

DECISION OF REGIONAL TRANSPORT AUTHORITY ,ERNAKULAM HELD ON
05/08/2014

Present:- Chairman-

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

Members:-

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

2.Sri.E.S.James, Deputy Transport Commissioner,CZ- II,Ernakulam.

Item No.01

Heard.This is an application for fresh inter district regular permit in respect of stage carriage KL-15-6408 to operate on the route Vadakkumpuram-Aluva via North Parur,Naluvazhy,Mannam,Kottappuram and U.C College as Ordinary Service. The STU is the applicant.The proposed route reserved exclusively reserved for the State Transport Undertaking. Hence fresh regular permit granted with proposed set of timings.

Item No.02

Heard.This is an application for fresh inter district regular permit in respect of stage carriage KL-15-6412 to operate on the route Vadakkumpuram-Aluva via North Parur,Naluvazhy,Mannam,Kottappuram and U.C College as Ordinary Service. The STU is the applicant. The proposed route reserved exclusively reserved for the State Transport Undertaking. Hence fresh regular permit granted with proposed set of timings.

Item No.03

Heard.This is an application for fresh inter district regular permit in respect of stage carriage KL-15-7781 to operate on the route Vadakkumpuram-Aluva via North Parur as Ordinary Service. The STU is the applicant. The proposed route reserved exclusively reserved for the State Transport Undertaking. Hence fresh regular permit granted with proposed set of timings.

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Item No.04

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.15448 of 2014 dtd 25/06/2014.

2.Heard the learned Counsel Adv.P.Deepak represented the applicant.This is an application for the grant of fresh regular permit in respect of stage carriage KL-07-AQ-3040 or suitable stage carriage to operate on the route Thammanimattom-Kolencherry-Kakkanad-Co-Operative medical College-Trippunithura and Maradu Market as Ordinary moffusil service.This authority in its earlier sitting dtd 06/01/2014 vide item No.19 considered the application and rejected on the grounds that the applicant was failed to produce suitable stage carriage.Thereafter the applicant has offered stage carriage KL-07-AQ-3040 with seating capacity 33 in all and produced a copy of the judgment of Hon'ble High Court of Kerala in WP© No.15448 of 2014 wherein earlier order of this authority dtd 06/01/2014 was set aside and directed to reconsider the application afresh within a time limit.In view of the above order,this authority considered the application in detail.The proposed route having length of 34.7 km in which 9.9 km lying under the jurisdiction of RTA,Muvattupuzha.The applicant has not provided sufficient trips to ill served places on the proposed route such as Kaninadu,Thammanimattom and Medical College.The Regional Transport Authority is constituted for consideration of application for the grant of permit on interest of public. But in this case the applicant proposed trips and timings so as to focus operation between well served areas such as Kolencherry,Karimugal and HMT.Hence the proposal is not convenient to the travelling public of ill served areas. Hence the applicant is directed to submit a modified proposal by providing more trips to ill served areas such as Thammanimattom,Kaninadu and Medical College.Hence adjourned.

Item No.05

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.10351 of 2014 dtd 21/05/2014.

2.Heard the learned Counsel Adv.G.Prabhakaran represented the applicant.This is an application for the grant of fresh regular permit in respect of Suitable stage carriage to operate on the route HMT Jn-Infopark Main Gate as Ordinary moffusil service.This authority in its earlier sitting dtd 06/01/2014 vide item No.09 considered the application and rejected on the grounds that the applicant was failed to produce suitable stage carriage and the focus of operation in the major trips between Trippunithura and Kakkanad amounts to classification of city service..Thereafter the applicant has produced a copy of the judgment of Hon'ble High Court of Kerala in WP© No.10351 of 2014 wherein earlier order of this authority dtd 06/01/2014 was set aside and directed to reconsider the application afresh within a time limit.

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In view of the above order, this authority considered the application in detail. The proposed route having length of 43.5 km in which 15 km lying under the jurisdiction of RTA, Muvattupuzha. The enquiry officer has reported that no sufficient stage carriages are operating on the portions of the proposed route from Kakkanad to HMT Jn and from Kakkanad to Infopark Main Gate. Secretary, RTA will obtain concurrence of RTA, Muvattupuzha and place in next RTA. Hence adjourned.

Item No.06

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for the grant of fresh regular permit to operate on the route Ernakulam High Court Jn-North Parur as ordinary mofussil service in the vacant timings of stage carriage KL-23-E-3831. The applicant has offered stage carriage KL-07-AC-3989. The learned Counsel Adv.P.Deepak represented other stage carriage operators on the sector has objected the grant of permit stating that the full set of timings of stage carriage KL-23-E-3831 are not vacant as stated by the counsel represented the applicant. He has also alleged that the applied route portion is fully saturated and introduction of further stage carriage services will invite unhealthy competition, which may result in road accidents. Hence Secretary RTA will collect a feasibility report from the executive engineer PWD Roads division, Ernakulam for the introduction of further stage carriage services on the sector without making any chance for ill health of other road users such as pedestrians, Cyclists etc. Moreover the enquiry officer has reported that the proposed route is overlapping Aluva-Kuriappilly complete exclusion scheme. But the report is not specific for ascertaining whether the overlapping is objectionable or not. Hence Secretary, RTA is directed to obtain a specific report from the field officer. The report should contain the statistics of existing stage carriage services. Hence adjourned.

Item No.07

Heard the learned counsel Adv.Jithesh Menon represented the applicant. This is an application for the grant of fresh regular permit in respect of a suitable stage carriage to operate on the route Koonammavu-North Parur-High Court Jn via Cheriappilly, Chettibhagam, Varappuzha Bridge, Container Road and Gosree Bridges. The route is having length of 27 km in which 3.4 km overlapping on Aluva-Chathanad complete exclusion scheme with exceptional clause. The applied route does not violate the conditions prescribed in Government Notification No.655/TA4/60/PW dtd 28/08/1961. Hence a regular permit is granted to a suitable stage carriage offered by the applicant, on the route Koonammavu-North Parur, subject to settlement of timings.

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Item No.08

Heard the learned counsel Adv.Jithesh Menon represented the applicant. This is an application for the grant of fresh regular permit in respect of a suitable stage carriage to operate on the route High Court Jn-North Parur as ordinary moffusil Service.The applicant has not offered a registered vehicle even at the date of meeting of this authority. The route is having length of 27 km in which 3.4 km overlapping on Aluva-Chathanad complete exclusion scheme with exceptional clause.The applied route does not violate the conditions prescribed in Government Notification No.655/TA4/60/PW dtd 28/08/1961.Hence a regular permit is granted to a suitable stage carriage offered by the applicant,on the route Koonammavu-North Parur, subject to settlement of timings.

Item No.09

Heard the learned counsel Adv.P.Deepak represented the applicant.This is an application for the grant of fresh regular permit in respect of a suitable stage carriage to operate on the route Pattimattam-Trippunithura-Medical College via Pancode,Vadavucode,Kavumthazham,Karthedathpady,Pannikkuzhy,Chalikkara,Kuzhikkad,Hill Palace,Trippunithura,Eroor,Vennala and Vytila as ordinary moffusil Service.This authority considered the application in detail.The applicant has proposed above route stating that the major portions of the routes such as Kavumthazham, Karthedathupady,Pannikkuzhy,Chalikkara and Kuzhikkad etc.But as per trip and time schedule proposed by the applicant it is clear that he has not provided sufficient trips to the ill served areas such as Kavumthazham,Pannukuzhy and Chalikkara.In the same time he provided more trips so as to operate between Trippunithura and Vytila Hub which is a well served sector coming under Kochi City Limits. The Regional Transport Authority is constituted for consideration of application for the grant of permit on interest of public. But in this case the applicant proposed trips and timings so as to focus operation between well served areas such as Trippunithura and Vytila.Hence the proposal is not convenient to the travelling public of ill served areas. Hence the applicant is directed to submit a modified proposal by providing all trips from Trippunithura upto Pattimattam via above mentioned ill served areas without focusing the operation between Vytila and Trippunithura which amounts to City Service. Hence adjourned.

Item No.10

Heard the learned counsel Adv.Stalin Peter Davis represented the applicant.This is an application for the grant of reserve stage carriage permit in respect of stage carriage KL-07-AG-8269 with seating capacity 48 in all or a suitable vehicle to operate in places of following stage carriages having valid regular permits issued by this authority.

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Sl No.	Vehicle No	Model	Seating Capacity	Route	Validity of permit
1	KL-39-F-9696	2013	31	Poothotta-Kakkanad	05/03/2019
2	KL-39-F-7500	2013	31	Poothotta-Kaloor	12/10/2019
3	KL-07-AN-6767	2003	27	Poothotta-Kakkanad	21/05/2015
4	KL-40-2419	2006	39	Poothotta-Aluva	08/03/2018
5	KL-05-U-6338	2005	38	Kallukuthukadavu-University centre	27/01/2015

This authority considered the application in detail. The applicant is eligible for to maintain a spare bus and to obtain reserve stage carriage permit Under Rule 182 of KMV Rules 1989. The offered vehicle was registered during the year 2002. Hence reserve stage carriage permit is granted in respect of stage carriage KL-07-AG-8269 or a suitable vehicle to operate in places of above mentioned stage carriages subject to the compliance of conditions attached under SRO No.880/75 published vide notification No.33942/TC2/75-9/PW dtd 29/09/1975.

