

REGIONAL TRANSPORT AUTHORITY – MUVATTUPUZHA - 26.09.2022**Minutes**

Present:

1. Dr. Renu Raj, IAS, District Collector (Ernakulam); Chairperson RTA,
2. Sri. Vivek Kumar. IPS, District Police Chief (Ernakulam Rural); Member, RTA
3. Sri. Shaji Madhavan, Deputy Transport Commissioner (CZ-2); Member, RTA

Item No. 1

Heard.

1. This is to re-consider the application for fresh S/C permit to operate on the route Adimali – Vyttila Hub as ordinary service.
2. This application was considered by this authority in its sitting held on 01.02.2020 in Item No. 2 and being an inter-district fresh stage carriage permit, the decision was adjourned for want of concurrence from Sister RTA Idukki and also directed the applicant to produce a set of timings in par with that of an ordinary service.
3. In response to the decision of this authority, Sister RTA, Idukki granted concurrence in its sitting held on 04.06.2022 in Item No. 71.
4. The applicant has also submitted a revised time schedule for an ordinary stage carriage service.
5. We have examined the application; report and connected files in detail; all objections raised in the open hearing of this authority were heard.
6. Major objections were with respect to timing schedule proposed by the applicant and we are of the opinion that the same can be settled in a timing conference by the Secretary RTA.
7. No other legal impediments were observed in this application and thus, fresh, regular stage carriage permit on the proposed route is **granted** to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of this regular permit will be treated as revoked without further notice.

Item No. 2

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Piravom – Koothattukulam – Thodupuzha via. Palachuvadu, Edayar,

Koothattukulam, Palakkuzha, Marika, Kolani as ordinary service. We have considered the application in detail. Verified connected records and files.

2. This is an application for a fresh regular stage carriage permit on the above inter-district route. An enquiry on the application was conducted through the Motor Vehicles Inspector, Muvattupuzha. As per the report this is an inter-district route with 36.4 Kms route length, in which 13.4 Kms lies in Idukki District and remaining 23 Kms lies in the jurisdiction of this authority. The route enquiry officer has pointed out that there is an overlapping of 1.6 Kms with notified portion; of which 1.4 Kms lies at Thodupuzha town.

3. We have also considered the objections raised by en-route operators and KSRTC for and against this application. Major objections were with respect to the timings and also with respect to the line of traverse proposed by the applicant. We are also of the opinion that there needs more clarity in these aspects especially with respect to the portion of the route Koothattukulam – Palakkuzha and Kolani – Thodupuzha. Also, there was objection on the proposed line of traverse at Thodupuzha town. Hence we are of the opinion that a re-enquiry is essential to take a right approach on this application.

Thus, Secretary RTA will

a) call for a detailed enquiry report from Joint Regional Transport Officer, Thodupuzha through the Secretary, Regional Transport Authority, Idukki with sketch of the route from Kolani to Thodupuzha and also the proposed line of traverse at Thodupuzha Town limit. The report should contain specific remark on whether the proposed route is in par with the existing stage carriage operations from Kolani to Thodupuzha and within Thodupuzha town limit with specific mentioning on condition of the road. There should also be a mentioning on the details of overlapping with notified routes, if any.

b) call for specific a report from Motor Vehicles Inspector, Muvattupuzha on the line of traverse between Koothattukulam and Palakkuzha with specific mentioning on whether the route is in par with existing stage carriage operations and also the details of overlapping with notified routes, if any,

c) place the application before this authority with reports of re-enquiry.

4. Hence, decision on this application is **adjourned**.

Item No. 3

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Paingotoor – Mamalakkandam touching Malippara via. Pothanikkad,

Pallarimangalam, Adivad, Kozhipilly, Kothamangalam, Neriyamangalam, 6 Mile and Chelad as ordinary service.

2. We have considered the application; verified connected records and files in detail. We have also verified the finding of route enquiry officer.

Major finding of the report were:

- This is an inter- district route with route length 65 Kms; of which 16.4 Kms lies in the jurisdiction of Sister RTA, Idukki; remaining 48.6 Kms lies in Ernakulam District.
- There is no overlapping with notified route and no virgin portion.
- Width of the road from 6th mile to Mamalakkandam is 3 to 3.5 Mts. Driving a stage carriage when a heavy vehicle is passing opposite side is difficult.
- Only three buses are conducting service from 6th Mile to Mamalakkandam; Portion of the route from Kothamangalam to Mamalakkandam is passing through tribal settlements. There is no sufficient stage carriages are operating on this route; issuance of a stage carriage permit will be beneficial to travelling public and school children in the en-route area.

3. In this case, the route enquiry officer has initially stated that there is no adequate width for stage carriage operation on portion of the proposed road and later he has stated that the issuance of this permit will be beneficial to the travelling public and students; statements are contradictory in nature. This authority is not in a position to take a right approach with these remarks.

Hence, the Secretary RTA will

- a) Re-enquire the matter in detail and submit a report with specific remark on whether the proposed route is feasible for stage carriage operation or not and
- b) Place the application with specific report before this authority

4. Hence decision on this application is **adjourned**.

Item No. 4

Heard.

