

***MINUTES OF THE REGIONAL TRANSPORT AUTHORITY -
MUVATTUPUZHA HELD AT COLLECTORATE CONFERENCE HALL,
ERNAKULAM
ON 18.01.2025 at 10 a.m.***

Present:

1. N S K Umesh. IAS, District Collector (Ernakulam); Chairman RTA.
2. Dr. Vaibhav Saxena, District Police Chief (Ernakulam Rural), Member, RTA
3. Anoop Varkey, Deputy Transport Commissioner (CZ-2); Member, RTA

I.

Item No. 1

A4/140/2023/EM

Heard.

1. This is to re-consider the application for fresh inter-district stage carriage permit to operate on the route Adimaly – Aluva as ordinary moffussil service
2. This application was previously considered by this authority held on 23.12.2023 in Item No. 11 and the decision on this application was adjourned for want of concurrence from Sister RTA, Idukki.
3. Sister RTA Idukki held on 22.08.2024 considered this application and concurrence was granted for this permit.
4. All objections raised against this application at the time hearing were considered as per law.
5. The applicant has offered a stage carriage bearing number KL 44 A 3949 owned by him at the time of hearing.

The matter was examined in detail. The applicant is admittedly a stage carriage operator holding more than one stage carriage permit. Two permits held by him, (1) stage carriage KL 40 F 2151 covered by a regular permit on the route Ayavana - Avolichal and (2) stage carriage KL 44 B 0399 covered by a regular permit on the route Muvattupuzha – Neriamangalam are owned and operated by Sri. Priyadarshan A. J and the said permits are sought for

transfer of permit from his name to one Mr.Biju T C and Mr. Mohammed Iqbal as per applications in Item No.32 and 33 of this agenda.

More over Sri. Priyadarsan A.J has applied for another fresh permit in respect of his vehicle KL06C3319 on the route Vellapara-Perumbavoor vide. Item No.5 of this agenda.

Thus it is seen that Sri Priyadarsan A.J has applied for two regular permits vide ItemNo.1 and 5 of this agenda and he has sought for transfer of permit in respect of two permits held by him to other persons vide item No: 32 and 33 of this agenda. The reason for the proposed transfer of permit is (1) financial difficulty and (2) lack of personal management as stated by himself in the joint application for transfer of permit.

Thus it is clear that this applicant for grant of two fresh stage carriage permits is financially unsound and he lacks proper management of stage carriage service according to the Joint application. His financial instability is supported by his offering two old model stage carriages namely (1) KL 44 A 3945 (2010 model) and KL 06 C 3319 (2004 model) which do not satisfy the AIS: 052 or the compliance with Type II vehicles required for inter-urban or intercity operation.

Moreover this authority is satisfied that the applicant intends to carry own the business of buying and selling the stage carriage permits which amount to trafficking in permit. A person engaged in trafficking in permits is not entitled to any new permits. The transfer of permit can be considered as bonafide only if such transfer is applied for in normal circumstances of business. The said sale of permit is with clear motive of making profit by such transfer. It is thus clear that the applicant has abused his position as a holder of a stage carriage permit.

Under the circumstances the application for fresh stage carriage permit is **rejected**, relying on the Division Bench Judgment in Joint RTO V/s Thomas Joseph (WA No.: 454 of 2023 dt. 10-01-2023 and judgment in Udayanath Pani v/s STA Orissa reported in 1992 SCC Orissa 39 : AIR 1993 ORI (14).

Item No. 2

A4/71/2022/EM

Heard.

1. This is to re-consider the application for fresh S/C permit to operate on the route Vazhithala - Pothanikad via. Periyambra, Puthupariyaram, Chittur, Manakkad, Kothayikkunnu bus Stand, Thodupuzha, Arikkuzha, Parakkadavu, Pandappilly, Arakkuzha, Muvattupuzha, Randar, Ayavana, Manappuzha as ordinary mofussil service.
2. This application was placed before this authority on 23.01.2023 in Item No. 2 and the decision was adjourned for want of concurrence from Sister RTA Idukki.
3. Concurrence was granted by the sister RTA Idukki held on 22.08.2024 in Item No. 139, stating that the line of traverse proposed by the applicant is in such a way that the stage carriage is directly enters in to the back side of the bus stand through 'Ashirwad theatre road' avoiding the overlapping with notified route for a distance of 1.2 Kms with Kottayam – Kattappana notified scheme.
4. Now, the applicant produced the registration particulars of a stage carriage KL 17 D 0665 for endorsing the permit.
5. All objections raised against this application were considered as per law. Representative of KSRTC has objected to the proposed line of traverse of the permit at Thodupuzha town stating that the proposed route is against the interest of the public and also that of the nationalized scheme. This authority considered the matter and overruled the same, since Sister RTA has already issued concurrence Thus, overruled the objection.

