

**MINUTES OF THE MEETING OF REGIONAL TRANSPORT
AUTHORITY ERNAKULAM HELD ON 20/01/2018**

Present:- **Chairman-**

Sri.K.MOHAMMED.Y.SAFIRULLA,I.A.S, The District Collector, Ernakulam

Members:-

*1.Sri.A.V.Geoerge,I.P.S, The District Police Chief, Ernakulam[Rural] & Member
RTA Ernakulam*

*2.Sri.Ajithkumar.M.P, Deputy Transport Commissioner [Law], CZ- II,
Ernakulam.*

Item No.01

Heard; Adv.G.Prabhakaran,the learned Counsel represented the applicant . This is the application for the grant of fresh regular permit in respect of stage carriage KL-07-CD-9438 of 2014 model on the route Vyttila-Koonammavu via Bypass,Kakkanad, Seaport- Airport Road, Edappally Toll,Kalamassery, Pathalam, Edayar and Kongorppilly as Ordinary moffusil service. The proposed route is an intra district route having route length of 30km .The proposed route is overlapping on Trivandrum-Palakkad and Trivandrum-Kannur notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 for a distance of 1.5 km. Considering the route length, the above overlapping is not objectionable. Moreover, the offered stage carriage is of 2014 model and hence which is suitable for the grant of fresh regular permit as per the decision of the State Transport Authority Kerala dtd 14/06/2017.Hence, there is no legal impediment to grant regular permit as sought by the applicant. Therefore the regular permit on the proposed route is granted to stage carriage KL-07-CD-9438 subject to settlement of timings, on production of current records of the vehicle within the time limit specified U/R 159[2] KMVR-1989.

Item No.02

Heard; Adv.Gopinathan Nair,the learned Counsel represented the permit holder .This is the application for the variation of regular permit in respect of stage carriage KL-08-Y-1011 covered by regular permit on the route Munnoorpilly-Perumbavoor as Ordinary moffusil service. In the application, the permit holder has sought variation so as to change starting and halting place as Kambivalappu by extending 11th trip from Munnoorpilly in the existing settled time schedule via Edalakkad and Plachippara by curtailing last two trips between Munnoorpilly and Angamaly via Palissery.

This authority considered the application in detail in the light of report of route enquiry officer, Perusal of the permit file and GO[P] No.08/2017/Tran dtd 23/03/2017 and reveals the following.

1. The regular permit was issued during the year 1999 and the portions existing route from Perumbavoor to Angamaly Town for a distance of 14.4 km and portion from Angamaly Private Stan to Karukutty Cable which is for a distance of 6.7km are objectionably overlaps Trivandrum-Palakkad ,Ernakulam-Guruvayur, Ernakulam -Palakkad and Kottayam- Kozhikode notified routes published vide GO(P) No.42/2009/ Tran dtd 14/07/2009 and further modified by GO(P) No.08/2017/Tran dtd 23/03/2017. ***As per Clause[4] of the modified scheme, the permits granted in the private sector as on 14/07/2009 are permitted to operate as Ordinary or Ordinary limited Stop Service as saved permits provided that further extension or variation shall not be allowed under any circumstance.*** The permit issued to the applicant during the year 199 is belongs to the classification of saved permit and the permit can be continued as such without any modifications such as further extension or variation. If the proposed variations are allowed, it will be clear violation of Clause[4] of the notification No.08/2017/Tran dtd 23/03/2017. Hence it cannot be allowed. But these crucial facts are ignored by the field officer in his route enquiry report.

2. The route enquiry officer has specifically reported that the proposed curtailment of 12th and 13th trips between Munnoorppilly and Angamaly via Palissery will adversely affect the travelling public and the merit of propose extension of trip to Kambivalappu will not supersede the demerits of proposed curtailment. Moreover, in this sitting, so many objections have been received from the public against the curtailment of night trips in between Munnurpilly and Angamaly. The Regional Transport Authority is the statutory authority constituted for the consideration of applications in accordance with Motor Vehicles Act and Rules made there under and also for the interest of the travelling public. In this case, vide notification 08/2017/Tran dtd 23/03/2017, the Government of Kerala have prevented any variations on regular permit granted on notified routes or portion thereof before 14/07/2009. In addition to the above, the proposed curtailment will deprive the existing travelling facility of the public. Therefore, the proposed variation cannot be allowed.

In view of the aforesaid facts and circumstances of legal impediments, application for the variation of saved permit by the notification No.08/2017/Tran dtd 23/03/2017 is hereby rejected.

Item No.03

Heard; Adv.G.Prabhakaran,the learned Counsel represented the permit holder .This is the application for the variation of regular permit in respect of stage carriage KL-07-BB-1801 covered by regular permit on the route Pallikkara- Trippunithura- HMT Jn as Ordinary moffusil service. In the application, the permit holder has sought variation in permit so as to operate 2nd trip in the morning at 7.51am from Trippunithura up to Infopark by curtailing trip to Pallikkara. He has also desired to operate 11th trip starting from BMC up to Mekkara by extension of service from Trippunithura.

This authority considered the application in detail in the light of report of route enquiry officer, Perusal of the permit file and GO[P] No.05/2017/Tran dtd 21/02/2017 and reveals the following.

1. The existing regular permit was granted so as to overlaps Ernakulam-Muvattupuzha notified route for a distance of 2.2 km from Karingachira to Trippunithura, recently, the scheme is modified by the Notification vide GO(P) No.05/2017/Tran dtd 21/02/2017. As per Clause [4] of the above notification says that the existing regular permit in the private sector as on the date of publication of the scheme in the Gazette will be allowed to operate. No fresh permits shall be granted nor shall the existing permits varied in favour of any other operators. Hence the applied variation cannot be allowed.
2. The enquiry officer has specifically reported that the curtailment existing morning trip to Pallikkara will adversely affect the travelling public. The merits of extension to Mekkara will not supersede the demerits of proposed curtailment. Moreover, there is no necessity warranted Under Rule 145[6] for the proposed variation of permit.

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

Item No.04

Heard; Adv.Jithesh Menon,the learned Counsel represented the permit holder .This is the application for the variation of regular permit in respect of stage carriage KL-17-A-4055 covered by regular permit on the route Kakkanad- Trippunithura- Kavumthazham as Ordinary moffusil service. In the application, the permit holder has sought variation so as to extend 4th trip from Trippunithura up to Kalady and to operate 6th trip in between Karingachira and HMT Jn and also to commence 7th trip from HMT Jn.

This authority considered the application in detail in the light of report of route enquiry officer and Perusal of the permit file and GO(P)

No.42/2009/Tran dtd 14/07/2009 and GO[P] No.08/2017/Tran dtd 23/03/2017 and reveals the following.

1. The existing route Kakkanad-Trippunithura-Kavumthazham on which regular permit was issued to stage carriage KL-17-A-4055 is having route length of 49.4 km. By the proposed variation, the permit holder has applied for the extension of service in the 4th trip from Trippunithura up to Kalady which is for a distance of 28.7 km. As per proviso to Section 80[3] of MV Act-1988, it is specified that

[i] in the case of variation, the termini shall not be altered and the distance covered by the variation shall not exceed twenty four kilometres.

[ii] in the case of extension, the distance covered by extension shall not exceed twenty four kilometres from the termini.

In this case, the distance covered by the extension is 28.7 km, which is not within the permissible limit. Therefore, if the proposed extension to Kalady is granted, it will be the violation of Section 80[3] of MV Act-1988.

2. The enquiry officer in his report specified that portion of the extension portion from Edayappuram Road to Kuttumassery which is 11 km in length and portion from Kalady Jn to Kalady which is 200 metre in length are objectionably overlaps Aluva- Kattappana and Kottayam-Kozhikode notified routes published vide Notification No.42/2009/Tran dtd 14/07/2009, which is further modified by Notification No.08/2017/Tran dtd 23/03/2017. As per Clause[19] of the above notifications, the right to operate additional services or increase the number of trips on each notified route is exclusively reserved for the State Transport Undertaking. But in this case, the route portion in which extension is sought by the permit holder is objectionably overlapping on above mentioned notified routes and no private operator is entitled to operate service violating the scheme of nationalization.

3. The enquiry officer has reported that the curtailment of service in the 5th trip via NGO Quarters, Judgmukku, Edappally Toll, Edappally Bypass, Vyttila, Kundannoor and Maradu will adversely affect the travelling public. This authority convinced that the proposed curtailment and corresponding changes proposed will not serve any convenience to the public.

In view of the aforesaid facts and circumstances of legal impediments, and non convenience of the public, the application for the variation of permit is hereby rejected.

