DECISIONS OF THE MEETING OF REGIONAL TRANSPORT AUTHORITY, PALAKKAD HELD ON  
30.07.2019 AT 10.30 AM AT DISTRICT COLLECTORATE CONFERENCE HALL, PALAKKAD.  

Present:

Chairman : Sri. D. Balamurali IAS  
District Collector &  
Chairman-Regional Transport Authority,  
Palakkad.

Member : Sri. Suresh.M,  
Deputy Transport Commissioner(in charge),  
Central Zone-1, Thrissur &  
Member-Regional Transport Authority,  
Palakkad.
MINUTES OF THE MEETING OF REGIONAL TRANSPORT AUTHORITY, PALAKKAD
HELD ON 30.07.2019

**Item No.01**

1. Perused the order dated 09.05.2019 of Hon’ble STAT, Ernakulam in MVARP no.20/2019

2. Heard. The request for sanctioning a stop for L.S.O.S stage carriages at the existing bus stop in front of Shoranur Municipal Office, Shoranur is reconsidered and on the basis of enquiry report of the field officer, Joint Regional Transport Office, Ottapalam and the findings of Hon’ble STAT in the above revision petition, the proposed bus stop is allowed under rule 206 of KMV Rules, 1989 on Shornur-Perinthalmanna road (1/100 km) in front of Shoranur Municipal Office, Shoranur for Limited Stop Ordinary Services, subject to existing rules and regulations

**Item No.02**

Heard. The request for allowing a new bus stop in front of Govt. Technical School Marutharoad, Palakkad at Km.202.240 RHS of NH 544 is considered and in view of NOC from the project director, NHAI, Chandranagar, Palakkad vide letter No.NHAIPD/Palakkad/NH47/KL2/NOC/589 dated 17.04.2019 and enquiry report submitted by the field officer, Regional Transport Office, Palakkad, this authority allows the proposed bus stop under rule 206 of KMV Rules, 1989 for ordinary services subject to specific conditions mentioned in the above NOC issued by NHAI authorities and subject to existing rules and regulations.

**Item No.03**

1. Perused the judgment dt.02.02.2019 of the Hon’ble State Transport Appellate Tribunal, Ernakulam in MVAA no.74/2018

2. Perused the judgment dt.17.04.2019 of by the Hon’ble High Court Of Kerala in WP(C) no.8670/2019

3. Heard. This application for fresh regular stage carriage permit on the intra-district route Chittur-Alathur was earlier placed in various meetings of the Regional Transport Authority and was adjourned on many occasions mainly due to the dispute over the distance of overlapping with notified sector in the proposal.

Finally, it was granted by the RTA dt.29.05.2018 in item no.4, on the ground that the distance of overlapping reported by
the field officer was within the permissible limit stipulated in clause 5(c) of G.0(P) No.08/2017 /Tran dated 23.03.2017. The decision was communicated to the applicant on 21.08.2018 and the applicant produced the current records of the stage carriage KL-70-A-2485 on 30.08.2018. Subsequently, a timing conference was posted on 09.11.2018, but it was later postponed when the petitioner Sri. Johnson M.M Mankunnel House, Mannamangalam, Thrissur produced the interim order dt.30.10.2018 in OP(C)no.2834/2018 against in MVA no.74/2018 of STAT by the hon’ble High Court, which directed to keep status quo as on the date of production of a copy of the order.

Later, the Hon’ble High Court in its judgment dt.28.11.2018 disposed the matter by setting aside the order of STAT in MVA no.74/2018 as well as the decision of RTA dt.29.05.2018 in item no.4 and directed the STAT to re-hear the matter and pass appropriate orders after hearing the both sides.

Then the STAT called for records and after hearing the applicant as well as the additional respondents who were impleaded as per the order in OP(C)no.2834/2018 of the Hon’ble High Court of Kerala, passed final orders on 02.02.2019 in MVA no.74/2018 directing the RTA to re consider the application for regular permit submitted by the appellant after hearing both sides and KSRTC and after considering the contention regarding objectionable overlapping and it is also ordered by the tribunal that the secretary, RTA shall conduct an enquiry as directed by the RTA, regarding the question of overlapping after giving notice to the appellant, respondent as well as KSRTC and then, the RTA shall pass orders in accordance with law within two months from the date of receipt of the copy of the judgment.

Accordingly, JRTO, Chittur was directed to conduct an enquiry on the matter and forward the report of overlapping distance with notified route as per the decision of RTA dt.13.07.2016 in item no.01 with intimation to the applicant as well as the additional respondents (R3 to R5) in the above case and the KSRTC to raise their contentions if any, about overlapping before the enquiry officer. Subsequently, the enquiry report was received on 11.03.19 from JRTO, Chittur and it was reported that a total distance of 4.2 kms overlaps with notified sector Ernakulam-Palakkad.

There had been an ambiguity regarding the intermediate places along the nationalised routes passing through the Palakkad district until it was clarified by the RTA in its meeting held on 13.07.16 vide decision in item no 1. Now that the clarified report from the JRTO Chittur was received in line with the above decision of
RTA and the distance of overlapping was found within the permissible limit stipulated in clause 5(c) of G.O(P) No.08/2017 /Tran dated 23.03.2017, in view of the observations of Hon’ble High Court of Kerala reported in 1980 KLT 249, 2000(1) KLT 141 and 2005(1) KLT 987, fresh regular stage carriage permit is granted, subject to settlement of timings and production of current records of a suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 16.01.2019 in Department Item no.1 within one month from the date of communication of the decision, failing which grant of permit will be treated as revoked.

**Item No.04**

1. Perused the judgment dt.30.05.2019 by the Hon’ble High Court of Kerala in WP(C) no.4815/2019
2. Heard. This is an application for fresh regular stage carriage permit on the intra-district route Kozhinjampara--Alathur. The route enquiry report of the MVI Chittur reveals that route portion from Peringottukurussi to Tholanur (via) Maniyampara is ill served and the introduction of this new service is more beneficial for the travelling public on the intermediate places along the route. Moreover, the distance of overlapping with notified sector in the proposal is reported as 4.2 kms which is less than 5% of the total route length of 103 Kms.

Since the distance of overlapping is found within the permissible limit stipulated in clause 5(c) of G.O(P) No.08/2017 /Tran dated 23.03.2017 and also in view of the observations of Hon’ble High Court of Kerala reported in 1980 KLT 249, 2000(1) KLT 141 and 2005(1) KLT 987, fresh regular stage carriage permit is granted, subject to settlement of timings and production of current records of a suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 16.01.2019 in Department Item no.1 within one month from the date of communication of the decision, failing which grant of permit will be treated as revoked.

**Item No.05**

1. Perused the judgment dt.10.06.2019 in WP(C) no.12844/2019 by the Hon’ble High Court of Kerala.
2. Heard. This is an application for fresh regular stage carriage permit on the intra-district route Nemmara–Pothundy. On perusal of the enquiry report submitted by the field officer, SRTO, Chittur on the above matter, it is revealed that the portion from Pothundi to Nellichode temple (via) Pothundi colony is virgin, which is reported as fit for stage carriage use by the Asst.Engineer, LSGD, Nemmara
Grama Panchayath. It is also reported that the introduction of this new service is more beneficial for the common people belonging to SC/ST of Pothundi colony

Hence, in view of the observations of Hon’ble High Court of Kerala reported in 1980 KLT 249, 2000(1) KLT 141 and 2005(1) KLT 987, fresh regular stage carriage permit is granted, subject to settlement of timings and production of current records of a suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 16.01.2019 in Department Item no.1 within one month from the date of communication of the decision, failing which grant of permit will be treated as revoked.

**Item No.06**

Heard. A fresh permit was granted to the applicant as per the decision of this authority dated 15.11.2018 in item No.07 to operate on the intra-district route Palakkad--Chittur. Though the decision of grant of permit was communicated to the applicant on 26.12.2018, with direction to produce current records of suitable stage carriage within one month as prescribed in the decision of STA, Kerala meeting held on 14.06.2017 in department item no.2, the grantee failed to produce the same within the prescribed time. Subsequently, considering the request dt. 24.01.2019 filed by the grantee, the RTA dt. 25.02.2019 in item no.08 allowed a maximum time of four months under rule 159(2) of KMV Rules, 1989 from 26.12.2018 to produce the current records of suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 16.01.2019 in Department Item no.1 subject to the condition that grant of permit would be treated as revoked, if he failed to do so.

The above decision was communicated to the grantee on 21.03.2019, but the grantee had not produced the current records of suitable stage carriage till the expiry of the prescribed period of 4 months, which ended on 26.04.2019. Instead, he filed a request on 24.04.2019 for allowing two more months for producing the current records of a suitable stage carriage and later on 02.05.2019 produced belatedly the current records of stage carriage KL-04-N-3769, older than 15 years with a request to accept the same and issue the permit after settlement of timings.

Meanwhile, another enroute operator submitted a request to revoke the grant of above permit alleging that the grantee failed to produce current records of suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 16.01.2019 in Department Item no.1, in time to avail the granted permit.
On perusal of the records, it is revealed that the grantee failed to produce current records of suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 16.01.2019 in Department Item no.1, in time to avail the granted permit, in which it is specifically stipulated that the upper age limit for applying and granting fresh regular permit to Ordinary, City/ Town and LSOS Stage Carriages should be 8 years. The grantee should have produced the current records of suitable stage carriage not older than 8 years on or before the expiry of the maximum permissible period of four months under rule 159(2) of KMV Rules, 1989, which ended on 26.04.2019. Hence, the request by the grantee to accept the current records of the above stage carriage to avail the permit is rejected and the grant of this permit stands revoked with immediate effect.

