

Minutes of Regional Transport Authority, Kottayam held on 08.02.2019

Present :

- 1. Sri. P.K. Sudheer Babu IAS, District Collector, Chairman RTA, Kottayam.
- 2. Sri. Shaji Joseph, Deputy Transport Commissioner (CZ-II) Member, RTA

=====

Item No. 01

Decided to delegate the power of this authority, under Rule 133 of KMV Rules, to Secretary RTA Kottayam for issuing permits, if the application for permit submitted by the KSRTC is along with current records of the vehicle, on notified routes.

Item No.02

Heard all concerned. This authority considered the following proposal put forward by the Traffic Regulatory Committee Kanjirappally held on 29-09-2018 for the implementation of the traffic reforms at Pettah Jn., Kanjirappally.

1.കോട്ടയം - പൊൻകുന്നം - പാലാ ബസ്സുകൾ ചോയ്സിന്റെ മുൻഭാഗത്തും, ഈരാറ്റുപേട്ട - തൊടുപുഴ ബസ്സുകൾ പേട്ടക്കവലയിലെ നിലവിലെ സ്റ്റോപ്പിലും, മുണ്ടക്കയം - കുമളി - കട്ടപ്പന ബസ്സുകൾ അമീൻ ബേക്കറി കഴിഞ്ഞുള്ള സ്റ്റോപ്പിലും, എരുമേലി - റാന്നി - പത്തനംതിട്ട ബസ്സുകൾ പഴയ വഹാബ് ബിരിയാണിക്കടയുടെ മുൻ വശത്തും ഈരാറ്റുപേട്ടയിൽ നിന്നും വരുന്ന ബസുകൾ കൊട്ടാരം ബേക്കറിയുടെ മുൻവശത്തെ സ്റ്റോപ്പിലും നിർത്തുക.

2.ഓട്ടോ ടാക്സി സ്റ്റാൻഡ് പേട്ടക്കവലയിലെ ഫോർയൂ വിന്റെ മുൻ വശത്തും, ഓട്ടോറിക്ഷകൾ ഈരാറ്റുപേട്ട റൂട്ടിൽ ടൗൺ പള്ളിയുടെ ഭാഗം വരെയും പാർക്ക് ചെയ്യുക.

3.കാർ ടാക്സികൾ ഈരാറ്റുപേട്ട റൂട്ടിൽ ഒന്നാമത്തെ മെഡിക്കൽ സ്റ്റോർ മുതൽ പുറകോട്ട് പാർക്ക് ചെയ്യുക.

4.മറ്റ് ടാക്സികൾ, സുമോ, ചെറുവണ്ടികൾ, പിക്ക് അപ്പ് വാൻ, പെട്ടി ആപ്പുകൾ എന്നിവ സെൻട്രൽ സർവ്വീസ് ബാങ്കിന്റെ എതിർ വശം മച്ചാ തട്ടുകട മുതൽ പുറകോട്ട് പാർക്ക് ചെയ്യുക.

MVI Kanjirappally reported that the recommendation of the Traffic Committee is beneficial to reduce the traffic block happening at Kanjirappally Town.

Hence **approved** the above the proposal put forward by the Traffic Regulatory Committee Kanjirappally held on 29-09-2018 for the implementation of the traffic reforms at Pettah Jn . Kanjirappally.

Item No.03

Heard the complainant Smt. Mili Alex, Katankavil, Mundankal P.O. She has stated her grievance was redressed hence withdrawn the complaint. Hence, no action is needed.

Item No.04

The proposal for Bus Stop at Meladukkam Jn in Thalanadu Grama Panchayat, Pala is **approved**.

Item No.05

Heard the learned counsel represented KSRTC.

This is to consider the suggestion of District Road Safety Council, Kottayam, dtd 08/01/2019 for sanction of Bus stop at Thumbasserry Junction, Ettumanoor for Fast Passenger and LSOS buses of KSRTC.

During the hearing, the representative of KSRTC stated that the requested bus stop is situating on Thiruvananthapuram – Kannur Nationalized route as per GO[P] No 8/2017/Tran dtd 23.03.2017. The KSRTC has the right to sanction bus stops on a nationalized sector.

Hence this authority is of considered opinion that the request is a genuine one. Hence the request for the sanction of bus stop at Thumbasserry Junction, Ettumanoor for Fast Passenger and LSOS buses of KSRTC on the nationalized sector is forwarded to MD, KSRTC for favorable decision.

Item No.06

This is the request of Thiruvvarppu Grama Panchayat for extending the route from Kanjiram Jetty to Malarikkal for the stage carriages issued with terminus as Kanjiram Jetty following to the construction of a new bridge and tarred road by the PWD which is connecting Kanjiram Jetty to Malarikkal which is an upcoming tourist destination.

RTA is a quasi judicial authority, and has no right to compel an operator to operate a particular route forcefully. Hence it is **decided** that, Secretary RTA is directed to conduct to convene a meeting with the operators who is now conducting

their service up to Kanjiran Jetty, on their willingness for extending their permit up to Malarikkal. It is made clear that, the interested operators are bound to submit a permit variation application on that purpose. If such an application is made for that purpose, the Secretary shall place the matter before this authority for consideration.

Item No.07

Perused the **Judgment** dtd 09.01.2019 **in WP[c] No 3234 of 2018** of Honorable High Court of Kerala

In the above order, the Honorable Court directed this authority to take a decision on the representation preferred by the Kerala State Road Transport Corporation. Perused the representation and heard the connected parties presented in the RTA meeting. The representation of KSRTC is related to a route falling under Complete Exclusion Scheme lying in the Kottayam to Neendoor via, Chungam, Kudayampady, Kudamaloor, Arpookara, Medical College, Mannanam and Kaipuzha [Distance of 14 kms] . According to KSRTC, there are so many permits overlapping on this route and they are argued that all those permits which are operating in violation of the above scheme shall be cancelled. Upon hearing, it is understood that there are more than 500 permits attracting the conditions of the above scheme having different nature of routes to various places and having different terminus. It is therefore, necessary to make a study about those routes before arriving at a decision on the representation filed by KSRTC. The route in question is having distance of only 14 kms and the permits connected with his route is more than 500. Hence a detailed study report regarding the nature of the routes need to be collected to ascertain whether any of those permits are actually operating in violation of approved scheme. This authority thinks it so because of this fact that the effect of the decision on the representation is directly affecting the existing travelling facility availed by the public. Therefore the decision on this representation is **adjourned** with a direction to the Secretary RTA to furnish a detailed report about the routes in relation to the above mentioned scheme and shall be placed before the ensuing RTA. Regarding the renewal applications connected with this route are also adjourned till a decision on the representation of KSRTC is taken.

Item No.08

Heard; the learned counsel represented the STU, the applicant. This is an application for the **grant of fresh regular permit** in respect of stage carriage **KL-15-7172** to

operate on the route **Vaikom – Kottayam** via, Thalayolaparambu, Kaduthuruthy, and Ettumanoor **as Ordinary Service**. The applicant is the beneficiary of the notified schemes. Age of the offered stage carriage is not within the limit prescribed by the STA. Therefore proposed regular permit is granted to **another suitable vehicle** having same seating capacity or more, which is not older than 08 years from its date of registration with proposed set of timings.

Item No.09

Heard the learned counsel represented the applicant and KSRTC.

This is an application for the grant **fresh regular permit** in respect of SC **KL-34-B-9599 / another suitable vehicle** to operate on the route **Vadakkemala - Mundakayam – Kuzhimavu** via, Koottickal, Vembly, Yendayar, Mundakayam, Vandanpathal, and Koruthodu as Ordinary Service.

This authority considered the application and connected documents in detail. Enquiry officer reported that this is an inter district route having a distance of 31 km, out of which **route portion from Koottickal Chappathu to Vadakkemala for a distance of 11 kms comes under the jurisdiction of RTA Idukki**.

The offered vehicle KL 34 B 9599 is having valid regular permit on another route. Hence

1.the Secretary RTA is directed to **obtain concurrence from the sister RTA Idukki** and place the matter before this authority for further consideration and he is also directed to enquire and report whether the Yendayar – Wembly road is fit for stage carriage operation or not.

2.The applicant is **directed to furnish current records of a suitable vehicle**, having same seating capacity or more, which is not older than 08 years from the date of registration, for further consideration of this authority.

Hence **adjourned**.

Item No.10

Heard the learned counsel represented the applicant and KSRTC.

This is an application for the grant **fresh regular permit** in respect of SC **KL-35-E-5873 / another suitable vehicle** to operate on the route **Thekkemala – Kuzhimavu** via, Mundakayam, with trips to Vadakkemala, Cholathadam, and Elamkadu Top as **Ordinary Service**.

This authority considered the application and connected documents in detail. Enquiry officer reported that this is an inter district route having a distance of 54.7 km, out of which **route portion from Mundakayam Bridge to Thekkemala and from Yendayar Bridge to Vadakkemala at a distance of 13.3 kms comes under the jurisdiction of RTA Idukki.**

The offered vehicle KL 35 E 5873 is having valid regular permit on another route.

Hence

1.the Secretary RTA is directed to obtain **concurrence** from the sister **RTA Idukki** and place the matter before this authority for further consideration.

2.The applicant is **directed to furnish current records of a suitable vehicle**, having same seating capacity or more, which is not older than 08 years from the date of registration, for further consideration of this authority.

Hence **adjourned.**

Item No.11

Heard the learned counsel represented the applicant and KSRTC.

This is an application for the grant **fresh regular permit** in respect of SC **KL-05-AG-3553 / another suitable vehicle** to operate on the route **YENDAYAR - MUNDAKAYAM - ERUMELY - 40 Acre** via, Vembli, Koottickal, Mundakayam, Pachima, Kottaramkada, Kottaramkada, Kuzhimavu, Panackachira, Mundakayam, Pulikkunnu, Erumely, Mukkoottuthara, Edakadathi, Pampavalley, Kuzhimavu, Koruthodu Panacachira as **Ordinary Service.**

This authority considered the application and connected documents in detail. Enquiry officer reported that a distance of **7.3 kms from Koottickal Chappath to Yendayar lies in the jurisdiction of RTA Idukki and a distance of 2 kms from Kottaramkada Top to 40 Acre is virgin.**

The offered vehicle KL 05 AG 3553 is having valid regular permit under the jurisdiction of RTA Ernakulam.

Hence

1.the Secretary RTA is directed to obtain **concurrence** from the sister **RTA Idukki**

2.the Secretary RTA is also directed to **obtain Road fitness certificate** from the concerned authority place the matter before this authority for further consideration.

2.The applicant is **directed to furnish current records of a suitable vehicle**, having same seating capacity or more, which is not older than 08 years from the date of registration, for further consideration of this authority.

Hence **adjourned**

Item No.12

Heard the learned counsel represented the applicant and KSRTC.

This is an application for the grant **fresh regular permit** in respect of SC **KL-40-H-4676/ another suitable vehicle** to operate on the route **KUZHIMAVU – MUNDAKAYAM – 504 Colony via**, Panackachira, Panchavayal and additional trip from Mundakayam to Kuzhimavu via Paschima and Kottaramkada as Ordinary Service.

This authority considered the application and connected documents in detail. Enquiry officer reported that this is an intra district route having a distance of 37.150 kms, out of which 150 meters from Mundakayam Bus Stand Jn. to Mundakayam Cosway Jn. overlaps on Kottayam – Thekkady Scheme. **ie, 0.40 % of the total route length of 37.150 km which is within the permissible limit.**

The offered vehicle is below 8 years of registration age, but not owned by the applicant. However, the Fresh Regular permit is **granted** to another suitable vehicle owned or possessed by the applicant, having same seating capacity or more, which is not older than 08 years from its date of registration, on the above route subject to settlement of timings as per the Order No. D3/2813/STA/2013 dtd 21/04/2018 of STA.

