – 1.5 kW delta

2.5 Hydraulic Press

7. **Motor Capacity:** 10 HP, 3 Phase 7.5 kW
8. **System:** Servo Based System & Servo feeder feeding with Servo Motor, Sensor based and Controlling System with pneumatic cylinder
9. **Press Base Frame Size:** 1100 mm x 800 mm x 2500 mm
10. **Press Stock Length:** 100 mm to 130 mm
11. **Press Cylinder Positions:** Home (Top Position)

Financial Bid BOQ

Item	Cost (inclusive of all taxes)
Establishment of a plant for manufacturing of the High Security Registration Plates (HSRP) Project and related software	

Signed by
Sreejith S
Date: 17-07-2024 12:52:54

17-07-2024

S SREEJITH I P S
TRANSPORT
COMMISSIONER

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GOVERNMENT OF KERALA

Abstract

Transport Department - Fixing of HSRP in vehicles registered prior to 01/04/2019 - Floating Global Tender - Sanctioned - Orders Issued

---

TRANSPORT (B) DEPARTMENT

G.O.(Rt)No.285/2024/TRANS Dated, Thiruvananthapuram, 30/07/2024

Read 1. G O (P) No.2/2021/SPD dated 17.3.2021

2. G O (P) No.6/2021/SPD dated 25.11.2021

3. G O (Rt.) No. 39/2024/Trans dated 24/01/2024

ORDER

As per the G.O. read 3 above, Government have authorised the Registering Authority for issuance of HSRP in existing old registered vehicles prior to 01/04/2019 in the State in accordance with the conditions stipulated in Rule 50 CMVR and Motor Vehicle (HSRP) Rules 2018. The Institute of Driver Training and Research (IDTR) was entrusted to provide technical and infrastructural support.

2. The Transport Commissioner invited bid for the establishment of a plant for manufacturing of HSRP with in the IDTR, Edappal premises.

3.Since IDTR, is intended to impart trainings, the Governing body met on 22.07.2024, decided to abstain the institute from providing the required support for HSRP.

4. Government have examined the matter in detail. Considering the fact that a transparent and fair process in the procurement is necessary and the best quality of machinery to be ensured, the Registering Authority is here by directed to float global tender. The Registering Authority shall act according to the norms prescribed in the Store Purchase Manual and the GOs' read as 1&2 . The Technical and infrastructural support of IDTR mandated in the GO read 3 above is cancelled and the GO stands modified to that extent.

(By order of the Governor)

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To:

Transport Commissioner, Thiruvananthapuram.
Director, Institute of Driver Training and Research (IDTR), Edappal
Principal Accountant General (A&E/Audit), Thiruvananthapuram
I&PRD, Web & New Media (For publishing in the Govt. Website)
Stock file/Office Copy.

Copy to:

PS to Minister, Transport Department
PA to Secretary, Transport Department
CA to Joint Secretary, Transport Department

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Abstract

Transport Department - Fixing of HSRP in vehicles registered prior to 01/04/2019 - Floating Global Tender - Sanctioned - Orders Issued

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(By order of the Governor)

Dr Vasuki K I A S

SECRETARY

To:

Transport Commissioner, Thiruvananthapuram.

Director, Institute of Driver Training and Research (IDTR), Edappal

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Principal Accountant General (A&E/Audit), Thiruvananthapuram
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Forwarded /By order

Section Officer

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GOVERNMENT OF KERALA

Trnasport (B) Department

No: B2/349/2022/TRANS 30-07-2024,Thiruvananthapuram

From

Secretary to Government

To

Advocate General Kerala

Sir,

Sub: Transport Department - WPC No 10761/2021- HSRP in Vehicles Registered Prior to 01/04/2019 - New Direction to Registering Authority to Float Global Tender - Instruction Forwarding - Reg

Ref: (1) G.O. (Rt.) No.39/2024/Trans dated 24/01/2024

(2) G.O. (Rt.) No. 285/2024/Trans dated 30/07/2024

As per Rule 50(1) (V) of CMV Rules, for existing old registered vehicles, the license plate shall be issued by the registering authority or vehicle manufacturer or their dealers approved by the State Government or UT administration. As such Government decided in principle to implement the HSRP scheme in the state , through the Registering Authority.

As per Government Order referred (1) above, Registering Authority (Motor Vehicle Department) authorised to issue HSRP in the existing old vehicles prior to 01/04/2019 in the state in accordance with the conditions stipulated in Rule 50 of CMVR and Motor Vehicles (HSRP) Rules 2018 and to take technical and Infrastructure support of Institute of Driver Training and Research (IDTR).

The Registering Authority invited bids for establishment of a plant for manufacturing of the High Security Registration Plates (HSRP) Project and related software in the State of Kerala at the premises of Institute of Driver Training & Research (IDTR), Edappal, Malappuram

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Considering the fact that a global tender would ensure a transparent and fair process to ensure that the best quality of machinery can be procured , Government have directed the Registering Authority to float global tender as per G.O. referred (2) and necessary modifications were made accordingly in the G O dated 24.01.2024.(Copy enclosed)

The above matter may be apprised before the Honourable High Court of Kerala in connection with WPC No 10761/2021.

Yours Faithfully,

Dr Vasuki K I A S
SECRETARY
For Secretary to Government.

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MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **30-07-2024**

From: Transport Commissioner
Kerala

To: Secretary To Transport
Transport Department
Government Secretariat
Thiruvananthapuram

Sir,

Sub:- Motor Vehicles Dept- Fixing of HSRP in Vehicles Registered Prior to 01-04-2019 - Floating Global Tender - Clarification - Reg.

Ref:- 1. G.O (P) No. 3/2013/SPD Dated 21-06-2013

2. G.O (P) No. 2/2021/SPD Dated 17-03-2021

3. G.O (P) No. 6/2021/SPD Dated 25-11-2021

4. G.O (Rt) No. 285/2024/Trans Dated 30-07-2024

The government, vide the reference cited in the fourth communication, has directed the registering authority to issue a global tender in compliance with the norms stipulated in the Store Purchase Manual and the Government Orders cited in the second and third references.

According to Section 7.19 of the Store Purchase Manual, and the latest guidelines therein attached as annexure 1 & 2 , the Department may go in for a global tender only if stores sought are not available domestically and it is necessary to seek competitive offers from abroad. It further states that no global tenders shall be invited for value less than 200 crores, and in exceptional cases the department may do so only with the prior approval of the Government of India.

If a department believes that the required quality and specifications of the stores may not be available domestically, or if it is necessary to seek competitive offers from abroad, the department may distribute copies of the tender notice to Indian Embassies abroad and Foreign Embassies in India, requesting them to publicize the requirement widely in those countries as per the latest directions.

As per the revised Stores Purchase Manual (Reference 2 cited above), the Government incorporated the following points under sub-para 7.19 - Global Tender Enquiry of the Stores Purchase Manual:

(a) No Global Tender Enquiry shall be invited for tenders up to ₹200 Cr. For tenders below ₹200 Cr, in exceptional cases where the Ministry or Department feels that there are special reasons for a Global Tender Enquiry, it may record its detailed justification and seek prior approval for relaxation of the above rule from the competent authority specified by the Department of Expenditure, Ministry of Finance, Government of India.

Currently, all newly registered vehicles in the country are fitted with HSRP, and the

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required quality specifications are available domestically. The total estimated cost of machinery is around 2 crores only. In the above circumstances, it would be totally violative of the rules and norms prescribed in the Store Purchase Manual for machinery and equipment valued at ₹ 2 crore only and which is currently domestically available with car dealers and accredited vendors all over the country.

Hence , floating a global tender abiding by the norms prescribed in the Store Purchase Manual as specified in the Government Order is not legally tenable. Further course of action, hence, may be specified.

Yours faithfully

Signed by
Sreejith S
Date: 30-07-2024 18:59:52

S SREEJITH I P S
TRANSPORT COMMISSIONER

Copy: Annexure 1 & 2

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

GOVERNMENT OF KERALA

Abstract

STORES PURCHASE DEPARTMENT—AMENDMENT OF STORES PURCHASE MANUAL (SPM)—INCORPORATING SUB PARAS TO 7.19 OF STORES PURCHASE MANUAL AS PER AMENDMENTS IN GENERAL FINANCIAL RULES - 2017—ORDERS ISSUED.

STORES PURCHASE (A) DEPARTMENT

G.O. (P) No. 2/2021/SPD. *Dated, Thiruvananthapuram, 17th March 2021.*

Read :— 1. G. O. (P.) No. 3/2013/SPD dated 21-6-2013.
2. Circular No. 57/2020/FIN. dated 6-10-2020.

ORDER

The Stores Purchase Manual had been revised as per the Government Order read 1st above and the same has been published in the official website www.spd.kerala.gov.in

2. As per the Circular read as 2nd paper above, Government adopted the Amendment in General Financial Rules (Rule 144 and 161) 2017 regarding Global Tender Enquiry and restrictions on Public Procurement from bidders of certain countries.

3. On the basis of this Circular, Government are pleased to incorporate the following points as sub paras of Para No. 7.19—Global Tender Enquiry of the Stores Purchase Manual.

(a) No Global Tenders Enquiry shall be invited for tenders up to ₹ 200 Cr. For tenders below ₹ 200 Cr in exceptional cases where the Ministry or Department feels that there are

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special reasons for Global Tender Enquiry, it may record its detailed justification and seek prior approval for relaxation to the above rule from the competent Authority specified by Department of Expenditure, Ministry of Finance, Government of India. Further, restrictions on Global Tenders specified in revised General Financial Rule (2017) 161 (iv) will be applicable on all procurements with immediate effect ie., for all tenders published in news papers or websites after 15-5-2020.

(b). Imposition of restrictions on bidders from countries which share a land border with India on grounds of defence of India or matters directly or indirectly related thereto including National security. Any bidder from such countries sharing a land border with India will be eligible to bid in any procurement of Goods and Turnkey Contract (subject to the provisions in para 18.3 of Stores Purchase Manual) only if the bidder is registered with the Competent Authority. For State Government procurement, the Competent Authority will be constituted by the State but Political and Security clearence from Ministry of External and Home Affairs respectively will be necessary. Government have also exempted countries to which India extends lines of credit or provides assistance from prior registration.

4. The Stores Purchase Manual 2013 is amended to that extend.

By order of the Governor,

Rajesh Kumar Singh IAS,
Additional Chief Secretary.

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To

All Heads of Departments/Offices/Public Sector Undertakings/ Autonomous Bodies/Local Self Government Institutions/ Universities etc.

The Secretary, Kerala Legislature, Thiruvananthapuram (with C/L).

The Registrar General, High Court, Ernakulam (with C/L).

The Advocate General, Ernakulam (with C/L).

The Registrar, Kerala Administrative Tribunal (with C/L).

The Director of Printing, Thiruvananthapuram (with C/L).

The Principal Accountant General (Audit) Kerala, Thiruvananthapuram.

The Accountant General (A & E) Kerala, Thiruvananthapuram.

Information & Public Relations Department (for publishing in the Government Website)

All Departments in the Secretariat including Law and Finance.

The Stores Purchase (A1, A3, A4, B, IW-I & IW-II) Departments.

Secretariat Library.

The Director, C-DIT, Chittazham, Lavanya Building, Behind SMSM Institute, Statue, Thiruvananthapuram (for hosting the Government Order in the website of Stores Purchase Department.)

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GOVERNMENT OF KERALA

Abstract

STORES PURCHASE DEPARTMENT—AMENDMENT OF STORES PURCHASE MANUAL (SPM) AS PER AMENDMENTS IN GENERAL FINANCIAL RULES—2017—ORDERS ISSUED

STORES PURCHASE (A) DEPARTMENT

G. O. (P) No. 6/2021/SPD.

Dated, Thiruvananthapuram, 25th November, 2021.

Read:—1. G. O. (P) No. 3/2013/SPD dated 21-6-2013.

2. Circular No. 57/2020/FIN dated 6-10-2020.

3. G. O. (P) No. 2/2021/SPD dated 17-3-2021.

4. Circular No. 47/2020/FIN. dated 18-6-2021.

ORDER

As per the Circular read as 2nd paper above, Government adopted the Amendment in General Financial Rules (Rule 144 and 161) 2017 regarding Global Tender Enquiry and restrictions on Public Procurement from bidders of certain countries. On the basis of this circular, sub paras (a) & (b) were incorporated to Para No. 7.19 of the Stores Purchase Manual vide the Government Order read as 3rd paper above. Now certain other areas are also exempted from the requirement of registration mandated vide the Circular read 4th paper above.

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3. On the basis of this Circular, Government are pleased to incorporate the following exemptions in sub para (b) of Para No. 7.19— Global Tender Enquiry of the Stores Purchase Manual.

Para	*Existing*	*Amendment*
(1)	(2)	(3)
7.19(b)	Imposition of restrictions on bidders from countries which share a land border with India on grounds of defence of India or matters directly or indirectly related thereto including National security. Any bidder from such countries sharing a land border with India will be eligible to bid in any procurement of Goods and Turnkey Contract (subject to the provisions in para 18.3 of Stores Purchase Manual) only if the bidder is registered with the Competent Authority. For State Government Procurement, the Competent Authority will be constituted by the State but Political and Security clearance from Ministry of External and Home Affairs respectively will be necessary. Government have	Imposition of restrictions on bidders from countries which share a land border with India on grounds of defence of India or matters directly or indirectly related thereto including National security. Any bidder from such countries sharing a land border with India will be eligible to bid in any procurement of Goods and Turnkey Contract (subject to the provisions in para 18.3 of Stores Purchase Manual) only if the bidder is registered with the Competent Authority. For State Government Procurement, the Competent Authority will be constituted by the State but Political and Security clearance from Ministry of External and Home Affairs respectively will be necessary. Government have

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(1)	(2)	(3)
	also exempted countries to which India extends lines of credit or provides assistance from prior registration.	also exempted countries to which India extends lines of credit or provides assistance from prior registration. Besides, the procurement of spare parts and other essential service support like Annual Maintenance Contract (AMC)/ Comprehensive Maintenance Contract (CMC), including consumables for closed systems, from Original Equipment Manufacturers (OEMs) or their authorised agents, shall be exempted from the requirement of registration mandated.

4. The Stores Purchase Manual 2013 is amended to that extend.

By order of the Governor,

RAJESH KUMAR SINGH, IAS,
Additional Chief Secretary.

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To

The All Heads of Departments/Offices/Public Sector Undertakings/ Autonomous bodies/Local Self Government Institutions/ Universities, etc.

The Secretary, Kerala Legislature, Thiruvananthapuram (with C.L.)

The Registrar General, High Court, Ernakulam (with C.L.)

The Advocate General, Ernakulam (with C.L.)

The Registrar, Kerala Administrative Tribunal (with C.L.)

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General (A & E), Kerala, Thiruvananthapuram.

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(C) No. 14467 OF 2024

Orbiz Automotivez : Petitioner

Vs.

Union of India & others : Respondents

COUNTER AFFIDAVIT FILED BY THE SECOND RESPONDENT

I, ……., aged …… years, S/o. ……..., residing at ……...,

do hereby solemnly affirm and state as follows:

1. I am the Secretary, Transport Department, Government Secretariat, Thiruvananthap
uram and the 2nd respondent in the above writ petition. I am conversant with the facts of the case as disclosed from the relevant records. All the allegations and averments in the Writ Petition are not fully correct except those that are specifically admitted hereunder are denied.

2. It is submitted that the writ petition is not maintainable either on law or on facts. The petitioner has no locus standi to challenge the impugned actions as detailed in the writ petition.

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3. It is submitted that the averments made in paragraph 1 of the writ petition is about the status of the petitioner, therefore this respondent need not reply to it. The averments made in paragraph 2, 3, 4, 5, 6, 7 and 8 are mainly regarding the circulars and orders issued by the 1st respondent Union of India in compliance with the statutory provisions and aimed at ensuring road safety and uniformity in vehicle registration plates and therefore this respondent need not furnish answer against the said averments.

4. It is submitted that the issuance of High Security Registration Plates (HSRP) is a mandatory requirement under the Central Motor Vehicles Rules, 1989 as amended from time to time. The 1st respondent had issued the relevant notifications evidenced by Ext. P5 and P6 to ensure compliance with the amended rules, which are binding on all vehicle owners and manufactures.

5. It is submitted that the contents of paragraph 9 are misleading. The petitioner has misinterpreted the provisions of the Motor Vehicles (High Security Registration Plates) Order, 2018. The issuance of High Security Registration Plates (HSRP) is a mandatory requirement under the Central Motor Vehicles Rules, 1989.

6. The averments in paragraph 10 are denied. The 1st respondent has issued the relevant notifications (Exhibit P5, P6) to ensure compliance with the amended rules, which are binding on all vehicle owners and manufacturers.

7. It is submitted that the petitioner has selectively quoted the notifications and circulars. Exhibit P11 is issued by the Ministry of

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Road Transport and Highways and Exhibit P12 issued by the 3rd respondent, Transport Commissioner is to streamline the implementation process and to avoid any ambiguity.

8. It is submitted that the communication mentioned in paragraph 13 by the writ petitioner was intended to provide clarity on the procedural aspects of HSRP implementation. Ext. P11 dated 09.07.2023 issued by the Ministry of Road Transport and Highways, Government of India regarding the issuance of the HSRP by some HSRP manufactures in an unauthorised and illegal manner. In the above said circular the MoRTH has also clarified that for existing old registered vehicle, HSRP shall be issued by the registering authority,

or

Vehicle manufactures and their dealers,

or

by the license plate manufactures or their dealers approved by the State Government/Union Territory Administration.

Further, the State Governments are advised to take strong punitive action including black listing/termination such unauthorized HSRP agencies which are openly supplying unauthorized HSRPs in the market to unsuspecting and gullible vehicle owners. The Ext. P12 issued by the 3rd respondent, Transport Commissioner following Ext. P11 circular issued by the MoRTH in order to take stringent action against the unauthorized HSRP agencies.

9. It is submitted that the Interim Order referenced by the petitioner in Ext. P9 was passed under specific circumstances and does not invalidate the general applicability of the HSRP rules. The 1st

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respondent has issued communication evidenced by Ext. P13 based on data available on the VAHAN Portal to ensure transparency and accuracy. The letters issued by the 1st respondent evidenced by Ext. P14 to P17 were in response to specific queries and do not contradict the statutory requirements.

10. In response to the averments made in paragraph 20 of the writ petition, it is submitted that the view expressed by the learned Single Judge in Ext. P18 Interim Order is only a prima facie view and an elaborate consideration of the said rule position is inevitable.

11. It is submitted that the State Government have always adhered to the guidelines issued by the Central Government regarding the issuance of HSRP. The petitioner has not provided any substantial evidence to support their claims. The respondents 2 and 3 have acted only in accordance with law. The implementation of HSRP is crucial for enhancing vehicles security and reducing vehicular crimes. This respondent has initiated steps to ensure the implementation of HSRP scheme.

12. It is submitted that the petitioner has no valid grounds to challenge the validity of the orders issued. The circulars and notifications are in the interest of public safety and legally binding. The orders issued by the respondents are aimed at ensuring compliance with the HSRP regulations and not arbitrary. The petitioner has not provided any valid reasons to challenge the orders issued. The HSRP scheme is crucial initiative for enhancing vehicle security and is being implemented following due process.

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13. It is submitted that the Government have authorized the registering authority (Motor Vehicle Department) for issuance of HSRP in the existing old registered vehicles prior to 01.04.2019 in the state in accordance with the conditions stipulated in Rule 50 CMVR and Motor Vehicle (HSRP) Rules 2018. It has also been stated in the said Government Order that the registering authority shall take the required technical and infrastructural support of Institute of Driver Training Research (IDTR) which is the primary training and research institute constituted by MoRTH, under MVD, Kerala. The ex-officio Chairman and the Director of the governing body of IDTR is the Minister for Transport and the Secretary is the Transport Commissioner.

14. It is submitted that pursuant to the above said Government Order dated 24.01.2024, the 3rd respondent Transport Commissioner had invited bid for the establishment of a plant for manufacturing HSRP within the IDTR, Edappal Premises.

15. It is submitted that since the IDTR is intended to impart trainings, the governing body met on 22.07.2024, after evaluating all the aspects decided to abstain the institute from providing the required support for HSRP and considering the fact that a transparent and fair process in the procurement is necessary and the best of quality of machinery to be ensured, the registering authority is directed to float global tender and for the said purpose, the registering authority is also directed to act according to the norms prescribed in the Store Purchase Manual and in the Government Orders G.O.(P) No. 2/2021/SPD dated 17.03.2021 and G.O.(P) No. 6/2021/SPD dated 25.11.2021. The technical and infrastructural support of IDTR mandated in the G.O.

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(Rt) No.39/2024 is also cancelled and the said G.O. stands modified to that extent. A true copy of the new Government Order G.O.(Rt) No. 285/2024/TRANS dated 30.07.2024 is produced herewith and marked as **Exhibit R2(a)**.

16. It is submitted that as per Rule 50 Clause (V) of Sub Clause (I), the registering authority is empowered to issue High Security Registration Plates to the existing old vehicles registered prior to 01.04.2019. In the amendment brought in by the Central Government as per G.S.R 640 (E) dated 18.08.2022 the MoRTH has retained the power of the registering authority for the issuance of HSRP and in the circular dated 09.06.2023, the Ministry of Road Transport and Highways has also reiterated the role of the registering authority in the matter of issue of HSRP to the old vehicles and the first preference has been given to the registering authority. So in the light of the circulars and directives and also the notifications issued by the MoRTH, the registering authority has got the power to issue HSRP directly to the old vehicles registered prior to 01.04.2019.

17. It is also submitted that following Ext. R2(a) Government Order, the modalities of implementation of HSRP in respect of old vehicles, the registering authority is to take all possible measures as contemplated in the said Government Order and since the said process is time consuming one, this Hon'ble Court may be pleased to permit the registering authority to act in accordance with the terms mentioned in the said Government Order.

18. Hence in view of the facts and circumstances stated above, the petitioner is not entitled to get any of the reliefs as well as

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the interim reliefs prayed for. The petition itself is devoid of any merit and therefore it is liable to be dismissed. Hence it is prayed that this Hon'ble Court may be pleased to dismiss the writ petition in the interest of justice.

What is stated above in Paragraphs 1 to 18 is true to my knowledge and what is stated in Paragraphs 1 to 18 stated on information and belief derived from records and/or obtained from the authority concerned and I believe the same to be true.

Dated this the day of August, 2024.

D E P O N E N T

Solemnly affirmed and signed before me by the deponent whom I know on this the day of August, 2024 at the Office of the ……...

P. SANTHOSH KUMAR
SPECIAL GOVERNMENT PLEADER
Pr/U2/8.8.24

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

W.P.(C) No.22207 OF 2023

M/s. Tedi (India) Private Limited : Petitioner

Vs.

Union of India & Others : Respondents

COUNTER AFFIDAVIT FILED FOR AND ON BEHALF OF THE 2nd RESPONDENT

I, Chithralekha R.G., aged 50 years, W/o. Nandakumar, residing at C.N.House, Keraladithyapuram, Powdikonam, Thiruvananthapuram do hereby solemnly affirm and state as follows:

1. I am the Under Secretary to Government, Transport Department, Thiruvananthapuram. I have been authorized to swear to this counter affidavit on behalf of the 2nd respondent. I am conversant with the facts of the case as disclosed from the relevant records. All the allegations and averments in the Writ Petition are not fully correct except those that are specifically admitted hereunder are denied.

2. It is respectfully submitted that as per Rule 50 (v) of Central Motor Vehicles Rule, 1989, the HSRP with all specifications for old existing registered vehicles shall be issued by registering authority or vehicle manufactures and their dealers or by the licensed plate manufactures or their dealers approved by the State Government or Union Territory Administration. Hence, the fixation of HSRP without the authority of State Government is illegal.

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3. As per Rule 50 of Central Motor Vehicles Rules, 1989, the State Government select the vendors. After selection of the vendor, the State Government make sure that proper control are being exercised at the time of issuance of HSRP. Neither the Government of Kerala nor Motor Vehicles Department has given any approval for affixation of HSRP in old vehicles registered prior to 01.04.2019.

4. Implementation of the provision of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 comes under the purview of State Transport Authorities of State/Union Territories. Therefore, it is for the State/Union Territory to select any of the type approval vendors to carry out the work of affixation of HSRP on older motor vehicles for respective States/Union Territories.

5. The argument of the petitioner is that the requirement for authorization from the State Government is not necessary for the implementation of HSRP on old vehicles registered prior to 01.04.2019 in the light of Ext. P12 is not true to the facts. It is specifically stated that for the affixation of HSRP on existing vehicle, the HSRP plate including third registration mark may be supplied and affixed by the dealer of the vehicle and manufactures or suppliers of HSRP if so authorized by State Government. From this, it is evident that the manufactures and suppliers of HSRP shall require an authorization from the State Government. Hence, the fixation of HSRP on old vehicles prior to 01.04.2019, without the authority of State Government is illegal.

6. Implementation of the provision of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 comes under the purview of State Transport Authorities of State/Union Territories. Therefore, it is for the State/Union Territory to select any of the type approval vendors to carry out the work of affixation of HSRP on older

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motor vehicles for respective States/Union Territories. Hence the rulings of the Apex court referred to in these grounds has no relevance as far as the instant case is concerned. The Exhibit P12 is issued as per the law and hence the same is legally sustainable.

7. Exhibit P12 Advisory/Communication has been issued with no ulterior motive for promoting a few HSRP manufactures who have obtained approval from vehicle manufacturers for supplying HSRP of vehicles manufactured and sold after 01.04.2019.

8. The 2nd respondent, State Government is empowered to select approved vendors, impose the conditions to be incorporated in authorization issued to vendors so as to ensure the features of HSRP. It may be noted that the rate for fixing HSRP in various type of vehicles has not been specified by Central Government and State Government. Hence the contention in the petition is denied.

9. It is submitted that as per Clause 5 of Rule 50 of the Central Motor Vehicle Rules, for new vehicles, shall be issued by the registering authority or vehicle manufacturers and their dealers and;

for existing old registered vehicle, shall be issued by registering authority,

or

vehicle manufacturers and their dealer,

or

by the license plate manufacturers or their dealers approved by the State Government or Union Territory Administration.

10. It is submitted that this respondent had filed a detailed counter affidavit dated 27.08.2022 in the connected WP(C) 10761/2022 meeting the similar contentions raised by the writ petitioner therein, wherein it has been specifically pleaded that the approval of the State Government is essential to issue HSRP by

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license plate manufacturers or their dealers in the light of the provisions under Rule 50 of the CMVR and circulars and directives/communications issued by the MoRTH. Considering the averments in the writ petition and the contentions put forth by this respondent in the counter affidavit and the additional counter affidavit, this Hon'ble Court issued and interim order on 13.04.2023 directing the respondents therein to allow and authorize the petitioner in the said writ petition to issue and affix HSRP on vehicle registered prior to 01.04.2019 on the strength of the Type Approval Certificate issued to them and their request for providing access to the national registry for electronically linking HSRP details in the VAHAN Portal shall also be considered and expedite orders shall be issued enable them to issue and affix HSRP without any impediment whatsoever.

11. Aggrieved by the above said interim order passed in the WP(C) No.10761/2021, this respondent filed W.A. No.999/2023, considering the relevant provisions under Rule 50 and circulars and orders issued by the Central Government, the Hon'ble Division Bench passed an interim stay against the operation and implementation of the interim order passed by the learned Single Judge and taking note of the urgency of the matter, the Hon'ble Division Bench also directed to hear the writ petitions expeditiously by the Single Bench.

12. It is submitted that while considering the writ petitions, on 27.11.2023 this Hon'ble Court passed an interim order again directing this respondent to file affidavit on behalf of the responsible officer regarding the policy/frame work envisaged for selection/ authorization of approved vendors/manufacturers of HSRP for implementing Rule 50 of CMVR for affixing HSRP on vehicles registered prior to 01.04.2019.

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13. It is submitted that pursuant to the above said interim direction, Government considered the matter in detail and decided to authorize the registering authority to fix HSRP on old vehicles registered before 01.04.2019 through any of the affiliated/accredited agencies of the Government which have a Type Approval Certificate of HSRP from any agency specified under Rule 126 of the Central Motor Vehicle Rules. Accordingly, Government issued an order dated 24.01.2024 authorizing the registering authority (Motor Vehicle Department) for issuance of HSRP in the existing old registered vehicles prior to 01.04.2019 in the State in accordance with the conditions stipulated in Rule 50 of CMVR and Motor Vehicles (HSRP) Rules 2018. Further, the Government also directed the registering authority to take the required technical and infrastructural support of Institute of Driver Training and Research Institute which is the primary training and research institute constituted by the MoRTH under MVD, Kerala. The above said Government Order is produced herewith and marked as **Exhibit R2(a).**

14. It is submitted that under Rule 50 of the CMVR Rules, the registering authority is the first entity to issue HSRPs on old vehicles. Since the Government authorize the registering authority by GO(Rt) No.39/2024 dated 24.01.2024 to manufacture and issue HSRP to the old vehicles, then the other to entities cannot claim that they are entitled to issue HSRP to the old vehicles on the same line of the registering authority. If the Government has its own machinery to manufacture and issue HSRP for the old registered vehicles, the right of the other two entities does not arise at all and therefore the Government need not permit them to enter in the arena. Since the Rule permits the registering authority as the first entity, the other two

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categories can come to the field, only in the registering authority does not venture the same as contemplated in the Rule.

15. It is also submitted that as per the latest directive/communication dated 08.01.2024 issued by the MoRTH, for the vehicle manufactured before 01.04.2019, the HSRP shall be issued at the option of the State Government/UT by:

a. Registering authority, or

b. Vehicle manufacturers and their dealers, or

c. License Plate Manufacturers or their dealers, approved by the State Government or Union Territory Administration.

16. So by virtue of the above circular also, it is the option of the State Government to choose one among them for the implementation of HSRP in the old vehicles. Now the Government has chosen the first category, ie., the registering authority to issue HSRP to the old vehicles and there is no illegality or unreasonableness in the selection of registering authority to perform such activity.

17. It is relevant in the above context to submit that now the Government has issued another order as GO(Rt) No.285/2024/TRANS dated 30.07.2024, modifying the earlier GO(Rt) No.39/2024 dated 24.01.2024 wherein it is stated that a transparent fare process in the procurement is necessary and best quality of machinery to be ensured, the registering authority is directed to float global tender and the registering authority shall act according to the norm prescribed in the stock purchase manual and the Government Orders read as (1) and (2) in the said order. Further the technical and infrastructural support of IDTR mandated in the Government Order GO(Rt) No.39/2024 dated 24.01.2024 is cancelled and the said GO stands modified to that extent. A true copy of the above referred

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Government Order GO(Rt) No.285/2024/TRANS dated 30.07.2024 is produced herewith and marked as **Exhibit R2(b).**

Hence in view of the facts and circumstances stated and the Rule position contemplated under Rule 50 of the CMVR and the circulars, directives/communications issued hitherto by the MoRTH, the writ petition is devoid of any merits and therefore it is liable to be dismissed.

What is stated above in Paragraphs 1 to 17 is true to my knowledge and what is stated in Paragraphs 1 to 17 stated on information and belief derived from records and/or obtained from the authority concerned and I believe the same to be true.

Dated this the 17th day of August, 2024.

TRANSPORT DEPARTMENT GOVT. SECRETARIAT

CHITHRALEKHA. R.G.
UNDER SECRETARY
Transport Department
Government Secretariat
Thiruvananthapuram

DEPONENT

Solemnly affirmed and signed before me by the deponent whom I know on this the 17th day of August, 2024. at the Office of the Transport Department, Thiruvananthapuram.

TRANSPORT DEPARTMENT GOVT. SECRETARIAT

RATHEESH R.
PEN: 309686
Section Officer
Transport (B) Dept.
Government Secretariat
Thiruvananthapuram

P. SANTHOSH KUMAR
SPECIAL GOVERNMENT PLEADER

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GOVERNMENT OF KERALA

Transport (B) Department

No: B2/349/2022/TRANS 19-11-2024,Thiruvananthapuram

From

Secretary to Government

To

Transport Commissioner, Thiruvananthapuram

Sir,

Sub: Transport Department - Fixing of HSRP in Vehicles Registered Prior to 01/04/2014 - Floating Global Tender - Updated Report Sought -Reg

Ref: Your Letter No. MIT2/13/2017-TC-Part3 dated 30/07/2024

Kind attention is invited to the letter referred above. You are requested to furnish latest updates on the instruction given by the Government in this regard urgently.

Yours Faithfully,
CHITHRALEKHA R G
UNDER SECRETARY
For Secretary to Government.

Approved for Issue,

Section Officer.

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2024:KER:90019

"C.R."

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

FRIDAY, THE 29TH DAY OF NOVEMBER 2024 / 8TH AGRAHAYANA, 1946

WP(C) NO. 10761 OF 2022

PETITIONER/S:

MOTORSIGNS INDIA,
810 ANNA SALAI, NANDANAM, CHENNAI 600035, TAMIL NADU, INDIA REPRESENTED BY ITS SOLE PROPRIETOR, THOMAS CHERIAN

BY ADVS. K.RAMAKUMAR (SR.)
S.M.PRASANTH
G.RENJITH
ASWINI SANKAR R.S.
T.H.ARAVIND
T.RAMPRASAD UNNI

RESPONDENT/S:

1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695001.

2 THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERLA,
THIRUVANANTHAPURAM 695001.

3 THE TRANSPORT COMMISSIONER,

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TRANSPORT COMMISSIONERATE, TRANS TOWER- 2ND FLOOR, VAZHUTHACAUD, P.O. THYCAUD, THIRUVANANTHAPURAM, KERALA , 695014.

4 ADDL.R4 ACCIDENT RESCUE 24X7,
PANAPUZHA, KAKKAD P.O., TIRURANGADI, MALAPPURAM - 676306,REPRESENTED BY ITS SECRETARY, SHRI.JAMSHEER KOORIYADAN [ADDL.R4 IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN I.A-1/2022 IN WP(C) 10761/2022].