Item No.11

Heard the learned counsel Adv.Jithesh Menon represented the applicant. This is an application for the grant of fresh regular permit in respect of a suitable stage carriage to operate on the route High Court Jn-North Parur via Container Road, Mulavukad, Cheranelloore, Varappuzha Bridge, Koonammavu, Kalamassery Bridge and HMT as Ordinary Moffusil Service. The applicant has not offered a registered vehicle even at the date of meeting of this authority. The route having length of 36.1 km in which 1.8 km overlapping on Aluva-Chathanad complete exclusion scheme and a distance of 800 metre overlapping on Trivandrum-Kannur and Ernakulam-Thrissur notified scheme published vide GO(P) No.42/2009/Tran dtd 14/07/2009. The report of enquiry officer is not specific for ascertaining whether the overlapping on Aluva-Chathanad scheme is objectionable or not. Secretary, RTA is directed to obtain a detailed and specific report in this regard. Hence adjourned.

Item No.12

Heard the learned counsel Adv.Gopinathan Nair represented the applicant. This is an application for the grant of fresh regular permit in respect of a suitable stage carriage with seating capacity not less than 28 in all to operate on the route Adivaram-Desom Jn as Ordinary Moffusil Service. This authority considered the application in detail. The applicant has not offered details of registered stage carriage even at the sitting of this authority. The time schedule proposed by the applicant contain 10 trips in which he has provided only 3 trips to Desom which is

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one of the termini of the proposed route. The Regional Transport Authority is constituted for consideration of application for the grant of permit on interest of public. In this case terminus Desom is ill served and hence the avoiding of trips to that place is against the interest of the public. Hence the applicant is directed to submit a modified proposal by providing all trips to Desom an ill served area. Secretary, RTA is also directed to report the feasibility of the new proposal. Hence adjourned.

Item No.13

1. Perused the judgment of Hon'ble STAT in MVAA No.286/2013 dtd 30/04/2014 wherein this authority is directed to consider the application for the grant of variation of permit in accordance with law.

2. Heard the learned counsel Adv. Jithesh Menon represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AU-786 permitted to operate on the route North Parur-Kaloor via Varappuzha Bridge, Edappally, Elamakkara and Punnakkal as Ordinary Moffusil Service. This authority considered the application in detail. The proposed variation includes curtailment of trip from North Parur to Kaloor and extension of service from Koonammavu to North Parur. This authority is convinced that the curtailment of service especially the night trip will deprive the existing benefits enjoyed by the travelling public. It is against the public interest. Hence the curtailment cannot be allowed. Vide reported decision in Krishnan v. RTA, 1991(2) KLT 302 it is clarified that the applicant has to satisfy the transport authority about the public convenience as the ground of extension. In this case the applicant is failed to convince this authority about the public convenience consequent to the proposed extension. There is no necessity Under Rule 145(6) of KMV Rules 1989 warranting the proposed variation. Moreover the portion of the proposed route from North Parur to Thekkenaluvazhy which is 1.5km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme which is exclusively reserved for the State Transport Undertaking. If the proposed deviation granted, it will be a clear violation of the scheme of nationalization. In the above circumstances the application for variation of permit is hereby rejected.

Item No.14

Heard the learned counsel Adv. P. Deepak represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-16-804 permitted to operate on the route Infopark Phase-II-Karimugal as ordinary service. This authority considered the application in detail. Consequent to the proposed deviation there is a curtailment of trips from Infopark to Trippunithura via Padathikkara and Karimugal. The Regional Transport Authority is constituted for considering the applications on public interest. The enquiry officer has not reported the effect of curtailment of existing service. Secretary, RTA is directed to obtain a detailed report in this regard. Hence adjourned.

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Item No.15

1.Perused the judgment of Hon'ble STAT in MVAA No.147/2013 dtd 31/05/2014 wherein this authority is directed to consider the application for the grant of variation of permit in accordance with law.

2.Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AV-910 permitted to operate on the route Fort Kochi-Kallancherry Church as Ordinary Moffusil Service. This authority considered the application in detail.The proposed variation includes curtailment and deviation. This authority is convinced that the curtailment of service of service from Kumbalangy Vazhy to Kumbalangy and to Kallancherry Church will deprive the existing benefits enjoyed by the travelling public.During the year 2003 this authority granted regular permit on the route Fort Kochi-Kallancherry for the convenience of the travelling public especially of the Kallancherry area. After a gap of eleven years, the permit holder has applied for curtailment of service stating that the width of the road is not sufficient to operate service. Vide judgment in MVAA No.147/2013,the Hon'ble STAT has directed this authority that if even a 23 seater stage carriage cannot conveniently and safely ply through the proposed curtailment portion,the proposed curtailment will have to be allowed. The enquiry officer has reported that stage carriage with seating capacity 23 in all can be operated between Gramapanchayath Jn and Kallancherry Church .The Kumbalangy Gramapanchayath also filed objection against the curtailment of trips to Kumbalangy. The proposal for curtailment is against the public interest. Hence it cannot be allowed. Vide reported decision in Krishnan v. RTA,1991(2) KLT 302 it is clarified that the applicant has to satisfy the transport authority about the public convenience , the ground of extension. In this case the applicant is failed to convince this authority about the public convenience consequent to the proposed variation. There is no necessity Under Rule 145(6) of KMV Rules 1989 warranting for the proposed variation. Hence the application for variation of permit is hereby rejected.

Item No.16

Heard the learned counsel Adv.P.Deepak represented the applicant.This is an application for variation of regular permit in respect of stage carriage KL-40-B-1410 permitted to operate on the route Chottanikkara-Aluva via Thiruvankulam,Tripunithura,Vyttila,South,High Court,Edappally and Kalamassery as Ordinary City Service. This authority considered the application in detail.The proposed variation includes curtailment and deviation. This authority is convinced that the deviation of 2nd trip from Edappally Signal Jn to Vyttila via Bypass by curtailing trip via Ernakulam South and High Court will deprive the existing benefits enjoyed by the travelling public to reach Kochi City. Hence the proposal for curtailment of 2nd trip is against the public interest. Hence the curtailment cannot be allowed. Vide reported decision in Krishnan v. RTA,1991(2) KLT 302 it is clarified that the applicant has to satisfy the transport authority about the public convenience as the ground of variation. The proposed deviation portion is well served and sufficient stage carriages are operating to cater the need of the public.

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In this case the applicant failed to convince this authority about the public convenience consequent to the proposed deviation. On comparing of the proposed time schedule with existing one it is clear that the intention of the applicant is only to alter the existing time schedule for his convenience. There is no necessity Under Rule 145(6) and 145(7) of KMV Rules 1989 warranting the proposed variation and revision of existing timings.Hence the application for variation of permit is hereby rejected.

Item No.17

Heard the learned counsel Adv.G.Prabhakaran represented the applicant.This is an application for variation of regular permit in respect of stage carriage KL-11-Q-1549 permitted to operate on the route Kumbalangy Ferry-Kakkanad as ordinary service. This authority considered the application in detail. The proposed variation includes curtailment of trips from Palarivattom to Kakkanad and extension of service to Kunnumpuram. On perusal of the records it is revealed that the applicant had availed a variation of permit during the year 2008 by extending the service up to Kakkanad. But the agenda and notes do not specify the earlier variation availed. The report of the field officer is also not specific to ascertain whether the proposed extension violates the Section 80[3] of MV Act or not. The Secretary,RTA is directed to obtain a detailed report in this regard and to furnish a detailed report in next RTA. Hence adjourned.

Item No.18

Heard the learned counsel Adv.P.Deepak represented the applicant.This is an application for variation of regular permit in respect of stage carriage KL-07-AF-1744 permitted to operate on the route Aluva-Edayar Bus Stand via Pathalam,Industrial Jn,Muppathadam East West Kodungalloor,Thottakkattukara Jn,Aluva Bypass Jn as ordinary moffusil service. This authority considered the application in detail. The proposed variation includes extension,deviation and curtailment.The enquiry officer has reported that the curtailed portion is well served than the deviation portion.Hence the proposed variation is highly beneficial to the travelling public and students of Kaiyindikara-Ellokkara sector.The extension of trip to Pathalam is also beneficial to the public. The Regional Transport Authority is constituted for consideration of application for the grant of permit on interest of public. In this case there exist public interest. Hence the proposed variation is allowed subject to settlement of timings.

Item No.19

Heard the learned counsel Adv.P.Deepak represented the applicant.This is an application for variation of regular permit in respect of stage carriage KL-40-2419 permitted to operate on the route Poothotta-Aluva via Trippunithura, Vyttila,South, Jetty,Kaloor,Palarivattom and Kalamassery as ordinary service.The proposed variation includes deviation,Curtailment and additional trips.This authority considered the matter in detail.The existing time schedule contains 6 trips.The applicant has proposed variation so as to deviate 2nd trip via Edappally Bypass and to provide additional trips between Trippunithura and High Court via Enakulam South.Hence the trips will be enhanced to ten in number. The proposed variation

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includes additional trips to Medical College, which is comparatively ill served. Hence it is beneficial to travelling public. While considering the application by this RTA on variation the prime consideration is the advantages offered to the public. Hence variation granted as applied for subject to settlement of timings.

