

**MINUTES OF THE MEETING OF REGIONAL TRANSPORT
AUTHORITY ERNAKULAM HELD ON 08-02-2021**

Present:- Chairman-

Sri. S.Suhas ,I.A.S, The District Collector, Ernakulam

Member:-

Sri.K.Karthik,I.P.S,District Police Chief Ernakulam (Rural)

Sri.Reji.P.Varghese, Deputy Transport Commissioner [Law], CZ- II, Ernakulam.

Item No.1

Heard;Adv.Dinesh Menon.I, the learned counsel represented the applicant and the counsel represented the KSRTC. This is the applications for the Renewal of the regular permit and Replacement of Vehicle in respect of Stage carriage KL-05-AN-2146 as LSOS to operate on the route Pathanamthitta-Chittarickal.

Stage Carriage was operating on the route Pathanamthitta- Chittarikkal ,having a route length is 515 kms. This authority considered the application in its earlier sittings held on 26/08/2016 and decided that the “Renewal of regular permit was granted for the period from 13/02/2006 to 12/02/2011 based on the concurrence granted by the sister authorities and GO(MS) No 45/2015/Trans dated 20/08/2015 and Secretary RTA was directed to issue Temporary permit u/s 87(1)d of MV Act,1988 until the final decision of Renewal of permit with effect from 13/02/2011.

After this RTA had granted 4 month Temporary permits .The permit holder on 30/10/2019 has requested to issue clearance certificate retaining the regular permit in respect of Stage Carriage KL-05-AN-2146 as he intends to detach the vehicle from the permit.He also produced a Judgment of Hon`ble High Court of Kerala in WPC No 29013/2019,wherein Hon`ble Court directed to consider the application in the light of Judgment of the Court in WPC No 24277/2018 dtd 25/07/2018.For complying the order of Hon`ble Court ,the secretary RTA considered the application in detail and rejected vide order no N1/9613/2019/E Dated 18/11/2019.Against the order the permit holder has filed MVARP No 197/2019 before the Hon`ble STAT .In the

Judgment ,Hon`ble Court directed the Secretary RTA to grant Clearance Certificate .For complying the order of Hon`ble Court, the secretary RTA heard the permit holder on 23/12/2019 and issued Clearance Certificate . Now there is no vehicle is attached in the said permit.Hence the matter was placed before the RTA Ernakulam held on 01/02/2020 and decided that “to issue showcause notice to the permit holder why action should not be taken against the regular permit for the non operation of service”.A showcause notice issued on 18/06/2020 and reply received from the permit holder and in the reply he stated that the said permit was expired on 12/01/2011 and RTA did not renew his regular permit.Hence Rule 152 and Rule 217 of KMVR 1989 does not come into play since both rules specifically read “during the currency of permit”.

This authority has not satisfied the explanation submitted by the permit holder. He has violated Rule 152 of Kerala Motor Vehicles Rules,1989. There is no provision in the MV Act and Rules made there under to keep the permit alone without a vehicle. Moreover, vide judgment in W.A No.2486, 2455, 2769/2015, the Hon`ble High Court of Kerala has also clarified the above matter.

In these circumstances, this authority hereby cancelled the regular permit issued to stage carriage KL-05-AN-2146 on the route Pathanamthitta-Chittarickal.

As there is no Regular permit is in existence, the applications for Renewal of permit and Replacement of vehicle are rejected.

Item No 02

Heard;Adv.Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit and Transfer of Permit (Death) in respect of stage carriage KL-05-S-1620 operating on the route Cheranellore-Fortkochi as Ordinary City Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.Due to the outbreak of Covid 19,the Central Government has extended validity of documents related with Motor Vehicles Act which expired on 01/02/2020 to 31/03/2021.Hence this application is filed on time.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 28/08/2000. The route is having length of 27.5 km and the route is objectionably overlaps Trivandrum-Palakkad , Trivandrum-Kannur, Ernakulam - Thrissur notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 which is further modified as per GO(P) No.08/2017/Tran dtd 23/03/2017. This permit is issued before 14/07/2009. There is no impediment to renew the permit for continuous operation on the proposed route. Hence Renewal of regular permit is granted.

Sri. Jaffer K K, Son of deceased permit holder has applied for Transfer of Permit (Death) u/s 82(2) of MV Act, 1988. On perusal of file it is revealed that the Secretary RTA has heard all legal heirs of the deceased permit holder and all legal heirs have submitted their consent for the transfer of permit into the name of Jaffer K K. As per the report of Field officer, the applicant is financially sound to maintain the Stage Carriage Service. Therefore delay is condoned and transfer of permit u/s 82(2) of MV Act, 1988, is allowed as applied for subject to the clearance of Government dues if any.

Item No.3

1. Perused the judgments of Hon'ble State Transport Appellate Tribunal in MVARP No.32/2018 dtd 15/02/2020.

Heard; Adv. Dinesh Menon , the learned counsel represented the applicant and also the Counsel represented the KSRTC. This authority reconsidered the application for the renewal of Regular permit in respect of S/C KL-07-AE-938 on the route Kodungalloor-Angamaly in view of the Judgment of Hon'ble STAT in MVARP No 32/2018 dated 15/02/2020. On perusal of the connected file , it revealed that on 17/08/2016, this authority considered the same application for the renewal of permit and rejected on the grounds that

1. *“The stage carriage covered by the regular permit was attained the age of 15 years during the year 2008. But the permit holder had not offered later model vehicle for the replacement at that time and filed improper application during the year 2010 for the renewal of permit. As per the present position of law , an ordinary stage carriage shall be replaced on completion of the age of 15 years. In this case, the applicant failed to offer a*

suitable vehicle during the year 2008. Hence violated the permit condition. Hence renewal of permit in respect of an unsuitable vehicle cannot be allowed.

2. *As per Rule 152 of KMV Rules 1989, the vehicle shall be so maintained as to be available for the service for which the permit was granted, for the entire period of currency of the permit and the permit is liable to be suspended or cancelled, after due notice to the permit holder, if the vehicle has not been used for the purpose for which the permit was granted, for any day in the case of a stage carriage or for a continuous period of fifteen days. In this case the applicant is not operating service for a long period and failed to serve the need and convenience of public. Hence the permit is liable to be cancelled.*

3. *In this case, the applicant has admitted that he was defaulted stage carriage operation from the year 2008, i.e., for a long period of 8 years. Hence it is clear that the applicant is not able to maintain a stage carriage service for providing better conveyance facility to the general public without break. The permit was granted by this authority for the operation of regular service for the convenience of the travelling public. But the permit holder failed to do so. This action of permit holder caused refusal of stage carriage service on the said route where there is lack of service and the passengers were put on to untold miseries. Hence there is no need to renew the permit after a long duration of 8 years.*

4. *This authority considered the scope of renewal of permit in view of the reported decision in **2015[4]KLT 268, Abdul Wahab v. Regional Transport Authority** and felt that the regular permit even if renewed from the year 2010 as sought by the permit holder would have expired on 10/01/2015 and an application for further renewal of permit should have been filed at least 15 days before. But the permit holder filed further application for the renewal of permit only on 21/05/2016. An application filed for the renewal of permit after the last date specified in section 81[2] of MV Act-1988 can be entertained, if sufficient cause is shown under section 81[3] of the MV Act.*

It may at once be noticed that a permit renewed after the expiry of the validity period shall have effect from the date of expiry itself under section 81[5] of the MV Act. The validity of the renewal would long only for a period of five years from the date of expiry of the regular permit as per sections 81[1],[2],[3] and [5] of the MV Act. A period of long six

years is sufficient to comply the order of this authority. The retrospective operation of the renewal of permit will have effect only if the application for renewal is processed within a period of five years from the date of expiry of permit. The Motor Vehicles Act nowhere contemplates a renewal of an application filed for renewal of permit and the second application can only be treated as yet another application for renewal of permit. The applicant will be disentitled to the benefit of retroactive operation of section 81[5] of the act in the second application after the laps of five years from the expiry of the permit. The situation would be different, if the permit is renewed and an application for further renewal is filed under section 81[2] and 81[3] of the MV Act. There is no provision in the MV Act to tack on the second application with the first application for renewal of permit wherein final orders were not passed within a period of five years from the date of expiry of the permit.