Item No.07

Heard. This application for fresh stage carriage permit on the intra-district route Palakkad Stadium Bus Stand-Kuttippallam was earlier considered by the Regional Transport Authority, Palakkad held on 15.11.2018 in item No.10 and fresh permit was granted to a suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 14.06.2017 in department item no.2, subject to settlement of timings and production of current records of suitable stage carriage within one month from the date of communication of the decision, on the condition that the grant of permit would be treated as revoked, if he failed to do so.

The above decision was communicated to the grantee on 26.12.2018. On 05.01.2019, the grantee produced the records of the stage carriage KL-09-AE-2727, which was more than 8 years old.

In the meantime, in compliance to the judgment dt. 15.10.2018 in WP(C) no.24680/2017 & connected cases by the Hon’ble High Court Of Kerala, which set aside the earlier decision of STA dt.14.06.2017 in Department Item no.2, the STA, Kerala in its meeting held on 16.01.2019 in department item no.1 has decided to re-fix the upper age limit for applying and granting fresh regular permit to Ordinary, City/Town and LSOS Stage carriages as 8 years. Moreover, in the above judgment, the hon’ble High court directed that based on the orders passed by the State Transport Authority, the respective Regional Transport Authorities shall pass revised orders on the application preferred by the petitioners for grant of regular permit, if situation warrants. It is also ordered that till a fresh decision is taken by the State Transport Authority, based on the direction contained in this judgment, the issuance of regular permit for conducting stage carriage operation, with stage carriages above the age limit specified in the decision of the State Transport Authority dated 14.6.2017, shall be
deferred by all the Regional Transport Authorities in the State.

Subsequently on 05.02.2019, a letter was sent to the grantee to produce the current records of suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 16.01.2019 in Department Item no.1 at the earliest.

But only after elapsing a period of more than four months from the date of communication of original grant of permit (ie on 26.12.2018), on 24.06.2019, the grantee produced the current records of the stage carriage KL-09-AR-1661, registered on 06.1.2012, with a request to accept the same and issue the permit after settlement of timings.

Meanwhile, another enroute operator submitted a request to revoke the grant of above permit alleging that the grantee failed to produce current records of suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 16.01.2019 in Department Item no.1, in time to avail the granted permit.

The grantee should have produced the current records of stage carriage not older than 8 years on or before the expiry of the maximum permissible period of four months under rule 159(2) of KMV Rules, 1989, which ended on 26.04.2019. It is explicitly clear that the grantee failed to do so. Hence, the request by the grantee to accept the current records of the above stage carriage to avail the permit is rejected and the grant of this permit stands revoked with immediate effect.

**Item No.08**

Heard. Fresh permit was granted to the applicant as per the decision of this authority dated 15.11.2018 in item No.12 to operate on the intra-district route Palakkad Stadium Bus Stand(SBS)-Palakkad SBS(circular). Though the decision of grant of permit was communicated to the applicant on 26.12.2018, with direction to produce current records of suitable LMV stage carriage within one month as prescribed in the decision of STA, Kerala meeting held on 14.06.2017 in department item no.2, the grantee failed to produce the same within the prescribed time.

The above decision was communicated to the grantee from the office of Secretary, RTA, Palakkad on 26.12.2018 and the same was acknowledged by the grantee on 01.01.2019. However, on 21.01.2019,
grantee filed a request to allow maximum time to produce current records of a suitable stage carriage.

Subsequently, in the meeting of Regional Transport Authority, Palakkad held on 25.02.2019 in item no.09 allowed a maximum time of four months under rule 159(2) of KMV Rules, 1989 from 26.12.2018 to produce the current records of suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 16.01.2019 in Department Item no.1, subject to the condition that grant of permit will be treated as revoked, if he failed to do so.

The above decision was communicated to the grantee on 21.03.2019, but the grantee has not produced the current records of suitable stage carriage till date, even after elapsing the prescribed period of 4 months, which expired on 26.04.2019.

Since it is revealed that the grantee failed to produce current records of suitable stage carriage as prescribed in the decision of STA, Kerala meeting held on 16.01.2019 in Department Item no.1, in time to avail the granted permit, this authority hereby **revoke the grant of this permit with immediate effect.**

**Item No.09**

1. Perused the Judgment dtd 16.03.2019 in M.V.A.A.no.37/2019 of Hon'ble STAT,Ernakulam
2. Heard. This application for variation of permit was first considered and rejected by RTA dt. 10.12.2013 in item no.48 on the ground that the permit was issued six months back on 15.06.2013 and no circumstances under rule 145(6) of KMV Rules, 1989, arose after the issue of this permit necessitating variation and the proposed variation overlapped with notified route from Sai junction to Olavakkode, violating clause 19 of G.O(P) no.42/2009/Tran dt.14.07.2009.

The application was re considered as per the order dt.24.07.2014 of hon'ble STAT in M.V.A.A no.31/2014 by the RTA dt.12.05.2015 in item no.84 and was rejected again citing violating the above notification. This decision was set aside by the hon'ble STAT in its order dt.28.04.2015 in MVAA no.104/2015, observing that "at present the total route length comes to 29.1 km if the proposed variation is allowed, the total route length will come to 33.1 Km. So, the overlapping of 0.5 km is definitely within the permissible limit. If at all the case of the RTA that there will total overlapping of 1.4 km on the notified is true, then also, it will only be permissible overlapping. In such circumstances, it
is difficult to agree with the finding of the RTA since there will be increase of trips on the notified route, by virtue of clause 19 of G.O(P) no.42/2009, the proposed variation cannot be allowed.” and it was directed to consider the request of the appellant afresh after ascertaining whether there’s any objectionable overlapping on the route as stated under clause 5 of G.O(P) no.42/2009/Tran dt.14.07.2009 and directed to grant the proposed variation subject to settlement of timings if there’s no objectionable overlapping.

Subsequently, the matter was placed in the RTA meetings held on 20.07.2015 and on 13.07.2016, but was adjourned directing the secretary to report about the overlapping distance with notified route in line with decision of RTA dt.13/07/2016 in item no.1, in which RTA decided/clarified regarding the intermediate points/path in Palakkad District between the places mentioned in the notified routes as per G.O(P)No.42/2009/Tran dated 14.07.2009.

The fresh enquiry report submitted by the field officer on the matter is perused and it is revealed that the additional trip from N.S.S Engineering College to Olavakkode lies on the notified route Palakkad-Kannur from Sai Junction to Olavakkode, which is in violation clause 19 of the modified notification G.O(P) No.08/2017/Tran dated 23.03.2017.

In the RTA meeting held on 15.11.2018 in supplementary item no.4, the application was considered and rejected due to the facts that it violates clause 19 as per the modified notification G.O(P) No.08/2017/Tran dated 23.03.2017, wherein it is explicitly stated that the State Transport Undertaking reserves the right to operate additional service or increase the number of trips on each route in the annexure as per traffic demand and also, that Olavakkode, which being a small junction on the Palakkad-Kozhikkode national highway, is crowded all the time with heavy vehicular traffic and there is no sufficient parking space available for vehicles and granting permits with terminus at Olavakkode will be detrimental to the safety of public.

But the hon’ble STAT set aside the above decision of the RTA and directed to grant the variation sought by the applicant in spite of all the above violations. Hence, in compliance to the order of Hon’ble STAT in M.V.A.A. no 37 / 2019, variation of permit is granted subject to settlement of timings.

Item No.10
Heard. The application for variation of permit is considered and examined in the light of the enquiry report of the field officer. It is reported that the proposed variation neither overlaps nor increases the number of trips on the notified sector and also, the proposal is beneficial to the travelling public on the route. Hence, **variation of permit is granted subject to settlement of timings**

**Item No.11**

Heard. On perusal, it is understood that the field officer, Pattambi doesn't seem to have conducted enquiry on the basis of the application for variation of permit submitted. The intermediate places mentioned in the application are not there in the enquiry report. In the RTA meeting, the counsel for the applicant has argued that he has not applied variation through the place 'Alur' but through 'Othalur'. On the contrary, the field officer has reported that the proposed route passes through 'Alur'. The secretary, RTA is directed to call for explanation from the field officer concerned for the discrepancies in the report and place before the RTA with fresh enquiry report on the matter after rectifying the defects. Hence, **the decision on the application for variation of permit is adjourned**.

**Item No.12**


2. Heard. This application for variation of permit was earlier considered and rejected by RTA dated 29.05.2018 in item no.19 in view of the directions contained in the clause 4 of the notification G.O(P) no.8/2017/Tran dt.23.03.2017, which reads “the permits granted in the private sector as on 14/07/2009 will be permitted to operate as ordinary or limited stop ordinary service. The maximum distance prescribed in rule 2(oa) in the KMV Rules,1989 shall apply to these saved permits provided that further extensions or variation shall not be allowed under any circumstances”.

Challenging the above decision of RTA, the permit holder approached the Hon’ble STAT and the tribunal in its judgment dated 20.12.2018 in M.V.A.A.No. 338/2018, set aside the decision of RTA observing that impugned orders rejecting the applications on the ground of notification GO(P)No.8/2017 dated 23.03.2017 cannot be sustained in view of the fact that division bench of the Hon’ble High Court of Kerala quashed the Clause 4 of the scheme dated 25.03.2017 and directed to reconsider the application for variation of permits
on merits and pass orders in accordance within two months from the date of receipt of copy of the judgment.

