

**Supplementary Item No.01**

**C2/100409/2018/K**

Agenda: To consider the application for temporary permit for four months u/s 87[1][d] in respect of **S/C KL 35 F 3677** on the inter district route **Kumily - Ernakulam** via, Vandiperiyar, Peermedu, Mundakkayam, Kanjirappally, Erattupetta, Pala, Marangattupally, Kuravilangad, Kuruppanthara, Kaduthuruthy, Thalayolaparambu, Vettikkattumukku, Thripunithura and Vyttila. as LSOS.

Applicant – Smt. Nisha Thomas, Parayil house, Edamaruku P O, Melukavu

(a) Regular Permit valid up to :16/10/2018 [**Permit No. 5/17/2001 – Initial permit was issued before 14/07/2009** ]

(b) Date of filing application : 01/10/2018

Notes:

S/C KL 35 F 3677 was covered by regular permit for conducting Superfast Service on the inter district route Kumily – Ernakulam Via Vandiperiyar, Peermedu, Mundakkayam, Kanjirappally, Erattupetta, Pala, Marangattupally, Kuravilangad, Kuruppanthara, Kaduthuruthy, Thalayolaparambu, Vettikkattumukku, Thripunithura and Vyttila, valid upto 16/10/2018. The permit holder, Smt. Nisha Thomas, Parayil house, Edamaruku P O, Melukavu, has submitted timely application for renewal of regular permit for a further period of 5 years from 17/10/2018. As there is prohibition in allowing Super Fast Service to private operators, the applicant has also submitted application to change the nature of service as LSOS instead of Super Fast Service. These applications are under processing.

For conducting the services from 17/10/2018, the permit holder has submitted application for temporary permit for 4 months u/s 87[1][d] of M V Act. As per G.O[P] No.73/2013/Trans, dated 16/07/2013, the Fast Passenger Services, Super Fast Services, Super Express Services, Super Express Services, Super Deluxe Services and Luxury Services should be run and operated by the State Transport Undertaking only. Hence S/C KL 35 F 3677 cannot be permitted to conduct Super Fast Service. The total route length of the above service is 177 k.ms. As per Rule 2[oa] of K M V Rule, 1989, “Ordinary Limited Stop Service” means a service, which is operated on a route having a distance of not exceeding 140 k.ms with limited number of stops, having at least one stop in every fare stage. The permit holder has not submitted application for variation of route for limiting the route length below 140 k.ms and conduct Limited Stop Ordinary Service.

Hence, RTA may hear the applicant, peruse the file and take a decision.

**Supplementary Item No.02****C3/135952/2014/K**

Agenda. 1) To peruse the Judgment in M.A.A No.10/2016 Honorable STAT dated 21/07/2018

2) **To Re-Consider the rejected** application for variation of permit in respect of **S/C KL 38 C 7203** on the route Anakkayam-Kottayam Via Thodupuzha, Pala, Ayarkunnam, and Manarcadu with cut trip between Thodupuzha and Kottayam in the noon Thodupuzha-Kottayam by curtailing the route portion from Thodupuzha to Anakkayam in the light of the Judgment of Honorable STAT M.V.A.A No.214/2015 & M.V.A.A No.10/2016.(Adourned Item No.137 dtd 24.03.2015 & Rejected Item No.60 dtd 14.05.2015 , Rejected Item No.18 dtd 22-02-2018)

**EXISTING TIMINGS**

Anakkayam		Thodupuzha			Pala		Kottayam		
A	D	A	P	D	A	P	D	A	D
35 Minutes		70 minutes			70 Minutes				
6.45		7.20			8.30	8.37		9.47	
					11.55			10.45	
		1.17			12.07				
		1.31			2.41	2.42		3.52	
					6.12			5.02	
		7.24			6.14				
8.10(halt)		7.35							

Applicant:- Smt. Anees John, Neerolickal House, Purapuzha P O, Thodupuzha, Idukki

(a) Regular Permit Issued On : 26/10/2001 [**Saved Permit**]

(b) Regular Permit valid up to : 25/10/2021

(c) Date of filing application : 17/11/2014

Enquiry Report of Joint RTo, Thodupuzha dtd 12/12/2014.

1. The distance of existing route : 73Km [ Distance after variation 59km]

2. Intra/Inter district route : Inter district

3. Distance in each district if the route is inter district: Distance covered on Kottayam District is 48 KM from Kottayam to Nellappara & Idukki District 25 Kms from Nellappara to Anakkayam.

