



सत्यमेव जयते

Exha

**न्यायालय मुख्य आयुक्त विकलांगजन**  
**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES**  
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities  
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment  
भारत सरकार / Government of India

Case No.6331/1141/2016, 6520/1141/2016  
5775/1141/2016, 6394/1141/2016

Dated 30.03.2017

In the matter of:

Case No. 6331/1141/2016

Shri Bipin Maheshbhai Soni, R295  
Plot No. 9, Ramvadi,  
Bhachau-370140, Gujarat.

....Complainant

Case No. 6520/1141/2016

Shri Karmvir Singh, R296  
2116, Type-IV, D.A. Flats,  
Gulabi Bagh, Delhi-110007.

..... Complainant

Case No.5775/1141/2016

Shri Sanjay Kumar, R297  
House No. 1097A, Gali No.10,  
Govindpuri, Kalkaji, New Delhi -110019.

..... Complainant

Case No. 6394/1141/2016

Shri Digambar Janardan Borse, R298  
D-603, Shree Ganesh Graceland,  
S.No. 8/2/2, Behind Rainbow Plaza,  
Rahatani, Pune-411017.

..... Complainant

Versus

KL Department of Heavy Industry, R299  
Through: Under Secretary (AEI Section),  
Ministry of Heavy Industries & Public Enterprises,  
Room No. 384, Udyog Bhawan,  
New Delhi-110011.

..... Respondent

**Date of hearing: 01.03.2017**

Present :

1. Shri Karmvir Singh, Complainant.
2. Shri Ajay Kumar Gaur, Under Secretary, on behalf of Respondent.

**ORDER**

The above named complainants S/Shri Bipin Maheshbhai Soni, a person 80% locomotor disability filed a complaint vide email dated 12.05.2016 , Shri Karmvir Singh, a person with 90% locomotor disability filed a complaint dated 09.06.2016, Shri Digambar Janardan Borse, a person with 43% cerebral palsy with left hemi-paresis filed a complainant dated 11.05.2016 and

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(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

Shri Sanjay Kumar, a person with 56% locomotor disability filed complaints dated 13.01.2016 and 01.02.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', regarding Excise Duty Concession Certificate on purchase of car by a person with disability and delivering the Maruti Celerio ZXI AMT(O) car by Maruti Suzuki India Limited respectively.

**Case No. 6331/1141/2016: (Shri Bipin Maheshbhai Soni)**

2. The complainant submitted that he bought a car (Swift zdi) from Maruti Suzuki India Ltd. on 15<sup>th</sup> July, 2014 and applied for Excise Duty concession to the Ministry of Heavy Industries & Public Enterprises. He was told by the Ministry to furnish Manufacturer's certificate from Maruti Suzuki India Ltd. (MSIL) to avail this concession, MSIL denied to provide him the Manufacturer's Certificate and told that they provide Manufacturer's Certificate only to left leg disabled persons. According to record of Ministry of Heavy Industries & Public Enterprises persons having disability in both lower limb is eligible for the excise duty concession. The complainant has asked the Department of Heavy Industry that if the guidelines says that "(c) Even the concession available on cars meant for physically handicapped", it does not matter he is able to drive or not, it does not matter the car is modified or not, concession should be given.

3. The matter was taken up under Section 59 of the PwD Act, 1995 with the respondent vide this Court's letter dated 12.08.2016 followed by reminder dated 4.10.2016.

4. The respondent vide letter No.16(61)2015-AEI dated 24.10.2016 has endorsed enclosed a copy of the letter addressed to the Complainant and copy to this Court a copy of the Notification dated 21.04.2016 read with corrigendum dated 02.05.2016 and has intimated that to explore for obtaining certificate from Road Transport Office of State Road Transport Authority as per the enclosed notification.