Thus, fresh stage carriage mofussil permit is **granted** to the stage carriage KL 17 D 0665 subject to the settlement of timings which shall be in conformity with the provisions of section 91 of MV Act and section 13 of Kerala Motor Transport Workers Act 1961.

Item No. 3

A4/153/2022/EM

Heard.

1. This is to re-consider the application for fresh stage carriage permit to operate on the route Koovappady – Perumbavoor – Panamkuzhy via. Elambakappilly, Kayyuthiyal Church, Medical College, Aimury, Thodapparambu, Kaduval, Kochangadi, Vallam Junction, Koovappady and Alattuchira as ordinary moffussil service.
2. The applicant produced a vehicle KL 17 E 1177 which is registered in the name of the applicant, for endorsing the permit.
3. All objections raised against this application in open hearing were considered as per law.

Though the route applied for is Koovappady – Perumbavoor – Panamkuzhi, the time schedule accompanying the application shows that seven different routes having different termini is included in one application. In view of the provisions of section 2 (38) of the MV Act, grant of more routes than one in the said application is not contemplated in the Act or rules. Therefore the applicant is directed to modify the time schedule and regulation of service on a single route of his choice which shall also comply with the provisions of section 91 of the Act and section 13 of Kerala Motor Transport Workers Act 1961, relying on the judgment in Vivek Dwivedi V/s Prem Narayanan (AIR1999 MP1). The consideration of the application is **adjourned**.

Item No. 4

A4/154/2023/EM

Heard.

1. This is to re-consider the application for fresh stage carriage permit to operate on the route Kothamangalam – Kottappady – Perumbavoor via. Thrikkariyoor, Thaikkavumpady, Vadasserry, Thuruthy, Kuruppumpady as ordinary service.

2. This application was placed before the RTA held on 17.08.2024 in Item 3 and the decision on the application was adjourned for want of the registration mark of a vehicle in which the permit to be endorsed.
3. Now the applicant produced the particulars of a fresh, new stage carriage chassis which is purchased in the name of the applicant, for endorsing the permit. As per her submission, body building work is progressing the registration mark will be produced in due course.
4. All objections raised against this application were considered as per law.

Thus, fresh stage carriage mofussil permit is **granted** to the stage carriage offered by the applicant at the time of hearing subject to the settlement of timings which shall be in conformity with the provisions of section 91 of MV Act and section 13 of Kerala Motor Transport Workers Act 1961.

Item No. 5

A4/37/2024/EM

Heard.

1. This is to re-consider the application for fresh stage carriage permit to operate on the route Vellappara – Perumbavoor via. Onnukal, Thalakkode, Puthenkuriz, Nellimattom, Odakkaly, Kuruppumpady, Pattal and One trip from Kothamangalam to Uppukulam via. Onnukal as ordinary service
2. This application was placed before the RTA held on 17.08.2024 in Item No. 8 and the decision on the application was adjourned for want of the registration mark of a vehicle in which the permit to be endorsed.
3. Now the applicant produced a vehicle KL 06 C 3319 which is registered in the name of the applicant, for endorsing the permit.
4. All objections raised against this application in open hearing were considered as per law.

The matter was examined in detail. The applicant is admittedly a stage carriage operator holding more than one stage carriage permit. Two permits held by him, (1) stage carriage KL 40 F 2151 covered by a regular permit on the route Ayavana - Avolichal and (2) stage carriage KL 44 B 0399 covered

by a regular permit on the route Muvattupuzha – Neriamangalam are owned and operated by Sri. Priyadarshan A. J and the said permits are sought to be transferred from his name to one Mr.Biju T C and Mr. Mohammed Iqbal as per applications in Item No.32 and 33 of this agenda.