The application for variation of permit is reconsidered and examined the connected file in detail. The field officer has reported that the proposed variation is beneficial to the travelling public and students in the Karimpara region in morning only, but not advantageous to the people around Kinassery-Koduvayur-Pudunagaram and Kinassery-Peruvemba-Pudunagaram area. Hence, due to non-compliance of the requirements mentioned in section 80(3)(ii) of MV Act,1988 and rule 145(7) of KMV Rules,1989, the variation of permit is rejected

Item No.13

Heard. The application for variation of permit is considered and examined the connected file in detail. The field officer has reported that the proposed variation does not overlaps with the notified sector and also, the variation is sought on rural, remote and ill served areas, which is beneficial to the travelling public around the area. The virgin portion from Thrikkangode temple to Thrikkankode centre is reported as fit under normal weather and traffic conditions by the Asst.Engineer, LSGD, Vaniyamkulam. Hence, variation of permit is granted subject to settlement of timings

Item No.14

1. Perused the common judgment dated.03.11.2018 of Hon’ble STAT, Ernakulam in M.V.A.A no.227/2018
2. Heard. This application for variation of permit on the inter district route Olippara-Pazhambalakkode was earlier considered and rejected by RTA dt.28.12.2017 in item no 104 in view of the directions contained in the clause 4 of the notification G.O(P) no.8/2017/Tran dt.23.03.2017, which reads “the permits granted in the private sector as on 14/07/2009 will be permitted to operate as ordinary or limited stop ordinary service. The maximum distance prescribed in rule 2(oa) in the KMV Rules,1989 shall apply to these saved permits provided that further extensions or variation shall not be allowed under any circumstances”.

Challenging the above decision of RTA, the permit holder approached the Hon’ble STAT and the tribunal in its judgment dated.03.11.2018 in M.V.A.A.No.269/2018 along with other similar connected cases, set aside the decision of RTA observing that impugned orders rejecting the applications on the ground of notification GO(P)No.8/2017 dated 23.03.2017 cannot be sustained in view of the facts that the single bench of Hon’ble High Court of Kerala found that the said notification restricts only the grant of variation or extension or additional trips on the notified route and
the same does not have any applicability with regard to the non-notified route and moreover, the division bench of the Hon’ble High Court of Kerala quashed the Clause 4 of the scheme dated 25.03.2017 and directed the respective Regional Transport Authorities to consider the applications for variation of permits on individual basis afresh and in case no variation and extension is sought for on the notified routes, the same shall be considered and disposed off in accordance with section 80(3) of the M.V. Act, after hearing all the parties concerned including the KSRTC.

In the light of the above judgment, the matter is reconsidered and it is found that the proposed extension lies in the jurisdiction of RTA, Thrissur, for which the concurrence from that RTA is necessary. Hence, the secretary, RTA is directed to seek concurrence from RTA, Thrissur and decision on the application for variation of permit is adjourned.

Item No.15

2. Heard. This application for variation of permit on the intra district route Ayakurussi-Palakkad was earlier considered by RTA dt. 25.02.2019 in item no. 21 and adjourned for ascertaining the comparative advantage of the proposal.

In the light of the above judgment and based on the enquiry report of the field officer, the matter is reconsidered and it is found that the proposed variation is advantageous to the travelling public. It’s also reported that the proposed variation doesn’t overlap with notified sector. Hence the variation of permit is granted subject to settlement of timings.

Item No.16

Heard. The field officer, who conducted enquiry on this application for variation of permit on the intra district route Ayakurussi-Palakkad, has reported that the proposed variation is not on the notified route. But the K.S.R.T.C has vehemently objected to granting variation alleging that the proposed variation overlaps with the notified route violating the notification G.O(P) no.8/2017/Tran dt.23.03.2017. The Secretary, RTA is directed to make an enquiry on the matter and place the application before the RTA along with report of exact distance of overlapping with notified route. Hence, decision on the application is adjourned.”
Item No.17

Heard. This application for variation of permit on the intra district route Kamba-Ayyaramala is considered in the light of the enquiry report of the field officer. It is reported that the proposed variation lies in the notified route Palakkad-Kannur violating clause 19 of the notification G.O(P) no.8/2017/Tran dt.23.03.2017, which states that the State Transport Undertaking reserve the right to operate additional services or increase the number of trips on each notified route. Hence, the application for variation of permit is rejected.

Item No.18

Heard. The application of variation of permit is considered and perused the enquiry report of the field officer. It is reported that the curtailment of the last trip and the change of halting place will not affect much the travelling public adversely. It’s also revealed that the proposed variation doesn’t overlap with notified sector. Hence, variation of permit is granted subject to settlement of timings.

Item No.19

Heard. This is a request for variation of permit conditions on the inter-district route Guruvayur--Mannarkkad by converting the nature of service from ordinary service to limited stop ordinary service. It is found that the existing route having a length of 92 Kms, on which the variation is sought, overlaps with notified sector violating the notification G.O(P)No.8/2017 dated 23.03.2017, which restricts the grant of variation of permit on the notified route. That apart, the proposed variation will reduce the number of stops, adversely affecting the travelling public and students of the area through which the permit traverses. It is relevant to quote some of the findings of the Division Bench of the Hon’ble High Court of Kerala in Paulose K.K V. State of Kerala (1997(2) ILR 821) in this context, which read as: “The services are intended for the public. If the number of ordinary services is reduced and fare is also hiked, the common man will be deprived of the benefit that has accrued to him when the buses are being operated as ordinary services”. This authority is not satisfied that variation sought is in the interest of public as intended under section 80(3) Motor Vehicle Act, 1988. Hence, the application for variation of permit conditions is rejected.
**Item No.20**

Heard. This is an application for renewal of inter-district permit(9/1002/2004) in respect of the stage carriage KL-53-P-2063, which was issued prior to 14.07.2009 on the route Valanchery-Perinthalmanna as ordinary service. The enquiry report received from the field officer has been perused. As there is no legal impediment found against renewal of this permit, **secretary is permitted to renew the permit** subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.21**

1. Perused the judgment dated 27.06.2019 in MVAA No.46/2018 by the Hon’ble STAT, Ernakulam.

2. Heard. The MPMV Stage carriage **KL-09-M-3336** was a vehicle of 2002 model, registered on 01/07/2003, operated on the intra district route Vadakkenchery-Konnakkalkkadavu as an ordinary service.

On 15-07-2015, a Joint application was filed for transfer of permit in respect of the S/C KL-09-M-3336, from the name of the permit holder Sri K K.Ouseph, S/o Kuriyan, Kottaliyil house, Velampuzha, Elavampadam, Palakkad to that of the proposed transferee Sri Jayaprakash S/o Balan, Veembingal house, Koranchira Kizhakkanchery, Palakkad. The genuineness of the application was enquired through JRTO Alathur.

Meanwhile, in compliance to the interim order dt. 17.08.2015 in WP(C)No.24397/2015 (Y) by the Hon’ble High Court of Kerala, a clearance certificate was issued to the above vehicle on 07.09.2015 to SRTO, Perumbavur keeping the permit under suspended animation, when an application was filed by the permit holder on 31.08.2015 stating that the vehicle was sold to Sri. Eldhose. M, Srambikudy House, Mudakuzha P.O, Akanad, Perumbavoor.

Later, the above application for transfer of permit was considered by RTA, Palakkad in the meeting held on 13.07.2016 vide item No.148 ,but the decision on the matter was adjourned as below.
“Heard, this is an application seeking permission for transfer of permit 9/10010/2007 valid up to 18.11.2017 on the route Vadakenchery-Konnakkalkadavu from the name of the permit holder Sri.K.K.Ouseph to the name of Sri.B.Jayaprakash. The vehicle covered by the permit KL 09 M 3336 was detached by keeping the permit under suspended animation and clearance certificate was issued as per the order of Hon’ble High Court of Kerala dated 17.08.2015 in WP(C)No.24397/2015 (Y) on 08.09.2015 on the condition imposed by the Hon’ble High Court that the relevant records of the incoming vehicle shall produce within four months from the date of clearance. The permit holder failed to produce records of the vehicle within the period stipulated by the Hon’ble High Court for replacement and also not responded to the notice issued by Secretary on 07.06.2016 in this regard. For the reasons above, decision on the application for transfer of permit is adjourned. Secretary is directed to place the matter before RTA in the next meeting with notice to the permit holder for taking further action on the permit.”

Subsequently, the transferee produced the judgment of Hon’ble High Court of Kerala dated 14.10.2016 in WP(C) No.32860 of 2016(F) wherein, the court observed that “Every application will have to be considered with reference to the facts obtaining as on the date of application. Ext.P4(application for transfer of permit) is an application preferred by the petitioners on 15.07.2015. If Ext.P4 is valid application as on 15.07.2015, the same shall be considered on merits, within three weeks”.

Hence, in compliance to the above judgment of Hon’ble High Court of Kerala dated 14.10.2016 in WP(C) No.32860 of 2016(F), the RTA dt. 21.01.2017 in item no.99 allowed transfer of permit since, as per the records, the application for transfer of permit was a valid one as on 15/07/2015, subject to (1) the compliance of the conditions imposed by the Hon’ble High Court of Kerala in the judgment in WP(C)No.24397/2015 (Y) (2) NOC from the HP Co., if applicable and clearance of Govt.dues, if any.”

Then, the transferee Sri Jayaprakash filed a request dated 12.04.2017 seeking endorsement of transfer of permit on the permit stating that there was no further requirement of production of the records of the suitable vehicle. The Secretary RTA considered the application and called the applicant for personal hearing and the applicant turned up for hearing on 24.04.2017.

