DECISION OF THE R T A, THRISSUR

HELD ON 04.06.2012

Present :

1. ***Shri. P M Francis, I. A. S,***
   District Collector & Chairman , RTA , Thrissur.

2. ***Shri. P H Ashraf, I. P. S,***
   District Police Chief &
   Member, R T A, Thrissur.

3. ***Shri. P V Varghese,***
   Deputy Transport Commissioner, Central Zone – I &
   Member, RTA, Thrissur

Item No. 1 : A. Heard. Perused the judgment of Hon'ble STAT in MVAA No. 17/2012 dated, 16.01.2012.

B. In obedience to the direction of Hon'ble STAT, considered the overlapping portion of Notified route Kottayam - Kozhikode from Thrissur to West Fort to treat as inevitable intersection and to allow the said overlapping.

(1) It is observed that the Notification No. 42/2009/Tran dated, 14.07.2009 is issued to avoid the private operators from Supplementation of moffusil and city Services on the 31 routes and its portions indicated in its annexure exceeding overlap of 5% of any new routes up to a maximum of 5 Kms. This authority feels that this condition is incorporated with a view to avoid the private operators from introducing new services on the city routes also where the route length are ordinarily short. In this case of Thrissur City Services the distances of overlapping from West Fort to Thrissur is 2 Kms and any city routes will be ordinarily having route length less than 20 Kms by which such route can touch almost all the important intermediate places in an around the City. Therefore if the overlapping distance from West Fort to Thrissur (Municipal Office Stand) or Sakthan Stand is considered and declared as an inevitable intersection and permitted to formulate routes on that incentive / relaxation, the private operators can introduce any number of City services / Moffusil services in this region. Such a situation will be obviously against the letter and spirit of the above said notification. The S T U (KSRTC) will also loose the opportunity for the economic supplementation of services on this region and there by the purport of the above said notification will be ended in vain.

In the instant case the route length is 6 Km and 33 % of the route is overlapping on Notified route vide G O (P) No. 42/2009/Tran dated, 14.07.2009. As far as this route is concerned this overlapping is not meant for passing of that route to any non notified area but it is because the route itself starts almost close to the notified route and traverse through the

notified route portion. After formulating a route violating the scheme the private operator could not seek shelter interpreting the overlapping as inevitably one. Since the overlapping of 5% of route length is provided for the purpose of intersection the private operator can apply for routes having a route length 40 Kms or more which overlaps the notified portion, in this case, West Fort to Thrissur , without violating the notification. The overlapping in this case from West Fort to Thrissur can only be considered as traversing distance in view of the conditions of the Notification No. 42/2009/Tran dated, 14.07.2009, prescribed under clause 5(c). The right reserved to the STU as per clause 19 will not be maintained and the Private operators will enter on all the economical routes on the suburbs of Thrissur City and Municipalities will be left as ill served by private operators and the STU will be left with only some uneconomical routes and the purport of the Supplementation Scheme will not be achieved. In the Notification No. 12951/2006/Tran dated, 09.05.2007 no provision was given to allow overlapping on the notified routes by the newly introducing routes by private operators. But subsequently by modification the Government has allowed the overlap 5% of route length by the newly introduced / proposed routes is with the intention of facilitating the private operators to introduce services on the non notified routes on ill served areas. The exemption of 5% of the route length overlapping is permitted with a view to allow the permits on long distance routes on non notified areas and such ill served areas without affecting the privilege or right solely given to the STU for providing supplementation of services on short distant ordinary service routes as city / moffusil. In the above circumstances when permits are granted adhering to the Notification No. 42/2009/Tran dated, 14.07.2009 , the private operators could not propose routes of their choice and seek for exemption from overlapping of more than 5% of route length. The Notification No.42/2009/Tran dated, 14.07.2009 is not allowing the private operators to formulate route with termini at a place on notified route and to traverse

through the notified route for more than 5% of the route length. Once a scheme is approved and became formal, the private operators can apply for permit only in compliance with that scheme. The provision given for intersection of notified route can not be utilised for treating the traversing distance on notified route in the guise of inevitable intersection without restricting the same to 5% of route length. Otherwise the purport of the Scheme and Notification will not be served.

2) There are more than one bus stand in Thrissur town and the private operators can formulate routes without violating the conditions of the notification by utilising the suitable bus stand. The private operators cannot formulate new routes violating the notified schemes according to their will and wish and claim for exemption from the conditions of notification.

2) The KSRTC raised vehement objection in considering the overlapping distance from West Fort to Thrissur as an inevitable overlapping without maintaining the limit of 5% of route length and allowing permits through this modified portion. The KSRTC contented that so far as the notification is still remaining as notified on 14.07.2009 without modification in clause 5(c) and 19 the RTA cannot allow exemption to private operators considering the notified portion West Fort to Thrissur as an inevitable overlapping. The objections are raised with the argument that such an exemption will result in loosing their privilege as per the supplementation scheme and notification. They also pointed out that after Thrissur had been declared as a Corporation the sub-urbs of Thrissur city is now in developing stage and chances to provide supplementation of services through the various portions of notified route and including the portion West Fort to Thrissur on the city routes as well as moffusil route are arising . But if in this state if the portion West Fort to Thrissur is declared as an inevitable overlapping the private operators will rush to this area to introduce new services where the services can be economically operated leaving the uneconomical rural routes to KSRTC

where the private operators are not interested. But the KSRTC being a Government undertaking bound to serve the routes which are not economical also in the interest of public.

In the above mentioned circumstances this authority is convinced that the objections raised by the KSRTC are sustainable in the true spirit of the supplementation schemes and Notification No. GO(P) No. 42/09/Tran dated, 14.07.2009 and found that it is necessary to treat the overlapping from West Fort to Thrissur as a traversing distance on the notified route , but not as an inevitable intersection . Hence the route applied for regular permit found violating the Notification No. GO(P) No. 42/09/Tran dated, 14.07.2009 and the application for regular permit is **rejected**.

