

MINUTES OF THE MEETING OF THE RTA KOTTAYAM HELD ON 20/06/2018.

Present Chairman

Dr. B.S. Thirumeni, IAS, The District Collector, Kottayam.

Member

Sri. Shaji Joseph, Deputy Transport Commissioner, Central Zone II, Ernakulam.

Item No.01

1.Perused the Judgment in WP[c] No 42018 of 2017 of Honorable High Court of Kerala

2.Heard; Adv. Stalin Peter Davis, the learned counsel represented the applicant and the counsel represented State Transport Undertaking, the beneficiary of the all notified schemes. The counsel represented KSRTC vehemently objected the grant of the temporary permit on violation of schemes and judgments.

This authority considered the matter in detail in the light of Judgment in WP[c] No 42018 of 2017 of Honorable High Court of Kerala. Perused the judgment, file, Government Notifications, various Judgments of Honorable Courts, report of enquiry officer, objection filed by STU and reveal the following facts.

This is the application for the grant of temporary permit in respect of a stage carriage **KL 05 AC 8056** on the route **Koruthode - Kottayam** Via Mundakkayam, Kanjirappally, Ponkunnam, Kodungoor, 14th Mile, Pampady, Manarcadu and Kanjikuzhy U/S 87[1][c] of MV Act,1988. The total distance of the route is 60 kms. The portion of the applied route from Kottayam to Mundakayam 52 kms is objectionably overlapping on Ernakulam – Thekkady and Kottayam – Thekkady notified route and from 14th Mile to 26th Mile [24 Kms] overlaps on the notified Changanacherry – Changanacherry Circular Scheme published vide GO[P] No 42/2009/Tran dtd 14/07/2009 and GO[P] No 08/2018/Tran dtd 23/03/2017.

As per Judgment of Honorable High Court of Kerala in WA No.1943/2012 and 1957 of 2012 dated 23/08/2013, wherein the Division Bench has pointed out that on the basis of Judgment of Honorable Supreme Court in UP State RTC Vs Sanjitha Bhanu & others (2005 KHC1697 & 2005(10) SCC 250), that the private stage carriage operators have no right to claim any grant of stage carriage temporary permits on the notified route or portions thereof. It has ordered that once the scheme is in force and the overlapping is permitted only to a certain extent, it is not possible to grant temporary permit based on the proviso to Section 104 of the MV Act. The benefit of the proviso to section 104 can be granted only in instances where there is no scheme and where no permits have been issued in such route. The proviso to section 104 cannot have any independent application and it is subject to the scheme framed by the Govt. in nationalized routes. Therefore further temporary permits on the notified routes or portion thereof, cannot be allowed to private operators on the applied route even under proviso of section 104 of MV Act. The Honorable High Court of Kerala in vide judgments in WP[c] No 30359 of 2017 dtd 17/10/2017 and also in W.A. No 993 of 2017 clearly clarified the provisions should be followed in the consideration of

temporary permits. The Hon'ble High Court says "for the grant of temporary permits, the authorities are required to consider the conditions stipulated in Section 87 of MV Act and only if one or other of those conditions is satisfied, then for a limited period stipulated in the said section, temporary permit can be granted." **In this case, there is no particular temporary need reported by the enquiry officer warranting the grant of temporary permit.** Moreover, vide Judgment in SLP[C] No. 26954 of 2017 dtd 16/05/2018, the Hon'ble Supreme Court held that no permits can be granted to private operators to operate service overlapping on a notified route for more than 5 kms or 5% [whichever is less]. **In this case the total distance of overlapping is 52 kms which is 86.6 % of the total distance of 60 km, hence beyond the permissible limit.**

Therefore, considering the above legal impediments, the application for the temporary permit U/S 87[1][c] of MV Act in respect of S/C **KL 05 AC 8056** on the route Koruthode - Kottayam is **rejected**.

Item No.02

1.Perused the Judgment in WP[c] No 159 of 2018 of Honorable High Court of Kerala

2.Heard; Adv. Stalin Peter Davis, the learned counsel represented the applicant and the counsel represented State Transport Undertaking, the beneficiary of the all notified schemes. The counsel represented KSRTC vehemently objected the grant of the temporary permit on violation of schemes and judgments.

This authority considered the matter in detail in the light of Judgment in WP[c] No 159 of 2018 of Honorable High Court of Kerala. Perused the judgment, file, Government Notifications, various Judgments of Honorable Courts, report of enquiry officer, objection filed by STU and reveal the following facts.

This is the application for the grant of temporary permit in respect of a stage carriage **KL 05 S 190** on the route **Ranni - Kottayam** Via Palcherry, Manimala, Chamampathal, Manimala, Kodungoor, 14th Mile, Pampady, Manarcadu and Kanjikuzhy, U/S 87[1][c] of MV Act,1988. The total distance of the route is 60 kms. The portion of the applied route is from Kottayam to Kodungoor [27.8 Kms] overlaps on the notified Scheme Ernakulam-Thekkady, 06 Kms from 14th Mile to Kodungoor overlaps on the notified Chry-Chry scheme and 07 Kms from Erumely to Ranny overlaps on the notified Trivandrum – Kottayam via, Ranny scheme published vide GO[P] No 42/2009/Tran dtd 14/07/2009 and GO[P] No 08/2018/Tran dtd 23/03/2017.

As per Judgment of Honorable High Court of Kerala in WA No.1943/2012 and 1957 of 2012 dated 23/08/2013, wherein the Division Bench has pointed out that on the basis of Judgment of Honorable Supreme Court in UP State RTC Vs Sanjitha Bhanu & others (2005 KHC1697 & 2005(10) SCC 250), that the private stage carriage operators have no right to claim any grant of stage carriage temporary permits on the notified route or portions thereof. It has ordered that once the scheme is in force and the overlapping is permitted only to a certain extent, it is not possible to grant temporary permit based on the proviso to Section 104 of the MV Act. The benefit of the proviso to section 104 can be granted only in instances where there is no scheme and where no permits have been issued in such route. The proviso to section 104 cannot have any independent application and it is subject to the scheme framed by the Govt. in nationalized routes. Therefore further temporary permits on the notified routes or

portion thereof, cannot be allowed to private operators on the applied route even under proviso of section 104 of MV Act. The Honorable High Court of Kerala in vide judgments in WP[c] No 30359 of 2017 dtd 17/10/2017 and also in W.A. No 993 of 2017 clearly clarified the provisions should be followed in the consideration of temporary permits. The Hon'ble High Court says "for the grant of temporary permits, the authorities are required to consider the conditions stipulated in Section 87 of MV Act and only if one or other of those conditions is satisfied, then for a limited period stipulated in the said section, temporary permit can be granted." **In this case, there is no particular temporary need reported by the enquiry officer warranting the grant of temporary permit.** Moreover, vide Judgment in SLP[C] No. 26954 of 2017 dtd 16/05/2018, the Hon'ble Supreme Court held that no permits can be granted to private operators to operate service overlapping on a notified route for more than 5 kms or 5% [whichever is less]. **In this case, the route Ranni - Kottayam is having a distance 56 km and the distance of overlapping is 34.8 km which is 62 % of the total route length, hence beyond the permissible limit.**

Therefore, considering the above legal impediments, the application for the temporary permit U/S 87[1][c] of MV Act in respect of S/C **KL 05 S 190** on the route Ranni - Kottayam is **rejected**.