On 14.09.2017 the proposed transferee produced the judgment dt. 08.09.2017 in WP(C) 29454/2017, in which the Secretary RTA Palakkad was directed to take up and consider the above request made by the petitioner and make endorsement of transfer of permit as granted by the RTA dated 21.01.2017 vide item no-99 within a period of three weeks, if it’s otherwise in order.

But, the Secretary did not endorse the transfer of permit in favour of the transferee Sri. Jayaprakash. B in respect of
the stage carriage KL-49-G-666 owned by him since the condition imposed by the Hon'ble High Court of Kerala was not satisfied by the permit holder Sri. Ouseph.

However in the wake of the contempt case no 1998/2017(S) was filed by the applicants alleging non compliance of the judgment in WP(C) 29454/2017, the former route bus KL-09-M-3336 by the Stage Carriage was replaced by the stage carriage KL-49-G-666 owned by the transferee and then transfer of permit in favour the proposed transferee Sri. Jayaprakash, S/o Balan, Veembingal House, Koranchira post, Kizhakkanchery, Palakkad was endorsed with effect from 16.01.2018 subject to renewal of permit. But, the application for renewal of permit, placed in the RTA meeting dated 28.12.2017, was rejected as per the following decision.

“Heard. This is an application for renewal of regular permit (9/10010/2007 (valid up to 18/11/2017) in respect of former stage carriage KL-09-M-3336 for a further period of 5 years to operate on the intra-district route Vadakkenchery-Konnakkalkadavu as Ordinary Service.

Though the application for renewal of permit was submitted in time on 07/10/2017, in the form PRA filed for renewal of permit against the entry ‘2’, the registration mark of the vehicle covered by the permit was shown as KL-09-M-3336, which was not owned by the applicant at the time of application since it was already issued a clearance certificate to SRTO, Perumbavur on 07/09/2015 keeping the permit under suspended animation in compliance to the interim order dt. 17.08.2015 in WP(C)No.24397/2015 (Y) by the Hon’ble High Court of Kerala on the condition that the relevant records of the incoming vehicle shall be produced within four months from the date of clearance. But, the same was not complied by the permit holder within the period stipulated by the Hon’ble High Court.

Moreover, the division bench of Hon’ble High Court of Kerala in Jaffer V. Usman (2015(4) KLT 590) has already laid down that an application for renewal of permit cannot be made without the vehicle being available. When this authority consider this application, it’s obvious that the above application for renewal of permit was filed in vacuum and contrary to rule 172(2) of KMV Rules,1989. It is also seen that the signature found in the application is not tallying with the signature of the permit holder Sri. K.K. Ouseph. For the above reasons, the application for renewal of permit is found devoid of merits, hence, rejected”

Against this decision of RTA, the permit holder approached the hon’ble STAT and produced the interim order in M.V.A.A No.46/2018 dt 8.3.2018, by virtue of which the permit was revalidated u/s 214(2). The tribunal in its final judgment dated 27.06.2019 allowed the appeal and set aside the impugned order of RTA observing that “there is no dispute that the renewal application was submitted in time. The renewal application was submitted in the name of the appellant as the transfer of permit was not considered in time. It was stated in the renewal application that the transfer and replacement applications were pending. That apart, the Hon’ble High Court of Kerala directed the consideration of transfer application notwithstanding the fact that the vehicle was not
offered by the appellant. The renewal application can only be rejected for the reasons mentioned u/s 81(4) of the M.V Act. There are no such ground mentioned in the impugned order for rejection. Nobody has a case that the appellant has not signed in the application for renewal. As such if the 1st respondent (RTA) finds any similarity in the signature of the appellant. He should have been given an opportunity to explain the same. For all these reasons, the impugned order is not sustainable and liable to be set aside. The secretary RTA is directed reconsider the application for renewal of permit filed by the appellant on merits and pass orders in accordance with law within two months from the date of receipt of copy of this judgment.

In the RTA meeting, no explanation has been offered by the appellant for the discrepancy found in the signature in the PRA form submitted for renewal of permit.

The Hon’ble High Court of Kerala in Usman v. Regional Transport Authority, Malappuram (2015(4) KLT 590) held that only a holder of permit can apply for the permission of the Regional Transport Authority for replacement of the vehicle covered by the permit of another vehicle of the same nature. In the said judgment, the Court held further that the mere pendency of an application for renewal of the permit does not make the permit alive essential for replacing the vehicle on the route.

The phrase ‘holder of permit’ is used in section 83, which clearly indicate that replacement of vehicle is contemplated during the currency of permit. The validity of the regular permit enjoyed by the permit holder expired on 18.11.2017. On 18.04.2017, the transferee applied for replacement of the vehicle and later on 16.01.2018, the replacement and transfer of permit was effected, at a time when the application for renewal of the permit was pending. This is in contravention to the observations made by the court that only a holder of permit can apply for permission of the Regional Transport Authority to replace the vehicle covered by the permit by another. Mere producing the current records of the vehicle sought to be replaced by somebody other than the permit holder does not give life to the expired permit. The holding of a permit or a renewed permit is a sine qua non to enable an applicant to apply for permission to replace the vehicle.

Moreover, in the same judgment (Usman v. RTA, Malappuram (2015(4) KLT 590), the Hon’ble High Court of Kerala has laid down that an application for renewal of permit cannot be made without the vehicle being available, observing that section 86(1)(c) clearly contemplates cancellation and suspension of permit when the holder of the permit ceases to own the vehicle covered by permit. It does not appeal to reason that a ground which is sufficient for cancellation of
the permit is not relevant for deciding the renewal application. Therefore, in the event, a permit is kept under suspended animation, an application is made for renewal without a vehicle being available, the RTA is very well empowered to reject the application on the aforesaid ground.

In the above circumstances, application for renewal of permit is found devoid of merits, hence, rejected’

Item No.22

Heard. This is an application for renewal of inter-district permit (9/102626/2002) in respect of the stage carriage KL-49-B-616, which was issued prior to 14.07.2009 on the route Thrissur--Malampuzha Dam. The regular permit was valid upto 15.10.2017, but the application for renewal of permit was filed on 06.10.2017, which was just nine days before the expiry of permit. A request for condoning the delay was also submitted. The vehicle is now operating on the strength of temporary permits u/s 87(1)d. Also, the enquiry report received from the secretary of the sister RTA has been perused. As there is no legal impediment found against renewal of this permit, delay is condoned and secretary is permitted to renew the permit subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the Notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.23

1. Perused the judgment dated 16.06.2019 in MVAA No.181/2018 by the Hon’ble STAT, Ernakulam.

2. Heard the applicant. The matter was again placed before RTA, dated 28.12.2017 in item no 125 and the following decision was taken

“1. Perused the judgment dt.21.10.2017 by the hon’ble STAT in MVAA no.140/2017

2. Heard. This matter was earlier considered and rejected by this authority in its meeting held on 21.01.2017 vide item no.79 as per the following decision

“1. Perused the judgment dt.10.01.2017 by the hon’ble High Court of Kerala in WP(C) no.39685 of 2016(I)

2. Heard. The Stage carriage KL-09-H-185 is a vehicle of 2000 model, registered on 17-08-2000. The vehicle was authorized to operate on the intra-district route Mannarkkad-Ottappalam Via Kalladikkode Check Post, Kanhikulam, Kongad, Kerallassery,
Mannur, Pathirippala, and Lakkidi Koottupatha with single trip on Mannarkkad-Mekkwlappara via Kumaramputhur, Kottoopadam, Koduvallippuram, Puttanikkad and Kandamangalam as LSOS.

On 23.12.2005, an application for renewal of permit was filed by the applicant for a further period of 5 years from 03.01.2006 to 02.01.2011, without producing the NOC from the financier which was mandatory as per rule 172(2) of Kerala Motor Vehicles Rules 1989. As per Section 51(8) of Motor Vehicle Act 1988 NOC from the concerned financier is mandatory for renewal of regular permit. The Secretary, Regional Transport Authority, Palakkad considered the above application for renewal of permit and directed the applicant to produce NOC from the financier as required by the provision of Motor vehicle Act.

On 23.12.2005, an application for renewal of permit was filed by the applicant for a further period of 5 years from 03.01.2006 to 02.01.2011, without producing the NOC from the financier which was mandatory as per rule 172(2) of Kerala Motor Vehicles Rules 1989. As per Section 51(8) of Motor Vehicle Act 1988 NOC from the concerned financier is mandatory for renewal of regular permit. The Secretary, Regional Transport Authority, Palakkad considered the above application for renewal of permit and directed the applicant to produce NOC from the financier as required by the provision of Motor vehicle Act.

On 17-10-2006, the applicant had applied for Temporary permit u/s 87(1)(d) of Motor vehicle Act and the temporary permit was issued to this vehicle for a period of 4 months with effect from 28-10-2006. Thereafter the temporary permits u/s 87(1)(d) were issued to this vehicle, up to 28-12-2009. During this period the permit holder was issued with show cause notice on 13-11-2008 for furnishing reasons for not rejecting the application for renewal of permit. But, the applicant had not responded to the show cause notice.

Then, the application for renewal of permit was placed before RTA, Palakkad in its meeting held on 14-08-2009 in item NO.26 and the RTA granted renewal of permit, subject to production of NOC from the financier. But the applicant has never produced current records of the vehicle for renewing the permit and also, since the applicant failed to produce NOC, no temporary permit was issued after 28-12-2009.

On 17-10-2006, the applicant had applied for Temporary permit u/s 87(1)(d) of Motor vehicle Act and the temporary permit was issued to this vehicle for a period of 4 months with effect from 28-10-2006. Thereafter the temporary permits u/s 87(1)(d) were issued to this vehicle, up to 28-12-2009. During this period the permit holder was issued with show cause notice on 13-11-2008 for furnishing reasons for not rejecting the application for renewal of permit. But, the applicant had not responded to the show cause notice.

