

**DECISION OF REGIONAL TRANSPORT AUTHORITY ,ERNAKULAM DTD
16/07/2013**

Present:-Chairman-Sri.Sheik Pareeth,IAS, District Collector, Ernakulam

Members:-1.Sri.Satish Bino,I.P.S.District Police Chief, Ernakulam

2.Sri.P.A.Sainudeen,Deputy Transport Commissioner, CZ-II,Ernakulam.

Item No.01

Heard.This is an application for fresh intra district regular permit in respect of stage carriage KL-15-6741 to operate on the route Aluva-Aluva Circular via Keezhmadu and Choondi as Ordinary Service.The STU is the applicant.Hence fresh regular permit granted with the proposed set of timings.

Item No.02

Heard.This is an application for fresh intra district regular permit in respect of stage carriage KL-15-6594 to operate on the route Aluva-Karakkathuruthu as Ordinary Service.The STU is the applicant.Hence fresh regular permit granted with the proposed set of timings.

Item No.03

Heard.This is an application for fresh intra district regular permit in respect of stage carriage KL-15-5799 to operate on the route Piravom-Aluva as Ordinary Service.The STU is the applicant.Hence fresh regular permit granted with the proposed set of timings.

Item No.04

Heard.This is an application for fresh intra district regular permit in respect of stage carriage KL-15-9329 to operate on the route Piravom-Aluva as Ordinary Service.The STU is the applicant.Hence fresh regular permit granted with the proposed set of timings.

Item No.05

Heard.This is an application for fresh intra district regular permit in respect of stage carriage KL-15-9639 to operate on the route Piravom-Edakochi as Ordinary Service.The STU is the applicant.Hence fresh regular permit granted with the proposed set of timings.

Item No.06

Heard.This is an application for fresh intra district regular permit in respect of stage carriage KL-15-9330 to operate on the route Piravom-Ernakulam as Ordinary Service. The STU is the applicant.Hence fresh regular permit granted with the proposed set of timings.

Item No.07

Heard.This is an application for fresh intra district regular permit in respect of stage carriage KL-15-6812 to operate on the route Angamaly-Airport-Tripunithura as Ordinary Service.The STU is the applicant.Hence fresh regular permit granted with the proposed set of timings.

Item No.08

Heard. The Learned counsel Adv.Jithesh Menon appeared for the applicant This is an application for fresh intra district Moffusil regular permit in respect of suitable stage carriage to operate on the route Vettilappara Block No.13- Manjaly having route length 48.4 kms .This authority in its previous sitting adjourned decision on this matter with direction to the applicant to submit a modified time schedule with more trips to Vettilappara, an ill served area. This authority reconsidered the application with a new set of proposed timings. As per timings proposed the applicant offered only one additional trip(two single) to Vettillappara in the after noon ,which is not feasible to operate due to lack of non rest time at Vettilappara. It will lead only to curtailment of that trip and thereby complaints from the public. Hence it cannot be allowed.

The portion of the proposed route from Angamaly TB Jn to Angamaly Pvt Bus stand which is 2 kms in length is objectionably overlapping on Trivandrum-Palakkad and Ernakulam –Thrissur notified schemes as per GO(P) No.42/2009/Trans dtd 14/07/2009. A portion of the route from Vedimara to North Parur which is 2 kms in length objectionably overlapping on Aluva –Vadakkumpuram complete exclusion scheme. As per clause 19 of the above said notification ,the right to operate a new service on the notified route or its portions are exclusively reserved for STU. More over this authority is prevented from the grant of a permit on the notified routes or its portion as per the existing law , notifications and judgments of Hon’ble Supreme Court of India and Hon’ble High Court of Kerala in case No.1341 of 1990 and.25905 of 2010 respectively.

In the previous sitting, this authority was rejected another applications for regular permit on the portion of the route from Chendamangalam Jn to Vedimara via Fire Station Rd which is 1.4 kms in length is very narrow and the portion is not feasible for conducting stage carriage service since it adversely affect the movements of fire tenders .In this case the applicant preferred same route portion to operate service and hence it cannot be allowed. Hence rejected.

Item No.09

This is an application for fresh regular permit to operate on the route Ernakulam High court Jn-Chully as ordinary moffusil service. Applicant absent. Hence adjourned.

Item No.10

Heard. The Learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for fresh intra district Moffusil regular permit in respect of suitable vehicle to operate on the route Ezhattumugham-Poothamkutty-Angamaly-Manjapra .This authority considered the application in detail.The proposed route having length of 27.4 kms The portion of the route from Angamaly Bus Stand to Chippy Jn which is 1.8 kms in length objectionably overlapping on Trivandrum-Palakkad,Trivandrum-Kannur and Ernakulam –Thrissur notified scheid as per GO(P) No.42/2009/Trans dtd 14/07/2009. As per clause 19 of the above said notification ,the right to operate a new service on the notified routes or its portions are exclusively reserved for STU. More over this authority is prevented from the grant of a permit on the notified routes or its portion as per the existing law , notifications and judgments of Hon’ble Supreme Court of India and Hon’ble High Court of Kerala in case No.1341 of 1990 and.25905 of 2010

respectively. More over in this case the applicant has not offered suitable vehicle before this authority. There is no necessity or public need reported for the grant of regular permit on the proposed route. Hence rejected.

Item No.11

1. Perused the judgment of the Hon'ble High Court of Kerala in WP© No,15103 of 2013, wherein the Hon'ble Court has directed this authority to consider the application for fresh regular permit proposed by the petitioner as such.

2. Heard. Adv.P.Deepak appeared for the applicant. This authority reconsidered the application for regular permit to operate on the route Vyttila-Kottuvally-North Paravoor in obedience to the order of the Hon'ble High Court of Kerala. The proposed route having length of 22.4 kms. The portion of the route from North Paravoor to Thonniyekkara which is 1.8 kms in length objectionably overlapping on Aluva-Chathanad complete exclusion scheme. It cannot be allowed. Moreover the proposed route touches two intermediate points of notified schemes. If the proposal allowed, it will be a clear violation of existing rules and notification. On the proposed route private stage carriages and stage carriages owned by the STU and operating with a shortest interval of time. There fore no need for the grant of a new permit. Hence rejected.

Item No.12

Heard. The Learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for fresh intra district Moffusil regular permit in respect of suitable Stage Carriage to operate on the route Pukkattupady-Aluva-Perumbavoor as ordinary moffusil service. This authority considered the application in detail. The proposed route having length of 23.3 kms. The enquiry officer has reported that the portion of the route from Aluva-KSRTC Bus Stand to Bank Jn and to Pump Jn which are 2.5 kms in length objectionably overlapping on Trivandrum-Kannur and Trivandrum-Palakkad notified schemes and the portion of the proposed route from Perumbavoor to Palakkattuthazham bridge which is 1 km in length also objectionably overlapping on Aluva-Kattappana notified schemes as per GO(P) No.42/2009/Tran dtd 14/07/2009. The portion of the route from GTN to Aluva which is 5.4 kms also overlapping on Aluva-Aluva circular scheme notified vide TB/56292/58/PW dtd 22/2/1958. In the proposed route total distance of overlapping violating the provisions of clause(5)c of the notification in GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 19 of the above said notification, the right to operate a new service on the notified routes or its portions are exclusively reserved for STU. More over this authority is prevented from the grant of a permit on the notified routes or its portion as per the existing law, notifications and judgments of Hon'ble Supreme Court of India and Hon'ble High Court of Kerala in case No.1341 of 1990 and.25905 of 2010 respectively. More over in this case the applicant has not offered suitable vehicle before this authority. There is no necessity or public need reported for the grant of regular permit on the proposed route. Hence rejected.

Item No.13

Heard. The Learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for fresh intra district Moffusil regular permit in respect of suitable Stage

Carriage to operate on the route Pukkattupady-Aluva-Perumbavoor as ordinary moffusil service. This authority considered the application in detail. The proposed route having length of 28.6 kms. The enquiry officer has reported that the portion of the route from Aluva-KSRTC Bus Stand to Bank Jn and to Pump Jn which are 2.5 kms in length objectionably overlapping on Trivandrum-Kannur and Trivandrum-Palakkad notified schemes and the portion of the proposed route from Perumbavoor to Palakkattuthazham bridge which is 1 km in length also objectionably overlapping on Aluva-Kattappana notified schemes as per GO(P) No.42/2009/Tran dtd 14/07/2009. The portion of the route from GTN to Aluva which is 5.4 kms also overlapping on Aluva-Aluva circular scheme notified vide TB/56292/58/PW dtd 22/2/1958. In the proposed route total distance of overlapping violating the provisions of clause(5)c of the notification in GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 19 of the above said notification, the right to operate a new service on the notified routes or its portions are exclusively reserved for STU. More over this authority is prevented from the grant of a permit on the notified routes or its portion as per the existing law, notifications and judgments of Hon'ble Supreme Court of India and Hon'ble High Court of Kerala in case No.1341 of 1990 and 25905 of 2010 respectively. More over in this case the applicant has not offered suitable vehicle before this authority. There is no necessity or public need reported for the grant of regular permit on the proposed route. Hence rejected.

