

**MINUTES OF THE MEETING OF REGIONAL TRANSPORT AUTHORITY
ERNAKULAM HELD ON 23/02/2017**

Present:- Chairman-

Sri.K.MUHAMMED.Y.SAFEERULLA,I.A.S, The District Collector, Ernakulam

Members:-

Sri.K.G.Samuel, Deputy Transport Commissioner [Law], CZ- II,Ernakulam.

Item No.01

1.Perused the judgment of Hon'ble STAT in MVAA No.162/2016 dtd 17/11/2016.

2.Heard; Adv.Gopinathan Nair, the learned counsel represented the applicant Sri. Shibu.C.S. In view of the direction issued by the Hon'ble State Transport Appellate Tribunal, this authority verified the records in detail. This is the application for the grant of regular permit in respect of stage carriage KL-07-AK-4789 or a suitable stage carriage o the route Manjapra-Vyttila Mobility Hub via Angamaly, Mekkad, KAMCO Jn, Athani, Manjaly, Vedimara Jn, Peruvaram temple Road, Chithranjaly Theatre Jn, North Parur, Koonammavu, Varappuzha Bridge and Edappally Bypass as ordinary Moffusil Service. This authority in its earlier sitting held on 05/04/2016 considered the application and rejected the same on the basis of reports of the Secretary, North Parur Municipality and enquiry officer in the Motor Vehicles Department regarding the non feasibility of operation of stage carriages on the portion between Peruvaram temple road and Chithranjali Jn.

Aggrieved of the above decision, the applicant filed an appeal before the State Transport Appellate Tribunal. Vide judgment in MVAA No.162/2016 dtd 17/11/2016, the STAT allowed the appeal and directed the RTA to remand back the matter on the findings that while rejecting the application, the RTA mainly relied on the report submitted by the Assistant Engineer, North Parur and There is nothing on record to indicate that the

road is not feasible for other operators well, No restriction is also imposed under Section 115 of the MV Act by issuing notification. The STAT also pointed out that when report is mainly relied on by the authority, it is the duty of the authority to see that the copy of the report was made available to the appellant and directed to give opportunity to the appellant to file written objection to the report. This is the present position of the file.

This authority reconsidered the application in the light of enquiry reports furnished by the Assistant Engineer, PWD North Parur Municipality and Motor Vehicles Inspector & Route enquiry officer in the Motor Vehicles Department and reveals the following.

1. The appellant had applied for the grant of regular permit on the route Manjapra- Vytila Mobility Hub via Angamaly, Mekkad, KAMCO Jn, Athani, Manjaly, Vedimara Jn, Peruvaram temple Road, Chithranjaly Theatre Jn, North Parur, Koonammavu, Varappuzha Bridge and Edappally Bypass as ordinary Moffusil Service.
2. On consideration of application, this authority sought report from the PWD Authority ascertaining the feasibility of operation of stage carriages on the portion between Peruvaram temple road and Chithranjaly Theatre Jn since there was severe objection in this regard.
3. In response to the requisition, the Secretary, North Parur Municipality has intimated the report of Assistant Engineer stating that the road portion from Peruvaram temple road to Chithranjaly Jn is having 500 meter length and consists of five turnings. It was also reported that the road is capable of carrying 12 tone weight.
4. But the report of Assistant Engineer has not specified whether the route portion is fit for stage carriage operation.
5. Therefore this authority sought report of the route enquiry officer of Motor Vehicles Department for ascertaining the feasibility of stage carriage operation in between the alleged portion of the proposed route.
6. The route enquiry officer has clearly specified that the portion of the proposed route from Peruvaram temple Road to Chithranjali Jn which

is 600 metre in length is very narrow with sharp curves and hence the road portion is not feasible for stage carriage operation.

7. In view of the above route enquiry report, this authority rejected the application for the stage carriage permit on the proposed route considering the safety of the public.

8. In this circumstances, the instant judgment of Hon'ble STAT.

The Hon'ble Tribunal has mainly pointed out two reasons such as the Assistant Engineer, North Parur Municipality has not reported that the road portion in question is not feasible for operation and no restriction is imposed under section 115 of the MV Act by issuing necessary notification.

This authority felt that, the grant of stage carriage permits on an unfit, sharp bended and impossible road considering the above two findings of the Hon'ble Tribunal is against the road safety aspects and threat to the life of travelling public and other road users. Lack of notification U/S 115 of MV Act is not a ground to grant permit on an unfit road without considering the safety of public. The route enquiry officer has clearly specified the these crucial circumstances. Even though, copy of the route enquiry report was obtained, the applicant has not filed any objection against the same.

Considering the safety of public and public interest, this authority hereby reject the application for the grant of stage carriage permits regular or temporary on the proposed route via Peruvaram temple Road and Chithranjali Jn.

Item No.02

Heard;Adv.Gopinathan Nair, the learned counsel represented the applicant Sri.Sajeev.C.K.This authority reconsidered the application for the grant of fresh regular permit filed by Sri. Sajeev C.K in respect of his stage carriage KL-07-P-4545 or a suitable vehicle on the route Manjapra- Ernakulam High Court Jn as Ordinary moffusil service in the light of direction issued by the Hon'ble STAT vide judgment in MVAA No.163/2016.In the meeting, several objections have been raised against the grant of permit through the Fire Station Road stating that the portion is virgin as regard to the stage carriage operation and the operation of stage carriages on that alleged road will affect

the free movement of fire tenders especially on an emergency situation. The enquiry officer, in his report not reported the above important situation. Therefore, the Secretary RTA is directed to obtain a detailed and specific report from the route enquiry officer on the following issues.

1. Allegation raised against the grant of stage carriage permits through Fire station road and the effect of operation of stage carriages on that portion.
2. Whether there is objectionable overlapping on Aluva- Vadakkumpuram complete exclusion scheme.

Hence adjourned.

Item No.03

Heard; Adv. G. Prabhakaran, the learned counsel represented the applicant Sri. Joy. M. R. This authority considered the application for the grant of fresh regular permit in respect of stage carriage KL-07-AN-9426 or KL-07-AK-6107 or a suitable vehicle on the route Nayathode- Airport Jn- Angamaly- Mala- Manjaly as Ordinary mofussil service in the light of direction issued by the Hon'ble High Court of Kerala in WPC No. 38603 of 2016. This authority considered the modified proposal in detail. As per the time schedule proposed, the applicant has provided only one trip to Nayathode, at the same time remaining trips are provided in between Angamaly Pvt Stand and Mala, which is a well served sector. Considering the interest of public, the applicant is directed to furnish a modified time schedule by providing more trips to Nayathode. Hence adjourned.

Item No.04

Heard; Adv. P. Deepak, the learned counsel represented the applicant Sri. Ajes Jebbar. This authority considered the application for the grant of fresh regular permit filed by Sri. Ajes Jebbar in respect of his nonexistent suitable vehicle on the route Pattimattam- Pazhamthottam- Kakkanad- Vytila- Panangad- Kaloore as Ordinary service. This authority considered the application in detail and reveals the following.

1. As per the time schedule proposed, only one trip is provided in between Pattimattam and Kaloore and pazhamthottam and Kaloore. Remaining trips are provided in between Kakkanad - Kaloore and Panangad - Kaloore which amounts to a city service. As per Sub section [3] of section 71 of MV Act-

1988, number of stage carriage permits permitted in the Kochi city was limited and such permits were already to the applicants. If the proposed permit is allowed, it will result in the increase of city stage carriage permits operating in the limit of Kochi city and it will be clear violation Government notifications in this regard. Therefore it cannot be allowed.

2.The portion of the proposed route from Vyttila to Kadavanthara, which is 1.7 km is objectionably overlaps Ernakulam- Muvattupuzha notified route modified vide GO(P) No.05/2017/Tran dtd 21/02/2017. As per clause[4],Clause 5[b] and Clause[19] of the above said notification, no fresh permits shall be granted nor shall the existing permits varied in favour of any other operators enabling them to conduct service overlapping on the above notified route as such or portions thereof. The Clause[19] clearly specified that the right to operate any new service and to increase the trips on the portion of the above route are exclusively reserved for the State Transport undertaking. If the proposed new regular is allowed, it will violate the Clause[4],Clasuse 5[b] and Clause19 of the above notification.

In view of the aforesaid facts and circumstances, application for the grant of regular permit is hereby rejected.

Item No.05

Heard;Adv.P.Deepak, the learned counsel represented the applicant Sri.T.B.Nazer. This authority considered the application for the grant of fresh regular permit filed by Sri.T.B.Nazer in respect of his nonexistent suitable vehicle on the route Karimugal-Chathamma- Kakkanad as Ordinary moffusil service.This authority considered the application in detail and reveals the following.

The portion of the proposed route from Hill Palace to Trippunithura, which is 2.7 km is objectionably overlaps Ernakulam- Muvattupuzha notified route modified vide GO(P) No.05/2017/Tran dtd 21/02/2017.As per clause[4],Clause 5[b] and Clause[19] of the above said notification, no fresh permits shall be granted nor shall the existing permits varied in favour of any other operators enabling them to conduct service overlapping on the above notified route as such or portions thereof. The Clause[19] clearly

specified that the right to operate any new service and to increase the trips on the portion of the above route are exclusively reserved for the State Transport undertaking. If the proposed new regular is allowed, it will violate the Clause[4], Clause 5[b] and Clause 19 of the above notification.

In view of the aforesaid legal impediments, application for the grant of regular permit on the portion of Ernakulam- Muvattupuzha notified route is hereby rejected.

Item No.06

Heard; Adv.P.Deepak, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-40-45 operating on the route Trippunithura-Eloor-W.Island as Ordinary service. By the proposed variation the permit holder is desired to operate 3rd and 4th trips only up to Ravipuram avoiding service to Island. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that the curtailment will not affect the public adversely. Hence the Proposed variation is granted subject to settlement of timings.

Item No.07

Heard; the learned counsel Adv.G.Prabhakaran represented the applicant and Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AR-218 operating on the route Poothamkutty-Chully as Ordinary service. By the proposed variation, the applicant is desired to vary the permit so as to curtail 10th trip from Poothamkutty to Chully via Edalakkad Olive Mount and Halt at Chully avoiding service through Tabore, Manjinikkad and Karayamparambu. This authority in its earlier sitting held on 17/08/2015 considered the application and that was rejected on the findings that the proposed variation will be denied the existing travelling facility of the public. Now vide judgment in MVAA no.271/2015, the Hon'ble Tribunal has directed this authority to reconsider the matter on the basis of enquiry report of the field officer. This authority reconsidered the application in the light of judgment of Hon'ble

STAT in MVAA No.271/2015 and enquiry report furnished by the field officer, objections raised by the public and connected file. The enquiry officer has reported that the proposed deviation is beneficial to the travelling public of the deviated route via Edalakkad and Olive Mount, but the withdrawal of the service through Tabore, Manjinikad and Karayamparambu will adversely affect the travelling public in that area. Interest of the public is the main factor for the grant of a variation on existing regular 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 through the ill served areas cannot be allowed. The proposed deviations will not provide any advantage to the public. More over so many objections have been received from the public against the curtailment of existing service including the night trip. The proposed variation is against the public interest. Therefore in view of the report of the field officer and the objection from the travelling public of curtailed route portion, the application for the variation of permit is hereby rejected on public interest.

Item No.08

Heard ;Adv.P.Deepak,the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the variation of regular permit in respect of stage carriage KL-11-X-871 operating on the route Aluva-Fort Kochi-Eloor Depot as ordinary city Service. This authority reconsidered the application in the light of judgment of Hon'ble STAT in MVARP No.26/2016 and enquiry report furnished by the field officer, objections raised by the public and connected file. The proposed variation includes extension and curtailment of trips. By the proposed variation, the permit holder is desired to extend trip No.3rd , 5th and 7th trips to Wellington Island by curtailing the service to Fort Kochi. So many objections have been received from the public stating that the curtailment of service to eastern side of Kochi especially to Fort Kochi stating that the curtailment will adversely affect them. Available report of the field officer is not sufficient to conduct a comparative study and ascertain the weight of proposed extension and curtailment. Therefore the secretary RTA is directed to seek a

comparative study report of the field officer on advantages and disadvantages of proposed extension to W/Island and curtailment of service to Fort Kochi. Hence adjourned.

