

MINUTES OF REGIONAL TRANSPORT AUTHORITY ,ERNAKULAM HELD ON 17/08/2016

Present:- Chairman-

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

Members:-

1.Sri.P.N.UNNIRAJAN, I.P.S,The District Police Chief Ernakulam[Rural]

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

Item No.01

Heard; the Counsel represented the applicant .This is an application for the grant of fresh intra district regular permit in respect of Stage Carriage KL-15-8665 on the route Angamaly-Thevara via Aluva,Kalamassery and Edappally as Ordinary Moffusil Service. The State Transport Undertaking is the applicant.This authority considered the application in detail after hearing the all concerned.

The offered stage Carriage KL-15-8665 is a 2010 model and registered on 29/07/2010.This authority in its earlier sitting decided to prevent the grant of new permits to stage carriage older than five years from the date of original registration considering the aspects of road safety in the light of judgment of Hon'ble Supreme Court of India in C.A No.5227 of 2003 dtd 04/08/2010.Hence the offered vehicle cannot be considered for the grant of fresh regular permit.If the applicant is ready to offer a suitable vehicle not older than five years, this authority will reconsider the application accordingly.Hence adjourned

Secretary RTA is entrusted to consider and pass orders the application for the grant of temporary permit till the disposal of the application for regular permit.

Item No.02

Heard;the applicant.This is the application for the grant of fresh inter district regular permit on the route Kaloor Bus Stand – Makkekadavu via Ponekkara, Edappally Signal Jn, Palarivattom Bypass,Vyttila,Kumbalam,Aroor Temple Jn,Perumbalam and Poochackal as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.The applicant has not furnished in his application the details of the vehicle to which the permit is sought for,such as registration mark,type of vehicle,Seating Capacity and Maximum Ladden Weight etc. required by item No.6 to 8 in Form P.St.S.A in terms of

section 70[1] Clause[f] of Motor Vehicles Act 1988. Instead he has offered a non-existent "Suitable" stage carriage in his application.He has not offered any such suitable vehicle even at the time of consideration of the application.

The counsel would contend that the applicant is entitled for the grant of a permit,even without the availability of a suitable vehicle and it would be sufficient to furnish such details within the time frame specified in Rule 159[2] of the KMV Rules 1989.But this contention is not applicable since an applicant who has furnished all the required details concerning the vehicle in his application in Form P.St.S.A and his application has been duly granted alone is facilitated to produce the registration certificate of the vehicle within the period specified in Rule 159[2] of KMV Rules.This rule obviously visualizes a situation where the applicant is unable to produce the certificate of registration of the vehicle for want of registration Under Section 41 of MV Act or for similar circumstances.The provisions of this rule does not absolve the applicant from furnishing the particulars of the vehicle in his application itself. In the absence of a ready vehicle,the details of which have not been furnished in the prescribed application,the application for permit is no application at all and this authority is of the view that grant of a stage carriage permit in respect of a non-existent "Suitable " stage carriage would not serve any public interest.

This authority has already resolved that no stage carriage other than those of five years or less alone shall be entitled for fresh stage carriage permit in this region,especially in view of road safety aspects and in the light of Judgment of Hon'ble Supreme Court of India in C.A No.5227/2013 dtd 04/08/2010. Hence this authority is bound to look in to the age of every stage carriage seeking permit before a grant is made.

Under the above circumstances, the applicant is not entitled for a fresh stage carriage permit and hence the application is rejected.

Item No.03

Heard;Adv. G.Prabhakaran,the learned counsel represented the applicant.This is the application for the grant of fresh inter district regular permit on the route Medical College-Perumbalam via Vallathol Jn, Edappally Toll, Bypass,Vyttila, Kumbalam and Aroor temple as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.The applicant has not furnished in his application the details of the vehicle to which the permit is sought for,such as registration mark,type of vehicle,Seating Capacity and Maximum Ladden Weight etc. required by item No.6 to 8 in Form P.St.S.A in terms of section 70[1] Clause[f] of Motor Vehicles Act 1988. Instead he has offered a non-existent "Suitable" stage carriage in his application.He has not offered any such suitable vehicle even at the time of consideration of the application.

The counsel would contended that the applicant is entitled for the grant of a permit,even without the availability of a suitable vehicle and it would be sufficient to furnish such details within the time frame specified in Rule 159[2] of the KMV Rules

1989. But this contention is not applicable since an applicant who has furnished all the required details concerning the vehicle in his application in Form P.St.S.A and his application has been duly granted alone is facilitated to produce the registration certificate of the vehicle within the period specified in Rule 159[2] of KMV Rules. This rule obviously visualizes a situation where the applicant is unable to produce the certificate of registration of the vehicle for want of registration Under Section 41 of MV Act or for similar circumstances. The provisions of this rule does not absolve the applicant from furnishing the particulars of the vehicle in his application itself. In the absence of a ready vehicle, the details of which have not been furnished in the prescribed application, the application for permit is no application at all and this authority is of the view that grant of a stage carriage permit in respect of a non-existent "Suitable " stage carriage would not serve any public interest.

This authority has already resolved that no stage carriage other than those of five years or less alone shall be entitled for fresh stage carriage permit in this region, especially in view of road safety aspects and in the light of Judgment of Hon'ble Supreme Court of India in C.A No.5227/2013 dtd 04/08/2010. Hence this authority is bound to look in to the age of every stage carriage seeking permit before a grant is made.

Under the above circumstances, the applicant is not entitled for a fresh stage carriage permit and hence the application is rejected.

Item No.04

Heard; Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented other private bus operators. This is the application for the grant of fresh inter district regular permit in respect of stage carriage KL-06-C-3639 or a suitable vehicle on the route Perumbalam-Edappally Railway Gate as ordinary moffusil service. This authority considered the application in detail and reveals the following.

1. As per the application submitted for the grant of regular permit, the applicant offered stage carriage KL-06-C-3639 of 2003 model. This authority in its earlier sitting specified the description of the stage carriages for which fresh regular stage carriage permits will be granted by this authority, that no fresh regular permit shall be granted to stage carriages older than five years from the date of its original registration considering the aspects of road safety and in the light of judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010.

In this case, the offered vehicle KL-06-C-3639 is an older model and having age more than five years. Hence it cannot be considered for the fresh stage Carriage permit, as this authority implemented limitation for the grant of fresh permits to stage carriages older than five years from the date of original registration.

Eventhough the applicant offered a Suitable Stage Carriage against the serial No.06 in the submitted application for the grant of permit, there is a time of one month for the production of current records of the vehicle from the date of grant , he

has not furnished the particulars of vehicle before this authority to ascertain the feasibility and age as specified by this authority in the case of new stage carriage permit considering the road safety with reference to the judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010.

Under the above circumstances, the applicant is not entitled for a fresh stage carriage permit and hence the application is rejected.

Item No.05

Heard; Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented other private bus operators and KSRTC. This is the application for the grant of fresh intra district regular permit on the route Piravom-Kalamassery Medical College with starting and halting at Mulamthuruthy as ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.As per the application submitted for the grant of regular permit, the applicant mentioned the description of vehicle as "Suitable Stage Carriage not Older than five years" as this authority in its earlier sitting specified the description of the stage carriages for which fresh regular stage carriage permits considering the aspects of road safety and in the light of judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010. But he has not furnished the particulars of the vehicle at the time of hearing.

2.The portion of the proposed route from Thiruvankulam to Karingachira which is 2 km in length overlaps Ernakulam- Muvattupuzha draft scheme published by the Government of Kerala vide No.489/B1/2015/Tran dtd 17/02/2016. As per clause [4] of above said draft scheme no fresh permits shall be granted nor shall the existing permits varied in favour of operators enabling them to conduct service overlapping on the route as such or portion thereof. Sub Section [2] of Section 99, clearly specified that when a proposal is published under Section 99[1] of MV Act, then from the date of publication of such proposal, no permit shall be granted to any person except a temporary permit. Hence the proposed new regular permit cannot be allowed.

Hence the application for the grant of regular permit on the portion of the Ernakulam- Muvattupuzha draft scheme is hereby rejected.

Item No.06

Heard; Adv. Stalin Peter Davis, the learned counsel represented the applicant. This is the application for the grant of fresh intra district regular permit on the Varappuzha – Kumbalam North as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.The applicant has not furnished in his application the details of the vehicle to which the permit is sought for, such as registration mark, type of vehicle, Seating Capacity and Maximum Laden Weight etc. required by item No.6 to 8 in Form P.St.S.A in terms of section 70[1] Clause[f] of Motor Vehicles Act 1988. Instead he has offered a non-

existant "Suitable" stage carriage in his application.He has not offered any such suitable vehicle even at the time of consideration of the application.

The counsel would contend that the applicant is entitled for the grant of a permit,even without the availability of a suitable vehicle and it would be sufficient to furnish such details within the time frame specified in Rule 159[2] of the KMV Rules 1989.But this contention is not applicable since an applicant who has furnished all the required details concerning the vehicle in his application in Form P.St.S.A and his application has been duly granted alone is facilitated to produce the registration certificate of the vehicle within the period specified in Rule 159[2] of KMV Rules.This rule obviously visualizes a situation where the applicant is unable to produce the certificate of registration of the vehicle for want of registration Under Section 41 of MV Act or for similar circumstances.The provisions of this rule does not absolve the applicant from furnishing the particulars of the vehicle in his application itself. In the absence of a ready vehicle,the details of which have not been furnished in the prescribed application,the application for permit is no application at all and this authority is of the view that grant of a stage carriage permit in respect of a non existent "Suitable " stage carriage would not serve any public interest.

This authority has already resolved that no stage carriage other than those of five years or less alone shall be entitled for fresh stage carriage permit in this region,especially in view of road safety aspects and in the light of Judgment of Hon'ble Supreme Court of India in C.A No.5227/2013 dtd 04/08/2010. Hence this authority is bound to look in to the age of every stage carriage seeking permit before a grant is made.

Under the above circumstances,the applicant is not entitled for a fresh stage carriage permit and hence the application is hereby rejected.

Item No.07

Heard; Adv.Jithesh Menon,the learned counsel represented the applicant.This is the application for the grant of fresh inter district regular permit on the Mala-Aluva as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.The applicant has not furnished in his application the details of the vehicle to which the permit is sought for,such as registration mark,type of vehicle,Seating Capacity and Maximum Ladden Weight etc. required by item No.6 to 8 in Form P.St.S.A in terms of section 70[1] Clause[f] of Motor Vehicles Act 1988. Instead he has offered a non-existent "Suitable" stage carriage in his application.He has not offered any such suitable vehicle even at the time of consideration of the application.

The counsel would contended that the applicant is entitled for the grant of a permit,even without the availability of a suitable vehicle and it would be sufficient to furnish such details within the time frame specified in Rule 159[2] of the KMV Rules 1989.But this contention is not applicable since an applicant who has furnished all the required details concerning the vehicle in his application in Form P.St.S.A and his

application has been duly granted alone is facilitated to produce the registration certificate of the vehicle within the period specified in Rule 159[2] of KMV Rules. This rule obviously visualizes a situation where the applicant is unable to produce the certificate of registration of the vehicle for want of registration Under Section 41 of MV Act or for similar circumstances. The provisions of this rule does not absolve the applicant from furnishing the particulars of the vehicle in his application itself. In the absence of a ready vehicle, the details of which have not been furnished in the prescribed application, the application for permit is no application at all and this authority is of the view that grant of a stage carriage permit in respect of a non-existent "Suitable" stage carriage would not serve any public interest.

This authority has already resolved that no stage carriage other than those of five years or less alone shall be entitled for fresh stage carriage permit in this region, especially in view of road safety aspects and in the light of Judgment of Hon'ble Supreme Court of India in C.A No.5227/2013 dtd 04/08/2010. Hence this authority is bound to look in to the age of every stage carriage seeking permit before a grant is made.

2. The proposed route is having length of 31 km in which the portion from Thottakkattukara- Aluva which is 2.5 km in length is objectionably overlaps Ernakulam- Thrissur and Trivandrum- Thrissur notified scheme published vide GO[P] No.42/2009/Tran dtd 14/07/2009. If the proposal is granted, it will be clear violation of Clause[5] C of the above said notification and scheme of nationalization. The Counsel represented KSRTC, the beneficiary of the scheme has vehemently objected the grant of permit.

Under the above circumstances of legal impediments, the applicant is not entitled for a fresh stage carriage permit especially on the proposed route. Hence the application is hereby rejected.

Item No.08

Heard; Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented other private bus operators and KSRTC. This is the application for the grant of fresh intra district regular permit on the route Mulamthuruthy-Trippunithura-Kakkanad- Kalamassery Medical College-Thoppumpady via Vezhaparambu, Kandanad, Kureekad, Puthiyakavu Jn, Mekkara Market Road, Irumpanam, Seaport Airport Road, Kalamassery Premier, HMT, Maradu and Kundannur as ordinary moffusil service. This authority considered the application in detail and reveals the following.

1. The applicant has not furnished in his application the details of the vehicle to which the permit is sought for, such as registration mark, type of vehicle, Seating Capacity and Maximum Laden Weight etc. required by item No.6 to 8 in Form P.St.S.A in terms of section 70[1] Clause[f] of Motor Vehicles Act 1988. Instead he has offered a non-existent "Suitable" stage carriage in his application. He has not offered any such suitable vehicle even at the time of consideration of the application.

The counsel would contend that the applicant is entitled for the grant of a permit, even without the availability of a suitable vehicle and it would be sufficient to furnish such details within the time frame specified in Rule 159[2] of the KMV Rules 1989. But this contention is not applicable since an applicant who has furnished all the required details concerning the vehicle in his application in Form P.St.S.A and his application has been duly granted alone is facilitated to produce the registration certificate of the vehicle within the period specified in Rule 159[2] of KMV Rules. This rule obviously visualizes a situation where the applicant is unable to produce the certificate of registration of the vehicle for want of registration Under Section 41 of MV Act or for similar circumstances. The provisions of this rule does not absolve the applicant from furnishing the particulars of the vehicle in his application itself. In the absence of a ready vehicle, the details of which have not been furnished in the prescribed application, the application for permit is no application at all and this authority is of the view that grant of a stage carriage permit in respect of a non-existent "Suitable " stage carriage would not serve any public interest.

This authority has already resolved that no stage carriage other than those of five years or less alone shall be entitled for fresh stage carriage permit in this region, especially in view of road safety aspects and in the light of Judgment of Hon'ble Supreme Court of India in C.A No.5227/2013 dtd 04/08/2010. Hence this authority is bound to look in to the age of every stage carriage seeking permit before a grant is made. Considering these facts, the applicant is not entitled for a fresh stage carriage permit

2. The portion of the proposed route from Karingachira to Trippunithura which is 2 km in length overlaps Ernakulam- Muvattupuzha draft scheme published by the Government of Kerala vide No.489/B1/2015/Tran dtd 17/02/2016. As per clause [4] of above said draft scheme no fresh permits shall be granted nor shall the existing permits varied in favour of operators enabling them to conduct service overlapping on the route as such or portion thereof. Sub Section [2] of Section 99, clearly specified that when a proposal is published under Section 99[1] of MV Act, then from the date of publication of such proposal, no permit shall be granted to any person except a temporary permit. Hence the proposed new regular permit cannot be allowed.

3. The proposed route is having length of 37.1 km in which the portions from BOT Bridge to Thoppumpady which is 1 km in length and a distance of 1 km from Trippunithura Police Station to East Fort Jn via Trippunithura Stand [Total 2 km] are objectionably overlaps Trivandrum-Kannur and Ernakulam Thekkady notified scheme published vide GO[P] No.42/2009/Tran dtd 14/07/2009 respectively. If the proposal is granted, it will be clear violation of Clause[5] C of the above said notification and scheme of nationalization. The Counsel represented KSRTC, the beneficiary of the scheme has vehemently objected the grant of proposed permit.

4. The portion of the proposed route connecting Market Road to Puthiyakavu-Trippunithura Road near to Police Station is not feasible for operation of Medium and Heavy stage carriages .

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

Item No.09

Heard; Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented other private bus operators and KSRTC.This is the application for the grant of fresh intra district regular permit on the route Karingachira-Mulamthuruthy-Piravom-Kakkanad-HMT Jn-Medical College- Infopark as ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.As per the application submitted for the grant of regular permit,the applicant mentioned the description of vehicle as "Suitable Stage Carriage not Older than five years" as this authority in its earlier sitting specified the description of the stage carriages for which fresh regular stage carriage permits considering the aspects of road safety and in the light of judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010.

2.The portion of the proposed route from Thiruvankulam to Karingachira which is 2 km in length overlaps Ernakulam- Muvattupuzha draft scheme published by the Government of Kerala vide No.489/B1/2015/Tran dtd 17/02/2016. As per clause [4] of above said draft scheme no fresh permits shall be granted nor shall the existing permits varied in favour of operators enabling them to conduct service overlapping on the route as such or portion thereof. Sub Section [2] of Section 99,clearly specified that when a proposal is published under Section 99[1] of MV Act,then from the date of publication of such proposal, no permit shall be granted to any person except a temporary permit. Hence the proposed new regular permit cannot be allowed.

Hence the application for the grant of regular permit on the portion of the Ernakulam- Muvattupuzha draft scheme is hereby rejected.

Item No.10

Heard; Adv.P.Deepak,the learned counsel represented the applicant.This is an application for the grant of fresh intra district regular permit in respect of stage carriage KL-39-E-4568 to operate on the route Piravom- Kottappuram- Vattappara-Edakkattuvayal-Arakkunnam-Peppathy Ordinary moffusil service. This authority considered the application in detail.

The applicant has offered stage carriage KL-39-E-4568 of 2012 model in compliance with the decision of this authority.The enquiry officer has reported that the proposed route is connecting ill served areas of Piravom and Edakkattuvayal Panchayath and hence if the permit is granted, it will be highly beneficial to the travelling public. The proposed route will not overlaps notified schemes exclusively reserved for the STU.So many public interests have been reported for the proposed permit.

Considering the advantage offered to the travelling public, the proposed permit is granted in respect of offered stage carriage KL-39-E-4568 subject to settlement of timings.

Item No.11

Heard; Adv.P.Deepak, the learned counsel represented the applicant. This is the application for the grant of fresh intra district regular permit on the route Panangad-North Parur as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.The applicant has not furnished in his application the details of the vehicle to which the permit is sought for, such as registration mark, type of vehicle, Seating Capacity and Maximum Laden Weight etc. required by item No.6 to 8 in Form P.St.S.A in terms of section 70[1] Clause[f] of Motor Vehicles Act 1988. Instead he has offered a non-existent "Suitable" stage carriage in his application. He has not offered any such suitable vehicle even at the time of consideration of the application.

The counsel would contend that the applicant is entitled for the grant of a permit, even without the availability of a suitable vehicle and it would be sufficient to furnish such details within the time frame specified in Rule 159[2] of the KMV Rules 1989. But this contention is not applicable since an applicant who has furnished all the required details concerning the vehicle in his application in Form P.St.S.A and his application has been duly granted alone is facilitated to produce the registration certificate of the vehicle within the period specified in Rule 159[2] of KMV Rules. This rule obviously visualizes a situation where the applicant is unable to produce the certificate of registration of the vehicle for want of registration Under Section 41 of MV Act or for similar circumstances. The provisions of this rule does not absolve the applicant from furnishing the particulars of the vehicle in his application itself. In the absence of a ready vehicle, the details of which have not been furnished in the prescribed application, the application for permit is no application at all and this authority is of the view that grant of a stage carriage permit in respect of a non-existent "Suitable " stage carriage would not serve any public interest.

This authority has already resolved that no stage carriage other than those of five years or less alone shall be entitled for fresh stage carriage permit in this region, especially in view of road safety aspects and in the light of Judgment of Hon'ble Supreme Court of India in C.A No.5227/2013 dtd 04/08/2010. Hence this authority is bound to look in to the age of every stage carriage seeking permit before a grant is made.

Under the above circumstances, the applicant is not entitled for a fresh stage carriage permit. Hence the application is hereby rejected.

Item No.12

Heard; Adv.P.Deepak, the learned Counsel represented the applicant and the Counsel represented other private bus operators. This is the application for the grant of fresh intra district regular permit in respect of stage carriage KL-09-Z-9358 or a suitable

vehicle on the route Pinarmunda Ambedkar Colony Jn-HMT Jn via Padathikkara ,Karimugal, Trippunithura, Seaport-Airport Road, Kakkanad, Thoshiba Jn, Kinfra, Smart City and Infopark Phase II as ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.As per the application submitted for the grant of regular permit,the applicant offered stage carriage KL-09-Z-9358 of 2010 model.This authority in its earlier sitting specified the description of the stage carriages for which fresh regular stage carriage permits will be granted by this authority, that no fresh regular permit shall be granted to stage carriages older than five years from the date of its original registration considering the aspects of road safety and in the light of judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010.

In this case,the offered vehicle KL-09-Z-9358 is an older model and having age more than five years.Hence it cannot be considered for the fresh stage Carriage permit,as this authority implemented limitation for the grant of fresh permits to stage carriages older than five years from the date of original registration.

