

**DECISIONS OF REGIONAL TRANSPORT AUTHORITY, PALAKKAD ON THE MEETING
HELD ON 08.06.2022**

Chairman : Ms. Mrunmai Joshi IAS,
District Collector, Palakkad

Member : Sri. R Viswanadh IPS,
District Police Chief,
Palakkad.

Member : Sri.M.P.James,
Deputy Transport Commissioner,
Central Zone-I, Thrissur

Item No.01

Heard, this is an application for fresh regular stage carriage permit to operate on the intra-district route Chemmanampathy-Palakkad Stadium Bus Stand. The road fitness certificates issued by the concerned road authorities for the virgin portions : (1) Vembra to Vandithavalam ground (2) Chulliparakkumedu to Ambattupalayam are not specific about the suitability of the road for stage carriage operation. Hence, Secretary shall obtain a specific report from the concerned road authorities to ascertain the suitability of the virgin portion for stage carriage operation and place the application before this authority for re-consideration in the next meeting. Hence, **decision on the application for fresh regular stage carriage permit is adjourned.**

Item No.02

Heard, this is an application for fresh regular stage carriage permit to operate on the intra-district route Kozhinjamapara-Palakkad Stadium Bus Stand. The total length of the proposed route is 31.6 Km. There is no overlapping with notified route/approved scheme and no virgin portion as per the report of the enquiry officer. It is also revealed from the enquiry report that the route portion between Nalleppully to Erattakkulam in the proposed route is ill-served sector and service through this route is beneficial to the travelling public. Hence, **fresh regular stage carriage permit is granted,** subject to settlement of timings and production of current records of suitable stage carriage within 30 days.

Item No.03

1. Perused the judgments of Hon'ble High Court of Kerala dated 28.1.2022 in WP(C)No.299/2022 and judgment dated 07.04.2021 in WP(C) 5859 of 2021(F).
2. This is an application for fresh regular stage carriage permit to operate on the inter-district route Pallippuram-Desamangalam. The decision on this application was adjourned by this authority in the meeting held on 08.11.2021 and by way of circulation under Rule 130 of KMVRules 1989 on 31.03.2022 for ascertaining (1) the distance of overlapping with the notified route(2) the allegation regarding the virgin portion(2.6 km) between Nhangattitiri Temple to Thirumittakkode , and also to obtain modified time schedule by providing additional reasonable number of trips to Desamangalam, Karukaputhur and Pallippuram by the applicant. The judgment dated 28.01.2022 in WP(C) No. 299/2022 directs this authority to consider the application as it is. On further enquiry, as per the report dated 15.03.2022 of MVI, Pattambi, it is revealed that the distance of overlapping with notified route is only 1.9 Km.

The petitioners in the above WP(C) No.5859 of 2021 and other en-route operators vehemently objected against considering this application to permit to operate through Nhangattitiri Temple to Thirumittakkode without road fitness certificate from the concerned road authority now. It is also alleged that the above stretch is a bund road and having not enough width for safe stage carriage operation. Though the report of enquiry officer reveals that the above portion of the alleged stretch is not virgin one, supported with documentary evidence for the operation of a stage carriage on temporary permit through this portion during 2016, it is not sufficient to convince this authority that the portion of the road stretching through Nhangattiri Temple and Thirumittakkoe is fit for stage carriage operation at present. Hence, **decision on this application for fresh regular stage carriage permit is adjourned** with direction to Secretary to obtain fresh road fitness certificate from the concerned road authority for the portion of the road between Nhangattiri Temple to Thirumittakkode. Along with the road fitness certificate, the application shall be placed before this authority again after issuing due notices to all the concerned.

Item No.04

Heard, reconsidered the application for fresh regular stage carriage permit on the intra-district route Nemmara-Kuzhalmannam-Chandapura. From the modified proposal submitted by the applicant by clarifying the intermediate points through which he intends to operate between Kuzhalmannam NH junction and Kuzhalmannam Chandapura Jn, and from the enquiry report of the field officer, it is revealed that the vehicle is crossing from Thenkurissi Road to Kottayi Road through Kuzhalmannam NH Signal up to Chandapura Jn. The total route length of the proposed route is 21.1.Km, there is no virgin portion and there is no violation of clause 5(C) of G.O(P)No. 42/2009/Tran dated 14.07.2009. It is also reported that the proposal is beneficial to the travelling public. Hence, **fresh regular stage carriage permit is granted**, subject to settlement of timings and production of current records of suitable stage carriage within 30 days and remittance of requisite fee, if not paid.

Item No.05

1. Perused the judgment of Hon'ble High Court of Kerala dated 14.02.2022 in WP(C) No. 4766 of 2022.
2. Heard, this is an application for fresh regular stage carriage permit to operate on the intra-district route Peringottukurissi-Palakkad. This application was earlier considered by this authority in the meeting held on 08.11.2021 vide item No. 06 in the agenda. On allegation filed by KSRTC about the distance of overlapping with notified route in this proposal, for ascertaining the same, decision on the application was adjourned. On further enquiry, it is revealed that the distance of overlapping with notified route is only 2.1 Km on the entire route length of 55.4 Km. There is no virgin portion in the proposal. The enquiry officer has also reported that the proposed route is beneficial to the travelling public as well as students of remote area. Hence, **fresh regular stage carriage permit is granted**, subject to settlement of timings and production of current records of suitable stage carriage within 30 days and subject to remittance of requisite fee, if not paid.

Item No.06

Heard, this is an application for fresh regular stage carriage permit on the intra-district route Ottappalam-Kanjirapuzha. The timings proposed by the applicant are not seen verified and authenticated by the enquiry officer. It is alleged by the en-route operators that all intermediate points are not mentioned in the agenda. The enquiry officer has not submitted clear authenticated route sketch mentioning the intermediate points through which the proposed route traverses especially before and after crossing Notified route Palakkad-Kannur . For ascertaining the above, the **decision on the application for fresh stage carriage permit is adjourned**.

Item No.07

Heard, this is an application for fresh regular stage carriage permit to operate on the intra-district route Chittur-Chulliyadam. The length of the proposed route is 64 Km. There is no overlapping with the notified route and no virgin portion as per the report of the enquiry officer. The enquiry officer reports that the permit will be beneficial to the travelling public, especially to students community. Hence, **fresh regular stage carriage is granted**, subject to settlement of timings and production of current records of suitable stage carriage within 30 days, and subject to remittance of requisite fee, if not paid.

Item No.08

Heard, this application is seen re-included in supplementary agenda, vide item No. 01 in this meeting after rectifying the typographical errors in this agenda and decision is taken. Hence, **disposed as in-fructuous**.

Item No.09

Heard, this is an application for fresh regular stage carriage permit on the inter-district route Cherpulasseri-Ambalappara-Ottappalam. The portion of the route from Mavundrikkadavu Bridge to Muthukurissi is lying in the jurisdiction of RTA, Malappuarm. Hence, Secretary shall obtain prior concurrence from RTA Malappuram with mention of length of the portion lying in that district with details of overlapping with notified route, if any. Hence, decision on **this application for fresh regular permit is adjourned.**

Item No.10

Heard, this application is seen re-included in supplementary agenda, vide item No. 02 in this meeting after rectifying the typographical errors in this agenda and decision is taken. Hence, ***disposed as in-fructuous***

Item No.11

Heard, as per Rule 207 of KMV Rules 1989, Secretary shall obtain NOC from the District Police Chief and Executive Engineer (PWD) and place the request for approval of bus stand before this authority for re-consideration. Hence, **decision on the request for approval of bus stand is adjourned.**

Item No.12

This is a request of Secretary, RTA, Malappuram for prior concurrence of this authority to permit the operation of a stage carriage through the portion of the route lying in the jurisdiction of this authority from Chekannur to Chalissery(14.6 km) while considering the application for fresh regular stage carriage permit by RTA, Malappuram(fresh permit on the inter-district route Koottayi-Azhimugam-Tirur-Chamravattam Kshethram-Chalissery). The report of the enquiry officer(MVI, Pattambi) is not clear on the distance of overlapping with notified route/approved scheme in the above portion of the route lying in this district. Hence, Secretary shall obtain a specific report with regard to the exact distance of overlapping with notified route with neat sketch. Hence, **decision on the request for prior concurrence from RTA, Malappuram is adjourned.**

Item No.13

Heard, this is an application for variation of permit in respect of stage carriage KL 54 495 operating on the intra district route Kumbidi-Palakkad. The sought for variation is (1) for conversion of nature of service as LSOS (2) for extension of service from Kumbidi to Thangalpadi. From the records , it is revealed that the present vehicle has attained 15 years of age as on 06.08.2021 and has become un-suitable for LSOS permit. Hence, **the application for variation of permit is prima-facie rejected** without going deep in to the merits and de-merits.