The grantee is directed to produce the current records of a later model suitable stage carriage within 30 days from the date of receipt of this, as per Rule 159[2] of KMV Rules 1989, failing which the grant of permit is treated as revoked without further notice.

Item No.13

Heard the learned counsel represented the applicant and KSRTC.

This is an application for the grant **fresh regular permit** in respect of SC **KL-35-B-4025/ another suitable vehicle** to operate on the route **Ponkunnam – Ettumanoor Koorali, Anickadu, Pallickathodu, Chelikkuzhy, Tharakkunnu, Kanipparambu, Lakkattoor, Puthukkulam, Thalikkallu, Ayarkkunnam, Thiruvanchoor, Poovathummoodu, Peroorkavala** as Ordinary Service.

This authority considered the application and connected documents in detail. The error occurred in the agenda on the intermediate points is excused. Enquiry officer reported that this is an intra district route having a distance of 35 kms, out of which Route portion of Ponkunnam Bus Stand Jn. to Ponkunnam Pala Road Jn. at a distance of 150 meter objectionably overlaps on Kottayam – Thekkady Partial Exclusion Scheme and from Peroor Kavala to Ettumanoor at a distance of 500 meter objectionably overlaps on Kottayam – Kattappana Partial Exclusion Scheme. **Hence, total distance of overlapping is 650 meter ie, 1.85 % of the total route length of 35 km which is within the permissible limit.**

The offered vehicle is completed 8 years of registration age, hence not suitable for the grant of fresh permit. However, the Fresh Regular permit is **granted** to another suitable vehicle owned or possessed by the applicant, having same seating capacity or more, which is not older than 08 years from its date of registration, on the above route subject to settlement of timings as per the Order No. D3/2813/STA/2013 dtd 21/04/2018 of STA.

The grantee is directed to produce the current records of a later model suitable stage carriage within 30 days from the date of receipt of this communication, as per Rule 159[2] of KMV Rules 1989, failing which the grant of permit is treated as revoked without further notice.

Item No.14

Heard the learned counsels represented the applicant. Considered the application for the grant of **fresh Regular Reserve Permit** in respect of SC **KL-05-R-5792** for a period of 05 years from the date of issue.

Fresh Regular Reserve Permit is granted to SC **KL-05-R-5792** to operate as Reserve stage carriage in place of the following 04 stage carriages on their respective routes.

Sl No	Regn No	Route	Validity of R.P.	Pt. Issuing authority
01	KL 05 Y 299	Kottayam - Ayarkunnam as O.S.	27/09/2023	RTA KTM
02	KL 05 R 255	Kottayam – Vattupura as O.S.	30/08/2020	RTA KTM
03	KL 05 AB	Kottayam – Bund Road as O.S.	10/07/2022	RTA KTM

	4777			
04	KL 05 AN 2977	Kottayam – Punnathura as O.S.	28/04/2022	RTA KTM

The grantee is directed to produce the current records of the vehicle within 30 days from the date of receipt of this communication, as per Rule 159[2] of KMV Rules 1989, failing which the grant of permit is treated as revoked without further notice.

Item No.15

Heard the learned counsels represented the applicant.

Perused the judgment dtd 14.12.2018 in WP[c] No 39833/2018 of Honorable High Court of Kerala.

Considered the application for the grant of **fresh Regular Reserve Permit** in respect of SC **KL-36-9190** for a period of 05 years from the date of issue.

Fresh Regular Reserve Permit is granted to SC **KL-36-9190** to operate as Reserve stage carriage in place of the following 04 stage carriages on their respective routs.

Sl No	Regn No	Route	Validity of R.P.	Pt. Issuing authority
01	KL 05 AJ 6003	Kottayam - Vaikom as O.S.	28/05/2020	RTA KTM
02	KL 05 W 9444	Kottayam – Vaikom as O.S.	20/06/2021	RTA KTM

The grantee is directed to produce the current records of the vehicle within 30 days from the date of receipt of this communication, as per Rule 159[2] of KMV Rules

Item No.16

Heard the learned counsel represented the applicant and KSRTC.

Perused the Judgment dtd 31.10.2018 in MVAA No 277/2018 of Honorable STAT.

This is a modified application for the grant of **Temporary Permit** in respect S/C **KL 05 P 7891** on the route **Perunna NSS College - Kottayam** Via , Perunna Bus Stand, Changanacherry, Mathumoola, Thuruthy, Mandiram, Chingavanam, Pallam, Nattakom, & Kodimatha as **Ordinary Service**.

This authority considered the application and connected documents in detail as per the directions contained in the aforesaid judgment.

An application for temporary permit in respect of S/C **KL 05 P 7891** on the route **Perunna Temple - Kottayam** Via Perunna, Chanaganacherry, Mathumoola, Thuruthy, Plamoodu, Kurichy, Chingavanam, Mavilangu, Bukkana, Nattakom and Manipuzha as ordinary service was considered and rejected by this authority at its meeting held on 26.06.2018 since the distance of overlapping is beyond the permissible limit and no particular temporary need is existing.

Against the rejection, the permit holder has filed MVAA No 277/2018 before the Honorable STAT, and the Honorable Tribunal in its Judgment observed and directed that *“the main ground on which the application for reissue of temporary permit was rejected is that the route Perunna Temple – Kottayam is having a distance of 21.8 kms and the distance of overlapping is 17 kms which is 77% of the total route length, hence beyond the permissible limit. The learned counsel for the appellant submitted that the appellant is prepared to bring the overlapping within the permissible limit. In view of the said submission, the appeal itself can be disposed off. In the result, the appeal is disposed off as follows. **The appellant is permitted to submit a modified proposal avoiding the overlapping portion and bringing within the permissible limit. On receipt of such an application, the 1st respondent shall dispose off the same and pass orders in accordance with law within a period of two months after hearing all the parties concerned.**”*

But the appellant Sri. Shijo Thampi, submitted a modified application for temporary permit on the route **Perunna NSS College - Kottayam** Via , Perunna Bus Stand, Changanacherry, Mathumoola, Thuruthy, Mandiram, Chingavanam, Pallam, Nattakom, & Kodimatha as **Ordinary Service**.

The enquiry officer reported that this is an intra district route having a distance of 20.1 kms, out of which 19.5 kms objectionably overlaps on **Kottayam – Kottarakkara Scheme** and **Kottayam – Neendoor Complete Exclusion Scheme** and **Kottayam – Thekkady and Ernakulam – Thekkady schemes**. **Total Distance of overlapping is 19.5 kms ie, 97 % of the total distance of 20.1 kms which is beyond the permissible limit as per GO(P) No. 8/2017 Trans dated 23/03/2017. Moreover, there are sufficient stage carriages are operating by the STU and no need of temporary permit U/S 87[1] of MV Act also.**

This authority is of considered opinion that the Honorable STAT is permitted the appellant to submit a modified proposal avoiding the overlapping portion and bringing within the permissible limit. But the modified application submitted by the appellant is 97 % of the route portion in the modified application overlaps on the different schemes especially on **Kottayam – Neendoor Complete Exclusion Scheme**.

As per the modified proposal, it is evident that the applicant has not utilized the opportunity given by the Honorable STAT to submit a modified application avoiding the overlapping portion and bringing within the permissible limit for availing permit. Hence not adhered the direction contained in the judgment.

Moreover, enquiry officer reported that Total Distance of overlapping is 19.5 kms ie, 97 % of the total distance of 20.1 kms which is beyond the permissible limit as per GO(P) No. 8/2017 Trans dated 23/03/2017, There are sufficient stage carriages are operating by the STU and no need of temporary permit U/S 87[1] of MV Act also.

Hence application for temporary permit is **rejected**.

Item No.17

Considered the request of RTA Pathanamthitta for concurrence of this authority for the grant of Fresh Regular Permit for operating on the route Thiruvalla – Mallappally Via Kizhakkan Muthoor, Paipadu, Pamala Kurisu, Chenaruchira, Madukkoli as Ordinary Service.

As per the report of the enquiry officer, route portion from Bathelpady to Keezhadi Irakkam at a distance of 2 kms comes under the jurisdiction of this authority and there is no scheme in this route portion. Hence **Concurrence is granted** subject to the right of original Authority to verify the feasibility with the Government notification vide GO(P) No 8/2017 dated 23-3-2017 and its modification.

Item No.18

Considered the request of RTA Pathanamthitta for concurrence of this authority for the grant of Fresh Regular Permit in respect of stage carriage **KL-06-E 6616** for operating on the route **Koothattukulam – Bharanikkavu** via, Amanakara, Ramapuram, Chakkapuzha, Ayurveda Hospital, Pala Kottaramattam Stand, Civil Station Jn., Kurisukavala, Pala Old Bus Stand, Poovarani, Paika, Ponkunnam, KVMS,

Mannamplavu, Pallipadi, Chenappadi, Karikkattoor Centre, Ponthanpuzha, Valiyakavu, Chirakkalpadi, Ranny, Bock Padi, Puthaman, Kadammanitta, Pathanamthitta, Manorama, Vallikkodu, Chandanappally, Kodumon, Ezhamkulam, Adoor, Parthasarathy Temple, New Pvt Bus Stand, Nellimmoottipdi, Manakkala, Nellimukal, Kadampanadu, Ezham Mile as **LSOS**.

As per the report of enquiry officer, a distance of 63 kms from Perumkuttu to Valiyakavu, via, Ramapuram, Pala, Paika, Ponkunnam, KVMS, Chenappadi, Karikkattoor Centre and Ponthanpuzha comes under the jurisdiction of this authority. The route portion from Kottaramattam B.S. to Old B.S. [1.3 KMS] overlaps on Kottayam – Kattappana Scheme, from Ponkunnam to KVMS Jn. overlaps [0.8km] on Kottayam – Thekkady and Ernakulam – Thekkady Scheme, and from Ponthanpuzha to Valiyakavu [0.3km] overlaps on Changanacherry – Changanacherry Circular Scheme. Total Distance of overlapping is 2.4 kms comes under the jurisdiction of this authority.

Hence decided as **“Concurrence granted”** subject to the right of original Authority to verify the feasibility with the Government notification vide GO(P) No 8/2017 dated 23-3-2017 and its modification.

Item No.19

Considered the request of RTA Pathanamthitta for concurrence of this authority for the grant of Fresh Regular Permit for operating on the route **Pala – Chittar Market** via, Bharananaganam, Kizhakkumpara, Panackapalam, Erattupetta, Thidanadu, Kalaketty, Anakkallu, Kanjirappally, Kur isukavala, Anjilippa, Vizhickathodu, Chenappadi, Karikkattoor Centre, Ponthanpuzha, Chathippu Colony, Valiyakavu, Chirakkalpadi, Ranni, Block Padi, Puthaman, Vayalathala, Kallelimukku, Kadammanitta, Mundukottakkal, Mosque Pathanamthitta, Manorama, Parakkadavu Palam, Poomkavu, Pramadam, Elakkolloor Temple, Anakkoodu, Konny, Attachakkal, Athumpukulam, Mundanmoozhy, Thannithodu, Koothadiman, Ettichuvadu, Chittar Stand and Chittar Market **as LSOS**.