Even otherwise the permit holder has to fail on the ground that the second application for renewal was filed only on 21/05/2016, whereas the regular permit even if renewed would have expired on 10/01/2015. There is a gap of one and half years between the expiry of the renewed permit, even if assumed to be done and the preferment of the second application for renewal of permit. The second application dtd 21/05/2016 cannot be treated as a continuation of the application dtd 10/10/2010 for the renewal of permit which was also belated. Hence here is no scope for the renewal of permit.

5. *Vide judgment in Usman vs. Regional Transport Authority, the Hon'ble Court laid down that the application for the renewal of permit and replacement of the vehicle cannot be dealt with in one breath. The object of renewal of permit is to ensure uninterrupted operation of service on the route for which a vehicle should be at the disposal of the applicant on the date of application. The above conditions are not satisfied in this case.*

Now vide Judgment in MVARP No 32/2018 dated 15/02/2020 of Hon'ble STAT observed that **“the finding of the first respondent that the first renewal application was returned to the revision petitioner with a direction to resubmit the application along with No Objection Certificate is factually incorrect. The second renewal application has been filed on 21/05/2016 during the pendency of the first renewal application along with replacement of vehicle application. Therefore the revision petitioner cannot be found fault with for the non-**

consideration of the first renewal application by this authority. For all these reasons ,the decision of the RTA,Ernakulam is set aside and directed to reconsider the renewal application on merits and pass orders in accordance with law”.

This authority reconsidered the application in details and verified the findings of the Hon`ble STAT.

1. In this case ,the permit holder had filed a belated Renewal of permit application. The financier NOC is not attached along with application, which is a mandatory requirement Specified u/s 51 of MV Act for the renewal of permit. Hence the application was returned with direction to submit the application along with no Objection Certificate issued by the financier. Therefore no such valid application was submitted by the permit holder. Hence the findings of the Hon`ble STAT cannot be considered as a merit for the reconsideration.

The vehicle KL-07-AE-938 was attained the age of 15 years during the year 2008, but he had offered a later model vehicle for Replacement of Vehicle only on the year 2015, after long 7 years. Hence it is clear that the applicant is not able to maintain a Stage Carriage service for providing better conveyance facility to the general public without break.

2. This authority considered the scope of renewal of permit from 2010, in view of the reported decision in 2015[4]KLT 268, Abdul Wahab v. Regional Transport Authority and felt that the regular permit even if renewed from the year 2010 as sought by the permit holder would have expired on 10/01/2015 and an application for further renewal of permit should have been filed at least 15 days before. But the permit holder filed second application for the renewal of permit only on 21/05/2016. In this case there is a gap of one and half years between the expiry of the renewed permit, even if assumed to be done and the preferment of the second application for renewal of permit. The second application dated 21/05/2016 cannot be treated as a continuation of the application dated 10/10/2010 for the renewal of permit which was also belated. Hence there is no scope for the renewal of permit. Therefore the findings of the Hon`ble STAT is

against the Judgment of Hon`ble High Court of Kerala in **2015[4]KLT 268,Abdul Wahab v. Regional Transport Authority.**

In the above circumstances, the application for Renewal of Permit and Replacement of vehicle is hereby Rejected.

Item No 4

Heard;Adv.G.Prabhakaran,the learned counsel represented the applicant and the counsel represented KSRTC.This is the application for Renewal of Permit and Replacement of vehicle in respect of S/C KL-07-AN-1101 operating on the route Aluva Bus Stand- Eloor Timber Depot as City service.

This authority in its earlier sitting held on 15/09/2018,vide item no 03, considered the request of permit holder to obtain extension of time to submit the application for vehicle Replacement and decided that *“the permit holder failed to offer suitable vehicle before the expiry of the existing vehicle for continuous operation of stage carriage service.Hence the application was rejected and regular permit of the vehicle was cancelled”*.

This decision was challenged by permit holder before the Hon`ble STAT in M.V.A.A No 327/2018,wherein Hon`ble Court Set aside the decision of this authority and directed to grant the replacement of vehicle,if there is no other legal impediment.

This authority perused the order of Hon`ble STAT,for this considered the application in detail and revealed that the permit holder offered a suitable vehicle(under lease agreement) for Replacement. Incoming vehicle is later model than the outgoing vehicle and the material difference is below 25%.The incoming vehicle possession has been taken by the way of Lease agreement.There is no legal impediment to grant the vehicle replacement. Hence Replacement of vehicle is granted.

The secretary RTA is delegated to consider the Renewal of permit application in accordance with the law.

Item No 5

Heard;Adv.Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular

permit in respect of stage carriage KL-07-AV-910 operating on the route Fort Kochi-Kumbalanghi as Ordinary City Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority considered the application on 18/09/2019 and adjourned for want of specific report from field officer for unauthorized curtailment of trips in between Kumbalanghy Panchayath to Kallakurichi.

The secretary RTA has conducted an enquiry through field officer and he reported that the “the route of one kilometre from Kumbalanghi Panchayath to Kallanchery is narrow with lots of sharp bend and curves.The width of the road is as narrow as 3.6 meters in many curves,which is difficult to manure for buses,and also will make traffic block even if there is a two wheeler coming from opposite direction. There is no space for turning the Stage Carriage at the termini at Kallanchery.All the above circumstances of the trip are beyond the control of the permit holder”.

This authority elaborately re-considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 11/12/2003. The proposed route is having length of 24.5 km and the route is objectionably overlaps Trivandrum-Palakkad notified route published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 ,which is further modified vide GO(P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the proposed route. This authority satisfied with the explanation submitted by the permit holder.Hence delay is condoned and renewal of permit is granted.

In the notes submitted by the secretary RTA,it seems that an application for variation of permit for curtailing trip to Kallanchery is pending and order of the STAT is pending for the compliance.Therefore Secretary RTA is directed to place the application for variation pending, if any in the next sitting of this authority without fail.

Item No.06

Heard;Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular

permit in respect of stage carriage KL-17-A-1015 operating on the route Mundamveli-Chellanam as Ordinary City Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 14/01/2004. The proposed route is having length of 23.5 km and the route having no overlapping in the existing notified schemes. The permit holder has not filed application for the renewal of permit before the expiry of permit. There is no impediment to renew the permit for continuous operation on the proposed route. Hence delay is condoned and renewal of regular permit is granted subject to the remittance Rs.7500/- being the compounding fee for the permitless operation .

