

**DECISION OF REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM HELD ON 20/05/2014**

Present

Chairman:-

Sri.M.G.Rajamanickam,IAS,District Collector, Ernakulam

Members:-

1.Sri.Sateesh Bino,I.P.S.District Police Chief, Ernakulam

*2.Sri.P.A.Sainudeen, Deputy Transport Commissioner, CZ- II,
Ernakulam.*

Item No.01

Heard.This is an application for fresh inter district regular permit in respect of stage carriage KL-15-4449 to operate on the route Gothuruth-Aluva via Vadakkumpuram,North Parur and U.C College as Ordinary Service. The STU is the applicant. Hence fresh regular permit granted with proposed set of timings.

Item No.02

Heard.This is an application for fresh inter district regular permit in respect of stage carriage KL-15-4377 to operate on the route Gothuruth-Aluva via Vadakkumpuram, North Parur and U.C College as Ordinary Service. The STU is the applicant. Hence fresh regular permit granted with proposed set of timings.

Item No.03

Heard.This is an application for fresh inter district regular permit in respect of stage carriage KL-15-5108 to operate on the route Gothuruth-Aluva via Vadakkumpuram, North Parur and U.C College as Ordinary Service. The STU is the applicant. Hence fresh regular permit granted with proposed set of timings.

Item No.04

Heard.This is an application for fresh inter district regular permit in respect of stage carriage KL-15-7192 to operate on the route Aluva-Kottayil Kovilakam as Ordinary Service. The STU is the applicant. Hence fresh regular permit granted with proposed set of timings.

Item No.05

Heard.This is an application for fresh inter district regular permit in respect of stage carriage KL-15-9932 to operate on the route Ernakulam-Peerumbavoor-Mattancherry via Aluva, Padma and Kaloor as low floor A/C Service. The STU is the applicant. Hence fresh regular permit granted with proposed set of timings.

Item No.06

Heard.This is an application for fresh inter district regular permit in respect of stage carriage KL-15-9931 to operate on the route Ernakulam-Airport-Fort Kochi as low floor A/C Service. The STU is the applicant. Hence fresh regular permit granted with proposed set of timings.

Item No.07

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.10459 of 2014 wherein this authority was directed to reconsider the application for fresh regular permit filed by the petitioner within a time limit.

2.Heard.The learned Counsel Adv.M. Jithesh Menon appeared for the applicant.This is an application for fresh intra district regular permit in respect of stage carriage KL-07-AE-5084 or suitable vehicle to operate on the route Kottayilkovilakam-North Parur-Vyttila via Naluvazhy, Kunnathuthali Temple,MunduruthyBridge,Chendamangalam Jn, Koonammavu, Varappuzha, Edappally signal Jn and Bypass as ordinary moffusil service.This authority in its earlier sitting held on 06/01/2014 vide item No.01 considered the application and rejected the same due to non production of suitable vehicle and the route objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme.In view of the judgment of Hon'ble High Court of Kerala,this authority reconsidered the application. The prtion of the route at Chendamangalam Jn which is 300 metre in length objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme.The operation of stage carriage service on the above scheme or portion there of is exclusively reserved for the State Transport Under taking. KSRTC vehemently objected the grant of permit on Aluva-Vadakkumpuram complete exclusion scheme.Vide existing notification and recent judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases this authority is prevented from the grant of permit violating the schemes of nationalization.Hence the application for the grant of fresh permit on the portion of Aluva-Vadakkumpuram complete exclusion scheme is hereby rejected.

Item No.08

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.9116 of 2014 wherein this authority was directed to reconsider the application for fresh regular permit filed by the petitioner and grant permit within a time limit.

2.Heard.The learned Counsel Adv.M.Jithesh Menon appeared for the applicant.This is an application for fresh intra district regular permit in respect of stage carriage KL-18-A-1561 or suitable vehicle to operate on the route North Parur-Ernakulam High Court Jn in the vacant timings of stage carriage KL-07-AQ-5343 as ordinary moffusil service.This authority in its earlier sitting held on 06/01/2014 vide item No.02 considered the application and rejected the same due to non production of suitable vehicle .Vide Judgment in WP© No.9116 of 2014 dtd 28/03/2014,the Hon'ble High Court of Kerala has directed this authority to consider the application and grant permit in favour of the applicant.In view of the above judgment this authority is decided to grant fresh permit as applied for subject to settlement of timings in compliance of Order No.D3/875/2005/STA dtd 08/11/2011 of the STA,Kerala.

Item No.09

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.9610 of 2014 wherein this authority was directed to reconsider the application for fresh regular permit filed by the petitioner within a time limit.

2.Heard.The learned Counsel Adv.Jithesh Menon appeared for the applicant.This is an application for fresh intra district regular permit in respect of stage carriage KL-09-J-693 or suitable vehicle to operate on the route Narakkal-Ernakulam High Court Jn in the vacant timings of stage carriage KL-42-1573 as ordinary moffusil service.This authority in its earlier sitting held on 06/01/2014 vide item No.12 considered the application and rejected the same on the grounds that the proposed route is well served and no sufficient time gap on the proposed route for the grant of new permit.Vide Judgment in WP© No.9610 of 2014 dtd 11/04/2014,the Hon'ble High Court of Kerala has set aside the order of this authority and directed the applicant to propose a new time schedule and this authority is directed to consider the application.Accordinglt the applicant has proposed a new time schedule.In view of the above judgment this authority reconsidered the application in view of the Judgment of Supreme Court of India in AIR 1992 S.C 443.There is no objectionable overlapping on notified route.Hence fresh permit granted as applied for subject to settlement of timings in compliance of Order No.D3/875/2005/STA dtd 08/11/2011 of the STA,Kerala.

Item No.10

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.8879 of 2014 wherein this authority is directed to reconsider the application for fresh regular permit filed by the petitioner and grant permit within a time limit.

2.Heard.The learned Counsel Adv.Jithesh Menon appeared for the applicant.This is an application for fresh intra district regular permit in respect of suitable stage carriage to operate on the route North Parur-Ernakulam High Court Jn as ordinary moffusil service.This authority in its earlier sitting held on 06/01/2014 vide item No.05 considered the application and rejected the same due to non production of suitable vehicle .Vide Judgment in WP© No.8879 of 2014 ,the Hon'ble High Court of Kerala has directed this authority to consider the application and grant permit in favour of the applicant. In view of the above judgment this authority is decided to grant fresh permit as applied for subject to settlement of timings in compliance of Order No.D3/875/2005/STA dtd 08/11/2011 of the STA,Kerala.

Item No.11

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.8863 of 2014 wherein this authority is directed to reconsider the application for fresh regular permit filed by the petitioner and grant permit within a time limit.

2.Heard..The learned counsel Adv.M.Jithesh Menon appeared for the applicantThis is an application for fresh intra district regular permit in respect of suitable stage carriage to operate on the route North Parur-Ernakulam High Court Jn as ordinary moffusil service.This authority in its earlier sitting held on 06/01/2014 vide item No.06 considered the application and rejected the same due to non production of suitable vehicle .Vide Judgment in WP© No.8863 of 2014 ,the Hon'ble

High Court of Kerala has directed this authority to consider the application and grant permit within a time limit. In view of the above judgment this authority reconsidered the application. There is no objectionable overlapping on notified schemes. Hence it is decided to grant fresh permit as applied for subject to settlement of timings in compliance of Order No.D3/875/2005/STA dtd 08/11/2011 of the STA, Kerala.

Item No.12

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.9171 of 2014 wherein this authority is directed to reconsider the application for fresh regular permit filed by the petitioner and grant permit within a time limit.

2.Heard.The learned Counsel Adv.Jithesh Menon appeared for the applicant. This is an application for fresh intra district regular permit in respect of suitable stage carriage to operate on the route High Court Jn-North Parur-Thalappally as ordinary moffusil service in the vacant timings of stage carriage KL-42-5400.This authority in its earlier sitting held on 06/01/2014 vide item No.07 considered the application and rejected the same due to non production of suitable vehicle .Vide Judgment in WP© No.9171 of 2014 DTD 28/03/2014 ,the Hon'ble High Court of Kerala has directed this authority to consider the application and grant permit within a time limit . In view of the above judgment this authority reconsidered the application. There is no objectionable overlapping on notified schemes. Hence it is decided to grant fresh permit as applied for subject to settlement of timings in compliance of Order No.D3/875/2005/STA dtd 08/11/2011 of the STA, Kerala.

Item No.13

1.Perused the judgment of Hon'ble STAT in MVAA No.477/2013 dtd 13/03/2014 wherein this authority is directed to reconsider the application afresh in accordance with law.

2.Heard.The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for fresh inter district regular permit in respect of stage carriage KL-17-7009 or suitable stage carriage to operate on the route Kizhakkambalam-Edappally-Kunnumpuram-Aroor Jn as ordinary moffusil service.This authority in its earlier sitting held on 03/10/2013 considered the application and rejected the same due to non production of suitable vehicle.Thereafter the applicant offered stage carriage KL-17-7009. Vide Judgment in MVAA No.477/2013 dtd 13/03/2014 the STAT has set aside the decision of this authority dtd 03/10/2013 and directed this authority to reconsider the application afresh. At present stage carriage KL-17-7009 is operating service on the same route with issued temporary permit and a set of settled timings in a timing conference as per the judgment of Hon'ble High Court of Kerala. In view of the judgment of Hon'ble STAT in MVAA No.477/2013 this authority reconsidered the application afresh. There is no objectionable overlapping on notified schemes. Timings of the stage carriage to operate on the proposed route is already settled in a timing conference as per the judgment of Hon'ble High Court of Kerala.Hence fresh regular permit granted with the existing set of settled of timings.

Item No.14

Heard.The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for fresh intra district regular permit in respect of suitable stage carriage to operate on the route HMT Jn-Aluva-Vyttila Hub as ordinary moffusil service.This authority in its earlier sitting held on 06/01/2014 vide item No.17 considered the application and adjourned decision for want of detailed and specific report from field officer.Now the enquiry officer has furnished a detailed report and submitted for the consideration of this authority.This authority considered the application in detail. The proposed route having length of 42.9 km and the portion of the route from Aluva Private Bus Stand to Thottakkattukara Jn which 2.4 km in length objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme,Aluva-Kattappana,Trivandrum-Palakkad and Trivandrum Kannur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009.As per clause 5© of the above said notification, permit can be granted to a private operator permitting them to overlap 5% or 5 km of the route length whichever is less on the notified route for purpose of intersection.In this case the overlapping is beyond the permissible limit. Moreover the proposed route is objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme.This authority is prevented from the grant of permit on a notified route violating the scheme of nationalization.Hence the application for the grant of permit is hereby rejected.

Item No.15

Heard.The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for fresh intra district regular permit in respect of stage carriage KL-07-AM-2946 or suitable stage carriage to operate on the route Thoppil Jn-Aroor Jn as ordinary moffusil service.This authority in its earlier sitting held on 06/01/2014 considered the application and adjourned decision for want of fitness certificate for the portion of the route from Thrikkakkara temple to Thoppil Jn.Now the matter again came for the consideration of this authority.The PWD authority has reported that the portion from Thrikkakkara temple to Thoppil Jn is fit for conducting stage carriage service.The enquiry officer has reported that the overlapping on notified route is not objectionable and the proposed service will be beneficial to the travelling public from Thoppil Jn and medical College.Hence fresh regular permit granted subject to settlement of timings in compliance to the order No.D3/875/2005/STA dtd 08/11/2011.

Item No.16

Heard.The learned Counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for fresh intra district regular permit in respect of suitable stage carriage to operate on the route Kakkanad-Trippunithura-Kavumthazham as ordinary moffusil service. This authority considered the application in detail.The proposed route having length of 50.2 kms.The enquiry officer has reported that the overlapping on notified schemes are not objectionable and the proposed route is beneficial to the travelling public of Kavumthazham and Kaninad area.The applicant has not offered description of the suitable vehicle .Hence fresh regular permit granted subject to settlement of timings in compliance to the order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle as per rule 159(2) of kmv Rules 1989.

Item No.17

Heard.The learned Counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for fresh intra district regular permit in respect of stage carriage KL-07-AH-6107 or suitable stage carriage to operate on the route High Court Jn-Varappuzha as ordinary moffusil service. This authority considered the application in detail.The proposed route having length of 16 kms.The enquiry officer has reported that there is no overlapping on notified schemes and there is no direct stage carriage service to Cheranelloor via Gosree road and container road proposed route is beneficial to the travelling public of that area. Hence fresh regular permit granted subject to settlement of timings in compliance to the order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle as per rule 159(2) of kmv Rules 1989.

Item No.18

Heard.The learned Counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for fresh intra district regular permit in respect of stage carriage KL-07-Z-6979 or suitable stage carriage to operate on the route Varappuzha-High Court Jn as ordinary moffusil service. This authority considered the application in detail.The proposed route having length of 16 kms.The enquiry officer has reported that there is no overlapping on notified schemes and there is no direct stage carriage service to Cheranelloor via Gosree road and container road.The proposed rservice is beneficial to the travelling public of that area. Hence fresh regular permit granted subject to settlement of timings in compliance to the order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle as per rule 159(2) of kmv Rules 1989.

Item No.19

Heard.The learned Counsel Adv.Jithesh Menon appeared for the applicant. This is an application for fresh intra district regular permit in respect of suitable stage carriage to operate on the route North Parur- High Court Jn as ordinary moffusil service. This authority considered the application in detail. The proposed route having length of 27 kms.The applicant has not offered a suitable vehicle.The enquiry officer has reported that the overlapping on notified schemes are not objectionable and there is no direct stage carriage service to Cheranelloor via Gosree road and container road and hence the proposed service is beneficial to the travelling public of that area. Hence fresh regular permit granted subject to settlement of timings in compliance to the order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle as per rule 159(2) of kmv Rules 1989.

Item No.20

Heard.The learned Counsel Adv.Gopinathan Nair appeared for the applicant. This is an application for the grant of fresh intra district regular permit in respect of stage carriage KL-11-X-9024 or suitable stage carriage to operate on the route Vyttila-North Parur via Edappally Bypass,Varappuzha and Koonammavu as ordinary moffusil service. This authority considered the application in detail. The proposed route having length of 25.8 kms.The enquiry officer has reported that the overlapping on notified schemes are not objectionable and the proposed service is beneficial to the travelling public of that area. Hence fresh regular permit granted subject to settlement of timings in compliance to the order No.D3/875/2005/STA

dtd 08/11/2011 and production of current records of the vehicle as per rule 159(2) of kmv Rules 1989.

Item No.21

Heard.The learned Counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for the grant of fresh intra district regular permit in respect of stage carriage KL-05-V-3753 or suitable stage carriage to operate on the route Trippunithura-Ramamangalam via Puthiyakavu,Kureekad,Chottanikkara,Karikode temple,Vettickal,Thiruvaniyoor,Ezhakkaranad and Vettithara as ordinary moffusil service. This authority considered the application in detail. The proposed route having length of 33 kms.The enquiry officer has reported that the some portions of the route are virgin.The portion of the route from Police station Trippunithura to Bus Stand which is 800mtr in length overlapping on Ernajkulam-Thekkady notified scheme and which is not objectionable considering the total route length.The PWD authorities and LSGD Departments have reported that the reported virgin portions are fit for conducting stage carriage services.The enquiry officer has also reported that major places on the proposed route are remote areas and the proposed service is beneficial to the travelling public of that area and it will helpful for the development of the remote villages on the on enroute. Hence fresh regular permit granted on public interest subject to settlement of timings in compliance to the order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle as per rule 159(2) of kmv Rules 1989.

Item No.22

1.Perused Judgment of Hon'ble High Court of Kerala in WP© No.948 of 2014

2.Heard.The learned Counsel Adv.Jithesh Menon appeared for the applicant. This is an application for the grant of fresh intra district regular permit in respect of suitable stage carriage to operate on the route Chathanad-North Parur-Munambam as ordinary moffusil service. This authority in its earlier sitting dtd 16/07/2013 vide item No.14 considered the application and rejected the same due to the overlapping on notified schemes Aluva-Chathanad and Aluva-Cherai complete exclusion scheme with exceptional clause.Now wide judgment in WP© No.948/2014 dtd 26/03/2014 has set aside the order of this authority dtd 16/07/2013 and directed to reconsider the application afresh in accordance with law.In view of the above order, this authority reconsidered the application in detail. The proposed route having length of 20.9 kms and the route overlapping on Aluva-Chathanad and Aluva-Cherai notified scheme.The enquiry officer has reported that the proposed service will not touch or pass through two or more intermediate points on the above said schemes.Hence the overlapping is not objectionable.The field officer has reported that proposed service is beneficial to the travelling public of Kadakkara area. Hence fresh regular permit granted subject to settlement of timings in compliance to the order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle as per rule 159(2) of kmv Rules 1989.

Item No.23

Heard.The learned Counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for the grant of fresh intra district regular permit in respect of suitable stage carriage to operate on the route Kalamassery Medical College-HMT Jn-Kakkanad-Chittethukara as ordinary moffusil service. This authority considered

the application in detail. The applicant has not offered a suitable vehicle for the permit. The proposed route having length of 15.4 kms. The enquiry officer has reported that there is no overlapping on notified schemes and the proposed service is beneficial to the travelling public. Hence fresh regular permit granted subject to settlement of timings in compliance to the order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle as per rule 159(2) of kmv Rules 1989.

Item No.24

1. Perused the Judgment of Hon'ble STA in MVAA No.152/2012 dtd 13/03/2014

2. Heard. The learned Counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for the grant of fresh intra district regular permit in respect of suitable stage carriage to operate on the route Ezhattumugham Prakruthi Gramam-Angamaly-Karamattam as ordinary moffusil service. The proposed route having length of 45.1 km. This authority in its earlier sitting dtd 04/04/2012 vide item No.9 considered the application in detail and rejected the same on the ground that the portion of the proposed route from Angamaly Bus Stand to Karayamparambu which is 3.2 km objectionably overlapping on Ernakulam – Thrissur notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. V No.152/2013, the applicant challenged the decision of this authority before the Hon'ble STAT stating that he had applied for permit without touching the Angamaly Private Bus Stand for avoiding objectionable overlapping. Now vide judgment in MVAA No.152/2012 dtd 13/03/2013, the Hon'ble STAT has set aside the order of this authority and directed to reconsider the application afresh after finding out whether there is any objectionable on nationalized route. In view of the order of Hon'ble STAT, this authority considered the application afresh in detail. All the stage carriages passing through the Angamaly town shall touch Bus Stand for the convenience of the travelling public. This authority feels that the avoiding of service to Angamaly Bus stand will burden to the travelling public. The intention of the applicant is only to obtain permit without showing the objectionable portion on notified scheme. The main objective of the grant of a permit is public convenience. Hence this authority cannot be granted a stage carriage permit avoiding Private Bus stand on the proposed route. On consideration of this aspect, the proposed route objectionably overlapping on Ernakulam-Thrissur notified scheme for a distance of 3.2 km. As per clause 5© of the above said notification, permit can be granted to a private operator permitting them to overlap 5% or 5 km of the route length whichever is less on the notified route for purpose of intersection. In this case the overlapping is beyond the permissible limit. This authority is prevented from the grant of permit on a notified route or its portion violating the scheme of nationalization. Hence the application for the grant of permit is hereby rejected.