Item No. 2 : Heard. The applicant produced a six wheeler stage carriage KL 7 AK 2201. The Motor Vehicles Inspector, Wadakkanchery furnished detailed report regarding the overlapping, route length and distance in each district. Regular permit **granted** subject to settlement of timings as per the existing direction of the STA vide order No. D3/875/2005 STA dated, 08.11.2011.

Item No. 3 : Heard. Considered the application for regular permit in view of the report of the field officer.

(i) The applicant did not offer any vehicle at the time of hearing.

(ii) The applicant has not furnished the mandatory requirements as per the application form prescribed U/R 143(a) of KMV Rules 1989 such as the

Seating capacity, Maximum Laden Weight, Wheel Base and number wheels etc.

(iii) The running time as prescribed by the STA vide order No. D3/875/2005 STA dated, 08.11.2011 is not fixed by the Secretary.

For the above reasons, the decision is **adjourned**.

Item No. 4: 1. Perused the judgment in MVAA No. 271/11 of Hon'ble STAT dated, 10.01.2012.

2. Heard. In obedience to the order of Hon'ble STAT the regular permit **granted** subject to settlement of timings.

As per the order issued by the State Transport Authority, Thiruvananthapuram, vide proceedings No. D3 /875/STA/2005 dated, 08.11.2011, it is directed that while granting permits, shall specify the running time for each stretch of different roads as specified in the guidelines. Thus a stage carriage service shall have different rate of running time at different stretches of roads according to the types of roads. It is also directed that the officer conducting route enquiry shall identify the various types of roads in the route coming within his jurisdiction and clearly specify the length of each type of roads.

Secretary is directed to comply with the above directions.

Item No. 5 : Heard. 1) Regular permit **granted** subject to settlement of timings in accordance with the existing directions of the STA regarding the running time and types of roads etc. Vide order No. D3/875/2005 STA dated, 08.11.2011.

2) Secretary is directed to specify the intermediate places between Cherpu South and Oorakam to operate service without overlapping on notified routes.

Item No. 6 : Heard. In view of the modified time schedule providing more trips to Potta, regular permit **granted** subject to settlement of timings provided that the vehicle offered shall be a six wheeler.

Item No : 7 : **(A & B)** Perused the judgment in MVAA No. 13/2010 of Hon'ble STAT, Ernakulam and the judgment in WP(C) No. 30475/2010 of Hon'ble High Court.

(C) Heard. In view of the specific reports of the filed officer the overlapping is found as below 5% of route length. The regular permit granted subject to settlement of timings in respect of the SC KL 8 R 9003 and subject to the existing directions of the STA regarding the running time and types of roads etc. Vide order No. D3/875/2005 STA dated, 08.11.2011.

Item No. 8 : Heard. (i) The applicant did not offer a vehicle at the time of hearing.

(ii) The mandatory requirements as per the application form prescribed U/R 143(a) of KMV Rules 1989 such as the Seating capacity, Maximum Laden Weight, Wheel Base and number wheels as per GO(P) No. 67/2011/Tran (B) dated, .30.11.2011 not furnished . For the compliance of the above matters, the decision in the application for regular permit is **adjourned**.

Item No. 9: Heard. Regular permit **granted** subject to settlement of timings.

Item No. 10 : Heard. (i) The application is for the grant of fresh regular permit on an inter district route and 14 Km of route length lies in Palakkad district. Hence concurrence is required from the RTA , Palakkad. Secretary is directed to **seek concurrence** with details of overlapping in Palakkad district by the proposed route.

(ii) The objectors alleged that the vehicle offered is already scrapped. Secretary is directed to verify the existence of the vehicle offered .

(iii) The objectors pointed out that the permit applied for is on a circular route Shornur – Kunnamkulam –Shornur. In view of the objections that the route is not specified with intermediate places and directions, the applicant is directed to furnish the exact intermediate places proposed to operate service and its direction whether clockwise or anti clockwise. For the compliance of the above matters the decision on the application is **adjourned**.

Item No. 11 : A. Perused the judgment of Hon'ble High Court , Kerala in WP(C) No. 6408/2012 dated, 03.04.2012.

Heard. The vehicle offered in the application KL 8 V 3923 has been transferred from the name of the applicant. In view of the direction contained in the Judgment Fresh regular permit **granted** subject to the production of an identical vehicle and subject to settlement of timings thereafter.

Item No. 12 : A. Perused the judgment in **MVARP No. 48/12** dated, 22.02.2012.

B . The grant of regular permit on the route Irinjalakuda C S – Moonnupeedika is **modified** to the extent of **lifting the condition** that ***"more trips shall be provided through ill served area"*** subject to the fixing of running time as per the order of the STA vide No. D3/875/2005 STA dated, 08.11.2011. and subject to settlement of timings.

Item No. 13 : Heard. (i) The proposed route overlaps on the notified routes from Thrissur to West Fort and from Lulu Junction to Muthuvara, on a total distance of 3.5 Km which is 17.05% of the route length. The route length is 19.7 Km and maximum overlapping distance allowable as per G O P No. 42/09/Tran dtd. 14.07.2009 is 5% of route length and is 1 Km in this case. Hence the proposed route violates the above said notification.

(ii) The applicant failed to offer a vehicle complying with the requirements as a stage carriage suitable to operate service and has not specified the mandatory requirements to be furnished in the application form prescribed U/R 143(a) of KMV Rules 1989.

For the above reasons the application of the regular permit is **rejected.**

Item No. 14 : Heard. (i) The proposed route overlaps on the notified route Kottayam – Kozhikode from West Fort to Thrissur for a distance of 2 Km vide notification No. 42/09/Tran dtd. 14.07.2009 which is more than 5% of the route length . Hence it is violation of the clause 5(c) of the above said notification.

(ii) The applicant failed to furnish the mandatory details of the vehicle proposed to be operated on the permit in the application form prescribed U/R 143(a) of KMV Rules 1989 and even at the time of considering the grant of the permit.

For the above reasons, the application for regular permit is **rejected**.