Item No.14

Heard, this is an application for variation of permit operating on the inter-district route Thrithala-Guruvayur for converting the nature of service from ordinary service to LSOS & to extend the route portion from Pattambi to Pallippuram both via Muthuthala and Mangalam. No stopping places are proposed by the applicant along with the application. Applicant is directed to submit a list of proposed stops. On receipt of the same, Secretary shall conduct a detailed enquiry about the proposed stops and its feasibility, comparative advantages of the conversion over the existing travelling facilities of the public, especially of students. Along with the list of proposed stops and detailed report as above, the application shall be placed before this authority for re-consideration. For compliance of the above directions, **decision on the application for variation of permit is adjourned.**

Item No.15

Heard, this is an application for variation of permit. This application was earlier considered by this authority by way of circulation of papers under Rule 130 of KMVRules, 1989 and decision on this application was adjourned for want some clarifications. The report submitted before this authority now is not specific on the below mentioned aspects (as called for earlier)

1. Distance of overlapping with notified route/approved scheme in the existing route.
2. Violation of clause 19 of G.O(P) No. 42/2009/Tran dated 14.07.2009 (with regard to operation of additional trips through notified route)

There are objections from en-route operators alleging that the virgin portion between Pallikkal School and Kottambathur Harijan Colony is not fit for stage carriage operation. The submitted road fitness certificate is not specific to ascertain whether the virgin portion is fit for stage carriage operation. Hence, Secretary shall urgently call for the above reports and specific road fitness certificate from the concerned road authority and place the matter before this authority for reconsideration. Hence, **decision on the application for variation of permit is adjourned.**

Item No.16

Heard, this is an application for variation of permit in respect of stage carriage KL 08 AB 5742 operating on the route Kootanad- Changaramkulam via Peringode, Kaithakunudu, Chalisery, Mukkatta, Valayamkulam. The sought for variation includes two extensions and one deviation. In one of the extension sought portions ie., from Kokkur to Eravakkod, the distance between Kokkur to Keerithode falls within the jurisdiction of RTA, Malappuram. Hence, Secretary shall obtain prior concurrence from RTA, Malappuram with details of distance falling in that district mentioning the distance of overlapping with notified route if any with neat sketch. Hence decision on the **application for variation of permit is adjourned.**

Item No.17

Heard, this is an application for variation of permit on the route Kulukkallur Railway Station to Pattambi via Ezhuvanthala, Pengattiri, Cherplassery, Nelaya , M.K Kadavu and Vallapuzha. The proposed variation is only for an extension of route Portion from Mavundirikkadavu to Muthukurissi for distance of 0.5 Km. There is no virgin portion and no overlapping with notified route/approved scheme in the above extension sought portion, as per the enquiry report. On Perusal of existing and proposed timings, it is seen that the applicant has proposed a set of timings to accommodate the trips consequent to the proposed variation in the stay times at Mavundirikkadavu. But, in the guise of variation of permit, the applicant is seen proposed to revise some slots of timings at Cherplassery and Pattambi. The proposed variation is reported beneficial to the travelling public by the enquiry officer. This authority feels that it is not required to alter well settled existing timings at the above places to accommodate the trips resultant of this variation. Hence, **variation of permit granted**, subject to settlement of timings in the extension sought portion only, without altering any change in the existing time-schedule.

Item No.18

Heard, this is an application for variation of permit on the inter-district route Karakkad-Guruvayur. The requested variation is for conversion of service from ORDINARY to LSOS and for two extensions from Karakkad to Cherikkallu & Pattambi to Pallippuram via Palathrara. (1) KSRTC objected this variation alleging that *at present permit holder is operating four trips between Pattambi and Karakkad, which includes overlapping 5.8 Km through notified route from Pattambi to Ongallur, the variation proposed 6 trips between the above sector, which is a clear violation of clause 19 of G.O(P) No. 42/2009/Tran dated 14.07.2009.* Hence, Secretary shall conduct a specific enquiry about the allegation raised by KSRTC and submit a report. (2) The list of proposed stops are not mentioned in the agenda , hence Secretary shall mention the list of proposed stops in the next agenda (3) Secretary shall conduct a specific enquiry and report(with required data) whether the advantages of this conversion will outweigh the difficulties experienced by the travelling public and students after this variation. For compliance of the above directions, **decision on the application for variation of permit is adjourned.**

Item No.19

Heard,

(1) This is a belated application for renewal of permit in respect of stage carriage KL 09 U 205. The route is intra-district one between Karimpara and Palakkad, permit valid up to 07.11.2020. The application for renewal of permit is filed on 03.01.2022(after the expiry of extension period allowed by the Government, ie., on 31.12.2021) . This authority is convinced that the applicant is prevented by good and sufficient reasons (due to financial constraints resultant of covid 19 pandemic) from making the application in time/within the period of extension allowed by government. Secretary shall verify the service of the vehicle after 31.12.2021 and collect compounding fee if the vehicle was found conducted service after the above period. Hence, **renewal of permit is granted from the date of application , ie., from 03.01.2022**, subject to production of

NOC from the HP Co., if applicable and remittance of prescribed fee for permit renewal application, if not paid.

(2) Since renewal of permit is granted as above, application **for temporary permit is disposed as infructuous.**

Item No.20

Heard, this is an application for renewal of permit on the inter-district route Kuttippuram-Kuttippuram. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.21

Heard, this is an application for renewal of permit on the inter-district route Chalikkal Junction to Kavungal Railway Station. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.22

Heard, these are applications for (1) renewal of permit on the inter-district route Chittur-Kozhikode and (2) Variation of permit for curtailing the route portion from Palakkad- Chittur and to convert the nature of service as LSOS. The decision on the application for renewal of permit was earlier adjourned by this authority in the meeting held on 17.02.2021 vide decision in item no 13 with direction to the permit holder to submit an application for curtailing the route portion above 140 km and also to convert the nature of service as LSOS. In compliance to the above direction of RTA, on 16.12.2021, the applicant submitted an application for variation for curtailing the route portion from Chittur to Palakkad and to convert the nature of service as LSOS. Enquiry conducted on the application for variation of permit. Hence, by allowing the requested curtailment of route portion from Palakkad to Chittur, **renewal of permit is granted as LSOS on the varied route Palakkad to Kozhikkode by restricting the route length below 140 Km subject to the following conditions:** (1) clearance of tax arrears and Govt. dues, if any (2) production of NOC from HP Co., if applicable (3) remittance of requisite fee for renewal of permit and variation of permit, if not paid. On endorsing variation of permit and renewal of permit, Secretary shall issue a set of timings to operate on the varied route as per law.

Item No.23

Heard, this is an application for renewal of permit in respect of stage carriage KL 08 AF 606 operating on the inter-district route Chemmanampathy-Ayyanthole as LSOS. The vehicle KL 08 AF 606 covered by above permit (9/454/1999 valid up to 08.12.2021) was attained 15 years of age set for LSOS as on 03.07.2020 and has become unsuitable for stage carriage operation as LSOS. Permit holder has also not filed any application for replacement of vehicle with suitable one during the validity of permit. Hence, **application for renewal of permit is rejected.**

Item No.24

Heard, the counsels representing the applicant and the financier. This is an application for renewal of permit on the intra-district route Moolakkada-Palakkad. The vehicle covered by the permit KL 09 M 615 is under HP Agreement with M/s.S.Kushal Chand & Sons Chennai under Section 51(1) of Motor Vehicles Act, 1988. The permit holder is seen applied for NOC for renewal of permit to financier as required under Section 51(6). In reply to the request for NOC made by the permit holder, the financier refused to issue NOC for renewal and intimated their objection in writing to this authority as per Section 51(7) of MV Act 1988. Hence, as per Section 51(9)(a)(i) of Motor Vehicle Act, 1988, it is decided **to refuse to renew and reject the application for renewal of permit**.

Item No.25

Heard, this is an application for renewal of permit on the inter-district route Thozhupadam-Shornur-Kanayam-. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.26

1.Perused the judgment of Hon'ble High Court of Kerala dated 03.03.2022 in WP(C) no 6918 of 2022.

