

**MINUTES OF THE MEETING OF REGIONAL TRANSPORT
AUTHORITY ERNAKULAM HELD ON 23-01-2023**

Present:- Chairperson-

Dr. (Smt.) Renu Raj I.A.S, The District Collector, Ernakulam

Member:-

**Sri., Shaji Madhavan, Deputy Transport Commissioner [Law],
CZ- II, Ernakulam.**

Item No.01

Heard; the learned counsel represented the applicant Sri. Anas A S, S/o Said Muhammed, Anjalimoottil, Edathala, Aluva East-683561. This is the application for the grant of fresh Intra district Ordinary Moffusil permit on the route Chittetukara water Metro station – Perumbavoor via Kakkanad, HMT Jn, Govt Medical college, Athani, Mundenpalam, Kangarapady, Navodaya, Pookatupady and Chambarkey.

On perusal of the agenda, file and enquiry report this authority perceived that the terminus Chittetukara water Metro station is a new bus terminal. But the enquiry officer is not mentioned anything about this new terminus. It is very necessary to understand whether there is enough space for parking of stage carriage and for turning it. Hence without inclined to the merits and demerits of the application, this authority is hereby **adjourned** the application for fresh permit for a detailed enquiry report.

Item No.02

Heard; the learned counsel represented the applicant Sri. Baiju, Arakkal House, Vadakkekara P O. North Paravoor – 683522. This is the application for the grant of fresh intra district regular permit on the route Kunjithai - Moothakunnam- North Paravur – Vyttila Hub via Vavakkad, Puthiyakavu, Kottuvally, Koonammavu, Varappuzha bridge, Edappallyas Ordinary Moffusil Service. The learned counsel has intimated that the applicant is ready to offer a suitable vehicle with seating capacity not less than 33 in all within the time limit specified U/R 159[2] of KMV Rules-1989, if the regular permit is granted.

This authority considered the application including the timings in detail. On perusal of the agenda, and enquiry report; this authority perceived that the proposed route will not objectionably overlaps any notified route. Therefore, there is no legal impediments for the grant of proposed regular permit.

Secretary ,Private Bus Owners Association filed a representation against grant of fresh permit in the sector between Moothakunnam-North Paravur-Edappally. The matter considered this authority in this meeting vide item no- 74 and due to strong reasons, the representation is rejected.

Several objections have been received against the grant of proposed route stating that the route is well served and there is no requirement for the further permit. But the objections cannot be sustainable. As per Motor Vehicles Act-1988 , permit cannot be denied to anyone on the applied route ,if there is no legal impediment.

Therefore, the regular permit is **granted** in favour of Sri. Baiju, Arakkal House, Vadakkekara P O. North Paravoor – 683522 on the applied route Kunjithai - Moothakunnam- North Paravur – Vyttila Hub via Vavakkad, Puthiyakavu, Kottuvally, Koonammavu, Varappuzha bridge, Edappallyas Ordinary MoffusilServicein respect of his suitable stage carriage with seating capacity not less than 33 in all subject to settlement of timings and the applicant is directed to produce the current records of the offered vehicle within thirty days of communication of this decision as per the time limit specified U/R 159[2] of KMV Rules-1989 failing which the grant of regular permit will be treated as revoked without further notice.

Item No.03

Heard; the learned counsel represented the applicant Sri. Sri. Saju K V, Kadaparambil House, Malayidomthuruth P O, Kizhakkambalam. This is the application for the grant of fresh intra district regular permit on the Perumbavoor – Vyttila Hub via Palakattuthazham, Chembarkey, Pookkatupady, Kangarapady, Navodaya, Kakkanad, Edappally Toll, Edappally Signal, By-pass and Medical centres Ordinary MoffusilService. The learned counsel has intimated that the applicant is ready to offer a suitable vehicle with seating capacity not less than 28 in all within the time limit specified U/R 159[2] of KMV Rules-1989, if the regular permit is granted.

This authority considered the application including the timings in detail. On perusal of the agenda, and enquiry report, this authority perceived that the enquiry officer remarked that the route portion 500 meters from Edappally Toll jn to Edappally signal jn. is overlapping with the schemes as per GO(P) No-08/2017/Tran

dtd.23/03/2017. But it is not specifically mentioned in the report that the overlapping is on which route.

Hence without inclined to the merits and demerits of the application, this authority is hereby **adjourned** the application for fresh permit for a detailed enquiry report.

Item No.04

Heard; the learned counsel represented the applicant Sri. Rahim M A, Mavelipparambu House, Panayikkulam, Ernakulam-683511. This is the application for the grant of fresh intra district regular permit on the route Panangad- North Paravur via Madavana, Vyttila Hub, Bypass, Edappally, Varappuzha Bridge and Thekkenaluvazhyas Ordinary Moffusil Service. The learned counsel has intimated that the applicant is ready to offer a suitable vehicle with seating capacity not less than 33 in all within the time limit specified U/R 159[2] of KMV Rules-1989, if the regular permit is granted.

This authority considered the application including the timings in detail. On perusal of the agenda, and enquiry report; this authority perceived that the proposed route will not objectionably overlaps any notified route. Therefore, there is no legal impediments for the grant of proposed regular permit.

Secretary ,Private Bus Owners Association filed a representation against grant of fresh permit in the sector between Moothakunnam-North Paravur-Edappally. The matter considered this authority in this meeting vide item no- 74 and due to strong reasons, the representation is rejected.

Several objections have been received against the grant of proposed route stating that the route is well served and there is no requirement for the further permit. But the objections cannot be sustainable. As per Motor Vehicles Act-1988 , permit cannot be denied to anyone on the applied route ,if there is no legal impediment.

Therefore, the regular permit is **granted** in favour of Sri. Rahim M A, Mavelipparambu House, Panayikkulam, Ernakulam-683511 on the applied route Panangad- North Paravur via Madavana, Vyttila Hub, Bypass, Edappally, Varappuzha Bridge and Thekkenaluvazhyas Ordinary Moffusil Service in respect of his suitable stage carriage with seating capacity not less than 33 in all subject to

settlement of timings and the applicant is directed to produce the current records of the offered vehicle within thirty days of communication of this decision as per the time limit specified U/R 159[2] of KMV Rules-1989 failing which the grant of regular permit will be treated as revoked without further notice.

Item No.05

Heard; the learned counsel represented the applicant Sri. Shiyas, S/O Abdulla, Mullakkara House, Neendoor, Vadakkekara P O, Pin-683522. This is the application for the grant of fresh intra district regular permit on the route Moothakunnam- North Paravur – Vyttila Hub via Kottuvally, Koonammavu, Varappuzha bridge, Edappallyas Ordinary Moffusil Service. The learned counsel has intimated that the applicant is ready to offer a suitable vehicle with seating capacity not less than 28 in all within the time limit specified U/R 159[2] of KMV Rules-1989, if the regular permit is granted.

This authority considered the application including the timings in detail. On perusal of the agenda, and enquiry report; this authority perceived that the proposed route will not objectionably overlaps any notified route. Therefore, there is no legal impediments for the grant of proposed regular permit.

Secretary ,Private Bus Owners Association filed a representation against grant of fresh permit in the sector between Moothakunnam-North Paravur-Edappally. The matter considered this authority in this meeting vide item no- 74 and due to strong reasons, the representation is rejected.

Several objections have been received against the grant of proposed route stating that the route is well served and there is no requirement for the further permit. But the objections cannot be sustainable. As per Motor Vehicles Act-1988 , permit cannot be denied to anyone on the applied route ,if there is no legal impediment.

Therefore, the regular permit is **granted** in favour of Sri. Shiyas, S/O Abdulla, Mullakkara House, Neendoor, Vadakkekara P O, Pin-683522 on the applied route Moothakunnam- North Paravur – Vyttila Hub via Kottuvally, Koonammavu, Varappuzha bridge, Edappallyas Ordinary Moffusil Service in respect of his suitable stage carriage with seating capacity not less than 28 in all subject to settlement of timings and the applicant is directed to produce the current records of the offered vehicle within thirty days of communication of this decision as per the time limit

specified U/R 159[2] of KMV Rules-1989 failing which the grant of regular permit will be treated as revoked without further notice.

Item No.06

Perused the judgment in WP(C)-23301/2022 dtd.19/08/2022 and notice in Contempt of Court Case No-97/2023 dtd.12/01/2023.

Heard; the learned counsel represented the applicant of regular permit Sri. Anvar, Mukriyath, Pullut, Kodungallur, Thrissur. This is the application for the grant of fresh Intra district Ordinary Moffusil permit on the route North Paravur – Vyttila Hub via Varapuzha Bridge and Edappally Bypass as Ordinary Moffusil Service.

Secretary, Private Bus Owners Association had filed a representation against grant of fresh permit in the sector between Moothakunnam-North Paravur-Edappally stating that the sector between Moothakunnam-North Paravur-Edappally (N H) is well served by Private Stage Carriages, K.S.R.T.C and Metro feeder service. The construction of NH 66 in six line is about to comment within a short period and that will increase the traffic congestion at Varappuzha Bridge and Edappally Junction. The matter has considered by RTA, Ernakulam in it's meeting dtd. 26/04/2022 vide supplementary item No-6 and adjourned for detailed study.

This authority considered the above application for fresh permit on 26/09/2022 and realized that the route portion in this permit application is passing through the sector between Moothakunnam-North Paravur-Edappally (N H). Hence the application for fresh permit has adjourned for the final decision of the Supplementary item No-6 of RTA, Ernakulam meeting dtd. 26/04/2022.

As per the judgment in WP(C)-23301/2022 dtd.19/08/2022 Hon: High court of Kerala ordered to Regional Transport Authority to pass final orders on this fresh permit in accordance with law, as expeditiously as possible, at any rate within a period of two months from the date of receipt of copy of this judgment. But due to the above circumstances this authority has adjourned the item.

Now, the committee which formed in compliance with the decision of Supplementary item No-6 of RTA, Ernakulam meeting dtd. 26/04/2022 submitted the report and this authority perused the same.

Mean while the applicant filed the Contempt of Court Case No-97/2023 dtd.12/01/2023 due to the non- compliance of judgment in WP(C)-23301/2022 dtd.19/08/2022. In view of the Contempt of Court Case No-97/2023, this authority again perused the application for fresh permit, route enquiry report and the report submitted by the above-mentioned committee and perceived that due to the unsystematic proposed time schedule in the application, the benefits offered by the fresh permit to travelling public is much lesser than the detriment.

Hence this authority is hereby **rejected** the application for fresh permit.

