

**DECISION OF THE REGIONAL TRANSPORT
AUTHORITY, THRISSUR**
HELD ON 26.10.2017

(Venue: Conference Hall 1, District Collectorate, Thrissur)

Present:

1. Shri.Dr. A. Kowsigan IAS

District Collector Thrissur

(Chairman-RTA Thrissur)

2. Shri. Yathish Chandra I.P.S

District Police Chief (Rural)

Member-RTA Thrissur

(ABSENT)

3. Shri. Shaji Joseph

Deputy Transport Commissioner,

Central Zone 1

(Member-RTA Thrissur)

Item No.1:- Heard. Renewal of permit **granted** subject to

- a) Production of NOC from HP Company if applicable
- b) Clearance of Government dues, if any

Secretary RTA is directed to issue the renewal on the route, with specific intermediate points as originally granted by RTA in its meeting held on 04.06.2012, in view of the report of the field officer dated 11.05.2012, wherein, the overlapping is found as below 5% of the route length.

Item No:2:-

- 1) Perused the judgement of Hon'ble High Court

- 2) Heard. Renewal of permit **granted**, since there is no objectionable overlapping as per G.O(P)No. 08/2017/Tran dated 23.03.2017 and subject to
- a) Production of NOC from HP Company, if applicable
 - b) Clearance of Government dues if any;

Item No:3:-

- 1) Heard. Renewal of permit is **granted** according to the G.O(M.S)No. 45/2015/Trans dated 20.08.2015, as LSOS, subject to the
- a) Production of NOC from HP company if applicable
 - b) Clearance of Government dues, if any
- 2) Variation (conversion of class of service from LSFP to LSOS) **allowed**, subject to production of suitable vehicle as specified in the meeting of STA (vide departmental item No:2)dated 14.06.2017and RTA Thrissur dated 27/07/2017.
- 3) The application for variation of permit by curtailing the portion Kodungallur to Thrissur is **allowed** on the strength of G.O(P) No: 08/2017/Tran dated 23.03.2017.
- 4) In this context, there is no need for temporary permit u/s 87(1) (d) Secretary RTA is directed to verify the service of vehicle, according to order of Secretary RTA dated 05.04.2017, while applying for reissue of temporary permit u/s 87(1) (d), since there was a delay of three months.

Item No:4:-

Heard. Renewal of permit **granted** subject to

- a) Production of NOC from HP Company if applicable
- b) Clearance of dues to Government if any

Item No:5:-

Heard. Renewal of permit **granted** subject to

- a) Production of NOC from HP Company if applicable
- b) Clearance of dues to Government if any

Item No:6:-

Heard. Renewal of permit **granted** subject to

- a) Production of NOC from HP Company if applicable
- b) Clearance of dues to Government if any

Item No:7:-

Perused the judgement of Hon'ble High Court in WP(C)29535/2017. Heard the objector and perused the connected file. Even though the applicant is absent, this authority have to consider and attain finality in the application for renewal of permit in order to comply the judgement of Hon'ble High Court. Findings in the judgement of Hon'ble High Court in WP(C) 24065/2017dated 20.07.2017, were also considered.

Regular permit expired on 30.07.2012. Application for renewal submitted only on 24.09.2012, which was belated. This authority could not find any valid reasons for submitting the application not in time by the permit holder. No good and sufficient cause from making an application within the time specified in Section 81(2) of Motor Vehicles Act was submitted by the permit holder. Hence **rejected**.

Item No:8:-

- a) Heard. Considered the application for curtailment of the portion Azhikode-Thrissur.

This authority **allow** the request ,in view of G.O(P)No.08/2017/Tran dated 23.03.2017, Secretary RTA is directed to endorse the variation as LSOS and the curtailment after renewing the regular permit. He shall also make necessary alteration in the existing temporary permit according to the above decision.

- b) Transfer of permit **allowed** subject to
 - a) Renewal of permit
 - b) Clearance of Government dues if any
 - c) NOC from finance company, if applicable.

Item No:9:-

Heard the learned counsel. This is an application for variation of permit condition. This authority has considered the application, verified the report of enquiry officer and examined the connected files in detail.