Item No.03

1.Perused the Judgment in WP[c] No 42006 of 2017 of Honorable High Court of Kerala
2.Heard; Adv. Sebastian Kurian, the learned counsel represented the applicant and the counsel represented State Transport Undertaking, the beneficiary of the all notified schemes. The counsel represented KSRTC vehemently objected the grant of the temporary permit on violation of schemes and judgments.

This authority considered the matter in detail in the light of Judgment in WP[c] No 42006 of 2017 of Honorable High Court of Kerala. Perused the judgment, file, Government Notifications, various Judgments of Honorable Courts, report of enquiry officer, objection filed by STU and reveal the following facts.

This is the application for the grant of temporary permit in respect of a stage carriage **KL 36 9190** to operate on the route **Vaikom - Kottayam** Via Kumaranelloor, Med.College, Mannanam, Neendoor, Kallara, Kaduthuruthy and Thalayolaparambu, U/S 87[1][c] of MV Act,1988. The total distance of the route is 44 kms. The portion of the applied route is from Kottayam to Gandhi Nagar 06 Kms, Med.College to Neendoor 09 Kms and Muttuchira to Vaikom 16 Kms overlaps on the notified Kottayam - Aluva, Kottayam - Neendoor complete exclusion and Ernakulam-Thekkady scheme published vide GO[P] No 42/2009/Tran dtd 14/07/2009 and GO[P] No 08/2018/Tran dtd 23/03/2017.

As per Judgment of Honorable High Court of Kerala in WA No.1943/2012 and 1957 of 2012 dated 23/08/2013, wherein the Division Bench has pointed out that on the basis of Judgment of Honorable Supreme Court in UP State RTC Vs Sanjitha Bhanu & others (2005 KHC1697 & 2005(10) SCC 250), that the private stage carriage operators have no right to claim any grant of stage carriage temporary permits on the notified route or portions thereof. It has ordered that once the scheme is in force and the overlapping is permitted only to a certain extent, it is not possible to grant temporary permit based on the proviso to Section 104 of the MV Act. The benefit of the proviso to section 104 can be granted only in instances where there is no scheme and where no permits have been issued in such route. The proviso to section 104 cannot

have any independent application and it is subject to the scheme framed by the Govt. in nationalized routes. Therefore further temporary permits on the notified routes or portion thereof, cannot be allowed to private operators on the applied route even under proviso of section 104 of MV Act. The Honorable High Court of Kerala in vide judgments in WP[c] No 30359 of 2017 dtd 17/10/2017 and also in W.A. No 993 of 2017 clearly clarified the provisions should be followed in the consideration of temporary permits. The Hon'ble High Court says "for the grant of temporary permits, the authorities are required to consider the conditions stipulated in Section 87 of MV Act and only if one or other of those conditions is satisfied, then for a limited period stipulated in the said section, temporary permit can be granted." **In this case, there is no particular temporary need reported by the enquiry officer warranting the grant of temporary permit.** Moreover, vide Judgment in SLP[C] No. 26954 of 2017 dtd 16/05/2018, the Hon'ble Supreme Court held that no permits can be granted to private operators to operate service overlapping on a notified route for more than 5 kms or 5% [whichever is less]. **In this case, the route Vaikom - Kottayam is having a distance 44 km and the distance of overlapping is 31 km which is 70 % of the total route length, hence beyond the permissible limit.**

Therefore, considering the above legal impediments, the application for the temporary permit U/S 87[1][c] of MV Act in respect of S/C **KL 36 9190** on the route Vaikom - Kottayam is **rejected**.

Item No.04

1.Perused the Judgment in WP[c] No 42154 of 2017 of Honorable High Court of Kerala
2.Heard; Adv. Sebastian Kurian, the learned counsel represented the applicant and the counsel represented State Transport Undertaking, the beneficiary of the all notified schemes. The counsel represented KSRTC vehemently objected the grant of the temporary permit on violation of schemes and judgments.

This authority considered the matter in detail in the light of Judgment in WP[c] No 42154 of 2017 of Honorable High Court of Kerala. Perused the judgment, file, Government Notifications, various Judgments of Honorable Courts, report of enquiry officer, objection filed by STU and reveal the following facts.

This is the application for the grant of temporary permit in respect of a stage carriage **KL 05 P 7891** to operate on the route **Perunna Temple - Kottayam** Via Perunna, Chanaganacherry, Mathumoola, Thuruthy, Plamoodu, Kurichy, Chingavanam, Mavilangu, Bukkana, Nattakom and Manipuzha, U/S 87[1][c] of MV Act,1988. The total distance of the route is 21.8 kms out of which 17 km overlapping on Kottayam – Kottarakkara and Trivandrum – Cannanore scheme published vide GO[P] No 42/2009/Tran dtd 14/07/2009 and GO[P] No 08/2018/Tran dtd 23/03/2017. The counsel represented to the applicant has stated that the overlapping details is wrongly mentioned in the agenda as "Route portion from Kottayam to Gandhi Nagar 06 Kms, Med.College to Neendoor 09 Kms and Muttuchira to Vaikom 16 Kms overlaps on the notified Kottayam - Aluva, Kottayam - Neendoor and Ernakulam-Thekkady respectively" hence requested to adjourn. Considered the objection and peruse the file, agenda and notes, the above mentioned overlapping details is the repetition of the Item No 3 due to the oversight. The overlapping details are clearly shown in the 1st part of the agenda also. Hence the objection is over ruled and error occurred in the last part of the agenda can be excused.