Item No.25

1. Perused the Judgment of Hon'ble STA in MVAA No.168/2013 dtd 04/11/2013

2. Heard. The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for the grant of fresh inter district regular permit in respect of stage carriage KL-07-AX-3128 to operate on the route Ernakulam-High Court Jn-Kodungallur in the vacant timings of stage carriage KL-42-8188 as ordinary moffusil service. This authority in its earlier sitting dtd 07/02/2013 considered the

application and rejected the same on the ground that the portion of the route in Kodungallur town which is 2.3 km in length objectionably overlapping on Thrissur-Thriprayar circular scheme. Now vide Judgment in MVAA No.168/2013 dtd 04/11/2013, the STAT has set aside the order of this authority and directed to reconsider the application afresh considering the nature of overlapping with objective in mind in public interest, involuntary deviations such as one way system etc. The Hon'ble STAT has pointed out that such involuntary deviations due to the implementation of one way system are not the default of the route operators and hence the operations on the above portions cannot be said as objectionable overlapping. In view of the judgment of Hon'ble STAT, fresh regular permit is granted subject to settlement of timings in compliance to the Order No.D3/875/2005/STA,Kerala dtd 08/11/2011.

Item No.26

1.Perused the Judgment of Hon'ble STAT in MVAA No.54/2014 dtd 08/04/2014

2.Heard.The learned Counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for the grant of fresh intra district regular permit in respect of suitable stage carriage to operate on the route Panambukad-High Court-Chathiath Church as ordinary mofussil service. This authority in its earlier sitting dtd 06/01/2014 vide item No.08 considered the application and rejected the same due to the non production of the suitable vehicle.Vide Judgment in MVAA No.54/2014 dtd 08/04/2014, the STAT has set aside the order of this authority and directed to reconsider the application afresh in accordance with rule 159[2] of KMV Rules and in view of Judgment of Hon'ble High Court of Kerala in similar cases.In view of the above direction this authority considered the matter afresh in detail.The applicant has not offered a suitable vehicle for the permit. The proposed route having length of 7.2 kms.The enquiry officer has reported that there is no overlapping on notified schemes and the proposed service is beneficial to the travelling public.He has also reported that Heavy Passenger Vehicles are not suitable for the operation on the proposed route considering the nature of road. Hence fresh regular permit granted to suitable stage carriage other than Heavy Passenger Vehicle subject to settlement of timings in compliance to the order No.D3/875/2005/STA dtd 08/11/2011 and production of current records of the vehicle as per rule 159(2) of kmv Rules 1989.

Item No.27

Heard the applicant. This is an application for the grant of fresh intra district regular permit in respect of suitable stage carriage to operate on the route Aluva-Infopark Phase II-Trippunithura as ordinary mofussil service. This authority in its earlier sitting dtd 06/01/2014 vide item No.20 considered the application and adjourned decision and directed the applicant to propose a modified time schedule so as to offer more trips to Padathinkara thuruth.This authority reconsidered the matter in detail.The proposed route having length of 39.7 km in which 13.6 kms lies under the jurisdiction of RTA,Muvattupuzha.The proposed route overlapping on Ernakulam-Muvattupuzha and Alwaye-Alwaye Circular scheme.The portion of the route from Aluva to Pump Jn which is 1.6 km in length objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme which is exclusively reserved for State Transport Undertaking.This authority is prevented from the grant of a permit on a portion of Aluva-Vadakkumpuram complete exclusion scheme violating the scheme of nationalization.KSRTC strongly objected the grant

of proposed permit. Moreover vide judgment in WP© No.4435/2011 and connected cases Hon'ble High Court of Kerala has directed this authority to cancel permit granted on the portion of Aluva-Vadakkumpuram scheme as directed by the STAT.Hence the application for the grant of permit is hereby rejected.

Item No.28

1.Perused the Judgment of Hon'ble High Court of Kerala in WP© No.11885 of 2014 dtd 06/05/2014

2.Heard.The learned Counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for the grant of fresh inter district regular permit in respect of stage carriage KL-07-BA-1044 to operate on the route Perumbalam-Edappally Railway Gate as ordinary moffusil service. This authority in its earlier sitting dtd 06/01/2014 vide item No.12 considered the application and adjourned decision for want of concurrence of RTA,Alappuzha since 9.7 km of the route length lies under the jurisdiction of that authority.Now vide judgment in WP© No.11885/2014 dtd 06/05/2014,this authority was directed to consider the application in this meeting of this authority.In view of the judgment this authority again considered the application in detail.The proposed route is an inter district route having length of 27.5 km in which 9.7 km lies under the jurisdiction of RTA,Alappuzha. and directed the applicant to propose a modified time schedule so as to offer more As per rule 171 of KMV Rules,an inter district regular permit is not valid in a region without concurrence of the Regional Transport Authority or Regional Transport Authorities of the other region or regions concerned.In this case concurrence of the RTA,Alappuzha has not received till date.Hence this authority is not in a position to grant proposed inter district permit without concurrence of sister authority.Secretary RTA is directed to remind RTA,Alappuzha in this regard.Hence adjourned.

Item No.29

Heard.The learned Counsel Adv.Jithesh Menon appeared for the applicant. This is an application for the grant of fresh intra district regular permit in respect of suitable stage carriage to operate on the route Aluva-Chittoor Temple as ordinary moffusil service in the vacant timings of stage carriage KL-06-B-4383. This authority considered the application and connected files in detail. The regular permit issued to stage carriage KL-06-B-4383 to operate on the route Aluva-Chittoor temple was expired on 16/10/2013.Thereafter on 13/12/2013 the permit holder has applied for renewal of permit with request to condone delay in filing of application and the same is also placed under consideration of this authority in this sitting.The proposed route having length of 22 km and the portion of the route from Aluva to Thottakkattukara which is 1.5 Km in length objectionably overlapping on Trivandrum-Palakkad,Trivandrum-Canannore and Ernakulam-Thrissur notified schemes published vide GO(p) No.42/2009/Tran dtd 14/07/2009 and on Aluva-Vadakkumpuram complete exclusion scheme which is exclusively reserved for State Transport Undertaking. As per clause 5© of the above said notification, permit can be granted to a private operator permitting them to overlap 5% or 5 km of the route length whichever is less on the notified route for purpose of intersection.In this case the overlapping is beyond the permissible limit. This authority is prevented from the grant of a permit on a notified scheme or its portion thereof and Aluva-Vadakkumpuram complete exclusion scheme violating the

scheme of nationalization. KSRTC strongly objected the grant of proposed permit. The route Aluva-Vadakkumpuram is reserved exclusively for the STU and no permit can be granted to the private operator on the above route or portion thereof. Vide judgment in WP© No.4435/2011 and connected cases Hon'ble High Court of Kerala has directed this authority to cancel permit granted on the portion of Aluva-Vadakkumpuram scheme as directed by the STAT. Moreover there is no vacancy of stage carriage KL-06-B-4383 on the proposed route. Hence the application for the grant of permit is hereby rejected.

Item No. 30

Heard.The learned Counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for the grant of fresh intra district regular permit in respect of suitable stage carriage to operate on the route Eloor Methanam-Willington Island as ordinary City Service. This authority considered the application in detail.The applicant belongs to Scheduled Caste and he has claimed for a city stage carriage permit under reservation category.The proposed route having length of 29.4 km and the portion of the route from Airport to Edappally Signal Jn which is 17.1 km objectionably overlapping on Trivandrum-Palakkad,Trivandrum-Kannur and Ernakulam -Thrissur notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 5© of the above said notification, permit can be granted to a private operator permitting them to overlap 5% or 5 km of the route length whichever is less on the notified route for purpose of intersection.In this case the overlapping is beyond the permissible limit. This authority is prevented from the grant of a permit on a notified scheme or its portion violating the scheme of nationalization.The above scheme is also applicable to city stage carriage permits.Moreover vide Judgment in WP© No.12864/2013 dtd 05/10/2013,the Hon'ble High Court has clearly ordered that no permit regular(city or moffusil) or temporary can be granted to private operator on a notified route violating the clause 5© of the notification No.42/2009/Tran dtd 14/07/2009.Hence the application for the grant of city stage carriage permit on a portion of notified route is hereby rejected.

Item No. 31

Heard.The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BB-1801 operating on the route Poothotta-Perumbavoor as ordinary moffusil service.The permit holder is desired to vary the permit by curtailing service to Kakkanad from kaloon in the 7th and 13th trip and by deviate the service from Kaloor to kadavanthara via KK Road instead of MG Road in the 8th and 14th trips.This authority in its early sitting dtd 06/01/2014 considered the application and adjourned decision for wan of detailed report from the field officer.In view of the report furnished by the field officer,this authority reconsidered the matter in detail.The enquiry officer has reported that the curtailment of service from kaloor to Kakkanad via Palarivattom in the 7th and 13th trips will adversely affect the travelling public and students.This authority feels that the the public interest is the prime consideration for the grant of variation in the existing permit. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of the permit. Hence curtailment of existing trips to Kakkanad cannot be allowed.

The enquiry officer has reported that the proposed deviation from Kaloor to Kadavanthara via K.K Road in the 8th and 14th trips will help to reduce the traffic congestion within the city especially due to the ongoing Kochi Metro Rail project and hence it will be helpful to the travelling public. Hence proposed deviation granted with settlement of timings in the concerned trips.

Item No. 32

Heard. The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BF-819 operating on the route Edachira-Fortkochi as ordinary City service. The permit holder is desired to vary the permit by curtailing service to Fortkochi in from Thoppumpady in the 5th trip and to change the starting and halting place from Edachira to Kakkanad. This authority considered the application in detail. The enquiry officer has reported that the curtailment of service to Fort Kochi in the 5th trip which is 6 km will not adversely affect the travelling public since that portion is well served by KSRTC and private operators. The extension of trips to Kakkanad in the first and last trips for changing the starting and halting place is beneficial to the travelling public of Edachira area. There is no additional overlapping on notified schemes. Hence variation of permit as applied granted subject to settlement of timings in the concerned trips.

Item No. 33

Heard. The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-17-C-1300 operating on the route Aluva-Kumbalappilly-Ernakulam South-Fort Kochi as ordinary City service. The permit holder is desired to vary the permit by curtailing service to Kumbalappilly in the morning and thereby extend the service to Thoppumpady and to operate 2nd trip via Medical College and to change the service of 3rd, 6th, 7th and 9th trips. This authority considered the application in detail. The place Kumbalappilly is an ill served area and no other stage carriage services on that portion. The existing benefits enjoyed by the public will not be deprived of consequent to the variation in the existing permit. Public interest is the prime consideration for the variation of permit. In this case no public need reported. The enquiry officer has reported that the portion of the proposed variation portion from BOT Bridge to Thoppumpady which is 1.3 km in length objectionably overlapping on Trivandrum-Palakkad, Trivandrum-Canannore notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 19 of the above said notification the right to increase the trips in the notified routes or its portions are reserved exclusively for the State Transport Undertaking. In this case there is an additional overlapping. Hence the proposed variation cannot be allowed violating the scheme of nationalization. Hence rejected.

Item No. 34

Heard. The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-41-B-1691 operating on the route Aluva-Chellanam as ordinary City service. The permit holder is desired to vary the permit by so as to operate service from Aluva to vytttila Hub in the 3rd trip via Edappally Bypass, Kundannoor, AP Bridge and Thoppumpady instead of existing service without changing the existing timings. This authority

considered the application in detail. The proposed variation includes curtailment and extension. The enquiry officer has reported that the curtailment will not affect existing travelling public since that portion is well served and stage carriages operating with a time gap of two minutes. The proposed variation of service through Bypass, Medical Centre, Vytila and Kundannoor is beneficial to the travelling public and students. There is no additional overlapping on notified schemes. Hence proposed variation is granted. Secretary, RTA is directed to settle timings if there is any change in the existing timings.

Item No. 35

1. Perused the judgment of Hon'ble High Court of Kerala in WP© No.9540/2014.

2. Heard. The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-o7-BF-1615 operating on the route Cheranelloor-Trippunithura as ordinary City service. The permit holder is desired to vary the permit by so as to operate 1st trip from Cheranelloor to Trippunithura via Kaloor, KK Road with two minutes rest at Kaloor and to operate 4th trip from Trippunithura to Cheranelloor with 5 minutes rest at Kaloor. He has also applied to operate 6th trip from Trippunithura to Cheranelloor through mini bypass instead of petta and to operate 7th trip via Edappally Bypass, Vytila, Kundannoor, Maradu and

Petta. This authority in its earlier sitting dtd 06/01/2014 considered the application and rejected the same on the grounds that the by the proposed variation the settled position of the public transport facility will eliminate in the result of variation. Vide Judgment in WP© No.9540/2014 the Hon'ble High Court has set aside the order of this authority and directed to consider the application afresh in accordance with the report of the field officer. In view of the above judgment this authority considered the application afresh. The proposed variation includes curtailment and deviation. The enquiry officer has reported that the curtailment and deviation of trips in the existing service will not adversely affect the travelling public since the portion is well served. There is no additional overlapping on the notified scheme. Hence variation as applied for granted subject to settlement of timings.

Item No. 36

Heard. The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-05-V-682 operating on the route Poothotta-Aluva as ordinary City service. The permit holder is desired to vary the permit so as to operate 1st trip from Poothotta to Aluva via Edappally Bypass instead of Ernakulam South and to operate 2nd trip from Aluva to Poothotta via Kaloor, Kathrikkadavu and to operate 3rd trip only up to Kalamassery Medical College by curtailing service to Aluva and to operate 4th trip from Kalamassery Mediical college to Poothotta and to operate 5th trip from Poothotta to Aluva via Kathrikkadavu. This authority considered the application in detail. The proposed variation includes deviation and curtailment. The enquiry officer has reported that the deviation of trips through Kathrikkadavu and Bypass and service to Medical college will be beneficial to the travelling public and it will be helpful for reducing the traffic congestion in the city. The curtailment area is well served area. There is no additional overlapping on notified schemes. Hence the proposed variation is granted subject to the settlement of timings.

Item No. 37

Heard. The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-39-B-655 operating on the route Aluva-Fortkochia as ordinary City service. The permit holder is desired to vary the permit as Eloor Depot-Fort Kochi by curtailing major trips to Aluva from Edappally Signal Jn and deviating service to Eloor Depot via Kunnumpuram, Muttar, Manjummel and Eloor. This authority considered the application in detail. The proposed variation includes deviation and curtailment. The enquiry officer has reported that the deviation of trips from Edappally Signal Jn to Eloor Depot is beneficial to the travelling public and the curtailment of trips to Aluva will not affect since that portion is well served. The curtailment of service will be helpful for reducing the traffic congestion in the city. There is no additional overlapping on notified schemes. Hence the proposed variation is granted subject to the settlement of timings.

Item No. 38

1. Perused the Judgment of Hon'ble STAT in MVAA No.385/2010 dtd 07/12/2013

2. Heard. The learned Counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AM-4217 operating on the route Ameda-Ponekkara-Alinchuvadu as ordinary City service. The permit holder had applied for variation of permit during the year 2010 so as to operate service as Ameda-Ponekkara by curtailing service from Kaloor to Alinchuvadu and deviation of service through from Kaloor to kadavanthara via Kathrikkadavu. This authority in its sitting dtd 19/11/2010 considered the application and rejected the same on the ground that the curtailment of service will adversely affect the travelling public and there is no change of circumstances under Rule 145(6) of KMV Rules. Now vide judgment in MVAA No.385/2010 dtd 07/12/2013, the Hon'ble STAT has set aside the earlier order of this authority and directed to consider both aspects of variation such as curtailment and deviation before taking a decision. In view of the judgment, this authority elaborately considered the application. This authority feels that the curtailment of service to Alinchuvadu will adversely affect the travelling public. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation. In this case so many objections have been received against the curtailment of service to Alinchuvadu. Hence it cannot be allowed.

The applicant is also desired to operate certain trips from Kaloor to Kadavanthara via Kathrikkadavu. This authority feels that sufficient stage carriages are operating through the proposed portion. Hence there is no necessity warranting under rule 145(6) of KMV Rules for the proposed variation. Hence the application for variation of permit is hereby rejected.

Item No. 39

1. Perused the Judgment of Hon'ble High Court of Kerala in WP© No.8536 of 2014

Heard. The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-60-4255 operating on the route Aluva-Eramalloor as ordinary moffusil service. By the proposed variation, the permit holder is desired to extend the service up to Nuval

College and to curtail trips between Thoshiba to HMT and trips fro Aroor Temple and Trippunithura.This authority in its earlier sitting dtd 06/01/2014 vide item No.37 considered the application and rejected the same since the curtailment of service adversely affect the travelling public and the proposed timings are not feasible for the students of NUALS college.Vide Judgment in WP© No.8536/2014,the Hon'ble High Court has directed this authority to reconsider the matter and take a decision on the basis of positive enquiry report of the field officer.The enquiry officer has reported that the curtailment of trips willnot affect the travelling public and the proposed extension is beneficial to the students of NUALS college.In view of the enquiry report and the judgment of Hon'ble High Court of Kerala,this authority is constrained to grant proposed variation.Hence proposed variation granted subject to settlement of timings.

Item No. 40

Heard.The learned Counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-17-A-4440 operating on the route Aluva-Thoppumpadyr as ordinary city service. By the proposed variation,the permit holder is desired to extend 1st trip from Aluva up to Illichodu and to curtail trips from Thevara Jn to Thoppumpady in the 3rd,5th and 9th trips and to curtail the portion from Mattancherry Halt to Thoppumpady in the 7th trip.This authority considered the matter in detail.The enquiry officer has reported that the extension of service to Illichodu will helpful to the travelling public and the curtailment of existing trips will not affect travelling public since that portions are well served.Hence proposed variation granted subject to settlement of timings.

Item No. 41

1.Perused the Judgment of Hon'ble High Court of Kerala in WP© No.8716 of 2014

Heard.The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AJ-2853 operating on the route Poothotta-Kakkanad as ordinary city service.In the proposed variation the permit holder is intended to operate 3rd trip from Poothotta only up to Kaloor by curtailing service to Kakkanad from Kaloor.He is aslo intended to four trips to Kaloor from High Court Jn and to deviate service of 7th and 8th trips via KK Road insted of Menaka.The proposed variation includes curtailment and deviation.The.This authority in its earlier sitting dtd 06/01/2014 vide item No.38 considered the application and rejected the same since the curtailment of service adversely affect the travelling public and there is no parking place at High Court Jn.Vide Judgment in WP© No.8716/2014,the Hon'ble High Court has directed this authority to reconsider the matter and take a decision on the basis of enquiry report of the field officer.In view of the enquiry report and judgment of Hon'ble High Court this authority reconsidered the application in detail.The enquiry officer has reported that the curtailment of trips will not affect the travelling public and the proposed deviation of service through K.K Road is beneficial to the travelling public.In view of the enquiry report and the judgment of Hon'ble High Court of Kerala,this authority is constrained to grant proposed variation.Hence proposed variation granted subject to settlement of timings.Secretary,RTA is directed to consider the application for replacement of the vehicle in compliance to the provisions of Rule 174 of KMV Rules.

