

**DECISION OF REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM IN ITS MEETING HELD ON -19-09-2023**

Present:

Sri. Geromic George IAS

The District Collector & Chairman
Regional Transport Authority
Thiruvananthapuram.

Sri. Nagaraju Chakilam IPS

The Commissioner of Police &
Member, Regional Transport Authority
Thiruvananthapuram

Sri. Joshy.K

Deputy Transport Commissioner
South Zone, Thiruvananthapuram &
Member, Regional Transport Authority
Thiruvananthapuram.

Item No. 1

[KL 01 CC 0786]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.


CHAIRMAN

MEMBER1


MEMBER2

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10061/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

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Item No. 2

[KL 25 A 1314]

Heard Adv O.D. Sivadas who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

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2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

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CHAIRMAN

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MEMBER2

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage having temporary permit with no. KL2023-TEMP-0168C for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 3

[KL 01 BT 2010]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

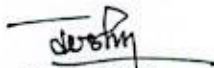
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Findings of this authority

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2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10069/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 4

[KL 33 B 2181]

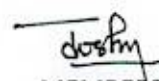
Heard Adv O.D. Sivadas who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.


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The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violations of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.


6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10002/2005 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.


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Item No. 5

[KL 01 BH 2250]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

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4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10039/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 6

[KL 59 A 3690]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86


CHAIRMAN

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of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10030/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 7

[KL 01 BH 5318]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

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Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

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4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/2165/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

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CHAIRMAN

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Item No. 8

[KL 16 E 6609]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

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4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

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CHAIRMAN

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5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10004/2007 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 9

[KL 16 H 7374]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

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Findings of this authority

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2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

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5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10009/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 10

[KL 01 AV 0691]

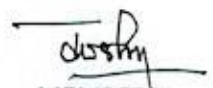
Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

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5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10008/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.


CHAIRMAN

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Item No. 11

[KL 21 B 1112]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

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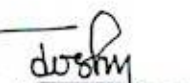
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4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.


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5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10002/2007 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 12

[KL 01 AR 2127]

Heard Adv O.D. Sivadas who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

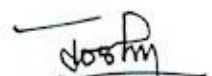
The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.


CHAIRMAN

MEMBER1


MEMBER2

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/72/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 13

[KL 01 BS 2131]

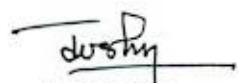
Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.


CHAIRMAN

MEMBER1


MEMBER2

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/53/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.


CHAIRMAN

MEMBER1


MEMBER2

Item No. 14

[KL 19 3263]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.



CHAIRMAN

MEMBER1



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5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10044/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 15

[KL 01 BG 4427]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.


CHAIRMAN

MEMBER1


MEMBER2

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10044/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 15

[KL 01 BG 4427]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

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Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.


CHAIRMAN

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2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present disposed either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL2023-TEMP-7665B for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 16

[KL 01 AS 4707]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.


CHAIRMAN

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The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10006/1997 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

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CHAIRMAN

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Item No. 17

[KL 22 A 5107]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.


CHAIRMAN

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5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/92/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 18

[KL 01 AT 5353]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.


CHAIRMAN

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2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/21040/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 19

[KL 01 BW 6789]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

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CHAIRMAN

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The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10087/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.


CHAIRMAN

MEMBER1


MEMBER2

Item No. 20

[KL 01 AD 6989]

Heard Adv O.D. Sivadas who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.


CHAIRMAN

MEMBER1


MEMBER2

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10003/2007 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 21

[KL 59 F 7077]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

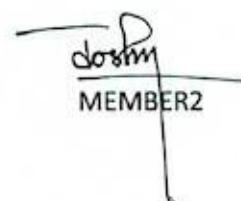
The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.


CHAIRMAN

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2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/63/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 22

[KL 01 AU 7878]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.


CHAIRMAN

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The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10070/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

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Item No. 23

[KL 01 BJ 9693]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.


CHAIRMAN

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5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10007/1995 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 24

[KL 07 AZ 6920]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.


CHAIRMAN

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2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL2023-TEMP-4238B for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

Item No. 25

[KL 35 B 6957]

Heard Adv O.D. Sivadas who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.


CHAIRMAN

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The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans

which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The owner/permit holder has not obeyed the standing rules read with sec 167.

Decision

Taking into the account of attitude of the registered owner/permit holder and behavior. This authority taking a lenient view **suspends** the stage carriage permit with no. KL11/10005/2007 for **1 day** u/s 86 of MV Act 1988. This authority directs the Secretary RTA to decide an appropriate date or period of suspension and to communicate with the permit holder and also ensure the action.

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Item No. 26

[KL 01 AT 4949]

Heard Adv K.V Gopinathan Nair who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.

2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.


CHAIRMAN

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5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The investigation in FIR No.573/2023 filed in Cantonment Police Station is going on, a detailed enquiry report shall be needed.