Item No.07

Heard; the learned counsel represented the permit holder of stage carriage KL-03-S-1086. This is the application for variation of regular permit in respect of stage carriage KL-03-S-1086 permitted to operate on the route Kaloor-Hpc Velloor- Via Mg Road-Thripunithura-Puthiyakavu-Chottanikkara-Mulamthuruthy-Vettickal-Mulakulam-Peruva, Starting and halting at VETTIKALasMOFFUSIL service on the strength of regular permit valid upto 09/11/2026. The permit holder is desired to be varied so as to extends the 2nd and 4th trips form Velloor HPC to Piravom Railway station.

On perusal of the agenda, report and file this authority perceived that the proposed variation portion lying in the jurisdiction of RTA, Kottayam. Hence concurrence from sister RTA is very necessary. Sowithout considering the merits and demerits of the application, the item is **adjourned** for the want of concurrence from RTA, Kottayam.

Item No.08

Heard; the learned counsel represented the permit holder of stage carriage KL-07-AZ-710. This is the application for variation of regular permit in respect of stage carriage KL-07-AZ-710 permitted to operate on the route West Morkkala Aluva - Tripunithura Via Pallikar, Kizhakambalam, Pukkattupady, Choondy, Kakkanad,Hmt

Jn, Irumbanam, Karingachiraas Moffusil Service on the strength of regular permit valid upto 27/08/2025. The permit holder is desired to be varied so as to extends the 14th trips from Kakkanad to Kalamassery jn and return from HMT Jn to Kakkanad as 15th trip.

On perusal of the agenda, report and file this authority perceived that the present route portion passing through the notified route Ernakulam – Muvattupuzha complete exclusion scheme with exceptional clauses vide GO(P) No-05/2017. Even though there is a time change in this portion, the route enquiry officer not mentioned anything about the effects of variation in Ernakulam – Muvattupuzha notified scheme. More over due to proposed variation the time schedule of last trip will be become much earlier from the existing. The effect of this time variation to the travelling public is very important. But it also not mentioned in the report. Hence this application for variation of regular permit in respect of stage carriage KL-07-AZ-710 is hereby **adjourned** for the want of detailed enquiry report.

Item No.09

Heard; the learned counsel represented the permit holder of stage carriage **KL-32-N-1493**. This is the application for variation of regular permit in respect of stage carriage KL-32-N-1493permitted to operate on the route Olavaipu-South Chittur Via Poochakkal- Arookkutty- Aroor- Aroor Temple-Kumbalam Bridge- Kumbalam-Madavana- Kundannur-Vyttila-Ernakulam South -Mg Road-Kacheripady-Kaloor as Moffusil service on the strength of regular permit valid upto 05/08/2026. The permit holder is desired to be varied so as to deviate 2nd, 6th, 7th and 8th trip from Kaloor to Kadavanthra via Kadavanthra-Kaloor road [KK Road] by curtailing route portion via MG road.

On perusal of the agenda, report and file this authority perceived that the advantages offered by the variation is much lesser than the disadvantages caused by the variation. Hence on public interest the application for variation is hereby **rejected**.

Item No.10

Heard; the learned counsel represented the permit holder of stage carriage KL-41-D-1233. This is the application for variation of regular permit in respect of stage

carriage KL-41-D-1233 permitted to operate on the route Elavanthy To Angamaly Manjpra, Kalady, Thuravoor, Chully, Kurisumudy, Pullani, Thavalappara, Mookkannoor, Poothamkutty And Olivemound Sndp Jn.as MOFFUSIL service on the strength of regular permit valid upto 27/05/2027. The permit holder is desired to be varied so as to operate

1. Trip No 1,5 and 10 from Thavalappara to Thuravoor via Chandrapura, Manjpra by avoiding route portion from Thavalappara to Thuravoor via Komara
2. Trip No 6 avoiding romChandrapura to Kurisumudy via Mundangamattom and operate to Chully via Manjpra and Marigiri.
3. Trip No 5 and 9 intends to terminate at Anappara.
4. Deviate 12th trip from Thavalappara to Thuravoor via Marigiri and return 13th trip as 12th trips.

On perusal of the agenda, report and file this authority realized that the permit holder is intend for lots of changes including curtailment and extension of route portion. Hence the variation has to be treated as an application for fresh permit. So the variation will be adversely affect the existing travelling public. So in view of public interest the application for variation is hereby **rejected**.

Item No.11

Heard; the learned counsel represented the permit holder of stage carriage **KL-43-E-2324**. This is the application for variation of regular permit in respect of stage carriage **KL-43-E-2324**permitted to operate on the route Kaloor - Eramalloor via South, K K Road, Vyttila, Kundannur, Madavana and arooras MOFFUSILserviceon the strength of regular permit valid upto 22/12/2026. The permit holder is desired to be varied so as to Extend first and ninth trips from Chellanam to Thankipally and extend 3rd trip from Gunduparambu to Chellanam.

Regional Transport Authority, Alappuzha granted concurrence for this variation subject to the effect of clause 5© of notification no 42/2009/Tran dated 14/07/2009 and 08/2017/Tran dated 23/03/2017 without prejudice to the right of the primary authority.

On detailed perusal of the agenda, report and file this authority perceived that the proposed variation is beneficial for the travelling public. Hence the

variation in respect of stage carriage **KL-43-E-2324** is hereby **granted** as applied subject to the settlement of timings.

Item No.12

1. Perused Judgment of Hon'ble State Transport Appellate Tribunal, in MVAA No.79/2022 dated 11/07/2022.

2. Heard; the learned counsel represented the permit holder of stage carriage **KL-59-E-631**. This is the application for variation of regular permit in respect of stage carriage **KL-59-E-631** permitted to operate on the route Thoppumpady-Aluva(via) NAD,HMTJunction,M G Road,ErnakulamSouth,Thevara Junction as City Permit Service on the strength of regular permit valid upto 24/10/2025. The permit holder is desired to be varied so as to operate

1. By deviating the trip no.5 and 6 instead to operate as Thevara Junction-Medical College instead of Thevara-Aluva.

2. The existing 7th trip intend to operate as Thevara Junction to Pukkattupady (via Edappally Toll) and to return the trip as Pukkattupady-Thoppumpady (via Kangarapady,Medical College and HMT Junction)

3.By changing the 9th trip in the existing time.

On detailed perusal of the agenda, report and file this authority perceived that the curtailment in the proposed variation will adversely affect the general travelling public. Hence the advantages offered by the variation is much lesser than the disadvantages caused by the variation. So, in view of public interest the application for variation is hereby **rejected**.

Item No.13

Heard; the learned counsel represented the permit holder of stage carriage **KL 39 J 2694**. This is the application for variation of regular permit in respect of stage carriage **KL 39 J 2694** permitted to operate on the route Kakkanad-Irumpanam-Kaloor-Cheppanam via Thrippunithura, Vyttila, Valanjambalam and Boat Jetty as ordinary city service on the strength of regular permit valid upto 14/09/2024. The permit holder is desired to be varied so as to operate

1. Introducing a new trip from Thripunithura at 6.10 AM to reach Cheppanam at 6.43 AM via Maradu and Thrippunithura Bypass

2. Changing the 11th trip from Thrissur at 5.58 PM to Kallur as, the trip start at 6.15 PM to reach Vythira at 7.10 PM and to reach Cheppanam at 7.16 PM curtailing the route portion from Vythira to Kallur
3. Introducing a new trip from Cheppanam at 7.16 PM to reach Thrissur at 7.49 PM via Maradu and Thrissur Bypass.

On detailed perusal of the agenda, report and file this authority perceived that Curtailment of trip from Vythira to Kallur will be adversely affect the travelling public and additional 2 single trips from Thrissur to Cheppanam and early morning and at late evening is beneficial for public. One extra trip from Thrissur to Cheppanam is also beneficial to general public, since the route portion from Thrissur to Cheppanam is ill served route.

Hence this authority is hereby **partially granted** variation of regular permit in respect of Stage Carriage **KL 39 J 2694** as applied except the curtailment of trip from Vythira to Kallur; subject to the settlement of timings.

Item No.14

Heard; the learned counsel represented the permit holder of stage carriage **KL 36 A 4100**. This is the application for variation of regular permit in respect of stage carriage **KL 36 A 4100** permitted to operate on the route Thalayolaparambu- Kallur Via Kanjiramattom, Chottanikkara, Thiruvankulam, Karingachira, Puthiya Road, SN Junction ,Petta ,Vythira , Kadavanthra and M G Road as ordinary mofussil service on the strength of regular permit valid upto 23/02/2027. The permit holder is desired to be varied so as to operate

- 1) Additional Trip at 5.20 AM from Thalayolaparambu
- 2) Curtailing last trip at 7.10 PM from Thalayolaparambu and halt at Thalayolaparambu

This matter already considered by this authority in its meeting held on 26.09.2022 vide item no 8 and adjourned to ascertain whether the present route portion and variation portion are passing through the notified route Ernakulam – Muvattupuzha notified route vide GO(P) No-05/2017. Now the matter is again placed before this authority along with detailed report

On detailed perusal of the agenda, report and file this authority realized that the additional trip from ThalayolaparambutoKaloors and curtailment of trip from ThalayolaparambutoKaloors is also against the conditions arising by the notified route Ernakulam – Muvattupuzha notified route vide GO(P) No-05/2017. Hence this authority is hereby **rejected** the application for variation.

Item No.15

Heard; the learned counsel represented the permit holder of stage carriage KL-58-A-6685(Old No. KL-11-X-1530). This is the application for variation of regular permit in respect of stage carriage KL-58-A-6685(Old No. KL-11-X-1530) permitted to operate on the route Thoppil Junction-Aroor junction Via Model Engg.College, karumakad, Unichira, Edappally Toll, Vyttila, Kundannoor, Kumbalam as Mofussil service on the strength of regular permit valid upto 13/11/2024. The permit holder is desired to be varied so as to extend the 3th, 5th, and 11th trip from Aroor Junction to Perumbalam Jn so as to start 4th, 6th and 12th trip from Perumbalam Jn instead of Aroor Junction without curtailing any trip.

On perusal of the agenda, report and file this authority perceived that the proposed variation portion lying in the jurisdiction of RTA, Alappuzha. Hence concurrence from sister RTA is very necessary. So, without considering the merits and demerits of the application, the item is **adjourned** for the want of concurrence from RTA, Alappuzha.

Item No.16

Heard; the learned counsel represented the permit holder of stage carriage **KL-39-N-5103**. This is the application for variation of regular permit in respect of stage carriage KL-39-N-5103 permitted to operate on the route Chellanam-vyttilaViuaGunduparambu,,Ezhupunna,EramalloorandKundannooron the strength of regular permit valid upto 30/07/2027. The permit holder is desired to be varied so as to change in the Timings of the 5th Trip and for the extension from Gunduparambu to chellanam for the 9th trip with proposed timings.