Item No: 7

1.Heard;Adv.K.V.Gopinathan Nair, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-17-E-1525 operating on the route Illithode-Aluva as Ordinary Moffusil Service. The permit holder has filed application before the expiry of the permit, due to the outbreak of epidemic covid 19, the Central Government has extended validity of documents related with the Motor Vehicles Act which is expired on 01/02/2020 to 31/03/2021. Hence the application was filed within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 28/05/2000. The proposed route is having length of 32.3 km and the route is objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur, Ernakulam-Thrissur, Kottayam -Kozhikode notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 which is further modified GO(P) No.08/2017/Tran dtd 23/03/2017 and Aluva-Vadakkumpuram Complete Exclusion scheme, vide Notification no 27106/TA2/65/PWD Dated 17/06/1965.

As the portion of the route from Aluva to Paravur Kavala is also overlaps on GO(P) No 42/2009 dated 14/07/2009 , the overlapping on Aluva-Vadakkumpuram Scheme cannot be treated as objectionable. There is no impediment to renew the

permit for continuous operation on the proposed route.Hence Renewal of regular permit is granted.

Item No 8

This is the application for the renewal of regular permit in respect of stage carriage KL-18-A-1561 operating on the route North Paravur-Vyttila Hub as Ordinary Moffusil Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.Hence she submit a request to condone the delay in filing the application.But the applicant was absent in the meeting .Hence decision is adjourned.

Item no 9

1.Heard;Adv.M.Jithesh Menon, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-34-1941 operating on the route Thuruthur-Aluva as Ordinary Moffusil Service. The permit holder has filed application before the expiry of the permit.But the application was not filed within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 20/01/2005. The proposed route is having length of 33 km and the route is objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur,Ernakulam-Thrissur notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 which is further modified GO(P) No.08/2017/Tran dtd 23/03/2017 and Aluva-Vadakkumpuram Complete Exclusion scheme,vide Notification no 27106/TA2/65/PWD Dated 17/06/1965.

As the portion of the route from Aluva to Paravur Kavala is also overlaps on GO(P) No 42/2009 dated 14/07/2009 ,the overlapping on Aluva-Vadakkumpuram Scheme cannot be treated as objectionable. There is no impediment to renew the permit for continuous operation on the proposed route.Hence delay is condoned and Renewal of regular permit is granted.

Item no 10

1.Heard;Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-35-548 operating on the route Angamaly-Aluva as Ordinary Moffusil Service. The permit holder has not filed application before the expiry of the permit.Due to the outbreak of epidemic covid 19,the Central Government has extended validity of documents related with the Motor Vehicles Act which is expired on 01/02/2020 to 31/03/2021.Hence the application was filed within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 05/05/2005. The proposed route is having length of 41 km and the route is objectionably overlaps Trivandrum-Palakkad , Trivandrum-Kannur, Ernakulam-Thrissur,Kottayam -Kozhikode notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 ,which is further modified GO(P) No.08/2017/Tran dtd 23/03/2017 and Aluva-Vadakkumpuram Complete Exclusion scheme,vide Notification no 27106/TA2/65/PWD Dated 17/06/1965.

As the portion of the route from Aluva to Paravur Kavala is also overlaps on GO(P) No 42/2009 dated 14/07/2009 ,the overlapping on Aluva-Vadakkumpuram Scheme cannot be treated as objectionable. There is no impediment to renew the permit for continuous operation on the proposed route.Hence Renewal of regular permit is granted.

Item no 11

Applicant is absent. This is an application for the renewal of regular permit in respect of stage carriage KL-40-B-429 operating on the route Kunjithai-Kodungallore as Ordinary moffusil Service,valid upto 08/10/2015. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.On perusal of the file it is seen that ,this authority in its sitting held on 22/10/2015,vide item no 67 considered the renewal application and adjourned for reason that “ the route portion objectionably overlaps Aluva –Vadakkumpuram complete exclusion scheme.Hence permit is not renewable”.The permit holder is absent in the

meeting. Secretary RTA is directed to grant Temporary permit u/s 87(1)c of MV Act, 1988 for 20 days till the final consideration of the application for the renewal of permit. Hence adjourned to next sitting.

Item No 12

Heard; Adv. Stalin Peter Davis, the learned counsel and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-40-D-1557 operating on the route Chully-Manjaly as Ordinary Moffusil Service, valid upto 10/03/2015. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. On perusal of the file it is seen that, this authority in its sitting held on 17/08/2015, vide item no 41, considered the renewal application and adjourned for reason that “ The route is having length of 39 km in which the portion of the route from North Parur to Vedimara which is 1.5 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon’ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.”

The above legal impediments is still existence. Therefore this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the Government in this regard. Hence adjourned.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

Item no 13

1.Heard;Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-41-G-94 operating on the route Aluva-Elavoor as Ordinary Moffusil Service. The permit holder has not filed application before the expiry of the permit.Due to the outbreak of epidemic covid 19,the Central Government has extended validity of documents related with the Motor Vehicles Act which is expired on 01/02/2020 to 31/03/2021.Hence the application was filed within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 04/05/2000. The proposed route is having length of 39.3 km and the route is objectionably overlaps Trivandrum-Palakkad, Trivandrum-Kannur,Ernakulam-Thrissur,Kottayam -Kozhikode notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 ,which is further modified as per GO(P) No.08/2017/Tran dtd 23/03/2017 and Aluva-Vadakkumpuram Complete Exclusion scheme,vide Notification no 27106/TA2/65/PWD Dated 17/06/1965.

As the portion of the route from Aluva to Paravur Kavala is also overlaps on GO(P) No 42/2009 dated 14/07/2009 ,the overlapping on Aluva-Vadakkumpuram Scheme cannot be treated as objectionable. There is no impediment to renew the permit for continuous operation on the proposed route.Hence Renewal of regular permit is granted.

Item No 14

Heard;Adv.M.Jithesh Menon, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-07-AV-3427 operating on the route Aluva-Thuruthippuram as Ordinary Moffusil Service. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit

was issued on 26/08/2004. The proposed route is having length of 33 km and the route is objectionably overlaps Trivandrum-Palakkad, Trivandrum-Kannur, Ernakulam-Thrissur notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 ,which is further modified as per GO(P) No.08/2017/Tran dtd 23/03/2017 and Aluva-Vadakkumpuram Complete Exclusion scheme,vide Notification no 27106/TA2/65/PWD Dated 17/06/1965.

As the portion of the route from Aluva to Paravur Kavala is also overlaps on GO(P) No 42/2009 dated 14/07/2009 ,the overlapping on Aluva-Vadakkumpuram Scheme cannot be treated as objectionable. There is no impediment to renew the permit for continuous operation on the proposed route.Hence Renewal of regular permit is granted.

Item no 15

1.Heard;Adv.M.Jithesh Menon, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-07-BE-2901 operating on the route Aluva-Edayar as Ordinary Moffusil Service. The permit holder has not filed application before the expiry of the permit.Due to the outbreak of epidemic covid 19,the Central Government has extended validity of documents related with the Motor Vehicles Act which is expired on 01/02/2020 to 31/03/2021.Hence the application was filed within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 26/04/2005. The proposed route is having length of 32.3 km and the route is objectionably overlaps Trivandrum-Palakkad , Trivandrum-Kannur notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 which is further modified as per GO(P) No.08/2017/Tran dtd 23/03/2017 and Aluva-Vadakkumpuram Complete Exclusion scheme,vide Notification no 27106/TA2/65/PWD Dated 17/06/1965.