Item No.09

Heard; Adv.Jithesh Menon, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-45-1314 operating on the route North Parur- High Court Jn as Ordinary moffusil service. By the proposed variation the permit holder is desired to operate two round trip from High Court Jn to Moolampilly via Container Road. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that the proposed extension from Vypin to High Court is beneficial to the public and the proposed variation will provide additional advantage to the travelling public. Hence the Proposed variation is granted subject to settlement of timings.

Item No.10

Heard; Adv.P.Deepak, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-01-AP-2277 operating on the route Fort Kochi-South Chittoor as Ordinary service. By the proposed variation the permit holder is desired to operate some trips to Vytila Hub via Ayyappankavu, Pachalam Over Bridge, Kattungal Temple, SRM Road, Perandoor Road, Puthiya Road Jn, Kaloor Jn, KK Road and Subhash Chandra Bose Road .The enquiry officer has reported that the portion of the proposed extension portion from BPCL pump Jn to Ponnurunni Railway over Bridge which is 2.2 km is virgin. Therefore proposed variation cannot allowed on a virgin route without ascertaining the feasibility of operation of stage carriages. Therefore decision is adjourned for the fitness certificate from the concerned authority and further report of the route enquiry officer in this regard.

Item No.11

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-42-A-3060 operating on the route Kothad Ferry- Kundannoor as Ordinary service. This authority reconsidered the issue in view of the judgment of Hon'ble STAT in MVAA No.54/2016 and already issued time schedule by the Secretary RTA vide Order No.C2/117039/2014/E dtd 28/10/2015. Though, there was a direction from the STAT to ascertain whether the operation of stage carriage in question on the allowed route is practical with above set of timings, the Secretary RTA has not offered any remarks with regard to the feasibility of the existing timings. Therefore this authority is incapable to take a decision in this situation. Hence the Secretary RTA is directed to furnish a detailed report in this regard and place the matter in the next sitting .Hence adjourned.

Item No.12

Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-05-U-3131 operating on the route Aluva- Vazhakkala-Thoppumpady as Ordinary service. By the proposed variation the permit holder is desired to operate 1st and last trips as Aluva- Fort Kochi avoiding operation to Vazhakkala for changing the starting and halting place to Fort Kochi. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that the curtailment will not affect the public adversely since that portions are well served and sufficient stage carriages are operating through the curtailed portion and the proposed variation will provide additional advantage to the travelling public. Hence the Proposed variation is granted subject to settlement of timings.

Item No.13

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage

carriage KL-07-AP-3549 operating on the route Mala- Manjapra as Ordinary service. By the proposed variation the permit holder is desired to change starting and halting place as Annamanada instead of Mala and sought additional trips in the existing route. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that the curtailment will not affect the public adversely since that portions are well served and sufficient stage carriages are operating through the curtailed portion and the proposed variation will provide additional advantage to the travelling public. Hence the Proposed variation is granted subject to settlement of timings.

Item No.14

Perused the judgment of Hon'ble High Court of Kerala in WPC No.39722/2016 and considered the application for variation of regular permit in respect of stage carriage KL-11-AB-3737 covered by a regular permit on the route Chottanikkara- Thrissur as LSOS. By the proposed variation, the permit holder has desired to curtail the service from Ernakulam to Chottanikkara. The enquiry officer has reported that the curtailment of service to Chottanikkara will adversely affect the travelling public and so many objections had been received from the public while renewal of this permit against the purposeful curtailment of service from Vyttila to Chottanikkara. In this situation, the application for variation of permit. Vide judgment in WPC No.39722/2016, the Hon'ble High Court of Kerala has directed to consider and dispose the application for variation within a time frame. But the applicant has not appeared for hearing in this meeting. In view of the report of route enquiry officer, the application for variation is liable to be rejected. But the law will not be permitted to reject the application without given an opportunity to the applicant for hearing. Hence this authority is constrained to adjourn the application to hear the permit holder. Therefore the Secretary RTA is directed to

1. Issue copy of the route enquiry report to the permit holder with direction to appear in the next sitting without fail.

2. Issue show cause notice to permit holder for frequent curtailment of service to Chottanikkara and violation of permit condition reported by the field officer.

Hence adjourned.

Item No.15

1.Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-05-Y-4050 operating on the route Cheranelloor- Ernakulam High Court Jn as Ordinary moffusil service. The route enquiry officer has reported that there no curtailment in the proposed variation, but there is rearrangements of trips and extension of service to Andissery Temple.This authority considered the matter in detail.As per the proposed time schedule, this authority felt that there is curtailment of trip to Cheranelloor in the morning at 9.10 am and at the same time, the permit holder has offered one additional trip to Cheranelloor in the night at 9.37 P.M. There is no provision in the Motor Vehicles Act and Rules made there under for the variation of a permit by rearrangements of trips for permitting curtailment of trips in the peak hour of the day so as to operate one trip to same place in the late night, which is not convenient to the public. Hence the proposed rearrangements of trips cannot be allowed. The proposed extension to Andissery temple is beneficial to the public. Therefore the permit holder is directed to submit a modified proposal for extension to Andissery temple only without rearrangements of trip , curtailment of existing trips and without any alteration in the existing time schedule. Hence adjourned.

2.The enquiry officer is directed to explain whether there is any provision in the MV Act for the variation of permit by rearrangements of trips.

Item No.16

This is the application for variation of regular permit in respect of stage carriage KL-07-AR-5419 operating on the route Cheranelloor- W/Island- Panangad as Ordinary moffusil service.Thi applicant is absent. Hence adjourned.

Item No.17

Heard; Adv.Gopinathan Nair, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-07-AP-5666 operating on the route Irumpanam- Manjummel as Ordinary moffusil service. This authority reconsidered the application in the light of Judgment of Hon'ble STAT in MVAA No.52/2016. Existing report of the route enquiry officer is not sufficient to take a decision based on the findings of the Hon'ble Tribunal. Therefore

1.The Secretary RTA is directed to conduct a further detail route enquiry for ascertaining frequency of the stage carriages in the proposed curtailed and deviated portion.

2.The applicant is directed to submit a modified time schedule without altering the existing timings.

Hence adjourned.

Item No.18

1.Perused the judgment of Hon'ble High Court of Kerala in WPC No.37341 of 2016

2.Heard; the learned counsel represented the applicant and all affected parties. This is the application for variation of regular permit in respect of stage carriage KL-42-6641 operating on the route Kalamassery Medical College-Eramalloor via HMT Jn, South Kalamassery, Edappally,Palarivattom, Kaloor, MG road, Vyttila, Kumbalam and Aroor as Ordinary moffusil service. By the proposed variation the permit holder is desired to change starting and halting place to Eramalloor instead of Kalamassery Medical College and to deviate most of the existing trips via pipe line and Bypass avoiding operation that trips via Kaloor and Ernakulam South by rearrangements of trips and timings. This authority in its earlier sitting considered the matter and given an option to the permit holder to reduce the number of deviated trips without changing the existing timings. Now, the permit holder has submitted another proposal by reducing only one trips in the deviated route with no modification in the proposed time schedule.

In view of the judgment of Hon'ble High Court of Kerala in WPC No.37341 of 2016, this authority reconsidered the application in detail. The enquiry officer has already reported that curtailment of existing four trips via Kaloor and Ernakulam South and the alteration of entire timings in the existing time schedule will adversely affect the travelling public and settled position of timings in the entire route. Taking into account the respective objections and submission of enquiry officer and reckoning the factual circumstances this authority is of the considered opinion that, by the proposed variation, the deviation of existing four trips via Pipe line and Bypass will automatically lead to change of timings of entire timings in the existing time schedule since there is considerable difference in route length between the new route proposed and existing route. Hence this proposal is liable to be treated as an application for the fresh grant of fresh permit. Since there is legal impediment to grant a new permit since the route objectionably overlaps notified schemes published vide GO[P] No.42/2009/Tran dtd 14/07/2009, the permit holder was directed to furnish a modified proposal by without curtailing existing major trips through city area and furnish a modified time schedule without changing entire timings in the existing time schedule. But the permit holder has not made sufficient modification in trips so as to avoid violation of section 80(3) of MV Act 1988 . Since the proposal contains major change of existing route, timings and termini, the application shall be treated as an application for the grant of a new permit. Therefore the application cannot be treated as an application for variation of permit. Hence rejected.

However ,the applicant is free to file an application for the grant of new permit on the proposed route as permissible by law and existing schemes of nationalization.

Item No.19

Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant and heard the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-08-AQ-7011 operating on the route Vypin –Maliankara-Collectors Square as ordinary Service. This authority considered the application in the light of enquiry

report furnished by the field officer, objections raised by the public and connected file. The enquiry officer has reported that the curtailment of trip from Narakkal to High Court Jn will adversely affect the travelling public. Interest of the public is the main factor for the grant of a variation on existing regular 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 cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

In view of the afore said fact and circumstances, the application for the variation of permit is hereby rejected.

Item No.20

Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-07-AJ-7765 operating on the route Kollamkudymugal-Eramalloor as Ordinary moffusil service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that there is no overlapping in the varied route and the curtailment will not affect the public adversely since that portions are well served and the proposed extension via Infopark is highly beneficial to the public especially for the passengers to Infopark, Civil Station and Kinfra etc. Hence the Proposed variation is granted subject to settlement of timings.

Item No.21

1.Heard; Adv.Jithesh Menon, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-29-8182 operating on the route Kodungalloor- Cheranelloore as Ordinary moffusil service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that there is no overlapping in the varied route and there is no curtailment in the proposed variation . But as per the time schedule proposed,this authority felt that there is a curtailment of trip to Cheranelloore in the peak hour which is very adverse to the public. The enquiry officer in his further route enquiry report, clearly specified that

proposed early halting at Cheranelloore by 8.35PM will adversely affect the travelling public from Kodungalloor to Cheranelloore. Interest of the public is the main factor for the grant of a variation on existing regular 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 cannot be allowed. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation. As reported by the enquiry officer, there is no provision in the Motor Vehicles Act and Rules made there under for the variation of a permit by rearrangements of trips for permitting curtailment of trips in the peak hour of the day so as to operate one trip to same place in other time, which is not convenient to the public.

In view of the afore said fact and circumstances, the application for the variation of permit is hereby rejected.

Item No.22

Heard; Adv.Jithesh Menon, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-42-B-8679 operating on the route Mannamthuruthu Ferry-Kodungalloor as Ordinary mofussil service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. By the proposed variation, the permit holder has sought extension of one trip to Asmabi College from Kodungalloor which is 9.5 km in length. The entire portion on which extension is required is lying under the jurisdiction of RTA Thrissur. Hence the Secretary RTA is permitted to seek concurrence of RTA Thrissur for the proposed variation. Hence adjourned.

Item No.23

Heard; Adv.P.Deepak, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-07-BB-9817 operating on the route Puthencruetz-Ernakulam[Kaloor] as Ordinary mofussil service. This authority considered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that there is no additional overlapping in the varied route and the curtailment will not affect the public adversely since

that portions are well served and the proposed deviation via Kakkanad and Irumpanam is highly beneficial to the public. Hence the Proposed variation is granted subject to settlement of timings.

Item No.24

1.Heard Adv.P.Deepak, the learned counsel represented the applicant and also the Counsel represented the KSRTC.This is an application for the renewal of the regular permit issued in respect of stage carriage KL-07-AG-1472 to operate on the route Aluva- Thevara Jn as Ordinary City Service.This authority considered the application in detail.The regular permit was issued on 01/09/2004 and subsequently before expiring its validity, the permit holder surrendered the regular permit on 30/06/2005 for cancellation. Now, Smt. Beevi Moideen, who was the holder of the above surrendered permit has applied for the renewal of the city stage carriage permit with effect from 01/09/2009.

