



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
 दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)
 सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment
 भारत सरकार/Government of India

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364
 5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364
 Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No: 14080/1092/2023

In the matter of—

Shri Shailesh Kumar
 R/o. 5/1, New Minto Road, Hostel,
 Block-II, Minto Road Complex
 Delhi - 110002
 Email - kumar.shailesh.sspl@gov.in
Complainant

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Versus

The Secretary
 Department of Heavy Industry (AEI Section)
 Ministry of Heavy Industries & Public Enterprises
 Udyog Bhawan, New Delhi - 110011
 Email - m.subramaniyan@nic.in
No. 1

...Respondent

The Secretary,
 Ministry of Road Transport and Highways,
 Transport Bhawan, Parliament Street, New Delhi
 Email: rn.dixit48@gov.in; dixitmta@gmail.com
Respondent No. 2

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Hearing (I):

A hearing was held in hybrid mode (online/offline) on 06.02.2025 at the Office of Chief Commissioner for Persons with Disabilities. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties /Representatives	Parties	Mode
1.	Shailesh Kumar	Complainant	Online
2.	Ajay Kumar, Under Secretary, MoHI&PE	For Respondent No.1	Online
3.	Sushil Kumar Geeva	For Respondent	Online

Under Secretary, MoRTH	No.2	
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RECORD OF PROCEEDINGS

1. The Complainant, a person with 50% Locomotor Disability, purchased a Car with the brand name Kia Carens from the dealer named Allied Kia at Connaught Place. He submitted that despite being a PwD, he is not getting benefits meant for the PwD's therefore Complainant bought the car as a normal person.

2. The Complainant submitted two issues before this Court:

(a) Divyang person forced to buy a Car less than 4 meter for availing the benefits of GST concession.

(b) Without GST concession, the benefits of exemption from payment of toll are denied as the RTO refuses to mention the word Divyangjan against the Ownership Type in the RC.

3. The Repondent No. 1 submitted that the instructions of the Ministry of Heavy Industries are very clear. As per the guidelines issued with reference to Notification No. 14/2019 Integrated Tax (Rate) dated 30th September, 2019. Which clearly states that:

C. in Schedule III - 18%, -

(i). against S. No. 24A, in column (3), after the words "coconut water", the words "and caffeinated beverages" shall be inserted;

(ii). against S. No. 108, in column (3), after the words "other closures, of plastics", the brackets, words, letters and figures "(except the items covered in Sl. No. 80AA in Schedule II)", shall be inserted;

(iii). in S. No. 400, for the entry in column (3), the entry,

"Following motor vehicles of length not exceeding 4000 mm, namely: -

(a) Petrol, Liquefied petroleum gases (LPG) or compressed natural gas (CNG) driven vehicles of engine capacity not exceeding 1200cc; and

(b) Diesel driven vehicles of engine capacity not exceeding 1500 cc

for persons with orthopedic physical disability, subject to the condition that an officer not below the rank of Deputy Secretary to the Government of India in the Department of Heavy Industries certifies that the said goods shall be used by the persons with orthopedic physical disability in accordance with the guidelines issued by the said Department", shall be substituted;

4. The Respondent No. 2 submitted that advisory GSR 661/2020 dated 22nd October 2020 released by them clearly states that Divyangjan can avail of various benefits, and schemes under ownership either with GST concession or without GST concession. The Respondent No. 2 further submitted that Respondent No. 2 is mandated to make rules but implementation of such rules lies with the state governments concerned and the Delhi State Transport Commissioner is in a better

position to solve the queries asked by the Complainant.

5. The Complainant further submitted that he had raised his concerns with the Delhi Transport Commissioner via email along with the copy of the advisory dated 22nd October 2020 released by the Respondent No. 2, but no response was received yet.

6. After hearing both parties, the Court observed that MoRTH is very clear on their position as the fault happened at the stage of the registration of the vehicle by RTO.

7. This Court directed the Respondent No. 2 to ensure that the advisory released by Respondent No.2 should reach all the state governments and all the ground-level executors and ensure the Complainant benefits at the earliest and such response shall be submitted within 15 days to this Court.

8. This is issued with the approval of the Commissioner for Persons with Disabilities.

**Digitally signed by
Praveen Prakash Ambashta
Date: 29-03-2025 10:40:25**

(P. P. Ambashta)
Dy. Chief Commissioner