सत्यमेव जयते
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**
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Case No: 14104/1141/2022

In the matter of –

Shri Shantanu Bhandyopadhyay	… Complainant
Versus	
The Secretary, Ministry of Road Transport and Highways	… Respondent No. 1
The Secretary, Road Transport office, Kolkata	… Respondent No. 2
The Chairman, National Highways Authority of India	… Respondent No. 3

1. Gist of the complaint:

1.1 Shri Shantanu Bandyopadhyay, a person with 50% locomotor disability, filed a complaint dated 20.04.2023 and submitted that his RC smart card application has been lying pending and unattended in the Howrah RTO office since 2015. He deposited all the necessary fees for the amendment. Despite several correspondences with the Howrah RTO through email and speed post, no reply was received.

1.2 He has corresponded with MORTH and NHAI many times via email for exempting the Road and Toll Taxes, which were not approved. Though Kolkata RO/NHAI initially approved his application No. RO-KOL-21121291229 dated 25.02.2022 on 02.03.2022, the CO/Division NHAI Team denied it on 04.03.2022.

2. Notice issued to the respondents:

A Notice dated 02.06.2023 was issued to the Respondents for forwarding their comments within 30 days to this Court u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as “the Act”). The final reminder dated 04.07.2023 under Rule 38 (2) of the Rights of Persons with Disabilities Rule, 2017, was issued to the Respondent.

3. Reply filed by the respondents:

3.1 Respondent No. 3 (General Manager, NHAI) stated in their reply dated 27.07.2023 that vehicle fee exemption is provided only to Divyangjan (persons with disabilities) as per the existing NH Fee Rules. The complainant's vehicle was neither specially designed for Divyangjan nor registered under that category; hence, the exemption request was denied.

3.2 Respondent No. 1 (Under Secretary, MoRTH, Toll Section), in reply dated 31.07.2023, reaffirmed that toll exemptions are granted as per Rule 11(e) of the NH Fee Rules 2008, which applies to vehicles either specially designed or registered as "Divyangjan."

3.3 Respondent No. 1 added vide letter dated 06.09.2023 that the Motor Vehicles Act, 1988 defines adapted vehicles and MoRTH vide letters dated 14.06.2016 and 13.11.2020 had issued guidelines regarding procedure for grant of driving licenses and registration certificates to differently able persons. Moreover, MoRTH had issued a Notification dated 22.10.2020, followed by an advisory dated 03.02.2023, requesting the registering authority of all States/UTs to record the ownership type "Divyangjan" in the Registration Certificate.

3.4 Respondent No. 2 (Additional Secretary, Transport Dept., West Bengal) confirmed vide letter dated 13.09.2023 that a state notification mandates Registering Authorities to record “Divyangjan” as the ownership type for vehicles owned by persons with at least 40% orthopaedic disability to avail of exemptions.

4. Rejoinder filed by the complainant:

4.1 The Complainant, in a rejoinder dated 01.08.2023, reiterated his complaint and submitted that RTO Howrah amended his RC documents five times from 11.06.2015 to 24.06.2015 with applicable fees in the name of different particular fees. On the same vehicle history report, you can notice that even on 19.06.2015, the concerned RTO deregistered his said vehicle, too. But a new card was not issued.

4.2 His four-wheeler RC, bearing registration no. WB12B5916, clearly indicates the ownership type as "Divyangjan," but his RC smart card does not reflect this.

5. Hearing: A hearing was scheduled on **11.06.2025** in hybrid mode (offline /online through Video Conferencing). The following parties/representatives were present during the hearing:

Sl. No.	Name & Designation of the Parties	Representing	Mode
	Mr. Shantanu Bandopadhyay – Complainant	Complainant	Online
	Mr. Ankit Dugar - Director, Ministry of Road Transport & Highways	Respondent No. 1	Online
	Mr. Shantanu Bhattacharjee - Under Secretary, MoRTH	Respondent No. 1	Online
	Mr. S. Nag – GM, CO Division, NHAI	Respondent No. 3	Online

6. Record of proceedings:

6.1 The Complainant submitted that he had approached the Road Transport Office, West Bengal, in 2015 to obtain an RC (Registration Certificate) for his four-wheeler, bearing number WB12B5916, and to get it categorised as a Divyangjan vehicle to avail road tax exemptions and other benefits as per applicable policies. Despite submitting the application, documents, and paying the applicable fee (₹50 on 11.06.2015), he was compelled to pay ₹17,000 as road tax.

6.2 The Complainant further stated that his vehicle was deregistered on 19.06.2015. He was unaware that the paper RC indicated the car as "Divyangjan type"; the smart card RC did not reflect this. He was denied the FASTag exemption until early 2024. He has no grievance against NHAI, as the FASTag exemption has since been granted. Despite relevant circulars, his grievance remains with the Ministry of Road Transport and Highways (MoRTH) regarding the lack of road tax exemption. He had paid full road tax for 15 years, and the RC was not renewed or reissued appropriately.

6.3 The Respondent No. 1, Ministry of Road, Transport, and Highways (MoRTH), submitted that as per the Government of India advisory dated 03.02.2023, and reiterated on 02.04.2025, the Central Government had clearly directed states to ensure road tax exemption and proper mention of “Divyangjan” in RCs. The issue of road tax exemption and registration as a Divyang vehicle falls under the jurisdiction of state governments. MoRTH had fulfilled its role by issuing relevant advisories and circulars.

6.4 Respondent No. 3, National Highway Authority of India (NHAI), stated that the FASTag exemption had already been provided to the complainant in early 2024. There is no active grievance pending against NHAI.

6.5 No one was present on behalf of Respondent No. 2, Road Transport Office (RTO), West Bengal, despite being impleaded by the Court.

7. Observations and recommendations:

7.1 The Court observes that Respondent No. 1 has issued necessary advisories to states, Respondent No. 2 has granted FASTag exemption, and no grievance remains against it. The remaining issue pertains to the Howrah RTO and state-level implementation of policy, which is under the jurisdiction of the Government of West Bengal.

7.2 Since Respondent No. 2, RTO, has not appeared despite being notified, and the grievance lies primarily from their inaction, the Court holds that the matter falls within the jurisdiction of the State Commissioner for Persons with Disabilities (SCPD), West Bengal.

7.3 The Court recommends that the matter be transferred to the SCPD, West Bengal, for appropriate inquiry and redressal. The State Commissioner is requested to investigate and dispose of the matter as per the statutory mandate and powers

7.4 Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 14-10-2025
17:28:52

(S. Govindaraj)
Commissioner for Persons with Disabilities