This authority considered the application in detail. The regular permit issued to stage carriage KL-07-AG-1472 was surrendered by the permit holder during the year 2005.Therefore there is no such regular permit exist in respect of stage carriage KL-07-AG-1472 for the proposed renewal. Hence the application for the renewal of permit is hereby rejected.

2.Since the application for renewal of permit is rejected ,the application for the replacement of the vehicle is also stands rejected.

3.The proposed route is objectionably overlaps Trivandrum-Palakkad and Trivandrum –Kannur notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. Hence no regular or temporary permits can be granted violating clause 5[C] of the above said notification. Hence the application for the grant of temporary permit is hereby rejected.

Item No.25

Heard; Adv. G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-08-AB-101 operating on the route Kumbalam- Thrissur as LSOS. The permit holder has not filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 05/02/2002. The proposed route is having length of 90 km in which 41 km is lying under the jurisdiction of RTA Thrissur. The applicant has filed application before the expiry of regular permit. Hence delay condoned and decision is adjourned for the concurrence of RTA Thrissur.

Item No.26

Heard; Adv. Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-35-1008 operating on the route North Parur- Vypin-High Court Jn as Ordinary moffusil Service. The permit holder has not filed application within the time prescribed under Section 81[2] of MV Act, 1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 04/11/2006. The proposed route is having length of 29.5 km and the route will not overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the proposed route. The applicant has filed application before the expiry of regular permit. Hence delay condoned and renewal of regular permit is granted.

Item No.27

Heard; Adv. Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-41-L-1017 operating on the route Pattimattam as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act, 1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 23-01-2012. The proposed route is having

length of 32.3 km and the route will not objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted.

Item No.28

Heard; Adv. P.Deepak, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-17-M-1684 operating on the route Erattupetta- Kaloor as LSOS. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 27/03/2007. The proposed route is having length of 87 km in which 33.5 km is lying under the jurisdiction of RTA Kottayam.Hence delay is condoned and decision is adjourned for the concurrence of RTA Kottayam.

Item No.29

Heard; Adv. Gopinathan Nair, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-32-F-1713 operating on the route Cherthala- Kaloor as Ordinary moffusil service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 14/05/2002. The proposed route is having length of 49.5 km in which 21.5 km from Chellanam to Cherthala is lying under the jurisdiction of RTA Kottayam.Hence decision is adjourned for the concurrence of RTA Kottayam.

Item No.30

1.Heard; Adv. P.Deepak, the learned Counsel represented the applicant and the Counsel represented KSRTC.This is the application for the renewal of

regular permit in respect of stage carriage KL-07-BE-2854 on the route Aluva- Perumannoor Jn- Fort Kochi as Ordinary service. This authority considered the matter in detail. The regular permit in question was expired on 01/12/2010 and the permit holder filed application for the renewal only on 11/03/2014. Even though the application for the renewal of permit was received on 11/03/2014, the application had not placed before this authority for consideration. The permit holder has also failed to produce No Objection Certificate from the financier which is a mandatory requirement for the renewal of permit. The agenda is not explanatory to ascertain the reason for inordinate delay occurred for placing the matter before this authority and the version of the financier regarding the renewal of permit. Therefore, the Secretary RTA is directed to issue notice to the financier by registered post and furnish a detailed notes on the following

1. Reason for inordinate delay in placing the application before this authority
2. Whether the financier has filed any objection against the renewal of permit
3. Whether the stage carriage KL-07-BE-2854 was covered by any permit after the expiry of regular permit
4. Whether any other stage carriages were conducted service in the vacancy of stage carriage KL-07-BE-2854 after the expiry of regular permit.

Hence adjourned.

Item No.31

1. Heard; Adv. Stalin Peter Davis, the learned counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-45-C-3006 operating on the route Kottayil Kovilakam-Vypin-High Court Jn as Ordinary moffusil Service. This authority considered the application in detail.

The route is having length of 34 km in which the portion of the route from Bharanimukku to North Parur which is 4 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-

Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence the application for the renewal of regular permit is adjourned.

2.The Secretary RTA is permitted to issue temporary permits in favour of the applicant to continue operation on the same route on public interest.

Item No.32

1.Heard;Adv.Stalin Peter Davis, the learned counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-42-G-3250 operating on the route Puthenvelikkara-North Parur- Aluva as Ordinary moffusil Service. This authority considered the application in detail.

The route is having length of 32 km in which the portion of the route from North Parur to Vedimara which is 1.5 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence delay in filing application is condoned and the application for the renewal of regular permit is adjourned.

2.The Secretary RTA is permitted to issue temporary permits in favour of the applicant to continue operation on the same route on public interest.

Item No.33

Heard; Adv. G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-AP-3456 operating on the route Kalady- Angamaly as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 28/01/2012. The proposed route is having length of 39.7 km and the route will not objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted.

Item No.34

Heard; Adv. Jithesh Menon, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-BC-4026 operating on the route North Parur- High Court Jn-Kaitharam as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 19/01/2007. The proposed route is having length of 34.5 km and the route will not objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted.

Item No.35

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

renewal of regular permit in respect of stage carriage KL-07-AY-4229 operating on the route Kakkanad-Perumbavoor-Trippunithura as Ordinary moffusil Service. The permit holder has not filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 22/07/2006. The proposed route is having length of 45 km and the route will not objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the proposed route. The applicant has filed application before the expiry of regular permit. Hence delay condoned and renewal of regular permit is granted.

Item No.36

1.Heard; the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of inter district regular permit in respect of stage carriage KL-39-A-5000 operating on the route Kaippuzhamuttu- Ernakulam as Ordinary moffusil service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 12/05/1997. The proposed route is having length of 51 km in which 25 km from Poothotta to Kaippuzhamuttu is lying under the jurisdiction of RTA Kottayam.Hence decision is adjourned for the concurrence of RTA Kottayam.

2 . Decision on application for transfer of ownership is also adjourned till the final decision on application for the renewal of permit.

Item No.37

1.Heard; the learned counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-42-D-6168 operating on the route

Kodungalloor- Angamaly as Ordinary moffusil Service. This authority considered the application in detail.

The route is having length of 32.8 km in which the portion of the route from Chendamangalam Jn to Vedimara which is 1 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence the application for the renewal of regular permit is adjourned.

2.The Secretary RTA is permitted to issue temporary permits in favour of the applicant to continue operation on the same route on public interest.

Item No.38

Heard; the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of inter district regular permit in respect of stage carriage KL-04-M-6535 on the route Eramalloor- Eramalloor as Ordinary moffusil service. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 12/07/2006 and the route objectionably overlaps notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause[4] of the above notification, regular permits issued after 09/05/2006 violating Clause 5[C] of the notification cannot be renewed. Only temporary permits can be allowed in such cases. The learned counsel represented the applicant has requested to adjourn the decision since finalization of modification in

GO(P) No.42/2009/Tran dtd 14/07/2009 is pending with the Government. Considering the request, decision is adjourned to next sitting.

Item No.39

1.Heard;Adv.P.Deepak, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-17-A-6989 on the route Edakochi-Aluva as Ordinary moffusil service. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. Action on regular permit for the willful curtailment of night trips to Edakochi is pending for the explanation from the permit holder. The Hon'ble Human Rights Commission of Kerala has instructed not to renew the regular permits in respect of stage carriages curtailing night trips to Eastern side of Kochi .The applicant is a habitual offender and so many check reports booked against the curtailment of trips are pending for the departmental action. The Secretary RTA has not specified the order of the Hon'ble Human Rights Commission of Kerala and feasibility of the renewal of permit in respect of stage carriage KL-17-A-6989 based on the findings of Hon'ble Human Rights Commission of Kerala. Hence decision is adjourned to next sitting.

2.The Secretary RTA is directed to issue temporary permit U/S 87[1] C for duration of 20 days till taken a decision on renewal of permit and pending check reports.

Item No.40

1.Heard;Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of a non existing stage carriage on the route Ezhattumugham- Angamaly as Ordinary moffusil service. This authority elaborately considered the scope and applicability of the proposed renewal of permit . In this cases, there is no vehicle is available in possession of the applicant to hold the regular permit and hence the renewal of permit in respect of a nonexistent vehicle is not supported by law. Recently, the Hon'ble High Court of Kerala has pronounced that no vehicle can be released from the permit by keeping the permit under suspended animation.

This is a similar case of existence of permit without a vehicle. Therefore there is no provision to renew the non operational permit in respect of nonexistent vehicle. Hence the regular permit is liable to be revoked. Before going to take such decision, the Secretary RTA is directed to issue show cause notice to the permit holder and place the matter in the next sitting for a decision.

Item No.41

Heard; Adv. Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-13-P-7538 on the route Akaparambu-Ezhikkara as Ordinary mofussil service. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 30/01/2007 and the route objectionably overlaps notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause[4] of the above notification, regular permits issued after 09/05/2006 violating Clause 5[C] of the notification cannot be renewed. Only temporary permits can be allowed in such cases. The learned counsel represented the applicant has requested to adjourn the decision since finalization of modification in GO(P) No.42/2009/Tran dtd 14/07/2009 is pending with the Government. Considering the request, decision is adjourned to next sitting.

Item No.42

1. Perused the judgment of Hon'ble High Court of Kerala in WP© No.37637/2016

2. Heard; Adv. P. Deepak, the learned Counsel represented the applicants and the Counsel represented KSRTC. This is an application for the renewal of regular permit and transfer of permit in respect of stage carriage KL-42-C-7698 on the route Vattapparambu-Perumbavoor as Ordinary mofussil service. This authority elaborately considered the scope and applicability of the renewal of permit and transfer of permit in the light of existing notifications and connected file. The regular permit was issued on 25/01/1997. The proposed route is having length of 23 km and the route objectionably overlaps notified schemes published vide GO(P) No.

No.42/2009/Tran dtd 14/07/2009 .. There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted.

3.As the existing regular permit holder Sri.Martin is not liable to remit arrears of tax in respect of stage carriage KL-42-C-7698 during the period from 01/04/2013 to 31/03/2014, there is no legal impediment to transfer the existing permit on the route Vattapparambu-Perumbavoor. Hence transfer of permit is allowed.

4.The Secretary RTA is directed to take necessary steps to dispose the pending writ petition in 13428/2014 and realize the arrears of tax in respect of stage carriage KL-42-C-7698 from 01/04/2013 to 31/03/2014 from Sri.Sunil Thomas in view of the recently reported decision of Hon'ble High Court of Kerala in similar cases, in consultation with the Advocate General.

Item No.43

Heard;Adv.P.Deepak, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-BF-8061 on the route Edakochi-Kakkanad-Edachira as Ordinary moffusil service. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The orders of this authority suspending the regular permit in respect of stage carriage KL-07-BF-8061 is under challenge before the Hon'ble Tribunal. As there is no legal impediment to renew the permit, the Secretary RTA is directed to

- 1.Renew the regular permit subject to the remittance of compounding fee as ordered by this authority in its earlier sitting
- 2.Take urgent steps to dispose the pending appeals before the Hon'ble Tribunal
- 3.Disqualify the conductor license as ordered by this authority
- 4.Ensure that all orders of this authority except that stayed by the Tribunal are complied.

Item No.44

1.Heard;Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the applications for the renewal

and transfer of regular permit in respect of stage carriage KL-05-AA-8474 on the route Kottayam-Perikkalloor as LSOS and replacement of the vehicle with a later model vehicle KL-05-AL-3699. This authority considered the applications in detail. This is an inter district route having route length 457 km. The Government of Kerala have formulated a draft schemes for the definition of Limited Stop Ordinary Service and the distance that can be operated by such class of service. Therefore this authority feels that the decision on application for renewal of inter district permit having route length 457 km by converting the nature of service from super class to limited stop service is not proper during the pendency of draft schemes. Hence adjourned to next sitting.