The field officer reported that in this case no curtailment, hence it will not adversely affect the travelling public and extension from Gunduparambu to chellanam is beneficial

for travelling public in that sector. There is not any legal impediments with the proposed variation.

Hence this authority is hereby **granted** variation of regular permit in respect of Stage Carriage KL-39-N-5103 subject to the settlement of timings.

Item No.17

Heard; the learned counsel represented the permit holder of stage carriage **KL 07 BF 7586**. This is the application for variation of regular permit in respect of stage carriage KL 07 BF 7586 permitted to operate on the route Aluva-Ernakulam South via Carmal Hospital, Canal Road, Manakapady, Kombara Junction, NAD QTRS, HMT Junction, M G Road, 6 single trips via Palilamkara, Thoshibadevating from NAD Gate and HMT Colony Post Office as Town/City Service on the strength of regular permit valid upto 05/07/2025. The permit holder is desired to be varied so as to operate to operate through “ via Menaka instead of M G Road”

On detailed perusal of the agenda, report and file this authority perceived that in the proposed variation the operation through Menaka instead of M G Road includes curtailment of route portion from Madhava Pharmacy to Maharajas and deviation of route through Menaka Jn. Hence the proposed variation will violate the conditions of notified scheme as per GO(P) no. 42/2009/Trans dtd 14/07/2009. More over the proposed variation will adversely affect the general travelling public. Hence the advantages offered by the variation is much lesser than the disadvantages. So, in view of public interest the application for variation is hereby **rejected**.

Item No.18

Heard; the learned counsel represented the permit holder of stage carriage **KL 32 B 8962**. This is the application for variation of regular permit in respect of stage carriage KL 32 B 8962 permitted to operate on the route Thuravoor- Ponekkara as Moffusil Service on the strength of regular permit valid upto 14/09/2023. The permit holder is desired to be varied so as to operate to:- in 7th trip from Eramalloor-Ernakulam(via M G Road) there is proposed variation from Kadavanthra to Kaloor through K K Road and Extension from Elamakkara to Ponekkara and Curtailment of Kadavanthra to Kaloor(via M G Road) and also the 8th trip commences from Ponekkara to Eramalloor and proposed timing change from Eramalloor at 3.30

pm and Vytala Junction at 4.05 pm and Kaloor at 4.25 pm and Elamakkara and Ponekkara at 4.45 pm.

On detailed perusal of the agenda, report and file this authority perceived that the proposed variation will adversely affect the general travelling public. The advantages offered by the variation is much lesser than the disadvantages. So, in view of public interest the application for variation is hereby **rejected**.

Item No.19

Perused Judgment of the Hon'ble High Court of Kerala in WP© No. 30339/2011 dated 14/02/2020.

Heard; the learned counsel represented the permit holder of stage carriage **KL-07-BW-1035**. This is the application for renewal and variation of regular permit in respect of S/C KL-07-BW-1035 on the route Aluva - W Island Via Bank Jn, Asokapuram, Kudikkattumala, Hmt Jn, Edapally, Palarivattom, Kaloor, Boat Jetty And Perumanoor Trip 2,4,6,9 Via Pipeline And Trip 3,5,7,8 Via Kendriya Vidyalaya Starting And Halting Place Changed As Medical College as City service.

As per the Judgment in WP (C) 30339/2011 (dated 14/02/2020) Hon'ble High Court of Kerala prohibited plying of Heavy vehicles through the pipeline road. Hence, Applicant proposes to curtail the route from NAD gate – HMT Jun via Pipe Line Road, Toshiba BS and deviate route from NAD gate – HMT Jun via Kendriya Vidyalaya.

In view of the judgment the permit holder submitted a variation application to curtail the trips via pipeline road, so as to deviate 2nd, 4th, 6th and 9th trips from NAD gate to HMT Jn via Kendriya vidyalaya by curtailing route portion via pipeline road.

On detailed perusal of the agenda, report, Judgment in WP (C) 30339/2011 dated 14/02/2020 of Hon'ble High Court of Kerala and file this authority is hereby **granted** variation of regular permit in respect of Stage Carriage KL-07-BW-1035 subject to the settlement of timings.

Since there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit was issued before 09/05/2006. Therefore, The Secretary RTA is permitted to renew the regular permit in the varied route.

Item No.20

Heard; the learned counsel represented the permit holder of stage carriage **KL-12-C-1679**. This is to consider the belated application for renewal of regular permit and to consider the request to condone the delay in filing application for renewal of permit of stage carriage KL-12-C-1679 issued with a regular permit on the intra district on the route Konthuruthy- Aluvaas city service. The regular permit was expired on 05/11/2022, but application for renewal of permit is filed on 04/11/2022. Which was belated by 14 days .

This authority considered the application in detail. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit was issued before 09/05/2006. Therefore, the delay in filing application is condoned. The Secretary RTA is **permitted** to renew the regular permit.

Item No.21

Heard; the learned counsel represented the permit holder of stage carriage **KL-36-B-1314**. This is the application for renewal of regular permit of stage carriage KL-36-B-1314 issued with an inter district regular permit on the route Kaippuzhamuttu-Vaikom-Thoppumpady-Kaloor via Poothotta-Thripunithura, Vyttila, By-pass and Aroor, as L S O S permit. The regular permit expired on 28/10/2022, and the application for renewal of permit is filed on 15/09/2022. Which is within the stipulated time limit.

This authority considered the application in detail. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit was issued before 09/05/2006. Therefore, The Secretary RTA is **permitted** to renew the regular permit.

Item No.22

Heard; the learned counsel represented the permit holder of stage carriage KL-41-C-1291. This is the application for renewal of regular permit of stage carriage KL-41-C-1291 issued with an intra district regular permit on the on the route ALUVA-THOPPUMPADY as moffusil service. The regular permit expired on 27/11/2020, and the application for renewal of permit is filed on 31/12/2021. Due to outbreak of epidemic covid-19, the State government has extended validity of documents related with the motor vehicle act which expired on 01/02/2020 to 31/12/2021. The above application was filed on 31/12/2021, which was not submitted 15 days before the expiry of permit [ie belated by 14 days]. Regional Transport authority, Ernakulam dated 26/04/2022 condoned the delay in filing the application for renewal of permit vide item no 33.

The application for renewal of permit was placed before the meeting of Regional Transport Authority, Ernakulam held on 26/09/2022. The authorized representative of permit holder intimated the RTA that the financier company not in exist. Hence the application for renewal of permit was adjourned.

The matter was enquired through the Assistant Motor Vehicle Inspector. According to the field officer report, the company named IKF Finance LTD was not functioning at the present address as mentioned in the registration certificate. The field officer reported that currently no branch of the IKF Finance LTD is functioning in the Kerala state and also reported that the Company has headquarters in Vijayawada. The field officer recommends to enquire the matter by official letter to head office.

A letter was communicated to the Manager, IKF finance ltd, Vijayawada and same was acknowledged by them on 22/10/2022. But no reply was received in this office till date either by post or through email. The permit holder also produced an affidavit before this authority on 06/01/2023. As per the affidavit, permit holder has not received the NOC certificate from financier to renew his permit as the company is currently defunct. He also stated that he shall be solely responsible for any future claims made by the financier IKF and neither the Regional Transport officer nor Regional Transport office shall have any liability whatsoever.

This authority perused the above procedures for getting the no-objection certificate from financier and considered the affidavit submitted by the permit

holder. More over as per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit was issued before 09/05/2006. Therefore, The Secretary RTA is **permitted** to renew the regular permit.

Item No.23

Heard; the learned counsel represented the permit holder of stage carriage **KL-06-D-2578**. This is the belated application for **renewal** of regular permit on the route Perumbavoor – Manjaly – North Paravoor via Cheranelloor, Thottuva and Angamaly as moffusil service for the period from 23.07.2017 to 21.07.2022, To consider the request to condone the **delay** in filing application for renewal of permit application for the period from 23.07.2017 to 21.07.2022, which was belated by 7 days and to consider the application for **renewal** of regular permit in respect of S/C **KL-06-D-2578** on the route Perumbavoor – Manjaly – North Paravoor via Cheranelloor, Thottuva and Angamaly as moffusil service for the period from 22.07.2022 to 21.07.2027.

This authority considered the application in detail and perused the permit file, the route is having the length of 46 Km in which 1.6 Kms from North Parur to Vedimara Overlaps the notified Route Aluva – Vadakkumpuram Complete Exclusion Scheme vide Notification No 27106/TA2/65/PE Dated 17/06/1965, which is exclusively reserved for the State Transport Undertaking. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva - Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. Moreover, the KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme.

This authority is of considered opinion that no regular or temporary permit can be granted on the portion of Aluva- Vadakkumpuram complete exclusion scheme. Therefore the application for the renewal of permit is liable to be rejected. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the

government in this regard. Hence the applications for the renewal of regular permit are **adjourned**.

The Secretary RTA is permitted to issue temporary permits for durations of 4 months U/S 87[1]d of MV Act in favour of the permit holder to continue operation on the same route on public interest.

Item No.24

Heard; the learned counsel represented the permit holder of stage carriage **KL 07 AX 4309**. This is the application to consider the belated application for renewal of regular permit and to condone the delay in filing application for renewal of permit of stage carriage **KL 07 AX 4309** issued with a regular permit on the intra district on the route Fortkochi- Edakochi Via Willingdon Island, Thoppumpady, KumbalanghyVazhi, Perumpadappu as ordinary City service. The regular permit was expired on 02/10/2022, but application for renewal of permit is filed on 30/09/2022. Which was belated by 12days .

This authority considered the application in detail. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit was issued before 09/05/2006. Therefore, the delay in filing application is condoned. The Secretary RTA is **permitted** to renew the regular permit.

Item No.25

Heard; the learned counsel represented the permit holder of stage carriage **KL 07 CD 3033**. This is the application to re-consider the belated application for renewal of regular permit and to condone the delay in filing application for renewal of permit of stage carriage **KL 07 CD 3033** issued with a regular permit on the intra district on the route Thuthiyoor-Kadavanthra Via return Padma and Menaka as Ordinary mofusil service. The regular permit was expired on 02/02/2022, but application for renewal of permit is filed on 10.03.2022. Which was belated by 36days .

The matter was placed before the sitting of this authority dated 26.04.2022, and it was adjourned for the want of remittance of fee as per Rule 164 of KMV Rules, 1989. In compliance with the decision the permit holder remitted the

Prescribed fees for renewal of permit on 26/10/2022.