Eventhough the applicant offered a Suitable Stage Carriage against the serial No.06 in the submitted application for the grant of permit, there is a time of one month for the production of current records of the vehicle from the date of grant , he has not furnished the particulars of vehicle before this authority to ascertain the feasibility and age as specified by this authority in the case of new stage carriage permit considering the road safetywith reference to the judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010.

2.The portion of the proposed route from Hill Palace to Trippunithura which is 2 km in length overlaps Ernakulam- Muvattupuzha draft scheme published by the Government of Kerala vide No.489/B1/2015/Tran dtd 17/02/2016. As per clause [4] of above said draft scheme no fresh permits shall be granted nor shall the existing permits varied in favour of operators enabling them to conduct service overlapping on the route as such or portion thereof. Sub Section [2] of Section 99,clearly specified that when a proposal is published under Section 99[1] of MV Act,then from the date of publication of such proposal, no permit shall be granted to any person except a temporary permit. Hence the proposed new regular permit cannot be allowed.

Under the above circumstances, the application for the grant of regular permit on the portion of the Ernakulam- Muvattupuzha draft scheme is hereby rejected.

Item No.13

Heard the applicant.This is the application for the grant of fresh intra district regular permit on the route North Parur- Aluva via Vedimara, Thekkethazham, Manakkappady, Purappillikkavala, Millupady, Kottappuram, East Kadungallur and Thottakkattukara as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.The applicant has not furnished in his application the details of the vehicle to which the permit is sought for,such as registration mark,type of vehicle,Seating Capacity and

Maximum Laden Weight etc. required by item No.6 to 8 in Form P.St.S.A in terms of section 70[1] Clause[f] of Motor Vehicles Act 1988. Instead he has offered a non-existent "Suitable" stage carriage in his application.He has not offered any such suitable vehicle even at the time of consideration of the application.

The counsel would contend that the applicant is entitled for the grant of a permit,even without the availability of a suitable vehicle and it would be sufficient to furnish such details within the time frame specified in Rule 159[2] of the KMV Rules 1989.But this contention is not applicable since an applicant who has furnished all the required details concerning the vehicle in his application in Form P.St.S.A and his application has been duly granted alone is facilitated to produce the registration certificate of the vehicle within the period specified in Rule 159[2] of KMV Rules.This rule obviously visualizes a situation where the applicant is unable to produce the certificate of registration of the vehicle for want of registration Under Section 41 of MV Act or for similar circumstances.The provisions of this rule does not absolve the applicant from furnishing the particulars of the vehicle in his application itself. In the absence of a ready vehicle,the details of which have not been furnished in the prescribed application,the application for permit is no application at all and this authority is of the view that grant of a stage carriage permit in respect of a non-existent "Suitable " stage carriage would not serve any public interest.

This authority has already resolved that no stage carriage other than those of five years or less alone shall be entitled for fresh stage carriage permit in this region,especially in view of road safety aspects and in the light of Judgment of Hon'ble Supreme Court of India in C.A No.5227/2013 dtd 04/08/2010. Hence this authority is bound to look in to the age of every stage carriage seeking permit before a grant is made.Hence the applicant is not entitled for a fresh stage carriage permit.

2.Portion of the proposed route from UC College to Millupady stand which is 5.3 km in length and the portion from Vedimara to North Parur which is 1.5 km in length are objectionably overlaps Aluva- Vadakkumpuram Complete exclusion scheme. Hence the permit on the proposed route cannot be allowed violating scheme of nationalization.

3.The proposed route is having length of 20.9 km and Portion of the proposed route from Thottakkattukara to Aluva which is 2.5 km in length is objectionably overlaps Ernakulam-Thrissur and Trivandrum-Thrissur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. If the proposed permit is allowed, it will be a clear violation of Clause 5[c] of the above said notification and scheme of nationalization.

Under the above circumstances, the application for the grant of regular permit on the route North Parur-Aluva is hereby rejected.

Item No.14

Heard; Adv.P.Deepak, the learned counsel represented the applicant.This is the application for the grant of fresh inter district regular permit on the route High Court

Jn- North Parur- Kodungallur as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.As per the application submitted for the grant of regular permit,the applicant offered stage carriage KL-42-441 of 2006 model.This authority in its earlier sitting specified the description of the stage carriages for which fresh regular stage carriage permits will be granted by this authority, that no fresh regular permit shall be granted to stage carriages older than five years from the date of its original registration considering the aspects of road safety and in the light of judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010.

In this case,the offered vehicle KL-42-441 is an older model and having age more than five years. Hence it cannot be considered for the fresh stage Carriage permit,as this authority implemented limitation for the grant of fresh permits to stage carriages older than five years from the date of original registration.

Even though the applicant offered a Suitable Stage Carriage against the serial No.06 in the submitted application for the grant of permit, there is a time of one month for the production of current records of the vehicle from the date of grant , he has not furnished the particulars of vehicle before this authority to ascertain the feasibility and age as specified by this authority in the case of new stage carriage permit considering the road safety with reference to the judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010. Hence the applicant is not entitled for a fresh stage carriage permit.

2.The representative of the Private Bus Operators organization , North Parur has strongly objected the grant of proposed permit stating that recently so many accidents have been taken place in between North Parur and Kodungalloor due to the bad road condition.

Under the above circumstances the application for the grant of regular permit is hereby rejected.

Item No.15

Heard; Adv. M.Jithesh Menon, the learned Counsel represented the applicant.This is the application for the grant of fresh intra district regular permit on the route North Parur- Pathalam- Vyttila Hub as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.The applicant has not furnished in his application the details of the vehicle to which the permit is sought for,such as registration mark,type of vehicle,Seating Capacity and Maximum Ladden Weight etc. required by item No.6 to 8 in Form P.St.S.A in terms of section 70[1] Clause[f] of Motor Vehicles Act 1988. Instead he has offered a non-existent "Suitable" stage carriage in his application.He has not offered any such suitable vehicle even at the time of consideration of the application.

The counsel would contend that the applicant is entitled for the grant of a permit,even without the availability of a suitable vehicle and it would be sufficient to

furnish such details within the time frame specified in Rule 159[2] of the KMV Rules 1989. But this contention is not applicable since an applicant who has furnished all the required details concerning the vehicle in his application in Form P.St.S.A and his application has been duly granted alone is facilitated to produce the registration certificate of the vehicle within the period specified in Rule 159[2] of KMV Rules. This rule obviously visualizes a situation where the applicant is unable to produce the certificate of registration of the vehicle for want of registration Under Section 41 of MV Act or for similar circumstances. The provisions of this rule does not absolve the applicant from furnishing the particulars of the vehicle in his application itself. In the absence of a ready vehicle, the details of which have not been furnished in the prescribed application, the application for permit is no application at all and this authority is of the view that grant of a stage carriage permit in respect of a nonexistent "Suitable " stage carriage would not serve any public interest.

This authority has already resolved that no stage carriage other than those of five years or less alone shall be entitled for fresh stage carriage permit in this region, especially in view of road safety aspects and in the light of Judgment of Hon'ble Supreme Court of India in C.A No.5227/2013 dtd 04/08/2010. Hence this authority is bound to look in to the age of every stage carriage seeking permit before a grant is made.

Under the above circumstances, the applicant is not entitled for a fresh stage carriage permit and hence the application is hereby rejected.

Item No.16

Heard; Adv. M.Jithesh Menon, the learned Counsel represented the applicant. This is the application for the grant of fresh inter district regular permit on the route Kodakara-High Court Jn as Ordinary mofussil service. This authority considered the application in detail. The applicant offered stage carriage KL-07-AH-4944 of 2002 model in the application. This vehicle is not suitable for granting a fresh regular permit. The learned counsel represented the applicant has agreed to offer a later model vehicle not older than five years from the date of its original registration, if the sister RTA granted concurrence for the proposed inter district permit and hence requested to adjourn the decision for concurrence from sister RTA Thrissur. As per the report of the enquiry officer, the portion of the proposed route from Kottappuram Bridge to Kodakara which is 28.9 km is lying under the jurisdiction of RTA Thrissur.

Therefore the request is allowed and the Secretary RTA is permitted to seek concurrence of RTA Thrissur U/R 171 of KMV Rules-1989. Hence adjourned

Item No.17

Heard; Adv. G.Prabhakaran, the learned Counsel represented the applicant. This is the application for the grant of fresh inter district regular permit on the route Cherthala-Infopark as Ordinary mofussil service. This authority considered the application in detail. The applicant has not offered particulars of stage carriage in the application. The learned counsel represented the applicant has agreed to offer a later model vehicle

not older than five years from the date of its original registration, if the sister RTA granted concurrence for the proposed inter district permit and hence requested to adjourn the decision for concurrence from sister RTA Alappuzha. As per the report of the enquiry officer, the portion of the proposed route from Cherthal to Pallithode which is 17.5 km is lying under the jurisdiction of RTA Alappuzha.

Therefore request is allowed and the Secretary RTA is permitted to seek concurrence of RTA Alappuzha U/R 171 of KMV Rules-1989.Hence adjourned

Item No.18

Heard; Adv.P.Prabhakaran, the learned counsel represented the applicant.This is the application for the grant of fresh intra district regular permit on the route Perumbavoor- Kalamassery Medical College- Vytila Hub as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.As per the application submitted for the grant of regular permit,the applicant offered stage carriage KL-44-3790 of 2007 model.This authority in its earlier sitting specified the description of the stage carriages for which fresh regular stage carriage permits will be granted by this authority, that no fresh regular permit shall be granted to stage carriages older than five years from the date of its original registration considering the aspects of road safety and in the light of judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010.

In this case, the offered vehicle KL-44-3790 is an older model and having age more than five years. Hence it cannot be considered for the fresh stage Carriage permit,as this authority implemented limitation for the grant of fresh permits to stage carriages older than five years from the date of original registration.

Even though the applicant offered a Suitable Stage Carriage against the serial No.06 in the submitted application for the grant of permit, there is a time of one month for the production of current records of the vehicle from the date of grant , he has not furnished the particulars of vehicle before this authority to ascertain the feasibility and age as specified by this authority in the case of new stage carriage permit considering the road safety with reference to the judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010. Hence the applicant is not entitled for a fresh stage carriage permit.

2.The enquiry officer has reported that the proposed route contains three termini and combination of three routes, which is against the provision of law .

3.The major portions of the proposed route such as Perumbavoor-Kakkanad and Kakkanad-Vytila are very well served and stage carriages are operating in that sector without sufficient time gap. Hence there is no necessity for the grant of further permits on the proposed route

4.The time schedule proposed by the applicant is contravened to the provisions of speed and running time specified in the MV Act and Rules made thereunder .

Under the above circumstances the application for the grant of regular permit is hereby rejected.

Item No.19

Heard; Adv.P.Deepak,the learned counsel represented the applicant.This is the application for the grant of fresh inter district regular permit on the route Ezhattumugham- Angamaly- Chully- Chalakkudy Pvt Bus Stand as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.As per the application submitted for the grant of regular permit,the applicant offered stage carriage KL-56-2223 of 2006 model possessed under lease agreement with the registered owner of that vehicle. This authority in its earlier sitting specified the description of the stage carriages for which fresh regular stage carriage permits will be granted by this authority, that no fresh regular permit shall be granted to stage carriages older than five years from the date of its original registration considering the aspects of road safety and in the light of judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010.

In this case,the offered vehicle KL-56-2223 is an older model and having age more than five years.Hence it cannot be considered for the fresh stage Carriage permit,as this authority implemented limitation for the grant of fresh permits to stage carriages older than five years from the date of original registration.

Even though the applicant offered a Suitable Stage Carriage against the serial No.06 in the submitted application for the grant of permit, there is a time of one month for the production of current records of the vehicle from the date of grant , he has not furnished the particulars of vehicle before this authority to ascertain the feasibility and age as specified by this authority in the case of new stage carriage permit considering the road safetywith reference to the judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010. Hence the applicant is not entitled for a fresh stage carriage permit.

2.The applicant is a permit holder on the route Anappara-Annamanada-Angamaly in respect of stage carriage KL-02-P-5805 and the regular permit is valid up to the year 2018. After obtaining the regular permit he has not operate service for a long period and not provided travelling facility to the public. The vehicle was under non use intimation for long period and tax exemption availed for the period of non use of vehicle and there was no satisfactory performance from the applicant as a stage carriage operator including the payment of tax in respect of his another stage carriage KL-02-P-5805. Now the applicant offered an older model stage carriage KL-56-2223 possessed under lease agreement. Hence it is clear that the applicant has no financial stability to operate a stage carriage service for the public properly. Hence the applicant is not entitled for another permit.

3.The proposed route is having length of 94 km and the Portion of proposed route from Chalakkudy Bus Terminus Out to Muringoor which is **2.7 km** in length and Portion of the route from Angamaly Bank Jn to Angamaly Bus Stand which is **1.9 km** in length

and the portion from Angamaly Bus Stand to Bank Jn which is **800 meter** in length[**Total 5.4 km**] are objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur notified schemes published vide GO(P) No.42/2009/tran dtd 14/07/2009. The enquiry officer in his revised report modified the details of overlapping, but it cannot be accepted while considering the definition of route and the conditions of scheme of nationalization. The counsel represented KSRTC has vehemently objected the grant of permit. Hence the the proposed permit cannot be granted violating Clause 5[c] of notification No.42/2009/Tran dtd 14/07/2009.

4.The enquiry officer has reported that the time schedule proposed by the applicant is contravened to the provisions of speed and running time specified in the MV Act and Rules made thereunder .Evenafter a copy of the report of field officer availles, for rectifying the defects, he has not submitted a modified time schedule in accordance with the provisions of law.

5.As per the time schedule proposed, the focus of operations are in between Angamaly and Chalakkudy. The enquiry officer has also certified this facts. This authority felt that the applicant provided only one trip to Ezhattumugham with an intension to enhance the route legth to 94 km so as to escape from the objectionable overlapping between Chalakkudy and Angamaly.These kind of scams cannot be allowed.

6.The enquiry officer has reported that the applicant has proposed terminus at Athani, but the bus stand is not operational and hence the proposal cannot be accepted.

Under the above circumstances the application for the grant of regular permit is hereby rejected.

Item No.20

1.Perused the Judgment of Hon'ble High Court of Kerala in WP© No.23868 of 2016.

2.Heard; Adv. P.Deepak, the learned Counsel represented the applicant.This is the application for the grant of fresh inter district regular permit and temporary permit on the route Azheekode Jetty- Kodungalloor-North Parur- Vyttila Hub as Ordinary moffusil service. The applicant offered stage carriage KL-38-E-9425 of 2016 model as per the earlier decision of this authority. The applicant filed writ petition No.23868/2016 before the Hon'ble High Court of Kerala seeking direction to this authority to grant regular permit subject to the provisions of Counter Signature of sister authority.This authority perused the observations and findings contained in the judgment in WPC No.23868/2016 and considered the applications in accordance with law and in view of the reported decisions of Hon'ble High Court of Kerala in similar cases.

As per the report of the enquiry officer,the proposed inter district route is having length of 49.3 km inwhich 13.9 km is lying under the jurisdiction of RTA Thrissur.As per the reported decision in Siju v. RTA Kannur 1998[2]KLJ849 it was clarified that the Regional Transport Authority of a particular region could issue a temporary permit in certain cases to be valid in other region or regions with the

concurrence of the RTA of other region or regions. In view of the above order, the grant of permits subject to the Counter signature of sister authority are not in exercise to avoid unauthorized operation of vehicle in the other region and to ascertain the impediments in grant of permit and operation of permit in that region or regions. Hence the request for the grant of regular and temporary permits without seeking prior concurrence cannot be allowed.

Therefore the Secretary RTA is permitted to seek concurrence of RTA Thrissur U/R 171 of KMV Rules-1989. Hence adjourned

Item No.21

Heard; Adv.P.Deepak, the learned counsel represented the applicant. This is the application for the grant of fresh inter district regular permit on the route Mala-Aluva as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1. As per the application submitted for the grant of regular permit, the applicant offered stage carriage KL-07-AJ-8108 of 2002 model. This authority in its earlier sitting specified the description of the stage carriages for which fresh regular stage carriage permits will be granted by this authority, that no fresh regular permit shall be granted to stage carriages older than five years from the date of its original registration considering the aspects of road safety and in the light of judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010.

In this case, the offered vehicle KL-07-AJ-8108 is an older model and having age more than five years will attain age of 15 years in the next year 2017. Hence it cannot be considered for the fresh stage Carriage permit, as this authority implemented limitation for the grant of fresh permits to stage carriages older than five years from the date of original registration.

Even though the applicant offered a Suitable Stage Carriage against the serial No.06 in the submitted application for the grant of permit, there is a time of one month for the production of current records of the vehicle from the date of grant, he has not furnished the particulars of vehicle before this authority to ascertain the feasibility and age as specified by this authority in the case of new stage carriage permit considering the road safety with reference to the judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010. Hence the applicant is not entitled for a fresh stage carriage permit.

2. As per the time schedule proposed, the focus of operations are in between Mala and Aluva. The enquiry officer has also certified this facts. This authority felt that the applicant provided only one trip to Chengamanad with an intension to enhance the route length to 97.2 km so as to escape from the objectionable overlapping on the notified schemes between Mala and Aluva. If the route is considered as Mala – Aluva, the route is objectionably overlaps Ernakulam-Thrissur, Ernakulam- Palakkad and Trivandrum-Palakkad notified schemes published vide GO (P) No.42/2009/Tran dtd 14/07/2009. These kind of scams in submission of route cannot be allowed.

6. So many objections have been raised against the route proposed via Manappuram stating that the operation of stage carriage service on that portion connection Thottakkattukara and Seminarippady is not feasible.

Under the above circumstances the application for the grant of regular permit is hereby rejected.

Item No.22

Heard; the applicant. This is the application for the grant of fresh inter district regular permit on the route Manjapra- Mala- Manjaly as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1. The applicant has not furnished in his application the details of the vehicle to which the permit is sought for, such as registration mark, type of vehicle, Seating Capacity and Maximum Laden Weight etc. required by item No.6 to 8 in Form P.St.S.A in terms of section 70[1] Clause[f] of Motor Vehicles Act 1988. Instead he has offered a non-existent "Suitable" stage carriage in his application. He has not offered any such suitable vehicle even at the time of consideration of the application.

The counsel would contend that the applicant is entitled for the grant of a permit, even without the availability of a suitable vehicle and it would be sufficient to furnish such details within the time frame specified in Rule 159[2] of the KMV Rules 1989. But this contention is not applicable since an applicant who has furnished all the required details concerning the vehicle in his application in Form P.St.S.A and his application has been duly granted alone is facilitated to produce the registration certificate of the vehicle within the period specified in Rule 159[2] of KMV Rules. This rule obviously visualizes a situation where the applicant is unable to produce the certificate of registration of the vehicle for want of registration Under Section 41 of MV Act or for similar circumstances. The provisions of this rule does not absolve the applicant from furnishing the particulars of the vehicle in his application itself. In the absence of a ready vehicle, the details of which have not been furnished in the prescribed application, the application for permit is no application at all and this authority is of the view that grant of a stage carriage permit in respect of a non-existent "Suitable " stage carriage would not serve any public interest.

This authority has already resolved that no stage carriage other than those of five years or less alone shall be entitled for fresh stage carriage permit in this region, especially in view of road safety aspects and in the light of Judgment of Hon'ble Supreme Court of India in C.A No.5227/2013 dtd 04/08/2010. Hence this authority is bound to look in to the age of every stage carriage seeking permit before a grant is made.

2. As per the time schedule proposed, the focus of operations are in between Mala and Angamaly. The enquiry officer has also certified this facts. This authority felt that the applicant provided only one trip to Manjapra with an intension to enhance the route length to 62.8 km so as to escape from the objectionable overlapping on the notified schemes between Mala and Angamaly. If the route is considered as Angamay - Mala,

the route is objectionably overlaps Ernakulam-Thrissur, Ernakulam- Palakkad and Trivandrum-Palakkad notified schemes published vide GO (P) No.42/2009/Tran dtd 14/07/2009. These kind of scams in submission of route cannot be allowed.

Under the above circumstances, the applicant is not entitled for a fresh stage carriage permit and there is legal impediments to grant proposed permit. Hence the application is rejected.

Item No.23

Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant. This is the application for the grant of fresh intra district regular permit on the route Aluva-Ernakulam High Court Jn as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1. As per the application submitted for the grant of regular permit, the applicant offered stage carriage KL-07-AP-313 of 2003 model. This authority in its earlier sitting specified the description of the stage carriages for which fresh regular stage carriage permits will be granted by this authority, that no fresh regular permit shall be granted to stage carriages older than five years from the date of its original registration considering the aspects of road safety and in the light of judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010.

In this case, the offered vehicle KL-07-AP-313 is an older model and having age more than five years. Hence it cannot be considered for the fresh stage Carriage permit, as this authority implemented limitation for the grant of fresh permits to stage carriages older than five years from the date of original registration.

Eventhough the applicant offered a Suitable Stage Carriage against the serial No.06 in the submitted application for the grant of permit, there is a time of one month for the production of current records of the vehicle from the date of grant, he has not furnished the particulars of vehicle before this authority to ascertain the feasibility and age as specified by this authority in the case of new stage carriage permit considering the road safety with reference to the judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010. Hence the applicant is not entitled for a fresh stage carriage permit.