More over Sri. Priyadarsan A.J has applied for another fresh permit in respect of his vehicle KL06C3319 on the route Vellapara-Perumbavoor vide. Item No.5 of this agenda.

Thus it is seen that Sri Priyadarsan A.J has applied for two regular permits vide ItemNo.1 and 5 of this agenda and he has sought for transfer of permit in respect of two permits held by him to other persons vide item No: 32 and 33 of this agenda. The reason for the proposed transfer of permit is (1) financial difficulty and (2) lack of personal management as stated by himself in the joint application for transfer of permit. It is open for the permit holder to surrender the permit the moment he becomes incapacitated to operate service. Financial instability or lack of proficiency in management are not grounds for transfer of permit.

Thus it is clear that this applicant for grant of two fresh stage carriage permits is financially unsound and he lacks proper management of stage carriage service. His financial instability is supported by his offering two old model stage carriage namely (1) KL 44 A 3945 (2010 model) and KL 06 C 3319 (2004 model) which do not satisfy the AIS: 052 or the compliance with Type II vehicles required for inter urban or intercity operation.

Moreover this authority is satisfied that the applicant intents to carry on the business in buying and selling the stage carriage permits which amounts to trafficking in permit. A person engaged in trafficking in permits is not entitled to any new permits. The transfer of permit can be considered as bonafide only if such transfer is applied for in normal circumstances of business. The said sale of permit is with clear motive of making unlawful gains arising on the transfer thereby abusing the permit.

Under the circumstances the application for fresh stage carriage permit is **rejected**, relying on the Division Bench judgment in Joint RTO V/s Thomas Joseph (WA No.: 454 of 2023 dt. 10-01-2023 and judgment in Udayanath Pani v/s STA Orissa reported in 1992 SCC Orissa 39 : AIR 1993 ORI (14).

Item No. 6

A4/587/2024/EM

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Nellad – Kakkanad via. Mangalathunada, South Mazhuvannur, Kadayiruppu, Pulinchuvadukavala, Pazhamthottam, Chavanchirappady, Vembilly, Ambalappady, Peringala, Karimugal, Memberpady, KINFRA (Info-Park Phase 1) as ordinary mofussil service
2. The applicant produced a vehicle KL 12 F 7740 which is registered in the name of the applicant, for endorsing the permit.
3. All objections raised against this application in open hearing were considered as per law.

Thus, fresh stage carriage mofussil permit is **granted** to the stage carriage KL 12 F 7740 offered by the applicant at the time of hearing authority subject to following conditions.

- a) All the trips shall be run and operated on the entire route between the termini Nellad and Kakkanad without there being any cut trips.
- b) The time schedule shall be settled in such a way that the working hours of the persons employed by the applicant shall be in conformity with the provisions of section 91 of MV Act and section 13 of the Motor Transport Workers Act, 1961.

Item No. 7

A4/761/2024/EM

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Muvattupuzha – Kothamangalam – Paingoottoor – Kulangattukuzhi via. Keecheripadi, Mulavoor, Ponnirikkaparambu, Karukappilli Kavala, 314, Kallampara, Peacevallym Elambra,

Nangelippadi, Kozhippilly, Adivad, Pallarimangalam, Mavudy, Pothanikkad, Malayankeezhu, Ramallur, Muthamkuzhi, Vettilappara, Mathirappilly, Karukadam, Puthuppady, Kakkadasserry as ordinary mofussil service.

2. The applicant produced a vehicle KL 40 1233 which is registered in the name of the applicant, for endorsing the permit.
3. All objections raised against this application in open hearing were considered as per law.

As per the enquiry report portions from Nangelippady- Kallampara for a distance of 3 kms, 314 junction – Mulavoor pallypady for a distance of 3 kms and Mulavoor PO Junction- Keecheripady for a distance of 3.5 kms are virgin portions. Hence, secretary RTA. Will obtain road fitness certificate from competent authority and place the application before RTA: till then decision on this application is **adjourned**. The applicant is directed to modify the time schedule in such a way that all the trips are run and operated on the entire route between termini without there being any cut trips and also that the working hours of the persons employed by the applicant shall be in conformity with the provisions of section 91 of MV Act and section 13 of the Kerala Motor Transport Workers Act 1961.

