

**MINUTES OF REGIONAL TRANSPORT AUTHORITY ,ERNAKULAM HELD ON 17/08/2015**

**Present:- Chairman-**

*Sri.M.G.Rajamanickam,I.A.S, The District Collector, Ernakulam*

**Member:-**

*Sri.K.G.Samuel, Deputy Transport Commissioner [Law], CZ- II,Ernakulam.*

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**Item No.01**

Heard.This is an application for the grant of fresh intra district regular permit in respect of Stage Carriage KL-15-5587 to operate on the route Aluva-Neduvannoor as Ordinary Moffusil Service. The State Transport Undertaking is the applicant.The proposed permit is beneficial to the travelling public.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence considering the privilege given to STU under Rule 212 of KMV Rules-1989, regular permit is granted to a suitable stage carriage not older than five years from the date of its registration owned by the STU with proposed set of timings.

### **Item No.02**

Perused the judgment of Hon'ble STAT in MVARP Mo.280/2013 dtd 26/03/2015 and heard Adv.Jithesh Menon , the learned counsel represented the applicant.This is an application for the grant of fresh intra district regular permit in respect of a suitable stage carriage to operate on the route North Parur-High Court Jn-Chittoor Ferry as ordinary moffusil service.This authority in its earlier sitting dtd 14/05/2013 was rejected the application on the grounds that the the portion of the route objectionably overlaps Aluva-Cherai complete exclusion scheme with exceptional Clause. Above decision was challenged by the applicant before the STAT by filing MVARP No.280/2013 stating that there is no objectionable overlapping on notified schemes. Vide judgment in above petition, the STAT has set aside the order of rejecting the application and directed to reconsider the matter.In view of the above direction, this authority reconsidered the application and perused the connected file in detail. At this sitting the counsel represented the applicant has requested to consider the route as North Parur-High Court Jn by curtailing the portion between High Court Jn and Chittoor Ferry for avoiding legal impediments. But he has not submitted a modified application in Form P.St.SA and a new time schedule.

The applicant is directed to furnish a modified application and time schedule as requested in the meeting. Hence adjourned.

### **Item No.03**

Perused the judgment of Hon'ble High Court of Kerala in WP© No.15202/2015 dtd 25/05/2015 and heard Adv.P.Deepak,the learned counsel represented the applicant. This is an application for the grant of fresh inter district regular permit in respect of Stage Carriage KL-07-BX-7380 or a suitable stage carriage to operate on the route Kizhakkambalam-Edappally-Kunnumpuram-Aroor Jn as Ordinary moffusil service. This authority in its earlier sitting held on 06/01/2014 considered the application and the same was rejected on the ground that the applicant had failed to offer description of suitable stage carriage even in the sitting of this authority. The Hon'ble High Court of Kerala vide judgment in WP© No.15202 of 2015 quashed the order of this authority and directed to reconsider the application for the grant of permit within a time limit.

In view of the judgment of Hon'ble High Court of Kerala this authority reconsidered the application in detail and revealed that there is no objectionable overlapping in the proposed route and the field officer clearly reported that the proposed service is beneficial to the travelling public.KSRTC has not filed any objection in this regard. Several objections have been raised by the other operators on private sector against the grant of permit. This authority considered all the objections raised and overruled the same since the objections have no relevance. There is no legal impediment to grant permit on the proposed route.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section

72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration, subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

#### **Item No.04**

Perused the judgment of Hon'ble STAT in MVAA No.116/2015 dtd 16/05/2015 and heard Adv.P.Deepak, the learned counsel represented the applicant. This is an application for the grant of fresh intra district regular permit in respect of Stage Carriage KL-06-B-6565 or a suitable stage carriage to operate on the route Pattimattam- Trippunithura- Medical College as Ordinary moffusil service. This authority in its earlier sitting held on 13/02/2015 considered the application and the same was rejected on the ground that the proposed route is objectionably overlaps Ernakulam-Muvattupuzha complete exclusion scheme with exceptional clause. The Hon'ble STAT vide judgment in MVAA No.116/2015 set aside the order of rejecting the application with the findings that there is no objectionable overlapping on notified schemes and directed this authority to grant permit to the applicant.

In view of the judgment of Hon'ble STAT this authority reconsidered the application in detail and revealed that there is no objectionable overlapping in the proposed route. There is no legal impediment to grant permit on the proposed route.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified

description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

#### **Item No.05**

Heard; Adv.P.Deepak, the learned counsel represented the applicant. This is an application for the grant of fresh intra district regular permit in respect of Stage Carriage KL-07-AR-7741 or a suitable stage carriage to operate on the route Pampakuda-Trippunithura-Medical College as Ordinary moffusil service. This authority reconsidered the application in detail and revealed that there is no objectionable overlapping in the proposed route. There is no legal impediment to grant permit on the proposed route. So many objections have been received against the proposed time schedule stating that the grant of permit with proposed time schedule will lead to unhealthy competition among the existing operators.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

#### **Item No.06**

Heard; Adv.P.Deepak, the learned counsel represented the applicant. This is an application for the grant of fresh intra district regular permit in respect of Stage Carriage KL-07-AL-2760 or a suitable stage carriage to operate on the route Chennur-Kadamakudy-Vyttila Hub-Amrutha Hospital as Ordinary moffusil service. This authority in its earlier sitting held on 26/05/2015 considered the application and adjourned decision with direction to the applicant to provide sufficient trips to Chennur,an ill served area. Now the applicant has submitted a modified proposal and time schedule by providing more trips to Chennur ,Kadamakudy and Amruth Hospital. This authority reconsidered the application in detail in the light of enquiry report furnished by the field officer and revealed that there is no objectionable overlapping in the proposed route. There is no legal impediment to grant permit on the proposed route. So many objections have been received against the grant of permit stating that the proposed route is coming under the purview of City Service. The enquiry officer has clearly reported that the proposed route will not coming under the classification of City Service.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and

production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

#### **Item No.07**

Heard; Adv.Jithesh Menon, the learned counsel represented the applicant. This is an application for the grant of fresh intra district regular permit in respect of a suitable stage carriage to operate on the route North Parur-Vyttila Hub as Ordinary moffusil service. This authority reconsidered the application in detail and revealed that there is no objectionable overlapping in the proposed route and no other legal impediments to grant a permit as per laws governing to the grant of permit. So many objections have been received against the proposed time schedule stating that grant of permit with proposed time schedule will lead to unhealthy competition among the stage carriages in that sector.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

#### **Item No.08**

This is an application for the grant of fresh intra district regular permit in respect Stage Carriage KL-07-AF-2693 or a suitable stage carriage to operate on the route North Parur-Vyttila Hub as Ordinary moffusil service.The applicant is absent. Hence adjourned to next sitting.

### **Item No.09**

Heard Adv.G.Prabhakaran ,the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for the grant of fresh inter district regular permit in respect of a suitable stage carriage to operate on the route Medical College- Perumbalam as Ordinary moffusil service. This authority considered the application in detail. The proposed route is having length of 33 km, in which the 9.7 km is lying under the jurisdiction of RTA,Alappuzha. Secretary,RTA will seek concurrence of RTA,Alappuzha. Hence adjourned.

### **Item No.10**

Heard; Adv.P.Deepak, the learned counsel represented the applicant. This is an application for the grant of fresh intra district regular permit in respect of Stage Carriage KL-07-AN-2511 or a suitable stage carriage to operate on the route Ponekkara-Edappally-Vyttila-Cheppanam-Chathamma as Ordinary moffusil service. This authority in its earlier sitting held on 26/05/2015 considered the application and adjourned decision with direction to the Secretary,RTA to conduct a detailed enquiry on allegation that the proposed route is coming under the classification of City Service.The enquiry officer has clearly reported that the proposed route will not coming under the classification of City Service.There is no legal impediment to grant proposed permit. So many objections have been received against the proposed time schedule stating that grant of permit with proposed time schedule will lead to unhealthy competition among the stage carriages in that sector.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and

production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

### **Item No.11**

Heard; Adv.P.Deepak, the learned counsel represented the applicant. This is an application for the grant of fresh intra district regular permit in respect of a suitable stage carriage to operate on the route Panangad-North Parur as Ordinary mofussil service. This authority in its earlier sitting held on 26/05/2015 considered the application and adjourned decision with direction to the Secretary,RTA to conduct a detailed enquiry on allegation that the proposed route is objectionably overlaps notified schemes. Now the enquiry officer has clearly reported that the proposed route will not objectionably overlaps notified schemes and there is no legal impediment to grant proposed permit. So many objections have been received against the proposed time schedule stating that grant of permit with proposed time schedule will lead to unhealthy competition among the stage carriages in that sector.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

### **Item No.12**

Heard; Adv.P.Deepak, the learned counsel represented the applicant. This is an application for the grant of fresh intra district regular permit in respect of Stage

Carriage KL-17-A-4055 or a Suitable stage carriage to operate on the route Pattimattam-Kizhakkambalam-Pukkattupady-Edappally Toll-Panangad-Madavana as Ordinary moffusil service. This authority in its earlier sitting held on 26/05/2015 considered the application and adjourned decision with direction to the Secretary, RTA to ascertain the route portion coming under the jurisdiction of RTA Muvattupuzha. Now the enquiry officer has reported the required details. This authority reconsidered the application in detail. The proposed route will not objectionably overlaps notified schemes and there is no legal impediment to grant proposed permit. So many objections have been received against the proposed time schedule stating that grant of permit with proposed time schedule will lead to unhealthy competition among the stage carriages in that sector.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

### **Item No.13**

Heard; Adv.Jithesh Menon, the learned counsel represented the applicant. This is an application for the grant of fresh inter district regular permit in respect of a Suitable stage carriage to operate on the route Ponekkara-Perumbalam via Punnakkal,Perandoor,Kaloor,Kathrikkadavu,Thammanam,Vyttila,Kumbalam and Aroor temple as Ordinary moffusil service. This authority in its earlier sitting held on 26/05/2015 considered the application for the grant of permit filed by the applicant to

operate on the route Ponekkara-Perumbalam Ferry and adjourned decision with direction to the Secretary RTA to conduct a detailed enquiry on modified proposal submitted by the applicant. The report of the enquiry officer reveals the following.

A. Deviation at Kathrikkadavu through underpass is required to reach Kaloor and turning to the right through the second span of the underpass is possible by negotiating the right turn towards Kaloor will be a strenuous fact. Moreover at the left side of the underpass towards Kaloor the road width is hardly 300 cm and it is a two way track. A restriction has to be imposed at each time of travel of the stage carriage and it will be difficult and inadequacy exist in giving way for other vehicles coming in opposite direction.

B. The proposed route is having length of 31.6 km, in which, 9.7 km comes under the jurisdiction of RTA Alappuzha.

In the light of above findings, this authority considered the application in detail. No permits can be granted on the portion of the proposed route connecting Kathrikkadavu and Kaloor since there no sufficient road width to operate stage carriage without obstruction. Hence the application is liable to be rejected.

Considering the request of the learned counsel represented the applicant, he is permitted to submit a modified proposal avoiding service through the above mentioned unfit portion.

Secretary RTA is directed to call concurrence of the Regional Transport Authority Alappuzha under Rule 171 of KMV Rules 1989.

Hence adjourned.

#### **Item No.14**

Heard; Adv.Jithesh Menon, the learned counsel represented the applicant. This is an application for the grant of fresh intra district regular permit in respect of a Suitable stage carriage to operate on the route Kizhakkambalam-Aluva-Perumbavoor as Ordinary moffusil service. This authority considered the application in detail and revealed that there is no objectionable overlapping in the proposed route and no other legal impediments to grant a permit as per laws governing to the grant of permit.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and

inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit”.

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

#### **Item No.15**

Heard ;the learned counsel represented the applicant.This is an application for the grant of fresh intra district regular permit in respect of a suitable stage carriage to operate on the route Kongorpilly-Kadamakudy-Vyttila Hub-Amrutha Hospital as Ordinary moffusil service. This authority considered the application in detail and revealed that there is no objectionable overlapping in the proposed route and no other legal impediments to grant a permit as per laws governing to the grant of permit. So many representation from the public and local bodies requesting grant of permits to Kadamakkudy,an ill served area are pending with this authority.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, “the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description”.

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that “the expression ‘specified description’ is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit”.

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and

production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

**Item No.16**

Heard; Adv.P.Deepak , the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for the grant of fresh intra district regular permit in respect of Stage Carriage KL-07-AS-1071 or a suitable stage carriage to operate on the route North Parur-Vyttila Hub as Ordinary moffusil service. This authority considered the application in detail. The counsel represented the KSRTC and other operators strongly objected the proposal stating that as per the proposed time schedule the applicant has not specified the timings at Edappally and Manjummelkavala. This authority feels that the objection is tenable. Hence the applicant is directed to submit a modified time schedule specifying intermediate places such as Edappally and Vyttila. Hence adjourned to next sitting.

**Item No.17**

Heard; Adv.P.Deepak , the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for the grant of fresh inter district regular permit in respect of Stage Carriage KL-07-AJ-8108 or a suitable stage carriage to operate on the route Mala-Aluva as Ordinary moffusil service. This authority considered the application in detail. The proposed route is having length of 42.6 km in which 6.1 km is objectionably overlaps Ernakulam-Thrissur, Ernakulam-Palakkad and Ernakulam Guruvayoor notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This authority is prevented from the grant of permit violating the clause 5[c] of the above said notification. The enquiry officer has reported that 11.2 km of the route length lying under the jurisdiction of RTA Thrissur. The counsel represented the applicant has requested to adjourn the decision for submitting a modified proposal to avoid objectionable overlapping on notified scheme.

Request of the applicant to submit a modified proposal is allowed and adjourned to next sitting.

**Item No.18**

Heard; Adv.G.Prabhakaran , the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for the grant of fresh inter district regular permit in respect of a suitable stage carriage to operate on the route Manjapra-Mala-Angamaly as Ordinary moffusil service. This authority considered the application in detail. The proposed route is having length of 62.8 km in which 21 km of the route length lying under the jurisdiction of RTA Thrissur. As per Rule 171 of KMV Rules 1989,in the case of inter district permit, concurrence of the sister authority or authorities are necessary for the grant of permit.Secretary RTA is directed to seek concurrence of the RTA Thrissur.Hence adjourned.

### **Item No.19**

Heard ;Adv.G.Prabhakaran,the learned counsel represented the applicant.This is an application for the grant of fresh inter district regular permit in respect of a suitable stage carriage to operate on the route Arthnkal Church-Vyttila Hub as Ordinary moffusil service. This authority considered the application in detail and revealed that there is no objectionable overlapping in the proposed route and no other legal impediments to grant a permit as per laws governing to the grant of permit. Regional Transport Authority Alappuzha granted concurrence for the grant of permit.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence proposed regular permit is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

### **Item No.20**

Heard the learned counsel Adv.Jithesh Menon represented the applicant This is an application for variation of regular permit in respect of stage carriage KL-41-88 operating on the route Angamaly Federal Bank Jn-Ayyampuzha-Kalady Plantation as Ordinary moffusil service. By the proposed variation,the applicant is desired to vary the permit so as to extend the service to Angamaly Private Stand and one trip to Chully. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. This authority felt that the extension of service to Angamaly Private Stand will provide additional advantage to the travelling public and so many requests received from the public ting for the proposed extension to Angamaly Pvt Stand.