Item No. 15 : Heard. (i) The proposed route overlaps on the notified route Kottayam – Kozhikode from West Fort to Thrissur for a distance of 2 Km and from Thrissur to East Fort for a distance of 2 Km on the notified route Ernakulum – Palakkad respectively, vide notification No. 42/09/Tran dtd. 14.07.2009, which is more than 5% of the route length. Hence it is violation of the clause 5(c) of the above said notification.

(ii) The applicant failed to furnish the mandatory details of the vehicle proposed to be operated on the permit in the application form prescribed U/R 143(a) of KMV Rules 1989 and even at the time of considering the grant of the permit.

For the above reasons, the application for regular permit is **rejected**.

Item No. 16 : Heard. (i) The applicant failed to offer a vehicle complying with the requirements as a stage carriage suitable to operate service and has not specified the mandatory requirements to be furnished in the application form prescribed U/R 143(a) of KMV Rules 1989.

(ii) Objectors including the KSRTC alleged that there is more overlapping on the proposed route from Thriprayar to Thriprayar East Nada on a distance of 2.5 Km. Secretary is directed to ascertain the exact length of overlapping . For the compliance of the above matters, the decision on the application is **adjourned**.

Item No. 17 : Heard. The applicant has not complied the directions issued by this RTA vide item No. 5 dated, 08.08.2011 and item No. 5 dated, 02.02.2012 satisfactorily regarding the passing places and providing more trips to Pokkenchery. One of the termini of the proposed route having 3 termini is an ill served place Pokkenchery. On perusal of the proposed time schedule it is found that almost all the trips from morning to night are concentrated between the well served sector Thriprayar – Vatanappilly and only few trips are provided to another termini Enamavu and only 2 trips are provided to Pokkenchery which is an ill served area and that even not beneficial to the travelling public and students.

Hence the applicant is once again directed to **modify** the time schedule providing reasonable number of trips to the ill served area Pokkenchery during the peak hours of fore noon and evening so as to be beneficial to the public and students of that area. For the compliance of the above matters the decision on the application is **adjourned**.

Item No. 18 : 1. Perused the judgment in WP(C) No. 26503/11 of Hon'ble High Court, Kerala.

2. Heard. The regular permit application is filed on 14.10.2010 claiming the vacancy of the stage carriage KL 9 K 3673. On perusal of records and the report of field office it is found that the permit renewal application in respect of SC KL 9 K 3673 received in time and is pending. It is found that the claim of vacancy is not sustainable and valid in the wake of pendency of permit renewal application covered by the SC KL 9 K 3673. Even Though in obedience to the judgment of Hon'ble High Court in WP(C) No. 26503/2011 considered the application for regular permit as if, for a fresh regular permit on the route Thalikundu – Ayyanthole, (i) The KSRTC vehemently objected stating that there is overlapping on notified route for more than 5% of the route length. (ii) As per the report of the field officer, the proposed route overlaps on the notified route Ernakulam – Guruvayur from Thrissur to West Fort for a distance of 2 Km and from Thrissur to East Fort for a distance of 2 Km on the notified route Ernakulam - Palakkad, notified vide No. 42/2009/Tran dated, 14.07.2009. The overlapping is found as 26% of the route length and is the violation of clause 5(c) of the above said notification . (iii) There is no specific time schedule proposed by the applicant other than that of the stage carriage KL 9 K 3673.

For the above reasons the application for the regular permit **rejected.**

Item No. 19 : Heard. Regular permit **granted** to the stage carriage KL 15-4554, KL 15-4107 and KL 15 – 5973 on the respective routes noted against each, subject to the production a modified time schedule in compliance with the order of the STA vide No. D3/875/2005 STA dated, 08.11.2011.

Item No. 20 : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. 21 : Heard. **Delay condoned**. **Renewal** of regular permit granted subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any and disposal of WP© Nos. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala and clearing of Government dues if any.

Item No. **22** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. 23 : Heard. This authority is convinced that the applicant was prevented by

good and sufficient reasons from filing the renewal application in time.

Hence **delay condoned**. Renewal of regular permit **granted from the date of renewal application** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. 24 : Heard. 1) Considered the explanation of the permit holder and in view of the request of the permit holder action on the notice U/R 152 of KMV Rules is closed subject to the remittance of an amount of Rs. 3000/- being the penalty for the default of service without permission.

The renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

2) In view of the grant of renewal of permit, temporary permit application U/S 87(1) (d) is **infructous**.

Item No. 25 : Heard. Delay condoned. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **26** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **27** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. 28 : Heard.. **Seek concurrence** from the RTA, Palakkad.

Item No. **29** : Heard. This vehicle is held under H PA . But the application is not in compliance with S. 51(6) or (8) of MV Act. Hence decision on the application **adjourned** for the above compliance.

Item No. **30 :** Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **31 :** Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **32 :** Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **33 :** Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **34 :** Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **35 :** Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **36 :** Heard. This authority is convinced that the applicant was prevented by good and sufficient reasons from filing the renewal application in time.

Hence **delay condoned**. Renewal of regular permit **granted from the date of renewal application** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **37 : 1.** Perused the judgment of Hon'ble High Court, Kerala in WP© No. 10155/2012 dt. 24.04.2012.

2. Perused the judgment of Hon'ble STAT in MVAA No. 356/2011.

3.In obedience to the order of the Hon'ble STAT, the variation of permit to convert the **service as Super Fast is granted** subject to production of vehicle U/R 260(A) and subject to fixation of running timing as per

the existing order of STA, Thiruvananthapuram vide No. D3/875/2005/STA dt. 08.11.2011.

4. Renewal of regular permit **granted** as Super Fast Service subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. 38 : Heard. Renewal of Regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any and disposal of WP© Nos. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala and clearing of Government dues if any.

Item No. 39 : Heard. This vehicle is under HPA. But the application filed is not in compliance with the Section 51(6) or (8) of MV Act. Hence the decision on the application is **adjourned** for the compliance of the above.