Item No.14

Heard. The Learned counsel Adv. Jithesh Menon appeared for the applicant. This authority reconsidered the application. This is an application for fresh intra district Moffusil regular permit in respect of suitable Stage Carriage to operate on the route Chathanad-North Parur-Munambam. The proposed route having length of 20.9 kms. The enquiry officer has reported that the portion of the route from Kannanchira to Chathanad which is 6.7 kms in length overlapping on Aluva-Chathanad scheme and the portion of the route from North Parur to Cherai which is 5 kms in length overlaps on Aluva-Cherai complete exclusion scheme. More over the proposed route touches two intermediate points of notified scheme. It cannot be allowed. The enquiry officer has reported that the proposed route is well served by private stage carriages and stage carriages owned by state Transport Undertaking. Hence there is no necessity for the grant of a new regular permit on the route. Hence rejected.

Item No.15

1. Perused the judgment of Hon'ble STAT in MVAA No.90/2010 and 42/2013 wherein the STAT has directed this authority to remand back the application for regular permit and temporary permit filed by the appellant.

2. Heard. Adv. Jithesh Menon appeared for the applicant. These are the applications for regular permit and temporary permit to operate on the route Munambam-Gothuruth in the vacant timings of stage carriage KL-07-AD-1328. This authority considered the scope and applicability of the applications in detail. In obedience to the order of Hon'ble STAT in MVAA No.314/2011, this authority in sitting dtd 27/09/2012, granted a regular permit to another stage carriage to operate on the same route in the vacant timings of stage carriage KL-07-AD-1328 subject to settlement of timings. The Secretary of this authority had issued the above regular permit with available vacant timings after settlement of

timings to the grantee. Hence there is no vacant timings are exist at present to operate in the vacant timings of stage carriage KL-07-AD-1328. More over there are frequent stage carriage services on the proposed route with a short interval of time.Hence no permit can be allowed on the proposed route in the vacant timings of KL07-AD-1328.

The portion of the proposed route from North Parur to Vadakkumpuram which is 5 kms in length and the portion of the route from North Parur to Cherai are objectionably overlapping on Aluva-Vadakkumpuram and Aluva- Cherai Complete exclusion schemes respectively. More over there is no necessity for the grant of regular permit or temporary permit on the proposed route. Hence the applications for regular permit and temporary permit are rejected.

Item No.16

Heard the applicant. This is an application for fresh intra district regular permit and temporary permit on the route Edakkattuvayal-Piravom-Mulamthuruthy-Tripunithura-Vattappara as ordinary moffusil service.This authority considered the applications in detail. There is no objectionable overlapping on notified routes. The enquiry officer has reported that the proposed service will beneficial to the enroute traveling public. No objections received from STU. Hence fresh regular permit granted subject to settlement of timings.

Secretary, RTA is directed to grant temporary permit U/S 87(1) C till the issue of granted regular permit if there exist any urgent need.

Item No.17

Heard. The Learned counsel Adv.P.Deepak appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-41-C-1299 operating on the route Aluva-Thoppumpady. In the proposed variation the permit holder desired to extend the service up to Illithode and to curtail the trips from Thevara Jn to Thoppumpady. This authority considered the application in detail The enquiry officer has reported that the curtailment of existing trips to Thoppumpady will not adversely affect the existing traveling public and the proposed extension is beneficial to the public of Illithode area. Interest of the public is the main factor for the grant of a variation on existing regular permit. There is no overlapping on extension portion. Hence Proposed variation granted on public interest subject to settlement of timings.

Item No.18

Heard. The Learned counsel Adv.P.Deepak appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-42-B-496 operating on the route Eloor Depot-Thevara Ferry. In the proposed variation the permit holder desired to start the service from Eloor Depot and operate service through Muttar and to change the timings of last trip to Eloor depot. This authority considered the application in detail. The enquiry officer has reported that the curtailment of existing trips to Eloor Depot will adversely affect the existing traveling public. Interest of the public is the main factor for the grant of a variation on existing regular permit. In this case so many objections have been received against the curtailment o and alteration of existing trips especially the last trip. The existing benefits enjoyed by the public shall not be

deprived of consequent to the variation of the permit. Hence curtailment of existing trips to Eloor depot and alteration of timings of the last trip cannot allowed. More over the counsel appeared for the Bus Passengers Association has intimated that there is a case in under consideration of the Lok Adalath regarding the curtailment of the nigh trips to the route in question. There is no necessity under rule 145(6) warranting for the grant of proposed variation .Hence the application for variation of permit rejected.

Item No.19

Heard. The Learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BC-1521 operating on the route Aluva-Angamaly. In the proposed variation the permit holder desired to curtail the first and last trip so as to change the stating and halting place to Chowara,Puthiya Road.This authority considered the application in detail. The enquiry officer has reported that the curtailment of the trips first trip from Aluva and the last trip to Aluva will adversely affect the existing traveling public. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. So many objections have been received against the curtailment of trips. Hence curtailment of existing trips in the existing permit cannot be allowed. More over the enquiry officer has reported that there is a virgin portion in the proposed extension portion. There is no necessity under rule 145(6) warranting for the grant of proposed variation. Hence the variation of permit rejected.

Item No.20

Heard. The Learned counsel Adv.Jithesh Menon appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-07-AF-1744 operating on the route Edayar-Aluva. This authority in its previous sitting considered this application and adjourned decision for want of road fitness certificate from the PWD authorities and to ascertain whether the curtailment of trips adversely affect the traveling public. This authority reconsidered the application on the basis of fitness certificate received from the PWD authority and enquiry report furnished by the field officer. The enquiry officer has reported that the curtailment of trip to Edayar will adversely affect the traveling public and students. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. So many objections have been received from the public against the curtailment of trip to Edayar. Hence curtailment of existing trip to Edayar cannot be allowed. There is no necessity under rule 145(6) warranting for the grant of proposed variation. Hence rejected.

Item No.21

Heard. The Learned counsel Adv.P.Deepak appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-17-C-690 operating on the route Padathikkara-Kaloor. In the proposed variation the permit holder desired to operate 6th trip of the schedule of service from Kadavanthra to Kakkanad via Palarivattom by deviating through Vyttila, Tripunithura and Irumpanam. This authority considered the application in detail. The proposed variation includes curtailment and

deviation. The enquiry officer has reported that the curtailment of service from Kadavanthra to Kakkanad will adversely affect the traveling public including students. The portion of the varied route from Karingachira to Ernakulam South which is 11 kms in length objectionably overlapping on Ernakulam-Thekkady notified schemes as per GO(P) No.42/2009/Trans dtd 14/07/2009. As per clause 19 of the above said notification, the right to operate a new service on the notified routes or its portions are exclusively reserved for STU. More over this authority is prevented from the grant of a permit on the notified routes or its portion as per the existing law, notifications and judgments of Hon'ble Supreme Court of India and Hon'ble High Court of Kerala in case No.1341 of 1990 and 25905 of 2010 respectively. More over there is no necessity under rule 145(6) warranting for the grant of proposed variation. Hence rejected.

Item No.22

Heard. The Learned counsel Adv.Gopinathan Nair appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-41-C-4222 operating on the route Aluva-Ernakulam Kaloor Bus Stand. In the proposed variation, the permit holder is desired to vary the permit by deviating the trip to Tripunithura via Vytila instead of Kakkanad. This authority considered the application in detail. The enquiry officer has reported that the extension of trip from Palarivattom to Trippunithura via Kundannoor is beneficial to the public and curtailment will not affect the existing passengers since the portion is well served. There is no objectionable overlapping on notified schemes. Hence variation of regular permit granted subject to settlement of timings.

Item No.23

Heard. The Learned counsel Adv.P.Deepak appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-07-AH-4501 operating on the route Pizhalakadavu-Munambam. In the proposed variation the permit holder is desired to change the starting and halting place to Varapuzha and to curtail certain trips to varapuzha and Pizhalakadavu and Munambam. This authority considered the application in detail. The enquiry officer has reported that the curtailment of the trips to Pizhalakkadavu, Varappuzha and to Munambam will adversely affect the existing traveling public and students. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. So many objections have been received against the curtailment of existing trips. Hence curtailment of existing trips in the existing permit cannot be allowed. There is no necessity under rule 145(6) warranting for the grant of proposed variation. More over the portion of the route in the proposed variation from Cherai to North Parur which is 5 kms in length and the portion of the proposed route from North Parur to S Naluvazhy which is 1.9 kms in length are objectionably overlapping on Aluva-Cherai and Aluva-Chathanad complete exclusion schemes. Hence the variation of permit rejected.