1. This is to consider the application for fresh S/C permit to operate on the route Vazhithala – Pothanikad via. Periyambra, Puthupariyaram, Chittur, Manakkad, Kothayikkunnu bus Stand, Thodupuzha, Arikuzha, Parakkadavu, Pandappilly, Arakkuzha, Muvattupuzha, Randar, Ayavana, Manappuzha as OS.

This is an application for a fresh regular stage carriage permit on the above inter-district route.

2. We have considered the application and verified connected records in detail. Representation from various elected representatives, specifying the need of a stage carriage permit were also considered.

3. Route Enquiry report states the following:

- This is an inter-district route with total route length 51.4 Kms of which 20.2 Kms lies in the jurisdiction of Sister RTA, Idukki; remaining 31.2 Kms lies in Ernakulam District.
- As per the report, total overlapping with notified portion is 3.4 Kms of which 1.4 Kms lies in Thodupuzha and 2 Kms lies in Muvattupuzha Town.

4. Objections raised against the overlapping distance were also considered. Major contention of the applicant is that there is deviation on the proposed route with that of mentioned in the report.

Hence, the Secretary, RTA will

a) re-enquire the matter with his agency and also a report has to be called for from the Joint Regional Transport Officer, Thodupuzha through the Regional Transport Officer, Idukki. Clarity needs on the proposed line of traverse at Thodupuzha Town limit. There should also be a mentioning on whether the proposed route is in par with the existing stage carriage operations from Kolani to Thodupuzha and within Thodupuzha town limit with specific mentioning on condition of the road with details of overlapping with notified routes, if any.

b) Place the application with re-enquiry reports before this authority.

5. Hence, decision on this application is **adjourned**.

Item No. 5

Heard.

1. This is to consider the application for fresh S/C permit to operate on the route Perumbavoor - Kothamangalam- Muvattupuzha – Kavakkadu via. Odakkaly, Kozhipilly, Inchoor, Varappetty, Elangavam, Puthuppady, Karukadom, Randar and Ayavana SNDP Junction as ordinary service.

2. Application along with route enquiry report and connected files are verified. Route Enquiry Officer stated that the total route length is 55 Kms and there is an overlapping of 2.4 Kms with notified routes. As per existing norms of notification, maximum overlapping distance is 5% of total route length. In this case, overlapping distance is in the brim of total permissible limits.

3. In the open hearing of this authority, there were some serious contentions raised by en-route operators:

a) The focus of operation of this permit is Kothamangalam – Muvattupuzha. Namesake trips are via. Varappetty, which is comparatively ill-served by stage carriages. Remaining trips are through direct route in which present frequency of service is less than two minutes. So, the intention of the applicant is to operate Kothamangalam – Muvattupuzha direct route. Even the conduct of timing conference will not be normally possible, since the time gaps are all most nil. Legally there is no restriction in issuing stage carriage permits on this route; but further issuance of permits on these routes will result in un-healthy competition and accidents.

b) Applicant has proposed two single trips in the route Kothamangalam – Perumbavoor and also Muvattupuzha – Kavakkad. No way these trips are going to be operational and these are for overcoming the effect of nationalization. Thus, for conducting a service on the direct route Kothamangalam – Muvattupuzha the applicant has formulated this proposal with name-sake trips to some other neighboring places.

In response, the applicant has pointed out that

c) if the proposal is accepted, at least this much trips will be operational to these ill served areas.

4. This authority has considered these objections raised for and against the application in the open hearing along with the comment of route enquiry officer that Muvattupuzha to Kavakkad via Ayavana and Muvattupuzha – Kothamangalam via. Varappetty are not well served by stage carriage operations. One of the objectives of this authority is to provide more opportunities for for the travelling public, especially in the less-served areas.

Thus, we are of the opinion that this proposal needs to be re-worked for the benefit of travelling public by providing more opportunities to the people of Kavakkad and Varappetty.

5. Hence, we direct the applicant to modify the proposed route plan in such a way to operate at least six more single trips on Kothamangalam – Muvattupuzha route via. Varappetty; and add four more single trips to Kavakkad in the existing time frame in public interest. There is also a direction to the route enquiry officer to check the feasibility of placing Kavakkad as one of the termini with respect to the space for halting and turning a stage carriage.

Place the modified application before this authority along with the revised report. Thus, decision on this application is **adjourned**.

Item No. 6

Heard.

1. This is to consider the application for fresh S/C permit to operate on the route Anakayam – Ernakulam South Railway Station East Gate via. Thattekkad, Kothamangalam, Perumbavoor, Pukattupady, Kangarappady, Navodaya, Kakkanad, Kaloor, Kathrikadavu as ordinary service.

2. We have considered the application, enquiry report and connected files in detail. We also considered the objections raised for and against the application in the open hearing of this authority.

As per the report of route enquiry officer, this is an intra-district permit with a total route length of 75.5 Kms. As per the report, daily mileage of the stage carriage is 258.2 Kms. There is an overall overlapping of 3.5 Kms with notified route. He has also reported that as per the present timing schedule, stage carriage has to travel 11 hours 44 Minutes every day. Route Enquiry Officer has expressed his concern on the rest time of the driver. Officer pointed out that the crews have not been provided with required rest time and which is against road safety norms. There is also a recommendation for morning and evening trips to Anakkayam and Thattekkad,

3. We have also considered the objections in the open hearing of this authority. The proposed service also passes through the city service area of Kochi Town. Regional Transport Authority, Ernakulam has already issued certain directions on parking places for stage carriages operating through various sectors.