4. The distance of curtailment : Thodupuzha – Anakkayam

**[Total distance of curtailment 14 km]**

5. The distance of extension :NIL

6. The details of overlapping : The existing route overlaps by 48.4 Kms from Kottayam to Manarcad and Kidangoor to Thodupuzha

7. Details of virgin portion and road fitness certificate: Nil

8. Whether the existing timings will be changed or not: No change in the existing portion

9. Distance of variation on other districts : 14 kms under the jurisdiction of Idukki

10. **Details of concurrence : Concurrence Rejected from RTA,Idukki in Item No.46,Order No.G/3884/2017/ID dated 13/10/2017**[Reason for rejection is there is no adequate travelling facility on this route . Hence curtailment of the portion from Thodupuzha to Anakkayam will adversely affect the passengers .Also a representation from Smt.Renuka Rajasekaran Councilor,Ward No.3 Thodupuzha Municipality is received against the issuance of this concurrence]

11. Necessity U/R 145[6] of KMV rules, feasibility and recommendations etc.: The proposed curtailment portion is an ill served one and the curtailment will very adversely affect the travelling facility of the general public.

12. Court direction if any : Yes, M.A.A No.10/2016 Honorable STAT

13. Other relevant points if any : Enquiry officer specifically reported that the curtailment request is an ill served one and curtailment will very adversely affect the travelling facility of the general public. The enquiry officer also reported that the application for curtailment couldnot be recommended since there is no urge of travelling public. There is only one trip in the existing permit between Thodupuzha and Anakkayam which is an ill served area. It seems that the benefit of the curtailment is only for the permit holder . All these facts considered the RTA and decided Vide Order No.C3/135952/2014/K dated 14.05.2015 as follows "Heard Sri. I Dinesh Menon, learnt counsel represented the applicant Smt. Anees John. Considered the application for regular variation of permit in respect of Stage Carriage KL 38 C 7203 operating on the route Anakkayam-Kottayam. Enquiry officer specifically reported that the curtailment portion is an ill served one and curtailment will adversely affect the travelling public.The enquiry officer also reported that the application for curtailment couldnot be recommended since there is no urge of travelling public. The applicant failed to establish the necessity under Rule 145 (6) of KMV Rules 1989 to grant variation. On the above mentioned facts the application for variation of permit in respect of stage carriage KL 38 C 7203 is hereby rejected."

Against this order the permit holder filed the Honorable STAT and as per the Judgment in M.V.A.A No.214/2015 as follows “The appeal is allowed and the impugned order passed by the first respondent is set aside, The first respondent shall reconsider the application for variation of permit made by the appellant after obtaining concurrence of the Regional Transport Authority of the region in which curtailment of service is sought by the appellant”

This matter was considered RTA, Kottayam in its meeting conducted on 22/02/2018 and the following decision are taken.

1. Perused the judgment of Hon'ble STAT in MVAA No. 214/2015.

2. Heard; the learned counsel represented the applicant and also the Counsel represented the KSRTC. This is the application for variation of regular permit in respect of stage carriage **KL 38 C 7203** operating on the route Anakkayam - Kottayam as Ordinary service. By the proposed variation, the applicant is desired to vary the permit so as to curtail the route portion from Thodupuzha to Anakkayam. This authority in the earlier sitting held on 14/05/2015, considered the application took a decision that “the Enquiry officer specifically reported that the curtailment portion is an ill served one and curtailment will adversely affect the travelling public. The enquiry officer also reported that the application for curtailment could not be recommended since there is no urge of travelling public. The applicant failed to establish the necessity under Rule 145 (6) of KMV Rules 1989 to grant variation. On the above mentioned facts the application for variation of permit in respect of stage carriage KL 38 C 7203 is hereby rejected”. The decision was challenged before the STAT vide MVAA No.214/2015 and now vide judgment, the appeal is allowed and the impugned order passed by the first respondent is set aside, The first respondent shall reconsider the application for variation of permit made by the appellant after obtaining concurrence of the Regional Transport Authority of the region in which curtailment of service is sought by the appellant. In view of the judgment of Hon'ble Tribunal, concurrence of RTA Idukki was called for and the RTA Idukki has rejected the concurrence that **there is no adequate travelling facility on this route. Hence curtailment of the portion from Thodupuzha to Anakkayam will adversely affect the passengers. Also a representation from Smt. Renuka Rajasekaran Councilor, Ward No.3 Thodupuzha Municipality is received against the issuance of this concurrence.**

This authority reconsidered the matter in detail in the light of the rejected concurrence of RTA Idukki, Report of enquiry officer and present position of Government notifications and reveals that

1. The RTA Idukki has rejected the concurrence that **there is no adequate travelling facility on this route. Hence curtailment of the portion from Thodupuzha to Anakkayam will adversely affect the passengers.**
2. Enquiry officer specifically reported that the curtailment portion is an ill served area, and the curtailment will adversely affect the travelling facility of the general public. The enquiry officer also reported that the application for curtailment could not be recommended since there is no urge of travelling public. There is only one trip in the existing permit between Thodupuzha and Anakkayam which is an ill served area. It seems that the benefit of the curtailment is only for the permit holder. Moreover there is no necessity under rule 145(6) warranting for the grant of proposed variation.

