2026 INSC 763

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10526 OF 2024

CONTAINER CORPORATION OF INDIA LIMITED …APPELLANT(s)

VERSUS

RISHI RANJAN MISHRA & ORS. …RESPONDENT(s)

JUDGMENT

SANJAY KAROL, J.

1. This appeal is at the instance of the Container Corporation of India Limited, and lays challenge to judgment dated 5th September 2019 in MAC. App. No. 614/2018.

2. The Additional District and Sessions Judge, P.O MACT(SE-01)[1] Saket Courts answered the question in the negative in a petition for compensation filed under Section 166 of the Motor Vehicles Act, 1988[2] by respondent no.1 herein. The High Court set aside this judgment and answered the question in the affirmative. Now we are called upon to adjudge the correctness of the view so taken.

[1] Tribunal, MACT Petition No. 4791 of 2016
[2] MVA

3. Facts are of little relevance and so only a brief background as to how the question arose may suffice. On 5th September, 2013, respondent no.1 visited Inland Container Depot[3], Tughlakabad, New Delhi, when the vehicle in question hit him and ran over his pelvic region, leading to severe injuries. His right leg had to be amputated, for which he had to undergo several surgeries. Physical disability is 90%, which he claims to be at 100% as functional disability. Before the Tribunal, he sought Rs.75 lakhs. Respondent no. 3 (New India Assurance Co. Ltd.) objected to the claim through an application under Order VII Rule 11 of the Code of Civil Procedure, 1908[4].

4. This came to be allowed by the Tribunal on 9th January 2018, observing that Section 2(28) MVA makes it clear that there are two requirements for a particular machine to be considered a motor vehicle i.e. it has to be mechanically propelled and capable of being used on the road. At the same time, it also provides for a special kind of vehicle to be used within enclosed premises, and the same is excluded from the meaning of that word, as such, even though it is mechanically propelled, the same would not be a motor vehicle.

Learned Single Judge of the High Court placed reliance on the judgments of this Court *inter alia* ***Western Coalfields Limited v. State of Maharashtra***[5] and held that in light thereof, a Reach Stacker would also qualify as being a motor vehicle. The restricted area in which it plies would not take away from its identity and classification as such.

Heard Ms. Pinky Anand, learned senior counsel for the appellant, Mr. Yadav Narender Singh, learned counsel for the respondent, and Ms. Shatakshi Singh, learned *amicus curiae* appointed by this Court. The issue that arises for consideration is whether a Reach Stacker is a motor vehicle within the context of the MVA.

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[3] ICD
[4] CPC
[5] (2016)11 SCC 613

5. The mainstay of the appellant's case is that the enclosed premises, part of the definition, would cover ICD, Tughlakabad, where the accident took place. Further that the part regarding special type of vehicle to be used in a factory would also cover the present case. That apart, the roads within ICD are specifically constructed to handle the weight of Reach Stackers and are hence not equitable to regular roads.

6. The claimant, on the other hand, contends that ICD spans an area of approximately 10sq.kms. with extensive, interconnecting roads. It would constitute a public place, and the area is accessible to authorized members of the public. According to him, Reach Stacker would qualify as a motor vehicle for the following reasons- (a) high capacity engine; (b) mounted on tyres and chassis; (c) used for shifting containers across the area of ICD; (d) driven by driver and (e) no technical barrier to move on roads.

The *amicus* supports the case of the respondent.