2. Transfer of permit and replacement of vehicle are allowed subject to the renewal of permit.

Item No.45

Heard; Adv. Gopinathan Nair, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-08-W-8513 operating on the route Narakkal-Vypin-High Court Jn as Ordinary moffusil Service. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 23/01/2007. The proposed route is having length of 13 km and the route will not overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted .

Item No.46

Heard; Adv. Jithesh Menon, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-01-Y-8605 operating on the route Kunjithai-Munambam as Ordinary moffusil Service. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 07/04/2007. The proposed route is having length of 16.5 km and

the route will not overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted .

Item No.47

Heard;Adv. P.Deepak, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-42-8818 operating on the route North Parur-Ezhikkara-Kaloor as Ordinary moffusil Service. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 01/02/2007. The proposed route is having length of 29 km and the route will not objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted .

Item No.48

Heard; the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-38-E-9212 operating on the route Kaippuzhamuttu-Thoppumpady as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 26/07/1997. The route objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 or other existing notified schemes. The proposed route is having length of 58 km ,in which 26 km is lying under the jurisdiction of RTA Kottayam. Therefore,the secretary RTA is permitted to seek concurrence of RTA Kottayam. Hence adjourned.

Item No.49

Heard; the learned Counsel represented the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-AW-9395 operating on the route North Parur- High Court Jn as Ordinary moffusil Service. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 20/01/2012. The proposed route is having length of 29 km and the route will not overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted .

Item No.50

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-40-189 on the route Fort Kochi- Kakkanad , is allowed as applied for subject to the clearance of Government dues, if any.

Item No.51

Heard; Adv.P.Deepak, the learned counsel represented the applicant. This is the request for Transfer of permit in respect of S/C KL-43-B-175 covered by regular on the route Perumpadappu- Aluva . On perusal of the file, this authority felt that the applicant has not replied on allegation regarding the renewal of the regular permit after the death of the permit holder without intimating the death of permit holder and the applicant has not filed application for the transfer of permit stipulated under section 82 of MV Act.Therefore, the secretary RTA is directed to resubmit the matter after completing the all official procedures to be done by his office, such as acceptance of proper applications and call for proper explanation from the applicant on renewal of the regular permit by misrepresentation of facts after the death of the permit holder etc. Hence adjourned.

Item No.52

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

07-AP-907 on the route Perumpadappu- Kakkanad , is allowed as applied for subject to the clearance of Government dues, if any.

Item No.53

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. As per the agenda, one check report is pending against the stage carriage KL-18-A-1561. Hence decision is adjourned to clear pending check reports by the existing permit holder before considering the application for transfer of permit. Hence adjourned.

Item No.54

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-36-1375 on the route Aluva- Thoppumpady , is allowed as applied for subject to the clearance of Government dues, if any.

Item No.55

Heard; Adv.Jithesh Menon, the learned counsel represented both the permit holder in respect of stage carriage KL-07-AF-3321 and heard Adv.P.Deepak for the objectors. They have requested not to take any action on regular permit with a reason of illegal transfer of permit since two open Suits vide Nos.60/2015 and 96/2016 are pending with the Hon'ble Munisif Court, North Parur.

This authority considered the matter in detail. The Secretary RTA has also reported the pendency of suits as intimated by the learned counsel regarding the possession of the vehicle in question. But the above pendency of above suits will not prevent this authority from taking action on permit due to the failure of the permit holder in replacement of stage carriage KL-07-AF-3321 with a later model vehicle on completion of 15 years of the old vehicle, which is a permit condition issued at the time of grant of permit. Even though the old vehicle attained the age of 15 years on 29/09/2016, the permit holder has not offered another suitable vehicle for the replacement even after an intimation was issued to the permit holder. This inaction of the permit holder is resulted in the invalidation of regular permit. Therefore the Secretary RTA has recommended to revoke the regular permit issued to stage carriage KL-07-AF-3321 on the route Vypin-Kodungalloor-

Ernakulam. But in the meeting, the learned counsel has requested to allow some more time to apply for replacement of the vehicle. Considering the above , this authority hereby decide to

1.Decision on application for transfer of permit and complaint filed by Sri.Sasikumar.K.K are adjourned till the finalization of pending suits before the Hon'ble Munisif Court.

2.The permit holder is allowed to file application for replacement with current records of suitable vehicle on or before 30/06/2017, failing which the regular permit will be revoked.

Item No.56

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-05-AB-3784 on the route Brahmamangalam- Thalayolaparambu-Ernakulam , is allowed as applied for subject to the clearance of Government dues, if any.

Item No.57

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AP-3549 on the route Mala- Manjapra , is allowed as applied for subject to the clearance of Government dues, if any.

Item No.58

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-09-P-2674 on the route Pottachira - Perumbavoor , is allowed as applied for subject to the clearance of Government dues, if any.

Item No.59

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AP-4885 on the route Kakkanad- Perumpadappu , is allowed as applied for subject to the clearance of Government dues, if any.

Item No.60

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

07-BA-4149 on the route North Parur- Ernakulam High Court Jn , is allowed as applied for subject to the clearance of Government dues, if any.

Item No.61

Heard; Adv.Gopinathan Nair, the learned counsel represented both the permit holder in respect of stage carriage KL-04-K-3119 covered by regular permit on the route Munambam- North Parur- Angamaly- Manjapra.

1. This authority considered the matter in detail. Eventhough, transfer of regular permit 7/5817/2012 was allowed, the transferee has not produced current records of the vehicle till date. As per Rule 159[2] of KMV Rules-1989, the grantee shall produce current records within the aggregate time of 4 months from the date of grant. In this case, the grantee has failed to produce current records of the vehicle after the laps of 10 months. Therefore, the grant of transfer is liable to be revoked.
2. The vehicle KL-04-K-3119 covered by above permit attained the age of 15 years on 04/11/2016, the permit holder has not offered another suitable vehicle for the replacement even after direction was issued to the permit holder. This inaction of the permit holder is resulted in the invalidation of regular permit. Therefore the Secretary RTA has recommended to revoke the regular permit issued to stage carriage KL-04-K-3119 on the route Munambam- North Parur- Angamaly- Manjapra. But in the meeting, the learned counsel has requested to allow some more time to apply for replacement of the vehicle.

Considering the above , this authority hereby pronounce the following.

- 1.Sanction accorded for the transfer of permit in the name of Sri.Jibi.T.P is hereby revoked.
- 2.The permit holder is allowed to file application for replacement with current records of suitable vehicle on or before 30/06/2017, failing which the regular permit will be revoked.
- 3.The Secretary RTA is directed to initiate revenue recovery proceedings to realize arrears of tax.
- 4.If the permit holder has failed to replace the old vehicle within the time limit allowed by this authority by clearing all pending arrears, the Secretary

RTA is directed to place the matter in the very next sitting after 30/06/2017 with intimation to the permit holder.

Item No.62

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-08-AL-4555 on the route Kurisumudy- Manjikkad , is allowed as applied for subject to the clearance of Government dues, if any.

Item No.63

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-D-3817 on the route Mambra- Mulamkuzhy , is allowed as applied for subject to the clearance of Government dues, if any.

Item No.64

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-50-4473 on the route Pukkattupady-Fort Kochi , is allowed as applied for subject to the clearance of Government dues, if any.

Item No.65

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BF-4343 on the route Parakamugal- Panampilly Nagar, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.66

Heard; Adv. Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. The regular permit issued to stage carriage KL-05-AB-3666 is pending for the renewal for the concurrence of sister RTAs and now the vehicle is operating with temporary permit. Transfer of temporary permit is not permissible by law. Hence decision is adjourned till the renewal of regular permit.

Item No.67

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-

07-AN-3254 on the route North Parur- Vypin- Munambam- Ernakulam, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.68

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

Item No.69

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-42-A-4671 on the route Munambam- Kottuvally South, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.70

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-41-3664 on the route Pukkattupady- W.Island, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.71

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-E-4947 on the route Mala- Angamaly, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.72

Heard; Adv.G.Prabhakaran, the learned counsel represented the possessor of stage carriage KL-07-BA-4359 and heard Sri.Sajeev. C.Gopal, the learned counsel represented the objector. Since the possessor or the person claiming the succession of the deceased permit holder has not produce any documentary evidence to prove his claim even after repeated directions issued. Therefore the permit is liable to be revoked. Secretary RTA is directed not to issue any temporary permit to the possessor of the vehicle without production succession certificate. The final decision on this matter will be taken in the next sitting after a detailed perusal.

Item No.73

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-04-M-6535 on the route Eramalloor- Eramalloor, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.74

Heard the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BB-6660 on the route Vypin- Keezhmedu, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.75

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BC-7475 on the route Kothad Ferry- South Chittoor- Kadavanthara, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.76

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-10-P-7444 on the route Munambam-Paravoor-Kottayil Kovilakam, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.77

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-38-B-7333 on the route Ashamichira- Kadappara, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.78

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-39-F-7500 on the route Poothotta-Ernakulam High Court Jn-Kaloor, is allowed as applied for subject to the clearance of Government dues, if any and NOC from the financier

Item No.79

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-41-A-5686

on the route Munnoorpilly- Perumbavoor, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.80

Heard; Adv. Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. The regular permit issued to stage carriage KL-05-AE-9178 is pending for the renewal for want of concurrence of sister RTAs and now the vehicle is operating with temporary permit. Transfer of temporary permit is not permissible by law. Hence decision is adjourned till the final decision on application for the renewal of regular permit.

Item No.81

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Check reports are pending against the stage carriage KL-06-B-8473. Hence decision is adjourned for the clearance of pending check reports and Government dues ,if any.

Item No.82

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AH-8609 on the route Vypin-Maliankara-Kodungalloor-Collectors Square, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.83

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AH-9527 on the route Ponekkara- Thevara Ferry, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.84

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AN-8931 on the route Panangad- Aluva, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.85

Heard; Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-25-A-9018 on the route Kayantikkara- Aluva- Trippunithura, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.86

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

Item No.87

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-42-A-8109 on the route Elavoor- Aluva- Mala, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.88

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-05-Y-9195 on the route Vypeen-Munambam, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.89

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-06-C-8074 on the route Aluva- Pukkattupady-Aroor temple, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.90

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AP-8834 on the route Fort Kochi- Kakkanad, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.91

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-

08-AM-7832 on the route Gothuruth- Vypin, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.92

Heard; Adv.Stalin Peter avis , the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AR-9758 on the route Chottanikkara- Aluva, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.93

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AS-1450 on the route Aluva- Panampilly Nagar, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.94

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AX-2244 on the route Ponekkara- Fort Kochi, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.95

1.Heard; Adv.Gopinathan Nair, the learned counsel represented the applicant Sri.Shibu Varghese and heard ;Adv.Jithesh Menon, the learned counsel represented objectors. This is the application for the further grant of temporary permit for 4 months in respect of stage carriage KL-41-A-6262 possessed by the applicant under lease agreement on the route Anappara-Angamaly- perumbavoor in the vacancy of his own stage carriage KEE-8787, of which regular permit was expired during the year 2003. This authority recently on circulation of file granted temporary permit in favour of the applicant in respect of stage carriage KL-41-A-6262 to operate on the very same route in the same vacancy in the light of judgment of Hon'ble High Court of Kerala in WPC No.26254 of 2016 and reported decision of Hon'ble Supreme Court of India in Punjab Road Ways v. Punjab Sahib Bus & Transport Co.[(2010)%SCC235] and judgment of Hon'ble High Court of Kerala in Mohankumar R.v. Government of Kerala and another[2016(2) KLT 963] and T.J.Raju & others .v. RTA Ernakulam [WPC No.24089/2016]. The

learned counsel represented KSRTC has not raised any objection against the grant of further temporary permit since they are not operating service on the very same route to cater the need on travelling public to the fullest extent. Therefore temporary permit for a further period of 4 months is granted in favour of Sri.Shibu Varghese in respect of stage carriage KL-41-A-6262 to operate on the route Anappara- Angamaly- Perumbavoor in the vacancy of Stage carriage KEE-8787 on public interest .