As per the report of enquiry officer, a distance of 47 kms from Pala to Valiyakavu, Bharananaganam, Panackappalam, Erattupetta, Thidanad, Kalaketty, Anakkallu, Kanjirappally, Vizhickathodu, Chenappady, Karikkattoor Centre, and Ponthanpuzha comes under the jurisdiction of this authority. The route portion from

Kottaramattam B.S. to Theatre Jn [1.7 KMS] overlaps on Kottayam – Kattappana Scheme, from **Kanjirappally Pettah jn. to Kurisukavala** [0.8km] overlaps on Kottayam – Thekkady and Ernakulam – Thekkady Scheme, and from Ponthanpuzha to Valiyakavu [0.3km] overlaps on Changanacherry – Changanacherry Circular Scheme. Total Distance of overlapping is 2.8 kms comes under the jurisdiction of this authority.

Hence decided as **“Concurrence granted”** subject to the right of original Authority to verify the feasibility with the Government notification vide GO(P) No 8/2017 dated 23-3-2017 and its modification.

Item No.20

Considered the request of RTA Idukki for concurrence of this authority for the grant of Fresh Regular Permit for operating on the route for operating on the route **Thekkemala – Kuzhimavu – Elamkadu Top** Touching **Kuttiplanagadu and Azhangadu** Via, Paloor kavu, Mundakayam, Kokkayar, Meloram and halting at Mundakayam as Ordinary Service.

As per the report of enquiry officer, route portion from Mundakayam Kalleppalam Jn to Elamkadu Top via, Koottickal & Yendayar and from Mundakayam to Kuzhimavu via, Panackachira & Koruthodu comes at a distance of 30.5 km comes under the jurisdiction of this authority. The route portion from **200 meters from Mundakayam Kalleppalam Jn to Mundakayam Koottickal Jn. Kottayam – Thekkady and Ernakulam – Thekkady** Total Distance of overlapping is 200 meters comes under the jurisdiction of this authority.

During the meeting, another operator pointed out the, in the agenda of RTA Idukki, the application for fresh permit submitted as **Thekkemala – Kuzhimavu – Elamkadu Top by suggesting without the timings of Elamkadu Top. Hence, need a clarification on whether the applied route includes the terminus Elamkadu Top or not. Hence RTA Idukki may be considered this objection while considering this application.**

Hence decided as **“Concurrence granted”** subject to the right of original Authority to verify the feasibility with the Government notification vide GO(P) No 8/2017 dated 23-3-2017 and its modification and the objection on the applied route..

Item No.21

Heard. Learned counsel represented the applicant and KSRTC.

Perused the Order dtd 31.08.2018 in MVARP No 83/2018 of Honorable STAT.

Reconsidered the **request of RTA Idukki** for the **concurrence** for the grant of **Variation of Permit** in respect of stage carriage **KL-05-T-7587** for operating on the inter district route **Changanacherry – Nedumkandam** Via Karukachal, Ponkunnam, Mundakayam, Kuttikkanam, Elappara, Puliyanmala, Pampadumpara **as LSOS**.

This item was considered by this authority in its meeting held on 25.04.2018 vide Item No 06 and rejected, since the permit covered by the vehicle comes under the category of **'Saved Permit'** and the findings of enquiry officer that the route portion of the proposed for curtailment ie, Ponkunnam – Karukachal via Chamampatahal is ill served area. Hence the proposed curtailment will badly affect the existing travelling facility enjoyed by the passengers in this sector.

Against the rejection, the permit holder has filed MVARP No 83/2018 before the Honorable STAT, and the Honorable Tribunal pronounced a common order while disposing the bunch of similar revision petitions, directed ***“the respective Regional Transport Authorities, to consider the application for variation of permits on individual basis afresh and in case no variation of extension is sought for on the notified routes, the same shall be considered and disposed off in accordance with the section 80(3) of MV Act, after hearing all the parties concerned including the KSRTC. The order shall be passed within two months from the date of receipt of copy of this judgment”***.

This authority reconsidered the matter as per the direction contained in the aforesaid order of Honorable STAT.

The counsel represented KSRTC stated that, as per the clause 19 of GO[P] No 8/2017/Tran dtd 23.03.2017, the State Transport Undertaking reserve the right to operate additional service or increase the number of trips on each route on notified route as per traffic demand.

The proposed variation application is for **curtailing the route portion from Ponkunnam to Karukachal via Chamampathal which is non-notified portion and deviating from Ponkunnam to Karukachal via 14th Mile through notified portion. Hence variation of extension sought for on the notified routes.**

The aforesaid order of Honorable STAT, clearly specified that the variation application for variation sought for only on non notified routes. The

proposed variation application is submitted for **curtailing the non-notified portion and deviating through notified portion. Hence, the variation of extension sought for by the applicant is on the notified routes. Hence no question is arising the applicability of Sec. 80[3] of MV Act. Moreover variation applied on the notified route is the violation of clause 19 of the GO[P] No 8/2017/Tran dtd 23.03.2017.**

Hence, concurrence is rejected.

Item No.22

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 **Pala – Perinad** Edappady, Bharananganam, Panackapalam, Erattupetta, Thidanadu, Pinnakkanadu, Kalaketty, Kappadu, Kanjirappally, Chenapady, Mukkada and Athikkayam as **Ordinary Service** to **KL 05 L 6382 /another suitable vehicle.**

The maximum time allowable U/S 159[2] of MV Act is allowed for further 03 months with effect from 10/01/2019 since the communication received by the grantee on 10/12/2018.

Item No.23

Heard.

This authority examined request for **condonation of delay** occurred for producing the current records for availing the fresh regular permit granted by the RTA Kottayam held on 22.02.2018, in respect of S/C **KL-15-9918** on the route **ERATTUPETTA – MELADUKKAM via, Teekoy, Adukkam and Addl trips as ERATTUPETTA – KAIPPALLY via Poonjar, ERATTUPETTA – THALANADU, via Teekoy, ERATTUPETTA – MANKOMBU SCHOOL via, Moonnilavu, ERATTUPETTA – ADIVARAM via, Poonjar as Ordinary Service.**

The decision of RTA with direction to produce the current records of the vehicle within 30 days was communicated to the grantee on 15.03.2018, but the grantee failed to produce the records of the vehicle in time as prescribed under Rule 159(2) of KMV Rules. The grantee was submitted a request for the condonation of delay only on 05.12.2018 ie, after 09 months. The learned counsel represented KSRTC

not submitted any explanation for the delay occurred from their part. Hence request **rejected.**

Item No.24

Heard the learned counsel represented the applicant. Considered the application for renewal of regular permit in respect of the S/C. **KL 36 C 3289** on the route **Thalayolapparambu - Kuravilangadu** Via, Korikkal, Pazhampetty, Ezhumanthuruthu, Valachira, Railway gate, ITC Jn Kaduthuruthy, Neezhoor, Madathiparambu, and Kozha **as ordinary service.**

Perused the file and enquiry report. This permit is issued on 28.02.2014 ie, after 09.05.2006. A distance of 500 meters from Kaduthuruthy main road jn to Kaduthuruthy overlaps on **Ernakulam - Thekkady Scheme** and a distance of **700mts from** Kozha to Kuravilangadu bus stand jn overlaps on **Kottayam-Kozhikode Scheme** vide approved scheme GO[P]No 8/2017 /Trans dtd 23/03/2017 which is within the permissible limit. Hence total distance of overlapping is 1.2 kms which is 2.72% of the total route length of 44 kms which is within the permissible limit. Hence Renewal of Regular Permit **granted** as applied for, in view of the Government Notification No.8/2017/Tran Dated 23/03/2017.

Item No.25

Heard the learned counsel represented the applicant. Considered the application for renewal of regular permit in respect of the S/C. **KL 34 C 1427** on the route **Elamcadu - Ernakulam Kaloor Bus Stand** (via) Yendayar, Koottickal, Mundakayam, Kanjirappally, Erattupetta, Pala, Kuruvilangadu, Kappumthala, Kaduthuruthy, Thalyolapparambu, Kanjiramattom, Thripunithura, And Vyttila as **LSOS** .

This is an inter district route having a distance of 126 kms, out of which a distance of 30 kms lies in Ernakulam District which comes under general concurrence limit. As per clause 5 b of GO[P] No 8/2017/Tran dtd 23.03.2017, the existing and operating permit as on 14.07.2009 will be permitted to operate as Ordinary and Limited Stop Ordinary Services. In this case, the initial permit was issued on 11.07.2000. Hence Renewal of Regular Permit **granted.**

Item No.26

Heard the learned counsel represented the applicant. Considered the application for renewal of regular permit in respect of the S/C. **KL 67 A 1973** on the route **Uzhavoor - Vaikom Via** Kurianadu Poovathinkal Kozha Neezhoor Arunoottimangalam Peruva And Thalayolaparambu as Ordinary Service.

This is an intra district route having a distance of 43 kms. As per the report of the enquiry officer, a distance of 4 kms from Kurianadu Jn to Kuravilangadu objectionably overlaps on Kottayam- Kozhikode Scheme and from Thalayolaparambu Pallikavala Jn. to Vaikom 12kms overlaps on Ernakulam – Thekkady Scheme. These schemes are partial exclusion schemes.

As per clause 5 b of GO[P] No 8/2017/Tran dtd 23.03.2017, the existing and operating permit as on 14.07.2009 will be permitted to operate as Ordinary and Limited Stop Ordinary Services. In this case, the initial permit was issued on 24.10.2003. Hence Renewal of Regular Permit **granted**.

Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.27

Heard the learned counsel represented the applicant.

Considered the request for condonation and the application for renewal of regular permit in respect of the S/C. **KL 39 J 767** on the route **Kottayam- Ernakulam Via**, Sankranthi, Medical College, University, Ettumanoor, Kaduthuruthy, Thalayolapparambu, Kanjiramattom , Puthiyakavu, Thrippunithura, and Vytila as **LSOS**.

This is an inter district route having a distance of 66.4 kms out of which 22.4 kms lies in the jurisdiction of RTA Ernakulam. As per the report of the enquiry officer, a distance of 26.5 kms overlaps on Ernakulam – Thekkady and Kottayam – Alwai Schemes. These schemes are partial exclusion schemes.

As per clause 5 b of GO[P] No 8/2017/Tran dtd 23.03.2017, the existing and operating permit as on 14.07.2009 will be permitted to operate as Ordinary and Limited Stop Ordinary Services. In this case, the initial permit was issued on 13.02.2003. The reason specified by the permit holder on delay occurred for submitting the renewal application is satisfactory. Hence, **Delay condoned** and Renewal of Regular Permit **granted**.

Item No.28

Heard.

Perused the file. The judgment in WP[c] No. 23802/2018 dtd 30/07/2018 of Honorable High Court is not seen received. Hence this authority is of considered opinion that, it is not feasible to proceed further in this matter without perusing the observations and directions contained in the judgment in WP[c] No 23802/2018 dtd 30/07/2018 of Honorable High Court of Kerala.

Hence, the Secretary RTA is directed to call for the judgment of WP[c] No 23802/2018 dtd 30/07/2018 and place the matter before the next sitting. Hence **adjourned**.

Item No.29

Heard the learned counsel represented the applicant.

Considered the application for renewal of permit in respect of S/C KL 33 D 719 on the route **Kurichy Out-Post - Kattappana** Via, Eera, Kainady, Parakulam, Njaliyakuzhy, Thottackadu, Pampady, 14thMile, Kanjirappally, Mundakayam, Kuttickanam and Elappara **as LSOS**.