The permit holder has also proposed an extension to Chully availing resting time at Angamaly. The enquiry officer has reported that the proposed extension of service to Chully is beneficial to the travelling public, and there is no overlapping on notified schemes in the route portion between Angamaly and Chully. Hence the Proposed variation is granted on public interest subject to settlement of timings.

#### **Item No.21**

Heard; the learned counsel Adv.G.Prabhakaran represented the applicant and Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AR-218 operating on the route Poothamkutty-Chully as Ordinary service. By the proposed variation, the applicant is desired to vary the permit so as to curtail 10<sup>th</sup> trip from Poothamkutty to Chully via Edalakkad Olive Mount and Halt at Chully avoiding service through Tabore, Manjinikkad and Karayamparambu. This authority considered the application in the light of enquiry report furnished by the field officer, objections raised by the public and connected file. The enquiry officer has reported that the proposed deviation portion is well served and there is no sufficient stage carriages are operating on curtailed portions through Tabore, Manjinikkad, Karayamparambu. Hence the curtailment of service through the above ill served portions will adversely affect the travelling 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. Hence curtailment of existing trips through the ill served areas cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation. The proposed extension and deviations will not provide any advantage to the public. So many objections have been received from the public against the curtailment of existing service including the night trip. The proposed variation is against the public interest and there is no necessity for the proposed variation. Hence the application for the variation of permit is hereby rejected.

#### **Item No.22**

Heard; Adv.M.Jithesh Menon, the learned Counsel represented the applicant and Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AL-617 operating on the route Olive Mount-Ayyampuzha Poothamkutty-Chully as Ordinary service. By the proposed variation, the applicant is desired to vary the permit so as to change the starting and ending place to Olive Mount and to extend the service up to Edalakkad. The enquiry officer has not reported the length of extension, curtailment and condition of the road in the extension portion and also the effect of curtailment. Hence Secretary RTA will collect a detailed enquiry report from field officer in this regard. Hence adjourned.

#### **Item No.23**

1. Perused the Judgment of Hon'ble STAT in MVAA No.132/2015 dtd 19/05/2015

2.Heard; Adv.G.Prabhakaran,the learned Counsel represented the applicant and Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-39-A-1040 operating on the route Kakkanad-Perumbalam as Ordinary service.By the proposed variation,the permit holder is desired to extend all trips up to Poochakkal and to deviate the service through K.K.Road avoiding Ernakulam South. This authority reconsidered the application in the light of enquiry report furnished by the field officer,Judgment of Hon'ble STAT and connected file. The proposed variation includes extension,deviation and curtailment.The enquiry officer has reported that the curtailment portions are well served and the extension of service up to Poochakkal and deviation of service through KK Road are highly beneficial to the travelling public.The Regional Transport Authority,Alappuzha has granted concurrence for the extension of service up to Poochakkal. This authority felt that the inconvenience caused by the curtailment is very much less than the advantage offered by the proposed extension and deviation.Hence the proposed variation is granted subject to settlement of timings.

#### **Item No.24**

1.Perused the judgment of Hon'ble STAT in MVAA No.101/2011 dtd 31/08/2013

2.Heard;Adv.G.Prabhakaran,the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AN-1665 operating on the route Mulamkuzhy-Vattapparambu as Ordinary Moffusil Service. This authority in its earlier sitting held on 20/12/2010 considered the application and rejected the application on the ground that the curtailment of service in the 4<sup>th</sup> and 5<sup>th</sup> trips between Kadappara and Mulamkuzhy would adversely affect the travelling public and there is no necessity under Rule 145[6] of KMV Rules 1989 for the proposed variation.Above decision was challenged by the applicant before the STAT by filing an appeal No.101/2011 and vide judgment in above appeal,the STAT set aside the order of this authority dtd 20/12/2010 on the findings that even though the applicant sought extension as well as curtailment,the RTA considered only the curtailment,but not considered the extension on its merit.Hence directed this authority to remand back the matter afresh for proper consideration.

In the light of judgment of Hon'ble STAT in MVAA No.101/2011, enquiry report furnished by the field officer, objections raised by the public and connected file,this authority reconsidered the matter in detail. At present the vehicle is operating service in between Mulamkuzhy and Vattapparambu with halt at Kadappara with a set of settled timings.The service contains eight trips.By the proposed variation,the permit holder is desired to curtail the service to Mulamkuzhy in the 4<sup>th</sup> trip so as to terminate service at Kadappara. But there is no extension in the proposed variation as argued by the permit holder and reported by the Hon'ble STAT.This authority suspects that the

petitioner submitted a wrong statement before the Hon'ble STAT for obtaining favourable orders.

The enquiry officer has reported that the curtailments of 4<sup>th</sup> trip to Mulamkuzhy from Kadappara will adversely affect the travelling public. Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public .In this case the proposed variation will not give any additional advantage to the travelling public and there is necessity Under Rule 145[6] warranting for the proposed variation.

In view of the afore said fact and circumstances,the application for the variation of permit is hereby rejected.

#### **Item No.25**

Heard; the learned counsel represented the applicant and the learned Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-CD-1857 operating on the route Kakkanad-CSEZ-Irimpanam-Trippunithura-Ernakulam South-High Court Jn-Kaloor as Ordinary City service. This authority reconsidered the application in the light of further enquiry report furnished by the field officer and connected file.The proposed variation includes extension and curtailment.The enquiry officer has reported that the proposed variation is beneficial to the travelling public and curtailment of trip will not affect travelling public since that portion is well served.There is no additional overlapping in the extension portion.KSRTC has not raised objection . Hence proposed variation is granted subject to settlement of timings in accordance with order No.D3/875/2005/STA dtd 08/11/2011 of the STA,Kerala.

#### **Item No.26**

Heard;Adv.P.Deepak, the learned counsel represented the applicant and the learned Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AR-2777 operating on the route Piravom-Kaloor via Thiruvankulam,Trippunithura and Vyttila as Ordinary moffusil service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file.By the proposed variation,the permit holder is intended to deviate the service from Karingachira to SN Jn via Puthiya Road for avoiding Trippunithura, one of the intermediate points on Ernakulam-Muvattupuzha complete exclusion scheme with exceptional clause and thereby to avoid legal impediments for the renewal regular permit in future.The enquiry officer also has recommended the proposed variation since sufficient stage carriages are operating through Trippunithura and hence curtailment will not affect the travelling public and there is no need to change the existing time schedule.There is no additional overlapping in the deviation portion. Hence proposed variation is granted with the existing set of timings on public interest.

### **Item No.27**

Heard the learned counsel Adv.G.Prabhakaran represented the applicant and the learned Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-05-V-3753 operating on the route Tripunithura-Ramamangalam as Ordinary moffusil service. This authority reconsidered the application in the light of enquiry report furnished by the field officer and connected file.The proposed variation includes deviation and extension to Chathamma.

In the proposed deviation between Puthiyakavu and Trippunithura,the portion from Puthiyakavu to Kannankulangara which is 2.1 km in length is objectionably overlaps[additional] Ernakulam-Thekkady notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009.As per clause 19 of the above said notification,the right to operate any new service and to increase the trips in the notified routes or its portions will be reserved exclusively for the State Transport Undertaking. In this case ,the applicant offered additional new trips on the portion of notified routes.KSRTC strongly objected the grant of proposed variation. If the proposed variation is allowed,it will be a clear violation of above said notification and connected judgments in this regard

This authority felt that,though the proposed extension of service will offer additional advantage to the public ,Clause 19 of notification No.42/2009/Tran dtd 14/07/2009 is preventing from the grant of proposed extension.

In view of the aforesaid facts and circumstances, the application for the variation of permit is hereby rejected.

### **Item No.28**

Heard the learned counsel Adv.G.Prabhakaran represented the applicant and the learned Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-10-S-4127 operating on the route Thoppumpady-Pallithode as Ordinary service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file.The proposed variation includes extension of service to Trippunithura,deviation of service through P.T Jacob Road,Cut trip between Thoppumpady and Trippunithura and Changing of starting and halting place to Chellanam.

1. In the proposed extension,the portion from Trippunithura Bus stand to Trippunithura Junction which is 1.3 km in length and the portion at BOT Bridge which is 700 metre in length are objectionably overlaps Ernakulam-Thekkady and Trivandrum –Kannur notified schemes respectively published vide GO(P) No.42/2009/Tran dtd 14/07/2009.As per clause 19 of the above said notification,the right to operate any new service and to increase the trips in the notified routes or its portions will be reserved exclusively for the State Transport Undertaking. In this case ,the applicant offered additional new trips on the portion of notified routes.KSRTC strongly objected the grant of proposed variation. If the proposed variation is allowed,it will be a clear violation of above said notification and connected judgments in this regard.

2. The curtailment of existing trips from Thoppumpady to Pallithode and Chellanam to Thoppumpady will adversely affect the travelling 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. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation including the deviation through PT Jacob Road.
3. This authority felt that by the proposed variation, main intention of the permit holder is that only to revise the entire timings in the existing trips. Since there is no necessity Under Rule 145[7] warranting for the revision of timings, it cannot be allowed.

In view of the aforesaid facts and circumstances, the application for the variation of permit is hereby rejected.

#### **Item No.29**

Heard; Adv.P.Deepak, the learned Counsel represented the applicant and the learned Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AP-4885 operating on the route Kakkanad-Perumpadappu as Ordinary City service. The proposed variation includes the changing of halting and starting place to Palluruthy Veli and to extension of last trip to Kaloor and curtailment of trips in between Kaloor and Kakkanad. This authority considered the application in the light of enquiry report furnished by the field officer and connected file.

1. In the proposed extension[additional trips], the portion from Kumbalangy Vazhy to Kaloor which is 12.5 km in length is objectionably overlaps Ernakulam-Thekady and Trivandrum –Kannur and Trivandrum-Palakkad notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 19 of the above said notification, the right to operate any new service and to increase the trips in the notified routes or its portions will be reserved exclusively for the State Transport Undertaking. In this case, the applicant offered extension trips on the portion of notified routes. KSRTC strongly objected the grant of proposed variation. If the proposed variation is allowed, it will be a clear violation of above said notification and connected judgments in this regard.
2. The curtailment of existing trips from Kaloor to Kakkanad will adversely affect the travelling public. Interest of the public is the prime criteria 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. In this case the curtailment of trips will deprive the existing travelling facility of the public. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

3. This authority felt that by the proposed variation, main intention of the permit holder is that only to revise the entire timings in the existing trips. Since there is no necessity Under Rule 145[7] warranting for the revision of timings, it cannot be allowed.

In view of the aforesaid facts and circumstances, the application for the variation of permit is hereby rejected.

### **Item No.30**

Heard ; the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AP-5666 operating on the route Irimpanam-Manjummel as Ordinary service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry report furnished by the field officer is also not self explanatory to take decision. He has not reported whether there is any necessity under rule 145[6] of KMV Rules 1989 warranting for the proposed variation and the effect of curtailment. Secretary RTA will collect a detailed enquiry report from the field officer clearly specifying the above matter including the exact route length, details of overlapping in the varied portion and trip wise details with a detailed handmade sketch and report whether there is any necessity under rule 145[6] of KMV Rules 1989. Hence adjourned.

### **Item No.31**

1. Perused the judgment of Hon'ble STAT in MVAA No.106/2015 dtd 05/05/2015

2. Heard ; Adv.P.Deepak, the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-39-G-6353 operating on the route Palamkadavu-University Centre as ordinary Service. This authority reconsidered the application in the light of judgment of Hon'ble STAT, enquiry report furnished by the field officer, objections raised by the public and connected file. The counsel represented the permit holder has requested to adjourn the decision to the next sitting for submitting a modified proposal for variation avoiding objectionable overlapping on notified schemes. Request allowed. Hence adjourned.

### **Item No.32**

1. Perused the Judgment of Hon'ble STAT in MVAA No.117/2015

2. Heard; Adv.P.Deepak, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-05-U-6402 operating on the route Aluva-Poothotta as Ordinary moffusil service. This authority reconsidered the application in the light of enquiry report furnished by the field officer and connected file. The proposed variation includes deviation and curtailment of certain trips via South Kalamassery and Cusat and two

trips to Aluva. The enquiry officer has reported that the proposed variation is beneficial to the travelling public and curtailment of trip will not affect the travelling public. Hence proposed variation is granted subject to settlement of timings in accordance with order No.D3/875/2005/STA dtd 08/11/2011 of the STA, Kerala.

### **Item No.33**

Heard; Adv.P.Deepak, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-05-M-7125 operating on the route Angamaly-Ernakulam as Ordinary moffusil service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The proposed variation includes curtailment of service between Angamaly and North Parur so as to avoid objectionable overlapping on Aluva-Vadakkumpuram complete exclusion scheme and thereby to avoid legal impediments. The enquiry officer has reported that the proposed curtailment of service will adversely affect the travelling public. But the judgment in WP(c) No.4435/2011 and connected cases will not allow the operation on Aluva-Vadakkumpuram complete exclusion scheme. Hence proposed variation is granted without changing the existing timings.

### **Item No.34**

Heard; Adv.M.Jithesh Menon, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AZ-5454 operating on the route Ernakulam High Court-Vypin-Puzhakkaredath as Ordinary moffusil service. This authority reconsidered the application in the light of enquiry report furnished by the field officer and connected file. The proposed variation includes extension of service from Puzhakkaredath to Kunjithai and from Elamkunnappuzha to North Parur. The enquiry officer has reported that the proposed extension is highly beneficial to the public and there is no curtailment of trips and no legal impediments to grant proposed variation. The representative of Private Bus Operators Association, Vypin has objected the curtailment of trips to Vypin. On perusal, this authority felt that there is no curtailment as alleged and therefore the objection is hereby overruled. Hence proposed variation is granted on public interest subject to settlement of timings in accordance with order No.D3/875/2005/STA dtd 08/11/2011 of the STA, Kerala.

### **Item No.35**

1. Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-08-AM-7832 operating on the route Kottayil Kovilakom-Vypin-High Court Jn as Ordinary moffusil service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The proposed variation includes curtailment of service between Kottayil Kovilakam

and North Parur so as to avoid objectionable overlapping on Aluva-Vadakkumpuram complete exclusion scheme and thereby to avoid legal impediments. The enquiry officer has reported that the proposed curtailment of service will adversely affect the travelling public. But the judgment in WP(c) No.4435/2011 and connected cases will not allow the operation on the portions of Aluva-Vadakkumpuram complete exclusion scheme. Hence proposed variation is granted without changing the existing timings.

2. Since proposed variation allowed, and there is no legal impediments to renew the permit on varied route. Secretary RTA is permitted to renew the permit on the varied route.

### **Item No.36**

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-BD-7911 operating on the route Gothuruth Ferry-Vypin-Ernakulam High court Jn as Ordinary moffusil service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The proposed variation includes curtailment of service between Gothuruth Ferry and North Parur so as to avoid objectionable overlapping on Aluva-Vadakkumpuram complete exclusion scheme and thereby to avoid legal impediments. The enquiry officer has reported that the proposed curtailment of service will adversely affect the travelling public. But the judgment in WP(c) No.4435/2011 and connected cases will not allow the operation on the portions of Aluva-Vadakkumpuram complete exclusion scheme. Hence proposed variation is granted without changing the existing timings.