Item No.24

Heard. The Learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AE-4836

operating on the route Perupadappu-Fort Kochi. In the proposed variation the permit holder is desired to extend two trips up to Kumbalangy and to deviate one trip from kumbalangy to Mundamveli by curtailing 4 trips to Fort Kochi from Perumpadappu . This authority considered the application in detail. The enquiry officer has reported that the curtailment of the trips to Fort Kochi will adversely affect the existing traveling public and students. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. So many objections have been received against the curtailment of existing trips to Fort Kochi, the cultural and heritage place. Hence curtailment of existing trips in the existing permit cannot be allowed. There is no necessity under rule 145(6) warranting for the grant of proposed variation. Hence the variation of permit rejected.

Item No.25

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-42-3549 operating on the route Methanam Ferry-Chellanam. In the proposed variation, the permit holder is desired to operate 4th and 7th trips via Padma instead of Menaka and requested to operate service through Edappally Over bridge. This authority considered the application in detail. This authority in its previous sitting was denied the request of the permit holder to operate service through Padma. Now the permit holder has again filed the application with a slight changes. The enquiry officer has reported that the proposed variation includes curtailment and deviation. The curtailment of trips from Madhava Pharmacy Jn to KPCC Jn Via Jetty will adversely affect the existing traveling public. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. So many objections have been received against the curtailment of existing trips. Hence it cannot be allowed.

Due to the ongoing works related to the Kochi metro Rail Project, the proposed deviation through Padma is not feasible at present. The enquiry officer has reported that in the proposed deviation, the portion of the route from Madhava Pharmacy Jn to KPCC Jn via Padma which is 1.5 kms in length objectionably overlapping on Trivandrum-Palakkad and Trivandrum-Kannur notified schemes as per GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 19 of the above said notification, the right to operate a new service on the notified routes or its portions are exclusively reserved for STU. More over this authority is prevented from the grant of a permit on the notified routes or its portion as per the existing law, notifications and judgments of Hon'ble Supreme Court of India and Hon'ble High Court of Kerala in case No.1341 of 1990 and 25905 of 2010 respectively. More over there is no necessity under rule 145(6) warranting for the grant of proposed variation. Considering the above facts, the proposed variation cannot be allowed. Hence rejected.

Item No.26

Heard. Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AD-4989 operating on the route Irumpanam-Kakkanad. The permit holder is desired to vary the permit so as to operate

one of the trip through NGO Quarters and to limit one of the trip at Ernakulam South and to deviate two trips via NGO Quarters and through K K road respectively. This authority considered the application in detail. The proposed variation includes curtailment and deviation. The enquiry officer has reported that the deviation of the trips through K K Road and NGO are beneficial to the traveling public and students. The curtailment of the existing trips through Jetty, Palarivattom and Vazhakkala are not affect public since that route are well served. More over there is no objectionable overlapping on notified scheme. Hence variation of regular permit granted subject to settlement of timings.

Item No.27

Heard. Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-05-R-6352 operating on the route Infopark-Kaloor Busstand. The permit holder is desired to vary the permit so as to operate 5th trip to Infopark via Vyttila Bypass and Vazhakkala and to operate 8th trip between Infopark and Kaloor via K.K Road by avoiding the trip to High Court. This authority in its earlier sitting considered the matter and adjourned decision for the detailed report regarding the overlapping on deviation portion. The enquiry officer has reported that that there is no additional overlapping on the variation portion and consequent to the proposed variation existing overlapping will be reduced. The enquiry officer has reported that the curtailment of trip to High Court will not affect the traveling public and the proposed variation is beneficial to the traveling public including students. Hence variation of permit granted subject to settlement of timings.

Item No.28

Heard. Adv.Stalin Peter Davis appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AJ-6427 operating on the route Pukkattupady-Fort Kochi-Aluva-W.Island. The permit holder is desired to vary the permit so as to operate 4th trip from Fort Kochi extending up to W.Island after touching Pukkattupady and to operate 8th trip up to Thevara Jn. This authority considered the matter in detail. The proposed variation includes Curtailment, deviation and extension. The enquiry officer has reported that the curtailment of trips will not adversely affect the traveling public and students. The increase in trips to Pukkattupady and last trip from Thevara is beneficial to the public. Interest of the public is the main factor for the grant of a variation on existing regular permit. Hence proposed variation granted subject to settlement of timings.

Item No.29

Heard. The learned counsel Adv.Prabhakaran appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-07-AK-5445 operating on the route Puthiyakavu-Cheranelloor via Tripunithura, Vyttila, South, Jetty, Kacherippady and S.Chittoor. The applicant is desired to vary the permit so as to operate 1st and last trips via Vyttila Bypass, Edappally Jn and Manjummel Kavala. This authority considered the application in detail. The proposed variation included deviation and curtailment. The enquiry officer has reported that the deviation of last trip in the existing service will adversely affect existing traveling public and students of S Chittoor area. Interest of the public is the main factor for the grant of a variation on existing regular

permit. In this case no public interest is reported. More over there is no necessity under rule 145(6) warranting for the grant of proposed variation. Considering the above facts, the proposed variation cannot be allowed. Hence rejected.

Item No.30

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-07-BC-5859 operating on the route Poothotta-Kakkanad.The applicant is desired to vary the permit so as to operate two trips to Kaloor by curtailing trips to Kakkanad. The proposed variation included curtailment and deviation. The enquiry officer has not reported the effect of curtailment of trips to Kakkanad. Hence Secretary RTA is directed to ascertain whether the curtailment of trips to Kakkanad adversely affect existing traveling public. Hence adjourned.

Item No.31

Heard the applicant This is an application for variation of regular permit in respect of stage carriage KL-07-BG-6148 operating on the route Pothotta-Chittethukara. The applicant is desired to vary the permit so as to chage the starting and halting place to Kakkanad by curtailing last trip to Poothotta and to operate 4th trip up to Kaloor and to operate 6th trip via Bypass. This authority considered the application in detail. The enquiry officer has reported that the curtailment of the last and night trip to Poothotta will adversely affect the existing passengers. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of the nigh trip to Poothotta cannot be allowed.

The proposed deviation of 4th and 6th trips are helpful to the traveling public at Bye pas and it will helpful to reduce the existing traffic congestion in the city area. The is no additional overlapping on notified schemes.Hence the proposed variation except curtailment of last trip to Poothotta and first trip to Kakkanad granted subject to settlement of timings

Item No.32

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-07-08-AA-6586 operating on the route Elavoor-Perumbavoor. The applicant is desired to vary the permit by changing the starting and Halting place to Angamaly by curtailing last trip to Elavoor .This authority considered the application in detail. The proposed variation includes curtailment and deviation. The enquiry officer has reported that the curtailment of last trip at night to Elavoor and first trip from Elavoor to Angamaly will adversely affect the existing traveling public.The deviation of the 5th trip via MC road will make hardship to traveling public of Elavoor , Vattapparambu and Nayathode area. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence the proposed variation cannot be allowed. More over there is no necessity under rule 145(6) warranting for the grant of proposed variation. Hence rejected.

Item No.33

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-40-A-6166 operating on the route South Chittoor-Kadavanthra.The existing time schedule is issued so as to start service at 6.43am and halt at 10.01pm at Chittoor Ferry.In the proposed variation the permit holder is desired to vary the permit by curtailing existing trips to Kadavanthra and to terminate service at 6.37pm at Chittoor Ferry by curtailing last 4 trips at night between Chittoor Ferry and Kadavanthra touching Ernakulam South.This authority considered the application in detail. The enquiry officer has reported that the curtailment of night trips to Chittoor Ferry and curtailment of existing trips to Kadavanthra will adversely affect the existing traveling public including students. Interest of the public is the main factor for the grant of a variation on existing regular permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. The applicant is directed to submit a modified proposal without curtailing existing trips to Kadavanthra. Hence adjourned.

Item No.34

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.8344 of 2013 and Judgment of Hon'ble STAT in MVAA No.202/2010 wherein this authority is directed to consider the modified proposal submitted by the applicant for the variation of regular permit

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for variation of regular permit and revision of the timings in respect of stage carriage KL-06-D-5528 operating on the route Andhakaranazhy-Ernakulam High Court Jn.The counsel appeared for the applicant is intimated that he is not pressing for the proposed variation but he requires only changes in existing timings. This authority reveals that there is no necessity under rule 145(6) of KMV rules warranting for granting the proposed variation. Hence application for variation of permit rejected.

This authority considered the request for revision of the existing timings filed by the applicant. The existing time schedule was issued consequent to the timing conference convened by the Secretary of this RTA on 22/06/2013.The above time was settled after considering the suggestion and objection from the all operators on the sector including the applicant. This authority feels that the frequent revision of timings will adversely affect the entire timings of the other operators on the sector and that will lead to time clash and thereby revision of timings of entire services on the sector. It cannot be allowed. The enquiry officer has reported that there is no necessity under rule 145(7) warranting for the revision of the existing timings .Hence request for revision of timings also rejected.