5 ADDL.R5 ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION,
45, 1ST FLOOR, COMMUNITY CENTRE, NARAINA PHASE-1, NEW DELHI-110028,REPRESENTED BY ITS AUTHORIZED SIGNATORY SHRI. T.SUJITH MUGESH,[ADDL.R5 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-3/2023 IN WP(C) 10761/2022].

6 ADDL.R6 ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA (REGD.) F-119, MAYAPURI INDUSTRIAL AREA, PHASE – II, NEW DELHI – 110064,REPRESENTED BY ITS PRESIDENT MR. MAHESH MALHOTRA [ADDL.R6 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-5/2023 IN WP(C) 10761/2022]

7 UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO MINISTRY OF ROADS, TRANSPORTS AND HIGHWAYS, TRANSPORT BHAWAN, 1, PARLIAMENT STREET, NEW DELHI - 110 001 (SOUGHT TO BE IMPLEADED).

8 THE AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA (ARAI) ,
REPRESENTED BY ITS DIRECTOR, SURVEY NO. 2, VETAL HILL, OPP: PAUD ROAD, KOTHRUD, PUNE – 411038. (SOUGHT TO BE IMPLEADED).

9 THE INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY (ICAT) ,
REPRESENTED BY ITS DIRECTOR, PLOT 26, SECTOR 3, IMT MANESAR, GURUGRAM, HARYANA – 122050. (SOUGHT TO BE IMPLEADED).

10 THE CENTRAL ROAD RESEARCH INSTITUTE (CRRI),
REPRESENTED BY ITS DIRECTOR, DELHI – MATHURA ROAD, P.O. CRRI, NEW DELHI – 110 020. (SOUGHT TO BE IMPLEADED).

11 THE VEHICLES RESEARCH DEVELOPMENT ESTABLISHMENT (VRDE),
REPRESENTED BY ITS DIRECTOR, P.O. VAHAN NAGAR, AHMEDNAGAR, MAHARASHTRA - 414006. (SOUGHT TO BE IMPLEADED).

12 THE CENTRAL INSTITUTE OF ROAD TRANSPORT (CIRT) ,
REPRESENTED BY ITS DIRECTOR, PUNE – NASIK ROAD, PUNE – 411026. (

SOUGHT TO BE IMPLEADED)

13 THE GLOBAL AUTOMOTIVE RESEARCH CENTRE (GARC) ,
PLOT E1, SIPCOT INDUSTRIAL GROWTH CENTRE, ORAGADAM, MATHUR P.O.,
SRIPERUMBUDUR TALUK, TIRUVALLUR DISTRICT, TAMIL NADU – 602 105
REPRESENTED BY ITS DIRECTOR. (SOUGHT TO BE IMPLEADED)

BY ADVS. P.A.MOHAMMED SHAH, HARIKUMAR G. (GOPINATHAN NAIR)
MILLU DANDAPANI, VISHNU J., CGC, N.N.GIRIJA, V.S.ABHISHEK
RENOY VINCENT, HELEN P.A., ARUN ROY, SHAHIR SHOWKATH ALI
ALEESHA SHEREEF, SRI.P. SANTHOSH KUMAR -SPL.GP

THIS WRIT PETITION (CIVIL) HAVING FINALLY HEARD ON 29.11.2024, ALONG WITH WP(C).7089/2023, 18049/2023 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

FRIDAY, THE 29TH DAY OF NOVEMBER 2024 / 8TH AGRAHAYANA, 1946

WP(C) NO. 7089 OF 2023

PETITIONER/S:

ORBIZ AUTOMOTIVEZ, PLOT NO. 23/A AND 23/C, INKEL CITY, PANAKKAD VILLAGE, MALAPPURAM-676519; REPRESENTED BY ITS MANAGING PARTNER, SHRI. JABIR M

BY ADVS. P.A.MOHAMMED SHAH, SHAHIR SHOWKATH ALI
HELEN P.A., ARUN ROY

RESPONDENT/S:

1 STATE OF KERALA,
REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001.

2 TRANSPORT COMMISSIONER,
2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM.-695014.

3 ADDL.R3: UNION OF INDIA,
REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI- 110 001(IS IMPLEADED AS PER ORDER DATED 21/03/2023 IN IA 1/23 IN WP(C))

4 ADDL.R4: ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA (REGD.), F-119, MAYAPURI INDUSTRIAL AREA, PHASE – II, NEW DELHI – 110 064, REPRESENTED BY ITS PRESIDENT MR. MAHESH MALHOTRA. (IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN IA 2/23 IN WP(C)).

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5 ADDL.R5: BND ENERGY PVT. LTD.,
HAVING ITS REGISTERED OFFICE AT 23-24 BHURAKHIA ARCADE, 2ND FLOOR, NEAR NAVJIVAN RESTAURANT, SURAT KAMREJ ROAD, SURAT, GUJARAT - 395 006L;
REPRESENTED BY ITS DIRECTOR SHRI. DESAI DHARMESHKUMAR LALJIBHAI. (IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN IA 4/23 IN WP(C))

6 TEDI (INDIA) PRIVATE LIMITED,
PLOT NO. C54, SIDCO INDUSTRIAL ESTATE, MARAIMALAI NAGAR, CHENGALPATTU DISTRICT, TAMIL NADU. (SOUGHT TO BE IMPLEADED).

BY ADVS. SRI P SANTHOSH KUMAR (SPL GP), SRI T C KRISHNA DSGI,
MILLU DANDAPANI, CHELSON CHEMBARATHY, MUHAMED JUNAID V.

THIS WRIT PETITION (CIVIL) HAVING FINALLY HEARD ON 29.11.2024, ALONG WITH WP(C).10761/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

FRIDAY, THE 29TH DAY OF NOVEMBER 2024 / 8TH AGRAHAYANA, 1946

WP(C) NO. 18049 OF 2023

PETITIONER/S:

BND ENERGY PVT. LTD,
23-24 BHURAKHIA ARCADE, 2ND FLOOR, NEAR NAVJIVAN RESTAURANT, SURAT KAMREJ ROAD, SURAT, GUJARAT – 395006; REPRESENTED BY ITS DIRECTOR SHRI. DESAI DHARMESHKUMAR LALJIBHAI

BY ADVS. P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI CHELSON CHEMBARATHY, MUHAMED JUNAID V., SHILU SEBASTIAN

RESPONDENT/S:

1 UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI, PIN - 110001

2 STATE OF KERALA,
REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

3 TRANSPORT COMMISSIONER,
2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014

4 ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA,
F-119, MAYAPURI INDUSTRIAL AREA PHASE -11NEW DELHI-110064 REPRESENTED BY ITS PRESIDENT MAHESH MALHOTRA (SOUGHT TO BE IMPLEADED).

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BY ADVS. SRI P SANTHOSH KUMAR (SPL GP), SRI T C KRISHNA DSGI,
SHRI.P.R.AJITH KUMAR, CGC, MILLU DANDAPANI

THIS WRIT PETITION (CIVIL) HAVING FINALLY HEARD ON 29.11.2024, ALONG WITH WP(C).10761/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

FRIDAY, THE 29TH DAY OF NOVEMBER 2024 / 8TH AGRAHAYANA, 1946

WP(C) NO. 22207 OF 2023

PETITIONER/S:

M/S. TEDI (INDIA) PRIVATE LIMITED,
AGED 37 YEARS
PLOT NO. C54, SIDCO INDUSTRIAL ESTATE, MARAIMALAI NAGAR, CHENGALPATTU DISTRICT, TAMIL NADU - 603209; REPRESENTED BY ITS DIRECTOR SHRI.ELUMALAI JAYARAMAN.

BY ADVS. P.A.MOHAMMED SHAH, RENOY VINCENT
SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY
SHILU SEBASTIAN, ADITH KRISHNAN.U., FATHIMA AFEEDA P.

RESPONDENT/S:

1 UNION OF INDIA,
REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI, PIN - 110001

2 STATE OF KERALA,
REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM – 695001.

3 TRANSPORT COMMISSIONER,
2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O.,
THIRUVANANTHAPURAM, PIN - 695014

4 ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION,

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45,1ST FLOOR, COMMUNITY CENTRE, NARAINA PHASE-I, NEW DELHI, REPRESENTED BY ITS AUTHORIZED SIGNATORY SHRI. T. SUJITH MUGESH (R4 IMPLEADED AS PER ORDER IN IA 1/23 DATED 5.9.23).

BY ADVS. SRI P SANTHOSH KUMAR (SPL GP), SRI VISHNU J CGC,
K.V.SREE VINAYAKAN, HARIKUMAR G. (GOPINATHAN NAIR)

THIS WRIT PETITION (CIVIL) HAVING FINALLY HEARD ON 29.11.2024, ALONG WITH WP(C).10761/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C) NOS. 10761 OF 2022, 7089 OF 2023, 18049 OF 2023,
22207 OF 2023, 29866 OF 2023, 14467 OF 2024

2024:KER:90019

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

FRIDAY, THE 29TH DAY OF NOVEMBER 2024 / 8TH AGRAHAYANA, 1946

WP(C) NO. 29866 OF 2023

PETITIONER/S:

HIGH SECURITY REGISTRATION PLATE (HSRP) MANUFACTURERS ASSOCIATION OF INDIA, BUILDING NO. 66/1619, ABIDAS ARCADE, PIYOLI ROAD,ERNAKULAM,REPRESENTED BY ITS PRESIDENT, SHRI.M. JAHFAR, PIN - 682018

BY ADVS. DR ADITHYA SONDHI (SR) P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI, CHELSON CHEMBARATHY, ABEE SHEJIRIK FASLA N.K, MUHAMED JUNAID V., ADITH KRISHNAN.U., FATHIMA AFEEDA P.

RESPONDENT/S:

1 UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI, PIN - 110001

2 STATE OF KERALA,
REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

3 TRANSPORT COMMISSIONER,
2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O., THIRUVANANTHAPURAM, PIN - 695014

4 ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA (REGD) , F-119 , MAYAPURI INDUSTRIAL AREA PHASE -11 NEW DELHI (SOUGHT TO BE IMPLEADED).

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BY ADVS. SRI P SANTHOSH KUMAR (SPL GP), SRI T C KRISHNA DSGI,
SHRI.MILLU DANDAPANI

THIS WRIT PETITION (CIVIL) HAVING FINALLY HEARD ON 29.11.2024, ALONG WITH WP(C).10761/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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2024:KER:90019

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

FRIDAY, THE 29TH DAY OF NOVEMBER 2024 / 8TH AGRAHAYANA, 1946

WP(C) NO. 14467 OF 2024

PETITIONER/S:

ORBIZ AUTOMOTIVEZ,
PLOT NO. 23/A AND 23/C, INKEL CITY, PANAKKAD VILLAGE, MALAPPURAM,
REPRESENTED BY ITS MANAGING PARTNER, SHRI. JABIR M, PIN - 676519

BY ADVS. SRI NAVEEN R NATH (SR), SRI CHELSON CHEMBARATHY
P.A.MOHAMMED SHAH, RENOY VINCENT, SHAHIR SHOWKATH ALI
CHELSON CHEMBARATHY, ABEE SHEJIRIK FASLA N.K
MUHAMED JUNAID V., FATHIMA AFEEDA P.
ADITH KRISHNAN.U., SHERIN SHERIYAR

RESPONDENT/S:

1 UNION OF INDIA, REPRESENTED BY SECRETARY MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI, PIN - 110001

2 STATE OF KERALA,
REPRESENTED BY SECRETARY, TRANSPORT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

3 TRANSPORT COMMISSIONER,
2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD, THYCAUD P.O.,
THIRUVANANTHAPURAM, PIN - 695014

4 MAHESH MALHOTRA,
S/O. LATE B. L. MALHOTRA, RESIDING AT HOUSE NO. 394, NITIKHAND - 3,

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INDIRAPURAM, GHAZIABAD, UTTAR PRADESH (SOUGHT TO BE IMPLEADED)

5 ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION,
45, 1ST FLOOR, COMMUNITY CENTRE, NARAINAPHASE-I, NEW DELHI, REPRESENTED BY ITS AUTHORIZED SIGNATORY SHRI. T.SUJITH MUGESH (SOUGHT TO BE IMPLEADED)

BY ADVS. SRI P SANTHOSH KUMAR (SPL GP), SRI T C KRISHNA DSGI,
VISHNU J., CGC, MILLU DANDAPANI, HARIKUMAR G. (GOPINATHAN NAIR)

THIS WRIT PETITION (CIVIL) HAVING FINALLY HEARD ON 29.11.2024, ALONG WITH WP(C).10761/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT
[WP(C) Nos.10761/2022, 7089/2023, 18049/2023, 22207/2023, 29866/2023, 14467/2024]

"C.R."

Heard Mr R Ramkumar (Senior), assisted by Mr S.M. Prasanth; Dr Aditya Sondhi (Senior) assisted by Mr Binoy Vincent; Mr Naveen R Nath (Senior) assisted by Mr Chelson Chambarathy and Mr P A Mohammed Shah, learned Counsel for the petitioners; Ms T C Krishna learned DSGI, Mr Vishnu J learned CGC; Mr P Santhosh Kumar learned Special Government Pleader; Mr P A Muhammed Shah; Mr Harikumar G, Mr Mangal Pandai; Mr Aman Preeth Singh, Mr Millu Dandapani; Mr Vishnu J; Mr N N Girija and Mr V S Abhishek learned Counsel for the respondents.

Prayers:

2. The prayers sought in these writ petitions are summed up as follows:

(i) Seeks directions to the respondents to issue High-Security

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Registration Plates to motor vehicles registered prior to 01.04.2019 on the strength of the Type Approval Certificate and provide access to the Vahan Portal.

(ii) Seeks directions to the respondents to strictly ensure and implement the affixation of registration mark/ High-Security Registration Plates on every motor vehicle as per Section 41(6) of the Motor Vehicles Act 1988 and rules 50, 51 and 124 of the Central Motor Vehicles Rules 1989 read with Regulation 36 of the Motor Vehicles (Driving) Regulations 2017.

(iii) To declare that a holder of a Type Approval Certificate issued by a testing agency authorized by the Centre is required to obtain approval from the State Government for issuing High-Security Registration Plates, which is violative of Articles 14, 19 and 21 of the Constitution of India.

(iv) Seeks direction to quash Advisory/Letter No.RT-11036/99/2020-

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MVL dated 09.06.2023 directing all States and Union Territories to take action against High-Security Registration Plates manufacturers fixing High-Security Registration Plates without authorisation from the State Government.

(v) Seeks direction to quash Advisory/Letter No.RT-11036/99/2020-MVL dated 08.01.2024, which clarifies that the State can implement the fixation of High-Security Registration Plates through the manufacturers and dealers if the State is unable to authorize the licence plate manufacturers.

(vi) Seeks direction to quash Government Order, G.O.(Rt) No.39/2024/Trans dated 24.01.2024.

(vi) To declare that the direction to close down the petitioner's online booking centres is violative of Articles 14, 19 and 21 of the Constitution of India and that a license plate manufacturer approved by a Central Agency under Rule 126 of the Central Motor Vehicles Rules can affix

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High-Security Registration Plates. [W.P.(C) No.7089/2023].

2.1 Since the common question of facts and law are involved in these petitions, they have been heard together and are being decided by the common judgment. The facts are briefly noted hereunder:

Facts:

3. The present batch of writ petitions have been filed primarily in respect of the implementation of High-Security Registration Plates (HSRP) in the State of Kerala on old vehicles manufactured prior to 01.04.2019 (around 75 lakhs) and the restrictions imposed by the State Government on implementing the HSRP on such vehicles. As per the petitioners' case, Rule 50 of the Central Motor Vehicle Rules 1989 read with HSRP Order, 2018 (as amended), the HSRPs are to be fixed by only those entities who are authorised by the State Government/Union Territories. Despite having the Type Approval Certificate (TAC), the State Government is not allowing the petitioners to affix HSRPs on motor

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vehicles manufactured prior to 01.04.2019.

3.1 The HSRP Scheme was introduced to enhance the security of motor vehicles and facilitate their identification through a standardised registration system. It is a necessary step towards improving road safety and curbing vehicle-related offences.

4. Before adverting to the respective submissions made on behalf of the petitioners, respondents, and interveners, it would be appropriate to take note of the important provisions of the Motor Vehicles Act 1988 (for short, the 'MV Act'), the relevant Central Motor Vehicle Rules and the HSRP Orders, as well as a few relevant judgments on the subject.

5. Section 2(37) of the MV Act defines the "*registering authority*" as an authority empowered to register motor vehicles under Chapter IV of the MV Act. The Central Government, as early as in 2001, issued The Motor Vehicles (New High-Security Registration Plates) Order 2001 (for

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short, 'HSRP Order 2001'). Section 2(28) of the MV Act defines "*motor vehicle*" or "*vehicle*". Section 2(32) defines "*prescribed*" means prescribed by rules made under this Act. Section 39 of the Act lays down that no person shall drive any motor vehicle, and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this Chapter IV and the vehicle carries a registration mark displayed in the prescribed manner. Section 41 of the MV Act deals with '*Registration*' of the vehicle and it lays down that an application made by or on behalf of the owner of a motor vehicle for registration shall be in the prescribed form and shall be accompanied by the prescribed fee, the registering authority shall issue to the owner of a motor vehicle registered by it a certificate of registration in such form and containing such particulars and information and in such manner as may be prescribed by the Central Government. Subsection (6) of Section 41 provides the registering

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authority shall assign to the vehicle, for display thereon, a distinguishing mark (referred to as the registration mark) consisting of one of the groups of such letters and followed by such letters and figures as are allotted to the State by the Central Government from time to time by notification in the Official Gazette, and displayed and shown on the motor vehicle in such form and in such manner as may be prescribed by the Central Government.

5.1 In exercise of the powers conferred by Section 64 of the MV Act and after previous publication as required under Section 212, the Central Government framed the Central Motor Vehicle Rules 1989 (for short, '1989 Rules'). Rule 50 deals with the form and manner of display of registration marks on motor vehicles. Sub-Rule (i) deals with motor vehicles, and Sub-Rule (ii) deals with motorcycles. The legal landscape concerning the implementation of HSRP has undergone significant changes, particularly following the amendment to Rule 50 of the 1989

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Rules by notification dated 06.12.2018. Before the said amendment, the HSRP scheme was covered by the HSRP Order 2001, under which only the manufacturer or supplier of the HSRP selected by either State or Union Territory was permitted to supply HSRP across the entire State or specific region within the State.

6. The amended Rule 50 is reproduced below:

> "50. *Form and manner of display of registration marks on the motor vehicles.* (1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of Section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security licence plate of the following specifications, namely:
>
> (i) the plate shall be a solid unit made of 1.0 mm aluminium conforming to DIN 1745/DIN 1783 or ISO 7591. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approximately 10 mm and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The fast colouring of legend and border to be done by hot stamping;
>
> (ii) the plate should bear the letters 'IND' in blue colour on the extreme left centre of the plate. The letters should be one-fourth of the

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size of letters mentioned in Rule 51 and should be buried into the foil or applied by hot stamping and should be an integral part of the plate;

(iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a permanent consecutive identification number of minimum seven digits, to be laser-branded into a reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium-based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority etc. shall be printed on the sticker. The third registration mark shall be issued by the registering authorities/approved dealers of the licence plates manufacturer along with the e regular registration marks, and thereafter if such sticker is destroyed it shall be issued by the licence plate manufacturer or his dealer;

(v) the plate shall be fastened with non-removable/non-reusable snap-lock fitting system on rear of the vehicle at the premises of the registering authority;

The licence plates with all the above specifications and the specified f registrations for a vehicle shall be issued by the registering authority or

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approved licence plates manufacturers or their dealers. The Central Road Research Institute, New Delhi or any of the agencies authorised by the Central Government shall approve the licence plates manufacturers to the above specification;

(vi) the size of the plate for different categories of vehicles shall be as follows:

For two- and three-wheelers	200 x 100 mm
For light motor vehicles/ passenger cars	340 x 200 mm/500 x 120 mm
For medium commercial vehicles, heavy commercial vehicles and trailer/combination	340 x 200 mm:

Provided that this sub-rule shall apply to already registered vehicles two years from the date of commencement:

Provided further that the size of the registration plates for agricultural tractors shall be as follows:

Front	-	285 x 45 mm
Rear	-	200 x 100 mm"

7. In the exercise of the power conferred by the sub-section (3) of section 109 of the MV Act, the Central Government issued an order known as the Motor Vehicles (New High-Security Registration Plates) Order, 2001 on 22.08.2001 in order to notify certain standards in respect of the new system of high-security registration plates for motor vehicles

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and the process used by a manufacturer or vendor for manufacturing or supplying such plates with reference to the amendments made in the Central Motor Vehicles Rules, 1989 by the Central Motor Vehicles (First Amendment) Rules, 2001. Clauses 2, 3 and 4 of Order 2001 would read as under:

> 2. It shall come into force on the 28th day of September, 2001 in case of new registered vehicles from that date and in case of already registered vehicles, two years from the date of publication of this Order in the Official Gazette.
>
> 3. *Application*. This Order shall apply to motor vehicles as defined in clause (28) of Section 2 of the Motor Vehicles Act, 1988 (59 of 1988).
>
> 4. A manufacturer or supplier of new high-security registration plates shall comply with the following specifications, namely-
>
> (i) The manufacturer or supplier shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under Rule 126 of the Central Motor Vehicles Rules, 1989.
>
> (ii) The registration plate shall conform to the specifications spelt out in Rule 50 of the Central Motor Vehicles Rules, 1989; and shall conform to DIN 1745/DIN 1783 or ISO 7591, as updated from time to time. The

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registration plate has to be guaranteed for imperishable nature for a minimum of five years.

(iii) * * (omitted as not relevant)

(iv) To protect against counterfeiting, a chromium-based hologram of the size of 20 mm x 20 mm is to be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates. The hologram shall contain the Ashoka emblem with 'Bharat Sarkar' and 'Government of India' on each side, on the left and right sides, respectively, on the Ashoka emblem vertically, as specified in the sketch, as given in the annexure annexed to this Order.

(v)-(vii) * *

(viii) The registration plate fitted in the rear of the vehicle shall be fastened with non-removable/non-reusable snap-lock system. For the sake of better security, at least two such snap-locks shall be fitted.

(ix) No high-security plate shall be affixed outside the premises of the registering authority.

(x) The manufacturer or the vendor selected by the State Transport Department for supply of such registration plates may be for the State as a whole or for any region of the State.

(xi) The registration plate will be supplied to the motor vehicle owners by the vendor against the authorisation by the Road Transport Officer or any officer designated for the purpose by the State Transport Department.

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(xii) The replacement for any existing registration plate may be made by the transport authority concerned only after ensuring that the old plate has been surrendered and destroyed.

(xiii) A proper record of the registration plates issued by the manufacturer or the vendor, authorised by the State Government, should be maintained on a daily basis and got tallied periodically with the records of the Transport Office.

(xiv) Periodic audit shall be carried out by testing agency concerned to ensure compliance of the requirements of the high security registration plate."

7.1 The aforesaid Order was amended by notification dated 16.10.2001 issued by the Central Government in the exercise of the powers under Section 109(3) of the MV Act, and the Order so issued was called the Motor Vehicles (New High-Security Registration Plates) (Amendment) Order, 2001. By this order, certain provisions of the earlier Order of 2001 were amended, and sub-clause (v) was inserted as under:

"Provided that the permanent consecutive identification number in

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> Arabic numbers shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type of approval certificate is issued by the test agencies:"

8. The Union Territory Administration of Daman and Diu issued Notices Inviting Tenders (NITs) for appointment of the manufacture and supply of high-security registration plates for all types of vehicles. It was the subject matter of challenge before the Supreme Court in the case of the ***Association of Registration Plates v Union of India***[1]. Paragraphs 1.5.3, 1.5.5 and 1.5.6 of the NIT approved by the Union Territory Administration of Daman and Diu which were under challenge are extracted hereunder:

> "The appointment of the manufacturer shall be for the whole Union Territory.
>
> The Director of Transport, Daman & Diu invites bids on behalf of the President of India for selection of an eligible manufacturer having type approval and requisite manufacturing capacity to produce the high

[1] (2004) 5 SCC 364

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security registration plates in conformity with the specifications mentioned in the abovementioned amendments.

1.5. *Eligible bidders*. This invitation for bid is open to all the bidders who fulfil all the following criteria on cumulative basis.

1.5.3. The bidder or the promoter or any of the members of joint venture should have sufficient experience in the field of registration plates and should be working in at least three countries for registration plates having security features worldwide or in minimum three such projects (necessary credentials from the Government of such country should be attached along with a pro forma as per Annexure XI duly filled in).

1.5.5. The bidder or the joint-venture partners together must have a minimum net worth equivalent to Indian rupees 40 crores (bank solvency certificate to be produced).

1.5.6. The bidders or the joint-venture partners together must have a minimum annual turnover equivalent to Indian rupees 50 crores in the immediately preceding last year and at least 15% of this turnover must be from the registration plate business. Certificate confirming above and certification of minimum 15% turnover being from registration plate business will have to be provided duly attested by a Chartered Accountant/any bank to be attached in support of fulfilment of this condition."

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9. In ***Signs India v. Union of India***[2]**,** NITs issued by the State of Pondicherry and the State of West Bengal were challenged which contain more or less similar clauses. The eligibility criteria of clause 1.5.3 issued by the State of Pondicherry required that the bidder, the promoter or any of the members of the joint venture should have sufficient experience in the field of registration plates and should be working in a minimum of five countries with registration plates having security features. Clause 1.5.6 required that the bidder or the joint venture partners together must have a minimum annual turnover equivalent to Indian Rs.75 crores in the immediately preceding last year, and at least 15 % of this turnover must be from the registration plates business. Clause 1.5.5 issued by the State of West Bengal required that the bidder or the joint venture partners together must have a minimum net worth equivalent to Indian Rs.50 crores and Clause 1.5.6 required

[2] W.P.(C) No.395 of 2003 filed under Article 32 of the Constitution of India

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that the bidders or the joint venture partners together must have a minimum annual turnover equivalent to Indian Rs.50 crores during the preceding financial year, i.e., 2002-23 and 25% of this amount should have come from high-security registration plate business.

10. The grievance of the writ petitioners before the Supreme Court was that clause 4(x) of the Order 2001, which provided that the manufacturer or the vendor selected by the State Transport Department for supply of such registration plates could be for the State as a whole or for any region of the State. The petitioners who had 'Type Approval Certificate' from the test agencies, CRRI, ARAI or VRDE for the High-Security Registration Plates as per the Gazette notification challenged the procedure adopted by the various State Governments inviting bids for the purposes of selecting and appointing only one manufacturer of HSRP for supplying the registration plates for all the motor vehicles and two-wheelers in the entire State.

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10.1 Hon'ble Justice (Retd.) G P Mathur, who authored the judgment, held that once approval was given to a licence plate manufacturer by the Central Road Research Institute, New Delhi or any of the agencies authorized by the Central Government, became eligible to supply HSRP (licence plates). It was also held that since HSRPs were sought to be introduced for the first time in the country under Rule 50 by amendment in the said Rule with effect from 28.03.2001, any clause in NIT which required that the tenderer or bidder or joint venture partner should have a turnover of Rs.50 crores in the immediately preceding/last year and at least 25% of this turnover must be from the licence plates business, would mean that it would be a foreign company. It was further held that no Indian company could have a turnover of that magnitude in the preceding year as the HSRP scheme was introduced in India for the first time after the amendment was brought in Rule 50 with effect from 28.03.2001. The clear impact of this condition would be that

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all Indian companies would be ousted even though they could have the technical competence to manufacture HSRP and have the requisite approval from the body or agencies mentioned in Rule 50 of Rules 1989. These conditions could be met only by those whose joint venture partners would be foreign companies and were already dealing with such types of license plates. It was, therefore, held that the condition in NITs regarding the turnover of a particular amount in the preceding year coupled with 15% or 25% of the said turnover in the business of manufacturing licence plates and the condition regarding experience in three to five countries were wholly arbitrary and have no rational basis. The main conditions were, therefore, struck down.

10.2 The Hon'ble Judge was also of the view that no order concerning a number plate simpliciter could be issued by the Central Government in the exercise of powers conferred by Sub-Section (3) of Section 109 of the MV Act inasmuch as under sub-section (3) of Section

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109 of the MV Act, the Central Government could prescribe the standards for any article or process used by a manufacturer of motor vehicles and the power under this provision could therefore be exercised by the Central Government for prescribing the standard of the materials or articles or any process used as such in the manufacturing of the vehicle. It was also held that there was no scope for issuing the HSRP Order 2001 in the exercise of the power conferred by Section 109(3) of the MV Act. It was therefore held that Clause 4(x) of the Order 2001 dated 22.08.2001 would not have been issued by the Central Government in the exercise of the power conferred by Section 109(3) of the MV Act and Order 2001 was held to be *ultra vires* and it was quashed.

10.3 However, Hon'ble Justice Rajendra Babu, Chief Justice of India (Retd.) did not agree with the view taken by Hon'ble Justice G P Mathur. He was of the view that the object of the relevant provisions under challenge was not to create a monopoly in favour of any person and

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clause 4(x) of the HSRP Order issued by the Central Government did not deserve to be quashed.

11. A Three-Judge Bench of the Supreme Court in the case ***Association of Registration Plates v. Union of India***[3] did not agree with the view taken by Hon'ble Justice G P Mathur. In the said judgment, the Three-Judge Bench considered the object of the HSRP scheme to curb the increasing menace of vehicle thefts and their usage in the commission of crimes like murder, dacoity, kidnapping, etc. and the urgent need to check the usage of motor vehicles in terrorist activities. Rule 50 of the 1989 Rules was amended to prescribe the specification of HSRPs for different categories of vehicles.

11.1 The main features of the high-security registration plates as provided in Rule 50 and the Order of 2001 were noted as under:

> "1. It provides for a solid aluminium plate.
>
> 2. The plate should be suitable for hot stamping and would be a reflective

[3] (2005) 1 SCC 679

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sheet.

3. The plate should bear the letters "IND" in blue colour.

4. It should have a chromium-based hologram which shall also be hot-stamped.

5. There would be a third registration mark which would be self-reflective being a chromium-based hologram sticker and which would be affixed on the windshield of the vehicle.

6. The plate on the rear shall be fastened with a non-removable/ non-reusable snap-lock fitting system."

12. The aforesaid features in the High-Security Registration Plates were said to have been insisted upon for the following reasons:

"1. Hot chromium-based hologram would prevent counterfeiting.

2. The ingress letter "IND" on the plate would secure national identity and standardisation.

3. The manufacturer's laser-etched seven-digit code for each plate is intended to sequentially identify individual registration plates across the country. This code would act as a watermark and would not be erasable by any mechanical or technical process.

4. Snap-lock to be fitted on the rear portions of the vehicle would be tamper-proof. Any attempt to remove the plate would break it.

5. The reflective sheet of superior grade would be visible from a minimum

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of 200 metres.

6. The alphanumerical would be easily readable and identifiable.

7. On the alphanumerical border, the ingress letters "IND" would prevent painting and screen printing, which would protect against counterfeiting."

8. The sticker to be affixed on the windshield would have a seven-digit laser code containing the engine number and the chassis number. This is so designed as to be self-destructive upon removal."

13. The Court held that the State, as the implementing authority, has to ensure that the scheme of High-Security Vehicle Registration Plates was effectively implemented. Keeping in view the enormous work involved in switching over to new plates within two years for existing vehicles of such large numbers in each State, resorting to a "trial-and-error" method would prove hazardous. Therefore, the State would have the right to select the most competent person for doing the job. The insistence of the State to select an experienced manufacturer with sound financial and technical capability could not be violative of Articles 14 and

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19(1)(g) of the Constitution of India. The Three-Judge Bench upheld the tender conditions and the time period of 15 years to the selected tenderers for affixing the HSRPs on the vehicles.

13.1 In substance, it was held that possession of a Type Approval Certificate could not be enough to award the work, but to ensure quality of supply of HSRPs for old vehicles and periodical supply for new vehicles for a long period, only a manufacturer who would be sound both technically and financially should be selected. It was further held by the Three-Judge Bench that keeping in view the nature of the contract and job involved, particularly its magnitude and the huge investment for infrastructure required, an attempt should be to select such a manufacturer who has the technical and financial capability and collaboration with foreign companies and experience in foreign countries should not be held to be a deliberate attempt on the part of the State authorities to eliminate indigenous manufacturers.

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13.2 The Three-Judge Bench was also of the opinion that in the matter of formulating conditions of a tender document and awarding the contract of the nature of ensuring the supply of HSRPs, greater latitude would be required to be conceded to the State Authorities. Unless the action of the Authority would be malicious or a misuse of its statutory powers, tender conditions should not be interfered with. It was also held that selecting one manufacturer through the process of open competition would not be a creation of any monopoly, and neither would it be in violation of Article 19(1)(g) of the Constitution of India read with clause (6) of the said Article. Paragraph 40 of the said judgment is extracted hereunder:

> "40. Selecting one manufacturer through a process of open competition is not creation of any monopoly, as contended, in violation of Article 19(1)(g) of the Constitution read with clause (6) of the said article. As is sought to be pointed out, the implementation involves large network of operations of highly sophisticated materials. The manufacturer has to have embossing stations within the premises of the RTO. He has to

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maintain the data of each plate which he would be getting from his main unit. It has to be cross-checked by the RTO data. There has to be a server in the RTO's office which is linked with all RTOS in each State and thereon linked to the whole nation. Maintenance of the record by one and supervision over its activity would be simpler for the State if there is one manufacturer instead of multi-manufacturers as suppliers. The actual operation of the scheme through the RTOs in their premises would get complicated and confused if multi-manufacturers are involved. That would also seriously impair the high security concept in affixation of new plates on the vehicles. If there is a single manufacturer he can be forced to go and serve rural areas with thin vehicular population and less volume of business. Multi-manufacturers might concentrate only on urban areas with higher vehicular population."