Government of Kerala has modified the scheme notified under G.O(P) No.42/2009/Tran dated 14.07.2009 and published as per G.O(P) 08/2017/Tran dated 23.03.2017. Clause (4) of the newly modified scheme reads-“the permits granted in the private sector as on14.07.2009 will be permitted to operate as ordinary or limited stop ordinary services. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules 1989 should apply to these served permits provided that further extension or variation shall not be allowed under any circumstances.” According to the above latest notification, especially as per clause (1)of the notification, the scheme is applicable to all routes in Kerala State.

In these circumstances, the application for variation is considered and this authority is of the opinion that the same could not be granted

as per the directions contained in notification G.O.(P) No. 08/2017/Trans dated 23.03.2017. Hence the application for variation of permit is **rejected**.

Item No:10:-

Absent. Hence **adjourned**

Item No:11:-

Heard the learned counsel. This is an application for variation of permit condition. This authority has considered the application, verified the report of enquiry officer and examined the connected files in detail.

Government of Kerala has modified the scheme notified under G.O(P) No.42/2009/Tran dated 14.07.2009 and published as per G.O(P) 08/2017/Tran dated 23.03.2017. Clause (4) of the newly modified scheme reads-“the permits granted in the private sector as on 14.07.2009 will be permitted to operate as ordinary or limited stop ordinary services. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules 1989 should apply to these served permits provided that further extension or variation shall not be allowed under any circumstances.” According to the above latest notification, especially as per clause (1) of the notification, the scheme is applicable to all routes in Kerala State.

In these circumstances, the application for variation is considered and this authority is of the opinion that the same could not be granted as per the directions contained in notification G.O.(P) No.

08/2017/Trans dated 23.03.2017. Hence the application for variation of permit is **rejected**.

Item No:12:-

Heard the learned counsel. This is an application for variation of permit condition. This authority has considered the application, verified the report of enquiry officer and examined the connected files in detail.

Government of Kerala has modified the scheme notified under G.O(P) No.42/2009/Tran dated 14.07.2009 and published as per G.O(P) 08/2017/Tran dated 23.03.2017. Clause (4) of the newly modified scheme reads-“the permits granted in the private sector as on 14.07.2009 will be permitted to operate as ordinary or limited stop ordinary services. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules 1989 should apply to these served permits provided that further extension or variation shall not be allowed under any circumstances.” According to the above latest notification, especially as per clause (1) of the notification, the scheme is applicable to all routes in Kerala State.

In these circumstances, the application for variation is considered and this authority is of the opinion that the same could not be granted as per the directions contained in notification G.O.(P) No. 08/2017/Trans dated 23.03.2017. Hence the application for variation of permit is **rejected**.

Item No:13:-

Heard the learned counsel. This is an application for variation of permit condition. This authority has considered the application, verified the report of enquiry officer and examined the connected files in detail.

Government of Kerala has modified the scheme notified under G.O(P) No.42/2009/Tran dated 14.07.2009 and published as per G.O(P) 08/2017/Tran dated 23.03.2017. Clause (4) of the newly modified scheme reads-“the permits granted in the private sector as on 14.07.2009 will be permitted to operate as ordinary or limited stop ordinary services. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules 1989 should apply to these served permits provided that further extension or variation shall not be allowed under any circumstances.” According to the above latest notification, especially as per clause (1) of the notification, the scheme is applicable to all routes in Kerala State.

In these circumstances, the application for variation is considered and this authority is of the opinion that the same could not be granted as per the directions contained in notification G.O.(P) No. 08/2017/Trans dated 23.03.2017. Hence the application for variation of permit is **rejected**.

Item No:14:-

1) Perused the judgement of Hon'ble High Court

2) Heard the learned counsel. This is an application for variation of permit condition. This authority has considered the application, verified the report of enquiry officer and examined the connected files in detail.

. Government of Kerala has modified the scheme notified under G.O(P) No.42/2009/Tran dated 14.07.2009 and published as per

G.O(P) 08/2017/Tran dated 23.03.2017. Clause (4) of the newly modified scheme reads-“the permits granted in the private sector as on14.07.2009 will be permitted to operate as ordinary or limited stop ordinary services. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules 1989 should apply to these served permits provided that further extension or variation shall not be allowed under any circumstances.” According to the above latest notification, especially as per clause (1)of the notification, the scheme is applicable to all routes in Kerala State.