Item No. 8

A4/591/2024/EM

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Perumbavoor – Kalamasserry Medical College via. Poonjasserry, Mankuzhi, Kitex, Kizhakkambalam, Pallikkara, Vayanasalapady, Edachira - Info Park, Kakkanad, HMT Junction, Medical College, Navodaya, Thamarachal, Karukulam as ordinary service.
2. All objections raised against this application in open hearing were considered as per law.

The applicant has not offered any vehicle or particulars of the vehicle before this authority for consideration of the application. The authority here

by directs the applicant to furnish the relevant particulars and information required under section 70(1) of the MV Act before the matter is taken up for hearing for a detailed and complete consideration of the application, relying on Maharashtra SRTC V/S Manglur Pir (1971(2) SCC222) and the judgement in Mithesh Gargh V/S Union of India (1992 SCC 443). The vehicle offered shall be of Type -II category complying with AIS-052 in terms of rule 125(C) of CMV rules 1989 so as to ensure the minimum standards of safety and comforts for passengers (Judgment in WA No: 454/2023 of Hon'ble High Court of Kerala)

The applicant is given an opportunity to modify the time schedule furnished by him so as to operate on the entire length of the route without there being any cut trips which shall necessarily comply with provisions of section 91 of the MV Act and section 13 of the Kerala Motor Transport Workers Act 1961. The matter is **adjourned**.

Item No. 9

A4/800/2024/EM

Heard.

1. This is to consider the application for fresh regular stage carriage permit with respect of a suitable stage carriage with seating capacity not less than 38 in all to operate on the route Maneed – Kothamangalam via Ramamangalam, Ooramana, Kayanad, Marady, Muvattupuzha, Puthuppady, Mathirappilly as ordinary service.
2. Applicant produced the particulars of the vehicle KL 16 B 9696 for endorsing the permit.
3. Considered the objections as per law.

As per the enquiry report, the route overlaps from BOC Junction (Nehru Park Circle) to KSRTC Stand at Muvattupuzha for a distance of 1.7 Kms. However, as per Muvattupuzha – Ernakulam notified scheme vide G.O. (P) No. 05/2017/Tran. Dtd. 21.02.2017(Modified), distance between BOC Junction to KSRTC Stand for a distance of 1.7 Kms is permitted to overlap

for fresh stage carriage permits. Representative of KSRTC did not object the proposal.

Thus, fresh stage carriage mofussil permit is **granted** to the stage carriage KL 16 B 9696 produced by the applicant at the time of hearing subject to the following conditions.

- a) All the trips shall be run and operated on the entire route between the termini Maneed and Kothamangalam without there being any cut trips.
- b) The time schedule shall be settled in such away that the working hours of the persons employed by the applicant shall be in conformity with the provisions of section 91 of the Act and Section 13 of the Motor Transport Workers Act 1961.

Item No. 10

A4/362/2024/EM

Heard.

1. This is to consider the application for fresh stage carriage permit to operate on the route Cheruvattoor – Muvattupuzha – Kothamangalam – Perumankandam via. Puthuppady, Nirappu, Ponnirikkaparambu, Keecheripady, Nellikuzhy, Nellimattom, Paimattom, Kootenveli, Paingoottoor, Kaloore, Mathirappilly and Kakkadasserry as ordinary service
2. Applicant produced the vehicle KL 28 0835 for endorsing the permit.
3. Considered the objections as per law.

Thus, fresh stage carriage mofussil permit is **granted** to the stage carriage KL 28 0835 subject to following conditions.

- a) All the trips shall be run and operated on the entire route between the termini Cheruvattor and Perumenkandam without there being any cut trips.
- b) The time schedule shall be settled in such a way that the working hours of the persons employed by the applicant shall be in conformity with the provisions of section 91 of MV Act and section 13 of the Motor Transport Workers Act 1961.