7. Relevant provisions of MVA read as under:

> "2(28) "motor vehicle" or "vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; <u>but does not include</u> a vehicle running upon fixed rails or <u>a vehicle of a special type adapted for use only in a factory or in any other enclosed premises</u> or a vehicle having less than four wheels fitted with engine capacity of not exceeding twenty-five cubic centimetres;
> (34) "<u>public place" means a road</u>, street, way or other place, whether a thoroughfare or not, <u>to which the public have a right of access</u>, and includes any place or stand at which passengers are picked up or set down by a stage carriage"

8. A bare perusal of the above reveals that for a particular machine to be counted as a motor vehicle, it must be (a) mechanically propelled, (b) adapted to be used on roads, irrespective of whether such vehicle which may have an internal or external power propulsion source; a chassis which may or may not have a body attached to it and a trailer. What does not constitute a motor vehicle, is (a) a vehicle running on fixed rails or (b) a vehicle of special type adapted for use only in a factory or other enclosed premises or (c) a vehicle with less than four wheels along with engine capacity less than 25 cubic centimeters.

9. Before proceeding further, it is necessary to look at the particulars of the Reach Stacker. It is a machine, undisputedly on wheels that is used to lift heavy materials such as shipping blocks and containers, and quite literally place them on top of one another. The details as supplied by the appellant which have not been disputed by the respondent or the Amicus, of the vehicle reveal that it is of 71.8 metric tonnes weight without it being laden with the containers and at 102 metric tonnes approximately at full capacity. In this context, reference must be made to a Gazette Notification[6] issued by the Ministry of Road, Transport and Highways under Section 58(1) of the MV Act which across a number of categories shows the maximum permissible weight to be *inter-alia* 49 *tonnes* in rigid vehicle, 55 *tonnes* semi-articulated vehicle and 54 *tonnes* in truck trailer combination. This aspect we will discuss later. We must determine whether ICD is a public place or not?

10. In ***Tarachand Logistic Solutions Ltd. v. State of A.P.,***[7] the question that arose before this Court was whether motor vehicles plying within the dispatch yard of the Rashtriya Ispat Nigam Limited*(*'RINL*')* would be motor vehicles for the purposes of payment of motor vehicle tax within the Andhra Pradesh Motor Vehicle Taxation Act, 1963. In arriving at its conclusion, the Court discussed the meaning of the word 'public place' which is relevant for our purposes. The discussion as made by Bhuyan J., is as under:

> "34.… A motor vehicle which is not adopted for use upon roads to which the public have no right of access is not a motor vehicle. It was held that dumpers and rockers would not be taxable as long as those were working solely within the private premises of the respective owners. *Bolani Ores Ltd.* (supra) is directly on the point in issue.
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> 45. … Thus, if a vehicle is actually used in a 'public place' or kept in such a way that it is intended to be used in a 'public place' then the tax liability accrues. We have already noted that this Court in *Bolani Ores Limited* (supra) has held that when the members of the public are not

[6] S.O. 728(E), dated16th July 2018

[7] 2025 SCC OnLine SC 1851

allowed access inside an area without prior permission and when there is check on ingress and egress to ensure that no unauthorized person have access to the premises, the same would be an enclosed premise and not a 'public place'."

11. Undisputedly, a road is a public space granted that public has access thereto. Whether authorized personnel can be termed to be public? The Section uses the words 'thoroughfare or not' which already indicates restricted access but given the nature of work that is carried out inside these areas, which, as it appears is movement of heavy machinery or shipping containers that too on specially designed roads. Keeping in view the weight of the vehicles plied thereon, it cannot be said that any person walking on the roads outside this area, can, as a matter of right claim entry to this space. Since the ICD is a custom bonded area within the meaning of Section 7 of the Indian Customs Act 1962, i.e. the place for unloading and loading of goods imported and exported, it only stands to reason that only those persons who are duly authorized by the competent authority will have access to the same. This fortifies the conclusion that it is not a place that public has a right to access. As such, the roads within ICD, to our view do not constitute 'public place' as defined under Section 2 (34) of the MVA.

12. Now turning to the question whether Reach Stacker is a motor vehicle or not?

13. The tests to determine this question, it has been submitted by Ms. Anand learned senior counsel, have been laid down in the following judgments: ***Bolani Ores Ltd. v. State of Orissa***,[8] ***Goodyear India Ltd. v. Union of India***[9], and ***Ultratech Cement Ltd. v. State of Gujarat***[10]. Learned amicus, on the other hand referred to *inter-alia* ***Central Coal Fields Ltd. v. State of Orissa***[11], ***Bose Abraham v. State of Kerala***[12], ***Govt. of A.P. v. Road Rollers Owners Welfare Assn***[13].