### **Item No.37**

Heard the learned counsel Adv.P.Deepak represented the applicant and the Counsel represented KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AS-8169 operating on the route Pallikkara-Thevara Ferry as ordinary moffusil Service. By the proposed variation, the permit holder is desired to curtail major trips to Pallikkara. This authority considered the application in detail in the light of enquiry report furnished by the field officer, objections from the public and connected file and reveals the following

1. The regular permit was issued to operate moffusil service between Pallikkara and Thevara Ferry considering the interest of public at Pallikkara. Now the permit holder has applied for the variation of permit by curtailing the trips to Pallikkara for concentrating service between Kakkanad and Thevara Ferry which amounts to a City Service. This authority felt that, if the proposed variation is granted, the nature of service will change to City Service and it will be against the Government notification limiting the stage carriages in Kochi City limit. Hence it cannot be allowed.

2. The enquiry officer has reported that the curtailments of trips from Kakkanad to Pallikkara will adversely affect the travelling public of Pallikkara area. So many objections have been received from the travelling public in this sitting stating that the curtailment of trips will adversely affect the general public. The field officer has not reported the real consequence of curtailment. This authority felt that 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 existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

3. Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public. In this case this authority granted permit for the convenience of the travelling public from Pallikkara to reach different destinations of Kochi City. No sufficient stage carriages are operating through the curtailed portion. Hence the proposed variation is against the public interest and it will not give any additional advantage to the travelling public. This authority feels that the consequence of curtailment of trips is much higher than the deviation sought by the permit holder.

In view of the afore said fact and circumstances, the application for the variation of permit is hereby rejected.

#### **Item No.38**

Heard; Adv. Stalin Peter Davis, the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-AN-1101 operating on the route Aluva Bus Stand-Eloor Timber Depot as Ordinary City Service. The permit holder has not filed application within the time prescribed under Section 81[2] of MV Act, 1988. Hence filed a request to condone delay in filing application.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notification and connected file. The regular permit was issued on 23/05/2005. The proposed route is having length of 14 km and the route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. Hence delay is condoned and renewal of regular permit 7/706/2005 is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009 and remittance of Rs.5000/- for the permitless operation.

#### **Item No.39**

Heard Adv. Stalin Peter Davis, the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of

regular permit in respect of stage carriage KL-11-X-1530 operating on the route Thaikkattussery Ferry-Kakkanad-CSEZ as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notification and connected file. The regular permit was issued on 07/01/1994. The proposed route is having length of 46.4 km and the route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. The Regional Transport Authority Alappuzha granted concurrence for the renewal of permit. Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. The Counsel represented STU has not filed objection against the renewal of permit. Hence renewal of regular permit 7/10007/1994 is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009.

#### **Item No.40**

Heard; Adv.G.Prabhakaran, the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-42-C-1531 operating on the route Mannamthuruth-Aluva as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notification and connected file. The regular permit was issued on 21/01/1996. The proposed route is having length of 24km and the route will not objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Since the portion from Aluva Private Stand to Thottakkattukara is overlaps scheme published vide above notification, it will not objectionable on Aluva- Vadakkumpuram complete exclusion scheme. Hence renewal of regular permit 7/1002/1996 is granted subject to the effect of notification No.42/2009/Tran dtd 14/07/2009.

#### **Item No.41**

1. Heard the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-40-D-1557 operating on the route Chully-Manjaly as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority considered the application in detail. The route is having length of 39 km in which the portion of the route from North Parur to Vedimara which is 1.5 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme.

Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence adjourned.

2.The sanction given for the transfer of invalid regular permit by this authority dtd 26/05/2015 by mistake is hereby revoked and it will be reconsidered subject to the final disposal of the application for the renewal of permit.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

#### **Item No.42**

Heard;Adv.Stalin Peter Davis,the learned counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-40-D-1557 operating on the route Chully-Manjaly as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority reconsidered the application in detail.The route is having length of 40.5 km in which the portion of the route from Aluva Pvt Stand to Private Bus Stand which is 2.2 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. In view of the above facts,this authority,in its earlier sitting held on 13/02/2015, adjourned the decision for further orders from the government in this regard. Now the permit holder has requested to reconsider the matter since the overlapping on Aluva-Vadakkumpuram scheme is inevitable one. Since the portion from Aluva Private Stand to Paravookavala is overlaps Kottayam-Kozhikode notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009,it will not objectionable on Aluva- Vadakkumpuram complete exclusion scheme. Moreover 10.5 km of the proposed route is objectionably overlaps Trivandrum-Kannur notified schemes.The regular permit was issued during the year 2005 and KSRTC has not filed objection against the renewal of permit. Hence renewal of regular permit

7/194/2005 is granted subject to the effect of notification No.42/2009/Tran dtd 14/07/2009.

**Item No.43**

Heard; Adv.P.Deepak, the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-41-A-2419 operating on the route Fort Kochi-Aluva as Ordinary City Service. The permit holder has not filed application within the time prescribed under Section 81[2] of MV Act,1988. Hence filed a request to condone delay in filing application.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notification and connected file. The regular permit was issued on 14/01/2005. The proposed route is having length of 32 km and the route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. Hence delay is condoned and renewal of regular permit 7/706/2005 is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009 .

**Item No.44**

Heard the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-40-2633 operating on the route North Parur-Manjaly-Perumbavoor as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority considered the application in detail. The route is having length of 36.5 km in which the portion of the route from North Parur to Vedimara which is 1.5 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence adjourned.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

**Item No.45**

Heard the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-AX-2700 operating on the route North Parur-Angamaly as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority considered the application in detail. The route is having length of 22.5 km in which the portion of the route from North Parur to Vedimara which is 1.5 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence adjourned.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

**Item No.46**

Heard; Adv.Stalin Peter Davis, the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-05-U-3131 operating on the route Aluva – Vazhakkala-Thoppumpady as Ordinary City Service. The permit holder has not filed application within the time prescribed under Section 81[2] of MV Act,1988. Hence filed a request to condone delay in filing application.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notification and connected file. The regular permit was issued on 26/04/2005. The proposed route is having length of 30 km and the route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. Hence delay is condoned and renewal of regular permit 7/706/2005

is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009.

#### **Item No.47**

Heard; Adv.Stalin Peter Davis, the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-05-Q-4041 operating on the route Kaippuzhamuttu-Edakichi as Ordinary Moffusil Service. The permit holder has t filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notification and connected file. The regular permit was issued on 04/02/1995. The proposed route is having length of 53.5 km and the route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009.RTA Kottayam has granted concurrence for the renewal of permit as Ordinary Service.Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. Hence renewal of regular permit 7/1045/2004 is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009.

#### **Item No.48**

Heard;Adv.G.Prabhakaran,the learned counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-02-AB-4752 operating on the route Thuruthippuram-Aluva as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority reconsidered the application in detail.The route is having length of 28.7 km in which the portion of the route from Aluva Pvt Stand to Thottakkattukara which is 2 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme and 6.2 Km from Athani to Aluva objectionably overlaps notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Since the portion from Aluva Private Stand to Thottakkattukara is overlaps Kottayam-Kozhikode notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009,it will not objectionably overlaps on Aluva- Vadakkumpuram complete exclusion scheme. KSRTC has not filed objection against the renewal of permit. Hence renewal of regular permit 7/778/2005 is granted subject to the effect of notification No.42/2009/Tran dtd 14/07/2009.

#### **Item No.49**

Heard the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-BC-4906 operating on the route Kunjithai-Moothakunnam Ferry as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority considered the application in detail. The route is having length of 22 km in which the portion of the route from Vadakkumpuram to Chendamangalam Jn which is 3.4 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence adjourned.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

#### **Item No.50**

Heard; Adv.G.Prabhakaran, the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-04-M-5621 operating on the route Munnoorpilly-Perumbavoor as Ordinary Moffusil Service. The permit holder has not filed application within the time prescribed under Section 81[2] of MV Act,1988. Hence filed a request to condone delay in filing application.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notification and connected file. The regular permit was issued during the year 1999. The proposed route is having length of 30 km and the route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. Hence delay is condoned and renewal of regular permit 7/135/1999 is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009 and remittance of compounding fee for Rs.5000/- for the permitless operation.

### **Item No.51**

1.Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-AG-5642 operating on the route Kadavanthara-Ernakulam South-Eloor Depot as Ordinary City Service. The permit holder expired on 23-08-2012,but neither the intimation nor the application for the transfer of permit with supportive legal documents filed by the legal possessor within the stipulated time. Now prior to the expiry of the regular permit on 10/04/2015 ,the wife of the deceased permit holder has filed for the renewal of the regular permit and transfer of permit in to her name.But the applicant has not submitted legal heirship certificate issued by the revenue authority to prove his claim of legal possession.

The applicant is directed to submit legal documents to prove the heirship. Hence decision on application for the renewal of permit and transfer of permits are adjourned.

2.Secretary RTA is permitted to issue temporary permit to the possessor for a duration of 4 months or till the final decision on renewal of permit and transfer of permit whichever is earlier.

### **Item No.52**

Heard;Adv.Stalin Peter Davis, the learned counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-10-L-8188 operating on the route Kunjithai-Puthenvelikkara as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority considered the application in detail.The route is having length of 24 km in which the portion of the route from North Parur to Vedimara which is 1.5 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme.Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence adjourned.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

### **Item No.53**

Heard the learned counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-AT-9246 operating on the route Kottuvally-Malavana Ferry as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority considered the application in detail. The route is having length of 14.5 km in which the portion of the route from North Parur to Bharanimukku which is 3.5 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence adjourned.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

### **Item No.54**

Heard; Adv.G.Prabhakaran, the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-AT-9428 operating on the route Kottuvally-Ernakulam Collectors Square as Ordinary Moffusil Service. The permit holder has not filed application within the time prescribed under Section 81[2] of MV Act,1988. Hence filed a request to condone delay in filing application.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notification and connected file. The regular permit was issued during the year 2004. The proposed route is having length of 41 km and the route will not overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Hence there is no impediment to renew the permit for continuous operation. Hence delay is condoned and renewal of regular permit 7/1512/2005 is granted .

### **Item No.55**

Heard the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-K-3438 operating on the route Aluva-Konthuruthy as Ordinary City Service. The permit holder had filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit which was expired during the year 2012 in the light of existing notification and connected file. The regular permit was issued on 29/04/1997. Though the permit holder had applied for the renewal of regular permit, decision was pending due to the non production of later model vehicle for the replacement. The proposed route is having length of 26 km and the route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Now the applicant has offered a later model stage carriage KL-07-AH-9866 possessed under lease agreement and applied for the replacement of the vehicle. Since the applicant has filed application for the renewal of permit within the time limit prescribed under rule 81[2] of Mv Act-1988, KSRTC has not objected the renewal of permit, there is no impediment to renew the permit for continuous operation. Hence renewal of regular permit and replacement of the vehicle is granted subject to the clearance of government dues and arrears of tax in respect of the old vehicle .

2. Since the renewal of permit is granted, Secretary RTA is permitted to consider the application for temporary permit in respect of the stage carriage KL-07-AH-9866 in the light of enquiry report of the field officer .

### **Item No.56**

1. Perused the judgment of Hon'ble STAT in MVAA No.257 of 2014

2. Heard the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-06-B-4383 operating on the route Aluva-South Chittoor Temple as Ordinary City Service. The permit holder had not filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit which was expired during the year 2013 in the light of existing notification and connected file. The regular permit issued on 17/10/2008 and subsequently which was expired on 16/10/2013. This authority in its sitting held on 20/05/2014 considered the application for the renewal of permit and rejected the application on the ground that the permit holder had not conducted stage carriage operation with effect from 01/07/2010 even in the currency of the permit and huge tax arrears are pending against the stage carriage KL-06-B-4383. Above decision was challenged

before the Hon'ble STAT by MVAA No.257/2014 and vide judgment in above appeal,the STAT has directed this authority to reconsider the application afresh after hearing the applicant.

In this sitting,this authority perused the judgment of Hon'ble STAT, judgment of Hon'ble High Court of Kerala in WP© No.14792 of 2006 and connected case and heard the counsel represented the applicant and KSRTC.

As per Clause[4] of the notification No.42/2009/Tran dtd 14/07/2009,permits issued in the private sector on or before 09/05/2006 will be allowed to continue till the date of expiry of the respective permits.Thereafter, regular permits will be granted to them .As regards permits issued after 09/05/2006, temporary permits alone shall be issued afresh on expiry in the 31 routes or any portion thereof till such time the STU replaces with new services.

Above clause of the notification was under challenge and now vide judgments in a batch of writ petitions,the Hon'ble High Court has upheld the notification and petitions are dismissed clearly specifying that the regular permit issued on or before 09/05/2006 can be renewed and temporary permit alone shall be issued in the case of permits issued after 09/05/2006.

In this case,the regular permit was issued on 17/10/2008 and the portion of the route from Aluva to Thottakkattukara which is 1.2 km in length objectionably overlapping on Trivandrum-Kannur,Trivandrum-Palakkad and Ernakulam-Thrissur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The counsel represented KSRTC has strongly objected the renewal of permit violating the clause [4] of the above notification and connected judgments in this regard.Since the regular permit was issued on 17/10/2008,there exist legal impediments to renew the permit.Hence the application for the renewal of permit is hereby rejected.

2.Since the application for the renewal of permit is rejected,application for the replacement of the vehicle is also stands rejected.

3.Considering the need of public and the opportunity given to the existing operator under Clause [4] of the notificationNo.42/2009/Tran dtd 14/07/2009, temporary permit for a duration of 4 months is granted in respect of stage carriage KL-07-AZ-1576,the offered later model vehicle subject to the clearance of government dues and pending tax arrears in respect of stage carriage KL-06-B-4383.

#### **Item No.57**

1.Perused the judgment of Hon'ble High Court of Kerala in WP(c) No.17632 of 2015

2.Heard the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit,replacement in respect of stage carriage KL-07-AW-4668 operating on the route Vypin-Maliankara-Ernakulam High Court Jn as Ordinary moffusil Service.

This authority elaborately considered the scope and applicability of the renewal of permit. The regular permit issued to stage carriage to operate on the route Vypin-Maliankara-High Court Jn was expired on 08/09/2014. The applicant had filed application for the renewal of permit within the time limit prescribed under Section 81[2] of MV Act 1988. The vehicle was under arrears of tax and the Regional Transport officer, Ernakulam, the taxation officer had realized the part of tax arrears through the revenue recovery and remaining arrears are still pending. Hence the application for the renewal of permit and replacement of the vehicle are still pending for want of production of current records of the vehicle.

Vide judgment in WP(c) No.17632 of 2015 dtd 17/06/2015, the Hon'ble High Court of Kerala has directed this authority to consider the application and the applicant is directed to satisfy the requirements in terms of Rule 174[4] of KMV Rules 1989 and to remit tax arrears.