2. As per clause 5[c] of notification No.42/2009/Tran dtd 14/07/2009, a private operator is permitted to overlaps 5km or 5% of the route length which of them is less on a notified routes only for the purpose of intersection. In this case the proposed route is having length of 35.6 km and the permissible overlapping is 1.78 km only. But the portion of the proposed route from Aluva to Thottakkattukara which is 2.5 km in length objectionably overlaps Trivandrum- Palakkad and Trivandrum- Kannur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. Hence the overlapping is beyond the permissible limit. If the proposal is allowed, it will be a clear violation of above said Government notification, Scheme of nationalization and connected judgments of Ho'ble Supreme Court of India and Hon'ble High Court of Kerala in this regard.

3. The Counsel represented the KSTRC, the beneficiary of the scheme vehemently objected the grant of proposed permit in view of the objectionable overlapping..

Under the above circumstances the application for the grant of regular permit is hereby rejected.

Item No.24

Heard; Adv.Stalin Peter Davis,the learned counsel represented the applicant.This is the application for the grant of fresh intra district regular permit on the route Ernakulam High Court Jn- Aluva as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.The applicant has not furnished in his application the details of the vehicle to which the permit is sought for,such as registration mark,type of vehicle,Seating Capacity and Maximum Ladden Weight etc. required by item No.6 to 8 in Form P.St.S.A in terms of section 70[1] Clause[f] of Motor Vehicles Act 1988. Instead he has offered a non-existent "Suitable" stage carriage in his application.He has not offered any such suitable vehicle even at the time of consideration of the application.

The counsel would contend that the applicant is entitled for the grant of a permit,even without the availability of a suitable vehicle and it would be sufficient to furnish such details within the time frame specified in Rule 159[2] of the KMV Rules 1989.But this contention is not applicable since an applicant who has furnished all the required details concerning the vehicle in his application in Form P.St.S.A and his application has been duly granted alone is facilitated to produce the registration certificate of the vehicle within the period specified in Rule 159[2] of KMV Rules.This rule obviously visualizes a situation where the applicant is unable to produce the certificate of registration of the vehicle for want of registration Under Section 41 of MV Act or for similar circumstances.The provisions of this rule does not absolve the applicant from furnishing the particulars of the vehicle in his application itself. In the absence of a ready vehicle,the details of which have not been furnished in the prescribed application,the application for permit is no application at all and this authority is of the view that grant of a stage carriage permit in respect of a non-existent "Suitable " stage carriage would not serve any public interest.

This authority has already resolved that no stage carriage other than those of five years or less alone shall be entitled for fresh stage carriage permit in this region,especially in view of road safety aspects and in the light of Judgment of Hon'ble Supreme Court of India in C.A No.5227/2013 dtd 04/08/2010. Hence this authority is bound to look in to the age of every stage carriage seeking permit before a grant is made. Cosidering the facts, the applicant is not entitled for the fresh staga carriage permit.

2. As per clause 5[c] of notification No.42/2009/Tran dtd 14/07/2009,, a private operator is permitted to overlaps 5km or 5% of the route length which of them is less on a notified routes for the purpose of intersection. In this case the proposed route is having length of 31.4 km and the permissible overlapping is 1.57 km only. But the

portion of the proposed route from Aluva to Thottakkattukara which is 2.5 km in length objectionably overlaps Trivandrum- Palakkad and Trivandrum- Kannur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. Hence the overlapping is beyond the permissible limit. If the proposal is allowed, it will be a clear violation of above said Government notification, Scheme of nationalization and connected judgments of Hon'ble Supreme Court of India and Hon'ble High Court of Kerala in this regard.

3. The Counsel represented the KSTRC, the beneficiary of the scheme vehemently objected the grant of proposed permit in view of the objectionable overlapping..

Under the above circumstances the application for the grant of regular permit is hereby rejected.

Item No.25

Heard; Adv.P.Deepak,the learned counsel represented the applicant.This is the application for the grant of fresh intra district regular permit on the route Chittethukara Boat Jetty- Infopark Phase II as Ordinary moffusil service. This authority considered the application in detail and reveals the following.

1.As per the application submitted for the grant of regular permit,the applicant offered stage carriage KL-14-C-9182 of 2002 model. This authority in its earlier sitting specified the description of the stage carriages for which fresh regular stage carriage permits will be granted by this authority, that no fresh regular permit shall be granted to stage carriages older than five years from the date of its original registration considering the aspects of road safety and in the light of judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010.

In this case,the offered vehicle KL-14-C-9182 is an older model and having age more than five years.Hence it cannot be considered for the fresh stage Carriage permit,as this authority implemented limitation for the grant of fresh permits to stage carriages older than five years from the date of original registration.

Eventhough the applicant offered a Suitable Stage Carriage against the serial No.06 in the submitted application for the grant of permit, there is a time of one month for the production of current records of the vehicle from the date of grant , he has not furnished the particulars of vehicle before this authority to ascertain the feasibility and age as specified by this authority in the case of new stage carriage permit considering the road safetywith reference to the judgment of Hon'ble Supreme Court of India in C.A. No.5227 of 2003 dtd 04/08/2010. Hence the applicant is not entitled for a fresh stage carriage permit.

Hence the application for the grant of fresh regular permit is hereby rejected.

Item No.26

Heard; Adv.Gopinathan Nair,the learned counsel represented the applicant and Counsel represented the KSRTC and perused the judgments of the STAT and judgment of Hon'ble High Court of Kerala in WPC No.15787/2016. This is the

application for the variation of regular permit in respect of stage carriage KL-07-AQ-644 operating on the route Mambrakadavu- Angamaly-Perumbavoor-Palissery-Karamattam as Ordinary moffusil Service. During the year 2008, Mr. Bobby George who was the the permit holder on the above route applied for the variation of regular permit for curtailing the trip to Mambrakadavu for extending the last trip to Ezhattumugam so as to commence service from there and to deviate two trips to Perumbavoor via Nayathode Jn, Vengoor and Kalady. This authority in its sitting held on 30/09/2008 considered the application on the ground of adverse effect of proposed variation and the overlapping on draft scheme. The decision was challenged before the Hon'ble STAT vide appeal No.710/2008. Vide judgment in the appeal, the Hon'ble STAT had directed the RTA to reconsider the application afresh after obtaining a detailed enquiry report for comparing the advantage and disadvantage of the proposed variation and after the approval of the draft scheme by the Government of Kerala. Accordingly after a further route enquiry, this authority reconsidered the application on 02/07/2011 and again rejected the application on the same ground of adverse effect of curtailment of existing trips and legal impediment of granting proposed additional trip in between Angamaly and Perumbavoor violating Clause 19 of notification No.42/2009/Tran dtd 14/07/2009.

Above decision of this authority was again challenged by the permit holder before the Appellate Tribunal vide appeal No.299/2011. The main grievance of the appellant was that the RTA did not consider whether the benefit available to the public on account of variation will outweigh their difficulties. Vide judgment in above appeal dtd 28/02/2014, the Hon'ble tribunal directed this authority to remand the matter and comply the direction contained in the order in MVAA No.710/2008 in its letter and spirit. Now vide judgment in WPC No.15787 of 2016 dtd 26/04/2016, the Hon'ble High Court has directed this authority to implement the order of STAT in MVAA No.299/2011 within a time frame.

In view of the judgment in WPC No.15787 of 2016, this authority perused judgment in MVAA No.710/2008, Comparative report submitted by the enquiry officer, Judgment in MVAA No.299/2011, earlier decisions of this authority and Notification 42/2009/tran dtd 14/07/2009 and then reconsidered the application for variation of regular permit in respect of stage carriage KL-07-AQ-644 covered by a regular permit on the route Mambrakadavu-Angamaly- Perumbavoor- Karamattom in detail and arrived at the following findings.

- A. At present, the stage carriage KL-07-AQ-644 is operating on the route Mambrakadavu-Angamaly- Perumbavoor- Karamattom as Ordinary Moffusil Service with settled set of timings. Vide an application in PVA, the permit holder sought variation in the above regular permit for curtailing the trip to Mambrakadavu for extending the last trip to Ezhattumugam so as to commence service from there and to operate one additional trips between Angamaly and Perumbavoor for deviating the service via Nayathode Jn, Vengoor and Kalady by curtailing trip via Mooppan Kavala and Sivajipuram.

- B. As per the detailed route enquiry report submitted by the field officer, it was clearly reported that there is a curtailment of 2 km from Mambra Kavala to Mambra Jn to extend the service up to Ezhattumugham in the last trip. He has reported that proposed extension of last trip to Ezhattumugham from Pallisseri via Munnurpilly for a distance of 6.7 km is beneficial to the travelling public and the benefit of extension outweighs the difficulties of travelling public in the curtailed portion since operation of service touching Ezhattumugham Prakrithi Gramam will give additional advantage to the tourists and general public.
- C. The enquiry officer in his report clearly specified that proposed operation of service in between Angamaly and Perumbavoor by deviation of service via Kalady and Vengoor will objectionably overlap Kottayam- Kozhikode nationalized route notified by GO(P) No.42/2009/Tran dtd 14/07/2009 for a distance of 14 km in length.
- D. The enquiry officer further reported that when a stage carriage curtail its existing service or trips to some places, it is sure that the withdrawal will deprive the existing benefits enjoyed by the public in the curtailed portion, at the same time the proposal for extension will provide better or additional travelling facility to the peoples of extension portion. Hence he reported that it is very difficult to make comparative graphical report of advantage and disadvantage offered consequent to the proposed variation consisting of extension, curtailment and deviation of service.

This authority considered all the findings contained in the report of route enquiry officer in its real spirit and pronounced following orders on application for the variation of permit submitted by the applicant.

1. The proposed extension of service to Ezhattumugham will provide additional advantage to the travelling public especially tourists arriving at Prakrithi Gramam and felt that the benefit of this extension will outweigh the difficulties of public consequent to the curtailment of trip to Mambrakadavu. Hence the proposed extension of Ezhattumughalm is granted subject to settlement of timings in the varied trips only without affecting timings of remaining trips.
2. The proposed deviation of one trip in between Angamaly and Perumbavoor via Kalady and Vengoor will objectionably overlap Kottayam- Kozhikode nationalized route notified by GO(P) No.42/2009/Tran dtd 14/07/2009 for a distance of 14 km in length. As per clause [19] of the above said notification, the right to operate any new service and to increase the trips in the notified routes or its portions will be reserved exclusively for the State Transport Undertaking. In this case, the applicant offered additional new trip on the portion of notified routes. KSRTC strongly objected the grant of proposed variation. This authority felt that, if the proposed additional trip is allowed, it will be a clear violation of above said notification and connected judgments in this regard.

3. Vide Judgment of Hon'ble Supreme Court of India in C.A No.4480 of 1998[Venkataswamy Reddy v. State Transport Authority] and connected cases dtd 19/07/2016 it is clearly pronounced that ,no private operator can operate his vehicle on any part or portion of a notified area or notified route unless authorized so to do by the terms of the scheme itself. He may not operate on any part or portion of the notified route or Area on the mere ground that the permit as originally granted to him covered the notified route or area. Hence the proposed variation cannot be granted violating the scheme of nationalization.

In view of the above said facts and circumstances of legal impediments, proposal for the deviation of one trip in between Angamaly and Perumbavoor via Kalady and Vengoor is hereby rejected.

The Secretary RTA is directed to endorse the partially allowed variation subject to settlement of timings in the varied [first and last] trips only without affecting timings of remaining trips.

Item No.27

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-AR-1686 operating on the route Nilampathinjamugal- Edakochi as Ordinary service.By the proposed variation the permit holder is desired to deviate the service in the 4th trip between Thevara Jn and Kakkanad via Santhi Nagar, Kundannoor,Vyttila and Pipe Line avoiding Ernakulam South. 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 and the proposed variation will provide advantage to the travelling public since there is no sufficient stage carriage services connecting Thevara Jn and Kakkanad via Kundannur and Vyttila. Hence the Proposed variation is granted subject to settlement of timings.

Item No.28

Heard; Adv.M.Jithesh Menon, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-07-AZ-1616 operating on the route Alunkal-Pokkam-North Parur- Vypin- High Court Jn as Ordinary service. By the proposed variation the permit holder is desired to extend the 1st trip up to High Court Jn and to operate 2nd trip as Vypin –High Court Jn. 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 and the proposed variation will provide advantage to the travelling public. Hence the Proposed variation is granted subject to settlement of timings.

Item No.29

Heard; Adv.P.Deepak, the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-BM-351 operating on the route South Chittoor Ferry-Konthuruthy as Ordinary service.This authority considered the application in detail in the light of enquiry report furnished by the field officer ,Objections raised by the public and connected file.

By the proposed variation,the applicant is desired to vary the permit so as to curtail 13th and 14th trips between Thevara Jn and Konthuruthy and to avoid last two trips so as to take halt at South Chittoor at 7.54 PM. The enquiry officer has reported that the proposed curtailment of service in the late night willnot adversely affect the travelling public. But so many objections have been received from the public stating that no sufficient stage carriages are operating service to Konthuruthy and hence the curtailment of night trips will adversely affect them. But the enquiry officer has not reported the adverse effect of proposed variation and he has reported that the curtailment will not affect the public. On hearing of the travelling public,this authority felt that the field officer has not reported the real consequence of curtailment. Hence this authority went through the matter deeply and then revealed the following facts.

1. The curtailment of trips to Konthuruthy, will adversely affect the general 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.
2. As per the existing time schedule, the permit holder shall conduct service up to 9.53 PM and these time schedule was issued in an open timing conference considering the public Interest. By the proposed variation, the permit holder is intended to curtail last two trips so as to halt the service at 7.54PM. At the time hearing, so many objections have been raised by the public stating that the curtailment of night trips to Konthuruthy and return trip to Chittoor Ferry will adversely affect them since no sufficient services are available during the late night. Hence the proposed curtailment cannot be allowed.
3. Recently the Hon'ble Human Rights Commission of Kerala has directed the RTA not to renew the permit of stage carriages which are curtailing the night trips to Eastern side of Kochi on the findings that there are no sufficient stage carriage service in the night in that sector and publics are suffering due to the curtailment of trips by the stage carriage operators.
4. Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public .In this case this authority granted permit for the convenience of the travelling public. No

sufficient stage carriages are operating through the curtailed portion. Hence the proposed variation is against the public interest. This authority feels that the consequence of curtailment of trips is much higher and the permit holder not offered any additional advantage to the public.

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

Secretary RTA is directed to call explanation from the enquiry officer for the laps in reporting the actual facts and consequence of variation.

Item No.30

Heard; Adv.P.Deepak, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AH-2322 operating on the route Kumbalangi- ALuva as ordinary service. By the proposed variation, the permit holder is desired to operate 4th trip up to Fort Kochi, trip No.05 up to Aster Medicity and then return to Fort Kochi and to operate trip No.7 from Fort Kochi to Edappally Gate and then to Kumbalangi for halting. This authority considered the application in the light of enquiry report furnished by the field officer, objections raised by the public, KSRTC and connected file and felt that

1. As per the report of enquiry officer there are extension of service up to Aster Medi City and Edappally Railway Gate in two trips. In the above extension, the portion from Edappally High School to Edappally Signal Jn which is 1.3 km in length is objectionably overlaps [additional] Trivandrum-Palakkad, and Trivandrum-Kannur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 19 of the above said notification, the right to operate any new service and to increase the trips in the notified routes or its portions will be reserved exclusively for the State Transport Undertaking. In this case, the applicant offered additional new trips on the portion of notified routes. KSRTC strongly objected the grant of proposed variation. This authority felt that, if the proposed additional trip is allowed, it will be a clear violation of above said notification and connected judgments in this regard.

2. Vide Judgment of Hon'ble Supreme Court of India in C.A No.4480 of 1998 [Venkataswamy Reddy v. State Transport Authority] and connected cases dtd 19/07/2016 it is clearly pronounced that, no private operator can operate his vehicle on any part or portion of a notified area or notified route unless authorized so to do by the terms of the scheme itself. He may not operate on any part or portion of the notified route or Area on the mere ground that the permit as originally granted to him covered the notified route or area. Hence the proposed variation cannot be granted violating the scheme of nationalization.

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

Item No.31

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-41-D-3006 operating on the route Match Factory-Parappuram-Anappara as Ordinary Moffusil Service. This authority considered the application in the light of enquiry report furnished by the field officer, objections raised by the public, local body and connected file. By the proposed variation, the permit holder is desired to operate 6th trip from Anappara to Angamaly via Vathakkad, Komara and Thuravoor by avoiding service via Thavalappara and Manjapra. This authority considered the matter in detail and then revealed the following facts.

1. The curtailment of existing trip from Aappara to Thravoor via Thavalappara and Manjapra in the 6th trip will adversely affect the travelling public since the portion is ill served one. So many objections and representations have been received from the public and local body against the proposed curtailment of service stating that the curtailment will adversely affect their travelling facility. 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. This authority felt that by the proposed deviation through Vathakkad and Komara will not give any advantage to the travelling public.
2. By the proposed variation, the main intension of the permit holder is to revise the time schedule. The enquiry officer has clearly reported this facts and not recommended the same since it will adversely affect the travelling public and settled position of timings in the entire sector and there no change of circumstances warranted under rule 145[7] of KMV Rules-1989 to revise the existing timings.
3. Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public .In this case. The proposed variation will not give any additional advantage to the travelling public. This authority feels that the consequence of curtailment of trips is much higher than the deviation sought by the permit holder.

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

Item No.32

Heard; Adv.P.Deepak, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect

of stage carriage KL-07-AM-2946 operating on the route Thoppil Jn- Aroor Jn as ordinary mofussil service. By the proposed variation, the permit holder is desired to operate 1st trip up to Thoppumpady via Kundannoor and return to Thoppil Jn, trip No.03 from Thoppil Jn up to Mundamveli via Vyttila, Kundannoor and Thoppumpady by curtailing service to Aroor Jn and then to operate 5th trip as Thoppil- Vyttila by curtailing service to Aroor and to return to Edappally Gate and also to operate 8th trip in between Vyttila and Thoppil. This authority considered the application in the light of enquiry report furnished by the field officer, objections raised by the public, KSRTC and connected file and felt that

1. As per the report of enquiry officer there are extension of service up to Thoppumpady and Mundamveli and return to Thoppil Jn in the 1st, 2nd, 3rd and 4th trips respectively. In the above extension, the portion from Willington Island-Kundannoor Road Jn to Thoppumpady which is 1.6 km in length is objectionably overlaps Trivandrum-Palakkad, and Trivandrum-Kannur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 19 of the above said notification, the right to operate any new service and to increase the trips in the notified routes or its portions will be reserved exclusively for the State Transport Undertaking. In this case, the applicant offered new trips on the portion of notified routes. KSRTC strongly objected the grant of proposed variation. This authority felt that, if the proposed additional trip is allowed, it will be a clear violation of above said notification and connected judgments in this regard.

2. Vide Judgment of Hon'ble Supreme Court of India in C.A No.4480 of 1998 [Venkataswamy Reddy v. State Transport Authority] and connected cases dtd 19/07/2016 it is clearly pronounced that, no private operator can operate his vehicle on any part or portion of a notified area or notified route unless authorized so to do by the terms of the scheme itself. He may not operate on any part or portion of the notified route or Area on the mere ground that the permit as originally granted to him covered the notified route or area. Hence the proposed variation cannot be granted violating the scheme of nationalization.

3. There is no direct stage carriage service in between Thoppil Jn and Aroor Jn. Hence the curtailment of trips to Aroor Jn will adversely affect the travelling public. Hence it cannot be allowed. The route Vyttila- Edappally Gate is very well served and there is no necessity under Rule 145[6] to grant extension to Edappally gate.

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

Item No.33

Heard; Adv.P.Deepak, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-AR-4107 operating on the route Manalimukku- Aroor Toll Jn

as ordinary moffusil service. The permit holder has proposed variation by deviating the 2nd trip from Kakkanad to Infopark and then return to Kakkanad avoiding HMT Jn. On perusal, this authority felt that the application is not filed in proper so as to identify the proposed deviation and the report of enquiry officer is not self explanatory to ascertain the effect of proposed variation. Hence the applicant is directed to submit the trip wise description of variation required and the Secretary RTA is directed to call detailed route enquiry report with frequency of stage carriages in the deviation and curtailed portion. Hence adjourned.

Item No.34

Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-BD-3408 operating on the route Cherthala-Thoppumpady- Vytila Mobility Hub as Ordinary moffusil service. By the proposed variation,the applicant is desired to vary the permit so as to change the starting and halting place to Thunky Church, extend the service up to Infopark ,Kochi and to operate one trip via RC Road. This authority considered the application in detail in the light of enquiry report furnished by the field officer ,Objections raised by the public and connected file and revealed the following facts.