Item No. 40 : Heard. This vehicle is under HPA. But the application filed is not in compliance with the Section 51(6) or (8) of MV Act. Hence the decision on the application is **adjourned** for the compliance of the above.

Item No. 41 : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. 42 : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **43 : Heard.** Renewal of regular permit **granted** subject to production of N O C from the finance company and subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **44** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **45** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **46** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **47** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **48** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **49** : Perused the Judgment of Hon'ble STAT in MVAA No. 359/2011 . Heard. In view of the judgment of Hon'ble STAT the Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **50** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **51** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any and disposal of WP© Nos. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala and clearing of Government dues if any.

Item No. **52** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **53** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **54** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **55** : Heard. The vehicle is having finance agreement and the photo copy of the N O C dated, 17.02.2011 alone is produced for the purpose of compliance of S.51(6) of MV Act. Hence renewal of regular permit **granted** subject production of recently issued N O C in original and subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **56** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **57** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **58** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **59** : Applicant absent. Hence **adjourned** the decision on the application for renewal of permit

Item No. **60** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **61** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **62** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **63** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **64** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **65** : Heard. This vehicle is held under HPA . But the application is not in compliance with S. 56(1) or (8) of MV Act. Hence decision on the application **adjourned** for the above compliance.

Item No. **66** : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Item No. **67 :** 1. Perused the judgment of Hon'ble STAT in MVAA No. 211/2011.

2. Heard. In obedience to the order of Hon'ble STAT, considered the modified variation application. The field officer has reported that the existing 7 trips to Krishnankotta is curtailed and the same will adversely affect the travelling public of Krishnankotta. As per the proviso of sub section (3) of Section 80 of MV Act the variation proposed shall satisfy that it will serve the convenience of the public.

In view of the above mentioned curtailments this authority could not convince that the variation proposed will serve the convenience of the public.

(ii) The report of the field officer shows that there is new introduction of services on the notified route portion from Kodungallur to Thekke Nada on a distance of 1 Km on the notified route Thrissur – Thriprayar vide notification No. 42/2009/Tran dated, 14.07.2009 which is the violation of clause 19 of the above said notification.

For the above reasons, the modified variation application is **rejected**.

Item No: 68 : Heard. In view of the specific report of the Motor Vehicles Inspector furnished in compliance with the decision dated, 02.02.2012 vide item No. 35 of this RTA, the variation is **granted**.

Item No. **69** : Heard. (i) Perused the report of the Motor Vehicles Inspector, N. Parur dated, 07.11.2010. The report is not containing the effect of variation by

deviating the route through Varapuzha bridge avoiding the existing traversing places via. FACT and Pathalam by this service.

As per the proviso of sub section (3) of Section 80 of MV Act the variation proposed shall satisfy that it will serve the convenience of the public. In view of the above mentioned curtailments this authority could not convince that the variation proposed will serve the convenience of the public. The effect of travelling facility of the public of the curtailing portion a present is to be ascertained before granting the variation.

Regarding the curtailment this authority feels that the effects of the proposed variation need to be enquired through the field officer. Secretary is directed to conduct a detailed enquiry through the field officer, N. Paravur regarding the effect of the proposed variation.

(ii) It is found reported that due to the variation the route length will be reduced by 7.6 Km and so the reduction of fare stage is to be ascertained.

Hence the decision on the application is **adjourned** with a direction to the secretary to ascertain the above matter and place before next RTA.

Item No . 70 : Perused the judgment in WP(C) No.10390/2012 of Hon'ble High Court and order in MVAA No. 9/2012 of Hon'ble STAT.

The variation application filed by the applicant was rejected vide decision No. 53 by this RTA held on 10.11.2011.

Aggrieved by this decision the applicant filed MVAA No. 09/2012 before the Hon'ble STAT. The Hon'ble STAT vide judgment dated 10.01.2012 remanded the appeal matter for giving an opportunity to the applicant to submit modified proposal on the basis of request of the counsel of the applicant, avoiding the inconvenience to the traveling public and students and avoiding the overlapping on notified route. The

Hon'ble STAT remanded the matter to submit modified proposal for fresh consideration by this authority and there was no grant of variation in the above judgment of Hon'ble STAT. While the modified variation application was under process, the applicant produced judgment in WP(C) No. 10390/2012 dated, 27.04.2012 of Hon'ble High Court wherein there is direction to the Secretary RTA to issue the permit in terms of the grant in the judgment of Hon'ble STAT in MVAA 9/2012. But as the STAT has not granted any variation of permit by the above order the Secretary is not in a position to comply with the judgment of Hon'ble High Court and this authority is also not in a position to take a decision on the modified request of the applicant considering its merits . **Hence Secretary is directed to file a review petition** before the Hon'ble High Court immediately.

Item No. 71 : 1. Perused the judgment in WP(C) No. 3727/12 dated, 03.04.2012.

2. Heard. Considered the modified variation application. Even after modification the existing late night trip at 9.15 pm from Ottappalam to Thiruvilwamala is shuffled and advanced causing inconvenience and deprival of traveling facility to the late night passengers from Ottappalam.

(ii) The field officer has reported that the curtailment of 3 trips will adversely affect the existing passengers on that route portion.

For the above reasons the variation application is **rejected**.

Item No. 72 : 1) Perused the judgment of Hon'ble High Court in WP(C) No. 12695/11 dated, 03.06.2011.

2. Heard. In view of the above judgment and report of the Motor Vehicles Inspector which is found necessary to modify the earlier decision dated

10.01.2011 vide item No. 21. Hence the above decision is modified to the extent of allowing required minimum changes in existing timings so as to provide the extension granted, and the Secretary is directed **to settle the timings** accordingly so as to comply the order of the Hon'ble High Court.

Item No. 73 : Heard. There are only two trips in the existing permit to Kundolikadavu, in the early morning and in the late night. On perusal of the variation application it is found that (i) variation applied is mainly to curtail the above route portion which will adversely affect the public of Kundolikadavu area especially during the early morning and late night.