2. Heard, this is a belated application for renewal of permit filed on 23.02.2022 after expiry of permit on 15.01.2022 in respect of stage carriage KL 56 A 905 on the intra-district route Shornur-Pallippadam. Considered the request filed by the permit holder to condone delay in filing application for renewal of permit. This authority is convinced that the applicant is prevented by good and sufficient reasons (due to some problems resultant of covid 19 pandemic) from making the application in time. Secretary shall verify the service of the vehicle after 15.01.2022 and collect compounding fee if the vehicle was found conducted service after the above period. Hence, **renewal of permit is granted from the date of application , ie., from 23.02.2022**, subject to production of NOC from the HP Co., if applicable and remittance of prescribed fee for permit renewal application , if not paid.

(3) Since renewal of permit is granted as above, application **for temporary permit is disposed as infructuous.**

Item No.27

Heard, this is an application for renewal of permit on the inter-district route Guruvayur-Malampuzha via Pattambi, Ottappalam and Palakkad with cut trip between Guruvayur- Ponnani via Kundukadavu and with extension from Kunnamkulam to Mangad with additional two single trips between Palakkad and Pattambi. Secretary shall report the total route length and exact length of the route in each district. For compliance of the above direction, **decision on the application for renewal of permit is adjourned.**

Item No.28

Heard, this is an application for renewal of permit in respect of stage carriage KL 58 1112 operating on the inter-district route Edathanattukara-Anakatty-Palakkad as LSOS. The vehicle KL 58 1112 covered by above permit (9/658/1997 valid up to 27.02.2022) was attained 15 years of age set for LSOS as on 16.08.2021 and has become unsuitable for stage carriage operation as LSOS. Hence, **application for renewal of permit is rejected.**

Item No.29

Heard, this is an application for renewal of permit on the inter-district route Thozhupadam-Palakkad. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.30

Heard, this is an application for renewal of permit on the inter-district route Kumbidi-Kozhikkara. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.31

Heard, this is an application for renewal of permit on the inter-district route Kozhinjampara-Guruvayur filed after the expiry of the permit but within the period of extension allowed by the Government due to Covid 19 pandemic. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.32

1. Perused the judgment of Hon'ble High Court of Kerala dated 22.03.2022 in WP(C) No. 7293 of 2022.
2. Heard, this is an application for renewal of permit in respect of stage carriage KL 47 B 1961 on the inter-district route Walayar-Kozhikkode Medical College as LSOS valid up to 24.04.2022. Route length exceeds 140 Km. Report regarding the exact route length falling within the jurisdiction of RTA, Malappuram is not seen obtained. Applicant has not filed any variation application for curtailment of route length to restrict the route length up to 140 Km. The judgment of Hon'ble High Court of Kerala dated 22.03.2022 in WP(C)No.7293 of 2022 directs to consider application for renewal of permit in accordance with law within a prescribed period. As per the existing Rule 2(oa) of KMVRules, 1989, an ordinary service means a service which is operated on a route having a distance of not more than 140 Km. Whereas Hon'ble High Court of Kerala in the judgment dated 12.01.2022 in WP(C)No. 11074/2020 and connected cases has confirmed the interim order dated 29.10.2021 allowing the operation of LSOS permits having route length more than 140 Kms, Secretary

shall consider proper applications for temporary permits filed by the applicant favourably. For the above reasons, **decision on the application for renewal of permit is adjourned.** While this matter is again placed before this authority, Secretary shall also report: (1) The total route length (2) length of the route falling within Malappuram district and total distance of overlapping with notified route.

Item No 33

Heard, this is an application for renewal of permit on the inter-district route Althara-Althara filed after the expiry of the permit but within the period of extension allowed by the Government due to Covid 19 pandemic. **Renewal of permit is granted,** subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.34

1. Perused the judgment of Hon'ble High Court of Kerala dated 14.03.2022 in WP(C)No. 7949 of 2022.
2. Heard, this is an application for renewal of regular permit (Permit No. 9/6118/1991) on the inter-district route Nemmara-Kozhikkode as LSOS in respect of stage carriage KL 50 H 2002 valid up to 19.04.2021. Application for renewal of permit is filed on 31.03.2021. The total route length is 167 Km. In the judgment dated 14.03.2022 in WP(C)No.7949 of 2022, Hon'ble High Court of Kerala has observed the following points:
 - (a) Division Bench of Hon'ble High Court of Kerala in ***Kerala State Road Transport Corporation v. Saju Varkey and Ors.[2018 (4) KHC 617]*** clarified that the distance limit specified in Rule 2(oa) does not have any application with regard to "saved permits".
 - (b) The Government Orders brought in the year 2015 and 2020 are of no relevance in considering the rights of saved permit holders as per ***Hyderali v. The Regional Transport Authority and Ors. In W.P.(C) No. 8702/2021*** and connected cases.
 - (c) The saved permit holders are entitled for renewal of their permits till a valid scheme of nationalization is brought in, under the provisions of Motor Vehicles Act.

In the light of the above, Hon'ble Court in the above judgment has declared that the applications for renewal of permits and for temporary permit pending renewal of regular permit if any, submitted by the petitioners are liable to be considered without reckoning the route length. The permit holder above is the petitioner in this case. Hence, in compliance with above directions of Hon'ble High Court of Kerala, considered the application for renewal of permit. **Rule 2(oa) of KMV Rules 1989 reads "Ordinary Service means a service which is operated on a route having a distance of not more than 140 Kms with one or more stops in every fare stage."** The observations of Hon'ble High Court of Kerala in the above judgment is contrary to the Rule 2(oa) of KMV Rules, 1989, since total route length in this case exceeds 140 Km. Hence, Secretary shall take urgent necessary steps to file appropriate Writ Appeal before the Hon'ble High Court of Kerala against the judgment of Hon'ble High Court of Kerala dated 14.03.2022 in WP(C) No. 7949 of 2022.

Hence, **decision on the application for renewal of permit is adjourned.** Interregnum, Secretary shall favorably consider applications for temporary permits as directed in the above judgment.

Item No.35

1. Perused the judgment of Hon'ble High Court of Kerala dated 04.05.2022 in WP(C) No. 15164/2022.
2. Heard, this is an application dated 17.02.2009 for renewal of regular permit in respect of stage carriage KL 09 K 2157 permitted to operate on the inter-district rote Pattambi-Kuttippuram, subject to countersignature of RTA, Malappuram. The total route length is 66.5 Km out of which 8 Km will fall within the jurisdiction of RTA Malappuram. The permit holder has not seen obtained counter signature for operation of permit in Malappuram district. The applicant has not operated the vehicle for the conveyance of travelling public for the last many years and no efforts were made to get the permit renewed after expiry of permit on 05.04.2009 to till date. Now the vehicle has attained 20 years set for stage carriage operation as on 02.01.2022 and become un-suitable for stage carriage operation. For the reasons above, **the application for renewal of permit is not maintainable and rejected**
3. Heard, this is an application for temporary permit dated 04.04.2022 to operate on the above route in respect of stage carriage KL 10 T 7892. Primary permit is not valid. The enquiry conducted reveals that in the total route length of 66.5 Km, a distance of 14 Km objectionably overlaps with the notified route by violating clause 5(C) of G.O(P)No. 42/2009/Tran dated 14.07.2009. The judgment of Hon'ble High Court of Kerala dated 06.05.2022 directs to consider and pass orders on temporary permit application dated 04.04.2022. For the reasons stated above, **the application for temporary permit filed under section 87(1)(C) of Motor Vehicle Act, 1988 is not maintainable and hence rejected.**

Item No.36

Heard, this is an application for renewal of permit on the inter-district route Nadupunny-Kodungallur. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.37

1. Perused the judgment of Hon'ble High Court of Kerala dated 10.03.2021 in WP(C)no 4369 of 2021(U)
2. Heard, this is an application for renewal of permit on the inter-district route Valakkavu-Kozhinjampara which was not filed within 15 days before the expiry of the permit but within the period of extension of validity documents up to 31.12.221 allowed by government due to covid-19 pandemic. **Renewal of permit is granted**, subject to clearance of tax arrears

and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.38

Heard, Secretary is directed to obtain report regarding the length of the route falling within the jurisdiction of RTA, Malappuram from the concerned authority (with details of overlapping with notified route) and place the application for reconsideration. Hence, **decision on the application for renewal of permit is adjourned.**

Item No. 39

Heard, this is an application for renewal of permit on the inter-district route Pattambi-Perinthalmanna as LSOS. **Renewal of permit is granted,** subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.40

Heard, this is an application for renewal of permit on the inter-district route Nariparambu-Chelakkadavu . **Renewal of permit is granted,** subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.41