Then, the application for renewal of permit was placed before RTA, Palakkad in its meeting held on 14-08-2009 in item NO.26 and the RTA granted renewal of permit, subject to production of NOC from the financier. But the applicant has never produced current records of the vehicle for renewing the permit and also, since the applicant failed to produce NOC, no temporary permit was issued after 28-12-2009.

On 17-10-2006, the applicant had applied for Temporary permit u/s 87(1)(d) of Motor vehicle Act and the temporary permit was issued to this vehicle for a period of 4 months with effect from 28-10-2006. Thereafter the temporary permits u/s 87(1)(d) were issued to this vehicle, up to 28-12-2009. During this period the permit holder was issued with show cause notice on 13-11-2008 for furnishing reasons for not rejecting the application for renewal of permit. But, the applicant had not responded to the show cause notice.

Then, the application for renewal of permit was placed before RTA, Palakkad in its meeting held on 14-08-2009 in item NO.26 and the RTA granted renewal of permit, subject to production of NOC from the financier. But the applicant has never produced current records of the vehicle for renewing the permit and also, since the applicant failed to produce NOC, no temporary permit was issued after 28-12-2009.

On 25-08-2011, the applicant filed another application for renewal of permit for a further renewal period from 03.01.2011 to 02.01.2016, without availing previous renewal of permit granted by RTA, Palakkad (which was not availed by him due to non production of the mandatory NOC from the financier). Along with the above renewal of permit application, a photocopy of the NOC and form-35 from the financier was also submitted. But, he has not terminated the hypothecation yet. Hence, the genuineness of the form-35 is to be suspected. It is also found that the renewal application dt. 25.08. 2011 was also belated.

Tax in respect of the vehicle was seen only paid up to 31.03.2010. No form G has been filled till date requesting exemption of tax. The certificate of fitness of the vehicle expired on 26.04.2010. On 17.08.2011, the applicant filed a request before the Regional Transport Officer, Palakkad requesting to exempt tax for the period from 01.04.2010 to till date, stating that he was not aware of the procedure of filing of form G for availing exemption of tax and requested to exempt tax for the period the vehicle was not covered by any permit. The request was denied by Regional Transport Officer, Palakkad as per the intimation no.C3/7968/2011 dt.29.09.2011.

Against this, the registered owner filed an appeal before the Deputy Transport Commissioner, Central Zone-1,Thrissur. But Deputy Transport Commissioner, Thrissur vide order no c/1325/2011/CZ1 dt 27.10.2011 disposed the Appeal with the following observation viz; the applicant desires to renew the permit from its date of
expiry and to resume service with this vehicle. The idle tax is allowed to a stage carriage on a ground when the vehicle is not having any permit to operate. If the applicant is not obtaining renewal of regular permit from the date of its expiry, the tax at idle rate is need to be levied. But in case, the permit is renewed on the applications already filed by the applicant, tax at stage carriage rate is to be remitted in respect of vehicle covered by the permit and the Regional Transport officer is directed to collect tax accordingly.

Hence it is explicitly clear from the above facts that the applicant has to clear tax arrears in respect of the Stage Carriage KL-09-H-185 from 01.04.2010 to this date in order to avail the permit.

As the things stood as described above, on 17.09.2016, the applicant filed two applications for renewal of permit for the period from 03.01.2011 to 02.01.2016 and then for a further period of 5 years from 03.01.2016 to 02.01.2021 and both were belated. Moreover, there was no suitable vehicle due to the completion of 15 years of age of stage carriage KL-09-H-185.

On the same day, he also filed an application for replacement of above Stage Carriage KL-09-H-185 by a later model vehicle KL-09-M-5577, which was taken on lease by him, stating that the Route bus attained 15 years on 16.08.2015. It is understood that the replacement application was filed after the completion of a year and a month from the date of attainment of fifteen years of age of the route bus KL-09-H-185.

In the above circumstances, the earlier decision of RTA Palakkad dt 14-08-2009 in item NO.26, granting the renewal of permit application dt.23.12.2005, subject to production current records of the stage carriage KL-09-H-185 and NOC from the financier, has been automatically revoked under rule 172(3) of KMVR,1989 since the applicant failed to produce the required documents for the renewal of permit in time.

It is obvious that the applicant has never taken any serious effort to avail the grant of renewal of permit sanctioned by RTA vide the decision above and make the permit operational. Hence, all subsequent applications for renewal of permit and also, the application for replacement have become infructuous.

From the above findings, this authority feels that this operator a chronic defaulter of payment of tax and has no genuine intention to operate the service without interrupting the travelling facility of general public and hence, the applications for renewal of permit and replacement are not maintainable and rejected.”

Aggrieved by the above decision of RTA, the applicant approached the Hon’ble STAT by preferring an appeal and the tribunal in its order dt.21.10.2017 in M.V.A.A No.140/2017 observed that the RTA considered the applications for renewal of permit and replacement in one breath, which ought not have been done and the appeal was allowed in part and the above decision of RTA was set aside by directing to consider the matter according to the legal principles stated above. In compliance to the above order of STAT, all
the affected parties were noticed and reconsidered the applications for renewal permit exclusively without considering the application for replacement.

Though the tax arrears against the vehicle KL-09-H-185 was cleared up to 30.09.2017, this authority does not find any change in circumstances warranting a review of the previous decision taken in the meeting held on 21.01.2017 in item no.79 with respect to the applications for renewal of permit except the application for replacement of vehicle. Hence, for the reasons stated above, all the applications filed for renewal of permit are considered and rejected."

The above decision of RTA was challenged by the applicant before the Hon’ble STAT by filing M.V.A.A.No 181/2018 and the tribunal in its judgment dated 18.06.2019, set aside the impugned order and directed the Regional Transport Authority to reconsider the application for renewal of permit on merits and pass orders in accordance with law within two months from the date of receipt of copy of this judgment after hearing all the parties concerned.

In this context it is pertinent to note that in Usman v. Regional Transport Authority, Malappuram (2015 (4) KLT 25), held that the mere pendency of an application for renewal of the permit does not make the permit alive essential for replacing the vehicle on the route.

The validity of the regular permit enjoyed by the applicant expired on 02.01.2006 and he ceased to be a holder of a regular permit thereafter due to non renewal of permit for the reasons mentioned in the decision of RTA dt. 28.12.2017 vide item no.125. Mere production of the current records of the vehicle sought to be replaced does not give life to the expired permit. The holding of a permit or a renewed permit is a sine qua non to enable an applicant to apply for permission to replace the vehicle.

The vehicle is still in tax arrears. Also, in the form PRA filed for renewal of permit against the entry ‘2’, the registration mark of the covered by the permit was shown as KL-09-H-185, which became un suitable for operating as L.S.O.S as it attained 15 years long back on 16.08.2015. Even if the first renewal application dt. dt.23.12.2005 is allowed for renewing the permit from 03.01.2006 to 02.01.2011, the subsequent renewal applications dt. 17.09.2016 for the period from 03.01.2011 to 02.01.2016 and from 03.01.2016 to 02.01.2021 cannot be allowed due to the non availability of valid vehicle.
Hence, all the applications filed for renewal of permit are found devoid of merits and are rejected.

**Item No. 24**

Heard. This is an application for renewal of inter-district permit (9/1621/2004) in respect of the stage carriage KL-45-C-21, which was issued prior to 14.07.2009 on the route Thrissur--Cherplassery. The enquiry report received from the secretary ,RTA, Thrissur has been perused. As there is no legal impediment found against renewal of this permit, **secretary is permitted to renew the permit** subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No. 25**

Heard. This is a belated application for renewal of intra-district permit (9/403/2004) in respect of the stage carriage KL-18-T-4743. This permit, which's issued prior to 14.07.2009 on the route Meenakshipuram-Palakkad, was valid up to 19.01.2019. But the application for renewal of permit was filed only on 04.02.2019, which was after the expiry of permit. This authority is convinced that the applicant was prevented by good and sufficient reasons from making application for renewal of permit in time due to ill-health. Hence, **delay is condoned and secretary is permitted to renew the permit after verifying the service of the vehicle after the expiry of the permit and compounding fee has to be realized u/r 186 of KMV Rules for permit-less operation if necessary**, subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No. 26**

Heard. This is a belated application for renewal of intra-district permit (9/315/1999) in respect of the stage carriage KL-09-AH-2757. This permit, which's issued prior to 14.07.2009 on the route Rock garden-Palakkad, was valid up to 07.03.2019. But the application for renewal of permit was filed only on 24.05.2019, which was after the
expiry of permit. This authority is convinced that the applicant was prevented by good and sufficient reasons from making application for renewal of permit in time due to ill-health. Hence, \textit{delay is condoned and secretary is permitted to renew the permit} after verifying the service of the vehicle after the expiry of the permit and compounding fee has to be realised u/r 186 of KMV Rules for permit-less operation if necessary, subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.27**

Heard. This is an application for renewal of inter-district permit(9/10625/1999) in respect of the stage carriage KL-08-AN-4142, which was issued prior to 14.07.2009 on the route Thrissur - Cherplassery as L.S.O.S. The enquiry report received from the secretary,RTA, Thrissur has been perused. As there is no legal impediment found against renewal of this permit, \textit{secretary is permitted to renew the permit} subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.28**

Heard. This is an application for renewal of inter-district permit(9/622/1999) in respect of the stage carriage KL-08-AK-4546 which was issued prior to 14.07.2009 on the route Thrissur-Malampuzha Dam as L.S.O.S. The enquiry report received from the secretary,RTA, Thrissur has been perused. As there is no legal impediment found against renewal of this permit, \textit{secretary is permitted to renew the permit} subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.29**

Heard. This is an application for renewal of inter-district permit(9/6110/1994) in respect of the stage carriage KL-53-P-4104,
which was issued prior to 14.07.2009 on the route Anakkatty--Kozhikkode as L.S.O.S The enquiry report received from the field officer has been perused . As there is no legal impediment found against renewal of this permit, secretary is permitted to renew the permit subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.30

1. Perused the judgment dated 09.05.2019 in MVAA No.114/2018 by the Hon’ble STAT, Ernakulam

2. Heard. The RTA ,Palakkad in its meeting held on 28.12.2017 in item no.127 considered the matter and rejected. The matter is reconsidered in view of the above judgment of the Hon’ble STAT, Ernakulam.