Item No.05

1. Perused the judgment of Hon'ble STAT in MVAA No.174/2017 and heard; Adv. Stalin Peter Davis, the learned counsel represented the permit holder of stage carriage KL-11-B-3737. This authority reconsidered the application for variation of regular permit in respect of stage carriage KL-11-AB-3737 covered by a regular permit on the route Chottanikkara- Thrissur as LSOS in view of the Judgment of Hon'ble STAT. On perusal of the records, it reveals that as there were so many objections against the non operation of service to Chottanikkara, this authority while considering the application for the renewal of permit in respect of stage carriage on the route Chottanikkara-Thrissur, directed the Secretary of RTA to watch the service of the above stage carriage to Chottanikkara. Thereafter, the Secretary RTA has intimated that, the route enquiry officer verified the service of the stage carriage in question and reported the non operation of service to Chottanikkara from Vyttila. During the pendency of action on permit for the purposeful curtailment of service, the permit holder of stage carriage KL-11-AB-3737 applied for the variation of permit for authorizing permanent curtailment of service to Chottanikkara from Vyttila.

This authority in the earlier sitting held on 17/05/2017 considered the matter of variation, and rejected the same on the findings that, the regular permit was initially granted considering the interest of public to

reach Chottanikkara, the famous pilgrim centre. After obtaining regular permit, the permit holder is frequently curtailing service to Chottanikkara without any reason, which is against the interest of public and there is no necessity warranting U/R 145[6] of KMV Rules-1989. In the same time, the secretary RTA was directed to watch the service of the vehicle frequently and take action on regular permit U/S 86[5] of MV Act, if curtailment of service detected.

Order of this authority was challenged by the permit holder before the State Transport Appellate Tribunal. Vide Judgment in MVAA No.174/2017 dtd 02/11/2017, the Hon'ble Tribunal has set aside the order dtd 17/05/2017 on the findings that copy of the field officer has not furnished to the applicant and no opportunity was given to the appellant to file objection on report of the field officer. Therefore, the RTA is directed to reconsider the matter and pass appropriate orders in accordance with the principles of natural justice.

In view of the Judgment of Hon'ble Tribunal, Copy of the field officers report was issued to the permit holder and he has furnished an explanation against the show cause notice issued by the Secretary of this authority in compliance to the direction issued dtd 17/05/2017. As per the reply furnished dtd 17/08/2017, the permit holder has explained that the vehicle curtailed service due to mechanical problem and there was no will full curtailment of service to Chottanikkara.

But, on 11/09/2017, the field officer in the Motor Vehicles Department has again reported that he watched the service of the stage carriage KL-11-AB-3737 for a continuous period of one month and revealed that the vehicle is not conducting service to Ernakulam district by unauthorized curtailment of service from Kodungalloor to Chottanikkara and the vehicle is terminating service at Kodungalloor depriving the travelling facility of the public.

In this sitting, Adv. Stalin Peter Davis, the learned counsel represented the permit holder, but he was not explained the reason for regular curtailment of service from Kodungallur to Chottanikkara.

However, this authority reconsidered the application for variation of permit for the permanent curtailment of service from Chottanikkara to Vyttila in the light of direction issued by the Hon'ble Tribunal in MVAA No.174/2017. The objection or explanation filed by the permit holder against the curtailment reported by the field officer cannot be accepted since the enquiry officer specifically reported that the on verification of the service, the vehicle KL-11-AB-3737 is conducting regular service in between Thrissur and Kodungallur, curtailing service in between Kodungallur and Chottanikkara. This authority felt that due to the unauthorized withdrawal of service, the travelling benefits accrued by the public is seen deprived off and therefore the action of the permit holder denied the natural justice of the public. Therefore, the application for the curtailment of service cannot be considered in accordance with the principles of natural Justice . Regional Transport Authority is acting in accordance with the Motor Vehicles Act and Rules made thereunder. Therefore, natural justice within the purview of above Act and Rules only can only be given to the holder of a permit. In this case, the permit holder violated the conditions of permit and the regular permit is liable to be cancelled U/S 86 of MV Act-1988.

Therefore the application for the variation of permit in respect of stage carriage KL-11-AB-3737 is hereby rejected.

2.The Secretary RTA is directed to issue a copy of the report of field officer dtd 11/09/2017 to the permit holder for filing objection or explanation and place the report and explanation, if any before the next sitting of this authority for taking action on regular permit.

Item No.06

Heard; Adv.Jithesh Menon, the learned Counsel represented the permit holder .This is the application for the variation of regular permit in respect of stage carriage KL-02-X-7300 covered by regular permit on the route Kakkanad-Trippunithura-Medical College-Edachira-Kombara-Aluva as Ordinary moffusil service. By the proposed variation, the permit holder ,sought variation for the extension of service to Pallikkara, Deviation of trip

via Navodaya and Athani, Curtailment of trips to Aluva by limiting the service up to Kalamassery Medical College and also to operate additional trip up to HMT. This authority considered the application in detail. The route enquiry report furnished by the field officer and the Agenda furnished by the Secretary RTA are not specified the following details.

1. Exact details of route portion to which extension sought for.
2. Details of deviation sought by the permit holder via Navodaya and Athani
3. Split up details of notified routes on different route portions
4. Whether the proposed variation violate the notifications 08/2017/Tran dtd 23/03/2017 and 05/2017/Tran dtd 21/02/2017.
5. Details of check reports pending against the vehicle and action taken by the Secretary RTA on check report.

The Secretary RTA is directed to furnish the following details specifically in the agenda and place the matter in the next sitting.Hence adjourned.

Item No.07

Heard; Adv.Jithesh Menon, the learned counsel represented the applicant. This is the application for variation of regular permit in respect of stage carriage KL-42-5202 operating on the route North Parur- cheranelloor as Ordinary moffusil service. By the proposed variation the permit holder is desired to extend the service from North Parur to Kunjithai.This authority considered the application in detail. The route enquiry officer has reported that the proposed extension is more beneficial to the travelling public and there is no violation of Section 80[3] of MV Act-1988. Considering the report of the field officer and convenience served by the extension the Proposed variation is granted subject to settlement of timings without changing the timings of unvaried trips.

Item No.08

1.Heard; Adv. G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-07-BF-117 operating on the route Edachira- Fort Kochi as Ordinary moffusil Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 11/11/1996. The proposed route is having length of 30 km and the route is objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes. There is no impediment to renew the permit for continuous operation on the proposed route. Hence delay is condoned and renewal of regular permit is granted .

Item No.09

Heard; Adv. Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-05-U-241 operating on the route North Parur- Kaloor as Ordinary moffusil Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 19/10/2007. The proposed route is having length of 26 km and the route is objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes. The permit holder has not

filed application for the renewal of permit before the expiry of permit. Hence he expressed willingness to compound the permitless operation. There is no impediment to renew the permit for continuous operation on the proposed route. Hence delay is condoned and renewal of regular permit is granted subject to the remittance Rs.5000/- being the compounding fee for the permitless operation .

Item No.10

Heard; Adv. G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the applications for the renewal of regular permit in respect of stage carriage KL-05-AP-3738 on the route Kottayam - Perikkalloor as Limited Stop Ordinary Service by reclassifying the nature of service from Super Express. This authority considered the application in detail.

The regular permit issued to stage carriage KL-05-AP-3738 on the route Kottayam- Perikkalloor as Super Express Service was expired on 29/12/2012. Thereafter, in view of the Government Notification published vide GO(P) No.73/2013/Tran dtd 16/07/2017, this authority rejected the application for the renewal of permit ,as the operation of super class stage carriage service is exclusively reserved for the State Transport Undertaking .

Thereafter in view of GO[MS] No.45/2015/Tran dtd 20/08/2015, the permit holder was permitted to operate service as Limited Stop Ordinary service and the application for the conversion of nature of service from Super Express to Limited Stop was pending for the concurrence of the sister Regional Transport Authorities.

Subsequently, the Government of Kerala Vide GO[P] No.06/2017/Tran dtd 15/03/2017, the Government of Kerala have amended the Rule 2[oa] of KMV Rules-1989 by inserting definition to Ordinary Limited Stop Service as follows.

“Ordinary Limited Stop Service means a service, which is operated on a route having a distance of not exceeding 140 Kilometres with limited number of stops, having atleast one stop n every fare stage.”