Heard, this is an application for renewal of permit on the intra-district route Govindapuram-Chittur Civil Station. Permit was issued on 14.03.2017 which is valid up to 13.03.2022. Application for renewal of permit was filed belatedly on 23.03.2022, after expiry of permit with request to condone delay in filing application for renewal. On perusal of records, it is seen that the vehicle is under continuous form G for the last 04 years without offering service to the public on the above route and failed to use transport vehicle for the purpose for which the permit was granted. Applicant has not seen obtained any previous permission of this authority seeking permission to withdraw the service. Hence, Secretary shall issue notice under Rule 152 of KMV Rules 1989 to the permit holder to offer an opportunity to furnish his reasons for non-operation of vehicle. The application shall be placed before this authority in the next meeting with due notice to the applicant along with his explanations (if any received) for reconsideration of renewal application. Hence, **decision on the application for renewal of permit is adjourned.**

Item No.42

Heard, this is an application for renewal of permit in respect of stage carriage KL 49 3744 operating on the inter-district route Thrissur-Ozhalapathy LSOS. The vehicle KL 49 3744 covered by above permit (9/647/2003 valid up to 07.12.2020) was attained 15 years of age set for LSOS as on 24.04.2022 and has become unsuitable for stage carriage operation as LSOS. Hence, **application for renewal of permit is rejected.**

Item No.43

Heard, this is an application for renewal of permit on the inter-district route Cherplassery-Thrissur filed after the expiry of the permit but within the period of extension allowed by the Government due to Covid 19 pandemic. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.44

Heard, this is an application for renewal of permit on the inter-district route Palakkad-Manjeri as LSOS. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.45

Heard, this is an application for renewal of LSOS permit on the inter-district route Walayar-Thrissur filed after the expiry of the permit but within the period of extension allowed by the Government due to Covid 19 pandemic. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.46

Heard, this is an application for renewal of LSOS permit on the inter-district route Palakkad-Thrissur. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.47

Heard, this is an application for renewal of permit on the inter-district route Walayar-Thrissur as LSOS filed by Sri.V.M.Nijam . **Renewal of permit is granted**, subject to clearance of tax arrears and Govt. dues, if any, production of NOC from HP Co., if applicable & remittance of application fee for renewal of permit, if not paid.

Item No.48

Heard, this is an application for renewal of permit in respect of stage carriage KL 52 4983 operating on the intra-district route Mavundirikkadavu-Ottappalam. Permit is valid up to 17.10.2020. Application for renewal of permit is filed belatedly on 08.03.2022 after the expiry of extension period (up to 31.12.2021) allowed by the Government due to Covid 19 pandemic. The application for renewal of permit is filed in contrary to the provisions contained in Section 81(2) of Motor Vehicle Act, 1988. The applicant has filed a request to condone delay in filing renewal application. Considered the request under Section 81(3) of M.V. Act, 1988. This authority is convinced that the applicant was prevented by good and sufficient cause from making renewal application within the time specified. Hence, **renewal of permit is granted from** the date of application (ie., from 08.03.2022), by condoning delay. The service of the vehicle wef. 01.01.2022 shall also be verified by the Secretary. If vehicle was reported conducted service, compounding fee shall be realized for permit-less operation.

Item No.49

Heard, this is an application for renewal of permit on the inter-district route Kulappully-Kunnamkulam valid up to 27.11.2019. **Renewal of permit is granted**, subject to clearance of tax arrears and govt. dues if any, production of NOC from the financier, if applicable & subject to remittance of application fee, if not paid.

Item No.50.

Heard, this is an application for renewal of permit in respect of stage carriage KL 08 AC 5155 to operate on the inter-district route Govindapuram-Thrissur. Form PRA (under Rule 172(2) of KMV Rules 1989) filed on 10.09.2021 has not been correctly filled in, not even signed by the permit holder. Hence, **Secretary shall return the application to the applicant for rectification** as per Rule 173(2) of KMV Rules, 1989. On receipt of the rectified application, the same shall be placed before this authority for re-consideration.

Item No.51

Heard, **renewal of permit granted** to operate on the inter-district route Pazhabalakkode- Palakkad-Thrissur, subject to clearance tax arrears and Govt. dues, if any , production of NOC from HP Co., if applicable and remittance of application fee, if not paid.

Item No.52

Heard, this is an application for renewal of permit on the inter-district route Althara-Althara. Permit is valid up to 15.06.2021. Permit renewal application is filed on 22.06.2021 after the expiry of permit, but within the period of extension allowed by Govt., due to covid 19 pandemic. Hence, **renewal of permit is granted**, subject to production of NOC from HP Co., if applicable, clearance of motor vehicle tax and Govt. dues, if any & remittance of application fee, if not paid.

Item No.53

1. Heard, this is an application dated 09.10.2019(citing his health issues, permit holder filed request to condone delay in filing renewal application)for renewal of regular permit valid up to 19.10.2019 in respect of stage carriage KL 13 H 5541 to operate on the intra-district route Kozhinjampara-Palakkad Stadium Bus stand as ordinary service. During the pendency of the above renewal application, an application for replacement of vehicle KL 13 H 5541 by another stage carriage KL 10 T 472 is filed on 12.05.2022. This authority is convinced that the applicant was prevented by good and sufficient cause from making renewal application within the time specified and in the efflux of time, the vehicle covered by the permit KL 13 H 5541 has attained 20 years of age set for stage carriage operation on 05.05.2022. Hence, by condoning delay, **renewal of permit is granted(1) subject to clearance of tax arrears and Govt.dues** in respect of stage carriage KL 13 H 5541, if any & production of NOC from the financier, if applicable.
2. Considered the application for replacement of above stage carriage KL 13 H 5541 by KL 10 T 0472. In order to give effect to the renewal of permit granted vide decision (1) above, in the interest of travelling public, **replacement is allowed**, subject to remittance of application fee, if not paid.

Item No.54

1. Perused the judgment of Hon'ble High Court of Kerala dated 09.03.2022 in WP(C)No. 1109 of 2022.
2. Heard, this is an application for renewal of regular permit (Permit No. 9/1080/2000 on the inter-district route Kollengode-Kozhikkode as LSOS in respect of stage carriage KL 51 L 5757 valid up to 21.01.2022. Application for renewal of permit is filed on 16.12.2021. The total route length is 155 Km. In the judgment dated 09.03.2022 in WP(C)No.1109 of 2022, Hon'ble High Court of Kerala has observed the following points:
 - (d) Division Bench of Hon'ble High Court of Kerala in ***Kerala State Road Transport Corporation v. Saju Varkey and Ors.[2018 (4) KHC 617]*** clarified that the distance limit specified in Rule 2(oa) does not have any application with regard to " saved permits".

- (e) The Government Orders brought in the year 2015 and 2020 are of no relevance in considering the rights of saved permit holders as per ***Hyderali v. The Regional Transport Authority and Ors. In W.P.(C) No. 8702/2021*** and connected cases.
- (f) The saved permit holders are entitled for renewal of their permits till a valid scheme of nationalization is brought in, under the provisions of Motor Vehicles Act.

In the light of the above, Hon'ble Court in the above judgment has declared that the applications for renewal of permits and for temporary permit, pending renewal of regular permit if any, submitted by the petitioners are liable to be considered without reckoning the route length. The permit holder above is the petitioner in this case. Hence, in compliance with above directions of Hon'ble High Court of Kerala, considered the application for renewal of permit. **Rule 2(oa) of KMV Rules 1989 reads "Ordinary Service means a service which is operated on a route having a distance of not more than 140 Kms with one or more stops in every fare stage."** The observations of Hon'ble High Court of Kerala in the above judgment is contrary to the Rule 2(oa) of KMV Rules, 1989, since total route length in this case exceeds 140 Km. Hence, Secretary shall take urgent necessary steps to file appropriate Writ Appeal before the Hon'ble High Court of Kerala against the judgment of Hon'ble High Court of Kerala dated 14.03.2022 in WP(C) No. 1109 of 2022. Hence, **decision on the application for renewal of permit is adjourned.** Interregnum, Secretary shall favorably consider applications for temporary permits as directed in the above judgment.

Item No.55

Heard, ***renewal of permit granted*** to operate on the inter-district route Kozhinjamprara-Thrissur as LSOS, subject to clearance tax arrears and Govt. dues, if any , production of NOC from HP Co., if applicable and remittance of application fee, if not paid.