Item No.20

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BC-2512 permitted to operate on the route Poothotta-Aluva via Tripunithura, Menaka, Kaloor, Palarivattom, Edappally and Kalamassery as Ordinary City Service. This authority considered the application in detail. The proposed variation includes curtailment and deviation. This authority is convinced that the deviation of 2nd, 4th and 6th trip from Edappally Signal Jn to Vyttila Signal Jn via Bypass by curtailing trip via Ernakulam South will deprive the existing benefits enjoyed by the travelling public to reach Kochi City. The proposal for curtailment of above trips is against the public interest and hence it cannot be allowed. Vide reported decision in Krishnan v. RTA, 1991(2) KLT 302 it is clarified that the applicant has to satisfy the transport authority about the public convenience as the ground of variation. The proposed deviation portion is well served and sufficient stage carriages are operating to cater the need of the public. In this case the applicant is failed to convince this authority about the public convenience consequent to the proposed deviation. On comparing with the proposed time schedule with existing one it is clear that the intention of the applicant is only to alter the existing time schedule for his convenience. There is no necessity Under Rule 145(6) and 145(7) of KMV Rules 1989 warranting the proposed variation. Hence the application for variation of permit is hereby rejected.

Item No.21

Heard the learned counsel Adv.Jithesh Menon represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-42-A-3060 permitted to operate on the route Kothad Ferry-Kundannur via Ponekkara, Jetty as Ordinary City Service. This authority considered the application in detail. The proposed variation includes extension only. By the proposed variation, the permit holder is intended to revise the timings of major trips. So many objections have been received against the proposed timings. The elimination of settled position of timings will adversely affect the travelling public and other enroute operators. Hence it cannot be allowed. Hence the applicant is directed to submit a modified time schedule without disturbing the timings of other operators on the sector. Moreover the enquiry officer has not reported the necessity under rule 145[6] of KMV Rules for the proposed variation. Secretary, RTA is directed to obtain a detailed report and place the matter in the next sitting of this authority. Hence adjourned.

Item No.22

Heard the learned counsel Adv.P.Deepak represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BD-3535 permitted to operate on the route Thuthiyoor-Thevara Ferry via Menaka, Palarivattom, Kakkanad and CSEZ as Ordinary City Service. This authority

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considered the application in detail. The proposed variation includes curtailment, deviation and extension. Considering the benefits and disadvantages expected by the addition and curtailment respectively, in total, the variation is more beneficial to general public and hence allowed subject to settlement of timings.

Item No.23

Heard the learned counsel Adv.P.Deepak represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-40-4244 permitted to operate on the route Palamkadavu-Puthukkalavattom via Chembu, Poothotta, Trippunithurta, Vyttila, Jetty and Kaloor as Ordinary City Service. The proposed variation includes extension, deviation and curtailment of trips between Kaloor and Puthukkalavattom and between Poothotta and Palamkadavu and between High Court and Kaloor. This authority considered the application in detail. The proposed variation includes a service through virgin portion which is highly beneficial to public. Considering the advantages expected by the proposed addition and disadvantages expected by the proposed curtailment, the proposed variation in toto will be beneficial to general public and hence allowed subject to settlement of timings.

Item No.24

Heard the learned counsel Adv. Stalin Peter Davis represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BE-5638 permitted to operate on the route Aluva-Panangad as ordinary service. This authority considered the application in detail. The proposed variation includes extension, deviation and curtailment. The enquiry officer has reported the result of proposed variation. He has reported that curtailed portion is well served than the deviation portion. The deviation of service in the 1st and 7th trip via Bypass is beneficial to the public. This authority felt that the difficulties expected by the proposed curtailment is comparatively low while considering the advantage expected to public consequent to the proposed deviation. While considering the application for variation by the RTA, the prime consideration is the advantage offered to the public. In this case the proposed variation offered additional advantage to the travelling public. Hence the variation is granted as applied for subject to settlement of timings.

Item No.25

Heard the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BM-5744 permitted to operate on the route Kakkanad-Trippunithura-Eramalloor-Medical College as Ordinary City Service. This authority considered the application in detail. The proposed variation includes curtailment and deviation. The enquiry officer has not reported whether there is additional overlapping on notified scheme and necessity under rule 145[6] of KMV Rules for the proposed variation. Secretary, RTA is directed to obtain a detailed report and place the matter in the next sitting of this authority. Hence adjourned.

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Item No.26

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-42-C-6115 permitted to operate on the route Kochangadi-Vypin-High Court Jn as Ordinary Service. This authority considered the application in detail. The proposed variation includes extension of 1st trip from Edavanakkad to High Court Jn and curtailment of service from North Parur to Kochangad for avoiding objectionable overlapping on Aluva-Vadakkumpuram complete exclusion scheme. The enquiry officer has reported the result of the proposed variation. He has reported that the extension of 1st trip to High Court Jn is beneficial to the travelling public. While considering the application for variation by the RTA, the prime consideration is the advantage offered to the public. In this case the proposed variation offered additional advantage to the travelling public. This authority felt that vide judgment in WP(c) No.4435/2011 and connected cases the Hon'ble High Court has directed this authority to call back certain stage carriage permits issued to operate on the portions of Aluva-Vadakkumpuram complete exclusion scheme violating the scheme of nationalization. Even though the curtailment adversely affect the travelling public, this authority cannot be compelled the permit holder to operate service on a complete exclusion scheme in the light of existing judgment of Hon'ble High Court of Kerala. Hence the variation granted as applied for subject to settlement of timings.

Item No.27

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-BB-6559 permitted to operate on the route Vypin –Manjaly as Ordinary Service. This authority considered the application in detail. The proposed variation includes curtailment of service from North Parur to Manjaly for avoiding objectionable overlapping on Aluva-Vadakkumpuram complete exclusion scheme. The enquiry officer has reported the result of the proposed variation. Vide judgment in WP(c) No.4435/2011 and connected cases the Hon'ble High Court has directed this authority to call back certain stage carriage permits issued to operate on the portions of Aluva-Vadakkumpuram complete exclusion scheme violating the scheme of nationalization. Eventhough the curtailment adversely affect the travelling public, this authority cannot be compelled the permit holder to operate service on a complete exclusion scheme in the light of existing judgment of Hon'ble High Court of Kerala. Hence the variation granted as applied for without changing the existing timings.

Item No.28

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-08-AF-7299 permitted to operate on the route North Parur-Vypin –Manjaly with extension to High Court Jn as Ordinary Service. This authority considered the application in detail. The proposed variation includes curtailment of service from North Parur to

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Manjaly for avoiding objectionable overlapping on Aluva-Vadakkumpuram complete exclusion scheme. The enquiry officer has reported the result of the proposed variation. Vide judgment in WP(c) No.4435/2011 and connected cases the Hon'ble High Court has directed this authority to call back certain stage carriage permits issued to operate on the portions of Aluva-Vadakkumpuram complete exclusion scheme violating the scheme of nationalization. Eventhough the curtailment adversely affect the travelling public, this authority cannot be compelled the permit holder to operate service on a complete exclusion scheme in the light of existing judgment of Hon'ble High Court of Kerala. Hence the variation granted as applied for subject to settlement of timings.

Item No.29

Heard the learned counsel Adv.P.Deepak represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AN-7437 permitted to operate on the route Cheranelloor-Trippunithura via Edappally, Kaloor, South, Jetty, Vyttila, Kundannoor and Maradu as Ordinary Service. This authority considered the application in detail. The proposed variation includes curtailment of service from Gandhi Square to Trippunithura in the 1st, 3rd, 5th and 7th trips and deviation of service via Mini Bypass and Bypass curtailing the trips via Jetty and South. The enquiry officer has not reported the feasibility of proposed variation through the Mini Bypass and the effect of curtailment of existing trips. Secretary RTA is directed to furnish a detailed report in this regard and place before the next sitting of this authority. Hence adjourned.

Item No.30

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-04-U-7677 permitted to operate on the route Valiyapazhampilly-Gothuruth-North Parur-Vypin-Ernakulam as Ordinary moffusil Service. This authority considered the application in detail. The proposed variation includes curtailment of service from North Parur to Valiyapazhampillythuruth for avoiding objectionable overlapping portion from Chendamangalam Jn to Bharanimukku lying on Aluva-Vadakkumpuram complete exclusion scheme. The enquiry officer has reported the result of the proposed variation. Vide judgment in WP(c) No.4435/2011 and connected cases the Hon'ble High Court has directed this authority to call back certain stage carriage permits issued to operate on the portions of Aluva-Vadakkumpuram complete exclusion scheme violating the scheme of nationalization. Eventhough the curtailment adversely affect the travelling public of Valiyapazhampillythuruth, this authority cannot be compelled the permit holder to operate service on a complete exclusion scheme in the light of existing judgment of Hon'ble High Court of Kerala. Hence the variation granted as applied for subject to settlement of timings.

Item No.31

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AE-7755 permitted to operate on the route Willington Island-Pallithode via

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Thoppumpady, Mundamveli and Chellanam as Ordinary moffusil Service. This authority considered the application in detail. The proposed variation includes curtailment, deviation and extension. This authority in its earlier sitting dtd 20/05/2014 considered the application and directed the applicant to propose a modified time schedule without disturbing the other enroute operators. Accordingly the applicant proposed a new time schedule and the enquiry officer has not reported the necessity warranting under rule 145[6] of KMV Rules for the proposed variation. Hence Secretary RTA is directed to obtain a further report in this regard and place before next sitting of this authority. Hence adjourned.