[8] (1974) 2 SCC 777
[9] (1997) 5 SCC 752
[10] 2026 SCC OnLine SC 48
[11] 1992 Supp (3) SCC 133
[12] (2001) 3 SCC 157
[13] (2004) 6 SCC 210

Let us discuss these judgments. We would first discuss the proposition involved then shortly capture the case of the appellant and respondent/*amicus* respectively and then provide our reasoning thereon, in successive paragraphs:

13.1 ***Bolani supra*** was a case concerned with taxation and the question was whether dumpers, rockers and tractors are motor vehicles as understood within the meaning of relevant State Motor Vehicles Taxation Acts, in order to be taxed as such. The relevant observations of the three judge Bench discussing the words 'adapted for use' as they appear in the Section, are reproduced below for reference:

> "23. The meaning of the word "adapted" in Section 2(18) of the Act is itself indicated in Entry 57 of List II of the Seventh Schedule to the Constitution, which confers a power on the State to tax vehicles whether propelled mechanically or not and uses the word "suitable" in relation to its use on the roads. The words "adapted for use" must therefore be construed as "suitable for use". At any rate, words "adapted for use" cannot be larger in their import by including vehicles which are not "suitable for use" on roads. In this sense, the words "is adapted" for use have the same connotation as "is suitable" or "is fit" for use on the roads.
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> 24. The question would then arise, are dumpers, rockers and tractors suitable or fit for use on roads? It is not denied that these vehicles are on pneumatic wheels and can be moved about from place to place with mechanical power. The word "vehicle" itself connotes that it is a contrivance which moves. A vehicle which merely moves from one place to another need not necessarily be a motor vehicle within the meaning of Section 2(18) of the Act. It may move on iron flats made into a chain such as a caterpillar vehicle or a military tank. Both move from one place to another but are not suitable for use on roads. It is not that they cannot move on the roads but that they are not adapted, made fit or suitable for use on roads. They would, if used, dig and damage the roads. It is contended that the dumpers or rockers are very heavy and though they can move on roads they would damage the roads and, therefore, they are not suitable for use on roads. To substantiate this proposition the appellants have produced before us certain notifications issued by the State of Orissa under which vehicles beyond a certain laden weight are prohibited from plying on the roads. It was rightly pointed out by the learned advocate for the State of Orissa that there are only some of the roads on which vehicles, heavier than what is indicated in the notification cannot be permitted. But that is not to say that all vehicles which exceed a particular weight are not

> adapted for use upon roads and are, therefore, not motor vehicles. …
> 37. From the very nature of the area operated by these three companies it is obvious that the machines which are the subject-matter of these appeals must be working in their respective mining areas. The mere fact that there is no fence or the barbed wire around the leasehold premises is not conclusive. There is evidence to show that the public are not allowed to go inside without prior permission, there are gates and a check on ingress and egress is kept by guards who also ensure that no unauthorised persons have access to the mining area, all of which indicate that the respective mining areas are enclosed premises within the meaning of the exceptions under Section 2(*c*) of the Taxation Act.**"**

13.1.1 **Appellant's case**: The 'Bolani' test therefore is regarding 'suitability of use'. On this test the question is whether a Reach Stacker when driven on the road shall drive in a normal fashion not leaving damage and destruction in its wake. Reference has been made to a notification by the Ministry of Road Transport and Highways dated 18th July 2018 whereby gross vehicle weight for rigid vehicle has been kept at 49 tonnes and 55 tonnes in case of semi-articulated/trailers. The Reach Stacker in the present case is undisputedly higher than said weight. Hence, valid questions arise about its suitability on roads in light of this fact.