4. In these circumstances, we are of the common opinion that the viability of this proposal has to be re-examined.

5. Thus, the applicant has to

a) modify the application in such way that include two single trips to Anakkayam in morning and/or in the evening by restricting some of the trips via well-served areas.

b) it is evident that there is no adequate rest time for the crew, we consider this factor with due seriousness. This cannot be ignored. The applicant has to file a detailed note on how he is going to address this factor in his proposed application.

6. The Secretary RTA has to:

a) re-enquire the revised proposal and submit a detailed viability report with all relevant points.

b) obtain a detailed enquiry report from Secretary, RTA Ernakulam based on the directions issued by the RTA on stage carriage services passing through the Municipal Corporation and also the existing notified schemes passing through the proposed route.

c) Obtain a feasibility report of stage carriage parking facility available in East Gate of Ernakulam South Railway station.

7. On completing points explained in 5 & 6 mentioned above, application has to be placed before this authority for re-consideration.

Hence, decision on this application is **adjourned**.

Item No. 7

Heard.

This is to consider the request to modify the application for fresh stage carriage permit submitted on the route Maneed – Kothamangalam placed before the RTA held on 26.04.2022 in Item No. 8 and adjourned for want of a re-enquiry

Modifications requested:

Muvattupuzha – Ramamangalam (two trips) – Kayanad, Piramadom, Attuvelithazham

Muvattupuzha – Koothattukulam (12.45 p.m.) via. Maradi, Mannathur, Vaaliyappadam

(2) To consider the application for fresh S/C permit to operate on the route Maneed – Muvattupuzha – Kothamangalam via. Ezhakkaranad, Ramamangalam, Kayanad, Mannathur, Vadakara, Koothattukulam, Muvattupuzha and Puthuppadi as ordinary service.

3. We have considered the application, enquiry report and connected files in detail. We also considered the objections raised for and against the application in the open hearing of this authority.

As per the report of route enquiry officer, this is an intra-district permit with a total route length of 66.2 Kms. There is an overall overlapping of 2.8 Kms with notified route, which is not objectionable.

4. Route Enquiry Officer has also pointed out that the applicant suggested only single trips to ill-served areas like Maneed and Koothattukulam. He has also expressed his concern that the applicant seems to increase the route length for avoiding the effect of notification.

5. We have verified the observations made by the route enquiry officer in the light of objections raised in the open hearing of this authority. We are of the common opinion that more number of trips are required in Maneed sector in public interest.

Hence, the applicant is directed to to modify the application, in such a way that two more trips to Maneed sector in the proposed time schedule, for the benefit of travelling public and students of an ill-served area.

Hence the decision on this application is **adjourned**.

Item No. 8

Heard.

1. This is to consider the application for fresh S/C permit to operate on the route Nedumpara – Perumbavoor via. Panamkuzhy Jn., Kombanad, Vettuvalavu, Choorathodu, Veengoor church, Pralayakkad, Mudakkuzha, Para Jn. MGM School, Kuruppumpady, Pattal, Kalady Kavala and Oushadhi Jn. as ordinary service.

2. This authority considered the application and verified connected records and report of route enquiry officer in detail. We have also considered the objections raised for and against the application in the open hearing of this authority.

3. As per the report, this is an intra-district route with route length 18 Kms. There is an overlapping of 0.6 Kms at Perumbavoor town. He has also pointed out that the proposed route is ill-served and a new stage carriage service will be beneficial to the travelling public and students.

4. Therefore fresh regular stage carriage permit on the proposed route is **granted** to a suitable stage carriage subject to settlement of timings. The grantee of the permit is directed to produce the current records of a stage carriage for endorsing the granted permit within thirty days of communication of this decision as per Rule 159[2] of KMV Rules 1989; failing which the grant of the regular permit will be treated as revoked without further notice.

Item No.9

Heard.

This is to consider the application for variation of regular permit in respect of Stage Carriage KL 49 8586 operating on the route Kalady – Kothamangalam with starting at Thottuva so as to operate :

A deviation of 4.9 Kms from Pappanpady to Koovappady by curtailing portion of the route from Pappanpady to Koovappady

Another deviation of a round trip Perumbavoor – Perumbavoor and Perumbavoor – Kavumpuram using idle time at Perumbavoor

This authority has considered the matter in detail; considered the application and verified connected records and files. Heard the arguments for and against the application. Objections are mainly against proposed time schedule.

On further verification of route enquiry report, the officer has stated the following:

- a) any variation amounts to a fresh permit application as per Section 80(3) of Motor Vehicles Act.
- b) Even though the requested variation is partially beneficial for the public it will affect the leisure time of the crew, especially the driver.
- c) Any curtailment and deviation will adversely affect travelling public and school children in the en-route area.
- d) In the varied portion there is an additional overlapping of 0.5 Kms at Perumbavoor town (Aluva – Kattappana Scheme)

This authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same.