This authority re-considered the application in detail. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit was issued before 09/05/2006. Therefore, the delay in filing application is condoned. The Secretary RTA is **permitted** to renew the regular permit.

Item No.26

Heard; the learned counsel represented the permit holder of stage carriage **KL 17 F 3671**. This is the application for renewal of regular permit of stage carriage **KL 17 F 3671** issued with an inter district regular permit on the route Kaippuzhamuttu-Ernakulam-Kaloor Via Puthenpalam, Ullala, Vaikom, Chempu, Poothotta, Thrippunithura, Gandhi Square, Petta, K K Road, as L S O S permit. The regular permit expired on 08/12/2022, and the application for renewal of permit is filed on 18/11/2022. Which is within the stipulated time limit.

This authority considered the application in detail. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit was issued before 09/05/2006. Therefore, The Secretary RTA is **permitted** to renew the regular permit.

Item No.27

1. Perused the judgment of Hon'ble High Court of Kerala in OP(C) No 999 of 2019 dated 16.09.2022.
2. Perused the judgment of Hon'ble State Transport Appellate Tribunal in M.V.A.A No 279/2018 dated 22.01.2019

Heard; the learned counsel represented the permit holder of stage carriage **KL 07 BF 3807**. This is the application to re-consider the belated application for renewal of regular permit of stage carriage **KL 07 BF 3807** issued with a regular permit on the intra district on the

route Kadavanthra- Kadavanthra [Via] Pallimukku, BoatJetty, Kaloor, Palarivattom, Thammanam and Vytila-cir.service- clock wise direction. The regular permit was expired on 09/02/2018, but application for renewal of permit is filed on 14/03/2018, which was belated.

The matter was placed before the RTA held on 02/08/2018 and the application for condonation of delay was rejected by RTA as the same did not reveal any good and sufficient cause. Consequently, the application for renewal of permit also rejected by considering the stage carriage service history of the permit holder and evidences regarding the offence committed by the permit holder.

Aggrieved by the decision of The Regional Transport Authority, the permit holder filed MVAA No. 279/2018 before the Hon'ble STAT Ernakulam. On considering the matter the Hon'ble STAT allowed the permit holder to continue the service U/ S 214(2) of MV Act. As per the order, the stage carriage conducted service for the period from 21/10/2018 to 21/01/2019.

On 31/01/2019 the final judgment submitted in MVAA No. 279/2018 dated 22/01/2019 issued by the Hon'ble STAT. As per the judgment the Hon'ble STAT has directed to reconsider the application for renewal on merits and pass orders in accordance with law within two months and delay in filing the application for renewal condoned.

The above judgment of Hon'ble STAT was one rendered per *incuriam* in as much as the fact that the period of absence recommended in the medical certificate produced by the permit holder does not cover the period when the permit holder ought to have filed the renewal application by the provisions under Section 81(2). Hence an OP (C) No. 999/2019 was filed before Hon'ble High Court of Kerala against the judgment in MVAA No. 279/2018 of Hon'ble STAT.

On 19.09.2022, the permit holder produced the judgment of Hon'ble High Court of Kerala in OP (C) No 999 of 2019 dated 16.09.2022 in which the Hon'ble Court is of the view that *the application to condone the delay have to be liberally considered. In Naubath Ram Sharma (supra), it is held that it is always desirable that a case be decided on its merits rather than on technicalities.*

The respondent is a 68 year old lady and was undisputedly laid up. The reasons stated in the applications to condone delay are sufficient and there do not find any error or illegality in the judgment of Hon'ble STAT warranting interference by this court under Article 227 of constitution of India. The Original Petition is nothing but an unwarranted litigation by the state. The Original Petition fails and hence dismissed.

The OP (C) has been dismissed by Hon'ble High Court. Hence the order of Hon'ble State Transport Appellate Tribunal must be complied. The Hon'ble State Transport Appellate Tribunal vide its judgment in M.V.A.A No 279/2018 dated 22.01.2019 has condoned the delay in submitting the application for renewal of permit and directed to reconsider the application for renewal on merits and pass orders in accordance with law within two months from the date of receipt of the copy of the judgment.

In compliance with the judgment of Hon'ble High Court of Kerala in OP (C) No 999 of 2019 dated 16.09.2022 and judgment in M.V.A.A No 279/2018 dated 22.01.2019 of The Hon'ble State Transport Appellate Tribunal, this authority considered the application in detail. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit was issued before 09/05/2006. Therefore, The Secretary RTA is **permitted** to renew the regular permit.

The Secretary, RTA is also entrusted to take necessary legal steps to dispose the active check reports in respect of stage carriage **KL 07 BF 3807**.

Item No.28

Heard; the learned counsel represented the permit holder of stage carriage **KL 47 C 2700**. This is the application for renewal of regular permit of stage carriage **KL 47 C 2700** issued with an inter district regular permit on the route Kumbalam- Guruvayoor as LSOS service. The regular permit expired on 24/09/2022, and the application for renewal of permit is filed on 14/07/2022. Which is within the stipulated time limit.

This authority considered the application in detail. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not

disturb the scheme of nationalization. The permit was issued before 09/05/2006. Therefore, The Secretary RTA is **permitted** to renew the regular permit.

Item No.29

Heard; the learned counsel represented the permit holder of stage carriage **KL 18 D 2916**. This is the application for **renewal** of regular permit on the route Chalakudy - Kanakkankadavu Via Chirangara, Karukutty, KarayamparambuPeechanikkadPuliyanamVattapparambu, MoozhikkulamKurumassry&Airoor and permit varied so as to operate curtailing trip to Kanakkankadu from Kizhakkeppally& to extend trip upto N. parur and to deviate one round trip via Chittarikkal, Mambra and Erayankudy from Koratty to Puliyam as moffusil Service for the period from 10/12/2017 to 09/12/2022., to consider the belated application for **renewal** of regular permit in respect of S/C **KL 18 D 2916** on the above route for the period from 22.07.2022 to 21.07.2027 which was submitted by the applicant only on 20.12.2022 which is belated by 28 days and to consider the request to condone the **delay** in filing application for renewal of permit application for the period from 22.07.2022 to 21.07.2027, which was belated by 28 days.

This authority considered the application in detail and perused the permit file, the route is having the length of 49 Km in which 1.5 Kms from North Parur to Vedimara Overlaps the notified Route Aluva – Vadakkumpuram Complete Exclusion Scheme vide Notification No 27106/TA2/65/PE Dated 17/06/1965, which is exclusively reserved for the State Transport Undertaking. Judgments of Hon’ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva - Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. Moreover, the KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme.

This authority is of considered opinion that no regular or temporary permit can be granted on the portion of Aluva- Vadakkumpuram complete exclusion scheme. Therefore the application for the renewal of permit is liable to be rejected. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in

order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence the applications for the renewal of regular permit are **adjourned.**

The Secretary RTA is permitted to issue temporary permits for durations of 4 months U/S 87[1]d of MV Act in favour of the permit holder to continue operation on the same route on public interest.

Item No.30

Perused the the judgment of Hon'ble State Transport Appellate Tribunal dated 30.04.2019 in M.V.A.A No.71/2019, the judgement in WP(C) No 13441/2019 of Hon'ble High Court of Kerala dated 10.05.2019, the judgment in MVAA No-252/2019 dtd.16/07/2021, and the judgment of Hon'ble State Transport Appellate Tribunal dated 22/09/2022 in MP No.941/2022 in MVAA No.197/2022.

Heard; the learned counsel represented the permit holder of stage carriage **KL-07-BX-7380**..This is the application to re-consider the belated application for renewal of regular permit in respect of S/C **KL-07-BX-7380** on the route Edathala-Eramallur Via Pukkattupady,EdappallyToll,Edappally Bye Pass, Medical Centre, Vyttila,Kumbalam and Aroor as Moffusil service for a further period of 5 years from 20.08.2016and to re-consider the application for condoning the delay in submitting the application for renewal of regular permit.

On perusal of the agenda, judgments and file, this authority has perceived thatSri. Vinuraj Vijayan, permit holder of stage carriage KL 07 BX 7380 has expired on 22/10/2020 and the possessor Smt. Indira Vijayan failed to complete the procedures for death transfer of permit within the stipulated time as per Rule 56 of CMVR. Hence Secretary, RTA is not placed the application for transfer of permit (death) before this authority for consideration.

Being these are the facts, without considering the application for transfer of permit (death), taking decision on the matter of the belated application for renewal of regular permit in respect of S/C **KL-07-BX-7380** and the matter of condoning the delay in submitting the application for renewal of regular permit are infructuous.

Hence the application for re-consider the renewal of regular permit in respect of S/C **KL-07-BX-7380** and the matter of condoning the delay in submitting the application for renewal of regular permit are hereby **adjourned**.

Item No.31

1.Heard; the learned counsel represented the permit holder of stage carriage **KL- 7-AP-5616**. This is the application for renewal of regular permitand Replacement of vehicle of stage carriage KL- 7-AP-5616 issued with an intra district regular permit on the route Poothotta –Vytila – Vytila Via Tripunithura, Bypass, Palarivattom,Kaloor,Jetty,Menaka, Ernakulam South, K K Road as Ordinary City service. The regular permit was valid upto02/04/2022, and the application for renewal of permit is filed on 24/02/2022. Which is within the stipulated time limit.

This authority considered the applications in detail. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit was issued before 09/05/2006. Therefore, The Secretary RTA is permitted to renew the regular permit.

2. This authority considered the application for replacement of vehicle in respect of Stage Carriage KL- 7-AP-5616 with later model stage carriage KL-13-S-8700. Both vehicles are owned by the permit holder.

On perusing the application, it is realized that there is no legal impediments to allowing the replacement of vehicle as applied. Hence the replacement **is granted** subject to the clearance of Government dues of both vehicles, if any.

Item No.32

1.Heard; the learned counsel represented the permit holder of stage carriage **KL-17-A-6056**. This is the application for reconsider the request for condonation of delay for availing endorsement of transfer of permit due to the death of permit holder, to reconsider the application for renewal of permit in respect of the stage carriage KL-17-A-6056 operating on the route Chittoor ferry-Arookutty via Kachripady,M G Road, Ernakulam

South, Vyttila, Kundanoor, Madavana, Kumbalam Bridge and Aroor as inter-Dist Mofussil permit, to consider the application for Replacement of vehicle in respect of the stage carriage KL-17-A-6056 by another stage carriage KL-36-E 6529

And to peruse the application for Temporary permit U/S 87(1)c in respect of the vehicle KL-36-E-6529.