This is an inter district route having a distance of 137 kms out of which 3 kms and 58 kms lies in the jurisdiction of RTA Alappuzha and Idukki respectively. As per the decision of STA dtd 14/06/2017 in D2/10389/STA/2014 in vide Departmental Item No 3, **to grant renewal of permit without insisting concurrence from sister RTAs, the Secretary RTA shall obtain detailed route enquiry and ascertain that there is no variation in the existing route along with the feasibility of the renewal application before placing it in the concerned RTAs.**

In this case, a distance of 58 kms lies in the jurisdiction of RTA Idukki. Hence Secretary RTA is directed to **obtain detailed route enquiry report** from the Secretary RTA Idukki and place the matter before next RTA. Hence application for **renewal** of regular permit is **adjourned**.

This authority considered the application for clearance certificate by retaining the regular permit as per the direction contained in the judgment dtd 14.01.2019 of Hon'ble STAT in MVAR P No 129/2018.

The application for clearance certificate without insisting surrender of permit means to detach vehicles from the permit to use the vehicle for any other permit or other purpose including transfer of the vehicle is to allow the permit which is held by

them to remain unserved causing prejudice to the general public whom transport services are provided and regulated by this authority.

In other words, **the request for keeping the permit under suspended animation and permitting such request is nothing but denying the use of services by the general public. The object of renewal of permit is to ensure uninterrupted operation of services on the route.** Hence the application for want of the permit to remain alive without it being suspended and detach the vehicle for the use of the vehicle for some other purpose which clearly contrary to the object and purpose of the MV Act 1988 and Rules 1989. Moreover, Honorable High Court of Kerala in WA No 2486 of 2015 and connected cases, held that not to issue clearance certificate to a stage carriage on their permit under suspended animation.

Hence the application for clearance certificate by retaining the regular permit is **rejected** on the above findings.

Item No.30

Heard Learned counsel represented the applicant.

Perused the order of Hon'ble STAT in MVAA No.182/2016, Dated 27/10/18.

Considered the application for renewal of permit in respect of **S/C KL 35 A 3569** on the route **Malayinchipara Mannam Temple Jn. - Pala**, Via, Malayinchipara Church Jn., Pathampuzha, Poonjar, Erattupetta, Panackapalam and Bharananaganam as Ordinary Service.

The initial permit was granted by this authority dtd 21.08.2010 as per the judgment in MVAA No 55/2010 of Honorable STAT wherein the honorable appellate authority directed to grant regular permit as sought by the applicant subject to settlement of timings. Accordingly, the fresh regular permit was issued on 05.07.2011 after settling the timings. In this judgment the Honorable STAT viewed that the length of the proposed route is 26 kms. The permissible overlapping on the notified route as per Clause 5 [c] of SRO 608 of 2009 [GO[P] No 42/2009] is 1.3 kms. Excess overlapping on the said notified route is therefore only 200 meters is only marginal. In such circumstances the objectionable overlapping of 1.5 km on Kottayam -Kattappana Scheme is an inevitable intersection.

The application for renewal of regular permit was considered by this authority held on 01/09/2016 and rejected application since the permit is issued after 09/05/2006 and the route portion from Kottaramattam BS to Maharani Junction

having a distance of 1.9 kms overlaps on Kottayam - Kattappana notified scheme which violates GO(P) No 42/2009 dated 14-07-2009 and Secretary RTA has liberty to issue 4 months Temporary Permit until KSRTC resumes service on this route.

Aggrieved by the above decision, applicant had filed an appeal before Hon'ble STAT. Hon'ble STAT ordered in MVAA No.182/2016, dated 27/10/18, as follows. **“The appeal is allowed. The impugned order is set aside. The 1st respondent [RTA, Kottayam] is directed to grant renewal of regular permit to the appellant as applied for”**

This authority re-considered the application in the light of the judgment dtd 27.10.2018 in MVAA No 182/2016 of Honorable STAT, report of enquiry officer, and relevant notification in detail.

The route **Malayinchipara Mannam Temple Jn. – Pala** is an intra district route, having a distance of 28.3 kms. **The enquiry officer reported that, route portion from Pala Kottaramattom Bus Stand to Maharani Jn. at a distance of 1.9 kms objectionably overlaps on Kottayam – Kattappana Scheme. This overlapping is 6.71 % of the total distance of 28.3kms which is not comes under the permissible limit as per GO(P) No. 8/2017 Trans dated 23/03/2017.** Hence this authority is in view that there is legal impediment to grant the permit.

As per clause 5 [b] of GO[P] No 8/2017/Tran dtd 23.03.2017, the existing and operating permit as on 14.07.2009 will be permitted to operate as Ordinary and Limited Stop Ordinary Services. In this case, **the initial permit was issued on 05.07.2011.**

As per Clause 5[c] of said notification, permits will also be granted to private stage carriages on other routes permitting them to overlap 5 km or 5% of the length of their own routes, which ever isles on the notified routes, for the purpose of intersection. **As per the report of enquiry officer, the distance of overlapping is 1.9 kms on Kottayam - Kattappana Scheme and the Honorable STAT in its judgment observed that the distance of overlapping is 1.5 kms.**

This authority is of considered opinion that the report of the enquiry officer is reliable. Hence in this case the distance of **overlapping is 1.9 kms which is 6.71 % of the total distance of 28.3 kms which is not comes under the permissible limit as per GO(P) No. 8/2017 Trans dated 23/03/2017.**

Hence, Secretary RTA is directed to file OP[c] against the judgment dtd 27.10.2018 in MVAA No 182/2016 of Honorable STAT and Secretary RTA is also permitted to issue temporary permits until further orders.

Item No.31

Heard the learned counsel represented the applicant.

Considered the application for renewal of regular permit in respect of the S/C **KL 33 6756** on the route **Changanassery – Medical College** Via, Vazhappallychira, Thuruthy, Anchelkuty, Mandiram, Chingavanam, Pannimattom, Pakkil, Mulakuzha, Kottayam, Kumaranalloor & Gandhinagar as Ordinary Service.

This is an intra district route having a distance of 27 kms. As per the report of the enquiry officer, a distance of 17.7 kms overlaps on Kottarakkara – Kottayam and Ernakulam – Thekkady Schemes. These schemes are partial exclusion schemes.

This route overlaps on Kottayam - Neendoor Complete exclusion scheme. Hence, renewal of permit is adjourned till the disposal of representation filed by the KSRTC in item No 7.

Item No.32

Heard the learned counsel represented the applicant.

Considered the application for renewal of regular permit in respect of the S/C **KL 05 AH 4897** on the route **Kottayam - Pala** Via, Varissery, Pullarikkunnu, Pulinchuvadu, Med.College, Mannanam, Athirampuzha, Ettumanoor, Kallalipalam, Vayala, Kadapalamattom, Kummanoor & Cherupunkal as Ordinary Service.

This is an intra district route having a distance of 42 kms. As per the report of the enquiry officer, a distance of 21 kms overlaps on Kottayam – Neendoor, Kottayam – Kattappana and Ernakulam – Thekkady Schemes.

This route overlaps on Kottayam - Neendoor Complete exclusion scheme. Hence, renewal of permit is adjourned till the disposal of representation filed by the KSRTC in item No 7.

Item No.33

Heard the learned counsel represented the applicant.

Considered the application for renewal of regular permit in respect of the S/C **KL 03 J 6376** on the route **Ponthanpuzha – Kanjirappally** Via,Chunkappara, Kottangal, Manimala and Pazhayidom as Ordinary Service.

This is an inter district route having a distance of 26.1 kms out of which 6.7 kms lies in the jurisdiction of RTA Pathanamthitta which is under general concurrence limit. As per the report of the enquiry officer, a distance of 01 km overlaps on Changanachery – Changanachery and Ernakulam – Thekkady Schemes. These schemes are partial exclusions schemes.

As per clause 5 [b] of GO[P] No 8/2017/Tran dtd 23.03.2017, the existing and operating permit as on 14.07.2009 will be permitted to operate as Ordinary and Limited Stop Ordinary Services. In this case, the initial permit was issued on 15.01.2014.

As per Clause 5[c] of said notification, permits will also be granted to private stage carriages on other routes permitting them to overlap 5 km or 5% of the length of their own routes, whichever is less on the notified routes, for the purpose of intersection. In this case the distance of **overlapping is 1 km which is 3.83 % of the total distance of 28.3 kms which comes under the permissible limit as per GO(P) No. 8/2017 Trans dated 23/03/2017.** The reason specified by the permit holder on delay occurred for submitting the renewal application is satisfactory. Hence, **Delay condoned** and Renewal of Regular Permit **granted.**

Item No.34

Heard the learned counsel represented the applicant.

Considered the application for renewal of regular permit in respect of the S/C **KL 05 Y 5247** on the route **Maniyaparambu – Kottayam** Via, Karipputhattu, Villoonni, Thonnakuzhy, Panampalam, Medical College, Gandhinagar and Kumaranalloor as Town Service.

This is an intra district route having a distance of 17.4 kms. As per the report of the enquiry officer, a distance of 7.6 kms overlaps on Kottayam – Neendoor complete exclusion scheme, Kottayam – Kozhikkod, Kottayam – Kattappana, and Ernakulam – Thekkady Partial exclusion Schemes.

This route overlaps on Kottayam - Neendoor Complete exclusion scheme. Hence, renewal of permit is adjourned till the disposal of representation filed by the KSRTC in item No 7.

Item No.35

Heard the learned counsel represented the applicant .

Perused the Order of Hon'ble STAT in M V A A No.275/2017,dated 06/09/18 and the judgment in WP[c] No.34728/18, dated 12/11/18, of Hon'ble High Court of Kerala.

The regular permit was granted by this authority at its sitting on 22/05/2012 in compliance with the judgment in M V A A 22/2012 which was stated as follows.

“When it has already been found that the overlapping from Pravattom to Neendoor is mere inevitable intersection, the authority below [RTA,Kottayam] ought not to have rejected the application in case there is no other overlapping over any other sector. In the impugned order also the authority below has no case that there is overlapping over any sector other than from Pravattom to Neendoor. Matters being so, the impugned order [Order No.G1/1385/2011/K, Dated 23/11/11, of RTA,Kottayam – the fresh permit application was rejected] is liable to be set aside. In the result, this appeal is allowed, and the impugned order is set aside, and the authority below [RTA,Kottayam] is directed to grant the fresh regular permit sought for, subject to the settlement of timings.”

This application for renewal of regular permit was considered by the RTA Kottayam held on 30/11/2017 and rejected on the ground that a distance of 1.6 kms objectionably overlaps on Kottayam – Neendoor Complete Exclusion scheme. As per Order dtd 06/09/2018 of Honorable STAT in MVAA No 275/2017 set aside the decision of this authority and directed to re-consider the application and pass orders in accordance with law within two months after hearing all the parties concerned and shall grant renewal if there is no other legal impediments.

While re-considering the application for renewal of regular permit by this authority held on 03.11.2018, The Honorable High Court ordered in WP[c] No 34728/2018, that if renewal of regular permit is not already granted in terms of the Order of STAT, the same shall be deferred up to 03/11/2018 and is extended up to one week also. Hence this authority is in view that not to proceed further in this matter till the disposal of the WP[c] No 34728/2018 of Honorable High Court of Kerala, Hence Adjourned.

Now, WP[c] No 34728/2018 **is dismissed as withdrawn**, since the petitioner in this case was withdraw the writ petition.