Item No.32

Heard the learned counsel Adv. Gopinathan Nair represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-07-AK-8344 permitted to operate on the route Eloor Ferry-Maliankara via North Parur as Ordinary moffusil Service. This authority considered the application in detail. The proposed variation includes curtailment and extension. As per the proposal the permit holder offered three trips to Munambam and five trips to Edappally via Varappuzha Bridge. The application and time schedule proposed are not authenticated. The enquiry officer has not furnished the details of additional overlapping on notified scheme and availability of parking place in the extension portions. Hence the applicant is directed to submit a new time schedule as variation requested in the application. Secretary RTA is directed to obtain a detailed report in this regard and place before next sitting of this authority. Hence adjourned.

Item No.33

Heard the learned counsel Adv. Stalin Peter Davis represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-40-8595 permitted to operate on the route Karukappally-Kaloor as ordinary service. This authority considered the application in detail. The proposed variation includes deviation and curtailment. The enquiry officer has reported the result of proposed variation. He has reported that curtailed portion is well served than the deviation portion. The deviation of service in the 5th and 7th trip via K.K Road is beneficial to the public. This authority felt that the difficulties expected by the proposed curtailment is comparatively low while considering the advantage offered to public consequent to the proposed deviation. While considering the application for variation by the RTA, the prime consideration is the advantage offered to the public. In this case the proposed variation offered additional advantage to the travelling public. Hence the variation granted as applied for subject to settlement of timings

Item No.34

1. Perused the judgment of Hon'ble STAT in MVAA No.286/2012 wherein this authority is directed to reconsider the application for variation afresh.

2. Heard the learned counsel Adv. G. Prabhakaran represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-40-8640 permitted to operate on the route Cheranelloor-Trippunithura via

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Edappally, Palarivattom, Kaloor, Menaka, Vytila Bypass, Kundannoor and Maradu as ordinary service. This authority considered the application in detail. The proposed variation includes deviation and curtailment. The enquiry officer has reported the result of proposed variation. He has reported that curtailed portion is well served than the deviation portion. The deviation of service in the 1st, 3rd, 5th and 7th trip via Mini Bypass is beneficial to the public. This authority felt that the difficulties expected by the proposed curtailment is comparatively low while considering the advantage offered to public consequent to the proposed deviation. While considering the application for variation by the RTA, the prime consideration is the advantage offered to the public. In this case the proposed variation offered additional advantage to the travelling public. Hence the variation granted as applied for subject to settlement of timings.

Item No.35

Heard the applicant. This is an application for variation of regular permit in respect of stage carriage KL-42-8818 permitted to operate on the route North Parur-Ezhikkara-Kaloor via Varappuzha Bridge, Edappally, Perumpadanna and Kannanchira as Ordinary City Service. This authority considered the application in detail. The proposed variation includes extension of trip from North Parur to Ezhikkara and from Ezhikkara to North Parur Bus Stand and North Parur to Kaloor and curtailment of certain trips. The enquiry officer has not reported the whether there is additional overlapping on notified scheme and necessity under rule 145[6] of KMV Rules for the proposed variation. Secretary, RTA is directed to obtain a detailed report and place the matter in the next sitting of this authority. Hence adjourned.

Item No.36

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for variation of regular permit in respect of stage carriage KL-17-8899 permitted to operate on the route Kavumthazham-Kaloor-Amritha Hospital as ordinary service. By the proposed variation the permit holder is intended to operate 2nd trip from Kaloor to Kavumthazham via KK Road and to operate 3rd and 4th trips via Bypass. This authority considered the application in detail. The proposed variation includes deviation and curtailment. The enquiry officer has reported the result of proposed variation. He has reported that curtailed portion is well served than the deviation portion. The deviation of service in the trips via K.K Road and Bypass is helpful to reduce the traffic congestion within the Kochi City and hence the proposal is beneficial to the public. This authority felt that the difficulties expected by the proposed curtailment is comparatively low while considering the advantage offered to public consequent to the proposed deviation. While considering the application for variation by the RTA, the prime consideration is the advantage offered to the public. In this case the proposed variation offered additional advantage to the travelling public. There is no additional overlapping on notified schemes. Hence the variation granted as applied for subject to settlement of timings

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Item No.37

Heard the learned counsel Adv.G.Prabhakaran represented the applicant.This is an application for variation of regular permit in respect of stage carriage KL-07-AL-9124 permitted to operate on the route Fort Kochi-Kaloor via Thoppumpady,Thevara and Padme as ordinary service. This authority considered the application in detail. The proposed variation includes extension and curtailment. The enquiry officer has reported the result of proposed variation. He has reported that curtailed portion Kaloor to Kathrikkadavu is well served.The portion from Kaloor to Thammanam via Kathrikkadavu is an ill served area.Hence the extension of service from Kaloor to Thammanam is beneficial to the travelling public of that area.This authority felt that the difficulties expected by the proposed curtailment is comparatively low while considering the advantage offered to public consequent to the proposed extension. So many representations have been received for the proposed extension to Thammanam. While considering the application for variation by the RTA, the prime consideration is the advantage offered to the public. In this case the proposed variation offered advantage to the travelling public. There is no additional overlapping on notified schemes. The executive Engineer,Cochin Corporation has reported that the virgin portion from Kathrikkadavu to Thammanam is fit for stage carriage operation.Hence the variation granted as applied for subject to settlement of timings

Item No.38

Heard the learned counsel Adv.Jithesh Menon represented the applicant.This is an application for variation of regular permit in respect of stage carriage KL-07-AT-9151permitted to operate on the route Ernakulam High Court –Vypin-Puzhakkaredath via Elamkunnappuzha,Njarakkal,Cherai,North Parur and Gosree Bridges as Ordinary moffusil Service. This authority considered the application in detail.The proposed variation includes extension and curtailment. The private bus operators Association,Vypin Area and public has objected the curtailment of trip to Vypin.The report furnished by the enquiry officer is not specific to ascertain the result of proposed variation.He has not reported the necessity under rule 145[6] of KMV Rules for the proposed variation. The applicant is directed to submit a modified proposal without curtailing trips to Vypin. Secretary,RTA is directed to obtain a detailed report and place the matter in the next sitting of this authority. Hence adjourned.

Item No.39

1.Perused the judgment of Hon'ble STAT in MVAA No.245/2013 wherein this authority is directed to reconsider the application for variation afresh.

2.Heard the learned counsel Adv.G.Prabhakaran represented the applicant.This is an application for variation of regular permit in respect of stage carriage KL-07-AH-9285 permitted to operate on the route Aluva-Kumbalangi-Fort Kochi via Perumpadappu and Thoppumpady as ordinary service. This authority considered the application in detail. The proposed variation includes extension, deviation and curtailment. The learned counsel represented other stage carriage operators on the

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sector has strongly objected that the proposed extension is the violation of section 80(3) of MV Act 1988. Several objections have been received against the curtailment of first trip from Fort Kochi. Public interest is the prime consideration for the grant of a variation in the existing permit. The benefits enjoyed by the public shall not be deprived off consequent to the proposed variation. Hence the applicant is directed to submit a modified proposal without curtailing the 1st trip from Fort Kochi. Secretary RTA is directed to verify whether the proposed variation violate Section 80(3) of MV Act. Hence adjourned.

Item No.40

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-08-AH-2244 operating on the route Thrissur-Kumbalam as LSOS. This authority considered the application in detail. The route is having a length of 87 kms in which 43 kms lies under the jurisdiction of RTA, Thrissur. RTA Thrissur granted concurrence for renewal of permit. The route objectionably overlaps Ernakulam-Thrissur and Ernakulam-Thekkady notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006. There is a stay for clause (4) of above said notification. Hence renewal of permit is granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 and the clearance of arrears of tax if any.

Item No.41

Heard the learned counsel Adv. Stalin Peter Davis represented the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-08-U-2702 operating on the route Angamaly-Mala as Ordinary moffusil Service. The permit holder has filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. This authority considered the application in detail. The route having length of 30.7 kms in which 17.4 km lying under the jurisdiction of RTA, Thrissur. Secretary, RTA is directed to seek concurrence of RTA, Thrissur. Hence adjourned.

Item No.42

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-07-BD-3408 operating on the route Cherthala-Thoppumpady as Ordinary moffusil Service. This authority considered the application in detail. The route having length of 37.5 kms in which 17.5 kms lies under the jurisdiction of RTA, Alappuzha. RTA Alappuzha granted concurrence for renewal of permit. Hence renewal of permit is granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.43

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-17-E-4947 operating on the route Mala-Angamaly as Ordinary Service. This authority considered the application in detail. The route is having

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length of 32 kms in which 15 kms lies under the jurisdiction of RTA,Thrissur. RTA Thrissur granted concurrence for renewal of permit.The route objectionably overlaps rivandrum-Palakkad and Trivandrum-Kannur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006.There is a stay for clause (4) of above said notification. Hence renewal of permit is granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.44

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-17-E-5454 operating on the route Eloor Ferry-Kodungalloor as Ordinary moffusil Service. The permit holder has not filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act.The permit holder has requested for the condonation of delay in filing application. This authority considered the application in detail. The route is having length of 24 kms in which 4 kms lies under the jurisdiction of RTA,Thrissur. There exist general concurrence of RTA,Thrissur for renewal of permit. The route objectionably overlaps notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006.There is a stay for clause (4) of above said notification. Hence delay is condoned and renewal of permit is granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.45

Heard the learned counsel Adv.Gopinathan Nair represented the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-07-BG-5631 operating on the route Moothakunnam-Kottayam as Ordinary moffusil Service. The permit holder has filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. This authority considered the application in detail. The route is having length of 115 kms in which 44 km lying under the jurisdiction of RTA,Kottayam. Secretary,RTA is directed to seek concurrence of RTA,Kottayam. Hence adjourned.

