

**DECISION OF REGIONAL TRANSPORT AUTHORITY MUVATTUPUZHA
HELD ON 15-07-2017.**

Present:(1)Sri. Muhammed Y Safirulla. I.A.S.-District Collector & Chairman RTA Muvattupuzha.

(2)Sri.K.G Samuel.-Deputy Transport Commissioner-CZ-II, Ernakulam &Member RTA Muvattupuzha.

Item No-01

A) Heard Adv. P Deepak, the learned counsel represented the applicant Sri Lijo Paulose. This is a request for condonation of delay for submitting the renewal of permit application in respect of S/C KL-41-C-36 operating on the route Aluva-Kothamangalam as LSOS. This authority satisfied the explanation of the applicant and request allowed.

B) This is an application for renewal of regular permit in respect of stage Carriage KL-41-C-36 operating on the route Aluva-Kothamangalam as LSOS.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file . This is an intra district route with route length 34.5 km and the regular permit was issued prior to 14/07/2009 . There is an overlapping of 1.5 Km with the notified scheme, Aluva- Kattappana published vide GO(P) No. 42/2009/Tran dtd. 14.7.2009 .

Since the STU has not filed new application on this route till date, there is no impediment to renew the permit for continuous operation in view of GO(p) No 8/2017/Tran dated 23/03/2017 and the judgment of Hon'ble High Court of Kerala in WP(C) No. 14793/2006 and connected cases.

Hence delay on submitting the renewal of permit application is condoned and renewal of regular permit granted to Stage Carriage KL-41 C- 36 to operate on the route Aluva-Kothamangalam as LSOS subject to the effect of clause (4)of GO(p) No 8/2017/Tran dated 23/03/2017.

Item No-02

Heard ,the learned counsel represented the applicant Sri N M George and the leraned counsels represented the objectors. This is an application for renewal of regular permit in respect of stage Carriage KL-17 G 4601 operating on the route Poomala-Ernakulam (Via) Pannimattam, Kalayanthany, Thodupuzha, Muvattupuzha, Kizhakambalam, Pallikkara, Kumarapuram, Kakkanad, Vazhakkala, Palarivattam as LSOS.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file . This is an inter district route with route length 86 km out of which 23 Km lies under the jurisdiction of RTA Idukki. The sister RTA , vide its decision dated 20/06/2016 enhanced general concurrence for inter district permit renewals up to 50 km. The route overlaps a distance of 21 Km from Thodupuzha to Vazhappilly Jn with the Notified scheme Aluva- Kattappana, and a distance of 3.5 Km from Palarivattom to Eranakulam South with various notified schemes like Trivandrum – Palakkad, Ernakulam -Thrissur etc, published vide GO(P) No. 42/2009/Tran dtd. 14.7.2009.

The objections raised in the meeting are related with time clash. The regular permit was issued prior to 14/07/2009, hence renewal of regular permit is granted to Stage Carriage KL-17 G 4601 to operate on the route Poomala-Ernakulam as LSOS subject to the effect of clause (4) of GO(p) No 8/2017/Tran dated 23/03/2017. The timings shall be settled subject to the finalization of STA resolution No D3/875/STA/2005 regarding the running time of LSOS and till the finalization the vehicle shall be allowed to operate with existing running time and stops.

Item No-03

Heard Adv. P Deepak, the learned counsel represented the applicant Smt Susan Sunny.

This is an application for variation of regular permit in respect of Stage Carriage KL-17 C 9310 operating on the route Ernakulam-Perumbavoor (Via) Pallikkara, Kakkanad and Irumpanam. The permit is desired to be varied so as to operate Ernakulam-Perumbavoor (Via) Pallikkara, Infopark phase II, Kakkanad and Irumpanam and K K road as ordinary motor service and the variation includes,

1. Trip @ 7.20 am from perumbavoor wish to operate up to Kaloor and then to Thripunithura – Kakkanad (Via) K K road and Vyttila curtailing the portion from Kaloor to Kadavanthra.