Hence this authority Re- considered the application for renewal of permit in respect of leased S/C **KL 35 B 4025** on the route **Kodungoor - Cherthala** via, Pallickathodu, Poovathilappu, Ayarkkunnam, Ettumanoor, Athirampuzha Market Jun, University, Attukaran Kavala, Pravattom Jun, Neendoor , Kallara, Perumthuruth, Edayazham, Bund Road & Thanneer Mukkam as ordinary service as per the directions contained in the aforesaid **Order of Hon'ble STAT in M V A A No.275/2017** in detail

The route **Kodungoor - Cherthala** is an inter district route, having a distance of 58.5 kms out of which 8 kms lies in the jurisdiction of RTA Alappuzha which comes under general concurrence limit. **The enquiry officer reported that, a distance of 2.65 kms objectionably overlaps on Kottayam - Neendoor Complete exclusion, Kottayam - Kattappana and Trivandrum - Kannur Partial Exclusion Schemes. This overlapping is 4.5 % of the total distance of 58.5 kms which comes under the permissible limit as per GO(P) No. 8/2017 Trans dated 23/03/2017.**

Route portion from Pravattom Jn.- Neendoor at a distance of 1.6 kms objectionably overlaps on Kottayam- Neendoor Complete Exclusion Scheme. Kottayam - Neendoor via Chungam, Kudayampady, Kudamaloor, Arpookara, Medical College, Mannanam & Kaipuzha was published by the Govt. of Kerala, vide Notification No 34626-TC2/64/PW Dated 06.05.1965 (SRO No 201/65) in Form No 1, ie, complete exclusion scheme. Once the approved scheme comes into play, no permit can be granted by the authority contrary to the terms of the approved scheme. STU has the right to conduct service on Complete Exclusion Schemes. Hence this authority is in view that there is legal impediment to renew the permit. Hence, Renewal of Regular Permit application is **rejected**

Item No.36

Heard the learned counsel represented the applicant.

Considered the applications for **renewal** of regular permit in respect of the 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 and **changing the nature of service** as LSOS instead of Super Fast Change.

This is an inter district route having a distance of 171 kms out of which 57 kms and 24 kms are lies in the jurisdiction of RTA Idukku and RTA Ernakulam

respectively. As per the report of the enquiry officer, a distance of 105.5 kms overlaps on Kottayam – Kozhikkod, Kottayam – Kattappana, and Ernakulam – Thekkady Partial exclusion Schemes.

As per the G.O[P] No.73/2013/Trans, dated 16/07/2013, the Fast Passenger Services, Super Fast Services, Super Express Services, Super Deluxe Services and Luxury Services should be run and operated by the State Transport Undertaking only. In compliance with the decision of RTA, This permit is now operating as LSOS on the strength of temporary permit U/S 87[1][d] with a settled set of timings as prescribed for LSOS vehicles, by the STA, vide OrderNo.D3/2813/STA/2013, dated 21/04/18. Hence no need of time settlement.

As per clause 5 [b] of GO[P] No 8/2017/Tran dtd 23.03.2017, the existing and operating permit as on 14.07.2009 will be permitted to operate as Ordinary and Limited Stop Ordinary Services and Clause 4 of the said notification regarding the maximum distance prescribed in the Rule 2[oa] was quashed by the Honorable High Court of Kerala. In this case, the initial permit was issued on 17.10.2001.

Hence, **Renewal** of Regular Permit **granted** and changing the **nature of service as LSOS is granted** with the existing set of settled timings.

Item No.37

Heard the learned counsel represented the applicant.

Considered the application for renewal of regular permit in respect of the S/C **KL-36-A-8118** on the route **Kottayam - Ernakulam**, via, Gandhinagar, Med. College, University, Ettumanoor, Kaduthuruthy, Thalayolaparambu, Arayankavu, Kanjiramattom, Puthenkavu, Puthiyakavu, Thripunithura as LSOS.

This is an inter district route having a distance of 68 kms out of which 24 kms lies in the jurisdiction of RTA Ernakulam. This comes under general concurrence limit. As per the report of the enquiry officer, a distance of 44.9 kms overlaps on Kottayam – Neendoor complete exclusion scheme, Kottayam – Kozhikkod, Kottayam – Kattappana, and Ernakulam – Thekkady Partial exclusion Schemes.

This route overlaps on Kottayam - Neendoor Complete exclusion scheme. Hence, renewal of permit is adjourned till the disposal of representation filed by the KSRTC in item No 7.

Item No.38

Heard the learned counsel represented the applicant.

Perused the Judgment dated 17/12/2018 in M.V.A.A.No.65/2014 of 2018 Honorable S.T.A.T.

This authority reconsidered the applications for renewal of permit and replacement of vehicle in respect of S/C KL-01-X-8004 on the route T.V Puram - Brahmamangalam Via Vaikom, Kaipuzhamuttu & Palamkadavu as O.S. as per the directions contained in the afore said judgment.

This item was considered and rejected by this authority held on 22.02.2014. against the rejection, the applicant approached honorable STAT and obtained a judgment dated 17/12/2018 in M.V.A.A.No.65/2014 of 2018 in which the Honorable court set aside the order of RTA, Kottayam and directed to Regional Transport Authority to reconsider the application for renewal on merit and pass orders in accordance with law within two months from the date of the receipt of this judgment after hearing all the parties concerned.

This authority reconsidered the applications on merit.

As per Section 3(3) 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. In other words, the registered owner of, or any person having possession or control of a motor vehicle shall liable to pay the tax. In this case SC KL 01 X 8004 has cleared tax up to 30.06.2016 only. While considering the merit of the application and also considered the remittance of tax, now the application for renewal of permit for the period from 2014 to 2019 is to be considered and is renewable. Hence permit holder is liable to pay tax @ stage carriage from 01.07.2016.

Hence **renewal of regular permit is granted** subject to the clearance of tax and currency of records of KL 05 X 8004 and production of NOC from the financier.

Item No.39

Heard the learn counsel represented the applicant and KSRTC.

This is to peruse the Judgment **dtd 03.11.2018 in MVA No. 231/2017 of Honorable STAT and** to re-consider application for variation of permit in respect of **S/C KL-05-Q-775** operating on the route **KOTTAYAM – NALKAVALA** Via Manipuzha, Mooledam, and Kaduvakulam as town service as **Kottayam – Kollad Boat jetty**

Junction in the same Via **by extending the route portion from Nalkavala to Boat Jetty Junction** as **town services**.

This application was already considered and rejected by this authority held on 30/11/2017 vide item No 94 in light of the clause 4 in GO(P) No 8/2017/Tran dated 23/03/2017.

Against the decision of this authority, the applicant approached Honorable STAT and produced a judgment in MVAA No 231/2017 dtd 03/11/2018. STAT in its common order **“The respective Regional Transport Authorities are directed to consider the application for variation of permits on individual basis afresh and in case no variation of extension is sought for on the notified routes, the same shall be considered and disposed off in accordance with the section 80(3)of MV Act, after hearing all the parties concerned including the KSRTC. The order shall be passed within two months from the date of receipt of copy of this judgment.**

This authority perused the directions contained in the aforesaid Order and considered the application **in accordance with the section 80(3)of MV Act**, verified reports, connected documents and file in detail.

We have verified the report of the enquiry officer and he has reported that proposed extension portion ie, **from Nalkavala to Kollad Boat Jetty for 01 km on no notified portion** and hence no violation on clause 19 of the notification No GO [P] No 8/2017/Tran dtd 23/03/2017 and beneficial to the travelling public.

While go through the existing and proposed timings of the application, the applicant is proposed a new set of timings by made slight changes in the existing timings. This authority is of considered opinion that, there is no need to alter the present timings of the vehicle for the extension of 1 km.

Hence, the variation of regular permit is **granted** without altering the existing timings. The Secretary RTA is directed to settle the timings only on the extension portion as per Order No. D3/2813/STA/2013 dtd 21/04/2018.

The Outgoing vehicle and incoming vehicle is in same nature and the material difference not exceeding the permissible limit. Hence replacement **allowed**. Grantee is directed to produce current records of the vehicle within the time prescribed U/R 159[2] of KMV Rules, failing which the sanction stands revoked.

Item No.40

Heard the learn counsel represented the applicant and KSRTC.

This is to peruse the **peruse the judgment in MVAA No. 331/2018 dtd 04/01/2019 of Honorable STAT and** to re-consider application for variation of permit in respect of **S/C KL-05-W-504** operating on the Changanacherry - Thottackad Hospital Via Kurisumood, Thengana, Perumpanachy, Kurumpanadom and Vettoli **as Thottakkadu Hospital - Changanacherry in the same via, after curtailing the first trip from Changanacherry, and last trip from Thottackkadu Hospital.**

This application was already considered and rejected by this authority held on 03/11/2018 vide item No 38, that the application made for is by altering the termini which against **the provisions of 80[3] of MV Act.**

Against the decision of this authority, the applicant approached Honorable STAT and produced a judgment in MVAA No 331/2018 dtd 04/01/2019. The honorable appellate authority **directed to reconsider the application for variation of permit on merits and pass orders in accordance with law.**

This authority perused the directions contained in the aforesaid Order and considered the application **in accordance with merit and law**, verified reports, connected documents and file in detail.

1.This permit is now operating 7 trips as Changanacherry – Thottackadu Hospital and 7 trips as Thottackadu Hospital – Changanacherry. As per the variation application the trips are arranged as 6 trips Changanacherry – Thottackadu Hospital and 6 trips Thottackadu Hospital – Changanacherry ie, curtailing the 1st and last trips. This authority is of view that the curtailment of early morning trip and last night trip will cause acute hardship to the existing travelling facility enjoying by the general public. Moreover, various objections received from, the Head Master, St. Antony's LPS, Kurumpanadam, the Head Master, St. Peter's Higher Secondary School, Kurumpanadam, Perumpanachy, the Principal, President, Vakathanam Grama Panchayat, Jeevodaya Centre (School for mentally Challenged, Kurumpanadam, against the proposed variation. Hence, the intention of the applicant is only for personal interest but not for public convenience. The route portion from Perumpanachy to Thottackadu Hospital is an ill served area and **the average time gap of 10 to 20 minutes in this sector. The curtailment of** early morning trip and last night trip will not cater the travelling needs of this interior portion. The purpose of stage carriage permit is for providing efficient

public transport system to the general public. Hence the proposed variation application does not have any merit for consideration.

2. This authority considered the application under the provisions of 80 [3] of MV Act, 1988, and 145 (6) of KMV Rules, 1989.

As per Sub Sec. [3] [1] of the Sec. 80 of MV Act, 1988 the termini shall not be altered. In this case the existing termini Changanacherry – Thottackadu Hospital are altered as Thottackadu hospital – Chnaganacherry. Hence, not considerable under the proviso of this section.

As per 145[6] of KMV Rules 1989, the transport authority shall, in deciding whether to vary or extend a route, have regard to the following matters, namely:-

Variation or extension of route may be allowed when -

(i) new circumstances have arisen since the route was decided, such as the construction of a bridge, or road.

(ii) the transport requirements of the area to be served were overlooked or have changed.

In this case there is no warranting circumstance noticed by this authority under the above provisions.

Hence the application for variation of permit is reconsidered and **rejected** on the above findings.

Item No.41

Heard the learn counsel represented the applicant and KSRTC.