In these circumstances, the application for variation is considered and this authority is of the opinion that the same could not be granted as per the directions contained in notification G.O.(P) No. 08/2017/Trans dated 23.03.2017. Hence the application for variation of permit is **rejected**.

Item No:15:-

Heard the learned counsel. This is an application for variation of permit condition. This authority has considered the application, verified the report of enquiry officer and examined the connected files in detail.

Government of Kerala has modified the scheme notified under G.O(P) No.42/2009/Tran dated 14.07.2009 and published as per G.O(P) 08/2017/Tran dated 23.03.2017. Clause (4) of the newly modified scheme reads-“the permits granted in the private sector as on14.07.2009 will be permitted to operate as ordinary or limited stop ordinary services. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules 1989 should apply to these served permits provided that

further extension or variation shall not be allowed under any circumstances.” According to the above latest notification, especially as per clause (1)of the notification, the scheme is applicable to all routes in Kerala State.

In these circumstances, the application for variation is considered and this authority is of the opinion that the same could not be granted as per the directions contained in notification G.O.(P) No. 08/2017/Trans dated 23.03.2017. Hence the application for variation of permit is **rejected**.

Item No:16:-

Heard the learned counsel. This is an application for variation of permit condition. This authority has considered the application, verified the report of enquiry officer and examined the connected files in detail.

Government of Kerala has modified the scheme notified under G.O(P) No.42/2009/Tran dated 14.07.2009 and published as per G.O(P) 08/2017/Tran dated 23.03.2017. Clause (4) of the newly modified scheme reads-“the permits granted in the private sector as on14.07.2009 will be permitted to operate as ordinary or limited stop ordinary services. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules 1989 should apply to these served permits provided that further extension or variation shall not be allowed under any circumstances.” According to the above latest notification, especially as per clause (1)of the notification, the scheme is applicable to all routes in Kerala State.

In these circumstances, the application for variation is considered and this authority is of the opinion that the same could not be granted as per the directions contained in notification G.O.(P) No. 08/2017/Trans dated 23.03.2017. Hence the application for variation of permit is **rejected**.

Item No:17:-

Heard the learned counsel. This is an application for variation of permit condition. This authority has considered the application, verified the report of enquiry officer and examined the connected files in detail.

Government of Kerala has modified the scheme notified under G.O(P) No.42/2009/Tran dated 14.07.2009 and published as per G.O(P) 08/2017/Tran dated 23.03.2017. Clause (4) of the newly modified scheme reads-“the permits granted in the private sector as on 14.07.2009 will be permitted to operate as ordinary or limited stop ordinary services. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules 1989 should apply to these served permits provided that further extension or variation shall not be allowed under any circumstances.” According to the above latest notification, especially as per clause (1) of the notification, the scheme is applicable to all routes in Kerala State.

In these circumstances, the application for variation is considered and this authority is of the opinion that the same could not be granted as per the directions contained in notification G.O.(P) No. 08/2017/Trans dated 23.03.2017. Hence the application for variation of permit is **rejected**.

Item No:18:-

Heard the learned counsel. This is an application for variation of permit condition. This authority has considered the application, verified the report of enquiry officer and examined the connected files in detail.

Government of Kerala has modified the scheme notified under G.O(P) No.42/2009/Tran dated 14.07.2009 and published as per G.O(P) 08/2017/Tran dated 23.03.2017. Clause (4) of the newly modified scheme reads-“the permits granted in the private sector as on 14.07.2009 will be permitted to operate as ordinary or limited stop ordinary services. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules 1989 should apply to these served permits provided that further extension or variation shall not be allowed under any circumstances.” According to the above latest notification, especially as per clause (1) of the notification, the scheme is applicable to all routes in Kerala State.

In these circumstances, the application for variation is considered and this authority is of the opinion that the same could not be granted as per the directions contained in notification G.O.(P) No. 08/2017/Trans dated 23.03.2017. Hence the application for variation of permit is **rejected**.