Item No.46

Heard the learned counsel Adv.Gopinathan Nair represented the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-35-B-6957 operating on the route Pala-Ernakulam(Kaloor) as Fast Passenger Service.This authority elaborately considered the application in view of existing law,notification and Judgments.The service is operating as Fast Passenger Service. As per GO(P) No.73/2013/Tran dtd 16/07/2013,the right to operate any class of service other than ordinary service is in the state of Kerala in reserved exclusively for State Transport Undertaking.As per clause(3) of the above notification,the higher class permits such as Fast passenger,Super Fast and Super express etc issued in private sector will be allowed to continue till the expiry of the respective permits. Thereafter no permits shall be renewed .Vide Judgment in WP(c) No.18959/2013 dtd 17/03/2014,the Hon'ble High Court of Kerala has also upheld the above notification. If the permit is renewed as Fast Passenger Service,it will be the clear violation of above notification and connected Judgments. KSRTC

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vehemently objected the renewal of permit as Fast Passenger stating the existing area scheme, but they have not applied for a new permit on the same route. So in view of the Government Order No.10689/B1/2014/Tran dtd 17/07/2014, the decision is adjourned. Secretary, RTA will issue temporary permit U/S 87(1)d of MV Act on application, for the continuance of service on public interest.

Item No.47

Heard the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-63-7095 operating on the route Angamaly-Chalakkudy as Ordinary moffusil Service. The permit holder has filed application for renewal of permit within a time limit prescribed under Section 81(2) of MV Act. This authority considered the application in detail. The route having length of 29.7 kms in which 15.7 km lying under the jurisdiction of RTA, Thrissur. Secretary, RTA is directed to seek concurrence of RTA, Thrissur. Hence adjourned.

Item No.48

Heard the applicant. This is an application for renewal of permit in respect of stage carriage KL-07-AE-7681 operating on the route Pizhalakkadavu-Kottayil Kovilakam as ordinary service. The route is having length of 22 km in which the portion of the route from North Parur to Bharanimukku which is 4.5 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.

Item No.49

Heard the learned Counsel Adv. Gopinathan Nair represented the applicant. This is an application for renewal of intra district regular permit in respect of stage carriage KL-07-AJ-8267 operating on the route Manjaly-Koduvakkad as ordinary service. The route is having length of 14 km in which the portion of the route from Vedimara to Chendamangalam which is 1.2 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

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take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence adjourned.

Item No.50

Heard the learned counsel Adv.P.Deepak represented the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-17-J-8970 operating on the route Erattupetta-Pala-Ernakulam as LSOS.This authority considered the application in detail.The route is having length of 80 kms in which 33 kms lies under the jurisdiction of RTA,Kottayam. RTA Kottayam granted concurrence for renewal of permit.The route is objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006.There is a stay for clause (4) of above said notification. Hence renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.51

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for renewal of inter district regular permit in respect of stage carriage KL-34-9018 operating on the route Ponkunnam-Ernakulam(Kaloor) as LSOS.This authority considered the application in detail. The route is having length of 86 kms in which 38 kms lies under the jurisdiction of RTA,Kottayam. RTA Kottayam granted concurrence for renewal of permit.The route objectionably overlaps Trivandrum-Palakkad , Trivandrum-Kannur and Thekkady-Ernakulam notified schemes published vide GO(P) No.42/2009/Tran dtd 14/07/2009. This permit was issued prior to 09/05/2006.There is a stay for clause (4) of above said notification. Hence renewal of permit granted subject to the notification No.42/2009/Tran dtd 14/07/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009.

Item No.52

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AR-218 operating on the route Poothamkutty-Chully as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.53

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-26-398 operating on the route Perumpadappu-Kakkanad as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for

Item No.54

Heard the learned counsel Adv.Stalin Peter Davis represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-17-C-

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690 operating on the route Padathikkara-Kaloor as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.55

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AR-3028 operating on the route Vypin-Munambam as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any as applied for.

Item No.56

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AG-4057 operating on the route Panangad-Aluva as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.57

Heard the learned counsel Adv.Gopinathan Nair represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-32-4140 operating on the route Kaloor-HPC Velloor as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.58

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AP-4885 operating on the route Kakkanad-Perumpadappu as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.59

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AQ-5390 operating on the route Ernakulam High Court Jn-Munambam as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any ,as applied for.

Item No.60

Heard the applicants. This is an application for transfer of permit in respect of stage carriage KL-43-B-5429 operating on the route Chellanam-Cheranelloor as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

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Item No.61

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AF-5544 operating on the route Perumpadappu-S.Chittoor-Kothad Ferry as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.62

Heard the learned counsel Adv.Stalin Peter Davis represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-41-6364 operating on the route Aluva-Aluva [Circular] as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.63

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AQ-6566 operating on the route Kakkanad-Kumbalangi as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.64

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-17-6793 operating on the route Vypin-Aluva-Ernakulam High Court as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.65

Heard the learned counsel Adv.Stalin Peter Davis represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-17-B-6937 operating on the route Thaikattussery Ferry-Kakkanad as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.66

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AE-7368 operating on the route Kumbalangi-W.Island as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if an,as applied for.

Item No.67

Heard the learned counsel Adv.P.Deepak represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AN-7437

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operating on the route Cheranelloor-Trippunithura as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.68

Heard the learned counsel Adv.Stalin Peter Davis represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-39-B-7909 operating on the route Aluva-Fort Kochi as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.69

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AV-7945 operating on the route Edakochi-W.Island-Fort Kochi as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.70

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-40-A-8863 operating on the route Aluva-Chottanikkara as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.71

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-17-C-9297 operating on the route Manjapra-Aluva as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.72

Heard the learned counsel Adv.G.Prabhakaran represented the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AS-9429 operating on the route Vypin-Munambam as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any.

Item No.73

Heard the learned counsel Adv.P.Deepak represented both the applicants. This is an application for transfer of permit U/S 82[2] of MV Act in respect of stage carriage KL-08-AD-9495 operating on the route Aluva-Trippunithura as Ordinary Service The permit holder deceased on 28/12/2013 and now the son of deceased permit holder has applied for transfer of permit in to his name. The transferee has produced legal heirship certificate from the concerned authority. The enquiry officer

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has reported that the applicant is financially sound to maintain stage carriage Service. Check reports or HPA are not pending against the vehicle. Hence transfer of permit U/S 82[2] of MV Act allowed subject to clearance of government dues if any.

Item No.74

Heard the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AR-9758 operating on the route Chottanikkara-Aluva as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.75

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-17-C-9608 operating on the route Munambam-Vypin as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Item No.76

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-BA-5593 to operate on the route North Parur-Ernakulam South. In view of the judgments of Hon'ble High court of Kerala in writ appeals No.1943/2012 and 1957/2012 the registered owner has furnished a modified proposal for 4 months temporary permit U/S 87(1)C to operate on the route North Parur-Ernakulam South avoiding the portion from North Parur to Kottayil Kovilakom, the objectionable overlapping portion on Aluva-Vadakkumpuram complete exclusion scheme.This authority in its earlier sitting dtd 06/01/2014 granted temporary permit U/S 87(1)C on the modified route North Parur-Ernakulam .This authority considered the application in detail. The applicant is operating service with temporary permit from long years back. This authority feels that there exist temporary need for the grant of temporary permit on that route in the proposed timings. Hence temporary permit U/S 87(1) C for 4 months granted on public interest.

Item No.77

Heard the learned counsel Adv.Stalin Peter Davis represented the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-BB-9809 to operate on the route Kalluchira-Eloor Depot in the vacant timings of stage carriage KL-07-K-4753.This authority considered the application in detail.Vide Judgment in WP(c) No.11050 of 2014 the Hon'ble High Court permitted the applicant to operate service with an issued temporary permit U/S 87(1) C on the proposed route. Accordingly Secretary,RTA issued existing temporary permit. The stage carriage KL-07-BB-9809 is operating service with temporary permit from long years back. In view of the above facts temporary permit U/S 87(1) C for a duration of 4 months granted.

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Item No.78

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-07-AH-3484 to operate on the route Aluva-Thevara Jn in the vacant timings of stage carriage KL-07-AG-1472.This authority considered the application in detail. Temporary permits are being issued in compliance of the judgment of Hon'ble High Court of Kerala in WP(c) No.29491 of 2011. KSRTC has not raised objection for the grant of temporary permit. In view of the above facts temporary permit U/S 87(1) C for a duration of 4 months granted.

Item No.79

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-06-A-7394 to operate on the route Piravom-Kaloor.This authority considered the application in detail.This authority in its earlier sitting held on 06/01/2014 granted temporary permit in favour of the applicant to operate on the above route via Thiruvankulam,Karingachira,Puthiya Road,S.N Junction ,the modified route avoiding Trippunithura one of the intermediate point on Ernakulam-Muvattupuzha scheme and thereby objectionable overlapping. KSRTC has not raised objection for the grant of temporary permit. This authority feels that there exist temporary need for the grant of permit.In view of the above facts temporary permit U/S 87(1) C for a duration of 4 months granted.

Item No.80

Heard the learned counsel Adv.P.Deepak represented the applicant. This is an applications for the grant of temporary permit for a period of 4 months in respect of stage carriages KL-05-AB-3666 and KL-05-AE-9178 to operate on the route Kumily-Konnakkad as Super Express Service in opposite direction. KSRTC has objected that the stage carriages are operating on the nationalized schemes other than original permit issued violating permit conditions.