The permit holder Sri.Vinod M R expired on 02/06/2010. The Regional Transport Authority held on 20/12/2010 allowed transfer of permit in to the name of wife of the deceased permit holder, Smt. Seema and the decision was communicated to the applicant properly with direction to produce the current records of the vehicle for endorsing the transfer of permit within 30 days. But the applicant has not produced the current records in time. The possessor produced the current records of the vehicle only on 26/12/2022. It has an inordinate delay of more than 12 years. The request for delay condonation submitted by the possessor is not sufficient to condone the inordinate delay occurred. More over due to the delay occurred for producing the current records, this authority is suspecting that the possessor is not financially able to conduct a stage carriage service. Hence all the applications included in this item are **adjourned** with a direction to Secretary RTA to enquire the financial status of the possessor and also directed to instruct the applicant to submit detailed and specific reasons for the delay occurred for producing the current records.

Item No.33

1.Heard; the learned counsel represented the permit holder of stage carriage **KL-07-AP-7464**. This is the application for renewal of regular permit and Replacement of vehicle of stage carriage KL-07-AP-7464 issued with an inter district regular permit on the route Maliyankara-N Paravur-High Court as moffusil service. The regular permit was valid upto **05/12/2021**, and the application for renewal of permit is filed on **31/12/2021**. Due to outbreak of epidemic covid-19, the State government has extended validity of documents related with the motor vehicle act which expired on 01/02/2020 to 31/12/2021. Hence there is no legal impediments with the date of filing application for renewal of permit.

This authority considered the applications in detail. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit was issued

before 09/05/2006. Therefore, The Secretary RTA is permitted to renew the regular permit.

2. This authority considered the application for replacement of vehicle in respect of Stage Carriage KL-07-AP-7464 with later model stage carriage KL-07-AX-2244. Both the vehicles are owned by the permit holder.

On perusing the application, it is realized that there is no legal impediments to allowing the replacement of vehicle as applied. Hence the replacement is **granted** subject to the clearance of Government dues of both vehicles, if any.

Item No.34

Heard; the learned counsel represented the permit holder of stage carriage **KL-39-F-5146**. This is the application for renewal of regular permit of stage carriage **KL-39-F-5146** issued with an inter district regular permit on the route Thalayolaparambu –Kaloor Via Thalappara, Kanjiramattom, Mulanthuruthy, Chottanikkara, Thiruvankulam, Trippunithura, Petta, Vytila, and M G Road as Moffusil Service. The regular permit was valid upto 05/12/2022, and the application for renewal of permit is filed on 25/10/2022. Which is within the stipulated time limit.

This authority considered the application in detail. This permit was regularized from temporary permit in the light of GO(P) No.05/2017/trans dated.21/12/2017, by this authority on 23/09/2017. As per the report of the route enquiry officer, there is no legal impediment exists for the renewal of permit and the renewal will not disturb the scheme of nationalization. Therefore, The Secretary RTA is **permitted** to renew the regular permit.

Item No.35

1. Perused the Judgment of The Hon'ble High Court of Kerala in WP(C) No.37448/2022 dtd 08/12/2022.

2. Heard; the learned counsel represented the permit holder of stage carriage KL 05 AA 8474 and KSRTC. This is the application to consider the renewal of regular permit in respect of stage

Carriage KL 05 AA 8474 operating on the route Kottayam -- Perikkalloor Via Medical College Ettumanoor Pala Uzhavoor Koothattukulam Piravom Mulamthuruthy Kandanad Thrippunithura Eranakulam koonammavu N. Paravoorkodungalloor Iringalakuda Thrissur Edappal Kuttippuram Kozhikkode Adivaram Lakkidi Kalpatta Meenangady S. Battery & pulply as **LSOS**.

This authority considered the application in detailed and realized that the route length of this permit is more than 140 Km. At present the related matter is under the consideration of Hon: High Court of Kerala vide WA-835/2022. In these circumstances now this authority is not intervene into this matter. Hence the application to renew the regular permit and the application for delay condonation are **adjourned**.

Smt. Chelsia Theresa George, has applied for the grant of 4 months temporary permit to stage carriage KL 05 AV 3789 under section 87(1)d of MV Act 1989 to operate on the same route as LSOS. On 03.01.2023, the applicant has produced the order of the Hon'ble High Court of Kerala in WP(C) No.37448/2022 dtd 08/12/2022. As per that the Hon: High Court directed the secretary RTA "to take a call on the applicant of the petitioner for issuance of temporary permit in terms of the Government decision dated 31.10.2022. Till such time, the petitioner is permitted to ply the vehicle bearing No KL 05 AL 3699 subject to compliance of all conditions."

This authority perused the judgment and considered the application for 4 months temporary permit in detailed and perceived that the stage carriage KL 05 AV 3789, which has been proposed for 4 months temporary permit under section 87(1)d of MV Act 1989 has no link with the permit of stage Carriage KL 05 AA 8474, hence there is legal impediments to allow the temporary permit. So this authority is hereby **rejected** the application for 4 months temporary permit under section 87(1)d of MV Act 1989.

Secretary RTA is entrusted to file review petition in respect of order of the Hon'ble High Court of Kerala in WP(C) No.37448/2022 dtd 08/12/2022 due to the above legal impediments.

Item No.36

Heard; the learned counsel represented the permit holder of stage carriage KL 40 8640. This is to re-consider the belated application for renewal of regular permit and to re-consider the request to condone the delay in filing application for renewal of permit of stage carriage KL 40 8640 issued with a regular permit on the intra district route Cheranallore-Tripunithura as City ordinary permit Service. The regular permit was valid upto 24/08/2022, but application for renewal of permit is filed on 11/08/2022. Which was belated by 2 days.

This authority considered the application for renewal of permit on 26/09/2022 vide item no 36 and was adjourned due to the non-production of non-objection certificate from financier.

The permit holder submitted financier NOC on 29.09.2022. This authority re-considered the application in detail. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. The permit was issued before 09/05/2006. Therefore, the delay in filing application is condoned. The Secretary RTA is **permitted** to renew the regular permit.

Item No.37

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL-07-BF-1615, operating on the route CHERANELLORE - TRIPUNITHURA VIA EDAPPALLY, PALARIVATTOM, MENAKA, VYTTILA, BYEPASS, KUNDANNOOR, MARADU as CITY service, is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.38

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL-08-AJ-2401, operating on the route EDAKOCHI - F KOCHI VIA THOPPUMPADY as CITY service, is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.39

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL-13-S-15, operating on the route CHERANELLOOR-F KOCHI AND TRIPUNITHURA VIA THOPPUMPADY, BOAT JETTY, KALOOR, PALARIVATTAM, EDAPPALLY MARADU AND KUNDANNUR as CITY service, is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.40

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL-17-E-1896 is operating on the route CHATHANAD - KALOORasMOFFUSIL service, is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.41

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL-18-L-1500 is operating on the route ALUVA - MATTANCHERRY VIA KALAMASSERYas CITY service, is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.42

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL-34-543 is operating on the route Poothotta-Perumbavur Via Kakkanad ,Irumpanam, With One Trip Via M.G.Road [Starting And Halting At Irumpanam, & extending Trip from Kakkanad-Kaloor] The permit is varied so so as to operate trip nos 7&11 Kaloor to Tripunithura via K K Road,Vyttila instead of via Kakkanad ,Irumpanamas MOFFUSIL service, is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.43

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL-40-2419 is operating on the route PANANGAD - ALUVA VIA JETTY AND PALARIVATTOM BYEPASSas CITY service, is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.44

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 34 3808** operating on the route Vypin- Munambam via Collectors Square is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.45

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 43 3548** operating on the route Thoppumpady-Pallithode via Chellanam, Kannamaly, Beach Road is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.46

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 39 4757** operating on the route Fortkochi- Aluva via Kalamasserry, Edappally Toll is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.47

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 41 2827** operating on the route Chalakkudy-Perumbavoor via Muringoor, Koratty, Karukutty, Azhakam, Mookkannoor, Thuravur, Yordhanapuram, Marottichodu, Kalady is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.48

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 13 U 3459** operating on the route Aluva-Thoppumpady is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.49

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL 44 4550** operating on the route Aluva- Eramalloor via Asoka, Edathala, Pookkattupady, Edappally Toll, Palarivattom, M G Road, Vyttila, Kumbalam, Aroori is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.50

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-39-5090** operating on the route Aluva –Mattanchery as ordinary City permit is **allowed** as applied for subject to the disposal of e-chalan and clearance of Government dues, if any.

Item No.51

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-41-A-5445** operating on the route **Perumbavur-Aluva** as ordinary Mofussil permit is **allowed** as applied for subject to the disposal of e-chalan and clearance of Government dues, if any.

Item No.52

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-04-T-6852** operating on the route N Paravur-Vyppin-High Court Jnis **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.53

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-05-Y-6570** operating on the route **KMP Nagar-Fort Kochias** City Permis**allowed** as applied for subject to the clearance of Government dues, if any.

Item No.54

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-07-BA-6179** operating on the route N Paravur-Vyppin-High Court Jn is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.55

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-38-B-7333** operating on the route Kadukutty-Kadappara**isallowed** as applied for subject to the disposal of e-chalan and clearance of Government dues, if any.

Item No.56

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-38-6899** operating on the route Perumbavur-Angamaly-Poothamkutty**isallowed** as applied for subject to the clearance of Government dues, if any.

Item No.57

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-02-R-7011** operating on the route Chellanam-Perumpadappu--Fort Kochi as ordinary City permit (**SC/ST Quota Reserved Permit**) is considered. Since the second applicant also belonged to SC/ST community; the application for transfer of permit is **allowed** as applied for subject to the disposal of e-chalan and clearance of Government dues, if any.

Item No.58

1.Revoked the the sanction granted for Transfer of Permit No. 7/268/2005 in respect of stage Carriage KL 07 AW 9395 by Regional Transport Authority in its meetings held on 15/08/2018 vide item no.78.

2.Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 07 AW 9395 operating on the route Manjummal-Kadavanthara as City Permittis**allowed** as applied for subject to the disposal of e-chalan and clearance of Government dues, if any.

Item No.59

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 05 R 7502 operating on the route Eramallore-Aluva as Mofussil Serviceis**allowed** as applied for subject to the disposal of e-chalan and clearance of Government dues, if any.

Item No.60

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 06 D 9167 operating on the route Kodungallore-Ernakulam High Court as MoffussilServiceis**allowed** as applied for subject to the clearance of Government dues, if any.