Though there was a clear direction from the Hon'ble High Court, the applicant has not remitted the arrears of tax till date. But he has offered a later model stage carriage KL-38-2752 possessed under lease agreement for the replacement of the vehicle. The portion of the route in question is objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme, the renewal of the permit cannot be possible without a further clarification from the Government of Kerala in this regard. Hence decision on application for the renewal of permit and replacement of the vehicle are adjourned.

3. Secretary, RTA is directed to grant temporary permit to stage carriage KL-38-2752 in place of the stage carriage KL-07-AW-4668 subject to the clearance of pending tax arrears and verification of genuineness of possession of the vehicle.

### **Item No.58**

1. Perused the judgment of Hon'ble High Court of Kerala in WP(c) No.19069 of 2015

2. Heard; Adv.P.Deepak, the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-BC-4924 which was covered by a regular permit on the route Pukkattupady-Aluva-Kalvathy as Ordinary City Service. The permit holder had not filed application within the time prescribed under Section 81[2] of MV Act, 1988. This authority considered the scope and applicability of the renewal of permit.

The regular permit issued to stage carriage KL-07-BC-4924 was expired on 10/10/2009. The vehicle is under huge tax arrears for a long period. The permit holder has intimated that the vehicle was under the custody of the financier and hence he was not able to file the application for the renewal of permit. This authority accepted the version of the permit holder and hence delay is condoned. But permit

cannot be renewed without clearance of the pending tax arrears and government dues. Other stage carriage operators in the sector has objected the renewal of permit stating that the timings of stage carriage KL-07-BC-4924 were utilized by the other operators. On perusal of the file, this authority felt that the regular permit issued to the stage carriage KL-07-BC-4924 had not surrendered or cancelled till date. Hence the timings cannot be allowed to any other vehicle. Hence the objections are hereby overruled.

The route in question is objectionably overlaps notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. Since the regular permit was issued during the year 2004, the KSRTC, the beneficiary of the scheme has not filed any objection against the grant of permit, there is no legal impediment to renew the permit on clearance of government dues and the production of No objection Certificate from the financier, if applicable.

Hence renewal of the regular permit is granted subject to the clearance of government dues and the production of No objection Certificate from the financier, if applicable.

3. Replacement of the vehicle KL-07-BC-4924 with later model vehicle KL-44-5054 is allowed subject to the endorsement of renewal of permit.

4. Temporary permit for a duration of 4 months is granted to stage carriage KL-44-5054 to operate in place of stage carriage KL-07-BC-4924 to meet the public need on the proposed route as reported by the enquiry officer.

5. Secretary RTA is directed to regularize the timings of the stage carriage KL-07-BC-4924, if any of the timings was utilized by the other operator.

**Item No.59**

Heard; Adv. Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-18-D-27 on the route Poothotta-University Centre, is allowed as applied for subject to the clearance of Government dues, if any.

**Item No.60**

Heard; Adv. G. Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-36-99 on the route Kaippuzhamuttu-Ernakulam, is allowed as applied for subject to the clearance of Government dues, if any.

**Item No.61**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-02-T-707 on the route North Parur-Vypin-High Court Jn, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.62**

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-41-D-1233 on the route Elavanthy-Angamaly-Kurimumudy, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.63**

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AZ-1338 on the route Pooyappilly-Kaloor, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.64**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AS-1450 on the route Aluva-Panampilly Nagar, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.65**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-1704 on the route Pallikkara-Trippunithura, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.66**

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-42-A-1755 on the route Pooyappilly-Ernakulam South, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.67**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-11-Y-2424 on the route

North Parur-Ernakulam High Court Jn, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.68**

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BB-2713 on the route Gothuruth-North Parur-Vypin-High Court Jn, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.69**

This is an application for the transfer of permit in respect of stage Carriage KL-32-A-2719 operating on the route Aluva-W.Island.Applicants are absent and check reports are pending against the vehicle.Hence adjourned to next sitting for the clearance of pending check reports.

**Item No.70**

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BF-2777 on the route Veegaland-Chellanam, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.71**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BA-3132 on the route Puthenvelikkara-Aluva, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.72**

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BA-3132 on the route Kodungalloor-Munambam, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.73**

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-38-3637 on the route Chully-Perumbavoor, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.74**

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AP-3781 on the route Vypin-Kodungalloor, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.75**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-41-B-3831 on the route Fort Kochi-Pukkattupady, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.76**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AV-4404 on the route Kanakkankadavu-Perumbavoor, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.77**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AR-4410 on the route Aluva-Fort Kochi, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.78**

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-44-4550 on the route Poothotta-Kaloor, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.79**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-42-A-4671 on the route Munambam-Kottuvally South, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.80**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BB-5054 on the route

Eroor-Eroor Circular, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.81**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee.This is an application for the transfer of permit in respect of stage carriage KL-07-BB-6132 operating on the route Vypin-North Parur. Check reports are pending against the vehicle.Hence adjourned for the clearance of pending check reports.

**Item No.82**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BB-6559 on the route Paravoor-High Court Jn, is allowed as applied for subject to the clearance of Government dues, if any.

**Item No.83**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-43-A-6669 on the route Aluva-Fort Kochi, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.84**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BP-6696 on the route Vyttila-Vyttila Circular, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.85**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AK-8332 on the route Vypin-High Court Jn, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.86**

1.Perused the judgment of Hon'ble STAT in MVARP No.90/2015 dtd 14/05/2015

2.Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AM-8390 on the route Aluva-Poothotta, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.87**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BC-8162 on the route Vypin-Ernakulam High Court Jn, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.88**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-09-P-9099 on the route Thuruthippadam-Aluva-Mala, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.89**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-D-9288 on the route Karimugal-W.Island, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.90**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AW-9733 on the route Perumbavoor-Poothamkutty, is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.91**

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BF-9824 on the route Aluva-Fort Kochi,is allowed as applied for subject to the clearance of Government dues,if any.

**Item No.92**

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Smt.Mary Eldho and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-02-M-9794 has applied for a temporary permit for 4 months on the route Velloor HNL-Kaloor via Velloor ,Cherukara, Vattappara, Edakkattuvayal, Arakkunnam. Mulamthuruthy, Nadakkavu. Puthiyakavu, Trippunithura and Vyttila Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran

dtd 14/07/2009. The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. In this meeting the counsel represented KSRTC objected the grant of temporary permit stating that they have ready to operate service on the proposed route. But they have not filed application for the permit and failed to offer details of stage carriages. This authority felt that the abrupt withdrawal of existing services on the proposed route without providing alternative way will be the denial of the existing travelling facility of the public and it will lead to law and order problem also. Hence the request of KSRTC to reject the application cannot be considered favourably in this situation. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c) of MV Act 1988 for a duration of 4 months is granted to S/C KL-02-M-9794 to operate on the route Velloor HNL-Kaloor as Ordinary mofussil Service.

#### **Item No.93**

Heard Adv.P.Deepak, the learned counsel represented the applicant and the counsel represented KSRTC. This is an application for the grant of temporary permit Under Section 87[1]C of MV Act for a duration of 4 months in respect of stage carriage KL-07-AH-3484 to operate on the route Aluva-Thevara Jn via Manakkappady, NAD and HMT in the vacant timings of Stage Carriage KL-07-AG-1472. In view of the judgment of Hon'ble High Court of Kerala in WP(C) No.15026 of 2015, temporary permit valid up to 30/09/2015 was issued to the same vehicle to operate on the same route. Now the applicant has applied for the grant of temporary permit on the same route to continue operation. The enquiry officer has reported that the proposed route is highly populated and shortage of service is adversely affecting the travelling public and school going students. To facilitate the travelling need of public, temporary permit U/S 87[1]C of MV Act 1988 is granted to stage carriage KL-07-AH-3484 to operate in the vacancy of stage carriage KL-07-AG-1472, for a duration of 4 months or till the KSRTC apply and obtain permit on the same route whichever is earlier.

#### **Item No.94**

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Smt.Mary Elias and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-39-H-5950 has applied for a temporary permit for 4 months on the modified route Koothattukulam-Kaloor via Edayar, Piravom, Thiruvaniyoor, Thiruvankulam, Puthiya Road, S.N.Jn and Vyttila Under Section 87(1)(C) of MV Act 1988. This authority considered the matter in detail. The route specified in the agenda is in such a way to operate service touching Thiruvankulam and Trippunithura connecting two intermediate points on Ernakulam-Muvattupuzha complete exclusion scheme with exceptional clause. This authority is prevented from the grant of temporary permit on the proposed route violating the scheme of

nationalization. Secretary RTA is directed to verify the file and hear the applicant once again and permitted to issue temporary permit for 20 days to continue operation ,if the applicant has interested to operate service via Edayar , Piravom, Thiruvaniyoor, Thiruvankulam, Puthiya Road, S.N.Jn and Vyttila, the modified route. Secretary RTA is directed to furnish a detailed remarks in this matter. Hence adjourned to next sitting.

**Item No.95**

Heard. This is the request of the Secretary, RTA, Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL- 34-5004 operating on the route Ernakulam-Kottayam as LSOS. This authority considered the matter in detail. The portion of the route under the jurisdiction of this authority is objectionably overlaps Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit is granted as LSOS subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

**Item No.96**

Heard. This is the request of the Secretary, RTA, Muvattupuzha for the concurrence of this authority for the grant of fresh regular permit in respect of a Suitable stage carriage to operate on the route Perumbavoor-Malayattoor-Adivaram-Kalady as Ordinary Service. This authority considered the matter in detail. The portion of the route from Kalady to Adivaram which is 15 km is lying under the jurisdiction of this authority ,in which the portion from Kalady to Kalady Pvt Bus Stand which is 300 metre in length is overlaps Kottayam-Kohikkode notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. There is no legal impediments to grant permit to operate service on the above portion under the jurisdiction of this authority .Hence Concurrence for the grant of regular permit is granted as Ordinary Service subject to the notification No.42/2009 dtd 14/07/2009 .

**Item No.97**

Heard. This is the request of the Secretary, RTA, Alappuzha for the concurrence of this authority for the grant of fresh regular permit in respect of a Suitable stage carriage to operate on the route Alappuzha-Vyttila Hub as Ordinary Service. This authority considered the matter in detail. The portion of the route from Chellanam to Vyttila which is 32.2 km is lying under the jurisdiction of this authority ,in which the portion from Thoppumpady to BOT Bridge which is 600 metre in length is overlaps Trivandrum-Palakkad notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. There is no legal impediments to grant permit to operate service on the above portion under the jurisdiction of this authority .Hence Concurrence for the grant of regular permit is granted as Ordinary Service subject to the notification No.42/2009 dtd 14/07/2009 .

### **Item No.98**

Heard the learned counsel represented the private operators. This is an issue related to the overtaking of private buses in the limit of Kochi City violating the the direction given by the Hon'ble High Court vide Judgment in WP(c) No.20828 of 2014 dtd 18/08/2014. This authority in its sitting held on 30/10/2014 considered the matter and directed Secretary RTA to initiate disciplinary actions against the drivers concerned and submit a detailed report in this regard. Now Secretary RTA has intimated that Show Cause notices were issued to all the drivers concerned and most of them have submitted their explanation.

This authority heard the drivers and perused the explanation filed by them. Most of them have argued that overtaking is not possible in the present congested roads of Kochi City and hence requested to exempt them from further departmental actions and punishment. The police Authorities have submitted photo graphs of overtaking as a material evidence. Hence this authority is not satisfied with the explanation submitted by the bus drivers. Considering the gravity of offence and violation of the Hon'ble High Court of Kerala, the drivers have to be punished exemplary.

As a first step, all the concerned drivers of 46 stage carriages included in the list, who were committed the offence shall attend one day training programme at Institute of Drivers Training and Road Safety Research Institute, Edappal run by the Motor Vehicles department and submit attendance certificates before the Secretary RTA on or before 31/12/2015. In addition to the above, all are punished to remit fine for Rs.1000/- being the violation of Sn.184 of MV Act within the above time limit. Secretary RTA will issue notice to all drivers concerned for the compliance of the above direction of this authority.

The permit holders concerned shall ensure the compliance of the above direction, failing which as a second step, actions will be initiated on stage carriage permits under Section 86 of MV Act. Hence adjourned.

### **Item No.99**

Heard the learned counsel represented the grantee of regular permit Sri.Jomy Devassy. This authority in its sitting held on 20/05/2014 vide item No.23 considered the application for the grant of regular permit filed by Mr.Jomy Devassy in respect of a Suitable stage carriage to operate on the route Kalamassery Medical College-HMT Jn-Kakkanad-Chittethukara and granted the regular permit subject to settlement of timings. Thereafter, on 06/08/2014, the decision was communicated by the Secretary RTA with direction to produce current records of the vehicle within a period of one month from the date of despatch of the proceedings, failing which the sanction is liable to be revoked without further notice. But the grantee had not produced current records of the suitable vehicle within a period of one month. On 08/10/2014, the grantee produced current records of the stage carriage KL-10-R-2844 possessed only on

04/10/2014 by way of transfer of ownership. Then the next day of production of records, the grantee retained the records of the stage carriage KL-10-R-2844 and the vehicle was used for the replacement of the another vehicle covered by a regular permit on another route. Hence at present the offered stage carriage KL-10-R-2844 is operating on another route on the strength of a regular permit valid up to 23/05/2018. On 27/04/2015, the grantee had requested to allow extension of 30 days time for the production of current records of the suitable vehicle for obtaining granted regular permit dtd 20/05/2014. This authority in its sitting held on 26/05/2015 considered the request for the extension of time and the grantee was allowed to produce current records of the suitable vehicle before 31/07/2015.

In receipt of the decision, the grantee has intimated that no vehicle is ready in his possession at present for the production of records and requested to assume the stage carriage KL-10-R-2844, which having a regular permit on another route as a new vehicle till the production of records of another vehicle.

Sub-rule[2] of Rule 159 requires that an applicant shall within one month of the sanction of the application or such longer period or periods not exceeding four months in aggregate as the authority may specify, produce the certificate of registration of the vehicle. In this case, the permit granted on 20/05/2014 and the records of the vehicle KL-10-R-2844 produced on 08/10/2014 was retained on the next day itself to replace another vehicle. Thereafter this authority granted a time up to 31/07/2015, giving the relaxation of the condition prescribed under Rule 159[2] of KMV Rules-1989. But he has not produced the current records of a suitable vehicle till date. Hence the present request cannot be allowed and the sanction of permit dtd 20/05/2014 is liable to be revoked.

Moreover, vide reported decision in 2003[3]KLT 357 and 2015[3]KLT 555, the Hon'ble High Court of Kerala has clearly specified that, if current records are not produced within four months from the date of communication of grant of permit by the grantee, then the permit shall stand cancelled without the RTA requiring to cancel it as that is the necessary consequence of the operation of the condition of permit granted under S. 72[2] read with R. 159[2].

In these circumstances, the request is rejected and the sanction of grant of permit is hereby revoked.

#### **Item No.100**

Heard the learned counsel represented the grantee of regular permit Sri.Joy.M.R. This is a request for the grant of maximum time for the production of current records of the suitable stage carriage for availing granted permit by this authority held on 13/02/2015. This authority considered the request and perused the file in detail. The proceedings granting permit was communicated on 05/05/2015. Now the grantee has requested to give maximum time for obtaining a suitable vehicle. Hence maximum

time of four months in aggregate from the date of communication of the grant of permit is allowed as stipulated under R.159[2] of KMV Rules 1989.