As the portion of the route from Aluva to Paravur Kavala is also overlaps on GO(P) No 42/2009 dated 14/07/2009 ,the overlapping on Aluva-Vadakkumpuram Scheme cannot be treated as objectionable. There is no impediment to renew the

permit for continuous operation on the proposed route.Hence Renewal of regular permit is granted.

Item no 16

Heard;Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-08-AG-4550 operating on the route Poothotta-Aluva as Ordinary City Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.Hence he submit a request to condone the delay in filing the application.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 27/01/2005. The proposed route is having length of 40 km and and the route is objectionably overlaps Trivandrum-Palakkad , Trivandrum-Kannur,Ernakulam -Thekkady notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 which is further modified as per GO(P) No.08/2017/Tran dtd 23/03/2017.This permit is issued before 14/07/2009.Hence there is no impediment to renew the permit for continuous operation on the proposed route.So delay is condoned and Renewal of regular permit is granted.

Item no 17

Heard;Adv.Joseph.V.Gregory, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-17-E-3923 operating on the route Koothattukulam-Ernakulam as Ordinary Moffusil Service. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 01/02/2005. The proposed route is having length of 62.7 km and the route is objectionably overlaps Trivandrum-Palakkad , Trivandrum-Kannur, Ernakulam -Thekkady notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 which is further modified as per GO(P) No.08/2017/Tran dtd

23/03/2017. This permit is issued before 14/07/2009. Hence there is no impediment to renew the permit for continuous operation on the proposed route. So Renewal of regular permit is granted.

Item no 18

Heard, Adv. K V Gopinathan, the learned counsel represented the permit holder. This is the application for the Renewal of permit in respect of Stage Carriage KL-40-A-3038 Operating on the route Aluva –Konthuruthy as city service. The permit of the vehicle was expired on 26/01/2014. The permit holder has filed first application within the time limit prescribed u/s 81(2) of the MV Act, 1988. But this application was not processed by Secretary RTA, since the vehicle has tax due. After a long 5 years, the permit holder has filed another renewal of permit application, which is a belated one by 261 days. After this he has applied for Replacement of vehicle with another later model vehicle.

This authority considered the application in detail. On perused the file it is seen that the Vehicle KL-40-A-3038 was seized by the Enforcement Directorate, Ernakulam on 31/07/2013 and it is still under the custody of Enforcement Directorate. This vehicle had tax arrears. Hence the application for Renewal of permit was not considered by Secretary RTA at that time.

In this case, the permit holder is not operating service for a long five years with another Stage Carriage. Hence it is clear that the applicant is not able to maintain a Stage Carriage service for providing better conveyance facility to the general public without break. The permit was granted by this authority for the operating of regular service for the convenience of the travelling public. But the permit holder failed to do so. This action of permit holder caused refusal of stage carriage service on the said route where there is lack of service and the passengers were put on to untold miseries. Hence there is no need to renew the permit after a long duration of 5 years.

As per Rule 152 of KMV Rules, 1989, the vehicle shall be so maintained as to be available for the service for which the permit was granted, for the entire period of currency of the permit and the permit is liable to be suspended or cancelled, after due notice to the permit holder, if the vehicle has not been used for the purpose for which the permit was granted, for any day in the case of a stage carriage or for a continuous

period of fifteen days .In this case the applicant is not operating service for a long period and failed to serve the need and convenience of public.Hence the permit is liable to be cancelled.

Moreover,this authority considered the scope of renewal of permit in view of the reported decision in 2015(4) KLT268,Abdul Wahab v. Regional Transport Authority and felt that the regular permit even if renewed from the year 2014 as sought by the permit holder would have expired on 26/01/2019 and an application for further renewal of permit should have been filed atleast 15 days before.But the permit holder filed further application for the renewal of permit only on 15/10/2019.An application filed for the renewal of permit after the last date specified in section 81(2) of MV Act,1988 can be entertained,if sufficient cause is shown under section 81(3) of MV Act,1988.In this case ,the delay condoned request is not satisfied by this authority.

Hence (1) the application for Renewal of permit is hereby Rejected.

(2) The secretary ,RTA is directed to issue a show cause notice u/r 152 of KMV Rules,1989.

Item No 19

Applicant is absent. This is an application for the renewal of regular permit in respect of stage carriage KL-42-K-4580 operating on the route Gothuruth-Ernakulam High Court as Ordinary moffusil Service,valid upto 04/04/2015. The permit holder has not filed application before the expiry of the permit.Due to the outbreak of epidemic covid 19,the Central Government has extended validity of documents related with the Motor Vehicles Act which is expired on 01/02/2020 to 31/03/2021.Hence the application was filed within the time limit prescribed under Section 81[2] of MV Act,1988.On perusal of the file it is seen that ,this authority in its sitting held on 26/05/2015,vide item no 97 considered the renewal application and adjourned for reason that “the route portion objectionably overlaps Aluva –Vadakkumpuram complete exclusion scheme.Hence permit is not renewable”.The permit holder is absent in the meeting.Secretary RTA is directed to grant Temporary permit u/s 87(1)c of MV Act,1988 for 20 days till the final consideration of the application for the renewal of permit.Hence adjourned to next sitting.

Item No 20

Heard;Adv.G.Prabhakaran, the learned counsel and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-03-R-6102 operating on the route Malayattoor-North Paravur as Ordinary moffusil Service,valid upto 04/01/2014. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority considered the application in detail.On perusal of the file it is seen that ,this authority in its earlier sitting held on 30/10/2014,considered the renewal application and adjourned for reason that “ The route is having length of 50.9 km in which the portion of the route from North Parur to Vadakkumpuram which is 4.4 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon`ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme.Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard.Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.”

The above legal impediments is still existence.Therefore this authority is not able to take a decision in this situation.This authority is decided to wait for further orders from the Government in this regard.Hence adjourned.

Secretary RTA has the liberty to issue temporary permit to continue operation on public interest till the final disposal of the application.

Item no 21

1.Heard;Adv.Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-45-5050 operating on the route Aluva-Neduvannore-Nayathode-Kalady as Ordinary Moffusil Service. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 10/07/2005. The proposed route is having length of 27.9 km and the route is objectionably overlaps Trivandrum-Palakkad, Trivandrum-Kannur,Ernakulam-Thrissur,Kottayam -Kozhikode notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 and Aluva-Vadakkumpuram Complete Exclusion scheme,vide Notification no 27106/TA2/65/PWD Dated 17/06/1965.

As the portion of the route from Aluva to Paravur Kavala is also overlaps on GO(P) No 42/2009 dated 14/07/2009 ,the overlapping on Aluva-Vadakkumpuram Scheme cannot be treated as objectionable. There is no impediment to renew the permit for continuous operation on the proposed route.Hence Renewal of regular permit is granted.