Item No. 42

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-03-P-5556 operating on the route DonBosco-Aluva-HMT Jn as ordinary service. In the proposed variation the permit holder is desired to operate 7th trip as Don Bosco-HMT Jn and to limit 5th trip serves only up to Aluva. This authority considered the application in detail. By the proposed variation, the intention of the permit holder is only to change the existing timings of the major trips. This authority feels that alteration in the settled position of timings on the sector will adversely affect the travelling public and other operators. Timings of the vehicle was recently altered in view of the judgment of Hon'ble High Court. Hence there is no need under rule 145(7) if KMV Rules for a further revision of timings. Interest of the travelling public is the prime consideration for the grant of a variation. The existing benefits enjoyed by the public shall not be deprived of consequent to the variation of permit. Hence curtailment of service cannot be allowed. In this case no public interest reported. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation. Hence the application for variation of permit rejected.

Item No. 43

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit on the route Kakkanad-Perumbalam Ferry as ordinary service. In the proposed variation, the permit holder has desired to vary the permit so as to operate 3rd and 9th trip from Pipe line Jn to Vyttila via Bypass instead of going via Kaloor. This authority considered the application in detail. The vehicle KL-07-BE-5945 was covered by this regular permit and the permit holder had released the vehicle from permit by keeping the permit under suspended animation. The applicant is defaulted service for a period of two years and hence denied the travelling facility to the general public. This authority feels that there is no need for variation in respect of a defaulting or non operating service. The application for variation will consider after the permit holder resumes the stage carriage service with a new stage carriage in place of stage carriage KL-07-BE-5945. Hence adjourned.

Item No. 44

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AU-6751 on the route Aluva-Edayar as ordinary service. In the proposed variation, the permit holder has desired to vary the permit so as to extend service in the 1st and last trips up to Methanam New Bridge and to curtail service to Aluva from Edayar in the last trip and also to change the starting and halting place to Methanam New Bridge. This authority considered the application in detail. The enquiry officer has reported that the extension of service to Methanam New Bridge is beneficial to the travelling public and school going students of that area. But in the same time the curtailment of night to Aluva and return trip to Edayar will adversely affect the travelling public. Hence curtailment of trips in the existing service cannot be allowed. The enquiry officer has also reported that the portion of extension portion from panayikulam Lodge stop to Methanam bridge which is 1.7 km is virgin. Hence the extension of service to Methanam new Bridge granted without curtailing any

trips in the existing service subject to the production of road fitness certificate from the PWD. Secretary, RTA is directed to settle timing in the extension portion if necessary.

Item No. 45

Heard the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BC-7475 on the route Kothad-Chittoor Ferry-Kadavanthara as ordinary service. In the proposed variation, the permit holder has desired to vary the permit so as to extend service up to Kothad Ferry from Kothad Bridge in all trips and extending the 9th trip up to Kochukadavanthara and to extend service to Hindustan Lever Co Jn from High Court Jn in the 10th trip. By the proposed variation the starting and halting place will be changed to Kothad Ferry. This authority considered the application in detail. The proposed variation included extension and curtailment. The enquiry officer has reported that proposed extension to Kothad Ferry, Koch Kadavanthara and to Hindustan Lever Jn are beneficial to the travelling public. The enquiry officer has reported that the portion of the extension portion from High Court Jn to Hindustan lever co Jn which is 1.7 km in length is virgin portion. Hence the variation as applied for granted subject to the production of fitness certificate from the PWD Authority and settlement of timings.

Item No. 46

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-17-BC-6382 on the route Pallithode-Mundamveli via PT Jacob road as ordinary moffusil service. In the proposed variation, the permit holder has desired to vary the permit so as to operate 2nd, 4th and 6th trip via R.C Road and to operate a cut trip avoiding portion from Thoppumpady to Mudamveli. This authority considered the application in detail. The proposed variation includes deviation and curtailment. The enquiry officer has reported that the proposed deviation through RC Road is beneficial to the travelling public in that area. But the curtailment of service to Mundamvely in the 7th trip will adversely affect the travelling public. Interest of the public is the prime consideration for the grant of variation in an existing permit. In this case the proposed curtailment is against the interest of the public. Hence the curtailment of trip cannot be allowed.

Hence proposed deviation of service through RC road granted without any other change in the existing service subject to settlement of timings.

Item No. 47

1. Perused the Judgment of Hon'ble High Court of Kerala in WP© No.8665 of 2014

2. Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-39-F-9696 operating on the route Poothotta-Kakkanad as ordinary city service. In the proposed variation the permit holder is desired to operate 2nd trip from Palarivattom to Vyttila via Bypass instead of Menaka and Ernakulam. The proposed variation includes curtailment and deviation. This authority in its earlier sitting dtd 06/01/2014 vide item No.48 considered the application and rejected the same since the curtailment of service adversely affect the travelling public and there is no necessity for the grant of proposed variation. Vide Judgment in WP©

No.8665/2014,the Hon'ble High Court has directed this authority to reconsider the matter and take a decision on the basis of enquiry report of the field officer.In view of the enquiry report and judgment of Hon'ble High Court this authority reconsidered the application in detail.The enquiry officer has reported that the curtailment of trips will not affect the travelling public and the proposed deviation of service from Palarivattom to Vyttila via Bypass will help to reduce the traffic congestion in the city area and hence beneficial to the travelling public.In view of the enquiry report and the judgment of Hon'ble High Court of Kerala,this authority is constrained to grant proposed variation.Hence proposed variation granted without changing the existing timings.

Item No. 48

Heard.The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-05-U-6402 operating on the route Aluva Bus Stand-Poothotta as ordinary city service.In the proposed variation the permit holder is desired to operate 2nd trip from Aluva via HMT,Seaport-Airport Road and Kakkanad and then to Trippunithura avoiding trip to univesity Centre.The existing trip from Poothotta to Aluva at 4.11 PM is proposed to operate via HMT Jn avoiding University centre.He has also desired to operate trip from Poothotta at 11.31 am via University Centre.This authority considered the application in detail in the sitting held on 06/01/2014 and adjourned the decision with direction to furnish a detailed report stating whether the curtailment of service to CUSAT adversely affect the students and travelling public.This authority reconsidered the application in view of the detailed report furnished by the field officer.The enquiry officer has reported that the curtailment of service to CUSAT(University Centre) will adversely affect the students and travelling public.The existing benefits enjoyed by the travelling public shall not be deprived of consequent to the variation.This authority feels that by the proposed variation,the intention of the permit holder is only to avoid students in the morning and evening trips.Hence it cannot be allowed.Another variation proposed by the applicant is to operate one additional trip to CUSAT at noon,ie 11.31 am trip from Poothotta by curtailing service to Aluva from South Kalamassery via Vallathol Jn and Thoshiba.The enquiry officer has reported that there is no sufficient stage carriages are operating through Thoshiba and hence the curtailment will adversely affect the travelling public.Moreover there is no necessity under rule 145(6) warranting for the variation. Hence the appication for proposed variation is hereby rejected.

Item No. 49

Heard.The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BC-7114 operating on the route Aluva -Thevara Jn as ordinary city service.In the proposed variation the permit holder is desired to operate 1st and last trip via Toshiba,medical College and NUALS college,Thorappu and Kombara and to operate 2nd and 8th trip via NAD,Pallilamkara,Thoshiba and HMT and to operate 7th trip via Menaka instead of Padma.This authority considered the application in detail.The enquiry officer has reported that the curtailment of existing service in the 1st,7th and 8th trips will adversely affect the travelling public. The existing benefits enjoyed by the travelling public shall not be deprived of consequent to the variation of existing permit.Hence the curtailment of trips cannot be allowed.There is no

necessity or public interest reported for the proposed extension. By the proposed deviation of 7th trip via Menaka, the portion of the route from KPCC Jn to Madhava Pharmacy which is 2.6 km objectionably overlapping on Trivandrum-palakkad, Trivandrum-Kannur and Trivandrum-Thrissur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause(19) of the above said notification, the right to operate new trips or additional trip on notified route or its portions are exclusively reserved for State Transport Undertaking. In this case the applicant proposed additional operation of trip(2.6 km) on notified schemes. This authority is prevented from the grant of permit on notified route violating the scheme of nationalization. Hence the application for variation of permit is hereby rejected.

Item No. 50

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-05-AH-7354 operating on the route Nedumkandam-Sreekandapuram as Super Express Service. The regular permit is valid up to 24/01/2017. The permit holder is desired to vary the permit as Parakkadavu-Sreekandapuram by curtailing service from Parakkadavu to Nedumkandam which is 23.7 km. This authority considered the application in detail. The proposed variation includes curtailment only. The entire variation portion is lying under Idukki district. Hence prior concurrence of the RTA concerned is necessary under rule 171(3) of KMV Rules 1989 for the grant of a variation. Hence Secretary is directed to seek concurrence of RTA, Idukki. Hence adjourned.

Item No. 51

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AE-7755 operating on the route Willington Island-Pallithode as ordinary moffusil service. In the proposed variation the permit holder is desired to operate service only up to Thoppumpady avoiding the portion via Palluruthy, Thoppumpady, Kumbalangy Vazhi and deviating via Kannamaly, Kandakkadavu, Pazhangattukavala, Perumpadappu, Kumbalangi Vazhi and Palluruthy Veli. This authority considered the application in its sitting held on 06/01/2014 and adjourned decision with direction to the applicant to furnish a modified time schedule without disturbing the timings of other existing operators. The applicant has furnished a modified time schedule and slight changes in the proposal for variation. The enquiry officer has reported that the proposed timings will lead to unhealthy competition among the other operators on the sector. He has not report whether the proposed variation adversely affect the existing passengers and there is any advantage in the proposed deviation. Secretary, RTA is directed to conduct a detailed enquiry on the above matter and the applicant is directed to propose a modified time schedule as per early direction of this authority. Hence adjourned.

Item No. 52

Heard. The learned counsel Adv.G.prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AS-8169 operating on the route Pallikkara-Thevara Ferry as ordinary moffusil

service. The permit holder has applied for variation of permit so as to operate 6th and 10th trips to Pallikkara for operating two trips to Chittethukara in the same trips. This authority considered the application in detail. As per the proposed time schedule the permit holder is intended to change the timings of 10th, 11th and 12th trips so as to avoid night trip (at 8.09 pm) from Thevara Ferry to Kakkanad (at 9.03 pm). The enquiry report is not specific. The enquiry officer has not furnished whether the alteration of timings in the last three trips especially in the last trip adversely affect the existing travelling public or not. Secretary RTA is directed to conduct a detailed enquiry in this regard and place the matter before next sitting of this authority. Hence adjourned.

Item No. 53

Heard the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BA-7767 operating on the route Kadappara-Aluva as ordinary moffusil service. The permit holder has applied for variation of permit so as to limit the 9th trip from Kadappara only up to Kalady and return to Kadappara by curtailing the service to Aluva. This authority considered the application in detail. The enquiry officer has reported that the limiting of 9th trip at Kalady will not affect the passengers since after that service other stage carriages are operating service to Aluva. But he has reported that the curtailment of last trip from Aluva to Kadappara at 9.10 PM will adversely affect the travelling public since it is the last service to Kadappara from the town Aluva and public depend on this service to reach their destination and hence the curtailment cannot be compensated. The existing benefits enjoyed by the travelling public shall not be deprived of consequent to the variation of existing permit. So many objections are received against the curtailment of last trip from Aluva. Hence the curtailment of last trip cannot be allowed. Hence the application for variation of permit is hereby rejected.

Item No. 54

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BH-8052 operating on the route Thoppumpady-Aluva as ordinary city service. The permit holder has applied for variation of permit so as to operate 1st trip from HMT to Pukkattupady via Medical College and Kangarappady and to operate 2nd trip from Pukkattupady to Thoppumpady via Edappally Toll and to operate 7th trip from Thevara Jn to Medical College after curtailing trip to Aluva and to operate 8th trip from Medical College to Thoppumpady and to operate 9th trip from Thoppumpady to Pukkattupady via Edappally Toll and to operate 10th trip from Pukkattupady to HMT Jn via Kangarappady. This authority considered the application in detail. The enquiry officer has reported that the proposed deviation to Medical College and Pukkattupady is beneficial to the travelling public. There is no additional overlapping. Hence variation of permit as applied granted subject to settlement of timings.

Item No. 55

1. Perused the Judgment of Hon'ble High Court of Kerala in WP© No.5485/2014

2.Heard.The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-17-9192 operating on the route Aluva-Eramalloor as ordinary service.The permit holder has applied for variation of permit so as to operate trip Nos.3,5,7 and 8 through Vyttila and Bypass instead of South and MG Road.This authority in its earlier sitting dtd 03/10/2013 considered the application and rejected the same stating objectionable overlapping.Now vide judgment in WP© No.5485/2014,the Hon'ble High Court has set aside the order of this authority and directed to consider the application afresh in view of the enquiry report of the field officer and after hearing objectors,petitioner and KSRTC.In view of the above order,this authority reconsidered the matter and heard the concerned.The enquiry officer has reported that there is no additional overlapping on the notified route.This authority feels that the proposed deviation through bypass will reduce the present traffic congestion happened in the city due to the ongoing works related to the Kochi Metro Rail project.In view of the judgment of Hon'ble High Court,variation of permit granted as applied subject to settlement of timings.

Item No. 56

Heard.The learned counsel Adv.G.prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-39-A-9190 operating on the route Eramalloor-Kaloor as ordinary service.The permit holder has applied for variation of permit so as to operate 1st,3rd,7th and 9th trip up to Chellanam via Ezhupunna,Chakkarachal Bund road and Gunduparambu.The permit holder has also desired to operate all trips from Kaloor via KK Road instead of MG Road.This authority considered the application in detail.The proposed variation includes curtailment,deviation and extension.The enquiry officer has reported that the deviation of service through KK road will reduce the present traffic congestion within the city limit due to the ongoing Kochi Metro Rail works and hence it will be beneficial to the travelling public.he has also reported that the extension portion from Aroor Bridge to Chakkarachal Bund road which is 10.8 km in length lies under Alappuzha district.Hence the concurrence of RTA in that region is necessary for the grant of proposed extension as per rule 171(3) of KMV Rules 1989.Hence Secretary,RTA is directed to seek concurrence of RTA,Alappuzha. He is also directed to place the variation application as a whole before this authority after the obtaining report from sister RTA Alappuzha and initiate departmental action on pending check reports including suspension of permit.Hence adjourned.

Item No. 57

1.Perused the Judgment of Hon'ble STAT in MVAA No.286/2012 dtd 03/04/2014

2.Heard.The learned counsel Adv.G.prabhakaran appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-40-8640 operating on the route Cheranelloor-Trippunithura as ordinary city service.The permit holder has applied for variation of permit so as to operate four trips via Kundannoor,Maradu,Mini Bypass.This authority in its earlier sitting dtd 17/07/2012 considered the another application for variation and rejected the same due to objectionable overlapping on notified schemes.In view of the judgment of Hon'ble High Court this authority considered the modified proposal filed by the applicant.The enquiry officer has not reported the feasibility of the new variation proposed.Hence Secretary,RTA is directed to conduct a detailed and specific

enquiry on modified proposal and place before next sitting of this authority.Hence adjourned.

Item No. 58

1.Perused the Judgment of Hon'ble High Court of Kerala in WP© No.5932/2014 11/03/2014

2.Heard.The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-40-D-9679 operating on the route Poothotta-Kakkanad-CSEZ as ordinary city service.By the proposed variation the permit holder intended to curtail the trips to Kakkanad and to extend service from High Court to Kaloor in two trips.This authority in its earlier sitting dtd 03/10/2013 considered the application and rejected the same on the grounds that the curtailment of service to Kakkanad will adversely affect the travelling public.Now vide judgment inWP© No.5932/2014,the Hon'ble High Court has set aside the order of this authority and directed to consider the application afresh after hearing the petitioner.In view of the judgment of Hon'ble High Court of Kerala ,this authority considered the application and heard the concerned.The enquiry officer has reported that the curtailment portion is well served and the extension of service to Kaloor is beneficial to the travelling public.On the basis of above facts and in view of the judgment of Hon'ble High Court proposed variation of permit granted subject to settlement of timings.

Item No. 59

Heard.The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for variation of regular permit in respect of stage carriage KL-43-D-9420 operating on the route Chellanam-Cheranelloor as ordinary service. By the proposed variation the permit holder intended to operate 3rd and 5th trips to Chittoor Ferry avoiding trips to Cheranelloor.This authority considered the application in detail.The proposed variation includes extension and Curtailment.The enquiry officer has reported that the curtailment of trips to cheranelloor will not adversely affect the travelling public since sufficient stage carriages are operating on that sector.He has also reported that the extension of service to Chittoor Ferry is beneficial to the travelling public of that area.There is no additional overlapping.Hence proposed variation granted subject to the settlement of timings.

Item No.60

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-07-AP-144 operating on the route Fort Kochi-W.Island as Ordinary City Service. The permit holder has not filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act.The applicant has requested to condone delay in filing application. This authority considered the application in detail. The route having length of 11.8 kms and the route objectionably overlapping on Trivandrum-Palakkad and Trivandrum-Canannore notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006.There is a stay for clause (4) of above said notification. Hence delay in filing applicaion is condoned and renewal of permit granted subject to the

notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.61

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriage KL-05-W-207 operating on the route Elappara-Veegaland as Ordinary Moffusil Service. This authority considered the application in detail. The route having length of 134 kms in which 16 kms lies under the jurisdiction of RTA,Idukki and 57 kms lies under the jurisdiction of RTA,Kottayam.Secretary,RTA is directed to seek concurrence of sister RTAs.Hence adjourned.

Item No.62

Heard. The learned counsel Adv. Gopinathan Nair appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriage KL-07-AD-721 operating on the route Pala-Ernakulam as LSOS. This authority considered the application in detail. The route having length of 70 kms in which 22 kms lies under the jurisdiction of RTA,Muvattupuzha and 22 kms lies under the jurisdiction of RTA,Kottayam. Secretary,RTA is directed to seek concurrence of sister RTAs. Hence adjourned.

Item No.63

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriage KL-07-BC-1551 operating on the route Kaloor-Pala as Ordinary Moffusil Service. This authority considered the application in detail. The route having length of 65 kms in which 16 kms lies under the jurisdiction of RTA,Muvattupuzha and 23 kms lies under the jurisdiction of RTA,Kottayam. Secretary,RTA is directed to seek concurrence of sister RTAs. Hence adjourned.

Item No.64

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-39-A-1269 operating on the route Aluva-Trippunithura as Ordinary City Service. This authority considered the application in detail. The permit holder was expired and the legal possessor of the vehicle has applied for the renewal of permit. The route having length of 28 kms and the route objectionably overlapping on Aluva-Kattappana notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009.There are two check reports are pending against the vehicle. This permit was issued prior to 09/05/2006.There is a stay for clause (4) of above said notification. Hence renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009. Secretary RTA is directed to initiate departmental action on pending check report and suspend the permit. The Secretary shall fix the period of suspension. The permit holder is given an opportunity to remit compounding fee U/S 86(5) of MV Act as decided by the secretary in lieu of the suspension of permit.