**Case No.6520/1141/2016 (Shri Karmvir Singh)**

5. The complainant submitted that his both the lower limbs are not functioning but his hands are well functional. He booked Maruti Celerio ZXI AMT (O) silky silver Car with Magic Auto Pvt. Ltd., Sector-13, Metro Station, Dwarka, New Delhi-110078 on 24.04.2016 and deposited an booking amount of Rs.2000/-, Booking Receipt No.REC16029807. After sometime, Shri Narender Arora, G.M., Sales told him to deposit Rs.50,000/- as booking amount for disabled car. He deposited Rs.50,000/- vide receipt No.REC16030159 on 10.05.2016. He also submitted all the requisite documents as per letter dated 14.06.1999 and March, 2007 of Ministry of Heavy Industries & Public Enterprises, Department of Heavy Industry. On 24.05.2016, the G.M. Sales denied to deliver the car. He wrote to the Assistant General Manager (CRM), Maruti Suzuki India Limited, New Delhi as well as to the Under Secretary (AEI Section), Department of Heavy Industry but they did not give any reply. He has requested to get the delivery of the booked car- Maruti Celerio ZXI AMT(O) with manufacture Certificate to get the Excise Duty Concession.

6. The matter was taken up under Section 59 of the PwD Act, 1995 with the respondents vide this Court letter dated 29.07.2016 followed by reminder dated 29.09.2016.

7. The respondent vide letter No.12(61)/2016-AEI dated 24.11.2016 has submitted that as per the latest guidelines (issued vide Notification dated 21.04.2016), in case of vehicles which have been retrofitted after purchase, the requirement of a certificate from the manufacturer (OEM) has been dispensed with instead the applicant has to obtain a certificate from the District Road Transport Officer in the prescribed format (available on the Department website) for applying for excise duty concession in respect of such vehicles.

**Case No.6394/1141/2016 (Shri Digambar Janardan Borse):**

8. The complainant has submitted that he purchased Maruti Baleno Automatic Variant from M/s. Sai Services, Nexa Baner, Pune, the dealer of Maruti Suzuki India Limited. He has alleged that the dealer/MSIL is not issuing manufacturer certificate so that he can avail excise duty concession.

9. Matter was taken up by this Court under Section 59 of the PwD Act, 1995 vide letter dated 17.02.2017.

10. The respondent vide letter No.12(61)/2016-AEI dated 24.11.2016 has submitted the reply and has inter-alia intimated that as per the latest guidelines, in case of vehicles which have been retrofitted after purchase the requirement of a certificate from the manufacturer (OEM) has been dispensed with instead, the applicant has to obtain a certificate from the District Road Transport Officer in the prescribed format (available on this Department Website) for applying of excise duty concession in respect of such vehicles.

11. The complainant vide his rejoinder dated 17.01.2017 has submitted that on demand of Ministry HI&PE, he requested Maruti to issue Manufacturer Certificate on 17.11.2016. On 03.12.2016, Maruti asked the requisite documents for issuance of Manufacturer Certificate, which were submitted on 07.12.2016. On 26.12.2016, Maruti informed the complainant that Maruti Suzuki manufactures vehicles fitted with automatic transmission suitable for persons having left leg disability only and the certificate could be obtained from RTO only. The complainant's contention is that if the certificate was to be obtained from RTO, Maruti has harassed him because he booked Balero Automatic in October, 2015 and got delivery of the vehicle in February, 2016 i.e. well before the new notification issued on 2<sup>nd</sup> May, 2016 by Ministry of HI&PE. So, Maruti had no issue to put a disabled person into trouble and make the process harder as he faced a lot of trouble for collecting documents. He has requested for strict action against Maruti.

**Case No.5775/1141/2016 (Shri Sanjay Kumar):**

12. The complainant submitted that he purchased an automatic car for himself and contacted the Under Secretary (AEI Section), Ministry of Heavy Industries & Public Enterprises. He was

required to submit among other documents, the Manufacturers' Certificate for the purpose of getting Excise Duty Concession on the purchase of car. But despite personal visit to Shri Deepak Paliwal, Territory Sales Manager and several telephone calls in follow up, Maruti Suzuki India Limited is not issuing the Manufacturer Certificate. He has requested for help in getting issued the Manufacturer Certificate for the purpose of availing the benefit of Excise Duty Concession. The Director, DHI has endorsed copies of his letters dated 16.03.2016 and 01.04.2016 addressed to the Vice President, Maruti Suzuki India Limited for issuance of manufacturer certificate to the complainant.