(ii) The deviation applied is only on one trip at night through 3 way junction , Manalur HS, Post Officer Road, Palazhy Jn., SNGS School and Vilakkumkal is only for the night trip which is not seems to be beneficial to the school students or employees on that area. Hence this authority could not satisfy that the variation application is for the convenience of the traveling public as provided under sub section (3) of Section 80 of MV Act. On the other hand the variation application causes to deprive the existing traveling facility to a remote area and is found as disadvantageous. For the above reasons, variation application is **rejected**.

Item No. 74 : Heard. The variation application includes increase in number of trips on the notified portion West Fort to Thrissur due the additional trip provided via. Kottekkad. Hence the variation proposed violates clause 19 of the notification No. 42/2009/Tran dated, 14.07.2009. and hence the application for variation is **rejected**.

Item No. 75 : (i) Perused the judgment of Hon'ble STAT in MVARP No. 345/11 dated, 17.11.2011.

(ii) Heard. In view of the judgment in MVARP No. 345/11 the application for variation is reconsidered and **granted** subject to fixing running time according to the order of the STA vide No. D3/875/2005/STA dated, 08.11.2011 and subject to the settlement of timings.

Item No. 76 : (i) Heard. The field officer has reported that there is increase of trips on the notified route portions. But the portion of the notified route on which the trips are increased is not specified and the number of such trips also. Hence Secretary is directed to obtain a specific report on the above matter.

(ii) The field officer's report also shows that the running time are not in compliance with the existing norms laid down by the STA and the time schedule are disturbed which is likely to effect the flow of traffic and road safety measures. Hence the applicant is directed to furnish a modified time schedule in compliance with the existing norms of the STA regarding running time and avoiding unnecessary shuffling of existing timings. . He is also directed to avoid increase of trips on the notified portions if any. Hence the decision on the application for variation is **adjourned**.

Item No. 77 : Heard. Variation **granted** to extend the trip from Mayannur at 7.05 am to Ottappalam and return from Ottappalam at 7.30 a.m to Mayannur with out change in the existing timings.

Item No. 78 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 79 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 80 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 81 : Heard. The Power of Attorney holder and the second applicant.

Transfer of permit **allowed** subject to the disposal of WP(C) No. 34213/2011 (B) and clearing of dues if any to Government and NOC from the finance company.

Item No. 82 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 83 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 84 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 85 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 86 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 87 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 88 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 89 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 90 : (1) & (2) Heard. **Delay condoned**.

Item No. 91 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 92 : Heard. Transfer of permit **allowed** subject to renewal of regular permit and clearing of Government dues if any.

Item No. 93 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 94 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 95 : Absent. Adjourned.

Item No. 96 :. **Absent. Adjourned.**

Item No. 97 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 98 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 99 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 100 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 101 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 102 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 103 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 104 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 105 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 106 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 107 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 108 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 109 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 110 : Heard. There is delay in filing the application for transfer of permit due to the death of the permit holder and the applicant conducted service without getting the permit transferred to his name as per law. Even though the succession certificate has obtained on 17.01.2011, the application for transfer of permit is seen filed on 19.04.2012. Hence the unauthorised operation of service by the applicant is established.

Transfer of permit **allowed** subject to remittance of an amount of **Rs. 5000/-** as penalty and subject to clearing of dues to Government and production of N O C from the finance company if any.

Item No. 111 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 112 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 113 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 114: Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 115 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 116 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 117 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 118: Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 119 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 120 : Heard. Transfer of permit **allowed** subject to clearing of Government dues if any.

Item No. 121 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 122 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 123 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 124 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 125 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 126 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 127 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 128 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 129 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 130 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject

to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 131 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 132 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 133 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 134 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 135 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject

to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 136 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 137 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 138 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 139 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 140 : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject

to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Item No. 141 : Heard. **Seek Concurrence from RTA Palakkad & Ernakulam**

Item No. 142 : Heard. **Seek Concurrence from RTA Ernakulam**

Item No. 143 : Heard. **Seek Concurrence from RTA Malappuram**

Item No. 144 : Heard. **Seek Concurrence from RTA Malappuram**

Item No. 145 : Heard. **Seek Concurrence from RTA Palakkad**

Item No. 146 : Heard. **Seek Concurrence from RTA Palakkad**

Item No. 147 : Heard. **Seek Concurrence from RTA Palakkad**

Item No. 148 : Heard. Request for change of address **allowed** subject to the production of N O C from the financier.

Item No. 149 : Heard. **Maximum time** of 4 months as per Rule 159(2) of KMV Rules 1989 **allowed** from 05.03.2012 to produce current records of the stage carriage KL 2 P 5060.

Item No. 150 : Heard. In view of the report of the field officer submitted after enquiry. It is convinced that the route applied and report submitted are one and the same. Hence the omission of passing places occurred in the agenda of this RTA held on 02.02.2012 in item No. 2 ***" Manalur West, Kanjany 3 way Junction, Kanjany"*** is convinced as an oversight error. Hence the intermediate places of the above granted permit on the route Vilakkumkal

– Chavakkad is **corrected incorporating the above mentioned omitted intermediate passing places.**

Item No. 151 : Heard. Maximum time of 4 months **granted** as per the Rule 159 (2) of KMV Rules 1989 from 02.03.2012 allowed to produce the current records of an identical vehicle offered earlier.

Item No. 152 : Heard. (i) Time to produce vehicle for replacement **granted** till 02.07.2012. Secretary is directed to watch the service of the existing vehicle w.e.f. 07.04.2012 onwards.

Item No. 153 : Heard. **(i)** The regular permit on which replacement applied expired on 16.08.2010. The permit covered by the SC KL 9 D 7686 is an inter district route. The permit validity is not renewed and the vehicle covered by the permit had already attained 15 years . The vehicle offered is in the name of another person and no lease agreement is noted in the registration certificate. (2) Secretary is directed to verify whether the existing vehicle is having HPA and whether the same is repossessed by the HP Company.