14. The Three-Judge Bench of the Supreme Court rejected the submission of the petitioner in the said case that the use of the word '*approved*' in para 2 of clause (v) of Rule 50(1) should not be construed to mean '***selected***' through notice inviting tenders. The reading of Rule 50(1) would rule out the selection of a sole manufacturer through a tender process. The Supreme Court also rejected the contention of the

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petitioners that the true interpretation of Rule 50(1) would be that the registration plates could either be issued by the RTO to the exclusion of all others or all Type Approval-Certificate holders should be allowed to do business of supply in the open market. Furthermore, it was held that para 2 of clause (v) of Rule 50(1) would not indicate any prohibition of selection of an approved plate manufacturer for assisting the registering authority to implement the scheme of affixation of high-security registration plates to the existing vehicles and new vehicles.

14.1 Paragraphs 46 to 48 of the said judgment are extracted hereunder:

> "46. Learned counsel for the petitioners argues that the use of the word "approved" in para 2 of clause (v) of Rule 50(1) has to be given its natural meaning and cannot be read to mean "selected" through notice inviting tenders. In this respect, it is further submitted that the rule-making authority has used the words "approved" and "approve" twice in the same paragraph. The Rule read harmoniously rules out selection of a sole manufacturer through a tender process. The argument in substance is that every approved licence plate manufacturer can be entrusted with

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the job of supplying the registration plates and selection of one manufacturer for the job is against the intendment of the Rule.

47. The above argument seems attractive but on closer scrutiny is unacceptable. The Rule is interpreted to mean that the registration plates can either be issued by the RTO to the exclusion of all others or all type-approval-certificate holders must be allowed to do business of supply in open market. In other words, according to the petitioners, the Rule contemplates that if the registering authority does not supply the plates itself, it allows all TAC-holders to do the business without any restriction.

48. In interpreting the Rule, the object of the scheme providing for the affixation of high-security plates has to be kept in view. Where the RTO himself is not making the supply of plates, an approved registration plate manufacturer can be selected for supply. The legal obligation on the registering authority under Rule 50(1)(v) to issue specified kinds of registration plates implies issuance of such registration plates through a selected approved plate manufacturer. Para 2 of clause (v) of Rule 50(1), if reasonably construed, does not indicate any prohibition of selection of an approved plate manufacturer for assisting the registering authority to implement the scheme of affixation of high-security registration plates to existing vehicles and new vehicles. Such an interpretation fulfils the object of the scheme. The interpretation sought to be placed by the petitioners on the said para of the Rule would result in frustrating the high-security aspect and object of the scheme of affixation of high-

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security registration plates on vehicles."

14.2 The Three-Judge Bench further upheld the *vires* para 4(x) of the HSRP Order 2001 and it was held that the registration plates were not manufactured by the manufacturer of motor vehicles but for the maintenance and operation of motor vehicles registration plates were necessary. Therefore, the manufacturers of the registration plates could be subjected to certain standards by a statutory order to be notified and published in accordance with sub-section (3) of Section 109 of the MV Act. Paragraph 53 of the said judgment is extracted hereunder:

> "53. The above arguments based on Section 109(3) and the other provisions in Chapter IV of the Act have been suitably replied to by the counsel appearing for the respondents. The reasoning advanced on behalf of the respondents is worthy of acceptance. The Statutory Order of 2001 is expressly issued under Section 109(3) of the Act, which no doubt is concerned with the construction, equipment and maintenance of motor vehicles. Sub-section (3) of Section 109 permits the Central Government to "notify that any article or process used by a manufacturer shall conform to such standard as prescribed". The word "manufacturer"

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is defined in Section 2(21-A) of the Act to mean a person engaged in the manufacture of motor vehicles but the definition clause is prefixed by the words "unless the context otherwise requires". In the context of sub-section (3) of Section 109, an article to be affixed to the motor vehicle like a high-security registration plate is covered by the use of the expression "any article or process used by a manufacturer". "In the context" if the provision contained in sub-section (3) b is read reasonably, an article which is adjunct or necessarily attachable to a motor vehicle, would also be covered in the said expression. The Statutory Order of 2001 is published in the Official Gazette. It does not fall outside the scope of sub-section (3) of Section 109 of the Act. The expression "any article or process used by a manufacturer" has to be construed "in the context" so as not to restrict the expression "manufacturer" to only manufacturer of motor vehicles as defined under Section 2(21-A) of the Act. The definition in the Act has to be construed according to the "context", and if the "context" otherwise indicates, a meaningful interpretation is to be given to the words "any article or process used by a manufacturer" as used in sub-section (3) of Section 109 of the Act. Registration plates are not manufactured by the manufacturer of motor vehicles but for maintenance and operation of motor vehicles registration plates are necessary. Therefore, manufacturers of registration plates can be subjected to certain standards by a statutory order to be notified and published in accordance with sub-section (3) of Section 109 of the Act.

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Any restrictive interpretation of the said sub-section is neither called for from the language of the sub-section nor the object of the provision. Reference is made to the opinion of learned Brother G.P. Mathur, J., in these cases. For the reasons mentioned by us above, in our e opinion, the statutory Order of 2001 and clause 4(x) thereof cannot be held to be beyond the purview of sub-section (3) of Section 109 of the Act. Clause 4(x) of the statutory Order of 2001 could be issued under Section 109(3) as an aid to the fulfilment of provisions of high-security registration plates contained in Rule 50. Such power of the State to issue an order containing clause 4(x) is not only supported by sub-section (3) of Section 109 but by f Rule 50 itself. Clause 4(x) of the statutory Order of 2001 is merely an enabling one and restates what Rule 50 contemplates. We also find force in the alternative submission made on behalf of the respondents that the statutory order, including clause 4(x), can be supported as having been issued in the exercise of executive power of the Central Government, which is coextensive with its legislative power."

15. What are the main features of the High-Security Registration Plates as provided in Rule 50 came up for consideration again before the Supreme Court in ***Maninderjit Singh Bitta v. Union of India***[4] and the view

[4] (2008) 7 SCC 328

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taken in ***Association of Registration Plates*** [2005 1 SCC 679] (supra) was reiterated. The petitioners in ***Maninderjit Singh Bitta*** (supra) had a grievance that subsequent to the judgment by the Three-Judge Bench in ***Association of Registration Plates*** [2005 1 SCC 679] (supra), the scheme of HSRP was not implemented in any State except in the State of Meghalaya and the other States were still repeating the processing of tender. The prayer was that the purpose of introducing the scheme should be fulfilled in letter and spirit. There should be no lethargy when the question of public safety and security is involved. The Supreme Court directed the States to take necessary decisions, if not already taken, within a period of six months for implementing the HSRP. Paragraphs 8 and 9 of the said judgment are extracted hereunder:

> "8. Without going into the question as to whether the petition is a bonafide Public Interest Petition, we feel it would be in the interest of all concerned if the States and the Union Territories take definite decision as to whether there is need for giving effect to the amended Rule 50 and the Scheme of HSRP and the modalities to be followed.

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9. Needless to say the scheme appears to have been introduced keeping in view the public safety and security of the citizens. Let necessary decisions be taken, if not already taken, within a period of six months from today. While taking the decision, the aspects highlighted by this Court in the earlier decision, needless to say, shall be kept in view."

16. In ***Shimnit Utsch India Pvt.Ltd. v. West Bengal Tpt. Infrastructure***[5] the Supreme Court upheld the conditions in NIT for HSRPs for motor vehicles which were at variance with the conditions prescribed in the case of ***Association of Registration Plates*** [2005 1 SCC 679] (supra) wherein the State Government issuing fresh NITs deleted the conditions for award of tender including experience in the field of registration plates in foreign countries and prescribing minimum turnover from such business.

16.1 The Supreme Court held that the Government policy can be changed with changing circumstances, and only on the ground of change

[5] 2010 (6) SCC 303

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the policy cannot be vitiated. The Government has the discretion to adopt a different policy, alter or change its policy to serve the public interest and make it more effective. However, change in policy must be in conformity with Wednesbury's reasonableness and free from arbitrariness, irrationality, bias and malice. Paragraphs 51 to 55 and 64, which are relevant are extracted hereunder:

> "51. In the PIL filed by ***Maninderjit Singh Bitta***, it was prayed that the States and UTs be directed to implement the judgment of this Court in ***Association of Registration Plates***. This Court disposed of the writ petition on May 8, 2008 by observing, `we feel it would be in the interest of all concerned if the States and Union Territories take definite decision as to whether there is need for giving effect to the amended Rule 50 and the scheme of HSRP and the modalities to be followed'. It was further observed that while taking the decision, the aspects highlighted by this Court in ***Association of Registration Plates*** shall be kept in view. After disposal of the PIL, the petitioner therein filed I.A. No. 5 for clarification of the order dated May 8, 2008 and this Court while disposing of the said I.A. on May 5, 2009 clarified that there was no discretion given to the States/UTs not to give effect to the amended Rule 50 and the claim of HSRP and the modalities to be followed. Thereafter, I.A. was filed by the Central Government on September 17, 2009 before this

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Court for extension of time wherein the following statement was made:

> "The primary reason for non implementation of the scheme has been the challenges to certain conditions of the tender floated by various States. The issues such as experience in foreign countries, minimum net worth and turnover with a certain prescribed percentage of turn over from number plate business in the immediately preceding last three years and long term contract to a single vendor for the entire State had been the subject matter of WP(C) No.41 of 2003 – Association of Registration Plates v, UOI. That this Hon'ble Court in the judgment dated 30th November, 2004, laid to rest all such issues by holding that all such conditions were essential and mandatory conditions of the HSRP tender to ensure that the vendors selected by the States would be technically and financially competent to fulfill the contractual obligations which looking to the magnitude of the job requires huge investment qualitatively and quantitatively."

By order dated December 15, 2009, this Court extended the time for implementation of HSRP upto May 31, 2010. None of these orders holds that while implementing the new system of HSRP, States and UTs are bound to incorporate the conditions of foreign experience and minimum turnover from that business. The statement made by the Central Government in its application as aforenoticed only reflected the reason for non-implementation of HSRP scheme. As a matter of fact, the Central Government has clarified the position in its communication with the States/UTs that draft tender conditions circulated by them are only suggestive. Be that as it may. The decision of this Court in ***Maninderjit Singh Bitta*** and the subsequently clarificatory order therein are hardly relevant and do not help the case of the appellants.

52. It is important to notice that the bids pursuant to the second NIT have

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been evaluated by WBTIDCL and we have been informed that the lowest bid per HSRP unit for a vehicle is Rs. 469/- while the offer made by ***Shimnit*** (appellant) is of about Rs. 1200/-. Such a huge difference in the rate per HSRP unit shows that the action of the State Government in doing away with the conditions of experience in foreign countries and prescribed turnover from such business has been in larger public interest without compromising on safety, security and quality or sustainable capacity.

53. Mr. F.S. Nariman, learned senior counsel contended that cancellation of first NIT and issuance of second NIT by the Government of West Bengal was actuated with malafides as ***Shimnit*** had challenged the pre-qualification of Promuk by filing a writ petition before the Calcutta High Court wherein an interim order also came to be passed. We are not impressed by this submission at all and it is noted to be rejected. There is no material much less substantial material to infer any malafides. Merely because Shimnit challenged the pre-qualification of Promuk before Calcutta High Court, it could hardly lead to an inference of malafides.

54. It is true that the State or its tendering authority is bound to give effect to essential conditions of eligibility stated in a tender document and is not entitled to waive such conditions but that does not take away its administrative discretion to cancel the entire tender process in public interest provided such action is not actuated with ulterior motive or is otherwise not vitiated by any vice of arbitrariness or irrationality or in violation of some statutory provisions. It is always open to the State to give

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effect to new policy which it wished to pursue keeping in view `overriding public interest' and subject to principles of Wednesbury reasonableness. The judgment of Guwahati High Court in ***Real Mazon India Ltd. V. State of Assam*** was also pressed into service by the appellants. In that case, the corrigenda dated December 26, 2006, January 6, 2007 and January 16, 2007 issued by the State of Assam deleting the conditions of experience, expertise and exposure of the bidders in the manufacture and supply of HSRP were challenged. Guwahati High Court quashed the impugned corrigenda. We are unable to approve the judgment of the Guwahati High Court in ***Real Mazon India Ltd***. for the reasons given above.

55. As regards the State of Orissa, it is an admitted position that it issued NIT for the first time on April 11, 2007 inviting bids for the manufacture and supply of HSRP in respect of the existing motor vehicles and vehicles to be registered in the State of Orissa. The said NIT was not taken to logical conclusion and a fresh NIT was issued on July 6, 2009 on BOO 2008 (1) GLT 1020 basis. In that NIT, inter alia, eligibility criteria has been provided that bidder should have experience of working in the field of HSRP having used the security features as mentioned in Rule 50 of 1989 Rules. However, NIT does not insist on conditions like experience in the foreign countries and minimum prescribed turnover from the said business. In what we have already discussed above, no case for judicial review or intervention in the said NIT is made out."

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17. Before the Supreme Court in ***Maninderjit Singh Bitta v. Union of Indi***a[6] the State of Kerala took the stand that in three cities, i.e., Trivandrum, Cochin and Calicut, the tender documents for manufacture and procurement of HSRP had already been issued and further steps were being taken to implement the Scheme. The Supreme Court directed the State Government to implement the Scheme at the earliest. Paragraph 9 of the said judgment passed by the Supreme Court is extracted hereunder:

> "9. This is how all these three applications came up for hearing before the Court. The matter was heard and reserved for orders on 11.03.2011. During the course of the hearing, the learned Counsel, appearing on behalf of the State of Kerala, had pointed out that in three cities, i.e., Trivandrum, Cochin and Calicut, the tender documents for manufactured and procurement of HSRP have already been issued, and further steps are being taken to implement the Scheme. It was not pressed by the State of Kerala that it should be allowed to complete the implementation of the Scheme and the statutory provisions in a phased manner as it would ensure its best to implement the same in the extended period or at the earliest."

[6] (2011) 11 SCC 315

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17.1 A Three-Judge Bench in ***Maninderjit Singh Bitta v. Union of India***[7] noted that the HSRP, despite the directions issued by the Supreme Court *vide* orders dated 30.08.2011 and 13.10.2011 for regulating the issuance and fixation of HSRP, were not fully implemented by the majority of the States/UTs. And in any case, not with required expeditiousness. The progress made by the States/UTs in implementing the HSRP was taken note of by the Supreme Court. The State Government, in its affidavit filed and the stand taken before the Supreme Court on behalf of the State of Kerala, NIT was published, but the validity of the earlier tender expired on 29.06.2011. The Supreme Court passed the following general directions in the said judgment, which are mentioned in paragraph 53 of the judgment and the said portion is extracted hereunder:

"53. Thus, we also pass the following general directions:

[7] (2012) 1 SCC 707

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1. Affidavits of compliance and undertakings to comply with the directions of the Court, as contained in different orders of this Court, should be filed within four weeks from 25-11-2011. The affidavits-cum- undertakings shall be filed by the Secretary (Transport) and the Commissioner (Transport) of the respective States and Union Territories. The time schedule specified in this order shall be strictly adhered to. We make it clear that no further time shall be granted by the Court for this purpose.

2. In the event of default and non-compliance with any of the directions contained in this order by any authority, this Court would be compelled to initiate proceedings against such officer/officers in accordance with the provisions of the Contempt of Courts Act, 1971, without any further notice to them.

3. This matter shall be listed before the Registrar (Judl.) of this Court on 5-1-2012. The Registrar shall verify and submit a report to this Court as to which of the States/Union Territories and their respective officers have not complied with the directions of this Court as contained in this order. The report of the Registrar shall be submitted and the matter be placed before the Court on 20-1-2012.

4. We are of the considered view that various matters pending before this Court, wherein challenge has been raised to the tender process commenced and/or finalised by the respective States/Union Territories for implementation of the HSRP scheme, should be listed before one and the same court. Then alone, the effective implementation of the directions of

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the Court is possible. Thus, the matter should be placed before the Hon'ble the Chief Justice on the administrative side for appropriate orders at the earliest.

5. On behalf of the petitioner and some of the States, a question has been raised before us that contractors have responded to the notices for tender in consortium. This is being done primarily for the purpose of satisfying the condition of specialised experience for manufacture and affixation of HSRP. However, after award of the contract, the partner possessing expertise (Type Approval Certificate, approval, etc.) in the consortium may walk out from the performance of the contract. In this circumstance, the very purpose would stand frustrated. We find merit in this submission but would refrain from issuing any direction in that behalf, at this stage. It will be for the State/Union Territory concerned to take appropriate decision with reference to the facts of a given case and in accordance with law. Prima facie, it appears to us that it would be in the interest of all concerned that all the members of the consortium including the member possessing the expertise should continue as such till the performance of the contract.

6. In the interest of justice and to ensure proper implementation of the judgments and directions of this Court, as contained in its various orders, in regard to manufacturing and affixation of the HSRP, it is imperative for this Court to direct that it will be in the fitness of things and even judicial propriety would demand that no High Court should pass any interim orders cancelling or staying the tender process in t relation to implementation of

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the scheme. While so directing, we grant liberty to the parties to make a mention before this Court after they have instituted their petitions, if any, before the High Court and interim orders have been declined in furtherance of the observations afore made."

17.2 A Three-Judge Bench of the Supreme Court again passed an order in ***Maninderjit Singh Bitta v. Union of India***[8] the Supreme Court noted that sufficient time has elapsed but default on the part of some States in complying with the directions issued by the Supreme Court still persisted. The Supreme Court further noted that seven years have elapsed but some States have not even taken initial steps to implement the HSRP schemes in their respective States. There was no State in the entire country which has successfully, in accordance with the statutory provisions and Scheme, as approved by the Supreme Court, implemented the Scheme in its entirety. In paragraph 4 of the said judgment, the Supreme Court noted:

[8] (2011) 14 SCC 273

> "... that in the process of selection, the States were expected to invite tenders and were even given the liberty to consult experts prior to finalising such tenders. The registration plates were then to be affixed by the selected tenderers at the Regional Transport Office of a District or State. The object of the ordinance and the judgment of this Court were to preserve public security and safety by ensuring that every vehicle in the State is fixed with HSRP and no part of the Country remains where the Scheme was not implemented."

17.3 Even after more than 13 years, the State of Kerala has not made any progress in fixing the HSRP on vehicles manufactured before 01.04.2019. Way back on 05.05.2009, the Supreme Court in ***Maninderjit Singh Bitta v. Union of India***[9] [I.A. No.5 in W.P.(C) No.510/2005] made it clear that no discretion was given to the State/UTs not to give effect to the amended Rule 50 in implementing the Scheme of HSRP and the modalities to be followed. The States were given six months' time to implement the Rule. However, we have not made any progress.

[9] 2009 SCC Online SC 7

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17.4 The Supreme Court had deprecated and disallowed the steps taken by the State for the selection of the vendors for supplying and fixing the HSRP on the motor vehicles. The Supreme Court held that the State would not approve all private vendors with Type Approval Certificates (TAC) from the Central Government to affix HSRPs at their own premises or at the Office of the RTO.

18. The Supreme Court in its judgment dated 13.07.2016 passed in ***Maninderjit Singh Bitta v. Vijay Chhibber***[10] held that for valid implementation of the Scheme of HSRPs and ensuring technical and security standards as per the law and the HSRP scheme, the responsibility is on the Central Government and the State Governments and testing agencies to ensure that the standards are not compromised by the manufacturers.

18.1 The Supreme Court directed that the Central Government

[10] (2016) 14 SCC 72

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ensure regular checking of manufacturing units and regular assessment, audit, and review of production. The testing agencies are also required to check plates and take stern action against manufacturers wherever necessary. The testing agencies were directed to conduct periodic assessments, reviews, and audits so that the quality and specifications are not compromised. The Supreme Court also directed the State Governments to conduct a transparent tender process and consider all factors before accepting the bids for supplying and fixing the HSRP on the motor vehicles. Paragraph 39.18 of the said order is extracted hereunder:

> "39.18 The Central Government and the State Governments are directed to strictly regulate as well as monitor the implementation as per the provisions of law including the provisions of the Motor Vehicles (New High-Security Registration Plates) Order, 2001 and aforesaid directions issued by this Court."

19. From the aforesaid, it is evident that the Supreme Court has been seized of the matter for implementing the HSRP scheme on new

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and old vehicles to ensure the safety and security of the vehicles and the general public strictly in accordance with the Rules framed by the Central Government in this regard, particularly Rule 50 of the 1989 Rules. Several orders have been passed. However, the State of Kerala has been lagging behind in implementing the said Scheme for reasons best known to it.

20. The Central Government has amended Rule 50 of the 1989 Rules by notification dated 06.12.2018. Clause 5(i) of this notification specifies that for newer vehicles manufactured after 01.04.2019, the vehicle manufacturer is solely responsible for affixing the registration mark (HSRP) on the vehicles. This task may be carried out by the vehicle dealer who acts on behalf of the manufacturer. The petitioners and the interveners are conducting the affixation of HSRP as an Original Equipment Manufacturer (OEM) for newer vehicles under the aforesaid notification dated 06.12.2018. They are engaged in the business of

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supplying HSRPs through contracts with the vehicle manufacturers. Clause 5(ii) of the said notification is in respect of vehicles manufactured prior to 01.04.2019 and provides that the HSRP scheme for these vehicles can be implemented either through the vehicle manufacturer or through suppliers of the HSRP authorized by the respective State Government or Union Territory.

20.1 The relevant extract of the notification dated 06.12.2018 would read as under:

> **S.O. 6052(E) dated 6th December 2018**
>
> "5.(i) For the affixation of HSRP on existing vehicles, the high-security registration plate, including the third registration mark, may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.
>
> (ii) The manufacturers or suppliers of high-security registration plates, if so, authorised by the state concerned, may also supply the high-security registration plate including the third registration mark on old vehicles after placing the registration mark."

21. Another notification dated 11.02.2020, brought another

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amendment to Rule 50 of the 1989 Rules. Under this amendment, the HSRPs on vehicles manufactured prior to 01.04.2019 could be affixed by:

i. The registering authority,

ii. The vehicle manufacturers and their dealers,

iii. The license plate manufacturers and their dealers, provided they are approved by the State Government or Union Territory.

The State Government does not have the infrastructure/ technical know-how to manufacture the HSRP. However, it can implement the Scheme by tendering among the TAC entities.

21.1 The notification dated 11.02.2020 reads as under:

> "...
>
> The license plates with all the above specifications and the specified registrations for a new vehicle shall be issued by the registering authority or vehicle manufacturers and their dealers, and for existing old, registered vehicles shall be issued by the registering authority or vehicle manufacturers and their dealers or by the approved license plate manufacturers or their dealers.
>
> ..."

From the notification dated 11.02.2020, it is evident that unless a license

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plate manufacturer or its dealer is approved/selected by the State Government or Union Territory for affixing the HSRP in the respective State or Union Territory, it cannot be allowed to affix, sell or supply HSRP on the old vehicles. The petitioners have contended that once the petitioners have been granted TAC, *i.e.*, they possess the valid license to manufacture the HSRP, no further approval is required from the State Government or Union Territories.

22. It is relevant to mention that the amended Rule 50 of 1989 Rules is not in challenge in these writ petitions. It would be apt to take note of the relevant extracts of the notifications/Circulars issued by the Ministry of Road Transport and Highways:

> "**GSR 1162 (E) dated 4th December 2018**
>
> 2(i) "Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicles manufactured on or after the 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle.

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Provided further that the dealers of the vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles after placing the registration mark of registration thereon."

S.O. 6052(E) dated 6th December 2018

"5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so, authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark."

MOM dated 04 October 2019

"10. For the issue of providing and fixation of HSRP on existing vehicles, JS(MVL) brought to notice that as per the GSRR 1162 (E) dated 4th December 2018, State Government has to take a decision that either the HSRP plates be supplied through the authorized OEM dealers or select HSRP manufacturers."

GSR 104 (E) dated 11.02.2020 and G.S.R. 640(E) dated 18.08.2022.

"...and for existing old, registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the approved license plate manufacturers or their dealers. Further approved license plate manufacturers or their dealers was substituted with approved license plate

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manufacturers, or their dealers approved by the State Government or Union Territory Administration.

MORTH Circular dated 16th September 2020

"4. For the affixation of High Security Registration Plate on existing vehicles, the High Security Registration Plate including the third registration mark may be supplied and affixed either by the dealers of the vehicle manufactured after placing the mark of registration thereon or by the manufacturers or suppliers of High Security Registration Plats, if so authorized by the State concerned."

MORTH Circular dated 1" September 2021

"2 B. Further, Rule 5 of HSRP Order, 2018 has made provisions for affixation of HSRP on existing vehicles as under: -

i. The HSRP, including the third registration mark, may be supplied, and affixed by the dealers of vehicle manufacturers after placing the mark of registration thereon.

ii. The manufacturers or suppliers of HSRP, if so authorised by the State concerned, may also supply the HSRP including the third registration mark on old vehicles.

C. For the older vehicles if so, directed by the State Government, it was discussed and clarified that the dealers of the particular OEM can supply for their brand as the spirit of the amendment is that the OEM shall be responsible for the security features of the HSRP.

F. "for existing old registered vehicle shall be issued by the registering

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authority or vehicle manufacturers and their dealers or by the approved licence plate manufacturers or their dealers."

MORTH Advisory dated 9th June 2023

"3. (v) for existing old registered vehicle shall be issued by registering authority or vehicle manufacturers and their dealers or by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration. Provided that the High Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicle manufactured on or after 1st day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle. Provided further that the dealers of the manufacturer may also affix such plates supplied by the vehicle manufacturer on old vehicles.

4b. for existing old registered vehicle, shall be issued by registering authority, or vehicle manufacturers and their dealer,or

by the licence plate manufacturers or their dealers approved by the State Government or Union Territory Administration."

MORTH Advisory dated 14th July 2023

"2. As per clause (v) of sub-rule (1) of rule 50 of CMV Rules, 1989, The HSRPs with all the requisite specifications-

b. for existing old, registered vehicle, shall be issued by registering authority, or vehicle manufacturers and their dealer, or by the licence plate manufacturers or their dealers approved by the State Government or Union

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Territory Administration."

MORTH Circular dated 29th December 2023

"2 (iii) The sub-rule (vi) of rule 50 CMVR, 1989 provides that the High-Security Registration Plate including the third registration mark, wherever required, shall be supplied by the vehicle manufacturers along with the vehicles manufactured on or after 1 day of April, 2019 to their dealers and dealers shall place a mark of registration on such plates and affix them on the vehicle. Further the dealers of vehicle manufacturers may also affix such plates, supplied by the vehicle manufacturers, on old vehicles after placing the registration mark. The manufacturers or suppliers of high-security registration plates, if so, authorised by the state concerned, may also supply the high-security registration plate including the third registration mark on old vehicles after placing the registration mark."

MORTH Circular dated 8th January 2024

"2 ii. For vehicles manufactured before 01.04.2019, the HSRP shall be issued at the option of State Government/UT by:

a. registering authority, or

b. vehicle manufacturers and their dealers, or

c. licence plate manufacturers or their dealers, approved by the State Government or Union Territory Administration.

6. As highlighted above, while States / UTs can opt for the mode of installation involving type approved licence plate manufacturers approved by States / UTs for old vehicles, the option of affixing HSRPs through

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vehicle manufacturers is also available, which has been exercised by several States / UTs and has yielded positive results.

7. In view of the above, States / UTs are hereby advised to devise a plan to achieve 100% coverage of HSRPs in old vehicles also, i.e., those manufactured before 01.04.2019. Further, in case States / UTs are facing impediments in notifying authorized type approved licence plate manufacturers, appropriate steps may be taken to initiate the affixing of HSRPs through vehicle manufacturers and their dealers in an expeditious manner"

23. The latest Circular dated 08.01.2024, as noted above, is clarificatory in nature, and it does not in any manner violate Rule 50 of the 1989 Rules. This Court finds substance in the submission of the petitioners that in the notification dated 11.02.2020, whereby Rule 50 of the 1989 Rules were amended, the phrase '*provided they are approved by the State Government or Union Territory*' would mean authorised by the State Government or Union Territory, inasmuch as the HSRP manufacturer has already been approved if it holds the Type Approval Certificate from the competent agency. Approval for manufacturing is

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not within the power or domain of the State Government but it is vested with the Central Government and its agencies. Once the Central Government or its agencies approve the HSRPs, and TAC is issued in favour of such an agency, no further approval is required from the State Government for affixing the number plates. However, the question is whether the State Government should allow all the entities having TACs to implement the HSRP Schemes with respect to the old vehicles in the States/Union Territories.

24. The State has the power to control the business of affixation, sale, and supply of HSRP on older vehicles, and the State should adopt a fair, transparent and justified procedure for choosing one or more license plate manufacturers and their dealers for implementation of the HSRP Scheme. This being a State subject of the Seventh Schedule of the Constitution of India, the State cannot be ousted to have no control over such business and I am of the considered view that such procedure for

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choosing one or more license plate manufacturer and their dealers for affixing HSRP scheme on the older vehicles manufactured prior to 01.04.2019 would not be in any manner violative of Article 19(1)(g) of the Constitution of India.

25. The arguments advanced by the learned Senior Counsel for the petitioners that the Advisory dated 09.06.2023 issued by the Central Government directing all State and Union Territories to take action against High-Security Registration Plate manufacturers fixing High-Security Registration Plates without authorisation from the State Government and the Advisory dated 08.01.2024 which clarifies that the State can implement the fixation of High-Security Registration Plates through the manufacturers and their dealers if the State is unable to authorize the licence place manufacturers are ultra vires the provisions of Rule 50 and Article 14, 19 and 21 of the Constitution of India, are to be rejected.

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25.1 Rule 50(1)(v) of the 1989 Rules provides that the license plates with all specifications as provided in the Rules and specified registration for a vehicle shall be issued by the registering authority or approved licence plate manufacturers or their dealers. The approval/authorization of the State Government is for both, *i.e.,* the license plate manufacturers or their dealers. The two Circulars impugnned, in no way, are ultra vires of Rule 50. Neither do they violate any of the fundamental rights guaranteed under the Constitution of India. Therefore, this Court does not find any substance in the submission of the learned Counsel for the petitioner that the Circulars dated 09.06.2023 and 08.01.2024 issued by the Central Government are *ultra vires* and, therefore, are liable to be set aside.

26. As noted above, the Supreme Court in its decisions reported in ***Association of Registration Plates*** (2005) 1 SCC 679; ***Maninderjith Singh Bitta*** (2011) 11 SCC 315; (2011) 14 SCC 273; (2012) 4 SCC 568 and (2016) 14

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SCC 72 (supra) had held that merely on the basis of TAC one cannot be allowed to affix the HSRP unless approved by the State/Union Territory and directed the States to select approved HSRP manufacturer only through transparent tender process. The "*approval by the State Government or Union Territory*" would mean authorisation after selection. The approval is granted by the Central Government or its authorised agencies. Once a manufacturer has been given a license after approval to manufacturer HSRP and holds a valid license given after approval, no further approval from the State Government or Union Territory, as the case may be, is required. The relevant extract of the directions issued by the Supreme Court in the ***Association of Registration Plates*** (supra***)*** has been extracted in paragraph 14.1 above.

26.1 A similar contention was raised by one of the members of the petitioners' Association M/s. Yarya Sekur Pvt Ltd before the Madras High Court in W.P. No.4139/2021 and the said contention has been

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rejected by the Madras High Court *vide* its Order dated 01.03.2021. The right to carry on any occupation, trade or business guaranteed under Article 19(1)(g) of the Constitution of India is not absolute and the State has the authority to make laws imposing reasonable restriction under Clause (6).

26.2 Having TAC is the eligibility condition for affixing the HSRP on the vehicles in the context of the HSRP scheme. But, merely on the basis of TAC, a person/entity would not automatically be entitled to conduct business related to the affixation or supply of HSRPs on the older vehicles unless such an entity is approved/authorized by the relevant State Government or Union Territory through a reasonable, just, fair and transparent selection process.

27. If the arguments of the petitioners are accepted that all entities having TAC should be allowed to affix the HSRP on the vehicles manufactured prior to 01.04.2019, and the State Government would not

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have the power to authorize/approve by a transparent tender process, would lead to destroying the whole integrity of the HSRP system and intended security objectives and it would also be in violation of the directions issued by the Supreme Court inasmuch as the Supreme Court has directed that merely on the basis of having TAC, such a person cannot be allowed to affix the HSRP on the vehicles, as mentioned above. It would be open to potential misuse of the system and would be in violation of the directions issued by the Supreme Court in this regard.

27.1 The affixation of the HSRP is intended to ensure the safety and security of the vehicle and the public in general. If HSRP is issued without proper regulation and sold freely in the market, multiple plates could be issued for the same registration number. The security plates are to be affixed in a controlled and secure environment, ensuring security and uniqueness, which is the objective of the HSRP. Another aspect which is required to be noted is that in an uncontrolled market, fixing of

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liability becomes challenging, and it would be difficult to hold manufacturers and dealers accountable for any discrepancy or misuse. In view thereof, the HSRP cannot be affixed without stringent control. Therefore, the submission of the petitioners cannot be accepted.

28. Another aspect which requires consideration is the Government notification dated 24.01.2024 wherein the State Government has assumed the responsibility for implementing the HSRP Scheme on vehicles manufactured prior to 01.04.2019. The notification issued by the State Government initially delegated the implementation of the HSRP Scheme to the Institute of Driver Training and Research (ITDR). However, the ITDR has declined and expressed its inability to implement the Scheme. Now the State Government states that the State Government itself will set up the plant and machinery for manufacturing the HSRP for which the tenders have been invited. The Government does not have the necessary expertise, experience and technical know-how in

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the absence of TAC to effectively implement the HSRP Scheme.

29. This Court fails to understand the stand of the State Government, where almost all States are implementing the HSRP Scheme by inviting tenders and selecting one or more HSRP vendors who have the requisite qualifications for fixing the HSRP on old vehicles, the State Government itself wants to do the business. The Government has issued another notification G.O. (Rt) No.285/2024/Trans dated 30.07.2024. It appears that the State Government is not interested in implementing the HSRP scheme on the old vehicles by selecting one or more approved license plate manufacturers or its dealers having TAC by an open, transparent and fair tendering process.