As per Judgment of Honorable High Court of Kerala in WA No.1943/2012 and 1957 of 2012 dated 23/08/2013, wherein the Division Bench has pointed out that on the basis of Judgment of Honorable Supreme Court in UP State RTC Vs Sanjitha Bhanu & others (2005 KHC1697 & 2005(10) SCC 250), that the private stage carriage operators have no right to claim any grant of stage carriage temporary permits on the notified route or portions thereof. It has ordered that once the scheme is in force and the overlapping is permitted only to a certain extent, it is not possible to grant temporary permit based on the proviso to Section 104 of the MV Act. The benefit of the proviso to section 104 can be granted only in instances where there is no scheme and where no permits have been issued in such route. The proviso to section 104 cannot have any independent application and it is subject to the scheme framed by the Govt. in nationalized routes. Therefore further temporary permits on the notified routes or portion thereof, cannot be allowed to private operators on the applied route even under proviso of section 104 of MV Act. The Honorable High Court of Kerala in vide judgments in WP[c] No 30359 of 2017 dtd 17/10/2017 and also in W.A. No 993 of 2017 clearly clarified the provisions should be followed in the consideration of temporary permits. The Hon'ble High Court says "for the grant of temporary permits, the authorities are required to consider the conditions stipulated in Section 87 of MV Act and only if one or other of those conditions is satisfied, then for a limited period stipulated in the said section, temporary permit can be granted." **In this case, there is no particular temporary need reported by the enquiry officer warranting the grant of temporary permit.** Moreover, vide Judgment in SLP[C] No. 26954 of 2017 dtd 16/05/2018, the Hon'ble Supreme Court held that no permits can be granted to private operators to operate service overlapping on a notified route for more than 5 kms or 5% [whichever is less]. **In this case, the route Perunna Temple - Kottayam is having a distance 21.8 km and the distance of overlapping is 17 km which is 77 % of the total route length, hence beyond the permissible limit.**

Therefore, considering the above legal impediments, the application for the temporary permit U/S 87[1][c] of MV Act in respect of S/C **KL 05 P 7891** on the route Perunna Temple - Kottayam is **rejected**.

Item No-05

Heard; Adv. Stalin Peter Davis, the learned counsel represented applicant and Adv. Sebastian Kurian the objector.

This authority considered the matter in detail. A fresh regular permit was granted by this authority on 22/02/2018 to S/C **KL 35 B 4025** / another suitable vehicle to operate on the route **PONKUNNAM – ETTUMANOOR via**, 1st Mile, Thachapuzha, Neyyattusery, Elampally, Anickadu, Pallickathodu, Kooropada, Lakkattoor Jn., Puthukulam, Ayarkunnam, Thiruvanchoor, Poovathummoodu, Peroor **as Ordinary Service** subject to settlement of timings on the basis of the enquiry report submitted by the MVI Kottayam. As per the report of MVI, there is no virgin portion on the above route. The decision of the RTA was published and communicated to the applicant, and the applicant has produced current records of another suitable S/C KL 35 B 1801 for availing granted fresh permit and a timing conference date was scheduled by the

Secretary RTA for time settlement consequently. On 26/04/2018, Sri. M R Prasad, Madayankal, Mallikasseri P.O., Poovarani has submitted a complaint before the Secretary, RTA, that the route portion from Puthukkulam to Parappattupati road is virgin and the PWD has not issued fitness certificate on that portion. He has submitted a reply given by PWD Roads Division Pampady on the RTI application submitted by the complainant. AS per the explanation submitted by the enquiry officer stated the local enquiry conducted as part of the route enquiry, the inhabitants on the Puthukkulam to Parappattupati region has stated that several stage carriages were conducted service on this route portion years back. Hence the secretary RTA has sent a letter to PWD Authorities for the clarification on the dispute.

The learned counsel represented the applicant produced a time sheet with proceedings issued by the Secretary RTA in the year 2005 to Sri. Philip C John, the same person as in this application, for operating on the route Ettumanoor – Manimala via Puthukkulam and Lakkattor kavala [which is the disputed portion] with his S/C KL 05 J 2505. Other operators presented in the meeting have also agreed that some vehicles had operated on this portion previously. The learned counsel represented the applicant produced a Road Fitness Certificate issued by the Exe. Engineer, PWD road Division Kottayam dtd 19/06/2018.

In this circumstance, this authority disposed the objection filed against the granted regular permit on the route **PONKUNNAM – ETTUMANOOR via**, 1st Mile, Thachapuzha, Neyyattussery, Elampally, Anickadu, Pallickathodu, Kooropada, Lakkattor Jn., Puthukulam, Ayarkunnam, Thiruvanchoor, Poovathummoodu, Peroor as **Ordinary Service** without merits. Hence the decision taken by this authority dtd 22/02/2018 is **upheld**.

Item No-06

Adv. I Dinesh Menon the learned counsel represented the applicant.

Considered the request for **allowing maximum time** for producing the records of a later model vehicle not older than 8 years of its registration, for availing the fresh regular permit granted by the RTA Kottayam on the route **AMBIKA MARKET – NEREKADAVU FERRY** via, Bund Road, Edayazham, Ullala, Thottakam School, Vaikom & Madiyathara School as ordinary service to **KL 41 J 7175 /another suitable vehicle**.

The maximum time allowable U/S 159[2] of MV Act is allowed for a further period 03 months with effect from 01/05/2018.

Item No.07

Perused the judgment in W P[c] No 14415/2018 of HonorableHigh Court of Kerala.

Heard; I Denesh Menon, the learned counsel represented the applicant and Adv. Benny Prabhakaran, the learned counsel represented the financier.

This is an application for renewal of permit of S/C KL 35 3802 on the inter district route Kottayam – Cherthala via, Alummoodu, Illickal, Kumarakom, Bund Road, Thanneermukkam and Varanad as Ordinary Service for a further period of 5 years from 11/08/2014. **This regular permit is issued after 14/07/2009 and no objectionable overlapping on this route.**

This authority reconsidered the matter in detail. This application was considered by this authority on 15/05/2015 and rejected on the ground that **the financier has strongly objected the renewal of permit due to the default in payment of hire purchase money.** Against the rejection, the permit holder has approached the Honorable High Court in WP[c] No 14415/2018, and the honorable court directed to consider and dispose the application for renewal of permit in terms of Sec. 51[9] of MV Act.

As per Sec. 51[9] reads “on receipt of the application for the renewal of any permit or for the issue of duplicate certificate of registration or for assignment of a new registration mark in respect of a vehicle which is held under the said agreement, the appropriate authority may, subject to the other provisions of this Act,-

(a) in a case where the financier has refused to issue the certificate applied for, after giving the applicant an opportunity to being heard, either-

(i) renew or refuse to renew the permit, or

(b) in any other case,-

(i) renew the permit

Shall communicate [by registered post acknowledgment due] to the financier that such entry has been made.

As per sub section 6 of Sec. 51 of MV Act the registered owner shall, before applying the appropriate authority, for the renewal of permit under Sec. 81, the person [the financier] whom the registered owner has entered into the said agreement for the issue of a no objection certificate.