Item no 22

1.Heard;Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-07-AT-6939 operating on the route Aluva-Manjapra as Ordinary Moffusil Service. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 19/07/1995. The proposed route is having length of 26.8 km and the route is objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur,Ernakulam-Thrissur,Kottayam -Kozhikode notified routes published vide

GO(P) No. No.42/2009/Tran dtd 14/07/2009,which is further modified as per GO(P) No.08/2017/Tran dtd 23/03/2017 and Aluva-Vadakkumpuram Complete Exclusion scheme,vide Notification no 27106/TA2/65/PWD Dated 17/06/1965.

As the portion of the route from Aluva to Paravur Kavala is also overlaps on GO(P) No 42/2009 dated 14/07/2009 ,the overlapping on Aluva-Vadakkumpuram Scheme cannot be treated as objectionable. There is no impediment to renew the permit for continuous operation on the proposed route.Hence Renewal of regular permit is granted.

Item no 23

Heard;Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-05-AN-7779 operating on the route Pala-Ernakulam as Limited Stop Ordinary Service. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 10/09/2002. The proposed route is having length of 73 km and the route is objectionably overlaps Trivandrum-Palakkad , Trivandrum-Kannur, Ernakulam -Thekkady notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 which is further modified as per GO(P) No.08/2017/Tran dtd 23/03/2017.This permit is issued before 14/07/2009.Hence there is no impediment to renew the permit for continuous operation on the proposed route.So Renewal of regular permit is granted.

Item no 24

Applicant is absent. This is an application for the renewal of regular permit in respect of stage carriage KL-16-8325 operating on the route Puthenvelikkara-Kodungallur-Mala as Ordinary moffusil Service,valid upto 15/10/2019. The permit holder has not filed application within the time prescribed under Section 81[2] of MV Act,1988.Hence he submit a request to condone the delay in filing the application.The permit holder is absent in the meeting.Secretary RTA is directed to grant Temporary permit u/s 87(1)c

of MV Act,1988 for 20 days till the final consideration of the application for the renewal of permit.Hence adjourned to next sitting.

Item no 25

1.Heard;Adv.Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-40-G-8404 operating on the route Aluva-Thevara as Ordinary Moffusil Service. The permit holder has not filed application before the expiry of the permit.Due to the outbreak of epidemic covid 19,the Central Government has extended validity of documents related with the Motor Vehicles Act which is expired on 01/02/2020 to 31/03/2021.Hence the application was filed within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued before 14/07/2009. The proposed route is having length of 42 km and the route is objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 ,which is further modified as per GO(P) No.08/2017/Tran dtd 23/03/2017 and Aluva-Vadakkumpuram Complete Exclusion scheme,vide Notification no 27106/TA2/65/PWD Dated 17/06/1965.

As the portion of the route from Aluva to Paravur Kavala is also overlaps on GO(P) No 42/2009 dated 14/07/2009 ,the overlapping on Aluva-Vadakkumpuram Scheme cannot be treated as objectionable. There is no impediment to renew the permit for continuous operation on the proposed route.Hence Renewal of regular permit is granted.

Item No.26

Heard;Adv.Dinesh Menon.I, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-43-J-9988 operating on the route Perumpadappu-Fortkochi as Ordinary City Service. The permit holder has filed application within the

time limit prescribed under Section 81[2] of MV Act,1988.But he has not submitted No Objection Certificate from Financier.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 07/12/1994. The proposed route is having length of 19 km and the route is objectionably overlaps Trivandrum-Palakkad , Trivandrum-Kannur,Alaphey-Ernakulam notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 which is further modified as per GO(P) No.08/2017/Tran dtd 23/03/2017.This permit is issued before 14/07/2009.Hence there is no impediment to renew the permit for continuous operation on the proposed route.No objection Certificate from financier submitted by the permit holder in the RTA meeting.Hence Renewal of Regular permit is granted.

Item No.27

Perused the Judgment of Hon`ble High Court of Kerala in WPC No 16680/2020 dated 17/08/2020.

This is the application for Renewal of permit in respect of Stage Carriage KL-18-2170 operating on the route Palissery-Thiruvairanikulam was expired on 26/07/2017.The permit holder has filed application within the time limit prescribed under section 81(2) of MV Act,1988.After this he neither produced current records nor appeared for the personal hearing as directed by the Secretary RTA.Hence there is no action is taken in the said application.On 29/02/2020,Smt.Liza George ,wife of the permit holder intimated that Sri.M V George,permit holder of the Stage Carriage was expired on 23/08/2019 and requested to effect the transfer of permit(death) into her name.An application for Variation of Permit and Replacement vehicle was submitted during this period.

On 25/08/2020,the possessor of the Vehicle ,Smt.Liza George, produced Judgment of Hon`ble High Court of Kerala in WPC No 16680/2020 dated 17/08/2020,wherein the Hon`ble Court directed Secretary RTA to take up the Transfer of permit and thereafter the application for Renewal of permit as well as the variation of permit and pass appropriate orders.For complying the above order,this authority considered the application by Circulation on 23/10/2020 and decided that

“the application for Renewal of permit and Variation of Permit was adjourned for consideration after a decision is arrived on transfer of permit (death)”.After this the possessor submitted the consent of the family members for effecting the Transfer of permit ,but the applicant failed to submit the document proving the succession of the vehicle and family members not appeared for personal hearing .

This authority considered the application in detail.On perusal of the records,this authority revealed that the vehicle KL-18-2170 is not operating service with effect from 01/01/2011.Eventhough there was a valid Regular permit was granted by this authority for the operating of regular service for the convenience of the travelling public. But the permit holder failed to do so. This action of permit holder caused refusal of stage carriage service on the said route where there is lack of service and the passengers were put on to untold miseries. Hence the non operative Regular permit become infructuous. Therefore infructuous and invalid Regular permit cannot be renewed or Transferred .Therefore the applications for the Transfer of permit and Renewal of permit are hereby Rejected.

There are several objections received from operators for considering the variation of permit application in this meeting and intimating that the Route bus is not operating since 2011.On consideration of the objections,this authority feels that the objections are tenable and there is no circumstances here for the grant of variation of a non operating permit.Hence application for the Permit variation is hereby Rejected.

On 29/02/2020,the applicant who is the applicant for Transfer of permit has offered another Stage Carriage for the replacement of the route bus KL-18-2170 and requested to allow replacement for resuming same.On consideration ,this authority is not satisfied with the reason and request for the re-operation of same which was defaulted since 2011.Therefore ,as there is no valid regular permit or temporary permit as on the date of filing application for the replacement or at present,the replacement cannot be allowed.Hence Rejected.

Hence the direction contained in the Judgment of Hon`ble High Court of Kerala in WPC No 16680/2020 dated 17/08/2020 is thus complied with.

Item No.28

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BF-819 on the route Nilampathinjamugal-Mattanchery, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.29

Heard; Adv.G.Prabhakaran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-07-CH-2022 on the route Moothakunnam-Kottayam,is allowed as applied for subject to the clearance of Government dues,if any.

Item No.30

Heard; Adv.M.Jithesh Menon,the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-25-2012 on the route Vyppin-Kodungallur, is allowed as applied for subject to the clearance of Government dues ,if any.

Item No.31

Heard; Adv.Stalin Peter Davis,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-26-398 on the route Perumpadappu Ferry-Kakkanad, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.32

Heard; Adv.K V Gopinathan Nair,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-33-D-704 on the route Pukkattupady-Fortkochi ,is allowed as applied for subject to the clearance of Government dues ,if any.