Item No.35

Heard. The learned counsel Adv. G.Prabhakaran appeared for the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-06-D-5528 operating on the route Andhakaranazhy-Ernakulam High Court Jn as ordinary service.The route having length of 36 kms in which 9.3 kms lies under the jurisdiction of

the RTA, Alappuzha. There exist a general concurrence of RTA Alappuzha for a distance up to 10 kms. The portion of the route from Thoppumpady to High Court Jn which is 9.3 kms in length objectionably overlapping on Trivandrum-Kannore, Trivandrum-Palakkad and Ernakulam-Thrissur notified scheme as per GO(p) No.42/2009/Trans dtd 14/07/2009. Moreover this permit was issued prior to 09/05/2006. Hence renewal of permit granted subject to notification no.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.36

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for variation of regular permit in respect of stage carriage KL-17-A-9680 operating on the route Adivaram-Aluva. The applicant is desired to vary the permit so as to operate existing two trips to Kalady by deviating the route via Desam, Chowara and Kanjoor by curtailing trips through Athani and Aluva. The proposed variation included curtailment and deviation. The enquiry officer has not reported the effect of curtailment of existing trips. Hence Secretary RTA is directed to ascertain whether the curtailment and deviation of trips in the existing service adversely affect existing traveling public. Hence adjourned.

Item No.37

Heard. The learned counsel Adv.M.Jithesh Menon appeared for the applicant. This is an application for renewal of intra district regular permit in respect of stage carriage KL-07-AZ-1338 operating on the route Pooyappilly-Kaloor Bus Stant as ordinary moffusil service. The route having length of 26.8 kms and the route objectionably overlapping on notified scheme. This permit was issued after 09/05/2006. There is a stay for clause(4) of the notification no.42/2009/Tran dtd 14/07/2009. Hence the renewal of permit granted subject to notification no.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.38

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for renewal of inter district regular permit in respect of stage carriages KL-07-AB-3555 and KL-05-AE-1825 operating on the route Pathanamthitta-Chittarikkal in opposite directions as Limited Stop Ordinary Service. This authority considered the applications in detail. The regular permit in respect of the above vehicles were expired during 2/2006 and hence the applications for renewal of permits for the period of 5 years from 2/2006 are pending for want of concurrence of sister RTAs. During 2011 the permit holders filed further applications for renewal of permits from 02/2011. But the concurrence of sister RTAs for the renewal of permits for the previous period ending up to 2/2011 had not received at that time. Thereafter RTA, Kottayam, RTA Malappuram and RTA Vadakara were rejected the concurrence for renewal of permits on the portions of the above route. As per rule 171 of KMV Rules, an inter district regular permit is not valid in a region without concurrence of the Regional Transport Authority or Regional Transport Authorities of the other region or regions concerned. In this case the RTA, Kottayam, RTA Malappuram and RTA Vadakara have rejected the concurrence for

renewal of permits. Hence renewal of this inter district stage carriage permit cannot be granted .Hence rejected.

Item No.39

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-17-E-1947 operating on the route Mala-Angamaly as ordinary moffusil service.The route having length of 32 kms in which 15 kms lies under the jurisdiction of the RTA Thrissur.Secretary RTA is directed to obtain concurrence of RTA,Thrissur with details of width of the road and in compliance of Order No.D3/875/2005/STA dtd 08/11/2011.Hence Adjourned.

Item No.40

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-36-B-7003 operating on the route Kottayam-Kakkanad-Pukkattupady as Fast Passenger Service.The route having length of 95 kms in which 43.5 kms lies under the jurisdiction of the RTA,Kottayam.Hence Secretary RTA is directed to seek concurrence of RTA,Kottayam .Hence adjourned.

Item No.41

Heard the applicant. This is an application for renewal of intra district regular permit in respect of stage carriage KL-04-N-5325 operating on the route Kumbalangi Ferry-Kaloor as ordinary moffusil service. The route having length of 30.4 kms in which 12.7 kms lies under the jurisdiction of the RTA Alappuzhar. RTA Alappuzha granted concurrence for renewal of permit .The route objectionably overlapping on notified schemes .This permit was issued prior to 09/05/2006. There is a stay for clause (4) of the notification no.42/2009/Tran dtd 14/07/2009. Hence the renewal of permit granted subject to notification No.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.42

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of intra district regular permit in respect of stage carriage KL-07-AH-8789 operating on the route Munambam-N.Parur-Kottayil Kovilakom as ordinary Moffusil Service. The route having length of 24 kms and the route objectionably overlapping on notified scheme .This permit was issued after 09/05/2006. There is a stay for clause(4) of the notification No.42/2009/Tran dtd 14/07/2009. Hence the renewal of permit granted subject to notification No.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.43

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-08-AH-9500 operating on the route Chalakkudy-Kanakkankadavu as ordinary moffusil

service. The route having length of 46.5 kms in which 15 kms lies under the jurisdiction of the RTA Thrissur. RTA Thrissur in its sitting dtd 17/04/2013 vide item No.75 granted concurrence for renewal of permit. The route overlapping on notified scheme. This permit was issued prior to 09/05/2006. There is a stay for clause (4) of the notification no.42/2009/Tran dtd 14/07/2009. Hence the renewal of permit granted subject to notification no.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.44

Heard. The learned counsel Adv.G.Prabhakaram appeared for the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-36-8023 operating on the route Moothedathukavu-Kaloor as LSOS. The route having length of 41 kms in which 17 kms lies under the jurisdiction of the RTA, Kottayam. Hence Secretary RTA is directed to seek concurrence of RTA, Kottayam with details of overlapping and detailed report for the settlement of timings as per Order No.D3/875/2005/STA dtd 08/11/2011 of STA. Hence adjourned.

Item No.45

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant. This is an application for transfer of permit. Transfer of permit allowed subject to clearance of government dues and production of NOC, if applicable.

Item No.46

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for transfer of permit. Transfer of permit allowed subject to clearance of government dues and production of NOC, if applicable.

Item No.47

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for transfer of permit. Transfer of permit allowed subject to clearance of government dues and production of NOC, if applicable.

Item No.48

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for transfer of permit. Transfer of permit allowed subject to clearance of government dues and production of NOC, if applicable.

Item No.49

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for transfer of permit. Transfer of permit allowed subject to clearance of government dues and production of NOC, if applicable.

Item No.50

Heard the applicants. This is an application for transfer of permit. Transfer of permit allowed subject to clearance of government dues and production of NOC, if applicable.

Item No.51

This is an application for transfer of the regular permit in respect of stage carriage KL-36-B-1921 on the route Kottayam Bandhaduka. Applicants absent.Hence adjourned.

Item No.52

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.53

Heard. The learned counsel Adv.Jithesh Menon appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.54

Heard the applicants. This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.55

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.56

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.57

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.58

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.59

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.60

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.61

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.62

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.63

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.64

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.65

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.66

Heard the applicants. This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.67

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit. Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.68

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.69

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.70

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.71

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Item No.72

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit u/s 87(1)C for a period of 4 months in respect of stage carriage KL-07-AB-1989 to operate on the route Panangad-Cheranelloor in the vacant timings of stage carriage KL-07-BC-7318.The previous temporary permit was issued on the basis of the order of Hon'STAT in M.P No.1208/2012 in MVAA No.369/2012.But final orders on above appeal is not recieved. Hence the applicant is directed to produce copy of the final judgment of Ho'ble STAT in above appeal.Hence adjourned. The Secretary RTA is directed to do the needful on behalf of the RTA as per the result of the above appeal pending with the STAT.

Item No.73

1.Perused the Judgment of Ho'ble High Court of Kerala in WP© No.5990 of 2013,wherein the Hon'ble Court has directed to consider the application for temporary permit filed by the applicant.

2.Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant This is an application for temporary permit u/s 87(1)C for a period of 4 months to operate on the route Aluva-Kadavanthra in the vacant timings of stage carriage KL-07-AN-5441.This authority considered the scope and applicability of the temporary permit U/S 87(1) C of MV act. The regular permit issued to stage carriage KL-07-AN-5441 was expired during 2011.The vacant timings of the above vehicle were utilized by other stage carriages on the sector during timing conferences convened after the date of expiry of the regular permit.Hence there is no vacant timings available at present. The propose route is well served by Private Stage Carriages and stage carriages owned by State Transport Under taking.The proposed route having length of 34 kms in which the portion of the route from Aluva to Kadavanthra which is 22 kms in length objectionably overlapping on Trivandrum_Canannoore notified schemes as per GO(P) No.42/2009/Tran dtd 14/07/2009. KSRTC vehemently objected the grant of temporary permit on this route and stated that at present sufficient stage carriages owned by the STU are conducting service on the same route. This authority feels that there is no necessity exist at present for the

grant of temporary permit U/S 87(1)C of MV Act on the above route. More over this authority is prevented from the grant of regular or temporary permits on the notified routes or its portion as per judgments of Hon'ble Supreme Court of India and Hon'ble High Court of Kerala in case No.1341 of 1990 and.25905 of 2010 respectively. Hence rejected.