This is to peruse the Judgment **dtd 31.10.2018 in MVAA No. 13/2018 of Honorable STAT and** to re-consider application for variation of permit in respect of **S/C KL-36-A-61** operating on the route **KAIPUZHAMUTTU - BRAHMAMANGALAM** Via , Ullala, Vaikom, Udyanapuram, Toll, Kattukunnu, Poothotta, Puthenkavu school, Kanjiramattam, Aryankavu and Neerpara **Variation of permit as Kaipuzhamuttu – Brahmamangalam on the same via with change in starting and halting place as Kaipuzhamuttu instead of Poothotta by curtailing the 1st trip from Poothotta to Vaikom at 5.30 am and Last Trip from Vaikom to Poothotta at 8.15pm.**

This application was already considered and rejected by this authority held on 30/11/2017 in light of the clause 4 in GO (P) No 8/2017/Tran dated 23/03/2017.

Against the decision of this authority, the applicant approached Honorable STAT and produced a judgment in MVAA No 13/2018 dtd 31/10/2018. STAT in its common order **“The respective Regional Transport Authorities are directed to consider the application for variation of permits on individual basis afresh and in case no variation of extension is sought for on the notified routes, the same shall be considered and disposed off in accordance with the section 80(3)of MV Act, after hearing all the parties concerned including the KSRTC. The order shall be passed within two months from the date of receipt of copy of this judgment.**

This authority perused the directions contained in the aforesaid Order and considered the application **in accordance with the section 80(3)of MV Act**, verified reports, connected documents and file in detail.

The existing permit is Kaipuzhamuttu – Vaikom – Poothotta – Brahmamangalam. The proposed variation is made for changing the halting place as at Brahmamangalam instead of Poothotta. The curtailment of 1st trip from Poothotta to Vaikom, is on notified route and Extension of trip from Vaikom to Kaippuzhamuttu 15kms is not having any new additional over lapping after variation. Hence the application for variation sought for on the non notified route portion and curtailment of trip is on notified existing route portion.

The enquiry officer reported that,

[a] this variation of permit helpful for the people en route to reach at towns of bund road, Vaikom and connect to Alappuzha , Cherthala etc

[b] It will be helpful for students and agriculture laborers of the concerned area

[c] This request timings and permit was in the vacancy of S/C KL 07 G 9718

[d] This variation does not affect the time schedule of other stage carriages

[e] From Poothotta to Vaikom and return enough stage carriage services including KSRTC operating and hence no paucity for conveyance.

Hence this authority is of considered opinion that the proposed variation will not affect the existing travelling facility enjoying by the travelling public in the curtailing portion and increases the travelling facility of extension portion.

As per Sec. 80(3)(i) of MV Act, in the case of extension, the distance covered by extension shall not exceed twenty-four kilometers. In this case, the distance of extension is 15 km, hence under permissible limit.

As per the clause 19 of the notification “The STU reserve the right to operate additional services or increase the number of trips on each route on the notified route. The applied additional trips is on non notified route, hence not violating the clause 19 of GO[P] No 08/2017/Tran dtd 23/03/2017.

Hence variation of permit **granted** subject to settlement of timings as per the Order No. D3/2813/STA/2013 dtd 21/04/2018.

Item No.42

Heard the learn counsel represented the applicant and KSRTC.

This is to peruse the Judgment **dtd 03.11.2018 in MVAA No. 54/2018 of Honorable STAT and** to re-consider application for variation of permit in respect of **S/C KL-05-S-190** operating on the route **KOTTAYAM – ADICHIPUZHA**, via, MANNARCADU, KARUKACHAL, PATHANAD, MANIMALA , RANNI, Variation of permit as **KOTTAYAM – PERUNTHENARUVI ie an extension from Adichipuzha to Perunthenaravi.**

This application was already considered and rejected by this authority held on 30/11/2017 in light of the clause 4 in GO(P) No 8/2017/Tran dated 23/03/2017.

Against the decision of this authority, the applicant approached Honorable STAT and produced a judgment in MVAA No 54/2018 dtd 03/11/2018. STAT in its common order **“The respective Regional Transport Authorities are directed to consider the application for variation of permits on individual basis afresh and in case no variation of extension is sought for on the notified routes, the same shall be considered and disposed off in accordance with the section 80(3)of MV Act, after hearing all the parties concerned including the KSRTC. The order shall be passed within two months from the date of receipt of copy of this judgment.**

This authority perused the directions contained in the aforesaid Order and considered the application **in accordance with the section 80(3)of MV Act**, verified reports, connected documents and file in detail.

We have verified the report of the enquiry officer and he has reported that proposed extension portion ie, **from Adichipuzha to Perunthenaruvi at a distance of 9.5 km is on non notified portion** and hence no violation on clause 19 of the notification No GO [P] No 8/2017/Tran dtd 23/03/2017 and beneficial to the travelling public.

As per Sec. 80(3)(i) of MV Act, in the case of extension, the distance covered by extension shall not exceed twenty-four kilometers. In this case, the distance of extension is 9.5 km, hence under permissible limit. Moreover, the existing timings of the sector Kottayam – Ranni is not altered by the applicant.

Hence, the variation of regular permit is **granted** subject to settlement of timings as per Order No. D3/2813/STA/2013 dtd 21/04/2018.

Item No.43

Heard the learn counsel represented the applicant and KSRTC.

This is to peruse the Judgment in M.A.A. No. 139/2017 Honorable STAT dated 31/10/2018 and to **re-Consider the** application for **variation of permit** in respect of KL 36 F 1134 on the route **KAIPUZHAMUTTU- KALOOR BS** Via, Ullala, Vaikom, Thrippunithura, Gandhisquare, Vytilla, Kadavanthara, and Kathrikadavu, as LSOS. Variation of permit As **KAIPUZHAMUTTU - KUNNUMPURAM on the same via by extending the route from Vytilla to Kunnumpuram as LSOS.**

This item was considered and rejected by this authority at its sitting dtd 25.07.2017, Rejected in light of the clause 4 in GO (P) No 8/2017/Tran dated 23/03/2017.

Against the decision of this authority, the applicant approached Honorable STAT and produced a judgment in MVAA No 139/2017 dtd 31/10/2018. STAT in its order **directed to consider the application for variation of permits afresh and in case no variation of extension is sought for on the notified routes, the same shall be considered and disposed off in accordance with the section 80(3) of MV Act, after hearing all the parties concerned including the KSRTC. The order shall be passed within two months from the date of receipt of copy of this judgment.**

This authority perused the directions contained in the aforesaid Order and considered the application **in accordance with the section 80(3)of MV Act**, verified reports, connected documents and file in detail. The proposed extension portion from Vytilla to Kunnumpuram a distance of 8.3 kms.

As per Sec 80 [3] of MV Act an application to vary the conditions of any permit, other than a temporary permit, by the inclusion of a new route or routes or a new area or by altering the routes, or area covered by it, or in the case of a stage carriage permit by increasing the number of trips above the specified maximum or by the variation,

extension or curtailment of the route or routes or the area specified in the permit shall be treated as an application for the grant of new permit.

Hence this authority is of in view that

1.The LSOS vehicles are supposed to terminate their trips at Vytilla Hub in Ernakulam District.

2.The proposed extension is through Kochi City. After the introduction of Kochi Metro, the extension of service through Kochi City will increase the traffic block frequently happening at Kochi city.

3.No sufficient space for halting at Kunnumpuram and no specific necessity to vary trips from a much needed area where there services are limited up to a well served area like Vyilla.

4.The existing permit violate Ernakulam- Thekkady Scheme (Sl No 14 in Anexure – 26929-TB3/66/PW dtd 12.10.1966 of GO[P] 42/2009 modified scheme GO[P] No 8/2017/Tran dtd 23.03.2017. Every violation to an existing permit shall be considered as a new permit as per Sec. 80[3] of MV Act 1988 and hence no variation is permissible through this route since it is treated as a new permit. In this case, the proposed route Kaipuzhamuttlu – Kunnumpuram is having a distance of 50.3 kms out of which a distance of 29 kms overlaps on Ernakulam- Thekkady Scheme, which is 57 % of the total distance of 50.3 kms which is not under the permissible limit.

Hence the application for variation of permit is **rejected** on the above findings.

Item No. 44

Heard the learn counsel represented the applicant and KSRTC.

This is to peruse the Judgment **dtd 31.10.2018 in MVAA No. 127/2018 of Honorable STAT and** to re-consider application for variation of permit in respect of **S permit in respect of S/C** KL 05 R 963 on the route TV Puram – Poothotta via, Kattikunnu, Murinjapuzha, Chempu, Toll, Ithipuzha and Vaikom As TV PURAM – BRAHMAMANGALAM on the same route by extending the route from POOTHOTTA to BRAHMAMANGALAM by curtailing one trip from Vaikom to Poothotta and two trips from vaikom to Mathungal

As per the report of enquiry officer, the proposed extension portion from Poothotta to Neerppara 7.8 kms lies in the jurisdiction of RTA Ernakulam.

Hence the Secretary RTA is directed to obtain concurrence from the RTA Ernakulam for the portion passes through the jurisdiction of that RTA Ernakulam. Hence **adjourned.**

Item No.45

Heard the learn counsel represented the applicant and KSRTC.

This is to peruse the Judgment To Peruse the direction in WPC No 19654 of 2018 dtd 5/12/2018, to reconsider the application for variation of regular permit in respect of KL 35 E 1647 on the route ERNAKULAM - MUNDAKKAYAM Via, Vyttila, Thrippunithura, Puthiyakavu, Kanjiramattom, Thalapara, Thalayolapparambu, Palai, Ponkunnam, and Kanjirappally as LSOS **as ERNAKULAM- PAMBAVALLEY by extending from Mundakkayam to Pambavalley as LSOS with halting and termini at Pala instead of Thalayolaparambu and** to consider the application for temporary permit in respect of KL 35 E 1647 on the proposed extended route Mundakayam – Kanamala via, Puthenchanda, Vandanpathal, Pachima Temple, Kottaramkadu., Kuzhimavu, Mookkapetty.

As per the report of enquiry officer, the proposed extension portion from Kanamala to Pampavalley 02 kms lies in the jurisdiction of RTA Pathanamthitta. There is no urgent temporary need U/S 87[1][c] MV Act and special circumstances under Rule 145 [6] of KMV Rules, reported by the enquiry officer. Hence the application for temporary permit cannot be entertained.

During the meeting, the counsel represented that applicant states that not to consider the request for altering the starting and halting place as at Pala instead of Thalayolaparambu and requested to consider the application for extension of permit only. The request is recorded.

Hence,

1.Perused the judgment.

2.the Secretary RTA is directed to obtain concurrence from the RTA Pathanamthitta for the portion passes through the jurisdiction of that RTA Pathanamthitta. Hence **adjourned.**

3.Application for temporary permit is rejected.

4.The applicant is directed to submit a separate application after avoiding the alteration of starting and halting place.

Item No.46

Heard the learn counsel represented the applicant and KSRTC.

This is to consider application for variation of permit in respect of S/C KL 06 C 1769 on the route Mundakkayam- Pala –Kottaramattom BS Via, Parathanam, Poonjar , Erattupetta, Bharananganam, Kochidappally, Lalam junction Pala as ordinary **as Mundakkayam- Pala –Kottaramattom BS by extending all trips from Pala to Pathampuzha exempt first & last trips and noon trip from Pala to Erattupetta [6th trip]**

This considered the application **in accordance with the section 80(3)of MV Act**, verified reports, connected documents and file in detail.

This is the case of extending trips from Poonjar to Pathampuzha in 1st, 6th, and last trips. **The extending route portion from Poonjar to Pathampuzha is a non notified route.** Hence no violation on clause 19 of the notification No GO [P] No 8/2017/Tran dtd 23/03/2017 and beneficial to the travelling public.