Item No.33

Heard; Adv.M.Jithesh Menon,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-41-D-1251 on the route North Paravur-Ernakulam, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.34

Heard; Adv.K.V.Gopinathan Nair,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-41-G-939 on the

route Aluva-Fortkochi, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.35

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. This is an application for Transfer of permit in respect of S/C KL-53-C-777 on the route Panangad-Elamakkara. On perusal of file, it revealed that the applicant has not remitted prescribed fees. Therefore the decision is adjourned.

Item No.36

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AR-4410 on the route Fortkochi-Aluva, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.37

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AS-4559 on the route Vyttila-Vyttila (Circular), is allowed as applied for subject to the clearance of Government dues, if any.

Item No.38

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AX-4309 on the route Fortkochi-Edakochi, is allowed as applied for subject to the clearance of Government dues, if any.

Item No : 39

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant. This is an application for Transfer of Permit (Death) u/s 82(2) of MV Act, 1988, in respect of S/C KL-07-BA-4041 on the route Vypin-Munambam. Sri.Shine S, Son of the deceased permit holder has applied for Transfer of Permit (Death) u/s 82(2) of the MV Act, 1988. On perusal of file, it is revealed that the Secretary RTA was heard all legal heirs of the deceased permit holder and all legal heirs were submitted their consent for the transfer of permit into the name of Sri.Shine.S, son of deceased permit holder. Therefore Transfer of permit in respect of S/C KL-07-BA-4041 u/s 82(2) of MV Act, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.40

Heard;Adv.G.Prabhakaran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-07-BC-4952 on the route Ernakulam-Vyppin-Munambam, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.41

Heard;Adv.Stalin Peter Davis,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-10-AJ-3691 on the route Aluva-Vazhakkala-Thoppumpady, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.42

Heard;Adv.Stalin Peter Davis,the learned counsel represented both the transferor and proposed transferee.This is an application for Transfer of Permit in respect of S/C KL-17-B-3103 .On perusal of file,it revealed that the applicant has not remitted prescribed fees. Therefore the decision is adjourned.

Item No : 43

Heard;Adv.Joseph V Gregory,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-17-E-3923 on route Koothattukulam-Ernakulam ,is allowed as applied for subject to the clearance of Government dues ,if any.

Item No : 44

Heard;Adv.Stalin Peter Davis,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-33-2530 on the route Narakkal-Ernakulam High Court ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No:45

Heard;Adv.M.Jithesh Menon,the learned counsel appeared both the transferor and proposed transferee.This is an application for Transfer of permit in respect of S/C KL-33-G-3229 on the route Cheranelloore-Aluva.The permit holder failed to submit No Objection Certificate from the Financier.Hence Adjourned.

Item No : 46

Heard;Adv.G.Prabhakaran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-40-L-2847 on the route Koothattukulam-Kaloor ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 47

Heard;Adv.G.Prabhakaran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-44-3790 on the route Edakochi-Puthukalavattom ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 48

Heard;Adv.Jithesh Menon,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-05-X-6577 on the route Edakochi-Mattanchery ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 49

Heard;Adv.Stalin Peter Davis,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-07-AX-6444 on the route Irumpanam-Irumpanam ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 50

Heard;Adv.Jithesh Menon,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-07-AZ-5454 on the route Puzhakkaredath-High Court Jn ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 51

Heard;Adv.G.Prabhakaran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-07-BC-5859 on the route

Kothad Ferry-Poothotta.On perusal of the file,it is seen that the permit holder failed to submit No Objection Certificate from the financier.Hence Adjourned.

Item No : 52

Heard;Adv.Jithesh Menon,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-08-AA-6586 on the route Manjanakkad-Ernakulam High Court ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 53

Heard;Adv.Jithesh Menon,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-08-AL-6966 on the route Chappakkadapuram-Ernakulam High Court ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 54

Heard;Adv.Jithesh Menon,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-16-6376 on the route Aluva-Manjapra ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 55

Heard;Adv.G.Prabhakaran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-17-A-6989 on the route Aluva-Edakochi ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 56

Heard;Adv.Stalin Peter Davis,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-02-AB-7576 on the route Perumpadappu-Fortkochi ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 57

Heard;Adv.G.Prabhakaran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-05-AN-7779 on the route Pala-Ernakulam ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 58

Heard;Adv.Stalin Peter Davis,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-05-V-9000 on the route Kakkanad-Athani-ForKochi.The permit holder failed to submit No Objection Certificate from the Financier.Hence Adjourned.

Item No : 59

Heard;Adv.Jithesh Menon,the learned counsel represented the applicant.This is an application for Transfer of Permit (Death) u/s 82(2) of MV Act,1988, in respect of S/C KL-07-AU-7847 on the route Keezhmadu-Kalamassery.Sri.Mohammed Safal,Son of the deceased permit holder has applied for Transfer of Permit(Death) u/s 82(2) of the MV Act,1988.On perusal of file,it is revealed that the Joint Regional Transport Officer Aluva was heard all legal heirs of the deceased permit holder and all legal heirs were submitted their consent for the transfer of permit into the name of Sri. Mohammed Safal, son of deceased permit holder.Therefore Transfer of permit in respect of S/C KL-07-AU-7847, u/s 82(2) of MV Act ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 60

Heard;Adv.G.Prabhakaran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-07-BB-9030 on the route Aluva- W Island ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 61

Heard;Adv.Stalin Peter Davis,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-07-BR-9589 on the route

South Chittoor-Fortkochi ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 62

Heard;Adv.G.Prabhakaran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-13-N-8500 on the route Kakkanad- W Island ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 63

Heard;Adv.G.Prasad Chandran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-17-C-8388 on the route Vyttila-Vyttila ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 64

Heard;Adv.G.Prabhakaran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-38-E-9154 on the route Perumbalam Ferry-Chottanikkara-Ernakulam ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 65

Heard;Adv.G.Prabhakaran,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-41-8376 on the route Vyppin-Maliankara ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 66

Heard;Adv.Stalin Peter Davis,the learned counsel represented both the transferor and proposed transferee.Transfer of permit in respect of S/C KL-41-9699 on the route Valiyaparambu-Mala ,is allowed as applied for subject to the clearance of Government dues,if any.

Item No : 67

Heard the applicant.This is the application for Renewal of Permit in respect of A/R KL-07-BQ-7287.The permit holder has not filed application within the time limit prescribed under 81(2) of MV Act.Hence he requested to condone the delay.This authority considered the application in detail.There is no impediment to renew the permit for continuous operation.This authority satisfied with the explanation submitted by the permit holder.Hence delay is condoned and Renewal of permit is granted.

Item No : 68

Heard the applicant.This is the application for Renewal of Permit in respect of A/R KL-07-CE-7599.The permit holder has not filed application within the time limit prescribed under 81(2) of MV Act.Hence he requested to condone the delay.This authority considered the application in detail.There is no impediment to renew the permit for continuous operation.This authority satisfied with the explanation submitted by the permit holder.Hence delay is condoned and Renewal of permit is granted.

Item No : 69

Heard the applicant.This is the application for Renewal of Permit in respect of A/R KL-07-BX-1619.The permit holder has not filed application within the time limit prescribed under 81(2) of MV Act.Hence he requested to condone the delay.This authority considered the application in detail.There is no impediment to renew the permit for continuous operation.This authority satisfied with the explanation submitted by the permit holder.Hence delay is condoned and Renewal of permit is granted.