Item No.74

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit u/s 87(1)C for a period of 4 months in respect of stage Carriage KL07-AH-3484 to operate on the route Aluva-Thevara Jn in the vacant timings of stage carriage KL-07-AG-1472.The previous temporary permit was issued on the basis of judgment of Hon'ble High Court of Kerala in WP© No.29491 of 2011.But no objections are received from other stage carriage operators including KSRTC against the grant of temporary permit. Hence temporary permit U/S 87(1) C granted for 4 months to operate on the route Aluva-Thevara Jn in the vacant timings of KL-07-AG-1472.

Item No.75

This is an application for temporary permit U/S 87(1) C to operate on the route Aluva-Varapuzha in the vacant timings of KL-07-AG-5877. As per the order of Hon:STAT in MP No.340/2013 in MVAA No.101/2013 temporary permit for 4 months granted.

Item No.76

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for temporary permit u/s 87(1)C for a period of 4 months in respect of stage Carriage KL-07-AN-6030 to operate on the route Poothotta-Aluva in the vacant timings of stage carriage KL-07-AL-1975.The above vehicle is operating service with issued temporary permits since 2009 on the basis of judgment of Hon'ble High Court in W.A No.444 of 2007.No objections received from other operators including KSRTC against the grant of temporary permit on the above route. Hence temporary permit U/S 87(1) C granted for 4 months to operate on the route Aluva-Thevara Jn in the vacant timings of KL-07-AL-1975.

Item No.77

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant.This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-07-BB-9809 to operate on the route Kallochira-Eloor Depot in the vacant timings of stage carriage KL-07-K-4753.The applicant is operating service on the above route since 2010. This authority feels that there exist a necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route

Item No.78

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for temporary permit u/s 87(1)C for a period of 4 months in respect of stage carriage KL-07-Z-6979 to operate on the route Panangad-Cheranelloor in the vacant timings of stage carriage KL-07-BJ-1878.The previous temporary permit was issued on

the basis of the order of Hon'ble STAT in M.P No.412/2012 in MVAA No.150/2012. But final orders on above appeal has not produced. Hence the applicant is directed to produce copy of the final judgment of Hon'ble STAT in above appeal. Hence adjourned. The Secretary RTA is directed to do the needful on behalf of the RTA as per the result of the above appeal pending with the STAT.

Item No.79

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-17-D-9417 to operate on the route Pallissery-Perumbavoor in the vacant timings of stage carriage KL-08-K-7025. The applicant is operating service on the above route since 2010. This authority feels that there exist a necessity for the grant of temporary permit on that route. KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.80

Heard the applicant. This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-07-AQ-2497 to operate on the route HPC Velloor-Kaloor as ordinary Moffusil Service. The previous temporary permit was issued on the basis of public interest. This authority feels that there exist a necessity for the grant of temporary permit on that route at present. KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route

Item No.81

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-17-A-252 to operate on the route Mulakulam-Kaloor as ordinary Service. The previous temporary permit was issued on the basis of public interest. This authority feels that at present also there exist necessity for the grant of temporary permit on that route. KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route

Item No.82

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-37-A-4930 to operate on the route Koothattukulam-Kaloor as ordinary moffusil Service. The previous temporary permit was issued on the basis of temporary necessity reported. This authority feels that at present also there exist necessity for the grant of temporary permit on that route. KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.83

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-36-A-4100 to operate on the route Thalayolapparambu-Kaloor as ordinary moffusil Service. The previous temporary permit was issued on the basis of temporary necessity reported . This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.84

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-05-M-3982 to operate on the route Piravom-Kaloor as ordinary moffusil Service. The previous temporary permits were issued on the basis of temporary necessity reported. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection for issuing temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.85

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for substitute temporary permit for 4 month u/s 87(1)C of MV act in respect of stage carriage KL-17-D-720 to operate on the route South Chittoor-Eroor gate as ordinary city Service in the vacancy of stage carriage KL-40-3646 which was replaced by keeping the regular permit valid up to 05/08/2014 under suspended animation as per the Order of Hon'ble High Court.Since the regular permit is still valid, there is no objection to grant substitute temporary permit on the above route.Hence temporary permit U/S 87(1) C granted for a duration of 4 months or till the regular permit holder resumes service on the route which ever is earlier.

Item No.86

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-05-K-6376 to operate on the route Thalayolaparambu-Kaloor as ordinary moffusil Service. The previous temporary permits were issued on the basis of temporary necessity reported. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.87

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-06-B-6565 to operate on the route Pattimattam-Kaloor as ordinary moffusil

Service. The previous temporary permits were issued on the basis of temporary necessity reported. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.88

Heard. The learned counsel Adv.P.Deepak appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-07-AN-6880 to operate on the route Vattappara-Kaloor as ordinary moffusil Service. The previous temporary permits were issued on the basis of temporary necessity reported. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.89

Heard the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-07-AS-5333 to operate on the route Koothattukulam –Kaloor Bus stand as ordinary moffusil Service. The previous temporary permits were issued on the basis of temporary necessity reported. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.90

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-07-BA-5593 to operate on the route Malavana Ferry-Ernakulam South as ordinary Service. The previous temporary permits were issued on the basis of temporary necessity reported. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.91

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-17-F-6906 to operate on the route Koothattukulam-Kaloor Bus Stand as ordinary moffusil Service. The previous temporary permits were issued on the basis of temporary necessity reported. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.92

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-40-A-5652 to operate on the route Thalayolaparambu-Kaloor as ordinary moffusil Service. The previous temporary permits were issued on the basis of temporary necessity reported. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.93

Heard the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-05-S-8010 to operate on the route Thalayolaparambu -Kaloor Bus Stand as ordinary moffusil Service. The applicant is operating service on this route since 1990. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.94

Heard.The learned counsel Adv.G.Prabhakaran appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-06-C-8962 to operate on the route Edakkattuvayal-Kalamassery as ordinary moffusil Service. The applicant is operating service on this route since 1977. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.95

Heard.The learned counsel Adv.G.Prabhakaran appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-07-BT-7947 to operate on the route Kothad Fery-Thiruvaniyoor as ordinary Service. The applicant is operating service on this route since 2001. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.96

Heard the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-17-E-8282 to operate on the route Koothattukulam-Kaloor as ordinary moffusil Service. The applicant is operating service on this route since 1973. This authority feels that at present also there exist necessity for

the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.97

Heard.The learned counsel Adv.G.Prabhakaran appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-17-E-9097 to operate on the route Vattappara-Kaloor as ordinary Service. The applicant is operating service on this route since 1999. This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Item No.98

Heard.This is the request of the Secretary,RTA,Thrissur for concurrence for the renewal of the regular permit in respect of stage carriage KL-08-V-6579 operating on the route Krishnankotta-Angamaly as Ordinary Service. The enquiry officer has reported that 15.5 kms of the route comes under the jurisdiction of this authority.The portion of the route from Athani to Kubotta Jn which is 300 mtrs and the portion of the route Angamaly Telt to Angamaly Pvt Bus Stand which is 800 meters in length are objectionably overlapping on Trivandrum-Palakkad,Trivandrum-Canannoore and Ernakulam-Thrissur notified schemes as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.99

Heard.This is the request of the Secretary,RTA,Idukki for concurrence for the renewal of the inter district regular permit in respect of stage carriage KL-33-B-3176 operating on the route Nedumkandam-Ernakulam as Fast Passenger Service. The enquiry officer has reported that the portion of the route from Neerpara to Kaloor which is 30.5 kms in length comes under the jurisdiction of this authority and in which the portion from Puthiyakavu to Kadavanthra which is 10 kms in length objectionably overlapping on Ernakulam-Thekkady notified scheme as per GO(P) No.42/2009/Trans dtd 14/07/2009.

This authority considered the matter in detail. Vide GO(P) No.72/2013/Tran dtd 16/07/2013 published vide SRO No.554/2013, the Government of Kerala have amended the Rule 2(ea) of KMV Rules as "Fast Passenger Service means a service which is operated by a State Transport Undertaking with limited stops on a route having distance not less than 70 kms covering at least one district or connecting two district head quarters and having a seating capacity of at least fifty excluding its staffs."

As per clause(3) of the notification in GO(P) No.73/2013/Tran dtd 16/07/2013 published vide SRO No.555/2013,the permits issued to operate as higher class service such as Fast Passenger,Super Fast,Super Express and Super deluxe services in private sector on or before the date of notification shall be allowed to continue till the dates of

expiry if the respective permits. Thereafter no permits shall be renewed and no permit regular or temporary shall be issued afresh.