29.1 The notification dated 30.07.2024 issued by the State Government is extracted hereunder:

" TRANSPORT (B) DEPARTMENT

G.O.(Rt)No.285/2024/Trans Dated, Thiruvananthapuram, 30.07.2024

Read 1. G.O.(P) No.2/2021/SPD dated 17.03.2021

2. G.O.(P) No.6/2021/SPD dated 25.11.2021

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3. G.O.(Rt) No.39/2024/Trans dated 24.01.2024

As per the G.O. read 3 above, Government have authorised the Registering Authority for issuance of HSRP in existing old registered vehicles prior to 01/04/2019 in the State in accordance with the conditions stipulated in Rule 50 CMVR and Motor Vehicle (HSRP) Rules 2018. The Institute of Driver Training and Research (IDTR) was entrusted to provide technical and infrastructural support.

2. The Transport Commissioner invited bid for the establishment of a plant for manufacturing of HSRP with in the IDTR, Edappal premises.

3. Since IDTR, is intended to impart trainings, the Governing body met on 22.07.2024, decided to abstain the institute from providing the required support for HSRP.

4. Government have examined the matter in detail. Considering the fact that a transparent and fair process in the procurement is necessary and the best quality of machinery to be ensured, the Registering Authority is hereby directed to float global tender. The Registering Authority shall act according to the norms prescribed in the Store Purchase Manual and the GOs' read as 1&2. The Technical and infrastructural support of IDTR mandated in the GO read 3 above is cancelled and the GO stands modified to that extent."

29.2 The notification dated 30.07.2024, issued by the State

Government, provides that all 85 Regional Transport Officers (RTOs) in Kerala would be open to float global tenders for purchasing machinery to set up a plant and obtain TAC. This Court fails to understand the underlying intent of the State Government for such a notification. This notification is nothing but a devise not to implement the HSRP Scheme in the State of Kerala. Therefore, the said notification, which is in the teeth of the Supreme Court direction, is hereby set aside and quashed.

29.3 The HSRP Scheme was introduced to enhance the security and identification of motor vehicles through standardised registration plates. In various judgments, the Supreme Court and several High Courts have held the mandatory nature of the Scheme, which is critical in promoting road safety and vehicle-related offences.

29.4 In ***Maninderjith Singh Bitta*** (2012) 4 SCC 568 held that the installation of HSRP is a statutory command which is not only in the interest of the security of the State but also serves a much larger public

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interest. Therefore, it is not only desirable but mandatory for every State to comply with the statutory provisions/orders of the Supreme Court in terms of Article 129 of the Constitution of India. All States, therefore, are mandated to fully implement fixing of HSRP in their entire State, positively by 30.04.2012 in relation to the new vehicles and 15.06.2012 for old vehicles and no further extension of time for implementing the order would be allowed. Paragraph 17 of the said judgment would read as follows:

> "17. Having perused the report of the Registrar and the affidavits filed on behalf of different States, we issue the following directions:
>
> (a) All States which have invited tenders, have completed the process of finalising the successful bidder and issued the letter of intent but have not yet signed agreements with the successful bidder shall sign such agreements within four weeks from today. These States are Assam, Bihar, Gujarat, Haryana, Jammu and Kashmir, Jharkhand, Punjab, Tripura and Uttar Pradesh.
>
> (b) The States which have so far not even finalised the tender process, they should do so, again, within four weeks from today. Amongst others these States and Union Territories are Chhattisgarh, Madhya Pradesh,

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Chandigarh, Delhi (NCT) and Puducherry.

(c) Installation of HSRP is a statutory command which is not only in the interest of the security of State, but also serves a much larger public interest. Therefore, it is not only desirable, but mandatory, for every State to comply with the statutory provisions/orders of this Court in terms of Article 129 of the Constitution of India, 1950. All States, therefore, are mandated to fully implement the Scheme of fixation of HSRP in their entire State, positively by 30-4-2012 in relation to new vehicles and 15-6-2012 for old vehicles. We make it clear that they shall not be allowed any further extension of time for implementation of this direction.

(d) The directions contained in the earlier judgments of this Court and more particularly, the orders dated 30-8-20115, 13-10-20116, 8-12- 20117 and this order, should be implemented within the extended period without default.

(e) In the event of default, Secretary (Transport)/Commissioner, State Transport Authority and/or any other person or authority concerned responsible for such default shall be liable to be proceeded against under the provisions of the Contempt of Courts Act, 1971."

In ***Maninderjith Singh Bitta*** (2016) 14 SCC 72 (supra), the Court held that it is the responsibility of the Central and State Governments to implement the HSRP Scheme validly as per the technical and security standards laid down by the law.

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29.5 In ***M/s Real Mazon India Ltd v. State of Punjab***[11] the High Court of Punjab and Haryana at Chandigarh held that the HSRP Scheme is mandatory for all motor vehicles in India.

30. As the State Government has not invited tenders to select one or more license plate manufacturers having the requisite qualification for affixing the HSRP on the vehicles manufactured prior to 01.04.2019, this Court is of the considered view that till the Government undertakes an open, fair, and transparent tender process for selecting one or more license plate manufacturers and their dealers for affixing HSRPs on vehicles manufactured prior to 01.04.2019, the OEM should be allowed to affix the number plates on the old vehicles by their dealers as is done in several other States such as West Bengal, Rajasthan, Karnataka, Gujarat, Assam, Madhya Pradesh, Andhra Pradesh, Sikkim, Bihar, Odisha, Andaman and Nicobar, Himachal Pradesh, NCT Delhi, Uttar Pradesh.

[11] 2017 SCC Online P&H 2868

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31. Thus, the present writ petitions, are disposed of on the following terms:

(i) So far as the prayer for allowing the license plate manufacturers and their dealers, having a Type Approval Certificate issued by the central agency, to affix HSRP without any further approval/selection by the State Government, is rejected.

(ii) The Advisory/Letter No.Rt-11036/99/2020-MVL dated 09.06.2023 issued by the Central Government is upheld.

(iii) Advisory/Letter No. RT-11036/99/2020-MVL dated 08.01.2024 issued by the Central Government is upheld.

(iv) The notification G.O.(Rt) No.285/2024/Trans dated 30.07.2024 is set aside.

(v) The Original Equipment Manufacturers and their dealers are permitted to affix the HSRP on old vehicles manufactured prior to 01.04.2019 till the Government takes the necessary steps to

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select/approve/authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection/authorization process by an open, transparent, and fair tendering process.

All Interlocutory Applications regarding interim matters stand closed.

Sd/-

D K SINGH

JUDGE

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APPENDIX OF WP(C) 7089/2023

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR
Exhibit P2	TRUE COPY OF THE RELEVANT PAGES OF THE GAZETTE NOTIFICATION G.S.R. NO. 104(E) DATED 11.02.2020 ISSUED BY THE CENTRAL GOVERNMENT
Exhibit P3	TRUE COPY OF THE RELEVANT PAGES OF THE GAZETTE NOTIFICATION G.S.R. NO. 640 (E) DATED 18.08.2022 ISSUED BY THE CENTRAL GOVERNMENT
Exhibit P4	TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 31.08.2022 WITH RESPECT TO A MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-41-M-8800
Exhibit P5	TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 24.10.2022 WITH RESPECT TO MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-25-E-8832
Exhibit P6	TRUE COPY OF THE SCREENSHOT TAKEN FROM THE WEBSITE: WWW.PARIVAHAN.GOV.IN
Exhibit P7	THE TRUE COPY OF A SERVICE LEVEL AGREEMENT EXECUTED BY THE PETITIONER WITH ONE OF ITS SERVICE PARTNERS DATED 05.10.2022
Exhibit P8	TRUE COPY OF THE CERTIFICATE ISSUED TO A SERVICE PARTNER OF THE PETITIONER BY THE NSDC DATED 27.10.2022
Exhibit P9	TRUE COPY OF THE INVOICE BEARING NO.R8/2223/350 ISSUED BY THE PETITIONER DATED 14.02.2023
Exhibit P10	TRUE COPY OF THE INVOICE BEARING NO.R56/2223/96 ISSUED BY THE PETITIONER DATED 14.02.2023
Exhibit P11	THE TRUE COPY OF THE LETTER ISSUED BY THE GOVERNMENT OF INDIA DATED 16.06.2016

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Exhibit P12	THE TRUE COPY OF THE LETTER ISSUED BY THE GOVERNMENT OF INDIA DATED 02.08.2016
Exhibit P13	THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 29.04.2019
Exhibit P14	THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 14.05.2019
Exhibit P15	THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 22.03.2021
Exhibit P16	THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 16.03.2022
Exhibit P17	THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY DATED 18.04.2022

RESPONDENT EXHIBITS

Exhibit R4(A)	TRUE COPY OF BOARD RESOLUTION SHOWING AND EMPOWERING DEPONENT DATED 12.04.2023
Exhibit R4(B)	TRUE COPY OF CERTIFICATE OF REGISTRATION OF THE APPLICANT UNDER SOCIETIES REGISTRATION ACT XXI OF 1860
Exhibit R5(a)	
Exhibit R5 (a)	TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR
Exhibit R5 (b)	TRUE COPY OF THE CERTIFICATE FOR CONFORMITY OF PRODUCTION ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR

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PETITIONER EXHIBITS

Exhibit P18	THE TRUE COPY OF THE MOTOR VEHICLE (NEW HIGH SECURITY REGISTRATION PLATES), ORDER 2001
Exhibit P19	THE TRUE COPY OF RULE 50 OF CENTRAL MOTOR VEHICLES RULES, 1989 AS EXISTING IN THE YEAR 2001
Exhibit P20	THE TRUE COPY OF THE MOTOR VEHICLES (HIGH SECURITY REGISTRATION PLATES) ORDER, 2018
Exhibit P21	THE TRUE COPY OF THE AIS:037:2004
Exhibit P22	THE TRUE COPY OF THE AIS:159:2019
Exhibit P23	THE TRUE COPY OF THE TABLE SHOWING THE HIGH SECURITY REGISTRATION PLATES SUPPLIED BY HSRP VENDORS AS OBTAINED FROM THE VAHAAN PORTAL

RESPONDENT EXHIBITS

Exhibit R3(a)	A true copy of the advisory issued by the Ministry of Road, Transport and Highways dated 8th January,2024

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APPENDIX OF WP(C) 18049/2023

PETITIONER EXHIBITS

Exhibit-P1	TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR
Exhibit-P2	TRUE COPY OF THE RELEVANT PAGES OF THE GAZETTE NOTIFICATION G.S.R. NO. 104(E) DATED 11.02.2020 ISSUED BY THE CENTRAL GOVERNMENT
Exhibit-P3	TRUE COPY OF THE RELEVANT PAGES OF THE GAZETTE NOTIFICATION G.S.R. NO. 640 (E) DATED 18.08.2022 ISSUED BY THE CENTRAL GOVERNMENT
Exhibit-P4	TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 31.08.2022 WITH RESPECT TO A MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-41-M-8800
Exhibit-P5	TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 24.10.2022 WITH RESPECT TO MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-25-E-8832
Exhibit-P6	TRUE COPY OF THE SCREENSHOT TAKEN FROM THE WEBSITE: WWW.PARIVAHAN.GOV.IN
Exhibit-P7	THE TRUE COPY OF THE INTERIM ORDER PASSED IN WRIT PETITION (CIVIL) NO.10761/2022 DATED 13.04.2023
Exhibit-P8	THE TRUE COPY OF THE ORDER PASSED IN WRIT APPEAL NO.999/2023 DATED 29.03.2023
Exhibit-P9	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 16.06.2016
Exhibit-P10	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 02.08.2016
Exhibit-P11	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 06.09.2021

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Exhibit-P12	THE TRUE COPY OF THE INVOICE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY

RESPONDENT EXHIBITS

Exhibit R4(A)	A TRUE COPY OF BOARD RESOLUTION SHOWING AND EMPOWERING APPLICANT WITH RESPECT OF THE SAME
Exhibit R4(B)	THE TRUE COPY OF THE I.A NO 5 OF 2023 IN WRIT PETITION NO 10761/2022 WHICH WAS ALLOWED BY THIS HON'BLE COURT VIDE ORDER DATED 4.07.2023
Exhibit R4(C)	A COPY OF REGISTRATION CERTIFICATE OF THE APPLICANT DATED 13.03.2002
Exhibit R4(D)	A COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN ASSN. OF REGISTARTION PLATES V UNION OF INDIA (2005) 1 SCC 679
Exhibit R4(E)	THE COPY OF ORDER IN MANINDERJITH SINGH BITTA V UNION OF INDIA (2008) 7 SCC 328
Exhibit R4(F)	THE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN MANINDERJIT SINGH BITTA VS. UNION OF INDIA & ORS 2011 14 SCC 273
Exhibit R4(G)	THE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN MANINDERJITH SINGH BITTA VS UNION OF INDIA 2012(1) SCC 707
Exhibit R4(H)	THE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN MANINDERJITH SINGH BITTA VS UNION OF INDIA 2012(4) SCC 568
Exhibit R4(I)	A COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN MANINDERJITH SINGH BITTA VS VIJAY CHHIBBER (2016) 14 SCC 72
Exhibit R4(J)	A COPY OF THE ORDER OF THE HON'BLE SUPREME COURT IN M C MEHTA VS. UNION OF INDIA & ORS. DATED 10.12.2018
Exhibit R4(K)	A COPY OF THE AFFIDAVIT DATED 8.11.2019 FILED BY MORTH BEFORE THE HON'BLE SUPREME COURT WITH ANNEXURES IN W.P.(C) 13029 OF 1985.

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Exhibit R4 (L)	A TRUE COPY OF ADVISORY DATED 16.09.2020
Exhibit R4(M)	THE COPY OF THE AFFIDAVIT DATED 21.11.2019 (WITH ANNEXURES) IN W.P.(C). 13029 OF 1985.
Exhibit R4(N)	A COPY OF THE AFFIDAVIT OF W.P.(C) 13029 OF 1985 DATED 23.10.2019 (WITH ANNEXURES)
Exhibit R4(0)	A COPY OF THE ORDER PASSED BY THE STATE OF HIMACHAL PRADESH DATED 16.04.2020
Exhibit R4(P)	A COPY OF THE CIRCULAR DATED 26.05.2022 ISSUED BY THE STATE OF UTTARAKAHAND , PRODUCED ALONG WITH ENGLISH TRANSLATION
Exhibit R4(Q)	A TRUE COPY OF THE CIRCULAR DATED 26.05.2022 ISSUED BY THE STATE OF BIHAR, PRODUCED ALONG WITH ENGLISH TRANSLATION
Exhibit R4(R)	THE TRUE COPY OF THE ORDER IN WRIT PETITION FILED ORBIZ AUTOMOTIVEZ BEFORE THE HON'BLE HIGH COURT OF ORISSA DATED 19.04.2023
Exhibit R4(S)	THE TRUE COPY OF THE ORDER OF HIGH COURT OF KARNATAKA AT BANGALURU IN MANUFACTURERS ASSOCIATION OF INDIA & ORS VS. STATE OF KARNATAKA & ORS. DATED 20.09.2023
Exhibit R4(T)	THR TRUE COPY OF THE ORDER DATED 25.10.2023
Exhibit R4(U)	COPY OF THE PROCEDURE FOLLOWED BY VEHICLE MANUFACTURERS FOR SELECTING THE SUITABLE HSRP SUPPLIERS

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APPENDIX OF WP(C) 22207/2023

PETITIONER EXHIBITS

Exhibit-P1	THE TRUE COPY OF THE MOTOR VEHICLE (NEW HIGH SECURITY REGISTRATION PLATES), ORDER 2001
Exhibit-P2	THE TRUE COPY OF G.S.R. 1162(E) ISSUED BY RESPONDENT NO.1 DATED 04.12.2018
Exhibit-P3	THE TRUE COPY OF THE MOTOR VEHICLES (HIGH SECURITY REGISTRATION PLATES) ORDER, 2018
Exhibit-P4	THE TRUE COPY OF THE NOTIFICATION G.S.R. 104(E) DATED 11.02.2020 ISSUED BY RESPONDENT NO.1
Exhibit-P5	THE TRUE COPY OF THE NOTIFICATION G.S.R. 640(E) DATED 18.08.2022 ISSUED BY THE RESPONDENT NO.1
Exhibit-P6	TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR
Exhibit-P7	TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 31.08.2022 WITH RESPECT TO A MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-41-M-8800
Exhibit-P8	TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 24.10.2022 WITH RESPECT TO MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-25-E-8832
Exhibit-P9	TRUE COPY OF THE SCREENSHOT TAKEN FROM THE WEBSITE: WWW.PARIVAHAN.GOV.IN
Exhibit-P10	THE TRUE COPY OF THE INTERIM ORDER PASSED IN WRIT PETITION (CIVIL) NO.10761/2022 DATED 13.04.2023
Exhibit-P11	THE TRUE COPY OF THE ORDER PASSED IN WRIT APPEAL NO.999/2023 DATED 29.05.2023

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Exhibit-P12	THE TRUE COPY OF THE ADVISORY / LETTER ISSUED BY THE RESPONDENT NO.1 DATED 09.06.2023
Exhibit-P13	THE TRUE COPY OF THE TABLE SHOWING THE HIGH SECURITY REGISTRATION PLATES SUPPLIED BY HSRP VENDORS AS OBTAINED FROM THE VAHAAN PORTAL
Exhibit-P14	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 16.06.2016
Exhibit-P15	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 02.08.2016
Exhibit-P16	THE TRUE COPY COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 10.02.2017
Exhibit-P17	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 06.09.2021
RESPONDENT EXHIBITS	
Exhibit R4(a)	A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF THE IMPLEADING PETITIONER IS ANNEXED
PETITIONER EXHIBITS	
Exhibit P18	THE TRUE COPY OF THE NOTICE ISSUED BY THE RESPONDENT NO.3 WITH ENCLOSURE
RESPONDENT EXHIBITS	
Exhibit R2(a)	True copy of the order G.O(Rt) No.39/2024/TRANS dated 24.01.2024 by Transport(B) Department
Exhibit R2(b)	True copy of the order G.O(Rt) No.285/2024/TRANS dated 30.07.2024 of Transport(B) Department

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APPENDIX OF WP(C) 29866/2023

PETITIONER EXHIBITS

Exhibit -P1	THE TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED TO THE PETITIONER DATED 19.07.2023 ALONG WITH ENGLISH TRANSLATION
Exhibit -P2	THE TRUE COPY OF THE MOTOR VEHICLE (NEW HIGH SECURITY REGISTRATION PLATES), ORDER 2001
Exhibit -P3	THE TRUE COPY OF G.S.R. 1162(E) ISSUED BY RESPONDENT NO.1 DATED 04.12.2018
Exhibit -P4	THE TRUE COPY OF THE MOTOR VEHICLES (HIGH SECURITY REGISTRATION PLATES) ORDER, 2018
Exhibit -P5	THE TRUE COPY OF THE NOTIFICATION G.S.R. 104(E) DATED 11.02.2020 ISSUED BY RESPONDENT NO.1
Exhibit -P6	THE TRUE COPY OF THE NOTIFICATION G.S.R. 640(E) DATED 18.08.2022 ISSUED BY THE RESPONDENT NO.1
Exhibit -P7	TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO A MEMBER OF THE PETITIONER ASSOCIATION
Exhibit -P8	TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 31.08.2022 WITH RESPECT TO A MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-41-M-8800
Exhibit -P9	TRUE COPY OF A CHALLAN ISSUED BY THE ASSISTANT MOTOR VEHICLES INSPECTOR DATED 24.10.2022 WITH RESPECT TO MOTOR VEHICLE BEARING REGISTRATION NUMBER KL-25-E-8832
Exhibit -P10	TRUE COPY OF THE SCREENSHOT TAKEN FROM THE WEBSITE: WWW.PARIVAHAN.GOV.IN
Exhibit-P11	THE TRUE COPY OF THE INTERIM ORDER PASSED IN WRIT PETITION (CIVIL) NO.10761/2022 DATED 13.04.2023

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Exhibit -P12	THE TRUE COPY OF THE ORDER PASSED IN WRIT APPEAL NO.999/2023 DATED 29.05.2023
Exhibit-P13	THE TRUE COPY OF THE ADVISORY / LETTER ISSUED BY THE RESPONDENT NO.1 DATED 09.06.2023
Exhibit -P14	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.3 DATED 16.08.2023
Exhibit-P 15	THE TRUE COPY OF THE TABLE SHOWING THE HIGH SECURITY REGISTRATION PLATES SUPPLIED BY HSRP VENDORS AS OBTAINED FROM THE VAHAAN PORTAL
Exhibit -P16	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 16.06.2016
Exhibit -P17	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 02.08.2016
Exhibit-P 18	THE TRUE COPY COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 10.02.2017
Exhibit -P19	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 06.09.2021

RESPONDENT EXHIBITS

Exhibit R4(A)	A TRUE COPY OF BOARD RESOLUTION SHOWING AND EMPOWERING ME WITH RESPECT OF THE SAME
Exhibit R4(B)	- THE TRUE COPY OF THE I.A NO 5 OF 2023 IN WRIT PETITION NO 10761/2022 WHICH WAS ALLOWED BY THIS HON'BLE COURT VIDE ORDER DATED 4.07.2023
Exhibit R4(C)	A COPY OF REGISTRATION CERTIFICATE OF THE APPLICANT DATED 13.03.2002
Exhibit R4(D)	- A COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN ASSN. OF REGISTARTION PLATES V UNION OF INDIA (2005) 1 SCC 679
Exhibit R4(E)	THE COPY OF ORDER IN MANINDERJITH SINGH BITTA V UNION OF

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	INDIA (2008) 7 SCC 328
Exhibit R4(F)	- THE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN MANINDERJIT SINGH BITTA VS. UNION OF INDIA & ORS 2011 14 SCC 273
Exhibit R4(G)	THE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN MANINDERJITH SINGH BITTA VS UNION OF INDIA 2012(1) SCC 707
Exhibit R4(H)	THE COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN MANINDERJITH SINGH BITTA VS UNION OF INDIA 2012(4) SCC 568
Exhibit R4(I)	A COPY OF THE JUDGMENT OF THE HON'BLE SUPREME COURT IN MANINDERJITH SINGH BITTA VS VIJAY CHHIBBER (2016) 14 SCC 72
Exhibit R4(J)	A COPY OF THE ORDER OF THE HON'BLE SUPREME COURT IN M C MEHTA VS. UNION OF INDIA & ORS. DATED 10.12.2018
Exhibit R4(K)	A COPY OF THE AFFIDAVIT DATED 8.11.2019 FILED BY MORTH BEFORE THE HON'BLE SUPREME COURT WITH ANNEXURES IN W.P.(C) 13029 OF 1985.
Exhibit R4(L)	A TRUE COPY OF ADVISORY DATED 16.09.2020
Exhibit R4(M)	THE COPY OF THE AFFIDAVIT DATED 21.11.2019 (WITH ANNEXURES) IN W.P.(C). 13029 OF 1985
Exhibit R4(N)	- A COPY OF THE AFFIDAVIT OF W.P.(C) 13029 OF 1985 DATED 23.10.2019 (WITH ANNEXURES)
Exhibit R4(0)	A COPY OF THE ORDER PASSED BY THE STATE OF HIMACHAL PRADESH DATED 16.04.2020
Exhibit R4(P)	- A COPY OF THE CIRCULAR DATED 26.05.2022 ISSUED BY THE STATE OF UTTARAKAHAND , PRODUCED ALONG WITH ENGLISH TRANSLATION
Exhibit R4(Q)	A TRUE COPY OF THE CIRCULAR DATED 26.05.2022 ISSUED BY THE STATE OF BIHAR, PRODUCED ALONG WITH ENGLISH TRANSLATION
Exhibit R4(R)	- THE TRUE COPY OF THE ORDER IN WRIT PETITION FILED ORBIZ

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	AUTOMOTIVEZ BEFORE THE HON'BLE HIGH COURT OF ORISSA DATED 19.04.2023
Exhibit R4(S)	- THE TRUE COPY OF THE ORDER OF HIGH COURT OF KARNATAKA AT BANGALURU IN MANUFACTURERS ASSOCIATION OF INDIA & ORS VS. STATE OF KARNATAKA & ORS. DATED 20.09.2023
Exhibit R4(T)	THE TRUE COPY OF THE ORDER DATED 25.10.2023
Exhibit R4(U)	COPY OF THE PROCEDURE FOLLOWED BY VEHICLE MANUFACTURERS FOR SELECTING THE SUITABLE HSRP SUPPLIERS
RESPONDENT EXHIBITS	
Exhibit R1A	True copy of the advisory dated 8.1.2024 issued by the Ministry of Road Transport and Highways, Government of India.
PETITIONER EXHIBITS	
Exhibit P20	THE TRUE COPY OF THE INTERIM ORDER PASSED IN WRIT PETITION (CIVIL) NO.29866/2023 DATED 27.11.2023
Exhibit P21	THE TRUE COPY OF THE INTERIM ORDER PASSED IN WRIT PETITION (CIVIL) NO.29866/2023 DATED 08.12.2023
Exhibit P22	THE TRUE COPY OF THE INTERIM ORDER PASSED IN WRIT PETITION (CIVIL) NO.29866/2023 DATED 09.01.2024
Exhibit P23	THE TRUE COPY OF THE INTERIM ORDER PASSED IN WRIT PETITION (CIVIL) NO.29866/2023 DATED 30.01.2024
Exhibit P24	THE TRUE COPY OF THE INVOICE ISSUED BY THE DEALER OF A VEHICLE MANUFACTURER DATED 24.01.2024 FOR A VEHICLE BEARING REGISTRATION NO. KL-07-CN-1188
Exhibit P25	THE TRUE COPY OF THE CLARIFICATION ISSUED BY THE RESPONDENT NO.1 DATED 08.01.2024

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APPENDIX OF WP(C) 14467/2024

PETITIONER EXHIBITS

Exhibit P1	THE TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED TO THE PETITIONER
Exhibit P2	THE TRUE COPY OF THE MOTOR VEHICLE (NEW HIGH SECURITY REGISTRATION PLATES), ORDER 2001
Exhibit P3	THE TRUE COPY OF G.S.R. 1162(E) ISSUED BY RESPONDENT NO.1 DATED 04.12.2018
Exhibit P4	THE TRUE COPY OF THE MOTOR VEHICLES (HIGH SECURITY REGISTRATION PLATES) ORDER, 2018
Exhibit P5	THE TRUE COPY OF THE NOTIFICATION G.S.R. 104(E) DATED 11.02.2020 ISSUED BY RESPONDENT NO.1
Exhibit P6	THE TRUE COPY OF THE NOTIFICATION G.S.R. 640(E) DATED 18.08.2022 ISSUED BY THE RESPONDENT NO.1
Exhibit P7	TRUE COPY OF THE TYPE APPROVAL CERTIFICATE ISSUED TO THE PETITIONER BY INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY, MANESAR
Exhibit P8	TRUE COPY OF THE SCREENSHOT TAKEN FROM THE WEBSITE: WWW.PARIVAHAN.GOV.IN
Exhibit P9	THE TRUE COPY OF THE INTERIM ORDER PASSED IN WRIT PETITION (CIVIL) NO.10761/2022 DATED 13.04.2023
Exhibit 10	THE TRUE COPY OF THE ORDER PASSED IN WRIT APPEAL NO.999/2023 DATED 29.05.2023
Exhibit P11	THE TRUE COPY OF THE ADVISORY / LETTER ISSUED BY THE RESPONDENT NO.1 DATED 09.06.2023
Exhibit P12	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.3 DATED 16.08.2023

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Exhibit P13	THE TRUE COPY OF THE TABLE SHOWING THE HIGH SECURITY REGISTRATION PLATES SUPPLIED BY HSRP VENDORS AS OBTAINED FROM THE VAHAAN PORTAL
Exhibit P14	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 16.06.2016
Exhibit P15	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 02.08.2016
Exhibit P16	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 10.02.2017
Exhibit P17	THE TRUE COPY OF THE LETTER ISSUED BY THE RESPONDENT NO.1 DATED 06.09.2021
Exhibit P18	THE TRUE COPY OF ORDER OF THIS HON'BLE COURT DATED 27.11.2023 IN W.P.(C) NO.29866/2023
Exhibit P19	THE TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT DATED 08.12.2023 IN W.P.(C) NO.29866/2023
Exhibit P20	THE TRUE COPY OF THE ADVISORY ISSUED BY THE 1ST RESPONDENT DATED 08.01.2024
Exhibit P21	THE TRUE COPY INTERIM ORDER OF THIS HON'BLE COURT DATED 09.01.2024 IN W.P.(C) NO.29866/2023
Exhibit P22	THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 29.01.2024 IN W.P.(C) NO.10761/2022
Exhibit P23	THE TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT NUMBERED AS G.O. (RT) NO. 39/2024/TRANS DATED 24.01.2024
Exhibit P24	THE TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT DATED 30.01.2024 IN W.P.(C) NO.29866/2023

RESPONDENT ANNEXURES

Annexure A1	A TRUE COPY OF THE REQUEST FOR PROPOSAL DATED 23.02.2024

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RESPONDENT EXHIBITS

Exhibit R2(a)	A true copy of the Government Order G.O(Rt) No. 285/2024/TRANS dated 30-07-2024.

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APPENDIX OF WP(C) 10761/2022

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF LICENSE IN THE FORM OF TYPE APPROVAL CERTIFICATE NO. GK0043 DATED 15.10.2019 ISSUED TO THE PETITIONER.
Exhibit P1(A)	TRUE COPY OF LICENSE IN THE FORM OF TYPE APPROVAL CERTIFICATE NO GK0044 DATED 15.10.2019 ISSUED TO THE PETITIONER.
Exhibit P2	TRUE COPY OF NOTIFICATION NO G.S.R 1162 (E) DATED 04.12.2018 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.
Exhibit P3	TRUE COPY OF NOTIFICATION NO. S.O. 6052 (E) DATED 06.12.2018 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.
Exhibit P4	TRUE COPY OF NOTIFICATION NO. GSR 104 (E) DATED 11.02.2020 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
Exhibit P5	TRUE COPY OF THE PHOTOGRAPHS, SHOWING VEHICLES WITH HSRP NOT COMPLYING TO RULE 51 OF CMVR 1989 AND NOT COMPLYING TO RULE 51 OF CMVR 1989 AND NOT IN COMPLIANCE WITH AND CONFORMANCE TO THE TYPE APPROVAL CERTIFICATE ISSUED THAT ARE ILLEGAL.
Exhibit P6	TRUE COPY OF PAGES RELATING TO HSRP AS THEY APPEAR IN THE FACEBOOK PAGE OF THE KERALA MOTOR VEHICLE DEPARTMENT.
Exhibit P7	TRUE COPY OF COMMUNICATION F. NO. RT 11036/56/2019- MVL DATED 01.09.2021 SENT BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS TO THE PRINCIPAL SECRETARIES/ SECRETARIES, DEPARTMENT OF TRANSPORT COMMISSIONERS OF ALL STATES AND UNION TERRITORIES.
Exhibit P8	TRUE COPY OF CIRCULAR NO. B2/125/2019 /TRANS. DATED 09.05.2019 ISSUED BY THE TRANSPORT (B) DEPARTMENT, GOVERNMENT OF KERALA.
Exhibit P9	TRUE COPY OF REPRESENTATION DATED 18.02.2020 SUBMITTED BY

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	THE PETITIONER BEFORE THE TRANSPORT COMMISSIONER, KERALA, THIRUVNANTHAPURAM.
Exhibit P10	TRUE COPY OF REPRESENTATION DATED 01.11.2021 SUBMITTED BY THE PETITIONER BEFORE THE TRASNPORT COMMISSIONER, KERALA, THIRUVANANTHAPURAM WITH RELEVANT DETAILS.
Exhibit P11	TRUE COPY OF REPRESENTATION DATED 07.02.2022 ALONG WITH RELEVANT DETAILS SUBMITTED BY THE PETITIONER BEFORE SHRI. AJITH KUMAR, IPS , TRANSPORT COMMISSIONER, KERALA, THIRUVANANTHAPURAM.
Exhibit P12	TRUE COPY OF COMMUNICATION NO.MIT2/23/2022-TC DATED 20.07.2022 SENT BY THE TRANSPORT COMMISSIONER TO THE PETITIONER.
Exhibit P12(B)	TRUE COPY OF NOTIFICATION NO. S.O. 814(E) DATED 22-08-2001 CALLED THE MOTOR VEHICLES (NEW HIGH SECURITY REGISTRATION PLATES) ORDER OF 2001 OF MINISTRY OF ROAD TRANSPORTS AND HIGHWAYS.
Exhibit P12(B)	TRUE COPY OF NOTIFICATION NO. S.O. 1041(E) DATED 16-10-2001 OF MINISTRY OF ROAD TRANSPORTS AND HIGHWAYS.
Exhibit P13	TRUE COPY OF COMMUNICATION BEARING FILE NO. MIT2/23/2022-TC FROM THE THIRD RESPONDENT BY THE PETITIONER.
Exhibit P14	TRUE COPY OF TENDER CANCELLATION NOTICE R.NO.33432/HB2/2019 DATED 01-04-2022 ISSUED BY THE STATE OF TAMIL NADU.
Exhibit P15	TRUE COPY OF G.S.R. 640(E) DATED 18TH AUGUST 2022 MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.
Exhibit P16	TRUE COPY OF NEWS ITEM APPEARED IN THE WEBSITE OF THE ECONOMIC TIMES DAILY DATED 14-06-2022.
Exhibit P17	TRUE COPY OF LETTER NO. RT-11021/47/2014-MVL DATED 01-10-2018 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS.
Exhibit P18	TRUE COPY OF RELEVANT PAGES OF THE EPCA REPORT NO.103 DATED 25-09-2019.