Item No.65

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-07-BF-2070 operating on the route Gothuruth-Ezhikkara as Ordinary moffusil

Service. This authority reconsidered the application in detail. The route having length of 16.3 km in which the portion from North Parur to Vadakkumpuram which is 4.4 km in length objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme. This authority revealed that most of the regular permit on the portions of the route Aluva-Vadakkumpuram violating the scheme of nationalization were issued in compliance to the Judgments of Hon'ble STAT and High Court of Kerala. Vide Judgments in WP© No.4435/2011 and connected cases, the Hon'ble High Court of Kerala has directed this authority to callback several permits issued on the portions of the Aluva-Vadakkumpuram complete exclusion scheme and other routes violating the schemes of nationalization and cancel the same.

Considering the above order of Hon'ble High Court of Kerala, stage carriage permits issued on any route violating the Aluva-Vadakkumpuram scheme cannot be renewed as such.

At the time of earlier consideration of the application and similar cases in view of the Judgment of Hon'ble High Court of Kerala, this authority revealed that KSRTC is not providing adequate service on the portions of the above scheme. Hence the abrupt withdrawal or stopping of service by the private stage carriages on the route is sure to cause tremendous inconvenience to the travelling public. In view of the above facts, this authority adjourned the decision in this matter and directed Secretary, RTA to submit a detailed study report contains all the facts to make a proper assessment.

Now the secretary, RTA has furnished a detailed study report in this regard. This authority reconsidered the application for renewal of permit in view of the above report, connected judgments and representations received from the public in detail.

The enquiry officer has reported that the abrupt withdrawal or stopping of private buses from the above route will lead to the denial of the travelling facility of public. Existing KSRTC service on the routes are not sufficient to cater the need of travelling public.

As there is no specific direction from the Hon'ble High Court except regarding route portion from Vedimara to Naluvazhy (Chendamangalam Jn) in this regard and KSRTC strongly objected the grant of renewal of permit on the portions of Aluva-Vadakkumpuram Scheme, this authority is decided to adjourn the matter before taking a final decision. Secretary RTA is directed to ascertain the frequency of the KSRTC service on the above scheme. He is also directed to request a legal opinion from the Advocate General in this regard.

Item No.66

1. Perused the judgment of Hon'ble High Court of Kerala in WP(C) No.6587 of 2014, wherein this authority is directed to consider the application for renewal of permit in accordance with law taking note of section 51(9) of MV Act.

2. Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriage KL-07-AN-2795 operating on the route Thuruthippuram-Mala as Ordinary moffusil

Service. This authority reconsidered the application in detail. The proposed route having length of 33 km in which 4.4 km objectionably overlapping on Trivandrum-Thrissur, Trivandrum-Palakkad and Ernakulam-Thrissur notified scheme published vide GO(p) No.42/2009/Tran dtd 14/07/2009. Clause(4) of the above notification is stayed by the Hon'ble High Court of Kerala. The vehicle is under hire purchase agreement with Shriram Transport Finance Co Ltd, Thrissur. The financier has filed objection against the renewal of permit. Vide judgment in WP(C) No.6587 of 2014 this authority is directed to consider the application for renewal of permit in accordance with law taking note of section 51(9) of MV Act. This authority reconsidered the application in view of the judgment of Hon'ble High Court of Kerala. The permit holder has filed an affidavit stating that though application for NOC filed, the financier refused to issue No objection Certificate and not communicated the reason for refusal within the prescribed period stipulated in the sub section (7) of Section 51 of MV Act. In view of the above statement, Judgment of Hon'ble High Court and considering the provisions of sub section(9) of Section 51 of MV Act, the renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.67

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-08-U-3079 operating on the route Angamaly-Mala as Ordinary moffusil Service. The permit holder has not filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. The applicant has requested to condone delay in filing application. This authority considered the application in detail. The route having length of 34.2 kms in which 15.2 km lying under the jurisdiction of RTA, Thrissur. Secretary, RTA is directed to seek concurrence of RTA, Thrissur. Hence adjourned.

Item No.68

Heard the learned counsel appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-15-4983 operating on the route Aluva-Trippunithura as Ordinary Service. The STU is the applicant. The permit holder has not filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. The applicant has requested to condone delay in filing application. This authority considered the application in detail and satisfied with the reason for delay in filing application for renewal of permit. Hence delay condoned and renewal of permit granted .

Item No.69

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriage KL-35-D-2965 operating on the route Pala-Ernakulam(Kaloor) as Fast Passenger Service. This authority elaborately considered the application in view of existing law, notification and Judgments. The service is operating as Fast Passenger Service. As per GO(P) No.73/2013/Tran dtd 16/07/2013, the right to operate any class of service other than ordinary service is in the state of Kerala reserved exclusively for State Transport Undertaking. As per clause(3) of the above notification, the higher class permits such as Fast passenger, Super Fast and Super express etc issued in private sector will be allowed to continue till the expiry of the respective permits. Thereafter no permits shall be renewed .Vide Judgment in WP(c)

No.18959/2013 dtd 17/03/2014,the Hon'ble High Court of Kerala has also uphold the above notification. If the permit is renewed as Fast Passenger Service,it will be the clear violation of above notification and connected Judgments. Hence the application for renewal of permit as Fast Passenger Service is hereby rejected. However the permit holder is free to apply for conversion of service as ordinary service.

Item No.70

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-40-A-4849 operating on the route Eroor Gate-Puthukkalavattom as Ordinary City Service. The permit holder has not filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act.The applicant has requested to condone delay in filing application. This authority considered the application in detail. The route having length of 24.5 kms and the route objectionably overlapping on Trivandrum-Palakkad and Trivandrum-Canannore notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006.There is a stay for clause (4) of above said notification. This authority satisfied with the reason for delay in filing application within the prescribed period. Hence delay in filing application is condoned and renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.71

1.Perused the Judgments of Hon'ble High Court of Kerala in WP(c) No.28741/2013 dtd 29/11/2013 and in WP(c) No.29253/2013 dtd 03/12/2013

2.Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriages KL-05-U-1632 and KL-05-N-4662 operating on the route Changanassery-Konnakkad as LSOS in the opposite directions.

The regular permits of the vehicle was expired during the year 2007.This authority in its earlier sitting dtd 14/05/2013 considered the application for renewal of permits and transfer of permits and adjourned decision for want of concurrence for renewal of permit from sister RTAs. Now vide judgment in WP(c) No.28741/2013 & 29253/2013,the Hon'ble High Court has directed this authority to consider the applications for renewal of permits and transfer of permits within a period of six months. This authority reconsidered the application in view of judgments of Hon'ble High Court of Kerala in WP(c) No.28741/2013 dtd 29/11/2013 and in WP(c) No.29253/2013 dtd 03/12/2013.Application for transfer of permits are placed as another item in this agenda and decision on that matter will be taken separately while considering the concerned item.

This authority considered the application for renewal of permits as LSOS in detail in view of the judgment of Hon'ble High Court of Kerala. The route having length of 570km and lies under the jurisdiction of eight Regional Transport Authorities.RTA Thrissur ,RTA Kozhikode and RTA Vada kara have rejected the request for concurrence for renewal of permit from the year 2007.RTA,Idukki has also rejected the concurrence for renewal of permit from the year 2012.An inter district permit is not valid in a region without concurrence of the RTA in that region

concerned as per Rule 171 of KMV Rules. In this case, the most of the sister RTAs rejected the concurrence for renewal of permit. Hence the permits cannot be renewed as such. Moreover, the vehicles were covered by permits to operate service as Limited Stop. As per Rule 2(oa), "Ordinary service means a service, which is operated on a route having a distance of not more than 140 kms." In this case the route having length of 570 km and hence the permit cannot be renewed as Limited Stop Ordinary Service. If the permit is renewed as LSOS, it will be the clear violation of MV Act and Rules. Hence the application for renewal of permit as LSOS is hereby rejected.

Since there is no regular permit the application for replacement of the vehicle is also rejected.

Item No.72

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-04-Y-4533 operating on the route Aluva-Thoppumpady as Ordinary City Service. This authority in its earlier sitting dtd 06/01/2014 vide item No.62 and adjourned decision for verifying the genuineness of the NOC issued by the financier and address of the permit holder since the NOC was issued by another branch and a communication issued to the permit holder returned undelivered. Now the permit holder has produced NOC issued by the original branch and enquiry officer has reported that the address of the permit holder is genuine. On the basis of above fact this authority reconsidered the application. The route having length of 27 km and the route objectionably overlapping on Trivandrum-Palakkad and Trivandrum-Canannore notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006. There is a stay for clause (4) of above said notification. Hence renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.73

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriage KL-05-Q-2975 operating on the route Ezhupunna Ferry-Kaloor as Ordinary moffusil Service. The permit holder has not filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. The applicant has requested to condone delay in filing application. This authority considered the application in detail. The route having length of 29.9 kms in which 17.2 kms lies under the jurisdiction of RTA, Alappuzha. This authority satisfied with the explanation for delay happened in filing application. Hence delay condoned and Secretary, RTA is directed to seek concurrence of RTA, Alappuzha. Hence adjourned.

Item No.74

1. Perused the judgment of Hon'ble High Court of Kerala in WP(c) No.6517/2014

2. Heard. The learned counsel Adv.Jthesh Menon appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-06-B-4383 operating on the route Aluva-South Chittoor as Ordinary moffusil Service and replacement of the vehicle. This authority considered the application and connected files in detail. The regular permit issued to the vehicle was expired

on 16/10/2013. The applicant had not filed application for renewal of permit within the prescribed period stipulated U/S 81(2) of MV Act. Vide judgment in WP(c) No.6517/2014, the Hon'ble High Court of Kerala has directed this authority to consider the application for renewal of permit and replacement of the vehicle filed by the petitioner in accordance with law. On perusal of the file it reveals that the applicant was defaulted service for a long duration of 5 years. The vehicle was under non use intimation with effect from 01/07/2010. Hence it is clear that the applicant is not able to maintain a stage carriage service for the general public. The permit was granted by this authority for operating a regular service for the convenience of the travelling public. The permit holder was failed to operate a regular service. This action of the permit holder caused refusal of stage carriage service on the said route where there is lack of services and the passengers were put on to untold miseries. On consideration of the complaints from the public and request of the other operators on the sector the timings of the vehicle was issued to other operators during the timing conferences convened consequent to the grant of fresh permit or the grant of variation of permit and revision of timings. The stage carriage KL-06-B-4383 is under tax arrear and revenue recovery steps are being initiated against the applicant for realizing the tax arrear. Hence the applicant has proved that he is not able to maintain a stage carriage service for providing better conveyance facility to the public without break. The applicant had applied for the grant of temporary permit on the same route and Secretary RTA rejected the same on the ground that there is no necessity U/S 87(1)C for the grant of temporary permit on that route. Moreover this authority is not satisfied with the explanation offered by the applicant for the inordinate delay in filing application within the prescribed period.

The portion of the route from Aluva to Thottakkattukara is objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme. This authority is not in a position to grant renewal of permit on a complete exclusion scheme violating the scheme of nationalization. The KSRTC vehemently objected the grant of renewal on the portion of Aluva-Vadakkumpuram complete exclusion scheme. Other stage carriage operators on the sector are objected the renewal of the permit of a stage carriage which was defaulted service for a long years. The route is also objectionably overlapping on Trivandrum-Kannur and Trivandrum-Palakkad notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. Moreover Vide judgment in WP(c) No.4435/2011 and connected cases, the Hon'ble High Court has directed this authority to cancel several permits issued on the portions of Aluva-Vadakkumpuram complete exclusion scheme violating the scheme of nationalization. In this circumstances this authority is hereby rejected the application for renewal of permit.

Since this authority rejected the application for renewal of permit, there is no provision in Motor vehicle act to replace the vehicle not having a valid permit. Hence the application for replacement is hereby rejected.

Item No.75

Heard. The learned counsel Adv. Gopinathan Nair appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriage KL-04-D-4601 operating on the route Pallithode-Kaloor as Ordinary moffusil Service and replacement of the vehicle. This authority considered the application in detail. This authority on circulation sought concurrence of

RTA, Alappuzha for renewal of permit. Now RTA Alappuzha granted concurrence for renewal of permit with effect from 27/11/2012. The route having length of 36.3 kms and the route objectionably overlapping on Trivandrum-Palakkad and Trivandrum-Canannore notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006. There is a stay for clause (4) of above said notification. Hence renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Secretary RTA is directed to consider the application for replacement and take a decision in accordance with the provisions of Rule 174 of KMV Rule.

Item No.76

Heard. The learned Counsel Adv. Gopinathan Nair appeared for the applicant. This is an application for renewal of permit in respect of stage carriage KL-05-S-2795 operating on the route Gothuruth-Cheranelloor as ordinary service. The route having length of 25 km in which the portion of the route from North Parur to Vadakkumpuram which is 4.4 km in length objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme. This authority revealed that most of the regular permit on the portions of the route Aluva-Vadakkumpuram violating the scheme of nationalization were issued in compliance to the Judgments of Hon'ble STAT and High Court of Kerala. Vide Judgments in WP© No.4435/2011 and connected cases, the Hon'ble High Court of Kerala has directed this authority to callback several permits issued on the portions of the Aluva-Vadakkumpuram complete exclusion scheme and other routes violating the schemes of nationalization and cancel the same.

Considering the above order of Hon'ble High Court of Kerala, stage carriage permits issued on any route violating the Aluva-Vadakkumpuram scheme cannot be renewed as such.

At the time of earlier consideration of the application and similar cases in view of the Judgment of Hon'ble High Court of Kerala, this authority revealed that KSRTC is not providing adequate service on the portions of the above scheme. Hence the abrupt withdrawal or stopping of service by the private stage carriages on the route is sure to cause tremendous inconvenience to the travelling public. In view of the above facts, this authority adjourned the decision in this matter and directed Secretary, RTA to submit a detailed study report contains all the facts to make a proper assessment.

Now the secretary, RTA has furnished a detailed study report in this regard. This authority reconsidered the application for renewal of permit in view of the above report, connected judgments and representations received from the public in detail.

The enquiry officer has reported that the abrupt withdrawal or stopping of private buses from the above route will lead to the denial of the travelling facility of public. Existing KSRTC service on the routes are not sufficient to cater the need of travelling public.

As there is no specific direction from the Hon'ble High Court except regarding route portion from Vedimara to Naluvazhy (Chendamangalam Jn) in this regard and KSRTC strongly objected the grant of renewal of permit on the portions of Aluva-

Vadakkumpuram Scheme, this authority is decided to adjourn the matter before taking a final decision. Secretary RTA is directed to ascertain the frequency of the KSRTC service on the above scheme. He is also directed to request a legal opinion from the Advocate General in this regard.

Item No.77

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriage KL-07-AH-5799 operating on the route Karamattom-Angamaly as Ordinary moffusil Service. This authority considered the application in detail. The route having length of 20.06 kms in which 4 kms lies under the jurisdiction of RTA, Thrissur. There exist general concurrence of RTA, Thrissur for a distance up to 10 kms. The route objectionably overlapping on Trivandrum-Palakkad and Trivandrum-Canannore notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued after 09/05/2006. There is a stay for clause (4) of above said notification. Hence renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.78

Heard. The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for renewal of permit in respect of stage carriage KL-48-5948 operating on the route North Parur-Manjaly-Manjapra as ordinary service. The route having length of 31 km in which the portion of the route from North Parur to Vedimara which is 1.5 km in length objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme. This authority revealed that most of the regular permit on the portions of the route Aluva-Vadakkumpuram violating the scheme of nationalization were issued in compliance to the Judgments of Hon'ble STAT and High Court of Kerala. Vide Judgments in WP© No.4435/2011 and connected cases, the Hon'ble High Court of Kerala has directed this authority to callback several permits issued on the portions of the Aluva-Vadakkumpuram complete exclusion scheme and other routes violating the schemes of nationalization and cancel the same.

Considering the above order of Hon'ble High Court of Kerala, stage carriage permits issued on any route violating the Aluva-Vadakkumpuram scheme cannot be renewed as such.

KSRTC strongly objected the grant of renewal of permit on the portions of Aluva-Vadakkumpuram complete exclusion scheme especially through the portion from Naluvazhy (Chendamangalam) to violating the scheme of nationalization. This authority rejected another application for renewal of the permit of same nature for complying the direction of Hon'ble High Court in WP© No.363/2014 within the time limit.

In the above circumstances, the application for renewal of permit is hereby rejected.

Item No.79

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-02-R-7477 operating on the route Angamaly-Alattuchira as Ordinary moffusil

Service. The permit holder has not filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. The applicant has requested to condone delay in filing application. This authority considered the application in detail. The route having length of 29.2 kms and the route objectionably overlapping on Trivandrum-Palakkad and Trivandrum-Canannore notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006. There is a stay for clause (4) of above said notification. Hence delay in filing application is condoned and renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.80

1. Perused the judgment of Hon'ble High Court of Kerala in WP© No.363/2014

2. Heard. The learned Counsel Adv.P.Deepak appeared for the applicant. This is an application for renewal of permit in respect of stage carriage KL-07-BE-5032 operating on the route North Parur-Malayattoor-Manjaly as ordinary service. The route having length of 38 km in which the portion of the route from North Parur to Vedimara which is 1.5 km in length objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme. This authority revealed that most of the regular permit on the portions of the route Aluva-Vadakkumpuram violating the scheme of nationalization were issued in compliance to the Judgments of Hon'ble STAT and High Court of Kerala. Vide Judgments in WP© No.4435/2011 and connected cases, the Hon'ble High Court of Kerala has directed this authority to callback several permits issued on the portions of the Aluva-Vadakkumpuram complete exclusion scheme and other routes violating the schemes of nationalization and cancel the same.

Considering the above order of Hon'ble High Court of Kerala, stage carriage permits issued on any route violating the Aluva-Vadakkumpuram scheme cannot be renewed as such.

Vide judgment in WP© No.363/2014, the Hon'ble High Court has directed this authority to consider the application for renewal of permit after hearing objections from KSRTC within a time limit.

KSRTC strongly objected the grant of renewal of permit on the portions of Aluva-Vadakkumpuram complete exclusion scheme especially through the portion from Vedimara to Naluvazhy (Chendamangalam) violating the scheme of nationalization. This authority is prevented from the grant or renewal of permit on a complete exclusion scheme.

In the above circumstances, the application for renewal of permit is hereby rejected.