2.The applicant Sri.Shibu Varghese was the registered owner an permit holder in respect of stage carriage KEE-8787,of which vacancy, the temporary permits are being allowed. His application for the renewal of permit which was expired during the year 2003 was rejected by this authority due to inordinate delay in filing application and the same is under challenge before the Hon'ble STAT. Sri. Bobby George, Paracka House, Ezhattumugham has no eligibility to claim for the above temporary permit. Hence his request for the grant of temporary permit in the vacant timings of stage carriage KEE-8787 is hereby rejected.

Item No.96

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant Sri.Johnson . This is the application for the grant of temporary permit in respect of stage carriage KL-02-R-7477 or a suitable vehicle on the route Plantation Post Office Jn- Angamaly-Pandupura as ordinary service. The applicant has intimated that the stage carriage KL-02-R-7477 is not in operational condition. But he has not offered another vehicle even before the sitting of this authority. Grant of temporary permit is applicable in a situation,where there is temporary need and vehicle is ready for the operation. In this case, the applicant has no ready vehicle for operation to meet the temporary need of public. Therefore the grant of proposed temporary permit cannot be allowed. Hence rejected.

Item No.97

Heard; Adv.P.Deepak, the learned counsel represented the applicant Sri.Raju.T.J . This is the application for the grant of temporary permit in respect of stage carriage KL-17-4656 on the route Poothotta- Aluva as ordinary city service in the vacant timings of stage carriage KL-40-A-6031.

Existing temporary permit was granted in the light of judgment of Hon'ble High Court in WPC No.24089 of 2016. Now, the Government of Kerala have published Ernakulam- Muvattupuzha modified scheme vide GO(P) No.05/2017/Tran dtd 21/02/2017 and the proposed route is overlaps above scheme. The Secretary RTA is directed to verify the feasibility of grant of proposed temporary permit in the light of Judgment in WPC No.24089 of 2016 and Government Notification and place the matter in the next sitting itself. However till the final decision in the next meeting, the Secretary RTA is directed to grant temporary permit for the durations of 20 days in favour of the applicant in the vacancy of stage carriage KL-40-A-603I to continue operation to meet the need of travelling public.

Item No.98

Heard; Adv.P.Deepak, the learned counsel represented the applicant Sri.Ameer.M.A. This is the application for the further grant of temporary permit for 4 months in respect of stage carriage KL-07-BE-1281 on the route Eloor Ferry- W/Island in the vacancy stage carriage KL-07-B-4887.This authority in its earlier sitting granted temporary permit in favour of the applicant in respect of stage carriage KL-07-BE-1281 to operate on the very same route in the same vacancy in the light of judgment of Hon'ble High Court of Kerala in WPC No.24118 of 2016 and reported decision of Hon'ble Supreme Court of India in Punjab Road Ways v. Punjab Sahib Bus & Transport Co.[(2010)%SCC235] and judgment of Hon'ble High Court of Kerala in Mohankumar R.v. Government of Kerala and another[2016(2) KLT 963] and T.J.Raju & others .v. RTA Ernakulam [WPC No.24089/2016]. The learned counsel represented KSRTC has not raised any objection against the grant of further temporary permit since they are not operating service on the very same route to cater the need on travelling public to the fullest extent. Therefore temporary permit for a further period of 4 months is granted in favour of Sri.Ameer in respect of stage carriage KL-07-BE-1281 to operate on the route Eloor Ferry- W/Island in the vacancy of Stage carriage KL-07-B-4887 on public interest .

Item No.99

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant Smt.Mary Eldho and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-17-P-4873 has applied for a temporary permit for 4 months on the route Velloor HNL-Kaloor via Velloor ,Cherukara, Vattappara, Edakkattuvayal, Arakkunnam. Mulamthuruthy, Nadakkavu. Puthiyakavu, Trippunithura and Vytila Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 for a duration of 4 months is granted to offered vehicle KL-17-P-4873 to operate on the route Velloor HNL-Kaloor as Ordinary moffusil Service subject to the result of finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 .

Item No.100

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Smt.Ammini Mathew and the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/c KL-17-F-7577 has applied for a temporary permit for 4 months on the modified route Piravom-Kaloor Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-17-F-7577 on the route Piravom-Kaloor via Thiruvaniyoor, Thiruvankulam, Karingachira,

Irumpanam, Puthiya Road,S.N Junction and Vyttila as Ordinary moffusil Service, for a duration of 4 months subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.101

Heard Adv.Gopinathan Nair, the learned counsel represented the 1st applicant Sri. Baby.P.P and heard;Adv. P.Deepak, Adv.M.Jithesh Menon and Adv.G.Prabhakaran represented Sri. T.K.Raju, Sri.Arun Kumar and Sri.M.M.Valsalan respectively. Three applications have been received from the above applicants for the grant of temporary permit on the route Palissery-Perumbavoor in the vacant timings of stage carriage KL-08-K-7025 of which regular permit was surrendered during the year 2007. Out of above three, Sri. Baby .P.P was the 1st applicant for the grant of temporary permit and this authority in its earlier sitting held on 22/12/2015 rejected the application on the findings that the route is objectionably overlaps Kottayam-Kozhikode notified route published vide GO(P) No.4/2009/Tran dtd 14/07/2009.

The above decision was challenged before the State Transport Appellate Tribunal by MVARP No.53/2016. Vide judgment in this revision petition, the Tribunal has pronounced that the question is that, whether the State Transport Undertaking is operating sufficient services on the same route to cater the need of travelling public. These circumstances are to be looked into by the RTA. It is obligatory on the part of the petitioner to allege and prove exceptional circumstances warranting to issue temporary permit under the proviso to section 104 in accordance with the decisions rendered by the Hon'ble High Court and Hon'ble Supreme Court in identical matters. Issuance of temporary permit under the proviso to section 104 is a question of fact to be decided by the statutory authority. Hence directed the RTA to remand back the matter and to consider the application for temporary permit submitted by the petitioner in the right perspective taking into account of the contention of the parties in the light of the settled legal

principles pronounced by the Hon'ble High Court and Hon'ble Supreme Court on identical matters.

In view of the findings of the Tribunal, an enquiry has been conducted through the Joint Regional Transport Officer, Angamaly to ascertain whether the State Transport Authority is operating sufficient services on the route Pallissary- Perumbavoor. The enquiry officer in his route enquiry report clearly specified that the STU is conducting one trip from Angamaly to Munnorppilly via Palissery. But KSRTC is not conducting service from Palissery to Perumbavoor via Edakkunnam, Panthakkal, Karukutty Cable, Angamaly and Kalady as single trip so as to facilitate intending passengers travelling from Panthakkal to Perumbavoor without getting off from one vehicle to other, thereby causing inconvenience. It is also reported that the service of KSRTC is insufficient on the route Palissery- Angamaly via Edakkunnam, Panthakkal, Karukutty Cable so as to cater the need of public. Consequent to this, necessity exists in the interest of the public and intension of the operator also to operate the trip through the route will be beneficial.

Sri.M.M.Valsalan, Maliakkal House, KSRTC Road, Perumbavoor ,who is the permit holder of stage carriage KL-07-AW-9733 has filed an objection against the grant of temporary permit in the vacancy of the stage carriage KL-08-K-7025, stating that ,if the proposed temporary permit is granted, the RTA will constrained to issue permits to other applicants also. He has requested not to grant temporary permit without hear him or other operators .

On 02/02/2017, another two applications are received for the grant of temporary permits on the route Palissery- Perumbavoor in the vacant timings of stage carriage KL-08-K-7025. In the above applications, the applicants offered stage carriages KL-57-F-1663 and KL-02-Y-5999 respectively and requested to grant the benefits of judgment in MVARP No.53/2016 also to them.

This authority reconsidered the application for the grant of temporary permit Under proviso to section 104 of MV Act filed by Sri.Baby.P.P on the route Palissery-Perumbavoor in the vacant timings of stage carriage KL-08-

K-7025 in deeper sense on the basis of observations and findings rendered by the Hon'ble Supreme Court of India in Punjab Road Ways v. Punjab Sahib Bus and Transport Co [(2010)(5) SCC 235] and in Adarsh Travel Bus service and another v. State of UP and another [(1985(4)SCC 557)] and in Mohankumar.R v. Government of Kerala and another [2016(2) KLT963], [2016 (3) KHC 244] and judgment in WPC No.24089/2016 in T.J Raju v. Regional Transport Authority and reveals the following.

- A. By applying all the above findings of the Hon'ble Supreme Court of India and Hon'ble High Court of Kerala in various judgments connected to this case, the proposed route is not a notified route but portion of the route overlaps Trivandrum-Kannur notified schemes. The enquiry officer has already reported that no sufficient stage carriages are operating on the route Pallissery- Perumbavoor and the service operated by the KSRTC is not sufficient to cater the need of the travelling public.

While considering the law laid down by the Hon'ble Supreme Court in Punjab Road Ways v. Punjab Sahib Bus and Transport Co [(2010)(5) SCC 235] and in Adarsh Travel Bus service and another v. State of UP and another [(1985(4)SCC 557)] and in Mohankumar.R v. Government of Kerala and another [2016(2) KLT963], [2016 (3) KHC 244], and judgment in WPC No.24089/2016 in T.J Raju v. Regional Transport Authority, this authority cannot decline the grant of temporary permit to the applicant on the proposed route Pallisery – Perumbavoor in the vacant timings of stage carriage KL-08-K-7025 to ensure travelling convenience of the public.

- B. The enquiry officer ,in his report, clearly specified that KSRTC operating only one trip in between Angamaly to Munnurppilly via Palissery .**He has also reported that KSRTC is not operating service on the route Pallissery- Perumbavoor via Edakkunnam, Panthakkal, Karukutty Cable, Angamaly and Kalady as proposed by the petitioner and hence service operated by the KSRTC is insufficient to cater the need of travelling public. The enquiry officer has further reported that the grant of proposed**

temporary permit in the vacancy of KL-08-K-7025 will be beneficial to the public.

- C. ***The KSRTC has not applied for the grant of permits on the route Pallissery- Perumbavoor even though there were large number of public interests reported***
- D. ***The learned counsel represented Sri.Baby.P.P has requested to permit him to offer another suitable vehicle in place of KL-07-AP-3549.***

In view of the aforesaid facts and circumstances,

1. This authority granted a temporary permit in favour of Sri.Baby.P.P in respect of stage carriage KL-07-AP-3549 or a suitable stage carriage on the route Palissery- Perumbavoor in the vacancy of stage carriage KL-08-K-7025 for a duration of 4 months till the State Transport Undertaking commences operation on the above route to satisfy the requirement and need of public to the fullest extent.
2. Sri.Valsalan,Maliackal House,Perumbavoor is an operator in the sector and he is an applicant for the vacant timings of stage carriage KL-08-K-7025. Therefore he is not an aggrieved person to object the grant of proposed permit. Therefore objection is not sustainable. Hence overruled.
3. This authority granted a temporary permit in favour of Sri.Baby.P.P, in the light of judgment of Hon'ble STAT in MVARP No.53/2016. Sri.Arunkumar.S, the second applicant and Sri.T.K.Raju, the third applicants are filed applications only on 02/02/2017 and they are not petitioners in the above cases and hence they are not eligible for claiming the benefit of order obtained by Sri.Baby.P.P. Therefore the applications are hereby rejected.