For the compliance of above reasons the decision on the application for replacement is **adjourned.**

Item No. 154 : 1. Perused the judgment in MVAA No. 134/2011 dated, 14.11.2011.

2. Heard. Considered the mutual replacement of vehicles on the permits held by the applicant valid up to 12.11.2015 and 12.07.2011. The vehicle operating on the permit Guruvayur Bus Stand – Ponnani Bus Stand via. Chavakkad valid up to 12.11.2015 is of model 2006 (Date of registration : 20.03.2006) and the vehicle proposed for replacement, KL 9 H 5517 is of

model 2000 (Date of Registration : 24.08.2000) . As per the Rule 174 (2)(c) the new vehicle proposed shall not be older than the existing vehicle and the proposed replacement violates the above said Rule. The permit proposed to be replaced by SC KL 8 AJ 872 is not valid now.

For the above reasons, the replacement application is **rejected**.

Item No. 155 : 1) On perusal of records it is found that the Temporary permit U/S 87(1)(d) is already granted by the Secretary.

The applicant is directed to produce current records of the vehicle covered by regular permit and obtain the permit.

2) There is no valid regular permit to replace the vehicle. Hence **adjourned** for want of renewal of permit.

Item No. 156 : Heard. **Maximum** time for 4 months allowable U/R 159(2) is **granted**.

Item No. 157 : Heard. **Delay Condoned**.

Item No. 158 : Heard. **Delay Condoned**.

Item No. 159 : Heard. The application is to grant spare bus permit for the SC KL 7 AZ 4072 to operate service on behalf of 9 Stage carriages as mentioned in the agenda. But only 4 stage carriage permits are owned by the single operator, Sri. M S Premkumar and other 5 stage carriage permits are owned by others. As per the Rule 182 of KMV Rules the condition is that an operator having 7 or more route buses in operation shall maintain reserve buses calculated @ one reserve bus for every complete unit of 7 route buses. The

proviso also provides that an operator of Stage carriages having less than 7 route buses in operation may in his discretion to maintain one reserve bus.

In this case the applicant Sri**.** M S Premkumar has only 4 stage carriage permits and therefore the **reserve bus permit granted** to the Stage carriage **KL 7 AZ 4072** to operate substitute services in place of stage carriages owned by the applicant Sri. M S Premkumar, namely **KL 8 W 234, KL 8 AH 9855, KL 45 A 567 and KL 11 W 3330** subject to the compliance of conditions in the SRO No. 880/1975.

Item No. 160 : Heard. (i) On perusal of records, this authority is convinced that the accident occurred due to the improper functioning and negligence of the permit holder and the conductor and it is **decided to suspend the permit for a period of 8 days with the option to the permit holder to remit an amount of Rs. 4000/-** in lieu of suspension and to impose a penalty of **Rs. 1000/-** to the conductor, in case of failure to remit the penalty, the conductor licence shall be suspended for a period of one month.

(ii) No action is seen initiated against the accused driver in this case. Secretary is directed to call for the details of the driver and take action U/S 19(1) of MV Act 1988.

Item No. 161 : A). Perused the judgment of Hon'ble High Court in WP(C) No**.**15712 / 2011 dated 29.07.2011 and judgment dated, 10.01.2012.

B) In obedience to the judgment of Hon'ble High Court considered the replacement application and **granted** the replacement subject to the compliance of judgment of Hon'ble High Court in WP(C) No. 15712/2011 dated, 10.01.2012.

Item No. 162: Heard. On perusal of records and from hearing this authority is convinced that there is sufficient running time to operate service up to Irinjalakuda Tana Centre and the running time was issued considering the terminus as Tana Centre. Hence all the stage carriage services from Thriprayar to Irinjalakuda **shall operate up to Tana Centre** with the existing running time and time schedule.

Item No. 163 : This authority convinced that the person appeared for hearing is not the applicant related to the agenda. Hence the application connected with the agenda is **adjourned** with a direction to the Secretary to issue notice to the exact applicant and place before the next RTA.

Item No. 164 Heard. Bus stop for ordinary services **granted** at Athani Bye pass junction.

Item No. 165 : Absent**. Adjourned.**

Item No. 166 : Absent. **Adjourned**.

Item No. 167 : Heard. This RTA has restricted the issue of Autorikshaw permits with parking place in city limits due to the traffic congestion and lack of parking spaces in city limits. Now the field officer on detailed enquiry also reported that about 60 Autorikshaws are operating with parking place at Olari and there is no sufficient place for further parking of Autorikshaws at that place. Hence the request of the applicant is **rejected**.

Item No. 168 :**A** . Perused the judgment of Hon'ble High Court in WP(C) No. 3568/2012 dated, 03.04.2012.

B. In view of the judgment of Hon'ble High Court, Secretary is directed to **reconsider** the application in compliance with the judgment in WP(C) No. 34871/2010 dated, 05.01.2012.

Item No. 169 : Perused the judgment of Hon'ble High Court in WP(C) No. 3608/2012 dated, 03.04.2012. In view of the judgment of Hon'ble High Court, Secretary is directed to **reconsider** the application in compliance with the judgment in WP(C) No. 34871/2010 dated, 05.01.2012.

Item No. 170 : Heard. This permit was valid till 08.10.2011 and renewal application filed only on 06.03.2011, after the expiry of permit. There is inordinate delay in filing the application for renewal of permit. On perusal of records and upon hearing this authority is not convinced that the applicant was prevented from good and sufficient cause from filing application for renewal of permit in time. Hence the application for renewal **rejected**.

Item No. 171 : Heard. This permit was valid till 16.11.2011 and renewal application filed only on 03.03.2012, after the expiry of permit. There is inordinate delay in filing the application for renewal of permit. On perusal of records and upon hearing this authority is not convinced that the applicant was prevented from good and sufficient cause from filing application for renewal of permit in time. Hence the application for renewal **rejected**.

Item No. 172. Applicant absent. **Adjourned**.