We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii and also the observations of route enquiry officer, application for variation is **rejected**.

Item No.10

Heard.

1. This is to re-consider the application for variation of regular permit conditions in respect of Stage Carriage KL 63 G 7009 (Previous vehicle KL 34 A 1258) operating on the route Kuruppumpadi – Akanad – Aluva so as to operate starting and halting at Malayattur Adivaram and subsequently avoiding one trip Akanad – Kuruppumpadi; No other changes.

2. We have considered this application in the sitting held on 28.10.2021 in Item No. 8 and adjourned the decision for want of a specific report.

3. Re-enquiry has been conducted through the Joint Regional Transport Officer, Perumbavoor and we examined the report in detail along with the application. He has reported that:

- a) any curtailment will adversely affect the travelling public and students in the en-route area.
- b) the proposed curtailment lies fully in rural area and hence it will be a setback to passengers of early morning and night.
- c) Extension to Malayattoor is only in the first and last trip; this will not be beneficial to the Malayattoor pilgrims
- d) Termini of the permit altered from Malayattoor to Adivaram
- e) As per Section 80 (3) of M V Act, any variation, extension or curtailment of the existing route shall be treated as an application for fresh permit and also there is a stipulation that the termini shall not be altered.

This authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same.

We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii and also the observations of route enquiry officer, application for variation is **rejected**.

Item No.11

Heard.

This is to consider the application for variation of regular permit in respect of Stage Carriage KL 05 Y 2036 operating on the route Vellur Railway station – Valiyapara so as to operate in such a way that starting and halting place varied from Cheruvattur to Muvattupuzha and time change accordingly.

We have considered the application and verified connected records in detail. The arguments for and against the applications were also heard and considered.

The route enquiry officer has stated the following:

- i) Any curtailment and deviation will adversely affect travelling public of the enroute area;
- ii) Applicant propose to curtail 9 Km from Cheruvattur to Muvattupuzha as shifting of Starting and Halting trip. This is against the interest of travelling public; hence it is not advisable at present.
- iii)Curtailment of first trip from Cheruvattur to Muvattupuzha is on early morning and frequency of bus service is less at present.

iv) Any variation amounts to a fresh permit application as per Section 80(3) of M V Act and also there is a stipulation that the termini shall not be altered.

This authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same.

We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii and also the observations of route enquiry officer, application for variation is **rejected**.

Item No. 12

Heard.

1. This is to peruse the directions contained in the order of Hon. State Transport Appellate Tribunal, Ernakulam in M.P. No. 693/2022 in MVAA No. 152/2022; Dtd. 10.08.2022 also

2. To re-consider the application for variation of regular permit in respect of Stage Carriage KL 26 E 0886 operating on the route West Morakkala – Aluva so as to

a) Extend 3,4,5,6,9,10 trips to Kakkanad through newly opened Maanjerikuzhi Bridge with change in departure time from Aluva as 07.10. a.m. in trip no. 3; no change in other trips/timings.

Perused the directions contained in the order of Hon. STAT in M.P. No. 693/2022 in MVAA No. 152/2022; Dtd. 10.08.2022

3. We have considered the application; report of route enquiry officer and also the contentions of en-route operators raised for and against the application in the open hearing of this authority.

4. This authority has previously considered this application based on the directions contained in the judgment of Hon. High Court of Kerala in WP(C)

No. 5326 of 2022; 17.02.2022 in its sitting held on 26.04.2022 in Item

No. 10 and adjourned the decision on this application with following remarks:

a) ...while considering the application of a stage carriage permit, including variation through a particular route (Section 2(38)), utmost importance has to be given for public safety and interest. Thus, consideration on condition of the road to accommodate stage carriage services is also that of paramount importance. We have also referred the provisions given in Section 71 and 72 of Motor Vehicles Act

and also the powers vested upon this authority while considering the application of fresh/regular permit (Joshya Rapheal v. RTO Ernakulam – 1991 KHC 98 : 1991(1) KLT 288:1991 (1) KLJ 165.)

Thus,

a) fare stages on virgin portion has to be fixed and published

b) the condition of the road has to be improved in line with the observation of Route Enquiry Officer for starting stage carriage operation through this road.

c) On completion of the work, place the application before this authority for re-Consideration with a revised report.

5. As explained above, we have elaborately considered the matter in the previous sitting of this authority. The matter was adjourned solely based on the fact the officer concerned has clearly stated with photographs that condition of the road is not suitable for smooth flow of stage carriages.

However, based on the submissions of the applicant and remarks put forward in the open hearing of this authority we are of the opinion that a re-examination of the road can be done with an officer who is not below the rank of a Joint Regional Transport Officer.

6. Hence the decision on this application is **adjourned** for want of a fresh enquiry report with validation remarks, if any, on previous report submitted before this authority. Secretary RTA will place the application with fresh report before this authority.

Item No. 13

Heard.