Item No : 70

Heard the applicant.This is the application for Renewal of Permit in respect of A/R KL-07-BT-6402.The permit holder has not filed application within the time limit prescribed under 81(2) of MV Act.Hence he requested to condone the delay.This authority considered the application in detail.There is no impediment to renew the permit for continuous operation.This authority satisfied with the explanation

submitted by the permit holder.Hence delay is condoned and Renewal of permit is granted.

Item No : 71

Heard the applicant.This is the application for Renewal of Permit in respect of A/R KL-07-CN-8149.The permit holder has not filed application within the time limit prescribed under 81(2) of MV Act.Hence he requested to condone the delay.This authority considered the application in detail. The permit holder failed to produce No Objection Certificate from Financier.This is mandatory for Renewal of permit u/s 51(6) of MV Act.Hence adjourned.

Item No 72

Heard;Adv.Dinesh Menon.I,the learned counsel represented the permit holder.This is the application for the replacement of the vehicle in respect of Stage Carriage KL-08-AB-101 with another later model stage carriage KL-13-Q-9099. This authority considered the matter in detail.The outgoing and incoming vehicle material difference is zero.The incoming vehicle is later model than outgoing vehicle.Tax in respect of outgoing vehicle,KL-08-AB-101, is pending at Stage Carriage rate from 01/04/2012 to 31/08/2015.The secretary RTA issued Demand Notice.Against the realization of tax, the permit holder filed WPC No 11712/2016 before the Hon`ble High Court of Kerala and Hon`ble Court on 02/12/2016 upheld the action of Secretary RTA.Against this Judgment ,the permit holder filed Writ Appeal No 579/2017 and Hon`ble Court in the interim order stayed the Judgment in WPC No 11712/2016.Final Judgment in WA No 579/2017 is still pending. In this circumstances the Replacement of Vehicle application is adjourned for final order of Writ Appeal No 579/2017.

Item No 73

Heard;Adv.Joseph V Gregory, the learned counsel represented the permit Holder.This is the application for the replacement of the vehicle in respect of Stage Carriage KL-05-AE-9178 operating on the route Nedumkandam-Sreekandapuram as LSOS .Regular permit of the vehicle was expired on 24/01/2017.The route length is above 140kms.This authority its sitting held on 17/11/2016,considered the Renewal of permit application and adjourned for want of concurrence from the sister RTA`s and

class of service converted as Limited Stop Ordinary Service as per the GO(MS) No 45/2015/Trans dated 20/08/2015. Vide G.O(P) No 22/2020 dated 01/07/2020, Government has cancelled the GO (MS) No 45/2015/Trans. On withdrawing the above order, the Private operators have no right to continue to operate on the routes having route length above 140kms. More over the Hon`ble High Court has upheld the amendment of Rule 2(oa) of the Kerala Motor Vehicles Rules, which mention that the Limited Stop Service can have only 140 kms maximum distance. Secretary, RTA had granted 4 month Temporary permit u/s 87(1) d of MV Act, 1988, which was valid upto 16/12/2019.

In this case the permit holder has not applied for Variation of permit for limiting the route length upto 140kms till date. After the withdrawal of Government Order, GO(MS) No 45/2015/Trans dated 20/08/2015. The private operators have no right to continue to operate on the above route having route length above 140kms, in Regular or Temporary permits.

As there exist legal impediments for the renewal of permit and validity of regular permit already expired on 24/01/2017. There is no provision in the Motor Vehicles Act and Rules made there under to replacement of vehicle in an invalid permit. Hence Rejected.

Item No 74

Heard; Adv. Dinesh Menon. I, the learned counsel represented the permit Holder. This is the application for the replacement of the vehicle in respect of Stage Carriage KL-05-AN-7601 operating on the route Nedumkandam-Karikkottakkiri as LSOS. Regular permit of the vehicle was expired on 03/01/2020. The route length is above 140kms. Renewal of permit application was filed on 20/12/2019 and after this Temporary permit u/s 87(1)d was granted for the period upto 03/05/2020.

Vide G.O(P) No 22/2020 dated 01/07/2020, Government has cancelled the GO (MS) No 45/2015/Trans. On withdrawing the above order, the Private operators have no right to continue to operate on the routes having route length above 140kms. More over the Hon`ble High Court has upheld the amendment of Rule 2(oa) of the Kerala Motor Vehicles Rules, which mention that the Limited Stop Service can have only 140 kms maximum distance.

In this case the permit holder has not applied for Variation of permit for liming the route length upto 140kms till date. After the withdrawal of Government Order,GO(MS) No 45/2015/Trans dated 20/08/2015.The private operators have no right to continue to operate on the above route having route length above 140kms, in Regular or Temporary permits.

As there exist legal impediments for the renewal of permit and validity of regular permit was expired on 03/01/2020. There is no provision in the Motor Vehicles Act and Rules made there under to replacement of vehicle in an invalid permit.Hence Rejected.

Item no 75

Perused the Judgment of Hon`ble STAT in MVAA No 264/2019 dated 30/10/2020

This authority in its earlier sitting held on 17/05/2017,allowed the transfer of permit as applied for.But he has failed to produce the current records of the vehicle within the time frame,as per Rule 159(2) of KMV Rules,1989.Moreover the vehicle KL-03-J-2332 is under Form G for a long period and no other vehicle is produced for continuous operation.Hence a showcause notice was issued to the permit holder and he had submitted a reply.After this ,the secretary RTA submitted this matter before,the RTA meeting held on 18/09/2019,vide additional item no 56 and decided that “revoked the sanction granted for Transfer of permit and cancelled the regular permit ,since the vehicle is non operational”.

This decision was challenged by permit holder before the Hon`ble STAT in MVAA No 264/2019 dated 30/10/2020,wherein Hon`ble court set aside the decision of RTA and directed this authority to consider the contention raised and the reply filed by the permit holder and thereafter take a fresh decision in accordance with law.

This authority perused the Judgment of the Hon`ble STAT in MVAA No 264/2019,wherein the Hon`ble STAT has set aside the decision of this authority dated 30/10/2020 on the following findings,that

1. The transfer of permit can only be made under section 82 of the MV Act read with Rule 178 of the KMV Rules.The provision of Rule 178 of KMV Rules does not insist to produce the records of the vehicle within four months.
2. Rule 152 of KMV Rules is not attracted at all

This authority elaborately verified the findings of the Hon`ble STAT and revealed the following

- 1) This authority in its meeting held on 17/05/2017 granted the transfer of permit as applied for. But he has failed to produce the records of the vehicle within the time frame prescribed u/r 159(2) of KMV Rules, 1989

Sub-rule[2] of Rule 159 requires that an applicant shall within one month of the sanction of the application or such longer period or periods not exceeding four months in aggregate as the authority may specify, produce the certificate of registration of the vehicle. Moreover, vide reported decision in 2003[3]KLT 357 and 2015[3]KLT 555, the Hon'ble High Court of Kerala has clearly specified that, if current records are not produced within four months from the date of communication of grant of permit by the grantee, then the grant shall stand cancelled without the RTA requiring to cancel it as that is the necessary consequence of the operation of the condition of permit granted under S.72[2] read with R.159[2].