II.**Item No.11**

A4/102/2024/EM

Heard. This is a request by the grantee of fresh stage carriage permit on the route Vaveli – Perumbavoor – Kottappady – Kothamangalam as ordinary service for granting maximum time for producing the current records of the stage carriage KL 07 BG 4405 for the issuance of permit.

RTA Muvattupuzha held on 17.08.2024 in Item No. 10, granted fresh stage carriage permit subject to the production of current records of the stage carriage KL 07 BG 4405 within 30 days and also subject to settlement of timings.

On 16.12.2024, applicant submitted a letter stating that he is in need of 30 days more for the production of current records of the stage carriage for issuance of the permit.

We examined the request of the grantee of the permit and maximum time as per Kerala Motor Vehicles Rules 159 (2) is allowed for the production of registration certificate and other records of the stage carriage KL 07 BG 4405 for endorsing the permit.

Item No.12

A4/24/2024/EM

This is a request by the grantee of fresh stage carriage permit on the route Vadattupara – Kothamangalam – Muvattupuzha – Vellaramkuthu – Kottappady as ordinary service for granting maximum time for producing the current records of the stage carriage KL 17 D 9308 for endorsing the granted permit. However the applicant was absent examined the request and maximum time as per Rule 159 (2) of Kerala Motor Vehicles Rules is allowed for the production of the registration certificate and other records of the stage carriage KL 17 D 9308 the issuance of the permit.

III.**Item No.13**

A4/98/2023/EM

Heard the applicant,

Decision has already been taken by this Authority. Any person aggrieved by the said decision is at liberty to seek alternative remedy under the provisions the MV Act.

Item No.14

A4/07/2022/EM

Heard the applicant and objectors.

The route applied for is an existing route. The objection of the KSRTC is overruled since there does not exist any scheme as pointed out by the representative of the KSRTC. Renewal is **granted**. Subjected to the payment of all Government dues on account of check reports, e-challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

Item No.15

A4/729/2024/EM

Heard.

1. This is to consider the belated application for renewal of permit in respect of the stage carriage KL 17 P 0764 operating on the route Vellakkayam – Muvattupuzha as ordinary mofussil service with permit no. 17/124/1999 which had expired on 09.12.2024;
2. Application for renewal of stage carriage permit has to be submitted 15 days in advance and the permit holder submitted application only on 03.12.2024 and delayed.
3. As per the report of Motor Vehicles Inspector, Muvattupuzha, no major legal impediments were noticed.

Hence, delay on submission of application is **condoned** and renewal of permit is **granted**, subject to the payment of all Government dues on account of check reports, e-Challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

Item No.16

A4/84/2022/EM

Heard.

1. This is to consider the application for renewal of permit in respect of the stage carriage KL 40 K 1415 operating on the route Aluva – Pothanicaad as Limited Stop Ordinary mofussil service with permit no. 17/113/1999 valid up to 02.12.2024.
2. Application was submitted in time and verified connected records in detail. NoC from HP Company is seen produced. As per the report of route enquiry officer, there is no major legal impediment in considering the application for renewal of permit.

We have considered the application in detail and Renewal of permits as LSOS is **granted** subject to the payment of all Government dues on account of check reports, e-Challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

Item No.17

A4/195/2023/EM

Heard.

1. This is to consider the belated application for renewal of permit in respect of the stage carriage KL 40 L 9434 operating on the route Muvattupuzha – Kaliyar as ordinary mofussil service with permit no. 17/31/1999 and expired on 19.04.2024. 2. Application for renewal of stage carriage permit has to be submitted 15 days in advance and the application was submitted on 06.12.2024, after the expiry of validity of permit. Compounding fee seems paid by the applicant for permit-less operation.
2. As per the report of Motor Vehicles Inspector, Muvattupuzha, no major legal impediments were noticed.

Hence, delay on submission of application is **condoned** and renewal of permit is **granted** subject to the payment of all government dues on account

of check reports, e-Challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

Item No.18

A4/122/2023/EM

Heard.