Item No.81

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-13-H-5699 operating on the route Kanakkankadavu-Manjapra as Ordinary moffusil Service. The permit holder has not filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. The applicant has requested to condone delay in filing application. This authority considered the application in detail. The route having length of 29.5 kms and the route

objectionably overlapping on Trivandrum-Palakkad and Trivandrum-Canannore notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006. There is a stay for clause (4) of above said notification. Hence delay in filing application is condoned and renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.82

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for renewal of inter district regular permits in respect stage carriages KL-36-A-7006 and KL-67-2400 operating on the route Manimala-Payyavur in opposite directions as Super Express service. The applicant has not filed application for renewal of permit with the time limit prescribed U/S 81 of MV Act. This authority elaborately considered the application in view of existing law, notification and Judgments. The service is operating as Super Express Service. As per GO(P) No.73/2013/Tran dtd 16/07/2013, the right to operate any class of service other than ordinary service is in the state of Kerala reserved exclusively for State Transport Undertaking. As per clause(3) of the above notification, the higher class permits such as Fast passenger, Super Fast and Super express etc issued in private sector will be allowed to continue till the expiry of the respective permits. Thereafter no permits shall be renewed and no permit regular or temporary shall be issued. Vide Judgment in WP(c) No.18959/2013 dtd 17/03/2014, the Hon'ble High Court of Kerala has also upheld the above notification. KSRTC vehemently objected the grant of renewal of permit as Super Express Service. This authority is not in a position to renew a stage carriage permit as Super Express Service violating existing notifications and judgments of Hon'bl High Court in this regard. If the permit is renewed as Super Express Service, it will be the clear violation of above notification and connected Judgments. Hence the application for renewal of permits in respect of stage carriages KL-36-A-7006 and KL-67-2400 as Super Express Service is hereby rejected.

Item No.83

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriage KL-32-D-6660 operating on the route Eloor-Cherthala as LSOS. This authority considered the application in detail. The route having length of 56 kms in which the portion of the route from Cherthala to Aroor Bridge which is 28 km in length lies under the jurisdiction of RTA, Alappuzha. Since this is an inter district permit concurrence of sister authority is necessary under rule 171 of KMV Rules. Secretary, RTA is directed to seek concurrence of RTA, Alappuzha. Hence adjourned.

Item No.84

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriage KL-36-B-7003 operating on the route Kottayam-Kakkanad-Pukkattupady as Fast Passenger Service. This authority elaborately considered the application in view of existing law, notification and Judgments. The service is operating as Fast Passenger Service. As per GO(P) No.73/2013/Tran dtd 16/07/2013, the right to operate any class of service other than ordinary service is in the state of Kerala reserved exclusively for State Transport Undertaking. As per clause(3) of the above notification, the higher class permits such as Fast passenger, Super Fast and

Super express etc issued in private sector will be allowed to continue till the expiry of the respective permits. Thereafter no permits shall be renewed and no permit regular or temporary shall be issued. Vide Judgment in WP(c) No.18959/2013 dtd 17/03/2014, the Hon'ble High Court of Kerala has also upheld the above notification. KSRTC vehemently objected the grant of renewal of permit as Fast Passenger Service. This authority is not in a position to renew a stage carriage permit as Fast Passenger Service violating existing notifications and judgments of Hon'ble High Court in this regard. If the permit is renewed as Fast Passenger Service, it will be the clear violation of above notification and connected Judgments. Hence in view of GO(P) No.73/2013 dtd 16/07/2013 and judgment of Hon'ble High Court of Kerala in WP(c) No.18959/2013 the application for renewal of permits in respect of stage carriages KL-36-B-7003 as Fast Passenger Service is hereby rejected.

Item No.85

Heard. The learned Counsel dv.G.Prabhakaran appeared for the applicant. This is an application for renewal of permit in respect of stage carriage KL-07-BB-6057. The vehicle is covered a regular permit on the route Gothuruth-Ernakulam. The route having length of 37 km in which the portion of the route objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme. Since there is a restriction to renew the permits on the portions of Aluva-Vadakkumpuram Scheme in view of the judgment of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, the permit holder has submitted a modified the route as North Parur-Ernakulam for avoiding objectionable portions and requested to renew the permit to operate on the modified route. The application for renewal of permit not filed within the stipulated period. Hence the applicant has requested to condone delay. This authority considered the application in detail. Before submitting the application for renewal of permit on a modified route the permit holder shall also apply for variation for permit in prescribed application by remitting prescribed fee. In this case the applicant has not applied for variation of permit. Hence the permit holder is directed to apply for variation of permit before the secretary, RTA. Hence adjourned. Secretary, RTA is directed to grant temporary permit on the modified route.

Item No.86

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-06-D-8413 operating on the route Perumbavoor-Thevara as Ordinary moffusil Service. The permit holder has not filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. The applicant has requested to condone delay in filing application. This authority considered the application in detail. The route having length of 46 kms in which kms and the route objectionably overlapping on Trivandrum-Palakkad, Trivandrum-Canannore and Aluva-Kattappana notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006. There is a stay for clause (4) of above said notification. Hence delay in filing application is condoned and renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.87

Heard. The learned Counsel Adv. Stalin Peter Davis appeared for the applicant. This is an application for renewal of permit in respect of stage carriage KL-07-AG-7747 operating on the route Arankavu Church-North Parur via Angamaly, Kalady, Athani, Chengamanad and Manjaly as ordinary service. The route having length of 43.3 km in which the portion of the route from North Parur to Vedimara which is 1.5 km in length objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme. This authority revealed that most of the regular permit on the portions of the route Aluva-Vadakkumpuram violating the scheme of nationalization were issued in compliance to the Judgments of Hon'ble STAT and High Court of Kerala. Vide Judgments in WP© No.4435/2011 and connected cases, the Hon'ble High Court of Kerala has directed this authority to callback several permits issued on the portions of the Aluva-Vadakkumpuram complete exclusion scheme and other routes violating the schemes of nationalization and cancel the same.

Considering the above order of Hon'ble High Court of Kerala, stage carriage permits issued on any route violating the Aluva-Vadakkumpuram scheme cannot be renewed as such.

Vide judgment in WP© No.363/2014, the Hon'ble High Court has directed this authority to consider the application for renewal of permit after hearing objections from KSRTC within a time limit.

KSRTC strongly objected the grant of renewal of permit on the portions of Aluva-Vadakkumpuram complete exclusion scheme especially through the portion from Vedimara to Naluvazhy (Chendamangalam) violating the scheme of nationalization. This authority is prevented from the grant or renewal of permit on a complete exclusion scheme.

In the above circumstances, the application for renewal of permit is hereby rejected.

Item No.88

Heard the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-07-AR-8550 operating on the route Cheranelloor-Mattancherry as Ordinary city Service. The permit holder has not filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. The applicant has requested to condone delay in filing application. This authority considered the application in detail. The route having length of 26 kms in which kms and the route objectionably overlapping on Trivandrum-Palakkad and Trivandrum-Canannore notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006. There is a stay for clause (4) of above said notification. Hence delay in filing application is condoned and renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.89

Heard the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-07-BB-8587 operating on the route Trippunithura-Trippunithura circular as Ordinary city Service. The permit holder has not filed application for renewal of permit within a time limit prescribed under

Section 81(2) of MV Act. The applicant has requested to condone delay in filing application. This authority considered the application in detail. The route having length of 28.5 kms in which kms and the route objectionably overlapping on Trivandrum-Palakkad and Trivandrum-Canannore notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006. There is a stay for clause (4) of above said notification. Hence delay in filing application is condoned and renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.90

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-08-U-9078 which was covered by regular on the route Cheranelloor-Perumbavoor-Willington Island as Ordinary moffusil Service expired during the year 2009. He has also filed application for replacement of the vehicle. This authority considered the application in detail on the basis of connected files. The vehicle is 1996 model and under hire purchase agreement with Sakthi Finance Ltd, Ernakulam. The regular permit issued to the stage carriage was expired on 17/01/2009. Thereafter the permit holder had filed application for renewal of permit on 13/01/2009. On scrutiny of the application the permit holder was directed produce NOC from the financier. But the applicant had failed to produce the NOC from the financier and there was no response from the permit holder. Subsequently the vehicle was attained the age of 15 years on 18/02/2011. But the applicant had not offered later model vehicle for replacement at that time. As per section 72(14) of MV Act 1988, an ordinary stage carriage shall be replaced on completion of the age of 15 years. In this case the applicant failed offer a suitable vehicle during the year 2011. Hence violated the condition prescribed under section 72 of MV Act. Hence the renewal of permit in respect of a vehicle which is not suitable for stage carriage operation cannot be allowed.

In this case the applicant has admitted that he was defaulted stage carriage operation from the year 2007. ie, for a long duration of 7 years. Hence it is clear that the applicant is not able to maintain a stage carriage service for the general public. The permit was granted by this authority for operating a regular service for the convenience of the travelling public. The permit holder was failed to operate a regular service. This action of the permit holder caused refusal of stage carriage service on the said route where there is lack of services and the passengers were put on to untold miseries. On consideration of the complaints from the public and request of the other operators on the sector the timings of the vehicle was issued to other operators during the timing conferences convened consequent to the grant of fresh permit or the grant of variation of permit and revision of timings. Hence there is no necessity for the renewal of permit which was defaulted service for a long duration of 7 years.

The stage carriage KL-08-U-9078 is under tax arrear from the year 2008. Hence the applicant has proved that he is not able to maintain a stage carriage service for providing better conveyance facility to the public without break. Hence the performance of the applicant as a stage carriage operator is very poor in the case of payment of tax during the period where the vehicle having valid permit. Hence the renewal of permit cannot be allowed in favour such operators.

In the above circumstances, this authority is hereby rejected the application for renewal of permit in respect of a stage carriage KL-08-U-9078.

The permit holder has offered another vehicle KL-17-A-4066 for replacement only on 08/05/2014 where the old vehicle completed the age of 15 years on 18/02/2011. Hence there is an inordinate delay from the part of permit holder. Since this authority rejected the application for renewal of permit from the year 2009, the application for replacement is also rejected.

Secretary RTA is directed to take departmental action to realize the pending tax arrear.

Item No.91

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for renewal of inter district regular permit in respect stage carriage KL-36-8023 operating on the route Moothedathukavu-Kaloor as LSOS.. This authority considered the application in detail. The route having length of 41 kms in which 17 km lying under the jurisdiction of RTA, Kottayam. The route objectionably overlapping on Trivandrum-Palakkad , Trivandrum-Canannore and Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The RTA, Kottayam granted concurrence for renewal of permit. This permit was issued prior to 09/05/2006. There is a stay for clause (4) of above said notification. Hence renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.92

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for renewal of intra district regular permit in respect stage carriage KL-42-C-7698 operating on the route Vypin-Gothuruth with extension to High Court Jn as Ordinary moffusil Service. This authority reconsidered the application in detail. The route having length of 36 km in which the portion from Chendamangalam Jn to Vadakkumpuram which is 4.1 km in length objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme. This authority revealed that most of the regular permit on the portions of the route Aluva-Vadakkumpuram violating the scheme of nationalization were issued in compliance to the Judgments of Hon'ble STAT and High Court of Kerala. Vide Judgments in WP© No.4435/2011 and connected cases, the Hon'ble High Court of Kerala has directed this authority to callback several permits issued on the portions of the Aluva-Vadakkumpuram complete exclusion scheme and other routes violating the schemes of nationalization and cancel the same.

Considering the above order of Hon'ble High Court of Kerala, stage carriage permits issued on any route violating the Aluva-Vadakkumpuram scheme cannot be renewed as such.

At the time of earlier consideration of the application and similar cases in view of the Judgment of Hon'ble High Court of Kerala, this authority revealed that KSRTC is not providing adequate service on the portions of the above scheme. Hence the abrupt withdrawal or stopping of service by the private stage carriages on the route is sure to cause tremendous inconvenience to the travelling public. In view of the above facts, this authority adjourned the decision in this

matter and directed Secretary,RTA to submit a detailed study report contains all the facts to make a proper assessment.

Now the secretary,RTA has furnished a detailed study report in this regard.This authority reconsidered the application for renewal of permit in view of the above report ,connected judgments and representations received from the public in detail.

The enquiry officer has reported that the abrupt withdrawal or stopping of private buses from the above route will lead to the denial of the travelling facility of public.Existing KSRTC service on the routes are not sufficient to cater the need of travelling public.

As there is no specific direction from the Hon'ble High Court except regarding route portion from Vedimara to Naluvazhy(Chendamangalam Jn) in this regard and KSRTC strongly objected the grant of renewal of permit on the portions of Aluva-Vadakkumpuram Scheme,this authority is decided to adjourn the matter before taking a final decision.Secretary RTA is directed to ascertain the frequency of the KSRTC service on the above scheme.He is also directed to request a legal opinion from the Advocate General in this regard.

Item No.93

Heard.The learned Counsel Adv.G.Prabhakaran appeared for the applicant.This is an application for renewal of permit in respect of stage carriage KL-06-E-237 operating on the route North Parur-Manjaly-Chalakkudy as ordinary service. The route having length of 35 km in which the portion of the route from North Parur to Vedimara which is 1.5 km in length objectionably overlapping on Aluva-Vadakkumpuram complete exclusion scheme.This authority revealed that most of the regular permit on the portions of the route Aluva-Vadakkumpuram violating the scheme of nationalization were issued in compliance to the Judgments of Hon'ble STAT and High Court of Kerala.Vide Judgments in WP© No.4435/2011 and connected cases,the Hon'ble High Court of Kerala has directed this authority to callback several permits issued on the portions of the Aluva-Vadakkumpuram complete exclusion scheme and other routes violating the schemes of nationalization and cancel the same.

Considering the above order of Hon'ble High Court of Kerala,stage carriage permits issued on any route violating the Aluva-Vadakkumpuram scheme cannot be renewed as such.

Vide judgment in WP© No.363/2014,the Hon'ble High Court has directed this authority to consider the application for renewal of permit after hearing objections from KSRTC within a time limit.

KSRTC strongly objected the grant of renewal of permit on the portions of Aluva-Vadakkumpuram complete exclusion scheme especially through the portion from Vedimara to Naluvazhy(Chendamangalam) violating the scheme of nationalization.This authority is prevented from the grant or renewal of permit on a complete exclusion scheme.

In the above circumstances,the application for renewal of permit is hereby rejected.

Item No.94

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AP-1405 operating on the route Edakochi-Mattancherry.Transfer of permit allowed subject to clearance of government dues and production of NOC,if any.

Item No.95

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AL-1105 operating on the route Fort Kochi-Willington Island.This authority in its earlier sitting dtd 06/01/2014 considered the application and rejected the due to the non production of NOC from the financier.Now the permit holder terminated the HPA and reconsider the application.Hence Transfer of permit allowed subject to clearance of government dues and production of NOC,if any.

Item No.96

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-35-2028 operating on the route Manjapra-Aluva.No check report or HPA pending.Transfer of permit allowed subject to clearance of government dues and production of NOC,if any.

Item No.97

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AX-2244 operating on the route Ponekkara-Fort Kochi.No check reports and No HPA.Hence transfer of permit allowed subject to clearance of government dues and production of NOC,if any.

Item No.98

1.Perused the judgment of Hon'ble High Court of Kerala in WP(c) No.6215/2014

2.Heard.The learned counsel Adv.P.Deepak appeared for the applicants.This is an application for transfer of permit(Death)in respect of stage carriage KL-39-A-1269 operating on the route Aluva-Trippunithura in the name of Smt.Santha Mohan,mother of the deceased permit holder.This authority considered the application in detail. As per the documents submitted, the permit holder expired on 28/05/2013 and thereafter,the mother of the deceased person has applied for transfer of permit.Vide Judgment in WP(c) No.6215/2014 dtd 12/03/2014,the Hon'ble High Court has directed this authority to if the applicant furnishes the details of the wife of her deceased son, issue notice to the wife of the deceased person and if there is no response,this authority shall consider the application for transfer of permit in accordance with law. In view of the details furnished by the applicant, Secretary RTA had issued notice by registered post with proper acknowledgment and the same was returned with remarks "No such address".The enquiry officer has reported that the whereabouts of wife of the permit holder is not known and the applicant is capable for maintain stage carriage service.The vehicle is under HPA and NOC from the financier produced.The applicant has not produced legal hireship certificate from the concerned authority.Objections filed by

the Vijaya Bank ,Trippunithura and Mr.Rajan,Manimandiram,Irumpanam P.O are not sustainable.

In view of the judgment of Hon'ble High Court of Kerala in WP(c) No.6215/2014, transfer of permit allowed on a condition that the permit and vehicle shall not transfer to any other person within a period of one year. The above grant will subject to the result of pending petitions in the various courts.

Item No.99

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit(Death) in respect of stage carriage KL-02-T-707 operating on the route North Parur-Vypin-High Court Jn.The permit holder was deceased and with the support of legal hire ship certificate issued by Tahsildar,Kochi,Smt.Bindu who is the wife of deceased permit holder has applied for transfer of permit in to her name.This authority feels that the application for transfer of permit is genuine.Hence transfer of permit U/S 82(3) of MV Act allowed subject to clearance of government dues and production of NOC,if any.

Item No.100

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AL-617 operating on the route Olive Mount-Ayyampuzha.This authority in its earlier sitting dtd 06/01/2014 considered the application and adjourned the matter for the disposal of pending check reports.Now the permit holder has cleared the check reports and requested to reconsider application.Hence Transfer of permit allowed subject to clearance of government dues and production of NOC,if any.

Item No.101

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-42-2426 operating on the route Kodungallur-Kaloor.This authority in its earlier sitting dtd 06/01/2014 considered the application and rejected the due to the non production of NOC from the financiaer.Now the permit holder terminated the HPA and requested to reconsider the application.Hence Transfer of permit allowed subject to clearance of government dues and production of NOC,if any.

Item No.102

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-17-D-2133 .Check report or HPA not pending.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.103

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-06-E-1997 operating on the route Nilampathinjamugal-Fort Kochi.Check report or HPA not pending.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.104

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-08-AD-1800.Check report or HPA are not pending.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.105

1.Perused the Judgments of Hon'ble High Court of Kerala in WP(c) No.28741/2013 dtd 29/11/2013 and in WP(c) No.29253/2013 dtd 03/12/2013

2.Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for transfer of inter district regular permit in respect stage carriages KL-05-U-1632 and KL-05-N-4662 operating on the route Changanassery-Konnakkad as LSOS in the opposite directions.

The regular permits of the vehicle was expired during the year 2007.This authority in its earlier sitting dtd 14/05/2013 considered the application for renewal of permits and transfer of permits and adjourned decision for want of concurrence for renewal of permit from sister RTAs. Now vide judgment in WP(c) No.28741/2013 & 29253/2013,the Hon'ble High Court has directed this authority to consider the applications for renewal of permits and transfer of permits within a period of six months.This authority considered the application for renewal of permit in this sitting vide item No.71 and taken decision. This authority reconsidered the application for transfer of permit in view of judgments of Hon'ble High Court of Kerala in WP(c) No.28741/2013 dtd 29/11/2013 and in WP(c) No.29253/2013 dtd 03/12/2013.

This authority considered the application for renewal of permits as LSOS in detail in view of the judgment of Hon'ble High Court of Kerala and rejected on the following grounds.. The route having length of 570km and lies under the jurisdiction of eight Regional Transport Authorities.RTA Thrissur ,RTA Kozhikode and RTA Vadakara have rejected the request for concurrence for renewal of permit from the year 2007.RTA,Idukki has also rejected the concurrence for renewal of permit from the year 2012.An inter district permit is not valid in a region without concurrence of the RTA in that region concerned as per Rule 171 of KMV Rules. In this case,the most of the sister RTAs rejected the concurrence for renewal of permit. Hence the permits cannot be renewed as such. Moreover, the vehicles were covered by permits to operate service as Limited Stop. As per Rule2(oa),”Ordinary service means a service,which is operated on a route having a distance of not more than 140 kms.” In this case the route having length of 570 km and hence the permit cannot be renewed as Limited Stop Ordinary Service. If the permit is renewed as LSOS,it will be the clear violation of MV Act and Rules.