Item No. 173 : Heard. This permit was valid till 16.11.2011 and renewal application filed only on 03.03.2012, after the expiry of permit. There is inordinate delay in filing the application for renewal of permit. On perusal of records and upon hearing this authority is not convinced that the applicant was prevented from good and sufficient cause from filing application for renewal of permit in time. Hence the application for renewal **rejected**.

Item No. 174. Applicant absent. **Adjourned**.

Item No. 175 : Heard. This permit was valid till 09.06.2009 and renewal application filed only on 12.01.2012, after the expiry of permit. There is inordinate delay in filing the application for renewal of permit. On perusal of records and upon hearing this authority is not convinced that the applicant was prevented from good and sufficient cause from filing application for renewal of permit in time. Hence the application for renewal **rejected**.

Item No. 176 : Heard. This permit was valid till 25.06.2011 and renewal application filed only on 29.10.2011, after the expiry of permit. There is inordinate delay in filing the application for renewal of permit. On perusal of records and upon hearing this authority is not convinced that the applicant was prevented from good and sufficient cause from filing application for renewal of permit in time. Hence the application for renewal **rejected**.

Item No. 177 : Heard. This permit was valid till 19.07.2010 and renewal application filed only on 12.07.2011, after the expiry of permit. There is inordinate delay in filing the application for renewal of permit. On perusal of records and upon

hearing this authority is not convinced that the applicant was prevented from good and sufficient cause from filing application for renewal of permit in time. Hence the application for renewal **rejected**.

Item No. 178 : **Ratified** the actions taken in accordance with the Law. In view of inordinate delay noticed in filing application for renewal of permits of stage carriages, Secretary is directed to place the agenda containing a proposal to limit the period of delay condonation in filing renewal application.

Item No. 179 : The distance from Sakthan Bus Stand to West Fort and East Fort is inevitable. Hence to be taken up with Government from exemption for all vehicles.

Item No. 180 : Will be intimated in advance.

Supplementary Item No. 1 :

1.Heard. **Delay condoned**.

2. Renewal of regular permit granted subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Supplementary Item No. 2. : Renewal concurrence **granted** without prejudice to the right of primary authority to decide the nature of service according to route length subject to the notification No. 42/Tran/2009 dated, 14.07.2009 and subject to the WP© No. 20520/2009 and 22196/2009 of Hon'ble High Court, Kerala, if applicable.

Supplementary Item No. 3 : Heard. Maximum time of 4 months **granted** to produce current records of the vehicle KL 5 P 8136 allowable U/R 159(2) of KMV Rules 1989.

Supplementary Item No. 4 : 02_02_2012 Èí ÄãÛâV ¦V.¿ß.® Ïáæ¿ ÄàøáÎÞÈdÉµÞø¢ ÉøàfÃÞ¿ßØíÅÞÈJßW È¿JßæAÞIßøáK d¿ÞËßµí Éøß×íAÞøæJµáùßºîí µáK¢µá{¢ d¿ÞËßµí ù·áçÜxùß µNßxß 24_05_2012 W ®¿áJ ÄàøáÎÞÈ¢ ¦V.¿ß.® Ïáæ¿ ¥¢·àµÞøJßÈí Õøáµïá¢ 04_06_2012 Èí µâ¿ßÏ ¦V.¿ß.® çÌÞVÁí ¥Äí ÄJbJßW ¥¢·àµøßAáµïá¢ æºÏñá.å®KÞW µáxßMáù¢ ÍÞ·çJAí çÉÞµáK ÌTá¿ÎµZ ¥Õøáæ¿ ÌTáµZ ÉáÄßÏ ÈßVçgÖ¢ ÉÞÜßçAIÄßæÜïKá¢ ÌÙá. çµø{ èÙçAÞ¿ÄßÏßW ÈßKá¢ WP(C) No.12538/2012(N) dt.31-05-2012å ¦ÏßÕßÇßÏÞÏßGáUÄÞµáKá.åµâ¿ÞæÄ µáK¢µá{¢ d¿ÞËßµí ¥èÁbØùß µNßxß ÈßVçgÖßºî ùáGí §çMÞZ ¥Éµ¿ÞÕØíÅÏßÜá¢ ·ÄÞ·ÄJßÈí dÉÏÞØçÎùßÏ ÈßÜÏßÜáUÄÞÏÄßÈÞÜá¢, ÉáÄßÏ ÌTíåØíxÞaßW ÏÞdÄAÞVAí ÎÄßÏÞÏ ØìµøcBZ §ÜïÞJ ¥ÕØíÅÏßÜáÎÞÃí.å¦ÏÄßÈÞW ¥¿ßÏLßøÎÞÏß ÎáXØßMÞÜßxß çùÞÁáµZ ùßMÏV æºÏîáµïá¢ ÉáÄßÏ ØíxÞXÁßW ÏÞdÄAÞVAí ¯xÕá¢ ºáøáBßÏ ÈßÜÏßÜáU ØìµøcBZ ²øáAáKÄáÕçøïá¢ ÉáÄßÏ Éøß×íAÞøBZ ÄWAÞÜçJAí ÈßVJßæÕÏíAáÕÞX ÄàøáÎÞÈßºîßøßAáKá.å05_04_2012 Èí ÎáXÉáIÞÏßøáK ¥ÕØíÅÏßW ÌTáµZ ÄWAÞÜ¢ ØVÕîàØí Äá¿øáKÄßÈá¢ ÄàøáÎÞÈßºîá.åæÉÞÄáÈßVçgÖ dÉµÞø¢ ÉÝÏ ØíxÞaßW ÈßKá¢ Õ¿çAÞGáU ®ÜïÞ ÌTáµ{á¢ K.S.T.PååÉáÈøáiøßºî çùÞÁßWAâ¿ß (ÉGÞOß çùÞÁí) çÈæø ÕYçÕÏÞÏß ÉøàfÃÞ¿ßØíÅÞÈJßW ³¿áÕÞX ÄàøáÎÞÈßºîá.

Supplementary Item No. 5 : Heard. Renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any and disposal of WP© Nos. 20520/2009 and

22196/2009 of Hon'ble High Court, Kerala and clearing of Government dues if any.