Thereafter on 23/03/2017, the Government of Kerala have modified GO(P) No.42/2009/Tran dtd 14/07/2009 vide GO(P) No.08/2017/Tran dtd 23/03/2017. **As per Clause[4] of the above notification, it is specified that the permits granted in the private sector as on 14/07/2009 will be permitted to operate as Ordinary or Ordinary Limited Stop Service. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules-1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstance.**

In the light of GO(P) No.06/2017/Tran dtd 15/03/2017 and GO(P) No.08/2017/Tran dtd 23/03/2017, this authority considered the application for the renewal of permit in detail.

The route on which regular permit was issued and now applied for the renewal is having route length 457 km. But here the permit holder has applied also for the conversion of nature of service from Super Express to Ordinary Limited Stop. In view of the above cited notifications, the Secretary RTA had issued direction to the permit holder to file application for the variation of permit so as to reduce the route length from 457 to maximum 140 km to avoid the legal impediments to renew the permit as Ordinary limited Stop service. But the permit holder has not complied the direction till date.

If the renewal of regular permit in question is allowed as Ordinary Limited Stop Service without reducing the route length up to 140 km, it will be clear violation of Rule 2[oa] of the KMVR-1989 and GO(P) No.06/2017/Tran dtd 15/03/2017. Hence the renewal of permit cannot be allowed.

However, the permit holder is given an opportunity once again to file application for limiting the route length up to 140 km so as to renew the permit as Ordinary Limited Stop Service. If the permit holder is not willing to do so, the application will be finalized in the next sitting. Hence adjourned.

Item No.11

1.Heard; Adv. Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-43-E-3997 operating on the route Parackamugal- Arookutty Ferry as Ordinary moffusil Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.This authority in the earlier sitting held on 18/11/2017 considered the matter and adjourned decision with direction to the Secretary RTA to issue show cause notice to the permit holder as the vehicle used for the illicit contract carriage operation violating the permit conditions. But now, the Secretary RTA has intimated that even though a show cause notice issued to the permit holder, he has neither appeared for hearing nor furnished reply against the show cause notice issued.

In this sitting, another operators in the sector have raised objections that the actual permit holder in the records Sri.Vinuraj Vijayan, has left possession of the vehicle and permit without permission of the Regional Transport Authority ,which is the reason for the non appearance and non filing of explanation.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of connected files . This authority in the earlier sitting directed the Secretary RTA to place the applications before this authority only after personal hearing of the applicant so as to ascertain the genuineness and existence of permit holder or applicant as so many cases were identified by this authority that bogus applications had been filed by another persons for the renewal of regular permit even after the death of the permit holder. Here also this authority noticed that another

stage carriages are owned by the same permit holder and application for the renewal of the permit in respect of some of above the vehicles are still pending due to to the non appearance of the holder of permit before the Secretary RTA.

In this case, the permit holder has not appeared for hearing in this sitting also, but Adv.Stalin Peter Davis ,the learned counsel appeared for hearing on behalf of the permit holder, as there is provision in the MV Act to do so. But authenticity of application and the illegal transfer of the permit in question and the vehicle covered by the permit is also to be ascertained before the renewal of permit. The Regional Transport Authority is responsible to do so.

Therefore,

1.The Secretary RTA is directed to serve a notice to the permit holder directing personal appearance and ascertain the possession of permit and vehicle covered by the permit 7/1150/2002 through the field officer.

2.Adv.Stalin Peter Davis, the learned Counsel appeared for the applicant is instructed to intimate the permit holder to appear for hearing in person before the Secretary RTA on or before 28/02/2018 with explanation on show cause notice issued by the Secretary RTA.

Hence adjourned to the next sitting.

Item No.12

Heard; Adv. G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-17-D-3817 operating on the route Mambra- Mulamkuzhy as Ordinary moffusil Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The

regular permit was issued on 11/10/2002. The proposed route is having length of 27.7 km and the route is objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes. The permit holder has not filed application for the renewal of permit before the expiry of permit. Hence he expressed willingness to compound the permitless operation. This authority satisfied with the explanation offered by the permit holder for the delay happened for filing application. Therefore there is no impediment to renew the permit for continuous operation on the proposed route. Hence delay is condoned and renewal of regular permit is granted subject to the remittance Rs.5000/- being the compounding fee for the permitless operation .

Item No.13

1.Perused the Judgment of Hon'ble High Court Of Kerala in WPC No.38417/2017 dtd 14/12/2017, wherein the Hon'ble Court has directed this authority to consider the application for the renewal of permit in accordance with law and take an appropriate decision in the sitting held on 20/01/2018. Therefore this authority considered the application in detail in accordance with law.

2.Heard;Adv.Gopinathan Nair, the learned counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-07-BA-4359 operating on the route Ernakulam High Court Jn- Manjapra as Ordinary moffusil Service. The route is having length of 59.5 km in which the portion of the route from Bharanimukku to North Parur which is 1.2 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the

portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to finalize the applications for the renewal of permit on the portions of Aluva- Vadakkumpuram complete exclusion scheme without a further clarification from the Government.

3.Secondly, the route enquiry officer has reported that the portions of the proposed route from Athani to Kamco Jn and from Telk to Angamaly for a distance of 3.5 km in length is overlapping on Ernakulam- Thrissur notified route. But he has not reported whether the above overlapping is objectionable or not and not clarified that the above notified route is included in the Annexure included in the notification No.08/2017/Tran dtd 23/03/2017. Therefore feasibility of the renewal of permit is to be analyzed deeply before taken a final decision as the permit was issued on 20/10/2012 and the Notification No.08/2017/Tran dtd 23/03/2017 is prevented the renewal of a stage carriage permit issued in the private sector after 14/07/2009 violating Clause[4] of the Notification No.42/2009/Tran dtd 14/07/2009 . Therefore,

The Secretary RTA is directed to submit a report on overlapping on notified route included in the Notification No.08/2017/Tran dtd 23/03/2017 and the feasibility of the renewal of permit in question and place the matter in the next sitting proposed to be held on 17/03/2018 without fail.

Hence Adjourned.

2.The Secretary RTA is permitted to issue temporary permits for durations of 20 days in favour of the applicant to continue operation on the same route on public interest till final decision is taken on application for the renewal of permit .

Item No.14

Heard; Adv. Stalin Peter Davis, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-07-BX-6569 operating on the route Thevara Ferry-Ponekkara- Amrutha Hospital as Ordinary moffusil Service. This authority, in the earlier sitting held on 23/09/2017, considered the application and adjourned decision with direction to the Secretary RTA to ascertain the citizenship of the permit holder as there were objections from one Mr.Abdul Hakkim ,who is an operator of stage carriage service in the same sector that the permit holder had migrated the country and obtained American Citizenship and hence the vehicle and the permit under reservation quota for the SC/ST person are now under possession of another non SC/ST person.

Now, the Secretary RTA has submitted a report of the field officer that, the permit holder is now at USA and power of attorney was issued to One Mr.Rineesh.M.R,Malayakkathara House, Kothad.P.O,Ernakulam to maintain the stage carriage service in the absence of permit holder.The enquiry officer also has reported that he could not ascertained whether the permit holder obtained American Citizenship and also the genuineness of the Power of Attorney given to the present possessor Sri.Rinish.

On consideration of the above facts, this authority felt that, the Secretary RTA is responsible for the verification of power of attorney and to ascertain the genuineness of the same by hearing the holder of the Power of Attorney. But here, the Secretary RTA is being granted temporary permit to the power of attorney holder with effect from 23/06/2016 for the operation of Stage carriage KL-07-BX-6569 and now reported that genuineness of the power of attorney could not be ascertained.

This authority of the considered opinion that , the permit holder Sri.Shijith had not given intimation to this authority with regard to his migration to USA and the details of the Power of attorney issued to another person to take care of the service in his absence. As Secretary RTA has

intimated that the genuineness of the Power of attorney given to Sri.Rinish and the American Citizenship of the Permit holder cannot be ascertained, it is the duty and responsibility of the permit holder and the holder of power of attorney to prove the both issues before the Regional Transport Authority. As the above issues cannot be proved by anybody, renewal of the regular permit cannot be allowed and no temporary permit can be issued in favour of Sri. Rinish, the reported possessor of the stage carriage KL-07-BX-6569.

Therefore, the Secretary RTA is directed to grant further temporary permits only after ensuring the genuineness of the power of attorney.

Till the Citizenship of the permit holder and the genuineness of the power of attorney are proved by the permit holder or the possessor, this authority hereby decide to keep the application for the renewal of permit as pending and hence the matter is adjourned.

Item No.15

1.Heard;Adv.G.Prabhakaran, the learned counsel represented the applicant and the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-13-R-9009 operating on the route Manjaly- Kodungalloor as Ordinary moffusil Service. This authority considered the application in detail.