1. As per the existing time schedule, the permit holder shall conduct service up to 9.29 PM and halt service at Cherthala. These time schedule was issued in an open timing conference considering the public Interest. By the proposed variation, the permit holder is intended to terminate service at 7.18 PM at Thunky Church by reducing the trip so as to take extension to Infopark and Thunky Church. At the time of hearing, so many objections have been raised by the public stating that the curtailment of night trips to Cherthala through coastal area will adversely affect them since no sufficient services are available during the late night. Hence the proposed curtailment cannot be allowed.
2. The Regional Transport Authority Alappuzha granted concurrence fo the extension of service to Thuravoor,but the adverse effect consequent to the curtailment of night trips cannot be allowed considering the interest of public.
3. On persulal of the existing time schedule and time schedule proposed with required variation, it can see that the applicant altered all the existing timings with alteration of termini. There is no provision in the MV Act to grant such variations. As per sub section [3] of Section 80 of MV Act,the application for variation with these kind of alteration shall be treated as application for the grant of fresh permit.The applicant has the liberty to file application for fresh permit in accordance with law.
4. Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public .In this case this authority granted permit for the convenience of the travelling public. No sufficient stage carriages are operating through the curtailed portion in the late night.Hence the proposed variation is against the public interest. This authority

feels that the consequence of curtailment of trips is much higher than the advantage offered by the proposed extension.

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

Item No.35

Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant and Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-07-BJ-3007 operating on the route Eramalloor-Elamakkara as Ordinary moffusil service.By the proposed variation,the applicant is desired to vary the permit so as to extend the service up to Thuravoor in the 8th trip so as to start operation in the morning at Thuravoor. He has also proposed curtailment of 9th and 10th trips in the existing time. This authority considered the application in detail in the light of enquiry report furnished by the field officer ,Objections raised by the public and connected file and revealed the following facts.

1. The curtailment of trips in between Eramalloor and Kaloor in the 9th and 10th trips 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.
2. As per the existing time schedule, the permit holder shall conduct service up to 9.25 PM and these time schedule was issued in an open timing conference considering the public Interest. By the proposed variation, the permit holder is intended to curtail last two trips in between Eramalloor and Kaloor so as to halt the service at 6.52PM. At the time of hearing, so many objections have been raised by the public stating that the curtailment of night trips to Kaloor and return trip to Eramalloor stating that it will adversely affect them since no sufficient services are available during the late night. Hence the proposed curtailment cannot be allowed.
3. The Regional Transport Authority Alappuzha granted concurrence fo the extension of service to Thuravoor,but the adverse effect consequent to the curtailment of night trips cannot be allowed considering the interest of public.
4. Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public .In this case this authority granted permit for the convenience of the travelling public. No sufficient stage carriages are operating through the curtailed portion in the late night.Hence the proposed variation is against the public interest. This authority feels that the consequence of curtailment of trips is much higher than the advantage offered by the proposed extension.

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

Item No.36

1.Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant Sri.A.J.Joseph and the counsel represented the KSRTC. This is an application for the conversion of the Class of Service from Super Express to Limited Stop Ordinary Service and renewal of the expired regular permit in respect of Stage carriages KL-05-AB-3666 as LSOS to operate on the route Kumily- Konnakkad in view of the GO(MS) No.45/2015/Tran dtd 20/08/2015.This authority considered the application in detail.The inter district regular permit issued to the above stage carriage to operate service as Super Express was expired on 24/07/2007.Vide GO(P) No.73/2013/Tran dtd 16/07/2013,the Government of Kerala prevented the operation of private stage carriages as Super Class services. Now vide GO(MS) No.45/2015/Tran dtd 20/08/2015, the Government of Kerala have directed all Regional Transport Authorities to issue Ordinary Limited Stop Service permits to those private stage carriages which had been operated as higher class service such as Fast Passenger,Super Fast services etc.and the permits of which were subsequently rejected by the Regional Transport Authorities as a result of coming into the effect of scheme notified as SRO No.555/2013 .

In the light of above order,the permit holder has applied for the conversion of the class of services from Super Express to LSOS and renewal of the permit as LSOS.The route Kumily- Konnakkadu is an inter district route and the route is passing through the jurisdictions of eight Regional Transport Authorities. Concurrence of the authorities concerned are necessary for the renewal of permit as Ordinary Limited Stop Service.Hence Secretary RTA is permitted to seek concurrence of sister Regional Transport Authorities having jurisdiction of more than 20 kilometers.Hence adjourned.

2.Secretary RTA is directed to issue temporary permits U/S 87[1]d of MV Act for durations of 4 months to continue operation as LSOS with a rate of running time prescribed by the STA and a rate of fare as prescribed by the Government for the ordinary service and a detailed fare stage and a list of approved stops ,subject to the decision of STA on the age of the buses for being operated as Ordinary limited stop services and clearance of pending dues,if any.

3.Secretary RTA is directed to ascertain the feasibility of the list of stops proposed with reference to the Rule 206 of KMV Rules-1989 before issuing the temporary permit.

Item No.37

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-39-C-

5777 operating on the route Thalayolapparambu-Kaloor as Ordinary moffusil service. By the proposed variation the permit holder is desired to deviate the service in the 1st and last trip between Thalayolapparambu and Kaloor via Chottanikkara and Kureekad avoiding Kandannadu. 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 and the proposed variation will provide advantage to the travelling public. Hence the Proposed variation is granted subject to settlement of timings.

Item No.38

Heard the learned counsel Adv.P.Deepak represented the applicant and Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-41-A-6639 operating on the route Aluva- Trippunithura-Chottanikkara as ordinary City 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 proposed variation includes deviation and curtailment of trip. The enquiry officer has reported that the curtailments of trip via Palarivattom, Menaka and South will adversely affect the travelling public in city limit.

The grant of new stage carriage permits in the private sector through city roads of Kochi is prevented by the Government by way of notifications, Hence there is no chance to introduce new stage carriage permits directly connecting the curtailed portions such as Edappally, Palarivattom, Menaka and South. If the proposed curtailment is allowed this authority felt that it will permanently deprive the existing benefits of 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.

Regional Transport Authority is constituted to consider applications and grant permit for providing better travelling facility to the public. In this case this authority granted permit for the convenience of the travelling public to Kakkanad. The proposed variation will not give any additional advantage to the travelling public. This authority feels that the consequence of curtailment of trips is much higher than the extension sought by the permit holder.

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

Item No.39

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-04-U-8037 operating on the route Kumbalangy Ferry-Kakkanad as Ordinary moffusil service. By the proposed variation the permit holder is desired to operate certain trips to Edappally Amrutha Hospital Railway Gate via Elamakkara by curtailing trips to Kakkanad. This authority considered the application in detail. The enquiry officer has

not reported that the real consequence of curtailment of trips to Kakkanada in the peak time since so many objections have been received from the public against the curtailment. Hence the Secretary RTA is directed to submit a detailed report in this regard and place the next sitting of this authority. Hence adjourned.

Item No.40

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-04-U-8182 operating on the route Munambam-Ernakulam as Ordinary moffusil service.By the proposed variation the permit holder is desired to operate one trip to Vyttila Hub by curtailing two trips to Munambam. 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 the proposed variation will provide advantage to the travelling public. Hence the Proposed variation is granted subject to settlement of timings.

Item No.41

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-AE-7755 operating on the route Willington Island- Pallithode as Ordinary moffusil service.By the proposed variation the permit holder is desired to operate four trips via RC Road instead of via Mundamvely. 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.42

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-AM-8390 operating on the route Poothotta- Aluva as Ordinary City service.By the proposed variation the permit holder is desired to vary the permit. This authority considered the application and revealed the following. The regular permit was issued on 30/06/2006. The routé Poothotta- Aluva is having length of 49.3 km, inwhich 40 km from Aluva to Trippunithura is objectionably overlaps Trivandrum-Kannur and Ernakulam-Thekkady notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009.As per Clause 4 of above said notification, regular permits issued on private sector after 09/05/2006 violating Clause 5[c] of the notification are not renewable. Only temporary permits can be allowed on expiry of the regular permit. In this case, the regular permit was issued after 09/05/2006 and the regular permit expired on 29/06/2016. Therefore, it is not renewable.The applicant is operating

service with issued temporary permits. Hence the variation of temporary permit is not permissible by the MV Act and rules made thereunder.

In this circumstances, this authority is hereby rejected the application for the variation of invalid regular permit without considering the consequence of proposed variation.

Item No.43

1.Perused the judgment of Hon'ble High Court of Kerala in WPC No.20872 of 2016

2.Heard; Adv.P.Deepak,the learned counsel represented the applicant and the Counsel represented the KSRTC. This is the application for variation of regular permit in respect of stage carriage KL-07-BB-9817 operating on the route Puthencruz-Kaloor as Ordinary service. By the proposed variation, the permit holder is desired to vary the permit by operating 4th trip from Kaloor to Puthencruz via Palarivattom, Vazhakkala, Kakkanad,Infopark and Karimugal by curtailing service via KK Road and Trippunithura. This authority in its earlier sitting held on 05/04/2016 considered the application and rejected the same on the ground that the portion of the proposed deviation route from Kaloor to Palarivattom which is 2 km in length objectionably overlaps Trivandrum-Kannur and Trivandrum-Palakkad notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009 and the grant of proposed deviation is would be clear violation of clause[19] of above said notification. The decision of the RTA was challenged by the applicant before the Hon'ble High Court of Kerala filing wrong statement that this authority passed earlier order without providing an opportunity of hearing to him. In view of the above statement,vide judgment in WPC N.20872/2016 dtd 28/06/2016,the Hon'ble High Court quashed order of this authourity dtd 05/04/2016 and directed to reconsider the application for variation in accordance with law after providing an opportunity of hearing to the applicant as well as the KSRTC within a time frame.

In view of the Judgment of Hon'ble High Court, this authority again heard Adv.P.Deepak, learned counsel represented the applicant Sri.Althaf and heard representative of the KSRTC, the befeficiary of the scheme and reconsidered the application in the light of enquiry report furnished by the field officer,objections raised and connected file and felt that

1. By the proposed variation, the permit holder is desired to vary the permit by operating 4th trip from Kaloor to Puthencruz via Palarivattom,Vazhakkala, Kakkanad,Infopark and Karimugal by curtailing service via KK Road and Trippunithura. But the portion of the proposed deviation route from Kaloor to Palarivattom which is 2 km in length objectionably overlaps Trivandrum-Kannur and Trivandrum-Palakkad notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 19 of the above said notification,the right to operate any new service and to increase the trips in the notified routes or its portions will be reserved exclusively for the State Transport Undertaking. In this case ,the applicant offered new trips on the portion of notified routes. KSRTC,the beneficiary of the

scheme strongly objected the grant of proposed variation. This authority felt that, if the proposed deviation is allowed, it will be a clear violation of above said notification and connected judgments in this regard.

2. Vide Judgment of Hon'ble Supreme Court of India in C.A No.4480 of 1998 [Venkataswamy Reddy v. State Transport Authority] and connected cases dtd 19/07/2016 it is clearly pronounced that, no private operator can operate his vehicle on any part or portion of a notified area or notified route unless authorized so to do by the terms of the scheme itself. He may not operate on any part or portion of the notified route or Area on the mere ground that the permit as originally granted to him covered the notified route or area. Hence the proposed variation cannot be granted violating the scheme of nationalization.

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

Item No.44

Heard; Adv.P.Deepak, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is the application for variation of regular permit in respect of stage carriage KL-07-CE-8273 operating on the route Ponekkara-Mattancherry as Ordinary service. The applicant was absent. Hence adjourned.

Item No.45

1. Perused the judgment of Hon'ble STAT in MVAA No.229/2014 dtd 23/02/2016

2. Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is an application for variation of regular permit in respect of stage carriage KL-27-7566 operating on the route Don Bosco-Aluva-HMT as ordinary service. The permit holder has proposed variation for operating 5th trip as Don Bosco-Aluva and to operate 7th trip as Don Bosco-HMT. This authority in its earlier sitting held on 20/05/2014 considered the application and rejected the same on the ground that the proposed variation would badly affect the travelling public and there is necessity under rule 145[6] for the proposed variation. The above order was set aside by the Hon'ble STAT vide judgment in MVAA No.229/2014 and directed this authority to reconsider the application in view of the favour report submitted by the enquiry officer.

This authority reconsidered the application in the light of enquiry report furnished by the field officer and connected file. The enquiry officer has reported that the the proposed rescheduling of 5th and 7th trips will provide advantage to the travelling public and it will. So many objections raised by the travelling public against the alteration of entire timings in the existing time schedule. This authority felt that the objections are genuine and alteration of entire timings will adversely affect the public and settled position of timings in the sector. Therefore proposed time schedule cannot be accepted. Hence alteration of 5th to 7th trips only can be allowed.

Hence the Proposed variation is granted subject to settlement of timings of 5th to 7th trips only without disturbing the existing timings in the remaining trips .

Item No.46

1. Perused the judgment of Hon'ble High Court of Kerala in WPC No.16960/2016 dtd 01/07/2016

2. Heard; Adv.Jithesh Menon, the learned counsel represented the applicant and the Counsel represented the KSRTC. This is the application for variation of regular permit in respect of stage carriage KL-18-D-6399 operating on the route Ernakulam High Court Jn-North Parur- Njarackal as ordinary mofussil service. The permit holder has proposed variation for operating certain trips to Kodungalloor by extension of service from North Parur via Koottukadu and to extend certain trips to Moothakunnam via Vavakkad and Pattanam and one trip[7th] via Koottukad and also to extend two trips from Elamkunnappuzha to Njarackal. This authority in its earlier sitting held on 05/04/2016 considered the application and adjourned decision and sought concurrence of RTA Thrissur since the requested extension to Kodungalloor is covering the jurisdiction of RTA Thrissur for a distance of 5 km.

The above order of this authority was challenged by the applicant before the Hon'ble High Court of Kerala. Vide judgment in WPC No.16960 of 2016 dtd 01/07/2016, the Hon'ble Court has directed to consider the application submitted by the permit holder in terms of decision of RTA and also taking in to account the general concurrence if any issued by the RTA Thrissur in accordance with law.

In view of the above order of Hon'ble High Court, this authority reconsidered the application in the light of enquiry report furnished by the field officer and in all terms specified by the Hon'ble Court and connected file. This authority felt that

1. The applicant proposed two trips to Kodungalloor from North Parur via Koottukad by way of extension of service. In this extension, portion of the route from Sringapuram to Kodungalloor overlaps notified route published vide GO(P) No.42/2009/Tran dtd 14/07/2009. As per clause 19 of the above said notification, the right to operate any new service and to increase the trips in the notified routes or its portions will be reserved exclusively for the State Transport Undertaking. In this case, the applicant offered new trips on the portion of notified routes. KSRTC, the beneficiary of the scheme strongly objected the grant of proposed variation. This authority felt that, if the proposed extension to Kodungalloor is allowed, it will be a clear violation of above said notification and connected judgments in this regard. Therefore it cannot be allowed. Hence proposed variation for extension of two trips to Kodungalloor is hereby rejected.
2. The enquiry officer has reported that the proposed extension of trips from North Parur to Moothakunnam via Vavakkad and Pattanam and one trip via Koottukad and from Elamkunnappuzha to Njarackal will provide additional advantage to the travelling public. Hence these proposals are granted subject to settlement of timings.

Item No.47

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-43-D-9420 operating on the route Chellanam-Cheranelloore as Ordinary city service. By the proposed variation, the permit holder is desired to operate two trips to Aster Medicity by curtailing portion from Shappupady to Cheranelloor for a distance of 1.9 km. 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 extension to Aster Medicity will provide additional advantage to the travelling public. Hence the Proposed variation is granted without affecting the existing timings.

The Secretary RTA is directed to regularize the timings in the extension portion only and endorse variation accordingly.

Item No.48

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-39-A-9190 operating on the route Eramalloor- Kaloor Bus Stand as Ordinary mofussil service. By the proposed variation the permit holder is desired to operate 1st trip via Gunduparambu and last trip from Kaloor to Madavana via KK road and Gunduparambu. 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.49

1.Perused the judgment of Hon'ble STAT in MVAA No.35/2014 , Judgment of Hon'ble High Court of Kerala in WP(c) No.22948 of 2015 and WPC No.16377/2016 dtd 29/04/2016 .

2.Heard;Adv.G.Prabhakaran,the learned Counsel represented the permit holder. Sri.Baiju Sakaria ,the permit holder of stage carriage KL-45-D-5200 .This is the application for the grant of regular permit in respect of stage carriage KL-45-D-5200 operating on the route Vynthala-Perumbavoor as Ordinary mofussil service.Bythe proposed variation,the permit holder is desired to change the halting and starting place to Vynthala to extend the service up to Vappalassery.This authority in its earlier sitting held on 06/01/2014 rejected the application considering the adverse effect of proposed variation. Thereafter vide Judgment in MVAA No.35/2014,the STAT has set aside the order of this authority and directed to reconsider the application afresh and Hon'ble High Court of Kerala in judgment in WP© No.22948 of 2015 directed to

reconsider the issue of variation sought by the petitioner in the light of judgment of Hon'ble STAT in MVAA No.35/2014 .

In compliance to the above orders this authority in its sitting held on 22/12/2015 reconsidered the matter in detail adjourned decision with direction to the applicant to submit a modified time schedule without affecting the morning and unvaried trips on the findings that the proposed changes will adversely affect the travelling public . The above decision of this authority also challenged by the applicant before the Hon'ble High Court of Kerala. Vide judgment in WPC No.WPC No.16377 of 2016, the Hon'ble Court has directed this authority to implement the order of the STAT in MVAA No.35/2014 in the light of resolution passed by the Annamanada Panchayath.

In the light of Judgment of Hon'ble High Court of Kerala in WPC No.16377/2016 this authority now reconsidered the application in view of the Judgment of Hon'ble STAT in MVAA No.35/2014 and reveals the following.

- A. As per the existing time schedule,the vehicle is operating service with starting and halting at Annamanada by 5.55 AM and 8.40 PM respectively. By the proposed variation,the starting and halting places are changed to Vynthala and the starting time is changed to 7.10 am for avoiding the early morning trip from Annamanada at 5.55am to reach Angamaly at 6.30am. As per the time schedule proposed,The permit holder is desired to alter entire timings of existing time schedule without any reason or situation. So many objections have been received from the public against the curtailment of the morning trip between Annamanada and Angamaly and the alteration of the existing time schedule.This authority felt that the curtailment of morning trip in between Annamanada and Angamaly will adversely affect the travelling public.The main intention of the permit holder is only to change the entire timings in the existing time schedule without considering the disadvantage of the public. It cannot be allowed.
- B. The enquiry officer has not reported the consequences of the proposed deviation of service via Puliyanam and Pongam. But vide comments on serial No.15 of the enquiry report, he has clearly specified that the time schedule proposed by the permit holder will contravenes the provisions of MV Act relating to speed. Hence the proposed variation via Puliyanam and Pongam cannot be allowed with alteration of entire time schedule without a reason.
- C. The resolution passed by the Annamanada Grama Panchayath is not sufficient to establish a need of proposed variation by deviation and curtailment of early morning trip from Annamanada to Angamaly. The consequences of alteration of existing timings ,curtailment and objection from the public against curtailment

of trips and deviation will outweigh the recommendation of local body. Hence this proposal cannot be allowed.

- D. The enquiry officer has reported that the extension of service to [Vappalassery]Kayyalappady is beneficial to the public.

In view of the above said facts and circumstance,

1. Proposal for changing halting place to Vynthala and curtailment of early morning trip between Annamanada and Angamaly are hereby rejected on public interest.
2. Since the proposal for deviation of service via Pongam and Puliyanam will not provide additional advantage to the public, the proposed time schedule by altering the entire timings contravenes the provisions of MV Act relating to speed, the proposal for the deviation of service via Pongam and Puliyanam is hereby rejected.
3. In view of the route enquiry report, the proposal for the extension of service to Kayyalappady[Vappalassery] is granted subject to settlement of timings in the concerned trip up to Vappalassery and return trip Annamanada only. Other timings shall not be altered considering the public interest.

Item No.50

This is the application for the renewal of regular permit in respect of stage carriage KL-07-AS-1530 operating on the route Malavana Ferry-Kodungalloor as Ordinary moffusil Service. The permit holder is absent. Hence adjourned to next sitting. The proposed route is objectionably overlaps Aluva- Vadakkumpuram complete exclusion scheme. The Secretary RTA is directed to issue temporary permit for durations of 20 days till the consideration of application for the renewal of permit.

Item No.51

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-07-AU-786 operating on the route North Parur- 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 08/03/2011. The proposed route is having length of 25 km and the route is overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009, but the same is not objectionable. Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. Hence renewal of regular permit is granted.

Item No.52

Heard; Adv.Gopinathan Nair, 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-07-AY-272 operating on the route Kalamassery Medical College- Eramalloor as Ordinary moffusil Service and replacement of the vehicle with a later model stage carriage KL-42-6641.This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file.

1. The regular permit was issued during the year 2005. The proposed route is having length of 39 km and the route is objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. The Counsel represented STU has not filed objection against the renewal of permit. Hence renewal of regular permit[7/100064/2005] is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009 and clearance of pending tax arrears ,Check reports and other Government dues if any.
2. Since the regular permit is not valid as on the date of consideration, the Secretary RTA is directed to consider the application for replacement of vehicle in accordance with law after endorsing the renewal of regular permit.