3. *The regular permit was issued during the year 2001. As per Clause[4] of the modified scheme in vide notification No.08/2017/Tran dtd 23/03/2017, the permits granted in the private sector as on 14/07/2009 are permitted to operate as Ordinary or Ordinary limited Stop Service as **saved permits** provided that further extension or variation shall not be allowed under any circumstances. The permit issued to the applicant during the year 1997 is belongs to the classification of saved permit and the permit can be continued as such without any modifications such as further extension or variation. If the proposed variations are allowed, it will be the clear violation of Clause [4] of the notification No.08/2017/Tran dtd 23/03/2017.*

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

Against this decision the permit holder approaches the Honorable STAT in M.V.A.A No.10/2016 and the Honorable Court **set aside the decision** of Regional Transport Authority Kottayam dated 22-02-2018 and **directed to Regional Transport Authority to furnish a copy of the report of the Motor Vehicle Inspector to the permit holder and he shall given an opportunity to file an objection to the said report. Thereafter, the Regional Transport Authority shall give an opportunity of hearing to the appellant and pass orders in accordance with law within 2 months from the date of receipt of copy of this Judgment.** In obedience to the Judgment Secretary RTA received the objection submitted the permit holder and also heard the permit holder on 24-10-2018.

Hence the RTA may peruse the report, file and take a decision.

Agenda- To consider the request for the sanction of stop for **LSOS and Fast Passenger Buses** at **Pattithanam Rationkada Jn.**

Ref:-1.Request from Sri. Sebastian Kuthiraveli, Member, Kuravilangadu Division, District Panchayat, Kottayam.

2.Decision of RTA Kottayam dtd 22/02/2018 Item No-64

Notes- Vide reference 1<sup>st</sup> cited, an application was received for the sanction of stop for LSOS and Fast Passenger buses of KSRTC at **Pattithanam Rationkada Jn.** A detailed enquiry had been conducted through MVI Kottayam regarding the matter. As per the report,

**Pattithanam Rationkada Jn** is situated in between Retnagiri Jn. and Vembally Jn. Majority of the buses are LSOS, FPLS and FP of KSRTC. But only a few ordinary services of KSRTC are stopping at **Pattithanam Rationkada Jn** at morning and evening time at present. Many religious institutions are situating at this place and this is a highly populated area and so travelling difficulty is existing in this region. Hence recommended that if stop is allowed at **Pattithanam Rationkada Jn** for LSOS and Fast Passenger vehicles of KSRTC, the travelling difficulty of the travelling public of **Pattithanam Rationkada Jn** region will be redressed.

The RTA Kottayam at its sitting dtd 22/02/2018 considered the request and took the following decision.

*“Heard the Counsel represented by the KSRTC. He objected since the enquiry report submitted by the MVI was not hearing their part. He has stated that the place **Pattithanam Rationkada Jn** is situated in nationalized route. KSRTC is operating service on this route. Hence KSRTC is the party to submit report whether the sanction of stops for LSOS, Fast Passenger Buses at Ration Kada Jn is feasible or not. **Hence adjourned with a direction to Secretary RTA to call report from KSRTC and place the matter in the RTA.**”*

Thereafter, two RTA meetings were held on 25/04/2018 and 20/06/2018 respectively, but the KSRTC has not submitted their report yet.

Hence RTA may hear the concerned, peruse the report of MVI, and take a decision as per Rule 206 of KMV Rules 1989 in this matter.

#### **Supplementary Item No. 04**

Agenda:-To consider the various requests submitted by the permit holders to allow maximum time for producing a later model vehicle for replacing their existing vehicles which have attained 15 years of registration validity.

Ref:-Various requests submitted by the permit holders.

#### Notes:-

Recently, the media has reported that the Govt. of Kerala intend to enhance the registration age of the stage carriages from 15 years to 20 years. Subsequently, various requests have been received from the permit holders of stage carriages which are attaining the age of 15 years, to allow maximum time for producing a later model vehicle for replacing their existing vehicles. As per the prevailing laws, the stage carriages covered by regular permit has to be replaced on or before the date of attaining 15 years from the date of registration.

Hence RTA may take a decision in this matter.