As per sub section 7 of Sec. 51 of MV Act within seven days of the receipt of an application under sub-section [6], the financier may issue or refuse, for reasons which shall be recorded in writing and communicated to the applicant, to issue, the certificate applied for, and where the financier fails to issue the certificate to the applicant within the said period of seven days, the certificate applied shall be deemed to have been issued by the financier.

As per sub section 8, the registered owner shall, while applying to the appropriate authority for the renewal of permit under Sec. 81 of MV Act, submit with such application the certificate, if any, obtained under sub-section [7] or, where no certificate has been obtained, the communication received from the financier under that sub-section, or as the case may be, a declaration that he has not received any

communication from the financier within the period of seven days specified in that sub section.

On combined reading of the above sub-sections of Sec. 51 of MV Act, NOC issued by the financier is necessary for renewing a permit. If the financier not issued or refused on the application submitted by the registered owner for NOC, after seven days from the receipt of the communication from the registered owner, the NOC shall be deemed to have been issued by the financier. If the NOC has not been obtained from the financier, a declaration that the registered owner has not received any communication from the financier within the period of said seven days.

In this case, the financier Shriram Transport Finance Co. Ltd, Kottayam has submitted a written objection against the renewal of permit of S/C KL 35 3802 stating that the vehicle KL 35 3802 was financed M/s Shriram Transport Finance Co Ltd, executing loan cum hypothecation agreement on 01/01/2007 and availed loan of Rs. 7,90,000/-/-. The borrowers agreed to repay the advance amount along with its interest within the period of 58 months. Now a huge amount of Rs. 19,48,572/- is due.

The power of attorney holder of the permit holder of S/C KL 35 3802 has not produced any proof of acknowledgment regarding the receipt of the letter said to be sent to the financier for NOC. The representative of the financier has appeared before this authority and stated that the registered owner has defaulted the repayment of the loan hence not to renew the permit.

In this circumstances, this authority considered the application for renewal of regular permit of S/C **KL 35 3802** on the route Kottayam – Cherthala is **rejected**.

Item No-08

Heard; Adv. I Dinesh Menon, the learned counsel represented applicant.

This is an adjourned application for the renewal of regular permit in respect of SC KL 06 9273 on the route Kurichy – Kattappana Via Chanagnacherry, Karukachal, 14th Mile, Ponkunnam, Kanjirappally, Mundakkayam, Kutikkanam, Elappara and Chappathu for a further period of 05 years from the date of expiry. The route portion from Changanacherry to Kuttickanam 74 km objectionably overlaps on the notified route Trivandrum – Thekkady via, Changanacherry and from Kurichy to Chnaganacherry 6 km overlaps on Kottayam – Punalur Via, Thiruvalla, Pathanamthitta. This authority reconsidered the application in the light of the judgment in WP[c] No 10761 of 2016 of Honorable High Court of Kerala. **The Honorable Court directed to consider the application for renewal of regular permit within one month from the date of clearance of the motor vehicle tax.**

This authority considered the matter in detail. S/C KEK 6397 owned by Sri. C S Varkey, Cheriyanithottathil, Changanacherry had covered with a regular permit on the inter district route Kurichy - Kattappana valid till 08/03/2007. On 30/03/2004 he

had replaced his existing vehicle with a later model SC bearing Registration No. KL 06 9273 owned by Sri. K J John, Kanjirathummoottil H, Kanjirappally on the strength of a lease deed dated 30/03/2004 executed between Sri. K J John as the 1st party and Sri. C S Varkey as the 2nd party. Clause 3 of the possession deed reads that, the 2nd party is liable to remit the vehicle tax in time. However, In case the 2nd party commits default, the ultimate liability to remit tax shall be with the 1st party.

On 19/02/2007, permit holder submitted an application for the renewal of the regular permit of SC KL 06 9273 for a further period of 05 years since the regular permit was expiring on 08/03/2007. This being an inter district permit, RTA Idukki granted concurrence for the renewal of regular permit in its sitting on 09/07/2007. Since tax in respect of SC KL 06 9273 is in arrears from 01/07/2004, PRA application was kept pending with direction to the applicant to clear the tax arrears. But the applicant not cleared the arrears of SC KL 06 9273. In the interregnum some other vehicles operated in place of the route bus up to 02/11/2007 on the strength of TP issued U/S 87(1) d of MV act. When the TP application U/S 87 (1) d of MV Act in respect of SC KL 06 9273 dated 08/03/2007 was rejected on the ground that the applicant not cleared the tax arrears, he filed WP©14742/2008 before the Honorable High Court of Kerala. As per Judgment dated 26/06/2008, it is ordered to consider the application for renewal as well as Temporary Permit application within 06 weeks. Accordingly permit renewal application placed before the RTA held on 16/10/2008. RTA adjourned the renewal application without prejudice to the right of the applicant to approach The Secretary RTA for Temporary permit.

Things being so, permit holder applied for the replacement of SC KL 06 9273 with a later model SC KL 05 T 5024 owned by Sri. Sunny George, Umbidi P O, Thottakkadu, Kottayam on the strength of a lease deed made between dated 22/02/2008 for a term of 05 years from the date of execution. **The replacement application along with Permit renewal application considered by the RTA in its sitting on 20/08/2011 adjourned the same with the direction to call for the NOC from the finance Company of SC KL 06 9273 and to assess the total amount of tax due from the permit holder.** During the period Registration Certificate of SC KL 06 9273 was pending with Joint Regional Transport Officer, Kanjirappally along with Form 35 from Finance Co. due to non remittance of Tax. As per the enquiry report dated 09/10/2009 of AMVI Kanjirappally, it is reported that SC KL 06 9273 was dismantled and sold as scrap (as per the version of Registered owner) but no evidence received regarding the same. Accordingly arrears of SC KL 06 9273 assessed to Rs 1211370/- from 01/07/2004 to 31/03/2011 (up to the registration validity), regular permit renewal as well as replacement application of SC KL 06 9273 re considered by the **RTA in its sitting held on 17/03/2012 and decided as the applicant will clear the arrear of tax Rs 1211370/- and approach this authority as and when tax is cleared. Secretary will place the matter before the RTA immediately only clearance of tax.**

Decision being so, the permit holder Sri. C S Varkey again applied for the re issue of Temporary permit to SC KL 05 T 5024 U/S 87(1) d of MV Act in place of the SC KL 06 9273, for which the regular permit has not renewed from 08/03/2007 due to the reason that arrears of tax has not cleared. Again the application for TP placed before the RTA Kottayam held on 15/12/2012 which decided “not to grant further Temporary permit U/S 87(1) d of MV Act, since the permit holder has not complied the decision taken by the RTA held on 17/03/2012 in the light of Judgment of Honorable HC of Kerala in WP© 14742/08.