Item No.102

Heard Adv.P.Deepak, the learned counsel represented the applicant Sri. Dipin.T.C and heard the counsel represented the KSRTC. This is the application for the grant of fresh temporary permit on the route Mulamthuruthy-HMT Jn-Infopark Phase-II as ordinary service.This

authority considered the application in detail. Portion of the proposed route from Karingachira to Trippunithura which is 2 km in length is objectionably overlaps Ernakulam- Muvattupuzha notified route published vide GO(P) No.05/2017/Tran dtd 21/02/2017.As per clause [19] of the above notification, it is clearly specified that RTA or STA shall not grant any temporary/regular permits on the route above route as such or portions thereof violating Clause[4] and Clause[5] of the above said notification. If the proposed permit is granted, it will be clear violation of above Government notification. Moreover, the enquiry officer has reported that there is no urgent need for the grant of temporary permit on the proposed route U/S 87[1]C of MV Act. Hence the application for temporary permit is hereby rejected.

Item No.103

1.Perused the order of Hon'ble High Court of Kerala in WPC No.36301/2016
2.Heard Adv.P.Deepak, the learned counsel represented the applicant Sri. Sasikumar and heard the counsel represented the KSRTC. This is the application for the grant of fresh temporary permit in respect of stage carriage KL-42-441 or a suitable stage carriage on the route North Parur-Ernakulam High Court Jn-Kodungalloor as ordinary service. This authority considered the application in detail. Vide order in WPC No.36301/2016 dtd 14/11/2016, the Hon'ble High Court of Kerala has directed the Secretary RTA to consider the application for temporary permit and issue temporary permit for a duration of two months,untrammelled by the decision of RTA on application for regular permit. In view of the above order, temporary permit for a duration of 20 days is granted on the applied route, subject to settlement of timings

Item No.104

1.Perused the order of Hon'ble STAT in M.P.No.354/2016 in MVARP No.87/2016
2.Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Sri. Joseph Bivera and heard the counsel represented the KSRTC. This is the application for the grant of fresh temporary permit in respect of stage carriage KL-01-AS-2277 on the route North Parur- Kakkanad via

Koonammavu, Panaikulam, Edayar, Pathalam, Anavathil, Kalamassery, HMT Jn, Seaport- Airport Road as ordinary service. This authority considered the application in detail. Vide order in M.P No.354/2016 in MVARP No.87/2016, the STAT has permitted the applicant to submit application for temporary permit avoiding objectionable overlapping and directed this authority to grant temporary permit for a duration of two months in accordance with rule. In view of the order of Hon'ble Tribunal, the applicant submitted modified proposal avoiding objectionable overlapping. This authority considered the application in detail. The modified route will not objectionably overlaps notified routes. But, in the meeting several objections have been received stating that the offered stage carriage KL-01-AS-2277 is not in the possession of the applicant and the applicant is a regular applicant for the permit in every sitting of RTA. This authority verified the complaint and felt that in the earlier sitting also ,this authority granted another temporary permit in favour of the applicant on the same route in respect of the same vehicle KL-01-AS-2277. Therefore, the Secretary RTA is directed to verify the complaint and submit a detailed remarks in the next sitting. Hence adjourned.

Item No.105

Heard; Adv.P.Deepak, the learned counsel represented the applicant Sri. Shaji.M.A and heard the counsel represented the KSRTC. This is the application for the grant of fresh temporary permit in respect of stage carriage KL-17-8139 on the route North Parur- Vyttila Hub as ordinary service. This authority considered the application in detail. The enquiry officer has reported that the grant of further permits through Varappuzha Bridge is not feasible since the portion has become accident prone area. He has reported that the proposed trips via Kongoppilly,FACT and Pathalam is highly beneficial to the public. Therefore the applicant is directed to submit modified proposal providing entire trips via Kongorppilly, FACT and Pathalam on public interest. Hence adjourned.

Item No.106

Heard Adv.Stalin Peter Davis, the learned counsel represented the applicant Sri.NikhilKumar and heard the counsel represented KSRTC. In view of the

judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-40-335 has applied for a temporary permit for 4 months on the modified route Thalayolapparambu-Ernakulam via Neerpara, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vyttila Under Section 87(1)(C) of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c) of MV Act 1988 is granted to S/C KL-40-335 to operate on the route Thalayolapparambu-Ernakulam as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.107

Heard the applicant Sri. George and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-06-C-212 has applied for a temporary permit for 4 months on the modified route Thalayolapparambu-Kaloor via Kanjiramattam, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vyttila Under Section 87(1)(C) of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c) of MV Act 1988 is granted to S/C

KL-06-C-212 to operate on the route Thalayolapparambu-Kaloor as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.108

Heard Adv.P.Deepak, the learned counsel represented the applicant Sri.Surendran and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-07-AQ-2497 has applied for a temporary permit for 4 months on the modified route HPC Velloore-Kaloor via Piravom, Mulamthuruthy, Chottanikkara, Thiruvankulam,Karingachira,Seaport-Airport Road, S.N.Jn,Petta and Vyttila Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-07-AQ-2497 to operate on the route HPC Velloor-Kaloor as Ordinary moffusil Service, for a duration of 4 months , subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.109

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Sri.Roy Abraham and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-05-Y-2181 has applied for a temporary permit for 4 months on the modified route

Ramamangalam -Kaloor via Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vytila Under Section 87(1)(C) of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The applicant is operating service on the proposed route for long years with temporary permit issued on public interest.

The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c) of MV Act 1988 is granted to S/C KL-05-Y-2181 to operate on the route Ramamangalam -Kaloor as Ordinary moffusil Service, for a duration of 4 months , subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.110

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Smt.Lausi and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-05-AC-2801 has applied for a temporary permit for 4 months on the modified route Koothattukulam-Kaloor via Piravom, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vytila Under Section 87(1)(C) of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c) of MV Act 1988 is granted to S/C KL-05-AC-2801 to operate on the route Koothattukulam -Kaloor as Ordinary moffusil Service, for a duration of 4 months , subject to the result of pending writ petition/appeal before the

Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.111

Heard Adv.Stalin Peter Davis, the learned counsel represented the applicant Sri.Nikhilkumar and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-36-4197 has applied for a temporary permit for 4 months on the modified route Thalayolapparambu -Kaloor via Neerpara,Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn,Petta ,Vytila and MG Road Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-36-4197 to operate on the route Thalayolapparamu -Kaloor as Ordinary moffusil Service, for a duration of 4 months , subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.112

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Sri.Skaria and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-37-A-4930 has applied for a temporary permit for 4 months on the modified route Koothattukulam-Kaloor via Piravom, Thiruvankulam, Karingachira,Seaport-Airport Road, S.N.Jn,Petta and Vytila Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a

non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c) of MV Act 1988 is granted to S/C KL-37-A-4930 to operate on the route Koothattukulam -Kaloor as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.113

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-05-P-3097 has applied for a temporary permit for 4 months on the modified route Ooramana-Kaloor via Kolencherry, Thiruvaniyoor, Vettickal, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vytila Under Section 87(1)(C) of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c) of MV Act 1988 is granted to S/C KL-05-P-3097 to operate on the route Ooramana-Kaloor as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.114

Heard Adv.Gopinathan Nair, the learned counsel represented the applicant Sri. M.P.Prasad and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-36-A-4100 has applied for a temporary permit for 4 months on the modified route Thalayolapparambu-Kaloor via Kanjiramattam, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vyttila Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-36-A-4100 to operate on the route Thalayolapparambu-Kaloor as Ordinary moffusil Service, for a duration of 4 months , subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.115

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Sri.P.V.Mathai and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-07-AT-3816 has applied for a temporary permit for 4 months on the modified route Piravom-Kaloor via Mulamthuruthy, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta ,Vyttila and M.G Road Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P)

No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest.

The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-07-AT-3816 to operate on the route Piravom-Kaloor as Ordinary moffusil Service, for a duration of 4 months , subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam-Muvattupuzha scheme.

Item No.116

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Sri.Roy Abraham and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-05-M-3982 has applied for a temporary permit for 4 months on the modified route Piravom-Kaloor via Thiruvaniyoor, Thiruvankulam, Karingachira,Seaport-Airport Road, S.N.Jn,Petta and Vytila Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest.

The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(C)of MV Act 1988 is granted to S/C KL-05-M-3982 to operate on the route Piravom -Kaloor as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.117

Heard; Adv.P.Deepak, the learned counsel represented the applicant Sri. N.R.Babudas and heard the counsel represented KSRTC. In view of the interim order in SLP No.5034/2011&5035/2011 of Hon'ble Supreme Court of India, the registered owner in respect of S/C KL-07-AN-6880 has applied for a temporary permit for 4 months on the route Vattappara -Kaloor via Mulamthuruthy, Chottanikkara, Thiruvankulam, Trippunithura, and Vytila Under Section 87(1)(C) of MV Act 1988. Vide interim order in above SLPs, the Hon'ble Supreme Court of India had permitted the applicant to operate service connecting Thiruvankulam and Trippunithura, which are the two intermediate points on the Ernakulam -Muvattupuzha notified scheme. Now, the above SLPs are disposed by the Hon'ble Supreme Court of India in view of the Ernakulam- Muvattupuzh modified scheme published by the Government of Kerala. Therefore the feasibility of grant of proposed permit via Thiruvankulam and Trippunithura is to be ascertained. Therefore, the Secretary RTA is directed to ascertain the feasibility of grant of permits connecting Thiruvankulam and Trippunithura in the light of finalization of modification on Ernakulam- Muvattupuzha scheme. Hence application for the grant of temporary permit for 4 months is adjourned. The Secretary RTA is directed to grant temporary permit for a duration of 20 days U/S 87(1)(c) of MV Act 1988 till the disposal of application.

Item No.118

Heard the applicant Sri. K.S.Chandrasekharan and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-07-AS-5333 has applied for a temporary permit for 4 months on the modified route Koothattukulam-Kaloor via Piravom, Arakkunnam, Mulamthuruthy, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vytila Under Section 87(1)(C) of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P)

No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interestThe field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-07-AS-5333 to operate on the route Koothattukulam-Kaloor as Ordinary moffusil Service, for a duration of 4 months , subject to the result of pending writ petition/appeal before the Hon`ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.119

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Smt. Kunjumol Paul and heard the counsel represented KSRTC. In view of the judgement of Hon`ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 temporary permit was issued to S/C KL-17-F-5159 to operate on the modified route Mulakkulam -Kaloor via Mulamthuruthy, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vyttila Under Section 87(1)(C)of MV Act 1988.

This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interestThe field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-17-F-5159 to operate on the route Mulakkulam - Kaloor via Mulamthuruthy, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vyttila as Ordinary moffusil Service, for a duration of 4 months , subject to the result of pending writ petition/appeal before the Hon`ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.120

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Smt. Mary Baby and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-17-F-6906 has applied for a temporary permit for 4 months on the modified route Piravom -Kaloor via Vettikkal,Memugham, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vytila Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-17-F-6906 to operate on the route Piravom -Kaloor as Ordinary moffusil Service, for a duration of 4 months , subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.121

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant and the counsel represented the KSRTC. In view of the interim order in SLP No.5034/2011&5035/2011 of Hon'ble Supreme Court of India, the registered owner in respect of S/C KL-39-F-5146 has applied for a temporary permit for 4 months on the route Thalayolapparambu- Kaloor via Thiruvankulam and Trippunithura Under Section 87(1)(C)of MV Act 1988. Vide interim order in above SLPs,the Hon'ble Supreme Court of India had permitted the applicant to operate service connecting Thiruvankulam and Trippunithura,which are the two intermediate points on the Ernakulam – Muvattupuzha notified scheme. Now ,the above SLPs are disposed by the Hon'ble Supreme Court of India in view of the Ernakulam- Muvattupuzh modified scheme published by the Government of Kerala. Therefore the

feasibility of grant of proposed permit via Thiruvankulam and Trippunithura is to be ascertained. Therefore, the Secretary RTA is directed to ascertain the feasibility of grant of permits connecting Thiruvankulam and Trippunithura in the light of finalization of modification on Ernakulam- Muvattupuzha scheme. Hence application for the grant of temporary permit for 4 months is adjourned. The Secretary RTA is directed to grant temporary permit for a duration of 20 days U/S 87(1)(c) of MV Act 1988 till the disposal of application.