Item No:19:-

a) Heard. The application for variation of permit by curtailing the portion from Azhikode to Thrissur is **allowed**, in view of the G.O(P) No.

08/2017/Trans dated 23.03.2017, subject to renewal of permit. Secretary RTA shall make necessary alteration in the existing temporary permit, according to the above decision.

b) Heard. The counsel of the applicants requested to **adjourn** the hearing for consideration of application. Request allowed.

Item No:20:-

Heard. The application for variation of permit by curtailing the portion from Thiruvilwamala to Thrissur is **allowed**; in view of the G.O.(P) No. 08/2017/Tran dated 23.03.2017, Endorsement on regular permit is subject to renewal of permit. Secretary RTA shall make necessary alteration in the existing temporary permit, according to the above decision.

Item No:21:-

Heard the learned counsel. This is an application for variation of permit condition. This authority has considered the application, verified the report of enquiry officer and examined the connected files in detail.

Government of Kerala has modified the scheme notified under G.O(P) No.42/2009/Tran dated 14.07.2009 and published as per G.O(P) 08/2017/Tran dated 23.03.2017. Clause (4) of the newly modified scheme reads-“the permits granted in the private sector as on 14.07.2009 will be permitted to operate as ordinary or limited stop ordinary services. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules 1989 should apply to these served permits provided that further extension or variation shall not be allowed under any

circumstances.” According to the above latest notification, especially as per clause (1)of the notification, the scheme is applicable to all routes in Kerala State.

In these circumstances, the application for variation is considered and this authority is of the opinion that the same could not be granted as per the directions contained in notification G.O.(P) No. 08/2017/Trans dated 23.03.2017. Hence the application for variation of permit is **rejected**.

Item No:22:-

Heard the learned counsel. This is an application for variation of permit condition. This authority has considered the application, verified the report of enquiry officer and examined the connected files in detail.

Government of Kerala has modified the scheme notified under G.O(P) No.42/2009/Tran dated 14.07.2009 and published as per G.O(P) 08/2017/Tran dated 23.03.2017. Clause (4) of the newly modified scheme reads-“the permits granted in the private sector as on14.07.2009 will be permitted to operate as ordinary or limited stop ordinary services. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules 1989 should apply to these served permits provided that further extension or variation shall not be allowed under any circumstances.” According to the above latest notification, especially as per clause (1)of the notification, the scheme is applicable to all routes in Kerala State.

In these circumstances, the application for variation is considered and this authority is of the opinion that the same could not be granted as per the directions contained in notification G.O.(P) No. 08/2017/Trans dated 23.03.2017. Hence the application for variation of permit is **rejected**.

Item No:23:-

Heard. Transfer of permit is **granted** subject to,

- 1) Production of NOC from H P Company if applicable and
- 2) Clearance of Government dues if any

Item No:24:-

Heard. **Allowed** Transfer of permit (death) subject to

- 1) Production of NOC from H P Company, if applicable and
- 2) Clearance of Government dues if any

Item No:25:-

Heard. Transfer of permit is **granted** subject to,

- 1) Production of NOC from H P Company if applicable and
- 2) Clearance of Government dues if any

Item No:26:-

Heard. Transfer of permit is **granted** subject to,

- 1) Production of NOC from H P Company if applicable and
- 2) Clearance of Government dues if any

Item No:27:-

Heard. Transfer of permit is **granted** subject to,

- 1) Production of NOC from H P Company if applicable and
- 2) Clearance of Government dues if any

Item No:28:-

Heard. Transfer of permit is **granted** subject to,

- 1) Production of NOC from H P Company if applicable and
- 2) Clearance of Government dues if any

Item No:29:-

Heard. Transfer of permit is **granted** subject to,

- 1) Production of NOC from H P Company if applicable and
- 2) Clearance of Government dues if any

Item No:30:-

Heard. Transfer of permit is **granted** subject to,

- 1) Production of NOC from H P Company if applicable and
- 2) Clearance of Government dues if any