Item No.56

Heard, ***renewal of permit granted*** to operate on the inter-district route Mannarkkad-Vadookkara and with trips from Thrissur to Medical College as LSOS, subject to clearance of tax arrears and Govt. dues, if any , production of NOC from HP Co., if applicable and remittance of application fee, if not paid.

Item No.57

1. Heard, the counsel representing the applicant Sri.Janardhanan. This is an application dated 09.11.2004 for renewal of permit on the inter-district route Mannarkkad-Perinthalmanna which had validity up to 09.11.2004. On perusal of records, it is seen that after expiry of permit, the applicant had not taken any sincere efforts to put the vehicle continuously operational on the above route for the conveyance of travelling public by availing renewal of permit

or filing successive applications for further renewals, other than by temporary permits on the broken periods which were issued on directions of Hon'ble High Court on various dates. While the matter is considered by this authority, the counsel representing the KSRTC vehemently objected against allowing this application by pointing out the violation of Notification. On hearing, the applicant had no valid reasons to submit for his failure to use this stage carriage for service for which the permit was granted as required under Rule 152 of KMV Rules, 1989. Hence, **application for renewal of permit is rejected.**

2. Perused the judgment of Hon'ble High Court of Kerala dated 6.04.2022 in WP(C)No.9945/2022. Heard the counsel representing KSRTC and the applicant. The judgment directs to consider and pass orders on this temporary permit application within a stipulated period. The fresh enquiry report of the field officer reveals that there is overlapping with notified route. The route Manarkkad-Perinthalmanna is inter-district one, portion of which falls within the jurisdiction of RTA, Malappuram also. KSRTC vehemently objected against issuing this temporary permit through notified route. Hence, in view of the decision(1) above, ***application for temporary permit is also rejected.***

Item No.58

Heard, ***renewal of permit granted*** to operate on the inter-district route Vazhikkadavu-Palakkad as LSOS, subject to clearance of tax arrears and Govt. dues, if any , production of NOC from HP Co., if applicable and remittance of application fee, if not paid.

Item No.59

Heard, ***renewal of permit granted*** to operate on the inter-district route Palakkad-Thrissur as LSOS, subject to clearance of tax arrears and Govt. dues, if any , production of NOC from HP Co., if applicable and remittance of application fee, if not paid.

Item No.60

Heard, ***renewal of permit granted*** to operate on the inter-district route Govindapuram-Thrissur-Palakkad as LSOS, subject to clearance of tax arrears and Govt. dues, if any , production of NOC from HP Co., if applicable and remittance of application fee, if not paid.

Item No.61

1. Perused the judgment of Hon'ble High Court of Kerala dated 25.03.2022 in WP(C)No. 9948/2022.
2. Heard the counsel representing the applicant. This is an application for renewal of permit on the inter-district route Pattambi-Kollengode. As per the direction of Hon'ble High Court of Kerala in the above judgment, it was permitted to accept the application for renewal of permit without being accompanied by the No Objection Certificate from the financier, but by leaving liberty to this authority to decide the same in terms of law, after following due procedure. On perusal of records, it is revealed that the vehicle is held under HP Agreement under Section 51 (1) of Motor Vehicles Act, 1988 with Vijaya Bank, Nellore Branch. Permit was valid up to 22.03.2022 and application for renewal of permit was filed on 07.03.2022. NOC from the financier was not produced along with the renewal application, or till date. On 24.03.2022, the permit holder submitted a declaration dated 14.03.2022 under Section 51(8) of Motor Vehicle Act stating that the financier has not responded to his request for NOC. Since the applicant has not submitted any document to prove that he has requested to the financier for NOC as required under Section 51(6) of Motor Vehicle Act, 1988, this authority is not convinced that the request of the applicant for NOC is received by the financier. For the reasons above, **the decision on the application for renewal of permit is adjourned** with liberty to the applicant to produce either the NOC from the financier or the evidence to prove that his request for NOC is received by the financier. However, Secretary shall place the application before this authority again for consideration after issuing due notices both to the financier and applicant. Copy of this decision shall also be communicated to the financier properly.

Item No.62

Heard, ***renewal of permit granted*** to operate on the inter-district route Kunnampalam to Kuttippuram, subject to clearance of tax arrears and Govt. dues, if any, production of NOC from HP Co., if applicable and remittance of application fee, if not paid.

Item No.63

1. Perused the judgment of Hon'ble High Court of Kerala 3952 of 2020(T) dated 12.02.2020 & Judgment of Hon'ble High Court of Kerala dated 12.01.2022 in WP(C) No. 11074 of 2020 and connected cases.
2. Heard, this is to re-consider the applications dated 05.12.2014 & 30.11.2019 for renewal of regular permit on the inter-district route Pattambi-Kozhikkode having route length more than 140 Km. as LSOS in respect of stage carriage KL 51 A 7384(which is issued with

permitless certificate on 22.05.2015 on application filed by the registered owner) for the successive periods and to consider application for replacement with KL 53 C 4960. On perusal of records, it is revealed that a writ appeal is filed by the Regional Transport Authority, Palakkad & Secretary, RTA, Palakkad before the Hon'ble High Court of Kerala in WA 931 of 2020 against the judgment dated 12.2.2020 in WP(C)No. 3952 of 2020. The Hon'ble High Court of Kerala has stayed the operation of Judgment dated 12.02.2020 in WP(C) No. 3952 of 2020 as per the Order dated 24.09.2020 in WA No. 931 of 2020. Awaiting further directions from Hon'ble High Court of Kerala in WA 931 of 2020, **decisions on the applications for renewal of permit and replacement of vehicle are adjourned.**

Item No.64

Heard, this is a belated application dated 14.03.2022 for renewal of permit on the inter-district route Meenakshipuram-Thrissur as LSOS. Permit had validity up to 07.03.2022. Request to condone delay is filed. This authority is convinced that the applicant is prevented by good and sufficient causes from making the application for renewal of permit in time. Hence, by condoning delay as per section 81(3) of M V Act, 1988 **renewal of permit is granted** from the date of application (ie., 14.03.2022) subject to clearance of tax arrears and Govt. dues, if any, production of NOC from the HP Co., if applicable and remittance of application fee, if not paid. Secretary shall also verify the service of the vehicle after expiry of permit on 07.03.2022 and collect compounding fee, if the vehicle was found conducting service without valid permit.

Item No.65

Heard, this is an application for renewal of permit on the inter-district route Pattambi-Palakkad as LSOS. **Renewal of permit is granted**, subject to remittance of tax arrears and Govt. dues, if any, production of NOC from HP Co., if applicable & remittance of application fee, if not paid.

Item No.66

1. Perused the judgment of Hon'ble High Court of Kerala dated 12.01.2022 in WP(C) No. 11074/2020.
2. Heard, this is an application for renewal of permit in respect of stage carriage KL 51 F 8905 on the inter-district route Mangalamdam-Kozhikkode as LSOS valid up to 29.06.2020. Route length is 193 Km. Applicant has not filed any variation application for curtailment of route to restrict the route length up to 140 Km. As per the existing Rule 2(oa) of KMVRules, 1989, an ordinary service means a service which is operated on a route having a distance of not more than 140 Km. Whereas Hon'ble High Court of Kerala in the judgment dated 12.01.2022 in WP(C)No. 11074/2020 and connected cases has confirmed the interim order dated 29.10.2021 allowing the operation of LSOS permits having route length more than 140 Kms, Secretary shall consider proper applications for temporary permits filed by the applicant favorably. For the above reasons, **decision on the application for renewal of permit is adjourned.**

Item No.67

Heard, this is an application for renewal of permit on the inter-district route Meenakshipuram-Thrissur as LSOS. **Renewal of permit is granted**, subject to remittance of tax arrears and Govt. dues, if any, production of NOC from HP Co., if applicable & remittance of application fee, if not paid .

Item No.68

Heard, this is a belated application dated 16.09.2021 filed for renewal of permit to operate on the inter-district route Muttichoor-Govindapuram. Permit is seen expired on 24.04.2021. But permit renewal application is seen filed within the period of extension allowed by Government due to COVID-19. Hence, **renewal of permit is granted**, subject to clearance of tax arrears and Govt. dues, if any, production of NOC from HP Co., if applicable & remittance of application fee, if not paid.