Item No.53

Heard the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-16-1839 operating on the route Kaitharam-North Parur- Vyttila 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 during the year 2011. The proposed route is having length of 35 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.54

Heard the applicant and the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-CC-602 operating on the route Kakkanad-Trippunithura-Eramalloor-Medical College 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 02/06/2006. The proposed route is having length of 72 km and the portion of the route from HMT Jn to Vyttila which is 16 km in length objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009.As per clause 4 of the above said

notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the State Transport Undertaking claiming for the permit on such routes concerned. In this situation the proposed permit is not renewable.

Hence the application for the renewal of permit 7/2441/2006 is hereby rejected.

The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application.

Item No.55

Heard; Adv. G. Prabhakaran, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-17-1956 operating on the route Angamaly-Kalady Plantation 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 01/08/2006. The proposed route is having length of 32 km and the portion of the route from Angamaly Bus Stand to Angamaly TB Road Jn which is 2 km in length objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. As per clause 4 of the above said notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the State Transport Undertaking claiming for the permit on such routes concerned. In this situation the proposed permit is not renewable.

Hence the application for the renewal of permit 7/2441/2006 is hereby rejected.

The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application and if he desired to do so.

Item No.56

1. Heard; Adv. G. Prabhakaran, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-17-E-1579 operating on the route Munambam-North Parur-Kakkanad 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 07/03/2011. The proposed route is having length of 42 km and the portion of the route Edappally to Palarivattom which is 3 km in length objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. As per clause 4 of the above said notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the

State Transport Undertaking claiming for the permit on such routes concerned. In this situation the proposed permit is not renewable.

Hence the application for the renewal of permit 7/969/2011 is hereby rejected.

2.The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application and if he desired to do so.

3.Considering the request of the applicant, transfer of permit granted by this authority in its sitting held on 14/05/2013 is hereby revoked.

Item No.57

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-42-1206 operating on the route Munambam Ferry-Vyppin Ferry with extension to Collectors Square 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 during the year 2002. 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.There is no impediment to renew the permit for continuous operation on the proposed route. Hence renewal of regular permit is granted .

Item No.58

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-AR-2466 operating on the route Padathikkara-Thoppumpady- HMT Jn- Kinfra 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 07/07/2006. The proposed route is having length of 40 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 7/2039/2006 is granted .

Item No.59

Heard; Adv.G.Prabhakaram, 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-05-S-2880 operating on the route Aluva-Kottayam as LSOS. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications, Judgments and connected file.

The regular permit was issued during the year 1996. The proposed route is having length of 95 km in which 43.5 is lying under the jurisdiction of RTA Kottayam.

Hence the Secretary RTA is directed to seek concurrence of RTA Kottayam.Hence adjourned.

Item No.60

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-11-P-3166 operating on the route Kottuvally-Moothakunnam as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority considered the application in detail.The route is having length of 34.8 km in which the portion of the route from North Parur to Vadakkumpuram which is 4.7 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 adjourned.

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

Item No.61

1.Heard;Adv. G.Prabhakaran, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-17-B-3619 operating on the route Piravom-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 08/08/2006. The proposed route is having length of 57.6 km and the portion of the route from Nadakkavu to Kaloor which is 19 km in length is objectionably overlaps Ernakulam-Thekkay and Trivandrum-Kannur notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009.As per clause 4 of the above said notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the State Transport Undertaking claiming for the permit on such routes concerned. In this situation the proposed permit is not renewable.

Hence the application for the renewal of permit is hereby rejected.

2.The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application and if he desired to do so.

Item No.62

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-10-S-4127 operating on the route Thoppumpady-Pallithode 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 21/08/2006. The proposed route is having length of 20.1 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.63

Heard; Adv.Stalin Peter Davis, 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-11-AB-3737 operating on the route Chottanikkara-Thrissur as LSOS. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications, Judgments and connected file.

The regular permit was issued during the year 2001. The proposed route is having length of 93 km and the route is objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. Hence renewal of regular permit is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009 and Order of Hon'ble High Court of Kerala in WPC No.26771/2016. The Secretary RTA is permitted to act in accordance with the further direction issued by the Hon'ble High Court of Kerala in WPC No.26771/2016.

Objections have been received against non operation of service to Chottanikkara. Hence Secretary RTA is directed to watch the service of the vehicle frequently and take action, if the curtailment of service detected.

Item No.64

Heard Adv.G.Prabhakaran, the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-AR-2777 operating on the route Piravom-Kaloor as Ordinary moffusily Service.The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act-1988 and hence also requested to condone delay in filing application.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 15/04/1996 and the proposed route is having length of 36 km and the route objectionably overlaps Ernakulam-Thekkady, Trivandrum-Kannur and Trivandrum-Palakkad notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and Ernakulam-Muvattupuzha complete exclusion scheme with exceptional Clause by way of connecting two intermediate points at Trippunithura and Thiruvankulam. Hence the renewal of permit cannot be allowed as such due to the impediment of objectionable overlapping. The counsel represented KSRTC has strongly objected the renewal of permit stating that the route objectionably overlaps notified schemes. This authority felt that the this permit was granted in view of the judgment of Hon'ble STAT and operating service for long years. Abrupt withdrawal of this service will adversely affect the travelling public and lead to law and order problems on the enroute. The counsel represented the permit holder has intimated that the draft scheme was already published for modification of scheme Ernakulam-Muvattupuzha . Hence delay in filing application is condoned and decision on application for the renewal of regular permit is adjourned for the finalization of draft scheme.

Considering the public interest and facilitate the travelling need, Secretary RTA is directed to issue temporary permit U/S 87[1]d of MV Act for a duration of 4 months, on filing application subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009 and final decision on application for the renewal of permit.

Item No.65

Heard; Adv.G.Prabhakaram, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of inter district regular permit in respect of stage carriage KL-41-2827 operating on the route Chalakudy-Perumbavoor as Ordinary moffusil Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act-1988 and hence also requested to condone delay in filing application. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications, Judgments and connected file.

The regular permit was issued during the year 2001. The proposed route is having length of 35 km and the route is objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. The permit holder remitted compounding fee for Rs.5000/- for the permitless operation Hence delay condoned and renewal of regular permit is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009.

Item No.66

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-04-N-5088 operating on the route Mala- Ezhikkara as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act, 1988.

This authority considered the application in detail. The route is having length of 34.6 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 adjourned.

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

Item No.67

Heard; Adv.P.Deepak, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of intra district regular permit in respect of stage carriage KL-05-U-6402 operating on the route Aluva-Poothotta as Ordinary moffusil Service. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act-1988. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications, Judgments and connected file.

The regular permit was issued during the year 2001. The proposed route is having length of 68 km and the route is objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Since the STU has not filed application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. Hence renewal of regular permit is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009.

Item No.68

Heard;Adv.G.Prabhakaran, the learned counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-06-B-5428 operating on the route Puthenvelikkara-Aluva-North Parur as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988.

This authority considered the application in detail.The route is having length of 47 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 adjourned.

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

Item No.69

Heard;Adv.G.Prabhakaran, the learned counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-07-AQ-5700 operating on the route Munambam-Thathappilly as Ordinary moffusil Service. The permit holder has filed application within the time prescribed under Section 81[2] of MV Act,1988. This authority considered the application in detail. The report submitted by the enquiry officer is not self explanatory to ascertain the objectionable overlapping on notified schemes. Even though, the route is objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme, he has not reported the same in the submitted report. Hence the Secretary RTA is directed to call explanation from the route enquiry officer and obtain a detailed report and place the matter in the next sitting itself. Hence adjourned.

Item No.70

1.Heard;Adv. Gopinathan Nair, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-AW-6667 operating on the route South Chittoor Ferry- Mattancherry as Ordinary City 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 26/05/2006. The proposed route is having length of 20.5 km and the portion of the route from Kacherippady to Thoppumpady which is 10.7 km in length is objectionably overlaps Trivandrum-Kannur and Trivandrum-Palakkad notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. As per clause 4 of the above said notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the State Transport Undertaking claiming for the permit on such routes concerned. In this situation the proposed permit is not renewable.

Hence the application for the renewal of permit is hereby rejected.

2. The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application and if he desired to do so.

Item No.71

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-07-AZ-7342 operating on the route Malavana Ferry-Kodungallur as Ordinary motor service and transfer of regular permit in to the name of Smt. Praseetha Riby, wife of deceased permit holder. This authority considered the application in detail.

1. The route is having length of 18.8 km in which the portion of the route from Bharanimukku to North Parur which is 2.6 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. On consideration of the application for the transfer of permit U/S 82[2] of MV Act, this authority felt that there is no validity for the regular permit and there is legal impediment to renew the permit. Hence the transfer of permit cannot be allowed at present. However the application will be considered at the time of renewal of regular permit. Hence adjourned.

3.The applicant has submitted documents proving she is the person succeeding the possession of the stage carriage KL-07-AZ-7342. Hence the applicant is permitted to transfer the ownership of the vehicle KL-07-AZ-7342 in to her name U/S 50 of MV Act-1988.

4.The Secretary RTA is directed to issue temporary permits for durations of 4 months to the applicant subject to the effect of transfer of ownership, till the final verdict on application for renewal of permit.

Item No.72

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-08-AL-6966 operating on the route Chappa Kadappuram-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 22/07/2006. The proposed route is having length of 15.7 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. Hence renewal of regular permit is granted .

Item No.73

1.Heard;Adv. Jithesh Menon, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-34-6136 operating on the route Kodungalloor-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 25/05/2006. The proposed route is having length of 36 km and the portion of the route from Kodungalloor to Keetholi which is 3 km in length and the portion from Edappally to Kaloor which is 4.5 km in length are objectionably overlaps Thrissur-Tripurayar and Trivandrum-Kannur ,Trivandrum-Palakkad notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. As per clause 4 of the above said notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the State Transport Undertaking claiming for the permit on such routes concerned. In this situation, the proposed permit is not renewable.

Hence the application for the renewal of permit is hereby rejected.

2.The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application and if he desired to do so.

Item No.74

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-42-5139 operating on the route Chappa Kadappuram-Vypin-High Court Jn 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 22/07/2006. The proposed route is having length of 15.7 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 permit holder has intimated that he could not file application within the stipulated time limit due to illness. This authority satisfied with the documents offered for proving his version of delay in filing application. Hence delay condoned and renewal of regular permit is granted.

Item No.75

Heard; Adv. Jithesh Menon, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-42-6113 operating on the route Puthuvype- 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 04/07/2011. 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. Hence renewal of regular permit is granted .

Item No.76

1.Heard; Adv. P.Deepak, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is an application for the renewal of regular permit in respect of stage carriage KL-07-AM-8390 operating on the route Poothotta - Aluva as Ordinary City 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 25/05/2006. The proposed route is having length of 49.3 km and the portion of the route from Poothotta to Aluva which is 40 km in length are objectionably overlaps Ernakulam-Thekkady Trivandrum-Kannur andTrivandrum-Palakkad notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. As per clause 4 of the above said notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the State Transport Undertaking claiming for the permit on such routes concerned. In this situation, the proposed permit is not renewable.

Hence the application for the renewal of permit is hereby rejected.

2.The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application.

Item No.77

1.Heard; Adv. G.Prabhakaran, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-07-AP-9816 operating on the route Vellarappilly-Aluva- Chully 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 05/08/2006. The proposed route is having length of 35.6 km and the portion of the route from Aluva to Desam which is 2.5 km and the portion from Kalady Jn to Private Bus Stand which is 200 metre in length are objectionably overlaps Ernakulam-Thekkady Trivandrum-Kannur ,Trivandrum-Palakkad and Kottayam-Kozhikode notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. As per clause 4 of the above said notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the State Transport Undertaking claiming for the permit on such routes concerned. In this situation, the proposed permit is not renewable.

Hence the application for the renewal of permit is hereby rejected.

2.The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application.

Item No.78

1.Heard; Adv. P.Deepak, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-07-AP-9816 operating on the route Kakkanad-Fortkochi as Ordinary 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 05/08/2006. The proposed route is having length of 24 km and the portion of the route from Palarivattom to Thoppumpady which is 13 km in length is objectionably overlaps Trivandrum-Kannur and Trivandrum-Palakkad notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. As per clause 4 of the above said notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the State Transport Undertaking claiming for the permit on such routes concerned. In this situation, the proposed permit is not renewable.

Hence the application for the renewal of permit is hereby rejected.

2.The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application.

3.Since the application for the renewal of regular permit is rejected, the application for the transfer of invalid permit is also stands rejected.

Item No.79

Considered the application vide item No.78 and decision taken. Hence no further orders required.

Item No.80

1.Heard; Adv. G.Prabhakaran, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-08-AJ-9095 operating on the route Munnurppilly- Malayattoor 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 22/08/2006. The proposed route is having length of 52.1 km and the portion of the route from Angamaly Private Bus Stand to Karukutty Cable Jn which is 5 km in length is objectionably overlaps Trivandrum-Kannur and Trivandrum-Palakkad notified schemes and the portion from Angamaly to Kalady which is 7.5 km is objectionably overlaps Kottayam- Kozhikode notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. As per clause 4 of the above said notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the State Transport Undertaking claiming for the permit on such routes concerned. In this situation, the proposed permit is not renewable.

Hence the application for the renewal of permit is hereby rejected.

2.The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application.

Item No.81

Heard; Adv.G.Prabhakaram, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of inter district regular permit in respect of stage carriage KL-36-8365 operating on the route Kothavara- Kaloor as Ordinary moffusil Service. The permit holder has filed application within the time limit prescribed under Section 81[2] of MV Act-1988. This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications, Judgments and connected file.

The regular permit was issued during the year 1996. The proposed route is having length of 41 km and the route is objectionably overlaps notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. Since the STU has not filed

application for the permit on this route till date, there is no impediment to renew the permit for continuous operation in view of the judgment of Hon'ble High Court of Kerala in WP© No.14793/2006 and connected cases. Hence renewal of regular permit is granted subject to the effect of Clause [4] of notification No.42/2009/Tran dtd 14/07/2009.

Item No.82

1.Heard; Adv. G.Prabhakaran, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-39-E-8223 operating on the route Poochackal- 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 10/11/2006. The proposed route is having length of 30 km and the portions of the route from Aroor to Aroor temple and from Vyttila to Kaloor which are 12 km in length is objectionably overlaps Trivandrum-Kannur and Trivandrum-Palakkad notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. As per clause 4 of the above said notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the State Transport Undertaking claiming for the permit on such routes concerned. In this situation, this permit is not renewable.

Hence the application for the renewal of permit is hereby rejected.

2.The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application.

Item No.83

1.Heard; Adv. G.Prabhakaran, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-39-G-7679 operating on the route Perumbalam Ferry- Kalamassery Medical College 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 02/09/2006. The proposed route is having length of 35.4 km and the portions of the route from Aroor to Aroor temple and from Edappally to HMT Jn which are 5 km in length are objectionably overlaps Trivandrum-Palakkad notified schemes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009. As per clause 4 of the above said notification, regular permit issued after 09/05/2006 violating the scheme of nationalization cannot be renewed. Only temporary permit can be allowed till the State Transport Undertaking claiming for the permit on such routes concerned. In this situation, this permit is not renewable.

Hence the application for the renewal of permit is hereby rejected.

2.The Secretary RTA is directed to issue temporary permits for durations of 4 months in favour of the applicant to continue operation on the same route with existing time schedule, on filing of application.

Item No.84

1.Heard; Adv. P.Deepak, the learned counsel represented the applicant and heard the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-04-M-6440 operating on the route Angamaly-Ernakulam High Court Jn as Ordinary Moffusil Service. The agenda and notes not specified the date of issue of permit and other route details such as route length, overlapping on notified routes etc. Hence this authority unable to take a decision with the available details. Secretary RTA is directed to submit a detailed agenda and noted in the next sitting itself for the final disposal of the application for the renewal of permit.Hence adjourned.

2.The Secretary RTA is directed to issue temporary permit for a duration of 4 months to continue operation till the final disposal of the application for renewal of permit.

Item No.85

Heard Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AE-4836 on the route Perumpadappu- Fort Kochi, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.86

Heard Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee.Objection raised by the the learned counsel represented other operator against the proposed transfer of permit has no relevance and hence over ruled. Transfer of permit in respect of S/C KL-04-M-1400 on the route Perumbalam-Kaloor, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.87

Heard Adv.P.Deepak, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AR-1686 on the route Perumpadappu- Fort Kochi, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.88

Heard Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BE-2244 on the route Ponekkara-Kumbalangy, 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-17-A-1015 on the route Trippunithura- Kadavanthara, 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-17-C-1300 on the route Aluva- Thoppumpady, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.91

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-2343 on the route Chottanikkara-Aluva, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.92

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-1579 on the route Maliankara –Moothakunnam-Edappally- Palarivattom, 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-32-F-1181 on the route Fort Kochi- Aluva, 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-36-D-2097 on the route Kakkanad- Kottayam, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.95

Heard Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-41-1947 on the route Pukkattupady-Edakochi, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.96

Heard both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-05-N-3858 on the route Kanjiramattam- Piravom- Ernakulam, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.97

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-08-U-2702 on the route Valiyaparambu- Aluva- Mala, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.98

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-B-3648 on the route Vettithara- Ernakulam, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.99

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-42-C-3140 on the route Ezhikkara- North Parur-High Court Jn, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.100

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-AN-4311 on the route Annamanada-Aluva- Mala, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.101

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-3781 on the route Vypin- Kodungalloor, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.102

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AT-3848 on the route Chettibhagam Jn- North Parur, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.103

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AV-4363 on the route Thiruvairanikkulam- Perumbavoor - Aluva- Malayattoor, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.104

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. The vehicle KL-07-BC-4952 is covered by HPA with Bank Of India, North Paarur,but the permit holder has not produced No Objection Certificate from the financier. Hence adjourned for the production of NOC from the financier.

Item No.105

Heard; Adv.Jithesh Menon, the learned counsel represented the applicant. This is the application for the transfer of permit U/S 82[2] of MV Act consequent to the death of the permit holder. The applicant is the son of deceased permitholder and he has submitted all records proving the succession of the stage carriage KL-04-T-6852 .Hence Transfer of permit U/S 82[2] of MV Act in respect of S/C KL-04-T-6852 on the route manjaly- North Parur-Kottuvally- Ernakulam High Court Jn, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.106

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AN-6936 on the route Perumbalam Ferry- Chottanikkara-Kaloor, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.107

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-7328 on the route Munambam- Vypin-Collectors Square, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.108

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BE-5028 on the route Koduvakkad- Malavana Ferry, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.109

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BE-5155 on the route South Chittoor- Arookkutty Ferry, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.110

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BF-7477 on the route Poothotta- Elamakkara, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.111

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-5410 on the route Njarackal- Ernakulam High Court, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.112

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. This is the request for condonation of delay in production of current records of the vehicle within the time limit prescribed Under Rule 159[2] of KMV Rules-1989. This authority is satisfied with the reason offered for the delay happened. Hence delay is condoned and the Secretary RTA is directed to endorse granted transfer of permit in respect of stage carriage KL-07-AT-6854.

Item No.113

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-04-U-8037 on the route Kumbalangi Ferry- Kakkanad, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.114

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AJ-7765 on the route Kollamkudimugal- Eramalloor,is allowed as applied for subject to the clearance of Government dues,if any.

Item No.115

Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicant. This is the application for the transfer of permit Under Section 82[2] consequent to the death of permit holder.The applicant is the son of deceased permit holder and he has produced required document proving succession of the stage carriage KL-07-AQ-9634. Hence Transfer of permit U/S 82[2] of MV Act in respect of S/C KL-07-AQ-9634 on the route Ponekkara- Panangad, is allowed as applied for subject to the clearance of Government dues,if any.

Item No.116

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AN-7990 on the route Cheranelloor- Matancherry, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.117

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AN-9803 on the route Vypin- Munambam, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.118

1.Perused the Judgment of Hon'ble High Court of Kerala in WPC No.20782/2016 dtd 15/06/2016

2.Heard; Adv.Jithesh Menon, the learned counsel represented the applicant. This is the application for the transfer of permit Under Section 82[2] consequent to the death of permit holder. The applicant is the wife of deceased permit holder and she has produced required document proving she is the successor of the stage carriage KL-07-BA-8403. Hence Transfer of permit U/S 82[2] of MV Act in respect of S/C KL-07-BA-8403 on the route Kumbalangi-Ponekkara, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.119

Heard; Adv.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BA-8921 on the route Pizhalakkadavu- Munambam, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.120

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BS-7623 on the route Fort Kochi- Cheranelloor, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.121

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-10-AA-8425 on the route Pizhalakkadavu- Munambam, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.122

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. On perusal of the file this authority felt that two check reports are pending against the stage carriage KL-38-7594. Hence decision is adjourned for the clearance of pending check reports and government dues, if any.