Item No:31:-

Heard. Transfer of permit is **granted** subject to,

- 1) Production of NOC from H P Company if applicable and

2) Clearance of Government dues if any

Item No:32:-

Heard. Transfer of permit is **granted** subject to,

- 1) Production of NOC from H P Company if applicable and
- 2) Clearance of Government dues if any

Item No:33:-

Heard. Transfer of permit is **granted** subject to,

- 1) Production of NOC from H P Company if applicable and
- 2) Clearance of Government dues if any

Item No:34:-

Heard. Transfer of permit is **granted** subject to,

- 1) Production of NOC from H P Company if applicable and
- 2) Clearance of Government dues if any

Item No:35:-

a) Perused the Judgment.

b) Heard. This is an application for replacement of vehicle KL 08/Q 7164 with stage carriage KL 08 AT 7299. Stage carriage KL 08 7164 was operating on the route Kodungallur-Ottappalam, The application for renewal of permit was filed on 28/02/2015 and was not considered due to non remittance of tax arrears. Moreover, the permit

holder did not take any effort to make alive the permit. Meanwhile the notice was issued under Rule 152 of KMV Rules and the permit was revoked by RTA. Even though an appeal was filed before the STAT, Hon'ble STAT vide agenda cited, has not quashed the Order of RTA. After the expiry of permit on 17/04/2015, the original vehicle attained 15years of age on 25/07/2015. The replacement application with the incoming stage carriage was submitted only on 09/06/2017, which is against the condition of the replacement of the vehicle; that should have to be done before the expiry of the validity of the original vehicle and currency of permit. The replacement application cannot be considered , due to non production of ready vehicle during the currency of permit. Hence the application is **rejected**.

Item No:36:-

Heard. This is an application for replacement of the vehicle S/C KL-08/R 8309 with SC KL-48/A 7997. The seating capacities of the above vehicles are 48 in all and there is no material difference. But the applicant had submitted an application for replacement previously. which was rejected by RTA, by circulation under Rule 130of KMV Rules on 23.11.2016, since the material difference was more than 25% and violated Rule 174(3) of KMV Rules. Meanwhile the validity of S/C KL-08/R-8309covered by the regular permit expired on 29/07/2016.Moreover the original vehicle KL-08/R-8309 did not conduct service from 29.07.2016 to till date. Application for replacement is belated and violation of rule 152 of Kerala Motor Vehicles Rules. Hence the application for replacement could not be considered and is **rejected**.

Item No:37:-

Concurrence for renewal of permit **granted** subject to condition stipulated in G.O(P)No. 08/2017/Tran dated 23.03.2017.

Item No:38:-

Concurrence for renewal of permit **granted** subject to condition stipulated in G.O(P)No. 08/2017/Tran dated 23.03.2017.

Item No:39:-

Concurrence for renewal of permit **granted** subject to condition stipulated in G.O(P)No. 08/2017/Tran dated 23.03.2017.

Item No:40:-

Concurrence for renewal of permit **granted** subject to condition stipulated in G.O(P)No. 08/2017/Tran dated 23.03.2017.

Item No:41:-

Concurrence for renewal of permit **granted** subject to condition stipulated in G.O(P)No. 08/2017/Tran dated 23.03.2017.

Item No:42:-

Concurrence for renewal of permit **granted** subject to condition stipulated in G.O(P)No. 08/2017/Tran dated 23.03.2017.

Item No:43:-

Perused the judgement of Hon'ble High Court in WP(C) 30547/2017 dated 03.10.2017. This is to consider the application for four month temporary permit in respect of SC KL-9/U-5566 in place of S/C KL-08/K-1117 on the route Kodungallur – Govindapuram u/s 87(1) (c).

The vehicle KL-08/K-1117 had regular permit on the route Kodungallur- Govindapuram which was expired on 10/08/2010 and attained 15 years as on 03.08.2012. On perusal of the file, it is seen that the permit holder had submitted application for replacement and renewal. Replacement was granted by RTA, subject to renewal of permit. Even though concurrence was received from RTA Palakkad, renewal of permit not availed by the permit holder. In this juncture, it is understood that the regular permit holder has no intention to operate on the route covered by the regular permit and also there is no valid regular permit at present.