2. Trip @ 10.10 from Kakkanad to Irumpanam- Vyttila, South, Kaloor and then to Vyttila Hub Via K K road and return to Perumbavoor (Via) Kadavanthra, South, Kaloor, Kakkanad & info park Phase II and Pallikkara, avoiding the portion from Kaloor – Kakkanad-Thripunithura- Irumpanam and Vyttila.

3. Trip @ 3.26 pm from Perumbavoor is intended to operate (Via) Edachira, Infopark Gate II Kakkanad and Kaloor and return to Perumbavoor.

This authority elaborately considered the scope and applicability of the variation application in the light of enquiry report furnished by the field officer, objections raised by the public, KSRTC and connected file. The field officer reported that the curtailments in the proposed variation is from well served routes and the deviation sought for is beneficial to the traveling public of K.K road-infopark area. Further there is an additional overlapping of 2.1 Km from Kadavanthra and Vyttila with Ernakulam- Thekkady scheme in the 4th trip which violates the condition prescribed in clause 19 of GO(p) No 8/2017/Tran dated 23/03/2017 published vide SRONO-151/2017.

Considering all these facts, the applied variation is allowed partially by granting the 1st and 3rd part of proposed variation, subject to the settlement of timings and rejected 2nd part since it violates clause 19 of GO(p) No 8/2017/Tran dated 23/03/2017.

Item No-04

Heard Adv. P Deepak, the learned counsel represented the applicant. This is an application filed for variation of regular permit in respect of S/C KL 17 C 639 operating on the route Chettinada- Perumbavoor (Via) Choondakuzhy, Mudakuzha and Kuruppampady as Alattuchira- Perumbavoor-Malayattoor (Via) Chettinda and Choondakuzhy by extending the route Chettinada to Alattuchira and deviating the 6th trip (via) Choondakuzhy, Mudakuzha instead of (Via) Vallam with out any other change in the existing timings.

This authority elaborately considered the scope and applicability of the variation application in the light of enquiry report furnished by the field officer, objections raised by the public, KSRTC and connected file.

The field officer reported that the proposed extension will be beneficial to the travelling public . Further it is also reported that the proposed deviation of route by avoiding the service (via) Vallom will not affect the public as the route portion between Perumbavoor to Vallom is well served and there is another service on the same route just 3 minutes ahead. Considering all these facts, this authority felt that the proposed variation will be help ful to the common public. Hence the applied variation is granted subject to settlement of timings only in the variation portion .

Item No-05.

Heard Adv. P Deepak, the learned counsel represented the applicant Sri N.O.Jose. This is an application filed for variation of regular permit in respect of KL 44 B 6975 to operate on the route Kothamangalam- Thodupuzha -Pothanikad (Via) Muvattupuzha and Vazhakulam as Kothamangalam- Thodupuzha (Via) Muvattupuzha and Vazhakulam by curtailing the 1st and Last trip to Pothanikad (Kakkadaserry to Pothanikad)and intend to operate to Kothamangalam by extending the trip from Kakkadaserry to Kothamanglam without changing existing timings. This authority elaborately considered the scope and applicability of the variation application in the light of enquiry report furnished by the field officer, objections raised by the public, KSRTC and connected file. The field officer reported that the proposed curtailment from Kakkadaserry to Pothanikad would adversely affect the commuters especially in the early morning and evening. Further strong objections were raised by KSRTC and other en route operators against the proposed time schedule submitted . The president of Pothanikkad pouira samithy vehemently objected the proposed curtailment to Pothanikkad from Muvattupuzha.

Regional Transport authorities are entitled to protect the travel needs of common public and on the aspect of public interest the application is not seen feasible. In view of the aforesaid facts and circumstances, the application for variation of permit is hereby rejected.