Exhibit P19	TRUE COPY OF MINUTES OF THE MEETING HELD ON 24.09.2019 UNDER THE CHAIRMANSHIP OF JOINT SECRETARY (MVL), MINISTRY OF ROAD TRANSPORT AND HIGHWAYS TRANSPORT COMMISSIONER.
Exhibit P20	TRUE COPY OF COMMUNICATION BEARING RT-11036/56/2019-MVL DATED 21.10.2020 HAS BEEN ISSUED BY THE GOVERNMENT OF INDIA, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS ON THE SUBJECT OF REPLACEMENT OF HIGH SECURITY REGISTRATION PLATE
Exhibit P21	TRUE COPY OF COMMUNICATION BEARING NOS. RT-11017/13/2005-MVL DATED 16.0.2016 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA
Exhibit P22	TRUE COPY OF THE COMMINICATION NO.RT-11017/13/2005-MVLDATED 02/08/2016 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA
Exhibit P23	TRUE COPY OF COMMUNICATION D.O.RT-11028/3/2000-MVL(PT) DATED 14.12.2001 ISSUED BY THE MINISTRY OF ROAD TRANSPORT & HIGHWAYS, GOVERNMENT OF INDIA
RESPONDENT EXHIBITS	
Exhibit R2(a)	True copy of G.S.R 640(E) dated 18.08.2022
Exhibit R2(c)	A true copy of the guidelines of the Ministry of Road Transport and Highways regarding the High Security Registration plate
Exhibit R2(b)	True copy of the Advisory letter of Ministry of Road Transport and Highways(MoRTH) to all States dated 01.09.2021
PETITIONER EXHIBITS	
EXHIBIT P24	TRUE COPY OF CIRCULAR NO. C2/9549/TC/2010 DATED 17..12..2010 ISSUED BY THE THIRD RESPONDENT
EXHIBIT P25	COMMUNICATION NO. RT-11036/19/2021-MVL DATED 06..09..2021 OF THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI
EXHIBIT P26	TRUE COPY OF ORDER R.NO. 14731/HB2/2020 DATED 11..08..2022

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EXHIBIT P27	TRUE EXTRACT OF RELEVANT PORTION OF INFORMATION BULLETING PUBLISHED BY THE MOTOR VEHICLES DEPARTMENT IN THEIR WEBSITE
EXHIBIT P28	TRUE COPY OF RELEVANT PAGE OF POST BY THE HONOURABLE MINISTER FOR DEPARTMENT OF MOTOR VEHICLES IN HIS SOCIAL MEDIA PAGE
EXHIBIT P29	TRUE COPY OF RELEVANT PAGES FROM THE WEBSITE AS RTO SERVICE SOLICITING SERVICES RELATING MOTOR VEHICLES DEPARTMENT
Exhibit R5 (a)	TRUE COPY OF REGISTRATION CERTIFICATE
RESPONDENT EXHIBITS	
Exhibit R6(A)	A TRUE COPY OF BOARD RESOLUTION SHOWING AND EMPOWERING DEPONENT DATED 12.04.2023
Exhibit R6(B)	TRUE COPY OF CERTIFICATE OF REGISTRATION OF THE APPLICANT UNDER SOCIETIES REGISTRATION ACT XXI OF 1860
RESPONDENT EXHIBITS	
Exhibit R5 A	TRUE COPY OF REGISTRATION CERTICATE
Exhibit R6 A	A TRUE COPY OF BOARD RESOLUTION SHOWING AND EMPOWERING DEPONENT DATED 12/4/2023
Exhibit R6 B	TRUE COPY OF CERTIFICATE OF REGISTRATION OF THE APPLICANT UNDER SOCIETIES REGISTRATION ACT XXI OF 1860
PETITIONER EXHIBITS	
Exhibit P30	TRUE COPY OF RELEVANT PAGES OF MINUTES WITH ANNEXURES OF THE 60TH MEETING OF CMVR-TSC
Exhibit P31	TRUE COPY OF REPRESENTATION DATED 16..04..2023 SUBMITTED BEFORE THE CHAIRMAN OF CMVR-TSC BY THE PETITIONER

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Exhibit P32	TRUE COPY OF REPRESENTATION DATED 27..04..2023 SUBMITTED BY THE PETITIONER BEFORE THE DIRECTOR OF AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA (ARAI) ALONG WITH SUPPORTING DOCUMENTS
Exhibit P33	TRUE COPY OF COMMUNICATION NO.SHL/LETTER/2023-24 DATED 12..06..2023 SENT BY THE DEPUTY DIRECTOR OF AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA, TO THE PETITIONER
EXHIBIT P34	TRUE COPY OF ADVISORY NO. RT-11036/99/2020-MVL DATED 09..06..2023 ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, NEW DELHI
RESPONDENT EXHIBITS	
Exhibit R2(d)	True copy of Government Order G.O(Rt) No. 39/2024/Trans Dated 24.01.2024.
PETITIONER EXHIBITS	
Exhibit P11(a)	TRUE COPY OF GOVERNMENT ORDER G.O. (RT) NO. 39/2024/TRANS DATED 24..01..2024 ISSUED BY THE GOVERNMENT OF KERALA
RESPONDENT EXHIBITS	
Exhibit R-5(q)	A PRINT OUT OF THE FUNCTION DOWNLOADED FROM _ THE HTTPS://MVD.KERALA.GOV.IN/EN/IDTR
Exhibit R-5(r)	A TRUE COPY OF DETAILS THE 86 REGISTERING AUTHORITIES IN THE STATE OF KERALA
Exhibit R-5(s)	TRUE COPY OF AIS 159 OF 2019
Exhibit R-5(t)	COPY OF MORT&H LETTER NO RT11036/99/2020MVL DATED 29.12.2023
Exhibit R-5(u)	TRUE COPY OF THE NOTIFICATION DATED 05.06.2020
Exhibit R-5(v)	TRUE COPY OF THE COMMUNICATION DATED 08.01.2024
PETITIONER EXHIBITS	

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EXHIBIT P36	TRUE COPY OF eTENDER NOTICE DATED 17..07..2024 INVITING BIDS BY THE THIRD RESPONDENT
EXHIBIT P37	TRUE COPY OF RE-NOTIFIED TENDER NOTICE WITH DETAILS DATED 29..07..2024 ISSUED BY THE THIRD RESPONDENT
EXHIBIT P38	TRUE COPY OF MINUTES RECORDED IN THE PRE-BID MEETING HELD ON 22..07..2024 IN THE OFFICE OF THE THIRD RESPONDENT
EXHIBIT P35	TRUE COPY OF COMPLAINT DATED 28..09..2023 SUBMITTED BY THE PETITIONER BEFORE THE DEPUTY COMMISSIONER OF POLICE - TRAFFIC, KOCHI
EXHIBIT P39	TRUE COPY OF PUBLIC NOTICE NO. 5214/TD/RTO(HQ)/2021 DATED 10..07..2024 ISSUED BY THE TRANSPORT COMMISSIONER, TRANSPORT DEPARTMENT OF THE GOVERNMENT OF PUDUCHERRY
RESPONDENT EXHIBITS	
Exhibit R5(w)	A TRUE COPY OF THE NOTICE INVITING TENDER (NIT) NO. MIT2/13/2017-TC DATED 17.07.2024 ALONG WITH TENDER DOCUMENT
Exhibit R5(x)	A TRUE COPY OF THE JUDGMENT IN C.P(C) 483 OF 2013 DATED 13.07.2016 OF THE HON'BLE SUPREME COURT
Exhibit R5(y)	A TRUE COPY OF THE LETTER DATED 26.10.2023 ISSUED BY MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
Exhibit R5(z)	A TRUE COPY OF THE AUTHORIZATION OF PETITIONERS IN VAHAN BY THE VEHICLE MANUFACTURER
PETITIONER EXHIBITS	
Exhibit P11(b)	TRUE COPY OF G.O.(RT) NO. 285/2024/TRANS DATED 30..07..2024 ISSUED BY THE GOVERNMENT OF KERALA
RESPONDENT EXHIBITS	
EXHIBIT R2(e)	TRUE COPY OF THE GOVERNMENT ORDER G.O.(Rt)

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No.285/2024/TRANS DATED 30.07.2024

EXHIBIT R2(e)	TRUE COPY OF THE GOVERNMENT ORDER G.O.(Rt) No. 285/2024/TRANS DATED 30.07.2024

PETITIONER ANNEXURES

ANNEXURE-A	TRUE COPY OF RELEVANT PAGES OF THE JUDGMENT DATED 28..10..2019 IN W.P. (C) NO. 23021 OF 2018
ANNEXURE-B	TRUE COPY OF RELEVANT PAGES OF THE JUDGMENT DATED 02..12..2022 IN W.P. (MD) NO. 27376 OF 2022 OF THE MADURAI BENCH OF THE MADRAS HIGH COURT
ANNEXURE-C	TRUE COPY OF RELEVANT PAGES OF JUDGMENT 23..02..2016 IN PIL NO. 3127 OF 2016 OF THE ALLAHABAD HIGH COURT

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

Wednesday, the 15th day of January 2025 / 25th pousha, 1946

WA NO. 76 OF 2025

(ARISING FROM JUDGMENT DATED 29.11.2024 IN WP(C) 10761/2022 OF THIS COURT)

APPELLANT(S)/PETITIONER:

MOTORSIGNS INDIA, 810 ANNA SALAI, NANDANAM, CHENNAI, TAMIL NADU, INDIA REPRESENTED BY ITS SOLE PROPRIETOR, THOMAS CHERIAN, PIN - 600035.

BY.ADV.SRI. K.RAMAKUMAR (SR.), M/S. T.RAMPRASAD UNNI & S.M.PRASANTH

RESPONDENT(S)/RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM 695001., PIN - 695001**
2. **THE SECRETARY TO GOVERNMENT, DEPARTMENT OF MOTOR VEHICLES, GOVERNMENT OF KERLA, THIRUVANANTHAPURAM 695001., PIN - 695001**
3. **THE TRANSPORT COMMISSIONER, TRANSPORT COMMISSIONERATE, TRANS TOWER-2ND FLOOR, VAZHUTHACAUD, P.O. THYCAUD, THIRUVANANTHAPURAM, KERALA , 695014., PIN - 695014**
4. **ADDL.R4 ACCIDENT RESCUE 24X7, PANAPUZHA, KAKKAD P.O., TIRURANGADI, MALAPPURAM - 676306,REPRESENTED BY ITS SECRETARY, SHRI.JAMSHEER KOORIYADAN [ADDL.R4 IS IMPLEADED AS PER ORDER DATED 04/07/2023 IN I.A-1/2022 IN WP(C) 10761/2022]., PIN - 676306**
5. **ADDL.R5 ALL INDIA MOTOR VEHICLE SECURITY ASSOCIATION, 45, 1ST FLOOR, COMMUNITY CENTRE, NARAINA PHASE-1, NEW DELHI-110028,REPRESENTED BY ITS AUTHORIZED SIGNATORY SHRI. T.SUJITH MUGESH,[ADDL.R5 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-3/2023 IN WP(C) 10761/2022]., PIN - 110001**
6. **ADDL.R6 ASSOCIATION OF REGISTRATION PLATES MANUFACTURERS OF INDIA (REGD.) F-119, MAYAPURI INDUSTRIAL AREA, PHASE – II, NEW DELHI – 110064,REPRESENTED BY ITS PRESIDENT MR. MAHESH MALHOTRA [ADDL.R6 IS IMPLEADED AS PER ORDER DATED 04.07.2023 IN I.A-5/2023 IN WP(C) 10761/2022], PIN - 110064**
7. **UNION OF INDIA, REPRESENTED BY THE SECRETARY TO MINISTRY OF ROADS, TRANSPORTS AND HIGHWAYS, TRANSPORT BHAWAN, 1, PARLIAMENT STREET, NEW DELHI - 110 001 (SOUGHT TO BE IMPLEADED)., PIN - 110001**
8. **THE AUTOMOTIVE RESEARCH ASSOCIATION OF INDIA (ARAI) , REPRESENTED BY ITS DIRECTOR, SURVEY NO. 2, VETAL HILL, OPP: PAUD ROAD, KOTHRUD, PUNE – 411038. (SOUGHT TO BE IMPLEADED)., PIN - 411038**
9. **THE INTERNATIONAL CENTRE FOR AUTOMOTIVE TECHNOLOGY (ICAT) , REPRESENTED BY ITS DIRECTOR, PLOT 26, SECTOR 3, IMT MANESAR, GURUGRAM, HARYANA – 122050. (SOUGHT TO BE IMPLEADED)., PIN - 122050**

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10. THE CENTRAL ROAD RESEARCH INSTITUTE (CRRI), REPRESENTED BY ITS DIRECTOR, DELHI – MATHURA ROAD, P.O. CRRI, NEW DELHI – 110 020. (SOUGHT TO BE IMPLEADED)., PIN - 110020
11. THE VEHICLES RESEARCH DEVELOPMENT ESTABLISHMENT (VRDE), REPRESENTED BY ITS DIRECTOR, P.O. VAHAN NAGAR, AHMEDNAGAR, MAHARASHTRA - 414006. (SOUGHT TO BE IMPLEADED)., PIN - 414006
12. THE CENTRAL INSTITUTE OF ROAD TRANSPORT (CIRT) , REPRESENTED BY ITS DIRECTOR, PUNE – NASIK ROAD, PUNE – 411026. (SOUGHT TO BE IMPLEADED), PIN - 411026
13. THE GLOBAL AUTOMOTIVE RESEARCH CENTRE (GARC) , PLOT E1, SIPCOT INDUSTRIAL GROWTH CENTRE, ORAGADAM, MATHUR P.O., SRIPERUMBUDUR TALUK, TIRUVALLUR DISTRICT, TAMIL NADU – 602 105 REPRESENTED BY ITS DIRECTOR. (SOUGHT TO BE IMPLEADED), PIN - 602105

Prayer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum, the High Court be pleased to stay the operation of the judgment in W.P.(C)No. 10761 of 2022 dated 29.11.2024, pending disposal of the above Writ Appeal.

This Writ Appeal coming on for orders on 15.01.2025 upon perusing the appeal memorandum, the court passed the following:

THE HIGH COURT OF KERALA
सत्यमेव जयते

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DR.A.K.JAYASANKARAN NAMBIAR & EASWARAN S., JJ.

W.A.Nos.2099 of 2024, 2090 of 2024, 76 of 2025 & 94 of 2025

Dated this the 15th day of January, 2025

ORDER

Dr.A.K.Jayasankaran Nambiar, J.

After hearing these appeals for some time, we notice that the essential grievance projected by the learned counsel for the appellants before us is with regard to the amendment brought in through the notification dated 18.8.2022 (Ext.P5 in W.A.No.2090/2020) to the extent it amends Rule 50(v) of the Central Motor Vehicle Rules, 1989 to mandate that the licence plates for existing old registered vehicles can be issued *inter alia* by licence plate manufacturers or their dealers only, if they are approved by the State Government or Union Territory Administration.

2. It is the case of the appellants before us that while the provisions of Rule 50(v) of the Central Motor Vehicle Rules, 1989 contemplate three categories of persons, namely (1) the registering authority, (2) vehicle manufacturers and their dealers, and (3) licence plate manufacturers or their dealers, for the grant of the right to issue High-Security Registration Plates (HSRP) for existing old registered vehicles, the condition requiring approval by the State Government is confined only to the persons falling under the 3rd category aforementioned. The said stipulation in the Rules, according to the appellants, results in effectively excluding the 3rd

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category of persons from the benefit of the Rule, since the State of Kerala has not published any criteria for the grant of the approval envisaged under the Rule, and in its absence, there is no mechanism presently available to describe persons in category-3 as “approved” or “not approved”.

3. It is brought to our notice by the appellant in W.A.No.76/2025 that, although he has a Type Approval Certificate in respect of the licence plates manufactured by him, he is not able to access the VAHAN PORTAL on account of his being shown as “not authorised”. It is his submission that the said description is a direct reference to the fact that he does not have an approval from the State Government, which, indeed, he cannot have in the absence of any criteria published by the State Government for such approval.

4. We also note that when the State had undertaken before the Single Bench as early as on 13.4.2023, that they would require three months time to complete the process of selecting suitable vendors to implement the directives of the Central Government, the learned Single Judge proceeded to pass an interim order on the lines now proposed by us. However, in an appeal by the State, the Division Bench stayed the interim order and directed the writ petition to be heard.

5. Under the circumstances noticed above and taking note of the submission of the learned Special Government Pleader, Sri.P.Santhosh Kumar, that the State Government has yet to

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prescribe the criteria for the grant of approval to the 3rd category of persons mentioned above, and that steps are still afoot to draw up such criteria, we deem it apposite to stay direction No.(v) in paragraph No.31 of the impugned judgment, as also to clarify that in the State of Kerala, the provisions of Rule 50(v) of the Central Motor Vehicles Rules, 1989, in its application to the 3rd category of persons referred above, shall not stand qualified by the requirement of getting an approval from the State Government. This order shall operate until further orders are passed consequent to the State Government prescribing criteria for the grant of approval, and bringing the same to the notice of this Court in these proceedings. List after three months.

Sd/-
DR.A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
EASWARAN S.,
JUDGE

jg

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High Security Registration Plate (HSRP), Automated Testing Stations (ATS), Registered Vehicle Scrapping Facility (RVSF) എന്നിവ അടിയന്തിരമായി നടപ്പിലാക്കുന്നത് സംബന്ധിച്ച വിഷയം ചർച്ച ചെയ്യുന്നതിനായി 13/02/2025 ൽ ബഹു: ഗതാഗത വകുപ്പ് മന്ത്രിയുടെ അദ്ധ്യക്ഷതയിൽ ചേർന്ന യോഗത്തിന്റെ നടപടിക്കുറിപ്പ്

യോഗം 12.15 ആരംഭിച്ചു.

High Security Registration Plate (HSRP)

HSRP സംബന്ധിച്ച് ഫയൽ ചെയ്ത WPC No 10761/2022-ലെ 29/11/2024-ലെ സിംഗിൾ ബെഞ്ച് ഉത്തരവ് 15/01/2025-ലെ ഡിവിഷണൽ ബെഞ്ച് ഉത്തരവുകളിലെ നിർദ്ദേശങ്ങൾ സംബന്ധിച്ചുള്ള വിശദാംശം ബഹു: മന്ത്രി ആമുഖമായി ആരാഞ്ഞു. HSRP ഘടിപ്പിക്കുന്നതിന് license plate manufacture/dealers-നെ നിർണ്ണയിക്കുന്നതിനുള്ള മാനദണ്ഡങ്ങൾ നിശ്ചയിച്ച വിവരം ബഹു: കോടതിയെ ബോധ്യപ്പെടുത്തണമെന്നും തുടർന്ന് ടെൻഡർ നടപടികളുമായി മുന്നോട്ടു പേകാമെന്നും MVD ഉദ്യോഗസ്ഥർ അറിയിച്ചു.

ഇക്കാര്യം യോഗം വിശദമായി ചർച്ച ചെയ്യുകയും license plate manufactures/dealers-നെ തെരെഞ്ഞെടുക്കുന്നതിൽ താഴെ പറയുന്ന മാനദണ്ഡങ്ങൾ നിശ്ചയിക്കുന്നതിനും ആയത് 15/01/2025-ലെ ഡിവിഷണൽ ബെഞ്ച് ഉത്തരവ് പ്രകാരം ബഹു ഹൈക്കോടതിയുടെ അറിയിച്ച് ടെൻഡർ നടപടികൾ സ്വീകരിക്കുവാനും തീരുമാനിച്ചു.

1. പൊതു ജനങ്ങൾ ചൂഷണത്തിന് ഇരയാകുന്ന സാഹചര്യം ഒഴിവാക്കുന്നതിനായി, HSRP ഘടിപ്പിക്കുന്നതിന് ഈടാക്കാവുന്ന പരമാവധി തുക നിശ്ചയിക്കേണ്ടതും അപ്രകാരം നിരക്ക് നിശ്ചയിക്കുമ്പോൾ സർക്കാരിന് ലഭിക്കുണ്ടേ വരുമാനം ഉൾപ്പെടുത്തേണ്ടതുമാണ്.

2. കേരളത്തിൽ ഉൽപാദനം നടത്തുന്ന കമ്പനികൾ, സ്റ്റാർട്ട് അപ്പുകൾ, പൊതുമേഖല സ്ഥാപനങ്ങൾ, എന്നിവർക്ക് മുൻഗണന നല്കേണ്ടതാണ്.

3. ഓട്ടോ മൊബൈൽ രംഗത്ത് 2 5 വർഷത്തെ പരിചയം ഉള്ളവർക്ക് മുൻഗണന നല്കേണ്ടതാണ്.

4. ഓഡർ ലഭിച്ച ശേഷം 24 മണിക്കുറിനകം ഉപഭോക്താക്കൾക്ക് HSRP ഘടിപ്പിച്ച് നൽകുവാൻ പ്രാപ്തരായ കമ്പിനികൾ പ്രത്യേകം മുൻഗണന നല്കേണ്ടതാണ്.

5. 01.04.2019-ന് HSRP ഘടിപ്പിച്ച് പുറത്തിറങ്ങിയ വാഹനങ്ങളിലെ നമ്പർ പ്ലേറ്റുകൾ മാനദണ്ഡപ്രകാരമാണോയെന്ന് പരിശോധിക്കേണ്ടതാണ്.

Automated Testing Stations (ATS)

19 Automated Testing Stations പുതിയതായി ആരംഭിക്കുന്നതിനും പണി പൂർത്തിയായ മുന്ന് ATS കളുടെ പരിപാലനത്തിനായും Partially Completed ആയ 6 ATS കൾ പൂർത്തീകരിച്ചു തുടർ പരിപാലനത്തിനും മൂന്ന് പ്രത്യേകം ടെൻഡറുകൾ സർക്കാർ നിർദ്ദേശത്തിനനുസൃതമായി ക്ഷണിക്കുന്നതിനുള്ള നടപടികൾ സ്വീകരിക്കുവാനും നിർദ്ദേശിച്ചു.

19 Automated Testing Stations പുതിയതായി ആരംഭിക്കുന്നതിന് പുറപ്പെടുവിച്ച ടെൻഡറിൽ ഉണ്ടായ പോരായ്മകൾ തരണം ചെയ്യുന്നതിനുള്ള അടിയന്തിര നടപടികൾ സ്വീകരിക്കുവാൻ നിർദ്ദേശിച്ചു. ഇതിൽ ഒരോ ATSനും പ്രത്യേകമായി ടെൻഡർ വിളിക്കാവുന്നതാണെന്ന് ട്രാൻസ്പോർട്ട്

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കമ്മീഷണർ സ്പഷ്ടീകരണം ആവശ്യപ്പെട്ട ഫയലിൽ അടിയന്തിരമായി സ്പഷ്ടീകരണം നല്കേണ്ടതാണെന്ന് നിർദ്ദേശിച്ചു.

Registered Vehicle Scrapping Facility (RVSF)

RVSF ആരംഭിക്കുന്നതിനുള്ള tender document ൽ നിർദ്ദേശിച്ച ഭേദഗതികൾ ഉൾപ്പെടുത്തി ട്രാൻസ്പോർട്ട് കമ്മീഷണർ 15/02/20205-ൽ സർക്കാരിൽ സമർപ്പിക്കുണ്ടേതാണെന്ന് നിർദ്ദേശിച്ചു.

റോഡ് ഗതാഗത, ഹൈവേ മന്ത്രാലയം RVSF നടപ്പിലാക്കുന്നതിന്റെ ഭാഗമായി വിതരണം ചെയ്യാനിരിക്കുന്ന രണ്ടാം ഗട്ട സംസ്ഥാനത്തിനു ലഭിക്കുമ്പോൾ ഏറ്റവും കൂടുതൽ വാഹനങ്ങൾ scrap ചെയ്യുന്ന വകുപ്പിന് അനുപാതിമായി കൂടുതൽ തുക പുതിയ വാഹനങ്ങൾ വാങ്ങുവാൻ വിതരണം ചെയ്യേണ്ടതാണെന്നും ഇത് ധനകാര്യ വകുപ്പിന്റെ ശ്രദ്ധയിൽപ്പെടുത്തണമെന്നും നിർദ്ദേശിച്ചു.

ദീർഘ നാളായി ഗതാഗത കമ്മീഷണറുടെ കാര്യാലയത്തിൽ സേവനത്തിലുള്ള ഉദ്യോഗസ്ഥരുടെ പുനഃവിന്യാസം നടത്തേണ്ടത് അനിവാര്യമാണെന്നും ഇതിനായി ഉത്തരവ് പുറപ്പെടുവിക്കണമെന്നും നിർദ്ദേശിച്ചു.

യോഗം 2.00 മണിയ്ക്ക അവസാനിച്ചു.

തീരുമാനങ്ങൾ

1 . license plate manufactures/dealers-നെ തെരെഞ്ഞെടുക്കുന്നതിൽ താഴെ പറയുന്ന മാനദണ്ഡങ്ങൾ നിശ്ചയിക്കുന്നതിനും ആയത് 15/01/2025-ലെ ഡിവിഷണൽ ബെഞ്ച് ഉത്തരവ് പ്രകാരം ബഹു ഹൈക്കോടതിയെ അറിയിച്ച് ടെൻഡർ നടപടികൾ സ്വീകരിക്കുണ്ടേതാണ്. (ഗതാഗത (ബി) വകുപ്പ്/ഗതാഗത കമ്മീഷണർ)

എ. പൊതു ജനങ്ങൾ ചൂഷണത്തിന് ഇരയാകുന്ന സാഹചര്യം ഒഴിവാക്കുന്നതിനായി HSRP ഘടിപ്പിക്കുന്നതിന് ഈടാക്കാവുന്ന പരമാവധി തുക നിശ്ചയിക്കേണ്ടതും അപ്രകാരം നിരക്ക് നിശ്ചയിക്കുമ്പോൾ ഓരോ രജിസ്ട്രേഷൻ പ്ലേറ്റിനും സർക്കാരിന് ലഭിക്കുണ്ടേ വരുമാനം ഉൾപ്പെടുത്തേണ്ടതുമാണ്.ജനങ്ങൾക്ക് കൂടുതൽ ആനുകൂല്യം നൽകുന്നതും ,സർക്കാരിന് കൂടുതൽ വരുമാനം നൽകുന്നതുമായ രീതിയിൽ ടെൻഡർ നടപടികൾ നടത്തണം .പൊതുമേഖലാ സ്ഥാപനങ്ങൾ ,സൊസൈറ്റികൾ ,വ്യക്തികൾ എന്നിവർക്കും ടെൻഡറിൽ പങ്കെടുക്കാൻ കഴിയുന്ന രീതിയിൽ ആവണം ടെൻഡർ നടപടികൾ .

ബി. കേരളത്തിൽ വ്യവസായം നടത്തുന്നവർ, ഉൽപാദനം നടത്തുന്ന കമ്പനികൾ, സ്റ്റാർട്ട് അപ്പുകൾ, പൊതുമേഖല സ്ഥാപനങ്ങൾ, എന്നിവർക്ക് മുൻഗണന നല്കേണ്ടതാണ്.

സി. ഓട്ടോ മൊബൈൽ രംഗത്ത് 2 5 വർഷത്തെ പരിചയം ഉള്ളവർക്ക് മുൻഗണന നല്കേണ്ടതാണ്.

ഡി. ഓഡർ ലഭിച്ച ശേഷം 24 മണിക്കുറിനകം ഉപഭോക്താക്കൾക്ക് HSRP ഘടിപ്പിച്ച് നൽകുവാൻ പ്രാപ്തരായ കമ്പിനികൾക്ക് പ്രത്യേകം മുൻഗണന നല്കേണ്ടതാണ്.

2. 01.04.2019-ന് HSRP ഘടിപ്പിച്ച് പുറത്തിറങ്ങിയ വാഹനങ്ങളിലെ നമ്പർ പ്ലേറ്റുകൾ മാനദണ്ഡപ്രകാരമാണോയെന്ന് പരിശോധിക്കേണ്ടതാണ്. (ഗതാഗത (ബി) വകുപ്പ്/ഗതാഗത കമ്മീഷണർ)

3. 19 Automated Testing Stations പുതിയതായി ആരംഭിക്കുന്നതിന് പുറപ്പെടുവിച്ച ടെൻഡറിൽ

ഉണ്ടായ പോരായ്മകൾ തരണം ചെയ്യുന്നതിനുള്ള അടിയന്തിര നടപടികൾ സ്വീകരിക്കുണ്ടേതും ഇതിൽ ഒരോ ATSനും പ്രത്യേകമായി ടെൻഡർ വിളിക്കാവുന്നതാണെന്ന് ട്രാൻസ്പോർട്ട് കമ്മീഷണർ സ്പഷ്ടീകരണം ആവശ്യപ്പെട്ട ഫയലിൽ അടിയന്തിരമായി സ്പഷ്ടീകരണം നല്കേണ്ടതാണെന്ന്. (ഗതാഗത (ബി) വകുപ്പ്/ഗതാഗത കമ്മീഷണർ)

4. പണി പൂർത്തിയായ മുന്ന് ATS കളുടെ പരിപാലനത്തിനായും Partially Completed ആയ 6 ATS കൾ പൂർത്തീകരിച്ചു തുടർ പരിപാലനത്തിനും പ്രത്യേകം ടെൻഡറുകൾ സർക്കാർ നിർദ്ദേശത്തിനനുസൃതമായി ക്ഷണിക്കുന്നതിനുള്ള നടപടികൾ സ്വീകരിക്കുണ്ടേതാണ്. (ഗതാഗത (ബി) വകുപ്പ്/ഗതാഗത കമ്മീഷണർ)

5. RVSF ആരംഭിക്കുന്നതിനുള്ള tender document ൽ നിർദ്ദേശിച്ച ഭേദഗതികൾ ഉൾപ്പെടുത്തി ട്രാൻസ്പോർട്ട് കമ്മീഷണർ 15/03/2025 നകം സർക്കാരിൽ സമർപ്പിക്കുണ്ടേതാണ്. (ഗതാഗത കമ്മീഷണർ)

6 . റോഡ് ഗതാഗത, ഹൈവേ മന്ത്രാലയം RVSF നടപ്പിലാക്കുന്നതിന്റെ ഭാഗമായി വിതരണം ചെയ്യാനിരിക്കുന്ന രണ്ടാം ഗട്ടു സംസ്ഥാനത്തിനു ലഭിക്കുമ്പോൾ ഏറ്റവും കൂടുതൽ വാഹനങ്ങൾ scrap ചെയ്യുന്ന വകുപ്പിന് അനുപാതിമായി കൂടുതൽ തുക പുതിയ വാഹനങ്ങൾ വാങ്ങുവാൻ വിതരണം ചെയ്യേണ്ടതാണെന്നും ഇത് ധനകാര്യ വകുപ്പിന്റെ ശ്രദ്ധയിൽപ്പെടുത്തണ്ടതുമാണ്. (ഗതാഗത (ബി) വകുപ്പ്)

7. ദീർഘ നാളായി ഗതാഗത കമ്മീഷണറുടെ കാര്യാലയത്തിൽ സേവനത്തിലുള്ള ഉദ്യോഗസ്ഥരുടെ പുനഃവിന്യാസം നടത്തേണ്ടത് അനിവാര്യമാണെന്നും ഇതിനായി ഉത്തരവ് പുറപ്പെടുവിക്കേണ്ടതുമാണ്. (ഗതാഗത (സി) വകുപ്പ്/ഗതാഗത കമ്മീഷണർ).

K B GANESH KUMAR

യോഗത്തിൽ പങ്കെടുത്തവരുടെ പേരു വിവരം

Sl.No	Name	Designation
1	ശ്രീ പി.ബി.നൂഹ്	സ്പെഷ്യൽ സെക്രട്ടറി
2	ശ്രീ പ്രമോജ് ശങ്കർ	ATC
3	ശ്രീ ഷീല.എം	അഡീഷണൽ സെക്രട്ടറി
4	ശ്രീ ബിനു വർഗ്ഗീസ്	അണ്ടർ സെക്രട്ടറി
5	ശ്രീ കെ.മനോജ് കുമാർ	JTC & Secretary STA
6	ശ്രീ അരുൺ കുമാർ.S.S.	സീനിയർ ലോ ഓഫീസർ, MVD

GOVERNMENT OF KERALA

Transport (B) Department

No: B2/349/2022/TRANS 07-03-2025,Thiruvananthapuram

From

Special Secretary to Government

To

Transport Commissioner, Thiruvananthapuram

Sir,

Sub: Transport Department - Minutes of the Meeting chaired by Hon'ble Minister held on 13/02/2025 - Forwarding - Reg

I am to forward herewith a copy of the minutes of the meeting held on 13/02/2025 under the Chairmanship of Hon'ble Minister for further necessary action.

Yours Faithfully,
BINU VARGHESE
UNDER SECRETARY
For Special Secretary to Government.

Approved for Issue,

Section Officer.

Copy to :
Transport (C) Department [For action at Decision No. 7]

File No. TRANS-B2/349/2022-TRANS (Computer No. 2184481)

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MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **06-03-2025**

24

From: Transport Commissioner
Kerala

To: Secretary to Government
Transport Department
Government Secreteriat
Thiruvananthapuram

Sir,

Sub:- Motor Vehicles Dept- Filing Compliance report before Hon'ble Supreme Court in WP(C) 13029/1985 M C Mehta Vs Union of India - Implementation of HSRP on OLD Vehicles - Reg.

Ref:- 1. Hon'ble High Court Judgement of Kerala in WP(C) No.10761/2022 dated 29/11/2024
2. WA Number 76/2025 dated 15/01/2025
3. Letter Number RT-11036/99/2020- MVL dated 13/2/2025

Please refer to the first reference cited in the judgement in WP(C) 10761 and connected cases in para 31, direction number (V) of the said judgment the Hon'ble High Court has observed that ***"The Original Equipment Manufacturers and their dealers are permitted to affix the HSRP on old vehicles manufactured prior to 01.04.2019 till the Government takes the necessary steps to select / approve / authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection/authorization process by an open, transparent, and fair tendering process".***

Vide reference 2nd cited, in WA number 76/2025, against WPC 10761/2022 and on 15/01/2025 the Hon'ble Division Bench of the Hon. High Court has stayed the direction number (V) in para number 31 of the above said writ petition and also held that, "as also to clarify that in the State of Kerala, the provisions of rule 50(v) of the Central Motor Vehicles Rules, in its operation to the 3rd category of persons referred above, shall not stand qualified by the requirement of getting an approval from the State Government. This order shall operate until further orders are passed consequent to the State Government prescribing criteria for the grant of approval, and bringing the same to the notice of this Court in these proceedings."

