

RT-11036/60/2023-MVL
Government of India
Ministry of Road Transport & Highways
(MVL Section)
Transport Bhawan, 1, Parliament Street, New Delhi - 110001

Dated, the 24th of July, 2023

To,

Sh. Joydeep Shome
Dy. Director General & HoD
e-Transport (MMP)
National Informatics Centre
New Delhi-110003

Subject - Customization of issue of FC in form 38 to the Odisha vehicle issued with form 38A from other (As per second provision of Rule 62 of CMVR 1989) - reg

Sir,

I am directed to refer to the letter dated 16.11.2022 received from State Transport Authority, Odisha on the above mentioned subject (copy enclosed).

2. Section 56 of MV Act, 1988 mandates that a transport vehicle shall not be deemed to be validly registered for the purpose of section 39, unless it carries a certificate of fitness in Form 38 issued by the prescribed authority, to the effect that the vehicle complies for the time being with all the requirements of this Act and the rules made thereunder.

3. Rule 62 of CMVR, 1989 states that

(1). A certificate of fitness in respect of a transport vehicle granted under section 56 shall be in Form 38 and such certificate when granted or renewed shall be valid for a period of two years for vehicles up to eight years old and one year for vehicles older than eight years.

...

(4). The application for renewal of certificate of fitness may be made not more than sixty days before the date of expiry of the certificate of fitness.

4. The owners of motor vehicles used to counter difficulties in getting renewal of certificate of fitness when their vehicle struck up in other state for various reasons as there was no provision for getting renewal of fitness done by other than the parent Registering Authority. To resolve this issue, a contingency third proviso was inserted after the second proviso to sub-rule (1) of rule 62 of CMVR enabling the owners

of vehicles to get certificate of fitness renewed by the inspecting officer of the State/UT in whose jurisdiction the vehicle is stuck up. The following two contingencies shall only be entertained:

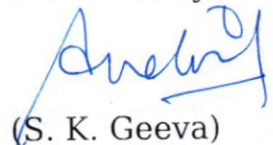
- I. When the certificate of fitness has expired outside the jurisdiction of parent Registering Authority or
 - II. Where the certificate of fitness is likely to be expired within fifteen days.
5. Since, it is a contingency provision,
- I. the owner cannot apply for renewal of certificate of fitness outside the jurisdiction of parent Registering Authority for more than fifteen days before the date of expiry of the certificate of fitness.
 - II. the owner of the vehicle or his authorised representative, as the case may be, shall produce the inspection report issued by the Inspecting Officer in Form 38A to the parent Registering Authority within fifteen days from the date of its issue and deposit fee towards issue of certificate of fitness in prescribed Form 38.
 - III. if the owner of the vehicle or his authorized representative failed to apply for issue of certificate of fitness in Form 38 and did not deposit fee as specified in rule 81 of CMVR within fifteen days from the date of issue of inspection report in Form 38A in the office of parent Registering Authority, the inspection report in Form 38A shall be deemed lapsed.

In case of inspection report issued vide Form 38A is getting lapsed, the owner of the vehicle shall follow regular procedure for renewal of certificate of fitness in Form 38.

6. This issues with the approval of competent authority.

Encl: as above

Yours faithfully,



(S. K. Geeva)

Under Secretary to the Govt. of India

Email: geeva.sk@nic.in

Ph: 011-23739074

Copy to :

Transport Commissioners/Transport Secretaries

All States/UTs

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**OFFICE OF THE TRANSPORT COMMISSIONER-CUM-CHAIRMAN,
STATE TRANSPORT AUTHORITY, ODISHA, CUTTACK.**

Lt. No- 15847 /TC/Tech.
LXVI-18/2022

Date- 16.11 /2022

To

Dr. Joydeep Shome, DDG,
HoD, e-Transport, NIC.

Sub: - Customization of issue of F.C in **form 38** to the Odisha vehicle issued with **form 38A** from other state (As per second provision of rule 62 of CMVR 1989).

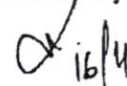
Sir,

In inviting a reference to the aforesaid subject, it is to inform you that, as per the second proviso under rule 62 of CMVR, the vehicle of any state can apply for F.C renewal to any RTO of any other state and the authority (if other than the original inspecting authority) shall issue the F.C in **form 38 A** and shall also upload on Vahan portal. Then the vehicle owner shall produce the **form 38A** before his original inspecting authority within 15 days and the original authority on due verification of **form 38A** from portal shall realize the F.C fee and shall issue F.C in **form 38**. In case the vehicle owner is producing the **form 38 A** after 15 days then it will not be considered and the owner has to apply for F.C afresh. Further in case the vehicle owner produces the **form 38A** within 15 days before original Registering Authority then no further inspection of vehicle by original Registering Authority is required.

But the existing work flow is not in accordance to above provision of law. The required work flow is attached herewith for your kind information.