Item No.123

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-A-8765 on the route Trippunithura- Cheranelloor, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.124

Heard; Adv.Gopinathan Nair, the learned counsel represented the applicant. This is the application for the transfer of permit Under Section 82[2] consequent to the death of permit holder. The applicant is the brother of deceased permit holder and he has produced required document proving he is the successor of the stage carriage KL-40-5488. Hence Transfer of permit U/S 82[2] of MV Act in respect of S/C KL-40-5488 on the route Kizhakkambalam-Kottayam as LSOS, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.125

1.Perused the Judgment of Hon'ble High Court of Kerala in WPC No.20782/2016 dtd 15/06/2016

2.Heard; Adv.Jithesh Menon, the learned counsel represented the applicant. This is the application for the transfer of permit Under Section 82[2] consequent to the death of permit holder. The applicant is the daughter of deceased permit holder and she has produced required document proving she is the successor of the stage carriage KL-43-5103. Hence Transfer of permit U/S 82[2] of MV Act in respect of S/C KL-43-5103 on the route Chellanam- Vyttila, is allowed as applied for subject to the clearance of Government dues, if any

Item No.126

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant Sri. Joseph Bivera, This is the application for the grant of temporary permit in respect of stage carriage KL-01-AS-2277 on the route North Parur- High court Jn-Kakkanad via Container Road, Kongoppilly, Panaikkulam, Edayar, Pathalam, Anavathil, HMT Jn and Seaport –Airport Road as Ordinary moffusil Service. This authority considered the application in detail. The enquiry officer has reported that there is urgent need U/S 87[1]C of MV Act for the grant of temporary permit on the proposed route and the grant of permit will be highly beneficial to the travelling public. Considering the report of the route enquiry officer, temporary permit U/S 87[1]C for a duration of 4 months is granted to offered stage carriage KL-01-AS-2277 to operate on the route North Parur-High court Jn-Kakkanad via Container Road, Kongorppilly, Panaikkulam, Edayar,

Pathalam, Anavathil, HMT Jn and Seaport –Airport Road as Ordinary moffusil Service subject to settlement of timings.

Item No.127

1.Perused the Order of Hon'ble High Court of Kerala in WPC No.20896 of 2016 dtd 21/06/2016

2.Heard; Adv.P.Deepak, the learned counsel represented the applicant Sri. Thankappan C.K, This is the application for the grant of temporary permit in respect of stage carriage KL-42-2743 on the inter district route Keltrone Ferry- Amrutha Hospital as Ordinary moffusil Service. This authority considered the application in detail. The proposed route is an inter district route having length of 27.3 km,in which 3.9 km is lying under the jurisdiction of RTA Alappuzha.Vide order in WPC No.20896/2016,the Hon'ble High Court has directed to issue temporary permit as applied for subject to settlement of timings. In the case of a fresh inter district permit, concurrence of the sister authority is required to grant permit under the jurisdiction of that authority. Hence this authority is decided to seek concurrence of RTA Alappuzha before granting the temporary permit as directed by the Hon'ble High Court of Kerala. Hence adjourned.

Item No.128

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.129

Heard; Adv.Stalin Peter Davis, 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-02-M-9794 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 Vyttila Under Section 87(1)(C) of MV Act 1988. He has offered a new stage carriage KL-17-P-4873 of 2016 model and requested to grant proposed permit to that vehicle since the stage carriage KL-02-M-9794 is not road worthy. 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 replacement of the stage carriage KL-02-M-9794 with KL-17-P-4873 is allowed considering the safety of public and a temporary permit U/S 87(1)(c) of MV Act 1988 for a duration of 4 months is granted to newly 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 and Ernakulam- Muvattupuzha scheme.

Item No.130

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 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-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.131

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.132

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.133

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.134

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 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-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.135

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 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-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.136

Heard Adv.Stalin Peter Davis, the learned counsel represented the applicant and heard the counsel represented KSRTC.This is the application for the grant of temporary permit for a duration of 4 months U/S 87[1] C in respect of stage carriage KL-36-363 to operate on the route Srampillikkavala- Nilampathinjamugal. The Counsel represented the applicant has requested to re-issue the temporary permit on the proposed route. On perusal of the records it is felt that the vehicle is not included in the Draft scheme published by the Government of Kerala for modifying the Ernakulam- Muvattupuzha Scheme. Therefore the Secretary RTA is directed to submit a detailed report in this regard and place the matter in the next sitting with detailed notes. Hence adjourned.

Item No.137

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.138

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 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-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.139

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.140

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, Vytila 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.141

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-06-B-4032 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 and requested to permit her to operate later model stage carriage KL-05-AC-2801 by replacing the older stage carriage KL-06-B-4032. 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 replacement of the stage carriage KL-06-B-4032 with later model stage carriage KL-05-AC-2801 is allowed 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.142

Heard; Adv.G.Prabhakaran, 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 Vyttila Under Section 87(1)(C)of MV Act 1988. Vide interim order in above SLPs,the Hon'ble Supreme Court of India has permitted the applicant to operate service connecting Thiruvankulam and Trippunithura,which are the two intermediate points on the Ernakulam -Muvattupuzha notified scheme. 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-AN-6880 to operate on the route Vattappara -Kaloor via Mulamthuruthy, Chottanikkara, Thiruvankulam, Trippunithura and Vyttila as Ordinary moffusil Service, for a duration of 4 months subject to the result of finalization of draft scheme for the modification of Notification 42/2009/Tran dtd 14/07/2009 and Ernakulam- Muvattupuzha scheme.

Item No.143

Heard Adv.G.Prabhakaran, the learned counsel represented 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 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-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.144

A.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.145

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.146

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant and the counsel represented the KSRTC. This is an application for the grant of temporary permit U/S 87[1] C of MV Act for a duration of 4 months in respect of stage carriage KL-39-F-5146 to operate on the route Thalayolapparambu- Kaloor as ordinary moffusil service. The Counsel represented the applicant has requested to re-issue the temporary permit on the proposed route. On perusal of the records,it is felt that the vehicle is not included in the Draft scheme published by the Government of Kerala for modifying the Ernakulam- Muvattupuzha Scheme. Therefore the Secretary RTA is directed to submit a detailed report in this regard and place the matter in the next sitting with detailed notes. Hence adjourned.

Item No.147

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 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-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.148

Heard; Adv.Stalin Peter Davis, the learned counsel represented 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-05-K-6376 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 and requested to allow him to replace the vehicle with a later model stage carriage KL-06-C-212. 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 replacement of the stage carriage KL-05-K-6376 with a later model stage carriage KL-06-C-212 is allowed and 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.149

1.Perused the Judgment of Hon'ble High Court of Kerala in WPC No.11417 of 2016

2.Heard;Adv.M.jithesh Menon,the learned counsel represented the applicant.This is the application for the grant of temporary permit in respect of stage carriage KL-13-L-7115 to operate on the route Kodungalloor-Ernakulam High Court Jn in the vacancy of stage carriage KL-42-C-5808. The regular permit issued to the stage carriage was revoked by this authority and the permit holder filed an appeal against the order and the same is pending with the Tribunal. This authority in its earlier sitting held on 22/12/2015 considered the application and adjourned decision for ascertaininng the statistics od stage carriages operating on the applied route. Now vide judgment in WPC No.11417/2016 , the Hon'ble High court has directed to consider the application if there is need for permit and pass orders within a time frame.

This authority considered the application in detail. The proposed route is well served and sufficient stage carriages are operating service on the same route,but the vacancy of stage carriage KL-42-C-5808 is still in existence. The enquiry officer has reported that there is necessity for the grant of proposed temporary permit. Hence temporary permit for a duration of 4 months is granted to stage carriage KL-13-L-7115 to operate

on the route Kodungalloor- High Court Jn in the vacancy of stage carriage KL-42-C-5808 subject to the result of appeal pending with the STAT.

Item No.150

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.151

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 ,Vyttila 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.152

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.153

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 registered owner in respect of S/C KL-17-E-9604 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 Vytila Under Section 87(1)(C)of MV Act 1988 and requested to permit him to replace the vehicle by a later model vehicle 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 replacement of the stage carriage KL-17-E-9604 with a later model vehicle KL-17-F-3829 possessed by lease agreement is allowed and 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.154

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.155

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.156

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-44-9005 operating on the route Nedumkandam-Ernakulam as LSOS. This authority considered the matter in detail. The portion of the route under the jurisdiction of this authority is objectionably overlaps 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 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.

Item No.157

Heard. This is the request of the Secretary,RTA, Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-05-H-5340 operating on the route Perunna- 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.

Item No.158

Heard. This is the request of the Secretary,RTA, Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-05-V-4599 operating on the route Kottayam- 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.

Item No.159

Heard. This is the request of the Secretary,RTA, Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-05-S-1710 operating on the route Pallikkadavu- 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.

Item No.160

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-C-84 operating on the route Thiruvalla- 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.

Item No.161

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-36-3474 operating on the route Ernakulam-Kottayam 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.

Item No.162

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-07-BK-185 operating on the route Ernakulam-Kottayam 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.

Item No.163

1.Perused the judgment of Hon'ble STAT in MVARP No.476/2016,where in this authority is directed to reconsider the request for concurrence in view of the GO[MS] No.45/2015/Tran dtd 20/08/2015 and notification No.12878/B1/2015/Tran dtd 08/02/2016.

2.Heard. This authority reconsidered the request of the Secretary,RTA, Kottayam for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-05-AD-1484 to operate on the route Pathanamthitta- Padichira. The Regional Transport Authority Kottayam was allowed stage carriage KL-05-AD-1484 to operate on the above route as Super Express Service. In view of the draft notification prevented the private operators from the operation of super class services, this authority in its sitting held on 27/09/2012 rejected the request for renewal of regular

permit as Super Express Service. Now the STAT allowed the revision petition filed by the permit holder and directed to reconsider the request for concurrence in view of the GO[MS] No.45/2015/Tran dtd 20/08/2015 and notification No.12878/B1/2015/Tran dtd 08/02/2016.

Vide GO(P) No.73/2013/Tran dtd 16/07/2013,the Government of Kerala prevented the operation of private stage carriages as Super Class services. Now vide GO(MS) No.45/2015/Tran dtd 20/08/2015,the Government of Kerala have directed all Regional Transport Authorities to issue Ordinary Limited Stop Service permits to those private stage carriages which had been operated as higher class service such as Fast Passenger,Super Fast services etc.and the permits of which were subsequently rejected by the Regional Transport Authorities as a result of coming into the effect of scheme notified as SRO No.555/2013 .Hence the permit holder has the liberty to convert his class of service to Limited Stop Ordinary Service by filing application before the permit issued authority.

In this circumstances, this authority is hereby granted concurrence for renewal of regular permit in respect of stage carriage KL-05-AD-1484 to operate on the route Pathanamthitta- Padichira as Limited Stop Ordinary Service subject to the result of Writ petitions pending with the Hon'ble High Court of Kerala related to the fixation of age of LSOS stage carriage and finalization of draft notification No. 12878/B1/2015/Tran dtd 08/02/2016.

Item No.164

Heard. This is the request of the Secretary,RTA, Kottayam for the concurrence of this authority for the grant of fresh temporary permit in respect of stage carriage KL-17-C-8343 on the route Chemmanikkari- Piravom as Ordinary Moffusil Service. This authority considered the matter in detail. The portion of the proposed route from Cherukara Bridge to Peppathy which is 15 km in length is coming under the jurisdiction of this authority. The route portion will not overlaps notified schemes published vide GO(P) No.42/2009/Trans dtd 14/07/2009 and other existing notified schemes. Concurrence for the grant of temporary permit under the above route portion is granted subject to the effect of notification No.42/2009/Tran dtd 14/07/2009.

Item No.165

Heard; the representative of the Assistant Commissioner of Police ,City Traffic West, Kochi City and the learned Counsel represented the permit holder of stage carriage KL-42-333. This is case of recommendation of the Assistant Commissioner of Ploce, Kochi City Traffic West to cancel the regular permit issued to stage carriage KL-42-333 for committed series of offences[48 numbers] during the period from 20/02/2008 to 11/02/2015 such as rash and negligent driving and other traffic offences. The learned counsel represented the permit holder has argued that the Police authorities purposefully prepared cases against the permit holder and hence requested not to take any action on permit and expressed willingness to compound the offence U/S 86[5] of MV Act-1988 . The representative of Assistant Commissioner of Police has again

requested to take action on permit considering the gravity of offences. This authority considered the matter in detail. On persusal of the list of offences submitted by the Police authority, the permit holder committed series of offence U/S 84 of the MV Act and the law mandate action on permit U/S 86 of MV act.

Considering the number of offences committed within a short span of time, and its gravity this authority is hereby suspend the regular permit issued to stage carriage KL-42-333 for a duration of 3 months from 01/11/2016 to 31/01/2017. The permit holder is given an option U/S 86[5] of MV Act to remit compounding fee for Rs.10000/-[Ten Thousand] in lieu of suspension of permit.

Item No.166

1. Perused the judgments of Hon'ble High Court of Kerala in WPC No.16198/2016 dtd 29/04/2016 and WP© No.23635 of 2016 dtd 15/07/2016.

2. Heard Adv. Stalin Peter Davis, the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is the application for the renewal of the regular permit issued in respect of stage carriage KL-07-AE-938 to operate on the route Kodungalloor- Angamaly as Ordinary moffusil Service. This authority considered the application in detail. The stage carriage KL-07-AE-938 is 1993 model and under hire purchase agreement. The regular permit was issued on 12/01/2003 and subsequently the validity of the permit expired on 11/01/2010. The permit holder had not filed application for the renewal within the time limit prescribed under section 81[2] of MV Act 1988. Thereafter on 10/11/2010 he filed an application for the renewal of permit without producing the No Objection Certificate from the financier of the Vehicle, which is a mandatory requirement Specified U/S 51 of MV Act for the renewal of permit. The application was returned with direction to submit the application along with no Objection Certificate issued by the financier. But the permit holder not complied the direction of this authority. Thereafter on 21/05/2016, after the laps of six years, the same person has filed another application for the renewal of permit for a further period of five years from 11/01/2015 and offered another stage carriage KL-09-K-7730 for replacing older vehicle.

This authority deeply perused the application and connected files and felt that,

1. The stage carriage covered by the regular permit was attained the age of 15 years during the year 2008. But the permitholder had not offered later model vehicle for the replacement at that time and filed improper application during the year 2010 for the renewal of permit. As per the present position of law, an ordinary stage carriage shall be replaced on completion of the age of 15 years. In this case, the applicant failed to offer a suitable vehicle during the year 2008. Hence violated the permit condition. Hence renewal of permit in respect of an unsuitable vehicle cannot be allowed.
2. As per Rule 152 of KMV Rules 1989, the vehicle shall be so maintained as to be available for the service for which the permit was granted, for the entire period of currency of the permit and the permit is liable to be suspended or

cancelled, after due notice to the permit holder, if the vehicle has not been used for the purpose for which the permit was granted, for any day in the case of a stage carriage or for a continuous period of fifteen days. In this case the applicant is not operating service for a long period and failed to serve the need and convenience of public. Hence the permit is liable to be cancelled.

3. In this case, the applicant has admitted that he was defaulted stage carriage operation from the year 2008, i.e., for a long period of 8 years. Hence it is clear that the applicant is not able to maintain a stage carriage service for providing better conveyance facility to the general public without break. The permit was granted by this authority for the operation of regular service for the convenience of the travelling public. But the permit holder failed to do so. This action of permit holder caused refusal of stage carriage service on the said route where there is lack of service and the passengers were put on to untold miseries. Hence there is no need to renew the permit after a long duration of 8 years.
4. This authority considered the scope of renewal of permit in view of the reported decision in 2015[4] KLT 268, Abdul Wahab v. Regional Transport Authority and felt that the regular permit even if renewed from the year 2010 as sought by the permit holder would have expired on 10/01/2015 and an application for further renewal of permit should have been filed at least 15 days before. But the permit holder filed further application for the renewal of permit only on 21/05/2016. An application filed for the renewal of permit after the last date specified in section 81[2] of MV Act-1988 can be entertained, if sufficient cause is shown under section 81[3] of the MV Act.

It may at once be noticed that a permit renewed after the expiry of the validity period shall have effect from the date of expiry itself under section 81[5] of the MV Act. The validity of the renewal would long only for a period of five years from the date of expiry of the regular permit as per sections 81[1],[2],[3] and [5] of the MV Act. A period of long six years is sufficient to comply the order of this authority. The retrospective operation of the renewal of permit will have effect only if the application for renewal is processed within a period of five years from the date of expiry of permit. The Motor Vehicles Act nowhere contemplates a renewal of an application filed for renewal of permit and the second application can only be treated as yet another application for renewal of permit. The applicant will be disentitled to the benefit of retroactive operation of section 81[5] of the act in the second application after the laps of five years from the expiry of the permit. The situation would be different, if the permit is renewed and an application for further renewal is filed under section 81[2] and 81[3] of the MV Act. There is no provision in the MV Act to tack on the second application with the first application for renewal of permit wherein final orders were not passed within a period of five years from the date of expiry of the permit.

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

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

In view of the aforesaid facts and circumstances, the application for the renewal of regular permit in respect of stage carriage KL-07-AE-938 is hereby rejected.

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

4. There is no urgent necessity for the grant of new permit on the proposed route. Hence application for the grant of temporary permit is also rejected.

Item No.167

Heard; Adv.P. Deepak, the learned Counsel represented the permit holder of stage carriage KL-36-B-1314 covered by a regular permit on the route Kaippuzhamuttu-Thoppumpady valid up to 28/10/2017. This is the matter of complaint received against the stage carriage KL-36-B-1314 in connection with the curtailment of trips to Thoppumpady, violating the permit condition. On the basis of complaints received from the Bus Passengers Welfare Association, Vaikom, an enquiry has been conducted through the field officer. The enquiry officer has clearly reported that, even though the regular permit was issued to conduct service up to Thoppumpady, the stage carriage purposefully terminate its service at Vyttila by curtailing service to Thoppumpady via Aroor and it adversely affecting the travelling public and hence booked a check report against the vehicle. The learned counsel represented the permit holder has requested not to initiate action against him and agreed to avoid such instances in future.

Considering the purposeful and repeated curtailment of service violating the permit condition, the permit holder of stage carriage KL-36-B-1314 is hereby punished to remit compounding fee for Rs.10000/- . If the similar offence is detected in future, the regular permit will be revoked.

Item No.168

1.Perused the judgment of Hon'ble High Court of Kerala in WPC No.38533 of 2015 and WPC No.15601 of 2016.

2.Heard;Adv.P.Deepak, the learned Counsel represented the permit holder of stage carriage KL-07-BC-4924 and Adv. Jithesh Menon,the learned counsel represented the objectors. This is the issue of renewal of regular permit on the route Pukkattupady- Ernakulam- Kalvathy Ferry which was expired on 10/10/2009. The permit holder had not filed application for the renewal of permit within the time prescribed under section 81[2] of MV Act. But after the laps of long six years the permit holder applied for the renewal of permit along with an application for the replacement of the vehicle. The permit holder intimated that the vehicle KL-07-BC-4924 is now road worthy and requested to renew the permit by allowing replacement of the vehicle with KL-44/5054. This authority in the earlier sitting held on 17/08/2015 considered the application for the renewal of permit and request for condonation of delay in filing application and renewed the regular permit in respect of stage carriage KL-07-BC-4924 on the route Pukkattupady- Ernakulam- Kalvathy Ferry condoning delay of six years on the findings that the permit holder offered another later model stage carriage KL-44-5054 and applied for the replacement of the vehicle along with the application for the renewal of permit filed on 08/06/2015 and the KSRTC, the beneficiary of the notified scheme not objected the renewal of permit.

Vide judgment in WPC No.38533/2016 dtd 28/03/2016, the Hon'ble High Court of Kerala has quashed the decision of RTA and pronounced that the application for the renewal and replacement cannot be considered simultaneously and then directed this authority to reconsider the application for renewal of permit first and the question of replacement of vehicle arises only thereafter on the basis of reported decision in Usman Vs. Regional Transport Authority[2015[4] KLT 25].

In view of the above direction, this authority reconsidered the application for the renewal of permit in respect of stage carriage KL-07-BC-4924 on the route Pukkattupady- Ernakulam- Kalvathy Ferry which was expired during the year 2009. Vide judgment in Usman vs. Regional Transport Authority, the Hon'ble Court laid down that the application for the renewal of permit and replacement of the vehicle cannot be dealt with in one breath. The object of renewal of permit is to ensure uninterrupted operation of service on the route for which a vehicle should be at the disposal of the applicant on the date of application. In this case the regular permit of the vehicle was expired on 10/10/2009 and there was sufficient cause for condoning delay in filing application up to 08/06/2015. Hence this authority in its sitting held on 17/08/2015 condoned delay and granted renewal of permit. The only issue came up before this authority is that whether the vehicle KL-07-BC-4924, to which the permit in question issued was in existence as on 08/06/2015,the date of filing application for the renewal of permit.

The enquiry officer in his service verification report, clearly specified that the stage carriage KL-07-BC-4924 was not road worthy and hence dismantled on 25/05/2014. Hence the renewal of permit in respect of a nonexistent vehicle cannot be allowed.

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

3. Since the application for the renewal of permit in respect of stage carriage KL-07-BC-4927 is rejected, the application for the replacement filed on 08/06/2015 has no relevance. Hence it also stands rejected.

4. The Secretary RTA already granted temporary permits in the light of Judgment in WPC No.15601/2016. Hence further orders not required on application for the grant of temporary permit.

Item No.169

Heard; Adv.G.Prabhakaran, the learned Counsel represented the permit holder of stage carriage KL-05-AD-3699 covered by an interdistrict permit on the route Kottayam-Narakakkadavu as LSOS. This is the application for effecting the Change of Address in the regular permit. On verification of the documents submitted and enquiry conducted, this authority felt that the permit holder has changed his residence to the address House No.14/129, Monuvilla, Vadavathoor.P.O, Kottayam. Hence entry of new address in the permit allowed as stipulated Under Rule 176 of KMV Rules-1989 .