1. This is to peruse the directions contained in the Judgment of Hon. STAT in MVAA No. 78/2021; Dtd. 22.06.2022; also

2. To re-consider the application for variation of stage carriage permit on the route Mulamkuzhy – Thattekkad – Manjapra as Ordinary Service with respect to the stage carriage KL 05 T 7587 (New SC KL 17 C 9730):

Such that

1. Curtailment of the route Kothamangalam – Thattekkad (3rd & 4th trips)

2. Additional trips to Kothamangalm – Perumbavoor

3. Curtailment of trips Kalady to Perumbavoor (7th & 8th trips);

3. To consider the request of the permit holder to modify his previous application for variation in such a way that not to consider the curtailment of trips Kalady to Perumbavoor (7th and 8th) with slight change of timings in these trips.

4. We have perused the directions contained in the judgment of STAT and complied.

5. We have also considered the objections filed for and against the application in the open hearing of this authority.

6. Application for variation of permit has already been considered (by way of circulation among members of RTA, Muvattupuzha under Rule 130 of KMVRs) based on the directions contained in the Judgment of Hon. High Court of Kerala in WP(C) No. 879 of 2021 (H), Dtd. 02.02.2021 and letter from the Advocate General's Office Dtd. 14.09.2021. RTA rejected the application on following grounds:

- The variation includes the curtailment of two single trips between Kothamangalam and Thattekkad which one the only trips conducted by this service.
- On verification it is clear that the curtailed sector Kothamangalam and Thattekkad is ill served by stage carriages.
- By the curtailment of two single trips between Kalady and Perumbavur, the travelling public will lose the ordinary service between these places through notified sector.
- Further, enhancement of any service by private operators is not permissible by existing notification for nationalization.
- Hence these curtailments will adversely affect the travelling public. The proposed additional trips are found provided in the sectors in which there are more services than that curtailed.
- Moreover there is no specific requirement for a variation of this route to satisfy that the specific requirements for a variation of this route to that this variation will serve the convenience of the public as mentioned in Section 80 (3) of MV Act and Rule 145 (6) of KMV Rules 1989.

7. Against the decision of RTA, the permit holder approached Hon. STAT and in its Judgment in MVAA No. 78/2021; Dtd. 22.06.2022; Hon. STAT set aside the decision of RTA and directed RTA to reconsider the application for variation after hearing all the parties concerned after considering the enquiry report including KSRTC.

8. Things are being so, the applicant has further submitted a request that in his application for variation, curtailment of last trip from Kalady to Perumbavoor and return need not be considered. He has also requested for slight changes in

existing time schedule for this trip. This re-consideration was based on a direction from Hon. STAT and we are of the common opinion that we are not entertaining a modified application for variation in this juncture. Applicant is free to file a fresh application later.

9. Observations of the route enquiry officer were further verified and we are still of the considered opinion that

- The variation includes curtailment of two single trips between Kothamangalam and Thattekkad which one the only trips conducted by this service. Close timings with KSRTC service is not a ground for curtailment of trips.
- By the curtailment of two single trips between Kalady and Perumbavur, the travelling public will lose the ordinary service between these places through notified sector. Further, enhancement of any service by private operators is not permissible by existing notification for nationalization.
- Hence these curtailments will adversely affect the travelling public. The proposed additional trips are found provided in the sectors in which there are more services than that curtailed.
- Moreover there is no specific requirement for a variation of this route to satisfy that the specific requirements for a variation of this route to that this variation will serve the convenience of the public.

Any variation amounts to a fresh permit application as per Section 80(3) of M V Act and also there is a stipulation that the termini shall not be altered.

Thus, This authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same. We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route. Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii and also the observations of route enquiry officer, application for variation is **rejected.**

Item No. 14

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 12 G 5055 operating on the route Perumbavoor –

Kochupurackalkadavu with starting and halting at Chooramudy so as to change the starting and halting place from Chooramudy to Kariyely North.

2. We have considered the application and verified connected records in detail. The arguments for and against the applications were also heard and considered.

3. The route enquiry officer has stated the following:

i) Any curtailment and deviation will adversely affect travelling public of the en-route area; In this case, the curtailment is fully through rural area and it will badly affect traveling public.

ii) This is against the interest of travelling public; hence it is not advisable at present.

iv) Any variation amounts to a fresh permit application as per Section 80(3) of M V Act.

4. This authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same.

5. We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii and also the observations of route enquiry officer, application for variation is **rejected**.

Item No.15

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 17 D 9295 operating on the route Aluva – Kakkanad so as to change the termini from Aroor Temple to Thripunithura

2. We have considered the application and verified connected records in detail. The arguments for and against the applications were also heard and considered.

3. The route enquiry officer has stated the following:

i) In this case, Permit holder intends to curtail the portion from Thripunithura to Aroor Temple; any curtailment and deviation will adversely affect travelling public of the en-route area;.

ii) It would be beneficial to have more services to Info-park phase II

iii) Any variation amounts to a fresh permit application as per Section 80(3) of M V Act.

4. This authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same.

5. We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii and also the observations of route enquiry officer, application for variation is **rejected**.

Item No. 16

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 38 E 8106 operating on the route Perumbavoor – Kaloor Bus stand so as to change the first trip from Thripunithura to Kaloor via. Vyttila and Palarivattom by-pass and extending route from Thripunithura to Kakkanad via. Karingachira, Irumpanam.