13. The complainant vide letters both dated 26.04.2016 has inter-alia submitted that he has already submitted his application dated 03.03.2016 along with the requisite documents except the manufacturers' certificate for getting the excise duty concession. Manufacturer certificate is still awaited from Maruti Suzuki India Limited.

14. Upon considering the replies dated 24.10.2016 (in case No.6331/1141/2016) and dated 02.09.2015 and 24.11.2016 (in case No.6520/1141/2016) received from respondent, a hearing was scheduled on 01.03.2017.

15. During the hearing on 01.03.2017, the complainant Shri Karamveer Singh (Case No.6520/1141/2016) reiterated his written submissions and submitted that the respondent vide letter dated March, 2007 and 14<sup>th</sup> January, 1999 has given orders to all car manufacturing companies to manufacture cars for the facility of persons with disabilities and also issued orders for concession in Excise Duty for the persons with disabilities. It is painful that the Maruti Car manufacturing company and all other car manufacturing companies of India are not manufacturing the cars for the convenience of disabled persons. It is totally discrimination with the persons with disabilities and violation of the orders/directions of the Government of India. It is not the matter of concession in Excise Duty, no car manufacturing company is not fulfilling its social responsibility towards disabled persons. Kindly pass orders to Maruti Car manufacturing company and others all car manufacturing companies in India for manufacturing the cars according to the facility of persons with disabilities. Concession in Excise Duty and all others concessions may be given at the time of purchase of car by the Dealer in a single window. On not complying the Government orders/guidelines, the manufacturing companies may be punished.

16. The representative of the respondent submitted as under:-

**Case No. 6520/1141/2016**

17. After receiving the complaint of Shri Karmvir Singh, we have replied/comments from the Maruti Suzuki. They have informed that automatic Car manufactured by MSIL can be used by the physically disabled customers with left leg disability. Further they informed that MSIL is not producing any vehicle specially designed to suit the disability of physically challenged customers with lower limbs i.e. a vehicle with automatic transmission operated by upper limbs. Based thereon

the Department has replied to this Commission on 24.11.2016 mentioning that the complainant may get the Certificate from RTO instead of manufacturing Certificate as per amended guidelines notified on 21.04.2016 and 02.05.2016. till date, we have not received the certificate from complainant. Hence the Certificate could not be issued.

**Case No. 6394/1141/2016**

18, The complaint of Shri Digambar Janardan Borse was forwarded to MSIL for their comments. The reply received from MSIL was forwarded to this Court vide letter dated 24.11.2016, wherein it has been informed that the complainant may obtain certificate from District Road Transport Officer in the prescribed format instead of manufacturer Certificate for availing Excise Duty Concession in terms of amended guidelines of the Department notified on 21.04.2016 and 02.05.2016.

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19. The representative of the Respondent has submitted that complainant, Shri Sanjay Kumar has submitted RTO Certificate dated 10.02.2017 issued by Zonal Office, Sheikh Sarai, NCIT, Delhi. Based thereon, the Department has already issued Concession Certificate to complainant on 15.02.2017 Hence the case may be closed.

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20. The representative of the Department of Heavy Industries submitted that Shri Bipin Soni has been issued Certificate on 27.02.2017 by the Department of Heavy Industries. He further submitted that Complainant has submitted Road Transport Certificate dated 23.02.2017 issued by Zonal Office, Sheikh Sarai, NCIT, Delhi. Based thereon, the Department has already issued Concession Certificate to complainant on 23.02.2017. Hence the above cases may be closed..

21, After hearing the parties and perusal of record available, the Court observed that the concession available on Car meant of physically handicapped may be provided to the persons with disabilities who had applied for the same prior to the notifications dated 21.04.2016 and 02.05.2016. The RTO will be advised to provide the Certificates to persons with disabilities on priority basis. The Ministry of Heavy Industries is advised to take appropriate action in these matters and ensure that the persons with disabilities are not deprived of their legitimate rights. A Compliance Report may be submitted to this Court within 75 days from the date of issue of this Order.

22. The case is accordingly disposed off.



(Dr. Kamlesh Kumar Pandey)  
Chief Commissioner  
for Persons with Disabilities