Item No.170

1. Heard; Adv.G.Prabhakaran, the learned Counsel represented the permit holder of stage carriage KL-07-AF-3321 covered by a valid regular permit on the route Vypin – Kodungalloor as Ordinary Service and heard Sri. Sasikumar.K.K, the complainant. This is the issue of illegal sale of the stage carriage KL-07-AF-3321 without permission of the concerned authority and issues raised between the permit holder and purchaser of the vehicle consequent to the above transfer. On perusal of the files and records, it reveals that the permit holder Smt. Molly Augustine, Attipetti House, Puthuvype.P.O, Vypin has sold stage carriage KL-07-AF-3321 which is covered by an issued valid regular permit to one Mr. Anilkumar without intimation to the Transport Authority and then the purchaser again sold the vehicle to another person Sri.Sasikumar.

Sub section 1[c] of section 86 specified that *the Transport authority which granted a permit may cancel the permit or may suspend, if the holder of the permit ceases to own the vehicle covered by the permit.* Therefore the permit issued to stage carriage KL-07-AF-3321 is liable to be cancelled.

The Secretary RTA is directed to issue show cause notice to the permit holder for the unauthorized sale of the vehicle and place the matter in the next sitting of this authority. Hence adjourned

Item No.171

1. Perused the judgment of Hon'ble STAT in MVAA No.1/2016.

2. Even though prior notice issued, the permit holder of stage carriage KL-07-BF-3807 was absent. Hence the Secretary RTA is directed to issue another notice to the permit

holder through registered post with direction to appear before this authority in the next sitting itself. Hence adjourned.

Item No.172

1.Perused the Judgment of Hon'ble High Court of Kerala in WPC No.7761 of 2016 dtd 31/03/2016.

2.Heard ;Adv.G.Prabhakaran, Learned Counsel represented Sri.T.G.Satheesan. The Hon'ble High Court vide judgment in WPC No.7761/2016, quashed the earlier order of this authority rejecting the replacement of the vehicle by revoking the regular permit issued to stage carriage KL-39-A-6822 on the route Panangad- Kakkanad. In view of the above order ,the Secretary RTA is directed to verify the viability of the offered stage carriage KL-17-7173 and effect replacement, if the offered vehicle is suitable for to do so, subject to the compliance of conditions stipulated under Rule 174 of KMVR-1989.

Item No.173

Heard; Adv.P.Deepak, Learned Counsel represented the permit holder of stage carriage KL-07-BP-6696. This is the recommendation of the Secretary RTA for take action on regular permit issued to stage carriage KL-07-BP-6696 for the curtailment of night trip to Kadavanthara. On the basis of direction issued by this authority dtd 05/04/2016,the Secretary RTA conducted frequent verification of service in respect of the stage carriage KL-07-BP-6696 and reported that now the vehicle is operating night service to Kadavanthara properly. The counsel represented the permit holder has requested to consider the offence committed in a lenient view and expressed willingness to compound the offence U/S 86[5] of MV Act. Hence request allowed and directed to remit compounding fee for Rs.5000/- for the violation of permit condition .The Secretary RTA is directed to dispose the Check report dtd 05/02/2016 accordingly.

Item No.174

This is the recommendation of the Secretary RTA for take action on regular permit issued to stage carriage KL-17-A-6989 for the curtailment of night trip to Edakochi. On the basis of direction issued by this authority dtd 05/04/2016,the Secretary RTA conducted frequent verification of service in respect of the stage carriage KL-17-A-6989 and reported that now also the vehicle is not operating night service to Edakochi.

The applicant was absent.Considering the gravity of repeated offence, the permit of the stage carriage KL-17-A-6989 is liable to be cancelled or suspended U/S 86 of MV Act. Hence the Secretary RTA is directed to issue registered notice to permit holder to show Cause why action should not be taken on regular permit for the repeated violation of permit condition and the place the matter in the next sitting itself for taking a decision. Hence adjourned .

Item No.175

This authority in its sitting held on 26/05/2015 vide item No.173 considered the application for the grant of transfer of regular permit in respect of stage carriage KL-41-A-9467 operating on the route Aluva Fort Kochi from the name of Sri. K.M. Navas, Karippayi House, Choornikkara to Sri. Aliyar, Muringassery House, Edathala. The decision was communicated by the Secretary RTA with direction to produce current records of the vehicle within a period of one month from the date of despatch of the proceedings, failing which the sanction is liable to be revoked without further notice. But the grantee had not produced current records of the suitable vehicle within a period of one month. After the laps of one year, the transferor and transferee have produced current records of the vehicle KL-41-A-9467 and requested to condone delay in production of current records of the vehicle and to endorse the granted transfer of permit. This authority considered the request and file in detail.

Sub-rule[2] of Rule 159 requires that an applicant shall within one month of the sanction of the application or such longer period or periods not exceeding four months in aggregate as the authority may specify, produce the certificate of registration of the vehicle. In this case, the permit granted on 26/05/2015 and the records of the vehicle produced only after the long period of one year. Hence the inordinate delay in production of current records of the vehicle cannot be condoned.

Moreover, vide reported decision in 2003[3]KLT 357 and 2015[3]KLT 555, the Hon'ble High Court of Kerala has clearly specified that, if current records are not produced within four months from the date of communication of grant of permit by the grantee, then the grant shall stand cancelled without the RTA requiring to cancel it as that is the necessary consequence of the operation of the condition of permit granted under S.72[2] read with R.159[2].

In these circumstances, the request is rejected and the sanction of transfer of permit in respect of stage carriage KL-41-A-9467 on the route Aluva- Fort Kochi is hereby revoked.

Item No.176

1. Perused the Judgment of Hon'ble STAT in WPC No.18531 of 2016 dt 30/05/2016
2. Heard the learned Counsel represented the permit holder of stage carriage KL-63-C-8000 and heard the objectors. This is the objection filed against the grant of variation of permit in respect of stage carriage KL-63-C-8000 by this authority in its sitting held on 22/12/2015 on the route Olive Mount- Ayyampuzha. The petitioners argument is that there was curtailment of service in the proposed variation, but the applicant and the enquiry officer purposefully not mentioned the curtailment in the application and enquiry report. Hence requested to revoke the sanction since the curtailment is adversely affecting the travelling public. Vide judgment in WPC No. 18531/2016, dt 30/05/2016, the Hon'ble High Court of Kerala has directed this authority to consider the mass petition filed by the passengers after hearing the permit holder and petitioner.

A remark obtained from enquiry officer who furnished the route enquiry report wherein he has intimated that the objection is baseless and there is no curtailment in the proposed and granted variation. However for a further verification this authority is decided to conduct a super enquiry through a higher officer to ascertain the actual facts and circumstances of the complaint. The Secretary RTA will decide the new enquiry officer and the matter shall be placed in the next sitting of this authority itself.

Item No.177

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

Item No.178

Nil

Item No.179

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

Sd/- Chairman & Members

MINUTES OF REGIONAL TRANSPORT AUTHORITY HELD ON 26/08/2016

Present:- Chairman-

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

Members:-

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

Additional Item No.01

1.Perused the Order of Hon'ble High Court of Kerala in WPC No.23073 of 2016 dtd 11/07/2016

2.Heard; Adv.G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented other private bus operators and KSRTC.This is the application for the grant of fresh intra district temporary permit in respect of stage carriage KL-07-BD-8080 on the route Piravom-Kalamassery Medical College with starting and halting at Mulamthuruthy as ordinary moffusil service. This authority considered the application in detail and reveals the following.

A. The portion of the proposed route from Thiruvankulam to Karingachira which is 2 km in length overlaps Ernakulam- Muvattupuzha draft scheme published by the Government of Kerala vide No.489/B1/2015/Tran dtd 17/02/2016. As per clause [4] of above said draft scheme no fresh permits shall be granted nor shall the existing permits varied in favour of operators enabling them to conduct service overlapping on the route as such or portion thereof.

Sub Section [2] of Section 99,clearly specified that when a proposal is published under Section 99[1] of MV Act,then from the date of publication of such proposal, no permit shall be granted to any person except a temporary permit during the pendency of the proposal and such temporary permit shall be valid only for a period of one year from the date of its issue or till the date of final publication of the scheme under section 100,whichever is earlier.

B. The Counsel represented the KSRTC vehemently objected the grant of proposed temporary permit on the portion of the Ernakulam- Muvattupuzha draft scheme.

C. The enquiry officer has reported that there exist need U/S 87[1] C for the grant of temporary permit on the proposed route.

This authority considered the application in view of the above findings and hereby pronounced that

This authority already denied to grant regular permit in favour of the applicant on the very same route. But there is no legal impediment to grant temporary permit on the portion of the above draft scheme during the pendency of the proposal subject to the condition stipulated under Section 99[2] of MV Act-1988. The objection filed by the KSRTC is not sustainable which has no relevance since the MV Act permitted the grant of temporary permit during the pendency of finalization of a draft scheme. Hence the objection filed by the KSRTC is hereby overruled and proposed temporary permit on the route Piravom-Kalamassery Medical College with starting and halting at Mulamthuruthy as ordinary moffusil service is granted to stage carriage KL-07-BD-8080 for a duration of 4 months or till the date of final publication of the Ernakulam- Muvattupuzha scheme, whichever is earlier subject to settlement of timings.

Additional Item No.02

1. Perused the Order of Hon'ble High Court of Kerala in WPC No.22882 of 2016 dtd 08/07/2016

2. Heard; the learned Counsel represented the applicant and the Counsel represented other private bus operators and KSRTC. This is the application for the grant of fresh intra district temporary permit in respect of stage carriage KL-10-Q-5443 or a Suitable Stage Carriage on the route Karingachira- Mulamthuruthy-Piravom-Kakkanad-HMT Jn- Medical College- Infopark via Thiruvankulam, Chottanikkara, Arakkunnam and Seaport- Airport road as ordinary moffusil service. This authority considered the application in detail and reveals the following.

A. The portion of the proposed route from Thiruvankulam to Karingachira which is 2 km in length overlaps Ernakulam- Muvattupuzha draft scheme published by the Government of Kerala vide No.489/B1/2015/Tran dtd 17/02/2016. As per clause [4] of above said draft scheme no fresh permits shall be granted nor shall the existing permits varied in favour of operators enabling them to conduct service overlapping on the route as such or portion thereof.

Sub Section [2] of Section 99, clearly specified that when a proposal is published under Section 99[1] of MV Act, then from the date of publication of such proposal, no permit shall be granted to any person except a temporary permit during the pendency of the proposal and such temporary permit shall be valid only for a period of one year from the date of its issue or till the date of final publication of the scheme under section 100, whichever is earlier.

B. The Counsel represented the KSRTC vehemently objected the grant of proposed temporary permit on the portion of the Ernakulam- Muvattupuzha draft scheme.

C. The stage carriage KL-10-Q-5443 offered by the stage carriage is covered by a regular permit on another route. The learned counsel represented the applicant has offered another stage carriage for the proposed permit.

This authority considered the application in view of the above findings and hereby pronounced that

This authority already denied to grant regular permit in favour of the applicant on the very same route. But there is no legal impediment to grant temporary permit on the portion of the above draft scheme during the pendency of the proposal subject to the condition stipulated under Section 99[2] of MV Act-1988. The objection filed by the KSRTC is not sustainable which has no relevance since the MV Act permitted the grant of temporary permit during the pendency of finalization of a draft scheme. Hence the objection filed by the KSRTC is hereby overruled and proposed temporary permit on the route Karingachira-Mulamthuruthy-Piravom-Kakkanad-HMT Jn- Medical College- Infopark via Thiruvankulam, Chottanikkara, Arakkunnam and Seaport- Airport road as ordinary mofussil service is granted to a suitable stage carriage owned by the applicant other than KL-10-Q-5443 for a duration of 4 months or till the date of approval of the Ernakulam- Muvattupuzha scheme, whichever is earlier subject to settlement of timings.

Additional Item No.03

1) Perused the judgement of Hon'ble High Court of Kerala in WP(C) No 24590 of 2016 and connected cases.

2) Heard Advt. Stalin Peter Davis, the learned counsel represented the applicant, Sri. Ameer. M.A. and the learned counsel represented KSRTC and other operators. This is the issue of rejection of application for the grant of temporary permit by this authority in respect of S/C KL 07 BE 1281 on the route Eloor Ferry-W/Island in the vacant timings of S/C KL 07 B 4887 as ordinary service on the ground that the portion of the proposed route is objectionably overlaps notified route and KSRTC objected the grant of Temporary Permit. Subsequently the Hon'ble High Court in its verdict in WPC No.24950 of 2016 and batch of writ petitions in similar cases, set aside the above order of this authority in view of the observations and findings rendered by the Hon'ble Supreme Court of India and Hon'ble High Court Kerala and directed this authority to reconsider the respective applications in terms of the findings of Judgement in Mohankumar R v. Government of Kerala and another [2016(2) KLT 963] [2016 (3) KHC 244] following the judgment of Apex Court in Punjab Road Ways v. Punjab Sahib Bus and Transport Co [(2010)(5) SCC 235].

As directed by the Hon'ble Court, this authority reconsidered the application for the grant of temporary Permit on the route Eloor Ferry-W/Island as city service in the vacancy of S/C KL 07 B 4887. The applicant was permitted to conduct service on the route Eloor Ferry-W/Island on the strength of successive temporary permits issued U/S 87 1(C) of MV Act in the vacancy of S/C KL 07 B 4887 as ordinary city service up to 07/01/2016. Thereafter this authority declined to grant further temporary permit u/s 87 1 (C) and under the proviso to section 104 of MV act on the ground that the proposed route is objectionably overlaps Trivandrum-Kannur notified scheme and KSRTC vehemently objected the grant of permit.

On the basis of Hon'ble High Court, this authority perused the findings of Hon'ble Supreme Court of India in Punjab Road Ways v. Punjab Sahib Bus and Transport Co (2010) (5) SCC 235 and Hon'ble High court of Kerala in Mohankumar R v. Govt of Kerala and another [2016(2) KLT963], [2016 (3) KHC 244] and considered the scope and applicability of grant of temporary permit on the route in question.

The Hon'ble Supreme Court of India in Judgment in Punjab Road Ways v. Punjab Sahib Bus and Transport Co [(2010) (5) SCC 235 held that, if and when the State Transport Undertaking is not operating on a notified route or area, Private operators can be permitted to operate by securing temporary permit. Following the judgement, the Hon'ble High Court in Mohan Kumar cases laid down that merely because a permit was secured by the State Transport Undertaking without operating on the route, it is not dissuade the private stage carriage operators from seeking a temporary permit.

Considering the above findings, vide Judgment in WPC 24590/2016 and connected cases, the Hon'ble High Court of Kerala has pronounced that the permits were declined to the Private operators merely on the ground that the Permit sought for, overlaps the objectionable route or area is not sustainable under law and ***when a law in laid down by a Superior court, the administrative as well as the quasi judicial authorities are found to follow the same***. Since the same was not followed, the action of this respondent (RTA) is illegal and arbitrary and irrational.

A part of the judgment and law laid down by the Apex Court in Adarsh Travel Bus service and another v. State of UP and another (1985(4)SCC 557) is also quoted in this judgement. "*The paramount consideration while issuing a notification with respect to the route or area, good and sufficient care must be taken to see that travelling public are not put in to any manner of prejudice or inconvenience. So also transportation of passengers is bulk in undertaken by the State as well as Private Stage carriage operators to ensure that the public is not inconvenienced in any manner to arrive at various destinations. Therefore, the approach of the authorities under law should be to ensure in a route or area notified, State Transport Corporation is operating their vehicles sufficient enough to cater the need of the public at large and to the fullest strength. When a route or area notified, and a corporation is not operating vehicles, public will be put in to innumerable difficulties. Power is secured by the State Transport Corporation on the basis of Chapter VI to have exclusive operation of vehicles except as provided under the scheme. But that by itself cannot be termed as a armor or weapon for the corporation to prevent private operators from seeking permits to operate on the route or area without operating their vehicles to satisfy the requirement and need of the public to the fullest extent*".

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 Eloor Ferry -W/Island 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], this authority cannot decline the grant of temporary permit to the applicant on the proposed route Eloor Ferry-W/Island to ensure travelling convenience of the public.

Hence this authority granted a temporary permit to S/C KL 07 BE 1281 to continue operation on the route Eloor Ferry- Willington Island in the vacancy of stage carriage KL-07-B-4887 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.

Additional Item No.04

1) Perused the judgement of Hon'ble High Court of Kerala in WP(C) No 24089 of 2016 and connected cases.

2) Heard Advt. Stalin Peter Davis, the learned counsel represented the applicant, Sri. Raju.T.J. and the learned counsel represented KSRTC and other operators. This is the issue of rejection of application for the grant of temporary permit by this authority in respect of S/C KL 17-4656 on the route Poothotta- Aluva in the vacant timings of S/C KL 40-A-6031 as ordinary service on the ground that the portion of the proposed route is objectionably overlaps notified route and KSRTC applied for the grant of temporary Permit. Subsequently the Hon'ble High Court in its verdict in WPC No.24089 of 2016 and batch of writ petitions in similar cases, set aside the above order of this authority in view of the observations and findings rendered by the Hon'ble Supreme Court of India and Hon'ble High Court Kerala and directed this authority to reconsider the respective applications in terms of the findings of Judgement in Mohankumar R v. Government of Kerala and another [2016(2) KLT 963] [2016 (3) KHC 244] following the judgment of Apex Court in Punjab Road Ways v. Punjab Sahib Bus and Transport Co [(2010)(5) SCC 235].

As directed by the Hon'ble Court, this authority reconsidered the application for the grant of temporary Permit on the route Poothotta- Aluva as city service in the vacancy of S/C KL 17-4656. The applicant was permitted to conduct service on the route Poothotta- Aluva on the strength of successive temporary permits issued U/S 87 1(C) of MV Act in the vacancy of S/C KL 40-A-6031 as ordinary city service up to 22/02/2016. Thereafter this authority declined to grant further temporary permit u/s 87 1 (C) and under the proviso to section 104 of MV act on the ground that the proposed route is objectionably overlaps Trivandrum-Kannur notified scheme and KSRTC vehemently objected the grant of permit and they have applied for the grant of temporary permit on the same route in the same vacancy.

On the basis of Hon'ble High Court, this authority perused the findings of Hon'ble Supreme Court of India in Punjab Road Ways v. Punjab Sahib Bus and Transport Co (2010) (5) SCC 235 and Hon'ble High court of Kerala in Mohankumar R

v. Govt of Kerala and another [2016(2) KLT963], [2016 (3) KHC 244] and considered the scope and applicability of grant of temporary permit on the route in question.

The Hon'ble Supreme Court of India in Judgment in Punjab Road Ways v. Punjab Sahib Bus and Transport Co [(2010) (5) SCC 235 held that, if and when the State Transport Undertaking is not operating on a notified route or area, Private operators can be permitted to operate by securing temporary permit. Following the judgement, the Hon'ble High Court in **Mohan Kumar** cases laid down that merely because a permit was secured by the State Transport Undertaking without operating on the route, it is not dissuade the private stage carriage operators from seeking a temporary permit.

Considering the above findings, vide Judgment in WPC 24089/2016 and connected cases, the Hon'ble High Court of Kerala has pronounced that the permits were declined to the Private operators merely on the ground that the Permit sought for, overlaps the objectionable route or area is not sustainable under law and **when a law is laid down by a Superior court, the administrative as well as the quasi judicial authorities are found to follow the same**. Since the same was not followed, the action of this respondent (RTA) is illegal and arbitrary and irrational.

A part of the judgment and law laid down by the Apex Court in Adarsh Travel Bus service and another v. State of UP and another (1985(4)SCC 557) is also quoted in this judgement. "*The paramount consideration while issuing a notification with respect to the route or area, good and sufficient care must be taken to see that travelling public are not put in to any manner of prejudice or inconvenience. So also transportation of passengers is bulk in undertaken by the State as well as Private Stage carriage operators to ensure that the public is not inconvenienced in any manner to arrive at various destinations. Therefore, the approach of the authorities under law should be to ensure in a route or area notified, State Transport Corporation is operating their vehicles sufficient enough to cater the need of the public at large and to the fullest strength. When a route or area notified, and a corporation is not operating vehicles, public will be put in to innumerable difficulties. Power is secured by the State Transport Corporation on the basis of Chapter VI to have exclusive operation of vehicles except as provided under the scheme. But that by itself cannot be termed as a armor or weapon for the corporation to prevent private operators from seeking permits to operate on the route or area without operating their vehicles to satisfy the requirement and need of the public to the fullest extent*".

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 the enire route overlaps Trivandrum-Kannur and Ernakulam- Thekkady notified schemes. The enquiry officer has already reported that no sufficient stage carriages are operating on the above route Poothotta-Aluva and even though availed temporary permit, they have not operating service regularly and properly on the route with same set of timings and the service operated by the KSRTC is not sufficient to cater the need of the travelling public. Hence the non

operation of service of the KSRTC will put the public in to innumerable difficulties and inconvenience.