Item No.122

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant Smt. Mary Elias and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-39-H-5950 has applied for a temporary permit for 4 months on the modified route Koothattukulam -Kaloor via Edayar, Piravom, Thiruvaniyoor, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vyttila Under Section 87(1)(C) of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c) of MV Act 1988 is granted to S/C KL-39-H-5950 to operate on the route Koothattukulam -Kaloor as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.123

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Sri. Unnikrishnan and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and

1957/2012 the registered owner in respect of S/C KL-06-C-8962 has applied for a temporary permit for 4 months on the modified route Edakkattuvayal-Kalamassery via Mulamthuruthy, Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta ,Vytila and Ernakulam South Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-06-C-8962 to operate on the route Edakkattuvayal-Kalamassery as Ordinary moffusil Service, for a duration of 4 months , subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam-Muvattupuzha scheme.

Item No.124

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Sri. K.S.Venugopalan and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-07-BT-7947 has applied for a temporary permit for 4 months on the modified route Kothad Ferry-Thiruvaniyoor via Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta ,Vytila and Ernakulam South Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran

dtd 14/07/2009. The applicant is operating service on the proposed route for long years with temporary permit issued on public interest.

The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c) of MV Act 1988 is granted to S/C KL-07-BT-7947 to operate on the route Edakkattuvayal-Kalamassery as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.125

Heard the learned counsel represented the applicant Sri. Chacko.P and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-17-E-8282 has applied for a temporary permit for 4 months on the modified route Koothattukulam-Kaloor via Piravom, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vyttila Under Section 87(1)(C) of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The applicant is operating service on the proposed route for long years with temporary permit issued on public interest.

The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c) of MV Act 1988 is granted to S/C KL-17-E-8282 to operate on the route Koothattukulam-Kaloor as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.126

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Sri. Shaiju and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-17-E-9097 has applied for a temporary permit for 4 months on the modified route Vattappara -Kaloor via Thirumarayoor, Veliyanadu,Peppathy, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vyttila Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-17-E-9097 to operate on the route Vattappara-Kaloor as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.127

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Smt. Riya Mary Moncy and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the Smt.Riya Mary Moncy has applied for a temporary permit for 4 months on the modified route Koothattukulam -Kaloor via Anchalpetty, Piravom, Arakkunnam,Mulamthuruthy, Palace Sqare Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vyttila Under Section 87(1)(C)of MV Act 1988 in respect of stage carriage KL-17-F- 3829 possessed under lease agreement. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions

objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest.

The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-17-F-3829 to operate on the route Koothattukulam-Kaloor as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.128

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Sri. Paul Kuriakose and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-17-M-9091 has applied for a temporary permit for 4 months on the modified route Koothattukulam -Kaloor via Piravom, Arakkunnam, Mulamthuruthy,Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vyttila Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to S/C KL-17-M-9091 to operate on the route Koothattukulam-Kaloor as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme

for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.129

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Smt.Nisha Nizar and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-39-C-786 has applied for a temporary permit for 4 months on the modified route Thalayolapparambu-Kaloor via Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn,Petta and Vyttila Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009.The applicant is operating service on the proposed route for long years with temporary permit issued on public interest. The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c)of MV Act 1988 is granted to newly offered stage carriage KL-39-J-9798 to operate on the route Thalayolapparambu-Kaloor as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.130

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant Sri. K.A.Nizar and heard the counsel represented KSRTC. In view of the judgement of Hon'ble High Court of Kerala in W.A.No.1943/2012 and 1957/2012 the registered owner in respect of S/C KL-39-E-9786 has applied for a temporary permit for 4 months on the modified route Thalayolapparambu-Kaloor via Neerpara,Chottanikkara, Thiruvankulam, Karingachira, Seaport-Airport Road, S.N.Jn, Petta and Vyttila Under Section 87(1)(C)of MV Act 1988. This authority considered the matter in detail. The proposed route is a non notified route, but the route portions objectionably

overlaps notified route Ernakulam-Thekkady published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The applicant is operating service on the proposed route for long years with temporary permit issued on public interest.

The field officer has reported that continuance of the service is essential as far as public interest is concerned. Hence a temporary permit U/S 87(1)(c) of MV Act 1988 is granted to S/C KL-39-E-9786 to operate on the route Thalayolapparambu-Kaloor as Ordinary moffusil Service, for a duration of 4 months, subject to the result of pending writ petition/appeal before the Hon'ble High Court of Kerala in this regard and finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.131

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-35-D-3009 operating on the route Poonjar- Ernakulam as LSOS. This authority considered the matter in detail. The portion of the route under the jurisdiction of this authority is objectionably overlaps Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit is granted to operate service up to Vyttila Hub as LSOS subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length and subject to the compliance of the direction of STA regarding the age of LSOS stage carriages and finalization of modification in GO(P) No.42/2009/Tran dtd 14/07/2009.

Item No.132

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-35-B-3465 operating on the route Pampavalley- Ernakulam as LSOS. This authority considered the matter in detail. The

portion of the route under the jurisdiction of this authority is objectionably overlaps Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit is granted to operate service up to Vyttila Hub as LSOS subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length and subject to the compliance of the direction of STA regarding the age of LSOS stage carriages and finalization of modification in GO(P) No.42/2009/Tran dtd 14/07/2009.

Item No.133

Heard. This is the request of the Secretary,RTA, Kannur for the concurrence of this authority for the renewal of regular permits LSOS in respect of stage carriage KL-05-AE-6587 operating on the route Panathur- Kottayam. This authority considered the matter in detail. The portion of the route under the jurisdiction[24.2km] of this authority is objectionably overlaps Ernakulam-Thekkady, Trivandrum- Palakkad and Trivandrum- Kannur notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit as LSOS by conversion of nature of service is granted to operate service subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length and subject to the compliance of the direction of STA regarding the age of LSOS stage carriages and finalization of modification in GO(P) No.42/2009/Tran dtd 14/07/2009.

Item No.134

Heard. This is the request of the Secretary,RTA, Kannur for the concurrence of this authority for the renewal of regular permits LSOS in respect of stage carriage KL-58-J-1899 operating on the route Panathur- Kottayam. This authority considered the matter in detail. The portion of the route under the jurisdiction[24.2km] of this authority is objectionably overlaps Ernakulam-Thekkady, Trivandrum- Palakkad and Trivandrum- Kannur

notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit as LSOS by conversion of nature of service is granted to operate service subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length and subject to the compliance of the direction of STA regarding the age of LSOS stage carriages and finalization of modification in GO(P) No.42/2009/Tran dtd 14/07/2009.

Item No.135

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-35-E-8805 operating on the route Boyce Estate- Ernakulam as LSOS by conversion of the service from Fast Passenger . This authority considered the matter in detail. The portion of the route under the jurisdiction of this authority is objectionably overlaps[15.9km] Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit as LSOS is granted to operate service up to Vyttila Hub by conversion of the service from Fast Passenger subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length and subject to the compliance of the direction of STA regarding the age of LSOS stage carriages and finalization of modification in GO(P) No.42/2009/Tran dtd 14/07/2009.

Item No.136

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-07-CE-4122 operating on the route Puttady- Kumily- Ernakulam as LSOS. This authority considered the matter in detail. The portion of the route under the jurisdiction of this authority[19.3km] is objectionably overlaps Ernakulam-Thekkady notified scheme published vide

GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit is granted to operate service up to Vyttila Hub as LSOS subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length and subject to the compliance of the direction of STA regarding the age of LSOS stage carriages and finalization of draft rule regarding the definition of LSOS and modification in GO(P) No.42/2009/Tran dtd 14/07/2009.

Item No.137

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-E-7533 operating on the route Kallara North-Ernakulam as LSOS. This authority considered the matter in detail. The portion of the route under the jurisdiction of this authority[22.7km] is objectionably overlaps Ernakulam-Thekkady notified scheme published vide GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit is granted to operate service up to Vyttila Hub as LSOS subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length and subject to the compliance of the direction of STA regarding the age of LSOS stage carriages and finalization of draft rule regarding the definition of LSOS and modification in GO(P) No.42/2009/Tran dtd 14/07/2009.

Item No.138

Heard; Adv. Stalin Peter Davis, the learned Counsel represented the applicant. This is the application for the issue of granted temporary permit on the route Piravom- Kalamassery- Medical College to an older model stage carriage KL-05-P-3699. The Secretary RTA has intimated that already considered the request and rejected the application in view of the judgment of Hon'ble High Court of Kerala and Modified scheme regarding Ernakulam-Muvattupuzha notified route. Therefore reconsideration is not required. Hence dismissed.

Item No.139

Perused the direction issued by the State Transport Authority considering the request for enhancing the distance covering general concurrence for the renewal of inter district stage carriage permits. In view of the request and the opinion from the senior law officer of the Motor Vehicles Department, the State Transport Authority in its sitting held on 29/02/2016 has directed all Regional Transport Authorities to consider the matter and take decision for avoiding inordinate delay in consideration of application for the renewal of inter district stage carriage permits due to the want of concurrence from the sister Regional Transport Authorities.

This authority considered the matter in detail. Due to the delay in getting concurrence from the sister authorities, there may chance to inordinate delay in final disposal of the application for the renewal of inter district stage carriage permits and this delay constrained the permit holders to operate with temporary permits to continue operation after the expiry of the regular permit. To avoid such circumstances this authority hereby decided to grant general concurrence for a distance up to 50 km in the jurisdiction of RTA Ernakulam for the renewal of inter district stage carriage permits issued by other Regional Transport Authorities in the state.

Item No.140

Perused the check reports booked against the stage carriage KL-35-G-1677. So many check reports were booked by the enforcement officers in the Motor vehicles department against the stage carriage for the repeated route violation of similar nature. Considering the gravity of offence and non compliance of directions issued by the checking officers, this authority is decided to take action on permit issued to stage carriage KL-35-G-1677 as follows.

Sl No.	Check report date	Offence	Punishment
1	03/05/16	Fare table and time	Punished to compound

		schedule not exhibited in the vehicle	Rs.2000/- being fine
2	18/07/16	LSOS Board not exhibited on the vehicle .conductor does not wear prescribed uniform,RC,IC not produced for verification ,Destination board displayed as Ranni-Pathanamthitta.	Decided to suspend the existing permit for one month from 10/05/2017. The permit holder is given an option to remit compounding fee for Rs.5000/- in lieu of suspension of permit.
3	09/08/16	LSOS Borad not exhibited ,Time sheet not exhibited ,Fare stage not exhibited ,Destination board exhibited to Pathanamthitta.	Decided to suspend the existing permit for one month from 10/06/2017. The permit holder is given an option to remit compounding fee for Rs.5000/- in lieu of suspension of permit.
4	23/03/16	Driver failed to produce tax token an IC ,Conductor does not wear prescribed uniform, Destination board not exhibited on the side of the vehicle .	Punished to compound Rs.3000/- being fine
5	16/07/16	The vehicle parked at PBS ,PTA with exhibiting destination board as Ekm and boarded with 7 passengers to various	Decided to suspend the existing permit for one month from 10/07/2017. The permit holder is given an option to remit