This authority considered the application in detail. This authority in its earlier sitting held on 03/10/2013 vide item No.27 considered the applications for renewal of regular permit as Super Express Service and rejected the applications in view of the area notification published vide GO(P) No.73/2013/Tran dtd 16/07/2013.

Vide Letter No.10689/B1/2014/Tran dtd 17/07/2014,the Government of Kerala has directed all Regional Transport Authorities to issue temporary permits in respect of Private Stage Carriages of which permits had been rejected by the Regional Transport Authorities as a result of the Scheme published vide GO(P) No.73/2013/Tran dtd 16/07/2013 to ensure travel facilities to the public at large.

In view of the above direction temporary permit for a duration of 4 months granted subject to further order from the government.

Item No.81

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-17-F-5159 to operate on the route

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Koothattukulam-Kaloor.This authority considered the application in detail.This authority in its earlier sitting held on 06/01/2014 granted temporary permit in favour of the applicant to operate on the above route via Thiruvankulam,Karingachira,Puthiya Road,S.N Junction ,the modified route avoiding Trippunithura one of the intermediate point on Ernakulam-Muvattupuzha scheme and thereby objectionable overlapping. KSRTC has not raised objection for the grant of temporary permit. This authority feels that there exist temporary need for the grant of permit.In view of the above facts temporary permit U/S 87(1) C for a duration of 4 months granted.

Item No.82

Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for temporary permit for a period of 4 months Under Section 87(1) C of MV Act in respect of stage carriage KL-40-A-5652 to operate on the route Koothattukulam-Kaloor.This authority considered the application in detail.This authority in its earlier sitting held on 06/01/2014 granted temporary permit in favour of the applicant to operate on the above route via Thiruvankulam, Karingachira,Puthiya Road,S.N Junction ,the modified route avoiding Trippunithura one of the intermediate point on Ernakulam-Muvattupuzha scheme and thereby objectionable overlapping. KSRTC has not raised objection for the grant of temporary permit. This authority feels that there exist temporary need for the grant of permit.In view of the above facts temporary permit U/S 87(1) C for a duration of 4 months granted.

Item No.83

Heard.This is the request of the Secretary,RTA,Thrissur for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-07-AN-1078 operating on the route Krishnankotta-Angamaly as Ordinary Service.The enquiry officer has reported that 17.5 kms of the route comes under the jurisdiction of this authority. The portion of the route from Angamaly to Telk Jn which is 2.5 kms in length objectionably overlapping on Trivandrum-Palakkad, Trivandrum-Kannur and Ernakulam-Thrissur notified scheme as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.84

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-A-2178 operating on the route Vaikom-Kottayam-Ernakulam as LSOS.The enquiry officer has reported that 24.5 kms of the route comes under the jurisdiction of this authority. The portion of the route from Puthenkavu-Vyttila Hub which is 16 kms in length objectionably overlapping on Ernakulam-Thekkady notified scheme as per

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GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.85

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-06-D-9858 operating on the route Ponkunnam-Ernakulam[Vyttila Hub] as LSOS.The enquiry officer has reported that 24.2 kms of the route comes under the jurisdiction of this authority. The portion of the route from Nadakkavu-Vyttila Hub which is 12.5 kms in length objectionably overlapping on Ernakulam-Thekkady notified scheme as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.86

Heard.This is the request of the Secretary,RTA,Idukki for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-07-BS-8006 operating on the route Ernakulam-Kumily as LSOS.The enquiry officer has reported that 23 kms of the route comes under the jurisdiction of this authority. The portion of the route from Palarivattom to Ernakulam South which is 6.5 kms in length objectionably overlapping on Ernakulam-Palakkad and Trivandrum-Kannur notified scheme as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Item No.87

Heard. In view of the Judgments of Hon'ble STAT in MVARP No.527/2008 and Hon'ble High Court of Kerala in WP© No.5819/2008 dtd 16/07/2013.This authority is hereby canceled the regular permit[7/3693/2007] issued to stage carriage KL-03-G-2767 to operate on the route North Parur-Aluva.All actions taken by the Secretary,RTA in this regard on behalf of this authority are hereby ratified.

Item No.88

Heard the learned Counsel Adv.Jithesh Menon represented the applicant.This authority in its earlier sitting dtd 06/01/2014 vide item No.63 granted renewal of regular permit in respect of stage carriage KL-07-AJ-3579 to operate on the route Vaikom-Kaloor-Amritha Hospital-Kizhakkambalam subject to the production of No Objection Certificate within 60 from the date of order. But the grantee has not produced NOC from the financier which is a mandatory requirement for renewal of permit even at the sitting of this authority. The vehicle was under non use intimation for a long period of 10 years. The permit holder denied the travelling

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facilities of the general public for a long term of 10 years. It cannot be allowed. Moreover the vehicle is under tax arrears and revenue recovery steps are initiated for realizing the tax arrears. The learned counsel has requested some more time to clear out tax arrears and produce NOC from the financier. The request allowed and 4 months time is granted. Secretary, RTA is directed to place the matter in the next sitting of this authority.

Item No.89

Heard the learned Counsel Adv.G.Prabhakaran represented the applicant. This is an application for the renewal of regular permit in respect of stage carriage KL-06-G-4162 operating on the route Kambilikandam-Ernakulam South as LSOS. This authority in its earlier sitting dtd 06/01/2014 considered the request for transfer of permit file to the authority [RTA] which have the major jurisdiction and directed Secretary, RTA to transfer the file to the concerned RTA on proper acknowledgment. But the decision of this authority is not seen complied till date. The route Kambilikandam-Ernakulam South having length of 120 kms in which 46 km lies under the jurisdiction of RTA, Idukki and 52 kms lies under the jurisdiction of RTA Muvattupuzha. As per Rule 171 of KMV Rules 1989, Concurrence of the Regional Transport Authorities concerned shall be obtained for the renewal of an inter district stage carriage permit. In this case concurrence of the sister authorities have to be obtained for taking a final decision in this regard. Hence Secretary, RTA is directed to comply the earlier decision of this authority and transfer the permit file and connected records to the Office of the Secretary, RTA, Muvattupuzha with immediate effect.

Item No.90

Heard the learned Counsel Adv.G.Prabhakaran represented the applicant. This is an application for replacement of stage carriage KL-08-AJ-2500 [2006 model] covered by a regular permit on the route Vettilappara Block No.13-Angamaly valid up to 17/02/2016. The regular permit is kept under suspended animation in compliance to the judgment of Hon'ble High Court of Kerala. Now the permit holder has offered another stage carriage KL-08-AJ-2500 of 2006 model and applied for the replacement of the vehicle with request to condone delay in production of suitable vehicle for replacement within the time limit prescribed by the Secretary, RTA. This authority considered the application in detail. The previous vehicle having seating capacity on 28 in all and the new vehicle offered having seating capacity of 33 in all. Both vehicles are 2006 model vehicle. Hence there is no material difference between two vehicles. This authority reveals that the increase in the seating capacity of the vehicle is more convenient to the travelling public and also the revenue of the government. Hence the delay condoned and replacement of the vehicle with stage carriage KL-08-J-2500 is allowed .

Item No.91

Heard the applicants. This is the request for the grant of maximum time for the production of current records of the stage carriage KL-17-B-5276 for endorsing the transfer of permit granted by this authority in its earlier sitting held on 20/05/2014. The decision was communicated to the applicant with direction to

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produce the current records of the vehicle as per Rule 159[2] of KMV Rules. This authority considered the request for the extension of time for the production of current records of the vehicle and satisfied with the reason offered by the applicants. Hence extension of time for four months in aggregate Under Rule 159(2) of KMV Rules 1989 is allowed.

Item No.92

Perused the decision of the State Transport Authority held on 27/05/2014[Item No.21]. In view of the above decision this authority will act in accordance to the STA direction in future.

Item No.93

Perused the connected files. This is a representation for renovation of the Bus Shelter at Parakkadavu Jn, Angamaly. A detailed enquiry has been conducted through the field officer and he has reported that the proposal is beneficial to the travelling public and recommended the proposal for renovation. Hence renovation of bus shelter at Parakkadavu is allowed by providing bus way without causing traffic congestion in that place subject to the approval of PWD authority.

Item No.94

Heard the representatives of KSRTC and learned counsel represented the private stage carriages. This is a request for fixation of fare stage at Kudikilan Kavala in between Malayattoor and Illithode on the route Kalady-Mulamkuzhy via Malayattoor, Kadappara and Illithode. Perused the connected files, enquiry report furnished by the field officer. KSRTC, Angamaly has intimated that consequent to the elimination of one fare stage at Kadappada on the route Kalady-Adivaram, the point Kadappada which was one of the fare stage on the route Kalady-Mulamkuzhy is also eliminated. Due to the above elimination there is a distance of 5 kms between the two stages [Malayattoor and Illithode] on the route Kalady-Mulamkuzhy and it adversely affects the service of State Transport Undertaking. A detailed enquiry has been conducted through the Joint Regional Transport Officer, Angamaly and he has reported that the request filed by the KSRTC is genuine and recommended to fix Kudikkilankavala which is 2.1 km from Malayattoor as a fare stage on the route Kalady-Mulamkuzhy. In these circumstances this authority hereby decides to fix Kudikkilankavala as a fare stage on the route Kalady -Mulamkuzhy via Malayattoor, Kadappara and Illithode as per Rule 211 of KMV Rules 1989.