Since this authority already rejected the applications for renewal of permits, there is no such valid regular permits exist.Hence the applications for transfer of permits are hereby rejected.

Item No.106

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AJ-4223 .Check reports are pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any. Secretary,RTA is directed to take departmental action on pending check reports and suspend the permit for a

particular period. The Secretary shall decide the period of suspension. The permit holder is given an opportunity to remit compounding fee U/S 86(5) of MV Act in lieu of suspension of permit.

Item No.107

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AK-4447 operating on the route KMP Nagar-Aluva Bus stand. Check reports are pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.Secretary,RTA is directed to take departmental action on pending check reports and suspend the permit for a particular period. The Secretary shall decide the period of suspension.The permit holder is given an opportunity to remit compounding fee U/S 86(5) of MV Act in lieu of suspension of permit.

Item No.108

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AM-4217 operating on the route Ameda-Ponekkara .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.109

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AP-3832 operating on the route Cheranelloor-Kodungalloor .Check reports are pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.Secretary,RTA is directed to take departmental action on pending check reports and suspend the permit for a particular period. The Secretary shall decide the period of suspension.The permit holder is given an opportunity to remit compounding fee U/S 86(5) of MV Act in lieu of suspension.

Item No.110

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AQ-4847 operating on the route Aluva-Vazhakkala-Thoppumpady.The vehicle under HPA and NOC from the financier,which is a mandatory requirement not produced even at the meeting of this authority.Hence the application for transfer of permit is hereby rejected.

Item No.111

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AX-3126 operating on the route Gothuruth-Ernakulam .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.112

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AZ-3996 operating on the route Edayar-Aluva .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.113

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-17-F-3829 operating on the route Koothattukulam-Ernakulam.Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.114

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for transfer of permit in respect of stage carriage KL-32-B-2649 operating on the route Chellanam-Mattancherry .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.115

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-39-4100 operating on the route Kuravilangad-Ernakulam.Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.116

Heard the applicants. This is an application for transfer of permit in respect of stage carriage KL-40-4244 operating on the route Palamkadavu-Puthukkalavattom.Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.117

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-42-4970 operating on the route.This authority in its earlier sitting dtd 06/01/2014 considered the application and rejected the application on the ground that the applicant had not produced NOC from the financier.Thereafter the permit holder has produced records of the vehicle after endorsing the termination of HPA and requested to reconsider the application .No Check reports are pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.118

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-BB-5347 operating on the route Vypin-Aluva.Check reports or HPA are not pending against

the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.119

Heard. The learned counsel Adv.M.Jithesh Menon appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-42-6113 operating on the route North Parur-Ernakulam High Court Jn .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.120

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AK-5280.The vehicle included in the Local Audit Report conducted by the Accountant General ,Kerala for the non remittance of fee for exhibiting advertisement on the vehicle.Transfer of permit allowed subject to clearance of government dues including clearance of pending LAR.Secretary,RTA is directed to initiate revenue recovery steps against the permit holder for collecting government dues if the he denied to remit the amount .

Item No.121

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-04-V-6497 operating on the route Chellanam-Aluva .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.122

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-05-R-6352 operating on the route Brahmapuram-Ernakulam .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.123

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AR-7475 operating on the route Aluva-Mattancherry .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.124

Heard the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-BF-6695 operating on the route Thuthiyoor-Fortkochi .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.125

Heard the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-BF-7477 operating on the route Poothotta-Elamakkara .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.126

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-17-B-5276 operating on the route Koothattukulam-Kaloor .No Check reports pending against the vehicle.NOC from financier produced.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.127

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-40-B-6566 operating on the route Aluva-Fort Kochi .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.128

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-40-C-6964 operating on the route Vyttila-Vyttila circular .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.129

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-17-A-6989 operating on the route Aluva-Edakochi .Check reports or HPA are not pending against the vehicle.Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.130

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-02-R-9936 operating on the route Angamaly-Anappara-Perumbavoor .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.131

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit(Death) in respect of stage carriage KL-05-AA-8474 operating on the route Kottayam-Perikkalloor as Super Express Service.The permit holder was deceased and with the support of legal hire ship certificate issued by the revenue department,Smt.Chelsia Theresa George who is the daughter of deceased permit holder has applied for transfer of permit in to her name.The

regular permit expired on 29/12/2012 and application for renewal of permit is pending. This authority feels that the application for transfer of permit of an expired permit cannot be allowed. Hence the application for transfer of permit U/S 82(3) of MV Act will consider at the time of consideration of renewal of permit. Hence adjourned.

Item No.132

Heard. The learned counsel Adv. Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-06-F-8006 operating on the route Nedumkandam-Karikkottakkari as super Express Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.133

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AG-8597 operating on the route Vyttila-Vyttila circular .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.134

Heard. The learned counsel Adv. Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-AR-8172 operating on the route Mattancherry-Aluva. The permit holder has failed to produce the NOC from the financier, which is a mandatory requirement for the grant of transfer of permit. Hence the application for Transfer of permit is hereby rejected.

Item No.135

Heard. The learned counsel Adv.P.Deepak appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-07-BB-9030 operating on the route Kakkanad-Fort Kochi .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.136

Heard. The learned counsel Adv. Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-08-AJ-9095 operating on the route Manjaly-Perumbavoor-Palissery .This authority in its earlier sitting dtd 06/01/2014 considered the matter and rejected the application on the ground that the applicant has not produced NOC from the financier. Now the permit holder has produced records of the vehicle after terminating the HPA before the date of previous sitting of this authority. Hence Check reports or HPA are not pending against the vehicle at present. Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.137

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-17-A-9333 operating on the route Panangad-South Chittoor .Check reports or HPA are not

pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.138

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-17-C-8388 operating on the route Kadavanthara-Kadavanthara .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.139

Heard. The learned counsel appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-39-A-8595 operating on the route Eroor Gate-Eroor Gate .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.140

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of regular permit in respect of stage carriage KL-40-D-9679 on the route Aluva-Poothotta which is kept under suspended animation in compliance to the order of Hon'ble High Court of Kerala.This authority considered the matter in detail.While issuing clearance certificate in respect of the vehicle KL-40-D-9679 dtd 20/08/2013,Secretary RTA had given a direction to the permit holder to offer a later model stage carriage within 30 days. But the permit holder has not offer suitable vehicle for replacement till date. Hence he has failed to offer a vehicle within the period prescribed under rule 159(2) of KMV Rules.Now the permit holder intimated that he possessed another vehicle KL-07-AG-8269 under lease agreement with another person and applied for transfer of permit in to the name of Mr.T.J.Raju, a third person. A permit alone cannot exist without a vehicle as per existing Motor Vehicles Act. Since the applicant has not applied for the replacement of the vehicle till date, the regular permit in question is not valid at present. Therefore the transfer of invalid permit cannot be allowed.Hence the application for transfer of permit is hereby rejected.

Item No.141

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant This is an application for transfer of permit in respect of stage carriage KL-40-G-8404 operating on the route Aluva-Thevara Jn .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.142

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-AR-7741 to operate on the route Pampakuda-Ernakulam via Ramamangalam, Choondy, Karthedathupady, Karimugal,Ambalamugal,Hill Palace, Trippunithura, Vyttila, KK Road and return via Chittoor Road,South Jn and Kadavanthara.On consideration of the connected records and verification of the urgency of permit this authority revealed that the applicant is being operating service with temporary permit from long years

back. There exist public need for the grant of temporary permit on the modified route. The proposed route not objectionably overlapping on Ernakulam-Muvattupuzha notified scheme. Hence temporary permit U/S 87(1)C for 4 months granted on public interest.

Item No.143

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C Of MV Act in respect of stage carriage KL-07-AN-6030 to operate on the route Poothotta-Aluva in the vacant timings of stage carriage KL-07-AL-1975. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under Section 87(1)C of MV Act. The enquiry officer has reported that there exist temporary need for the grant of permit at present. Hence temporary permit U/S 87(1)C for a duration of 4 months granted.

Item No.144

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C Of MV Act in respect of stage carriage KL-06-A-9244 to operate on the route Kottappuram-Kaloor in the vacant timings of stage carriage KL-05-A-8275. The applicant has been operating stage carriage service on this route on the strength of temporary permits issued under Section 87(1)C of MV Act. This authority feels that there exist temporary need for the grant of permit on the proposed route at present. Hence temporary permit U/S 87(1)C for a duration of 4 months granted. The applicant is permitted to replace the vehicle with her own stage carriage KL-02-M-9794.

Item No.145

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C Of MV Act in respect of stage carriage KL-07-AQ-2497 to operate on the route Velloor-Kaloor via Piravom, Chottanikkara, Mulamthuruthy, Thiruvankulam, Karingachira, SN Jn, Petta and Vyttila as Ordinary Service. On consideration of the application and connected files, this authority reveals that the applicant is being operating service on the route with issued temporary permits from long years back. There exist temporary need for the grant of permit at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. Hence temporary permit U/S 87(1)C for a duration of 4 months granted .

Item No.146

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-40-335 to operate on the route Thalayolapparambu-Ernakulam via Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, SN Jn, Petta, Vyttila, Ernakulam South and KK Road as Ordinary Service. On consideration of the application and connected files, this authority reveals that the applicant is being operating service on the route with issued temporary permits from long years back. There exist temporary need for the grant of permit at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this

authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.147

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-05-Y-2181 to operate on the route Ramamangalam-Kaloor via Thiruvankulam, Karingachira, Seaport-Airport Road,Puthiya Road,SN Jn,Petta and Vyttila as Ordinary Service. On consideration of the application and connected files, this authority reveals that the applicant is being operating service on the route with issued temporary permits from long years back. There exist temporary need for the grant of permit at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary,RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.148

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-17-A-252 to operate on the route Mulakkulam-Kaloor via Mulamthuruthy, Thiruvankulam, Karingachira, Seaport-Airport Road,Puthiya Road,SN Jn,Petta and Vyttila as Ordinary Service. On consideration of the application and connected files ,this authority reveals that the applicant is being operating service on the route with issued temporary permits from long years back. There exist temporary need for the grant of permit at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary,RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.149

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-AF-2693 to operate on the route Konthuruthy-Aluva in place of KL-05-Q-2046.This authority considered the application in detail.The regular permit issued to stage carriage KL-05-Q-2046 valid up to 05/11/2017 is kept under suspended animation with effect from 12-11-2013.The permit holder has not offered another suitable vehicle to hold the permit. Now the registered owner of stage carriage KL-07-AF-2693 has applied for the operation of stage carriage service in place of the route bus. Necessity for the grant of permit on the proposed route is not specified in the agenda. Hence secretary RTA is directed to issue urgent notice to the permit holder with direction to produce a suitable vehicle within a time limit of four months. He is also directed to grant temporary permit to the applicant if there exist any temporary need on the proposed route.

Item No.150

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-AG-1311 to operate on the route Chottanikkara-Aluva in place of KL-39-B-655.This authority considered the

application in detail. The regular permit issued to stage carriage KL-39-B-655 valid up to 11-05-2016 is kept under suspended animation with effect from 15-11-2013 in view of the judgment of Hon'ble High Court of Kerala in WP(c) No.24687/2013. The permit holder has not offered another suitable vehicle to hold the permit. Now the registered owner of stage carriage KL-07-AG-1311 has applied for the operation of stage carriage service in place of the route bus. Necessity for the grant of temporary permit on the proposed route is not specified in the agenda. Hence secretary RTA is directed to issue urgent notice to the permit holder with direction to produce a suitable vehicle within a time limit of four months. He is also directed to grant temporary permit to the applicant if there exist any temporary need on the proposed route.

Item No.151

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-39-C-786 to operate on the route Thalayolapparambu-Kaloor via Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, Puthiya Road, SN Jn, Petta and Vyttila as Ordinary Service. On consideration of the application and connected files, this authority reveals that the applicant is being operating service on the route with issued temporary permits from long years back. There exist temporary need for the grant of permit at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.152

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-05-P-3097 to operate on the route Ooramana-Kaloor via Kolencherry, Kakkattupara, Thiruvaniyoor, Vettikkal, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, Puthiya Road, SN Jn, Petta and Vyttila as Ordinary Service. On consideration of the application and connected files, this authority reveals that the applicant is being operating service on the route with issued temporary permits from long years back. There exist temporary need for the grant of permit at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1) for a duration of 4 months granted on public interest.

Item No.153

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-05-M-3982 to operate on the route Piravom-Kaloor via Thiruvaniyoor, Vettikkal, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, Puthiya Road, SN Jn, Petta and Vyttila as Ordinary Service. On consideration of the application and connected files, this authority reveals that the applicant is being operating service on the route with issued temporary permits from long years back. Now the applicant has proposed a modified route avoiding one intermediate point at Trippunithura. There exist temporary need for the grant of permit at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence

Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1) for a duration of 4 months granted on public interest.

Item No.154

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-05-M-3982 to operate on the route Koothattukulam-Kaloor via Piravom, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road,Puthiya Road,SN Jn,Petta and Vyttila as Ordinary Service. On consideration of the application and connected files,this authority reveals that the applicant is being operating service on the route with issued temporary permits from long years back. Now the applicant has proposed a modified route avoiding one intermediate point at Trippunithura. There exist temporary need for the grant of permit at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1) for a duration of 4 months granted on public interest.

Item No.155

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-AQ-2977 to operate on the route Srampillikkavu-Nilampathinjamugal via Thiruvankulam, Karingachira, Seaport-Airport Road,Puthiya Road and SN Jn,Petta as Ordinary Service. On consideration of the application and connected files,this authority reveals that the applicant is being operating service on the route with issued temporary permits from long years back. Now the applicant has proposed a modified route avoiding one intermediate point at Trippunithura. There exist temporary need for the grant of permit at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1) for a duration of 4 months granted on public interest subject to the disposal of pending check reports.

Item No.156

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-AT-3816 to operate on the route Piravom-Kaloor via Mulamthuruthy,Chottanikkara,Thiruvankulam, Karingachira, Seaport-Airport Road,Puthiya Road, SN Jn,Petta,Vyttila and MG Road as Ordinary Service. On consideration of the application and connected files,this authority reveals that the applicant is being operating service on the route with issued temporary permits from long years back. Now the applicant has proposed a modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring

the matter to the notice of this authority. However temporary permit U/S 87(1) for a duration of 4 months granted on public interest.

Item No.157

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-35-9462 to operate on the route Pala-Kaloor Bus stand via Valavoor, Monippally, Elanji, Piravom, Thiruvaniyoor, Thiruvankulam, Karingachira, Seaport-Airport Road, Puthiya Road, SN Jn, Petta, Vytila and KK Road as Ordinary Service. On consideration of the application and connected files, this authority reveals that the applicant is being operates service on the route with issued temporary permits from long years back with stage carriage KL-35-2648. Now the applicant has proposed a modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme and he offered a new vehicle KL-35-9462 to operate on the same route replacing stage carriage KL-35-2648. There exist temporary need for the grant of permit on the proposed route at present. However temporary permit U/S 87(1) for a duration of 4 months granted in respect of new vehicle on the modified route on public interest.

Item No.158

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-36-4197 to operate on the route Thalayolapparambu-Kaloor Bus stand via Neerpara, Mulamthuruthy, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, Puthiya Road, SN Jn, Petta, Vytila and KK Road as Ordinary Service. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operating on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exists temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1) for a duration of 4 months granted on public interest.

Item No.159

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-36-A-4100 to operate on the route Thalayolapparambu-Kaloor Bus stand via Neerpara, Mulamthuruthy, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, Puthiya Road, SN Jn, Petta and Vytila as Ordinary Service. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage

carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1) for a duration of 4 months granted on public interest.

Item No.160

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-37-A-4930 to operate on the route Koothattukulam -Kaloor via Piravom, Mulamthuruthy, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, Puthiya Road, SN Jn, Petta and Vyttila as Ordinary Service. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1) for a duration of 4 months granted on the proposed route on public interest.

Item No.161

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-AV-8965 to operate on the route Angamaly-North Parur-Ernakulam High Court Jn in place of stage carriage KL-4-M-6440. This authority considered the application in detail. The validity of the regular permit in respect of route bus is continuing subject to the result of appeal in MVAA No.243/2011. The route bus was defaulted service from 7/2012. Sixteen check reports are still pending against the vehicle. In the earlier sitting this authority had directed Secretary, RTA to address the STAT for ascertaining the present position of the appeal 243/2011 and take departmental action against the route bus KL-4-M-6440 for realizing the revenue pending due to the Government and initiate action on pending check reports on the basis of gravity of offences. But Secretary, RTA has intimated that the appeal is still pending with STAT. Secretary, RTA is once again directed to initiate action on pending check reports place the matter in the next sitting of this authority. KSRTC objected the grant of temporary permit. Considering the public interest secretary RTA is directed to grant Substitute temporary permit U/S 87(1)C to stage carriage KL-07-AV-8965 in place of KL-04-M-6440 if there is necessity and no objectionable overlapping on complete exclusion schemes. Secretary, RTA is directed to take steps to cancel the regular permit in respect of stage carriage KL-4-M-6440 and place the matter in next sitting.

Item No.162

Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for of inter district temporary permits in respect stage carriages KL-36-A-7006 and KL-67-2400 to operate on the route Manimala-Payyavur in opposite directions as Super Express service. This authority in this sitting vide item No.82

rejected the applications for renewal of regular permits in respect of the above vehicles on the following grounds. The route having length of 494 kms and the services are operating as Super Express Service. As per GO(P) No.73/2013/Tran dtd 16/07/2013, the right to operate any class of service other than ordinary service is in the state of Kerala in reserved exclusively for State Transport Undertaking. As per clause(3) of the above notification, the higher class permits such as Fast passenger, Super Fast and Super express etc issued in private sector will be allowed to continue till the expiry of the respective permits. **Thereafter no permits shall be renewed and no permit regular or temporary shall be issued**. Vide Judgment in WP(c) No.18959/2013 dtd 17/03/2014, the Hon'ble High Court of Kerala has also upheld the above notification. KSRTC vehemently objected the grant of renewal of permit as Super Express Service. This authority is not in a position to renew a stage carriage permit as Super Express Service violating existing notifications and judgments of Hon'bl High Court in this regard. If the permit is renewed as Super Express Service, it will be the clear violation of above notification and connected Judgments.

In the above circumstances, the applications for temporary permits are also hereby rejected.