As per the agenda submitted by the Secretary RTA,the route on which regular permit issued is having length of 16.7 km in which the portion from Moothakunnam to Vedimara which is 8.5 km in length objectionably overlaps Aluva-Vadakkumpuram complete exclusion scheme ,Aluva-Kuriappilly and Aluva- Cherail schemes. Judgments of Hon'ble High Court of Kerala in WP© No.4435/2011 and connected cases, prohibited the renewal of regular permit issued on Aluva-Vadakkumpuram Complete exclusion scheme reserved for the State Transport Undertaking. KSRTC also objected the renewal of permits on the portions of Aluva-Vadakkumpuram Scheme. Vide letter No.10689/B1/2014/Tran dtd 17/07/2014 the Government of Kerala has decided to formulate schemes under section 99 of

the MV Act for making an objective assessment on the actual requirement of the KSRTC and in order to ensure sufficient travel facilities to the general public. Hence this authority is not able to take a decision in this situation. This authority is decided to wait for further orders from the government in this regard. Hence the application for the renewal of regular permit is adjourned.

3.The regular permit was expired on 12/11/2017 and the stage carriage KL-13-R-9009 is covered by temporary permit only. There is no provision in the MV Act and Rules to transfer of an invalid regular permit and temporary permits. Hence application for the transfer of permit will considered only after the renewal of permit.Hence adjourned.

2.The Secretary RTA is permitted to issue temporary permits in favour of the permit holder to continue operation on the same route on public interest.

Item No.16

1.Heard; Adv. G.Prabhakaran, the learned Counsel represented the applicant and heard the Counsel represented KSRTC. This is the application for the renewal of regular permit in respect of stage carriage KL-01-AQ-7878 operating on the route Perumpadappu-Cheranellur-Kothad Ferry as Ordinary moffusil Service. The permit holder has not filed application within the time limit prescribed under Section 81[2] of MV Act,1988.

This authority elaborately considered the scope and applicability of the renewal of permit in the light of existing notifications and connected file. The regular permit was issued on 19/04/2007. The proposed route is having length of 27 km and the route is objectionably overlaps Trivandrum-Palakkad and Trivandrum-Kannur notified routes published vide GO(P) No. No.42/2009/Tran dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 or other existing notified schemes. The permit holder has not filed for the renewal of permit before the expiry of permit. This authority satisfied with the explanation offered by the permit holder for the delay happened for filing application.Therefore there is no impediment to renew

the permit for continuous operation on the proposed route. Hence delay is condoned and renewal of regular permit is granted subject to the remittance Rs.5000/- being the compounding fee for the permitless operation .

2.The Secretary RTA has reported that two check reports are still pending against the vehicle, even after issued charge memos were acknowledged. Therefore action on permit is warranted U/S 86 of MV Act-1988. Hence the Secretary RTA is directed to issue show cause notice and hear the permit holder and place the matter in the next sitting.

Item No.17

Heard; Adv. G.Prabhakaran, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the applications for the renewal of regular permit in respect of stage carriage KL-05-AA-8474 on the route Kottayam - Perikkalloor as Limited Stop Ordinary Service by reclassifying the nature of service from Super Express. This authority considered the application in detail.

The regular permit issued to stage carriage KL-05-AA-8474 on the route Kottayam- Perikkalloor as Super Express Service was expired on 29/12/2012. Thereafter, in view of the Government Notification published vide GO(P) No.73/2013/Tran dtd 16/07/2017, this authority is prevented from the renewal of above permit as the operation of super class stage carriage service is exclusively reserved for the State Transport Undertaking .Therefore application filed by Smt.Chelsia Theresa George for the transfer of above permit U/S 82[2] consequent to the death of the permit holder was also pending due to the non renewal of the permit.

Thereafter in view of GO[MS] No.45/2015/Tran dtd 20/08/2015, the permit holder was permitted to operate service as Limited Stop Ordinary service and the application for the conversion of nature of service from Super Express to Limited Stop was pending for the concurrence of the sister Regional Transport Authorities.

Subsequently, the Government of Kerala Vide GO[P] No.06/2017/Tran dtd 15/03/2017, the Government of Kerala have amended the Rule 2[oa] of KMV Rules-1989 by inserting definition to Ordinary Limited Stop Service as follows.

“Ordinary Limited Stop Service means a service,which is operated on a route having a distance of not exceeding 140 Kilometres with limited number of stops, having atleast one stop n every fare stage.”

Thereafter on 23/03/2017, the Government of Kerala have modified GO(P) No.42/2009/Tran dtd 14/07/2009 vide GO(P) No.08/2017/Tran dtd 23/03/2017. ***As per Clause[4] of the above notification, it is specified that the permits granted in the private sector as on 14/07/2009 will be permitted to operate as Ordinary or Ordinary Limited Stop Service. The maximum distance prescribed in the rule 2(oa) in the Kerala Motor Vehicles Rules-1989 shall apply to these saved permits provided that further extension or variation shall not be allowed under any circumstance.***

Thereafter on 09/011/2017,vide Judgment in WP(C) No.31372/2017, the Hon'ble High Court of Kerala had directed to endorse transfer of permit U/S 82[2] of MV Act, provisionally within a time frame and thereafter within a period of six weeks, consider the application for the renewal of permit. In compliance to the direction of the Hon'ble Court, this authority ,in the earlier sitting held on 18/11/2017, provisionally granted transfer of permit .In this circumstances, the applications for the renewal of permits for the two consecutive spells of five years with effect from 30/12/2012 to 29/12/2022.

In the light of GO(P) No.06/2017/Tran dtd 15/03/2017 and GO(P) No.08/2017/Tran dtd 23/03/2017, this authority considered the application for the renewal of permit in detail.

The route on which regular permit was issued and now applied for the renewal is having route length 457 km. But here the permit holder has

applied also for the conversion of nature of service from Super Express to Ordinary Limited Stop. In view of the above cited notifications, the Secretary RTA had issued direction to the permit holder to file application for the variation of permit so as to reduce the route length from 457 to maximum 140 km to avoid the legal impediments to renew the permit as Ordinary limited Stop service. But the permit holder has not complied the direction till date.

If the renewal of regular permit in question is allowed as Ordinary Limited Stop Service without reducing the route length up to 140 km, it will be clear violation of Rule 2[oa] of the KMVR-1989 and GO(P) No.06/2017/Tran dtd 15/03/2017. Hence the renewal of permit cannot be allowed.

However, the permit holder is given an opportunity once again to file application for limiting the route length up to 140 km so as to renew the permit as Ordinary Limited Stop Service. If the permit holder is not willing to do so, the application will be finalized in the next sitting .Hence adjourned.

2.The Secretary RTA is entrusted to seek extension of time for the compliance of directions contained in the Judgment in WP(C) No.31372/2017.

Item No.18

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-41-G-939 on the route Aluva- Fort Kochi- W/Island, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.19

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-42-1206 on the route Munambam Ferry- Vypin Ferry with Extension to Collectors Square, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.20

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-40-750 on the route Vyttila- Vyttila Circular, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.21

This is the application for the transfer of permit in respect of the stage carriage KL-07-AZ-1576 on the route Aluva- South Chittoor Temple.This authority in the earlier sitting held on 18/11/2017 considered the application in compliance to the order of Hon'ble High Court of Kerala in WP(C) No.33357/2017 and decision was adjourned to this sitting, since the applicants were not appeared before the this authority for hearing and verification of the genuineness of the application. The Secretary of the RTA has again issued notice to the applicants with direction to this sitting.But both of them denied to appear before the statutory authority for the hearing.Therefore this authority is of considered opinion that the applicants and the application for the transfer of permit are not genuine.

Therefore the application for the transfer of permit in respect of stage carriage KL-07-AZ-1576 on the route Aluva- South Chittoor Temple is treated as infructuous and hence rejected.

Item No.22

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-49-A-1515 on the route Chemmayam-Vypin-Elamkunnappuzha-High Court, is allowed as applied for subject to the clearance of Government dues, if any.