Item No.95

Heard. Perused the connected files. This is a request for announcing the portion from Ernakulam-Medical Centre to Puthiya Road Jn on N.H Bypass as a "No Parking Zone" and to accord sanction for fixation of No Parking Sign Boards on that portion. This authority considered the representation filed by Vennala Shobha Road Residents Association and enquiry report furnished by the field officer in this regard. The enquiry officer has reported that the unauthorized parking of vehicles on the proposed area is making obstruction to the free movements of the vehicles

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including ambulance and is inconvenient to the road users also. He has recommended for announcing the proposed portion as No Parking Area and for erecting No Parking boards on that portion. In view of the report furnished by the Regional Transport Officer(Enforcement),Ernakulam this authority is decided to announce the portion from Ernakulam-Medical Centre to Puthiya Road Jn on N.H Bypass as a “No Parking Zone”. Secretary,RTA is entrusted to communicate the matter to PWD(Roads)Division,Ernakulam to take steps for the implementation of decision.

Item No.96

Heard.Perused the connected files.This is a request to announce Layam Road as a “No Parking Zone”.This authority considered the representation filed by Residents of Layam Road and enquiry report furnished by the field officer in this regard. The Layam Road residents association has intimated that unauthorized parking of vehicles on Layam Road which is lying parallel to MG Road and road connecting Justice K.T.Koshy Avenue and Hospital Road is making obstruction to the free movements of the other vehicles. The enquiry officer has reported that the unauthorized parking of vehicles on the proposed area is making obstruction to the free movements of the other vehicles and is inconvenient to the road users also. He has recommended for announcing the proposed portion as No Parking Area and for erecting No Parking boards on that portion. In view of the report furnished by the Regional Transport Officer(Enforcement),Ernakulam this authority is decided to announce the Layam Road as a “No Parking Zone”. Secretary,RTA is entrusted to communicate the matter to PWD(Roads)Division,Ernakulam to take steps for the implementation of decision.

Item No.97

Heard the applicant.This is an application for the grant of fresh Contract Carriage permit in respect of Autorickshaw KL-42-J-3401with parking place at Municipal Jn,Paravoor.This authority considered the application in detail.The enquiry officer has reported that there is no sufficient parking space at Municipal Jn and hence the grant of new permit with parking place Municipal Jn is not convenient to operate service.Hence the proposed parking place cannot be allowed.Hence fresh contract carriage Autorickshaw permit granted at any approved autorickshaw stand in the limit of North Parur municipality subject to the availability of space.

Item No.98

Heard the applicant.This is an application for the grant of fresh Contract Carriage permit in respect of Autorickshaw KL-42-J-3620 with parking place Thonniyakavu.This authority considered the application in detail.The enquiry officer has reported that existing parking place at Kacherippady is convenient for the operation of service.Hence fresh contract carriage Autorickshaw permit granted at any approved autorickshaw stand in the limit of North Parur municipality subject to the availability of space.

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Item No.99

Heard the applicant.This is an application for the grant of fresh Contract Carriage permit in respect of Autorickshaw KL-42-J-3612 with parking place Kacherippady.This authority considered the application in detail.The enquiry officer has reported that there are sufficient parking place at Kacherippady and is convenient for the operation of service. Hence fresh contract carriage Autorickshaw permit granted with parking place Kacherippady.

Item No.100

Heard the applicant.This is an application for the grant of fresh Contract Carriage permit in respect of Autorickshaw KL-42-J-3596 with parking place Kacherippady.This authority considered the application in detail.The enquiry officer has reported that there are sufficient parking place at Kacherippady and is convenient for the operation of service. Hence fresh contract carriage Autorickshaw permit granted with parking place Kacherippady.

Item No.101

Heard.This is the application for renewal of City permit in respect of Auto rickshaw KL-39-E-1115 along with the request for condonation of delay in filing application. This authority satisfied with the explanation offered by the registered owner. Hence delay in filing application is condoned and renewal of permit granted subject to the remittance of prescribed compounding fee for the permitless and CF less operation if applicable.

Item No.102

Heard the learned counsed Adv.G.Prabhakaran represented the applcant.This is the application for renewal of City permit in respect of Auto rickshaw KL-07-BJ-1435 along with the request for condonation of delay in filing application. This authority satisfied with the explanation offered by the registered owner. Hence delay in filing application is condoned and renewal of permit granted subject to the remittance of prescribed compounding fee for the permitless and CF less operation if applicable.

Item No.103

Heard.This is the application for renewal of City permit in respect of Auto rickshaw KL-07-BU-3541 along with the request for condonation of delay in filing application. This authority satisfied with the explanation offered by the registered owner. Hence delay in filing application is condoned and renewal of permit granted subject to the remittance of prescribed compounding fee for the permitless and CF less operation if applicable.

Item No.104

Heard the learned counsed Adv.G.Prabhakaran represented the applcant.This is the application for renewal of City permit in respect of Auto rickshaw KL-07-AR-3063 along with the request for condonation of delay in filing application. This

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authority satisfied with the explanation offered by the registered owner.. Hence delay in filing application is condoned and renewal of permit granted subject to the remittance of prescribed compounding fee for the permitless and CF less operation if applicable.

Item No.105

Heard the learned counsel Adv.G.Prabhakaran represented the applicant.This is the application for renewal of City permit in respect of Auto rickshaw KL-07-AD-4273 along with the request for condonation of delay in filing application. This authority satisfied with the explanation offered by the registered owner. Hence delay in filing application is condoned and renewal of permit granted subject to the remittance of prescribed compounding fee for the permitless and CF less operation if applicable.

Item No.106

Heard.This is the application for variation of permit[Parking place] in respect of Auto rickshaw KL-42-E-5861 from Mannam to Vedimara. The applicant has not reported the reason for the proposed variation. Hence the applicant is directed to explain the reason for proposed variation.Secretary is RTA is directed to report the availability of the space in the proposed autorickshaw stand. Hence adjourned

Item No.107

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

Item No.108

Nil

Item No.109

Next sitting of the RTA will be held on.....

Supplementary Item No.01

Heard the learned counsel Adv.P.Deepak represented the applicant. This is an application for the grant of fresh regular permit in respect of stage carriage KL-07-AR-7741 or a suitable vehicle to operate on the route Pampakuda-Trippunithura-Medical College as ordinary mofussil service.The counsel represented the KSRTC and the counsel represented the private stage carriage operators have requested to adjourn the matter to the next sitting for a detailed perusal.Hence adjourned to next sitting.

Supplementary Item No.02

1.Perused the judgment of Hon'ble High Court of Kerala in WP© No.16622 of 2014 dtd 07/07/2014 wherein this authority is directed to consider the application within a time limit.

2.Heard the learned counsel represented the applicant. This is an application for the grant of fresh regular permit in respect of stage carriage KL-07-AH-3441 to operate on the route Aluva-Perumpadappu via Kalamassery, Palarivattom, Jetty, South and Thoppumpady as ordinary city service in the vacant timings of stage carriage KL-04-R-7968.This authority considered the application in detail.Regular permit issued to stage carriage KL-04-R-7968 to operate on the route Aluva-

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Perumpadappu was expired on 14/07/2014. Thereafter the permit holder has applied for the renewal of permit. Hence there is no vacancy of stage carriage exist. This authority considered the scope and applicability of the grant of permit on the proposed route. The proposed route having length of 31 kms in which the portion from Kumbalangy Vazhy to Aluva which is 30 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 5(c) of the above said notification, regular or temporary permits can be granted to private stage carriages of other routes permitting them to overlap 5 km or 5% of the length of the route whichever is less on the notified routes for the purpose of intersection. In this case, the total route length is 31 kms and the distance of overlapping is 30 km, which is beyond the permissible limit. This authority is prevented from the grant of permit on a notified scheme violating the scheme of nationalization. Hence the application for the grant of permit is hereby rejected.

Supplementary Item No.03

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

2. Heard. The learned Counsel Adv.G.Prabhakaran represented the applicant. This is an application for the grant of fresh inter district regular permit in respect of stage carriage KL-07-BA-1044 to operate on the route Perumbalam-Edappally Railway Gate as ordinary moffusil service. This authority in its earlier sitting dtd 06/01/2014 and 20/05/2014 considered the application and adjourned decision for want of concurrence of RTA, Alappuzha since 9.7 km of the route length lies under the jurisdiction of that authority. Now vide judgment in WP© No.11885/2014 dtd 06/05/2014, this authority was directed to consider the application in this meeting of this authority. In view of the judgment this authority again considered the application in detail. The proposed route is an inter district route having length of 27.5 km in which 9.7 km lies under the jurisdiction of RTA, Alappuzha. The enquiry officer has reported that the proposed service is beneficial to the travelling public and the overlapping on notified scheme is not objectionable. The Regional Transport Authority is constituted for the consideration of application for the grant of permit on interest of public. The applicant was operating service on the same route with a temporary permit issued in compliance to the judgment of Hon'ble High Court of Kerala in WP(c) No.8423/2014 with a set of settled timings. In the light of above facts and circumstances fresh regular permit granted with the existing set of settled timings.