Item No.69

Heard, this is an application for renewal of permit to operate on the inter-district route Vadakkencherry-Pazhayannur. The permit was valid up to 21.04.2022. Permit renewal application is filed belatedly on 23.04.2022 with request to condone delay. This authority is convinced that the applicant is prevented by good and sufficient causes from making application for renewal of permit in time. Hence, delay condoned under Section 81(3) of Motor Vehicle Act, 1988. **Renewal of permit is granted** from the date of application (ie.from 23.04.2022), subject to clearance of tax arrears and Govt. dues, if any, production of NOC from HP Co., if applicable and remittance of requisite application fee, if not paid. Secretary shall also verify the service of the vehicle after the expiry of permit, and collect compounding fee for permit-less operation, if vehicle was found conducted service without permit after expiry of permit.

Item No.70

1. Perused the Order Hon'ble STAT dated 31.01.2022 in MP No.50/2022 in MVAA No. 25/2022.
2. Heard, this is to re-consider the application for replacement of stage carriage KL 13 Q 2247 by another stage carriage KL 10 AD 7577. This application was earlier rejected by this authority in the meeting held on 08.11.2021 vide decision in item No.55 on the grounds that the material difference exceeds 25% by reducing seating capacity from 33 to 23, which will result in reduction of travelling facility of the public and loss of revenue to Government in terms of Motor Vehicles Tax. The above appeal is filed by the applicant before the Hon'ble State Transport Appellate Tribunal seeking directions to grant provisional replacement so as to enable the petitioner to substitute vehicle KL 13 Q 2247 by stage carriage KL 10 AD 7577 to operate on the route. As per the above order, the Hon'ble Tribunal is seen given direction to the Secretary, RTA, Palakkad to grant replacement of the vehicle KL 13 Q 2247 by stage carriage KL 10 AD 7577 so as to operate service on the above route for a period of two months. On perusal of records, Secretary is seen complied the above order and subsequent orders of Hon'ble Tribunal by issuing temporary permits in respect of KL 10 AD 7577 to operate on the above route up to 09.06.2022, since there is no provision in Motor Vehicle Act and

Rules for allowing replacement for a short period provisionally. **In the light of the above facts, it is decided to await for final verdict from the Hon'ble STAT in MVAA No. 25/2022.**

Item No.71

Heard, this is an application for replacement of stage carriage KL 09 T 2430 covered by regular permit valid up to 27.03.2025 on the inter-district route Thozhupadam-Patambi by another stage carriage KL 52 N 3497. On perusal of records, it is seen that this permit (9/606/2000) was originally issued to a stage carriage having a seating capacity of 43 in all. The present vehicle covered by this permit is having a seating capacity of 36 in all. The proposed incoming vehicle is having a seating capacity of 28 in all. This application for replacement is considered as per Section 83 of Motor Vehicles Act, 1988 and as per Rule 174 of KMV Rules, 1989. By virtue of second limb of the note to Rule 174 of KMV Rules, 1989, **" No replacement shall be allowed to a vehicle with a material difference for a second time even if the material difference is less than 25 % ...".** While considering the seating capacity of the vehicle covered by this primary permit(43 in all) and the incoming vehicle(28 in all), the material difference exceeds 25% by reducing seating capacity. In the judgment dated 13.12.2021 in WA No. 706 of 2021 in Jyothi v. Regional Transport Authority[reported in 2021(6)KLT Online 1022], the Division Bench of Hon'ble High Court of Kerala has interpreted that the issue of difference of 25% can only be applied against the original vehicle. In view of the above observations of Hon'ble High Court of Kerala and also since the proposed replacement will adversely affect the travelling facilities enjoyed by the public, **application for replacement is rejected.**

Item No.72

Heard, this is an application for replacement of stage carriage KL 09 V 3799 covered by regular permit valid up to 06.6.2024 on the inter-district route Valanchery-Pattambi by another stage carriage KL 55 Z 6091. On perusal of records, it is seen that this permit (9/10014/2007) was originally issued to a stage carriage having a seating capacity of 48 in all. The present vehicle covered by this permit is having a seating capacity of 29 in all. The proposed incoming vehicle is having a seating capacity of 35 in all. This application for replacement is considered as per Section 83 of Motor Vehicles Act, 1988 and as per Rule 174 of KMV Rules, 1989. By virtue of second limb of the note to Rule 174 of KMV Rules, 1989, **" No replacement shall be allowed to a vehicle with a material difference for a second time even if the material difference is less than 25 % ...".** While considering the seating capacity of the vehicle covered by this primary permit(48 in all) and the incoming vehicle(35 in all), the material difference exceeds 25% by reducing seating capacity. In the judgment dated 13.12.2021 in WA No. 706 of 2021 in Jyothi v. Regional Transport Authority[reported in 2021(6)KLT Online 1022], the Division Bench of Hon'ble High Court of Kerala has interpreted that the issue of difference of 25% can only be applied against the original vehicle. In view of the above observations of Hon'ble High Court of Kerala and also since the proposed replacement will adversely affect the travelling facilities enjoyed by the public, **application for replacement is rejected.**

Item No.73

1. Perused the order dated 18.04.2022 of Hon'ble STAT, Ernakulam in MP NO.308/2022 in MVAA No.37/2021
2. Heard, this is to re-consider the application for replacement of stage carriage KL 08 T 3830 by KL 63 6322. As per the decision of this authority dated 24.12.2019 in item No.26, renewal of permit in respect of stage carriage KL 08 T 3830 on the route Nemmara-Kozhinjampara-Thachanadi was granted. Since the grantee failed to produce current records of the vehicle within the prescribed period, grant of renewal was revoked as per the decision of RTA, Palakkad dated 17.02.2021 in item 16(1) in the agenda. Another application for replacement of stage carriage KL 08 T 3830 by KL 63 6322 was also rejected in the same meeting vide decision in item No.16(2) in the agenda, in view of the decision in item No. 16(1) and after the objection of the financier against granting above replacement. Challenging the above decisions, an appeal under section 89 of M.V. Act, 1988 is filed before the Hon'ble State Transport Appellate Tribunal in MVAA No. 37/2021. The appeal is yet to dispose. The interim order of Hon'ble STAT staying the above decision was in force up to 01.11.2021 & Hon'ble Tribunal has directed Secretary, RTA, Palakkad to allow provisional replacement to operate the stage carriage KL 63 6322 on the above route up to 18.06.2022. There is no provision in Motor Vehicle Act and Rules to grant provisional replacement & also there is no valid permit in existence. Moreover, the appeal in this regard is still pending before Hon'ble STAT in MVAA No. 37/2022. Hence, **decision on the application for replacement is adjourned.**

Item No.74

1. Perused the judgment of Hon'ble High Court of Kerala dated 14.01.2022 in WP(C)No. 96/2022.
2. Heard, this is to re-consider the application for replacement of stage carriage KL 02 R 5058 covered by regular permit renewed up to 02.07.2026 on the intra-district route Kupbandagoundannur-Govindapuram by another stage carriage KL 70 E 9541. On perusal of records, it is seen that this permit (9/408/2006) was originally issued to a stage carriage having a seating capacity of 28 in all. The present vehicle covered by this permit is having a seating capacity of 38 in all. The proposed incoming vehicle is having a seating capacity of 21 in all.

This application for replacement is re-considered as per Section 83 of Motor Vehicles Act, 1988 and as per Rule 174 of KMV Rules, 1989. By virtue of second limb of the note to Rule 174 of KMV Rules, 1989, "No replacement shall be allowed to a vehicle with a material difference for a second time even if the material difference is less than 25 % ...". While considering the seating capacity of the vehicle covered by this primary permit(28 in all) and the incoming vehicle(21 in all), the material difference is 25% by reducing seating capacity. In the judgment dated 13.12.2021 in WA No. 706 of 2021 in Jyothi v. Regional Transport Authority[reported in 2021(6)KLT Online 1022], the Division Bench of Hon'ble High Court of Kerala has interpreted that the issue of difference of 25% can only be applied against the original vehicle. In view of the above observations of Hon'ble High Court of Kerala and also since the proposed replacement will adversely affect the travelling facilities enjoyed by the public as per the enquiry report of the field officer, **application for replacement is rejected.**

Item No.75

Heard, this is to consider the application for replacement of stage carriage KL 46 J 5082 covered by regular permit valid up to 17.05.2025 on the inter-district route Chalavara-Kundukadavu Jn by another stage carriage KL 55 E 4770. On perusal of records, it is seen that this permit (9/681/2001) was originally issued to a stage carriage having a seating capacity of 48 in all. The present vehicle covered by this permit is having a seating capacity of 38 in all. The proposed incoming vehicle is having a seating capacity of 33 in all.