Item No.23

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-

07-AZ-1338 on the route Pooyappilly- Kaloor Bus Stand, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.24

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-42-A-1755 on the route Pooyappilly- Ernakulam South, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.25

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-41-A-2419 on the route Fort Kochi- Aluva, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.26

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BB-1980 on the route Poothotta- Aluva, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.27

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-63-A-61 on the route Kanakkankadavu- Angamaly- Manjapra, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.28

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BE-2854 on the route Aluva- Perumannoor Jn, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.29

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AR-4410 on the route Aluva- Fort Kochi, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.30

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AS-4304 on the route Kottuvally South- Maliyankara, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.31

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-05-Q-2973 on the route Poothotta- Aluva, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.32

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AP-3828 on the route Eloor Ferry- Manjaly, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.33

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BE-2901 on the route North Parur- High Court Jn, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.34

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-

41-D-3006 on the route Parappuram- Anappara, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.35

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-CG-3976 on the route Chittethukara- Fort Kochi, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.36

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AV-3878 on the route Angamaly- Vypin, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.37

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. This is the application for the transfer of permit in respect of stage carriage KL-04-Q-7200 on the route Paravoor-Chalakkudy.The regular permit was expired on 18/12/2014 and there exist legal impediment of objectionable overlapping on Aluva- Vadakkumpuram complete exclusion scheme for the renewal of permit. Now, the vehicle KL-04-Q-7200 is covered by only temporary permit.

This authority considered the application in detail.There is no provision in the MV Act and Rules made there under for the transfer of temporary permit.Therefore the application cannot be considered favourably and is liable to be rejected. However, considering the request of the permit holder, decision is adjourned till the finalization of decision on application for the renewal of permit, which is pending for the clarification of the Government.

Item No.38

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AP-5265 on the route Mulamkuzhy- Parakkadavu, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.39

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AP-5533 on the route Trippunithura- Trippunithura Circular, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.40

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AQ-6989 on the route Panangad- Cheranelloor, is allowed as applied for subject to the clearance of Government dues, if any and the disposal of pending objections.

Item No.41

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. This is the application for the transfer of a regular permit issued on 06/12/2017 on the route Thalayolapparambu-Kaloor as Ordinary moffusil service. This authority considered the application in detail. To avoid the trafficking of permit and the sale of permit , this authority in the earlier sitting decided that transfer of permit in respect of stage carriages is prevented for a duration of two years from the date of first issue of permit. In this case, the regular permit for a duration of five years from 06/12/2017 to 05/12/2022 was issued on 06/12/2017. Surprisingly, on 07/12/2017, the very next day of issue of permit, the permit holder has applied for the transfer of permit in timing the sale of permit and the vehicle covered by the permit to one Mr.M.D.George, Moolethadathil House, Arakkunnam.

Hence it is very clear that the permit holder obtained the regular permit only for the sale and he is engaged in the trafficking and sale of permit for monetary benefits. This type of scams cannot be allowed by this authority. Considering the nature of application, this authority is of considered opinion that the regular permit 7/4298/2017 issued to Sri.Raju Uthuppan is liable to be cancelled. But this authority is not going to such actions and further proceedings. As there is no genuineness found in the application and considering the verified trafficking of permit by Sri.Raju Uthuppan, the application for the transfer of permit issued on 06/12/2017 is hereby rejected.

Item No.42

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-42-5202 on the route North Parur- Cheranelloor, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.43

Heard; Adv.M.Jithesh Menon, the learned counsel represented applicant Smt.Aysha Gafoor. Transfer of permit U/S 82[2] in the name of Smt.Aysha Gafoor, consequent to the death of permit holder in respect of S/C KL-43B-5814 on the route Cheranelloor-Mattancherry, is allowed as applied for subject to the clearance of Government dues and audit objections, if any .

Item No.44

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AN-8514 on the route Malavana Ferry-Kodungalloor, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.45

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-

07-AV-8181 on the route Vypeen- Kodungalloor, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.46

Heard; Adv.M.Jithesh Menon, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AW-9395 on the route North Parur- Ernakulam High Court, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.47

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-17-B-7786 on the route Kudapuram Ferry- Kaloor, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.48

Heard; Adv.M.Jithesh Menon, the learned counsel represented applicant Smt.Elsa .S.Kumar. Transfer of permit U/S 82[2] in the name of Smt.Elsa.S.Kumar, consequent to the death of permit holder in respect of S/C KL-29-8182 on the route Eloor Ferry- Kodungalloor, is allowed as applied for in the light of reported decision of Hon'ble High Court of Kerala in Bhagyalekshmi Vs RTO Palakkad subject to the clearance of Government dues and audit objections, if any

Item No.49

Heard; Adv.M.Jithesh Menon, the learned counsel represented applicant Smt.Elsa .S.Kumar. Transfer of permit U/S 82[2] in the name of Smt.Elsa.S.Kumar, consequent to the death of permit holder in respect of S/C KL-36-7677 on the route Ernakulam South –North Parur, is allowed as applied for in the light of reported decision of Hon'ble High Court of Kerala in Bhagyalekshmi Vs RTO Palakkad subject to the clearance of Government dues and audit objections, if any.

Item No.50

Heard; Adv.M.Jithesh Menon, the learned counsel represented applicant Smt.Elsa .S.Kumar. Transfer of permit U/S 82[2] in the name of Smt.Elsa.S.Kumar, consequent to the death of permit holder in respect of S/C KL-38-9155 on the route North Parur- Ernakulam South, is allowed as applied for in the light of reported decision of Hon'ble High Court of Kerala in Bhagyalekshmi Vs RTO Palakkad subject to the clearance of Government dues and audit objections, if any

Item No.51

Heard; Adv.M.Jithesh Menon, the learned counsel represented applicant Smt.Elsa .S.Kumar. Transfer of permit U/S 82[2] in the name of Smt.Elsa.S.Kumar, consequent to the death of permit holder in respect of S/C KL-42-8818 on the route North Parur- Ezhikkara- Kaloor, is allowed as applied for in the light of reported decision of Hon'ble High Court of Kerala in Bhagyalekshmi Vs RTO Palakkad subject to the clearance of Government dues and audit objections, if any

Item No.52

Heard; Adv.Stalin Peter Davis, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-BB-9030 on the route Aluva- W/Island, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.53

Heard; Adv.G.Prabhakaran, the learned counsel represented both the transferor and proposed transferee. Transfer of permit in respect of S/C KL-07-AR-7942 on the route Eramalloor- Pukkattupady, is allowed as applied for subject to the clearance of Government dues, if any .

Item No.54

Heard; Adv. Gopinathan Nair, the learned Counsel represented the applicant and the Counsel represented KSRTC. This is the application for the grant of

temporary permit under proviso to Section 104 of MV Act in respect of stage carriage KL-07-AS-226 on the route Palissery- Perumbavoor in the vacant timings of stage carriage KL-08-K-7025. This authority considered the scope and applicability of the grant of proposed temporary permit.

In view of the Judgment of Hon'ble STAT in MVARP No.53/2016 and Judgment of Hon'ble High Court of Kerala in OP(C) No.581/2017, this authority had been granted and issued a temporary permit for a duration of four months under proviso to section 104 of MV Act. The above Judgments of Hon'ble Tribunal and the Hon'ble High Court and the grant of temporary permit were challenged by the KSRTC before the Hon'ble Supreme Court. Vide order in SLA No.26954/2017 dtd 10/11/2017, the Hon'ble Supreme Court has stayed the operation of Judgment in OP(C) No.581/2017 and 1827/2017 until further orders. Subsequently, the Secretary of this authority has temporarily stayed the operation of temporary permit issued to the stage carriage KL-07-AS-226. In this situation, the present application for the grant of temporary permit.

This authority verified the feasibility of further grant of temporary permit on the applied route. This authority is of considered opinion that it is not feasible to grant temporary permit in favour of the applicant during the pendency of the case before the Hon'ble Supreme Court of India. The learned counsel represented the applicant has also requested to adjourn the matter till the final verdict of the Hon'ble Supreme Court. Hence adjourned for the final Judgment of Hon'ble Supreme Court in SLA No.26954/2017.

Item No.55

Heard; Adv. Stalin Peter Davis, the learned counsel represented the applicant Sri.T.J.Raju. This is the application for the grant of further temporary permit in respect of stage carriage KL-17-4656 or a suitable stage carriage U/S 104 of MV Act-1988 on the route Poothotta- Aluva as Ordinary city service in the vacant timings of stage carriage KL-40-A-6031. This authority considered the application in detail. In this sitting, the learned counsel represented the KSRTC has intimated that they have already applied for the grant of temporary permit on the same route Poothotta- Aluva in the

vacancy of stage carriage KL-40-A-6031 as the entire route is notified by GO(P) No.08/2017/Tran dtd 23/03/2017 and vide Judgment in W.A No.1957/2013 and 1943/2013, the Hon'ble High Court of Kerala prevented the grant of temporary permit to private operators under proviso to Section 104 of MV Act. Therefore the representative of KSRTC has requested not to grant temporary permit on the notified route violating the Judgment of Hon'ble High Court of Kerala. Therefore this authority is of considered opinion that, the proposed temporary permit cannot be granted to the private operator as the KSRTC, the beneficiary of the scheme applied for the grant of permit in the very same set of timings. Therefore, the Secretary RTA is directed to verify and report whether the State Transport Undertaking is conducting regular service on the applied route Poothotta-Aluva in the vacant timings of stage carriage KL-40-A-6031 and also to ascertain that the existing services operated by the STU is sufficient to cater the need of travelling public. Hence adjourned.