### **Item No.101**

Heard the representative of Kerala Bus Operators Association and the Counsel represented the Private bus owners. The matter is an objection filed by the Kerala Bus Transport Association,Ernakulam against the grant of temporary permits on the city routes in the vacancy of defaulted stage carriage services in compliance to the direction of the Hon'ble High Court of Kerala.This authority considered the objection in detail and felt that out of 630 city stage carriage permits issued in private sector under general quota,more than 100 stage carriages are not operating services due to various reasons such as surrender of permit,cancellation of permit and non filing of renewal applications subsequent to the expiry of respective permits. Several applications for the grant of temporary permits in the vacancy of the above defaulted services are being received from the stage carriage.Since most of the city routes are objectionably overlaps notified schemes ,this authority and the Secretary RTA have normally denied to grant such temporary permit, though the vacancy of the defaulted stage carriages are still in existence and there is a need for the grant for temporary permit.

In various cases, vide judgments the Hon'ble High Court of Kerala has been directed the Secretary RTA to issue permits to the applicant,if vacancy of the defaulted stage carriages is still in existence and no other person having better claim has not applied for the permit in the same vacancy. In compliance to the above judgment and the Secretary RTA issued several temporary permits for a duration of four months in such cases, where the vacancy is still in existence and no other persons has applied for the permit.Against the compliance of the judgment, the instant objection. In this context this authority is hereby delivered the following directions.

1.Secretary RTA is directed to comply the order of Hon'ble High Court of Kerala,where if the conditions imposed by the Court are satisfied.

2.In other cases the Secretary RTA is directed to consider and dispose the application in accordance with law .

### **Item No.102**

Heard the Secretary,Private Bus Operators Association Angamaly Unit and the learned Counsel represented the private bus owners.The request of the Secretary ,private Bus Operators Association is that, the RTA may impose the restriction in granting permit in such cases the applicant has not furnished the description of vehicle offered in the application for the permit in the light of reported decision of Hon'ble Supreme Court of India in 2010[4] KLT 597[SC].This authority perused the judgment concerned and representation in detail. There is no mandatory provision in the existing Motor Vehicles Act -1988 to insist the furnishing of particulars of the vehicle in the

application or at the time of consideration of it. Further Rule 159 of the KMV Rules expressly provides for the grant of one month time from the grant of the permit, for producing the certificate of registration. Vide reported decision in 2005[1] KLT 987 Aboobacker v. RTA, the Hon'ble High Court of Kerala had clarified the above provisions of law. Hence the request of the association to impose the furnishing of the particulars of the vehicle cannot be allowed.

But the RTA can fix the age limit of the vehicles produced for the grant of fresh stage carriage permit U.S 72 of MV Act-1988. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

*Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit.*

In the light of above observation of the Hon'ble Supreme Court of India and public interest especially road safety aspects and also to prevent the trafficking of permit, this authority hereby specifies the 'description of stage carriages" for which fresh regular stage carriage permits will be granted by this authority as follows.

No fresh regular permit shall be granted to a stage carriage having more than 5 years of age from the date of its registration. Secretary RTA will verify the ensure the implementation of the above decision in its true spirit.

### **Item No.103**

Heard the learned Counsel represented the applicant. Request for condonation of delay in submitting the current records of stage carriage KL-40-189 for effecting transfer of permit is considered. Request allowed and delay is condoned.

### **Item No.104**

Heard; Adv. M. Jithesh Menon, the learned Counsel represented the permit holder of stage carriage KL-17-D-2322. He has intimated that the check reports are already disposed by compounding the offence. The Secretary RTA has agreed the above version. Hence no need to take further action. Hence dismissed.

### **Item No.105**

The secretary, RTA has recommended to take action on pending check reports against the stage carriage KL-36-4554 having a regular permit to operate on the route Mala-

North Parur.The permit holder is absent.Hence Secretary RTA is directed to issue show cause notice to the permit holder and place the matter before next sitting of this authority with details of acceptance of the show cause notice .Hence adjourned.

**Item No.106**

The secretary ,RTA has recommended to take action on pending check reports against the stage carriage KL-07-AR-3694 having a regular permit to operate on the route Chathanad-North Parur-Ernakulam.The permit holder is absent. Hence Secretary RTA is directed to issue show cause notice to the permit holder and place the matter before next sitting of this authority with details of acceptance of the show cause notice .Hence adjourned.

**Item No.107**

The secretary ,RTA has recommended to take action on pending check reports against the stage carriage KL-31-4849 having a regular permit to operate on the route Panambukad-High Court Jn. Secretary RTA is permitted to take necessary action on pending check reports in accordance with law after hearing the permit holder.

**Item No.108**

Heard;Adv.M.Jithesh Menon,the learned Counsel represented the permit holder of stage carriage KL-07-BF-4343.There is no provision of law for exempting a physically challenged stage carriage operator from the committed offence and action on pending check reports.Secretary RTA is directed to take necessary action on pending check reports in accordance with law after hearing the permit holder.

**Item No.109**

Heard the learned counsels represented the accused and heard the concerned Police officials.The explanation filed by the accused are not satisfactory. Secretary RTA is directed to submit a detailed enquiry report in this regard and place the matter in the next sitting.Hence adjourned.

**Item No.110**

Heard the learned counsels represented the permit holder of stage carriage KL-43-A-6669 and heard the concerned Police officials. The Inspector of Police ,City Traffic[West] Kochi has reported that ,on 21/07/2015, the driver of stage carriage KL-43-A-6669 operating service on the route Aluva- Fort Kochi driven the vehicle in rash and negligent and competitive driving and created violence on the road.The explanation filed by the accused driver and permit holder are not satisfactory.The permit holder is responsible for the committed offence. Hence as the driver of the vehicle is the direct offender, the Secretary RTA who is also the Licensing Authority

Ernakulam is directed to disqualify the Driving Licenses of driver on duty on 21/07/2015 for a period of two months.

**Item No.111**

Heard;Adv.G.Prabhakaran,the learned Counsel represented the permit holder of stage carriage KL-17-B-7786.The secretary ,RTA has recommended to take action on pending check reports against the stage carriage KL-17-B-7786 having a regular permit to operate on the route Kudapuram Ferry-Kaloor. The counsel represented the permit holder has intimated that he has not received any notice or intimation regarding the offence and hence requested to adjourn the matter to next sitting. Secretary RTA is directed to issue notice to permit holder to show cause as to why the permit extension of validity of permit in respect of the vehicle should not be suspended/cancelled under section 86 of MV Act 1988 and place the matter before next sitting of this authority without fail with details of acceptance of the show cause notice .Hence adjourned.

**Item No.112**

Heard;Adv.P.Deepak, the learned Counsel represented the permit holder of stage carriage KL-07-BF-8061 operating on the route Edakoch-Ernakulam-Edachira.This is issue related to the batch of petitions and criminal cases registered against the permit holder of stage carriage KL-07-BF-8061 and crews of the vehicle against the misbehaviour to the passengers and rash and negligent driving and assault with passengers of other vehicles etc. The Police authority has recommended to take action against the permit holder and crews of the vehicle. During the year 2014 a complaint was received against the stage carriage for the rash behaviour of the crews of stage carriage KL-07-BF-8061 to a blind lady passenger and compelled her to get down at a heavy traffic congested signal Jn.Considering the gravity of offence and irresponsibility of the permit holder to control the crews of his vehicle,this authority suspended the permit of the vehicle.But unfortunately the Hon'ble STAT stayed the order temporarily

Thereafter so many complaints have been received from the public and Police department against the crews of the stage carriage KL-07-BF-8061 for misbehaviour and disobedience of the laws respectively .Now, the Circle Inspector of Police,City Traffic[west] vide letter No.284/TD/15/CTW dtd 22/07/2015 has intimated that the stage carriage KL-07-BF-8061 conducted service in the Kochi City in a rash and negligent manner and violated the judgment of Hon'ble High Court of Kerala prohibiting the overtaking in Kochi City. Vide judgment in WP(c) No.20828/2014,the Hon'ble has directed this authority to take action against the drivers and operators of the buses including cancellation of permit.

Considering the repeated offence committed by the crews of stage carriages and permit holder,this authority is hereby delivered the following.

1. Permit in respect of the Stage Carriage KL-07-BF-8061 is hereby suspended for 30 days from 01/11/2015 in the light of judgment of Hon'ble High Court of Kerala in WP(c) No.20828/2014 and in view of the repeated offence.

2. Considering the rash and negligent driving, this authority is hereby recommended to disqualify the driving license of the driver concerned committed the offence as reported by the police authority.

3. Since the person who was act as conductor had no valid conductor license on 30/09/2014, the permit holder is hereby punished to remit compounding fee for Rs.3000/- with immediate effect.

Secretary RTA is directed to take necessary steps to vacate the stay pronounced by the Hon'ble STAT in earlier case immediately.

#### **Item No.113**

The secretary, RTA has recommended to take action on pending check reports against the stage carriage KL-07-AN-8001 having a regular permit to operate on the route Angamaly-North Parur. The permit holder is absent. Hence Secretary RTA is directed to issue show cause notice to the permit holder and place the matter before next sitting of this authority with details of acceptance of the show cause notice. Hence adjourned.

#### **Item No.114**

Heard, Adv. M. Jithesh Menon, the learned Counsel represented the permit holders. This authority again considered the matter in detail. This is an issue related to the offence committed by the operators of Vyttila-Vyttila circular buses. Most of the check reports were disposed and only 10 check reports are remaining at present. The permit holders have failed to respond on issued notice by the Secretary RTA. Hence permit in respect of the vehicle are liable to be suspended/cancelled under section 86 of MV Act 1988. The permit holders are given an option to remit compounding fee for Rs.5000/- for each check reports in lieu of suspension/Cancellation of permit. If the permit holders are failed to do so, Secretary RTA is directed to suspend the permits of the remaining stage carriages for a duration of 30 days from 01/01/2016.

#### **Item No.115**

Heard; the permit holder of Autorickshaw KL-07-AL-8040. This authority is satisfied with the explanation submitted by the permit holder for the delay in filing application. Hence delay is condoned and renewal of permit is granted subject to the remittance of Rs.2000/- as a punishment.

### **Item No.116**

Heard; the applicant. This is an application for the grant of fresh permit in respect of autorickshaw KL-42-K-2358 with parking place at Chendamangalam Jn in Paravur Municipality. The enquiry officer has reported that at present, 50 autorickshaws are operating with parking place Chendamangalam Jn and the number of autorickshaws with parking place Chendamangalam is restricted to 50 numbers by the concerned authority. He has also reported that further grant of autorickshaw permit at Chendamangalam Jn is inconvenient. Hence the application for the grant of autorickshaw permit is hereby rejected.

### **Item No.117**

1. Perused the judgment of Hon'ble High Court of Kerala in WP© No.28190 of 2014 dtd 03/03/2015 and notice in contempt of Court case No.861 of 2015

2. Heard the representatives of Shop Owners & Auto drivers, Police Authority, Panchayath concerned, PWD Authority and Official of Motor Vehicles Department. This is an issue related to the parking of autorickshaws in front of the shops and business establishments at Kalady Junction. Some shop owners at Kalady town had filed a Writ Petition No.28190 Of 2014 before the Hon'ble High Court of Kerala seeking the removal of unauthorized parking of autorickshaws in front of their shops. Vide Judgment in above writ petition, the Hon'ble High Court has directed this authority to hear the affected parties and arrive at a decision in this regard at any rate within a period of three months.

In the light of above direction, the shop owners submitted a representation before the Secretary RTA and requested to present the matter before this authority for a decision. The Secretary RTA convened an all party meeting on 25/04/2015 at Angamaly in the presence of all affected parties and the meeting was not arrived at in a final solution since the proposal submitted by the Kalady Grama Panchayath for shifting the bus stop towards Perumbavoor and shifting of autorickshaw parking place in between the proposed new bus stop and Sankara Bridge and a place at Irrigation Road.

Since the proposal of concerned local body was not accepted by the other affected parties, this authority could not be arrived in at a decision in the regard within the time limit of three months as directed by the Hon'ble High Court of Kerala. That was resulted in the filing of contempt of court case. In that situation, the Secretary was directed to seek extension of time from the Hon'ble High Court of Kerala for the compliance of the judgment in WP© No.28190 of 2014.

Thereafter, another meeting of official of all concerned departments was convened by the Secretary RTA on 04/07/2015 and discussed the issue requested this authority to take a final decision in this regard Under Rule 344 of KMV Rules - 1989 in the light of recommendation of the meeting and enquiry report submitted by the field officer in this regard.

In this sitting, this authority considered the matter in detail and heard all affected parties including Shop Owners, Autorickshaw drivers, Police Authority, officials of Motor Vehicles Department and public of Kalady town.

The panchayath authority, the concerned authority competent to provide parking place for autorickshaws has submitted a resolution of the meeting of traffic committee held on 28-10-2014 and requested to approve the resolution as such. This authority perused the resolution in detail and discussed the matter with all affected parties. The resolution contains twenty eight suggestions so as to modify and regulate the traffic arrangements at Kalady town. Most of the suggestions have to be considered after a detailed study report. Hence this authority is not going to all the recommendations of traffic committee approved by the Panchayath at this situation.

After a detailed study and discussion, the Police authority, PWD Authority and the panchayath Authority have recommended to implement the following suggestions regarding the rearrangements of traffic at Kalady Jn for the smooth flow of traffic for the convenience of public including Shop Owners, Autorickshaw drivers and road users.

1. Existing bus stop towards Perumbavoor side shall be shifted in front of Union bank
2. Buses coming from Perumbavoor shall stop in front of Crystal tower in MC Road for setting down the passengers.
3. The following road portions shall be declared as No Parking area
  - A. The portion of the Angamaly Road up to C.M Stores
  - B. the Portion of the Malayattoor Road up to Ashamam Jn
  - C. The portion of the Perumbavoor Road up to Union Bank
  - D. The portion of the Kanjoor Road up to the existing bus stop
4. Autorickshaws shall be permitted to park in the existing specified areas in the one side of the roads as decided by the traffic committee with a spacing of one meter without making obstruction of the movement of customers in to the shops. No Parking shall be allowed in the other side of roads in such place.
5. Sign Boards shall be erected in the above mentioned No Parking areas.

On detailed perusal of the above suggestions and enquiry report, this authority felt that above suggestions will reduce the traffic congestion and unauthorized parking of vehicles at Kalady Town and it will be more convenient to the travelling public and shop owners and Autorickshaw drivers.

Hence this authority is hereby approve the above five recommendations to reduce the traffic congestion at Kalady town on public interest. Secretary RTA will submit a detailed report on remaining suggestions of the traffic committee.

### **Item No.118**

Heard; the affected parties and official of various departments including Police,PWD,Local Body,Revenue and Motor Vehicles.In the light of judgment in WP(c) No.34201/2014,the joint sitting of representatives of above mentioned departments have submitted a proposal of regulation and modification of traffic arrangement at Vazhakkala Jn to avoid unauthorized parking of autorickshaws in front of the shops. This authority considered the proposal and discussed with all affected parties and decided to approve the following suggestions.