13.1.2 **Respondent's case**: The discussion in this judgment creates a distinction between vehicles moving on chain plates like caterpillars or military tanks from one place to another that is on chain plated or specific contraction *vis-à-vis* wheeled rubber-tired vehicles. Given that Reach Stacker is mounted on chassis and has rubber wheels, it is suitable for use on roads.

13.1.3 **Our view:** Well, to say that only because a vehicle has rubber tyres and is on chassis that it is suitable for public roads, would be a rather simplistic view of the whole situation. The concerned authority has notified the permissible weights, and it goes without saying that if a particular vehicle goes against the guidelines mentioned therein, its suitability is obviously impacted.

13.2 ***Goodyear supra*** posed a question regarding imposition of excise duty for tyres to be used in heavy moving vehicles such as dumpers and earth-movers, over a particular size, as tyres for 'motor vehicles'. The Central tariff uses the word 'motor vehicles' to include '*mechanically propelled vehicles adapted for use upon roads*'. The definition with which we are concerned also uses these words and therefore the interpretation given by K.T.Thomas J., for a three judge Bench becomes important. It is as follows:

> "10. A close reading of the definition of "motor vehicle" in Item 34 reveals that the striking ingredient thereof is that it should have been "adapted for use upon roads". Merely because the areas on which such heavy-movers traverse might sometimes include roads also is not enough to hold that they were "adapted for use upon roads". Such use of the heavy-mover on the road may only be ancillary or incidental to the main use of it. Emphasis in the definition must be on the words "use upon road" as those words would denote the principal or dominant use and not where it may move incidentally."

13.2.1 **Appellant's case**: As is obvious from the above, determination of dominant use hinges on utility. It is not used on roads is the appellant's pleaded case. Its transportation is only done after it is dismantled, for doing so without it is impossible for it contravenes weight limits.

13.2.2 **Respondent's case**: Dismantling of a Reach Stacker falls within operational economics and is not the determinant of suitability since many other vehicles are transported in this manner. This would not denude its characteristics of a motor vehicle.

13.2.3 **Our view:** If the determinant in ***Goodyear supra*** is utility, and the answer given by the *amicus* is regarding suitability, the distinction that is attempted by the latter cannot be accepted. It is an undisputed fact that the surfaces within ICD are specifically designed to bear the weight of these vehicles. If special care has been taken to design roads in accordance with what will be used on them, it stands to reason that those roads, that have not taken into account regular use of such heavy vehicles will be unfit. Our own research reveals that the use of Reach Stackers is in connection with containers, ports and terminals, steel and aluminum etc., when such heavy items are to be lifted and transported from one area to another. Because its application is for a limited set of tasks and to a limited kind of industries, in our considered view, the utility test also is decided in favour of the appellants.

13.3 ***Ultratech Cement Ltd. supra*** raised the question of taxability within the Gujarat Motor Vehicles Tax Act, 1958 in so far as the following vehicles are concerned: Heavy Earth Moving Machinery or special services vehicles or any construction equipment vehicles such as Dumpers, Loaders, Excavators, Surface Miners, Dozers, Drills, Rock Breakers etc. The question that the co-ordinate bench was required to decide was whether these vehicles were covered by the definition under Section 2(28) of the MVA, same as the question presented in this case, *albeit,* not for taxation purposes. In the view of the Court in that case, the deciding factor was whether the abovenamed vehicles would fall within the exclusionary part of the definition. It was held:

> "37. … The second part provides for the exclusion of certain vehicles from the definition of the motor vehicle. It provides that motor vehicle does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises. It means that the legislature has consciously provided for the exclusion of the vehicles of the special kind which have been adapted for use only in a factory or any other enclosed premises from the definition of motor vehicle. In other words, though the term motor vehicle is wide enough but it expressly excludes some of the motor vehicles which are of special type and have been adapted for use only in factory or in any other enclosed premises from its ambit.
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> 38. The vehicles in question used by the appellant are all in the nature of special vehicles as they are basically construction equipment vehicles which have been made suitable for use only in a factory and an enclosed premises rather than for use on roads. These vehicles may be capable of being used on road but essentially, they are meant to be used as a special vehicle inside the enclosed premises or in the factory premises alone and not outside on the road. Even for reaching the factory premises, or the so-called