In these circumstances, Government is requested to consider the matter and prescribe criteria / rates for grant of approval of HSRP manufactures of the third category (license plate manufacturers or their dealers) and further action if any, could only be taken after bringing the same to the notice of the Hon'ble High Court. The Hon. High Court of Kerala stayed the above single bench order on 21.01.2025.

Vide reference 3rd cited above, MoRTH has requested to take appropriate action

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and furnish a compliance report as per the attached proforma. (Annexure - I attached). The last date of submission of compliance report is *17th March 2025.*

In the above circumstances , it is requested that , Government is requested to forward the compliance report prepared by the department to the MoRTH at the earliest.

Treat this matter as urgent .

Yours faithfully

NAGARAJU CHAKILAM IPS
TRANSPORT COMMISSIONER

Copy : Annexure I

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

Signed by
Chakilam Nagaraju
Date: 06-03-2025 14:26:26

ED 051041738 IN

TRANSPORT COMMISSIONERATE
KERALA
RECEIVED
ON
22 F
INWARD NO

Supreme Court Matter

File No. RT-11036/99/2020-MVL
Government of India
Ministry of Road Transport & Highways
Transport Bhawan, 1, Parliament Street,
New Delhi- 110001

Dated: February, 2025

To,

The Principal Secretaries/Secretaries/Transport Commissioners of States/UTs,

Department of Transport States/UTs.

Sub: Implementation of the Hon'ble Supreme Court of India order dated 27.01.2025 passed in W.P No.13029 of 1985 titled as 'M.C Mehta vs. Union of India & Ors.' regarding enforcement of norms prescribed in respect of "Colour Coded Stickers" -reg.

Sir/Madam,

Ref: **i.** Order of Hon'ble Supreme Court dated 13.12.2023 and 04.11.2024 in W.P. (Civil) No. 13029 of 1985, titled as "*M.C. Mehta vs. UOI & Ors.*".
ii. Order of Hon'ble Supreme Court dated 27.01.2025 in W.P. (Civil) No.13029 of 1985, titled as "*M.C. Mehta vs. UOI & Ors.*"

Madam /Sir,

I am directed to refer to the subject cited above and to say that the Hon'ble Supreme Court vide order dated 27.01.2025 in W.P. (Civil) No. 13029 of 1985 titled as "M.C. Mehta Vs. UOI & Ors." (Copy enclosed) has inter-alia directed as under: -

:

Para 15. We direct the Central Government to call for reports from all the State Governments and the Union Territories regarding compliance with the 2018 order. The reports shall be compiled and filed before this Court on or before 17th March 2025 so that necessary directions can be issued to the concerned States on 21st March 2025.

:

2. As directed in the Hon'ble Supreme Court vide order dated

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27.01.2025 in W.P. (Civil) No. 13029 of 1985 titled as "M.C. Mehta Vs. UOI & Ors." *Union of India to file an affidavit reporting compliance before the 17th March 2025.*

3. In light of the Hon'ble Supreme Court order dated 27.01.2025 passed in W.P. (Civil) No. 13029 of 1985 (copy attached), Transport Departments of States /UTs are requested to take appropriate action and furnish a compliance report as per the attached proforma (Annexure –I) latest by 28-02-2025 to this Ministry so that consolidated compliance report could be filed accordingly before the Hon'ble Court.

4. This issue with the approval of the Competent Authority.

Encls: As above.

Yours faithfully,

(S.K.Geeva)
Under Secretary to the Government of India
Tele/Fax: 23739074
E-mail: geeva.sk@nic.in

Copy to:

(i) PPS to Secretary (RT&H), MoRT&H, New Delhi.
(ii) PPS to Addl. Secretary (MVL, Transport & Road Safety), MoRTH, New Delhi.

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Annexure-1

1. Name of the State/UTs :

2. Period of the Report:

Status of HSRP affixation

Sl.no	Total number of vehicles registered		Total number of vehicles affixed with HSRP		Mode of affixation of HSRP in the existing old registered vehicles before 01.04.2019	Measures taken by the State/UTs for improving HSRP affixation in existing old registered vehicles before 01.04.2019.	Overall Percentage of HSRP affixed ((C+D)/(A+B)*100	Penal actions against non-complained vehicles with HSRP Order 2018
	Before 01.04.2019	After 01.04.2019	Before 01.04.2019	After 01.04.2019				
	A	B	C	D	E	F	H	

*****

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ANNEXURE-1

The high-security number plate details obtained up to 23/01/2025, when the vehicle data was cross-checked in Parivahan, are attached below.

Sl No.	Total number of vehicles registered		Total Number of Vehicles affixed with HSRP		Mode of affixation of HSRP in the existing old registered vehicles before 1/4/2019	Measures taken by the State / UT's for improving HSRP affixation in the existing old registered vehicles before 1/4/2019	Overall Percentage of HSRP affixed (C+D) / (A+B) * 100	Penal actions against non complaint vehicles with HSRP order 2018
1.	Before 01/4/2019	After 01/4/2019	Before 01/4/2019	After 01/4/2019				
2.	A	B	C	D	E	F	G	H
3.	13630546	4423241	NIL	4249850	NIL	NIL	23.54%	NIL

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GOVERNMENT OF KERALA

Transport (B) Department

No: B2/349/2022/TRANS 05-05-2025,Thiruvananthapuram

From

Special Secretary to Government

To

Advocate General Kerala

Sir,

Sub: Transport Department - Filing of Statement in compliance of the directions in the judgment dated 15/01/2025 in WA 76/2025 filed by M/s Motor Signs India - Forwarding - Reg

Ref: Judgment of Hon'ble High Court dated 15/01/2025 in WA 76/2025

I am to draw your attention to the reference cited and forward herewith a statement filed on behalf of the 1st respondent in compliance of the directions contained in the judgment dated 15/01/2025 in WA 76/2025 filed by Motor Signs India. You are requested to brought the matter to the attention of the Honorable High Court.

Yours Faithfully,
BINU VARGHESE
UNDER SECRETARY
For Special Secretary to Government.

Approved for Issue,

Section Officer.

File No. TRANS-B2/349/2022-TRANS (Computer No. 2184481)

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Statement filed on behalf of the 1st respondent in compliance of the directions contained in the judgment dated 15/01/2025 in WA 76/2025 filed by Motor Signs India

In the WA 76/2025 filed by Motorsigns India, against the judgement dated 29/11/2024 of the single Bench,the Division Bench stayed the direction no (v) in paragraph No.31 of the impugned judgement, as also to clarify that in the State of Kerala, the provisions of Rule 50(v) of the Central Motor Vehicles Rules, 1989, in its application to the 3rd category of persons referred above (license plate manufactures or their dealers), shall not stand qualified by the requirement of getting an approval from the State Government. This order shall operate until further orders are passed consequent to the State Government prescribing criteria for the grant of approval, and bringing the same to the notice of this Court in these proceedings vide Judgement dated 15/01/2025.

It is respectfully submitted that pursuant to the above direction of the Hon'ble Court that the State has to file a statement on the criteria fixed to select/approve/authorise one or more licence plate manufacturers/their dealers for affixing HSRP on the old vehicles by carrying out the selection/authorization process by an open, transparent, and fair tendering process in compliance of the directions contained in the judgement dated 15.01.2015 in WA 76/2025 filed by M/s MOTORSIGNS INDIA, a meeting was convened by the Hon'ble Minister Transport, on 13.02.2025 and the following decisions were taken. Copy of the same marked as Exhibit R1(a).

1. Kerala-based manufacturers, startups, and public sector institutions will have preference.

2. Those who have more than 25 years of experience in automobile industry will have preference.

3. Priority is given to those firms/companies who are capable of affixing HSRP within 24 hours on receipt of the order .

4.The maximum price for HSRP affixation need to be fixed in order to prevent public exploitation and to ensure state revenue.

Based on the above, steps has been initiated by the Transport Commissioner to prepare the Tender document. Once the tender document has been approved, steps will be initiated to invite e-tenders to select license plate manufacturers/their dealers for affixing HSRP.

Hence in view of the facts and circumstance stated above, and in compliance to the

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direction of this Hon’ble Court, this Affidavit is being filed which may kindly be accepted in file and adjudicate the matter accordingly.

MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISIONERATE
Dated: **15-02-2025**

From: Transport Commissioner
Kerala

To: Secretary to Transport
Transport Department
Government Secreteriat
Thiruvananthapuram

Sir,

Sub:- Motor Vehicles Dept- HSRP interim order of the Honourable High Court of Kerala in WA 76/2025, affixation of HSRP for old vehicles -Reg

Ref:- 1. WA Number 76/2025 dated 15/01/2025
2. This office letter number dated 28/12/2024 and 22/1/2025
3. Letter from Motor Signs India dated 27/01/2025

Please refer to the first reference cited above regarding the proposed action to be taken by the State Government. It is informed that it is highly necessary for the State Government to prescribe criteria and rates for granting approval to HSRP manufacturers of the third category (license plate manufacturers or their dealers). Further action, if any, can only be taken after bringing the matter to the notice of the Hon'ble High Court.

In paragraph No. 31 of the impugned judgment, as well as to clarify that in the State of Kerala, the provisions of Rule 50(v) of the Central Motor Vehicles Rules, 1989, in its application to the third category of persons mentioned above, shall not be subject to the requirement of obtaining approval from the State Government. This order shall remain in effect until further orders are issued following the State Government's prescription of criteria for granting approval and its submission to this Court in these proceedings. The matter is to be listed after three months." (A copy of the order is attached.)

The underlined portion means that, for the third category of persons mentioned [license plate manufacturers or their dealers], the usual requirement of obtaining approval from the State Government does not apply in Kerala until further orders.

Additionally, the Hon’ble High Court has directed that steps be taken to select, approve, or authorize one or more license plate manufacturers or dealers for affixing HSRP on old vehicles through an open, transparent, and fair tendering process.

Vide reference 3rd cited above, Motor Signs India, a type-approved manufacturer of HSRP, requested access to the VAHAN system through the state vehicle registry to electronically upload information whenever a High Security

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Registration Plate is affixed to a motor vehicle, in accordance with Rule 50 of CMVR, 1989. This request is similar to the access granted by the MVD of Kerala for other components, such as Vehicle Location Tracking Devices (VLTD), speed-limiting devices, Pollution Under Control (PUC) certificates, and reflective tapes, through the process of empanelment / enlistment. (Copy attached)

In these circumstances, it is opined that, since State Government approval is not required at the moment based on the interim order of the Hon'ble High Court in WA 76/2025, Motorsigns could directly approach the Ministry of Road Transport and Highways (MoRTH) for access to the VAHAN portal. This could lead to potential revenue loss for the state; That is, if the state decides to adopt a revenue sharing model, but MORTH decides to give direct permission access from Vahan to the vendor, it will render state's decision infructuous.

Further, to avoid a potential contempt of court petition, based on the latest court order, it is requested that permission be given for tenders to be invited for high-security number plates. State may also consider a policy decision if and whether to proceed for any appeal against the order of the Hon. High court.

Yours faithfully

NAGARAJU CHAKILAM IPS
TRANSPORT COMMISSIONER

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
web: www.mvd.kerala.gov.in e-mail: tcoffice.mvd@kerala.gov.in

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GOVERNMENT OF KERALA

Transport (B) Department

No: B2/349/2022/TRANS 19-05-2025,Thiruvananthapuram

From

Special Secretary to Government

To

Transport Commissioner

Sir,

Sub: Transport Department - WA 76/2025 - HSRP interim order of the Hon'ble High Court of Kerala - Reg

Ref: 1. **judgement dated 15/01/2025** of the Hon'ble High Court in WA 76/2025 filed by M/s Motorsigns India
2. Your Letter No. MIT2/43/2024/TC dated 15/02/2025

I am to invite your attention to the reference cited and to inform that the Hon'ble HIgh Court in the Order dated 15.01.2025 in Writ Appeal 76/2025 **stayed the direction no (v) in paragraph No.31 of the impugned judgement,** and instructed the State Government to fix and inform the Court the eligibility/selection criteria for the third category manufacturers.The same was fixed and the matter has been informed. The case is again posted for hearing on 21/5/2025.

It is therefore requested to prepare the tender document as decided in the meeting held on 13/02/2025 under the Chairmanship of Hon'ble Minister (Transport) and forward the same immediately for approval.

Kindly treat this as Most Urgent.

Yours Faithfully,
BINU VARGHESE
UNDER SECRETARY
For Special Secretary to Government.

Approved for Issue,

Section Officer.

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Gmail Transport_B Sect. <transportb7186@gmail.com>

WA 76/2025 - Statement

1 message

Motor Vehicles Liaison Officer,Advocate General's Office <kmvd007@gmail.com> Wed, May 21, 2025 at 4:11 PM
To: "Transport_B Sect." <transportb7186@gmail.com>

Dear Sir

Please see the attachment. Send 1 set of signed copy by mail.

NB

1. Please quote the case number in the reference and in the subject of email.

2. Please quote the relevant sections/rules in the SOF/Instruction.

Liaison Officer

Motor Vehicles Department

Advocate General's Office

Ernakulam 682031

0484 2392434,2564258

8547639098

---------- Forwarded message ---------
From: capool g <capoolg2020@gmail.com>
Date: Wed, May 21, 2025 at 3:56 PM
Subject: WA 76/2025
To: <kmvd007@gmail.com>

WA 76-2025 21.05.2025.docx
12K

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

W.A. No.76 of 2025

Motorsigns India : Petitioner

Vs.

State of Kerala & Others : Respondents

STATEMENT FILED ON BEHALF OF THE 1st RESPONDENT AS DIRECTED BY THIS HON'BLE COURT AS PER ORDER DATED 11.05.2024

1. It is respectfully submitted that the Writ Appeal No.76/2025 is filed by Motorsigns India against the judgment dated 29.11.2024 of the Learned Single Judge in the Writ Petition(Civil) No.10761/2022.

2. It is submitted that, after considering all the aspects, the Hon'ble Division Bench has stayed the direction No.(V) in Paragraph No.31 of the impugned judgment and also clarified that in the State of Kerala, the provisions of Rule 50(V) of the Central Motor Vehicles Rules, 1989, in its application to the 3rd category of persons referred above. (License plate manufactures or their dealers), shall not stand qualified by the requirement of getting an approval from the State Government and also held that this order shall operate until further orders are passed consequent to the State of Kerala prescribing criteria for the grant of approval and bringing the same to the notice of this Hon'ble Court in this proceedings.

3. It is respectfully submitted that pursuant to the above said direction of this Hon'ble Court, that the State has to file a Statement

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on the criteria fixed to select/approve/authorise one or more license plate manufacturers/their dealers for affixing HSRP on the old vehicles registered prior to 2019 by carrying out the selection/authorisation process by an open, transparent and fair tendering process. In compliance of the directions contained in the order dated 15.01.2025 of this Hon'ble Court. a meeting was convened by the Hon'ble Minister, Transport on 13.02.2025 and decision was taken prescribing the following criteria to select/approve/authorise one or more license plate manufacturers/their dealers for affixing HSRP on the old vehicles registered prior to 2019.

(1) Kerala-based manufacturers, startups and Public Sector Institutions will have preference.

(2) Those who have more than 25 years of experience in automobile industry will have preference.

(3) Priority is given to those firms/companies who are capable of affixing HSRP within 24 hours on receipt of the order.

(4) The maximum price for HSRP affixation need to be fixed in order to prevent public exploitation and to ensure state revenue.

Based on the above, steps have been imitated by the Transport Commissioner to prepare the Tender document. Once the tender document has been approved, steps will be initiated to invite e-tenders to select license plate manufacturers/their dealers for affixing HSRP.

Hence in view of the facts and circumstances stated above, and in compliance to the directions contained in the order dated

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15.01.2025 of this Hon'ble Court, this Statement is being filed which may kindly be accepted in the file and adjudicate the matter.

Dated this the day of May, 2025.

SECRETARY TO
GOVERNMENT
TRANSPORT DEPARTMENT

P. SANTHOSH KUMAR
SPECIAL GOVERNMENT PLEADER

gmv/G3/21.05.2025

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BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM

W.A. No.76 of 2025

Motorsigns India : Petitioner

Vs.

State of Kerala & Others : Respondents

STATEMENT FILED ON BEHALF OF THE 1st RESPONDENT AS DIRECTED BY THIS HON'BLE COURT AS PER ORDER DATED 11.05.2024

P. SANTHOSH KUMAR
SPECIAL GOVERNMENT PLEADER

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BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

W.A. No.76 of 2025

Motorsigns India : Petitioner

Vs.

State of Kerala & Others : Respondents

STATEMENT FILED ON BEHALF OF THE 1st RESPONDENT AS DIRECTED BY THIS HON'BLE COURT AS PER ORDER DATED 11.05.2024

I Sheela M., aged 51 years, W/o/Ajith Kumar residing at "Srichaithanyam", Maruthankuzhi, Thiruvanathapuram, do hereby solemnly affirm and state as follows:

1. It is respectfully submitted that the Writ Appeal No.76/2025 is filed by Motorsigns India against the judgment dated 29.11.2024 of the Learned Single Judge in the Writ Petition(Civil) No.10761/2022.

2. It is submitted that, after considering all the aspects, the Hon'ble Division Bench has stayed the direction No.(V) in Paragraph No.31 of the impugned judgment and also clarified that in the State of Kerala, the provisions of Rule 50(V) of the Central Motor Vehicles Rules, 1989, in its application to the 3rd category of persons referred above. (License plate manufactures or their dealers), shall not stand qualified by the requirement of getting an approval from the State Government and also held that this order shall operate until further orders are passed consequent to the State of Kerala prescribing criteria

Sheela M

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for the grant of approval and bringing the same to the notice of this Hon'ble Court in this proceedings.

3. It is respectfully submitted that pursuant to the above said direction of this Hon'ble Court, that the State has to file a Statement on the criteria fixed to select/approve/authorise one or more license plate manufacturers/their dealers for affixing HSRP on the old vehicles registered prior to 2019 by carrying out the selection/authorisation process by an open, transparent and fair tendering process. In compliance of the directions contained in the order dated 15.01.2025 of this Hon'ble Court. a meeting was convened by the Hon'ble Minister, Transport on 13.02.2025 and decision was taken prescribing the following criteria to select/approve/authorise one or more license plate manufacturers/their dealers for affixing HSRP on the old vehicles registered prior to 2019.

(1) Kerala-based manufacturers, startups and Public Sector Institutions will have preference.

(2) Those who have more than 25 years of experience in automobile industry will have preference.

(3) Priority is given to those firms/companies who are capable of affixing HSRP within 24 hours on receipt of the order.

(4) The maximum price for HSRP affixation will fixed in order to prevent public exploitation and to ensure state revenue.

Based on the above, steps have been imitated by the Transport Commissioner to prepare the Tender document. Once the tender

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document gets approved, steps will be initiated to invite e-tenders to select license plate manufacturers/their dealers for affixing HSRP.

Hence in view of the facts and circumstances stated above, and in compliance to the directions contained in the order dated 15.01.2025 of this Hon'ble Court, this Statement is being filed which may kindly be accepted in the file and adjudicate the matter.

Dated this the 27th day of May, 2025.

TRANSPORT DEPARTMENT GOVT. SECRETARIAT

SHEELA M.
PEN : 101117
Additional Secretary
Transport Department
Govt. Secretariat
Thiruvananthapuram.

ADDITIONAL SECRETARY TO GOVERNMENT
TRANSPORT DEPARTMENT

P. SANTHOSH KUMAR
SPECIAL GOVERNMENT PLEADER

gmv/G3/21.05.2025

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File No- MIT2/16/2025-TC **17-06-2025**

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thycaud P.O, Thiruvananthapuram - 695 014

e-mail:tcoffice.mvd@kerala.gov.in|web: www.mvd.kerala.gov.in| ☎0471-2333317

From

The Transport Commissioner,
Kerala

To

The Secretary to Govt
Transport Department
Government Secretariat
Thiruvananthapuram

Sir,

Sub:- Motor Vehicles Department -Implimentation of HSRP in vehicles registered before 1st April 2019 - Proposal forwarding- Reg

Ref:- 1. Government Order no.RT-11036/99/2020-MVL dated. 09/06/2023, received from MoRTH.

2. Minutes of the meeting held on 13.05.2025 received from the Transport Department.

Kind attention is invited to the references cited above. As per the 1st reference, a meeting was held on 13/02/2025, under the chairmanship of the Hon'ble Transport Minister to discuss the issues related to the immediate implementation of the High-Security Registration Number Plate (HSRP). The Hon'ble Transport Minister has given instructions such as checking whether the number plates of vehicles fitted with HSRP on 01.04.2019 are as per the norms. To avoid a situation of exploitation of the public, a maximum amount should be fixed for fitting HSRP and the revenue received by the government should be included while fixing the rate accordingly, Priority should be given to companies, startups and public sector undertakings manufacturing in Kerala, Priority should be given to those with 25 years of experience in the automobile sector, Special priority should be given to companies that can fit HSRP to customers within 24 hours of receiving the order.

After examining the HSRP rates of neighboring states (annexure enclosed), the proposed rate of HSRP for old vehicles (pre 2019) in Kerala on revenue sharing basis is as follows:

(in Rupees)

sl no	**Vehicle Category**	Base Dealer share	Base Govt share	**Upper limit of Price of HSRP for public**
A	**B**	**C**	**D**	**C+D=E**

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1	Two Wheeler	400	100	500
2	Three Wheeler	500	100	600
3	Four Wheeler (LMV)	700	300	1000
4	Medium &Heavy Motor Vehicle	700	300	1000
5	Tractor & Agriculture equipments	700	300	1000

Moreover, only the agencies having Type approval certificate from the following agencies can set up HSRP: Central Road Research Institute (CRRI), Delhi, Mathura Road, P.O. CRRI, New Delhi-20 Automotive Research Association of India (ARAI), P.B. 832, Pune- 411004 Vehicle Research & Development Establishment (VRDE), Vahan Nagar, Ahmednagar-414006 There is a list of 18 companies having Type Approval Certificate for HSRP as declared on the website of MoRTH. However, in light of the court orders and the situation where non-HSRP vehicles are plying in the state and are being penalised in the neighboring states, this matter needs to be decided upon urgently.

By examining the HSRP rates of the neighboring states, the proposed rate of HSRP for old vehicles on revenue sharing basis is forwarded herewith for approval of the rates. Hence, it is requested that the government to suggest above mentioned base prices and allow only MORTH authorised 18 HSRP companies with Type Approval Certificate. The companies may be allowed to bid for sharing higher amount of revenue to Government (D) from the base price mentioned above, with upper limit of price for public being constant (E).

Yours faithfully

Signed by
Chakilam Nagaraju
Date: 17-06-2025 18:03:34

NAGARAJU CHAKILAM IPS
TRANSPORT COMMISSIONER
മോട്ടോർ വാഹന വകുപ്പ് കേരളം

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Annexure - Other states HSRP rates table.

Sl. No	Vehicle Category	Rate of HSRP					
		Karnataka	Andhra Pradesh	Maharashtra	Goa	Gujarath	Rajasthan
1	Two Wheeler	between Rs. 400 and Rs. 600	between ₹200 and ₹600	Rs 450.00	between Rs 320 and Rs 380	Rs 160.00	Rs 425.00
2	Three Wheeler	Rs 470.00	Not Available	Rs 500.00	Not Available	Rs 200.00	Rs 470.00
3	Four Wheeler (LMV)	ranges from Rs. 650 to Rs. 850	between ₹400 and ₹1,100.	Rs 745.00	between Rs 590 and Rs 700	Rs 460.00	Rs 695.00
4	Medium & Heavy Motor Vehicle	Rs 730.00	expect to pay between ₹600 and ₹1,500	Rs 745.00	Not Available	Rs 480.00	Rs 730.00
5	Tractor & Agriculture equipments	Rs 495.00	Not Available	Rs 745.00	Not Available	Not Available	Rs 495.00

GOVERNMENT OF KERALA

Transport (B) Department

No. B2/349/2022/TRANS 23-07-2025,Thiruvananthapuram

From

Special Secretary to Government

To

Transport Commissioner, Thiruvananthapuram

Sir,

Sub: Transport Department - Implementation of High Security Registration Plates (HSRP) – Tender Process – Directions – Issued – reg.

Ref: 1. Minutes of the meeting held on 13.05.2025 under the Chairmanship of Hon'ble Minister for Transport

2. Your letter No. MIT2/16/2025-TC dated 17/06/2025

I am to invite your attention to the reference cited and to inform that the following base prices proposed regarding the implementation of High Security Registration Plates (HSRP) in vehicles registered prior to 01/04/2019 is approved and it is directed to go ahead with the tendering process allowing companies to bid for sharing higher amount of revenue to Government (D).

No	Vehicle Category	Base Dealer Share ₹	Base Government Share	Upper Limit of Price of HSRP for Public
A	B	C	D	C+D = E
1	Two Wheeler	₹ 400	₹ 100	₹ 500
2	Three Wheeler	₹ 500	₹ 100	₹ 600
3	Four Wheeler	₹ 700	₹ 300	₹ 1000
4	Medium & Heavy Motor Vehicle	₹ 700	₹ 300	₹ 1000
5	Tractor & Agriculture Equipment's	₹ 700	₹ 300	₹ 1000

 It is informed that only MoRTH authorized l8 companies having Type Approval Certificate for HSRP will be allowed to took part in the tendering process. While inviting the tender, efforts should be made to increase the Base Government Share (D) from the values proposed in the submitted rate list, without exceeding the Upper Limit of Price for HSRP to the public (E).

Yours Faithfully,
P B NOOH I A S
SPECIAL SECRETARY
For Special Secretary to Government.

Approved for Issue,

Section Officer.

File No.**MIT2/16/2025-TC** Dated:**11-09-2025**

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thycaud P.O, Thiruvananthapuram - 695 014
e-mail:tcoffice.mvd@kerala.gov.in|web: www.mvd.kerala.gov.in| ☎0471-2333317

From

The Transport Commissioner,
Motor Vehicles Department,
Government of Kerala

To

The Principal Secretary to Government
Transport (B) Department
Government Secretariat
Thiruvananthapuram.

Sir,

Sub:- Motor Vehicles Department – Implementation of High Security Registration Plates (HSRP) through limited tender process – Request for sanction – Reg.

Ref:-

1. MoRTH Gazette Notification NO.221 (E), dated 28.03.2001
2. MoRTH SO No.814(E) dated 22.08.2001
3. MoRTH SO No.1041(E), dated 16.10.2001,
4. G.S.R. 749 (E) dated 07-08-2018
5. G.S.R. 1162 (E) dated 04-12-2018
6. S.O. 6052 (E) dated 06-12-2018
7. S.O. 1018 (E) dated 25-02-2019
8. G.S.R. 512 (E) dated 18-07-2019
9. S.O. 1759 (E) dated 05-06-2020
10. S.O. 2339 (E) dated 14-07-2020
11. MoRTH Circular No. RT-11036_99_2020-MVL dated 16-09-2020
12. MoRTH Circular No. RT-11036_56_2019-MVL (Part-1) dated 21-10-2020
13. The Central Motor Vehicles Rules, 1989 – 50&51 as amended from time to time
14. G.O.(Rt)No.222/2022/TRANS Dated 25-05-2022
15. Government Letter No. B2/349/2022/TRANS dated 23-07-2025 - Directions regarding the implementation of High Security Registration Plates (HSRP) through the tender process

Kind attention is invited to the references cited above. As per reference 15, the Government has issued directions regarding the implementation of High Security Registration Plates (HSRP) through the tender process.

In compliance with the above, a draft tender document has been prepared for the selection of a qualified bidder from among the MORTH approved eighteen (18)

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vendors currently holding valid Type Approval Certificates from authorized testing agencies, for the supply, affixation, and implementation of High Security Registration Plates (HSRP) for motor vehicles registered prior to April 2019 in the State of Kerala.

In the circumstances, sanction of the Government is requested for approval of the tender document and to proceed with the tendering process at the earliest, so as to ensure timely implementation of HSRP in the State.

Yours faithfully

NAGARAJU CHAKILAM IPS

TRANSPORT COMMISSIONER

Motor Vehicle Department, Kerala

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MOTOR VEHICLES DEPARTMENT GOVERNMENT OF KERALA

RFP No: MIT2/16/2025-TC

LIMITED TENDER FOR THE SELECTION OF A QUALIFIED BIDDER FROM AMONG EIGHTEEN (18) VENDORS CURRENTLY HOLDING VALID TYPE APPROVAL CERTIFICATES FROM AUTHORIZED TESTING AGENCIES, FOR THE SUPPLY, AFFIXATION, AND IMPLEMENTATION OF HIGH-SECURITY REGISTRATION PLATES (HSRP) FOR PRE APRIL 2019-REGISTERED MOTOR VEHICLES IN KERALA.

(BUILD, OWN, OPERATE& REVENUE SHARE BASIS)

Issued by
Motor Vehicles Department
Government of Kerala

1. DISCLAIMER

1. The information contained in this RFP provided to Bidder(s) whether verbally or in documentary or any other form, by and on behalf of Motor Vehicles Department, Government of Kerala represented through Transport Commissioner, Kerala on the terms and conditions set out in this RFP and such other terms and conditions subject to which such information is provided.

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2. The information contained in this RFP is being provided for the limited purposes of enabling the interested parties ("Bidders") to submit a binding proposal ("Bid") for performing, executing and implementing the Works and for no other purpose. In no circumstances shall Motor Vehicles Department, Kerala, incur any liability arising out of or in respect of the issue of this RFP, or the selection procedure.
3. The possession of the RFP or use in any manner contrary to any applicable law is expressly prohibited. The Bidders shall inform themselves and shall observe any applicable legal requirements.
4. The information does not purport to be comprehensive or to have been independently verified. Nothing in this RFP shall be construed as legal, financial or tax advice. Motor Vehicles Department, Kerala, will not be liable for any costs, expenses, however so incurred by the Bidders in connection with the preparation and submission of the Bids.
5. Motor Vehicles Department, Kerala, reserves the right to amend this RFP and any information contained herein at any time by notice, in writing, to the Bidders.
6. Nothing in this RFP is, nor shall be relied upon as, a promise or representation as to Motor Vehicles Department, Kerala, and ultimate decision in relation to the selection process of the successful Bidder for the execution of the RFP. The Bidder(s) shall not, therefore, assume that they will have the opportunity to revise their Bids following submission except as provided in this RFP. However, Motor Vehicles Department, Kerala, reserves the right to change the basis of or the procedures (including the timetable) relating to the bidding process, reject any, or all, of the Bids, not to invite a Bidder to proceed further, not furnish a Bidder with additional information nor otherwise to negotiate with a Bidder at any time. Motor Vehicles Department, Kerala, does not undertake to accept the lowest or indeed any Bid.
7. No person other than the one authorized by Motor Vehicles Department, Kerala, to give any information or to make any representation not contained in this RFP and, if given or made, any such information or representation shall not be relied upon as having been so authorized.
8. This RFP is confidential and personal to each Bidder. The Bidders shall sign and submit a Letter of Undertaking in "Form (B)" of this RFP as part of the Technical Bid to Motor Vehicles Department, Kerala, which, inter alia, prohibits disclosure of any information as therein defined to any person or body corporate except as permitted by such Letter of Undertaking. The Bidders shall promptly return this RFP to Motor Vehicles Department, Kerala, upon request or as specified in this RFP and shall not retain any copies thereof nor use the same for any purpose

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whatsoever other than for submission of the Bid to Motor Vehicles Department, Kerala, for the Works. Any failure to furnish or comply with the terms of the Letter of Undertaking shall entitle Motor Vehicles Department, Kerala, to disqualify the relevant Bidder.

9. Any summaries or descriptions of documents or contractual arrangements contained in any part of this RFP are only indicative and cannot be and are not intended to be comprehensive, nor any substitute for the underlying documentation (whether existing or to be concluded in the future), and are in all respects qualified in their entirety by reference to them.
10. Motor Vehicles Department, Kerala, its advisers, consultants, contractors, servants, agents do not accept any responsibility for the legality, validity, effectiveness, adequacy or enforceability of any documentation executed, or which may be executed, in relation to the Works.
11. Motor Vehicles Department, Kerala, reserves the right not to proceed with the bidding process and to cancel the selection procedure, or any part thereof, at any time.
12. The Bidder is prohibited from any form of collusion or arrangement by a Bidder (or its advisers or consultants) in an attempt to influence the selection and award process. Giving or offering of any gift, bribe or inducement or any attempt to any such act on behalf of the Bidder towards any officer/employee of Motor Vehicles Department, Kerala or to any other person in a position to influence the decision of Motor Vehicles Department , Kerala, any other person associated with the bidding process, for showing any favor in relation to this Bid or any other contract, shall render the Bidder to such liability/penalty and legal action as Motor Vehicles Department, Kerala, may deem proper, including but not limited to rejection of the Bid and forfeiture of the Earnest Money Deposit.
13. Laws of the Republic of India are applicable to this RFP. The courts at Thiruvananthapuram, Kerala shall have exclusive jurisdiction in relation to any disputes arising from this RFP.
14. Each Bidder’s acceptance of delivery of this RFP constitutes its agreement to, and acceptance of, the terms set forth in this Disclaimer. By acceptance of this RFP, the recipient agrees that this RFP and any information herewith supersedes document(s) or earlier information, if any, in relation to the subject matter hereof.

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1.	DISCLAIMER	
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GLOSSARY

In this document unless the context specifies otherwise, -

1. "Act" shall mean The Motor Vehicles Act, 1988 as amended from time to time.
2. "MoRTH" means Ministry of Road Transport and Highways, Government of India;
3. "Rules" means The Central Motor Vehicles Rules, 1989 as amended

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from time to time.