1.The existing autorickshaw stand shall be shifted to the opposite side parallel to the road towards Ernakulam.25 autorickshaws can be parked in that place from the front of Kochin Glass House.Remaing autorickshaws can be parked in side of road,Muleppadam Road and near to Nehru parking Ground and they are permitted to come and pick passengers on turn basis.

2.No Parking sign Boards shall be erected in No Parking area for a stretch of 200 meter in the junction.PWD authority is directed to take necessary action in this regard.

3.The existing auto stand shall be used as Bus Bay.The PWD authority shall make necessary arrangements for the same. The Motor Vehicles department shall ensure the stopping of buses in the prescribed areas only.

4.Unauthorized encroachment of business establishments shall be eliminated and prevented for providing sufficient passage for the pedestrians as directed by the Hon'ble High Court of Kerala in various judgments. The revenue department,Police and PWD authorities will make necessary arrangement.

5.Road dividers shall be established at vazhakkala Jn to avoid dangerous overtaking and to ensure the line traffic.

### **Item No.119**

Heard;the petitioners. This request for allotting parking place for the Motor Cab[Taxi] with makers Classification TATA MAJIC IRIS.This authority considered the issue and verified the present position of Motor Vehicles law.The vehicle class TATA MAJIC IRIS is coming under the classification of Motor Cab, with issued permit ,allowed to operate all over the Kerala State in a contract basis. There is no provision of law in the Motor Vehicles Act and Rules to allot and provide parking place to Motor Cab taxi.Hence the request cannot be allowed.Hence rejected.

**Item No.120**

Heard;the permit holders of the autorickshaws and their representatives.This is a recommendation of the Traffic Police,Kochi City for suspension/Cancellation of the permits in respect of autorickshaws of which operators committed offences such as operation of service without fitment of fare meter and collection of excess fare from the passengers.this authority considered the matter in detail. The offences committed is attracting the suspension or cancellation of permit. In all this cases, the Police department already compounded the offence thereafter submitted the report for further action.There is no provision in the Motor Vehicles law to take further action on permit in such cases the offences were compounded in lieu of suspension or cancellation of permit. Hence this authority is not able to take further action in this situation.However considering the issue in public interest,all the autorickshaw permit holders committed the offence are hereby warned not to repeat the similar offence in future. If once again committed the offence, the permit of the concerned vehicles shall be revoked.

**Item No.121**

Heard; the applicant.This is an application for the grant of fresh permit in respect of autorickshaw KL-42-K-2105 with parking place at Paravoor Market Road.The report and availability of parking place furnished by the enquiry officer is not self explanatory to take a decision.Hence Secretary RTA is directed to seek further report from the field officer in this regard.Hence adjourned.

**Item No.122**

Heard; the applicant.This is an application for the grant of fresh permit in respect of autorickshaw KL-42-K-2393 with parking place at Chendamangalam Jn in Paravur Municipality.The enquiry officer has reported that at present,50 autorickshaws are operating with parking place Chendamangalam Jn and the number of autorickshaws with parking place Chendamangalam is restricted to 50 numbers by the concerned authority.he has also reported that further grant of autorickshaw permit at Chendamangalam Jn is inconvenient. Hence the application for the grant of autorickshaw permit with parking place Chendamangalam Jn is hereby rejected.

**Item No.123**

All actions taken by the Secretary RTA on behalf of this authority is hereby ratified.

**Item No.124**

Considerd three items and decision attached Separately

**Item No.125**

Date of next sitting is.....

**Additional Item No.01**

1.Perused the Judgment of Hon'ble STAT in MVAA No.335/2010 dtd 07/03/2015

2.Perused the Judgment of Hon'ble High Court of Kerala in WP(c) No.22609 of 2015

3.Heard;the learned Counsel represented the applicant and affected parties.This is an application for the grant of fresh regular permit in respect of stage carriage KL-07-AP-4545 or a suitable stage carriage to operate on the modified route Manjapra-ernakulam High Court Jn as Ordinary Moffusil Service.This authority in its earlier sitting dtd 18/08/2010 rejected the application for the grant of permit filed by the applicant to operate on the route Vypin-High Court-Paravoor-Manjaly-Angamaly-Manjapra and rejected the same on the grounds that the route portion objectionably overlaps notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The above decision was challenged before the Hon'ble STAT and vide judgment in MVAA No.335/2010 permitted the the applicant to submit a modified application avoiding the objectionable overlapping and directed this authority to consider the modified application in accordance with law.Thereafter on 22/07/2015,the applicant has submitted a modified proposal by changing the route as Manjapra-Ernakulam High Court Jn .But the applicant has not submitted a new time schedule along with the application. However the Secretary RTA is conducting a detailed enquiry through the Joint Regional Transport Officer, North Parur and the applicant is directed to furnish a new time schedule in relation with the modified route . Vide judgment in WP© No.22609/2015 dtd 27/07/2015,the Hon'ble High Court of Kerala has directed this authority to consider and pass appropriate orders on application for the grant of permit in the meeting scheduled to be held on 06/08/2015 itself after hearing the affected parties.The enquiry officer has reported that sufficient time is required for the detailed enquiry and to ascertain the feasibility and width and vehicle population on the modified route.Moreover earlier application and connected file is still with STAT.Hence this authority is not in a position to take a final decision in this situation on the modified application without a detailed enquiry report,previous file still kept with the STAT and without a modified time schedule in accordance with Order No.D3/875/2005/STA dtd 08/11/2011.Therefore,

1.The applicant is directed to submit a modified time schedule in accordance with Order No.D3/875/STA/2005 dtd 08/11/2005.

2.The Secretary RTA is directed to obtain a detailed enquiry report through Joint Regional Transport Officer,North Parur without further delay.

3.The Secretary RTA is directed to call records and connected files from the STAT and intimate the fact and circumstances of this case to the Hon'ble High Court of Kerala.

Hence adjourned to next sitting

**Additional Item No.02**

1.Perused the Judgment of Hon'ble STAT in MVAA No.276/2013 dtd 23/04/2015

2.Heard Adv.M.Jitheshmenon,the learned counsel represented the applicant.This is an application for the grant of fresh intra district regular permit in respect of a suitable stage carriage to operate on the route Kunjithai-North Parur-Cheranelloor as Ordinary moffusil service.This authority reconsidered the application in detail in the light of judgment of Hon'ble STAT and revealed that there is no objectionable overlapping in the proposed route and no other legal impediments to grant a permit as per laws governing to the grant of permit .KSRTC has not filed any objection in this regard.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

**Additional Item No.03**

1.Perused the Judgment of Hon'ble High Court of Kerala in WP© No.22960/2015 dtd 30/07/2015

2.Heard Adv.M.Jitheshmenon,the learned counsel represented the applicant.This is an application for the grant of fresh intra district regular permit in respect of a suitable stage carriage to operate on the route North Parur-Vyttila Hub as Ordinary moffusil

service. This authority in its sitting held on 26/05/2015 considered the earlier application filed by the same person to operate on the route North Parur-Vyttila Hub-Amrutha Hospital and adjourned the decision with direction to the applicant to submit a modified time schedule after providing all trips to Edappally Railway Gate. But the applicant had not submitted a modified time schedule. On 03/08/2015, the applicant for the grant of permit has produced an order of the Hon'ble High Court of Kerala in WP© No.22960/2015 dtd 30/07/2015, wherein this authority is directed to consider and pass final orders on Ext.P1, application for the permit dtd 28/01/2015 in the meeting of RTA scheduled to be held on 06/08/2015. On the same day, along with judgment the applicant has requested to consider the route as North Parur-Vyttila Hub and submitted a modified time schedule. But he has not submitted the application in P.St.S.A, the prescribed form. The Hon'ble High Court has directed to consider the application for the permit on the route North Parur-Vyttila Hub-Amrutha Hospital, but the applicant has requested to consider the application for permit on another route avoiding the portion to Amrutha Hospital. Hence this authority is not able to take a final decision in this regard. Therefore

1. The applicant is directed to submit modified proposal in the prescribed application

2. The Secretary RTA is directed to conduct a detailed enquiry on modified application and intimate the present situation to the Hon'ble High Court of Kerala in detail.

#### **Additional Item No.04**

Heard; the learned counsel represented the applicant. This is an application for the grant of fresh intra district regular permit in respect of stage carriage KL-50-2150 or a suitable stage carriage to operate on the route North Parur-Vyttila Hub as Ordinary moffusil service. This authority reconsidered the application in detail and revealed that there is no objectionable overlapping in the proposed route and no other legal impediments to grant a permit as per laws governing to the grant of permit. KSRTC has not filed any objection in this regard.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and

inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit”.

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

#### **Additional Item No.05**

Heard;Adv.M.Jithesh Menon, the learned counsel represented the applicant.This is an application for the grant of fresh intra district regular permit in respect of stage carriage KL-07-AG-1833 or a suitable stage carriage to operate on the route Vyttila Hub-Amrutha Hospital-Varappuzha with two trips to North Parur as Ordinary moffusil service.This authority reconsidered the application in detail and revealed that there is no objectionable overlapping in the proposed route and no other legal impediments to grant a permit as per laws governing to the grant of permit .KSRTC has not filed any objection in this regard.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, “the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description”.

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that “the expression ‘specified description’ is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit”.

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and

production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

#### **Additional Item No.06**

1.Heard; the learned counsel represented the applicant.This is an application for the grant of fresh intra district regular permit in respect of stage carriage KL-07-AK-4789 or a suitable stage carriage to operate on the route Manjapra-Vyttila Mobility Hub as Ordinary moffusil service.This authority in its earlier sitting held on 30/10/2014 considered the application adjourned decision for ascertaining the fitness of the road portion from Chithranjali Theatre Jn to Peruvaram temple road through PWD Authority.Even though the communicated the decision,the PWD authority has not reported the required details till date.The counsel represented the applicant for permit has requested to adjourn the decision till the receipt of the communication regarding the fitness of the portion in question.Hence request is allowed and adjourned to next sitting.

2.Since there is no necessity U.S 87[1]C of MV Act,application for the temporary permit is hereby rejected.

#### **Additional Item No.07**

Heard; the learned counsel represented the applicant.This is an application for the grant of fresh intra district regular permit in respect of a suitable stage carriage to operate on the route Kunjithai-Vyttila Hub as Ordinary moffusil service. This authority considered the application in detail and revealed that there is no objectionable overlapping in the proposed route and no other legal impediments to grant a permit as per laws governing to the grant of permit .KSRTC has not filed any objection in this regard.

So many complaints have been received from the travelling public against the grant of regular permit to very old stage carriages stating that such grant will backward the aspects of road safety and also threat to the life of innocent travelling public. This authority considered the issue in detail. As per Sub Section [2] of Section 72 of MV Act-1988, "the Regional Transport Authority, if decides to grant a stage carriage permit, may grant the permit for a stage carriage of specified description".

Vide reported decision in C.A No.5227 of 2003 dtd 04/08/2010 [2010[4] KLT 597[SC], the Hon'ble Supreme Court of India clarified that "the expression 'specified description' is very wide and this would include the fixing of age of the vehicle also. Restricting the age of the vehicle for the grant of permit for a stage carriage is obviously in the public interest because old vehicle can cause accidents and inconvenience and, therefore, the authorities under the Motor Vehicles Act-1988 are perfectly justified in placing such restriction for grant of the permit".

In the light of above facts and findings and considering the aspects of road safety and public interest and also to prevent the trafficking of permit, this authority decided that no fresh regular permit shall be granted to a stage carriage having more than 5 years of age.

Hence regular permit on the proposed route is granted to a suitable stage carriage not older than five years from the date of its registration subject to settlement of timings in accordance with Order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle within the time limit stipulated under Rule 159[2] of KMV Rules 1989.

#### **Additional Item No.08**

Heard;Adv.P.Deepak,the learned counsel represented the applicant.This is an application for the grant of fresh intra district regular permit in respect of stage carriage KL-07-AX-3128 or a suitable stage carriage to operate on the route Ernakulam High Court Jn-North Parur-Vypin-Kalamassery Premier Jn as Ordinary moffusil service. This authority considered the application in detail and revealed that there is no objectionable overlapping in the proposed route, but the enquiry officer has reported that the portion of the proposed route from Eloor North to rationkada Stop which is 2.5 km in length is virgin and not suitable for the stage carriage operation at present.Secretary RTA is directed to ascertain the fitness of the above virgin portion through PWD Authority and place the matter in the next open sitting of this authority.Hence adjourned.

#### **Additional Item No.09**

Heard;Adv.Stalin Peter Davis,the learned counsel represented the applicant.This is an application for the grant of fresh intra district regular permit in respect of a suitable stage carriage to operate on the route Perumbavoor-Pattimattam-Pazhamthottam-Puthencruz-Karimugal-Trippunithurs with trip to Maradu Market as Ordinary moffusil service. This authority considered the application in detail.The counsel represented other private bus operators has objected that the major portion of the proposed route is coming under the jurisdiction of RTA,Muvattupuzha.Secretary RTA is directed to conduct a detailed enquiry on allegation and place the matter in the next sitting.hence adjourned.

#### **Additional Item No.10**

1.Perused the order of Hon'ble High Court of Kerala in WP© No.23414 of 2015 dtd 03/08/2015.

2.Heard;Adv.P.Deepak,the learned counsel represented the applicant.This is an application for the grant of fresh inter district regular permit in respect of a suitable stage carriage to operate on the route Plantation Post Office Jn-Angamaly-Kalady-Manjapra-Ayyampuzha-Paduva as Ordinary moffusil service. This authority

considered the application in detail. The enquiry officer has reported that the portion of the proposed route from Kolakode to Kanimangalam which is 4 km in length is virgin and the Assistant Engineer LSGD, Ayyampuzha has reported that out of above 4 km, the portion from Kolakode to Manjana which is 2km in length is suitable for stage carriage operation and the remaining road portion from Manjana to Kanimangalam is not fit for stage carriage operation. Hence the Secretary was denied to place the matter for the consideration of this authority without obtaining fitness from the concerned authority.

Vide order in WP© No.23414 of 2015 dtd 03/08/2015, the Hon'ble High Court of Kerala has directed this authority to consider the application and pass orders thereon in the next sitting proposed to be held on 17/08/2015 without fail. In compliance to the judgment, this authority considered the application. The enquiry officer and the LSG department has reported that the portion of the proposed route from Manjana to Kanimangalam is not fit for stage carriage operation. Grant of a permit on an unfit road cannot be allowed. Hence the application for the grant of permit on the proposed route is hereby rejected.

#### **Additional Item No.11**

1. Perused the Order of Hon'ble High Court of Kerala in WP(c) No.22609 of 2015 dtd 27/07/2015

3. Heard; the learned Counsel represented the applicant and affected parties. This is an application for the grant of fresh regular permit in respect of stage carriage KL-07-AJ-9909 or a suitable stage carriage to operate on the route North Parur-Ernakulam High Court Jn as Ordinary Moffusil Service. Vide judgment in WP© No.22609/2015 dtd 27/07/2015, the Hon'ble High Court of Kerala has directed this authority to consider and pass appropriate orders on application for the grant of permit in the meeting scheduled to be held on 06/08/2015 itself after hearing the affected parties. In the light of order of Hon'ble High Court of Kerala, this authority considered the application in this sitting itself. The Joint Regional Transport Officer, North Parur has not furnished the enquiry report even after the direction issued by the Secretary RTA. The enquiry officer has reported that sufficient time is required for the detailed enquiry and to ascertain the feasibility and width and vehicle population on the proposed route. Hence this authority is not in a position to take a final decision in this situation on application without a detailed enquiry report. Therefore,

1. The Secretary RTA is directed to obtain a detailed enquiry report through Joint Regional Transport Officer, North Parur without further delay and place the matter in the next sitting itself.