Item No.61

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 17 E 8282 operating on the route KaloorkoothattukulamasMoffussil Service is **allowed** as applied for subject to the disposal of e-chalan and clearance of Government dues, if any.

Item No.62

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 17 E 9097 operating on the route ' Vattappara-Kaloor'asMoffussil Service is **allowed** as applied for subject to the disposal of e-chalan and clearance of Government dues, if any.

Item No.63

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 17 F 7577 operating on the route ' Piravom-Kaloor'asMoffussil Service is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.64

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 38 B 8293 operating on the route Koothattukulam-Kaloor as Moffussil Service is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.65

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 39 M 8851 operating on the route Thalayolaparambu-Kaloor'asMoffussil Service is **allowed** as applied for subject to the production of NOC from the financier and for the clearance of Government dues, if any.

Item No.66

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 40 A 8339 operating on the route South Chittoor - Mattanchery via Kacheripady,Jetty and Thoppumpady as City Ordinary Serviceis**allowed** as applied for subject to the disposal of e-chalan and clearance of Government dues, if any.

Item No.67

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 41 8376 operating on the route Vypin-KodungallurasMoffussil Service is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.68

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 40 A 8765 operating on the route Thripunithura-Cheranalloor as City Ordinary Service is **allowed** as applied for subject to the production of NOC from the financier, disposal of e-chalan and for the clearance of Government dues, if any.

Item No.69

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 42 A 8109 operating on the route Elavoor-Kundoor-AluvaasMoffussil Service is **allowed** as applied for subject to the disposal of e-chalan and clearance of Government dues, if any.

Item No.70

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 42 L 9091 operating on the route Munambam-Ernakulam High Court as Moffussil Service is **allowed** as applied for subject to the clearance of Government dues, if any.

Item No.71

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 43 H 7757 operating on the route Edakochi-Kakkanad as Moffussil Service is **allowed** as applied for subject to the disposal of e-chalan, black list and clearance of Government dues, if any.

Item No.72

Heard; the learned counsel represented the permit holder of stage carriages KL-07-AT-3816 (New stage carriage-KL-44-5055). This is the application for condonation of delay occurred in producing current records of KL-07-AT-3816 for obtaining the regularized and converted temporary permit in respect of stage carriage KL-07-AT-3816 on the route Piravom-Kaloor.

The Regional Transport Authority held on 28/10/2021 regularized and converted temporary permit in respect of stage carriage KL-07-AT-3816 on the route Piravom-KaloorViaKalamboor, Thirumarayoor, Veliyanad,Peppathy, Arakkunnam, Mulamthuruthy ,Chottanikkara, Thiruvankulam, Karingachira, Irimpanam Jn(Puthiya Road Jn/Vilakku Jn),PettaJn,Vyttila,Kadavanthra and M G Road as ordinary moffussil service as regular permit with existing settled set of time schedule and granted a regular permit in the light of G.O(P) No.05/2017/Tran dtd 21/02/2017

The above decision of RTA was communicated to the applicant Sri.Mathai.P.V on 11/01/2022. Vide application dtd. 12/09/2022 the applicant has intimated that the stage carriage KL-07-AT-3816 which was operating on the route was under form-G for more than two years due to Covid-19 situations. He has also intimated that now he has purchased the stage carriage KL-44-5055 to continue the service and current records of the vehicle KL-44-5055 is produced which is delayed as per Rule 159[2] of KMV Rules-1989. The applicant has requested to condone the delay in producing the records.

RTA considered the matter. This authority perceived that **this is not in relation with an application for a fresh permit, but it is in relation with the regularization of a permit.** Hence this authority is hereby condoned the delay occurred for the production of the current records of the stage carriage and allowed the Secretary, RTA to regularize the permit in favour of stage carriage KL-44-5055.

Item No.73

1. Perused the judgment of Hon: High Court of Kerala in WP(C) No-42806/2022 dtd.27/12/2022.
2. Heard; the learned counsel represented the applicant and registered owner of stage carriages KL 40 0045 . for grant of Temporary permit for 4 month U/S 87(1)C of MV Act 1988 in respect of stage carriage KL 40 0045 in the vacancy of stage carriage KL 07 BB 6057 to operate on the route North Paravur – Ernakulam High Court Junction via Cherai, Nayarambalam, Elamkunnappuzha, Kalamukku, Vypin as moffusil service.

RTA considered the application , report of the route enquiry officer, The judgment of Hon: High Court of Kerala in WP(C) No-42806/2022 dtd. 27/12/2022 and perceived that now there is a necessity of temporary permit existing in the route. Hence this authority is hereby **granted** Temporary permit for 4 month U/S 87(1)C of MV Act 1988 in respect of stage carriage KL 40 0045 in the vacancy of stage carriage KL 07 BB 6057 to operate on the route North Paravur – Ernakulam High Court Junction via Cherai, Nayarambalam, Elamkunnappuzha, Kalamukku, Vypin as moffusil service subject to the settlement of timings. This temporary permit is **not renewable.**

Item No.74

Heard. The Secretary ,Private Bus Owners OrganisationVypin-Paravur Unit, Room No 22,Municipal Bus Stand building, North Paravur ,Ernakulam 683 513 submitted a representation before District Collector and Chair man RTA As per the representation, it is alleged that the sector between Moothakunnam-North Paravur-Edappally(N H) is well served by private stage carriages, K.S.R.T.C. and Metro feeder service. The construction of N.H. -66 in six line is about to commence within a short period. This

will increase the traffic congestion at Varappuzha bridge and Edappally Jn. Heavy traffic jam is existing in the said sector during peak hours. The matter was considered by the RTA in its sitting dtd. 26/04/2022 vide supplementary item No-6 and RTA directed to the Secretary RTA to conduct a detailed enquiry and place the matter in the next sitting with a detailed report. Hence, adjourned.

In compliance with the above decision Secretary, RTA constituted a committee; in which including one Joint Regional Transport Officer, two Motor Vehicles Inspectors, and two Assistant Motor Vehicles Inspectors under this jurisdiction for conducting a detailed enquiry in this matter. As per the report of the committee: -

- 1) There are currently a number of stage carriages operating on the route Moothakunnam – North Paravur- Cheranelloor- Edappally including private stage carriages and KSRTC Stage carriages.
- 2) The frequency of private stage carriages and KSRTC stage carriages on the route mentioned above is more during peak hours in the morning and evening. Each and every 5 minutes one stage carriage is conducting service. Therefore, we can say that the saturation point has been reached on the above-mentioned route.
- 3) The construction of widening of National Highway-66 is progressing and there may be some traffic blocks in the coming two years.
- 4) The route from Kuriappilly and Municipal Jn., North Paravur (6.5Km) lying under the notified route Aluva- Kuriappilly scheme, and Chendamangalam Jn to Thekkenaluvazhy (2.3Km) lying under the notified route Aluva- Chathanad scheme.
- 5) Even though the above-mentioned facts exist, new public transport will be beneficial to the people in the sector. More over several schools, colleges, churches, and temples are also situated in the above sector. Stage carriage service to this area will be helpful to develop the traditional trades of people and facilitate their daily travel to livelihood, education, etc. The proposed route is essential to decrease the effort of ordinary citizen physically and economically.
- 6) But there may be time clashes with the existing operators, which may be settled by conducting timing conferences.

This authority conducted deep perusal of the matter and report of the committee and perceived the followings:-

There is no provision of law to restrict a fresh stage carriage permit application in a non-notified route. Prohibition of stage carriage permit should be against the objectives of Motor Vehicles Act-1988. The act leads to the liberalized issue of stage carriage permit on the non-notified route.

From the report of the committee, this authority is realized that the new stage carriage permit in that sector will be beneficial for the people in the sector. More over several schools, colleges, churches, and temples are also situated in the above sector. Stage carriage service to this area will be helpful to develop the traditional trades of people and facilitate their daily travel to livelihood, education, etc. The fresh stage carriage services in the route are essential to decrease the effort of ordinary citizen physically and economically.

More over allowing more stage carriage permits in this route will leads to the mode shift of the travelling public. That means the public who were travelling in their own private vehicles such as Motor Cars, Motor Cycles and the public who were travelling in Three wheelers and Motor Cabs may be shifted to their mode of travelling to stage carriages. This will leads to reduction of traffic block and congestion and vehicular pollution in the mentioned route.

In addition to the above the route portion from Moothakunnam-North Paravur-Edappally(N H) are the feeder routes of Metro Rail. Hence the restriction of permit in that route may adversely affect the development of a Mass Rapid Transit System (MRTS) project in Kochi, that is Kochi Metro services. Kochi Metro project is a flagship infrastructure project undertaken jointly by the Kerala Government and the Centre Government for meeting the city's growing travel demand.

Being these are the facts the petition submitted by The Secretary ,Private Bus Owners OrganisationVypin-Paravur Unit is not sustainable and the petition has not forwarded any legal impediments to restrict the granting of fresh regular stage carriage permit in the non- notified route Moothakunnam-North Paravur-Edappally(N H). Since the petition deserves not any merit, this authority is hereby **rejected** the petition submitted by The Secretary ,Private Bus Owners OrganisationVypin-Paravur Unit.

Item No.75

Heard; the learned counsel represented the applicant. The Regional Transport Authority held on 26/04/2022 granted a regular permit infavour of

Sri.SunilThomas,PadamattummalHouse,Chettikkad,Kunjithai,NorthParavur on the applied route North Paravur-High Court via Cherai, Nayarambalam,Elamkunnappuzha, Kalamukku as Ordinary Moffusil service.in respect of his suitable stage carriage subject to settlement of timings on production of records of the vehicle within the time limit specified U/R 159[2] of KMV Rules-1989. The above decision of RTA was communicated to the applicant Sri.Sunil Thomas on 05/07/2022. The applicant produced the records of stage carriage KL 42 K 1203 on 15/07/2022 with a request to issue the permit granted by RTA on 26/04/2022. On verification of the records of the vehicle, KL 42 K 1203 , it is found that the vehicle is covered by a temporary permit issued by this authority on another route. Hence on 02/08/2022 the applicant was directed to produce permitless certificate in respect of the vehicle. Then on 13/09/2022 Sri.Sunil Thomas has submitted a request to allow maximum time to produce the current records of another stage carriage for obtaining the regular permit granted by the RTA. The matter considered by the RTA in it's meeting dtd. 26/09/2022 and granted maximum time specified U/R 159[2] of KMV Rules-1989 with effect from the date; when the applicant was directed to produce permitless certificate in respect of the vehicle; for the production of the current records of the suitable stage carriage also ordered that if the grantee has not produced current records of the vehicle within the above time limit, the grant of regular permit stands revoked.