> enclosed premises they do not ply on road and are taken on tractors and trailers from the place of their manufacturing to the place of their deployment. The various certificates of the manufacturers and suppliers as well as those issued by the Automotive Research Association of India amply demonstrate that the aforesaid vehicles used by the appellant are special type of vehicles meant for use only within the factory premises or the enclosed premise. They are all off-road vehicles that do not ordinarily ply on roads. Since, they do not run on the roads, the manufacturers and suppliers do not even issue any certificate of road worthiness in respect of these vehicles. In short, the vehicles used by the appellants are special type of vehicles meant to be used as construction equipment vehicle within the enclosed premises and as such ex-facie stands excluded from the definition of the motor vehicle as contained in Section 2(28) of the Act, more particularly by virtue of the second part of the definition.
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> 39. In view of the above, we can safely conclude that though the vehicles used by the appellant are "motor vehicles" within the first part of the definition under Section 2(28) of the Act <u>but they stand excluded from the definition of "motor vehicles" on account of their very nature of use and the place of the use by virtue of the second part of the definition</u>."

13.3.1 **<u>Appellant's case</u>**:The deciding factor in ***Ultratech Cement Ltd. supra*** was the purpose for which the vehicles in question were used. It was categorically observed that they were vehicles for restricted, limited use within an area and each served a specific purpose. They would, as such, fall within the exclusionary part of the definition. The vehicle which is the point of dispute in the present case meets all the criteria.

13.3.2 **<u>Respondent's case</u>**: The decision in ***Ultratech Cement Ltd. supra*** is sought to be distinguished on the basis of it being premised on a different factual matrix. Since they were transported to the site in question in dismantled form and were restricted to the industrial areas only whereas in the present case, the reach stacker was being driven at speed in a paved internal road of the ICD when it ran over the respondent. An additional distinguishing factor is that the issue therein was with regard to taxability in connection with Article 265 of the Constitution read with Entry 57 List II thereof.

13.3.3 **Our view:** We are of the considered view that the distinction attempted to be drawn is at best artificial. A perusal of the judgment reveals that in order to determine the question of taxability, the Court undertook a detailed analysis of what constitutes a motor vehicle with reference to various earlier decisions of the Court, and then concluded that even though the vehicles at issue therein were covered by the first part of the definition, they were excluded from the scope of the definition by the second part. To drive home the point, an analogy was drawn with airplanes and tanks, observing that even though they are suitable to land/use on roads, to accept this as the deciding factor would lead to an anomaly. It is stated that the area where the Reach Stacker was driven was a 'paved internal road' of the ICD. We may only ask ourselves as to how this road would be any different from the roads on which the vehicles discussed in this judgment, i.e., roads within enclosed industrial areas?

13.4 We now deal with the judgments cited by the *amicus* to support the case of respondent no.1 and how they are sought to be distinguished by the learned senior counsel for the appellant:

13.4.1 ***Central Coal Fields Ltd. v. State of Orissa***[14], was relied on to contend that plying Dumpers etc on roads would cause damage to the roads, would not on its own make them unsuitable for use on roads. In the present facts, it was argued by the other side that reach stackers cannot ply on roads whatsoever, irrespective of the fact that they are with rubber wheels.

[14] 1992 Supp (3) SCC 133

13.4.2 ***Bose Abraham v. State of Kerala***[15]***,*** a co-ordinate Bench held that merely because there is a specific use of a vehicle within enclosed premises, it does not render the same to be 'a different kind of vehicle'. The distinction that is sought to be drawn is that road rollers and reach stackers are different when considered from the point of view of use by nature. The latter, by its very nature, is intended to be used within enclosed premises, therefore, would not be a motor vehicle within this Act. We agree with the distinction so drawn.