While considering the four month temporary permit application, submitted by the registered owner of S/C KL-09/U-5566, this authority could not find an urgent need for temporary permit u/s 87(1)(c). Moreover the applied route falls under the notified schemes Thiruvananthapuram- Palakkad, Ernakulam-Palakkad, Thrissur-Thriprayar, vide G.O(P) No. 8/2017/Tran dated 23.03.2017. According to this notification, any regular or temporary permit will have to be

treated as fresh, and the applied route exceeds the permissible limit of violation. Hence the application is devoid of merits and **rejected**.

Item No:44:-

Heard. S/C-KL-27-1055 was having regular permit on the route Azhicode – Malapallipuram valid up to 27.01.2020. Clearance certificate under suspended animation was issued to this vehicle covered by this permit, on 28.07.2015. The permit holder did not produce a ready vehicle even after the notice issued by the Secretary RTA, under rule 152 of Kerala Motor Vehicles Rules. Even after two years, the permit holder did not take any effort to replace the permit under suspended animation, by a ready vehicle. Hence there is no eligibility for extension petition and the permit is liable to be cancelled and the permit is hereby **cancelled** u/s 86(1) of Motor Vehicles Act.

Item No:45:-

Heard. This is to consider an extension petition submitted by the permit holder of Stage carriage KL 11 Y 3399 for replacing the vehicle with a later model vehicle. In this case validity of permit is up to 05/03/2018. The vehicle is continuously off-road from 01/10/2016, due to major repairs. On receipt of notice issued U/Rule 152 of KMV Rules, the registered owner submitted that the vehicle KL 11 Y 3399 is in a dilapidated condition and could not conduct service. In this context, this Authority is convinced that the Stage Carriage covered by the permit is not a ready vehicle and the permit holder has no intention to operate the service for the convenience of the public. Hence, the request of the

permit holder cannot be considered and the permit in question is hereby **cancelled** U/S 86(1)(c) of MV Act.

Item No:46:-

Perused the file. Maximum time for 4 months from the date of receipt of order of RTA, as per Rule 159(2) of KMV Rule, **allowed**

Item No:47:-

Perused the file. Maximum time for 4 months from the date of receipt of order of RTA, as per Rule 159(2) of KMV Rule, **allowed**

Item No:48:-

Perused the file. Maximum time for 4 months from the date of receipt of order of RTA, as per Rule 159(2) of KMV Rule, **allowed**

Item No:49:-

Perused the file. Maximum time for 4 months from the date of receipt of order of RTA, as per Rule 159(2) of KMV Rule, **allowed**

Item No:50:-

Heard. This is a request to allow maximum time to produce the current records to avail the fresh permit granted by RTA. On perusal of records, it is seen that the applicant could not availed the permit within the prescribed time mentioned in Rule 159(2) KMV Rules. Hence this Authority **revokes** the sanction of the application.

Item No:51:-

This authority considered the suggestion submitted by the Secretary RTA for issuing auto rickshaw permits, without specifying the parking place in the permit. Now Auto rickshaw permits are being issued with a specific parking place. Moreover this is a common practice all over the State. No feasibility study and report is seen made by Secretary RTA regarding this proposal, especially in the road safety aspects. Hence Secretary RTA is instructed to place the matter along with detailed report in this matter.

While considering the request by Secretary RTA to submit a representation before Government to issue a notification u/s74 (3) of Motor Vehicles Act to restrict auto rickshaw permits in Thrissur Corporation limits, this authority could not find any data. Hence Secretary RTA is requested to provide required data for submitting the representation before the State Government. Hence **adjourned**.

Item No: 52:-

Ratified the actions taken by the Secretary RTA only in the strict compliance of existing Motor Vehicles Act and Rules

Item No: 53:-

Nil

Item No: 54:-

Shri.Shaji Joseph
Chandra I.P.S

Deputy Transport Commissioner

Central Zone I (Member-RTA Thrissur)
Chief (Rural)

Thrissur)

Shri.Yathish

District Police

(Member RTA

Shri.Dr. A. Kowsigan IAS

District Collector Thrissur

(Chairman-RTA Thrissur)