In this case the regular permit was issued to the applicant to operate as Fast passenger Service before the date of notification. As per the notification No.73/2013/Tran dtd 16/07/2013, the permit holder can operate service only up to the expiry of the permit.If the concurrence for renewal of permit as Fast Passenger granted, it will be a clear violation of Rule 2(ea) of KMV Rules and above said notifications. Hence concurrence for renewal of permit as Fast Passenger Service is hereby rejected.

Item No.100

Heard.This is the request of the Secretary,RTA,Thrissur for concurrence for the renewal of the regular permit in respect of stage carriage KL-48-B-6069 operating on the route Eloor Ferry-Palakkad as LSOS. The enquiry officer has reported that 17 kms of the route comes under the jurisdiction of this authority. There is no objectionable overlapping in Ernakulam District. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length

Item No.101

Heard.This is the request of the Secretary,RTA,Thrissur for concurrence for the renewal of the regular permit in respect of stage carriage KL-47-1414 operating on the route Chottanikkara-Guruvayoor as LSOS.The enquiry officer has reported that 59 kms of the route comes under the jurisdiction of this authority.The portion of the route from Moothakunnam to Naluvazhy which is 7.6 kms in length objectionably overlapping on Aluva-Kuriappilly and Aluva –Chathanad complete exclusion scheme and the portion from Edappally to Ernakulam South which is 8.4 kms in length objectionably overlapping on Trivandrum-Palakkad,Trivandrum-Canannoore and Trivandrum-Thrissur notified schemes as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.102

Heard.This is the request of the Secretary,RTA,Thrissur for concurrence for variation of the regular permit in respect of stage carriage KL-47-B-1961 operating on the route Guruvayoor-Ernakulam as LSFP Service. The permit holder is desired to vary the permit so as to operate service by deviating the route from Koonammavu to Kunnumpuram via Varappuzha Bridge which is 7.7 kms in length by curtailing the service from Koonammavu to Kunnumpuram via Pathalam and FACT which is 15.3 kms in length. This authority considered the matter in detail. The existing portion of the route in Ernakulam district having length of 40 kms.If the proposed variation is allowed,the distance will be reduced to 32.4 kms. The enquiry officer has reported that in the existing service there is no stop in between Koonammavu and Kunnumpuram since the vehicle is operating service as LSFP and hence the curtailment of service from Koonammavu to

Kunnumputam via Pathalam and FACT will not affect traveling public of that area. The proposed deviation portion is not overlapping on notified schemes. But as per sub section(3) of section 80,any variation application amounts to an application for a fresh permit. Hence concurrence for variation of regular permit granted without prejudice to the right of the primary authority to decide the nature of service depending on the route length and existing notifications vide GO(P) No. 72/2013/Tran dtd 16/7/2013 and GO(P) No.73/2013/Tran dtd 16/07/2013.

Item No.103

Heard.This is the request of the Secretary,RTA,Thrissur for concurrence for the renewal of the regular permit in respect of stage carriage KL-47-2223 operating on the route Ernakulam South-Guruvayoor as Ordinary Service. The enquiry officer has reported that 28.5 kms of the route comes under the jurisdiction of this authority. The portion of the route from Moothakunnam to Naluvazhy which is 7.6 kms in length objectionably overlapping on Aluva-Kuriappilly and Aluva –Chathanad complete exclusion scheme and the portion from Edappally to Ernakulam South which is 8.4 kms in length objectionably overlapping on Trivandrum-Palakkad,Trivandrum-Canannoore and Trivandrum-Thrissur notified schemes as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.104

Heard.This is the request of the Secretary,RTA, Thrissur for concurrence for the renewal of the regular permit in respect of stage carriage KL-47-6566 operating on the route Chottanikkara-Guruvayoor as LSOS.The enquiry officer has reported that 28 kms of the route comes under the jurisdiction of this authority. The portion of the route from Moothakunnam to N.Parur which is 5 kms in length objectionably overlapping on Aluva-Kuriappilly and Aluva –Chathanad complete exclusion scheme and the portion from Edappally to Kaloor which is 5 kms in length objectionably overlapping on Trivandrum-Palakkad,Trivandrum-Canannoore and Trivandrum-Thrissur notified schemes as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.105

Heard. The learned counsel Adv.P.Deepak appeared for the applicant.This authority considered the scope and applicability of the replacement of vehicle where the regular permit was expired and application for temporary permit U/S 87(1) C to operate on the route Poothotta-University.

The applicant was a holder of regular permit valid up to 30/07/2011 and permitted to operate service on the route Poothotta-University with a stage carriage KL-17-A-6888. During 10/2010 on the basis application filed by the registered owner of the vehicle and in compliance of the Judgment of Hon'ble High Court of Kerala in WP© No.31028 of 2010,clearance certificate was issued in respect of the above stage carriage by keeping

the valid regular permit under suspended animation for changing the ownership in to the name of another person. Subsequently on 26/05/2011, the permit holder had filed an application for renewal of the regular permit. By using delegated power under Rule 133(g) of KMV Rules 1989, the Secretary RTA was refused to renew the permit U/S 81 of MV Act and rejected the application for renewal of permit on the ground that without a valid vehicle, the permit has no existence and hence the regular permit became cancelled or suspended one. The above decision of the Secretary RTA was ratified by this authority. Subsequently the regular permit was expired on 30/07/2011. On 28/07/2012 ie, after two years from the date of removal of the vehicle from the permit, the applicant filed an application for replacement of the vehicle KL-17-A-6888 by an another vehicle KL-32-3861 and on consideration of the application the Secretary RTA rejected the same since the permit which was kept under suspended animation and that too expired on 30/07/2011 and there is no provision to replace a vehicle with an expired regular permit in accordance with the provisions of Motor Vehicles Act and Rules made there under.

Vide order in M.P.No.661/2013 in MVAA No.242/2012, the Hon'ble STAT has ordered that the permit of the applicant shall continue till the disposal of the appeal. But there is no specific order regarding the date of disposal of the appeal and hence this authority cannot be determined the validity of the regular permit. More over the vehicle KL-17-A-6888 is owned by another person and the vehicle is covered by a regular permit valid up to 28/12/2016 and operating on the route Perumpadappu-South Chittoor. Hence the replacement of the vehicle KL-17-A-6888 by a vehicle KL-07-BE-3245 owned by the applicant cannot be allowed. Hence application for replacement of the vehicle rejected.

The secretary RTA is directed to grant temporary permit U/S 87(1)C in respect of stage carriage KL-07-BE-3245 if there exist any urgent necessity for the same .

Item No.106

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for replacement of the stage carriage covered by a regular permit valid up to 09/04/2016 by an older model vehicle KL-07-AM-2028. This authority considered the application in detail.

This is a case where a later model vehicle(2007 mode) covered by a stage carriage permit is sought to be replaced by an older model(2003 model) stage carriage. The regular stage carriage permit was granted in respect of 2007 model vehicle bearing registration No.KL-07-BG-1004 to operate service on the route Chittethukara – Kumbalangy. The permit so granted is valid from 10/04/2011 up to 09/04/2016. After operating service hardly for two years, the permit holder sold the vehicle to another person who in turn got a permit in his favour on the route Vyttila-Vyttila. The clearance for the vehicle was granted on a direction of court keeping the permit on suspended animation. Obviously, the vehicle KL-07-BG-1004 was in sound and satisfactory condition for stage carriage service. There was no reason for the applicant to sell the vehicle and facilitate its operation on different route by another operator, other than selling the same for more attractive considerations. This action of the permit holder caused refusal of stage carriage service on the said route where there is lack of services and the passengers were put on to untold miseries. At the same time, the permit holder

wanted to retain the validity of permit so as to substitute a bus irrespective of its age and revive the service on the route Chittethukara-Kumbalangy.

Rule 174(2)(d) of KMV Rules suggest that the authority may reject an application for replacement of vehicle, where the incoming vehicle is older than the outgoing vehicle subject to discretion of power stated there in.

The Hon'ble High Court of Kerala in WP© No.9077/2013 ordered for fresh consideration of application by this authority once again the same was rejected in the light of observations made by the Hon'ble High Court in WP© No.1960/2013, the matter again considered bearing in mind the discretionary power under Rule 174(2)d.

This authority has examined the various circumstances under which a stage carriage fit for operation on a long route was sold out for consideration and an old vehicle sought to be pressed in to the service on such long route to the utter disadvantage to the traveling public. This authority have also examined the merits of the application in the light of the comparison table of the both vehicles furnished by the applicant. It is a case where there exists a material difference of more than 25 % with regard to seating capacity.

The applicant/Permit holder does not appear to be keen in providing traveling facility to the public; on the other hand, he has engaged in selling and buying the vehicle for profit and to the detriment of public safety and convenience. We have also observed that the object of MV Act 1988 that the safety of public. While comparing two vehicles of 2007 model and 2003 model, the vehicle of 2007 model will be in a better position regarding safety and there is considerable difference.

Having regard to the aforesaid circumstances and exercising the discretionary power under rule 174(2)d, the application for replacement is hereby rejected.