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], this authority cannot decline the grant of temporary permit to the applicant on the proposed route Poothotta- Aluva to ensure travelling convenience of the public.

In view of the findings and observations rendered by ***Hon'ble Supreme Court of India in reported decision in Punjab Road Ways v. Punjab Sahib Bus and Transport Co [(2010) (5) SCC 235 and Hon'ble High Court of Kerala in Mohankumar R. v. Government of Kerala***, this authority granted a temporary permit to S/C KL 17-4656 to continue operation on the route Poothotta- Aluva in the vacancy of stage carriage KL-40-A-6031 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.

Additional Item No.05

1.Perused the judgment of Hon'ble High Court of Kerala in WPC No.24590 of 2016

2. Heard Advt. Stalin Peter Davis, the learned counsel represented the applicant, Smt. Beevi Meethin. and the learned counsel represented KSRTC and other operators. This is the issue of rejection of application for the grant of temporary permit by this authority in respect of S/C KL 07-AH-3484 on the route Aluva- Thevara Jn in the vacant timings of S/C KL 07-AG-1472 as ordinary service on the ground that the portion of the proposed route is objectionably overlaps notified route and KSRTC objected the grant of temporary Permit. Subsequently the Hon'ble High Court in its verdict in WPC No.24590 of 2016 and batch of writ petitions in similar cases, set aside the above order of this authority in view of the observations and findings rendered by the Hon'ble Supreme Court of India and Hon'ble High Court Kerala and directed this authority to reconsider the respective applications in terms of the findings of Judgement in Mohankumar R v. Government of Kerala and another [2016(2) KLT 963] [2016 (3) KHC 244] following the judgment of Apex Court in Punjab Road Ways v. Punjab Sahib Bus and Transport Co [(2010)(5) SCC 235].

This authority reconsidered the matter in detail. The statement made under the respective writ petition in page number 9 of the judgment in WPC No.24590 of 2016 is that after the cancellation of regular permit in respect of stage carriage in respect of stage carriage during the year 2005, immediately thereafter, the petitioner Smt. Beevi Meethin procured another stage carriage bearing No.KL-07-AH-3484 and obtained temporary permit under section 87 of the Act to conduct service in the vacancy of regular permit issued to stage carriage KL-07-AG-1472 and last such temporary permit issued to her was valid till 09/03/2016.

On perusal of the files and records, this authority felt that till the date of 07/04/2016, Sri.Usman was the registered owner of stage carriage KL-07-AH-3484 and this authority not issued any temporary permit to the petitioner to conduct service on route Aluva- Thevara Jn in the vacancy of stage carriage KL-07-AG-1472. Hence the version of the petitioner is not correct.

Therefore, the Secretary RTA is directed to submit a detailed report in this regard and place the matter in the next sitting of this authority. Hence adjourned.

Additional Item No.06

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-44-A.7045 operating on the route Ernakulam- Kumily as LSOS. This authority considered the matter in detail. The portion of the route under the jurisdiction of this authority is objectionably overlaps 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 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.

Additional Item No.07

1.Perused the judgment of Hon'ble High Court of Kerala in WPC No.25533 of 2016 dtd 03/08/2016

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-07-AY-272 operating on the route Kalamassery Medical College-Eramalloor via HMT Jn, South Kalamassery, Edappally,Palarivattom, Kaloore, MG road, Vyttila, Kumbalam and Aroor as Ordinary moffusil service. This authority considered the application in detail.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 five trips via pipe line and Bypass avoiding operation that trips via Kaloore and Ernakulam South by rearrangements of trips and timings. The enquiry officer has reported that curtailment of existing five trips via Kaloore 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. The learned counsel represented other operators also objected the change of timings in the entire trip will adversely affect them.

Taking into account the respective objections and submission of enquiry officer and reckoning the factual circumstances this authority of the considered opinion that, by the proposed variation, the deviation of existing five 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. But 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. Therefore the proposal for deviation of five trips cannot be allowed.

Hence the applicant is given an option to submit a modified proposal reducing the number of deviated trips via Bypass and without changing the entire timings in the existing time schedule. Hence adjourned.

Additional Item No.08

Heard; Adv. Stalin Peter Davis, the learned counsel represented the applicant. This is the application for the replacement of stage carriage KL-05-S-2880 covered by a regular permit on the route Aluva- Kottayam as LSOS with a later model stage carriage KL-35-C-84 .The agenda will not specify the age and viability of proposed vehicle to verify the feasibility and compliance of conditions stipulated under Rule 174 of KMV Rules-1989. Hence the Secretary RTA is entrusted to ascertain the feasibility of replacement and to consider the application in accordance with law and existing notifications.

Additional Item No.09

Heard the permit holder of stage carriage KL-05-AJ-3699 covered by an interdistrict permit on the route Kottayam-Perikkalloor as LSOS. This is the application for effecting the Change of Address in the regular permit. On verification of the documents submitted and enquiry conducted, this authority felt that the permit holder has changed his residence to the address House No.14/129, Monuvilla, Vadavathoor.P.O,Kottayam. Hence entry of new address in the permit allowed as stipulated Under Rule 176 of KMV Rules-1989 .

Additional Item No.10

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-AW-6998 operating on the route South Chittoor-Willington Island-Perumpadapu as Ordinary service. By the proposed variation the permit holder is desired to limit 5th trip from Thevara Jn at Ayyappankavu by curtailing trip to Vaduthala Bridge for a distance of 3.5 km. This authority reconsidered 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 and the proposed variation will provide advantage to the travelling public. Hence the Proposed variation is granted subject to settlement of timings.

Additional Item No.11

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-C-6262 operating on the route North Parur- Vypin with extension to Collectors Square as Ordinary moffusil Service. This authority elaborately reconsidered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued during the year 19962. 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. There is no impediment to renew the permit for continuous operation on the proposed route. The matter of revocation of granted transfer of permit has no significance in the case of renewal of permit. Hence renewal of regular permit is granted .

Additional Item No.12

1. Perused the Order of Hon'ble High Court of Kerala in WPC No.17259 of 2016

2. The applicant Smt. Chelsia Theresa was absent in this sitting. However this authority heard the learned Counsel represented the applicant on 22/12/2015 in the earlier sitting and therefore reconsidered the matter in compliance to the above judgment of Hon'ble High Court of Kerala. This is the application for the conversion of the Class of Service from Super Express to Limited Stop Ordinary Service and renewal of the expired regular permit in respect of Stage carriage KL-05-AA-8474 as LSOS to operate on the route Kottayam-Perikkalloor in view of the GO(MS) No.45/2015/Tran dtd 20/08/2015. This authority in its earlier sitting held on 22/12/2015 considered the application in detail and recorded the following findings and directions. The inter district regular permit issued to the above stage carriage to operate service as Super Express in opposite direction were expired on 29/12/2012. Vide GO(P) No.73/2013/Tran dtd 16/07/2013, the Government of Kerala prevented the operation of private stage carriages as Super Class services. Now vide GO(MS) No.45/2015/Tran dtd 20/08/2015, the Government of Kerala have directed all Regional Transport Authorities to issue Ordinary Limited Stop Service permits to those private stage carriages which had been operated as higher class service such as Fast Passenger, Super Fast services etc. and the permits of which were subsequently rejected by the Regional Transport Authorities as a result of coming into the effect of scheme notified as SRO No.555/2013 .

In the light of above order, the legal heir of the deceased permit holder has applied for the conversion of the class of service from Super Express to LSOS and renewal of the permit as LSOS. The route Kottayam-Perikkalloor is an inter district route having length of 361 km and the route is passing through the jurisdictions of six Regional Transport Authorities. Only 96 km is lying under the jurisdiction of this authority. Concurrence of the authorities concerned are necessary for the renewal of

permit as Ordinary Limited Stop Service. Hence decision was adjourned with direction to the Secretary RTA to seek concurrence of sister Regional Transport Authorities having jurisdiction of more than 20 kilometers. In addition to the above Transfer of permit under section 82[2] of MV Act and Replacement of the vehicle KL-05-AA-8474 with stage carriage KL-05-AL-3699 were granted subject to the renewal of regular permit in receipt of concurrence from the concerned sister authorities and then permitted the applicant to operate service with newly offered stage carriage KL-05-AL-3699 with issued successive temporary permit on the same route as LSOS tentatively.

Now vide judgment in WPC No.17259 of 2016, the Hon'ble High Court of Kerala has directed this authority to take decision of application for the renewal of regular permit within a time frame.

In view of the judgment of Hon'ble High Court of Kerala, this authority considered the scope of renewal of permit in respect of stage carriage KL-05-AA-8474 on the route Kottayam- Perikkalloor. This is the issue of a renewal of inter district permit expired on 29/12/2012 and the route covers the jurisdiction of six Regional Transport Authorities and conversion of class of service from Super Express to Limited Stop Ordinary Service. An inter district permit is valid in the other regions only if the authorities granted prior concurrence for the operation of permit. The authorities granted relaxation of general concurrence for the renewal of permit only for a distance up to 20 kilometers. In this case the route length under the jurisdiction of sister RTAs are more than 20 kilometers and hence the regular permit cannot be renewed without obtaining prior concurrence of the authorities concerned.

This is not only a case of renewal of permit, but also a conversion of nature of service from Super Express to Limited Stop Ordinary Service. When a super class service is converted to limited Stop Ordinary Service, the stops will be increased, fare will be decreased and other parameters such as running time also to be varied in accordance with Motor Vehicles Act and rules.

As per Rule 206 of KMV Rules 1989, the State or Regional Transport Authority may, if no stopping place has been fixed for stage carriages in accordance with the provisions of any statute, fix such places for such carriage after consultation with such other authority as it may deem desirable.

Renewal of this permit can be effected only by converting the service from Super Express to Ordinary Limited Stop and the consultation of the Transport Authorities in the other regions are definitely required to fix the Stopping place and other varying parameters in their regions consequent to the conversion of class of service. Hence the renewal of this inter district permit by converting the class from Super Express to LSOS in respect of stage carriage KL-05-AA-8474 cannot be allowed without concurrence of the Transport Authorities in the other regions.

Therefore the Secretary RTA is directed to remind the sister authorities to submit their opinion and orders on request for concurrence urgently to take a final decision on application for the renewal of permit and conversion of nature of service.

2. There is no provision in the MV Act and Rules made thereunder to replace a vehicle having no valid permit and transfer of an expired regular permit. Hence the earlier orders granting the same shall be kept in abeyance till the final orders passed on application for the renewal of permit.

3. The Secretary RTA is also directed to intimate the above facts and impediments to the Hon'ble High Court with immediate effect.

Additional Item No.13

1. Perused the Order of Hon'ble High Court of Kerala in WPC No.21635 of 2016

2. Heard; Adv. Stalin Peter Davis, the learned Counsel represented the applicant Sri. Abraham.T.J and the Counsel represented KSRTC. This is the application for the conversion of the Class of Service from Super Express to Limited Stop Ordinary Service and renewal of the expired regular permit in respect of Stage carriage KL-05-AH-9344 as LSOS to operate on the route Nedumkandam-Thalipparambu in view of the GO(MS) No.45/2015/Tran dtd 20/08/2015. This authority in its earlier sitting held on 22/12/2015 considered the application in detail and recorded the following findings and directions. The inter district regular permit issued to the above stage carriage to operate service as Super Express in opposite direction were expired on 24/01/2012. Vide GO(P) No.73/2013/Tran dtd 16/07/2013, the Government of Kerala prevented the operation of private stage carriages as Super Class services. Now vide GO(MS) No.45/2015/Tran dtd 20/08/2015, the Government of Kerala have directed all Regional Transport Authorities to issue Ordinary Limited Stop Service permits to those private stage carriages which had been operated as higher class service such as Fast Passenger, Super Fast services etc. and the permits of which were subsequently rejected by the Regional Transport Authorities as a result of coming into the effect of scheme notified as SRO No.555/2013 .

In the light of above order, the legal heir of the deceased permit holder has applied for the conversion of the class of service from Super Express to LSOS and renewal of the permit as LSOS. The route Kottayam-Perikkalloor is an inter district route having length of 469.5 km and the route is passing through the jurisdictions of six Regional Transport Authorities. Only 92.5 km is lying under the jurisdiction of this authority. Concurrence of the authorities concerned are necessary for the renewal of permit as Ordinary Limited Stop Service. Hence decision was adjourned with direction to the Secretary RTA to seek concurrence of sister Regional Transport Authorities having jurisdiction of more than 20 kilometers.

Now vide judgment in WPC No.21635 of 2016 ,the Hon'ble High Court of Kerala has directed this authority to take decision of application for the renewal of regular permit within a time frame.

In view of the judgment of Hon'ble High Court of Kerala,this authority considered the scope of renewal of permit in respect of stage carriage KL-05-AH-9344 on the route Nedumkandam-Thalipparambu. This is the issue of a renewal of inter district permit expired on 24/01/2012 and the route covers the jurisdiction of six Regional Transport Authorities and conversion of class of service from Super Express to Limited Stop Ordinary Service. An inter district permit is valid in the other regions only if the authority granted prior concurrence for the operation of permit. The authorities granted relaxation of general concurrence for the renewal of permit only for a distance up to 20 kilometers . In this case the route length under the jurisdiction of sister RTAs are more than 20 kilometer and hence the regular permit cannot be renewed without obtaining prior concurrence of the authorities concerned.

This not only a case of renewal of permit, but also a conversion of nature of service from Super Express to Limited Stop Ordinary Service. When a super class service is converted to limited Stop Ordinary Service, the stops will be increased, fare will be decreased and other parameters such as running time also to be varied in accordance with Motor Vehicles Act and rules.

As per Rule 206 of KMV Rules 1989, the State or Regional Transport Authority may,if no stopping place has been fixed for stage carriages in accordance with the provisions of any statute, fix such places for such carriage after consultation with such other authority as it may deem desirable.

Renewal of this permit can be effected only by converting the service from Super Express to Ordinary Limited Stop and the consultation of the Transport Authorities in the other regions are definitely required to fix the Stopping place and other varying parameters in their regions consequent to the conversion of class of service. Hence the renewal of this inter district permit by converting the class from Super Express to LSOS in respect of stage carriage KL-05-AH-9344 cannot be allowed without concurrence of the Transport Authorities in the other regions.

Therefore the Secretary RTA is directed to remind the sister authorities to submit their opinion and orders on request for concurrence urgently to take a final decision on application for the renewal of permit and conversion of nature of service.

2. The Secretary RTA is also directed to intimate the above facts and impediments to the Hon'ble High Court with immediate effect.

Additional Item No.14

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-BB-9817 on the

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

Additional Item No.15

Heard 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 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-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.

Additional Item No.16

1.Perused, the study report prepared by the expert committee, the Judgment of hon'ble High Court of Kerala inWPC No.19628 of 2016 dtd 12/07/2016 and representation of the Private Bus Operators Association, Angamaly.

2.Heard the representatives of petitioners Association, Additional respondent and all affected parties. This is the issue related to the implementation of traffic modification implemented at North Parur in view of the study report of expert committee. On perusal of the report, this authority revealed that the recommendation and suggestion of the expert committee for the implementation of traffic rearrangement at North Parur will helpful to eliminate the accidents happening on the route portion of the NH-17 from Varappuzha to Moothakunnam and hence it is appreciated .

The repretative of Private Bus Operators Association, Angamaly and North Parur have requested to adjourn the consideration of the request and decision to next sitting in this regard, since the discussion in connection with the modification of suggested traffic rearrangement is going on.

On consideration of the representation of the Private bus operators Association which is noted as Exhibit P3 in the judgment, it will not sustainable while considering

the merit of report and modification suggested by the Expert Committee.Hence request is liable to be rejected. Hence this authority is decided to do so.

However , considering the request of petitioners association detailed comment of this authority inthis regard is adjourned to next sitting,but this decision will not prevent the implementation of modification suggested by the expert committee, if there is no further discussion or change is needed.

Additional Item No.17

Perused, the representation of the Ernakulam District Bus Operators Organization against the grant of new stage carriage permits on the routes Vyttila Mobility Hub-North Parur and High Court Jn- North Parur via Container Road and heard the the representatives of the Organization.This authority considered the matter in detail.

Vide representation itself, they have objected the grant of new permits on the above routes on the ground that there no time slot on the said routes for accommodate new stage carriage and they are facing financial crises due to the introduction of new services. Consequent to the introduction of new Motor Vehicles Act, the procedure for the grant of permits is simplified and liberalized the policy came into effect. So no permits can be denied to the applicant,if there is no legal impediment. Therefore the request of Ernakulam District Bus Operators Organization has no merit and it is not sustainable. Hence rejected.

Additional Item No.18

Heard. Adv.Stalin Peter Davis,the learned counsel represented the applicant Sri.A.J. Joseph and the Counsel represented KSRTC . This is the applications for the renewal of regular permits in respect of stage carriage KL-05-AE-1825 and KL-05-AH-4972 on the route Pathanamthitta- Chittarickal as LSOS in view of the Order of Government of Kerala vide GO[MS]No.45/2015/Tran dtd 20/08/2015 and replacement of the vehicles with later model vehicles.

This authority considered the matter in detail and felt that the regular permits issued to to stage carriages KL-05-AE-1825 and KL-05-AH-4972 to operate on the route Pathanamthitta- Chittarickal was expired on 12/02/2006. Thereafter on filing of applications, this authority considered the for the renewal of permits U/S 81 of MV Act and sought concurrence of the sister Regional Transport Authorities since the route covers the jurisdiction of ten such authorities. But concurrence of that authorities not received till 12/02/2011, the date of expiring of permits,even if it were renewed from the year 2006. During the pendency of the renewal, the permit holders were conducted service on the same route with issued successive temporary permits U/S 87[1]d of MV Act. Thereafter on 05/02/2011, the permit holders applied for the grant of renewal of permits with effect from 13/02/2011.That applications also considered by the RTA again and the RTA sought concurrence of the sister authorities

for the renewal of permits from 13/02/2011 to 12/02/2016. After that during the month may 2013, the office of Secretary RTA received concurrence of all the sister authorities permitting the renewal of permit for a duration of 5 years from 13/02/2006 to 12/02/2011. But at the same time some RTAs rejected the request concurrence for the renewal of permits from 13/02/2011 to 12/02/2016 on the ground that the route Pathanamthitta- Chittarickal is having length of 515 km and as per Rule 2[Oa] of Kerala Motor Vehicles Rules-1989, Ordinary Stage Carriage Services are permitted to operate distance only up to 140 km . Super Class services are only permitted to operate service on a route having more than 140 km.

Since the validity of permits would be expired on 12/02/2011, even if it were renewed from 13/02/2006 based on the concurrence received , the Sister Regional Transport Authorities rejected the request for concurrence for the renewal of permits with effect from 13/02/2011, this authority in its sitting held on 16/07/2013 rejected the applications for the renewal of permits as Limited Stop Ordinary Service.

The permit holders filed appeal before the STAT against the above order of this authority vide MVAA No.382/2013 and 384/2013 respectively. Vide interim order in above appeal, the permit holders are permitted to continue service under the proviso to Section 214 of MV Act-1988 till the final disposal of the appeal.

Now, on 09/02/2016, in view of the Government Order [GO[MS]] 45/2015/Tran dtd 20/08/2015, the permit holders have requested to reconsider the applications for renewal of permits and applied for the grant of renewal of permits with effect from 13/02/2016 and replacement of the vehicles with later model stage carriages . This authority considered the scope and applicability of the renewal of permits in question as LSOS in view of the GO[MS]No.45/2015/Tran dtd 20/08/2015.

Vide para 7 and 8 of the GO[MS] No.45/2015/Tran dtd 20/08/2015, the Government of Kerala has directed the Regional Transport Authorities to allow the stage carriage operations on the long routes as LSOS as such notwithstanding the rule 2[Oa] of KMVR-1989. Therefore as per the considered opinion of this authority, the applicants are entitled to get the benefit of GO[MS] No.45/2015/Tran dtd 20/08/2015.

Under these circumstance, this authority delivered the following.

1. Renewal of regular permits in respect of stage carriages KL-05-AE-1825 and KL-05-AH-4972 on the route Pathanamthitta- Chittarickal are hereby granted from 13/02/2006 to 12/02/2011 based on the concurrence granted by the sister authorities and GO[MS] No.45/2015/Tran dtd 20/08/2015 .
2. Delay in filing applications for the renewal of permits are condoned.
3. The Secretary RTA is directed to seek concurrence of sister RTAs for the renewal of permits from 13/02/2011 to 12/02/2016 and from 13/02/2016 to 12/02/2021 in view of the GO[MS] No.45/2015/Tran dtd 20/08/2015.

4. The Secretary RTA is also directed to issue temporary permits to the applicants U/S 87[1]d to operate till taken final decision on applications for the renewal of permits with effect from 13/02/2011.
5. Replacement of the stage carriages KL-05-AE-1825 and KL-05-AH-4972 are allowed with later model stage carriages KL-05-AN-3699 and KL-05-AN-2146 respectively to continue service with successive temporary permits U/S 87[1]d of MV Act. The endorsement of replacement in the regular permits shall be kept pending till the renewal of regular permit from 13/02/2016.

Sd/

Chairman & Member