3. Call explanation from the Joint Regional Transport Officer, North Parur for the inordinate delay in submitting enquiry report.

Hence adjourned to next sitting

**Additional Item No.12**

1.Perused the Order of Hon'ble High Court of Kerala in WP(c) No.22096 of 2015 dtd 30/07/2015

3.Heard;the learned Counsel represented the applicant and affected parties.This is an application for the grant of fresh regular permit in respect of stage carriage KL-26-8112 or a suitable stage carriage to operate on the route Azheekode Jetty-Kodungalloor-North Parur-Vyttila Hub as Ordinary Moffusil Service. Vide judgment in WP© No.22096/2015 dtd 30/07/2015,the Hon'ble High Court of Kerala has directed this authority to consider and pass appropriate orders on application for the grant of permit in the meeting scheduled to be held on 06/08/2015 itself after hearing the affected parties.In the light of order of Hon'ble High Court of Kerala,this authority considered the application in this sitting itself.The Joint Regional Transport Officer,North Parur has not furnished the enquiry report even after the direction issued by the Secretary RTA. The enquiry officer has reported that sufficient time is required for the detailed enquiry and to ascertain the feasibility and width and vehicle population on the proposed route.Hence this authority is not in a position to take a final decision in this situation on application without a detailed enquiry report.But on perusal of the file,it revealed that the proposed route is an inter district route lying in Ernakulam and Thrissur district.As per Rule 171 of KMV Rules-1989,in the case of an inter district permit,concurrence of the sister authority or authorities shall be obtained before taken a final decision on application for the grant of permit,Therefore,

1.The Secretary RTA is directed to obtain a detailed enquiry report through Joint Regional Transport Officer,North Parur without further delay and place the matter in the next sitting itself.

2.Secretary RTA will call explanation from the Joint Regional Transport Officer,North Parur for the inordinate delay in submitting enquiry report.

3.The Secretary RTA is permitted to seek concurrence of RTA Thrissur with details of overlapping on notified routes and width of the road in accordance with the Order No.D3/875/2005/STA dtd 08/11/2011 of the STA,Kerala.

Hence adjourned .

**Additional Item No.13**

Heard;Adv.P.Deepak,the learned Counsel represented the applicant and affected parties.This is an application for the grant of fresh regular permit in respect of stage carriage KL-05-U-938 or a suitable stage carriage to operate on the route Kolencherry-Trippunithura-HMT Jn as Ordinary Moffusil Service.This authority considered the application in detail.The applicant has proposed a time schedule containing nine

single trips and only 4 trips are provided to operate service between Kolencherry and Trippunithura. Remaining trips are provided so as to operate between Kakkanad and trippunithura which amounts to a city service. This authority felt that the main intention of the applicant is the operation of a city service by providing certain trips only to ill served areas. So many representations have been received from the public for directing the applicant to provide entire trips to Kolencherry through ill served areas. Hence the applicant is directed to submit a modified proposal by providing entire trips to Kolencherry. Hence adjourned.

#### **Additional Item No.14**

Heard; Adv.G.Prabhakaran, the learned Counsel represented the applicant and affected parties. This is an application for the grant of fresh regular permit in respect of a suitable stage carriage to operate on the route Mala-Angamaly-Malayattoor-Adivaram as Ordinary Moffusil Service. This authority considered the application in detail and revealed the following.

A. The enquiry officer has reported that the proposed route is having length of 61.5 km, in which 10.3 km is lying under the jurisdiction of RTA Thrissur. As per Rule 171 of KMV Rules-1989, in the case of an inter district permit, concurrence of the sister authority or authorities shall be obtained before taken a final decision on application for the grant of permit.

B. Some portions of the proposed route is virgin and the fitness of that portions are to be ascertained through the PWD Authority.

In view of the above facts,

The Secretary RTA is permitted to seek concurrence of the RTA, Thrissur and to ascertain the fitness of the virgin road portion through concerned PWD or LSG department. Hence adjourned.

#### **Additional Item No.15**

Heard ; Adv.P.Deepak, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the variation of regular permit in respect of stage carriage KL-11-X-871 operating on the route Aluva-Fort Kochi-Eloor Depot as ordinary city Service. This authority considered the application in the light of enquiry report furnished by the field officer, objections raised by the public and connected file. The proposed variation includes extension and curtailment of trips. By the proposed variation, the permit holder is desired to extend trip No.3<sup>rd</sup>, 5<sup>th</sup> and 7<sup>th</sup> trips to Wellington Island by curtailing the service to Fort Kochi. So many objections have been received from the public stating that the curtailment of service to eastern side of Kochi especially to Fort Kochi will adversely affect the travelling public. But the enquiry officer has not reported the adverse effect of proposed variation and he has reported

that the curtailment will not affect the public. This authority felt that the field officer has not reported the real consequence of curtailment. Hence this authority went through the matter deeply and then revealed the following facts.

1. The curtailment of trips to Fort Kochi, will adversely affect the general 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. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.
2. The extension of service to W/island is also give some advantage to the public of that area, but the curtailment of service to ill served areas is required for the proposed extension. In this case the permit holder is desired to curtail the service to Fort Kochi to avail extension to W/island . It cannot be allowed
3. Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public . In this case this authority granted permit for the convenience of the travelling public. No sufficient stage carriages are operating through the curtailed portion. Hence the proposed variation is against the public interest and it will not give any additional advantage to the travelling public. This authority feels that the consequence of curtailment of trips is much higher than the extension sought by the permit holder.

In view of the afore said fact and circumstances, the application for the variation of permit is hereby rejected.

Secretary RTA is directed to call explanation from the enquiry officer for the laps in reporting the actual facts and consequence of variation.

### **Additional Item No.16**

1. Perused the judgment of Hon'ble High Court of Kerala in WP© No.22190 of 2015
2. Heard the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for conversion of the class of service from fast Passenger to Limited Stop Ordinary Service in respect of stage carriage KL-07-BY-1555 to operate on the route Kizhakkambalam-kottayam. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. As per the notification No.73/2013/Tran dtd 16/07/2013, private operators are prevented from the operation of super class services such as fast Passenger, Super Fast, Super Express etc after the expiry of the respective permits. The regular permit issued to the stage carriage KL-07-BY-1555 as Fast Passenger was expired on 06-10-2014 and the application for the renewal of permit is pending due to the legal impediment in above said notification. Hence the permit holder has applied for the conversion of class of service as LSOS. On detailed consideration, this authority felt that the route in question has total route length of 95 km and there is no legal

impediment to convert the service to LSOS with a rate of running time as prescribed in the Order No.D3/875/STA/2005 dtd 08/11/2011. Hence proposed conversion of class of service is allowed renewal of the permit as LSOS is granted subject to settlement of timings in accordance with order No.D3/875/2005/STA dtd 08/11/2011 of the STA, Kerala.

3.In the light of judgment of Hon'ble High Court of Kerala,temporary permit for a duration of 4 months is granted subject to the settlement of timings.

#### **Additional Item No.17**

Heard ;Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the variation of regular permit in respect of stage carriage KL-07-BD-3408 operating on the route Cherthala-Thoppumpady-Vyttila Mobility Hub as ordinary moffusily Service. This authority considered the application in the light of enquiry report furnished by the field officer,objections raised by the public and connected file.By the proposed variation,the permit holder is desired to change the starting and halting place to Thankey Church and to operate two round trips as Cherthala-Info Park via Bypass,Vazhakkala,NGO Quarters and Kakkanad and also to operate 3<sup>rd</sup> trip via RC Road.This authority felt that the some of the variation requested is within the jurisdiction of RTA,Alappuzha.Secretary RTA is directed to seek concurrence of RTA Alappuzha.Hence adjourned.

#### **Additional Item No.18**

Heard Adv.P.Deepak the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AR-4107 operating on the route Manalimukku-Aroor as Ordinary moffusil service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that the proposed variation is beneficial to the travelling public and curtailment of 7<sup>th</sup> and 8<sup>th</sup> trips in the peak time will help to reduce the traffic congestion and the curtailed portions are well served. There is no additional overlapping on variation portion.Hence proposed variation is granted subject to settlement of timings in accordance with order No.D3/875/2005/STA dtd 08/11/2011 of the STA,Kerala.

#### **Additional Item No.19**

1.Perused the Judgment of Hon'ble High Court of Kerala in WP© No.22859/2015

2.Heard Adv.P.Deepak,the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-06-C-4271 operating on the route North Parur-Kaloor-Puthukod

Temple as ordinary moffusil service. This authority in its earlier sitting dtd 26/05/2015 considered the application and rejected the same on the ground that the curtailment of service to Puthukkode temple is adversely affect the travelling public and there is an additional overlapping on notified route in the proposed extension of service. Above decision was challenged before the Hon'ble High Court of Kerala submitting the wrong statement that the permit holder has filed a modified application on 24/07/2015 before the Secretary RTA after avoiding the curtailment to Puthukkode temple. Vide judgment in WP© No.22859/2015 the Hon'ble High Court of Kerala has directed this authority to include the matter as an item for the proposed meeting dtd 06/08/2015 and consider the modified application[Ext.P4] and pass orders on that date without delay.

This authority perused the judgment and connected files. The permit holder had not submitted any modified application before the Secretary RTA on 24/07/2015 as mentioned in the judgment. But he has submitted a request only on 07/08/2015, along with a certified copy of the judgment. By the modified proposal, the permit holder is desired to to operate 5<sup>th</sup> trip to Chetti Bhagam and to Paravoor and to operate 6<sup>th</sup> trip to Vytila by curtailing trip to Kakkanad and then operate 7<sup>th</sup> and 8<sup>th</sup> trips between Vytila and Edappally gate and Edappally and Vytila respectively and then to Kaloor via Palarivattom. This authority reconsidered the application in the light of enquiry report furnished by the field officer, objections raised by the public, KSRTC judgment in WP© No.22859/2015 and connected file and felt that

1. In the case of proposed additional trip to Palarivattom in the 8<sup>th</sup> trip in the proposed time schedule ,the portion from Palarivattom to Kaloor which is 2 km in length is objectionably overlaps[additional] Trivandrum-Palakkad and Trivandrum-Kannur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 19 of the above said notification, the right to operate any new service and to increase the trips in the notified routes or its portions will be reserved exclusively for the State Transport Undertaking. In this case ,the applicant offered additional new trips on the portion of notified routes. KSRTC strongly objected the grant of proposed variation. This authority felt that, if the proposed additional trip is allowed, it will be a clear violation of above said notification and connected judgments in this regard.

2. The deviation of service through Chettibhagam and to extension of trip to Vytila will not give any advantage to the travelling public and there is no necessity warranting Under Rule 145[6] for the proposed variation. The curtailment of morning trip to Kakkanad will adversely affect the general public including the employees of civil Station. Hence it cannot be allowed.

3. So many stage carriage are operating service between North Parur and Vytila frequently and there is no need to extend the trip up to vytila

In view of the afore said facts and circumstances, the application for the variation of permit is hereby rejected.

Secretary RTA is directed to intimate the whole facts to the Hon'ble High Court of Kerala.

**Additional Item No.20**

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-36-4554 operating on the route Mala-North Parur as ordinary moffusil service. This authority considered the application in detail. The enquiry officer has not reported whether there is any necessity under Rule 145[6] for the proposed variation. Secretary RTA is directed to obtain further detailed report from the field officer and place before the next sitting of this authority. Hence adjourned.

**Additional Item No.20**

This is an application for the variation of regular permit in respect of stage carriage KL-07-AN-7437 operating on the route Cheranelloor-Trippunithura as Ordinary City Service. The applicant was absent. Hence adjourned to next sitting.

**Additional Item No.22**

Heard; Adv.P.Deepak the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-05-V-6728 operating on the route Karthedathupady-Pallikkara as Ordinary moffusil service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that the proposed extension is beneficial to the travelling public and curtailment of 5<sup>th</sup> trip in the peak time will not affect the travelling public since the curtailed portions are well served. There is no additional overlapping on variation portion. Hence proposed variation is granted subject to settlement of timings in accordance with order No.D3/875/2005/STA dtd 08/11/2011 of the STA, Kerala.

**Additional Item No.23**

1. Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-BB-6057 operating on the route Gothuruth-Vypin-High Court Jn as Ordinary moffusil service. By the proposed variation, the permit holder is desired to curtail the service between North Parur and Gothuruth so as to avoid objectionable overlapping on Aluva-Vadakkumpuram complete exclusion scheme and he has requested to renew the permit on the modified route. This authority perused the file in detail. The enquiry officer has reported that the curtailment of service between North Parur to Gothuruth will adversely affect the

travelling public, but the variation requested for avoiding objectionable overlapping on notified scheme and thereby legal impediment to renew the permit. Hence the proposed variation is granted subject to settlement of timings.

2. On perusal of the file this authority revealed that the permit was issued so as to operate 1st trip only up to Vypin. During the revision of timings, the destination of that trip changed to High Court Jn by mistake, and it will not give any claim to the permit holder. The proceedings issued by the Secretary RTA vide No.C3/6057/2014 dtd 25/08/2014 for rectifying the mistake is correct and all actions taken by the Secretary RTA on behalf of this authority in this regard are hereby ratified.

#### **Additional Item No.24**

Heard Adv.P.Deepak, the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-BY-7817 operating on the route Kakkanad-Thuthiyoor-Fort Kochi as Ordinary City service. This authority reconsidered the modified application in the light of enquiry report furnished by the field officer and connected file. By the proposed variation, the permit holder is desired to operate 3rd trip in the existing time schedule via Kakkanad, Vyttila, Kundannoor and Thoppumpady and to extend the trip up to Infopark and to deviate 10th trip via Menaka and Kaloor. In the modified application, the permit holder has retained the service to Thuthiyoor and requested to reconsider the application. This authority felt that

In the case of proposed variation of service, there is an additional trip provided and, wherein the portion from Thevara Jn to Thoppumpady Pyari Jn which is 4 km in length is objectionably overlaps [additional] Trivandrum-Palakkad and Trivandrum-Kannur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 19 of the above said notification, the right to operate any new service and to increase the trips in the notified routes or its portions will be reserved exclusively for the State Transport Undertaking. In this case, the applicant offered additional new trips on the portion of notified routes. KSRTC, the beneficiary of the notification strongly objected the grant of proposed variation. This authority felt that, if the proposed extension is allowed, it will be a clear violation of above said notification and connected judgments in this regard.

In view of the afore said facts and circumstances, the application for the variation of permit is hereby rejected.