The validity of regular permit (9/608/2003) was expired on 09/02/2013. But, the vehicle attached to the permit, KL-09-K-4916 was already issued a clearance certificate to SRT0 Thirur on 17.08.2012 as per the order in M.V.A.R.P No 233/2012 dated 30.07.2012 of Hon’ble STAT,Ernakulam by keeping the permit under suspended animation,which continued till the expiry of the permit. The permit holder ought to have replaced the vehicle during the currency of permit and got it renewed filing proper application.

The application for renewal of permit was submitted only on 07/07/2014 with a request for condoning the delay not supported by any substantial evidence. In the form PRA filed for renewal of permit against the entry ‘2’, the registration mark of the covered by the permit was shown as KL-09-K-4916, which was not owned by the applicant at the time of application. Moreover, the division bench of Hon’ble High Court of Kerala in Usman v. Regional Transport Authority,Malappuram (2015(4) KLT 590) has already laid down that an application for renewal of permit cannot be made without the vehicle being available, observing that section 86(1)(c) clearly contemplates cancellation and suspension of permit When the holder of the permit ceases to own the vehicle covered by permit. It does not appeal to reason that a ground which is sufficient for cancellation of the permit is not relevant for deciding the renewal application. In the event, a permit is kept under suspended animation, after the expiry of validity of the permit, an application is made for renewal, the RTA is very well empowered to reject the application on the aforesaid ground.
In compliance to the above order of the STAT, the application for renewal of permit, which was filed in vacuum and contrary to rule 172(2) of KMV Rules,1989, is examined, but this authority doesn’t find any change in circumstances warranting a revision of the previous decision of RTA. Hence, in the light of the above findings of the hon’ble High court of Kerala, the application for renewal of permit is found devoid of merits and is rejected.

Item No.31

1. Perused the judgment dt.20.06.2019 by the hon’ble High Court of Kerala in WP(C)no.14245 of 2019.

2. Heard the applicant and the objectors. The stage carriage KL-53-D-7138 had been previously operating on the route Malampuzha-Kozhikkode Via Kadukkamkunnam, Palakkad, Mannarkkad, Perinthalmanna, Malappuram, Kondotty, Ramanattukara & Feroke New Bridge as LSFP with the strength of regular permit no 9/1032/2000 with validity up to 24.11.2015. On 02.07.2015, the permit holder, Sri Haris, Kodassery, Calicut airport Post, Kondotty, Malapuram, applied for replacement of this vehicle by the stage carriage KL-65-E-3856, which was taken on lease by the permit holder from the registered owner Sri Abdul Rasheed, S/o Alavi, Neelangath House, Edarikkode, Malapuram for a period of 11 months. On 06.07.2015 the replacement was allowed after hearing all the concerned and endorsing the lease agreement. On 17.09.2015, the registered owner of the vehicle Sri Abdul Rasheed applied for renewal of the regular permit for a further period of 5 years from 25.11.2015.

But, as per the notification No 73/2013 dt.16-07-2013 issued by the Government of Kerala, the right to operate any class of service other than an ordinary service in the state of Kerala and to increase trips shall be reserved exclusively with state Transport Undertaking and the Fast Passenger and upper class permits issued to stage carriages in the private sector on or before this notification are permitted to continue till the date of expiry of the respective permits. More over the notification does not allow renewal of the permit or issue regular or temporary permit afresh for these classes.

Subsequently, the permit holder applied for variation of permit by converting the nature of service from LSFP to LSOS since as per G.O (MS) No 45/2015/Trans dt.20/08/2015, it was allowed to convert the nature of service as LSOS. These applications were placed in the RTA dated 13.07.2016 and were adjourned as per the following decision.
“Heard, the Fast Passenger Permit 9/1032/2000 on the inter-district route Malampuzha-Kozhikkode is valid up to 24.11.2015. On perusal of records, it is seen that the vehicle KL 65 E 3856 presently attached to the permit is possessed by the permit holder Sri.Haris, S/o.Saidalavi Haji, Kodassery House, Airport, Kondotty, Malappuram Dt for a period of 11 months w.e.f.14.07.2015 by way of agreement constituted and recorded in the registration certificate of the vehicle owned by one Mr.Abdul Rasheed. As the permit of the vehicle still holds by Sri.Haris, nobody else is entitled to file application for renewal of permit, variation of permit etc. On perusal of records, it is seen that the applications filed for renewal of permit as well as variation of permit are not filed by Sri.Haris. Since these applications are not proper, decision on them are adjourned”.

This decision was communicated to the applicant on 07.11.2016. On 27.10.2016, the permit holder Sri Haris produced the records of the above vehicle after effecting transfer of Ownership in his name with a request to reconsider the above adjourned applications, which were rectified by changing the applicant’s name.

Then, rectified applications for renewal of regular permit and variation of permit, filed by the permit holder Sri Haris were placed in the RTA meeting held on 21.01.2017 in Item No 45 and the secretary was permitted to seek concurrence from the concerned sister RTA with specific mention regarding the exact distance of overlapping with the notified route since as per the Order of Government of Kerala G.O(MS)No.45/2015/Tran dated 20.08.2015, RTAs were directed to issue Ordinary Limited Stop Service Permit to these private stage carriages, which were earlier operated upper class services. Later, concurrences from RTA Kozhikode and RTA Malapuram were received on 24.08.2017 and 27.10.2017 respectively.

On 30.07.2017, a notice was issued to the permit holder to submit an application for the curtailment of the route to limit the route length as 140 kms since the Government of Kerala modified the scheme in relation to 31 routes all over Kerala vide Notification in G.O.(P)No.8/2017/Tran. Dated 23.03.2017 allowing the permits granted in the private sector as on 14th July 2009 will be permitted to operate as ordinary or ordinary limited stop service with maximum distance prescribed u/r 2 (oa) in the Kerala Motor Vehicle Rules.

Then, On 05.08.2017 the permit holder applied for curtailment of the route from Malampuzha to Palakkad and it was allowed by the RTA dated 28.12.2017 in item No 108. The decision was communicated to the applicant on 28.02.2018 with direction to produce the current records of the vehicle KL-65-E-3856 within 30 days. But, the permit holder has never produced the current records of the vehicle for effecting renewal of permit, variation of permit(conversion from LSFP to LSOS) and curtailment of route. On
07.12.2018, Smt. Sabna Paikkarathodi, wife of the permit holder Sri Haris belatedly filed an intimation about the death of her husband (permit holder) along with a copy of the death certificate in which it was shown the date of death as 12.09.2018.

On 18.12.2018 the wife of the permit holder Smt. Sabna Paikkarathodi submitted an application (without remitting any fee) for issuing Temporary Permit to another Stage Carriage KL-11-AM-650 to operate on the above route, without producing the records of the vehicle.

Against this backdrop, on 05.04.2019 the Secretary RTA Malapuram intimated that a regular permit was issued to the stage carriage KL-65-E-3856 on 22.03.2018 by that office by way of replacement of vehicle, because the applicant suppressed the fact that this vehicle was covered by another regular permit in respect of which the applications for renewal of permit and curtailment of route were pending at RTO Palakkad.

On 20.05.2019, a letter was seen received by registered post from Sri Saidalavi Haji, S/o Ahamed kutty, Kodassery House, Calicut airport post, Kondotty, father of the permit holder Sri Haris, along with the applications for transfer of regular permit, replacement of Stage Carriage KL-65-E-3856 by KL-11-AM-650 and for issuing Temporary permit to the Stage Carriage owned by him. From the objection received from Secretary RTA Malapuram, it is clear that vehicle was issued with a regular permit by Secretary RTA Malapuram while the vehicle was covered by another regular permit under RTA Palakkad which means that the holder of permit has obtained a permit by misrepresentation. This is untenable under law and attracts penal action u/s 86(1)d such as cancellation or suspension of permit.

Later, in compliance with the judgment dated 20.06.2019 of Hon’ble High court of Kerala in WP(C) no 14245/2019 produced by the present applicant, Sri Saidalavi Haji, on 06.07.2019, these applications were accepted by the secretary, RTA and the applications for renewal of permit, transfer of permit and for temporary permit were placed before RTA. In the judgment the court has made it clear that it has not expressed anything as to the maintainability of these applications and it is for the competent authority to take appropriate decision in accordance with law.

From the facts and figures stated above, it is clear that the vehicle number KL-65-E-3856 shown in the PRA form is no longer attached to the above permit, which is at present covered by another permit issued by RTA Malappuram. This is against the existing provisions of Motor Vehicles Act and Rules made thereunder. A regular
permit cannot exist on its own without a vehicle being available and it cannot be renewed in vacuum. In other words, the above permit cannot be considered as validly existing due to non-availability of the vehicle covered by permit.