1. This is to consider the belated application for renewal of permit in respect of the stage carriage KL 40 G 3204 operating on the route Perumbavoor – Ernakulam as ordinary mofussil service with permit no. 17/123/1999 and expired on 08.12.2024.
2. Application for renewal of stage carriage permit has to be submitted 15 days in advance and the application was submitted on 02.12.2024 and hence belated.
3. As per the report of Motor Vehicles Inspector, Muvattupuzha, no major legal impediments were noticed.

Hence, delay on submission of application is **condoned**. The renewal of permit is **adjourned** for want of production of no objection certificate from H.P Company.

Item No.19

A4/75/2023/EM

Heard.

1. This is to consider the application for renewal of permit in respect of the stage carriage KL 18 E 6399 operating on the route Ramamangalam Kadavu – Perumankandom as ordinary mofussil service with permit no. 17/1047/2013 and the permit is expired on 21.04.2023.
2. We have also considered the objections on application for renewal of permit and timing in respect of KL 18 E 6399 raised by Sri. N.O. Jose, Nellikkattil House, Chelad P.O., Kothamangalam; permit holder in respect of stage carriage KL 44 B 6975 and other objections raised before of this authority.
3. Application for renewal of stage carriage permit was submitted in time and the same was processed as per law. However, the permit holder

could not produce current records of the vehicle since the stage carriage is in non-use intimation.

4. Major contention of the objector is that the permit holder previously wanted to surrender this permit and he in a timing conference held on 24.04.2023, in connection with stage carriage KL 18 E 6399 split up and allotted to his stage carriage KL 44 B 6975 and KL 33 6147. Later, the permit holder withdrew his application for surrender of permit and decided to continue the service in respect of the stage carriage KL 18 E 6399. Since timings in respect of the stage carriage was already shuffled, the objector is in trouble and there is clash of timing.

In view of objections raised against the grant of renewal of permit, secretary will cause an enquiry on the following points.

- a) Whether the permit has ever been surrendered for cancellation of permit.
- b) Whether the said vehicle has defaulted service and if so the period during which the said default has taken place.
- c) Whether the schedule of timings has been allotted to any other stage carriages with the consent of permit holder by competent Authority.

The matter is **adjourned**.

IV.

Item No.20

A4/08/2025/EM

1. This is to consider the application for issuing concurrence for fresh stage carriage permit on portion of the route Munnar – Cherppunkal Medi-city via. Kollamparambu, Kuttikavala, Marika, Palakkuzha, Pandappilly, Arakkuzha, Thottunkal Peedika, Nirmala School Junction, Latha Stand, P.O. Junction, BOC Junction, Kakkadasserry, Puthuppady Junction, Ambalampady, M A College Junction, Kothamangalam Central Stand, Pallithazham, Nellimattom, Oonnukal, Neiyamangalam as Ordinary Service lying in the jurisdiction of this authority from sister RTA, Idukki held on 22.08.2024, Item No. 29.

2. As per the enquiry report a portion of the route from Kallamparambu to Neriyaamangalam Bridge for a distance of 52.3 Kms lies in the jurisdiction of this authority and there is an overlapping of 0.7 Kms with the notified routes at Muvattupuzha from Latha Stand to Post Office Junction.

Concurrence is **granted**.

Item No.21

A4/798/2024/EM

1. This is to consider the application for granting concurrence for fresh stage carriage permit on portion of the route Malayinchi – Chottanikkara a portion of which from via. Palakkuzha, Koothattukulam, Vadakara, Valiyapadam, Kakkoor, Anjalpetty, Piravom, Peppathy, Arakkunnam, Mulamthuruthy and Chottanikkara lies in the jurisdiction of this authority. RTA, Idukki held on 22.08.2024.
2. As per the report of route enquiry officer, portion of the route from Marika bridge to Ppathy junction for a distance of 30.4 Kms lies in the jurisdiction of this authority and there is an overlapping of 0.3 Kms with the notified routes at Koothattukulam central junction to hospital Junction.

Concurrence is **granted**.