Supplementary Item No. 6 : (1 to 3) Perused the judgment in WP(C) No. 2858/2012 dated, 27.02.2012 and in MVAA No. 36/2012 dated, 06.03.2012. In view of the above judgments renewal of permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Supplementary Item No. 7 : 1. Perused the judgment of the Hon'ble High Court in WP(C) No. 5091/12 dated, 08.03.2012

(2) Perused the judgment of the Hon'ble STAT in MVARP No. 356/2011 dated, 11.11.2011.

(3) Heard. In obedience to the above judgments considered the application for variation of permit to convert the class of service from LSOS to LSFP in respect of SC KL 47 A 5556 without insisting on concurrence from RTA Ernakulam. This is an application for conversion of service as Limited Stop Fast Passenger. The permit is valid up to 15.11.2014 with route length 84.5 km. An Ordinary Service can be operated up to 140 Km as per Rule 2(oa) of KMV Rules. Hence nature of this service can be continued as an ordinary service as per the existing rules. The route length does not necessitate the conversion of service as Fast Passenger Service for its existence. This permit was issued on the basis of the then existed need of Traveling public. There are so many Schools and other Educational Institutions on this route and hence so many students are depending to this service for their traveling facility. These students will be deprived of their existing concessional rate of traveling facility and the daily commuters depending upon this service will have to pay more fare without availing any additional facilities. From the variation sought it is also clear that the intention of the application is to reduce the existing stop , running time and thereby increasing speed which

is detrimental to the public and a potential threat to the society, which cannot be allowed. The KSRTC conducting several Fast Passenger and Super Fast Services on this route has also objected the conversion of service as Fast Passenger stating that the converted service can only be considered as a new service and then it will violate Notification No. 42/2009/Tran dated, 14.07.2009. There are so many services operating as ordinary service and Limited Stop Ordinary services if those are converted as Fast Passenger Services the traveling public and students will be put in to hardship and unjustifiable economic losses for their daily traveling facilities.

As per the proviso to the Sub Section (3) of Section 80 of MV Act, the variation of permit shall be made only after the Transport Authority satisfy that such variation will serve the convenience of the public.

The Hon'ble Division Bench of High Court of Kerala has also observed the above matter in a recent judgment in WA No. 1447/2011 dated, 24.11.2011 and connected cases. For the reasons detailed above this authority is not convinced that the variation applied will serve the convenience of the traveling public including students and also not convinced that conversion of this service as Fast Passenger is necessary for its existence as per law.

Hence the application for conversion of service as LSFP is **rejected**.

Supplementary Item No. 8 : 1. Perused the judgment of the Hon'ble High Court in WP(C) No. 5088/12 dated, 08.03.2012

(2) Perused the judgment of the Hon'ble STAT in MVARP No. 337/2011 dated, 08.11.2011.

(3) Heard. In obedience to the above judgments considered the application for variation of permit to convert the class of service from LSOS to LSFP in respect of SC KL 47 A 6566 without insisting on concurrence from RTA Ernakulam. This is an application for conversion of service as Limited Stop

Fast Passenger. The permit is valid up to 06.04.2013 with route length 102 km. An Ordinary Service can be operated up to 140 Km as per Rule 2(oa) of KMV Rules. Hence nature of this service can be continued as an ordinary service as per the existing rules. The route length does not necessitate the conversion of service as Fast Passenger Service for its existence. This permit was issued on the basis of the then existed need of Traveling public. There are so many Schools and other Educational Institutions on this route and hence so many students are depending to this service for their traveling facility. These students will be deprived of their existing concessional rate of traveling facility and the daily commuters depending upon this service will have to pay more fare without availing any additional facilities. From the variation sought it is also clear that the intention of the application is to reduce the existing stop, running time and thereby increasing speed which is detrimental to the public and a potential threat to the society, which cannot be allowed. The KSRTC conducting several Fast Passenger and Super Fast Services on this route has also objected the conversion of service as Fast Passenger stating that the converted service can only be considered as a new service and then it will violate Notification No. 42/2009/Tran dated, 14.07.2009. There are so many services operating as ordinary service and Limited Stop Ordinary services if those are converted as Fast Passenger Services the traveling public and students will be put in to hardship and unjustifiable economic losses for their daily traveling facilities.

As per the proviso to the Sub Section (3) of Section 80 of MV Act, the variation of permit shall be made only after the Transport Authority satisfy that such variation will serve the convenience of the public.

The Hon'ble Division Bench of High Court of Kerala has also observed the above matter in a recent judgment in WA No. 1447/2011 dated, 24.11.2011 and connected cases. For the reasons detailed above this authority is not convinced that the variation applied will serve the convenience of the

traveling public including students and also not convinced that conversion of this service as Fast Passenger is necessary for its existence as per law.

Hence the application for conversion of service as LSFP is **rejected**.

Supplementary Item No. 9 : Heard. This authority is convinced that the applicant was prevented from good and sufficient cause from filing application for renewal of permit in time. Hence the delay is condoned and renewal of regular permit **granted** subject to the Notification No. 42/Tran/2009 dated, 14.07.2009 and clearing of Government dues if any.

Supplementary Item No. 10 : Heard. Perused the records. It is directed to approve the suggestions of the committee constituted vide decision No. 117 dated, 02.02.2012 of this authority as given below :

"1. To allow to **change the bus stop to the opposite side of The Dhanalaxmi Bank on the Palakkal – Ammadam route** and to restrict to park 5 numbers of Auto Rickshaws on the side of the road, and rest of the Auto Rickshaws to park at Viyyattupadam road. This may help to avoid the traffic block on that road.

2. Since the existing bus stops situated on Thrissur – Irinjalakuda route are face to face and making more traffic congestion, it is suggested that the bus stop for the buses towards Thrissur side to be changed near to the electric post No. KKY 138 and for the buses towards Irinjalakuda side to the front of Palace Hotel."

Secretary is directed to issue necessary direction to the concerned authorities.

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