13.4.3 ***Govt. of A.P. v. Road Rollers Owners Welfare Assn***[16], holds that a road-roller, since specifically built for use on the road, necessarily has to be a motor vehicle. The distinction according to the appellant in this case, is rather simple that the vehicle in this case cannot ply on roads and, therefore, they are fundamentally different.

13.4.4 ***Rajasthan SRTC v. Santosh***[17]***,*** concerned the question whether 'motorised cart' generally called *jugaad* is a motor vehicle within the meaning of Section 2 (28) MVA. It was held that the only factor that needs to be considered is whether the vehicle in question is adapted for the road or not. According to the learned judges in this case, the use of the words 'only' in the second part dictates that the exception applies only to those vehicles that can exclusively be used within factory or closed premises, that is to say, a vehicle that has not been adapted is to be excluded. The appellant uses the same logic as they contend in ***Roadroller supra.***

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[15] (2001) 3 SCC 157
[16] (2004) 6 SCC 210
[17] (2013) 7 SCC 94

13.4.5 ***Natwar Parikh & Co. Ltd. v. State of Karnataka***[18]**,** a three-judge Bench of this Court was considering the taxability of a tractor-trailer. It was held throughout that it would be taxable. It was relied by the learned *amicus* because it was observed that the word motor vehicle has to be interpreted broadly. On the other hand, the appellant contends that this decision stands distinguished by ***Ultratech supra.*** Section 2(28) clearly includes the word trailer to be included within the definition. That in itself distinguishes the present case from this.

13.4.6 ***Western Coalfields Ltd. v. State of Maharashtra***[19]**,** need not be dealt with separately since it places whole sole reliance on ***Natwar Parekh*** supra.

13.5 Most of these judgments were taken note of by the Bench in ***Ultratech Cement Ltd. supra*** and distinguished. The relevant para is as under:

> "**51.** The decisions to the contrary cited at the Bar starting from *Travancore Tea Estates Co. Ltd.* v. *State of Kerala*[10], *Union of India* v. *Chowgule and Co. Pvt. Ltd.*[11], *Central Coal Fields Ltd.* v. *State of Orissa*[12], *Chief General Manager, Jagannath Area* (supra), *Bose Abraham* v. *State of Kerala*[13], *State of Gujarat* (supra) are all decisions of the different Division Benches of this Court. No doubt, they hold that vehicles used or kept for use on the public roads of the State are exigible to tax, and if they are not so used they can claim exemption but all these decisions fail to take into account the specific exclusion as contained in the second part of Section 2(28) of the Act which defines "motor vehicles". As stated earlier, the vehicles or the construction equipment vehicles used by the appellants are "motor vehicles" within the first part of the definition as contained in Section 2(28) but they stand excluded by virtue of the second part of the said definition. This aspect of the matter has not been specifically considered by any of the above decisions. Moreover, all these decisions simply brushes aside *Bolani Ores Ltd.* (supra) without actually ruling it out on the ground that it relates to "motor vehicles" as defined under the old Act without realising that there was no material change between the definition of "motor vehicles" in the old or present Act.
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> (emphasis supplied)