Moreover, under section 82(2) of the Motor Vehicles Act, 1988, "where the holder of a permit dies, the person succeeding to the possession of the vehicle covered by the permit may for a period of three months use the permit as if it had been granted to himself. Provided that such person has, within thirty days of the death of the holder has informed the transport authority which granted the permit, the occurrence of the death of the permit holder and his own intention to use the permit. Provided further that no permit shall be so used after the date on which it would have ceased to be effective without renewal in the hands of the deceased holder."

Also the section 82(3) of the Act says that the transport authority may on application made to it within three months of the death of the holder of permit, transfer the permit to the person succeeding to the possession of the vehicle covered by the permit. Provided that the transport authority may entertain an application after the expiry of the said period of 3 months if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified. Provided further that no permit shall so used after the date on which it would have ceased to be effective without renewal in the hands of the deceased holder."

In this case, the genuine possessor referred in section 82(2) of MV act had applied neither for conducting service nor for transfer of permit. In the above circumstances, the application for renewal of permit is rejected. Consequently, the application for transfer of permit filed by the applicant due to the death of permit holder and application for temporary permit are dismissed as infructuous and rejected.

Item No.32

1. Perused the judgment dated 17.04.2019 in MVAA No.10/2019 & MVAA No.23/2019 by the Hon’ble STAT, Ernakulam

2. Heard the applicant as well as other enroute operators. The Stage Carriage KLL-4690 was operating on the inter district route Mulanjoor-Manjeri, having a route length of 118 Kilometers (53 KMs in Malapuram district and 65 KMs in Palakkad district) with the strength of
regular permit valid up to 27.11.2004. The vehicle was registered on 25.07.1985 and attained 15 years of age on 24.07.2000. The Permit holder of the Stage Carriage KLL-4690 Sri P Mohammed, expired on 19.08.2000 and the matter was intimated on 03.10.2000 by Smt. Sainaba, the widow of the deceased Sri P Mohammed. It was also informed that she was the possessor of the vehicle since the death of the permit holder and the application for transfer of permit of the vehicle would be filed on receipt of legal heir ship certificate, which she never did.

Mean while, Stage Carriage KLL-4690, a 1985 model vehicle, attained 15 years of age and so the said permit in respect of the vehicle was automatically lapsed.

While so, on 28.09.2012 the son of the permit holder and present applicant Sri Usman belatedly filed the applications for renewal of permit and replacement of the route bus by KL-10-L-165 (Owned by the applicant). Then, these applications were placed in the RTA dated 12.02.2015 in Item no 119 and the RTA took the following decision.

"Heard, This is a belated application for renewal of permit and replacement of Vehicle. The permit of the vehicle KLL-4690 was valid up to 27.11.2004. The vehicle was registered on 25.07.1985 and hence attained 15 years of age on 24.07.2000. The vehicle was not seen replaced before this time. Hence the permit of the vehicle is automatically lapsed. It is reported that the registered owner expired on 19.08.2000 and the possessor Smt. Sainaba, the wife of the registered owner intimated the death of the registered owner to RTO Palakkad. Even though, the death intimation was given no attempt for replacement of the vehicle and renewal of permit was made by the possessor. By this time the KSRTC obtained permit in place of KLL-4690 on the major portion of the route in the notified portion.

On perusal of the facts, this authority found that:

1) The primary permit in respect of the Stage Carriage KLL-4690 which was registered on 25.07.1985 and attained 15 years on 24.07.2000 was automatically lapsed since the vehicle was not replaced before the stipulated time.
2) The permit holder died on 19.08.2000 and the possessor has not taken any step to transfer the permit or replace the vehicle until 17.11.2012. Hence this application became belated.
3) KSRTC started service in place of KLL-4690 as the route lies along the nationalized sector. Under these circumstances this authority cannot find any good and sufficient reason from the part of the registered owner which prevented her from applying for renewal and replacement within the stipulated time. Now, a new permit or renewal cannot be allowed as per the clause 19 of G.O(p) no 42/2009/Trans dated 14.07.2009. Hence the belated applications for renewal and replacement are rejected"
The proposed Stage carriage for replacement KL-10-L-165 was allowed to operate on the above route from 15.10.2016 to 03.11.2016 as per the judgment dated 07.09.2016 in WP(C) no 29826/2016. As the Stage carriage KL-10-L-165 also attained 15 years of age on 21.12.2016, the applicant produced another vehicle KL-47-2223, registered on 11.01.2007, to apply for the temporary permit in place of lapsed vacancy. This stage carriage was allowed to operate on the above route on temporary permits from 19.12.2016 for some period of time as per the judgment dated 07.12.2016 in WP(C) no 38724/2016. Later, the applicant produced another order by the Hon’ble High court of Kerala dated 10.10.2018 in WP(C) no 32985/2018, on its basis temporary permit were successively issued to KL-47-2223 till 30.07.2019.

Meanwhile, 01.07.2019, the applicant submitted applications for renewal of permit for the period from 28.11.2009 to 27.11.2014, from 28.11.2014 to 27.11.2019 and replacement of Stage Carriage KLL-4690 by Stage Carriage KL-47-2223 along with the judgment dated 17.04.2019 in M.V.A.A no 10/2019 and M.V.A.A no 23/2019 of Hon’ble STAT, Ernakulam. In the judgment the first respondent RTA Palakkad is directed to consider the application for renewal as well as the replacement on merits and pass orders in accordance with law within two months from the receipt of the copy of the judgment.

Under section 82(2) of Motor Vehicles Act, 1988, "(1)where the holder of a permit dies, the person succeeding to the possession of the vehicle covered by the permit may for a period of three months use the permit as if it had been granted to himself. Provided that such person has, within thirty days of the death of the holder has informed the transport authority which granted the permit, the occurrence of the death of the permit holder and his own intention to use the permit. Provided further that no permit shall be so used after the date on which it would have ceased to be effective without renewal in the hands of the deceased holder. Also the section 82(3) of the Act says that the transport authority may on application made to it within three months of the death of the holder of permit, transfer the permit to the person succeeding to the possession of the vehicle covered by the permit".

Going through the records, it is seen that even after 19 years since the death of the permit holder, the possessor/legal heir has not taken any serious effort to transfer the permit/ownership of the vehicle in his/her name producing necessary documents for the completion of all the procedural modalities. No explanation is offered to the satisfaction of the Authority that the applicant was prevented by good and sufficient cause from making an application within within a reasonable period of time. In this context it is pertinent to note
that in Usman v. Regional Transport Authority, Malappuram (2015 (4) KLT 25), the hon’ble High Court of Kerala held that only a holder of permit can apply for the permission of the Regional Transport Authority for replacement of the vehicle covered by the permit of another vehicle of the same nature. In the said judgment, this Court held further that the mere pendency of an application for renewal of the permit does not make the permit alive essential for replacing the vehicle on the route. The permit holder died on 19.08.2000 and the validity of the regular permit expired on 27.11.2004 and naturally, thereafter the permit ceased to exist. The applicant should have transferred the permit in his name and got the route bus replaced during the currency of permit. It was only on 17.11.2012 did the applicant apply for transfer/further renewal/replacement of the vehicle. The holding of a permit or a renewed permit is a *sine qua non* to enable an applicant to apply for permission to replace the vehicle.

Moreover, though the vehicle covered by the above permit was KLL-4690, in the PRA form filed for renewal of permit against the entry ‘2’, the registration mark of the vehicle covered by the permit was first shown as KL-10 L-165 and later as KL-47-2223, obviously these vehicles have nothing to do with the permit and so, the above applications for renewal of permit were found filed in vacuum and contrary to rule 172(2) of KMV Rules, 1989 and against the findings of the division bench of Hon’ble High Court of Kerala in Usman v. Regional Transport Authority, Malappuram (2015 (4) KLT 590) in which it was laid down that an application for renewal of permit cannot be made without the vehicle being available and it must refer to the registration mark of the vehicle covered by the permit.

In the above circumstances, all the belated applications for renewal of permit filed by the applicant are found devoid of merits and hence, rejected.

**Item No.33**

Heard. This is an application for renewal of inter-district permit(9/1027/2002) in respect of the stage carriage KL-52-L-5859, which was issued prior to 14.07.2009 on the route Kolalamba--Pattambi. Earlier, the matter was considered by RTA dt. 03.07.2017 in item no.134 and concurrence of the sister RTA was sought. Now, the enquiry report has been received from the secretary, RTA Malappuram and the same has been perused. As there is no legal impediment found against renewal of this permit, *secretary is permitted to renew the permit* subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated
23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.34**

Heard. This is an application for renewal of inter-district permit(9/10664/2003) in respect of the stage carriage KL-33-B-5621, which was issued prior to 14.07.2009 on the route Thrissur--Palakkad as L.S.O.S. The enquiry report received from the field officer, Ottapalam has been perused. As there is no legal impediment found against renewal of this permit, **Secretary is permitted to renew the permit** subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.35**

Heard. This is an application for renewal of inter-district permit(9/61996) in respect of the stage carriage KL-08-BG-5253, which was issued prior to 14.07.2009 on the route Palakkad---Thrissur as L.S.O.S. Earlier, the matter was considered by RTA dt. 20.07.2015 in additional supplementary item no.10 and concurrence of the sister RTA was sought. Now, the enquiry report has been received from the field officer and the same has been perused. As there is no legal impediment found against renewal of this permit, **Secretary is permitted to renew the permit** subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.36**

Heard. This is an application for renewal of inter-district permit(9/1028/1999) in respect of the stage carriage KL-10-S-7577 which was issued prior to 14.07.2009 on the route Ponnani-Pattambi. The enquiry report received from the secretary, RTA, Malappuram has been perused. As there is no legal impediment found against renewal of this permit, **Secretary is permitted to renew the permit** subject to the stipulations laid down regarding the age of stage carriages in
Item No.37

Heard. This is an application for renewal of inter-district permit (9/1025/1998) in respect of the stage carriage KL-54-G-9493 which was issued prior to 14.07.2009 on the route Palapetty-Palakkad as L.S.O.S. The enquiry report received from the secretary, RTA, Malappuram has been perused. As there is no legal impediment found against renewal of this permit, **secretary is permitted to renew the permit** subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt. dues, if any.