Decision

Based on the above findings, this authority directs the Secretary, RTA to obtain detailed report about this incident and submit the report before the next RTA. Hence **adjourned**.

Item No. 27

[KL 01 BX 2929]

Heard Adv O.D. Sivadas who represented the Permit Holder.

Objection submitted by the permit holder by denying the allegations. Permit holder contested that as per the Rule 167 of the Central Motor Vehicles Rules which came into force on 25 September 2020 an authorized officer shall issue a challan through system or e Challan facility to a person acting in violation of the provisions of the Act and the same shall be recorded in the portal. As per sub rule 5, the same is to be disposed of within 90 days except in cases of offences instituted for prosecution by a court.

Therefore, if the challan issued is not compounded within 90 days, the matter will have to be referred to virtual court where the permit holder gets the opportunity to contest the same, or to prove his side.

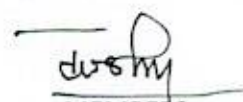
The alleged offence is now posted for the consideration of the authority by the secretary. There cannot be any parallel proceedings and punishment for the very same alleged offence at a time. Therefore, it is requested that any further steps in the above matter, if to be considered, the same can be only after disposal of the matter by the virtual court as prescribed in the Rules.

Findings of this authority

1. Operating a stage carriage according to the given timing to the whole routes is a primary condition which shall be observed by the permit holder. Violation of these conditions are reported by The Secretary, RTA. As per Section 86 of Motor Vehicles Act 1988, The Regional Transport Authority has enough power to suspend or cancel the permit for such a period as it thinks fit.


CHAIRMAN

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2. As per Section 86 (1) proviso the authority has to give an opportunity to furnish explanations of the permit holder. Explanations are given by the permit holder before this authority.

3. Enforcement Officers detected Permit Violations such as Curtailment of Trip, Deviation in Trip etc... vide e challans which at present pending either in e challan or in virtual court or in regular court. This offence is proceeded as per Criminal Procedure Code 1973 and the case is pending. The Authority issued permit subject to certain conditions prescribed in Chapter 5 of MV Act and violation of general or special conditions under this chapter warrants proceedings as per 86 (1).

4. As per section 86 (3) this authority issued show cause and obtained explanations and given opportunity to explain the same before the authority on 19-09-2023.

5. Perused the records and explanations. This authority feels that further instance of any conditions of Permit violation will adversely affect public transport service and affect passenger travelling facility.

6. The investigation in FIR No.573/2023 filed in Cantonment Police Station is going on, a detailed enquiry report shall be needed.

Decision

Based on the above findings, this authority directs the Secretary, RTA to obtain detailed report about this incident and submit the report before the next RTA. Hence **adjourned**.

Item No. 28,29,30

[KL 01 AZ 2941, KL 74 2153, KL 19 G 8218]

Heard Adv G. Sreekumaran who represented the Permit Holders/ Registered Owners.

Objection submitted by the permit holder by denying the allegations. They stated that they are plying and using the same place as auto stand. They contested that his vehicle is not obstructing the ingress and egress to the petitioner's shop. They are using that place as the auto stand for more than 30 years. The location of current auto stand is near School, and the only place where a person who gets off from bus can call an auto rikshaw easily. There is no other place suitable for the auto stand.


CHAIRMAN

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Findings of this authority

1. Based on the direction of the Honorable High Court of Kerala by its judgment in WP© No. 7453 of 2021 dated 16th January 2023 till a decision is taken by the traffic regulatory committee, the interim order passed by the court on 03.09.2021 in WP© No. 7453 of 2021 shall continue. The interim order was "the ingress and egress to the petitioner's shop shall not be obstructed by the parking of the Auto-rickshaws." The traffic regulatory committee conveyed and directed the traffic police and the health supervisor by its meeting vide item no.6 to take action against the unauthorized parking.

2. It is highly irregular that parking an Auto-rickshaw or any other vehicles within the carriage way as per MVDR 2017 Regulation 22 (2) b. Hence issued show cause, obtained explanation, heard the counsel for the accused.

3. The accused had violated the order of the Honorable High Court of Kerala and the direction of this authority conveyed by its decision of the meeting held on 27/03/2023 by repeating the offence.

Decision

Considering the offences detected by the enforcement officers and based on the above findings, this authority directs to **suspend** the license of the registered owner/driver of the vehicles KL 01 AZ 2941, KL 74 2153, KL 19 G 8218 which had repeated the violations, for a period of **30 days** under section 19 of MV Act 1988.

The Secretary, RTA shall intimate the registered owner of these vehicles/license holder, the period of suspension and ensure that the suspension is effected with appropriate action.

CHAIRMAN

District Collector
Thiruvananthapuram,

MEMBER1

MEMBER2

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Deputy Transport Commissioner
South Zone, Thiruvananthapuram
PEN: 428685