2. We have considered the application and verified connected records in detail. The arguments for and against the applications were also heard and considered.

3. The route enquiry officer has stated the following:

i) In this case, Permit holder intends to curtail the portion from Thripunithura to Kaloor; Any curtailment and deviation will adversely affect travelling public of the en-route area;

ii) It would be beneficial to have more services to Info-park phase II

iii) Any variation amounts to a fresh permit application as per Section 80(3) of M V Act.

4. This authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same.

5. We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii and also the observations of route enquiry officer, application for variation is **rejected**.

Item No.17

Heard.

1. To consider the application for variation of regular permit in respect of Stage Carriage KL 17 U 1400 operating on the route Muvattupuzha – Ernakulam so as

to change the starting and halting place from Piravom to Muvattupuzha.

2. We have considered the application and verified connected records in detail. The arguments for and against the applications were also heard and considered.

3. The route enquiry officer has stated the following:

- There is an additional overlapping of 1.8 Kms in the varied portion
- In this case, Permit holder intends to curtail morning and evening trips; Any curtailment and deviation will adversely affect travelling public of the en-route area;
- Proposed variation / curtailment violates Section 80(3) i.
- Curtailment on the morning and evening trip will adversely affect passengers;
- Variation is not recommended.
- Any variation amounts to a fresh permit application as per Section 80(3) of M V Act.

4. This authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same.

5. We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii and also the observations of route enquiry officer, application for variation is **rejected**.

Item No.18

1. Heard. This is to

- i) peruse the Judgment of Hon. STAT in MVAA No- 288/2018 dtd 31.01.2019.
- ii) re consider the application for variation of regular permit in respect of stage carriage KL 49 8586 on the route Perumbavoor- Malayattoor Adivaram- Kalady.

The variation sought for includes:

- a) The trip at 11.23 from Perumbavoor to Kurichilakode (Via) Aimury, Koovapady intend to deviate (Via) Kuruppampady and Akanad and retrun to Perumbavoor.
- b) One additional trip from Adivaram to Kalady after 6.02 pm.

2. We have considered the application and verified connected records in detail. The arguments for and against the applications were also heard and considered.

3. RTA held on 18-11-2018 considered the application and rejected since the proposed curtailment will adversely affect the travelling public.

4. Aggrieved on this the applicant filed appeal before hon'ble STAT and the court vide judgment in MVAA No- 263/2017 directed the RTA to reconsider the application afresh.

5. Adhere to the direction of Hon. STAT, the matter was reconsidered by the RTA held on 02.08.2018 and again rejected the proposed variation.

6. Further, the permit holder produced a judgment from Hon. STAT in MVAA No. 288/2018; Dtd. 31.01.2019, where Hon. STAT set aside the decision of RTA and directed to re-consider the application on merits in the light of directions issued in the judgment in MVAA 263/2017 and pass orders accordingly.

7. Further the matter has been considered by the RTA held on 18.09.2019 in Item No. 17 and adjourned the decision with a direction to specify how the curtailment and deviation affect the en-route passengers.

8. In obedience to the decision of RTA, Motor Vehicles Inspector, Perumbavoor enquired the matter and submitted report. As per the report:

a) Curtailment of trip from Aimury and Koovappdy will adversely affect travelling public.

b) The above stage carriage has been conducting service through this route for a considerable period of time and a group of public are enjoying the facility of travelling at present.

c) Curtailment this trip will definitely affect these people residing in rural and areas with comparatively less travelling facilities like Aimury and Koovappady.

d) There is no special circumstances aroused to curtail this trip via Aimury and deviate through Kuruppumpady and Akanad.

e) We are of the opinion that the interest of the travelling public of the present route has to be given more importance than the same of another route.

f) The argument that another stage carriage is operating on this route with a similar timing was also considered.

g) Hence, as per my enquiry it is evident that the interest of travelling public of the existing route has to be considered with more importance than that of an upcoming another route. It is also evident from my enquiry that there is need of travelling facility on the route via Aimury and Koovappady.

h) Request for additional trip from Adivaram to Kalady may be considered

9. This authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same.

10. We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii and also the observations of route enquiry officer, application for variation is **rejected**.

Item No. 19

Heard.

1. This is to consider the application for variation of regular permit in respect of Stage Carriage KL 40 K 9196 operating on the route Alattuchira – Thripunithura so as to change the starting and halting place from Kizhakkambalam to Perumbavoor.

2. We have considered the application and verified connected records in detail. The arguments for and against the applications were also heard and considered.

3. The route enquiry officer has stated the following:

- In this case, Permit holder intends to curtail morning and evening trips; Any curtailment and deviation will adversely affect travelling public of the en-route area;
- Proposed variation / curtailment violates Section 80(3) i.
- Partially rural area and curtailment on the morning and evening trip will adversely affect passengers;
- Permit holder intends to change starting and halting points; Any variation amounts to a fresh permit application as per Section 80(3) of M V Act.

4. This authority considered the observations of the route enquiry officer with due seriousness and we do not want to overrule the same.