Item No.22

A4/18/2024/EM

1. This is to consider the application for issuing concurrence for fresh stage carriage permit on portion of the route Puthuppally – Adimali via. Kollamparambu, Kuttikavala, Marika, Palakkuzha, Pandappilly, Arakkuzha, Thottunkalpeedika, Nirmala School Jn., Latha Bus stand, P O Junction, BOC Junction, Kakkadasserry, Puthuppady Jn., Ambalampady, M A College Jn., Kothamangalam Central Stand, Pallithazham, Nellimattom, Oonnukal, Neriyaamanglam, Neriyaamanglam Bridge as Ordinary Service lying in the jurisdiction of this authority from: Sister RTA, Kottayam held on 24.08.2024, Item No. 36

2. As per the report of route enquiry officer, portion of the route from Kallamparambu to Neriya Mangalam Bridge for a distance of 52.3 Kms lies in the jurisdiction of this authority and there is an overlapping of 0.7 Kms with the notified routes at Muvattupuzha from Latha Stand to Post Office Junction.

Concurrence is **granted**.

V.

Item No.23

A4/168/2021/EM

Heard the applicants.

The secretary RTA will cause an enquiry on the following.

1. Whether the vehicle to which permit has been granted by RTA is still in existence.
2. Whether the permit holder is operating the service on the route with any other vehicle taken on lease agreement or any other agreement and if so the registration number and period of lease if any.
3. The role of Sri. Aliyar in the operation of the service of the bus on sanctioned route.
4. Under what circumstances was the current address of the registered owner recorded as "under lease agreement with Aliyar M.K, Munchackal (H), Palavanpadi Vadattupara P.O Ernakulam".
5. The person who has entered in to an agreement with M/s Indus Ind Bank, MG Road, Kochi for granting loan.
6. Bonafides of the transfer of permit application based on the agreement between permit holder and the lessee.
7. Whether the lease agreement has been endorsed in the RC in accordance with the provisions of section 51(1) of the MV Act and the amount of fee realised for the purpose.

The matter is **adjourned**.

Item No.24

A4/56/2022/EM

Heard the applicants.

Transfer of permit is **permitted** subject to payment of all government dues on account of check reports, e-challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

Item No.25

A4/26/2022/EM

Heard the applicants.

Transfer of permit is **permitted** subject to payment of all government dues on account of check reports, e-challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

Item No.26

A4/28/2021/EM

Heard the applicants.

Transfer of permit is **permitted** subject to payment of all government dues on account of check reports, e-challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

Item No.27

A4/48/2020/EM

Heard the applicants.

The vehicle bearing Registration mark KL 44 F 6399 is held hypothecation with Kotak Mahindra Bank L.T.D Ernakulam. No objection certificate from HP Company not produced Hence **adjourned**.

Item No.28

A4/189/2021/EM

Heard the applicants.

Transfer of permit is **permitted** subject to payment of all government dues on account of check reports, e-challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

Item No.29

A4/151/2023/EM

Heard the applicants.

Transfer of permit is **permitted** subject to payment of all government dues on account of check reports, e-challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

Item No.30

A4/41/2023/EM

Heard the applicants. By this application transfer of permit in respect of bus KL 53 B 2731 permitted to ply on the route Perumbavoor -Kaloor via Hill palace junction and Vytila is sought for from the first applicant to the second applicant. This is a permit saved under the approved scheme GOP No: 5/2017/ Trans dtd. 21.02.2017. A permit so saved by the said scheme is not transferable as per the provisions of the scheme. Therefore the application is **rejected**.

Item No.31

A4/58/2022/EM

Heard the applicants. By this application transfer of permits in respect of Bus KL 40 H 1215 permitted to ply on the route Mekkappala- Chottanikkara via Kolenchery - Choondy- Sasthamukal- Thiruvankulam is sought for from the first applicant to the second applicant. This is a permit saved under the approved scheme GOP No.5/2017/ Trans dtd. 21.02.2017. A permit so saved by the said scheme is not transferable as per the provisions of the scheme. Therefore the application is **rejected**.

Item No.32 & 33

A4/58/2023/EM, A4/04/2021/EM

Heard the parties to the joint applications in items no: 32 and 33. The application is for transfer of permits held by Sri Priyadarshan. A.J, one on the route Ayavana- Avolichal and the other on Muvattupuzha- Neriamangalam. This authority has reason to believe that the proposed transfers of the permit are not bonafide and the transfers are not required under normal circumstances of the business or other exigencies in

connection with stage carriage operation. The said applications are moved with clear motive of making profit by such transfers. The permit holder is taking undue advantage of his position as a permit holder to make profits arising out of the transfer of permit. The applicant who has declared himself as financially unsound and incapable of managing the service properly has applied for two fresh stage carriage permits vide item No. 1 and 5 of this agenda.