4. "CMVR" means the Central Motor Vehicles Rules, 1989
5. "GoI" means Government of India;
6. "GoK" means Government of Kerala.
7. “Agreement” means the document signed by the Authority and the Bidder, that incorporates any final corrections or modification to the Bid and is the Legal document binding both the parties to all terms and conditions of the Contract.
8. “Arbitrator” means the person or party agreed to by both the Authority and the Bidder to arbitrate in the case of dispute and shall act within the provisions of Arbitration and Conciliation Act, 1996.
9. “Authority“ shall mean and include an officer of the Transport Department as designated by the Government of Kerala or any other agency of the said Government, notified for this purpose.
10. “Bid” means the complete biding document submitted by the Bidder to the Authority or the Department and shall include any corrections, addenda and modifications made therein.
11. “Bidder” shall mean a corporate entity or the Joint Venture or the Consortium, eligible to bid either jointly or severally to participate in the Bid in the stages of Pre-qualification Bidding process and shall include the successful bidder during the currency of the Contract.
12. “Conformity of Production (COP)” is a procedure of periodic evaluation, testing and certification as defined and certified by the Respective Test Agencies.
13. “Department” shall mean the Transport Department of the Government of Kerala or any other department or agency notified by the said Government for this purpose.
14. “Embossing Station” means any such decentralized unit nominated by the successful Bidder for embossing of the Character and other designated word attached/ assigned specifically by the Registering Authority.
15. “Financial Capability” means Financial Worthiness of Bidders as per the terms of the Bid.
16. “Government” shall mean the Government of Kerala.
17. “High Security Registration Plates” shall mean the plate displaying the registration mark as specified under Rule 50 of Central Motor Vehicle Rules, 1989 as amended up to date.
18. “Invitation of Bid” means the advertisement published in accordance

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with the legal requirements or notification by other means to prospective Bidders of the forthcoming opportunity to Bid for the Contract.

19. "Joint Venture/Consortium" shall mean the association of two or more individuals or the Corporative entity formed specifically for the purpose of Bid in which at least one of the partners is an Indian.
20. "Letter of Intent" means the formal acceptance of the tender by the Authority Department.
21. "Notification" shall mean and include all orders, directives and intimations issued by the Central Government as well as the Government of Kerala in official Gazette.
22. "Payment" shall mean the amount payable by the Vehicle Owner to the successful Bidder.
23. "Period" shall mean entire term of the contract.
24. "Prime Manufacturer" shall mean individual/firm or the corporate entity engaged in carrying out the manufacturing activity of the High Security Registration Plates.
25. "Registering Authority" shall mean and include the authority as defined in section 2(37) of the Act.
26. "Registration Premises" shall mean the place where the work of registration takes place and includes any premises declared by Registering Authority as registration premises for purpose of fitment of High Security Registration Plates.
27. "Royalty" shall mean a periodic payment made by the successful Bidder to the Government of Kerala in pursuance to the Bid.
28. "Registration Mark" shall mean the mark as defined in the Rule No 50 of the Rules.
29. "Security Deposit" means the performance bond or unconditional Bank Guarantee that provides protection to the Authority or the Department for the completion of the contract.
30. "SIAM" means Society of Indian Automobile Manufacturers, is the Apex National Body representing Indian Automobile Industry.
31. "Type Approval" shall mean the approval accorded to the Bidder by the designated Test Agencies as per Test procedure prescribed by Ministry of Road Transport and Highways, Govt of India and to be submitted as mentioned in the bid document.
32. "Test Agencies" means such institutes/agencies designated

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and notified by the Government under CMVR 126 to test and approve the manufacture of the Registration Plates and to issue and grant the Type Approval Certificate and certification of Conformity of Production (COP).

33. "Type Approved Vendors" means vendors notified by authorized testing agencies, duly certified for compliance with the standards and specifications prescribed by MoRTH for High Security Registration Plates.

34. "Contract Period" mean a duration of five years applicable to eligible applicants.

SECTION 1

INTRODUCTION

1. Motor Vehicles Department, Government of Kerala deals with various Motor Vehicles related matters like issuance of driving licenses, registration of motor vehicles, grant and renewal of permits, collection of taxes/fees, road safety regulations and all other regulatory and enforcement functions assigned to it under the provisions of the Motor Vehicles Act, 1988 and Rules made thereunder.

2. The introduction of High Security Registration Plates results from the direct intervention of the Government of India by introducing amendments/modification of Rules framed under the Motor Vehicles Act. While this modification offers a business opportunity for intending operators in this business, it also enjoins upon them the necessity to create capability to provide a "fail-safe" and sustainable delivery capacity. The selected operator will not just be marketing, servicing and providing another new product but will engage in assisting the State in fulfillment of its statutory obligation to grant the High Security Registration Plates to the owners of motor vehicles in pursuance of the legal enactments. This can be achieved by fixing stringent eligibility criteria. The eligibility criteria thus, have to be commensurate not only with the scale of operations and size of network to be created by the operator but also with statutory requirement of State's continued delivery of its obligations to its citizens without any interruptions. The responsibility to ensure this continuity rests with the State. Only those intending operators who display the capacity and capability to carry out business of such intricate nature and on such large scales, are invited to participate in the bidding process. Besides the capacity and capability, the operator needs to display maturity, sagacity and understanding of

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business to be carried out in fulfillment of service obligation on behalf of the State or as agent of the State. Understanding of the concept of state granted concessions and regulatory compliance is therefore essential.

3. While all new vehicles to be registered will statutorily have to be issued the High Security Registration Plates, the existing vehicles too have to convert to the new system within two years from the date of coming into force of the Notification. Looking at the numbers alone, the work is voluminous in nature and requires the creation of a reliable and vast networked operational model.
4. Further, the entire state is dotted with the Registering Authorities of the Motor Vehicles Department at diverse areas. There is a need for creation of a permanently networked infrastructure capable of delivering on all working days of the year on sustained basis for a long period of time. Creation of such infrastructure involves Fixed Capital investment, recovery of which would come over a certain period of time. The operator, therefore, is not only required to have the initial investment capacity but also the capability to service it even while the operations have not reached a break-even level.
5. Though the cost structures of a real like business model will have to be worked out by intending bidders, the operator has to incur material and running cost to provide and service High Security Registration Plate to motor vehicle owners. There would be heavy expenditure to be incurred over the next two years in conversion of existing motor vehicles to the use of High Security Registration Plates. The expenditure and also the revenue will plateau out to the projected annual profile once the conversion of existing motor vehicles is complete.
6. Even though the Government approves the manufacturer and the rates for High Security Registration Plates, the amount have to be borne by the motor vehicle owners only. Hence the rate should be reasonable and justified. This could be possible only when more vendors participate in the bid. Therefore, the eligibility criteria suggested in the tender documents have been simplified in order that all the vendors, who have obtained “Type Approval Certificate” from the Competent Authority can participate. However, the financial status and technical backgrounds will be given due importance so that the successful bidder could able to continue the supply of HSRP and allied services, throughout the contract period spanning 5 years.

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7. Transport Commissioner, Government of Kerala, intends to invite applications from eligible Applicants (the "Bidders") for qualifying for awarding the Project through an open competitive bidding process in accordance with the procedure set out herein.
8. All Motor Vehicles are required to be registered under the provisions of the Motor Vehicle Act, 1988. Subsequent to registration, a motor vehicle is given a registration mark by the registration authority as per section 41 (6) of the Act. The registration mark is required to be displayed on the body of the vehicle following guidelines laid down in rule 50 read with 51 of the Central Motor Vehicle Rules. The Government of India has amended rule 50 of Central Motor Vehicle Rules 1989 and notified vide Gazette Notification No.221(E) dated 28.03.2001 (w.e.f. 28.09.2001) to introduce the High Security Registration Plate system in India for all types of Vehicles. Subsequently, the Ministry of Road Transport and Highways, Government of India, issued guidelines to the State Governments to introduce the High Security Registration Plate system in India for all types of Vehicles in the States.
9. The High Security Registration Plate has been introduced by the Ministry of Road Transport & Highways as a highly sensitive tool for the prevention of crimes. The system also involves high security features to prevent counterfeiting and duplication of High Security Registration Plates.
10. In order to ensure uniformity in size, colour, and specifications of the Registration Plates all over India for all types of vehicles being registered or those already registered, the specifications of plates on different types of vehicles have been laid down as per the order from the Ministry of Road Transport & Highways, New Delhi Gazette Notification dated 28th March 2001 and subsequent Gazette Notifications and various orders of the Hon'ble Supreme Court of India on the subject.
11. The Kerala Motor Vehicles Department reserves the right to establish additional Manufacturing Facilities of High Security Registration Plates for Motor Vehicles in Kerala.
12. The Kerala Motor Vehicles Department reserves the right to increase or decrease the number of Manufacturing Facilities of High Security Registration Plates for Motor Vehicles in Kerala, including those in both private and government sectors.

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13. Motor Vehicles Department, Government of Kerala represented through Transport Commissioner, Kerala (hereinafter called "The Authority") invites e-tender for execution from the Bidders in the prescribed Proforma for the supply, affixation, and implementation of high-security registration plates (HSRP) for motor vehicles in Kerala on the terms and conditions contained in this RFP. Brief Scope of Work and the timeline for tender is given in the table below:

Table-1

Sl. No.	Description	Details
1.	Name & Address of the Authority	Motor Vehicles Department, Government of Kerala through Transport Commissioner, Kerala Address: Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud, Thycaud P.O, Thiruvananthapuram - 695014 , Tel: 0471 2333317 Email :tc.mvd@kerala.gov.in
2	Project Officer in Charge	Additional Transport Commissioner. Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud, Thycaud P.O, Thiruvananthapuram - 695014, Tel: 0471 2333317 Email: adltc.mvd@kerala.gov.in
3	Contact Person Queries	Joint Transport Commissioner Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud, Thycaud P.O, Thiruvananthapuram - 695014, Tel: 0471 2333317 Email: adltc.mvd@kerala.gov.in/ jtc.mvd@kerala.gov.in/ tcoffice.mvd@kerala.gov.in
4	Scope of Work	The Successful Bidder shall be responsible for the supply, affixation, and implementation of High Security Registration Plates (HSRP) for all motor

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		vehicles registered prior to April 2019 in the State of Kerala, on a Build-Own-Operate-Revenue-Sharing (BOO-RS) model, operating on a revenue-sharing arrangement with the Government of Kerala.
5	Earnest Deposit Refundable Money (EMD)	Bidder shall have to submit Rs. 5,00,000/- (Rs. Five Lakhs only) as EMD. Payment of Earnest Money Deposit: - An amount of ₹5,00,000/- (Rupees Five Lakhs only) as EMD shall be paid in online mode through the e-GP portal www.etenders.kerala.gov.in at the time of bid submission. No other mode of remittance shall be accepted. EMD of the unsuccessful bidders will be returned within 15 days of awarding the work to the successful bidder. EMD of the successful bidders will be returned upon signing the contract within 15 days of furnishing Performance Guarantee of value of Rs 50,00,000/- in the favour of Transport Commissioner.
6	Performance Guarantee/ Security Deposit for successful Bidder	Rs. 50,00,000/- (Rupees Fifty lakhs only) Successful Bidder should deposit an amount of ₹50,00,000/ (Rupees Fifty Lakhs only) as Security Deposit to Motor Vehicle Department within 15 days of awarding the Letter of Intent (LOI). The Security Deposit will be refunded upon completion of the contract period.
7	Bid Processing Fee Non-Refundable	Rs. 2500/- (Rupees Two thousand Five hundred only) Payment of tender fees: - A non-refundable tender fee of ₹2500/- [Rupees Two thousand Five hundred only] shall be paid in online mode through the e-Tender

		website www.etenders.kerala.gov.in at the time of bid submission. No other mode of payment shall be accepted. The tenders of bidders who do not remit fees through online will be rejected outright.
8	Start date of downloading of tender document	As published in e-tender website.
9	Last Date of submission of Queries for Pre- Bid meeting	As published in e-tender website.
10	Pre-Bid Meeting	As published in e-tender website.
11	Response to queries by the Motor Vehicles Department	As published in e-tender website.
12	Bid document download End date and time	As published in e-tender website.
13	Bid Closing date and time	As published in e-tender website.
14	Opening of Technical Bids	As published in e-tender website.
15	Opening of financial Bids	As published in e-tender website.
16	Announcement of results	Will be intimated later.
17	Bid Validity	180 days from the last date of Bid submission

14. In case of Bid opening date being declared holiday, Bids will be opened on the next working day.
15. At any time, prior to the deadline for submission of Bids, the Procuring Authority may for any reason, whether on its own initiative or as a result of a request for clarification by a Bidder, modify the Bid documents by issuing an addendum/ Modifications/ Amendments/Corrigendum, if any, only on e-tender portal.

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SECTION –2

INSTRUCTIONS TO BIDDERS

1. PRE-BID MEETING

a. Pre-Bid meeting at the designated date, time and place will be held with the prospective Bidders, for any clarification regarding tender terms and conditions.

b. A maximum of two representatives of each Bidder shall be allowed to participate on production of Letter of Authority from the Authorized Signatory of the prospective Bidder.

c. Pre-Bid Queries to be submitted before the scheduled date and time specified in theNotice Inviting Tender. Queries received in writing through email shall be addressed. The queries should be sent in the following format (in an excel file) through email at tcoffice.mvd@kerala.gov.in

Company Name : M/S.....				
Sl.No.	RFP Page No	Relevant Section/ Form of RFP	Relevant Content from RFP	Bidder's Query/Comment

d. The Procuring Authority will endeavour to provide complete and timely response to all queries raised by the Bidders. However, Procuring Authority makes no representation or warranty as to the completeness or accuracy of any response, nor does Procuring Authority undertake to answer all the queries that have been posed by the Bidders and Bidders shall not assume that their unanswered queries have been accepted by Procuring Authority.

2. PREPARATION OF BIDS/PROPOSALS

a. The Bidders are expected to carefully examine all the contents of this RFP and take them fully into account before submitting their Bids.

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Failure to comply with the requirements as detailed in this RFP shall be at the Bidder's own risk. Bids which are not responsive to the requirements of the RFP will be summarily rejected.

b. While all efforts have been made to avoid errors in the drafting of the RFP, the Bidders are advised to check the same carefully. No claim on account of any errors detected in the RFP shall be entertained.
c. Bidders should study the RFP carefully and thoroughly before submitting their bids and get clarifications in the pre-bid meeting, if required, from the Motor Vehicles Department, Government of Kerala.
d. The Bid prepared by the Bidder and all correspondence and documents relating to the tender exchanged between the Bidder and Motor Vehicles Department, Government of Kerala shall be in the English language only.
e. The Bidder must obtain for himself on his own responsibility and at his own expenses all the information which may be necessary for the purpose of preparation and submission of the Bid, means of access to the site, nature of the Works and all matters pertaining there to.
f. The Bidder shall fill the 'Contact Details' issued with this RFP and upload the same along with the bidding documents. Motor Vehicles Department, Government of Kerala would use these details to communicate with the Bidder.
g. The Bidder shall ensure all the requirements specified in this RFP.

3. TENDER DOCUMENTS

1. MoRTH Gazette Notification NO.221 (E), dated 28.03.2001
2. MoRTH SO No.814(E) dated 22.08.2001
3. MoRTH SO No.1041(E), dated 16.10.2001,
4. G.S.R. 749 (E) dated 07-08-2018
5. G.S.R. 1162 (E) dated 04-12-2018
6. S.O. 6052 (E) dated 06-12-2018
7. S.O. 1018 (E) dated 25-02-2019
8. G.S.R. 512 (E) dated 18-07-2019
9. S.O. 1759 (E) dated 05-06-2020
10. S.O. 2339 (E) dated 14-07-2020
11. MoRTH Circular No. RT-11036_99_2020-MVL dated 16-09-2020
12. MoRTH Circular No. RT-11036_56_2019-MVL (Part-1) dated 21-10-2020

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13. The Central Motor Vehicles Rules, 1989 –50&51 as amended from time to time
14. G.O.(Rt)No.222/2022/TRANS Dated 25-05-2022
15. Government Letter No. B2/349/2022/TRANS dated 23-07-2025 - Directions regarding the implementation of High Security Registration Plates (HSRP) through the tender process

4. SCOPE OF WORK

a. The Scope of Work has been described in "Section 4 of this RFP" and is broadly determined on the basis of Central Motor Vehicles Rules 50&51
b. The Successful Bidder shall perform, execute and implement the Works strictly in accordance with the terms and conditions of the RFP.
c. The Work shall be carried out strictly in compliance with the requirements of the Motor Vehicles Department, Government of Kerala.
d. No subcontracting/extension of the Centre shall be allowed by the Registration Holder.
e. The successful bidder shall affix HSRP in a vehicle within 48 hours of receiving an application for fitment. Noncompliance in this regard shall be liable for penalty of Rupees 10000/- per day or part thereof per vehicle.
f. The successful bidder shall submit a statement each month on the details of the number of applications received, completed, pending and revenue received.

5. EARNEST MONEY DEPOSIT (EMD)

a. The Bids shall be accompanied by an EMD of Rs. 5,00,000/- (Rupees Five Lakhs Only) Refundable.
b. EMD shall be paid as mentioned in the Notice Inviting Tender (NIT) and documentary proof of transaction should be uploaded along with the technical bid of the tender.
c. A Bid which is not accompanied by Earnest Money Deposit as per this RFP shall be construed as non-compliant bid and shall be summarily rejected.
d. The EMD of unsuccessful bidders in the Technical Bid will be refunded electronically by the e-tender portal, Government of Kerala, after the finalization of the technical bid and 30 days post-award to the successful bidder.

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e. EMD of the Bidders, whose Financial Bids are opened and unsuccessful, will be returned electronically.
f. No interest shall be paid to any Bidder against the submitted EMD.
g. In case of the extension of the Bid validity period as per this RFP, the validity of the EMD shall be extended for a further period as required by Transport Commissioner, Motor Vehicles Department, Kerala.
h. Motor Vehicles Department, Government of Kerala shall forfeit EMD of Bidder in favour of Transport Commissioner, Motor Vehicles Department, Government of Kerala in case, such Bidder–Fails to execute any terms and conditions of this RFP.

6. SUBMISSION OF BIDS

a. The E-Bidder shall carefully go through the tender conditions and prepare the required documents accordingly.
b. The E-Bidder shall upload the scanned copy / copies of document in support of eligibility criteria and qualification information in prescribed format in PDF to the portal in the designated locations of Technical Bid.
c. The E-Bidder shall log on to the portal with its DSC and move to the desired tender for uploading the documents in appropriate place one-by-one simultaneously checking the documents.
d. E-Bids cannot be submitted after due date and time.
e. The E-Bids once submitted cannot be viewed, retrieved or corrected. The E-Bidder should ensure the correctness of the E-bid prior to uploading and take printout of the system generated summary of submission to confirm successful uploading of E-bid. The E-bids cannot be opened even by the Tender Inviting Authority / Opener before the due date and time of opening.
f. Each process in the E-Procurement is time-stamped and the system detect the time of login of each user including the E-Bidder.
g. The E-Bidder should ensure clarity / legibility of the document updated by him to the portal.
h. The system shall require all the mandatory forms and fields filled up by the E-Bidder during the process of submission of the bid.
i. The E-Bidder should check the system generated confirmation statement on the status of the submission.
j. The E-Bidder should upload sufficiently ahead of the bid closure time to avoid traffic rush and failure in the network.

k. The E-tender inviting officer is not responsible for any failure, malfunction or breakdown of the electronic system during the E-procurement process.
l. The E-Bidder is required to upload documents duly filled in. It is assumed that while uploading its Bid the E-Bidder has referred to all the documents required to be uploaded.
m. Seeking any revision of rates or backing out of the bid claiming for not having referred to any or all the document provided in the Bid Document will be construed as plea to disrupt the bidding process and in such cases the EMD shall be forfeited.
n. The E-Bidder will not be able to submit his bid after expiry of the date and time of submission of Bid (sever time). The date and time of Bid submission shall remain unaltered even if the specified date of submission of bids declared as a holiday.
o. Bids only in the prescribed format as available on the website https://etenders.kerala.gov.in will be considered.
p. The Technical Bid and Financial Bid shall be signed by the E-Bidder itself or by a person authorized by the E-Bidder and original authority letter shall be submitted along with the Technical Bid. Only Signed and Scanned copies as mentioned shall be uploaded.
q. Any alteration in the constitution of E-Bidder as submitted in the Technical Bid after the submission of the Bid will result in disqualification of the Bidder or cancellation of the Letter of **Intent** (LoI), as the case may be.

7. BID PROCESSING FEE

a. The Bidders shall deposit bid processing fee of Rs 2500/- (Rupees Two thousand Five hundred only) (non-refundable).
b. Bid Processing Fee shall be paid as mentioned in the NIT and documentary proof of transaction should be uploaded along with the technical bid of the tender.

8. BID SUBMISSION

a. Bidders are required to submit their Bids in two parts through e-tender portal https://etenders.kerala.gov.inbefore the closure of bid submission date/time.
b. TECHNICAL BID SUBMISSION: The documents shall be filled as per the formats provided in this RFP with required supporting

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documents. It shall be duly signed by the authorized signatory and the same shall be scanned and uploaded on the e-tender portal.

c. FINANCIAL BID SUBMISSION

i. The documents shall be filled as per the format provided in the RFP. It shall beduly signed by the authorized signatory and the same shall be scanned and uploaded on the e-tender portal.

ii. Proper precaution shall be taken by the Bidder to upload the Financial Bid document only against the slot/link specified for "Financial Bid" and not to be uploaded in any other slots/links. Any mistake in this regard by the Bidder shall be sole responsibility of the Bidder and the wrongly submitted bid shall be summarily rejected.

9. TECHNICAL AND FINANCIAL BID CONDITIONS

PART–1: The Technical Bid Conditions

The role of the Central Government in the introduction of High Security Registration Plates is limited to notifying the standards and specifications of HSRPs, notifying the testing agencies authorized to test the plates and issue Type Approval Certificates (TAC) to vendors, and notifying the date of implementation of the scheme. The Central Government does not grant licenses, appoint distributors, or provide franchises to any vendor.

The role of the State Government is to implement the scheme in accordance with the rules framed by the Central Government. This includes selecting vendors from among those who have been granted Type Approval Certificates by the authorized testing agencies under the Central Motor Vehicles Rules, 1989, and ensuring that proper controls are exercised during the issuance and affixation of these plates. The selection of vendors is the exclusive responsibility of the State Government, and any vendor with a valid Type Approval Certificate may participate in the State-level selection process.
At present, the following testing agencies have been authorized to issue Type Approval Certificates for HSRPs:

1. Central Road Research Institute (CRRI), Delhi – Mathura Road, P.O. CRRI, New Delhi-20
2. Automotive Research Association of India (ARAI), P.B. 832, Pune-411004
3. Vehicle Research & Development Establishment (VRDE), Vahan Nagar, Ahmednagar-414006

The new scheme for High Security Registration Plates was introduced nationwide for new vehicles from 31.05.2005, or from such earlier date as notified by any State for its jurisdiction. For in-use

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vehicles, an additional period of two years was granted to switch over to HSRPs. As on date, eighteen (18) vendors have been granted Type Approval Certificates by the authorized testing agencies.

a. The bidder must be one among the eighteen (18) vendors who, as on date, hold a valid Type Approval Certificate from authorized testing agencies mentioned in https://morth.nic.in/print/131

1.	M/s ShimnitUtsch India pvt. Ltd, 8th floor, Regent Chambers, Nariman Point, Mumbai-400021 Maharashtra. From CRRI	2.	M/s Utsav Safety System (P) Ltd. E-1/12, Vasant Vihar, New Delhi-110 057 From ARAI
3.	M/s Real Industries India Ltd. 34,Rama Road, New Delhi-110 015 From CRRI	4.	Promuk Hoffmann, International Limited, 204,Swapnalok Complex, 92,S.D.Road,Secunderabad-500003. From ARAI
5.	Eastern (Steel & Saws) Industries Pvt. Ltd. B-10,Deonar village Road, Deonar,Mumbai-400038, From CRRI	6.	M/s Omish Traders, Social Compound , Marol Pipline, Andheri-Kurla Road, Andheri (E),Mumbai-400059From ARAI
7.	M/s Metro Wilhem Grewe Ltd. , B-92, Mayapuri Industrial Area, Phase-I, New Delhi-110064 From ARAI	8.	M/s Almighty Impex Pvt. Ltd., C-791, New Friends Colony, New Delhi-110065 From ARAI
9.	M/s. D.D. License Plates, Div. of D.D.Ind. Ltd. F1/9.Okla Industrial Area Phase-I New Delhi-110020From ARAI	10.	M/s. Emperor Granites Pvt. Ltd. Uttam House, 69, P.D. Mellow Road, Carnac Bundr,Mumbai-400009 Maharahstra, From ARAI
11.	M/s Signs India Ltd. 810 (Old 406), Anna Salai, Mount Road, Nandanam, Chennai-600 035.	12.	Rayson's Mid Road Sign Craft Pvt. Ltd. 39-A, First floor, B.J.B Nagar Bhubaneswar-751014

	From ARAI		From ARAI
13.	M/s. Celex Technologies Pvt. Ltd. Poddar Pont, 10th floor, Block 'A', 113, Park Street, Kolkatta – 700 016.From ARAI	14.	M/s. Road Sketch Pvt. Ltd. Flat No.80, MIG Flats, Loni Road, Shahdara, Delhi-110 032 From ARAI
15.	Hind Industries Limited, A-1, Phase-I, Okhla Industrial Area, New Delhi-110 020From ARAI	16.	Agros Impex (I) Pvt. Ltd. 202, Composite House, 170, Prajapat Nagar, Opp:B-2, Gulmohar Park, New Delhi – 110 049 From VRDE
17.	M/S.Arch Promoters Pvt. Ltd., D-103, Defence Colony, New Delhi-110 024From CRRI	18.	RSD Security Solutions Pvt. Ltd., B-68, Sector 36, NOIDA-201301. From ARAI.

b. To participate in the online bidding process, Bidder must be a registered user on E-tender portal https://etenders.kerala.gov.in and have procured a valid Digital signature.

c. Motor Vehicles Department (KMVD), Kerala will not be responsible for delay in online submission by the Bidder, due to any reason.

d. Bidders are required to submit their Bids through e-procurement portal https://etenders.kerala.gov.in before the closure of bid submission date and time.

e. Proper care should to be taken to ensure that the Technical and Financial Bid documents are uploaded in the respective links only.

f. The Technical Bid shall comprise of the following documents which are to be
scanned and uploaded:

TABLE-2

Sl. No.	Qualification Conditions	Documents to be uploaded
1	The Bidder shall be any of the eighteen (18) vendors who, as on date,	A self-attested copy of the valid Type Approval

	hold a valid Type Approval Certificate from authorised testing agencies.	Certificate along with proof of Conformity of Production. Self-attested Copy of the Certificate of Incorporation of the company issued by Registrar of Companies and also attach copy of Company's Articles of Association as well as Memorandum of Association.
2	(a) The Bidder shall submit Net worth statement for the last Financial Year.If the amount of revenue share to be given to the Government quoted by two or more bidders is equal, then selection criteria will depend upon the higher Net Worth of the Bidders. The Bidder having higher Net Worth will be declared as H-1. (b) Annual Turnover of the bidder in last three financial years.	Net worth certificate duly issued by a chartered accountant with UDIN. Certified Copy of the audited profit / loss statement for the last financial year by a Chartered accountant with UDIN, as applicable.
3	The Bidder shall have a valid GST and a valid PAN Number.	Self-attested Copy of GST Registration and PAN.
4	The Bidder shall submit duly notarized Letter for Submission of Technical Proposal.	Form (A) of this RFP on the Letter Head of the Bidder duly signed by authorized signatory and duly notarized.
5	The Bidder shall furnish an undertaking for confidentiality.	Form (B) of this RFP duly signed by authorized signatory
6	The Bidder shall submit its Firm's Profile.	Form (C) of this RFP, duly signed by authorized signatory.
7	Proof of EMD Payment	Documentary proof of EMD payment paid in online mode through the e-GP website should be uploaded along with the technical bid of the tender.
8	Proof of Bid Processing Fee Payment	Proof of payment of Bid Processing Fee paid in online mode through the e-GP website shall be submitted.

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9	The Bidder and its/theirs MD/CEO shall not be under a declaration of ineligibility/ banned/ debarred/ black listed by any State Government orGovernment of Union Territory or Central Government in India and has/have not been convicted by any Court of Competent Jurisdiction in the last three financial years from the Bid submission date.	Self attested Affidavit in Form (D).
10	The bidder must have experience of working on similarprojects with any State Government or Government of India organization/Department/PSU.	Work order issued by the Government Authority / Organization
11	Relevant Valid ISO Certification of bidder.	Bidder must provide the certificate copy
12	Details regarding HSRP manufactured and installed in the past three years in India.	Certified copy from any Government authority.
13	Escalation matrix for public grievance redressal	To be submitted in official letter pad.

Note: All other Forms, that required to be filled and uploaded by the Bidders, shall be filled and uploaded.

PART-2: The Financial Bid Conditions

a. Only those Bids which qualify the Technical Eligibility Criteria shall be eligible for evaluation of financial Bids.
b. The Financial Bid for the establishment and operation of one Automated Testing Station in the designated district shall be submitted in the prescribed "HSRP FORMAT – 1 Financial Bid BOQ."
c. **The Government, vide Letter No. B2/349/2022/TRANS dated 23-07-2025, has issued directions regarding the implementation of High Security Registration Plates (HSRP) through the tender process. It is further informed that the proposed base prices for the implementation of HSRP in vehicles registered prior to 01/04/2019 have been approved, and the Motor Vehicles Department is directed to proceed with the tender process, permitting bidders to quote for a higher share of revenue to the Government (D) as per the table given below**

No	Vehicle Category	Base Dealer Share ₹	Base Government Share	Upper Limit of Price of HSRP for Public
A	B	C	D	C+D = E
1	Two Wheeler	₹ 400	₹ 100	₹ 500
2	Three Wheeler	₹ 500	₹ 100	₹ 600
3	Four Wheeler	₹ 700	₹ 300	₹ 1000
4	Medium & Heavy Motor Vehicle	₹ 700	₹ 300	₹ 1000
5	Tractor & Agriculture Equipment's	₹ 700	₹ 300	₹ 1000

d. The Base Government Share (D) from the values proposed in the submitted rate list shall be increased without exceeding the Upper Limit of Price for HSRP to the public (E).

e. The Bidder shall quote the additional amount, over and above the prescribed Base Government Share, in Rupees, payable to the Motor Vehicles Department, Government of Kerala, per set of High Security Registration Plates (HSRP) issued (per transaction). Such quotation shall be furnished strictly in the format prescribed under Section 4 – HSRP Format 1, and in conformity with the requirements specified in the Scope of Work under Section 4 of this RFP.

f. The amount of revenue share quoted shall be in whole rupees in multiples of Rs. 5/-.

Explanation: The fees collected for HSRP fitment will be processed through the VAHAN Portal, with an escrow account established to manage these funds, subject to the approval of the State Government. The revenue will be distributed according to the predetermined amount specified in the BOQ of the financial bid, ensuring transparency and adherence to agreed terms. As per the financial bid BOQ, the share quoted by the successful bidder will be transferred to the State Government from the total amount of HSRP fitment fee while the remaining balance will be credited to the HSRP vendor.

g. The Bidder who will quote “the maximum gross revenue shares to the

Motor Vehicles Department Government of Kerala" as per "Financial Bid BOQ" shall be selected as Successful Bidder (H-1).

h. In the event that two or more bidders quote the same revenue share payable to the Government, the Kerala Motor Vehicles Department (KMVD) shall invite such bidders for negotiations. The bidder offering the highest revised revenue share during negotiation shall be declared as H-1. If the tie persists even after negotiation, the bidder having the higher Net Worth, as per the financial documents submitted with the bid, shall be declared as H-1.

i. The "H-1" Bidder will be selected as the Successful Bidder after the approval from the Competent Authority.

j. The "H-1" Bidder will be selected as the Successful Bidder after the approval from the Competent Authority and henceforth he will be issued a "Letter of Intent" (LOI) by the Procuring authority and communicated to the Successful Bidder by email.

k. It is informed that only MoRTH authorized l8 companies having Type Approval Certificate for HSRP will be allowed to took part in the tendering process.

l. The successful Bidder shall be liable to submit Security Deposit/ Performance Bank Guarantee for an amount of Rs 50 lakhs within 15 days from the date of issuance of Letter of Intent (LoI), the Procuring Authority may decide to cancel the LoI of H-1 and will issue LoI afresh for H-2 with the condition that if the amount of Motor Vehicles Department's share quoted by "H-2" in the financial proposal is less than the amount quoted by "H-1", then H-2 has to give consent to the payment of revenue share to the Motor Vehicles Department equal to the amount of share quoted by the "H-1" Bidder within 07 days from the date of issue of LoI.

10. MANNER OF SUBMISSION

□ The two-part Bid shall be submitted online within the due date and time of submission.

□ Motor Vehicles Department, Government of Kerala may, at its discretion, extend the deadline for submission of Bids by issuing an addendum/corrigendum, in which case all rights and obligations of Motor Vehicles Department, Government of Kerala and the Bidders previously subject to the original deadline will thereafter be subject to the extended deadline.

□ Motor Vehicles Department, Government of Kerala reserves the right to, without limitation, without incurring any obligation or liability vis-

à-vis any Bidder and without expressing any cause or reason thereof, at any time and at its sole discretion to independently verify, disqualify, reject and/or accept any and all Bids or other information and/or evidence submitted by or on behalf of any Bidder, including without limitation pursuant to and/or in connection with:

i. **Receipt of a Bid after the submission deadline.**

ii. **Failure to submit necessary supporting documentation following a specific request by the Motor Vehicles Department, Government of Kerala**

□ All the Bid documents have to be uploaded on the e-tender portal https://etenders.kerala.gov.in only. Any document submitted manually or by other means would not be accepted.