Hence, the variation of regular permit is **granted** subject to settlement of timings as per Order No. D3/2813/STA/2013 dtd 21/04/2018.

Grantee is directed to produce current records of the vehicle within the time prescribed U/R 159[2] of KMV Rules, failing which the sanction stands revoked.

Item No.47

Heard the learn counsel represented the applicant and KSRTC.

This is to peruse the Judgment **dtd 31.10.2018 in MVARP No 125/2017 of Honorable STAT and** to re-consider application for variation of permit in respect of S/C **KL 36 A 4437** on the route **Palamkadavu – Kottayam Via, Toll Jn., Vaikom, Ullala, Bund Road, Kaippuzhmuttu, Kumarakom and Illickal as Palamkadavu – Kottayam by including one additional trip from Vaikom at 06.10 p.m to Kaippuzhamuttu and vice versa. .**

This application was already considered and rejected by this authority held on 25/07/2017 in light of the clause 4 in GO (P) No 8/2017/Tran dated 23/03/2017.

Against the decision of this authority, the applicant approached Honorable STAT and produced a judgment in MVARP No 125/2017 dtd 31/10/2018. STAT in its common order **“The respective Regional Transport Authorities are directed to consider the application for variation of permits on individual basis afresh and in case no variation of extension is sought for on the notified routes, the same shall be considered and disposed off in accordance with the section 80(3)of MV Act, after hearing all the parties concerned including the KSRTC. The order shall be passed within two months from the date of receipt of copy of this judgment.**

This authority perused the directions contained in the aforesaid Order and considered the application **in accordance with the section 80(3)of MV Act**, verified reports, connected documents and file in detail.

The existing permit is **Palamkadavu – Kottayam Via, Toll Jn., Vaikom, Ullala, Bund Road, Kaippuzhamuttu, Kumarakom and Illickal**. The proposed variation is made for including one additional trip from Vaikom to Kaippuzhamuttu without altering the present timings.

The enquiry officer reported that,

This variation of permit helpful for the people en route to reach at towns of Vaikom, Kaippuzhamuttu and connection to Alappuzha etc. it will be helpful for students & agriculture labourers of the concerned area. The variation portion of the route is ill-served area. This variation does not affect the time schedule of other stage carriages. Hence necessity for such a variation is exists. The requested time on additional trip to Kaippuzhamuttu is 06.10 p.m by vacancy timings are available due to surrender of permits in r/o S/C KL 07 AR 4678 on the route T V Puram – Kaippuzhamuttu’

Hence this authority is of considered opinion that the proposed variation will not affect the existing travelling facility enjoying by the travelling public in the curtailing portion and increases the travelling facility of extension portion.

As per Sec. 80(3)(i) of MV Act, in the case of extension, the distance covered by extension shall not exceed twenty-four kilometers. In this case, the distance of extension is 15 km, hence under permissible limit.

As per the clause 19 of the notification “The STU reserve the right to operate additional services or increase the number of trips on each route on the notified route. The applied additional trips is on non notified route, hence not violating the clause 19 of GO[P] No 08/2017/Tran dtd 23/03/2017.

Hence variation of permit **granted** subject to settlement of timings as per the Order No. D3/2813/STA/2013 dtd 21/04/2018

Item No.48

Heard the learn counsel represented the applicant and KSRTC.

This is to peruse the Judgment in M.A.A.R.P. No. 34/2018 Honorable STAT dated 31/10/2018 and to **re-Consider the** application for **variation of permit** in respect of S/C KL-36-8586 Pala-Ernakulam Via Marangattupally, Kuravilangadu, Kuruppanthara, Vaikom, Thrippunithura, Gandhi Square & Petta Jn as L.S.O.S by extending the route portion from Vyttila to Edappally for a distance of 7 kms.

This item was considered and rejected by this authority at its sitting dtd 25.07.2017, Rejected in light of the clause 4 in GO (P) No 8/2017/Tran dated 23/03/2017.

Against the decision of this authority, the applicant approached Honorable STAT and produced a judgment in MVARP No 34/2018 dtd 31/10/2018. STAT in its order **directed to consider the application for variation of permits afresh and in case no variation of extension is sought for on the notified routes, the same shall be considered and disposed off in accordance with the section 80(3)of MV Act, after hearing all the parties concerned including the KSRTC. The order shall be passed within two months from the date of receipt of copy of this judgment.**

This authority perused the directions contained in the aforesaid Order and considered the application **in accordance with the section 80(3)of MV Act**, verified reports, connected documents and file in detail.

The proposed extension portion from Vytilla to Edappally a distance of 7 kms

As per Sec 80 [3] of MV Act an application to vary the conditions of any permit, other than a temporary permit, by the inclusion of a new route or routes or a new area or by altering the routes, or area covered by it, or in the case of a stage carriage permit by increasing the number of trips above the specified maximum or by the variation, extension or curtailment of the route or routes or the area specified in the permit shall be treated as an application for the grant of new permit.

Hence this authority is of in view that

1.The LSOS vehicles are supposed to terminate their trips at Vytilla Hub in Ernakulam District.

2.The proposed extension is through Kochi City. After the introduction of Kochi Metro, the extension of service through Kochi City will increase the traffic block frequently happening at Kochi city.

3.The enquiry officer reported that there is no sufficient space for halting at Edappally. Hence, no specific necessity to vary trips from a much needed area where there services are limited up to a well served area like Vyilla.

4.The existing permit violate Ernakulam- Thekkady Scheme (Sl No 14 in Anexure – 26929-TB3/66/PW dtd 12.10.1966 of GO[P] 42/2009 modified scheme GO[P] No 8/2017/Tran dtd 23.03.2017. Every violation to an existing permit shall be considered as a new permit as per Sec. 80[3] of MV Act 1988 and hence no variation is permissible through this route since it is treated as a new permit. In this case, the proposed route Pala – Edappally is having a distance of 78 kms out of which a distance of 57.5 kms overlaps on Ernakulam- Thekkady Scheme, which is 73.7 % of the total distance of 78 kms which is not under the permissible limit.

Hence the application for variation of permit is **rejected** on the above findings.

Item No.49

Heard the learn counsel represented the applicant and KSRTC.

This is to peruse the Judgment in M.A.A.A No.72/2018 Honorable STAT dated 24/11/2018 and to **re-consider** the application for **variation of permit** in respect of **S/C KL- 38 C-7203** on the route Anakayam-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 Anakayam. This item was considered and rejected by this authority at its sitting dtd 14.05.2015, Rejected in Item No.18 dtd 22-02-2018, and Adjourned Supplementary item No.02.

Now the permit holder produced another Order of Honorable S.T.A.T in M.V.A.R.P NO.72/2018 dtd 24/11/2018. **“As per the Order the Honorable Court set aside the impugned Order and directed the Regional Transport Authority,**

Kottayam to reconsider the application for variation filed by revision petitioner after the decision of the 2nd respondent on the grant of concurrence. The decision shall be taken after hearing all the parties”

Hence, adjourned for concurrence from the RTA Idukki.

Item No.50

Heard the learn counsel represented the applicant and KSRTC.

This is to consider application for variation of permit in respect of **S/C KL-06-C-9854** operating on the route **Kanjiram Jetty – Kottayam** Via Illickal, Manikunnam and Karapuzha as town service as **Malarikal – Kottayam** on the same Via **by extending the route portion from Kanjiram Jetty to Malarickal as town services.**

This authority considered the application **in accordance with the section 80(3) of MV Act**, verified reports, connected documents and file in detail.

We have verified the report of the enquiry officer and he has reported that proposed extension portion ie, **from Kanjiram Jetty to Malarickal for 1.4 km** and is virgin. Fitness certificate from the authority concerned are received. **The proposed extension portion is on non – notified route**, hence no violation on clause 19 of the notification No GO [P] No 8/2017/Tran dtd 23/03/2017 and beneficial to the travelling public. Moreover, the timings proposed are without altering the existing timings.

Hence, the variation of regular permit is **granted** subject to settlement of timings as per Order No. D3/2813/STA/2013 dtd 21/04/2018.

Item No.51

Heard the learn counsel represented the applicant and KSRTC.

This is to consider the belated application for **replacement of vehicle** in respect of S/C KL 06 B 3491 conducting regular stage carriage service on the route Vadavathoor ESI-Medicel College, Vadavathoor Jn, Kanjikuzhy, Kottayam, Kumaranelloor, Gandhinagar With halt At Thiruvappu Via Illickal And Manikkunnam.

This authority considered the application **in accordance with the provisions of Section 83 of MV Act, 1988 and Rule 174 of KMV Rules, 1989**, GO[P] No 4/2019/Tran dtd 29.01.2019, connected documents and file in detail. The permit holder was compelled to submit the application for replacement of vehicle since the

S/C KL 06 B 3491 was attained the 15 years of registration age. As per GO[P] No 4/2019/Tran dtd 29.01.2019, the Govt. of Kerala has extended the registration age up to 20 years for ordinary stage carriages.

Hence, delay condoned and replacement of vehicle **granted** subject to the clearance of all Govt. dues, if any.

Item No.52

Heard the learn counsel represented the applicant and KSRTC.

This is to **peruse the order of Honorable STAT in MVAA No 2/2019** and to re-consider the belated application for **replacement of vehicle** in respect of S/C KL 05 P 4228 by a later model S/C KL 36 G 6677 having regular permit No. 5/10017/1996, valid up to 25/02/2021 on the route Vaikom – Piravom. This application was considered and rejected by this authority at its sitting dtd 03.11.2018. Aaggrieved by the decision of this authority, the applicant was filed an appeal before Hon`ble STAT. Hon`ble STAT ordered in MVAA No.2/2019, dated 10/01/2019, the **appeal is allowed. The impugned order is set aside and directed to grant the replacement sought for to the appellant, if there is no other legal impediment”**

This authority considered the application **in accordance with the provisions of Sec 83 of MV Act 1988 and Rule 174 of KMV Rules, 1989**, GO[P] No 4/2019/Tran dtd 29.01.2019, connected documents and file in detail. The permit holder was compelled to submit the application for replacement of vehicle since the S/C KL 06 P 4228 was attained the 15 years of registration age. Hence, he was purchased and registered a new vehicle on 21.08.2018 only for the purpose for replacing the old vehicle. As per GO[P] No 4/2019/Tran dtd 29.01.2019, the Govt. of Kerala has extended the registration age up to 20 years for ordinary stage carriages. Moreover, the material difference is not exceeding the 25% of permissible limit.

Hence, replacement of vehicle **granted** subject to the clearance of all Govt. dues, if any.

Item No.53

Heard the learn counsel represented the applicant and KSRTC.

This is to **peruse the order of Honorable STAT in MVAA No 312/2018** and to consider the application for replacement of S/C KL 05 Y 4016 having regular permit

No.5/42/2001 on the route Kottayam – Pala valid upto 21/10/2021 by a later model S/C KL 05 AT 539, possessed under lease agreement.