In view of above said observations this authority has rightly refused to grant fresh permits to this permit holder in item No. 1 and 5 in this agenda. The parties to the joint application in item No. 32 & 33 have not set forth any grounds for the proposed transfers except in the financial instability and lack of efficient management. The parties to the transfers have not submitted the agreements executed between the concerned parties. Nor has the statement in writing required under rule 178 (2), disclosing the amount of premium or other consideration which has or will pass between them been furnished. The application does not appear to be bonafide as per the provisions of Rule 178 (7) of the rules.

Under the above circumstances the applications under items No.32 & 33 for transfers of permit are **rejected** in relying on the Judgement in Udayanath Pani V/s STA Orissa (1992 SCC Orissa 39:AIR 1993 ORI 14).

Item No.34

A4/139/2023/EM

Heard the applicants. The vehicle bearing registration mark KL 40 M 0253 is held under hypothecation with Indus Ind bank Ltd, MG road, Kochi. No objection certificate from the HP company not produced. The applicants are required to state in writings whether any premium/payment or other consideration arising out of the transfer has passed or will pass between them and the nature and amount of any such premium, payment or other consideration as per rule 178 (2) of KMV rules. The secretary will cause a detailed enquiry as to the bonafides of the application for transfer with

reference to rule 178 of KMV rules and section 82 of the MV Act. Hence **adjourned.**

Item No.35

A4/20/2023/EM

Heard the applicants. Transfer of permit is **permitted** subject to payment of all government dues on account of check reports, e-challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

VI.

Item No.36

A4/742/2024/EM

This item seems to be in connection with a road occurrence wherein two stage carriages KL 39 Q 3389 and KL 38 A 0185 were involved. A crime case has been registered by Kothamangalam police under various provisions of BNS and other statutes. The driving licenses held by the drivers of both the buses were suspended for one month each by the Additional Licensing Authority Kothamangalam on the basis of a request by the Station House officer Kothamangalam. The crime case is likely to be charge sheeted before the court of law. It appears that the Joint RTO Kothamangalam can be arrayed in the list of prosecution, witnesses because he seems to have investigated the case on his own, without being authorized.

The narration of facts and suggestions made by the Joint RTO are to be taken note of by none other than the officers of the MVD department. Detection of the violation of conditions of permit especially non adherence to approved time schedule and dangerous driving under section 184 of the Act are serious matters to be dealt with. The Joint RTO has urged this authority to take severe action against the drivers and permit holders of the buses, without there being any such incidents on record and brought before the appropriate authority for necessary action. This authority is, not at the moment inclined to initiate any coercive steps on the basis of unfounded and unsubstantiated offences not even known to the Motor Vehicles Act or rules. Instead we hear by direct the officers of MVD especially Joint RTO

Kothamangalam and his subordinates to exercise their powers under Motor Vehicle Act properly with a view to arrest such irregularities being committed by the employees and permit holders of stage carriages and to report before this authority within two months for taking appropriate action in the matter.

Supplementary Item No.1

A4/111/2023/EM

Heard the applicants.

Transfer of permit is **permitted** subject to payment of all government dues on account of check reports, e-challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

Supplementary Item No. 2

A4/27/2023/EM

Heard the applicants.

Transfer of permit is **permitted** subject to payment of all government dues on account of check reports, e-challans, LAR, IAR and contribution to Kerala Motor Transport Workers Welfare Fund.

VII.

Departmental Item No. 1

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

VIII.

Next Sitting of RTA is on.....

Sri. NSK. Umesh IAS,
District Collector and Chairman RTA Ernakulam

Dr. Vaibhav Saxena IPS,
District Police Chief, Ernakulam Rural, Aluva and member RTA, Ernakulam

Sri. Anoop Varkey,
Deputy Transport Commissioner (Law) CZ –II, Ernakulam and member RTA,
Ernakulam.