On consideration, this authority felt that this matter is totally revolved around the tax arrears of SC KL 06 9273, the route bus. An amount of Rs 1211370/- is in arrears to SC KL 06 9273. The permit holder trying to evade from the payment of tax on the stand that the registered owner of the vehicle alone is liable to clear the tax arrears. As per Section 3(03) of the Kerala Motor Vehicle Taxation Act, the registered owner of, or any person having possession or control of a motor vehicle shall, for the purpose of this Act, be deemed to use or keep such vehicle for use in the State, except during any period for which no tax is payable on such motor vehicle under sub section (1) of Section 5. As per the lease deed dated 30/03/2004, appellant is in possession of the vehicle KL 06 9273. In this case SC KL 06 9273 has not submitted prior non use intimation as per Section 05 of the KMVT Act. Hence the appellant could not evade from the payment of arrears of SC KL 06 9273. Moreover it is evident from the Registration Certificate of the vehicle received from Joint RTO Kanjirappally that the registered owner has not cleared even the installment facility granted by the Government during the period from 01/10/04 to 31/12/04 and the vehicle is said to be dismantled. It is further noticed that the lease agreement made between the appellant and the registered owner of SC KL 05 T 5024 has expired on 21/02/2013. There cannot be a renewal of permit in vacuum without the vehicle. The object of the renewal of permit is to ensure uninterrupted operation of service on the route. Usman V. Regional Transport Authority [2015 (4) KLT 25] has clearly ordered that not to grant renewal of permit and replacement of vehicle simultaneously. Moreover stage carriages owned by both STU and private operators are operating sufficient trips on the applied route portions and the route is objectionably overlaps notified routes exclusively reserved for the STU. Since tax in respect of the vehicle which covered by the regular permit is in arrears, the regular permit renewal application is cannot be entertained. Even though the decision of the RTA Kottayam dtd 17/03/2012 was communicated, the permit holder has not complied the order of this authority till date. Therefore the application for renewal of permit is **rejected**.

Item No-09

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 67 A 1887** on the route **RAMAPURAM –**

KOTTAYAM is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-10

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 X 2007** on the route **PAMPADY – MEDICAL COLLEGE** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-11

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 T 3083** on the route **KALLUNGATHARA – KOTTAYAM** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-12

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 T 1155** on the route **MEDICAL COLLEGE- CHANGANACHERRY** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No-13

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 33 F 85** on the route **Kottayam – Thiruvalla** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-14

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 33 E 1088** on the route **Kottayam – Mathamba** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-15

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 33 K 190** on the route **Pala – Ponkunnam** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No-16

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 44 A 3375** on the route **Kavumkandam – Cherthala** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No-17

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 17 J 3106** on the route **Changanacherry – Kottayam** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No-18

Heard Adv. K V Gopinathan Nair, learned counsel represented the transferor, Adv. Sebastian Kurian represented for transferee and Adv. I Dinesh Menon, the counsel represented the objector Sri. Baby Girish.

1.Perused the Judgment dtd 01/06/2018 in WP[c] No 17408/2018 of Honorable High Court of Kerala.

2.Reconsidered the matter in detail. The counsel represented the objector of the transfer of permit has produced a judgment of Honorable Sub Court Pala in O.S. No 33/2015 along with Decree. On perusal, nowhere in the judgment and Decree, no specific order for preventing the proposed transfer of permit. Moreover, the enquiry officer reported that the vehicle is now under control and possession of the Sri. P J Thomas. He intends to sell the vehicle to the 2nd applicant. The 2nd applicant is intended to purchase the vehicle from the permit holder and he is financially sound to maintain stage carriage. The proposed transfer of permit does not defeat the interest of the employees. The application for transfer of permit does not violates the provisions of (a) & (b) of S. 81(4) of MV Act 1988, KMV Rule 145(1,i) &178(2). The joint application for transfer of permit is genuine and bonafide.

Hence, Transfer of permit in respect of the Stage Carriage **KL 13 AE 1004** on the route **Pathampuzha – Pala** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-19

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 34 B 6481** on the route **Elamkadu Top - KISSUMAM** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No-20

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 6829** on the route **Koothattukulam - Kuruppumthara** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No-21

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 AB 6468** on the route **Kallara - Pala** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No-22

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 34 B 5067** on the route **Kottayam - Parathanam** is **allowed** as applied for, subject to the clearance of all government dues, if any

Item No-23

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 5531** on the route **Ayarkunnam - Kottayam** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-24

Heard Adv. I Dinesh Menon, the learned counsel represented both transferor and transferee.

Perused the judgment of Honorable High Court of Kerala in WP[c] No 9523/2018. The Honorable High Court has directed this authority to consider the application filed for transfer of permit in accordance with law. This authority considered the application for transfer of permit in respect of stage carriage **KL-07-AX-4946** covered by a temporary permit on the route Kottayam – Parippu. The regular permit [which is issued after 14/07/2009] of which transfer is sought for was expired on 25/03/2015 and the renewal of permit application was rejected by the RTA on 08/02/2016 and directed Secretary to issue temporary permits of 04 months duration U/S 87(1) c of MV Act or till KSRTC resume service whichever is earlier. The regular permit is not renewable as the route is objectionable overlaps on Kottayam – Neendoor Complete Exclusion scheme, which is exclusively reserved for the State Transport Undertaking. As there exist legal impediment to renew the permit, the registered owner was permitted to operate on the same route with successively issued temporary permits of 04 months duration U/S 87(1) c of MV Act. This authority is of considered opinion that there is no provision in the MV Act and Rules made there under for the transfer of permit on a temporary permit. Therefore, transfer of expired and non renewable regular permit cannot be allowed. Hence **rejected**.

Item No-25

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 37 A 8139** on the route **Kottayam - Kuruppanthara** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-26

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 16 J 9777** on the route **Pala - Koothattukulam** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-27

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 17 E 7668** on the route **Kuravilangadu - Kottayam** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-28

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 05 Z 9985** on the route **Kottayam – Kolladu** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-29

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 G 8977** on the route **Pathampuzha – Pala** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-30

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 33 D 8592** on the route **Kottayam – Thiruvalla** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-31

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 33 G 8985** on the route **Kottayam – Pala** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-32

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 35 9533** on the route **Koothattukulam – Pala** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-33

Heard, the learned counsel represented the transferor and the transferee. Delay condoned. Transfer of permit in respect of the Stage Carriage **KL 05 X 9202** on the route **Erattupetta – Kanjirappally** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-34

Heard, the learned counsel represented the transferor and the transferee. Transfer of permit in respect of the Stage Carriage **KL 17 B 8062** on the route **Kaipuzhamuttu – Muvattupuzha** is **allowed** as applied for, subject to the clearance of all government dues, if any.