5. We have also considered this application in accordance with the provisions explained in Rule 145 (6) i & ii of Kerala Motor Vehicles Rules; we could not find any such circumstances as explained in aforesaid Rules in the applied route.

Thus, based on the provisions contained in Section 80 (3) of Motor Vehicles Act, Rule 145 (6) i & ii and also the observations of route enquiry officer, application for variation is **rejected**.

Item No.20

Heard.

This is a request by the grantee of a fresh stage carriage permit on the route Ayavana- Muvattupuzha- Kothamangalam touching Piravom and Vannappuram as ordinary moffussil service for granting maximum time for producing the current records of a suitable stage carriage with seats not less than 38.

We have verified the application and connected records in detail.

RTA Muvattupuzha held on 26.04.2022 in Item No. 1 granted fresh stage carriage permit.

We have also verified the conditions stipulated in Rule 159 (2) of Kerala Motor Vehicles Rules 1989. Thus, based on the request of the grantee of the permit, this authority **granted a maximum time of four months from the date of sanctioning the application for the production of a suitable stage carriage** for endorsing the granted permit.

Item No.21

Heard.

This is a request by the grantee of a fresh stage carriage permit on the route Uppukulam – Kothamangalam – Perumbavoor via. Namboorimukku, Oonnukal, Nellimattom, Vayanasalappadi, Oodakkaly and Kuruppumpady as ordinary service for granting maximum time for producing the current records of a suitable stage carriage with seats not less than 38.

RTA Muvattupuzha held on 26.04.2022 in Item No. 5 granted fresh stage carriage permit

We have also verified the conditions stipulated in Rule 159 (2) of Kerala Motor Vehicles Rules 1989. Thus, based on the request of the grantee of the permit, this authority **granted a maximum time of four months from the date of sanctioning the application for the production of a suitable stage carriage** for endorsing the granted permit.

Item No.22

This is a request by the grantee of a fresh stage carriage permit on the route Muvattupuzha – Kothamangalam – Perumankandam – Cheruvattur – Mulavoor via. Karukadam, Nellimattom, Kovallur, Paingottur, Kaloore, Nellikuzhy, Eramallur, Nirappu as ordinary service to accept the current records of the stage carriage KL 33 6147 for endorsing the granted permit by condone the delay in producing the vehicle.

RTA Muvattupuzha held on 26.04.2022 in Item No. 6 granted fresh stage carriage permit

We have also verified the conditions stipulated in Rule 159 (2) of Kerala Motor Vehicles Rules 1989. Thus, based on the request of the grantee of the permit, this authority **granted a maximum time of four months from the date of sanctioning the application for the production of a suitable stage carriage** for endorsing the granted permit.

Item No.23

This is to consider the

- i. request for condone the delay occurred in filing the application for renewal of permit
- ii belated application for renewal of the regular stage carriage permit in respect of the stage carriage KL 38 C 7887 operating on the route Kavumpuram – Thrikkariyoor vide permit no. 17/133/2002/EM, which was valid from 02.07.2017 to 01.07.2022 for further period of 05 years.

We have considered the application and verified connected records in detail.

Delay in submitting the application is condoned and renewal of permit is **granted**, if there is no other legal impediments. The applicant has to clear all dues to the Government, production of current records and also subject to the production of NOC from the financier, if applicable.

Item No.24

Heard.

This is to consider the

- i. request for condone the delay occurred in filing the application for renewal of permit
- ii belated application for renewal of the regular stage carriage permit in respect of the stage carriage KL 40 Q 9101 operating on the route Kanichattupara – Aluva vide permit no. 17/1004/2003/EM, which was valid from 20.06.2016 to 19.06.2021 for further period of 05 years.

We have considered the application and verified connected records in detail.

Secretary, RTA has submitted that the vehicle was compounded for permit-less operation.

Delay in submitting the application is condoned and renewal of permit is **granted**, if there is no other legal impediments. The applicant has to clear all

dues to the Government, production of current records and also subject to the production of NOC from the financier, if applicable.

Item No.25

This is a request from Sister RTA, Kottayam to consider the application for issuing **concurrence for fresh stage carriage permit** on the route Erumely – Amritha Hospital as Limited Stop Ordinary Service.

Sister RTA Kottayam held on 24.05.2022, Item No. 6 (J1/2429/2022/K) considered the application for fresh permit.

As per the report of route enquiry officer, a distance of 16.2 Kms (Elanji – Piravom – Peppathy) lies in the jurisdiction of this authority and there is no overlapping with any of the nationalized schemes.

Thus, concurrence is **granted** from this authority for the application subject to the right of primary authority to take a final decision on the application for fresh stage carriage permit.

Item No.26

This is to consider the application for issuing concurrence for fresh stage carriage permit on the route Thodupuzha – Paingootoor – West Kodikkulam as Ordinary Service from Sister RTA, Idukki.

They have considered this application held on 05.03.2020, Item No. 1 (G/23378/2019/ID) and adjourned the decision for want of concurrence from this authority.

As per the report of route enquiry officer, portion of the route for a distance of 5 Kms overlaps with the jurisdiction of this authority and there is no overlapping with notified portion in the jurisdiction of this authority.