The Hon'ble STAT in MVAA No.312/2018, dated 20/12/2018, **directed to consider the application for replacement of vehicle on merits and pass orders in accordance with law.**

This authority considered the application **in accordance with the provisions of Sec 83 of MV Act 1988 and Rule 174 of KMV Rules, 19889**, connected documents and file in detail. The original permit on the above route was issued as per the decision of RTA held on 26/07/2001 to S/C KL 05 B 657 with a seating capacity of 48 in all. Then several replacements have been made with different vehicles with different seating capacity till date. At present, HPV S/C KL 05 Y 4016 with a seating capacity of 38 in all, possessed by the permit holder, is operating on the route. Present application is for replacing this vehicle with an MPV KL 05 AT 539 having a seating capacity of 34 in all, possessed under lease agreement. The material difference between the original vehicle KL 05 B 657 and the proposed vehicle KL 05 AT 539 is more than 25% and also not in same nature. KL 05 Y 4016 is a Heavy Passenger Vehicle and KL 05 AT 539 is a Medium Passenger Vehicle. As per Section 83 predicates replacement of the vehicle by the vehicle of the same nature. But the term 'nature' is not defined. Hence the application is considerable.

This authority is of considered opinion that the incoming vehicle was built as per the provisions of Bus Body Code and the same was registered on 01.11.2018 only for the purpose for replacing the old vehicle for ensuring effective service on the route. But the incoming vehicle was registered with a seating capacity of 34 in all even though the vehicle is having a wheel base of 490 mm which is the wheel base specified under Rule 269 of KMV Rules for the vehicles is registered with the seating capacity of 38 in all before the introduction of Bus Body Code.

Hence, replacement of vehicle is **granted** subject to the clearance of all Govt. dues, if any.

Item No.54

Heard the learn counsel represented the applicant and KSRTC.

This is to consider the application for replacement of S/C KL 05 R 5256 is having regular permit No.5/13/2006 on the route Konchumada –Kottayam as Town Service valid upto 06/03/2021 by a later model S/C KL 05 AT 2272.

This authority considered the application **in accordance with the provisions of Sec 83 of MV Act 1988 and Rule 174 of KMV Rules, 1989**, connected documents and file in detail. The original permit on the above route was issued as per the decision of RTA held on 09/08/2005 to HPV S/C KL 07 G 2442 with a seating capacity of 39 in all [After reducing the 1/5th of the seating capacity permitted to the Town Service Vehicle]. Then several replacements have been made with different vehicles with different seating capacity till date. At present, HPV S/C KL 05 R 5256 with a seating capacity of 39 in all [After reducing the 1/5th of the seating capacity permitted to the Town Service Vehicle], is operating on the route. Present application is for replacing this vehicle with an MPV KL 05 AT 2272 having a seating capacity of 34 in all which is a regular stage carriage and seating capacity of this vehicle has not been altered for operating town service. Hence the material difference between the original vehicle KL 07 G 2442 and the proposed vehicle KL 05 AT 2272 is more than 25% and also not same nature. KL 05 R 5256 is a Heavy Passenger Vehicle and KL 05 AT 2272 is a Medium Passenger Vehicle.

As per Section 83 predicates replacement of the vehicle by the vehicle of the same nature. But the term 'nature' is not defined. Hence the application is considerable.

This authority is of considered opinion that the incoming vehicle was built as per the provisions of Bus Body Code and the same was registered on 05.12.2018 only for the purpose for replacing the old vehicle for ensuring effective service on the route. But the incoming vehicle was registered with a seating capacity of 34 in all even though the vehicle is having a wheel base of 490 mm which is the wheel base specified under Rule 269 of KMV Rules for the vehicles is registered with the seating capacity of 38 in all before the introduction of Bus Body Code.

Hence, replacement of vehicle is **granted** subject to the clearance of all Govt. dues, if any.

Item No.55

Heard the learn counsel represented the applicant and KSRTC.

This is to **peruse the order of Honorable STAT in MVAA No 305/2018 dtd 19/01/2019** and to **re- consider the belated application for replacement of leased S/C KL 04 N 3641 with S/C KL 06 E 7497 to operate service on the route Kodikuthy – Kuniji DB - Kottayam and the renewal of regular permit also.**

This item was considered and rejected by this authority at its sitting dtd 03.11.2018 as per the provisions of Rule 152 of KMV Rules. Against the rejection, the applicant was approached Honorable STAT and obtained a judgment in MVAA No 305/2018.

The Honorable STAT **directed to consider the application for renewal first and pass orders in accordance with law within two months from the date of receipt of copy of this judgment. Thereafter, in the event of allowing the renewal application, the application for replacement will be considered and pass orders.**

Present application is for replacing existing 15 year old route bus KL 04 N 3641 having seating capacity of 48 in all with KL 06 E 7497 having a seating capacity of 48 in all. This authority considered the application in accordance with the provisions of Sec 83 of MV Act 1988 and Rule 174 of KMV Rules, 1989 and there is no legal impediment to grant replacement.

The regular permit was issued in the year 1998 ie, well before 14.07.2009 and renewal application submitted in time, hence, no other legal impediment to renew the regular permit. Moreover, the Govt. of Kerala has extended the registration age up to 20 years for ordinary stage carriages.

Usman V. Regional Transport Authority [2015 (4) KLT 25] has clearly ordered that not to grant renewal of permit and replacement of vehicle simultaneously. Hence this authority is prevented from granting both renewal and replacement simultaneously.

Hence **renewal of regular permit is granted** subject to the clearance of all Govt. dues, if any and Secretary is directed to consider and pass orders on the application for replacement in accordance with law.

Item No.56

Heard the learn counsel represented the applicant and KSRTC.

This is to consider the belated application for **replacement of vehicle** in respect of S/C KL-05-P-9583 by a later model S/C KL-37-2688 having regular permit No.5/72/1993, valid up to 15/02/2020 on the route Channanikadu – Vadavathoor.

This authority considered the application **in accordance with the provisions of Section 83 of MV Act, 1988 and Rule 174 of KMV Rules, 1989**, GO[P] No 4/2019/Tran dtd 29.01.2019, connected documents and file in detail. The permit

holder was compelled to submit the application for replacement of vehicle since the S/C KL05 P 9583 was attained the 15 years of registration age. As per GO[P] No 4/2019/Tran dtd 29.01.2019, the Govt. of Kerala has extended the registration age up to 20 years for ordinary stage carriages.

Hence, delay condoned and replacement of vehicle **granted** subject to the clearance of all Govt. dues, if any.

Item No.57

Heard the learn counsel represented the applicant and KSRTC.

This is to consider the belated application for **replacement of vehicle** in respect of /C KL-36-D-8586 having regular permit No.5/1045/2002 on the route Medical College - Piravam -valid up to 20/05/2022 by a later model S/C KL-36-G-9036, possessed under lease agreement.

This authority considered the application **in accordance with the provisions of Section 83 of MV Act, 1988 and Rule 174 of KMV Rules, 1989**, GO[P] No 4/2019/Tran dtd 29.01.2019, connected documents and file in detail.

The original permit on the above route was issued as per the decision of RTA held on 23/01/2002 to S/C KL-05-L-7189 with a seating capacity of 28 in all. Then several replacements have been made with different vehicles with different seating capacity till date. At present, HPMV S/C KL-36-D-8586 with a seating capacity of 33 in all, owned by the permit holder, is operating on the route. Present application is for replacing this vehicle with an MPMV KL-36-G-9036 having a seating capacity of 34 in all, possessed under lease agreement. The material difference between the original vehicle KL-05-L-7189 and the proposed vehicle KL-36-G-9036 is more than 25% and also **not same nature**. KL-36-D-8586 is a Heavy Passenger Vehicle and KL-36-G-9036 is a Medium Passenger Vehicle. As per Section 83 predicates replacement of the vehicle by the vehicle of the same nature. But the term 'nature' is not defined. Hence the application is considerable.

Hence, replacement of vehicle **granted** subject to the clearance of all Govt. dues, if any.

Item No.58

Heard. Perused the Judgment in WP[c] No 41157/2018 dtd 21.12.2018 of Honorable High Court of Kerala.

Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any

Item No.59

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 60

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 61

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 62

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 63

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 64

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 65

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 66

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 67

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 68

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.69

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.70

Heard learned counsel.

Perused the file and connected documents in detail. This is an application for transfer the permit **in respect of S/C KL 05 Q 2667** from the name of Sri. **Shemeer, Kallukombil house, Ponkunnam, Kottayam to the name of Sri. Affin Salim, Thakidippurathu, Ponkunnam.**

Sri. T H Salim Thakidipurathu house, Ponkunnam, Kottayam has filed objection stating that original records of the vehicle is with him and requested to intimate him any service rendered to the vehicle from this office. Another person Sri. Jose Kuruvilla , Neeranakunnel house, Ponkunnam, Kottayam has filed I A/1549/2018 before the Hon. Munsiff Court, Kanjirappally, related to the transfer of ownership of the vehicle. Moreover, the enquiry report received from the Joint RTO Kanjirappally reveals that the vehicle is under the possession of the objector Sri. T H Salim . It is also reported that original records except permit is kept by Sri. Salim. Original permit issued to the vehicle is reported to be under the possession of Sri. Jose Kuruvilla. Hence this is a case of unauthorized transfer of vehicle and permit. Hence the holder of the permit

ceases to own the vehicle covered by the permit hence liable to be cancelled U/S 86 [c] of MV Act. Hence the regular permit in respect of S/C KL 05 Q 2667 is cancelled.

Item No.71

Heard learned counsel. Perused the file and connected documents in detail. S/C KL 36 A 3575 was involved in an accident occurred on 29/12/2017, at Arakalappalam near Teekoy while plying on a curve, a pregnant lady passenger was thrown out from the stage carriage through the opened front door and fell down on the road. The severely injured person succumbed on 03/01/2018 undergoing the treatment at the hospital. A detailed enquiry had been conducted through JT RTO, Pala. Considering the gravity of the offence, RTA, dated 02/02/2018 [By circulation file], the regular permit No 5/49/2001 was suspended for the period of 6 months U/S 86 of MV Act 1988 from 15/02/2018 to 14/08/2018. Aggrieved by the above decision, the permit holder filed an appeal before Hon'ble STAT, Ernakulam. Hon'ble STAT in M P No.133/2018, dated 19/04/2018, in MVAA No. 30/2018 stayed the abovementioned impugned decision of RTA until the disposal of the appeal. The honorable Tribunal was stayed the punishment awarded to the permit holder by this authority by considering the travelling facility of the passengers. Committing such an offence by the permit holder and the crew of the vehicle are also liable to punish U/S 86 of MV Act. The stay issued by the Honorable STAT is not relieving the permit holder from the slackness happened from his part. Moreover, the final order has not been received from Hon'ble STAT yet.

In this circumstance, it is not feasible to transfer the permit to another person till the disposal of the MVAA No 30/2018. Hence Transfer of permit is **adjourned**.

Item No.72

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.73

Heard learned counsel. Transfer of permit [Death] **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.74

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.75

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.76

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.77

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.78

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No.79

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 80

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 81

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 82

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 83

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 84

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 85

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 86

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 87

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 88

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 89

Heard learned counsel. Transfer of permit **allowed** subject to the production of no objection certificate from the financier, if applicable and clearance of Govt. dues, if any.

Item No. 90

The surrender of regular permit No **5/1300/2013** in respect of S/C KL-05-P-6143 on the 116 Colony – Mundakayam is accepted by the Secretary RTA is ratified hence the regular permit stands revoked.

Item No: 91

Ratified

Item No: 92

No Item permitted by the Chairman. Hence no action is needed.

Item No: 93

All the actions taken by the Secretary RTA Kottayam on behalf of this authority is ratified.

Item No: 94

Decided to fix later. Hence adjourned.

Sd/-

Sri. Shaji Joseph, Deputy Transport Commissioner (CZ-II) Member, RTA

Sd/-

Sri. P.K. Sudheer Babu IAS, District Collector, Chairman RTA, Kottayam