		<p>destinations .As per permit the vehicle should conduct service between Uthimoodu to EKM Hence detected route violation and violation of s 66 ,Conductor failed to produce valid RC,IC,time sheet on demand .Direction given to the crews to stop the service from Pathanamthitta.</p>	<p>compounding fee for Rs.5000/- in lieu of suspension of permit.</p>
6	22/09/16	<p>LSOS Board not exhibited on destination board .Time sheet not exhibited .Fare stage not exhibited. Destination board exhibited to Pathanamthitta.</p>	<p>Decided to suspend the existing permit for one month from 10/08/2017. The permit holder is given an option to remit compounding fee for Rs.5000/- in lieu of suspension of permit.</p>
7	14/07/16	<p>Found conducting service from EKM to Pathanamthitta with 12 passengers .As permit produced is only to Uthimoodu .Hence detected route violation.CR prepared and direction given to the crews to stop the service .conductor</p>	<p>Decided to suspend the existing permit for one month from 10/09/2017. The permit holder is given an option to remit compounding fee for Rs.5000/- in lieu of suspension of permit.</p>

		failed to produce valid RC,IC and CF .	
8	04/10/16	On the basis of continuous complaint against the vehicle .Found the vehicle conducting service from Uthimoodu to Pathanamthitta with 24 passengers .As per permit the vehicle has to operate upto at Uthimoodu .The vehicle issued rs.20/- ticket (Ticket no.150461) to Ranni to Pathanamthitta.	Decided to suspend the existing permit for 45 days from 10/10/2017. The permit holder is given an option to remit compounding fee for Rs.10000/- in lieu of suspension of permit.
9	02/02/17	1.The vehicle checked on the basis of complaint filed by sri.Atul P.Das Found that Rs 50/-fare tickets issued to Ernakulam - Thodupuzha passengers instead of Rs 44/- It is found that excess amount collected. 2.LSOS board not exhibited 3.Trip sheet and fare stage not exhibited.	Punished to compound Rs.3000/- being fine

Item No.141

This is the recommendation of the Secretary, RTA to take action against the conductor of stage carriage KL-07-CH-882 on 02/1/2016 for his misbehaviour towards student . Smt. Fathima ,mother of Master Ibrahim Badusha, a mentally retarded student of NMMES special school has filed a complaint against Sri.Thajudeen,S/O Sainudeen, Kannothe House, Mulavukad, Ponnarimangalam, who was the conductor in the stage carriage KL-07-CH-882 on 02/12/2016, stating that due to the non production of Identity Card, the conductor denied students concession and evicted the student from the bus after harassment by abusive language. The enquiry officer in the Motor Vehicles Department has reported that the complaint is genuine and recommended action against the conductor. Even though notice was issued, the accused conductor has not appeared before this authority in this sitting. Considering the seriousness of the offence and misbehaviour of the conductor towards a mentally retarded student, this authority decided to disqualify the conductor licence 7/16/1998 issued to Sri.Thajudeen,S/O Sainudeen, Kannothe House, Mulavukad, Ponnarimangalam for a period of three months from 01/05/2017.

Item No.142

Heard; Adv.G. Prabhakaran,the learned counsel represented the applicant. This is the request for condonation of delay in submitting current records for the endorsement of transfer of permit in respect of stage carriage in respect of stage carriage KL-39-B-1321 which was granted by this authority in its sitting held on 05/04/2016. He has requested to allow time up to 15/03/2017 for the production of current records. Considering the reason for the delay, this authority allowed time up to 31/03/2017 for the production of current records. If the grantee has failed to produce current records within the above period, the sanction of transfer permit will stand revoked.

Item No.143

Perused the check report booked against the stage carriage KL-07-AR-3020. In view of the complaints received from the travelling public, against the curtailment of trips to Kunjithai by stage carriage KL-07-AR-3020 covered by regular permit on the route Ernakulam-Vypeen- Kunjithai, the enforcement officer has booked check reports against the stage carriage. An enquiry officer has clearly reported that the complaint is genuine and the stage carriage KL-07-AR-3020 is deliberately curtailing trips to Kunjithai regularly, which resulted hardship to travelling public and student. Adv.G.Prabhakaran, the learned Counsel represented the permit holder has admitted the offence and requested to take the offence in a lenient view. Since the permit holder has violated the permit condition and denied the travelling facilities of the public purposefully, this authority has decided to suspend the regular permit 7/1027/1996 issued to stage carriage for a period of 30 days from 10/05/2016. The permit holder is given an opportunity to compound the offence by remitting Rs.10000/- in lieu of suspension of permit before the date of effect of suspension. If the curtailment of service is detected in future, the regular permit will be revoked.

Item No.144

1.Heard; Adv.Gopinathan Nair,the learned counsel represented the permit holder of stage carriage KL-07-AR-2777. The RTA was granted regular permit to stage carriage KL-07-AR-2777 on the route Thiruvankulam-Piravom during the year 1996, subsequently the regular permit renewed up to the year 2006 and the permit holder was allowed to operate on the portion from Thiruvankulam to Kaloor with successively issued temporary permits under proviso to section 104 of MV Act. Now, the Secretary RTA has intimated that while preparing notes for the renewal of regular permit in respect of stage carriage KL-07-AR-2777 during the year 2006, there crept error in route on which regular permit issued to the vehicle and hence the regular permit was renewed as Piravom-Kaloor instead of Thiruvankulam-Piravom. This authority is of opinion that once happened mistake is not a license to continue the operation and hence this authority is decided to

rectify the mistake crept while renewing the permit during the year 2006. Hence Secretary RTA is directed to make necessary correction in the regular permit so as to continue operation on the route Piravom- Thiruvankulam as originally granted by this authority and issue a detailed proceedings in this regard.

2. The vehicle not included in the annexure published along with GO(P) No.05/2017/Tran dtd 21/02/2017 on the assumption that the vehicle KL-07-AR-2777 is covered by regular permit, this authority is hereby decided to grant temporary permit for duration of 4 months to stage carriage KL-07-AR-2777 to continue operation in between Thiruvankulam and Kaloor on public interest with already issued time schedule.

Item No.144

1.The permit holder in respect of stage carriage KL-07-BF-3807 is absent. Secretary RTA is directed to issue further notice to the permit holder to appear before the next sitting without fail.

2.The Secretary RTA is directed to enquire the present position of criminal case registered against the permit holder and crews of stage carriage KL-07-BF-3807 for the prevention of official duty of the checking officer. Hence adjourned.

Item No.146

1.Perused the Order of Hon'ble STAT in MVARP No.102/2016. In view of the order of the Tribunal , the Secretary RTA is directed to conduct a further route enquiry and furnish a detailed report with specifying whether the proposed refixation of fare stage adversely affect the travelling public as objected by the Private Bus Operators Association . Hence adjourned.

Item No.147

1.Heard; Adv.P.Deepak, the learned Counsel represented the applicant and Heard; the representative of KSRTC.The representative of KSRTC has produced a copy of the interim order of Hon'ble High Court of Kerala in WPC No.2280/2017 staying the judgment of Hon'ble Tribunal in MVAA

No.167/2014. Therefore this authority felt that taking decision based on the findings issued by the Hon'ble Tribunal is not proper in this situation. Hence adjourned till the final judgment in WPC No.2280/2017.

2.The Secretary RTA is directed to consider and dispose the applications for the grant of temporary permits based on the judgment of Hon'ble High Court of Kerala in WPC No.38769/2016 in accordance with law and existing notifications.

Item No.148

Heard;all affected parties. The local body and the enquiry officer has reported that the Pallippuram Grama Panchayath has provided parking place for the autorickshaws only and there is no sufficient space for the parking of Motor Cabs. But the enquiry officer has not reported the number of autorickshaws that can be parked at the permitted parking place. Hence the Secretary RTA is directed to seek detailed report in this regard and place the next sitting without fail.Hence adjourned.

Item No.149

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

Item No.150

Nil

Item No.151

It is decided to convene next sitting on.....

Supplementary Item No.01

1.Perused the judgment of Hon'ble High Court of Kerala in WPC No.39475/2016

2.Head;the learned counsel represented the applicant. This is the application for the renewal of regular permit and transfer of permit U/S 82 of MV Act consequent to the death of permit holder in respect of stage carriage KL-07-AN-313 on the route Cheranelloor- Fort Kochi. Vide judgment in WPC No.39475/2016, the Hon'ble High Court of Kerala has directed this authority to consider the application for the renewal of permit and Transfer of permit U/S 82 of MV Act in the light of Judgment in WPC

No.27780/2014 within a time frame. A detailed perusal of the connected judgments in similar cases and verification of feasibility of proposed applications are to be required before taken a final decision in this regard. Hence adjourned to next sitting.

3.The Secretary RTA is directed to seek extension of time from the Hon'ble High Court of Kerala for the final disposal of applications.

Supplementary Item No.02

1.Perused the judgment of Hon'ble STAT in MVAA No.231/2012

2. This authority in its sitting held on 04/04/2012 granted fresh regular permit in favour of Sri.T.V George, Thannikode House, Olanad, Varappuzha to operate on the route North Paravoor- Vyttila Hub via KMK Jn, Thekkenaluvazhy, Cheriappilly, Koonammavu and Manjummel Kavala considering the public interest even though the application for the grant of permit was on the very same route with all trips via Varappuzha Bridge. Thereafter this authority on 04/04/2012, clarified that that the grantee shall conduct all trips via Manjummel Kavala instead of Varappuzha Bridge. Subsequently, the Secretary RTA issued granted permit to stage carriage KL-08-AH-8391 subsequently the vehicle replaced with KL-18-C-6630. The grant of permit through a deviated route was challenged by the grantee of permit before the State Transport Appellate Tribunal vide MVAA No.231/2012. Vide judgment in above appeal, the STAT has pronounced that the RTA has no jurisdiction to deviate a route, which is not specified in the application and hence the order of granting permit via Manjummel Kavala had set aside and directed the Secretary RTA to issue regular permit enabling the applicant to operate all trips through Varappuzha Bridge instead of Pathalam and Manjummel Kavala. In view of the direction from the Hon'ble STAT, the Secretary RTA convened a timing conference and settled the timings so as to operate service through Varappuzha Bridge, but the modification of the route was not effected in the permit, as the RTA is the authority to make modification in granted permit. In view of the judgment of Hon'ble STAT and time schedule issued by the Secretary RTA, the permit holder is being operated all trips via Varappuzha Bridge and which resulted in complaint from other operators for the operation of stage

carriage KL-18-C-6630 through non permitted route. Hence the matter placed before this authority for the specification of actual route to be endorsed in the regular permit. The Hon'ble STAT has specifically reported the position of law that the RTA has no jurisdiction to grant permit on a deviated route, which is not specified in the application. This authority admitted the facts and permitted the applicant to operate all trips via Varappuzha Bridge as specified in the application for regular permit, since so many permits were granted to stage carriage on the same route and there is no legal impediment for the grant the same. The Secretary RTA is directed to conduct timing conference, if necessary and make necessary modification in the issued regular permit in respect of stage carriage KL-18-C-6630 with effect from the date of issue of regular permit.

3.The objection filed by Sri.Balakrishnan.P.P against the nonoperation of above stage carriage on deviated route has no relevance in this situation and hence overruled.

Supplementary Item No.03

In view of the judgment of Hon'ble High Court of Kerala, this authority on circulation of file granted temporary permit for a duration of 20 days to stage carriage KL-38-E-9425 to operate on the inter district route Azheekode Jetty- vytila Hub without obtaining prior concurrence from the RTA Thrissur on the findings that the application for the grant of prior concurrence is pending with RTA Thrissur for consideration. As per the decision of this authority, the Secretary RTA settled the timings in an open conference and issued granted temporary permit for 20 days to operate service on the route applied route with settled set of timings. After the expiry of the validity of initially issued temporary permits, the Secretary RTA allowed to continue operation with successively issued temporary permits. The Secretary RTA has requested to ratify the grant of further temporary permits. This authority considered the request and felt that there is no illegality on the grant of further temporary permits for durations of 20 days by the Secretary RTA on the above inter district route considering the public

interest. Hence the grant of temporary permits on the inter district route Azheekode Jetty- Vyttila Hub are hereby ratified.

Secretary RTA is permitted to grant further temporary permits to Stage carriage KL-38-E-9425 to continue operation subject to the decision of RTA Thrissur on request for concurrence for the grant of regular permit.

Sd/-

Chairman & Member