

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15991 OF 2022**

Roppen Transportation Services Private Limited ...Petitioners
& Anr
Versus
State of Maharashtra & Ors ...Respondents

**WITH
INTERIM APPLICATION (ST) NO. 1407 OF 2023
IN
WRIT PETITION (ST) NO. 15991 OF 2022**

Rickshaw Panchayat Pune Pimpri Chinchwad ...Applicant
In the matter between
Roppen Transportation Services Pvt Ltd & Ors ...Petitioners
Versus
State of Maharashtra & Ors ...Respondents

**Ms Fereshte Sethna, with Abhishek Tilak, Praprti Kedia, Shivani
Sanghavi, Suyash Bhawe, Mohit Tiwari, Ashish Mishra & Aman
Dutta, i/b DMD Associates, for the Petitioner.**

**Dr Birendra Saraf, Advocate General, with PP Kakade, GP & AA
Alaspurkar, AGP, for the Respondent-State.**

**Ms Gayatri Singh, Senior Advocate, with Ronita Bhattacharya &
VG Sreeran, for the Applicant in IAST/1043/2023.**

**Mr Akshay Deshmukh, with Pratik Wakade, for the Applicant in
IAST/1044/2023.**

Mr Babaji Kambale, Applicant is present.

Mr Anand Tambe, Applicant is present.

SHEPHALI
SANJAY
MORMARE

Digitally signed by
SHEPHALI SANJAY
MORMARE
Date: 2023.01.16
10:05:58 +0530

**CORAM G.S. Patel &
S.G. Dige, JJ.**
DATED: 13th January 2023

PC:-

1. We have heard the matter at some length. Dr Saraf has tendered some material, which we will need to consider. He also mentions that a special committee has been constituted urgently in the last day or so to examine the terms and conditions to be made applicable to a 'bike taxi' aggregator service, and even if such a service ought to be permitted at all. The committee needs time to consider the material and take advice.

2. Ms Sethna has a further Affidavit. It is to be filed in the Registry. We have briefly considered this Affidavit. We have also considered some of her submissions, namely, that the Petitioner is offering its two wheeler bike taxi aggregator service in a hundred cities across the country and actually has a license in at least two states and provisional license in two more. We do not know the terms of those licenses. We will require them to be produced on the next occasion. These are also to be placed in a second further Affidavit which is to be filed and served by Tuesday, 17th January 2023.

3. We list the matter first on the supplementary board on 20th January 2023. Both sides are put to notice that we will endeavour to dispose of the Petition on that date at the stage of admission.

4. The concern is about ongoing services being offered by the Petitioner in Maharashtra.

5. On instructions Ms Sethna makes a statement that all services of the Petitioner in Maharashtra will be suspended and made unavailable until the end of the day on 20th January 2023. She fairly states that the Petitioner offers, in addition to bike taxi aggregator services, delivery services and auto rickshaws where the Petitioner does not have licenses from the State Government for any of these services as yet. However, there are pending applications for one or more of these services. There also some rejections.

6. We accept the statement made by Ms Sethna on instructions. All contentions are expressly kept open. The statement is accepted as one made on a without prejudice basis. However, having regard to the nature of the services and the fact that they are offered on a mobile phone app, we do not want any misunderstandings or complications. We will, therefore, require that the app's availability in Maharashtra has to be suspended immediately. It is not to await the transcription and uploading of this order. A representative of the Petitioner is present in Court to instruct Ms Sethna. After speaking with him Ms Sethna confirms that the app will be suspended for all services of the Petitioner in Maharashtra by 1.00 pm today. We accept the statement. We require a confirmation and will have the matter called out at 1.15 pm.

7. List the matter first on board on the supplementary board of Friday, 20th January 2023.

At 1.15 pm.

8. Ms Sethna confirms that the Petitioner's app is now inoperative for Maharashtra in compliance with the previous directions.

9. For the convenience of customers and consumers who may have already booked or engaged services before 1.00 pm today, the Petitioner may fulfil those obligations. However, it will not accept any further bookings after 1 pm today. This exception is only for the convenience of consumers.

(S.G. Dige, J)

(G. S. Patel, J)