Hence sanction is revoked as per the Rules. Therefore the observation rendered by the Hon'ble STAT is against the Motor Vehicles Act and Rules made there under.

- 2) In this case, the permit holder was defaulted stage carriage operation from the year 2016, i.e., for a long period of 4 years. Hence it is clear that the applicant is not able to maintain a stage carriage service for providing better conveyance facility to the general public without break. The permit was granted by this authority for the operation of regular service for the convenience of the travelling public. But the permit holder failed to do so. This action of permit holder caused refusal of stage carriage service on the said route where there is lack of service and the passengers were put on to untold miseries. Hence Secretary RTA, Ernakulam was issued showcause notice as per Rule 152 of the KMV Rules, 1989. Permit holder replied that the existing vehicle KL-03-J-2332 is in dilapidated condition and he is incapable of maintaining a Stage Carriage due to financial crisis. He also requested to allow replacement of vehicle with another suitable vehicle. But he has not offered any suitable vehicle for continuous operation till date. Hence permit holder violated the permit condition.

Hence the findings of the Hon'ble STAT, that the Rule 152 is not attract at all, is against the Motor Vehicles Act and Rules made there under.

Hence ,the Regular permit issued to the Stage Carriage KL-03-J-2332 is hereby cancelled.

Item No.76

Sri.Ratheesh Kumar,the Permit Holder of Stage Carriage KL-57-F-1663 is absent. This is the issue related to the unauthorized change of possession of the vehicle covered by a Regular permit on the route Kalamassery Co-Operative Medical College-Eramalloor.

The Stage Carriage KL-57-F-1663 is covered by a Regular permit no 7/100064/2005,valid upto 28/02/2021 on the route Kalamassery Co –Operative Medical College-Eramalloor as Ordinary Moffusil permit.The said vehicle was attached in this regular permit on 23/05/2019 by the way of lease agreement.The lease agreement is in between Sri.Haris M Palackal and the permit holder.On 15/10/2019,Sri.Haris M Palackal ,the registered owner of the vehicle submitted a sale intimation,in which he stated that he transferred the vehicle to another person named Sri.Lijo C.T on 15/10/2018 and also declared that he had no control or possession over the Stage Carriage vehicle KL-57-F-1663.

This authority verified the file in detail.It is revealed that the a lease agreement is in between the permit holder and Sri.Haris M Palackal ,the registered owner of Stage Carriage and the same was endorsed in the permit on 23/05/2019. Subsequently ,the Secretary RTA conducted an enquiry through the field officer and he reported that ,the registered owner ,Haris M Palackal sold the vehicle to Sri.Lijo C.T on 15/10/2018 as per Sale of Goods Act,after this Sri.Haris M Palackal has no possession or control over this vehicle.Hence ,the permit holder submitted the above lease agreement is a fake one.This fake documents,which was misleading the secretary RTA for sanctioning Replacement of vehicle.This action is only for the Permit trafficking purpose.Hence he recommends to take action against the regular permit u/s 86(1)c of MV Act.After this Secretary RTA has issued a Show cause notice to the permit holder and reply submitted by the permit holder and Sri.Haris M Palackal.Both of them are appeared before Secretary RTA and in the explanation offered the registered owner of the vehicle admitted that “the possession of the vehicle is already transferred to another person on 15/10/2018.After this on 23/05/2019 he had entered the lease agreement with permit holder.Then there is some issue is aroused in between them.So he had send a letter to this authority on 15/10/2019.

In view of the report of the field officer and the explanation offered by the permit holder and Registered owner of the vehicle ,it revealed that they had submitted lease agreement which was misleading the secretary RTA for effecting replacement of vehicle.At that time ,the registered owner has no possession in this vehicle.Moreover this was admitted by the registered owner in his written letter submitted before the Secretary RTA.The field officer reported that this replacement is only to the trafficking of the permit. The vehicle KL-57-F-1663 is not in the possession of the permit holder wef 23/05/2019 and the previous vehicle KL-42-6641 has been sold by permit holder to other person.Therefore no vehicle is available in possession of the permit holder to carry the Regular permit.

As per Clause [c] of section 86(1) of MV Act-1988,the transport authority which granted permit may cancel the permit or may suspend it for such period as it thinks fit if the holder of the permit ceases own the vehicle covered by the permit.

In this case, the permit holder violated the section 86(1)c of Motor Vehicles Act,1988.Therefore the regular permit is liable to be cancelled.Hence, the regular permit issued to stage carriage KL-57-F-1663 on the route Kalamassery Co-Op Medical College-Eramalloor is hereby cancelled u/s 86(1)c of MV Act,1988.

Item No.77

Heard. This is the request submitted by Principal,Sree Narayana Vidya Peetam Public School for the sanctioning of new bus stop at Mini Bypass,Trippunithura. An enquiry conducted through Motor Vehicles Inspector and he reported that “All the Stage Carriages,which were conducting service through Maradu-Kundannoor stretch are being diverted through the Mini Bypass after the old iron bridge was abandoned.The nearest bus stop ,which is 1.5km away from this place.There is an abandoned Toll Booth ,which have five hundred metres width and four lanes.A shoulder having a length of 50 metres provided just before the toll booth on the southern side ,which can be used as bus bay for buses coming from Trippunithura. There is sufficient space on the Northern side as well to facilitate a Bus Stop for buses coming from Kundannoor.Considering the advantage of public ,the proposal for New bus stop at Mini by pass is hereby sanctioned two bus stops at above places for stopping all classes of Stage Carriages including KSRTC.

Item No.78

Heard, this is the request submitted by Adv.M K Saseendran for sanctioning the

new bus stop near Metro Station Elamkulam. An enquiry conducted through Motor Vehicles Inspector and he reported that "The metro station at Elamkulam situates 450 metres away from both Elamkulam and Janatha Bus stops. The commuters are forced to walk half a kilometre in either direction or depend on autorickshaws to catch a feeder bus. He has recommended to sanction two bus stops on both sides in between the Metro Stations and Bridge. Considering the interest of public, this authority hereby sanctioned two bus stops at above places.

Item No.79

This is the request submitted by Sri. John Fernandez MLA for relocation of Pampayimoola Bus stop. An enquiry conducted through Motor Vehicles Inspector and he reported that "The current bus stop is situated just after the curve to Palluruthy side. Due to stopping of buses, traffic block have been created since the road does not have sufficient width for the smooth flow of traffic in the current scenario more over it will be more prone to serious accidents in the present condition. The location for proposed bus stop is situated after 50 metre from Pampayimoola junction on Edakochi - Palluruthy road. The new location has sufficient space for stopping of Buses without affecting the smooth flow of traffic. Considering the public interest and avoiding traffic blocks, this authority is hereby relocated the pampayimoola bus stop as above proposed place.

Item No 80

All actions taken by the Secretary RTA on behalf of this authority are hereby ratified.

Item No .81

Nil

Item No.82

Will be informed later.

Sd/-

1. Sri.S.Suhas,I.A.S

The District Collector& Chairman,RTA Ernakulam

2. Sri.K.Karthik,I.P.S

The District Police Chief (Rural) & Chairman,RTA Ernakulam

3.Sri.Reji.P.Varghese

The Deputy Transport Commissioner[Law]

Central Zone-II,Ernakulam & Member,RTA Ernakulam