Item No.56

Heard; Adv.G.Prabhakaran, the learned counsel represented the applicant Smt.Mary Eldho. This is the application for the grant of temporary permit in respect of stage carriage KL-17-P-4873 on the route Velloor HNL- Kaloor as Ordinary moffusil service. This authority considered the application in detail. The applicant is operating service on the above route with successively issued temporary permit from the year 2008. This authority felt that KSRTC is not operating sufficient service on the above route to cater the need of public. Therefore temporary permit for a further duration of 4 months is granted.

Item No.57

Heard; Sri.K.K.Asokan, the grantee of regular permit on the route Kaloor-Ponekkara- Makkekadavu. This is the request of the grantee seeking maximum time for the production of current records for availing granted regular permit by this authority. This authority considered the matter in detail. This authority in its sitting held on 23/09/2017 granted a fresh regular permit in favour of the applicant in respect of his suitable stage

carriage not older than eight years from the date of its original registration and thereafter on 04/11/2017, the secretary RTA communicated the decision to the grantee with direction to produce current records of the vehicle within one month. But the grantee has requested to grant maximum time specified U/R 159[2] of KMV Rule-1989 for the submission of the records of the vehicle. Considering the request, maximum time of 4 months in aggregate prescribed in the Rule 159[2] of KMV Rules-1989 is granted from 04/11/2017, the date of communication of the decision of RTA held on 23/09/2017. If the permit holder has failed to produce the vehicle within the above period, the order of sanction stands revoked.

Item No.58

Heard; Adv. M. Jithesh Menon, the learned counsel represented Sri. Shagin, the grantee of regular permit on the route North Parur- Vyttila Hub. This is the request of the grantee of regular permit seeking maximum time for the production of current records for availing granted regular permit by this authority. This authority considered the matter in detail. This authority in its sitting held on 18/11/2017 granted fresh regular permit in favour of the applicant in respect of his suitable stage carriage not older than eight years from the date of its original registration and thereafter, the secretary RTA communicated the decision to the grantee with direction to produce current records of the vehicle within one month. But the grantee has requested to grant maximum time specified U/R 159[2] of KMV Rule-1989 for the submission of the records of the vehicle. Considering the request, maximum time of 4 months in aggregate prescribed in the Rule 159[2] of KMV Rules-1989 is granted from 18/11/2017, the date of grant of permit. If the permit holder has failed to produce the vehicle within the above period, the order of sanction stands revoked.

Item No.59

Heard; Adv. M. Jithesh Menon, the learned counsel represented Smt. Khadheeja, the grantee of regular permit on the route North Parur- High Court Jn- Convent Beach as Ordinary moffusil service. This is the request of the grantee of regular permit seeking maximum time for the production of

current records for availing granted regular permit by this authority. This authority considered the matter in detail. This authority in its sitting held on 18/11/2017 granted fresh regular permit in favour of the applicant in respect of his suitable stage carriage not older than eight years from the date of its original registration and thereafter, the secretary RTA communicated the decision to the grantee with direction to produce current records of the vehicle within one month. But the grantee has requested to grant maximum time specified U/R 159[2] of KMV Rule-1989 for the submission of the records of the vehicle. Considering the request, maximum time of 4 months in aggregate prescribed in the Rule 159[2] of KMV Rules-1989 is granted from 18/11/2017, the date of grant of permit. If the permit holder has failed to produce the vehicle within the above period, the order of sanction stands revoked.

Item No.60

This is the request of Sri.Asharaf.V.Athe grantee of regular permit seeking maximum time for the production of current records for availing granted regular permit by this authority on the route Kalady-Kakkanad as Ordinary moffusil Service. This authority considered the matter in detail. This authority in its sitting held on 18/11/2017 granted fresh regular permit in favour of the applicant in respect of his suitable stage carriage not older than eight years from the date of its original registration and thereafter, the secretary RTA communicated the decision to the grantee with direction to produce current records of the vehicle within one month. But the grantee has requested to grant maximum time specified U/R 159[2] of KMV Rule-1989 for the submission of the records of the vehicle. Considering the request, maximum time of 4 months in aggregate prescribed in the Rule 159[2] of KMV Rules-1989 is granted from 18/11/2017, the date of grant of permit. If the permit holder has failed to produce the vehicle within the above period, the order of sanction stands revoked.

Item No.61

Heard. This is the request of the Secretary,RTA, Kottayam for the concurrence of this authority for the grant of fresh regular permit in

respect of stage carriage KL-05-P-7117 or a Suitable stage carriage on the route Vaikom-Piravom as Ordinary Service. This authority considered the matter in detail. The enquiry officer has reported that the portion of the proposed route from Cherukara Jn to Kalamboorkavu which is 5.6 km in length is lying under the jurisdiction of this authority and which will not overlaps notified routes published vide GO(P) No.42/2009/Trans dtd 14/07/2009 and further amended by G.O(P) No.08/2017/Tran dtd 23/03/2017 or other existing notifications. Therefore, Concurrence for the grant of fresh regular permit as Ordinary Service is granted on the proposed route subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 and decision of the State transport Authority dtd 14/06/2017 with regard to the age of stage carriage for the grant of fresh permit.

Item No.62

Heard. This is the request of the Secretary,RTA, Idukki for the concurrence of this authority for the grant of fresh regular permit in respect of a Suitable stage carriage on the route Munnar- Aluva as Ordinary Limited Stop Service. This authority considered the matter in detail. The enquiry officer has reported that the portion of the proposed route from Aluva to South Vazhakkulam which is 8 km in length is lying under the jurisdiction of this authority and the portion from Aluva to Pump Jn which is 1.6 km is overlapping on Aluva- Kattappana notified routes published vide GO(P) No.42/2009/Trans dtd 14/07/2009 and further amended by G.O(P) No.08/2017/Tran dtd 23/03/2017 and Aluva- Vadakkumpuram complete exclusion scheme. Therefore, Concurrence for the grant of fresh regular permit as Ordinary Limited Stop Service is granted on the proposed route subject to the effect of Clause[4] of notification No.42/2009 dtd 14/07/2009 and GO(P) No.08/2017/Tran dtd 23/03/2017 and decision of the State transport Authority dtd 14/06/2017 with regard to the age of stage carriage for the grant of fresh permit.

Item No.63

Heard;Adv.G.Prabhakaran,the learned counsel represented Sri.Subin.K.Valsan,the grantee of transfer of permit in respect of stage carriage KL-40-2419 on the route Panangad- Aluva as Ordinary Service. This is the request of the grantee of transfer permit for the condonation of delay in production of current records for availing granted transfer of permit by this authority. This authority considered the matter in detail.This authority in its sitting held on 17/05/2017 granted transfer of permit in favour of Sri.Subin.K.Valsan and thereafter on 28/07/2017, the secretary RTA communicated the decision to the grantee with direction to produce current records of the vehicle within one month. But the grantee has produced records only on 23/11/2017, which is within the maximum permissible time limit prescribed under Rule 159[2] of KMVR-1989. This authority considered the matter in detail and felt that the grantee has produced current records within the permissible time limit that can be allowed by the statutory authority. Therefore, delay in production of current records is condoned.

Item No.64

Heard;Adv.G.Prabhakaran, the learned counsel represented the permit holder of stage carriage KL-17-2244. This is the request of the permit holder seeking extension of time for the replacement of the vehicle with another suitable stage carriage on completion of 15 years. Considering the request, maximum time of three months up to 31/03/2018 is allowed to the permit holder for the replacement of vehicle, failing which the regular permit will be treated as infructuous and cancelled.

Item No.65

This is the intimation regarding the action taken by the Secretary RTA for the ratification of acceptance of surrender of permit and issuance of clearance certificate by cancelling the regular permit in respect of stage carriage KL-42-1047. Considering the request of the permit holder and the Secretary of RTA, sanction for the transfer of permit granted is revoked ,all the action taken by the Secretary on behalf of this authority is ratified and

regular permit granted to stage carriage on the route Cheranelloor-Trippunithura is hereby cancelled.