18 (2005) 7 SCC 364
19 (2016) 11 SCC 613

13.5.1 All these judgments that have been cited deal with road rollers, tractor trailers or motorised carts. Regarding road rollers, to our mind, there is an additional point to be made. The understanding of enclosed premises in the context of road rollers *vis-à-vis* reach stacker is different. In the former, while it does apply to enclosed premises, which may be a part of otherwise public road, for example, where repairs or construction is being undertaken but in the former, there is a designated area within which it can be used. Put it differently, the latter can be used only within the four walls of a confined space that is not accessible to public. Further, none of these vehicles come with the stipulation that for them to ply, the roads are generally specially reinforced to bear the weight. These vehicles cannot ply on roads; the Reach Stacker exceeds the permitted weight; is dismantled to be transported and lacks general safety features that are present in a motor vehicle otherwise permitted on roads. Since it is vehicle dedicated to a particular kind of work which takes place within duly notified areas, it would fall into the second half of the definition of 'motor vehicles', i.e. the exclusion. The way the exclusion functions does not require the characteristic of the motor vehicle to be absent but instead it recognises that despite having the characteristics of a motor vehicle, certain types of vehicles cannot be equated to those vehicles that are generally understood to be 'motor vehicles'.

13.5.2 These judgments do not, therefore, warrant any further discussion.

14. A further point that has been canvassed by the Appellants is the non-registration of the vehicle in question under Section 39 of the MVA. Reference is made to a Notification issued by the Joint Transport Commissioner and Secretary, Regional Transport Authority, Hyderabad, stating that the Reach Stacker is not a motor vehicle and, therefore, does not require registration under Section 39 of the MV Act, 1988. The same is reproduced below:

"**<u>OFFICE OF THE JOINT TRANSPORT COMMISSIONER</u>**
<u>AND SECRETARY</u>
<u>RTA(HYDERABAD)</u>

<u>...(illegible)...</u>

<u>TO WHOMSOVER IT MAY CONCERN</u>

One piece of Model **REACH STACKER LOAD CONTAINER HANDLER** bearing serial no…(illegible)... having ...(illegible)...kgs with front axle 4 tyres 4x(15x25) tubeless. The gross vehicle weight is ...(illegible)... the tyre size...(illegible)... is not prescribed in the Motor Vehicle Act 1988 under Rules there under.

Similarly, the loads specified to the first axle and rear axles are not prescribed under the MV Rules, 1989. As such the vehicle cannot be operated on public road. This vehicle is of a special...(illegible)...manufactured and adopted to be used only in enclosed premises not as such...(illegible)...does not come under the definition of Motor vehicle as prescribed under rule 2(28) of Motor Vehicle Act of 1988.

Since this reach stacker is not a motor vehicle. It does not require registration under sec 39 of MV Act, 1988.

(Sign)

JOINT TRANSPORT COMMISSIONER

&

SECRETARY RTA HYDERABAD"

15. The A*micus Curiae*' answer to this is that mere non-registration is not a reason to escape liability and the consequence that is posited of such argument being accepted is that every unregistered vehicle would be removed from the scope of this Act. It is difficult to accept this contention and consequence, as submitted by the *amicus,* for there is a distinction. It is not that every vehicle that is not registered would be taken out of the scope of this Act. If a vehicle plies on the road without registration, that would be in violation of the provisions of the MVA. But in the present case, a motor vehicle is what is required to be registered.

If the concerned authority states that the reach stacker is not a motor vehicle, then there cannot be registration for such a vehicle within the meaning of Section 39.

16. Before parting with the matter, however, we must place an important caveat. We have held that ICD is not a 'public place' within the meaning of Section 2 (34) of MVA. This should, however, not restrict a claimant's right to seek compensation under the MVA should such an untoward incident ever take place within the four walls of the ICD with a 'regular' vehicle that ordinarily plies on roads that may have been taken into the restricted area by officials of the department or some other person connected with the ICD or its processes.

17. Consequent to the discussion as aforesaid, the judgment of the learned Single Judge of the High Court of Delhi, dated 5th September 2019 in MAC. App. No.614/2018 is set aside, and the findings of the Tribunal are restored. It is clarified that if any money stands paid to respondent No.1, the same shall not be subject to any recovery.

18. The appeal is allowed, however, in the circumstances, there will be no order as to costs. Pending application (s), if any, shall stand disposed of.

…………………………………….………….J
(SANJAY KAROL)

………………………………..……………….J
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi;
July 29, 2026