Item No.107

Perused the application filed for the grant of regular permit, Judgment of the Hon'ble STAT in MVAA No.256/2012 and decision of this authority dtd 29/11/2012. It is clarified that if a regular permit granted in such a way to terminate the service up to Vyttila, the vehicle should terminate at Mobility Hub at Vyttila. Hence there is no need of further discussion. However approved the erratum in route as Munambam-Vyttila Hub.

Item No.108

Heard the applicant. This authority in its earlier sitting dtd 07/02/2013 granted a regular permit in respect of stage carriage KL-39-E-4568 to operate on the route Piravom-Edakkattuvayal-Arayankavu. The grantee has requested to revoke the granted permit for obtaining regular permit on another route. Hence the granted regular permit to operate on the above route is hereby revoked.

Item No.109

Heard. The learned counsel Adv.P.Deepak appeared for the applicants. This authority perused the Judgment of Hon'ble High Court of Kerala in WP© No.13441 of 2013, where in the Hon'ble High Court has directed this authority to consider the applications filed by the petitioners during the year 2000 for the grant of fresh regular permits to operate on the route Kottayam-Kodiyannamala in the opposite directions. This authority considered the

matter in detail on the basis of application file and other connected records. It reveals that this authority in its sitting dtd 20/02/2006 vide Item No.01 considered the applications for fresh regular permits filed by the petitioners to operate on the route Kottayam-Kodiyanmala as LSOS on the basis of Judgment of Hon'ble High Court of Kerala in WP© No.35033/2005 and rejected the applications since the sister RTAs were rejected the concurrence for the grant of regular permit. The matter was communicated the applicants by the Secretary RTA on 12/04/2006. Now there is no need of reconsideration of above decision. Hence dismissed.

Item No.110

Heard. This is the request for sanctioning of bus stop in front of Kusumagiri Mental Hospital,Kakkanad.The enquiry officer has reported that the proposed bus stop is helpful to the public including mentally challenged persons. The proposed bus stop in front of Mental Health Centre, Kusumagiri sanctioned on public interest on providing bus bay.

Item No.111

This is the matter regarding the refixation of fare and fare stages.The following references taken in to account while considering the request.

- 1.Judgment of Hon'ble High Court in WP© No.29504 of 2013 dtd 28/02/2013
- 2.Representation filed by Mr.Basil Attipetty,Advocate dtd 05/10/2013
- 3.Enquiry report furnished by the field officer
- 4.GO(P) No.65/2012/Tran dtd 09/11/2012

When the matter was taken up for the consideration of the RTA,neither the petitioner nor his authorized representative was present. How ever,the matter considered in detail.

The demand of the petitioner is fixation of new fare stages at High court Jn and Manorama Jn(Panampilly Nagar) since he is a regular commuter from High Court Junction to Nanorama Junction. He has pointed out that the distance between the High court Jn and Manorama Junction is only below 5 kms. ie,he has bound to pay only the minimum charge og Rs.6/- instead of which he is forced to pay Rs.7/-.

The fare stages have already been fixed on the sector covering from High Court Junction to Manorama Junction. Kaloor-Menaka-Valanjambalam(Pallimukku) and Vyttila are the fare stages already fixed on that route considering the factor like importance of places, Convenience of passengers etc. The distance between the two fare stages are generally 2.5 kms approximately based on provisions of Rule 211 of KMV Rules 1988. According to the latest fare revision notification regarding stage carriages. ie, reference 4th cited, a passenger is entitled to *travel a distance between two consecutive fare stages* by paying the minimum charge of Rs.6/-,meaning thereby that a journey beyond two such fare stages will attract to payment of next fare stage charge,ie Rs.7/-.There fore there is no illegality or impropriety in levying Rs.7/- for a journey from High Court Junction to Manorama Junction. In the same manner, there is no illegality regarding the fare stages on Vypin route also.

The demand of the petitioner cannot be satisfied solely on the ground that the distance between High Court Junction and Manorama Junction is below 5 km only, since there are thousand and thousands of commuter will arise such illegal demand. More over the RTA is barred *from making any changes in the existing fare stages* by the direction contained in the Govt. Order 4th cited.

Hence the request is rejected

Item No.112

Heard. The learned counsel M.Jithesh Menon appeared for the applicant. This is a matter regarding rescheduling of settled timings in respect of stage carriage KL-07-AG-8278 operating on the route North Parur-Vyttila Hub. This authority considered the matter in detail. The applicant had furnished along with his application for stage carriage permit a time table so as to commence the trip at North Parur at 5.00am and halt the trip in the evening at north Parur at 8.33PM. The Secretary, RTA was directed to settle the timings vide decision of the RTA in this regard. After due notification conducted a timing conference on 04/04/2013 and the timings was settled and hence modified the proposed time schedule without causing inconvenience to the other operators on the sector. The STAT vide Order in M.P.Np.649/2013 in MVARP No.194/2013 has directed this authority to issue time table proposed by the applicant for a period of six months. This authority perused the Order of the STAT and considered the applicability of rescheduling of the settled timings with a set of timings proposed by the applicant. There are approximately 40 objections received against the proposed timings. Hence this authority feels that operating service with proposed timings are inconvenience to the existing operators and that will lead to unhealthy competition among the stage carriages on the sector which will make inconvenience to the traveling public too. Hence Secretary, RTA may file revision petition before the STAT. Secretary RTA is directed to do the needful on the basis of further orders from the STAT.

Item No.113

Heard the counsel appeared for the private bus operators associations in Ernakulam district. The counsel requested adjourn the matter for next sitting for detailed discussion. Request allowed. Hence adjourned.

Item No.114

Heard. This is the matter of revocation of granted renewal of permit in respect of stage carriage KL-07-AH-7033 to operate on the route Aluva-Kaloor since the grantee was failed to produce current records of the vehicle in compliance of rule 159(2) of KMV Rules. This authority considered the matter in detail. One Mrs. Neethu Pradeep has filed an objection against the revocation in which intimated that she is the possessor of the vehicle KL-07-AH-7033 and requested not to revoke the granted renewal of permit. The Secretary RTA is directed to hear the applicant and place the matter with detailed remark in the next sitting of this authority. Hence adjourned.

Item No.115

Heard. This is the matter of revocation of regular permit which was issued stage carriage KL-07-AE-7875 to operate on the route Eroor-Chellanam-Kathrikkadavu as City Service. This authority considered the matter on perusal of permit file and connected records. The regular permit issued to the stage carriage KL-07-AE-7875 to operate on the route Eroor-Chellanam-Kathrikkadavu was expired on 15/07/2012. The vehicle was under non Use intimation during the period from 01-10-2010 to 31-03-2013. As per the service verification report furnished by the field officer, the vehicle was dismantled during 08/2011. Accordingly Secretary RTA was issued notice to the permit holder for surrendering the regular permit and certificate of registration for cancellation.

On 16/07/2012, the permit holder had filed an application for renewal of the regular permit. In receipt of that application, the Secretary, RTA was issued notice to the applicant to show cause why action should not be taken for rejecting the application for renewal of permit and revoking the regular permit issued in respect of his vehicle KL-07-AE-7875 to operate on the route Eroor-Kathrikkadavu. The enquiry officer has reported that no vehicle in existence to cover the regular permit with a renewed permit. Hence the regular permit became infructuous. On the above grounds this authority is hereby reject the application for renewal of permit and revoke the regular permit issued to Stage Carriage KL-07-AE-7875 to operate on the route Eroor- Kathrikkadavu as City Service. Secretary RTA is directed to take necessary steps for realizing the pending Government dues, if any.

Item No.116

Heard the applicant. This is a request for cancellation of the variation in regular permit granted in respect of stage carriage KL-07-AR-7942 operating on the route Pukkattupady-Eramalloor. This authority in its earlier sitting dtd 07/02/2013 vide item No.72 granted variation of regular permit in respect of stage carriage KL-07-AR-7942 subject to settlement of timings. Accordingly Secretary, RTA was convened a timing conference on 04/06/2013 and timings settled. After the timing conference the permit holder requested for the cancellation of the variation pf permit granted by the RTA. Accordingly Secretary RTA cancelled the timing conference convened. Hence the variation of regular permit granted in respect of stage carriage by this authority in the sitting dtd 07/02/2013 vide item No.72 is hereby revoked.

Item No. 117

Heard. This is the belated application for renewal of permit in respect of Auto rickshaw KL-07-BP-4862 along with the request for condonation of the delay.. This authority satisfied with the explanation offered by the registered owner. Hence delay condoned and renewal of permit granted subject to the remittance Rs.1000/- in addition to the prescribed compounding fee for the permitless operation.

Item No. 118

Heard. This is the belated application for renewal of permit in respect of Auto rickshaw KL-07-J-8129 along with the request for condonation of the delay.. This authority satisfied with the explanation offered by the registered owner. Hence delay condoned and

renewal of permit granted subject to the remittance Rs.1000/- in addition to the prescribed compounding fee for the permitless operation and CF less operation.