Item No.66

This is the issue related to the non production of current records for endorsing the granted variation of permit even after the laps of long 16 months from the date of grant. Heard;Adv.G.Prabhakaran, the learned counsel represented the grantee of varied permit Sri.Joy.C.A.This authority in its sitting held on 17/08/2016 considered the application for the variation of regular permit in respect of stage carriage KL-07-AQ-644 on the route Mambrakadavu- Angamaly- Perumbavoor- Palissery- Karamattam filed by Mr.Joy .C.A and granted the variation partially subject to settlement of timings on production of current records of the vehicle within the time limit specified Under Rule 159[2] of KMV Rules-1989. Thereafter, the partial grant of proposed variation by this authority was challenged before the Hon'ble STAT and in view of the judgment in MVAA No.171/2016, this authority reconsidered the application in the sitting held on 17/05/2017 and taken a same decision as ordered on 17/08/2016. But even after the communication of the decision, the permit holder has not offered records of the stage carriage KL-07-AQ-644. Therefore, the Secretary RTA has placed the matter for a further decision of this authority.This authority considered the matter and heard Adv.G.Prabhakaran on behalf of the permit holder.

Sub-rule[2] of Rule 159 requires that an applicant shall within one month of the sanction of the application or such longer period or periods not exceeding four months in aggregate as the authority may specify,produce the certificate of registration of the vehicle.In this case, variation in permit was granted on 17/08/2016 ,but the grantee had not produced the records of the vehicle within the limit specified in Rule 159[2] of KMV Rules 1989.Therefore the grant of variation dtd 17/08/2016 anf 23/09/2017are liable to be revoked.

Moreover ,vide reported decision in 2003[3]KLT 357 and 2015[3]KLT 555,the Hon'ble High Court of Kerala has clearly specified that ,if current

records are not produced within four months from the date of communication of grant of permit by the grantee, then the permit shall stand cancelled without the RTA requiring to cancel it as that is the necessary consequence of the operation of the condition of permit granted under S.72[2] and Section 80 read with R.159[2].

The learned counsel represented the permit holder has intimated that the Rule 159[2] is not applicable for the variation of permit. But this authority is of considered opinion that, the Rule 159[2] and the production of records is applicable also for the variation of permit and any grant with regard to the permit. Therefore the version of learned counsel is cannot be accepted.

In these circumstances, sanction of grant of variation in regular permit in respect of stage carriage KL-07-AQ-644 is hereby revoked.

Item No.67

This is the request of the Secretary RTA to peruse the report of the Joint Regional Transport Officer with regard to the curtailment of service of stage carriage KL-08-AB-101 from Vyttila to Kumbalam and the recommendation to take action on regular permit .This authority considered the matter in detail. In view of the complaints received from the public against the curtailment of service to Kumbalam, this authority on 18/11/2017, while considering the renewal of permit issued to stage carriage KL-08-AB-101, directed the Secretary to verify the service of the vehicle and to report the matter .Now the Secretary RTA has intimated the non operation of service of stage carriage KL-08-AB-101 to Kumbalam and recommended the action on regular permit. On perusal of the file, this authority felt that the Secretary RTA has not take any official procedures before taking action on permit. Therefore, action cannot be initiated at this situation.

Therefore, the Secretary RTA is directed prepare check reports against the stage carriage KL-08-AB-101, if the unauthorized curtailment of service is detected and complete all the official procedures including issue of show

cause notice and hearing of the permit holder and place the matter before the next sitting of this authority. Hence adjourned

Item No.68

This is the recommendation of the Secretary RTA to take action on pending check reports booked against the stage carriage KL-43-E-3997 for the violation of permit conditions. On perusal of the file, this authority felt that on 28/04/2016, the enforcement officer had prepared a check report against the illicit contract carriage operation of stag carriage KL-43-E-3997. Even after charge memo issued to the permit holder, he has not turned up for the disposal of the same by way of remitting compounding fee. Thereafter, show cause notice was issued to the permit holder by the Secretary RTA. But the permit holder not responded to the notice. Therefore, considering the gravity of offence and non compliance of the direction, this authority is constrained to take action on permit as per Section 86 of MV Act-1988.

Therefore, this authority hereby suspend the permit issued to stage carriage KL-43-3997 for a duration of three months with effect from 01/03/2018 for the illicit contact carriage operation dtd 28/04/2016. The permit holder is given an option to compound the offence by remitting Rs.10000/- as fine before 28/02/2018 in lieu of suspension of permit.

In addition to the above, the permit holder is punished to remit Rs.500/- as fine against the check report dtd 10/11/2017 .

Item No.69

Heard; Adv.G.Prabhakaran, the learned counsel represented the permit holder Smt.Komalavally Ashokan. This is the application for the replacement of the vehicle KL-07-AK-2979 with another stage carriage KL-17-A-1015 consequent to the completion of 15 years by the route bus. The Secretary RTA has intimated that even after old vehicle completed 15 years on 28/11/2017, the permit holder has applied for the replacement of the vehicle and produced records of the vehicle KL-17-A-1015 for endorsing

replacement only on 21/12/2017. Therefore, the request of the permit holder for the condonation of delay in filing application and production of records of the newly offered vehicle are placed before this authority. Considering the request, delay in filing application for the replacement of vehicle is condoned and the Secretary RTA is entrusted to consider the application for the replacement in accordance with law.

Item No.70

Heard; Adv.G.Prabhakaran, the learned counsel represented the permit holder Sri.Linu. This is the application for the replacement of the vehicle KL-08-V-5617 with another stage carriage KL-07-AM-7623 consequent to the completion of 15 years by the route bus. The Secretary RTA has intimated that even after old vehicle completed 15 years on 29/10/2017, the permit holder has applied for the replacement of the vehicle and produced records of the vehicle KL-07-AM-7623 for endorsing replacement only on 13/11/2017. Therefore, the request of the permit holder for the condonation of delay in filing application and production of records of the newly offered vehicle are placed before this authority. Considering the request, delay in filing application for the replacement of vehicle is condoned and the Secretary RTA is entrusted to consider the application for the replacement in accordance with law.

Item No.71

Heard; Adv.Stalin Peter Davis, the learned Counsel represented the permit holder of stage carriage KL-08-V-5733. This is the application for the replacement of the existing vehicle KL-08-V-5733 with his own later model stage carriage KL-11-V-7370 having more seating capacity than the original vehicle. On perusal of the file, the vehicles are materially different with respect to the seating capacity. But, considering the increase in seating capacity, this authority of considered opinion that the enhancement of seating capacity will provide additional advantage to the travelling public and it will help to enhance the revenue of the Government exchequer by way of road tax applicable to the new vehicle. In the result, the replacement of

the vehicle KL-08-V-5733 with stage carriage KL-11-V-7370 is allowed Under Rule 174 of KMV Rules-1989 subject to the condition that subsequent reduction of seating capacity from the replaced vehicle shall not be allowed under any circumstances.

Item No.72

Heard; Adv.M.Jithesh Menon, the learned counsel represented the permit holder Sri.Ayub Khan. This is the application for the grant of additional time for the replacement of the vehicle KL-10-P-7444 with another stage carriage KL-07-AW-consequent to the completion of 15 years by the route bus. The Secretary RTA has intimated that the old vehicle has attained the age of 15 years on 01/01/2018, but the permit holder has failed to offer another suitable stage carriage for the replacement of the vehicle before the expiry of the vehicle. The permit holder and the learned counsel represented him has requested to grant additional time for the production of another vehicle for the replacement. Considering the request of the learned counsel represented the permit holder time up to 31/03/2018 is allowed for the production of the suitable vehicle for the replacement, failing which the sanction will be revoked and the regular permit became invalid.

Item No.73

Heard; Adv.Stalin Peter Davis, the learned counsel represented the permit holder Smt.Sheeja.K.G. This is the application for the replacement of the vehicle KL-07-AK-9007 with another stage carriage KL-17-G-719 consequent to the completion of 15 years by the route bus on 24/11/2017. The Secretary RTA has intimated that even after application for the replacement is filed on 21/11/2017, the permit holder has produced records of the newly offered vehicle KL-17-G-719 only on 21/12/2017. Therefore the matter is placed before this authority. This authority considered the matter in detail. The learned counsel represented the permit holder has requested to condone delay in production of the records of the vehicle, as there happened delay in effecting transfer of ownership in to the name of permit holder. Considering the genuineness of the request, delay in production of

records is condoned and the Secretary RTA is entrusted to consider the application for the replacement in accordance with law.