#### **Additional Item No.25**

1. Perused the judgment of Hon'ble High Court of Kerala in WP© No.22517 of 2015 dtd 12/07/2015

2. Heard ; Adv.P.Deepak, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the variation of regular permit

in respect of stage carriage KL-42-B-8679 operating on the route Mannanthuruthu Ferry-Kodungalloor as ordinary mofussil Service. This authority in its earlier sitting dtd 26/05/2015 considered the application and adjourned decision for want of a detailed report from the field officer. Now vide judgment in WP© No.22517 of 2015 dtd 12/07/2015, the Hon'ble High Court of Kerala has directed this authority to consider the application and pass final orders thereon in the meeting proposed to be held on 17/08/2015 itself. In the light of enquiry report furnished by the field officer and objections raised by the public, this authority reconsidered the application in detail. The proposed variation includes extension and curtailment of trips. By the proposed variation, the permit holder is desired to extend the 10<sup>th</sup> trip from North Parur up to Vyttila which is 25 km in length and to curtail the trips between SNDP Jn and Mannanthuruthu Ferry and Mannanthuruthu Ferry to Kodungalloor and in between Kodungalloor and North Parur. This authority revealed that

1. As per Sub Section 3[i] of Section 80 of MV Act 1988, it is clearly specified that, in the case of extension, the distance covered by extension shall not exceed twenty – four kilometres from the termini. In this case the distance of proposed extension to Vyttila is 25 km and is beyond the permissible limit.

2. The enquiry officer has clearly reported that the extension portion is well served, at the same time the curtailment portion is ill served. The curtailment of trips between SNDP Jn and Mannanthuruthu Ferry and Mannanthuruthu Ferry to Kodungalloor and in between Kodungalloor and North Parur will adversely affect the general 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. Hence curtailment of existing trips cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

3. Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public. In this case this authority granted permit for the convenience of the travelling public. No sufficient stage carriages are operating through the curtailed portion. Hence the proposed variation is against the public interest and it will not give any additional advantage to the travelling public. This authority feels that the consequence of curtailment of trips is much higher than the extension sought by the permit holder.

In view of the afore said fact and circumstances, the application for the variation of permit is hereby rejected.

#### **Additional Item No.26**

Heard Adv. Stalin Peter Davis, the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-BF-2284 operating on the route

Thalayolaparambu-University as Ordinary moffusil Service.This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notification and connected file. The regular permit was issued on 23/08/2000. The proposed route is having length of 51 km and the route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009.Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. The Counsel represented STU has not filed objection against the renewal of permit. Hence renewal of regular permit 7/1022/2000 is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009.

### **Additional Item No.27**

Heard Adv.G.Prabhakaran, the learned counsel represented the permit holder and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-17-6964 operating on the route Nedungad-High Court Jn as Ordinary moffusil Service.This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notification and connected file. The regular permit was issued during the year 2010. The proposed route is having length of 20 km and the route will not overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009.Hence, there is no impediment to renew the permit for continuous operation. Hence renewal of regular permit 7/2235/2010 is granted on public interest.

### **Additional Item No.28**

Heard;Adv.G.Prabhakaran, the learned counsel represented the permit holder and heard the Counsel represented KSRTC.

1.This is a request for condonation of delay in production of currenr records of the vehicle KL-17-A-6056 for availing the transfer of permit[Death] granted by this authority on 20/10/2010.The Secretary RTA has intimated that the grantee has not produced current records of the vehicle till date and she has not intimated the possible date for the production of current records.Hence this authority is not satisfied with the request of the applicant and the regular permit is not valid at present.Hence decision is adjourned to next sitting.

2.This is an application for the renewal of regular permit in respect of stage carriage KL-17-A-6056 operating on the route Chittoor Ferry-Arookkutty as Ordinary moffusil Service.The vehicle is under HPA and NOC for the financier,a mandatory requirement U/S 51 of MV Act-1988 has not produced even at the sitting of this authority.Four check reports are pending against the vehicle.Hence this authority felt that the possessor is not able to maintain a stage carriage service.Hence the permit is liable to be revoked.Any how, considering the request of the applicant,a period of 60 days is

sanctioned to the applicant to produce current records of the vehicle and NOC from the financier.Hence decision on application for the renewal of permit is adjourned.

3.Secretary RTA is directed to issue temporaty permit for a duration of two months to the possessor of the vehicle.Thereafter no permits shall be allowed to the applicant without concurrence of this authority.

**Additional Item No.29**

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-05-U-592 on the route North Parur-Kaloor, is allowed as applied for subject to the clearance of Government dues,if any.

**Additional Item No.30**

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-02-T-1684 on the route Munambam-Ernakulam, is allowed as applied for subject to the clearance of Government dues,if any.

**Additional Item No.31**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-E-1234 on the route Aluva-W.Island, is allowed as applied for subject to the clearance of Government dues,if any.

**Additional Item No.32**

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-41-C-1999 on the route Devagiri-Perumbavoor, is allowed as applied for subject to the clearance of Government dues,if any.

**Additional Item No.33**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-39-A-3053 on the route Aluva-Thevara Jn-W.Island, is allowed as applied for subject to the clearance of Government dues,if any.

**Additional Item No.34**

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AN-2605 on the route

North Parur-High Court Jn, is allowed as applied for subject to the clearance of Government dues,if any.

**Additional Item No.35**

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-49-A-7448 on the route South Chittoor-Eroor Gate, is allowed as applied for subject to the clearance of Government dues,if any.

**Additional Item No.36**

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Five Check reports are pending against the vehicle.Hence adjourned the matter to the next sitting for the clearance of pending check reports.

**Additional Item No.37**

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-B-9091 on the route Aluva-Kaloor, is allowed as applied for subject to the clearance of Government dues,if any.

**Additional Item No.38**

Heard. This is the request of the Secretary,RTA, Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-07-BZ-585 operating on the route Kaippuzhamuttu-Ernakulam as LSOS. This authority considered the matter in detail. The portion of the route under the jurisdiction of this authority is objectionably overlaps Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit is granted as LSOS subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length .

**Additional Item No.39**

Heard. This is the request of the Secretary,RTA, Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-40-K-4595 operating on the route Thiruvappu Temple-Ernakulam as LSOS. This authority considered the matter in detail. The portion of the route under the jurisdiction of this authority is objectionably overlaps Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit is granted as LSOS subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

#### **Additional Item No.40**

Heard. This is the request of the Secretary,RTA, Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-37-A-1915 operating on the route Kottayam-Ernakulam as LSOS. This authority considered the matter in detail. The portion of the route under the jurisdiction of this authority is objectionably overlaps Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit is granted as LSOS subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

#### **Additional Item No.41**

Heard. This is the request of the Secretary,RTA, Muvattupuzha for the concurrence of this authority for the grant of fresh regular permit in respect of a Suitable stage carriage to operate on the route Vyttila-Palarivattom-Perumbavoor-Trippunithura as Ordinary Service. This authority considered the matter in detail. The portion of the route from Pukkattupady to Vyttila which is 35 km is lying under the jurisdiction of this authority ,in which the portion from Trippunithura to Karingachira which is 2.00 km in length is overlaps Ernakulam-Muvattupuzha complete exclusion scheme with exceptional Clause. There is no legal impediments to grant permit to operate service on the above portion under the jurisdiction of this authority .Hence Concurrence for the grant of regular permit is granted as Ordinary Service subject to the notification No.42/2009 dtd 14/07/2009 .

#### **Additional Item No.42**

Heard. This is the request of the Secretary,RTA, Muvattupuzha for the concurrence of this authority for the grant of fresh regular permit in respect of a Suitable stage carriage to operate on the route Perumbavoor-Adivaram-Kalady as Ordinary Service. This authority considered the matter in detail. The portion of the route from Kalady to Adivaram which is 15 km is lying under the jurisdiction of this authority ,in which the portion from Kalady Jn to Kalady Pvt Stand which is 300 meter in length is overlaps Kottayam-Kozhikode notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. There is no legal impediments to grant permit to operate service on the above portion under the jurisdiction of this authority .Hence Concurrence for the grant of regular permit is granted as Ordinary Service subject to the notification No.42/2009 dtd 14/07/2009 .

#### **Additional Item No.43**

Heard. This is the request of the Secretary,RTA, Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-35-E-5873 operating on the route Koruthode-Ernakulam as LSOS. This authority considered the

matter in detail. The portion of the route under the jurisdiction of this authority is objectionably overlaps Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit is granted as LSOS subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

**Additional Item No.44**

The permit holder of stage carriage KL-42-333 is absent. Secretary RTA is directed to serve show cause notice through field officer and place the matter in the next sitting. Hence adjourned.

**Additional Item No.45**

Heard; Adv. G. Prabhakaran, the learned counsel represented the permit holder of stage carriage KL-07-BG-4405. Request for condonation of delay in submitting current records is accepted and delay is condoned.

**Additional Item No.46**

Heard; Adv. M. Jithesh Menon, the learned counsel represented both the permit holder of stage carriages KL-40-8485 and KL-07-BG-7111. This is a complaint from public related to the competitive and negligent driving of stage carriages on 19/06/2015, which lead to inconvenience and danger to the public and obstruction in the Kochi City. This authority heard the permit holders of both stage carriages and drivers of the vehicles on duty on 19/06/2015. The enquiry officer has specifically reported that the complaint is genuine and recommended to punish the drivers committed the serious offence.

Considering the gravity of offence, the Licensing Authority Ernakulam is recommended to disqualify the driving licence of both drivers for a period of 3 months. The drivers shall attend one day training programme at Institute of Drivers Training and Research run by Motor Vehicle department at Edappal in Malappuram district within the suspension period.

**Additional Item No.47**

The Joint Regional Transport Officer, Mattancherry has recommended to take action on pending check reports prepared against the HGV Tipper KL-43-G-1222 for carrying over load, which is a violation of Section 113[3] read with section 194 of MV Act-1988. The applicant was absent. The Joint RTO, Mattancherry is directed to issue notice to permit holder to show cause as to why the permit extension of validity of permit in respect of the vehicle should not be suspended/cancelled under section 86 of MV Act 1988 and place the matter before next sitting of this authority without fail with details of acceptance of the show cause notice. Hence adjourned.

### **Supplementary Item No.01**

1.Perused the judgment of Hon'ble High Court of Kerala in WP(c) No.21450/2015 dtd 21/07/2015

2.Heard;Adv.Jithesh Menon,the learned Counsel represented the applicant.This is an application for the transfer of permit[death] in respect of stage carriage KL-04-T-6852 covered by a regular permit on the route Manjaly-North Parur-Ernakulam High Court Jn.The possessor of the vehicle has not submitted application for the transfer of permit and necessary legal documents to prove the claim of succession.The applicant is directed to file application and legal documents in accordance with law for considering the application in the light of judgment of Hon'ble High Court of Kerala in WP(c) No.21450/2015.Hence adjourned.

### **Supplementary Item No.02**

1.Perused the judgment of Hon'ble High Court of Kerala in WP(c) No.23620/2015 dtd 10/08/2015

2.Heard;Adv.P.Deepak,the learned Counsel represented the permit holder of stage carriage KL-07-AM-8390.The enquiry officer has reported that the proposed deviation through Bypass will help to reduce the traffic congestion in the city area and the curtailment of trips through city area will not affect the travelling public since the portions are well served.Hence proposed variation is granted subject to the settlement of timings.

### **Supplementary Item No.03**

This is resolution passed the Parur Municipal Standing Committee and Autorickshaw Co-ordination committee fixing the of number of autorickshaws in 13 autorickshaw stands in Parur Municipality.They have requested to approve the resolution by this authority and to grant permits in the vacancies.This authority considered the request and hereby approve the resolution as such.This authority will consider the application for the new autorickshaw permit in accordance with law and subject to availability of space as decided by the local body.

## **Items Admitted by the Chairman**

### **Item No.01**

Heard the learned Counsel represented the permit holder. Sri.Baiju Sakaria ,the permit holder of stage carriage KL-45-D-5200 has produced a copy of the Judgment of Hon'ble High Court of Kerala in WP© No.22948 of 2015 before the sitting of this authority dtd 17/08/2015.Vide above judgment,this authority is directed to

reconsider the issue of variation sought by the petitioner in the light of judgment of Hon'ble STAT in MVA No.35/2014 in the next sitting itself and pass orders thereon without fail. Since the petitioner has failed to produce the judgment before the Secretary RTA even on 16/08/2015, the matter could not be included in the supplementary agenda. This authority thoroughly perused the judgment in WP© No.22948/2015 in the light of judgment of Hon'ble STAT and felt that since so many objections had received from the public in the earlier sitting, a further decision without a detailed enquiry through a superior officer and a detailed agenda is not feasible at present. The learned counsel represented other stage carriage operators and the counsel represented the KSRTC have strongly objected that reconsideration of matter without publishing the agenda and without prior intimation to the affected operators and public are against the fundamental rights. Hence the matter will be reconsidered the matter in the next sitting itself. The Secretary RTA is directed to conduct a detailed enquiry through Joint Regional Transport Officer, the superior officer concerned and place the matter in the next sitting and bring the whole matter to the notice of Hon'ble High Court of Kerala.

#### **Item No.02**

Heard; Adv.P.Deepak, the learned Counsel represented the permit holder. Sri.Muhammed Basheer, the permit holder of stage carriage KL-07-BA-8921 has produced a copy of the order of Hon'ble High Court of Kerala in WP© No.24100 of 2015 before the sitting of this authority dtd 17/08/2015. Vide above order, this authority is directed to reconsider the issue of variation sought by the petitioner in the next sitting itself as additional agenda and pass orders thereon without fail. Since the petitioner has failed to produce the judgment before the Secretary RTA even on 16/08/2015, the matter could not be included in the additional agenda. This authority thoroughly perused the judgment in WP© No.22948/2015 and felt that since so many objections from the public were received in the earlier sitting, a further decision without a detailed enquiry through a senior officer and a detailed agenda is not feasible at present. The learned counsel represented other stage carriage operators and the counsel represented the KSRTC have strongly objected that reconsideration of matter without publishing the agenda and without prior intimation to the affected operators and public are against the fundamental rights. Hence the matter will be reconsidered the matter in the next sitting itself. The Secretary RTA is directed to conduct a detailed enquiry through Joint Regional Transport Officer, the superior officer concerned and place the matter in the next sitting as a detailed agenda and bring the whole matter to the notice of Hon'ble High Court of Kerala.

#### **Item No.03**

This is a representation filed by the Ernakulam District Private Bus owners confederation regarding the non compliance of the time schedule due to the heavy traffic block in connection with ongoing Kochi Metro Rail Project and unwanted

prosecution against the stage carriage operators by the police officers. This authority heard, the learned counsel represented the private bus operators. The version of the operators regarding the non-compliance of the time schedule due to the heavy traffic blocks in the roads of Kochi city is tenable, but the curtailment of trips on the ground of traffic block cannot be allowed. Hence Secretary RTA is directed to consider the above issue in a lenient view.

The police authority is requested to forward the cases registered against the stage carriage operators for the violation of MV Act and Rules to the Secretary RTA for further action U/S 86 of MV Act.

The Secretary RTA, who is also the licensing authority is directed to take actions on complaints against the crews of stage carriages on a consideration that they are the direct offenders in the case and recommended to disqualify the licence of the concerned crews on public interest.

Sd/-

Chairman & Member