Item No-35

Perused the Judgment dtd 10/04/2018 in WP[c] No 12506 of2018 of Honorable High Court of Kerala.

Heard; Adv. Stalin Peter Davis, the learned counsel represented the applicant and the counsel represented KSRTC.

This is an application for **variation of regular permit** of S/C **KL 33 D 959** on the route Vadasserikkara –Kottayam as Ranni – Kottayam by curtailing the route portion from Vadasserikkara to Ranni for a distance of 10 km. This authority in its meeting dtd 25/07/2017 considered and rejected the application since the permit is a saved permit as per the notification No 08/2017 Tran dtd 23/03/2017. But the Honorable High Court in WP[c] No 12506 of2018 set aside the decision of the RTA and directed to consider and pass orders with notice to KSRTC.

This authority reconsidered the matter in detail. Perused the judgment in WP[c] No 12506 of2018, file, Government Notifications, report of enquiry officer, relevant judgments of Honorable Courts, objection filed by STU and reveal the following facts

The Honorable High Court viewed in the reported judgment in WP[c] No 4188 of 2018 that concerned Regional Transport Authorities shall consider the request of the variation in case there is no variation or extension is sought for on the notified routes, the same shall be taken up and considered, in accordance with the provisions of Sec. 80[3] of the MV Act, 1988.

The learned counsel represented KSRTC stated that KSRTC has already filed Writ Appeal No 1098/2018 with a payer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum the High Court be pleased to stay the operation of the Judgment in WP[c] No 4188/2018 of the learned single Judge of the Honorable Court to the extend it directed reconsideration of granting variations, pending disposal of the Writ Appeal. This Writ Appeal coming on for admission along with connected cases on 08/06/2018 and upon perusing the appeal memorandum, the Honorable High Court passed an Order dtd 08/06/2018 in WA No 1098/2018 found that the issue raised in the W.A. No 1098/2018 requires deeper consideration. Hence ‘status quo’ shall be maintained for a period of one month from 08/06/2018.

On the basis of the Order of the Honorable Court in WA No 1098/2018, the application for variation of permit in respect of S/C KL 33 D 959 is **adjourned**.

Item No-36

Heard; Adv. K V Gopinathan Nair, learned counsel represented the applicant and the counsel represented KSRTC.

This is an application for **variation of regular permit** of S/C **KL 35 E 1647** on the route Ernakulam – Mundakayam LSOS as Ernakulam – Pampavalley LSOS by extending the route portion from Mundakayam to Pampavalley with a change in starting and halting place as Pala from Thalayolaparambu.

This authority considered the matter in detail. Perused the relevant judgments, file, Government Notifications, report of enquiry officer, objection filed by STU and reveal the following facts

The Honorable High Court viewed in the reported judgment in WP[c] No 4188 of 2018 that concerned Regional Transport Authorities shall consider the request of the variation in case there is no variation or extension is sought for on the notified routes, the same shall be taken up and considered, in accordance with the provisions of Sec. 80[3] of the MV Act, 1988.

The learned counsel represented KSRTC stated that KSRTC has already filed Writ Appeal No 1098/2018 with a payer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum the High Court be pleased to stay the operation of the Judgment in WP[c] No 4188/2018 of the learned single Judge of the Honorable Court to the extend it directed reconsideration of granting variations, pending disposal of the Writ Appeal. This Writ Appeal coming on for admission along with connected cases on 08/06/2018 and upon perusing the appeal memorandum, the Honorable High Court passed an Order dtd 08/06/2018 in WA No 1098/2018 found that the issue raised in the W.A. No 1098/2018 requires deeper consideration. Hence 'status quo' shall be maintained for a period of one month from 08/06/2018.

On the basis of the Order of the Honorable Court in WA No 1098/2018, the application for variation of permit in respect of S/C KL 35 E 1647 is **adjourned**.

Item No-37

Heard; Adv. Sebastian Kurian, the learned counsel represented the applicant and the counsel represented KSRTC.

This is an application for **variation of regular permit** of S/C **KL 05 W 504** on the route Changanacherry – Thottackadu Hospital as Thottackadu Hospital – Changanacherry ie, changing the termini by curtailing the first and last trip.

This authority considered the matter in detail. Perused the relevant judgments, file, Government Notifications, report of enquiry officer, objection filed by STU and reveal the following facts

The Honorable High Court viewed in the reported judgment in WP[c] No 4188 of 2018 that concerned Regional Transport Authorities shall consider the request of the variation in case there is no variation or extension is sought for on the notified routes, the same shall be taken up and considered, in accordance with the provisions of Sec. 80[3] of the MV Act, 1988.

The learned counsel represented KSRTC stated that KSRTC has already filed Writ Appeal No 1098/2018 with a payer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum the High Court be pleased to stay the operation of the Judgment in WP[c] No 4188/2018 of the learned single Judge of the Honorable Court to the extend it directed reconsideration of granting variations, pending disposal of the Writ Appeal. This Writ Appeal coming on for admission along with connected cases on 08/06/2018 and upon perusing the

appeal memorandum, the Honorable High Court passed an Order dtd 08/06/2018 in WA No 1098/2018 found that the issue raised in the W.A. No 1098/2018 requires deeper consideration. Hence 'status quo' shall be maintained for a period of one month from 08/06/2018.

On the basis of the Order of the Honorable Court in WA No 1098/2018, the application for variation of permit in respect of S/C KL 05 W 504 is **adjourned**.

Item No-38

Heard; Adv. Stalin Peter Davis, the learned counsel represented the applicant and the counsel represented KSRTC.

This is an application for **variation of regular permit** of S/C **KL 33 H 8818** on the route Mattakkara – Kottayam as Cherpunkal – Kottayam by extending the route portion from Mattakkara to Cherpunkal.

This authority considered the matter in detail. Perused the relevant judgments, file, Government Notifications, report of enquiry officer, objection filed by STU and reveal the following facts

The Honorable High Court viewed in the reported judgment in WP[c] No 4188 of 2018 that concerned Regional Transport Authorities shall consider the request of the variation in case there is no variation or extension is sought for on the notified routes, the same shall be taken up and considered, in accordance with the provisions of Sec. 80[3] of the MV Act, 1988.