Item No.163

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-05-K-6376 to operate on the route Thalayolapparambu-Kaloor Bus stand via Neerpara, Mulamthuruthy, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, Puthiya Road, SN Jn, Petta and Vyttila as Ordinary Service. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.164

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-06-B-6565 to operate on the route Pattimattom-Kaloor via Thiruvankulam, Karingachira, Seaport-Airport Road avoiding Trippunithura, one of the intermediate point of Ernakulam-Muvattupuzha notified scheme. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other

than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.165

Heard the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-AS-5333 to operate on the route Koothattukulam-Kaloor via Piravom, Arakkunnam, Mulamthuruthy, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road avoiding Trippunithura, one of the intermediate point of Ernakulam-Muvattupuzha notified scheme. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.166

Heard. The learned counsel Adv.P.Deepak appeared for the applicant . This is an application for temporary permit for 4 month u/s 87(1)C of MV act in respect of stage carriage KL-07-AN-6880 to operate on the route Vattappara-Kaloor via Mulamthuruthy, Thiruvankulam, Karingachira, Trippunithura and Vyttila as ordinary moffusil Service. The previous temporary permits were issued on the basis of temporary necessity reported. This authority feels that at present also there exist necessity for the grant of temporary permit on that route . There is an interim order of the Hon'ble Supreme Court of India for continuing service via Trippunithura. KSRTC has filed objection against the grant of temporary permit on the above route. In view of the order of Hon'ble Supreme Court of India and public interest temporary permit U/S 87(1)C of MV act is granted for 4 months on the proposed route.

Item No.167

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-17-B-5665 to operate on the route Nechoorkadavu-Kaloor via Mulamthuruthy, Chottanikkara, Kureekad, Puthiyakavu, Trippunithura and Vyttila as ordinary service. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. There exist temporary need for the grant of permit on the proposed route at present. Hence temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.168

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-17-F-6906 to operate on the route

Piravom-Kaloor via Thiruvankulam, Karingachira, Puthiya Road, SN Jn, Petta and Vytila as ordinary service avoiding Trippunithura, one of the intermediate point of Ernakulam-Muvattupuzha notified scheme. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.169

Heard the applicant. This is an application for of inter district temporary permit U/s 87(1)d of MV ACT in respect stage carriage KL-05-AA-8474 to operate on the route Kottayam-Perikkalloor as Super Express service. This authority considered the application in view of the existing notification and connected judgments. The vehicle was covered by regular permit to operate service as Super Express Service and the same was expired on 29/12/2012. As per GO(P) No.73/2013/Tran dtd 16/07/2013, the right to operate any class of service other than ordinary service is in the state of Kerala in reserved exclusively for State Transport Undertaking. As per clause(3) of the above notification, the higher class permits such as Fast passenger, Super Fast and Super express etc issued in private sector will be allowed to continue till the expiry of the respective permits. **Thereafter no permits shall be renewed and no permit regular or temporary shall be issued**. Vide Judgment in WP(c) No.18959/2013 dtd 17/03/2014, the Hon'ble High Court of Kerala has also uphold the above notification. Hence the regular permit of the stage carriage became invalid with effect from the date of expiry the permit cannot be renewed thereafter. KSRTC vehemently objected the grant of renewal of permit and temporary permit as Super Express Service. This authority is not in a position to grant temporary stage carriage permit as Super Express Service violating existing notifications and judgments of Hon'bl High Court in this regard. If the permit is renewed or temporary permit granted as Super Express Service, it will be the clear violation of above notification and connected Judgments.

In the above circumstances, the application for temporary permit as Super Express Service is hereby rejected.

Item No.170

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant . This is an application for temporary permit for 4 month u/s 87(1)C of MV act in respect of stage carriage KL-05-S-8010 to operate on the route Thalayolapparambu-Kaloor Bus Stand via Kanjiramattam, Chottanikkara, Thiruvankulam, Trippunithura, Vytila and M G Road as ordinary moffusil Service. The previous temporary permits were issued on the basis of temporary necessity reported. This authority feels that at present also there exist necessity for the grant of temporary permit on that route . There is an interim order of the Hon'ble Supreme Court of India in SLP No.5034/2011&5035/2011 for continuing service via Trippunithura. KSRTC has

filed objection against the grant of temporary permit on the above route. In view of the order of Hon'ble Supreme Court of India temporary permit U/S 87(1)C of MV act is granted for 4 months on the proposed route.

Item No.171

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-06-C-8962 to operate on the route Edakkattuvayal-Kalamassery via Mulamthuruthy, Thiruvankulam, Karingachira, Puthiya Road,SN Jn,Petta and Vytila,Ernakulam South and KK Road as ordinary service avoiding Trippunithura,one of the intermediate point of Ernakulam-Muvattupuzha notified scheme. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.172

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-BT-7947 to operate on the route Kothad Ferry-Thiruvaniyoor via Thiruvankulam,Karingachira,Puthiya Road,SN Jn,Petta ,Vytila,Ernakulam South and KK Road as ordinary service avoiding Trippunithura,one of the intermediate point of Ernakulam-Muvattupuzha notified scheme. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.173

Heard. The learned counsel Adv.Stalin Peter Davis appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-17-E-8282 to operate on the route Koothattukulam-Kaloor via Piravom,Thiruvankulam,Karingachira,Puthiya Road,SN Jn,Petta and Vytila as ordinary service avoiding Trippunithura,one of the intermediate point of Ernakulam-Muvattupuzha notified scheme. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate

point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.174

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-17-E-9097 to operate on the route Vattappara-Kaloor via Thiruvaniyoor,Veliyanadu,Peppathy,Mulamthuruthy, Thiruvankulam, Karingachira,Puthiya Road,SN Jn,Petta and Vyttila as ordinary service avoiding Trippunithura,one of the intermediate point of Ernakulam-Muvattupuzha notified scheme. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.175

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-17-E-9604 to operate on the route Koothattukulam -Kaloor via Anchalpetty, Piravom, Arakkunnam, Mulamthuruthy, Palace Sqare,Thiruvankulam,Karingachira,Puthiya Road,SN Jn,Petta and Vyttila as ordinary service avoiding Trippunithura,one of the intermediate point of Ernakulam-Muvattupuzha notified scheme. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.176

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-39-E-9786 to operate on the route Thalayolapparambu-Kaloor Bus Stand via Neerpara,Chottanikkara. Thiruvankulam

,Karingachira,Puthiya Road,SN Jn,Petta ,Vytila,Ernakulam South and KK Road as ordinary service avoiding Trippunithura,one of the intermediate point of Ernakulam-Muvattupuzha notified scheme. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.177

Heard. The learned counsel Adv.Gopinathan Nair appeared for the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-40-A-9466 to operate on the route Thalayolapparambu-Kaloor Bus Stand via Neerpara,Arayankavu,Kanjiramattam, Chottanikkara. Thiruvankulam ,Karingachira,Puthiya Road,SN Jn,Petta and Vytila as ordinary service avoiding Trippunithura,one of the intermediate point of Ernakulam-Muvattupuzha notified scheme. On consideration of the application and connected files, this authority reveals that the applicant is being operated service on the route with issued temporary permits from long years back. Now the applicant is operated on modified route avoiding one intermediate point at Trippunithura and thereby no objectionable overlapping on Ernakulam-Muvattupuzha notified scheme. There exist temporary need for the grant of permit on the proposed route at present. KSRTC filed objection stating that the stage carriage operating on the route other than permitted one. Hence Secretary, RTA is directed to verify the complaint and take action and bring the matter to the notice of this authority. However temporary permit U/S 87(1)C for a duration of 4 months granted on public interest.

Item No.178

Heard the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-AG-8269 to operate on the route Poothotta-Aluva in place of KL-40-D-9679.The regular permit issued to stage carriage KL-40-D-9679 is kept under suspended animation as directed by the Hon'ble High Court of Kerala.Secretary,RTA is directed to grant temporary permit as applied if there exist need for the same

Item No.179

Heard.This is the request of the Secretary,RTA,Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-37-6132 operating on the route Kottayam-Ernakulam(Vytila Bub) as LSOS.The enquiry officer has reported that 24.5 kms of the route comes under the jurisdiction of this authority.The portion of the route from Puthenkavu to Vytila which is 17 kms in length objectionably overlapping on Ernakulam-Thekkady notified scheme as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit

granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.180

Heard.This is the request of the Secretary,RTA,Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-05-S-7601 operating on the route Ernakulam(Vyttila Hub)-Kottayam as LSOS. The enquiry officer has reported that 24.5 kms of the route comes under the jurisdiction of this authority.The portion of the route from Puthenkavu to Vyttila which is 17 kms in length objectionably overlapping on Ernakulam-Thekkady notified scheme as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.181

Heard.This is the request of the Secretary,RTA,Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-36-8586 operating on the route Pala -Ernakulam as LSOS.The enquiry officer has reported that 18.5 kms of the route comes under the jurisdiction of this authority.The portion of the route from Poothotta to Vyttila which is 17.6 kms in length objectionably overlapping on Ernakulam-Thekkady notified scheme as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.182

Heard.This is the request of the Secretary,RTA,Alappuzha for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-32-2719 operating on the route Mattathipparambu-Kaloor as Ordinary Service.The enquiry officer has reported that 17 kms of the route comes under the jurisdiction of this authority.The portion of the route from Kaloor to Vyttila which is 9.5 kms in length objectionably overlapping on Trivandrum-Palakkad,Trivandrum-Kannur and Ernakulam-Thekkady notified scheme as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.183

Heard.This is the request of the Secretary,RTA,Idukki for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-06-E-555 operating on the route Nedumkandam-Ernakulam as Fast Passenger Service.This authority considered the application in view of the existing notification and connected judgment of Hon'ble High Court of Kerala.As per clause(3) of the notification published vide GO(P) No.73/2013 dtd 16/07/2013,the permits issued in the private sector to operate service as higher class service such as Fast

Passenger, Super Fast, Super Express etc on or before the date of notification shall be allowed to continue till the dates of expiry of the respective permits. Thereafter no permits shall be renewed and no permits regular or temporary shall be issued in private sector. More over as per Clause(18) of the above said notification, the right to operate any class of service other than ordinary service in the state of Kerala is reserved exclusively with State Transport Undertakings. Vide judgment in WP© No.18959/2013 dtd 17/03/2014, the Hon'ble High Court has upheld the above notification. Hence the request for the concurrence for renewing a permit in the private sector as Fast Passenger Service cannot be allowed. Hence concurrence for renewal of Fast Passenger permit is hereby rejected.

Item No.184

Heard. This is the request of the Secretary, RTA, Thrissur for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-17-E-3173 operating on the route Trippunithura-Chalakkudy-Kanakkankadavu as Ordinary Service. The enquiry officer has reported that 12 kms of the route comes under the jurisdiction of this authority. There is no objectionable overlapping on notified schemes. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.185

Heard. This authority considered the request in detail. On consideration of application for fresh regular permit filed by the applicant, this authority in its sitting dtd 06/12/2011 granted fresh regular permit to operate on the route North Parur-Vyttila via Koonammavu, Varappuzha Bridge and Edappally Bypass as ordinary mofussil service subject to settlement of timings. Accordingly the applicant has produced current records of the vehicle and secretary RTA was posted timing conference to a convenient date and the same was postponed to another date due to objections. Now the applicant offered another stage carriage KL-18-A-1561 and requested to condone delay and to issue granted permit subject to the settlement of timings. This authority feels that there is no objection to issue granted permit on the proposed route after a settlement of timings. Hence Secretary, RTA is directed to convene a timing conference and issue granted permit.

Item No.186

Heard. This is the request of the Sub Inspector of Police, Palarivattom for shifting of existing bus stop at opposite of Raja Rajeswari temple at Palarivattom to another place in front of Axis Bank for avoiding traffic congestion at Palarivattom. The enquiry officer in the Motor Vehicles Department has reported that the proposed shifting will be helpful for reducing the traffic congestion and he has also recommended to shift the existing bus stop at Palarivattom round near the taxi bay (for the travel from Kakkanad Side to Ernakulam) to in front of Axis Bank by combining both bus stops to a single point for providing better convenience to the public including road users without providing barricade. This will enable a better traffic discipline among the road users. This authority considered the matter in detail and decided to approve the proposal. The police authority is requested to

implement the proposal and submit a detailed report before Secretary, RTA in this regard.

Item No.187

Heard.The learned counsel appeared for the association.This is a request for the approval of variation in stage carriage permits from Elamakkara to Ernakulam via Sastha temple road,Manappattipparambu and Judges Avenue without touching Kaloor Jn and Kaloor bustand consequent to the traffic modification implemented by the police authority for reducing the traffic congestion.Secretary,RTA is directed to conduct a detailed enquiry and place the matter in the next sitting with a detailed report.Hence adjourned.

Item No.188

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.6736/2012 dtd 10/03/2014.

2.Perused the Judgment of Hon'ble High Court of Kerala in R.P Nos 246/2014&278/2014

3.This authority considered the applications for renewal of permit in respect of stage carriage KL-08-K-7025 on the route Pallissery-Permbavoor which was surrendered during the year 2007,replacement of the vehicle by KL-17-D-9417 and temporary permit in respect of stage carriage KL-05-T-6823 to operate in the vacancy of stage carriage KL-08-K-7025.

The regular permit issued to stage carriage KL-08-K-7025 to operate on the route Pallissery-Perumbavoor valid up to 05/06/2010 was surrendered by the permit holder and the same cancelled during the year 2007 on request of the permit holder.Thereafter this authority had rejected the application for regular permit filed by the same person to operate on the same route due to objectionable overlapping.Now the permit holder has applied for renewal of surrendered and cancelled permit and applied for replacement of the vehicle by his own later model vehicle KL-17-D-9417. Vide judgment in WP© No.6736/2014 dtd 10/03/2014,the Hon'ble High Court has directed this authority to consider the applications for renewal of permit and replacement of the vehicle filed by the petitioner within a time frame.

By filing the revision petition 246/2014 & 278/2014,one Mr.Bobby George challenged the above judgment and in judgment in R.P No.246/2014 and connected cases the Hon'ble High Court observed that the petitioner in WP© No.6736/2014,who is the present applicant for renewal of permit has clearly abused the process of court by concealing the facts of surrender of permit.Hence the Hon'ble Court has re-called the judgment in WP© No.6736/2014 and the writ petitioner was imposed with a cost of Rs.5000/- as punishment.

There is no provision in the motor vehicles act to renew a cancelled permit and replacement of a vehicle not having regular permit.Hence the applications for renewal of permits and replacement of the vehicles are hereby rejected.

Secretary RTA has already issued temporary permit in respect of stage carriage KL-05-T-6823 on the route in question on consideration of application and in compliance to the judgment of Hon'ble High Court of Kerala.Hence here is no

need to reconsider the application twice. The route Pallissery-Perumbavoor on which temporary permit applied is objectionably overlapping on Kottayam-Kozhikode notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The grant of permit regular or temporary on the above route is the violation of clause (5)c of the above notification. Hence further grant of permit violating the scheme of nationalization cannot be allowed. The enquiry officer has reported that there is no necessity for the grant of temporary permit on the proposed route and the timings issued to stage carriage KL-08-K-7025 were no vacant at present. Hence secretary, RTA is directed not to allow further temporary permit on the above route violating the scheme of nationalization.

Item No.189

Heard. The learned counsel Adv.G.Prabhakaran appeared for the applicant. This is an application for replacement of the stage carriage KL-17-B-420 covered by a regular permit by an older model vehicle KL-05-Q-6349. This authority considered the application in detail.

This is a case where a later model vehicle (May/2004) covered by a stage carriage permit is sought to be replaced by an older model (Jan/2004 model) stage carriage. The regular stage carriage permit was granted in respect of May/2004 model vehicle bearing registration No. KL-17-B-420 to operate service on the route Thalayolapparambu-Kaloor.

Rule 174(2)(c) of KMV Rules suggest that the authority may reject an application for replacement of vehicle, where the incoming vehicle is older than the out going vehicle subject to discretion of power stated there in.

This authority have examined the merits of the application in the light of the comparison table of the both vehicles furnished by the applicant. It is a case where there exists a material difference of more than 25 % with regard to seating capacity. We have also observed that the object of MV Act 1988 that the safety of public. While comparing two vehicles of May/2004 model and Jan/2004 model, the vehicle of May/2004 model will be in a better position regarding safety and there is considerable difference. Hence the replacement of the vehicle by an older model vehicle cannot be allowed. Moreover as per Rule 174(3) of KMV Rules, if there is a material difference between the two vehicles, the application shall be treated as if were for a fresh permit. Considering the above provisions of law, the route Thalayolapparambu-Kaloor is objectionably overlapping on Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009 hence a new permit cannot be granted on the route Thalayolapparambu-Kaloor violating the scheme of nationalization.

Having regard to the aforesaid circumstances and exercising the discretionary power under rule 174(2)C, the application for replacement is hereby rejected.

Item No.190

1. Perused the judgment of Hon'ble STAT in MVAA No.454/2013 dtd 30/11/2013
2. Perused the examination report furnished by technical expert

3.Heard. The learned counsel Adv.P.Deepak appeared for the applicant. This is an application for replacement of the stage carriage KL-07-BG-1004 covered by a regular permit by an older model vehicle KL-07-AM-2028.This authority considered the application in detail. This authority in its earlier sitting dtd 16/07/2013 considered the application for replacement of vehicle and rejected the same exercising the discretionary power under rule 174(2) since the new vehicle is older than the existing vehicle.Vide judgment in MVAA No.454/2013,the Hon'ble STAT has set aside the order of this authority directed to remand the matter for reconsideration after obtaining an inspection report from independent engineer having degree in auto mobile engineering from any other department for ascertain whether the proposed vehicle is mechanically fit for stage carriage operation. This authority is directed to allow replacement, if the vehicle is mechanically fit for conducting stage carriage operation as per the report of the technical expert. In view of the above order,Sri.K.N.Ravi,Deputy Superintendent of Police (MT) has reported that the stage carriage KL-07-AM-2028 is mechanically fit for conducting stage carriage operation.

As per judgment of Hon'ble STAT in MVAA No.454/2013,this authority is constrained to allow replacement of stage carriage KL-07-BG-1004 by an older model vehicle KL-07-AM-2028 violating the Rule 174(2)C of KMV Rule.In view of the above judgment, replacement of the vehicle is allowed.

Item No.191

- 1.Perused the judgment of Hon'ble STAT in MVARP No.335/2007 dtd 30/11/2013
- 2.Perused the Judgment o Hon'ble High Court of Kerala in WP© No.6280/2008 dtd 16/07/2013
- 3.Heard.This is a matter related to the cancel of regular permit(7/3376/2007) issued to stage carriage KL-07-AK-4789 to operate on the route Thiruthippuram-Aluva-North Parur-Valiyapazhampillythuruth as ordinary Moffusil Service.This authority considered the matter in detail.This authority in its sitting dtd 17/05/2007 vide supplementary Item No.1 granted regular permit to operate on the above route.Thereafter vide permit No.7/3376/2007 Secretary,RTA issued the granted permit after settlement of timings. Challenging the decision of RTA,KSRTC filed revision petition No.335/2007 before the Hon'ble STAT stating that the route on which regular permit granted is objectionably overlapping on Ernakulam-Thrissur notified scheme and hence the grant of permit is the violation of scheme of nationalization.Vide judgment in above revision petition, the Hon'ble STAT has set aside the order of this authority, granting the permit and directed this authority to cancel the permit.