Item No.74

Heard; Adv.Stalin Peter Davis, the learned counsel represented the permit holder Sri.K.K.Dineshan. This is the application for the replacement of the vehicle KL-07-AK-9097 with another stage carriage KL-37-9001 consequent to the completion of 15 years by the route bus on 06/12/2017. The Secretary RTA has intimated that even after application for the replacement is filed on 05/12/2017, the permit holder has produced records of the newly offered vehicle KL-37-9001 only on 18/12/2017. Therefore the matter is placed before this authority. This authority considered the matter in detail. The learned counsel represented the permit holder has requested to condone delay in production of the records of the vehicle, as there happened delay in effecting transfer of ownership in to the name of permit holder. Considering the genuineness of the request, delay in production of records is condoned and the Secretary RTA is entrusted to consider the application for the replacement in accordance with law.

Item No.75

Heard;Adv.G.Prabhakaran, the learned counsel represented the permit holder of stage carriage KL-39-E-8223. This is the recommendation of the Secretary RTA Ernakulam to take action against regular permit issued to stage carriage KL-39-E-8223 on the route Poochackal- Ernakulam for the misbehaviour of the Crews and attacking students with sharp weapon ,which made violence in a public place resulted in the injury of the students. This authority heard, the learned counsel represented the permit holder of stage carriage KL-39-E-8223 .He has intimated that the crews were posted temporary and hence the permit holder was not well aware about the conduct of the crews on that particular day *and* requested not to take any action against the permit holder.

This authority considered the issue in detail in view of the Motor Vehicles Act and Rules made thereunder.

Rule 153 of KMV Rules-1989- It shall be a condition of the permit of every transport vehicle, that the holder thereof.- (1) shall ensure that the vehicle is driven only by a driver duly authorized in this behalf by the Act and the rules issued there under

(2) shall exercise effective supervision over the work of all his employees to ensure operation of the vehicle in conformity with the Act and the rules issued there under,

(3) shall be responsible for the conduct of the driver and other employees.

Rule 153 A. Permit holder to furnish details of the persons employed in his stage carriage- Every holder of a stage carriage permit shall furnish to the authority issuing the permit up to date details regarding the name, address, designation and duties of the persons employed by him in the said stage carriage.

Considering the above provisions of the Rule 153 of KMV Rules-1989, the permit holder has not ensured that the crews of his stage carriage are having good conduct and hence violated all the conditions stipulated under subsection[3] of Rule 153. Therefore the permit holder violated the conditions attached to the permit. Therefore, action on permit U/S 86 of MV Act is required.

This authority considered the request of the learned Counsel represented the permit holder seeking exemption from the punishment. The version cannot be accepted and the unawareness of the act and rules will not exclude from the responsibility of the permit holder stipulated U/R 153 of KMV Rules-1989. Hence the request cannot be accepted. Therefore ,

1. This authority is decided to suspend the regular permit issued to stage carriage KL-39-E-8223 for a duration of three months with effect from 01/03/2018.

2. The Licensing authority is directed to disqualify the licence issued to the Crews involved in the case without delay.

Item No.76

Temporary permit granted by the Secretary RTA U/S 87[1]a of MV Act on behalf of the Regional Transport Authority is hereby ratified.

Item No.77

1.Perused Judgment of Hon'ble High Court of Kerala in WPC No.30200/2017

2.Heard; Adv.Stalin Peter Davis, the learned counsel represented the applicants. This authority considered the matter in the light of direction issued by the Hon'ble High Court of Kerala vide judgment in WP(C) No.30200/2017 dtd 14/11/2017. This is the applications for the variation of permit by changing the allotted parking place to Angamaly municipal limit.This authority considered the applications in detail.On perusal of the file,it is evident that , as there is no sufficient space available at Angamaly Town to permit the parking place to autorickshaw, the grant of new autorickshaws with parking place Angamaly is restricted. The representatives of Angamaly Municipality has also objected the grant of parking pace at Angamaly Town stating that ,no sufficient space available at Angamaly town to extent the parking of autorickshaw and no space is available at existing parking placed to accommodate additional vehicles.

This authority considered the matter and reveals that ,there is no place provided by the Angamaly Municipality for the parking of additional autorickshaws and the grant of further permits to autorickshaws with parking place at Angamaly will increase the traffic congestion.

In view of the aforesaid circumstances, the applications for changing the parking places in the already issued permit by variation of permit condition are hereby rejected.

Item No.78

All actions taken by the Secretary RTA on behalf of the Regional Transport Authority Ernakulam are hereby ratified.

Item No.79

No Items

Item No.80

Next sitting on 17/03/2018

Supplementary Item No.01

This is the request for the approval of newly constructed Bus Terminal at Kalamassery. This authority considered the matter in detail. The enquiry officer has reported that basic infrastructures are provided in the Bus Terminal and reported that six stage carriages can park in the terminal at a time. Considering the report, newly constructed Bus Terminal at Kalamassery is approved for the operation .

Supplementary Item No.02

This is the issues related to the traffic regulations implemented by the Traffic Police authorities at Edappally Toll Jn and the subsequent objections filed by the various associations representing travelling public and shop owners etc. The Hon'ble High Court of Kerala had directed the District Collector Ernakulam to resolve the issue after hearing all affected parties within a time frame. As the Regional Transport Authority of the concerned place in question is the statutory authority to resolve the issue permanently, the matter is placed for the consideration of this authority. In this sitting, this authority heard the aggrieved parties and, Traffic Police authorities. The Assistant Police Commissioner represented the Traffic Police has intimated that the existing traffic regulations were implemented considering the free flow of the vehicles and the interest of travelling public and to avoid severe traffic regulations. The aggrieved person who are the petitioners in the writ petition filed before the Hon'ble High Court has strongly objected the version of police authority stating that the travelling public and shop owners are facing hardship consequent to the traffic regulations implemented. Hence they have requested to modify the existing traffic regulation after a detailed study considering the need and availability of space in the interest of public.

This authority considered the matter and representations filed by the petitioners in the writ petition in view of the available report of the traffic police and on the basis of arguments made by the Police and aggrieved parties. This authority is of considered opinion that a detailed and a detailed report has to be obtained from the Police and Motor Vehicles and PWD

Departments in this regard and a detailed discussion with the aggrieved persons are to be completed before taken a final decision in this regard. Therefore the matter is adjourned to next sitting for the reports and detail discussions.

Supplementary Item No.03

Heard; Adv.G.Prabhakaran, the learned counsel represented the permit holder of stage carriage KL-17-B-2753.This is the request of the Regional Transport Authority Alappuzha seeking prior concurrence of this authority for the variation proposed by the permit holder to extend the service from Vyttila to Edappally Railway Station. In the sitting the representative of Private Bus Operators has argued that timings proposed for the proposed extension are not accompanied with the agenda and hence they are incapable of filing objection.This authority considered the application in detail. The enquiry officer has reported that the proposed extension portion from Vyttila to Edappally Railway Station is having distance of 6 km and the above route portion will not overlaps notified routes published vide GO(P) No.42/2009/Tran dtd 14/07/2009 and which is further modified by GO(P) No.08/2017/Tran dtd 23/03/2017.

Objection raised by the representative of the private bus operators is also considered. The existing operator is not an aggrieved person to object the grant of a new permit or a variation of the existing permit, if there is o legal impediments. But they can file objection against the timings proposed by the permit holder. Therefore the objection cannot be treated as sustainable and it will be considered by the permit issuing authority at the time of settlement of timing. Therefore concurrence for the variation of permit in respect of stage carriage KL-17-B-2753 is granted to extend the service up to Edappally Railway Station subject to the settlement of timings by primary authority and subject to the effect of Clause[4] of the notification No.08/2017/Tran dtd 23/03/2017.

Supplementary Item No.04

The Secretary RTA has placed the representation filed by Sri.Anil Kumar, Komarethu Veedu,Neendoor Kara,Vadakkekara Village,Ernakulam for the cancellation of permit in respect of stage carriage KL-42-K-1203 for the reconsideration of this authority.

The permit holder Sri.Sunil Thomas and the objector Sri.Anilkumar are absent in the sitting and hence the hearing of Sri.Anilkumar and his version against the explanation offered by Sri.Sunil Thomas cannot be considered before taking a decision . Hence this authority is constrained to adjourn decision for hearing both of them. Therefore adjourned to next sitting.

Supplementary Item No.05

This is the request of the permit holder in respect of stage carriage KL-07-AE-7755 for the cancellation of permit granted to the vehicle on the route Willington Island- Pallithode valid up to 06/09/2018. Considering the request, surrender of regular permit in respect of stage carriage KL-07-AE-7755 is accepted and the regular permit is hereby cancelled.

Sd/- Chairman & Members