This application for replacement is considered as per Section 83 of Motor Vehicles Act, 1988 and as per Rule 174 of KMV Rules, 1989.

The date of registration of the exiting vehicle is 02.01.2014 and that of the proposed incoming vehicle is 09.12.2009, ie., the new vehicle proposed is older than the one sought to be replaced. By this application for replacement, the permit holder intends to offer an older technology vehicle for public transportation. If it is allowed, it will give a wrong message to the operators to substitute their present stage carriages with older ones, which will be against the interest of the travelling public depending public transport system. Hence, by using the discretionary powers vested upon this authority under Rule 174(2)(C) of KMV Rules, 1989, exercise of which is upheld by Hon'ble Supreme Court of India as per the judgment dated 17.02.2022 in Civil Appeal Nos. 1453-1454 of 2022 arising out of SLP(Civil) Nos. 13834-13835 of 2018, this authority is of the view that this application for replacement cannot be allowed.

By virtue of second limb of the note to Rule 174 of KMV Rules, 1989, "No replacement shall be allowed to a vehicle with a material difference for a second time even if the material difference is less than 25 % ...". While considering the seating capacity of the vehicle covered by this primary permit(48 in all) and the incoming vehicle(33 in all), the material difference exceeds 25% by reducing seating capacity. In the judgment dated 13.12.2021 in WA No. 706 of 2021 in Jyothi v. Regional Transport Authority[reported in 2021(6)KLT Online 1022], the Division Bench of Hon'ble High Court of Kerala has interpreted that the issue of difference of 25% can only be applied against the original vehicle. "

In view of the above observations of Hon'ble Courts and reasons stated above, **the application for replacement is rejected.**

Item No.76

1. Perused the order dated 07.02.2022 of Hon'ble STAT, Ernakulam in MP NO.88/2022 in MVAA No.37/2022
2. Heard, this is to re-consider the application for replacement of stage carriage KL 52 D 6066 by KL 52 Q 5078. As per the decision of this authority dated 08.11.2021 in item No.57, this application for replacement was rejected by exercising discretionary power under Rule 174(2)(b) of KMV Rules, 1989. Permit(No.9/606/2007) covered by stage carriage KL 52 D 6066 is valid up to 07.11.2024. Challenging the above decision, an appeal is filed before the Hon'ble State Transport Appellate Tribunal in MVAA No. 37/2022. The interim order of Hon'ble STAT in MP No. 88/2022 dated

07.02.2022 in MVAA No. 37/2022, Hon'ble Tribunal has directed Secretary, RTA, Palakkad to grant replacement provisionally to operate service on the route Valanchery-Pattambi up to 06.04.2022. There is no provision in Motor Vehicle Act and Rules to grant provisional replacement. Moreover, the appeal in this regard is still pending before Hon'ble STAT in MVAA No. 37/2022. Hence, **decision on the application for replacement is adjourned.**

Item No.77

1. Heard, this is an application for replacement of stage carriage KL 09 R 9410 by KL 49 N 5480. The vehicle covered by the regular permit is seen expired on 22.04.2022. Since regular permit is not valid, **decision on the application for replacement is adjourned.** Secretary shall place the application for replacement before this authority for re-consideration after permit is renewed.
2. Perused the records, the application for temporary permit filed on 04.05.2022 which is now placed before this authority for consideration is seen rejected by Secretary, RTA, Palakkad as per order No. R19/4751/2022 dated 27.05.2022. Hence **disposed this matter as infructuous.**

Item No.78

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.79

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.80

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.81

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.82

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.83

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.84

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.85

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No. 86

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.87

Heard, this is an application for transfer of permit in respect of stage carriage KL 49 1234 covered by regular permit on the inter district route Pazhayannur-Alathur (valid up to 02.03.2025) from the name of the permit holder Sri.K.Mani to the name of Sri.M.Sajeesh Kumar. By revoking the earlier sanction accorded by this authority to transfer the permit from the name of Sri. K. Mani to the name of Sri.Vijesh Kumar(as per the decision of RTA, Palakkad dated 08.11.2021 in item No.62 in the agenda), ***transfer of permit from the name of Sri.K.Mani to the name of Sri. M.Sajeesh Kumar is allowed*** , subject to clearance of Mvs. Tax & Govt.dues,ifany, production of NOC from HP Co., if applicable and remittance of application fee, if not paid.

Item No.88

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.89

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.90

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.91

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.92

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.93

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.94

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.95

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.96

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.97

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.98

Heard, this is an application for transfer of permit. Permit is seen expired on 09.05.2022 and the vehicle KL 09 K 2471 covered by the permit has already attained 20 years of age set for ordinary stage carriages as on 21.03.2022. For these reasons, **decision on the application for transfer of permit is adjourned.**

Item No.99

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.100

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.101

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.102

Heard, this is an application cum intimation dated 04.10.2021 for transfer of permit filed subsequently after the death of the permit holder(Sri.A.Selvan) on 31.05.2021. The intimation about the death of the permit holder is not seen submitted within one month as stipulated in Section 82(2) of Motor Vehicles Act, 1988. The above belated intimation cum application is filed without furnishing any reasons for delay and also without the consent of the other legal heirs in writing. Hence, the applicant is permitted to submit reasons if any for delay in submitting the application within the time stipulated in the Motor Vehicles Act along with the consent of other legal heirs for allowing transfer of permit in favour Smt. Bhuvaneswari. For compliance of above directions, **decision on the application for transfer of permit(death) is adjourned.**

Item No.103

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.104

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.105

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.106

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.107

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.108

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.109

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application.

Item No.110

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.111

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.112

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.113

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.114

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.115

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.116

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.117

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.118

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.119

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.120

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.121

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.122

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.123

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.124

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.125

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.126

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.127

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.128

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.129

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.130

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.131

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.132

1. Perused the judgment of Hon'ble High Court of Kerala dated 18.02.2022 in WP(C)No.5588 of 2022.
2. Heard, this is an application for transfer of permit. **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.133

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.134

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.135

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.136

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.137

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.138

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.139

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Item No.140

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.141

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.142

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.143

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.144

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Item No.145

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.146

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.147

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.148

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.149

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.150

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application.

Item No.151

1. Perused the judgment of Hon'ble High Court of Kerala dated 22.04.2022 in WP(C)No.13857 of 2022.
2. Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.152

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.153

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.154

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.155

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Item No.156

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Item No.157

1. Perused the order of Hon'ble High Court of Kerala dated 06.05.2022 in WP(C)No. 15260 of 2022(F).
2. Heard, considered the application for temporary permit on the inter-district route Guruvayur-Pattambi in respect of stage carriage KL 03 N 9923 to operate in the vacancy of stage carriage KL 52 3923. The regular permit in respect of KL 52 N 3923 is seen cancelled by this authority as per the decision dated 24.12.2019 in item No.36. An appeal in MVAA No.135/2020 is seen pending before the Hon'ble State Transport Appellate Tribunal , Ernakulam against the decision of this authority. For different durations, temporary permit were seen issued by Secretary in compliance to the orders of Hon'ble Tribunal. The Hon'ble High Court of Kerala in the order dated 06.05.2022 in WP(C)No. 15260 of 2022(F) has directed to take decision on the application for temporary permit dated 28.04.2022 in accordance with law taking into consideration of order in MP No. 185/2022 in Appeal No.135/2020. The order dated 14.03.2022 in MP No.185/2022 in MVAA No.135/2020 directs to grant temporary permit for a limited period of 20 days from 17.03.2022. On perusal of records, in compliance to this order, Secretary is seen issued temporary permit up to 06.04.2022. While new application for temporary permit on the above route is considered now, KSRTC vehemently objected against granting this temporary permit blatantly violating clause 5(C) of G.O(P)No.42/2009/Tran dated 14.07.2009, by pointing out that the entire route Guruvayur –Pattambi is under notified route. For the above reasons, the **application for temporary permit is rejected.**

Item No.158

Heard, re-considered the recommendation of RTO Malappuram to take appropriate action against the permit in respect of stage carriage KL 13 U 8692 consequent to the reported dangerous driving at Kondotty by running over the divider. The report required by this authority vide decision dated 08.11.2021 in item No.8 of the agenda is obtained from RTO, Malappuram. On perusal of the report of the MVI, SRTTO, Kondotty dated 5.03.2022, it is **decided to drop further proceedings in this matter.**

Item No.159

Heard, perused the report dated 08.04.2022 of AMVI, Enforcement Squad, Palakkad. As per section 86(1)(b) of Motor Vehicles Act, 1988, **It is decided to suspend the permit of stage carriage KL 13 N 0007 for a period of 10(ten) days.** In lieu of suspension of permit, the permit holder can opt to remit an amount of Rs.10,000/-(Rupees Ten Thousand Only) as permissible under Section 86(5) of Motor Vehicle Act, 1988. Secretary shall implement the suspension by appropriate orders, in case the permit holder is not willing to remit the amount. Service of the vehicle shall also be watched during the period of suspension.