Thus, concurrence is **granted** from this authority for the application subject to the right of primary authority to take a final decision on the application for fresh stage carriage permit.

Item No.27

Applicant absent. Decision on this application is **adjourned**.

Item No.28

Heard.

Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.29

Heard.

Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.30

Heard.

Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.31

Heard.

Transfer of permit by death **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.32

Heard.

Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.33

Heard.

Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.34

Applicant absent. Decision on this application is **adjourned**.

Item No.35

Heard.

Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.36

Heard.

Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.37

Heard.

Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 38

Heard.

To ratify the surrender of regular permit in respect of Stage Carriage KL 08 BA 6699 operating on the route Paniely – Vyttila Hub with permit no. 17/2/2021 and valid from 01.02.2021 to 31.01.2026 as per the request of permit holder.

This authority verified connected files in detail and **ratified** surrender of permit.

Item No.39

Heard. This is to

- 1) clarify the overlapping distances with various nationalized schemes passing through Aluva Town with respect to stage carriage permits on the bases of the report of sub-committee formed for the purpose.
- 2) re-consider the report of sub-committee formed as per the decision of RTA, Muvattupuzha held on 18.09.2019 in Item No. 39 to clarify the routes (line of travers) and distances on various nationalized schemes passing through Aluva town based on the suggestions given by the Secretary RTA Muvattupuzha and Ernakulam.

In the open hearing of this authority the representative of KSRTC submitted that copy of the report was not circulated to them and since this is a matter involving nationalization of routes this authority considered and accepted the contention of the representative of KSRTC.

Thus, Secretary RTA will circulate a copy of modified report to the sub-committee members and present before this authority with their comments, if any. Till a final conclusion is arrived at, present status-quo with respect to operational permits can be continued.

Hence, decision on this application is **adjourned**.

Departmental Item No. 1

This is to ratify the work done by the Secretary, RTA, Muvattupuzha under delegated powers.

Ratified the work done by the Secretary, RTA under delegated powers.

Additional Item No. 1

1. This is to consider the application for fresh stage carriage permit to operate on the route Alinchuvade – Uppukandam – Kothamangalam – Perumbavoor – Allungal as ordinary service.
2. This is an application for a fresh regular stage carriage permit on the above intra-district route.

3. As per the report of route enquiry officer, this is an intra-district route with 43.5 Kms route length with an overlapping of 0.5 Kms with notified route. He has further reported that the average frequency of Alinchuvadu – Kothamangalam sector is 1 to 2 Hours; that of Kothamangalam – Perumbavoor is 1 to 2 Minutes and that of Kothamangalam – Allungal is 2 to 3 hours.

4. Route Enquiry Officer, after his field study, further stated that the commuters of Kothamangalam – Perumbavoor segment has got more travelling facilities with less time gap than the other two segments and suggested for a re-scheduling of timing schedule for the benefit of travelling public.

5. Again, as per the report, halting time at Perumbavoor bus stand (3 Minutes) at 09.32 a.m. is not sufficient as per present traffic conditions at Hospital Junction to Private Bus stand.

6. We have also referred letters from the representatives of various local self-government institutions from Pindimana, Kavalangad and also that of a Member of Legislative Assembly in this regard. In the open hearing of this authority, there were arguments for and against this permit. All objections were heard. We are also of the opinion that public transportation facility has to be increased to these sectors. As reported by the enquiry officer, it is evident from the time schedule that the applicant has tried to obtain a stage carriage permit citing he intends to initiate a service through rural/remote area keeping focus of operation as Kothamangalam – Perumbavoor, where there is hardly a minute is the time gap. We cannot blindly accept this proposal. The focus operation has to be changed from Kothamangalam – Perumbavoor to other two areas. Representations from local leaders also suggests the same.

7. Thus, we are of the common opinion that a re-visit on time schedule is highly necessary in this fresh stage carriage proposal in such a way that at least two more single trips are to be included in Aalinchuvadu – Uppukandam – Kothamangalam & Perumbavoor – Allunkal sectors. Halting time at Perumbavoor (9.32 a.m.) has also to be increased. Revised application with modified enquiry report has to be place before this authority. Hence decision on this application is **adjourned.**

Additional Item No.2

This is to consider the application for issuing concurrence for fresh stage carriage permit on the route Panikkankudy – Kothamangalam as Ordinary

Service from Sister RTA, Idukki held on 04.06.2022 in Item No. 18 (J1/281/2022/ID)

This was enquired by the Motor Vehicles Inspector and as per the report, portion of the route from Neriya Mangalam to Kothamangalam for a distance of 20 Kms is passing through the jurisdiction of this authority. He has further note that there is no overlapping with notified routes in this sector.

Thus, concurrence is **granted** without prejudice on the right of the primary authority to take a decision on the application for fresh stage carriage permit.

Supplementary Item No.1

Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Sd/-

Shaji Madhavan, Deputy Transport Commissioner (CZ-2); Member, RTA

Sd/-

Vivek Kumar. IPS, District Police Chief (Ernakulam Rural); Member, RTA

Sd/-

Dr. Renu Raj., IAS, District Collector (Ernakulam); Chairperson RTA