Item No-06

Heard Adv. K T Raveendran, the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 17 D 8991 operating on the route Charupara- Perumbvaoor. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-07

Heard Adv. P. Deepak, the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 17 D 3600 operating on the route kaliyar-Muvattupuzha. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-08

Heard Adv. P. Deepak, the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 40 1233 operating on the route Paniely- Aluva. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-09

Heard Adv. P. Deepak, the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 34 D 1512 operating on the route Aluva-Kothamangalam touching Neriamangalam and Perumannoor. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-10

Heard Adv. P. Deepak, the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 08 AK 7299 operating on the route Urulanthanny-Kothamangalam-Mamalakandam. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-11

Heard Adv. K T Raveendran, the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 44 D 4410, operating on the route kaliyar- Muvattupuzha. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-12

Heard Adv. P. Deepak, the learned counsel represented both the applicants. This is an application for transfer of permit in respect of S/C KL 17 B 801 operating on the route Chooramdy- Kolencherry. Transfer of permit is allowed as applied for subject to the clearance of Government dues if any.

Item No-13

This is the request of secretary RTA Kottayam for the grant of fresh regular permit in respect of stage carriage KL 40 H 4199 or suitable vehicle to operate on the route Thalayolaparambu- Puthuppally (Via) Thalappara, Peruva, Elanji, Alapuram, Cheruthadam, Manikkavu, Kuravilangad, Vayala, Kadappoor, Vallikadu, Ettumanoor, Peroor, and Manarkadu as ordinary service

As per the report of the MVI Muvattupuzha a distance of 5.3 Km from Perumpadavam to Madukka jn comes under the jurisdiction of this authority. There is no overlapping with any of the notified schemes.

Hence concurrence is granted without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No-14

This is the request of secretary RTA Idukki for the grant of fresh regular permit in respect of stage carriage KL 33 B 2316 or suitable stage carriage to operate on the route Thodupuzha- Mankulam (Via) Paingottoor, Oonnukal, Neriamangalam, Adimaly, Kallar and Kurisupara as L.S.O.S.

As per the report of the MVI Muvattupuzha a distance of 20 Km from Neriamangalam to Perumankandam comes under the jurisdiction of this authority. There is no overlapping with any of the notified scheme.

Hence concurrence is granted without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No-15

This is the request of secretary RTA Kottayam for the grant of 20 days temporary permit in respect of stage carriage KL 33 -3199 or suitable vehicle to operate on the route Manarcad-Elanji (Via) Manarcad palli, Madappadu, Ettumanoor, Vyala, Kuravilangadu, Manikavu, Cherumthadam, Madukka and Marangoli as ordinary service.

As per the report of the MVI Muvattupuzha a distance of 5.3 Km from Perumpadavam to Madukka jn comes under the jurisdiction of this authority. There is no overlapping with any of the notified schemes.

Hence concurrence is granted without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No-16

This is the request of secretary RTA Kottayam for the grant of fresh regular permit in respect of stage carriage KL 35 3067 to operate on the route Pala-Thodupuzha (Via) Marangattupally, Uzhavoor, Athani, Koothattukulam, Palakuzha, Marika and Vazhithala as ordinary service.

As per the report of the MVI Muvattupuzha a distance of 11.8 Km from Marika to Kargil Junction comes under the jurisdiction of this authority. There is an overlapping of 0.4 Km from Ramapuram Jn to Koothattukulam with the Kottayam- Kozhikode notified scheme.

Hence concurrence is granted without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No-17

Heard the applicant, and perused the records. This is an application for the sanction of a Bus Stop for Limited Stop stage carriages near to Piravom Mini civil Station, submitted by Sri C.R. Damodharan Nair. This authority considered the matter in detail and feels that the enquiry report of the field officer is not self explanatory. Hence Secretary RTA is directed to conduct a detailed enquiry, with details regarding the distance between the existing LSOS bus stop with the proposed one, and whether there is any KSRTC bus stop etc. and submit before the next meeting. Hence adjourned.