It is requested that, the team may be instructed suitably to customize the existing work flow at the earliest.

Yours faithfully

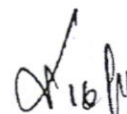


Joint Commissioner Transport (Tech.)
STA, Odisha, Cuttack.

Memo No- 15848 /TC

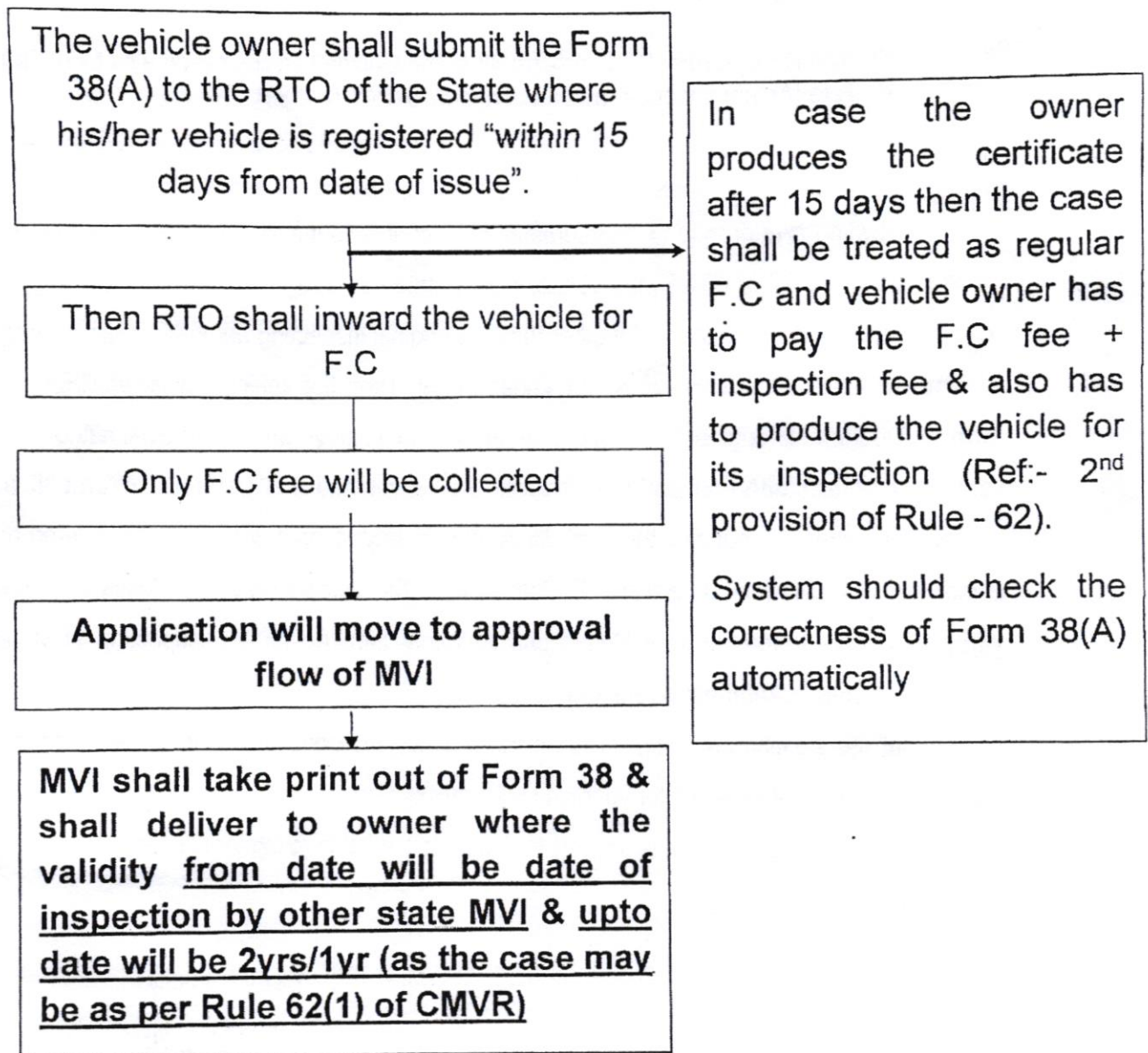
Date- 16.11 /2022

Copy to the Technical Director, NIC, STA, Odisha, Cuttack for information and necessary action.



Joint Commissioner Transport (Tech.),
STA, Odisha, Cuttack.

WORK FLOW OF ISSUE OF FITNESS CERTIFICATE IN FORM 38 TO THE VEHICLE OBTAINED FC IN 38 (A) FROM OTHER STATE



IT SHOULD BE MENTIONED ON THE FORM 38A, THAT THIS CERTIFICATE MUST BE PRODUCED BEFORE ORIGINAL RA WITHIN 15 DAYS FROM THE DATE OF ITS ISSUE TO OBTAIN FORM 38, OTHERWISE IT WILL BE INVALID