The learned counsel represented KSRTC stated that KSRTC has already filed Writ Appeal No 1098/2018 with a payer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum the High Court be pleased to stay the operation of the Judgment in WP[c] No 4188/2018 of the learned single Judge of the Honorable Court to the extend it directed reconsideration of granting variations, pending disposal of the Writ Appeal. This Writ Appeal coming on for admission along with connected cases on 08/06/2018 and upon perusing the appeal memorandum, the Honorable High Court passed an Order dtd 08/06/2018 in WA No 1098/2018 found that the issue raised in the W.A. No 1098/2018 requires deeper consideration. Hence 'status quo' shall be maintained for a period of one month from 08/06/2018.

On the basis of the Order of the Honorable Court in WA No 1098/2018, the application for variation of permit in respect of S/C KL 33 H 8818 is **adjourned**.

Item No-39

Perused the Judgment dtd 10/05/2018 in M.V.A.R.P. No 02 of 2018 of Honorable STAT.

Heard; Adv. I Dinesh Menon, the learned counsel represented the applicant and the counsel represented KSRTC

This is an application for **variation of regular permit** of S/C **KL 35 9542** on the route Pala - Edakkunnam as Pala – Edakkunnam by curtailing one round trip from Kanjirappally – Edakkunnam – Kanjirappally at 12.00pm. This authority in its meeting dtd 30/11/2017 considered and rejected the application since the permit is a saved permit as per the notification No 08/2017 Tran dtd 23/03/2017. But the Honorable STAT in M.V.A.R.P. No 02 of 2018 of Honorable STAT directed to reconsider and pass orders with notice to KSRTC.

This authority reconsidered the matter in detail. Perused the relevant judgments, file, Government Notifications, report of enquiry officer, objection filed by STU and reveal the following facts

The Honorable High Court viewed in the reported judgment in WP[c] No 4188 of 2018 that concerned Regional Transport Authorities shall consider the request of the variation in case there is no variation or extension is sought for on the notified routes, the same shall be taken up and considered, in accordance with the provisions of Sec. 80[3] of the MV Act, 1988.

The learned counsel represented KSRTC stated that KSRTC has already filed Writ Appeal No 1098/2018 with a payer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum the High Court be pleased to stay the operation of the Judgment in WP[c] No 4188/2018 of the learned single Judge of the Honorable Court to the extent it directed reconsideration of granting variations, pending disposal of the Writ Appeal. This Writ Appeal coming on for admission along with connected cases on 08/06/2018 and upon perusing the appeal memorandum, the Honorable High Court passed an Order dtd 08/06/2018 in WA No 1098/2018 found that the issue raised in the W.A. No 1098/2018 requires deeper consideration. Hence 'status quo' shall be maintained for a period of one month from 08/06/2018.

On the basis of the Order of the Honorable Court in WA No 1098/2018, the application for variation of permit in respect of S/C KL 35 9542 is **adjourned**.

Item No.40

Heard; Adv. K V Gopinathan Nair, the learned counsel represented the permit holder.

The District Police Chief , Kottayam, has forwarded the recommendation along with the report of Sub Inspector of Police, Pampady Police Station to suspend the regular permit in respect of the **KL 34 D 5004** on the route Vattakkavu - Kottayam Via, Parathodu, Kanjirappally, Ponkunnam and 14th Mile in connection with a direct head on collision with the S/C KL 05 Z 1690 on 02/06/2018 at 8th mile on NH 183. The driver of the S/C KL 05 Z 1690 was seriously injured and many passengers had met with injuries in the accident. It is reported that the vehicle was driven in rash and negligent manner. Also reported that the S/C KL 34 D 5004 was involved in two accidents previously with Crime No.1292/14, U/s 304[A] IPC at Pampady Police Station [Two persons died] & Crime No.887/16, U/s 279,337,338,304 [A] IPC at Pallickathod Police Station [One person died]. Motor Vehicles Inspector, Kottayam has submitted an enquiry report in this case. Enquiry officer reported that the S/C KL 34 D 5004 was in excessive speed at the time of accident and conducted service with completely worn out tyres.

This authority examined the matter in detail in the light of the report of S.I. of Police, Pampady and the Motor Vehicle Inspector, Kottayam. As per the reports, during the time of accident the vehicle is in excessive speed and the driven the vehicle in rash and negligent manner. It is also reported that the vehicle was conducted service with completely worn out tyres.

The learned counsel represented the permit holder stated that the accident was purely fatal and not due to the fault of the permit holder of the vehicle.

As per Rule 153 of KMV Rules 1989- It shall be a condition of the permit holder of every transport vehicle, that the holder thereof

[2] Shall exercise effective supervision over the work of his employees to ensure operation of the vehicle in conformity with the Act and Rules issued there under

[3]-Shall be responsible for the conduct of the driver and other employees.

Considering the above provisions of the Rule 153 of KMV Rules 1989, the permit holder has not exercised effective supervisions over the work of his employees, hence violated the conditions stipulated under sub sections 2 and 3 of KMV Rules 153. Therefore action on permit U/S 86 of MV Act is required. **It is pertinent to note that the S/C KL 34 D 5004 had been previously involved in two accidents and 3 persons were died.** Hence the objection filed by the counsel represented the permit holder of S/C KL 34 D 5004 is unsustainable hence over ruled.

Considering the gravity of the offence and irresponsibility of the permit holder, this authority is **decided to suspend the Regular permit issued to S/C KL 34 D 5004 for a period of 15 days.** The permit holder is given an opportunity to compound the offence by remitting Rs. 10000/- [Ten Thousand Rupees] in lieu of suspension of the regular permit. The permit holder is directed to produce the regular permit before Secretary RTA for endorsing the suspension in the permit, within 10 days from the date of receipt of the communication.

Item No.41

Heard; Adv. Sebastian Kurian, the learned counsel represented the permit holder.

The District Police Chief, Kottayam, has forwarded the recommendation along with the report of Sub Inspector of Police, Ponkunnam Police Station to suspend the regular permit in respect of the KL 35 G 767 on the route Pala – Palackathadam, in connection with a direct head on collision with the S/C KL 35 G 8661 on 05/06/2018 at Pamboli area on Kuravilangadu – Kappadu route. Many passengers got injured in the accident. A case was registered at Ponkunnam Police Station in connection with the accident in Crime No 671/2018 also.

The matter was examined in detail in the light of the report of S.I. of Police, Ponkunnam and the Joint RTO Kanjirappally. The Joint RTO Kanjirappally reported that the accident happened at Pamboli in Kuruvikkoodu – Kappad road which is a narrow road with one side with a compound wall built with stone and the other side has a river. Hence the drivers are supposed to drive the vehicle carefully on this road.

Hence this accident was happened due to the negligence from the part of the drivers, especially S/C KL 35 G 767.