11. FRAUD AND CORRUPT PRACTICES

a. **The Bidders and their respective officers, employees, agents and advisers shall observe the highest standard of ethics during the Bidding Process and subsequent to the issue of the Letter of Intent (LOI). Notwithstanding anything to the contrary contained herein, or in the LOI, the Procuring Authority may reject a Bid, or withdraw the LOI, or terminate the Contract Agreement, as the case may be, without being liable in any manner whatsoever to the Bidder, if it determines that the Bidder has directly or indirectly or through an agent, engaged in corrupt practice, fraudulent practice, coercive practice, undesirable practice, restrictive practice or collusion in the Bidding Process. In such an event, the Procuring Authority shall be entitled to forfeit and appropriate the EMD or Performance Bank Guarantee, as the case may be, as Damages, without prejudice to any other right or remedy that may be available to the Procuring Authority under the Bid documents and/ or the Contract Agreement, or otherwise.**

b. **Without prejudice to the rights of the Procuring Authority hereinabove and the rights**

and remedies which the Procuring Authority may have under the LOI, or otherwise, if a Bidder is found by the Procuring Authority to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice, restrictive practice or collusion during the Bidding Process, or after the issue of LOI, such Bidder shall not be eligible to participate in any tender or RFQ or RFP issued by the GoK during a period of 2 (two) years from the date of such Bid.

c. **For the purposes of this RFP, the following terms shall have the meaning hereinafter**

respectively assigned to them:

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"Corrupt" means

i. **the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the actions of any person connected with the Bidding Process (for avoidance of doubt, offering of employment to, or employing, or engaging in any manner whatsoever, directly or indirectly, any official of the Procuring Authority who is or has been associated in any manner, directly or indirectly, with the Bidding Process or the LOA or arising there from, before or after the execution thereof, at any time prior to the expiry of one year from the date such official resigns or retires from or otherwise ceases to be in the service of the Procuring Authority, shall be deemed to constitute influencing the actions of a person connected with the Bidding Process); or**

ii. **save and except as permitted under this RFP, engaging in any manner whatsoever, whether during the Bidding Process or after the issue of the LOA, as the case may be, any person in respect of any matter relating to the Project or the LOA, who at any time has been or is a legal, financial or technical adviser of the Procuring Authority in relation to any matter concerning theProject;**

"Fraudulent" means a misrepresentation or omission of facts or suppression of facts or disclosure of incomplete facts, in order to influence the Bidding Process;

"Coercive" means impairing or harming, or threatening to impair or harm, action directly or indirectly, any person or property to influence any person's participation or in the Bidding Process;

"Undesirable" means establishing contact with any person connected with or employed or engaged by the Procuring Authority with the objective of canvassing, lobbying or in any manner influencing or attempting to influence the Bidding Process.

"Restrictive" means forming a cartel or arriving at any understanding or arrangementamong Bidders with the objective of restricting or manipulating a full and fair competition in the Bidding Process.

“Collusion” is a secret agreement between two or more parties to limit open competition by deceiving, misleading, or defrauding others of their legal rights, or to obtain an objective forbidden by law typically by defrauding or gaining an unfair

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market advantage.

12. AMENDMENTS

a. Motor Vehicles Department, Government of Kerala reserves the right to revise the scope of work or specifications considered necessary in the bid process through Addendum / Corrigendum within the opening date of bids.
b. Addendum/Corrigendum to the RFP may be issued by Motor Vehicles Department, Government of Kerala prior to the last date of submission of the Bids to clarify the documents or to reflect any modifications etc. All such addendum/corrigendum shall be treated as an integral part of the RFP. All such addendum/corrigendum shall be notified only on the e-tender portal.
c. In order to afford prospective Bidders reasonable time for preparing their tenders after taking into account such amendments, Motor Vehicles Department, Government of Kerala may, at its discretion, extend the deadline for submission of tender.
d. In case after issuance of addendum/corrigendum any Bidder who has already submitted its Bid, does not resubmit its Bid, it shall be deemed that such Bidder does not intend to modify its Bid on the basis of the addendum/corrigendum and the addendum/corrigendum have been taken into account.

13. VALIDITY OF BIDS

a. Bids shall be unconditional, firm and remain valid and open for acceptance for a period of 180 days from the last date of submission of Bids and shall be extendable for further period of 90 days on the request of the Procuring Authority. Any Bid having validity lower than that specified above shall be rejected by Motor Vehicles Department, Government of Kerala as being non responsive.
b. If a Bidder withdraws or revokes his offer after last date of submission of Bids, the Bidder is liable to be disqualified and EMD of the Bidder will be forfeited as penalty.
c. No Bidder shall carry out any revision/correction/modification in his Bid after the last date of submission of Bids.
d. In case Motor Vehicles Department, Government of Kerala calls the Bidder for clarifications then this shall not amount to cancellation or withdrawal of the original offer.
e. The Motor Vehicles Department, Government of Kerala reserves the right to finalize the technical evaluation by conducting such seeking clarifications, till the start date/time of the financial bid opening and

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prior to declaration of technical evaluation.

14. BID EVALUATION PROCESS

a. Any bid submitted without EMD and Bid processing fee will be disqualified.

b. The Bid shall be downloaded by the Bid Evaluation Committee constituted by the Procuring Authority.

c. TECHNICAL BID EVALUATION

i. All valid bids shall be evaluated and the technically qualified bids shall be determined, as per provision of this RFP.

ii. Financial bids of only the technically qualified Bidders shall be opened.

d. FINANCIAL BIDS OPENING: The Financial Bids of all the technically qualified Bidders shall be opened on the appointed date and time in the presence of the qualified Bidders or their authorized representatives (with duly signed authority letter) who choose to be present at the time of opening of bid.

e. FINANCIAL BID EVALUATION: All valid Financial Bids shall be evaluated specified in this RFP.

15. RIGHT OF MOTOR VEHICLES DEPARTMENT, GOVERNMENT OF KERALA TO ACCEPT OR REJECT ANY OR ALL BIDDERS

Motor Vehicles Department, Government of Kerala reserves the right to accept or reject any bid, and to annul the tender process and reject all Bids, at any time prior to award of Contract without assigning any reasons for such acceptance/rejection, without thereby incurring any liability to the affected Bidder or Bidders or any obligations to inform the affected Bidder or Bidders of the grounds for Motor Vehicles Department, Government of Kerala's action. The Bidders shall not have any cause of action or claim against the Motor Vehicles Department, Government of Kerala for rejection of their bids.

16. PROCESS TO BE CONFIDENTIAL

a. Except the public opening of Bids, information relating to the examination, clarification, evaluation and comparison of Bids and recommendations concerning the award of Contract shall not be disclosed to Bidders or other persons not officially concerned with such process.

b. Any effort by a Bidder to influence the Motor Vehicles Department, Government of Kerala or any of its functionaries in the process of examination, clarification, evaluation and comparison of tenders and in decisions concerning award of contract, may result in the rejection of

the Bid.

17. ACKNOWLEDGEMENT BY BIDDERS

a. It shall be deemed that by submitting the Bid, the Bidder has:-
   i. made a complete and careful examination of the RFP;
   ii. received all relevant information requested from the Procuring Authority;
   iii. accepted the risk of inadequacy, error or mistake in the information provided in the RFP or furnished by or on behalf of the Procuring Authority relating to any of the matters referred IN RFP;
   iv. satisfied itself about all matters, things and information including matters herein above necessary and required for submitting a Bid, execution of the Project in accordance with the Bid documents and performance of all of its obligations there under;
   v. acknowledged and agreed that inadequacy, lack of completeness or incorrectness of information provided in the Bid documents or ignorance of any of the matters referred to RFP shall not be a basis for any claim for compensation, damages, extension of time for performance of its obligations, loss of profits etc. from the Procuring Authority, or a ground for termination of the Contract Agreement by the Bidder;
   vi. agreed to be bound by the undertakings provided by it under and in terms hereof.
   vii. Stamp & sign all the pages of the bid document as acceptance.
b. The Procuring Authority shall not be liable for any omission, mistake or error inrespect of any of the above or on account of any matter or thing arising out of or concerning or relating to the RFP or the Bidding Process, including any error or mistake therein or in any information or data given by the Procuring Authority.

18. EXCLUSION OF BIDS / DISQUALIFICATION

a. A Procuring Authority shall exclude / disqualify a Bid, if: -
   i. the information submitted, concerning the qualifications of the Bidder, was false or constituted a misrepresentation; or
   ii. the information submitted, concerning the qualifications of the Bidder, was materially inaccurate or incomplete; and iii. the Bidder is not qualified as per qualification/ eligibility criteria mentioned in the Bid document;
   iii. the Bid materially departs from the requirements specified in the Bid document or it contains false information;
   iv. a Bidder, in the opinion of the Procuring Authority, has a conflict of interest materially affecting fair competition.
b. A Bid shall be excluded/ disqualified as soon as the cause for its exclusion/ disqualification is discovered.

19. CANCELLATION OF PROCUREMENT PROCESS

a. If any procurement process has been cancelled, it shall not be reopened but it shall not prevent the Procuring Authority from initiating a new procurement process for the same subject matter of procurement, if required.
b. The Procuring Authority may, for reasons to be recorded in writing, cancel the process of procurement initiated by it at any time prior to the acceptance of the Successful Bid; or after the Successful Bid is accepted in accordance with the Bid.
c. The Procuring Authority shall not open any Bids or proposals after taking a decision to cancel the procurement and shall return such unopened Bids or proposals.
d. The decision of the Procuring Authority to cancel the procurement shall be immediately communicated to all Bidders that participated in the procurement process.

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e. If the Bidder whose Bid has been accepted as Successful, fails to accept LOI as required, or fails to provide any required security for the performance of the Work, the Procuring Authority may cancel the procurement process.

20. CODE OF INTEGRITY FOR BIDDERS

No person participating in a procurement process shall act in contravention of the code of integrity prescribed by the State Government. The code of integrity includes provisions for: -

a. prohibiting other Bidders to apply for submitting Bid;
b. any offer, solicitation or acceptance of any bribe, reward or gift or any material benefit, either directly or indirectly, in exchange for an unfair advantage in the procurement process or to otherwise influence the procurement process;
c. any omission, including a misrepresentation that misleads or attempts to mislead so as to obtain a financial or other benefit or avoid an obligation;
d. any collusion, bid rigging or anti-competitive behavior to impair the transparency, fairness and progress of the procurement process;
e. improper use of information shared between the Procuring Authority and the Bidders with an intent to gain unfair advantage in the procurement process or for personal gain;
f. any financial or business transactions between the Bidder and any officer or employee of the Procuring Authority;
g. any coercion including impairing or harming or threatening to do the same, directly or indirectly, to any party or to its property to influence the procurement process;
h. any obstruction of any investigation or audit of a procurement process;
i. Without prejudice to the provisions below, in case of any breach of the code of

integrity by a Bidder or prospective Bidder, as the case may be, the Procuring Authority may take appropriate measures including: -

i. exclusion of the Bidder from the procurement process;
ii. calling-off of pre-contract negotiations and forfeiture or encashment of EMD;
iii. forfeiture or encashment of any other security or bond relating to the procurement;
iv. recovery of payments made by the Procuring Authority along with interest thereon at bank rate;
v. cancellation of the relevant contract and recovery of compensation for loss incurred by the Procuring Authority;
vi. debarment of the Bidder from participation in future procurements of the Procuring Authority for a period not exceeding three years

21. DISCLOSURE OF CONFLICT OF INTEREST

The Bidder should not have a conflict of interest in the procurement in question A declaration in this regard is to be made by Bidder. All Bidders found to have a conflict of interest shall be disqualified.

22. FINE FOR INTERFERENCE WITH PROCUREMENT PROCESS

A Bidder, in addition to the recourse available in this RFP for forfeiting EMD or PBG or Both, shall liable to be punished as per other applicable laws, if it:

a. Withdraws from the procurement process after opening of financial Bids;
b. Withdraws from the procurement process after being declared the Successful Bidder;
c. Fails to accept LOI after being declared the Successful Bidder;
d. Fails to provide Performance Bank Guarantee or any other document required in terms of the Bid

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documents after being declared the Successful Bidder.

23. REPRESENTATIONS AND WARRANTIES OF THE BIDDER

The Bidder represents and warrants to Motor Vehicles Department, Government of Kerala that:

a. it is duly organized, validly existing and in good standing under the laws of incorporation of companies in India or in the country of its incorporation;
b. it has full power and authority to execute, deliver and perform its obligations under this RFP and to carry out the transactions contemplated hereby;
c. it has taken all necessary corporate and other action under Applicable Laws and its constitutional documents to authorize the Execution, delivery and performance of the Contract;
d. it has the financial standing and capacity to Execute the Works;
e. the Contract constitutes its legal, valid and binding obligation enforceable against it in accordance with the terms hereof;
f. it has complied with all Applicable Laws and has not been subject to any fines, penalties, injunctive relief or any other civil or criminal liabilities which in the aggregate have or may have Material Adverse Effect upon the Works;
g. no representation or warranty by the Bidder contained herein or in any other document furnished by it to Motor Vehicles Department, Government of Kerala in relation to Applicable Clearances contains or will contain any untrue statement of material fact or omits or will omit to state a material fact necessary to make such representation or warranty not misleading; and
h. no bribe or illegal gratification has been paid or will be paid in cash or kind by or on behalf of the Bidder to any person to procure the Contract or any other benefit under the Contract to procure other Contracts in relation to which the Bidder may be a party in relation to the Project.

SECTION –3

ACCEPTANCE OF THE SUCCESSFUL BID AND AWARD OF LOI

a. Competent Authority Means Motor Vehicles Department, Government of Kerala.
b. The Registering Authority shall be as per Section 2(37) of the MV Act 1988.
c. The Appellate Authority against the order of Registering Authority shall be the Transport Commissioner, Kerala.
d. The Bidder, who will quote “the maximum gross revenue shares to the State Government "from the date of commencement of operation of HSRP” in the Financial

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Bid BOQ shall be selected as Successful Bidder (H-1).

e. **A Bid shall be treated as Successful only after the Competent Authority has approved the procurement in terms of this RFP.**

f. **As soon as the Bid is accepted by the Competent Authority, its written intimation duly signed by Procuring Authority with seal in the form of Letter of Intent (LoI) shall be sent to the Successful Bidder by email by Procuring Authority and Successful Bidder will submit the Performance Bank Guarantee and Agreement with MVD within 15 days.**

g. **If the Bidder, who's Bid has been accepted, fails to submit the PBG and Agreement within 15 days from the date of issuance of Letter of Intent (LoI) as per the procedure prescribed in this RFP, the Competent Authority will cancel the LoI of H1 and may decide to issue LoI afresh for H-2 with the condition that if the percentage of Motor Vehicles Department's share quoted by "H-2" in the financial proposal is less than the amount quoted by "H-1", then H-2 has to give written consent to the payment of revenue share to the Motor Vehicles Department equal to the amount of share quoted by the "H-1" applicant within 7 days from the date of issue of LoI.**

h. **In case of non-submission of PBG and Agreement within prescribed period by H-1 or H-2 as the case maybe, the Competent Authority will have the right to forfeit the EMD as well as take other appropriate penal action(s), including blacklisting of the said Bidder(s).**

i. **The successful Bidder shall start fitment of HSRP within 30 days from the date of issue of LoI.**

j. **The Successful Bidder shall establish and maintain an online portal–based booking system to facilitate appointments for vehicle owners seeking affixation of HSRPs.**

k. **The Successful Bidder shall be responsible for verifying the authenticity of vehicle details prior to affixation of HSRPs. The Kerala Motor Vehicles Department (KMVD) shall have the right to conduct surprise inspections to ensure compliance.**

SECTION–4
SCOPE OF WORK

1. OBJECTIVE OF THE SCHEME

1.1 Objective of the scheme is to ensure uniformity in size, colour and specifications of the High Security Registration Plates all over India, to all types of vehicles being registered/ already registered as per the guidelines from the Ministry of Road Transport & Highways, New Delhi vide Gazette Notification dated 28th March 2001. However, it will be mandatory for the existing / already registered vehicles, to replace the existing number plates with the new High Security Registration Plates, within such time as may be specified by the Government

1.2 High Security Registration Plates and the 3rd Registration plate shall be issued and fixed in the manner prescribed in the Government of India Notification on vehicle. The Government may give directions about the colour or additional information which should be printed on the 3rd High Security Registration Plate to the bidder from time to time, but such changes will be intimated to the bidder 60 days in advance before implementation.

1.3 Objective of bidding process:

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Objective of the bidding process is to ensure that the manufacturer selected by the Government complies with the overall objective of the statutory rules as prescribed in CMVR Rule 50 and 51of the Ministry of Road Transport & High ways, Government of India, and has capability and capacity to invest and build necessary infrastructure.

Since High Security Registration plate has been introduced by the Ministry of Road Transport & High ways, as a highly sensitive product for prevention of crimes and involves high security features to prevent counterfeiting and duplication of High Security Registration Plates, it is intended to select a manufacturer who would have necessary experience, expertise and exposure to such complex works in India, so that the objective of the scheme is not diluted or vitiated, in view of the strictest adherence of the high security features involved and to impose accountability on the part of the successful bidder.

2. SCOPE OF THE BID

2.1 The Transport Commissioner, on behalf of the Government of Kerala, invites bids for the selection of a concessionaire to establish infrastructure and supply High Security Registration Plates (HSRPs) to vehicle owners across the State of Kerala, in conformity with Rule 50 and Rule 51 of the Central Motor Vehicles Rules, 1989, and in accordance with the notifications and orders issued by the Ministry of Road Transport & Highways, Government of India, vide S.O. No. 814(E) dated 22.08.2001 and S.O. No. 1041(E) dated 16.10.2001 (hereinafter referred to as the “said Notifications”).

2.2 The scope of work shall include establishing and maintaining complete infrastructure for the manufacture, supply, and affixation of HSRPs to all classes of motor vehicles in the State of Kerala, registered prior to 1st April 2019, strictly adhering to the technical specifications prescribed in the said Notifications. Data regarding vehicles already registered can be obtained from the Office of the Transport Commissioner; however, the Government shall not be bound by any increase or decrease in the number of vehicles for HSRP fitment.

2.3 The Successful Bidder shall set up, install, and operationalize the complete infrastructure within 30 (thirty) days of issuance of the Letter of Intent (LOI) and submit an undertaking to this effect.

2.4 In the event of failure to commence HSRP fitment within the stipulated 30 (thirty) days of LOI issuance, the Successful Bidder shall be liable to pay a penalty of Rs. 10,000/- (Rupees Ten Thousand only) per day, recoverable from the Earnest Money Deposit (EMD) or the Performance Bank Guarantee (PBG).

2.5 Any public grievance relating to HSRP fitment shall be addressed and resolved within 48 (forty-eight) hours of receipt. Failure to redress such grievances within the stipulated time shall attract a penalty of Rs. 1,000/- (Rupees Thousand only) per day per grievance or part thereof. The Successful Bidder shall also submit an escalation matrix for grievance

redressal on its official letterhead, duly endorsed by the Kerala Motor Vehicles Department (KMVD).

2.6 A formal agreement shall be executed between KMVD and the Successful Bidder upon furnishing of the Performance Bank Guarantee. The detailed terms and conditions of implementation shall be incorporated in the said agreement.

2.7 To prevent overcrowding during HSRP booking and affixation, vehicle registration numbers shall be distributed in a staggered manner on a monthly basis. The Successful Bidder shall also undertake awareness campaigns, with prior approval and endorsement from KMVD.

2.8 The Successful Bidder shall ensure that the manufacturing, supply, and fitment processes of HSRPs are subjected to periodic audits and assessments by a NABL-accredited agency or any other agency notified by the Central Government, at intervals specified by KMVD. The audit shall cover aspects such as plate quality, compliance with prescribed specifications, accuracy of laser-etching, affixation process, data integrity, and adherence to timelines. The cost of such audit shall be borne by the Successful Bidder.

2.9 Any discrepancy or non-compliance identified during such audit shall be rectified by the Successful Bidder within 10 (ten) working days of receipt of the audit report, failing which the Department may impose penalties, recover dues, or initiate action including suspension/termination of the agreement.

SECTION –5
EVALUATION PARAMETERS

1. **EVALUATION CRITERIA**

   i. **The evaluation of the bids shall be done by a Bid Evaluation Committee constituted for the purpose by the Procuring Authority.**

   ii. **The evaluation shall be strictly based on the information and supporting documents provided by the applicants in the bid.**

   iii. **It is the responsibility of the Bidder to provide all supporting documents necessary to fulfil the mandatory eligibility criteria. In case, the required information is not provided by Bidder, the Bid Evaluation Committee shall proceed with evaluation based on information provided and shall not request the Bidder for further information. Hence, responsibility for providing information as required lies solely with the Bidder.**

   iv. **It is expressly made clear that mere submission of bid, eligible or not eligible, shall not confer any right what so ever on any such Bidder.**

   v. **Any bid submitted by the Bidder, which fails to satisfy the eligibility requirements, shall not be considered and summarily rejected.**

   vi. **Motor Vehicles Department, Government of Kerala will have the right to accept or reject any or all**

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bids, received in response to this tender and its decision in this regard shall be final and binding.

2. METHODOLOGY FOR EVALUATION (TECHNICAL BID)

i. Technical Bids shall be tabulated by the Bid Evaluation Committee in the form of a comparative statement to evaluate the qualification of the Bidders against the criteria for qualification set out in this RFP as mentioned below:

ii. The members of Bid evaluation committee shall give their recommendations below the table as to which of the Bidders have been found to be qualified in evaluation of Technical Bids and sign it.

iii. The recommendations of the Bid evaluation committee shall be subject to the approval of the Competent Authority, and as finally approved by the Competent Authority, those who qualify in the technical evaluation shall be informed for downloading of their Financial Bid through e-tender portal https://etenders.kerala.gov.in.

3. EVALUATION OF FINANCIAL BID

Only those bids which qualify the Technical eligibility criteria shall be eligible for evaluation of Financial bids as mentioned in table 2 of section 2 i.e., instructions to bidders.

a. **The Financial Bid document shall be filled as per the format provided in the RFP.**
b. **It shall be duly signed by the authorized signatory and the same shall be scanned and uploaded on the e-tender portal.**
c. **Proper precaution shall be taken by the Bidder to upload the Financial Bid document only against the slot/link specified for "Financial Bid" and not to be uploaded in any other slots/links. Any mistake in this regard by the Bidder shall be sole responsibility of the Bidder and the wrongly submitted bid shall be summarily rejected.**
d. **Only those Bids which qualify the Technical Eligibility Criteria shall be eligible for evaluation of financial Bids.**
e. **Financial Bid shall be submitted in "Financial Bid BOQ".**
f. **In the Financial Bid, the Bidder shall quote, the "share of gross revenue payable to the Motor Vehicles Department, Government of Kerala.**
g. **The Bidder who will quote "the maximum gross revenue shares to the Motor Vehicles Department Government of Kerala" as per "Financial Bid BOQ": shall be selected as Successful Bidder (H-1).**
h. **If the amount of revenue share to be given to the Government quoted by two or more bidders is equal, then selection criteria will be as specified in Section 2: Clause 9 (h).**
i. **The "H-1" Bidder will be selected as the Successful Bidder after the approval**

of the Competent Authority.

4. CORRECTION OF ARITHMETIC ERRORS IN FINANCIAL BIDS

If there is a discrepancy between words and figures, the value in words shall prevail.

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FORM (A)

LETTER FOR SUBMISSION OF TECHNICAL PROPOSAL

[To be executed on the Letter Head of the Bidder]

(Notarized scanned copy to be uploaded along with Technical Bid)

To,

The Transport Commissioner

Transport Commissionerate, 2nd Floor,
Trans Towers, Vazhuthacaud, Thycaud P.O,

Thiruvananthapuram - 695014

Dear Sir,

1. **I/We, the undersigned, offer our bid in response to your RFP No..... dated: ..... District ..... Tender ID .....**
2. **I/We are hereby uploading our Bid, which includes the Technical Bid and a Financial Bid.**
3. **My/Our Bid is valid for a period of 180 days from the last date of Submission of Bids, extendable further for the additional period of 90 days, on request of Motor Vehicles Department, Government of Kerala, without any additional cost.**
4. **I/We hereby declare that all the information and statements made in this Bid, are true and complete in all respects and are as per the requirements of the RFP.**
5. **I/We further understand that any information, which is found false or is not as per the requirements and terms & conditions of the RFP, may cause disqualification of my/our Bid.**
6. **I/We hereby declare that I/We have submitted Earnest Money Deposit and Bid Processing Fee of requisite value in the form and manner as specified in the RFP.**
7. **If negotiations are held during the period of validity of the Bid, I/we undertake that my/our Bid will be binding upon us and will be subject to the modifications resulting from Contract negotiations. However, the Bid validity continues to be 180 days and is extendable further for the additional period of 90 days, on request of Motor Vehicles Department, Government of Kerala, without any additional cost.**
8. **I/We acknowledge the right of the Procuring Authority to reject my/our Bid without assigning any reason or otherwise and hereby waive, to the fullest extent permitted by applicable law, our right to challenge the same on any account whatsoever.**
9. **I/We certify that in the last three financial years from the bid submission date, I / we have neither failed to perform on any contract, as evidenced by imposition of a penalty by an arbitrary or judicial authority or a judicial pronouncement or arbitration award, nor been expelled from any project or contract by any public authority nor have had any contract terminated by any public authority for breach on our part, nor been banned or debarred or blacklisted by GoK or any other Ministry/Department of the Govt. of India/State Govt. from participation in tenders/contract.**
10. **I/We declare that:**
    a. **I/ We have examined and have no reservations to the RFP document, and**
    b. **I/ We do not have any conflict of interest in accordance with any Clauses of the** RFP document; and
    c. **I/We have not directly or indirectly or through an agent engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice, as defined in the RFP document, in respect of any tender or request for proposal issued by or any**

Agreement entered into with the Government or any other public sector enterprise or any Government,Central, Union Territory or State; and

d. I/ We hereby certify that we have taken steps to ensure that in conformity with the provisions of the RFP document, no person acting for us or on our behalf has engaged or will engage in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice; and

e. The undertakings given by me/us along with the Bid for the Project are true and correct as on the Bid Due Date and I/ we shall continue to abide by them.

1. I/We understand that the Procuring Authority may cancel the Bidding Process at any time and that the Procuring Authority neither bound to accept any Bid that the Procuring Authority may receive for the Project, without incurring any liability to the Bidders, in accordance with Clauses of the RFP document.
2. I/We believe that I/we satisfy the Net Worth criteria and meets all the requirements as specified in the RFP document and is /are qualified to submit a Bid.
3. I/ We certify that in regard to matters other than security and integrity of the country, I/We have not been convicted by a Court of Law or indicted or adverse orders passed by a regulatory authority which could cast a doubt on our ability to undertake the Project or which relates to a grave offence that outrages the moral sense of the community.
4. I/ We further certify that in regard to matters relating to security and integrity of the country, I/We have not been charge-sheeted by any agency or convicted by a Court of Law.
5. I/ We further certify that no investigation by a regulatory authority is pending either against me/us or against our Associates or against our CEO or any of our directors/managers/ employees.
6. I/ We hereby irrevocably waive any right or remedy which I/we may have at any stage at law or howsoever otherwise arising to challenge or question any decision taken by the Procuring Authority in connection with the qualification/ short listing of Bidders, selection of the Bidder, or in connection with the selection/ Bidding Process itself, in respect of the above mentioned Project and the terms and implementation thereof.
7. I/ We have studied all the Bid documents carefully and also surveyed the Project.I/We understand that except to the extent as expressly set forth in the Contract Agreement, we shall have no claim, right or title arising out of any documents or information provided to us by the Procuring Authority or in respect of any matter arising out of or relating to the Bidding Process including the award of Contract.
8. I/ We agree and understand that the Bid is subject to the provisions of the Bid documents. In no case, I/we shall have any claim or right of whatsoever nature if the Project / Contract are not awarded to me/us or our Bid is not opened or rejected.
9. I/ We agree and undertake to abide by all the terms and conditions of the RFP document.

In witness thereof, I/ we submit this Bid under and in accordance with the terms of the RFP document.

Yours sincerely,

Authorized Signature [In full]:

Authorized Signature [In initials]:

Name and Title of Signatory

Name of the Company

Seal of the Company

Date

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FORM (B)

LETTER OF UNDERTAKIN

[On the letterhead of the Bidder]

(To be scanned and uploaded)

Date:

To,

The Transport Commissioner
Transport Commissionerate, 2nd Floor,
Trans Towers, Vazhuthacaud, Thycaud P.O,
Thiruvananthapuram - 695014

Ref: RFP No ……..... dated: ..... District …… Tender ID ……..

I/We acknowledge that the documents for RFP No……. dated ..... are confidential and I/we hereby undertake as follows:

1. **I/We shall not at any time whatsoever:**
   i. **disclose, in whole or in part, any Confidential Information received directly or indirectly from the Motor Vehicles Department, Government of Kerala to any third party.**
   ii. **reproduce, publish, transmit, translate, modify, compile or otherwise transfer the Confidential Information.**
2. **In case my/ our bid is not accepted, I/we shall:**
   i. **return all Confidential Information including without limitation, all originals, copies, reproductions and summaries of Confidential Information; and**
   ii. **destroy all copies of Confidential Information in our possession, power or control, which are present on magnetic media, optical disk or other storage device, in a manner that ensures that the Confidential Information is rendered unrecoverable.**
3. **I/We shall certify to Motor Vehicles Department, Government of Kerala that I/we have returned or destroyed such Confidential Information to Motor Vehicles Department, Government of Kerala within two (2) days of non-acceptance of my/our Bid.**
4. **I/We shall certify to Motor Vehicles Department, Government of Kerala that that the HSRP proposed to be manufactured and fitted meets the CMVR 1989requirements and all additional tests, as required by this RFP.**

Signature of Authorized Signatory
Name
Designation
Seal

FORM (C)

SOLE / LEAD BIDDER'S FIRM PROFILE

(To be filled and upload scanned copy along with Technical Bid)

Firm Information

Bidder's Profile	
a) Company Name	

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b) Registered address (in full)	
c)Details of registration (in full)	
d) Principal place of business	
e)Telephone number and Mobile number	
f)Fax number	
g) Website	
h) Authorized signatory for this Bid Name Designation Email Mobile number Landline number	
i)Brief description of company's principal activities with emphasis on scope of work (Use separate sheets if required)	

2. Description & Capability of Firm

[Provide here a brief (a maximum of three pages) description of the organization and an explicit statement of capability of the organization.]

3. Organization Structure of Firm

Please provide the Organization Chart showing company structure, Including positions of directors and managers and location of all other offices in India.Please provide a statement about the total number of employees of the Bidder, their skill sets with specific information on the employees based in India.

Signature of Authorized Signatory
Name
Designation
Seal

FORM (D)

DECLARATION REGARDING BLACKLISTING/NON-BLACKLISTING

(TO BE EXECUTED ON RS. 100/- STAMP PAPER &ATTESTED BY PUBLIC NOTARY/EXECUTIVE MAGISTRATE BY THE APPLICANT)

(To be filled and upload scanned copy along with Technical Bid)

Date:

To

The Transport Commissioner

Transport Commissionerate, 2nd Floor,
Trans Towers, Vazhuthacaud, Thycaud P.O,
Thiruvananthapuram - 695014

Ref: RFP No ……..... dated: ..... District …… Tender ID ……

I/We hereby declare and undertake that My/Our Company and all members of the Consortium (Joint Venture, if applicable) and its/theirs MD/CEO shall not be under a declaration of ineligibility/ banned/ debarred/ black listed by any State Government or Government of Union Territory or Central Government in India and has/have not been convicted by any Court of Competent Jurisdiction in the last three financial years from the bid submission date.

In case the above information is found false, I/We further declare and undertake that the Motor Vehicles Department, GoK will have the right to reject my/our Bid and/or cancel the registration of the HSRP Vendor, forfeit the EMD and shall take other penal actions as per law.

Signature of Autorised Signatory
Name
Designation
Seal

FORM (E)

Motor Vehicles Department,
Government of Kerala
The Transport Commissioner
Transport Commissionerate, 2nd Floor,
Trans Towers, Vazhuthacaud, Thycaud P.O,
Thiruvananthapuram - 695014
Email: tc.mvd@kerala.gov.in

LETTER OF INTENT (LOI)

Letter No: ……. Dated: …….

To,

<Name of the Successful Bidder>

Address …….

Ref: RFP No ……..... dated: ..... District ……
Tender ID ……

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Sub: Letter of Intent for HSRP fitment in vehicles registered prior to April 2019.

Dear Sir,

In reference to the aforementioned RFP, this is to inform you that you have been selected as the Successful Bidder by the Motor Vehicles Department, Government of Kerala vide letter number …… dated …….

You are hereby informed and directed to submit a Security Deposit/ Performance Bank Guarantee (PBG) of Rs 50 lakhs only and enter into an Agreement with MVD within 15 days from the issuance of this LOI.

If you fail to submit the required documents within the stipulated time, your LOI will stand cancelled automatically and afresh LOI will be issued in favour of H2 as per provisions of this RFP. Also your non-submission of documents will result in forfeiture of the EMD submitted by you as well as shall attract other penal actions including blacklisting in accordance with the relevant provisions of the said RFP.

Yours faithfully,

Signature of Authorized Signatory
Name
Designation
Seal

ATS FORMAT – 1

(Not to be uploaded along with technical Bid)

FINANCIAL BID FOR THE FITMENT OF HSRP INTHE STATE OF KERALA

TO,

The Transport Commissioner
Transport Commissionerate, 2nd Floor,
Trans Towers, Vazhuthacaud, Thycaud P.O,
Thiruvananthapuram – 695014

Ref: RFP No ……..... dated: ..... District .....Tender ID ……

DEAR SIR,

IN REFERENCE TO THE AFORESAID RFP, I/WE HEREBY SUBMIT THEFINANCIAL BID FOR THE FITMENT OF HSRP IN KERALA FOR VEHICLES REGISTERED PRIOR TO APRIL 2019 AS FOLLOWS:

DESCRIPTION	THE ADDITIONAL AMOUNT, OVER AND ABOVE THE PRESCRIBED BASE GOVERNMENT SHARE(D) PAYABLE TOTHE MOTORVEHICLESDEPARTMENTGOVERNMENT OF KERALA PERSET OF HSRP (IN WORDS ALSO)
1	2

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THE ADDITIONAL AMOUNT, OVER AND ABOVE THE PRESCRIBED BASE GOVERNMENT SHARE(D), IN RUPEES, PAYABLE TO THE MOTOR VEHICLES DEPARTMENT, GOVERNMENT OF KERALA, PER SET OF HIGH SECURITY REGISTRATION PLATES (HSRP) ISSUED (PER TRANSACTION)	

Signature of Authorized Signatory
Name of Signatory
Designation
Seal

NAGARAJU CHAKILAM IPS
TRANSPORT COMMISSIONER

Motor Vehicle Department, Kerala

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