Item No-18

Heard Adv. P. Deepak, the learned counsel represented the applicant Sri Satheesh K B. This is an application for allowing extension of time to replace the existing vehicle with a later model one, since the route bus KL 07 AJ 3922 attained the age limit of 15 years on 19/06/2017. The regular permit is seen valid up to 21/01/2021, and this authority feels that withdrawal of a service from any route will adversely affect the common public. Hence on the aspect of public interest the request of the permit holder is allowed and granted a maximum time of three months to replace with a later model vehicle failing which the regular permit is liable to be revoked.

Item No-19

Heard Adv. P. Deepak, the learned counsel represented the applicant Sri Ashique. This is an application for allowing extension of time to replace the existing vehicle with a later model one, since the route bus KL 09 L 182 attained the age limit of 15 years on 27/07/2017.

The regular permit is seen valid up to 13/05/2020, and this authority feels that withdrawal of a service from any route will adversely affect the common public. Hence on the aspect of public interest the request of the permit holder is allowed and granted a maximum time of three months to replace with a later model vehicle failing which the regular permit is liable to be revoked.

Item No-20

Heard Adv. P. Deepak, the learned counsel represented the applicant. Sri Noufal and perused the judgment of hon'ble High court in WP© No-21191 of 2017.

This authority in the sitting dtd 23/02/2017 granted fresh regular permit to KL 07 BV 3807, the vehicle possessed by the applicant under lease agreement, to operate on the route Kothamangalam- Vyttila Hub(Via) Odackaly, Kuruppampady, Perumbavoor, Chembarakky, Pukkattupady, Kangarapady, Navodaya, Infopark gate, Kakkanad, Vazhakkala and Vyttila Bypass as ordinary service subject to settlement of timings . It is reported that on receipt of the communicated decision of RTA, the grantee has submitted the current records of S/c KL 57 F 3845 which is a same model vehicle with seating capacity 38 in all ,which complies the condition of age of the vehicle preferred in the RTA decision and requested to issue the granted permit.

More over the applicant submitted a copy of the judgment of hon'ble High court in WP© No-21191 of 2017, where in the hon'ble court directed secretary RTA to consider the request in accordance with law. It is reported that, at the time of consideration of the fresh permit , applicant produced the details of S/c KL 07 BV 3807 but produced the records of another vehicle KL 57 F 3845 as current records for the issuance of the granted permit .

This authority considered the matter in detail. The vehicle produced by the applicant doesn't differs materially with the vehicle offered at the time grant and both the vehicles are of the same model . Hence the request of the grantee is allowed and Secretary RTA will issue the granted regular permit to the vehicle KL 57 F 3845, subject to settlement of timings.

Item No-21

Heard Adv. P. Deepak, the learned counsel represented the applicant. This authority considered the matter in detail. This authority in the sitting dtd 23/02/2017 granted transfer of permit in respect of S/c KL 38 E 5891 operating on the route Moolamattam-Ernakulam vide item no-42. On receipt of the RTA decision the transferor , Smt Mini Padmakumar, Vattapparambil (H), Thodupuzha had availed clearance certificate in time but the transferee has not produced the current records after transfer of ownership . It is reported that, on 16/06/2017 the transferee submitted a request for allowing maximum time for the production of current records.

The transferee was bound to submit the current records of the vehicle , after effecting transfer of ownership to his name within 30 days from the date of dispatch of sanctioning order. But in the instant case the applicant is failed to comply the decision of this authority and the explanation offered is not seen satisfactory. Hence Secretary RTA is directed to issue show cause to both the transferee and transferor as to why action should not be taken to revoke the sanction granted by this authority for transfer of permit. Hence adjourned.

Item No-22

Ratified.

Item No-23

The next meeting will be held on 16/09/2017.

Sd/-

K G Samuel.

Deputy Transport Commissioner CZ-II
& Member -RTA Muvattupuzha.

Sd/-

Muhammed Y Safirulla. I.A.S.

District Collector &
Chairman -RTA Muvattupuzha.