As per Rule 153 of KMV Rules 1989- It shall be a condition of the permit holder of every transport vehicle, that the holder thereof

[2] Shall exercise effective supervision over the work of his employees to ensure operation of the vehicle in conformity with the Act and Rules issued there under

[3]-Shall be responsible for the conduct of the driver and other employees.

Considering the above provisions of the Rule 153 of KMV Rules 1989, the permit holder has not exercised effective supervisions over the work of his employees, hence violated the conditions stipulated under sub sections 2 and 3 of KMV Rules 153. Therefore action on permit U/S 86 of MV Act is required. The learned counsel represented the permit holder stated that **it is the first instance the S/C KL 35 G 767 involved in an accident** and requested to excuse the negligence happened from the part of the permit holder.

Considering the above facts, this authority is **decided to suspend the Regular permit issued to S/C KL 35 G 767 for a period of 05 days**. The permit holder is given an opportunity to compound the offence by remitting Rs. 5000/- [Five Thousand Rupees] in lieu of suspension of the regular permit. The permit holder is directed to produce the regular permit before Secretary RTA for endorsing the suspension in the permit, within 10 days from the date of receipt of the communication.

Item No-42

The surrender of regular permit in respect of S/C **KL-03-P-5250** on the **Mundakkayam - Erumely is accepted by the Secretary RTA is ratified hence the regular permit No 5/1568/2007 stands revoked.**

Item No-43

The surrender of regular permit in respect of S/C **KL-17-B-8686** on the **Kodungoor - Pala is accepted by the Secretary RTA is ratified hence the regular permit No 5/73/2002 stands revoked.**

Item No.44

Heard. This is a request to allow stops for LSOS stage carriages at “Kochuparambu Jn.” and Shifting of existing Bus stop at “Kochuparambu Jn.” to a safe and suitable place. A detailed enquiry has been conducted through MVI Changanacherry and he

has recommended to shift the existing bus stop at Kochuparambu Jn to a safe place after providing Bus bay and allow Stops for LSOS stage carriages. But the learned counsel represented KSRTC stated that the report submitted by the enquiry officer without hearing the part of KSRTC. Hence the DTO, KSRTC, Kottayam is directed to submit your opinion as report before the Secretary RTA Kottayam within 30 days from 01/07/2018 failing which it will be presumed that you have no report to offer in this regard and the matter will be considered by this authority without considering your objection. The Secretary RTA Kottayam is directed to place the matter before the next sitting of the RTA along with the details of report of KSRTC. Hence **adjourned**.

Item No.45

This is an application for Shifting of existing Bus stop at “Mannanam SNDP Jn [Gurumandiram Jn]” to a safe place at Mannanam SNDP Jn. This authority considered the matter in detail. The enquiry officer reported that.

1. “Mannanam SNDP Jn [Gurumandiram Jn]” Bus stop is situated in between Mannanam Jn and Velamkulam on Mannanam – Athirampuha Road.
2. The “Mannanam SNDP Jn is 800 meters away from Mannanam Jn. and 200 meters away towards Velamkulam. Shapp Padi stop is situating in between Mannanam Jn. and Mannanam SNDP Jn which is 200 meters away from Mannanam Jn. and 600 meters away towards Mannanam SNDP Jn.
3. The buses are now stopping at “Mannanam SNDP Jn [Gurumandiram Jn]” but the stop has no Bus Shelters now. Hence this stop is assumed to be an unauthorized stop.
4. “Mannanam SNDP Jn [Gurumandiram Jn]” is not having sufficient space for providing bus bay now.
5. Moreover, this bus stop is situating in a curve and a compound wall is there which is obstructing the clear view of the drivers of the vehicles coming from Velamkulam to Mannanam Jn.
6. At present there is no sufficient space for shifting the bus stop to a suitable place by providing bus bay and Bus shelter.

On the basis of the above facts and circumstances, the existing bus stop at “Mannanam SNDP Jn [Gurumandiram Jn]” is not feasible in view of the road safety aspects.

On the basis of the above findings of the enquiry officer it is understood that the Mannanam SNDP JN. bus stop has no bus shelter now and there is no sufficient space for shifting the bus stop to a suitable place by providing bus bay and Bus shelter also. Moreover, this bus stop is situating in a curve and a compound wall is there which is obstructing the clear view of the drivers of the vehicles coming from Velamkulam to Mannanam Jn. This authority is bound to concern the security of the travelling public. Hence decided that not to stop Buses at Mannanam SNDP JN.

[Gurumandiram Jn.] traversing on Mannanam – Athirampuzha Road in view of Road safety rule and aspects. Hence **Rejected**.

Item No-46

It is decided to declare the stretch of KK Road **from Collectorate to Central Jn.** as **“NO HORN ZONE”**. The PWD Authority Kottayam is directed to do the needful steps including fixing of sign boards for the said purpose.

Item No- 47

Heard the applicant. 1.Delay condoned.

2.Renewal of Autorickshaw permit in respect of **A/R KL-05-N-3571** is **granted** subject to clearance of all government dues, if any

Item No- 48

Heard the applicant. 1.Delay condoned.

2.Renewal of Autorickshaw permit in respect of **A/R KL-05-AE-6764** is **granted** subject to clearance of all government dues, if any

Item No-49

Heard the applicant. 1.Delay condoned.

2.Renewal of Autorickshaw permit in respect of **A/R KL-05-AF-4685** is **granted** subject to clearance of all government dues, if any

Item No- 50

Heard the applicant. 1.Delay condoned.

2.Renewal of Autorickshaw permit in respect of **A/R KL-05-AH-7927** is **granted** subject to clearance of all government dues, if any

Item No- 51

Heard the applicant. 1.Delay condoned.

2.Renewal of Autorickshaw permit in respect of **A/R KL-05AE-2867** is **granted** subject to clearance of all government dues, if any

Item No- 52

Heard the applicant. 1.Delay condoned.

2.Renewal of Autorickshaw permit in respect of **A/R KL-05-AF-2993** is **granted** subject to clearance of all government dues, if any

Item No- 53

Heard the applicant. 1.Delay condoned.

2.Renewal of Autorickshaw permit in respect of **A/R KL-05-N-8505** is **granted** subject to clearance of all government dues, if any

Item No-54

Heard the applicant. 1.Delay condoned.

2.Renewal of Autorickshaw permit in respect of **A/R KL-05-N-8167** is **granted** subject to clearance of all government dues, if any

Item No -55

Erratum.

All action taken by the Secretary on behalf of this authority is ratified.

Item No-56

No other item permitted by the Chairman, RTA

Item No- 57 - Fixing of Next RTA Meeting date.