Item No.38

1. Perused the judgment dt.25.06.2019 in WP(C) no.16265/2019 by the hon’ble High Court of Kerala.

2. Heard. This application filed on 30.07.2018 for renewal of permit (9/1040/1998) valid up to 25.08.2018 in respect of the stage carriage KL-09-N-8046 to operate on the route Guruvayur--Palakkad as L.S.O.S was received in time. But the permit was not renewed since STA, Kerala meeting held on 14.06.2017 in department item no.2 fixed the age of L.S.O.S stage carriages as ten yeras and above the route bus had attained 10 years as early as 04.04.2014. Now that the Govt. of Kerala as per G.O.(P) No.4/2019/Tran dated 29.01.2019, extended the life span of L.S.O.S stage carriages from 10 to 15 years and at the time of application for renewal of permit, the route bus had not attained fifteen years, **secretary is permitted to renew the permit** subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt. dues, if any. The **replacement of route bus by a later model vehicle is also allowed subject to clearance of tax arrears if any in respect of the outgoing vehicle.**

Item No.39

Heard. **Transfer of permit is allowed** , (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P)
No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.40**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any (3) subject to compliance of the guidelines regarding the verification procedure of address proof issued by the Transport Commissioner.

**Item No.41**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any (3) subject to compliance of the guidelines regarding the verification procedure of address proof issued by the Transport Commissioner.

**Item No.42**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.43**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.44**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any (3)
subject to compliance of the guidelines regarding the verification procedure of address proof issued by the Transport Commissioner.

**Item No.45**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.46**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.47**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.48**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.49**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any

**Item No.50**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P)
No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.51**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.52**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.53**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.54**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.55**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.56**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.
**Item No.57**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.58**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.59**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.60**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.61**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.62**
Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.63**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.64**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.65**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any (3) subject to compliance of the guidelines regarding the verification procedure of address proof issued by the Transport Commissioner.

**Item No.66**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.67**

Heard. This application for transfer of permit in respect of the stage carriage KL-09-M-615 operating on the route Kuttipallam- Nemmara as ordinary service was earlier considered and adjourned by RTA dt. 29.05.2018. in supplementary item no. 1 since the vehicle covered by the permit had attained fifteen years on 22.05.2018. Later, on 05.04.2019, the above route bus was replaced by the stage carriage KL-
08-Z-3693, which also attained fifteen years on 15.01.2019. But the Govt. of Kerala amended 260A of KMV Rules, 1989 as per G.O.(P) No.4/2019/Tran dated 29.01.2019, and extended the life span of ordinary stage carriages from 15 to 20 years. So, the matter is considered again as requested by the permit holder and **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.68**

Heard. This joint application for transfer of regular permit of HPMV stage carriage KL-45-C-4224 received on 02.03.2019 was subjected to enquiry u/r 178(7) of KMV rules through MVI, Palakkad and found genuine. But on perusal of the records, it is seen that, the regular permit 9/39/1999 was valid only up to 10.06.2016. Though the RTA dated 25.02.2019 in Item No 25, allowed renewal of permit subject to clearance of tax arrears, the permit was not renewed since the pending tax arrears against the route bus KL-45-C-4224 from 01.10.2017 onwards is not cleared yet. Secretary, RTA is directed to verify the remittance of arrears of tax. Since, transfer of permit can be considered only after renewing the permit, the decision on the application for transfer of permit is adjourned.

**Item No.69**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.70**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.71**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P)
No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.72**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.73**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.74**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.75**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.76**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.77**
Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.78**

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any (3) subject to compliance of the guidelines regarding the verification procedure of address proof issued by the Transport Commissioner.

**Item No.79**

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.80**

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.81**

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.82**

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.83**

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.
Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.84**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.85**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.86**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.87**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.88**

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.
Item No.89

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.90

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.91

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.92

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.93

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.94

Heard. **Transfer of permit is allowed**, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P)
No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.95**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.96**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.97**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.98**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.99**

Heard. *Transfer of permit is allowed*, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2)subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.100**
Heard. _Transfer of permit is allowed_, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.101**

Heard. _Transfer of permit is allowed_, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.102**

Heard. _Transfer of permit is allowed_, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.103**

Heard. _Transfer of permit is allowed_, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.104**

Heard. _Transfer of permit is allowed_, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Item No.105**

Heard. _Transfer of permit is allowed_, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.
Item No.106

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.107

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.108

Heard. Delay in intimating the death of the permit holder and submitting the application for transfer of permit are condoned by this authority on convincing that the applicant is prevented by good and sufficient reasons from filing in-time intimation and application. Hence, transfer of permit is allowed in favour of the applicant Smt. Salmath (the wife of the deceased and one of the legal heirs), subject to (1) compliance of all legal procedures by Secretary & (2) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.109

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

Item No.110

1. Perused the Judgment dated 03/05/2019 in WP(C) No. 13041/2019 of Hon’ble High Court of Kerala, Ernakulam.

2. Heard both the complainant and the permit holder. The HPMV Stage carriage KL-09-Q-1157 is operating on the intra district route
Shornur - Palakkad via Kulapully, Ottapalam, Pathiripala and Parali with trips Pattambi-Shornur & a morning trip Palakkad-Pattambi without touching Shornur with the strength of the regular permit no. 9/63/2000 valid till 18/06/2020. This vehicle was checked thrice by MVI, Ottapalam in the wake of the complaint filed by Sri. Raghudas on 12.10.2018 alleging that this stage carriage was operating without adhering to the timing schedule issued by this authority violating permit conditions. The field officer checked the vehicles three times and prepared check reports. It is reported that this stage carriage was found operating service in variance with timing schedule allotted to it. The complainant also moved the hon'ble High court of Kerala in this connection and produced the above judgment in which it is directed to consider and dispose of the objection filed by the petitioner within a month after giving the opportunity of being heard to both. Then both the petitioner and the permit holder was heard by the secretary, RTA on 05.07.2019 and the permit holder agreed to operate as per the time schedule. But again, it is alleged that the vehicle is not operating as per the existing time schedule. Moreover, the permit holder has not responded so far to the charge memos issued to him on the basis of the above check reports.

In the above circumstances, even though the permit can be suspended u/s 86 of the MV Act for violation of permit conditions, considering the inconvenience that may cause to the general travelling public depending on the above service which operates through the interior parts of the district, this authority, in lieu of suspension of permit, imposes a compounding fee of Rs 5000/- for the check report dt. 07.12.2018 and Rs.10000/- each on the check reports dt. 21.02.2019 & 08.05.2019. If the permit holder fails to remit the compounding fee within a period of 15 days, the permit shall be suspended for the periods from 01.10.2019 to 10.10.2019, from 15.10.2019 to 03.11.2019 and from 11.11.2019 to 10.12.2019 respectively corresponding to each check report”. The secretary, RTA is directed to endorse the suspension in the permit and also to watch the service of the vehicle during the above periods.

Supplementary item no.1

Heard. Transfer of permit is allowed, (1) subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and (2) subject to production of NOC from the HP Co., if applicable and clearance of Govt. dues, if any.
**Supplementary item no.2**

Heard. This is an application for renewal of inter-district permit(9/446/1999) in respect of the stage carriage KL-49-G-2883, which was issued prior to 14.07.2009 on the route Palakkad-- Thrissur as L.S.O.S. The enquiry report received from the field officer has been perused. As there is no legal impediment found against renewal of this permit, **secretary is permitted to renew the permit** subject to the stipulations laid down regarding the age of stage carriages in G.O.(P) No.4/2019/Tran dated 29.01.2019 and also subject to conditions in the notification G.O(P) No.08/2017/Tran dated 23.03.2017 of Government of Kerala and production of NOC from the HP Co., if applicable and clearance of Govt.dues, if any.

**Supplementary item no.3**

Heard the counsels for the applicants and considered the applications in form LAPTA for granting Agent’s Licence in form LAPT under section 93 of Motor Vehicles Act,1988 and rule 193 of Kerala Motor Vehicles Rules for engaging in the business of sale of tickets for travel by public service vehicles or soliciting customers for such vehicles. Examined the applications and perused the connected enquiry reports submitted by the field officers. It is seen that only the 3rd applicant Sri. P.K. Santhosh complies with all new conditions prescribed by the Government by amending the rule 193 of KMV Rules.

The secretary, RTA is directed to issue notices to all other applicants for rectifying the defects pointed out by the enquiry officers and re-submit the applications before the RTA for consideration. Hence, **the applicant Sri. P.K.Santhosh s/o P.V.Krishnan (Late), No.3, T.M Complex, Chandranagar,Palakkad is granted LAPT licence for a period of two years subject to the new conditions prescribed by the government and the decision on all other applications are adjourned.**

Sd/-

Sri.Suresh.M
Deputy Transport Commissioner
CentralZone-1,Thrissur(in charge)
& Member-RTA,Palakkad

Sd/-

Sri. D.Balamurali IAS,
District Collector,Palakkad & Chairman-RTA,Palakkad

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