The above decision of RTA communicated to the applicant on 15/12/2022. Then on 19/12/2022 the applicant intimated that he has bought the stage carriage KL-40-0045 and submitted only the registration particulars of the above vehicle without current records. Then on 28/12/2022 the applicant produced the current records of the stage carriage KL-40-0045. But it is beyond the maximum time limit as per the decision of RTA dtd. 26/09/2022.

On perusal of this matter this authority perceived that the applicant Sri.Sunil Thomas is failed to produce the current records of a suitable stage carriage within the stipulated time limit as specified U/R 159[2] of KMV Rules-1989. Hence this authority is hereby **revoked** the granted a regular permit infavour of

Sri.SunilThomas,PadamattummalHouse,Chettikkad,Kunjithai,NorthParavur on the applied route North Paravur-High Court.

Item No.76

Heard; the learned counsel represented the permit holder of stage carriages KL-07-AQ-644. This item is to consider the request of Sri Bobby George, Power of attorney holder of Sri Sarath P Paracka [Permit holder of KL-07-AQ-644] to cancel the e-challan of KL-07-AQ-644 dated 08/07/2022 and to issue necessary directions to MVD officers and Police officers to allow his vehicle KL-07-AQ-644 to conduct service through original route.

In his request he illustrated that every time stage carriage vehicles departing from Angamaly reach Perumbavoor about twenty minutes late due to the traffic congestion mainly at Kaladi bridge and matoor junction. Also, in Angamaly - Perumbavoor sector, all the stage carriages coming from Angamaly to Perumbavoor are being diverting by the police department by taking a left turn from Oushadhi junction and to reach Perumbavoor stand instead of original route sanctioned by RTA, then there is an extra distance of about one kilometer and a long wait with traffic signals about ten minutes.

He also stated that stage carriages operating from Angamaly to Perumbavoor, arriving late due to traffic congestion, are deviating by taking a right turn from Oushadhi Junction to Perumbavoor via Kuzhupillikavu to avoid trip curtailment due to traffic congestion on the sector Angamaly - Perumbavoor, since the route via Kuzhupillikavu is traffic congestion free and is short in length to reach Perumbavoor compared to other route. Sometimes even police advise them to use this road to reach Perumbavoor, but sometimes not. Stage carriages arriving late due to traffic congestion, have no option but to use this road to complete their journey up to Perumbavoor. In such a situation, when his vehicle plying through Kuzhupillikavu road to reach Perumbavoor, the officer of Motor Vehicle Department inspected his vehicle and prepared a check report dated 08/07/2022 for violating the permit condition. In his request he stated that this was not done intentionally but to complete the journey on time and to start return journey on time. Hence, he requested to cancel the e-challan [Check Report] dated 08/07/2022 against his vehicle KL-07-AQ-644.

This authority perused the request. But to take a decision in this matter a detailed study report is very necessary. Hence without inclined to the merits and demerits of the request, this authority is hereby **adjourned** the item for detailed study report. This decision is not mean a permission for route violation.

Item No.77

Heard; the learned counsel represented the permit holder of stage carriages KL-07-BK-2277. This item is to take action against the regular permit in respect of Stage Carriage KL-07-BK-2277 operating on the route Edachira – F Kochi as city Permit, in connection with an accident with a pedestrian named Varghese and he was seriously injured in the accident and died at Kalamassery medical college due to the severity of the injury.

A detailed enquiry was conducted through Joint Regional Transport, Mattancherry in this regards and enquiry report reveals that the road where accident occurred is very narrow and driver should be careful while driving through this road. But the bus was driven faster than the permissible speed in city limit and the irresponsibility and non-humanitarian approach of the bus crews including driver leads to cause of death of pedestrian. Hence field officer recommended action against the regular permit of KL-07-BK-2277 and crews.

A show cause notice issued to permit holder of KL-07-BK-2277 on 29/10/2022. The permit holder of KL-07-BK-2277 had submitted explanation to the issued show cause notice.

This authority perused the agenda, F.I.R No. 0820/2022 dated 09/10/2022 of Thoppumpady Police Station, detailed enquiry report of Joint Regional Transport Officer, Mattancherry and perceived that the accident occurred due to the rash and negligence driving. Hence the driver is liable to be punished. Hence Licensing Authority, Ernakulam is directed to **take action** against the Motor Driving License of the driver.

Moreover, the explanation submitted by the permit holder against the show cause notice is not sustainable and substantive. This authority perceived that the

permit holder violated the conditions as per Rule-153 of Kerala Motor Vehicles Rules 1989. After the accident the driver went absconding and the permit holder failed to produce the driver before concerned authorities, which increases the gravity of violation of Rules. Considering the seriousness of the mishap this authority is hereby **suspended** the permit of the stage carriage KL-07-BK-2277 (7/101/1993) on the route Edachira – F Kochi for a period of three months from 15/04/2023. Secretary, RTA is permitted to issue substitute temporary permit of 20 days duration U/S 87(1)C each, in place of stage carriage KL-07-BK-2277 to co-operators for the above suspension period subject to the receipt of application.

Item No.78

This item is to ratify the action taken by the Secretary, Regional Transport Authority Ernakulam with regard to surrender of the regular permit in respect of Stage Carriage KL-34-C-1089 was operating on the route Ponkunnam – Ernakulam Kaloor Bus stand via Paika, Pala, Uzhavoor, Piravom, Mulanthuruthy, Kolenchery, Nadakkavu, Tripunithura, Vyttila and MG Road. On perusing the case this authority hereby **ratified** the action taken by the Secretary, RTA, Ernakulam.

Item No.79

1.Perused Judgment of Hon'ble High Court of Kerala in WP (C) No 28554 of 2022 dtd 01.09.2022 and IA No.1/2022 in WP(C) No 28554 of 2022 (T) dtd 31.10.2022.

2.Perused the orders of Hon'ble State Transport Appellate Tribunal vide M.P.No 1348/2022 and MP No 1348(a)/2022 in M.V.A.A No.246/2022 dated 12.12.2022.

Heard; the learned counsel represented the possessor of stage carriages **KL 07 BA4359**. This is the application to Consider the application for Replacement of vehicle in respect of S/C **KL 07 BA 4359** conducting service on the route Ernakulam High Court junction –Manjapra viaNjarakkal, Cherai, Paravoor, Manjaly and Angamaly to a later model S/C KL 38 2679, to consider the application Temporary permit in respect of S/C KL 38 2679 in place of S/C KL 07 BA 4359 and to consider the request for condonation of delay in submitting the application for Renewal of

regular permit in respect of S/C KL 07 BA 4359 for the period from 20.10.2022 to 19.10.2027.

On perusal of the agenda, file and previous decisions of this authority; it is perceived that Sri. Pramod Kumar, Srivilas, West Veliyathunad, Alangad P.O was the permit holder and registered owner of the S/C KL 7 BA 4359. He was expired on 03/02/2014. Sri. Avinashkumar, S/O Venugopal, Chullikkatt House, Vayalkara, North Paravur, Ernakulam possessor of the stage carriage filed proper application for transfer of permit (death) and it was placed before RTA held on 23/09/2017 and transfer of permit allowed u/s 82(2) of MV Act 1988 subject to the clearance of Govt. dues if any.

On 29/06/2017 the possessor of the vehicle Sri Avinash Kumar has applied for the renewal of permit since the registered owner was expired. But as per record HP is active with KTDFC Thiruvananthapuram. But NOC from HP company had not attached along with the application.

But after a long period of more than five years the possessor failed to produce the current records of the stage carriage including NOC from financier. Hence the applicant have no right to conduct the service of the stage carriage even with the strength of a temporary permit also.

The vehicle is under HPA and NOC from the financier ,(is a mandatory requirement U/S 51 of MV Act) has not produced even at the sitting of this authority. Hence this authority felt that the processor is not able to maintain Stage carriage service. So the permit is liable to be revoked. Anyhow considering the humanitarian grounds a period of 60 days is sanctioned to the applicant to produce the current records of the vehicle and NOC from the financier”.

Hence this authority is hereby **adjourned** the application for replacement, Temporary permit and request for condonation of delay in submitting the application for Renewal of regular permit. Secretary, RTA is entrusted to file review petition before Hon: High Court of Kerala and before Hon: STAT.

Item No.80

This item is to ratify the action taken by the Secretary, Regional Transport Authority Ernakulam with regard to surrender of the regular permit in respect of Stage Carriage KL 57 E 4203 was operating on the route Vynthala- Perumbavoor Via Thykkoodam, Annamanada Junction, Pulikkakadavu, Mambra, Puliyanam, Angamaly, Kalady. On perusing the case this authority hereby **ratified** the action taken by the Secretary, RTA, Ernakulam.

Item No.81

This item is to ratify the action taken by the Secretary, Regional Transport Authority Ernakulam with regard to replacement of Stage Carriage KL 39 J 4757 by another stage KL 35 H 9253 of 2018 model. Seating capacity of the incoming vehicle is 48 in all. So the material difference between the mother vehicle and incoming vehicle is above 25% (26.32 %). Since the increased number of seats will be beneficial to the public and will increase the revenue, this authority has allowed the replacement of vehicle KL 39 J 4757 and the replacement effected on 12/12/2022. On perusing the case this authority hereby **ratified** the action taken by the Secretary, RTA, Ernakulam.

Item No.82

Heard; the learned counsel represented the permit holder of stage carriages **KL-06-C-5812**. This is the application to consider the request for condoning the delay in production of current records on the application for renewal of Permit in respect of the stage carriage **KL-06-C-5812** operating on the route Thevakkal-Wisland-Kakkand as ordinary city permit. On perusal of this matter this authority perceived that the application for renewal of permit in respect of the stage carriage KL-06-C-5812 operating on the route Thevakkal-Wisland-Kakkand as ordinary city permit was granted by the Regional Transport Authority Ernakulam held on 01/02/2020 .Decision communicated to the applicant on 18/06/20020 and the applicant produced current records on 30/09/2022 along with request letter for condone delay.

This authority viewed that there is an inordinate delay of more than two years for the submission of current records. Hence only on the basis of the request submitted by the applicant, such an inordinate delay condonation can't be allowed by this authority. Detailed and specific reason is necessary. Hence the item is hereby **adjourned** for more specific reason for delay occurred.