Item No.160

Heard, perused the report dated 06.04.2022 of AMVI, Enforcement Squad, Palakkad. As per section 86(1)(b) of Motor Vehicles Act, 1988, **It is decided to suspend the permit of stage carriage KL 50 H 4000 for a period of 10(ten) days.** In lieu of suspension of permit, the permit holder can opt to remit an amount of Rs.10,000/-(Rupees Ten Thousand Only) as permissible under Section 86(5) of Motor Vehicle Act, 1988. Secretary shall implement the suspension by appropriate orders, in case the permit holder is not willing to remit the amount. Service of the vehicle shall also be watched during the period of suspension.

Item No.161

Heard, perused the report dated 06.04.2022 of AMVI, Enforcement Squad, Palakkad. As per section 86(1)(b) of Motor Vehicles Act, 1988, **It is decided to suspend the permit of stage carriage KL 09 Y 7977 for a period of 10(ten) days.** In lieu of suspension of permit, the permit holder can opt to remit an amount of Rs.10,000/-(Rupees Ten Thousand Only) as permissible under Section 86(5) of Motor Vehicle Act, 1988. Secretary shall implement the suspension by appropriate orders, in case the permit holder is not willing to remit the amount. Service of the vehicle shall also be watched during the period of suspension.

Item No.162

Heard, **renewal of Agent's License is granted** as per Rule 193(3) of KMV Rules, 1989, subject to maintaining requirements and adhering conditions in Circular No. 74/B1/2019/Tran dated 26.04.2019 of Government of Kerala by the license holder.

Item No.163

Heard, considering the applications for countersigning the permits in respect of Educational Institution Buses TN 37 DE 0565 & TN 11 F 0321 issued by Regional Transport Authorities, Coimbatore(South) & Coimbatore(West) respectively, Tamilnadu, **this authority hereby countersigns these permits** of the above vehicles, permitting the operation of these vehicles in the jurisdiction of Regional Transport Authority, Palakkad, subject to the conditions already attached to the permits and remittance of requisite fee, if not paid.

Supplementary item No.01

Heard, this is an application for fresh regular stage carriage permit on the intra-district route Nemmara-Nellichode. The report of the enquiry officer reveals that the total length is 11 Km and out of which 2 km between Akampadam-Chattiyode(via Chandallur) is virgin. There is no overlapping with notified route/approved scheme on the proposed route. The virgin portion of the road is reported as fit for mini bus operation as per the road fitness certificate dated 12.05.2022 issued by Assistant Engineer, LSGD Section, Nemmara Grama Panchayath. The report of the field officer reveals that in some sectors of the proposed route the frequency of stage carriages are comparatively less. On perusal of reports and considering the application, this authority feels that granting a fresh regular permit on the above route will enhance the travelling facility of the public, especially of the virgin portion. Hence, **fresh regular stage carriage permit is granted to suitable LMV Stage carriage** subject to settlement of timings, remittance of application fee, if not paid and production of current records of suitable stage carriage within 30 days.

Supplementary item No.02

Heard, this is an application for fresh regular stage carriage permit to operate on the intra-district route Kozhinjampara-Koduvayur. Total route length is 21.8 Km, there is no virgin portion and no overlapping with notified route, as revealed from the report of the enquiry officer. The enquiry officer reported that proposed permit will be beneficial to the travelling public and students. Hence, **fresh regular stage carriage permit is granted**, subject to settlement of timings, remittance of application fee, if not paid and production of current records of suitable stage carriage within 30 days.

Supplementary item No.03

Heard, this is an application for variation of permit operating on the route Elumbilassery-Ottappalam. On perusal of application and report of the enquiry officer(MVI, Ottappalam), there is no matching in the extension sought for by the applicant and the extension reported by the enquiry officer. Hence, applicant is directed to furnish a modified application clarifying the details of sought for extensions, deviations and additional trips, if any with proposed time sheet. On receipt of modified application with above clarifications, Secretary shall conduct a specific enquiry and obtain a detailed report specifically pointing out all the extensions, curtailments, details of additional trips with neat sketch clearly marking the existing route and the variation sought portion. Modified application with enquiry report shall be placed by the Secretary before this authority for consideration of the matter. Hence, **decision on the application for variation of permit is adjourned**.

Supplementary item No.04

Heard, this is an application for variation of permit in respect of stage carriage KL 53 N 9584 operating on the route Kulathur-Cherplassery. In the application for variation of permit filed, it was requested for allowing 2 extensions; (1) Extension from Chemmalassery to Valapuram(3.5 Km) & (2) Extension from Vilayur to Valapuram(8 Km). The report of the enquiry officer(MVI, Perinthalmanna)dated 12.02.2022 is not clear in which district the virgin portion from Valapuram bridge to Valapuram falls. The exact distance of sought for

variation(extension from Vilayur Jn to Valapuram) is not mentioned with length of distance in each district by the enquiry officer. Hence, Secretary shall obtain a specific report as above from the enquiry officer. On receipt of the report, Secretary shall also seek prior concurrence from concerned sister RTA with exact distance of sought for variation falling within the jurisdiction of sister RTA with details of overlapping with notified route, if any. After obtaining prior concurrence from sister RTA, the application shall be placed before this authority for re-consideration. For compliance of the above directions the **decision on the application for variation of permit is adjourned.**

Supplementary item No.05

Heard, this is an application dated 15.07.2016 for renewal of permit(8/61/1997)on the inter-district route Thrissur-Velanthavalam valid up to 15.12.2016 operating as LSOS. **Renewal of permit is granted**, subject to remittance of tax arrears and Govt. dues, if any, production of NOC from HP Co., if applicable & remittance of application fee, if not paid .

Supplementary item No.06

Applicant is absent. This is an application for renewal of permit in respect of stage carriage KL 09 AK 6688 submitted without the signature of the permit holder Sri.Liyakathalikhan. The vehicle was seen possessed by the permit holder by way of lease agreement expired on 13.01.2021. After expiry of lease agreement on 13.01.2021, the permit holder ceases to own the vehicle covered by the permit. The above act of the permit holder shall attract suspension / cancellation of permit under Section 86(1)(C) of Motor Vehicle Act, 1988. Secretary shall issue notice to the permit holder to offer an opportunity to furnish his explanation and place the matter before this authority for re-consideration in the next meeting. Hence, **decision on the application for renewal of permit is adjourned.**

Supplementary item No.07

Heard, this is an application for renewal of permit on the inter-district route Chelakkara-Palakkad. Permit was valid up to 03.05.2022. Application for renewal of permit is filed on 27.04.2022. Delay in submitting application for renewal of permit condoned. **Renewal of permit is granted**, subject to remittance of tax arrears and Govt. dues, if any, production of NOC from HP Co., if applicable & remittance of application fee, if not paid .

Supplementary item No.08

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Supplementary item No.09

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid. & Govt. dues, if any,

Supplementary item No.10

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Supplementary item No.11

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Supplementary item No.12

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application

Supplementary item No. 13

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Supplementary Item No.14

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Supplementary item No.15

Heard, **transfer of permit allowed**, subject to clearance of Mvs. Tax & Govt. dues, if any, production of NOC from the HP Co, if applicable and remittance of application fee, if not paid.

Supplementary Item No.16

Considered the request dated 27.04.2022 to allow maximum time to produce current records of the stage carriage KL 10 T 3694 to avail granted variation of permit by this authority in the meeting held on 08.11.2021 vide decision in item No.11. On perusal of records, the above decision of grant of variation of permit is seen

communicated to the applicant on 20.12.2021 with direction to produce current records of the above vehicle within 30 days. The applicant failed to produce current records of this vehicle neither within the period of one month nor within the maximum period of four months/till date. Hence, **as per Rule 159(2) of KMV Rules, 1989, the grant of variation of permit is revoked.**

Mrunmai Joshi IAS,
District Collector, Palakkad
& Chairman-RTA, Palakkad

R.Viswanadh
District Police Chief
Palakkad & member
RTA, Palakkad

M.P. James,
Deputy Transport Commissioner
Central Zone-1, Thrissur
& member, RTA, Palakkad.