Supplementary Item No.04

1. Heard the learned Counsel Adv.Gopinathan Nair represented the applicant. This is an application for the grant of counter signature on issued regular permit in respect of stage carriage KL-34-B-1533 to operate on the route Kumily-Vyttila Hub via Vandiperiyar, Mundakkayam, Kottayam, Ettumanoor, Thalayolapparambu, Arayankavu, Mulamthuruthy, Vattukunnu, Kandanad, Kureekad, Trippunithura Bypass, Maradu and Kundannur as Super Fast Service. The learned counsel

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represented KSRTC has requested to adjourn the matter for detailed Study.RTA,Kottayam had granted the permit as ordered by Hon'ble STAT in MVAA/2011 dtd 16/09/2011 and RTA Kottayam had issued a regular permit subject to counter signature of RTA,Ernakulam,which is valid up to 07/03/2018.The grantee has modified the route portion in the jurisdiction of this authority as ordered by the Hon'ble STAT in MVAA/2011 dtd 16/09/2011,in such a manner that there is only 100 metre overlapping in Ernakulam-Thekkady Scheme,which is within the limits prescribed in Govt.Notification 42/2009/Tran dtd 14/07/2009.Hence objection raised by KSRTC is overruled and Counter signature is granted in the portion lying in the jurisdiction of this authority.

2.Application for temporary permit is rejected,since counter signature is granted.

Supplementary Item No.05

Heard.This is the request of the Secretary,RTA,Alappuzha for the concurrence of this authority for the renewal of regular permit in respect of stage carriage KL-32-F-1719 operating on the route Cherthala-Ernakulam as Ordinary Service.The enquiry officer has reported that 21 kms of the route comes under the jurisdiction of this authority. The portion of the route from Palarivattom to Kaloor which is 2 km in length and the portion of the route from Kadavanthara to Vyttila which is 2 km in length are objectionably overlaps Trivandrum-Kannur and Trivandrum-Palakkad notified schemes as per GO(P) No.42/2009/Trans dtd 14/07/2009. Concurrence for the renewal of permit granted subject to notification No.42/2009 dtd 14/07/2009 and Judgment in WP© No.23851/2009 without prejudice to the right of the primary authority to decide the nature of service depending on the route length.

Supplementary Item No.06

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-40-189 operating on the route Chittethukara-Fort Kochi as Ordinary Service .Check report is pending against the vehicle. Hence transfer of permit allowed subject to clearance of pending check reports and government dues if any,as applied for.

Supplementary Item No.07

Heard the learned counsel Adv.Stalin Peter Davis represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AT-4678 operating on the route Elamakkara-Chottanikkara as Ordinary Service .Check reports are not pending against the vehicle.NOC from the financier produced. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Supplementary Item No.08

Heard the learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AV-

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3271 operating on the route Manjummel-Eloor Depot-Fort Kochi as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Supplementary Item No.09

Heard. The learned counsel Adv.G.Prabhakaran represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-43-B-2554 operating on the route Perumpadappu-Aluva as Ordinary Service .No Check reports are pending against the vehicle. NOC from the financier produced.Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Supplementary Item No.10

Heard the learned counsel Adv.Stalin Peter Davis represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-07-AC-3965 operating on the route Poothotta-Aluva as Ordinary Service .No Check reports are pending against the vehicle. NOC from the financier produced.Hence transfer of permit allowed subject to clearance of government dues if any,as applied for.

Supplementary Item No.11

Heard the learned counsel Adv.P.Deepak represented the applicant. This is an application for renewal of intra district regular permit on the route Thevakkal-Kumbalam.This authority considered the application in detail. Regular permit issued to stage carriage KL-07-AR-4107 to operate on the route Thevakkal-Kumbalam is kept under suspended animation and the vehicle KL-07-AR-4107 was released from the permit and issued clearance certificate in compliance to the judgment of Hon'ble High Court of Kerala in WP(c) No.22969/2013 dtd 12/09/2013.Subsequently the regular permit expired on 12/06/2014.On 12/06/2014 the permit holder has offered another later model vehicle and applied for renewal of permit and replacement of the vehicle.The applicant has requested for the condonation of delay in filing application for renewal of permit.This authority satisfied with the explanation offered by the permit holder.

This authority felt that the outgoing vehicle is of seating capacity of 27 in all and the proposed later model vehicle having seating capacity 39 in all.The replacement of the vehicle of seating capacity 27 with a later model vehicle with seating capacity will increase the traveling facility of the public and also helps to increase the revenue toward the government. In view of the above facts delay condoned and renewal of permit granted and replacement of the vehicle allowed as applied for.

Supplementary Item No.12

Heard the learned counsel represented the applicant. This is an application for the renewal regular permit in respect of stage carriage KL-04-R-7968 permitted to operate on the route Perumpadappu-Aluva as ordinary moffusil service. The

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counsel represented the KSRTC and the counsel represented the private stage carriage operators have requested to adjourn the matter to the next sitting for a detailed perusal. Hence adjourned to next sitting.

Supplementary Item No.13

1&2. Heard the learned counsel Adv.G.Prabhakaran represented the applicant. This is an application for the renewal of regular permit in respect of stage carriage KL-05-AA-8474 operating on the route Kottayam-Perikkalloor as Super Express Service. This authority elaborately considered the application in view of existing law, notification and Judgments. The service is operating as Fast Passenger Service. As per GO(P) No.73/2013/Tran dtd 16/07/2013, the right to operate any class of service other than ordinary service is in the state of Kerala reserved exclusively for State Transport Undertaking. As per clause(3) of the above notification, the higher class permits such as Fast passenger, Super Fast and Super express etc issued in private sector will be allowed to continue till the expiry of the respective permits. Thereafter no permits shall be renewed. Vide Judgment in WP(c) No.18959/2013 dtd 17/03/2014, the Hon'ble High Court of Kerala has also upheld the above notification. If the permit is renewed as Fast Passenger Service, it will be the clear violation of above notification and connected Judgments. KSRTC vehemently objected the renewal of permit as Fast Passenger stating the existing area scheme, but they have not applied for a new permit on the same route. So in view of the Government Order No.10689/B1/2014/Tran dtd 17/07/2014, the decision is adjourned. Secretary, RTA will issue temporary permit U/S 87(1)d of MV Act on application, for the continuance of service on public interest.

3. This authority considered the application for transfer of permit U/S 82[2] of MV act. There is no valid regular permit in respect of stage carriage KL-04-AA-8474. The vehicle is covered by temporary permit only. There is no provision of law for the transfer of temporary permit. Hence decision is adjourned. The application will be considered at the time of renewal of the permit. The possessor of the vehicle is permitted to operate service with temporary permit issued by the Secretary RTA.

Supplementary Item No.14

Heard the learned counsel Adv.P.Deepak represented the applicant. This is an application for replacement of the stage carriage covered by a regular permit valid up to 29/06/2016 by an older model vehicle KL-07-AG-8269 possessed under lease agreement. This authority considered the application in detail.

This is a case where a later model vehicle(2010 model) covered by a stage carriage permit is sought to be replaced by an older model(2000 model) stage carriage. The regular stage carriage permit was granted in respect of 2010 model vehicle bearing registration No.KL-40-D-9679 to operate service on the route Poothotta-Aluva. The permit so granted is valid from 30/06/2011 up to 29/06/2016. After operating service hardly for three years, the permit holder sold the vehicle to another person. The clearance for the vehicle was granted on a direction of court keeping the permit on suspended animation. Obviously, the vehicle KL-40-D-9679 was in sound and satisfactory condition for stage carriage

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service. There was no reason for the applicant to sell the vehicle and facilitate its operation on different route by another operator, other than selling the same for more attractive considerations. This action of the permit holder caused refusal of stage carriage service on the said route where there is lack of services and the passengers were put on to untold miseries. At the same time, the permit holder wanted to retain the validity of permit so as to substitute a bus irrespective of its age and revive the service on the route Poothotta-Aluva.

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

This authority has examined the various circumstances under which a stage carriage fit for operation on a long route was sold out for consideration and an old vehicle sought to be pressed in to the service on such long route to the utter disadvantage to the travelling public. This authority have also examined the merits of the application in the light of the comparison table of the both vehicles furnished by the applicant. It is a case where there exists a material difference of more than 25 % with regard to seating capacity.

The applicant/Permit holder does not appear to be keen in providing traveling facility to the public; on the other hand ,he has engaged in selling and buying the vehicle for profit and to the detriment of public safety and convenience .We have also observed that the object of MV Act 1988 that the safety of public. While comparing two vehicles of 2010 model and 2000 model, the vehicle of 2010 model will be in a better position regarding safety and there is considerable difference.

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

Supplementary Item No.15

Heard the learned counsel Adv.P.Deepak represented both the applicants. This is an application for transfer of permit in respect of stage carriage KL-41-A-8853 operating on the route Aluva-Konthuruthy as Ordinary Service .Check reports or HPA are not pending against the vehicle. Hence transfer of permit allowed subject to clearance of government dues if any, as applied for.

Supplementary Item No.16

Heard the applicant. This is an application for the grant of temporary permit for a duration of 4 months in respect of stage carriage KL-07-AX-3128 to operate on the route Vypin-Gothuruth with extension to Ernakulam High Court Jn in place of stage carriage KL-42-C-7698.Regular permit issued to the route bus KL-42-C-7698 expired on 31/08/2012 and application for renewal is pending.The route bus is defaulted service and the applicant for temporary is operating service with issued temporary permit U/S 87[1]c of MV Act.This authority felt that there exist necessity for the grant of temporary permit on the proposed route.Hence temporary permit for 4 months U/S 87(1)C granted on public interest.

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Secretary STA

Ernakulam