Item No.83

Heard; the learned counsel represented the permit holder of stage carriage **KL-42-6113**. This is a belated application for renewal of regular permit of stage carriage **KL-42-6113** issued with an intra district regular permit on the on the route North Paravur-Cherai-High Court jnViaPerumpadanna, Cherai, Janatha, Kuzhipilly, Aniyal, Kudungassery, Elamkunnappuzha, Valappu, Murukkumpadam, Vallarpadam as Moffusil Service. The regular

permit expired on 03/07/2021, and the application for renewal of permit is filed on 24/09/2021. Due to outbreak of epidemic covid-19, the State government has extended validity of documents related with the motor vehicle act which expired on 01/02/2020 to 31/12/2021. The above application was filed on 24/09/2021, which was not submitted 15 days before the expiry of permit.

This authority considered the application in detail. Even though the fee for renewal of permit is remitted only on 06/06/2022. This authority is hereby **condoned** the delay occurred. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. Therefore, the delay in filing application is condoned. The Secretary RTA is **permitted** to renew the regular permit.

Item No.84

Heard; the learned counsel represented the permit holder of stage carriage **KL-9-T-5555**. This item is to take action against the regular permit in respect of Stage Carriage **KL-9-T-5555** operating on the route Aluva-Fort Kochi, against the excess bus fare charged by the conductor on 08/07/2022.

The S/C KL-09-T-5555 is conducting service on the route Aluva-Fort Kochi having regular permit No.7/222/1995 valid up to 04/12/2025 . On 11/07/2022 a complaint received through E-mail from Sri.Venugopala Pillai P V, Subash Nagar, Edappally, Kochi-24 stating that while he was travelling in this bus from Boat Jetty to High School on 08/07/2022 at 1.10pm ,the conductor charged excess fare Rs 15/- instead of Rs.13. The matter was enquired through a field officer and it is reported that the complaint was genuine and recommended for further action.

This authority thinks that mistake occurred from the part of the conductor and the permit holder of the stage carriage is liable to be punished. But some procedures are to be complied. Hence Secretary, RTA is directed to issue show cause notices to the concerned and to place the matter before the next sitting along with the explanations from the concerned. The item is hereby **adjourned**.

Item No.85

Heard; the learned counsel represented the permit holder of stage carriage **KL 59 C 8712**. This is an application to revoke, the sanction granted for Transfer of Permit of permit (No. 7/1037/2001) in respect of stage Carriage KL 59 C 8712 by Regional Transport Authority in its meetings held on 18.09.2019.

On perusal of the agenda and file this authority perceived that the application for Transfer of Permit of permit in respect of stage Carriage KL 59 C 8712 considered and granted by this authority in its sitting dtd.18/09/2019 vide Additional Item no.54. The decision was communicated to the applicants on 20/12/2019. But the applicants not produced current records so far, which is beyond the time limit as per Rule 159[2] of KMV Rules-1989. Hence this authority is hereby **revoked** the above sanction granted for Transfer of Permit in respect of stage Carriage KL 59 C 8712.

Item No.86

This item is to ratify the action taken by the Secretary, Regional Transport Authority Ernakulam with regard to surrender of the regular permit in respect of Stage Carriage KL-05-W-7767 which was operating on the route Kanakkankadavu-Mala. On perusing the case this authority hereby **ratified** the action taken by the Secretary, RTA, Ernakulam.

Item No.87

This authority is hereby **ratified** all the action taken by Secretary, RTA.

Item No.88

No other items allowed by Chairperson RTA.

Item No.89

This authority hereby fixed **22/04/2023** as the date for next meeting of RTA, Ernakulam.

Supplementary Item no.-1

Perused combined Judgment of Hon'ble High Court of Kerala in WP (C) No 42623/2018 and 11160/2020 dated 09.11.2022.

Heard; the learned counsel represented the permit holder of stage carriages **KL 07 AR 2777**. This is the application to peruse combined Judgment of Hon'ble High Court of Kerala in WP (C) No 42623/2018 and 11160/2020 dated 09.11.2022, to re-consider the belated application for **renewal of regular permit** in respect of the S/C **KL 07 AR 2777** conducting service on the intra district route Piravom-Kaloor for the period from 15.04.2016 to 14.04.2021, to consider the request of permit holder to condone the delay in filing renewal of permit application before 15 days from the expiry of permit for the period from 15.04.2016 to 14.04.2021 and to consider the belated application for **renewal of regular permit** in respect of the S/C **KL 07 AR 2777** conducting service on the intra district route Piravom-Kaloor for the period from 15.04.2021 to 14.04.2026.

As per the judgment The Hon'ble Court has directed to issue regular permit for the route Piravom to Kaloor via Thiruvankulam. On detailed perusal this authority has realized that the stage carriage KL 07 AR 2777 which was covered with a regular permit no KL77/76/1996 valid up to 14/04/2016 on the route Piravom-Thiruvankulam and also granted with temporary permit extension from Thiruvankulam to Kaloor via Thripunithura.

While preparing the agenda for renewal of permit, route was specified mistakenly as Piravom – Kaloor and RTA-EKM dtd 22/08/06 vide item no.72 , considered the renewal of permit and granted on this route for a period of 5 years. The above mistake remains unnoticed and again in the year 2011, the regular permit was renewed for another 5 years from 15/04/2011 to 14/04/2016 on the route Piravom –Kaloor.

RTA , Ernakulam dated 17/08/16 vide item no.64, considered the renewal of permit for another period of 5 years from 15/04/2016 and **adjourned** the matter since the proposed route objectionably overlaps Ernakulam-Thekkady, Trivandrum-Kannur and Trivandrum-Palakkad notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and Ernakulam-Muvattupuzha complete exclusion scheme with

exceptional Clause by way of connecting two intermediate points at Trippunithura and Thiruvankulam.

On 09.01.2023, The Permit holder produced the combined judgment of Hon'ble High Court of Kerala in WP(C) No 42623 of 2018 and 11160/2020 dated 09.11.2022. as per the judgment " It is a matter on record that the petitioner in the second writ petition and respondent 1 in the first Writ Petition had been operating the vehicle bearing registration no KL 07 AR 2777 on the route Piravom-Kaloor via Thiruvankulam for the last 22 years and had been issued regular permit. When it was renewed for the fifth time, was issued a regular permit for some part of the allotted route with temporary permit from Thiruvankulam to Kaloor. However, in 2006 temporary permit for the entire route was granted. An application filed in 2016 for renewal and permit was renewed for Piravom-Thiruvankulam route, but for other route i.e, Thiruvankulam-Kaloor a temporary permit was issued. The aforementioned order was challenged by the petitioner and the State Transport Appellate Tribunal noticing the order of the Government promulgating the scheme, allowed the same. It would be appropriate to extract the relevant portion of the scheme;-

From the perusal of the extracted portion it is evident that the existing permit holders and the temporary permit holders were permitted to ply along with the State Transport Undertaking. The ground that the name of the petitioner was not mentioned in Annexure would not sustain as it only reflects the temporary permit holders whereas the petitioner, for the majority of the route had the regular permit except for a shorter route. Once the permission was granted for both regular and temporary permit, there cannot any impediment for the respondents to issue the permit to the petitioner to ply the vehicle for that Kerala State Transport Corporation cannot have any grievance

Now The Hon'ble High Court of Kerala has directed to issue regular permit for the route Piravom to Kaloor via Thiruvankulam as per the Scheme dated 21.02.2017.

This authority perceived that the Hon: Court ordered to issue the regular permit to stage carriage **KL 07 AR 2777** on the route Piravom to Kaloor , is after considering

all the aspects of GO(P) No.05/2017/Tran dtd 21/02/2017. Hence now this authority is willing to renew the regular permit of stage carriage **KL 07 AR 2777** on the route Piravom-Kaloor via Thiruvankulam.

But on perusing the matter this authority realized that the stage carriage **KL 07 AR 2777** was covered with the regular permit on the route Piravom- Thiruvankulam, for the compliance of the judgment of Hon: High Court of Kerala it has to be renewed the permit from Piravom-Kaloor. So this authority have to correct the route of the permit from Piravom- Thiruvankulam to Piravom- Kaloor. Hence for this purpose the fees for variation of permit is very necessary. Other wise there should be a revenue loss for the government. Hence this authority is here by **adjourned** the item with a direction to the applicant to remit the fees for permit variation.

Secretary, RTA is entrusted to file time extension application before the Hon: High Court of Kerala and to place the matter before this authority in the coming sitting, after the applicant remitting the fees for permit variation of permit.

Supplementary Item no.-2

1.Perused the Judgment of the Honbl'e High Court Of Kerala in WP(C) 302/2023 dated 06/01/2023.

2.Heard; the learned counsel represented the permit holder of stage carriage **KL 08 Z 9700**. This is the application for renewal of regular permit and Replacement of vehicle of stage carriage **KL 08 Z 9700** issued with an inter district regular permit on the route Ernakulam High Court Junction-KodungalloorasMoffusul permit Service. The regular permit was valid upto 09/05/2022, and the application for renewal of permit is filed on 19/04/2022. Which is within the stipulated time limit.

This authority considered the applications in detail. As per the report of the route enquiry officer, there is no legal impediment exist for the renewal of permit and the renewal will not disturb the scheme of nationalization. Therefore, The Secretary RTA is **permitted** to renew the regular permit. Secretary, RTA is directed to be ascertained whether the stage carriage conducted service without valid permit. If the stage carriage has conducted service without valid permit, the permit holder should be remitted the compound fees.

3. This authority considered the application for replacement of vehicle in respect of Stage Carriage KL 08 Z 9700 with later model stage carriage KL 05 AD 3738. Both vehicles are owned by the permit holder.

On perusing the application, it is realized that the seating capacity of mother vehicle and incoming vehicle is above 25% (seating capacity of incoming vehicle is more than 25%). Since the increased number of seats will be beneficial to the public and will increase the revenue there is no legal impediments to allowing the replacement of vehicle as applied. Hence the replacement is **granted** subject to the clearance of Government dues and e-chalan of both vehicles, if any.

Supplementary Item no.-3

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage KL 17 D 9288 operating on the route Vyttila-Vyttila Circular as Town/City Service is considered. This authority realized that the permit was **issued in SC/ST quota** and both the applicants are belongs to scheduled caste category. Since there is no legal impediments to allow the transfer of permit it is **allowed** as applied for subject to the clearance of Government dues, if any.

Supplementary Item no.-4

Heard; the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of Stage carriage **KL-59-D-6875** operating on the route Aluva –Mattanchery is **allowed** as applied for subject to the clearance of e-Chalan and Government dues, if any.

Sd/-

Chairperson, RTA, Ernakulam.

Dr. (Smt.) Renu Raj I.A.S, The District Collector, Ernakulam

Sd/-

**Sri., Shaji Madhavan, Deputy Transport Commissioner [Law],
CZ- II, Ernakulam.**

Member, RTA, Ernakulam.