Against the Order of Hon'ble STAT,the permit holder approached Hon'ble High Court of Kerala and filed WP© No.6280/2008.Vide judgment in above writ petition dtd 16/07/2013,the Hon'ble High Court has dismissed the writ petition by upholding the order of Hon'ble STAT. As demanded by the Secretary,RTA,the permit holder has surrendered the regular permit valid up to 21/09/2017 and intimated that he has filed appeal against the judgment in WP© No.6280/2008.

In view of the Judgments of Hon'ble STAT in MVARP No.335/2007 and Hon'ble High Court of Kerala in WP© No.6280/2008 dtd 16/07/2013, regular permit No.7/3376/2007 issued to stage carriage KL-07-AK-4789 to operate on the

route Thiruthippuram-Aluva-North Parur-Valiyapazhampillythuruth as ordinary Moffusil Service violating the scheme of nationalization is hereby cancelled.

Item No.192

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.16787/2013 dtd 25/07/2013

2.This authority perused the file and action taken by the Secretary,RTA in view of the judgment. Modified Variation in permit endorsed by the Secretary as per the judgment of Hon'ble High Court is hereby ratified.

Item No.193

Heard.Considered the request for cancellation of permit in respect of stage carriage KL-23-E-3831 on the route Ernakulam-High Court Jn-Kodungallur as Ordinary moffusil service.The permit holder has surrendered the regular permit valid up to 14/01/2015 and obtained clearance certificate for transferring the vehicle in to the name of another person.Hence the regular permit issued to stage carriage KL-23-E-3831 is hereby cancelled.

Item No.194

This is the request for the transfer of permit file in respect of stage carriage KL-41-C-2830 covered by a regular permit valid up to 06/04/2019 to operate on the route Angamaly-Kothamangalam to the Office of Secretary,RTA,Muvattupuzha. The enquiry officer has reported that the major portion of the route is lying under the jurisdiction of RTA,Muvattupuzha. Hence the transfer of permit file in respect of stage carriage KL-41-C-2830 is allowed.Secretary RTA is directed to transfer the connected file to the Secretary,RTA Muvattupuzha on proper acknowledgment.

Item No.195

Heard.Perused the connected file. Stage carriage KL-34-B-9599 is permitted to operate on the route Kaipattoor-Aluva as Super Fast Service with an issued regular permit valid up to 04/03/2015.Seven Check reports are were prepared by the field officers of the Motor Vehicles Department against the stage carriage for the violation of permit conditions and are still pending with the Office of the Secretary,RTA,Ernakulam.The permit holder has acknowledged all the charge memos and show cause notices issued. But the permit holder has not responded till date.In this situation, the secretary,RTA placed the matter before this authority for a decision.This authority considered the matter and verified the gravity of offences committed by the permit holder.The offences committed are the clear violation of permit conditions. Hence this authority is decided to suspend the regular permit in respect of stage carriage KL-34-B-9599 for a period of 140 days[20 days each for every check report] with effect from 20/07/2014 U/S 85 of MV Act.The permit holder is given an opportunity to remit compounding fee Rs.70000/-(seventy thousand) before the date of effect in lieu of the suspension of permit.Secretary,RTA is directed to verify the service of the vehicle during the period of suspension.

Item No.196

Heard the stage carriage operators and learned counsels represented for them and KSRTC.This is a matter in connection with the implementation of uniform and badge for the conductors of stage carriages and uniform for the door checkers as

stipulated in the Rules 85 and 153(B) of KMV Rules 1989 and the fitment of door shutters and pneumatic doors in stage carriages.

This authority in its earlier sitting held on 16/07/2013 considered the matter and adjourned decision for want of detailed discussion as requested by the representatives of private bus operators.

Now the matters are again came for the consideration of this authority in view of the series of accidents are being happened recently due to the lack of fitment of door shutters in stage carriages including in city services.

The rule 85 of KMV Rules stipulates that every conductor on a stage carriage shall while on duty be cleanly dressed in the uniform specified by the Transport Commissioner. Similarly the rule 153(C) of KMV Rules 1989 stipulates that any person other than the conductor and driver employed in a stage carriage shall while on duty wear the uniform and name badge as specified by the Transport Commissioner. Vide Order No.C1/2506/TC/2002 dtd 10/11/2012,the Transport Commissioner insists that every conductor and door checker in stage carriages shall while on duty wear the uniform and name badge as prescribed by him. The recent meeting of the DDC,Ernakulam has strongly requested to implement the above direction with immediate effect.

In view of the above directions, every conductor and door checkers in stage carriages are hereby directed to wear the uniform and name badge while on duty as prescribed by the Transport Commissioner Under Rules 85 and 153© of KMV Rule 1989 with immediate effect.This violation will be treated as violation of permit condition. The Secretary,RTA is directed to bring the matter to the notice of all associations of the bus operators and KSRTC and give necessary direction to implement the above decision without fail. Secretary RTA is also directed to ensure the strict compliance of above decision.

This authority considered the matter of fitment of pneumatic doors in stage carriages. Lack of such doors [even manually operated doors] number of accidents are being happened on our roadsSo many stage carriages including city services are being operated without door shutters and door checkers.Due to the above negligence, accidents are being increased on every day causing death of innocent passengers. Presence of attendants at the entrance and exits of such vehicles is desirable as an immediate measure for preventing such accidents.

Hence for considering the safety of the travelling public,all stage carriage operators permitted to operate service on all roads of Kerala state with permits granted by RTA,Ernakulam shall provide door shutters at the entrance and exit of their stage carriages and provide door checkers for operating the door manually with effect from 1st day of September 2014. If there is no door checker/attendant,the stage carriage shall be provided with pneumatic/hydraulic doors controlled by the driver of the vehicle. This will applicable also in the case of stage carriages with City/Town permits with effect from 1st September 2014. Secretary RTA is directed to ensure the strict compliance to the above direction.

Item No.197

This is the study report submitted by the Secretary,RTA in connection with the renewal of regular permits issued on the portions of the route Aluva-Vadakkumpuram.This authority revealed that most of the regular permit on the portions of the route Aluva-Vadakkumpuram violating the scheme of

nationalization were issued in compliance to the Judgments of Hon'ble STAT and High Court of Kerala. Vide Judgments in WP© No.4435/2011 and connected cases, the Hon'ble High Court of Kerala has directed this authority to call back several permits issued on the portions of the Aluva-Vadakkumpuram complete exclusion scheme and other routes violating the schemes of nationalization and cancel the same.

Considering the above order of Hon'ble High Court of Kerala, stage carriage permits issued on any route violating the Aluva-Vadakkumpuram scheme cannot be renewed as such.

At the time of earlier consideration of the application and similar cases in view of the Judgment of Hon'ble High Court of Kerala, this authority revealed that KSRTC is not providing adequate service on the portions of the above scheme. Hence the abrupt withdrawal or stopping of service by the private stage carriages on the route is sure to cause tremendous inconvenience to the travelling public. In view of the above facts, this authority adjourned the decision in this matter and directed Secretary, RTA to submit a detailed study report containing all the facts to make a proper assessment.

Now the secretary, RTA has furnished a detailed study report in this regard. This authority reconsidered the application for renewal of permit in view of the above report, connected judgments and representations received from the public in detail.

The enquiry officer has reported that the abrupt withdrawal or stopping of private buses from the above route will lead to the denial of the travelling facility of public. Existing KSRTC service on the routes are not sufficient to cater the need of travelling public.

As there is no specific direction from the Hon'ble High Court in this regard and KSRTC strongly objected the grant of renewal of permit on the portions of Aluva-Vadakkumpuram Scheme, Secretary RTA is directed to ascertain the frequency of the KSRTC service on the above scheme. He is also directed to request a legal opinion from the Advocate General in this regard. Hence adjourned.

Item No.198

1. Perused the judgment of Hon'ble High Court of Kerala in WP(c) No.6147/2014 wherein this authority is directed to consider the application for the grant of autorickshaw permit within a time limit.

2. Heard. This is an application for fresh contract carriage permit in respect of autorickshaw KL-42-H-8593 with parking place at Municipal Jn, North Parur. This authority considered the application in detail. There is a restriction in granting new autorickshaw permit within the municipal limits. Moreover sufficient autorickshaws are presently operating with parking place municipal Jn. Hence there is no need for the grant of new permit to operate in the proposed place. Hence the application for the grant of new autorickshaw permit is hereby rejected.

Item No.199

Heard. This is the application for renewal of City permit in respect of Auto rickshaw KL-07-BT-1772 along with the request for condonation of delay in filing

application. This authority satisfied with the explanation offered by the registered owner. Hence delay condoned and renewal of permit granted subject to the remittance Rs.1000/- in addition to the prescribed compounding fee for the Permitless and CF less operation if any.

Item No.200

Heard.This is the application for renewal of City permit in respect of Auto rickshaw KL-07-AS-308 along with the request for condonation of delay in filing application. This authority satisfied with the explanation offered by the registered owner. Hence delay condoned and renewal of permit granted subject to the remittance Rs.1000/- in addition to the prescribed compounding fee for the Permitless and CF less operation if any.

Item No.201

Heard.This is the application for renewal of City permit in respect of Auto rickshaw KL-07-BT-6782 along with the request for condonation of delay in filing application. This authority satisfied with the explanation offered by the registered owner. The enquiry officer has reported that the vehicle is conducting service after the expiry of permit. Hence delay in filing application is condoned and renewal of permit granted subject to the remittance fine of Rs.1000/- .

Item No.202

Heard.This is a request for the grant of new autorickshaw city permit in respect of autorickshaw KL-07-Y-3734 with model of 1999.This authority considered the matter in detail.This authority in its earlier sitting dtd 14/05/2013 vide supplementary item No.41 granted 2542 numbers new autorickshaw city permits in the existing vacancy .This authority laid down certain pre qualifications for the grant of permits. One of the above conditions is that the vehicle offered should not be older than 10 years. The above condition imposed for providing better transportation facility to the travelling public. In this case the offered vehicle having age of 15 years and hence it is against the decision of this authority. Secretary,RTA issued all granted permits in the general quota to the applicants having all the qualifications stipulated by the this authority. Hence the request for the grant of new autorickshaw city permit violating the earlier decision of this authority cannot be allowed. Moreover there is no vacancy at present for the grant of new autorickshaw permit in the Kochi city. Hence the application for the grant of new autorickshaw city permit is hereby rejected.

Item No.203

Heard.This is the application for renewal of City permit in respect of Auto rickshaw KL-07-X-763 along with the request for condonation of delay in filing application. This authority satisfied with the explanation offered by the registered owner.. Hence delay in filing application is condoned and renewal of permit granted subject to the remittance fine of Rs.1000/- in addition to the prescribed compounding fee for the permitless and CF less operation if any.

Item No.204

Heard.This is the application for renewal of City permit in respect of Auto rickshaw KL-07-BM-2931 along with the request for condonation of delay in filing application. This authority satisfied with the explanation offered by the registered owner. Hence delay condoned and renewal of permit granted subject to the

remittance Rs.1000/- in addition to the prescribed compounding fee for the Permitless and CF less operation if any.

Item No.205

Heard.This is the application for renewal of City permit in respect of Auto rickshaw KL-39-D-8467 along with the request for condonation of delay in filing application. This authority satisfied with the explanation offered by the registered owner. Hence delay condoned and renewal of permit granted subject to the remittance Rs.1000/- in addition to the prescribed compounding fee for the Permitless and CF less operation if any.

Item No.206

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.24688/2013 and legal opinion received in this regard

2.Heard the applicants. This is the applications from nonresidents of Kochi corporation for the grant of new autorickshaw city permit to ply within the Kochi City Limit.This authority in its earlier sitting held on 14/05/2013 vide supplementary,Item No.41 granted new 2542 fresh auto rickshaw permit in Kochi City in the existing vacancy. For obtaining above granted permits,this authority stipulated certain pre-qualifications for the applicants.One of the above qualifications is that the applicant shall be a resident of Corporation of Kochi.Thereafter Secretary,RTA invited applications from the eligible candidates and 3100 numbers of applications were received from the registered owners of the autorickshaws having all the stipulated qualifications.After taking a very long efforts,the Secretary RTA completed the process of issuance of permits granted in general quota. More than 500 eligible candidates are still waiting for further grant of city permit by the Government of Kerala through a notification.

Vide above writ petition ,the non residents of Kochi corporation challenged the above mentioned pre-qualification stipulated by this authority and prayed for the grant of city permits in favour of them.Vide judgment in above writ petition,the Hon'ble High Court has directed this authority that since the permits allowed within the corporation has not been fully granted, the authority shall accept the applications of the petitioners herein and pass orders in accordance with law.

In view of the above judgment,this authority in its earlier sitting dtd 06/01/2014 considered the applications and adjourned decision for obtaining a legal opinion in this regard.

Now the matter is again placed before this authority for a decision.Hence this authority reconsidered the matter in detail.This authority imposed restrictions to provide a better conveyance to the travelling public and availability of the autorickshaws within the city limit at any point of time. Considering the above aspect this authority feels that the applicants in this case who are the nonresidents of Kochi Corporation are not able to provide travelling facility throughout day and night as in the case of residents. The applicants are already permitted to operate service outside of city area with issued autorickshaw contract carriage permit. This authority granted new autorickshaw city permits in the existing vacancy in view of the complaints of shortage of autorickshaws and also against the unauthorized plying of autos within the Kochi City limit.Many permit holders were also penalized

for unauthorized operation within the city limit.Hence this authority feels that the claim of the applicants are only for legitimizing their above action done in the past. Moreover there is no vacancy of city permit other than reserved for physically challenged person and others exist at present. Hence the fourteen applications filed for the grant of autorickshaw permits are hereby rejected.

Item No.207

Heard the applicants. This is an application for transfer of permit in respect of stage carriage KL-39-F-9696 operating on the route Poothotta-Kakkanad.This authority in its earlier sitting dtd 06/01/2014 vide supplementary Item No.28 considered the application and adjourned decision with direction to the applicant to clear pending check reports.Now the permit holder has cleared the pending check report and requested to reconsider the matter.Since there is no objection, transfer of permit allowed subject to clearance of government dues,if any.

Item No.208

All the decisions taken by the secretary,RTA on behalf of the RTA are hereby ratified.

Item No.209

No Items

Item No.210

Next meeting of the RTA is proposed to be held on.....

Supplementary Item No.01

Heard.The learned Counsel appeared for the applicant.This is an application for renewal of permit in respect of stage carriage KL-07-AN-2346 operating on the route Manjaly-Ernakulam South as ordinary service. The route 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 overlapping on Aluva-Vadakkumpuram complete exclusion scheme.This authority revealed that most of the regular permit on the portions of the route Aluva-Vadakkumpuram violating the scheme of nationalization were issued in compliance to the Judgments of Hon'ble STAT and High Court of Kerala.Vide Judgments in WP© No.4435/2011 and connected cases,the Hon'ble High Court of Kerala has directed this authority to callback several permits issued on the portions of the Aluva-Vadakkumpuram complete exclusion scheme and other routes violating the schemes of nationalization and cancel the same.

Considering the above order of Hon'ble High Court of Kerala,stage carriage permits issued on any route violating the Aluva-Vadakkumpuram scheme cannot be renewed as such.

Vide judgment in WP© No.363/2014,the Hon'ble High Court has directed this authority to consider the application for renewal of permit after hearing objections from KSRTC within a time limit.

KSRTC strongly objected the grant of renewal of permit on the portions of Aluva-Vadakkumpuram complete exclusion scheme especially through portion from Vedimara to Naluvazhy(Chendamangalam)violating the scheme of nationalization.This authority is prevented from the grant or renewal of permit on a complete exclusion scheme.

In the above circumstances, the application for renewal of permit is hereby rejected.

Supplementary Item No.02

Heard. The learned counsel appeared for the applicant. This is an application for transfer of permit in respect of stage carriage KL-42-D-3166 operating on the route Kottuvally South-Kodungalloor. This authority in its earlier sitting dtd 06/01/2014 considered the application and rejected the application on the ground that the applicant had not produced NOC from the financier. Thereafter the permit holder has produced records of the vehicle after endorsing the termination of HPA and requested to reconsider the application. No Check reports are pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any.

Supplementary Item No.03

Heard. The learned counsel appeared for the applicant. This is an application for inter district temporary permits in respect of stage carriages KL-36-B-7003 to operate on the route Kottayam-Pukkattupady as Fast Passenger service. This authority in this sitting vide item No.84 rejected the application for renewal of regular permits in respect of the above vehicle on the following grounds. The service is operating as Fast Passenger Service. As per GO(P) No.73/2013/Tran dtd 16/07/2013, the right to operate any class of service other than ordinary service is in the state of Kerala reserved exclusively for State Transport Undertaking. As per clause(3) of the above notification, the higher class permits such as Fast passenger, Super Fast and Super express etc issued in private sector will be allowed to continue till the expiry of the respective permits. **Thereafter no permits shall be renewed and no permit regular or temporary shall be issued**. Vide Judgment in WP(c) No.18959/2013 dtd 17/03/2014, the Hon'ble High Court of Kerala has also upheld the above notification. KSRTC vehemently objected the grant of renewal of permit as Fast Passenger Service. This authority is not in a position to renew a stage carriage permit as Fast Passenger Service violating existing notifications and judgments of Hon'ble High Court in this regard. If the permit is renewed as Fast Passenger Service, it will be the clear violation of above notification and connected Judgments.

In the above circumstances, the applications for temporary permit is also hereby rejected.

Supplementary Item No.04

Heard. The learned counsel appeared for the applicant. This is an application for renewal of inter district regular permit and temporary permit in respect of stage carriages KL-05-AH-9344 operating on the route Nedumkandam-Thalipparamu as Super Express service. This authority elaborately considered the application in view of existing law, notification and Judgments. The service is operating as Super Express Service. As per GO(P) No.73/2013/Tran dtd 16/07/2013, the right to operate any class of service other than ordinary service is in the state of Kerala reserved exclusively for State Transport Undertaking. As per clause(3) of the above notification, the higher class permits such as Fast passenger, Super Fast and Super express etc issued in private sector will be allowed to continue till the expiry of the respective permits. **Thereafter no permits shall be renewed and no permit**

regular or temporary shall be issued .Vide Judgment in WP(c) No.18959/2013 dtd 17/03/2014,the Hon'ble High Court of Kerala has also uphold the above notification. KSRTC vehemently objected the grant of renewal of permit as Super Express Service.This authority is not in a position to renew a stage carriage permit as Super Express Service violating existing notifications and judgments of Hon'bl High Court in this regard. If the permit is renewed as Super Express Service, it will be the clear violation of above notification and connected Judgments. Hence the application for renewal of permit in respect of stage carriage KL-05-AH-9344 as Super Express Service is hereby rejected.

In view of the GO(P) No.73/2013 dtd 16/07/2014,this authority is not in a position to grant temporary permit to operate as Super Express Service.Hence the application for the grant of temporary permit as Super Express Service as Super Express service is also rejected.

Sri. M.G.Rajamanickam,I.A.S

District Collector

&

Chairman,RTA,Ernakulam

Sri.Sateesh Bino

District Police Chief(Rural)

&

Member,RTA,Ernakulam

Sri.P.A.Sainudeen

DeputyTransport Commissioner

&

Member,RTA,Ernakulam



B. J. Antony

Secretary RTA