Item No. 119

Heard. This is the belated application for renewal of permit in respect of Auto rickshaw KL-07-BD-5934 along with the request for condonation of the delay..This authority satisfied with the explanation offered by the registered owner.Hence delay condoned and renewal of permit granted subject to the remittance Rs.1000/- in addition to the prescribed compounding fee for the permitless/CF less operation.

Item No.120

Ratified.

Item No.121

No other items

Item No.122

Next sitting of RTA is fixed to.....

Supplementary Item No.01

1.Perused the Order of Hon'ble STAT in M.P.No.707/2013 in MVAA No.266/2013.

2.Heard. The Learned counsel Adv.P.Deepak appeared for the applicant This is an application for temporary permit U/S 87(1)C in respect of stage carriage KL-35-7111 to operate on the route Thevara Jn-Perumbavoor in the vacant timings of stage carriage KL-06-5571.This authority in its previous sitting dtd 14/5/2013 rejected the application for temporary permit on the ground that the proposed route objectionably overlapping on Palakkad-Trivandrum,Kottayam-Kozhikode and Aluva-Kattappana notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009.

Vide Order in M.P.No.707/2013 in MVAA No.266/2013,the Hon'ble STAT has directed this authority to grant temporary permit for the duration of two months to the applicant on the route applied for subject to further orders and operation of KSRTC on the route. Hence temporary permit U/S 87(1) C granted for two months. Further grant of temporary permit shall be subject to the final orders of the STAT in MVAA No.266/2013.

Supplementary Item No.02

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant . This is an application for temporary permit for 4 month u/s 104 of MV act in respect of stage carriage KL-06-B-4032 to operate on the route Kootattukulam-Kaloor as ordinary moffusil Service. The previous temporary permit was issued on the basis of temporary necessity reported . This authority feels that at present also there exist necessity for the grant of temporary permit on that route .KSRTC has not filed objection against the grant of temporary permit on the above route. Hence temporary permit u/s 104 of MV act is granted for 4 months or till the KSRTC apply and obtain permit on the route.

Supplementary Item No.03

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for transfer of permit.Transfer of permit allowed subject to clearance of government dues and production of NOC,if applicable.

Supplementary Item No.04

1.Perused the interim Order of Hon'ble High Court of Kerala in W.A No.957/2013

2.Heard the applicant and perused the connected records in this case.This authority in its earlier sitting dtd 13/11/2009 vide Item No.54 granted variation of regular permit in respect of stage carriage KL-41-A-1368 operating on the route Angamaly –Perumbavoor so as to extend the service up to Ezhattumugham via Vettilappara Block No.13,Arrormoozhy New Bridge avoiding trips through Chully and Devagiri with starting and halting at Vettilappara subject to settlement of timings. The above decision was in compliance of the Judgment of the Hon'ble High Court of Kerala in WP© No.16212/2009.Vide Judgment in WP© No.10219/2011,the Hon'ble High Court of Kerala had directed the Secretary RTA to convene a timing conference for the settlement of timings. Accordingly Secretary RTA was convened a timing conference on 16/04/2013 and the granted variation endorsed in the regular permit with a settled new time schedule was issued to the permit holder vide proceedings No.C1/1114/2012/E dtd 16/04/2013 to operate on the varied route.

Now one Mr.Danty Joseph, a permit holder on the same sector has obtained a stay order from the Hon'ble High Court of Kerala by filing W.A No.957/2013.In the interim order in above appeal dtd 02/07/2013,Hon'ble High Court has stayed the operation of the Judgment in WP© No.10219/2011 and the Proceedings of the Secretary RTA in order No. C1/1114/2012/E dtd 16/04/2013 until further orders. Hence Secretary RTA is directed to issue necessary direction to the permit holder of stage carriage KL41-A-1368 to operate service only on the previous route on which service operated before the endorsement of variation until further orders of Hon'ble High Court of Kerala in W.A No.957/2013.

Supplementary Item No.05

This is a matter regarding the revocation of regular permit issued in respect of stage carriage KL-41-A-2419 to operate on the route Fort Koch-Aluva.This authority in its previous sitting dtd 14/05/2013 considered the same matter and heard the learned counsel appeared for the permit holder. The learned counsel appeared on behalf of the permit holder had requested to adjourn the matter to the next sitting of this authority.On the basis of the request this authority adjourned the matter to this sitting. Accordingly this authority perused the file and connected records in this case. The regular permit issued to the stage carriage KL-41-A-2419 was expired on 14/01/2010 and there after the vehicle was covered by temporary permit U/S 87(1) d valid up to 20/02/2011.In compliance of the Judgment of the Hon'ble High Court of Kerala in WP© No.24802/2011,the Secretary RTA granted renewal of the regular permit without insisting of No Objection Certificate from the financier and the grantee was directed to produce current records of the vehicle within one month from the date of dispatch of the communication. But the grantee had

not produced current records within the stipulated time. In the mean time the registered owner of the vehicle had filed writ petition No.24816/2012 before the Hon'ble High Court of Kerala in connection with the realization of tax at stage carriage rate for the period in which the vehicle was not covered a valid regular permit. In the above writ petition the petitioner alleged that he has not received the communication regarding the grant of renewal of regular permit. Accordingly the matter was again communicated on 21/12/2012 .On 30/01/2013, the grantee has requested to allow maximum time for the production of current records of the vehicle KL-41-A-2419 for endorsing the granted renewal of permit. The request was considered by this authority on 07/02/2013 and adjourned the matter since the applicant was absent .On sitting held on 14/05/2013, this authority again considered the matter and the counsel appeared on behalf of the grantee has requested to adjourn the matter to the next sitting. After the laps of two years from the date of grant of renewal of permit ,the registered owner is failed to produce current records of the vehicle within a time limit prescribed in Rule 159(2) of KMV Rules.Now the regular permit expired during 2010 became invalid. Hence regular permit issued to the stage carriage KL-41-A-2419 to operate on the route Fort Kochi-Aluva is hereby rejected. Secretary RTA is directed to take necessary steps for realizing the pending Government dues, if any.

Supplementary Item No.06

Heard.The learned Counsel Adv.P.Deepak appeared for the applicant.This is an application for substitute temporary permit U/S 87(1)C for 4 months in respect of stage carriage KL-11-Q-6837 to operate on the route Aluva-Kaloor in place of stage carriage KL-07-AH-7033.This authority considered the scope and applicability of the grant of temporary permit on the above route.The regular permit issued to the stage carriage KL-07-AH-7033 was expired on 12/04/2012. There fore there is no such valid regular permit in existence in respect of stage carriage KL-07-AH-7033 to grant a substitute temporary permit to another vehicle on the route Aluva-Kaloor. More over there is no urgent necessity for the grant of temporary permit U/S 87(1) C of MV Act on the route Aluva-Kaloor since the route is well served by the stage carriages on the private sector and stage carriages owned by the State Transport Undertaking.Public demand is the prime criteria for the grant of a temporary permit on a route. In this case no such demand reported. Hence the application for temporary permit U/S 87(1)C to operate on the route Aluva-Kaloor in place of KL-07-AH-7033 is hereby rejected.

Supplementary Item No.07

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-05-N-2097 operating on the route Kakkanad-Thalayolapparambu-Kottayam as LSOS.The route having length of 82 kms in which 39.5 kms lies under the jurisdiction of the RTA Kottayam. RTA Kottayam granted concurrence for renewal of permit .The route objectionably overlapping on Ernakulam-Thekkady,Trivandrum-Palakkad and Trivandrum-Canannoore notified schemes as per GO(P) No.42/2009/Tran dtd 14/07/2009 .This permit was issued prior to 09/05/2006. There is a stay for clause (4) of the notification no.42/2009/Tran dtd 14/07/2009. Hence the renewal of permit granted

subject to notification no.42/2009/Trans dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Supplementary Item No.08

This is the list of auto rickshaw stands within the Thrikkakkara municipal limit submitted by the Chairman,Thrikkakkara Municipality for the approval of this authority .This authority considered the matter on the basis of number of auto rickshaws operating within the municipal limit and on the basis of Judgment of Hon'ble High Court regarding the parking place of the auto rickshaws. In the submitted proposal the number of auto rickshaws that can be accommodated in each parking places are not mentioned. Hence Secretary RTA is directed to obtain a detailed proposal from the concerned municipality in compliance of the connected Judgment of Hon'ble High Court with number of vehicles that can be parked in each stand .Hence adjourned.

Sri. Sheik Pareeth,I.A.S
District Collector
&
Chairman,RTA,Ernakulam

Sri.Satish Bino,I.P.S
District Police Chief
&
Member,RTA,Ernakulam

Sri.P.A.Sainudeen
DeputyTransport Commissioner
&
Member,RTA,Ernakulam



B J Antony
Secretary
RTA Ernakulam